



NEW YORK STATE SENATOR

James Sanders Jr.

## State Senators James Sanders Jr., Brian Benjamin and Assembly Member Daniel O'Donnell Introduce Comprehensive Search Warrant Reform Legislation in New York State, With Campaign Zero

JAMES SANDERS JR. December 17, 2020



NEW YORK (Dec. 17, 2020) -- State Senators [James Sanders Jr.](#) and [Brian Benjamin](#), along with Assembly Member [Daniel O'Donnell](#), today introduced a pioneering and comprehensive bill in the New York State Legislature that would restrict the use of dangerous No-Knock warrants and raids across the state. This legislation, developed in collaboration with [Campaign Zero](#) and police scholar Dr. Peter Kraska, will serve as a nationwide model for

search warrant reform, addressing the systemic abuses that have cost lives, undermined trust, and caused incalculable damage across our state and country.

Senator Sanders' bill is S.11 for 2021. It is being carried by O'Donnell in the Assembly as bill number A.11171 for 2020 but it will have a new bill number in 2021.

In New York, a bill to reform how these warrants and raids are used has been languishing in the State Legislature for nearly two decades. Prompted by the unnecessary and tragic deaths of Breonna Taylor and others, these members of the State Senate and Assembly reignited this police accountability reform by introducing the boldest proposal yet that would regulate these military-like tactics used by police. This is also the first reform nationwide to receive 15 of 15 points using Campaign Zero's model legislation rubric.

"We must stop the over-militarization of our communities," said Senator James Sanders Jr. "The abuse of no-knock warrants disproportionately affects black and brown people and can often result in death as was seen in the tragic cases of Breonna Taylor, Alberta Spruill and too many others. Today, we are putting forth the most comprehensive, groundbreaking legislation in the nation when it comes to these police raids, which should only be used under extreme circumstances and with accountability."

The proposed bill will:

- Restrict the issuance and execution of all No Knock warrants and raids by limiting them only to instances when human life is in jeopardy.
- Increase the application requirements, requiring officers to report age/gender/known disabilities of all occupants.
- Ensures warrants expire after 7 days and prevents the use of stale information (officers have to provide current evidence in the 24 hrs. before warrant execution). Breonna

Taylor's evidence/surveillance was 60 days old when officers went to execute the warrant.

- Add more specifics for how all warrants can be executed (i.e. officers required to be in uniform, must wait 30 seconds, and may not use flash bang grenades).
- Add measures of oversight and accountability by making audio/video and warrant execution reports available for review by independent oversight.

“It’s hard to believe that anyone can argue that the public is well served by allowing armed officers to smash into a house out of the blue,” said **State Senator Brian Benjamin**. “How can this possibly be the safest way to arrest someone? We’ve seen hundreds like Breona Taylor killed or harmed because people decided that using these tactics was no big deal. We need to rein it in, and we need to do it now.”

The existing proposed No-Knock bill was first introduced to the State Legislature in 2003, in response to the death of Alberta Spruill, a 57-year-old Harlem woman who worked for New York City and died of a heart attack after police broke down her door and threw a flash grenade into her apartment. Many agree that a bill like the one being introduced could have prevented the death of Alberta Spruill and could serve as a great model for other states also looking to end this dangerous and life-threatening police practice.

“Over the past twenty years, no-knock and ‘dynamic entry’ search warrant raids have killed hundreds of Americans and brought pain and loss to far too many New Yorkers,” said **Assembly Member O’Donnell**, who led the effort last year to ‘Repeal 50-a’. “One of these New Yorkers, Alberta Spruill, was a 57-year old civil servant who was killed in her Harlem residence by a concussion grenade used by the NYPD in a no-knock drug raid of her home based on incorrect information. It is clear that the death and suffering caused by these raids has failed to justify their use. The time has come to end militarized no-knock raids in our state, before another New Yorker is killed. This legislation will curtail these dangerous tactics

and address abuses at every step of the search warrant process, while also ensuring that law enforcement can respond appropriately when there are genuine and imminent threats to human life. I want to thank Senators Sanders and Benjamin, and Campaign Zero for their dedicated and thoughtful work developing this bill, and I look forward to engaging with my colleagues, as well as activists and communities across the state to build a coalition that will advance these critical reforms.”

“The time is now for New Yorkers to set the tone for the much needed and long overdue policing reforms this country needs,” said **DeRay McKesson, activist and Co-Founder of Campaign Zero**. “We know these raids are not an effective policing tool. We need a more rigorous application process; we need to ensure law enforcement intelligence is accurate; and, we need to close any loopholes police officers use to defer accountability. This bill introduced by Sen. Sanders does all of that. We can prevent needless death and harm in New York, and this is our chance.”

The cost of No-Knock raids far exceeds their negligible benefits. According to research by Dr. Kraska, there are approximately **60,000 No-Knock and Quick-Knock** raids executed every year, increased from ~3,000 a year in the early 1980s -- the majority for drug offenses. An investigation of 13 local jurisdictions **found** consistent racial disparities in the use of police raids—with Black communities disproportionately impacted by this form of police violence. The risks are too great, the rewards minimal.

For more information on the nationwide effort to ban the use of No-Knock warrants and raids, visit [www.EndAllNoKnocks.org](http://www.EndAllNoKnocks.org).

“My daughter died as a result of a drug raid which should’ve never been authorized, but I’m

not the only parent who has lost a child due to this practice of breaking down doors with hopes of scoring drugs and cash. These reform efforts need to continue so that no one else loses a loved one as a result of these dangerous, deadly and unnecessary practices. Please support these critically important efforts. The lives of innocent daughters, sons, brothers, sisters, mothers, fathers AND police officers depend upon the immediate elimination of these raids. We're counting on legislators nationwide to act NOW."

– **Tamika Palmer, Mother of Breonna Taylor**

"Thank you to those in New York who are taking a critical step to fight racial injustice. These are critical measures to save lives. If they were in place across the country, Breonna Taylor would be alive, along with so many others who have died at the hands of bad officers and bad policies. We are very pleased with this progress and hope that other states promptly follow suit."

– **Sam Aguiar, Attorney for the Family of Breonna Taylor**

"This proposed law provides stringent guidelines protecting citizens' rights; however, it also allows for extenuating circumstances for law enforcement to perform their duties. It is always a fine line to tread between our law enforcement professionals' safety and responsibility and the rights of the citizens they protect. It is paramount that laws, policies, and procedures relative to one of our most sacred rights, the 4th Amendment, protect our citizens from intrusive violations and at the same time ensure the safety of our police officers."

– **Mark Lomax, CEO Lancer Cobbs Consulting and Former Executive Director, National Tactical Officers Association (NTOA)**

The entire press conference can be watched by clicking the link below:

<https://youtu.be/u2-6ZgwrWjY>