



Legislation Details (With Text)

File #: 2021-1087 **Version:** 1

Type: Ordinance **Status:** Held in Standing Committee

File created: 1/19/2021 **In control:** Committee on Public Safety Services

On agenda: 5/12/2021 **Final action:**

Enactment date: **Enactment #:**

Effective date:

Title: Ordinance supplementing the Pittsburgh Code of Ordinances, Title One -- Administrative, Article III - Organization, Chapter 116: Department of Public Safety, to add a new subsection, § 116.17 - "Prohibition on the Execution of 'No-Knock' Warrants", by requiring all City police officers, when executing any warrant, to physically knock and announce the presence of police before entering a premises."
(Executive Session held 2/1/21)

Sponsors: Reverend Ricky V. Burgess, R. Daniel Lavelle, Erika Strassburger, Bobby Wilson, Bruce A. Kraus, Corey O'Connor

Indexes: PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------|------------------------|--------|
| 4/28/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 4/14/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 3/31/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 3/17/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 3/3/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 2/17/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 2/3/2021 | 1 | Standing Committee | Held in Committee | Pass |
| 2/1/2021 | 1 | Executive Session | Executive Session Held | |
| 1/27/2021 | 1 | Standing Committee | Motion | Pass |
| 1/19/2021 | 1 | City Council | Read and referred | |

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One -- Administrative, Article III - Organization, Chapter 116: Department of Public Safety, to add a new subsection, § 116.17 - "Prohibition on the Execution of 'No-Knock' Warrants", by requiring all City police officers, when executing any warrant, to physically knock and announce the presence of police before entering a premises."
(Executive Session held 2/1/21)

Whereas, warrants executed by police officers, which allow them to gain forcible entry without knocking on the door and announcing their identity and purpose are referred to as "no-knock" warrants; and,

Whereas, in Pennsylvania, and in many other jurisdictions, if a homeowner believes that someone has illegally entered their home with ill intent, an attack on the homeowner or their family is not necessary to justify the use

of deadly force; and,

Whereas, allowing police officers to gain forcible entry into a premises without clearly announcing their identity and purpose where the occupants of said premises have no duty to retreat and are lawfully permitted to use deadly force to defend their families and properties can lead and have led to fatal interactions between police officers and citizens; and,

Whereas, in one instance, the police had obtained a no-knock search warrant and broke down the door of a 90-year old woman. When the police broke down her door she responded with gunfire. The police returned her fire and killed the woman. The police were acting on a tip that a man at that residence had previously sold drugs there. There was no evidence that the old woman had a man living at the house or had ever sold drugs; and,

Whereas, in New York City, undercover officers confronted a man who was attending his bachelor party before his scheduled wedding later in the day. They police claim they had heard someone in the mans group make a comment that they had a gun in their possession. The police killed the groom to be and, in the process, fired 50 shots. The men attacked by the police were found to be unarmed; and,

Whereas, on the night of March 13, 2020, officers with the Louisville Metropolitan Police Department forced entry into the home of Breonna Taylor, a Black woman and emergency room technician with University of Louisville Health System. Ms. Taylor’s boyfriend, unaware that the intruders were police officers, and in fear for his life and hers, fired at the intruders, as the law allows. The officers responded with dozens of bullets, some of which struck Ms. Taylor, killing her; and,

Whereas, these tragedies highlight the risk both to innocent citizens and to police officers of allowing police to execute arrest and/or search warrants without clearly announcing their presence and without being in uniform *prior* to entry; and,

Whereas, our citizens have the constitutional right, under both the state and federal constitutions, to be safe in their persons and their homes; and,

Whereas, the practice of executing “no-knock” warrants may place police in danger of being legally shot when attempting to enter a home or effect an arrest if they have not clearly identified themselves as police officers; and,

Whereas, Article I, § 26 of the Constitution of the Commonwealth of Pennsylvania states that, “*Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.*”; and,

Whereas, such Ordinances and regulations are clearly in the interest of both the City’s citizens and its police officers.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:

Section 1. The Pittsburgh Code, Title One -- Administrative, Article III - Organization, Chapter 116: Department of Public Safety, is hereby supplemented to add a new subsection, § 116.17 - “Prohibition on the Execution of ‘No-Knock’ Warrants”

§ 116.17: Prohibition on the Execution of “No-Knock” Warrants.

(a) Definitions.

- i. Warrant. Any document issued by a legal or government official authorizing the police to make an arrest or search a premises.

- (b) When executing any warrant at a residence, a law enforcement officer shall physically knock and announce the presence of police before forcibly entering and shall wait a minimum of 15 seconds to allow the occupants of the residence to respond and open the door.

- (c) It When executing any warrant at a residence, a law enforcement officer shall wear a body camera, keep the law enforcement officer's body camera on and record video on the law enforcement officer's body camera:

- i. when the law enforcement officer conducts a search;
- ii. for a minimum of five minutes before and after the execution of the warrant; and
- iii. during any period that involves a subsequent arrest or search of a person or property.

- (d) When executing any warrant at a residence, a law enforcement officer shall be in uniform or otherwise be wearing clothing that makes the law enforcement officer clearly and immediately identifiable as a law enforcement officer.

- (e) A law enforcement officer who fails to adhere to these standards shall be subject to discipline as provided by Bureau policies and regulation.

Section 2. This Ordinance shall take effect upon passage.