



DEPARTMENT OF POLICE

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2024 Maryland General Assembly
HB0027 No-Knock Search Warrants
WRITTEN TESTIMONY Lt. Chris Hackley
Montgomery County Police-Special Operations Division-SWAT
February 23, 2024

Judiciary Committee Chair Luke Clippinger, Vice-Chair Sandy Bartlett, and Committee Members:

My name is Lieutenant Chris Hackley, and I am the Tactical Commander for the Montgomery County Department of Police. As a representative for this agency that oversees all deployments of our Special Weapons and Tactics (SWAT) team, the department **strongly opposes** HB0027. Eliminating the ability of police departments to conduct no-knock search warrants will place unnecessary risk on suspects, other family members residing inside the residence, neighbors, innocent bystanders, and the police officers sent to serve the warrant.

The Montgomery County Department of Police understands the importance of the United States Constitution, particularly the Fourth Amendment. As it currently stands, per our department policy, an application for a no-knock search warrant may be presented to a judge only after written approval from a police supervisor, the respective investigative services bureau executive officer, and the Montgomery County State's Attorney's Office. The application for a no-knock warrant can only be made if there is reasonable suspicion to believe that, without the authorization, the life or safety of the executing officer or another person may be endangered and must include:

- A description of the evidence in support of the application.
- An explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock search warrant.
- An explanation of why the affiant cannot detain the suspect or search the premises using other, less invasive methods.
- An acknowledgment that any police officer who will execute the search warrant has completed the same training in breach and call-out entry procedures as SWAT team members. To comply with this requirement, the applicant will include the statement, "Per Montgomery County Police Department (MCPD) policy, only members of the Special Operations Division, Tactical Section (SWAT) team may execute a no-knock search warrant. All MCPD SWAT team members have been fully trained in breach and call-out procedures."
- A statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours.
- A list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises if known.



In addition, all affiants of search warrants must complete the warrant threat assessment matrix before submitting their application for a search warrant to a judge. Officers may only seek a knock and announce exception when:

- The life or safety of the executing officer or another person may be endangered, and
- The investigation is a crime of violence as defined in Section 14-101(a) of the Criminal Law Article of the Maryland Code, which are:
 - Abduction
 - Arson in the first-degree
 - Kidnapping
 - Manslaughter, except involuntary manslaughter
 - Mayhem
 - Maiming, as previously proscribed under former Articles 27, 385, and 386 of the code
 - Murder
 - First and second-degree rape
 - Robbery under 3-402 Or 3-403 of the Maryland Code
 - Carjacking
 - Armed carjacking
 - Use of a handgun in the commission of a felony or other crime of violence
 - An attempt to commit any of the following crimes:
 - First-degree assault
 - Assault with intent to murder
 - Assault with intent to rape
 - Assault with intent to rob
 - Assault with intent to commit a sexual offense in the first degree; and
 - Assault with intent to commit a sexual offense in the second degree
 - Related to firearms possession;
 - Related to a warrant obtained under section 5-607 of the Public Safety Article of the Maryland Code
 - Related to child abuse
 - Related to child pornography
 - Related to domestic violence or
 - Related to terrorism

In addition to these criminal offenses listed above, one of the following factors must also be present;

- Reasonable suspicion that a person is present at the location who has demonstrated a propensity for violence or
- Reasonable suspicion that entry into the location has been fortified is “booby-trapped” or has unique characteristics, making knocking and announcing one’s presence inherently unsafe.

Based on the above information, no-knock search warrants receive great attention regarding investigative measures taken and a thorough review by police supervisors, executives, State’s Attorney’s Office supervisors, and the State’s Attorney of Montgomery County for approval before submission to a judge.



The crimes and circumstances in which no-knock search warrants are being sought have been reviewed so that no alternative method exists to serve the warrant. If police were to knock and announce their presence, the suspect or occupants of the residence could cause harm to innocent family members, bystanders, and police officers.

Eliminating the ability to serve no-knock warrants and mandating the time warrants can be served will only harm the communities we swore an oath to protect. The ability to apply for and serve no-knock warrants provides specifically trained police officers (SWAT) with the element of surprise when dealing with subjects who have demonstrated a propensity for violence. No-knock warrants are only conducted when there is an element of surprise, which will allow officers to flood the residence quickly, limit the time a suspect has to arm themselves, and limit the suspect's ability to fight or resist arrest.

If the element of surprise is lost, the police will have to engage in more "surround and call-out" warrant services. This would require the officers to contain the occupants inside the residence from positions outside and utilize loud, amplifying acoustics to gain the occupants' attention. This tactic is likely to turn the warrant service into a barricade situation. This will provide time and opportunity for the suspect/s to decide whether to comply or remain barricaded inside. It should be noted that there is a high probability that innocent family members or residents could be barricaded inside with the suspect while they are deciding what to do. In most situations, the suspect/s involved in no-knock warrant scenarios face serious criminal charges that carry a significant prison sentence if convicted. This could lead to poor decision-making when provided the time to think about whether they will comply or resist.

The specifically trained SWAT teams serving these no-knock warrants in the State understand that surprise, speed, and superiority in numbers overwhelm the suspect and assist in ending the event quickly with limited use of force. As previously stated, the application for a no-knock search warrant goes through many reviews from many stakeholders to ensure they are used only when necessary to protect innocent lives. Any more restrictions regarding no-knock warrants placed upon the police would be detrimental to Montgomery County and Maryland. This bill would result in undue and unnecessary safety risks to others living within the residence, innocent bystanders, and neighbors.

For these reasons, the Montgomery County Police Department requests an **UNFAVORABLE** Report on HB0027. Thank you.