

Law Enforcement Contacts Policy and Data Review Committee

2006 Annual Report



Oregon Criminal Justice Commission

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2006 Annual Report of the Law Enforcement Contacts Policy and Data Review Committee

Executive Summary:

The Law Enforcement Contacts Policy and Data Review Committee (LECC) was created by Senate Bill 415 in 2001 and charged with the responsibility to obtain data on law enforcement stops, provide technical assistance in collecting and analyzing that data, and identify and disseminate information on programs, procedures and policies from communities that have forged positive working relationships between law enforcement and communities of color. A copy of 2001 Senate Bill 415 can be found in Appendix A of this report.

This charge was based on the legislative finding that state and local law enforcement agencies can perform their missions more effectively when all Oregonians have trust and confidence that law enforcement stops and other contacts with individuals are free from inequitable and unlawful discrimination based on race, color or national origin, and that data collection can establish a factual foundation for measuring progress in eliminating discrimination.

The LECC began meeting regularly in March of 2005 after a two-year hiatus. Approximately half of the members of the previous committee chose to continue their membership; the governor appointed five new members (see page 2).

The LECC recognizes that racially biased policing, whether actual or perceived, impacts relationships between communities of color and law enforcement agencies. Policing in democratic nations is based on principles of procedural justice. In other words, police are expected to be *neutral* in their decision-making, treat the citizenry with *respect*, and seek *fair* outcomes. A review of research on law enforcement-citizen relations indicates that *trust* in and *satisfaction* with police have important ramifications for crime prevention, case investigation, legitimacy of government institutions, and crime itself.

Racially biased policing clearly violates such principles of justice, and lowers citizen trust and satisfaction with police. However, racially biased policing and police-citizen relationships are complex and there are no simple solutions. Therefore, in order to foster more positive relationships between law enforcement and the communities they serve, the LECC has taken a multi-pronged approach, led by two regularly convening subcommittees: Data Review and Community Relations. These two subcommittees have carried out a variety of tasks to address issues that correspond to the intent and goals of Senate Bill 415.

The LECC has identified four issues that have structured its work:

1) Status of Stop Data Collection, Analysis, and Utilization in Oregon, 2) Public

Perception of Racially Biased Policing in Oregon, 3) Identification of “Best Practices” for Community Outreach and Law Enforcement Training, and 4) Recommendations for Addressing Racially Biased Policing and Law Enforcement-Citizen Relations in the State of Oregon.

In 2006 the LECC focused primarily on Issue 1 (Status of Stop Data Collection, Analysis, and Utilization in Oregon) and Issue 4 (Identifying “Best Practices” for Community Outreach and Law Enforcement Training). The specific tasks completed by the LECC to address these issues in 2006 include a survey of Oregon law enforcement agencies, a five year analysis of traffic stop data trends (2001-2005) from Oregon State Police and Hillsboro Police Department, a review of stop data reports released by the Portland Police Bureau, technical assistance outreach, and scenario and curriculum development for the Department of Public Safety Standards and Training (DPSST). These tasks are more thoroughly discussed after this Executive Summary.

The 2005 Annual report extensively covered LECC’s research on Issue 2 (The Public Perception of Racially Biased Policing in Oregon) and can be found at the following web address:
http://159.121.112.123/Racial_Profiling/lecc2005final2.pdf.

The remainder of this Executive Summary reviews each issue addressed in 2006, briefly summarizes the tasks undertaken, and lists significant findings and conclusions. This summary includes a broader perspective, including information from other years and other organizations. The Executive Summary ends with our recommendations for addressing racially biased policing in Oregon based on our cumulative efforts. More detailed descriptions of the LECC committee, tasks completed in 2006, and data findings follow the Executive Summary.

Overview of the Status of Stop Data Collection, Analysis, and Utilization in Oregon

Oregon Law Enforcement Survey Results Regarding Stop Data Collection

In order to better understand the collection and utilization of traffic stop data in Oregon, the LECC developed a survey of law enforcement agencies in Oregon. The survey asked questions about the history and character of traffic stop data collection undertaken by Oregon law enforcement agencies. The survey also asked questions about obstacles to developing data collection systems and utilizing stop data. Respondents could also request assistance of LECC through the survey.

The Oregon Association Chiefs of Police (OACP), Oregon State Sheriffs Association (OSSA), and Oregon State Police (OSP) e-mailed the survey on behalf of the LECC to all 170 Oregon law enforcement agencies (133 police

departments, 36 sheriffs' offices, and the Oregon State Police) on February 23, 2006. A total of 82 law enforcement agencies responded to the survey. The agencies that responded to the survey serve approximately 77% of the total Oregon population, thus rendering these findings meaningful.

The major findings related to traffic stop data collection in Oregon are the following:

- In 2006, twenty-two police departments, five sheriffs' offices and the Oregon State Police (34% of respondents) indicated that they have collected stop data.
- The majority of police departments and sheriff's offices that have collected stop data started collecting the data in 2001.
- In 2006, most of the agencies collecting stop data collect many of the data points mandated by ORS 131.005 (e.g. reason for stop, race/national origin of suspect, gender, age, whether search conducted, disposition of stop).
- In 2006, the data points that are not as commonly collected are those concerning whether a search was conducted, why a search was conducted, and the disposition following the search. Only ten police departments, three sheriff's offices and the Oregon State Police collect data on searches and the results of searches.
- In 2006, few departments that collect data have prepared reports on the data, publicly or internally. This issue seems to correspond to the commonly-cited need for assistance in analysis, reporting, and benchmarking.
- In 2006, the most common obstacles reported as reasons for not collecting stop data are the following: time constraints, no perceived or apparent need to collect, problems with forms, inadequate staffing, lack of technological knowledge, no valid comparison/benchmark data.

In sum, the findings indicate that a number of law enforcement agencies in Oregon have made a commitment to collect and analyze stop data. We applaud these efforts. The majority of law enforcement agencies in Oregon do not collect traffic stop data and those that do collect are often not using the data for reporting or evaluation. The survey indicates that there are many obstacles that hinder the advancement of stop data collection and analysis in Oregon. Through technical assistance outreach and the development of "how-to" manuals on data analysis, these obstacles should be overcome. The LECC will be addressing these obstacles in the coming years with the Technical Assistance Team, which is discussed later in this Executive Summary.

Overview: Traffic Stop Data in Oregon and Perceptions of Law Enforcement

The Law Enforcement Contacts Policy and Data Review Committee (LECC) has available to it the following primary sources of information about law enforcement traffic stops in Oregon:

- Four annual statewide opinion surveys that assessed the public's views of law enforcement contacts and the prevalence of racially-biased policing, supplemented in one year (2005) with a survey of additional African-American and Hispanic residents of Oregon. The African Americans included in the 2005 supplementary sample lived primarily in Portland.¹
- LECC staff analyses of data about individual traffic stops, provided to the Committee by the Oregon State Police and the Hillsboro Police Department based on information provided by their own officers. These analyses were shared and discussed with administrators in the Oregon State Police and Hillsboro Police Department which elicited a number of suggestions and different understandings of the data trends. Appendix D and E of this annual report contains copies of letters from these agencies responding to LECC findings.
- Public releases of data tabulations carried out by other law enforcement agencies, in particular the Portland Police Bureau, using data about individual stops by their own officers.²

The surveys of Oregon residents showed that, overall, about 19% of Oregon drivers experience a traffic stop during a year, which is much higher than the average rate in national surveys of this type (8.7% per year).³ However, consistent with national patterns, African American and Hispanic drivers report being pulled over more often than white drivers and are significantly more likely to believe that racially biased policing is common practice. For example, in the Oregon surveys 41% of African American respondents reported being stopped by police during the 12 months preceding their interview, compared to 24% of other respondents from their geographical area, and 19% of other respondents on a statewide basis (LECC, 2005, pp. 23).

The surveys indicate a sharp divide between African American drivers and the other drivers regarding whether they think the differences in stop rates reflect racial profiling. For example, 73% of black drivers who had been stopped reported that they thought the reasons given by the law enforcement officer for the stop were untrue, compared to only 18% of other drivers from the same area

¹ A detailed report of these survey findings can be found in the LECC 2005 Annual Report: http://159.121.112.123/Racial_Profiling/lecc2005final2.pdf

² The Portland Police Bureau traffic stop data reports are available here: <http://www.portlandonline.com/police/index.cfm?c=42284>

³ "Contacts between Police and the Public: Findings from the 2002 National Survey," Bureau of Justice Statistics, U.S. Department of Justice, 2005 (<http://www.ojp.usdoj.gov/bjs/abstract/cpp02.htm>)

who had been stopped (and 41% of Hispanic drivers who had been stopped statewide) (LECC, 2005, pp. 26).

Black drivers who had been stopped reported searches of themselves, passengers, or vehicles more frequently (24%) than drivers in the comparison group (13%), but the relationship between race and frequency of searches did not meet the test of statistical significance in the survey data (LECC, 2005, pp. 26).

Data collected by law enforcement officers about traffic stops are much more complete and informative about the outcomes of traffic stops, and in particular about the relative chances of searches of different racial/ethnic groups following a traffic stop. The data analyzed so far from Oregon law enforcement agencies consistently show that minority group drivers who are stopped are substantially more likely to experience a search than are non-Hispanic white drivers, but the searches of white drivers more frequently yield contraband or evidence of illegal activity. For example, LECC staff analysis of data from the Oregon State Police showed that 6% of stops of Hispanic drivers in 2004-2005 resulted in a search, compared to 4% of black drivers and 2% of white drivers (p. 62). Searches in Hillsboro were less frequent (2% overall), but showed similar relative patterns (p. 62). The Portland Police Bureau, in an analysis of 79,419 stops (including pedestrian stops as well as traffic stops) in 2005, found that 5% of traffic stops resulted in a search; but both black and Hispanic/Latino drivers experienced searches at approximately a 10% rate.

The Oregon State Police data for 2004-2005 showed that 35% of searches of black and Hispanic drivers' vehicles found some violation, compared to 42% of searches of white drivers' vehicles (p. 64). The OSP stops resulted in custody arrests of 3.4% of Native Americans, 1.6% of Hispanics, 1.1% of blacks, and 0.8% of whites stopped (p. 71). Just over 8% of searches of black drivers' vehicles in 2005 in Portland resulted in finding alcohol, contraband, drugs, or weapons, compared to nearly 10% of searches of white drivers' vehicles. Further, the Portland data showed that 6% of blacks and Hispanics stopped were taken into custody, compared to 2% of Asians and 3% of non-Hispanic whites.

For Hillsboro and OSP stops, the LECC has data going back to 2001, but no consistent patterns of changes over time have occurred. The total annual number of OSP stops declined between 2001-3 and 2004-5, while the annual number of stops increased in Hillsboro. In both jurisdictions, the percentage of stops that were of blacks increased, but searches of Hispanics increased for OSP stops while declining for Hillsboro stops. The chances that a stopped driver would experience a search increased in the OSP data while declining in the Hillsboro data. OSP and Hillsboro have responded to these findings and offered important explanations, which are described more thoroughly in the section of this report entitled "Five Year Analysis of Stop Data Trends 2001-2005" (pp. 34-39). Their full response to the findings can be found in Appendix D and E.

Unfortunately, data collected by law enforcement agencies about the relative chances of being stopped are less informative than examining the chances of a search. This is because agencies do not have accurate information about the racial and ethnic composition of drivers in their jurisdiction. For example, drivers eligible to be stopped may include unknown proportions of out-of-state residents. This is especially true on major highways patrolled by the Oregon State Police but could also occur with travel by out-of-jurisdiction residents, such as in Portland's central business district during weekdays. Secondly, jurisdictional level information on the quality of driving behaviors and violations across racial/ethnic groupings, which could increase the likelihood of being stopped, does not exist.

In sum, *the results from our analyses of traffic stop data in Oregon do not indicate the existence of a conscious racial/ethnic bias in law enforcement decisions to stop and search drivers and vehicles.* However, this does not mean that the existence of unconscious biases is ruled out or the possibility that some individual officers may operate with biased decision-making. *Given that the citizen perceptions in Oregon regarding law enforcement experiences reveal a strong split along racial/ethnic lines this issue still deserves widespread research and policy attention.*

OSP, Hillsboro, and Portland should be praised for their willingness to collect traffic stop data, rigorously analyze it, and report the findings to the public. Their efforts along these lines have encouraged all three agencies to evaluate their strategies and policies and focus on future goals. OSP will explore their capacity to generate more in depth stop data, particularly surrounding types of searches conducted, in order to gain a better understanding of stop disparities. Hillsboro plans to review existing policies and training curriculum over stops, searches, and citizen complaints and engage in more public review and outreach to "demystify" police stops and contacts. Chief Rosie Sizer of the Portland Police Bureau, based on their analysis traffic stop data, developed a partnership with Oregon Action to hold community listening sessions, which has been a positive experience for all participants. As Chief Sizer recently stated to LECC, "the police bureau's simple willingness to have conversations with the public about the issue of race and policing was helpful, and the community listening sessions were structured in such a way that officers felt they could have productive conversations without feeling harassed." This partnership has led to the development of a commission by Portland City Council that will be a sub-unit of an eventual Human Relations Commission, which will have ongoing review of stop data, discussion about the issue, and a work plan for the Police Bureau.

Technical Assistance Team

A specific goal of SB 415 is to create assistance outreach to state and local law enforcement agencies to improve the performance of their missions without inappropriate use of race, color, or national origin. The results of the Oregon Law Enforcement Survey indicated that a number of law enforcement agencies seek

assistance in overcoming some of the obstacles that hinder the advancement of traffic stop data collection, analysis, and reporting in Oregon. In order to address these obstacles and the mission of SB 415 the LECC created a Technical Assistance Team led by Lt. Col. Greg Willeford of the Oregon State Police. Four obstacles will be addressed by the Technical Assistance Team. They are:

Obstacles to Overcome

- ✓ No standardized analysis and reporting procedures.
- ✓ Difficulty analyzing data and interpreting findings.
- ✓ Lack of effective measures for reporting results to administrators, officers and the community that enhance problem solving, dialogue and trust.
- ✓ Lack of knowledge regarding potential low cost data collection systems and how to program or extract data from existing information systems.

The analyses and format of the OSP and Hillsboro traffic stop data reports is an important first attempt at standardizing analysis and reporting techniques of stop data collection. Over the next year the Team will work to create assistance manuals and tutorials on how to complete such analyses and report findings.

The Technical Assistance Team plans to meet with three Oregon law enforcement agencies that expressed an interest in receiving technical assistance related to analysis and reporting, and extracting data from an antiquated system. These initial meetings will help finalize our approach to providing technical assistance that addresses the above obstacles. Once this pilot test is accomplished the Team plans to expand its assistance to other interested agencies.

Identifying “Best Practices” for Community Outreach and Law Enforcement Training

Oregon Law Enforcement Survey Results Regarding Training on Biased Policing

The Oregon Law Enforcement Survey described above was also utilized to determine the types of training programs that address issues of racial/ethnic bias in policing. The following results were found regarding the character of training in Oregon related to racial bias issues in policing:

- In 2006, only seven agencies (9%) reported that no training related to racial bias in policing is being provided.
- In 2006, a wide variety of training was reported. The most common form of training reported was the adoption of a policy prohibiting racial profiling and engaging in internal reviews of such policies (37%). The next most common type of training reported was in-service training on stops and searches (29%). The third most common form of training reported was a

more informal training occurring with roll call, briefings, or newsletters, or during field training with a Field Training Officer (28%). Approximately 24% of Oregon law enforcement agencies reported receiving racially-biased police training from the Department of Public Safety Standards and Training (DPSST).

- In 2006, twenty-five Oregon law enforcement agencies reported some training obstacles or difficulties. Overwhelmingly, the primary difficulty that was expressed was a need for more training and better training.

Conclusions:

The results indicate that Oregon law enforcement agencies are attentive to the importance of training related to carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action. However, there was wide variation in the types, breadth and formality of training that were reported. There is no uniform consistency to the delivery and content of training that address the issues concerning racial and ethnic biases in policing. The survey results reinforce the need for the LECC to continue to work with DPSST, incorporating lessons and scenarios related to racially biased policing into DPSST training. A number of training options with consistent themes should be developed to target the greatest number of agencies and officers (e.g. in-service, regional training, videos, DPSST scenarios).

In sum, the results indicate a need and desire for consistent, effective, and low-cost training programs to address the issue of bias-based policing in stops and post-stop decisions.

Scenario Development Workgroup

The survey results clearly indicate a lack of consistency in Oregon law enforcement training related to carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action. This finding lends strong support to the efforts of LECC's Scenario Development Workgroup to assist Oregon's Department of Public Safety Standards and Training (DPSST) in creating and revising curriculum and scenarios. The Scenario Development Workgroup, created by the LECC upon the request of DPSST, is assisting DPSST's Law Enforcement Curriculum Subcommittee in drafting scenarios specifically addressing the issue of racially biased policing. The scenarios would be incorporated into the Academy training of new police recruits. The LECC recommended that the DPSST Scenario Development Workgroup examine law enforcement contacts including stops, emphasizing post-stop conduct, with a focus on decision-making and sensitizing the officer to unconscious bias.

The first task of the workgroup was to develop a set of learning objectives to serve as the basis for all scenarios (see p. 43). The workgroup also drafted a document that defines important training concepts, principles, and definitions that

should be incorporated into training curriculum (see Appendix F). Eleven scenarios for new recruit training at the DPSST Academy were originally developed. The eleven scenarios were paired down to five. Three of the five scenarios involve role playing situations and two scenarios are considered “table top” scenarios for classroom work because of the more complex issues they evoke (see Appendix G). The scenarios contain a set up, branch options, objectives, preferred resolution, and resources needed. These five prototype scenarios have been turned over to DPSST for inclusion in their new recruit academy.

The Scenario Development Workgroup has recognized that training on these complex issues will require multiple learning approaches in addition to the scenarios. Thus, group discussions and videos may also be helpful in training. Most importantly, the workgroup and the LECC recommend that training on biased policing and racial profiling must extend to all levels of the police organization.

Conclusions and Recommendations for Addressing Racially Biased Policing and Law Enforcement-Citizen Relations in the State of Oregon

The year of 2006 has been both productive and enlightening for the LECC. The results of the committee’s major efforts with the Law Enforcement Survey, Five Year Stop Data Analysis, Technical Assistance Team and Scenario Development Workgroup offer the following conclusions and recommendations:

- 1) In 2006, a number of Oregon law enforcement agencies face obstacles that impede their ability and motivation to collect traffic stop data. The provision of technical assistance and standardization of stop data analysis and reporting protocols can encourage more law enforcement agencies to overcome such obstacles.
- 2) Analysis of stop data from 2001-2005 consistently shows that a primary area where racial/ethnic disparities occur is in decisions to search drivers. Developing a better understanding of search decisions and targeted training on searches may be the most productive area to address issues of bias in policing. However, better data on variation in types of searches conducted is needed to fully examine this issue.
- 3) In 2006, there is no consistent training on racial profiling and biased policing occurring in Oregon. The development and delivery of a consistent curriculum entailing multiple learning exercises and targeting all areas of the police organization is needed.
- 4) *Analyses of traffic stop data in Oregon do not indicate the existence of a conscious racial/ethnic bias in law enforcement decisions to stop and search drivers and vehicles. Yet, citizen perceptions of bias in stop decisions clearly indicate a portion of the population feels the police lack neutrality. Ill feelings towards the police, primarily among minority populations, can impede their law enforcement mission.*

- 5) Our efforts in 2006 and 2005 reinforce the need for a multi-pronged approach to understanding and addressing potential racial/ethnic biases in law enforcement. The collection, analysis, and public reporting of stop data, coupled with community outreach and training has the potential to change citizen perceptions regarding the neutrality and fairness of Oregon law enforcement. Thus, *LECC concludes that Oregon law enforcement should continue to collect stop data and seek avenues for improving its level of specificity regarding stop characteristics, monitor public perceptions of police biases, engage in community outreach, and develop training curriculum for all organizational levels of law enforcement.*

Based on these conclusions and recommendations the proposed 2007 work plan for LECC entails the following:

1. Legislative advocacy:
 - LECC Sunset Legislation (LC373) Z
 - Funding/budget development for LECC activities 2007-09 biennium
2. Refinement of data collection points i.e., capturing types of searches
3. Continue the development and delivery of technical assistance to Oregon police agencies.
 - Data collection, analysis and reporting best practices
 - Development of templates and best practice material for Oregon law enforcement agencies on non-bias policing
 - Development of ongoing training for police agencies aimed at line officers and first line supervisors, mid-management and executive level personnel pertaining to professional stops and non-biased policing
4. Increase the number of Oregon police agencies that are collecting data in accordance with the collection criteria set forth in SB 415 (2001).
5. Continued outreach to agencies that have collected data and provide assistance in the analysis of that data.
6. Report the findings of the continued analysis of agency stop data, at a minimum, as part of the LECC Annual Report.
7. Identification of potential areas of community outreach based upon further work and analysis of stop data.

8. Continue participation in statewide surveys of attitudes about police and experience with traffic stops, similar to Oregon Annual Social Indicator Survey (OASIS), at least once every two years.
9. Progress reporting on how the newly developed scenario training for basic police training is going.
10. Prepare and publish a 2007 Annual Report.

2006 Annual Report of the Law Enforcement Contacts Policy and Data Review Committee

Statement of Purpose:

“State and local law enforcement agencies can perform their missions more effectively when all Oregonians have trust and confidence that law enforcement stops and other contacts with individuals are free from inequitable and unlawful discrimination based on race, color or national origin.... Demographic data collection can establish a factual and quantifiable foundation for measuring progress in eliminating discrimination based on race, color or national origin...”⁴

The Committee:

The Law Enforcement Contacts Policy and Data Review Committee (LECC) was created by 2001 Senate Bill 415 for a period of six years, ending December 31, 2007. A copy of this bill can be found in Appendix A of this report, as well as on the LECC website at:

http://www.ocjc.state.or.us/Racial_Profiling/LECPDRC.HTM.

The committee is charged with the responsibility to report annually on its efforts to:

- Solicit demographic data concerning law enforcement stops and other contacts between state and local law enforcement agencies and individuals;
- Publicize programs, procedures and policies from communities that have made progress toward eliminating discrimination based on race, color or national origin during law enforcement stops and other contacts with individuals;
- Provide technical assistance to state and local law enforcement agencies that desire to begin collecting demographic data, including refinement of the minimum data elements as necessary for effective analysis;
- Provide technical assistance to communities and state and local law enforcement agencies that desire to engage in local efforts to involve individuals in the establishment and implementation of programs, procedures and policies that will advance the goal of the act;
- Obtain resources for independent analysis and interpretation of demographic data collected by state or local law enforcement agencies;

⁴ 2001 Senate Bill 415 (See Appendix A)

- Accept and analyze demographic data collected by a state or local law enforcement agency if requested by a state or local law enforcement agency and if resources are available; and
- Report to the public the results of analyses of demographic data.

The committee is composed of eleven members appointed by the Governor. Members of the committee are:

Edwin Peterson*, LECC Chair Senior Judge and Distinguished Jurist in Residence, Willamette University College of Law	
Keith Aoki, Assoc. Professor University of Oregon Law School	Ron Louie*, Chief of Police Hillsboro Police Department
Jan Chaiken** Consultant and former Director, U.S. Bureau of Justice Statistics	Charles Martinez*, Research Scientist Oregon Social Learning Center, University of Oregon
William Feyerherm, Vice Provost for Research and Graduate Studies Portland State University	Raul Ramirez* Marion County Sheriff
David Fidanque, Executive Director ACLU Oregon	Frank Thompson, Superintendent Santiam Correctional Institution
Annabelle Jaramillo*** Benton County Commissioner	Greg Willeford*, Lt. Col. Oregon State Police

* Appointed in 2005

**Chair of the Data Review Subcommittee

*** Chair of the Community Relations Subcommittee

Note: Walt Myers, former Chief of Police from Salem, served on the LECC as Co-Chair of the Community Relations Subcommittee until his retirement in June 2005. Chief Louie replaced him at the recommendation of the Oregon Association Chiefs of Police (OACP).

Current and former LECC staff in 2006:

- Claudia Black, Associate Director, Criminal Justice Policy Research Institute, Portland State University
- Craig Prins, Executive Director, Oregon Criminal Justice Commission
- Brian Renauer, Director, Criminal Justice Policy Research Institute, Portland State University
- Mike Stafford, Public Safety Coordinator, Oregon Criminal Justice Commission
- Laura Uva, Administrative Assistant, Criminal Justice Policy Research Institute, Portland State University

Background:

Efforts to address charges of racially biased policing on the part of law enforcement officers became a statutory mandate during the 69th Legislative Assembly in 1997. During that session, a top priority of law enforcement agencies was a revision of the statute regulating stops of citizens by police. The debate stirred by that issue resulted in House Bill 2433. That bill included several provisions intended to provide a compromise between law enforcement agencies that sought to make stops more effective and safer for officers and community groups that sought to protect the civil rights of those stopped.

HB 2433 included several provisions intended to foster the protection of the rights of citizens by requiring:

- All state and local law enforcement agencies in Oregon to adopt policies prohibiting the practice of racially biased policing.
- All law enforcement agencies to adopt means to facilitate the filing of complaints by citizens who felt that their rights had been violated, and to develop a process to resolve those complaints.
- All law enforcement agencies to report to the Asset Forfeiture Oversight Advisory Committee the number and type of complaints filed during the first year after the adoption of HB 2433.
- Initiation of data collection in an effort to move away from anecdotal information.

Implementation of HB 2433 was coordinated by a workgroup under the auspices of the Governor's Public Safety Policy and Planning Council. At its inception, this workgroup comprised over 60 members from diverse groups and backgrounds who were able to come to agreement on three basic principles:

- All law enforcement agencies should be responsible for their actions.
- No person should be subject to improper law enforcement conduct.
- Every person has the right to a fair and prompt response to a complaint.

The first action of the workgroup the adoption of a model policy for law enforcement agencies that was distributed to all law enforcement agencies in Oregon. That policy, or one similar to it, was adopted by every Oregon law enforcement agency.

The workgroup identified three purposes for data collection: 1) to evaluate the implementation of the new stop and search law; 2) to ensure the fair and equitable implementation of the law; and 3) to increase public awareness and confidence in the application of the law.

The data collection effort itself focused on three activities. The first was a public perception survey to ascertain how the general public and two specific minority groups viewed the new law and to determine the perceived extent of

racially biased policing in Oregon. The second was to collect data on the types of complaints filed against law enforcement officers. The third was to encourage the development of a full traffic stop data collection effort.

In the furtherance of those efforts, the workgroup made its report to the 1999 Legislature along with several recommendations for further work. The Legislature did not act on those recommendations at that time.

In 2001, then-Rep. Vicki Walker introduced HB 2441 which would have required law enforcement agencies to collect traffic stop data and report the data to the state. A broad spectrum of interested parties deliberated on HB 2441. These discussions ultimately resulted in the passage of SB 415, which provided for voluntary data collection by law enforcement agencies and the formation of the LECC. The bill was supported unanimously by all interested parties and passed the Legislature without a dissenting vote.

The LECC officially convened February 5, 2002 and quickly established two subcommittees: Data Review and Community Relations. During the following year, the LECC received testimony and information from a variety of sources, including communities working to address data collection and community involvement issues, entities conducting state and national surveys related to racially biased policing, and agencies working on developing law enforcement training.

The Data Review Subcommittee solicited and received data from law enforcement agencies and did some preliminary analysis of that data. Methods to merge data contributed by individual agencies into a statewide database were developed and appropriate conclusions were drawn from the combined data. However, due to the lack of data from a broader base of agencies, it was not possible to draw statistically valid inferences from the data.

The Community Relations Subcommittee, which was co-chaired by Commissioner Annabelle Jaramillo and Chief Walt Myers, focused on involving police agencies and communities in discussions on racially biased policing issues. The committee also received information on a variety of approaches to community involvement activities, worked with experts in the field, and began the process of identifying methods and information.

As with many other agencies, budget reductions and the related state employee hiring freeze hindered the Committee's efforts to fulfill its statutory responsibilities. The level of staffing at the Oregon Criminal Justice Commission (CJC) was not adequate to support the work of the LECC. Thus, the LECC suspended its efforts in February 2003. The hiatus lasted until early 2005 when the CJC contracted with the Criminal Justice Policy Research Institute (CJPRI) at Portland State University for staff support. The LECC formally began meeting again on March 2, 2005.

LECC Activities 2006

Oregon Law Enforcement Survey:

Purpose of Survey

The Law Enforcement Contacts Policy and Data Review Committee (LECC) developed and distributed a survey to Oregon law enforcement agencies in order to gain an understanding of what these agencies are currently doing to prevent racially-biased policing and to offer agencies an opportunity to request specific assistance. The survey questions focused on community outreach, training, and data collection efforts that agencies have undertaken.

Description of Survey

The Oregon Law Enforcement Survey was developed by the LECC with assistance from the Oregon Association Chiefs of Police (OACP), Oregon State Sheriffs Association (OSSA), Oregon State Police (OSP), Dr. Lori Fridell of the University of South Florida, and Dr. Robin Shepherd Engel of the University of Cincinnati. The survey consisted of two sections. Section I requested information on agencies' community outreach and training addressing racial bias in policing. Section II requested information on agencies' CAD systems and collection of stop data that includes information on race/ethnicity. Stop data refers to data collected by law enforcement agencies that describe interactions between law enforcement and the public during traffic stops or other kinds of stops. Typically this data describes characteristics of the stop (reason for stop, searches, disposition), characteristics of the citizen (gender, race, age), and location of the stop. Both sections included an area for respondents to request specific assistance from the LECC. See Appendix B for a copy of the survey.

Methodology

On behalf of the LECC, the OACP, OSSA and OSP distributed the survey by e-mail to all 170 Oregon law enforcement agencies (133 police departments, 36 sheriff's offices, and the Oregon State Police) on February 23, 2006. The initial response deadline was March 10, 2006. The LECC promised agencies that their responses would be kept confidential and that results would be published only in the aggregate. OSP chose to grant the LECC permission to present its responses separately in this report.

The survey was re-sent by OACP and OSSA on March 22, 2006 with a reminder and a new deadline of March 30, 2006. It was re-sent again by OACP

on April 5, 2006. Claudia Black, former LECC Program Manager and Associate Director of the Criminal Justice Policy Research Institute at Portland State University, also called several sheriffs to remind them to respond to the survey.

LECC staff received the last survey response on June 5, 2006. The total number of law enforcement agencies that responded was **82** (59 police departments, 22 sheriff's offices, and the Oregon State Police). The survey **response rate was 48%** (82/170 total law enforcement agencies). The reader should keep in mind that the non-respondents may have been less interested in this topic than the respondents, or their limited resources may have prevented a response to the survey. The agencies that responded to the survey serve approximately 77% of the total Oregon population, thus rendering these findings quite meaningful.⁵ The table below shows the population categories that the responding law enforcement agencies serve.

City Size	Number of Respondents
City population 100,000 or more	3
City population 25,000-99,999	11
City population 10,000-24,999	15
City population 2,500-9,999	19
City population < 2,500	11
Non-Metropolitan Statistical Area county 25,000-99,999	6
Non-Metropolitan Statistical Area county <10,000-24,999	11
Metropolitan Statistical Area county. 100,000 +	2
Metropolitan Statistical Area county 25,000-99,999	2
Metropolitan Statistical Area county 10,000-24,999	2
Total	82

Results Summary – Section I: Training Regarding Racially and Ethnically Biased Policing

Types of Training: The results shown in Table 1 indicate that the most common form of training reported by Oregon law enforcement agencies on racially-biased policing is the adoption of a policy and the internal review of policies (37%). The next most common type of training reported is in-service training on stops and searches (29%). The third most common form of training reported is a more informal training occurring with roll call, briefings, or newsletters, or during field training with a Field Training Officer (28%). Approximately 24% of Oregon Law Enforcement agencies reported receiving racially-biased police training from Department of Public Safety Standards and Training (DPSST). Seven agencies (9%) reported that no training is being provided on the importance of carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action.

⁵ The FBI's Crimes Known to the Police (2000) was used to determine the population coverage of the agencies that were surveyed. The total Oregon population served by the 82 agencies in the survey is 2,652,505 and the Oregon population in the 2000 census is 3,421,399.

Table 1. Types of training regarding the importance of carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action. (note: because agencies could report multiple types of training efforts, columns do not add to sample size totals)

<i>Training Categories</i>	Police Department Participation	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Diversity/Cultural Awareness Training¹	15	6	0	21
2) DPSST Training²	14	5	1	20
3) In-service Training on Traffic Stops/Searches³	20	4	0	24
4) Informal Training⁴	15	7	1	23
5) Special/Outside Training⁵	7	1	0	8
6) Policy Adoption or Training⁶	21	9	0	30
7) No Training	3	4	0	7
8) Left Question Blank	1	0	0	1
<i># of Respondents</i>	N = 59	N = 22	N = 1	N = 82

¹ Notes: primarily in-service, includes ethics, discrimination training.

² Notes: focused on new hires.

³ Notes: includes annual accreditation training, as well as mentions of general or other in-service training.

⁴ Notes: includes field training with Field Training Officer (FTO); recruit orientation training; review and response to complaints; review and discussion during shift briefings of data collection analyses; review at roll call; training bulletins/newsletters; training video.

⁵ Notes: examples include International Associations Chiefs of Police (IACP) Training Keys; Six Minutes of Training program; Perspectives on Profiling; special training from the local District Attorney's office.

⁶ Notes: includes the adoption of policies that declare racial profiling illegal; informal training and reviews of current Oregon policies.

Breadth of Training: Table 2 shows that 53 law enforcement agencies in Oregon (65%) require some type of training on the importance of carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action. Most agencies that require training reported that the training occurs for the entire department. Table 2a also shows that most of the training is held on an annual basis.

Table 2. Is this training required and, if so, for whom and how often?

	Police Department Participation	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
<i>Training Required</i>				
Yes – Required	39	13	1	53
Not Required	5	1	0	6
<i>Who Gets Trained</i>				
Entire Department	33	10	1	44
Subset of Department¹	4	5	0	9
<i>Frequency of Training</i>				
Annual	20	9	0	29
More than Once per Year	7	2	0	9
One Time Only / Infrequent²	5	3	0	8

¹ Notes: An example would be training only of new recruits.

² Notes: This category involves what appears to be a one-time training effort (e.g. DPSST for new recruits) or very infrequent training. Whereas, “more than once” involves more frequent training, but not as formalized as an annual training.

Training Obstacles: 25 Oregon law enforcement agencies reported some training obstacles or difficulties. Overwhelmingly, the primary difficulty that was expressed by agencies was a need for more training and better training to be available to them.

Table 3. Difficulties in developing and implementing training (e.g. finding an effective curriculum or training officers)

	Police Department Participation	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
Yes – Difficulties	23	2	0	25
No Difficulties	24	10	1	35
<i>Types of Difficulties</i>				
1) Want Better / More Training	18	2	0	20
2) Training Too Expensive	2	0	0	2
3) Officers Do not See Training As Necessary	1	0	0	1
4) Need Instructors	4	0	0	4

How LECC Could Help: Law enforcement agencies were asked how the LECC could be most helpful to them. The vast majority of agencies indicated that they would like LECC to assist them in preparing and implementing appropriate, low-cost and effective training to address this issue.

Approximately 55 agencies, most of whom had never collected data, indicated a request for some sort of technical assistance from the LECC. The vast majority of these requests were for assistance in efficient and inexpensive training relative to Oregon's issues. Another common request was for the LECC to write and distribute a report outlining the results of the survey and what the next steps should be.

Conclusions - Training Regarding Racially and Ethnically Biased Policing in Oregon Law Enforcement

The survey responses represent a broad cross-section of Oregon law enforcement agencies. Roughly half of all law enforcement agencies in Oregon responded to the survey. Both the geographic coverage of the state and agency department size were well represented in the results. Almost all major departments responded to the survey, as did 61% of the Sheriff's offices. Additionally, the agencies that responded to the survey serve approximately 77% of the total Oregon population, thus rendering these findings quite meaningful.⁶

The results indicate that Oregon law enforcement agencies are attentive to the importance of training related to carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action. Only seven agencies (9%) reported that no training is being provided. However, there was wide variation in the types, breadth and formality of training that were reported. Thus, there does not appear to be a uniform consistency to the delivery and content of training in Oregon that address the issues surrounding racial and ethnic biases in policing.

Twenty-five (31%) of the respondent agencies stated that they have difficulties in providing such training, and there was a commonly expressed need for the availability of more and better training. The survey results reinforce the need for the LECC to continue to work with DPSST incorporating lessons and scenarios related to racially biased policing into DPSST training. A number of training options with consistent themes should be developed to target the greatest number of agencies and officers (i.e. in-service, videos, DPSST scenarios).

In sum, the results indicate a need for consistent, effective, and low-cost training programs to address the issue of biased-based policing regarding stops and post-stop decisions.

⁶ The FBI's Crimes Known to the Police 2000 was used to determine the population coverage of the agencies that were surveyed. The total Oregon population served by the 82 agencies in the survey is 2,652,505 and the Oregon population in the 2000 census is 3,421,399.

Results Summary – Section II: Stop Data Collection

History of Stop Data Collection: The data in Table 4 show that 22 police departments, five sheriff's offices and the Oregon State Police have collected stop data. Thus, 34% of respondents indicated they have collected stop data. The majority of police departments and sheriff's offices that have collected stop data started collecting the data in 2001. Table 5 reports that 17 police departments, four sheriff's offices and the Oregon State Police still collect stop data. Most agencies that listed a date that they stopped collecting data had stopped in 2002. Some of the reasons listed for discontinuing collection of stop data include:

- Time constraints
- No perceived or apparent need to collect
- Problems with forms
- Inadequate staffing
- Inadequate ability
- No valid comparison/benchmark data

Table 4. Collection of Stop Data

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - collected	22	5	1	28
2) Never collected	33	15	0	48
3) Question Blank	4	2	0	6

Table 5. Current Status of Stop Data Collection

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - still collecting	17	4	1	22
2) Not currently collecting	4	1	0	5
3) Question Blank	1	0	0	1

Characteristics of Stop Data Collection Systems: Survey results indicate that the majority of agencies that are collecting stop data do so for both vehicle and pedestrian stops (Table 6), and most of the agencies collecting stop data collect many of the data points mandated by ORS 131.005 (Table 7). The data points that are not as commonly collected are those concerning whether a search was conducted and the disposition following the search. Only ten police departments, three sheriff's offices and the Oregon State Police collect data on the results of searches. Table 8 shows that most of the agencies collecting stop data record some form of geographic reference for the stop location. The most common geographic reference utilized is a street address. The most common form of data entry reported (Table 9) is manual entry of the stop information into a patrol car computer or other computer (eight police departments and two sheriff's offices). Written and scantron forms are used by eight law enforcement agencies and five agencies verbally provide stop information to dispatch. Most law enforcement agencies maintain their data in an electronic database (Table 10) and only five agencies have made any changes to their collection form (Table 11).

Table 6. Types of Stops for which Data is Collected

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Officer-initiated vehicle stops	18	4	1	23
2) Officer-initiated pedestrian stops	15	3	1	19
3) Calls for service	7	0	0	7
4) Other	2	0	0	2

Table 7. Types of Data Points Collected

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) The reason for the law enforcement stop or other contact	15	5	1	21
2) The law enforcement officer's perception of the race, color or national origin of the individual involved in the contact	18	4	1	23
3) The stopped individual's gender	19	5	1	25
4) The stopped individual's age	18	4	1	23
5) Whether a search was conducted in connection with the contact	12	3	1	16
6) If a search was conducted, the disposition of the search	10	3	1	13
7) The disposition of the law enforcement action, if any, resulting from the contact (e.g. arrest, warning, citation)	18	5	1	24
8) Other	3	0	1	4

Table 8. Use of Location Identifiers

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Beat or Patrol Area	6	1	0	7
2) Street address	11	3	1	15
3) Geocode (X Y coordinates)	4	1	0	5
4) Block	6	0	0	6
5) Rural route	0	0	0	0
6) Zip code	0	0	0	0
7) Other	2	1	1	4

Table 9. Types of Data Entry

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Scantron form	3	0	0	3
2) Written form	4	1	0	5
3) Manually recorded in patrol car computer or other computer	8	2	0	10
4) Verbally given to dispatch	3	1	1	5
Other	3	2	0	5

Table 10. Maintenance in Electronic Database

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - Electronically	13	4	1	18
2) Not electronically	5	2	0	7
3) Question Blank	2	0	0	2

Table 11. Changes to Data Collection

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - Changed form	4	0	1	5
2) No – Not changed form	14	4	0	18
3) Question Blank	4	1	0	5

Stop Data Reports: Eleven agencies, which is less than half of the agencies that reported stop data collection, have prepared a written public report on their data (Table 12). Slightly fewer agencies stated that they have prepared a non-published internal report on their stop data collection (Table 13).

Table 12. Written Public Reports on Stop Data

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - Prepared report for public	9	1	1	11
2) No – Did not prepare report for public	11	5	0	16
3) Question Blank	2	0	0	2

Table 13. Non-published Internal Reports on Stop Data

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - Prepared non-published report	5	1	1	7
2) No – Did not prepare non-published report	14	4	0	18
3) Question Blank	2	0	0	2

Assistance in Stop Data Collection: Table 14 shows that roughly 30% of respondents requested some sort of assistance with stop data collection. The assistance needs are evenly varied. Twenty-two agencies need help with setting up a collection system, 15 need analysis assistance, 15 need assistance with performing internal analyses, and 25 reported the need for some other form of assistance. Most other requests for assistance were for the dissemination of information on the efforts of other Oregon agencies in regards to data collection and analysis as well as community outreach. Several agencies also requested that the LECC develop protocols for data collection and analysis, and provide information on benchmarks. Two agencies requested that the LECC organize a forum or regional meeting to brainstorm next steps in relation to data collection/analysis and community relations. A clear statewide guideline/standard for data collection/analysis was also requested by two agencies. Other requests included compilation of Oregon law enforcement agencies' data in the aggregate, a best practices resource manual, and distribution of the results of this survey.

Table 14. Areas Where Assistance Was Requested

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Assistance setting up a data collection system	16	6	0	22
2) Assistance analyzing the collected data in the aggregate	11	4	0	15
3) Assistance performing internal analyses	10	5	0	15
4) Other	18	6	1	25

Status of CAD systems: Only eleven agencies reported that they do not use a CAD system (Table 15). Most of the CAD systems in use, 58 of 63, have the capacity to generate reports. Table 15 also shows that 23 agencies are anticipating upgrading their CAD system in the foreseeable future.

Table 15. CAD Systems

	Police Departments	Sheriff's Offices	Oregon State Police	Total Oregon Law Enforcement
1) Yes - Use CAD	43	19	1	63
2) No - Do not use CAD	10	1	0	11
3) Question blank	6	2	0	8
Does the system have the ability to generate reports?				
	41 Yes	16 Yes	Yes	58 Yes
	4 No	1 No		5 No
Does your agency anticipate upgrading or changing it in the foreseeable future?				
	18 Yes	5 Yes	No	23 Yes
	26 No	10 No		37 No
Does your agency have plans to obtain a CAD system in the foreseeable future?				
	1 Yes	1 Yes		2 Yes
	11 No	4 No		15 No

Conclusions – Stop Data Collection in Oregon Law Enforcement

The survey represents a broad cross-section of Oregon law enforcement agencies. Roughly half of all law enforcement agencies in Oregon responded to the survey. Both the geographic coverage of the state and agency department size were well represented in the results. Almost all major departments responded to the survey, as did 61% of the Sheriff's offices. Additionally, the agencies that responded to the survey serve approximately 77% of the total Oregon population, thus rendering these findings quite meaningful.⁷

Approximately one third of all law enforcement agencies in Oregon collect stop data. Most of these agencies began collecting stop data around 2001, and most of these agencies continue to collect data today.

Almost all of the agencies that collect stop data reported the collection of all the data points mandated in ORS 131.005. The mandated data points that are not as commonly collected are those concerning whether a search was conducted and the disposition following the search. This finding is of concern because the stop data that we have analyzed indicates that the likelihood of a search and finding something in a search are important points where racial/ethnic disparities are often found.

⁷ The FBI's Crimes Known to the Police (2000) was used to determine the population coverage of the agencies that were surveyed. The total Oregon population served by the 82 agencies in the survey is 2,652,505 and the Oregon population in the 2000 census is 3,421,399.

Another important consideration from the results of this survey is that few of the departments that collect data have prepared reports on the data, publicly or internally. This issue seems to correspond to the commonly-cited need for assistance in analysis, reporting, and bench-marking.

Table 16. Responding Agencies

Agency Name	Population Served	Population Category
Albany PD	41,070	Cit 25,000-49,999
Amity PD	2,199	Cit < 2,500
Ashland PD	20,054	Cit 10,000-24,999
Astoria PD	9,817	Cit 2,500-9,999
Aumsville PD	3,783	Cit 2,500-9,999
Aurora PD	1,435	Cit < 2,500
Baker County	6,882	Non-MSA co. < 10,000
Beaverton PD	76,848	Cit 50,000-99,999
Bend PD	52,038	Cit 50,000-99,999
Benton County	20,085	Non-MSA co. 10,000-24,999
Canby PD	13,478	Cit 10,000-24,999
Carlton PD	2,235	Cit < 2,500
Clatskanie PD	2,218	Cit < 2,500
Clatsop County	13,242	Non-MSA co. 10,000-24,999
Coos County	27,665	Non-MSA co. 25,000-99,999
Coquille PD	4,190	Cit 2,500-9,999
Corvallis PD	49,518	Cit 25,000-49,999
Cottage Grove PD	8,718	Cit 2,500-9,999
Curry County	13,801	Non-MSA co. 10,000-24,999
Dallas PD	13,242	Cit 10,000-24,999
Deschutes County	49,866	Non-MSA co. 25,000-99,999
Douglas County	60,359	Non-MSA co. 25,000-99,999
Eugene PD	138,166	Cit 100,000-249,999
Fairview PD	8,272	Cit 2,500-9,999
Gearhart PD	999	Cit < 2,500
Gervais PD	2,789	Cit < 2,500
Gilliam County	1,167	Non-MSA co. < 10,000
Gladstone PD	12,126	Cit 10,000-24,999
Gresham PD	90,916	Cit 50,000-99,999
Hillsboro PD	70,905	Cit 50,000-99,999
Hines PD	1,636	Cit < 2,500
Hood River PD	5,845	Cit 2,500-9,999
Hubbard PD	3,263	Cit < 2,500
Independence PD	6,818	Cit 2,500-9,999
Jefferson County	13,145	Non-MSA co. 10,000-24,999
Josephine County	52,740	Non-MSA co. 25,000-99,999
Keizer PD	32,983	Cit 25,000-49,999
Klamath County	44,331	Non-MSA co. 25,000-99,999

Klamath Falls PD	19,480	Cit 10,000-24,999
La Grande PD	12,358	Cit 10,000-24,999
Lake Oswego PD	37,396	Cit 25,000-49,999
Lane County	101,595	MSA co. 100,000 +
Lincoln County	24,059	Non-MSA co. 10,000-24,999
Linn County	46,377	Non-MSA co. 25,000-99,999
Marion County	87,571	MSA co. 25,000-99,999
Medford PD	63,686	Cit 50,000-99,999
Molalla PD	6,335	Cit 2,500-9,999
Monmouth PD	8,524	Cit 2,500-9,999
Morrow County	6,770	Non-MSA co. < 10,000
Mt. Angel PD	3,901	Cit 2,500-9,999
Multnomah County	20,394	MSA co. 10,000-24,999
Newberg-Dundee PD	18,785	Cit 10,000-24,999
North Bend PD	9,550	Cit 2,500-9,999
Ontario PD	11,008	Cit 10,000-24,999
Oregon City PD	26,442	Cit 25,000-49,999
Oregon State Police	300	Non-MSA co. < 10,000
Pendleton PD	16,384	Cit 10,000-24,999
Polk County	18,078	MSA co. 10,000-24,999
Port of Portland PD	711	Cit < 2,500
Portland PB	531,239	Cit 500,000-999,999
Redmond PD	13,490	Cit 10,000-24,999
Reedsport PD	4,388	Cit 2,500-9,999
Roseburg PD	20,027	Cit 10,000-24,999
Salem PD	138,487	Cit 100,000-249,999
Stayton PD	7,596	Cit 2,500-9,999
Sutherlin PD	6,679	Cit 2,500-9,999
Sweet Home PD	8,038	Cit 2,500-9,999
Talent PD	6,121	Cit 2,500-9,999
Tigard PD	41,942	Cit 25,000-49,999
Tillamook County	17,209	Non-MSA co. 10,000-24,999
Tillamook PD	4,381	Cit 2,500-9,999
Toledo PD	3,493	Cit 2,500-9,999
Troutdale PD	14,488	Cit 10,000-24,999
Tualatin PD	24,198	Cit 10,000-24,999
Turner PD	1,979	Cit < 2,500
Vernonia PD	2,918	Cit < 2,500
Wasco County	11,668	Non-MSA co. 10,000-24,999
Washington County	192,398	MSA co. 100,000 +
West Linn PD	22,949	Cit 10,000-24,999
Winston PD	4,623	Cit 2,500-9,999
Woodburn PD	20,880	Cit 10,000-24,999
Yamhill County	34,766	MSA co. 25,000-99,999

Five Year Analysis of Stop Data Trends 2001-2005:

Executive Summary: Analysis of Hillsboro and Oregon State Police Stop Data 2001-2005 (Detailed tables appear in Technical Report in Appendix C)

Introduction

In 2006 the Law Enforcement Contacts Policy and Data Review Committee (LECC) undertook an effort to examine the characteristics of drivers pulled over in traffic stops and the outcomes of such stops for the Oregon State Police (OSP) and the Hillsboro Police Department. These two agencies have arguably collected the most traffic stop data in Oregon law enforcement. Both agencies have traffic stop data from 2001 to 2005 that contain codes for the race of the driver, whether a search was conducted, the outcome of the search, the disposition of the stop, and other stop characteristics. We are very appreciative of the commitment these agencies have given to collect five years of stop data and allow it to be analyzed by the LECC. The five years of data represented in this report allows for better scientific precision and enables us to look at changes in stop and search behaviors over time.

There are significant differences between the missions of these two agencies and the demographics of the communities they serve. Exploring the similarities and differences between these two agencies is important for increasing our understanding of stop data characteristics and discussing potential biases in law enforcement. This Executive Summary briefly summarizes the primary research questions and results. Appendix C provides a Technical Report containing detailed information on the study methodology and results tables. In Appendix D and E you will find the complete responses from OSP and Hillsboro to these findings; we have integrated some of those responses into the report.

The analyses in this research report focus on the following 6 questions:

- Are there changes over time in the percent of traffic stops attributed to any racial/ethnic group?
- Are there changes over time in the percent of searches experienced by drivers of any racial/ethnic group?
- Are any racial/ethnic groups overrepresented in traffic stops compared to their percentage of the driving population?
- Are any racial/ethnic drivers more likely to experience a search resulting from a traffic stop?
- Are any racial/ethnic drivers more likely to be found with something criminal during a search resulting from a traffic stop?
- Are there any significant differences in the disposition (e.g. warning, citation, arrest) of traffic stops by race/ethnicity of drivers?

Results Summary

What follows is a brief summary of the research findings for each of the above questions. For more detailed results information please refer to the Technical Report which is in Appendix C (pp. 57-73).

Are there significant changes over time in the percent of traffic stops attributed to any racial/ethnic group?

Yes.

The OSP data indicate:

- ✓ A significant increase in the percentage of stops from 2001-2003 to 2004-2005 involving African American and Hispanic drivers (p. 59).
- ✓ A significant decrease in the percentage of stops from 2001-2003 to 2004-2005 involving White and Native American drivers (p. 59).

In contrast, the Hillsboro data indicate:

- ✓ A significant decrease in the percentage of stops from 2001-2003 to 2004-2005 involving Hispanic and White drivers (p. 60).
- ✓ A significant increase in the percentage of stops from 2001-2003 to 2004-2005 involving African American and "Other" drivers (p. 60).

Although there is a significant change in the percentage of stops over time for some racial/ethnic groups, meaning differences over time are not random; these changes are not very large.

OSP command staff explained that during 2003, 175 vacant and occupied trooper positions were lost as a result of funding reductions. An additional 205 professional support positions were eliminated necessitating that troopers assume collateral duties such as vehicle maintenance, evidence management and general clerical responsibilities. The end result was that there were fewer troopers to work proactive enforcement with less discretionary patrol time.

Hillsboro command staff explained that in 2002-2003 more officers were assigned to patrol division and motor officers increased. In 2004-2005 an increase in calls for service and disbanding of the Street Crime Unit lead to less time for self-initiated activity which is typically associated with vehicle stops.

Are there significant changes over time in the percent of searches experienced by drivers of any racial/ethnic group?

Yes.

The OSP data indicate:

- ✓ A significant increase for every racial/ethnic category of driver in the likelihood that they would be searched (or their car) during a stop when comparing searches from 2001-2003 to 2004-2005 (p. 62).

The Hillsboro data indicate:

- ✓ A significant decrease for African American, Hispanic, and White drivers in the likelihood that they would be searched (or their car) during a stop when comparing searches from 2001-2003 to 2004-2005 (p. 62).

Since 2004, OSP officers have been trained in a program entitled, "Criminal Apprehension Patrol Enforcement" or CAPE. This program entails officers recognizing a broad range of indicators of criminal activity. This program coupled with the use of a new canine narcotics unit may explain the increase in searches conducted by OSP.

Are any racial/ethnic groups dramatically overrepresented in traffic stops compared to their percentage of the driving population?

No.

Both the OSP and Hillsboro data indicate:

- ✓ Racial/ethnic populations are not dramatically overrepresented in stops conducted by OSP and Hillsboro when compared to their percentage of the population aged 16 and older. The largest overrepresentation between traffic stops and population distribution for any racial/ethnic group occurs in Hillsboro where 16.7% of the population aged 16 and older is Hispanic and 23.6% of drivers pulled over between 2001-2003 and 2004-2005 were Hispanic, a difference of 6.9%. (pp. 59-60).

Although OSP and Hillsboro data do not indicate dramatic overrepresentation of racial/ethnic groups in stops, the determination of an appropriate baseline to compute overrepresentation is a critical issue in racial profiling research. This is especially true for establishing a baseline population that OSP primarily patrols. A large proportion of drivers on Oregon highways are likely out of state drivers. Census data for 2000 was also used to determine overrepresentation for this report, which may not accurately reflect the populations in 2005. In particular, the Hispanic population for the state and Hillsboro has increased since 2000. We plan to update these tables with more current census data.

Are any racial/ethnic drivers more likely to experience a search resulting from a traffic stop?

Yes.

Both the OSP and Hillsboro data indicate:

- ✓ Asian and White drivers are significantly less likely to be searched when compared to all other racial/ethnic groupings (p. 66).
- ✓ Hispanic drivers are significantly more likely to be searched when compared to all other racial/ethnic groupings (p. 66).

The OSP data also indicates:

- ✓ African Americans and Native Americans are also significantly more likely to be searched than all other racial/ethnic groupings (p. 66).

This finding requires some clarification of the different types of searches law enforcement can utilize. There are generally three types of searches: probable cause searches (officer notices suspicious/illegal conduct), consent searches based on probable cause (officer asks to search driver or car), and search consequent to arrest (an often mandatory or routine search if the driver is arrested).

Unfortunately, the OSP or Hillsboro data do not contain indicators for the types of searches that officers utilized. OSP explained that they arrest thousands of people each year for warrants and DUII which require a mandatory search. Thus, many of the searches conducted by OSP and Hillsboro in this data are mandatory based on policy (e.g. DUII arrest, warrant arrest). Searches can also be a common response to a lack of documentation offered by the driver (e.g. cannot produce driver's license, no proof of insurance). Hillsboro indicated that stops for equipment violations may lead to uninsured citations and subsequently searches. Thus, "these types of stops are an issue of economic ability versus race and ethnicity."

Are any racial/ethnic drivers more likely to be found with something criminal during a search resulting from a traffic stop?

Yes.

Both the OSP and Hillsboro data indicate:

- ✓ White drivers are significantly more likely to be found with something criminal during a search when compared to all other racial/ethnic groupings. Whites are less likely to be searched but both OSP and Hillsboro, but produce more productive criminal search outcomes than all other racial/ethnic groupings (p. 66).
- ✓ White drivers are significantly more likely to be found with drugs than all other racial/ethnic groupings (p. 66).
- ✓ Hispanic drivers are significantly less likely to be found with something during a search when compared to all other racial/ethnic groupings (p. 66).

The OSP data also indicates:

- ✓ Native American drivers are significantly more likely to be found with something during a search compared to all other racial/ethnic groupings (p. 66).
- ✓ African American drivers are significantly less likely to be found with something during a search compared to all other racial/ethnic groupings (p. 66).

The fact that White drivers are more likely to be found with something illegal, especially drugs, was explained by Hillsboro as potentially the impact of methamphetamine use. Studies show that methamphetamine use and arrests are primarily attributed to Whites, and methamphetamines are a dominant law enforcement issue in the Northwest. Hillsboro also recognized that habitual drug users are more likely to come into repeated contact with law enforcement, thus increasing their recognition and likelihood of being stopped and searched.

Are there any significant differences in the disposition (e.g. warning, citation, arrest) of traffic stops by race/ethnicity of drivers?

Yes.

The OSP data for stop outcomes indicate:

- ✓ Hispanic drivers pulled over by the OSP are less likely to receive a warning and more likely to receive a citation (p. 69).
- ✓ African American drivers pulled over by OSP are less likely to receive a warning and more likely to receive a citation (p. 69).
- ✓ White drivers pulled over by the OSP are more likely to get a warning and less likely to receive a citation (p. 69).

The Hillsboro data for stop outcomes indicate:

- ✓ Hispanic drivers pulled over in Hillsboro are more likely to receive a warning and less likely to receive a citation (p. 69).
- ✓ White drivers pulled over in Hillsboro are more likely to receive a citation compared to other races/ethnicities (p. 69).

Both the OSP and Hillsboro data for search outcomes indicate:

- ✓ Hispanic drivers who are searched by OSP and Hillsboro are less likely to receive a warning and are more likely to receive a citation and be arrested (p.72).
- ✓ White drivers who are searched by OSP and Hillsboro are more likely to be given a warning and less likely to receive a citation or arrest (p. 72).

OSP recognized the need for better data to explore this disparity, but also noted their department has a zero tolerance for certain violations like no driver's license, no insurance, and charges related to alcohol. Hillsboro also agreed that

better data is needed on the specific offense, but did offer that in many cases stops made for equipment violations would likely receive a warning rather than violation.

What We Can Conclude

We must first note that the above data trends and findings do not prove that either law enforcement agency consciously engages in racial profiling or practices biased policing. This does not rule out that unconscious biases may exist. The data do indicate that there are some significant differences in how racial/ethnic minorities are stopped and searched, as well as differences in search and disposition outcomes across race/ethnicity. There are four critical observations that we would like to call attention to and some new questions, which require a more in depth analysis beyond this report:

- 1) There can be significant fluctuations over time in how groupings of racial/ethnic drivers are stopped and searched. Is this the result of demographic changes over time? Could a new policy, strategy, or training have produced these fluctuations over time?
- 2) The most dramatic forms of overrepresentation in stop data occur in the likelihood of racial/ethnic minorities being searched (not stopped), particularly for Hispanic drivers, but African Americans and Native Americans also. Are there any clues as to why these racial/ethnic minorities are more likely to be searched?
- 3) Although White drivers are less likely to be searched, they are more likely to be found with something criminal, especially drugs. Certainly such a finding does not mean there is evidence to profile white drivers, but it does suggest how common stereotypes regarding the likelihood of criminal involvement can be unproductive and produce biased results.
- 4) There is a need to examine the decision-making processes surrounding search decisions more thoroughly. Discussing the findings with informal officer groups and through examination of current policy and training curricula could be helpful in interpreting these findings.

The response of OSP and Hillsboro to these findings is a model for all agencies to aspire to. This report was met with an open, informed discussion of what these findings represent and don't represent. It inspired both agencies to look deeply at their policies and practices, to ask questions, and think critically. Engaging in such a problem-solving process illustrates the core value of collecting traffic stop data. Their letters of response printed in Appendix D and E detail the future actions each agency will undertake in response to this report. Ultimately, both OSP, Hillsboro, and the LECC recognize a need for more detailed data to answer important questions. In particular, there is a need to classify the type of search conducted in a stop and match stops to specific violations and citations given.

Technical Assistance Team

“It’s the goal of this state that all law enforcement agencies perform their missions without inappropriate use of race, color or national origin as the basis for law enforcement actions. This goal maybe achieved by providing assistance to state and local law enforcement agencies and the communities that they serve.” SB 415

Purpose

The purpose of the LECC Technical Assistance Team is to further fulfill the requirements of SB 415 by encouraging and supporting the collection and analysis of demographic data by state and local law enforcement agencies. Senate Bill 415 cites the following specific areas for technical assistance:

- Provide technical assistance including refinement of the minimum data elements as necessary for effective analysis to state and local law enforcement agencies that desire to begin collecting demographic data;
- Provide technical assistance to communities and state and local law enforcement agencies that desire to engage in local efforts to involve individuals in the establishment and implementation of programs, procedures and policies that will advance the goal of section 5 of Senate Bill 415 as cited above.

Technical Assistance Team Composition

The LECC developed a formal Technical Assistance Team that includes representation of the Oregon sheriffs, city police and Oregon State Police. As technical assistance is developed, other representatives may be added to this team.

The LECC Technical Assistance Team is composed of the following members:

- Lieutenant Colonel Gregory Willeford, Oregon State Police
- Lieutenant Andy Schroeder, Hillsboro Police Department
- Lieutenant Troy Clausen, Marion County Sheriffs Office
- Dr. Brian Renauer, Portland State University

Obstacles to Overcome

Based on the Oregon Law Enforcement Survey, the team has identified four obstacles that their technical assistance seeks to address:

- ✓ No standardized analysis and reporting procedures.
- ✓ Difficulty interpreting findings.
- ✓ Lack of techniques for reporting results to administrators, officers, and the community that enhance problem solving, dialogue, and trust.

- ✓ Lack of knowledge regarding potential low-cost data collection systems and how to program or extract data from existing information systems.

Areas of Technical Assistance

- Develop and provide written resource material that discusses why data collection is an important policy issue in 21st century professional policing:
 - Cite most recent public perception trends as found in 2005 OASIS survey.
 - Tie to law enforcement organization accreditation processes in Oregon
 - Identify the organizational and administrative benefits of data collection and analysis in Oregon
 - Identify and discuss what is working in Oregon regarding data collection, analysis and community involvement
 - Include a model policy on racial profiling/data collection for consideration by Oregon law enforcement agencies.
 - Identify best practices and resources for “update” training on the topic of racial profiling and professional policing for use by Oregon law enforcement agencies
- Provide best practices regarding data collection
 - Provide information on how best to get started with data collection and the advantages associated with it.
 - Identify technology that useful in collecting data such as Computer Aided Dispatch (CAD) systems that accommodate data collection by law enforcement agencies.
 - Develop examples of data collection forms and reports
 - Provide resource information and sample reports on best practices for data analysis.
 - Provide ideas on best practices in the area of community outreach and what appears to work best

Tasks for 2007

- Finalize analysis and reporting protocols for traffic stop data collection. Create manuals and tutorials on best practices related to collection, analysis, and reporting.
- Pilot test technical assistance outreach efforts with three diverse law enforcement agencies focusing on the following issues:
 - A. How to present and engage administrators and officers on a report of traffic stop data (with Oregon State Police).
 - B. How to analyze and prepare a report of traffic stop data (with Corvallis Police Department).

C. How to extract data from CAD system for analysis
(Marion County Sheriff's Department)

Scenario Development Workgroup

The LECC recognizes and applauds DPSST's commitment to addressing racially biased policing at the basic academy level, often the first formal training a recruit receives. DPSST is partnering with the LECC to address training related to racial and ethnic bias in two ways: by having appointed a member of the LECC to the Law Enforcement Curriculum Subcommittee and by collaborating with a workgroup to help develop training scenarios addressing racially biased policing.

DPSST is currently in the process of redesigning and expanding the law enforcement curriculum to adapt to a Legislatively-approved 16-week program. In 2005, DPSST created the Law Enforcement Curriculum Subcommittee to approve changes to the curriculum and invited the LECC to appoint a member to sit on the subcommittee. Frank Thompson agreed to represent the LECC on the subcommittee, providing input and guidance in the area of racially biased policing. The subcommittee held its first meeting in July 2005, and has met several times since then.

Sixty percent of the new DPSST law enforcement curriculum will be scenario-based, and legislation mandates most of the courses to be offered. Cameron Campbell, Assistant Director of the Training Division of DPSST, informed the committee that, within the 16-week program, there will be eight hours dedicated solely to cultural diversity. Cultural diversity issues are also interwoven with practice stops and all of the other scenarios that are being developed. The effectiveness of the training in this area is measured by how the recruits complete the scenarios in the final week of the program. Each trainee will be required to complete at least five, and as many as twenty, different scenarios.

The Scenario Development Workgroup, created by the LECC upon the request of DPSST, is assisting the Law Enforcement Curriculum Subcommittee in drafting scenarios specifically addressing the issue of racially biased policing. The volunteers that comprise this workgroup represent the three branches of law enforcements: sheriffs' offices, police departments and Oregon State Police. The DPSST Scenario Development Workgroup consists of the following members:

- Sheriff Todd Anderson, Tillamook County
- Chief Kent Barker, Tualatin Police Department
- Lt. Steve Bellshaw, Salem Police Department
- Lt. Dan Connor, Marion County Sheriff's Office
- Chief Frank Grace, Gladstone Police Department
- Sheriff Raul Ramirez, Marion County
- Lt. Henry Reimann, Hillsboro Police Department
- Lt. Andy Schroder, Hillsboro Police Department
- Superintendent Frank Thompson, Santiam Correctional Institution
- Lt. Col. Greg Willeford, Oregon State Police

Lt. Glenn Chastain of the Oregon State Police, as well as Mike Stafford of the Criminal Justice Commission, have also participated in and contributed to the work of this workgroup. Claudia Black, Brian Renauer, and Laura Uva of the Criminal Justice Policy Research Institute at Portland State University, have provided staff support for the workgroup.

The workgroup has held six meetings this year, with its first meeting on May 22, 2006. The LECC recommended that the DPSST Scenario Development Workgroup examine law enforcement contacts including stops, emphasizing post-contact conduct, with a focus on decision-making and sensitizing the officer to unconscious bias.

The first task of the workgroup was to develop a set of learning objectives to serve as the basis for all scenarios. These learning objectives are listed below.

Learning Objectives for DPSST Training Scenarios Addressing Bias-Based Policing*

Through training scenarios, recruits will learn:

1. How to differentiate criminal profiling from racially biased policing.
2. How to preserve and utilize intuitive powers while insulating intuition from unintentional bias.
3. When race may be used appropriately as a factor in a profile
4. How to recognize racist undertones within a department's culture, and how to professionally address the issue at all levels of the organization.
5. The role of "probable cause" in the practice of racially biased policing.
6. How to avoid escalation in racially charged stops.
7. How the provisions of Oregon law and the protections of the U.S. and Oregon Constitutions apply to racially biased policing.

*Adapted from Simon Wiesenthal Center Perspectives on Profiling training

The workgroup also drafted a document that defines important training concepts, principles, and definitions that should be incorporated into training curriculum (see Appendix F). Eleven scenarios for new recruit training at the DPSST Academy were originally drafted. The eleven scenarios were paired down to five. Three of the five scenarios involve role playing situations and two scenarios are considered "table top" scenarios for classroom work because of the more complex issues they evoke (see Appendix G). The scenarios contain a set up, branch options, objectives, preferred resolution, and resources needed. These five prototype scenarios have been turned in to DPSST for inclusion in their new recruit academy.

Responses to the LECC Oregon Law Enforcement Survey show a strong desire for training on this issue at all levels of law enforcement. The Scenario Development Workgroup recognizes that the basic DPSST Academy training for recruits cannot cover all of the important nuances of racially biased policing. The workgroup hopes to be able to serve Oregon law enforcement agencies more effectively by providing assistance in developing training for multiples levels, as well as for "train-the-trainer."

Simon Wiesenthal Center Training

The Simon Wiesenthal Center (SWC) received a subsidized grant from the federal government to provide training for leaders in the law enforcement community from around the country. The following LECC and/or DPSST Scenario Development Workgroup members attended the "Leadership Initiatives for Command Staff" training on October 18-20, 2006 in Los Angeles, California:

- Sheriff Todd Anderson, Tillamook County
- Chief Frank Grace, Gladstone Police Department
- Sheriff Raul Ramirez, Marion County
- Lt. Henry Reimann, Hillsboro Police Department
- Frank Thompson, Santiam Correctional Institution

These participants concluded that this training should be a requisite of all law enforcement administrators. It was an eye-opening and reaffirming experience for many of the participants. The same training sessions will be offered again in January of 2007, and some DPSST staff have shown strong interest in attending.

Conclusions, Recommendations and Future Tasks

The year of 2006 has been both productive and enlightening for the LECC. The results of the committee's major efforts with the Law Enforcement Survey, Five Year Stop Data Analysis, Technical Assistance Team and Scenario Development Workgroup offer the following conclusions and recommendations:

- 1) In 2006, a number of Oregon law enforcement agencies face obstacles that impede their ability and motivation to collect traffic stop data. The provision of technical assistance and standardization of stop data analysis and reporting protocols can encourage more law enforcement agencies to overcome such obstacles.
- 2) Analysis of stop data from 2001-2005 consistently shows that a primary area where racial/ethnic disparities occur is in decisions to search drivers. Developing a better understanding of search decisions and targeted training on searches may be the most productive area to address issues of bias in policing. However, better data on variation in types of searches conducted is needed to fully examine this issue.
- 3) In 2006, there is no consistent training on racial profiling and biased policing occurring in Oregon. The development and delivery of a consistent curriculum entailing multiple learning exercises and targeting all areas of the police organization is needed.
- 4) *Analyses of traffic stop data in Oregon do not indicate the existence of a conscious racial/ethnic bias in law enforcement decisions to stop and search drivers and vehicles. Yet, citizen perceptions of bias in stop decisions clearly indicate a portion of the population feels the police lack neutrality.* Ill feelings towards the police, primarily among minority populations, can impede their law enforcement mission.
- 5) Our efforts in 2006 and 2005 reinforce the need for a multi-pronged approach to understanding and addressing potential racial/ethnic biases in law enforcement. The collection, analysis, and public reporting of stop data, coupled with community outreach and training has the potential to change citizen perceptions regarding the neutrality and fairness of Oregon law enforcement. *LECC concludes that Oregon law enforcement should continue to collect stop data and seek avenues for improving its level of specificity regarding stop characteristics, monitor public perceptions of police biases, engage in community outreach, and develop training curriculum for all organizational levels of law enforcement.*

To enhance these conclusions and recommendations, the LECC will engage in the following tasks throughout the next year:

1. Legislative advocacy:
 - LECC Sunset Legislation (LC373) Z
 - Funding/budget development for LECC activities 2007-09 biennium
2. Refinement of data collection points i.e., capturing types of searches
3. Continue the development and delivery of technical assistance to Oregon police agencies.
 - Data collection, analysis and reporting best practices
 - Development of templates and best practice material for Oregon law enforcement agencies on non-bias policing
 - Development of ongoing training for police agencies aimed at line officers and first line supervisors, mid-management and executive level personnel pertaining to professional stops and non-biased policing
4. Increase the number of Oregon police agencies that are collecting data in accordance with the collection criteria set forth in SB 415 (2001).
5. Continued outreach to agencies that have collected data and provide assistance in the analysis of that data.
6. Report the findings of the continued analysis of agency stop data, at a minimum, as part of the LECC Annual Report.
7. Identification of potential areas of community outreach based upon further work and analysis of stop data.
8. Continue participation in statewide surveys of attitudes about police and experience with traffic stops, similar to Oregon Annual Social Indicator Survey (OASIS), at least once every two years.
9. Progress reporting on how the newly developed scenario training for basic police training is going.
10. Prepare and publish a 2007 Annual Report.

Appendix A:

2001 Senate Bill 415, §§ 5-11 (2001 Oregon Laws Chapter 689)

SECTION 5. The Legislative Assembly finds and declares that:

(1) Surveys of the trust and confidence placed by Oregonians in state and local law enforcement indicate that there are Oregonians who believe that some law enforcement officers have engaged in practices that inequitably and unlawfully discriminate against individuals solely on the basis of their race, color or national origin.

(2) State and local law enforcement agencies can perform their missions more effectively when all Oregonians have trust and confidence that law enforcement stops and other contacts with individuals are free from inequitable and unlawful discrimination based on race, color or national origin.

(3) Representatives of community interest groups and state and local law enforcement agencies agree that collecting certain demographic data about contacts between individuals and state or local law enforcement officers will provide a statistical foundation to ensure that future contacts are free from inequitable and unlawful discrimination based on race, color or national origin.

(4) Demographic data collection can establish a factual and quantifiable foundation for measuring progress in eliminating discrimination based on race, color or national origin during law enforcement stops and other contacts with individuals, but data collection alone does not provide a sufficient basis for corrective action. Proper analysis of the demographic data and enactment of meaningful reforms in response to the results of that analysis require careful consideration of all relevant factors including the context of the community in which the data has been collected.

(5) It is the goal of this state that all law enforcement agencies perform their missions without inappropriate use of race, color or national origin as the basis for law enforcement actions. This goal may be achieved by providing assistance to state and local law enforcement agencies and the communities that they serve.

(6) This state shall foster, encourage and support the collection and analysis of demographic data by state and local law enforcement agencies.

SECTION 6. (1) There is created the Law Enforcement Contacts Policy and Data Review Committee consisting of 11 members appointed by the Governor on or before October 1, 2001.

(2) The purpose of the committee is to receive and analyze demographic data to ensure that law enforcement agencies perform their missions without inequitable or unlawful discrimination based on race, color or national origin.

(3) To achieve its purpose, the committee shall collect and analyze demographic data to:

(a) Provide information to assist communities and state and local law enforcement agencies in evaluating the policies, training and procedures of law enforcement agencies regarding the treatment of individuals during stops and other contacts with law enforcement;

(b) Inform state and local law enforcement agencies and communities about law enforcement practices; and

(c) Provide opportunities for communities and state and local law enforcement agencies to work together to increase public trust and confidence in law enforcement and to enhance the capacity of communities and law enforcement agencies to provide more effective public safety services.

(4) The committee shall:

(a) Solicit demographic data concerning law enforcement stops and other contacts between state and local law enforcement agencies and individuals;

(b) Publicize programs, procedures and policies from communities that have made progress toward eliminating discrimination based on race, color or national origin during law enforcement stops and other contacts with individuals;

(c) Provide technical assistance, including refinement of the minimum data elements as necessary for effective analysis, to state and local law enforcement agencies that desire to begin collecting demographic data;

Law Enforcement Contacts Policy Data and Review Committee

2006 Annual Report

November 30, 2006

- (d) Provide technical assistance to communities and state and local law enforcement agencies that desire to engage in local efforts to involve individuals in the establishment and implementation of programs, procedures and policies that will advance the goal of section 5 of this 2001 Act;
 - (e) Obtain resources for independent analysis and interpretation of demographic data collected by state or local law enforcement agencies;
 - (f) Accept and analyze demographic data collected by a state or local law enforcement agency if requested by a state or local law enforcement agency and if resources are available; and
 - (g) Report to the public the results of analyses of demographic data.
- (5) In carrying out its purpose, the committee may not receive or analyze any data unless the data for each reported contact includes at least the following information:
- (a) The reason for the law enforcement stop or other contact;
 - (b) The law enforcement officer's perception of the race, color or national origin of the individual involved in the contact;
 - (c) The individual's gender;
 - (d) The individual's age;
 - (e) Whether a search was conducted in connection with the contact, and if so, what resulted from the search;
 - (f) The disposition of the law enforcement action, if any, resulting from the contact; and
 - (g) Additional data as recommended by the committee that state and local law enforcement agencies should collect and submit.
- (6) Data received by the committee for analysis under this section may not identify a particular law enforcement officer or a particular individual whose demographic data is collected by a state or local law enforcement agency.
- (7) Members of the committee shall appoint a chairperson from the members of the committee. Members of the committee are not entitled to compensation or expenses and shall serve on the committee on a volunteer basis.
- (8) The Oregon Criminal Justice Commission shall provide administrative support staff necessary to the performance of the functions of the committee.
- (9) All agencies, departments and officers of this state are requested to assist the committee in the performance of its functions and to furnish such information and advice as the members of the committee consider necessary to perform their functions.
- (10) The committee shall make findings and issue recommendations for action to achieve the purpose of this section. The committee shall submit a report containing its findings and recommendations to the appropriate interim legislative committees on or before December 1, 2002, and annually thereafter on or before December 1.
- (11) After completion of the analysis of the data from at least two state or local law enforcement agencies, the committee may recommend the collection of additional data elements.
- (12) This section does not prohibit a state or local law enforcement agency from collecting data in addition to the minimum information required in subsection (5) of this section.

SECTION 7. The Oregon Criminal Justice Commission shall provide \$300,000 to the Law Enforcement Contacts Policy and Data Review Committee for the purposes of section 6 of this 2001 Act from moneys allocated to the Oregon Criminal Justice Commission by the Legislative Assembly for the biennium beginning July 1, 2001.

SECTION 8. The Oregon Criminal Justice Commission may accept contributions of funds from the United States, its agencies, or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the Law Enforcement Contacts Policy and Data Review Committee.

SECTION 9. All moneys received by the Oregon Criminal Justice Commission under section 8 of this 2001 Act shall be paid into the State Treasury and deposited into the General Fund to the credit of the Oregon Criminal Justice Commission. Such moneys are appropriated continuously to the Oregon Criminal Justice Commission for the purposes of section 6 of this 2001 Act.

SECTION 10. The Law Enforcement Contacts Policy and Data Review Committee shall assist the Oregon Progress Board in the creation and adoption of goals as provided in ORS 285A.168 to measure progress toward the purpose of the committee under section 6 of this 2001 Act.

SECTION 11. Sections 5 to 10 of this 2001 Act are repealed on December 31, 2007.

Appendix B: Oregon Law Enforcement Survey



Oregon

Theodore R. Kulongoski, Governor

Criminal Justice Commission

635 Capitol Street NE, Suite 350

Salem, OR 97301-2524

(503) 986-6494

FAX (503) 986-4574

February 23, 2006

Dear Colleagues,

As chair of the Law Enforcement Contacts Policy and Data Review Committee (LECC), I am writing to request your assistance in developing an understanding of law enforcement efforts that address fairness and neutrality in Oregon policing. In recent years the potential for racial bias in policing has become a concern, both in Oregon and nationally. This issue is complex and often controversial and contentious for both law enforcement and citizens.

Our committee takes these concerns seriously and wishes to focus on the positive ways in which law enforcement agencies work to create a fair and unbiased police force. For example, a number of law enforcement agencies have established special policies, training programs, community outreach, and data collection to ensure policing is carried out in a fair and neutral fashion. We wish to learn more about such ongoing efforts, using the attached survey, so that these ideas can be shared amongst the law enforcement community.

We also recognize that there may be roadblocks that make it difficult for law enforcement agencies to initiate such efforts, and learning about such impediments will be helpful. The results of this survey, in conjunction with other materials received, will be used in the aggregate only. In other words, no individual agencies will be identified in any of our reports based upon the information being collected here. Protecting the confidentiality of your agency is very important to us.

Members of the LECC have met with representatives from the Oregon State Sheriffs Association (OSSA), the Oregon Association Chiefs of Police (OACP) and the Oregon State Police (OSP). The leadership of these organizations agrees that the sharing of ideas and/or impediments regarding policies, trainings, outreach, and data collection efforts to address fair and neutral policing can be of great benefit to the law enforcement community. For example, law enforcement agencies in Oregon that are in the process of applying for and/or receiving state or national accreditation must demonstrate efforts to prevent bias based policing. Responses to this survey will help the LECC become a resource for you by providing information and technical assistance in policy development, training programs, community outreach, and data collections, as well as in implementing such efforts. It is the mission of the LECC, which was established by Oregon statute in 2001, to be such a resource for the law enforcement community. The LECC is staffed by the Criminal Justice Commission and the Criminal Justice Policy Research Institute at Portland State University. Additional information about the committee can be found at http://www.ocjc.state.or.us/Racial_Profiling/LECPDRC.HTM.

The LECC has collaborated with the law enforcement associations in developing and distributing the attached survey. Each law enforcement agency in the state is receiving this survey requesting an update on current policies and practices. I understand the tremendous time and resource constraints you face, but hope that you can put forth the effort to promptly complete and return the survey. As I mentioned earlier, the results of this survey, in conjunction with other materials received, will be used in the aggregate only (no individual agencies will be identified in any of our reports based upon the data being collected here). Your confidentiality is strictly guarded.

We have developed two sets of questions: one pertains to community outreach, policies and training, and the other addresses data collection and analysis with the understanding that, in larger agencies, different staff may be involved in community outreach and data collection. I have attached a copy of the survey for your review.

Here is what we are requesting that you do:

- Please assign the appropriate staff who can fill out each section of the survey. (If you will be filling it out yourself, please email or mail the completed survey to Laura Uva at the address listed below.)
- Please email Laura Uva, LECC Administrative Assistant, at uva@pdx.edu with the names, phone numbers and email addresses of those individuals whom you have assigned to complete the surveys.
- Laura will send the survey to the designated staff and will be available for assistance.

If you have any questions please contact Claudia Black, LECC Program Manager, at 503-961-2349 or claudiab@pdx.edu.

Thank you in advance for your participation; we look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink that reads "Edwin J. Peterson" followed by a stylized flourish.

Edwin J. Peterson, Chair
Law Enforcement Contacts Policy and Data Review Committee

Law Enforcement Contacts Policy and Data Review Committee

Section I: Community Relations

Name of Agency:

Name of Respondent:

Title:

Address:

Phone Number:

Email Address:

1. Please describe any partnerships, outreach efforts, and/or programs your agency has that strengthen your relationships with minority populations in your community, e.g. African American, Hispanic, Asian, Native American.

2. Please describe any training your agency offers or participates in that includes the importance of carrying out stops without the inappropriate use of race, color or national origin as the basis for law enforcement action.
 - a) Is this training required and, if so, for whom and how often?
 - b) How does your agency determine the effectiveness of these training programs?
 - c) Have there been any difficulties in developing and implementing such training, e.g. finding an effective curriculum or training officers?

3. What could the LECC do that would be most helpful to your organization?

4. Any additional comments are welcome:

Thank you for participating in this survey. We appreciate your time and effort.

Please send the completed survey to Laura Uva at uva@pdx.edu by March 10, 2006. If you prefer to send a hard copy, our mailing address is: Laura Uva, Criminal Justice Policy Research Institute, Portland State University, PO Box 751-JUST, Portland, OR 97207-0751.

Questions may be directed to: Claudia Black at claudiab@pdx.edu or 503-961-2349.

Law Enforcement Contacts Policy and Data Review Committee

Section II: Stop Data Collection and Analysis

Name of Agency:

Name of Respondent:

Title:

Address:

Phone Number:

Email Address:

1. Does your agency currently collect, or has it ever collected, race and ethnicity data on traffic or other types of stops? Yes___ No___

2. If your agency has not been collecting stop data, what kind of assistance in data collection and analysis would help you in setting up a data collection process? (Please mark as many as apply.)

- a) Assistance setting up a data collection system _____
- b) Assistance analyzing the data you collect in the aggregate _____
- c) Assistance with performing internal analyses _____
- d) Other _____

3. Does your agency have a CAD system? Yes ____ No ____

If so,

a) Does the system have the ability to generate reports? Yes ____ No ____

b) Does your agency anticipate upgrading or changing it in the foreseeable future? Yes ____ No ____

If not,

c) Does your agency have plans to obtain one in the foreseeable future? Yes ____ No ____

NOTE: If you answered "No" to Question 1, please skip to Question 14.

If you answered "Yes" to Question 1, please continue with the survey.

4. When did you start collecting data? _____

5. Are you still collecting data? Yes ____ No ____

a) If not, when did you stop? _____

b) If not, why did you stop? _____

6. Have you changed your data collection form? Yes ____ No ____ If so, how? _____

7. Has your agency collected data on traffic stops that include the following data points listed in ORS 131.005?

a) The reason for the law enforcement stop or other contact: Yes ____ No ____

b) The law enforcement officer's perception of the race, color or national origin of the individual involved in the contact: Yes ____ No ____

c) The individual's gender: Yes ____ No ____

d) The individual's age: Yes ____ No ____

e) Whether a search was conducted in connection with the contact: Yes ____ No ____

f) If a search was conducted, what resulted from the search: Yes ____ No ____

g) The disposition of the law enforcement action, if any, resulting from the contact (e.g. arrest, warning, citation): Yes ____ No ____

h) Other _____

8. Under what type of circumstances do you collect data? (Please check all that apply.)

- a) Officer-initiated vehicle stops ____
- b) Officer-initiated pedestrian stops ____
- c) Calls for service ____
- d) Other (please specify) ____

9. Do you use a location identifier for your stop data? Yes ____ No ____

If so, what is used?

- a) Beat ____
- b) Street address ____
- c) Geocode (X Y coordinates) ____
- d) Block ____
- e) Rural route ____
- f) Zip code ____
- g) Other _____

10. Please describe the method your agency employs(ed) to collect data on traffic and pedestrian stops:

- a) Scantron form ____
- b) Written form ____
- c) Manually recorded in patrol car computer or other computer ____
- d) Verbally given to dispatch ____
- e) Other _____

11. Does your agency maintain the stop data electronically? Yes ____ No ____

12. Has your agency prepared any written reports for the public that present the stop data that you have collected? Yes ____ No ____

13. Has your agency prepared any non-published, written reports on the stop data? Yes ____ No ____

14. What could the LECC do that would be most helpful to your organization?

15. Any additional comments are welcome:

Thank you for participating in this survey. We appreciate your time and effort.

Please send the completed survey to Laura Uva at uva@pdx.edu by March 10, 2006. If you prefer to send a hard copy, our mailing address is: Laura Uva, Criminal Justice Policy Research Institute, Portland State University, PO Box 751-JUST, Portland, OR 97207-0751.

Questions may be directed to: Claudia Black at claudiab@pdx.edu or 503-961-2349.

Appendix C:

Technical Report: Analysis of Hillsboro and Oregon State Police Stop Data 2001-2005

Introduction:

This study analyzes the characteristics of traffic stops and searches for two distinct Oregon law enforcement agencies: Oregon State Police (hereafter referred to as OSP) and Hillsboro Police Department. Both of these agencies represent two important elements of policing in Oregon. OSP's primary patrol function is statewide traffic enforcement; thus their stop/search data represent activities across the entire state. The Hillsboro stop data represents the diverse patrol functions of a police department for a moderately sized urban/suburban area, common throughout Oregon.

Both agencies have contributed data to LECC previously for the years 2001-2002, which was analyzed and reported by the LECC. This report builds upon previous LECC stop data analyses by collecting data over a longer time period – five years 2001-2005. The significance of this report is that it increases the number of stops and searches for analysis, thus increasing the validity of the findings and statistical significance of some rare events. Secondly, the larger longitudinal timeframe allows for the assessment of changes in stops and searches over time.

Methodology:

Data on all traffic stops and searches conducted by OSP and Hillsboro from 2001-2005 was requested from the data managers within the agencies. This data included all of the codes they require officers to enter for each traffic stop and available within their collection system. These codes include: date of stop; race, gender, and age of driver; reason for stop; search outcome; and disposition outcome.

OSP Data: OSP sent raw text files of the stop data downloaded from their CAD system. This data was opened up into SPSS for cleaning. There were a total of 1,265,665 traffic stops recorded in the data sent from OSP from January 1, 2001 through December 31, 2005. In 10,538 of these stops or .8% of the sample, the race of driver was not recorded or missing. In 7,514 of these stops or .6% of the sample, a race code was present, but it was not a valid code. The total number of stops with usable race information from 2001 to 2005 is 1,247,613. Searches were also miscoded (N=625) and 1 was missing information on the search. The total number of searches excluding cases where race was missing/miscoded and search was missing/miscoded is 33,535.

Hillsboro Data: The Hillsboro data was sent already cleaned and contained no missing data fields. The total number of stops with usable race information from January 1, 2001 through December 31, 2005 is 80,340 traffic stops. The total number of searches with usable information is 2,544.

Baseline Analysis: To assess whether any particular racial/ethnic group is overrepresented in traffic stops for OSP and Hillsboro, the percentage of the population that is aged 16 and older in 2000 is used as the baseline for overrepresentation. Thus, if the percentage of stops attributed to a racial/ethnic group exceeds their population that is aged 16 and older, that racial grouping is considered overrepresented in traffic stops. A second baseline using the percentage of the total population in 2000 is also included for comparison. Using the percentage of the population that is aged 16 and older is considered to be a more accurate representation of the population that is at risk

for being pulled over by police. This baseline measure is by no means a perfect comparison measure because not everyone who is 16 and older actually drives and population distributions may have changed by 2005, but this baseline measure is comparable to many other studies including the Portland Police Bureau's recent reports. Census 2000 Summary File 1 for the State of Oregon was used to determine the baseline for the OSP data since OSP engages in statewide patrolling. Census 2000 Summary File 1 at the place level (Hillsboro) is used for the Hillsboro PD baseline.

Significance Testing: Tables 1,2,3,4,7,8,11,12,15,16 use significance testing to examine whether racial/ethnic differences are meaningful or due to chance. Separate independent samples T-tests (equal variances assumed) were used to examine whether the mean for each racial group of being stopped, searched, finding something, or a certain disposition significantly differs from all other racial groups combined. A significant difference equals a mean difference with a probability of $< .05$.

Tables and Analyses:

Table 1. OSP 2001-2005 Traffic Stops and Searches

Table 2. Hillsboro PD 2001-2005 Traffic Stops

Table 3. OSP 2001-2005 Searches

Table 4. Hillsboro 2001-2005 Searches

Table 5. OSP 2001-2005 Results of Searches

Table 6. Hillsboro 2001-2005 Results of Searches

Table 7. Likelihood of Being Searched and Finding Something in a Search (OSP 2001-2005)

Table 8. Likelihood of Being Searched and Finding Something in a Search (Hillsboro 2001-2005)

Table 9. OSP 2001-2005 Dispositions of Stops

Table 10. Hillsboro 2001-2005 Dispositions of Stops

Table 11. Likelihood of different dispositions resulting from a stop by race/ethnicity (OSP 2001-2005)

Table 12. Likelihood of different dispositions resulting from a stop by race/ethnicity (Hillsboro 2001-2005)

Table 13. OSP 2001-2005 Dispositions of Searches

Table 14. Hillsboro 2001-2005 Dispositions of Searches

Table 15. Likelihood of different dispositions resulting from a search by race/ethnicity (OSP 2001-2005)

Table 16. Likelihood of different dispositions resulting from a search by race/ethnicity (Hillsboro 2001-2005)

Summary of Findings:

Table 1. OSP 2001-2005 Traffic Stops and Searches

	Asian	African American	Hispanic	Native American	White	Total
Stops 2001-2003	15,234	12,664	66,950	3,785	752,425	851,058
% of all stops	1.8%	1.5%	7.9%	0.4%	88.4%	
% State Population aged 16 & older ^a	3.0% ^b	1.5% ^b	6.8% ^b	1.1% ^b	87.6% ^b	
% of State Population ^b	3.0% ^a	1.6% ^a	8.3% ^a	1.2% ^a	85.9% ^a	
Stops 2004-2005	6,990	6,907	34,369	1,307	346,982	396,555
% of all stops	1.8%	1.7%	8.7%	0.3%	87.5%	
% State Population aged 16 & older ^a	3.0% ^b	1.5% ^b	6.8% ^b	1.1% ^b	87.6% ^b	
% of State Population ^b	3.0% ^a	1.6% ^a	8.3% ^a	1.2% ^a	85.9% ^a	
Change in % of stops from 2001-2003 to 2004-2005	0.00%	0.20%**	0.80%**	-0.10%**	-0.90%**	
Total Stops 2001-2005	22,224	19,571	101,319	5,092	1,099,407	1,247,613
% of all stops	1.8%	1.6%	8.1%	.4%	88.1%	
% State Population aged 16 & older ^a	3.0% ^b	1.5% ^b	6.8% ^b	1.1% ^b	87.6% ^b	
% of State Population ^b	3.0% ^a	1.6% ^a	8.3% ^a	1.2% ^a	85.9% ^a	

^a Census 2000 Summary File 1 Table PCT12I-PCT12H for the State of Oregon. We do plan to update this table with more current census information.

^b Census 2000 Summary File 1 Table P.8 (Hispanic or Latino by Race) for the State of Oregon. We do plan to update this table with more current census information.

* Difference in % of stops between 2001-2003 and 2004-2005 is significant at $p < .05$.

** Difference in % of stops between 2001-2003 and 2004-2005 is significant at $p < .01$.

Table 2. Hillsboro PD 2001-2005 Traffic Stops

	Asian	African American	Hispanic	Native American	Other	White	Total
Stops 2001-2003	1,783	1,044	12,688	12	1,008	36,538	53,073
% of all stops	3.4%	2.0%	23.9%	.0%	1.9%	68.8%	
% Hillsboro Population aged 16 & older ^a	6.9% ^b	1.0% ^b	16.7% ^b	0.7% ^b	2.0% ^b	72.8% ^b	
% of Hillsboro Population ^b	6.5% ^a	1.1% ^a	18.9% ^a	0.6% ^a	2.6% ^a	70.3% ^a	
Stops 2004-2005	967	654	6,279	2	685	18,680	27,267
% of all stops	3.5%	2.4%	23.0%	.0%	2.5%	68.5%	
% Hillsboro Population aged 16 & older ^a	6.9% ^b	1.0% ^b	16.7% ^b	0.7% ^b	2.0% ^b	72.8% ^b	
% of Hillsboro Population ^b	6.5% ^a	1.1% ^a	18.9% ^a	0.6% ^a	2.6% ^a	70.3% ^a	
Change in % of stops from 2001-2003 to 2004-2005	0.10%	0.40%**	-0.90%**	0.00%	0.60%**	-0.30%	
Total Stops 2001-2005	2,750	1,698	18,967	14	1,693	55,218	80,340
% of all stops	3.4%	2.1%	23.6%	.0%	2.1%	68.7%	
% Hillsboro Population aged 16 & older ^a	6.9% ^b	1.0% ^b	16.7% ^b	0.7% ^b	2.0% ^b	72.8% ^b	
% of Hillsboro Population ^b	6.5% ^a	1.1% ^a	18.9% ^a	0.6% ^a	2.6% ^a	70.3% ^a	

^a Census 2000 Summary File 1 Table PCT12I-PCT12H (Hillsboro) at place level used for population estimates. We do plan to update this table with more current census information.

^b Census 2000 Summary File 1 Table P.8 (Hispanic or Latino by Race) at place level (Hillsboro) used for population estimates. We do plan to update this table with more current census information.

* Difference in % of stops between 2001-2003 and 2004-2005 is significant at $p < .05$.

** Difference in % of stops between 2001-2003 and 2004-2005 is significant at $p < .01$.

Summary of Traffic Stops (OSP and Hillsboro)

Table 1 and Table 2 represent stop data from OSP and Hillsboro PD from 2001 to 2005 respectively. At first glance it appears that there is an over time consistency in the percentage of stops for each racial/ethnic category comparing 2001-2003 to 2004-2005. For example, the biggest change over time occurred in Table 1 (OSP) for Hispanics. Hispanics represented 7.9% of all stops in 2001-2003, which went up by 0.8 percentage points to 8.7% of all stops in 2004-2005 (Table 1). Thus, changes in the percent of stops attributed to any racial/ethnic group in Tables 1 and 2 were less than 1%. However, statistical tests reveal that these small percent changes are in fact statistically significant for many racial/ethnic groupings. In Table 1 (OSP), there was a *significant increase in the percentage of stops for African Americans and Hispanics* from 2001-2003 to 2004-2005 and a *significant decrease in the percentage of stops for Whites and Native Americans*. In contrast, *both Hispanics and Whites*

experienced significant decreases in the percent of stops attributed to them in Hillsboro, but African Americans experienced a significant increase in their percentage of stops as did drivers classified as “Other” race/ethnicity.

To assess whether any particular racial/ethnic group is overrepresented in traffic stops for OSP and Hillsboro, the percentage of the population that is aged 16 and older in 2000 is used as the baseline for overrepresentation (the % of total population is also included for comparison). Both the OSP and Hillsboro data represented in Tables 1 and 2 shows that racial/ethnic populations *are not dramatically overrepresented* in stops conducted by OSP and Hillsboro when compared to their percentage of the population aged 16 and older. The largest overrepresentation between traffic stops and population distribution for any racial/ethnic group occurs in Hillsboro (Table 2), where 16.7% of the population aged 16 and older is Hispanic and 23.6% of drivers pulled over between 2001 and 2005 were Hispanic, a difference of 6.9%.

Changing the baseline from the population aged 16 and older to the total population of a racial/ethnic group does not significantly alter interpretations of the data in both sites.

Table 3. OSP 2001-2005 Searches

	Asian	African American	Hispanic	Native American	White	Total
Searches 2001-2003	210	448	2,965	242	16,594	20,459
Stops 2001-2003	15,234	12,664	66,950	3,785	752,425	851,058
% of stops searched	1.4%	3.5%	4.4%	6.4%	2.2%	2.4%
Searches 2004-2005	129	288	2123	111	10425	13076
Stops 2004-2005	6,990	6,907	34,369	1,307	346,982	396,555
% of stops searched	1.8%	4.2%	6.2%	8.5%	3.0%	3.3%
Change in % of searches from 2001-2003 to 2004-2005	0.40%**	0.70%*	1.80%**	2.10%**	0.80%**	0.90%**
Searches 2001-2005	339	736	5088	353	27019	33535
Total Stops 2001-2005	22,224	19,571	101,319	5,092	1,099,407	1,247,613
% of stops searched	1.5%	3.8%	5.0%	6.9%	2.5%	2.7%

* Difference in % of searches between 2001-2003 and 2004-2005 is significant at $p < .05$.

** Difference in % of searches between 2001-2003 and 2004-2005 is significant at $p < .01$.

Table 4. Hillsboro 2001-2005 Searches

	Asian	African American	Hispanic	Native American	Other	White	Total
Searches 2001-2003	19	45	699	1	4	1,198	1,966
Stops 2001-2003	1,783	1,044	12,688	12	1,008	36,538	53,073
% of stops searched	1.1%	4.3%	5.5%	8.3%	0.4%	3.3%	3.7%
Searches 2004-2005	5	14	220	0	4	335	578
Stops 2004-2005	967	654	6,279	2	685	18,680	27,267
% of stops searched	0.5%	2.1%	3.5%	0.0%	0.6%	1.8%	2.1%
Change in % of searches from 2001-2003 to 2004-2005	-0.60%	-2.20%*	-2.00%**	-8.30%	0.20%	-1.50%**	-1.60%**
Searches 2001-2005	24	59	919	1	8	1533	2544
Total Stops 2001-2005	2,750	1,698	18,967	14	1,693	55,218	80,340
% of stops searched	0.9%	3.5%	4.8%	7.1%	0.5%	2.8%	3.2%

* Difference in % of searches between 2001-2003 and 2004-2005 is significant at $p < .05$.

** Difference in % of searches between 2001-2003 and 2004-2005 is significant at $p < .01$.

Summary of Searches (OSP and Hillsboro)

Table 3 and Table 4 represent all searches (non-inventory) conducted by OSP and Hillsboro PD from 2001 to 2005 respectively. There is an interesting contrast between OSP and Hillsboro regarding changes in the percentage of stops that are searched over time. Every racial/ethnic grouping in the OSP data experienced an *increase over time* in the likelihood that drivers would be searched during a stop from 2001-2003 to 2004-2005. In contrast, every racial/ethnic grouping in Hillsboro (except Other) experienced a *decrease over time* in the likelihood that drivers would be searched during a stop. Asian, African American, Hispanic, Native American, and White drivers pulled over by OSP were *significantly more likely to be searched* in 2004-2005 than in 2001-2003. African American, Hispanic, and White drivers pulled over by Hillsboro were *significantly less likely to be searched* in 2004-2005 than in 2001-2003.

The search data for both OSP and Hillsboro indicate that *Hispanics drivers are twice as likely to be searched* as White drivers. African American drivers in both the OSP and Hillsboro data are *close to one and one-half times more likely to be searched* as White drivers. Native American drivers are the most likely to be searched by both OSP and Hillsboro, however the low occurrence of these events, especially for Hillsboro, shed doubt on the validity of this finding.

Table 5. OSP 2001-2005 Results of Searches

	Asian	African American	Hispanic	Native American	White	Total
Total Searches 2001-2005	339	736	5,088	353	27,019	33,535
Found something	126	263	1,751	183	11,656	13,979
% of searches something found	37.2%	35.7%	34.4%	51.8%	43.1%	41.7%
Weapons found	18	22	109	26	1,235	1,410
% of searches weapons found	5.3%	3.0%	2.1%	7.4%	4.6%	4.2%
Drugs found	39	119	335	58	5,029	5,580
% of searches drugs found	11.5%	16.2%	6.6%	16.4%	18.6%	16.6%
Alcohol found	56	87	1,070	85	4,345	5,643
% of searches alcohol found	16.5%	11.8%	21.0%	24.1%	16.1%	16.8%
Contraband found	13	35	237	14	1,047	1,346
% of searches contraband found	3.8%	4.8%	4.7%	4.0%	3.9%	4.0%

Table 6. Hillsboro 2001-2005 Results of Searches

	Asian	African American	Hispanic	Other	White	Total
Total Searches 2001-2005	24	59	919	8	1,533	2,543
Found something	3	10	124	0	292	429
% of searches something found	12.5%	16.9%	13.5%	0.0%	19.0%	16.9%
Weapons found	0	3	29	0	67	99
% of searches weapons found	0.0%	5.1%	3.2%	0.0%	4.4%	3.9%
Drugs found	1	5	56	0	140	202
% of searches drugs found	4.2%	8.5%	6.1%	0.0%	9.1%	7.9%
Alcohol found	2	2	32	0	43	79
% of searches alcohol found	8.3%	3.4%	3.5%	0.0%	2.8%	3.1%
Contraband found	0	0	7	0	42	49
% of searches contraband found	0.0%	0.0%	0.8%	0.0%	2.7%	1.9%

Summary of Search Outcomes

Table 5 and Table 6 report the outcomes of all searches (non-inventory) conducted by OSP and Hillsboro PD from 2001 to 2005 respectively. *White drivers are more likely to be found with something in a search* for both OSP and Hillsboro. Although Hispanic drivers are twice as likely to be searched as Whites during OSP traffic stops (Table 5), *Hispanics are 9% less likely to be found with something during a search than Whites are*. African American drivers, who are also more likely to be searched than Whites in OSP traffic stops, are *7% less likely to be found with something during a search than Whites are*.

Differences between race/ethnicities in search outcomes show a similar pattern in the Hillsboro Traffic data (Table 6). Hispanic drivers in Hillsboro, like OSP, are also twice as likely to be searched as Whites during a Hillsboro traffic stop, but *Hispanics are 5.5% less likely to be found with something during a search than Whites are*. African American drivers searched in Hillsboro are 2% less likely to be found with something during a search than Whites are.

It is interesting to note that searches conducted by OSP are two and one-half time more likely to result in something found than searches conducted by the Hillsboro PD. In 41.7% of OSP searches something is found compared to 16.9% in Hillsboro.

Table 7. Likelihood of Being Searched and Finding Something in a Search (OSP 2001-2005)

	Asian	African American	Hispanic	Native American	White
Search	Less likely to be searched	More likely to be searched	More likely to be searched	More likely to be searched	Less likely to be searched
Found Something	No differences	Less likely to be found with something	Less likely to be found with something	More likely to be found with something	More likely to be found with something
Weapons	No differences	No differences	Less likely to be found with weapons	More likely to be found with a weapon	More likely to be found with a weapon
Drugs	Less likely to be found with drugs	No differences	Less likely to be found with drugs	No differences	More likely to be found with drugs
Alcohol	No differences	Less likely to be found with alcohol	More likely to be found with alcohol	More likely to be found with alcohol	Less likely to be found with alcohol
Contraband	No differences	No differences	More likely to be found with contraband	No differences	Less likely to be found with contraband

Note: Separate independent samples T-tests (equal variances assumed) were used to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05.

Table 8. Likelihood of Being Searched and Finding Something in a Search (Hillsboro 2001-2005)

	Asian	African American	Hispanic	Other	White
Search	Less likely to be searched	No differences	More likely to be searched	Less likely to be searched	Less likely to be searched
Found Something	No differences	No differences	Less likely to be found with something	No differences	More likely to be found with something
Weapons	No differences	No differences	No differences	No differences	No differences
Drugs	No differences	No differences	Less likely to be found with drugs	No differences	More likely to be found with drugs
Alcohol	No differences	No differences	No differences	No differences	No differences
Contraband	No differences	No differences	Less likely to be found with contraband	No differences	More likely to be found with contraband

Note: Separate independent samples T-tests (equal variances assumed) were used to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05. Native Americans are excluded from this analysis because of their low numbers in the sample.

Summary of Search Likelihood and Likelihood of Finding Something

Table 7 and Table 8 report the results of statistical tests that examine whether the differences across races/ethnicities in the likelihood of being searched and finding something are large enough to be considered meaningful and not due to chance. In both OSP and Hillsboro, *Asian and White drivers are significantly less likely to be searched* when compared to all other racial/ethnic groupings. In both OSP and Hillsboro, *Hispanic drivers are significantly more likely to be searched* when compared to all other racial/ethnic groupings. African Americans and Native Americans in the OSP data are also significantly more likely to be searched than all other racial/ethnic groupings.

In both OSP and Hillsboro, White drivers are *significantly more likely to be found with something* during a search when compared to all other racial/ethnic groupings. Thus, Whites are less likely to be searched, but produce more productive criminal search outcomes than all other racial/ethnic groupings. For both the OSP and Hillsboro data, *White drivers are significantly more likely to be found with drugs* than all other racial/ethnic groupings. The OSP data also indicates that Native Americans that are searched are also significantly more likely to be found with something.

Table 9. OSP 2001-2005 Dispositions of Stops

	Asian	African American	Hispanic	Native American	White	Total
Total Stops 2001-2005	22,224	19,571	101,319	5,092	1,099,407	1,247,613
No Action	591	2116	5987	257	71684	80635
% of stop no action taken	2.7%	10.8%	5.9%	5.0%	6.5%	6.5%
Warning	8821	7370	42795	2457	525484	586927
% of stops warning given	39.7%	37.7%	42.2%	48.3%	47.8%	47.0%
Citation	12620	9796	50606	2198	489998	565218
% of stops citation given	56.8%	50.1%	49.9%	43.2%	44.6%	45.3%
Custody Arrest	84	217	1623	171	8568	10663
% of stops custody arrest	0.4%	1.1%	1.6%	3.4%	0.8%	0.9%

Table 10. Hillsboro 2001-2005 Dispositions of Stops

	Asian	African American	Hispanic	Other	White	Total
Total Stops 2001-2005	2750	1698	18967	1693	55218	80326
No Action	27	89	657	19	1612	2404
% of stop no action taken	1.0%	5.2%	3.5%	1.1%	2.9%	3.0%
Warning	1785	998	11691	845	33470	48789
% of stops warning given	64.9%	58.8%	61.6%	49.9%	60.6%	60.7%
Citation	927	583	6131	823	19482	27946
% of stops citation given	33.7%	34.3%	32.3%	48.6%	35.3%	34.8%
Custody Arrest	9	26	468	5	602	1110
% of stops custody arrest	0.3%	1.5%	2.5%	0.3%	1.1%	1.4%
Non-Custody Arrest	2	2	20	1	1	26
% of stops custody arrest	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%

Table 11. Likelihood of different dispositions resulting from a stop by race/ethnicity (OSP 2001-2005)

	Asian	African American	Hispanic	Native American	White
No Action	Less likely to have no action taken	More likely to have no action taken	Less likely to have no action taken	Less likely to have no action taken	More likely to have no action taken
Warning	Less likely to receive a warning	Less likely to receive a warning	Less likely to receive a warning	No differences	More likely to receive a warning
Citation	More likely to receive a citation	More likely to receive a citation	More likely to receive a citation	Less likely to receive a citation	Less likely to receive a citation
Custody Arrest	Less likely to be arrested	More likely to be arrested	More likely to be arrested	More likely to be arrested	Less likely to be arrested

Note: Used separate independent samples T-tests (equal variances assumed) to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05.

Table 12. Likelihood of different dispositions resulting from a stop by race/ethnicity (Hillsboro 2001-2005)

	Asian	African American	Hispanic	Other	White
No Action	Less likely to have no action taken	More likely to have no action taken	More likely to have no action taken	Less likely to have no action taken	No differences
Warning	More likely to receive a warning	No differences	More likely to receive a warning	Less likely to receive a warning	No differences
Citation	No differences	No differences	Less likely to receive a citation	More likely to receive a citation	More likely to receive a citation
Custody Arrest	Less likely to be arrested	No differences	More likely to be arrested	Less likely to be arrested	Less likely to be arrested
Non-custody arrest	No differences	No differences	No differences	No differences	No differences

Note: Used separate independent samples T-tests (equal variances assumed) to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05. Native Americans are excluded from this analysis because of their low numbers.

Summary of Disposition Outcomes for Stops

Table 9 and Table 10 report the disposition outcomes of all traffic stops conducted by OSP and Hillsboro PD from 2001 to 2005 respectively and Tables 11 and 12 shows whether differences across races/ethnicities are statistically significant. In comparing OSP and Hillsboro according to disposition outcomes for stops there are some clear contrasts. For example, Hispanic drivers pulled over in the OSP data are less likely to have no action taken compared to other races/ethnicities, whereas Hispanic drivers are more likely to have no action taken in Hillsboro. Thus, in the OSP data Hispanic drivers are less likely to receive a warning, but more likely to receive a citation. In Hillsboro, Hispanic drivers are more likely to receive a warning and less likely to receive a citation. Similar differences occur for White motorists. White drivers pulled over in the OSP data set are more likely to get a warning and less likely to receive a citation. White drivers stopped in Hillsboro are more likely to receive a citation compared to other races/ethnicities. African American drivers pulled over in Hillsboro show little significant differences to other races/ethnicities in disposition outcomes, whereas African American drivers pulled over by OSP are less likely to receive a warning and more likely to receive a citation.

Table 13. OSP 2001-2005 Dispositions of Searches

	Asian	African American	Hispanic	Native American	White	Total
Total Searches 2001-2005	339	736	5,088	353	27,019	33,535
No Action	73	162	1051	65	5565	6916
% of searches no action taken	21.5%	22.0%	20.7%	18.4%	20.6%	20.6%
Warning	91	123	1039	68	6771	8092
% of searches warning given	26.8%	16.7%	20.4%	19.3%	25.1%	24.1%
Citation	127	308	1960	120	9772	12287
% of searches citation given	37.5%	41.8%	38.5%	34.0%	36.2%	36.6%
Custody Arrest	47	141	1021	100	4820	6129
% of searches custody arrest	13.9%	19.2%	20.1%	28.3%	17.8%	18.3%

Table 14. Hillsboro 2001-2005 Dispositions of Searches

	Asian	African American	Hispanic	Other	White	Total
Total Searches 2001-2005	24	59	919	8	1533	2543
No Action	2	9	108	1	252	372
% of searches no action taken	8.3%	15.3%	11.8%	12.5%	16.4%	14.6%
Warning	10	18	230	3	564	825
% of searches warning given	41.7%	30.5%	25.0%	37.5%	36.8%	32.4%
Citation	6	13	228	0	311	559
% of searches citation given	25.0%	22.0%	24.8%	0.0%	20.3%	21.9%
Custody Arrest	6	17	343	4	376	746
% of searches custody arrest	25.0%	28.8%	37.3%	50.0%	24.5%	29.3%
Non-Custody Arrest	0	2	10	0	30	42
% of searches custody arrest	0.0%	3.4%	1.1%	0.0%	2.0%	1.7%

Table 15. Likelihood of different dispositions resulting from a search by race/ethnicity (OSP 2001-2005)

	Asian	African American	Hispanic	Native American	White
No Action	No differences	No differences	No differences	No differences	No differences
Warning	No differences	Less likely to receive a warning	Less likely to receive a warning	Less likely to receive a warning	More likely to receive a warning
Citation	No differences	More likely to receive a citation	More likely to receive a citation	No differences	Less likely to receive a citation
Custody Arrest	Less likely to be arrested	No differences	More likely to be arrested	More likely to be arrested	Less likely to be arrested

Note: Used separate independent samples T-tests (equal variances assumed) to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05.

Table 16. Likelihood of different dispositions resulting from a search by race/ethnicity (Hillsboro 2001-2005)

	Asian	African American	Hispanic	Other	White
No Action	No differences	No differences	Less likely to have no action taken	No differences	More likely to have no action taken
Warning	No differences	No differences	Less likely to receive a warning	No differences	More likely to receive a warning
Citation	No differences	No differences	More likely to receive a citation	No differences	Less likely to receive a citation
Custody Arrest	No differences	No differences	More likely to be arrested	No differences	Less likely to be arrested
Non-Custody Arrest	No differences	No differences	No differences	No differences	No differences

Note: Used separate independent samples T-tests (equal variances assumed) to examine whether the mean of being searched and finding something for each racial group significantly differs from all other racial groups combined. Significance equals a mean difference with a probability of < .05. Native Americans are excluded from this analysis because of their low numbers.

Summary of Disposition Outcomes for Searches

Table 13 and Table 14 report the disposition outcomes of all traffic searches conducted by OSP and Hillsboro PD from 2001 to 2005 respectively and Tables 11 and 12 shows whether differences across races/ethnicities are statistically significant. In comparing OSP and Hillsboro according to disposition outcomes for searches there are some similarities in outcomes for Whites and Hispanics. In both OSP and Hillsboro, *Whites who are searched are more likely to be given a warning and less likely to receive a citation or arrest. Hispanics drivers who are searched by both OSP and Hillsboro are less likely to receive a warning and are more likely to receive a citation and be arrested.* This difference in disposition outcomes for White and Hispanic searches should be examined in more detail by the agencies given that police are more likely to find something in searches of White drivers and less likely to find something in searches of Hispanic drivers.

The findings reported here are consistent with previous studies and reports by the LECC. These reports, as well as additional information on the LECC, can be found at http://159.121.112.123/Racial_Profiling/LECPDRC.HTM

Appendix D: Letter from Oregon State Police



Oregon

Theodore R. Kulongoski, Governor

Department of State Police

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November 3, 2006

Jan M. Chaiken, Ph.D.
Criminal Justice Policy Research Institute
Post Office Box 751
Portland, Oregon 97207-0751

Dear Doctor Chaiken,

The Oregon State Police has reviewed the draft report of the analysis of the 2001-2005 stop data, completed by the Data Review subcommittee of the Law Enforcement Contacts and Data Review Committee. OSP remains committed to the collection of traffic stop data and to study disparities or patterns that may indicate a need for attention.

The LECC welcomed comments regarding the differences between the results for OSP and for the Hillsboro Police Department. OSP was not surprised that there were disparities in data collected from a municipal agency in a single geographic region as compared to the statewide data collected from OSP. There are significant differences between the mission of the agencies and the demographics of the communities served.

The following are comments to specific questions raised by the committee.

Explain the difference in the annual number of traffic stops between the first time period studied (2001-2003) and the later time period (2004-2005).

During 2003, 175 vacant and occupied trooper positions were lost as a result of funding reductions. An additional 205 professional support positions were eliminated necessitating that troopers assume collateral duties such as vehicle maintenance, evidence management and general clerical responsibilities. The end result was that there were fewer troopers to work proactive traffic enforcement with less discretionary patrol time.

Explain the increase in searches as a percentage of traffic stops between these two time periods.

During 2004, as a result of increasing illegal drug problems, including methamphetamine, OSP initiated enhanced criminal apprehension training to Patrol Division members. Criminal Apprehension Patrol Enforcement is a Primary Enforcement Program of the Division that is designed to deter and detect all forms of criminal activity that occur on Oregon's highways. Training included the recognition of indicators of criminal activity and search and seizure. Additionally, for the first time, OSP obtained several narcotics canines that were assigned to Patrol Division members.

The data revealed that searches were conducted on 2.7 percent of all traffic stops during 2001-2005. OSP is concerned that the statement that Hispanics are twice as likely to be searched as White drivers can be misleading and requires additional information. An important fact is that 95 percent of all Hispanics stopped are not searched. The data reflects an increase in the percentage of Hispanics searched during the second period (Table 3) from 4.4 percent to 6.2 percent. This increase equates to 619 stops during a two year period or about 1 search per year per trooper.

Without further analysis, OSP is unable to explain the disparity between the percentage of Whites and Hispanics searched. OSP plans to modify the required data reported during stops to more accurately reflect specific search information that will support further analysis. The data currently collected has proved to be too broad. Without additional specific data, our responses are anecdotal at best.

In October 2003, OSP suspended all impound tows. Impound tows are circumstances where by Oregon Revised Statute; police may impound a vehicle due to violation of specific offenses. When a person's vehicle is towed and impounded, often time there is an associated search of the person. Impound tows were reinstated after July, 2004. During the remainder of 2004, 513 vehicles were impounded from traffic stops and during 2005, OSP conducted 3,143 impound tows. This significant increase in tows and oftentimes accompanying searches may also have contributed to the disparity in the data.

Explain the fact that Hispanic, African American, and Native American drivers who are stopped face a greater likelihood of being searched than do white drivers, but a lesser likelihood of anything being found in the search.

Inconsistent reporting of actual searches may be a contributing factor to the disparity. For example, OSP arrests four to five thousand persons each year for DUII and searches are mandated by policy. Additional data is required to determine what searches are mandatory as compared to discretionary and consensual based upon reasonable suspicion.

OSP also arrests thousands of people each year for warrants and searches subsequent to those arrests are mandatory. OSP will review how those arrests are cleared by code to determine whether searches are accurately and consistently reported.

OSP sees the value of differentiating a probable cause search from a search incident to arrest and a reasonable suspicion consensual search. Information such as the object of the search or whether a person was searched as compared to a vehicle would contribute to more accurate analysis. Current law allows a stop and frisk for weapons when there is a reasonable suspicion that a person is armed.

OSP plans to review how all searches are reported and to make recommendations for additional data collection.

Explain why White drivers pulled over by OSP are more likely than other drivers to get a warning rather than a citation.

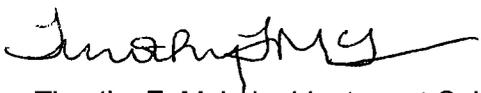
At this time, the Department is unable to analyze current data to compare warnings and citations against race/ethnicity. With the available information, it is difficult to determine the cause of this disparity. By policy, the decision to warn or cite a person is based upon the type of violation that is being investigated at the stop. Some violations allow no officer discretion. The Department generally takes a zero tolerance position on certain violations such as no driver's license, no insurance and charges related to alcohol. Additionally, any violation of the six major traffic offenses (i.e., drunk driving, reckless driving, driving while suspended) by policy requires the trooper to arrest or cite the offender. We believe that we need to examine our current data collection points and consider modification so that we can more clearly analyze enforcement action and race/ethnicity and obtain a more definitive understanding of this disparity.

Conclusion

The review of the draft report has brought to the surface several issues that OSP will address to improve data collection for analysis. We plan to convene an internal work group that will examine our data collection methods and recommend enhancements that will allow the Department to gain a greater understanding of stop data. For instance, classifying the type of search, i.e., consent, probable cause based or incident to a custody arrest is one example of essential data that will help in obtaining a greater understanding of our stop data findings.

Thank you for giving OSP the opportunity to review and comment on the findings by the committee.

Sincerely,



Timothy F. McClain, Lieutenant Colonel
Oregon State Police

Appendix E: Letter from Hillsboro Police Department

CITY OF HILLSBORO



November 10th, 2006

Jan M. Chaiken, Ph.D.
Criminal Justice Policy Research Institute
Portland, Oregon 972007-07851

Dear Dr. Chaiken,

The Hillsboro Police Department has reviewed the draft report on the analysis of the 2001-2005 stop data, completed by the Data Review Subcommittee of the Law Enforcement Council. We were asked to review the following questions about our Department's data:

1. A drop in the annual number of traffic stops between the first period studied (2001-2003) and the later period (2004-2005).
2. A decrease in the percentage of stops of Hispanic drivers between these same two time periods?
3. A high likelihood that Hispanic drivers will receive a warning rather than a citation, as compared to drivers of other races or ethnicities
4. And, a higher likelihood of finding drugs or something else criminal when white drivers' vehicles are search compared to vehicle searches of other ethnicities.

We also reviewed the report itself for errors, conclusions, explanations, and future actions or studies that we plan to undertake.

Questions one and **two** regarding our analysis of the drop in the annual number of traffic stops during the first period studied (2001-2003) and the later period (2004-2005), which includes a decrease in the percentage of stops that were of Hispanic drivers between these same two time periods, may be caused by several factors:

- In 2002-2003, we had a higher number of officers assigned to the patrol division than in the second period (2004-2005).
- In 2002, we increased our traffic team from three to four motor officers.

POLICE DEPARTMENT

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AN EQUAL OPPORTUNITY EMPLOYER

- In 2004, we stopped utilizing our Street Crime Unit and re-direct these resources to other Divisions. This reduced amount of self-initiated activity (traffic/subject stops) that was typically performed by this unit.
- During 2002-2003, stops with data codes were about 78% accurate, as compared to the second period 2004-2005 at 75%.
- Our public demand for service calls (911 Calls) has increase every year while, increases in resources over the last two years has not, thus, allowing less time for self-initiated activity which is typically associated with vehicle and subject stops.

For **question three**, when examining the higher likelihood that Hispanic drivers will receive a warning rather than a citation, as compared to drivers of other races or ethnicities, the following are factors:

- We may be stopping more Hispanic drivers for equipment violations and issuing warnings instead of issuing citations; this practice is purely discretionary upon the individual officer.
- The data does not differentiate non-discretionary stops (i.e. DUII's, suspended drivers license, no insurance, etc.) from discretionary stops (equipment violations, traffic infractions, etc.)
- We find that stops based on equipment violations are more likely to receive a warning versus a citation. However, these stops may also lead to driving while uninsured citations and subsequently to searches and tows. These types of stops are an issue of economic ability versus race and ethnicity.

For **question four**, the higher likelihood of finding drugs or something else criminal when white's are searched than when searches are conducted of persons of other races or ethnicities is a complicated issue in analyzing aggregated data:

- Studies show that the majority of the PCS methamphetamine arrests are of white race.
- A greater number of Law Enforcement contacts are with people that are repeat offenders, therefore, potentially augmenting this category.
- Habitual users are continually getting stopped, therefore are better known by the Officer.

General Discussion:

When looking at aggregate stop data, we begin to think about other ways to consider what the data is telling us. For example, in Hillsboro our patrol deployment is based on calls for service. As we examined the "high volume" areas that demand calls for service, through US Census tract information, we find that these service districts have a higher percentage of minorities.

In essence we are deploying and making stops in areas that have a high demand for service, that are low-income and high density populated neighborhoods and that also contain a large percentage of our Hispanic Community.

HPD would suggest that the variation in our stop rates regarding "searches" and "warnings" may be result of police deployment patterns:

- The different "units" assigned to the "road", have different operational mandates. The traffic unit is assigned to monitor traffic and ensure traffic safety. Hillsboro Motor Officer's are looking for specific types of violations that are associated with danger/accidents and issue more tickets than warnings. In contrast, officers in other units such as Street Crimes will make subject stops and traffic stops more opportunistic, and potentially for different reasons.
- Also, rather than just looking at stop rates associated within each specific race/ethnic group, we looked at stop rates for these groups within specific types of car stops (e.g., driving related and vehicle equipment), at different times of day (e.g., rush hour, daytime, evening), or within different neighborhoods (e.g., downtown district, residential areas, shopping areas).
- Using US Census population data is an issue unto itself. The 2000 US census does not include any error rates for the reported population in the categories with race and ethnicity. Furthermore, published Census data for 2000 does not properly breakout ethnicity from race categories. These figures also become outdated with time and difficult to calculate as the community grows. During the first study period the Hillsboro's population grew at an annual rate of 6%.

Given the inherent limitations to even the best-designed racial profiling study, it is unlikely that any given study will completely satisfy the competing expectations and desires of all stakeholders or constituencies. No system is perfect and, thus, there is always opportunity for improvement and this type of action is supported and recommended by the PERF Study, 2005.

Appendix F:

IMPORTANT CONCEPTS/DEFINITIONS/PRINCIPLES FOR TRAINING SCENARIOS

Important Concepts, Definitions, Principles	Description
1) Racial Profiling	<p>“Invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity (US DOJ).”</p> <p>Racial Profiling is also often defined as the use of race as the <i>sole</i> factor or motivator in a police action, which has always been unconstitutional. It is also considered by many police officers to refer to only decisions to stop vehicles (PERF).</p>
2) Racially Biased Policing	<p>“Racially biased policing occurs when law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity (PERF).”</p>
3) Difference between Racial Profiling and Racially Biased Policing	<p>Racially biased policing, which is a term preferred by the Police Executive Research Foundation (PERF), is concerned with clarifying when officers <i>can</i> use race/ethnicity as a factor to establish reasonable suspicion or probable cause and provide similar clarity for using race/ethnicity in making other law enforcement decisions. Thus, when is consideration of race/ethnicity appropriate and inappropriate? PERF is also concerned with clarifying policing procedures that can reduce <i>perceptions</i> of racially biased policing.</p>
4) Criminal Profiling	<p>“Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization (US DOJ).”</p>
5) Specific Race or Ethnicity Based Information	<p>The issue is ultimately one of motivation and evidence; certain seemingly race-based efforts, if properly supported by reliable, empirical data, are in fact race-neutral.</p> <p><i>Example 1:</i> Police discover that the clear majority of drug arrests occur in particular precincts that happen to be neighborhoods predominantly occupied by people of a single race. So long as they are not motivated by racial animus, authorities can properly decide to enforce all laws aggressively in that area, including less serious quality of life ordinances, as a means of increasing drug-related arrests. See, e.g., <i>United States v. Montero-Camargo</i>, 208 F.3d 1122, 1138 (9th Cir. 2000) (“We must be particularly careful to ensure that a ‘high crime’ area factor is not used with respect to</p>

	<p>entire neighborhoods or communities in which members of minority groups regularly go about their daily business, but is limited to specific, circumscribed locations where particular crimes occur with unusual regularity.").</p> <p><i>Example 2:</i> where authorities are investigating a crime and have received <i>specific information</i> that the suspect is of a certain race (e.g., direct observations by the victim or other witnesses), authorities may reasonably use that information, even if it is the only descriptive information available. In such an instance, it is the victim or other witness making the racial classification, and federal authorities may use reliable incident-specific identifying information to apprehend criminal suspects. Agencies and departments, however, must use caution in the rare instance in which a suspect's race is the only available information. Although the use of that information may not be unconstitutional, broad targeting of discrete racial or ethnic groups always raises serious fairness concerns.</p>
6) Information Must be Relevant to the Locality or Time Frame	<p>Any information concerning the race of persons who may be involved in specific criminal activities must be locally or temporally relevant.</p> <p><i>Example:</i> Using specific race information about suspects in one city and applying that to persons in your local setting, without establishing that the intelligence is also applicable to your local setting.</p>
7) Information Must be Trustworthy	<p>Where the information concerning potential criminal activity is unreliable or is too generalized and unspecific, use of racial descriptions is prohibited.</p> <p><i>Example:</i> ATF special agents receive an uncorroborated anonymous tip that a male of a particular race will purchase an illegal firearm at a Greyhound bus terminal in a racially diverse North Philadelphia neighborhood. Although agents surveilling the location are free to monitor the movements of whomever they choose, the agents are prohibited from using the tip information, without more, to target any males of that race in the bus terminal. <i>Cf. Morgan v. Woessner</i>, 997 F.2d 1244, 1254 (9th Cir. 1993) (finding no reasonable basis for suspicion where tip "made all black men suspect"). The information is neither sufficiently reliable nor sufficiently specific.</p>
8) Race- or Ethnicity-Based Information Must Always be Specific to Particular Suspects or Incidents, or Ongoing Criminal Activities, Schemes, or Enterprises	<p>Using race-based information is best when accompanied by specific suspects and incidents, other descriptive factors (e.g ongoing criminal activity), comes from a reliable sources, and is locally relevant.</p>
9) Preventing Perceptions of Biased	<p>PERF recommends the following procedures for conducting pedestrian and traffic stops:</p>

Policing	<ul style="list-style-type: none"> • Be courteous and professional. • A Policy To Address Racially Biased Policing • Introduce him- or herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for his or her license and registration. • Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays. • Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant. • Provide his or her name and badge number when requested, in writing or on a business card. • Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).
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SOURCES:

Fridell, L.; Lunney, R.; Diamond, D. & Kubu, B. (2001). *Racially Biased Policing: A principled response*. Washington, D.C.: PERF.

U.S. Department of Justice, Civil Rights Division (June 2003) *Guidance regarding the use of race by Federal law enforcement agencies*. http://www.usdoj.gov/crt/split/documents/guidance_on_race.htm.

Appendix G:

Prototype Training Scenarios: For DPSST Academy – New Recruit Training

November 17, 2006

1 - APPROACHING SUSPICIOUS PERSONS IN A PARK

Type of scenario: **Live Role Playing**

Set Up: Cadet's are given the following verbal set up to the scenario:

It is after midnight and the municipal park is closed; you observe two juveniles (one white, one racial/ethnic minority), sitting on a park bench. You approach the youths and request their identification.

Role Playing Branches: The following branches are acted out and the Cadet is expected to quickly respond to the branch.

- 1) Both subjects provide identification.
- 2) One subject provides identification, other gives his name only.
- 3) White subject keeps his hands in his pockets, while the minority subject's hands are clearly visible.
- 4) One subject accuses the officer of discriminating and asks for the officer's name.
- 5) Both subjects accuse the officer of discriminating against the subject whose race/ethnicity is different from that of the officer.
- 6) Both subjects do not respond to the officer's request and walk away in separate directions.

Performance objectives:

- Proper explanations of officer actions given.
- Appropriate officer response to escalation of contact (i.e. is a search asked for, does the demeanor of officer change given suspect response)
- Allows for examination of probable cause issues.
- Practice of tactical skills (e.g. self defense stance, position, communication, search and arrest procedure)

Preferred Resolution:

- Officer clearly explains why he is approaching and asking for their ID's with little hesitation or delay (e.g. a violation, park is closed after dark, possible curfew violation too).
- Officer should provide suspects with his/her name if asked.
- Officer's demeanor toward subjects, especially if situation escalates or involves accusations against the officer, remains calm and focused on his probable cause justifications.
- Officer should contact parents.
- Officer should ask individual with hands in pocket to remove them.

Resources Needed:

Instructors – One instructor

Instructor skills – Instructor should have knowledge of probable cause rulings and use of probable cause for questioning, checking ID, and searching suspects. Should be knowledgeable of tactical skills and search and arrest procedure.

Role Players – Two role players are needed.

Role player skills/attributes - One should be White and the other could be African American, Hispanic, Native American, or Asian.

Other – park bench or grass to sit on.

2 - LUXURY VEHICLE STOP

Type of scenario: **Live Role Playing**

Set Up: Cadet's are given the following verbal set up to the scenario:

A luxury vehicle, driven by a racial/ethnic minority, drives through a stop sign without stopping. You stop this vehicle. While the stop is going on and you are approaching the vehicle, two other luxury vehicles with white drivers commit the same violation.

Role Playing Branches: The following branches are acted out and the Cadet is expected to quickly respond to the branch.

- 1) Subject says "how come you stopped *me?*", "Don't you think I can afford this car?"
- 2) Subject strongly accuses officer of racial discrimination and threatens to report the officer's behavior, while writing down the license plates of the two other luxury cars whose drivers are committing the same violation.

Performance objectives:

- Proper explanations of officer actions given.
- Appropriate officer response to escalation of contact (i.e. does the demeanor of officer change given suspect response/tone)
- Practice of tactical skills (e.g. self defense stance, position, communication, search and arrest procedure)

Preferred Resolution:

- Officer clearly explains why driver was pulled over (e.g. traffic violation.). Officer should not deny that the other cars violated a traffic ordinance, but that he/she saw this violation first and was already out of the car.
- Officer's demeanor toward subject remains calm and focused on his probable cause justifications.
- Officer does not dispute driver's threat to report his/her behavior.
- Officer tells the driver to feel free to contact supervisor or visit station during business hours.

Resources Needed:

Instructors – One instructor

Instructor skills – Instructor should have knowledge of traffic violations and enforcement. Should be knowledgeable of tactical skills and search and arrest procedure.

Role Players – One role player is needed.

Role player skills/attributes – Role player could be African American, Hispanic, Native American, or Asian.

Other – a parked luxury car which simulates that it was just pulled over.

3 – POTENTIAL DUI

Type of scenario: **Live Role Playing**

Set Up: Cadet's are given the following verbal set up to the scenario:

You observe a racial/ethnic minority driving their vehicle erratically.

Role Playing Branches: The following branches are acted out and the Cadet is expected to quickly respond to the branch.

- 1) Subject speaks in broken English to any questions that the officer asks (if a search is conducted nothing is found)
- 2) Subject speaks in broken English to any questions that the officer asks (in this branch an empty beer bottle should be placed on the passenger seat)
- 3) Before officer can say anything subject states that he had nothing to drink and that his driving is not impaired, he was trying to avoid a pot hole (if a search is conducted nothing is found).
- 4) Subject accuses officer of racial profiling (if a search is conducted nothing is found).

Performance objectives:

- Proper explanations of officer actions given.
- Appropriate officer response to escalation of contact (i.e. does the demeanor of officer change given suspect response/tone).
- Understands some of the basics in a DUI investigation process and use of probable cause in a search decision.
- How to appropriately deal with language barriers.

Preferred Resolution:

- Officer attempts to work with the driver to understand some of what they're saying rather than totally ignoring them.
- Officer tells the driver if they feel they were wrongly treated to contact supervisor or visit station during business hours.
- Proper use of DUI investigation process is utilized

Resources Needed:

Instructors – One instructor

Instructor skills – Instructor should have knowledge of DUI investigation process and traffic enforcement. Should be knowledgeable of tactical skills and search and arrest procedure.

Role Players – One role player is needed.

Role player skills/attributes – Role player could be African American, Hispanic, Native American, or Asian.

Other – a parked luxury car which simulates that it was just pulled over.

4 - WHO TO STOP

Type of scenario: **Table Top**

Set Up: Cadet's are asked to form into small groups of 3-4. They are given the following written scenario:

Two drivers, going in opposite directions, simultaneously drive through stop signs at the same intersection in a high crime, low-income neighborhood. The officer is positioned to pull over either vehicle, but not both. One of the drivers is a white person driving an old, beat up car with its headlight out. The other driver is a black person driving a new luxury car.

Table top questions: After cadet groups read the scenario they are verbally asked the following question. Cadet groups are expected to have a brief verbal discussion and form a verbal answer to the following question.

1) Which car would you stop and why? Why didn't you stop the other car?

After question 1 is completed, cadet groups are then given the following branch question

2) The subject they decide to pull over is very angry and demands to know why he was pulled over instead of the other driver. How do you verbally respond to the subject?

Performance objectives:

- Proper explanations of officer actions given.
- Discussion of intuition regarding criminal offending versus the potential for unintentional bias.
- Tests whether officer behavior is influenced by the potential of being charged with racial profiling.
- Appropriate officer response to escalation of contact (i.e. does the demeanor of officer change given suspect response/tone).

Preferred Resolution:

- Cadet groups clearly explained with correct reasoning why they pulled over a particular driver (e.g. traffic violation and/or vehicle code violation).
- Cadet group's response to suspect's anger focuses on the violation/s observed.
- Discussion of where their intuition to pull over one driver over the other comes from.

Resources Needed:

Instructors – One instructor

Instructor skills – Instructor should have knowledge of traffic violations and enforcement. Instructor should have good facilitator skills to probe the cadets to explore officer intuition and potential bias.

Other – written scenario to be distributed to cadet groups.

5) CITIZEN TIPS

Type of scenario: **Table Top**

Set Up: Cadet's are asked to form into small groups of 3-4. The groups are given Scenario # 1 to read.

Scenario 1: You see a White, middle aged and well-dressed citizen carrying a brief case who instructs you to pull over your patrol car. You notice however that the person appears to be drunk and is staggering. You pull over and roll your window down and smell a little bit of alcohol. He reports that he just saw a man walking down the street who he'd seen on the Fox News Parole Absconders the night before. The general description is of a Hispanic man who is 5'10" with brown eyes, wearing khaki pants and a red jacket. You notice several Hispanic men are standing on a nearby street corner, one of whom meets the description.

Table top question 1: After the groups the scenario they are verbally asked the following question. Cadet groups are expected to have a brief verbal discussion and form a verbal answer to the following question.

- 1) What would you do and why?

Set Up Continued: Cadet's are then asked to read Scenario # 2.

Scenario 2: You see a see a young Hispanic male who appears to be wearing gang colors, he instructs you to pull over your patrol car. You pull over and partially roll down your window. He reports that he just saw a man walking down the street who he'd seen on the Fox News Parole Absconders the night before. The general description is of a Hispanic man who is 5'10" with brown eyes, wearing khaki pants and a red jacket. You notice several Hispanic men are standing on a nearby street corner, one of whom meets the description.

Table top question 2: After the groups the scenario they are verbally asked the following question. Cadet groups are expected to have a brief verbal discussion and form a verbal answer to the following question.

2) What would you do differently than in Scenario # 1? Why?

Performance objectives:

- Proper explanations of officer actions given.
- Recognizing the difference between criminal profiling and racial profiling, but also potential issues regarding the quality of informant tips.
- Explore the difference in tactics used depending upon the citizens involved.

Preferred Resolution:

- Appropriate use of tactical skills in dealing with both informants and suspects given levels of threat.
- Calling in for backup.
- Reflection upon the cues and signs of citizens and how they are approached and why certain tactical decisions are made.

Resources Needed:

Instructors – One instructor

Instructor skills – Instructor should have knowledge of use appropriate use of informant tips and dealing with language barriers. Good discussion facilitator who can probe the groups to explore the potential nuances in the two scenarios and whether they impact officer behavior.

Other – written scenarios to be distributed to cadet groups.

