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Testimony from:
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In SUPPORT of SB 419 and SB 600

March 25, 2021

House Judiciary Committee

Chairman and members of the committee,

My name is Marc Hyden, and I am the director of state government affairs at the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform. That is why SB 419 and SB 600 are of special interest to us.

Despite making many strides in policing and criminal justice reform, the past several years has unfortunately reiterated the point that more change is needed. There have been far too many instances of individuals needlessly dying during interactions with law enforcement officers. These sadly include the case of Breonna Taylor, an innocent victim who was killed in a no-knock raid, George Floyd, who died slowly by asphyxiation under the knee of a police officer, and myriad others.

As a son of a former policeman, I know first-hand that most law enforcement officers are upstanding individuals who are often put in dangerous situations and fill a critical need in society. But considering the immense powers and trust given to the police, they must be held to a higher standard, have adequate oversight and be governed by policies that produce improved outcomes. Thankfully, Maryland is leading on this front.

SB 419 curtails the use of no-knock warrants, which is sorely needed. These confrontational “shock and awe” forms of policing are overused and often flawed. According to 2015 research, police execute around 20,000 or more no-knock warrants a year, and the New York City police department estimated in 2003 that around 10 percent of their no-knock raids were conducted at the wrong addresses. Unfortunately, far too many turn deadly, as was the case of Breonna Taylor.¹

However, no-knock warrants also risk the lives of police. After all, when they execute a no-knock raid in the middle of the night without adequately announcing themselves, homeowners are likely to try to defend themselves against who they believe are burglars. This is an understandable reaction that can prove hazardous to police. No-knock raids are quite simply dangerous for all parties, and at best, ought to be a last resort.

Meanwhile, SB 600, if passed, would create a Task Force on Independent Investigations in the event that a law enforcement officer causes a death. The sad truth is that there are instances in which police officers must protect themselves and others by using deadly force, but it is rare and should remain that way. However, when they occur, they need to be thoroughly and independently investigated, and SB 600 would work toward this end.

This seems like a commonsense reform that provides additional oversight to ensure that justice is more fairly applied in these cases and that the cause of such deaths cannot be as easily concealed from the public. Further, this extra layer of oversight will simply discourage the very few bad apples from acting inappropriately and may even help exonerate police officers who are involved in these cases.

The bottom line is that criminal justice reforms do not have to be a zero-sum game. Rather, they can benefit law enforcement officers and the general public, and SB 419 and SB 600 have the potential to do just that. That is why it is critical that the legislature pass these bills.

Thank you for your time.

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¹ Brian Dolan, "To Knock or Not to Knock? No-Knock Warrants and Confrontational Policing," *St. John's Law Review*, 93:1, (2019). <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=7117&context=lawreview>; Dara Lind, "Cops do 20,000 no-knock raids a year. Civilians often pay the price when they go wrong.," *Vox*, May 15, 2015. <https://www.vox.com/2014/10/29/7083371/swat-no-knock-raids-police-killed-civilians-dangerous-work-drugs>.