

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**MEMORANDUM IN RESPONSE TO
ORDER OF JUNE 12, 2020 (ECF No. 18)**

Plaintiff files this memorandum in response to the Court’s order directing plaintiff to “articulate why the facts alleged [in his complaint] resulted in a violation of federal law.”¹ (ECF No. 18.)

I. Facts Alleged in and Consistent with the Complaint

This Court recently discussed in *Cook County v. Wolf*, No. 19 C 6334, 2020 WL 2542155 (N.D. Ill. May 19, 2020) the long-standing rule in this circuit that, in opposing a motion to dismiss, a plaintiff may assert “without

¹ The Court issued its order of June 12, 2020 upon its review of defendant's motion to dismiss. (ECF No. 17.) Defendant asserted in the motion that, in the complaint, "a plaintiff is required to state which of his constitutional rights were violated." (ECF No. 17 at 3.) The Seventh Circuit has repeatedly rejected this theory. See, e.g., *R3 Composites Corp. v. G&S Sales Corp.*, 960 F.3d 935, 941 (7th Cir. 2020); *Alioto v. Town of Lisbon*, 651 F.3d 715, 721 (7th Cir. 2011). The Supreme Court resolved any doubt about the correctness of the Seventh Circuit's position in *Johnson v. City of Shelby*, 574 U.S. 10 (2014). Defendant also argued that plaintiff had failed to plead an injury, but the Court had no difficulty identifying the injury in its June 12th order: "Plaintiff's alleged injury was that he was held in the police station when he allegedly should have been allowed to post bond." (ECF No. 18.) In light of the Court's order, plaintiff says nothing further about defendant's frivolous arguments.

evidentiary support any facts he pleases that are consistent with the complaint.” *Id.* at *1 (citing *Early v. Bankers Life & Cas. Co.*, 959 F.2d 75, 79 (7th Cir. 1992)). Plaintiff follows this rule in setting out the facts alleged in and consistent with his complaint.

A. The Arrest and Detention

At about 3:15 a.m. on Saturday, September 29, 2018, Chicago police officers Bahena and Diaz stopped plaintiff while he was driving a motor vehicle with one functioning headlight. Plaintiff’s girlfriend Tishay Richardson was also in the car. Plaintiff does not challenge the legality of the traffic stop.

Plaintiff produced his valid Illinois driver’s license and the officers detained plaintiff while they checked for outstanding warrants. Plaintiff does not challenge his detention while the officers conducted this “name check.” *Hall v. City of Chicago*, 953 F.3d 945, 948 (7th Cir. 2020) (holding that a detention for a name check was reasonable).

The name check turned up a warrant from DuPage County that had been issued when plaintiff failed to appear in a minor traffic case. The judge who issued the warrant set bond at \$3,000, meaning that plaintiff could be released upon posting 10% of that amount, or \$300. Plaintiff’s girlfriend had that amount of cash with her. The officers took plaintiff to the 15th district police station, where Officer Williams-Curington verified the warrant.

Plaintiff was not released on bond, even though Ms. Richardson was ready, willing, and able to post bond for plaintiff, because an express policy of

the City of Chicago, discussed below, prohibited the officers from accepting bond and releasing plaintiff. Plaintiff was therefore held at the police station until the morning when he was transferred to the custody of the Sheriff of Cook County. After plaintiff appeared before a Cook County Judge, his girlfriend posted the cash bond that had been set by the DuPage County Judge. Plaintiff was released from custody at about 10 p.m. on September 29, 2018.

B. The Express Municipal Policy

The police officers did not permit plaintiff to post bond at the police station because of a written policy of the City of Chicago that prohibits police officers from accepting cash bond from any person arrested on Saturday, Sunday, or a court holiday on a warrant for which a judge had set an amount of bond even where the arrestee was ready, willing, and able to post bond.

The written policy is set out in Chicago Police Department “Special Order S06-12-02.” Plaintiff attaches as Exhibit 1 the version that was in force when he was arrested in September of 2018 and, as Exhibit 2, the current version.

Special Order S06-12-02 is entitled “Non-Traffic Arrest Warrant Procedures.” (Exhibit 1 at 1.) Section IV of the Rule is titled, “Processing Persons Arrested on Warrants” (Exhibit 1 at 3) and applies to all persons detained on a warrant. Relevant to this case is Section IV.B.3 which provided (and continues to provide) as follows:

B. The station supervisor will ensure that:

3. the following will be transported to Central Bond Count:²

(c) all persons arrested on all warrants on Saturday, Sunday, and Court Holidays.

(Ex. 1 at 4; Ex. 2 at 5.)

The written policy requires that any person arrested on a warrant on a Saturday, Sunday, or court holiday may not post bond at the police station, even when—as in this case—the judge who issued the warrant determined the amount of bond and the arrestee has available to him (or her) cash to post bond. Rather than being released, the arrestee will be held at a police station and transferred the next morning to the Sheriff of Cook County, who will present the arrestee to a judge of the Circuit Court of Cook County.

A much different fate awaits persons arrested on weekdays that are not court holidays who are able to post the bond that had been set on a warrant. The Chicago Police Department allows these persons to post bond at the police station and be released immediately. Unlike plaintiff and others similarly situated, this group is not subjected to the extended detention that results from defendant's express policy.

² “Central Bond Court” is held at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois. Circuit Court of Cook County, *First Municipal District Bond Courts*, <http://www.cookcountycourt.org/ABOUTTHECOURT/Municipal-Department/FirstMunicipalDistrict-Chicago/BondCourt.aspx>.

Plaintiff in this case, acting individually and for others similarly situated, challenges this municipal policy.

II. The Violation of Federal Law

Before the decision of the Supreme Court in *Manuel v. City of Joliet*, 137 S.Ct. 911 (2017), three circuits agreed that there was a “constitutionally protected liberty interest” in being released on bond and that the “substantive due process protection of this liberty interest attaches once arrestees are deemed eligible for release on bail.” *Steele v. Cicchi*, 855 F.3d 494, 502 (3d Cir. 2017) (citing *Dodds v. Richardson*, 614 F.3d 1185 (10th Cir. 2010) and *Campbell v. Johnson*, 586 F.3d 835, 940 (11th Cir. 2009)).

The decision of the Supreme Court in *Manuel v. City of Joliet*, 137 S. Ct. 911 (2017), as interpreted by the Seventh Circuit, suggests that the Court should view the detention of a person arrested on a warrant who is ready, willing, and able to post the cash bond that had been set on the warrant as an unreasonable detention contrary to the Fourth Amendment. As the Seventh Circuit held in *Lewis v. City of Chicago*, 914 F.3d 472 (7th Cir. 2019), “*Manuel I* makes clear that the Fourth Amendment, not the Due Process Clause, governs a claim for wrongful pretrial detention.” *Id.* at 475. *Accord, Johnson v. McCarber*, 942 F.3d 405, 410-11 (8th Cir. 2019) (any deprivation of liberty before trial “is governed by the Fourth Amendment and its prohibition of unreasonable seizures”).

The Sixth Circuit applied this reasoning in *Miller v. Maddox*, 886 F.3d 386 (6th Cir. 2017) to a factually similar case involving detention after the arrestee had been accepted into a pretrial release program. The Court of Appeals there concluded that the plaintiff had “suffered a deprivation of liberty by being detained past the time necessary to enroll her in the pretrial services program.”

Id. at 394.

An analogous fact situation was presented to the district court in *Alcorn v. City of Chicago*, No. 17 C 5859, 2018 WL 3614010 (N.D. Ill. July 27, 2018). That case does not challenge the municipal policy, but seeks to impose liability on individual police officers for unreasonable post-arrest detention on a warrant:

Plaintiff’s case is distinguishable from *Manuel* in that the Officers had probable cause to make the initial arrest of Lumar based on the facially valid out-of-county warrant. However, that warrant did not provide probable cause to *continue* detaining Lumar after the Officers learned that the warrant was for a bondable offense and Lumar could secure his release by paying \$50. While an officer may end her investigation once she has established probable cause and the Fourth Amendment imposes no duty to investigate whether a defense is valid, an officer “may not ignore conclusively established evidence of an affirmative defense.” [*McBride v. Grice*, 576 F.3d 703, 707 (7th Cir. 2009).] Here, the Officers did not end their investigation and instead inquired further with Lee County, learning that the arrest warrant had been issued for a bondable offense. Despite conclusive evidence to the contrary, according to the facts alleged [in the] Complaint which the Court accepts as true, the Officers falsified the arrest report to show that Lumar’s bond information was not available and continued to detain him for a nonbondable offense. Therefore, Plaintiff has sufficiently alleged the Officers detained Lumar without probable cause in violation of the Fourth Amendment.

Id. at *7. Plaintiff here does not advance any argument that the arresting officers falsified his arrest report, but the underlying legal rule does not require such falsification. Refusing to release an arrestee who is ready, willing, and able to pay a bond is a violation of the Fourth Amendment and the Due Process Clause.³

III. Conclusion

The Court should therefore deny the motion to dismiss, find that plaintiff has complied with the order of June 12, 2020, and order defendant to answer the complaint.

Respectfully submitted,

/s/ Kenneth N. Flaxman
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³ A similar issue is before Judge Chang in *Ali v. City of Chicago*, 19-cv-22. The plaintiff in that case challenges, *inter alia*, the provision of S06-12-02 that prohibits persons arrested on warrants issued outside of Cook County, regardless of the day of arrest, from posting bond at the police station. A summary judgment motion by the individual defendants is pending in *Ali*; the City has not sought summary judgment on the *Ali* plaintiff's challenge to this provision of the Special Order.

Exhibit 1



Chicago Police Department

Special Order S06-12-02

NON-TRAFFIC ARREST WARRANT PROCEDURES

ISSUE DATE:	13 June 2013	EFFECTIVE DATE:	13 June 2013
RESCINDS:	24 April 2012 Version		
INDEX CATEGORY:	Processing Persons		

Rescinded on 26 August 2019 by S06-12-02; 26 August 2019

I. PURPOSE

This directive:

- A. outlines Department procedures for requesting, processing, and servicing nontraffic arrest warrants.
- B. introduces the use of the IntraState Hold Affidavit.
- C. continues the:
 - 1. requirements for bond forfeiture notifications by the court sergeant / officer.
 - 2. direct recall procedures to expedite the removal of criminal warrants from the Department's computer system.
 - 3. procedures for processing persons arrested by outside agencies.
- D. outlines procedures for the completion of the Arrest Warrant Execution Verification (CCG0657) form, available on the Department Directives Systems.
- E. establishes responsibilities for the Central Warrant Unit, relative to processing an offender on a failure-to-appear, nontraffic arrest warrant, whether in or outside of Cook County.

II. REQUEST FOR NONTRAFFIC WARRANTS

- A. Persons seeking a summons or an arrest warrant for misdemeanor or ordinance offenses **other than domestic-violence-related offenses** will be directed to apply to the police officer / warrant clerk assigned to Court Branches 23, 29, 34, 35, or 43, Monday through Friday (excluding court holidays) between 0830 and 1130 hours. The summons / warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "**Court Call Schedule**".
- B. Persons seeking a summons or an arrest warrant for **misdemeanor domestic-violence-related offenses** are to be directed to apply to the police officer / warrant clerk assigned to the Domestic Violence Court Warrant Office, Monday through Friday (excluding court holidays) between 0830 and 1130 hours.
- C. Police officers may request misdemeanor nontraffic arrest warrants from the police officer / warrant clerk assigned to any branch of the First Municipal District, Circuit Court of Cook County (Municipal Court of Chicago). However, the warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "**Court Call Schedule**".
- D. Requests for felony warrants will be processed in accordance with the provisions of the Department directive entitled "**Felony Review by Assistant State's Attorney**".
- E. Upon request for an arrest warrant, the police officer / warrant clerk will:
 - 1. ensure that probable cause exists for the complaint to apply for a warrant or summons and, when probable cause exists, prepare a formal complaint, an arrest warrant, and a summons.
 - 2. accurately record as much personal information as possible for the person named in the warrant (name, address, sex, race, height, weight, date of birth, age, complexion, etc.) in the **Information and Description of Defendant** section of the warrant. If available, record the

Identification Record (IR) number and/or Central Booking (CB) number of the person named in the warrant.

3. have the Assistant State's Attorney assigned to the court branch review the warrant, summons, complaint, and any other related documents for approval before they are presented to the court.
4. inform the officer obtaining a warrant that prior to an immediate execution of the warrant, the officer **must first deposit** the warrant with the Central Warrant Unit and **obtain a warrant number before the warrant can be served**. Unserved warrants or copies of unserved warrants will not be retained or circulated in the field.
5. complete the unshaded portion of a Court Complaint Transmittal Listing (CPD-11.551) for each warrant and forward it to the court clerk assigned to the court hearing the complaint.

F. A police officer / warrant clerk who ascertains that the person named in the warrant is a Department member will follow the provisions of the Department directive entitled "**Complaint and Disciplinary Procedures**".

III. PROCESSING NONTRAFFIC ARREST WARRANTS

- A. Public Safety Information Technology (PSIT) will maintain a computer system to process pertinent information regarding arrest warrants.
- B. The Central Warrant Unit will:
 1. upon receipt of an arrest warrant from the clerk of the Circuit Court, obtain a current Chicago Police Department (CPD) criminal history record of the person named on the warrant. If the IR number is listed on the warrant, verify the demographic information contained in the warrant and enter it into the computer system. Warrants which do **not** contain sufficient information to distinguish the person named in the warrant from others of similar names will be returned to the issuing court.
 2. stamp the warrant number assigned by the computer on the BACK of the warrant document.
 3. file the warrant and the complaint until served or returned to the Clerk of the Circuit Court.
 4. enter criminal warrant data into the Law Enforcement Agency Data Systems (LEADS) computer **only** when the charge is a felony or a class A or B misdemeanor charge and enter criminal warrant data into the National Crime Information Center (NCIC) system when the charge is for a Class "X" felony (homicide, armed robbery, aggravated arson, etc.).

NOTE: In exceptional cases and upon the approval of the States Attorney or Chief, Bureau of Detectives, a felony warrant may be placed in the LEADS and NCIC systems for an offense other than those enumerated above.

5. when notified that a person named in a warrant has been taken into custody:
 - a. verify the validity of the warrant via the Clerk of the Circuit Court computer.
 - b. after verifying the validity of the warrant, document the warrant in the hot desk and record the time that verification was attempted and/or completed.
 - c. record the name and star or employee number of the Department member making the notification entered into the clerk's mainframe, then print out a hard copy.
 - d. immediately notify the station supervisor of the detention facility when it is determined that the warrant is invalid or the person in custody is not the person named in the warrant.
 - e. if the inquiry reveals that the warrant is valid, make photocopies of the arrest warrant and complaint when available, stamp all copies with a stamp denoting "COPY," and transmit a facsimile copy of the warrant and complaint, if any, to the district of detention.

- f. provide warrant information to the arresting officer, such as docket number or case number, and send a facsimile copy of the Arrest Warrant Execution Verification (CCG0657) form to the district of detention.
6. update warrants to "inactive" status in the computer system when a warrant is to be removed from the active file (e.g., served, quashed, deleted).
7. upon return of a facsimile copy of a warrant by a unit consistent with Item V of this directive, ensure that the original is reinstated to the active file.
8. upon notification that the person named in the warrant is already in the custody of an outside agency, take appropriate action to ensure that the warrant is served.

C. The Field Services Section will notify the appropriate station supervisor via the telephone of any alias warrant hits discovered by the Instant Update Unit. The member making the notification will obtain the station supervisor's name and star number.

D. When a person in custody is found to be wanted on a warrant issued by an Illinois Court, the LEADS Desk in the Field Services Section will immediately notify the extradition officer. In instances when a warrant is discovered during the identification processing, the notification will be made immediately by the Identification Section / Instant Update Unit.

E. The extradition officer will complete the initial top sections of the Intrastate Hold Affidavit sections from the top of the document down to, but not including, the section labeled "IDENTIFICATION / DESCRIPTION OF PERSON IN CUSTODY" for each warrant issued by an Illinois court after a determination of identity has been made and will send the partially completed Intrastate Hold Affidavit, for each warrant, to the district of detention station supervisor via facsimile.

IV. PROCESSING PERSONS ARRESTED ON WARRANTS

A. The arresting officer will:

1. in addition to the procedures outlined below, process arrestees in accordance with the procedures outlined in the Department directive entitled "Processing Persons Under Department Control."
2. indicated on the Arrest Report the warrant charge and local charges for each warrant, if any. In addition, the following information for each warrant is to be listed on the Arrest Report:
 - a. Warrant number
 - b. Warrant charge
 - c. Court branch
 - d. Amount of bond
 - e. Judge's name
 - f. Identification Record (IR) number listed on the warrant, if any
 - g. Docket number, if known.

NOTE: The arresting officer will complete all required fields on the Arrest Warrant Execution Verification form and submit it to the station supervisor. The station supervisor will ensure the form is included with the documents that comprise the court package for this arrest.

3. follow procedures for charging a fugitive apprehended on a **warrant issued in another state** in compliance with the Department directive entitled "Extradition Procedures." All fugitive warrant arrests go to Court Branch 98, even with local charges.
4. process persons apprehended on warrants issued within the State of Illinois:
 - a. The original signature of the arresting officer should appear on the Intrastate Hold Affidavit whenever possible. However, the processing and/or transporting of arrestees to the Central Detention Section, when required, will not be delayed in

order to obtain the partially completed affidavit from the extradition officer or the original signature of the arresting officer. Instead, the Intrastate Hold Affidavit will be completed by the station supervisor at the district of detention or by the 001 District station supervisor when the Intrastate Hold Affidavit is hand-delivered by the extradition officer, who will ensure the LEADS hit printout is attached to the affidavit.

- b. If further information is needed to complete the affidavit, the station supervisor will verify the required information via the extradition officer (e.g., a fingerprint or photograph comparison if significant discrepancies between the physical description of the person in custody and the person named in the warrant are noted).
5. verify the information and physical description of the subject named in the warrant matches the subject in custody.

NOTE: If significant discrepancies between the physical description of the arrestee and the person named in the warrant are noted, the station supervisor of the detention facility has the final authority of determining whether or not the arrestee will be processed for the warrant.

6. include the original charges on the warrant, stated in the narrative section of the arrest report.

B. The station supervisor will ensure that:

1. all persons arrested on a Cook County Sheriff's warrant returnable to the First Municipal District are transported from the district of arrest to the court of issuance (the local Branch Court, Traffic Court, or 26th and California, as appropriate).
2. all persons arrested on a warrant issued outside of the first Municipal District and who have local charges are transported from the district of arrest to the local branch court according to the Case Priority Listing Unit Matrix outlined in the Department Directive entitled "Court Call Schedule."
3. the following will be transported to Central Bond Court:
 - a. all persons arrested on a warrant outside of the First Municipal District and no local charges,
 - b. all persons arrested on a warrant issued from Criminal Trial Court and no local charges, and
 - c. all persons arrested on all warrants on Saturday, Sunday, and Court Holidays.
4. all persons arrested on a Illinois Department of Corrections Warrant without local charges are transported to the Central Detention Section.
5. all persons arrested on serviceable Child Support Warrants are transported to the Central Detention Section.
6. arrestees are processed in accordance with the procedures outlined in this directive and the Department directive entitled "Processing Persons Under Department Control."
7. the arrestee's IR number, if available, and the IR number listed on the facsimile copy of the warrant are the same before the arrestee is let to bail or sent to court.
8. all facsimile copies of local warrant(s) and complaint(s), if available, have been received. If a copy of the warrant is not received by the time the booking process is completed, immediately:
 - a. notify the Central Warrant Unit;
 - b. request that a copy of the warrant be transmitted immediately; and
 - c. at the end of the tour of duty, inform the oncoming station supervisor that the Intrastate Hold Affidavit has not been received.

9. the following documents identified in the Checklist of Required Court Documents for Prisoner Transfer to Cook County Sheriff Personnel (CPD-34.441) are attached to the remaining court papers as indicated in the Department directive entitled "Processing Persons Under Department Control."
10. if at the end of the tour of duty, a facsimile copy of the warrant, complaint, and the Intrastate Hold Affidavit have not been received, the oncoming station supervisor is informed. The oncoming station supervisor will then be responsible for ensuring that the facsimile copies of the warrant, complaint, Intrastate Hold Affidavit, and copies of the computer-generated printouts of the LEADS hit are received and attached to the appropriate court papers.

C. The 001 District station supervisor will ensure that:

1. in cases where the arrestee is not picked up by the demanding agency, the arrestee is sent to the next regularly scheduled court session as outlined in the Department directive entitled "Court Call Schedule" for persons detained on fugitive warrants and warrants issued in other Illinois counties.
2. the Intrastate Hold Affidavit is received, completed, signed, clerked, and has a LEADS hit printout attached to the Intrastate Hold Affidavit and that the documents are attached to the Court Complaint Transmittal.

D. the LEADS desk will make proper notifications to the affected police agency when an arrestee is being held on an outside warrant.

V. WARRANTS RETURNED BY UNITS

When a facsimile copy of a warrant is **not** served and is returned to the Central Warrant Unit (i.e., the wanted person is no longer in custody), the station supervisor of the unit of detention will **immediately** make a telephonic notification to the Fields Services Section and, in addition, submit a To-From-Subject report along with the copy of the returned warrant, indicating the reason(s) why the warrant was not served.

VI. BOND FORFEITURE PROCEDURE

- A. Whenever a bond forfeiture warrant is issued in any court with regularly assigned Court Section personnel, the Court Section personnel will:
 1. ensure that the case number and disposition are recorded on the Court Section Copy of the Arrest Report.
 2. make a photocopy of the Arrest Report and maintain it in an alphabetical file for a minimum of one year.
 3. forward the original Court Section Copy of the Arrest Report to the Identification Section.
- B. When a bond forfeiture order is vacated and a bond is reinstated, the Court Section personnel will:
 1. search the bond forfeiture file for the photocopy of the Arrest Report and obtain the information needed to make the appropriate notifications.
 2. notify the arresting officer's unit of assignment of the continued court date in cases where the arresting officer's court appearance is required.

VII. DIRECT RECALL PROCEDURES

Upon receipt of the transmittal listing of warrants from a judge of the Circuit Court of Cook County, the Central Warrant Unit will:

- A. update the warrants in the computer system to "inactive" status.
- B. pull the respective warrants from their files.
- C. complete the transmittal listing of warrants.
- D. send a completed facsimile copy of the transmittal listing of warrants back to the Circuit Court's Office.

- E. return the recalled warrants to the Chief Clerk of the Circuit Court's office with the Warrant-Recall Order.

VIII. PERSONS ARRESTED BY OUTSIDE AGENCIES

- A. Field Services Section Responsibilities:

Upon receiving notification from an outside agency that a person wanted on a Chicago warrant is in their custody, the Field Services Section will:

1. verify the status of the warrant and the identity of the arrestee.
2. contact the agency to determine whether or not the arrestee will make bond and will be detained on other local charges.
3. if the wanted person will not make bond and will not be detained on other local charges, advise the arresting agency of arrangements being made for return of the wanted person to Chicago.

- B. The Central Warrant Unit Responsibilities:

1. When the agency holding the arrestee is within Cook County, the Central Warrant Unit will notify the Office of Emergency Management and Communications (OEMC) and request assignment of a two-officer car or squadrol from the district nearest to the holding agency be assigned to return the arrestee.
2. When the agency holding the arrestee is outside Cook County, the Central Warrant Unit will notify the Bureau of Detectives unit having the responsibility for the follow-up investigation and request that they assign detectives to return the arrestee. If no Bureau of Detectives unit has follow-up responsibility for the investigation, the Central Warrant Unit will notify the area Bureau of Detectives unit nearest the holding agency and request that they assign detectives to return the arrestee.

(Item indicated by italics/double underline were revised)

Authenticated by: PS

Garry F. McCarthy
Superintendent of Police

13-072 AMR

Exhibit 2



Chicago Police Department

Special Order S06-12-02

NON-TRAFFIC ARREST WARRANT PROCEDURES

ISSUE DATE:	26 August 2019	EFFECTIVE DATE:	26 August 2019
RESCINDS:	13 June 2013 Version		
INDEX CATEGORY:	Processing Persons		

I. PURPOSE

This directive:

- A. outlines Department procedures for requesting, processing, and servicing non-traffic arrest warrants.
- B. continues the:
 - 1. the use of the Intrastate Hold Affidavit.
 - 2. requirements for bond forfeiture notifications by the court sergeant / officer.
 - 3. direct recall procedures to expedite the removal of criminal warrants from the Department's computer system.
 - 4. procedures for processing persons arrested by outside agencies.
- C. outlines procedures for the completion of the Cook County Arrest Warrant Execution Verification ([CCG0657](#)) form, available on the Department Directives Systems.
- D. establishes responsibilities for the Central Warrant Unit, relative to processing an offender on a failure-to-appear, nontraffic arrest warrant, whether in or outside of Cook County.
- E. introduces the Negative Identification Notification form ([CPD-31.218](#)) and the Arrest Warrant and Return Verification form ([CPD-31.219](#)).

II. REQUEST FOR NONTRAFFIC WARRANTS

- A. Persons seeking a summons or an arrest warrant for misdemeanor or ordinance offenses **other than domestic-violence-related offenses** will be directed to apply to the police officer / warrant clerk assigned to Court Branches 23, 29, 35, or 43, Monday through Friday (excluding court holidays) between 0830 and 1130 hours. The summons / warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "Court Call Schedule".
- B. Persons seeking a summons or an arrest warrant for **misdemeanor domestic-violence-related offenses** are to be directed to apply to the police officer / warrant clerk assigned to the Domestic Violence Court Warrant Office, Monday through Friday (excluding court holidays) between 0830 and 1130 hours.
- C. Police officers may request misdemeanor nontraffic arrest warrants from the police officer / warrant clerk assigned to any branch of the First Municipal District, Circuit Court of Cook County (Municipal Court of Chicago). However, the warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "Court Call Schedule".
- D. Requests for felony warrants will be processed in accordance with the provisions of the Department directive entitled "Felony Review by Cook County State's Attorney".
- E. Upon request for an arrest warrant, the police officer / warrant clerk will:
 - 1. ensure that probable cause exists for the complaint to apply for a warrant or summons and, when probable cause exists, prepare a formal complaint, an arrest warrant, and a summons.
 - 2. accurately record as much personal information as possible for the person named in the warrant (name, address, sex, race, height, weight, date of birth, age, complexion, etc.) in the

Plaintiff's Exhibit

02

Page 1 of 8

Information and Description of Defendant section of the warrant. If available, record the Identification Record (IR) number and/or Central Booking (CB) number of the person named in the warrant.

3. have the Assistant State's Attorney assigned to the court branch review the warrant, summons, complaint, and any other related documents for approval before they are presented to the court.
4. inform the officer obtaining a warrant that prior to an immediate execution of the warrant, the officer **must first deposit** the warrant with the Central Warrant Unit and **obtain a warrant number before the warrant can be served**. Unserved warrants or copies of unserved warrants will not be retained or circulated in the field.
5. complete the unshaded portion of a Court Complaint Transmittal Listing ([CPD-11.551](#)) for each warrant and forward it to the court clerk assigned to the court hearing the complaint.

F. A police officer / warrant clerk who ascertains that the person named in the warrant is a Department member will follow the provisions of the Department directive entitled "**Complaint and Disciplinary Procedures**".

III. PROCESSING NON-TRAFFIC ARREST WARRANTS

- A. The Information Services Division (ISD) will maintain a computer system to process pertinent information regarding arrest warrants.
- B. The Central Warrant Unit will:
 1. upon receipt of an arrest warrant from the Cook County Clerk of the Circuit Court of Cook County, obtain a current Chicago Police Department (CPD) criminal history record of the person named on the warrant. If the IR number is listed on the warrant, verify the demographic information contained in the warrant and enter it into the computer system. Warrants that do not contain sufficient information to distinguish the person named in the warrant from others of similar names will be returned to the issuing court.
 2. stamp the warrant number assigned by the computer on the BACK of the warrant document.
 3. file the warrant and the complaint until served or returned to the Clerk of the Circuit Court of Cook County.
 4. enter criminal warrant data into the Law Enforcement Agency Data Systems (LEADS) computer **only** when the charge is a felony or a class A or B misdemeanor charge and enter criminal warrant data into the National Crime Information Center (NCIC) system when the charge is for a Class "X" felony (homicide, armed robbery, aggravated arson, etc.).

NOTE: In exceptional cases and upon the approval of the States Attorney or Chief, Bureau of Detectives, a felony warrant may be placed in the LEADS and NCIC systems for an offense other than those enumerated above.

5. when notified that a person named in a warrant has been taken into custody:
 - a. retrieve the warrant packet from the warrant file and ensure there are no additional warrants listed on the back of the warrant copy.
 - b. verify the validity of the warrant via Chicago Hot Desk and confirm the warrant using the docket number through the Clerk of the Circuit Court of Cook County System and ensure that no additional warrants are listed in the miscellaneous field of the hot desk.
 - c. after verifying the validity of the warrant, record in the miscellaneous field of the hot desk:
 - (1) the name and star number of the Department member making the notification,
 - (2) the district of arrest,

Plaintiff's Exhibit

02

Page 2 of 8

- (3) the district the arrestee will be held,
- (4) the name and star number or employee number of the Department member verifying the warrant, and
- (5) how the warrant was verified through the Clerk of the Circuit Court of Cook County's System.
- d. immediately notify the arresting officer(s) or, when not available, station supervisor of the detention facility when it is determined that the warrant is invalid.
- e. if the warrant contains an available IR number, will:
 - (1) not complete the processing and serving of the warrant until the arrestee's fingerprints are verified.
 - (2) once the arrestee's status is in "IR warrant check pending," complete the automated arrest procedure by ensuring the IR number which the arrestee is clearing under matches the IR number and, if included, the central booking (CB) number on the warrant being served. If the numbers do not match, have the two IR numbers compared by a fingerprint technician.

NOTE: If the person in custody is determined through fingerprint comparison to not be the individual named on the warrant, immediately notify the station supervisor of the detention facility via PAX and send a completed Negative Identification Notification form (CPD-31.218) via fax, to the unit of detention.

- (3) serve the warrant in the hot desk by updating the status to "served" and notate the arrestee's corresponding central booking (CB) in the appropriate section.
- f. when no IR is attached to the warrant, serve the warrant in the hot desk by updating the status to "served" and notate the arrestee's corresponding CB number in the appropriate section.
- g. upon completion of the warrant processing procedure, forward copies, via Department email or facsimile, to the district of detention, of the following:
 - (1) the warrant(s),
 - (2) the complaint(s), when available,
 - (3) the hot desk page, and
 - (4) the Arrest Warrant Execution Verification Cook County (CCG0657) form, for bond forfeiture warrants (BFWs) only.
- 6. update warrant status in the computer system when a warrant is to be removed from the active file.
- 7. upon return of a facsimile copy of a warrant by a unit consistent with Item V of this directive, ensure that the original is reinstated to the active file.
- 8. upon notification that the person named in the warrant is already in the custody of an outside agency, take appropriate action to ensure that the warrant is served.

C. The Field Services Section will notify the appropriate station supervisor via the telephone of any alias warrant hits discovered by the Instant Update Unit. The member making the notification will obtain the station supervisor's name and star number.

D. When a person in custody is found to be wanted on a warrant issued by an Illinois court, the LEADS Desk in the Field Services Section will immediately notify the extradition officer. In instances when a warrant is discovered during the identification processing, the notification will be made immediately by the Identification Section / Instant Update Unit.

E. The extradition officer will complete the initial top sections of the Cook County Intrastate Hold Affidavit sections from the top of the document down to, but not including, the section labeled "IDENTIFICATION / DESCRIPTION OF PERSON IN CUSTODY" for each warrant issued by an Illinois court after a determination of identity has been made and will send the partially completed Intrastate Hold Affidavit, for each warrant, to the district of detention station supervisor via facsimile.

EXCEPTION: An Interstate Hold Affidavit is not required if the original warrant or a copy of the original warrant is available.

IV. PROCESSING PERSONS ARRESTED ON WARRANTS

A. The arresting officer will:

1. in addition to the procedures outlined below, process arrestees in accordance with the procedures outlined in the Department directive entitled "Processing Persons Under Department Control."
2. contact via PAX:
 - a. the Central Warrant Unit for initial verification, providing the Chicago warrant number, for warrants originating from the City of Chicago.
 - b. the LEADS Desk for initial verification, providing the LEADS warrant number, for Illinois warrants originating from outside the City of Chicago.
3. indicated on the Arrest Report the warrant charge and local charges for each warrant, if any. In addition, the following information for each warrant is to be listed on the Arrest Report:
 - a. Warrant number
 - b. Warrant charge
 - c. Court branch
 - d. Amount of bond
 - e. Judge's name
 - f. Identification Record (IR) number listed on the warrant, if any
 - g. Docket number, if known.
4. follow procedures for charging a fugitive apprehended on a **warrant issued in another state** in compliance with the Department directive entitled "Extradition Procedures." All fugitive warrant arrests go to Court Branch 98, even with local charges.
5. process persons apprehended on warrants issued within the State of Illinois:
 - a. The original signature of the arresting officer should appear on the Intrastate Hold Affidavit whenever possible. However, the processing and/or transporting of arrestees to the Central Detention Section, when required, will not be delayed in order to obtain the partially completed affidavit from the extradition officer or the original signature of the arresting officer. Instead, the Intrastate Hold Affidavit will be completed by the station supervisor at the district of detention or by the 001 District station supervisor when the Intrastate Hold Affidavit is hand-delivered by the extradition officer, who will ensure the LEADS hit printout is attached to the affidavit.

REMINDER: An Interstate Hold Affidavit is not required if the original warrant or a copy of the original warrant is available.

- b. If further information is needed to complete the affidavit, the station supervisor will verify the required information via the extradition officer (e.g., a fingerprint or photograph comparison if significant discrepancies between the physical description of the person in custody and the person named in the warrant are noted).

6. verify the information and physical description of the subject named in the warrant matches the subject in custody.

NOTE: If significant discrepancies between the physical description of the arrestee and the person named in the warrant are noted, the watch operations lieutenant of the detention facility has the final authority of determining whether or not the arrestee will be processed for the warrant.

7. include the original charges on the warrant, stated in the narrative section of the arrest report.

B. The station supervisor will ensure that:

1. all persons arrested on a Cook County Sheriff's warrant returnable to the First Municipal District are transported from the district of arrest to the court of issuance (the local Branch Court, Traffic Court, or 26th and California, as appropriate).
2. all persons arrested on a warrant issued outside of the first Municipal District and who have local charges are transported from the district of arrest to the local branch court according to the Case Priority Listing Unit Matrix outlined in the Department Directive entitled "Court Call Schedule".
3. the following will be transported to Central Bond Court:
 - a. all persons arrested on a warrant outside of the First Municipal District and no local charges,
 - b. all persons arrested on a warrant issued from Criminal Trial Court and no local charges, and
 - c. all persons arrested on all warrants on Saturday, Sunday, and court holidays.
4. all persons arrested on all Illinois Department of Corrections Warrant without local charges are transported to the Central Detention Section.
5. all persons arrested on serviceable Child Support Warrants are transported to the Central Detention Section.
6. arrestees are processed in accordance with the procedures outlined in this directive and the Department directive entitled "Processing Persons Under Department Control."
7. the arrestee's IR number, if available, and the IR number listed on the facsimile copy of the warrant are the same before the arrestee is let to bail or sent to court.
8. the Cook County Arrest Warrant Execution Verification (CCG0657) form is completed and ensure the form is included in the documents that comprise the court package for the arrestee.
9. all facsimile copies of local warrant(s) and complaint(s), if available, have been received. If a copy of the warrant is not received by the time the booking process is completed, immediately:
 - a. notify the Central Warrant Unit;
 - b. request that a copy of the warrant be transmitted immediately; and
 - c. at the end of the tour of duty, inform the oncoming station supervisor that the Intrastate Hold Affidavit has not been received.

REMINDER: An Interstate Hold Affidavit is not required if the original warrant or a copy of the original warrant is available.

10. the documents identified in the Checklist of Required Court Documents for Prisoner Transfer to Cook County Sheriff Personnel ([CPD-34.441](#)) are attached to the remaining court papers.

11. if at the end of the tour of duty, a facsimile copy of the warrant, complaint, and, if applicable, the Intrastate Hold Affidavit have not been received, the oncoming station supervisor is informed. The oncoming station supervisor will then be responsible for ensuring that the facsimile copies of the warrant, complaint, Intrastate Hold Affidavit, and copies of the computer-generated printouts of the LEADS hit are received and attached to the appropriate court papers.
- C. The 001 District station supervisor will ensure that:
 1. in cases where the arrestee is not picked up by the demanding agency, the arrestee is sent to the next regularly scheduled court session as outlined in the Department directive entitled "Court Call Schedule" for persons detained on fugitive warrants and warrants issued in other Illinois counties.
 2. if applicable, the Intrastate Hold Affidavit is received, completed, signed, clerked, and has a LEADS hit printout attached to the Intrastate Hold Affidavit and that the documents are attached to the Court Complaint Transmittal Listing (CPD-11.551).

NOTE: The original arrest warrant or a copy of the original arrest warrant will be used in lieu of the Intrastate Hold Affidavit, if available.

- D. the LEADS Operator, Field Services Section, will make proper notifications to the affected police agency when an arrestee is being held on an outside warrant.

V. WARRANTS RETURNED BY UNITS

When a facsimile copy of a warrant is **not** served and is returned to the Central Warrant Unit (i.e., the wanted person is no longer in custody), the station supervisor of the unit of detention will **immediately** make a telephonic notification to the Fields Services Section and, in addition, submit a To-From-Subject Report along with the copy of the returned warrant, indicating the reason(s) why the warrant was not served.

VI. BOND FORFEITURE PROCEDURE

- A. Whenever a bond forfeiture warrant is issued the Clerk of the Circuit Court of Cook County personnel will forward a copy of the warrant to the Central Warrant Unit for processing.
- B. When a bond forfeiture order is vacated and a bond is reinstated, Court Section personnel will notify the arresting officer's unit of assignment of the continued court date in cases where the arresting officer's court appearance is required.

VII. DIRECT RECALL PROCEDURES

Upon receipt of the transmittal listing of warrants from a judge of the Circuit Court of Cook County, the Central Warrant Unit will:

- A. update the warrants in the computer system to "inactive" status.
- B. pull the respective warrants from their files.
- C. complete the transmittal listing of warrants.
- D. send a completed facsimile copy of the transmittal listing of warrants back to the Circuit Court's Office.
- E. return the recalled warrants to the Chief Clerk of the Circuit Court of Cook County's office with the Warrant-Recall Order.

VIII. PERSONS ARRESTED BY OUTSIDE AGENCIES

Central Warrant Unit Responsibilities

- A. Upon receiving notification from an outside agency that a person wanted on a Chicago warrant is in their custody, the Central Warrant Unit will:
 1. verify the status of the warrant and the identity of the arrestee.
 2. contact the agency to determine whether or not the arrestee will make bond and will be detained on other local charges.
 3. if the wanted person will not make bond and will not be detained on other local charges, advise the arresting agency of arrangements being made for return of the wanted person to Chicago.
- B. When the agency holding the arrestee is within Cook County, the Central Warrant Unit will notify the Office of Emergency Management and Communications (OEMC) and request assignment of a two-officer car or squadrol from the district nearest to the holding agency be assigned to return the arrestee.
- C. When the agency holding the arrestee is outside Cook County, the Central Warrant Unit will notify the appropriate unit having the responsibility for the follow-up investigation or the issuance of the warrant and request that they assign personnel to return the arrestee. Furthermore:
 1. A supervisor from the unit having the responsibility for the follow up-investigation or the issuance of the warrant will inform the Central Warrant Unit within 24 hours of being notified and complete the Arrest Warrant and Return Verification form (CPD-31.219) form indicating if personnel will respond to the arresting agency outside of Cook County to return and process the arrestee. The supervisor will forward the completed form to the Central Warrant Unit.

NOTE: Department members must respond without unnecessary delay to the agency outside of Cook County to return and process the arrestee.

2. If no unit has follow-up responsibility for the investigation or the appropriate unit is unable to return the arrestee from the agency outside of Cook County, the Central Warrant Unit will notify the area Bureau of Detectives unit nearest the holding agency or the Fugitive Apprehension Unit and request that they assign personnel to return the arrestee.

NOTE: Department members responsible for the issuance of an original warrant for a subject that is arrested by an agency that is outside of Cook County and no longer wants the warrant served will have the responsibility of having the warrant quashed with the appropriate court branch without unnecessary delay. This will not apply to bond forfeiture warrants.

(Item indicated by italics/double underline were revised)

Authenticated by: KC

Eddie T. Johnson
Superintendent of Police

19-004 RCL

