

**Police Transparency and Accountability Task Force**  
**Logistics Subcommittee**  
**“No Knock” Search and Seizure Warrant**

**Recommendation**

Connecticut law (Public Act 20-33) prohibits the execution of “no-knock” search and seizure warrants by police. The Police Transparency and Accountability Task Force support this new law and make no further recommendations.

**Rationale**

**Background.** Under common law doctrine, the “knock-and-announce” rule requires police officers executing a search and seizure warrant generally must not immediately force their way into a premise. Instead, officers must first knock and announce by identify himself or herself, state their intent, and wait a reasonable amount of time for the occupants to let the police into the premise. The majority of search and seizure warrants are executed by police as “knock-and-announce”.

However, there is an exception to that rule. A “no-knock” warrant is a search and seizure warrant authorizing police officers to enter specified premises without first knocking and announcing their presence or purpose prior to entering the premises. Simply, a “no-knock” warrant allows police to force their way into a residence or other premise with the element of surprise.

“No-knock” warrants became common practice during the height of the “war on drugs” in the 1980s and 1990s and expanded throughout policing. While the use of “no-knock” warrants drew criticism, it wasn’t until the death of Breonna Taylor during the execution of a “no-knock” warrant by the Louisville (KY) Police Department, on March 13, 2020, that criticism galvanized into a national movement to ban its use.

**Connecticut Prohibition of “No-Knock” Warrants.** Public Act 21-33, *An Act Concerning Civilian Review Boards, Security Guards, Body-worn Recording Equipment, Searches by Police, Limitations on Offenses Subject to Automatic Erasure, Enticing a Juvenile to Commit a Crime, lawful orders by Police Officers and Notice to a Victim Concerning Automatic Erasure of Criminal Record History*, prohibits “no knock” warrants and

A search and seizure warrant requires that an officer provide notice of such officer’s identify, authority, and purpose prior to entering the place to be searched for the execution of the search and seizure warrant. Prior to undertaking any search or seizure, the police officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched.

**Unites States Supreme Court Decisions.** There are three key cases that set the standards for police to execute “no knock” search and seizure warrants. Public Act 20-33 effectively nullifies in Connecticut the United States Supreme Court’s decisions that gave police the legal ability to conduct “no knock” search warrants and raids.

The United States Supreme Court has interpreted the Fourth Amendment's reasonableness requirements as generally mandating compliance with the "knock-and-announce" rule. This is also codified in federal law, but the court has interpreted the federal law as "prohibiting nothing".

In the 1995 *Wilson v Arkansas* (514 U.S. 927) decision, the United States Supreme Court held that police must peacefully knock, announce their presence, and allow time for the occupants to open the door before entering a home to serve a search and seizure warrant. However, the court allowed for exigent circumstances exceptions if the police fear violence, if the suspect is a flight risk, or if the officers fear the suspect will destroy evidence. The impact of this decision allowed police throughout the country to utilize the exception by simply declaring in search and seizure warrant affidavits that suspects, in particular suspects in drug cases, are a threat to dispose of evidence, flee, or assault the officers upon entry to the premises.

In its 1997 decision in *Richards v Wisconsin* (520 U.S. 385), the court eliminated the blanket exigent circumstances exception and required police to articulate why a specific individual is a threat to dispose of evidence, commit an act of violence, or flee from the police. Despite this shift, the bar for obtaining a "no knock" search and seizure warrant remained low. Police must have a reasonable suspicion that knocking and announcing their presence in particular circumstances would be dangerous or futile or would obstruct the investigation of a crime. Reasonable suspicion is the lowest legal bar for police to meet.

The third United States Supreme Court decision effectively eliminated the consequences for violating the "knock and announce" requirement even without a "no knock" warrant. In 2006, in *Hudson v Michigan* (547 U.S. 586), the court held that evidence seized in violation of "knock and announce" was not subject to the exclusionary rule (fruit of the poisonous tree doctrine). Police could still use the evidence in court even though they technically seized it illegally.