

Category	Model Legislation (link <a href="#">here</a> )	Minneapolis Proposal (link <a href="#">here</a> ) Minnesota Law (link <a href="#">here</a> )	Score
<b>BAN:</b> <b>Criteria for No Knocks</b>	<b>Ban on “No-knock”</b> except under the following, extreme circumstances: investigating and/or pursuing suspected offenses/offenders that involve murder, an active-shooter, hostage-taking, kidnapping, terrorism, human trafficking and barricaded suspect with a violent history.	<b>(No)</b> Proposal does not cite specific crimes/circumstances in which No Knock search warrants would be authorized. Proposal states “High-risk warrants (P&P 9-302 and P&P 9-303) may involve immediate entry or “unannounced entry.” Unannounced entry search warrants authorize officers to enter the specified premises without first knocking and announcing their presence or purpose prior to entering. The judge issuing the warrant indicates whether the warrant permits that type of entry, based on the case details.”	<b>Bans No Knocks:</b> <b>0 out of 2</b>
<b>BAN:</b> <b>Required Info. for No Knock Applications</b>	<b>Applications for a No-Knock warrants must include:</b> <ol style="list-style-type: none"> <li>1. an explanation of <b>how the circumstance rises to the no-knock criteria</b> of extreme circumstances (i.e. investigating and/or pursuing suspected offenses/offenders that involve murder, an active-shooter, hostage-taking, kidnapping, terrorism, human trafficking and barricaded suspect with a violent history)</li> <li>2. what investigative activities have been undertaken and <b>what information has been gathered</b> in the course of such activities to support the request for a no-knock search warrant, or why no such investigative activity is needed</li> <li>3. an explanation for why the affiant is unable to detain the suspect or search the premises <b>without knocking or announcing</b> their presence and using other less invasive methods</li> <li>4. acknowledgement that any officer/s who will execute the no-knock search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT members</li> <li>5. whether the no-knock search warrant can effectively be executed during daylight hours and, if not, what facts or <b>circumstances preclude effective execution in daylight hours.</b></li> </ol>	<b>(No)</b> Proposal does not include additional warrant application requirements for No Knock search warrants specifically. Proposal states “officers submitting a warrant application and Search Warrant and Risk Assessment form (MP-6946) shall indicate whether the warrant is requested to be an “entry with announcement” warrant (also called “knock and announce”) or is requested to permit “unannounced entry” (immediate entry), sometimes referred to as “no-knock” entry.”	
<b>RESTRICT:</b> <b>Required Information for ALL Warrants</b>	<b>Applications and Issuance for ALL Warrants must include:</b> <ol style="list-style-type: none"> <li>1. The <b>judge</b>, magistrate, or other official <b>authorizes search warrants based on facts affidavit</b></li> <li>2. <b>Search warrants are directed to law enforcement</b> within the jurisdiction of the property being searched</li> <li>3. All search warrants shall contain:</li> </ol>	<b>Partial</b>  <b>(Yes)</b> MN law states “The warrant, in addition, shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance.” and “a search warrant	

	<ul style="list-style-type: none"> <li>a. the date and time the warrant was issued</li> <li>b. name of the affiant</li> <li>c. the identity and description, of the person for whom a search warrant is being issued</li> <li>d. the offense, or probable cause, cited within the affidavit</li> <li>e. the objects or persons described in the warrant, if found there, to be seized</li> <li>f. location and description of the place to be searched</li> <li>g. a list of estimated ages and gender of any additional occupants, as well as any known individuals with cognitive and/or physical disabilities and pets at the property to be searched</li> <li>h. Intended course of action if no response from suspect w/in 30 seconds</li> </ul> <p>4. Search warrants not executed within 7 days of issuance are void</p> <p>5. An officer must provide evidence gathered 24 hours, or less, before executing to verify the person is present at the residence to be searched and that there are no significant changes to information contained within the application.</p>	<p>must be executed and returned to the court which issued it within <b>ten days</b> after its date.”</p> <p>(No) MN law states warrants may be directed “to a peace officer inside or outside the officer’s jurisdiction.” Proposal/law does not include warrant requirements: 2, 3g, 3h, 4 and 5.</p>	<p><b>Restricts all Search Warrants: 1.5 out of 6</b></p>
<p><b>RESTRICT: Officer in Uniform</b></p>	<p>Officers shall be <b>clearly recognizable and identifiable</b> as law enforcement officers in uniform. Officers shall wear visible badges containing names and identification numbers.</p>	<p>(No) Proposal/law does not state explicit requirements for officers to be in uniform.</p>	
<p><b>RESTRICT: Officer Announcement</b></p>	<p>The knock on the entrance of the property, and the <b>verbal identification of law enforcement officers</b>, shall be pronounced at a volume loud enough for officers to reasonably believe the suspect/s inside could hear.</p>	<p><b>Partial</b></p> <p>(Yes) Proposal states “During unannounced entry search warrants, MPD officers shall announce themselves as “Police” and announce their purpose as “Search Warrant” prior to crossing the threshold of the door into the residence or building.”</p> <p>(No) Proposal does not require officers to announce presence for <b>all</b> search warrants and language is passive. Proposal states “With “entry with announcement” search warrants, officers executing the search warrant generally must not immediately force their way into the premises. Instead, the officers must first knock, identify themselves as “Police” and announce their intent.”</p>	
<p><b>RESTRICT: Wait Time</b></p>	<p>Law enforcement officers <b>shall allow a minimum of 30 seconds for the occupants to respond and open the door</b> before they attempt to enter the residence, absent the existence of verifiable, exigent circumstances.*</p>	<p>(No) No specific wait time stated. Proposal states “With “entry with announcement” search warrants, officers executing the search warrant generally must... wait a reasonable amount of time for the occupants to</p>	

		allow entry into the premises.”	
<b>RESTRICT: Flash-bang devices</b>	Officers <b>shall not use flash bang, stun, distraction</b> or other similar devices unless verifiable, exigent circumstances* exist.	(No) Proposal does not ban/restrict use of flash-bang devices.	
<b>RESTRICT: Time of Day</b>	<b>The execution of all search warrants must be conducted between 9am and 7pm</b> , unless there is reasonable cause to believe that it can not be executed during those hours because 1. the person sought is likely to flee or commit another crime or 2. the person sought may endanger the safety of occupants or executing officers. In such case/s, the warrant request must contain facts to support such an application and must be approved by the judge issuing the warrant.	<b>Partial</b>  (Yes) MN law states “A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.”  (No) Proposal/law permits night-time raids for the destruction of evidence.	
<b>ACCOUNTABILITY: Restrictions for Exigent Circumstances</b>	In most jurisdictions, the claim of “exigent circumstances” allows for officers to execute any type of warrant in no-knock fashion. However, “ <b>verifiable exigent circumstances</b> ” would require proof that the situation was so high risk, and that there was an imminent threat to someone’s safety, warrant restrictions had to be modified.	<b>Partial</b>  (Yes) Proposal states “In exceptional circumstances when giving announcements would create an imminent threat of physical harm to victims, officers or the public, the supervisor may authorize officers to execute an immediate entry without making an announcement. For those circumstances when announcements are not made for any part of a warrant execution, the supervisor involved shall include the facts supporting the decision in their incident report.”  (No) Proposal does not define circumstances in which warrant requirements could be modified.	
<b>ACCOUNTABILITY: Property/Cash Seizures</b>	<b>Property and/or cash cannot be seized during the course of the search unless a lawful arrest is made</b> and these assets will be returned immediately to the arrestee if s/he is not convicted of the crime listed in the arrest.	(No) Proposal/law requires the defendant to file a motion for property to be returned. MN law states “A person aggrieved by an unlawful search and seizure may move the district court for the district	<b>Accountability: 2 out of 7</b>

		in which the property was seized or the district court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that (1) the property was illegally seized, or (2) the property was illegally seized without warrant, or (3) the warrant is insufficient on its face, or (4) the property seized is not that described in the warrant, or (5) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (6) the warrant was illegally executed, or (7) the warrant was improvidently issued.”	
<b>ACCOUNTABILITY Evidence Obtained</b>	Any <b>evidence obtained from a search warrant in violation</b> of this subsection <b>shall not be admitted into evidence</b> in any prosecution.	(No) Proposal does not specify when/how evidence would be inadmissible. MN law requires the defendant to file a motion for suppressing evidence.	
<b>ACCOUNTABILITY: Recording Devices</b>	All officers shall be equipped with body cameras, or other <b>video and audio recording devices</b> , tested for functionality at least 24 hours before execution, <b>turned on at least 5 minutes before the warrant is executed</b> and to remain on 5 minutes after the warrant service process is complete (i.e. the entire event in which officers are on the scene).	(No) Body cams/video recordings not required.	
<b>ACCOUNTABILITY Restitution</b>	<b>Restitution</b> shall be made <b>to any owner of a residence that experienced damaged or destroyed property</b> during the execution of a search warrant, and any medical or health care costs related to the search for any occupant of the property searched, unless such owner of the property is convicted of a crime pursuant to the search warrant.	(No) No specific restitution requirements.	
<b>ACCOUNTABILITY: Consequence</b>	<b>Officers in violation of these warrant requirements shall be subject to consequence</b> , including, but not limited to: rendering all evidence collected inadmissible, suspension of duty, fines, or termination for violating warrant requirements. Officers deemed to have been in <b>violation of the warrant requirements</b> shall be reported to the District Attorney's office.	(Yes) MN law states “MALICIOUSLY PROCURING SEARCH WARRANT; MISCONDUCT IN USE. Every person who shall maliciously and without probable cause procure a search warrant to be issued and executed, and every officer who, in executing a search warrant, shall willfully exceed the officer's authority, or exercise it with unnecessary severity, shall be guilty of a misdemeanor.”	
<b>ACCOUNTABILITY: Reporting &amp; Data Review</b>	<a href="#">Warrant Execution Report</a> completed within 72 hours of the warrant executions. An Independent Law Enforcement Oversight Board shall have access to the report, audio/video footage and all relevant investigation information for review on a bi-annual basis, at a minimum.	<b>Partial</b>  (Yes) Proposal requires “For those circumstances when announcements are not made for any part of	

		<p>a warrant execution, the supervisor involved shall include the facts supporting the decision in their incident report.” MN law states “The officer must immediately return the warrant to the court and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory.”</p> <p>(No) Proposal does not include comprehensive warrant report requirements, transparency measures and/or review protocol.</p>	
<p style="text-align: right;"> <span style="background-color: #c8e6c9; padding: 2px;">Yes=1pt</span>   <span style="background-color: #fff9c4; padding: 2px;">Partial=.5pt</span>   <span style="background-color: #ffcdd2; padding: 2px;">No=0pts</span>   <span style="background-color: #fff9c4; padding: 2px;">Total Score: 3.5 out of 15</span> </p>			

**\*Verifiable exigent circumstances** is defined as an event occurring in real-time that is life-threatening to the officer(s) and/or an occupant(s) of the property. In such cases, the officer(s) must be able to verify the perceived threat through video footage, required documentation and witness statements. Examples of verifiable exigent circumstances could include: hearing a round being chambered in a gun, an occupant screaming something threatening, seeing through a window an occupant or hostage held by a firearm, etc.