

that there is no blanket exception to the rule whenever officers are executing a search warrant in a felony drug investigation; instead, a case-by-case analysis is required to determine whether no-knock entry is justified under the circumstances.¹⁷⁹ Similarly, if officers choose to knock and announce before searching for drugs, circumstances may justify forced entry if there is not a prompt response.¹⁸⁰ Recent federal laws providing for the issuance of warrants authorizing in certain circumstances “no-knock” entries to execute warrants will no doubt present the Court with opportunities to explore the configurations of the rule of announcement.¹⁸¹ A statute regulating the expiration of a warrant and issuance of another “should be liberally construed in favor of the individual.”¹⁸² Similarly, just as the existence of probable cause must be established by fresh facts, so the execution of the warrant should be done in timely fashion so as to ensure so far as possible the continued existence of probable cause.¹⁸³

Because police actions in execution of a warrant must be related to the objectives of the authorized intrusion, and because privacy of the home lies at the core of the Fourth Amendment, police officers violate the Amendment by bringing members of the media or other third parties into a home during execution of a warrant if presence of those persons was not in aid of execution of the warrant.¹⁸⁴

In executing a warrant for a search of premises and named persons on it, police officers may not automatically search an un-

¹⁷⁹ The fact that officers may have to destroy property in order to conduct a no-knock entry has no bearing on the reasonableness of their decision not to knock and announce. *United States v. Ramirez*, 523 U.S. 65 (1998).

¹⁸⁰ *United States v. Banks*, 540 U.S. 31 (2003) (forced entry was permissible after officers executing a warrant to search for drugs knocked, announced “police search warrant,” and waited 15–20 seconds with no response).

¹⁸¹ In narcotics cases, magistrates are authorized to issue “no-knock” warrants if they find there is probable cause to believe (1) the property sought may, and if notice is given, will be easily and quickly destroyed or (2) giving notice will endanger the life or safety of the executing officer or another person. 21 U.S.C. § 879(b). *See also* D.C. Code, § 23–591.

¹⁸² *Sgro v. United States*, 287 U.S. 206 (1932).

¹⁸³ *Sgro v. United States*, 287 U.S. 206 (1932).

¹⁸⁴ *Wilson v. Layne*, 526 U.S. 603 (1999). *Accord*, *Hanlon v. Berger*, 526 U.S. 808 (1999) (media camera crew “ride-along” with Fish and Wildlife Service agents executing a warrant to search respondent’s ranch for evidence of illegal taking of wildlife).