

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 105-A

REFERENCE STANDARDS: 1.2.9

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SUBJECT: Biased Based Profiling/Discriminatory Practices

PURPOSE: To clarify that profiling is discriminatory and shall not be used by any member of the Hanover Park Police Department as the basis for an investigatory stop, warrant less arrest, asset seizure or forfeiture actions.

POLICY: To prohibit the discriminatory practice of profiling by officers of the Hanover Park Police Department.

## DEFINITIONS:

**PROFILING** - Profiling is the discriminatory use of an individual's physical characteristics of race, color, sex, age, disability, national origin or ancestry as the sole basis for an investigatory stop, warrantless arrest, asset seizure or forfeiture actions.

**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 personally involved in criminal activity.

**BIASED BASED PROFILING** – The detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual orientation, religion or economic status of such individual.

## **I. BIASED BASED PROFILING/ DISCRIMINATORY PRACTICE**

A. Employees of the Hanover Park Police Department are prohibited from engaging in biased based policing, including, but not limited to, profiling individuals for investigatory stops, warrantless arrests, asset seizure or forfeiture actions. (1.2.9a)

1. Investigatory stops: At the time of an investigatory stop, an officer shall have articulable and reasonable suspicion requiring the further investigation that a vehicle

or its passengers, or an individual is in violation or has committed an offense as required by the directives of this Department.

2. Warrantless arrests: At the time of a warrantless arrest, an officer shall have articulable and probable cause as required by the directives of this Department.
- B. Officers shall treat every person with courtesy and respect. An officer shall provide his/her name, ID#, badge #, and reason for the traffic stop in those cases when a motorist or passenger requests such information.
- C. Whenever a person complains that an officer has engaged in practices prohibited by this directive, the officer will immediately notify the shift supervisor.
- D. Any employee who believes there is, or is made aware of any violation of this directive will immediately notify his supervisor.

## II. TRAFFIC AND PEDESTRIAN STOP STATISTICAL STUDY

### A. RECORDING OF DATA

1. *Pursuant to Illinois Compiled Statutes Section 625 ILCS 5/11-212*, whenever a police officer **issues a uniform traffic citation, or a written warning citation** for an alleged violation of the Illinois Vehicle Code or the equivalent of a Hanover Park Village Ordinance, he or she shall record the following information:
  - a. The name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race will be selected from the following list: Caucasian, African-American, Native American/Alaskan American, or Asian/Pacific Islander;
  - b. the alleged traffic violation that led to the stop of the motorist;
  - c. the make and the year of the vehicle stopped;
  - d. the date and the time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
  - e. the location of the traffic stop;
  - f. whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
  - g. whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger or passengers; and if so, whether it was by consent or by other means, selected from the following list: Consent, Reasonable suspicion, Probable Cause, Incidental to arrest, Custodial Arrest, Drug Dog Alert or Other;
  - h. whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
  - i. the name and badge number of the police officer.

2. Pursuant to Illinois Compiled Statutes Section 625 ILCS 5/11-212, whenever a police officer stops a vehicle for an alleged violation of the Illinois Vehicle Code or the equivalent of a Hanover Park Village Ordinance and **does not issue a uniform traffic citation or written warning citation**, he or she shall complete a Traffic Stop Data Sheet, (Appendix B), which shall record the following information:
  - a. The name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race will be selected from the following list: Caucasian, African-American, Native American/Alaskan American, or Asian/Pacific Islander;
  - b. the reason that led to the stop of the motorist;
  - c. the make and the year of the vehicle stopped;
  - d. the date and the time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
  - e. the location of the traffic stop;
  - f. whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
  - g. whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger or passengers; and if so, whether it was by consent or by other means, selected from the following list: Consent, Reasonable suspicion, Probable Cause, Incidental to arrest, Custodial Arrest, Drug Dog Alert or Other;
  - h. whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
  - i. the name and badge number of the police officer.
3. The officer will not ask the driver or occupant of the vehicle their race. The officer will use his or her subjective determination of the person's race using the individual's driver's license and the officer's own observations to make this determination. Officers should consult with their supervisor for any clarification.
4. The standardized forms for collecting this data will be provided by the department and utilized by the officer in the following manner:
  - a. Data Collection Stickers (Appendix A) will be attached to the Department Copy / Police Records Copy of the Uniform Traffic Citation for all primary violations committed by the driver when a citation or warning citation is issued. The sticker will be attached after the citation has been written.
  - b. Traffic Stop Data Sheet (Appendix B) will be completed on a daily basis electronically or in written form documenting all information required by statute in cases where a traffic stop is conducted and no citation or warning citation is issued.
  - c. Once completed, the forms will be submitted in the same manner as traffic citations.

5. Pursuant to Illinois Compiled Statutes Section 625 ILCS 5/11-212 as amended by Public Act 099-0352 effective January 1, 2016, whenever a law enforcement officer subjects a pedestrian to detention which includes any of the following: frisk, search, summons, or arrest; in a public place, the officer shall do the following:
  - a. Complete a Uniform Pedestrian Stop Card (Appendix C) which shall record the following information:
    - i. The name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race will be selected from the following list: Caucasian, African-American, Native American/Alaskan American, or Asian/Pacific Islander;
    - ii. the reason that led to the stop;
    - iii. the date and the time of the stop, beginning when the pedestrian was stopped and ending when the subject is free to leave or taken into physical custody;
    - iv. the location and beat of the pedestrian stop;
    - v. whether or not a protective pat-down or frisk was conducted, and if so, all the reasons that led to the protective pat-down or frisk, and whether or not it was with consent or by other means.
    - vi. whether or not a full search contemporaneous to the pedestrian stop was conducted and if so, whether it was by consent or by other means, selected from the following list: Consent, Reasonable suspicion, Probable Cause, Incidental to arrest, Custodial Arrest, Drug Dog Alert or Other;
    - vii. whether or not contraband was found during a search or protective pat-down or frisk; and, if so, the type and amount of contraband seized; and
    - viii. the name and badge number of the police officer.
  - b. If a frisk or search of the subject was conducted, provide the pedestrian with a Pedestrian Stop Receipt (see Appendix D) in accordance with 725 ILCS 5/107-14(b) unless impractical, impossible, or under exigent circumstances. The Stop Receipt will include the following information at a minimum:
    - i. Reason for the stop;
    - ii. Officer's name;
    - iii. Officer's star number;
    - iv. Date and time of the stop.
  - c. Officers will document the pedestrian stop in the electronic pedestrian stop reporting system.
  - d. If a Pedestrian Stop Receipt was issued, document the date and time the receipt was given on the Computer Aided Dispatch (CAD) system and in a police report, if applicable.

**B. DATA TABULATION, ANALYSIS AND DISSEMINATION**

1. The Records Division shall be responsible for entering the required data into an approved computer database and submitting the data to the Illinois Department of Transportation (IDOT) as required by law.

2. Information related to the data collected as required by Public Act 93-209, Public Act 99-0352, and this directive is not subject to the Freedom of Information Act and shall not be released to the public or other organizations(s) unless required by law or order of court.

### III. SUPERVISORY RESPONSIBILITY

- A. Patrol supervisors will conduct spot checks of reporting forms to ensure consistency and reliability of data reported.
- B. Each supervisor will be responsible for continually monitoring and examining all areas of police actions and activities under his/her purview to ensure that officers follow the dictates of this directive.

### IV. TRAINING (1.2.9b)

- A. Per Training Directive D509s Section V.A., all Police department personnel shall receive initial and annual training in biased issues including legal aspects, the prohibition of profiling, and review of this directive.
- B. Additional diversity and sensitivity training shall be conducted as directed by the Chief of Police or his designee.

### V. DISCIPLINARY PROCEDURES (1.2.9c)

- A. Personnel who are determined to be in violation of this directive shall be subject to discipline as outlined in the Village of Hanover Park Personnel Rules & Regulations, as well as the current labor agreement in effect.
- B. Failure to report any observed or known violations of this directive by any police department employee shall result in disciplinary action.

### VI. INVESTIGATION AND EVALUATION (1.2.9c)

- A. All reports or complaints of discriminatory practices or racial profiling will be documented and investigated in accordance with the provisions of Directive # 181-A, Internal Investigations.
- B. All complaints and a record of the disposition or finding of any investigation, including any corrective measures taken, shall be maintained in the office of the Deputy Chief of Support Services.

- C. The Deputy Chief of Support Services shall prepare an annual summary report to the Chief of Police to include but not limited to:
1. Listing of each complaint
  2. Explaining any action(s) taken, including corrective measures.
  3. Recommending training needs.
  4. Recommending changes to policy or agency practices.
  5. Addressing any citizen concerns.