

BENTON COUNTY SHERIFF'S OFFICE

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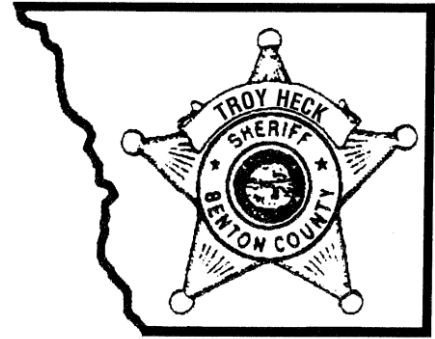
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Troy Heck, Sheriff
Neal Jacobson, Chief Deputy

03/10/2021

Dear members of the Public Safety and Criminal Justice Reform Finance and Policy Committee, I am writing you today concerning H.F. 1762 and the proposed changes to the use of no-knock search warrants in Minnesota. Margaret Wheatley is credited with saying “without reflection, we go blindly on our way, creating more unintended consequences, and failing to achieve anything useful.” I am asking you today to take a moment and reflect upon the unintended consequences of this proposed bill.

The matter I wish for the committee members to reflect upon is what these proposed changes would mean for crime, particularly violent crime and controlled substance crimes in Minnesota. Without question, there are people in Minnesota who choose the path of criminality, and even violence. These violent crimes include a long list of offenses not included in H.F. 1762 such as 2nd & 3rd Degree Murder; Manslaughter; 1st, 2nd, & 3rd Degree Assault; Aggravated Robbery; Controlled Substance Crimes; and Criminal Sexual Conduct. Some individuals who commit these crimes pose a significant risk to law enforcement officers charged with executing a search warrant upon them. Specifically excluding controlled substance crimes from those crimes for which no-knock warrants are authorized irresponsibly ignores the fact that there are truly dangerous individuals involved in the sale and distribution of these illegal substances who are willing and capable of not only violently resisting law enforcement but also posing a danger to the public.

Entering a residence, especially the residence of a person willing and able to carry out armed resistance against law enforcement, is one of the most dangerous undertakings in policing. When executing a search warrant against the most dangerous criminals in our society, the element of surprise is vital to increase the odds that the objectives of the search warrant will be accomplished in the safest manner possible. To limit the use of no-knock warrants to the list of 5 offenses contained in this proposed bill makes life less safe for peace officers and citizens in general. I ask you to reflect upon the choices this legislation will force upon law enforcement agencies when dealing with dangerous criminals. Law enforcement agencies are filled with brave men and women who take on calculated risks in their efforts to keep their communities safe. However, peace officers are neither suicidal nor cannon fodder. Should this legislation pass, an agency faced with arresting a genuinely dangerous individuals for violent crimes not on the short list has lost its best option for capturing these individuals in a way that minimizes the risk to officers and the public. As a sheriff, I will not treat my staff as cannon fodder by sending them into situations that I believe involve an unacceptable risk of harm, such as executing a

knock and announce warrant on an individual who has demonstrated a desire and capability to violently resist law enforcement. I know that I am not the only law enforcement leader who shares this sentiment. This bill creates a paradigm wherein law enforcement is unable to stop violent criminals because the legislature has taken from peace officers the tools to do so safely which will ultimately result in an increase in violent crime.

I would also encourage you to reflect upon what behaviors this legislation is incentivizing. The message this legislation sends to the criminal element is that the more dangerousness an individual can demonstrate, the less likely it is law enforcement will execute a search warrant on their residence. Chiefs and sheriffs will not sacrifice peace officers by putting them in unacceptably dangerous situations, therefore the more dangerous a criminal can become or appear, the more likely they are to avoid the consequences of their actions. By removing from law enforcement the tools needed to most safely and effectively deal with truly dangerous criminals, you allow these criminals more space and freedom to victimize more citizens. Rather than trying to cherry-pick a limited number of crimes for which there might be an increased likelihood law enforcement would need to use a no-knock warrant, a more appropriate and elegant approach would be to define circumstances under which law enforcement would be authorized to seek a no-knock warrant. These circumstances could include the presence of firearms inside the place of the search or in possession of the subject, statements or information indicating the subject intends to violently resist law enforcement, a person's history of violence, or other similar considerations that law enforcement applies on a regular basis to determine the relative threat posed by a particular person. By working with subject matter experts in law enforcement to more appropriately define circumstances under which we can all agree no-knock warrants are needed, we can protect peace officers, preserve public safety, and ensure the use of no-knock warrants is reserved for subjects who represent a true threat to public safety.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Heck". The signature is written in a cursive, flowing style with a large initial "T" and "H".

Troy Heck
Benton County Sheriff