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Illinois Criminal Justice Information Authority
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2020-2021 ILLINOIS TRAFFIC AND PEDESTRIAN STOP DATA USE AND COLLECTION TASK FORCE FINDINGS

ICJIA
Illinois Criminal Justice Information Authority

2020-2021 ILLINOIS TRAFFIC AND PEDESTRIAN STOP DATA USE AND COLLECTION TASK FORCE RECOMMENDATIONS

A REPORT TO THE ILLINOIS GOVERNOR
AND GENERAL ASSEMBLY

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TASK FORCE MEMBERS

Membership in the Traffic and Pedestrian Stop Data Use and Collection Task Force ("Task Force") was statutorily mandated in the Illinois Traffic and Pedestrian Stop Statistical Study Act (625 ILCS 5/11-212(h)). The roles and/or organizational affiliations of Task Force members, as stated directly in Illinois legislation, are listed below, along with the Task Force member(s) who fulfilled the legislative membership requirement. If the member did not serve on the Task Force during the entire time period covered in this report, September 2020 to March 2022, the dates of service are noted.

Two academics or researchers who have studied issues related to traffic or pedestrian stop data collection and have education or expertise in statistics:

Jack McDevitt (Chair), Professor of Criminology and Director of the Institute on Race and Justice, Northeastern University

Felipe Goncalves, Assistant Professor of Economics, University of California – Los Angeles

One professor from an Illinois university who specializes in policing and racial equity:

Tyrone Forman, Professor of Sociology and African American Studies, University of Illinois – Chicago

One representative from the Illinois State Police:

Isaiah Vega, Deputy Director for the Division of Justice Services, Illinois State Police

One representative from the Chicago Police Department:

Sabih Khan, Deputy Chief, Chicago Police Department (September 2020 – December 2020)

Stephen Chung, Commander, Chicago Police Department (March 2021 – March 2022)

One representative from the Illinois Chiefs of Police:

Steven Stelter, Chief, Indian Head Park Police Department (September 2020 – March 2021)

Karl Walldorf, Chief, Lake Forest Police Department (June 2021 – March 2022)

One representative from the Illinois Sheriffs Association:

Jim Kaitschuk, Executive Director, Illinois Sheriffs' Association

One representative from the Chicago Fraternal Order of Police:

Daniel Gorman, Second Vice President, Fraternal Order of Police, Chicago Lodge #7

One representative from the Illinois Fraternal Order of Police:

Keith Turney, Second Vice President, Illinois Fraternal Order of Police

The Executive Director of the American Civil Liberties Union of Illinois, or his or her designee:

Khadine Bennett, Director of Advocacy and Intergovernmental Affairs, American Civil Liberties Union of Illinois

Five representatives from different community organizations who specialize in civil or human rights, policing, or criminal justice reform work, and that represent a range of minority interests or different parts of the State:

Teresa Haley, President, NAACP Illinois State Conference & Springfield Branch NAACP

Ciera Bates-Chamberlain, Executive Director, Live Free Illinois

Fred Tsao, Senior Policy Counsel, Illinois Coalition for Immigrant and Refugee Rights

Esther Franco-Payne, Executive Director, Cabrini Green Legal Aid (September 2020 – June 2021)

Steven Fus, Interim Executive Director, Cabrini Green Legal (September 2021 – December 2021)

Aisha Edwards, Executive Director, Cabrini Green Legal Aid (March 2022)

Desmon Yancy, Coordinator, Grassroots Alliance for Police Accountability

EXECUTIVE SUMMARY

A positive relationship between the police and the community is critical for public safety and the efficient operation of our criminal justice system (President's Task Force on 21st Century Policing, 2015). However, racial profiling has remained a significant concern for members of the public who assert disproportional traffic and pedestrian stops made by law enforcement based upon a person's race.

In response, community advocates called for traffic and pedestrian stop data collection to better document the demographics of those being pulled over or stopped on the street. The resulting legislation, referred to as the Illinois Traffic and Pedestrian Stop Statistical Study Act, was passed in 2003 and mandated officers to record who they stopped and what occurred during that stop. In 2019, the collection of traffic and pedestrian stop data in Illinois was made permanent, and a Task Force was established to review this data collection. The Illinois Criminal Justice Information Authority (ICJIA) was named to convene this Task Force and produce a final report with group findings.

Thus, the Traffic and Pedestrian Stop Data Use and Collection Task Force ("Task Force") met on a quarterly basis from September 2020 through February 2022 to discuss the methods that have been used for collecting, compiling, and analyzing the traffic stop statistical study data required by the aforementioned legislation. Members of the Task Force included police administrators and community advocates from the state of Illinois and academics from across the country experienced in traffic and pedestrian stop data collection, statistics, and racial equity. Meetings were held virtually and open to the public.

The content of this report provides the main highlights and recommendations of the Task Force to the Governor and Illinois General Assembly. Although these recommendations were not unanimously supported, the Task Force voted on and passed each recommendation listed within this report. The Task Force suggested that changes to these recommendations should be discussed with members of the community and law enforcement prior to implementation, as some of these recommendations may require legislative approval and support, as well as additional funding, training, and software to complete. The 19 recommendations were grouped into six distinct categories based upon their content:

Data Sheet Content

The Task Force spent several meetings discussing the current mechanisms for collecting traffic and pedestrian stop data in the state. The most recent revisions to the data collection sheets were made in 2012.[1] Task Force members were given the opportunity to recommend changes or updates to how this data is collected.

[1] The 2012 data sheets can be found on the Department of Transportation stop study website under the "Forms" tab.

The group recommended both additions and modifications to the current sheets. The Task Force recommended that both the traffic and pedestrian stop data sheets should include whether a custodial arrest occurred, whether there is body camera footage available, and whether force was used. The group acknowledged that although adding these categories may increase the amount of time officers spend on non-law enforcement duties, this information would enable researchers and the public to better understand what occurs during stops.

The group also recommended changes to how stop duration and vehicle type are recorded, recommending that stops be measured with a start and end time, and that vehicle body type (e.g., sedan, SUV, convertible) is recorded along with vehicle year and make. Additionally, the group proposed that the racial and ethnic categories used for the data sheets match the U.S. Census Bureau categories of race to improve comparisons generated for the annual Traffic Stop Statistical Study. Currently, the Illinois Department of Transportation (IDOT) stop study data consultants calculate their own adjustments to make up for the differences between how Illinois measures race and how the Census measures race.

Measuring Racial and Ethnic Disparity

Another topic of Task Force discussion was the analysis of racial and ethnic disparity. Prior to Task Force implementation, the IDOT stop study consultants began to analyze data using their own research-informed methodology. From 2004 to 2018, these analyses were completed by Alexander Weiss Consulting, and in more recent years, by the Mountain-Whisper-Light Statistical Consulting. The Task Force spent time learning how the current consultants have chosen to analyze the data and discussed potential improvements or recommended changes to their methods.

Overall, the group suggested that IDOT and the consultants investigate other available data sources for refining their analyses, including traffic flow and traffic crash data. It was also recommended that the analyses for the Pedestrian Stop Statistical Study better match the analyses for the Traffic Stop Statistical Study, where a more refined population estimate is generated. Law enforcement emphasized that pedestrians from outside their communities may make up a significant portion of their overall stops.

Data Utilization by Law Enforcement Agencies

The Task Force recognized that the data and analyses generated by IDOT and their consultants must ultimately be acknowledged and understood by law enforcement agencies to have an impact on police behavior. Law enforcement representatives noted that it can be challenging for police administrators to utilize the results in their departments, as the statistically complex format of the findings may not be easily readable.

It was recommended that ICJIA, which is already established in a research capacity, conduct a study identifying challenges for law enforcement for understanding and using this data. This may include data collection challenges and technology barriers. The research should also explain how data generated from these reports can be quickly and easily useful to administrators. Finally, the Task Force recommended that IDOT and the stop study consultants should continue to investigate the

utility of an "internal benchmarking" method, where officers would be compared with similar officers in their department for signs of biased policing.

Modifications/Additions to Public Reports

The group spent time discussing how traffic and pedestrian stop data are presented to the public. Some consumers may find it difficult to access the reports and understand the content. The Task Force recommended use of multiple formats in data presentation. This may include charts, figures, and explanations of the data. Finally, developing an interactive dashboard of the data would allow users to filter and compare what is available without the need for special software or statistical experience.

Additional Research and Analysis

Beyond expansion or alteration of the current methods of analyses, the Task Force also discussed additional research efforts that may be useful to enhance utilization of stop study information, as well as suggestions to increase the accuracy of the data collection. First, the group recommended that IDOT should consult with persons who are lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ+) regarding inclusion of other gender categories to the forms. While the intent of the study is to capture officers' perceptions and not persons' identities, the group acknowledged that third gender categories are being added in other states and to driver's licenses.

The Task Force also recognized that guidelines for pedestrian stop reporting do not allow for capture of every pedestrian stop that occurs. It was recommended that IDOT examine how often certain types of pedestrian stops, such as those that are non-consensual but do not involve a frisk, are occurring. The City of Chicago may already be collecting this data, but other municipalities may benefit from a more detailed examination.

Other Recommendations

Finally, the Task Force recognized that the recommendations in this report will ultimately impact the workload of law enforcement who are responsible for collecting this data. Thus, the group recommended that law enforcement funding be expanded to offset costs of additional software and training based upon these recommendations.

INTRODUCTION

Traffic stops are the most common reason citizens encounter the police (Bureau of Justice Statistics, n.d.). Although millions of traffic stops occur throughout the country each year, both advocacy groups and members of the public often claim that race plays an integral role in the rate at which certain drivers are stopped by the police (American Civil Liberties Union [ACLU], 2014; DeLoach, 2017). In particular, many Black individuals describe experiences of being pulled over without a clear traffic violation, a phenomenon sometimes referred to in social and news media as "driving while Black" (Fletcher, 2018; LaFraniere & Lehren, 2015).

Previous empirical studies support these claims and have identified that disparities exist in both traffic stop frequency and follow-up behavior (i.e., searches) for motorists who are Black or Latinx compared to motorists who are White (Pierson et al., 2020). In one examination of approximately 40 million traffic stops in Illinois, Connecticut, Maryland, and North Carolina, researchers found that significant racial bias persists in both stops and searches, even after controlling for contextual factors like the neighborhood where the stop occurred. Even when using the most conservative analysis, Black drivers had a 90% increased likelihood of being stopped compared to White drivers (Baumgartner et al., 2018).

Civil rights advocates assert that the cause of these disparities is due to the use of racial profiling by police officers who disproportionately target people of color (Harris, 1999). While different definitions of racial profiling exist, many describe it as police-led action that is initiated based on a person's race or nationality, rather than the behavior of that individual (Ramirez et al., 2000). Advocates have lobbied for transparent, permanent data collection of traffic and pedestrian stops to measure the extent of racial profiling and develop best practices for reducing disparities (ACLU, 2018). Many states, including Illinois, now require police officers to record the race and gender of individuals they stop, as well as other stop-related variables (i.e., duration of the stop, vehicle make).

Although extensive traffic stop data is available in many states, determining whether racial bias is present can be complicated. Disparities in the data may be due to differences in driving behavior, and not racial profiling, so data analysis must control for this possibility (Pierson et al., 2020). Another challenge is identifying the benchmark, or the true demographic breakdown of the population of an area to be used for comparison purposes. An accurate benchmark is important for measuring racial bias so that the racial breakdown of those who are stopped by the police can be compared to the racial breakdown of the population to identify disparities. While there are several methods of determining a benchmark, each has strengths and weaknesses that can affect the analysis of collected traffic stop data (Ridgeway & MacDonald, 2010).

Researchers have also noted other challenges when measuring racial bias, as summarized by Harris (2003):

> Public agencies may collect the wrong data; they may analyze the data improperly, the process may be politicized, or the data may be misused in egregious ways… The collection

> of data is not an end in itself but a first step, an absolutely necessary one if Americans are to move toward real understanding and sound policy-making (p. 74).

Therefore, navigating how to best measure racial bias can be a challenge for policymakers. Simply collecting traffic stop data is not enough for reducing bias. It is also crucial to determine how to best use the data to inform policy and practice.

The Illinois Traffic and Pedestrian Stop Data Use and Collection Task Force helped to ensure that the State of Illinois continues to collect, review, and analyze the most important information in traffic and pedestrian stops. The Task Force brought together academics, law enforcement, and community members to answer the following questions:

- What is the extent and quality of traffic and pedestrian stop data collected?
- What data is not being collected and what are the barriers to collection?
- What traffic and pedestrian stop data is, or is not, currently used and analyzed by IDOT in their reports?
- What are the methods for measuring potential racial bias in traffic and pedestrian stops?
- What are the strengths and weaknesses of various racial profiling benchmarks?
- How should traffic and pedestrian stop data be made available to stakeholders and the public?

BACKGROUND

Illinois Traffic Stop Statistical Study

In 2003, the Illinois Vehicle Code was amended to require a four-year statewide study of data from traffic stops in Illinois for identifying racial bias. IDOT, in consultation with law enforcement, academics, and community groups, was to develop a Task Force to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data. Task Force findings were to be reported to the Governor and General Assembly by March 1, 2004; however, the Task Force had not commenced. Traffic stop data collection was to end December 2007, but the legislature extended data collection until 2019 and expanded the study to include pedestrian stops. In 2019, Public Act 101-0024 extended the study permanently. To obtain a copy of the data, refer to the IDOT stop study website.

In addition to extending the mandated collection of driver and pedestrian demographic information after an alleged violation of the Illinois Vehicle Code, the bill transferred administrative control of the Task Force from IDOT to ICJIA. The Task Force is now to report its findings to the Governor and General Assembly by March 1, 2022 and every three years after.[2]

Traffic and Pedestrian Stop Data Use and Collection Task Force

The Traffic and Pedestrian Stop Data Use and Collection Task Force began meeting in September 2020. Six official quarterly meetings were held through December 2021. An additional February 2022 meeting allowed the Task Force members to vote on the final set of recommendations. Due to the COVID-19 pandemic and widespread geographical composition of the group, all meetings were held virtually and recorded through Cisco WebEx, web conferencing software. In conformance with the Open Meetings Act, members of the public could attend the meetings virtually. Meeting times and agendas were posted on the ICJIA website, as well as in its physical office. All meetings followed Robert's Rules of Order for calling roll, facilitating discussion, taking votes, and adjourning. ICJIA participated in an administrative role for the Task Force. ICJIA staff recruited the members, managed meeting invitations and agendas, produced meeting minutes, led role calls and voting, and drafted the final recommendations based on Task Force discussion.

[2] ICJIA was granted an extension for the publication and dissemination of the report.

FINDINGS AND RECOMMENDATIONS

This section presents final Task Force recommendations. The group voted on and passed 19 of 27 proposed recommendations. See Appendix A for a list of recommendations that were not selected. For this report, recommendations have been separated into categories. Some recommendations did not receive unanimous support, but each member had opportunity to submit edits and comments, as well as discuss the pros and cons of each recommendation at the meetings. Multiple drafts of the recommendations were emailed to the group over the course of a month and a half to solicit feedback prior to the voting meeting. It is recognized that some of the recommendations would require legislative support and approval.

CATEGORY 1. DATA SHEET CONTENT

The Task Force dedicated portions of three meetings to discussing the current traffic and pedestrian stop data sheets used by law enforcement agencies in Illinois. The data sheets were created by IDOT and used to define the data fields examined in the study. At numerous points during Task Force meetings, members cited the importance of balancing additions and modifications with the amount of time officers spend on paperwork. It is critical that any changes to the forms are streamlined, clear, and concisely worded. Drafts should be reviewed by law enforcement for ease of use and understanding. Still, the importance of accurate and robust data collection for academic, community, and law enforcement use cannot be overstated.

The Task Force is aware of other endeavors that have been made nationally to improve the collection and analysis of stop data. To avoid replicating those efforts, IDOT and the General Assembly may benefit from reviewing the Center for Policing Equity's *Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities* (Pryor et al., 2015).

The Task Force also developed Illinois-specific considerations for the legislature.

Recommendation 1:

8 in favor, 3 opposed

The Traffic Stop Data Sheet should continue to include measurement of stop duration. IDOT should modify how stop duration is measured. In lieu of asking law enforcement members to input the duration in minutes, the Traffic Stop Data Sheet should include data fields to enter traffic stop start and end times.

Background: On March 17, 2021, the Task Force discussed this recommendation and suggested the modification would ease reporting and increase data accuracy. Instead of officers estimating the duration of stop themselves, stop duration would be measured by subtracting traffic stop start time from traffic stop end time.

Recommendation 2:

7 in favor, 4 opposed

In addition to vehicle year and vehicle make, Illinois Vehicle Code Section 11-212-a-3 should also require law enforcement members to record vehicle body type.

Background: The Task Force discussed this addition on March 17, 2021. Vehicle body type was suggested as an alternative to asking officers to record specific vehicle models. Example body type categories could include *sedan*, *convertible*, *pickup truck*, or *SUV*. Body type was recommended over model as the large number of vehicle models could make analysis difficult, whereas body type captures details about the vehicle in a smaller number of categories.

The current Illinois traffic stop data sheet records a driver's vehicle make and vehicle year, lacking other information about the specific vehicle. Academics on the Task Force noted that even if the police do not use vehicle body type in their decision-making, comparing differences in stopped vehicle types by race may be interesting to examine. Further, advocate representatives explained that members of the community have voiced frustrations on their suspicion that they had been pulled over for simply driving an expensive vehicle model.

Recommendation 3:

11 in favor, 0 opposed

The Illinois Traffic and Pedestrian Stop Statistical Study statute lists the specific race and ethnicity categories to be used for the study:

> ***(1) 625 ILCS 5/11-212-a-1 lists racial and ethnic categories for uniform traffic citations or warning citations;***
> ***(2) 625 ILCS 5/11-212-b-1 lists racial and ethnic categories for non-citation traffic stops; and***
> ***(3) 625 ILCS 5/11-212-b-5-1 lists racial and ethnic categories for pedestrian stops.***

These sections should be amended to state that the Illinois Traffic and Pedestrian Stop Statistical Study will adopt race and ethnicity categories used by the United States Census Bureau.

Background: On March 17, 2021, the Task Force discussed modifications to the current race and ethnicity categories. During these discussions, it was suggested that adoption of U.S. Census Bureau categories could improve analysis by enabling direct comparison with census population statistics. If the Census Bureau categories are adopted, the most significant change would be the separation of race and ethnicity, with a Hispanic/Latino Yes/No data field used to capture ethnicity.

Although these categories may not capture the social identities of all persons who may be pulled over, the group emphasized the idea that the goal of the data collection is to capture officers' perceptions of civilians stopped. Law enforcement representatives indicated that most departments'

policies require officers to record their own observations of a person's race after a stop has concluded, although other law enforcement personnel noted that this may vary by individual officer.

As advocates noted that the spirit of the data collection is for officers to fill out the collection forms based on their own observations, this directive should be reflected clearly in department policy and training. Officers should be reminded of the intent of collecting an individual's race and that it is to be based on their own visual observation.

Recommendation 4:

8 in favor, 3 opposed

The Traffic Stop Data Sheet and Pedestrian Stop Data Sheet both include data fields indicating whether contraband was recovered following a search and, if so, the type(s) of contraband found. Contraband types are reported based on a series of discrete categories. The "weapon" category should be separated into two categories: "firearm" and "other weapon."

Background: The Task Force discussed this amendment on March 17, 2021. It was proposed that firearm recoveries are of particular concern to law enforcement agencies and communities impacted by violence. The Task Force also discussed whether the change would provide insights that help distinguish between legitimate searches and police harassment.

Recommendation 5:

11 in favor, 0 opposed

The Traffic Stop Data Sheet includes a data field that requires reporting law enforcement members to record the result of the stop. This data field presumes that the only outcomes of a traffic stop are issuance of a traffic citation, a verbal traffic violation warning, or a written traffic violation warning. The Traffic Stop Data Sheet should be amended to include a Result of Stop category of custodial arrest.

Background: This issue and these specific revisions were suggested by the Task Force on March 17, 2021. The Pedestrian Stop Data Sheet already includes an option for custodial arrest under outcome of stop, so this recommendation would make measurement comparable across the two data sheets.

Recommendation 6:

8 in favor, 3 opposed

The Traffic Stop Data Sheet and Pedestrian Stop Data Sheet both include data fields indicating whether contraband was recovered following a search and, if so, the type(s) of contraband found. Contraband types are reported by category. The current* Drugs *category should be replaced with two categories:

"illegal marijuana" and "other drugs." Law enforcement members should be instructed not to report marijuana that is recovered but possessed legally by the person stopped.

Background: The Task Force discussed this amendment on March 17, 2021. It was stated that cannabis legislation has changed considerably since the onset of the Traffic and Pedestrian Stop Statistical Study. As such, cannabis recovery is distinguishable from other drug types and warrants a separate category. On December 15, 2021, the Task Force noted that because under certain circumstances recreational marijuana possession and use is legal in Illinois, there will be instances when marijuana is recovered, but is legally possessed and, thus, is not contraband.

Recommendation 7:

6 in favor, 5 opposed

New paragraphs should be added to the Illinois Vehicle Code, Section 11-212-a, Section 11-212-b, and Section 11-212-b-5 requiring law enforcement members to report whether the stop was recorded on a body worn camera, an in-car camera, or both.

Background: The Task Force discussed this amendment on March 17, 2021. During the conversation, it was noted that the Illinois Body Worn Camera Act requires every law enforcement agency in Illinois to implement the use of body worn cameras through their entire force by January 1, 2025. On December 15, 2021, it was noted that many law enforcement agencies have been using in-car cameras prior to extensive implementation of body worn cameras. With in-car cameras, many traffic stops are already being recorded and most pedestrian stops are, or will be, recorded. This may render the proposed data field less useful, but advocates noted that having record of whether certain officers or situations are deemed less likely to have footage available may be notable.

Recommendation 8:

6 in favor, 5 opposed

New paragraphs should be added to the Illinois Vehicle Code, Section 11-212-a, Section 11-212-b, and Section 11-212-b-5 requiring that law enforcement members report whether force was used during the stop. Use of force should be measured as a single yes/no discrete measure. Use of force should be defined as any use of control tactics, physical force without weapons, and physical force with weapons.

Background: This addition was suggested by a Task Force member on June 30, 2021. Law enforcement representatives on the Task Force noted that use of force is already extensively documented by law enforcement agencies and in some agencies could be connected to the stop without adding new data fields. It was also noted that force can be defined on a continuum that includes a wide array of law enforcement actions, including verbal commands and physical presence.

CATEGORY 2. MEASURING RACIAL AND ETHNIC DISPARITY

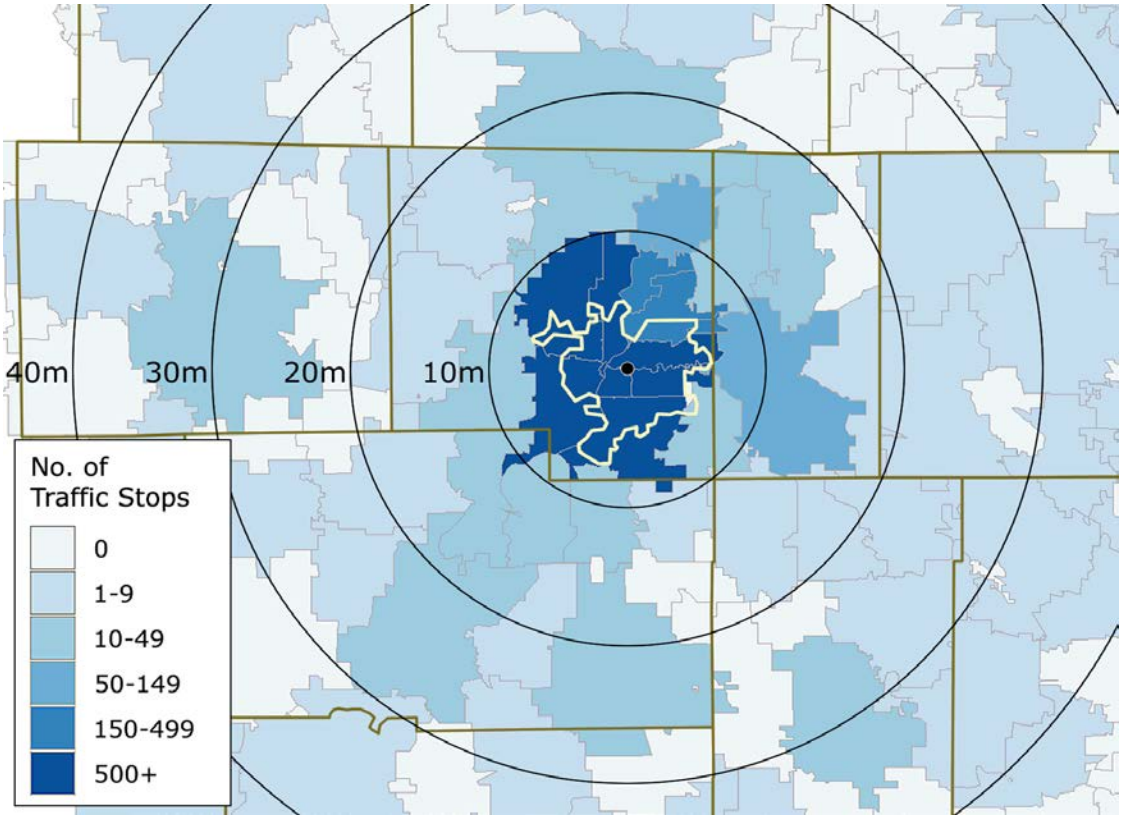
The Task Force discussed racial/ethnic group benchmarking and traffic stop disparity measurement. Although determining the existence of racial bias may seem straightforward, measurement can be complex and involve several different factors. Appendix B contains a more detailed outline of the strengths and weaknesses of various benchmarking methods.

Prior to Task Force implementation, the IDOT stop study consultants began to analyze the collected data using their own research-informed methodology. Analysis in recent years has been completed by the Mountain-Whisper-Light Statistical Consulting. The Mountain-Whisper-Light consultants stated their plan to revise their traffic and pedestrian stop benchmarking approach for 2021 statistical analysis. The Mountain-Whisper-Light 2020 Traffic Stop Study Executive Summary (p. 25-27) describes the change, and the 2020 Pedestrian Stop Study Executive Summary (p. 15) mentions the change, referring readers back to the Mountain-Whisper Light traffic stop report for details (Polissar, 2021).

As described in the 2020 Traffic Stop Study Executive Summary, a limitation of the Mountain-Whisper-Light's current benchmarking method is that the populations calculated for benchmarking are based on a city or county, which is not always representative of all persons who drive through an area. An example is shown in Figure 1, which is the number of traffic stops made by the Rockford Police Department, taken from the 2020 Traffic Stop Study Executive Summary. Although the majority of stops were for drivers from Rockford, many drivers were also from outside the city or even the county. The new benchmarking approach being tested by the Mountain-Whisper-Light involves a calculation of population statistics at the ZIP-code level instead. The closer a ZIP-code is to the center of the city, the more weight it will receive in the benchmarking analyses, as it can be assumed that those who live closer to the city are more likely to be driving within or near the city.

Figure 1

Number of Traffic Stops Made by the Rockford Police Department in 2020 Grouped by the ZIP Code of the Driver's Address



Note. Source of Figure from the IDOT 2020 Traffic Stop Study Executive Summary. For a more detailed description, refer to the full report.

Recommendation 9:

11 in favor, 0 opposed

People routinely drive outside the boundaries of their residential geographic area. IDOT should assess the availability of traffic data relevant to the Illinois Traffic and Pedestrian Stop Statistical Study, to include both data currently collected by IDOT and through other sources. Traffic data includes any information that measures how drivers traverse through roadways. The assessment should focus on whether traffic data can serve as a population benchmark used in future Illinois Traffic and Pedestrian Stop Statistical Study reports.

Background: The Task Force noted that the racial and ethnic composition of drivers in a geographic area can differ from the residential population in that area on December 16, 2020. The Task Force did not recommend a full IDOT assessment, but this may be an initial step to altering or updating the current benchmarking methods.

Recommendation 10:

11 in favor, 0 opposed

IDOT should assess the availability of statewide traffic crash data, then conduct analyses that assess the potential of using traffic crash totals as a population benchmark for the Illinois Traffic and Pedestrian Stop Statistical Study.

Background: The Task Force noted other states have considered or used traffic crash data as a population benchmark on September 22, 2021. The Task Force did not recommend a full IDOT assessment, but this may be an initial step toward the use of other benchmarks. If data is available, ICJIA may be able to conduct the assessment.

Recommendation 11:

9 in favor, 0 opposed, 1 abstention

The current analysis of comparable populations by the stop study consultants in the Pedestrian Stop Statistical Study includes only the population of the municipality that submits the data, unlike the Traffic Stop Study in which the comparable population is customized for each reporting agency. While this is less expensive, it strongly impacts smaller communities whose officers routinely interact with pedestrians from throughout their county and the entire state. The analysis should be modified to use a broader comparable population. For simplicity's sake, using the comparable population calculated for that municipality's Traffic Stop Study would be a more accurate measure and may not require any additional cost to the consultants or IDOT.

Background: This recommendation was not discussed at a specific meeting but was instead suggested by the Illinois Association of Chiefs of Police (ILACP) and voted on by the group. ILACP noted the current analysis in the Pedestrian Stop Study has two significant limitations. The first is that the study, by statute, does not actually include data from all non-consensual pedestrian stops, and is, therefore, limited in scope. The second is that the current stop study consultant applies a methodology for calculating comparable populations for the Pedestrian Stop Study that includes only the population of the reporting community. It is possible the consultant is unaware the degree to which police agencies routinely stop pedestrians who live in another community. For many ILACP member agencies, pedestrians from other communities may make up a sizable percentage of their overall pedestrian stops.

The stop study consultants currently put more effort into designing a comparable population on the traffic stop side of their annual report. As discussed in previous meetings, and covered in other recommendations, the consultant may continue to develop and refine their formula for comparable populations. It seems logical to use these same comparable populations on the pedestrian stop side.

CATEGORY 3: DATA UTILIZATION BY LAW ENFORCEMENT AGENCIES

Data collected for the Illinois Traffic and Pedestrian Stop Statistical Study is to be used by law enforcement agencies to assess current practices. The Task Force approved the following recommendations pertaining to data utilization by law enforcement agencies.

Recommendation 12:

11 in favor, 0 opposed

ICJIA should conduct a study examining how law enforcement agencies throughout Illinois are implementing Illinois Traffic and Pedestrian Stop Statistical Study requirements. The study should consider data collection challenges, including technology barriers, and strategies for using Illinois Traffic and Pedestrian Stop Statistical Study data for gaining insights.

Background: On December 16, 2020, members of the Task Force stated that racial profiling is best addressed at the agency-level, as law enforcement agencies vary in their implementation of traffic and pedestrian stops, have unique personnel issues, are responsible for different geographic areas, and have different organizational structures. As a result, effective analysis involves consideration of local details. The following types of local details were mentioned:

(1) Deployment patterns.
(2) Use of specialized assignments and missions.
(3) The need to consider small-area geographies with unique land use and racial/ethnic compositions that differ from the remainder of the jurisdiction.

Law enforcement representatives noted that, depending on events occurring during the stop, officers may be required to complete multiple reports for the same stop. As the complexity of reporting increases, so does the time that law enforcement members must devote to reporting as opposed to direct public service.

Although some law enforcement representatives noted they had conferred with colleagues about Illinois Traffic and Pedestrian Stop reporting or had experienced data collection firsthand, there are likely knowledge gaps in understanding how to help law enforcement agencies conduct meaningful analysis.

Recommendation 13:

6 in favor, 5 opposed

Traffic and Pedestrian Stop Statistical Study annual reports published by IDOT and made available to the public should include analyses that provide data pertaining to individual law enforcement members and, hence, identify whether each Illinois law enforcement agency has members whose stop patterns display greater racial and ethnic disparity than their peers, an analytic approach referred to as "Internal

Benchmarking." Annual reports will not identify individual officers, but identifying information may be made available to law enforcement agencies upon request. The analyses should consider volume of stops, reasons for stops, and search decisions.

Background: On September 22, 2021, the Task Force discussed including officer-level analyses in annual reports. At multiple points, Task Force members mentioned that law enforcement executives expressed the need for officer-level analysis to identify persons and units most responsible for racial disparity in stops. The Task Force noted that individual badge numbers are already available in Traffic and Pedestrian Stop Statistical Study data and can be used to identify individual law enforcement members. The Task Force also discussed the possibility of supplanting badge numbers with an arbitrary identifier.

Mountain-Whisper-Light statistical consultants announced their plan to include officer analyses in their 2021 statistical reports (Polissar, 2021):

> In future stops reports, we will examine the proportion of stops of Black, Hispanic or Latino, Asian, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander drivers versus White drivers for each officer in comparison to the same proportion calculated for all other officers (combined) in the same agency. For each officer and for each of the five minority groups, we can calculate the proportion of minority driver stops by the officer as a fraction of the total number of stops by the officer—including stops of the specified minority drivers and the White drivers combined (p. 23-24).

CATEGORY 4: MODIFICATIONS/ADDITIONS TO PUBLIC REPORTS

The Task Force voted on the following recommendations pertaining to the annual stop study reports produced by the stop study consultants and published by IDOT. Although traffic and pedestrian stop data are publicly available on the IDOT website, users must navigate through several webpages to find the information, and the devoted webpage is targeted toward law enforcement as opposed to the public at large. In addition, the 2020 traffic stop report with specific department tables was 1,348 pages long. The full pedestrian stop report was 316 pages. Task Force members suggested that the length of these documents, along with their presentation in a tabular, statistical format, can be challenging for officers and the public to interpret. Throughout the six Task Force meetings, the group discussed recommendations to improve accessibility for both officer and public utility.

Recommendation 14:

6 in favor, 5 opposed

Traffic and Pedestrian Stop Statistical Study reports published by IDOT and made available to the public should include analyses that examine racial and ethnic disparities by age of persons stopped.

Background: On December 16, 2020, the Task Force discussed that police/community relationships are particularly strained for younger citizen age groups. Thus, annual reports should disaggregate data by age and present disparity indices for individual age groups.

Recommendation 15:

8 in favor, 3 opposed

The agency tables in Illinois Traffic and Pedestrian Stop Statistical Study annual reports for both traffic stops and pedestrian stops should continue to provide the same information with modified presentation and improved user readability for better understanding. Possible modifications include the addition of charts and figures and explanatory sentences within the presentation.

Background: On September 22, 2021, the Task Force made this recommendation, noting that the current data-heavy format of findings can be overwhelming. As these pages are dense with information, law enforcement representatives noted that it can take approximately 30 minutes to explain a department's page to those unfamiliar with the data.

Recommendation 16:

8 in favor, 3 opposed

In addition to Illinois Traffic and Pedestrian Stop Statistical Study annual reports for both traffic stops and pedestrian stops, IDOT should also make interactive dashboards available to the public through a web-based platform. The dashboards should make it possible for public users with flexibility to filter and display traffic and pedestrian stop data in ways that extend beyond static annual reports.

Background: The Task Force made this recommendation on September 22, 2021. Note that ICJIA currently has plans to develop a traffic stop dashboard, but not a pedestrian stop dashboard.

CATEGORY 5: ADDITIONAL RESEARCH AND ANALYSIS

The Task Force recommended that the following research and analysis be conducted to improve data collection and better utilize information.

Recommendation 17:

7 in favor, 4 opposed

Both Traffic and Pedestrian Stop data sheets include a field indicating gender of the person stopped. The data field currently includes the categories of "male" and "female." IDOT should obtain information necessary to determine whether one or more additional categories should be added to the gender data field. To achieve this, IDOT should consult with persons who specialize in representing the needs of LGBTQ+ persons who self-identify as neither male nor female. Input obtained during these consultations will be considered as part of the decision whether to add one or more additional categories to the gender data field.

Background: This addition was suggested by a Task Force member on June 30, 2021. On December 15, 2021, the Task Force noted that additional categories may be hard for a law enforcement member to determine and would have to be captured by asking the person stopped, which could be offensive. It was also noted that, in practice, additional categories would not be determined until after the person is stopped. In some states though, a third gender category is being added to driver's licenses and other official documents.

Recommendation 18:

7 in favor, 4 opposed

625 ILCS 5/11-212-b-5 states that law enforcement agencies must record pedestrian stop information required under the Traffic and Pedestrian Stop Statistical Study whenever a law enforcement member subjects a pedestrian to detention in a public place. Detention is defined as all frisks, searches, summons, and arrests. This definition excludes pedestrian stops in which a law enforcement member engages a citizen in a non-consensual encounter based on reasonable articulable suspicion where the citizen would believe that he or she is not free to leave, but the law enforcement member does not conduct a frisk or search. IDOT should examine the prevalence of such non-consensual stops that do not involve a frisk or search.

Background: During the June 30, 2021 meeting, the Task Force discussed the appropriate situational boundary for pedestrian stop reporting. It was noted that the Chicago Police Department's Investigatory Stop Report policy requires that law enforcement members report non-consensual encounters that do not involve a frisk or search. A Task Force member recommended conducting an analysis to examine prevalence. The data is likely available in Chicago and may be available in other municipalities.

CATEGORY 6: OTHER RECOMMENDATIONS

Many of the prior recommendations require changes to data sheets currently used by law enforcement. Although some use digital tickets that could be amended with new categories or drop-down options, law enforcement representatives noted that some agencies still use paper tickets. Both reprogramming the software and reprinting physical tickets would be of great cost to departments.

Recommendation 19:

10 in favor, 0 opposed, 1 no response

The legislature should provide funds to offset the cost of software modifications necessary to carry out the recommendations made by this Task Force in a timely and efficient manner.

Background: This recommendation was not discussed at a Task Force meeting but was instead suggested by the ILACP and voted on by the group. Many of the recommendations considered would require revisions to the data collection sheets. When the sheets change, it requires all the state's police agencies to update the form in their various record-keeping systems. This can be an expensive proposition many agencies cannot easily afford. Further, when the data submission form changes, most agencies must pay a vendor to modify their software. This can delay their traffic and/or pedestrian stop data submission to IDOT. The group recommends the state offers to offset the costs of software modification to participating agencies, as it would enable them to more quickly comply with any changes made to the data sheets.

CONCLUSION

The collection and analysis of traffic and pedestrian stop data plays an essential role in determining the existence and extent of racial disparity in police practice. For communities, having access to clear and understandable data can ease concerns regarding racial profiling and guide areas for reform. For law enforcement, accurate data can help police leadership target problem areas or officers and implement better training and accountability. It is recognized that while the needs and resources of law enforcement and communities may differ, continuously improving the data available will enhance the legitimacy of policing and create a first step in restoring public trust in law enforcement.

The 2020-2021 Traffic and Pedestrian Stop Data Use and Collection Task Force developed several recommendations for the collection, reporting, and analysis of stop data in Illinois. Additions and modifications to the data collection sheets would continue to improve the quality and accuracy of data available to both police departments and the communities they serve. Recognizing the challenges officers face is also necessary to improve data collection, increase study buy-in from officers, and understand police administrations' use of the findings. Finally, expanding the availability of this data and providing access to it in multiple formats (i.e., public dataset, data visualization, individual department tables) will ease data access and analysis for anyone interested, and not just those with access to certain software or prior statistical experience. By investing in these recommendations, Illinois can be a leader in transparent police practice and addressing the needs of both communities and law enforcement.

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APPENDIX A

A total of 19 of 27 recommendations were approved by the Task Force. The following recommendations were voted on but not approved.

Recommendation: In addition to vehicle year and vehicle make, Illinois Vehicle Code, Section 11-212-a-3 should also require law enforcement members to record vehicle model.

Background: On March 17, 2021, the Task Force discussed requiring law enforcement members to record vehicle models during stops. The information could be used to improve analysis by examining types of vehicles most commonly involved in traffic stops. The Task Force discussed issues related to ease of data collection including whether model is routinely included when law enforcement members use in-car data terminals to search license plates for information. The Task Force also discussed whether the information could be readily analyzed even if collected, given the large number of vehicle models. As it continued discussion on December 15, 2021, the Task Force noted that as additional fields get included, especially fields requiring information that is difficult to collect (and may yield less valuable insights), the process becomes more challenging for law enforcement members. It was stated that only about 50% of law enforcement automated vehicle registration checks included an option to include vehicle models.

Recommendation: The Illinois Traffic and Pedestrian Stop Statistical Study statute lists race and ethnicity categories to be used for the study; 625 ILCS 5/11-212-a-1 lists racial and ethnic categories for uniform traffic citations or warning citations, 625 ILCS 5/11-212-b-1 lists racial and ethnic categories for non-citation traffic stops, and 625 ILCS 5/11-212-b-5-1 lists racial and ethnic categories for pedestrian stops. These sections should be amended by separating race from ethnicity and stating that ethnicity includes the categories "Hispanic/Latinx" and "Not Hispanic/Latinx."

Background: On March 17, 2021, the Task Force discussed modifications to current race and ethnicity categories. During these discussions, it was suggested that by separating race and ethnicity, Illinois Traffic and Pedestrian Stop Statistical Study categories would more closely approximate U.S. Census Bureau categories. It was also suggested that by characterizing *Hispanic/Latino* as a race category, Hispanic/Latino persons may be under-represented.

Recommendation: The Illinois Traffic and Pedestrian Stop Statistical Study statute lists race and ethnicity categories to be used for the study; 625 ILCS 5/11-212-a-1 lists racial and ethnic categories for uniform traffic citations or warning citations, 625 ILCS 5/11-212-b-1 lists racial and ethnic categories for non-citation traffic stops, and 625 ILCS 5/11-212-b-5-1 lists racial and ethnic categories for pedestrian stops. These sections should be amended by adding a "Middle Eastern or North African" (MENA) race category.

Background: On March 17, 2021, the Task Force discussed modifications to current race and ethnicity categories. During those discussions, it was noted that similar reporting throughout the United States sometimes includes a MENA race category. However, this category is not currently used by the U.S. Census Bureau, and the group ultimately voted to mirror census categories.

Recommendation: New paragraphs should be added to the Illinois Vehicle Code, Section 11-212-a and Section 11-212-b, requiring law enforcement members to record whether the traffic stop was made during a coordinated law enforcement traffic stop mission.

Background: On March 17, 2021, the Task Force pointed out that law enforcement agencies sometimes engage in coordinated traffic enforcement activity (often referred to as "directed patrol") to address traffic violations or crime in a designated geographic area. Traffic stops occurring during these missions are often non-discretionary.

Recommendation: The Traffic Stop Data Sheet includes a data field recording the duration of the traffic stop. A new paragraph should be added to the Illinois Vehicle Code, Section 11-212-b-5, requiring that similar information be reported for pedestrian stops.

Background: The Task Force discussed this addition on June 30, 2021. During the conversation, it was noted that pedestrian stops may involve multiple persons in the same police/citizen encounter, and a report must be completed for each person. Thus, duration is logistically challenging to capture with accuracy.

Recommendation: Law enforcement racial and ethnic stop disparity is best determined by multiple indicators, including whether a stop is initiated, the result of the stop, and whether a search is conducted. The Illinois Department of Transportation should seek to develop an analytic or statistical strategy for holistically assessing law enforcement agencies across multiple indicators.

Background: On December 16, 2020, the Task Force suggested that law enforcement agencies can be more reliably assessed if multiple indicators are considered. Current reports include multiple indicators, but they are treated relatively independently and most emphasis is placed on disparities in whether a stop is made.

Recommendation: Racial and ethnic data for the Traffic and Pedestrian Stop Statistical Study are collected based on the law enforcement member's perception of the individual's race upon initiation of the stop. The State of Illinois should conduct or support a study that compares law enforcement perceptions of race and ethnicity to driver self-reported race and ethnicity. The purpose of the study is to identify racial and ethnic groups that are under-represented in Traffic and Pedestrian Stop Statistical Study data.

Background: On March 17, 2021, the Task Force discussed racial/ethnic classifications made by law enforcement members. They noted it is difficult to determine whether a driver is American Indian/Alaska Native or Native Hawaiian/Pacific Islander without asking the driver, and there may be instances when law enforcement members do not rely on their perceptions and instead ask the driver or use information available through an in-car portable data terminal. Difficulties associated with racial and ethnic classifications may increase the prevalence of such instances. The Task Force generally concluded that the intent of the Traffic and Pedestrian Stop Statistical Study suggests that law enforcement members should be relying on their perceptions when recording race/ethnicity, thus perhaps underscoring the usefulness of conducting a study regarding officer decision-making.

Recommendation: The State of Illinois should convene a multi-disciplinary work group to consider whether the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model supported by the National Highway Traffic Safety Administration and International Association of Law Enforcement Training and Standards should be promoted in Illinois.

Background: During the March 17, 2021 meeting, DDACTS was mentioned as an approach for the State of Illinois to consider. Relevant materials:

Data-Driven Approaches to Crime and Traffic Safety (DDACTS) (iadlest.org)

PowerPoint Presentation (iadlest.org)

APPENDIX B

The Benchmarking Challenge

As outlined in Baumgartner et al. (2018), to assess disparities in traffic stops, it is important to note both the extent of disparate treatment within agencies, as well as what causes that disparity. For example, disparate treatment may be limited to a small number of officers or prevalent throughout an entire police force. Racial bias may permeate all levels of police decision-making, creating disparities. Alternatively, the police may more frequently patrol certain neighborhoods that have higher percentages of people of color, leading to higher stop totals for these populations. Research must also control for the possibility that certain people may be more likely violate traffic rules, as well.

The first step in determining whether racial bias exists in traffic stops requires the calculation of what is known as the **benchmark**. The benchmark is an estimate of the racial breakdown of the population in a community. Effective benchmarks should capture those at risk of being stopped by police (i.e., traffic violators) assuming no racial bias is involved. Once a benchmark is calculated, the number of traffic stops by race can be divided by the benchmark to calculate that race's **stop rate**. The stop rate of different races can then be compared. If another race's stop rate is greater than that of White persons, it can be suggested that racial profiling may be occurring. The benchmark plays a critical role in this calculation, as it affects the percentage of each race's representation in the community.

Those who analyze traffic and pedestrian stop data for racial disparities must determine how they will generate their benchmark. But determining a benchmark, which ultimately affects the stop rate, is challenging. In 2004, police researcher Lorie Fridell developed a comprehensive guidebook, titled *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*. She noted that there is no "perfect method" to allowing an agency to simply, easily and definitively measure whether racial bias is manifested in police decisions. Said Fridell:

> Such a method does not exist. The question of whether bias influences some officers when they stop drivers, like many other social science research questions in criminal justice and related fields, is impossible to answer with complete certainty. There are, however, some methodologies that are much stronger than others in their ability to answer the key research question—that is, we can have more confidence in the results (pg. x).

Using different benchmarks may generate different disparity indices. In an analysis of Burlington, Vermont traffic stop data from 2010-2019, using adjusted census estimates, the number of Black drivers stopped exceeded their share of the driving population by 36%. However, when using accident data, Black drivers were not found to be over-stopped, but they were arrested at a higher rate (Seguino et al., 2020). Other studies have found fewer or less pronounced differences when using various benchmarks (Withrow, 2004). A few of these benchmarking methods, including their strengths and weaknesses, are briefly discussed below. To read more about the method used by the current stop study consultants, see the IDOT Traffic and Pedestrian Stop Study website.

Census Data

Some studies measure racial bias by comparing the racial breakdown of traffic stops in an area to the racial breakdown of that area by residential census. In other words, the census is used as a benchmark for how the racial breakdown of traffic stops should occur if police are unbiased. However, researchers note that using raw census data is flawed for benchmarking purposes—for example, census data does not necessarily reflect the area's motorists nor which motorists are committing the most traffic violations (Dolan Consulting Group, 2019). Further, the U.S. Census is only collected every 10 years, which limits its applicability as a reflection of a neighborhood at any given time.

Researchers have recognized these limitations and have often tried to create more accurate benchmarks using census data in combination with other data; for example, limiting census estimates to only those with a driver's license. This is often referred to as an adjusted census benchmark. The American Community Survey (ACS), a subset of the U.S. Census, collects data more frequently, releasing both one- and five-year reports. In combination, the ACS with Secretary of State license data can create a more accurate benchmark than unadjusted decennial census data. However, this process requires additional analyses to create driving age population estimates.

Field Observations

Another benchmarking method is to physically observe and count those driving on the roadways. In this method, trained observers stand in certain areas and mark their perception of the race of all drivers and of those committing traffic violations (e.g., illegal left turns, running red lights). This is to determine if certain drivers commit more violations than others, which could explain disparities in police stop behavior (Alpert et al., 2004). Although this method is more reliable than static estimates, such as census data or licensed driver data, it is costly and sometimes dangerous. Further, trained observers may have trouble with data collection at night, as well as distinguishing between certain ethnicities. Previous studies have limited observations to daytime and records to Black or non-Black drivers (Alpert et al., 2004).

Blind Enforcement

Conducting field observations, while perhaps the most accurate representation of drivers in real time, can be a challenging and time-consuming process which places unrealistic expectations on researchers. Other methods which utilize current technology, such as red-light cameras, can create another benchmark for comparison. These can be considered blind methods, as the technology is theoretically "blind" to the race of a driver captured by the software. In an ideal example, the demographics of drivers recorded by a red-light camera at a particular intersection could be compared to drivers stopped by police at that same intersection. However, researchers must be careful that the scope of stops is not too narrow, or they risk not having enough data for a meaningful analysis of racial profiling (Fridell, 2004). The results from speeding drivers at one intersection do not necessarily extrapolate to an entire population of traffic law violators in a city.

Matched Officer Groups/Internal Benchmarking

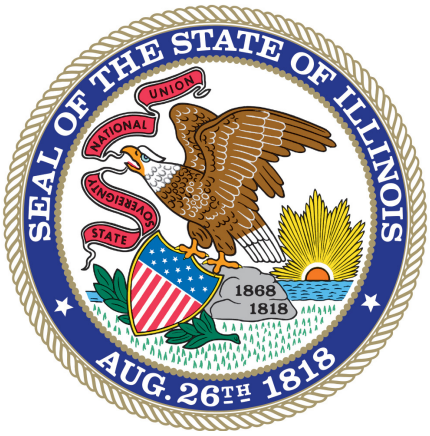
In this type of benchmark, instead of comparing those stopped by officers to estimates of those living in the area or those captured by enforcement technology, officers are compared with other officers in matched groups. In other words, two officers who work the same shift in the same area can be compared to each other to identify evidence of racial bias in stops. This is sometimes referred to as internal benchmarking. Ridgeway and MacDonald (2009) noted that this method can highlight so-called "problematic officers" and can provide an alternative to the aggregate benchmarks that are commonly used. The matching process for officers is critical to the accuracy of this method, although Fridell (2004) noted that no match can truly be perfect, as officers on the same shift in the same area may still have differing assignments or objectives. In addition, researchers cannot tell if the denominator (i.e., the group of officers being compared) are not also biased. It is possible that all the officers are engaging in racially biased policing and that an outlier officer is comparatively showing the most bias.

Traffic Crash Data

Alternatively, the racial breakdown of drivers can be estimated using not-at-fault traffic crash data. Alpert et al. (2004) used both observation data from certain intersections and compared this to not-at-fault traffic crash data from the same intersections. The researchers concluded that crash data can be a relatively accurate estimate of the racial composition of the driving population. They also noted that the races of drivers involved in crashes can easily be collected by law enforcement. However, the researchers also recognized that not-at-fault crash data does not provide information on the racial composition of traffic violators and assumes that drivers of different races commit violations proportionally to their representation in the driving population. In other words, it is unclear if drivers of different races have different rates of traffic violating behavior.

Veil of Darkness

Grogger and Ridgeway (2006) developed a novel approach to measuring bias among officers during traffic stops. Known as the "veil of darkness," they suggested that when it is dark outside, police officers have more trouble identifying a driver's race due to decreased visibility. Thus, if bias is present, Black drivers will be pulled over less often than when it is light out; the veil of darkness prevents officers from using race as a motivating factor when initiating a traffic stop. However, researchers cannot simply compare drivers stopped at midnight to drivers stopped at 9 a.m., as these may be drivers with categorically different levels of violation risk. Therefore, researchers using the veil of darkness compare drivers at lighter and darker parts of the evening (e.g., 5 p.m. to 9 p.m.) assuming the general type of driver remains the same. However, Baumgartner (2022) noted that vehicle age, type, and other visual cues also inform police behavior, which challenges some assumptions used in the veil of darkness benchmark.



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