



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2022-1226
Type: Ordinance
File created: 4/27/2022
Status: Failed to Pass
In control: City Council
Final action: 11/16/2022
Title: Establishment of residential warrant rules and regulations for Chicago Police Department members
Sponsors: Hadden, Maria E., Dowell, Pat
Indexes: Police
Attachments: 1. SO2022-1226 CPD RESID WA_20221104125353, 2. SO2022-1226.pdf, 3. O2022-1226.pdf

Date	Ver.	Action By	Action	Result
11/16/2022	1	City Council	Failed to Pass	
11/10/2022	1	Committee on Public Safety	Recommended Do Not Pass	
11/7/2022	1	Committee on Public Safety	Add Co-Sponsor(s)	
11/4/2022	1	Committee on Public Safety	Substituted in Committee	
4/27/2022	1	City Council	Referred	

Committee on Public Safety

SUBSTITUTE: The Revised Anianette Young Ordinance

Whereas, at least 94 people, including 13 police officers, have been killed during police execution of "ho-knock warrants" in the United States between 2010 and 2016.

Whereas, the Chicago Police Department regularly conducts home raids 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 raids, Chicago Police Department members have displayed a reckless disregard for the dignity, safety, and civil and human rights of the Chicago community;

Whereas, the Chicago Police Department conducts home raids almost exclusively in Black and Brown communities. The Office of Inspector General found that Black men are targeted by Chicago police in home raids more than 25 times as often as white men. 79% of the women targeted in home raids are Black, and only 7 % are white;

Whereas, the Chicago Police Department's home raids have resulted in CPD members breaking into people's homes and pointing guns at young children, the elderly, and vulnerable individuals; handcuffing children; destroying property; assaulting people's human dignity and committing other forms of violence and trauma;

Whereas, the Chicago Police Department has maintained inadequate procedures to verify that its officers have targeted the correct residences for home raids, has failed to track and report accurate data to the public about home raids, and has failed to hold officers accountable for abuses in obtaining search warrants and executing home raids;

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 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 raid of Ms. Young's home from being publicly aired on WBBM-CBS 2;

Whereas, the Chicago Office of Inspector General found that City government failed to appropriately respond to Ms. Young as a victim of a CPD wrong raid, failed to act with transparency in City operations, and performed a series of governmental actions in a manner that, prioritized communications and public relations concerns over the higher mission of City government;

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

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Whereas, the City of Chicago has a responsibility to all of its residents, including victims of wrongful CPD raids, to operate with transparency and to provide prompt, complete, and accurate reports to the public about instances in which members of the CPD raid people's homes;

Whereas, it must be the highest priority of the 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 the 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 constituents 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 of the legislation;

THEREFORE, it shall therefore be ordained that: Section I.

Definitions

"Children" shall mean anyone who appears to be 16 years of age or younger.

"Negative Warrant" shall mean a warrant which did not result in the arrest of the target of the warrant or recovery of contraband or evidence identified in the warrant.

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"Vulnerable people" shall include, but is not limited to, children, elderly people, and people who are pregnant, living with a disability, experiencing mental health episodes, or have limited English-speaking proficiency.

"Trauma" shall mean an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and has lasting adverse effects on the individual's functioning and physical, mental, social, emotional or spiritual well-being.

Section II.

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 without first knocking, announcing his or her office, and giving the occupants a reasonable amount of time, no less than 30 seconds, to respond. Consistent with the United States Constitution, members of the Chicago Police Department may enter a residence without a warrant or knocking, announcing, and waiting in an emergency situation when verifiable exigent circumstances exist that make such entry necessary to prevent physical harm to a person.

2) When executing a residential warrant, Chicago Police Department members are required to develop a written plan before executing the warrant and use tactics that are the least intrusive to people's home, property and person and least harmful to people's physical and emotional health. The plan must include written information about what actions were taken to ascertain who is present in the home, including the ages and likely location of children and uninvolved individuals. The plan must also explain what planning officers did to avoid executing the warrant when people other than the target of the warrant are home or any exigent circumstance that imminently threatened the physical safety of members of the public or police that required officers to enter when people other than the target of the warrant were present inside the home. Officers are required to assess and document any exigencies and confirm and reassess exigencies prior to entry. 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 written explanation of how the planned action meets this least intrusive, least harmful standard, including a plan to prioritize and ensure the safety of children and other vulnerable people who may be on-site. The plan must also include a threat assessment matrix that accounts for and minimizes risks and dangers to people in the home and officers associated with the search warrant. The threat assessment must balance those risks and dangers against the expected benefits of the warrant. If the risks of harm outweigh the expected benefits, the Department shall not execute the warrant. 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 in a public facing data dashboard. It shall include the location of the warrant; the force used (including pointing firearms at people) during the warrant's execution; any allegations

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of police misconduct or excessive force during the execution of the warrant, including the names, badge numbers, and units of assignment of the accused officers; the race, gender and age of every individual present inside the residence during the execution of the warrant; the use of handcuffs or any other type of restraint during the execution of the warrant; the presence of any children during the execution of the warrant; the presence of other vulnerable people during the execution of the warrant; the recovery of any contraband; any arrests; and whether the warrant was a negative 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 of the warrant is present at the location of the 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. A member seeking a warrant, must conduct at least a week of surveillance on the target location prior to the execution of a warrant to ensure that: 1) the subject of the warrant is connected to the target location and 2) the target location can be confirmed as the appropriate address for a warrant.

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

6) No Chicago Police Department member shall seek a residential warrant without first receiving supervisory approval; the designated unit supervisor, with 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 through the execution of each residential search warrant and until the search is concluded. All officers executing the warrant must be dressed in their official Chicago Police Department uniforms.

8) Search warrant executions must be limited to specialized units or search warrant teams which consist only of officers who have received a minimum of 28 hours of specialized training. Training for specialized units and specialized training on the execution of residential warrants must include a detailed review of the Ordinance's provisions; harm reduction; tactics that are least intrusive to people's home, property, and person; measures to protect individuals' dignity, privacy, and property-interests; child and adolescent development in the context of reducing harm and exposure to the use of force; the impact of trauma and use of force on children; the process of knocking, announcing,

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and waiting for 30 seconds; the proper handling of firearms when entering and securing a residence; and recording and documentation requirements.

9) 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 are present.

10) If children or other vulnerable people are present or expected to be present at the site of a search, warrant execution, at least one social worker or mental health professional, and a translator (in the case of limited English-speaking proficiency), must be present or available for assistance. Assistance is to be provided in a timely manner, within one hour of contact by a designated officer.

11) 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. Members executing the search must verify throughout the raid whether children or other vulnerable people are present.

12) In the designation of search warrant roles, at least one officer shall be specially trained and designated to care for and protect children who may be encountered at the scene. Specialized training must include developmentally appropriate, trauma-informed, and racially equitable treatment of children; recognizing and responding to traumatized children; and support for the physical, emotional, and psychological wellbeing of children during the execution of residential search warrants.

13) During the execution of a residential warrant, Chicago Police Department members are prohibited from pointing firearms at any child unless the child presents an imminent risk of death or serious bodily injury to another person.

14) During the execution of a residential warrant, Chicago Police Department members are prohibited from handcuffing or restraining any child, unless the child presents an immediate threat of physical harm to themselves or another person.

15) During the execution of a residential warrant, Chicago Police Department members are prohibited from pointing firearms at parents, relatives, or caregivers of children while in the presence of children unless the person presents an imminent risk of death or serious bodily injury to another person.

16) During the execution of a residential warrant, Chicago Police Department members are prohibited from handcuffing or restraining parents, relatives, or caregivers of children while in the presence of children, unless the person presents an immediate threat of physical harm to themselves or another person. As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person shall be promptly released.

17) 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 to another person.

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

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

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

21) Within 24 hours of the execution of a residential warrant, the Chicago Police Department shall provide survivors of negative warrants in which children or other vulnerable people are present referrals to free supportive services and mental health resources funded by the City of Chicago.

22) All participating Chicago Police Department members must wear and activate their body camera during the entire execution of a residential warrant.

23) The Chicago Police Department shall permanently retain all video and audio recordings of the 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 relation to an encounter with members of the Chicago Police Department, the City must produce a copy of all the footage unredacted within two days.

24) After every warrant execution, the Superintendent (or the Superintendent's designee who must have a rank of at 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. If 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.

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

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CITY OF CHICAGO



Chicago City Council Co-Sponsor Form

OFFICE OF THE CITY CLERK ANNA M. VALENCIA

SO2022-1226

SUBSTITUTE: The Revised Anjanette Young Ordinance

Adding Co-Sppnsor(s)

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

Alderman

(Signature)

Alderman

Date Filed: November 4, 2022

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

.(□ZD Ward) .(LZZjWard)

Date Filed:

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

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