



ACLU of New York

Legislative Affairs
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2021 – 2022 Legislative Memorandum

Subject: S.11-A (Sanders) / A.2683-A (O'Donnell) – Curtailing Police Use of No-Knock Warrants

Position: SUPPORT

No-knock and quick-knock warrants and raids have severe and deadly consequences for communities targeted by aggressive over-policing. Under a no-knock warrant, police can barge into a person's home in the dead of night without any notice and without clearly identifying themselves as law enforcement. As law enforcement has become more and more militarized, police departments have used battering rams to force entry into homes and thrown flash-bang grenades that – beyond contributing to panic and confusion – can cause severe burns and even death.¹

The use of no-knock warrants and raids is a direct and deadly consequence of the racist war on drugs.² On March 13, 2020, Breonna Taylor was killed by police in a no-knock raid on her residence, ostensibly as part of a drug investigation, even though she was not suspected or accused of any crime. In New York City, the NYPD has come under recent scrutiny for botched no-knock drug raids that have subjected families to being awakened at gunpoint in a case where officers had the wrong address and another in which the only evidence found was a small amount of marijuana.³

Even warrants that do require officers to knock and announce their presence prior to entering can easily devolve into these hypermilitarized raids. Without a clear requirement to the contrary, officers turn knock-and-announce warrants into quick-knock raids, in which officers announce their presence and then immediately force

¹ Kevin Sack, *Door-Busting Drug Raids Leave a Trail of Blood*, N.Y. Times, Mar. 18, 2017, <https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html>; *Investigation Reveals Rampant Use of Flashbang Grenades by Police*, NPR, Jan. 18, 2015, <https://www.npr.org/2015/01/18/378200407/investigation-reveals-rampant-use-of-flashbang-grenades-by-police>.

² Candice Norwood, *The War on Drugs Gave Rise to “No-Knock” Warrants. Breonna Taylor’s Death Could End Them*, PBS, June 12, 2020, <https://www.pbs.org/newshour/politics/the-war-on-drugs-gave-rise-to-no-knock-warrants-breonna-taylors-death-could-end-them>.

³ Rocco Parascandola, *Queens Cops Bust Down Wrong Door in No-Knock Raid and Traumatize Family: Lawsuit*, N.Y. Daily News, Apr. 10, 2021, <https://www.nydailynews.com/new-york/nyc-crime/ny-wrong-door-raid-nypd-20210410-i4hrrg6eyzh7th2i5jwzuf2adu-story.html>; Clodagh McGowan, *Queens Woman Says NYPD No-Knock Warrant Left Her Family Disturbed*, Spectrum NY1, Apr. 6, 2021, <https://www.ny1.com/nyc/all-boroughs/news/2021/04/06/queens-woman-says-nypd-no-knock-warrant-left-her-family-disturbed>.

entry into the premises without waiting for any kind of response.⁴ And so long as New York law continues to allow police departments and municipalities to benefit from a civil asset forfeiture regime that allows them to profit off of property seized during these raids, there is little incentive for police departments to voluntarily end or alter their current approaches.

The legislature can close this particularly devastating chapter in the racist war on drugs by passing **S.11-A (Sanders) / A.2683-A (O'Donnell)** to sharply limit the use of no-knock warrants and end the hypermilitarized raids that have far too often led to deadly consequences, particularly in communities of color which have been the main target in the drug war.

S.11-A/A.2683-A would put an end to the use of no-knock warrants in investigating alleged controlled substance offenses, and it would allow for no-knock warrants to issued only in the most extreme circumstances, where officers can show that the giving of notice would create an imminent danger to a person's life. The legislation would prevent police from using flash-bang grenades or similar devices absent verifiable exigent circumstances, and it would require that officers be in uniform and clearly identifiable as law enforcement. And it would ensure that knock-and-announce warrants do not turn into quick-knock raids by requiring that officers wait at least 30 seconds prior to entering.

The bill also includes provisions to ensure that officers are acting upon reliable intelligence, including by confirming the warrant subject's presence at the location within 24 hours prior to executing any search warrant and mandating that police independently verify any evidence obtained via third parties or informants. And it would provide a clear pathway for people to obtain restitution for property damage caused by police during a search and to recover any property seized by police that would have otherwise been subject to civil asset forfeiture.

S.11-A/A.2683-A is among the most comprehensive legislative proposals in the nation in response to the recent – and overdue – scrutiny applied to no-knock warrants in the wake of Breonna Taylor's killing. The limitations it would impose on no-knock warrants going forward and the comprehensive approach to addressing flaws in the broader warrant regime will go a long way to reducing the harms caused by police militarization and the drug war.

The NYCLU strongly supports S.11-A/A.2683-A and calls for its swift passage.

⁴ Alice Speri, *A New Bill Aims to End Police Raids like the One that Killed Breonna Taylor*, The Intercept, Dec. 17, 2020, <https://theintercept.com/2020/12/17/no-knock-raid-new-york-breonna-taylor/>.