



Knock First Minnesota

An Initiative by the Community Justice Project of the
University of St. Thomas School of Law

Knock First Minnesota

Mission Statement: Every Minnesotan
deserves a chance to answer the door.

Twitter - @KnockFirstMN

Petition - <http://chnг.it/b2nbjRZqYx>



Minneapolis No-Knock Incidents.

- 1989 Deaths of Lillian Weiss and Lloyd Smalley.¹
 - Killed by fire created by a flashbang grenade.
 - Information turned out to be incorrect.
- Khang Family Incident.²
 - Information was also incorrect.
 - Khang fired on officers with a shotgun, believing it to be a home invasion.
 - Six children present.
 - Thankfully, no injuries or death.

¹Brunswick, Mark. "Retracing the raid – Survivors, police file offer clues on what went awry that fatal night," Star Tribune: Newspaper of the Twin Cities, March 19, 1989: 01A.

²Chanen, David. "Minneapolis police apologize for raid that led to gunfire" Star Tribune: Newspaper of the Twin Cities, December 18, 2007.

What is a No-Knock Warrant?

- Definition

- No-knock warrants provide an exception to the knock-and-announce rule for law enforcement.³
- The knock-and-announce rule for warrants is part of the Fourth Amendment and applicable to all federal and state law enforcement. The rule requires law enforcement to:
 - 1) audibly make their presence known [such as by knocking];
 - 2) announce their status as law enforcement;
 - 3) announce the purpose of the law enforcement presence; and
 - 4) delay for a period sufficient to permit the occupants to reach and open the door. In general, a delay of thirty seconds is sufficient before forced entry is permissible.⁴

³United States v. Ramirez, 523 U.S. 65 (1998).

⁴Wilson v. Arkansas, 514 U.S. 927 (1995).

What is a No-Knock Warrant?

- Inception

- The origin of no-knock warrants can be traced to the Nixon administration's War on Drugs.
 - The justification for the use of no-knock warrants is that unannounced entry will prevent harm to officers and prevent the destruction of evidence.
- Several War on Drugs policies incentivized the increase in Special Weapons and Tactics (S.W.A.T.) team utilization throughout the country.
- S.W.A.T. teams use paramilitary tactics and gear to perform their duties.
- S.W.A.T. teams will often be the party performing forced entry during the execution of no-knock warrants but aren't required to.⁵

⁵ Brian Dolan, NOTE: TO KNOCK OR NOT TO KNOCK? NO-KNOCK WARRANTS AND CONFRONTATIONAL POLICING, 93 St. John's L. Rev. 201, 211 (2019)

Constitutional Issues

- Inherent Conflicts with:
 - Fourth Amendment
 - Right of Privacy in One's Home
 - Castle Doctrine of Self-Defense
 - Second Amendment
 - Right to keep and bear arms.
 - Should gun ownership really be grounds for unannounced entry?
 - Racial Disparity – According the ACLU report “War Comes Home”, minorities are disproportionality the subject of forced entry by law enforcement.
 - Presumption of Innocence (Fifth, Sixth, and Fourteenth Amendments) established in Coffin v. United States, 156 U.S. 432, 15 S. Ct. 394 (1895).
 - Assumes the crime of destruction of evidence, violence towards law enforcement, and at the very least obstruction of justice. ⁶

⁶ Brian Dolan, NOTE: TO KNOCK OR NOT TO KNOCK? NO-KNOCK WARRANTS AND CONFRONTATIONAL POLICING, 93 St. John's L. Rev. 201, 216-218 222-223 (2019)

No-Knock Warrants Today

- Legality of No-Knock Warrants

- States

- Florida – Judicial Ban. ⁷
 - Oregon – Statutory Ban. ⁸
 - Utah – only state with mandatory tracking of forced entry by law enforcement.⁹
 - Virginia – Statutory Ban. ¹⁰

- Cities

- Banned in Louisville, Memphis, Indianapolis, Topeka, San Antonio, Houston.
 - This is a growing list.
 - Still available to law enforcement in Minneapolis.

⁷ State v. Bamber, 630 So. 2d 1048 (Fla. 1994)

⁸ Or. Rev. Stat. Ann. § 133.575

⁹ Utah Code Ann. § 77-7-8.5

¹⁰ Code of Virginia §19.2-56

Current Minneapolis Policy

- November 25th, 2020
Minneapolis published first policy on no-knock warrants.
- Mandatory tracking of use of no-knock warrants
 - Awaiting data request for January, 2021 no-knock warrant use information.





Effectiveness of the Minneapolis Policy

- Prior to November 2020 policy city executes an average of 139 no knock warrants a year
- Fails to address/limit/regulate warrant use
- No news is not necessarily good news for no-knock warrants.

A scenic view of the Minneapolis skyline featuring several skyscrapers and a large stone arch bridge over a body of water. The sky is blue with wispy clouds, and the bridge's arches are reflected in the water.

Minneapolis PCOC

- Call for the establishment of a monthly audit of forced entry by the Minneapolis Police Department.
- Data request DR21_017335

Questions, Comments, or
Suggestions Welcome.

Thank you.