

## Minutes

### Racial Profiling Prevention and Data Oversight Board Regular Meeting

Pursuant to section EXECUTIVE BRANCH 20 ILCS 2715  
Racial Profiling Prevention and Data Oversight Act  
(625 ILCS 5/11-212)

August 17<sup>th</sup>, 2023

10:00 am- 12:00 pm

#### Location

Via WebEx Video Conference/Teleconference

#### **Call to Order and Roll Call**

Karyn Bass-Ehler (CHAIR) calls the meeting to order at 10:02 am. The CHAIR explains the meeting is being held virtually under the conditions listed within the Board's by-laws. CHAIR announces roll call of the members, quorum for the meeting has been met.

#### **Board Members Present & Absent**

<b><u>Present</u></b>	<b><u>Absent</u></b>
Karyn Bass-Ehler (CHAIR)	Senator John Curran
Phyllis Logan	Dulce Dominquez
Representative William Davis	Jason Hicks
Marcus Gipson	
Holly Bieneman	
Amy Thompson	
Jermaine Harris	
Michael Newman	
Manoj Mate	

#### **Also present were:**

Mountain Whisper Light – Nayak Polissar, Nirnaya Miljadic & Shannon Golden

IDOT- Jessica Keldermans, Sean Berberet, Guy Tridgell,

Public - Cody Stephens

#### **Upcoming Board Meetings**

Board meetings will be scheduled quarterly going forward, will continue to be held virtually through Web-ex, with an annual in-person meeting to be discussed in the future.

- November 16, 2023
- February 15, 2024
- May 16, 2024

### **Approval of Minutes**

Motion to approve the June 15<sup>th</sup> 2023, Meeting Minutes was made by Phyllis Logan and seconded by Jermaine Harris. Carried without opposition from Board members present through virtual notation.

### **Subcommittee Updates**

The Chair requested Subcommittee progress updates and reports.

*Law Enforcement Compliance Subcommittee*- No updates or progress to share with Board.

*Data Collections Forms Subcommittee* – No updates or progress to share with Board.

*Model Policies and Training Subcommittee*- No updates or progress to share with Board.

### **2022 Annual Stop Study Report Presentation by Mountain Whisper Light (MWL) Consulting**

- Nayak Polissar provided data sources used to create benchmarks and discussed improvements through IDOT Crash statistics and Secretary of State Driver License data used for various agencies in 2022.
- Nayak Polissar then presented sections of the annual report that summarized various comparisons including:
  - Traffic/pedestrian stop rates of Minorities to traffic/pedestrian stop rates of Whites.
  - Traffic citation rates of Minorities to traffic citation rates of Whites.
  - Rates of contraband found during searches between Whites and Minorities.
  - Rates of pat downs performed during pedestrian stops between Whites and Minorities.
  - Rates of custodial arrests of Whites and Minorities during a pedestrian stop.
  - A distribution table of stop ratios from all reporting agencies with at least 50 traffic stops of Whites and 50 traffic stops of Minorities showed 76% of the agencies' ratios exhibited Minorities stops at a higher rate than White stops in 2022.
- Nayak Polissar then fielded questions from Board Members

## **Inquiries and Statements from Members**

Michael Newman commented on the topic presented by Nayak from MWL that the 2022 data is showing a higher percentage of citations being issued to Whites compared to Minorities although Minority stops occur at a higher rate than White stops. Nayak suggested in his presentation that “it may be worthwhile for citations to be given to Whites compared to Minorities” due to economic or other factors. Michael Newman then stated,

“Based on years of experience and witnessing other officers, Whites are generally stopped for actual traffic offenses compared to Blacks or Minorities who are stopped for arbitrary traffic violations. As a result, Whites are typically given a citation for the actual traffic violation compared to Minorities who stopped in search of another crime besides traffic violations.”

Amy Thompson inquired to the purpose of the study and inferred it was her understanding that the study would assist police department and agencies “adjust their behavior based upon their disparities”. She then suggested building longitudinal data comparing agencies over time to determine if they are adjusting based on rates or ratios created. Nayak Polissar stated a longitudinal comparison of ratios over time would be a valuable resource. This request would be extensive since ratios, tables and benchmarks would need to be established for all agencies for all years prior to 2019, the year MWL was contracted to publish the Annual Study.

As a result of the Board’s knowledge of pre-textual stops and Officer Newman’s mention of traffic stops prevent violent crimes and locate contraband or weapons, Amy Thompson suggested the Annual Report develop ratios comparing recovery of contraband and weapons to number of stops. Nayak Polissar agreed to Amy Thompson’s comment and suggested the next Annual Report showcase contraband found per stop in addition to contraband found because of a driver, passenger or vehicle search.

Jermaine Harris then asked how “under reporting” of crashes in Illinois would affect the benchmarks for certain agencies. Jessica Keldermans stated crash data is not likely under reported in the State of Illinois. Nayak Polissar then added if “under reporting” did occur the results would minimally affect the statistical benchmarks created for the Annual Study.

Representative Davis then inquired if the Annual Study included Illinois tollways. IDOT responded the Illinois State Police, who monitor tollways, report traffic stops and crashes to IDOT. Therefore, crash information is used for benchmark purposes and all traffic stops regardless of where the stops occur on Illinois roadways are analyzed for the Annual Report.

Representative Davis then asked if citations are given for possession of marijuana or cannabis. Current traffic forms do not have sections to identify marijuana or cannabis nor if the result of the possession led to a citation or arrest.

Manoj Mate inquired to the accuracy of driver’s race designation by police officers. Accuracy can be improved in the future by changing the way in which the race of the driver is determined

and reported. At this stage, the analysis is preliminary and limited in the sense that our research could not show that agencies are accurately reporting race, and we did not find clear evidence on misreporting for most agencies. We did find evidence that some agencies are likely not accurately reporting race.

This scenario includes 7,062 driver stops (56%) of the 12,660 highly probable mismatches. A factor that may play a role in mismatching of rates relates to how individuals identify as or define “Hispanic.” In terms of measurement, Hispanic is often considered an ethnicity and not a race (such as by the U.S. Census). The data collection form is to be updated to consider more the real-world experience of people being stop. Although the form has not been updated since 2012—adding arrest to the traffic stop form would improve its quality, also add other things to the form. The “arrest” designation was added to the pedestrian form.

What about qualitative data—reasons for the stop/probable cause? What other information can we add to the form to address accuracy and provide more information?

A second question posed by Mr. Mate was in regard to disparities in stops for moving violations, equipment, and licensing. He referenced Figure 3b on page 27 of the report. The chart shows disparities between moving violations versus equipment versus licensing/registration versus commercial based on race. Much higher rates for stops of minority groups based on equipment or license/registration versus moving violations (which had higher rates of stops for white drivers).

Mr. Mate then asked Nayak whether this data also highlights another aspect of racial profiling? Nayak suggested that it might and that further qualitative research might be helpful to understand what is going on.

Michael Newman then responded to Manoj Mate’s statement regarding reasons for traffic stops including moving, equipment, commercial vehicle or license/registration violations. He clarified that many stops are executed because of a moving violation such as a tail-light or cracked window and then a license or registration is later identified as result of the initial moving violation stop. Higher offenses such as license and registration violations are typically issued citations while other equipment or moving violations result in a written or verbal warning. A recommendation from Nayak Polissar was to improve the data form to distinguish between what is visible from the vehicle compared to what is discovered upon inspection of the officer. This may also be an opportunity for better training on how to complete the form properly.

Jermaine Harris then replied that,

“Police departments are talking about the importance of stops as related to violence crime prevention and recovering guns and weapons, so as the Board discusses this idea of pre-textual stop, it becomes a geography-based, in selected areas officers are taught to hunt. The Board should view a “reason for a stop” with a grain of salt. Racial profiling really is a crime of the heart and of intent. When officers start to look at the reasons, they can apply any traffic violation. Every officer is always taught there's a 1 million different things you can look for.”

Michael Newman commented to an ability to identify which unit (Gang, Drug or Traffic unit) from his department initiated the stop on the Traffic collection form would assist in better understanding of the outcomes and tendencies of his department. He also stated that certain units can conduct multiple stops simultaneously. He recommended this category be discussed by the Data Collection Forms subcommittee.

Jermaine Harris then suggested that a demonstration on how officers complete the traffic and pedestrian form be provided to the Oversight Board for their general knowledge and understanding.

Amy Thompson then asked about timeframes to change and implement new traffic and pedestrian collection forms. Jessica Keldermans stated it would most likely be calendar year 2025 due to legislative approval. Representative Davis stated there is support from this administration regarding the Board's work, he would be the House sponsor for the amendment of the statute and could possibly be pushed expeditiously.

It may be important to the Board to develop an agreed upon set of procedures and processes when submitting recommendations to the Governors' Office for changes to all Law Enforcement forms, policies, and practices.

#### **Public Comment**

No comment.

#### **Upcoming Meetings**

The next meeting is scheduled for November 16<sup>th</sup>, 2023 at 10:00am to 12:00pm C.S.T.

#### **Adjournment**

The CHAIR called for a motion to adjourn the meeting. Mr. Newman moved to adjourn the meeting. The motion was seconded by Ms. Logan. The meeting was adjourned at 11:58 am.