LRB9206328RCcd

AN ACT in relation to criminal statistics and law
 enforcement.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Attorney General Act is amended by adding
6 Section 4.5 as follows:

7 (15 ILCS 205/4.5 new)

Sec. 4.5. Criminal statistics compilation and 8 9 investigation. Upon the referral of any complaint or report from the Department of State Police to the Attorney General 10 or upon receipt of any other complaint involving disparities 11 in the enforcement of criminal law within the scope of 12 Section 2605-395 of the Department of State Police Law, the 13 Attorney General shall investigate the matter. In connection 14 15 with the investigation, the Attorney General shall obtain 16 data under paragraph (8) of that Section. The Attorney General shall take any remedial or enforcement measures as 17 the investigation may reveal to be warranted. The Attorney 18 General shall publish an annual report of activities 19 20 undertaken under this Section.

21 Section 10. The Department of State Police Law of the 22 Civil Administrative Code of Illinois is amended by adding 23 Section 2605-395 as follows:

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(20 ILCS 2605/2605-395 new)

25 <u>Sec. 2605-395. Compilation of law enforcement</u> 26 <u>statistics. The Department shall have the following duties</u> 27 <u>with respect to the compilation of criminal history record</u> 28 <u>information:</u>

29 (1) To collect and correlate criminal history record

1 information, including crimes committed, arrests made, dispositions on preliminary hearings, prosecutions, 2 3 convictions, acquittals, punishment, appeals, together with 4 the age, race or ethnicity, and sex of the offender, and any other information concerning crime and criminals as may 5 appear significant or helpful. To correlate this information 6 7 with the operations of agencies and institutions charged with the supervision of offenders sentenced to probation, 8 conditional discharge, imprisonment in a penal institution, 9 10 or periodic imprisonment and to offenders serving a term of 11 parole or mandatory supervised release, so as to show the 12 volume, variety, and tendencies of crime and criminals and 13 the administration of the criminal law in connection with the arrest, trial, sentencing and the terms and conditions of 14 15 parole and mandatory supervised release of all criminals in 16 this State. 17 (2) To collect, correlate, and maintain the following information regarding traffic law enforcement by every peace 18 officer: 19 20 (a) the number of drivers stopped for routine 21 traffic enforcement by every peace officer and whether or 22 not a citation or warning was issued; (b) identifying characteristics of the drivers 23 24 stopped, including the race or ethnicity, approximate <u>age, and sex;</u> 25 (c) the alleged traffic violation that led to the 26 27 <u>stop;</u> (d) whether or not a search was instituted as a 28 29 result of the stop; (e) whether or not the vehicle, personal effects, 30 31 driver, or passenger or passengers were searched, and the 32 race or ethnicity, approximate age, and sex of each 33 person searched; 34 (f) whether the search was conducted with consent,

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| 1 | probable cause, or reasonable suspicion to suspect a |
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| 2 | crime, including the basis for the request for consent, |
| 3 | or the circumstances establishing probable cause or |
| 4 | reasonable suspicion; |
| 5 | (g) whether or not any contraband was found and the |
| 6 | type and amount of any contraband; |
| 7 | (h) whether or not any written citation or any oral |
| 8 | or written warning was issued as a result of the stop; |
| 9 | <u>(i) whether or not an arrest was made as a result</u> |
| 10 | of either the stop or the search; |
| 11 | (j) whether or not any property was seized, with a |
| 12 | description of that property; |
| 13 | (k) whether or not the officers making the stop |
| 14 | encountered any physical resistance from the driver or |
| 15 | passenger or passengers; |
| 16 | (1) whether or not the officers making the stop |
| 17 | engaged in the use of force against the driver, |
| 18 | passenger, or passengers for any reason; |
| 19 | (m) whether or not any injuries resulted from the |
| 20 | stop; and |
| 21 | (n) whether or not the circumstances surrounding |
| 22 | the stop were the subject of any investigation, and the |
| 23 | results of that investigation. |
| 24 | The information required by this paragraph (2) is not |
| 25 | required to be collected in connection with roadblocks, |
| 26 | vehicle checks, or checkpoints that are consistent with the |
| 27 | laws of this State and with the State and federal |
| 28 | constitutions, except when those stops result in a warning, |
| 29 | search, seizure, arrest, or any of the other activity |
| 30 | described in clauses (d) through (n) of this paragraph (2). |
| 31 | (3) To make scientific study, analysis, and comparison |
| 32 | from the information so collected and correlated with similar |
| 33 | information gathered by federal agencies, and to provide the |
| 34 | Governor, the Attorney General, and the General Assembly with |

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1 the information so collected and analyzed annually, or more 2 often if required by the Governor. (4) Information released under this Section may not 3 4 reveal the identity of any individual who is stopped. 5 (5) In analyzing the data collected under this Section, the Department shall scrutinize the data for evidence of 6 statistically significant aberrations. The .05 level of 7 statistical significance shall be presumed to be evidence of 8 an aberration. The following list, which is illustrative and 9 not exclusive, contains examples of areas in which 10 11 statistically significant aberrations may be found: (a) the percentage of minority drivers or 12 13 passengers being stopped in a given area is substantially higher than the proportion of the overall population in 14 or traveling through the area that the minority 15 16 <u>constitutes;</u> (b) a substantial number of false stops, including 17 stops not resulting in the issuance of a traffic ticket 18 or the making of an arrest; and 19 (c) a disparity between the proportion of citations 20 issued to minorities and the proportion of minorities in 21 22 the population. (6) Every law enforcement agency shall collect and 23 24 transmit to the Department, in such manner and at such times as the Department may require, such data as it requires to 25 enable it to perform its duties under this Section. 26 27 (7) If the Department receives a complaint regarding improper criminal law enforcement, it shall refer the 28 complaint to the Attorney General for investigation. 29 30 (8) In connection with any investigation, the Department 31 shall furnish to the Attorney General any and all pertinent information collected, compiled, or analyzed, including raw 32 33 data, under this Section. 34 (9) Any statistically significant aberrations found by

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| 1 | the Department shall be referred to the Attorney General for |
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| 2 | investigation. |
| 3 | (10) From any funds that may be available for these |
| 4 | purposes, the Department may make grants to law enforcement |
| 5 | agencies to aid them in the performance of duties imposed |
| 6 | under paragraph (6) of this Section. |
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7 Section 99. Effective date. This Act takes effect upon8 becoming law.