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April 26, 2021

Hon. Susan Deschambault  
Hon. Charlotte Warren  
Joint Standing Committee on Criminal Justice and Public Safety  
State House, Room 436  
Augusta, Maine 04332

RE: **LD 1043, *An Act Concerning the Unannounced Execution of Search Warrants***  
**LD 1127, *An Act To Prohibit the Use of "No-knock" Warrants***  
**LD 1171, *An Act To Curtail No-knock Warrants***

Senator Deschambault and Representative Warren,

Warrants that may be executed without requiring law enforcement to announce themselves, so called "no-knock" warrants, have come under long-overdue scrutiny due to the role that the use of such a warrant played in the March 2020 death of Breonna Taylor in Louisville, Kentucky. Ms. Taylor, a 26-year-old emergency room technician, was killed by law enforcement during the execution of a no-knock warrant in the middle of the night as part of a drug investigation. This tragedy, and the resulting examination of the process that permitted the issuance and execution of the no-knock warrant, compels an evaluation of the present utility of no-knock warrants in our own state.

I support placing significant limitations on the use of no-knock warrants and taking steps to ensure that there are clear and consistent standards in laws and policies governing law enforcement activity. **LD 1043** would require law enforcement agencies to adopt and abide by written policies regarding the execution of no-knock warrants. Such policies would, at a minimum, include standards promulgated by the Board of Trustees of the Maine Criminal Justice Academy. This sort of structure has worked well over the years with other critical areas of law enforcement while at the same time providing a forum for the enforcement of mandatory standards and practices. I support this bill and encourage the committee to vote Ought to Pass.

**LD 1171** would limit the execution of a no-knock warrant to only circumstances where announcing entry would create an imminent risk of death or bodily harm to a law enforcement

officer or an individual in the location that is the subject of the warrant. My understanding is that this may already be policy with some law enforcement agencies in Maine but placing this limitation in statute would give the policy greater weight and ensure that it is applied consistently across all agencies in the state. I support this bill and encourage the committee to vote Ought to Pass.

**LD 1127** would ban the use of no-knock warrants altogether. I am not convinced that the proposal to totally ban the practice takes into account the limited circumstances where there is an imminent risk of death or bodily harm to an individual inside the residence or to the law enforcement officer, and that risk has been clearly and accurately communicated to the authority issuing the warrant. This is the only circumstance for which I would support the use of a no-knock warrant.

The availability of no-knock warrants requires a balance of legitimate risk to the physical safety of others against the inherent risks the execution of no-knock warrants create. While a demonstrable risk to the lives of law enforcement or other individuals may support the availability of no-knock warrants, the preservation of evidence would not be worth the risks created by the execution of a no-knock warrant. Under this balancing, destruction of evidence would not be a sufficient rationale for the use of a no-knock warrant.

Finally, the committee may also want to evaluate the availability of nighttime warrants and consider requiring written policies guiding their requests and use.

Please let me know how I may be of service in this evaluation of the use of no-knock warrants and appropriate limits on their use.

Thank you for your consideration.

Sincerely,



Aaron M. Frey  
Attorney General