
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 183
[2021 Assembly Bill 329]

**Information on the Use of
No-Knock Search Warrants**

BACKGROUND

Under federal and state constitutional jurisprudence, a law enforcement officer executing a search warrant must generally follow the “knock and announce” rule, which requires an officer to first knock, announce the officer’s identity and purpose, and provide reasonable time for the occupant to either refuse or grant entry. However, as an exception to this general rule, officers may enter premises without knocking and announcing their presence if an officer has a reasonable suspicion that knocking and announcing would be dangerous, futile, or would inhibit investigation of the crime by, for example, allowing the destruction of evidence. This authority can arise in two ways.

First, an officer may obtain a “no-knock search warrant,” meaning that, prior to executing the search warrant, the officer receives express authority to execute an unannounced entry from a judge or magistrate. When determining whether to grant such authority, the judge or magistrate will analyze an officer’s affidavit accompanying the warrant’s application and determine whether knocking and announcing would be dangerous, futile, or inhibit a criminal investigation. However, even with prior approval, an officer may not perform a “no-knock” entry if, after the no-knock search warrant’s issuance but prior to its execution, the officer obtains new information eliminating the need to enter without complying with the knock-and-announce rule.

Second, even without prior approval from a judge or magistrate, an officer may execute a search warrant without knocking and announcing his or her presence if, upon arrival at the scene, the officer reasonably believes that knocking and announcing would be dangerous, futile, or inhibit a criminal investigation.

2021 WISCONSIN ACT 183

2021 Wisconsin Act 183 requires the Department of Justice (DOJ) to submit an annual report to the Legislature on the issuance and execution of search warrants at physical premises by law enforcement agencies. The act requires DOJ to collect relevant information from law enforcement agencies to prepare the report, and further requires all persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies to supply DOJ with the information that DOJ requests.

The act requires that the report include, by jurisdiction, all of the following information for the preceding calendar year:

- The **total number** of search warrants that were issued and denied.
- Of the search warrants that were issued, the number that **requested explicit authorization** of an unannounced entry and, of those, the number that authorized versus declined to authorize an unannounced entry.

- Of the search warrants that **declined to authorize** an unannounced entry, the number of search warrants that were executed with an announced entry versus an unannounced entry.
- Of the search warrants that **declined to authorize** an unannounced entry that were **executed with an unannounced entry**, all of the following information: (1) the number of warrants that resulted in written inventory of property; (2) the number of warrant executions that resulted in great bodily harm to, or the death of, any person; and (3) the age, race, and gender of any suspect who was present at the warrant's execution.
- Of the search warrants that **explicitly authorized** an unannounced entry (no-knock search warrant), the number of search warrants that were executed with an announced entry versus an unannounced entry.
- Of the search warrants that **explicitly authorized** an unannounced entry (no-knock search warrant), the type of suspected crime for which it was sought.
- Of the search warrants that **explicitly authorized** an unannounced entry (no-knock search warrant) and were **executed with an unannounced entry**, all of the following information: (1) the number of warrants that resulted in written inventory of property; (2) the number of warrant executions that resulted in great bodily harm to, or the death of, any person; and (3) the age, race, and gender of any suspect who was present at the warrant's execution.

Effective date: March 19, 2022

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