	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 121.0 Search Warrants	
	ISSUED: March 1, 2001	EFFECTIVE: March 1, 2001
	REVISED: May 17, 2021	RESCINDED:
<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 1 of 4</i>	Authority: Chief Robert J. Lucchesi

Search Warrants

PURPOSE

The purpose of this policy is to provide members of the New Paltz Police Department with guidelines for the execution of a search warrant.

POLICY

It is the policy of this department to;


1. provide techniques to accomplish a thorough and legal search;
2. observe the constitutional rights of the person(s) the warrant is being served upon;
3. minimize the level of intrusion experienced by those who are having their premises searched;
4. provide for the highest degree of safety for all persons concerned; and
5. establish a record of the entire execution process.

DEFINITIONS


1. Search Site - The premises or person to be searched, as explicitly stated in the search warrant.
2. Search Personnel - Law Enforcement officers and supporting personnel taking part in the execution of a search warrant.
3. Evidence Collector - Member of the search team responsible for the possession, packaging, sealing and marking of all items seized.
4. Supervising Officer - Search team member most knowledgeable about the case and/or responsible for the investigation.

PROCEDURES

1. Uniform and Equipment Requirements
 - a. The search team should always include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by prominently displaying a police badge and/or jacket or outer protective vest carrier with prominent markings indicating "POLICE".
2. All members of the search team shall be wearing body armor and a safety holster.
3. Time Limitations on Search Warrant Execution
 - a. A search warrant should be executed as soon as practicable but shall be executed within the time required by New York State Law. Circumstance necessitating a delay in executing a search warrant include, but are not limited to;

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<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 2 of 4</i>	Authority: Chief Robert J. Lucchesi

- i. The need to have many searches occur at the same time, which requires coordination and mobilization of law enforcement resources.
 - ii. The item(s) to be seized have not arrived at the search site.
 - iii. The probability that substantial resistance will be encountered.
 - iv. A particular persons) is absent from the search site, and the supervisory officer feels that the search would best be conducted if the person were present.
 - v. The need to protect an informant's identity.
- b. Execution will be at the discretion of the lead investigator and in consultation with the Lieutenant to ensure adequate resources are deployed to increase the safety of all participants to include law enforcement, the target (s) of the warrant and any other persons or animals believed to be at or near the warrant location during the execution.
- 4. Preparation for Execution of warrant
 - a. Prior to the search the lead detective will prepare a search warrant application and warrant for review by a judge. It shall be the responsibility of the Detective Sergeant to review the application and warrant prior to submission to the court and ensure both have been signed prior to the search.
 - b. Prior to entering the premises, outside of exigent circumstances, the detective division will take the necessary time to obtain as much warrant site intelligence as possible regarding the location and occupants including but not limited to; address history, points of entry and exit to include fire escapes, number of occupants with estimated ages and criminal histories if applicable, access to weapons, known site hazards, known security and surveillance systems and any animals believed to be on site.
 - c. [REDACTED]
 - d. The detective division shall attempt to determine if any circumstances have changed that make executing a search warrant at that time undesirable.
 - e. The lead detective shall ensure the entire search warrant execution process is documented, from the moment entry is made until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a videotaping of the entire search site from start to finish.
 - f. The Detective Sergeant or a member with the rank of Sergeant or higher will be present for the execution of all search warrants and will be the officer in charge of all search warrants.

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<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 3 of 4</i>	Authority: Chief Robert J. Lucchesi

g. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property to be searched is the property listed on the warrant.

5. [REDACTED]


6. Notification

a. [REDACTED]

b. No-knock search warrants shall be limited to specific, extreme cases of imminent threat to human life, including the investigation and/or pursuing of suspected offenses or offenders that involve murder, an active-shooter, hostage-taking, kidnapping, terrorism, human trafficking or where a situation involves an individual who has barricaded themselves in a specific area and has a violent history.

- i. The search warrant affidavit shall include additional information specific to the case justifying the need for no-knock authorization.
- ii. Members executing a no-knock search warrant shall be in uniforms that clearly delineate them as members of law enforcement.
- iii. No-knock entries shall be made in consultation with the Ulster County Emergency Response Team (UCERT) and/or the New York State Police Special Operations Response Team (SORT).

7. On Premises Activities

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- a. The Detective Sergeant shall ensure that a member of the search team conducts a security sweep of the search site.
 - i. No-Knock Search Warrants – UCERT and/or SORT will turn over the search site to investigating members when the search site has been secured and rendered safe.
 - b. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
 - c. One person shall be designated as responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian.
 - d. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured or ensuring that proper notification of the damage has been made to the tenant or owner of the property.
 - e. If damage occurs to property at any time during the search warrant process, notification shall be made to the Detective Sergeant. The Detective Sergeant shall prepare a report detailing the actions that caused the damage, a description of the nature and extent of the damage and the member who committed the damage. This report will be forwarded to the Lieutenant.
8. Administrative Notification
- a. The Chief and Lieutenant will be notified of all search warrants prior to execution and the results of the execution as soon as possible thereafter.
 - b. Pursuant to Section 690 of the CPL a receipt will be left at the scene where a search warrant has been executed notifying the property owner of the search and the item(s) seized.
9. Post Search Warrant Activities
- a. The lead detective will be responsible for preparing the Search Warrant Return for the court detailing the item(s) seized and the location of the seized item(s). The Search Warrant Return must be filed with the issuing Court within 10 days of execution.