



March 17, 2025

Angel Novalez
Chief
Office of Constitutional Policing and Reform
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

Re: Chicago Police Department Search Warrant Suite of Directives (S04-19)

Dear Chief Novalez,

Thank you for the opportunity to provide additional feedback on the Chicago Police Department (CPD) search warrants suite of directives (S04-19) draft dated February 7, 2025. The Civilian Office of Police Accountability (COPA) first provided feedback to CPD regarding the search warrants directive in 2023.¹ COPA recognizes CPD has since made substantial revisions to the search warrants directive² by creating a suite of directives outlining several steps in the search warrant process.³

COPA's Policy, Research, and Analysis Division (PRAD) has reviewed CPD's most recent draft of the search warrants suite of directives by evaluating the incorporation of COPA's 2023 recommendations. The following examines the draft suite of directives by assessing whether the directives "fully address," "mostly address," "partially address," or "do not address" COPA's previous feedback.

1. Organize the document by search warrant steps – Fully Addressed

The draft suite of directives details each step in the search warrant process and outlines the required actions for Department members when developing, approving, serving, reviewing, and documenting search warrants:

- a. Search Warrants (S04-19) overview;
- b. Search Warrant Development, Review, and Approval (S04-19-01);
- c. Search Warrant Service (S04-19-02); and
- d. Search Warrant Post-Service Documentation and Review (S04-19-03).

2. Refine the purpose of a search warrant – Fully Addressed

Search Warrants (S04-19) states the purpose of a search warrant; includes a list of relative definitions; outlines specific requirements when seeking, approving, and serving a search warrant; and acknowledges the seriousness of entering a residence.

3. Define successful search warrant service – Fully Addressed

- a. Search Warrant Post-Service Documentation and Review (S04-19-03), Section III outlines the post-service review process that evaluates the service of the search warrant. The

¹ See COPA letter to CPD on Search Warrants Directive (S04-19) from January 6, 2023.

² See Search Warrants (S04-19), effective December 16, 2022.

³ See draft suite of directives for Search Warrants (S04-19) issued February 7, 2025.

on-scene supervisor conducts a post-service evaluation with all Department members who participated in the search warrant to identify any tactical, equipment, or training concerns, and reviews body-worn camera recordings for search warrants involving a reportable use of force, firearm pointing, property damage, or the presence of vulnerable persons. Additionally, a Department supervisor ranked higher than the on-scene supervisor evaluates the search warrant forms for completeness and consistency, reviews body worn camera recordings, determines if the search warrant complied with CPD directives, and notifies COPA if appropriate.

- b. Search Warrant Post-Service Documentation and Review (S04-19-03), Section VIII outlines the procedure for conducting a critical incident after-action review for wrong raids by the Search Warrant Review Board (SWRB), including a prompt briefing and review of the search warrant incident and an evaluation of Department member actions who were involved in any step of the search warrant process.

4. Expand opportunities to learn from successes as well as failures – *Partially Addressed*

Search Warrant Post-Service Documentation and Review (S04-19-03), Section VIII states that upon conclusion of an after-action review, the Tactical Review and Evaluation Division will coordinate recommended training for involved members and identify any clerical errors, additional training opportunities for Department members, or potential Department improvements. Additionally, the SWRB will identify specific modifications to reduce the risk of future harm, including changes to policy, training, tactics, or equipment.

Additional COPA feedback:

- a. For additional clarity, the directive should specify what other search warrant circumstances, in addition to wrong raids, would initiate an after-action review when identified by the Superintendent in S04-19-03, Section VIII(A).
- b. For public transparency and accountability, CPD should offer community stakeholders the opportunity to provide feedback in cases where search warrants require after-action reviews. For example, S04-19-03, Section VIII should outline how CPD will incorporate perspectives of the community to identify areas for improvement in order to promote public safety and support community-police relations. CPD could meet with community stakeholders in various settings, such as a community forum, listening session, or focus group.⁴ For example, CPD has previously participated in community discussions about search warrants and this could potentially be adapted for after-action reviews.⁵

5. Further clarify wearing of BWC – *Mostly Addressed*

Search Warrants (S04-19), Section VII outlines the approval process for Department members assisting in a search warrant being served for an outside agency, stating Department members serving a search warrant outside of the City of Chicago should coordinate with the local jurisdiction and make proper Department notifications.

⁴ National Police Foundation. 2020. *How to Conduct an After Action Review*. Washington, DC: Office of Community Oriented Policing Services.

⁵ City of Chicago Mayor's Office for Public Safety. "A Community Discussion on Search Warrant Policy." South Shore Cultural Center, Chicago, April 26, 2023.

Additional COPA feedback:

For further clarification, Section VII should state that as long as Department members are operating under CPD policy, they must comply with Body-Worn Cameras (S03-14) even if they are assisting an outside agency or serving a search warrant outside the City of Chicago.⁶

6. Document justification for uniform exceptions – Fully Addressed

Search Warrants (S04-19), Section VI(D)(2)(b) states the search team supervisor may request authorization from their exempt-rank unit commanding officer for uniform exceptions due to unusual circumstances and outlines the process for requesting authorization and documenting the approval. Additionally, examples of reasons for uniform exceptions are provided (e.g., the approach path is carefully guarded and requires covert entry onto the premises, or the search team members must remain inconspicuous at the location to delay serving the search warrant until a particular subject arrives).

7. Define “current” – Not Addressed

Search Warrant Development, Review, and Approval (S04-19-01), Section III(C)(1) states the affiant Department member will “ensure all the information is truthful, accurate, and current to the best of the member’s ability.” CPD should specify how information used to seek a search warrant is qualified as “current” and not likely to have changed.

8. State acceptable information verification practices – Fully Addressed

- a. Search Warrant Development, Review, and Approval (S04-19-01), Section II states the process for Department members to assess and document the reliability and credibility of informants, including conducting an independent investigation of an informant to verify the information being provided by the informant and document any reasons the informant may not be credible.
- b. S04-19-01, Section III outlines how the information used in the development of the search warrant will be verified and corroborated regarding the search warrant subject (e.g., name, home address, and relationship to the search warrant location) and search warrant location (e.g., complete address, physical description, additional occupants, security features, and time when the subject is most likely to be at the location).

9. Reduce ambiguity in providing search warrant documentation – Fully Addressed

Search Warrant Service (S04-19-02), Section III(D)(2) outlines various procedures for the search warrant team to provide search warrant documentation:

- a. Present a copy of the search warrant to the person named in the warrant or in that person's absence, the person in charge of the premises;
- b. If no one is present at the site of the search, leave a copy of the search warrant at the place from which articles were seized; or
- c. If no one is present and no articles were seized, leave a copy of the search warrant in a conspicuous location on the premises.

10. Clarify/expand definition of vulnerable populations – Mostly Addressed

- a. Search Warrants (S04-19), Section II(K) expands the definition of a vulnerable person. In addition to children, elderly persons, and persons with limited English proficiency, the

⁶ See Body Worn Cameras (S03-14), effective August 8, 2024.

definition also includes persons with physical, developmental, or intellectual disabilities; persons with mental health conditions; and pregnant women. Additionally, S04-19, Section III(L) states Department members will try to avoid serving a search warrant when children or other vulnerable persons are likely to be present.

Additional COPA feedback:

S04-19, Section II should incorporate persons in a vulnerable state (e.g., in a state of undress) in the definition of a vulnerable person and CPD should consider how Department members will address a person's vulnerable state and needs as soon as it is feasible to do so.

- b. Search Warrant Service (S04-19-02), Section III states that at least one Certified Crisis Intervention Team (CIT) Officer will be on-scene for the full duration of the search warrant service. Also, the procedures for children are being present when serving the search warrant are outlined, including avoiding intentionally pointing firearms at children, questioning children, or handcuffing children and caretakers of children.
- c. Search Warrant Service (S04-19-02), Section II states that during the pre-service planning sessions, the search team supervisor will request Department-authorized interpreters if persons at the search warrant location are identified as having limited English proficiency, being deaf or hard of hearing, or having a speech impairment. Also, for high-risk search warrants, the Special Weapons and Tactics (SWAT) will coordinate with the Chicago Fire Department to stage emergency medical personnel nearby in the event of a medical emergency.

Additional COPA feedback:

For search warrants that are not high-risk and do require nearby staging of emergency medical personnel, S04-19-02 should still make clear how CPD will at least notify emergency medical personnel before serving the search warrant to ensure medical personnel are prepared to respond, if necessary.

11. Require continuous assessment of necessity for restraints – Fully Addressed

Search Warrants (S04-19), Section III(I)(2) states that Department members will continually assess if handcuffs or physical restraints are necessary for the safety of the person, Department members, or others.

12. Clarify conduct during search warrant service – Mostly Addressed

- a. Search Warrants (S04-19), Section III(D) states Department members should minimize any intrusion or damage to people's home during forced entry and the subsequent search. Also, Department members should return items to their original location afterward.
- b. Search Warrant Service (S04-19-02) Section III(I)(2) states that after service of the search warrant, the search team supervisor will ensure the location and any damaged point of entry is secured before departing.
- c. Search Warrant Post-Service Documentation and Review (S04-19-03), Section III requires a Department supervisor to review body worn camera if Department members

cause property damage, other than forced entry, and evaluate the damage during the search warrant service in the Search Warrant Post-Service form (CPD-41.358).

Additional COPA feedback:

S04-19-03 should outline what additional steps are taken after property damage has been identified, such as providing repair referrals to the owner of the residence. CPD should also incorporate the Search Warrant Community Resources and Referrals Pilot Program (D22-07)⁷ and the City Claims Notification Program (S03-10)⁸ into the process to rectify damage.

13. Highlight policy updates during training – *Mostly Addressed*

Search Warrants (S04-19), Section III(G) now requires Department members to complete comprehensive search warrant training prior to involvement in any step in the search warrant process.

Additional COPA feedback:

CPD should clarify how Department members qualified in the search warrant process will be updated on policy changes and complete related training, including outlining the roles of the Training and Support Group and other relevant Department units/teams.

14. Simplify language around the required level of approval for search warrants – *Fully Addressed*

- a. Search Warrant Development, Review, and Approval (S04-19-01), Section III(E) details the process for the affiant Department member to conduct a risk assessment prior to submitting a search warrant for review. This includes completing the Risk Assessment for Search Warrant Service form (CPD-41.356) to determine the risk score that identifies the search team requirements.
- b. S04-19-01, Section (V)(A) outlines the required search warrant approval process depending on the circumstances:
 - i. Approval by a sworn Department member with the rank of deputy chief or above for all search warrants for real property or locations where occupants may be present;
 - ii. Approval by a Department member of bureau chief or above for John Doe or No-Knock warrants; or
 - iii. Approval by a sworn Department member of lieutenant or above for search warrants that do not involve real property or locations where occupants may be present.

15. Target training to a small group of experts – *Fully Addressed*

In addition to Department members being required to complete comprehensive search warrant training,⁹ the Search Warrant Post-Service Documentation and Review (S04-19-03), Section III outlines the post-service evaluation process to identify any tactical, equipment, or training

⁷ See Search Warrant Community Resources and Referrals Pilot Program (D22-07), effective January 9, 2023.

⁸ See City Claims Notification Program (S03-10), effective October 10, 2012.

⁹ See Search Warrants (S04-19), Section III(G).

concerns, including individualized training, performance coaching, or a review of Department directives.

16. Streamline the search warrant approval process – Fully Addressed

- a. Search Warrant Development, Review, and Approval (S04-19-01), Section V states the approving sworn Department supervisor will examine the submitted documentation, ensure the established guidelines are followed, and verify the information used in the development of the search warrant.
- b. Search Warrant Post-Service Documentation and Review (S04-19-03), Section III(C) states the Department supervisor who approved the original search warrant will review the Search Warrant Post-Service form (CPD-41.358), review any body worn camera recordings of the search warrant entry and search, conduct an evaluation of the search warrant service compliance, and make any necessary notifications or recommendations.

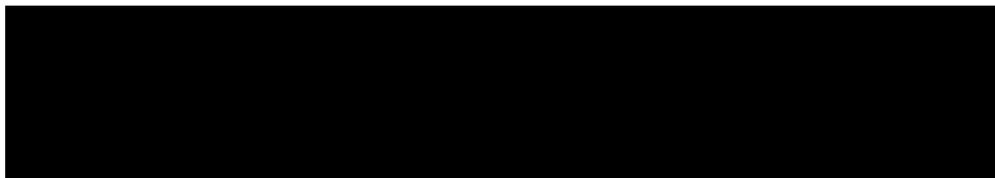
17. Track search warrant approvals – Fully Addressed

Search Warrants (S04-19), Section I introduces the Electronic Search Warrant (ESW) application to document each step of the search warrant process and establishes required search warrant forms:

- a. Search Warrant Development form (CPD-41.355);
- b. Risk Assessment for Search Warrant Service form (CPD-41.356);
- c. Search Warrant Pre-Service Planning form (CPD-41.357); and
- d. Search Warrant Post-Service form (CPD-41.358).

COPA acknowledges that CPD may be receiving and considering feedback from multiple stakeholders regarding its policies on search warrant service and that there is ongoing work to determine how the requirements of the proposed Anjanette Young city ordinance, if enacted, could impact CPD’s search warrant policies more broadly. COPA believes our feedback would still be relevant if “no-knock” warrants are ultimately banned by ordinance. Furthermore, COPA remains open to follow up discussion with community stakeholders and CPD on the issue of search warrant service as well as on the task of developing and implementing search warrant policy.

Respectfully,



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cc:

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