



POLICY TITLE: Prosecution Resulting from Non-Safety Related Stops

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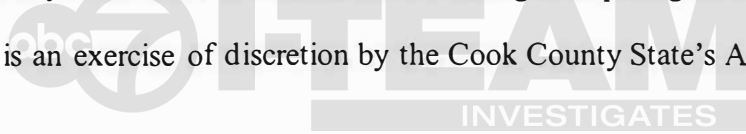
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A. Intent

1. Our office has a responsibility to safeguard the constitutional rights of every resident of Cook County and ensure that the law is enforced equally. We have always placed great importance on reviewing cases thoroughly, protecting the rights of those affected by the legal system, and eliminating practices that lead to unfair outcomes. This policy upholds these core values while also prioritizing public safety.
2. To maintain the trust and confidence of the public and protect their safety, our justice system mustn't unfairly impact any segment of our community. Unfortunately, the common practice of law enforcement officers stopping people for minor traffic violations as an excuse to search their vehicles for potential contraband disproportionately affects people of color and those living in under-resourced communities. These types of stops rarely result in finding contraband, but they do harm the community's trust in law enforcement, which is vital to successful community policing.
3. Non-public safety stops, such as pulling drivers over for minor traffic violations or equipment-related infractions, can have similar negative effects as other discretionary police tactics like the "stop and frisk" practice. These types of stops may be influenced by conscious or unconscious biases of law enforcement officers, resulting in targeting individuals based on their perceived race, ethnicity or other social categories. Moreover, these stops often expand into a search of the entire vehicle and individual without any suspicion of criminal wrongdoing. This can lead to an unjust and unfair treatment of people, specifically Black and Latinx individuals who have been disproportionately impacted by such policing practices in major cities across the country.
4. As prosecutors, it is our duty to serve justice, but we also acknowledge the responsibility we bear in perpetuating racial inequities when we charge cases resulting from certain stops. Our office will use its prosecutorial discretion to provide better protection to those we serve.

B. Jurisdiction

1. The CCSAO is authorized to control the internal operations of the State's Attorney's Office pursuant to 55 ILCS 5/3-9006.
2. This Policy has been promulgated solely for the purpose of internal guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party in any matter, civil or criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the CCSAO.
3. This policy is an exercise of discretion by the Cook County State's Attorney's Office and





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does not purport to affect the legality or propriety of any other law enforcement officer's actions.

C. Charges of possession of contraband that resulted from an Administrative Stop

1. To increase procedural justice for all residents and improve trust in communities of color and under-resourced communities, our office will decline to prosecute possession of contraband charge case when the charge is:
 - i. solely the product of a non-public-safety traffic stop; or
 - ii. the result of searching a vehicle based solely on consent, without any other probable cause; or
 - iii. the result of searching a vehicle based solely on furtive movements, without any other probable cause.
2. For purposes of this policy, contraband means possession of a controlled substance, possession of stolen, embezzled, or converted property (excluding if the vehicle itself is stolen), minor in possession of alcohol, as well as possession of weapons offenses.
3. As a general matter, non-public safety-related infractions are infractions that do not present an actual danger to a person, property, or the general public.
4. To aid in the implementation of this policy, we define a non-public-safety traffic stop any one of the following violations:
 - i. Expired Vehicle Registration (625 ILCS 5/3-413(f)), including local municipal registration
 - ii. Missing front license plate (625 ILCS 5/3-413(a))
 - iii. License Plate Illumination (625 ILCS 5/12-201(a), (b))
 - iv. Headlights, signal lights or rear lamp violations unless both headlights or both rear brake lights are nonfunctioning (625 ILCS 5/12-201)
5. This policy does not apply to situations that endanger public safety or when a vehicle is stopped due to a dangerous condition. A dangerous condition exists when an improper or malfunctioning piece of motor vehicle equipment creates a substantial, articulable, and identifiable risk of injury to any person.
6. This policy does not, in any way, discourage the continued enforcement of traffic offenses that affect the safety of Cook County residents. Rather, this policy is only intended to discourage the use of traffic laws as a pretext to stop and search people of color based on implicit or express bias.

D. Exceptions





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1. Public safety exceptions may be made in limited circumstances with approval by a supervisor of Felony Review or above.
2. This policy does not prevent any prosecution wherein a law enforcement agency has conducted a valid and legal stop to facilitate the investigation of a non-possessory crime, such as, for example, homicide, sexual assault, aggravated assault, assault with a firearm, or driving under the influence.

E. Racially Disparate Impact

1. Illinois law enforcement agencies are required to document data on traffic stops including the driver's race, the reason for the stop, and whether a search was conducted. A recent American Civil Liberties Union of Illinois ("ACLU") report looking at traffic stops from 2015 to 2017 found that during that time period, there were nearly 6.5 million traffic stops performed and 283,000 searches performed. The main conclusion of the report was that minority motorists were stopped at a rate 1.5 times more than white motorists. In addition, Black and Latinx motorists were asked to consent to searches at 1.7 and 1.3 times more than white motorists, all the while they were 1.3 times less likely to be found with contraband.
2. When analyzing internal data from roughly 90,000 felony cases spanning from January 1, 2017 to July 6, 2023, we found approximately 12,000 felony cases likely stemming from non-safety-related traffic stops. Non-white defendants disproportionately make up 94% of pretextual stop cases but only 88% of all cases, a 6-point difference. Conversely, White defendants make up half as many pretextual stop cases as they do all felony cases, 6% compared to 12%. This over-indexing of non-white individuals suggests racial disparities in the outcomes of non-public-safety-related stops.
3. The heightened focus on people of color that results from non-public-safety traffic stops contributes to the disparities in which people are presented to our office for prosecution, which in turn contributes to the racial disparities in our jail and prison populations. Our goal with this policy is to reduce the disproportionate contact drivers of color have with law enforcement and to rebuild trust with communities of color by addressing the ongoing racial disparities in the criminal legal system.

F. Impact to Public Safety

1. Enforcing non-safety infractions is an ineffective way to uncover serious crime, and crime does not rise when police shift to enforcing moving violations instead.



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2. Studies have demonstrated that crime did not rise when prosecutors and police stopped enforcing non-safety-related traffic infractions and that focusing instead on moving violations resulted in large decreases in traffic crashes and decreases in racially disparate outcomes of traffic enforcement.
3. By limiting how often we move forward on these cases, it frees up resources in our office to focus on unsafe driving behavior and more serious crime.

G. Measuring Results & Accountability

We will track all cases referred to our office but not charged because of this policy, regularly analyze our data, and make it publicly available to ensure our efforts are effective, and consistently applied, and our community can hold us accountable for results. We will also regularly share our data with law enforcement agencies in Cook County to inform the training of their officers.

H. Non-Discrimination

The CCSAO prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information, marital status, work authorization status, or any other category protected by local, state, or federal laws.

I. Severability

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

J. Employment

This Policy applies to all CCSAO employees as a condition of employment.

K. Conclusion

The voices in our community and studies cited in this policy demonstrate the harm and unfair burden these types of traffic stops have on communities of color. To rebuild trust and cooperation with these communities, redirect law enforcement resources to focus on the greatest threats to public safety, and enhance procedural justice, we will decline to prosecute charges arising from non-public safety stops or searches of vehicles based solely on consent.