

Articles

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1. “First, carefully state the reasonable suspicion that providing notice would permit the destruction of evidence (and why alternative means of preventing the destruction are not reasonable), and/or why providing notice would endanger the officers or others. Second, ensure the stated basis for a no-knock entry is included in both the affidavit and the warrant. A best practice is to ask a prosecutor or department legal advisor to review both documents for legal sufficiency and consistency. At the very least, ask an experienced investigator to proofread the affidavit and warrant.”

Source: Ken Wallentine, [“Justifying a No-Knock Entry,”](#) Lexipol, Nov. 19, 2019

2. This article contains a proposed list of prohibited practices in the execution of a search warrant. It identifies as “aggressive tactics” the “wearing of ninja-like, all-black uniforms, masks, and hoods,” “unnecessary shouting,” and “use of battering rams.”

Source: [“Stop the Deadly No-Knock Raids,”](#) Stop the Drug War.Org (undated)

Nighttime warrant:

3. “The question is, is the magistrate judge’s decision not to allow a nighttime search in *Jones* more like a binding particularity determination or more like a non-binding no-knock determination? On one hand, there’s a good argument that it’s like a non-binding no-knock determination. The question, in both instances, is whether the government had an added justification to make an extra-invasive search reasonable. *Richards* says that this has to be judged at the time of the search for a no-knock search and that the magistrate decision is irrelevant. It’s not clear why a different approach is called for in the case of nighttime searches. On the other hand, a decent argument could be made that the kind of facts that might justify a nighttime search are in general less exigent than the kinds of facts that justify a no-knock search. Maybe the magistrate’s no-knock determination is irrelevant because that’s a decision that has to be made at the search site while the proper hour of the search can be determined earlier by the magistrate.”

Source: [“Opinion: If a magistrate issues a warrant for a daytime search, when \(if at all\) can it be executed at night?”](#) Washington Post, August 29, 2016

See further the referenced case, [Jones v Kirchner](#) (D.C. Circ, 2016)