

**SUPPORT - HB 0255**

Written Testimony of National Lawyers Guild-National Police Accountability Project, Keisha James, Staff Attorney
House Judiciary Committee – Tuesday, February 25, 2025

Dear Chair Clippinger and Members of the Committee,

Thank you for the opportunity to provide written comment on this important issue. The National Lawyers Guild National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement officers accountable to constitutional and professional standards. We urge you to give a favorable review to HB 0255, which seeks to repeal the authority for the issuance and execution of no-knock search warrants.

The murders of Breonna Taylor and Amir Locke have shone a light on the prevalence and brutality of no-knock warrants. Similarly, the viral video of the wrongful raid on Anjanette Young’s home exposed how traumatic no-knock raids can be for survivors. But no-knock warrants have been causing significant harm in Maryland for years.

In 2019, a Montgomery County firefighter’s home was raided by police officers carrying out a no-knock warrant.¹ The officers, seeking to arrest the son of a tenant who lived in a separate unit in the basement, raided upstairs instead, using excessive force against the firefighter, his wife—who was receiving in-home dialysis treatment, and his 13-year-old daughter.² In 2018, police officers raided a home in District Heights at 10:30 PM based on an uncorroborated tip from a confidential informant.³ The owner, understandably thinking the officers were intruders and wanting to protect himself and his daughter, fired a single shot, hitting two officers.⁴ In 2009, police officers, armed with automatic rifles and battering rams, raided a home in Silver Spring with a no-knock warrant, pinning the owner on the floor and zip tying his hands before searching the home and finding nothing.⁵

¹ Valerie Bonk and Jack Moore, *Firefighter sues over no-knock raid: Montgomery Co. police ‘terrorized an innocent family’*, WTOP NEWS (May 6, 2021), available at <https://wtop.com/montgomery-county/2021/05/firefighter-sues-over-no-knock-raid-montgomery-co-police-terrorized-an-innocent-family/>.

² *Id.*

³ Gina Cook and Tracee Wilkins, *Father Shot 2 Officers Who Mistakenly Served Warrant at His Home*, NBC 4 WASHINGTON (Sept. 21, 2018), available at <https://www.nbcwashington.com/news/local/father-shot-2-officers-who-mistakenly-served-warrant-at-his-home/54589/>.

⁴ *Id.*

⁵ Andrew Limbong, *Police raided George Pelecanos’ home. 15 years later, he’s ready to write about it*, NPR (Feb. 5, 2024), available at <https://www.npr.org/2024/02/05/1225720457/george-pelecanos-owning-up-crime-fiction-book>.



No-knock raids are an immensely dangerous policing tactic broadly authorized by Fourth Amendment jurisprudence that are almost never justifiable as a net benefit to public safety. Police departments that execute no-knock raids create a high risk of death, injury, and emotional trauma for the occupants of the home they are searching. The execution of no-knock warrants generally entails a “dynamic entry” into the premises, breaking down doors, detonating explosive devices, and handcuffing residents while forcing them to lie prone on the floor.⁶ All of these features make the execution of a no-knock raid exceptionally dangerous.

In addition to the risks related to the paramilitary tactics used to accomplish no-knock raids, warning-less entries into a person’s home add another level of danger for all parties involved. When police break into a person’s home without knocking and announcing, the resident can reasonably mistake the officers for burglars or other violent intruders, especially at night—and be more likely to return force.⁷ These features make no-knock warrants dangerous for both civilians and officers. Over a five-year period, at least 81 civilians died in no-knock raids across the country and there have also been a number of documented deaths of police officers during no-knock warrant executions.⁸

The most direct way to reduce the negative consequences of no-knock warrants is to ban them. Although Maryland has previously passed legislation banning *some* no-knock warrants,⁹ HB 0255 seeks to ban all of them. First, the bill requires officers to execute warrants during the day between the hours of 8 AM and 7 PM. Second, HB 0255 requires police officers to announce their authority and purpose before executing a search warrant. Additionally, the bill requires police officers to give reasonable notice to alert occupants of their presence before entering certain areas. These provisions will eliminate the use of no-knock raids and make searches less dangerous.

In addition to the significant human costs, unrestricted no-knock warrants also expose municipalities to costly legal bills and settlements. Fourth Amendment jurisprudence authorizes the execution of no-knock warrants in limited circumstances.¹⁰ However, the

⁶ ACLU, *War Comes Home: The Excessive Militarization of American Policing* at 40 (2014); Radley Balko, *Overkill: The Rise of Paramilitary Police Raids in America*, Cato Institute at 4-5 (2006).

⁷ Brian Dolan, *To Knock or Not to Knock? No-Knock Warrants and Confrontational Policing*, 93 St. John’s L. Rev. 201, 206 (2019).

⁸ Kevin Sack, *Door-Busting Drug Raids Leave a Trail of Blood*, N.Y. TIMES (Mar. 18, 2017), available at <https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html>; The Justice Collaborative Institute, *End No-Knock Raids* (2020).

⁹ SB178 limited the use of no-knock warrants in situations where a person’s life is in danger and banned the use of no-knock warrants at night (unless there were exigent circumstances). It also required officers to be in uniform and wearing body-worn cameras when executing any search warrant.

¹⁰ *Richards v. Wisconsin*, 520 U.S. 385 (1997).



broad discretion afforded to officers in seeking a no-knock warrant and often minimal judicial oversight of application requests create a likelihood that warrantless entries can lead to constitutional violations.¹¹ These breaches of the Constitution can result in costly settlements and judicial verdicts. HB 0255 will allow police departments and municipalities to limit liability and minimize their exposure to legal risks.

Maryland would not be alone in banning the use of no-knock warrants. Given the high risk of death and serious injury associated with the execution of no-knock warrants, police departments, city councils, and state legislatures have decided to ban or regulate their use in order to protect their communities from harm.¹² No-knock warrants have already been banned in Oregon, Virginia, Florida, and Tennessee.¹³

We urge you to help save lives in Maryland and give HB 0255 a favorable review. I am happy to answer any questions you may have. You can contact me at keisha.npap@nlg.org.

Sincerely,

Keisha James
National Police Accountability Project

¹¹ See, e.g., L. Joe Dunman, *Warrant Nullification*, 124 W. Va. L. Rev. 479, 509-512 (2022) (collecting reported instances nationwide where judges spent minimal or no time at all reading warrant applications before signing them); Mary Nicol Bowman, *Full Disclosure: Cognitive Science, Informants, and Search Warrant Scrutiny*, 47 Akron L Rev 431, 442-43, 461-63 (2014) (citing studies showing judges typically spend “between two and three minutes per warrant application” and that the warrant application process primes judges to defer to the police narrative of the case, which can often be incomplete or misleading); Richard Van Duizend, et al., *The Search Warrant Process: Preconceptions, Perceptions, and Practices* 26 (1984) (same).

¹² Tessa Duvall and Darcy Costello, *In cities and states across the U.S., Breonna’s Law is targeting deadly no-knock warrants*, THE COURIER JOURNAL (Mar. 17, 2021), <https://www.courier-journal.com/story/news/local/breonna-taylor/2021/03/12/spread-of-breonnas-law-across-us-has-become-policy-legacy/4642996001/>.

¹³ Limbong, *supra* n. 5.