

**Illinois State Police  
November 2015 Shift Briefing  
Traffic and Pedestrian Stop Statistical Study**

**Effective January 1, 2016**, the Illinois State Police (ISP) will discontinue the use of the web based e-Stop Card Database and begin using the TraCS system to record Traffic and Pedestrian Stop Statistical Study data. Officers will comply with the data collection requirements by utilizing their MDC, when possible. When an officer does not have access to an MDC, or if their MDC is not working properly, the officer will be required to complete a hard-copy form (ISP 5-833 or 5-833a). Officers will be responsible for entry of the ISP 5-833 or 5-833a data into the Traffic and Pedestrian Stop Statistical database once they are able to access the Database. **District Commanders or their designee will review the statistics on at least a quarterly basis to ensure officers have complied with the traffic and pedestrian stop statistical study and ISP policies.**

**Traffic Stop Data Collection**

Pursuant to 625 ILCS 5/11-212 and ISP directive ENF-012, **whenever** an ISP Officer stops a motorist for an alleged violation of the Illinois Vehicle Code (IVC), the Officer shall complete the Traffic and Pedestrian Stop Statistical Study data based upon the driver's information.

**What does whenever an ISP Officer stops a motorist for an alleged violation of the IVC mean?**

- The alleged traffic violation that led to the stop controls – officers should ask themselves, “Did I have probable cause to believe a violation of the IVC occurred, and is that why I stopped this motorist?”
  - If the answer is yes, a stop card should be completed regardless of whether a uniform traffic citation was written or not; and
  - If the answer is no, a stop card should not be completed.
- What if I stopped a commercial motor vehicle? The same rules apply. You only complete a stop card if you had probable cause to believe a violation of the IVC occurred and that is why you stopped the motorist.

**What information is collected for the traffic stop card?**

- The **demographics of the driver**, the reason for the traffic stop, the duration of the traffic stop, and the description of the vehicle stopped;
- Whether a consent search contemporaneous to the stop was requested for the vehicle, driver, or passenger; if so, whether consent was given or denied; and what, if any, contraband was found; and
- Information regarding the use of a K9 and whether the K9 alerted

Are there circumstances where I will have contact with a motorist that may result in a citation, which does not require the completion of a stop card?

- Yes, the stop card will not be completed when the contact was not initiated for an alleged violation of the IVC. For example:
  - Motorist assist
  - Crash
  - Road-Side Safety Check detail (pre-determined criteria for stopping vehicles)

- Fixed/portable scale detail
- Investigative stop (for criminal, not IVC violation)

### **Practical Examples for additional guidance**

**Example 1:** An officer conducts a traffic stop on a vehicle for a violation of the IVC (625 ILCS 5/12-610.2) operating a motor vehicle while using an electronic communication device. After speaking with the driver of the vehicle the officer has decided that they will not issue a citation nor will they issue a written warning. The officer is still **required** to complete a no enforcement stop card because the contact was initiated for an alleged violation of the IVC.

**Example 2:** An officer conducts a traffic stop on a vehicle for a violation of the IVC (625 ILCS 5/11-606) violating minimum speed restrictions. After speaking with the driver of the vehicle the officer has determined that there is a vehicle malfunction which has caused the driver to operate the vehicle at a low rate of speed. At this point the officer should provide radio with a disposition of no enforcement. The officer is still **required** to complete a no enforcement stop card because the contact was initiated for an alleged violation of the IVC. The officer should then create a new incident as a motorist assist.

**Example 3:** An officer conducts a stop at a road-side safety check pursuant to the predetermined criteria established for the detail but observes no IVC violations. The officer is **not required** to complete a stop card, because the contact was not initiated for an alleged violation of the IVC. However, if the officer directs the driver to a secondary location for further investigation of observed IVC violations, the officer has initiated contact for an alleged violation of the IVC and now must complete a stop card.

### **Pedestrian Stop Data Collection**

Pursuant to 625 ILCS 5/11-212 and ISP directive ENF-012, effective **January 1, 2016**, whenever an officer subjects a pedestrian to **detention** in a public place the officer shall complete the Traffic and Pedestrian Stop Statistical Study data to properly document the detention.

#### **What does detention mean?**

- For purposes of the stop card data collection, detention is defined as:
  - frisks, searches, summons (citations), and arrests;
  - except that searches or inspections during routine security screenings at facilities or events, do not constitute a detention for these purposes.

#### **What is a public place?**

- For purposes of the stop card data collection, any portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission.

Pursuant to the Terry Doctrine, whenever an officer reasonably infers from the totality of the circumstances that a person is committing, is about to commit or has committed a crime, the officer may demand the name and address of the person and an explanation of their actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped. Upon

completion of any pedestrian encounter where a frisk or search is conducted, and unless impractical, impossible, or under exigent circumstances the officer shall provide the pedestrian with a stop receipt which provides a reason for the stop and contains the officer's name and badge number.

#### **What will officers use for purposes of a receipt?**

- Officers will use TraCs to document the pedestrian encounter and provide an electronic copy of the stop receipt. If the pedestrian has no means to receive an electronic copy, the officer will issue a paper receipt using the Pedestrian Stop Card (ISP 5-833a). Where possible, this document will be printed directly from TraCs. However, paper copies will be available as well.

#### **Practical Examples for additional guidance**

**Example 1:** An officer responds to a business alarm. He/she is the first officer on scene and encounters a subject walking away from the business with keys in hand as if leaving for the day. The officer approaches and confirms the person is a current employee responsible for closing the business and determine the employee entered the alarm code incorrectly. The officer is **not required** to complete a pedestrian stop card, because the contact does not constitute a detention.

**Example 2:** An officer responds to a report of shots fired in a neighborhood and receives a description of the suspect via radio. The officer identifies a potential suspect in the area fitting the description. The officer stops the subject, and based upon reasonable suspicion, pats the subject down but does not locate a weapon. While the officer has the person detained, he/she hears via radio that a suspect is in custody. Although the officer determines no further detention of the subject is necessary, the officer is **required** to complete a pedestrian stop card. The officer is also **required** to provide a receipt unless the subject is unwilling to wait for or refuses the receipt.

**Example 3:** An officer stops for a pedestrian on the side of the interstate, and based upon consent, pats the subject down. The officer does not take any enforcement action but provides a ride to the nearest public establishment. The officer is **required** to complete a pedestrian stop card. The officer is also **required** to provide a receipt unless the subject is unwilling to wait for or refuses the receipt. If the officer does not pat the subject down or issue a citation (not a warning), the officer is **not required** to complete a pedestrian stop card or provide receipt.

#### **Additional Information**

For more information regarding the Traffic and Pedestrian Stop Statistical Study refer to the following documents:

- 625 ILCS 5/11-212 Traffic and Pedestrian Stop Statistical Study
- 725 ILCS 5/107/14 Temporary questioning without an arrest
- ENF-012 Stop Card Completion
- ENF-037 Warrantless Searches
- ENF-047 Prohibition of Biased Based Law Enforcement
- OPS-046 Use of Force