



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Susan Deschambault  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station, Rm. 436  
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**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**

Dear Senator Deschambault, Representative Warren, and Members of the Committee on Criminal Justice & Public Safety,

MACDL is here today to testify in support of each of these three related bills. The unchecked proliferation of “no-knock” warrants has not made citizens any safer and has, in fact, made too many of our citizens decidedly less so. Experts have termed the execution of no-knock warrants as “forced entry raids”—an apt descriptor. No-knock warrants, whether for searches or arrests, are often carried out in the middle of the night, intended to be used to disorient the people in that location, with screaming officers—guns drawn. The execution of such warrants is dangerous to both occupants of the residence and law enforcement—without knowing that it is law enforcement breaking down a door, many home owners would believe it was their right to defend themselves and their families against such intruders—and use any means necessary to do so. No-knock warrants have been a weapon in the War on Drugs—and their usefulness and effectiveness is disputed. When law enforcement gets it wrong—and when they are acting by authority vested in them by a judge—people can be injured and people can die. We would do well to severely limit if not eliminate the use of no-knock warrant execution in this State.

**LD 1043** would require each law enforcement agency to adopt written policies regarding the unannounced execution of search warrants. This is an important first step, particularly when, in reality, it does not appear likely that Maine’s judiciary or law enforcement agencies will support the elimination of “no-knock” warrants in all circumstances. We would recommend that in addition to requiring agencies to adopt written policies regarding these warrants, that the agencies also adopt the remedial measures necessary to address violations of these policies. We would also encourage the expansion of the policy to include arrest warrants, as well.

**LD 1127**, in addition to prohibiting the use of no-knock warrants by Maine law enforcement agencies, would also prohibit these agencies from assisting in the execution of such warrants by federal agents. This blanket prohibition is strong and, given the safety and liberty interests at stake, necessary. MACDL, however, does not support the creation of a new crime—particularly one with such a severe mandatory minimum sentence as proposed by this bill—to address violations of

the “knock & announce” requirement. We believe that suppression of evidence would be the appropriate remedy in the criminal case against any defendant whose rights are violated and that defendants and citizens should be able to sue civilly for damages based on these violations, both against the individual officer and the department itself. Qualified immunity should not apply to these violations.

Although MACDL appreciates the need for strong sanctions to deter officers from violating the no-knock prohibition, six months in jail and a lifetime ban on employment as a law enforcement officer seems excessive—particularly when current officers have been found to have committed much more egregious violations and (if punished at all) slapped on the wrist. Similarly, defunding an agency that intentionally violated this prohibition seems like it would be a disproportionate response in most cases. If “political subdivision” includes municipalities seems like it would create more problems than it intends to fix. MACDL appreciates the zealotry of this bill but recognizes as well that there are more reasonable solutions to addressing violations of any proposed prohibition against no-knock warrants.

**LD 1171** would require law enforcement to announce itself prior to the execution of an arrest or search warrant. The exception to this general rule would be that “no-knock” would be allowed in cases where there is an imminent risk of death or bodily harm to law enforcement. Officer safety is a recognized exigency, but we have a sincere concern that this exception may swallow the rule. Additionally, MACDL opposes the creation of a new crime to address violations of the prohibition against no-knock warrants. The remedy in the criminal realm should be a suppression sanction. In the civil world, law enforcement officers who violate this proposed rule should be personally liable for damages and should not be cloaked by qualified immunity.

MACDL supports the ending of no-knock execution of warrants. We look forward to working with other stakeholders in developing policies and laws that eliminate this practice and make our communities safer.

Thank you for your attention to these matters and for allowing me to speak with you all today. I would be happy to answer any questions of the Committee.

With appreciation,



Tina Heather Nadeau, Esq.  
MACDL Executive Director