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Final Report: Chicago Police Department's Search Warrant Process

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Acronyms

ASA	Cook County Assistant State's Attorney
BWC	Body Worn Camera
CCSAO	Cook County State's Attorney's Office
CLEAR	Citizen Law Enforcement Analysis and Reporting
CMS	Case Management System
COPA	Civilian Office of Police Accountability
CPD	Chicago Police Department
CSW	Complaint for Search Warrant
ESW	Electronic Search Warrant Application
OIG	City of Chicago Office of Inspector General
RCI	Registered Confidential Informant
SWRB	Search Warrant Review Board
UCI	Unregistered Confidential Informant

Final Report: Chicago Police Department's (CPD) Search Warrant Process

CHICAGO OFFICE OF INSPECTOR GENERAL

CPD is serving fewer search warrants.



OIG's inquiry noted a sharp decrease in the number of residential search warrants served since 2019.

Was it a *wrong raid*?

A *wrong raid* occurs when a CPD residential search warrant is served at the wrong address, or when the search warrant is served at the listed address but the warrant was based on inaccurate information.



How often do wrong raids happen?

CPD was not able to provide a count or rate for wrong raids. Inconsistent data collection is a factor.

Negative search warrants lacked critical investigative steps.



Documentation for residential search warrants with negative results (no arrest or seizure of evidence) reported low rates of investigative steps—such as pre-service surveillance—connecting the subject to the location.

Inconsistent access to tools—such as law enforcement databases and resources to register informants—and varied experience among CPD units can impact pre-service investigations.



CPD search warrant files are incomplete and decentralized.



CPD could not produce all files requested by OIG. Records provided lacked copies of forms and proof of supervisor approval.

CPD's plans for a new search warrants policy, forms, and data system may improve its tracking of wrong raids, guidance for pre-service investigations, and completeness of record keeping.

I | Executive Summary

The Public Safety section of the Office of Inspector General (OIG) conducted an inquiry into search warrant processes by the Chicago Police Department (CPD or the Department). In recent years, CPD and its search warrant practices have been the focus of a great deal of public attention, fueling local debate and as part of a national conversation about police search warrant practices and reform. Since 2018, local media outlets have identified and reported on instances of problematic service tactics used during CPD's service of residential search warrants, including instances in which CPD members pointed firearms at children and/or warrants were served at incorrect locations. Arising from its long-term, programmatic inquiry into this topic, OIG published two interim reports in advance of this final report: first, in January 2021, OIG published recommendations to CPD recommending urgent changes to the Department's search warrants policy; and second, in May 2021, OIG published an analysis of data on CPD's residential search warrants.¹

In January 2023, CPD posted draft revisions to its search warrants policy and forms on the Department's Policy Review Forum webpage for public review and comment. These changes include additions to its search warrant forms and a new electronic data application that hold the potential to vastly improve the Department's tracking of wrong raids and its ability to use that data to inform improvements to its search warrant service. As of this writing, these changes have not yet taken effect, and remain open for public comment; the policies and forms, therefore, may change before implemented.

In this final report, OIG describes various dimensions of CPD's search warrant practices over the last several years, and assesses the extent to which CPD's draft policy revisions may address some of the shortcomings observed. In light of the pending changes to CPD's policies and practices, OIG does not make new recommendations herein. Rather, in offering a thorough assessment of gaps in and risks posed by CPD's past policies, trainings, etc., OIG hopes to provide stakeholders and decision-makers with appropriate context for measuring improvements brought about by new policies and improved controls, and to highlight those areas most in need of remediation.²

Specifically, with respect to past practices, OIG sought to determine whether CPD has:

- tracked and evaluated search warrants that resulted in so-called "wrong raids" to identify and remediate risks and contributing factors,³
- developed search warrants in such a manner as to ensure they are based on accurate information and served at the correct location,
- and tailored the content of its search warrants policy and related trainings to address risks associated with wrong raids.

¹ City of Chicago Office of Inspector General, "Urgent Recommendations on the Chicago Police Department's Search Warrant Policies," January 22, 2021, accessed May 5, 2022, <https://igchicago.org/wp-content/uploads/2021/01/OIG-Urgent-Recommendations-on-Search-Warrant-Policies.pdf>.

City of Chicago Office of Inspector General, "Second Interim Report: Search Warrants Executed by the Chicago Police Department," May 6, 2021, accessed May 5, 2022, <https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report-CPD-Search-Warrants.pdf>.

² As OIG does not issue recommendations in this report, pursuant to MCC § 2-56-245, CPD was not required to provide a response to OIG. However, OIG nonetheless provided a draft of this report to CPD before publication. As of this writing, CPD provided no written response to this report and its findings.

³ See page 14 Subsection D.1. for OIG's definition of "wrong raid" as used in this report.

In pursuit of these objectives, OIG analyzed electronic search warrant records for residential search warrants served from 2017 through 2021; reviewed a sample of search warrant files for negative residential search warrants from 2017 to 2020, training on search warrants dating back to 2015, and revisions made to CPD's search warrants policy since January 2020; and conducted process interviews with experienced search team supervisors and warrant affiants, search warrant training instructors, and personnel from CPD's Risk Management and Confidential Matters units.

First, OIG found that, to date, CPD's approach to tracking wrong raids has not captured all incidents of wrong raids and has prevented CPD and other stakeholders from quantifying the extent of the problem and identifying process failures. CPD has used its Case Management System (CMS), intended to track complaints of officer misconduct, to track wrong raid incidents. However, the categories into which allegations of misconduct may be divided are broad and lack instruction on how incidents with multiple allegations of misconduct should be categorized. Tracking wrong raid incidents in CMS also relies on an additional administrative step to the post-service reporting procedure by CPD members. Combined with the widely varying classification of these incidents in CMS, CPD's use of complaint records as its primary method of tracking wrong raid incidents has hindered CPD and the public's ability to measure and understand the issue of wrong raids in Chicago.

Further, OIG analyzed a sample of search warrant files for negative residential search warrants, search warrants that did not result in an arrest or the seizure of any evidence. OIG found that the documented investigations completed prior to the service of the search warrant for these negative search warrants did not demonstrate sufficient steps taken to ensure service of the warrant at the correct location. Most notably, these files lacked records of investigative steps taken to connect the subject—the individual who is named in the warrant—to the location specified on the warrant, including evidence of a failure to conduct pre-service surveillance of the location where the warrant was to be served. CPD's revised Search Warrant Development form posted in January 2023 includes checkboxes for specific investigative steps to be taken and law enforcement-specific investigative tools to be used to verify information on the subject and target location of a search warrant. The introduction of this form has the potential to help the Department ensure that affiants take sufficient investigative steps prior to the service of a search warrant.

OIG also found that CPD's pre-service investigations have been hindered by units' varying access to investigative tools, resources to register confidential informants, and levels of experience in developing search warrants. For example, for all residential search warrants served from 2017 to 2021, OIG found that the Narcotics Division, the unit that has served the most search warrants, had a relatively low negative search warrant service rate of 7%, lower than that of the Department-wide negative rate of 10%. Experienced affiants—CPD members tasked with the preparation of the warrant—and search team supervisors—CPD members of the rank of Sergeant or above who oversee search warrant service—reported that access to investigative databases and resources varies widely by unit and member, and members from the Confidential Matters Unit, which is responsible for processing the registration of confidential informants, reported that CPD Districts do not tend to register sources with the Department, unlike specialized units such as the Narcotics Division. As the Department implements changes such as introducing the Search Warrant Development form to guide pre-service investigations, it should be mindful of the limitations that exist in its operations, particularly the inconsistent access to investigative tools across members and units.

Lastly, OIG found that, to date, CPD has maintained search warrant documentation such as copies of the Complaint for Search Warrant (CSW) and the search warrant in paper search warrant files, and that storage of these files has been decentralized and housed by individual units or individual members. Additionally, within the sample search warrant files for negative residential search warrants analyzed, OIG found that files were incomplete, lacking documentation of pre-service investigations, supervisory approvals, and operational plans. For example, only 14% of the files analyzed contained documentation of pre-service investigative results establishing the identity of the subject named in the warrant. As indicated by the draft search warrants policy and forms the Department posted in January 2023, CPD's new electronic data application, anticipated in 2024, holds the potential to improve search warrant record maintenance with improvements to documentation of pre-service investigations and operational planning, and documentation of CPD supervisory review and approval.

CPD's January 2023 draft revisions to its search warrants policy and forms are encouraging steps toward increased accountability, guidelines for pre-service investigations, risk assessment, operational planning for search warrant service, and a process for critical incident after-action reviews. Further, the draft policy and newly proposed electronic data application lay the groundwork for a more complete understanding of CPD wrong raids and search warrant service generally. In this descriptive report, OIG aims to inform the Department's efforts as it implements these reforms, establishing a baseline for the state of CPD wrong raid tracking, pre-service investigation quality, and records management to date, from which the impact and effectiveness of these recent revisions to its search warrants policies and practices might be measured.

II | Background

In January 2023, CPD posted draft revisions to its search warrants policy and forms for public comment on the Department's Policy Review Forum webpage. The proposed changes to its processes for search warrant *development* include two new forms: the Search Warrant Development form which contains a checklist to guide a CPD member's investigation to establish probable cause for the warrant, and the Risk Assessment for Search Warrant Service form to determine whether the Special Weapons and Tactics (SWAT) team must be consulted to assist in warrant service. Additionally, CPD has proposed revisions to its existing Search Warrant Pre-Service Planning form, which guides the operational planning session to consider vulnerable populations prior to service of the warrant. For *post-service* processes for search warrants, CPD's proposed changes include a formalized process for critical incident review for search warrants, and establishing RCIs the Search Warrant Review Board (SWRB) comprised of Department leadership. Further, CPD's proposed changes include revisions to its Post-Service Review form and electronic data application to capture additional information including whether the subject was present during service of the warrant, the type of evidence recovered, and CPD supervisors' recommended actions for members involved in the service of the warrant such as additional or repeated training. In this descriptive report, OIG identifies gaps in and risks posed by previous CPD search warrants policies and practices, providing context against which the Department's proposed changes may be measured for potential improvements in pre-service investigative practices, warrant outcome tracking and recordkeeping, and capacity for data-informed process refinement.

A | Search Warrants

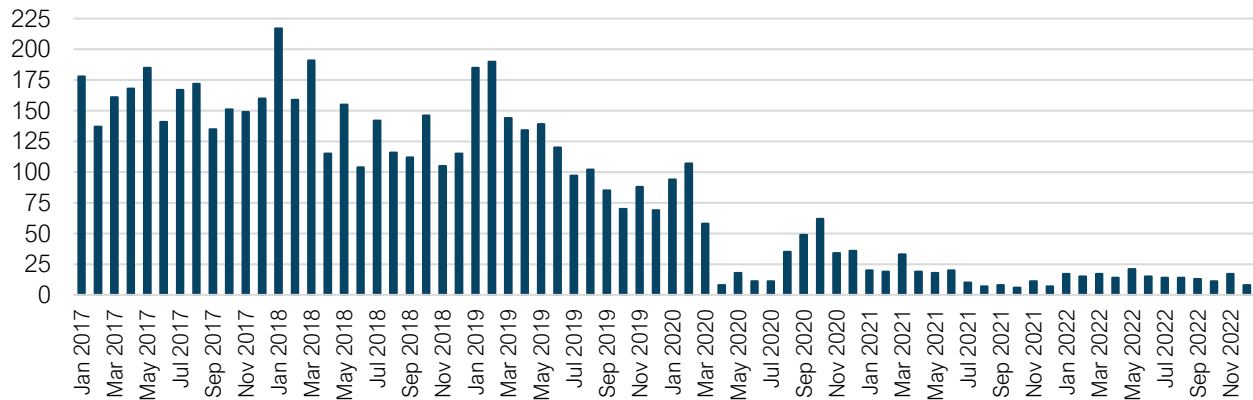
Search warrants are orders issued by a judge that give the police authority to search a particular place and person, as applicable, for specific evidence of a criminal offense.⁴ Typically, CPD receives information pertaining to an alleged crime from a source, whether that be a concerned citizen, a paid informant, or an individual cooperating for consideration in their own criminal case. Next, the CPD member who will swear to the accuracy of the information used to obtain the search warrant, known as the affiant, conducts an independent investigation to verify the source's information; the affiant is usually the member who is in contact with the source and can question them to guide the investigation.

Once the affiant completes the investigation, they draft the search warrant and accompanying CSW, in which they lay out the facts of the investigation which establish probable cause for the search. The documents are then reviewed and approved through the affiant's supervisory chain of command. Once approved internally, CPD sends the search warrant forms to the Cook County State's Attorney's Office (CCSAO) for review by an Assistant State's Attorney (ASA). The affiant then presents the documents to a judge for formal issuance of the warrant. From that time, the affiant and a search team, including CPD supervisors, have 96 hours to serve the search warrant at the location listed on the documentation. Under the Fourth Amendment to the United States Constitution, CPD must limit its search during service of a search warrant to the scope particularly described on the warrant and may not search areas that could not reasonably contain the evidence specified on the warrant. For example, CPD's search warrant training for recruits in the Academy provides the example that if police are searching for a corpse, they may not search a pill box.

⁴ Code of Criminal Procedure of 1963, (725 ILCS 5/108-3) (from Ch. 38, par. 108-3). Sec. 108-3. Grounds for search warrant. Subsection a.1.

From 2017 through 2019, CPD served 5,004 search warrants at Chicago residences. Since then, CPD’s service of residential search warrants has decreased dramatically, with just 877 residential search warrants served from 2020 through 2022 (see Figure 1 below).

Figure 1: Residential CPD Search Warrants Served 2017-2022⁵



Source: OIG Analysis

In recent years, CPD and its search warrant practices have been the focus of a great deal of public attention, fueling local debate, and as part of a national conversation about “wrong raids” by the police.⁶ Since 2018, local media outlets have identified and reported on instances of problematic service tactics used during CPD’s service of residential search warrants, including instances in which CPD members pointed firearms at children and/or warrants that were served at incorrect locations. These incidents shone a light on serious flaws in CPD’s search warrant process.

B | OIG Interim Search Warrants Reports

This inquiry is the final report in a series OIG has published regarding CPD’s search warrants policy and records and descriptive data on individuals who are subjects of CPD search warrants, the types of evidence sought by CPD search warrants, and outcomes of CPD search warrants, including evidence seized and arrests made.

On December 21, 2020, OIG sent urgent recommendations to CPD regarding its search warrants policy, “Special Order S04-19: Search Warrants”, which governed CPD’s use of search warrants. These recommendations were published in January 2021 in a first interim report on this topic.⁷ OIG recommended the following:

- 1) CPD should modify “S04-19” to require that information used to substantiate a search warrant is verified and corroborated by investigation by a CPD member,

⁵ OIG analyzed CPD electronic search warrant records from its application, eTrack, with a residential location type (e.g., “Apartment,” “Residence”) and found that CPD served 1,904 residential search warrants in 2017, 1,677 in 2018, 1,423 in 2019, 523 in 2020, 178 in 2021, and 176 in 2022.

⁶ See page 14 Subsection D.1. for OIG’s definition of “wrong raid” as used in this report.

⁷ The December 2020 notification from OIG and CPD’s response were published on OIG’s website in January 2021. City of Chicago Office of Inspector General, “Urgent Recommendations on the Chicago Police Department’s Search Warrant Policies,” January 22, 2021, accessed May 5, 2022, <https://igchicago.org/wp-content/uploads/2021/01/OIG-Urgent-Recommendations-on-Search-Warrant-Policies.pdf>.

regardless of the source of that information, and that the investigation be reported and documented in the search warrant file.

- 2) CPD should modify “S04-19” in order to expand mandated reporting and generation of a log number to those circumstances in which a CPD member becomes aware that the information used to substantiate a search warrant was inaccurate or in some way faulty, and to specify the incident category code with which log numbers arising out of search warrant executions are to be associated.⁸

CPD incorporated both of OIG’s urgent recommendations into its immediate subsequent revision of its search warrants policy and posted the changes for public comment in March 2021. Other revisions to the policy at that time included the requirement for a female CPD member to be present at the scene, considerations for warrant service in the presence of vulnerable people such as children, and an increase to the supervisor rank required for approval of No-Knock and John Doe warrants.⁹

In May 2021, OIG released its second interim report arising from this inquiry, a descriptive data analysis on CPD’s residential search warrants, including the frequency, reason, location, subject demographics, and rates for the seizure of intended evidence of residential search warrants served between 2017 and 2020. The report also detailed the deficiencies of CPD’s search warrant data system, which presented challenges for ensuring compliance with the then proposed policy changes, such as restrictions on No-Knock warrants. At the time, CPD’s data system did not track the type of source that provided information supporting the warrant (e.g., anonymous concerned citizen, paid informant), No-Knock status, special considerations in the presence of children and other vulnerable people, or whether a so-called “wrong raid” occurred.¹⁰ The first iteration of CPD’s proposed policy changes went into effect on May 28, 2021. CPD reported to OIG that in March 2022 it made updates to its electronic application for reporting on search warrants to resolve many of these deficiencies, including tracking whether a warrant was a No-Knock and whether children were present at the target location. Additionally, in January 2023, CPD posted for public comment new and revised Department forms for search warrant service to be recorded in its forthcoming Electronic Search Warrant (ESW) application. These forms indicate a vast expansion to its electronic record keeping for search warrants, including tracking outcomes such as whether a wrong raid occurred.¹¹

⁸ This report uses “search warrant service” to describe the act of conducting a search warrant, which reflects the current language from CPD’s search warrants policy, “Special Order S04-19.” Previous versions of the order, such as the version in place at the time of OIG’s notification, used the term “search warrant execution.”

⁹ No-Knock warrants are search warrants in which the judge grants police exception to the requirement to knock and announce prior to entry. John Doe warrants are search warrants based on information provided by anonymous sources, or “John Does.” See page 12 for more information on CPD’s search warrant classifications.

¹⁰ City of Chicago Office of Inspector General, “Second Interim Report: Search Warrants Executed by the Chicago Police Department,” May 6, 2021, accessed May 5, 2022, https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report_CPD-Search-Warrants.pdf.

¹¹ In March 2022, CPD search warrants were determined to fall within the scope of the consent decree entered in *Illinois v. Chicago*, which requires the Department to ensure that its search warrant policies and practices do not discriminate on the basis of any protected class and that prior to implementing changes to training or policy for search warrants, the Attorney General, Independent Monitor, and the general public can provide input on the proposed changes. In November and December 2022, CPD held two virtual community engagement events to solicit community input on its current search warrants policy. On January 31, 2023, CPD posted a draft of new revisions to its search warrants policy for public comment. The public comment period for the draft policy closed on March 2, 2023.

C | CPD's Search Warrant Process

In Illinois, a search warrant may be issued in order to seize objects that have been or may be used in a crime, as well as contraband or objects that are criminally possessed.¹² The development and approval of a CPD search warrant involves investigation and review by CPD members and supervisors, review by the CCSAO, and ultimately review and issuance by a Cook County judge.

1. Actors in the Development and Approval of Search Warrants

A search warrant affiant receives information about alleged criminal activity from a source, and completes the pre-service investigation to verify the credibility of both the source and the alleged information. The CPD member serving as the affiant completes two forms: a Complaint for Search Warrant (CSW), in which the affiant describes the facts establishing probable cause for the warrant; and a search warrant, in which the affiant details the person(s) and premises sought, the specific items to be seized, and the criminal offense alleged. Pursuant to CPD's search warrants policy, after the affiant prepares the CSW and search warrant, they present both forms for CPD supervisory approval through the affiant's chain of command.

Once approved internally, the affiant submits the forms to an ASA in the CCSAO for review.¹³

After ASA review and approval, the affiant appears before a judge to submit the CSW and search warrant forms for review and approval.¹⁴ The affiant swears to the truth of the contents of the CSW. If the affiant includes a false statement in the CSW in order to establish probable cause, the warrant could be invalidated, and the affiant could be subject to criminal penalties for perjury.¹⁵ In reviewing a CSW, the judge determines whether the facts presented are sufficient to establish probable cause.¹⁶ If the judge finds there is probable cause, they will approve both documents and formally issue the search warrant. The CSW and search warrant become part of the search warrant record, and a copy of the search warrant form must be presented to the subject named in the search warrant at the time of service or left at the premises if no one is present. The warrant must be served within 96 hours of its issuance and becomes void thereafter. A warrant must be returned to the court of the judge who issued the search warrant, regardless of whether or not it is served.

2. Overview of CPD's Residential Search Warrant Process

CPD's search warrant process includes several steps spanning three major stages: pre-service, service, and post-service. The process differs for residential warrants and electronic or evidentiary warrants, i.e., warrants that are not served at a physical location, such as those seeking phone

¹² Code of Criminal Procedure of 1963, (725 ILCS 5/108-3) (from Ch. 38, par. 108-3). Sec. 108-3. Grounds for search warrant. Subsection a.1.

¹³ In December 2022, the Cook County State's Attorney's Office (CCSAO) announced an impending policy change which will require CPD to notify CCSAO of the outcome of its search warrants.

Buckley, Madeline, "After high-profile botched police raids, Cook County prosecutors implementing new requirements on search warrants." *Chicago Tribune*, December 9, 2022, <https://www.chicagotribune.com/news/breaking/ct-cook-county-states-attorney-new-warrant-policy-20221209-ls4p42wqvbe7xnazyadev3gyk4-story.html>.

¹⁴ Chicago Police Department, "DRAFT Special Order S04-19-01: Search Warrant Development, Review, and Approval," Section VII., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

¹⁵ *Franks v. Delaware*, 438 U.S. 154, 155, 98 S. Ct. 2674, 2676 (1978).

¹⁶ Code of Criminal Procedure of 1963, (725 ILCS 5/108-3) (from Ch. 38, par. 108-4). Sec. 108-4. Issuance of a search warrant. Subsection b.3.

records. The steps for developing, serving, and documenting a search warrant to be served at a *residence*, as reported in CPD's current policy and training, and process interviews with OIG, are briefly described below.

Figure 2. CPD's Residential Search Warrant Process

	Step	Description
Pre-Service	Information received	A CPD member receives information about alleged criminal activity. CPD members may become aware of criminal activity in numerous ways: including from concerned citizens; established contacts in neighborhoods; acquaintances; ongoing police investigations; or registered informants, individuals who provide information in exchange for compensation.
	Pre-service investigation & search warrant development	The affiant, typically the Department member who received the information about alleged criminal activity, completes a pre-service investigation to verify the allegations supporting probable cause for the search warrant. The affiant then prepares two forms: a CSW and a search warrant and presents these documents to their immediate supervisor. As of January 2023, proposed changes to CPD's search warrants policy would also require affiants to complete two new forms: a Search Warrant Development form, in which they detail the pre-service investigation, and a Risk Assessment for Search Warrant Service, which helps determine whether a SWAT team supervisor must be notified or consulted on whether SWAT will assist in warrant service.
	CPD supervisory review and approval	The affiant's immediate supervisor reviews the CSW and search warrant forms and ensures they are presented through the chain of command to the appropriate approving supervisor for final approval, the rank of Deputy Chief or above. As of January 2023, proposed changes to CPD's search warrants policy would also require affiants to submit the Search Warrant Development form and Risk Assessment for Search Warrant Service to their supervisor.
	ASA review & issuance by a judge	The affiant presents the CSW and search warrant forms to a Cook County Assistant State's Attorney for review. The affiant then appears before a judge and presents the documents for approval and issuance of the warrant.
Search Warrant Service	Creation of electronic data record	The search team supervisor ensures there is a record of the warrant in CPD's electronic data application. They ensure that personnel assignments and roles and any precautions identified during the pre-service planning session are documented. The search team supervisor then ensures the electronic record is approved by a Lieutenant prior to service.
	Pre-service planning session	The search team supervisor conducts a planning session with the search team members. Among other things, the search team supervisor ensures members are familiar with their roles and duties, the scope and purpose of the search, the target location, and other important considerations such as the potential presence of vulnerable occupants at the location including children, the elderly, people with disabilities, or people with limited English proficiency. As of January 2023, proposed changes to CPD's search warrants policy include revisions to the Search Warrant Pre-Service form to guide search teams' completion of these planning sessions.

	<p>Search warrant service</p>	<p>Among their responsibilities, the search team supervisor ensures that the location to be searched is the location listed on the search warrant, that there is at least one female officer present, and that each CPD member assigned a body worn camera (BWC) is wearing it and that it is activated prior to entering the location. If a CPD member “becomes aware of any alleged, suspected, or apparent violations” of Department rules, directives, or orders during the service of a search warrant, including if a wrong raid has occurred, “that member will immediately notify the search team supervisor” who will ensure a log number is generated in CPD’s complaint system, CMS. For all identified wrong raids, a newly established Search Warrant Review Board, comprised of Department leadership, will conduct a critical incident after-action review, according to CPD’s draft search warrants policy posted in January 2023.¹⁷</p>
<p>Post-Service</p>	<p>Review, inventory, and reporting</p>	<p>The search team supervisor conducts an informal debrief with the search team, reviewing how the service of the search warrant went. The search team processes and inventories seized evidence and generates corresponding notifications and reports. If an arrest was made during the service of the warrant, the arrest is processed. The affiant submits the Search Warrant Post-Service form to the search team supervisor for review and approval. After satisfactory review, the supervisor then submits the record to the on-scene supervisor of the rank of Lieutenant or above for final review and approval. As of January 2023, proposed changes to CPD’s search warrants policy include revisions to the Search Warrant Post-Service form, such as introducing a checkbox for whether a wrong raid occurred during service of the warrant.</p>
	<p>Search warrant documentation</p>	<p>The paper search warrant file, including required documentation such as copies of the CSW and search warrant, is stored in the file housing section of the affiant’s unit. As of January 2023, proposed changes to CPD’s search warrants policy would also require Department members to upload copies of the CSW and search warrant forms to the electronic data application.</p>

Source: OIG Analysis

3. CPD Search Warrant Classifications

a. Source Type

CPD identifies three classifications of search warrants based on the source of the information on which the CSW and search warrant are based: 1) John Does, or anonymous sources, 2) Unregistered Confidential Informants (UCIs), and 3) Registered Confidential Informants (RCIs).¹⁸ Each RCI is registered with CPD’s Confidential Matters Unit, and has a Department-maintained reliability history, the credibility of criminal information they have previously provided to CPD. The requirement of an independent investigation to verify information provided to CPD regardless of source type was one of two urgent recommendations OIG made to CPD in December 2020. CPD made this change among its May 2021 revisions to its search warrants policy, requiring an

¹⁷ Chicago Police Department, “DRAFT Special Order S04-19-03: Search Warrant Post-Service Documentation and Review,” Section VIII., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

¹⁸ Chicago Police Department, “DRAFT Special Order S04-19-01: Search Warrant Development, Review, and Approval,” Section II.A., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

independent investigation to verify information providing the basis for a CSW regardless of the source of the information, as was previously only required to corroborate information from John Does.

b. No-Knock Warrants

Under certain circumstances, CPD may serve so-called “No-Knock” search warrants. In Illinois, officers serving a warrant must knock prior to entry with few exceptions. In order to obtain a No-Knock warrant, a Department member must demonstrate to a judge that their CSW and search warrant qualify under one of the following exceptions, as defined by Illinois law:

- 1) the reasonable belief that giving notice would lead to a weapon being used against an officer or other person, or
- 2) that notice would likely lead to the destruction of evidence.¹⁹

CPD has publicly stated that it rarely serves No-Knock warrants.²⁰ According to data posted on the Department’s website in January 2023, it served just five residential No-Knock search warrants in 2022.²¹ OIG interviews with six experienced search warrant affiants further supported this; none of the affiants—who had served as affiant on as many as 45 to 108 search warrants over the four-year period analyzed—reported ever serving a No-Knock warrant. As of May 2021, No-Knock warrants, as well as warrants developed from anonymous sources (John Does), must be approved by a CPD Bureau Chief. All other residential search warrants must be approved by a Deputy Chief, a lower rank than that of Bureau Chief.

D | Defining “Wrong Raids” and “Negative Warrants”

The discourse in Chicago and beyond about search warrants and so-called “wrong raids” is made complicated, in part, by varying and sometimes ambiguous definitions of the term “wrong raid.” Some of the ambiguity may be because there is more than one type of process failure that can result in the police searching the wrong home. That is, there may be deficiencies in 1) pre-service investigative work to verify the information establishing probable cause for the warrant, resulting in a warrant being issued for an address other than the one at which suspected criminal activity is taking place, or 2) in the service of the warrant itself, resulting in the police physically serving a warrant at an address other than the one listed on the warrant. Further, some news media outlets use the term “wrong raids” more broadly to describe situations in which CPD’s search warrant service may have given rise to constitutional violations or other serious harms.²² Those events are outside the scope of this inquiry. Often discussed alongside wrong raids are “negative warrants”—warrants that do not result in an arrest or recovery of any property. However, not all negative warrants are the results of wrong raids, nor, conversely, do all wrong raids result in negative warrants. OIG defines both terms below.

¹⁹ Code of Criminal Procedure of 1963, (725 ILCS 5/108-8) (from Ch. 38, par. 108-8), Sec. 108-8. Use of force in execution of search warrant.

²⁰ Main, Frank, “As Pritzker pushes no-knock warrant ban, Chicago police allow them but tightened search rules.” *Chicago Sun-Times*, October 11, 202, <https://chicago.suntimes.com/politics/2020/10/11/21509697/warrants-no-knock-chicago-police-search-rules-pritzker>.

²¹ Prior to 2022, CPD did not track No-Knock status for search warrants in its electronic data application. Chicago Police Department, “Public-Posting-Supplement_CPD-Search-Warrants_31JAN23.pdf,” pp. 2, January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

²² “[Un]warranted.” *CBS2*, accessed February 28, 2022. www.cbschicago.com/unwarranted.

1. Wrong Raids

For purposes of this inquiry, OIG identifies two different scenarios that constitute a wrong raid. As used herein, a “wrong raid” occurs when:

- 1) The location searched does not match the location listed on the search warrant.
- 2) The location searched matches the location listed on the search warrant, but the underlying intelligence used to obtain the warrant for that location was deficient.

CPD’s January 2020 policy only considered the first of these scenarios. However, CPD has since included both scenarios in its current definition of wrong raids.²³

2. Negative Warrants

As used herein, negative warrants are warrants in which the service of the search warrant does not result in an arrest or the recovery of any property. “Gainful” outcomes of a search warrant, such as the recovery of evidence or the arrest of a subject, do not eliminate the possibility that a wrong raid also occurred. Figure 3 below demonstrates how these situations may coincide.

Figure 3. Wrong Raids and Negative Warrants: Overlapping but Distinct Categories

		<i>INTELLIGENCE & SERVICE OF WARRANT</i>	
		INTELLIGENCE IS SOUND AND WARRANT SERVED AT THE CORRECT ADDRESS	INTELLIGENCE IS DEFICIENT AND/OR WARRANT SERVED AT THE WRONG ADDRESS
WARRANT OUTCOMES	ARREST MADE AND/OR PROPERTY RECOVERED	GAINFUL WARRANT	WRONG RAID AND GAINFUL WARRANT
	NO ARREST MADE AND NO PROPERTY RECOVERED	NEGATIVE WARRANT	WRONG RAID AND NEGATIVE WARRANT

Source: OIG Analysis

²³ CPD’s search warrants policy defines a “wrong raid,” as a search warrant “served at a location that is different than the location listed on the search warrant” or where circumstances “are inconsistent with the factual basis for the probable cause documented and used to obtain the search warrant.” Chicago Police Department, “DRAFT Special Order S04-19: Search Warrants,” Section II.L., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/. City of Chicago Office of Inspector General, “Urgent Recommendations on the Chicago Police Department’s Search Warrant Policies,” January 22, 2021, accessed May 5, 2022, <https://igchicago.org/wp-content/uploads/2021/01/OIG-Urgent-Recommendations-on-Search-Warrant-Policies.pdf>.

E | Sources of Data for CPD Search Warrants

Information on CPD search warrants can be found within its electronic application and, if applicable, within the complaint database used to track allegations of misconduct by CPD members, CMS. Information on whether items were seized, or arrests made during the service of a warrant is recorded in eTrack, while information on misconduct stemming from the same service is recorded in CMS. CPD uses eTrack to record standard information on all search warrants that search teams must enter pre- and post-service of the warrant. Further, CPD members must report when the service of a search warrant results in allegations of misconduct, ensuring a record, or “log number,” is generated in CMS. Information about the outcome of a search warrant can therefore be found in two different systems.

1. CPD’s Electronic Search Warrant Records

CPD records all search warrants in an electronic application within CPD’s primary data system, CLEAR (Citizen Law Enforcement Analysis and Reporting). This system is referred to as “eTrack.” CPD’s January 2023 draft search warrants policy proposes a new data application called the Electronic Search Warrant (ESW) application, which will have capabilities for documenting and retaining search warrant data and forms.²⁴ OIG analyzed CPD electronic search warrant data from eTrack from 2017 to 2021, the data system still in use as of this writing. The eTrack application includes a pre-service search warrant page detailing the object of the warrant, the subject identity, the location to be searched, and assigned personnel. The post-service search warrant page details whether and when the warrant was served, as well as outcomes, including whether property was seized, an arrest was made, or illegal guns were recovered. From 2017 to 2021, there were significant structural limitations on the data captured in eTrack; for example, the “property recovered” field did not capture the type of property that was recovered or whether it was the intended evidence sought in the search warrant. Further, eTrack did not capture whether a wrong raid occurred, and at the time of OIG’s analysis, did not track the source type for the information used to obtain the warrant.²⁵ To analyze source types and pre-service investigation practices, OIG reviewed a sample of CPD search warrant files (see Methodology).

2. Complaint Data on CPD Search Warrants (CMS)

CMS is an electronic case management system used to document investigations into allegations of misconduct by CPD members from complaint intake to case completion.²⁶ As noted above, CPD’s search warrants policy, both the currently effective and proposed versions, requires search team members to alert the search team supervisor if any of them becomes aware a wrong raid has occurred. The search team supervisor must then ensure that a log number is generated. Subject to

²⁴ OIG inquired of CPD whether the proposed ESW application would replace eTrack as its search warrant data system, and the date the application will take effect. In a response on May 24, 2023, CPD confirmed to OIG that the ESW application is meant to “completely replace” eTrack for the documentation and approval of search warrants; the eTrack application will still be used to document and manage inventories of recovered properties and crime scene processing reports. In its response, CPD indicated its plans for the ESW application to be fully implemented and operational in 2024.

²⁵ In March 2022, CPD reported to OIG that it had begun tracking source type for residential search warrants in its electronic application. CPD’s January 2023 draft search warrant forms indicate further additions to its electronic search warrant data collection, including additional questions to detail the type of evidence recovered and whether the search warrant resulted in a wrong raid.

²⁶ Independent Monitoring Team, “Chicago Police Department Reform Progress Update, Independent Monitoring Period No. 4”, pp. 132, accessed May 5, 2022, <https://home.chicagopolice.org/wp-content/uploads/CPD-IMR-4-Reform-Progress-Update.pdf>

discipline, CPD members and supervisors are obligated to report allegations of misconduct, such as excessive use of force, civil rights abuses, or other violations of Department policies or code of conduct.

Log numbers are classified in CMS by incident type through the selection of an incident category code.²⁷ Among CPD's incident category codes is *Group 16, "Search Warrants,"* and a subgroup *16D "Wrong Address."*²⁸ CPD's current and proposed search warrants policies, while mandating the creation of a log number under certain circumstances following a wrong raid, do not specify *which* incident category code should be used to track instances of wrong raids when they also involve additional allegations of another type, such as, for example, *"Damage to Property."* In its review of electronic records of CPD misconduct investigations, OIG found eight log numbers which were coded in subgroup 16D, "Wrong Address," relating to incidents which occurred between January 1, 2017, and December 31, 2020.²⁹ This category code is no longer aligned to CPD's definition of a wrong raid, which includes search warrants where the information proved to be factually inconsistent with the probable cause used to obtain the search warrant *in addition to* search warrants served at the wrong address.

OIG also reviewed electronic investigative files which contained narratives appearing to describe scenarios that met either definition of a wrong raid, but which were categorized under codes other than *16D "Wrong Address."* OIG identified 13 allegations of search warrants being served at the wrong address, and four allegations of search warrants being served at the correct address, but the information used to establish probable cause for the warrant was inaccurate. These allegations included an incident where the warrant was served at a garden unit apartment when the warrant listed a first-floor apartment in the same building, and an instance when a search warrant was served at the address listed on the warrant but the inhabitant claimed that the individual named in the warrant lived two houses down the street. These allegations were coded as "Failure to Leave Notification" and "Improper Service of Warrant," respectively.

Due to the low number of cases reported, the limitation of the incident category code for wrong addresses, and the inconsistency in category codes used when there are allegations of multiple types, this report does not use CMS to generate a population of wrong raids for evaluation.

²⁷ OIG has previously noted the inconsistent application of CMS incident category codes as related to its obligations under ¶ 444 of the consent decree to review and analyze closed sexual misconduct investigations involving complaints against a CPD member alleging misconduct against a non-CPD member. In its 2019 and 2020 reports on the topic, OIG found that not all allegations of sexual misconduct had incident category codes pertaining to sexual misconduct, and those that did were applied inconsistently. In its 2021 report on the topic, OIG noted that the Civilian Office of Police Accountability (COPA) had created new category codes to better identify allegations of sexual misconduct. However, OIG discovered several cases investigated by each agency that had not been reported as required.

City of Chicago Office of Inspector General, "Paragraph 444 Annual Report on Investigations of Sexual Misconduct Allegations against Chicago Police Department members," accessed March 30, 2023, <https://igchicago.org/2022/06/02/report-on-investigations-of-sexual-misconduct-allegations-against-chicago-police-department-members/>.

²⁸ Other subgroups in this incident category code include: 16A Damage to Property, 16B Failure to Leave Notification, 16C Missing Money or Property, and 16E Improper Service of Warrant. See Finding 1 for more information on the use of these subgroups.

²⁹ OIG used both AutoCR and CMS to review complaint data. AutoCR is the software and database management tool used by CPD to house investigations initiated from January 1, 2000 to February 10, 2019. CMS is the software and database management tool currently in use by CPD, and houses investigations initiated after February 10, 2019.

F | CPD Search Warrant Training

The curriculum of CPD's Education and Training Division (ETD)—administered to all recruits—requires 16 hours of training on topics related to arrests, searches, and seizures, two hours of which are explicitly related to the preparation and service of search warrants. The instruction primarily focuses on adherence to state statutes and constitutional requirements, with particular emphasis on establishing probable cause to conduct a search. The training also addresses the use of informants and the specificity with which subjects and locations must be described in a warrant.

In the Fall of 2019, CPD convened a working group charged with examining its search warrant process for risk areas and revisions to the search warrants policy. In January 2020, CPD revised its search warrants policy and began disseminating an updated in-service training which included a review of the new policy changes. Elements of the training that remained largely unchanged from previous iterations included practical training on search warrant development and conducting a pre-service investigation. Since at least 2015, CPD's in-service search warrant training included guidance on using law enforcement databases, publicly available search tools, and other investigative approaches to verify information in the development of a search warrant. CPD administered the revised in-service training in January, February, and March of 2020. Dissemination of the in-service training was paused due to COVID-19, and had not resumed as of this writing, according to attendance records CPD provided to OIG.

In 2021, CPD launched a Search Warrants Overview training course hosted on an interactive electronic learning—or “e-learning”—platform. The e-learning module described changes made to CPD's latest search warrants policy and their implications for the service of search warrants, and requires members to pass a short test upon completion. This e-learning module details how the 2021 policy establishes source types, requirements for pre-service information verification, updated requirements for supervisory review and approval of search warrants, and requirements for search warrant service such as the use of BWCs, the presence of a female member, and considerations for children and other vulnerable groups. The current e-learning module does not, however, cover specific tools or resources to be used during pre-service investigations, and does not offer instruction on what specific documentation of the investigation must be maintained in the search warrant file. OIG inquired of CPD whether an updated training would accompany the 2023 draft revisions to its search warrants policy and forms. In a response on May 24, 2023, CPD reported to OIG that the Department plans to develop training on its revised policies and the new ESW application but did not provide an expected date for the completion and delivery of such training.

III | Objectives, Scope, and Methodology

A | Objectives

The objectives of this inquiry were to describe various dimensions of CPD's previous search warrant policies and practices and provide context for assessing any potential impact of CPD's proposed changes to its search warrants policies and forms.

B | Scope

The scope of this inquiry included CPD residential search warrants; and CPD's policies, trainings, and practices related to the development and service of search warrants.

C | Methodology

To assess whether CPD develops search warrants in such a manner as to ensure they are based on accurate information and served at the correct location, OIG examined CPD's pre-service and service processes including the development, approval, and service of search warrants.

Specifically, OIG:

- Interviewed affiants experienced in search warrant development;
- Interviewed search team supervisors experienced in search warrant approval and supervision of search warrant service;
- Interviewed members from the Confidential Matters Unit responsible for processing the registration of confidential informants;
- Evaluated the frequency, involved CPD unit, and negative rate for all residential search warrants served from 2017-2021; and
- Reviewed pre-service investigative activity and source types reported in CSWs and supporting documentation for 124 search warrant files for negative search warrants served from 2017-2020.

To evaluate CPD's search warrant training, OIG:

- Reviewed course materials and attendance records for CPD's current e-learning training on its 2021 search warrants policy revisions;
- Reviewed course materials and attendance records for prior in-service search warrant trainings since 2015; and
- Reviewed the curriculum for Search and Seizure training given in CPD's Academy.

To determine whether CPD tracks and evaluates search warrants that resulted in wrong raids to identify and remediate risks and contributing factors, OIG:

- Reviewed the allegation categories and structure within CMS;
- Reviewed the fields collected in eTrack, the search warrant application within CPD's CLEAR system, and CPD members' use of eTrack in the pre-service and post-service search warrant stages;
- Interviewed personnel from CPD's Risk Management Unit;
- Interviewed the Commander who oversaw the implementation of changes to eTrack, effective March 2022; and
- Interviewed a Lieutenant who instructed CPD's in-service search warrant training course for Sergeants and Lieutenants.

To inform all objectives, OIG:

- Reviewed current and previous versions of CPD’s search warrants policy, “Special Order S04-19: Search Warrants”;
- Reviewed draft revisions to “Special Order S04-19: Search Warrants” posted in January 2023;
- Reviewed draft revisions to “Special Order S04-19-01: Search Warrant Development, Review, and Approval” posted in January 2023;
- Reviewed draft revisions to “Special Order S04-19-02: Search Warrant Service” posted in January 2023;
- Reviewed draft revisions to “Special Order S04-19-03: Search Warrant Post-Service Documentation and Review” posted in January 2023;
- Reviewed the proposed “CPD-41.355: Search Warrant Development” form posted in January 2023;
- Reviewed the proposed “CPD-41.356: Risk Assessment for Search Warrant Service” form posted in January 2023;
- Reviewed draft revisions to “CPD-41.357: Search Warrant Pre-Service Planning” form posted in January 2023; and
- Reviewed draft revisions to “CPD-41.358: Search Warrant Post-Service” form posted in January 2023.

D | Standards

OIG conducted this review in accordance with the Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General found in the Association of Inspectors General’s *Principles and Standards for Offices of Inspector General* (i.e., “The Green Book”).

E | Authority and Role

The authority to perform this inquiry is established in the City of Chicago Municipal Code § 2-56-030 and -230, which confer on OIG the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, and to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations, and, specifically, to review the operations of CPD and Chicago’s police accountability agencies. The role of OIG is to review City operations and make recommendations for improvement. City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

IV | Findings

Finding 1: To date, CPD’s approach to collecting data on the service of residential search warrants has not captured all wrong raids, precluding thorough analysis and inhibiting the Department’s ability to implement data-driven improvements. However, new post-service forms and electronic data application may improve wrong raids tracking.

CPD’s current system for reporting and tracking wrong raids has not effectively captured every wrong raid incident. This has impeded CPD and other stakeholders, including OIG, in understanding the frequency with which wrong raids occur, and has prevented a deeper analysis of these incidents. The Department’s method of tracking wrong raid incidents to date has relied upon the generation of a log number in CMS upon a complaint of misconduct in association with the service of a search warrant.³⁰ Both former CPD Superintendent David Brown and Mayor Lori Lightfoot have asserted that CPD tracks wrong raid incidents, referring to CPD’s January 2020 policy revision which required the generation of a log number in CMS for search warrants served at the wrong address.³¹ However, using a process intended for the reporting and investigation of misconduct as the primary tracking system for wrong raid incidents has been problematic in several ways.

³⁰ In January 2023, CPD posted draft revisions to its search warrants policy and forms which continues the tracking of wrong raid incidents through the generation of a complaint and introduces the tracking of wrong raids through a new ESW data application. See page 22 for more detail.

Chicago Police Department, “DRAFT Special Order S04-19-02: Search Warrant Service,” Section III.E., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

³¹ At a December 2020 press conference, when asked if the police would commit to tracking wrong raids, Mayor Lightfoot stated, “Part of the reason that we put in [the policy] the requirement of initiating a CR [log number] when there’s a mistake is so that we can track them [wrong raids], so that we do know, so that there’s a contemporaneous investigation that happens, and that we don’t have these cases, and, candidly, we shouldn’t have the media do our job for us. That’s why we made that specific change.” Brown stated that the Department was currently reviewing all search warrants from 2020 to try to calculate the number of wrong address raids that had occurred that year, stating, “We don’t want to guess at this. We want to review everything that’s in the hopper from this year to see what we do have.” OIG is not aware of such a figure for wrong raids being publicly reported for 2020 or any other year.

Mayor Lori E. Lightfoot, Twitter post, December 17, 2020, 1:24pm, <https://twitter.com/chicagosmayor/status/1339652664221548544>, (Lightfoot at 00:39:37 and Brown at 00:37:55).

First, this approach for tracking wrong raids relies upon an additional administrative step in the post-service process. Outside of the standard procedure for post-service search warrant reporting, when a wrong raid occurs, pre-2023 policy requires search teams to notify a supervisor who subsequently must ensure a log number for a misconduct investigation is generated. As discussed, wrong raids can, but do not always occur simultaneously with other types of misconduct. Accordingly, a search warrant team may not complete the additional administrative step typically only associated with reporting misconduct, which would fail to generate a record of the wrong raid.

Second, further compromising any effort to fully account for wrong raids, even when a log number is generated following a wrong raid, the resulting coding of the investigation in CMS has been hindered by a lack of clear guidance on which and how many, if applicable, categories should be applied to an incident, resulting in inconsistent allegation category classifications. Specifically, the categorization of allegations is subject to the discretion of the individual creating the intake record for a misconduct complaint. While some allegation categories and subcategories in CMS are very specific (e.g., Civil Rights Violation – Improper Arrest Miranda Rights Communicated), others are very broad and overlap with other allegation categories in CMS, complicating the intake personnel's determination. OIG reviewed CPD's closed complaint records from January 1, 2017, to December 31, 2020, and found eight allegations categorized as service of a search warrant at a wrong address, or Code 16D, Search Warrants – Wrong Address.³²

Notably, however, OIG also discovered 13 additional records where the narrative remarks contained allegations of a wrong raid for log numbers that were not coded as service of a search warrant at the wrong address. For example, allegations of wrong raids were classified as: Code 03C, Civil Rights Violation – Improper Search; Code 16E, Search Warrants – Improper Service of a Warrant; and Code 03Z, Improper Search – Miscellaneous. While not necessarily inaccurate, these categorizations would exclude these complaints from any analyses of wrong raids which relied on allegation category code 16D, Search Warrants – Wrong Address to capture all wrong raid incidents.

In addition to broad and overlapping allegation categories, the presence of other, concurrent allegations of misconduct arising from an incident may further complicate efforts to accurately categorize and thoroughly capture wrong raid incidents. For example, if a misconduct complaint arising from the service of a search warrant includes allegations of an excessive use of force in addition to allegations of a wrong raid, the intake personnel entering the incident into the complaint system may give greater consideration to the use of force allegations in selecting the ultimate allegation category code for the complaint. Given the limitations of using manually categorized misconduct complaints to capture wrong raid incidents, and in light of CPD's publicly stated commitment to tracking these incidents, capturing wrong raid incidents in eTrack, the information

³² OIG used both AutoCR and CMS to review complaint data. AutoCR is the software and database management tool used by CPD to house investigations initiated from January 1, 2000 to February 10, 2019. CMS is the software and database management tool currently in use by CPD, and houses investigations initiated after February 10, 2019. OIG examined complaints categorized under Code 16D, Group 16, "Search Warrants" and Subgroup D "Wrong Address." However, CPD has expanded its definition of a wrong raid to include search warrants where circumstances prove inconsistent with the factual basis of the probable cause used to obtain the search warrant, in addition to warrants served at a wrong address other than the one listed on the warrant, for which the allegation category is still named.

system in which search team supervisors are required to enter various post-service outcomes and information for the search warrant, would likely be more accurate and comprehensive.³³

CPD reported to OIG that, in March 2022, it made improvements to the information it captures in eTrack, and the draft policy posted in January 2023 indicates plans to further expand electronic data capture for search warrants in the form of a new data system anticipated in 2024, the ESW application. In March 2022, CPD modified the existing eTrack system to capture a significant amount of information about residential search warrants, including source type, presence or absence of No-Knock authorization, the presence of children during service, and documentation of the internal approval review chain for the warrant. As a result, CPD and other stakeholders can calculate the proportion of residential warrants sourced from John Does, UCIs, or RCIs, which was not previously possible. Similarly, it is now possible to make a definitive assessment of the frequency of No-Knock warrant service. Further, the addition of tracking the presence of children allows CPD to quantify how often children are present during the service of residential search warrants. The March 2022 modifications to the data application included the capability to attach documents to the electronic record, such as a copy of the warrant itself. This and the forthcoming ESW application hold the potential to improve CPD's record maintenance for search warrants (see Finding 4).

In the draft revision to its search warrants policy and forms posted for public comment in January 2023, CPD indicates an intention to include in the Search Warrant Post-Service form a checkbox for whether search warrant service resulted in a wrong raid. CPD reported to OIG that the fields on the draft Search Warrant Post-Service form are a physical representation of the fields that will be captured electronically in its ESW application. The addition of capturing wrong raid outcomes in its electronic search warrant records, independent from its tracking of misconduct allegations related to search warrant service, could lead to improvements in the systematic identification and subsequent evaluation of wrong raids and contributing factors to such incidents. The ability to identify whether a wrong raid occurred through the Search Warrant Post-Service form would also alleviate dependence on accurate categorization of incidents of misconduct—especially in the event of concurrent allegations of misconduct arising from the same service—in order to identify and address wrong raid incidents.

Historically, without accurate and complete data on wrong raids, CPD has been limited in its ability to mitigate risk and make operational improvements in search warrant service. To date, CPD has made iterative improvements to refine its search warrant service, but these strategies have been limited in their potential utility; that is, if CPD cannot identify or account for all wrong raids, it cannot thoroughly assess and remediate any failures which led to those incidents. In November 2021, when asked how the Department ensures all wrong raids were accounted for and reviewed, personnel from CPD's Risk Management Unit reported to OIG that the Department was reliant on members to follow the policy for generating a log number. Specifically, CPD reported to OIG that it completes a critical incident after-action review following any reported wrong raid, a process that remains in place under a newly announced Search Warrant Review Board comprised of

³³ "New CPD Policy On Search Warrants To Go Into Effect May 28; Police To Begin Tracking Wrong Raids." (2021). CBS2. Retrieved January 10, 2023 from <https://www.cbsnews.com/chicago/news/new-cpd-chicago-police-department-search-warrant-policy-wrong-raids-anjanette-young/>.

Department leadership.³⁴ This process may well provide important opportunities to identify and correct operational failures—but, for the reasons discussed above, it is unlikely that CPD is able to systematically identify all wrong raids from existing misconduct reporting alone. Without a comprehensive understanding of wrong raid incidents, the Department is likely missing some valuable opportunities to mitigate risk and address deficits in practice.³⁵

The Department's recently proposed ESW application, expected to launch in 2024, could vastly improve identification of wrong raids. Systematic tracking will allow CPD to fully capture instances of wrong raids, allowing for a more comprehensive understanding of their occurrence. Such identification of the complete population of wrong raids CPD has served better allows for a thorough analysis of such incidents and may serve to establish a baseline from which CPD can mark the effectiveness of its recent search warrant reforms.

³⁴ Chicago Police Department, "DRAFT Special Order S04-19-03: Search Warrant Post-Service Documentation and Review," Section VIII., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

³⁵ Pre-2023 post-service review processes are likely subject to additional limitations on their potential effectiveness for process improvement. Personnel from CPD's Risk Management Unit reported to OIG that the Department does not document or review post-service evaluation meetings as a source of continuous feedback and improvement on the search warrant process. Experienced search team supervisors interviewed by OIG reported that every search team does some form of evaluation after serving a search warrant, and characterized it as an informal, undocumented process to review and improve the team's search warrant service tactics with an emphasis on officer safety. It does not appear that any formal mechanisms exist for implementing what is shared and learned during these post-service meetings, nor is there any other method for information-sharing across teams and units.

Finding 2: Historically, pre-service documentation revealed a lack of investigative steps connecting a warrant subject to the warrant location. Proposed additions to CPD's collection of warrant service outcome data may increase CPD's ability to measure the effectiveness of and make improvements to its pre-service investigations.

While OIG was, for the reasons outlined in Finding 1, unable to perform a comprehensive review of CPD's wrong raids during the period of analysis, OIG was able to identify and analyze instances of negative warrants in CPD's data: i.e., residential negative search warrants which were served but did not result in any arrest or seizure of property.³⁶ Although not all negative warrants are wrong raids, they comprise a subset of served warrants which did not produce the intended result. For both wrong raids and negative warrants, development of the warrant, including a thorough and objective pre-service investigation, is critical to ensure CPD is acting on current and independently verified information; that is, where shortcomings in pre-service investigations might contribute to increasing the risk of a negative warrant, so too might those shortcomings increase the risk of a wrong raid. For this reason, OIG examined documentation for negative residential search warrants in its analysis of CPD's pre-service search warrant practices.

OIG reviewed available information in eTrack for all residential search warrants served from January 1, 2017, to December 31, 2020, in order to identify a subset of served search warrants from which to request paper search warrant files for negative warrants. Because pre-service investigation documentation such as the CSW form for warrants served during this period is only available in CPD's paper search warrant files, OIG requested the search warrant paper files for a random sample of 124 of these records.³⁷ OIG examined CSWs to determine the source of the information underlying the search warrant and the investigative steps the affiant completed to verify that information, which were not documented electronically during the period of analysis. In addition to reviewing CSW forms, OIG interviewed CPD members with extensive experience serving as affiants and search team supervisors, who conducted and reviewed pre-service investigations and developed and reviewed CSWs.³⁸

³⁶ See again Background, Subsection D.2., "Negative Warrants."

³⁷ CPD's draft search warrants policy posted in January 2023 states that search team supervisors will now be required to upload a copy of the CSW form and search warrant to the electronic data record.

³⁸ OIG interviewed six CPD members who served as affiants as many as 45 to 108 times each, for a total of 541 search warrants over the four-year period analyzed.

As discussed above, CPD defines three classifications of search warrants based on the source of the information on which the CSW and search warrant are based. The first source type, John Does, are anonymous sources, meaning their identity is not documented. However, OIG learned through its interviews with experienced affiants and review of CSWs that affiants typically know the identity of and interact firsthand with a John Doe source. Affiants reported to OIG that John Does can be one-time sources such as a concerned citizen, and that often, John Does are individuals who provide information to avoid prosecution or in exchange for consideration in their own criminal cases. One officer described this as catching someone “dirty” and flipping them.³⁹ CPD’s May 2021 revisions to its search warrants policy require a higher level of supervisory approval for a warrant based on information provided by a John Doe than is required for a warrant with a different source type (see Figure 4). RCIs are individuals who have a documented history of providing verified information to CPD, are registered with CPD’s Confidential Matters Unit, and are eligible to receive compensation for accurate information. In the paper files it reviewed, OIG found that RCIs typically worked with a consistent CPD member who acts as the affiant on the search warrants for which the RCI provides information. UCIs are individuals who have some history of providing verified information to CPD but are not registered with the Department or eligible for payment. OIG found that this type of source classification was not often used during the period of analysis.

Figure 4 depicts the different features of and requirements associated with each type of source, according to CPD’s January 2023 draft search warrants policy.

³⁹ When presenting a John Doe source to the court for issuance of the search warrant, the judge is provided the John Doe’s criminal history and any pending criminal charges. Chicago Police Department, “DRAFT Special Order S04-19: Search Warrants,” Section VI.C.6., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

Figure 4. Features of CPD search warrant classifications/source types⁴⁰

Features of search warrant classification per CPD policy “S04-19”	Source Type		
	John Doe	Unregistered Confidential Informant (UCI)	Registered Confidential Informant (RCI)
Approving CPD member rank required ⁴¹	Bureau Chief	Deputy Chief	Deputy Chief
Independent investigation of allegations is required	✓	✓	✓
Source has previously provided verified information to CPD		✓	✓
Source is anonymous ⁴²	✓		
Information is provided voluntarily		✓	✓
Source is eligible for compensation			✓
Source is registered with CPD			✓
Source must appear before the judge	✓		

Source: OIG Analysis of current and draft CPD Special Orders “S04-19: Search Warrants” and “S04-19-01: Search Warrant Development, Review, and Approval”

Under previous versions of its search warrants policy, CPD only required that an independent pre-service investigation be conducted for John Doe-sourced search warrants. As a result of changes to its search warrants policy in 2021, CPD now requires an independent investigation be conducted for all source types, and provides general guidance for what information the investigation should aim to verify. CPD’s policy does not require a so-called “reliability history,” a documented history of providing verified information to the Department, to be maintained for John Doe sources as it does for RCIs. While RCIs may work with a consistent CPD member, this is not necessarily the case for anonymous sources such as John Does. Therefore, it is not possible to track the reliability history of a given John Doe informant across CPD units or members aside from an affiant’s personal history with or documentation for the anonymous source.

OIG reviewed 124 negative residential search warrant paper files from CPD, of which 103 files contained a complete copy of the CSW form for analysis.⁴³ Of the 103 CSWs OIG reviewed, 96

⁴⁰ Chicago Police Department, “DRAFT Special Order S04-19: Search Warrants,” Section II., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/. Chicago Police Department, “DRAFT Special Order S04-19-01: Search Warrant Development, Review, and Approval,” Section II., January 31, 2023, accessed February 3, 2023, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

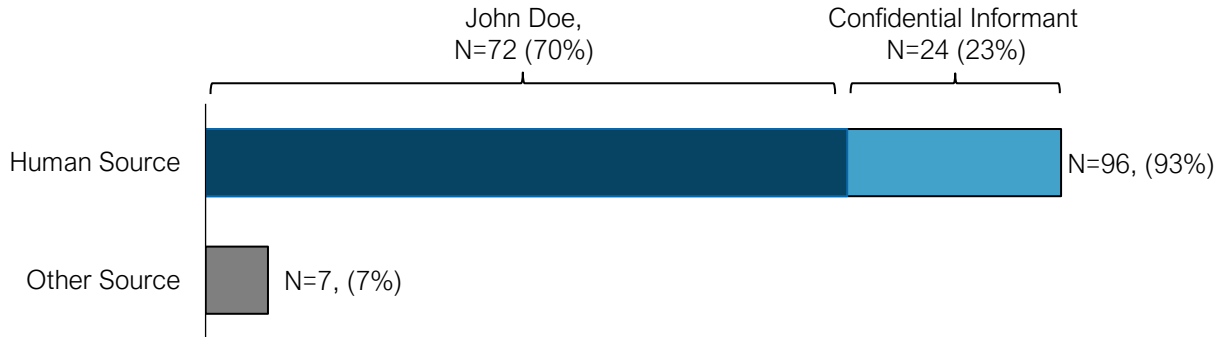
⁴¹ Bureau Chief is a higher CPD rank than that of Deputy Chief, per CPD’s “General Order G01-02: Department Organization for Command,” Section III, May 10, 2018, accessed September 7, 2022, <http://directives.chicagopolice.org/#directive/public/6219>.

⁴² While the policy only defines John Does as anonymous sources, CPD’s latest online Search Warrants Overview course states that both the John Doe and Unregistered Confidential Informant classifications preserve the source’s anonymity.

⁴³ See Finding 4 for more on CPD’s search warrant file maintenance.

(93%) indicated that the information provided to CPD for the search warrant came from a human source (see Figure 5 below).⁴⁴ John Does were the most common source type reported, comprising 70% of the sample of negative residential warrants, while confidential informants comprised 23% of the sample.⁴⁵

Figure 5. Source type reported by affiants in the Complaint for Search Warrant form for negative residential search warrant sample, 2017-2020



Source: OIG Analysis

OIG also examined the CSWs for various components of the documented pre-service investigation: standard practices as highlighted in CPD's in-service search warrant trainings from 2015 to 2020 and as reported to OIG by experienced affiants, search team supervisors, and a CPD Commander formerly involved in the dissemination of the in-service search warrant training. Specifically, OIG examined and coded the files for indications of the following investigative practices:

Verification of Subject Identity

- Independent search of the subject's identity – the CSW states that the affiant did any database searches, specifically or generally, for the Subject's identity.
- Source reviewed photo of the subject – the CSW states that the affiant had the informant sign or review a photo of the subject to verify their identity.
- Source signed photo of the subject – the search warrant file includes a photo of the subject signed by the informant.

Verification of Target Location

- Independent search of the target location – the CSW states that the affiant did any searches of investigative resources or databases to verify the physical location of service.
- Source reviewed photo of the location – the CSW states that the affiant had the informant sign or reviewed a photo of the location.
- Source signed photo of the location – the search warrant file includes a photo of the location signed by the informant.

⁴⁴ The other 7 warrants (7%) were issued in connection to ongoing police investigations (e.g., homicide, kidnapping, sexual assault) and therefore deviate in nature regarding previously established information and pre-service processes. For this reason, these seven warrants were excluded from OIG's analysis of pre-service investigative steps taken by affiants to verify information from human sources.

⁴⁵ Of the 24 search warrant files OIG reviewed in which a confidential informant was reported as the source, the affiant indicated that the source was specifically a Registered Confidential Informant (RCI) in 21 instances. In the other three instances, the affiant used the general term "confidential informant."

- Drove/walked source by the location – the CSW states that the affiant drove the informant past the location to confirm it is the location, or other method where CPD member went to and verified location.

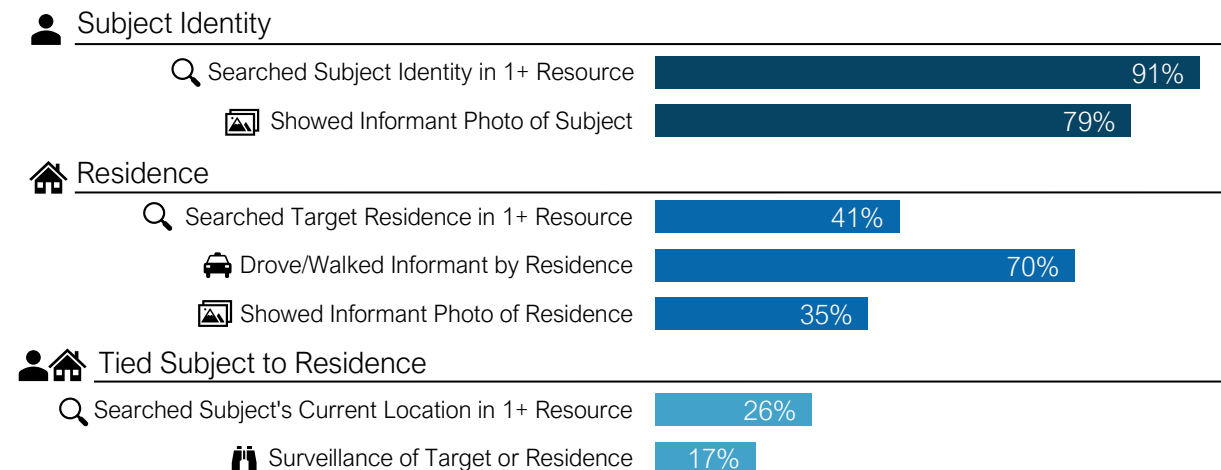
Verification of Subject’s Connection to Location

- Independent search of the subject’s current location or residence – the CSW mentions that the affiant did any searches to verify the subject’s location or independently confirmed information on Subject’s location in another manner (e.g., search warrant is result of an arrest, and subject is known to be in custody).
- Independent search of the subject’s current custody status – the CSW states that the affiant verified the subject is not in custody.
- Surveillance of the subject – the CSW states that the affiant conducted/reviewed surveillance on the target location to verify subject’s presence and/or observe criminal activity.

In its analysis of the search warrant files, OIG found that affiants tended to verify the subject identity most often, searching the subject name in at least one database 91% of the time and showing the source a photo of the subject 79% of the time. To verify the *target location*, affiants most often reported conducting a drive-by or walk-by of the residence with the source, doing this 70% of the time (Figure 6).

Affiants did not often state in the CSWs that they independently connected the subject to the location. Because individuals may move, may have been recently arrested, or experienced other changes in their current location, independent verification of the subject’s connection to the location is critical to corroborate the facts alleged in the warrant. Affiants reported searching the subject’s current location in at least one database 26% of the time—for example, looking up the subject’s custody status, or finding the subject reported that they lived at the target address in a previous arrest. Additionally, affiants reported conducting surveillance of the subject at the target location just 17% of the time—for example, coordinating an undercover drug buy or surveilling the subject arriving at the target location immediately before initiating search warrant service.

Figure 6. Pre-service investigation practices reported in the Complaint for Search Warrant forms for negative residential search warrant sample, 2017-2020



Source: OIG Analysis

Several affiants with whom OIG spoke reported that conducting surveillance of the location to be searched is a critical pre-service investigation step in order to corroborate the facts alleged in the CSW. As reported by affiants interviewed by OIG, surveillance is a particularly important tool in verifying residential situations that are not verifiable without direct observation, such as, for example, a single-family home unofficially broken into apartments or a large multi-unit building with unclear unit markings. This step, described as a regular practice by affiants interviewed by OIG, appears to have been most often missing in cases leading to a negative outcome it was documented in just 17% of CSWs for negative warrants.

During the period of analysis, CPD did not track whether the subject was present at the time of service or whether the *intended* evidence of the warrant was recovered, two important indicators of search warrant success. CPD has reported to OIG that the goal of a search warrant is to make an arrest, and ultimately prosecute offenders. CPD also reported to OIG that the subject's presence on-scene is an indicator that a proper pre-service investigation was conducted to verify the subject's location and ensure that an arrest would be feasible upon discovery of any incriminating evidence. Former CPD Superintendent Brown offered the rate at which it recovers property as a result of a residential search warrant—around 90% of the time—as an indicator of the effectiveness of its use of search warrants.⁴⁶ Notably, however, at the time of analysis, eTrack simply recorded whether any property was recovered as a result of the warrant, but did not differentiate whether recovered property which is or might be incriminating evidence was or was not related to the crime under investigation or was the intended purpose of the search warrant. In its second interim report, OIG found that CPD's recovery rate for drug warrants was 75.6% and the recovery rate for gun warrants was 40.6%, both substantially lower than the Department's publicly stated 90% success rate for recovery.⁴⁷

CPD's January 2023 draft revision to its Search Warrant Post-Service form indicated plans to begin tracking additional indicators of success. Specifically, CPD incorporated a field to document whether the targeted individual was present at the time of service and additional checkboxes for different types of evidence recovered (e.g., controlled substance or weapons).⁴⁸ Capturing more specific information about the outcomes of search warrants could provide increased insight into the effectiveness of CPD's pre-service investigations for search warrants, and better help the Department discern whether further revisions to the process are necessary.

⁴⁶ In a December 2020 City Council hearing on CPD's search warrant practices, aldermen questioned then CPD Superintendent David Brown about the "success rate" of CPD search warrants, with Brown replying that the return rate of CPD search warrants was nearly 90%.

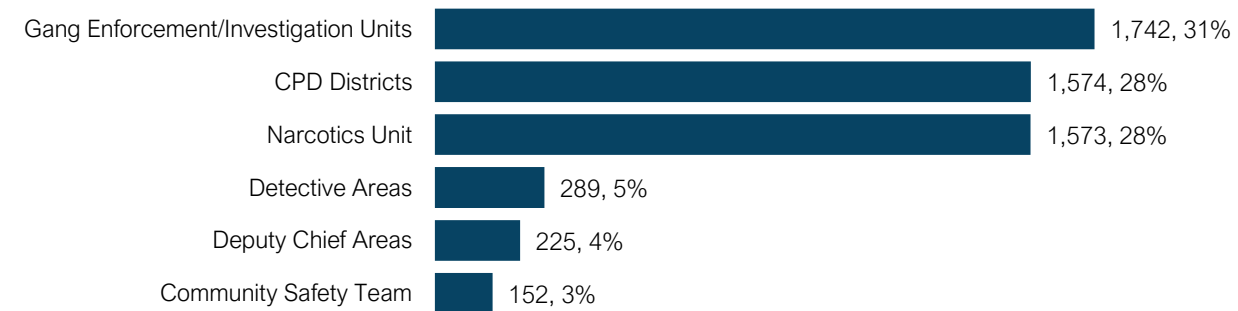
⁴⁷ City of Chicago Office of Inspector General, "Second Interim Report: Search Warrants Executed by the Chicago Police Department," May 6, 2021, accessed May 19, 2022, <https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report-CPD-Search-Warrants.pdf>.

⁴⁸ On February 28, 2023, OIG sent a letter notifying CPD that the draft Search Warrant Post-Service form did not record whether guns were recovered as a result of search warrant service, though CPD has historically recorded this outcome in eTrack.

Finding 3: CPD’s pre-service investigation practices have been compromised by uneven access to investigative tools, resources to register informants, and unit experience.

According to eTrack, residential search warrants issued between January 1, 2017, and December 31, 2021, were primarily developed and served by CPD’s Narcotics Division (28%), gang units (31%), and geographic patrol Districts (28%), as seen in Figure 7 below.⁴⁹

Figure 7: CPD Residential Search Warrants 2017-2021 by Serving Unit



Source: OIG Analysis

⁴⁹ Gang Enforcement teams conduct patrol and violence suppression missions in areas where gang conflicts exist, and the Gang Investigation unit conducts investigations targeting hierarchal criminal gang organizations and gang leaders. CPD Districts are units that work in a specified geographic District. The Narcotics Division is responsible for investigation of and enforcement against large-scale, illegal narcotics activities and narcotics activities that transcend District boundaries. Detective Area units are comprised of detectives that investigate crimes within a specified geographic CPD Area. Deputy Chief Area units are comprised of Deputy Chiefs who assist in the direction and management of the specified geographic CPD areas. The Community Safety Team (CST), launched in 2020 out of CPD’s Summer Mobile Patrol Unit, deploys officers to hot spot areas in the city and works with community-based organizations, faith leaders and residents to address violence.

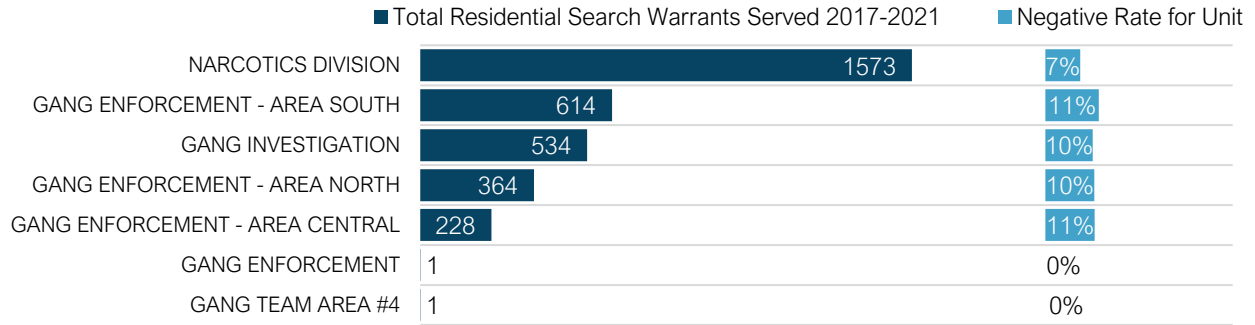
Chicago Police Department, “General Order G01-02: Department Organization for Command,” May 10, 2018, accessed September 7, 2022, <http://directives.chicagopolice.org/#directive/public/6219>.

Chicago Police Department, News Release, “CPD Announces Launch of Two New Citywide Teams with Focus on Strengthening Community Partnerships,” July 27, 2020, accessed January 1, 2023, <https://home.chicagopolice.org/wp-content/uploads/2020/07/27-Jul-20-CPD%E2%80%8C-%E2%80%8CAnnounces%E2%80%8C-%E2%80%8CLaunch%E2%80%8C-%E2%80%8Cof%E2%80%8C-%E2%80%8CTwo%E2%80%8C-%E2%80%8CNew%E2%80%8C-%E2%80%8CCitywide%E2%80%8C-%E2%80%8CTeams%E2%80%8C.pdf>

City of Chicago, Class Title: Deputy Chief, September 2021, accessed January 24, 2023, https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/JobSpecifications/Exempt/9700_Exempt_Series/9796_DEPUTY_CHIEF_Sept2021.pdf.

As seen below in Figure 8, CPD’s gang units have a consistent negative warrant rate between 10 and 11 percent, which is generally in line with the negative warrant rate of 10% for all residential search warrants served by CPD.⁵⁰ The Narcotics Division is the unit that serves the most residential search warrants by far, and warrants served by the Narcotics Division have a negative warrant rate of seven percent, three percentage points lower than the Department-wide average.

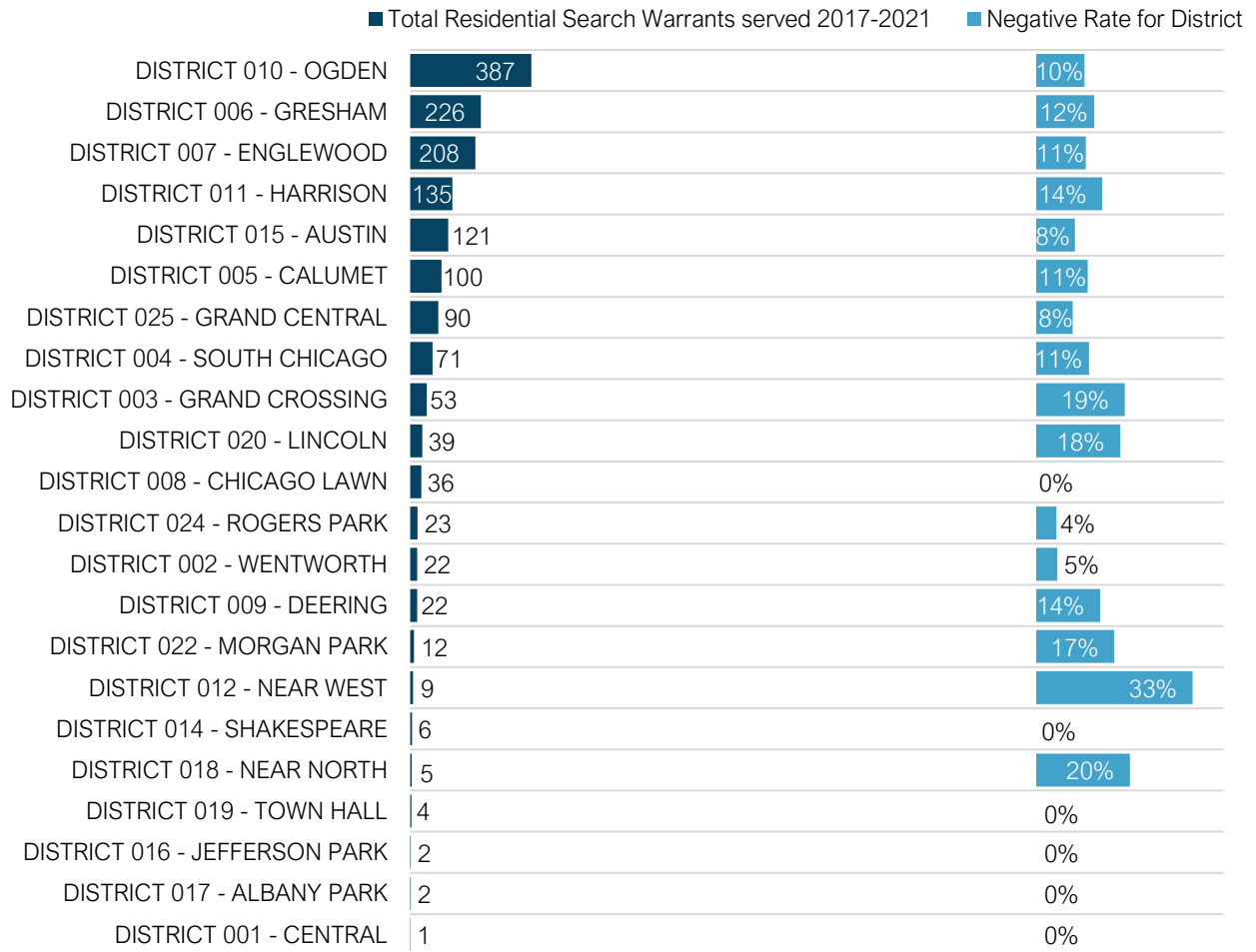
Figure 8. Residential warrants served and negative rate by Unit, 2017-2021



Source: OIG Analysis

⁵⁰ City of Chicago Office of Inspector General, “Second Interim Report: Search Warrants Executed by the Chicago Police Department,” May 6, 2021, accessed May 5, 2022, https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report_CPD-Search-Warrants.pdf.

Figure 9. Residential warrants served and negative rate by District, 2017-2021

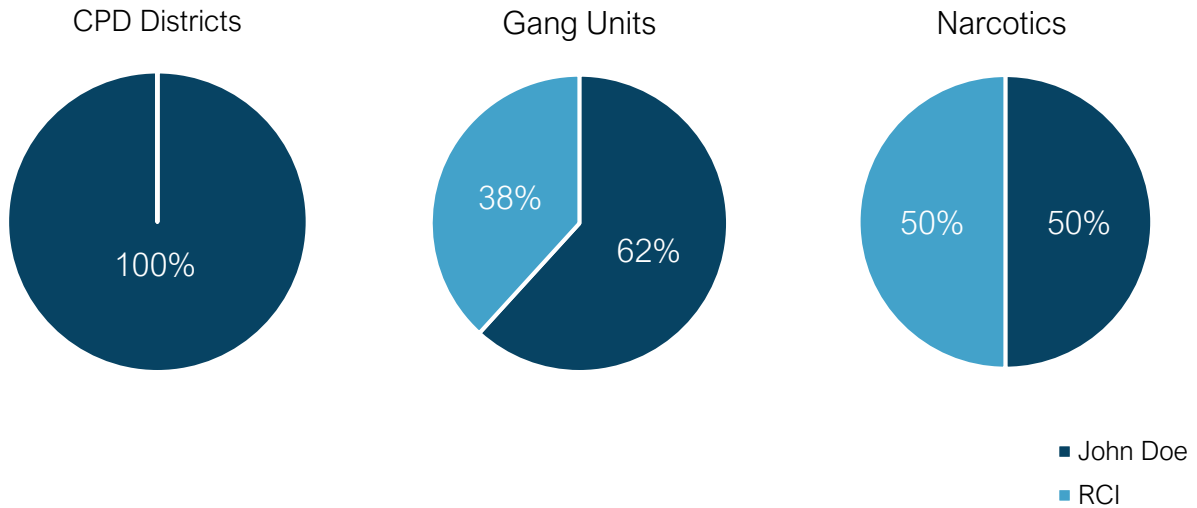


Source: OIG Analysis

While the Districts combined prepared over a quarter of all residential search warrants served by CPD during the period of analysis, the number of warrants served by each District is relatively small as compared to the number of warrants served by certain of CPD’s specialized units. As shown in Figure 9 above, among Districts that have served relatively few search warrants, there is a greater variance in the negative rates, with some as high as 19% and 18% in Districts 003 and 020, respectively, which served 92 warrants between them during the five year period of analysis. The Districts that have served more search warrants, such as Districts 010, 006, and 007, had more consistent negative rates in line with the gang units and the Department overall.

OIG also found that CPD units varied in their use of different source types. As seen below in Figure 10, CSWs for negative residential search warrants prepared by the Narcotics Division and various gang units reported using a combination of both John Does and Registered Confidential Informants, while the CSWs for negative residential search warrants prepared by CPD Districts only reported using John Doe sources.

Figure 10: Source type reported in the Complaint for Search Warrant forms from a sample of negative residential search warrant files, by unit⁵¹



Source: OIG Analysis

Members from the CPD Confidential Matters Unit, which is responsible for processing the registration of confidential informants, reported to OIG that CPD Districts do not tend to register sources with the Department, unlike specialized units such as the Narcotics Division and gang teams. This explains, in part, why the sample of negative warrants originating from CPD Districts exclusively reported the use of John Doe sources; notably, affiants reported to OIG that they consider RCIs to be more credible sources than John Does.

OIG further found that CPD units have varying access to investigative tools for search warrants. CPD members reported to OIG that not all members or units have the same investigative tools available to them to complete a thorough pre-service investigation, such as access to restricted databases and the ability to perform surveillance and register informants. One experienced affiant reported to OIG that the Districts do not have “half the resources” compared to the Narcotics Division, while others cited specific law enforcement-sensitive databases as critical tools for corroborating information, to which not all CPD members have access. A Lieutenant who conducts the in-service search warrant training for supervisors reported to OIG that access to law enforcement-sensitive databases is an issue for which the Department is currently considering solutions. The Lieutenant reported that in the meantime, supervisors extend their access to databases and search tools to those in their unit who do not have access.

CPD’s January 2023 draft forms underscore the importance of such resources for a robust pre-service investigation; the proposed Search Warrant Development form includes checkboxes prompting affiants to take specific pre-service investigative steps to verify information, including checking law enforcement-sensitive databases. In order for this improvement to be implemented effectively, CPD will need to resolve the issue of inconsistent access to investigative tools across members and units.

⁵¹ Here, “RCI” refers to complaints where the affiant reported the use of a “Registered Confidential Informant” or simply, “Confidential Informant.” No CSWs reported the source as an Unregistered Confidential Informant.

Finding 4: To date, CPD’s record maintenance for search warrant files has been incomplete, paper-based and decentralized, housed by individual units and, at times, individual members. CPD’s forthcoming new electronic data application may improve documentation of supervisory approval and serve as a central repository for search warrant records.

Of the sample of 124 negative residential search warrant files OIG reviewed, just 103 (83%) contained a complete copy of the CSW in the file. To date, the CSW has been the primary, and often only, source of documentation of the steps the affiant took to verify source information during the pre-service investigation.⁵²

Figure 11. Documentation contained in search warrant files for negative residential search warrants 2017-2020

Contained copy of the Complaint for Search Warrant (CSW) form			
	<i>CSW Provided</i>	103	83%
	<i>Partial pages of CSW</i>	2	2%
	<i>Missing CSW</i>	19	15%
Negative Residential Search Warrant Files		124	100%

Contained copy of the Search Warrant form			
	<i>Search Warrant Provided</i>	103	83%
	<i>Missing Search Warrant</i>	21	17%
Negative Residential Search Warrant Files		124	100%

Source: OIG Analysis

Further, where the CSW indicated a human source was used (96 of 103, or 93%), supporting documentation of the pre-service investigative steps to verify the source’s information outside of the CSW was rarely included in the search warrant file. For example, photos, documents, or database search results confirming the subject’s identity were included in 14% of files with a CSW, and photos, documents, or database search results confirming the target location were included in 15% of files with a CSW.

⁵² CPD’s January 2023 draft new search warrant form titled, “Search Warrant Development” contains checkboxes for steps taken to verify the basis of the search warrant and spaces for the affiant to detail the findings of the investigation.

Figure 12. Of negative residential search warrants informed by a human source (N=96, 100%), the number and percentage of search warrant files containing documentation of pre-service investigative steps

Pre-service Investigative Step	Percent of search warrant files containing documentation
<i>Establishing Subject Identity</i>	14%
<i>Photo of Subject Signed by Source</i>	2%
<i>Establishing Subject's Current Location</i>	4%
<i>Establishing Target Location</i>	15%
<i>Photo of Target Location Signed by Source</i>	2%
<i>Operational Plans</i>	2%

Source: OIG Analysis

According to CPD’s search warrants policy, the affiant submits the CSW and search warrant to an approving supervisor (Lieutenants at time of analysis, now Deputy Chief or Bureau Chief) who reviews the documents to ensure compliance with statutory and constitutional requirements, and ensures that probable cause has been established following a thorough investigation to verify and corroborate information in the complaint. Upon satisfactory review, supervisors are to initial both the CSW and search warrant, along with their star number and date and time of approval; supervisory approval is required before the search warrant may be presented to an Assistant State’s Attorney for review and approval.

Of the 103 files containing a CSW, approving supervisors initialed the CSW prepared by the affiant in 45 instances, or 44% of the time. Several of the affiants OIG interviewed offered one explanation for the low rate of supervisory sign-off, that supervisor approval may be obtained either in person or via email. With email review, it is unlikely there would be supervisor initials on the CSW, as affiants reported that the supervisor would approve it with an email response of “approved.” OIG did not observe any printed email approvals in the search warrant packets it reviewed. Another reported explanation for the low sign-off rate OIG observed is that Assistant State’s Attorneys may make edits to the CSW after the CPD supervisor has already approved the document. Sergeants, who are also part of the review chain for CSWs, reported to OIG that they were uncertain as to whether the complaint should be returned to the supervisor for approval of the new revised copy. One affiant reported uncertainty as to whether the supervisor was required to sign it at all, or simply needed to review the complaint.

OIG’s analysis of CPD search warrant files was complicated by the decentralized maintenance of these documents. CPD reported a delay in producing at least one record because the preparing affiant, who maintained possession of the file, was out on furlough. After OIG’s initial request, 15 search warrant files OIG identified in eTrack were not produced; after follow-up, CPD was able to produce 13 of the missing files. For two files, CPD was not able to produce any records. Moreover, OIG found inconsistencies in the reported outcomes in eTrack and within the paper search warrant files. OIG selected search warrants with no outcomes reported in eTrack (i.e., no guns recovered, no arrest made, no property recovered) to request a sample of negative warrants. Of the 183 search warrant files initially requested, 22 contained documentation indicating a gainful warrant, such as evidence logs for recovered drugs, contradicting the negative outcome reported in the eTrack database.

The forthcoming new ESW application as indicated by the draft search warrants policy and forms the Department posted in January 2023 holds the potential to improve search warrant record maintenance in several ways: 1) the creation of the newly drafted Search Warrant Development form will electronically record the pre-service investigative steps taken by the affiant in development of the warrant, information previously only available in the narrative of the CSW housed in the paper search warrant file; 2) the application will now allow for Department members to upload copies of the CSW and the search warrant to the electronic record, a vast improvement on the decentralized storage of the paper files, should this practice be required; 3) per the draft policy, approval of the required forms will primarily be submitted through the electronic data application, no longer relying on physical supervisor signatures; and 4) draft revisions to the Search Warrant Pre-Service Planning form will document operational planning items, for which search warrant files have historically contained minimal documentation.

V | Conclusion

In recent years, CPD has seen high-profile incidents of wrong raids and search warrants with problematic service tactics. CPD's system of tracking such incidents thus far has not been comprehensive, and its documentation of pre-service investigations has been incomplete, complicating any effort by the Department—or any other interested party—to thoroughly analyze wrong raid incidents. CPD has proposed new and revised policies to guide pre-service investigations and operational planning, formalize post-service evaluation and critical incident after-action reviews, and expand its capabilities to systematically track search warrant outcomes, including whether a wrong raid occurred. While some concerns including reducing the risk of harm to vulnerable individuals present during the service of a search warrant remain unaddressed or inadequately addressed, CPD's proposed changes could help increase accountability for more robust pre-service investigations and safety considerations, and lay the groundwork for a more comprehensive understanding of wrong raid incidents and search warrant service outcomes as a whole, allowing the Department to engage in proactive, continuous improvement for the prevention of wrong raids and for the overall improvement of its search warrant process. OIG intends for this report to provide context on the limitations of past CPD search warrants policies, practices, and trainings to inform the Department and other stakeholders' efforts to measure the effectiveness of these recent revisions to its search warrants policies and practices in improving its tracking of wrong raids, pre-service investigation practices, and search warrant records maintenance.



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