

NEW HAVEN DEPARTMENT OF POLICE SERVICE

GENERAL ORDERS



GENERAL ORDER 8.09

EFFECTIVE DATE:

WARRANTS

8.09.01 PURPOSE

The purpose of this General Order is to provide officers with clear guidance on the requirements and procedures for searches, seizures, and arrests conducted under the authorization of a judicial warrant.

8.09.02 POLICY

It is the policy of the New Haven Department of Police Service that officers strictly follow all legal requirements and departmental guidelines for the acquisition and execution of warrants authorizing the search and seizure of property or the arrest of a person. Further, it is the Department's policy that officers prioritize public safety and balance the needs of law enforcement with the privacy rights of the public whenever seeking or executing a warrant.

8.09.03 DEFINITIONS

ARREST WARRANT: An arrest warrant is a judicial order based on *probable cause to arrest* that authorizes officers to take someone accused of a crime into custody.

SEARCH WARRANT: A search warrant is a judicial order authorizing officers to search a particular location, person, or both, and to seize specific items found during the search.

NO-KNOCK WARRANT: A no-knock warrant is a warrant that authorizes officers to enter a location without first announcing their presence or purpose prior to entering the place to be searched.

PROBABLE CAUSE TO ARREST: Probable cause to arrest refers to a combination of specific and objective facts and circumstances that leads a reasonable officer to believe that someone has committed or is committing a crime and can therefore be taken into custody.

PROBABLE CAUSE TO SEARCH: Probable cause to search refers to a combination of specific and objective facts and circumstances that leads a reasonable officer to believe that evidence of a crime will be found in a particular location.

8.09.04 GENERAL REQUIREMENTS

Warrants Required for Searches and Seizures

Officers are prohibited from conducting a search or seizure of a person or their property without first having obtained a valid warrant except in those circumstances where an explicit exception to the warrant requirement applies. For a list of authorized warrant exceptions, see General Order 8.12, Search and Seizure and General Order 5.01, Arrest Procedure.

Probable Cause Requirement for Warrants

Prior to seeking a *search warrant*, an officer must first have *probable cause to search* the target location. *Probable cause to search* the target location exists when, based on a combination of specific and objective facts and circumstances, a reasonable officer believes that evidence of a crime will be found at the target location.

Prior to seeking an *arrest warrant*, an officer must first have *probable cause to arrest* the subject of the warrant. *Probable cause to arrest* the subject of the warrant exists when, based on a combination of specific and objective facts and circumstances, a reasonable officer believes that the subject has committed or is committing a crime and can therefore be arrested.

Warrant Applications and Description Requirements

All officers seeking a warrant must complete and submit to a court of competent jurisdiction a sworn, written statement describing the probable cause basis for the warrant being sought. The statement must include the specific and objective facts and

circumstances upon which the probable cause is based, including any evidence available to establish those facts and circumstances.

Once a warrant application is granted, the issued warrant must contain the following information to be valid:

- the date and time of its issuance
- for *search warrants*, a detailed, specific description of the person, place, or thing to be searched and the property to be seized
- for *arrest warrants*, the name of the individual whose arrest is sought and the criminal charge for which the person is being arrested, and
- a statement from a court of competent jurisdiction authorizing the warrant.

If, when applying for an *arrest warrant*, officers expect to enter a location where one or more persons has a reasonable expectation of privacy, such as a residence or non-public area of a business or place of employment, then the warrant must expressly authorize entry into the location based on probable cause to believe that the subject will be found there. No express authorization is needed if the *arrest warrant* is to be executed in a public place where officers have legal authority to enter, or a non-public area where officers are granted entry by someone with authority to do so, such as another adult occupant of a residence, a property or business owner, or another employee of a place of employment.

8.09.05 PREPARATION

Officers must sufficiently prepare for the execution of a any warrant by:

- Conducting timely intelligence-gathering, including through surveillance of the target location and surrounding area, to collect and confirm relevant information, such as:
 - Descriptions of the location to be searched or person to be arrested
 - Safety risk factors relating to the warrant's execution, like the presence of weapons, bystanders, or environmental factors
 - Background on any target persons, including known criminal history, substance use, or mental illness
 - Confirmation of the presence of any target person, including by:
 - Seeing the person enter or remain inside the target location

- Hearing the person's voice inside the target location
- Observing the person's vehicle near the target location
- Confirming through a knowledgeable and reliable informant that the person is presently inside the target location
- The presence or potential presence of bystanders at the target location, such as family members at a residence, customers at a business, or coworkers at a place of employment
- Establishing a tactical plan for the execution of the search that ensures that all participating officers are aware of the intelligence items listed above, understand their specific role and the roles of other officers in the warrant's execution, and are familiar with relevant departmental policies and protocols
- Preparing all necessary tactical equipment

8.09.06 EXPECTATIONS OF OFFICERS

When conducting a search, seizure, or arrest under the authority of a warrant, officers must limit their searches, seizures, or arrests to the locations, properties, and persons specifically described in the warrant.

However, an officer may conduct a warrantless search, seizure, or arrest during the execution of a warrant when independent legal grounds exist for the warrantless search, seizure, or arrest. For example, if an officer has reasonable suspicion to believe that there are additional persons or weapons in the area that pose a risk of substantial harm to the officer or others, the officer may conduct a limited search of the surrounding area to identify and address such threats. For more information on warrantless searches, seizures, and arrests, see General Order 8.12, Search and Seizure and General Order 5.01, Arrest Procedure.

When executing a *search warrant*, officers must:

- minimize damage to the location and property
- strictly adhere to the scope of the *search warrant*
- behave professionally toward the subject of the search and any present third parties, and
- take steps to maintain the safety of all persons at the scene.

Where feasible, and where officer or public safety would not otherwise be jeopardized, officers must take steps to avoid forcible entry into the target location, including by

lawfully obtaining keys, access codes, and lock combinations prior to entering and searching locked areas and property.

8.09.07 EXECUTION

Requirements Before Entry

Immediately prior to executing any warrant, officers must wear and activate their body-worn cameras and must leave them activated for the duration of the warrant's execution, including during the search of the target location, the seizure of any property, or the arrest of any person.

Under Connecticut General Statutes Sec. 54-33a(e), *no-knock warrants* are expressly prohibited. As such, officers must initiate the execution of a warrant by audibly announcing their presence and explaining that they are in possession of a lawful warrant authorizing a search of the target location or arrest of the person identified in the warrant. Before entering the location, officers must allow for a reasonable amount of time for someone at the location to respond and grant entry.

Upon hearing a response, officers should again repeat the above information, as well as state the purpose for the search. If someone allows the officers to enter the location, the warrant execution may then proceed.

If entry is refused, or a reasonable amount of time passes without a response, officers may forcibly enter the location after audibly announcing their intent to do so and permitting any persons at the location a reasonable amount of time to safely withdraw from the location entrance.

Forceful entry should not be attempted where such entry poses a substantial risk of harm to officers or other parties unless the risk of harm from forceful entry is less than the risk of harm from the officers' failure to enter.

Requirements After Entry

Upon entering and securing the target location, an officer must read and provide a copy of the warrant to the person being arrested or to the owner or primary occupant of the location being searched.

For *search warrants*, if an owner or primary occupant is not present, the copy must be read and provided to any other adult occupant of the place to be searched. If the location is unoccupied or no adult occupant is present, officers must post a copy of the warrant at the location in a place where it will be readily visible to an adult occupant upon their return to the location.

All arrests conducted during the execution of a *search warrant* must comply with the requirements of General Order 5.01, Arrest Procedure, and all arrested persons must be taken to appear before a judicial officer without unnecessary delay.

Requirements After Execution

After each warrant execution, the officer in charge of the warrant's execution must accurately document each area searched, item seized, and person arrested. Additionally, the officer's supervisor must review all completed documentation for accuracy and completeness and must review the execution of the warrant to ensure that all applicable policies and protocols were followed.

This General Order was approved by the civilian Board of Police Commissioners on *.**

**Chief of Police
(Signature and Date)**

**Chair, Board of Police Commissioners
(Signature and Date)**