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CHICAGO—Each year [Chicago impounds](#) tens of thousands of cars, imposing harsh penalties and rapidly accruing towing and storage fees on their owners. It is nearly impossible for many Chicagoans to come up with enough money to get their cars back. The system traps even innocent owners in its bureaucratic maze. But a class action lawsuit announced today by the Institute for Justice (IJ), a national civil liberties law firm, and three car owners, seeks to bring an end to Chicago's unconstitutional impound scheme.

The lawsuit challenges two aspects of the city's impound scheme: that it subjects innocent owners to fines for crimes they did not commit and that the city holds cars as ransom until their owners pay all fines and fees.

Imposing any fine on someone who did nothing wrong is an excessive fine and violates due process in violation of the Illinois and United States constitutions. And holding a car for no other reason than to force payment is an unconstitutional seizure.

"No person should be forced to pay for someone else's offense," said IJ attorney Diana Simpson. "Chicago imposes harsh penalties on owners of impounded vehicles, even if they did not know that someone used their car to break the law.

Moreover, Chicago holds all impounded cars as ransom, sometimes for long periods of time, until an owner pays all fines and fees. This unjust process violates both the Illinois Constitution and the United States Constitution."

The city impounds cars for myriad reasons, including being driven by a person with a suspended license, playing audio that can be heard more than 75 feet away, or littering.

As too many Chicagoans know first hand, getting a car back from the impound is a lengthy and expensive process. In 2017 alone, more than 22,000 cars were impounded under the program being challenged in the new suit.

Fines and fees associated with such impounds added to more than \$28 million in 2017. What some may not realize, however, is that the city subjects the innocent, as well as the guilty, to this burdensome process.

The Windy City tows the cars of innocent people and holds them for ransom

Jerome Davis and Veronica Walker-Davis took their car to an auto shop for repairs where an employee decided to take it for a joyride. When Chicago police stopped the employee and found out he was driving on a revoked license, they impounded the car. The Davises tried to show the city that they had nothing to do with his crime, but it did not matter. The city told the Davises that they still had to pay the fine and the rapidly accruing towing and storage fees. After saving up to pay, they went to pick up the car but discovered the city had already gotten rid of it.

"The city took our car and then made us feel like criminals, all because of the actions of someone we don't even know," said Veronica. "I'm happy the Institute for Justice is helping us in this case so nobody else has to go through what the city has done to us."

Regrettably, the Davises' story is not unique. Spencer Byrd, a part time auto mechanic, was giving a client a ride when the Chicago police stopped him for having a broken turn signal.

After searching Spencer and his client, the officers found drugs in the client's pocket. They promptly seized and impounded Spencer's car. When Spencer tried to get it back, he also learned that a car owner's innocence makes no difference to the city. Not only did the city tell him he had to pay the fine and fees, they will not even allow him to retrieve his tools—which he needs for his work—from his car.

Spencer cannot afford to get the car out of the pound, and so it remains there, with storage fees continuing to accumulate. Today, it would cost Spencer over \$17,000 to retrieve his car.

"A car is more than just a convenience for many Chicagoans; it is their livelihood," said IJ attorney Kirby Thomas West. "People whose cars get trapped in the city's impound system often also lose their ability to get to their job or work site, making it even harder for them to save money to pay their fines and fees. The city's impound scheme is unconstitutional in many ways and unjust in many more."

The Institute for Justice, which litigates property rights cases across the country, has challenged unconstitutional fines and fees before.

In February, IJ won a [victory](#) before the United States Supreme Court, in which the Court held that the Eighth Amendment's prohibition of excessive fines applies to state governments, not just the federal government. Last year, IJ secured a consent decree in [Pagedale, Missouri](#), in which the city agreed to widespread reforms of its unconstitutional ticketing scheme.