



ROCKFORD POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 40.02

TITLE: Biased Free Policing

SERIES NUMBER: 40

SERIES TITLE / SUBJECT: Law Enforcement Operations

TOPICS/ REFERENCE: Discrimination, Discriminatory Practices, Profiling, Racial Profiling, Traffic Stops, Vehicle Stops

APPENDICIES: A, B

ORIGINAL / EFFECTIVE ISSUE DATE: March 20, 2001

DATE OF LAST REVISION: May 01, 2013

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED

CALEA STANDARDS: 1.2.9

Policy:

The policy of the Rockford Police Department is to respect the civil rights of all persons and to prohibit and prevent any form of discrimination by employees of this Department when any action taken on behalf of or by any employee of this Department is motivated by race, color, ethnicity, age, gender, national origin, religion, economic status, cultural group, sexual orientation or any other identifiable group. Specifically, employees of the Rockford Police Department will not engage in any activities that are discriminatory or indicative of a practice of biased based/racial profiling.

Purpose:

The purpose of this Order is to ensure that a person's race, color, ethnicity, age, gender, national origin, religion, economic status, cultural group, sexual orientation or any other identifiable grouping, shall not be the sole basis for any stop, detention, search, arrest or other disparate treatment by any employee of the Rockford Police Department.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered sections:

- I. DEFINITIONS
- II. RACIAL PROFILING/DISCRIMINATORY PRACTICES
- III. INTERNAL MONITORING OF TRAFFIC STOPS
- IV. AUTHORITY AND RESPONSIBILITY
- V. TRAINING

- VI. DISCIPLINARY PROCEDURES
- VII. ADMINISTRATIVE REVIEW
- VIII. EFFECTIVE DATE
- IX. REVIEWS, REVISIONS AND CANCELLATIONS

Appendices:

- A. Screen print example of MDT DATA SHEET
- B. Sample IDOT Traffic Stop Data Sheet

I. Definitions:

- A. 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.
- B. Discriminatory Practice: To take action based on partiality or prejudice; to take actions on the basis of class or category without regard to individual merit or to show preference or prejudice.
- C. Racial Profiling: The detention, interdiction, or other disparate treatment of an individual on the basis of the racial or ethnic status of such individual; the practice of targeting people for police examination/intervention based on their race or ethnicity.
- D. Search: Looking for or seeking out that which is otherwise concealed from view.
- E. Stop: The restraining of an individual's liberty by physical force or show of authority.

II. Racial Profiling/Discriminatory Practices:

- A. Racial profiling and/or discriminatory treatment of individuals is strictly prohibited by employees of the Rockford Police Department.
 - 1. In the absence of a specific report, race or ethnicity of an individual shall not be a factor in determining the existence of probable cause to place in custody or arrest an individual, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.
 - 2. In response to specific report of criminal activity, race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.
- B. Stops, detentions, arrests, field contacts or asset seizures, asset forfeitures or other actions based solely on race, color, ethnicity, age, gender, national origin, religion, economic status, cultural group, sexual orientation or any other identifiable group or prejudicial basis by any employee of the Rockford Police Department are prohibited.
 - 1. The detention of any individual that is not based on factors related to a violation, or suspected violation, of federal law, Illinois statutes, City of Rockford Code of Ordinances or any combination thereof is prohibited.

2. No officer shall stop, detain, search, arrest or perform any action to or for any person when such action is motivated by race, color, ethnicity, age, gender, national origin, religion, economic status, cultural group, sexual orientation or any other identifiable group. The inability to use age as a determining factor to institute police action does not apply to age specific offenses such as those involving liquor, curfew, driving, etc.
- C. The Rockford Police Department is not responsible for the enforcement of immigration laws. As such, it is a violation of this policy to ask any individual for immigration papers, green card or any similar document unless specifically related to a pending criminal investigation.

III. Internal Monitoring of Traffic Stops:

- A. The traffic stop is an essential element in the delivery of effective police services to the community. Traffic stops deter violations of motor vehicle laws, reduce motor vehicle accident rates and discourage criminal activity. Officers are encouraged to conduct traffic stops to the fullest extent allowed by law.
- B. A comprehensive traffic law enforcement component is essential to ensuring the safe and expeditious flow of traffic through the community. To ensure the traffic enforcement activities of Department personnel conform to the provisions of the General Order, the Department will utilize an internal monitoring process. This process will involve the completion of traffic stop report forms that specifies the information needed to identify any indications of biased based profiling or racial discriminatory practices. This form is designed in an electronic format installed on mobile data terminals (See Appendix A for sample) and will be transmitted from the mobile data terminal to the main database in the Public Safety Building via the wireless network. Officers not having a mobile data terminal will complete a paper vehicle stop form (See Appendix B for sample). Paper vehicle stop forms will be routed to the Records Center Division upon completion.

IV. Authority and Responsibility:

- A. Any officer conducting a traffic stop will complete a traffic stop form, per 625 ILCS 5/11-212, when the traffic stop is for an alleged violation of the Illinois Vehicle Code. The outcome of the traffic stop; uniform traffic citation, written warning or verbal warning does not change the requirement of the traffic stop form being filled out. The officer will record the following:
 1. All personal identifiers and address of the person stopped including the officer's subjective determination of the race of the person,
 2. All vehicle information to include make, model, color and license plate number of the vehicle,
 3. The alleged traffic violation leading to the stop and result of the stop (citation, written or verbal warning),
 4. Date, time, location and case number for the stop as well as the name and badge number of the officer conducting the stop, and

5. Whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, or passenger(s), and, if so, whether the search was with consent or by other means (incidental to arrest, drug dog alert, etc.).
- B. Traffic stop forms will not need to be completed when:
 1. The stop of the vehicle is for criminal investigation purposes based on an attempt to locate broadcast via the 911 communication center or other police communication method,
 2. The stop of the vehicle is for criminal investigation purposes based on a dispatched call to an officer (either as primary or back up) via the 911 communication center or other police communication method, or
 3. The stop of the vehicle is for criminal investigation purposes based on a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the investigatory stop of a motor vehicle.
 - C. Each Commander and supervising officer is responsible for the continual examination of all areas of police action and Departmental service under their control, including arrest data for sworn personnel, to insure the mandates of this policy are being followed and to discover any indications of racial profiling or discriminatory practices.
 - D. The Commander of the Administrative Services Bureau will ensure that an annual report of the data collected using the traffic stop report forms will be transmitted to the Illinois Department of Transportation as required by the provisions of Illinois Compiled Statutes.
 - E. The Information Services Section will ensure that the data collected using the traffic stop report forms is collected and stored in a format that allows for the above described annual report to be produced, as well as any other reports required or requested by the Chief of Police or designee, for the purpose of evaluating compliance with this General Order.
 - F. Every employee of the Rockford Police Department, whether sworn or civilian, who believes there is, or is made aware of, any violation or suspected violation of this General Order, is required to report the violation. The report shall be made as soon as practical to the reporting person's supervisor or commander, a Commander or the Chief of Police.
 - G. The Commander of the Field Services Bureau or designee shall review, annually, IDOT Traffic Stop Data to determine if there is reason to believe that any Department employee has a pattern of stopping members of minority groups for violations of vehicle laws or ordinances in a number disproportionate to the population of minority groups residing or traveling within the City of Rockford.
 - H. The Commander of the Field Services Bureau or designee will review the IDOT Traffic Stop Data and compare the data to an external benchmark derived from the racial percentage of the City of Rockford as determined by the US Census Bureau. In a non-census year, the estimated US Census for that year will be used. The comparison will only be made for officers that make a minimum number of fifty (50) traffic stops that are reported to IDOT.
 - I. If an officer is found to exceed the initial external benchmark, the Commander of the Field Services Bureau will compare the data initially to the City of

Rockford's disparity index and then to the patrol area or assignment of the officer.

- J. It is not an automatic determination that an officer has been engaged in biased based policing, or any other wrong doing, if an officer is outside of an internal benchmark for a minority. It is only a determination that the officer's activity is not consistent with the rest of the work group indicating that further review is necessary.
 - K. If the officer exceeds the internal benchmarks and the data reveals a pattern or disparity, the Commander of the Field Services Bureau will disseminate the information to the officer's commander or supervisor for further review.
 - L. The officer's commander or supervisor shall meet with the officer and determine the reason for the disparity.
 - M. The officer's commander or supervisor shall complete an Officer's Report documenting all findings and any recommendations to the Commander of the Field Services Bureau.
- V. Training:
- A. All Police Department sworn personnel shall receive training on cultural diversity and sensitivity, the prevention of discriminatory practices, such as racial and bias based profiling, the legal aspects of bias based profiling and the Department's policies regarding these issues.
 - B. Additional diversity and sensitivity training shall be designated for employees with sustained biased-based profiling or other sustained discrimination complaints filed against them.
- VI. Disciplinary Procedures:
- A. Failure to report any suspected or known violations of this General Order by any employee of the Department shall result in disciplinary action.
 - B. Appropriate discipline shall be administered for sustained violations of this policy.
- VII. Administrative Review:
- A. The Commander of the Field Services Bureau, or designee, shall conduct an annual review of the Department's practices concerning racial profiling. The review shall include citizen concerns related to profiling.
- VIII. Effective Date:
- A. The Department's policy on Bias Free Policing became effective on March 20, 2001.
- IX. Reviews, Revisions and Cancellations:
- A. This General Order will be reviewed annually by the Commander of the Field Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.

- B. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Field Services Bureau.

BY ORDER OF

_____ / ____/____

Chet Epperson
Chief of Police

APPENDIX "A" - MDT DATA SHEET

IDOT Traffic Stop Data Sheet

Case Number: 12-454545 Date Of Stop: 12/29/2003 Time Of Stop (HH:MM Military Time): 12:00 Officer Name: Barton, James

DRIVER INFORMATION

Name Of Driver (Last Name, First Name): Smith
Address: 1111 North My Street City: Rockford State: MA Zip: 11111
Vehicle Make: Honda Vehicle Year: 2003 Vehicle Color: Yellow License Plate: Ma Me Driver's Year Of Birth: 1999 Driver's Sex: Male Race: African/American
Reason For Stop: Moving Violation If Moving Violation Select Type of Violation: Speed Result Of Stop: Citation Search Performed:

IF THE STOP DID NOT RESULT IN A SEARCH THE DATA SHEET IS COMPLETE

Vehicle: Driver Passenger 1 Passenger 2
Passenger 3 Passenger 4 Passenger 5 Search Type Passenger 6
Contraband Found: IF CONTRABAND WAS FOUND SELECT WHAT WAS FOUND
Drugs/Alcohol/Paraphernalia: Weapon: Stolen Property: Other:

Delete Record

Exit

Record: 1 of 3

APPENDIX B

ILLINOIS DEPARTMENT OF TRANSPORTATION - TRAFFIC STOP DATA SHEET

Agency Code _____ ****Section A - Traffic Stop Information****

Date of Stop (MM/DD/YYYY) _____ Time of Stop (Military Time) _____ Duration of Stop (Mins) _____

Officer Name _____ Officer Badge # _____

Name of Driver _____

Address _____

City _____ State _____ Zip Code _____

Vehicle Make _____ Vehicle Year _____

Driver Sex: 1 Male 2 Female Driver's Year of Birth: _____ (Ex: 1957)

Driver Race: 1 White 2 Black or African American 3 American Indian or Alaska Native
4 Hispanic or Latino 5 Asian 6 Native Hawaiian or Other Pacific Islander

Reason for Stop: 1 Moving Violation 2 Equipment 3 License Plate / Registration 4 Commercial Vehicle

If Moving, Type of Violation: 1 Speed 2 Lane Violation 3 Seat Belt 4 Traffic Sign or Signal 5 Follow too Close 6 Other

Result of Stop: 1 Citation 2 Written Warning 3 Verbal Warning / Stop Card

Beat Location of Stop _____

Section B - Searches

Vehicle:	Consent Search Requested? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Consent Given? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted By? 1 <input type="checkbox"/> Consent 2 <input type="checkbox"/> Other
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If a search of the Vehicle was conducted, was contraband found? 1 Yes 2 No
 If yes, what was found: 1 Drugs 2 Drug Paraphernalia 3 Alcohol 4 Weapon 5 Stolen Property 6 Other
 If the contraband found was drugs, what was the amount? 1 <2 grams 2 2-10 grams 3 11-50 grams 4 51-100 grams 5 >100 grams

Driver:	Consent Search Requested? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Consent Given? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted By? 1 <input type="checkbox"/> Consent 2 <input type="checkbox"/> Other
Passenger(s):	Consent Search Requested? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Consent Given? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	Search Conducted By? 1 <input type="checkbox"/> Consent 2 <input type="checkbox"/> Other

If search of the Driver or Passenger(s) was conducted, was contraband found? 1 Yes 2 No
 If yes, what was found: 1 Drugs 2 Drug Paraphernalia 3 Alcohol 4 Weapon 5 Stolen Property 6 Other
 If the contraband found was drugs, what was the amount? 1 <2 grams 2 2-10 grams 3 11-50 grams 4 51-100 grams 5 >100 grams

Section C - Police Dog Sniff Searches

Did a police dog perform a sniff of the vehicle? 1 Yes 2 No
 If a police dog performed a sniff of the vehicle, did the dog alert to the presence of contraband? 1 Yes 2 No
 If an alert occurred, was the vehicle searched? 1 Yes 2 No
 If the vehicle was searched, was contraband found? 1 Yes 2 No
 If yes, what was found: 1 Drugs 2 Drug Paraphernalia 3 Alcohol 4 Weapon 5 Stolen Property 6 Other
 If the contraband found was drugs, what was the amount? 1 <2 grams 2 2-10 grams 3 11-50 grams 4 51-100 grams 5 >100 grams