
END NO-KNOCK RAIDS

BACKGROUND

No-knock and quick-knock warrants and raids have severe and deadly consequences for communities already targeted by aggressive over-policing. These hyper-militarized police raids in the dead of night do not make New Yorkers safer. Instead, they put everyone involved at risk because they create a violent and chaotic environment where anything can happen. New York lawmakers have the opportunity to close one of the most dangerous chapters in the failed, racist war on drugs by passing legislation to bring these raids to an end.

THE PROBLEM

No-knock warrants allow police officers to barge into a person's home with no notice and no opportunity for the people inside to respond or even fully comprehend what is happening. These warrants are a direct and deadly consequence of the war on drugs. Although comprehensive data on warrant executions is lacking, it's estimated that tens of thousands of no-knock warrant executions and raids occur across the country each year, and a 2014 analysis found that a majority of SWAT team drug searches involved a no-knock warrant.¹

As law enforcement has become more and more militarized, police have used battering rams to force entry into homes and thrown flash-bang grenades that only increase panic and confusion and that can cause severe burns and even death. The sudden and chaotic nature of these raids increases the potential for escalation and tragic outcomes.

The New Yorkers who have people bursting through their doors during these raids often have no idea they're experiencing a warrant execution by police, rather than a criminal home invasion.

Even warrants that do require officers to knock and announce their presence prior to entering can easily devolve into dangerous quick-knock raids, in which officers announce their presence but then immediately force entry into a home without waiting for a response from those inside.

It's time for these raids to end.

TAKE ACTION



NOTES

¹ ACLU, WAR COMES HOME: THE EXCESSIVE MILITARIZATION OF AMERICAN POLICING 33 (June 2014), https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rel1.pdf.

THE SOLUTION

New York lawmakers must pass legislation to End No-Knock Raids and to sharply limit the use of any no-knock warrants moving forward.

This legislation would protect New Yorkers by:

Ending Hypermilitarized No-Knock Raids and Sharply Curtailing No-Knock Warrants

- This legislation would prohibit the use of no-knock warrants in controlled substance investigations, and it would limit the issuance of no-knock warrants to only the most extreme circumstances where officers can show specific facts that make it likely that giving notice would create an imminent danger to a person's life.
- It would prevent police from using flash-bang grenades or similar equipment absent verifiable, life-threatening exigent circumstances, and it would require that officers be in uniform and clearly identifiable as law enforcement.
- Officers executing a knock-and-announce warrant would be required to wait

at least 30 seconds after giving notice before they can force entry, preventing these warrants from turning into quick-knock raids.

- No-knock searches would only be authorized between 8 a.m. and 6 p.m. absent exigent circumstances and judicial authorization.

Increasing Oversight and Accountability for All Warrant Executions

- The legislation would require detailed reports on all warrant executions, including, among other information, demographic data on the target of the warrant, any uses of force or deaths in connection with the search, the results of the warrant execution, and any property seized or damaged.
- Officers would be required to present evidence gathered within 24 hours before executing a warrant to verify that the subject is present, and unused warrants would expire after seven days.
- Search warrant violations would render any

evidence obtained by law enforcement inadmissible by prosecutors.

Protecting New Yorkers' Private Property

- The legislation would create a process for the return of any unlawfully seized property that could otherwise be subject to civil asset forfeiture, and it would put the burden on prosecutors to establish by clear and convincing evidence that the seized property was the proceeds or evidence of a crime.
- Property owners would be entitled to monetary restitution for property damage or destruction that occurs during warrant executions unless they are convicted of a crime involving that property or related to the underlying search warrant.

This legislation would directly confront and reduce the harms caused by one of the most dangerous legacies of the war on drugs, while also addressing flaws in the broader warrant regime in New York law. Lawmakers should pass this bill today.