



# Policy Revision Request

Requestor Name Jeff Olson Emp # 4425

This revision applies to Existing Policy 03-22-23

If new, recommended section \_\_\_\_\_

This revision is necessary to comply with City Ordinance (attach)

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

### Brief reason for the revision:

To comply with Austin Freedom Act:

“CHAPTER 16-2. BAN ON NO-KNOCK WARRANTS. § 16-2-1 "NO KNOCK" SEARCH WARRANTS SHALL NOT BE USED. No Austin police officer may request, execute, or participate in the execution of any search warrant that does not require the officer to knock and announce their presence and wait at least 15 seconds prior to execution.”

**Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ are used for deletions and blue underlined for text insertions. Please email completed forms to [APDPolicy@austintexas.gov](mailto:APDPolicy@austintexas.gov). Use this email for any related questions or issues for policy.**

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## 405 Warrants

### ~~405.4 NO-KNOCK SEARCH WARRANTS~~

~~No-knock warrants will:~~

- ~~(a) Only be employed when officer safety is an issue. They will not be used to prevent the destruction of evidence.~~
- ~~(b) Be approved by a commander and the signing judge.~~
- ~~(c) Be entered into the database by completing the APD No-Knock Search Warrant SmartSheet form located on the Investigations SharePoint page by the primary detective within 72 hours after the search warrant is served.~~

### 405.4 Search Warrant Entry Requirements

- (a) Officers shall not request, execute, or participate in the execution of a “no-knock” search warrant at a residence, business, car, or other places where people or property may be located. When executing search warrants for these places, officers must knock and announce their presence at least 15 seconds prior to making a forced entry.
- (b) If exigent or emergency circumstances arise at any time during the execution of a search warrant, and an officer reasonably believes that delaying entry would put an officer or another person at imminent risk of serious injury or death, and if the law would allow entry without a search warrant based on the development of those exigent or emergency circumstances, then a dynamic “no-knock” entry is authorized.

1. The officers will thoroughly document any instance in which they perform a no-knock exigent entry under the circumstances described above in subsection (b), and they will notify the Commander overseeing the involved personnel as soon as practicable after the conclusion of the warrant service.