

# RACISM IN THE REAR VIEW MIRROR

Illinois Traffic Stop Data 2015-2017



**ACLU**  
Illinois

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# INTRODUCTION

Illinois law enforcement agencies are required to document data on traffic stops, pursuant to the Illinois Traffic and Pedestrian Stop Statistical Study Act (“the Study Act”).<sup>1</sup> This data collection includes the driver’s race, why the driver was stopped, whether a search was conducted, whether contraband was found, and the outcome of the stop (e.g., a citation). More than 900 law enforcement agencies across the state collect and report data, and the Illinois Department of Transportation (“IDOT”) makes it publicly available annually.<sup>2</sup> For further background on the statutory requirements and legislative history of the Study Act, see the Appendix.

This data provides insight into the effectiveness and consequences of certain law enforcement tactics; gives agencies an opportunity to evaluate their own departments; and allows law enforcement leaders to compare themselves to other agencies across the state. This report is a resource for government officials and the public: It calls attention to racial disparities in traffic stops and searches from 2015 to 2017, and provides recommendations to improve public trust in law enforcement.<sup>3</sup>

In those three years, Illinois law enforcement officers made nearly 6.5 million traffic stops and performed more than 283,000 searches. The results of these stops and searches shed light on whether officers were fairly enforcing traffic laws.

The data shows that law enforcement officers throughout the state of Illinois continue to stop Black and Latinx drivers at rates beyond their representation in the driving population and continue to perform searches of Black and Latinx drivers at higher rates than white drivers. In short, biased policing continues to be a problem in Illinois.

This report is enhanced by the work of data scientists and engineers who created a website with interactive, visual representations of data for every law enforcement agency in Illinois that reported data in 2017. To further explore this data, please visit [illinoistrafficstops.com](http://illinoistrafficstops.com).

As a result of these findings, our key recommendation is that the Study Act be made permanent. The Study Act is currently scheduled to end in 2019 and the ACLU calls on Illinois legislators to recognize the ongoing value in providing transparent, easily accessible data to the public and law enforcement agencies.

# ILLINOIS: RACIAL DISPARITIES IN TRAFFIC STOPS ACROSS THE STATE

**From 2015 to 2017, there were significant racial disparities in who was stopped and searched by law enforcement:**

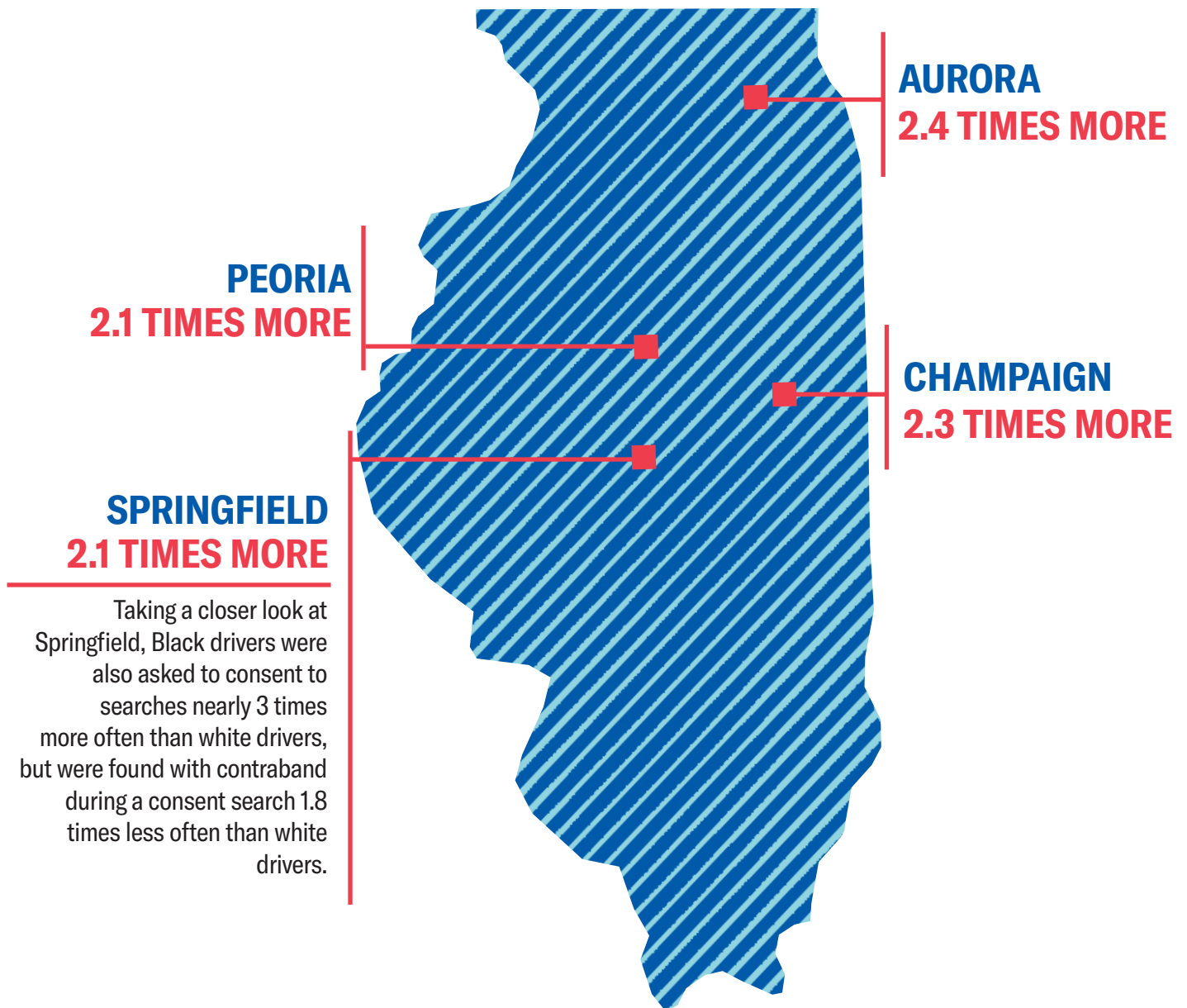
- **In 2017, minority drivers were stopped about 1.5 times more often than white drivers. This rate has increased each year since 2015.<sup>4</sup>**
- **Among drivers who were stopped, Black drivers were searched about 1.8 times more often than white drivers, and Latinx drivers were searched 1.4 times more often.**
- **Black drivers were asked to consent to searches during traffic stops about 1.7 times more often than white drivers, and Latinx drivers about 1.3 times more often. Yet, white drivers were found with contraband during a consent search about 1.3 times more often than both Black drivers and Latinx drivers.**

**In other words, Black and Latinx drivers were more likely to be asked to consent to searches, but less likely to be found with contraband.**

- **The Illinois State Police conducted the highest number of “dog sniff” searches of all of the reporting agencies, and it disproportionately targeted Latinx drivers for such searches.**
- **The annual number of traffic stops in Illinois was between 2 and 2.2 million throughout 2015-2017.<sup>5</sup>**

# AGENCIES ACROSS ILLINOIS: A SNAPSHOT

Black drivers are more likely to be stopped and searched by a number of agencies across the State of Illinois. For example, in 2017, Black drivers were stopped at rates more than twice that of the population of Black people who live in following cities:



No single law enforcement agency is responsible for the disparate impact of stops and searches on people of color—indeed, it is a statewide problem.

# CHICAGO: TRAFFIC STOPS MORE THAN TRIPLED

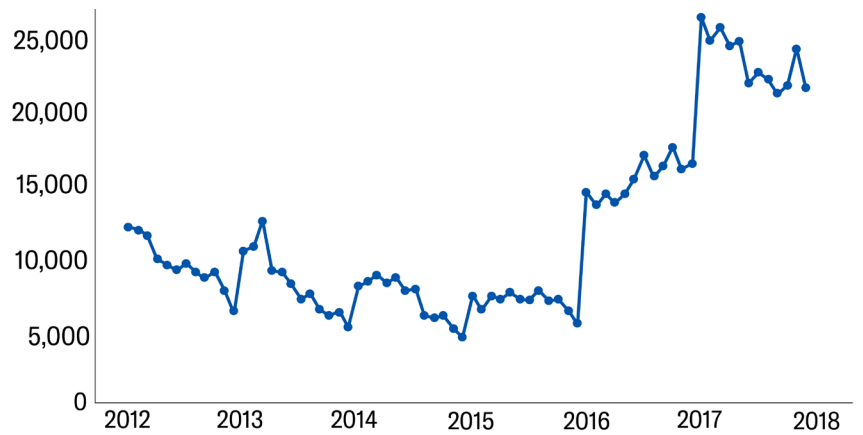
Two stark trends emerge from reviewing these three years of data for Illinois' biggest city: Chicago.

First, there was a dramatic increase in traffic stops in Chicago in 2016 and again in 2017. From 2015 to 2016, the number of traffic stops more than doubled, jumping from 85,965 to 187,133. The next year, the number of Chicago traffic stops once again increased by about 100,000, to a total of 285,067 traffic stops in 2017.

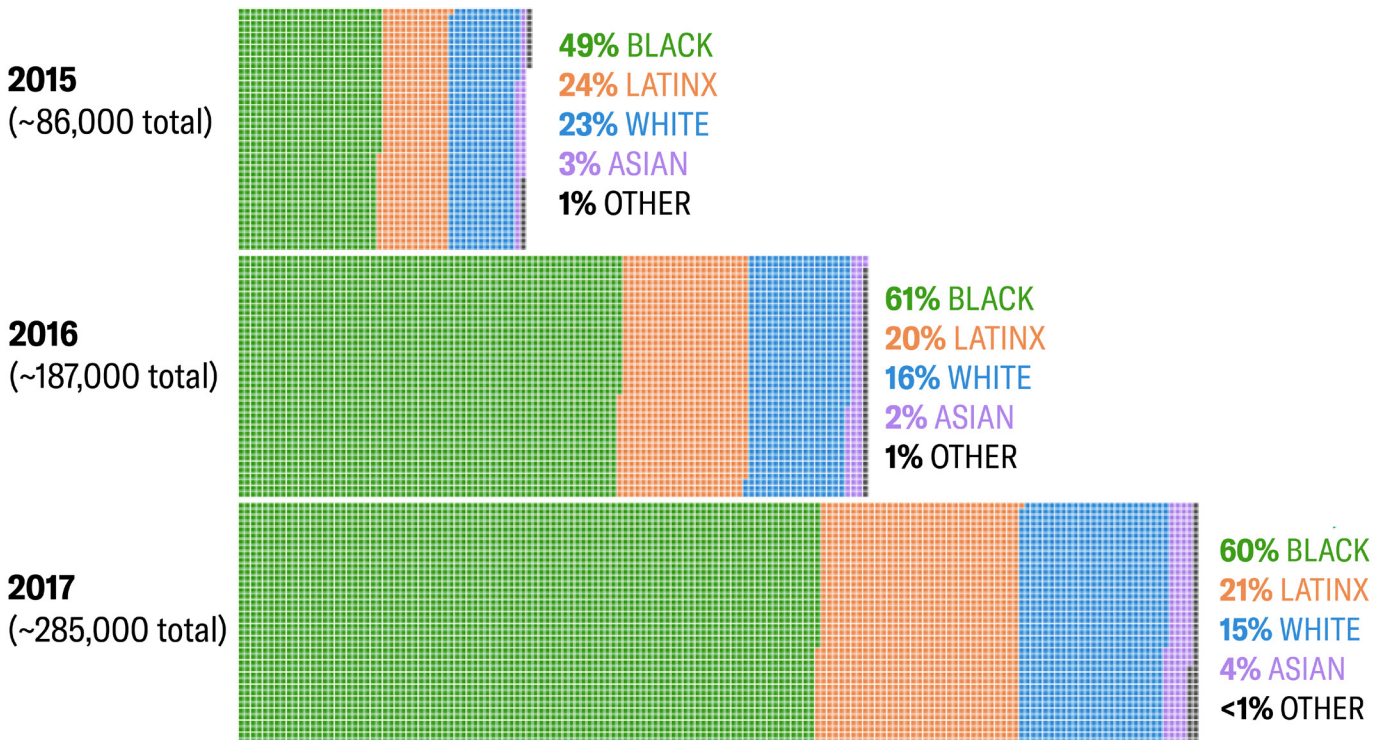
As shown on the right, this increase in stops was not gradual. The number of traffic stops reported by Chicago Police Department ("CPD") officers surged in January 2016, with another sharp increase in January 2017.<sup>6</sup>

Second, this increase was concentrated among Black drivers—both in the total number of stops of Black drivers and in their percentage of the total stops.

**CHICAGO POLICE - MONTHLY STOP TOTALS - ALL DRIVERS**



## CHICAGO POLICE - TRAFFIC STOPS

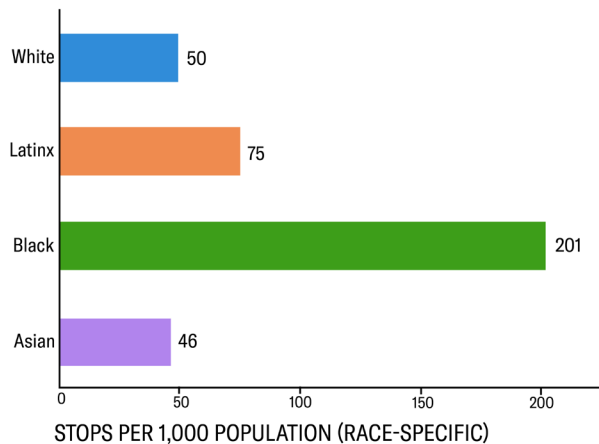


When compared to population estimates for the city of Chicago there is a clear racial disparity.<sup>7</sup>

	POPULATION	STOPS IN 2017
WHITE	32%	15%
LATINX	29%	21%
BLACK	31%	60%
ASIAN	6%	4%

These disparities are even more apparent when stops are normalized by population. As shown in the chart below, in 2017, for every 1,000 Black residents, just over 200 Black drivers were stopped, compared to 50 for every 1,000 white residents.

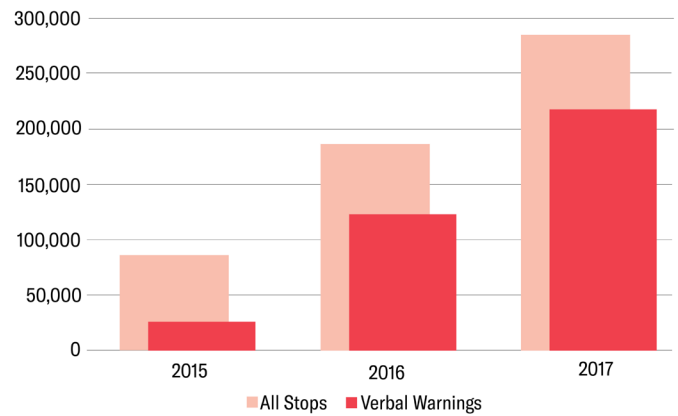
**CHICAGO POLICE - POPULATION NORMALIZED STOPS 2017**



**WHY THE SUDDEN INCREASE?**

We do not know if the increase in stops reflects a policy decision by the CPD to stop more people or if the CPD had previously failed to report some category of stops that are now being captured. We do know the number of verbal warnings given by CPD officers during traffic stops increased from 2015 to 2017, while the number of tickets remained relatively constant. In other words, the dramatic increases in traffic stops resulted primarily in an increase in verbal warnings.

**CHICAGO POLICE - VERBAL WARNINGS**



This increase in traffic stops in January 2016 coincided with the beginning of CPD’s stop-and-frisk agreement with the ACLU of Illinois, which focuses on the lawfulness of CPD’s pedestrian stops. It also coincided with a new state requirement that all departments report the number of pedestrian stops. Shortly before that agreement and law took effect, CPD’s pedestrian stops began to decrease dramatically.<sup>8</sup> It may be that CPD shifted strategies from stopping people on the sidewalk to stopping them in cars. However, in 2017, there was no corresponding decrease in pedestrian stops when traffic stops again increased.

**OUR TAKEAWAY**

In a city struggling to build public trust in the police department, particularly in Black communities, Chicago officials must study this data and explain their policy choices. Chicagoans deserve to know why reported traffic stops have increased so dramatically over the last two years, and why Black Chicagoans are disproportionately being pulled over.

# PRETEXTUAL STOPS DAMAGE POLICE - COMMUNITY RELATIONS

Some law enforcement tactics use minor traffic violations as a pretext to detain, question, and search drivers in hopes of finding evidence of unrelated criminal activity. These tactics have proven to be an ineffective use of public resources, to negatively impact police-community relations, and to result in racial profiling.

The Illinois State Police (“ISP”) has in the past encouraged such practices.<sup>9</sup> In a 2013 training, for example, ISP encouraged its troopers to “put ‘em on the shoulder” and conduct “high volumes of traffic stops for ALL violations of the Illinois Vehicle Code.”<sup>10</sup> One stated basis for this strategy was that “aggressive traffic enforcement” and a “proactive style of policing” would increase an officer’s opportunity to encounter individuals involved in criminal or terroristic activity.<sup>11</sup>

Even when they do not result in a ticket or an arrest, traffic stops can be embarrassing and frightening. Studies have shown that Black drivers are more likely to be subjected to these stops and are less likely to trust the police or call the police for help when needed.<sup>12</sup> A study in Chicago showed that all people stopped for minor violations trusted the police less than the general population, and that this impact was greater in communities of color.<sup>13</sup>

Law enforcement agencies must stop using unjustified tactics that disproportionately harm Black and Latinx people.

In January 2016, Richard Jackson, a Black military veteran, was driving in the Austin neighborhood on the west side of Chicago when he noticed a car following him for several blocks. As Mr. Jackson turned into the alley leading to his driveway, the unmarked police car pulled him over and four officers got out of their vehicle, yelling at Mr. Jackson to lower all four of his car windows. Mr. Jackson’s grandparents, who live with him, watched from their home’s window in fear. The officers approached Mr. Jackson, ran his license, and then told Mr. Jackson that he would be let go with a warning.

When Mr. Jackson asked an officer why he had been stopped at all, the police officer grew agitated and asked if Mr. Jackson wanted to “tell it to a judge.” After that, the officer lied and said that Mr. Jackson had cut the police car off and ran a stop sign, and he issued Mr. Jackson two citations. Mr. Jackson fought the baseless citations, and both were ultimately dismissed. Mr. Jackson also filed a complaint with the police department that he was racially profiled. The department closed his case once his ticket was dismissed—meaning that no one at the department investigated his complaint or otherwise examined whether the officers had behaved appropriately.

Mr. Jackson has faced other unfounded traffic stops in his life. These repeated, unjustified, and sometimes hostile interactions with police have left him feeling targeted, tired, and afraid for his safety.





# DISCRETIONARY SEARCHES RESULT IN UNJUSTIFIED RACIAL DISPARITIES

Illinois law enforcement officers performed over 283,000 searches of drivers between 2015 and 2017. Even when performed within the bounds of the law, a search of an individual’s person and vehicle is intrusive and can be personally degrading. As U.S. Supreme Court Justice Sonia Sotomayor observed: “[A]nyone’s dignity can be violated in this manner ... But it is no secret that people of color are disproportionate victims of this type of scrutiny.”<sup>14</sup>

In this section, we focus on two kinds of searches where racial disparities suggest officers are employing inconsistent standards to search drivers of different races.

## CONSENT SEARCHES

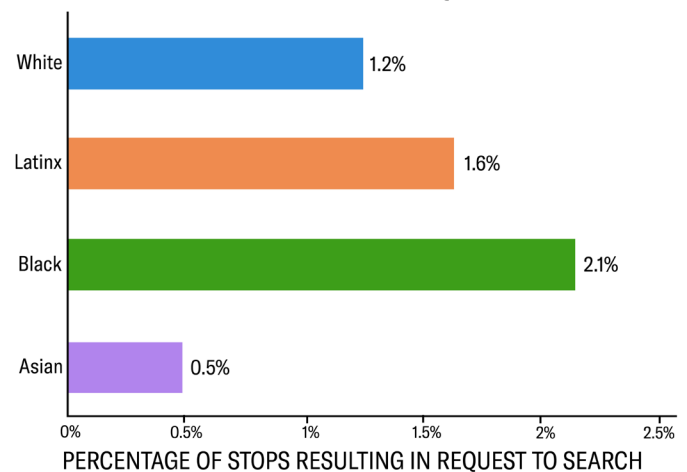
A consent search occurs when an officer asks for a driver’s permission to search an automobile during a routine traffic stop, and the driver agrees. Nonconsensual searches require an officer to make a determination based on evidence of criminal activity. In practice, consent searches during routine traffic stops raise serious civil rights and civil liberties concerns.

- First, “consent” is often given on an isolated roadside in a one-on-one encounter with an armed law enforcement official. This setting is inherently coercive, and so the vast majority of drivers provide consent when asked.
- Second, the decision to request a consent search is left to the subjective judgment of individual officers, and therefore is inherently susceptible to bias, conscious or otherwise.
- Third, there is evidence of racial bias in the outcomes of searches.

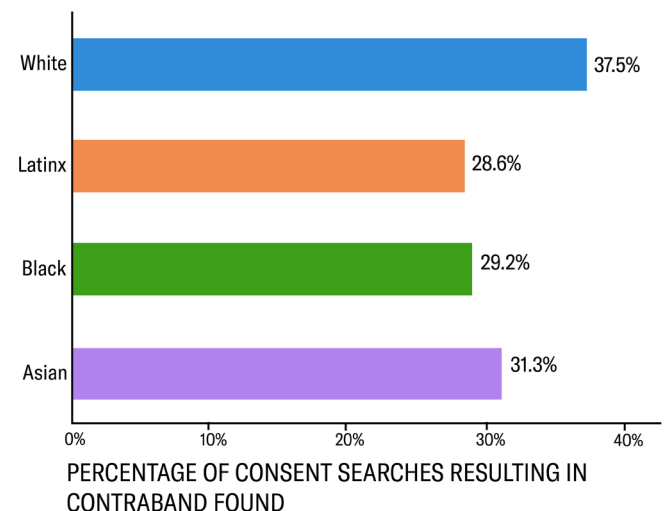
For example, from 2015 to 2017, Black and Latinx drivers stopped by Illinois law enforcement agencies were asked to consent to searches about 1.7 and 1.3 times more often, respectively, than stopped white drivers.

However, Black and Latinx drivers were both found with contraband (referred to as a “hit”) during a consent search 1.3 times less often than white drivers. In other words, Black and Latinx drivers were more likely to be asked to consent to searches, but less likely to be found with contraband.

**ALL AGENCIES - CONSENT SEARCH REQUEST RATE 2015-2017**

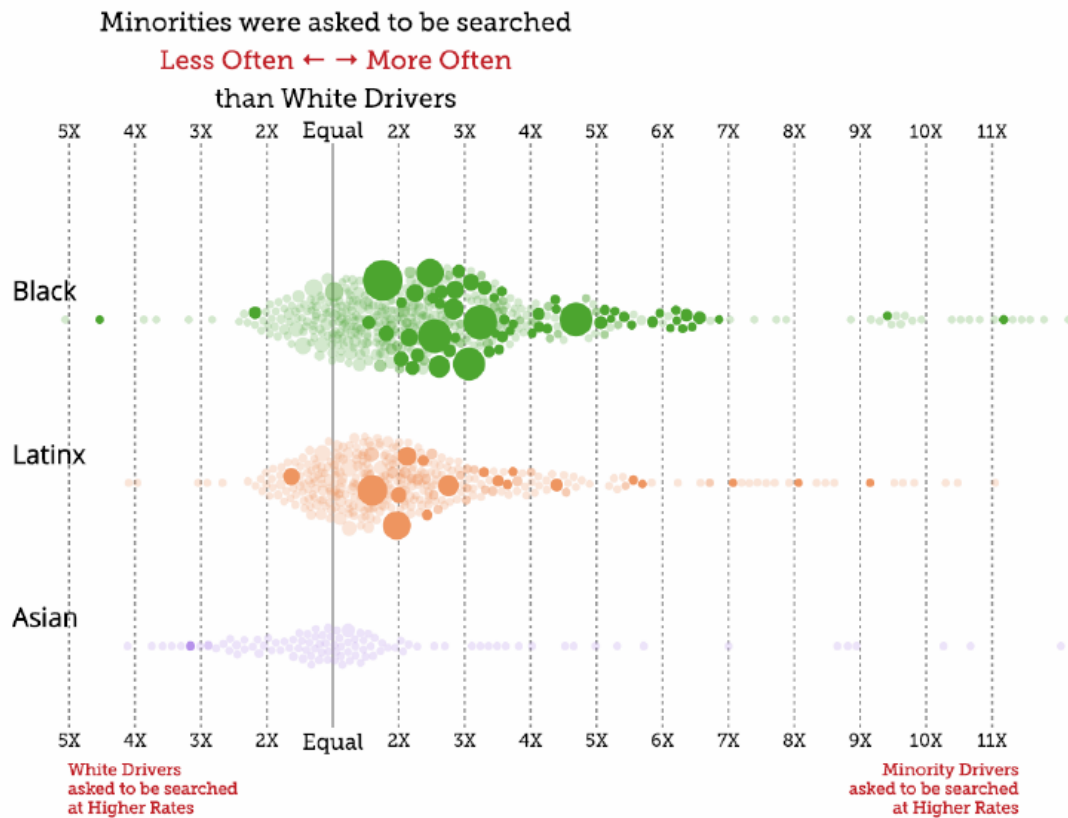


**ALL AGENCIES - CONSENT SEARCH HIT RATE 2015-2017**



The graph on the following page presents another way to view this data. For 2017, each dot reflects a law enforcement agency, and the size of the dot illustrates the number of consent search requests made by that agency, broken out by race.

## Search Request Rate Comparisons for All Illinois Law Enforcement



Each dot to the right of the “Equal” line indicates how many times more often Black (shown in green), Latinx (orange), or Asian (purple) drivers were asked to consent to searches than white drivers by that agency. Only the fully-shaded dots are statistically significant.<sup>15</sup>

As this graph shows, the majority of law enforcement agencies asked Black and Latinx drivers to consent to searches at higher rates than white drivers—some as high as 9 and 11 times more often—and many of these disparities are statistically significant.

But, these disparities are not justified by officers finding contraband. Only two agencies showed statistically significant disparities in the rates at which consent searches yielded contraband, and for both of those agencies Black and Latinx drivers were less likely to have contraband.<sup>16</sup>

## DOG SNIFF SEARCHES

Many Illinois law enforcement agencies use dogs during routine traffic stops. If a dog alerts the officer to the presence of drugs, that alert usually provides a lawful basis for the officer to search the inside of a vehicle.

These dog sniffs are often unreliable. Instead of accurately alerting to illegal drugs, dogs may react to the officer’s signals—whether intentional or not.<sup>17</sup>

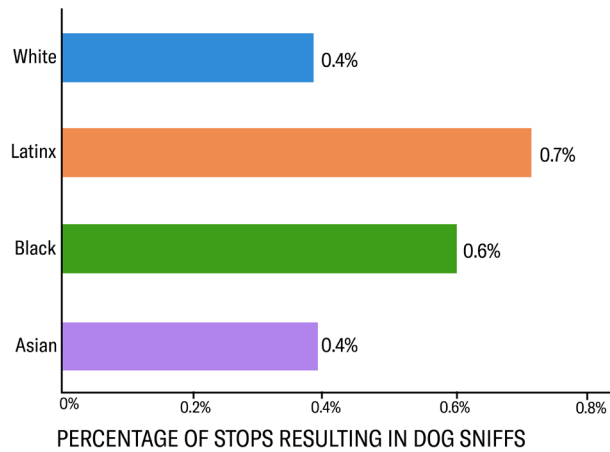
From 2015 to 2017, at least 22,342 dog sniffs took place statewide, resulting in at least 15,494 searches based on dog alerts. However, only about 50-60% of those searches resulted in contraband being found—only slightly better than a coin toss, and far less than the 90% accuracy rate the state

training board requires to certify dogs.<sup>18</sup> All of the false alerts waste officers' time and, worse, result in unjustified harassment.

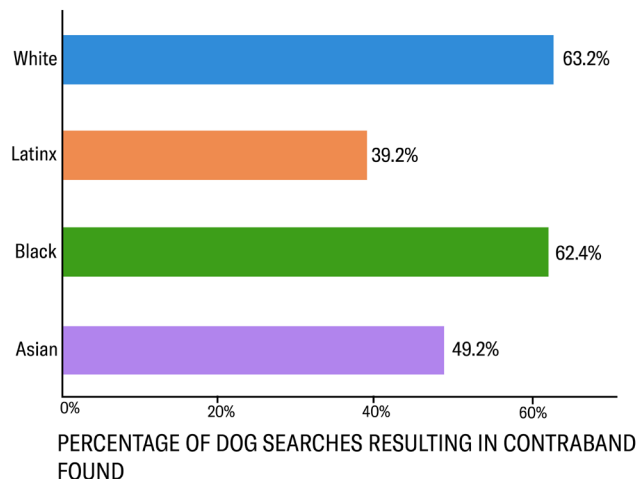
Fortunately, many agencies do not seem to rely heavily on dog sniffs. In 2017, only 11 of the 946 reporting agencies in Illinois conducted more than 100 dog sniffs, with the ISP alone accounting for more than 20% of reported dog sniffs.<sup>19</sup>

Data for the ISP shows that it subjects Latinx drivers to dog sniffs at higher rates than white drivers, but searches based on a dog alert yield contraband at higher rates for white drivers than Latinx drivers. For example, in 2017, ISP officers used dogs to sniff around the cars of Latinx drivers nearly 2 times more often than with white drivers, but found contraband on Latinx drivers 1.6 times less often than on white drivers. Similar disparities persist when looking at data over multiple years as well.

**ILLINOIS STATE POLICE - DOG SNIFF RATE 2015-2017**



**ILLINOIS STATE POLICE - DOG SEARCH HIT RATE 2015-2017**



One evening in March 2015, Greg Sally, a Black man, was driving through Lynwood, Illinois on his way to visit family when a police car pulled him over. A police officer approached Mr. Sally's car and told him that his car's license plates were suspended. Upon learning that it was due to a failure to provide proof of insurance, Mr. Sally started to search for proof of his insurance on his phone, but the officer quickly grew impatient. The officer offered to let Mr. Sally go if he would let the officer search his car.

Mr. Sally refused to consent to the search and said that he was still trying to pull up his insurance information. Angry that Mr. Sally had refused to provide consent, the officer accused Mr. Sally of giving him attitude. The officer reached into the car through the open window, unlocked the door, opened it, and ordered Mr. Sally out of the car. Mr. Sally, worried about his safety and, wanting to make it through this interaction alive, complied. The officer leaned Mr. Sally against the driver's side of his car, handcuffed him, patted him down, and placed him in the back of a squad car.

Officers then searched Mr. Sally's car without his consent. They did not find anything illegal. Mr. Sally prayed for his safety. After the arrest, Mr. Sally successfully fought the ticket and complained to the Lynwood Mayor's office and Chief of Police about the officer's actions. In the end, he was reimbursed for the costs associated with his arrest. Taxpayers bore the costs of the officer's bad judgment, but Mr. Sally continues to bear the burden of his memories of this unjust treatment.

# CONCLUSION

Law enforcement officers in many communities across Illinois disproportionately stop and search Black and Latinx drivers, without statistically significant rates of discovering more contraband. By collecting and analyzing data, we see which agencies' traffic stop practices are leading to worse racial disparities, and law enforcement and the public together can seek to understand and discuss why those disparities exist. Discriminatory policing is not only caused by an individual officer with a bias. Institutional practices or a department's culture can lead to disparate outcomes, and those systemic causes must also be addressed.

A number of studies have suggested (and the Illinois State Police training confirms) that law enforcement officers are using traffic stops to look for criminal activity, rather than to ensure traffic safety. This subjects those drivers to fear, intrusive questioning, and unfruitful yet invasive searches.<sup>20</sup> Studies have shown that the more times a person is stopped in this manner, the less likely they are to trust the police.<sup>21</sup> Without this trust, public safety suffers and law enforcement officers' attempts to solve actual crimes become that much harder.

## THE ACLU OF ILLINOIS MAKES THE FOLLOWING RECOMMENDATIONS:

- **MAKE PERMANENT THE ILLINOIS TRAFFIC AND PEDESTRIAN STOP STATISTICAL STUDY ACT.** The Study Act is scheduled to be repealed on July 1, 2019. The ACLU of Illinois calls on the General Assembly and the Governor to make the Study Act and its mandate to collect data on traffic stops permanent. Fifteen states have permanent data collection laws; Illinois should, too.<sup>22</sup> We must continue these transparency measures in order for law enforcement agencies to learn from each other, and for the public to have the information it needs to hold its agencies accountable.
- **ABOLISH CONSENT SEARCHES DURING ROUTINE TRAFFIC STOPS.** Consent searches have very little enforcement value and overwhelmingly lead to harassment of Black and Latinx drivers. Moreover, consent searches are a misnomer: The imbalance of power makes them coercive and invasive of the privacy of drivers of all races. Illinois should ban consent searches.<sup>23</sup>
- **REVIEW AND REPORT DATA ON POLICE DOGS.** State and local police dogs must be trained by programs that meet the "minimum certification requirements" set by the Illinois Law Enforcement Training and Standards Board. Police dog performance data, including false alerts, should also be collected, reviewed, and publicly reported by a statewide regulatory body. Dogs with high false alert rates should be identified annually and retrained or retired.
- **USE BODY CAMERAS.** All law enforcement officers should wear and use body cameras during traffic stops, subject to necessary privacy safeguards.
- **INVESTIGATE AND REPORT OUTCOMES OF COMPLAINTS.** All departments should investigate complaints filed against officers, especially racial profiling complaints, and they should release the findings of these investigations to the public. In order to earn and maintain trust, law enforcement departments must demonstrate to the public that they take these complaint investigations seriously and take action when an officer has acted inappropriately.
- **ALL LAW ENFORCEMENT AGENCIES SHOULD REPORT DATA.** Some law enforcement agencies have failed to consistently report traffic stop data. Please visit IDOT's [Illinois Traffic Stop Study webpage](#) to see if your local law enforcement agency has met the state law's requirements.

# APPENDIX

## THE ILLINOIS TRAFFIC AND PEDESTRIAN STOP STATISTICAL STUDY ACT

In 2003, in recognition of the widespread problem of racial profiling in Illinois, state lawmakers passed the Illinois Traffic Stop Statistical Study Act (“the Study Act”), 625 ILCS 5/11-212. Since 2004, the Study Act has required all law enforcement officers in Illinois (including Illinois State Police troopers) to document data, including drivers’ races and the outcome of the traffic stops.<sup>24</sup>

**Illinois Department of Transportation**

**Traffic Stop Data Sheet**

Print Form | E-mail | Reset Form

Agency Code: \_\_\_\_\_

**\*\*Section A - Traffic Stop Information\*\***

Date of Stop (MM/DD/YYYY): \_\_\_\_\_ Time of Stop (Military Time): \_\_\_\_\_ Duration of Stop (Minutes): \_\_\_\_\_

Officer Name: \_\_\_\_\_ Officer Badge Number: \_\_\_\_\_

Name of Driver: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: AL Zip Code: \_\_\_\_\_

Vehicle Make: \_\_\_\_\_ Vehicle Year: \_\_\_\_\_ Driver's Year of Birth (ex: 1957): \_\_\_\_\_

Driver Sex: 1  Male 2  Female

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 of Location Stop: \_\_\_\_\_

**\*\*Section B - Searches\*\***

Vehicle: Consent Search Requested? 1  Yes 2  No Consent Given? 1  Yes 2  No Search Conducted? 1  Yes 2  No Search Conducted By? 1  Consent 2  Other

If yes, what was found: 1  Drugs 2  Drug Paraphernalia 3  Alcohol 4  Weapon 5  Stolen Property 6  Other

If a search of the Vehicle was conducted, was contraband found? 1  Yes 2  No

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  Yes 2  No Consent Given? 1  Yes 2  No Search Conducted? 1  Yes 2  No Search Conducted By? 1  Consent 2  Other

Passenger(s): Consent Search Requested? 1  Yes 2  No Consent Given? 1  Yes 2  No Search Conducted? 1  Yes 2  No Search Conducted By? 1  Consent 2  Other

If a 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

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Initial data gathered under the Study Act revealed racial disparities in consent searches, resulting in expansions of the Study Act to gather more information. In 2007, the Study Act began to require documentation of whether a consent search was requested, whether consent was given or denied, whether contraband was discovered, and if so, the type and amount seized.<sup>25</sup> In 2012, the Study Act was again expanded to require documentation of whether a “dog sniff” occurred, whether a dog “alerted” to the presence of drugs, whether a dog alert led to a search by an officer, and whether contraband was actually discovered.<sup>26</sup> In 2016, the Study Act was broadened to require documentation and collection of data from pedestrian stops, including the pedestrian’s race and the reasons for and the outcome of the stop.<sup>27</sup>

The Study Act requires all law enforcement agencies in Illinois to report their traffic and pedestrian stop data to the Illinois Department of Transportation (“IDOT”). IDOT is then required to analyze the data and publish an annual report. Pursuant to the Study Act, IDOT has published 14 years of reports summarizing the data on its website.<sup>28</sup>

When the Study Act was first enacted, it was set to end in 2007. However, the collection of this data has been highly informative and useful for advocates, researchers, lawmakers, law enforcement, and the public, resulting in extensions of the law every few years. Seeing the ineffectiveness or disparate result of a particular practice allows

departments to evaluate their methods and make necessary improvements, as well as identify other departments who may be engaging in more productive and less discriminatory tactics. In fact, a former Chicago area police officer testified in support of continuing the Study Act, stating that it “allows police departments across the state to assess the effectiveness of their own, locally-tailored strategies and trainings,” and helps “ensure good police work and improve community-police relations.”<sup>29</sup>

Illinois’s efforts to collect and report this data are part of a larger nationwide effort to understand and improve police interactions with the public. Currently, at least 15 states permanently collect data on traffic stops.<sup>30</sup> Stanford University’s Open Policing Project has collected and analyzed data on traffic and pedestrian stops from 31 state police agencies and additional law enforcement agencies in major cities.<sup>31</sup> The Southern Coalition for Social Justice created the Open Data Policing platform, which compiles traffic stop data from North Carolina, Maryland, and Illinois.<sup>32</sup> Former Fayetteville, North Carolina Police Chief Harold Medlock credited the platform with presenting the information “in a manner that increases the transparency of the Fayetteville Police Department and improves the community and police relationship.”<sup>33</sup>

The Study Act also requires IDOT to consult with law enforcement agencies and organizations, community groups, and other experts and conduct a study to determine the best use of technology to collect and analyze this data. This study has never been conducted. Such a study would allow law enforcement agencies to provide feedback and help improve this process for all stakeholders.

Currently, the Study Act is scheduled to be repealed in 2019. Illinois legislators now have an opportunity to extend it, or even better, recognize the value in providing transparent, easily accessible data and make the law permanent.

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<sup>1</sup> 625 Ill. Comp. Stat. 5/11-212 (2016).

<sup>2</sup> All state and local law enforcement agencies are required to collect and submit this data to IDOT, but many agencies fail to comply each year. *See, e.g.*, ALEXANDER WEISS CONSULTING, ILLINOIS TRAFFIC AND PEDESTRIAN STOP STUDY 2017 ANNUAL REPORT: TRAFFIC STOP ANALYSIS app. B (2017), available at <http://www.idot.illinois.gov/Assets/uploads/files/Transportation-System/Reports/Safety/Traffic-Stop-Studies/2017/2017%20ITSS%20Executive%20Summary.pdf> (hereinafter “2017 IDOT report”).

Note that, throughout this report, we use the terms “law enforcement” and “police” interchangeably, even though this data includes data collected from both police and Sheriffs’ departments. To view data on each individual reporting agency, *see Illinois Traffic Stop Study*, ILL. DEP’T OF TRANSP., <http://www.idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study> (last visited Jan. 4, 2019).

<sup>3</sup> Although traffic stop data is also collected on Asian, American Indian or Alaska Native, and Native Hawaiian or other Pacific Islander drivers, the datasets were much smaller for these groups, making it more difficult to compare data and draw reliable conclusions. As a result, while the charts in this report include data for Asian drivers (the largest of these groups), we have chosen to focus our analyses of the data on the three racial groups that make up the vast majority of traffic stops in Illinois: white, Latinx, and Black drivers.

<sup>4</sup> Over the three-year period, minority drivers were on average 1.4 times more likely to be stopped than white drivers. *See* ALEXANDER WEISS CONSULTING, 2017 ILLINOIS TRAFFIC STOP STUDY AGENCY RATIOS 2013-2017 13 (2018), available at <http://www.idot.illinois.gov/Assets/uploads/files/Transportation-System/Reports/Safety/Traffic-Stop-Studies/2017/2017%20ITSS%20Agency%20Ratios%202013-2017.pdf>.

<sup>5</sup> Note that the number of agencies complying with the Study Act and reporting data has fluctuated annually. For example, in 2017, 930 agencies submitted data, whereas in 2016 a total of 947 agencies sent data to IDOT. *See* 2017 IDOT report at 2.

<sup>6</sup> While we do not analyze data on the number of drivers in Chicago each year, the total population of the city of Chicago remained relatively steady during this time period. *See generally* U.S. CENSUS BUREAU, QuickFacts on Chicago, <https://www.census.gov/quickfacts/fact/table/chicagocityillinois/PST045217> (last visited Jan. 4, 2019) (estimating a population growth of 20,830 people from April 1, 2010 to July 1, 2017).

<sup>7</sup> *See* U.S. CENSUS BUREAU, American Fact Finder, Table DP05: ACS Demographic and Housing Estimates, 2010-2014 American Community Survey 5-Year Estimates for Chicago, Illinois, [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_5YR\\_DP05&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&prodType=table) (last visited Jan. 4, 2019). A city’s racial demographics are an imperfect comparison to the demographics of drivers in that city, since not all city residents drive and the driving population includes drivers who do not live in that city. Some studies have found that population comparisons actually underestimate the racial disparities because, nationally, Black and Latinx people own cars at much lower rates than white people and those who do have access to cars drive much less than white people. FRANK R. BAUMGARTNER, DEREK A. EPP & KELSEY SHOUB, SUSPECT CITIZENS: WHAT 20 MILLION TRAFFIC STOPS TELL US ABOUT POLICING AND RACE 76 (Cambridge Univ. Press 2018).

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<sup>8</sup> ARLANDER KEYS, THE CONSULTANT'S FIRST SEMIANNUAL REPORT ON THE INVESTIGATORY STOP AND PROTECTIVE PAT DOWN AGREEMENT FOR THE PERIOD JANUARY 1, 2016 – JUNE 30, 2016 app. C, at 21-23 (Mar. 2017), available at <https://www.aclu-il.org/sites/default/files/appendix-c-ecological-analysis-of-monthly-stop-data.pdf>.

<sup>9</sup> On September 19, 2018, we sent a Freedom of Information Act request to ISP for updated training records. As of the date of publication, ISP has refused to provide the records.

<sup>10</sup> ILLINOIS STATE POLICE, CRIMPAT/VALKYRIE PHASE 1: CRIMINAL PATROL CORE 1 TRAINING PRESENTATION 43, 46 (2013), available at [https://www.aclu-il.org/sites/default/files/criminal\\_patrol\\_core\\_1.pdf](https://www.aclu-il.org/sites/default/files/criminal_patrol_core_1.pdf).

<sup>11</sup> *Id.* at 39.

<sup>12</sup> CHARLES R. EPP, STEVEN MAYNARD-MOODY & DONALD HAIDER-MARKEL, PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP 8, 139-145 (John M. Conley & Lynn Mather eds., Univ. of Chi. Press 2014).

<sup>13</sup> Wesley G. Skogan, *Stop-and-Frisk and Trust in Police in Chicago* 13 (Northwestern Univ. Inst. for Policy Research, Working Paper No. 16-08, 2016), <https://www.ipr.northwestern.edu/publications/docs/workingpapers/2016/WP-16-08.pdf>.

<sup>14</sup> *Utah v. Strieff*, 579 U.S. \_\_\_, 136 S. Ct. 2056, 2070 (2016) (Sotomayor, J., dissenting).

<sup>15</sup> For more explanation on statistical significance and to explore this data, visit [www.illinoistrafficstops.com](http://www.illinoistrafficstops.com).

<sup>16</sup> The two agencies that showed statistically significant racial disparities in consent search hit rates for 2017 were Springfield Police and Illinois State Police. Springfield police officers found contraband on white drivers during consent searches 1.8 times more often than on Black drivers. ISP officers found contraband on white drivers during consent searches 1.4 times more often than on Latinx drivers.

<sup>17</sup> See M.K., *Clever Hounds*, THE ECONOMIST (Feb. 15, 2011), [https://www.economist.com/blogs/babbage/2011/02/animal\\_behaviour](https://www.economist.com/blogs/babbage/2011/02/animal_behaviour).

<sup>18</sup> See ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD, NARCOTIC DETECTION CANINE MINIMUM CERTIFICATION REQUIREMENTS 2 (Mar. 2012), available at <http://directives.chicagopolice.org/forms/NARC-2012.pdf>. The Illinois Law Enforcement Training and Standards Board announced that new police canine requalification standards were effective January 1, 2019, but these standards are not yet publicly available. Announcement on Narcotic Detection Canine Requalification Standards, ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD (Dec. 20, 2018), <http://www.ptb.illinois.gov/>.

<sup>19</sup> See 2017 IDOT report at 12.

<sup>20</sup> Epp, *supra* note 12, at 135-36.

<sup>21</sup> *Id.* at 143.

<sup>22</sup> ALA. CODE § 32-5B-8 (2018) (collecting data on seatbelt citations); CAL. GOV'T CODE § 12525.5 (West 2018); CONN. GEN. STAT. § 54-1m (2015); FLA. STAT. § 316.614 (2017) (collecting data on seatbelt citations); LA. STAT. ANN. § 32:398.10 (2018); MO. ANN. STAT. § 590.650 (West 2018); MONT. CODE ANN. § 44-2-117 (West 2017); NEB. REV. STAT. ANN. § 20-504 (West 2018); N.C. GEN. STAT. ANN. § 143B-903 (West 2018); OR. REV. STAT. § 131.935 (West 2018); 31 R.I. GEN. LAWS



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ANN. § 31-21.1-4 (West 2018); S.C. CODE ANN. § 56-5-6560 (2018); TEX. CODE CRIM. PROC. ANN. art. 2.132–2.134 (West 2017); VT. STAT. ANN. tit. 20, § 2366 (West 2018); WASH. REV. CODE ANN. § 43.101.410 (West 2018).

<sup>23</sup> Several states have applied heightened requirements for consent searches, either through a state law or court decision. *See, e.g.*, 31 R. I. GEN. LAWS ANN. § 31-21.2-5(b) (West 2018) (prohibiting officers from requesting consent to search a driver or pedestrian without reasonable suspicion or probable cause of criminal activity); *State v. Fort*, 660 N.W.2d 415, 419 (Minn. 2003) (reinstating suppression order after holding that the request to search a passenger in a vehicle stopped for a routine traffic violation was unsupported by reasonable suspicion); *State v. Carty*, 790 A.2d 903, 912 (N.J. 2002) (holding that a “suspicionless consent search shall be deemed unconstitutional whether it preceded or followed completion of the lawful traffic stop”); *State v. Parker*, 644 S.E.2d 235, 241-42 (N.C. Ct. App. 2007) (“If the officer’s request for consent to search is unrelated to the initial purpose for the stop, then the request must be supported by reasonable articulable suspicion of additional criminal activity.”); *State v. Kimmons*, 352 P.3d 68, 73-74 (Or. Ct. App. 2015) (holding that police unlawfully extended a traffic stop by requesting consent to search for anything in the car that could hurt the officers, without reasonable suspicion or during an unavoidable lull in the stop).

Other courts have acknowledged that investigatory stops cannot be prolonged without additional justification. *See, e.g., Rodriguez v. California Highway Patrol*, 89 F. Supp. 2d 1131, 1140 (N.D. Cal. 2000) (“Detentions or searches that are prolonged or otherwise unreasonable in view of the reason for the stop also are unlawful under the Fourth Amendment.”); *State v. Retherford*, 639 N.E.2d 498, 508 (Ohio Ct. App. 1994) (“[T]he request for consent cannot be used to impermissibly broaden the investigative scope of the initial detention in the absence of a reasonable or articulable suspicion that further criminal activity is afoot.”).

<sup>24</sup> Public Act 93-0209, § 15 (2003).

<sup>25</sup> Public Act 94-0997, § 90 (2006).

<sup>26</sup> Public Act 97-0469, § 10 (2011).

<sup>27</sup> Public Act 99-0352, § 20-150 (2015).

<sup>28</sup> *Illinois Traffic Stop Study*, ILL. DEP’T OF TRANSP., <https://idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study> (last visited Jan. 4, 2019).

<sup>29</sup> *Illinois Traffic and Pedestrian Stop Statistical Study Act: Hearing on S.B. 3415 Before the S. Comm. on Crim. Law*, 100th Gen. Assemb., Reg. Sess. (Ill. 2018) (statement of Brian Gaughan, Member, Law Enforcement Action Partnership), available at [https://www.aclu-il.org/sites/default/files/gaughan\\_testimony\\_sb3415.pdf](https://www.aclu-il.org/sites/default/files/gaughan_testimony_sb3415.pdf).

<sup>30</sup> *See supra* note 22.

<sup>31</sup> Stanford Univ., THE STANFORD OPEN POLICING PROJECT, <https://openpolicing.stanford.edu> (last visited Jan. 4, 2019).

<sup>32</sup> S. Coalition for Soc. Justice, OPEN DATA POLICING, <https://opendatapolicing.com> (last visited Jan. 4, 2019).

<sup>33</sup> *Id.*

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