



CIVILIAN COMPLAINT REVIEW BOARD  
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MICHAEL R. BLOOMBERG  
MAYOR

HECTOR GONZALEZ  
CHAIR

November 20, 2003

Police Commissioner Raymond Kelly  
New York City Police Department  
One Police Plaza  
Room 1400  
New York, NY 10038

-by facsimile and mail-

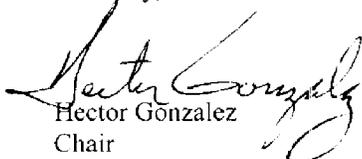
Dear Commissioner Kelly:

During the last several months, the full board has reviewed complaints stemming from the execution of search warrants. Our review has raised an issue the board would like to bring to your attention.

The CCRB believes that showing a copy of a search warrant to the occupants of a searched premise may reduce the number of complaints filed as a result of search warrant executions. In situations where the search warrant being executed is not a no-knock warrant, New York Criminal Procedure Law ("CPL") § 690.50(1) already explicitly requires police officers to show, upon request of the occupant of the searched premises, the search warrant or a copy of the warrant. The CPL, however, does not direct that officers show a copy of a no-knock search warrant. To the extent that the department does not require officers, after premises are secured, to show a copy of a no-knock search warrant upon request, the CCRB recommends that, where practicable under the circumstances, the department modify its procedures to do so.

Thank you for your consideration of this matter. I look forward to hearing from you.

Sincerely,

  
Hector Gonzalez  
Chair

c: Board members  
Florence Finkle, executive director  
Stephen Hammerman, Esq.

### **Outcome of CCRB Recommendation**

**February 13, 2004:** The New York City Police Department issued an interim order (page 3 of this document) requiring that officers, when able to do so safely, show a copy of the search warrant (including a no-knock search warrant) to any of the occupants of the premises entered and searched.



## INTERIM ORDER

SUBJECT: <b>SEARCH WARRANT EXECUTION</b>		
DATE ISSUED:	REFERENCE:	NUMBER:
<b>02-13-04</b>	<b>PG 212 SERIES</b>	<b>41-1s.03</b>

1. Interim Order 41, series 2003, titled "Search Warrant Execution," set forth guidelines for executing a search warrant in order to enhance the safety, effectiveness and coordination among various commands. Although not required by the Criminal Procedure Law, the member of the service executing the search warrant shall, when able to do so safely, show a copy of the search warrant to any of the occupants of the premises.

2. Therefore, effective immediately, Interim Order 41, series 2003 is amended as follows:

a. **ADD** new paragraph immediately following second paragraph of existing "**NOTE**" on page "**3**" to read:

**"NOTE**                    *The member of the service executing the search warrant shall, when able to do so safely, show a copy of the search warrant to any of the occupants of the premises."*

3. The remainder of Interim Order 41, series 2003, remains in effect.

4. Any provisions of the Department Manual or any other Department directives in conflict with the contents of this order are suspended.

**BY DIRECTION OF THE POLICE COMMISSIONER**

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**All Commands**