Legislation Details (With Text)

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File created:	2/26/2021	**In control:**	City Council
		Final action:	5/24/2023
Title:	Establishment of regulations for Chicago Police Department warrant executions		
Sponsors:	Hadden, Maria E., King, Sophia D., Hairston, Leslie A., Taylor, Jeanette B., Coleman, Stephanie D., Ramirez-Rosa, Carlos, Rodriguez, Michael D., Rodriguez Sanchez, Rossana, Sadlowski Garza, Susan, Brookins, Jr., Howard, Mitts, Emma, Austin, Carrie M., Vasquez, Jr., Andre, Sigcho-Lopez, Byron, La Spata, Daniel, Martin, Matthew J., Villegas, Gilbert, Moore, David H., Osterman, Harry		
Indexes:	Police		
Attachments:	1. O2021-764.pdf		

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
5/9/2022	1	Committee on Public Safety	Add Co-Sponsor(s)	
4/6/2022	1	Committee on Public Safety	Add Co-Sponsor(s)	
5/6/2021	1	Committee on Public Safety	Add Co-Sponsor(s)	
3/10/2021	1	Committee on Public Safety	Add Co-Sponsor(s)	
3/5/2021	1	Committee on Public Safety	Add Co-Sponsor(s)	
2/26/2021	1	City Council	Referred	

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Committee on Public Safer)'
February 24. 2021

The Anjancttc Young Ordinance

Whereas, the Chicago Police Department regularly conducts home invasions on residences as part of its law enforcement mandate. This practice is commonly referred to as executing "no-knock warrants" or "knock and announce warrants" which do not actually provide residents with a reasonable opportunity to answer the door;

Whereas, during these invasions, Chicago Police Department members regularly display a reckless disregard for the civil and human rights ofthe Chicago community;

Whereas, the Chicago Police Department conducts home invasions almost exclusively in Black and Brown communities. The neighborhoods with the most search warrants are Englewood, Austin and North Lawndale;

Whereas, the Chicago Police Department's home raids have resulted in CPD members pointing guns at children; the destruction of property; assaults on human dignity and other forms of violence and trauma;

Whereas, Chicago Police Department members invaded the home of Ms. Anjanette Young, a social worker whose

residence was wrongfully targeted by the CPD;

Whereas, Chicago Police Department members found Ms. Young completely naked in her home, handcuffed her (while naked) and ignored her repeated insistence that the members were in the wrong residence;

Whereas, the City of Chicago attempted to prevent the video depicting CPD members invasion of Ms. Young's home from being publicly aired on WBBM-CBS 2;

Whereas, Ms. Young fought valiantly to make public the CPD's actions and has called for accountability and an end to the systemic failures that permit the CPD to engage in these abusive tactics;

Whereas, it must be the highest priority ofthe Chicago Police Department to respect the sanctity of all human life and safety of all persons and to ensure that members of the Police Department use tactics that are least intrusive and harmful to the safety and well-being of all people inside the home, including but not limited to (1) the Black and Brown individuals and families who have been disproportionately harmed by the Police Department's home raid practices, (2) women who have been assaulted and searched by male officers, and (3) children and vulnerable individuals who have been interrogated, handcuffed, and held at gunpoint.

Whereas, the Illinois State Legislature has attempted to protect Illinois communities from the dangers of arbitrary and violent no-knock warrants by prohibiting police officers from executing a no-knock warrant without first seeking judicial approval for this tactic;

Whereas, given ihe Chicago Police Department's well documented history of using unlawful and violent force against Chicago's Black and Brown communities, the provisions of Illinois State Law are insufficient to protect Chicago's communities from the Chicago Police Department's violent use of no-knock warrants and abuse of knock and announce warrants;

Whereas, The Chicago City Council has the power to provide its constituencies with protections that exceed those codified in state law;

Whereas, the affidavit requirement in the Uniform Peace Officers' Disciplinary Act (50 ILCS 725/3.8(b)), incorporated into police collective bargaining agreements in Chicago, has operated to discourage thousands of people who have been abused by Chicago police officers from bringing misconduct complaints and has resulted in the dismissal of far more than half of Chicago police misconduct complaints without a full investigation (allowing countless instances of CPD abuse to go uninvestigated and unchecked);

Whereas, the Illinois legislature has repealed the affidavit requirement in the Uniform Peace Officers' Disciplinary Act, and expressly banned any affidavit requirement in collective bargaining agreements entered after the effective date ofthe legislation;

THEREFORE, it shall therefore be ordained that:

1) No Chicago Police Department member shall execute a no-knock warrant and no Chicago Police Department member shall seek from any Court a warrant authorizing a member executing the warrant to make entry into a residence

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without first knocking, announcing his or her office, and giving the occupants a reasonable amount of time, no less than 30 seconds, to respond.

2) When conducting any law enforcement activity, including, but not limited to the execution of residential warrants, Chicago Police Department members are required to use tactics that arc the least intrusive to people's home, property and person and least harmful to people's physical and emotional health. When developing and executing tactics, the Chicago Police Department must implement measures to protect individuals' dignity interests, privacy interests and property interests and must take measures required to protect people from physical and emotional harm. Every planned execution of a residential warrant must contain a detailed explanation regarding how the planned action meets this least intrusive, least harmful standard, including a plan for children and other vulnerable people, including people with disabilities, who may be on-site. The Superintendent (or the Superintendent's designee-who must have a rank of at least First Deputy Superintendent, Chief, Deputy Chief, or Commander)-must approve each plan prior to execution.

3) The Chicago Police Department shall record and publish data about each residential warrant executed by the CPD, including the location ofthe warrant, the force used during the warrant's execution; any allegations of police misconduct or excessive force during the

execution ofthe warrant, including the names, badge numbers, and units of assignment ofthe accused officers; the race, gender and age of every individual present inside the residence during the execution ofthe warrant; the use of handcuffs or any other type of restraint during the execution ofthe warrant; the presence ofany children during the execution of the warrant; the recovery ofany contraband; any arrests; and whether the warrant was a negative warrant (a warrant which did not result in the arrest ofthe target of the warrant or recovery of contraband or evidence identified in the warrant). The Chicago Police Department shall refer every negative warrant to COPA for investigation. After every negative warrant, the Superintendent shall provide the public with a written explanation describing the causes of the negative raid.

4) No Chicago Police Department member shall seek a warrant relying solely on an informant's representation, but instead must supplement with independent investigation and reasonable surveillance to corroborate the information and ascertain that the target ofthe warrant is present at the location ofthe warrant's execution. The member seeking application for a search warrant must describe in the application what they did to corroborate the informant's representations and the results of their independent investigation, including any observations that tended to corroborate or contradict the informant's representations.

5) The credibility of informants must be assessed; if an informant has given information lhat led to a negative warrant in the past, CPD must not rely on that information when seeking judicial authorization for a search warrant.

6) No Chicago Police Department member shall seek a warrant without first receiving supervisory approval; the designated unit supervisor, the rank of lieutenant or above, shall ensure that the member relying upon information from an informant has undergone adequate independent surveillance to corroborate the information provided by the informant with at least one additional non-informant source, prior to seeking judicial authorization for a search warrant.

7) Search warrants must be executed in a manner to ensure that people inside a residence may be searched only by officers of their preferred gender identity. The Chicago Police Department shall ensure that there is at least one member who does not identify as male (including at least one woman) present from the time of initial entry during the execution of each residential search warrant. All officers executing the warrant must be dressed in their official Chicago Police Department uniforms.

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8) No planned law enforcement action, including, but not limited to the execution of warrants can occur unless Chicago Police Department members have taken all available measures to avoid executing the warrant when children (for the purposes of this Ordinance a child will be considered anyone who appears to be 16 years of age or younger) are present.

9) The execution of all residential search warrants must be conducted between 9:00 am and 7:00 pm, absent verifiable exigent circumstances.

10) If children are present during a planned law enforcement action, Chicago Police Department members must call dispatch and inform operators about the presence of children.

11) During the execution ofa warrant, Chicago Police Department members are prohibited from pointing firearms at, handcuffing or restraining children.

12) During the execution of a warrant, Chicago Police Department members are prohibited from pointing firearms at, handcuffing or restraining parents; relatives or caregivers of children while in the presence of children.

13) Chicago Police Department members are prohibited from pointing firearms at any person unless the person presents an imminent risk of death or serious bodily injury lo another person.

14) During the execution ofa warrant, Chicago Police Department members are prohibited from interrogating or questioning children, barring exceptional circumstances when limited questions are necessary to protect people in the home from an immediate threat of physical harm.

15) During the execution of a warrant, Chicago Police Department members must take all available measures lo avoid any damage or destruction to property or possessions of the place of the warrant's execution.

16) Chicago Police Department members who execute a residential warrant must prepare a damage report before leaving the home, which documents all property that the members damaged. Members must secure the home before leaving, and make immediate arrangements to repair any damage that poses a threat to the safety of the residents, including but not limited to doors, windows, and appliances and to ensure that any such threats to the safety ofthe residents are remedied within four hours of the members' concluding the execution ofthe warrant. In addition, members must work with the residents to make arrangements for the prompt repair or replacement ofany other damaged property, or to reimburse residents for the same.

17) All Chicago Police Department members who execute a warrant must wear and activate their body camera during the entire execution.

18) The Chicago Police Department shall permanently retain all video and audio recordings ofthe execution of residential search warrants. Upon receipt of a request from any person or their representative whose residence or person is depicted in video footage in the custody or control ofthe City of Chicago, relating to an encounter with members of the Chicago Police Department, the City must produce a copy of all the footage unredacted within two days.

19) For every warrant execution, the Superintendent (or the Superintendent's designee-who must have a rank of at

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least First Deputy Superintendent, Chief, Deputy Chief, or Commander)-will review all relevant evidence, including video footage, warrant applications and incident reports to ensure compliance with this ordinance. In the event that the Superintendent or their designee has a reasonable suspicion that any Chicago Police Department member violated any provision of this act, the Superintendent will immediately strip that

member of their police powers and refer the member for further disciplinary proceedings, during which the member may be subject to termination.

20) No Affidavit, Sworn Testimony or Statement shall be required to initiate an investigation into an allegation of misconduct against any Chicago Police member.

Sophia King Alderman, 4th Ward

Leslie A. Hairston Alderman, 5th Ward

Jeanefte B. Taylor Alderman, 20th Ward

Stephanie Coleman Alderman, 16.h Ward

Maria E. Hadden Alderman, 49lh Ward

The following legislation is being introduced by Alderman Maria E. Hadden regarding The Anjanette Young Ordinance co-sponsored by

Alderman Ward 1

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Alderman Ward 2

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Alderman Ward 3

Sophia King

Alderman Ward 4

Leslie A. Hairston

Alderman Ward 5

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Alderman Ward 6

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Alderman Ward 10

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Alderman Ward 11
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Alderman Ward 12

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Alderman Ward 13

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Alderman Ward 14

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Alderman Ward 15

Stephanie Coleman

Alderman Ward 16

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Alderman Ward 17

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Alderman Ward 18

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Alderman Ward 19

Jeanette B. Taylor

Alderman Ward 20

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Alderman Ward 21

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Alderman Ward 22
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Alderman Ward 23

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Alderman Ward 24

Alderman Ward 25

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Alderman Ward 32

Alderman Ward 33
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Alderman Ward 34 2 I P a g e
erman Maria E. Hadden regarding The Anjanette

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Alderman Ward 35

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Alderman Ward 45

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The following legislation is being introduced by Alderman Maria E. Hadden regarding The Anjanette Young Ordinance co-sponsored by

' Clerk Valencia

Alderman Ward 46

Alderman Ward 47

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Alderman Ward 48

Maria E. Hadden

Alderman Ward 49

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Alderman Ward 50

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Mayor Lightfoot

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OFFICE OF THE CITY CLERK • ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

02021-764

Establishment of regulations for Chicago Police Department warrant executions

Adding Co-Sponsor(s)

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Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)

(Signature) Principal Sponsor:

49

Ward)

(I Ward)

(Signature)

Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal Sponsor's Consent NOT Required)

Alderman

(Signature)

d I Ward)

(Signature)

Date Filed:

Final Copies To Be Filed With: • Chairman of Committee to which legislation was referred

• City Clerk

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