

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 02/20/04	STANDARD OPERATING PROCEDURE	Revised Date: 01/18/18
Chief of Police: 	Discriminatory Profiling, 111.1	
Cross Reference: SOP 52.1 Internal Affairs Rules & Regulations Section 1: Duties of All Personnel 625 ILCS 5/11-212	Policy Sections: 111.1.1 Prohibited Practices and Reporting Requirements 111.1.2 Traffic Stop Reporting Requirements 111.1.3 Pedestrian Stop Reporting Requirements 111.1.4 Training 111.1.5 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 prohibit the practice of discriminatory profiling. The Elgin Police Department is committed to a philosophy of community oriented policing to address crime, perception of crime and quality of life issues. The Department does not and will not conduct enforcement efforts based on discriminatory profiling or other discriminatory practices.

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 individuals or persons based on individual demographics.

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

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.

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

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 PROHIBITED PRACTICES AND REPORTING REQUIREMENTS

- A. Discriminatory profiling of individuals is strictly prohibited by members of the Elgin Police Department. Rules and Regulations Section 1: Duties of All Department Personnel, states that all personnel are required to perform their duties in a fair and impartial manner, without being influenced by race, creed, national origin, or lifestyle.
- B. In the absence of a specific report, no member shall 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.

- C. The detention of any individual which is not based on a violation of or investigation of an infraction or in accordance with federal law, state statute, Elgin city ordinance, or any combination thereof, is prohibited.
- D. Any violations of this policy or Rules and Regulations Section 1: Duties of all Personnel, 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 immediately begin, or cause to begin, an investigation into the allegation.
- E. Complaints alleging discriminatory profiling shall be investigated as described in Standard Operating Procedure 52.1, Internal Affairs.

111.1.2 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. On a monthly basis, the Adjudication Office shall generate a report consisting of the collected data and will submit said report to the Illinois Department of Transportation.
- 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.

111.1.3 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. On a monthly basis, the Adjudication Office shall generate a report consisting of the collected data and will submit said report to the Illinois Department of Transportation.

111.1.4 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 discrimination as part of their employee orientation.
- C. Diversity and cultural awareness training shall be designated for all personnel, as determined by the chief of police and the training coordinator.

111.1.5 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.