

**Summary****Board Bill Number 78****Primary Sponsor: Alderman John Collins-Muhammad****June 26, 2020**

The proposed Board Bill would establish processes for police officers to request no-knock search warrants, the review and certification of such requests by the City of St. Louis Division of Police Commissioner and the SWAT commanding officer, and the execution of search warrants. It would also require the Division of Police to submit quarterly reports regarding its use of no-knock search warrants to the Civilian Oversight Board, the Director of the Department of Public Safety, and the Board of Aldermen.

**BOARD BILL NUMBER 78 INTRODUCED BY ALDERMAN JOHN COLLINS-MUHAMMAD**

1 An ordinance establishing processes for police officers to request no-knock search warrants, the  
2 review and certification of such requests by the City of St. Louis Division of Police  
3 Commissioner and the SWAT commanding officer, and the execution of search warrants; and  
4 requiring the Division of Police to submit quarterly reports regarding its use of no-knock search  
5 warrants to the Civilian Oversight Board, the Director of the Department of Public Safety, and  
6 the Board of Aldermen; and containing a severability clause and an emergency clause.

7 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

8 **SECTION ONE. Definitions.** For purposes of this Ordinance, the terms set forth below shall  
9 have the following definitions unless the context clearly indicates or requires a different  
10 meaning.

11 No-knock search warrant means a search warrant authorizing police officers to enter a premises  
12 without first knocking or announcing their presence or purpose prior to entering the premises.

13 Police officers shall mean City of St. Louis Division of Police commissioned officers.

14 Special Weapons and Tactics (SWAT) means police officers who are specially trained and  
15 equipped to work as a coordinated team or unit, regardless of the name given to such team or  
16 unit, to respond to critical incidents including, but not limited to, hostage takings, barricaded  
17 suspects, or other incidents that may involve a threat to human life where specialized training,  
18 tactics, or equipment is utilized.

19 **SECTION TWO. No-Knock search warrant request process and application form.**

1 A. No police officer shall seek a no-knock search warrant unless the warrant application  
2 includes:

- 3 1. All materials, information, and documentation the issuing court requires; and
- 4 2. A completed warrant no-knock search warrant application form as provided in  
5 this Ordinance.

6 B. No-knock search warrants may only be sought in cases involving an imminent threat or  
7 physical harm or death to law enforcement officers or others, which shall be limited to the  
8 following offenses: murder, hostage taking, kidnapping, terrorism, and human trafficking.

9 C. The City of St. Louis Division of Police Commissioner shall create a no-knock search  
10 warrant application form, which shall be signed and dated by the police officer requesting the  
11 no-knock search warrant, and shall accompany every request to the Circuit Attorney for a no-  
12 knock search warrant.

13 D. Each no-knock search warrant application form must explain in detail, using clear terms,  
14 the following:

- 15 1. Why police officers are unable to detain the suspect or search the premises  
16 without knocking or announcing their presence and using other less invasive  
17 methods;
- 18 2. What investigative activities have been undertaken and what information has been  
19 gathered in the course of such activities to support the request for a no-knock  
20 search warrant, or why no such investigative activity is needed; and

1           3. Whether the no-knock search warrant can effectively be executed during daylight  
2           hours and, if not, what facts or circumstances preclude effective execution during  
3           daylight hours.

4 **SECTION THREE.** No-knock search warrant application certification of review.

5 A.       The City of St. Louis Division of Police Commissioner and SWAT team commanding  
6 officer must review each no-knock search warrant application form. If the SWAT commanding  
7 officer is unavailable, the SWAT commanding officer's immediate superior shall review the no-  
8 knock search warrant application form.

9 B.       The no-knock search warrant application form shall contain a certification of review  
10 statement followed by a signature line. Both the City of St. Louis Division of Police  
11 Commissioner and SWAT commanding officer, or the SWAT commanding officer's immediate  
12 supervisor if reviewed by said officer, shall sign and date the no-knock search warrant  
13 application form certification of review signature line and clearly indicate whether they approve  
14 or disapprove of the request for a no-knock search warrant. The certification of review statement  
15 shall be and read as follows: "By signing this no-knock search warrant application form the  
16 undersigned acknowledge that they fully read and understand the explanations and reasons why  
17 a no-knock search warrant is requested."

18 **SECTION FOUR.** Execution of search warrants.

19 A.       A police officer charged with execution or any search warrant may be only accompanied  
20 by such other persons as may be reasonably necessary for the successful execution of a no-knock  
21 search warrant and to ensure, to the extent practicable, their safety and the safety of others,

1 specifically including those who may be present on the premises that is the subject of the warrant  
2 and surrounding premises.

3 B. In all cases in which a search warrant is executed, except those involving no-knock search  
4 warrants, the police officer responsible for the execution of the search warrant, or their designee,  
5 shall give appropriate audible and written notice of the identity of the police officer responsible  
6 for the execution of the search warrant, their authority, and the purpose of the warrant to the  
7 person who is the subject of the warrant or to the person in apparent control of the premises to  
8 be searched as the case may be.

9 C. In all cases in which a no-knock search warrant is executed:

- 10 1. Police officers shall only undertake such actions and use such equipment  
11 necessary to breach, enter, and secure the premises.
- 12 2. Police officers who execute no-knock search warrants shall have successfully  
13 completed the same training in breach and call-out entry procedures as SWAT  
14 members.
- 15 3. The police officer responsible for executing the no-knock search warrant shall,  
16 following the breach and before entering the premises, give appropriate audible  
17 notices of the identity of the police officer responsible for the execution of the  
18 search warrant, their authority, and the purpose of the warrant to the person who  
19 is the subject of the warrant or to the person in apparent control of the premises  
20 to be searched as the case may be.

21 D. In all cases when a search warrant is executed, all police officers present shall be wearing  
22 operating body cameras, each of which shall be tested no earlier than twenty-four (24) hours

1 prior to the execution of the search warrant to ensure they are functioning. No less than five (5)  
2 minutes prior to the execution of a search warrant each police officer that is present shall activate  
3 their body camera and shall not deactivate their body camera until five (5) minutes after the  
4 execution of the search warrant is completed or their involvement in the execution of the search  
5 warrant has ended and they have left the premises.

6 E. All body camera footage and audio, audio recordings, and all other data recorded in the  
7 course of executing a search warrant shall be retained for a period of not less than eighteen (18)  
8 months and shall be preserved longer for a longer period upon request.

9 **SECTION FIVE. Quarterly reports.** The City of St. Louis Division of Police shall submit  
10 quarterly reports to the Civilian Oversight Board, the Director of the Department of Public  
11 Safety, and the Board of Aldermen regarding its use of no-knock search warrants during the  
12 preceding ninety (90) days. Reports shall be submitted no later than seventy-two (72) hours  
13 following the end of the ninety (90) day reporting-period. The initial ninety (90) day reporting  
14 period shall begin on the date on which this Ordinance becomes effective.

15 **SECTION SIX. Severability Clause.** The provisions of this ordinance shall be severable. In  
16 the event that any provisions of this ordinance is found by a court of competent jurisdiction to  
17 be invalid, the remaining provisions of this ordinance are valid unless the court finds the  
18 valid provisions of this ordinance are so essentially and inseparably connected with, and so  
19 dependent upon, the void provision that it cannot be presumed the Board of Alderman would  
20 have enacted the valid provisions without the void ones or unless the Court finds the valid  
21 provisions, standing alone, are incomplete and incapable of being executed in accordance with  
22 the legislative intent.

1   **SECTION SEVEN. Emergency Clause.** This being an ordinance calling for an election for  
2   submission to the people of a proposed amendment to the Charter of the City of St. Louis, it is  
3   hereby declared to be an emergency measure and shall become effective immediately upon its  
4   passage and approval by the Mayor pursuant to Article IV Sections 19 and 20 of the Charter.