

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)

May 16th, 2024

10:00 am- 12:00 pm

Location

Via WebEx Video Conference/Teleconference

Call to Order and Roll Call

Karyn Bass-Ehler (CHAIR) called the meeting to order at 10:04 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 was achieved. The in-person meeting was not a good option for this meeting.

Board Members Present & Absent

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

Also present were:

IDOT- Jessica Keldermans, Sean Berberet

Public – None in attendance

Upcoming Board Meetings

- August 15, 2024, via WebEx.

Approval of Minutes

- February 15th, 2024, Board meeting minutes approved.

Subcommittee Updates

The Chair requested Subcommittee progress updates and reports.

Law Enforcement Compliance Subcommittee – Jermaine Harris, Holly Bieneman, and Amy Thompson represent this subcommittee. Jermaine Harris stated one of the foundational issues discussed was around scope and intent surrounding the Law Enforcement Compliance survey. Jermaine Harris stated that with many directions to choose from, this subcommittee chose to focus on annual traffic and pedestrian reporting compliance. To avoid assumptive responses or decisions the subcommittee reached out to several law enforcement departments across the state. The purpose was to address reasons for non-compliant agencies as well as discovering best practices from the agencies who have strong compliance. The subcommittee considered turnover rates, staffing issues, and technology concerns and created a survey that will be disseminated to agencies for their input.

Holly restated that the subcommittee thought that it would be best to get input from agencies and determine best practices from those who are compliant. This would be achieved by means of an online survey. The subcommittee initially formulated questions but also got input from Jessica and Sean who have more experience with the agencies. The survey is approximately 30 questions in length and should take 10-20 minutes to complete. The Law Enforcement Liaisons (LELs) assist police agencies access federal grants through IDOT. LELs currently have a relationship with the police agencies and the subcommittee decided to reach out to them for assistance and guidance. The LELs extensively reviewed the draft survey for wording, appropriateness of questions and the online mechanism. There were two meetings with the LELs. Every question was reviewed, and feedback was provided in return. The questions were refined into subsequent versions. The survey was then sent to 30 pilot agencies for testing. Updates to versions were made based on their feedback. The subcommittee feels confident the survey and will provide to law enforcement agencies after the 2023 traffic and pedestrian study is completed.

Amy Thompson then reviewed a draft of survey with the Oversight Board. This is an anonymous survey as the goal is to get honest and effective information. The survey begins with initial questions referencing general demographics regarding the person completing the form and the agency itself. The next section references ease of use or how the departments are using the current transmission system. The following section asks whether the system provides sufficient email notification and updates to remind people of deadline and of when they need to submit their data and how. The survey then asks how the agencies utilize the manual form process or the upload file process, frequency of transmission and their rating of the process. The next set of questions references awareness and compliance of the study and then potential compliance issues. The final section of the survey are free text questions to allow people responding to include anything that they feel may have been overlooked. Amy turned the discussion over to Sean Berberet to provide the next steps.

Sean Berberet stated the tentative release date of the survey is planned after the 4th of July weekend with July 9 as the expected survey release date. Police agencies will be given 30 days to complete and return

the surveys (August 9). Hopefully results will be completed and available prior to the next Board meeting.

Discussion was opened for questions.

- Phyllis Logan asked if offering the survey to a small subset of people, perhaps the Chief of Police, was considered prior to rolling it out on a larger scale. Holly responded the LELs were former police officers and then the survey was sent out to 30 police agencies who work closely with the LELs on a regular basis. There were 15 to 20 responses, and most were the Chiefs of Police. Phyllis asked if there was a sense of positive or negative feedback. Holly said that she felt that it was positive. Comments received stated the survey was a much quicker than was originally thought and that the online form was appreciated. Sean added initial comments from the pilot agencies stated the questions were effective in determining compliance and how to improve on it. Jermaine added that there was a lot of “buy in and support” from the LELs and the test pilot agencies.
- Dulce Guzman asked if there was written response from the subset groups and if there would there be individual outreach to non-compliant agencies to determine the cause and to gain qualitative information gathering. Jermaine Harris responded that the subsets were sent and responded to the full survey and that in person visits will be the norm for non-compliant agencies to go out and do qualitative research. Dulce followed up by asking about whether the data already received was in line with the information wanting to be captured. Holly conveyed the subcommittee already understands the pilot agencies surveyed are already the most compliant and that she doesn’t feel that the group can yet know how the other agencies will respond. The focus will be to weed out the non-compliant agencies and do direct feedback with them.
- Manoj Mate asked if the subcommittee considered some sort of incentive structure to get annual traffic and pedestrian stops submitted on time or the option of designating liaisons to assist non-compliant agencies that may be under resourced. Holly said that while there is not a way to monetarily reward agencies for completions there is a contractual agreement with the LEL that could potentially be extended and aid in the agency compliance. Manoj restated that the “carrot” idea of motivating may be the most effective. Kary Bass-Ehler suggested a frameable certificate.

Data Collections Forms Subcommittee – (see attached list of Data Collection Forms recommendations presented by the subcommittee requiring Oversight Board votes in Appendix I below)

To begin their discussion, the subcommittee members provided the following comments:

Dulce Guzman stated *“the Data Subcommittee of the Racial Profiling and Data Oversight Board has spent the last few months reviewing the current data forms for the traffic and pedestrian stops. As many of you know, the forms were originally created in 2004 and have had very few revisions over the past 20 years. A few changes were made to the traffic stop form in 2012, and the pedestrian stop form was created in 2016.*

It is critical that we recognize that as the passage of the Illinois Traffic Stop Statistical Study Act turns 20 years old, we are nowhere near progress. Instead, reports find that in the last two years, stops involving Black drivers have topped 30.5% of all traffic stops statewide, up from 17.5% in 2004, the first-year data

was released according to WBEZ and the Investigative Project on Race and Equity. While in the state of Illinois, only 13.5% of the population is Black.

Our duty as the Racial Profiling and Oversight Board is to provide recommendations to the Governor that will help us find solutions to address the systemic inequities and racial discrimination that people of color face”.

Manoj Mate then stated “black, brown and minority communities continue to feel targeted, and the numbers continue to show this. On May 25th, it will be 4 years since the murder of George Floyd, a significant moment in our country’s history that awakened the nation and world because it highlighted the persistence of racism and bias and excessive force in law enforcement practices that disproportionately impact people of color who live in fear of the potential use of excessive force or violence every day. The recent three-part report by the WBEZ and Investigative Project on Race and Equity, and the Illinois Traffic Stop Statistical Study highlighted how racial profiling has risen to record levels in the past 2 years, and how compliance with the data collection and reporting requirements of the law remains low.

The recommendations we reviewed by ICIJA were published just one year following the murder of George Floyd and the beginning of a surge in national and global protests and a national movement for reform, and yet no significant action has been taken to implement or follow through on these specific recommendations at the state level over the past three years.

The committee concludes that action on the ICIJA recommendations is long overdue, and that expanding the scope of data collected will provide state policymakers and the public with more accurate and detailed data on racial profiling, and contribute to deterrence, oversight and accountability with respect to racial profiling in traffic and pedestrian stops”.

Finally, Phyllis Logan commented, “as we reflected on the murder of George Floyd, we also thought of the many stories and experiences of the thousands of people who feel racially targeted, those we hear about on the news, through our personal relationships, and those who go unheard of. The fact is we cannot be present for every traffic or pedestrian stop that takes place, and therefore, this data we are collecting should be seen as a piece of a larger story we often don’t get to see fully. In addition to changes to the data forms, we recommend an individual reporting mechanism because we believe this will provide a voice for individuals through data”.

- Amy Thompson thanked the subcommittee for their efforts in pulling the information, forms, recommendations, and presentation together. She also asked to know more about the discussions surrounding additional Result of Stop category titled Custodial Arrest. (The reference can be found on page 3 of the attached under point 9.) Phyllis Logan explained the subcommittee would like to get additional feedback from officers and to discuss further with the group to determine how this issue could be recorded. Amy Thompson also added that she supports point 7 in red, the replacement of the “Drugs” category with “Illegal Marijuana” or “Other Drugs”. She feels that

the change will provide greater insight regarding the stop and help determine what the findings were.

- Dulce Guzman asked if anyone in the committee could help provide the definitions and difference between legal and illegal marijuana. Karyn Bass-Ehler agreed that definition was needed as well as legal amounts and asked if it was like open carry of alcohol even though alcohol is legal. Jermaine Harris confirmed that Karyn Bass-Ehler is correct in likening it to the rules of alcohol. Amy Thompson shared that the IL Supreme Court and the 7th Circuit are currently considering cases regarding to what degree the odor of marijuana forms probable cause for a search. The results have not yet been decided.
- Amy Thompson asked what the thinking is behind the “individual reporting mechanism”. She would like to know how the data would be used, if contractors would cross reference the data reported by each officer and if any inconsistencies were found would the results be reported in mass numbers. Manoj Mate responded that it would be a good cross reference between all State of Illinois data sets.
- Dulce Guzman would like feedback on the proper way to move items 1 – 8 forward with the Oversight Board on the Data Collection Forms changes and to gather further information for recommendations on items 9 – 11. Karyn Bass-Ehler said that a vote on items 1 – 8 could be added to the next agenda. Karyn Bass-Ehler closed in offering her thanks and gratitude to this subcommittee for all their hard work and efforts that will serve the people of Illinois and all those traveling through.

Model Policies and Training Subcommittee- Karyn Bass-Ehler stated, and Sean Berberet confirmed that this subcommittee has not been active as there are not enough members.

Stop Study Report – Sean Berberet reported on the Stop Study Report. March 1, 2024, was the deadline to submit all 2023 stop data. Once received by IDOT, the data was reviewed for compliancy, completeness, and accuracy. Around March 15 it was be sent to The Mountain Whisper Light (TMWL) consulting group for further analysis. TMWL spent March and April 2024 generating thousands of traffic and pedestrian tables for thousands of law enforcement agencies. The agencies are now in process of reviewing the tables. Every table gets associated to an Illinois police agency in the Stop Study system. Agencies then have a 3-week window to review their individual statistics prior to sending any comments to IDOT through the Illinois Traffic and Pedestrian Stop Study (ITPSS) system. Sean pulled up a sample table and stated there is a high volume of calls and emails with questions from the agencies. Once questions and comments have been received, they are delivered to The Mountain Whisper Light group for additional clarification. TMWL will provide follow up back to the agencies within a week or two depending on volume and difficulty. Once the final report is sent from The Mountain Whisper Light consulting group, around the second week of June, IDOT will perform final overall reviews of the complete studies at different levels. The final report is expected to be completed by the July 1 deadline.

Phyllis asked if the full survey from the Law Enforcement Compliance subcommittee will be included in the Annual Traffic and Pedestrian report. Holly Bieneman answered that the survey will not be going out until after the report is published. Jessica Keldermans added IDOT submits an annual report of the Board’s activities on April 1 of every year by statute t to the Governor’s Office, the General Assembly and Secretary of State. Sean develops the report by including what the Oversight Board has worked on in

the previous year. New board appointees are included. All current materials and progress will be covered in the next activities report.

Amy Thompson asked what the deadline date is for the subcommittees to get their information included in the annual report.

Phyllis Logan asked for clarification when the report would be on the books for the Legislators to vote on recommendations to submit to the Governor for signature. Holly Bieneman stated that as there are a lot of moving pieces it is difficult to state a date, but the best course is to approve and make recommendations and adopt when able and schedule out then. IDOT does have the potential to work with Legislators to amend legislation. That process generally starts in the fall.

Upcoming Meetings

The next meeting is scheduled for August 15, 2024, at 10:00am to 12:00pm CST, followed by November 21, 2024; February 20, 2025; May 15, 2025. Karyn Bass-Ehler stated it may be difficult for the legislators to attend the May meetings and to potentially change from May to April or June. An in person, August 15, 2024, meeting is being considered.

Discussion Items

Karyn Bass-Ehler thanked Manoj Mate for his time and service on this Board. This is his last meeting as he has accepted a position and is moving out of state.

Public Comment

No comments.

Adjournment

The CHAIR called for a motion to adjourn the meeting. Phyllis Logan moved to adjourn the meeting. The motion was seconded by Manoj Mate. The meeting was adjourned at 11:45 am.

Appendix I

Data Collection Forms recommendations submitted by Dulce Guzman

These revisions aim to capture a wider range of demographic variables and contextual factors, allowing for a more comprehensive understanding of policing practices and their impact. The following is a description of the order of priority we have listed:

- Recommendations 1-7 consist of very concrete changes that would capture essential data that could provide greater context of traffic and pedestrian stops that would be useful for analysis purposes.
- Sections 9-11 are recommendations we would like to put forth, but we believe require more extensive review, research, and discussion from the larger board.
- The individual reporting mechanism is a top priority for the data subcommittee because it will create an additional set of data that allows individuals to have a perspective and voice through data. We are not sharing a full proposal at this time; instead, we are presenting the general outline of the purpose of such a tool and the type of information it could collect.

(RECOMMENDATIONS 1-8 for Board Vote, 9-11 further discussion)

1. The data subcommittee recommends expanding data fields associated with the Reason for Stop and to require the law enforcement officers to record:
 - i. Specific or detailed Moving Violations
 - ii. Specific or detailed Equipment Violations
 - iii. Specific or detailed Commercial Vehicle Violations
 - iv. Specific or detailed License Plate / Registration Violation

Reason for Stop must be specifically identified by the officer. Violation must be specific for reason of stop and must be written in by the officer.

2. The data subcommittee recommends amending the language in vehicle code statute to reflect or adopt all race and ethnicity categories used by the U.S. Census.
 - a. Further comment by the subcommittee was to keep the Hispanic or Latino category as is and to consider Middle Eastern or North African and South Asian as additional data fields.
 - b. Add “Other” racial category to include area for officers to input best description if the racial options are not appropriate. Also, to allow “multiple” races to be selected by the officer.

3. The data subcommittee recommends adding the GPS coordinates or Address of traffic or pedestrian stop. Some things to consider as follows:
 - a. GPS should be convenient for all officers to apply since all are carrying cell phones and location apps are readily available.
 - b. Most reporting systems currently have GPS location.
 - c. Could have option for both until GPS requirement is mandated throughout.
 - d. Feasibility to be determine.
4. The data subcommittee recommends requiring law enforcement officers to report whether force was used during the stop on the traffic and pedestrian data form. ICJIA recommends “use of force” should be measured as a single yes/no answer. Use of force should be defined as any use of control tactics, physical force without weapons, and physical force with weapons.
 - a. Additional concerns from the subcommittee regarding this recommendation are:
 - i. How are Police departments currently documenting force?
 - ii. Control Tactics
 - iii. Results of the stop or aftermath documentation.
5. The data subcommittee recommends adding “Body Type” as additional data requirement in the vehicle description area.
 - a. Include “Model” and “Color” data fields to the Vehicle description area on the traffic form.
6. The data subcommittee recommends the Traffic Stop Data Sheet to include data fields to report traffic stop start and end times (military time)

The following are changes that require additional feedback and information on before making a formal recommendation.

7. More information is requested from the data subcommittee regarding the recommendation to replace the “drugs” category when contraband is discovered because of a search for a traffic or pedestrian stop into “illegal marijuana” or “other drugs”.
 - a. The data subcommittee requests additional information regarding probable cause for marijuana, if the reason for the search was a result of the odor of marijuana, more information regarding legal amounts and edibles, and how could marijuana be the result of the stop occurred in the first place.
 - b. Subcommittee also requests additional information on the difference between “legal” and “illegal” marijuana.
8. The data subcommittee recommends adding new paragraphs to the Illinois vehicle code to require law enforcement members to report whether the stop was recorded on a body worn camera, an in-car camera, or both.
9. The data subcommittee recommends amending the Traffic Stop Data Sheet to include a Result of Stop category to include “custodial arrest”.

The following is an overview of the individual reporting mechanism the Data Forms Subcommittee is currently working on.

Our committee engaged in preliminary discussions and deliberation on an additional data collection mechanism - an individual reporting and verification mechanism.

Although compliance with data gathering and collection is important, there is currently no mechanism or instrument for verifying the accuracy of the data collected, including data on the perceived race or ethnicity of the person that is stopped.

PRELIMINARY DISCUSSION ON AN ADDITIONAL DATA COLLECTION MECHANISM

Individual Reporting Mechanism (high priority)

The Individual Reporting Mechanism is an instrument and process that would allow Drivers/Passengers of a vehicle stops or Pedestrians in pedestrian stop provide verification of and feedback on certain items performed within the stop.

Suggested data points that could be reported by the individuals involved in stops included:

- reason for the stop
- race or ethnicity
- duration of the stop
- was body cam worn?
- location of stop
- Was force used?

Suggested instruments included:

- Card provided by officer with pertinent stop information, case # and directions how to submit a report
- QR code
- Case # of stop to be found online.

Suggested time frames for response included:

Within 14 days of the stop

The committee concluded that an individual reporting mechanism would ensure that the officer accurately communicated the reasons for the stop and then verified them quickly, and would allow individuals to verify the reasons and other data reported in the stop. Critically, this mechanism would provide this Board and the state another important source of data that would also allow for comparing data on the perceived race and ethnicity of the persons who are subject to vehicle or pedestrian stops, to the actual race and ethnicity reported by the person who is stopped.