
**Section: THREE
Chapter: TWENTY-TWO**

SUBJECT: Search Warrants
ISSUE DATE: 03-22-16
REFERENCE: NYSA 50.2

I. POLICY

- A. The execution of search warrants will be accomplished in a manner that serves to balance the safety of the officers, civilians and occupants.
- B. The execution of search warrants shall be accomplished in a manner that balances the rights of the accused and / or those persons presents and the recovery and integrity of the evidence.
- C. All personnel involved in the preparation and execution of search warrants will comply with Article 690 of the New York State Criminal Procedure Law (CPL).

II. PROCEDURES

- A. Prior to submission of a request for a search warrant to a court, it should be reviewed by an assistant district attorney, if available, or a supervisory officer for form, content approval and legal guidance to assure compliance with the New York State CPL.
- B. Pre-investigation
 - Before executing the warrant, the following information should be gathered:
 - 1. Proper, accurate and detailed identification of the subject premises, vehicles, or person.
 - 2. Location of routes of entry and exit.
 - 3. Information regarding occupants, children, animals, neighborhood, presence of weapons, alarms, etc.
 - 4. If possible, photographs, blueprints, or sketches of the premises. Satellite images may be obtained from 911 if these are deemed to be helpful.
- C. Briefing
 - The officer in charge of the warrant's execution will hold a briefing prior to execution. During this time, the officer will share the information gathered from the investigation; explain the type of warrant obtained; assign the necessary personnel and equipment and outline the plan for approaching, entering, securing and searching the subject area.
- D. Execution
 - 1. The officer in charge of executing the warrant will notify the on-duty supervisor and/or any outside jurisdiction in which the warrant is to be executed. This notification will be made within a reasonable period prior to the execution.
 - 2. A supervisor from the originating unit shall be present at the execution of all search warrants; if a supervisor is unable, an officer in charge will be designated. The supervisor or officer in charge shall request an on-duty supervisor to accompany them.

3. Officers shall be in possession of the warrant, or a copy, and it will be shown to the subject upon request.

NOTE: If exigent circumstances and probable cause exist, officers may enter a home and conduct a protective walk-through to secure occupants for officer safety reasons only. No additional search (for contraband etc.) may occur until a warrant has been obtained from a Judge and the warrant is present at the search location.

4. The owner or a responsible person should be present at the subject premises prior to the search, if possible.
5. A crime scene technician (or an employee with photographic experience and training) will be assigned to take photographs prior to, during, and after the execution of the search warrant. Photographs will be taken of any items seized before removal.

NOTE: The taking of photographs prior to entry may not be possible, but photographs prior to any search will be taken. (Unless evidence may be destroyed by the wait.) Photographs will also be taken at the conclusion of the search.

6. Uniform personnel shall be the first to enter the subject premises followed by any plainclothes investigators. Plainclothes investigators will wear vests, baseball caps and raid jackets, all of which readily display "POLICE" in a visible manner.
7. An itemized receipt will be left with a responsible person or at the premises if property is seized.
8. After execution, the applicant of the warrant shall return the warrant and property seized (if any) to the issuing Judge.

E. Consent Searches

Department personnel having occasion to search a premise, vehicle, personal property or person with the consent of the owner shall either use a Consent Search form (copies attached), or document the verbal consent/approval in an appropriate report.

F. Securing the Premises

The premise searched shall be either left in the custody of the owner/responsible person or secured prior to police personnel leaving same.

G. Vehicles

Search warrants for a vehicle allow officers to secure the vehicle and tow it to a secure location for the search.

H. Evidence

1. If the issuing Judge directs, items taken as a result of a search warrant will be secured in the Property Vault per current directives.
2. Only items described and listed in the warrant will be searched for and seized, except for the following.
 - a) Contraband (illegal drugs, illegal weapons, or stolen property).
 - b) Items taken for safekeeping.

NOTE: These items must be listed separately from the evidence on a separate Property Report.

By the Order of:
Chief of Police
David B. Smith