

ILLINOIS STATE POLICE DIRECTIVE ENF-015, NOTICE TO APPEAR

RESCINDS: ENF-015, 2023-020, revised 01-03-2023.	REVISED: 01-10-2024 2024-007
RELATED DOCUMENTS: ENF-013, ENF-030	RELATED CALEA STANDARDS (6th Edition): 1.1.4, 1.2.5, 1.2.6, 1.2.7, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 74.3.1

I. POLICY

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

II. AUTHORITY

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

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

III. PROCEDURES

III.A. An officer shall issue a citation for petty traffic offenses, business offenses and Class B and C misdemeanor offenses unless the officer determines that to do so would result in a threat to the community or any other person including the violator.

III.B. An officer shall issue an NTA for any felony or Class A misdemeanor offense for which pre-trial release may not be denied unless the officer determines the need for additional conditions of release to be imposed by a judge.

III.C. An officer shall issue an NTA regardless of whether or not the violation requires a court appearance unless the officer determines that to do so would result in a threat to the community or any other person including the violator.

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

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

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

III.E. Each troop will:

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

III.E.2. Follow the required local court procedures pertaining to the signing of any additional formal complaints or providing additional supportive reports.

III.E.3. Contact local court authorities to coordinate procedures and responsibilities in cases where conditions of pre-trial release may be imposed by a judge.

| Indicates new or revised items.

-End of Directive-