

Coalition Comments on CPD's Proposed Search Warrant Policies

Submitted to CPD Portal on March 14, 2025

CPD's February 2025 draft policies on search warrants are a significant improvement from past policies and serve as an important step toward ending CPD's pattern and practice of violent and discriminatory home raids. However, fundamental issues with the policies remain in which the proposed policies depart from best practice and will continue to result in unnecessary and avoidable harm and risks both to Chicago families and police officers. The Coalition urges CPD to adopt the changes explained below.

I. CPD must prohibit dangerous no-knock warrants.

- No-knock warrants are one of the most dangerous and traumatic types of police activity, both for people in the home and for officers. A no-knock warrant typically involves SWAT officers smashing in the door or windows of a home under cover of darkness and charging in with military-grade assault rifles raised and ready to shoot, often while throwing flashbang or other diversionary devices into the home. Such raids have yielded decades of tragic outcomes. From 2015 to 2022, at least 22 people were killed during no-knock raids across the country.
- No-knock warrants *increase* the odds of violent confrontation by making it more likely that officers will encounter startled residents who instinctually reach for a weapon. Time and again, residents have opened fire on officers, believing the officers to be armed intruders. Research has shown that rates of officer fatality are higher during no-knock warrants than during knock-and-announce warrants.
- Even when there is no physical harm to residents or officers, no-knock raids often cause long-lasting emotional trauma, including PTSD and clinical depression. And research finds no relationship between police raids and reduced crime.
- CPD's 2025 draft search warrant policy allows for no-knock raids whenever "there is a *reasonable suspicion* that knocking and announcing *would be dangerous* to the life or safety of the officers serving the warrant or another person." CPD's proposal flies in the face of the National Tactical Officers Association's ("NTOA") assessment that "[n]o-knock warrants... no longer pass the test of tactical science, risk mitigation practices, and liability-conscious decision-making." Contrary to the assumptions underlying CPD's proposal, bursting into people's homes unannounced has endangered the lives of police officers and residents, rather than protected them. That is why police practices experts and advocacy groups—including prominent law enforcement organizations—have determined that no-knock warrants should be eliminated. As the NTOA concluded, "[w]hen considering the priority of safety and life, it is difficult, at best, to justify or defend no-knock warrant service."

- The Coalition is not aware of any data from the jurisdictions that have banned or severely curtailed no-knock warrants suggesting that such reforms have been detrimental to officer or public safety.

II. CPD must require officers to wait at least 30 seconds after knocking and announcing before breaking into homes.

- Absent verifiable exigent circumstances, CPD should require officers to give people a reasonable amount of time, no less than 30 seconds, to respond to “knock and announce” warrants before forcible entry.
- Refusing to give people at least 30 seconds to open the door before busting it down creates a dangerous situation for both residents and officers for the same reasons that no-knock warrants do. And like no-knock warrants, it deprives people of the time they need to dress, open the door, and avoid intrusive, embarrassing, and traumatic forced entries.
- For example, Anjanette Young testified at the November 29, 2022 public hearing in federal court that CPD officers “kicked in [her] door [while she was naked] and they pointed guns at [her] and they yelled at [her] and they cursed at [her], and they left [her] home in shambles[.]” Despite CPD’s existing “reasonableness” standard, the officers waited no more than five seconds before busting down Ms. Young’s door.
- Making repeated announcements and giving people at least 30 seconds to respond would make it less likely that residents would mistake police for burglars.
- The Coalition searched for data and news articles from jurisdictions that have passed minimum wait times and could not find any that indicated an increase in violence towards officers after the policy change. Requiring a minimum wait time of 30 seconds will reduce violence by lawful gun owners, officer gunfire in response, and resulting trauma and property damage.

III. CPD must prohibit police from pointing their guns unless a person poses an immediate threat of death or great bodily harm to another person.

- CPD’s current “reasonableness standard” for gun-pointing has failed to prevent police officers from unnecessarily pointing guns at young children and their parents, nearly all of whom are Black and Latinx, leaving them traumatized and alienated from the police.
- Restricting gun pointing to circumstances where there is present or imminent threat of death or serious physical injury would place CPD policy in line with the standard directive of firearms trainers across America: you must not point a gun at a person unless you are prepared to kill them.

- The Washington D.C. Metropolitan Police Department prohibits officers from pointing a gun at a person except when “deadly force” is “immediately necessary.” The Philadelphia Police Department has also adopted a similar policy, prohibiting officers from pointing a gun at a person unless they present “an immediate threat for serious bodily injury or death.”

IV. The policy must eliminate the use of raids for low-level offenses.

- Best practice requires that CPD categorically prohibit home raids for simple drug or gun possession and other lesser offenses. Specifically, CPD should prohibit the execution of residential search warrants except when police suspect the following types of crimes:
 - violent felonies;
 - the illegal manufacture, distribution, or sale of narcotics, firearms, or munitions;
 - property crimes over \$1,000; or
 - when necessary to protect a person from a threat of physical harm.
- The Council on Criminal Justice’s Task Force on Policing recommended that law enforcement agencies throughout the United States should restrict the execution of residential warrants to cases of “clear and present danger or imminent threat to life.” Removing raids for simple possessory offenses and other low-level, nonviolent crimes will reduce the number of search warrants that CPD executes, thus reducing trauma to individuals and violence against police while freeing police resources to address violent crime and assist people in need.

V. The policy must expressly prohibit home raids when the risks of harm to people, police, and others outweigh the benefits of the raid.

- CPD policy must prohibit the execution of residential search warrants whenever the risks of harm outweigh the anticipated benefits. Although CPD’s current draft policy requires officers to weigh the risks, nothing in the policy prohibits CPD from executing the raid when the risks of harm to people and their property outweigh the benefits of the raid.
- Additionally, Department members should continuously balance the benefits of executing the warrant with the risks of harm to the occupants, department members, and others under the circumstances presented at the time. If circumstances change so that the risks of harm outweigh the benefits, CPD policy must require the search team supervisor to discontinue the execution of the warrant.

VI. The policy must require CPD to promptly release video footage to residents.

- The Search Warrant policy should require CPD to provide any resident of a home that is searched, upon request, with a copy of all available video footage of the raid as soon as possible, and not later than ten business days following the raid.

VII. CPD should require supervisors to review video footage of all raids where vulnerable people were present.

- CPD policy should require supervisors to review video footage and confirm that the search team's actions conformed to CPD's policy in all circumstances where vulnerable people were present during a raid (including children, elderly persons, persons with physical, developmental or intellectual disabilities, persons with mental health conditions, pregnant people, and people with limited English proficiency) – not merely when vulnerable people were present but not identified in the pre-service planning process.

VIII. CPD should publicly release information about every home raid.

- The Coalition recommends that CPD publish a data dashboard on its website containing, at a minimum, the following information about every home raid (some of these categories are included in the current version of S04-19-03 and some are not):
 - search warrant number;
 - date and time of the raid;
 - location of the raid;
 - whether there was forced entry and, if so, the justifications for making forced entry;
 - actions pursuant to the knock-and-announce rule, including time waited between knocking and entry;
 - the force used (including any firearm pointing) and any physical injuries or loss of life caused by CPD members during the raid;
 - the use of handcuffs or other types of restraints during the execution of the warrant;
 - special tactical devices used, such as flashbang devices
 - whether the raid was a “wrong raid;”
 - any alleged misconduct by members of CPD;
 - the race, gender, and age of every person present in the home;
 - the presence of any vulnerable persons, including children, elderly persons, persons with physical, developmental or intellectual disabilities, persons with mental health conditions, pregnant people, and people with limited English proficiency;
 - the use of any interpreter services (ASL or languages other than English) and who provided the services;

- any property damage caused by CPD members during the raid;
- whether CPD or sister agencies provided property repair services and the length of time to repair damage;
- the recovery of any contraband;
- whether the warrant resulted in the recovery of evidence or contraband sought in the warrant;
- whether the warrant resulted in the recovery of evidence or contraband NOT sought in the warrant;
- any arrests and the charges sought;
- the identity of the officers who executed the raid;
- the identity of officers who submitted a declaration in support of the warrant; and
- the names of the Assistant State's Attorney and Judge who approved the warrant.