



HR0405

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HOUSE RESOLUTION

2           WHEREAS, In the past year, the nation's attention has  
3 turned to police practices because of high profile killings,  
4 including Michael Brown in Ferguson, Missouri, Tamir Rice in  
5 Ohio, and Eric Garner in New York; and

6           WHEREAS, Concerns about policing extend beyond the use of  
7 force and into the everyday interactions of police with  
8 community members; and

9           WHEREAS, In African-American and Latino communities,  
10 everyday interactions with police often result in a "stop and  
11 frisk"; and

12           WHEREAS, Under the United States Supreme Court decision in  
13 Terry v. Ohio, 392 U.S. 1 (1968), an officer is allowed to stop  
14 a person if the officer has reasonable suspicion that the  
15 person has been, is, or is about to be engaged in criminal  
16 activity; once a person is stopped, if an officer has  
17 reasonable suspicion that the person is dangerous and has a  
18 weapon, the officer may frisk the person including ordering him  
19 or her to put his or her hands on a wall or car, and allowing  
20 the officer to frisk the person's body to determine if a weapon  
21 is being carried; and

1           WHEREAS, This experience is often invasive, humiliating,  
2           and disturbing; and

3           WHEREAS, Many police departments have failed to adequately  
4           train, supervise, and monitor law enforcement in minority  
5           communities for decades, resulting in a failure to ensure that  
6           officers' use of stop and frisk is lawful; and

7           WHEREAS, A report by the American Civil Liberties Union of  
8           Chicago found that the Chicago Police Department has a current  
9           practice of unlawfully using stop and frisk: "Although officers  
10          are required to write down the reason for stops, in nearly half  
11          of the stops we reviewed, officers either gave an unlawful  
12          reason for the stop or failed to provide enough information to  
13          justify the stop."; and

14          WHEREAS, The report states that "stop and frisk" in Chicago  
15          is disproportionately concentrated in the African-American  
16          community comprising 72% of all stops, even though  
17          African-Americans constitute just 32% of the city's population  
18          and in majority white police districts, minorities were stopped  
19          disproportionately to the number of minority people living in  
20          those districts; and this failure to properly record data makes  
21          it impossible for police supervisors, or the public, to  
22          identify bad practices and make policy changes to address them;  
23          the abuse of stop and frisk is a violation of individual

1 rights, but it also poisons police and community relations; and

2 WHEREAS, In Chicago, there were more than 250,000 stops  
3 that did not lead to an arrest; Chicagoans were stopped more  
4 than 4 times as often as New Yorkers at the height of New York  
5 City's stop and frisk practice; and

6 WHEREAS, Chicago refuses to keep adequate data about its  
7 officers' stops; officers do not identify stops that result in  
8 an arrest or ordinance violation, and they do not keep any data  
9 on when they frisk someone; therefore, be it

10 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
11 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
12 the House urges the General Assembly to pass legislation that  
13 adopts the recommendations of the American Civil Liberties  
14 Union of Chicago as follows:

15 (1) require police departments to collect data on each  
16 frisk, record the frisk, the reason for the frisk (which  
17 must be separate from the reasons for the stop), and the  
18 results of the search such as whether there was a weapon or  
19 other contraband and if so, what type and make the data  
20 public;

21 (2) expand and make permanent the Illinois Traffic Stop  
22 Statistical Study Act;

23 (3) require police departments to collect data on all

1 stops and make the data public;

2 (4) require police officers to receive regular  
3 training on the legal requirements for stop and frisk and  
4 how to record them properly; and

5 (5) require that police officers provide civilians  
6 with a receipt at the end of pedestrian stops, traffic  
7 stops, and consensual encounters stating the officer's  
8 name, the time and place of the encounter, and the reason  
9 for the encounter.