



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

Danny Costain

292 Ridge Road
Plymouth, ME 04969
(207) 852-1932
Dan.Costain@legislature.maine.gov

April 26, 2021

Testimony in Opposition of:

LD 1043, “An Act Concerning the Unannounced Execution of Search Warrants”

Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety. I’m Danny Costain, State Representative for House District 100 which includes the towns of Corinna, Dixmont, Etna, Newport and Plymouth. I’m here today in support of LD 1043, “An Act Concerning the Unannounced Execution of Search Warrants”

Purpose:

The purpose of no-knock warrants is to allow law enforcement time to enter the home to encounter people before they have time to destroy evidence and to help protect the officers as they gain entry.

Situations where no-knocks are utilized:

There are times when valuable evidence can be easily destroyed. By providing time, the evidence can be altered or eliminated. By providing officers a no-knock entry they increase their ability to seize the evidence which could make or break the cases they are working on. Drug evidence can be destroyed very easily in a short amount of time.

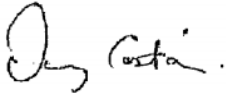
Officer safety is another reason for a no-knock warrant. Officers entering a home unannounced provide them with the advantage of surprise. These types of warrants are extremely dangerous to all parties involved; however, to control the amount of time to answer the door or time to obtain weapons is critical in protecting officers entering the home. This unannounced entry will allow time for officers to gain deep entry into the home and control any threats.

How they are obtained:

Law enforcement must apply for permission from a judge/magistrate (court) to utilize a no-knock warrant. The affidavit filed needs to justify the authorization of the no-knock warrant by articulating facts that will support the need for law enforcement to enter the home without notice. Just because a law enforcement agency applies for authorization to utilize the no-knock warrant does not automatically give them authorization to enter without notice. This action is not used very often due to the checks and balances by the court.

Please join me in opposing this bill for the sake of officer safety and the preservation of critical evidence.

Sincerely,

A handwritten signature in black ink that reads "Danny Costain". The signature is written in a cursive style with a period at the end.

Danny Costain
State Representative

Dan Costain
Representative

Fixes to oppose