

ILLINOIS STATE POLICE DIRECTIVE ENF-012, STOP CARD COMPLETION

RESCINDS: ENF-012, 2014-094, revised 11-25-2014.	REVISED: 04-22-2016 2016-025
RELATED DOCUMENTS: ENF-011, ENF-037	RELATED CALEA STANDARDS: 1.2.6, 61.1.2, 61.1.12, 82.3.3, 82.3.4

I. POLICY

The Illinois State Police (ISP) will provide guidelines to ensure uniformity in the processing of, and accounting for, the ISP Stop Card.

II. AUTHORITY

625 ILCS 5/11-212, "Traffic and Pedestrian Stop Statistical Study" 725 ILCS 5/107-14. Temporary questioning without arrest.

III. DEFINITIONS

III.A. American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.

III.B. Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

III.C. Black or African American – A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

III.D. Consent Search – A search performed by a police officer after the subject of the search, or the person having a reasonable expectation of privacy at the location to be searched, provides consent to do so. The person giving consent must be free from duress and not be in custody when consent is given.

NOTE: Refer to ENF 037 for more details.

III.E. Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture origin, regardless of race.

III.F. Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

III.G. Reportable encounter – Any time a law enforcement officer:

III.G.1. Conducts a traffic stop of a motorist for an alleged violation of the Illinois Vehicle Code regardless of whether a traffic citation was issued; or

III.G.2. Frisks, searches, summons, or arrests a pedestrian in a public place, except searches or inspections during routine security screenings.

III.H. Stop Card - A form to be used in compliance with 625 ILCS 5/11-212 by law enforcement officers to gather demographic information during a reportable encounter that was initiated by the officer. (Pedestrian Stop Cards and Traffic Stop Cards are available on TRACs and in hard copy form (5-833a and 5-833, respectively) through the document library).

III.I. White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

IV. PROCEDURES

IV.A. Traffic Stop Card Completion

IV.A.1. Officers will complete a Traffic Stop Card whenever an officer has a reportable encounter with a motorist.

IV.A.1.a. The Traffic Stop Card will not be completed when the officer does not have probable cause to believe a traffic violation has occurred. Following are examples when a Traffic Stop Card will **not** be completed:

- IV.A.1.a.1) Motorist assist
- IV.A.1.a.2) Crash
- IV.A.1.a.3) Investigative stop (for a criminal, not traffic, violation)

IV.A.1.b. During a road side safety check or stationary seatbelt detail, if an officer determines there is probable cause to believe a violation of the IVC has occurred and directs the driver to a secondary location for further detention, the officer will complete a Traffic Stop Card.

IV.A.1.c. Commercial Motor Vehicle

IV.A.1.c.1) If the purpose of the stop was to conduct an inspection and no probable cause of a violation was observed prior to making the stop, a stop card will not be completed.

IV.A.1.c.2) If the purpose of the stop was to conduct an inspection and the officer had probable cause to believe a violation had occurred prior to initiating a traffic stop, i.e., speeding, cell phone use, unsecured load, a stop card will be completed.

IV.A.1.c.3) If the Commercial Motor Vehicle contact is at a fixed or portable scale, officers will only complete a stop card if, after weighing the CMV, they take enforcement action based upon an observed violation of the IVC such as an overweight, inoperable lamp, or registration violation.

IV.A.2. One Stop Card will be completed per traffic stop.

IV.A.3. Officers will record a unique control number on each Traffic Stop Card utilizing the CAD number and will record the related DVD number, where available.

IV.A.4. The driver's information (enforcement action taken, race, name, DOB, Gender, and address) will be recorded even if the probable cause for the stop was based on the passenger's actions.

IV.A.5. Officers will:

IV.A.5.a. Record the probable cause for the stop to include: moving violation, equipment, license plate/registration.

IV.A.5.a.1) The officer will indicate whether or not the probable cause for the stop was the result of the driver's or passenger's actions.

IV.A.5.a.2) Officers will include the duration of the stop; beginning from the time the vehicle is stopped to the point when the officer advises the driver he/she is free to leave or is taken into physical custody.

IV.A.5.b. Record the enforcement action taken against the driver. If no citation, warning or overweight ticket is issued against the driver, the officer will mark "No Enforcement Action" even if a citation or warning is issued against the passenger.

IV.A.5.b.1) Regardless of whether enforcement action was taken, the officer will be prompted to complete the Incident Information including race of the driver, if a K-9 was used, and whether or not consent to search was requested, given, or conducted and if a search was conducted, was it by consent or other means.

- IV.A.5.b.2) For a 'No Enforcement Action' stop, the officer will be asked to complete the basic officer, driver and vehicle information.
- IV.A.5.c. Make a subjective determination of the race of the driver. Definitions of each recognized race outlined by 625 ILCS 5/11-212 are provided on the ISP Traffic Stop Card and on ISP 5-833. Officers will not ask the driver their race.
- IV.A.5.d. Indicate the use of a K-9 on the traffic stop and whether or not the K-9 had a positive alert. If a K-9 was used and the K-9 had a positive alert, the resulting search will be considered searched by "Other" means.
- IV.A.5.e. Indicate if consent to search a vehicle, driver or passenger(s) was requested, given or denied and the subsequent results of the search.
 - IV.A.5.e.1) For each option (Vehicle, Driver and Passenger(s)), officers will mark:
 - IV.A.5.e.1a) If a consent search was requested
 - IV.A.5.e.1b) If requested, was consent given
 - IV.A.5.e.1c) Whether a search was conducted
 - IV.A.5.e.1d) If searched, was it conducted by "Consent" or "Other" means
 - IV.A.5.f. Record if contraband was found as a result of the search.
 - IV.A.5.f.1) If contraband was found, the officer will record separately the type(s) of contraband found in the vehicle or on the driver/passenger(s).
 - IV.A.5.f.2) If the contraband found was drugs or weapons, the officer will record the amount recovered.
 - IV.A.5.g. Document the reasonable facts, circumstances, and conclusions that support their request for a search of the vehicle, driver and/or passenger(s) on the Traffic Stop Card or ISP 5-833.
- IV.B. Pedestrian Stop Card Completion
 - IV.B.1. Officers will complete an ISP Pedestrian Stop Card whenever an Officer has a reportable encounter with a pedestrian.
 - IV.B.1.a. The Pedestrian Stop Card will not be completed during routine security screenings at a set location where everyone coming into the event or location is screened.
 - IV.B.1.b. The Pedestrian Stop Card Receipt will only be issued during a reportable encounter that involves a frisk or a search of the pedestrian.
 - IV.B.2. Officers will record a unique control number on each Pedestrian Stop Card utilizing the CAD number, where available. In the absence of a CAD number, officers will self-generate a control number utilizing the following format: 4-digit officer ID#; 6-digit month, day, and year; and 4 digit military-times. For example, Officer #1234 has an encounter on July 19, 2015, at 8:02am – the control number would be 12340719150802.
 - IV.B.3. Officers will record, in TraCS or on the hard copy form (ISP 5-833a), the following:
 - IV.B.3.a. The date, time and location of the stop as well as the officer's name and ID#.
 - IV.B.3.b. His/her subjective determination of the pedestrian's race. Definitions of each recognized race outlined by 625 ILCS 5/11 212 are indicated above. Officers will not ask the pedestrian his/her race.
 - IV.B.3.c. The reason for the stop (marking all that apply).

IV.B.3.d. Whether a pat down or frisk was conducted and if it was conducted, the officer will also record:

- IV.B.3.d.1) Whether it was conducted by consent or reasonable suspicion
- IV.B.3.d.2) The reason for the pat down/frisk (marking all that apply)
- IV.B.3.d.3) Whether contraband was found and if so, what was found

IV.B.3.e. Whether a search beyond the pat down or frisk was conducted and if it was, the officer will also record;

- IV.B.3.e.1) Whether it was conducted by consent, probable cause or incident to arrest
- IV.B.3.e.2) The reason for the search (marking all that apply)
- IV.B.3.e.3) Whether contraband was found and if so, what was found

IV.B.3.f. Whether a warning or citation was issued and whether the person was arrested or taken into custody.

IV.B.4. Officers will provide a pedestrian with a receipt **only** if the officer frisks or searches the pedestrian, unless the pedestrian refuses the receipt or it is impractical or impossible to provide one given exigent circumstances.

IV.B.4.a. The stop receipt shall include the reason for the stop as well as the officer's name and badge number.

IV.B.4.b. Stop receipts can be printed from TraCS for those officers with access and will be the second page of the hard copy from (ISP 5-833a) for officers without access to TraCS.

IV.B.4.c. Officers will document the exigent circumstances that result in no receipt being issued within the Officer Notes field on the Stop Card.

IV.C. Dissemination of Stop Card Data

Dissemination of Stop Card data (except to the violator) is not permissible outside the Department and/or the criminal justice system without documented approval by the Director, Chief Legal Counsel or a court order.

IV.D. Traffic and Pedestrian Stop Statistical Study

IV.D.1. Officers will complete the Stop Card to fulfill the agency's requirements to report data for the Traffic and Pedestrian Stop Statistical Study.

IV.D.1.a. Officers must submit reports via the Department's traffic and criminal software (TraCS) application if the district/work unit has functioning TraCS software. Officers who do not have access to a mobile data computer (MDC) or functioning TraCS software at the time of the report will complete a hard copy form (ISP 5-833) and enter the report into TraCS when they return to their district/work unit.

IV.D.1.b. Administrative officers conducting traffic stops that do not have access to an MDC will be required to complete a hard copy form (ISP 5-833 or 5-833a). In these instances, officers will be responsible for the entry of the Stop Card into the appropriate ISP Stop Card database when they return to their desk computer.

IV.D.1.c. Failure to comply with the Traffic and Pedestrian Stop Statistical Study can result in discipline.

IV.D.2. District Commanders will be given access to their officers' enforcement statistics, including the Traffic and Pedestrian Stop Statistical Study data, through an electronic database. District Commanders, or their designee, will review the statistics on at least a quarterly basis to ensure officers have complied with the Traffic Stop Statistical Study and ISP policies.

IV.D.3. The Division of Administration, Information Services Bureau will report the data to the Illinois Department of Transportation (IDOT) as required by and set forth by IDOT standards.

- IV.D.4. The Office of the Director, Equal Employment Opportunity (EEO) Office will maintain contact with IDOT and be responsible for the yearly data review and comment period provided by IDOT prior to the release of the study. All responses will be coordinated through the Office of the Director.

| Indicates new or revised items.

-End of Directive-