

**BPI** BUSINESS AND  
PROFESSIONAL PEOPLE FOR  
THE PUBLIC INTEREST



# A NEW VEHICLE FOR “STOP AND FRISK”

THE SCOPE, IMPACT, AND INEQUITIES OF TRAFFIC  
STOPS IN CHICAGO

MARCH 2023

# ACKNOWLEDGEMENTS

## AUTHORS

Loren Jones, *Staff Counsel, BPI*  
Amy Thompson, *Staff Counsel, BPI*

## COMMUNICATIONS, EDITING, & ADMINISTRATION

Cara Hendrickson, *Executive Director, BPI*  
Shareese Pryor, *Program Director and Senior Staff Counsel, BPI*  
Sydney Sakharia, *Program Manager, BPI*  
Tamara Reed Tran, *Managing Director of Development and External Relations, BPI*

## DATA ANALYSIS

*The University of Chicago Data Science Institute faculty and students:*

Akila Forde  
Kenia Godinez-Nogueda  
Tim Hannifan  
Ashley Hitchings  
Jasmine Hope  
Justin Kim  
Amanda R. Kube Jotte  
Vincent Liu  
Gabrielle Meyers  
Antoinette Raggs  
Riley Tucker  
Emily Fan-Ju Yeh

## FINANCIAL SUPPORT

Arnold Ventures  
The Joyce Foundation  
John D. and Catherine T. MacArthur Foundation  
Microsoft Justice Reform Initiative

## FREE2MOVE COALITION

BPI drafted this report to support the work of the Free2Move Coalition (F2M), an alliance of community and advocacy organizations working to create a safer, more racially equitable system of traffic safety in Chicago including:

- Access Living
- Active Transportation Alliance
- Affinity Community Services
- Better Streets Chicago
- Black Lives Matter Chicago
- BPI
- Chicagoland Disabled People of Color Coalition
- Community Renewal Society
- Council on American Islamic Relations
- Equiticity
- Metropolitan Planning Council
- Network 49

To learn more about F2M, visit the coalition's website at <https://www.free2movechi.org/>.

## TABLE OF CONTENTS

<b>4</b>	<b>I. Introduction</b>
	Key Findings
<b>6</b>	<b>II. Methodology</b>
<b>8</b>	<b>III. In Recent Years, the Number of Traffic Stops in Chicago Has Greatly Increased</b>
	Traffic Stops Increased Almost Sevenfold from 2015 to 2019
<b>9</b>	<b>IV. Evidence Suggests That Chicago Police Officers Engage in Mostly Pretextual Traffic Stops</b>
	Traffic Stops Increased After Pedestrian Stops Decreased
	Most Drivers Are Stopped for Minor Traffic Violations
	Most Chicago Traffic Stops Do Not Result in Citation
	These Changes Suggest a CPD Strategy of Engaging in Pretextual Stops
<b>13</b>	<b>V. Traffic Stops Rarely Lead to Contraband Recovery</b>
<b>15</b>	<b>VI. Black Drivers Are Disproportionally Subjected to Pretextual Traffic Stops</b>
	Most Traffic Stops Involve a Black or Latine Driver
	Black and Latine Drivers Are More Likely to Be Stopped for Minor Violations Than White Drivers
	Most Traffic Stops in Chicago Take Place in Black Communities
	In Majority White Areas Black and Latine Drivers Are Stopped at Disproportionate Rates
	Racial Disparities Decrease After Dark When Officers Are Likely Less Able to See the Driver’s Race
<b>21</b>	<b>VII. Intrusive and Often Suspicionless Searches Target Black and Latine Drivers</b>
	As Traffic Stops Increased, Searches Per Stop Decreased
	Black and Latine Drivers Are Disproportionately Searched When Stopped
	Black and Latine Drivers Are More Likely to Be Searched When Officers Have Little to No Reason to Suspect Criminality
<b>24</b>	<b>VIII. Traffic Stops Disproportionately Harm Black and Latine Communities</b>
	Black and Latine Drivers Receive Most Citations
	Black and Latine Drivers Are More Likely to Be Arrested as a Result of a Traffic Stop Than White Drivers
	Traffic Stops Result in Many Violent Police Interactions with Black and Latine People
	Traffic Stops Lead to Psychological Harm and Distrust in Black and Latine Communities
<b>27</b>	<b>IX. Conclusion</b>



## I. INTRODUCTION

Police officers across the country routinely pull over drivers based solely on the color of their skin. While this statement may raise eyebrows for some, for people of color across the United States, this is simply one of the many dangers you are forced to prepare for before getting behind the wheel. This system was entrenched into law when the United States Supreme Court ruled that police officers can follow any motorist until they violate a traffic law—and all drivers do sooner or later—and then use that traffic infraction to stop the vehicle and “fish” for signs of criminal activity.<sup>1</sup> Using this loophole, officers can investigate civilians without any indication that they have engaged in, are engaged in, or are about to engage in a criminal act. This practice is known as making a “pretextual stop.”<sup>2</sup> Due to the proliferation of the use of these as a tool for investigation, traffic

stops have become the most common interaction that Americans have with law enforcement.<sup>3</sup> They have also 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 racially profile, stop, and search drivers with near impunity.

Chicago is no exception. Rather, it presents a stark case study of a city that has increasingly relied on traffic stops as an investigatory tool as it has shifted away from equally problematic pedestrian “stop and frisk,”<sup>4</sup> a practice with a low legal standard for reasonable suspicion that led to extreme racial disparities in its use by Chicago Police Department.<sup>5</sup>

<sup>1</sup> *Whren v. United States*, 517 U.S. 806, 813 (1996); Stephen Rushin et al., *An Empirical Assessment of Pretextual Stops and Racial Profiling*, 73 *STAN. L. REV.* 637 (2021). If a driver can prove they were racially profiled, they may be able to obtain a remedy in civil court. However, showing that an officer or department’s intention behind the traffic stop was racially motivated is often a high burden.

<sup>2</sup> *Id.*

<sup>3</sup> See Marsha Mercer, *Police ‘Pretext’ Traffic Stops Need to End, Some Lawmakers Say*, THE PEW CHARITABLE TRUSTS: STATELINE (Sept. 3, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/03/police-pretext-traffic-stops-need-to-end-some-lawmakers-say>; U.S. JUSTICE DEP’T, BUREAU OF JUSTICE STATISTICS, CONTACTS BETWEEN POLICE AND THE PUBLIC (2018) <https://bjs.ojp.gov/content/pub/pdf/cbpp18st.pdf>.

<sup>4</sup> Under the Fourth Amendment, officers can stop a person when they have reasonable suspicion that the person is committing or about to commit a crime. They can frisk (or pat down) a person they stop when they have reason to believe that person is armed and dangerous. See *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>5</sup> See ACLU OF ILLINOIS, *STOP AND FRISK IN CHICAGO* 7, 9 (Mar. 2015), [https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf) (“Black Chicagoans were subjected to 72% of all stops, yet constitute just 32% of the city’s population.”).

Like pedestrian stops, instead of keeping roads safer, traffic stops target innocent Black and Latine<sup>6</sup> drivers. They can also result in individual- and community-level psychological harm; too often escalate into violence; result in burdensome fines and fees for drivers; and fail to address the true roots of crime and traffic hazards in Chicago.

This report analyzes how the Chicago Police Department uses traffic stops and examines how this practice impacts communities in Chicago. Our analysis revealed the following key findings:

## KEY FINDINGS

- In recent years, the number of traffic stops in Chicago has greatly increased.
- The vast majority of traffic stops are made for minor traffic violations and do not result in citation. This suggests that these stops are pretextual, i.e., made with the purpose of investigating drivers without reasonable suspicion of criminal activity, rather than to increase roadway safety.
- Pretextual traffic stops have replaced problematic pedestrian stops as a tool of the Chicago Police Department to fish for non-traffic-safety-related criminal conduct without reasonable suspicion.
- Pretextual traffic stops are an ineffective tool for criminal investigation. Only a small percentage of traffic stops result in citation, contraband recovery, or arrest.
- Traffic stops and searches disproportionately impact Black and Latine drivers and communities. These drivers are far more likely to be stopped, searched, cited, and subjected to use of force.

These findings raise serious and urgent questions about the Chicago Police Department's continued reliance on this harmful practice.

---

<sup>6</sup>Latine is a gender-neutral form of the term "Latino" for individuals who trace their roots to Latin America. This report takes guidance from Latine activists who prefer the term "Latine" over "Latinx," because Latine fits more easily into Spanish speech.

## II. DATA AND METHODOLOGY

The data used in this report was obtained from publicly available sources and Freedom of Information Act (FOIA) responses from the Chicago Police Department (CPD), the Illinois Department of Transportation (IDOT), the Illinois Secretary of State (SOS), and the City of Chicago Office of Inspector General (OIG). CPD maintains data regarding traffic stops gathered from officer reporting and communications with the City of Chicago Office of Emergency Management and Communication (OEMC). According to Illinois law, CPD is required to report information about all traffic stops to IDOT including, among other things, the race of the driver; the time, location, and reason for the stop; and whether the stop resulted in citation or recovery of illegal items.<sup>7</sup> Each year IDOT analyzes and publishes this data as part of the annual Illinois Traffic and Pedestrian Stop Study (ITPSS). The SOS maintains data related to Illinois drivers. The OIG has access to data regarding CPD activity related to traffic stops. While collectively this data offers a detailed account of traffic stop trends across millions of stops over a seven-year period, it also has limitations.

After comparing different datasets describing the same or similar aspects of traffic stops, it became clear that discrepancies exist.<sup>8</sup> The number of vehicle, driver, and/or passenger searches, the amount of contraband recovered, and the number of traffic stops CPD reported to IDOT is consistently lower than the data kept by CPD. Traffic stop data collected by OEMC and reported by CPD consistently show higher numbers of traffic stops,

sometimes reporting tens of thousands more traffic stops than CPD or IDOT data.<sup>9</sup> There are several possible explanations for these discrepancies, including failure to report, inaccurate reporting, reporting procedures that lead to multiple data entries for the same traffic stop, and confusing reporting requirements. For example, CPD policy limits the scope of traffic stops it considers reportable to IDOT. The policy states that “information is not collected when citations are issued as a result of the following: (1) Roadside safety check; (2) Seat belt enforcement ‘Click It or Ticket’ safety mission; (3) Criminal investigation; or (4) Traffic crash.”<sup>10</sup>

To account for these data discrepancies, the analysis conducted for this report largely relies on the IDOT data, which reflects the lowest number of stops between the available data sets. While this may lead to undercounting the total number of traffic stops per year, it avoids inclusion of duplicative or incomplete data that may undermine reliability of the findings. Even without the thousands of potentially unreported stops each year, the IDOT sample overall is large and accounts for the majority of traffic stops performed in Chicago. In other places, this analysis relies on the higher rates of contraband recovery reflected in CPD’s data, rather than the lower figures reported in the IDOT data. This is to ensure the report considers the largest possible results when making determinations about the impacts of traffic stops on criminal activity.

<sup>7</sup> See 625 ILCS 5/11-212.

<sup>8</sup> The datasets described here were obtained through Freedom of Information Act requests to IDOT, CPD, and OEMC. We requested any and all information regarding traffic stops including but not limited to, identifying information for each stop, the number of stops, location of stops, demographics of parties involved, reasons for stops, and results of stops (contraband, arrest, or citation). We requested data from IDOT for 2004-2021, from CPD for 2016-2021, and from all other sources for the years 2015 to 2021. The responses received included individual data entries for each incident requested, rather than summary data. In total we reviewed data from over four million traffic stops conducted by CPD over 18 years, with a particular focus on stops from 2015-2021, when traffic stops skyrocketed. Separately, we requested from CPD data on the total yearly numbers of firearms recovered and their source, including the total number of firearms recovered by CPD as a result of a traffic stop. The response received provided aggregate numbers of traffic firearm recoveries.

<sup>9</sup> OEMC Data, 2018-2021. See also Chicago Police Department, Force Review Division, *2020 Year-End Summary*, <https://home.chicagopolice.org/wp-content/uploads/FRD-2020-Year-End-Report.pdf> (stating OEMC recorded 492,659 traffic stops citywide during 2020, when that year CPD reported 327,224 traffic stops to IDOT).

<sup>10</sup> Chicago Police Department Special Order S04-14-09, *Illinois Traffic and Pedestrian Stop Statistical Study*, Iss. Mar. 23, 2018.

Multiple methodologies were employed in this report to show the full impact of traffic stops in Chicago. Much of this report is the result of a descriptive analysis of the data. A benchmark test<sup>11</sup> and Veil of Darkness analysis<sup>12</sup> were used to determine whether drivers of color were being stopped in a racially disparate manner. Throughout the report, where relevant, data inconsistencies and the limitations posed are revisited. While these discrepancies create challenges for the public to understand the precise impact and scope of CPD's traffic stop practices, the conclusions that can confidently be made with the available data still present a staggering picture of the use of traffic stops for criminal investigation in Chicago.

---

<sup>11</sup> To perform the benchmark analysis, we used U.S. Census data, American Community Survey data, and Illinois Secretary of State license data to calculate estimated driver populations for each racial group in Chicago (the "benchmark" populations) and compared the estimated driver populations to their respective stop rates in order to assess racial disparities.

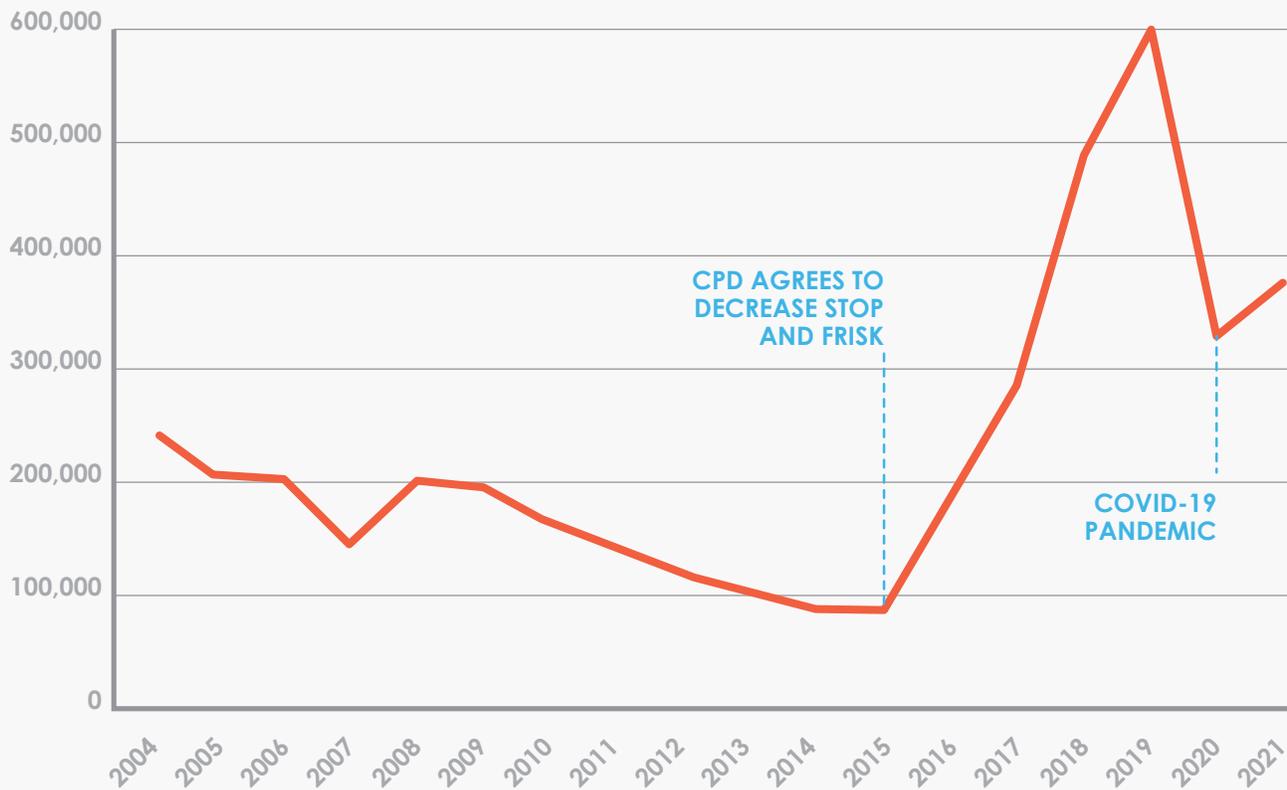
<sup>12</sup> A Veil of Darkness Test analyzes differences in stop patterns when it is light outside versus dark outside, operating on the theory that if officers are racially profiling drivers, drivers stopped when it is dark outside will be less likely to be people of color than drivers stopped when it is light outside.

### III. IN RECENT YEARS, THE NUMBER OF TRAFFIC STOPS IN CHICAGO HAS GREATLY INCREASED

#### TRAFFIC STOPS INCREASED ALMOST SEVENFOLD FROM 2015 TO 2019

In recent years, traffic stops in Chicago have skyrocketed. Traffic stops made by CPD largely declined from 2004 through 2015, from 242,281 in 2004 to a low of 85,965 stops in 2015.<sup>13</sup> After 2015, traffic stop numbers began to spike, reaching a peak in 2019 at 598,515 traffic stops. In 2020, traffic stops declined, likely due to the COVID-19 stay-at-home orders.<sup>14</sup> Even when the government ordered people to stay home, and many did, 241,259 more people were stopped in 2020 by CPD than in 2015. CPD's use of traffic stops rebounded in 2021, with 377,870 traffic stops reported for that year.

**FIGURE 1: TOTAL TRAFFIC STOPS IN CHICAGO FROM 2004-2021**



<sup>13</sup>The data in this subsection and in Figure 1 are drawn from ITPSS Data, 2004-2021.

<sup>14</sup>On March 20, 2020, the Governor of Illinois J.B. Pritzker issued an Executive Order requiring Illinoisans to stay in their place of residence other than for essential activities and to maintain social distancing when outside in order to prevent the spread of the virus COVID-19, subject to certain exceptions. Versions of the order were reissued over the subsequent months. This Illinois-wide stay-at-home order was lifted on May 29, 2020. After March 2020, the City of Chicago has issued various stay-at-home orders or advisories and placed restrictions on Chicagoans' use of public places; these restrictions may also have limited the numbers of drivers on Chicago roadways and number of individuals stopped.

## IV. EVIDENCE SUGGESTS THAT CHICAGO POLICE OFFICERS ENGAGE IN MOSTLY PRETEXTUAL TRAFFIC STOPS

Officers may choose to make a traffic stop to enforce traffic laws and improve traffic safety—i.e., traffic safety stops. They may also use a traffic violation, likely for a minor offense, as an excuse to pull someone over and search for signs of other criminal activity—i.e., pretextual stops.<sup>15</sup> There is no way of definitively determining whether a stop was made for traffic safety or pretextual reasons, because officers are only required to record one legal justification for the traffic stop.

This section examines traffic stop trends and CPD practices to better understand the motivation behind traffic stops. It finds that the recent spike in traffic stops, the types of violations that drivers are stopped for, and the proportion of stops that result in citation are all strong indicators that CPD is engaged in pretextual traffic stops.

### AFTER 2015, PEDESTRIAN “STOP AND FRISK” STOPS DECREASED AND TRAFFIC STOPS INCREASED

The data clearly shows a major shift in the number of traffic stops in Chicago, suggesting a department-wide change in CPD strategy. The sharp increase in stops post-2015 may be connected to a settlement agreement between CPD and the American Civil Liberties Union of Illinois (ACLU) to lessen the racially disparate impact of “stop and frisk” practices, also known as *Terry* Stops or investigative stops.<sup>16</sup> To make an investigative stop, officers are required to have reasonable suspicion of criminal activity, meaning the officer must act on some specific reasonable inference drawn from the facts and their experience, rather than inarticulable hunches.<sup>17</sup> In 2015, CPD and the ACLU entered into a settlement agreement to avoid litigation after the ACLU found that CPD disproportionately stopped and frisked Black pedestrians, often for reasons that did not even amount to reasonable suspicion.<sup>18</sup>

Although officers may have been deterred from misuse of “stop and frisk” under this new scrutiny, they could effectively continue this practice by stopping drivers under the pretext of a traffic code violation. The data confirms this theory. CPD went from conducting over 250,000 investigatory stops in a four-month period in 2014, to just over 100,000 stops in all of 2016, and at the same time, traffic stops increased drastically.<sup>19</sup>

<sup>15</sup> *Whren v. United States*, 517 U.S. 806 (1996).

<sup>16</sup> Stop and Frisk Campaign, ACLU of Illinois <https://www.aclu-il.org/en/campaigns/stop-and-frisk> (last visited Feb. 2, 2023).

<sup>17</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>18</sup> See ACLU OF ILLINOIS, STOP AND FRISK IN CHICAGO 7, 9 (Mar. 2015) [https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf) (“Black Chicagoans were subjected to 72% of all stops, yet constitute just 32% of the city’s population.”); Stop and Frisk Campaign, *supra* note 16 (linking to Investigatory Stop and Protective Pat Down Settlement Agreement between CPD and the ACLU). Investigatory stops are not limited to pedestrian stops; they also include vehicle stops made because an officer believed the driver was engaged or about to engage in criminal activity. While the agreement applies to all stops made because an officer alleged reasonable suspicion of criminal activity, it was created to curb CPD’s rampant use of investigatory pedestrian stops. Non-vehicle stops made up over 95% of all investigatory stops from 2016-2021. Investigatory Stop Reports Data Dashboard, Office of the Inspector General, <https://informationportal.igchicago.org/investigatory-stop-reports-overview/>.

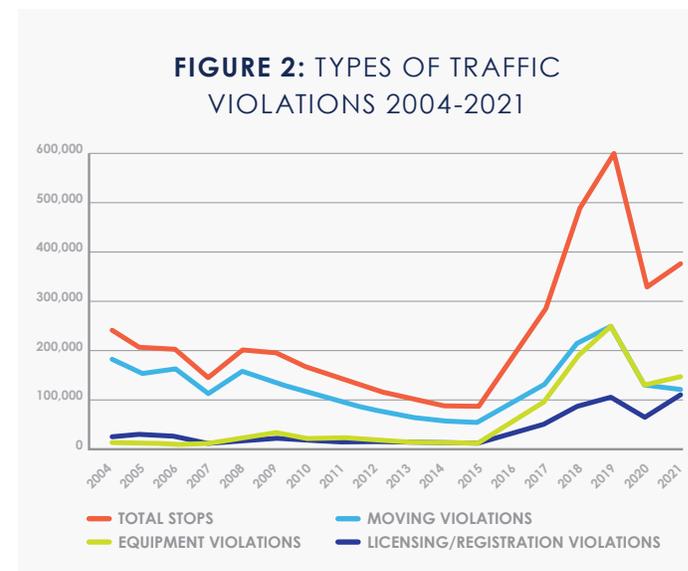
<sup>19</sup> ISR Data 2016, Chicago Police Department <https://home.chicagopolice.org/statistics-data/isr-data/> (last visited Feb. 2, 2023); ACLU OF ILLINOIS, STOP AND FRISK IN CHICAGO 11 (Mar. 2015) [https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf).

CPD has not denied that it has intentionally increased use of traffic stops. In fact, the Department has confirmed, on multiple occasions since 2015, that it uses pretextual traffic stops as a strategy for curbing violence.<sup>20</sup> The 2021 CPD District Strategic Plans, in which each Chicago police district described its problem priorities and corresponding response strategies, repeatedly cited traffic missions as a response strategy for issues like gun violence, robberies, carjackings, drug sales, and violent crime; only rarely were traffic safety concerns listed as a problem-solving priority requiring traffic missions as a corresponding response strategy.<sup>21</sup>

## MOST DRIVERS ARE STOPPED FOR MINOR TRAFFIC VIOLATIONS

In recent years, CPD has made vast numbers of traffic stops for minor traffic violations.<sup>22</sup>

Traffic code offenses can be broken into three broad categories: moving, equipment, and licensing/registration.<sup>23</sup> From 2004 to 2015, stops made for moving violations represented the majority of stops. In 2016, as total stops were increasing, the percentage of moving violation stops dropped almost 14% from the year prior and stops made for equipment violations increased about 12%. By 2020, equipment stops made up most of the traffic stops conducted across the three categories. The share of licensing and registration stops remained relatively consistent, ranging from 17% to 20% of all stops from 2015 to 2020. In 2021, however, the share of licensing



and registration violation stops jumped to 29%. That same year, 33% of stops were for moving violations and 39% of stops were for equipment violations.

Breaking down these broad categories into specific violations shows that the top reasons for traffic stops from 2019-2021 were equipment violations related to an unlit head or taillight. The second most common reasons were license and registration stops for improperly displayed or expired registration plates or tags. Over 50% of traffic stops stem from these two categories of equipment and licensing violations. Many would consider these and other equipment or license/registration violations to be minor violations because they do not seem to pose an immediate threat to roadway users.<sup>24</sup>

<sup>20</sup> See 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-dont-lead-to-tickets/> (quoting the 2018 CPD Community Policing Director Glen Brooks as saying, "[w]hen we have communities experiencing levels of violence, we do increase traffic enforcement"); Christian Belanger, *Police Detail Plans for More Patrols, Traffic stops After November Gun Violence*, HYDE PARK HERALD (Dec. 2, 2021), [https://www.hpherald.com/evening\\_digest/police-detail-plans-for-more-patrols-traffic-stops-after-november-gun-violence/article\\_dcfca5a4-53bb-11ec-ad9d-9382c8654dd3.html](https://www.hpherald.com/evening_digest/police-detail-plans-for-more-patrols-traffic-stops-after-november-gun-violence/article_dcfca5a4-53bb-11ec-ad9d-9382c8654dd3.html).

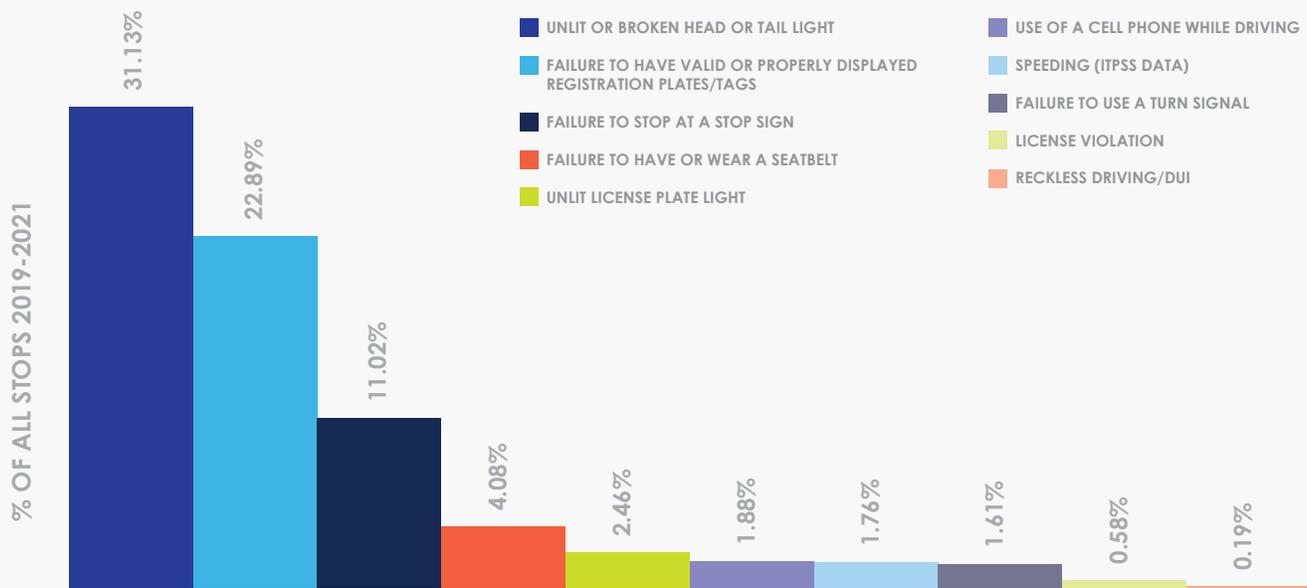
<sup>21</sup> Chicago Police Department, 2021 District Strategic Plans (on file with BPI).

<sup>22</sup> The data in this subsection are drawn from ITPSS Data, 2004-2021 (Figure 2 and corresponding discussion) and CPD Traffic Stop Data, 2019-2021 (Figure 3 and corresponding discussion).

<sup>23</sup> Moving offenses regulate a vehicle's movements and actions on the road and the driver's or passengers' activity inside the vehicle; these offenses include violations like speeding, failure to stop at a stop sign, or failure to use a turn signal or wear a seatbelt. Equipment offenses regulate defects in the physical vehicle, including violations like having a cracked or tinted windshield and failure to have working headlights or license plate lights. Licensing and registration offenses set requirements for registering drivers and vehicles with the state or local authorities; these offenses include violations such as failure to display license plates, failure to have valid registration, or driving on a suspended or revoked driver's license.

<sup>24</sup> While having a single broken head or taillight still allows for drivers to see and be aware of that driver's movements on dark roadways, operating without any head or brake lights can pose a significant safety risk. The stop data that describes the traffic violations does not indicate whether one or all headlights/taillights were broken or inoperable at the time of the stop, so it is difficult to determine what portion of these stops have minor safety implications.

**FIGURE 3: BREAKDOWN OF TRAFFIC CODE VIOLATIONS 2019-2021**



This figure compares ten categories of traffic code violations. The data combines violations of similar traffic code offenses in the Chicago Municipal Code and the Illinois Vehicle Code. Because CPD cites to different traffic codes for the same types of violations, we attempt to simplify the data by combining similar violations. For instance, the category of “License Violation” includes driving on a suspended license (625 5/6-303-A), driving without ever being issued a license (625 ILCS 5/6-101), and failing to carry a license (625 ILCS 5.0/6-112).

Moving violations like speeding, reckless driving, and disobeying a traffic light are more closely associated with creating safer roads. Yet, traffic stops are rarely made for speeding.<sup>25</sup> Despite transportation safety experts across the nation emphasizing that reducing speeding is an important way to enhance roadway safety,<sup>26</sup> the share of stops for speeding violations has remained consistent since 2019, comprising approximately 1.7% of all stops.<sup>27</sup> Stops for reckless driving and DUI comprised an even smaller share of traffic stops at just .19%.

This data clearly shows that traffic stops for minor violations are common and stops for dangerous driving behaviors are an extremely small percentage of stops. Large numbers of stops for minor equipment or licensing reasons can be indicative of pretextual stops because the need for a law enforcement traffic safety response is remote. This increases the likelihood that the true motivation for the stops is to “fish” for non-traffic related criminal activity.<sup>28</sup>

<sup>25</sup> CPD Traffic Stop Data, 2019-2021.

<sup>26</sup> U.S. DEPARTMENT OF TRANSPORTATION, SAFER SPEEDS <https://www.transportation.gov/NRSS/SaferSpeeds> (last visited Feb. 13, 2023); National Highway Traffic Safety Administration, *Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2020*, DOT HS 813 118 (June 2021); AAA Foundation for Traffic Safety, *Impact Speed and a Pedestrian’s Risk of Severe Injury or Death* (Sept. 2011) <https://aaafoundation.org/impact-speed-pedestrians-risk-severe-injury-death/>; National Highway Traffic Safety Administration, *National Traffic Speeds Survey III: 2015*, DOT HS 812 485 (March 2018) [https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812485\\_national-traffic-speeds-survey-iii-2015.pdf#:~:text=Overall%2C%20speeds%20of%20free%2Dflow,traffic%20exceeded%20the%20speed%20limits.](https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812485_national-traffic-speeds-survey-iii-2015.pdf#:~:text=Overall%2C%20speeds%20of%20free%2Dflow,traffic%20exceeded%20the%20speed%20limits.)

<sup>27</sup> ITPSS Data, 2019-2021. Here, the figure for speeding violations is pulled from the IDOT data rather than the CPD data that informs the other violations. This is because the percentage of speeding violations in the CPD data from 2019-2021 is smaller than that reflected in the ITPSS data. To ensure that this report considers the largest possible impacts of traffic stops, the higher ITPSS data is used here.

<sup>28</sup> See, e.g., Alex Chohlas-Wood, Sharad Goel, Amy Shoemaker, and Ravi Shroff, *An Analysis of the Metropolitan Nashville Police Department’s Traffic Stop Practices*, STANFORD COMPUTATIONAL POLICY LAB (Nov. 19, 2018); CHAUNCEE SMITH ET AL., CATALYST CAL., REIMAGINING COMMUNITY SAFETY IN CALIFORNIA: FROM DEADLY AND EXPENSIVE SHERIFFS TO EQUITY AND CARE-CENTERED WELLBEING 19 (Oct. 2022) [https://catalyst-ca.cdn.prismic.io/catalyst-ca/126c30a8-852c-416a-b8a7-55a90c77a04e\\_APCA+ACLU+REIMAGINING+COMMUNITY+SAFETY+2022\\_5.pdf](https://catalyst-ca.cdn.prismic.io/catalyst-ca/126c30a8-852c-416a-b8a7-55a90c77a04e_APCA+ACLU+REIMAGINING+COMMUNITY+SAFETY+2022_5.pdf).

## MOST CHICAGO TRAFFIC STOPS DO NOT RESULT IN CITATION

A citation or traffic ticket is a punitive measure that presumably is intended to motivate drivers to follow the traffic code.<sup>29</sup> However, the proportion of stops resulting in citation has decreased each year since 2019. In 2021, only 4.26% of traffic stops resulted in a citation.

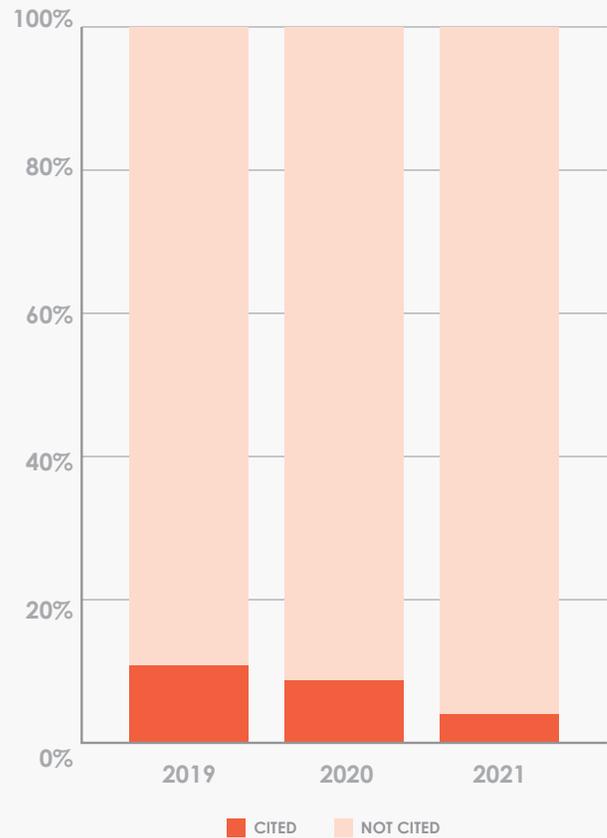
The rate of citations across traffic stops in Chicago is significantly less than the rate of citation in Aurora (25%) and Joliet (79%) in 2021, the next largest cities in Illinois,<sup>30</sup> and the rate of citations in New York City (77%) in 2022<sup>31</sup> or Houston (52%) in 2021.<sup>32</sup>

The extremely low rate of citations by CPD may indicate that curbing the driving behavior that led to the stop is not the primary objective. In 2021, about 9% of moving violations resulted in citation, whereas only 3% of licensing or registration violations and 1.5% of equipment violations resulted in citation. Again, this suggests that officers routinely are stopping drivers for minor non-moving violations, not because it is important to enforce these violations, but rather as a basis to “fish” for signs of criminal activity.

## THESE CHANGES SUGGEST A CPD STRATEGY OF ENGAGING IN WIDESPREAD PRETEXTUAL STOPS

Taken together, this evidence suggests that traffic stops have increased in Chicago largely due to a shift in CPD strategy from stopping and investigating pedestrians to stopping and investigating drivers under the guise of traffic enforcement. This pretextual stop loophole has allowed officers to continue to racially profile, stop, and “fish” for evidence without reasonable suspicion of unrelated

**FIGURE 4: RATIO OF TRAFFIC STOPS THAT RESULT IN CITATION 2019-2021**



criminal activity, the same behavior that led to negative outcomes associated with “stop and frisk.” Despite CPD’s agreement to decrease pedestrian stops, CPD appears to utilize a similar pattern with traffic stops, not to increase roadway safety, but to attempt to fight crime. The next section of this report examines that position, finding that traffic stops are an incredibly inefficient way to uncover criminal activity.

<sup>29</sup> The Chicago data in this section and in Figure 4 is drawn from ITPSS Data, 2019-2021.

<sup>30</sup> ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE MOUNTAIN-WHISPER-LIGHT: STATISTICS AND DATA SCIENCE, ILLINOIS TRAFFIC AND PEDESTRIAN STOP STUDY, 2021 ANNUAL REPORT: TRAFFIC STOPS, PART II DETAILED TABLES 45, 559 <https://idof.illinois.gov/Assets/uploads/files/Transportation-System/Reports/Safety/Traffic-Stop-Studies/2021/IL%202021%20Traffic%20Stop%20Study%20Part%20II%20-%20Deatiled%20Tables.pdf>.

<sup>31</sup> Emma Seiwel, et al., *NYPD releases car stop data for first time, Black drivers stopped most often*, NY DAILY NEWS (Feb. 20, 2023), <https://www.nydailynews.com/new-york/nyc-crime/ny-nypd-car-stop-data-20230220-m6vmvsv25gfcfduqyrlipd2oa-story.html>.

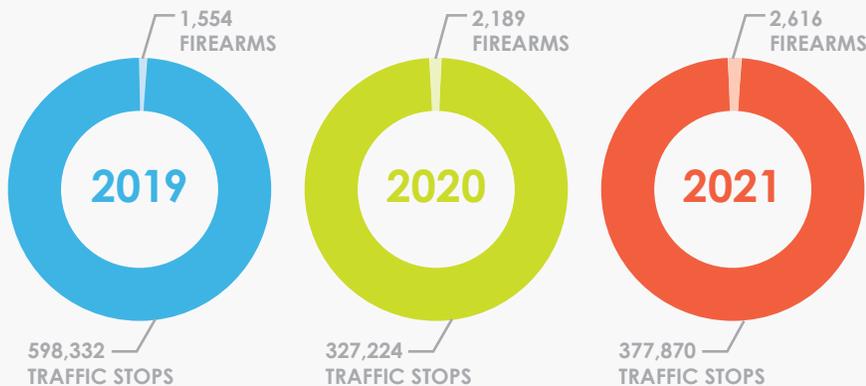
<sup>32</sup> Houston Police Department, *2021 Annual Racial Profiling Report*, [https://www.houstontx.gov/police/department\\_reports/racial\\_profiling/2021\\_Annual\\_Racial\\_Profiling\\_022522.pdf](https://www.houstontx.gov/police/department_reports/racial_profiling/2021_Annual_Racial_Profiling_022522.pdf).

## V. TRAFFIC STOPS RARELY LEAD TO CONTRABAND RECOVERY

This report has already explained that only 4.26% of traffic stops result in any citation. Analyzing contraband recovery rates can also provide insight into how effective traffic stops are at curbing crime by removing dangerous or unlawful items from the public sphere. CPD has repeatedly claimed that traffic stops have been an effective tool for recovering contraband, particularly guns.<sup>33</sup> Contraband in this context includes any item that if found in the possession of a vehicle or its occupant would violate state and/or local law, including (but not limited to) drugs, drug paraphernalia, weapons, or alcohol.

Even when accounting for discrepancies in CPD's data, traffic stops rarely lead to contraband recovery. CPD's reports to IDOT reflect lower numbers of contraband recovery than it shows in its CPD Traffic Arrests Data.<sup>34</sup> For example, CPD reported to IDOT that in 2021, only 0.5% of traffic stops resulted in any form of contraband recovery.<sup>35</sup> While the amount of contraband CPD claims to have inventoried from traffic stop related arrests in 2021 is higher than it reports to the state of Illinois, its reports reflect that it inventoried contraband in just under 1% of traffic stops.<sup>36</sup> About 0.5% of stops inventoried drugs or drug paraphernalia. About 20% of drug inventories from traffic stop arrests involved only cannabis and no other drug. Alcohol was inventoried in 0.04% of stops, or 137 times in 2021.<sup>37</sup>

**FIGURE 5: GUNS RECOVERED FROM TRAFFIC STOPS**



CPD records show that 1,554 firearms were inventoried in 2019, 2,189 in 2020, and 2,616 in 2021, during an arrest for at least one traffic related charge.<sup>38</sup> However, the highest number of weapon recoveries reported by CPD to ITPSS in recent years was 404 in 2021.<sup>39</sup> If we accept the higher figures in CPD reporting as an accurate reporting of firearm recoveries from traffic stops and compare them to the lower total number of traffic stops that CPD

<sup>33</sup>See, e.g., Kasey Chronis, *Chicago police seize 250 guns over violent Memorial Day weekend*, Fox News 32 CHICAGO (May 21, 2022), <https://www.fox32chicago.com/news/chicago-police-seize-250-guns-over-violent-memorial-day-weekend>.

<sup>34</sup>CPD Traffic Arrests Data, 2016-2021. This data was received in response to a FOIA request to CPD for all arrests that resulted from a traffic stop from 2016-2021. CPD produced this dataset which includes, for each arrest, the case booking number, an arrest timestamp, the statute violated, the individual's gender and race, the beat location of the arrest, the arresting officer's name and badge number, and what type of contraband was inventoried, if any. The Department compiled this data by searching for arrests that have at least one traffic related charge or arrests that were associated with another arrest that had a traffic related charge.

<sup>35</sup>ITPSS Data, 2015-2021.

<sup>36</sup>CPD Traffic Arrests Data, 2016-2021. Multiple arrests listed in this dataset led to the inventory of more than one kind of contraband; this figure compares the total number of 2021 arrests with any amount or type of contraband recovery to the total number traffic stops from the 2021 ITPSS Data. This figure assumes that the contraband documented in CPD Traffic Arrests Data was also documented in the contraband data reported to the ITPSS. Even without that assumption, contraband was only inventoried in 1.5% of traffic stops in 2021.

<sup>37</sup>*Id.*

<sup>38</sup>CPD Firearm Recovery Data, 2019-2021.

<sup>39</sup>ITPSS Data 2021. The explanation for this discrepancy remains unclear, and the difference between the two figures reported by CPD gives rise to serious doubts about the consistency and accuracy of CPD's data collection and reporting. See also Pascal Sabino, *Chicago Police Are Arresting Thousands More Black Drivers After Traffic Stops Than They Report*, BLOCK CLUB CHICAGO (Aug. 3, 2022 8:30AM), <https://blockclubchicago.org/2022/08/03/chicago-police-are-arresting-thousands-more-black-drivers-after-traffic-stops-than-they-report/>.

reported to IDOT, just 0.26% of stops in 2019, 0.67% of stops in 2020, and 0.70% of stops in 2021 led to firearm recoveries.<sup>40</sup> This represents a small fraction of the large number of traffic stops CPD performs each year. Additionally, these numbers do not indicate how many of the firearms were recovered for technical violations, like an expired identification card rather than violations that could be considered more dangerous.<sup>41</sup>

---

<sup>40</sup> CPD Firearm Recovery Data, 2019-2021; ITPSS Data, 2019-2021. This estimate assumes that the number of firearms sent in the FOIA response from CPD includes the firearms reported in the ITPSS.

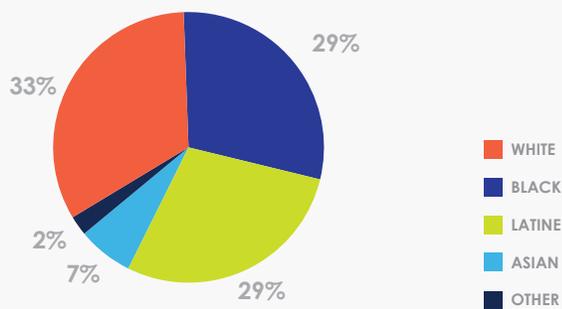
<sup>41</sup> Pascal Sabino, *Chicago Police Are Arresting Thousands More Black Drivers After Traffic Stops Than They Report*, BLOCK CLUB CHICAGO (Aug. 3, 2022, 8:30 AM), <https://blockclubchicago.org/2022/08/03/chicago-police-are-arresting-thousands-more-black-drivers-after-traffic-stops-than-they-report/> (“The Office of the Cook County Public Defender says nearly one-quarter of the felony cases it handles are for nonviolent gun possession.”)

## VI. BLACK DRIVERS ARE DISPROPORTIONALLY SUBJECTED TO PRETEXTUAL TRAFFIC STOPS

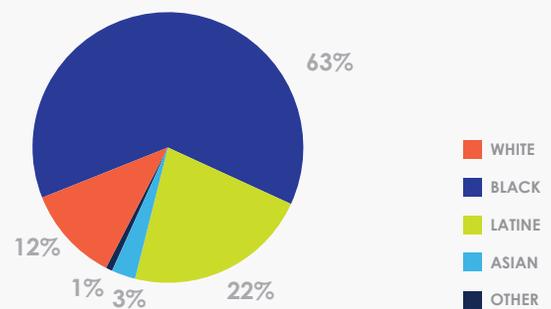
### MOST TRAFFIC STOPS INVOLVE A BLACK OR LATINE DRIVER

In 2015, nearly half of all traffic stops involved a Black driver, a quarter of stops involved a white driver, and a quarter involved a Latine driver.<sup>42</sup> When traffic stops more than doubled in 2016, the demographics of those subjected to stops also changed. The percentage of traffic stops involving a Black driver shot up to 61% in 2016 and continued to increase almost every year. By 2021, 63% of all traffic stops involved a Black driver. Contrarily, stops involving white drivers dropped to 16% of all stops in 2016 and generally continued to decrease. By 2021, only 12% of all traffic stops involved a white driver. Traffic stops involving a Latine driver remained relatively stable between 2015 and 2021, ranging between 21% to 24% of all traffic stops.

**FIGURE 6A: RACIAL DEMOGRAPHICS IN CHICAGO—2021**



**FIGURE 6B: RACIAL BREAKDOWN OF TRAFFIC STOPS—2021<sup>43</sup>**



In 2021, Black people made up approximately 29% of Chicago's population, white people about 33%, and Latine people around 29%.<sup>44</sup> On its face, the fact that Black drivers made up 63% of traffic stops and only 29% of the population suggests that Black drivers and Black communities are being racially profiled by CPD.

Further analyzing driver data reinforces this conclusion. To fully understand potential bias in traffic stops, we estimated the driving population of each racial demographic and compared that to the stop rates for each racial group.<sup>45</sup> That estimate found that white people made up a larger portion of the driving population (36%) than the general

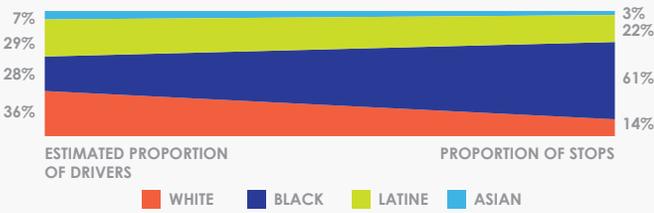
<sup>42</sup>The Chicago traffic stops data discussed in this section and in Figures 6B and 7 is drawn from ITPSS Data, 2015-2021.

<sup>43</sup>U.S. CENSUS BUREAU, QUICKFACTS – CHICAGO, <https://www.census.gov/quickfacts/chicagocityillinois>. It is important to note here that because a person's race/ethnicity is self-identified for the census and officer-identified in the traffic stop data, there may be some discrepancies when comparing the two data sets.

<sup>44</sup>*Id.* The racial categories named here are White, Black, Latine/Hispanic, Asian, and “Other.” The Illinois Traffic and Pedestrian Stop Study uses “Hispanic or Latino” as one of its six racial categories. The U.S. Census and American Community Survey ask separate questions about race and ethnicity, with the primary racial categories being White alone, Black or African American alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian and Other Pacific Islander alone, some other race alone, and two or more races, and the primary ethnicity categories being Hispanic or Latino and Not Hispanic or Latino. Although “Hispanic” is an ethnicity rather than a race, we use this category from the census data in order to simplify the analysis and to link together the data sets.

<sup>45</sup>To estimate Chicago's driving population, we combined data from the 2020 U.S. Census, the American Community Survey, and the Illinois Secretary of State, and then estimated the probability of being a driver by race across all ages. We used this to convert the total population for each racial group to the estimated driving population of each racial group. We used this as a benchmark to compare the proportion of stops with the proportion of drivers for each racial group. This produced stop ratios for each racial group. We then compared the stop ratios of each racial minority group with white drivers to produce the ratios discussed here.

**FIGURE 7: RACIAL BREAKDOWN OF DRIVING POPULATION COMPARED TO TRAFFIC STOPS IN CHICAGO 2015-2021**



population (33%), Black people had a slightly smaller driving population (28%) than general population (29%), and Latine people made up about the same portion of the driving (29%) and general population (29%).

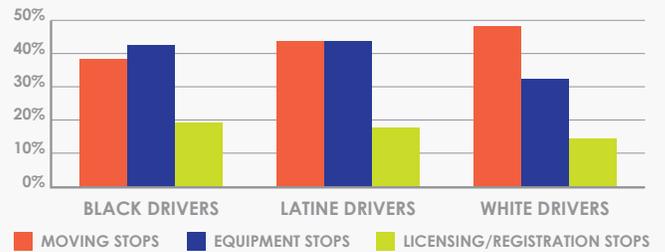
Comparing the driving population to their proportion of stops found that from 2015 to 2021, the average Black driver was 6 times more likely to be stopped than the average white driver. While Latine drivers were stopped at 2 times the rate of white drivers, they were stopped less relative to their total driving population. This means they are more likely to be stopped than white drivers but are stopped at rates that correspond to the estimated number of Latine drivers on the road. The same disparities faced by Black and Latine drivers are not seen when comparing Asian driver stop rates to white driver stop rates.

## BLACK AND LATINE DRIVERS ARE MORE LIKELY TO BE STOPPED FOR MINOR VIOLATIONS THAN WHITE DRIVERS

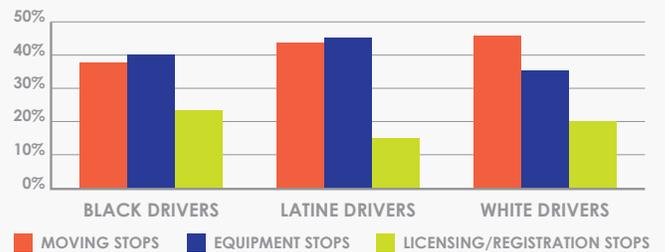
In recent years, Black and Latine drivers were more likely than white drivers to be pulled over for traffic violations that are less related to traffic safety and therefore more likely to be pretextual.<sup>46</sup>

In 2019 and 2020, Black and Latine drivers were more frequently stopped for equipment violations,

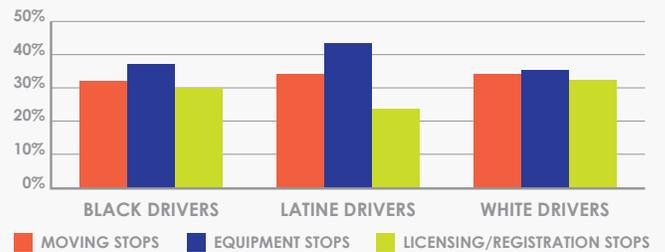
**FIGURE 8A: BREAKDOWN OF TYPES OF STOPS BY RACE—2019**



**FIGURE 8B: BREAKDOWN OF TYPES OF STOPS BY RACE—2020**



**FIGURE 8C: BREAKDOWN OF TYPES OF STOPS BY RACE—2021**



and white drivers were more frequently stopped for moving violations. Licensing and registration violations made up the smallest portion of stops for all racial groups but were most common among Black drivers. In 2021, the proportion of stop types among racial groups shifted. White drivers joined Black and Latine drivers in being stopped most frequently for equipment violations. Additionally, the share of licensing or registration stops increased across all racial groups by between 8-11%.

<sup>46</sup> All the data in this section including Figures 8A-8C is drawn from ITPSS Data, 2019-2021.

Notwithstanding these shifts, Black and Latine drivers were more likely to be stopped for an equipment violation in 2021 than any other kind of offense. 38% of Black drivers and 42% of Latine drivers were stopped for equipment violations in 2021, while 35% of white drivers were. As noted above, equipment violations are often minor, meaning they do not tend to threaten the safety of roadway users. This suggests that CPD may be targeting their enforcement of minor violations like equipment violations toward Black and Latine drivers.

### MOST TRAFFIC STOPS IN CHICAGO TAKE PLACE IN BLACK COMMUNITIES

Understanding where traffic stops are concentrated in Chicago provides insight into the kinds of communities they impact and gives us a better idea of how CPD is deploying law enforcement officers. Chicago has a long history of racial segregation, and therefore neighborhoods are often populated by one predominate racial or ethnic group.<sup>47</sup>

Racial demographic maps show a large part of the white population living mostly on the North Side of the City, the Black population living mostly on the West and South Sides, and the Latine population living mainly on the Northwest and Southwest Sides of Chicago. There are concentrations of Asian residents just southwest of the downtown area and scattered throughout the North Side.<sup>48</sup>

Between 2015 and 2021, traffic stops were largely concentrated on the South and West Sides of Chicago.<sup>49</sup> Almost 20% of all traffic stops took place in two of Chicago’s twenty-two police districts—District 7, encompassing the South Side neighborhoods of Englewood and West Englewood, and District 11, encompassing the southern parts of Humboldt Park and parts of East and West Garfield

**FIGURE 9: DRIVING POPULATION BY MAJORITY RACIAL POPULATION IN EACH POLICE BEAT 2015-2021**

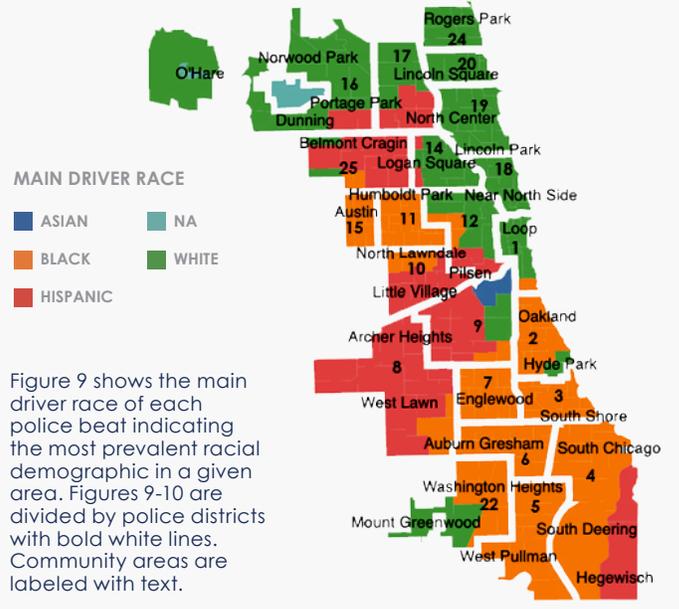
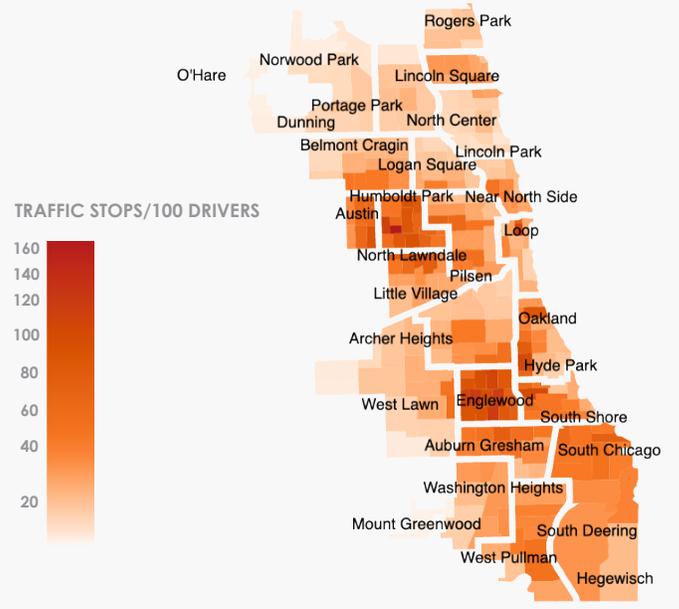


Figure 9 shows the main driver race of each police beat indicating the most prevalent racial demographic in a given area. Figures 9-10 are divided by police districts with bold white lines. Community areas are labeled with text.

**FIGURE 10: NUMBER OF TRAFFIC STOPS PER 100 DRIVERS BY POLICE BEAT, AVERAGE PER YEAR 2015-2021**



<sup>47</sup> Jacqueline Serrato, Charmaine Runes, and Pat Sier, *Mapping Chicago's Racial Segregation*, SOUTHSIDE WEEKLY (Feb. 24, 2022), <https://southsideweekly.com/mapping-chicagos-racial-segregation/>.

<sup>48</sup> *Race and Ethnicity in Chicago*, Statistical Atlas, <https://statisticalatlas.com/place/Illinois/Chicago/Race-and-Ethnicity>, (last visited Feb. 21, 2023).

<sup>49</sup> The data presented in this section is drawn from ITPSS Data, 2015-2021.

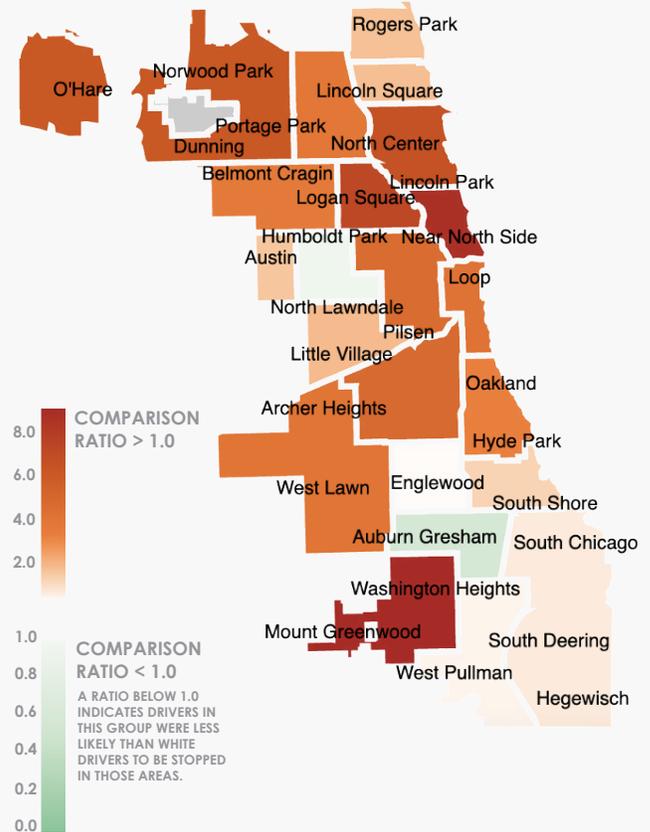
Park.<sup>50</sup> These two districts have the second and third lowest number of residents across districts, encompassing less than 5% of the city's population between them, and are both majority-Black.<sup>51</sup> District 4 in Chicago's most southeastern point, had the third greatest share of stop numbers, accounting for 7.17% of traffic stops from 2015 to 2021.<sup>52</sup> District 4 is also majority-Black, with a substantial Latine population as well.<sup>53</sup>

## IN MAJORITY-WHITE AREAS BLACK AND LATINE DRIVERS ARE STOPPED AT DISPROPORTIONATE RATES

The city-wide racial disparities are further reflected in the localized data when the driving population of an area is compared to the racial breakdown of stops in that area. Black drivers are at least twice as likely to be stopped in over 72% of police districts as compared to white drivers. Black drivers were stopped at a rate less than white drivers in only two of the 22 Chicago police districts, Districts 6 and 11. This is likely because both districts cover majority-Black neighborhoods, with very small white driving populations and high traffic stop numbers.<sup>54</sup>

In North Side police districts encompassing neighborhoods like Lincoln Park, Logan Square, Portage Park, and O'Hare, which contain some of the lowest percentages of Black residents across the city, Black drivers were 6-10 times more likely to be stopped than white drivers.<sup>55</sup>

**FIGURE 11: RATIO OF BLACK DRIVERS VERSUS WHITE DRIVERS STOPPED IN EACH CHICAGO POLICE DISTRICT 2015-2021**



Figures 11-12 show the City of Chicago divided by police district with bold white lines. The colors depict the result of an analysis comparing the racial demographics of the driving population in each police district to the racial makeup of traffic stops made in the area.

<sup>50</sup> From 2015 through 2021, 232,874 stops were made in District 7 and 225,404 stops were made in District 11.

<sup>51</sup> City of Chicago Office of Inspector General, *Report on Race- and Ethnicity-Based Disparities in the Chicago Police Department's Use of Force*, Appendix A, at 55 (March 2022) <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf> (listing District 7's population at 59,346 people and District 11's population at 71,185 people).

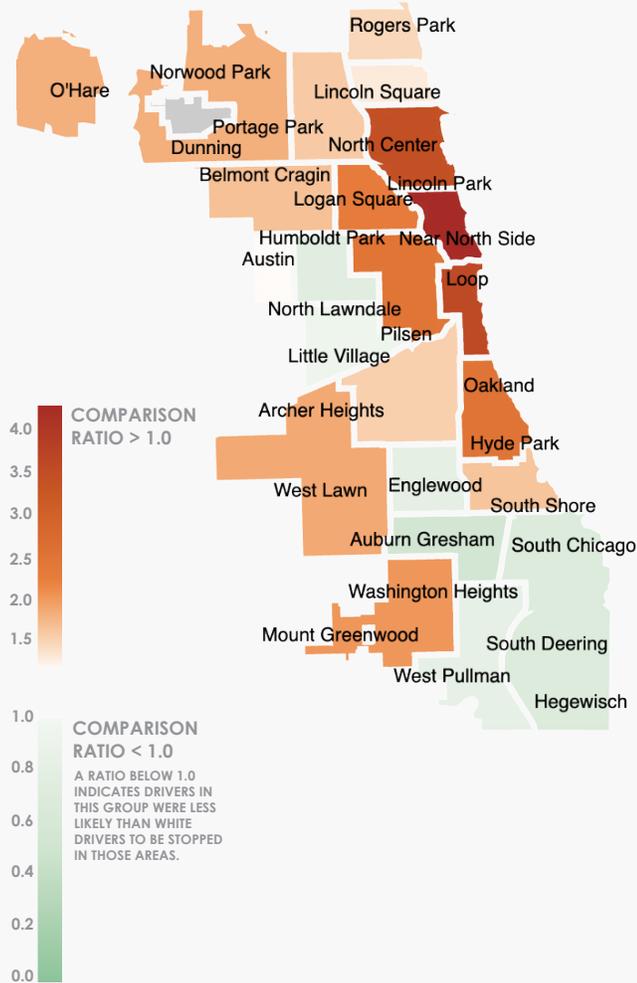
<sup>52</sup> District 4 includes the South Chicago, South Deering, Hegewisch, and parts of the South Shore neighborhood.

<sup>53</sup> City of Chicago Office of Inspector General, *Report on Race- and Ethnicity-Based Disparities in the Chicago Police Department's Use of Force*, Appendix A, at 53-54 (March 2022) <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf> (listing District 4's population as 60.9% Black and 30.1% Latine).

<sup>54</sup> District 6 neighbors District 7 and includes the Auburn Gresham neighborhood and Chatham neighborhood.

<sup>55</sup> These neighborhoods are located in District 14, 16, 18, and 19. District 14 includes the following neighborhoods: Wicker Park, Bucktown, and Logan Square. District 16 includes: Portage Park, Jefferson Park, and O'Hare. District 18 includes: Near Northside and Lincoln Park. District 19 includes: Lakeview, Uptown, and Lincoln Park. See *Boundaries-Police Districts*, City of Chicago <https://data.cityofchicago.org/Public-Safety/Boundaries-Police-Districts-current-/fthy-xz3r>.

**FIGURE 12: RATIO OF LATINE DRIVERS VERSUS WHITE DRIVERS STOPPED IN EACH CHICAGO POLICE DISTRICT 2015-2021**



Latine drivers were more likely to be stopped than white drivers in about 73% of districts from 2015 to 2021. This disparity was the largest (over 3 times) in Districts 1, 18, and 19 in the downtown area and on the North Side.<sup>56</sup>

Across the city, officers are frequently stopping Black and Latine drivers as compared to white drivers, but especially in places where white drivers predominate.

<sup>56</sup> District 1 includes: the Loop and the Near South Side. District 18 includes: Near Northside and Lincoln Park. District 19 includes: Lakeview, Uptown, and Lincoln Park. See Boundaries-Police Districts, City of Chicago <https://data.cityofchicago.org/Public-Safety/Boundaries-Police-Districts-current-/fthy-xz3r>.

## RACIAL DISPARITIES DECREASE AFTER DARK WHEN OFFICERS ARE LIKELY LESS ABLE TO SEE THE DRIVER'S RACE

Another type of analysis that measures racial bias in traffic stops is the Veil of Darkness (VOD) Test. VOD theorizes that police officers are less able to racially profile drivers at night since darkness makes it more difficult to identify a driver's race. This test compares traffic stops made during the inter-twilight period, the time of day in the early evening in which is dark outside in the winter months and light outside during the summer months. Taking this approach accounts for changes in deployment practices that happen throughout the day. According to the methodology, results showing drivers of color are less likely to be stopped after dark would suggest racial bias in stop patterns.<sup>57</sup>

The VOD Test was conducted for the years of 2015-2021 in Chicago using ITPSS Data.<sup>58</sup> We focused on stops for Black, Latine, and Asian drivers, with stops for white drivers as the baseline comparator to assess bias against drivers of color. Figure 13 shows the results of this analysis, with blue indicating the existence of bias against that group and orange indicating less bias against that group. The darker the color, the greater the indication of bias or lack thereof.

For the years 2015 and 2016, the VOD comparison showed that Black and Latine drivers were stopped more often than white drivers during the inter-twilight period at similar rates throughout the year. However, during the years from 2017-2021, the VOD Test showed that Black and Latine drivers were less likely

**FIGURE 13: VEIL OF DARKNESS ANALYSIS RESULTS**



to be stopped during this time of day when it was dark outside than they were during this same time period when it was light outside suggesting racial bias in stop patterns during those years.<sup>59</sup>

<sup>57</sup> See Jeffrey Grogger and Greg Ridgeway, *Testing for Racial Profiling in Traffic Stops From Behind a Veil of Darkness*, 101 JOURNAL OF THE AMERICAN STATISTICAL ASSOCIATION 475, 878-887 (2006); Emma Pierson, et. al, *A large-scale analysis of racial disparities in police stops across the United States*, 4 NATURE HUMAN BEHAVIOUR 7, 736-745 (2020).

<sup>58</sup> To perform the VOD Test, we employed the following methodology. ITPSS Data was filtered to the year of interest and to the racial minority group(s) of interest including the white population as a comparison. For each date a stop occurred, the sunset and dusk times were found and the inter-twilight period (i.e., the range between the earliest time dusk occurs and latest time dusk occurs in the year) for that year was calculated. Then, any stop occurring between sunset and dusk (when it is ambiguous whether it is light or dark) was excluded from the analysis along with any stop occurring outside of the inter-twilight period. Lastly, a logistic regression was conducted on the outcome of whether a stopped driver is a minority group member (a binary variable with values minority or white) with the covariate of interest as whether the stop occurred in the dark (a binary variable with values dark or light) and controlling for the police district in which the stop occurred as well as the clock-time (smoothed with a cubic spline). The coefficient for "whether the stop occurred in the dark" was the metric of interest. If this coefficient is negative (with significant p-value), this indicates a driver is less likely to be a minority when it is dark and is evidence of racial bias in traffic stops. The analysis produced coefficients for each minority comparison group and each year in the ITPSS Data.

<sup>59</sup> To the extent that police deployment or driving behavior changes throughout the year, and these changes are correlated with race, the test can suggest discrimination where there is none. However, when analyzing month-by-month stop counts from 2015-2021, we saw no clear seasonal trends across stop numbers.

## VII. INTRUSIVE AND OFTEN SUSPICIONLESS SEARCHES TARGET BLACK AND LATINE DRIVERS

One tool that officers use to “fish” for criminal activity during a traffic stop is conducting a search of the driver and/or passengers of a vehicle. While the Fourth Amendment generally prohibits police officers from conducting any search of a person’s vehicle without a warrant, if the officer has reasonable suspicion or probable cause of criminal activity, they may be justified in searching the vehicle and/or its occupants.<sup>60</sup>

However, many searches are not premised on any suspicion whatsoever because they are made with a driver’s or passenger’s consent.<sup>61</sup> Searches conducted with the permission of the person in control of the vehicle—i.e., consent searches—are problematic, because not only do they allow police to embark on a suspicionless “fishing expedition” of a person and their belongings, but the coercive nature of a police encounter means any consent given may not truly be voluntary.<sup>62</sup>

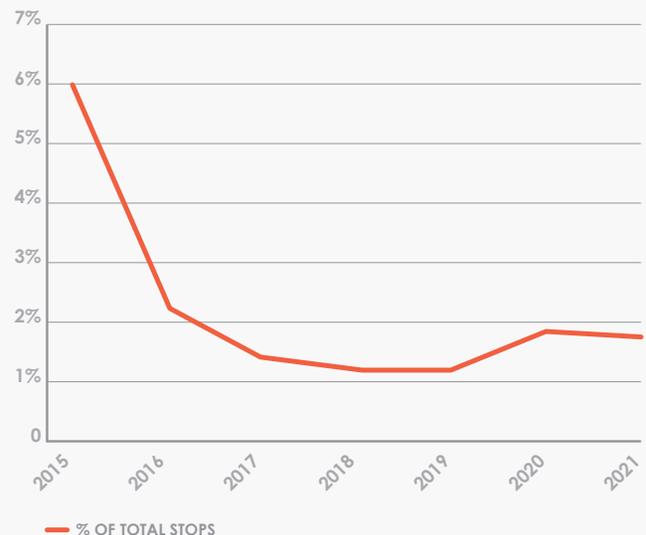
### AS TRAFFIC STOPS INCREASED, SEARCHES PER STOP DECREASED

Generally, the percentage of traffic stops that result in a search are low.<sup>63</sup> In 2015, when traffic stops were at their lowest, drivers were more likely to be searched when stopped than in any other year between 2015 and 2021. By 2019, the number of traffic stops had septupled, and yet, the percentage of stops resulting in searches decreased to under 1%. In 2020 and 2021, the percentage of stops that resulted in a search increased slightly to about 1.5%.

### BLACK AND LATINE DRIVERS ARE DISPROPORTIONATELY SEARCHED WHEN STOPPED

Because Black drivers are stopped more than any other demographic, it follows that they would also

**FIGURE 14: PERCENTAGE OF TRAFFIC STOPS WITH SEARCHES 2015-2021**



<sup>60</sup> Carroll v. United States, 267 U.S. 132, 149 (1925); Terry v. Ohio, 392 U.S. 1, 30 (1968). The officer’s search is limited to the parts of the vehicle or containers within it that could contain an object related to their suspicion. See United States v. Ross, 456 U.S. 798 (1982).

<sup>61</sup> Florida v. Jimeno, 500 U.S. 248, 250-51 (1991).

<sup>62</sup> Recent studies confirm that the decision makers consistently underestimate the pressure drivers feel to give consent when asked by law enforcement. The legal standard for consent ignores the added pressure people of color, particularly Black men, feel to comply with consent search requests due to prior and group cultural experience with police authority. See Roseanna Sommers and Vanessa K. Bohns, *The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance*, 128 YALE L. J. 1962 (2019); George C. Thomas III, *The Short Unhappy Life of Consent Searches in New Jersey*, RUTGERS L. REC. VOL. 36: EMERGING TRENDS IN CRIMINAL PROCEDURE, p. 2 (Fall 2009) [https://lawrecord.com/files/36\\_Rutgers\\_L\\_Rec\\_1.pdf](https://lawrecord.com/files/36_Rutgers_L_Rec_1.pdf).

<sup>63</sup> The data used in this this section and Figure 14 is drawn from ITPSS Data, 2015-2021. From 2018-2021 the percentage of stops that resulted in a search ranged from .90% to 1.55%.

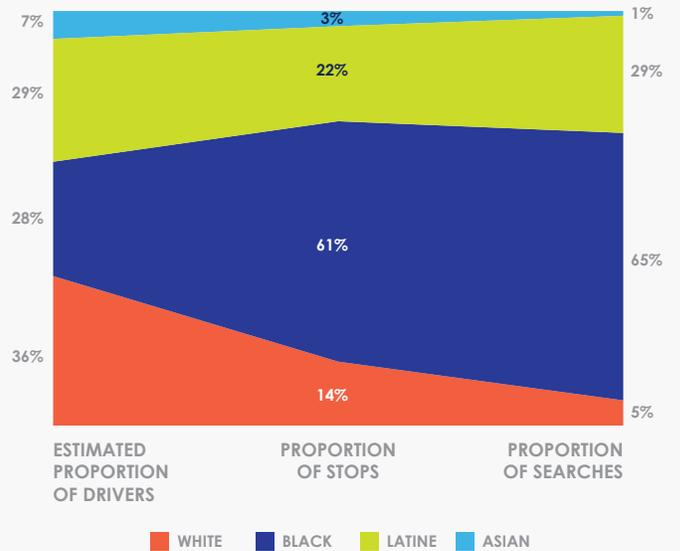
be subjected to the highest number of searches. Yet, even when focusing only on drivers who were stopped within each respective racial category, from 2015 to 2021, Black drivers were more likely to be searched when stopped than white or Latine drivers.<sup>64</sup>

When compared to their driving population, white drivers were both under stopped and under searched. While white drivers made up the largest portion of the driving population, at 36%, they were only subjected to 14% of all stops and 5% of all searches. Latine drivers were stopped and searched at a rate consistent with their driving population. Black drivers, however, made up 28% of the driving population but were involved in 61% of all traffic stops and 65% of all searches. Black drivers are both over stopped and over searched.

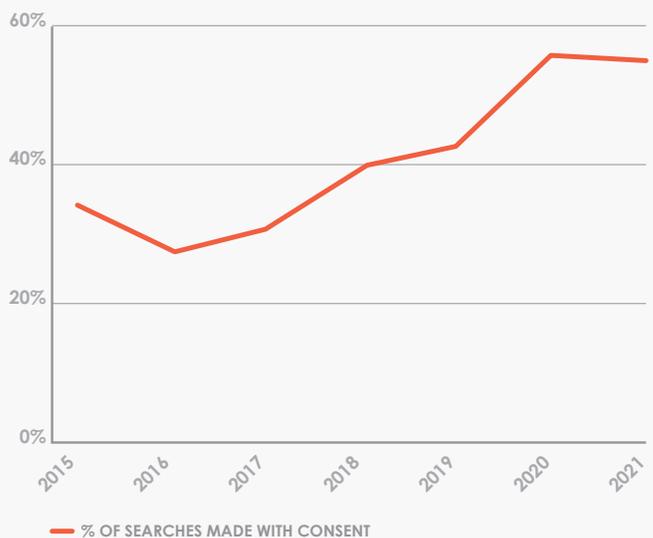
### BLACK AND LATINE DRIVERS ARE MORE LIKELY TO BE SEARCHED WHEN OFFICERS HAVE LITTLE TO NO REASON TO SUSPECT CRIMINALITY

As searches per stop decreased, officers began to rely more on consent rather than suspicion to conduct searches. In 2016, consent searches made up about 27% of all searches conducted during a traffic stop.<sup>65</sup> The percentage steadily increased, and by 2020, over half of traffic stop searches were made with consent. By 2021, 54% of all searches were consent searches. This suggests that as traffic stops increased, the proportion of searches made because the officer had some suspicion of criminal activity decreased. This indicates that officers are increasingly using their powers to stop and search people with less reason to believe these people are violating or are going to violate criminal laws.

**FIGURE 15: RACIAL BREAKDOWN OF DRIVERS, TRAFFIC STOPS, AND SEARCHES IN CHICAGO 2015-2021**



**FIGURE 16: % OF SEARCHES MADE WITH CONSENT 2015-2021**

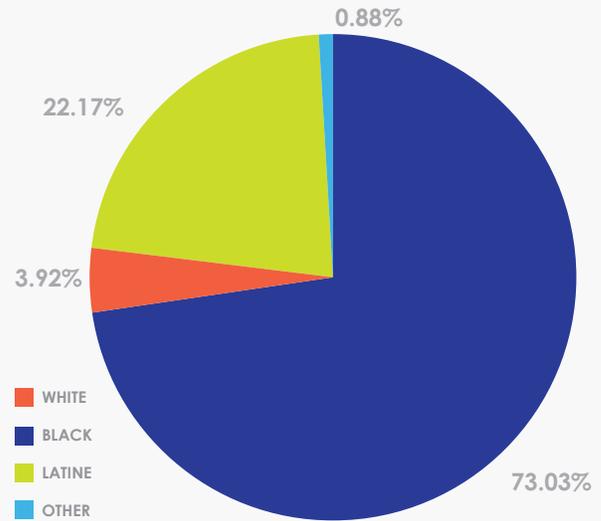


<sup>64</sup>The traffic stop and search data in this section and in Figure 15 is drawn from ITPSS Data, 2015-2021.

<sup>65</sup>The data in this section and in Figures 16 and 17 is drawn from ITPSS Data, 2015-2021.

However, this power is not applied equally. Black and Latine drivers who were pulled over for a traffic stop were more likely to be asked for consent to search than white drivers. From 2015 to 2021, the percentage of stopped Black drivers who received a vehicle consent search request was over 4 times the percentage of stopped white drivers who were asked the same. Similarly, the percentage of stopped Latine drivers asked for consent to search their vehicle was over 3 times the percentage of stopped white drivers. This suggests that, when officers do search white drivers, they more frequently rely on a suspicion of criminal activity instead of consent requests. Black and Latine drivers are more likely to be subjected to these requests and searched without reason to suspect that these people have or are about to engage in criminal activity.

**FIGURE 17: RACIAL BREAKDOWN OF VEHICLE CONSENT SEARCH REQUESTS - 2015-2021**



## VIII. TRAFFIC STOPS DISPROPORTIONATELY HARM BLACK AND LATINE COMMUNITIES

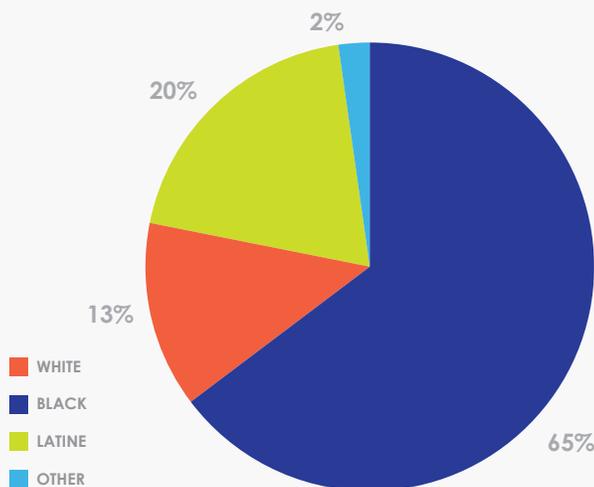
There are a number of consequences that can flow to a driver from a traffic stop including citation, arrest, use of force, and the fear and inconvenience surrounding the stop itself. Frequent and prolonged interactions with police for seemingly no reason can lead to immense harm, especially for communities of color.

### BLACK AND LATINE DRIVERS RECEIVE MOST CITATIONS

While the percentage of citations issued as a result of CPD traffic stops is small, Black and Latine drivers bear the brunt of this enforcement measure.<sup>66</sup>

Of the 16,116 people CPD cited in 2021, Black drivers made up about 65% and Latine drivers comprised almost 20%. Black drivers are also cited at a slightly higher rate (65%) than they are stopped (63%). Although CPD officers cite stopped white drivers at a slightly higher rate than they are stopped (11.5%), white drivers received only a little over 13% of the citations issued in 2021. This suggests that officers are more likely to pull white drivers over with the intention of enforcing the traffic code, rather than investigating unrelated criminal activity.

**FIGURE 18: RACIAL BREAKDOWN OF CITATIONS—2021**



### BLACK AND LATINE DRIVERS ARE MORE LIKELY TO BE ARRESTED AS A RESULT OF A TRAFFIC STOP THAN WHITE DRIVERS

Some traffic stops result in the arrest of the driver or passengers for traffic and/or non-traffic offenses.<sup>67</sup> From 2015-2021, CPD could arrest a driver or passengers for any traffic or non-traffic offenses that the officer had probable cause to believe the individual committed.<sup>68</sup>

Recent years have shown a decrease in the percentage of traffic stops resulting in an arrest despite an increase in stops. In 2016, around 9% of traffic stops resulted in an arrest. From 2018 to 2020, arrests occurred in around 3% of traffic stops. In 2021, only 2.25% of traffic stops resulted in an arrest.

<sup>66</sup> The data in this section is drawn from ITPSS Data, 2015-2021.

<sup>67</sup> The data in this section draws on CPD Traffic Arrests Data, 2016-2021. CPD is not required to report to IDOT when a traffic stop results in arrest. However, because an arrest is such a significant consequence that can result from a traffic stop, we account for this gap in the data by comparing the number of stops reflected in the IDOT data to the number of traffic arrests reported by CPD. This provides the best possible understanding of how many traffic stops result in an arrest. This data includes all arrests where a traffic violation was an included charge therefore the data may overcount by including arrest data from stops that were initiated for reasonable suspicion of criminal activity rather than a traffic violation.

<sup>68</sup> Beginning January 1, 2023, officers are required to issue a citation in lieu of custodial arrest for any offense that is not a felony or class A misdemeanor, which includes traffic offenses, unless certain exceptions apply. 725 ILCS 5/109-1(a-1).

Perhaps due in part to the concentration of traffic stops among Black and Latine drivers, arrest numbers also show a significantly higher number of Black and white Hispanic people arrested from traffic stops than white people arrested from traffic stops.<sup>69</sup> Black individuals comprised 67-72% of all persons arrested from 2016 to 2021, reaching a peak of 72%, or 6,127 arrests, in 2021. White individuals represented just 5-7% of all traffic arrests during this period. Comparing each racial group's stopped population with the number of drivers eventually arrested indicates white drivers are less likely to be arrested when stopped than Black or Latine drivers. The racial gap is perhaps most pronounced when focusing on juvenile arrests from traffic stops; for example, in 2021, there were 69 arrests of Black youth, 27 arrests of white Hispanic youth, and only 2 arrests of white youth.

By examining the most common charges that resulted from traffic stops arrests, we can glean a better understanding about the cause of these arrests. Between 2016 and 2021, most charges listed in the arrest data involved non-violent crimes and traffic violations.<sup>70</sup> For instance, the top two charges by far include operating a vehicle without insurance and driving on a suspended license. These two violations are not generally associated with immediate traffic or public safety concerns.<sup>71</sup> Charges that may have a more direct impact on traffic or public safety appear less often, like driving under the influence of alcohol and charges for having an outstanding warrant to appear in court for a civil or criminal matter.<sup>72</sup> The data shows that from 2016 to 2021, traffic stops did not frequently result in arrest charges for unlawful use of a weapon like CPD

suggests. Rather, the charges most often imposed are for licensing or registration offenses that do not pose an immediate threat to public safety.

## TRAFFIC STOPS RESULT IN VIOLENT POLICE INTERACTIONS WITH BLACK AND LATINE PEOPLE

Evidence about negative or violent interactions with the police compounds the harm presented by traffic stops. Uses of force and weapon pointing during these encounters as well as the repeated intrusion of the stop itself risk physical or psychological harm to those stopped. These harms raise additional concerns about CPD's use of traffic stops.

### USE OF FORCE

From 2018 to 2021, CPD conducted 1,012 uses of force during a traffic stop, meaning about .05% of stops resulted in some use of force.<sup>73</sup> In nearly all instances, CPD's use of force following a traffic stop was perpetrated against Black and Latine people. Black people were subjected to over 85% of those uses of force and Latine/Hispanic people were subjected to nearly 11% of all uses of force stemming from a traffic stop.

A report from the OIG found that this disparity persists at the district level. Between late 2017 and early 2020, Black people subjected to a traffic or investigatory stop were disproportionately subjected to uses of force in all but one CPD district.<sup>74</sup> Uses of force stemming from a traffic stop involving a white driver were either underrepresented or proportional to their population across all districts. The OIG could

<sup>69</sup> CPD Arrest Data divides Latine people into two categories: “white Hispanic” and “Black Hispanic.”

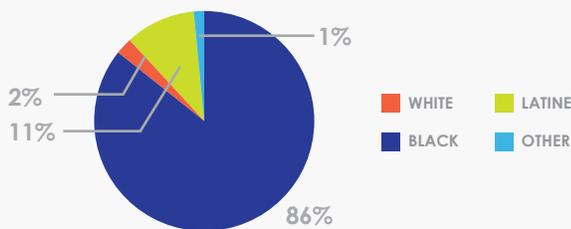
<sup>70</sup> The predominant cause for arrest stemming from a traffic stop are unclear when looking at the arrest data obtained from CPD. This data lists all charges, traffic and criminal, imposed during a traffic stop arrests, including multiple charges for the same behavior, without indicating which charge triggered the arrest.

<sup>71</sup> Charges for license and registration offenses also have a more pronounced impact on Black and Latine drivers who are more likely to have a suspended license for unpaid fines and fees than white drivers. From 2020 to 2021, residents of majority Black zip codes had suspended licenses at about 5 times the rate of residents of majority white zip codes. Those who live in a majority Latine zip code were about 3 times as likely to be suspended as those in majority white zip codes. Consequences of Excessive Driver's License Suspensions, License 2 Work <https://www.license2work.org/consequences-of-excessive-drivers-license-suspensions> (last visited Feb. 20, 2023).

<sup>72</sup> CPD Arrest Data, 2016-2021.

<sup>73</sup> Tactical Response Reports Dashboard, City of Chicago Office of the Inspector General, <https://informationportal.igchicago.org/dashboards/public-safety/tactical-response-reports/>; ITPSS Data, 2015-2021. The term “use of force” includes takedowns, manual striking force, less-lethal weapon force like tasers, and lethal force.

<sup>74</sup> City of Chicago Office of Inspector General, *Report on Race- and Ethnicity-Based Disparities in the Chicago Police Department's Use of Force* (March 2022) <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

**FIGURE 19: RACIAL BREAKDOWN OF USE OF FORCE DURING TRAFFIC STOPS 2018-2021**

not conclude from the data whether Latine/Hispanic people were over or under represented in uses of force following a traffic stop. While uses of force per traffic stop decreased in 2021 from .05% to .03%, the significant risk of this harm to drivers and the notable concentration of uses of force against Black drivers is cause for serious concern.

### WEAPON POINTING

The act of an officer pointing their weapon at a civilian, a firearm pointing incident (FPI), is not classified as a use of force by CPD.<sup>75</sup> However, this threat of deadly force can be just as, if not more, traumatizing than inflicting physical force. In recent years, traffic stops have consistently resulted in the largest share of FPIs by CPD. According to CPD's Force Review Division, in 2020 there were 699 traffic stops that resulted in a firearm pointing; this accounted for 23% of all FPIs—the largest share of FPIs of any other category of activity.<sup>76</sup> In 2021, that number increased to 820 traffic stops that resulted in firearm pointing, accounting for 27.3% of FPIs.<sup>77</sup>

This was the largest percentage of all FPIs that year. While this data does not state how many traffic stops involved an armed civilian, it does assert that 280 weapons were recovered in conjunction with weapon pointing incidents during traffic stops in 2021.<sup>78</sup> For comparison purposes, the next largest shares of events resulting in an FPI in 2021 were: “person with a gun” (522 FPIs, 17.4% of all FPIs); “street stop” (225 FPIs, 7.5% of all FPIs); and “shots fired” (193 FPIs, 6.4% of all FPIs).<sup>79</sup>

## TRAFFIC STOPS LEAD TO PSYCHOLOGICAL HARM AND DISTRUST IN BLACK AND LATINE COMMUNITIES

Even if police contact fell evenly on all racial groups, its costs would not necessarily be felt equally. Among racial minorities, and Black individuals in particular, involuntary police contact is associated with stigma, trauma, anxiety, and depressive symptoms.<sup>80</sup> Severe or repeated police contact in Black and Latine communities also presents serious challenges to trust of law enforcement. A 2020 survey found nearly 80% of white residents in Chicago feel that police make them feel safer, while less than half the Black residents and a third of young Black men felt the same.<sup>81</sup> A heavy use of traffic stops concentrated in Black and Latine communities not only presents risks to the physical and psychological well-being of those stopped or at risk of being stopped but also is counterproductive to law enforcement's crime detection or prevention efforts.

<sup>75</sup> Curtis Black, *Chicago Police Department's new gun-pointing policy misses the target*, THE CHICAGO REPORTER (Dec. 19, 2019), <https://www.chicagoreporter.com/chicago-police-departments-new-gun-pointing-policy-misses-the-target>.

<sup>76</sup> Chicago Police Department, Force Review Division, *2020 Year-End Summary*, p. 46 <https://home.chicagopolice.org/wp-content/uploads/FRD-2020-Year-End-Report.pdf>.

<sup>77</sup> See Chicago Police Department, Force Review Division, *2021 Year-End Summary*, p. 71 <https://home.chicagopolice.org/wp-content/uploads/2021-YEAR-END-REPORT.pdf>.

<sup>78</sup> *Id.* at 82.

<sup>79</sup> *Id.* at 71.

<sup>80</sup> See, e.g., Amy Dusto, *The Physical and Mental Impact of Contact With Police*, HOPKINS BLOOMBERG PUBLIC HEALTH MAGAZINE (Mar. 9, 2022) <https://magazine.jhsph.edu/2022/physical-and-mental-impact-contact-police>; Yale Law School Today, *Study Analyzes Impact of Police Stops on Mental Health* (Oct. 28, 2014) <https://law.yale.edu/yls-today/news/study-analyzes-impact-police-stops-mental-health#:~:text=A%20study%20by%20professors%20at,with%20the%20police%20in%20general> (announcing issuance of study: Amanda Geller, Jeffrey Fagan, Tom Tyler, and Bruce G. Link, 2014: *Aggressive Policing and the Mental Health of Young Urban Men*, AMERICAN JOURNAL OF PUBLIC HEALTH 104, 2321\_2327, <https://doi.org/10.2105/AJPH.2014.302046>).

<sup>81</sup> Annie Sweeney, *Doubt about police in Chicago manifests itself on racial lines in monitor's survey, legal challenges over street stops*, CHICAGO TRIBUNE (Sept. 25, 2020), <https://www.chicagotribune.com/news/criminal-justice/ct-racial-divide-chicago-policing-20200925-vjkgodoznrnc7hipaqae225zi2a-story.html>.



## IX. CONCLUSION

The data discussed in this report presents a strong case that the Chicago Police Department makes an excessive number of racially biased pretextual traffic stops each year. The number of traffic stops conducted annually in 2021 was more than 4 times what it was in 2015. Despite a brief dip during the onset of the COVID-19 pandemic, stop numbers are still rising each year. Similar to unlawful pedestrian “stop and frisk” practices, Black and Latine drivers are consistently stopped and searched without officers having any reason to suspect criminal activity. These stops are targeted particularly at Black drivers living in the predominately Black areas of the South and West Sides of Chicago. From 2015 to 2021, the average Black Chicago driver was six times more likely to be stopped than the average white driver. Latine drivers were twice as likely to be stopped as white drivers. During that time period, white drivers represented 36% of the driving population, but were only 14% of the traffic stops made by CPD.

The evidence shows that these stops are often made under the pretext of traffic safety but are likely motivated by racial bias and ineffective investigatory strategy. CPD has made it clear that traffic stops are a core part of their law enforcement strategy even though traffic stops rarely result in the discovery of criminal activity. Although traffic stops do produce some contraband, the numbers are small in comparison to the overall intrusion represented by these stops in Black and Latine communities. So not only are the stops subjecting Black and Latine motorists to increased police contact, but the gains in public safety and traffic safety are unclear at best. In sum, the data paints a picture of Black and Latine communities on the South and West Sides of Chicago who are at an elevated risk of being pulled over, who are repeatedly stopped for minor offenses, and whose stops produce minimal numbers of arrests and contraband recovery in relation to the harm caused.

# **BPI** BUSINESS AND PROFESSIONAL PEOPLE FOR THE PUBLIC INTEREST

**BPI Chicago**

25 E Washington Street  
Suite 1515  
Chicago, Illinois 60602

[www.bpichicago.org](http://www.bpichicago.org)  
312.641.5570 | [info@bpichicago.org](mailto:info@bpichicago.org)

©2023 BPI. All rights reserved.