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District 13

TESTIMONY IN SUPPORT OF BILL HB0188, No-Knock Warrants – Elimination (Duncan’s Act)  
Feb 9, 2021  
TO: Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee  
FROM: Chris Apple

I am Chris Apple, I live in Columbia in District 13. This testimony is in support of Bill HB0188.

Though no-knock warrants were designed to help apprehend and prosecute suspects, in practice they have become too broadly applied and have resulted in fatalities which may have been avoided. No-knock warrants must be eliminated, or made so difficult to obtain that officers must present corroborated, meaningful evidence and describe truly extenuating circumstances.

Under current law, police can ask for a no-knock warrant if they “reasonably suspect” evidence may be destroyed or officers may be at risk. As this is a possibility with nearly every case, officers generally do have legal grounds for no-knock warrants in a wide variety of applications. Some police departments would simply allege that all drug dealers were a risk of flight or destruction of evidence, giving them almost-blanket approval for no-knock warrants.<sup>1</sup>

Like Breonna Taylor’s case, this has led to at least one incident in Maryland where someone was killed during a no-knock raid. In March 2020, Duncan Lemp was shot and killed by officers during a raid on his apartment. Officers’ and family members’ accounts differ wildly, with the family suggesting that the police used flimsy evidence to justify the no-knock warrant.

The bar for obtaining a no-knock warrant is extremely low. Virtually every suspect represents at least some risk of flight or destruction of evidence. This system has too much potential to be abused, especially in cases like Duncan’s where even *accusations* might translate into a deadly raid. No-knock warrants should be eliminated in Maryland for the safety of its citizens. If elimination is not possible, it should follow Lexington, KY’s approach, where they are only allowed in cases where police believe they can save someone’s life, and require many levels of approval.

I respectfully urge you to support HB0188, which offers reasonable protections for Marylanders accused of a crime.

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<sup>1</sup> Balko, Radley. “Opinion: The no-knock warrant for Breonna Taylor was illegal.” *Washington Post*, June 3, 2020. <https://www.washingtonpost.com/opinions/2020/06/03/no-knock-warrant-breonna-taylor-was-illegal/>