



# Roll Call Training Bulletin

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Volume 122

## Knock and Notice Requirements

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Prior to entering a home or structure pursuant to any lawful authority, officers must generally make all reasonable efforts to “knock,” announce their presence and identity, state their purpose for entering, and wait a reasonable amount of time for compliance prior to making entry into the home/structure. (ex. “123 Main Street, Sacramento Police Department, search warrant, demand entry.” Repeat three times with a slight pause in between to knock on the door.)

**Why does this rule exist?** The knock-and-notice rule exists primarily for the safety of the public and the officer. There have been examples in recent history of “no knock” search warrants that have resulted in officer-involved shootings. The rule exists to give fair warning to the occupants of the residence to be searched that they are not being victimized, but rather, that the entry is a legitimate police activity. There are limited circumstances, however, in which officers do not need to give knock and notice prior to entry. Those instances must be determined on a case-by-case basis.

**Operational considerations:** According to LEOKA studies, the main places where officers are shot are still breach points and doorways. It may be a benefit to give knock and notice over the Public Address (PA) system or using the Long Range Acoustical Device (LRAD) prior to officers approaching for entry.

It may also be beneficial to use a siren during knock and notice. Doing so will aid in officer safety by removing confusion of home invasion when the subject should have reasonably known that entry was being forced by police.

Officers will have to decide, based on all the circumstances and facts known at the time, whether to give knock and notice prior to entering individual rooms within a structure. Again, officers should be mindful of officer safety, the safety of the public, and sound tactics when making these decisions.

**What is a reasonable amount of time?** There is no precise amount of time that has been mandated by the legislature or the courts that an officer is required to wait prior to entering, but typically it is 30 seconds to a minute per case law (Hudson (2006) 547 U.S. 586.; Nealy (1991) 228 Cal.App.3d 447, 450.). What is considered “reasonable” is dependent on the factual circumstances presented to the officer.

- For example, if the officer gives knock and notice and observes the suspect through an open window appearing to destroy evidence, then the amount of time the officer is



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required to wait could be shortened, or even waived altogether, if the circumstances demand.

- If the officer is attempting to make entry at an hour when people would normally be asleep (0100 hours for instance), and there are no observable signs that anyone inside the residence is awake, then a "reasonable" time to wait would be considerably longer than the example above.

A primary consideration in evaluating whether enough time has elapsed before forcing entry is a refusal. That will be determined by time or actions taken by the residents. Around one minute would be a "safe" period in most cases, but it can be less, especially if the officer knows that someone is inside. Explicit actions like subjects fleeing from the back or retreating into the residence after seeing a subject approach the door through a window are examples which would satisfy this requirement.

**When and how should knock and notice be conducted?** There are three requirements for proper "knock and notice" **before** entry is made:

1. Knock (or do something that will alert the occupants of your presence).
2. Identify yourself as a police officer.
3. Explain your purpose ("warrant service", "search warrant", "probation search" or "parole search").
4. Demand entry and wait a reasonable period before entry as explained above.

Per 844 PC and 1531 PC, this is an absolute requirement for arrests and search warrants. While this is not a legislated mandate, it is best practice and recognized by the courts as something that should be done when entering for other purposes, such as:

- to secure the premises (Machado (1975) 45 Cal.App.3d 316);
- to evict a tenant (Jackson (1981) 117 Cal.App.3d 654); or
- to conduct warrantless parole or probation searches (Freund (1975) 48 Cal.App.3d 49; Rosales (1968) 68 Cal.2d 299).

With regard to searching a parolee's or probationer's residence, the "knock and notice" requirements apply, although they may be excused entirely or only substantially complied with, depending on the circumstances. (See Ch. 3; Murphy (2005) 37 Cal.4th 490, 496; Urziceanu (2005) 132 Cal.App.3d 747; Britton (1984) 156 Cal.App.3d 689, 698; LaJocies (1981) 119 Cal.App.3d 947, 952.)