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Re:

Further Information on Raleigh Police Department's Unconstitutional and Dangerous Practice of Entering Homes Too Quickly While Executing Search Warrants

Date:

July 18, 2023

We at [Emancipate NC](https://www.emancipatenc.org) are writing to again thank the USDOJ for taking the time to meet with us via Zoom on May 24, 2023, after we sent a letter to you in April regarding

the Raleigh Police Department's use of unlawful patterns and practices resulting in constitutional violations.

As a nonprofit organization dedicated to ending mass incarceration and structural racism in the legal system in North Carolina, we have a vested interest in ensuring not only that the Raleigh community is aware of the Raleigh Police Department's dangerous and unjust practices, but also that the USDOJ has the information it needs to expeditiously investigate and address these issues as they arise. Although our April letter highlighted a variety of unlawful practices endemic to city policing in Raleigh, this letter will focus more deeply on the prevalence and abuse of "Quick Knock" warrants as deployed by the Raleigh Police Department to circumvent the rights of North Carolinians to be free from unreasonable search and seizure.

As you will see below, Emancipate NC has documented RPD's use of "Quick Knock" warrants, as well as the failure of RPD to institute policies to ensure that the constitutional rights of North Carolinians to be free from unreasonable search and seizure are respected by ensuring actual, appropriate notice is given prior to RPD's entry into a private residence when executing search warrants.

"Quick Knock" Warrants Are Used to Evade the Spirit of "No Knock" Warrant Bans

Law enforcement officers in North Carolina who are executing search warrants under state law must, prior to entering a home, "give appropriate notice of his identity and purpose to the person to be searched, or the person in apparent control of the premises to be searched." N.C. Gen. Stat. § 15A-249. An officer may only dispense with the requirement of "appropriate notice" if they have "probable cause to believe that giving notice would endanger the life or safety of any person, or if they have announced their identity and purpose and reasonably believe that admittance is being denied or unreasonably delayed or that the premises are unoccupied." N.C. Gen. Stat. § 15A-251.

Only an exigent circumstance rising to the level of fear of endangerment for a person or the reasonable belief after announcement of identity that admittance is being unreasonably withheld would create conditions where a law enforcement officer could lawfully dispense with the requirement that appropriate notice is given.

Although the use of "No Knock" warrants, under which law enforcement enter a private residence with no warning, have rightly [been banned by RPD](#) as a result of the [Irving et al. v. City of Raleigh, et. al., 22-cv-68](#) (EDNC) litigation, the use of "Quick Knock" warrants, which typically result in the breach of a home *within just 0-3 seconds* of law enforcement's knock and announcement, remain ostensibly permissible and are currently deployed by the RPD multiple times per week. In many cases the use of a "Quick Knock" warrant versus a "No Knock" warrant is a distinction only in name, as law enforcement may use a "Quick Knock" warrant to enter a home mere fractions of a second

after knocking, presenting the same risk of significant violations of residents' civil rights as "No Knock" warrants when there is no justifiable exigency to permit sudden entry.¹

We believe that RPD has banned "No Knock" warrants as a public relations strategy, following high profile deaths resulting from these practices in other jurisdictions and community and litigation demands to end them here, and then, has continued to use dangerous "Quick Knock" entries as a matter of general course, thereby evading the purpose and spirit of the ban.

RPD Admits to the Practice of Entering Homes Via "Quick Knock" Warrants and Acknowledges There is No Standard Protocol for Quick Knocks

Although references to "Quick Knocks" may not be prevalent among the RPD, multiple members of the force have admitted not only to the regular use of these often dangerous tactics but also to the fact that there appear to be no official policies, written or otherwise, governing how much time *should* elapse between the time when officers knock and identify themselves and when they breach the threshold to the home.

In the [Irving](#) litigation, Emancipate NC represented ten Black women and children whose homes were illegally raided by RPD using "No Knock" tactics and who were unlawfully detained by RPD because of evidence fabricated by RPD and the use of an unreliable confidential informant.² When law enforcement officers were deposed in the litigation regarding the use of "No Knocks" and "Quick Knocks" tactics during the execution of search warrants, time and again the members of the Special Enforcement Unit (SEU), the team within RPD that is responsible for executing search warrants, could not point to any governing policy that would ensure that, in most cases, the RPD would respect the constitutional rights of people in Raleigh by providing any set amount of adequate time after knocking and prior to entry in private residences.

¹ The Supreme Court has repeatedly held and reaffirmed existing case precedent holding that police officers must knock, announce their presence, and wait a reasonable amount of time before entering a private residence. *See e.g., Hudson v. Michigan*, 547 U.S. 586 (2006), *United States v. Banks*, 540 U.S. 31 (2004), *Wilson v. Arkansas*, 514 U.S. 927 (1995). Failure to do so constitutes a violation of the Fourth Amendment right to be free from unreasonable searches and seizures. Although the Supreme Court has never held that any set number of seconds qualifies as a reasonable mandatory waiting period after law enforcement knocks and announces their presence for every situation, in *Banks*, the Court held that 15-20 seconds was a reasonable amount of time for law enforcement to wait prior to forcible entry when executing a search warrant relating to drug charges. The purpose of the announcement rule is to give residents fair warning of an impending entry into the privacy of their homes, so that they have an opportunity to permit entry voluntarily, and so they are not unduly surprised. Surprise may lead to residents misapprehending the situation, and believing they are subject to a home invasion, leading them to grab a weapon. This can lead to tragic consequences, including loss of life of either residents and/or law enforcement.

² The parties in the *Irving* litigation [reached a settlement](#) for a \$350,000 payment by the Defendant City of Raleigh in May 2023, subject to approval by the Raleigh City Council, its insurer, and the federal district court.

For example, when Officer Daniel Twiddy was asked about specific protocol relating to the execution of search warrants for narcotics, he simply stated how long an officer would wait would “depend on the situation” and failed to provide any specific or estimated recommended time to wait to ensure that the execution of the search warrant would be constitutionally compliant. Officer Twiddy stated, “[t]here’s not a set time.”

Twiddy speculated that on average law enforcement would on average wait 3-5 seconds when executing a search warrant after knocking and announcing prior to entering the home, stating “five seconds could feel like a long time when you’re standing at a door.” Conversely, Twiddy didn’t believe he had ever waited 20 seconds when executing a warrant on a drug investigation and couldn’t recall if he had ever waited even 10 seconds.

As outlined in the next section, videos reviewed by the Emancipate NC legal team show that on multiple occasions, the SEU team has entered homes between 0-3 seconds after knocking and announcing, not even waiting the 3-5 seconds that Twiddy speculates as an average time, and a fraction of the 15-20 second timeframe that the U.S. Supreme Court found to be a reasonable time for law enforcement to wait when executing a search warrant in a drug investigation in *United States v. Banks*.

Q. And how long do you generally wait after making the announcement before breaching a door?

A. It depends on the situation.

Q. And how do you make that decision, then?

A. Depends on the evidence and circumstances of why we're there.

Q. So if it is a search warrant for narcotics, is there a particular protocol?

A. We knock and announce, yeah, and then if the door is locked and we need to breach it, then we'll breach it.

Q. And how long between the knock-announce and the breach?

A. I don't know. It depends. There's not a set time.

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Q. What's the maximum amount of time you would plan to wait before going in?

A. Like I said, it depends. Like, it depends on the facts of that specific case. I can't give you a set time for every single one.

Q. I'm not asking every single one. In your memory, what's the longest time that is proposed?

A. The longest time? I don't know. Three to five seconds sometimes. I'm not saying that's the longest, but sometimes that's what it is.

Q. Is that on the longer end?

A. Five seconds could feel like a long time when you're standing at a door.

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Q. And what is the maximum time that you can recall planning?

A. A maximum time? I don't know. Like I said, three to five seconds sounds pretty average. I don't know a max off the top of my head.

Q. Have you ever made a plan to wait 20 seconds?

A. On a drug warrant?

Q. Yes.

A. I don't think so.

Q. What about 15 seconds?

A. On a drug warrant, I don't think so.

Q. How about 10?

A. I don't know.

Q. You don't recall?

A. Correct.

Q. It could have happened?

A. Maybe.

Q. You look dubious.

Similarly, Officer David Mead acknowledged that the only policy setting standards for knocking, announcing and entering when executing search warrants was limited to “announc[ing] our authority and intent and purpose” and did not provide for any recommended period of time to elapse between the knocking and announcement and entry.

Q. Were you trained on how long you should wait between knocking, announcing and entering?

A. There's no set number. Again, our policy just states that we need to announce our authority and intent and purpose.

Although Sergeant David McDonald acknowledged that entering a person's residence unannounced creates a serious risk of danger, he could not provide any guideline or recommended time under which law enforcement should wait prior to entering a person's home. That members of RPD consider the time to be allotted between announcement and entry dependent upon no specific standard other than "upon what the [resident's] ability to understand time is," suggests that an environment exists that is ripe for continued constitutional violations.

Q. So it's pretty dangerous to go into people's homes unannounced, correct?

A. It would be.

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Q. But is there a necessity that there be enough of a pause between the knock and announcement and the entry for that person to make that realization?

A. That necessity would be a situation that would depend upon what that person's ability to understand time is. There's no specific standard to the amount of time that passed by.

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Q. But is that a concern that should be taken into account?

A. We take that into account.

Q. For what reason?

A. For our safety.

Q. Well, what about the person's safety who's inside?

A. The person's safety we take into account as much, if not more than ours. It's just why we have the practices in place that we do.

Q. Which practices?

A. Our training and standards.

Q. Which are to knock, announce, and enter very quickly?

A. It depends upon the circumstances.

Officer Jesus Ortiz also stated there was no set time in the policies governing the execution of search warrants at personal residences, and noted that the amount of time elapsing between the announcement and entry could be as few as three seconds.

Q. What is rapid entry to you?

A. We come up to the door, we announce, "Police search warrant, police search warrant, police search warrant." And if we haven't heard any answer or anything like that, then we try to make entry.

So that's when we start the process of making entry. Sometimes they go one hit, sometimes they go ten, so that's when we start the process of making entry.

Q. And how much time would elapse between making the announcement and making the entry?

A. Again, we are talking case by case in regards to what you see, what you hear, but for the most part, it takes three to five seconds when you're knocking that many times, or that's what it feels like to me when I'm knocking for that many times.

* * * * *

Q. Okay. What is a knock and announce warrant, then?

A. Say what, again, ma'am?

Q. A knock and announce warrant.

A. We're announcing our presence and we knock and announce three times, and we're not getting any response, so we do a forced entry if we don't have another way to

open the door, and then we clear the structure.

Q. And is that written down in a policy?

A. There's not like -- this part, what I do recall, there's not a time period on the policy.

Review of Footage of RPD Executing Search Warrants Confirms RPD Fails to Provide Legally Appropriate Notice When Entering Residences Despite the Risk of Danger to Both Residents and Law Enforcement

The Emancipate NC legal team has had the opportunity to review multiple tapes of body-worn camera footage of the SEU Team executing search warrants on a private home. These videos were produced during the course of discovery in the *Irving* litigation, but, despite arguments from our organization and Ms. Irving that the public release of the videos would provide an opportunity for transparency, education, and accountability, [the footage unfortunately remains confidential pursuant to a protective order](#).

What we can confirm is that the footage reflects precisely what members of RPD stated in their depositions: in policy and practice, there appears to be no set time by which SEU Team members enter a residence after an announcement, and in fact, footage shows that **the SEU Team members will enter within zero to three seconds of announcement**. This cannot be “appropriate notice.”

We can share with you one video of RPD’s tactics in practice: a home security camera owned by Amir Abboud captured what happened when RPD forcibly entered his home on a narcotics raid. As the video shows, [RPD breached Mr. Abboud’s home simultaneously as they were knocking and announcing their presence](#). It was quickly determined that RPD had the wrong residence, [but Mr. Abboud, his then-pregnant wife, and his 11-month-old son were left traumatized by the experience](#).



You can view the video of this raid, which was at the wrong home, [here](#).

Another example of a Quick Knock execution on the wrong home occurred in February 2020. In November 2022, Keshia Knight [filed a lawsuit](#) after RPD officers forcibly entered her home while executing a search warrant that was based on false information. The officers forcibly entered her home at the same moment that they knocked and “announced” their presence, leaving Ms. Knight, a disabled woman who struggles with movement after a stroke, shocked and struggling in a state of partial undress and in fear to comply with their instructions that she keep her hands above her head.

USDOJ Investigation Needed on RPD Quick Knock Practices

Although individuals like Ms. Irving, Ms. Knight, and Mr. Abboud have spoken out and taken action against RPD’s failure to provide constitutionally appropriate notice to people in private residences when executing search warrants, a formal investigation by the USDOJ into these practices would be a powerful tool in holding local law enforcement accountable to the people they purport to serve.

Thank you for your interest in these matters. We look forward to scheduling a video conference meeting with you and our team to discuss them in further detail.

Sincerely,

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