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MORE THAN A PLAZA

DC JUSTICE LAB

Search Warrant Reform

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Chairman Allen, and Members of the Committee,

Thank you for the opportunity to testify today.

I am a law student at the University of the District of Columbia, and a volunteer member of the Search Warrants Team at DC Justice Lab.¹

I was a teenager the first time I learned about No Knock Warrants. It was in the aftermath of 9/11, and the invasion of privacy that followed on Arab-Americans impacted the way I viewed intelligence gathering and surveillance. I witnessed families in my Muslim community torn apart by FBI raids; innocent citizens were accused of terrorist activity and deported without due process. It left a chilling effect in my life.

Breonna Taylor died because of a No Knock Warrant. This practice has little to do with public safety, and instead has torn communities apart and taken many innocent Black and Brown lives.

If the Council is serious about reform in the District, it should amend D.C. Code § 23-522-524. I urge the Council to consider five things:

First, The Council should narrow the probable cause standard for MPD officers requesting search warrants by requiring them to show “strong evidence based on reasonable due diligence.” In DC, the probable cause standard under the Fourth Amendment requires only a showing of “*a fair probability that evidence of a crime would be found.*” Its’ effect has resulted in MPD officers obtaining warrants for incorrect houses, arresting the wrong people, and often police recover no evidence. The Council must raise the bar.

¹ DC Justice Lab, *Limit Search Warrants* (September 2020), bit.ly/limit-search-warrants.

Second, the Council should prohibit search warrants in cases of suspected drug activity or cases based solely on drug activity, because it will minimize the need for law enforcement to engage in drug raids.

Third, the Council should ban no knock warrants. This practice is a legacy of the War on Drugs—a war on poor people and people of color. Adults are not the only ones harmed by no knock warrants—children are too. In 2013, during a nighttime execution of a warrant, MPD officers ransacked the home of Shandalyn Harrison searching for evidence of drug distribution. What they found was a grandmother watching TV with her young granddaughters in the living room. Officers then barged into the bathroom, opened the shower curtain on her 11 year old granddaughter while she stood naked, and pointed a gun at her. Like Breonna Taylor’s case, the person they were looking for had not lived in the house for several years. The Council should just ban no knock warrants.

Fourth, the Council should prohibit MPD from handcuffing, pointing guns, and conducting warrantless bodily searches of individuals not subject to the search warrant.

And Finally, the Council should compensate victims for property damage and the unnecessary violence and trauma caused by MPD.

I hope The Council will do the smart and right thing to amend D.C. Code § 23-522-524, with respect to the five reform goals.

Thank you.