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ACRONYMS

CLEAR Citizen and Law Enforcement Analysis and Reporting Database

CPD	Chicago Police Department
OEMC	Office of Emergency Management and Communications
OIG	Office of Inspector General

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I. BACKGROUND

Pursuant to the Municipal Code of Chicago §§ 2-56-030 and -230, the Public Safety section of the Office of Inspector General (OIG) is conducting an inquiry into the Chicago Police Department's (CPD) execution of search warrants, focusing on the accuracy of the addresses at which they are executed. As part of an ongoing inquiry, OIG has analyzed CPD data on search warrants issued between January 1, 2017, and December 31, 2020. OIG is issuing this Second Interim Report in order to better equip stakeholders-to the extent feasible given the quality of CPD's data-with clear and accurate information during the ongoing public conversation and policy debate respecting improvements to CPD's search warrant policy and practices.¹

OIG also aims to highlight the intersections and gaps between the other proposed changes to CPD's policy and its existing data collection practices, for consideration as those proposed changes are finalized.

II. ANALYSIS OF CPD SEARCH WARRANT DATA A.

CPD SEARCH WARRANT TRACKING

CPD tracks search warrants in an application called eTrack within its Citizen and Law Enforcement Analysis and Reporting (CLEAR) database. eTrack contains pre-execution and post-execution information for each search warrant. Pre-execution information includes the issue date, warrant reason, warrant location, target/suspect of the warrant, and personnel involved in the creation and execution of the search warrant. Personnel includes CPD members such as the affiant, who completes the planning and creation of the warrant; the search team supervisor, who is present at the warrant execution; and other CPD members involved in the warrant execution. Also recorded are non-CPD personnel involved in the issuance of the search warrant, including the Assistant State's Attorney who reviewed it and the judge who approved it.

Post-execution information on the outcome of the search warrant is also tracked, including whether evidence or illegal guns were recovered or an arrest was made. Additionally, CPD records information on some aspects of the search warrant execution, such as whether a

¹ Arising from its ongoing inquiry, OIG's Public Safety section previously released preliminary findings and urgent recommendations to CPD in December 2020. See: <<https://igchicago.org/Avp-content/uploads/2021/01/OIG-Urgent-Recommendations-on-Search-Warrant-Policies.pdf>>. Specifically, OIG found that CPD's directive on search warrants left gaps in CPD members' obligations to verify and corroborate the information upon which they rely in seeking a search warrant, and that the circumstances under which a CPD supervisor was required to initiate a disciplinary investigation following a problematic search warrant execution were too narrow. OIG recommended that CPD modify its directive on search warrants to require verification and corroboration of information in all circumstances, and broaden the circumstances in which supervisors must initiate an investigation to determine whether discipline is necessary and appropriate when a search warrant execution goes wrong. CPD accepted both recommendations. Accordant policy changes were among the proposed changes to CPD's Special Order S04-19, Search Warrants, announced by CPD and the Mayor's Office in March 2021.

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residence was barricaded or if so-called "attack dogs" were used in the raid.² Information such as whether children were present or if the search warrant was approved as a no-knock search warrant are not currently recorded in eTrack. Proposed changes to CPD's search warrant policies do not specify that such information be recorded in eTrack or elsewhere. Failing to track data on critical search warrant factors does and will continue to hinder CPD's ability to evaluate the extent of the impact of its proposed policy changes. Figure 1 below highlights proposed changes to Directive S04-19 and their implications for CPD's data collection systems and practices.

FIGURE 1: Proposed changes to CPD's search warrant policy and their implications for data collection

CPD Proposed Change to Search Warrant

Current State of CPD Search Warrant Data System (eTrack)

CPD will conduct a critical incident after-action review for all search warrant) and in other circumstances identified by the	• eTrack does not currently record whether a search at a wrong location or where service is inconsistent with the warrant was a wrong raid. ⁴
All search warrants involving	• eTrack does not currently record the CPD member who approved the search warrant, or where occupants may be present as approved as a no-knock search warrant. ⁶
Deputy Chief or above. So-called "knock" search warrants must be approved by a Bureau Chief	• eTrack does not currently record whether a search warrant was approved as a no-knock search warrant. ⁶
Requires the planning session conducted before the execution of the search warrant	• eTrack does not currently record whether children or other vulnerable persons were present during the execution.
Specifically requires adherence to existing policy to report, to the Office of Professional Standards and Communications (OEMC), the	• eTrack does not currently record whether a firearm was pointed at a person during the execution.

■ The Warrant Execution Details section of the warrant record in eTrack asks, "Attack Dogs Used?" with CPD members able to select "Yes" or "No."

³ Chicago Police Department, "CPD Search Warrant Policy Revision Comparison," March 3, 2021, accessed March 3, 2021, <<https://home.chicagopolice.org/wp-content/uploads/Search-Warrant-Revision-Comparison>> 03MAR21.pdf.

⁴ CPD's current policy does not require the initiation of a disciplinary investigation in all instances of wrong raids. CPD has accepted OIG's recommendation to broaden the circumstances under which a disciplinary investigation should be initiated.

⁵ John Doe warrants are those where the source of information behind the warrant remains anonymous. No-knock search warrants are those where a judge authorizes the officer executing the warrant "to make entry without first knocking and announcing his or her office" (725 ILCS 5/108-8) (from Ch 38, par. 108-8) Sec 108-8, "Use of force in execution of search warrant," <<https://www.ilga.gov>>

gov/legislation/ilcs/documerits/072500050K108-8 htm

" Due to this limitation, OIG was unable to determine what percentage of residential warrants were no-knocks and thus the extent of the potential impact of this proposed change However, CPD reported to OIG that no-knock search warrants are not frequently issued in Cook County.

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pointing of a firearm at a person while serving a search warrant.⁷

Source: OIG analysis

B. OVERVIEW OF SEARCH WARRANT DATA 2017-2020

OIG evaluated CPD data on 8,400 search warrants issued between January 1, 2017, and December 31, 2020. The majority of search warrants, 5,528 (66%), were for execution at a residential location.⁸ As shown below in Figure 2, CPD's use of both residential and nonresidential search warrants was fairly consistent from 2017 through the beginning of 2019, with residential search warrants beginning to decline in the second half of 2019. Residential search warrants further declined in 2020, correlating in time with the COVID-19 pandemic.

FIGURE 2: Frequency of CPD search warrants over time

Residential Search Warrants

Non-Residential Search Warrants

228

213 227

Jan-Jun 2019	Jul - Dec 2019	Jan-Jun 2020	Jul - Dec 2020	Jan-Jun 2017	Jul - Dec 2017	2017	2018	2018
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Source: OIG analysis

Across CPD search warrants, OIG found that Gang Enforcement and Investigation units and CPD Districts executed residential search warrants most often, while Detective Areas, the Major Accident Investigations Unit, and the Special Investigations Section executed non-residential

⁷ While the proposed policy change requires adherence to the existing requirement that members notify OEMC of a firearm-pointing incident, there are a few exceptions to this requirement that could occur within a search warrant execution; "The notification requirement does not include: 1. Department members assigned as a Special Weapons and Tactics (SWAT) Team member who point a firearm at a person during the course of a designated SWAT incident. 2. Department members assigned to a federal task force, as designated by formal agreement between the Department and a federal law enforcement agency, who point a firearm at a person during the execution of the federal task force duties." Chicago Police Department, "Departmental Notice D19-01 Firearm Pointing Incidents," accessed March 18, 2021, <http://directives.chicagopolice.org/directives/data/a7a57b9b-1689a018-67e16-89a0-4d6cf7dbfc2535b3pdPhhtrue>.

⁸ Search warrants not executed at a residence include searches of physical locations such as businesses, but might also include searches of information such as phone and social media records, and items already in police possession, such as vehicles and laptops. OIG was able to determine that approximately 1% of residential search warrants were cancelled, or not executed However, since CPD does not systematically track whether a warrant was cancelled in eTrack, there may be additional unexecuted warrants in the dataset which OIG was not able to identify

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search warrants most often.⁹ CPD's Narcotics Division frequently conducted both types of search warrants, executing 28% of all residential search warrants and 23% of all non-residential search warrants. However, not all search warrants seeking drug-related evidence were executed by the Narcotics Unit; OIG found that 73% of all residential search warrants sought drugs. See Subsection C below for more information.

FIGURE 3: Percentage of residential and non-residential search warrants by most frequent executing units/facilities

" " 28%.
4%

Gang Enforcement/Investigation Units CPD Districts Narcotics Division Detective Areas Special Investigations Section | 1% Major
Accident Investigations Unit | 0%
I Residential Search Warrants

Source: OIG analysis

C. RESIDENTIAL SEARCH WARRANTS: LOCATION INFORMATION, WARRANT REASON, SUBJECT DEMOGRAPHICS, AND GEOGRAPHIC LOCATION

Nearly all residential search warrants are listed in eTrack with a location type of either "Residence" (53.3%) or "Apartment" (43.9%), with the remaining 2.8% listed as another type of residential location (e.g., garage, yard, driveway). Nearly a quarter of search warrants for an apartment did not have an apartment number in the listed address in eTrack, indicating either incomplete address information or an issue with the entry of this information from the physical warrant to CPD's database. Additionally, there appears to be some inconsistency in the use of these two categories, as 19% of locations listed as a "residence" contained apartment numbers.

24%

of search warrants with a location type of "apartment" did not have an apartment number listed

19%

of search warrants with a location type of "residence" did have an apartment number listed

⁹ 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 The Special Investigations Unit, listed in eTrack as "Section," investigates allegations of sexual abuse of children and conducts investigations into the use of the Internet in the distribution of child pornography as well as the indecent solicitation of children The Major Accident Investigations Unit investigates traffic crashes with serious personal injury likely to cause death, fatal traffic crashes, and all hit and run incidents.

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FIGURE 4: Warrant reason for residential search warrants

V Both Drugs & Guns, 5%

100%
0%

Residential Search Warrants Source: OIG analysis

Within eTrack, CPD records the "warrant reason," with a brief description of what the search warrant sought. OIG analyzed the warrant reason provided for all residential search warrants and residential location types, and found that at least 92% were seeking either drugs or guns. Specifically, 73% were seeking drugs and 24% were seeking guns, with some overlap (5% of the total) seeking both (Figure 4).

OIG also examined the information provided on the subject, or targeted person, for residential search warrants. Of all residential search warrants, subject information was provided for 4,289 (77.6%) and not provided for 1,239 (22.4%). CPD reported to OIG that it is possible to have a search warrant for a residence without a subject, giving the example of a known drug house where the identities of involved individuals were unknown, though it is unclear if this accounts for all records missing subject information, or if data entry errors played a role in this missing information.

For those residential warrants with subject information, 4,911 subjects (98.5%) had a reported race and sex (Figure 5).¹⁰ 3.5% of all subjects of residential search warrants were White. Of all subjects-of any race or gender-Black male subjects were the single most represented demographic group, comprising 71.8% of all subjects of residential search warrants. Compared with males of other races, Black males were targeted 4.6 times more often than Hispanic/Latinx

¹⁰ For those 4,289 warrants with subject information, OIG identified 4,987 total subjects, there may be multiple subjects tied to a single search warrant This count is of unique subjects per warrant, not total unique individuals For example, should one individual have been a subject of two separate search warrants, this person would be reflected twice in the data, once for each search warrant for which they were a subject. Of these total subjects, 4,911 had race and sex information provided in eTrack.

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males and 25.3 times more often than White males.¹¹ Comprising just 9.3% of all search warrant subjects, females were less likely to be the subject of CPD search warrants than males overall, and when compared to male subjects of their same race. Among female subjects, Black females were targeted 6.4 times more often than Hispanic/Latinx females and 11 times more often than White females.

Male

1,763 (15.5%)
1,139 (2.8%) | 23 (0.5%)
Female
13,525 (71.8%) | 363 (7.4%) | 57 (1.2%) | 33 (0.7%) | 6 (0.1%)

FIGURE 5: Number and percentage of subjects of residential search warrants by race/ethnicity and sex



Source: OIG analysis

Within eTrack, each search warrant record contains the CPD beat of the location to be searched.¹² OIG examined the frequency of residential search warrants issued for each police beat in the period of analysis and found that CPD Beats on the South and West Sides of Chicago experienced the greatest numbers of residential search warrants (see Figure 6). The beat with the most residential search warrants was Beat 1112 in the Humboldt Park Community Area, with 123 searches of residences in the time period covered. The next most searched were neighboring Beats 0713 and 0715 in the West Englewood Community Area, with 99 and 81 raids, respectively. Following were Beats 1011 and 1024 in the North Lawndale Community Area, with 79 and 77 searches, respectively. Beats with no search warrants on residences in the four years examined were mainly concentrated on the North and Northwest Sides, including parts of the Loop, Lakeview, Lincoln Park, Lincoln Square, Edison Park, and Norwood Park, and parts of Hyde Park on the South Side.

" CPD collects ethnicity information in eTrack within the field for race, using the categories "Black Hispanic" and "White Hispanic" which are reported together here as "Hispanic/Latinx" while "White" as used here signifies White (Non-Hispanic) and "Black" signifies Black (Non-Hispanic) A "beat" is a designated area with defined boundaries for patrol

FIGURE 6: Number of residential search warrants by CPD Beat and District 2017-2020

mi

Source: OIG analysis

OIG also analyzed the CPD beat of residential search warrants seeking guns and drugs. The geographic distribution of both gun and drug search warrants were also clustered on the West and South Sides of Chicago (Figure 7).

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FIGURE 7: Number of residential search warrants by CPD Beat, District, and warrant reason 2017-2020

Search Warrants for Guns

Search Warrants for Drugs

Source: OIG analysis

D. RESIDENTIAL SEARCH WARRANTS: OUTCOMES

In a December 2020 City Council hearing on CPD's search warrant practices, aldermen questioned CPD Superintendent David Brown about the success rate of CPD search warrants, citing a publicly reported figure that CPD recovers drugs only 4% of the time. OIG determined this to be a misinterpretation of the variable "drug turnover" included in eTrack data.¹³ Further, Superintendent Brown was asked how many search warrants were "good," with Brown replying that the return rate was nearly 90%. Brown's estimate aligns with the percentage of residential

¹³ The figure discussed in the December 2020 City Council hearing appears to have been an interpretation of the eTrack field "Drug Turnover" as the recovery of drugs during the search warrant. However, CPD informed OIG that this field actually indicates that the case information for that warrant was turned over to the Drug and Gang House Enforcement Section (DGHEs) for prosecution. In the eTrack data analyzed in this report, OIG found that 3.7% of residential search warrants resulted in case information being turned over to DGHEs.

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search warrants that resulted in one or more of the outcomes recorded in eTrack (i.e., property recovered, arrest made, and illegal guns found). OIG found these "gainful" warrants to account for 89% of all warrants executed at a residence over the last four years, mainly due to the fact that 88% of raids at a residence resulted in the recovery of property (Figure 8). The rate of gainful warrants alone cannot be taken as a rate of success, however, because it is essentially reflective of how often property is recovered; this may indicate not only the recovery of the contraband or evidence that is identified in the warrant, but also the recovery of any other property, such as documents to establish proof of residency. Additionally, this measure does not consider whether the raid resulted in the recovery of the evidence for which the warrant was obtained, and, therefore, may not directly reflect a high accuracy rate in the information used to obtain warrants. OIG found that CPD made an arrest on the scene of a search warrant execution 59% of the time for residential search warrants. Finally, 10% of all residential search warrants were "negative warrants"-that is, their execution did not result in any of the reported outcomes.

FIGURE 8: Rate of gainful and negative warrants and rates of warrant outcomes for CPD residential search warrants

Residential Search Warrants

Residential Search Warrants

Gainful search warrants indicate residential search warrants that resulted in any of the three collected outcomes in eTrack. The rates for these three individual outcomes are shown on the right.

Source. OIG analysis

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To address these ambiguities in determining a success metric, OIG compared the warrant reason provided in eTrack with

the type of evidence recovered during the search warrant using data from CPD's inventory logs; in so doing, OIG attempted to answer the question of whether search warrants resulted in the recovery of the evidence they were intended to recover. This analysis painted a more detailed picture of CPD search warrant outcomes than the 90% return rate cited by Superintendent Brown. As seen below in Figure 9, the recovery rate for drug warrants was 75.6% and the recovery rate for gun warrants was 40.6%. However, OIG also found substantial recovery rates for both drugs (40.0% of the time) and guns (24.3% of the time) when those items were not included in the warrant reason, or "chance hits."

FIGURE 9: Drug and gun recovery rates for residential search warrants by intended evidence of warrant

	Recovery Rate Drugs Guns	
When Seeking Item ("Hit")	75.6%	40.6%
When Not Seeking Item ("Chance Hit")	40.0%	24.3%

Source: OIG analysis

OIG additionally examined the recovery rates for drug and gun evidence by warrant subject race and found no difference in the recovery rate for warrants seeking drugs for subjects of different races, and found a slightly lower recovery rate for warrants seeking guns when the subject was White. While the recovery rates for intended evidence did not differ much by race of subject, there was a racial disparity in the frequency of "chance hits" (Figure 10). Black and Hispanic/Latinx subjects were more likely to experience a chance hit for drugs compared to White subjects (18.1 and 18.0 percentage points higher, respectively) and also more likely to experience a chance hit for guns (4.9 and 6.7 percentage points higher, respectively). One explanation of this disparity is the fact that White subjects only comprised 3.5% of all residential search warrant subjects while Black and Hispanic/Latinx subjects comprised 95.9% of subjects combined (See Figure 5). The high frequency of search warrants where Black and Hispanic/Latinx people are the subjects may provide more opportunity for a chance hit to occur.

FIGURE 10: Drug and gun recovery rates for residential search warrants by intended evidence of warrant and subject race

	Race of Subject	Recovery Rate Drugs Guns	
When Seeking Item ("Hit")	Black	79.4%	45.9%
	Hispanic/Latinx	81.2%	46.4%
	White	79.8%	37.8%
When Not Seeking Item ("Chance Hit")	Black		28.4%
	Hispanic/Latinx		30.2%
	White	29.6%	23.5%

Source¹ OIG analysis

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III. CONCLUSION

Through this Second Interim Report, OIG aims to provide the public with clear and accurate information on recent CPD search warrants and to equip stakeholders to knowledgeably participate in the ongoing public conversation and policy debate surrounding improvements to CPD's search warrant policy and practices. CPD search warrant data from 2017 to 2020 revealed that CPD's use of search warrants, particularly of residences, has been declining since late 2019. Of search warrants for a residence, the majority (73%) seek drug-related evidence. Depending on metrics, reported rates of

successful search warrants may vary widely. When seeking drugs, CPD recovered drug evidence 75.6% of the time, and when seeking guns, recovered them 40.6% of the time. OIG found that "chance hits," or the discovery of unintended evidence, occurred more often for Black and Hispanic/Latinx subjects than White subjects, with White subjects comprising just 3.5% of all residential search warrant subjects.

Members of the public and CPD members will be best-served by data-informed policy decisions and thoughtful consideration of the implications of policy changes for existing data collection systems and practices. OIG's inquiry on this matter is ongoing and continues to evaluate CPD's search warrant training, review, and disciplinary processes and their impact on the occurrence of wrong raids.

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- inspections, evaluations and reviews of City police and police accountability programs,

- operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and human resources activities by its Compliance Section.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

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