

# CHAMPAIGN POLICE DEPARTMENT

## POLICY and PROCEDURE

POLICY NUMBER: 1.9

SUBJECT: BIAS BASED PROFILING

EFFECTIVE DATE: 10/01/09

REVISED DATE: 12/11/23

REFERENCE ILEAP: ADM.02.05

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### PURPOSE:

The purpose of this policy is to establish policies regarding the treatment of people based on race, religion, ethnicity, age, gender, national origin, or sexual orientation.

### DEFINITIONS:

**Detention:** The act of stopping or restraining an individual's freedom to walk away, approaching and questioning an individual outside the realm of a consensual encounter, or stopping an individual suspected of being involved in criminal activity.

**Bias Based Profiling:** The detention, interdiction, or other disparate treatment of an individual on the basis of race, religion, ethnicity, age, gender, national origin, or sexual orientation.

**Stop Card:** A form to be used in compliance with 625 ILCS 5/11-212 by law enforcement officers to gather demographic information during a reportable encounter initiated by the officer.

### POLICY:

#### 1.9.1 BIASED BASED PROFILING PROHIBITION

A. Bias based profiling of individuals by members of the Champaign Police Department is strictly prohibited.

1. In the absence of a specific report, the race, ethnicity, national origin, and/or perceived race of an individual will not be a factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable articulable suspicion that an offense has been, is being, or is about to be committed so as to justify the detention of an individual, seizing assets or the investigatory stop of a motor vehicle.
2. In response to a specific credible report of criminal activity, the race, ethnicity, national origin, and/or perceived race of an individual will not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.

B. Stops, detentions, or seizing assets based upon race, ethnicity, age, gender, national origin, sexual orientation, or any other prejudicial basis by any

member of the Champaign Police Department are prohibited.

1. The detention of any individual that is not based upon factors related to an investigation of a violation of a federal law, Illinois statutes, City ordinances, or any combination thereof is prohibited.

2. No officer shall stop, detain, search, or seize assets from any person when such action is motivated by race, religion, color, ethnicity, age, gender, national origin, or sexual orientation.

#### 1.9.2 TRAINING AGENCY PERSONNEL

A. The Department shall provide training and continuing education to officers concerning: Constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, and cultural competency in accordance with Public Act 099-0352

1. Training and continuing education shall include, but not be limited to, an emphasis on the fact that the primary purpose of enforcement of the Illinois Vehicle Code is safety and equal and uniform enforcement under the law.

#### 1.9.3 REPORTING REQUIREMENTS

A. Members of the Champaign Police Department failing to report any observed or known violations of this order may be subject to disciplinary action.

B. Complaints of discriminatory practices or bias based profiling will be handled in accordance with Policies 26.1, 52.1, and 52.2.

1. A supervisor shall promptly respond to an incident when requested by an officer advising that a person is making a complaint alleging profiling or other improper conduct.
2. If necessary, and/or if the matter cannot be resolved, the responding supervisor shall take the complaint and provide the complainant with a Citizen Complaint Fact Sheet.
3. After the supervisor has summarized and documented the complaint, the complaint shall be forwarded to the Professional Standards Office.

C. The Chief of Police or his designee will be responsible for completing an annual administrative review of agency practices to include:

1. A listing of each complaint.
2. An explanation of action(s) taken.

3. Recommended training needs.
4. Recommended policy changes.

#### 1.9.4 DATA COLLECTION

A. The Champaign Police Department will participate in the traffic stop/pedestrian stop statistical study (stop study) and will collect and submit the required data whenever:

1. An officer issues a Uniform Traffic Citation or warning citation for an alleged violation of the Illinois Vehicle Code by completing the back of the Police Copy of a Uniform Traffic Citation, an IDOT sticker for a warning citation, or a Stop Card when there's no enforcement action or a NTA/Arrest is made.
2. An officer stops a pedestrian in a public place and conducts a frisk or search, they shall complete a Stop Card.

B. Data Compilation.

1. Standardized forms for data collection shall be provided by the Department and utilized by the officer making the stop.
2. Once completed, forms shall be forwarded in the same manner as traffic citations. Shift supervisors and District Commanders shall conduct periodic audits of traffic stops and pedestrian stop cards in order to ensure compliance, completeness, and consistency.
3. The data collected shall be transmitted to the Illinois Department of Transportation (IDOT) in a format approved by IDOT.
4. Information related to the data collected as required by the Public Act 93-209 and this order is not subject to the Freedom of Information Act and shall not be released to the public or other organization(s) unless required by law or order of the court.

C. Driving Population Data Collection.

1. In order to obtain accurate driving population data, officers completing traffic crash reports will note their subjective determination of the race of each driver. The person's race shall be selected consistent with 625 ILCS 5/11 212, including the following: American Indian or Alaskan Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White.

#### 1.9.5 STOP STUDY DATA COLLECTION

A. Traffic Stops

1. Officers will collect and submit Stop Study data whenever an officer stops a motorist for a violation of the Illinois Vehicle Code.
  - a. Traffic stops resulting in a traffic citation or a warning citation require completion of the

back of the Police Copy (green copy) of a uniform traffic citation or completion of an IDOT sticker on the back of a warning citation.

b. Traffic stops resulting in an NTA or arrest require a Stop Card (when no traffic citation or warning citation is issued).

c. No enforcement action requires a Stop Card.

2. One form with Stop Study data will be completed per traffic stop.

3. Stop Study data will not be collected or submitted when the officer does not have probable cause to believe a traffic violation has occurred. Following are examples of when Stop Study data will not be collected or submitted:

a. Motorist assist

b. Crash

c. Investigative stop (for a criminal, not a traffic violation).

4. During a roadside safety check or stationary seatbelt detail, if an officer determines there is probable cause to believe a violation of the Illinois Vehicle Code has occurred and directs the driver to a secondary location for further detention, the officer will complete the required documentation consistent with a traffic stop.

5. If the probable cause for the stop was based on the passenger's actions, the stop study data will still be collected and submitted using the driver's information.

6. Officers shall complete the appropriate form in its entirety, including:

a. Record a unique control number on each form using the CAD incident number.

b. The time of the stop and duration, beginning from the time the vehicle is stopped to the point when the officer advises the driver they are free to leave or is taken into physical custody.

c. Record the probable cause for the stop, including moving violation, equipment, or license plate/registration.

d. Record the enforcement action taken against the driver. If no citation, warning, or NTA is issued against the driver, the officer will note "No Enforcement Action" in the comments section (even if a citation or warning is issued to the passenger).

e. Indicate if consent to search a vehicle, driver, or passenger(s) was requested, given, or denied and the subsequent results of the search. For each option (vehicle, driver, and passenger(s)), officer will record the following:

- 1) If a consent search was requested
  - 2) If requested, was consent given
  - 3) Whether a search was conducted
  - 4) If a search was conducted by "Consent" or "Other" means.
- f. Record if contraband was found as a result of the search.
- 1) If contraband was found, the officer will record separately the type(s) of contraband found in the vehicle or on the driver/passenger(s).
  - 2) If the contraband was drugs or weapons, the officer will record the amount recovered.
- g. Indicate the use of a K-9 on the traffic stop and whether or not the K-9 had a positive alert. If a K-9 was used and the K-9 had a positive alert, the resulting search will be considered searched by "Other" means.
- B. Pedestrian Stops**
1. Officers will complete a Stop Card whenever they stop a pedestrian in a public place and conduct a frisk or a search, or the stop results in a NTA or arrest.
    - a. A "public place" means streets/alleys, sidewalks, bus stops, and parks. Only the location of the first contact between the officer and the pedestrian will be considered.
    - b. The Stop Card Receipt will only be issued during a reportable encounter that involves a frisk or a search of the pedestrian.
  2. The Stop Card will not be completed during routine security screenings at a set location where everyone (or a predetermined randomized selection of individuals) coming into the event or location is screened:
  3. Officers will record the following on the Stop Card:
    - a. Officers will use the CAD incident number to record a unique control number on each Pedestrian Stop Card.
    - b. The date, time, and location of the stop, as well as the officer's name and badge number.
    - c. The officer's subjective determination of the pedestrian's race consistent with 625 ILCS 5/11 212. Officers will not ask the pedestrian about their race.
    - d. The reason for the stop (marking all that apply).
  4. Officers will provide a pedestrian with a receipt unless the pedestrian refuses the receipt or it is impractical or impossible to provide one given exigent circumstances.
    - a. The stop receipt shall include the reason for the stop as well as the officer's name and badge number.
    - b. Officers will summarize the exigent circumstances that result in no receipt being issued within the reason for the stop notes field on the front of the Stop Card.
- e. Whether a pat down or frisk was conducted and if it was conducted, the officer will also record:
- 1) Whether it was conducted by consent or reasonable suspicion.
  - 2) The reason for the pat down/frisk (marking all that apply).
  - 3) Whether contraband was found and, if so, what was found
- f. Whether a search beyond the pat down or frisk was conducted and if it was, the officer will also record;
- 1) Whether it was conducted by consent, probable cause, or incident to arrest
  - 2) The reason for the search (marking all that apply)
  - 3) Whether contraband was found and, if so, what was found
- g. Whether a warning or citation was issued and whether the person was arrested or taken into custody.

ISSUING AUTHORITY

*Timothy T. Tyler*

Timothy T. Tyler  
 Chief of Police  
 Champaign Police Department