



The Chicago Police Department's (CPD) search warrant policy is defined in Special Order S04-19, "Search Warrants." This Special Order was recently part of CPD's Community Engagement in Policy Development process, including being posted on CPD's website for public comment. This document is designed to answer questions presented during these previous community engagement efforts, as well as to provide updates on recent revisions to a new draft Special Order.

>>> What is a Search Warrant?

A search warrant is a court order that **is approved and signed by a judge**. Once approved by a judge, a search warrant gives CPD officers the lawful authority to enter a location and search for evidence of a crime.

>>> How do CPD Officers get a Search Warrant?

A search warrant is based on a **sworn statement of probable cause**, meaning the CPD officer has reason to believe, based on reasonably trustworthy information that a crime has occurred and that evidence of the crime can be found at the premises to be searched. This sworn statement must be verified and corroborated by a documented, independent investigation by the CPD officer.

>>> How are Residential and Electronic/Evidentiary Search Warrants Different?

A **residential search warrant is served at a location where occupants might be present**, such as a house or an apartment. An **electronic or evidentiary search warrant** is served to recover evidence of a crime, such as to access cellular phones, computers, electronic recording equipment, or DNA buccal swabs.

>>> Who Needs to Approve a CPD Search Warrant?

Only a judge can approve a search warrant served by CPD. However, before being presented to a judge for approval, any residential search warrant served by CPD officers is reviewed by their supervisors, approved by a command-level supervisor (deputy chief or above), and reviewed by the Cook County State's Attorney's Office.

>>> What is a "No-Knock" Search Warrant?

A "No-Knock" search warrant allows CPD officers to enter a property without any immediate notice or announcement, such as knocking, ringing a doorbell, or verbally asking to enter. **The judge approving a residential search warrant must also authorize the warrant as a "No-Knock."** CPD will only ask a judge to approve a "No-Knock" search warrant when there is a belief that knocking and announcing would be dangerous to the life or safety of officers or other people and the search warrant has been approved by a CPD Bureau Chief.

>>> How does CPD Accommodate Vulnerable Persons (e.g., Children) in a Residence?

The documented, independent search warrant investigation by a CPD officer must attempt to verify occupants of the search warrant location, **paying special attention to any potentially vulnerable persons**. Additionally, prior to each CPD search warrant being served, a CPD supervisor conducts a planning session **to identify and plan for potentially vulnerable persons, including children**, at the search warrant location.

>>> What is a "Wrong Raid" and how are they investigated?

A "Wrong Raid" is a search warrant that is served at the wrong location (not the address of the search warrant) or when the circumstances are different than the facts of the search warrant (location or activities are not as stated in the search warrant). **Each identified "Wrong Raid" gets a critical incident after-action review by CPD and is reported to the Civilian Office of Police Accountability (COPA) for investigation.**

>>> Where can I find CPD's Search Warrant Policy? <<<

- CPD's current search warrant policy, Special Order S04-19, "Search Warrants," is available on CPD's Department Directives System website located at <http://directives.chicagopolice.org/>.
- CPD's draft search warrant and other policies that are posted for public comment are available on CPD's Reform website located at <https://home.chicagopolice.org/reform/>.

>>> How many Search Warrants does CPD serve? <<<

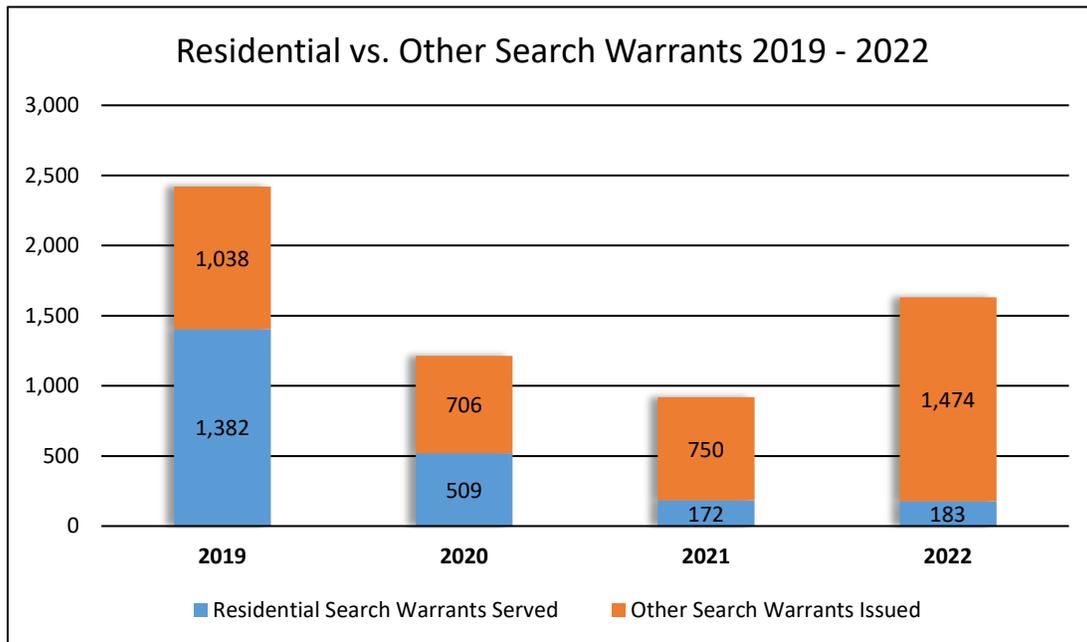
Below is a summary CPD's reported search warrant activity:

| CPD Search Warrants by Year | 2019 | 2020 | 2021 | 2022 |
|---|-------|-------|-------|-------|
| Total Search Warrants Issued – <i>by Year Issued</i> | 2,420 | 1,215 | 922 | 1,657 |
| Total Residential Search Warrants Served – <i>by Year Issued</i> (Note: CPD has 96 hours to serve a search warrant once it is issued.) | 1,382 | 509 | 172 | 183 |
| Percentage of Total Search Warrants Served as ¹ <i>Residential</i> | 57.1% | 41.9% | 18.7% | 11.0% |
| Number of Residential Search Warrants Served with ² <i>Evidence Recovered</i> | 1,251 | 477 | 162 | 167 |
| Percentage of Residential Search Warrants Served with <i>Evidence Recovered</i> | 90.5% | 93.7% | 94.2% | 91.3% |
| Number of Residential Search Warrants Served with ² <i>Associated Arrest(s)</i> | 834 | 337 | 105 | 81 |
| Percentage of Residential Search Warrant Served with <i>Associated Arrest(s)</i> | 60.3% | 66.2% | 61.0% | 44.3% |
| Number of Residential ³ “No-Knock” Search Warrants Served | -- | -- | -- | 5 |

¹ Residential is based on the warrant location type in the CLEAR Search Warrant application.

² Evidence Recovered and Associated Arrest are based on the Evidence Recovered and Arrest Made fields in the CLEAR Search Warrant application. Therefore, the value represents the number of search warrants associated with at least one arrest or recovered evidence, not the number of arrestees or how much evidence was recovered.

³ “No-Knock” search warrant totals for 2022 are filtered by residential search warrants served. “No-Knock” was not captured in the CLEAR Search Warrant application data prior to 2022.



Note: Common examples of “Other Search Warrants” include evidentiary or electronic search warrants for evidence of a crime, such as a search warrant for cellular phones, computers, electronic recording equipment, or DNA buccal swabs.



>>> Previous Search Warrant Policy Revisions and Community Engagement <<<

In May of 2021, CPD issued a revised search warrant policy that incorporated community feedback received at the end of 2020 and early 2021. The reforms made at that time are still in CPD's search warrant policy, include requirements for:

- An investigation to verify and corroborate information used to develop the search warrant.
- A deputy chief or above to approve residential search warrants for locations where occupants may be present.
- Limiting “No-Knock” search warrants to only when there is a danger to the life or safety and approved by a CPD Chief.
- The identification of and planning for vulnerable persons (e.g., children) present at the search warrant location.
- A misconduct investigation and critical incident after-action review for all “wrong raids.”
- A supervisor the rank of lieutenant or above and a female officer to be on-scene for all search warrants.
- All officers participating in serving a search warrant to wear and activate a body-worn camera.

As part of CPD's ongoing mission to grow trust and build partnerships within the communities it serves, CPD again engaged the community on its search warrant policy from November 1st until December 31st, 2022. The community was invited to review and provide feedback on CPD's current Search Warrant policy by:

- Posting the current search warrant policy for public comment on CPD's website.
- Launching an anonymous input form asking various questions about search warrants.
- Conducting two (2) Community Conversations as city-wide Zoom meetings open to the public.

The screenshot shows the Chicago Police Department website. The header includes the department name, a search bar, and navigation links for Home, About, Community, Inside CPD, News, Reform, Services, Statistics & Data, and Join CPD. The main content area is titled 'Search Warrants' and features a sidebar with a 'Reform' section containing links for Sections, Know Your Rights, Get Involved, Human Rights & Prohibition of Profiling, Search Warrants, Draft Policy - Review & Comment, and Reports & Resources. The main article is titled 'Community Engagement on Search Warrants Policy' and has an 'Overview' section. The overview text states: 'The Chicago Police Department (CPD) is committed to community engagement on its Search Warrant policy. From November 1st, 2022 until December 31st, 2022 CPD is seeking community review, input and feedback on its Search Warrant policy. After the community engagement period concludes, CPD will conduct an analysis of the feedback received and use it to inform revisions on the policy. CPD will post a draft of the updated policy to its website in early 2023 and will invite the community to review the policy and provide additional feedback. Following any additional revisions, CPD anticipates implementing the updated policy in the summer of 2023.'

Following the public engagement period, CPD reviewed the feedback to inform revisions to its search warrant policy. In response to the comments, concerns, suggestions, and lived-experiences of community members, CPD has developed a new draft search warrant policy and implemented a search warrant pilot program.

CPD now invites the community to review the search warrant pilot program and revised draft search warrant directives to provide additional feedback. CPD will consider these comments before finalizing the directives.

Special Order S04-19, “Search Warrants”

For ease of review, comprehension, reference, and training, CPD drafted a search warrant policy that introduces a newly developed suite of topic-specific directives, consisting of:

- **S04-19 Search Warrants** – outlines the overall search warrant policies with an emphasis on de-escalation, minimizing trauma, and respectful and equitable treatment.
- **S04-19-01 Search Warrant Development, Review, and Approval** – outlines the responsibilities and processes for the search warrant development investigation, review, and approval.
- **S04-19-02 Search Warrant Service** – outlines the requirements for the search warrant pre-planning session and the service of search warrants.
- **S04-19-03 Search Warrant Post-Service Documentation and Review** – outlines the requirements for the search warrant post-service documentation and administrative review of search warrants.

Department Notice D22-07, “Search Warrant Community Resources and Referrals Pilot Program”

- Started on January 9th, 2023 and provides support services after the service of a search warrant that include:
 - securing and repairing any damage to the point of entry caused by CPD's service of the search warrant.
 - offering trauma-informed counseling services to persons present at the time of the search warrant.
- CPD's Office of Community Policing, Crime Victim Services Section, works in conjunction with the City of Chicago Department of Buildings and Community Safety Coordination Center (CSCC) on providing these support services.



>>> Draft Revisions to CPD's Search Warrant Policy <<<

Below is an overview of the revisions included in the newly developed draft of CPD's search warrant policy:

Requires Increased Documentation

The draft search warrant policy introduces a newly-created suite of documents that will be included in a newly-developed Electronic Search Warrant (ESW) application for search warrant documentation, review, and data retention.

- **Search Warrant Development form** – used to document information regarding the development of the search warrant and the investigation undertaken to establish and verify the sworn statement of probable cause.
- **Risk Assessment for Search Warrant Service** – used to assess risk for all persons involved in a residential search warrant, including CPD officers, people inside the location, and community members who may be nearby.
- **Search Warrant Pre-Service Planning form** – used to verify information obtained during the search warrant investigation, to record the approval or denial of the search warrant, and to document the pre-planning session, including the allocation of resources to safely serve the search warrant, such as considering vulnerable people.
- **Search Warrant Post-Service form** – used to document search warrant service information and data to track and review CPD's search warrant practices, including the results of search warrants, the supervisory review, and the identification of policy compliance, training opportunities, and disciplinary procedures.

Strengthens the Protection of Human Rights

- **Emphasis on Respectful, Courteous, and Professional Treatment** – including dignified and respectful treatment of all people, compliance accountability, prohibiting retaliation, and actions to accommodate for religious beliefs.
- **Acknowledgment of Search Warrants as a Traumatic Experience** – exercise caution and use tactics to minimize potential trauma and protect and respect the rights of all individuals involved, including vulnerable people such as children, the elderly, and persons with a physical, developmental, intellectual disability, a mental health condition, or limited English proficiency.
- **Assessment of the Need for or Continued Use of Handcuffs** – including considering the age, size, actions, conduct, and safety of all involved, as well as a continuous assessment of the necessity of using handcuffs.

Creates Additional Requirements when Serving Residential Search Warrants

- Requires a Crisis Intervention Team (CIT) Officer to be present on the scene of a search warrant.
- Unless a specific, documented reason or circumstance is approved by a command-level supervisor:
 - Search warrants will only be served between the hours of 6:00 am and 10:00 pm.
 - All CPD officers will be recognizable as police officers, by being in uniform or wearing specialized garments.
 - One marked CPD vehicle will be at the scene.
- Requires a readily identifiable CPD officer to “knock and announce” the search warrant and to delay entry, providing a reasonable opportunity to comply based on the size and nature of the premises, time of day, and any response.
- CPD officers will avoid handcuffing or intentionally pointing firearm at children unless reasonably necessary under the totality of the circumstances.
- CPD officers will minimize impact on children when arresting a parent or caregiver (e.g., avoid in presence of child).

Mandates a Supervisory Review of CPD Residential Search Warrants

- **On-Scene Lieutenant** will personally conduct a debriefing evaluation and provide timely, constructive feedback or recommendations for after-action support, including misconduct referrals.
- **Approving Deputy Chief or above** will approve the post-service documentation and provide timely, constructive feedback or recommendations for after-action support, including misconduct referrals.

Provides for Increased Accountability and Transparency

- **Establishes a Search Warrant Review Board** to review “wrong raids” and provide recommendations for policy, training, or tactic modifications to minimize the risk of harm to the public and CPD officers.
- **Civilian Office of Police Accountability (COPA)** – is notified of “wrong raids,” violations of the law or CPD policy, and other observed or allegations of misconduct for investigation.
- Requires CPD to publish annual search warrant data and conduct audits of CPD's search warrant practices.