

Effort to restrict police use of ‘no-knock’ warrants in Utah stalls in House committee

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SALT LAKE CITY — A Utah bill to limit “no-knock” warrants that allow police to force entry into people’s homes without warning faltered in a legislative committee on Friday, struggling to find enough traction to clear its first legislative hurdle.

No-knock warrants have received nationwide scrutiny since the high-profile death of Breonna Taylor, a 26-year-old Black woman who was shot and killed after Louisville, Kentucky, police forced entry into her apartment during a botched raid.

Taylor’s death on March 13 — along with George Floyd’s killing May 25 — became a symbol for the nationwide movement calling for police reform and an end to racial injustice. In the wake of her killing, the Louisville Metro Council banned no-knock search warrants. So did the states of Virginia, Florida, Oregon, and at least 13 local governments or police departments.

But Utah lawmakers and law enforcement officials in the House Law Enforcement and Criminal Justice Committee balked at HB245, a scaled-back bill that wouldn’t outright ban no-knock warrants, but place more guardrails around the tactic.

“No-knock warrants are one of the most dangerous situations police officers can put themselves in,” said bill sponsor Rep. Craig Hall, R-West Valley City.

Hall told lawmakers on the House committee that one of his constituents thought burglars were trying to break in when police served a no-knock warrant on his home in the late ’80s.

“He thought he was being robbed. He grabbed a gun and shot at the people who came through the door,” Hall said.

The man was charged with attempted murder of a police officer and served 17 years in prison, Hall said.

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“To this day, he still contends he did not know it was the police,” Hall said, adding that since then the man has “turned his life around,” is now a “licensed plumber” and provides scholarships for children of incarcerated prisoners.

Hall argued no-knock warrants put both residents and police officers in danger, and should not allow “high risk” situations “unless the circumstances justify it.”

So Hall is pushing HB245, though on Friday he put forth several changes.

The bill, and its proposed changes, require no-knock warrants to be served only during daytime hours unless police provide “sufficient grounds” to serve it at night, as well as ban no-knock warrants solely for the possession or use of a controlled substance.

It would also require a police officer, under most circumstances, to knock and demand admission at least more than once (watered down from an earlier version that would require at least three separate times); wait a “reasonable period of time” (changed from at least 30 seconds) for the building’s occupant to arrive at the door, assuming they’re coming from the farthest point away in the home; and explain the purpose for entry.

The bill, however, would allow a police officer to not knock more than once or wait for entry “if the officer has probable cause to believe that an occupant has knowledge that the officer is demanding entry and is unwilling to promptly allow the officer entry.” The bill would also allow an officer to not

identify him or herself before forcing entry “when there is a present or imminent threat of serious bodily injury or death to a person inside or outside the building,” according to the legislation.

The bill would also require, before a no-knock warrant is sought from a judge, a police supervisor to perform a risk assessment to evaluate the circumstance, “ensure reasonable intelligence-gathering efforts have been made” and determine “either that there is a sufficient basis to support seeking a warrant or that the officer must continue intelligence-gathering efforts.”

The bill also states police must explain in an affidavit why they believe they would be unable to detain a suspect or search the home “using less invasive or less confrontational methods” and they’ve investigated “to ensure that the correct building is identified and that potential harm to innocent third parties, the building and officers may be minimized.”

Groups including the Libertas Institute, NAACP Salt Lake Branch and the American Civil Liberties Union of Utah urged lawmakers to support the bill.

“Of course the story of Breonna Taylor grips the nation” and demonstrates the “dangers that arise” from no-knock warrants, said Marina Lowe, legislative and policy council for the ACLU of Utah.

Lowe pointed out several states have already taken action to either ban or restrict no-knock warrants, describing a “dangerous cocktail” that’s becoming more and more common with increased gun ownership and increased use of no-knock warrants that rose out of the U.S. war on drugs.

“It’s not an outright ban on no-knock warrants,” Lowe said, “but a reasonable measure to ensure safety of officers and those inside their home.”

But the proposed tweaks to Hall’s bill caused heartburn for law enforcement officials, so they urged lawmakers to give them more time for review. Lawmakers abided.

“This is a very complicated bill,” Rep. Paul Ray, R-Clearfield, said. “Our goal as a committee is not just to move something out to keep it moving. ... We’ve been lectured by leadership to get it right.”

So Ray proposed the committee hold the bill and spend more time on it next week before voting whether to advance it to the House floor. The group unanimously agreed to do so.

The same committee, however, did give a thumbs up to [HB283](#) to create a new advisory body called the Community and Police Relations Commission.

The commission would be meant to field community complaints, recommend best practices for police, collect data and create reports for the governor and Legislature “addressing systemic issues of inequality and racial disparities.”

As currently drafted, the commission would have about 22 seats, including for the Utah Department of Public Safety commissioner, the Utah Commission on Criminal and Juvenile Justice director and the Utah Division of Multicultural Affairs director.

It would also have five seats for members nominated by “community, minority or civil rights organizations” and appointed by the director of the Utah Division of Multicultural Affairs; two members from the Utah House appointed by the House speaker, two members of the Senate appointed by the Senate president, the executive director of the Chiefs of Police Association, the president of the Utah Sheriff’s Association, one representative appointed by the executive director of the Department of Human services, one representative of the faith community appointed by the commission’s chair, one representative of the refugee community appointed by the director of the Utah Division of Multicultural Affairs, the director of the Utah Division of Indian Affairs, the president of the Utah Statewide Association of Prosecutors and Public Attorneys, the president of the Utah Association of Criminal Defense Lawyers, and one member of the Utah Attorney General’s Office.

The bill’s sponsor, Rep. Mark Wheatley, D-Murray, and Utah Public Safety Commissioner Jess Anderson urged lawmakers to support the bill, explaining it would formalize meetings between stakeholders that began after the 2020 summer of unrest and to keep that dialogue going.

“It will be an opportunity to hear the public, an opportunity to be transparent,” Anderson said.

Some members of the public spoke against the bill, including members of the group United Citizen Alarm, previously known as Utah Citizens' Alarm, a pro-gun group of about 20,000 that was formed in response to protests against police brutality last year. The group was removed by Facebook because the social media platform deemed it a public safety threat.

Those who opposed the bill griped that the commission's makeup didn't represent rural police agencies well enough, that not enough police officers were given seats on the board, and its members would likely be critical of police.

Lawmakers including Rep. Matthew Gwynn, R-Farr West, who works in law enforcement, and House Majority Leader Francis Gibson, R-Mapleton, said they would support the bill if it included an amendment to include a seat for a police officer who works on the streets, rather than just law enforcement leaders.

The committee ultimately voted 7-1 to endorse the bill and forward it to the House, though Gibson warned he would "vehemently oppose" it if it didn't have that amendment by the time it's considered on the House floor.

The House committee also unanimously endorsed SB102, a bill to allow immigrants who are legal permanent residents of the U.S. to serve as police officers.

Testimony about a man who had always dreamed as a boy of growing up to be a police officer but so far hasn't been able to due to his immigration status moved the committee's chairman, Rep. Ryan Wilcox, R-Ogden, to tears.

"Good representatives have hearts," the bill sponsor, Senate Minority Leader Karen Mayne, D-Salt Lake City, told Wilcox right before the vote.

The bill now goes to the full House, its final legislative hurdle.