



## YORKVILLE POLICE DEPARTMENT

### 314 – Bias Based Policing

**SUBJECT:** Biased Based Policing  
**EFFECTIVE DATE:** October 18, 2019  
**DISTRIBUTION:** All Personnel  
**REVIEW DATE:** October 18, 2019

**Purpose:** The purpose of this order is to reaffirm the Yorkville Police Department's commitment to unbiased policing in all its encounters between Police Officers and citizens and to reinforce procedures that serve to maintain public confidence and trust through the provision of services in a fair and equitable fashion.

**Policy:** It shall be the policy of the Yorkville Police Department to prevent and prohibit the practice of illegal profiling and biased policing in all police actions including traffic stops, field contacts and asset seizure/forfeiture efforts as well as any other discriminatory practice by members of the Yorkville Police Department.

This General Order will be comprised of the following sections:

- I. Definitions
- II. Procedure
- III. Compliance
- IV. Effective Date

#### I. DEFINITIONS

- A. **Bias-Based Policing:** The selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait. This includes factors such as race, ethnic background, national origin, gender, gender identity, sexual orientation/identity, religion, economic status, age, disability, cultural group or any other identifiable characteristics of a group.

#### II. PROCEDURE

##### A. INVESTIGATORY STOPS/ARRESTS

**\*\*\*Bias-Based Policing by any Department personnel is prohibited. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for any search or seizure and subsequent asset forfeiture efforts.**

- 1. No member of the Yorkville Police Department shall subject any person to search, seizure, detainment, citation, arrest or other police action on the basis of such person's race, ethnic background, national origin, gender, gender identity, sexual orientation/identity, religion, economic

status, age, disability or cultural background. except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability may rely in part on race, color, ethnicity, national origin gender, gender identity, gender expression, sexual orientation, or disability only in combination with other appropriate identifying factors and may not give race, color, ethnicity, national origin gender, gender identity, gender expression, sexual orientation, or disability undue weight

2. No Officer shall cause any person to be stopped, detained, searched, cited, arrested or otherwise subjected to the legal processes without lawful authority and in compliance with all laws that pertain thereto. All searches and seizures will be based on the standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority.
3. This order does not prohibit otherwise lawful conduct or any Officer from engaging in enforcement or investigative activities where a reasonable suspicion or probable cause that a crime has, will, or is occurring exists.
4. Police service will be provided to all persons equally.
5. During a contact, misunderstandings may occur from the Officer's failure to explain why the contact was made. During most contacts, the Officer should inform the detainee of the reason for the contact.
6. Nothing in this section shall limit an Officer's ability to interview witnesses or discourage routine conversations with citizens not suspected of an offense.
7. Any member of the department who observes or is aware of a violation of this procedure shall immediately report it to a Supervisor.

#### B. AUTHORITY AND RESPONSIBILITY

1. Supervisors should ensure that personnel assigned under their Command are familiar with this policy and comply with its provisions.
2. Each Supervisor will be responsible for continually monitoring and examining all areas of police actions and activities under their purview to ensure that this order is being followed and to discover any indications or Bias-Based Profiling.
3. Supervisors shall receive all citizen complaints or allegations of Bias-Based Profiling on the part of Officers under their Command and forward such information in writing in compliance with the Yorkville Police Department's procedures covering citizen complaints and internal investigations.
4. Personnel shall not discourage citizens from filing complaints and should avoid any actions that could be interpreted to constitute intimidation, coercion, or threatened or actual retaliation against citizens to discourage or prevent them from filing complaints.
5. All complaints of Bias-Based Profiling shall be fully investigated pursuant to the Yorkville Police Department standard operating procedures governing citizen complaints and internal investigations.
6. Any employee who believes there is or is made aware of any violation of this order will immediately contact their Supervisor.

#### C. REPORTING REQUIREMENTS

1. The Field Operations Deputy Chief will be kept informed on the status of each investigation.

2. All complaints and a record of the disposition or finding of any investigation will be maintained by the Field Operations Deputy Chief.
3. The Field Operations Deputy Chief will submit an annual administrative review to the Chief of Police which will include but not limited to: <sup>1</sup>
  - a. Listing all complaints, including citizen concerns
  - b. Explaining any action(s) taken
  - c. Recommending training needs
  - d. Recommending policy changes

D. TRAINING

1. All Officers will receive initial cultural diversity, including racial and ethnic sensitivity training and uniform and non-discriminatory enforcement of the Illinois Vehicle Code at the basic recruit training academy.
2. All Police Department personnel shall receive training in bias-based profiling issues including legal aspects as well as periodic review on the prohibition of profiling, including the review of this General Order. This training and continuing education shall address how bias can affect police activities and decision making, such as field contacts, traffic stops, searches, asset seizure and forfeiture, interviews, and interrogations and include an emphasis on the fact that the primary purpose of enforcement of the Illinois Vehicle Code is safety and equal and uniform enforcement under the law. <sup>2</sup>
3. Appropriate discipline shall be implemented for non-compliance of this order including but not limited to additional diversity and sensitivity training.

E. DISCIPLINE

1. Any member, who is found to have engaged in biased based profiling or discrimination, may be subject to discipline, up to and including dismissal.
2. Failure to report any observed or known violation of this order by any police department employee shall result in disciplinary actions.

F. TRAFFIC STOP DOCUMENTATION

1. With regards to State Statute (625 ILCS 5/11-212), the following information will be obtained on every traffic stop whenever a Law Enforcement Officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code.
  - a. Name, address, gender, and the Officer's subjective determination of the race of the person stopped. (refer to Section H.3 for list)
  - b. Alleged traffic violation that led to the stop of the motorist.
  - c. Make and year of the vehicle stopped.
  - d. Date and time of the stop.
  - e. Location of the traffic stop.
  - f. Whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied.
  - g. Whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and if so whether it was with consent or by other means.
  - h. Whether or not a police dog performed a sniff of the vehicle; and, if so, whether or not the dog alerted to the presence of contraband; and, if so, whether or not an officer searched the



- vehicle; and, if so, whether or not contraband was discovered; and, if so, the type and amount of contraband.
    - i. Whether or not contraband was found during a search; and, if so, the type and amount of contraband seized.
    - j. Name and badge number of the issuing Officer.
- 2. Whenever a State or Local Law Enforcement Officer stops a motorist for an alleged violation and no traffic citations or warnings were issued, the Officer shall complete a uniform stop card, which includes field contact cards, or any other existing form currently used by Law Enforcement containing the same information as in section 1.

#### G. PEDESTRIAN STOP DOCUMENTATION

- 1. 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.
- 2. Pursuant to 625 ILCS 5/11-212(b-5), whenever a law enforcement officer subjects a pedestrian to detention in a public place, (for purposes of this section, "detention" means all frisks, searches, summons and arrests) he or she shall complete a uniform pedestrian stop card (Attachment \*\*) that records at least the following:
  - a. Gender
  - b. Officer's subjective determination of the race (see Section H.3 for list)
  - c. All the alleged reasons that led to the stop of the person;
  - d. Date and time of the stop;
  - e. Location of the stop;
  - f. 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;
  - g. Whether or not contraband was found during the protective pat down or frisk; and, if so, the type and amount of contraband seized;
  - h. 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;
  - i. 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;
  - j. Disposition of the stop, such as a warning, a ticket, a summons, or an arrest;
  - k. If a summons or ticket was issued, or an arrest made, a record of the violations, offenses, or crimes alleged or charged; and
  - l. Name and badge number of the officer who conducted the detention.
- 3. 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.

4. The Stop/Frisk Receipt will be issued to any person who has been frisked, or searched, unless impractical, impossible, or under exigent circumstances. (725 ILCS 107-14).

#### H. REPORTING REQUIREMENTS

1. Every law enforcement agency shall, through July 1, 2019, pursuant to 625 ILCS 5/11-212, compile the data described in Section F and G and transmit such data to the department (IDOT).
2. Records personnel will be responsible for the data transmission.
3. The person's race shall be selected from the following list:
  - a. "American Indian or Alaska Native" means a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.
  - b. "Asian" means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - c. "Black or African American" means a person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".
  - d. "Hispanic or Latino" means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - e. "Native Hawaiian or Other Pacific Islander" means a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
  - f. "White" means a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

#### IV. COMPLIANCE

It is the responsibility of all Officers, Supervisors, and Administrative Personnel to comply with all sections of this directive. This Policy supersedes all previous written and unwritten policies and procedures of the Yorkville Police Department on the above subject.

#### V. EFFECTIVE DATE

This General Order shall be effective as of: October 18, 2019

  
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Chief of Police  
Yorkville Police Department

10/18/19  
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Date