

# NTOA Position on No-Knock Warrant Service

No-knock warrant service has been the subject of many discussions over the past 30 years. These conversations often result in vigorous and passionate debates, and more often than not end with an agreement to disagree. Recent high-profile incidents have refocused the spotlight on this issue, resulting in renewed scrutiny and making no-knock warrants a key issue in the police reform movement.

We at the NTOA have had this same experience and are intimately aware of the complexities of this topic. As experienced law enforcement professionals, we appreciate the challenges facing policing, and our intent is not to add to those difficulties.

We can all agree that there is no easy answer, but there is a *correct* answer: No-knock search warrants, though well-intended, no longer pass the test of tactical science, risk mitigation practices, and liability-conscious decision-making.

The NTOA's position on this is not new, nor is it a surrender to the forces of change. Still, we appreciate that this blunt and definitive statement is likely to cause angst and believe we must explain our reasoning.

The NTOA was created with a mission to help save lives through training, education and tactical excellence, and has been teaching and writing about the no-knock issue for years. This mission has not changed.

No-knock is a legal/judicial exception to the constitutional knock-and-announce requirement. No-knock warrants became popular within policing during the "War on Drugs" of the 1980s. The fact that those dealing in illegal narcotics were often armed and had criminal histories involving

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violence, coupled with the threat of evidence destruction, created a dangerous challenge for law enforcement. As a result, law enforcement adopted the tactics of surprise, speed, and “violence of action” (intimidation). Law enforcement hoped that this combination would quickly overwhelm any resistance and avoid injuries.

The no-knock exception was the critical element to the surprise component of the tactics. It wasn’t long before no-knock became synonymous with dynamic entry/movement. Even today, the two terms are inextricably linked. The no-knock became a tactic used for many, if not most, warrants during the 1980s and early to mid-1990s. More often than not, these missions were successful, sometimes despite ourselves. Unfortunately, we also began to notice a pattern of SWAT officers losing their lives or being seriously injured. Multiple incidents of loss of life forced the NTOA and many agencies to re-examine how we managed risk and to seek alternatives to the no-knock “tactic.”

For years, the NTOA has advocated for the priority of safety and life, which drives strategic decision-making and critical thinking for the development of operational plans and orders. Tactical leaders and supervisors create these plans daily while sending personnel into harm’s way. These safety priorities are well known to all of us, but as a reminder, they are:

1. Hostages/victims
2. Innocent bystanders
3. Public safety personnel (Police, EMS, Fire)
4. Suspect(s)
5. Drugs/evidence (Controlling objective)

Agencies initially used no-knock search warrants to protect the officer from violence and preserve evidence for the prosecution. Though the intent sounds reasonable and is noble in theory, the practice is flawed at its very core. Evidence is the controlling objective for most search warrants, which is the reason for the warrant’s planning and service. Though it is the controlling objective, we must apply sound risk mitigation principles to the problem to better serve the ultimate end state: “suspect(s) in custody and investigation to continue.” We understand the priorities of safety and life. We know from a critical thinking perspective how to build proper strategy to provide effective tactical resolution to the problem while maximizing safety.

For example, if the warrant is for the recovery of drugs, the no-knock warrant purpose is to preserve evidence. The safety priorities ensure the safety of the officers, innocent bystanders, and the suspect before preserving evidence. If the no-knock warrant is used based on the propensity of violence, this further violates the safety priorities. Stealth entry, approach, breaching of the door, crossing

the threshold, or other covert means of access only risk the following scenarios:

- The misidentification by the occupants of the police as intruders;
- The compression of space and time negatively affects the ability to correctly interpret situations and the environment for both the police and occupants;
- The misidentification of intent on the part of occupants and the police;
- Police create an environment along with the suspect’s intentional or unintentional actions requiring correct interpretation from both sides, which often does not occur, leading to an unfortunate tragedy.

The NTOA’s template for sound, defensible risk mitigation is straightforward. Consider all aspects of the mission, including the objective(s), intelligence and applicable legal constraints. Next, consider all of the tactical options at your disposal, and then using the safety priorities, select the safest alternative possible to accomplish your mission. Finally, have the flexibility to adjust to the circumstances (exigency) as they present themselves.

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The strategy and tactics developed on a search warrant should always speak to the safety priorities based on intelligence known to the officers. Applying tools and tactics that can be justified and supported by risk mitigation and the safety of all concerned within the environment is mandatory.

When considering the priority of safety and life, it is difficult, at best, to justify or defend no-knock warrant service. Lessons learned over many years and our desire not to repeat our past mistakes are the foundation for our position.

The NTOA has one overriding objective: to save lives. Thank you all for your service.

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