

RESOLUTION NO. 2021-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, PROHIBITING THE USE OF NO KNOCK WARRANTS BY POMONA POLICE PERSONNEL

WHEREAS, in late 2020 the Chief of Police held several meetings with members of the Pomona Valley Branch of the NAACP regarding the use of no-knock warrants in the City of Pomona.

WHEREAS, a no-knock warrant is a search warrant where a judge has waived the “knock and announce” requirement based on a set of facts presented by the investigator. Typically, those facts revolve around the need to prevent the destruction of evidence inside a home or to lessen a threat of violence to people in the home or to police personnel.

WHEREAS, the Pomona Police Department reports that the department does not use no-knock warrants in its day to day operations, and current staff cannot recall a time when they were ever used.

WHEREAS, the Pomona Police Department adopted revisions to Police Policy #608.4.1 in December 2020 that prohibit the use of no-knock warrants by Pomona Police personnel, with limited exceptions.

WHEREAS, the policy #608.4.1 states, “A “no-knock warrant” is a search warrant authorizing police officers to enter a house without consent, and without first knocking and announcing their presence and their purpose prior to entering the house, which is generally required pursuant to Penal Code 844 and Penal Code 1531. The use of no-knock warrants by Pomona Police personnel is generally prohibited, with the exception that Pomona Police personnel may only seek to obtain a no-knock warrant when one is deemed necessary in connection with investigating a violent felony where the preservation of life necessitates such a tactic. Examples include investigations involving hostage situations, human trafficking and terrorism related incidents. No Pomona Police Officer shall seek a no-knock warrant from a judicial officer without first obtaining approval of the proposed tactics by all of the following, in order: 1) an Officer’s supervisor 2) the Operations Director (see the Operations and Deconfliction Policy), 3) the Chief of Police; and 4) a reviewing Deputy District Attorney. A supervisor in charge of any no-knock warrant service will ensure paramedics and fire personnel are pre-staged in the immediate area to provide medical aid as needed.

WHEREAS, the Police Department values life and is committed to enacting policies that reflect the needs of the community.

WHEREAS, the City Council has determined that no-knock warrants should not be used under any circumstances by Pomona Police personnel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. No Pomona Police Department Police Officer, or any other Pomona law enforcement or public safety official, shall seek, execute or participate in the execution of a no-knock warrant at any location within the boundaries of the City of Pomona.

SECTION 2. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 1st day of February 2021.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on February 1, 2021 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk