



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER: 1.18**

**TITLE: BIASED FREE POLICING**

**SERIES: 1 - ADM**

**SERIES TITLE: ADMINISTRATION**

**TOPICS / REFERENCE: DISCRIMINATION, DISCRIMINATORY PRACTICES, PROFILING, RACIAL PROFILING, TRAFFIC STOPS, VEHICLE STOPS**

**APPENDICES: A, B**

**ORIGINAL EFFECTIVE / ISSUE DATE: MARCH 20, 2001**

**DATE OF LAST REVISION: JANUARY 29, 2020**

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED**

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### **POLICY:**

It is the policy of the Rockford Police Department 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.

It is biased policing if an officer's decisions/actions are based on the fact that the individual's demographics (e.g. race, income) are different from the demographics of the majority of the residents in the area in which the individual is found.

### **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. PEDESTRIAN STOP REPORTING REQUIREMENTS
- VI. TRAINING
- VII. ADMINISTRATIVE REVIEW

**APPENDICES:**

- A. [MDT DATA SHEET – Racial Profile Form](#)
- B. [IDOT Traffic Stop Data Sheet](#)
- C. [Pedestrian Stop Receipt](#)

**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; and
  - 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; and
  - 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 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 District Commander 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 District Commander 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 District Commander or designee 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 District Commander or designee will disseminate the information to the officer's supervisor for further review.
- L. The officer's supervisor shall meet with the officer and determine the reason for the disparity.
- M. The officer's supervisor shall complete an Officer's Report documenting all findings and any recommendations to the District Commander.

**V. PEDESTRIAN STOP REPORTING REQUIREMENTS:**

- A. [725 ILCS 5/107-14](#): A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense (defined as a violation of any penal statute of this State), and may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.
- B. Pursuant to the Police and Community Relations Improvement Act ([PA099-0352](#)), whenever a law enforcement officer subjects a pedestrian to detention (all frisks, searches, summons, and arrests) in a public place, he or she shall complete a Uniform Pedestrian Stop Card ([Appendix C](#)) that records at least the following:
  1. Gender;
  2. Officer's subjective determination of the race;
  3. All the alleged reasons that led to the stop of the person;

4. Date and time of the stop;
  5. Location of the stop;
  6. Whether or not a protective pat down or frisk was conducted of the person; and, if so, all the alleged reasons that led to the protective pat down or frisk, and whether it was with consent or by other means;
  7. Whether or not contraband was found during the protective pat down or frisk; and, if so, the type and amount of contraband seized;
  8. Whether or not a search beyond a protective pat down or frisk was conducted of the person or his or her effects; and, if so, all the alleged reasons that led to the search, and whether it was with consent or by other means;
  9. Whether or not contraband was found during the search beyond a protective pat down or frisk; and, if so, the type and amount of contraband seized;
  10. Disposition of the stop, such as a warning, a ticket, a summons, or an arrest;
  11. If a summons or ticket was issued, or an arrest made, a record of the violations, offenses, or crimes alleged or charged; and
  12. Name and badge number of the officer.
- C. This provision does not apply to consensual contacts with the public. An officer may approach and talk with any person without the person being seized. No evidence or suspicion is required to approach and speak to any person. However, the officer does not have authority over the person, and the person may refuse to be engaged in conversation and end the encounter.
- D. The Pedestrian Stop Data Sheets shall be submitted for entry into the state's database.
- E. Additionally, a Frisk Receipt (Refer to General Order 1.08 Search, Seizure, and Seizure Warrants) will be issued to any person who has been frisked, or searched, unless impractical, impossible, or under exigent circumstances. ([725 ILCS 107-14](#)).

## **VI. 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 recommendation of their District Commander or supervisor.

## **VII. ADMINISTRATIVE REVIEW:**

- A. All bias-based policing citizen complaints shall be thoroughly investigated by the Office of Professional Standards.

- B. The Traffic Unit Supervisor, or designee, shall conduct an annual review of the Department's practices concerning racial profiling. The review shall include citizen complaints submitted to the Office of Professional Standards related to profiling.

ALL GENERAL ORDERS REMAIN IN EFFECT UNTIL REVISED OR RESCINDED.

ANY MEMBER OF THE DEPARTMENT MAY, BY VIRTUE OF EXPERTISE OR POSITION OF FUNCTION, BE DESIGNATED TO AUTHOR OR PROVIDE SOURCE MATERIAL FOR A WRITTEN DIRECTIVE. THE OVERALL AUTHORITY TO ISSUE, MODIFY OR APPROVE WRITTEN DIRECTIVES IS DESIGNATED TO THE CHIEF OF POLICE. HOWEVER, AUTHORITY AND RESPONSIBILITY TO ISSUE DIRECTIVES IS DELEGATED TO THE FOLLOWING.

ALL GENERAL ORDERS ARE SCHEDULED TO BE REVIEWED ANNUALLY BY THE GENERAL ORDER REVIEW COMMITTEE AND WHEN NECESSARY, REVISED OR CANCELED IN ACCORDANCE WITH THE PROCEDURES FOR REVIEWING WRITTEN DIRECTIVES ESTABLISHED IN GENERAL ORDER 1.10 – WRITTEN DIRECTIVES.

ALL NEW AND REVISED GENERAL ORDERS SHALL BE APPROVED BY THE CHIEF OF POLICE BEFORE ISSUE/REISSUE.

ANY EMPLOYEE WITH SUGGESTIONS FOR REVISIONS AND/OR IMPROVEMENTS TO THIS ORDER ARE ENCOURAGED TO SUBMIT THEIR IDEAS TO THEIR RESPECTIVE DISTRICT COMMANDER OR BUREAU CHIEF.

**BY ORDER OF**

\_\_\_\_\_ **01/29/2020**

**Daniel G. O'Shea**

**Chief of Police**