

The Amir Locke End Deadly No-Knock Warrants Act

Sponsor: Rep. Ilhan Omar

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By law, all officers must knock and announce themselves before entering a private home to execute a warrant. In some cases, law enforcement officers may petition a judge to grant them a no-knock warrant if they believe that knocking and announcing themselves would compromise retrieval of evidence and/or the safety of the officer or another individual. While no-knock warrants were rarely granted were meant to be used in rare and exigent cases, that changed in the 1970’s when the “War on Drugs” was launched and such warrants became a common practice, disproportionally targeting marginalized communities, people of color, and the poor. It is important that we reform the requirements of granting no-knock warrants are grants and executed.

My bill will ban the authorization of no-knock warrants based simply on the prevention of the destruction of drug evidence. A warrant may only be issued if law enforcement officers have provided “clear and convincing evidence, supported by particularized facts” showing that entering the property without announcing their presence and intention would substantially endanger the life or safety of the law enforcement officer or other persons. An application for a no-knock warrant shall be approved if it meets the following requirements:

**Requirements for Issuance**

* Requires that a court issuing the warrant evaluates whether there will be children, individuals with a disability, individuals who are elderly, or other vulnerable individuals present at the location
* Requires the head of law enforcement agency to approve the warrant before it goes to the judge for final signature
* Requires that warrants are executed during daylight hours

**Knock and Announce Requirements**

* Bans the use of explosive devices such as flash-bang stun grenades and other explosive devices
* Requires that officers be recognizable and identifiable as a uniformed law
* Requires that officers knock and audibly announce their identity as a police officer, authority pursuant to the warrant, and purpose
* Requires that a knock and announcement be provided in a manner reasonably expected to be heard by occupants of the premises to be searched based on the size and nature of the location
* Requires that officers delay entry for a sufficient amount of time after the announcement, based on the size and nature of the premises and occupants, to allow the occupant a reasonable opportunity to respond
* Requires that any subsequent entry and search of the premises shall be recorded by a body-worn camera or other government issued recording device and
* Requires that a safety plan is in place to ensure the safety of vulnerable individuals who may be present

**Data Collection and Reporting on**

* Items to be seized
* Items actually seized
* Number of no-knock warrant applications
* Number granted
* Number of forcible entries made while executing warrants (both where no-knock is explicitly authorized by the warrant and when not explicitly authorized), and
* Injuries that occur during the execution of warrants (sustained by both law enforcement and others)

My bill would require evidence obtained in violation of these requirements may not be admissible in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States.

Moreover, should a law enforcement agency of a State or unit of local government may not receive funds made available to the State or local government under the Byrne grant program or the COPS grant program if the agency does not have in effect policies meeting the following requirements.

Should you have any questions, please contact Maria Martirosyan (Maria.Martirosyan@mail.house.gov).

Sincerely,

Ilhan Omar

Member of Congress