



Testimony for the House Judiciary Committee

March 12, 2015

HB 338 – Public Safety – SWAT Team – Deployment and Reporting SUPPORT

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Good Afternoon, I am Barbara R. Arnwine, President and Executive Director of the Lawyers' Committee for Civil Rights Under Law. I want to thank Committee Chair Vallario, Jr, Vice Chair Dumais and the rest of the Assembly Members in attendance today for allowing me the opportunity to testify today.

The Lawyers' Committee was founded in 1963 as a nonpartisan, nonprofit organization at the behest of President John F. Kennedy. For over 50 years, we have worked hand in hand with the private bar in providing legal services to address racial discrimination and to secure, through the rule of law, equal justice under law. I have had the pleasure of leading this organization for 26 years. With particular relevance to this hearing, the Lawyers' Committee has expanded its engagement in criminal justice issues, particularly reforming policing tactics across this country.

Since the events in Ferguson, MO in August of 2014, the Lawyers' Committee has coordinated a coalition of national, state and local organizations committed to long term policing reform. We have worked directly with the White House, Attorney General Holder and the U.S. Department of Justice and the U.S. Congress to push both short and long-term reforms. I was also one of only 5 national civil rights leaders invited by the International Association of Chiefs of Police to speak at their national conference about policing reforms, including SWAT team deployments. Furthermore, my own personal experience with overly aggressive and abusive policing tactics has heightened my awareness of and commitment toward the need for fundamental reforms both on a national and local level. Hence, I am here today not only representing the Lawyers' Committee, but also in my personal capacity as one who has directly experienced the detrimental effect of certain abusive policing tactics, particularly the use of SWAT teams in the state of



Maryland. It is my hope that my testimony will help solidify for the Members here today, the overwhelming need for SWAT legislation such as HB 338 which will effectively limit the use of SWAT teams and provide necessary transparency regarding their deployment throughout the state.

I applaud the intent of HB 338 to avoid the excessive use of SWAT teams, particularly for such regular police activities such as the serving of search warrants. Such unnecessary deployments not only waste precious tax dollars but they are wholly out of step with our Fourth Amendment rights as American citizens to be free from unnecessary searches and seizures.

All should agree that police are generally responsible for keeping the peace and protecting individuals while also ensuring that the rights of individuals are maintained through standard rules of due process. However, SWAT teams, by definition, are” a group of elite police marksmen who specialize in high-risk tasks such as hostage rescue.” SWAT teams carry military-style equipment and receive military training and serve in a much different capacity than regular police forces. Thus, SWAT teams, should not be used to conduct routine search warrants. The United States, and more specifically, the state of Maryland, is not in a state of war and its citizens should not be automatically treated at criminals or enemies of the state.

Yet, for reasons only explained by inappropriate profiling of communities and total disregard for civil and constitutional rights, Maryland police forces overwhelmingly deploy these military units in neighborhoods and communities to conduct routine police activities. In Fiscal Year 2014 alone, there were 1,689 SWAT deployments in Maryland, with 93% of these in connection with the execution of a search warrant.¹ Further, the Governors’ Office of Crime Control and Prevention notes in its 2014 report that over 2/3 of all SWAT deployments involved forcible

¹ First through Fifth Reports to the State of Maryland Under Public Safety Article § 3-507. Found at <http://www.goccp.maryland.gov/msac/law-enforcement.php>.

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entry,² such as what was experienced in my own home. While the Governor's report indicates that 38.5% of deployments were for a Part I Crime, while 59.7% were for a Part II Crime, this information fails to fully reflect the severity and urgency of most of these deployments, thus the need for further transparency as outlined in HB 338.

To further highlight the need for HB 338, I would like to focus on my own experience in 2011, when my own house was invaded by a SWAT team. This incredibly egregious incident has been documented throughout the media and has caused me to file suit against the State of Maryland to prevent future occurrence like mine against anyone else. Not only are these lawsuits filed by citizens whose rights have been violated by SWAT teams a reason to limit the unnecessary use of such units, but the financial penalties against the State and municipalities in order to redress the injuries suffered by victims are a severe drain on public resources.

In the early morning of November 21, 2011, a SWAT team from the Prince George's Police Department started banging on my house door, threatening to bust it down if I did not immediately open it. After being awakened and running to open my door, the SWAT team then entered my home in full riot gear, including body shields, night goggles, rifles and dropped a battering ram on my foyer floor. At that point, my entire family, including myself, my 80-year old mother, son, brother and 2 nephews were held at gun point and under duress for several hours while a SWAT team invaded my home. For almost 3 hours, my mother was forbidden from using the restroom and police officers repeatedly demeaned and insulted me and my family throughout the unlawful search. Additionally, my brother and 2 nephews were brutally thrown to the floor and threatened repeatedly by the SWAT team members. When I requested to see the search warrant and told them I was a lawyer, I was

²2014 Report to the State of Maryland Under Public Safety Article § 3-507. Found at <http://www.goccp.maryland.gov/msac/law-enforcement.php>.

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incredulously informed that “the 4th Amendment does not apply here.”³ Not only did I never see the search warrant that day, but during the search by the Prince George’s Police Department, my entire house was ransacked. My clothes were thrown out of closets, personal effects were torn apart, beds were undone and made completely unusable, and furniture throughout my house was broken by SWAT team members. This SWAT team terrorized me and my family and since that time, we have all been severely traumatized. Ultimately, the entire premise for this search was dismissed by the court after conceding there was no case.

I do not know whether anyone else at this hearing today has ever experienced such an invasion, but I am here to tell you that if it can happen to the President of one of the nation’s most prominent civil rights organizations in the country, it can happen to anyone. The Prince George’s Police Department’s use of a SWAT team was unnecessary and frankly an abuse of power. As others have highlighted, I am not the only person to be subjected to such abusive tactics which is why HB 338 is such an important step toward lessening and ultimately eliminating the unnecessary, obnoxious and dangerous use of military style tactics in neighborhoods and communities. My situation alone is reason enough to require not only additional transparency, but also the requirement that police forces, including SWAT teams, visibly and immediately produce the requisite search warrant with at least enough information to verify that they are in the correct house and that it is for the person present in the household. While there is a time and place for the use of SWAT teams, they should not, and must not be used as an excuse to terrorize wholesale communities.

For the forgoing reasons, I urge the passage of HB 338.

³ <http://crooksandliars.com/karoli/voting-rights-advocate-held-gunpoint-swat-t> ;
<http://politic365.com/2011/11/29/pg-county-police-respond-in-arnwine-case-her-attorney-talks/>.