



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session
HB0027

No-Knock Warrants

Bill Summary

This bill repeals the authority to issue and execute a no-knock search warrant and alters procedures for the issuance and execution of a search warrant. The bill (1) establishes that a search warrant may not authorize a law enforcement officer executing the warrant to enter a building, apartment, premises, or place to be searched without first announcing the officer's purpose and authority; (2) specifies that a search warrant may be executed only between 8:00 a.m. and 7:00 p.m.; and (3) requires an officer executing a search warrant to, prior to entering the building, apartment, premises, or place to be searched under the warrant's authority, give notice reasonably calculated to alert any occupants within the location of the officer's authority and purpose.

Racial Equity Impact Statement

Currently there is not sufficient demographic data available regarding executed no-knock warrants that would allow an equity assessment of the bill's impacts on racial and ethnic groups in Maryland. In September 2023, pursuant to Chapter 62 of 2021, the Governor's Office of Crime Prevention and Policy (GO CPP) released its annual report on no-knock warrant service data collected from Maryland law enforcement agencies. The report summarized information regarding no-knock warrant activity by jurisdiction, but that limited data is not sufficient to assess if no-knock warrants are disproportionately authorized for communities of color. Detailed demographics of the subjects apprehended and others arrested during no-knock warrants would allow for a more detailed equity analysis of how a ban on these warrants would affect various racial and ethnic groups in the State.

Analysis

State Data on No-Knock Warrants

Chapters 542 and 543 of 2009 required law enforcement agencies that maintain a SWAT team to report specified information regarding executed no-knock search warrants to GOCPP. The Acts required general deployment information such as the purpose (search warrant, barricade, arrest warrant, etc.), date, time, and location of the deployment. These provisions expired on June 30, 2014.

Chapter 62 of 2021 enacted comprehensive police reform, including provisions limiting the grounds for issuing a no-knock warrant. In regard to data collection, Chapter 62 requires a law enforcement agency to report to GOCPP specified data relating to search warrants executed by the agency during the prior calendar year. A law enforcement agency must compile the specified data for each one-year period as a report in a specified format. By September 1 of each year, GOCPP must (1) submit a report of the analyses and summaries of the submitted information to the Governor, each law enforcement agency, and the General Assembly and (2) publish the report on its website. Chapter 62 does not require any data collection regarding the race or ethnicity of the arrestees, officers, or owners of any property confiscated. Law enforcement agencies must report the zip code where the warrant was executed.

In its first full-year report pursuant to Chapter 62, GOCPP reported that for 2022, a total of 514 SWAT deployments and 62 no-knock search warrants were executed in Maryland. Approximately 70% of the executed no-knock search warrants were in Baltimore County (20), Charles County (12), and Howard County (12). The three jurisdictions with a Black population above 50% – Baltimore City, Charles County, and Prince George’s County – accounted for 31% of no-knock search warrants in 2022.

Data and Legislation from Other Jurisdictions

Concerns regarding no-knock warrants focus on various issues, including officer and civilian safety, mistaken identity, inaccurate information, and insufficient judicial scrutiny. In addition, there is a growing body of data detailing the disproportionate impacts of the criminal justice system on people of color, including disparities in arrests and drug sentencing. Several high-profile events involving no-knock search warrants and the deaths of individuals who were present at the locations targeted by the warrants suggest that there are disparities in how these warrants are authorized, executed, and assessed.

The Minneapolis Civil Rights Department’s Office of Police Conduct Review conducted a preliminary analysis of the Minneapolis Police Department’s service of no-knock search warrants between September 1, 2021, and January 31, 2022. The office found that 74% of no-knock warrants were served on Black individuals, who comprised 18% of the city’s population according to the 2020 census. The office’s investigation was prompted by the fatal shooting of Amir Locke by Minneapolis police officers serving a search warrant in a downtown apartment building on February 2, 2022. Locke, a 22-year-old Black man, was not the subject of the search warrant.

Since 2021, at least three states – Maine, Nevada, and Utah – have instituted limits on the

availability of no-knock search warrants to law enforcement by requiring that they only be used in exigent circumstances. Nevada additionally limits these types of warrants to felonies, while Utah excludes misdemeanors.

Conclusion

Based on anecdotal evidence from other states and local jurisdictions, the bill's prohibition on no-knock search warrants could have a positive impact on Black individuals in particular. However, there is no way to directly measure the impacts without demographic data associated with no-knock search targets and arrestees in previous years and going forward. The GOCPP report summarizing no-knock warrant activity by jurisdiction, while providing useful information, is not sufficient for an equity assessment of possible racial or ethnic disparities in the issuance of no-knock search warrants in Maryland.

Information Sources: Governor's Office of Crime Prevention and Policy; U.S. Census Bureau; Minneapolis Civil Rights Department; Department of Legislative Services

Analysis by: Rafael Regales

Published: 02/11/2024

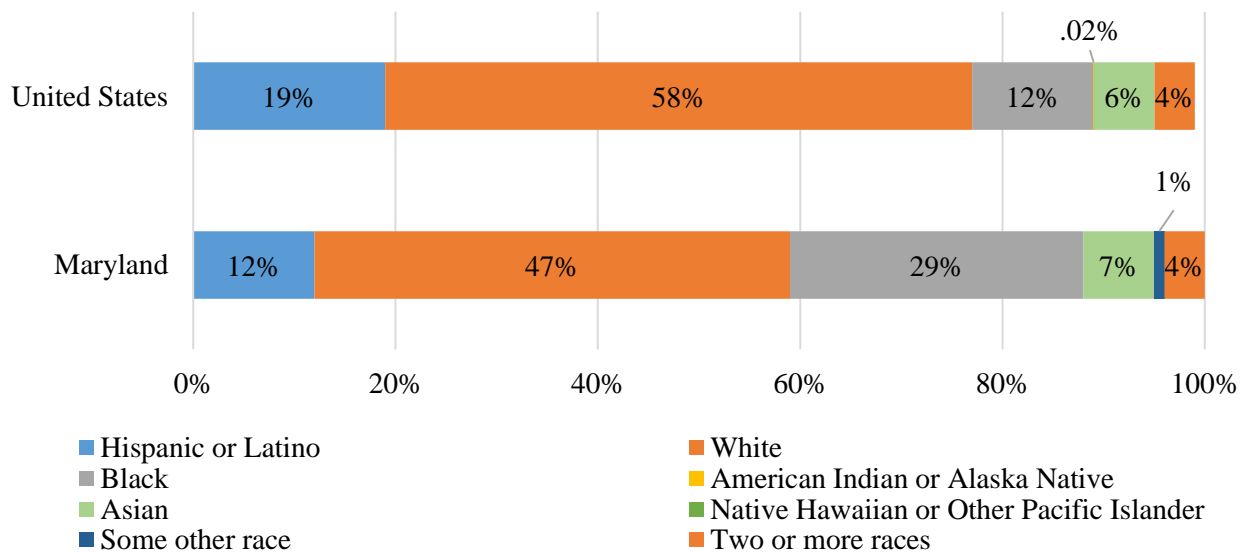
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.