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CJ 2350

Professor Dempsey

10/31/12

**Quote Analysis 4:**

**Quote:**

“Prior to entering private premises with either a search warrants [An order signed by a judge or magistrate authorizing the place to be searched and the persons or things to be seized] or an arrest warrants [An order signed by a judge or magistrate authorizing the arrest of a named person or persons], law enforcement officers are obligated to knock, identify themselves, state their purpose, and await a refusal or silence before entering. There are two reasons for imposing these requirements and forbidding unannounced police entries into private premises:

1. Possibility of mistake: ‘Cases of mistaken identity are surely not novel in the investigation of crime. The possibility is very real that the police may be misinformed as to the name or address of suspect, or as to other material information… innocent citizens should not suffer the shock, fright or embarrassment attendant upon an unannounced police intrusion.’
2. Protection of the officers: ‘it is also a safeguard for the police themselves who might be mistaken for prowlers and be shot down by a fearful householder.’ ”

**Re-statement:**

Before entering privately owned residents with a search warrant and an arrest warrant, law enforcement officers have to knock and announce themselves. For two reasons so people don’t get misinformed about who is there, and for the officer’s protection.

**Analysis:**

So under common law knock and announce rule, a police officer may not force their way into a residence, but they must knock, announce themselves, their intent, and wait a reasonable amount of time for the occupants to let the officer’s in. I think that knock and announce rule is a good thing because it protects the officer and the resident. The Supreme Court has held to the fact that the knock and announce rule must be a reasonable search under the Fourth Amendment.

In some cases where an “Officer may however, seek a “no-knock” warrant in advance if they suspect that a “no-knock” entry will be justified when they serve the warrant.” In these cases it’s usually because either the warrant serving officer is in danger or another individual. One case is when the suspect is a gun nut/ has guns.

**Sources:**

Knock-and-Announce Rule. Cornell University Law School. October 12, 2009. Retrieved from http://www.law.cornell.edu/wex/knock-and-announce\_rule.

Gardner, Thomas. Anderson, Terry. (2010). *Criminal Evidence Principles and Cases Seventh Edition*. Page 303. Wadsworth Cengage Learning. Belmont California.