

July 24, 2008

Governor Rod R. Blagojevich
James R. Thompson Center, Suite 16-100
Chicago, IL 60601

Re: Racial disparity in consent searches during routine traffic stops

Dear Governor Blagojevich:

We thank you for your leadership in the ongoing effort to prevent bias-based policing in Illinois. Your support was critical in 2003 to the enactment of the Illinois Traffic Stop Statistical Study Act, and in 2006 to the extension and expansion of that watershed legislation. It is also highly significant that in July 2005, you publicly condemned bias-based policing, and commanded the Illinois State Police to scrutinize its own traffic data regarding this issue. We write now to request that you continue to provide statewide leadership on this important issue.

Unfortunately, year after year, the data collected and analyzed by state government pursuant to the Study Act demonstrate a dramatic and persistent racial disparate impact caused by consent searches of vehicles during routine traffic stops. Most recently, this pattern is reaffirmed in the Study Act Report issued earlier this month regarding traffic stops in 2007. Taking the State of Illinois as a whole, African-American and Hispanic motorists are (respectively) 3.0 and 2.4 times more likely than white motorists to be subjected to consent searches. Similarly, taking the State Police, African-American and Hispanic motorists are (respectively) 3.2 and 3.5 times more likely than white motorists to be subjected to consent searches. The data for 2004 through 2006 are very similar, both statewide and for the State Police. The recent Study Act Report also shows – based on data mandated to be collected for the first time in 2007 – that when consent searches are performed, minority motorists are far less likely than white motorists to be found in possession of contraband. Specifically, the statewide “hit rates” for African-American and Hispanic motorists are about half of the white hit rate. The State Police hit rates for African-American and Hispanic motorists are (respectively) about one-half and one-eighth of the white hit rate. All of this is documented in the enclosed ACLU report based on the Study Act data.

We believe that it is critical that you take executive action immediately. After four years of study, the conclusion is obvious – consent searches are an invidious device that is a condition of inequality imposed on minority citizens on our roadways. The State Police’s own study, which is discussed in the attached report, only strengthens this conclusion. In light of these facts, we respectfully request that you order the State Police to stop requesting and performing consent searches of vehicles during routine traffic stops. We would welcome the opportunity to discuss this with you and your staff at your earliest convenience.

Sincerely,

American Civil Liberties Union of Illinois

Chicago Lawyers’ Committee for Civil Rights Under Law

Council on American-Islamic Relations, Chicago Chapter

Illinois Coalition for Immigrant and Refugee Rights

Mexican American Legal Defense and Education Fund

National Association for the Advancement of Colored People,
Illinois Conference

Rainbow/PUSH Coalition