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NO-KNOCK RAIDS

Examining the Risk,
Controversy and
Constitutionality

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INTRODUCTION

The execution of a search warrant is a duty frequently performed by police officers. Search warrants are sought by the executive branch and approved by the judiciary to legitimately further a criminal investigation, all while safeguarding the liberties of individuals and the criminally accused. Search warrants are a piece of the criminal justice system which American society greatly supports. They are constitutionally permitted and non-controversial, however, certain standard actions, when omitted during the execution of a search warrant, can drastically change the nature of a search, transforming it into one of the most controversial law enforcement practices in the United States today.

WHAT ARE “NO-KNOCK” WARRANTS?

No-knock warrants are judicially authorized search warrants which allow law enforcement to forcibly enter a residence without having to announce their presence or identify themselves before doing so. These searches are referred to as “no-knock” raids because they omit the standard “knock and announce” element most search warrant executions provide. No-knock raids are often conducted by SWAT teams, taking place during the early hours of the morning, or late at night, with the intent of catching residing suspects, and often affiliated persons, off guard.

The increased use of no-knock warrants can be attributed to the “war on drugs” campaign which originated in the 1970s and gained momentum in the 1980s. In 1986, Congress passed the [Anti-Drug Abuse Act](#), which established mandatory minimum prison sentences for certain drug offenses and further contributed to a national focus on combating drug-related criminal activity. As a result, federal and local law enforcement began implementing more aggressive strategies when executing search and arrest warrants, including no-knock raids. It is estimated that in the early 1980’s, law enforcement utilized no-knock or quick-knock warrants about 1,500 times per year. Today, it is estimated that the number of no-knock raids executed annually is over 20,000.

The surprise nature of these raids is intended to give law enforcement a tactical advantage where the suspect does not have time to react. Proponents of no-knock raids argue that they minimize the opportunity a suspect may have to harm a police officer, evade arrest, or destroy evidence, all while promoting public safety.

CONTROVERSY

Those who oppose no-knock raids do so for a variety of reasons, however, their main criticism is that they create a circumstance where civilians are far more likely to be subject to unnecessary lethal force from law enforcement.

Police failing to knock, announce their presence, and identify themselves prior to forcibly entering someone’s home can create a dangerous situation where civilians may reasonably mistake officers for criminal intruders. Many subjects of no-knock search warrants have done just that and chose to defend themselves. Unfortunately, the outcome often results in unnecessary violence.

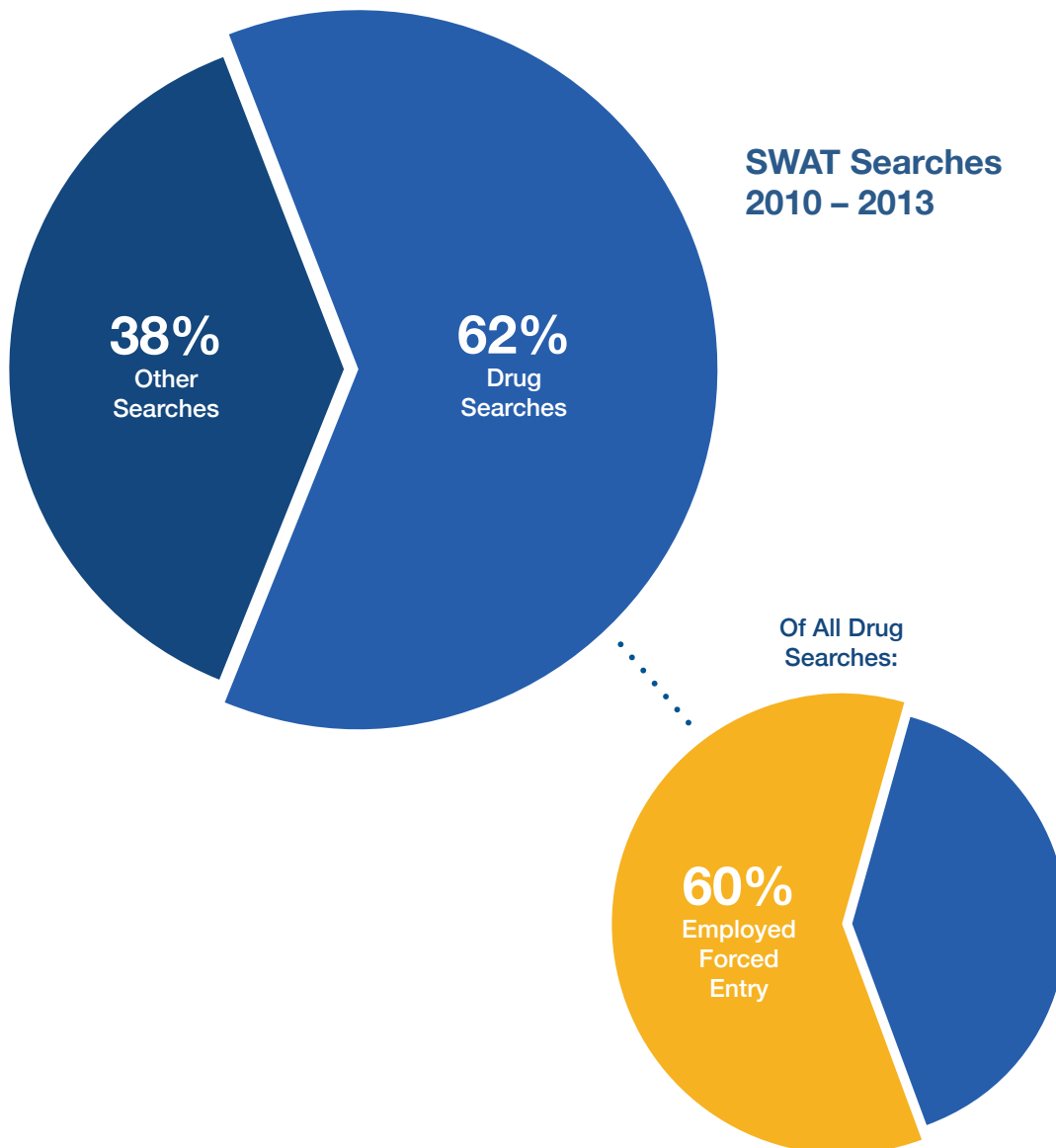
In February of 2022, a [no-knock raid](#) was executed on an apartment in Minneapolis, Minnesota and resulted in the death of 22 year old Amir Locke. After pulling his handgun during an early morning raid, Locke was shot and killed by police less than 10 seconds after they first entered the apartment. He was [not the suspect](#) for which the no-knock warrant was issued.

In 2014, the police department in Tampa, Florida executed a no-knock warrant on a residence suspected of drug trafficking. The police executed the raid in the middle of the night, [prompting Jason Westcott to grab his handgun](#), only to be shot and killed by the police. Weeks before the raid, Mr. Westcott notified the Tampa police department he received online threats of a home invasion and burglary and sought their help. After investigating the threats, the police advised Mr. Westcott to arm himself and “shoot to kill” any intruder that may enter his home.

In 2006, [Kathryn Johnston](#), a 92-year-old Atlanta woman, fired her handgun at undercover, plainclothes officers after they cut off the burglar bars on her windows and broke down her front door during a nighttime no-knock raid. The officers responded by firing back at Ms. Johnston 39 times, killing her in her own home.

EFFICACY

There are an [estimated 20,000](#) no-knock raids executed in the U.S. each year. In a review of 818 SWAT deployments conducted across 11 states between 2010 and 2013, it was found that [62% were for drug searches](#); of those, 60% employed forced entry.



If state law permits it, police have the legal authority to execute search warrants without being required to announce themselves before entering, and while state laws vary, the U.S. Supreme Court [upheld the constitutionality of no-knock warrants](#) in *Wilson v. Arkansas*.



“The Fourth Amendment’s flexible requirement of reasonableness should not be read to mandate a rigid rule of announcement that ignores countervailing law enforcement interests.”

“We simply hold that although a search or seizure of a dwelling might be constitutionally defective if police officers enter without prior announcement, law enforcement interests may also establish the reasonableness of an unannounced entry.”

“Given the longstanding common-law endorsement of the practice of announcement, we have little doubt that the Framers of the Fourth Amendment thought that the method of an officer’s entry into a dwelling was among the factors to be considered in assessing the reasonableness of a search or seizure. Contrary to the decision below, we hold that in some circumstances an officer’s unannounced entry into a home might be unreasonable under the Fourth Amendment. This is not to say, of course, that every entry must be preceded by an announcement.”

**Majority Opinion delivered by Justice Clarence Thomas,
Supreme Court of the United States**

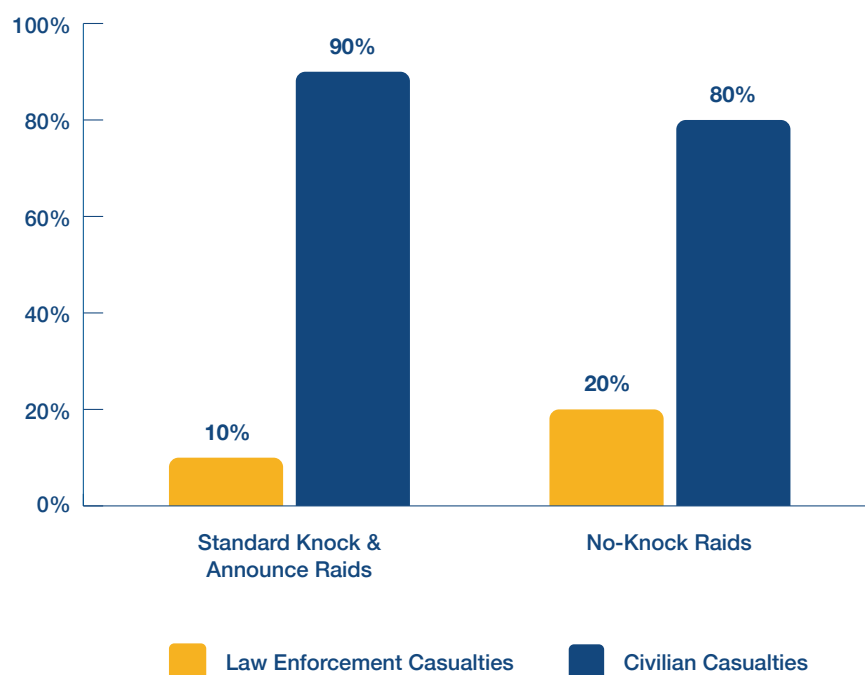
***Wilson v. Arkansas* (94-5707), 514 U.S. 927 (1995)**



Proponents of these raids argue they are needed to ensure successful evidence collection, officer safety, and the greater safety of the public. The Saint Paul Police Department [argued](#) that the no-knock raid which resulted in the death of Amir Locke was “necessary to prevent the loss, destruction, or removal of the objects of the search, or to protect the safety of the searchers or the public.”

However, no-knock raids are double-edged swords, as they often place both civilians and law enforcement at greater risk for injury or death. Between 2010 to 2016, [81 civilians and 13 law enforcement officers](#) were killed in forced-entry searches. Officers represented 10% of fatalities while executing standard “knock-and-announce” search warrants and [20% of fatalities](#) associated with no-knock warrants.

Forced Entry Search Warrant Fatalities (2010 - 2016)



In March 2020, Kenneth Walker shot a police officer in Louisville, Kentucky through his girlfriend, Breonna Taylor's bedroom door, unaware that those breaking into the apartment were police. Police responded with gunfire, [killing Breonna Taylor](#). Shortly after Ms. Taylor's death, prosecutors dismissed a charge of attempted murder of a police officer against Mr. Walker, given the conflict created by the execution of the search.

In 2014, police in Killeen, Texas executed a no-knock, nighttime raid on the home of Marvin Guy. Officers unsuccessfully attempted to forcibly enter his home, and after breaking his bedroom window, a gunfight ensued with officers outside the home while Mr. Guy was inside. Guy began firing at the officers in his home, [striking two and killing one](#) during the shootout.

In a similar Texas raid in 2010, the Burleson County Sheriff's Department targeted the home of Henry Magee during an early morning no-knock raid. After officers busted open the front door, Mr. Magee opened fire on them almost immediately, [killing Deputy Adam Sowders](#).

In both cases, Mr. Guy and Mr. Magee were charged with both attempted murder and capital murder on a peace officer, and in both investigations, police pursued their subjects for suspected non-violent, low-level drug offenses.

POLICY LANDSCAPE

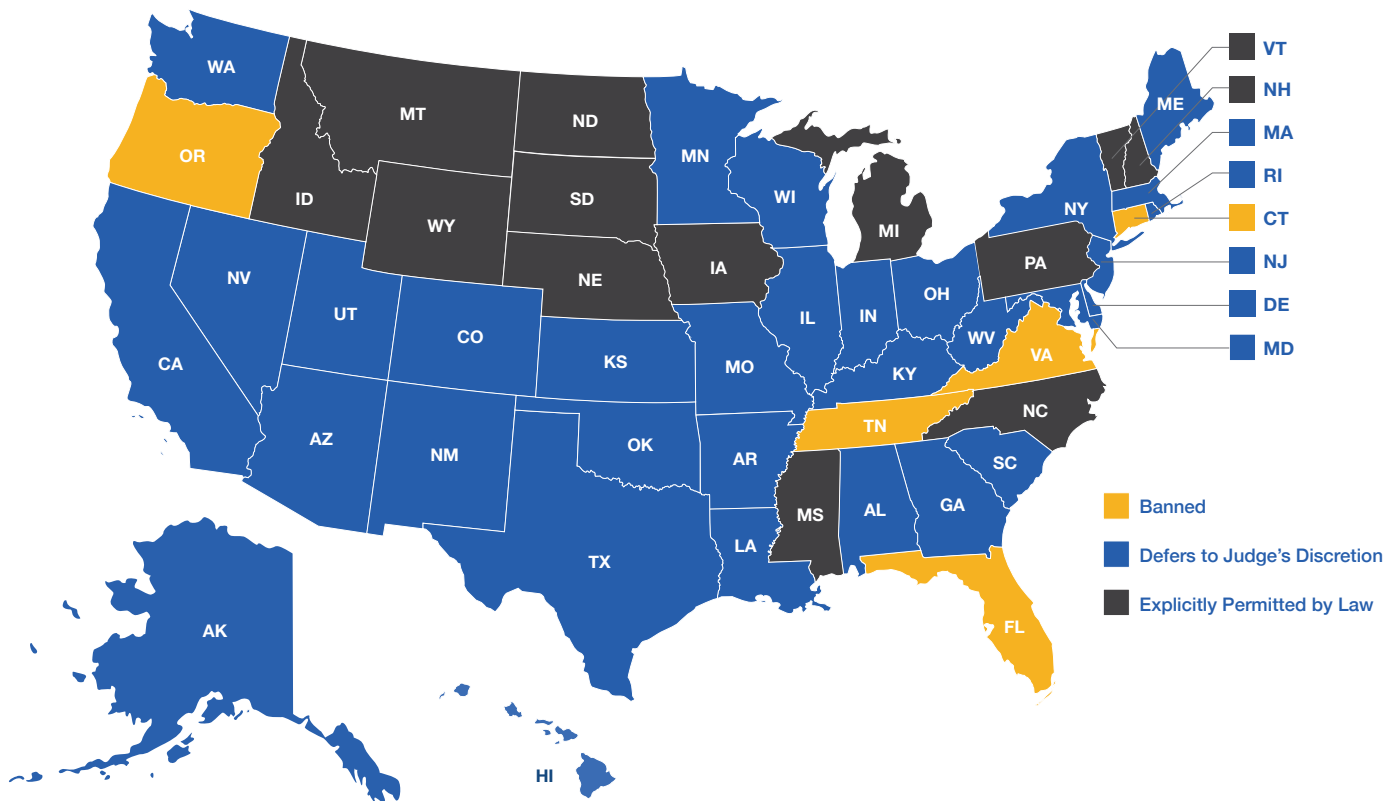
Federal Level

Reform efforts at the federal level have been made to address these risks and safety concerns. In 2021, the Department of Justice released a [directive](#) to limit the use of “no-knock” searches to situations where federal law enforcement has reasonable grounds to believe that performing a standard knock and announce search would “create an imminent threat of physical violence to the agent and/or another person.”

Legislatively, Congress has taken up various bills to address and reform the practice, with efforts originating in both the House and Senate from both Republican and Democrat sponsors. Bills like the “[Justice for Breonna Taylor Act](#),” sponsored by Republican Senator Rand Paul, “[S.3985](#) – A bill to improve and reform policing practices, accountability, and transparency,” sponsored by Republican Senator Tim Scott, the “[George Floyd Justice in Policing Act of 2021](#),” sponsored by Democrat Congresswoman Karen Bass, and the “[JUSTICE Act](#),” sponsored by Republican Congressman Pete Stauber, all propose various no-knock warrant reforms ranging from establishing no-knock raid data reporting requirements for law enforcement agencies who receive federal funding to limiting the practice for non-drug related investigations only.

State Level

Currently, 13 states have laws explicitly permitting no-knock warrants while most other states issue them based on a judge’s discretion. Only [Florida](#), [Oregon](#), [Connecticut](#), [Tennessee](#), and [Virginia](#) have banned the use of the practice entirely.



Several counties and municipalities across the country have either banned or required restricted uses of no-knock raids. Louisville, Kentucky [banned them](#) months after Breonna Taylor was killed by police. One year after her death, [Kentucky changed its laws](#) to limit the scope of their use. Last year, the City of Killeen, Texas banned their use after a [2019 raid](#) led to yet another unnecessary death. Minneapolis, Minnesota reformed certain no-knock standards in 2021, and following Amir Locke's death, the mayor has [proposed a full prohibition](#) on the practice.

San Antonio, Texas [limited no-knocks raids](#) on its own accord, without being prompted by tragedy or outrage. In 2020, Police Chief William McManus [stated](#) that no-knock arrest warrants will be used only where “exigent circumstances pose a serious safety risk to the general public or officers.” He continued to explain that “Reducing the potential for serious bodily injury or death outweighs the need to recover illegal drugs or contraband.”

Significant legislative efforts made by the states to either ban or restrict the use of no-knock warrants have occurred in the past five years. During the 2022 legislative session, over 14 states introduced legislation to address to use of these warrants, modeling proposals and reforms coming from local governments, the DOJ directive, federal legislation, or bills which have passed in other states.

CONCLUSION

Given the heightened risk for injury or death—for both civilians and police officers—it is unsurprising that numerous localities, the states, and the federal government are all re-examining the practice of no-knock raids. In the past few years, there has been a resounding effort by the states to improve policing practices at large and addressing no-knock warrant practices seems to be a priority strategy in doing so.

ALEC model policies, like the [Statement of Principles on Policing and Community Engagement](#) and the [Resolution in Support of Enhancing Police Officer Training, Wellness, and Support Mechanisms](#), aim to provide states with policies and resources to help them achieve the unanimously desired outcome of safe, effective policing.

Looking ahead, Americans can expect to see limitations on both the issuance and executions of no-knock warrants continue to move through state legislatures, increasing the number of states which limit the use of the practice and ban it entirely. In doing so, policymakers should strive to maximize liberty while prioritizing the safety of both law enforcement officers and civilians.

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