



OPPOSE HB 0451

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Summary: HB 0451- Ban No-Knock Search Warrants

- Bans No-knock search warrants.
- Requires officers to be “recognizable and identifiable” as a uniformed law enforcement officer.
- Mandates officers provide audible notice of their authority and purpose (knock and announce). The notice should be loud enough to be reasonably heard by occupants of the place to be searched prior to the execution of the search warrant.
- Authorized Search warrants shall be executed only in the daytime unless:
 1. A judge authorizes the execution of the search warrant at another time for good cause shown; or
 2. the search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.
 3. Officers shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time. Such reasonable efforts shall be documented in an affidavit and submitted to a judge when seeking the authorization.
 4. Any evidence obtained from a search warrant in violation of this subsection shall not be admitted into evidence for the State in any prosecution.

Specific Objections

- No-Knock search warrants are already scrutinized by a representative of the States Attorney’s Office and the authorizing Judge. Officers must justify the need for a No-Knock Warrant in a sworn affidavit—i.e. “Must show there is an inherent threat of danger to officers, the occupants and/or the public if required to knock and announce”;
- Knock warrants increase risk to officers and the occupants of the structure to be searched in those situations where a No Knock is warranted. They eliminate the element of surprise and increase the opportunity for the subject to arm himself/herself. In return this increases the chance additional force will be needed.
- The clause “recognizable and identifiable as a uniformed law enforcement officer” is vague and not defined. Whose perception is this based upon? Most No-Knock warrants are deemed high risk and executed by tactical teams wearing tactical uniforms. Some are served by officers wearing Class B Uniforms or soft clothes w/police markings. I would argue these officers are recognizable and identifiable but are these examples legally sufficient to meet the requirements of this bill?
- Limiting the time of day all search warrant can be served places officers at a tactical disadvantage and increases the danger and risk of injury to all. Designating a specific period to serve the warrant may cause a false sense urgency leading to increased risk.

- Seeking authorization from a judge to serve the warrant at another time is duly burdensome and will require multiple stakeholders to be involved and lead to unnecessary delay, increased risk, and potential loss of evidence.

Conclusion

- This bill will increase risk to both officers and the occupants of the place to be searched by banning the already limited use of No-Knock search warrants.
- It will place officers at a tactical disadvantage and increase an offender's opportunity to arm themselves, attack officers, destroy evidence and/or flee.
- This law is not needed since additional oversight and legal scrutiny is already provided by the state's attorney or his/her designee along with authorizing judge.
- While already appropriately limited, No-Knock warrants are a necessity to officer and public safety under the appropriate circumstances and should be an option when needed.
- The state has placed additional safety measures on the execution of No-Knock warrants through the passage of the Safe-T-Act (HB3653) to include the mandates that officers wear BWCs or otherwise record the event along with the development of a plan to address the presence of children or vulnerable people on-site.
- We support industry best practices and training for those executing No Knock Warrants in effort to ensure the safety of all. However, we oppose a blanket ban on No Knock warrants.