

**SENECA FALLS POLICE DEPARTMENT  
GENERAL ORDER**

<b>General Order:</b> 415	<b>Rescinds:</b> New Issue
<b>Subject:</b> Search Warrants and Consensual Searches	<b>NYS Accreditation:</b> 50.1
<b>Effective Date:</b> 07/01/13 <b>By Order Of:</b> Stuart W. Peenstra, Chief of Police	

**I. PURPOSE**

To establish procedures for executing search warrants and consensual searches that assures compliance with Constitutional protections during criminal investigations.

**II. POLICY**

The execution of search warrants will be accomplished in a manner that serves to balance the protection of the officers assigned while preserving the rights of the defendants and the integrity of the Seneca Falls Police Department.

**III. PROCEDURES**

**A.** Prior to the issuance of a search warrant, the application may be reviewed by the Assistant District Attorney, if available, for form, content approval and legal guidance to assure compliance with the New York State Criminal Procedure Law.

**B. Pre-investigation**

Before executing the warrant, the following information will be gathered:

1. Proper, accurate and detailed identification of the subject premises, vehicle, 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, photos, blueprints, or sketches of the premises and/or subjects.

**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 shall notify the supervisor of any outside jurisdiction wherein the warrant is to be executed. This notification will be made within a reasonable period of time prior to the execution.
2. A supervisor shall be present at the execution of all search warrants. If a supervisor is unable to be present, an officer in charge shall be designated. The supervisor in charge may request the supervisor of the effected outside jurisdiction to accompany them.
3. Members shall be in possession of the warrant, or a copy, and it will be shown to the subject upon request.

*NOTE:* If exigent circumstances exist, officers need not have a copy of the warrant at the time of execution as long as the existence of one has been verified (e.g., by phone/radio from the judge or applicant).

4. The owner or a responsible person should be present at the subject premises prior to the search, if possible.
5. A technician (or an employee with photographic equipment) will be assigned to take photos prior to, during, and after the execution of the search warrant, as well as any evidence seized before removal.  
\*NOTE: The taking of photos prior to entry may not be possible. However, photos prior to any search will be taken unless evidence may be destroyed by the wait.
6. Uniform personnel shall be the first to enter the subject premises. Identification will be worn by all non-uniform personnel so as to be visible.
7. After execution of a search warrant, the deponent in the warrant shall return the warrant to the issuing judge as required by law.
8. A receipt will be left with the owner, responsible person or on the premises if unoccupied, of all items seized.

**E. Consent Searches**

Members having occasion to search a premise, vehicle, personal property or person with the consent of the owner shall either:

1. Use a Consent to Search Form, (Attachment-A), or
2. Document the verbal consent/approval in an appropriate report (e.g., crime report).

**F. Securing the Premises**

The premises searched shall be either left in the custody of the owner/responsible person or secured.

**G. Vehicles**

Search warrants for a vehicle allow officers to secure the vehicle and tow it to a secure location for the search. Maintain chain of evidence while towing vehicle to evidence garage.

**H. Evidence**

1. Evidence will be secured with the Property Clerk per current directives.
2. Only items described and listed in the warrant will be searched for and seized, except for:
  - a. Contraband (illegal drugs, illegal weapons or stolen property).
  - b. Items taken for safekeeping.  
\*NOTE: These items must be listed on a separate Property Custody Report (separate from any evidence).

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Attachment