

# CHICAGO POLICE DEPARTMENT SEARCH WARRANTS UPDATE



In 2022, the Chicago Police Department (CPD) invited members of the community to review and provide feedback on CPD's current search warrant policy. CPD subsequently reviewed this feedback to inform revisions to the policy. In response to the comments, concerns, suggestions, and lived-experiences of community members, CPD developed a new draft search warrant policy suite and implemented a search warrant pilot program. CPD posted an overview of the previous engagement on January 31, 2023. This document continues to be posted on CPD's website.

As part of CPD's ongoing mission to grow trust and build partnerships within the communities it serves, CPD has continued to engage the community with in-person conversations, meetings with members of the Coalition, and an extension of the public feedback period for search warrant policies until July 10, 2023. CPD welcomes feedback from members of the community and looks forward to future discussions as it continues to develop and revise its search warrant policies and procedures. This is essential to CPD's process of developing a search warrant policy that protects civil rights, enhances public safety, and promotes human dignity. This update provides an overview of CPD's continuing work to address ideas and areas of concern brought forth by community members since January 2023. Although this update is organized by theme, some of the below bullet points may be inclusive of multiple themes.

## >>> **OPTIONS FOR CONSIDERATION** <<<<

- 1) **CPD Should Mitigate, Document, and Repair Damage Caused by CPD During the Service of Search Warrants:**
  - CPD will enhance the way it affirmatively documents the condition of a search location, including any damage or lack of damage, through the new Electronic Search Warrant (ESW) application, Body- Worn Camera (BWC) video, and digital photography.
  - CPD is working to incorporate specific examples received from the community which can be used in policy or training to guide department members on conducting searches in a manner that minimizes intrusion and damage. For example, *department members should utilize the zipper, when applicable, instead of cutting open a couch cushion, and department members should make efforts to return furniture, bedroom mattresses, etc. to its original place after conducting a search.*
  
- 2) **CPD Should Minimize Impact and Trauma to Those Persons on the Scene of a Search Warrant or Who Reside at the Location:**
  - Through both policy and training, CPD is committed to utilizing search warrants to enhance public safety while simultaneously minimizing trauma and damage during the service of search warrants. CPD is revising policy to emphasize its commitment to minimizing intrusion and damage as much as possible, not only during initial entry into a residence, but also during the subsequent search. CPD will, to the extent practicable, leave the premises in the same condition as originally found.
  - CPD is revising the, ***Search Warrant Community Resources and Referrals Program*** form, which will be provided to persons affected by the service of a search warrant to ensure they are aware of available support services.
  - CPD continues to review its practices for servicing a search warrant when there is a potential that children might be present. To minimize potential trauma, CPD continues to review ways it can service search warrants when children are less likely to be present (e.g., during school hours), whenever possible. CPD will document efforts taken to identify times when children are less likely to be present.
  - CPD wants to ensure that it is minimizing the risk to pregnant women on the scene of a search warrant.

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## >>> OPTIONS FOR CONSIDERATION - CONTINUED <<<

- In an effort to minimize risk to pets, CPD is evaluating effective procedures and tactics when encountering animals on the scene of servicing a search warrant.
- Consistent with existing CPD policies ("**Processing Persons Under Department Control**", "**Interactions with Transgender, intersex, and Gender Nonconforming (TIGN) Individuals**", and "**Religious Interactions.**"), CPD will ensure pat-downs and searches are respectfully conducted and are consistent with the person's gender identity as expressed, clarified, requested. Additionally, department members will make reasonable accommodations for religious beliefs (e.g., wearing religious head coverings, clothing, or possessing religious articles).
- CPD recognizes the need to ensure all members of the search warrant team are equipped with the necessary skills to effectively communicate with persons in crisis when servicing search warrants. CPD is requiring a member of the search team to be a designated (certified) CIT officer. These department members receive specialized training on responding to individuals in crisis.
- CPD continues to emphasize in policy that search warrants can be a traumatic experience for all persons involved and is committed to treating all persons on scene with dignity and respect. The department's highest priority is the sanctity of human life, and department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. In part, department members will do this by utilizing the principles of force mitigation: continual communication, including trauma-informed communication when appropriate; tactical positioning; and using time as a tactic. Department members will conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude. These principles are consistent with the following department policies: "**De-Escalation, Response to Resistance, and Use of Force**," "**Response to Resistance and Force Options**," and "**Protection of Human Rights**" and "**Vision, Mission Statement, and Core Values.**"
- CPD recognizes there may be instances when it services a search warrant, and there is a person on scene with limited English proficiency (LEP) or is deaf or hard of hearing. It is important to identify these circumstances prior to service, whenever possible. However, there may be circumstances when the investigation does not indicate a person with LEP or who is deaf or hard of hearing will be on scene. Due to the inherent danger of servicing search warrants, CPD wants to avoid placing third party interpreters in harm's way. Therefore, CPD is exploring ways in which it can evaluate the proficiency of department members who speak non-English languages, and how to utilize those department members for translation. In order to ensure transparency, CPD can utilize body-worn camera technology to provide an opportunity for independent verification of any translation following the incident. CPD is also exploring ways it can potentially utilize outside certified interpreters for deaf and hard of hearing persons once a scene is safe and secure. Finally, CPD is considering ways it can supplement translation via "**LanguageLine**," a 24/7/365 translation service available via audio and video on department cell phones.

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## >>> OPTIONS FOR CONSIDERATION - CONTINUED <<<

### 3) CPD Should Clearly Identify the Requirements and Training for CPD Officers Who Serve Search Warrants

- CPD is continuing to evaluate its search warrant operations, including identifying specific personnel designated to serve search warrants and the training those members will be required to receive.
- CPD continues to review and evaluate ways to ensure all members of the search warrant team servicing the search warrant are trained in mental health and response to individuals in crisis.
- The department recognizes the importance of ensuring its members are adhering to the responsibilities in CPD's search warrant policies, including documenting the actions taken by members involved in servicing the search warrant. CPD has added language to ensure that all members involved in the service of the search warrant are equipped with body-worn cameras, and those body-worn cameras will be activated for the entirety of the event.
- CPD continues to review law enforcement best practices related to search warrants in order to develop a consistent set of investigative methods and tools for servicing members. CPD is committed to a process that ensures search warrants are developed utilizing consistent and thorough investigations.
- The department recognizes that pointing firearms at children during the service of a search warrant can be a traumatic experience. Department members are to follow the "**Firearm Pointing Incidents**" policy and will avoid intentionally pointing firearms at children unless it is objectively reasonable to do so under the totality of the circumstances the member faces on the scene. CPD is considering ways it can train department members on this topic when children are on scene, both in circumstances when it is identified beforehand that a child will be on scene or when a child is unexpectedly encountered on scene.

### 4) CPD Should Ensure the Safe and Trauma-Informed Treatment of Children and Those Who Are Dependent on Another's Care

- CPD recognizes that handcuffing a child or their parent/caretaker can be traumatizing. Therefore, CPD is exploring ways, through policy and training, to guide department members on how to avoid handcuffing children unless it is reasonably necessary to provide for the safety of the child, department members, or others. If handcuffing a parent or caretaker is necessary, department members will make reasonable efforts to do so out of view of the child.
- CPD recognizes that questioning children during the service of a search warrant can be a traumatic experience for the child. CPD will avoid questioning children unless it is reasonable to believe under the totality of the circumstances that such questioning is necessary to protect any person from a threat of physical harm or to provide for the safety, physical health, or emotional well-being of the child or another person. Before a child is questioned, department members will individually assess the need for that questioning, taking into account the child's apparent age and maturity. If questioning a child, department members will utilize simple age-appropriate language to ensure the child can understand the question.
- CPD is working to utilize existing procedures and develop new ones to ensure children or other dependent persons are cared for when a parent or caretaker is taken into custody. This includes circumstances in which a child is not present on scene (e.g., attending school), and their parent or caretaker is taken into custody.

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## >>> OPTIONS FOR CONSIDERATION - CONTINUED <<<

### **5) CPD Should Conduct Complete and Thorough Search Warrant Investigations to Corroborate and Verify any Information to Minimize the Reliance on Information Provided from Outside of CPD and Mitigate the Risk Caused by Receiving Inaccurate Information**

- CPD is establishing consistent procedures for development and verification of information during the investigation. Thorough and consistent verification of information, regardless of the source of the information, is essential to minimizing the risk of wrong raids. Furthermore, the Electronic Search Warrant (ESW) application is being developed to help ensure these procedures are consistently followed regardless of what department member or team is servicing a search warrant. As listed in the previous update, CPD continues to develop the following components of an ESW application: Search Warrant Development form, Risk Assessment for Search Warrant Service form, Search Warrant Pre-Service Planning form, and the Search Warrant Post-Service form. Regardless of where information comes from, CPD believes this information will need to be corroborated and vetted with the established procedures and tools.