

Thank you Mr. Chairman. I appreciate the opportunity to come before your committee today and testify in favor of HB 2133. I introduced this bill last year, and five other representatives co-sponsored the bill. Those representatives were Representative Murphy, Representative Houser, Representative Xu, Representative Finney, and Representative Parker. Representative Parker is no longer in the legislature. I would argue that Representative Murphy, Representative Houser, and myself are three of the most conservative Republicans in the legislature, and Representative Xu and Representative Finney are both liberal Democrats. Therefore, I believe that makes this a very interesting issue, when both the right and the left have joined together on this issue for the purpose of defending the civil liberties of the people of our state.

I became interested in this issue after I did research and read stories of no-knock raids that went poorly and resulted in the abuse of law-abiding citizens all around the country. I would like to briefly take the time to read a story about a no-knock raid that had devastating effects on a family in Georgia.

“In the spring of 2014, the Phonesavanh’s home in Janesville, Wisconsin was destroyed by fire. Homeless with four young children, they drove 850 miles to the home of Bounkham’s sister in Corenelia, Georgia. The family crowded into a former garage converted into a bedroom. At about 2 A.M on May 28, the family awakened to a blinding flash and loud explosion in their bedroom. A SWAT team from the Habersham County Sheriff’s Office burst unannounced into the bedroom where they were sleeping. According to police reports, Habersham Deputy Charles Long threw a “flash-bang” grenade into the room. It landed in their baby’s crib, Bou Bou. Bou Bou immediately started screaming, and his mom Alecia Phonesavanh went to grab him. But then Habersham Deputy Jason Stribling picked up the child before she could reach him. Alecia asked the Deputy to give her her son, but he wouldn’t, and he walked out of the room with Bou Bou. What they didn’t realize at the time was the blast from the flash-bang grenade severely burned Bou Bou’s face and torso and collapsed his left lung. The officers wouldn’t allow Alecia to see her child before he was whisked away in an ambulance. When Alecia asked if he got hurt, they told her that her son was fine, that he had only lost a tooth. Bou Bou was rushed to Grady Memorial Hospital in Atlanta, and it was discovered that his chest wall had torn down to muscle, and it tore his face down to bone, down to his teeth. Bou Bou’s parents say that they were detained by the police for nearly two hours, and when they arrived at the hospital they were shocked to learn the truth about their son’s injuries. After the incident, the Phonesavanh family faced close to 1 million in debt from hospital costs, and Habersham County officials refused to pay any of the hospital bills. This situation occurred because police had been looking for Bounkham Phonesavanh’s nephew, who police suspected was selling methamphetamine. But rather than going to his house initially, they instead decided to conduct a no-knock raid at his mom’s house. His nephew was arrested hours after the raid without a no-knock warrant and without a SWAT team, and he pleaded guilty to selling methamphetamine and received a 10 year prison sentence in a Georgia prison.”

Even though this didn’t happen in Kansas, I believe that since this happened in Georgia, it could certainly happen in Kansas as well. I believe we need to try to prevent anything like this from ever happening in Kansas.

While it's hard to find statistics that pertain exclusively to no knock warrants, I was able to find quite a bit of data regarding SWAT raids in general.

A public records review of 818 SWAT deployments conducted by 20 local law enforcement agencies across 11 states between 2010 and 2013 found that 62% were for drug searches, and of those forced entry was employed in 60% of the deployments.

Another study found that SWAT teams recovered weapons in about one in three deployments and found no contraband of any kind in 65% of deployment for drug searches.

There is also evidence that shows that police raids that involve unannounced entry harm both civilians and police officers. A New York Times investigation found that 81 civilians and 13 law enforcement officers died in forcible-entry search warrant raids from 2010 to 2016. Officers represented 10% of those who died during standard knock searches and 20% of fatalities associated with no-knock warrants.

Studies show that no knock raids in which police officers raid the wrong house also happen fairly often, with approximately 10% of New York Police Department raids in 2003 occurring at the wrong location.

What are some of the alternatives to no knock warrants? I believe one of the alternatives should include conducting surveillance through a warrant to discern safe times to enter, and to discern the times at which the suspects leave their homes. In some situations, it may be better for police officers to conduct surveillance and wait until the suspects leave the home, and then make an arrest outside of the home.

In conclusion, I believe that no knock warrants have caused harm to both civilians and police officers and have caused more harm than good, and I believe that my bill is at least a first step in attempting to solve this problem.

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