

State of Michigan LAW DAY 2008 Essay Contest
"The Rule of Law: Foundation for Communities of Opportunity and Equity"

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Suppose a police officer fears that knocking and waiting twenty seconds before entering a suspected drug house will allow criminals too much time to dispose of drugs and prepare to harm entering police officers. Should a police officer have the discretion to determine whether to use a “no knock” entry when executing a search warrant?

Swat teams set up command posts in our neighbors' houses. For 6 hours, residents were denied the right to leave their homes. The swat teams positioned themselves in our yards with loaded firearms. How did this situation arise? Earlier in the day, police knocked on my neighbor's door and announced that they had a search warrant. He was suspected of selling stolen auto parts. While they waited the required 20 seconds, he closed the garage and locked the doors. The police heard from his mother that he had guns. So this quickly escalated from a routine search warrant to a barricaded gunman situation. This situation endangering the lives of many innocent citizens and the policeman could have been avoided if they didn't give the suspect time to prevent their access. I believe police officers should have the discretion to determine whether to use a "No Knock" policy when executing a search warrant.

The Common Good is a core democratic value that supports my position. The Common Good is when the government and its citizens work together to form a better community. Allowing the police to decide whether to knock and announce or just enter might inconvenience peoples right to privacy but it will help prevent injury, help capture more criminals, and obtain necessary evidence before it gets disposed of in some way.

In the Supreme Court case Hudson v. Michigan, 547 U.S. 586 (2006) police suspected that drugs and firearms were in Hudson's home. The police obtained a warrant, knocked and announced, but only waited 3 to 5 seconds before entering. Large quantities of drugs and a loaded gun were found where Hudson was seated. Since the police didn't follow the knock and announce rule, Hudson wanted all evidence excluded claiming his 4th amendment rights were violated. The court decided the evidence should not be excluded. The court stated, "[s]ince the interests that were violated in this case have nothing to do with the seizure of the evidence, the exclusionary rule is inapplicable." 547 U.S., at 594. This means that the "knock and announce" rule was established for the courtesy of the criminal and not to prevent discovery of the evidence. Therefore, since evidence was found, there is not point excluding the evidence, he'll go to jail any way. Therefore, to protect the lives of policemen and innocent citizens, the police officers should have the discretion to knock and announce or just enter the criminals' homes.

In my social studies class, I learned about the constitution. The Preamble of the Constitution states, "WE THE PEOPLE of the United States, in order to form a more perfect union, . . . promote the general welfare. . ." This means you are doing what is best for everyone. Having police make the decision to enter a house will help keep people safe from criminals. It will also help keep police safe and enable them to find evidence needed to put the criminal in custody. It is what is best for everyone's safety.

In order to prevent another situation that endangers the lives of innocent people, police should have the discretion to decide whether to knock and announce or just enter a suspect's home. This will assure the safety of many innocent people.