

BREONNA'S LAW FOR HAWAI'I

On March 14, 2020, police murdered Breonna Taylor, a 26-year-old Black medical worker, in her home in Louisville Kentucky during a botched no-knock raid. Unfortunately, Ms. Taylor is only one of the most recent victims of no-knock raids. Three states have expressly banned no-knock raids and the warrants that authorize them. This type of law is now known as “Breonna’s Law.”

ACLU
Hawai'i

“NO-KNOCK” WARRANTS AND “QUICK-KNOCK RAIDS”

- ▶ No-knock raids are searches in which a law enforcement officer or officers forcibly enter a dwelling without knocking or announcing their presence. In most states, judges may grant what are called “no-knock warrants,” which pre-authorize these raids.
- ▶ Quick-knock raids are where police still knock and announce themselves when executing a warrant, but they leave very little time after doing so before they forcibly enter the premises.
- ▶ No-knock and quick-knock raids are often used in conjunction with military equipment and weaponry when conducting drug searches.

THE PROBLEM

- ▶ No-knock and quick-knock raids rely on surprise and are often used late at night or early in the morning. This leads to violent interactions between police and people who reasonably assume that the police officers invading their home late at night are there to burglarize them and react defensively.
- ▶ The New York Times reported that between 2010 and 2016, 94 people have died during no-knock and quick-knock raids, 81 of whom were members of the public.
- ▶ One case involved 26-year-old Tarika Wilson, who was holding her toddler son when a SWAT team opened fire into her home, killing her and injuring her son.
- ▶ Like most states, Hawai'i requires officers to knock, announce themselves, and wait a reasonable amount of time before forcing their way into a dwelling. Under certain circumstances, however, officers may conduct a quick-knock raid and enter the home immediately after knocking. These are known as exigent circumstances.
- ▶ What constitutes a reasonable period of time between announcement and forced entry depends on the circumstances of the case, with Hawai'i courts ruling that 15 seconds was reasonable when executing a search warrant at a commercial building during business hours, but that 25 seconds was not a reasonable period of time when forcing entry into a private residence at 6:15am.

PASSING BREONNA'S LAW IN HAWAI'I

The Hawai'i State Legislature must expressly ban no-knock warrants and require officers to wait at least thirty seconds before entering a property to execute a warrant. This creates a baseline standard for officers to adhere to, but allows courts to determine reasonableness in a way that requires *more than 30 seconds* based on the circumstances of the case. The Legislature should also narrow the circumstances that constitute exigent circumstances to *only* include those that are imminently life-threatening, because human life is more important than the possible loss of evidence.

