

No-Knock Nuances: Davis v. City of Little Rock Clarifies Warrant Execution Standards

Description

The United States Court of Appeals for the Eighth Circuit recently rendered a decision in *Davis v. City of Little Rock*, No. 23-1636 (8th Cir. 2024), a case that considered the boundaries of permissible no-knock warrants, qualified immunity for officers, and the standards required for challenging warrant affidavits. Stemming from the execution of a no-knock search warrant at the residence of Derrick Davis, Davis filed a lawsuit under 42 U.S.C. § 1983 against the City of Little Rock, its Chief of Police, and three detectives, alleging Fourth Amendment violations related to the warrant execution.

Factual Background

In July 2017, the Little Rock Chief of Police received an email alleging tips related to alleged drug activity occurring at a townhome. Detective Robert Bell initiated an investigation, spoke with neighbors, and identified Derrick Davis as the occupant of the residence. Detective Bell conducted a controlled purchase with the assistance of a confidential informant (CI), who indicated that a male at Davis's door sold the drugs. Based on those facts, Bell prepared a search-warrant affidavit recounting the email tip, the neighbor interviews, and the controlled buy, and he requested a no-knock warrant on the ground that explosive entry would "greatly reduce the risk to and increase the safety of the executing officers and occupants." The court granted the warrant. Upon obtaining the warrant, Detectives Bell and Ison coordinated with the Little Rock SWAT team. When the team arrived at the suspect's home, the SWAT team executed the warrant by deploying a flash-bang at Davis's door, entered the residence, and discovered marijuana inside.

As a result, Davis then sued under § 1983, contending that the detectives were responsible for SWAT's actions, that Bell's affidavit contained false or misleading statements about the CI's reliability and safety benefits of no-knock entry, and that there was a conspiracy to violate his Fourth Amendment rights. Hearing the case at the outset, the district court granted summary judgment to the city and officers and dismissed the claims.

United States Court of Appeals for the Eighth Circuit

Davis appealed to the Eighth Circuit, advancing three arguments for the Court's review: first, that there were genuine disputes of material fact regarding the detectives' responsibility for the SWAT team's actions; next, the veracity of statements in the warrant affidavit; and finally, the existence of a conspiracy to violate his Fourth Amendment rights. Hearing the case on appeal, the Eighth Circuit affirmed the district court's decision granting summary judgment to the officers.

To prevail on a *Franks* claim, a party must show: "that (1) a false statement knowingly and intentionally, or with reckless disregard for the truth, was included in the affidavit; and (2) that the affidavit's remaining content is insufficient to establish probable cause." Regarding the standard for truthfulness of the information, remember that a statement in an affidavit must be "'truthful' in the sense that the information put forth is believed or appropriately accepted by the affiant as true." This does not

mean ‘truthful’ in the sense that every fact recited in the warrant affidavit is necessarily correct.” The Court has previously explained that a fact is appropriately accepted if the affiant had a reasonable basis for the conclusion. Relevant for this case, the Eighth Circuit approaches this analysis by asking “whether the affiant in fact entertained serious doubts as to the truth of the affidavits or had obvious reasons to doubt the accuracy of the information contained therein.”

First, the Circuit held that Detectives Bell and Ison were entitled to qualified immunity because no clear precedent in 2017 had placed officers on notice that using a SWAT team to execute a no-knock warrant violated the Fourth Amendment. Next, assessing Davis’s claim that Detective Bell included misleading statements in the warrant affidavit, the Court found no violation under *Franks*. Davis argued that Detective Bell misrepresented the safety benefits of no-knock warrants, the CI’s reliability, and the adequacy of the CI’s search prior to the controlled buy. The Court disagreed. The Court explained that Davis bore the burden to show that Bell knowingly or recklessly included false statements in the affidavit, and that probable cause would have no longer existed without them. Davis presented two documents—a 2003 treatise by a SWAT administrator and a 2014 SWAT training document—to show no-knock entries are not safe or their safety is “at least disputed.” However, the Court explained that these documents acknowledge that explosive breaching promotes officer safety in certain circumstances and warn of risks when officers “go into the unknown” to serve a warrant. The Court found that neither document is dispositive of truthfulness. At most, the documents suggest disagreement among officers about using explosive breaching and no-knock entry. Detective Bell had a reasonable basis to conclude that no-knock entries enhance safety. His statement was “truthful” within its *Franks* meaning. The Court determined that Detective Bell reasonably believed in the safety benefits of no-knock entries, had no reason to doubt the informant’s reliability at the time, and found no evidence supporting claims of an inadequate search of the CI. Considering those facts, the Court found that the detectives did not act with reckless disregard for the truth regarding the warrant statements. Lastly, the Court dismissed Davis’s § 1983 conspiracy claim. The Court reasoned that since the underlying Fourth Amendment claims were properly dismissed, the civil conspiracy claim also failed.

Takeaways

For law enforcement officers, this case reminds us that law enforcement must recognize the importance of carefully preparing warrant affidavits, ensuring statements within are accurate, truthful, and well-supported. Additionally, officers should understand the protection offered by qualified immunity when their actions align with clearly established law. This decision reinforces the need for careful attention to constitutional principles during the execution of no-knock warrants and emphasizes accountability in documenting investigative procedures. Ensuring transparency and diligence not only protects citizens’ constitutional rights but also supports officers against potential litigation.

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