



Proponent Testimony for HB 2133 Regarding No-Knock Warrants
Testimony of Aileen Berquist
Community Engagement Manager, American Civil Liberties Union of Kansas
House Committee on Corrections and Juvenile Justice, Monday, January 24th at 1:30 PM

Committee Chairs and Members of the Federal and State Affairs Committee,

Thank you for the opportunity to present testimony today. My name is Aileen Berquist. I am the Community Engagement Manager and lobbyist for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in Kansas.

The ACLU of Kansas supports the passage of HB 2133 restricting the use of so-called “no-knock warrants” as a first step toward banning this dangerous practice. No-knock warrants rely on the element of surprise and, because of this, they can have tragic consequences. Between 2010 and 2016, 81 civilians and 13 law enforcement officers died during no-knock and quick-knock raids across the country¹. In one case, 26-year-old Tarika Wilson was holding her toddler son when a SWAT team executed a no-knock warrant and opened fire into her Lima, Ohio, home, killing her and injuring her son². And, in a well-publicized 2020 case that led to national calls to end the practice, police shot and killed Breonna Taylor in Louisville, Kentucky during a no-knock warrant raid.

No-knock warrants are often justified by police as an important tool in fighting drug possession and distribution—they allow police to search a dwelling without giving occupants notice and, potentially, time to destroy evidence. But an ACLU report found that in 35% of the reported drug raids, only small amounts of drugs were located; in 36% of the raids, law enforcement found nothing³. Additionally, no-knock warrants disproportionately impact poor communities of color. Between 2011 and 2012, 39% of raids affected black people, 11% affected Hispanics, 20% white Americans, and 30% were unknown because of insufficient police data.⁴

As the language stands, HB 2133 requires officers to be clearly recognizable and identifiable as law enforcement and verbally identify themselves when executing a warrant. These are common sense tactics to minimize harm to individuals and infringement on civil rights. However, this bill does not go far enough.

First, the bill should require law enforcement officers to wait at least 30 seconds for occupants to respond before entering the dwelling. Merely knocking and announcing, without any pause, does not reduce the harm caused by immediate surprise entry into a dwelling. Second, the bill should restrict the execution of these warrants to normal waking hours, for example, between the hours of 9am and 7pm. A 30 second wait time on a knock may be insufficient if it comes in the middle of the night, when household members are likely to be asleep. Third, the bill should be revised to

¹ <https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html>

² <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>

³ *Id.*

⁴ <https://www.apbs.org/newshour/politics/the-war-on-drugs-gave-rise-to-no-knock-warrants-breonna-taylors-death-could-end-them>

prohibit the use of flash bang and similar distraction devices during the execution of these warrants. Finally, search warrant applications should contain information related to the approximate ages and genders of other people in the building, the probable cause for entering the building, and any weapons that the suspect or others in the household to ensure the warrants issued are necessary for the detainment of a suspect and to bring up potential safety concerns to the other occupants in the dwelling or the neighborhood.

Additionally, this bill should be strengthened by including mechanisms for enforcement of the provisions and accountability of the officers effectuating warrants. The bill should include language for restitution to any owner of a residence that experienced damaged or destroyed property during the execution of a search warrant, including medical or health care costs related to the search for any occupant of the property searched, unless such owner of the property is convicted of a crime pursuant to the search warrant.

For this legislation to have deep meaning and impact on the civil rights of Kansans, there also needs to be accountability for officers when the law is not followed. For example, this legislation would benefit from provisions that would provide for exclusion of evidence obtained during searches that are executed in violation of this law. Officers should also be subject to disciplinary measures for violating warrant requirements, up to and including termination

No-knock warrants value the preservation evidence over human life, and HB 2133 is an important first step towards ending this pernicious practice. We urge the committee to incorporate our recommendations to further strengthen this bill, and pass HB 2133 quickly. The ACLU's 2014 report on the consequences of no-knock warrants is attached here for further reading. Thank you for giving me the opportunity to speak here today.

War Comes Home: The Excessive Militarization of American Policing:

<https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>