



**Testimony for the House Judiciary Committee
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HB 920 Public Safety - SWAT Team Activation and Deployment – Reports

FAVORABLE

The ACLU of Maryland supports HB 920, which would restore the pre-existing data collection and reporting program related to law enforcement “SWAT team” activities

In 2009, the General Assembly passed a law that required agencies with SWAT teams to report on their usage. That law expired in 2014.¹ Due to the enormous implications of the paramilitary operations for civil liberties, public safety resources, and police-community relations, it is important that the public have an understanding of when and why these units are deployed.

Police generally are charged to keep the peace and protect and serve while protecting the rights of individuals through standard rules of due process. SWAT teams, on the other hand, are paramilitary units designed to seek out and overpower the enemy. SWAT teams carry military equipment and receive military training. Yet, they deploy in our neighborhood communities, where the consequences of casual mistakes or overuse can be serious, if not deadly.

This issue hit home in 2008 when Berwyn Heights Mayor Cheye Calvo and his family were innocent victims of a botched SWAT raid by Prince George’s County law enforcement. In Mayor Calvo’s case, law enforcement intercepted a package of marijuana addressed to the mayor’s home and delivered it undercover. Minutes after the mayor took the package inside, a SWAT team burst into his home, shot and killed his two Labrador Retrievers, and bound the mayor and his mother-in-law for nearly two hours of a four-hour ordeal. In the end, the mayor and his family were exonerated of any wrongdoing, and a FedEx driver and accomplice were arrested for stealing unsuspecting identities as part of a drug trafficking scheme.

In 2011, Attorney Barbara Arnwine’s house was invaded by a SWAT team. She, her son and nephew were all held at gunpoint while the officers raided her house. The police did not produce a warrant. The police threatened to kill them and told them that “the fourth Amendment doesn’t apply here.”²

¹ Public Safety Article §3-507.

² <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/>.

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In Montgomery County, a middle-aged father was dragged out of bed by a SWAT team and thrown to the floor; his wrists were jammed into handcuffs and a gun was pressed against his head. The man was never charged with anything.³

These are just a few examples of the thousands of instances where SWAT teams have been deployed and the impact they have on Maryland families. In Fiscal Year 2014, there were 1,689 SWAT deployments in Maryland. On average that means a SWAT team was deployed 4.6 times a day, every day, all year. In 2010, the first time this information was reported, there were 1,618 deployments.⁴

In addition to the concern for the number of times SWAT teams were deployed, is the reason they were deployed. In FY 2014, 93% of SWAT deployments were in connection with the execution of a search warrant. Contrast that with the remaining 7% of deployments for barricade situations, arrest warrants and exigent circumstances – the reasons most citizens think as the purpose of SWAT teams.

Furthermore, just over two-thirds of all SWAT deployments involved forcible entry⁵ – forcible entry includes battering rams and other methods of invading someone’s home. SWAT deployments – and the accompanying smashing of doors to enter the house – should be reserved for those situations that call for a tactical, military-style response.

There is no question that SWAT teams are sometimes necessary and appropriate, especially in high-risk situations where there is reason to believe that a suspect is armed or dangerous. But, the risk of violating due process and Fourth Amendment protections against unreasonable searches and seizures is at stake when SWAT teams are deployed in routine law enforcement activities like service of search warrants. HB 920 requires that law enforcement report the information necessary to determine whether this important resource is being used effectively and consistently with civil liberties.

For the forgoing reasons, the ACLU of Maryland supports HB 920.

³ http://www.thesentinel.com/mont/index.php?id=707%3Acounty-swat-team-activities-bring-fear&Itemid=766&option=com_k2&view=item.

⁴ 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>.

⁵ Fifth Reports to the State of Maryland Under Public Safety Article § 3-507. Found at <http://www.goccp.maryland.gov/msac/law-enforcement.php> at 8.