

# POLICING & ENFORCEMENT OF PROSTITUTION LAWS IN CHICAGO

Observations and Recommendations for  
Improving Chicago's Response to  
Commercial Sexual Exploitation



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## A NOTE ABOUT LANGUAGE

Legally, people arrested and charged with prostitution or related crimes are criminal defendants. However, court officials use the word “participant” or client in reference to people in the Chicago Prostitution and Trafficking Intervention Court (CPTIC) program. This report reflects the court’s language and refers to the people involved in the criminal legal system for selling sex as “participants.” We do not categorize each participant’s experience in the sex trade as victims, survivors, prostituted people, sex workers, etc. because participants defined their own experiences in a variety of ways. We refer to people who buy sex as customers or buyers.

Many people familiar with or in the sex trade refer to being in prostitution as being in “the life”. This term comes up throughout this report.

This report uses “she/her” pronouns in attributing participants’ experiences or quotes because the CPTIC process, as observed for this report, only included female-identified people and all of our listening sessions were with female-identified people.

## PUBLICATION

The research and production of this report was conducted by the Chicago Alliance Against Sexual Exploitation. It was published in January 2020. More information and a digital version of the report is available at [caase.org/peopl-report](https://caase.org/peopl-report). To obtain printed copies, contact [policy@caase.org](mailto:policy@caase.org).

# Table of Contents

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## EXECUTIVE SUMMARY — 2

- Key Findings 3
- Opportunities for the Mayor’s Office, CPD, and City Council 3
- Opportunities for the Court System 4
- Opportunities for Collaboration 4

## LANDSCAPE OF LAWS AND ORDINANCES — 4

- Prostitution Offenses 4
- State Charges and City Violations 5

## CHICAGO POLICE PRACTICES AND POLICIES — 6

- Special Orders 6
- Disproportionate Focus on Sellers 7
- Officers’ Power to Ticket or Arrest 8
- Interactions With Police 8
- Focus on Punishing Sellers Increasing While Total Arrests and Tickets Decreasing 9
- Arrests 10
- Classifications for Prostitution Related Offenses 11
- Tickets 12

## 6 WAYS TO IMPROVE POLICE PRACTICES — 14

## EVALUATING CHICAGO’S COURT SYSTEM FOR PROSTITUTION OFFENSES — 16

- Creation and Purpose of the Chicago Prostitution and Trafficking Intervention Court 16
- CPTIC Participants and Their Experiences 17
- Defining Success in CPTIC 20
- Expunging and Sealing Arrest and Conviction Records After CPTIC 20
- Human Trafficking Survivors in CPTIC 21
- Using Warrants and Bond in CPTIC 22
- Participants Who Do Not Want To Be In CPTIC 23

## 9 WAYS TO IMPROVE THE COURT AND LEGAL SYSTEM — 24

## CONCLUSION — 27

- Acknowledgements 28
- Appendix 30

# Executive Summary

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There are at least 16,000 women and girls<sup>1</sup> working in the sex trade in Chicago. Many of them are criminalized for their attempts to survive by selling sex—including when they are victims of trafficking. Those arrested or ticketed for selling sex in Chicago have options for how they want their case handled: a typical criminal misdemeanor court room, or a deferred prosecution program that began in 2015 called the Chicago Prostitution and Trafficking Intervention Court (CPTIC). Similar courtrooms have sprung up across the country in recognition that those in the sex trade should not be treated like typical criminal defendants but instead offered services and opportunities to exit prostitution.<sup>2</sup> This report, which has been researched and produced by the Chicago Alliance Against Sexual Exploitation (CAASE), serves as an opportunity to evaluate Chicago’s systems from police intervention through criminal case disposition, share recommendations, and advocate for practices and policies that more effectively recognize and respond to the vulnerability and victimization of people selling sex in Chicago.

This research sought to answer the following questions about the policing and enforcement of prostitution laws in Chicago:

1. How are the different players (Chicago Police Department (CPD), Cook County State’s Attorney’s Office (CCSAO), Office of the Cook County Public Defender (OCCPD), judges, CPTIC participants) involved, and what decisions can and do they make?
2. How does a person arrested and/or ticketed for selling sex in Chicago navigate CPTIC, a newly created system?
3. How does the CPTIC diversion court work in practice?
4. What do court program participants who have been through the criminal legal system say about their experience?
5. How can the criminal legal system better support people arrested and/or ticketed for selling sex?

Nearly 18 months of observation, dozens of hours of interviews and conversations, and weeks of data analysis demonstrate that Chicago’s practices for policing prostitution are wrong-headed. Ultimately, Chicago’s criminal legal system response to prostitution-related activity undermines the state’s numerous public policy directives that identify sex buyers and traffickers as those responsible for commercial sexual exploitation. Unless serious changes are made to focus on these parties, the city cannot effectively address the harms of the sex trade.

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<sup>1</sup> “Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago,” Center for Impact Research, August 2002. <https://www.issuelab.org/resources/351/351.pdf>

<sup>2</sup> “An Evaluation Study of a Criminal Justice Reform Specialty Court—CATCH Court: Changing Actions to Change Habits,” Karen Miner-Romanoff, Franklin University, May 2015.

## KEY FINDINGS:

- The number of prostitution-related arrests and tickets by CPD have dropped significantly in the last decade. **However, CPD continues to prioritize the enforcement of prostitution laws against those selling sex rather than those buying sex or trafficking.** In fact, despite state law changes in 2014<sup>3</sup> that create financial incentives for local law enforcement to target buyers and traffickers, the rate of arrests and tickets against sellers continues to increase in recent years while the rate of arrests and tickets against buyers decreases.
- **Women in the sex trade largely reported negative interactions with police,** often dealing with derogatory comments and attitudes, and sexual misconduct by officers. However, these incidents were not uniform across all police districts, as treatment by police varied depending on the district the police were operating in.
- CPTIC participants, who were most often Black women in their mid-20s to 40s, described the diversion program as a positive experience because it is less adversarial in nature compared to a typical courtroom, and it offers services. **All the participants who spoke to CAASE had prior interactions with the criminal legal system, and preferred how they were treated in CPTIC as compared to other courtrooms.**

Both the state and the city have been clear: Law enforcement should be targeting buyers of sex, not sellers. The Illinois General Assembly has continually passed laws to incentivize law enforcement to stop criminalizing people's survival mechanisms, and instead to focus policing efforts on those benefiting from sexual exploitation. Law enforcement has not done this. We need leadership from the Mayor's Office and the Chicago police superintendent to bring policing practices in line with public policy.

## OPPORTUNITIES FOR THE MAYOR'S OFFICE, CPD, AND CITY COUNCIL

- The Mayor's Office should make clear that CPD should not be pursuing sellers of sex while ignoring buyers.
- The Mayor's Office should insist CPD develop or amend special orders on how to:
  1. Appropriately arrest or fine buyers, in order to hold buyers financially responsible for the harm they cause.
  2. Issue tickets to sellers when they do not have ID if CPD insists on policing those who sell sex.
- The Mayor's Office and police superintendent should make clear to the community that sellers of sex are to be treated with dignity by police. At minimum:
  1. Officers should understand how to interact with sellers without making arrests, which may include offering information on resources and services.
  2. Civilian Office of Police Accountability (COPA) should develop an outreach campaign to victims of police sexual misconduct. Sellers should understand how to make complaints about officers to COPA, and feel confident that they will not be retaliated against.
  3. Sexual contact should be prohibited during investigations and with suspects, including prostitution-related investigations.
- The Mayor's Office and City Council should prioritize amending the prostitution ordinance to make a funding stream that will be developed by fully implementing buyer-side laws to fund supportive services for people leaving prostitution.

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<sup>3</sup> PA 98-1013 passed by the Illinois General Assembly and signed by Gov. Pat Quinn in 2014.

## OPPORTUNITIES FOR THE COURT SYSTEM

- All Court actors should receive training in identifying and responding to sex trafficking.
- CCSAO must dismiss cases when they believe the defendant is a victim of trafficking.
- The system should develop protocols to help the participants clear criminal records—whether they relate to the current prostitution charge, previous prostitution arrests and convictions, and or other related arrests and convictions.
- CCSAO should develop an internal policy of supporting the vacatur, sealing, and expungement requests made by previous CPTIC participants.
- Court officials must remove as many barriers as possible to participants, including:
  - Being clear that men selling sex are eligible for the diversion program
  - Developing relationships with service providers and donors to provide more travel money, hygiene products, food, and other incentives to participants
  - Allowing participants to plead guilty in CPTIC

## OPPORTUNITIES FOR COLLABORATION

- All local stakeholders, including the Mayor’s Office, the Chicago Police Department, Cook County State’s Attorney’s Office, Office of the Cook County Public Defender, and service providers should convene a working group or task force to center the needs of sellers in the sex trade, and identify gaps in services and how to better connect them to service providers.
- This group should support amending the Justice for Victims of Sex Trafficking Act to give criminalized survivors of trafficking the greatest criminal record relief possible.

# Landscape of Laws and Ordinances

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## PROSTITUTION OFFENSES

There are three ways police can cite or charge someone for prostitution-related offenses:

1. Class A misdemeanor under the state Criminal Code
2. Class A misdemeanor under the state Vehicle Code
3. City of Chicago ticket, more formally called an administrative notice of violation (ANOV)

This was not always the law. Due to extensive lobbying led by the Chicago Alliance Against Sexual Exploitation and the End Demand Illinois legislative campaign, three bills were passed and signed into law to reform how prostitution and trafficking survivors are treated in the criminal legal system. To summarize:

- Juveniles involved in the sex trade are now considered victims of trafficking and cannot be charged with a criminal act stemming from their involvement. Public Act 96-1464 eliminated the ability to criminally charge any juvenile for prostitution under the Criminal Code.
- Prostitution charges can only be categorized as a Class A misdemeanor, never a felony. Public Act 98-538 eliminated the circumstances from the Criminal Code that could increase a prostitution criminal case from a misdemeanor to a felony.
- People charged with prostitution can use an affirmative defense. Public Act 99-190 allows them to prove they engaged in prostitution as a result of trafficking, and creates a safety procedure to raise that defense.

The policing of prostitution is typically enforced by specific officers assigned to work on prostitution and trafficking matters, who have communicated with CPTIC court officials about how to write arrest reports and city tickets to ensure the cases are sent directly to CPTIC. However, any CPD officer can arrest or ticket people for prostitution or related charges as they see fit.

## STATE CHARGES AND CITY VIOLATIONS

Below is a chart describing the primary charges and penalties that are utilized by CPD officers in policing sellers:<sup>4</sup>

<b>State misdemeanor— prostitution (Criminal Code)</b>	<b>State misdemeanor— pedestrian soliciting a ride (Vehicle Code)</b>	<b>City ticket <sup>4</sup> (After June 2018)</b>	<b>City ticket (Before June 2018)</b>
<p><a href="#">720 ILCS 5/11-14</a>: Anyone performing a sexual act for another person for anything of value</p> <p><a href="#">720 ILCS 5/11-14.1</a>: Anyone asking another to perform a sexual act for anything of value</p>	<p><a href="#">(625 ILCS 5/11-1006)</a>: No person can stand in the roadway for the purpose of seeking a ride from any driver of a vehicle</p>	<p>8-8-060: B: Prostitution C: Soliciting a sex act D: Promoting prostitution</p>	<p>8-8-050: Soliciting for prostitution (buying)</p> <p>8-8-060: Prostitution (selling)</p>
<p>Penalty: Class A misdemeanor (up to 1 year in jail, up to \$2,500 in fines)</p>	<p>Penalty: Class A misdemeanor (up to 1 year in jail, up to \$2,500 in fines)</p>	<p>Penalty for B: Fine between \$50 and \$500, up to 6 months in jail, up to 120 hours of community service</p> <p>Penalty for C and D: Fine between \$1,000 and \$1,750 for first offense and fine of \$1,750 to \$3,000 for subsequent offenses. Up to 6 months in jail, up to 120 hours of community service</p>	<p>Penalty for 8-8-050: \$750 to \$1,500 fine for first offense; \$1,500 to \$3,000 for subsequent offenses, possibility of misdemeanor charges, with possibility of 6 months jail time</p> <p>Penalty for 8-8-060: \$750 to \$1,500 for first offense, with possibility of 20 days to 6 months in jail, plus 100 hours of community service</p>

<sup>4</sup> CAASE lobbied in favor of the higher penalties for buying and promoting/pimping ordinance violations and lower penalties for selling violations in [SO2017-8319](#), however, ultimately opposed the ordinance because of the addition of a “prostitution-related loitering” clause that would disproportionately target women of color and transgender women.

# Chicago Police

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## Practices and Policies

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Lauryn<sup>5</sup> lives on the city’s South Side and sells sex in her neighborhood. One night on her usual street, a potential customer—an older white man—pulled his car up next to her. He didn’t look like a “typical” cop. She opened the front passenger door and sat inside. He began to touch her body all over, his hands “like an octopus.” She tried to get him to stop, saying, “Hold on now, baby, we haven’t even discussed payment for services.”

He offered her \$50 for a sexual act. She agreed. He arrested her for engaging in prostitution. He wasn’t a customer—he was a Chicago Police officer.

This is a typical interaction between those who sell sex through street prostitution and the police officers who arrest them—a police officer poses as a customer, and arrests those who are selling sex. All of the women CAASE spoke to as part of this report confirmed that undercover police officers frequently pose as customers to arrest people for selling sex.<sup>6</sup>

When a person is arrested or ticketed for selling sex in Chicago, police officers have a lot of discretion. The officer will make the decision about whether to give a misdemeanor charge under the state Criminal Code or Vehicle Code, or whether to issue a city ticket instead.

### SPECIAL ORDERS

To fully implement the various laws Chicago Police Department execute, leadership issues guidelines for officer policies and protocols, referred to as “special orders” or “general orders.” The orders outline a range of policies from how uniforms should be worn, how officers should interact with certain populations, to which charges should be issued in what kinds of incidents and more. There is no general or special order for policing prostitution-related offenses specifically, including a lack of standard operating procedure regarding how an officer should determine which state or local charges should be issued when it comes to prostitution offenses. There are, however, other special orders that touch on some of the decision making officers do.

According to [CPD Special Order S04-22](#), for offenses that could be a ticket or criminal charge, officers are generally encouraged to issue a city ticket instead of an arrest “when practical.” When a person is given a ticket instead of a state charge, violators would mail in their payment if their violation doesn’t require a hearing, or appear at the Department of Administrative Hearings on the date and time of their hearing.<sup>7</sup>

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<sup>5</sup> Lauryn is a real woman on Chicago’s South Side who has completed the Chicago Prostitution and Trafficking Intervention Court (CPTIC), but CAASE is using a pseudonym to protect her safety and identity.

<sup>6</sup> From CAASE’s observations at CPTIC, there were also occasionally arrests by officers posing as buyers of sex acts in illicit massage businesses. The women arrested were often immigrants from Asian countries. This was less frequent in comparison to arresting people engaged in street prostitution.

<sup>7</sup> Only a handful of city tickets are exempt from the hearing process (including public urination, drinking alcohol in the public way, gambling, and biking on sidewalks).



Additionally, [Special Order S04-22-01](#) states CPD should not issue a city ticket if the offender is a minor or if an individual is concurrently charged with a state violation on the same incident (for example, should not issue both a ticket and arrest for prostitution for the same incident). It also states that an arrest should occur in lieu of issuing a ticket if the offender “cannot or will not produce a valid picture ID, state ID card, driver’s license,” the offender’s identity cannot be verified by CLEAR (a law enforcement database), or “there is a reasonable likelihood that the offense will continue...” if the violator is not arrested.

In 2014, CPD leadership issued a special order, [S04-27](#), regarding human trafficking, acknowledging that **“Although human trafficking of labor does take place, the most likely contact that district law enforcement will have with human trafficking victims involves an arrest for prostitution.”** If an officer suspects human trafficking, they are instructed to call the Human Trafficking Team (HTT) at CPD through its 24-hour hotline. The special order does not specify whether an officer should or should not arrest a person if they appear to be a trafficking victim, but says they must complete a report and notify the HTT hotline including when they either arrest or “recover” a victim. The special order does not mention offering any information about services (either victim witness programs at CPD, or outside service providers) that officers could provide for potential victims, nor does it mention the CPTIC.

## DISPROPORTIONATE FOCUS ON SELLERS

Overwhelmingly, CPD has chosen to focus its attention on people selling sex, not those trafficking them or people purchasing sex. In fact, out of the 59 human trafficking crimes reported from 2013 to 2018, CPD made only 6 arrests (IUCR codes 1050 and 1055). According to their public safety data portal, one of these arrests occurred each year, with the exception of 2015 in which there were two.

According to the CPTIC participants CAASE spoke to, their arrests or tickets stemmed from either CPD officers working undercover posing as customers like in Lauryn’s case, or getting pulled over by a CPD officer after getting into a customer’s car.

CPD’s focus on those selling sex is apparent in reports of prostitution within illicit massage businesses as well. The CCSAO’s description of one CPTIC participant’s 2018 arrest report illustrates this. The woman who offered a sex act to the undercover CPD officer was arrested for a criminal misdemeanor prostitution charge. The owners of the massage parlor, however, were only cited under the city ordinance against houses of prostitution. They didn’t face comparable criminal charges.

***“(Police) don’t never look for the predators, they look for the women. So stop looking for the women and look for the predators.”***

*- Participant sharing answer to: “How do you think police should respond to people in the sex trade?”*

## OFFICERS' POWER TO TICKET OR ARREST

The participants also shared insight into whether police give out tickets or make arrests for street prostitution. They indicated some confusion as they couldn't perceive obvious rules as to why one or the other occurred. Most often, the participants thought tickets were issued rather than arrests if:

- the person tended to not bother the police or create conflict
- the person was working with the police as an informant
- the person performed sexual acts on officers to avoid arrest
- the person was walking on the street and "appeared" to be in prostitution as opposed to actively getting in a vehicle or flagging someone down
- the officer mentioned they'd be "nice" or "go easy" on them that day in issuing a ticket instead of arresting them

## INTERACTIONS WITH POLICE

Overall, interviewed participants described many negative experiences with Chicago police officers. However, positive interactions did come up and included:

- Officers providing food, water, or condoms
- Officers allowing women to sit in their squad cars to warm up during the cold winter months
- Officers asking about their well-being, whether during short stops on the street or even during the arrest and booking process at the precincts
- Female officers in particular showing more empathy and compassion compared to male officers

However, these positive interactions were limited compared to negative experiences reported by the participants—a few of whom had been on the streets in the sex trade for multiple decades and had experienced numerous interactions with many different police officers. Some described having police officers as customers at some point, or having to perform sexual acts on officers to avoid arrest or harm. One described an officer that was a "regular" of hers. She felt he didn't explicitly use his police powers to get sexual acts, but he would often take off his badge in front of her when they would meet and say, **"I'm a cop, but I'm a man too."**

*"You have them few that are good to you, and you have them few that aren't. And then **you have them few who take advantage of their badge...** I used to have one, on the regular, who would come around and have me get in the back of the police wagon.... And I was obligated, **otherwise I was getting locked up and he would make my life a living hell, period.**"*

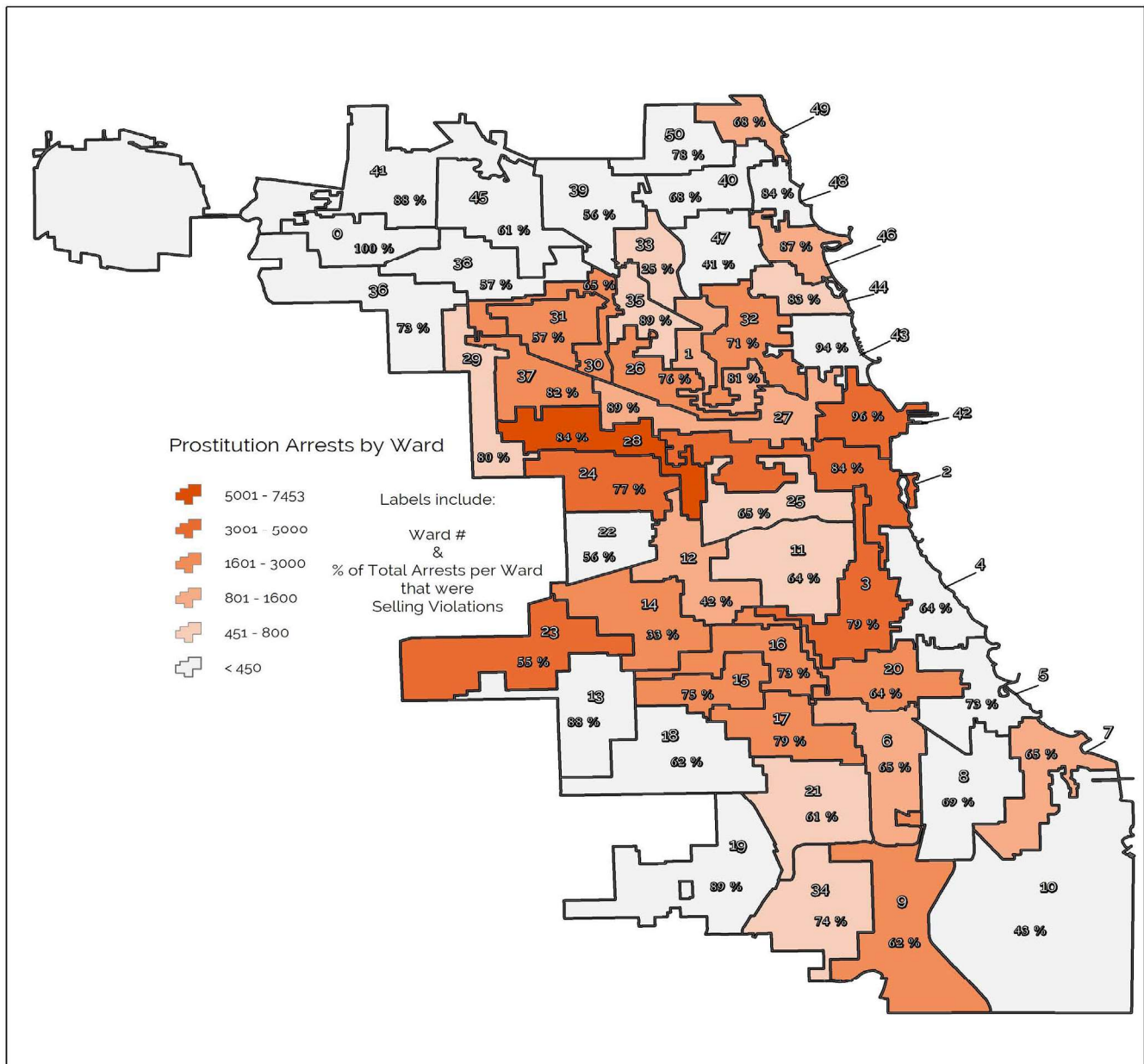
*-Participant describing how one officer frequently used his police powers to get sex acts*

All the women we interviewed shared experiences of police officers making degrading or demeaning comments towards them, including name calling or slurs. One participant described an officer who would deliberately drive into rain puddles to splash water onto women on the streets.

## FOCUS ON PUNISHING SELLERS INCREASING WHILE TOTAL ARRESTS AND TICKETS DECREASING

While the total number of arrests and tickets of both buyers and sellers have decreased, CPD efforts have become more disproportionately focused on arresting and ticketing those selling sex, rather than the much larger population of buyers.<sup>8</sup>

Data for both arrests and city tickets from the last decade demonstrates that **arrests and tickets for those selling sex are made most often on the South and West sides, particularly in the 24th and 28th wards on the West Side, as well as the 14th and 23rd wards on the South Side.**



<sup>8</sup> With estimates of around 16,000 women and girls in sex trade in Chicago, a 2008 study found sellers had between 2 and 20 customers a day, averaging about 10 per day. <http://www.icjia.state.il.us/publications/domestic-sex-trafficking-of-chicago-women-and-girls>

## ARRESTS

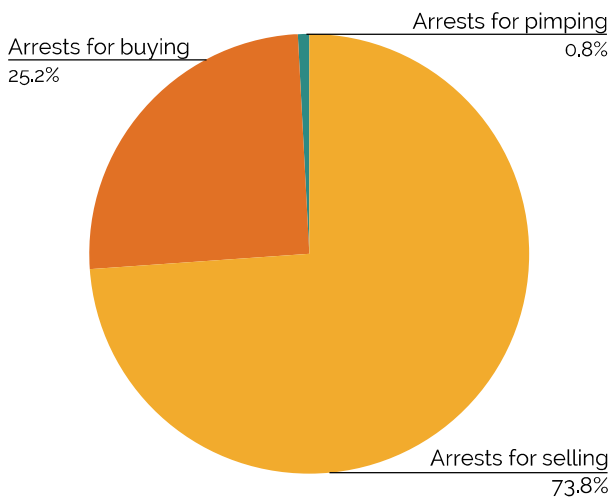
Gabrielle<sup>9</sup> was arrested and charged with prostitution four different times over two years on Chicago’s South Side. Each time she landed in CPTIC. She noticed that customers were hardly ever arrested, while people like her who sold sex on the streets were arrested or ticketed frequently by plainclothes, or un-uniformed, officers. In fact, of the five participants CAASE spoke to, Gabrielle is the only one who could recall any instance of a buyer being arrested or ticketed—but it wasn’t for a prostitution-related crime.

After police saw a customer pick Gabrielle up in his car, they suspected prostitution and pulled them over. She was arrested for prostitution. The customer was arrested and booked for driving with a suspended license—not for soliciting prostitution.

Another participant CAASE spoke to recalled an incident where police targeted her for selling sex, rather than the person they presumed to be her trafficker. She recalled being arrested for prostitution while she was walking on the street with her boyfriend. During her arrest and booking, officers repeatedly referred to her boyfriend as her “n----- pimp,” which she disputed. In the re-telling of her experience, she expressed confusion as to why police would arrest her for prostitution, and not her boyfriend too, if they thought he was her pimp.

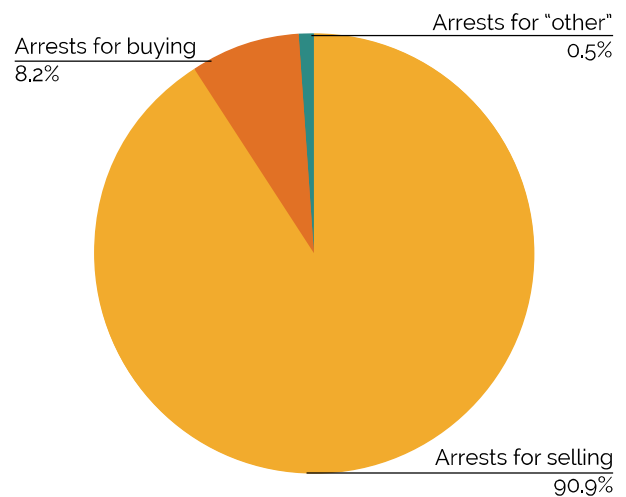
While the overall raw numbers have declined, the vast majority of these arrests have focused and continue to focus on those selling sex, not those buying sex or pimping or trafficking. **The particular focus on sellers has actually increased: Around 74 percent of all prostitution-related arrests in 2013 were for selling offenses, but the proportion jumped to nearly 91 percent of arrests in 2017.**

CPD arrests for prostitution offenses, 2013



*This chart was compiled using the CPD public safety data portal.*

CPD arrests for prostitution offenses, 2017



*This chart was compiled using the CPD public safety data portal.*

<sup>9</sup> Gabrielle is a real woman who has completed the Chicago Prostitution and Trafficking Intervention Court, but CAASE is using a pseudonym to protect her safety and identity.

## CLASSIFICATIONS FOR PROSTITUTION RELATED OFFENSES

Chicago Police Department data categorizes arrests under Illinois Uniform Criminal Reporting (IUCR) codes, classifying the offense beyond just prostitution like soliciting on a public way, soliciting a person for prostitution, or pimping. These codes are for:

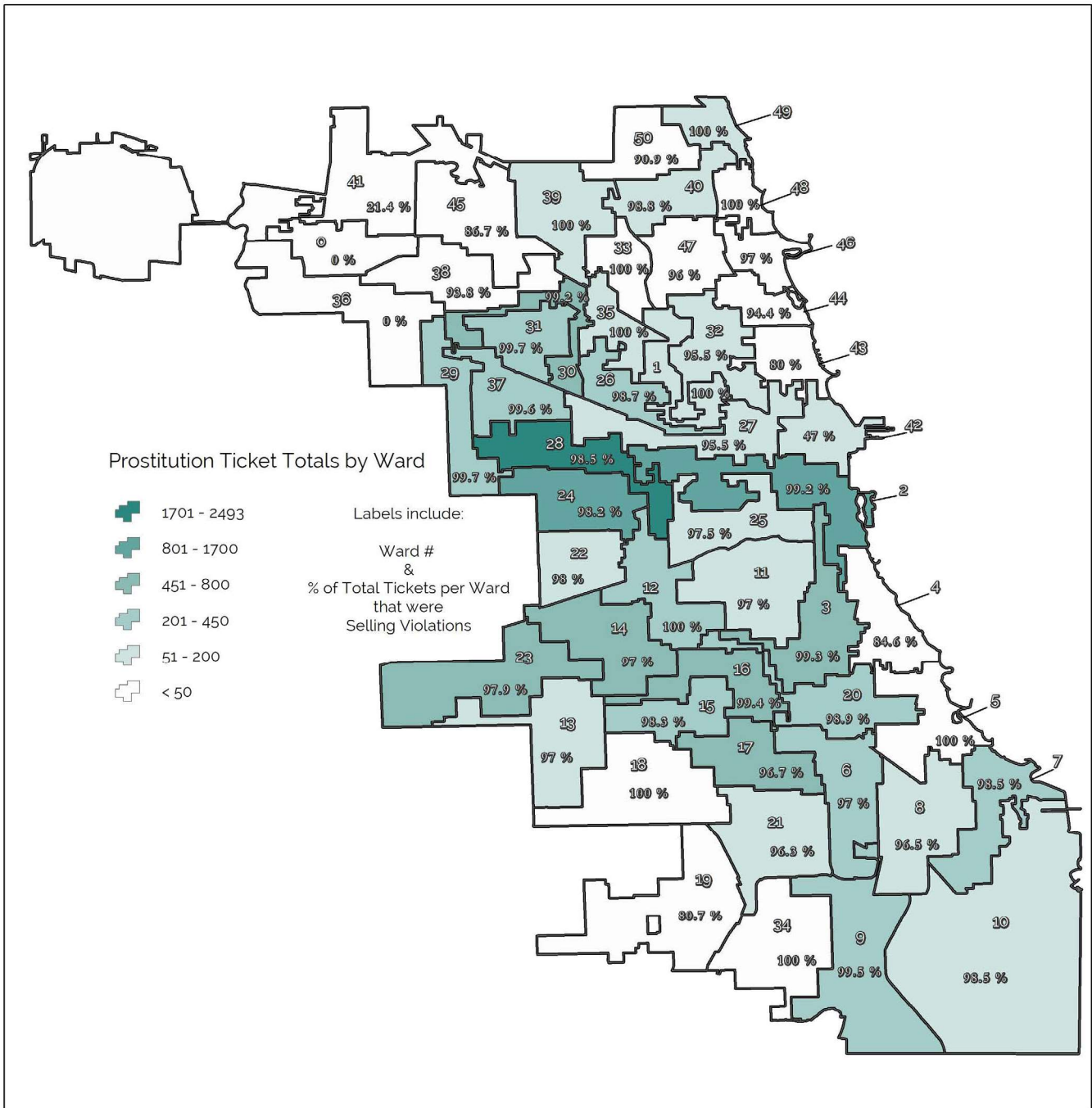
- Selling-related violations: 1505, 1506, 1507
- Buying-related violations: 1510, 1512, 1513, 1525, 1526
- Pimping-related violations: 1511, 1515, 1520, 1521, 1530, 1531
- “Other prostitution” offenses use codes like 1549 and therefore cannot be accurately categorized as either selling, buying or pimping.

YEAR	Arrests for selling	Arrests for buying	Arrests for pimping	Arrests for “other”	TOTAL by Year
2013	1,216 (74%)	415 (25%)	13 (0.8%)	4 (0.2%)	1,648
2014	1,198 (74%)	356 (22%)	2 (0.1%)	57 (3.5%)	1,613
2015	1,053 (80%)	256 (19%)	4 (0.3%)	7 (0.5%)	1,320
2016	753 (94%)	41 (5%)	3 (0.4%)	3 (0.4%)	800
2017	667 (91%)	60 (8%)	3 (0.4%)	4 (0.5%)	734
TOTAL by offense:	4,887	1,128	25	75	6,115

Note: The % in parentheses represents what portion that offense constitutes of the total number of offenses from that year.

# TICKETS

Similar to arrests, the proportion of tickets issued to sellers has increased while the proportion of tickets issued to buyers has decreased, according to [city ticket data](#) obtained and shared publicly by Elliott Ramos, WBEZ<sup>10</sup> data editor. **Ticketing is also occurring at high rates within the same city wards where there are high arrest rates, including the 24th and 28th Wards on the West Side, and the 14th and 23rd Wards on the South Side.**



10 "Chicago-Administrative-Hearings-With-Fees-2001-2017." Elliott Ramos and WBEZ, accessed via data.world.

Under Chicago Municipal Code, there were multiple ordinances that created penalties for engaging in the commercial sex trade, either as a seller or as a buyer. Before the 2018 ordinance changes, which condensed the violations into one code with subcategories, the codes were:

- 8-8-010: Keeping a house of “ill-fame”
- 8-8-020: Directing a person to house of “ill-fame”
- 8-8-030: Prostitution upon a vehicle or conveyance
- 8-8-050: Solicitation of Prostitution (buying)
- 8-8-055: Promoting prostitution (pimping/trafficking)
- 8-8-060: Prostitution/street solicitation (selling)

YEAR	Tickets for selling (8-8-060)	Tickets for buying (8-8-050)	Tickets for other CSE offenses	TOTAL by Year
2013	301 (91%)	24 (7%)	5 (1.5%)	330
2014	701 (92%)	54 (7%)	10 (1.3%)	765
2015	941 (93%)	54 (5%)	13 (1%)	1,008
2016	689 (95%)	15 (2%)	22 (3%)	726
2017	605 (97%)	9 (1%)	8 (1%)	622
TOTAL by offense:	3,237	156	58	3,451

Note: The % in parentheses represents what portion that offense constitutes of the total number of offenses from that year.

Compared to buying and selling violations, the other prostitution violations (8-8-010, 8-8-020, 8-8-030 and 8-8-055) garnered very few tickets overall since 2001. According to the city ticket data, only 58 tickets were issued for all the other prostitution related violations from 2013 through 2017. Of those 58 tickets, 34 were for keeping a house of prostitution (8-8-010).

# 6 Ways to

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# Improve Police Practices

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Rather than continuing its harmful practices of arresting and incarcerating people who sell sex, as demonstrated by data and anecdotes, CPD should offer support and resources. Leaders should flip the script by prioritizing the accountability of people buying and promoting the sex trade. It is unacceptable that police rarely make arrests against people buying sex or trafficking people for sex.

## 1. TREAT BUYING SEX AS A MORE SERIOUS OFFENSE

As part of a strategy to increase focus on buyers rather than sellers, **CPD leadership should issue and implement a special order** to always arrest and issue state solicitation of prostitution misdemeanor charges against people buying sex, instead of issuing them city tickets. This would break the pattern of encouraging a ticket and vehicle impoundment<sup>11</sup> for buyers, and criminal charges for sellers which has translated to a higher penalty for those selling rather than those buying or trafficking.

While a more serious consequence like an arrest and state charges are appropriate, buyers should be given a personal recognizance bond (I-bond) at the police station after processing instead of being booked into jail and held unless they make bail. Men who buy sex frequently are much more likely than other men to make more than \$100,000 a year.<sup>12</sup> **Considering the average income of buyers and the detrimental effects of incarceration, financial fines should be the mechanism to hold buyers accountable as opposed to jail time.**

## 2. FUND SERVICES FOR SEX TRAFFICKING SURVIVORS WITH FINES AND FEES FROM SEX BUYERS

**CPD leadership should fully implement [state law](#)<sup>13</sup> to set aside the fines and fees from the convictions of sex buyers for specialized services for survivors of human trafficking** in a special fund through the state Department of Human Services.

The money in the fund is designed to be distributed in the form of grants to non-governmental organizations that provide specialized, trauma-informed services to survivors of human trafficking. However, as of October 2019, the Illinois Comptroller's Office showed that the [fund only had about \\$5,000](#). CPD should actively contribute to this account by arresting buyers and pimps. Financial penalties could directly support people in the CPTIC program by expanding services available to them. **Chicago City Council should also amend 8-8-060 of the Municipal Code to direct CPD to deposit any fines collected under violations of subsections C or D into a specialized services fund for trafficking survivors in the city.**

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11 Current police orders on impounding vehicles ([SO 07-03-05](#)) specify that officers should impound a vehicle when issuing a ticket for street solicitation of prostitution.

12 "Who Buys Sex? Understanding and Interrupting Illicit Market Demand," Demand Abolition, 2018. <https://www.demandabolition.org/who-buys-sex/>

13 PA 98-1013 passed by the Illinois General Assembly and signed by Gov. Pat Quinn in 2014.



### 3. PROHIBIT OFFICERS FROM SEXUAL CONTACT DURING INVESTIGATIONS

**The Chicago Police Department should issue a directive to prohibit all sexual contact during prostitution and human trafficking investigations**, like the contact Lauryn experienced from an undercover officer. There is no investigative need to sexually touch anyone in the course of any investigation. This behavior is abhorrent and allowing it furthers sexual misconduct opportunities for officers.

### 4. INFORM VICTIMS OF POLICE SEXUAL MISCONDUCT ABOUT THEIR OPTIONS

**The Civilian Office for Police Accountability should develop an outreach campaign to potential victims of police sexual misconduct**, as sexual misconduct is the second most common form of police misconduct, after excessive force<sup>14</sup>. A survey of more than 200 Chicago women in the sex trade also found 24 percent of those who reported being raped identified a police officer as their perpetrator<sup>15</sup>. It's clear that sellers in the sex trade experience trauma at the hands of police. They should be made aware of all opportunities to submit complaints and seek justice for the harm against them, without fear of retaliation.

### 5. STOP ARRESTING PEOPLE FOR NOT HAVING A STATE ID

**CPD leadership should amend its general order specifying that a person must be given a criminal charge instead of a ticket if they do not have an ID or can't be identified by police**. Obtaining an ID is an extremely common goal for a participant in the CPTIC, demonstrating that many people selling sex in Chicago do not have an ID at all. Considering the demographic background<sup>12</sup> of typical buyers, they are often people with IDs on them, like a driver's license. The ID requirement fuels the status quo—that those selling sex are arrested, and buyers are ticketed, guaranteeing that those selling sex are treated more harshly than people buying or pimping.

### 6. OFFER INFORMATION ON AVAILABLE SERVICES TO PEOPLE SELLING SEX

Instead of misusing police resources on undercover stings on the streets and in illicit massage businesses, **officers should demonstrate humanity and offer options for people in the sex trade to receive support services**. In listening sessions, participants described largely negative interactions with police, depending on the individual officer and sometimes depending on the police district. For example, women arrested in the 8th District reported police being more harsh and degrading towards those in the sex trade. In comparison, women arrested in the 7th District reported friendlier and less adversarial interactions with police. Supervisors can facilitate a culture of compassion and dignity in their districts towards people they interact with instead of a culture of harassment and negativity.

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<sup>14</sup> “How some cops use the badge to commit sex crimes,” Washington Post, 2018. [https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842\\_story.html](https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842_story.html)

<sup>15</sup> “Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago,” Center for Impact Research, August 2002. <https://www.issuelab.org/resources/351/351.pdf>

# Evaluating Chicago's Court System for Prostitution Offenses

Jessica<sup>16</sup> was first prostituted in her mid-20s, after a romantic partner manipulated her into selling sex for him as her pimp. She's now in her late 40s, and a recent graduate from the CPTIC program after having many prior prostitution misdemeanor and felony convictions that went through a standard court. Being offered a diversion program,

rather than getting a prison or jail sentence was new to her, she said: "Back then, they treated prostitution like you really committed a crime... And then when I went into the prison, and people were asking me, 'Why you here? Oh, prostitution.' But there were a lot of people in (prison) for prostitution."

*"I was down and out...felt like giving up... But when I met him, he gave me my hope shot... I remember that there was a way out."*

*- Jessica on meeting her public defender*

While in jail after being booked on a prostitution charge, Jessica met the public defender assigned to the CPTIC. He explained two options to her: either plead guilty and get time served, or complete a class through a nonprofit and achieve a few personal goals, and get the charge dropped.

"I was down and out, felt uncomfortable, felt like giving up, (thinking) it's time to go to jail, I might as well give up. Before I saw him, I was just ready to take my (jail time)," Jessica says. "But when I met him, he gave me my hope shot... I remember that there was a way out."

After completing the "Unhooked" class through Christian Community Health Centers, getting a dental appointment and new eyeglasses, among other goals, Jessica completed the CPTIC program.

## CREATION AND PURPOSE OF THE CHICAGO PROSTITUTION AND TRAFFICKING INTERVENTION COURT

After being issued a ticket or a state misdemeanor charge for selling sex, the matter must make its way through a court process. Most often, that is the [Chicago Prostitution and Trafficking Intervention Court \(CPTIC\)](#).

CPTIC is a deferred prosecution program, which was founded in 2015. It was formed in collaboration with the Cook County State's Attorney's Office under former state's attorney Anita Alvarez, the Office of the Cook County Public Defender under Amy Campanelli, and Cook County Circuit Court Chief Judge Tim Evans. It was created in consultation with the [Center for Court Innovation](#), which has researched and created best practices for human trafficking intervention courts across the country.

<sup>16</sup> Jessica is a real woman who has completed the Chicago Prostitution and Trafficking Intervention Court, but CAASE is using a pseudonym to protect her safety and identity.

A deferred prosecution court allows a defendant to complete certain requirements in exchange for not being prosecuted. Although there was a previous court program for felony prostitution offenses (before felony charges for prostitution were eliminated) called WINGS (Women In Need of Gender Specific Services)<sup>17</sup>, it was not the basis for the creation of CPTIC, according to Jennifer Greene. Greene was the policy adviser on gender-based violence to Alvarez during the creation of CPTIC. She is currently the policy director at Lifespan.

When a person is arrested for prostitution, they most often receive a personal recognizance bond (I-bond) from police officers, and are told to go directly to CPTIC for their first court date. Or, less commonly, they are booked into jail overnight before attending Cook County bond court the morning after their arrest.<sup>18</sup> Bond court is where it is determined if and how much bond will be set, and where future court dates and locations are scheduled. At bond court, people are most often released on an I-bond. Based on the charge associated with their arrest, court officials at bond court typically transfer cases to CPTIC and set a new court date for two to three weeks from when they appeared in bond court.

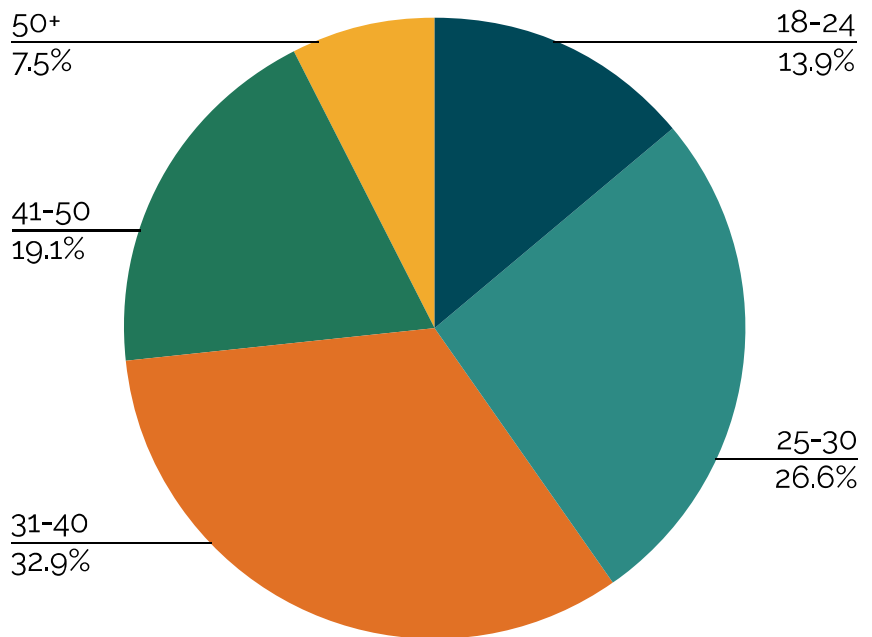
## CPTIC PARTICIPANTS AND THEIR EXPERIENCES

Only adults arrested for selling sex are able to participate in CPTIC<sup>19</sup>. The [court order](#) from Chief Judge Evans does not limit the court to only-female identified participants. However, only women have been participants in CPTIC in nearly 18 months of CAASE observations.

The court also prohibits people with violent felonies in their backgrounds from participating in CPTIC. During CAASE observations, only one person was deemed not eligible for the court because of a violent felony conviction. “We want to provide whatever services they need, [so we] always look with an eye to include versus an eye to finding someone ineligible,” said Emily Cole, supervisor of the alternative prosecution and sentencing unit at CCSAO, adding it’s extremely rare for someone to not be eligible.

During interviews with CAASE, public defenders noticed several trends among their CPTIC clients when compared to clients with other types of misdemeanor charges, like trespassing or disor

Age of CPTIC participants since 2015



*This chart was compiled using CCSAO internal data.*

<sup>17</sup> “Rosemary Grant Higgins, Cook County associate judge” <https://www.chicagotribune.com/lifestyles/ct-remarkable-rosemary-grant-higgins-20140817-story.html>

<sup>18</sup> Most arrests of people selling sex are made by undercover officers who have received specific training on how to make arrests and write arrest reports so that the cases are sent directly to CPTIC.

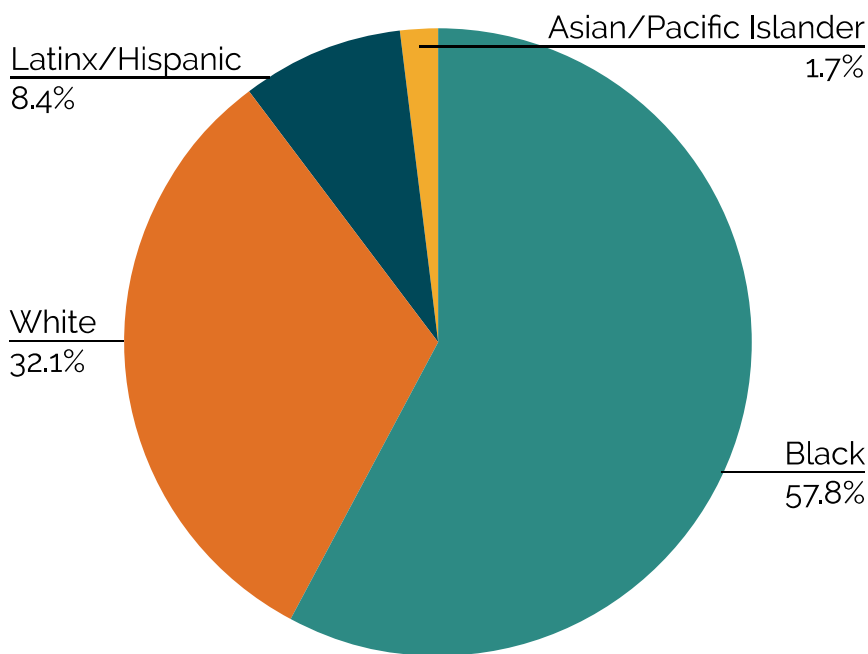
<sup>19</sup> Minors cannot be arrested or prosecuted for selling sex per [Public Act 96-1464](#).

derly conduct. CPTIC clients often had higher rates of drug addiction and more serious physical health issues. They tended to show fewer signs of prominent mental health conditions, but alluded to experiencing years of complex trauma throughout their lives like domestic violence and childhood sexual abuse. Additionally, they experienced higher levels of housing insecurity and poverty, often making it difficult for them to stay in touch with their attorney by phone or mail, or have enough transit fare to attend court.

Unlike traditional adversarial courtrooms, CPTIC is intended to be a more relaxed, collaborative court environment. Rather than the prosecutor and defense attorney advocating against each other for their respective parties, the two parties in CPTIC discuss the participants' progress together with service providers in a private staff meeting before court starts. While diversion courts for prostitution and trafficking in other communities (such as the New York City courts) engage the judge in collaborative staff meetings and discussions about participants' progress, the judge for CPTIC does not participate outside of the courtroom.

The impetus of the program is to offer opportunities to establish a life outside of prostitution, according to past and current court officials. As part of the program, participants appear in court, agree to the program, complete

Race of CPTIC participants since 2015



*This chart was compiled using CCSAO internal data.*

an intake with Christian Community Health Center (and potentially Salvation Army STOP-IT if there is suspected trafficking), and decide on at least four goals to complete. The court is open to ideas of what goals can be for each participant. Oftentimes, the goals are getting documentation (a state ID, birth certificate, etc.), obtaining new housing or Link benefits, or filling out a job application. Other goals have been completing drug and alcohol treatment, obtaining and taking necessary prescriptions, or going to a medical appointment.

“We want to set up an intervention where there is the greatest likelihood of success by participants,” Cole said. “It’s still an arrest, but the goal is to not treat it traditionally and not

have the goals be cookie cutter.” In addition, CPTIC is the only deferred prosecution court in Cook County where service providers are in court each day to meet with participants directly, Cole said. In other deferred prosecution courts created by CCSAO, there are liaisons who help put participants in touch with service providers instead.

Many of the participants' goals can be completed in a one-day free workshop offered by Christian Community Health Center's "Footprints" division called "Unhooked."<sup>20</sup> The workshop offers space and support for participants to apply for jobs, complete housing applications, and more. They also meet other participants for support groups, discuss the violence and trauma experienced by people in the life with retired police detectives, and attend presentations from health care professionals about sexual and reproductive health care. Representatives from Salvation Army STOP-IT<sup>21</sup> are also present to meet with participants.

According to quarterly statistics compiled by CCSAO since CPTIC's creation in 2015:

- There have been 396 graduates (as of September 2019) out of 748 total cases/participants
- The graduation rate so far has been 53% of all participants (as of September 2019)<sup>22</sup>
- The most common goals completed by participants (in order) are:
  - Attending Unhooked classes
  - Completing an HIV test
  - Completing a housing application
  - Completing a mental health screening
  - Obtaining an ID

*"They battle for me too. When I say they battle for me, they actually go to bat for me, wherever, however."*

*- Participant describing her experience working with Christian Community Health's case management via CPTIC*

There is no assigned time limit to complete the goals. For most participants, the process can take anywhere from one to six months from their first appearance at CPTIC to graduation. Past court officials reported that some cases have taken as long as two years.

If the four goals are completed, the charges of prostitution or soliciting a ride are dismissed. There is also a short "graduation" ceremony where defendants who complete the program receive a certificate, and sometimes a backpack filled with clothes, gift cards, toiletries and snacks, from donations to the public defender's office or from the public defenders themselves. According to participants we spoke to, they enjoyed court officials celebrating their accomplishment of completing the CPTIC program. They said having a state's attorney and a judge, in particular, clap for them and offer their congratulations was a unique, meaningful experience. It was unusual from their other interactions with the criminal justice system.

*"For her to hand me a certificate and acknowledge what I did, and not acknowledge my wrongs, that's the type of state's attorney you need."*

*- Participant describing the assistant state's attorney in CPTIC*

20 CAASE was unable to observe the "Unhooked" class. These descriptions are second-hand from service providers who lead or attend Unhooked.

21 Salvation Army STOP-IT program offers case management services to survivors of both labor and sex trafficking, operates a 24-hour local human trafficking hotline, and has a drop-in center for female-identified survivors. They offer a short information session about trafficking during Unhooked, and offer services to CPTIC participants flagged as potential trafficking victims.

22 During CAASE's observations, 120+ women entered the CPTIC process, including 33 participants "graduating" from the program for a single case/multiple cases.

“It encourages (participants) even more, to see there are people on the other side of the wall acknowledging that they’re trying,” one participant said of her graduation experience. “But it’s like I’m equal to them, that’s how they make me feel in that courtroom.”

Should a person be re-arrested for prostitution after completing the program, they are able to rejoin the program again. However, they must set and compete an additional goal, for five total goals instead of four.<sup>23</sup>

## DEFINING SUCCESS IN CPTIC

To systems actors, success isn’t always defined by the participants’ completion of the program. Public defenders told CAASE that most often their definition of success is knowing that their clients are aware of services and resources, and that they have people they know and trust if they are trying to exit the sex trade.

*“Knowing that there is hope and help out there to me is a success...they know they can call me, they know resources are there, they know where they can turn... If it's my card in their back pocket, that's a success.”*

*- CPTIC public defender*

“I wouldn’t define [success] by dismissal necessarily,” one public defender said. “Practically [no participants] had zero [criminal] background anyway, so it wasn’t a situation where we were saving a perfect record,” but that incremental steps like getting sober, finding housing or making a doctor’s appointment should be considered a success even if the prostitution charge wasn’t ultimately dismissed and the participant did not formally graduate from the program.

## EXPUNGING AND SEALING ARREST AND CONVICTION RECORDS AFTER CPTIC

Having a criminal record is a common burden among trafficking survivors. It creates many barriers for them as they exit the sex trade. According to a 2016 survey from the National Survivor Network of 130 trafficking survivors<sup>24</sup>, 73 percent reported losing

employment or not receiving employment, and nearly 60 percent reported experiencing hardships in finding and securing affordable housing because of their record.

Because of these barriers, CPTIC officials are beginning to develop “exit packets” for graduates with information on services and agencies that can expunge and/or seal records (including CAASE, Cabrini Green Legal Aid (CGLA), and others). This is a new addition in CPTIC, as compared to some human trafficking courts that offer the ability for participants to get their criminal record sealed after completion of the program<sup>25</sup>. From court observations and conversations with systems’ actors, the most common prior convictions CPTIC participants have are prostitution felonies or misdemeanors, as well as possession of controlled substance convictions, battery or aggravated battery.

23 During the 18 months of observations by CAASE, 17 previous or current participants returned to court after receiving an additional ticket or state charge for prostitution/soliciting a ride. Between the 17 participants with multiple cases, there were 41 additional cases in total, with a median of 2 cases per participant

24 “Grading Criminal Record Relief Laws for Survivors of Human Trafficking,” Polaris Project, March 2019: <https://polarisproject.org/sites/default/files/Grading%20Criminal%20Record%20Relief%20Laws%20for%20Survivors%20of%20Human%20Trafficking.pdf>

25 In the Queens trafficking intervention court in New York City, as long as participants do not pick up a new criminal charge for six months after their completion of the program, their record is automatically sealed. <https://www.nytimes.com/2014/11/23/nyregion/in-a-queens-court-women-arrested-for-prostitution-are-seen-as-victims.html>

Although trafficking survivors are often convicted of crimes besides prostitution, only prostitution convictions are eligible for vacatur for trafficking survivors<sup>26</sup> under Illinois law. Vacatur, which offers the greatest criminal record relief compared to sealing or expungement, effectively nullifies the case. It acknowledges that a person should not have been prosecuted for that crime. Other nearby states including Indiana and Kentucky allow trafficking survivors to vacate convictions for other crimes stemming from their trafficking victimization as well.<sup>24</sup>

Shaan Souliere, intake manager for Project Beacon, an anti-trafficking program through the American Indian Center, said **the goals of CPTIC can't be fully achieved if a person cannot seal or expunge their record.** The American Indian Center has a legal partnership with Loyola University to assist Native survivors of trafficking expunge their criminal records: **"We can get them all these services, they can leave the life, but if we don't expunge these records, what kind of life are they going to have?"**

**"We can get them all these services, they can leave the life, but if we don't expunge these records, what kind of life are they going to have?"**

*-Shaan Souliere of Project Beacon*

## HUMAN TRAFFICKING SURVIVORS IN CPTIC

After nearly three decades of selling sex, Sara<sup>27</sup> self-identifies as a trafficking survivor. First trafficked by a family member as a child, and then by three different pimps as an adult, she only recently left the life after connecting with service providers and addiction treatment through CPTIC.

When recounting her experiences with CAASE, she mentioned that Chicago police would ask where her customer or pimp was sometimes, but they mostly focused on arresting those selling sex: "I would never say nothing. I would have gotten killed if I did. When I got out, [my pimp] would have killed me, point blank, period. Yeah, a couple of [police officers] would have asked here or there, but not really. They were just taking us in."

If police focused on supporting those who are being trafficked rather than arresting them, "[Police] would take seven or eight girls off the street if they got that one pimp [arrested]," Sara says now.

Sara's experience, unfortunately, isn't unique. According to a 2016 survey from the National Survivor Network of 130 trafficking survivors across the country<sup>24</sup>, **more than 90 percent reported being arrested at least once, and more than 40 percent had been arrested at least nine times.**

When the court was created in 2015, there were both full-day and half-day trainings on human trafficking for all personnel affiliated with the court. But now court officials do not receive training or education on trafficking and related issues prior to being assigned to CPTIC. Most often, they rely on the knowledge from the previous attorneys assigned to the court or in rarer cases, take it upon themselves to attend trainings or conferences on trafficking.

<sup>26</sup> "Criminal Record Relief: Illinois," Polaris Project, March 2019: <https://polarisproject.org/sites/default/files/2019-CriminalRecordRelief-Illinois.pdf>

<sup>27</sup> Sara is a real woman who met with CAASE after she was a participant in the Chicago Prostitution and Trafficking Intervention Court. Sara is a pseudonym, as CAASE strives to protect each listening session participant's identity and safety.

There are some CPTIC participants who show signs of experiencing trafficking, including bringing a private attorney they likely could not afford without a trafficker paying or bringing a controlling male companion to courtroom, among other factors. However, there is no particular attorney or agency in court specifically tasked with screening for trafficking. Instead, all court officials and services providers relay information to Salvation Army's STOP-IT employees if they suspect a person may be experiencing trafficking. This has not changed since the creation of the CPTIC court, as both court officials and service providers will refer participants to STOP-IT staff when they attend court or the Unhooked class. STOP-IT staff can then try to connect with the participant and offer more specialized services and information about its hotline.

Christian Community Health employees also have some screening questions related to trafficking during their intake assessments. If it's determined that a person may be experiencing trafficking, they'll be referred to more resources in the community, or be connected to people with lived experiences of trafficking who now work as service providers or in anti-trafficking law enforcement units.

**In total, 31 participants have received services through STOP-IT since the court's creation, according to statistics kept by CCSAO about services obtained through CPTIC.**

Although Illinois law allows defendants to use an affirmative defense of being a victim of trafficking against criminal charges of prostitution, this strategy has not been used in CPTIC during CAASE observations. The purpose of CPTIC is to link the participants with services, not to litigate the merits of the case. If a participant wanted to pursue using the affirmative defense, they would be transferred to Branch 43, a misdemeanor courtroom on the West Side, to take a plea or go to trial.

In addition, CPTIC participants' cases are not used to build law enforcement cases against traffickers. The separation of participants from police investigations of suspected trafficking was intentional, according to Greene. While creating the court, both prosecutors and public defenders agreed that using CPTIC to build police investigations and later prosecutions were mutually problematic. Prosecutors believed it would likely be traumatizing for victims to be asked to testify and work with police if they didn't want to and didn't feel safe doing so. Public defenders thought it was a conflict of interest to use their client's information from CPTIC to build a case against traffickers—who could potentially become a public defender's client.



## USING WARRANTS AND BOND IN CPTIC

CPTIC offers leniency compared to other courts when participants do not appear in court. CAASE observed that the assistant state's attorney will generally only request a warrant if a participant doesn't appear after three to six scheduled court dates in a row instead of issuing one immediately after their first failure to appear.

Once the participant appears in court, their bond is lifted and they are released on their own recognizance (I-bond) by the judge. However, if a participant still does not appear in court after an arrest warrant, the prosecutor will often request to transfer the case to Branch 43.

In determining bond, the judge will ask the assistant state's attorney for the criminal history of each participant. Most often, the bond is from \$1,000 to \$5,000, to as high as \$15,000 in one case.<sup>28</sup>

Ultimately, the participant will not need to pay bail in order to be released, as the Court uses the warrant with a bond amount attached to compel the participant to come to court through arrest and holding them in jail until they attend CPTIC. The bail is then dropped, and the person's bond is converted back to an I-bond for future court dates.

Although the participant doesn't ultimately pay the bail amount, it is important to note that the bail amount is not consistently set<sup>30</sup>. For example a participant with:

- 2 misdemeanors and 10 failures to appear was given a \$5,000 bond forfeiture warrant.
- 2 felonies, 4 misdemeanors and 7 failures to appear was given a \$2,500 bond forfeiture warrant.
- 2 felonies and 1 failure to appear was given a \$5,000 bond forfeiture warrant.
- 8 felonies and 3 failures to appear was given a \$5,000 bond forfeiture warrant.

## PARTICIPANTS WHO DO NOT WANT TO BE IN CPTIC

If a person chooses to not participate in CPTIC, or they have not appeared in CPTIC court or made contact with the CPTIC public defender, their case is transferred to [Branch 43](#), a misdemeanor courtroom on the West Side.

During CAASE's observations, court officials moved 25 participants with 33 cases to Branch 43 after multiple missed court dates, or when defendants asked to have their cases transferred instead of participating in CPTIC. The most likely outcome in this scenario is that the person pleads guilty to the misdemeanor charge in Branch 43, and receives time served as their sentence. A person charged with prostitution cannot take a plea in CPTIC because it is not allowed by the current judge. They must be transferred to Branch 43. This creates additional court dates and burdens for the arrested person, who must then attend another courtroom on another date with an entirely different public defender and process.

Because CPTIC doesn't litigate the merits of each participant's case, if a participant is able and interested in using the affirmative defense for prostitution charges or is otherwise interested in fighting the charges, they must take that opportunity with their attorney at Branch 43.

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28 Based on CAASE observations from June 2018 to December 2019

# 9 Ways to Improve the Court and Legal System

There are many opportunities to improve collaboration between court officials and stakeholders, as well as opportunities to dismantle barriers participants face when engaging with the legal system. A holistic and participant-focused model - with engagement from the city, CCSAO, CPD, OCCPD and service providers - would improve the outcomes for people in the sex trade instead of continuing the harmful, habitual arresting and re-arresting of them.

## 1. MANDATORY HUMAN TRAFFICKING TRAINING FOR COURT PERSONNEL

**Court personnel—including the state’s attorney, public defender, judge and service providers—should have mandatory training on signs of human trafficking,** the effects of trauma and how it could impact the participant as they participate in CPTIC. This training should be received in the first 30 days of assignment, and is particularly critical given the high turnover of court officials.<sup>29</sup>

## 2. STOP PROSECUTING TRAFFICKING VICTIMS

Illinois law is clear: the Justice for Victims of Sex Trafficking Crimes Act allows for people with prostitution convictions to clear their records. It recognizes many people with prostitution records are actually victims of trafficking, not people who should be prosecuted. An affirmative defense was also approved by lawmakers to prevent the unjust criminalization of trafficking survivors, limiting the need to clear one’s record post-conviction.

People who are victims of human trafficking should not be punished. If service providers or the public defender see the participant exhibiting signs of being trafficked, they should submit evidence to the state’s attorney. **If the state’s attorney agrees that there is evidence the person may be experiencing trafficking, the state’s attorney has an ethical obligation to dismiss the case to avoid the prosecution of a crime victim.** Instead, the participant should be offered information and connections to service providers and legal aid offices.

## 3. HELP CPTIC PARTICIPANTS CLEAN UP THEIR RECORDS

**Encouraging court participants to seal, expunge or vacate their records should be a higher priority.** The majority of participants have criminal records prior to being in CPTIC, and having a criminal record is a barrier to obtaining jobs and housing. Even with access to services and other needs through CPTIC, most participants will continue to face significant challenges if they have criminal records. As part of closing a participant’s case, all public defenders should assess each graduate’s background and share information with their clients about which offenses in their backgrounds may be eligible for sealing, expungement or vacatur. Then, the public defender should connect the participant with legal aid providers like CAASE or CGLA, who can begin the process of criminal records relief.

**At minimum, all court participants should receive information on services and records relief** when they make contact with service providers and public defenders in court, regardless of whether they graduate or have their case transferred to Branch 43.

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<sup>29</sup> During CAASE’s 18 months of observation, three different assistant state’s attorneys were assigned to the court, as well as four different public defenders.

#### 4. SUPPORT CPTIC PARTICIPANT PETITIONS FOR VACATURE

**Should a former CPTIC participant file petitions to vacate their prostitution convictions, the Cook County State's Attorney's Office should support their petition.** Prosecutors can submit objections to a person filing a petition to seal, vacate or expunge their records. In cases of CPTIC participants, prosecutors should be motivated to support their petition, not oppose it, in accordance with the goals of CPTIC to encourage participants to have a stable life outside prostitution.

#### 5. OPEN CPTIC TO PEOPLE OF ALL GENDERS

**Police and CPTIC officials need to be clear: Men who sell sex are eligible for the diversion program.** While the court order does not prohibit male-identified participants, and past court officials indicate there have been male-identified participants in the past, there have only been female-identified participants in court during CAASE's observations. This means either men selling sex aren't being arrested by police, identified by bond court attorneys, or they are not offered this diversion program when women are. The program and its services should be open to people of all genders, and that should be communicated throughout every level of the system.

#### 6. REMOVE COURT ATTENDANCE BARRIERS

**CPTIC officials should ensure there are as few barriers as possible for participants to attend court,** and try to meet a participant's basic needs when they do come to court through offering a meal, transit fare, or toiletries. Participants in CPTIC are often dealing with complex trauma, and do not have their basic needs met, meaning they are unable to come to court. When previous court officials offered gifts to participants, it demonstrated to participants that the court's interest in their well-being was genuine and cultivated a safer space than a typical courtroom would. However, an individual person (most often the public defender) should not bear the brunt of this work, but is something that should be continued regardless of the staff turnover within court.

#### 7. ALLOW PARTICIPANTS TO PLEA IN CPTIC

**All participants should be able to take a plea in CPTIC if they choose** to not complete the diversion program, rather than being transferred to a different courtroom to restart the legal process. This would limit the number of court dates and steps a person has to take to resolve their case, and would be more efficient for the court system.

*Continued...*

## 8. STAKEHOLDERS MUST COLLABORATE TO SUPPORT PEOPLE IN THE SEX TRADE

All local stakeholders, including the Mayor's Office, the Chicago Police Department, Cook County State's Attorney's Office, Cook County Public Defenders Office and service providers, should **convene a working group or task force to center the needs of sellers in the sex trade, and identify gaps in services and how to better connect them to service providers.**

Many court officials and service providers noted their individual efforts to further assist the participants, through creating clothes closets, offering food and other items while they attend court, or connecting them with service providers outside of court. These individual actors are helpful, but can only do so much without the backing of the entire system. **By identifying the gaps, a working group could collaborate on police practices and court issues together, and better connect participants to programs and organizations that can assist them instead of relying on someone in court to take up that burden on their own.**

Each of the stakeholders who spoke with CAASE also identified their own ideas of how to improve the court if given the necessary funding and resources, like offering a resource fair, having a housing resources liaison in court, ensuring there are more outreach workers to reach people outside of court, or identifying and partnering with service providers that serve Asian communities. **There are a wealth of ideas and motivation to support people in the sex trade within this system, but we need a systemic lens to implement these goals effectively.**

## 9. PROVIDE STRONGER CRIMINAL RECORD RELIEF TO SURVIVORS OF TRAFFICKING

**Illinois state lawmakers should amend the Justice for Victims of Sex Trafficking Crimes Act to give criminalized survivors of trafficking the greatest criminal record relief possible.** While Illinois passed critical reforms on trafficking from 2010 through 2015, state lawmakers need to continue this progress. Right now, Illinois has a failing grade from the Polaris Project<sup>30</sup>, the country's leading anti-trafficking organization, for its criminal record relief for trafficking survivors. Unlike states with higher grades, Illinois only allows vacatur of prostitution convictions rather than all records (arrests and convictions) and offenses stemming from trafficking. The statute also does not specify a burden of proof standard, nor does it provide the ability to file a petition confidentially and under seal.

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<sup>30</sup> "Criminal Record Relief: Illinois," Polaris Project, March 2019: <https://polarisproject.org/sites/default/files/2019-CriminalRecordRelief-Illinois.pdf>

# Conclusion

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In response to our findings, we recommend Chicago systematically reform how it polices and enforces prostitution laws because each jurisdiction and agency involved is operating in a silo. There are individual people working in their own way and using their own resources to help sellers. But their efforts mean little in the face of a culture that continues to criminalize and penalize people selling sex. The Illinois General Assembly has made clear that the public policy imperative is to focus on buyers in the sex trade. Despite this, local systems and culture continue to prioritize penalizing people who sell sex. **The targeting of impoverished Black and brown women selling sex for survival must end.**

In recent months, city officials and CPTIC have attempted to collaborate and coordinate to assist people who sell sex and received tickets (in lieu of arrest) in accessing services in CPTIC, but those attempts continually fell through. **All stakeholders need to prioritize this issue and improve collaboration if they want to reduce the harms experienced by people in prostitution.**

Each agency has a role to play. We've included recommendations for how each can dismantle the vulnerabilities and oppressions people face while selling sex in Chicago.

It is imperative that every seller that interacts with any part of the system—including police, attorneys, service providers and more—is be treated with dignity and respect. CPTIC participants repeatedly told us of degrading comments and misconduct against sellers by police during our listening sessions. They also shared when people treated them like a person with worth and dignity, but these moments of positivity were often outmatched by the negative ones. **The status quo of treating people selling sex as less than human must end.**

It is the beginning of 2020 and Chicago is at a crossroads for change. We have a new mayor, Lori Lightfoot, who is prioritizing good government practices and investing in marginalized neighborhoods to improve the well-being of the city's most impoverished and oppressed residents. We have a state's attorney, Kim Foxx, who is prioritizing criminal justice reform, and undoing inequities like racism and poverty perpetuated in the criminal justice system. We will soon have a new Chicago police superintendent tasked with leading a department undergoing mandatory reforms after numerous incidents of civil rights violations and misconduct. Reforming how our community responds to people selling sex, and how we treat them, must be included within this larger commitment from our leaders to improve the lives of the most vulnerable people in our community.

# Acknowledgements

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We would also like to thank the many attorneys with the Cook County State's Attorney's Office and the Office of the Cook County Public Defender who shared their insights, experiences, and quantitative data with us. Their willingness to think critically about the system and how to improve it gives us optimism for future reforms. We are also very grateful for the service leaders within CPTIC, who are a true community of leaders and advocates for those they serve, particularly Angela Blunt and Norma Cervantes of Christian Community Health Center, Shaan Souliere of the American Indian Center, Shirley Reimer and Brenda Stewart of Haymarket Center; KT McClure-González, Cindy Gonzalez, Jennifer Harvey, and Summar Ghias of the Salvation Army STOP-IT. Many thanks to Jennifer Greene, policy director at Life Span, for critical information on the creation of the CPTIC in 2015.

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# Appendix

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## TABLE OF CONTENTS

<a href="#"><u>CPD Special Order 04-22: Municipal Administrative Hearings</u></a>	31
<a href="#"><u>CPD Special Order 04-22-01: Exemptions and Restrictions for Administering ANOV Citations</u></a>	44
<a href="#"><u>CPD Special Order 04-27: Human Trafficking</u></a>	46
<a href="#"><u>CPD Special Order 07-03-05: Impoundment of Vehicles for Municipal Code Violations</u></a>	50
<a href="#"><u>General Administrative Order No. 2015-04: Chicago Prostitution and Trafficking Intervention Court Program</u></a>	60
<a href="#"><u>Substitute Ordinance (SO) 2017-8319</u></a>	64





MUNICIPAL ADMINISTRATIVE HEARINGS



ISSUE DATE:	28 May 2015	EFFECTIVE DATE:	28 May 2015
RESCINDS:	17 November 2014 Version		
INDEX CATEGORY:	Preliminary Investigations		

I. PURPOSE

This directive:

- A. continues the Municipal Administrative Hearings program for adjudicating Municipal Code of Chicago (MCC) ordinance violations.
- B. encourages members to use an Administrative Notice of Ordinance Violation (ANOV) citation in lieu of a physical arrest and detention, when practical, in accordance with the provisions of this directive.

**NOTE:** Department members will maintain the discretionary authority to make physical arrests for MCC ordinance violations. The purpose of enforcement action, whether it be the issuance of a citation or making a physical arrest, is to improve the quality of life in the neighborhoods and reduce citizens' fear of illegal activity.

- C. informs Department members:
  - 1. of procedures for the enforcement of certain MCC ordinance violations and the adjudication of those violations through the Administrative Hearings program.
  - 2. that ANOV citations will be used to cite most MCC, including Chicago Transit Authority (CTA) and Chicago Park District ordinance violations, which carry a penalty of a fine or both a fine and a jail sentence, unless otherwise indicated.
- D. continues the mail-in payment option program citywide that will allow violators the option of paying a fine by mail for certain MCC ordinance violations in lieu of appearing at a hearing with the Department of Administrative Hearings (DAH).
- E. establishes procedures for the issuance, cancellation, and administrative release of the ANOV citation.
- F. continues the Administrative Notice of Violation Hearing Date/Hearing Time Changes ([CPD-11.566](#)) form

II. GENERAL INFORMATION

- A. Unless the violator was issued a citation in which all of the offenses qualify for the mail-in payment option and the violator elects to use that option, ANOV citations will be adjudicated by the Department of Administrative Hearings (DAH). Violators who elect to mail in the prescribed fee that corresponds to the violation(s) issued instead of appearing for a hearing at the DAH will have seven days from the issuance of the notice to mail in this fee before the case proceeds to a hearing.
- B. The DAH has the authority to hear MCC ordinance violations that impose fines or both a fine and a jail sentence on a respondent/person served. Municipal Code of Chicago, CTA, and Park District ordinances that carry penalties of a fine or both a fine and a jail sentence are the only violations that may be cited on an ANOV. **Members will not use the ANOV citation to cite an ordinance violation that imposes a jail sentence as the only penalty. The DAH does not have the authority to hear state statute violations.**
- C. In addition to adjudicating ANOV citations, the DAH also conducts hearings for False Burglar Alarm violations, vehicle impoundments, Public Passenger Vehicle rule violations, and Violation Notice

citations (Compliance Violations). Members are to refer to the respective Department directives regarding procedures for processing and enforcing these violations.

- D. The Municipal Code of Chicago Card (CPD-11.445) does not list all of the MCC ordinance violations that may be cited on an ANOV citation. It is only a limited listing of the most often cited MCC ordinance violations. Members are to refer to the Municipal Code of Chicago for additional references on violations.
- E. The Ordinance Complaint Citation will continue to be used for select violations consistent with the procedures outlined in the Department directive entitled "**Ordinance Complaint Form.**"

**NOTE:** Individuals issued Ordinance Complaint citations must be scheduled for the local misdemeanor court branch in accordance with the Department directive entitled "**Court Call Schedule.**"

### III. EXCEPTIONS AND RESTRICTIONS

Members will refer to the Department directive entitled "**Exceptions and Restrictions for Issuing ANOV Citations**" for additional information concerning those offenses and circumstances when the issuance of an ANOV is either prohibited or involve modified procedures.

### IV. PROCEDURES

A. Department members issuing an ANOV citation will:

- 1. inform the Office of Emergency Management and Communications (OEMC) dispatcher of the location of the violation and the name or an identification number of the violator. If no RD number is obtained for the violation, the event number issued by OEMC will be recorded on the ANOV citation in the section entitled "Event/RD#."

**NOTE:** Only one event number will be required per incident, even if the Department member has cause to issue multiple ANOV citations to one or multiple violators. However, the OEMC dispatcher must be notified of the name or identification number of all violators cited.

- 2. name check the violator via a Portable Data Terminal (PDT), if so equipped, or through OEMC before issuing the citation. **The identity of the person being issued an ANOV citation will be verified and a complete address will be recorded (number, street, city, state, and zip code). If an Illinois driver's license or state identification card number is revealed through the name check, the number will be noted on the ANOV citation in the space provided.**

**NOTE:** The issuing officer must include the middle initial of the violator, if applicable, to ensure the accuracy of the name check.

- 3. complete an ANOV citation when an MCC ordinance has been violated, provided none of the exceptions or restrictions outlined in the Department directive entitled "**Exceptions and Restrictions for Issuing ANOV Citations**" are present. The officer will complete the applicable sections of the ANOV citation and ensure that:
  - a. if a business is being cited for a violation, the section entitled "Respondent's Name" contains the name of the business (as recorded on the business license, if available), the section entitled "Person Served" contains the name of the person or employee who signs for and receives the citation (i.e., the violator, the bartender, the store employee), and the section entitled "Resp. Address No." contains the address of the establishment.
  - b. if a person is being cited for a violation, the section entitled "Respondent's Name" contains the name of the violator, the section entitled "Person Served" contains the word "same," and the section entitled "Resp. Address No." contains the respondent's

home address. The section entitled "Identification" must contain a valid identification number for the violator (i.e., a state identification card number or driver's license number).

- c. when citing violations arising from the same incident to multiple persons (e.g., several people drinking alcohol in the park together), all respondents will be issued citations by the same officer and have their cases set for hearing on the same date, time, and room number.

**NOTE:** Multiple tickets that are issued to a group of persons arising from the same incident will be cross-referenced by ticket number in the section entitled "Comments."

4. indicate the MCC ordinance violation on the citation. A maximum of **two** MCC ordinance violations can be cited on a single citation provided that the violations are issued to the same offender and are related to the same incident. A list of frequently cited offenses has been preprinted on the ANOV citation. If the violation is not included as a preprinted offense, officers will write in the MCC violation number and the name of the offense in the appropriate box.

**NOTE:** If the officer must write in the MCC violation number and name, only one write-in violation can be cited on that ANOV citation.

5. designate the count for each violation by recording a number "1" or a number "2" in the box next to the charge in the pre-printed listing. This number will then correspond to the appropriate narrative section.
6. ensure that the "Describe Action" section (Step 2 on the ANOV citation) is completed with a detailed description for each offense committed and that the description accurately corresponds to the charge cited as Count 1 or Count 2. The hearing officer must be able to understand the action that constituted each offense because the issuing officer will not be present during the hearing.

**NOTE:** An officer may, if necessary, line out the preprinted phrase "Count 2, In That:" (Step 2 on the ANOV citation) in order to create more room to complete the detailed description of Count 1. If this is done, only one violation may be issued on this citation.

7. record the hearing date, time, and room number as described in Item VI of this directive, regardless of what type of offense the officer is citing (either mail-in payment option or a mandatory hearing offense). When multiple ANOV citations are issued to a respondent, the hearing date, time, and room number on all citations will be the same.
8. **when a private person is the complainant**, record the complainant's name in the appropriate box on the front of the citation, but record the complainant's **address and phone number** in the section entitled "Comments" on the pink "Prosecuting Department Copy" **only**. This will ensure that the offender does not gain access to the complainant's information.

**NOTE:** At no time will a second officer or supervisor be listed as a complainant or witness to the offense.

9. not use correction fluid (white-out), make erasures, corrections, or changes on the ANOV **unless the only mistake is the hearing information**. In cases where hearing information must be corrected, the issuing member will:
  - a. correct the hearing information on the original citation.
  - b. complete a Administrative Notice of Violation Hearing Date/Hearing Time Changes ([CPD-11,566](#)) form.

- c. send the original Administrative Notice of Violation Hearing Date/Hearing Time Changes form and a photocopy of the corrected citation to respondent/person served via US Mail.
  - d. send a photocopy of the completed Administrative Notice of Violation Hearing Date/Hearing Time Changes form to any complainants or witnesses via US Mail.
  - e. submit a photocopy of the completed Administrative Notice of Violation Hearing Date/Hearing Time Changes form, attached to the corrected "Department of Administrative Hearing Copy" (white) of the citation, to the appropriate supervisor.
10. inventory confiscated items in accordance with the Department directive entitled "**Processing Property Under Department Control.**" The violator will be required to go to the appropriate police facility to obtain the "Owner's Copy" of the Property Inventory form (CPD-34.523). The inventory number will be entered in the space provided on the ANOV. Members will attach Copy 3 "Court Copy" of the Property Inventory form to the original (white) copy of the ANOV citation.

**NOTE:** To facilitate the computer processing of the citation, members will not use a staple to attach items to the ANOV citation. A paperclip will be used.

11. ensure the violator signs the citation and give the violator the "Respondent Copy" (tan card) of the ANOV citation.
12. inform the respondent or person served,
- a. if **all** the ordinance violations cited qualify for the mail-in payment option, to follow the directions on the front and back of the "Respondent Copy" of the ANOV citation.

**NOTE:** A list of ordinance violations that qualify for the mail-in payment option are printed on the inside cover of the ANOV citation book and on the back of the "Respondent Copy."

- b. if **any** of the ordinance violations cited **do not** qualify for the mail-in payment option, that their appearance at the ANOV hearing is mandatory.

**NOTE:** Officers will not issue two separate ANOV citations to one violator relating to the same incident in order to allow the violator the option of mailing in a fine for one of the violations.

13. if applicable, inform the private person acting as a complainant or witness the location, room number, date, and time of the administrative hearing for the ANOV citation issued.
14. record that an ANOV citation has been issued and list the citation number(s) on any Department reports pertaining to the particular offense or incident.
15. clear themselves from the event using the proper disposition code from the **Miscellaneous Incident Reporting Table (CPD-11.484)**, including the number of citations issued.

**NOTE:** When officers initiate a name check via PDT, they are required to enter the driver's license or state identification card number in the remarks section of their disposition screen.

16. submit the issued citations, along with a photocopy of all pertinent case reports attached with a paperclip to the citation, by the end of their tour of duty, to the member's supervising sergeant or to the station supervisor.
17. **not attend** Administrative Adjudication Hearings **unless they receive a notification to appear through their unit.** In instances where a scheduled court-case date and time conflict with a notification to appear at an Administrative Adjudication Hearing, the officer will attend

the scheduled court case. The officer will follow the procedures relative to court attendance and required notification to his unit as outlined in the Department directive entitled "Court Call Schedule."

**NOTE:** Supervisors that are notified by Department members of their inability to appear at an Administrative Adjudication Hearing will follow the procedure detailed in Item VI-F of this directive.

B. When an officer issues an ANOV citation for a public passenger vehicle violation, the officer will:

1. verify that the driver has:
  - a. a valid state-issued driver's license.
  - b. either the applicable Taxicab Public Vehicle License or Livery Public Vehicle License (both referred to as the "Hard Card") displayed in the regulation license holder located inside the vehicle. The hard card is a two-part license. Information regarding insurance, the year, make, vehicle identification number (VIN), description of the vehicle, whether it is required to have a safety shield, and if advertising is allowed is on the reverse side.
  - c. proof of insurance.
  - d. a current Department of Business Affairs and Consumer Protection chauffeur's license or temporary chauffeur's license, if applicable, containing the driver's photo, name, and signature.
  - e. a medallion affixed to the exterior of the cowl or hood of the taxicab or a current Department of Business Affairs and Consumer Protection emblem affixed to the lower right-hand corner of the windshield of the livery vehicle. The shape of the medallion changes every year.
2. follow the procedures established in the Department directive entitled "Citing Traffic Violations and Attending Traffic Court" if a traffic violation has been committed.

**NOTE:** Traffic violations that must be issued on a Personal Service Citation will not be sent to the DAH. **Drivers' licenses cannot be sent to the DAH.**

3. confiscate the chauffeur's license or temporary chauffeur's license and attach it to the original (white) copy of the ANOV citation with a paperclip.

## V. ANOV CITATION DISTRIBUTION AND RETENTION

A. Issuing Officers' Responsibilities

1. The "Department of Administrative Hearings Copy" (white) and the "Prosecuting Department Copy" (pink) will be submitted by the end of the issuing member's tour of duty, to their supervising sergeant or to the station supervisor. If property has been inventoried, attach Copy 3 "Court Copy" of the Property Inventory to the original (white) of the ANOV citation that is submitted.
2. The "Respondent's Copy" (tan card) will be given to the violator or person served.
3. The "Issuing Officer, Investigator and/or Inspector Copy" (blue) is required to be kept by the issuing officer for a period of one year from the issue date of the last citation in the ANOV citation book.

B. Supervisors' Duties

Sergeants will review completed ANOV citations to ensure that they have been accurately completed and the correct hearing information has been entered.

1. If correct, the reviewing supervisor will place their initials and star number in the lower right-hand corner of the citation to indicate approval. Upon approval, the supervisor will forward the ANOV, by the end of their tour of duty, to the citation clerk or designated unit members for processing.
2. If an ANOV citation is incomplete or inaccurate, it will be returned to the issuing officer for the necessary action.

## VI. HEARINGS

- A. ANOV citations will be scheduled for hearings using the officer's court-key letter designation and the "Misdemeanor and City Ordinance" Court Citing Date Card (CPD-11.562). Cases will be scheduled for a hearing date, when practical, **not less than 28 but within 65 days of the date of the violation. If an officer's court key or selected furlough places the hearing date outside the required 28 to 65 day time frame, officers will:**

1. when feasible, request their partner issue the citations to allow placement of the hearing date within the date restriction.
2. when a partner is unable to issue the citation(s), select an alternate hearing date other than their court key date that conforms to the affected time period.

**NOTE:** The issuing officer will use only one non-court-key date for all ANOV citations outside the affected time period.

- B. ANOV citations, except public vehicle rule violations and public passenger ordinance violations, will be scheduled to be heard at the DAH for the times listed below, based on the unit of assignment of the issuing officer.

1. **Room 101**

- a. 0900 hours: Units 001, 010, and 011.
- b. 1030 hours: Units 012 and 701.
- c. 1300 hours: Units 059.
- d. 1430 hours: Units 018, 019, 020, and 024.

2. **Room 102**

- a. 0900 hours: Units 002, 007, 008, and 009.
- b. 1030 hours: Units 003, 004, 005, 006, 022, and 192.
- c. 1300 hours: Units 015, 016, and 145.
- d. 1430 hours: Units 014, 017, and 025.

3. **Room 102**

0900 hours: all other Department units not specifically listed in this directive.

- C. ANOV citations for the Department of Business Affairs and Consumer Protection public vehicle rule violations and public passenger ordinance violations will be scheduled for **Room 106** on Mondays at 0900 hours for even-numbered units and on Thursdays at 0900 hours for odd-numbered units.

**NOTE:** Members will not schedule cases for any Monday or Thursday designated as a "No Court" day on the Chicago Police Operations Calendar (CPD-11.000).

- D. Members of Units 145 and 050 who are tasked with the responsibility of issuing public vehicle violations will schedule these violations for Mondays and/or Thursdays in **Room 106** based on the unit of assignment of the issuing member and as designated by the unit commanding officer:

1. 0900 hours: Unit 145

2. 1030 hours: Units 145 and 050
3. 1300 hours: Unit 145
4. 1430 hours: Unit 145

**NOTE:** The Commanding Officer, Traffic Section (Unit 145) will ensure that each member tasked with public passenger vehicle rule violations and public passenger ordinance enforcement is assigned to one of the court calls listed in Item VI-D of this directive.

E. Attendance at Hearings

1. Officers required to appear at the Department of Administrative Hearings facility for a hearing will appear in the appropriate uniform / citizen's dress required of duty-related judicial proceedings as outlined in the Department directive entitled "**Personal Appearance, Uniform / Citizen's Dress and Equipment.**"
2. Upon arriving, officers will report to the 1st floor security office and log in with court section personnel.
3. Officers will then report to the appropriate hearing room with copies of any related documents and reports and be fully prepared to testify.
4. At the conclusion of their appearance, officers will log out with court section personnel and provide disposition of case.
5. When officers complete their duties and court section personnel are not present:
  - a. notify the Court Section between 0800 hours and 1600 hours.
  - b. notify CPIC between 1600 hours and 0800 hours.
6. If appearing during other than normal duty hours, officers will complete an Overtime / Compensatory Time Report (CPD-11.608) for their appearance and leave it in the appropriate location in the security office.

- F. Supervisors notified by Department members of their inability to appear at an Administrative Adjudication Hearing will notify the station supervisor/designated unit supervisor, who will ensure that the court absence is entered directly into the Automated Court Notification System.

**VII. CANCELED / ADMINISTRATIVELY RELEASED CITATIONS**

- A. An ANOV citation must be adjudicated unless:
1. an offender refuses to sign the ANOV citation and is subsequently arrested.
  2. an error is made in the preparation of the ANOV citation and another ANOV citation is issued.
  3. the ANOV citation is prepared in error and another type of citing instrument / complaint has been issued (i.e., Violation Notice citation).
  4. the ANOV citation was issued for MCC 7-24-099(a) "Possession of Cannabis" and the subsequent cannabis test revealed a negative result for cannabis.
- B. When a circumstance listed in Items VII-A exists, a member will prepare a [Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation \(ANOV\)\(CPD-11.492\).](#)

**NOTE:** If the only error on the citation is the hearing information, the correction will be made on the citation and the issuing member will follow the procedures outlined in Item IV-A-9 of this directive. Questions concerning the correction of any other errors on the citation, including but not limited to missing dates, incorrect addresses, and incomplete names must be directed to the Department of Law, Department of Administrative Hearings Unit.

- C. The officer preparing the release form will clearly explain the circumstances for the release in the "Reason" section.
- D. Under no circumstances will an officer make any annotations (i.e., VOID or CANCELED) on the citation.
- E. The officer will attach the "Department of Administrative Hearing Copy" (white), "the Prosecuting Department Copy" (pink), and the "Respondent's Copy" (tan card) of the ANOV citation to the Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation (ANOV) form.
  - 1. If the ANOV citation was issued for MCC 7-24-099(a) "Possession of Cannabis," the "Respondent's Copy" (tan card) of the ANOV citation is not required to cancel the citation. Department members will attach a photocopy of the Cannabis Field Test Affidavit indicating a negative result.
  - 2. For all other violations, the ANOV citation cannot be administratively released unless the "Respondent's Copy" that contains the error can be retrieved.
- F. The officer will submit the release form to the station supervisor / unit commanding officer for approval. If the release request is initiated by a member outside the unit / district, the unit commanding officer approving the release form will ensure that it is forwarded to the citation clerk in the requesting member's unit of assignment.
- G. Citation clerks or designated unit members in units that do not have citation clerks will process all canceled / administratively released citations by:
  - 1. receiving the approved Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation (ANOV) form with the attached citation.
  - 2. recording the subject citation on a separate Transfer Listing for MCC Administrative Notice of Ordinance Violations (ANOV) with the notation "Canceled" written next to the citation number and attaching a photocopy of the canceled citation to the transfer listing.
  - 3. completing the applicable Administrative Citation Control Sheet (ACCS) with the entry "Canceled," signifying the disposition of the citation.
  - 4. submitting a photocopy of the approved Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation (ANOV) form, a photocopy of the Cannabis Field Test Affidavit indicating a negative result, the "Prosecuting Department Copy" (pink) of the ANOV citation, and the Transfer Listing to the DAH in accordance with the procedures outlined in Item X-C of this directive.
  - 5. attaching the approved Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation (ANOV) form, the original Cannabis Field Test Affidavit indicating a negative result, and the "Department of Administrative Hearing Copy" (white) of the ANOV citation to the ACCS, which will remain in unit files in accordance with existing records-retention requirements.

**VIII. LOST OF STOLEN ANOV CITATIONS OR CITATION BOOK**

- A. When an ANOV citation or citation book is lost or stolen, the loss or theft will be reported on the appropriate case report, and the officer reporting the loss or theft will ensure that an administrative message is sent through the Administrative Message Center.
- B. Citation clerks or designated members will prepare a Transfer Listing for MCC Administrative Notice of Ordinance Violations (ANOV) for each citation lost or stolen. The Transfer Listing and a copy of the appropriate case report will be sent to the DAH.

**IX. ISSUANCE AND STORAGE**

- A. Responsibility

District station supervisors or designated supervisors of units that have no station supervisors will be responsible for the control of ANOV citation books and their issuance to unit members.



- B. Ordering
  - 1. A supply of ANOV citation books will be maintained at the Equipment and Supply Section. Units will follow established procedures to obtain additional ANOV citation books.
  - 2. The Equipment and Supply Section will be responsible for maintaining an adequate supply of ANOV citations.
- C. Storage
  - 1. The supply of ANOV citation books will be maintained in a secured area and will be inaccessible to personnel other than the issuing member.
  - 2. Unopened boxes of ANOV citation books will be retained in a locked storage area.
- D. Pre-numbering of the Administrative Citation Control Sheet (ACCS)
  - 1. Citation clerks or designated unit members in units that do not have citation clerks will, upon initially opening each box of ANOV citation books, make a complete check of the contents, assign an ACCS to each book in the box, and check the appropriate box on the sheet to indicate the type of citation book. The only information required on the sheet at this time will be the number of the first citation in each book in the space marked "From."
  - 2. The sheets will be arranged numerically and retained with the supply of books (opened boxes).
- E. Issuance of books
  - 1. The ANOV citation books will be issued in ascending numerical order. A book will not be issued out of sequence. If a citation book is missing, an immediate investigation will be conducted and, if circumstances warrant, the provisions outlined in the Department directive entitled "**Complaint and Disciplinary Procedures**" will be followed.
  - 2. Each member, upon issuance of an ANOV citation book, will be responsible for determining if all the citations are in the book and if they are in satisfactory condition. Books found to be satisfactory will be accepted by the receiving member by completing and signing the ACCS.
  - 3. Citation books that are found to be unacceptable because of mutilated, misprinted, or missing citations will not be accepted by the member. These books will be listed by the citation clerk on a Transfer Listing for MCC Administrative Notice of Ordinance Violations (ANOV) and returned to the Equipment and Supply Section. An explanation for the unacceptability of the citation book will accompany each Transfer Listing.

**X. ACCOUNTABILITY AND RESPONSIBILITY**

- A. Administrative Citation Control Sheets
  - 1. Immediately upon issuance of an ANOV citation book, the corresponding ACCS will be completed by the requesting and issuing members. Both members must sign the sheet. The requesting member will enter the complete citation number of the last citation in the book on the ACCS in the space marked "To." The line indicated for the first citation will be completed by entering the entire number of the first citation. The last three digits of each succeeding citation number will be entered on the ACCS for the remaining citations in the book. The ACCS will then be inserted in the "Active Citation" binder in numerical order by the citation clerk.
  - 2. As copies of issued citations are received by the citation clerk or designated unit member, entries will be made on the corresponding ACCS indicating the date the citation was written, the date of the transfer listing covering the citation, and the initials of the person making such entries. If the entire ACCS is filled in on the same date by the same member, that member will sign his name vertically in the column provided for initials, rather than initial each line individually.
  - 3. If a citation from any book is not received in numerical order, the member preparing the ACCS will notify the station supervisor/unit commanding officer. The station supervisor/unit

commanding officer will immediately initiate an investigation to locate the missing citation. In addition to notifying the station supervisor/unit commanding officer, the member will record the notification in the "Remarks for C.O." column in which the "skip" was noted. While the investigation is being conducted, all subsequent citations from the same book will be processed without delay.

4. Whenever a book of citations is completed and all citations are received and accounted for, the citation clerk or designated unit member making the final entry will remove the ACCS from the "Active Citation" binder and present it to the station supervisor/unit commanding officer for approval. After inspection of the ACCS for correctness and completeness, the station supervisor/unit commanding officer will sign the ACCS before it is placed in the "Inactive Citation" binder.
5. The station supervisor/unit commanding officer will schedule periodic inspections of the "Active Citation" binder to ensure that completed ACCS have been removed and placed in the "Inactive Citation" binder.

B. Reassigned ANOV citation books

1. When an officer is detailed or transferred to another unit that **does** cite MCC violations, the officer will retain his assigned ANOV citation book. At the completion of the last tour of duty before the transfer is effective, the officer will submit all ANOV citations that he or she has written to that date. The unit citation clerk will forward the officer's active ACCS to the officer's new unit of assignment.
2. When an officer is detailed or transferred to a unit that **does not** cite MCC violations, the officer will promptly remove the "Issuing Officer, Investigator and/or Inspector Copy" (blue) tickets that correspond to citations that have been issued and return the assigned ANOV citation book and the remaining ANOV citations to the citation clerk in the previous unit of assignment. When a previously assigned ANOV citation book is turned in for reassignment, the citation clerk will:
  - a. make a notation on the ACCS immediately below the last entry, stating the reason the book was turned in and the date.
  - b. ensure that a second ACCS is prepared with the remaining ANOV citation numbers listed on the new ACCS. The original ACCS will be stapled to the second ACCS and will remain together with the ANOV citation book until it is reassigned to another officer.
3. An officer who is reissued an ANOV citation book will follow the instructions in Items IX-E-2 and IX-E-3 of this directive.

**XI. ANOV CITATION PROCESSING**

- A. Unit commanding officers will ensure that ANOV citations are processed and submitted to the Department of Administrative Hearings and the Department of Law **on a daily basis (excluding holidays)**.
- B. The Department of Administrative Hearings requires that ANOV citations are received at least two (2) weeks prior to the assigned hearing date. In the event a hearing date of the ANOV citation is less than two weeks from the date of processing, the unit commanding officer will ensure the citations are immediately delivered by unit personnel to 740 North Sedgwick – 2nd floor for immediate processing.
- C. Unit citation clerks will:
  1. separate the "Department of Administrative Hearing Copy" (white) of the ANOV citation from the "Prosecuting Department Copy" (pink) and process them separately as outlined in Item XI-D.
  2. include with the "Department of Administrative Hearing Copy" (white) of the ANOV citation, if applicable:
    - a. copy 3 "Court Copy" of the Property Inventory form,

- b. a photocopy of the "Cancellation / Administrative Release of the Administrative Notice of Ordinance Violation (ANOV)."
  - c. the Cannabis Field Test Affidavit (CPD-12.125).
  - d. other pertinent reports (e.g., case report).
- D. Unit citation clerks will complete a Transfer Listing for MCC Administrative Notice of Ordinance Violations **on a daily basis (excluding holidays)**, regardless of the number of citations that are listed. The transfer listing will:
- 1. list all citations issued by members of the unit, separated by the date of issuance and listed in ascending numerical order.
  - 2. contain the signature of both the preparing member and the station supervisor/unit commanding officer.
  - 3. be photocopied and prepared for distribution as follows:
    - a. the original (white) and yellow copy of the Transfer Listing formset will be
      - (1) wrapped around the "Department of Administrative Hearing Copy" (white) of the ANOV citation which correspond to that transfer listing.

**NOTE:** Do not staple the Transfer Listing to the ANOV citations.

      - (2) placed in an appropriate envelope by the member completing the transfer listing. This member will place his signature, the unit of assignment, and employee or star number (sworn members) across the sealed flap. **Separate envelopes will be used for each complete transfer listing.**
      - (3) forwarded **on a daily basis (excluding holidays)**, via the Police Documents Section to the Department of Administrative Hearings, Municipal Hearings Division.
    - b. the pink copy of the Transfer Listing formset will be maintained in the unit file until the yellow copy is "receipted" and returned to the unit from the DAH. When the yellow copy is returned, the pink copy will be destroyed in accordance with existing records-retention requirements, and the yellow copy will be placed in the unit file.
    - c. the photocopy of the Transfer Listing formset will be wrapped around the "Prosecuting Department Copy" (pink) of the ANOV citation and will be:
      - (1) placed in a separate sealed envelope by the member completing the Transfer Listing. This member will place his or her signature, the unit of assignment, and employee or star number across the sealed flap. Separate envelopes will be used for each complete transfer listing.
      - (2) forwarded **on a daily basis (excluding holidays)**, via the Police Documents Section to the Chicago Department of Law, Department of Administrative Hearings Unit.

(Items indicated by italics/double underline have been added or revised)

Authenticated by: KC

Garry F. McCarthy  
Superintendent of Police

15-047 TSS

**PHONE BOOK ENTRIES:**

1. **Department of Administrative Hearings, Court Section Personnel**  
740 North Sedgwick  
312-742-8428 / PAX 0544

**GLOSSARY TERMS:**

1. **False Alarm**

A burglar alarm system activated in the absence of an emergency whether wilfully or by inadvertence, negligence or unintentional act, including any mechanical or electrical malfunction of the alarm system, to which the department of police is alerted for a response. A false alarm shall not include an alarm activated by:

- A. a temporary surge or loss of electrical power or loss of telephone service to the burglar alarm user;
- B. the testing or repairing of telephone or electrical lines or equipment outside the premises if prior notice of the testing or repair is given to the department of police;
- C. unusually violent conditions of nature;
- D. an illegal entry, theft or robbery, or an attempt thereof; or an observable act of vandalism; where evidence of such activity exists.

2. **Burglar Alarm System**

Any assembly of equipment, mechanical or electrical, designed to signal the occurrence of an illegal entry or attempted illegal entry of the premises protected by the system. However, "burglar alarm system" shall not include any system installed to protect any premises used primarily for residential, educational, religious or charitable purposes or used primarily by a unit of government or school district. A "hold up" alarm is not included under this definition.

3. **Burglar Alarm User**

The person or entity that owns, leases or subscribes to a burglar system, but does not include a private alarm company. There shall be a rebuttable presumption that a person who owns or occupies any premises on which a burglar alarm system has been installed is the user of that system.

**ADDENDA:**

1. S04-22-01 - Exemptions and Restrictions for Issuing ANOV Citations
2. S04-22-02 - Enforcement of the Chicago Cruising Zones
3. S04-22-03 - False Burglar Alarms
4. S04-22-04 - Mobile ANOV Processing Unit Pilot Program – Phase I
5. S04-22-05 - Cancellation of Administrative Notice of Ordinance Violation (ANOV) Citation Books



EXEMPTIONS AND RESTRICTIONS FOR ISSUING ANOV CITATIONS



ISSUE DATE:	05 February 2015	EFFECTIVE DATE:	05 February 2015
RESCINDS:	22 July 2014 version		
INDEX CATEGORY:	Preliminary Investigations		

I. PURPOSE

This directive outlines the restrictions and exemptions for issuing Administrative Notice of Ordinance Violation (ANOV) citations.

II. RESTRICTIONS

Absent the presence of an exception listed in Item III of this directive, an ANOV citation will not be used:

- A. when an arrestee is charged concurrently with an MCC violation and a state statute violation. The MCC ordinance violation will be cited on a Class "C" Misdemeanor/Ordinance Violation Complaint form and be incorporated on the Arrest Report (CPD-11.420), along with any additional reports, court complaints, and/or citations.
- B. for violations that are to be cited on another ticket form (i.e., Personal Service and Violation Notice citations). Such violations will be cited on the appropriate instrument and any additional MCC ordinance violations will be cited on ANOV citations.
- C. for the following [MCC Ordinance](#) violations:
  - 1. MCC Chapter [8-4-120](#): Damage to Public Property.
  - 2. MCC Chapter [8-20-010 through 260](#): Weapons
  - 3. MCC Chapter [8-24](#): Firearms and Other Weapons
- D. in the following situations:
  - 1. the violator is **less than 18 years of age**.
  - 2. the violator cannot or will not produce a valid picture identification card (i.e., State Identification card, Drivers License, or similar identification) or his or her identify cannot be verified via CLEAR.

**NOTE:** Refer to Item III of this directive for the exceptions to this restriction.

- 3. the violator exhibits behavior which requires an officer to exert physical force to effect the arrest. This restriction will not apply if the only exertion of physical force is any of the following:
  - a. The use of a firm grip hold which does not result in an injury or allegation of injury;
  - b. Force necessary to overcome passive resistance that does not result in any injury or allegation of injury;
  - c. Control holds utilized in conjunction with handcuffing and searching techniques that do not result in any injury or allegation of injury and which by themselves are not described in Item II-A of the General Order entitled "**Incidents Requiring the Completion of a Tactical Response Report**".
- 4. there is a reasonable likelihood that the offense will continue, recur, or that life or property will be endangered if the violator is not arrested and removed from the scene of the occurrence.

5. there is a reasonable likelihood that the violator will fail to appear at the hearing.
6. there is a reason to believe that a warrant may be outstanding against the violator.
7. the violator refuses to sign the ANOV citation. When such a refusal occurs, the violator will be informed that a refusal to sign the ANOV citation will subject him or her to physical arrest. If the violator still refuses to sign the citation after it has been completed, the ANOV citation will be canceled in accordance with the procedures outlined in the Department directive titled "**Municipal Administrative Hearings.**"

**NOTE:** Refer to Item III of this directive for the exceptions to this restriction.

### III. EXCEPTIONS

#### A. Vacant / Abandoned Building Violation Exceptions

The requirement that a violator sign the ANOV citation will not apply to citations written for a violation of:

1. [MCC 13-12-125](#), entitled "Abandoned Buildings," or
2. [MCC 13-12-140](#), entitled "Vacant or Open Buildings - Watchman Required."

#### B. Curfew Violation Exceptions

1. The requirements that a violator or person served produce a valid picture identification card and sign the ANOV citation will not apply to citations written for curfew-related violations cited under MCC [8-16-020](#).

**NOTE:** Members will request a valid picture identification and absent such identification will obtain sufficient information to perform a name check.

2. If the violator or person served refuses to supply an identification card or apply their signature in the "Signature of Respondent or Person Served" box, the issuing officer will write the phrase "information refused" in the appropriate section of the ANOV citation.

#### C. Mass Arrest Procedures

When a Mass Arrest incident is declared, Department members will follow procedures outlined in the Department directive entitled "**Mass Arrest Procedures.**"

### IV. ARREST PROCEDURES

Except in the situations outlined in Item III of this directive, when a situation prevents the member from issuing an ANOV citation due to the restrictions listed in Item II of this directive, the offender will be processed in accordance with the procedures outlined in the Department directive entitled "**Processing Persons Under Department Control.**" and MCC charges will be cited on a Class "C" Misdemeanor/Ordinance Violation Complaint form, unless otherwise indicated.

(Items indicated by *italics/double underline* have been added or revised)

Garry F. McCarthy  
Superintendent of Police

15-005 MWK



			
<b>ISSUE DATE:</b>	18 November 2019	<b>EFFECTIVE DATE:</b>	18 November 2019
<b>RESCINDS:</b>	27 March 2014 version		
<b>INDEX CATEGORY:</b>	Preliminary Investigations		

**I. PURPOSE**

This directive:

- A. defines human trafficking, including both "sex" trafficking and "labor" trafficking.
- B. highlights the important role of district law enforcement and specialized units in recognizing possible human trafficking victims, especially in cases involving commercial sex.
- C. describes:
  - 1. the Chicago Police Department Human Trafficking Team (HTT), Vice and Asset Forfeiture Division, and the 24-hour hotline.
  - 2. human-trafficking-related IUCR codes.
- D. explains when to notify or consult with the Human Trafficking Team (HTT), Vice and Asset Forfeiture Division.
- E. introduces:
  - 1. the Illinois Department of Human Services National Human Trafficking Resource Center public notice (DHS 4630).
  - 2. revised notifications to the Human Trafficking Team (HTT).

**II. HUMAN TRAFFICKING**

Human trafficking: Article 3 of the United Nations Protocol defines trafficking in persons to mean "the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs."

**III. RECOGNIZING HUMAN TRAFFICKING**

Individuals may be victims of both "sex" and "labor" trafficking. Human trafficking may be taking place in the following places or situations:

- A. Human Trafficking — Commercial Sex Acts
  - 1. pornography, stripping, or exotic dancing;



2. street prostitution and escort services;
3. massage parlors, hotels, bars;
4. sexual services publicized on the internet or in newspapers.

B. Human Trafficking — Involuntary Servitude

1. businesses such as nail salons, home cleaning services, or "pay in cash" service providers;
2. restaurants;
3. landlord/tenant situations;
4. live-in domestic workers;
5. domestic disturbance calls that may reveal a situation of involuntary servitude.

**NOTE:** Victims of involuntary servitude may be reluctant to come forward due to issues of language, culture, or immigration status.

**IV. CPD HUMAN TRAFFICKING TEAM (HTT)**

The Human Trafficking Team (HTT), Vice and Asset Forfeiture Division, investigates all violations of state and federal anti-human-trafficking laws with an emphasis on sex trafficking and minor sex trafficking/child prostitution. The goal of the HTT is to arrest the trafficker (i.e., "pimp") that is profiting by employing force, fraud, or coercion to keep a person engaging in prostitution.

**V. HUMAN TRAFFICKING IN CASES OF PROSTITUTION**

Although human trafficking of labor does take place, the most likely contact that district law enforcement will have with human trafficking victims involves an arrest for prostitution. Members should listen carefully to what the arrestee is relating, and if human trafficking is suspected, contact the HTT.

A. Adult arrested for prostitution

As well as being an offender, an adult arrested for prostitution may also be a victim of human trafficking if fraud, deception, force, coercion, or control is employed to keep such a person in prostitution. The "pimp," or human trafficker, may be subject to felony state and federal anti-human trafficking charges if arrested.

B. Juvenile taken into temporary protective custody for prostitution

Under the Illinois Safe Children Act, juveniles under the age of 18 (**not yet reached the age of 18**) taken into protective custody for prostitution may or may not be a victim of human trafficking, but are presumed to be abused or neglected, are immune from criminal prosecution for the offense of prostitution, and must be placed in the child protection system instead of the criminal justice system. The officer will:

1. prepare an arrest report and a case report based upon the offense that brought the juvenile into temporary protective custody (i.e., soliciting or prostitution).
2. notify *the HTT* which will send a member to interview the juvenile and conduct a follow-up investigation.

3. notify DCFS which will conduct an investigation within 24 hours.
- C. Minors taken into protective custody for prostitution are immune from prosecution for the offense of prostitution only and will be processed for any other committed offenses.
  - D. Only after having been interviewed by a member of the Human Trafficking Team will the juvenile be released without charging, consistent with the Department directive titled "[Releasing Arrestees Without Charging and Waiving Fingerprint Results.](#)"

**NOTE:** The HTT will be notified of all juveniles under 18 years of age taken into protective custody for prostitution. If a Department member encounters and takes temporary protective custody of a minor (under 18 years of age) involved in any commercial sex act, in addition to the provisions outlined in the Department directive titled "[Processing of Juveniles And Minors Under Department Control](#)," a notification will be made to the HTT [24-hour hotline](#) . An HTT member will respond within approximately one hour for a follow up investigation.

## VI. NOTIFICATION TO THE HTT

Members will notify the HTT at the [24-hour hotline](#) upon:

- A. taking temporary protective custody of a minor (under 18 years of age) for a commercial sex act.
- B. the completion of a Human Trafficking case report.
- C. complaints or an observation of human trafficking (or possible human trafficking).
- D. the arrest or recovery of a victim (or a possible victim) of human trafficking.
- E. the arrest of a trafficker (or possible trafficker).

**NOTE:** Officers may consult with a member of the HTT to discuss the veracity of a suspected human trafficking case. **A message for the HTT can be left at the [24-hour hotline](#) and a member will return the call within approximately one hour.**

- F. conducting a preliminary investigation involving a business or establishment that does not have the required Illinois Department of Human Services National Human Trafficking Resource Center (DHS 4630) public notice posted as mandated under the Human Trafficking Resource Center Notice Act (775 ILCS 50). Members will refer to the Department directive titled, "[City Licensed Premises and Licensees](#)" for a comprehensive list of businesses and establishments required to post such public notice. Members will consult with the HTT for direction in determining which notifications or actions, if any, are appropriate for the individual incident.

## VII. HUMAN TRAFFICKING IUCR CODES

Based upon the United States Congress definition and classification of human trafficking into two categories, sex trafficking and labor trafficking, the IUCR codes are:

- A. **Human Trafficking — Commercial Sex Acts, IUCR Code 1050** — Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age. Commercial sex acts may be exchanged for anything of value — it is not limited to the exchange of money.

B. **Human Trafficking — Involuntary Servitude, IUCR Code 1055** — Knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or combination of these means:

1. physical harm or threat;
2. physical restraint or threat;
3. abuse of the law or legal process, or threat;
4. knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported government identification document, or any other actual or purported passport government identification document of another person;
5. intimidation or financial control over another person;
6. uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services that he, she, or another person would suffer serious harm or physical restraint.

(Items indicated by italics/double underline were added or revised.)

Authenticated by: KC

Eddie T. Johnson  
Superintendent of Police

18-118 EW

**PHONE BOOK:**

1. **Human Trafficking Team (HTT) 24 - Hour Hotline**  
PAX 4300 - Bureau of Organized Crime - 24 Hour Desk
2. **Human Trafficking Team (HTT) 24 - Hour Hotline**  
PAX 4300 - Bureau of Organized Crime - 24 Hour Desk
3. **Human Trafficking Team (HTT) 24 - Hour Hotline**  
PAX 4300 - Bureau of Organized Crime - 24 Hour Desk
4. **Human Trafficking Team (HTT) 24 - Hour Hotline**  
PAX 4300 - Bureau of Organized Crime - 24 Hour Desk
5. **Human Trafficking Team (HTT) 24 - Hour Hotline**  
PAX 4300 - Bureau of Organized Crime - 24 Hour Desk

**IMPOUNDMENT OF VEHICLES FOR MUNICIPAL CODE VIOLATIONS**

<b>ISSUE DATE:</b>	13 November 2013	<b>EFFECTIVE DATE:</b>	13 November 2013
<b>RESCINDS:</b>	29 June 2012 Version		
<b>INDEX CATEGORY:</b>	Processing Property		

**I. PURPOSE**

This directive:

- A. outlines the procedures for impounding vehicles in violation of certain Municipal Code of Chicago (MCC) ordinances.
- B. continues the Vehicle Impoundment/Seizure Report (CPD-34.347).
- C. discontinues:
  1. the completion of a separate Vehicle Tow Report when impounding a vehicle for a municipal code violation.
  2. the practice of attaching vehicle's keys to a vehicle impoundment report when impounding a vehicle for a municipal code violation.

**II. GENERAL INFORMATION**

- A. Towing for impounded vehicles is provided by the Department of Streets and Sanitation or its authorized agents.
- B. Vehicles impounded for municipal code violations will be towed to Auto Pound 2 or 6, depending on the initial geographic location of the vehicle.
- C. Administrative hearings for all vehicle impoundments, including vehicle title holders seeking release of impounded vehicles, are conducted by the Department of Administrative Hearings.
- D. A vehicle owner contacted by the Auto Pounds Section after their vehicle has been impounded may waive a hearing and then pay the fine, towing and storage charges to retrieve the vehicle.
- E. Members will not appear at a vehicle impoundment hearing unless notified to appear. Members appearing at a hearing will follow the procedures established in the Department directive entitled "**Municipal Administrative Hearings**."
- F. Supervisors notified by a member of their inability to appear at a scheduled vehicle impoundment hearing requiring their appearance, will notify personnel of the Department of Business Affairs and Consumer Protection for public passenger vehicle cases, and the Assistant Corporation Counsel for other MCC impoundment violations.

**III. GENERAL IMPOUNDMENT PROCEDURES**

- A. MCC Impoundment Violations
  1. [MCC 8-20-070](#) Unlawful possession of a firearm in motor vehicle-Impoundment
  2. [MCC 7-24-225](#) Unlawful drugs in motor vehicle-Impoundment
  3. [MCC 7-24-226](#) Driving while intoxicated-Impoundment
  4. [MCC 9-80-240](#) Driving with a Revoked or Suspended License-Impoundment

5. [MCC 9-80-220](#) False, Stolen, or Altered Temporary Registration Permit (TRP)

**NOTE:** Department members will also follow the additional procedures outlined in Item V of this directive.

6. [MCC 8-8-060](#) Street solicitation for prostitution  
7. [MCC 9-76-145](#) Broadcast or recorded sound device restrictions  
8. Unlicensed Public Passenger Vehicles

- a. [MCC 9-112-640](#) Impoundment - Unlicensed Taxi Cabs  
b. [MCC 9-114-420](#) Impoundment - Other Unlicensed Public Passenger Vehicles

**NOTE:** Department members will also follow the additional procedures outlined in Item IV of this directive.

9. [MCC 7-28-440](#) Dumping on real estate without permit-Nuisance-Violation-Penalty-Recovery of costs  
10. [MCC 15-20-270](#) Unlawful fireworks in motor vehicle-Impoundment  
11. [MCC 8-4-130](#) Possession of etching materials, paint or marker with the intent to deface unlawful  
12. [MCC 9-92-035](#) Impoundment of Fleeing Vehicles

**NOTE:** The procedures outlined in Item VI of this directive will apply for vehicles impounded pursuant to MCC 9-92-035.

13. [MCC 9-80-225](#) Display of False, Stolen, or Altered Disability Parking Device (DPD)

**NOTE:** Department members will also follow the additional procedures outlined in Item V of this directive.

14. [MCC 10-8-480](#) Casting refuse and liquids (Effective 15 November 2013)

Department members will only impound a vehicle subsequent to a violation of MCC 10-8-480 if the member can reasonably articulate that **the offender is 17 years of age or older and:**

- a. was the driver of the vehicle while the offense was committed, or  
b. that driver of the vehicle had knowledge of or consented to the offending passenger of the vehicle committing the offense.

15. [MCC 9-32-040](#) Reckless driving at, or interfering with, a funeral procession – Impoundment (Effective 23 November 2013)

Department members will only impound a vehicle pursuant to MCC 9-32-040 when:

- a. a driver is issued a citation for 625 ILCS 5/11-503 "Reckless Driving," AND  
b. the vehicle was part of or interfered with a funeral procession.

B. Whenever a Department member has probable cause to believe that a vehicle is subject to impoundment pursuant to a violation of the Municipal Code of Chicago, the member will:

1. when possible, inform the person in control of the vehicle that it will be impounded and of the vehicle owner's right to have a vehicle impoundment hearing conducted under the MCC.

2. obtain a Seizure Notice sticker (CPD-21.627) and
  - a. affix the Seizure Notice sticker to the driver's side front door window of the impounded vehicle. If the Seizure Notice sticker cannot be affixed to the driver's side front door window, Department members will affix the Seizure Notice sticker on a clearly visible location of the impounded vehicle.
  - b. indicate on the Vehicle Impoundment/Seizure Report associated with the impoundment where the Seizure Notice sticker was affixed to the vehicle.

**NOTE:** The Municipal Code of Chicago does not allow for any enforcement action on vehicles displaying the Seizure Notice sticker. Department members will not take enforcement action on a vehicle or a driver based solely on the display of a Seizure Notice sticker.

3. complete the appropriate case report or other applicable citation(s) (i.e., Personal Service citation for driving under the influence, reckless driving)

**NOTE:** Drivers licenses cannot be sent to the DAH. A traffic violation that requires the confiscation of a drivers license must be issued on a Personal Service citation and sent to the appropriate court.

4. if appropriate, issue the offender (operator or passenger) an ANOV citation for the following MCC violations:
  - a. [MCC 7-28-440](#) Dumping on real estate without permit-Nuisance- Violation-Penalty-Recovery of costs.
  - b. [MCC 8-8-060](#) Street solicitation for prostitution.
  - c. [MCC 9-112-020](#) License Required - Taxi Cabs.
  - d. [MCC 9-114-020](#) License Required - Other Public Passenger Vehicles.
  - e. [MCC 10-8-480](#) Castng refuse and liquids

**NOTE:** The ANOV citation will be scheduled for a hearing in accordance with the procedures established in the Department directive entitled, "**Municipal Administrative Hearings**." The impoundment hearing is separate from the ANOV citation hearing.

5. if the situation warrants, (e.g., drug or firearm violation) an Arrest Report and complaints will be completed in accordance with the Department directive entitled "**Processing Persons Under Department Control**." Department members will indicate on the Arrest Report:
  - a. the disposition of the vehicle (e.g., towed, impounded, seized), and
  - b. the vehicle descriptors including the year, make, model, license plate number and VIN, when available.
6. complete a Vehicle Impoundment/Seizure Report (CPD-34.347) and:
  - a. indicate on the Vehicle Impoundment/Seizure Report all of the impoundment violations that apply. If a violation is not pre-printed on the Vehicle Impoundment/

Seizure Report, the member will cite the charge and description in the "Other Impoundment" section of the report.

**EXCEPTION: If a violation subjects the vehicle to seizure, only indicate one (1) seizure violation regardless of the number of impoundment violations and follow the procedures outlined in the Department directive entitled "Seizure and Forfeiture of Vehicles, Vessels, and Aircraft."**

- b. complete all the information requested on the report. A computer check of the vehicle's VIN must be completed and the information recorded in the appropriate spaces on the report.
  - c. document, with specificity, the circumstances which justify the request for the vehicle impoundment and include a detailed description of the offense committed in the narrative section. The hearing officer must be able to understand the action that constituted the offense since the issuing officer will not be present during the hearing.
  - d. note their court key, day off group, and furlough.
  - e. attest to the information contained in the report by signing and placing their star number on the Vehicle Impoundment/Seizure Report.
  - f. upon completion, submit the Vehicle Impoundment/Seizure Report and any other applicable report(s) to the appropriate supervisor for approval.
7. remove and inventory personal property found within the vehicle. If the vehicle keys are available, personal property within a locked glove compartment or trunk will be removed and inventoried. The property inventory number will be indicated on the Vehicle Impoundment/Seizure Report. In situations where personal property is discovered in a vehicle that has been towed into an auto pound, OEMC will dispatch a vehicle from the district where the auto pound is located to inventory the property in accordance with the Department directive entitled "**eTrack Inventory System For Property Taken Into Custody.**"

**NOTE:** Department members will contact the Evidence and Recovered Property Section for technical advice (24 hours) prior to impounding a vehicle that contains perishable goods, such as meats or produce.

8. after the Vehicle Impoundment/Seizure Report has been approved by the appropriate supervisor:
- a. request a tow via OEMC to have the vehicle towed to a holding facility controlled by the City of Chicago or its agents, and:
    - (1) provide the OEMC dispatcher with the year, make, model, VIN, and state license plate number.
    - (2) indicate whether the vehicle will "roll" (either two front or two rear wheels have inflated tires) or must be towed using a "flatbed" tow truck.
    - (3) obtain an S&S towing number from the dispatcher. The S&S towing number will be recorded on the Vehicle Impoundment/Seizure Report in the box provided.

**NOTE:** The S&S towing number will be in addition to any required Records Division (RD) number, if applicable.

- b. include the "Investigating Unit" copy in the vehicle document file.

- c. give the "Respondent" copy to the person in control of the vehicle.

**NOTE:** When impounding a parked vehicle, submit the "Respondent" copy with the vehicle document file.

- d. place the "Tow Truck Driver" and "Requesting Unit" copy of the Vehicle Impoundment/Seizure Report in the Streets and Sanitation "Tow" Basket.

**NOTE:** Upon their arrival, tow truck drivers will sign the Vehicle Impoundment/Seizure Report and leave the "Requesting Unit" copy of the report in the basket for use by district review personnel.

C. Station Supervisors will ensure:

1. submitted Vehicle Impoundment/Seizure Reports, including those indicating "Other Impoundment", are filled out completely, reviewed for accuracy, and, if appropriate, approved, indicated by signing the report, prior to the vehicle being impounded.
2. the approved "Tow Truck Driver" and "Requesting Unit" copy of the Vehicle Impoundment/Seizure Reports are deposited in the marked "Tow" basket located in the district station.
3. the tow truck driver retrieves the Vehicle Impoundment/Seizure Report from the district station, signs the report, and leaves the "Requesting Unit" copy at the desk.
4. vehicles that are gone on arrival (GOA) are processed accordingly.

**IV. PUBLIC PASSENGER VEHICLE IMPOUNDMENT UNDER MCC 9-112-640 AND 9-114-420**

- A. The Department of Business Affairs and Consumer Protection is responsible for the licensing and regulating of Public Passenger Vehicles and their drivers in the City of Chicago. These vehicles include taxi cabs, livery vehicles (limousines), and passenger transportation vehicles (charters) which operate throughout the City. These City licensed vehicles are identifiable by either a medallion affixed to the hood and a laminated hard card or both with the current year on it. These City licensed vehicles are not normally subject to impoundment under public vehicle license violations but may be impounded for any of the other MCC impoundment violations (e.g., firearm violation, prostitution, etc.).
- B. The City experiences numerous problems with operators of suburban taxis, liveries (limousines) and passenger transportation vehicles unlicensed by the Department of Business Affairs and Consumer Protection crossing the City boundaries to solicit business. Some public passenger vehicles may be licensed by the State of Illinois or a suburb but are not licensed by the City of Chicago. Public passenger vehicles unlicensed by the City of Chicago may only operate within the corporate limits of the City under the following narrow circumstances:
  1. Suburban operators are allowed to pick up a fare or passenger within the City limits that was prearranged (e.g., a suburban cab or livery company is telephonically contacted to make a pickup). The passenger must then be dropped off at a location outside of the City.
  2. Suburban operators may drop off a fare inside the City limits if that fare has been picked up at a location outside of the City of Chicago.
  3. The suburban operator must not solicit or accept any fares while in the City of Chicago.
- C. Unlicensed Public Passenger Vehicles Operating Within the City of Chicago
  1. Vehicles without public passenger vehicle licensing from the State, City of Chicago or any suburban municipality are not allowed to operate in the City at any time. Such vehicles, known as "gypsy cabs" will usually attempt to solicit fares outside of the downtown area and many times at or near public transportation centers (i.e., Greyhound bus depots, Chicago Transit Authority terminals, etc.).



2. "Gypsy cabs" are often former cabs that have been resold and may look like legitimately licensed taxi or livery vehicles. A closer inspection will disclose that they have no license or medallion issued by the Department of Business Affairs and Consumer Protection.
- D. Any public passenger vehicle licensed outside of the City or an unlicensed public passenger vehicle (gypsy cab) operating for hire within the City of Chicago is subject to impoundment under the Municipal Code of Chicago (MCC).
- E. Additional Procedures
- Whenever a Department member impounds a vehicle for a public passenger vehicle violation, the member will:
1. issue the operator an ANOV citation citing the appropriate violation.
  2. indicate the appropriate violation on the Vehicle Impoundment/Seizure Report that the vehicle is being impounded pursuant to:
    - a. MCC 9-112-640 for Unlicensed Taxi Cabs, or
    - b. MCC 9-114-420 for Other Unlicensed Public Passenger Vehicles
- F. Officers having any questions or needing further clarification / assistance when processing a public passenger vehicle can contact the Public Vehicle Enforcement Unit (24 hours) or the Department of Business Affairs and Consumer Protection during normal business hours.

**V. FALSE, STOLEN, OR ALTERED TEMPORARY REGISTRATION PERMIT (TRP) OR DISABILITY PARKING DEVICE (DPD) IMPOUNDMENT**

- A. The MCC [9-80-220](#) prohibits a vehicle on the public way from displaying a false, stolen, or altered Temporary Registration Permit (TRP). **This ordinance does not apply to TRPs that are expired but are otherwise legitimate.**

**NOTE:** The prohibition applies whether a vehicle is parked or being driven.

- B. The MCC [9-80-225](#) prohibits a parked vehicle from displaying a false, fraudulent, fictitious, stolen, or altered Disability Parking Device (DPD). This ordinance also applies to DPDs that are expired for more than 30 days but are otherwise legitimate.

1. Disability Parking Devices (DPD) include disability license plates, parking decals, or other devices used to identify a vehicle as used by a person with a disability that are issued pursuant to Section 3-609, 3-616 or Section 1 1-1301.2 of the Illinois Vehicle Code.
2. This ordinance only applies to parked vehicles located on the public way, in any space designated by signage as a person with a disability parking space, in any metered space, or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for a person with disability parking .

- C. Additional Procedures

Whenever a Department member has probable cause to believe that a vehicle bears a false, stolen, or altered TRP or DPD, and is subject to impoundment, the member will:

1. attempt to verify the owner of record of the vehicle with the Secretary of State through the dispatcher or the PDT.

**NOTE:** TRP information is accessible via LEADS in the same manner as permanent registration plates, using a license type of "TP" instead of "PC" or "TK."

2. request an R.D. number for a IUCR Offender Code "5002," primary offense of "Other," and secondary offense of "Crime Involving a Motor Vehicle," and complete a General Offense Case Report.

3. if the vehicle is being operated with a false, stolen, or altered TRP, charge the person in control of the vehicle with a violation of the appropriate **state** offense relating to certificates of title. If a physical arrest is warranted, an Arrest Report and complaints will be completed in accordance with the Department directive entitled "**Processing Persons Under Department Control.**"

**NOTE:** Officers will not use an ANOV to cite the driver of a vehicle for displaying a false, stolen, or altered TRP.

4. if the TRP or DPD is accessible (i.e., vehicle is unlocked, the TRP or DPD is mounted outside the vehicle), remove the TRP or DPD and inventory it as described in the Department directive entitled "**Inventory System for Property Taken Into Custody.**" **The member will also make a photocopy of the TRP or DPD to be put into the vehicle document file.**

**NOTE:** The member will ensure that the proper copy of the inventory report is attached to the court documents as described in the Department directive entitled "**Inventory System for Property Taken Into Custody.**"

5. if the TRP or DPD is not accessible (i.e., vehicle is locked), request the assignment of an evidence technician **for an impoundment under [MCC 9-80-220](#) or [MCC 9-80-225](#)**, as appropriate.

**NOTE:** When requesting the evidence technician, members will include the specific reason for the impound, as noted above.

6. indicate on the Vehicle Impoundment/Seizure Report that the vehicle is being impounded pursuant to MCC 9-80-220 or MCC 9-80-225, as appropriate, and include the following additional information:

- a. The member will explain in the narrative the specific facts and list all underlying details which led to the member's development of probable cause that the vehicle bears a false, stolen, or altered TRP or DPD.
- b. If the TRP or DPD is inventoried, the member will record the property inventory number in the appropriate box.
- c. If the TRP or DPD is not inventoried, the member will record in the **first line of the narrative** that an evidence technician was requested.

- D. OEMC personnel will collect all requests for an evidence technician **for an impoundment under [MCC 9-80-220](#) or [MCC 9-80-225](#) and hold all such requests until the beginning of the second watch each day.** At that time, OEMC personnel will assign all collected requests at the same auto pound to one evidence technician for processing.

- E. The assigned evidence technician will respond to the designated auto pound to process the impounded vehicles. Processing will include the close-up photographing of the false, stolen, or altered TRP or DPD. The evidence technician will complete the Crime Scene Processing Report at the auto pound and submit a copy to Streets and Sanitation auto pound personnel for inclusion with the tow package.

## **VI. FLEEING VEHICLE IMPOUNDMENT UNDER MCC 9-92-035**

- A. Upon the discontinuation of a pursuit and unsuccessful apprehension of a fleeing vehicle or when a vehicle flees and no pursuit is initiated, Department members are authorized to request an impoundment of the fleeing vehicle.
- B. The Auto Pounds Section will notify the vehicle owner of record by mail that the vehicle is subject to impoundment. Vehicle owners may request a hearing to contest the intent to impound their vehicle by contacting the *Department of Administrative Hearings* within 14 days of the Date of Notice.

- C. A vehicle whose owner is notified of the intent of the City of Chicago to impound their vehicle and does not contest the eligibility, or who fails to prevail in contesting the eligibility, will be eligible for immediate impoundment if it is found on the public way within a 12 month period.
- D. Procedures for Requesting a Vehicle Impoundment
1. Department members are authorized to request a vehicle impoundment when they attempt to stop a vehicle in a **marked** Department vehicle, with the emergency roof lights and siren activated, or in an **unmarked** Department vehicle, with the high-beam oscillating headlights and siren activated and:
    - a. the driver of the vehicle fails or refuses to stop after an attempt by the police to curb the vehicle; and
    - b. for reasons of public safety, the member(s), does not pursue, voluntarily abandons or discontinues the pursuit, or is ordered to terminate the pursuit by a supervisor.
  2. Upon discontinuing a pursuit, the member(s) will follow the requirements outlined in the Department directive entitled "**Emergency Use of Department Vehicles.**"
  3. The requesting member will complete a Request for Impound Vehicle By Police ([CPD-34.342](#)) and submit it to the station supervisor in the district of initiation for approval.
  4. The station supervisor will:
    - a. review the completed Request to Impound Vehicle by Police and, if appropriate, indicate approval by signing in the appropriate box.
    - b. forward the completed Request to Impound Vehicle to the district commander/unit commanding officer.
    - c. process the Traffic Pursuit Report as outlined in the Department directive entitled "**Emergency Vehicle Operations - Pursuits.**"
  5. Upon approval, the district commander/unit commanding officer will forward the original Request to Impound Vehicle by Police form to the Auto Pounds Section and retain the copy in the district/unit files per the existing record retention requirements.
- E. Procedures for Notifying the Owner of the Vehicle of Intent to Impound
1. Upon receipt of a Request To Impound Vehicle By Police, personnel assigned to the Auto Pounds Section will:
    - a. determine the owner of record of the vehicle described in the request.
    - b. complete a Notice Of Intent To Impound Vehicle ([CPD-34.343](#)).
    - c. send the Notice Of Intent To Impound Vehicle form to the owner of record, via certified mail, no return receipt.
    - d. forward a copy of the Notice Of Intent To Impound Vehicle form to the Department of Administrative Hearings.
  2. Vehicle owners who contest their eligibility for impoundment but do not prevail in the administrative hearing will have their vehicle registration information added to the Hot Desk by the Auto Pounds Section personnel.
- F. Vehicle Eligible for Impoundment found on the Public Way
1. If a vehicle eligible for impoundment under this ordinance is found on the public way, the member(s) will verify from the Hot Desk that the vehicle is eligible for impoundment and follow the procedures outlined in Item III of this directive, indicating the violation the vehicle is being impounded for, MCC 9-92-035 Impoundment of Fleeing Vehicles, in the "Other Impoundment" section of the Vehicle Impoundment/Seizure Report.
  2. Station supervisors will review and, if appropriate, approve submitted Vehicle Impoundment/Seizure Reports, consistent with the procedures outlined in Item III-C.

- G. Procedures Followed After Vehicle is Impounded
1. Vehicles impounded for violation of [MCC 9-92-035](#) will be towed to Auto Pounds 2 or 6, depending on the geographic location of the discovered vehicle. When a towed vehicle reaches the pound, Auto Pounds Section personnel from the respective pound will contact the Auto Pounds Section Headquarters and indicate that a vehicle is being held on a MCC violation for an unlawful attempt to flee from the police.
  2. When informed that an eligible vehicle has been impounded, personnel assigned to the Auto Pounds Section will forward the original file of the impounded vehicle to the Department of Administrative Hearings.

## VII. VEHICLE DOCUMENT FILES

- A. The requesting member will submit a vehicle document file to the station supervisor, containing the "Investigating Unit" copy of the approved Vehicle Impoundment/Seizure Report and a photocopy of:
1. any ANOV, Personal Service, or other citation(s), if applicable.
  2. the violator's driver's license, if applicable.
  3. the case report, Arrest Report, inventory report, and criminal complaints, if applicable.
  4. for impoundments under MCC 9-80-220, the TRP, if it has been inventoried.
  5. for impoundments under MCC 9-80-225, the DPD, if it has been inventoried.
  6. for impoundments under MCC 7-24-226(a), when impounding a vehicle for a violation of [625 ILCS 5/11-501](#), the following forms:
    - a. Alcohol/Drug Influence Report (CPD-22.118);
    - b. Warning to Motorist;
    - c. Law Enforcement Sworn Report;
    - d. Breath Test Record;
    - e. Field Sobriety Booklet notes, if used;
    - f. Illinois Traffic Crash Report (CPD-22.110), if applicable; and
    - g. Any other applicable reports.
- B. The station supervisor will review the vehicle document file for completeness and if approved ensure:
1. a copy of the Vehicle Impoundment/Seizure Report is faxed to the Department of Administrative Hearings.

**NOTE:** Whenever contact by fax is not possible, the reason will be annotated on the top of the Vehicle Impoundment/Seizure Report.
  2. a photocopy of the Vehicle Impoundment/Seizure report and a complete vehicle document file are forwarded via Department mail to:
    - a. the Department of Business Affairs and Consumer Protection for public passenger vehicle impoundments under MCC 9-112-640 or 9-114-420.
    - b. the Department of Streets and Sanitation - Traffic Services, for all other impoundments.

3. the "Investigating Unit" copy of the Vehicle Impoundment/Seizure Report and a complete vehicle document file are forwarded via Department mail to the Asset Forfeiture Division for all vehicle impoundments that are not subject to seizure.

**NOTE:** If the vehicle is also subject to seizure, Department members will forward a photocopy of the Vehicle Impoundment/Seizure Report with the vehicle document file to the Asset Forfeiture Division. The "Investigating Unit" copy will be forwarded consistent with the procedures and file routing requirements outlined in the Department directive entitled "**Seizure and Forfeiture of Vehicles, Vessels, and Aircraft.**"

(New or revised items are indicated by *italics/double underline.*)

Authenticated by: JKH

Garry F. McCarthy  
Superintendent of Police

13-103 MWK

**PHONE BOOK ENTRIES:**

1. **Department of Administrative Hearings**  
400 W. Superior  
312-742-4747 / 312-742-8248 (FAX)
2. **Department of Business Affairs and Consumer Protection**  
121 N. LaSalle, Room 805 Chicago, IL 60602  
312-744-6060
3. **City of Chicago - Assistant Corporation Counsel**  
312-742-8421
4. **Evidence & Recovered Property Section - Service Counter**  
PAX 4289  
24 Hours
5. **Public Vehicle Enforcement Unit**  
PAX 0157

# GENERAL ADMINISTRATIVE ORDER NO. 2015-04 CHICAGO PROSTITUTION AND TRAFFICKING INTERVENTION COURT PROGRAM

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**  
**GENERAL ADMINISTRATIVE ORDER NO.: 2015 - 04**  
**SUBJECT: CHICAGO PROSTITUTION AND TRAFFICKING INTERVENTION COURT PROGRAM**

WHEREAS, effective, June 1, 2015, the Cook County State's Attorney's Office will implement the Chicago Prostitution and Trafficking Intervention Court program (Program);

WHEREAS, the Circuit Court of Cook County will facilitate and participate in this Program; and

WHEREAS, to qualify for acceptance into the Program, a person must be charged by way of complaint in the court's First Municipal District with a misdemeanor violation of one of the following statutes:

Prostitution, 720 ILCS 5/11-14, or

Pedestrian Soliciting Rides, 625 ILCS 5/11- 1006 (a or b);

**IT IS HEREBY ORDERED:**

1. Cases of persons charged with a violation of these statutes on or after June 1, 2015, will be directed by the arresting agency to the First Municipal District, Branch 46, Call 4, 555 West Harrison Street, Chicago, IL. Persons so charged will then be evaluated by the state's attorney for eligibility to participate in the Program. Each eligible defendant shall enter into an oral agreement with the state's attorney to participate in the Program.

- a. Upon the agreement between defendant and the state's attorney, the defendant will be screened by members of a resource agency to determine which services to make available to the defendant. At the initial hearing, if the defendant has been accepted into the Program and the court approves, the case will be continued to a date determined by the state's attorney and the court.
- b. Further prosecution of said case by the state's attorney will be deferred, pending confirmation of successful completion of all conditions determined by the screening agency and the court.

2. The state's attorney shall advise the court of the defendant's status at the next scheduled court date or by a date set by motion.

- a. At that time, the state's attorney shall determine whether the defendant is still eligible for the Program, whether additional services are needed, and whether the defendant is eligible to remain in the program with modifications to the agreement.
- b. If additional services or modifications are needed, the defendant will be so advised, and the matter will be continued to a date determined by the state's attorney and the court.
- c. If the defendant successfully completes the Program and all conditions of the agreement, the state's attorney shall advise the court on the next court date and *nolle prosequi* all charges against the defendant.

3. If any of the following criteria are applicable, the state's attorney shall resume prosecution of the initial charge(s):

- a. The defendant does not qualify for the Program;
- b. The defendant does not agree to the proposed terms required for participation in the Program;
- c. The court, in the exercise of its judicial discretion, decides not to approve the parties' agreement; or
- d. The defendant is deemed ineligible to continue with the Program after a violation of the agreement.

4. Nothing in this order shall be interpreted to limit the court's discretion to accept a plea of guilty to the charge(s) or a negotiate plea of guilty.

5. If the state's attorney resumes prosecution of the initial charge(s), due to one or more of the factors set forth above, the case shall remain on Call 4 at Branch 46 and be prosecuted in the same manner as other misdemeanors on that call. If the court requires attendance by the complainant and the complainant is a peace officer, the court shall transfer the case to be heard at a date, place, courtroom, and time of the peace officer's regular court schedule.

6. The state's attorney shall make and maintain records of quantitative and qualitative data associated with the functions and outcomes of the court. Said records shall be for the use of the court and state's attorney for the purpose of evaluating the Program and shall omit personal identity information. Said records shall include, but not be limited to:

- a. number of persons referred to the Program by arresting agencies;
- b. number of persons evaluated by the state's attorney and
  - 1) found eligible to participate in and enrolled in the Program;
  - 2) found eligible to participate in and not accepted into the Program;
  - 3) found eligible to participate in the Program and decline to participate;or
  - 4) found ineligible to participate in the Program.
- c. number of persons referred to services, by service type (individual/group counseling, HIV testing, legal services, drug treatment, medical services, etc.), or other resource, and the number who fail to complete or successfully complete the referrals, by service type, program, other resource, and name of service provider;
- d. number of persons who violate terms of the Program; by
  - 1) new misdemeanor arrest;
  - 2) new felony arrest; or
  - 3) technical violation of or non-compliance with Program or court requirements.

- e. number of persons terminated from the Program as unsuccessful participants due to
  - 1) failure to comply with Program or court requirements;
  - 2) receiving an offer of an "alternative sentence;" or
  - 3) resumption of prosecution of the original charges.
- f. number of persons successfully diverted from prosecution by
  - 1) successful completion of Program and court requirements; or
  - 2) receiving an "alternative sentence."
- g. number of persons identified as victims of human trafficking;
- h. number of cases resolved, by disposition type (with/without a criminal conviction, jail/non-jail disposition, etc.); and
- i. number of persons engaged in services post-completion, by name of provider.

Dated this 29<sup>th</sup> day of May, 2015. This Order shall be spread upon the records of this Court and published.

ENTERED:

Timothy C. Evans  
Chief Judge  
Circuit Court of Cook County





# City of Chicago



SO2017-8319

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 11/15/2017

**Sponsor(s):** Ervin (28)  
Zalewski (23)  
Munoz (22)  
Scott, Jr. (24)  
Moore (17)  
Curtis (18)  
Lopez (15)  
Burnett (27)

**Type:** Ordinance

**Title:** Amendment of Municipal Code by adding new Section 8-4-016 governing prostitution-related loitering and modifying Section 8-8-060 regarding solicitation for prostitution

**Committee(s) Assignment:** Committee on Public Safety

SUBSTITUTE  
ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 8-4-016 of the Municipal Code of Chicago is hereby created, inserting the language below, as follows:

**8-4-016 Prostitution-related loitering.**

(a) Whenever a police officer observes one or more persons engaged in prostitution-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall: (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further prostitution-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.

(b) The Superintendent of Police shall by written directive designate areas of the city in which enforcement of this section is necessary because the areas are frequently associated with prostitution-related loitering. Prior to making a determination under this subsection, the Superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of prostitution-related activity in areas in which this section may be enforced. Such persons may include, but need not be limited to, members of the Department of Police with special training or experience related to prostitution-related activity; other personnel of that Department with particular knowledge of prostitution-related activities in the proposed designated area; elected and appointed officials of the area; community-based organizations; and participants in the Chicago Alternative Police Strategy who are familiar with the area. The Superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection.

(c) As used in this section:

(1) *Prostitution-related loitering* means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate prostitution as defined in 720 ILCS 5/11-14 or solicitation of a sexual act as defined in 720 ILCS 5/11-14.1, patronizing a prostitute as defined in 720 ILCS 5/11-18, or patronizing a minor engaged in prostitution as defined in 720 ILCS 5/11-18.1.

(2) *Public place* means the public way and any other location open to the public, whether publicly or privately owned.

(d) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further prostitution-related loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of not less than \$50.00 and not more than \$500.00 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

(e) Upon a third or subsequent conviction for a violation of subsection (d) or subsection (e) of Section 8-4-015 or Section 8-4-017, or any combination thereof, within an 12-month period, a court, in addition to imposing the penalties prescribed in that subsection, shall enter an order requiring the convicted person to refrain, for a mandatory period of 30 days, from narcotics-related loitering, prostitution-related loitering, or gang-loitering as defined in Section 8-4-015, Section 8-4-016, or Section 8-4-017, within sight and hearing of the place of the police officer's order issued under subsection (a) which served as the basis for the person's most recent conviction, unless circumstances strongly mandate that such period should be shorter. Such an order must be obeyed regardless of whether any additional warning or notice is given to the person. Any person who violates an order issued by a court under this subsection (e) shall be subject to a mandatory minimum sentence of not less than five days imprisonment but not more than six months imprisonment, plus a fine of not less than \$100.00 and not more than \$500.00, for each violation. In addition to or instead of the penalties prescribed in this subsection (e), any person who violates an order issued by a court under this subsection (e) may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

(f) It shall be an affirmative defense to penalties under this section for a person who engages in prostitution-related loitering that the person was under duress or was coerced into violating any provision of this section. A victim of trafficking in persons, pursuant to relevant state or federal laws, shall not be deemed criminally liable for any violation of this section committed as a direct result of, or incident related to, being trafficked. Where such affirmative defense is applicable to a person who engages in prostitution-related loitering, such affirmative defense shall not apply to the person creating such coercion or duress, or knew or should have known of the existence of such coercion or duress.

**SECTION 2.** Section 8-8-050 of the Municipal Code of Chicago is hereby deleted in its entirety.

**SECTION 3.** Section 8-8-060 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**8-8-060      Street sSolicitation for prostitution.**

(a) For the purposes of this section:

(1) "Public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way.

(2) "Prostitution", "pandering solicitation of a sexual act" and "soliciting for a prostitute promoting prostitution" have the same meanings given them in Title III, Part B, Article 11, Subdivision 15 of the Illinois Criminal Code of 2012, as amended.

(b) Prostitution.

(1) Any person who appears, remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of prostitution or of soliciting for a prostitute, shall be guilty of a violation of this section.

(2) Any person who appears, remains, or wanders about in a public place and exposes the genitals, vulva, pubis, pubic hair, buttocks, perineum, anus, anal region or pubic hair region, or any portion of the female breast at or below the upper edge of the areola, for the purpose of prostitution shall be guilty of a violation of this section.

~~(c) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering shall be guilty of a violation of this section.~~

(dc) Solicitation of a sexual act.

(1) A person commits solicitation of a sexual act when a person remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of soliciting a sexual act.

(2) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, shall be guilty of a violation of this section. The superintendent of police shall make available to local newspapers, radio and television stations the names of all persons charged with violating this section.

(3) Any person who by any overt acts in or upon the public ways or in any hotel, motel or other public place of accommodation or on public conveyances or in any establishment licensed to sell alcoholic beverages, offers to perform or who solicits for another person to perform any act of prostitution shall be guilty of a violation of this section.

(d) Promoting prostitution.

(1) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of promoting prostitution shall be guilty of a violation of this section.

(2) Any person who promotes prostitution by any overt acts in a public place, or in any hotel, motel, or other public place of accommodation, or on any public conveyances, or in any establishment licensed to sell alcoholic beverages shall be guilty of a violation of this section.

~~(4) A motor vehicle that is used in the violation of this section or Section 8-8-050, or in the commission of prostitution as defined in Section 11-14 of the Criminal Code of 1961, soliciting for a prostitute as defined in Section 11-15 of such code,~~

~~soliciting for a juvenile prostitute as defined in Section 11-18 of such code, or patronizing a juvenile prostitute as defined in Section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$2,000.00 in addition to fees for the towing and storage of the vehicle. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.~~

~~(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

~~(f) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, shall be guilty of a violation of this section. The superintendent of police shall make available to local newspapers, radio and television stations the names of all persons charged with violating this subsection.~~

~~(ge) Penalties.~~

~~(1) A person who violates any provision of this section 8-8-60(b) shall be fined not less than \$750.00 nor more than \$1,500.00, or imprisoned for a period of not less than 20 days and not more than six months, or both fined and imprisoned, for each offense. In addition to or instead of the foregoing penalties, the corporation counsel shall request that a violator be required to perform a minimum of 100 up to 120 hours of community service. To the extent allowed by law, personnel of the department of police shall prevent and oppose the release of any person charged with a violation of this section on bond secured by that person's own recognizance.~~

~~(2) A person who violates section 8-8-60(c) or 8-8-60(d) shall be fined not less than \$1,000.00 nor more than \$1,750.00, for the first offense and be fined not less than \$1,750.00 nor more than \$3,000.00 for each subsequent offense and may be imprisoned for a period of not more than six months. In addition to the foregoing penalties, the corporation counsel shall request that each violator be required to perform up to 120 hours of community service.~~

~~(1A) A motor vehicle that is used in the violation of this section, or in the commission of prostitution, solicitation of a sexual act, promoting prostitution, soliciting for a juvenile prostitute as defined in Section 11-18 of the Criminal Code of 2012, or patronizing a juvenile prostitute as defined in Section 11-18.1 of such~~

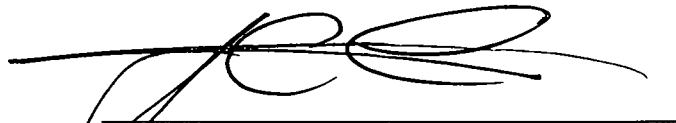
code, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the City for an administrative penalty of \$2,000.00 in addition to fees for the towing and storage of the vehicle. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.

~~(2B) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

(3C) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

~~(h) If any provision or part of this ordinance shall be found unconstitutional or outside the corporate powers of the City of Chicago, the remaining provisions shall continue in full force and effect.~~

**SECTION 4.** This ordinance shall be in full force and effect ten days after its passage and publication.



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Jason Ervin  
Alderman, 28<sup>th</sup> Ward





CHICAGO  
ALLIANCE  
AGAINST  
SEXUAL  
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