



CIVILIAN COMPLAINT REVIEW BOARD
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POLICY RECOMMENDATION MEMORANDUM—CCRB CASE 200104846

TO: Police Commissioner, New York City Police Department
FROM: Executive Director, Civilian Complaint Review Board
SUBJECT: Recommendation that the New York City Police Department develop a database to track search warrant executions
DATE: January 2003

BACKGROUND

In the early afternoon of June 28, 2001, a sergeant from the Criminal Intelligence Section and officers from the 30th Precinct and the Emergency Services Unit executed three search warrants pertaining to separate apartments inside a single building located within the confines of the 30th Precinct. The police obtained the search warrants based upon information provided by a confidential informant. One of the search warrants contained a clerical error that mistakenly authorized a search of apartment 3A instead of 3C. The officers had probable cause to enter and search apartment 3C and, based on a description of the location of that apartment, the officers did in fact enter and search apartment 3C. The police did not recover any contraband from apartment 3C nor did the police arrest any of its occupants. The occupants of apartment 3C subsequently filed a complaint with the CCRB claiming that the entry and search of their apartment was unjustified. One of the occupants claimed that she knew the last name of one of the officers involved.

The CCRB attempted to identify the officer in charge of executing the warrant and obtain a copy of the warrant itself. None of the officers with the same last name as that provided by the occupant appeared to be assigned to relevant commands. As a result, the CCRB requested a copy of the warrant and pre and post execution plans from both the 30th Precinct and the Narcotics Division—Northern Manhattan Initiative. The Northern Manhattan Initiative informed the CCRB that the 30th Precinct executed the warrant; the 30th Precinct informed the CCRB that it did not possess a search warrant or tactical plans regarding this incident. Only through a series of telephone calls to the Northern Manhattan Initiative (“NMI”) and the 30th Precinct was the CCRB able to determine that the officer in charge of the warrant execution was a sergeant assigned to the Criminal Intelligence Section, who worked in an office inside the 30th Precinct. The NMI officer, who had indicated on the records request form that the 30th Precinct executed the warrant, told the CCRB that she knew the 30th Precinct executed the warrant because she happened to have seen, on June 28, 2001, officers from the 30th Precinct executing warrants at the incident location. She also knew that an officer with the last name detailed by the occupant worked at the 30th Precinct. The CCRB subsequently learned from the 30th Precinct that the officer with this last name was the Criminal Intelligence Section sergeant who worked in an office located inside the 30th Precinct. The records of that unit are maintained separately from 30th Precinct records, thus explaining why the 30th Precinct had no record or information regarding the warrant.

Though the problems in identifying the subject officer and obtaining relevant documents delayed the CCRB investigation, in August 2002 the board found that the subject officer, in executing the “no-knock” search warrant, was justified in breaking down the occupant’s apartment door and entering and searching the apartment.

RECOMMENDATION

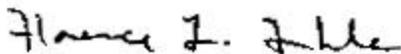
The CCRB recommends that the police department develop a central, comprehensive database to track search warrant executions. The development of such a database is important for two reasons. First, computerized and centralized data would help police executives assess their officers' and units' performance. Second, such a database would eliminate delays in identifying the officers who obtained and executed search warrants.

Obtaining and executing search warrants is essential to good policing. At the same time, the execution of a search warrant can be a traumatic experience for individuals present at the home or business entered and searched. It is therefore important that police executives evaluate on an ongoing basis department policies regarding search warrants and those units that frequently obtain and execute search warrants. That a particular unit obtained and executed a disproportionate number of search warrants that did not result in recovery of contraband or other evidence, or executed a number of search warrants at the wrong address, to cite two examples, might indicate problems that police executives should address.

A comprehensive database containing information relating to the search warrants the police department obtains and executes would also, quite naturally, significantly reduce the time it takes to identify officers and access records. This would benefit both the CCRB and units within the police department, such as the Internal Affairs Bureau, which must often investigate complaints stemming from or related to the execution of search warrants.

The CCRB recommends that such a database contain, at minimum, the following information:

- the officer who and the unit which obtained the search warrant
- the name of the prosecutor who drafted the search warrant and the prosecutor's office
- whether the information contained in the affidavit in support of the search warrant was based upon a confidential informant, an identified citizen informant, and/or a police officer
- the address of the intended target premises
- the address of the premises to be searched as described in the affidavit
- the address of the premises to be searched as described in the search warrant
- the evidence and/or person(s) sought in the search warrant
- the date the search warrant was signed
- the date the search warrant was executed
- the unit(s) which executed the search warrant
- the evidence and/or person(s) seized
- the address of the premises actually searched
- whether the police searched the premises specified in the warrant
- whether the police repaired damaged property following the search warrant execution



Submitted for your attention.
Florence L. Finkle
Executive Director

Outcome of CCRB Recommendation

At the recommendation of the CCRB, on **May 27, 2003** the New York City Police Department announced that it planned to implement a database to track information on search warrants from the time the warrant was obtained through the warrant's execution. "Part of the CCRB's mission is to report to the police commissioner relevant issues and policy matters coming to the board's attention," said CCRB Chairman Hector Gonzalez. "We are excited that the department agreed with our recommendation and is implementing it so quickly. On **July 1, 2003**, the police department issued an interim order (see page 4 of this document) announcing that it had created the database. The order requires officers to notify and provide relevant information to the Intelligence Division upon receipt of a search warrant and upon execution or expiration of the warrant. The database, maintained by the Intelligence Division, tracks key aspects of the search warrant process, including the name of the supervising officer, the prosecutor assigned to the case, the judge who issued the warrant, and the results of the executed warrant.



INTERIM ORDER

SUBJECT: NOTIFICATION TO THE INTELLIGENCE DIVISION REGARDING SEARCH WARRANTS		
DATE ISSUED:	REFERENCE:	NUMBER:
07-01-03	*P.G. 212-75, 212-78	25

1. When applying for, or when executing search warrants, it is important that uniformed members of the service be provided with as much information as possible to ensure the safety of both the public and members of the service. Accordingly, a centralized database capturing specific details regarding all search warrants obtained and executed by uniformed members of the service has been created. Therefore, any member of the service signing a search warrant application affidavit will notify the Intelligence Division's Regional Intelligence Center when any search warrant is received, prior to its execution. A follow up notification will also be made upon execution or expiration of a search warrant.

2. Consequently, effective 0001 hours, July 1, 2003, upon receipt of a search warrant the member of the service will notify the Intelligence Division's Regional Intelligence Center at (646) 805-6000 and provide all necessary information.

3. After execution of the warrant, the supervisor of the executing unit will ensure that the Intelligence Division's Regional Intelligence Center is contacted with results of the search warrant. In addition, members concerned must also notify the Regional Intelligence Center upon expiration of a search warrant.

4. This procedure shall apply to all units obtaining search warrants (Patrol Services, Detective Bureau, O.C.C.B., Joint Task Forces, etc.). However, should a specific legal concern arise with respect to entering search warrant information into the database, the member concerned shall confer with the Legal Bureau prior to contacting the Regional Intelligence Center. In the event advice is provided by the Legal Bureau not to make the data entry, such consultation shall be noted in the case file along with the specific basis for the advice, e.g., Grand Jury action. Additionally, in situations where a search warrant is based on extremely sensitive information, e.g. counterterrorism, internal investigations, etc., in order to exclude the search warrant from the procedures contained in this Interim Order, the member of the service must receive written permission from the Bureau Chief/Deputy Commissioner concerned. The documentation will be included in the case file.

5. In instances where a member of this Department, assigned to specialized units including but not limited to a Joint Task Force or a District Attorney's Squad, may participate in the execution of a search warrant but not be an affiant to a search warrant application affidavit, such member is required to follow the contents of this procedure. If a member of this Department, assigned to a Joint Task Force, etc., is directed by a supervisor from another agency not to make the notifications required by this directive, such member shall immediately notify the Bureau Chief/Deputy Commissioner concerned.

6. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this procedure are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

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