

## ILLINOIS STATE POLICE DIRECTIVE ENF-015, NOTICE TO APPEAR

<b>RESCINDS:</b> ENF-015, 2012-038, revised 05-28-2012	<b>REVISED:</b> 06-24-2020 <b>2020-007</b>
<b>RELATED DOCUMENTS:</b> ENF-013, ENF-030	<b>RELATED CALEA STANDARDS:</b> 1.1.4, 1.2.5, 1.2.6, 1.2.7, 61.1.2, 61.1.3, 74.3.1

### I. POLICY

The Illinois State Police (ISP) will comply with the provisions of the Illinois Compiled Statutes (ILCS) and United States (U.S.) Department of State guidance in issuing a Notice to Appear (NTA).

### II. AUTHORITY

II.A. 725 ILCS 5/107-12, "Notice to appear"

II.B. U.S. Department of State, (5th Edition, Sept. 2018), "Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them."

### III. PROCEDURES

III.A. An arrest is generally preferable to an NTA. An officer will issue an NTA only:

III.A.1. As a last alternative to arresting someone who cannot post bond.

III.A.2. When an officer is reasonably certain that the person will answer the NTA as required. Factors that may be considered are:

III.A.2.a. Location of residence

III.A.2.b. Place of employment

III.A.2.c. Driving record

III.A.2.d. Outstanding NTAs reflected in the Computer-Aided Dispatch (CAD) files

III.B. An officer may issue an NTA regardless of whether or not the violation requires a court appearance.

III.B.1. The officer will instruct the violator to follow the requirements of the NTA.

III.B.2. However, if the violation does require a court appearance, the officer may advise the violator to contact the appropriate clerk of the circuit court's office prior to the court date to obtain information concerning the possibility of alternatives to personal appearance.

III.C. In the event the violator is a diplomatic or consular officer and is in possession of a valid U.S. Department of State, Office of Foreign Missions Personnel Operators License, the officer will issue an NTA and complete an incident report. Officers will send copies of all reports/citations to the U.S. Department of State by fax to (202) 895-3646 or via email to OFMDMVENforcement@state.gov.

III.D. Supervisors will institute controls for personnel under their authority should an officer abuse the use of the NTA.

III.E. Each District will:

III.E.1. Monitor the use and disposition of each NTA issued by district officers.

- III.E.2. Follow the required local court procedures pertaining to the signing of any additional formal complaints or providing additional supportive reports.
- III.E.3. Contact local court authorities to coordinate procedures and responsibilities in cases where a subject may fail to answer an NTA.

| Indicates new or revised items

**-End of Directive-**