



**CRIMINAL ENTERPRISE INFORMATION SYSTEM**



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<b>INDEX CATEGORY:</b>	10 - Gang and Narcotics Abatement		
<b>CALEA:</b>	Law Enforcement Standards Chapter 40		

**I. PURPOSE**

This directive introduces:

- A. the Criminal Enterprise Information System (CEIS), the purpose of which is to collect and manage information on criminal enterprises and street gangs to prevent, detect, and investigate criminal activity;
- B. restrictions on the disclosure of criminal enterprise or gang status to any third party for immigration, employment, education, licensing, or housing purposes;
- C. revised criminal enterprise and gang membership identification criteria for use in making entries into the CEIS application;
- D. procedures for entering, reviewing, auditing, and purging information from CEIS; and
- E. the following forms:
  - 1. Request for Individual Criminal Enterprise Information System Record (CPD-31.615); and
  - 2. Criminal Enterprise Information System Appeal (CPD-31.635).

**II. ILLINOIS COMPILED STATUTES (ILCS)**

Illinois Compiled Statutes, 740 ILCS 147—Illinois Streetgang Terrorism Omnibus Prevention Act.

- A. 740 ILCS 147/5(a)—The General Assembly finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or disability, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Act to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.
- B. 740 ILCS 147/5(b)—The General Assembly finds, however, that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by streetgangs. The General Assembly finds that there are now several hundred streetgangs operating in Illinois and that while their terrorism is most widespread in urban areas, streetgangs are spreading into suburban and rural areas of Illinois.
- C. 740 ILCS 147/5(c)—The General Assembly further finds that streetgangs are often controlled by criminally sophisticated adults who take advantage of our youth by intimidating and coercing them into membership by employing them as drug couriers and runners, and by using them to commit brutal crimes against persons and property to further the financial benefit to and dominance of the streetgang.

- D. 740 ILCS 147/5(d)—These streetgangs' activities present a clear and present danger to public order and safety and are not constitutionally protected. No society is or should be required to endure such activities without redress. Accordingly, it is the intent of the General Assembly in enacting this Act to create a civil remedy against streetgangs and their members that focuses upon patterns of criminal gang activity and upon the organized nature of streetgangs, which together have been the chief source of their success.

### III. CRIMINAL ENTERPRISE INFORMATION SYSTEM

- A. CEIS contains information related to membership in criminal enterprises and street gangs.
- B. The Department will:
1. in consultation with the Office of Public Safety Administration, establish the CEIS application for use by authorized Department members; and
  2. initially gather existing Department information on criminal enterprises and street gangs in conjunction with the appropriate Department personnel and apply the criteria delineated in Item V-B of this directive to that information before entry into CEIS. It is within the Department's sole discretion to determine which information to gather and use for this purpose.
- C. Only Department members who have completed the required training will have access to the CEIS. Department members will not identify an individual as a member of a criminal enterprise or a street gang in CEIS unless the individual meets the criteria for inclusion set forth in Item V-B of this directive.
- D. The Information and Intervention Support Section has final authority to manage and purge information within CEIS, except as provided in the appeals process described in Item VIII-C of this directive.

### IV. DEFINITIONS

For the purposes of this directive, the following definitions apply:

- A. Criminal Enterprise—A group of persons with an identified hierarchy or comparable structure engaged in a course or pattern of criminal activity.
- B. Street Gang—"Street gang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity in accordance with the Illinois Streetgang Terrorism Omnibus Prevention Act (740 ILCS 147).
- C. Criminal Activity—The commission, attempted commission, or solicitation, in association with or with intent to promote criminal conduct by criminal enterprise or street gang members, of two or more acts of the following offenses, at least one of which occurred within the last five years: murder; drug-induced homicide; kidnapping; forcible detention; aggravated assault—discharging firearm; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; home invasion; aggravated criminal sexual assault; robbery; armed robbery; burglary; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosives or incendiary devices; unlawful use of weapons; unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; mob action—violence; bribery; armed violence; manufacture or delivery of cannabis; cannabis trafficking; calculated criminal cannabis conspiracy and related offenses; illegal manufacture or delivery of a controlled substance; controlled-substance trafficking; calculated criminal drug conspiracy, and related offenses.
- D. Active status—The identification of a person as a member of a criminal enterprise or street gang in CEIS.

- E. Qualifying Criminal Offense—Any offense that involves force or the threat of force against another individual or the use or possession of a firearm or other deadly weapon; requires registration as a sex offender (including human trafficking); involves a violation of an order of protection or civil no-contact order or stalking; involves the illegal manufacture, trafficking, delivery, or possession with intent to distribute a controlled substance; or involves gang membership, intimidation, solicitation, association, or recruitment as an element of the offense. Qualifying criminal offenses include the specific offenses listed in the preceding definition of Criminal Activity.

## V. CRIMINAL ENTERPRISE AND GANG MEMBERSHIP IDENTIFICATION CRITERIA

- A. Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to:
1. analysis of crime pattern information;
  2. observations by Department members;
  3. witness interviews;
  4. interviews of admitted criminal enterprise or street gang members; and
  5. information received from informants who have proven to be reliable to the Department in the past.
- B. This section concerns the identification of a person in CEIS as a member of a criminal enterprise or street gang (“active status”). **The lack of an active status does not establish and is not evidence that a person is not a member of a criminal enterprise or street gang.** The criteria for making an active status in CEIS have been derived solely for that purpose, and not for any other purpose, and do not limit in any way the facts that are or may be relevant to proving membership in a criminal enterprise or street gang in any other forum or context, including in court. If the Department does create an active status, it must be substantiated by specific, documented, and reliable information received by the Department **within the past five years**, except as delineated below in Item V-B-2-c of this directive, and in accordance with the following:
1. The person's own voluntary admission of membership on lawfully captured electronic or video recorded communications, such as (without limitation) body-worn camera, in-car video system recordings, electronically recorded interview, electronic communications, or a consensual overhear device; or
  2. Two or more of the following criteria, provided, however, that an active status may not be based solely upon a combination of criteria **(b)** and **(d)**:
    - a. an unrecorded or non-intercepted statement provided voluntarily by the person or, if a statement is made pursuant to custodial interrogation, a statement provided by the person following a valid waiver of his or her constitutional rights.
    - b. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, but only when such emblems, tattoos, or similar markings would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang.

**NOTE:** Membership may not be established solely because an individual is wearing specific items of clothing that are available for sale to the general public.
    - c. the identification of the person as a member of a specific criminal enterprise or street gang by a person who has provided reliable information to the Department in the past, provided, however, that such identification occurred **within the past two years**.

- d. the use of distinctive signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang.

**NOTE:** Department members must document the distinctive nature of any signals or symbols used and its association with a specific criminal enterprise or street gang identified.

- e. the identification of the person as a member of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution.
- f. a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design or motive.

**NOTE:** Determinations regarding a person's membership in a criminal enterprise or street gang will not be based solely on that person's race, gender, religion, ethnicity, culture, socioeconomic status, or other protected classes consistent with the Department directive titled "[Prohibition Regarding Racial Profiling And Other Bias Based Policing.](#)"

- C. Any information used to make an active status that is deemed to risk revealing or compromising confidential sources, impede or risk impeding law enforcement activities, or risk endangerment of a person will be marked as "confidential" in CEIS. Furthermore:

- 1. Department members will be cognizant about entering sensitive information into CEIS that may compromise the identification of a confidential source or reveal other active critical investigative information or techniques.
- 2. information marked as confidential in CEIS can only be accessed by designated personnel.

## **VI. PROCEDURES FOR ENTERING INFORMATION INTO THE CRIMINAL ENTERPRISE INFORMATION SYSTEM**

- A. No Department member will submit an active status in CEIS absent satisfaction of the criteria delineated in Item V-B of this directive.

- B. To make an active status in CEIS, Department members will:

- 1. enter all information satisfying the criteria in Item V-B of this directive through the CEIS application;
- 2. confirm that all electronic media relied upon in making the active status is properly attached or saved, if applicable; and
- 3. submit for preliminary approval by a sergeant.

- C. Sergeants will review submissions for completeness regarding the criteria delineated in Item V-B of this directive. Sergeants will:

- 1. give preliminary approval of submissions that meet the required criteria; or
- 2. return to the submitting Department member's report management queue or reject any submission that does not meet the required criteria using the narrative field to describe any deficiency.

- D. District intelligence officers will:

- 1. review submissions that are in a preliminarily approved status;

2. verify that the criminal enterprise or street gang indicated in the submission is active;
  3. indicate the results of the review and add any additional information to the submission; and
  4. submit for final approval by a lieutenant.
- E. Lieutenants will review CEIS submissions reviewed by the district intelligence officers for completeness regarding the criteria delineated in Item V-B of this directive and:
1. give final approval of CEIS submissions; or
  2. return to the submitting Department member's report management queue or reject any submission that does not meet the required criteria using the narrative field to describe any deficiency.
- F. Department members assigned or detailed to Department units with investigative duties only require preliminary approval of CEIS submissions by a sergeant and final approval by a lieutenant. The DIO review is not required due to the investigative training and experience of these Department members concerning the identification of criminal enterprises and street gangs.

**NOTE:** Supervisors will reject submissions that do not meet the criteria delineated in Item V-B of this directive and use the narrative field to describe any deficiency.

## **VII. CRITERIA FOR REMOVAL FROM THE CRIMINAL ENTERPRISE INFORMATION SYSTEM**

A person's active status and other records pertaining to the person will be purged from CEIS when he or she has not committed any act in furtherance of criminal enterprise or street-gang-related activity or has not been arrested, charged, convicted, petitioned for delinquency, or been found delinquent of a qualifying criminal offense within the past five years. If an arrest, charge, petition for delinquency, finding of delinquency, or conviction was part of the determination that led to the person's active status into CEIS, this five-year period begins following the date of favorable release or discharge from custody, probation, supervision, incarceration, or parole for that offense, whichever is later.

## **VIII. ACCESS AND APPEALS FOR THE CRIMINAL ENTERPRISE INFORMATION SYSTEM**

- A. Any person may obtain general information about the access and appeals process through the Department's website or by sending a general inquiry by email to [CEIS@chicagopolice.org](mailto:CEIS@chicagopolice.org).
- B. Any person or his or her counsel may seek to access his or her own CEIS status. A parent or legal guardian of a minor under the age of eighteen may make a request for access to the CEIS status of a minor person for whom he or she is legally responsible.
- C. To access the referenced CEIS status, a person must:
1. make a request at the Department's Records Inquiry Section, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1330 hours, excluding holidays; or at the following Chicago Police Department district stations that are operational twenty-four hours a day, seven days a week, including holidays:
    - a. the 002nd district located at 5101 South Wentworth Avenue;
    - b. the 005th district located at 727 East 111th Street;
    - c. the 020th district located at 5400 North Lincoln Avenue;
    - d. the 011th district located at 3151 West Harrison Street; and
    - e. the 025th district located at 5555 West Grand Avenue.
  2. complete the Request For Individual Criminal Enterprise Information System Record form (CPD-31.615) provided by the Department; and

3. submit valid government identification (which may include the City of Chicago Municipal Identification Card, also known as the "CityKey") sufficient to ensure that the individual is seeking the information only as to his or her own CEIS status. The Department will accept, at its discretion, alternative forms of identification for those who do not have a government ID, such as two of the following: credit cards, court documents, school ID, a notarized statement of identification, or mail addressed to the individual from a government entity.

**NOTE:** A minor's parent or legal guardian making a request on behalf of a minor must provide sufficient legal documentation to verify that he or she is the parent or legal guardian. These documents include birth certificates and guardianship papers. An attorney making a request on behalf of a person must present proof of licensure as an attorney and an affidavit executed by the person on whose behalf the request is made stating that the person has authorized legal counsel to make the request.

4. Upon receipt of an appropriately completed Request For Individual Criminal Enterprise Information System Record form:
  - a. Department members will verify the requestor's identification in accordance with Item VIII-B-1-c of this directive and make photocopies of the submitted identification document(s);
  - b. Department members will forward the request and any related supporting documentation to the Information and Intervention Support Section; and
  - c. Information and Intervention Support Section personnel will query the CEIS to determine the CEIS status of the person.
5. Within 90 days of receipt of a completed Request for Individual Criminal Enterprise Information System Record form, the Information and Intervention Support Section will communicate in writing to the requester the results of the CEIS status request indicating that at the time of request and review, the person:
  - a. does not currently have an active status in CEIS based upon the criteria delineated in Item V-B of this directive. In such a case, the communication will also state: "Notwithstanding any other Departmental records that may or may not exist, gang membership or affiliation information in Departmental records is not necessarily independently verified. The Chicago Police Department makes no representations regarding the current accuracy of this information;" or
  - b. currently has an active status in CEIS. If the person has an active status, the letter will also include:
    - (1) the criteria delineated in Item V-B of this directive that was used for the person's active status into CEIS;
    - (2) the date and time of entry of the person's active status;
    - (3) the process to request copies of the records, photographs, and recordings upon which the active status was made, provided, however, that the Department may choose not to release such records, photographs, and recordings to the person if it would risk revealing or compromising confidential sources, impede or risk impeding law enforcement activities, risk endangerment of a person, or as otherwise restricted by law. If information is so withheld and the person pursues an appeal of his or her active status, the Department will, upon request of the appellant, provide the withheld information to the Police Board for its confidential consideration;
    - (4) a Criminal Enterprise Information System Appeal form; and

(5) instructions to appeal the person's active status.

D. Any person or his or her legal counsel may seek to appeal his or her active status. A parent or legal guardian of a minor under the age of eighteen may file such an active status appeal on behalf of a minor person for whom he or she is legally responsible.

1. Such an appeal may be based only on the following grounds:

a. the person shows that he or she has satisfied the provisions delineated in Item VII of this directive. If the person has an arrest, charge, conviction, petition for delinquency, or finding of delinquency for a qualifying criminal offense within the past five years that would otherwise prevent the person from satisfying the provisions delineated in Item VII of this directive, those provisions will nonetheless be deemed satisfied if:

(1) the person demonstrates that the arrest, charge, conviction, petition for delinquency, or finding of delinquency has been expunged or a certificate of innocence has been issued; or

(2) where the qualifying criminal offense is solely for the use of force or the threat of force against another, the person demonstrates that the offense took place during school hours on the grounds of a primary or secondary school where the person was enrolled as a student and that the offense did not involve the use of a weapon or serious physical injury.

b. the person shows that information supporting his or her active status does not satisfy the criteria delineated in Item V-B of this directive.

**NOTE:** Provided, however, that if a person's active status in CEIS is substantiated in accordance with Item V-B of this directive by information additional to that contained in said information system, the appeal will be denied, and said information system will be updated accordingly.

2. To appeal one's active status, a person must complete and return the Criminal Enterprise Information System Appeal form provided by the Department consistent with Item VIII-B-3-a-(1) of this directive.

**NOTE:** A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

a. Department members will verify the requestor's identification consistent with Item VIII-B-1-c of this directive and make photocopies of the submitted identification document(s);

b. Department members will forward the appeal and any related supporting documentation to the Information and Intervention Support Section; and

c. Information and Intervention Support Section personnel will query the CEIS to determine the CEIS status of the person.

3. Within 90 days of receipt of a completed Criminal Enterprise Information System Appeal form, the Information and Intervention Support Section will review the appeal and consult with the following units to determine if the criteria for removal from CEIS are met:

a. the Crime Prevention Information Center (CPIC);

b. Gang Investigation Team personnel of the affected area;

c. a district intelligence officer of the affected district; and

d. the Audit Section.

**NOTE:** The Information and Intervention Support Section has the final authority to determine if the criteria for removal have been met. No individuals involved in the approval of the initial active status determination will be involved in considering the appeal.

4. If the Information and Intervention Support Section determines that the criteria for removal have been met, it will purge the person's active status and other records pertaining to the person from CEIS. The Department will further provide the individual with a written document including the disclaimer described in Item VIII-B-3-a-(1) of this directive.
5. If the Information and Intervention Support Section determines that the criteria for removal have not been met, the Department will notify the person in writing of the denial along with the reasons for the determination. The person may then file an appeal with the Chicago Police Board, utilizing the procedures promulgated by the Police Board. The Legal Affairs Division will be responsible for presenting the Department's position and all relevant supporting information to the Police Board, utilizing the procedures promulgated by the Board.
6. If the appeal is granted by the Police Board, the Information and Intervention Support Section will purge the person's active status and other records pertaining to the person from CEIS. The Department will further provide the individual with the written document including the disclaimer described in Item VIII-B-3-a-(1) of this directive.

**NOTE:** Persons who meet the criteria for removal of their active status will have the active status and supporting records pertaining to the person purged only from CEIS. Historical records will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws.

## **IX. RESPONSIBILITIES**

- A. District commanders and other unit commanding officers will:
  1. require that district intelligence officers:
    - a. review and confirm the information initially approved for active status and that it is consistent with Item V-B of this directive;
    - b. follow all additional provisions delineated in Item VI-D this directive; and
    - c. review requests to appeal the status in CEIS consistent with Item VIII-C of this directive.
  2. ensure that supervisors follow the provisions delineated in Item VI of this directive including reviewing submissions;
  3. annually, in coordination with the Information and Intervention Support Section and other designated Departmental personnel, perform a gang audit in accordance with the Department directive titled "[Gang Audits](#)," and update information as needed in CEIS;
  4. inform the Commander, Gangs Division, and the area Gang Investigation Teams supervisory personnel, if appropriate, before requesting to purge an active status and other records pertaining to the person from CEIS;
  5. inform the Commanding Officer, Information and Intervention Support Section, to review requests to purge an active status and other records pertaining to the person from CEIS; and
  6. make general information about the access and removal process associated with the CEIS available to the general public at district stations.
- B. The appropriate area Gang Investigation Teams personnel will:
  1. when possible, assist Department members with CEIS submissions;



2. review requests to appeal active statuses consistent with Item VIII-C of this directive;
  3. coordinate with district intelligence officers in the performance of audits in accordance with Item IX-A-3 of this directive; and
  4. when appropriate, provide information to purge active statuses and other records pertaining to a person from CEIS.
- C. The Information and Intervention Support Section will:
1. manage the CEIS;
  2. ensure compliance of submissions, the Department directive titled "[Access to Computerized Data, Dissemination and Retention of Computer Data](#)," 28 CFR Part 23, and established agreements, as applicable, by reviewing:
    - a. all approved CEIS submissions; and
    - b. any authorized use of the system by other law enforcement agencies.
  3. ensure that active statuses subject to removal from CEIS in accordance with Item VII of this directive are timely purged at the conclusion of the five-year period described in Item VII;
  4. finalize and update CEIS:
    - a. with respect to all criminal enterprises and street gangs identified during the district gang audit;
    - b. upon the results of any review when the removal of an active status is appropriate;
    - c. upon successful appeal of an active status; or
    - d. upon request of an area deputy chief, district commander, or the Deputy Chief, Criminal Network Group.
  5. publish in the Daily Bulletin any newly identified criminal enterprises or street gangs or when a criminal enterprise or street gang has been eliminated from "active" status;
  6. inform appropriate Department units when:
    - a. removing active statuses and other records pertaining to a person from CEIS; and
    - b. when a criminal enterprise or street gang has been eliminated from "active" status.
  7. be responsible for the CEIS access and appeals process as described in Item VIII of this directive;
  8. be the Department's liaison with the Police Board regarding CEIS appeals; and
  9. be responsible for any other CEIS-related duty as determined by the Chief, Bureau of Counterterrorism.
- D. The Audit Section will perform an annual review of CEIS.
- NOTE:** The Assistant Director, Audit Section, will establish written protocols for conducting an efficient review of the procedures and processes of the CEIS.
- E. The Office of Public Safety Administration, Information Technology, will:
1. maintain, update, and provide technological support and security for CEIS; and
  2. in consultation with the Department, create and maintain a website that provides information to the public about:
    - a. the Department's Criminal Enterprise Information System policy;

- b. the process to access and appeal a person's active status; and
- c. a CEIS aggregate data dashboard.

## **X. TRAINING**

- A. The Department, in consultation with the Office of Public Safety Administration, Information Technology, will create a user's guide outlining the procedures for utilizing CEIS.
- B. The Training Division, in consultation with the Bureau of Counterterrorism and the Bureau of Patrol, as needed, will establish an e-Learning module on the use of CEIS.
  - 1. Department members will receive this training on an annual basis.
  - 2. Department members must complete the eLearning module and remain current with all CEIS training requirements before entering, retrieving, approving, or reviewing information in CEIS.

## **XI. AUTHORIZED USE**

- A. CEIS is available for use only by Department members and other law enforcement agencies with authorized access acting in furtherance of a legitimate law enforcement purpose. Information will not be disclosed to any third party for immigration, employment, education, licensing, or housing purposes. Nothing in this directive prevents disclosure of information when required by federal, state, or local law. All access to CEIS by other law enforcement agencies will be consistent with the Department directive titled "[Access to Computerized Data, Dissemination and Retention of Computer Data.](#)"

**NOTE:** This directive or any associated agreements on data usage will not prohibit the Illinois State Police from using information contained in CEIS for investigative purposes associated with a concealed carry license.

- B. Department members are reminded that it is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police. Department members will continue to follow the procedures consistent with the Department directive titled "[Responding to Incidents Involving Citizenship Status](#)" and the City of Chicago's Welcoming City Ordinance.

## **XII. RECORD RETENTION**

Any record maintained in CEIS must comply with applicable local, state, and federal law. The Commander, Youth Investigations Division, will ensure juvenile records that are part of CEIS are retained and expunged in accordance with the Juvenile Court Act and any applicable local, state, or federal law.

## **XIII. NO CLAIMS CREATED HEREUNDER**

- A. CEIS is solely a law enforcement tool. The procedures set forth in this directive are the internal procedures of the Department, voluntarily undertaken by the Department, regarding the gathering of certain information relevant to law enforcement. The Department has legitimate discretion concerning the gathering of law enforcement information; such information, for example, need not meet standards of evidence for admissibility in court, comply with evidentiary rules, or be sufficient for a conviction of a crime or a finding of liability. While these procedures provide certain persons with input into their status in CEIS as set forth in this directive (including the right to review of such statuses by the Police Board), the procedures do not create any right to review of Police Board decisions and do not create any other rights or claims by such persons, or anyone else, including legal or equitable claims for relief of any kind whatsoever (including claims for damages or attorney's fees).
- B. The Department reserves the right to modify or eliminate any of the foregoing procedures.

Authenticated by MWK

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