

Knock knock

By Luis Fragoso

Some of the most frequent police liability claims we handle are claims for property damage caused while police officers are serving a warrant. While the agency serving the warrant occasionally causes damage to an entire building, the majority of these claims involve minor damage to doors and/or windows.

One of our member's police officers were serving a warrant for an individual suspected of selling drugs out of his residence – this was the third warrant being served at the residence within a year. Upon arrival, the officers knocked on the front door multiple times with no response. The officers also announced loudly who they were and why they were there (“Police Department, Search Warrant”). The officers could see someone inside walking around and not answering the door so the officers decided to breach the front door.

One of the officers walked to the back of the house and pried open the master bedroom's window. The suspect they were looking for was sitting on the bed. A female was also in the room and several other people were located throughout the house. In fact, some of these people told the officers that the owner of the house had called them because he was about to receive a “delivery” from his dealer!

The officers noted in their reports that they had asked the suspect to open the interior door that leads to the garage but, instead of opening the door, he gave them a set of keys that would not open the door. So the officers kicked the door open. The officers were able to secure the residence, confiscate some drugs and drug paraphernalia and arrested the owner of the house.

Within two weeks of his arrest, the suspect submitted a Claim for Damages form claiming that he had fully complied with the officers' orders and even offered to open the door that led to the garage for them.

We successfully denied this claim thanks to the well-documented efforts of the officers when serving the warrant; namely, the officers:

- knocked on the door multiple times,
- announced loudly who they were and why they were there, and
- did not cause unreasonable damage to the residence.

While officers may be required to cause property damage to enforce the Court's warrant order, officers and the agency should not be liable for the damage as long as they act reasonably in performing those duties.