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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

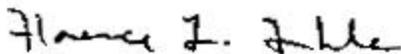
The CCRB recommends that the police department develop a central, comprehensive database to track search warrant executions. The development of such a database is important for two reasons. First, computerized and centralized data would help police executives assess their officers' and units' performance.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