

Community Caretaking and Knock & Announce

Facilitator Guide

Session Overview

Lecture/Discussion – Community Caretaking and Knock & Announce	50m
End of Session / Break	10m

Learning Objectives:

- List the 4 categories of non-criminal, non-investigative duties of law enforcement
- Articulate when the Knock & Announce Rule must be applied
- Describe the 5 requirements of the Knock & Announce Rule

Total Session Time: 1 hour

Main Topics of Session:

- *Community Caretaking*
- *Knock & Announce*

Facilitators Needed: 1 (CP)

Location: Classroom

Materials Needed:

- *PowerPoint – Community Caretaking*

Students Should Already Have:

[THUMB DRIVE]

- *HANDOUT – Investigative Detentions (from M02/S01)*
- *BOOK - WAPA Confessions, Search, Seizure, & Arrest Guide for Police Officers & Prosecutors – June 2014 (M02 - Extras)*



Community Caretaking and Knock & Announce

Facilitator Guide



NOTE TO FACILITATOR

Using the PowerPoint, lead a 50-minute lecture/discussion on Community Caretaking and Knock & Announce. Use the white board or easel to note important points.



SAY TO CLASS

The Community Caretaking piece of this session will provide instruction on your legal authority and responsibility during contacts that may not involve any type of criminal activity, but rather the duty to investigate something to check the welfare of an individual or security their property.

- Intro - Community Caretaking

Community Caretaking Functions

- A brief and reasonable detention of the citizen or their property for the purpose of assisting them (emergency aid, health and safety check) or securing their property.
- The officer's motivation is for the well being of the person or property, *not for initiation of a criminal investigation. This would be "Pre-text!"*

- *State v. Kinzy*
- *State v. Acrey*



Community Caretaking and Knock & Announce

Facilitator Guide

Community Caretaking Functions

Courts have always recognized that police officers performs services other than the enforcement of criminal law.

These non-criminal, non-investigative duties are divided into 4 categories.

1. Medical or other types of emergencies.
2. Vehicle impounds and inventories.
3. An officer's role as a preserver of public safety.
4. The law requiring an officer's intervention.

Community Caretaking Functions

- Some examples might include:
 - a vehicle with property inadvertently left upon the roof or trunk,
 - an intoxicated subject staggering down the road,
 - a mentally challenged person aimlessly wandering about town,
 - a welfare check for an elderly person not seen recently.

Community Caretaking Functions

Included-

The Involuntary Treatment Act is the law under which persons may be detained, evaluated and treated for a mental illness with and without their consent.



Community Caretaking and Knock & Announce

Facilitator Guide

Community Caretaking Functions

The law's intent was to establish a bill of rights for people with a mental illness, empower mental health professionals to involuntarily commit patients for treatment, and define guidelines for police officers when interacting with persons who are mentally ill.

End
Community Caretaking
Function



SAY TO CLASS

The Knock & Announce piece of this session will explain the legal requirements of serving arrest and search warrants and the notifications that must be given prior to making entry into a residence or building.

For further reference materials, see the WAPA Guide available on your thumb drive.

- Intro - Knock & Announce



Community Caretaking and Knock & Announce

Facilitator Guide

Knock and Announce Rule

Required under RCW 10.31.040

- To make an arrest in criminal actions. The officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other inclosure, if, after notice of his office and purpose, he/she be refused admittance.

Knock and Announce Rule

- When attempting to execute an arrest warrant at a residence.
- When attempting to execute a search warrant at any location.
- Officers must first knock and announce before making entry.

Knock and Announce Rule

Strict compliance with the statute is required unless exigent circumstances are present or compliance with the dictates of the rule would be futile. The validity of an entry under the knock and announce rule depends upon the facts of a particular case.



Community Caretaking and Knock & Announce

Facilitator Guide

Knock and Announce Rule

The rule requires that police must:

- (a) Have a warrant.
- (b) Announce their identity. This is especially critical when officers are in plain clothes.
- (c) Demand Admittance.
- (d) State the purpose of their demand.
- (e) Be explicitly or implicitly denied admittance.

Knock and Announce Rule

No bright line rule exists for how long police need to wait after knocking and announcing their purpose.

Cases have repeatedly held 10 seconds to be adequate. A five second delay was approved where the police heard commotion inside after knocking.

Knock and Announce Rule

The reasonableness of the delay will depend upon two primary factors:

- (1) How easily the sought evidence can be destroyed; **and**
- (2) Whether the suspects are likely to be armed or dangerous.



Community Caretaking and Knock & Announce

Facilitator Guide

Knock and Announce Rule

As a general rule, officers should wait 30 seconds, unless there are affirmative indications that the occupants are aware of the officer's presence, or other specific facts demonstrating an unusual degree of danger to officers or of destruction of evidence.

Knock and Announce Rule

"No knock" warrants are disfavored (and possibly prohibited) in Washington, and a challenge to the entry will consider both the facts that were presented to the magistrate who issued the "no knock" warrant and the facts and circumstances that were actually encountered during the service of the warrant.

- *State v. Allyn*
- *State v. Spargo*
- *State v. Jeter*

Knock and Announce Ruse

The general rule is that entry by ruse is permissible if no force is used. See *State v. Myers*, 102 Wn.2d 548, 689 P.2d 38 (1984). Officers need not announce their identity, authority, and purpose when using deception and no force. See *State v. Huckaby*, 15 Wn. App. 280, 549 P.2d 35, review denied, 87 Wn.2d 1006 (1976).

The ruse used *must not*, however, "shock fundamental fairness".

- *State v. Myers*
- *State v. Huckaby*



Community Caretaking and Knock & Announce

Facilitator Guide

Knock and Announce Rule

Equivalent notice given;

Officers were not required to physically knock on the door where they had already announced their identity and the reason for their presence over the police car's public address system. *United States v. Combs*, 394 F.3d 739 (9th Cir. 2005).

- *United States v. Combs*

Knock and Announce Rule

Consent;

The knock and announce rule is applicable whenever police enter without valid permission, but it **does not apply to consensual entries**.

Knock and Announce Rule

- Statutory law makes no distinction between misdemeanors and felonies.
- However.....there must be a good reason for forcibly entering a private dwelling in cases of minor violations.
- Follow your Police Department's S.O.P's regarding forcible entries and misdemeanors.



Community Caretaking and Knock & Announce

Facilitator Guide

Knock and Announce Rule

The reason for the knock and announce rule in Washington State-

1. Reduce the potential for violence to both police and occupants.
2. Prevent unnecessary property damage.
3. To protect an occupant's right to privacy.

Knock and Announce Rule

Example-

- "Police! Open the door!"
- "Police! Open the door! We have a warrant!"

Only when denied entry....an officer can use force to enter.

Must give a *reasonable* time to open.

Ethical Considerations

- Questions
- Comments



Community Caretaking and Knock & Announce

Facilitator Guide

**STUDY**

STUDY MATERIAL - HANDOUT - Investigative Detentions/Search & Arrest

- Instructions:
- This handout was introduced in Mod 02/Ses 01.
 - The WAPA BOOK - WAPA Confessions, Search, Seizure, & Arrest Guide for Police Officers & Prosecutors - June 2014 (*M02 - Extras*)

Use these materials to better understand the concepts discussed here.

**BREAK /END OF SESSION**