

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought Not to Pass – L.D. 1087

**An Act to Remove Restrictions in the Provisions
of Law Relating to No-knock Warrants**

JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE & PUBLIC SAFETY

April 27, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, good morning. My name is Michael Kebede, and I am the Policy Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to oppose L.D. 1087 because it would needlessly roll back changes made just last session and endanger the health and safety of people in Maine.

No-knock raids are a staple of the failed war on drugs.¹ They endanger both civilians and law enforcement officers. Police barging into people's homes increases the potential for violence, as recent widely-publicized examples have shown¹ and as statistical analyses have confirmed.² Even where people end up physically unscathed, no-knock warrants publicly humiliate innocent people and often destroy their property in the process.³ These legalized home invasions are hectic

¹ Richard A. Oppel Jr., et al., *What to Know About Breonna Taylor's Death*, N.Y. TIMES (Apr. 16, 2021), <https://www.nytimes.com/article/breonna-taylor-police.html>.

² Kevin Sack, *Door-Busting Drug Raids Leave a Trail of Blood*, N.Y. TIMES (March 18, 2017) ("at least 81 civilians and 13 law enforcement officers died in such raids from 2010 through 2016. Scores of others were maimed or wounded. The casualties have occurred in the execution of no-knock warrants, which give the police prior judicial authority to force entry without notice, as well as warrants that require the police to knock and announce themselves before breaking down doors. Often, there is little difference. Innocents have died in attacks on wrong addresses, including a 7-year-old girl in Detroit, and collaterally as the police pursued other residents, among them a 68-year-old grandfather in Framingham, Mass. Stray bullets have whizzed through neighboring homes, and in dozens of instances the victims of police gunfire have included the family dog."), <https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html?searchResultPosition=2>.

³ See *Video Shows Chicago Cops Storming Into Wrong Home*, NBC CHICAGO (updated Dec. 16, 2020), <https://www.nbcchicago.com/news/local/video-shows-chicago-cops-storming-into-wrong-home/2395993/> (recent example of a woman who was terrified when a crew of officers broke her door and stormed into her house while she was naked).

and unpredictable by their very nature. If someone pounded on your door and kicked it open in the dark of night, what would you do? Executing no-knock warrants has injured dozens of innocent people, and killed others⁴ During one raid in Georgia, officers threw a flash bang grenade into a nineteen-month old baby's crib; the child had to be placed in a medically induced coma as a result and his face is permanently disfigured.⁵ In Louisville, Kentucky, police killed Breonna Taylor and recklessly endangered a nearby family, all in search of drugs that never existed and a person they already had in custody.

Moreover, no-knock raids disproportionately terrorize communities of color, which have borne the brunt of the war on drugs. An ACLU study of over 800 raids nationwide found that nearly two-thirds of these raids are in search of drugs, and Black and Latino people accounted for 61% of drug targets.⁶ SWAT teams found contraband in only about one third of the drug cases, meaning even if one believes a raid necessary for a drug search, innocent people were placed in life-threatening situations in roughly two out of every three drug raids.

Overwhelming state violence through no-knock warrants is inconsistent with our tradition of protecting the right of people to be left undisturbed in the privacy of their homes.⁷ If enacted, this bill would make four changes to Maine's no-knock warrant law, each of which would endanger ordinary people. We focus on the first two as the most dangerous. First, it would remove important guidance that, in-part, defines a no-knock warrant as the execution of a warrant without waiting 20 seconds after knocking before entering. The push to repeal this important reform is based on the flawed assumption that people suspected of crimes will attempt to destroy evidence in those 20 seconds, when in reality, people use those few seconds to do things like make themselves decent, contain a pet, or turn off the stove before answering the door. Second, this bill would allow police to obtain a no-knock warrant if they fear that evidence may be destroyed, valuing the

⁴ See Dara Lind, *Cops do 20,000 no-knock raids a year. Civilians often pay the price when they go wrong*, VOX (updated May 15, 2015) (describing the results of an ACLU study which found that 46 innocent people were injured during the examined period), <https://www.vox.com/2014/10/29/7083371/swat-no-knock-raids-police-killed-civilians-dangerous-work-drugs>.

⁵ See *id.*

⁶ *War Comes Home: The Excessive Militarization of American Police*, 2014, ACLU Foundation, at 5, available at <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police>.

⁷ See *Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) (“[The framers] sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized [people]. To protect, that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.”).

potential seizure of drugs over the safety and lives of civilians and law enforcement officers. No-knock raids also expose our governments to financial liability. For instance, the killing Breonna Taylor's killing resulted in a \$12 million settlement and countless taxpayer dollars on lawsuits and state and federal investigations.⁸ When governments allow their officers to use these dangerous and unnecessary tactics, insurance companies pass on the costs.

We urge you to vote *ought not to pass*.

⁸ Keith L. Alexander, Steven Rich and Hannah Thacker, *The hidden billion-dollar cost of repeated police misconduct*, March 9, 2022, Wash. Po., available at <https://www.washingtonpost.com/investigations/interactive/2022/police-misconduct-repeated-settlements/>