



October 9, 2023

Community Commission for Public Safety and Accountability
2 N. LaSalle Street
Suite 725
Chicago, IL 60602

RE: Chicago Police Department Traffic Stops

Dear Commissioner Driver, Commissioner Gomez, Commissioner Brown, Commissioner Loizon, Commissioner Nellis, Commissioner Terry, and Commissioner Troncoso,

We write to you as the Free2Move Coalition, an alliance of community and advocacy organizations working to create a safer, more racially equitable system of traffic safety in Chicago. Our coalition's mission is to decrease reliance on police enforcement in traffic safety and increase investment in racially equitable infrastructure in order to systemically change the way we think about traffic enforcement.

We call upon you today to take action on the Chicago Police Department's (CPD's) use of traffic stops. Whether in a car, on a bike, or on the sidewalk, Black and Latine people in Chicago are stopped by the police for traffic offenses at higher rates than their white neighbors. The Free 2 Move Coalition has conducted a robust analysis of traffic stops and their impact on Chicagoans. The City's data demonstrated that traffic stops in Chicago are harmful, racially disparate, and fail to promote roadway or public safety.¹

CPD's discriminatory, excessive and ineffective traffic stops strategy must end.

The data affirmed the experiences of our communities and the commonly held understanding that Black and Latine drivers are subjected to increased traffic stops and searches simply because of their race. For people of color, these encounters with law enforcement are a constant, both limiting mobility and eroding trust between police and the communities they are tasked with serving. Police focus stops in our city's Black and Latine neighborhoods, subjecting them to constant police presence as they try to make their way to and from home. And when people of color are traveling through communities with a predominantly white population, they are stopped at far greater rates than white people in that neighborhood. The effect of these stops is serious. Across the country, stops for low-level traffic offenses have led to some of the most devastating incidents of police violence in history. Rodney King, Sandra Bland, Philando Castile, Daunte



Wright, Tyre Nichols, and so many more were victims of this system that allows police officers to stop and search drivers with near impunity. That many of these devastating instances involved people with disabilities is not coincidental. When so much of the outcome of an interaction depends on a person acting within a proscribed set of behaviors anyone who acts outside the norm is at increased risk.

It's clear that these stops are not made with the intention of enforcing roadway safety but, in fact, are pretextual. Pretextual stops are the practice of police officers using a traffic infraction to stop a vehicle and “fish” for signs of criminal activity. Using this legal loophole, officers can investigate civilians and racially profile without any indication that the person has engaged in, is engaged in, or is about to engage in a criminal act. While CPD has claimed that these stops are a key strategy to curb violent crime, the data shows these stops are an ineffective way to find evidence of criminal activity.

Across Chicago, there have been alarms raised about the mass increase in stops, the concentration of stops among Black and Latine Chicagoans, and the fact that these stops are an immense waste of resources that aren't keeping us safer.²

It's time to act.

Over the last two years, we have analyzed data from CPD traffic stops to determine what are the most common traffic offenses drivers are stopped for and which of those stops disproportionately impact Black or Latine Chicagoans. We have spoken with community members and organizations to hear what their experiences with traffic stops have been. We have had conversations with advocates from jurisdictions across the country that have made significant changes to address racially disparate stops to understand their approaches and their lessons learned. And we have met with national experts to learn from their perspectives on best practices to fundamentally change traffic stops policy. Drawing on all of this information, we have developed three policy changes that we believe are essential to meaningfully address CPD's racially disparate and ineffective traffic stops practices:

- 1. Limit Stops for Low-Level Offenses.** From 2019-2021, over 50% of the traffic stops CPD made were for two types of minor violations—having an unlit or broken headlight or taillight or improperly displayed or expired registration plates or tags, while less than 2% of stops were made for dangerous driving behaviors like speeding or driving under the influence. Limiting stops for low-level offenses would prohibit officers from making stops solely for certain minor traffic code violations that have little to no impact on roadway safety. Similar changes have been implemented in Virginia, California, Philadelphia, Pittsburgh, Memphis, and San Francisco.³ Illinois has taken a first step in this area by recently passing a law prohibiting vehicle stops based solely on a violation of



the law barring objects hanging from the front windshield.⁴

Restricting officers' ability to stop a person solely for one or more of the following traffic violations would limit pretextual stops that do not provide for roadway safety and result in racially disparate enforcement:

- a. Failure to have two registration plates properly displayed, where at least one plate is displayed⁵
- b. Improper registration plate fastening and positioning, where the registration plate is otherwise clearly displayed⁶
- c. Expired registration plate or registration stickers, where the vehicle has been properly registered within the previous 9 months⁷
- d. Having headlights that are not functioning or properly illuminated during the applicable time period and conditions, where at least one headlight is on and operable⁸
- e. Having tail lights that are not functioning or properly illuminated during the applicable time period and conditions, where at least one tail light is on and operable⁹
- f. Failure to have an illuminated registration plate¹⁰
- g. Failure to have illuminated and dimmed vehicle lamps while parked on an unlit roadway during the applicable time period¹¹
- h. Having brake lights that are not functioning or properly illuminated, where at least one brake light is on and operable¹²
- i. Failure of a driver or passenger to wear a safety belt, where that driver or passenger is over 16 years old¹³
- j. Operating a vehicle with a loud sound system¹⁴
- k. Emitting excessive smoke or fumes from a motor vehicle, unless such emission is significant enough to pose a substantial risk of injury or death to the driver, passengers, or another person¹⁵

Driving offenses are not the only traffic violations that can be used to initiate a pretextual stop. In fact, CPD has a long history of disproportionately stopping and citing cyclists in Black neighborhoods.¹⁶ While the data surrounding jaywalking in Chicago is less clear, historically people of color in this country have been disproportionately stopped and cited for jaywalking offenses. This is why jaywalking enforcement has been eliminated in places like Kansas City, Missouri, Denver, Colorado, and Virginia.¹⁷ As part of this proposed policy, officers would be barred from stopping a cyclist for minor cycling violations listed in the Illinois Vehicle Code 626 ILCS 5/11-1505–1513 and low-level jaywalking violations listed in Chi. Mun. Code § 9-60. By including a broad range of low-level offenses in this policy we aim to prevent an uptick in pretextual stops for minor jaywalking and biking violations.



2. **Eliminate Pretextual Traffic Stops.** This policy would prohibit law enforcement from stopping a vehicle, bicyclist, or pedestrian for a traffic code violation where their primary intention is to conduct a suspicion-less investigation for unrelated criminal activity. A similar policy was enacted by the Los Angeles Police Department last year.¹⁸ Under this policy, officers would be free to stop vehicles for violations of the traffic code when the violations raise legitimate concerns for roadway safety. They would also be free to stop vehicles when they have reasonable suspicion or probable cause of a non-traffic crime. Prohibiting pretextual traffic stops provides clarity that, regardless of the minor traffic offense identified, officers may not use that offense as a basis to stop when the objective is to conduct a criminal investigation. Since pretextual traffic stops were deemed a constitutional practice by this country's highest court, traffic stops have become the most common interaction between police and civilians. Passing this policy would set a historical precedent, that Chicago prioritizes equity, fairness, and civil rights beyond the constitutional floor.

3. **Eliminate Consent Searches During Traffic Stops.** In Chicago, from 2015 to 2021, the share of stopped Black drivers who were asked for consent to search their car was over four times the percentage of stopped white drivers; the percentage of stopped Latine drivers asked for consent to search their vehicle was over three times the percentage of stopped white drivers. This policy would bar officers from asking to search a person or their vehicle during a stop for a violation of the traffic code unless the officer has some other legal basis to search under the Fourth Amendment. That legal basis would need to be articulated on a body worn camera before the officer asked the person for consent. Several jurisdictions including Connecticut, San Francisco Police Department, and Kalamazoo Department of Public Safety in Michigan have implemented similar policies.¹⁹ A change like this would curb ineffective and racially discriminatory stops and searches by disincentivizing pretextual stops and requiring police to focus their investigatory efforts where there are actual signs of criminal activity.

When combined together, these policy changes would make important progress toward a more racially equitable traffic system. This three-pronged approach addresses three different facets of pretextual stops to ensure that reforms are effective in reducing unnecessary, racially disparate stops. By focusing on the purpose of the stops (pretext), the most common minor reasons for these stops (low-level offenses with no impact on traffic safety), and one of the motivating incentives to conduct stops without criminal suspicion (consent searches), this approach provides greater assurance that both the ability to and the incentive to conduct racially discriminatory and unnecessary pretextual stops will be diminished.

This change is needed now.



For years, Black and Latine people have been loud and clear about the incessant racial profiling in traffic enforcement. The data confirms that these stops are not only incredibly harmful and racially disparate but also a wholly inefficient way to achieve their purported benefit of public and roadway safety. If implemented, we believe this three-pronged policy will result in reduced stops, searches, arrests, uses of police force, and fines, particularly for Black and Latine Chicagoans. The change will also reduce the burden on law enforcement officers, providing them with more capacity to focus on response to violent crime and truly dangerous driving behaviors. Ultimately, this policy could transform the way policing is done in the City and begin to mend some of the deeply rooted distrust between police and the communities they are tasked with serving.

We call on this Community Commission to use its policy making power to establish a CPD General order that includes these three policy provisions. The Free2Move Coalition seeks to serve as a partner to the Commission in this work. We bring expertise of people impacted by pretextual traffic stop policing, transportation equity advocates, policing and public safety systems changers, people with disabilities, and organizations representing each side of Chicago. We believe together we can implement this commonsense change that will effectively end pretextual traffic stops and grant hundreds of thousands of Chicagoans the freedom to move.

Sincerely,

The Free2Move Coalition, including the following organizations:

Access Living
Active Transportation Alliance
Black Lives Matter Chicago
Building Brighter Minds for the Future
CAIR Chicago
Chicago Appleseed Center for Fair Courts
Community Renewal Society
Equiticity
Illinois Coalition to End Permanent Punishments
Impact for Equity
Jewish Council on Urban Affairs
Lawndale Christian Legal Center
ONE Northside



- ¹ For more information on the data described in this letter, see *A New Vehicle for “Stop and Frisk”: the Scope, Impact, and Inequities of Traffic Stops in Chicago* (March 2023) <https://www.impactforequity.org/wp-content/uploads/2023/04/A-New-Vehicle-for-Stop-and-Frisk-Report.pdf>; *A New Vehicle for “Stop and Frisk: Update* (May 2023) https://www.impactforequity.org/wp-content/uploads/2023/05/IFE_Traffic-Stop-Report-Update_F.pdf.
- ² See, e.g., Pascal Sabino, *West Side Drivers Are Stopped by Cops The Most In Chicago. But 94% Of Stops Don’t Lead To Tickets*, BLOCK CLUB CHICAGO (Nov. 18, 2021), <https://blockclubchicago.org/2021/11/18/west-side-drivers-are-stopped-by-cops-the-most-in-chicago-but-94-of-stops-dontlead-to-tickets/>; Pascal Sabino, *The new ‘stop and frisk’? Chicago police make millions of traffic stops while searching for guns*, INJUSTICE WATCH (March 30, 2023), <https://www.injusticewatch.org/news/police-and-prosecutors/2023/traffic-stops-stop-and-frisk-chicago-Illinois-traffic-stops-of-Black-drivers-reach-record-highs>, WBEZ CHICAGO (Sept. 27, 2023) (<https://www.wbez.org/stories/illinois-traffic-stops-of-black-drivers-hit-20-year-high/ef598a6d-3bf8-4166-bb66-5abeb534d6e6>); City of Chicago Office of the Inspector General, *The Office of Inspector General Finds Race- and Ethnicity-Based Disparities Compound Across Multiple Phases of the Chicago Police Department’s Use-of-Force Incidents* (March 1, 2022), <https://igchicago.org/2022/03/01/the-office-of-inspector-general-finds-race-and-ethnicity-based-disparities-compound-across-multiple-phases-of-the-chicago-police-departments-use-of-force-incidents/> police/#:~:text=The%20analysis%20found%20Chicago%20police,stops%20for%20every%20gun%20arrest.
- ³ Virginia General Assembly, HB 5058 (2020 Special Session) <https://lis.virginia.gov/cgi-bin/legp604.exe?202+ful+CHAP0045>; Colleen Shalby, *Jaywalking is decriminalized in California under new law*, L.A. TIMES (Oct. 1, 2022) <https://www.latimes.com/california/story/2022-10-01/jaywalking-decriminalized-in-california-under-new-law>; Driving Equality Act, Philadelphia City Council (2021) <https://phila.legistar.com/LegislationDetail.aspx?ID=5007830&GUID=065348E0-F4F6-4B6A-A088-DFE5358E73CD&Options=ID|Text|&Search=210636>; Pittsburgh City Council, 2021-2174 <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5208670&GUID=B5AEC7AF-6845-4012-8B7D-3462C66597FA&Options=&FullText=1>; Katherine Burgess and Lucas Finton, *Memphis passes ‘Achieving Driving Equality’ ordinance after Tyre Nichols’ death*, COMMERCIAL APPEAL (April 11, 2023 6:07 PM) <https://www.commercialappeal.com/story/news/politics/2023/04/11/memphis-passes-achieving-driving-equality-after-tyre-nichols-death/70099925007/>; SAN FRANCISCO POLICE DEPARTMENT, GENERAL ORDER 9.07: RESTRICTING THE USE OF PRETEXT STOPS, https://sf.gov/sites/default/files/2023-03/DGO%209.07_03.15.23.pdf.
- ⁴ Act of June 9, 2023, Pub. Act 103-0032, 2023 Ill. Laws.
- ⁵ 625 ILCS 5/3-413(a) / Chi. Mun. Code § 9-76-160(a)(1).
- ⁶ 625 ILCS 5/3-413(b) / Chi. Mun. Code § 9-76-160(a)(4).
- ⁷ 625 ILCS 5/3-413(f) / Chi. Mun. Code § 9-76-160(b).
- ⁸ 625 ILCS 5/12-201(b) / Chi. Mun. Code § 9-76-050(b) / Chi. Mun. Code § 9-76-210(a).
- ⁹ 625 ILCS 5/12-201(b) / Chi. Mun. Code § 9-76-050(c) / Chi. Mun. Code § 9-76-210(a).
- ¹⁰ 625 ILCS 5/12-201(c) / Chi. Mun. Code § 9-76-050(d) / Chi. Mun. Code § 9-76-210(a).
- ¹¹ 625 ILCS 5/12-203 / Chi. Mun. Code § 9-76-090.
- ¹² 625 ILCS 5/12-208 / Chi. Mun. Code § 9-76-210(a).
- ¹³ 625 ILCS 5/12-603.1 / Chi. Mun. Code § 9-76-180(a).
- ¹⁴ 625 ILCS 5.0/12-611 / Chi. Mun. Code § 8-32-070.
- ¹⁵ Chi. Mun. Code § 9-76-140(B).
- ¹⁶ Mary Wisniewski, *Black Neighborhoods Still See Most Bike Tickets, Police Data Show*, Chi. Trib., Feb. 12, 2018.
- ¹⁷ Taking on Traffic Laws: A How-To Guide for decriminalizing Mobility, BikeWalkKC https://saferoutespartnership.org/sites/default/files/decriminalization_guide.pdf; A.J. Nwoko, *New state jaywalking law goes into effect* NBC 12, (Mar. 4, 2021) <https://www.nbc12.com/2021/03/05/new-state-jaywalking-law-goes-into-effect/>; Joe Rubino, *Denver City Council votes to decriminalize jaywalking — but it’s still illegal under state law*, THE DENVER POST (Jan. 30, 2023) <https://www.denverpost.com/2023/01/30/denver-city-council-decriminalize-jaywalking-vote/>.
- ¹⁸ LOS ANGELES POLICE DEPARTMENT MANUAL, SECTION 1/240.06, POLICY – LIMITATION ON USE OF PRETEXTUAL STOPS, last updated Jan. 26, 2023, <https://www.lapdonline.org/lapd-manual/>.



¹⁹ Connecticut General Assembly, Public Act No. 20-1, An Act Concerning Police Accountability, July 2020 Special Session, <https://www.cga.ct.gov/2020/ACT/PA/pdf/2020PA-00001-R00HB-06004SS1-PA.pdf>; San Francisco Police Department, *General Order 9.07.01 - Restricting the Use of Pretext Stops* (Rev. April 5, 2023), https://sf.gov/sites/default/files/2023-03/DGO%209.07_03.15.23.pdf; Aaron Mueller, *Traffic stops by Kalamazoo police down by nearly half in 6 months since racial profiling study*, MLive (Mar. 3, 2014), https://www.mlive.com/news/kalamazoo/2014/03/racial_profiling_study_prompts.html.