

Urbana Police Department Memorandum

To: All Personnel

From: Lt. Bryant Seraphin

Re: IDOT Pedestrian Stop Data Collection Guidelines for UPD

Date: January 29, 2016 (last revised date)

Introduction

On December 31, 2015, the original version of this memo was published in order to provide guidance to UPD officers in fulfilling our obligations in regards to the Traffic and Pedestrian Stop Statistical Study Act [625 ILCS 5/11-212] as well as the Temporary Questioning Without Arrest statute [725 ILCS 5/107-14], both parts of the Police and Community Relations Improvement Act. The Illinois Department of Transportation (IDOT) has been tasked with collecting all of the information gathered.

As further or clarifying information becomes available, this guideline memorandum will be updated and re-published to UPD employees. This version shall become effective on February 1, 2016.

Traffic and Pedestrian Stop Statistical Study Act [625 ILCS 5/11-212]

Similar to our efforts in regards to the IDOT traffic stop study, Illinois officers are now being asked to collect information with regards to pedestrian stops. The statute reads, in part, as follows:

“Whenever a law enforcement officer subjects a pedestrian to detention in a public place, he or she shall complete a uniform pedestrian stop card...”

The statute goes on to define what a detention is, **which is different than the traditional police interpretation of the term ‘detention’ under the Fourth Amendment**. Specifically, with regards to the pedestrian stop study:

“For purposes of this subsection (b-5), ‘detention’ means all frisks, searches, summons, and arrests.”

So, for a pedestrian stop to be **reportable to IDOT**, there must be:

1. an investigative stop (Terry Stop detention)
2. of a pedestrian
3. in a public place
4. involving a frisk, search, summons (NTAs), or arrest.

In order to collect the most complete data and to be able to compare with other investigatory detentions made by UPD, we are going to collect *more* information than is required. Specifically, we will complete Stop Sheets on all Terry Stop detentions (or greater level of suspicion [e.g. probable cause or on-view arrest]) of *persons* in public places, even those that do NOT result in a search, frisk, arrest, or summons. Please understand that UPD is going to fill out Stop Sheets for **PERSONS** (beyond only pedestrians), to include:

- pedestrian
- motor vehicle occupant not covered by IDOT sticker (i.e. 10-37 occupants)
- bicyclist
- other

So, for a UPD Stop Sheet to be completed, there must be:

1. a detention
2. of a PERSON
3. in a public place.

Definitions

Defining certain key terms will allow for more consistency within the data collected. Please see the terms and definitions below:

1. **Pedestrian** – As per the IVC (625 ILCS 5/1-158), “any person afoot or wearing in-line speed skates” will be considered a pedestrian. Bicyclists are not considered a pedestrian for this study.
2. **Bicycle** – As per the IVC (625 ILCS 5/1-106), a bicycle is “every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices.”
3. **Public Place** – UPD will use a definition consistent with the Aggravated Battery statute, “on or about a public way, public property, a public place of accommodation or amusement, a sports venue, or a domestic violence shelter.” Key to this understanding is that the area being considered a public place must be accessible to the public, irrespective of whether the property is publicly or privately owned. The full definition of “place of public accommodation” can be found in 775 ILCS 5/5-101.

Temporary Questioning Without Arrest [725 ILCS 5/107-14]

In addition to the collecting of data, police have also been tasked with providing citizens subject to searches and frisks to be provided a receipt. The statute cited consists of two subsections, ‘a’ and ‘b.’ Subsection ‘a’ gives law enforcement the right to conduct Terry Stops while subsection ‘b’ tells officers to provide the citizen subjected to the stop **involving a search or frisk** with a receipt.

“Upon completion of any stop under subsection (a) involving a frisk or search, and unless impractical, impossible, or under exigent circumstances, the officer shall provide the person with a stop receipt which provides the reason for the stop and contains the officer’s name and badge number.”

Documentation – UPD Stop Sheets and Receipts

The following guidelines shall be followed so that Urbana police officers will be in compliance with statutes and revised directives effective February 1, 2016.

1. **Field Interviews – General**: For routine interactions that do not rise to the level of an investigatory detention or Terry Stops (e.g. false business alarms, civil disputes, etc.), a standard FI card or report shall be completed. A Stop Sheet is not needed at this level.
2. **Investigatory Stops / Detentions**: For investigatory stops or detentions (reasonable suspicion or higher level of certainty, e.g. probable cause) where UPD is detaining a **person** in a public place, a Stop Sheet shall be completed, along with one of the following:
 - Field Interview Card – If the encounter results only in an FI card, the FI card shall be attached to the Stop Sheet and submitted.
 - Police Report – If the encounter results in a police report, the Stop Sheet shall be submitted with the report.

Please check the “Call for Service” box under “Reason for Stop” on the Stop Sheet if you were dispatched to the event that caused you to make the investigatory stop. This will help in determining proactive activity versus responsive activity.

3. **Receipts – Search or Frisk**: Whenever an officer subjects a person to a detention in a public place and subjects that person to a search or frisk, we must provide the citizen with a receipt. We will do this for arrests as well (assuming we conduct a search incident to arrest). We will also provide a receipt if requested by the citizen.

For the time being, a UPD officer shall provide a citizen with a business card containing their name and badge number, and the officer shall write the reason for the stop on the back of the business card. While shorthand is acceptable, please mirror the handwritten reason to match one of the eight reasons on the Stop Sheet under “Reason for Stop.”

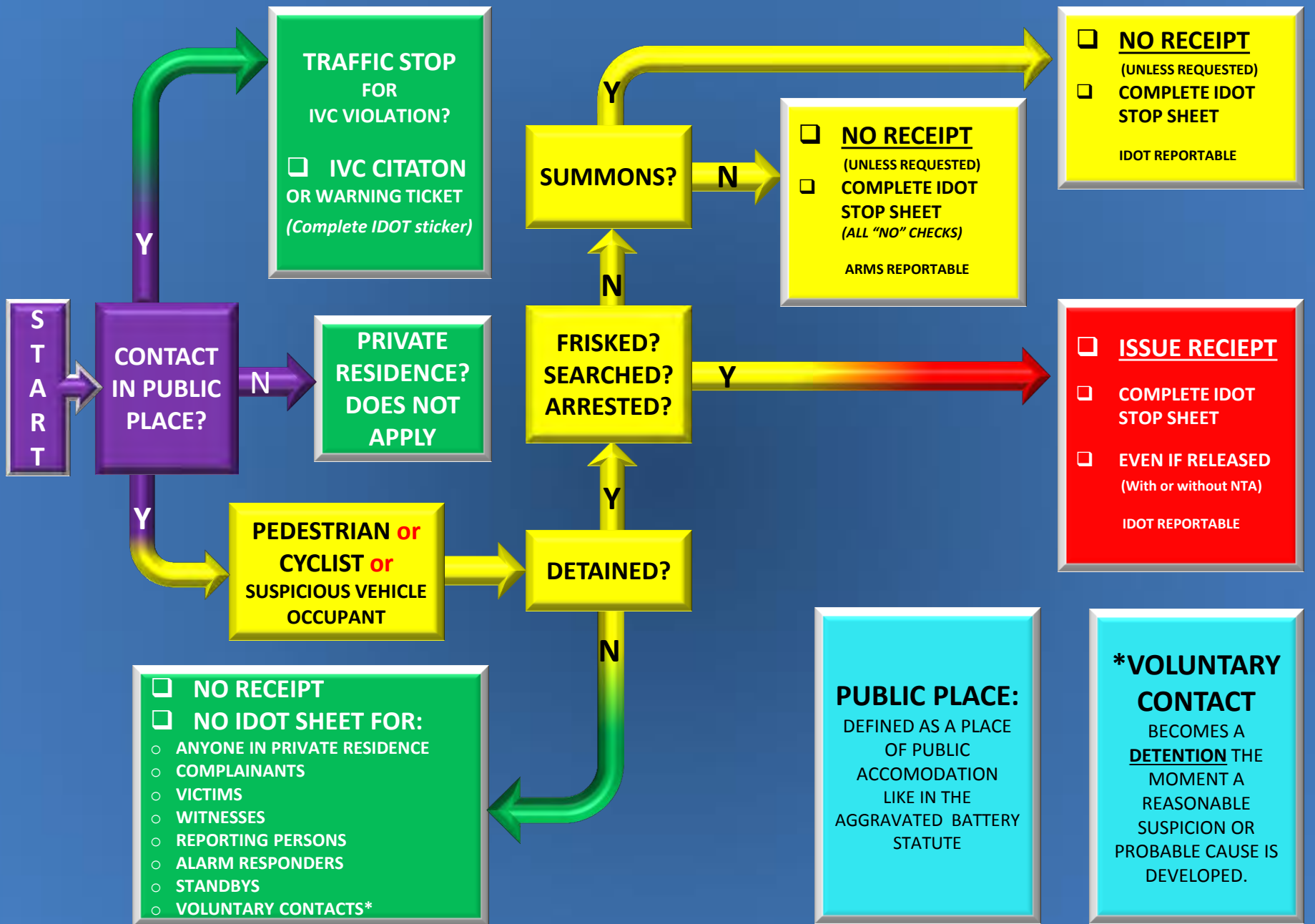
Do not prolong the stop just to give a receipt. It is clearly UPD’s desire to give out receipts (business cards for now), but we will not physically restrain someone to do so. If the subject leaves, please note that on the FI card or report. They are not Resisting or Obstructing a Peace Officer by not waiting for their receipt.

Finally, please note on the FI card or report that the receipt was given. “Receipt provided,” or similar verbiage, shall suffice to document the completed task.

Conclusion

In summary, if a detention is made of **person** in a public place, a Stop Sheet shall be filled out and submitted, either with an FI or the report.

In addition to the Stop Sheet, if a detention is made of a **person** in a public place and a search or frisk occurs, a receipt shall be given to the subject.



THE SHORT VERSION

RECEIPTS

DETAIN A
PERSON IN A
PUBLIC PLACE



SEARCH
OR
FRISK



RECEIPT

DATA

DETAIN



PERSON



PUBLIC
PLACE



STOP
SHEET

PUBLIC PLACE: DEFINED AS A PLACE OF PUBLIC ACCOMODATION

(LIKE IN THE AGGRAVATED BATTERY STATUTE)

A VOLUNTARY CONTACT BECOMES A DETENTION THE MOMENT A REASONABLE SUSPICION OR PROBABLE CAUSE IS DEVELOPED.



Stop Sheet

Case #

Event #

Subject Name

Date of Stop (MM/DD/YYYY)

Time of Stop (Military Time)

Officer Name

Officer Badge #

Location of Stop

Geo-Code

Gender

1 Male 2 Female

Type of Stop (Select One)

1 Pedestrian 2 Vehicle Occupant (No IDOT Sticker) 3 Bicyclist 4 Other

Race

1 White 2 Black or African American 3 American Indian or Alaska Native 4 Hispanic or Latino
5 Asian 6 Native Hawaiian or Other Pacific Islander

Reason for Stop

Reason for Stop (Check all that apply)

1 Actions indicative of engaging in drug transaction 2 Fits description from radio broadcast / Call for service
3 Fits description of an offender as described by victim or witness 4 Actions indicative of "casing" victim or location
5 Proximity to the reported crime location 6 Gang related enforcement 7 Suspicious Activity
8 Other (Specify) _____

Pat Down/Frisk

Pat Down/Frisk Conducted? 1 Yes 2 No Pat Down/Frisk Conducted by 1 Consent 2 Reasonable Suspicion

Reason for Pat Down/Frisk (Check all that apply)

1 Verbal threats of violence by suspect 2 Knowledge of suspect's prior criminal violent behavior/use of force/use of weapon
3 Actions indicative of engaging in violent behavior 4 Violent crime suspected
5 Suspicious bulge/object 6 Evasive, false or inconsistent response to officer's questions
7 Other reasonable suspicion of weapon (Specify) _____

If a Pat Down/Frisk was conducted, did it lead to a search beyond the pat down/frisk? 1 Yes 2 No

Search Beyond

Search Beyond Pat Down/Frisk Conducted?

1 Yes 2 No

Search Beyond Conducted by

1 Consent 2 Probable Cause 3 Search Incident to Arrest

Reason for Search Beyond (Check all that apply)

1 Drugs or drug paraphernalia found 2 Hard object felt during pat down 3 Firearm found during pat down
4 Other weapon found during pat down 5 Other probable cause(Specify) _____

If a Search Beyond a Pat Down/Frisk was conducted, was contraband found? 1 Yes 2 No

If yes, what was found?

1 Drugs 2 Drug Paraphernalia 3 Alcohol 4 Weapon 5 Stolen Property 6 Other

If the contraband found was drugs, what was the amount?

1 <2 grams 2 2-10 grams 3 11-50 grams 4 51-100 grams 5 >100 grams

Outcome of Stop

NTA / Citation Issued 1 Yes 2 No Arrest? (Person taken into custody) 1 Yes 2 No

Violations/Charges

URBANA POLICE DEPARTMENT

Citizen Receipt

REASON FOR STOP

DATE

TIME

- Actions indicative of engaging in drug transaction
 - Fits description from radio broadcast/Call for service
 - Fits description of an offender as described by victim or witness
 - Actions indicative of "casing" victim or location
 - Proximity to the reported crime location
 - Gang related enforcement
 - Suspicious Activity
 - Other (specify) _____
-

Officer Name _____ Badge No. _____

A police officer is trained to make inquiries. Many times the officer's efforts plus the citizen's cooperation will clear up a matter.

Under some circumstances, police are required to provide a receipt; this card is such a receipt. For further detail or clarification, please refer to Public Act 99-352, the Police and Community Relations Act of 2016. You do not need to take any further action with regards to this receipt.