

**INVESTIGATORY STOP AND PROTECTIVE PAT DOWN  
SETTLEMENT AGREEMENT**

WHEREAS, in April 2014, the Chicago Police Department (“CPD”) issued revised General Orders and directives to ensure that its policies and practices relating to investigatory stops and protective pat downs comply with applicable law, including the United States and Illinois Constitutions and the Illinois Civil Rights Act (“ICRA”). In connection with that effort, and prior to finalizing the revised General Orders and directives, CPD provided such orders and directives to the American Civil Liberties Union of Illinois (“ACLU”) for their review and comment.

WHEREAS, in early 2015, CPD commenced a further review of its policies and practices relating to investigatory stops and protective pat downs. In March 2015, while CPD’s review was pending, the ACLU issued a report entitled “Stop and Frisk in Chicago” that raised concerns about CPD’s policies and practices. On May 30, 2015, Senate Bill 1304 passed both houses of the Illinois General Assembly. If signed by the Governor, Senate Bill 1304 will impose new documentation requirements relating to investigatory stops and/or protective pat downs.

WHEREAS, pursuant to CPD’s continuing evaluation of its policies and practices relating to investigatory stops and protective pat downs, and in response to the ACLU report and Senate Bill 1304, CPD is in the process of further revising its policies and practices. CPD intends to have the revised policies and practices finalized and implemented on or before December 31, 2015, and to complete its training of its officers and supervisors with respect to the revised policies and practices on or before March 1, 2016.

WHEREAS, CPD believes that its policies and practices relating to investigatory stops and protective pat downs have been and will continue to be fully compliant with all applicable laws. Nevertheless, the ACLU has raised concerns about CPD’s policies and practices and has informed the City of Chicago of its intention to file a lawsuit challenging them.

WHEREAS, to avoid the burden, inconvenience, and expense of litigation, the City of

Exhibit 1

Chicago, CPD, and the ACLU (“the parties”) have agreed to work together to ensure and validate that CPD’s policies and practices relating to investigatory stops and protective pat downs fully comply with applicable law.

Accordingly, the parties agree as follows:

**I. Data Collection**

1. CPD will document all investigatory stops and all protective pat downs, including those that lead to an arrest, an Administrative Notice of Violation (“ANOV”), or other enforcement action, into an electronic digitized database. CPD’s current database documents all investigatory stops and protective pat downs that do not lead to either an arrest or an ANOV. As soon as reasonably possible thereafter, the database will be modified to also include investigatory stops and protective pat downs that lead to an arrest or an ANOV. For each investigatory stop and/or protective pat down, the electronic digitized database shall include:

a) the name and badge number of the officers who conducted the investigatory stop and/or protective pat down;

b) the race/ethnicity of the person stopped, selected from the following list:  
American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;

c) the gender of the person stopped;

d) all of the reasons for the stop;

e) the location of the stop, including the address, beat, and district;

f) the date and time of the stop;

g) whether or not a protective pat down was conducted of the person, and if so, all of the reasons that led to the protective pat down and whether it was with consent or by other means;

h) whether or not contraband was found during the protective pat down, and if so,

the type and amount of contraband seized;

i) whether or not a search beyond a protective pat down was conducted of the person or his or her effects, and if so, all the reasons that led to the search, and whether it was with consent or by other means;

j) whether or not contraband was found during any search beyond a protective pat down, and if so, the type and amount of the contraband seized;

k) the disposition of the stop, such as a warning, an ANOV, or an arrest; and

l) if an enforcement action was taken (i.e., an arrest or ANOV), a record of the violations, offenses, or crimes alleged or charged.

## **II. Training and Supervision**

1. CPD will provide training for officers and supervisors directed at ensuring that investigatory stops are conducted only where there is reasonable suspicion of criminal conduct and that protective pat downs are performed only where there is reasonable suspicion that the person stopped is armed and dangerous. Further, CPD shall train officers with respect to the electronic digitized database and their responsibilities to record all the relevant information for each investigatory stop and protective pat down. Where appropriate, new or revised General Orders and/or other directives will be issued by the CPD. CPD expects to issue such new or revised General Orders and/or other directives by December 31, 2015, and to complete the training of its officers and supervisors with respect to such General Orders and/or other directives, by March 1, 2016.

2. CPD will implement training policies and practices to ensure that investigatory stops and protective pat downs are conducted consistent with the following guidance provided by the U.S.

Department of Justice:

In making routine or spontaneous law enforcement decisions, such as ordinary sidewalk and traffic stops, Chicago Police Department officers may not use race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, marital status, parental status, or military discharge status, except that officers may rely on the listed characteristics in a specific suspect description.

3. By January 1, 2016, CPD shall establish and enforce policies providing for continuous district-level supervisory review and quarterly or semi-annual department-level audits of CPD's investigatory stop and protective pat down practices. The CPD shall provide these policies and procedures to the Consultant (identified in Section V.1, below) and the ACLU for their review and comment, prior to their finalization. These policies and procedures shall include:

a) Continuous review by police district supervisors of all individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or any protective pat down.

b) Quarterly or semi-annual audits by CPD headquarters staff of CPD investigatory stop and protective pat down practices. These audits shall include examination of: (i) the narrative sections of a statistically representative sample of individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or protective pat down; (ii) records of supervisory corrections or rejections of Investigatory Stop Reports to identify officers who repeatedly fail to document investigatory stops and/or protective pat downs, or who conduct investigatory stops and/or protective pat downs without the requisite reasonable suspicion; and (iii) CPD documentation of civilian and internal complaints relating to investigatory stops and/or protective pat downs.

c) The establishment of re-training, enhanced supervision, or discipline of officers who engage in unlawful investigatory stops and/or protective pat downs or who violate CPD policies or procedures governing these practices. There shall be written documentation of all such re-training, enhanced supervision, or discipline.

### **III. Release of Data and Documents**



1. Within 10 days of the execution of this agreement, all of the digitized information in CPD's electronic digitized database, including but not limited to the enumerated fields in Section I.1, shall be provided to the Consultant and the ACLU. Thereafter, the data shall be provided to the Consultant and the ACLU on a monthly basis on the first of the month. This information, and the information described in paragraphs 4 through 6 below, shall be kept confidential by the Consultant, the ACLU, and the persons identified in Section III.3 on an "attorneys eyes only" basis and shall not be disclosed by the Consultant, the ACLU, or the persons identified in Section III.3 for any purpose whatsoever other than to the extent the information is included in the Consultant's Reports and Recommendations described in Section V.2(f) below.

2. This agreement does not in any way limit the ACLU's rights under the Illinois Freedom of Information Act (FOIA). Moreover, if the ACLU receives information under this agreement that the ACLU believes it would be entitled to obtain under FOIA, the parties will work in good faith to seek agreement about whether that information would in fact be subject to release under FOIA. If the parties reach agreement, the confidentiality provision set forth in III.1 shall not apply. Any dispute about whether information disclosed pursuant to this agreement would be subject to release under FOIA shall be resolved by the Consultant.

3. Under the "attorneys eyes only" restrictions, the Consultant and ACLU may only allow the following categories of people to review the information: (1) counsel for the ACLU and employees of counsel who have responsibility for the execution of this agreement; (2) contractors specifically engaged for the limited purpose of making copies of documents or organizing or processing documents, including outside vendors hired to process electronically stored documents; (3) consultants or experts provided for in Section V.3 (the Consultant's experts); (4) consultants or experts employed by the ACLU to assist in the execution of this agreement, and (5) other persons only by written consent of the City. Prior to sharing the information with any outside consultants, experts, or others, the ACLU and/or the Consultant will obtain from that individual a signed agreement to abide by the confidentiality provisions set forth herein. The

ACLU and/or the Consultant will promptly provide the City with a copy of all such agreements.

4. CPD shall provide the Consultant and the ACLU all current and future training, policy materials, and supervisory materials described in Section II.

5. CPD shall provide the Consultant and the ACLU the quarterly or semi-annual audits conducted by CPD headquarters staff of CPD's investigatory stop and protective pat down practices described in Section II.

6. CPD shall provide the Consultant and the ACLU with all additional documents necessary to conduct an independent analysis and review of CPD's investigatory stop and protective pat down practices.

7. Absent the permission of the subject of the stop, the Consultant will redact all personal identifying information about the subject of stops from the Consultant's Reports and Recommendations. The redacted information shall be kept confidential consistent with Section III.1, above.

#### **IV. Compliance with the United States and Illinois Constitutions and ICRA**

1. CPD shall conduct investigatory stops and protective pat downs in compliance with the United States Constitution, the Illinois Constitution, and ICRA.

2. CPD shall be in substantial compliance with this agreement if any violations of its requirements are neither systemic nor serious. If a serious violation occurs, CPD shall be in substantial compliance if it promptly identifies the violation and develops and implements a timely and appropriate remedy that results in compliance.

3. After reviewing the data for the six-month period commencing January 1, 2016 and ending June 30, 2016, the ACLU and the City will work together to seek agreement on standards for substantial compliance with ICRA. If the ACLU and the City cannot agree, the Consultant will review the data and determine such standards after considering the respective views and submissions of the parties.

#### **V. The Consultant**

1. The Parties have jointly selected retired Judge Arlander Keys to serve as the Consultant of this agreement.

2. The duties of the Consultant are to:

a) Review and validate CPD's policies, practices, and orders regarding investigatory stops and protective pat downs, including but not limited to, CPD's training regarding investigatory stops and protective pat downs, CPD's method of supervisory review of investigatory stops and protective pat downs, and CPD's method of auditing investigatory stops and protective pat downs.

b) Recommend to the parties changes to CPD's policies, practices, and orders regarding investigatory stops and protective pat downs that are reasonable and necessary to comply with the law, including the United States Constitution, the Illinois Constitution, and ICRA. The Consultant shall consult with the parties before making such recommendations.

c) Review any other documents the Consultant determines are necessary to assess CPD's investigatory stops and protective pat downs, including but not limited to civilian complaints and disciplinary files regarding investigatory stops and protective pat downs (subject to any limitations contained in federal and state law and collective bargaining agreements).

d) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, identify to the parties and review a statistically representative sample of Investigatory Stop Reports and assess whether the narratives state sufficient facts to establish the requisite reasonable suspicion for the investigatory stop and for any protective pat down.

e) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, review aggregate Investigatory Stop Report data to determine whether the standards for substantial compliance set forth in Section IV.2 have been met.

f) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, provide to the parties a written Report and Recommendations based on his or her review of the above materials. These Reports and Recommendations will include an assessment

of whether the CPD is in substantial compliance with this agreement. The Reports and Recommendations will also identify any further practices, policies and other measures that the Consultant recommends are needed to ensure that CPD investigatory stop and protective pat down practices and policies are in compliance with the United States Constitution, the Illinois Constitution, ICRA, and this agreement. The parties will have 30 days to serve each other and the Consultant with objections to each Report and Recommendations. The Consultant will then have 30 days to make any revisions to the Report and Recommendations before making it public.

3. The Consultant may seek the advice and assistance of police practices and statistical experts in formulating the Reports and Recommendations. The City shall compensate the Consultant and any experts he or she shall retain for their professional services and reasonable expenses. Any experts utilized by the Consultant will be subject to the confidentiality provisions set forth in Section III.1.

## **VI. Other Terms**

1. The parties acknowledge that this agreement is not an admission of liability on the part of the City and/or the City's future, current, or former officers, agents, and employees, and shall not serve as evidence of the validity or invalidity of any claims that have been or might be brought in litigation against the City and/or the City's future, current, or former officers, agents, and employees.

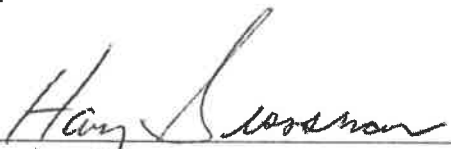
2. In consideration of this agreement, the ACLU agrees not to either file as a party or join as a party any lawsuit challenging CPD's policies or practices relating to investigatory stops and/or protective pat downs while this agreement remains in effect.

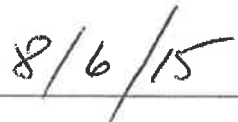
3. This Agreement shall remain in effect until June 30, 2017, upon a finding by the Consultant of substantial compliance as defined in Sections IV.2 and .3 for one year preceding that date. If the Consultant finds at that time that CPD has not been in substantial compliance, this agreement shall be extended until the Consultant finds that CPD has been in substantial compliance with this agreement for one year. Any party may terminate this agreement at any time.


4. Any dispute as to the meaning or interpretation of this agreement will be resolved first by the Consultant. If, after an interpretation by the Consultant, either party wishes, they also may seek interpretation in the Circuit Court of Cook County.

5. This agreement contains the entire agreement between the parties and the parties mutually agree that this agreement shall be binding upon and inure to the benefit of the parties, due consideration having been given and may be enforced like any other contract. The parties agree that in the event of a breach of this agreement, there will be no adequate remedy at law and that this agreement may be enforced through a suit for specific performance.


6. The person signing the agreement represents and warrants that he or she is authorized to sign on behalf of the party for which he or she is signing and that the agreement as signed is binding on that party.


  
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Date

  
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Date



# DEPARTMENT OF LAW

# MEMORANDUM

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**TO:** Judge Arlander Keys

**FROM:** Stephen R. Patton, Jane Elinor Notz

**DATE:** October 6, 2016

**RE:** response to letter of Judge Arlander Keys dated October 3, 2016

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This memorandum is submitted in response to your letter dated October 3, 2016. Thank you for the opportunity to address in writing the answers provided during the teleconference held on Thursday, September 29, 2016 regarding the Chicago Police Department's compliance with Section II.3 of the Investigatory Stop and Protective Pat Down Settlement Agreement ("Agreement").

During the September 29 teleconference, we discussed the requirements of Section II.3 in chronological order, and this memorandum will follow the same format.

Section II.3 provides that "CPD shall establish and enforce policies providing for continuous district-level supervisory review and quarterly or semi-annual department-level audits of CPD's investigatory stop and protective pat down practices." Sections II.3(a) through (c) set forth the specific "policies and procedures" that CPD is required, under the Agreement, to establish.<sup>1</sup>

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<sup>1</sup> Section II.3 of the Agreement provides that CPD shall establish and enforce the policies set forth therein "[b]y January 1, 2016." As you may recall, prior to January 1, 2016, CPD published Special Order S04-13-09, entitled "Investigatory Stop System," and introduced officers to the new Investigatory Stop System at 178 roll calls. Between January and May 27, 2016, CPD provided eight hours of training on the Investigatory Stop System to its nearly 12,000 officers. Following the completion of the training, CPD's Integrity Section, a new unit, turned its full attention toward further establishing and enforcing the policies required by Section II.3 and, as this memorandum will explain, has made and continues to make substantial progress on this front

## Section II.3(a)

Section II.3(a) requires that CPD establish and enforce policies providing for “[c]ontinuous review by police district supervisors of all individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or any protective pat down.” These policies are established in Section VIII.C.1 of Special Order S04-13-09, which sets forth the responsibilities of reviewing supervisors (usually sergeants) to review and approve or reject all investigatory stop reports (“ISRs”) before the end of their tour of duty. (A copy of Special Order S04-13-09 is attached as Exhibit A.) As you may recall, Special Order S04-13-09 was submitted to your Honor and the ACLU for review and comment prior to publication.

If a reviewing supervisor determines that an ISR does not articulate reasonable articulable suspicion (“RAS”) for the investigatory stop or protective pat down, the supervisor must inform the ISR’s author and complete an ISR Deficiency Notification, which is an automated form available through the ISR database and used to record the supervisor’s determination that an ISR is deficient. (A copy of an ISR Deficiency Notification is attached as Exhibit B.)

If the reviewing supervisor determines that an ISR cannot be corrected, the supervisor places the ISR in “Deficiency Rejection Review” status in the Investigatory Stop Database (“ISR Database”).<sup>2</sup> At that point, the Integrity Section, a new unit within CPD, reviews the ISR and makes its own determination regarding whether the ISR complies with CPD policy or is deficient. The Integrity Section uses the automated ISR Deficiency Notification form to report its findings to the ISR author and the author’s supervisor. In some cases, particularly if the reviewing supervisor seems uncertain about the proper disposition, the Integrity Section emails its findings directly to the supervisor. In cases where the Integrity Section concludes that the ISR is deficient, the supervisor uses the automated ISR Deficiency Notification form to record the corrective actions taken. Because the ISR Deficiency Notification form is automated, any information recorded on that form, including by the reviewing supervisor and the Integrity Section, is archived in the ISR Database.

Section VIII.C.3 of Special Order S04-13-09 sets forth the responsibilities of executive officers (usually captains) to conduct monthly internal audits and to report on their findings to their commanding officers. The Integrity Section conducted training for 25 executive officers on July 28, 2016 on their duty to prepare monthly audits. (The PowerPoint presentation used to train executive officers is attached as Exhibit C.) The Integrity Section will repeat this training

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<sup>2</sup> Between January and October 2016, reviewing supervisors placed 406 ISRs in “Deficiency Rejection Review” status.

session for recently promoted executive officers before the end of 2016. The executive officers began providing their monthly reports in July 2016 (covering the month of June 2016) to the Integrity Section for review and comment. For each monthly audit, the executive officer is instructed to review a random sample (10%) of all ISRs for that month and make a determination whether any are deficient. They must list the ISRs they reviewed, which they determined to be deficient and why, and what they did to address any deficiencies.

### Section II.3(b)

Section II.3(b) requires that CPD establish policies and procedures for “[q]uarterly or semi-annual audits by CPD headquarters staff of CPD investigatory stop and protective pat down practices.” The required content of these audits is described in Subsections II.3(b)(i) through II.3(b)(iii).

### Section II.3(b)(i)

Section II.3(b)(i) requires that the audits shall include examination of “the narrative sections of a statistically representative sample of individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or protective pat down.”

This function is being accomplished in two ways. *First*, beginning in June 2016 (after completion of the eight-hour training course on May 27, 2016), each day the Integrity Section reviews a random sample of approximately 10% of all ISRs that have been placed by reviewing supervisors in “Approved” status in the ISR Database to confirm that they appropriately document RAS for the investigatory stop and any protective pat down and are otherwise completed correctly. To date, the Integrity Section has reviewed 4909 approved ISRs and determined that 580 were deficient. The Integrity Section uses an Investigatory Stop Audit Report to record its findings that an ISR was approved in error and to notify the ISR author and reviewing supervisor of its findings. (A copy of the Investigatory Stop Audit Report is attached as Exhibit D.)<sup>3</sup> The reviewing supervisor uses the Investigatory Stop Audit Report to report to the Integrity Section regarding the corrective actions taken.

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<sup>3</sup> Unlike the ISR Deficiency Notification, the Investigatory Stop Audit Report is not, at present, an automated form. Accordingly, information recorded on an Investigatory Stop Audit Report is not archived in the ISR Database. CPD has begun efforts to modify the ISR Database to automate the Investigatory Stop Audit Report; however, those efforts will take several months, and involve substantial costs, to complete. Until that time, information recorded on the Investigatory Stop Audit Report is being maintained in paper files.



*Second*, at the request of the Corporation Counsel, Charles Sklarsky, who previously served as the Deputy Chief of Criminal Litigation and the Chief of Criminal Receiving and Appeals with the Office of the United States Attorney for the Northern District of Illinois and who currently is a partner with Jenner & Block, has assembled a team of more than fifteen partners to review the more than 4000 ISRs that your Honor's expert, Dr. Taylor, identified as a statistically significant sample of ISRs submitted during the first reporting period. Several of the Jenner partners on Sklarsky's team have substantial criminal law experience, including prosecutorial experience, and each received training on the standards and procedures for conducting the review. Review of the ISRs is ongoing and expected to be completed this month. Jenner's review is focusing on whether each ISR, when read as a whole, establishes RAS for the stop and any protective pat down. At the conclusion of their review, Jenner will provide a report of their findings. Jenner has committed to providing its report no later than October 31, 2016. Jenner is undertaking this review on a pro bono basis and at no cost to the City or its taxpayers.

#### Section II.3(b)(ii)

Section II.3(b)(ii) requires that the audits shall include examination of "records of supervisory corrections or rejections of Investigatory Stop Reports to identify officers who repeatedly fail to document investigatory stops and/or protective pat downs, or who conduct investigatory stops and/or protective pat downs without the requisite reasonable suspicion."

As discussed above, the Integrity Section reviews all ISRs that a reviewing supervisor has determined cannot be corrected and placed in "Deficiency Rejection Review" status in the ISR Database, as well as a random sample of 10% of all ISRs placed into "Approved" status in the ISR Database. The Integrity Section utilizes this review to identify those Department members, both ISR authors and reviewing supervisors, who repeatedly submit deficient ISRs or repeatedly approve ISRs in error. In such cases, the Integrity Section reviews that member's entire ISR history to determine whether corrective action is warranted.

The Integrity Section also undertakes special projects designed to identify circumstances in which a Department member should have, but did not, complete an ISR. Recently, the Integrity Section reviewed all arrest reports associated with gun and robbery charges that were submitted from June through August 2016 to check whether ISRs were completed, if necessary. Based on its review of these 1184 reports, the Integrity Section determined that in 187 arrests an ISR should have been completed but was not. In each of the 187 cases, the Integrity Section notified both the author of the arrest report and reviewing supervisor, using the ISR Oversight Observation Report. (A copy of the Investigatory Stop Report Oversight Observation Report is attached as Exhibit E.) The supervisors were required to use

the ISR Oversight Observation Report to report in writing to the Integrity Section regarding the corrective actions taken.

#### Section II.3(b)(iii)

Section II.3(b)(iii) requires that the audits shall include examination of “CPD documentation of civilian and internal complaints relating to investigatory stops and/or protective pat downs.”

CPD’s Bureau of Internal Affairs provides the Integrity Section with documentation regarding any civilian or internal complaints that are determined to be ISR-related. The Integrity Section reviews these materials for purposes of making recommendations regarding improvements, corrective actions, and ways to diminish the number of complaints received regarding investigatory stops.

CPD identified 57 complaints filed between January and September of 2016 that are ISR-related. None involved the same accused officer. Twenty-nine complaints were closed without questioning the accused officer because the investigating officer was not able to obtain a sworn affidavit from the complainant averring that the complaint is true (e.g., “Closed/No Conversion”). Seven complaints were closed after an investigation by the Department resulted in finding that the allegations were unfounded or discipline otherwise was not warranted (e.g., “Closed/Final”). Six complaints were “Administratively Closed” by the command staff of CPD’s Bureau of Internal Affairs based on a determination that the complaint was not suitable for investigation, usually because the allegations in the complaint did not describe a violation of Law or Department policy. In appropriate cases, the command staff referred the “Administratively Closed” complaint to CPD’s Human Resources division for further action, such as counseling. The remaining fifteen complaints are still under investigation.

#### Section II.3(c)

Section II.3(c) requires “[t]he establishment of re-training, enhanced supervision, or discipline of officers who engage in unlawful investigatory stops and/or protective pat downs or violate CPD policies or procedures governing these practices,” and that “[t]here shall be written documentation of all such re-training, enhanced supervision, or discipline.”

As explained, the Integrity Section has identified and continues to identify those Department members who have either repeatedly submitted deficient ISRs or who have repeatedly approved ISRs in error and therefore are in need of re-training or other corrective action. The Integrity Section has identified approximately 15 such individuals so far, and CPD intends to conduct additional training for these individuals before the end of this year.

As you may recall, when CPD's Investigatory Stop System became effective on January 1 of this year, it worked a substantial change to the Department's practices relating to the documentation of investigatory stops and protective pat downs, and a number of Department members expressed concern that they would be subject to discipline for honest mistakes made as they adjusted to the new practices. In a written message transmitted to all Department members and in a video presentation shown at roll calls, Interim Superintendent John Escalante and Superintendent Eddie Johnson assured Department members that they would not be disciplined for honest mistakes made as CPD transitioned to the new system. (A copy of the "PAX 501" message transmitted Department-wide is attached as Exhibit F, and the video is available for viewing.) Although Department members who intentionally violate CPD policy are candidates for discipline, CPD has not identified any deficiencies thus far that rise to that level; accordingly, the deficiencies identified are being and will be corrected through re-training and enhanced supervision.

In addition, CPD continues to provide Department-wide information and training regarding investigatory stops. In July 2016, CPD launched the Integrity Section Website ("Website") where officers can access additional information – including the video presentation by the Superintendent, copies of CPD training and bulletins, and answers to frequently asked questions – about CPD's policies and procedures relating to investigatory stops. The Website also serves as the entry to "AskISR," where officers may email their questions directly to the Integrity Section for response, usually within one day.

And, during late 2016, the Integrity Section plans to conduct a training session at each roll call entitled "A Refresher and Further Guidance Regarding Investigatory Stops." The training will address issues that you have identified, including the distinction between a protective pat down and a custodial search as well as the fact that an ISR is not necessary where an officer undertakes a law enforcement action based on probable cause. The training also will provide examples of both good and deficient ISRs. The training materials are currently being prepared and will be provided to you and the ACLU for review and comment before the training is rolled out.

Again, thank you for the opportunity to address these important issues in writing. We also welcome the opportunity to provide the documentation you requested in your letter dated October 3, 2016, and we appreciate your patience as we gather that documentation and prepare it for production. We plan to provide the documentation on or before the following dates:

1. In response to your first request, we will provide a copy of Jenner & Block's report upon receipt by the City. As explained, Jenner and Block has committed to providing the City with its report on or before October 31, 2016.
2. In response to your second request, we plan to gather and provide responsive documents on or before October 21, 2016.
3. In response to your third request, we have gathered and plan to provide responsive documents on or before Tuesday, October 11, 2016. Please note that, under the Agreement, the City's duty to provide the Consultant with "civilian complaints and disciplinary files regarding investigatory stops and protective pat downs" is "subject to any limitations contained in federal and state law and collective bargaining agreements." Consistent with the Illinois Freedom of Information Act (which exempts from disclosure personal and private information) and the City's collective bargaining agreements with its police unions (which protect an officer's identity from disclosure except where required by law), we intend to redact certain information (such as the name and identifying information of complainants, non-police witnesses, and accused officers) from these documents before producing them. We do not believe that these redactions will interfere with your review of them. However, if you conclude otherwise, we will revisit this approach.
4. The documents that we will produce in response to your second request, as well as the practices and procedures described in this memorandum and its attachments, are responsive to your fourth request insofar as that request seeks information regarding the establishment and written documentation of re-training and enhanced supervision for Department members who engage in unlawful investigatory stops and/or protective pat downs, or violate CPD policies or procedures governing these practices. As explained, the Department's policy during this transition period is to address honest errors through training and supervision rather than punishment.





# INVESTIGATORY STOP SYSTEM



ISSUE DATE:	10 June 2016	EFFECTIVE DATE:	10 June 2016
RESCINDS:	22 March 2016 Version		
INDEX CATEGORY:	Preliminary Investigations		

## I. PURPOSE

This directive:

- A. introduces the Investigatory Stop System to replace the Contact Information System.
- B. ensures compliance with the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law.
- C. delineates the authority and circumstances necessary for conducting an Investigatory Stop.
- D. delineates the use of the Investigatory Stop System for the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.
- E. discontinues the use of the hard copy Contact Information Card [CPD-21.101(Rev. 8/06)] and the hard copy Juvenile Contact Information Card [CPD-21.102(Rev. 8/06)].
- F. introduces the use of:
  - 1. the hard copy Investigatory Stop Report (CPD-11.910).
  - 2. Investigatory Stop Database that replaces the Contact Information Database.
  - 3. Investigatory Stop Receipt (CPD-11.912).
  - 4. Investigatory Stop Pocket Guide (CPD-11.913).
  - 5. Investigatory Stop Report Deficiency Notification (CPD-11.914).
- G. discontinues the use of Investigatory Stop Receipt [CPD-11.912 (1/16)] and introduces the use of Investigatory Stop Receipt [CPD-11.912 (Rev. 6/16)].
- H. delineates responsibilities and procedures for:
  - 1. entering and maintaining Investigatory Stop Reports into the Investigatory Stop Database.
  - 2. completing hard copy Investigatory Stop Reports.
  - 3. accessing information from the Investigatory Stop Database.
- I. maintains the requirement for sworn members who complete the hard copy version of the Investigatory Stop Report to enter the data documented on the hard copy into the Investigatory Stop Database.
- J. continues the requirement for sworn members to document, in the appropriate field, location of occurrence by using the appropriate Incident Reporting Guide (CPD-63.451) location codes.
- K. establishes management responsibility for field supervisors approving Investigatory Stop Reports including review, training, and accountability for proper use and entry of Investigatory Stop Reports by their subordinates.
- L. satisfies CALEA Law Enforcement Standard Chapter 1.

## II. DEFINITIONS

For the purposes of this directive, the following definitions apply:

Ex.A

- A. Investigatory Stop - The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.

- B. Protective Pat Down – A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

- C. Reasonable Articulate Suspicion – Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

1. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
2. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulate Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

- D. Plain Touch Doctrine – When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

### III. POLICY

- A. The Investigatory Stop System is one of the ways the Chicago Police Department, as part of and empowered by the community, ensures that we protect the public, preserve the rights of all members of the community, and enforce the law impartially. Adherence to this policy allows the Department to serve all citizens equally with fairness, dignity, and respect, and to uphold our pledge to not use racial profiling and other bias-based policing.
- B. Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law. Safeguarding the liberties of the public and preventing crime are not mutually exclusive; each can be achieved by fostering trust and confidence between Department members and the public. Members will comport with the policy and procedures of this order to ensure appropriate conduct when interacting with members of the public.
- C. Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.
- D. The reasons for completing the Investigatory Stop Report is to ensure:
1. sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual;
  2. sworn members document the facts and circumstances of a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons;
  3. appropriate Investigatory Stop, Protective Pat Down, or other search information is entered and retained within the Investigatory Stop Database; and
  4. supervisors review the facts and circumstances of Investigatory Stops, Protective Pat Downs, or other searches.
- E. Department members will not engage in racial profiling or other bias-based policing when conducting Investigatory Stops as delineated in the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias-Based Policing.**"
- F. Department members interacting with the public will use Legitimacy and Procedural Justice principles. The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder.

### IV. ILLINOIS STATE LAW

- A. 725 ILCS 5/107-14 delineates the authority for conducting an Investigatory Stop. The statute reads as follows:

"Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and 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."

- B. 725 ILCS 5/108-1.01 delineates the authority for conducting a Protective Pat Down during an Investigatory Stop. The statute reads as follows:

"Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned."

**NOTE:** In this context the word "search" refers to a Protective Pat Down.

## V. GUIDELINES FOR INVESTIGATORY STOPS

Pursuant to Illinois statutory law and U.S. Supreme Court rulings:

- A. An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.
- B. During an Investigatory Stop, subjects may be asked to identify themselves and to provide an explanation for their actions; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer's questions.
- C. Police are not required to give Miranda warnings when conducting on-the-scene questioning during the fact-gathering process.

## VI. AUTHORITY TO PERFORM A PROTECTIVE PAT DOWN DURING AN INVESTIGATORY STOP

- A. Pursuant to Terry v. Ohio and People v. Galvin, authority to perform a Protective Pat Down is limited to the following:
  - 1. When an officer has detained a subject based upon Reasonable Articulable Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulable Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons. The Protective Pat Down is only for the purpose of officer and citizen safety; it is not to search for evidence.
  - 2. During a Protective Pat Down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat Down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.

**NOTE:** Protective Pat Downs will be conducted by a member who is the same gender as the person that is the subject of the Investigatory Stop. If a member of the same gender is not immediately available, officer and public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement. Members will exercise caution when patting down outer garments of persons of the opposite sex.

- B. Pursuant to *Minnesota v. Dickerson* and *People v. Mitchell*, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat Down after satisfying the following requirements:
1. When conducting a lawful Investigatory Stop and the officer is performing a Protective Pat Down, if the officer plainly feels an item that, based upon that officer's training and experience, the officer believes to be contraband, the officer may seize that item and lawfully charge the person with it.
  2. The Plain Touch Doctrine requires officers to satisfy the following three-part test:
    - a. a lawful Investigatory Stop,
    - b. a lawful Protective Pat Down, and
    - c. the officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.

## VII. GENERAL INFORMATION

- A. The Investigatory Stop System is an investigative tool consisting of information obtained in the field and entered into the Investigatory Stop Database.
- B. The Investigatory Stop Pocket Guide is a tool to assist members when conducting Investigatory Stops.
- C. The Investigatory Stop Database
1. The Investigatory Stop Database will only be used to document:
    - a. Investigatory Stops, Protective Pat Downs, or other searches; and
    - b. enforcement of the Gang and Narcotics-Related Loitering Ordinances consistent with the Department directive entitled "**Gang and Narcotics-Related Enforcement.**"
  2. The Investigatory Stop Database contains:
    - a. information concerning the individual temporarily detained for the Investigatory Stop.
    - b. narrative sections that include a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.

**NOTE:** Sworn members are required to complete the narrative field in the Investigatory Stop Database.

3. Sworn members will complete hard copy Investigatory Stop Reports only when the electronic Investigatory Stop Database is unavailable and after approval is obtained by their immediate supervisor.
4. Sworn members are responsible for entering all Investigatory Stop Reports created during their tours of duty into the electronic system as soon as possible but no later than the end of their tours of duty consistent with Item VIII-B.
5. Supervisors will review all Investigatory Stop Reports, electronic and hard copy, created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive.
6. Procedures for units that routinely do not have access to the Investigatory Stop Database
  - a. Sworn members will complete and submit hard copies of the appropriate Investigatory Stop Report for approval as soon as possible but no later than the end of their tours of duty;
  - b. Supervisors will review all hard copy Investigatory Stop Reports created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive; and

- c. Commanding officers of these units will determine the method of data entry and ensure the information is entered into the Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

#### D. Access

1. All Investigatory Stop Database information will be accessible to any sworn Department member and select civilian members, e.g., Department statistician, for one year after the initial Investigatory Stop Report was generated.
2. Pursuant to supervisory approval, personnel assigned to the following bureaus will be allowed access to Investigatory Stop information for three years based upon reasonable, articulated investigative need:
  - a. Bureau of Detectives;
  - b. Bureau of Organized Crime;
  - c. Bureau of Internal Affairs.

**NOTE:** The bureau chiefs will establish appropriate record keeping relevant to access and approval.

3. Other Department members who require access beyond this policy will submit a To-From-Subject Report through the chain of command to the Director, Information Services Division, articulating the investigative need for access. If necessary, the Director, Information Services Division, will consult with the Office of Legal Affairs regarding the requested access.
4. After three years, personal identification data contained within the Investigatory Stop Database will be deleted pursuant to Information Services Division practice and record-retention requirements, statutory or judicial. Therefore, no member will have access to personally identifying data from those Investigatory Stop Reports.

**NOTE:** The aggregate data from an Investigatory Stop event, such as the date, time, and address of occurrence, in addition to the descriptive racial and demographic data, will be retained by Information Services Division.

### VIII. PROCEDURES

#### A. Investigatory Stop

1. Sworn members who conduct an Investigatory Stop and, if applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report into the Investigatory Stop Database. All of the factors that support Reasonable Articulate Suspicion in order to temporarily detain an individual for investigation, and, if applicable, all of the factors that support Reasonable Articulate Suspicion in order to perform a Protective Pat Down will be documented in the narrative portions of the database.

**NOTE:** For purposes of this directive, "public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.

2. In addition, Investigatory Stop Reports will be submitted for all Investigatory Stops and Protective Pat Downs **that lead to** an arrest, Personal Service Citation, Administrative Notice of Violation (ANOV), Curfew Violation Report, School Absentee Report, or other enforcement action.
3. Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed

Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.

**EXCEPTION:** An Investigatory Stop Receipt will not be provided if the subject of the stop is arrested.

4. The following examples illustrate instances when Investigatory Stop Reports, Investigatory Stop Receipts, and other Department reports are required, and are intended to serve as guidelines that can be applied in various circumstances.
  - a. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign, and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**." An Investigatory Stop Report will not be completed.
  - b. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the traffic stop, the officer observes various factors that develop Reasonable Articulate Suspicion that the driver may be "armed and dangerous" or "presents a danger of attack." The officer conducts a Protective Pat Down on the driver and the vehicle for weapons. No weapons are discovered. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign. Due to the performance of a Protective Pat Down, the officer completes an Investigatory Stop Report and provides a completed Investigatory Stop Receipt to the driver. The officer documents on the Investigatory Stop Report the reason for the stop was a traffic violation, failure to stop at stop sign, and the Reasonable Articulate Suspicion to justify the Protective Pat Down of the driver and the vehicle. When completing the Investigatory Stop Receipt, the officer writes "failure to stop at a stop sign" as the reason for the stop. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**."
  - c. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the stop, the officer receives a flash message that provides a description of a wanted offender and vehicle for a theft that just occurred in the area of the traffic stop. The driver and the vehicle match the description. The officer conducts an investigation for the theft by questioning the driver regarding his whereabouts at the time of the theft. The officer determines that he does not have probable cause to arrest. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign and completes an Investigatory Stop Report. The officer documents on the Investigatory Stop Report the initial reason for the stop was a traffic violation, failure to stop at a stop sign, and the officer's Reasonable Articulate Suspicion that the driver committed a theft. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**."
  - d. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues a verbal warning to the driver for failure to stop at a stop sign, and completes an Illinois Traffic Stop Statistical Study - Driver Information Card consistent with the Department directive entitled "**Illinois Traffic Stop Statistical Study**." An Investigatory Stop Report will not be completed.
  - e. An officer responds to a call of shots fired. Upon the officer's arrival on the scene, the officer observes several people in the area. The officer approaches and questions people in the area as to whether or not they heard or saw anything pertaining to the shots fired call. After further investigation by the officer, the officer determines the incident is not bona fide. An Investigatory Stop Report will not be completed.

5. If an arrest is made based on an Investigatory Stop, an Investigatory Stop Report will be completed in addition to the Arrest Report. Members will indicate in the Investigatory Stop Report that an arrest is related to the Investigatory Stop by checking the appropriate box.
6. During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's Reasonable Articulate Suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject or for the completion of required documentation when Reasonable Articulate Suspicion no longer exists.
7. **Failure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.** If, at the conclusion of an Investigatory Stop, the individual is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
  - a. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  - b. provide as much of the stop information as possible;
  - c. indicate the refusal in the narrative field; and
  - d. describe the reason for the stop and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
8. When Investigatory Stop Reports are submitted for more than one person in a group, members will cross-reference the report numbers in the appropriate fields of the database.

B. Data Entry

1. Sworn members will submit an electronic Investigatory Stop Report as soon as possible but no later than the end of their tours of duty by selecting "Automated Investigatory Reports" from the CLEAR menu.
2. If electronic access to the CLEAR application is not available, after receiving approval from a supervisor, sworn members will:
  - a. complete the hard copy Investigatory Stop Report;
  - b. accurately enter the Investigatory Stop Report into the Investigatory Stop Database by selecting "Automated Investigatory Reports" from the CLEAR menu if electronic access to the CLEAR application becomes available before the end of their tours of duty.

**NOTE: The information entered into the Investigatory Stop Database must directly correspond with the information initially documented on the hard copy.**

  - c. select "yes" in the Investigatory Stop Database that a hard copy Investigatory Stop Report was completed.
  - d. record the ISR number generated by the Investigatory Stop Database onto the hard copy Investigatory Stop Report.
  - e. **forward the completed, hard copy Investigatory Stop Report to their supervisor for approval.**
3. If electronic access to the CLEAR application continues to be unavailable and is restored after the sworn member's tour of duty has ended, unit executive officers will determine the method of data entry and ensure that the Investigatory Stop Report is entered into the

Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

**NOTE:** For units without executive officers, the unit commanding officer will designate a supervisor to perform these duties.

C. Supervisory Responsibilities

1. Reviewing supervisors will:

- a. approve or reject all submitted Investigatory Stop Reports by the end of their tours of duty.
- b. review and ensure Investigatory Stop Reports are properly completed and conform to Department policy.
  - (1) Supervisors are responsible for ensuring that members properly document in the narrative sections of all (electronic and hard copy) Investigatory Stop Reports:
    - (a) the Reasonable Articulate Suspicion that justifies the Investigatory Stop and, if performed, Protective Pat Down; and
    - (b) if applicable, the basis and reasons that led to any search of a person or his/her effects that was beyond a Protective Pat Down.
  - (2) When both a hard copy and an electronic Investigatory Stop Report are created, supervisors will confirm the hard copy matches the electronic entry.
- c. for properly prepared Investigatory Stop Reports, indicate approval in the automated system or by signing the Investigatory Stop Report in the appropriate field.
- d. for rejected Investigatory Stop Reports:
  - (1) personally inform the preparing sworn member of the reason for the disapproval or rejection;
  - (2) complete an Investigatory Stop Report Deficiency Notification for rejections based on the following:
    - (a) Failure to document justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (b) Improper justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (c) Submitted hard copy of the Investigatory Stop Report does not match the electronic version submitted in the Investigatory Stop Database; and
    - (d) Investigatory Stop Report submitted in error. Officer's actions did not require the submission of an Investigatory Stop Report.

**NOTE:** When completing the Investigatory Stop Report Deficiency Notification, supervisors will include the action that was taken to address the deficiency, such as reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.

Forward the completed Investigatory Stop Report Deficiency Notification to the Commanding Officer of the Integrity Section, Crime Control Strategies.

- (3) document rejections based on deficiencies, such as typographic errors, incomplete fields, etc., and the corrective action taken in the comments section within the Investigatory Stop Database. Instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the sworn member's tour of duty.

**NOTE:** If an Investigatory Stop Report Deficiency Notification is required, state in the comments section that an Investigatory Stop Report Deficiency Notification will be submitted.

- (4) instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the member's tour of duty.

**EXCEPTION:** Instruct the member not to resubmit the Investigatory Stop Report if an interview with the member reveals that the Investigatory Stop, Protective Pat Down, or other search was not justified or that the Investigatory Stop Report should not have been completed. The Investigatory Stop Report will remain in rejected status for clearance by the Integrity Section of Crime Control Strategies.

- (5) verify submission of the corrected Investigatory Stop Report and approve as appropriate.

- e. forward all hard copy Investigatory Stop Reports to the district review officer or member designated by the unit commanding officer for records retention.

2. District review officers or members designated by unit commanding officers will, on a daily basis, forward all hard copy Investigatory Stop Reports, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.

3. Executive officers will:

- a. ensure supervisors are properly reviewing and approving all submitted Investigatory Stop Reports.

- b. ensure the submission of Investigatory Stop Reports into the CLEAR system is monitored in order to ensure that the review and approval process is timely.

- c. ensure all approved hard copy Investigatory Stop Reports are forwarded, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.

- d. conduct monthly internal audits of Investigatory Stop Reports to ensure compliance with this directive and submit a report of their findings to the commanding officer.

- e. take appropriate action if any deficiencies are noted.

**NOTE:** If supervisory approvals do not conform to Department policy, the executive officer will take appropriate action (reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.). Additionally, the executive officer will forward and document the action taken in a To-From Subject Report to the Commanding Officer of the Integrity Section, Crime Control Strategies.

**NOTE:** In units without executive officers, the unit's exempt commanding officer will designate a supervisor to perform these duties.

4. On a daily basis, commanding officers and executive officers will be accountable for the proper implementation of this directive.

**IX. OTHER RESPONSIBILITIES**

- A. The Information Services Division is responsible for the maintenance and integrity of the Investigatory Stop Database.
- B. Consistent with Local Records Commission requirements, the Director, Records Division, will ensure that hard copy Investigatory Stop Reports are destroyed and that information in the Investigatory Stop Database is purged consistent with this directive.
- C. The Commander, Inspections Division, will ensure audits of the Investigatory Stop System will be conducted.
- D. Bureau chiefs that have members who have access to the Investigatory Stop System beyond one year will ensure access is consistent with articulated investigative need and that supervisory authorization for access is maintained within unit files.
- E. The Integrity Section, Crime Control Strategies, will conduct random audits of the Investigatory Stop System on a continual basis.

**X. RETENTION**

- A. Pursuant to 705 ILCS 405/1-7, entitled "Confidentiality of Law Enforcement Records," juvenile Investigatory Stop Reports will be filed and retained separately from adult Investigatory Stop Reports.
- B. The Director, Records Division, will dispose of both electronic and hard copy Investigatory Stop Reports consistent with this and other applicable Department directives, applicable court orders, and the law.
- C. All Investigatory Stop Reports, electronic and hard copy, will be retained for a period of six months after the completion of the Illinois Traffic Stop Statistical Study (TSSS).
- D. Six months after the completion of the TSSS:
  1. all hard copy Investigatory Stop Reports three years and older will be purged.
  2. all personal identifying information entered into the electronic database three years and older will be purged.
- E. All hard copy Investigatory Stop Reports and personal identifying information contained within the database generated after the TSSS retention period and beyond will be retained for a period of three years from the date the Investigatory Stop Report was generated.

**NOTE:** Pursuant to a court order entered in Hall, et al. v. City of Chicago, et al., 12 C 6834, the Chicago Police Department and its members are ordered to preserve all data in the Investigatory Stop System and to preserve ALL hard copies of Investigatory Stop Reports until further notice.

(Items indicated by italics/double underline were added or revised.)

Authenticated by: KC

Eddie T. Johnson  
Superintendent of Police

13-033 CM



## GLOSSARY TERMS:

### 1. **Investigatory Stop**

- A. The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.

### 2. **Protective Pat Down**

A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

### 3. **Reasonable Articulate Suspicion**

Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must

be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

- A. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
- B. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulable Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

4. **Plain Touch Doctrine**

When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

5. **Racial Profiling or Other Bias-Based Policing**

In making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, Chicago Police Department officers may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description.

6. **Legitimacy and Procedural Justice**

The Department's commitment to professionalism, obligation, leadership, integrity, courage, and excellence has driven many meaningful public safety achievements. The Chicago Police Department conducts training and establishes procedures consistent with the concept of Legitimacy and Procedural Justice, with the goal of strengthening our relationship with the community and ultimately improving officer safety and efficiency. The concept of Legitimacy and Procedural Justice consists of the following four principles:

- 1. Giving others a voice (listening)
- 2. Neutrality in decision making
- 3. Respectful treatment and
- 4. Trustworthiness.

By fostering an environment where procedural justice principles become standard practice, the Department can create an organizational culture that fosters a true partnership with the public and leads to safer and more prosperous communities.

7.

**Public Place**

Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.





# ISRs



## Preliminary

Preliminary ISRs are those reports created and saved by the author but not submitted to the supervisor for approval.





# ISRs



## Submitted for Cancellation

ISRs that have been submitted for cancellation are sent to the supervisor for approval of the cancellation.





# ISRS



## Cancellation

ISRS can only be cancelled when they are in the preliminary status and require supervisor's approval.



# ISRs



## Submitted

Submitted ISRs are those reports submitted by the author to the supervisor for review, and if appropriate, approval.



# ISR's



**Approved**

Approved ISR's are those reports submitted by the author and are approved by the Source Unit Supervisor.





# ISRs



## Administrative Rejection

Administrative Rejections are those Investigative Stop Report's (ISRs) rejected by the source unit supervisor for an error such as **clerical mistakes** or **simple omissions**. The source unit supervisor returns the ISR to the author for correction, resubmission and approval.



# ISRs

## Deficiency Rejection

Deficiency Rejections are those ISR's rejected by the source unit supervisor for an error such as the **omission of some factors** of the totality of the circumstances which support RAS for the Investigatory Stop, the Pat Down or Other Search; or the **hard copy does not match the submitted electronic version**. The source unit supervisor returns the ISR to the creator for correction, resubmission and approval.





# ISRs



## Deficiency Rejection Review

Those ISR's in Deficiency Rejection Review were found to have **improper justification** for the Investigatory Stop, the Pat Down and/or the Search. The source unit supervisor determined these reports to **lack RAS for an Investigatory Stop altogether** or found the ISR to be **generated in error**. The Source unit supervisor forwards the ISR to the Integrity Section by placing it in Deficiency Rejection Review status.



# ISRs



## Deficiency Rejection Review Final

Those ISR's placed into Deficiency Rejection Review by the source unit supervisor are reviewed by the Commanding Officer of the Integrity Section. If the CO concurs with the supervisor, the ISR is placed into Deficiency Rejection Review Final.





# ISRS



## Archived

Those submitted ISR's placed into any status other than Approved by the source unit supervisor will be archived. This preserves the document in its original state despite later revisions, which will also be accessible.





# Cancelling ISRs in the ISR System

**Chicago Police Department**

Bureau of Organizational Development

Integrity Section

Captain Karyn Murphy

# ISRs can only be cancelled when they are in the Preliminary Status.

AO114 FIRST NAME AO114 LAST NAME (AO114) [Logout](#)

[View PDF](#) [Validate](#) [Activity](#) [Summary \(Actions\)](#)

Acknowledge Inbox 014 - DISTRICT-14

### Submit for Cancellation Report

**Current Status:** Preliminary

**Reason:**

[Start](#) [Cancel](#) [Submit for Cancellation](#)

As a user, I checked 'Create Report' or 'Create Related Button' Another ISR report was already created for this investigation. Stop

CLEARNET Investigatory Stops

Investigatory Stop Report

### Report Summary

Report: Type: [Inv Stop](#) Number: ISR000013220  
Status: UFE: [Preliminary](#) Secondary: Preliminary  
Unit: Name 014 - DISTRICT 014

[Stop Report](#) [Edit](#) [Delete](#) [Submit for Cancellation](#)

ago Police Department

# Supervisor's Actions

Report #  Unit #  PC#  Assigned Officer

Report Status: Submitted for Cancellation  Paper Form?

Report #	Status	Unit #	PC#	Assigned Officer	Created	Submitted	
View: ISRD00013031	Submitted for Cancellation	014 - DISTRICT 014	AO114	AO114 LAST NAME, AO114 FIRST NAME	15-Jun-16 1204	15-Jun-16 1513	<input type="button" value="Original"/>
View: ISRD00013016	Submitted for Cancellation	014 - DISTRICT 014	AO114	AO114 LAST NAME, AO114 FIRST NAME	14-Jun-16 1450	20-Jun-16 1039	<input type="button" value="Original"/>
View: ISRD00013010	Submitted for	014 - DISTRICT	AO114	AO114 LAST NAME, AO114 FIRST NAME	10-Jun-16 1242	15-Jun-16 1026	<input type="button" value="Original"/>

Investigatory Stop Report ,

© 2016 Chicago Police Department



# Assessing AskISR

**Chicago Police Department**

Bureau of Organizational Development

Integrity Section

Captain Karyn Murphy

# On the CLEARNET homepage, under "WHAT'S NEW" click on "Integrity Section - AskISR"



There are currently 1460 users online.

18 July 2016 12:45:39 PM

Try the new CLEAR Intranet Home Page. [Click here to visit The Wire.](#)

DEPARTMENT INFORMATION	ADMINISTRATIVE MESSAGE CENTER	WHAT'S NEW!																														
<ul style="list-style-type: none"> <li>Automated Arrest &amp; eTrack Integration Quick Guide</li> <li>Bureau Sites</li> <li>Chicago's Most Wanted</li> <li>CLEAR Quick Reference for Command</li> <li>CLEARmap</li> <li>CLEARpath / CLEARpath Internal Console List</li> <li>CPD HQ Vocenall Info</li> <li>CPD Organization Chart</li> <li>CTA / Metro Rail routes: Entrances and Exits</li> <li>Department Awards: Proper Uniform Display</li> <li>Department Organization for Command</li> <li>DIBS / DIBS Help Guide</li> <li>Employee Number Search</li> <li>FOP Contracts</li> <li>Gang Intervention Probation</li> <li>Help Documentation</li> <li>How to delete email messages</li> <li>ITI Scholarship Program</li> <li>Internet Links</li> <li>100 Reporting Application</li> <li>TSP Offender DNA Database</li> <li>Unassigned Email Notifications</li> </ul>	<table border="1"> <tr> <td>Lost &amp; Theft/</td> <td>Stolen CPD Star #4756</td> <td>18-Jul-2016 12:11</td> </tr> <tr> <td>General</td> <td>ASKISR website</td> <td>18-Jul-2016 12:10</td> </tr> <tr> <td>Death</td> <td>Death of brother of P. O. Mikal Wattins</td> <td>18-Jul-2016 11:53</td> </tr> <tr> <td>General</td> <td>Opportunity for Sergeant in Management and Labor Affairs Section</td> <td>18-Jul-2016 08:32</td> </tr> <tr> <td>General</td> <td>TRAINING OPPORTUNITY 8 HR LEMART SELF-AID/PARTNER AID COURSE</td> <td>18-Jul-2016 06:30</td> </tr> <tr> <td>Lost &amp; Theft/</td> <td>THEFT OF FIREARM (NON LAW ENFORCEMENT)</td> <td>18-Jul-2016 04:18</td> </tr> <tr> <td>General</td> <td>Lost &amp; Theft/Theft of firearm - Non Law Enforcement</td> <td>17-Jul-2016 22:55</td> </tr> <tr> <td>Death</td> <td>ALL CALL MESSAGE</td> <td>17-Jul-2016 13:21</td> </tr> <tr> <td>Death</td> <td>DEATH OF FAMILY MEMBER</td> <td>17-Jul-2016 10:22</td> </tr> <tr> <td>Death</td> <td>Death: Father of Sgt. Patricia Strubling</td> <td>17-Jul-2016 10:04</td> </tr> </table> <p><a href="#">More Administrative Messages...</a></p> <p><a href="#">Create New Message</a></p>	Lost & Theft/	Stolen CPD Star #4756	18-Jul-2016 12:11	General	ASKISR website	18-Jul-2016 12:10	Death	Death of brother of P. O. Mikal Wattins	18-Jul-2016 11:53	General	Opportunity for Sergeant in Management and Labor Affairs Section	18-Jul-2016 08:32	General	TRAINING OPPORTUNITY 8 HR LEMART SELF-AID/PARTNER AID COURSE	18-Jul-2016 06:30	Lost & Theft/	THEFT OF FIREARM (NON LAW ENFORCEMENT)	18-Jul-2016 04:18	General	Lost & Theft/Theft of firearm - Non Law Enforcement	17-Jul-2016 22:55	Death	ALL CALL MESSAGE	17-Jul-2016 13:21	Death	DEATH OF FAMILY MEMBER	17-Jul-2016 10:22	Death	Death: Father of Sgt. Patricia Strubling	17-Jul-2016 10:04	<p><b>Integrity Section - AskISR New!</b></p> <p><a href="#">Integrity Section - AskISR New!</a></p> <p><a href="#">Knowledge Resource / Suicide Bombings</a></p> <p><a href="#">Caboodle Mobile / Help / Intro Video</a></p> <p><a href="#">District Commander Toolbox for Problem Premises</a></p> <p><a href="#">Inspector ALPR Law Enforcement User Guide</a></p> <p><a href="#">Submitt Ideas to News Affairs</a></p> <p><a href="#">SSL Dashboard / Help</a></p> <p><a href="#">Deployment Tracking System (DTS) / Help</a></p> <p><a href="#">enunSlips / Help</a></p> <p><a href="#">CLEAR Search / Help</a></p> <p><a href="#">LINK / Request Access to LINK</a></p> <p><a href="#">Overtime Reports Instructions</a></p>
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		<p><b>TRAINING RESOURCES</b></p> <ul style="list-style-type: none"> <li>AURA Recover Reports Video</li> <li>AURA FAQ Sheet</li> <li>Alternative Cannabis Enforcement Program Training Bulletin</li> <li>Cyber-Security Awareness Training</li> </ul>																														

# The WIRE

## WHAT'S NEW

### ASK ISR FAQ'S

AskISR - Table of Contents

[View in Full Screen](#)

1



Try the new CLEAR Intranet Home Page. Click here to visit The Wire.

Automated Arrest & Track Integration Quick Guide

Reference for Command / CLEARpath Internal

2

Line & Technical  
General  
Death  
Department  
General  
Line & Technical  
Line & Technical

4

CHICAGO POLICE DEPARTMENT BUREAU SITES

VIEW THE DEPART

- ★ BUREAU OF INTERNAL AFFAIRS
- ★ ADMINISTRATION HOMEPAGE
- ★ INTEGRITY SECTION - ASKISR NEW!
- ★ OFFICE OF CRIME CONTROL STRATEGIES

2016

3

The Wire



The Wire



**UNDER CONSTRUCTION**  
**CONTENT WILL BE AVAILABLE SOON**

Bureau of Organizational Development  
Integrity Section  
Unit 131

# Accessing ISRs Using the JASPERSOFT Dashboard

**Chicago Police Department**

Bureau of Organizational Development

Integrity Section

Captain Karyn Murphy



On the CLEARNET homepage, click on "Clear Reporting Directory" under the "Clear Systems" heading.

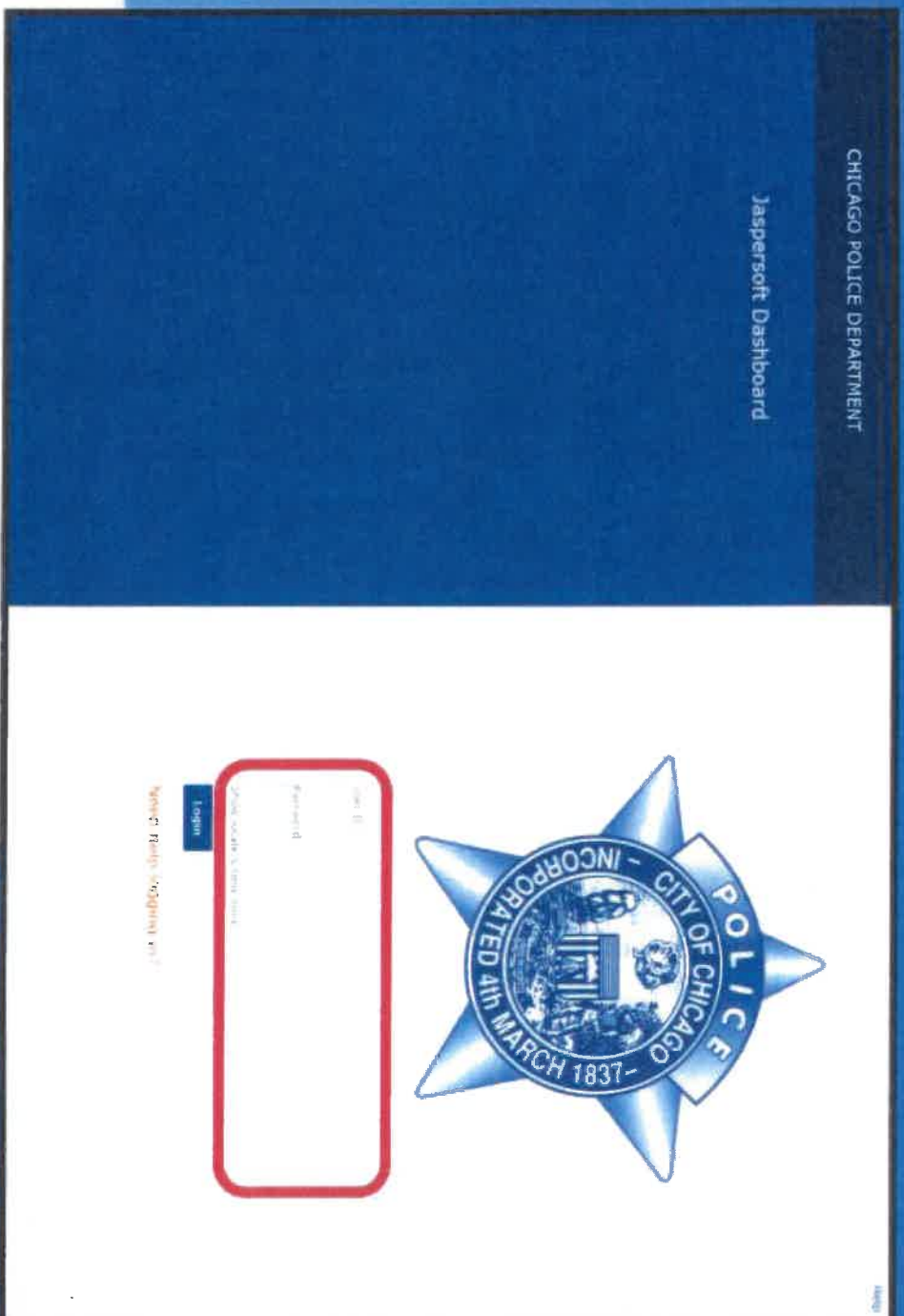
The screenshot displays a web interface with two main columns of links. The left column is titled 'CLEAR SYSTEMS' and contains several categories of links. The right column is titled 'DEPARTMENT RESOURCES' and contains various utility and reporting links. A red rectangular box highlights the 'CLEAR Reporting Directory' link in the 'CLEAR SYSTEMS' column.

CLEAR SYSTEMS	DEPARTMENT RESOURCES
<b>CLEAR Applications</b>	Alert System Archive
<b>CLEARNET Applications</b>	Area & District Maps
- Domestic Violence Assessment Form	Asset Management
- Crash Reports	Building Address Database / Instructions
- Investigatory Stop Report (ISR) <b>New!</b>	Cease & Desist Application
Automated Incident Reporting (AIRA)	Chicago Park District Code
Automated Information Report System (AIRS)	CIIS Portal / CIIS Portal Help
Auto AAA Dashboard	Crime Patterns
<b>CLEAR Reporting Directory</b>	Department Directives System
The following are now accessed under the above link:	FMLA Rights & Responsibilities
- Alpha / Star Query	IOD Reporting Application
- CLEAR Reporting Directory	Link Chart / Link Chart Help
- Jaspersoft Reporting	Mass Arrest Dashboard
- Data Warehouse / Online Reports	PDI Applications
Browser Check	Traffic Violation Bond Certificates
CLEARpath Worklist Dashboard	Video Technology Section
Digital Mugshot System	Web Mapping
HotDesk	
Office Automation - Has migrated to CLEAR.	

# Click on "ISR Reports"

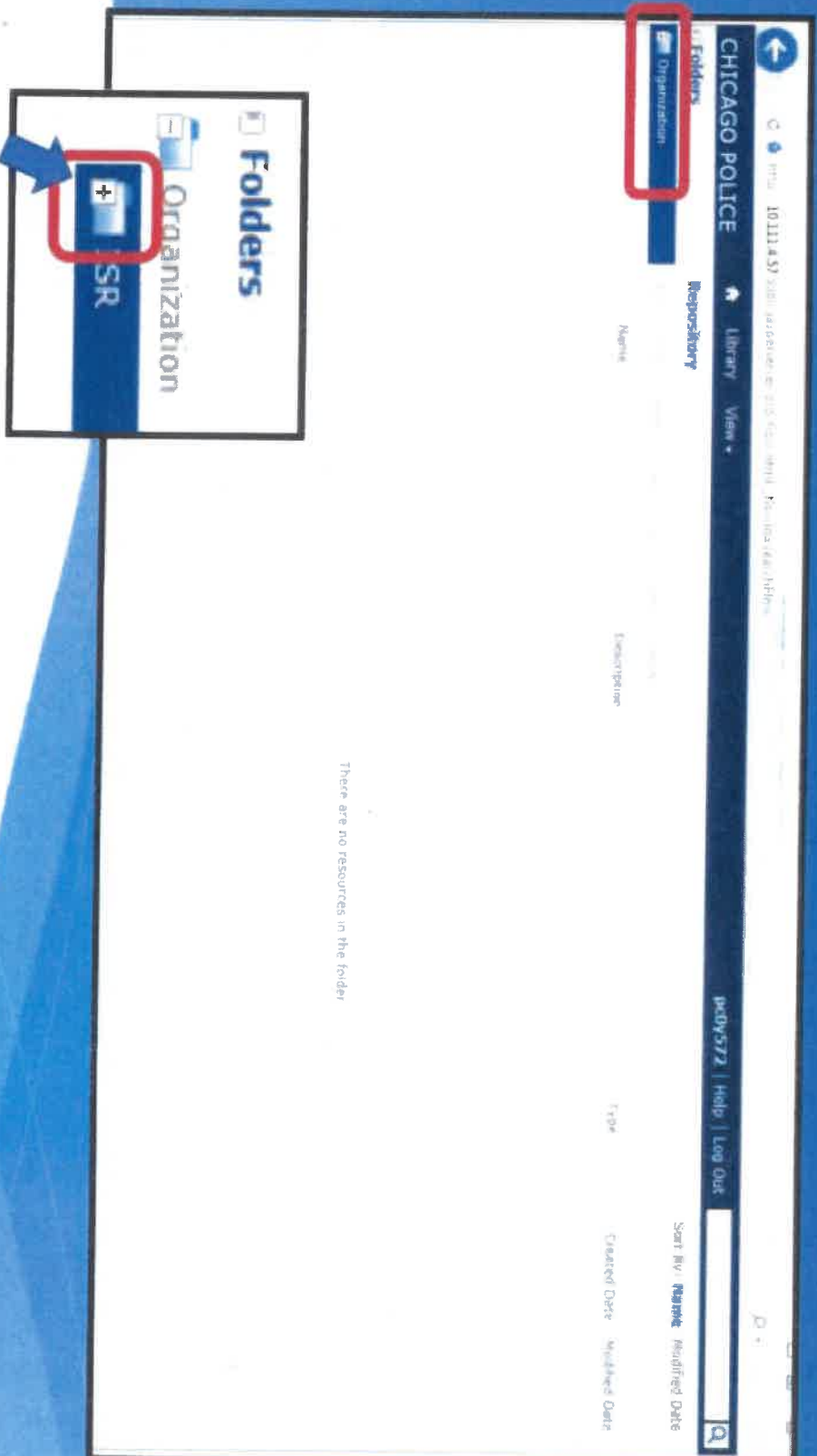
Report Category or Folder	Description
Alpha Star	Employee name and number search
BIS Administrative	Open Assigned Cases
BIS Administrative - Other	Other detective administrative reports besides Open Assigned Cases
Bureau of Patrol	Includes Unit Activity Reports
Comstat	Interactive version of the compact / quickstat reports for authorized users
Court Absence	Court Absence reports
Court Notifications	Court Notification reports
Court Section	Additional reports used by Court Section personnel
Court Traffic	Traffic court related reports including notification, room sheets, and
CPIC	Shooting Analysis: Shooting Victim and Murder Courts
Deployment	Mission Activity (DTS) Special Deployment reports
District Administrative	Includes 5911 / Delinquent reports
DOC	Reports for Deployment Operations Center and OCIC users
DOC - Daily Automated	Current Ready-to-go automatic daily copies of DOC reports.
Domestic Violence	Domestic Violence by District
Education and Training	Firearm Qualification
ELearning	Officers with CIT Certification
Homocide	Officers with Cycle Training
Homocide Daily Automated	Reports for homicide Division
Human Resources	Ready-to-go automatic daily copies of key Homocide reports.
ISR Reports	Employee Assignment/Detail History; Foreign Language Proficiency Verification; PHQ Status Report
Office of the Superintendent	Arrests Processed by JISC Holding / Unit 304
OverTime	Collection of reports for ISR Auditing. Available to Unit 115 S. Capt
OverTime - Interactive (Budget Folder)	Day Count Summary; Non-100 Unpaid Duty
Personnel - SAP	Includes Citywide CAPS Attendance Report
Personnel	OverTime detail report for units.
Personnel - Self Service	Interactive reports to facilitate analysis of overtime.
QuickStat	Includes Awards; Complementary History; AA Sworn Attendance; P
Tactical Reports - Data Warehouse Search	Includes Individual Arrest Stats, PDS Reports for Supervisors
Tactical Reports - Data Warehouse Search with Mapping	Reports for the single user that is logged in. Includes Overtime, S
Tactical Reports - Formatted	Dashboard) Includes Sanitary Router
	Current published Quickstat Report (Will download immediately
	Separate data warehouse search pages for Arrests, Incidents, and
	Separate data warehouse search pages with ability to map the results
	Includes Vehicle recoveries, Vehicle Thefts, Tactical Unit Contact On

The Jaspersoft login screen appears. Use your CLEAR credentials to log in.

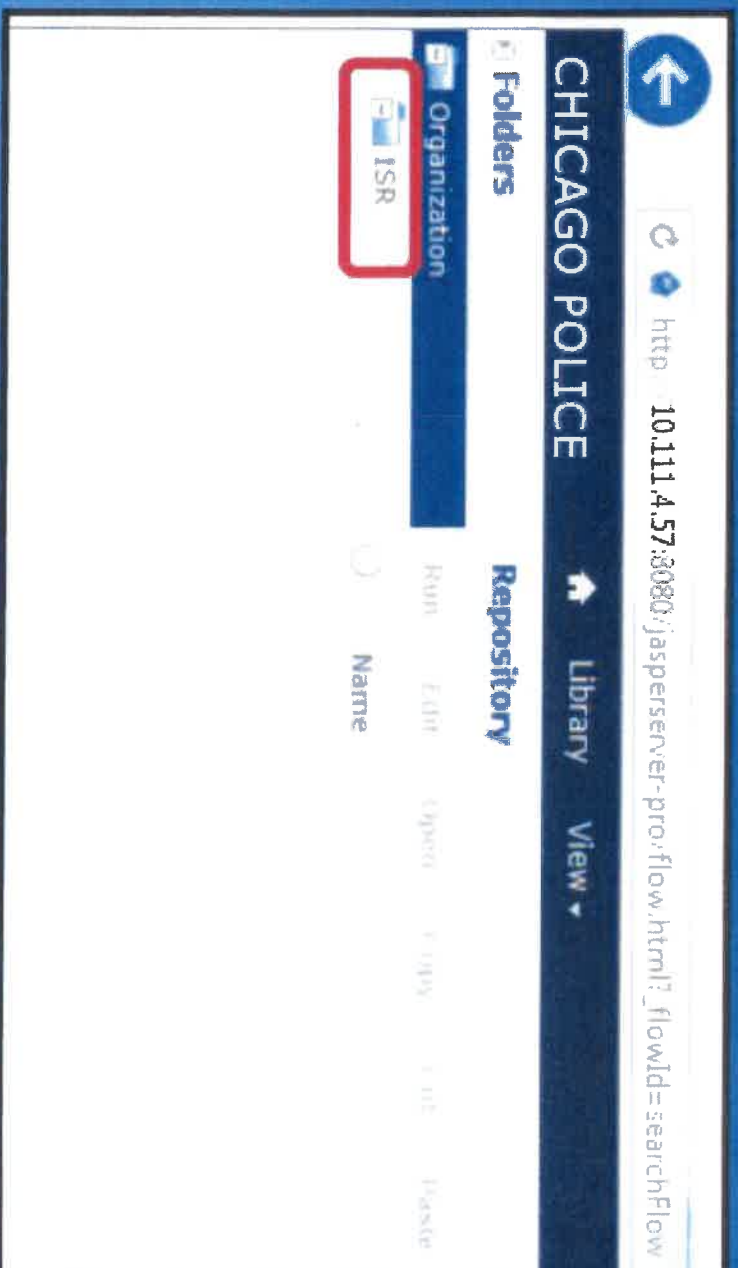




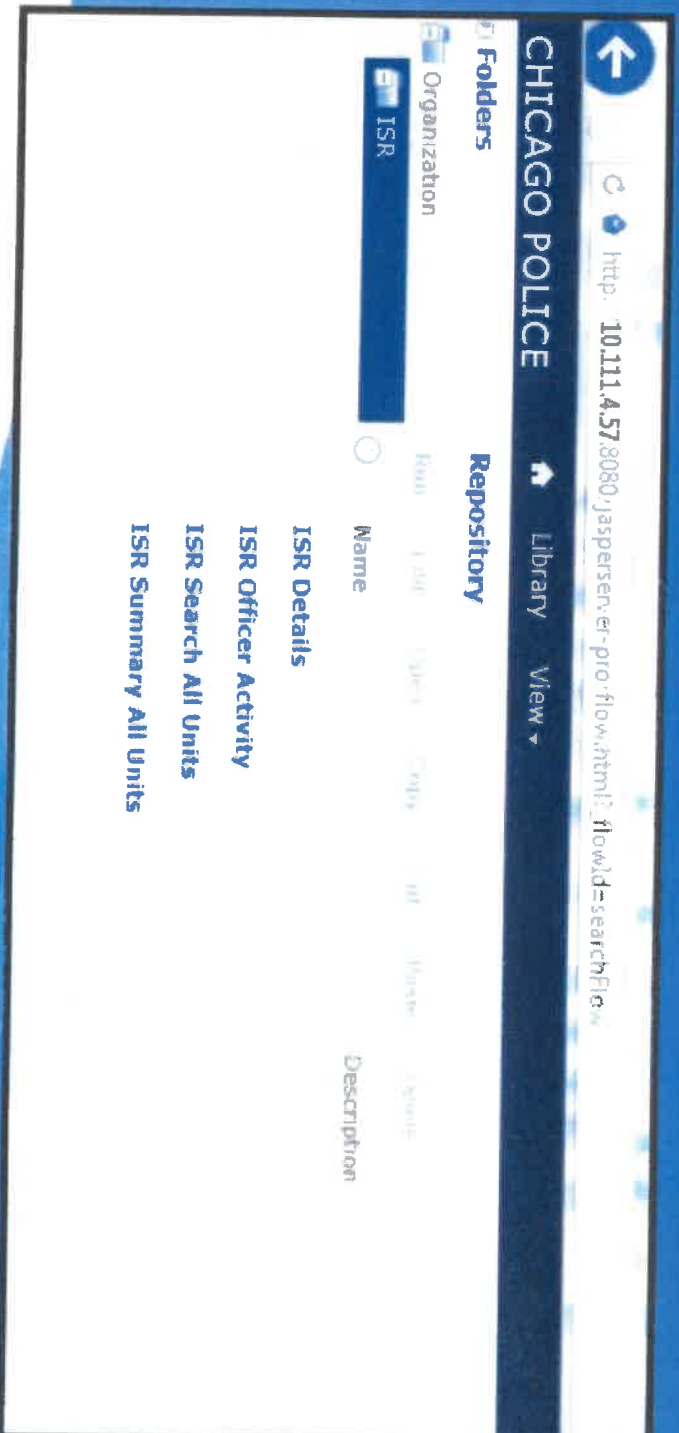
# Expand the “Folders” view by clicking on the folder icon



Click on the ISR Folder icon



- ISR Details – Individual ISRs
- ISR Officer Activity – Search individual officer’s stats
- ISR Search All Units – Overall unit or city activity
- ISR Summary All Units – A one page summary of activity



## ISR Details – Looking up individual activity

- Report # must be exactly as it appears
- Click “Apply”

CHICAGO POLICE

Options

Report No:  
ISR0000XXXXX

Back

ISR Details

Apply

You must apply



To print, you must first convert the file

**CHICAGO POLICE**

Report # ISR000012345

**ISR Details**

Print

Report # ISR000012345

Report Status: APR

BOCJ #: [REDACTED]  
 Hot Spot #: [REDACTED]  
 Mission #: [REDACTED]  
 Event Assigned By: VIEW

ISR Receipt Given?: Y  
 Rec. by Body Camera? N  
 Rec. by In-Car Camera? N  
 Vehicle Involved? Y

Driver's License #: 650023098126  
 State of Issue: IL  
 Sex: MALE  
 Perceived Race: [REDACTED]  
 Date of Birth: 02-14-1988  
 Age (From): 27  
 Age (To): [REDACTED]  
 Age Estimated? [REDACTED]  
 Height: 601  
 Weight: 165  
 Complexion: JAFENJIM BROWN  
 Eye Color: BROWN  
 Hair Color: BLACK  
 Hair Style: BRAIDS  
 Build: MEDIUM  
 Facial Hair Color: 03

Subsided/Damaged/Inhibits Information Refused? Y  
 Name Verified by ID? Y  
 Name: CONWAY EDWARD JAMAL  
 Nickname: [REDACTED]  
 Cell Phone: [REDACTED]  
 Home Phone: [REDACTED]  
 Street #: 2825  
 Half Address? [REDACTED]  
 Street Direction: [REDACTED]  
 Street Name: RIDGELAND AVE  
 Unit #: 4  
 City: BROWN  
 State: IL  
 Zipcode: 60402  
 Bath: 3100

Clothing Type/Color: Black jacket  
 Scarves/Hats/Accessories: none

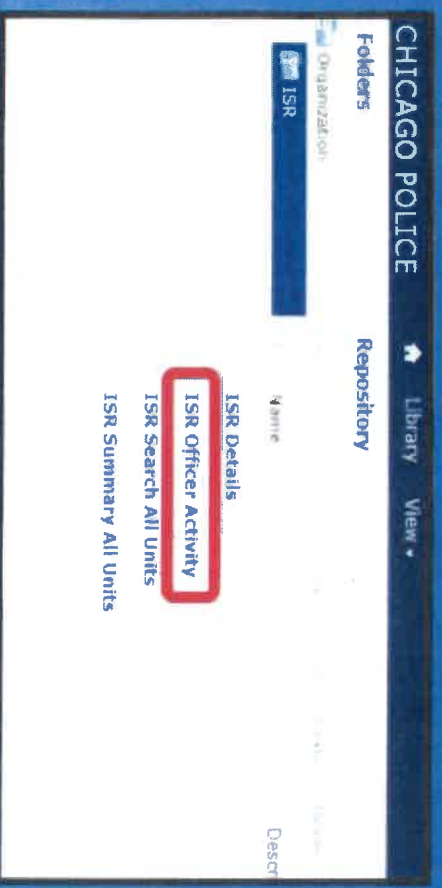
**Address of Stop**

12:26 PM 07/27/2016



# ISR Officer Activity

## Search by parameters



CHICAGO POLICE Library View

Options

ISR Officer Activity

PC# (User ID) Back

Star #

\* Start Date

This field is mandatory so you must enter data.

\* End Date

This field is mandatory so you must enter data.

Involvement Type(s):

First R.O.

Second R.O.

Author

All None Inverse

Status history Includes:

REJ | Administrative Rejection

DEF | Deficiency Rejection

REV | Deficiency Rejection Review

All None Inverse

Final Status:

APR | Approved

FIN | Deficiency Rejection Final

All None Inverse

Use slider bars to input time to 23:59:59 on the "End Date"

**CHICAGO POLICE** Library View Create

**Options** **ISR Search All Units**

\* Start Date

\* End Date **2016-06-23 23:59:59**

**This field is mandatory so you must enter data.**

\* Unit ALL | ALL UNITS

\* District of Stop ALL

\* Report Status ALL

\* Type of Stop ALL

\* Paper Form?

Mo Tu We Th Fr Sa Su

6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Time 23:59:59

Hour

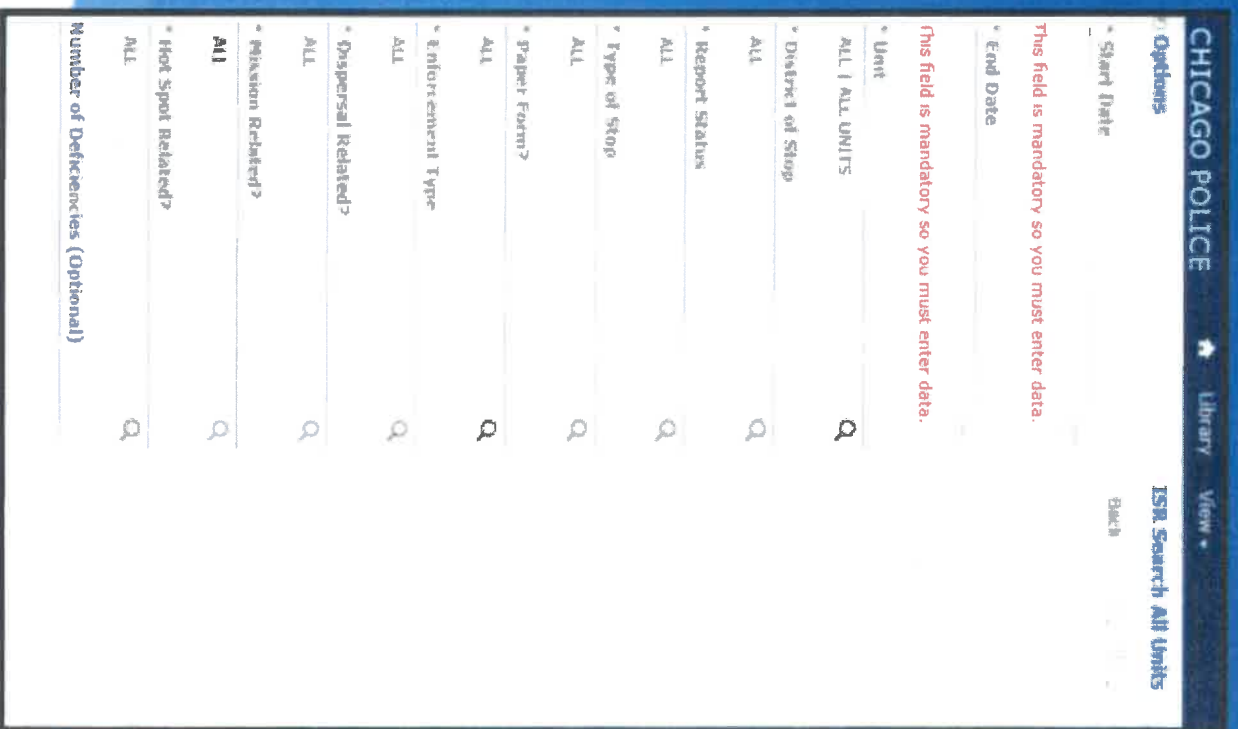
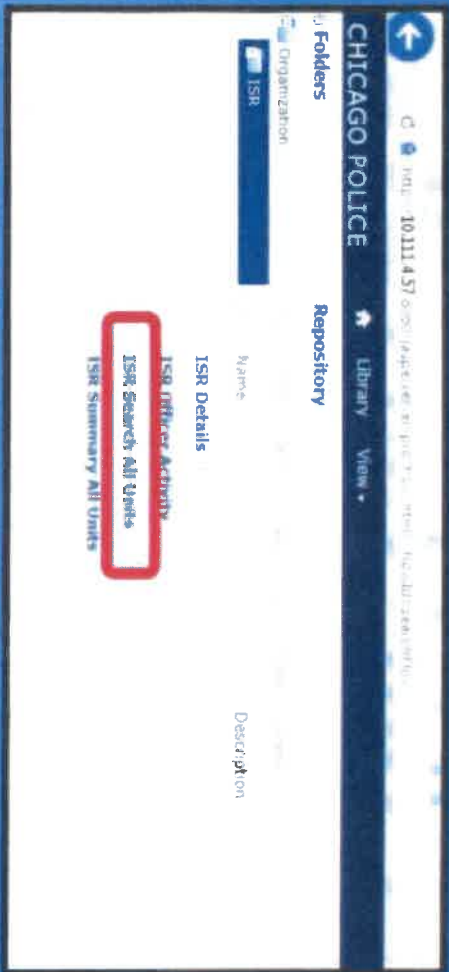
Minutes

Seconds

Now Done

# ISR Search All Units

➤ Use this to search by parameter(s)



➤ Further sort your search by clicking results columns  
 ➤ Each sort is dependent upon the previous one

Report Date: 27-JUN-2016  
 Report Time: 18:48:18  
 Run By: PC01972

**ISR Records For All Units**

Date Range: 01-JUN-2016 00:00:00 Thru 01-JUN-2016 23:59:59

View Summary

REPORT #	DATE OF STOP	TIME OF STOP	BEAT OF STOP	<input checked="" type="checkbox"/> SUBMITTING BEAT	UNIT	DISTRICT OF STOP	REPORT STATUS	ENFORCEMENT TYPE	# OF DEFICIENCIES
District of Stop: ALL    Enforcement Type: ALL    Dispersal Related?: ALL    Hot Spot Related?: ALL    # of Deficiencies: ANY Report Status: ALL    Paper Original?: ALL    Mission Related?: ALL    Type of Stop: ALL									
Event #:	08338			First R.O.:	PC0U225 - MINER, MATTHEW D				0
Subject Name:	JACKSON, JESSIE			Author:	PC0U225 - MINER, MATTHEW D				
Approver: PC0G172 - HAUSER, BRIAN A									
Event #:	07819			First R.O.:	PC0V889 - KILGORE, RASHAD				0
Subject Name:	COLEMAN, STEVEN			Author:	PC0V889 - KILGORE, RASHAD				
Approver: PC0S474 - BURNS, CAROL L									
Event #:	17713			First R.O.:	PC02381 - PERALTA, ISAGANY				0
Subject Name:	WYATT, CAPREE			Author:	PC02381 - PERALTA, ISAGANY				
Approver: PC0I818 - DELGADO, XAVIER J									



# ISR Summary All Units

Use this to search by parameter(s)

One page summary

CHICAGO POLICE

Options

Start Date: 2016-06-02 00:00:00

End Date: 2016-06-02 23:59:59

Unit: 009 | DISTRICT 009

District of Stop: ALL

Report Status: ALL

Enforcement Type: ALL

Paper Original? ALL

Hot Spot Related? ALL

# of Deficiencies: ANY

Report Date: 27-JUN-2016  
Report Time: 15:47:17  
Run By: PCH272

Date Range: 02-JUN-2016 00:00:00 Thru 02-JUN-2016 23:59:59

Unit Totals(s):  
Unit: 009  
# of Reports: 22

Report Status:

PRE	0
SUB	0
APR	32
FIN	0
REJ	0
DEF	0
REV	0
ARC	0
SCN	0
CNL	0
<b>Total</b>	<b>22</b>

Enforcement Type:

ARIR	1
ANOV	4
PSC	0
OTH	6
N/A	11
<b>Total</b>	<b>22</b>

Number of Deficiencies (Optional)

Page: 1 of 2

CHICAGO POLICE

Library View

Folders

- Organization
- ISR

Repository

- ISR Details
- ISR Officer Activity
- ISR Search All Units
- ISR Summary All Units**

Clicking on an "Associated ISR" number will pull up that ISR

Report Date: 01-JUL-2018  
Report Time: 12:06:18  
Run By: PC0VE72

**Report # ISR000080001**

From Paper ISR?

Report Status: APR

Contact Type:

ADULT

Status History:

APR - 08-JUN-2018 20:41:18  
SUB - 08-JUN-2018 20:19:38  
PRE - 08-JUN-2018 20:08:16

Associated ISR(s):

ISR000080002

Click on a member's name to see all of their activity

CHICAGO POLICE Library View

ISR Officer Activity Date refreshed Sat 1 2016 at 12:18:46 PM

Report Date: 01-JUL-2016  
 Report Time: 12:18:46  
 Run By: pdj9172

ISR Activity For G - PC0J

Date Range: 08-JUN-2016 THRU

Involvement Type(s): APPROVER Status History Includes: ALL Final Status: ALL

REPORT #	INVOLEMENT TYPE	DATE OF STOP	TIME OF STOP	BEAT OF STOP	SUBMITTING BEAT	UNIT	DISTRICT OF STOP	REPORT STATUS	PAPER FORM?	ENFORCE TYPE
ISR000075	APPROVER	08-JUN-2016	12:35:00	25	33C	0C	0	APR		ARR
ISR000075	APPROVER	08-JUN-2016	12:36:00	25	33C	0C	0	APR		ARR
ISR000075	APPROVER	08-JUN-2016	12:35:00	25	33C	0C	0	APR		ARR
ISR000075	APPROVER	08-JUN-2016	15:25:00	22	33E	0C	0	APR		
ISR000075	APPROVER	08-JUN-2016	16:51:00	23	35C	0C	0	APR		
ISR000075	APPROVER	08-JUN-2016	16:51:00	23	35C	0C	0	APR		
ISR00008C	APPROVER	08-JUN-2016	17:30:00	15	35A	0C	0	APR		
ISR00008C	APPROVER	08-JUN-2016	17:30:00	15	35A	0C	0	APR		
ISR00008C	APPROVER	08-JUN-2016	19:15:00	15	35A	0C	0	APR		ANOV
ISR00008C	APPROVER	08-JUN-2016	19:15:00	15	35A	0C	0	APR		
ISR00008C	APPROVER	08-JUN-2016	19:15:00	15	35A	0C	0	APR		
ISR00008C	APPROVER	08-JUN-2016	19:15:00	15	35A	0C	0	APR		

PROTECTIVE PAIDOWN WITH NEGATIVE WAPON RESD

**Involved Officers**

First R.O.: PC0V573 - STARK, CHRISTOPH J  
 Second R.O.: PC0E934 - LOMBARDO, VINCENT W  
 Author: PC0V573 - STARK, CHRISTOPH J  
 Approver: PC0

**Deficiency Log**

Status: Hard Copy Not Match  
 Entered In Error By:

# District ISR Audit Form

## ISR AUDIT

The unit executive officer, or designated supervisor, will perform a monthly audit of the investigatory stop reports, per SO4-13-09. The purpose of this audit is to ensure the reports are completed correctly, and that they move along the system to be approved or placed into deficiency review. On the chart, indicate the number of reports your unit has in the indicated status. A random audit of approved reports will be conducted. A copy of this report will be forwarded to the Unit Commanding Officer. Record the findings of the audit below.

\*\*\*Forward a copy through your chain of command to ISR Integrity Section, Unit 131\*\*\*

ISR #	Date Approved	Beat Assigned	Pat Down	Receipt Issued	Arrest	ISR Required	Narrative	Unit 131	
								Month/Year	Total
12345	14-Jul-16	8F7	X			X	Pat down conducted, no receipt issued	16-Jul	127
23456	18-Jul-16	8F3				X	Insufficient RAS for the stop		5
34567	20-Jul-16	8F6	X		X		Stop based on PC, no ISR required		2
45678	21-Jul-16	8F5	X	X		X	ANOV issued, charge not indicated in the enforcement box		12
								Admin Reject	5
								Deficiency Review	1



# Graphing Reports -- JASPER does it for you

ISR Search All Units      Data refreshed Jul 19, 2016 at 12:52:27 pm      49

Back      124%      search report      Page 117      of 122

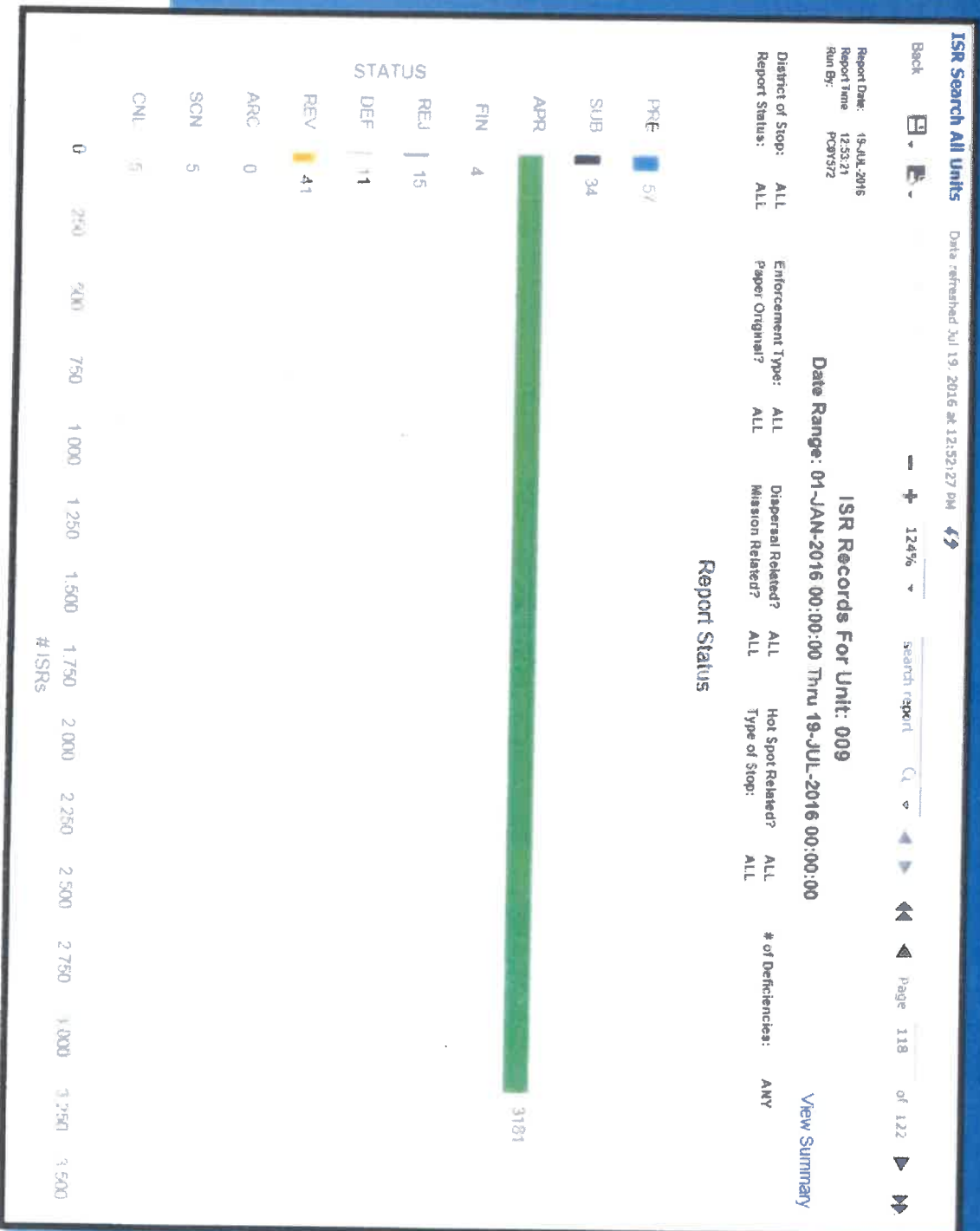
Report Date: 19-JUL-2016      **ISR Records For Unit: 009**      View Summary  
 Report Time: 12:53:21  
 Run By: FCMV572

Date Range: 01-JAN-2016 00:00:00 Thru 19-JUL-2016 00:00:00

District of Stop: ALL      Enforcement Type: ALL      Dispersal Related? ALL      Hot Spot Related? ALL  
 Report Status: ALL      Paper Original? ALL      Mission Related? ALL      Type of Stop: ALL

Report Status:	Enforcement Type:	Beat Total(s):
PRE	ARR	Beat # of Reports
SUB	ANOV	0124 1 0834 238
APR	PSC	0213 5 0935 144
FIN	OTH	0224 7 1234 2
REJ	N/A	0225 3 3100 10
DEF		0232 3 4100 1
REV		0711 4 N/A 4
ARC		0712 14
SCN		0713 15
CNL		0715 26
		0723 2
		0735 1
		0821 17
		0822 1
		0824 12
		0811 166
		0911 221
		0912 179
		0913 163
		0914 214
		0915 546
		0921 254
		0922 96
		0923 271
		0924 107
		0925 212
		0931 158
		0932 254
		0933 3353

# Graphing Reports – By Status



# Graphing Reports – By Enforcement Type

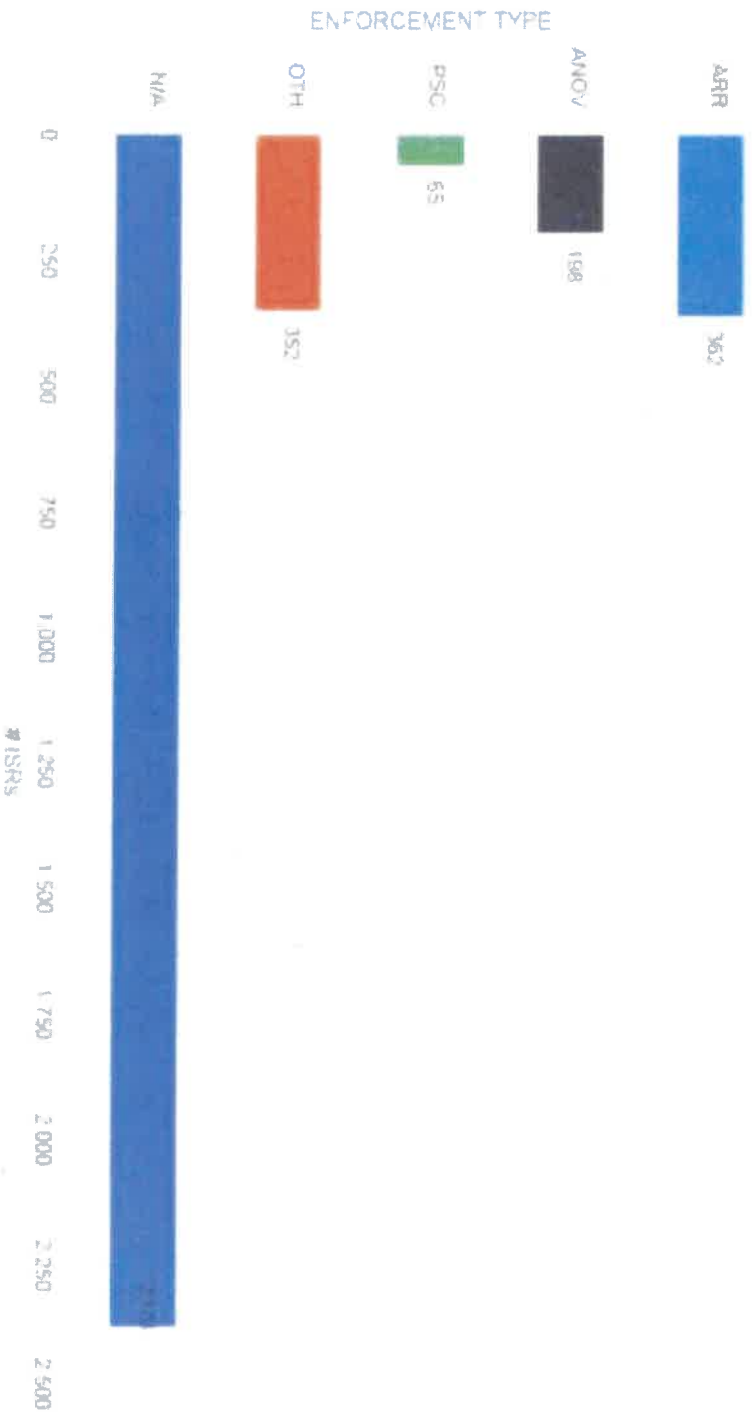
Report Date: 18-JUL-2016  
 Report Time: 13:37:23  
 User By: PCWVST

ISR Records For Unit: 009  
 Date Range: 01-JAN-2016 00:00:00 Thru 19-JUL-2016 00:00:00

[View Summary](#)

District of Stop: ALL Enforcement Type: ALL Dispersal Related? ALL Hot Spot Related? ALL # of Deficiencies: ANY  
 Report Status: ALL Paper Original? ALL Mission Related? ALL Type of Stop: ALL

## Enforcement Type



# Graphing Reports – By Contact Beat

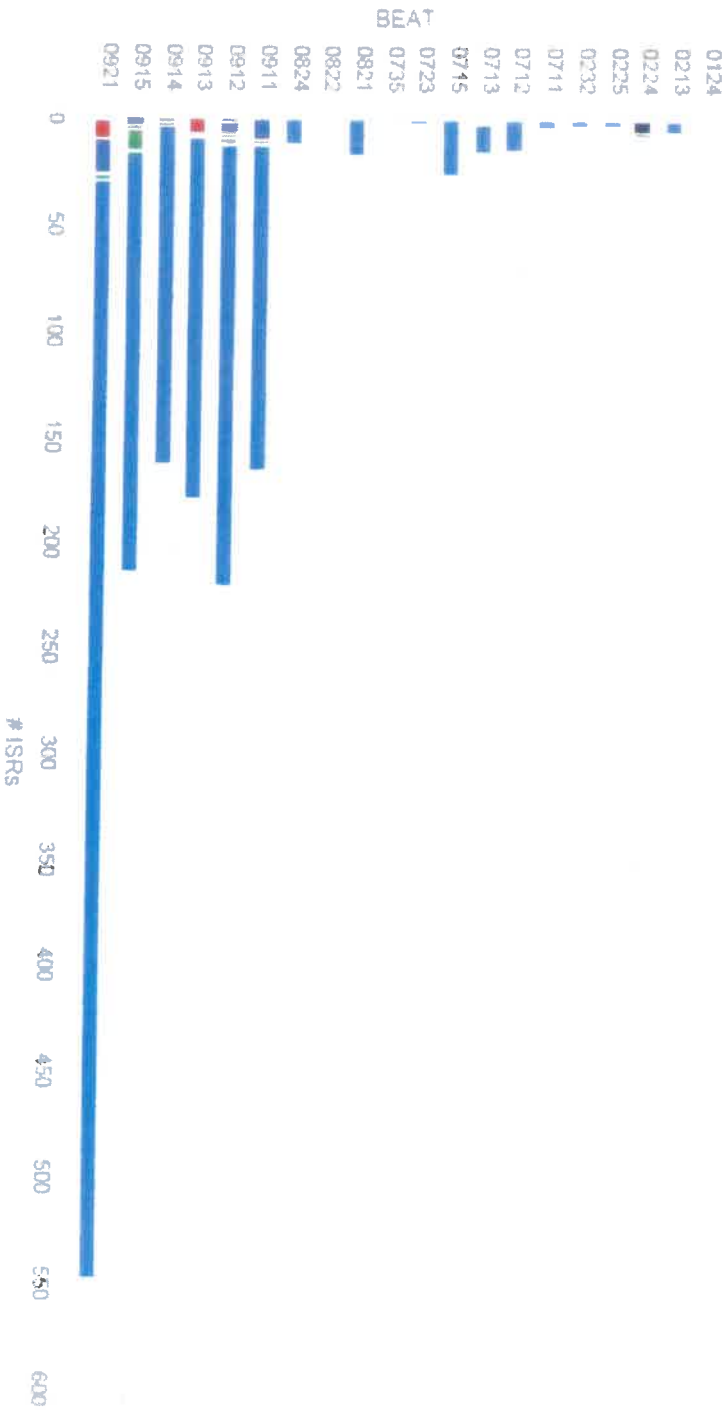
Report Date: 18-JUL-2016  
 Report Time: 18:27:33  
 Run By: PCRYGTZ

ISR Records For Unit: 009  
 Date Range: 01-JAN-2016 00:00:00 Thru 19-JUL-2016 00:00:00

[View Summary](#)

District of Stop: ALL Enforcement Type: ALL Dispersal Related? ALL Hot Spot Related? ALL # of Deficiencies: ANY  
 Report Status: ALL Paper Original? ALL Mission Related? ALL Type of Stop: ALL

## Contact Beat



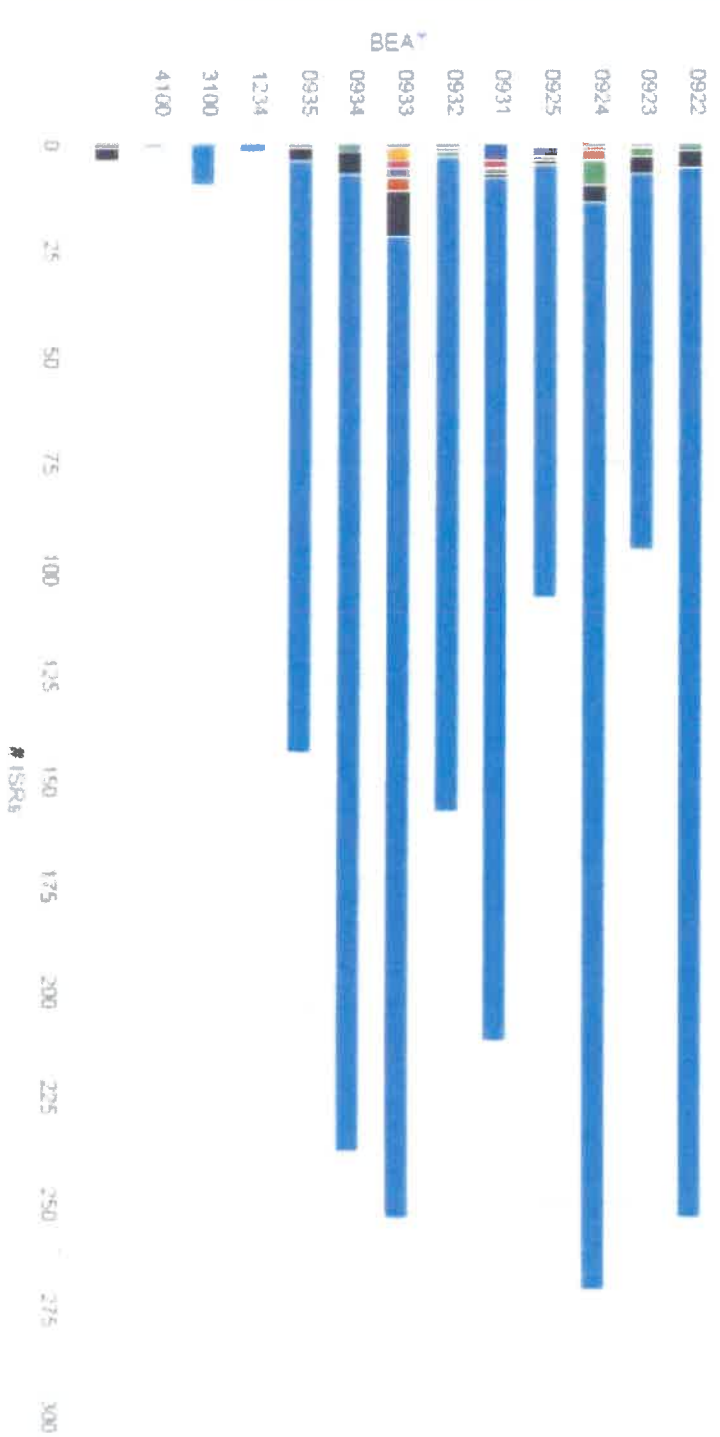
Legend: APR DEF PRE REJ REV SUB SCN

# Graphing Reports – By Contact Beat

Report Date: 18-JUL-2016  
 Report Time: 15:27:53  
 Name By: PCSYB72  
 Date Range: 01-JAN-2016 00:00:00 Thru 19-JUL-2016 00:00:00  
 View Summary

District of Stop: ALL  
 Enforcement Type: ALL  
 Dispersal Related? ALL  
 Hot Spot Related? ALL  
 # of Disciplinary: ANY  
 Report Status: ALL  
 Paper Original? ALL  
 Mission Related? ALL  
 Type of Stop: ALL

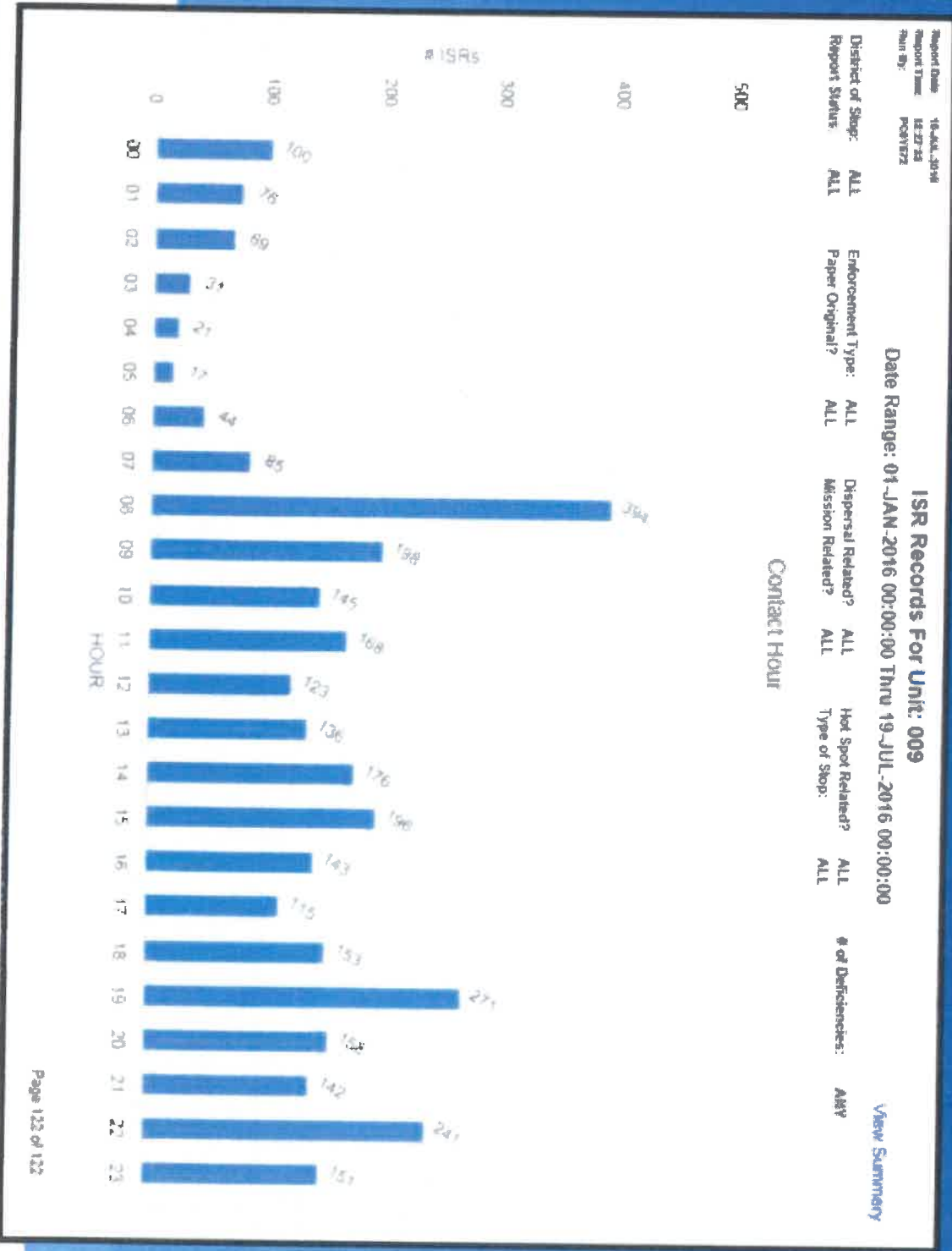
## Contact Beat



■ APR ■ PRE ■ SUB ■ REJ ■ REV ■ CNL ■ DEF ■ FIN ■ SCN



# Graphing Reports – JASPER does it for you



# Mapping ISRs in CABOODLE

**Chicago Police Department**

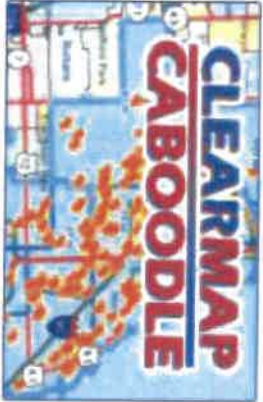
Bureau of Organizational Development

Integrity Section

Captain Karyn Murphy

# CABOODLE – Mapping ISRS

**CLEARmap CABOODLE**



Click here to to experience this cutting-edge technology.


**- How-To Video for CPD Caboodle**

**- Access Caboodle**

**DEPARTMENT RESOURCES**

- Alert System Archive
- Area & District Maps
- Asset Management
- Building Address Database / Instructions
- Case & Deskic Application
- Chicago Park District Code
- CRIS Portal / CRIS Portal Help
- Crime Patterns
- Department Directives System
- PIRA Rights & Responsibilities
- ROD Reporting Application
- Link Chart / Link Chart Help
- Staus Arrest Dashboard
- UNIT Applications
- Traffic Violation Board Certificates
- Video Technology Section
- Web Mapping
- Webmail Exchange
- WindYard

**CLEARmap CABOODLE**



Click the left icon above to view the latest Officer Awareness Video. Check for updates weekly! You can also access our full library of training videos by clicking the right icon or the link below.


**- Video Streaming Index**

**TRAINING RESOURCES**


- PIRA Recover Reports Video
- PIRA FAQ Sheet
- Alternative Custodial Enforcement Program
- Training Bulletin
- Cyber-Security Awareness Training **NEW!**
- Learning
- Ethics Training
- Gang Violence Reduction Strategy Help-guide
- Knowledge Resource/Suicide Bombings
- Procedural Justice and Legitimacy
- Tracer X2 Training Review
- Traffic Alerts
- Training Division Website

**TRAINING**

**Stream ing Video**



**CLEARmap CABOODLE**



Click here to to experience this cutting-edge technology.

**- How-To Video for CPD Caboodle**

**- Access Caboodle**



# Log in using your CLEAR credentials

CLEARMAP CABOODLE - Windows Internet Explorer provided by Chicago Police

**CLEARMAP CABOODLE**  
CLEAR MAP FOR POLICE

SEARCH  1/2 Mile

Jun 23 2016 11:30 AM

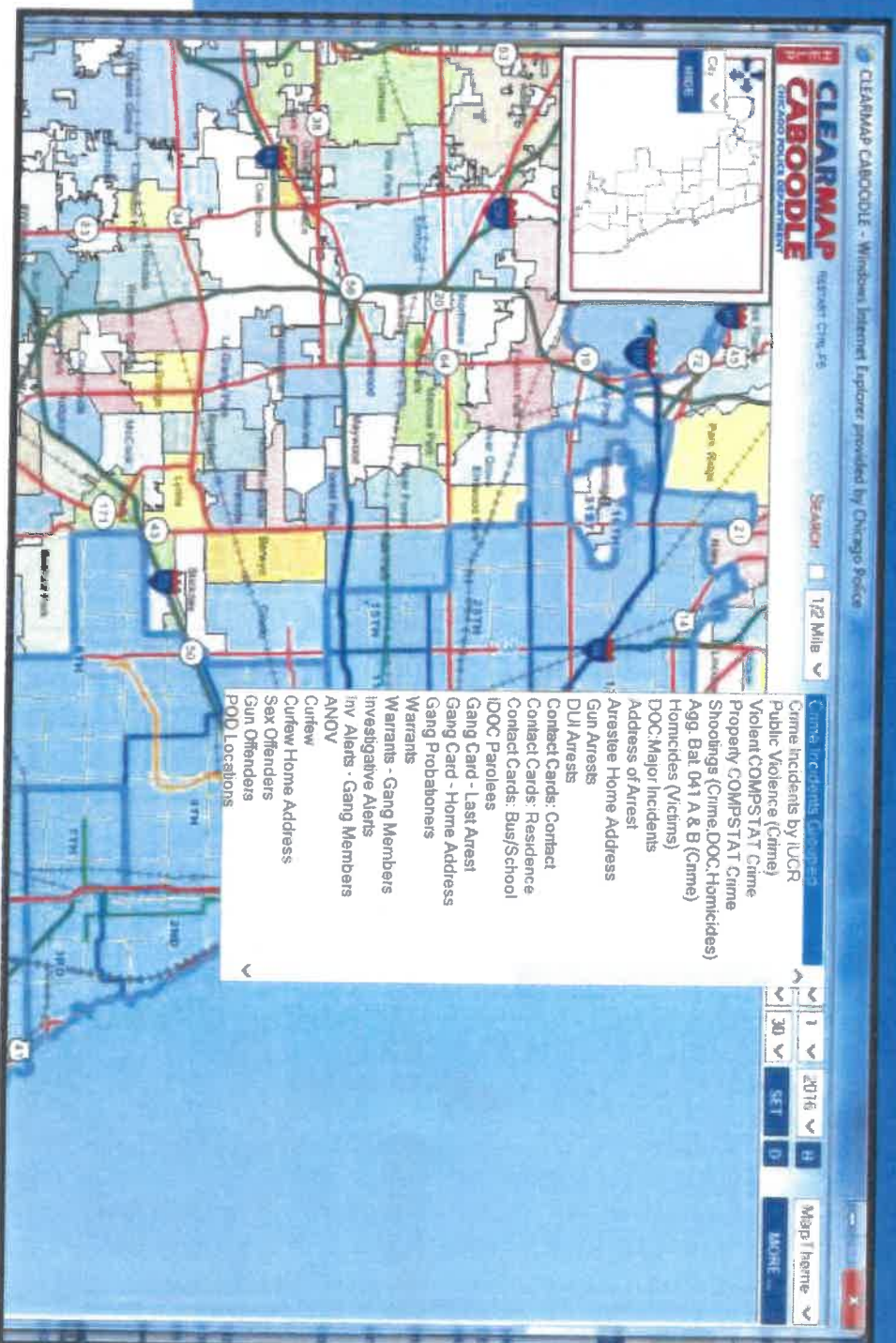
**NEW CABOODLE!**  
REQUIRES CHROME, FIREFOX, SAFARI OR IE 10 OR GREATER.  
HTTP://187.185.243.146/CABOODLE/ - TRY IT OUT AND USE THE FEEDBACK  
BUTTON.

CLEAR USER ID:  PASSWORD:

USE OF CABOODLE REQUIRES A VALID DATA WAREHOUSE USER ACCOUNT.  
SYSTEM REQUIREMENTS: POP-UP BLOCKERS OFF, BROWSER IS IE 7 OR 8, JAVASCRIPT ENABLED

# CABOODLE – Mapping ISRs

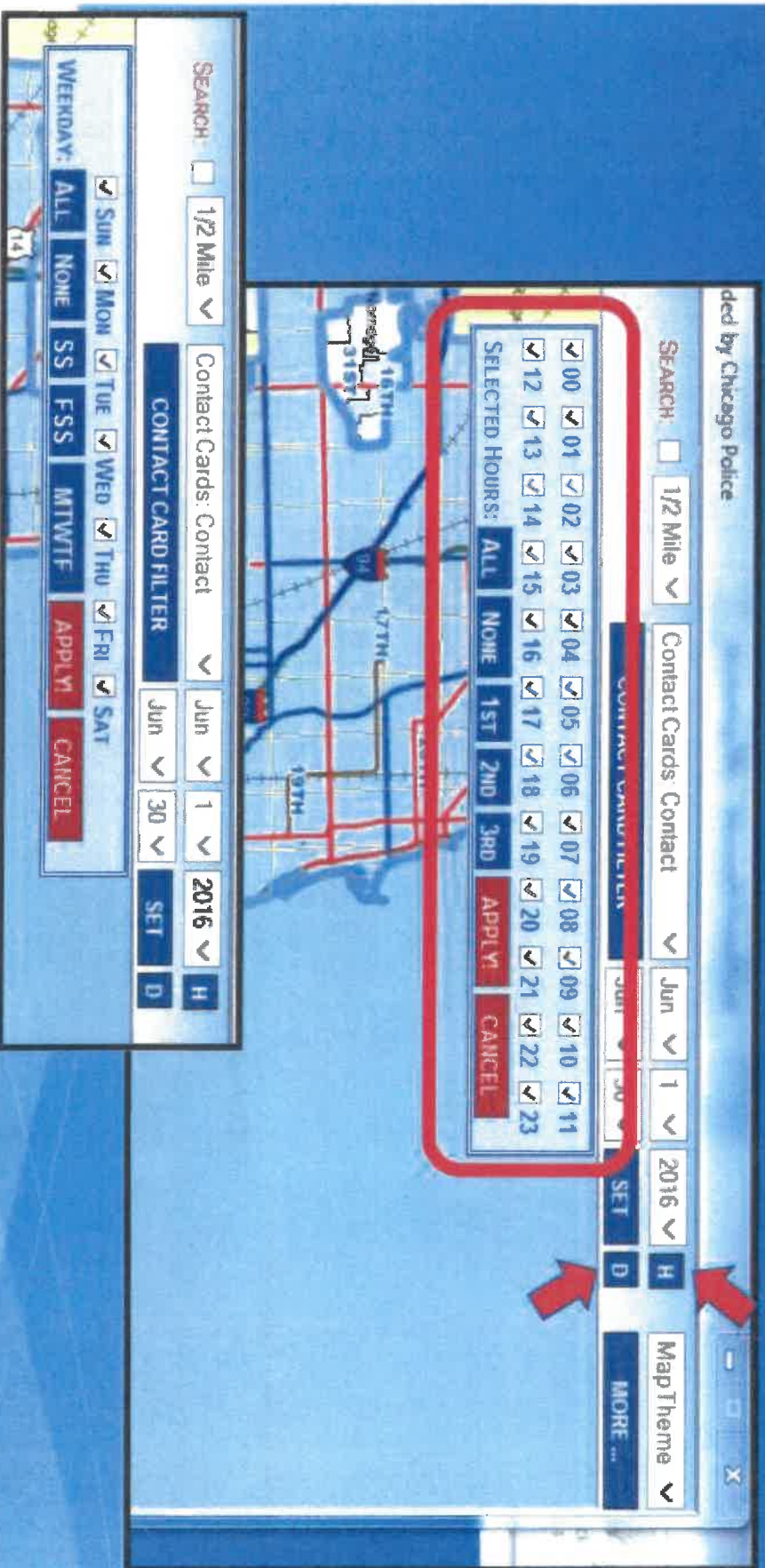
- Select “Contact Cards – Contact”
- Enter the date range





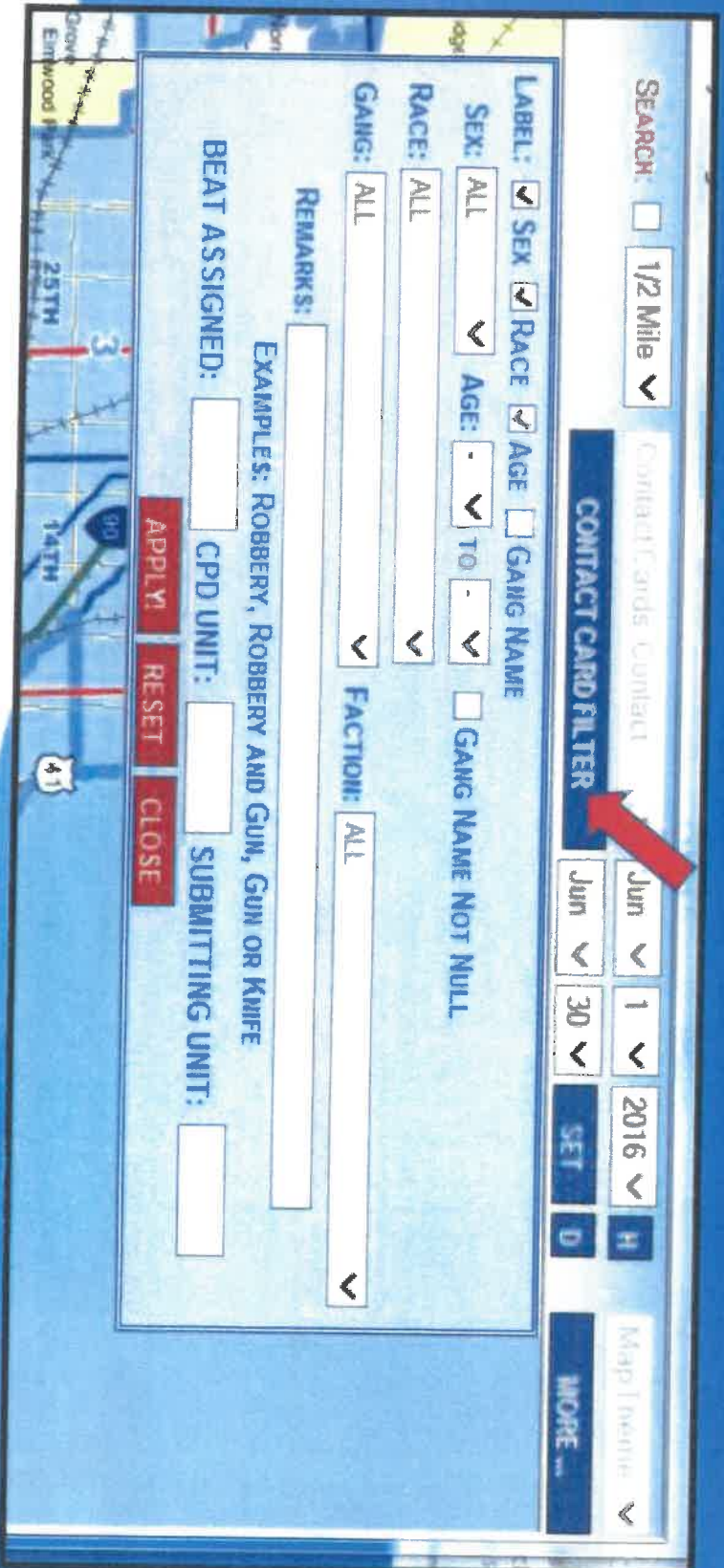
# SORTING

- Click the “H” button to filter by hour of day
- Click the “D” button to filter by day of week



# SORTING

- Select "CONTACT CARD FILTER" to further sort your search





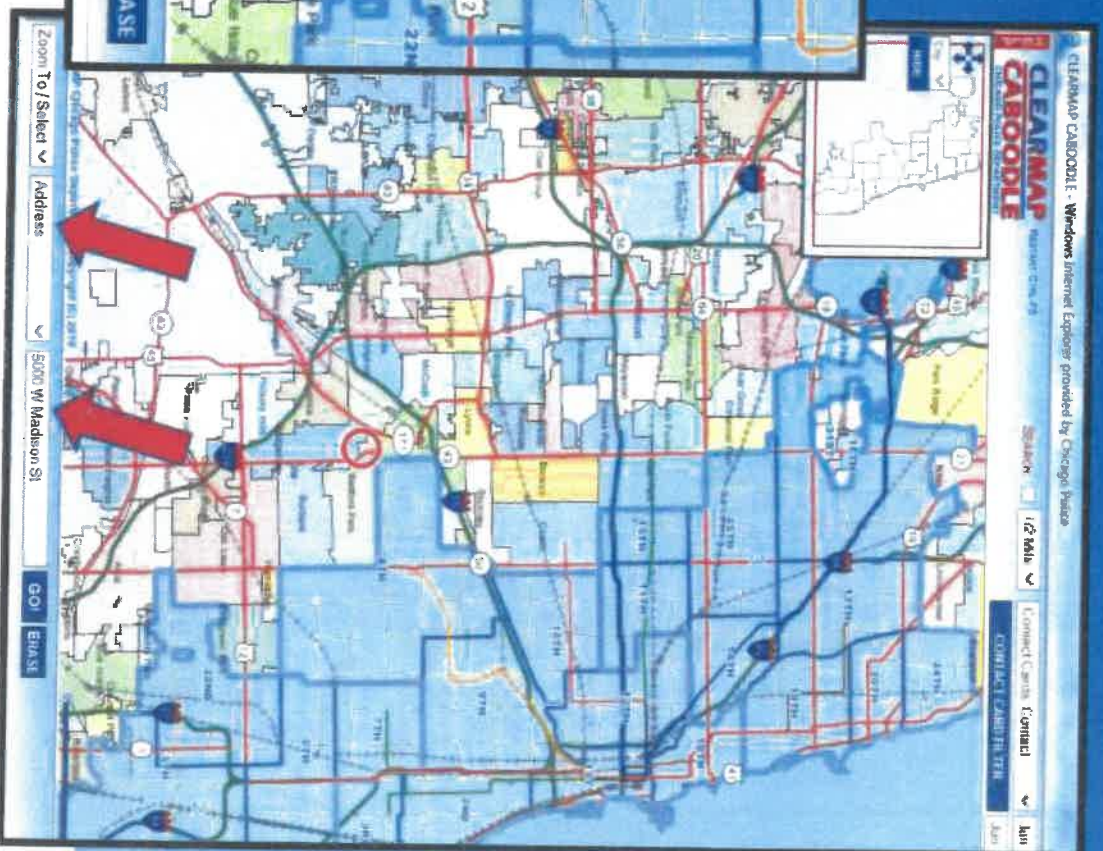
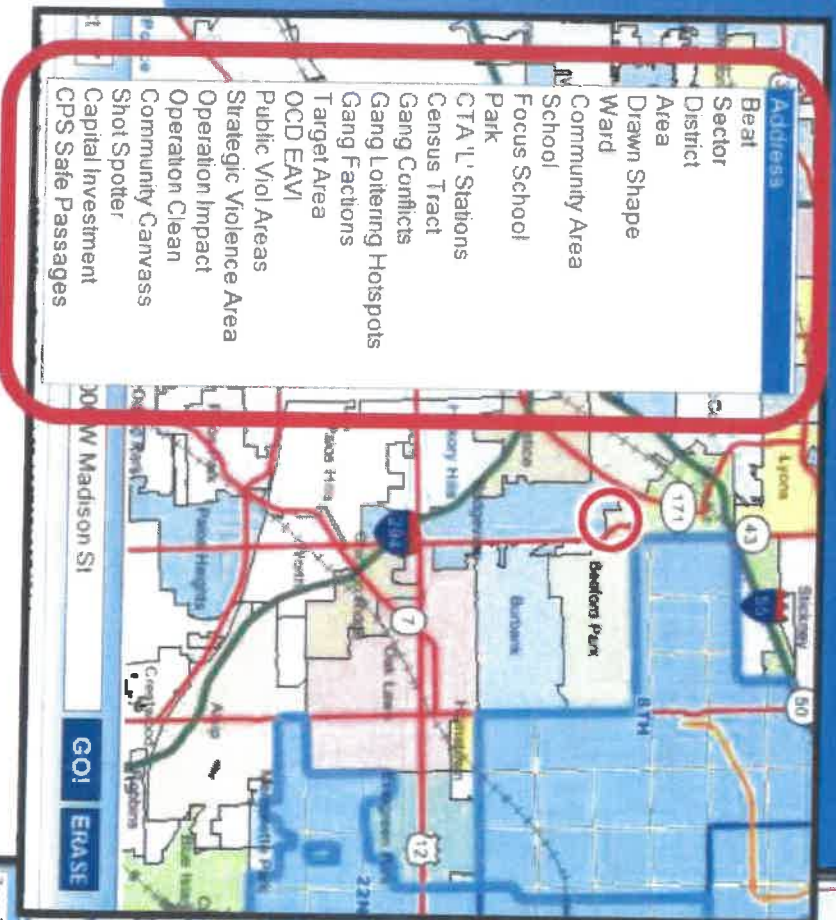
# Select "MORE" to map gang hotspots etc.

The screenshot shows a software interface for Chicago Police. At the top, there are search and filter controls: a search box, a '1/2 Mile' radius dropdown, and a 'CONTACT CARD FILTER' button. Below these are two identical filter panels. The left panel is titled 'CONTACT CARDS: Contact' and the right panel is titled 'CONTACT CARD FILTER'. Both panels have a 'Jun' month dropdown, a '1' day dropdown, a '30' time dropdown, a '2016' year dropdown, and a 'H' hour dropdown. The right panel also has a 'D' day dropdown and an 'APPLY!' button. A red arrow points to a 'MORE...' button at the bottom right of the right panel. Below the filter panels is a large list of categories with checkboxes, including: GANG TERRITORIES, GANG LOTTERING HOTSPOTS, POD LOCATIONS, CHA LOCATIONS, CENSUS TRACT, DAYCARE, FIMS RO LOCATIONS, FOREST PRESERVES, WATER, PUBLIC VOL AREAS, OPERATION CLEAN, SHOT SPOTTER, CPS SAFE PASSAGE POSTS, TOBACCO LICENSES, MASSAGE LICENSES, AMUSEMENT LICENSES, FOOD LICENSES, GANG FACTIONS, GANG PROBATIONERS, TROUBLED BUILDINGS, CHA SCATTERED SITES, TARGET AREA, CEASE AND DESIST, SCHOOL PROPERTY, CEMETERIES, IL HOUSE, STRATEGIC VIOLENCE AREA, CAPS COMMUNITY RESOURCES, CAPITAL INVESTMENT, CROSSING GUARDS, WEAPONS LICENSES, SECONDHAND LICENSES, VEHICLE REPAIR LICENSES, LIMITED BUS. LICENSES, GANG CONFLICTS, BLOCK CLUBS, CTA BUS STOPS, CHA SECTION 8, SEX OFF. 500 FT BUFFER, OCCD EAVI, PARKS, PARCELS, IL SENATE, OPERATION IMPACT, COMMUNITY CANVASS, CPS SAFE PASSAGES, LIQUOR LICENSES, PAWN LICENSES, SERVICE STA. LICENSES, and REGULATED LICENSES.



# Select "ADDRESS" to select boundaries

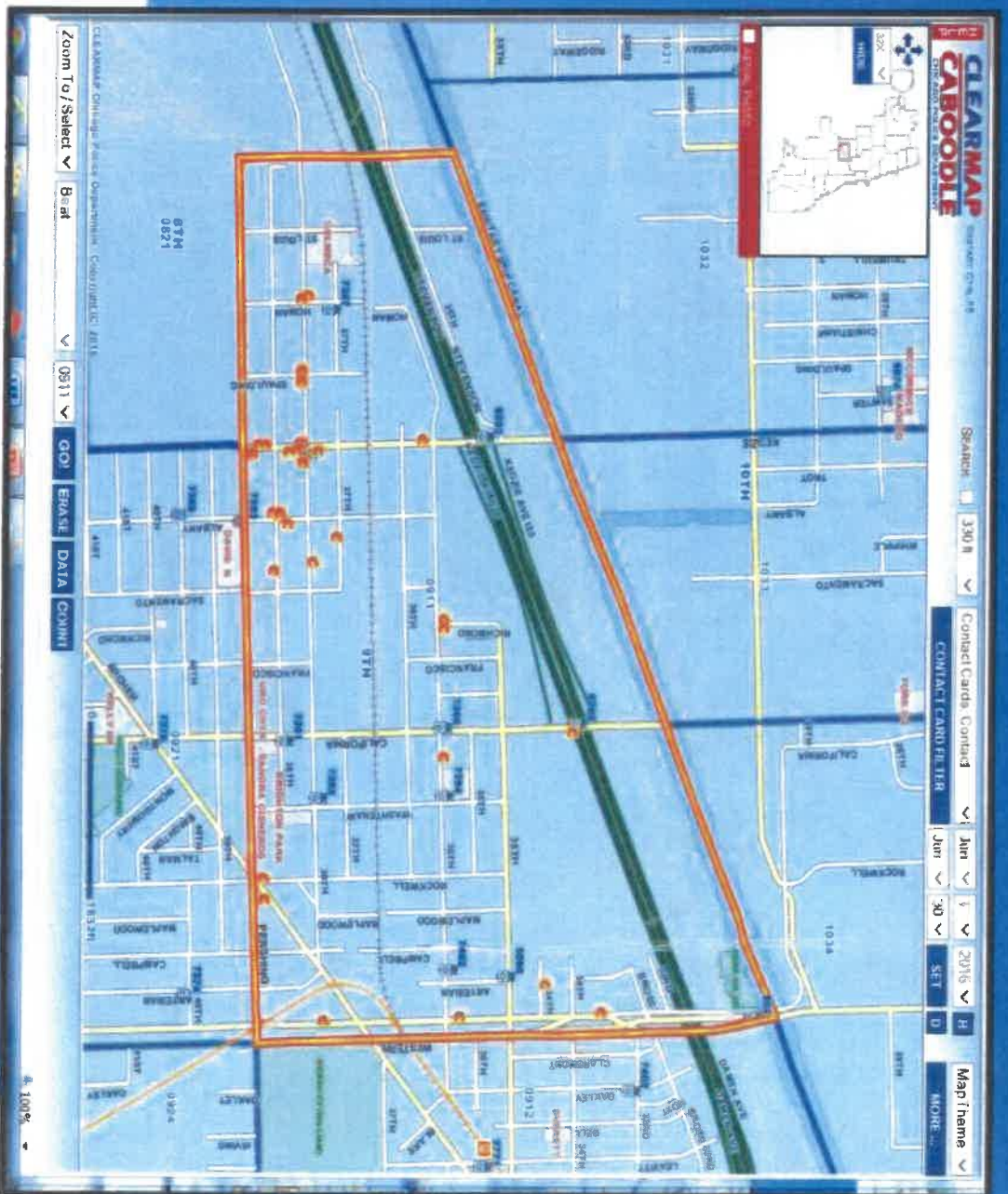
➤ Use the next box to refine





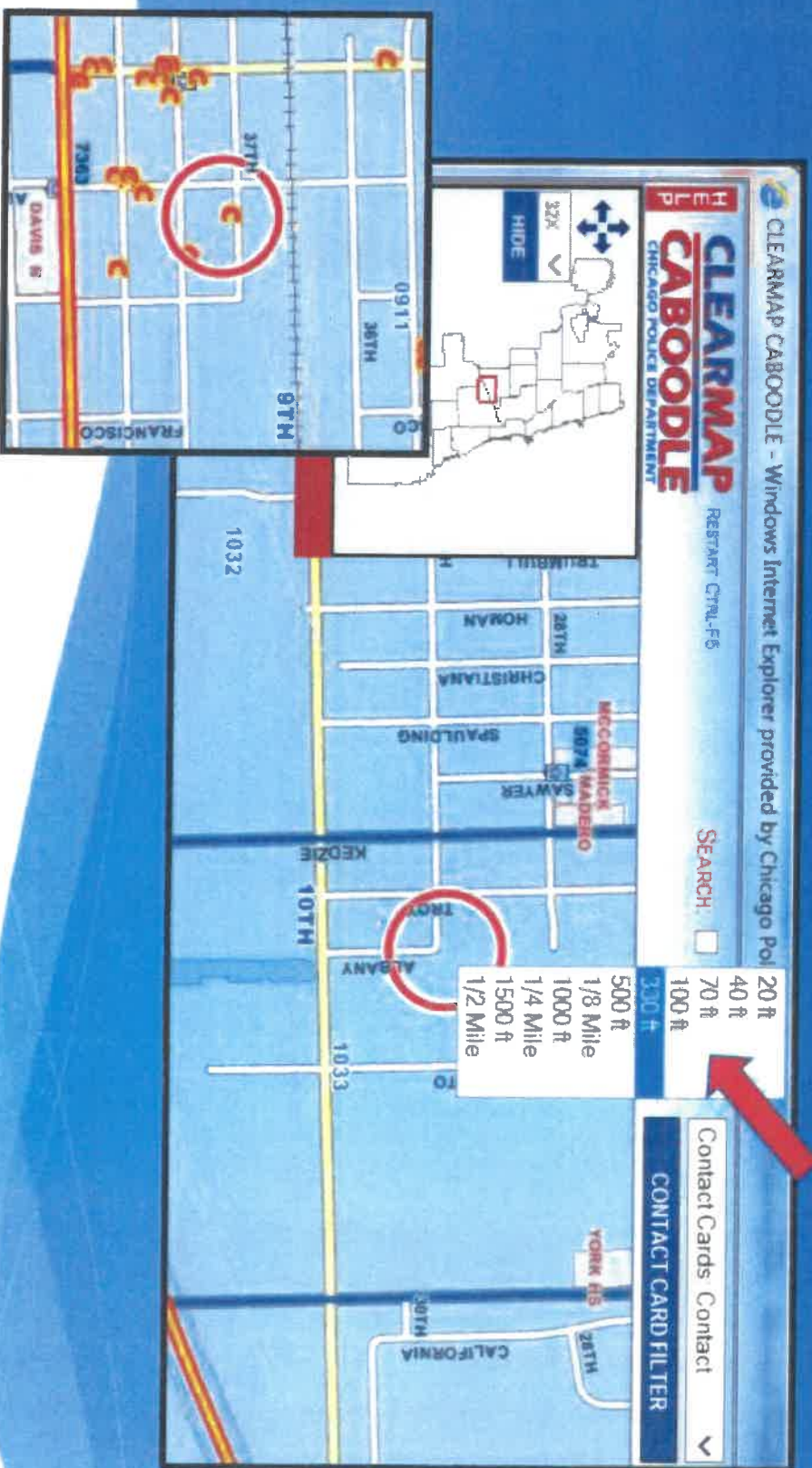
# Map sorted for all ISRs on beat 911

## 01JUN-30JUN





Select the distance to change the size of the red circle to narrow results. Caboodle will return all ISRs within that circle for the given date range



# The red "C" indicates the location of ISR(s)

## Click to view all ISRs within the radius

CARBOODLE Query Results - Windows Internet Explorer provided by Chicago Police

**CLEARMAP - CARBOODLE** CHICAGO POLICE DEPARTMENT

Contact Cards: Contact - Jun 1 to Jun 30, 2016 - Beat: 0911  
 Selected Hours: ALL Weekdays: ALL  
 Sex: ALL - Race: ALL - Age: ALL  
 Total Count: 9

Zoom by: All Hide Boundaries Show Boundaries Time of Day: Day of Week: Add/Remove Columns

ZOOM CARD MO CE ID CONTACT DATE LAST NAME FIRST NAME MIDDLE NAME NICKNAME

Export To Excel Open Table Without Links

GOI	ISIRI00017610	20170610	Thu, 2 Jun 2016	CORTES	JUAN
	Released	Released	00:30:00		

20170608 Thu, 2 Jun 2016 REVES JALIE

GOI ISIRI00017698 20170608 Thu, 2 Jun 2016 REVES JALIE

Released 100:30:00

REMARKS: GANG FACION WERE KNOWN MURKOCI

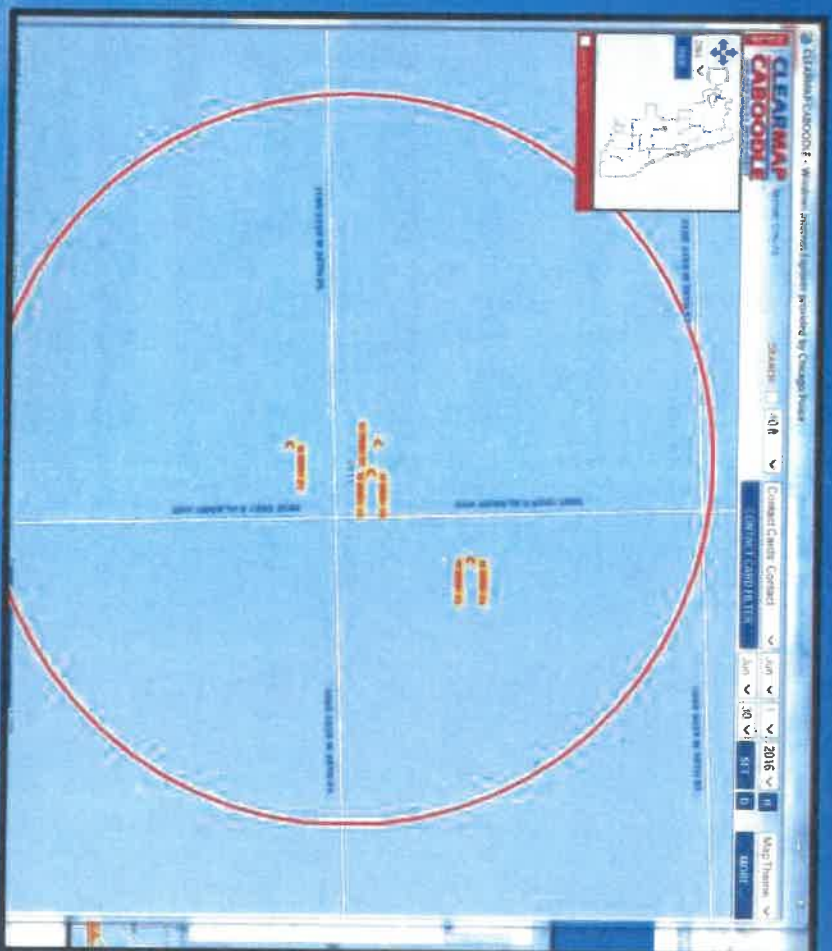
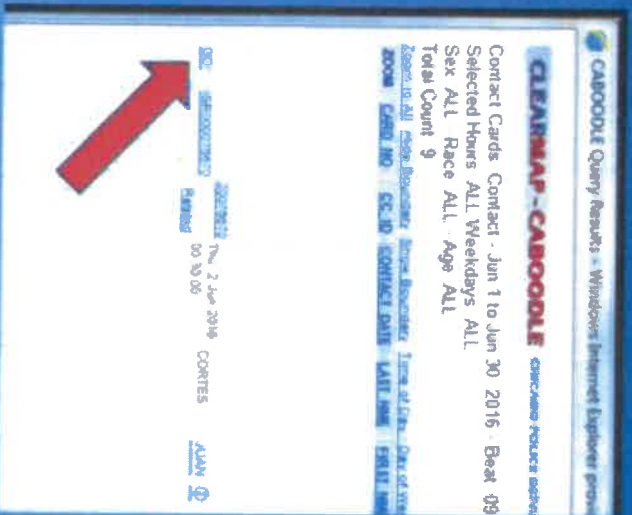
ROS RESPONDED TO A GANG DISTURBANCE/BATTERY IN PROGRESS REPORTED UNDER EVENT00127 R.O.S OBSERVED FOUR KNOWN TWO-SIX GANG MEMBERS STANDING ON THE CORNER CAUSING A NOISE DISTURBANCE BY YELLING OSCENTIES R.O.S CONDUCTED A STREET STOP/FIELD INTERVIEW AND SUBJECT WERE GIVEN A GANG DISPERSAL ORDER NAME CHECK-CLEAR

ROS RESPONDED TO A GANG DISTURBANCE/BATTERY IN PROGRESS REPORTED UNDER EVENT00127 R.O.S OBSERVED FOUR KNOWN TWO-SIX GANG MEMBERS STANDING ON THE CORNER CAUSING A NOISE DISTURBANCE BY YELLING OSCENTIES

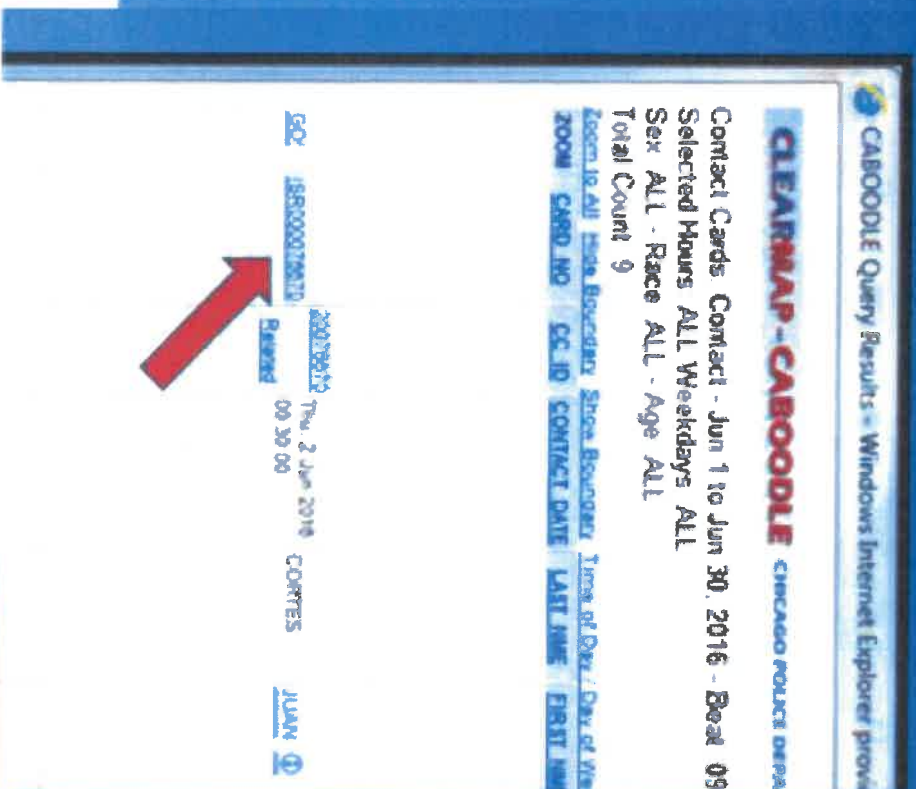
TWO 38TH AND SIX ALBANY



Click "GO!" in the zoom column to zoom in on map



# Click the ISR number to view the ISR



# Common Error – Pat down conducted and no receipt issued (clerical error or otherwise)

Report # ISR0000

Report Status: APR

BOC-I #: \_\_\_\_\_  
 Hot Spot #: \_\_\_\_\_  
 Mission #: \_\_\_\_\_  
 Event Assigned By: OEMC

Rec. by In-Car Camera?  N  
 Vehicle Involved?  N

ISR Receipt Given?  N

Report Date: 08-14-2016  
 Report Time: 10:38:14  
 Run By: P01922

**Disposition of Patrol**  
 Was a Weapon or Cont

**Disposition of Search**  
 Was a Search Beyond  
 Was a Search Conduct

**Narrative:**

EVENT # \_\_\_\_\_  
 IN SUMMARY R/O'S RESPONDED TO A CALL OF 2 SUSPICIOUS MALES WEARING BLACK SHIRT AND

MATCHING THE DESCRIPTION. UPON FURTHER INVESTIGATION THE 2 MALES WERE DEEMED JUVENILES AND CURFEW REPORTS WERE COMPLETED. SUBJECT WAS DRIVEN BACK TO RESIDENCE. SUBJECT DUE TO SUBJECT BEING TRANSPORTED BACK TO RESIDENCE. ADDITIONAL ISR COMPLETED UNDER ISR# 0

**Involved Offi**

First R.O.: \_\_\_\_\_  
 Second R.O.: \_\_\_\_\_  
 Author: \_\_\_\_\_  
 Approver: \_\_\_\_\_

**Deficiency Log**

Status  Hard Copy Not Match  Submitted in Error  By \_\_\_\_\_

Date \_\_\_\_\_

**Disposition of Investigatory Stop**  
 Enforcement Action Taken?  N  
 Enforcement Type Code: \_\_\_\_\_

Cited Violation \_\_\_\_\_

**Protective Pat Down Details**

Was a Protective Pat Down Conducted?  Y  
 Was the Protective Pat Down Based on Consent?  N  
 Actions Indicative of Engaging in Violent Behavior?  
 Verbal Threats of Violence by Suspect?  
 Violent Crime Suspected?  
 Suspicious Behavior  
 Other Reason  
 Knowledge of Behavior / Use



# Common Error – No receipt given for a consensual pat down

Report # ISR0000

Report Status: APR

BOC-I #:  
Hot Spot #:  
Mission #:  
Event Assigned By: OEMC

ISR Receipt Given?  N  
Rec. by In-Car Camera?  N  
Vehicle Involved?  N

Disposition of Investigatory Stop  
Enforcement Action Taken?  N  
Enforcement Type Code:

Cited Violation

Protective Pat Down Details

Was a Protective Pat Down Conducted?  Y  
Was the Protective Pat Down Based on Consent?  N  
Actions Indicative of Engaging in Violent Behavior?  
Verbal Threats of Violence by Suspect?  
Violent Crime Suspected?

Suspicious Behavior  
Other Reason  
Knowledge of Behavior / Use

Narrative:

RAO'S OBSERVED ABOVE VEHICLE DRIVING S/B DOWN HUMAN AND OBSERVED ABOVE DRIVER AND ALL PASSENGERS OF THE VEHICLE LAYING LOW WITHIN ABOVE VEHICLE NONE OF WHICH WERE WEARING THEIR SEATBELTS. VEHICLE WAS CURBED AND SUBJECTS WERE INSTRUCTED TO PUT THEIR HANDS IN PLAIN VIEW. DRIVER WAS UNABLE TO PRODUCE A VALID DRIVERS LICENSE AT THE TIME OF STOP---BOTH THE DRIVER AND THE PASSENGER WERE UNCOOPERATIVE AFTER SEVERAL VEHICLE(S) SO FOR OFFICER SAFETY SUBJECTS WERE ASKED TO EXIT THE VEHICLE. A CONSENTED PAT DOWN OF SUBJECT WERE DONE AND NAME CHECKS COMPLETED ON ALL OCCUPANTS. VERBAL WARNING ISSUED TO SUBJECT AND SENT ON HIS WAY.

# Common Error – RAS-based arrests with ISRs not yet approved

CHICAGO POLICE Library View

ISR Search All Units Data refreshed Jul 8, 2016 at 11:29:35 AM pcd0v5/2 | Help | Log Out

Options

Start Date: 2016-01-01 00:00:00

End Date: 2016-06-30 23:59:59

Unit: ALL | ALL UNITS

District of Stop: ALL

Report Status: ALL

Enforcement Type: ALL

Dispersal Related?: ALL

Hot Spot Related?: ALL

Type of Stop: ALL

Paper Form?: ALL

Enforcement Type: ALL

ARR | Arrest

Dispersal Related?: ALL

Mission Related?: ALL

Hot Spot Related?: ALL

Number of Deficiencies (Optional): ALL

Report Date: 06-JUL-2016  
Report Time: 11:29:35  
Run By: PCD0V5/2

Date Range: 01~JAN-2016 00:00:00 Thru 30~JUN-2016 23:59:59

ISR Records For All Units

View Summary

REPORT #	DATE OF STOP	TIME OF STOP	BEAT OF STOP	SUBMITTING BEAT	UNIT	DISTRICT OF STOP	REPORT STATUS	ENFORCEMENT TYPE	# OF DEFICIENCIES
ISRD00020422	21-JAN-2016	10:18:00	3100	57560	606	31	SUB	ARR	0
RD #:	H212946			First R.O.:	PC02119 - SANDERS, STEVEN O				
Event #:	19895			Second R.O.:	PC0X919 - LANDRUM, JASON L				
Subject Name:	BRUCE, WANNETTA M			Author:	PC02119 - SANDERS, STEVEN O				
CB #:	19252441								
ISRD00021418	22-JAN-2016	21:55:00	0225	41561	411	02	SUB	ARR	0
Event #:	14455			First R.O.:	PC0A179 - BOGOWSKI, MARTIN				
Subject Name:	SCIRLOCK, ANDRAE M			Second R.O.:	PC0AV18 - SZCZUR, CHRISTIAN A				
CB #:	19253750			Author:	PC0A179 - BOGOWSKI, MARTIN				

ISR Records For All Units

Date Range: 01~JAN-2016 00:00:00 Thru 30~JUN-2016 23:59:59

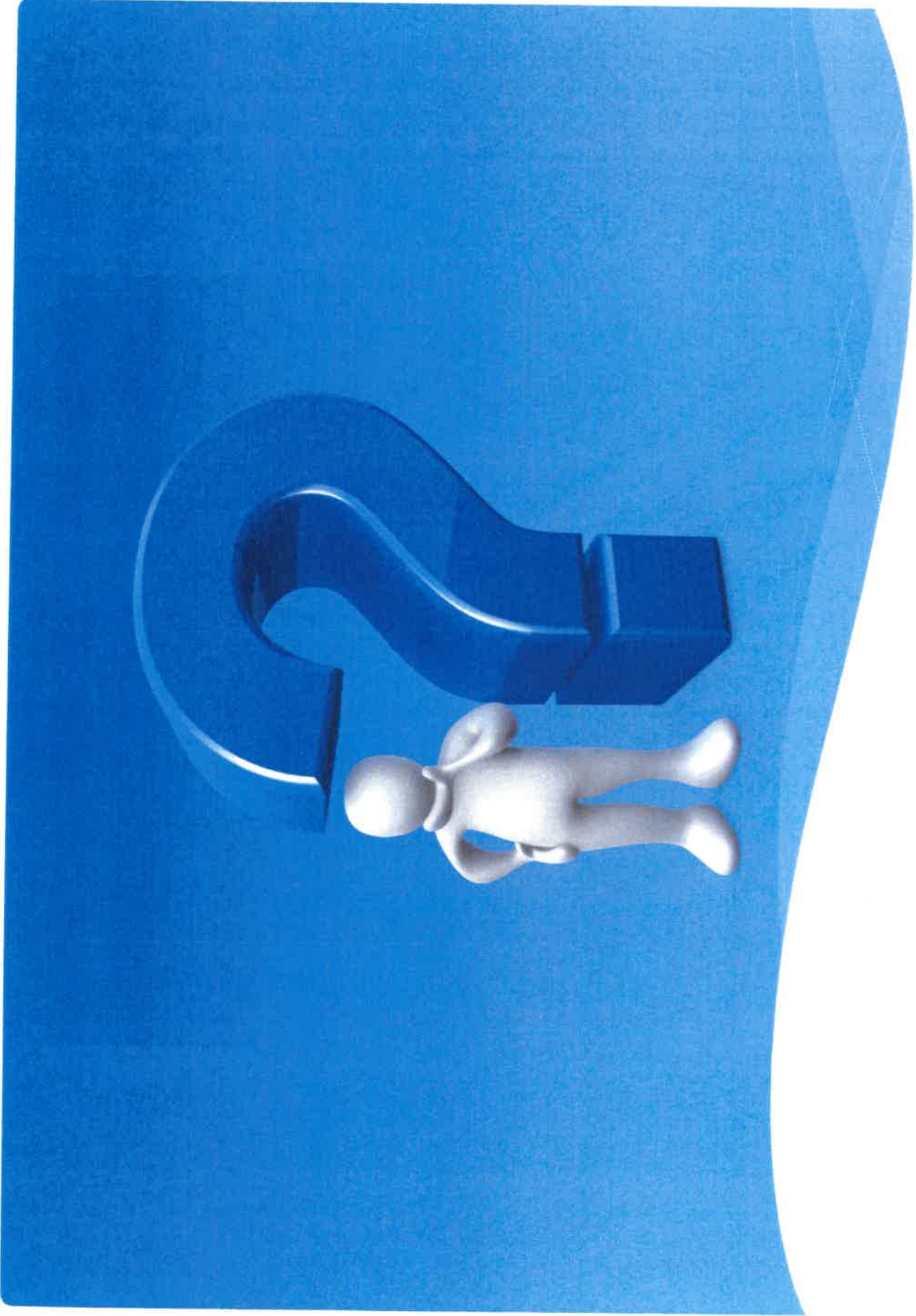
Report Status:	Enforcement Type:	Unit Totals(s):
PRE	ARR	UNIT # of Reports
SUB	ARR	003 2
ADR	ARR	005 2
FIN	ARR	007 5
REJ	ARR	015 1
DEF	ARR	393 2
REV	ARR	411 2
ARC	ARR	0 2
SCN	ARR	0 2
CNL	ARR	15 15

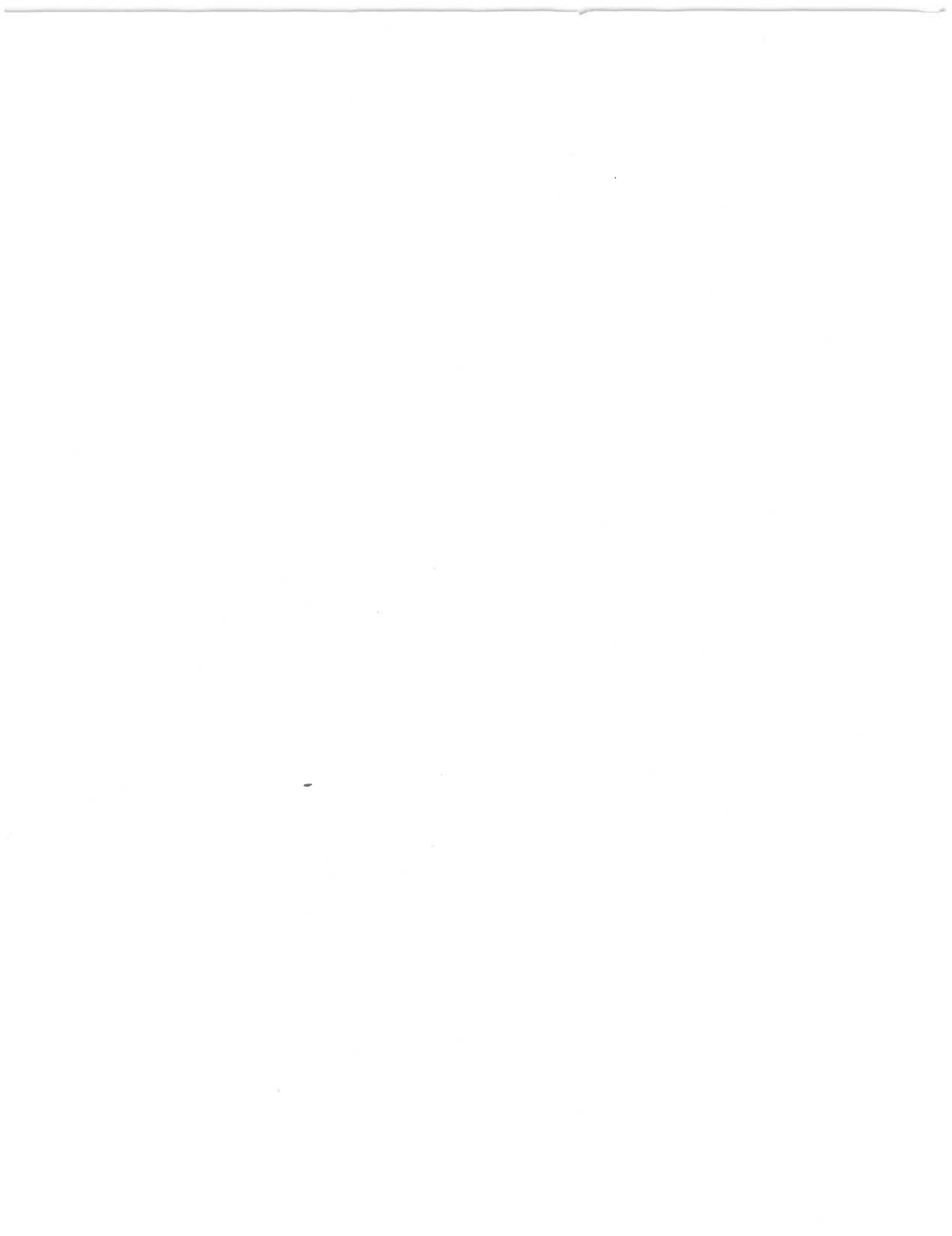
# Investigatory Stop leads to a UUW arrest – **NO ISR COMPLETED**

## Narratives

EVENT# 12022 A/O'S RESPONDED TO SHOTS FIRED/PERSON SHOT AT 6815 S THROOP AS A/O'S WERE APPROACHING. A/O'S MONITORED A FLASH MESSAGE THAT OFFENDERS FLED WESTBOUND THROUGH THE GANGWAYS AND ALLEY LAST SEEN WEARING WHITE TSHIRTS. A/O'S IMMEDIATELY OBSERVED ARRESTEE JUMPING A FENCE AT 6823 S LOOMIS FLEEING WESTBOUND FROM THE SHOOTING MATCHING DESCRIPTION. ARRESTEE FLED ACROSS THE STREET WHERE A/O'S PLACED ARRESTEE INTO CUSTODY WEARING WHITE TSHIRT. LEE FREELY STATED "I WAS ON THE BLOCK WHERE THEY WERE SHOOTING. I RAN THROUGH THE CUT AND I WASN'T SHOOTING. I WAS WEARING ALL BLUE. AN IMMEDIATE CANVASS WAS CONDUCTED WHEN A RESIDENT OF 6823 S ADA ALERTED P O TORRES #3561 AND P O BARONA THAT AN UNK MALE BLACK RAN THROUGH HIS BACKYARD. CONTINUED WEST AND REMOVED A BLUE HOODIE AND HANG IT ON A FENCE AND CONTINUED TOWARDS LOOMIS. BELIEVING ARRESTEE DISCARDED A WEAPON P O TORRES AND P O BARONA ACCOMPANIED BY RESIDENT IN HIS BACKYARD SIMULTANEOUSLY OBSERVED A FIREARM ON THE GROUND IN THE BACKYARD BETWEEN GARBAGE CANS AT 6823 S ADA. ARRESTEE WAS TRANSPORTED TO THE 007TH DISTRICT FOR PROCESSING. E T REQUESTED TO RECOVER SAID FIREARM AND HOODIE BT 5826 FRANKS #14426 AND SAMMONS #6787 ON SCENE. AREA SOUTH DETECTIVES CONDUCTED GSR ON ARRESTEE. NAME CHECK CLEAR. NOT ON PROBATION BUT ON PAROLE. NO GIPP/TRAP LISTS. NO PERSONAL PROPERTY.









**INVESTIGATORY STOP AUDIT REPORT**  
**CHICAGO POLICE DEPARTMENT**

**DATE SENT:** \_\_\_\_\_ **DATE RECEIVED:** \_\_\_\_\_ **RETURN NO LATER THAN:** \_\_\_\_\_

Unit No.	Beat No.	Watch	Date & Time of ISR	ISR Number
Member's Name			Rank	Star Number
Member's Name			Rank	Star Number
Approving Supervisor			Rank	Star Number

Investigatory Stop Report was **APPROVED** by a Supervisor but subsequent review identified the deficiencies noted below:

Failure to provide sufficient justification to support an Investigatory Stop, Protective Pat Down or other search (No Reasonable Articuable Suspicion).	<input type="checkbox"/> Stop	<input type="checkbox"/> Pat Down	<input type="checkbox"/> Search
Improper justification for an Investigatory Stop, Protective Pat Down or related search.	<input type="checkbox"/> Stop	<input type="checkbox"/> Pat Down	<input type="checkbox"/> Search
Investigatory Stop Report should not have been completed. Officer's actions did not require the submission of an Investigatory Stop Report.	<input type="checkbox"/> Not Required		<input type="checkbox"/> Duplicate
<input type="checkbox"/> Deficiency Modification of Approved to Deficiency Final <input type="checkbox"/> Deficiency Review Modification - See Below			

Investigatory Stop Report was reviewed by the Integrity Section and the below deficiencies were identified:

<input type="checkbox"/> Investigatory Stop Report in a status other than approved or final for longer than 7 days.			
<input type="checkbox"/> Pat Down Conducted?	<input type="checkbox"/> Search Conducted?	<input type="checkbox"/> Receipt Given?	<input type="checkbox"/> Hot Spot, Mission, BOC-I #?
<input type="checkbox"/> Enforcement Action Taken?	<input type="checkbox"/> Violation(s)/Charge(s)?	<input type="checkbox"/> Associated ISR?	<input type="checkbox"/> ISR Not Complete

INTEGRITY SECTION NOTES/EXPLANATION			
Reviewed by:	Date	Supervisor:	Date

Supervisors/Approvers will submit a report to the Integrity Section within 5 days of receiving this report. The Supervisors/Approvers will speak to the affected members and address in detail the deficiencies noted above and provide what measures they will take in the future to ensure compliance with Special Order S04-13-09 Investigatory Stop System. Supervisors/Approvers will detail steps taken to enforce compliance with affected member below.

CHECK ALL BOXES THAT APPLY			
<input type="checkbox"/> Video #373 ISR Part 1	<input type="checkbox"/> Video #374 ISR Part 2	<input type="checkbox"/> Video #328 Street Stops - Supreme Court Guidelines	<input type="checkbox"/> Video #377 - ISR Myths, Misconception and Facts
<input type="checkbox"/> ISR Website - Ask ISR	<input type="checkbox"/> BOP #16-0016.01 Investigatory Stop Report	<input type="checkbox"/> BOP #16-0144 Supervisory Review of Arrests Based on ISRs	<input type="checkbox"/> Administrative Message #224576 - ISR Cancellation Process
<input type="checkbox"/> Special Order S04-13-09 Reviewed	<input type="checkbox"/> Counseling Form	<input type="checkbox"/> SPAR # _____	<input type="checkbox"/> CR # _____
<input type="checkbox"/> Explanation Below	Date Completed: _____		

MEASURES TAKEN BY DISTRICT/UNIT	
Supervisor:	Date:



**INVESTIGATORY STOP REPORT OVERSIGHT OBSERVATION REPORT**  
 CHICAGO POLICE DEPARTMENT

RECORD NUMBER

**DATE SENT:** \_\_\_\_\_ **RETURN NO LATER THAN:** \_\_\_\_\_

Unit No.	Beat No.	Watch	Date & Time of ISR	ISR Number
Member's Name			Rank	Star Number
Member's Name			Rank	Star Number
Approving Supervisor			Rank	Star Number

Investigatory Stop Reports were **APPROVED** by a Supervisor but subsequent review identified the deficiencies noted below:

Failure to provide sufficient justification to support an Investigatory Stop, Protective Pat Down or other search (NO Reasonable Articulable Suspicion).	
Improper justification for an Investigatory Stop, Protective Pat Down or related search.	
Hard copy of the Investigatory Stop Report does not match the electronic version submitted in the Investigatory Stop Database.	
Checked the hard/paper copy on the electronic submission but no hard/paper copy was submitted to Records Inquiry Section.	
Investigatory Stop Report should not have been completed. Officer's actions did not require the submission of an Investigatory Stop Report.	

Investigatory Stop Reports were **REJECTED** by a Supervisor but subsequent review identified the deficiencies noted below:

Report rejected, but NO deficiency report completed by the Supervisor.	
Supervisor who rejected the ISR did not explain the reason for the rejection.	
Supervisor returned the report using the Administrative Rejection, but NO administrative errors were discovered.	
Supervisor rejected report, but did not describe the remedial action(s) addressed to the officer (for example reviewed special order, reviewed 4th amendment, mentored, provided guidance, etc.).	

Investigatory Stop Reports were **REVIEWED** by Investigatory Stop Section and review identified the deficiencies noted below:

Investigatory Stop Report not created when an arrest was initiated by an Investigatory Stop.	
Investigatory Stop Report in status other than approved or final left longer than 7 days.	
Other	

Supervisors/Approvers will submit a report to the Investigative Stop Section of Crime Control Strategies within 5 days of receiving this report. The Supervisors/Approvers will speak to the affected members and address in detail the deficiencies noted above and provide what measures they will take in the future to ensure compliance with Special Order S04-13-09 entitled "Investigatory Stop System."

Supervisors/Approvers will detail steps taken to enforce compliance with affected member.

**REPLY IN TO-FROM SUBJECT REPORT FORMAT AND RETURN TO UNIT 115 WITH THIS FORM AND ANY ASSOCIATED PAPERWORK BY ABOVE LISTED DATE.**

FOR UNIT 115 USE ONLY	
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# CHICAGO POLICE DEPARTMENT

# PAX 501

John J. Escalante, *Interim Superintendent of Police*



VOLUME 16

11 February 2016

NUMBER 3

## Message from Interim Superintendent John J. Escalante on Investigatory Stop Reports (ISR)

I want to clarify concerns regarding the Investigatory Stop Report (ISR) and the Department's Agreement with the American Civil Liberties Union of Illinois (ACLU). I have heard your concerns and I am working toward a solution.

First, since January 1, 2016, Illinois Law requires all law enforcement agencies in Illinois to document investigatory stops and protective pat downs. We are not alone in this endeavor; the entire state is tasked with documenting investigatory stops and protective pat downs. Neither the law nor the Department's Policy has changed as to when stops and pat-downs are appropriate; merely the documentation has changed.

Second, Officers will not be disciplined for honest mistakes. I know that the Department ISR Policy has been in effect since January 1, 2016. The Department is working tirelessly to train everyone on the ISR policy and procedures. I know there is a learning curve and I appreciate your understanding as we make this transition.

Third, I would like to clarify the agreement between the Chicago Police Department and the ACLU. The Department has not relinquished any control of our policies and procedures to the ACLU. The agreement does not provide the ACLU with any role whatsoever with respect to individual officers' compliance with the Department's policies. The Department alone is responsible for supervising compliance with policies and procedures. Rather, the Department's agreement with the ACLU provides that a former federal judge, the Honorable Arlander Keys, will review CPD's policies, practices, and data regarding investigatory stops and recommend any changes that are reasonable and necessary to comply with the law, and that the ACLU will have an opportunity to review and comment upon CPD's policies, practices, and data.

Fourth, our Department is working to reduce the burden on officers. Remember, completing an ISR is in the best interests of Officers based on the Illinois State Law. A properly completed ISR helps protect the officer by documenting the basis for the stop and any resulting pat-down. Additionally, the transparency of the agreement with the ACLU and the ISR create a trust and mutual respect between our agency and the communities we serve.

Lastly, officer safety is one of my greatest concerns, and continues to be a valid basis for a protective pat down. Officers simply need to describe in the ISR why they believe their safety was at risk. To perform a stop, an officer must have reasonable articulable suspicion, based on the facts and circumstances, that a crime has been, is being or is about to be committed. And, before an officer conducts a protective pat-down, he or she must have reasonable articulable suspicion that a person stopped is armed and dangerous and therefore poses a threat to the officer's safety or the safety of others. Neither of these requirements are new policies.

I appreciate all of the hard work that each of you do on a daily basis. Additionally, thank you for your service and dedication to the people of Chicago. Take care and stay safe.

John J. Escalante  
Interim Superintendent of Police

EX.F



**INVESTIGATORY STOP RECEIPT** | Event  
CHICAGO POLICE DEPARTMENT | No.

You were the subject of an Investigatory Stop by the Chicago Police Department.

Officer \_\_\_\_\_  
(Print) Name Star No.

Officer \_\_\_\_\_  
(Print) Name Star No.

Reason(s) for the Stop (Check all that apply).

- ACTIONS INDICATIVE OF ENGAGING IN DRUG TRANSACTION
- FITS DESCRIPTION FROM FLASH MESSAGE
- 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/NARCOTIC RELATED ENFORCEMENT
- OTHER (Specify) \_\_\_\_\_

CPD-11.912 (Rev. 6/16)

**CHICAGO ALTERNATIVE POLICING STRATEGY (CAPS)**  
**SAFE NEIGHBORHOODS ARE EVERYBODY'S BUSINESS**

The police alone cannot solve the problems of crime in our City. It takes an active and informed community working with the police and other City agencies to really make a difference. Join your neighbors and your neighborhood police officers as we work together to reduce crime and improve the quality of life in our City. Become part of the CAPS team in your community. To find out how, call 311 or visit online at: <http://www.chicagopolice.org>.

Exhibit 3



# INVESTIGATORY STOP SYSTEM



<b>ISSUE DATE:</b>	10 June 2016	<b>EFFECTIVE DATE:</b>	10 June 2016
<b>RESCINDS:</b>	22 March 2016 Version		
<b>INDEX CATEGORY:</b>	Preliminary Investigations		

## I. PURPOSE

This directive:

- A. introduces the Investigatory Stop System to replace the Contact Information System.
- B. ensures compliance with the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law.
- C. delineates the authority and circumstances necessary for conducting an Investigatory Stop.
- D. delineates the use of the Investigatory Stop System for the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.
- E. discontinues the use of the hard copy Contact Information Card [CPD-21.101(Rev. 8/06)] and the hard copy Juvenile Contact Information Card [CPD-21.102(Rev. 8/06)].
- F. introduces the use of:
  - 1. the hard copy Investigatory Stop Report ([CPD-11.910](#)).
  - 2. Investigatory Stop Database that replaces the Contact Information Database.
  - 3. Investigatory Stop Receipt ([CPD-11.912](#)).
  - 4. Investigatory Stop Pocket Guide ([CPD-11.913](#)).
  - 5. Investigatory Stop Report Deficiency Notification ([CPD-11.914](#)).
- G. discontinues the use of Investigatory Stop Receipt [CPD-11.912 (1/16)] and introduces the use of Investigatory Stop Receipt [CPD-11.912 (Rev. 6/16)].
- H. delineates responsibilities and procedures for:
  - 1. entering and maintaining Investigatory Stop Reports into the Investigatory Stop Database.
  - 2. completing hard copy Investigatory Stop Reports.
  - 3. accessing information from the Investigatory Stop Database.
- I. maintains the requirement for sworn members who complete the hard copy version of the Investigatory Stop Report to enter the data documented on the hard copy into the Investigatory Stop Database.
- J. continues the requirement for sworn members to document, in the appropriate field, location of occurrence by using the appropriate Incident Reporting Guide ([CPD-63.451](#)) location codes.
- K. establishes management responsibility for field supervisors approving Investigatory Stop Reports including review, training, and accountability for proper use and entry of Investigatory Stop Reports by their subordinates.
- L. satisfies CALEA Law Enforcement Standard Chapter 1.

## II. DEFINITIONS

For the purposes of this directive, the following definitions apply:

*Exhibit 4 A*



- A. Investigatory Stop - The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.

- B. Protective Pat Down – A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

- C. Reasonable Articulate Suspicion – Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

1. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
2. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulate Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

- D. [Plain Touch Doctrine](#) – When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

### III. POLICY

- A. The Investigatory Stop System is one of the ways the Chicago Police Department, as part of and empowered by the community, ensures that we protect the public, preserve the rights of all members of the community, and enforce the law impartially. Adherence to this policy allows the Department to serve all citizens equally with fairness, dignity, and respect, and to uphold our pledge to not use racial profiling and other bias-based policing.
- B. Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law. Safeguarding the liberties of the public and preventing crime are not mutually exclusive; each can be achieved by fostering trust and confidence between Department members and the public. Members will comport with the policy and procedures of this order to ensure appropriate conduct when interacting with members of the public.
- C. Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.
- D. The reasons for completing the Investigatory Stop Report is to ensure:
1. sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual;
  2. sworn members document the facts and circumstances of a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons;
  3. appropriate Investigatory Stop, Protective Pat Down, or other search information is entered and retained within the Investigatory Stop Database; and
  4. supervisors review the facts and circumstances of Investigatory Stops, Protective Pat Downs, or other searches.
- E. Department members will not engage in [racial profiling or other bias-based policing](#) when conducting Investigatory Stops as delineated in the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias-Based Policing.**"
- F. Department members interacting with the public will use [Legitimacy and Procedural Justice](#) principles. The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder.

### IV. ILLINOIS STATE LAW

- A. 725 ILCS 5/107-14 delineates the authority for conducting an Investigatory Stop. The statute reads as follows:

"Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and 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."

- B. 725 ILCS 5/108-1.01 delineates the authority for conducting a Protective Pat Down during an Investigatory Stop. The statute reads as follows:

"Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned."

**NOTE:** In this context the word "search" refers to a Protective Pat Down.

## V. GUIDELINES FOR INVESTIGATORY STOPS

Pursuant to Illinois statutory law and U.S. Supreme Court rulings:

- A. An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.
- B. During an Investigatory Stop, subjects may be asked to identify themselves and to provide an explanation for their actions; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer's questions.
- C. Police are not required to give Miranda warnings when conducting on-the-scene questioning during the fact-gathering process.

## VI. AUTHORITY TO PERFORM A PROTECTIVE PAT DOWN DURING AN INVESTIGATORY STOP

- A. Pursuant to Terry v. Ohio and People v. Galvin, authority to perform a Protective Pat Down is limited to the following:
  - 1. When an officer has detained a subject based upon Reasonable Articulable Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulable Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons. The Protective Pat Down is only for the purpose of officer and citizen safety; it is not to search for evidence.
  - 2. During a Protective Pat Down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat Down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.

**NOTE:** Protective Pat Downs will be conducted by a member who is the same gender as the person that is the subject of the Investigatory Stop. If a member of the same gender is not immediately available, officer and public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement. Members will exercise caution when patting down outer garments of persons of the opposite sex.

- B. Pursuant to *Minnesota v. Dickerson* and *People v. Mitchell*, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat Down after satisfying the following requirements:
1. When conducting a lawful Investigatory Stop and the officer is performing a Protective Pat Down, if the officer plainly feels an item that, based upon that officer's training and experience, the officer believes to be contraband, the officer may seize that item and lawfully charge the person with it.
  2. The Plain Touch Doctrine requires officers to satisfy the following three-part test:
    - a. a lawful Investigatory Stop,
    - b. a lawful Protective Pat Down, and
    - c. the officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.

## VII. GENERAL INFORMATION

- A. The Investigatory Stop System is an investigative tool consisting of information obtained in the field and entered into the Investigatory Stop Database.
- B. The Investigatory Stop Pocket Guide is a tool to assist members when conducting Investigatory Stops.
- C. The Investigatory Stop Database
1. The Investigatory Stop Database will only be used to document:
    - a. Investigatory Stops, Protective Pat Downs, or other searches; and
    - b. enforcement of the Gang and Narcotics-Related Loitering Ordinances consistent with the Department directive entitled "**Gang and Narcotics-Related Enforcement.**"
  2. The Investigatory Stop Database contains:
    - a. information concerning the individual temporarily detained for the Investigatory Stop.
    - b. narrative sections that include a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.

**NOTE:** Sworn members are required to complete the narrative field in the Investigatory Stop Database.
  3. Sworn members will complete hard copy Investigatory Stop Reports only when the electronic Investigatory Stop Database is unavailable and after approval is obtained by their immediate supervisor.
  4. Sworn members are responsible for entering all Investigatory Stop Reports created during their tours of duty into the electronic system as soon as possible but no later than the end of their tours of duty consistent with Item VIII-B.
  5. Supervisors will review all Investigatory Stop Reports, electronic and hard copy, created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive.
  6. Procedures for units that routinely do not have access to the Investigatory Stop Database
    - a. Sworn members will complete and submit hard copies of the appropriate Investigatory Stop Report for approval as soon as possible but no later than the end of their tours of duty;
    - b. Supervisors will review all hard copy Investigatory Stop Reports created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive; and



- c. Commanding officers of these units will determine the method of data entry and ensure the information is entered into the Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

#### D. Access

1. All Investigatory Stop Database information will be accessible to any sworn Department member and select civilian members, e.g., Department statistician, for one year after the initial Investigatory Stop Report was generated.
2. Pursuant to supervisory approval, personnel assigned to the following bureaus will be allowed access to Investigatory Stop information for three years based upon reasonable, articulated investigative need:
  - a. Bureau of Detectives;
  - b. Bureau of Organized Crime;
  - c. Bureau of Internal Affairs.

**NOTE:** The bureau chiefs will establish appropriate record keeping relevant to access and approval.

3. Other Department members who require access beyond this policy will submit a To-From-Subject Report through the chain of command to the Director, Information Services Division, articulating the investigative need for access. If necessary, the Director, Information Services Division, will consult with the Office of Legal Affairs regarding the requested access.
4. After three years, personal identification data contained within the Investigatory Stop Database will be deleted pursuant to Information Services Division practice and record-retention requirements, statutory or judicial. Therefore, no member will have access to personally identifying data from those Investigatory Stop Reports.

**NOTE:** The aggregate data from an Investigatory Stop event, such as the date, time, and address of occurrence, in addition to the descriptive racial and demographic data, will be retained by Information Services Division.

### VIII. PROCEDURES

#### A. Investigatory Stop

1. Sworn members who conduct an Investigatory Stop and, if applicable, a Protective Pat Down or other search in a [public place](#), are required to submit an Investigatory Stop Report into the Investigatory Stop Database. All of the factors that support Reasonable Articulate Suspicion in order to temporarily detain an individual for investigation, and, if applicable, all of the factors that support Reasonable Articulate Suspicion in order to perform a Protective Pat Down will be documented in the narrative portions of the database.

**NOTE:** For purposes of this directive, "[public place](#)" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.

2. In addition, Investigatory Stop Reports will be submitted for all Investigatory Stops and Protective Pat Downs **that lead to** an arrest, Personal Service Citation, Administrative Notice of Violation (ANOV), Curfew Violation Report, School Absentee Report, or other enforcement action.
3. Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed

Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.

**EXCEPTION:** An Investigatory Stop Receipt will not be provided if the subject of the stop is arrested.

4. The following examples illustrate instances when Investigatory Stop Reports, Investigatory Stop Receipts, and other Department reports are required, and are intended to serve as guidelines that can be applied in various circumstances.
  - a. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign, and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "Illinois Traffic Stop Statistical Study." An Investigatory Stop Report will not be completed.
  - b. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the traffic stop, the officer observes various factors that develop Reasonable Articulate Suspicion that the driver may be "armed and dangerous" or "presents a danger of attack." The officer conducts a Protective Pat Down on the driver and the vehicle for weapons. No weapons are discovered. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign. Due to the performance of a Protective Pat Down, the officer completes an Investigatory Stop Report and provides a completed Investigatory Stop Receipt to the driver. The officer documents on the Investigatory Stop Report the reason for the stop was a traffic violation, failure to stop at stop sign, and the Reasonable Articulate Suspicion to justify the Protective Pat Down of the driver and the vehicle. When completing the Investigatory Stop Receipt, the officer writes "failure to stop at a stop sign" as the reason for the stop. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "Illinois Traffic Stop Statistical Study."
  - c. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the stop, the officer receives a flash message that provides a description of a wanted offender and vehicle for a theft that just occurred in the area of the traffic stop. The driver and the vehicle match the description. The officer conducts an investigation for the theft by questioning the driver regarding his whereabouts at the time of the theft. The officer determines that he does not have probable cause to arrest. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign and completes an Investigatory Stop Report. The officer documents on the Investigatory Stop Report the initial reason for the stop was a traffic violation, failure to stop at a stop sign, and the officer's Reasonable Articulate Suspicion that the driver committed a theft. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "Illinois Traffic Stop Statistical Study."
  - d. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues a verbal warning to the driver for failure to stop at a stop sign, and completes an Illinois Traffic Stop Statistical Study - Driver Information Card consistent with the Department directive entitled "Illinois Traffic Stop Statistical Study." An Investigatory Stop Report will not be completed.
  - e. An officer responds to a call of shots fired. Upon the officer's arrival on the scene, the officer observes several people in the area. The officer approaches and questions people in the area as to whether or not they heard or saw anything pertaining to the shots fired call. After further investigation by the officer, the officer determines the incident is not bona fide. An Investigatory Stop Report will not be completed.

5. If an arrest is made based on an Investigatory Stop, an Investigatory Stop Report will be completed in addition to the Arrest Report. Members will indicate in the Investigatory Stop Report that an arrest is related to the Investigatory Stop by checking the appropriate box.
6. During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's Reasonable Articulate Suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject or for the completion of required documentation when Reasonable Articulate Suspicion no longer exists.
7. **Failure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.** If, at the conclusion of an Investigatory Stop, the individual is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
  - a. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  - b. provide as much of the stop information as possible;
  - c. indicate the refusal in the narrative field; and
  - d. describe the reason for the stop and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
8. When Investigatory Stop Reports are submitted for more than one person in a group, members will cross-reference the report numbers in the appropriate fields of the database.

B. Data Entry

1. Sworn members will submit an electronic Investigatory Stop Report as soon as possible but no later than the end of their tours of duty by selecting "Automated Investigatory Reports" from the CLEAR menu.
2. If electronic access to the CLEAR application is not available, after receiving approval from a supervisor, sworn members will:
  - a. complete the hard copy Investigatory Stop Report;
  - b. accurately enter the Investigatory Stop Report into the Investigatory Stop Database by selecting "Automated Investigatory Reports" from the CLEAR menu if electronic access to the CLEAR application becomes available before the end of their tours of duty.

**NOTE: The information entered into the Investigatory Stop Database must directly correspond with the information initially documented on the hard copy.**

  - c. select "yes" in the Investigatory Stop Database that a hard copy Investigatory Stop Report was completed.
  - d. record the ISR number generated by the Investigatory Stop Database onto the hard copy Investigatory Stop Report.
  - e. **forward the completed, hard copy Investigatory Stop Report to their supervisor for approval.**
3. If electronic access to the CLEAR application continues to be unavailable and is restored after the sworn member's tour of duty has ended, unit executive officers will determine the method of data entry and ensure that the Investigatory Stop Report is entered into the

Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

**NOTE:** For units without executive officers, the unit commanding officer will designate a supervisor to perform these duties.

C. Supervisory Responsibilities

1. Reviewing supervisors will:

- a. approve or reject all submitted Investigatory Stop Reports by the end of their tours of duty.
- b. review and ensure Investigatory Stop Reports are properly completed and conform to Department policy.
  - (1) Supervisors are responsible for ensuring that members properly document in the narrative sections of all (electronic and hard copy) Investigatory Stop Reports:
    - (a) the Reasonable Articulate Suspicion that justifies the Investigatory Stop and, if performed, Protective Pat Down; and
    - (b) if applicable, the basis and reasons that led to any search of a person or his/her effects that was beyond a Protective Pat Down.
  - (2) When both a hard copy and an electronic Investigatory Stop Report are created, supervisors will confirm the hard copy matches the electronic entry.
- c. for properly prepared Investigatory Stop Reports, indicate approval in the automated system or by signing the Investigatory Stop Report in the appropriate field.
- d. for rejected Investigatory Stop Reports:
  - (1) personally inform the preparing sworn member of the reason for the disapproval or rejection;
  - (2) complete an Investigatory Stop Report Deficiency Notification for rejections based on the following:
    - (a) Failure to document justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (b) Improper justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (c) Submitted hard copy of the Investigatory Stop Report does not match the electronic version submitted in the Investigatory Stop Database; and
    - (d) Investigatory Stop Report submitted in error. Officer's actions did not require the submission of an Investigatory Stop Report.

**NOTE:** When completing the Investigatory Stop Report Deficiency Notification, supervisors will include the action that was taken to address the deficiency, such as reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.

Forward the completed Investigatory Stop Report Deficiency Notification to the Commanding Officer of the Integrity Section, Crime Control Strategies.



- (3) document rejections based on deficiencies, such as typographic errors, incomplete fields, etc., and the corrective action taken in the comments section within the Investigatory Stop Database. Instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the sworn member's tour of duty.

**NOTE:** If an Investigatory Stop Report Deficiency Notification is required, state in the comments section that an Investigatory Stop Report Deficiency Notification will be submitted.

- (4) instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the member's tour of duty.

**EXCEPTION:** Instruct the member not to resubmit the Investigatory Stop Report if an interview with the member reveals that the Investigatory Stop, Protective Pat Down, or other search was not justified or that the Investigatory Stop Report should not have been completed. The Investigatory Stop Report will remain in rejected status for clearance by the Integrity Section of Crime Control Strategies.

- (5) verify submission of the corrected Investigatory Stop Report and approve as appropriate.
- e. forward all hard copy Investigatory Stop Reports to the district review officer or member designated by the unit commanding officer for records retention.
2. District review officers or members designated by unit commanding officers will, on a daily basis, forward all hard copy Investigatory Stop Reports, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.
  3. Executive officers will:
    - a. ensure supervisors are properly reviewing and approving all submitted Investigatory Stop Reports.
    - b. ensure the submission of Investigatory Stop Reports into the CLEAR system is monitored in order to ensure that the review and approval process is timely.
    - c. ensure all approved hard copy Investigatory Stop Reports are forwarded, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.
    - d. conduct monthly internal audits of Investigatory Stop Reports to ensure compliance with this directive and submit a report of their findings to the commanding officer.
    - e. take appropriate action if any deficiencies are noted.

**NOTE:** If supervisory approvals do not conform to Department policy, the executive officer will take appropriate action (reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.). Additionally, the executive officer will forward and document the action taken in a To-From Subject Report to the Commanding Officer of the Integrity Section, Crime Control Strategies.

**NOTE:** In units without executive officers, the unit's exempt commanding officer will designate a supervisor to perform these duties.

4. On a daily basis, commanding officers and executive officers will be accountable for the proper implementation of this directive.

#### IX. OTHER RESPONSIBILITIES

- A. The Information Services Division is responsible for the maintenance and integrity of the Investigatory Stop Database.
- B. Consistent with Local Records Commission requirements, the Director, Records Division, will ensure that hard copy Investigatory Stop Reports are destroyed and that information in the Investigatory Stop Database is purged consistent with this directive.
- C. The Commander, Inspections Division, will ensure audits of the Investigatory Stop System will be conducted.
- D. Bureau chiefs that have members who have access to the Investigatory Stop System beyond one year will ensure access is consistent with articulated investigative need and that supervisory authorization for access is maintained within unit files.
- E. The Integrity Section, Crime Control Strategies, will conduct random audits of the Investigatory Stop System on a continual basis.

#### X. RETENTION

- A. Pursuant to 705 ILCS 405/1-7, entitled "Confidentiality of Law Enforcement Records," juvenile Investigatory Stop Reports will be filed and retained separately from adult Investigatory Stop Reports.
- B. The Director, Records Division, will dispose of both electronic and hard copy Investigatory Stop Reports consistent with this and other applicable Department directives, applicable court orders, and the law.
- C. All Investigatory Stop Reports, electronic and hard copy, will be retained for a period of six months after the completion of the Illinois Traffic Stop Statistical Study (TSSS).
- D. Six months after the completion of the TSSS:
  1. all hard copy Investigatory Stop Reports three years and older will be purged.
  2. all personal identifying information entered into the electronic database three years and older will be purged.
- E. All hard copy Investigatory Stop Reports and personal identifying information contained within the database generated after the TSSS retention period and beyond will be retained for a period of three years from the date the Investigatory Stop Report was generated.

**NOTE:** Pursuant to a court order entered in *Hall, et al. v. City of Chicago, et al.*, 12 C 6834, the Chicago Police Department and its members are ordered to preserve all data in the Investigatory Stop System and to preserve ALL hard copies of Investigatory Stop Reports until further notice.

(Items indicated by *italics/double underline* were added or revised.)

Authenticated by: KC

Eddie T. Johnson  
Superintendent of Police

13-033 CM

## GLOSSARY TERMS:

### 1. **Investigatory Stop**

- A. The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.

### 2. **Protective Pat Down**

A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

### 3. **Reasonable Articulate Suspicion**

Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must

be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

- A. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
- B. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulable Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

#### 4. **Plain Touch Doctrine**

When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

#### 5. **Racial Profiling or Other Bias-Based Policing**

In making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, Chicago Police Department officers may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description.

#### 6. **Legitimacy and Procedural Justice**

The Department's commitment to professionalism, obligation, leadership, integrity, courage, and excellence has driven many meaningful public safety achievements. The Chicago Police Department conducts training and establishes procedures consistent with the concept of Legitimacy and Procedural Justice, with the goal of strengthening our relationship with the community and ultimately improving officer safety and efficiency. The concept of Legitimacy and Procedural Justice consists of the following four principles:

1. Giving others a voice (listening)
2. Neutrality in decision making
3. Respectful treatment and
4. Trustworthiness.

By fostering an environment where procedural justice principles become standard practice, the Department can create an organizational culture that fosters a true partnership with the public and leads to safer and more prosperous communities.



7. **Public Place**

Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.



INVESTIGATORY STOP SYSTEM

ISSUE DATE:	22 March 2016	EFFECTIVE DATE:	22 March 2016
RESCINDS:	01 January 2016 Version		
INDEX CATEGORY:	Preliminary Investigations		

I. PURPOSE

This directive:

- A. introduces the Investigatory Stop System to replace the Contact Information System.
- B. ensures compliance with the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law.
- C. delineates the authority and circumstances necessary for conducting an Investigatory Stop.
- D. delineates the use of the Investigatory Stop System for the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.
- E. discontinues the use of the hard copy Contact Information Card [CPD-21.101(Rev. 8/06)] and the hard copy Juvenile Contact Information Card [CPD-21.102(Rev. 8/06)].
- F. introduces the use of:
  - 1. the hard copy Investigatory Stop Report (CPD-11.910).
  - 2. Investigatory Stop Database that replaces the Contact Information Database.
  - 3. Investigatory Stop Receipt (CPD-11.912).
  - 4. Investigatory Stop Pocket Guide (CPD-11.913).
  - 5. Investigatory Stop Report Deficiency Notification (CPD-11.914).
- G. delineates responsibilities and procedures for:
  - 1. entering and maintaining Investigatory Stop Reports into the Investigatory Stop Database.
  - 2. completing hard copy Investigatory Stop Reports.
  - 3. accessing information from the Investigatory Stop Database.
- H. maintains the requirement for sworn members who complete the hard copy version of the Investigatory Stop Report to enter the data documented on the hard copy into the Investigatory Stop Database.
- I. continues the requirement for sworn members to document, in the appropriate field, location of occurrence by using the appropriate Incident Reporting Guide (CPD-63.451) location codes.
- J. establishes management responsibility for field supervisors approving Investigatory Stop Reports including review, training, and accountability for proper use and entry of Investigatory Stop Reports by their subordinates.
- K. satisfies CALEA Law Enforcement Standard Chapter 1.

II. DEFINITIONS

For the purposes of this directive, the following definitions apply:

- A. Investigatory Stop - The temporary detention and questioning of a person in the vicinity where the person was stopped based on the observation of a violation of the law that the person is committing, is

Exhibit 4 B

about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
  2. Display of a weapon by an officer;
  3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
  4. Officer blocks a person's path; or
  5. Choice to end the encounter is not available to the person.
- B. Protective Pat Down – A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.
- C. Reasonable Articulate Suspicion – Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

1. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
2. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulate Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

- D. Plain Touch Doctrine – When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

### III. POLICY

- A. The Investigatory Stop System is one of the ways the Chicago Police Department, as part of and empowered by the community, ensures that we protect the public, preserve the rights of all members of the community, and enforce the law impartially. Adherence to this policy allows the Department to serve all citizens equally with fairness, dignity, and respect, and to uphold our pledge to not use racial profiling and other bias-based policing.
- B. Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law. Safeguarding the liberties of the public and preventing crime are not mutually exclusive; each can be achieved by fostering trust and confidence between Department members and the public. Members will comport with the policy and procedures of this order to ensure appropriate conduct when interacting with members of the public.
- C. Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.
- D. The reasons for completing the Investigatory Stop Report is to ensure:
1. sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual;
  2. sworn members document the facts and circumstances of a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons;
  3. appropriate Investigatory Stop, Protective Pat Down, or other search information is entered and retained within the Investigatory Stop Database; and
  4. supervisors review the facts and circumstances of Investigatory Stops, Protective Pat Downs, or other searches.
- E. Department members will not engage in racial profiling or other bias-based policing when conducting Investigatory Stops as delineated in the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias-Based Policing.**"
- F. Department members interacting with the public will use Legitimacy and Procedural Justice principles. The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder.

### IV. ILLINOIS STATE LAW

- A. 725 ILCS 5/107-14 delineates the authority for conducting an Investigatory Stop. The statute reads as follows:

"Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and 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."

- B. 725 ILCS 5/108-1.01 delineates the authority for conducting a Protective Pat Down during an Investigatory Stop. The statute reads as follows:

"Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned."

**NOTE:** In this context the word "search" refers to a Protective Pat Down.

## V. GUIDELINES FOR INVESTIGATORY STOPS

Pursuant to Illinois statutory law and U.S. Supreme Court rulings:

- A. An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.
- B. During an Investigatory Stop, subjects may be asked to identify themselves and to provide an explanation for their actions; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer's questions.
- C. Police are not required to give Miranda warnings when conducting on-the-scene questioning during the fact-gathering process.

## VI. AUTHORITY TO PERFORM A PROTECTIVE PAT DOWN DURING AN INVESTIGATORY STOP

- A. Pursuant to Terry v. Ohio and People v. Galvin, authority to perform a Protective Pat Down is limited to the following:
  1. When an officer has detained a subject based upon Reasonable Articulable Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulable Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons. The Protective Pat Down is only for the purpose of officer and citizen safety; it is not to search for evidence.
  2. During a Protective Pat Down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat Down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.

**NOTE:** Protective Pat Downs will be conducted by a member who is the same gender as the person that is the subject of the Investigatory Stop. If a member of the same gender is not immediately available, officer and public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement. Members will exercise caution when patting down outer garments of persons of the opposite sex.



- B. Pursuant to *Minnesota v. Dickerson* and *People v. Mitchell*, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat Down after satisfying the following requirements:
1. When conducting a lawful Investigatory Stop and the officer is performing a Protective Pat Down, if the officer plainly feels an item that, based upon that officer's training and experience, the officer believes to be contraband, the officer may seize that item and lawfully charge the person with it.
  2. The Plain Touch Doctrine requires officers to satisfy the following three-part test:
    - a. a lawful Investigatory Stop,
    - b. a lawful Protective Pat Down, and
    - c. the officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.

## VII. GENERAL INFORMATION

- A. The Investigatory Stop System is an investigative tool consisting of information obtained in the field and entered into the Investigatory Stop Database.
- B. The Investigatory Stop Pocket Guide is a tool to assist members when conducting Investigatory Stops.
- C. The Investigatory Stop Database
1. The Investigatory Stop Database will only be used to document:
    - a. Investigatory Stops, Protective Pat Downs, or other searches; and
    - b. enforcement of the Gang and Narcotics-Related Loitering Ordinances consistent with the Department directive entitled "**Gang and Narcotics-Related Enforcement.**"
  2. The Investigatory Stop Database contains:
    - a. information concerning the individual temporarily detained for the Investigatory Stop.
    - b. narrative sections that include a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.

**NOTE:** Sworn members are required to complete the narrative field in the Investigatory Stop Database.

3. Sworn members will complete hard copy Investigatory Stop Reports only when the electronic Investigatory Stop Database is unavailable and after approval is obtained by their immediate supervisor.
4. Sworn members are responsible for entering all Investigatory Stop Reports created during their tours of duty into the electronic system as soon as possible but no later than the end of their tours of duty consistent with Item VIII-B.
- ⑤ Supervisors will review all Investigatory Stop Reports, electronic and hard copy, created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive.
6. Procedures for units that routinely do not have access to the Investigatory Stop Database
  - a. Sworn members will complete and submit hard copies of the appropriate Investigatory Stop Report for approval as soon as possible but no later than the end of their tours of duty;
  - b. Supervisors will review all hard copy Investigatory Stop Reports created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive; and

- c. Commanding officers of these units will determine the method of data entry and ensure the information is entered into the Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

#### D. Access

1. All Investigatory Stop Database information will be accessible to any sworn Department member and select civilian members, e.g., Department statistician, for one year after the initial Investigatory Stop Report was generated.
2. Pursuant to supervisory approval, personnel assigned to the following bureaus will be allowed access to Investigatory Stop information for three years based upon reasonable, articulated investigative need:
  - a. Bureau of Detectives;
  - b. Bureau of Organized Crime;
  - c. Bureau of Internal Affairs.

**NOTE:** The bureau chiefs will establish appropriate record keeping relevant to access and approval.

3. Other Department members who require access beyond this policy will submit a To-From-Subject Report through the chain of command to the Director, Information Services Division, articulating the investigative need for access. If necessary, the Director, Information Services Division, will consult with the Office of Legal Affairs regarding the requested access.
4. After three years, personal identification data contained within the Investigatory Stop Database will be deleted pursuant to Information Services Division practice and record-retention requirements, statutory or judicial. Therefore, no member will have access to personally identifying data from those Investigatory Stop Reports.

**NOTE:** The aggregate data from an Investigatory Stop event, such as the date, time, and address of occurrence, in addition to the descriptive racial and demographic data, will be retained by Information Services Division.

### VIII. PROCEDURES

#### A. Investigatory Stop

1. Sworn members who conduct an Investigatory Stop and, if applicable, a Protective Pat Down or other search *in a public place*, are required to submit an Investigatory Stop Report into the Investigatory Stop Database. All of the factors that support Reasonable Articulate Suspicion in order to temporarily detain an individual for investigation, and, if applicable, all of the factors that support Reasonable Articulate Suspicion in order to perform a Protective Pat Down will be documented in the narrative portions of the database.

**NOTE:** For purposes of this directive, "public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.

2. In addition, Investigatory Stop Reports will be submitted for all Investigatory Stops and Protective Pat Downs that lead to an arrest, Personal Service Citation, Administrative Notice of Violation (ANOV), Curfew Violation Report, School Absentee Report, or other enforcement action.
3. Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed

Investigatory Stop Receipt. The Investigatory Stop Receipt will include the reason for the stop and the sworn member's name and star number.

**EXCEPTION:** An Investigatory Stop Receipt will not be provided if the subject of the stop is arrested.

4. The following examples illustrate instances when Investigatory Stop Reports, Investigatory Stop Receipts, and other Department reports are required, and are intended to serve as guidelines that can be applied in various circumstances.
- a. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign, and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**." An Investigatory Stop Report will not be completed.
  - b. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the traffic stop, the officer observes various factors that develop Reasonable Articulate Suspicion that the driver may be "armed and dangerous" or "presents a danger of attack." The officer conducts a Protective Pat Down on the driver and the vehicle for weapons. No weapons are discovered. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign. Due to the performance of a Protective Pat Down, the officer completes an Investigatory Stop Report and provides a completed Investigatory Stop Receipt to the driver. The officer documents on the Investigatory Stop Report the reason for the stop was a traffic violation, failure to stop at stop sign, and the Reasonable Articulate Suspicion to justify the Protective Pat Down of the driver and the vehicle. When completing the Investigatory Stop Receipt, the officer writes "failure to stop at a stop sign" as the reason for the stop. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**."
  - c. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the stop, the officer receives a flash message that provides a description of a wanted offender and vehicle for a theft that just occurred in the area of the traffic stop. The driver and the vehicle match the description. The officer conducts an investigation for the theft by questioning the driver regarding his whereabouts at the time of the theft. The officer determines that he does not have probable cause to arrest. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign and completes an Investigatory Stop Report. The officer documents on the Investigatory Stop Report the initial reason for the stop was a traffic violation, failure to stop at a stop sign, and the officer's Reasonable Articulate Suspicion that the driver committed a theft. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study**."
  - d. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues a verbal warning to the driver for failure to stop at a stop sign, and completes an Illinois Traffic Stop Statistical Study - Driver Information Card consistent with the Department directive entitled "**Illinois Traffic Stop Statistical Study**." An Investigatory Stop Report will not be completed.
  - e. An officer responds to a call of shots fired. Upon the officer's arrival on the scene, the officer observes several people in the area. The officer approaches and questions people in the area as to whether or not they heard or saw anything pertaining to the shots fired call. After further investigation by the officer, the officer determines the incident is not bona fide. An Investigatory Stop Report will not be completed.

5. If an arrest is made based on an Investigatory Stop, an Investigatory Stop Report will be completed in addition to the Arrest Report. Members will indicate in the Investigatory Stop Report that an arrest is related to the Investigatory Stop by checking the appropriate box.
6. During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's Reasonable Articulate Suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject or for the completion of required documentation when Reasonable Articulate Suspicion no longer exists.
7. **Failure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.** If, at the conclusion of an Investigatory Stop, the individual is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
  - a. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  - b. provide as much of the stop information as possible;
  - c. indicate the refusal in the narrative field; and
  - d. describe the reason for the stop and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
8. When Investigatory Stop Reports are submitted for more than one person in a group, members will cross-reference the report numbers in the appropriate fields of the database.

B. Data Entry

1. Sworn members will submit an electronic Investigatory Stop Report as soon as possible but no later than the end of their tours of duty by selecting "Automated Investigatory Reports" from the CLEAR menu.
2. If electronic access to the CLEAR application is not available, after receiving approval from a supervisor, sworn members will:
  - a. complete the hard copy Investigatory Stop Report;
  - b. accurately enter the Investigatory Stop Report into the Investigatory Stop Database by selecting "Automated Investigatory Reports" from the CLEAR menu if electronic access to the CLEAR application becomes available before the end of their tours of duty.

**NOTE:** The information entered into the Investigatory Stop Database must directly correspond with the information initially documented on the hard copy.

- c. select "yes" in the Investigatory Stop Database that a hard copy Investigatory Stop Report was completed.
  - d. record the ISR number generated by the Investigatory Stop Database onto the hard copy Investigatory Stop Report.
  - e. **forward the completed, hard copy Investigatory Stop Report to their supervisor for approval.**
3. If electronic access to the CLEAR application continues to be unavailable and is restored after the sworn member's tour of duty has ended, unit executive officers will determine the method of data entry and ensure that the Investigatory Stop Report is entered into the

4. On a daily basis, commanding officers and executive officers will be accountable for the proper implementation of this directive.

#### IX. OTHER RESPONSIBILITIES

- A. The Information Services Division is responsible for the maintenance and integrity of the Investigatory Stop Database.
- B. Consistent with Local Records Commission requirements, the Director, Records Division, will ensure that hard copy Investigatory Stop Reports are destroyed and that information in the Investigatory Stop Database is purged consistent with this directive.
- C. The Commander, Inspections Division, will ensure audits of the Investigatory Stop System will be conducted.
- D. Bureau chiefs that have members who have access to the Investigatory Stop System beyond one year will ensure access is consistent with articulated investigative need and that supervisory authorization for access is maintained within unit files.
- E. The Integrity Section, Crime Control Strategies, will conduct random audits of the Investigatory Stop System on a continual basis.

#### X. RETENTION

- A. Pursuant to 705 ILCS 405/1-7, entitled "Confidentiality of Law Enforcement Records," juvenile Investigatory Stop Reports will be filed and retained separately from adult Investigatory Stop Reports.
- B. The Director, Records Division, will dispose of both electronic and hard copy Investigatory Stop Reports consistent with this and other applicable Department directives, applicable court orders, and the law.
- C. All Investigatory Stop Reports, electronic and hard copy, will be retained for a period of six months after the completion of the Illinois Traffic Stop Statistical Study (TSSS).
- D. Six months after the completion of the TSSS:
  1. all hard copy Investigatory Stop Reports three years and older will be purged.
  2. all personal identifying information entered into the electronic database three years and older will be purged.
- E. All hard copy Investigatory Stop Reports and personal identifying information contained within the database generated after the TSSS retention period and beyond will be retained for a period of three years from the date the Investigatory Stop Report was generated.

**NOTE:** Pursuant to a court order entered in Hall, et al. v. City of Chicago, et al., 12 C 6834, the Chicago Police Department and its members are ordered to preserve all data in the Investigatory Stop System and to preserve ALL hard copies of Investigatory Stop Reports until further notice.

(Items indicated by *italics/double underlined* were revised.)

Authenticated by: KC

John J. Escalante  
Interim Superintendent of Police

13-033 CM



## GLOSSARY TERMS:

### 1. **Investigatory Stop**

- A. The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.

### 2. **Protective Pat Down**

A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

### 3. **Reasonable Articulate Suspicion**

Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must

be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

- A. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
- B. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulable Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

4. **Plain Touch Doctrine**

When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

5. **Racial Profiling or Other Bias-Based Policing**

In making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, Chicago Police Department officers may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description.

6. **Legitimacy and Procedural Justice**

The Department's commitment to professionalism, obligation, leadership, integrity, courage, and excellence has driven many meaningful public safety achievements. The Chicago Police Department conducts training and establishes procedures consistent with the concept of Legitimacy and Procedural Justice, with the goal of strengthening our relationship with the community and ultimately improving officer safety and efficiency. The concept of Legitimacy and Procedural Justice consists of the following four principles:

- 1. Giving others a voice (listening)
- 2. Neutrality in decision making
- 3. Respectful treatment and
- 4. Trustworthiness.

By fostering an environment where procedural justice principles become standard practice, the Department can create an organizational culture that fosters a true partnership with the public and leads to safer and more prosperous communities.

7.

**Public Place**

Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and stores.

# INVESTIGATORY STOP REPORT

CHICAGO POLICE DEPARTMENT CPD-11.910 (REV. 3/16)

ADULT  
 JUVENILE

ISR NO.

EVENT NO.

DATE OF STOP TIME OF STOP SUBMITTING BEAT BEAT OF OCC. LOCATION CODE ADDRESS OF STOP (Number/Direction/Street Name)

NAME (Last, First, Middle) NICKNAME(S) DATE OF BIRTH AGE / EST. AGE

ADDRESS OF RESIDENCE (Number/Direction/Street Name/Apt./Floor/City/State/Zipcode) HOME PHONE NO. CELL PHONE NO.

SEX HEIGHT WEIGHT BUILD EYE COLOR HAIR COLOR HAIRSTYLE COMPLEXION

WHICH OF THE FOLLOWING DO YOU BELIEVE IS THE RACE OF THE PERSON STOPPED?  
 BLACK OR AFRICAN AMERICAN  HISPANIC OR LATINO  AMERICAN INDIAN OR ALASKA NATIVE  
 WHITE  ASIAN  NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER

RELATED ISR NO. (To Identify Associates)

CLOTHING TYPE/COLOR SCARS/MARKS/TATTOOS FACIAL HAIR RECORDED:  
 IN-CAR VIDEO  
 BODY WORN CAM.

EMPLOYER'S NAME EMPLOYER'S ADDRESS

SCHOOL'S NAME SCHOOL'S ADDRESS EVENT ASSIGNED BY  DISPATCHED  
 ON VIEW  OTHER

NAME VERIFIED BY ID DRIVERS LICENSE NO./STATE ID NO. OTHER ID TYPE OR MEANS  
 YES  NO

DID THE STOP INVOLVE A VEHICLE LICENSE PLATE NO. TYPE/STATE/EXP. (OR TEMP. TAG NO.)  
 YES  NO

V.I.N. NO. VEHICLE YEAR MAKE MODEL BODY STYLE COLOR

MISSION NO. BOC-I NO. HOT SPOT NO. RD NO. (If Related) GANG/NARCOTIC RELATED ENFORCEMENT  YES  NO  
(AS IN S10-02-03) DISPERSAL TIME NO. DISP.

DISPOSITION OF THE STOP: IF YES, CHECK APPLICABLE BOX BELOW.  
ENFORCEMENT ACTION TAKEN?  YES  NO  ARREST  PERSONAL SERVICE CITATION (CIT. #)  ANOV (CIT. #)  OTHER (Specify) CITED VIOLATIONS/CHARGES

**GANG INFORMATION SECTION (COMPLETE THIS SHADED SECTION ONLY IF INCIDENT/SUBJECT HAS GANG INVOLVEMENT):**  
GANG/FACTION GANG KNOWN HANG-OUTS

TYPES OF GANG CRIMINAL ACTIVITIES (Describe in Investigatory Stop Narrative on Side 2)  
 GANG LOOKOUT  GANG SECURITY  INTIMIDATION  SUSPECT NARCOTIC ACTIVITY  OTHER (Describe)

**WHAT WERE THE REASONABLE ARTICULABLE SUSPICION FACTORS THAT LED TO THE STOP?**  
(Check all that apply. All checked items must be described in the Investigatory Stop Narrative on Side 2.)  
 ACTIONS INDICATIVE OF ENGAGING IN DRUG TRANSACTION  FITS DESCRIPTION OF AN OFFENDER AS DESCRIBED BY VICTIM OR WITNESS  PROXIMITY TO THE REPORTED CRIME LOCATION  
 FITS DESCRIPTION FROM FLASH MESSAGE  ACTIONS INDICATIVE OF "CASING" VICTIM OR LOCATION  GANG/NARCOTIC RELATED ENFORCEMENT  
 OTHER

**WHAT WERE THE REASONABLE ARTICULABLE SUSPICION FACTORS THAT LED TO THE PROTECTIVE PAT DOWN?**  
(Check all that apply. All checked items must be described in the Investigatory Stop Narrative on Side 2):  
WAS A PROTECTIVE PAT DOWN CONDUCTED?  YES  NO  
WAS PROTECTIVE PAT DOWN BASED ON CONSENT?  YES  NO  
RECEIPT GIVEN?  YES  NO  
 VERBAL THREATS OF VIOLENCE BY SUSPECT  VIOLENT CRIME SUSPECTED  
 KNOWLEDGE OF SUSPECT'S PRIOR CRIMINAL VIOLENT BEHAVIOR/USE OF FORCE/USE OF WEAPON  SUSPICIOUS BULGE/OBJECT  
 ACTIONS INDICATIVE OF ENGAGING IN VIOLENT BEHAVIOR  OTHER REASONABLE SUSPICION OF WEAPONS

**WAS A WEAPON OR CONTRABAND DISCOVERED AS A RESULT OF THE PROTECTIVE PAT DOWN?**  YES  NO IF YES, DESCRIBE BELOW.  
 FIREARM  COCAINE Wgt.  HEROIN Wgt.  OTHER Describe:  OTHER WEAPON Describe:  CANNABIS Wgt.  OTHER CONTROLLED SUBSTANCE Describe below:  
 STOLEN PROPERTY  ALCOHOL  DRUG PARAPHERNALIA Wgt.

**WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF THE PERSON?**  YES  NO  
**WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF HIS/HER EFFECTS?**  YES  NO  
**WAS THE SEARCH BEYOND CONDUCTED BY CONSENT?**  YES  NO IF NO, EXPLAIN THE BASIS FOR AND ALL THE REASONS THAT LED TO THE SEARCH BEYOND A PROTECTIVE PAT DOWN IN THE NARRATIVE

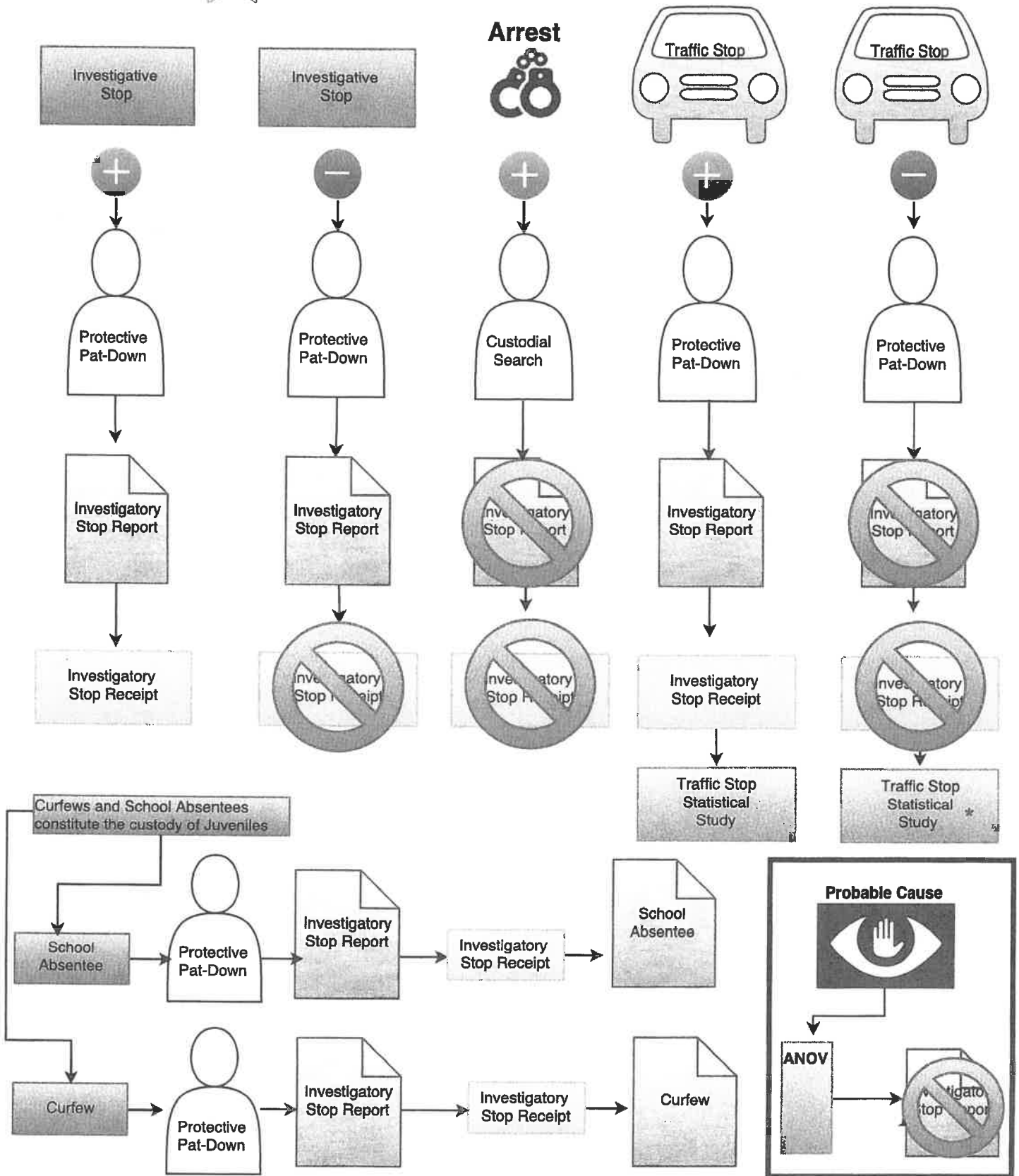
**WAS CONTRABAND FOUND AS A RESULT OF THE SEARCH?**  YES  NO IF YES, DESCRIBE BELOW.  
 FIREARM  COCAINE Wgt.  HEROIN Wgt.  OTHER Describe:  OTHER WEAPON Describe:  CANNABIS Wgt.  OTHER CONTROLLED SUBSTANCE Describe below:  
 STOLEN PROPERTY  ALCOHOL  DRUG PARAPHERNALIA Wgt.







# INVESTIGATORY STOP REPORT FLOWCHART CHICAGO POLICE DEPARTMENT



Investigatory Stop Report will self-populate when a physical arrest, Central Booking Number (CB#) is created and the ISR box is checked. No receipt will be given if the subject is given bond or sent to court.  
\*This will include parking tickets given to a person.



# INVESTIGATORY STOP SYSTEM

<b>ISSUE DATE:</b>	18 December 2015	<b>EFFECTIVE DATE:</b>	01 January 2016
<b>RESCINDS:</b>	07 January 2015 Version Titled "Contact Information System"		
<b>INDEX CATEGORY:</b>	Preliminary Investigations		

## I. PURPOSE

This directive:

- A. introduces the Investigatory Stop System to replace the Contact Information System.
- B. ensures compliance with the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law.
- C. delineates the authority and circumstances necessary for conducting an Investigatory Stop.
- D. delineates the use of the Investigatory Stop System for the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.
- E. discontinues the use of the hard copy Contact Information Card [CPD-21.101(Rev. 8/06)] and the hard copy Juvenile Contact Information Card [CPD-21.102(Rev. 8/06)].
- F. introduces the use of:
  - 1. the hard copy Investigatory Stop Report (CPD-11.910).
  - 2. Investigatory Stop Database that replaces the Contact Information Database.
  - 3. Investigatory Stop Receipt (CPD-11.912).
  - 4. Investigatory Stop Pocket Guide (CPD-11.913).
  - 5. Investigatory Stop Report Deficiency Notification (CPD-11.914).
- G. delineates responsibilities and procedures for:
  - 1. entering and maintaining Investigatory Stop Reports into the Investigatory Stop Database.
  - 2. completing hard copy Investigatory Stop Reports.
  - 3. accessing information from the Investigatory Stop Database.
- H. maintains the requirement for sworn members who complete the hard copy version of the Investigatory Stop Report to enter the data documented on the hard copy into the Investigatory Stop Database.
- I. continues the requirement for sworn members to document, in the appropriate field, location of occurrence by using the appropriate Incident Reporting Guide (CPD-63.451) location codes.
- J. establishes management responsibility for field supervisors approving Investigatory Stop Reports including review, training, and accountability for proper use and entry of Investigatory Stop Reports by their subordinates.
- K. satisfies CALEA Law Enforcement Standard Chapter 1.

## II. DEFINITIONS

For the purposes of this directive, the following definitions apply:

- A. Investigatory Stop - The temporary detention and questioning of a person in the vicinity where the person was stopped to determine if the person is committing, is

Exhibit 4C

about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
  2. Display of a weapon by an officer;
  3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
  4. Officer blocks a person's path; or
  5. Choice to end the encounter is not available to the person.
- B. Protective Pat Down – A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.
- C. Reasonable Articulate Suspicion – Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

1. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
2. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

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."

- B. 725 ILCS 5/108-1.01 delineates the authority for conducting a Protective Pat Down during an Investigatory Stop. The statute reads as follows:

"Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned."

**NOTE:** In this context the word "search" refers to a Protective Pat Down.

## V. GUIDELINES FOR INVESTIGATORY STOPS

Pursuant to Illinois statutory law and U.S. Supreme Court rulings:

- A. An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.
- B. During an Investigatory Stop, subjects may be asked to identify themselves and to provide an explanation for their actions; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer's questions.
- C. Police are not required to give Miranda warnings when conducting on-the-scene questioning during the fact-gathering process.

## VI. AUTHORITY TO PERFORM A PROTECTIVE PAT DOWN DURING AN INVESTIGATORY STOP

- A. Pursuant to Terry v. Ohio and People v. Galvin, authority to perform a Protective Pat Down is limited to the following:
  - 1. When an officer has detained a subject based upon Reasonable Articulable Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulable Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons. The Protective Pat Down is only for the purpose of officer and citizen safety; it is not to search for evidence.
  - 2. During a Protective Pat Down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat Down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.

**NOTE:** Protective Pat Downs will be conducted by a member who is the same gender as the person that is the subject of the Investigatory Stop. If a member of the same gender is not immediately available, officer and public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement. Members will exercise caution when patting down outer garments of persons of the opposite sex.

**NOTE:** An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulate Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

- D. Plain Touch Doctrine – When a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters an object that, based upon their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.

### III. POLICY

- A. The Investigatory Stop System is one of the ways the Chicago Police Department, as part of and empowered by the community, ensures that we protect the public, preserve the rights of all members of the community, and enforce the law impartially. Adherence to this policy allows the Department to serve all citizens equally with fairness, dignity, and respect, and to uphold our pledge to not use racial profiling and other bias-based policing.
- B. Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law. Safeguarding the liberties of the public and preventing crime are not mutually exclusive; each can be achieved by fostering trust and confidence between Department members and the public. Members will comport with the policy and procedures of this order to ensure appropriate conduct when interacting with members of the public.
- C. Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.
- D. The reasons for completing the Investigatory Stop Report is to ensure:
1. sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual;
  2. sworn members document the facts and circumstances of a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons;
  3. appropriate Investigatory Stop, Protective Pat Down, or other search information is entered and retained within the Investigatory Stop Database; and
  4. supervisors review the facts and circumstances of Investigatory Stops, Protective Pat Downs, or other searches.
- E. Department members will not engage in racial profiling or other bias-based policing when conducting Investigatory Stops as delineated in the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias-Based Policing.**"
- F. Department members interacting with the public will use Legitimacy and Procedural Justice principles. The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder.

### IV. ILLINOIS STATE LAW

- A. 725 ILCS 5/107-14 delineates the authority for conducting an Investigatory Stop. The statute reads as follows:

"Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and may demand the name and



- B. Pursuant to *Minnesota v. Dickerson* and *People v. Mitchell*, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat Down after satisfying the following requirements:
1. When conducting a lawful Investigatory Stop and the officer is performing a Protective Pat Down, if the officer plainly feels an item that, based upon that officer's training and experience, the officer believes to be contraband, the officer may seize that item and lawfully charge the person with it.
  2. The Plain Touch Doctrine requires officers to satisfy the following three-part test:
    - a. a lawful Investigatory Stop,
    - b. a lawful Protective Pat Down, and
    - c. the officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.

## VII. GENERAL INFORMATION

- A. The Investigatory Stop System is an investigative tool consisting of information obtained in the field and entered into the Investigatory Stop Database.
- B. The Investigatory Stop Pocket Guide is a tool to assist members when conducting Investigatory Stops.
- C. The Investigatory Stop Database
  1. The Investigatory Stop Database will only be used to document:
    - a. Investigatory Stops, Protective Pat Downs, or other searches; and
    - b. enforcement of the Gang and Narcotics-Related Loitering Ordinances consistent with the Department directive entitled "**Gang and Narcotics-Related Enforcement.**"
  2. The Investigatory Stop Database contains:
    - a. information concerning the individual temporarily detained for the Investigatory Stop.
    - b. narrative sections that include a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.

**NOTE:** Sworn members are required to complete the narrative field in the Investigatory Stop Database.

3. Sworn members will complete hard copy Investigatory Stop Reports only when the electronic Investigatory Stop Database is unavailable and after approval is obtained by their immediate supervisor.
4. Sworn members are responsible for entering all Investigatory Stop Reports created during their tours of duty into the electronic system as soon as possible but no later than the end of their tours of duty consistent with Item VIII-B.
5. Supervisors will review all Investigatory Stop Reports, electronic and hard copy, created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive.
6. Procedures for units that routinely do not have access to the Investigatory Stop Database
  - a. Sworn members will complete and submit hard copies of the appropriate Investigatory Stop Report for approval as soon as possible but no later than the end of their tours of duty;
  - b. Supervisors will review all hard copy Investigatory Stop Reports created by subordinates and either approve or return it for correction or other action before the end of their tours of duty consistent with Item VIII-C-1 of this directive; and

- c. Commanding officers of these units will determine the method of data entry and ensure the information is entered into the Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

D. Access

1. All Investigatory Stop Database information will be accessible to any sworn Department member and select civilian members, e.g., Department statistician, for one year after the initial Investigatory Stop Report was generated.
2. Pursuant to supervisory approval, personnel assigned to the following bureaus will be allowed access to Investigatory Stop information for three years based upon reasonable, articulated investigative need:
  - a. Bureau of Detectives;
  - b. Bureau of Organized Crime;
  - c. Bureau of Internal Affairs.

**NOTE:** The bureau chiefs will establish appropriate record keeping relevant to access and approval.

3. Other Department members who require access beyond this policy will submit a To-From-Subject Report through the chain of command to the Director, Information Services Division, articulating the investigative need for access. If necessary, the Director, Information Services Division, will consult with the Office of Legal Affairs regarding the requested access.
4. After three years, personal identification data contained within the Investigatory Stop Database will be deleted pursuant to Information Services Division practice and record-retention requirements, statutory or judicial. Therefore, no member will have access to personally identifying data from those Investigatory Stop Reports.

**NOTE:** The aggregate data from an Investigatory Stop event, such as the date, time, and address of occurrence, in addition to the descriptive racial and demographic data, will be retained by Information Services Division.

## VIII. PROCEDURES

A. Investigatory Stop

1. Sworn members who conduct an Investigatory Stop and, if applicable, a Protective Pat Down or other search, are required to submit an Investigatory Stop Report into the Investigatory Stop Database. All of the factors that support Reasonable Articulate Suspicion in order to temporarily detain an individual for investigation, and, if applicable, all of the factors that support Reasonable Articulate Suspicion in order to perform a Protective Pat Down will be documented in the narrative portions of the database.
2. In addition, Investigatory Stop Reports will be submitted for all Investigatory Stops and Protective Pat Downs **that lead to** an arrest, Personal Service Citation, Administrative Notice of Violation (ANOV), Curfew Violation Report, School Absentee Report, or other enforcement action.
3. Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the reason for the stop and the sworn member's name and star number.

**EXCEPTION:** An Investigatory Stop Receipt will not be provided if the subject of the stop is arrested.

4. The following examples illustrate instances when Investigatory Stop Reports, Investigatory Stop Receipts, and other Department reports are required, and are intended to serve as guidelines that can be applied in various circumstances.
  - a. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign, and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study.**" An Investigatory Stop Report will not be completed.
  - b. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the traffic stop, the officer observes various factors that develop Reasonable Articulate Suspicion that the driver may be "armed and dangerous" or "presents a danger of attack." The officer conducts a Protective Pat Down on the driver and the vehicle for weapons. No weapons are discovered. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign. Due to the performance of a Protective Pat Down, the officer completes an Investigatory Stop Report and provides a completed Investigatory Stop Receipt to the driver. The officer documents on the Investigatory Stop Report the reason for the stop was a traffic violation, failure to stop at stop sign, and the Reasonable Articulate Suspicion to justify the Protective Pat Down of the driver and the vehicle. When completing the Investigatory Stop Receipt, the officer writes "failure to stop at a stop sign" as the reason for the stop. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study.**"
  - c. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. During the stop, the officer receives a flash message that provides a description of a wanted offender and vehicle for a theft that just occurred in the area of the traffic stop. The driver and the vehicle match the description. The officer conducts an investigation for the theft by questioning the driver regarding his whereabouts at the time of the theft. The officer determines that he does not have probable cause to arrest. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign and completes an Investigatory Stop Report. The officer documents on the Investigatory Stop Report the initial reason for the stop was a traffic violation, failure to stop at a stop sign, and the officer's Reasonable Articulate Suspicion that the driver committed a theft. Additionally, the officer completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive "**Illinois Traffic Stop Statistical Study.**"
  - d. An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues a verbal warning to the driver for failure to stop at a stop sign, and completes an Illinois Traffic Stop Statistical Study - Driver Information Card consistent with the Department directive entitled "**Illinois Traffic Stop Statistical Study.**" An Investigatory Stop Report will not be completed.
  - e. An officer responds to a call of shots fired. Upon the officer's arrival on the scene, the officer observes several people in the area. The officer approaches and questions people in the area as to whether or not they heard or saw anything pertaining to the shots fired call. After further investigation by the officer, the officer determines the incident is not bona fide. An Investigatory Stop Report will not be completed.
5. If an arrest is made based on an Investigatory Stop, an Investigatory Stop Report will be completed in addition to the Arrest Report. Members will indicate in the Investigatory Stop Report that an arrest is related to the Investigatory Stop by checking the appropriate box.
6. During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's Reasonable Articulate Suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject or for

the completion of required documentation when Reasonable Articulate Suspicion no longer exists.

7. **Failure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.** If, at the conclusion of an Investigatory Stop, the individual is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
  - a. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  - b. provide as much of the stop information as possible;
  - c. indicate the refusal in the narrative field; and
  - d. describe the reason for the stop and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
8. When Investigatory Stop Reports are submitted for more than one person in a group, members will cross-reference the report numbers in the appropriate fields of the database.

#### B. Data Entry

1. Sworn members will submit an electronic Investigatory Stop Report as soon as possible but no later than the end of their tours of duty by selecting "Automated Investigatory Reports" from the CLEAR menu.
2. If electronic access to the CLEAR application is not available, after receiving approval from a supervisor, sworn members will:
  - a. complete the hard copy Investigatory Stop Report;
  - b. accurately enter the Investigatory Stop Report into the Investigatory Stop Database by selecting "Automated Investigatory Reports" from the CLEAR menu if electronic access to the CLEAR application becomes available before the end of their tours of duty.

**NOTE: The information entered into the Investigatory Stop Database must directly correspond with the information initially documented on the hard copy.**

- c. record the ISR number generated by the Investigatory Stop Database onto the hard copy Investigatory Stop Report.
  - d. **forward the completed, hard copy Investigatory Stop Report to their supervisor for approval.**
3. If electronic access to the CLEAR application continues to be unavailable and is restored after the sworn member's tour of duty has ended, unit executive officers will determine the method of data entry and ensure that the Investigatory Stop Report is entered into the Investigatory Stop Database consistent with Item VIII-B-2 of this directive within a reasonable period of time.

**NOTE:** For units without executive officers, the unit commanding officer will designate a supervisor to perform these duties.

#### C. Supervisory Responsibilities

1. Reviewing supervisors will:
  - a. approve or reject all submitted Investigatory Stop Reports by the end of their tours of duty.

- b. review and ensure Investigatory Stop Reports are properly completed and conform to Department policy.
  - (1) Supervisors are responsible for ensuring that members properly document in the narrative sections of all (electronic and hard copy) Investigatory Stop Reports:
    - (a) the Reasonable Articulate Suspicion that justifies the Investigatory Stop and, if performed, Protective Pat Down; and
    - (b) if applicable, the basis and reasons that led to any search of a person or his/her effects that was beyond a Protective Pat Down.
  - (2) When both a hard copy and an electronic Investigatory Stop Report are created, supervisors will confirm the hard copy matches the electronic entry and ensure the hard copy is forwarded to the Records Division for retention.
- c. for properly prepared Investigatory Stop Reports, indicate approval in the automated system or by signing the Investigatory Stop Report in the appropriate field.
- d. for rejected Investigatory Stop Reports:
  - (1) personally inform the preparing sworn member of the reason for the disapproval or rejection;
  - (2) complete an Investigatory Stop Report Deficiency Notification for rejections based on the following:
    - (a) Failure to document justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (b) Improper justification for an Investigatory Stop, Protective Pat Down, or other search;
    - (c) Submitted hard copy of the Investigatory Stop Report does not match the electronic version submitted in the Investigatory Stop Database; and
    - (d) Investigatory Stop Report submitted in error. Officer's actions did not require the submission of an Investigatory Stop Report.

**NOTE:** When completing the Investigatory Stop Report Deficiency Notification, supervisors will include the action that was taken to address the deficiency, such as reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.

Forward the completed Investigatory Stop Report Deficiency Notification to the Commanding Officer of the Integrity Section, Crime Control Strategies.

- (3) document rejections based on deficiencies, such as typographic errors, incomplete fields, etc., and the corrective action taken in the comments section within the Investigatory Stop Database. Instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the sworn member's tour of duty.

**NOTE:** If an Investigatory Stop Report Deficiency Notification is required, state in the comments section that an Investigatory Stop Report Deficiency Notification will be submitted.



- (4) instruct the preparing sworn member to address the error and resubmit the Investigatory Stop Report by the conclusion of the member's tour of duty.

**EXCEPTION:** Instruct the member not to resubmit the Investigatory Stop Report if an interview with the member reveals that the Investigatory Stop, Protective Pat Down, or other search was not justified or that the Investigatory Stop Report should not have been completed. The Investigatory Stop Report will remain in rejected status for clearance by the Integrity Section of Crime Control Strategies.

- (5) verify submission of the corrected Investigatory Stop Report and approve as appropriate.

2. Executive officers will:

- a. ensure supervisors are properly reviewing and approving all submitted Investigatory Stop Reports.
- b. ensure the submission of Investigatory Stop Reports into the CLEAR system is monitored in order to ensure that the review and approval process is timely.
- c. ensure all approved hard copy Investigatory Stop Reports are forwarded, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.
- d. conduct monthly internal audits of Investigatory Stop Reports to ensure compliance with this directive and submit a report of their findings to the commanding officer.
- e. take appropriate action if any deficiencies are noted.

**NOTE:** If supervisory approvals do not conform to Department policy, the executive officer will take appropriate action (reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.). Additionally, the executive officer will forward and document the action taken in a To-From Subject Report to the Commanding Officer of the Integrity Section, Crime Control Strategies.

**NOTE:** In units without executive officers, the unit's exempt commanding officer will designate a supervisor to perform these duties.

3. On a daily basis, commanding officers and executive officers will be accountable for the proper implementation of this directive.

## IX. OTHER RESPONSIBILITIES

- A. The Information Services Division is responsible for the maintenance and integrity of the Investigatory Stop Database.
- B. Consistent with Local Records Commission requirements, the Director, Records Division, will ensure that hard copy Investigatory Stop Reports are destroyed and that information in the Investigatory Stop Database is purged consistent with this directive.
- C. The Commander, Inspections Division, will ensure audits of the Investigatory Stop System will be conducted.
- D. Bureau chiefs that have members who have access to the Investigatory Stop System beyond one year will ensure access is consistent with articulated investigative need and that supervisory authorization for access is maintained within unit files.

- E. The Integrity Section, Crime Control Strategies, will conduct random audits of the Investigatory Stop System on a continual basis.

**X. RETENTION**

- A. Pursuant to 705 ILCS 405/1-7, entitled "Confidentiality of Law Enforcement Records," juvenile Investigatory Stop Reports will be filed and retained separately from adult Investigatory Stop Reports.
- B. The Director, Records Division, will dispose of both electronic and hard copy Investigatory Stop Reports consistent with this and other applicable Department directives, applicable court orders, and the law.
- C. All Investigatory Stop Reports, electronic and hard copy, will be retained for a period of six months after the completion of the Illinois Traffic Stop Statistical Study (TSSS).
- D. Six months after the completion of the TSSS:
  - 1. all hard copy Investigatory Stop Reports three years and older will be purged.
  - 2. all personal identifying information entered into the electronic database three years and older will be purged.
- E. All hard copy Investigatory Stop Reports and personal identifying information contained within the database generated after the TSSS retention period and beyond will be retained for a period of three years from the date the Investigatory Stop Report was generated.

**NOTE:** Pursuant to a court order entered in Hall, et al. v. City of Chicago, et al., 12 C 6834, the Chicago Police Department and its members are ordered to preserve all data in the Investigatory Stop System and to preserve ALL hard copies of Investigatory Stop Reports until further notice.

Authenticated by: KC

John J. Escalante  
Interim Superintendent of Police

13-033 CM

**GLOSSARY TERMS:**

- 1. **Investigatory Stop**

- A. The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. The temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances is an Investigatory Stop.

An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important. The following are some factors the court may consider to determine whether or not a consensual encounter has elevated to an Investigatory Stop or an arrest:

1. Threatening presence of several officers;
2. Display of a weapon by an officer;
3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled;
4. Officer blocks a person's path; or
5. Choice to end the encounter is not available to the person.



2. **Protective Pat Down**

A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

3. **Reasonable Articulate Suspicion**

Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

 Chicago Police Department		<b>Special Order S04-13-09</b>	
<b>CONTACT INFORMATION SYSTEM</b>			
			
ISSUE DATE:	07 January 2015	EFFECTIVE DATE:	07 January 2015
RESCINDS:	03 April 2014 Version		
INDEX CATEGORY:	Preliminary Investigations		

## I. PURPOSE

This directive:

- A. delineates the authority and circumstances necessary for conducting an Investigatory Stop.
- B. limits the use of the Contact Information System to the documentation of Investigatory Stops and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.
- C. discontinues the routine documentation of Citizen Encounters.
- D. continues the use of the hard-copy Contact Information Card [CPD-21.101] and the hard-copy Juvenile Contact Information Card [CPD-21.102 (Rev 8/06)].
- E. delineates responsibilities and procedures for:
  1. completing Contact Information Cards and Juvenile Contact Information Cards.
  2. maintaining the Contact Information Database.
  3. accessing information from the Contact Information Database.
- F. maintains the requirement for officers who complete the hard copy version of the Contact Information Card to enter the data documented on the hard copy into the Contact Information Database.
- G. establishes the requirement for officers to document, in the narrative section of the card, a description of the location of occurrence by using the appropriate Incident Reporting Guide (CPD-63.451) location codes.
- H. establishes management responsibility for field supervisors approving contact cards including review, training, and accountability for proper use and entry of contact cards by their subordinates.

## II. ILLINOIS STATE LAW

[725 ILCS 5/107-14](#) delineates the authority for conducting an Investigatory Stop. The statute reads as follows:

"Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in [Section 102-15](#) of this Code, and 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"

NOTE:

*Exhibit 4D*

Members will conduct Investigatory Stops consistent with the Department directive entitled "[Interrogations: Field and Custodial](#)."

### III. POLICY

- A. Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law. Safeguarding the liberties of the public and preventing crime are not mutually exclusive; each can be achieved by fostering trust and confidence between Department members and the public. Members will comport with the policy and procedures of this order to ensure appropriate conduct when interacting with members of the public.
- B. Sworn members who conduct an Investigatory Stop that does not result in an arrest are required to complete a Contact Information Card.
- NOTE:** During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's reasonable articulable suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject.
- C. The purpose of completing the Contact Information Card is to:
1. ensure sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing reasonable, articulable suspicion to stop an individual;
  2. ensure appropriate contact information is entered and retained within the contact information database; and
  3. enable supervisors to review the facts and circumstances of an Investigatory Stop.
- D. Department members will not engage in [racial profiling](#) or [other bias-based policing](#) when conducting Investigatory Stops as delineated in the Department directive entitled "[Prohibition Regarding Racial Profiling and Other Bias-Based Policing](#)" and MCC 8-4-086, Prohibition Against Racial Profiling.
- E. Department members interacting with the public will use Legitimacy and Procedural Justice principles. The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder.

### IV. GENERAL INFORMATION

- A. The Contact Information System is an investigative tool consisting of information obtained in the field and entered into the Contact Information Database.
- B. Contact Information Cards
1. Contact Information Cards will only be used to document:
    - a. Investigatory Stops, and
    - b.



enforcement of the Gang and Narcotics-Related Loitering Ordinances consistent with the Department directive entitled "[Gang and Narcotics-Related Enforcement](#)."

**NOTE:** Sworn members who seek to document other encounters with individuals will complete the appropriate report, i.e., Information Report [CPD-11.461 (Rev. 3/12)] or a Non-Criminal General Offense Case Report.

2. The Contact Information Card contains:
  - a. information concerning the individual temporarily detained for the Investigatory Stop.
  - b. a narrative section used to describe the circumstances of the contact.

**NOTE:** Sworn members are required to complete the narrative section of the Contact Information Card.

3. Sworn members are responsible for entering all contact cards created during their tours of duty into the electronic system before the end of their tours of duty.
4. Sworn members will complete hard copy Contact Information Cards **only when they do not have access to a PDT**. The original preparing members will subsequently enter contact information from the hard copy into the contact information database before the end of their tours of duty.
  - a. Hard copy Contact Information Cards (CPD-21.101), printed on white bond paper, will be completed for adults.
  - b. Hard copy Juvenile Contact Information Cards (CPD-21.102), printed on yellow bond paper, will be completed for juveniles.
5. Contact Information Cards will not be completed for persons that are included on any other report utilized by Department members for that incident (e.g., Personal Service Traffic Citation, Administrative Notice of Ordinance Violation, case report or arrest report).

**EXCEPTION:** A Contact Information Card may be completed along with an Illinois Traffic Stop Statistical Study - Driver Information Card.

6. Supervisors will review any contact card created by a subordinate and either approve or return it for correction or other action before the end of their tours of duty.

C. Contact Information Database

1. Public Safety Information Technology (PSIT) is responsible for the maintenance and integrity of the contact information database.
2. Access
  - a. All contact card information will be accessible to any sworn Department member and select civilian members for one year after the initial Contact Information Card was generated.

- b. Pursuant to supervisory approval, personnel assigned to the following bureaus will be allowed access to contact card information for three years based upon articulated investigative need:

- (1) Bureau of Detectives;
- (2) Bureau of Organized Crime;
- (3) Bureau of Internal Affairs.

**NOTE:** The bureau chiefs will establish appropriate record keeping relevant to access and approval.

- c. Other Department members who require access beyond this access policy will submit a To-From-Subject Report through the chain of command to the Commander, PSIT, articulating the investigative need for access. If necessary, the Commander, PSIT, will consult with the Office of Legal Affairs regarding the requested access.

- d. After three years, the contact card information contained within the database will be de-identified pursuant to PSIT practice and record-retention requirements, statutory or judicial. Therefore, no member will have access to personally identifying data from those contact cards.

**NOTE:** The aggregate data from a contact event, such as the date, time, and address of occurrence, in addition to the descriptive racial and demographic data, will be retained by PSIT.

#### D. Retention

- a. The Director, Records Division, will dispose of both electronic and hard copy Contact Information Cards consistent with this and other applicable Department directives, applicable court orders, and the law.
- b. All Contact Information Cards and contact card information in the electronic database will be retained for a period of six months after the completion of the Illinois Traffic Stop Statistical Study (TSSS).
- c. Six months after the completion of the TSSS,
  - a. all hard copy Contact Information Cards three years and older will be purged.
  - b. all personal identifying information entered into the electronic database three years and older will be purged.
- d. All hard copy Contact Information Cards and personal identifying information contained within the database generated after the TSSS retention period and beyond will be retained for a period of three years from the date the contact card was generated.

**NOTE:** Pursuant to a court order entered in Hall, et al. v. City of Chicago, et al., 12 C 6834, the Chicago Police Department and its members are ordered to preserve all data in the Contact Card Information System and to preserve ALL hard copies of Contact Information Cards until further notice.

## V. PROCEDURES

### A. Investigatory Stop

1. If, as a result of the Investigatory Stop, the sworn member ascertains there is probable cause to arrest and effects the arrest, a Contact Information Card will not be completed and the circumstances of the stop and the probable cause for arrest will be documented on the Arrest Report (CPD-11.420) or other required report as necessary.
2. Sworn members who conduct an Investigatory Stop that does not result in an arrest *or other enforcement action* are required to complete a Contact Information Card. The circumstances giving rise to the Investigatory Stop and all of the factors that support reasonable, articulable suspicion in order to temporarily detain an individual for investigation will be documented in the narrative portion of the card.
3. **Failure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.** If, at the conclusion of an Investigatory Stop, the individual is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
  - a. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  - b. complete as much of the card as possible;
  - c. indicate the refusal in the narrative field;
  - d. describe the reason for the contact and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
4. Sworn members will include a description of the location of occurrence by using the appropriate code as identified in the Incident Reporting Guide (CPD-63.451), e.g., sidewalk, 303; street, 304; park property, 269.

**NOTE:** The location code will be recorded on the first line of the narrative field of the card as follows: "Location Code: (appropriate code)."
5. When Contact Information Cards are completed for more than one person in a group, members will cross-reference contact card numbers in the appropriate fields of the card.

### B. Data Entry

1. Sworn members will submit contact information electronically by selecting "Automated Contact Cards" from the CLEAR menu. If electronic access to the CLEAR application is not available, sworn members will complete a hard copy Contact Information Card and forward it to a supervisor for approval.
2. After receiving supervisory approval of the hard copy, the original preparing member will **accurately** enter the card into the Contact Information Database by selecting "CLEAR (Arrest, eTrack)" on the PDT or CLEAR Applications on district-based computers.

**NOTE:** The information entered into the Contact Information Database must directly correspond with the information initially documented on the hard copy.

3. **Sworn members will turn in original approved hard copy Contact Information Cards to the district/unit for retention by the conclusion of their tours of duty.**

C. Supervisory Responsibilities

1. Reviewing supervisors will:

- a. review and ensure Contact Information Cards are properly completed and conform to Department policy.

- (1) Supervisors are responsible for ensuring that officers properly document in the narrative section of the Contact Information Card all reasonable, articulable suspicion that justify the Investigatory Stop.

- (2) Where both a hard card and an electronic contact card are created, supervisors will confirm the hard copy matches the electronic entry and ensure the card is forwarded to the Records Division for retention.

- b. for properly prepared contact cards, indicate approval in the automated system or by signing the Contact Information Card in the appropriate field.

- c. for improperly prepared contact cards, return the card back to the preparing sworn member to complete and properly enter the card into the Contact Information Database. When a Contact Information Card is rejected, the reviewing supervisor will:

- (1) personally inform the preparing sworn member of the reason for the disapproval or rejection;

- (2) instruct the preparing sworn member to address the error and resubmit the Contact Information Card by the conclusion of the sworn member's next tour of duty.

**NOTE:** If the subject stop did not conform to Department policy, the reviewing supervisor will take appropriate action (reviewing the policy with the member, recommending training, initiating progressive discipline where warranted, etc.).

- (3) verify submission of the corrected Contact Information Card and approve as appropriate.

2. Executive officers, district station supervisors, and other designated supervisors will:

- a. ensure all approved hard copy Contact Information Cards are forwarded, via the Police Documents Section, to the Records Inquiry Section (Unit 163), Records Division, for records retention.

- b. monitor the approval of Contact Information Cards within the CLEAR system to ensure the review and approval process is timely.

VI. OTHER RESPONSIBILITIES

HE  
OGER  
ALDWIN  
FOUNDATION  
F ACLU,  
JC.



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January 15, 2013

BY U.S. MAIL AND FAX OR EMAIL

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**Re: CPD monitoring of sidewalk stop-and-frisks**

Dear Mayor Emanuel, Corporation Counsel Patton, and Superintendent McCarthy:

I write on behalf of the ACLU of Illinois, and its more than 10,000 members and supporters in the City of Chicago, about monitoring by the Chicago Police Department ("CPD") of sidewalk stops and frisks by officers of civilians. Given the inherent civil liberties and civil rights hazards posed by sidewalk stops and frisks, the best police practice is to mandate thorough officer documentation of all such events, and the creation of a CPD database of all such events that can automatically track patterns over time and place. *See infra* Part I. Unfortunately, the CPD lacks such a database, as shown by CPD policy, and by the CPD's response to two FOIA requests from the ACLU. *See infra* Part II. As a result, many CPD sidewalk stops lack a lawful justification, as shown by the ACLU's analysis of a sample of CPD documentation of such events. *See infra* Part III. These problems are aggravated by recent changes to CPD policy that undermine supervisory review of officers' documentation of sidewalk stops and frisks. *See infra* Part IV. The ACLU now calls upon the CPD to create an adequate sidewalk stops database, and to reinstitute prior CPD policy on monitoring such stops. *See infra* Part V.

#### **I. The need for stop-and-frisk monitoring**

When a police officer reasonably suspects that a civilian is engaged in criminal wrongdoing, the officer may briefly detain the civilian for purposes of investigation. *Terry v. Ohio*, 392 U.S. 1 (1968). If the officer reasonably suspects that the detained civilian possesses a weapon, the officer may frisk the civilian. *Id.* Subject to necessary regulations and monitoring, such sidewalk stops and frisks can be a legitimate law enforcement tool.

Exhibit 5



However, there are several inherent civil liberties concerns. First, all sidewalk stops comprise a deprivation of one's freedom of movement, though in some cases for only a short time. Second, all frisks are invasive, and many are frightening and humiliating. *See Terry*, 392 U.S. at 24-25 (describing frisks as a "severe" intrusion and as "annoying, frightening, and perhaps humiliating"); *Florida v. J.L.*, 529 U.S. 266, 272 (2000) (describing frisks as "intrusive" and "embarrassing"). Third, some sidewalk stops and frisks lack reasonable suspicion, which violates the Fourth Amendment as interpreted by *Terry*. Fourth, as with all police practices that rest largely on officer discretion, there is a great danger of bias, conscious or otherwise, resulting in racial disparity in who is stopped and frisked.

Accordingly, the best practice in contemporary law enforcement is for police departments: (1) to require all officers to fully document all sidewalk stops and frisks, including all facts supporting reasonable suspicion; (2) to require supervisory review of that documentation, including whether there was reasonable suspicion; (3) to create a database of all stop and frisk documentation which can automatically identify patterns that may raise civil liberties concerns; and (4) to disclose this data to the public, with appropriate redaction of civilian identifying information. Such monitoring policies can advance efficient department management of officers, government accountability and transparency, and public trust in and cooperation with law enforcement.

For example, a New York City regulation requires quarterly NYPD reports to the City Council regarding the number of sidewalk stops and frisks, broken down by: officer precinct, civilian race, the factors leading to the stop, and whether the stop yielded an arrest or summons. *See* N.Y.C. Adm. Code § 14-150(5). These reports support a valuable public discussion in New York regarding the proper use and regulation of sidewalk stops and frisks. *See, e.g.*, Michael Powell, *Former skeptic now embraces divisive tactic*, N.Y. Times, Apr. 9, 2012; Celeste Katz, *AG Eric Schneiderman eyes NYPD stop-and-frisk*, N.Y. Daily News, Apr. 11, 2012.

Also instructive is the Illinois Traffic Stop Statistical Study Act of 2003. *See* 625 ILCS 5/11-212. To deter and detect any bias-based policing, the Study Act requires collection, analysis, and disclosure of data regarding traffic stops. This critical accountability system was championed by our President when he was an Illinois State Senator. Sidewalk stops and traffic stops raise many of the same civil liberties concerns, though the Study Act applies only to the latter. *See also, e.g.*, U.S. Dept. of Justice, *Principles for promoting police integrity: Examples of promising police practices and policies* (Jan. 2001) at p. 17 ("Law enforcement agencies should consider collecting data regarding the race, ethnicity, and gender of persons subjected to 'Terry' stops and those searched. . . . Agencies should analyze this data to detect violations of agency policy or potential patterns of discriminatory conduct."); *Bailey v. City of Philadelphia*, No. 10-cv-5952 (E.D. Pa.), at D. 16 (consent decree of June 21, 2011), at pp. 3-4 (requiring creation, analysis, and disclosure of an electronic database of all sidewalk stops and frisks).

## **II. Chicago lacks an adequate stop-and-frisk monitoring database**

Unfortunately, the Chicago Police Department does not have a database that documents all sidewalk stops and frisks, and that can automatically analyze patterns that might raise civil liberties concerns. This failure is shown CPD policy (*see infra* Part A), and by the CPD's responses to FOIA requests from the ACLU in 2011 and 2012 (*see infra* Parts B and C).

## A. CPD policy

CPD Special Order 04-13-09 regulates the CPD's Contact Information System, in which officers complete Contact Information Cards, and the Department records information from those cards in its Contact Information Database. *See* Exh. 1. This policy imposes three different documentation rules on officers in three distinct situations. First, if an officer performs a sidewalk stop based on reasonable suspicion, but does not arrest the civilian, then the officer *must* complete a Contact Information Card. *Id.* at Part IV(B). Second, if an officer lacks reasonable suspicion, but a civilian voluntarily speaks to the officer, then the officer *may* complete a Card. *Id.* at Part IV(A)(1). Third, if an officer performs a sidewalk stop based on reasonable suspicion, and then arrests the civilian, the officer *may not* complete a Card. *Id.* at Part II(B)(4).

Thus, for purposes of monitoring sidewalk stops and frisks, the CPD's Contact Information Database is both over-inclusive and under-inclusive. It is over-inclusive because it contains many events that are not sidewalk stops and frisks (*i.e.*, voluntary citizen encounters that lack criminal suspicion). And it is under-inclusive because it does not contain many sidewalk stops and frisks (*i.e.*, when there is an arrest).

## B. The ACLU's 2011 FOIA request

In April 2011, the ACLU sent the CPD a FOIA request for an electronic version of the Contact Information Database. *See* Exh. 2 at p.2. The ACLU was seeking to identify the number of CPD sidewalk stops and frisks, and variances across time and place.

In July 2011, the CPD disclosed the 177,000 contacts from the Contact Information Database for the six-month period starting in April 2010. *See* Exh. 3. The CPD withheld the officers' narrative in the "reason for stop" section, based on the CPD's assertion that it could not remove civilian identifying information from this many records. CPD FOIA Officer Olivia Medina orally advised ACLU counsel Adam Schwartz that there was no way to determine which of these contacts were sidewalk stops, except by reviewing the officers' narratives. At the request of the ACLU, the CPD automatically searched the narrative section of these contacts for the following words and phrases: detain, detention, frisk, investigatory street stop, pat down, search, suspect, and/or Terry. *See* Exh. 4. In November 2011, the CPD disclosed the 6,500 contacts that contained one of these words, again without the narrative section. *See* Exh. 5. In February 2012, the CPD disclosed a sample of 298 contacts from this set of 6,500, including the narrative section, with redactions of civilian identifying information. *See* Exh. 6.

The ACLU found that 31% of these contacts (91 of 298) were not CPD sidewalk stops. For example, 48 involved the execution of a search warrant, 22 involved a traffic stop, and others included civilians approaching officers, detentions by non-CPD officers, and CPD responses to domestic disturbances.

Thus, for three reasons, the ACLU was unable to use the CPD's Contact Information Database to determine the number of CPD sidewalk stops. First, the Contact Information Database cannot automatically separate sidewalk stops from other events. Second, only 4% (6,500 of 177,000) of the contacts in the Contact Information Database during this six-month period contained a word

or phrase suggesting a sidewalk stop – showing that many contacts in the Database are not sidewalk stops. Third, in the sample of Cards with a stop-related word, only about two-thirds (207 of 298) are actually sidewalk stops – again showing that many contacts in the Database are not sidewalk stops.

### **C. The ACLU's 2012 FOIA request**

In April 2012, the ACLU tried again to use FOIA to learn the number of CPD sidewalk stops. This time, the ACLU requested any kind of documents sufficient to determine the number of sidewalk stops performed by the CPD. *See* Exh. 7.

On April 26, 2012, CPD FOIA Officer Jack Enter orally advised ACLU counsel Adam Schwartz that there was “absolutely no way” the CPD could respond to this request, for three reasons. First, the CPD’s Contact Information Database is the only CPD system that documents CPD sidewalk stops and frisks. Second, many events in that Database are not sidewalk stops (such as traffic stops), and there is no way to automatically distinguish sidewalk stops from other events. Third, many sidewalk stops are not documented in that Database (such as when there is an arrest). The CPD later sent the ACLU a letter formally declining to disclose records in response to this FOIA request. *See* Exh. 8.

In sum, there is a profound lapse in CPD monitoring of sidewalk stops and frisks: the CPD lacks a database of all CPD stops that can automatically identify patterns that raise civil liberties concerns. This lapse has a predictable consequence: unlawful sidewalk stops.

### **III. Unlawful CPD sidewalk stops**

Many CPD sidewalk stops lack a lawful basis, as shown by the ACLU’s analysis of the sample of 298 contacts in the Contact Information Database which contain a stop-related word in the officer’s narrative. *See* Exh. 6. As discussed above, only 207 were actually CPD sidewalk stops. The ACLU examined the officer’s narrative and other pertinent fields for suspicious factors. At the time the officers completed these Cards, CPD policy required them to “briefly and clearly explain the reasons [for the stop] in accordance with” the CPD’s requirement of “articulable reasonable suspicion” of crime. *See* CPD Special Order 03-09 at Part IV(A), as revised by D.S.O. 03-09-B, attached as Exh. 9.

In 10% of these stops (20 of 207), the CPD officer lacked a lawful basis for the stop. The Appendix hereto lists all reasons stated by the officer for these 20 stops. For example, civilian stops rest solely on the following:

- A civilian was walking in an area where someone had been seen with a gun.
- A civilian was “stopped for information” about a “scam.”
- A suspected gang member was “coming from a hot spot” for drugs.
- A civilian was “stopped and interviewed regarding gang activity” at 11:40 p.m.

In another 33% of these stops (68 of 207), it was impossible to determine from the officer's Card whether the officer had a lawful basis. For example: in 26 stops, the officer suspected that the civilian was a wanted person, but did not document any basis for the asserted match; in 13 stops, the officer suspected gang loitering, but did not document critical elements of the City's gang loitering ordinance (*e.g.*, whether the location was a designated "hot spot"); and in 10 stops, the officer asserted "suspected gang or narcotics activity," but did not document what the activity was.

In sum, these CPD officers' Cards show that the officers frequently subjected civilians to sidewalk stops absent lawful justification, and absent proper documentation of a lawful justification. This is caused by the CPD's failure to properly monitor and supervise its officers' sidewalk stops.

#### **IV. The CPD's recent backwards step in monitoring sidewalk stops**

Unfortunately, the CPD recently took another backwards step, by repealing three important rules about sidewalk stop monitoring.

In July 2006 and January 2007, the CPD promulgated three salutary revisions to its policy about monitoring and supervising sidewalk stops and frisks. *See* CPD D.S.O. 03-09 (eff. June 14, 2003), as revised by D.S.O. 03-09-A (eff. July 11, 2006) and D.S.O. 03-09-B (eff. Jan. 1, 2007), attached as Exh. 9.

First, the CPD required its officers to use Contact Information Cards to document *all* of the reasons for a stop or frisk. The CPD did so by adding the following language: "When completing a contact card, the officer will briefly and clearly explain the reasons, in accordance with Item III-B of this directive [the part requiring reasonable suspicion for stops and frisks], which lead the officer to make the contact." *Id.* at D.S.O. 03-09-B, *revising* Part IV(A). Further, the CPD specified that officers must use the "narrative section" of the Cards to "describe the reasons for contact" (emphasis added). *Id.*, *revising* Part II(B)(4)(a). The predecessor language improperly instructed officers to document just a singular "reason" for the contact, *id.*, which authorized officers to document fewer than all of their reasons. As a result, if a Card failed to state adequate reasons for a stop, it may have been unclear whether the officer lacked adequate reasons, or had adequate reasons but failed to write them all down.

Second, the CPD required reviewing supervisors to ensure that the Cards conform "to Item III of this directive" – the part requiring reasonable suspicion for sidewalk stops and frisks. *Id.* at D.S.O. 03-09B, *revising* Part IV(E)(1). Previously, the policy more vaguely required review of whether the cards were "properly completed" and "conform[ed]" to the undifferentiated totality of "Department policy and procedures." *Id.* This failed to guaranty supervisory review of whether the Cards state reasonable suspicion.

Third, the CPD required the retention of Cards, and electronic information from those Cards, until at least six months after the completion of the Illinois Traffic Stop Statistical Study Act. *Id.* at D.S.O. 03-09A, *revising* Parts II(B)(5)(b), II(C)(3)(b), IV(A)(5), & VI(D)(1). That Act is now scheduled to sunset on July 1, 2015. 25 ILCS 5/11-212(i). Under this retention rule, Cards and information from them would be retained at least until January 1, 2016 – nearly three years from

now. The prior retention period was only six months, *id.*, which would not allow for meaningful statistical analysis of patterns that raise civil liberties concerns.

The CPD made these three policy changes in response to a lawsuit filed against the City of Chicago by the ACLU on behalf of Olympic gold medalist and speed skater Shani Davis, and three other African American civilians, who alleged sidewalk stops and frisks in violation of their Fourth Amendment rights. *See Davis v. City of Chicago*, No. 03-cv-2094 (N.D. Ill.). Specifically, these three revisions were the subject of extended discussions between the ACLU and the CPD during five settlement conferences supervised by Judge Zagel in 2004 and 2006.

In April 2011, the CPD apparently continued to abide by these three critical rules: at that time, in response to the ACLU's FOIA request for "the current version" of D.S.O. 03-09, the CPD disclosed the version that includes these rules. *See Exhs. 2 & 10.*

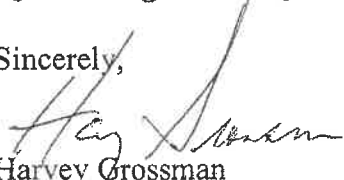
Unfortunately, in February 2012, the CPD promulgated a new version of this policy, which repealed these three critical rules. *See CPD Special Order 4-13-09 at Part II(B)(3)(b)* (stating that the narrative section documents the "reason for contact"); *id.* at Part II(B)(5)(a) (requiring retention of contact cards and information for one year); *id.* at Part II(B)(5)(b) (same); *id.* at Part IV(B) (lacking the required explanation of the reasons for contact in accordance with the requirement of reasonable suspicion); *id.* at Part IV(E)(2) (lacking the required supervisory review regarding the conformity of the card's reasons with the requirement of reasonable suspicion); *id.* at Part V(C)(1) & (2) (requiring destruction of contact cards and information after one year). This repeal is a substantial backwards step in the CPD's monitoring and supervision of sidewalk stops and frisks.

## V. Next steps

The ACLU respectfully requests two actions from the CPD. First, the CPD should create a single database of all sidewalk stops and frisks that can automatically identify patterns that raise civil liberties concerns. Second, the CPD should restore the three 2006 and 2007 revisions to its monitoring policy, which unfortunately were repealed in 2012.

By February 5, please advise me of your position on this matter. If you have any questions, please do not hesitate to call me at (312) 201-9740, extension 312, or to email me at [hgrossman@aclu-il.org](mailto:hgrossman@aclu-il.org).

Sincerely,

  
Harvey Grossman  
Legal Director  
ACLU of Illinois



**APPENDIX:  
Twenty CPD sidewalk stops that fail to state a lawful basis**

Contact #	Stated basis for sidewalk stop
6793560	"Detained and questioned in regards to narcotics activity in area", and contact type coded as "gang".
7761297	"Above was passenger in a 1993 chevy blazer which was suspected of having gang members".
7918896	Officer "know[s]" subject.
8117325	Subject "observed with a male who was smoking a cigarette".
8390406	"[S]ubject stopped and interviewed regarding gang activity in area", at 11:40 p.m.
8392672	"[A]bove detained during field interview", and contact type coded as "gang".
8782473	"A possible battery offender", at 9:54 p.m.
8879194	"Stopped for field interview", and contact type and subject coded as "gang".
9024065	Area of narcotics sales, at 10:15 p.m., and contact type coded as "gang".
ACC000050338	Subject "panhandling", at 11:50 p.m.
ACC000052986	"Subject was field interviewed regarding violent crime in his neighborhood, and possible suspects."
ACC000058687	"Subject observed with several burglary offenders", and questioned about "burglaries in the area".
ACC000058761	Call of "a male walking with a gun" in a particular area, and subjects observed walking in that area, at 3:18 p.m.
ACC000063027	Subject observed "in a known gang hangout", and subject and contact type coded as "gang".
ACC000080596	Complaint about narcotics, subjecting "walking" in area, and contact type coded as "gang".
ACC000086280	Call of gang members flashing signs on corner, at 10:05 p.m, and contact type coded as "gang".
ACC000094991	"Community concern" regarding drug dealing "in the immediate area" of a particular address; subject observed on the front porch "next door" to this address; "many" people who reside or gather at this address are "suspected" drug dealers, based on "observations/arrests/field contacts"; and contact type coded as "gang".
ACC000098170	Subject "stopped for information" about "possible suspects involved in deceptive practice (gypse scam)".
ACC000100524	Call about person with gun at particular area, and subject was walking in that area, at 6:15 p.m.
ACC000110015	Subject observed "coming from a hot spot" for drugs, and contact type coded as "gang".

# **EXHIBIT 1**

**CONTACT INFORMATION SYSTEM**

<b>ISSUE DATE:</b>	23 February 2012	<b>EFFECTIVE DATE:</b>	23 February 2012
<b>RESCINDS:</b>	Version dated 08 September 2011, and Special Order 04-13-10		
<b>INDEX CATEGORY:</b>	Preliminary Investigations		

**I. PURPOSE**

This directive:

- A. continues the Contact Information System.
- B. delineates responsibilities and procedures for:
  - 1. completing both the electronic and hard copy Contact Information Cards and Juvenile Contact Information Cards.
  - 2. maintaining the contact information database.
  - 3. accessing information from the contact information database.

**II. GENERAL INFORMATION**

- A. The Contact Information System is an investigative tool consisting of two components: contact information cards completed in the field and a contact information database.
- B. Contact Information Cards
  - 1. Contact information cards provide a means for sworn members to document encounters with citizens that may serve a useful police purpose but do not otherwise require any written reports.
  - 2. Contact Information Cards may be completed electronically or by hard copy. Members will complete hard copy Contact Information Cards only when they do not have immediate access to a PDT.
    - a. Hard copy Contact Information Cards (CPD-21.101), printed on white bond paper, will be completed for adult contacts.
    - b. Hard copy Juvenile Contact Information Cards (CPD-21.102), printed on yellow bond paper, will be completed for juvenile (under 18 years of age) contacts.
  - 3. The Contact Information Card contains:
    - a. general information concerning the contact and the circumstances of the contact.
    - b. a narrative section entitled "Reason for Contact" used to describe the circumstances of the contact consistent with Item III of this directive.
    - c. a gang information section to be completed **only** if the sworn member preparing the card determines that the circumstances may involve gang activity.
  - 4. Contact Information Cards will not be completed for persons that are included on any other Department report for that incident (e.g., case or arrest report).
  - 5. Retention
    - a. All Contact Information Cards and contact card information in the electronic database will be retained for one year from the date of completion.

- b. After a card has been retained for one year, members will no longer have electronic access to the card.
    - c. The Director, Records Division, will dispose of both electronic and hard copy Contact Information Cards consistent with Item V-C of this directive.
  - 6. Summary data linked to special employment opportunities, the Performance Evaluation System (PES), and other appropriate applications will be retained within those systems.
- C. Contact Information Database
  - 1. The contact information database, under the management of the Public Safety Information Technology (PSIT) Group, is a database that provides all sworn Department members with computerized access to contact information obtained in the field.
  - 2. PSIT is responsible for the maintenance and integrity of the contact information database.
  - 3. The contact information database can be accessed by all sworn members via the CLEAR system.

**NOTE:** Information over one year old is not accessible to Department members.

### III. CONTACT CATEGORIES

For the purposes of this directive, the following contact categories apply:

- A. **Citizen Encounter** – A voluntary interaction between a sworn member and a citizen that does not involve any suspicion of criminal activity. Citizen encounters can be initiated by either the citizen or the sworn member.
- B. **Investigatory Street Stop** – A contact in which the sworn member has articulable reasonable suspicion that the person is committing, is about to commit, or has committed a crime; consequently, the sworn member has momentarily restricted the person's freedom of movement. The contact should last only as long as necessary to determine if probable cause to arrest exists. Additionally, if the sworn member has reasonable articulable suspicion to believe that the person is armed with a weapon or dangerous instrument, the investigatory street stop may include a pat-down of the outer clothing for weapons consistent with the Department directive entitled "Interrogations: Field and Custodial."

### IV. FIELD PROCEDURES

- A. Citizen Encounters
  - 1. A citizen encounter does not require the completion of a contact information card; however, field personnel will complete one if they believe it will serve a useful police purpose.
  - 2. Failure to provide identification during a voluntary citizen encounter, in and of itself, is not grounds for arrest or detention.
  - 3. A citizen encounter can develop into an investigatory street stop if the sworn member develops reasonable suspicion that a crime is taking place, is about to take place, or has taken place.
- B. Investigatory Street Stops

Field personnel who conduct an investigatory street stop that does not result in an arrest are required to complete the appropriate contact information card. The circumstances of the contact will be documented in the narrative portion of the card consistent with Item III-B of this directive.

**NOTE:** If, as a result of the investigatory street stop, the sworn member ascertains there is probable cause to arrest and effects the arrest, a contact information card will not be completed and the circumstances of the stop and the probable cause for arrest will be documented on the Arrest Report (CPD-11.420) and any required case report as necessary.

- C. If, at the conclusion of a citizen encounter or investigatory street stop, the citizen is unable or refuses to provide identification and there is no probable cause to arrest, the sworn member will:
1. enter "John Doe" or "Jane Doe," as appropriate, in the name field;
  2. complete as much of the card as possible;
  3. indicate the refusal in the narrative field; and
  4. describe the reason for the contact and/or the circumstances of the stop in as much detail as possible, including a description of any unusual clothing, manner, or behavior.
- D. Preparing sworn members will submit the card electronically through a PDT or, if a PDT is unavailable, complete a hard copy contact information card and forward it to a supervisor for approval before the end of their tours of duty.
- E. Reviewing supervisors will:
1. access the CLEAR system to review and approve, as appropriate, electronic contact cards that are properly completed and conform to Department policy.
  2. review both sides of hard copy cards to ensure they are properly completed and conform to Department policy and:
    - a. indicate approval by signing the card in the appropriate field;
    - b. forward the card to the on-duty station supervisor.

F. Station supervisors

At the beginning of their tours of duty, station supervisors will forward all approved hard copy Contact Information Cards, via the Police Documents Section, to the Data Entry Section, PSIT (Unit 125).

V. **OTHER RESPONSIBILITIES**

- A. The Director, PSIT, will ensure:
1. data over one year old is rendered electronically inaccessible to Department members.
  2. upon the request of the Director, Records Division, specific contact information cards are purged from the database.
  3. Summary data linked to special employment opportunities, PES, and other appropriate applications are retained permanently within those systems.
  4. all hard copy Contact Information Cards received from the field are accurately entered into the database in a timely manner.
  5. improperly completed or deficient hard copy Contact Information Cards are returned to the originating unit.
  6. once the information is entered, the hard copy Contact Information Cards are forwarded to the Records Inquiry Section (Unit 163), Records Division, for records retention.
- B. Upon the return of improperly completed or deficient contact cards, unit commanding officers will ensure the cards are properly completed and forwarded back to PSIT for entry into the contact card database.
- C. Consistent with Local Records Commission requirements, the Director, Record Division, will:
1. ensure that hard copy Contact Information Cards over one year old are destroyed.



2. request the Director, PSIT, to purge electronic contact information cards over one year old from the database.
- D. The Commander, Inspections Division, will ensure audits of the Contact Information System are conducted on a regular basis.

(Items indicated by *italic/double underline* were added or revised)

Authenticated by: RMJ

Garry F. McCarthy  
Superintendent of Police

11-081 DK/12-003 JAB

Date: November 30, 2016  
To: Robin Cozette and Judge Keys  
From: Lallen Johnson and Ralph Taylor  
Re: 2014 – 2015 contact card data summary statistics

On September 16, 2016 Robin Cozette requested data on the total number of stops, number and proportion of stops by race and ethnicity, and the number and proportion of stops of Black women and men, White women and men, and Hispanic women and men from January 2014 to December 2015. These numbers are provided below.

Total stops from January 2014 – December 2015: 1,321,506

Total stops by race/ethnicity:

Black: 943,746; 71.41%

White: 123,545; 9.35%

Hispanic: 225,273; 17.05%

Total stops by race/ethnicity and gender<sup>1</sup>:

Black women: 175,417; 13.28%

White women: 34,126; 2.58%

Hispanic women: 36,188; 2.74%

Black men: 768,001; 58.12%

White men: 89,364; 6.76%

Hispanic men: 188,989; 14.3%

Total population for the city of Chicago:

2,709,071

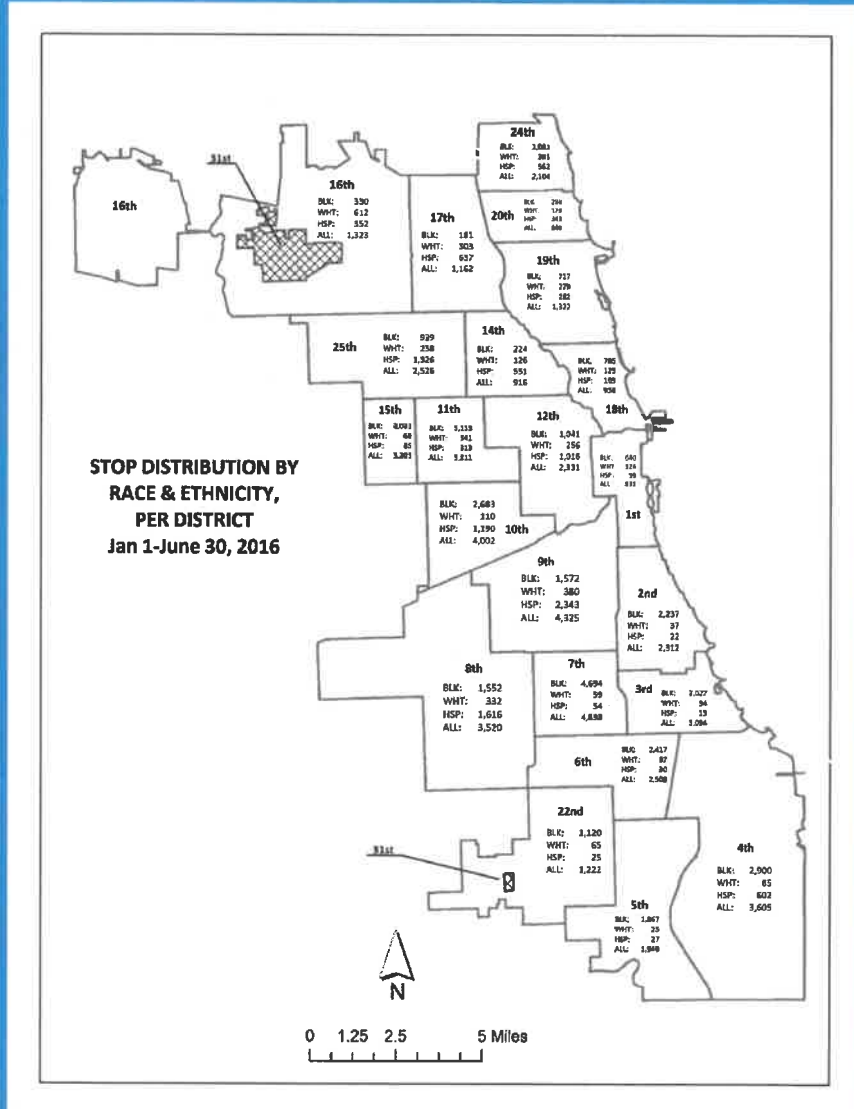
Source: 2010 – 2014 American Community Survey 5-year estimates. Because census features do not always align with administrative features, such as police districts, we used an areal interpolation technique to estimate demographic counts for each district. As such, we have excluded all population associated with the 31<sup>st</sup> district.

Exhibit C

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<sup>1</sup> A total of 561 cases are missing on the gender variable. When considering gender, then, the total number of stops is reduced to 1,320,945.

2016 Chicago  
Map  
STOP COUNTS BY  
District, Race & Ethnicity



# ISR WORKFLOW

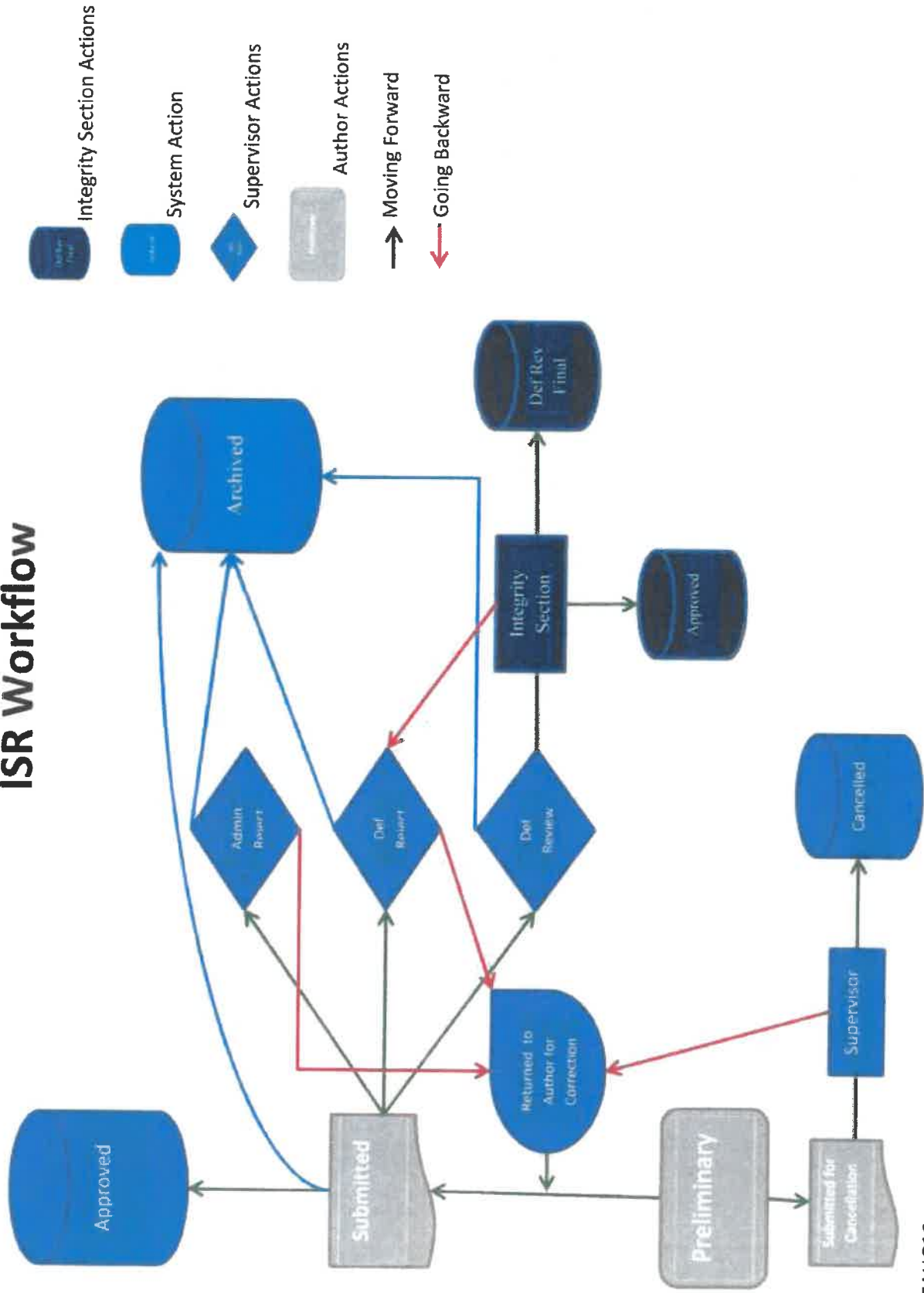
1. Preliminary (PRE)
  - a. When an author begins an ISR and saves it, it will appear in "Preliminary" status.
  - b. After saving, the author then may submit it, or may do so at another time before the end of the author's tour of duty.
2. Submitted for Cancellation (SCN)
  - a. If an author creates an ISR in error, including in cases where the author accidentally creates a duplicate ISR, the author may submit that ISR for cancellation. Only ISRs in Preliminary status may be submitted for cancellation.
  - b. ISRs that have been submitted for cancellation are sent to the Source Unit Supervisor to approve the cancellation.
  - c. If the supervisor approves the cancellation of an ISR, it will appear in "Cancelled" (CNL) status. If a supervisor finds a cancellation is not warranted, the supervisor will place the ISR into Deficiency Rejection Review (REV) status.
3. Submitted (SUB)
  - a. After completing the ISR, the author submits the ISR for review by a Source Unit Supervisor.
  - b. After reviewing the ISR, the supervisor must place the report in one of the following statuses: Approved, Administrative Rejection, Deficiency Rejection, or Deficiency Rejection Review.
  - c. The supervisor must complete the review by the end of his or her tour of duty.
4. Approved (APR)
  - a. Approved ISRs are those reports submitted by the author and approved by the Source Unit Supervisor.
5. Administrative Rejection (REJ)
  - a. Administrative Rejections are those ISRs rejected by the Source Unit Supervisor for an error such as a clerical mistake or simple omission.
  - b. The supervisor returns the ISR to the author for correction and resubmission.
  - c. Once corrected, the author resubmits the ISR to the supervisor for review.
  - d. After reviewing the ISR, the supervisor must place the report in one of the following statuses: Approved, Administrative Rejection, Deficiency Rejection, or Deficiency Rejection Review.
  - e. The ISR is Archived (CLD/ARC) in its form before any corrections were made.
6. Deficiency Rejection (DEF)
  - a. Deficiency Rejections are those ISRs rejected by the Source Unit Supervisor for a substantive error, such as where the author has not articulated reasonable articulable suspicion for the investigatory stop or any protective pat-down, or

has not articulated probable cause for any search; or the hard copy does not match the submitted electronic version.

- b. The supervisor returns the ISR to the author for correction and resubmission.
  - c. Once corrected (if possible), the author resubmits the ISR to the supervisor for review.
  - d. After reviewing the ISR, the supervisor must place the report in one of the following statuses: Approved, Administrative Rejection, Deficiency Rejection, or Deficiency Rejection Review.
  - e. The ISR is Archived in its form before any corrections were made.
7. Deficiency Rejection Review (REV)
- a. If a Source Unit Supervisor determines that an ISR (including an ISR that has been corrected and resubmitted) fails to state reasonable articulable suspicion for the investigatory stop and/or any protective pat-down or probable cause for any search, or that the ISR was created in error, the supervisor must place the ISR in Deficiency Rejection Review.
  - b. The Integrity Unit reviews all ISRs placed in Deficiency Rejection Review.
  - c. After reviewing an ISR placed in Deficiency Rejection Review, the Integrity Unit may:
    - i. Determine that the ISR is consistent with Department policy and place it in Approved status.
    - ii. Determine that the ISR is deficient but correctable and place it in Deficiency Rejection status. The ISR will be returned to the author for correction and resubmission to his or her Source Unit Supervisor.
    - iii. Concur with the Source Unit Supervisor that the ISR is substantively deficient and cannot be corrected. In these circumstances, the Integrity Unit will place the ISR in Deficiency Rejection Review Final (FIN).



# ISR Workflow



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DARNELL SMITH, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No. 15 C 3467
v.	)	
	)	Judge Amy J. St. Eve
CITY OF CHICAGO, a municipal corporation,	)	
et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF ANNE KIRKPATRICK**

Pursuant to 28 U.S.C. § 1746, I, Anne Kirkpatrick, state and affirm as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I could competently testify thereto.
2. I am a Chief in the City of Chicago's ("City") Police Department ("CPD") and the head of the department's Bureau of Organizational Development. The Bureau of Organizational Development includes the recently established Integrity Section, which is tasked with training officers on how to conduct and document investigatory stops and protective pat downs and auditing CPD records to ensure that such encounters are being conducted in compliance with CPD policy and the law.
3. On August 6, 2015, the City, CPD and the American Civil Liberties Union of Illinois ("ACLU") entered into an agreement requiring CPD to make substantive changes regarding data collection, training and supervision relating to how officers conduct and document investigatory stops and protective pat downs (the "ACLU Agreement").
4. Retired Judge Arlander Keys was appointed to serve as an independent consultant to the parties under ACLU Agreement. Judge Keys' duties are to recommend

Exhibit 9

changes to and validate CPD policies, practices and training regarding investigatory stops and protective pat downs, prepare semi-annual Reports and Recommendations to assess whether CPD is in substantial compliance with applicable laws and the ACLU Agreement and recommend changes to CPD's policies and practices, as needed.

5. Since execution of the ACLU Agreement, CPD has spent many hours working to ensure that CPD's investigatory stop and protective pat down procedures comply with the law and the ACLU Agreement. CPD's work has focused on three areas: (1) CPD revised its written policy regarding investigatory stops and protective pat downs to clarify constitutional limitations, improve recordkeeping and more specifically delineate supervisory and internal auditing responsibilities; (2) CPD updated and expanded its training on investigatory stops and protective pat downs and provided the new training to nearly all of its sworn officers; and (3) CPD implemented internal review mechanisms to assess whether CPD's practices regarding investigatory stops and protective pat downs comply with applicable law.

6. As part of the changes to CPD's policy regarding investigatory stops and protective pat downs, CPD modified Special Order S04-13-09, which was previously titled "Contact Information Systems" at the time plaintiffs filed the complaint in this action and set forth CPD's written policy on investigatory stops. The new Special Order S04-13-09 is titled "Investigatory Stop System" and became effective on January 1, 2016.

7. Since January 1, 2016, Special Order S04-13-09 has been amended on two occasions by CPD. The March 22, 2016 revisions clarified that an Investigatory Stop Report should be submitted for investigatory stops, protective pat downs and other searches conducted in a public place. The June 10, 2016, revision introduced a revised Investigatory Stop Receipt.

8. In order to implement the changes to Special Order S04-13-09, CPD issued new forms. The forms included the Investigatory Stop Report, the Investigatory Stop Receipt, the Investigatory Stop Report Deficiency Notification and the Investigatory Stop Report Oversight Observation Report. CPD also issued an Investigatory Stop Pocket Guide and an Investigatory Stop Report Flow Chart.

9. As part of the update and expansion to CPD's training on investigatory stops and protective pat downs and the provision of the new training to nearly all of its sworn officers, CPD provided training on the new Special Order S04-13-09 and developed a course on investigatory stops and protective pat downs.

10. Training on the new special order began in December 2015, when twelve CPD trainers attended 178 district and unit roll calls to discuss the forthcoming new order and Illinois Public Act 99-352 and to demonstrate the computer interface that officers now use to generate Investigatory Stop Reports.

11. Additionally, CPD developed a course on investigatory stops and protective pat downs for CPD officers. The new training, which totals eight hours, occurs in a classroom setting in which officers are encouraged to ask questions and interact with the instructors. The training incorporates PowerPoint presentations on Illinois Public Act 99-352, investigatory stops, the Fourth Amendment and the new Special Order S04-13-09. In addition to the presentations, the training includes multiple scenario-based exercises in which officers complete and review investigatory stop reports. The training concludes with an examination that tests officers on the materials.

12. Formal classroom training began on January 18, 2016. CPD held classes for all three watches until May 27, 2016, training 11,192 of its 11,992 officers, or approximately 98

percent of all officers. 445 of the 800 officers who did not receive the training were on an extended medical leave. Judge Keys, his retained police practices expert under the ACLU Agreement and representatives of the ACLU attended the formal training sessions on two occasions and provided feedback to CPD, which was incorporated into future training sessions. The Integrity Section intends to begin shortly with refresher training sessions in which trainers will visit various CPD units.

13. The Integrity Section recently conducted training for commanding officers on their duty to prepare monthly audits pursuant to S04-13-09.

14. In June 2016, CPD Superintendent Eddie Johnson issued a department-wide video shown at roll calls in which he explained and endorsed the changes to CPD's investigatory stop and protective pat down policies and procedures.

15. CPD has also issued training bulletins to address issues that have arisen in the course of rolling out the revised investigatory stop and protective pat down policies and procedures.

16. CPD established in January 2016 a dedicated email server called AskISR where officers can direct questions regarding investigatory stops and protective pat downs. Officers typically receive a response to their questions within one or two days. Additionally, the most frequently asked questions and responses have been compiled into an AskISR memorandum that was posted on the CPD's intranet website on July 2016 to allow viewing by all members of CPD. CPD intends to update this memorandum as needed to address any new issues regarding investigatory stops and protective pat downs as they arise.

17. Finally, as part of CPD's initiation of internal audit procedures to ensure that investigatory stops and protective pat downs are being conducted within legal limits, CPD has

significantly revised its audit process. Under the new Special Order S04-13-09, supervising officers are specifically tasked with ensuring that reasonable articulable suspicion for investigatory stops and protective pat downs is set forth on investigatory stop reports. In the event that reasonable articulable suspicion is not documented, the supervisor must inform the officer and complete an Investigatory Stop Report Deficiency Notice, which is sent to a new unit within CPD, the Integrity Section. Supervisors are reviewed, in turn, by executive officers, who must ensure that supervisors are conducting a proper review and conduct monthly internal audits of investigatory stop reports to ensure compliance with the new order.

18. Furthermore, the new Integrity Section is dedicated to training and auditing investigatory stops and protective pat downs. Each day, the Integrity Section reviews a random sample of approved investigatory stop reports to determine whether the reports document reasonable articulable suspicion and are otherwise completed correctly. Deficient reports are sent back to the originating district or unit so that the originating officer and the reviewing supervisor may receive supplemental training and/or discipline, if necessary.

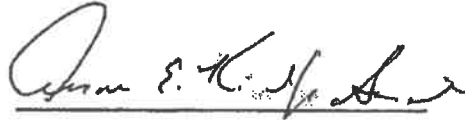
19. The Integrity Section also engages in special projects such as conducting a review of a random sample of arrest reports to check whether investigatory stop reports were completed if necessary.



20. Finally, the Integrity Section reviews Investigatory Stop Report Deficiency Notices and sends the notices back to the originating district or unit so that the originating officer can receive additional training or discipline if it upholds the supervising officer's findings.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 30, 2016

A handwritten signature in black ink, appearing to read "Anne E. Kirkpatrick", written over a horizontal line.

Anne Kirkpatrick  
Chief  
Bureau of Organizational Development  
Chicago Police Department

Agency Code \_\_\_\_\_ Pedestrian Stop Data Sheet



Agency Name \_\_\_\_\_

Date of Stop (MM/DD/YYYY)	Time of Stop (Military Time)	Officer Name
Officer Badge #	Location of Stop	Beat Location of Stop

**Gender**

1  Male 2  Female

**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**

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

Violations/Charges

\_\_\_\_\_

Reorder From P.F. Pettibone & Co. 800-733-9932

TS 802 (12/16/15)

PERF

Agency Name \_\_\_\_\_

Date \_\_\_\_\_

**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) \_\_\_\_\_

Officer Signature \_\_\_\_\_

Badge No. \_\_\_\_\_

Time of Stop (Military Time) \_\_\_\_\_

# INVESTIGATORY STOP REPORT

## CHICAGO POLICE DEPARTMENT

 ADULT

 JUVENILE

ISR NO.	EVENT NO.	DATE	TIME OF STOP
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SUBMITTING BEAT NO.	BEAT OF OCCURRENCE	LOCATION CODE NO.	ADDRESS OF STOP (Number/Direction/Street Name)
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NAME (Last, First, Middle)	NICKNAME(S)	RELATED ISR NO. (To Identify Associates)
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ADDRESS OF RESIDENCE (Number/Direction/Street Name/Apt./Floor/City/State/Zipcode)

DATE OF BIRTH	AGE / ESTIMATED AGE RANGE	HOME PHONE NO.	CELL PHONE NO.
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WHICH OF THE FOLLOWING DO YOU BELIEVE IS THE RACE OF THE PERSON STOPPED?

<input type="checkbox"/> AMERICAN INDIAN OR ALASKA NATIVE	<input type="checkbox"/> BLACK OR AFRICAN AMERICAN	<input type="checkbox"/> NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
<input type="checkbox"/> ASIAN	<input type="checkbox"/> HISPANIC OR LATINO	<input type="checkbox"/> WHITE

SEX	HEIGHT	WEIGHT	BUILD	EYE COLOR	HAIR COLOR	HAIRSTYLE	COMPLEXION
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CLOTHING TYPE/COLOR	SCARS/MARKS/TATTOOS
---------------------	---------------------

EMPLOYER'S NAME	EMPLOYER'S ADDRESS
-----------------	--------------------

SCHOOL'S NAME	SCHOOL'S ADDRESS
---------------	------------------

WAS THE SUBJECT OF THE STOP HANDCUFFED <input type="checkbox"/> YES <input type="checkbox"/> NO	NAME VERIFIED BY ID <input type="checkbox"/> YES <input type="checkbox"/> NO	DRIVERS LICENSE NO./STATE ID NO.	OTHER ID TYPE OR MEANS
--	---	----------------------------------	------------------------

VEHICLE INVOLVED <input type="checkbox"/> YES <input type="checkbox"/> NO	LICENSE PLATE NO.	TYPE/STATE/EXP. (OR TEMP. TAG NO.)	V.I.N. NO.
--	-------------------	------------------------------------	------------

VEHICLE YEAR	MAKE	MODEL	BODY STYLE	COLOR
--------------	------	-------	------------	-------

MISSION NO.	BOC-I NO.	HOT SPOT NO.	RD NO. (If Related)
-------------	-----------	--------------	---------------------

GANG/NARCOTIC RELATED ENFORCEMENT <input type="checkbox"/> YES <input type="checkbox"/> NO	DISPERSAL TIME <small>AS SPECIFIED IN S10-02-03.</small>	NUMBER OF PERSONS DISPERSED
---	---	-----------------------------

COMPLETE BELOW ONLY IF INCIDENT/SUBJECT HAS GANG INVOLVEMENT:

GANG/FACTION	GANG KNOWN HANG-OUTS
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TYPES OF GANG CRIMINAL ACTIVITIES (Describe in Investigatory Stop Narrative)

GANG LOOKOUT     GANG SECURITY     INTIMIDATION     SUSPECT NARCOTIC ACTIVITY

OTHER (Describe in Investigatory Stop Narrative)

DISPOSITION OF THE STOP:	IF YES, CHECK APPLICABLE BOX BELOW.	CITED VIOLATIONS/CHARGES
ENFORCEMENT ACTION TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ARREST	
	<input type="checkbox"/> ANOV(CIT. #)	
	PERSONAL SERVICE CITATION (CIT. #) _____	
	<input type="checkbox"/> OTHER (Specify) _____	

WHAT WERE THE REASONABLE ARTICULABLE SUSPICION FACTORS THAT LED TO THE STOP?  
(Check all that apply. All checked items must be described in the Investigatory Stop Narrative.)

<input type="checkbox"/> ACTIONS INDICATIVE OF ENGAGING IN DRUG TRANSACTION	<input type="checkbox"/> ACTIONS INDICATIVE OF "CASING" VICTIM OR LOCATION
<input type="checkbox"/> FITS DESCRIPTION FROM FLASH MESSAGE	<input type="checkbox"/> PROXIMITY TO THE REPORTED CRIME LOCATION
<input type="checkbox"/> FITS DESCRIPTION OF AN OFFENDER AS DESCRIBED BY VICTIM OR WITNESS	<input type="checkbox"/> GANG/NARCOTIC RELATED ENFORCEMENT
	<input type="checkbox"/> OTHER

INVESTIGATORY STOP NARRATIVE (Must include factors that support Reasonable Articulate Suspicion to justify the Investigatory Stop) Continued on back.

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# INVESTIGATORY STOP REPORT

CHICAGO POLICE DEPARTMENT CPD-11.910 (REV. 3/16)

ADULT  
 JUVENILE

ISR NO. \_\_\_\_\_

EVENT NO. \_\_\_\_\_

DATE OF STOP \_\_\_\_\_ TIME OF STOP \_\_\_\_\_ SUBMITTING BEAT \_\_\_\_\_ BEAT OF OCC. \_\_\_\_\_ LOCATION CODE \_\_\_\_\_ ADDRESS OF STOP (Number/Direction/Street Name) \_\_\_\_\_

NAME (Last, First, Middle) \_\_\_\_\_ NICKNAME(S) \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ AGE / EST. AGE \_\_\_\_\_

ADDRESS OF RESIDENCE (Number/Direction/Street Name/Apt./Floor/City/State/Zipcode) \_\_\_\_\_ HOME PHONE NO. \_\_\_\_\_ CELL PHONE NO. \_\_\_\_\_

SEX \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ BUILD \_\_\_\_\_ EYE COLOR \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ HAIRSTYLE \_\_\_\_\_ COMPLEXION \_\_\_\_\_

WHICH OF THE FOLLOWING DO YOU BELIEVE IS THE RACE OF THE PERSON STOPPED?  
 BLACK OR AFRICAN AMERICAN  HISPANIC OR LATINO  AMERICAN INDIAN OR ALASKA NATIVE  
 WHITE  ASIAN  NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER

RELATED ISR NO. (To Identify Associates) \_\_\_\_\_

CLOTHING TYPE/COLOR \_\_\_\_\_ SCARS/MARKS/TATTOOS \_\_\_\_\_ FACIAL HAIR \_\_\_\_\_ RECORDED:  
 IN-CAR VIDEO  
 BODY WORN CAM.

EMPLOYER'S NAME \_\_\_\_\_ EMPLOYER'S ADDRESS \_\_\_\_\_

SCHOOL'S NAME \_\_\_\_\_ SCHOOL'S ADDRESS \_\_\_\_\_ EVENT ASSIGNED BY  DISPATCHED  
 ON VIEW  OTHER \_\_\_\_\_

NAME VERIFIED BY ID  YES  NO DRIVERS LICENSE NO./STATE ID NO. \_\_\_\_\_ OTHER ID TYPE OR MEANS \_\_\_\_\_

DID THE STOP INVOLVE A VEHICLE  YES  NO LICENSE PLATE NO. \_\_\_\_\_ TYPE/STATE/EXP. (OR TEMP. TAG NO.) \_\_\_\_\_

V.I.N. NO. \_\_\_\_\_ VEHICLE YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ BODY STYLE \_\_\_\_\_ COLOR \_\_\_\_\_

MISSION NO. \_\_\_\_\_ BOC-1 NO. \_\_\_\_\_ HOT SPOT NO. \_\_\_\_\_ RD NO. (If Related) \_\_\_\_\_ GANG/NARCOTIC RELATED ENFORCEMENT  YES  NO (AS IN S10-02-03) \_\_\_\_\_ DISPERSAL TIME \_\_\_\_\_ NO. DISP. \_\_\_\_\_

**DISPOSITION OF THE STOP:** IF YES, CHECK APPLICABLE BOX BELOW.  
ENFORCEMENT ACTION TAKEN?  YES  NO  ARREST  PERSONAL SERVICE CITATION (CIT. #) \_\_\_\_\_  ANOV (CIT. #) \_\_\_\_\_  OTHER (Specify) \_\_\_\_\_ CITED VIOLATIONS/CHARGES \_\_\_\_\_

### GANG INFORMATION SECTION (COMPLETE THIS SHADED SECTION ONLY IF INCIDENT/SUBJECT HAS GANG INVOLVEMENT):

GANG/FACION \_\_\_\_\_ GANG KNOWN HANG-OUTS \_\_\_\_\_

TYPES OF GANG CRIMINAL ACTIVITIES (Describe in Investigatory Stop Narrative on Side 2)  
 GANG LOOKOUT  GANG SECURITY  INTIMIDATION  SUSPECT NARCOTIC ACTIVITY  OTHER (Describe:)

**WHAT WERE THE REASONABLE ARTICULABLE SUSPICION FACTORS THAT LED TO THE STOP?**  
(Check all that apply. All checked items must be described in the Investigatory Stop Narrative on Side 2.)  
 ACTIONS INDICATIVE OF ENGAGING IN DRUG TRANSACTION  FITS DESCRIPTION OF AN OFFENDER AS DESCRIBED BY VICTIM OR WITNESS  PROXIMITY TO THE REPORTED CRIME LOCATION  
 FITS DESCRIPTION FROM FLASH MESSAGE  ACTIONS INDICATIVE OF "CASING" VICTIM OR LOCATION  GANG/NARCOTIC RELATED ENFORCEMENT  
 OTHER

**WHAT WERE THE REASONABLE ARTICULABLE SUSPICION FACTORS THAT LED TO THE PROTECTIVE PAT DOWN?**  
(Check all that apply. All checked items must be described in the Investigatory Stop Narrative on Side 2):  
 VERBAL THREATS OF VIOLENCE BY SUSPECT  VIOLENT CRIME SUSPECTED  
 KNOWLEDGE OF SUSPECT'S PRIOR CRIMINAL VIOLENT BEHAVIOR/USE OF FORCE/USE OF WEAPON  SUSPICIOUS BULGE/OBJECT  
 ACTIONS INDICATIVE OF ENGAGING IN VIOLENT BEHAVIOR  OTHER REASONABLE SUSPICION OF WEAPONS

**WAS A WEAPON OR CONTRABAND DISCOVERED AS A RESULT OF THE PROTECTIVE PAT DOWN?**  YES  NO IF YES, DESCRIBE BELOW.  
 FIREARM  COCAINE Wgt. \_\_\_\_\_  HEROIN Wgt. \_\_\_\_\_  OTHER Describe: \_\_\_\_\_  
 OTHER WEAPON Describe: \_\_\_\_\_  CANNABIS Wgt. \_\_\_\_\_  OTHER CONTROLLED SUBSTANCE Describe below: \_\_\_\_\_  
 STOLEN PROPERTY  ALCOHOL  DRUG PARAPHERNALIA \_\_\_\_\_ Wgt. \_\_\_\_\_

**WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF THE PERSON?**  YES  NO  
**WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF HIS/HER EFFECTS?**  YES  NO  
**WAS THE SEARCH BEYOND CONDUCTED BY CONSENT?**  YES  NO IF NO, EXPLAIN THE BASIS FOR AND ALL THE REASONS THAT LED TO THE SEARCH BEYOND A PROTECTIVE PAT DOWN IN THE NARRATIVE \_\_\_\_\_

**WAS CONTRABAND FOUND AS A RESULT OF THE SEARCH?**  YES  NO IF YES, DESCRIBE BELOW.  
 FIREARM  COCAINE Wgt. \_\_\_\_\_  HEROIN Wgt. \_\_\_\_\_  OTHER Describe: \_\_\_\_\_  
 OTHER WEAPON Describe: \_\_\_\_\_  CANNABIS Wgt. \_\_\_\_\_  OTHER CONTROLLED SUBSTANCE Describe below: \_\_\_\_\_  
 STOLEN PROPERTY  ALCOHOL  DRUG PARAPHERNALIA \_\_\_\_\_ Wgt. \_\_\_\_\_





AFFIDAVIT OF JONATHAN LEWIN

State of Illinois     )  
                                  )     ss.  
County of Cook     )

The affiant, Jonathan Lewin, after being sworn under oath, avers as follows:

1. I am a Deputy Chief in the Chicago Police Department's Bureau of Organizational Development. In this role, I oversee CPD's Information Services Division, Records Division, Evidence and Recovered Property Section, and Alternate Response Section (telephonic crime reports). I also serve as a board member of the International Association of Chiefs of Police Law Enforcement Management section and as a consultant to the United States Department of Justice Bureau of Justice Assistance.
2. My job responsibilities include overseeing all aspects of technology for CPD, including the systems and processes that support the electronic digitized database that documents investigatory stops and protective pat downs conducted by CPD members ("ISR database"). Between January 1 and June 16, 2016, the ISR database did not archive Investigatory Stop Reports that had been placed in "rejected" or "deficient" status by reviewing supervisors.
3. In response to the request of Judge Arlander Keys, who serves as the Consultant under the Investigatory Stops and Protective Pat Down Settlement between the City of Chicago, the Chicago Police Department, and the American Civil Liberties Union, CPD modified the processes that support the ISR database so that, beginning on June 16, 2016, ISRs that are placed in "rejected" or "deficient" status by reviewing supervisors are archived in the ISR database.
4. In response to the Consultant's request, CPD's Information Services Division also sought to identify and recreate any earlier versions of ISRs that were submitted between January 1 and June 16, 2016, placed in "rejected" or "deficient" status, and subsequently approved. When the ISR database went live on January 1, 2016, there were two mechanisms available for tracing the history of each ISR before final approval. The first mechanism was "status change history" that tracked exactly when an ISR was rejected and resubmitted but not the contents of the ISR at the time of the earlier submission. The second mechanism was an "audit log" that recorded each user's individual time-stamped change(s), including edits made to individual fields and the before and after values of those fields.
5. To reconstruct the earlier versions of ISRs, CPD's analysts used the "status change history" mechanism to identify the time windows between rejection and resubmission that contained the user edits associated with an earlier version of an ISR. The analysts then wrote a program that applied the individual field changes recorded in the "audit log" backward in time to derive the value of each field that existed during the relevant time window. The program then used these pre-existing values to recreate the earlier versions of the ISRs. CPD, through the City's Law

Department, produced those versions to the Consultant on August 8, 2016. Although the audit log CPD used to create these earlier versions was not intended as an archive, using the above-described program CPD was able to reliably recreate all earlier versions of ISRs approved between January 1 and June 30, 2016.

7. After receiving the Consultant's draft Report and Recommendations, CPD sought to validate its earlier conclusion that there were at most 2527 ISRs approved between January 1 and June 30, 2016 with earlier versions. Using the "status change history" mechanism described in paragraph 4 to identify all ISRs that were approved between January 1 and June 30, 2016 and had more than one submission in their history, CPD determined that 2662 ISRs with earlier versions were approved during this time period. It appears that CPD's prior determination that there were 2527 ISRs approved between January 1 and June 30, 2016 with earlier versions was limited to those ISRs that were recovered through the reconstruction process, and did not include the 135 ISRs with earlier versions available through the new archiving process introduced on June 16, 2016.

8. After receiving the Consultant's draft Report and Recommendations, CPD also sought to determine whether any of 4250 ISRs personally reviewed by the Consultant had earlier versions. Using the list provided by the Consultant on August 2, 2016, CPD used the "status change history" mechanism referenced in Paragraph 4 to identify all ISRs that had been rejected and resubmitted at least once. These were cross referenced with the list of 4250 ISRs to identify which of that smaller subset had prior versions. CPD determined that 227 of the 4250 ISRs personally reviewed by the Consultant had earlier versions. Those ISRs are listed in the attached spreadsheet.


9. Based on these subsequent efforts, I am confident that CPD has identified all ISRs approved between January 1 and June 30, 2016 with earlier versions, and that the total number of such ISRs is 2662.

DATED this 21st day of February, 2017.

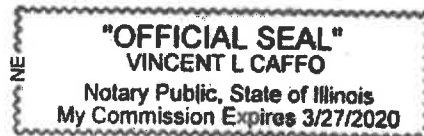


Jonathan Lewin

SUBSCRIBED AND SWORN TO before me on this 21st day of February, 2017.



Notary Public



2527- Candella  
2662- Lewin / 54,701  
(227 / 4,250 sample ISRs)

REPORT\_NO

ISRO00011857, ISRO00011937, ISRO00012053, ISRO00012392, ISRO00012409, ISRO00012456, ISRO00012597,  
ISRO00012762, ISRO00013324, ISRO00013562, ISRO00013798, ISRO00013819, ISRO00014106, ISRO00014393  
ISRO00014398, ISRO00014572, ISRO00014964, ISRO00014965, ISRO00015050, ISRO00015458, ISRO00016060,  
ISRO00016109, ISRO00016167, ISRO00016612, ISRO00016873, ISRO00017009, ISRO00017013, ISRO00017833,  
ISRO00017891, ISRO00017933, ISRO00018117, ISRO00018125, ISRO00018252, ISRO00018949, ISRO00019246,  
ISRO00019271, ISRO00019380, ISRO00019584, ISRO00019798, ISRO00019868, ISRO00019914, ISRO00020786,  
ISRO00021317, ISRO00021364, ISRO00022005, ISRO00022105, ISRO00022367, ISRO00022899, ISRO00022929,  
ISRO00023112, ISRO00023190, ISRO00023362, ISRO00023538, ISRO00023699, ISRO00024210, ISRO00024341,  
ISRO00024543, ISRO00024772, ISRO00024856, ISRO00025039, ISRO00025309, ISRO00025310, ISRO00025368,  
ISRO00025595, ISRO00025669, ISRO00025942, ISRO00026074, ISRO00026282, ISRO00026283, ISRO00026304,  
ISRO00026610, ISRO00026688, ISRO00027874, ISRO00028470, ISRO00028515, ISRO00028908, ISRO00028938,  
ISRO00028968, ISRO00029091, ISRO00029189, ISRO00029417, ISRO00029705, ISRO00030066, ISRO00030095,  
ISRO00030109, ISRO00030403, ISRO00030852, ISRO00031138, ISRO00031948, ISRO00032162, ISRO00032396,  
ISRO00032613, ISRO00033708, ISRO00034605, ISRO00034808, ISRO00035481, ISRO00035497, ISRO00035533,  
ISRO00035646, ISRO00035655, ISRO00035849, ISRO00036351, ISRO00036919, ISRO00037537, ISRO00038337,  
ISRO00038579, ISRO00038703, ISRO00040034, ISRO00040355, ISRO00040379, ISRO00040484, ISRO00041546,  
ISRO00041818, ISRO00041934, ISRO00041948, ISRO00042577, ISRO00042777, ISRO00042832, ISRO00043173,  
ISRO00043556, ISRO00043578, ISRO00044038, ISRO00044082, ISRO00044088, ISRO00044445, ISRO00044728,  
ISRO00045000, ISRO00045435, ISRO00045673, ISRO00046853, ISRO00047305, ISRO00047377, ISRO00047409,  
ISRO00047613, ISRO00048442, ISRO00049078, ISRO00049085, ISRO00049500, ISRO00050093, ISRO00050404,  
ISRO00050610, ISRO00051597, ISRO00051738, ISRO00052502, ISRO00052683, ISRO00053007, ISRO00053556,  
ISRO00053739, ISRO00055145, ISRO00055443, ISRO00055615, ISRO00056222, ISRO00057121, ISRO00057653,  
ISRO00059057, ISRO00059289, ISRO00059392, ISRO00059933, ISRO00059937, ISRO00060144, ISRO00060220,  
ISRO00060443, ISRO00060670, ISRO00061260, ISRO00061307, ISRO00061362, ISRO00062107, ISRO00062181,  
ISRO00062182, ISRO00062288, ISRO00062528, ISRO00062573, ISRO00062852, ISRO00063219, ISRO00064268,  
ISRO00064400, ISRO00064518, ISRO00065281, ISRO00065414, ISRO00066334, ISRO00066403, ISRO00067658,  
ISRO00067747, ISRO00068060, ISRO00068176, ISRO00068366, ISRO00068512, ISRO00068656, ISRO00069617,  
ISRO00070322, ISRO00070454, ISRO00070632, ISRO00070808, ISRO00071142, ISRO00071321, ISRO00071904,  
ISRO00072383, ISRO00072446, ISRO00073422, ISRO00073836, ISRO00076377, ISRO00076463, ISRO00077027,  
ISRO00078357, ISRO00078573, ISRO00078622, ISRO00079908, ISRO00080607, ISRO00080668, ISRO00080830,  
ISRO00081169, ISRO00082620, ISRO00082694, ISRO00082813, ISRO00083069, ISRO00083307, ISRO00083953,  
ISRO00084889, ISRO00084959, ISRO00084984, ISRO00085223, ISRO00086149, ISRO00086703, ISRO00086706,  
ISRO00087611, ISRO00089053, ISRO00090262

## Total Stop Counts By District, Race & Ethnicity for the period January 1 to June 30, 2016

DISTRICTS		1	2	3	4	5	6	7	8	9	10	11	12	14	15	16	17	18	19	20	22	24	25
JAN	BLK	125	297	479	521	192	514	837	360	288	255	856	224	24	385	55	22	126	101	45	187	187	127
	WHT	27	5	9	14	4	7	11	76	54	14	40	52	18	7	118	44	34	47	30	10	71	37
	HSP	9	1	3	87	2	8	14	329	312	167	41	112	85	13	57	85	24	28	30	4	95	170
	ALL	161	304	494	626	200	537	871	769	661	437	946	392	131	408	234	157	191	185	116	203	365	338
FEB	BLK	61	221	243	385	112	225	578	199	183	200	507	152	30	337	54	16	75	40	33	144	124	131
	WHT	11	3	2	9	2	5	9	48	56	11	21	31	15	10	80	27	17	28	24	7	45	21
	HSP	11	2	2	57	1	3	11	263	253	104	46	135	50	9	37	94	7	25	37	5	75	139
	ALL	84	229	250	453	118	236	603	511	494	316	581	321	97	361	174	143	102	98	98	157	252	291
MAR	BLK	115	263	486	481	252	364	790	322	289	499	646	184	37	540	59	36	100	83	55	157	168	157
	WHT	30	6	3	13	3	8	9	67	69	18	43	39	21	7	97	62	17	35	28	11	49	40
	HSP	14	6	1	127	2	6	3	374	428	337	52	193	75	7	73	114	17	27	64	8	86	236
	ALL	163	276	493	624	259	380	810	769	796	857	749	420	136	557	234	218	138	149	151	177	319	442
APR	BLK	108	412	463	469	395	429	1,000	195	254	568	896	158	32	712	60	32	164	100	40	232	148	160
	WHT	24	7	6	23	7	6	11	46	68	27	46	40	23	13	85	51	17	39	24	10	47	48
	HSP	9	1	0	114	5	9	5	220	331	247	54	153	106	24	51	99	14	51	54	1	67	242
	ALL	141	422	473	608	414	447	1,018	467	657	845	1,005	352	163	751	201	188	199	197	123	245	274	451
MAY	BLK	117	470	684	526	488	480	779	247	282	916	993	156	38	565	63	35	122	192	55	179	253	191
	WHT	19	9	10	16	6	7	11	45	58	29	64	46	27	11	115	69	22	59	32	6	63	46
	HSP	10	7	4	135	7	2	10	183	439	210	38	219	100	12	59	136	31	63	98	5	105	329
	ALL	146	491	700	681	503	495	806	476	783	1,165	1,099	423	167	591	243	249	175	321	195	193	437	571
JUNE	BLK	114	574	672	518	428	405	710	229	276	245	1,215	167	63	494	39	40	118	201	60	221	201	173
	WHT	15	7	4	10	3	4	8	50	75	11	127	48	22	20	117	50	18	71	41	21	106	46
	HSP	6	5	3	82	10	2	11	247	580	125	82	204	135	20	75	109	16	88	60	2	134	210
	ALL	136	590	684	613	446	413	730	528	934	382	1,431	423	222	535	237	207	153	372	165	247	457	433