

Issuance of Administrative Notice of Violation

Issuance of Administrative Notice of Violation (ANOV): There are a number of offenses for which Chicago Police Department officers may issue an administrative notice of violation (ANOV).

Background

There are a number of offenses for which Chicago Police Department (CPD) officers may issue an administrative notice of violation (ANOV). An ANOV indicates that the citation will be adjudicated administratively at the City's Department of Administrative Hearings (DOAH), instead of in the Circuit Court system.

The offenses that the City may adjudicate administratively at DOAH are designated by State law. DOAH cannot conduct hearings on citations of the Illinois Compiled Statutes (ILCS) and may adjudicate only a subset of Municipal Code of Chicago (MCC) citations. For example, offenses that carry a term of imprisonment or 'reportable offenses' (offenses for which convictions must be reported to the Secretary of State) may not be adjudicated administratively, even if the MCC is cited.

In addition, as outlined in CPD Special Orders S04-22-01, SO-04-22, SO-04-23, there are circumstances under which an officer might not issue an ANOV even when state law may allow administrative adjudication. Such circumstances include but are not limited to, when the individual is under the age of 18; the individual does not produce a valid picture identification and identification cannot be verified via CLEAR; there is a reasonable likelihood that the offense will continue, recur or that life or property will be endangered; there is a reasonable likelihood that the individual will fail to appear at a hearing; there is reason to believe that a warrant may be outstanding; or the individual refuses to sign an ANOV.

Revenue/Cost Impact

When an officer cites the MCC and the citation is adjudicated at DOAH, all revenue from the fine flows to the City. Officers are not generally required to attend administrative hearings for these offenses, so no overtime cost is incurred by CPD for most of these adjudications.

When a violation is adjudicated in the Circuit Courts, any resulting fees and fines are paid by the convicted offender to the Circuit Court Clerk, and the City receives only a portion of those payments. The portion that the City ultimately receives is impacted by a number of factors. At the outset, cases may be dismissed at the prosecuting attorney's or judge's discretion. The judge also has discretion with respect to the fines imposed, and offenders might not pay the entire fine imposed. Any amount paid is then reduced pursuant to certain state statutory requirements. State statute requires that mandatory fees and costs be imposed in addition to any fine, and in certain cases these fees and costs are given priority and must be satisfied first before any payments are applied to satisfy the City's fine. In addition, the amount paid by the Circuit Court Clerk to the City is set by law at 44.5% of payments received by the Clerk, after satisfaction of mandatory fees and costs as applicable. This distribution of payments applies to all violations heard in Circuit Court, regardless of whether the ILCS or MCC was cited in the initial citation. In order to prosecute citations in Circuit Court, generally, the City must appear, commonly via the presence of the arresting officer, which can result in overtime costs for officers to attend these adjudications.

Legal Authority

Any change in the types of violations that the City may adjudicate administratively, and any change in Circuit Court procedures and payments, would require a change in state law and would need to comport with due process and other Constitutional requirements.