



Kansas Association of Chiefs of Police

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Testimony to the House Corrections and Juvenile Justice Committee

In Opposition to HB2133

January 24, 2022

Chairman Owens and Committee Members:

On behalf of the Kansas Association of Chiefs of Police, I would like to thank you for giving me an opportunity to offer testimony in opposition of HB2133, requiring all law enforcement officers to announce their presence on all search warrants regardless of contributing known circumstances.

As a Police Chief who worked Undercover Narcotics Operations and Commanded the McPherson Emergency Response Team, I would like to discuss best practices when it comes to executing a search warrant;

1. No Knock Search Warrants are authorized and must remain allowable when they are found reasonable;
 - In 2003, the Supreme Court held that “when officers have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile.” and “when a warrant application gives reasonable grounds, then a magistrate judge is acting within the Constitution to authorize a no-knock entry.”

In my 16 years of Law Enforcement experience, we have executed a few High Risk Search Warrants without knocking, without incident. There needs to be a continued risk assessment done prior to executing a No Knock Search Warrant. We have always limited No-Knock Search warrant executions because there is a time and place when they are required and it was reasonable. We have a duty to protect life and property and we must have the advantage to do it safely and the opportunity to do it both tactfully and tactically.

2. In addition, we support HB2299, which is requesting to extend the 96 hours to execute a Search Warrant to 10 days. This will give Law Enforcement Agencies more time to plan, collect data, bring in other officers or tactical teams, and acquire other resources needed to get the job completed successfully. Ultimately, we do not want to cause injury to citizens, our officers, or damage any property. The 96 hours, we are legally allowed, to execute Search Warrants have created more risk and harm because we are rushing to failure in some cases that actually needed more time to prepare. Smaller agencies do not have the resources or officers, and are required to ask for assistance. Many agencies are having trouble hiring and retaining experienced officers because of the current climate and COVID. We need to perform the duties of our profession, meet the expectations of our communities, and avoid rushing to failure because we focus on a short time restraint.

3. There will still be cases where a No-Knock search warrant will be reasonable. Officers are continually training in verbal judo, crisis intervention teams, mental health first aid, de-escalation, and some decide to be Crisis Negotiators. SWAT, SRT, ERT, are all being required to attend Basic and Advanced courses. A No-Knock Search Warrant does not allow the officers to do what they want and be reckless, it allows them to get inside the residence quicker to avoid an incident at the door and complete their task. Officers will be announcing "Police Department Search Warrant" as they go through the residence; they just do not have to sit in the fatal funnel at the door for 10 seconds or more announcing "Police Department Search Warrant", when the reasonable response would be to get in the residence as quickly as possible to protect lives and property.

In Law Enforcement, there are many agencies, which all have different attire. Some Investigators wear plain clothes; some wear a polo and tactical cargo pants, and some that wear a uniform. All are required to have a badge to identify them as Law Enforcement. When an Investigator goes to a residence to follow up on a case they may be in a suit but later find out they are needed on a Search Warrant and don't have time to change. Undercover Officers uniforms are plain clothes but they may enter with Patrol or SWAT officers to assist and not be in a regular uniform. I think it is important to have uniformed officers at the front of the entry, point position, first contact, but anyone following can be dressed down in their uniform of the day.

We have a duty to serve and protect and the last thing I want to do is bury an officer because they were rushed for a 96-hour deadline or failed to execute a No-Knock Search Warrant when it would have been reasonable and the best tactical choice. Thank you for your time.

Sincerely,

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