
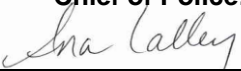
	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 02/20/04	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 08/01/21
<b>Chief of Police:</b> 	<b>Discriminatory Profiling, 111.1</b>	
<b>Cross Reference:</b> SOP 52.1 Internal Affairs Rules & Regulations Section 1: Duties of All Personnel <a href="#">625 ILCS 5/11-212</a>		<b>Policy Sections:</b> 111.1.1 Fair and Impartial Treatment 111.1.2 Compliance 111.1.3 Traffic Stop Reporting Requirements 111.1.4 Pedestrian Stop Reporting Requirements 111.1.5 Training 111.1.6 Administrative Review

## PURPOSE

The purpose of this policy is to establish guidelines and procedures regarding the department's commitment to unbiased, equitable treatment of all persons while enforcing the law and providing police services.

## POLICY STATEMENT

It is the policy of the Elgin Police Department to commit to the philosophy of community orientated policing to address crime, perception of crime and quality of life issues. In doing so, the department prohibits the practice of discriminatory profiling and ensures fair and bias-free treatment of all citizens during the performance of police services and while undertaking enforcement actions.

## DEFINITIONS

**Detention:** As defined in 625 ILCS 5/11-212(b-5), all frisks, searches, summons, and arrests.

**Discriminatory Profiling:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of people based on specified characteristics.

**Enforcement Action:** Includes any contact which is not consensual. (Terry stop, frisk, traffic stop, warning, citation, arrest, search, detention, seizure, etc.)

**Fair and Bias-free Treatment:** Conduct of personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.

**Fair and Impartial Policing:** Implicit-bias-awareness training for law enforcement.

**Pedestrian Stop Data Sheet (Uniform Pedestrian Stop Card):** A form completed by the officer whenever he/she subjects a pedestrian to detention, as defined above, in a public place.

**Pedestrian Stop Receipt:** A receipt provided to a person upon completion of any temporary questioning without arrest stop involving a frisk or search.

**Police Services:** Sometimes referred to as community caretaking functions. These are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to welfare checks; death notifications; public assistance to persons who may be lost or affected by mental or physical illness; traffic control; medical emergencies; life saving services; crime prevention; and, community engagement.

**Reasonable Accommodations:** Actions taken to accommodate a person that does not jeopardize the safety of the officer or pose undue hardship. Accommodations can be religious, physical, mental or emotional, academic or are employment related.

**Specified Characteristics:** For purpose of this policy, real or perceived personal characteristics to

include but not limited to race, ethnic background, national origin, immigration status, gender, gender identify/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.

**Traffic Stop Data Sheet (Stop card):** A form completed by the officer for each motor vehicle stop, whether a citation or warning was issued.

## **PROCEDURES**

### **111.1.1 FAIR AND IMPARTIAL TREATMENT**

- A. Discriminatory profiling of individuals is strictly prohibited by members of the Elgin Police Department.
- B. Personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable accommodations may be and sometimes should be made.
- C. Personnel may only consider specified characteristics when credible, verified and timely intelligence relevant to the locality that links a person or people with specified characteristic(s) to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.
- D. Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the department's relationship with its diverse communities.

### **111.1.2 COMPLIANCE**

- A. In the absence of a specific report, personnel shall not initiate any action, including, but not limited to: determining probable cause; stopping; detaining; searching of persons, vehicles or buildings; initiating arrest or asset forfeiture or seizure; or surveilling against any individual on the basis of discriminatory profiling.
- B. The detention of any individual which is not based on a violation of or investigation of an infraction or in accordance to federal law, state statute, Elgin city ordinance, or any combination thereof, is prohibited.
- C. Any violations of this policy concerning impartiality, coming to the attention of any employee, shall immediately be reported in writing to the observing employee's supervisor or when not available, an on-duty supervisor. The supervisor shall be responsible to:
  - 1. Immediately begin, or cause to begin, an investigation into the allegation. Refer to Standard Operating Procedure 52.1 Internal Affairs for information on the investigation process.
  - 2. Ensure that those who report instances of discriminatory profiling are not subject to retaliation.
- D. Supervisors shall ensure those in their command are familiar with the content of this policy and shall respond to indications that discriminatory profiling is occurring.

### **111.1.3 TRAFFIC STOP REPORTING REQUIREMENTS**

- A. As required by 625 ILCS 5/11-212, whenever a person is stopped or cited by an officer for an alleged violation of the Illinois Vehicle Code or similar ordinance, the officer shall complete an Illinois Department of Transportation Traffic Stop Data Sheet, most commonly referred to as a stop card (TS 2580). Stop cards are completed electronically; this process is described below.

- B. The officer will not ask the offending motorist for demographic information. The officer will use the individual's driver's license or the officer's own observations to determine the demographic information required. Officers should consult with their supervisors for clarification of any demographic uncertainties.
- C. Completion of stop card data shall be done simultaneously with the electronic ticketing process. When a citation cannot be executed electronically or when giving a verbal warning, officers shall utilize the Racial Profiling Only tool in the electronic ticketing system. This shall be completed in a timely manner so as not to adversely affect the data collection process.
- D. The Illinois Department of Transportation requires a report consisting of the collected data on an annual basis. To ensure continual reporting throughout the year, the Adjudication Office submits said report on a monthly basis.
- E. Traffic stops for suspicious/criminal activity do not fall under the requirement for data collection under 625 ILCS 5/11-212. This shall be documented under the pedestrian stop reporting requirements.

#### **111.1.4 PEDESTRIAN STOP REPORTING REQUIREMENTS**

- A. As required by 625 ILCS 5/11-212, whenever a police officer subjects a pedestrian to detention, as defined in this policy, in a public place, he or she shall complete a uniform pedestrian stop card. This is not required for consensual contacts with the public. During a consensual contact, an officer may approach and talk to any person without the person being seized; however, the officer has no authority over the person, and the person may refuse to be engaged in the conversation.
- B. The officer will not ask the pedestrian for demographic information. The officer will use the individual's driver's license or the officer's own observations to determine the demographic information required. Officers should consult with their supervisors for clarification of any demographic uncertainties.
- C. As soon as practical, pedestrian stop card data will be completed electronically using the electronic ticketing system.
- D. Upon completion of any stop involving a frisk, search, summons or arrest and unless impractical, impossible or under exigent circumstances, the officer shall provide the person with a stop receipt which provides the reason for the stop and contains the officer's name and badge number. Stop receipts will be completed electronically using the electronic ticketing system.
- E. The Illinois Department of Transportation requires a report consisting of the collected data on an annual basis. To ensure continual reporting throughout the year, the Adjudication Office submits said report on a monthly basis.

#### **111.1.5 TRAINING**

- A. All officers receive academy training with regard to biased policing issues, including legal aspects, in conformance with the Illinois Police Training Act, Illinois Law Enforcement Training and Standards Board (ILETSB), 50 ILCS 705, and will receive updated training as applicable.
- B. Newly hired officers shall receive additional training on the issues of discriminatory profiling and bias-awareness as part of their employee orientation.
- C. Fair and Impartial Policing training shall be designated for all personnel, as determined by the chief of police and the Training Division. Through Fair and Impartial Policing training, supervisors are educated on how bias might influence their own operational or managerial decisions and how to discuss the sensitive topics of biased policing. [Fair and Impartial Policing training material is located here](#)

#### **111.1.6 ADMINISTRATIVE REVIEW**

- A. The police department regularly reviews traffic and pedestrian stop data to ensure compliance to the reporting requirements and to determine if procedural changes are necessary.
- B. Annually, the deputy chief shall complete a documented administrative review of department practices, compliance to traffic and pedestrian stop reporting requirements, citizen complaints, and community concerns regarding this directive.
- C. All supervisors shall randomly review BWC footage to ensure compliance with data collection requirements set forth in this policy. Refer to Standard Operating Procedure 41.10 Body Worn Cameras for supervisory responsibility as it pertains to body worn cameras.