

TESTIMONY OF MATT BERNSTEIN

LD 1087 – Ought Not to Pass

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

Joint Standing Committee on Criminal Justice and Public Safety

May 6, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety:

My name is Matt Bernstein and I am a resident of Portland. I am writing to express my opposition to LD #1087. I thank you for the opportunity to provide testimony in opposition to LD #1087 and I urge you not to support this bill. I believe that the actions laid out in this legislation will put both the public and Maine law enforcement in danger and that the legislation is also counter to the wishes of the majority of Mainers.

In 2021, LD #1171 was passed with bipartisan support to restrict No-Knock warrants in the state and enhance safety for law enforcement and citizens. I was fortunate enough to collaborate with others and share insight into the creation of LD #1171 in 2021. Two of the crucial pieces of this legislation are the requirement to wait 20 seconds before law enforcement enters and the requirement to have law enforcement in uniform.

Now, LD #1087 seeks to remove both of these protections. Doing so will lead to more rushed and unclear interactions between law enforcement and the public, which puts all parties in increased danger. When law enforcement are not in uniform they are not easily identifiable and, therefore, can be confused with an intruder or home invader. This is especially true when there is limited time for people to answer the door. Wearing a single article of clothing is not the same as a full uniform. Consider that an article of clothing could be a baseball cap and now think of how many people wear all different types of caps every day. Wearing such an item would be insufficient for purposes of recognizing someone as law enforcement, especially when there is only 20 seconds to make the determination. Conversely, we know to instantly connect a police uniform with law enforcement. Therefore, requiring officers to be in full uniform ensures that they will be clearly recognized as on duty law enforcement officers. Research done by Brian Dolan of St. John's University demonstrates that most no-knock warrants that become fatal are when officers are not wearing uniforms and that wearing uniforms protects the officers as well as citizens. We do not want fatal interactions between the public and law enforcement here in Maine. Rather, when we have interactions between the public and law enforcement, we want them to be clear and safe for all parties involved. Maintaining a 20 second wait time and a requirement for full uniform is how we can make these interactions as safe as possible.

Furthermore, these protections are widely supported by Mainers. 78% of Mainers believe officers should knock loudly and give those behind the door a window of time - the public often identifies 30 seconds as an ideal amount of time - to let them in. In addition, 92% of Mainers believe officers should be identifiable as police officers by their uniform and badge. The widespread support of Mainers coupled with the increased safety of the current protections demonstrates that we should not remove these protections. Simply put, we cannot put either members of the public or our law enforcement officials in positions where they are interacting in rushed, unclear, and ultimately, dangerous ways. For everyone's benefit, it is important that we have maximum safety and clarity around law enforcement interactions. I urge you to vote against LD #1087 in order to keep the current protections of a 20 second wait time and a requirement for a full uniform.

Thank you for your time, for the opportunity to submit this testimony, and for considering this in your deliberations.