

Bill Number: HB 241
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 241
SEARCH WARRANTS – REQUIREMENTS

I write in opposition to House Bill 241 as an unnecessary restriction on police officers when executing validly issued search warrants. Limiting search warrants to daylight execution unless good cause is found is unnecessary and will result in officers not being able to search and seize at what they deem to be an optimal time to execute the warrant.

In addition, House Bill 241 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.

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 language 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.

Finally, the bill requires those executing the search warrant wear body cameras. Current Baltimore County policy requires that executing officers wear BWC upon entry. Requiring all officers to wear BWC is particularly problematic when investigating child pornography cases. Current policy in child pornography cases has the executing

officers in uniform with BWC but once the premises are secure Detective's search computers and phones without video. If required to wear BWC, child pornography on devices that are viewed will be entered into the police and prosecutors BWC systems which we always attempt to limit.

I urge an unfavorable report.