

## Utah legislative committee holds watered-down bill addressing controversial no-knock warrants

The bill's sponsor and law enforcement groups remained at an 'impasse' over a provision prohibiting no-knock warrants when their aim is to preserve evidence.

By Taylor Stevens

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A watered-down version of a bill seeking to rein in the use of controversial “no-knock warrants” — which allow police to burst into someone’s home without warning in order to make an arrest or search for evidence of crimes — stalled again in a House committee on Tuesday.

After making substantial concessions to law enforcement groups that were opposed to the bill as it was originally drafted, Rep. Craig Hall, R-West Valley City, said the proposal, HB245, would now primarily do one thing: prohibit the use of no-knock warrants when their aim is solely to preserve evidence.

“If the only reason to go inside the house is to preserve evidence, then we should limit that to knock and announce instead of no-knock in order to reduce the threat and risk of confrontation,” Hall argued Tuesday, noting that these are among the most dangerous missions law enforcement officers will go on.

His original bill would have restricted no-knock warrants to instances where there is an “existing, imminent threat of serious bodily injury or death to a person inside the building.” The new version he proposed Tuesday, which was ultimately not adopted, would have allowed for an existing or imminent threat outside of a building as well.

Hall also removed the requirement that, in cases of a knock-and-announce warrant, police knock loudly at least three times and then wait at least 30 seconds before they could forcibly enter. The amended bill would have required them to knock and demand entry more than once and wait a “reasonable” amount of time before busting in.

Despite these compromises, the West Valley City Republican said he and law enforcement groups remained at an “impasse” Tuesday over the provision that no-knock warrants be used only in cases where there is an imminent threat to a person inside or outside of the building.

If the committee opted to remove that language from the proposal, Hall said, “I don’t know that there’s much of a bill left.”

While many expressed appreciation for Hall’s engagement with them on the bill, police groups came out in force during public comment to oppose it on Tuesday.

They said they employ the tactic sparingly, and that there are already guardrails around its use. But they argued that disallowing no-knock warrants in some cases would “remove a tool from our tool belt,” as Woods Cross Police Chief Chad Soffee put it.

Steve Garside, with the Statewide Association of Prosecutors and Public Attorneys, struck a similar tone, arguing that evidence for crimes including pornography and human trafficking “could be destroyed if this tool is taken away.”

“Yes, we have several tools and I’m sure that each one of us in our shops have several tools,” he said. “Just because we don’t use one doesn’t mean we want to get rid of it because the time may arise when it would be necessary.”

Others said they felt the proposal indicated a lack of trust for police decision-making and argued that no-knock warrants can be safer than knock-and-announce warrants under certain circumstances.

While law enforcement groups were universally opposed, the American Civil Liberties Union of Utah and the Libertas Institute spoke in support of the bill Tuesday, arguing that it was a “reasonable” effort to address concerns about the dangers of no-knock warrants, which have led to deadly shootouts in Utah and elsewhere — most notably in the death of Breonna Taylor in Louisiana.

“Just a few years ago in Cottonwood Heights: Several innocent people in the home, 3 a.m., explosives, officers go in the door, all kinds of trauma,” recounted Connor Boyack, president of the libertarian-leaning Libertas Institute. “These things do happen in Utah. They happen elsewhere.”

And while several law enforcement officers spoke about the destruction of child pornography and other evidence as reasons for needing the tool, he said that data collected by the state shows no-knock warrants are most often used for drug cases.

Marina Lowe, legislative and policy counsel with the ACLU of Utah, noted that the bill was not an outright ban on no-knock warrants, a move policymakers in several other states have contemplated in light of Taylor’s death.

Instead, she said, the bill addressed the question of whether they should be reserved in cases where “somebody is likely to be subject to serious bodily injury or death” rather than in dangerous situations “that may come to backfire against the officer ... and also the people who are living within that home.”

Rep. Kelly Miles, R-Ogden, said he thought Hall had come to a good compromise on the bill after making concessions on “90% of the concerns” raised by law enforcement.

“If we make a policy change that says we don’t want to use no-knock warrants if the only purpose is to preserve evidence, then I think our good law enforcement officers won’t be under pressure to say, ‘Well, that was the only way to get the evidence, so we’ve got to do it,’” he said.

If the bill passed, police would either come up with another way to get the evidence they need, or they’d come back to the Legislature in a few years asking that no-knock warrants for the purpose of preserving evidence be reinstated, Miles said.

“But I think the risk of harm is so great, I think it’s definitely worth this committee taking the chance of passing this,” he added.

Rep. Andrew Stoddard, on the other hand, spoke against the bill, noting that he was concerned it sent a message that “law enforcement officers aren’t capable of making these decisions themselves.” And after hearing questions from lawmakers and comments from the public, the Murray Democrat made a motion to hold the bill, arguing that it needed more conversation and consensus with law enforcement before moving forward.

“These do have the potential to go horribly wrong, and I think that’s been acknowledged by everyone,” Stoddard, a prosecutor, said of the no-knock warrants. “But I also think that our law enforcement officers are using them very judiciously.”

The committee had previously considered the bill last week but voted to hold it for more discussion and amendments after hearing from people on all sides of the debate. It's unclear whether the bill will be brought back for a third hearing after being held again Tuesday.

Hall said in a message Tuesday night that he planned to continue talks with law enforcement about possible changes to the bill.

"I had a good conversation with several of them after the committee meeting, and we are exploring options," he added.