

# POLICE REFORM ACTION BRIEF: BAN NO-KNOCK WARRANTS



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TEXAS SOUTHERN UNIVERSITY

THIRD BRIEF IN THE "REIMAGINING POLICING" SERIES



As Americans, we enjoy the privilege of privacy in our home and freedom from unreasonable government invasion. In theory.

However, in the Breonna Taylor case, a Circuit Court judge signed a no-knock warrant permitting police to enter without announcing and identifying themselves as law enforcement officers. In light of the tragic and horrendous events surrounding the deaths of Breonna Taylor<sup>1</sup>, Michael Santana<sup>2</sup>, Anthony Diotaiuto<sup>3</sup>, Marcus Cass<sup>4</sup>, and many others, **the Center for Justice Research supports a national ban of no-knock search warrant procedures.**

**On March 13, 2020**, Breonna Taylor, a 26-year-old African American female emergency room technician, was shot and killed by police officers of the Louisville Metro Police Department during the execution of a no-knock warrant at her residence. The case garnered national attention and prompted scrutiny of the practice of forcibly entering homes without announcing or identifying themselves. In Breonna Taylor's case, there are conflicting witness accounts detailing whether officers identified themselves or not. Louisville Police did not have active body cameras recording the incident.



**Each year 20,000 to 80,000 no-knock warrants are served across the nation.**



On June 11, 2020, the Louisville City Council voted unanimously to ban no-knock search warrants similar to the one executed in Breonna Taylor's death. On that same day, U.S. Senator Rand Paul of Kentucky introduced a bill in Congress to ban no-knock search warrants at the federal level. Similarly, the South Carolina Supreme Court temporarily banned no-knock warrants until a more permanent solution can be decided. Six months after, the grand jury did not indict any of the officers in the shooting with charges related directly to Breonna Taylor's death. Despite statements from Breonna Taylor's boyfriend and others indicating they did not hear the officers announce themselves, one

witness testified otherwise<sup>5</sup>.

**The use of no-knocks has evolved and expanded over the past 25 years, implicitly redefining Americans' 4th Amendment protection against unlawful government interference.** In *Wilson v. Arkansas* (1995), the U.S. Supreme Court overturned a state court ruling that allowed police to enter someone's home without knocking or announcing. However, the ruling allowed exceptions, such as the fear that evidence would be destroyed or suspects would have time to flee if officers announced themselves before entering. Eleven years later, in *Hudson v. Michigan* (2006), the Supreme Court held that even if an officer

1 Oppel Jr., R., Taylor, D., & Bogel-Burroughs, N. (2021). What to Know About Breonna Taylor's Death. The New York Times.

2 Weaver, J. (2014). Lawsuit challenges fatal shooting by Miami-Dade police as excessive force. Miami Herald.

3 Balko, R. (2013). Raid Of The Day: Anthony Diotaiuto. Huff Post.

4 Balko, R. (2016). Federal appeals court finds fatal raid was bad policy, but declines to hold officers accountable. The Washington Post.

5 Donaghue, E. (2020). Kentucky's AG says witness heard officers ID themselves in Breonna Taylor raid, but attorney claims 12 others said otherwise. CBS News.



violates the knock and announce rule, evidence collected can still be used in prosecutions. This Hudson case signaled the Court's transition from a citizens' 4th Amendment protection to the priority interest of an officer's ability to fight crime. The Court's shift in favor of police no-knock powers is most evidenced in *Richards v. Wisconsin* (1997), where it was held that an officer is not required to knock and announce if it is believed that those actions would cause harm to the officer, result in a futile search, or allow the suspects time to destroy evidence. It's common practice today for judges to grant no-knock warrant requests. It is estimated that **each year 20,000 to 80,000 no-knock warrants are served across the nation.**<sup>6</sup> Further, in one of the few departments where data is available, 92% of narcotic's unit no-knock warrant requests were approved between 2016-2018. Among these approvals, 4th Amendment constitutional rights were violated due to the department failing to specify the justification for no-knock warrants.<sup>7</sup> The family attorney for Breonna Taylor unsuccessfully made this 4th Amendment violation claim against the Louisville Police Department.

In Breonna Taylor's case, officers provided the courts affidavits detailing that her residence was receiving illegal packages for a former acquaintance.<sup>8</sup> It's commonly found that no-knock warrants are obtained and executed to search for illegal drugs and weapons. However, research<sup>9</sup> suggests that **36% of no-knock search warrants, like the one used in Breonna Taylor's situation, failed to produce any illegal drugs, and 50% of those searches were executed on domiciles where no guns were found.**

Civilians and police officers alike have either been injured or lost their lives due to no-knock warrants. In Corpus Christi, TX, Ray Rosa shot and wounded three police officers during a no-knock raid on his home. Rosa was initially charged with attempted capital murder and aggravated assault but was later acquitted.<sup>10</sup>

6 Lind, D. (2015). Cops do 20,000 no-knock raids a year. Civilians often pay the price when they go wrong. Vox.

7 Balko, R. (2018). How Little Rock's illegal police raids validate the Exclusionary Rule. The Washington Post.

8 Glover, S., Richards, C., Devine, C., & Griffin, D. (2020). A key miscalculation by officers contributed to the tragic death of Breonna Taylor. CNN.

9 The Justice Collaborative Institute. (2020). End No-Knock Raids.

10 Balko, R. (2016). The inexplicable prosecution — and vindication — of Ray Rosas. The Washington Post.



To date, there is not a comprehensive database that tracks the number of individuals that have been injured or harmed during a no-knock warrant. However, *The New York Times* examined open police and court records requests from 2010-2016 and found 81 civilian and nine officer deaths during the execution of no-knock warrants.<sup>11</sup> The problematic nature of police no-knock warrants is evidenced through other fatal police shootings that didn't garner as much public attention as the killing of Breonna Taylor. For example, see *Whittier v. Goldstein* (2009), *Santana v. Miami-Dade County* (2017)<sup>12</sup>, or *Cass v. City of Abilene* (2016).<sup>13</sup> In all of these cases, the **officer was granted qualified immunity.**

**Absent policies that restrict the use of no-knock warrants, similar tragedies will continue.** A 2020 poll revealed, "67% of respondents believe that no-knock raids are more dangerous for everyone involved—police officers, occupants, and bystanders."<sup>9</sup> A majority of Americans agree that banning no-knock warrants increases community safety, and it is now up to policymakers to take action to ban this dangerous practice.

**The CJR Solution: We stand firmly in support of state and federal level measures that ban no-knock warrants.** As state, local, and federal lawmakers, mayors, law enforcement, and other important stakeholders consider advancing police reform in their jurisdictions, CJR recommends the following:

- Permanent bans on no-knock search warrants.
- Training for police departments on the impact of surprise or no-knock entry tactics for citizens.
- Practical police training that informs police officers to adequately recognize and respond with appropriate force to avoid unlawful or unnecessary killings of unarmed citizens upon immediate entry.

<sup>9</sup> The Justice Collaborative Institute. (2020). End No-Knock Raids.

<sup>11</sup> Slack, K. (2017). Door-Busting Drug Raids Leave a Trail of Blood. *The New York Times*.

<sup>12</sup> *Santana v. Miami-Dade Cnty.*, CASE NO. 14-CIV-20840-BLOOM/Valle (S.D. Fla. Aug. 28, 2015)

<sup>13</sup> *Cass v. City of Abilene*, 814 F.3d 721 (5th Cir. 2016)



The Center for Justice Research (CJR) is issuing a series of action briefs offering concrete solutions to save lives, reduce police brutality, promote equal justice, and build safe, positive relations between police and the people they serve. Our first installment supports a zero-tolerance chokehold approach, and our second installment supports widespread [duty to intervene policies](#).

In this report, we provide guidance on the ban of no-knock warrants in order to advance police reform and avoid unnecessary civilian and police danger.

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**The Center for Justice Research at Texas Southern University** is available to discuss how they can advise on evidence-based, effective police reform policies and practices on the national, state, and local levels with concrete steps that law enforcement can take to bridge the racial divide. They can be reached at [justice.research@tsu.edu](mailto:justice.research@tsu.edu) or 713-313-6843.

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