

ILLINOIS STATE POLICE DIRECTIVE ENF-047, PROHIBITION OF BIASED-BASED LAW ENFORCEMENT

RESCINDS: ENF-047, 2014-093, revised 11-07-2014.	REVISED: 10-26-2017 2017-083
RELATED DOCUMENTS: PER-030, ROC-002	RELATED CALEA STANDARDS: 1.2.3, 1.2.4, 1.2.5, 1.2.7, 1.2.9, 26.1.1, 26.1.5, 26.1.8, 41.2.4, 44.2.2, 52.1.1, 52.1.2, 52.1.5, 52.1.10, 52.1.11, 52.2.1, 61.1.7

I. POLICY

The Illinois State Police (ISP):

- I.A. Recognizes that biased-based policing is a form of unlawful discrimination
- I.B. Prohibits discrimination in all forms including but not limited to, biased-based policing
- I.C. Reaffirms its commitment to eliminate all forms of discrimination including but not limited to, biased-based policing by:
 - I.C.1. Providing ongoing training to its sworn staff regarding biased-based policing
 - I.C.2. Creating mechanisms to monitor compliance with policies prohibiting biased-based policing

II. DEFINITIONS

- II.A. Biased-Based Policing – improperly focusing law enforcement actions or policing on groups of people based upon one or more impermissible factors.
- II.B. Impermissible Factors – bias based on race; color; national origin; disability; sex/gender (including pregnancy, childbirth, and related medical conditions); sexual orientation; age; religion; creed; genetic information (including family medical history); marital, military (veteran), order of protection status; or political affiliation or beliefs.

III. PROCEDURES

- III.A. Unless otherwise permitted by law, officers will base all traffic stops, investigative detentions, arrests, and searches and seizures of property on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution, the Illinois Constitution, applicable statutes, or as otherwise permitted under current law.
- III.B. Officers are prohibited from engaging in biased-based policing.
- III.C. Unless otherwise permitted by law, officers must be able to articulate reasonable facts, circumstances, and conclusions that support probable cause or reasonable suspicion for an arrest, traffic stop, search, seizure, or investigative detention.
 - III.C.1. Unless there exists an actual and specific law enforcement purpose for doing so, officers will not consider impermissible factors in establishing either reasonable suspicion or probable cause.
 - III.C.2. Unless there exists an actual and specific law enforcement purpose for doing so, officers will not treat persons differently because of impermissible factors.
 - III.C.3. Officers may take into account the reported impermissible factors when based on credible, reliable information that links a person with one of these attributes to a particular incident or to a specific series of crimes or criminal activity in an area.

- III.D. The following, as well as all other relevant information, will be considered when determining whether an officer has engaged in biased-based policing:
 - III.D.1. Investigative findings or evidence that an officer's traffic stops, investigative detentions, arrests, and searches and seizures of property were not based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution, the Illinois Constitution, applicable statutes, or as otherwise permitted under current law.
 - III.D.2. An officer's inability to articulate the facts, circumstances, and conclusions that support probable cause, reasonable suspicion, or a lawful basis for an arrest, traffic stop, search, seizure, or investigative detention.
 - III.D.3. Investigative findings or evidence that an officer has expressed prejudice or displayed harassing behavior toward others based on impermissible factors.
- III.E. Officers will ensure their actions are consistent with the training they receive regarding biased-based policing in an effort to prevent perception(s) of biased-based policing when interacting with the public.
- III.F. Accountability

Supervisors will monitor the activities of their subordinates to ensure this directive is followed. The supervisor's monitoring will include, but not be limited to, a review of the following:

 - III.F.1. Arrest related documentation
 - III.F.2. Citations issued
 - III.F.3. Investigative/ISP reporting software reports
 - III.F.4. Personal observations or conversations
 - III.F.5. The officer's geographical area of assignment (patrol or investigative assignment)
 - III.F.6. Warnings issued
 - III.F.7. In-car video recordings
 - III.F.8. Enforcement and Stop Card data provided to the District Commander through a database created by the Division of Administration (DOA)
- III.G. The Division of Internal Investigation (DII) will:
 - III.G.1. Investigate, or supervise the investigation of, allegations of biased-based policing.
 - III.G.2. Notify the Chief of the Equal Employment Office (EEO) if the allegations of biased-based policing include race/ethnicity, gender or age.
 - III.G.3. Maintain all complaints, records, and dispositions of biased-based policing investigations in a secure manner.
 - III.G.4. Provide an Annual Report by April 1 of each year to the Director outlining any allegations of biased-based policing to include the disposition of each allegation.
- III.H. Training
 - III.H.1. The ISP Academy will ensure:
 - III.H.1.a. Cadets receive training on this directive and on safeguarding individuals' civil rights.

- III.H.1.b. Sworn employees receive annual training concerning this directive.
- III.H.1.c. Employee's training record reflects the training received.

III.H.2. The ISP Academy will provide additional training on this directive to any employee as circumstances may warrant and as deemed appropriate by the employee's supervisor.

| III.I. Traffic and Pedestrian Stop Statistical Study

| III.I.1. In accordance with 625 ILCS 5/11-212, "Traffic and Pedestrian Stop Statistical Study," the ISP will collect data on drivers from traffic stops and pedestrians from stops initiated by officers. The data will be transmitted from the DOA, Information Services Bureau to the Illinois Department of Transportation (IDOT) for analysis. The analysis will scrutinize the data for evidence of statistically significant aberrations which may show minority drivers/passengers or pedestrians being stopped, cited or searched in a substantially higher rate than the proportion of the overall population.

| III.I.2. The Office of the Director, EEO Office, will perform an internal review of the data provided to IDOT for the Traffic and Pedestrian Stop Statistical Study as well as any relevant data that may be available internally. The documented annual administrative review will include citizen concerns. An annual report documenting the review will be provided to the Director no later than June 1 of each year.

| Indicates new or revised items.

-End of Directive-