

Law Enforcement Contacts Policy and Data Review Committee

2017 Annual Report



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Prepared by:

**Criminal Justice Policy Research Institute
Hatfield School of Government
Portland State University**

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EXECUTIVE SUMMARY

Executive Summary:

The Law Enforcement Contacts Policy and Data Review Committee (LECC) has been around for many years. The LECC uses data and experience to influence policing policy with the goal of creating equitable outcomes for all Oregonians. Oregon, like many other states, has a long history of inequity concerns. Our work is meant to help erode this large and complex issue. We are always seeking new ways to make ourselves accessible, equitable, and accountable. Up until recently, the work of the LECC was accomplished within a voluntary legislative framework. Our successes were based on working with law enforcement agencies to see the value in being transparent and proactive, as opposed to reactive to equity issues like profiling. In 2017, new legislation has impacted some of our traditional activities, like stop data collection and analysis, and law enforcement training. These new mandatory requirements for Oregon law enforcement, which are under development, will change the LECC role in certain arenas. We welcome these changes, and even though our path has been altered, our goal remains the same.

In 2015, the Law Enforcement Contacts Policy and Data Review Committee (LECC) was re-invigorated with new duties and resources with the passage of the End Profiling Act (EPA) or Oregon House Bill (HB) 2002 in July 2015. The last two years have brought on successes and challenges to the LECC. This past year, HB 2355 has had an impact on some of the core aspects of the LECC and the EPA.

The passage of HB 2355 set up new mandatory requirements for Oregon law enforcement involving stop data collection and training to be implemented by other criminal justice agencies of the state. The collection of stop data was given to the Criminal Justice Commission and Oregon State Police, and the implementation of training was given to the Department of Public Safety Standards and Training. The LECC has offered its support to these agencies in carrying out these new requirements. The LECC will continue its collection and analysis of profiling complaints, offering training, and working on curriculum development.

In 2017 the LECC continued providing law enforcement training on issues of bias and profiling for Oregon throughout the state. The EPA provided a standardized definition of “profiling” for Oregon, which expanded the scope of profiling to a variety of marginalized groups (e.g. mental health, houseless, sexual orientation) that were not directly addressed in the LECC’s primary training curriculums. The EPA also expanded the definition of law enforcement to more than those who conduct traffic stops (e.g., District Attorneys, Oregon Liquor Control Commission, the Attorney General Office). In 2016, the LECC worked to develop a new training curriculum for the state that provides a more general orientation to profiling and its potential impact on multiple marginalized populations noted in the

legislation, as well as how it occurs throughout our criminal justice system. In 2017, a number of focus groups with community members and trainers have been used to create a new baseline training broad enough to reach all intended audiences in the EPA utilizing scenarios from actual redacted profiling complaints.

This report summarizes the activities of the LECC since January 2017. The following are highlights and conclusions from each section in the report:

Profiling Complaints

- There are 170 law enforcement agencies we are certain were made fully aware of the EPA reporting requirements in 2017. This number includes Tribal police departments that have agreed to participate in the program and the Oregon DOJ Criminal Division and Oregon Judicial Department's Marshal's Office.
- Out of 170, there were 129 agencies (76%) in 2017 that reported to the LECC on whether they had complaints or not. Of those, there were 20 agencies that reported receiving a profiling complaint in 2017.
- There were a total of 43 known profiling complaints in Oregon in 2017.

Reporting compliance to the LECC dramatically improved for 2017 based on the legislative fix in HB 2355. However, the LECC has identified some areas of concern related to both compliance with the EPA and the utility of the complaint information received.

Areas for improvement

1. *Outreach to District Attorney Offices, Tribal Police, Oregon Liquor Control Commission inspectors, and Rail agencies.* District Attorney Offices, some Tribal Police, and Amtrak police did not receive coordinated outreach from the LECC or other parties to the EPA legislation (to our knowledge) regarding reporting requirements and process.
2. *Updating LECC on 2015 and 2016 Complaints.* There needs to be additional outreach to law enforcement about sending in profiling complaint reporting forms for 2015 and 2016 as required by the legislation.
3. *Clarity and Consistency with the OSP reporting forms.* Upon reviewing the complaint information received from agencies using the OSP reporting forms we identified some concerns related to clarity of the form instructions and consistency in the breadth of information received.

Future goals

- Develop new outreach efforts to work with Oregon District Attorney's Association, Oregon Tribes and Tribal Police Departments, and Amtrak Police. Improve/clarify lines of communication with Oregon Police Departments and Sheriffs' offices about EPA.
- Develop new outreach efforts for the general public about the EPA.
- Develop a communication plan to seek 2015 and 2016 complaints from law enforcement agencies that have not done so.
- LECC will discuss with OSP potential refinement ideas to the reporting forms, instructions, and an example template.

Law Enforcement Training

- Since January 2017, there were 19 trainings held in 2017. *A total of 337 law enforcement professionals attended these trainings in 2017 from 67 different agencies.*

Ongoing Training Development

- In 2017, there were three efforts undertaken to refine LECC training efforts going forward. Each of these efforts will be complemented/implemented in 2018. Keep in mind these efforts are not referencing the new Academy curriculum development and implementation occurring at DPSST. The focus here is the continuation, improvement, and expansion of the LECC/CJPRI curriculums.
 1. Monitor feedback from revised training curriculum for areas of improvement.
 2. Development of a new general curriculum focused on community input, effectiveness, and content that is as inclusive as the End Profiling Act (EPA). The course will be finalized and vetted through the LECC Board in 2018-19. The course will address the following goals:
 - Be broad enough to apply to the various communities in the EPA.
 - Apply to the various professions defined as law enforcement (e.g., district attorney's, DOJ investigators, OLCC inspectors)
 - Could be used as a criterion for management-level law enforcement
 - Be used in continuing education

- Complement the new academy training being offered by DPSST.
3. Continue recruitment and development of trainers. In 2017, LECC staff lead a Trainers Retreat that provided tools for our trainers to address identified needs and gain additional feedback and practice. This was a mandatory workshop retreat for all trainers. The workshop retreat was to be the start of a new focus on annual requirements and updates for trainers to obtain to remain active in the program.

With keeping these projects, changes, and views in mind, the LECC has a lot to do in the 2018/19 biennium. We are confident with the help and insight of stakeholders, legislators, and the community at large, we will be able to take steps towards our mission.

**STATEMENT OF PURPOSE
AND
COMMITTEE STRUCTURE AND
HISTORY**

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...”¹

¹ ORS 131.905 et seq. (See Appendix A)

Committee Structure and History:

The Law Enforcement Contacts Policy and Data Review Committee (LECC) was created in 2001 Senate Bill 415 for a period of six years, ending December 31, 2007. That sunset was lifted with the passage of HB 2102. A copy of ORS 131.905 *et seq.*, which codified HB2102, can be found in Appendix A of this report.

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;
- 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. The current members of the committee, as of May 2018:

<p>Annabelle Jaramillo, LECC Chair (Chair - starting November 2015) Benton County Commissioner Corvallis, OR</p>	
<p>Jason Myers Marion County Sheriff Salem, OR</p>	<p>Jeff Hershman Captain Oregon State Police Salem, OR</p>
<p>Gilbert P Carrasco Professor of Law Willamette University College of Law</p>	<p>Michael Leloff Training Director Department of Public Safety Standards and Training (DPSST)</p>
<p>Michael Crebbs Captain Portland Police Bureau</p>	<p>David Fidanque Citizen, Former Oregon ACLU Executive Director</p>
<p>Carma Corcoran Director of Indian Law Program & Professor of Law, Lewis and Clark College & University of Oregon</p>	<p>Constantin Severe Director Portland Independent Police Review Portland, OR</p>
<p>José Ibarra Community Coordinator and Interfaith Liaison Multnomah County</p>	<p>Michael Williams Director of Student Support Services Eastern Oregon University La Grande, OR</p>

The LECC would like to thank the following former members who left in 2017: Chief Pete Kerns, Brandon Lee (Training 4 Transformation) & Eric Davenport

Current LECC staff, consultants, and additional subcommittee members in 2017:

- Dr. Brian Renauer, Director, Criminal Justice Policy Research Institute, Portland State University
- Salome Chimuku, Project Manager, Criminal Justice Policy Research Institute, Portland State University
- Damon Isiah Turner, consultant staff to LECC training, Know Agenda Consulting
- Lt. Henry Reimann, Community Relations Subcommittee member, Hillsboro Police Department
- Kimberly McCullough, Political Director, American Civil Liberties Union (ACLU)
- Kayse Jama, Executive Director, Unite Oregon
- Mark Gissiner, Director, Eugene Police Auditor's Office
- Charles Iragui, Financial Advisor, Morgan Stanley Wealth Management

BACKGROUND:

Efforts to address accusations 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 an 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 was 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 two 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 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, 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 at that time.

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.

The LECC was scheduled to sunset on December 31, 2007. The LECC, in partnership with the Oregon Criminal Justice Commission, helped draft House Bill 2102. HB 2102 made the LECC permanent and removed restrictions on data that the committee may receive and analyze. HB 2102 transferred administration of the committee from the Oregon Criminal Justice Commission to Portland State University.

In 2006-2007, the LECC, in partnership with the Criminal Justice Policy Research Institute and the Traffic Safety Division of the Oregon Department of Transportation, were awarded two grants from the National Highway Traffic Safety Administration (NHTSA-2006-23772). These grants will fund the activities of the LECC through 2011. The grant program is called the “Incentive Grant Program to Prohibit Racial Profiling” under section 1906 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Federal Register, Vol. 71, No. 22, pp. 5727-5729). The funding was transferred to the Criminal Justice Policy Research Institute (CJPRI) at Portland State University through Oregon’s Department of Transportation Traffic Safety Division headed by Troy Costales.

Funding from NHSTA lead to a marked expansion of *LECC efforts, scope, longevity and impact* from 2006 to 2011. When the NHSTA grant was complete the LECC efforts were assisted by grants from the Spirit Mountain Foundation and Oregon’s Criminal Justice Commission in 2012. Between 2013 and 2015 the LECC operated without any budget, which dramatically limited its activities to a few training events per year paid for by law enforcement agencies.

The 2015 Oregon Legislative session has ushered in a new era for the LECC and a re-generation of its mission due to the passage of HB 2002, which was signed into law on July 13, 2015. The chief sponsors of HB 2002 in the Oregon legislature were Representatives Frederick, Buckley, and Williamson, and Senators Bates, Dembrow, Edwards, and Thomsen. The specifics of the new law is found in ORS 131.915 Definitions, ORS 131.920 Policies and Procedures Prohibiting Profiling, and ORS 131.925 Complaints Alleging Profiling. The new law has had a direct impact on the work of the LECC and Oregon law enforcement in the following ways:

1. Provides a standard definition of “Profiling”: “Profiling means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual’s age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer

is acting on a suspect description or information related to an identified or suspected violation of a provision of law (see appendix for ORS).”

2. Law enforcement agencies shall adopt procedures for submitting a copy of profiling complaints they receive and dispositions of complaints to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee.
3. The Law Enforcement Contacts Policy and Data Review Committee shall establish policies for receiving and forwarding complaints alleging profiling from the general public.

In 2017, passage of HB2355 brought about important changes and clarifications to ORS 131.915 to 131.925. The current 2017 law can be found in Appendix B. Here are the highlights of the new changes:

- Wording changes to the definition of profiling
- Clarifying that law enforcement needs to send to the LECC a complaint report summarizing all complaints, even if they have not received any complaints.
- Complaint report shall not include personal information on the complainant or officer involved.
- OSP needs to develop a standardized complaint report; one for total complaints in the year and one summarizing each complaint.
- Sets January 31st as the due date for reporting complaints to LECC.

LECC ACTIVITIES 2017

Profiling Complaints

Through the End Profiling Act (EPA) passed in 2015, the LECC collects profiling complaints directly from the public as well as from law enforcement agencies. These requirements are codified in ORS 131.915 to ORS 131.925. In 2017, Oregon amended parts of the End Profiling Act (EPA) to clarify parts of the ORS. These changes were brought from the Attorney General's Workgroup on Profiling that consisted of diverse stakeholders.

Complaint Report to LECC from the Public

For profiling complaints that came directly through our office, people either called or submitted a completed intake form via mail or online (see <http://www.pdx.edu/cjpri/profiling-complaints>). These forms were followed up by LECC staff who asked additional questions of the alleged profiling. Upon completion, the individual was asked if they wish to remain anonymous before our office would forward the complaint to the law enforcement agency in question. This year there was a drop in people completing the process. In other words, more persons wished not to file a formal complaint and complete the process. When these individuals were asked why they with withdrawing their complaints, most pointed to feeling that agencies would not change, there could be retaliation, or simply did not trust the law enforcement's ability to investigate itself.

Complaint Reporting to LECC from Law Enforcement

The EPA also instructed Oregon law enforcement agencies to forward a copy of any complaints they received since July of 2015 along with any resolution to the LECC. To initiate this process, the LECC developed a recommended law enforcement complaint form in 2016 that some agencies adopted and used in 2017. HB2355 in 2017 modified and clarified some of these reporting requirements by Oregon Law Enforcement. A highlight of these modifications includes:

- Wording changes to the definition of profiling
- Clarifying that law enforcement needs to send to the LECC a complaint report summarizing all complaints, even if they have not received any complaints.
- Complaint report shall not include personal information on the complainant or officer involved.
- OSP needs to develop a standardized complaint report; one for total complaints in the year and one summarizing each complaint.
- Sets January 31st as the due date for reporting complaints to LECC.

The Oregon State Police and its workgroup finalized two forms in early 2018 and quickly distributed them to Oregon law enforcement. The first form is for

reporting whether the agencies received any profiling complaints in the past year (Appendix C). The second form is to be used to report information concerning each profiling complaint received by the agency (Appendix D).

Oregon Law Enforcement Compliance

There are 170 law enforcement agencies we are certain were made fully aware of the EPA reporting requirements in 2017. This number includes some Tribal police departments that have decided to participate in the program and the Oregon DOJ Criminal Division and Oregon Judicial Department’s Marshal’s Office. Oregon law enforcement compliance with profiling reporting in 2017 is represented in Table 1. Compliance is broken into the following categories:

1. Reported – no complaints = agency reported that they received zero profiling complaints in 2017.
2. Reported – one or more complaints = agency reported receiving one or more profiling complaints in 2017.
3. In communication = agency has communicated that they are in the process of either filing or reporting.
4. Did not report = no communication from the agency

Table 1 below shows that 129 agencies (76% of agencies) reported to the LECC regarding the number of profiling complaints they received in 2017. This is a significant change from previous years.

Table 1: Law Enforcement Annual Reporting Compliance, 2017

Reported – no complaints	109
Reported – one or more complaints	20
In communication	2
Did not report	39
Total	170

Profiling Complaints in 2017

As noted in Table 1, 20 agencies reported having at least one complaint in 2017. There were a total of 43 profiling complaints sent to the LECC by these 20 law enforcement agencies. Of the 43 complaints, 41 were concluded as unfounded, 2 were dismissed due to the individuals rescinding their complaints, and 1 that was found exonerated.

Total known profiling complaints in 2017 = 43

Conclusions

Reporting compliance to the LECC dramatically improved for 2017 based on the legislative fix in HB 2355. It is arguable that the late addition of the OSP reporting form and subsequent limited time to send in profiling reports may have impacted the compliance capacity of some agencies. Thus, we hope to see compliance rates improve even more in 2018. Despite the improvement in process, the LECC has identified some areas of concern related to both compliance with the EPA and the usability of the complaint information received.

Areas for improvement

1. *Outreach to District Attorney Offices, Tribal Police, and Rail agencies.* In examining the list of law enforcement agencies that fit within the EPA legislative parameters, there are a number of agency groups that have not received coordinated outreach from the LECC or other parties to the legislation (to our knowledge) regarding reporting requirements and process. These agencies include District Attorney Offices that have investigators that would be able to respond to profiling complaints. Outreach to the Oregon District Attorney's Association should be undertaken. The sovereignty of Oregon Tribes means they have the right to decide on their participation in the EPA, which some Tribal Police Departments do. More outreach to Tribes and Tribal Police Departments should be conducted. Finally, rail-related police agencies need to be directly updated. For each of these agencies, the outreach should also include a discussion of the type of form, like the LECC or OSP forms, they would like to use for reporting.
2. *Updating LECC on 2015 and 2016 Complaints.* The EPA was signed into law in the summer of 2015; hence, compliance reporting covers all profiling complaints (or zero complaints) from 2015 forward. Recognition of the historical reporting timeframe is likely spotty among law enforcement agencies, particularly for those agencies that have recently come into compliance using the new OSP reporting forms. Additional outreach to law enforcement about sending in reporting forms, for 2015 and 2016 should be undertaken.
3. *Clarity and Consistency with the OSP reporting forms.* Upon reviewing the complaint information received from agencies using the OSP reporting forms we have recognized the following issues:
 - a. The purpose of the "Perceived factors by law enforcement" section is unclear to the LECC and is being misinterpreted by some

agencies. It appears this section is being used to categorize the complainant's demographics at the time of the incident based on officer's perceptions, somewhat like stop data collection. What's most important to a profiling complaint and missing from the OSP reporting form is *what does the complainant feel they were profiled for*. A simple fix to the form would be to change this section to "Reasons why complainant felt profiled" because the categories already listed fit into the EPA definition of profiling reasons.

- b. There was great variability in the breadth of information about profiling complaints provided in the forms. For example, in the open text area for "summary of the complaint" the description may only be a single sentence versus a copy of the full-scale investigative report. *To address this issue an "example report template" could be created by OSP, ideally with the input of LECC staff and members. The example template should specify all the parameters of information that should be contained within a narrative summary of the complaint and the level of information about the agency's investigation and findings.*
- c. More detailed and clear instructions. The current instructions could be expanded and, as noted above, supplemented with an example report template that explains each section more thoroughly.

The legislative intent of the EPA was to address the public's need for transparency and knowledge about the extent and nature of profiling complaints, at risk patterns and practices, and investigative procedures and outcomes to effectively address complaints and problems. The success of the EPA is dependent on balancing the organizational and legal constraints on law enforcement to be compliant in a manner that also advances the legislative intentions of the program. Some improvements have been made, but there is still a need for further refinement in the process.

Future goals

- Develop new outreach efforts to work with Oregon District Attorney's Association, Oregon Tribes and Tribal Police Departments, and Amtrak Police. Improve/clarify lines of communication with Oregon Police Departments and Sheriffs about EPA.
- Develop new outreach efforts for the general public about the EPA.
- Develop a communication plan to seek 2015 and 2016 complaints from law enforcement agencies that have not done so.
- LECC will discuss with OSP potential refinement ideas to the reporting forms, instructions, and an example template.

Law Enforcement Training

The Law Enforcement Contacts Policy and Data Review Committee (LECC) partners with the Oregon Department of Public Safety Standards and Training (DPSST) to offer regional, in-service, and new recruit academy training related to biased-based policing throughout the state of Oregon.

Since 2008, the LECC has offered "*Tactical Ethics: Perspectives on Profiling*" training to Oregon law enforcement. *Tactical Ethics: Perspectives on Profiling*, is taught by Oregon Law Enforcement officers. In the spring of 2011, a new training curriculum for Oregon law enforcement was completed and entitled, "*Diversity and Profiling in Contemporary Policing.*" Both curricula utilize interactive training scenarios and group dialogues to confront a number of complex issues that surround traffic stops, such as when race and other sensitive characteristics are inappropriate factors to utilize, the role of implicit bias, and what can be done to avoid an escalation in racially-charged stops. The training also includes several presentations and resources for deepening understanding of the history of racial oppression and our current racial tensions.

TRAINING LOCATIONS AND ATTENDANCE FOR LAW ENFORCEMENT

Since the passage of HB 2002 in July of 2015, there were 5 trainings held in 2015, 18 trainings in 2016, and 19 trainings in 2017. *In 2017, 337 officers attended the 19 trainings offered.* Trainings included both the "Tactical Ethics" training and the "Diversity and Profiling in Contemporary Policing" curriculums. These training sessions were led by the following Oregon law enforcement personnel: Sgt. Mike Araiza of the Woodburn Police Department, Captain Sam Kamkar of the Eugene Police Department, DPSST Manager Ryan Keck of the Department of Public Safety Standards and Training, Chief Terry Moss of St. Helens Police Department, Sgt. Angel Occacio of Portland Police Bureau, Director Suzanne Tannenbaum of Oregon State University Public Safety, Officer Jason Hubert of Portland Police Bureau, and Marc Shrake Multnomah County Sheriff's Department. These trainings were staffed and organized by Ryan Keck Department of Public Safety Standards and Training, and Damon Isiah Turner, consultant to Portland State University.

Table 2. Trainings conducted January 2017 to December 2017

Date	Location	Number of Training hours	In-Service	Number of Participants
January 18, 2017	Salem	3	DPSST	14
February 7, 2017	Salem	8	DPSST	30
February 15, 2017	Salem	3	DPSST	14
April 12, 2017	Salem	3	DPSST	29
April 24, 2017	Corvallis	3.5	Yes	13
April 27, 2017	Corvallis	3.5	Yes	16
April 27, 2017	Portland	4	Yes	12
April 28, 2017	Albany	4	Yes	15
May 2, 2017	Portland	4	Yes	11
May 5, 2017	Eugene	4	Yes	14
May 10, 2017	Salem	3	DPSST	15
May 12, 2017	Lake Oswego	4	Yes	44
June 7, 2017	Salem	3	DPSST	22
July 12, 2017	Salem	3	DPSST	24
August 9, 2017	Salem	3	DPSST	9
October 10, 2017	Salem	3	DPSST	8
November 2, 2017	Salem	3	DPSST	12
November 15, 2017	Salem	3	DPSST	22
December 20, 2017	Salem	3	DPSST	13
Total Number of Participants in 2017				337

Training Feedback Evaluations

Trainees are asked to fill out feedback response forms after LECC sponsored training. The same questions have been asked of respondents since 2008 using a scale from 1 to 10 where 10 means strongly agree, and 1 means strongly disagree. Table 2 presents the feedback results from the 19 trainings between 1/17 and 12/17.

The results of the 2017 training feedback generally remain very positive and consistent with prior years. For example, in 2017, 59% of respondents said they strongly agreed (rank 10) they would recommend this training to other officers. This finding is comparable to most years but lower than last years. Past ratings of strongly agree (rank 10 for this question) are as follows: 25% (2008), 46% (2009), 52% (2010), 63% (2011), 57% (2012), 68% (2015-2016).

Here is a brief summary of the current training feedback in Table 2 (a ranking of 8 to 10 = agree):

- 1) 90% percent of respondents agreed the trainers engaged them in the subject matter.
- 2) 87% percent of respondents agreed the trainers were persons they could relate to.
- 3) 88% percent of respondents agreed the trainers had extensive experience in the subject matter.
- 4) 90% percent of respondents agreed the trainers were able to answer participant's questions.
- 5) 56% percent of respondents agreed the trainers and content matter challenged their opinions about race and police.
- 6) 75% percent of respondents disagreed that the training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.
- 7) 78% percent of respondents agreed they would recommend this training to other law enforcement officers, including 59% who strongly agreed (rank = 10)

Table 3. Survey Results from the Tactical Ethics: Perspectives on Profiling Trainings (January 2017 – December 2017)

	Strongly Disagree									Strongly Agree
	1	2	3	4	5	6	7	8	9	10
1. The trainers engaged us in the subject matter.	0%	0%	0%	0%	0%	2%	8%	13%	17%	60%
2. The trainers were persons we could relate to.	0%	1%	1%	1%	1%	3%	8%	15%	15%	57%
3. The trainers had extensive experience in the subject matter.	0%	0%	0%	0%	2%	2%	7%	14%	17%	57%
4. The trainers were able to answer the participant's questions.	0%	0%	0%	0%	3%	1%	5%	12%	16%	62%
5. The trainers and content matter challenged my opinions about race and police	7%	1%	6%	4%	11%	7%	9%	14%	9%	33%
6. The training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.	38%	19%	18%	5%	7%	2%	3%	2%	3%	3%
7. I would recommend this training to other law enforcement officers.	1%	1%	2%	1%	7%	4%	5%	9%	10%	59%

Ongoing Training Development

Training Curriculum

It is important to recognize that this section focuses on the training curricula that the LECC has acquired and developed over time and our future goals. This is a separate discussion from the newly mandated DPSST training curriculum from HB 2355. It is our hope that LECC/CJPRI sponsored training offerings will continue with the support of LECC and DPSST. An important goal for the future will be to assess how the LECC offerings are complementary to the new DPSST curriculum with the goal of increasing the tools Oregon has to offer to educate law enforcement.

In 2017, the LECC voted unanimously to update current training and to develop a new curriculum aimed at addressing implicit bias. The HB 2002 Task Force also reinforced the need for curriculum update. To do this, staff researched and created a lens on which they could judge not only the current curriculum but also trainers. This lens will also be used as a scope to reflect on all our communication and publications. The training has passed through focus groups, first. During December 2016 and January 2017 the old curriculum passed through critiques from seasoned trainers who have over 7 years of training with the current model and Ph.D. experts from Portland State University and University of Oregon School of Law. Upon completion of the update, trainers were retrained on the updated curriculum at the 2017 Trainers Retreat in April.

The development of a new general curriculum will take a bit more time. The process is focused on community input, effectiveness and content to be as inclusive as the End Profiling Act (EPA). This means that the ideals goals for this course are to be:

1. Broad enough to apply to the various communities in the EPA ,
2. Apply to the various professions defined as law enforcement,
3. Could be used as a criterion for management-level law enforcement
4. Be continuing education.
5. Be complimentary to the new DPSST academy training.

We first started with collecting information from community members, leaders and organizations on what they would like to see in this course. They provided that feedback and more. We then asked the same thing of various stakeholders considered law enforcement per the EPA. From there we will bring in trainers and Ph.D. doctorates in to bring the curriculum together. The community groups and previous participants will preview the training to give final feedback. We will pilot it with volunteer agencies and personnel over a 6-month period. We will be collecting the feedback and using it to make any final edits before submitting it to DPSST to become certified curriculum.

Updating Curriculum and Approach

When it comes to addressing bias in enforcement and policing the LECC's goal is not only to ensure the awareness by trainees of conscious and unconscious bias but to actually reduce, if not eliminate the effects of bias in officer interactions with members of the public. In the past, the LECC's previous bias training, while crafted with good intentions, didn't leave participants with concrete tools they could use in the field, or with a deeper understanding of the impacts of bias on members of the public. The trainings themselves need to be examples of anti-bias work.

Updating the curriculum will also ensure participants will have contemporary examples of profiling. Perception plays a big role in this concept. Often, we think that if you follow the rules, you have done nothing wrong. But our approach to trainings is to show that a lawful search or stop doesn't mean that biased profiling did not occur. As the Federal Department of Justice stated in their report on the Seattle Police Department,

*"...biased policing is not primarily about the ill-intentioned officer but rather the officer who engages in discriminatory practices subconsciously. A well-meaning officer can violate the Equal Protection Clause of the United States Constitution by engaging in racially biased policing based on implicit biases that impact that officer's behavior or perceptions. Gonzalez-Rivera, 22 F.3d at 1450."*²

By reinforcing the importance of trust and accountability, our training will help to not only improve community relations but also help agencies to retain diverse officers through a shift in police culture. Many agencies are looking to hire diverse officers to serve better and reflect the community. We want our training to not only give officers the tools not only to hold themselves accountable but also their colleagues in public and private.

Trainer Recruitment and Development

There were some changes made to how we will handle trainers in our program. In the past, we had a more relaxed way of recruiting and retaining trainers. We are moving to better enhance our trainers program with more evaluation and support. We will hold annual trainers retreats that will focus on practicing skills, keeping trainers updated on current standards, and tweaking curriculum case studies. We will be having ongoing education requirements of activities so trainers can track and reduce their own bias as well keep a pulse on how the community is feeling outside of the day to day interactions they have at work.

² (United States Department of Justice Civil Rights Division, 2011)

Trainers will be reviewed annually on skill, performance, and understanding by staff.

Appendix A: ORS 131.905 et seq.

ORS 131.905 Legislative findings.

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. [2001 c.687 §5]

ORS 131.906 Law Enforcement Contacts Policy and Data Review Committee; duties; report.

- (1) There is created the Law Enforcement Contacts Policy and Data Review Committee consisting of 11 members appointed by the Governor.
- (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;
 - (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 ORS 131.905;
 - (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 request and receive data files from participating law enforcement agencies and may analyze data for each reported contact. These data files should contain as many of the following items of information as are collected by the participating law enforcement agency:
- (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) Portland State University shall provide administrative support staff necessary to the performance of the functions of the committee.

- (9) All agencies of state government, as defined in ORS 174.111, are requested to assist the committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the committee consider necessary to perform their duties.
- (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 annually 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 information listed in subsection (5) of this section. [2001 c.687 §6; 2007 c.190 §2]

ORS 131.908 Funding contributions.

Portland State University 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. [2001 c.687 §8; 2007 c.190 §3]

ORS 131.909 Moneys received.

All moneys received by Portland State University under ORS 131.908 shall be paid into the State Treasury and deposited into the General Fund to the credit of Portland State University. Such moneys are appropriated continuously to Portland State University for the purposes of ORS 131.906. [2001 c.687 §9; 2007 c.190 §4]

ORS 131.910 Measuring progress.

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 284.622 to measure progress toward the purpose of the committee under ORS 131.906. [2001 c.687 §10]

Appendix B: ORS 131.915 to 131.925

2017 ORS 131.915 to 131.925 Definitions

(1) “Law enforcement agency” means:

(a) The Department of State Police;

(b) The Department of Justice;

(c) A district attorney’s office; and

(d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355 (Definitions for ORS 181A.355 to 181A.670):

(A) A political subdivision or an instrumentality of the State of Oregon.

(B) A municipal corporation of the State of Oregon.

(C) A tribal government.

(D) A university.

(2) “Law enforcement officer” means:

(a) A member of the Oregon State Police;

(b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.121 (University police departments and officers) or 353.125 (Creation of police department and commission of police officers);

(c) An investigator of a district attorney’s office if the investigator is or has been certified as a law enforcement officer in this or any other state;

(d) An investigator of the Criminal Justice Division of the Department of Justice;

(e) A humane special agent as defined in ORS 181A.345 (Humane special agents to enforce animal welfare laws under direction of law enforcement agency);

(f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial Department who is appointed under ORS 1.177 (State plan for security, emergency preparedness and business continuity for court facilities) and trained pursuant to ORS 181A.540 (Certification of judicial marshals);

(g) A regulatory specialist exercising authority described in ORS 471.775 (Service of subpoenas) (2); or

(h) An authorized tribal police officer as defined in ORS 181A.680 (Definitions for ORS 181A.680 to 181A.692).

(3) “Profiling” means the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

(4) “Sexual orientation” has the meaning given that term in ORS 174.100 (Definitions). [2015 c.681 §1; 2017 c.17 §7; 2017 c.706 §6]

2017 ORS 131.920 Policies and Procedures Prohibiting Profiling

All law enforcement agencies shall have written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

(a) A prohibition on profiling;

(b) Procedures allowing a complaint alleging profiling to be made to the agency:

(A) In person;

(B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or

(C) By telephone, anonymously or through a third party;

(c) The provision of appropriate forms to use for submitting complaints alleging profiling;

(d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and

(e) Procedures for investigating all complaints alleging profiling.

(2) A law enforcement agency shall:

(a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.

(b) Accept for investigation a complaint alleging profiling that is made to the agency within 180 days of the alleged profiling incident.

(c) Respond to every complaint alleging profiling within a reasonable time after the conclusion of the investigation. The response must contain a statement of the final disposition of the complaint. [2015 c.681 §2; 2015 c.681 §6; 2017 c.706 §7]

2017 ORS 131.925 Complaints Alleging Profiling

(1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy and Data Review Committee information concerning each complaint the agency receives alleging profiling, and shall notify the committee of the disposition of the complaint, in the manner described in this subsection.

(b) The law enforcement agency shall submit to the committee a profiling complaint report form summarizing each profiling complaint and the disposition of the complaint, and a copy of each profiling complaint, once each year no later than January 31.

(c) The law enforcement agency shall submit the form described in paragraph (b) of this subsection even if the agency has not received any profiling complaints.

(d) The profiling complaint report form and copies of profiling complaints submitted to the committee may not include personal information concerning the complainant or a law enforcement officer except as to any personal information recorded on the form as described in subsection (4)(c) of this section.

(2)(a) A person may submit to the committee a complaint alleging profiling and the committee shall receive the complaints.

(b) The committee also shall receive complaints alleging profiling that are forwarded from a law enforcement agency.

(c) The committee shall forward a copy of each profiling complaint the committee receives to the law enforcement agency employing the officer that is the subject of the complaint. The forwarded complaint must include the name of the complainant unless the complainant requests to remain anonymous, in which case the complainant's name must be redacted.

(3)(a) The committee may not release any personal information concerning a complainant or a law enforcement officer who is the subject of a profiling complaint.

(b) The personal information of complainants and of law enforcement officers who are the subject of profiling complaints are exempt from public disclosure under ORS 192.355 (Public records exempt from disclosure).

(4) The Department of State Police shall develop a standardized profiling complaint report form. The form must provide for recording the following information:

- (a) A summary of total complaints and a certification that a law enforcement agency's profiling policy conforms to ORS 131.920 (Policies and procedures prohibiting profiling);
- (b) A summary of each complaint received by the law enforcement agency, including the date, time and location of the incident and the disposition of the complaint; and
- (c) To the extent known, the complainant's gender, gender identity, age, race, ethnicity, sexual orientation, primary language, national origin, religion, political affiliation, homeless status and disability status, recorded in a manner that does not identify the complainant.
- (5) As used in this section, "personal information" has the meaning given that term in ORS 807.750 (Restrictions on swiping driver licenses or identification cards). [2015 c.681 §3; 2017 c.706 §5]

OREGON LAW ENFORCEMENT Annual Profiling Complaint Certification



Agency Name: _____

Calendar Year: _____ Total Complaints: _____ **Complete a PROFILING COMPLAINT SUMMARY form for each complaint.**

I certify my agency's policy prohibiting profiling conforms to requirements of ORS 131.920.

Date
(MM/DD/YYYY)

Print Agency Head Name

Agency Head Signature

Tips for Completing the ANNUAL PROFILING COMPLAINT CERTIFICATION Form

- Best used with Adobe Reader.
- Review ORS 131.920 for information related to the ANNUAL PROFILING COMPLAINT CERTIFICATION form.
- By statute, the ANNUAL PROFILING COMPLAINT CERTIFICATION form is due January 31 each year.
- By statute, agencies send forms to the Law Enforcement Contacts Policy and Data Review Committee, aka Law Enforcement Contacts Committee (LECC) at lecc@pdx.edu. Visit Portland State University, www.pdx.edu, for more information on this committee.
- Complete all fields before adding digital signature.

OREGON LAW ENFORCEMENT Profiling Complaint Summary Form for the Law Enforcement Contacts Committee (LECC)

Agency Name: _____
Point of Contact: _____
Phone: _____

Select One:

- Original Complaint Attached
 No Original Complaint Written

Incident Details (attach additional pages as necessary)

Date of Incident: _____
(MM/DD/YYYY)

Time of Incident: _____
(HH:MM AP)

Location of Incident: _____

Summary of Complaint:

Summary of Agency Findings:

Perceived factors by law enforcement:

Gender: _____

Gender Identity: _____

Age: _____

Race: _____

Ethnicity: _____

Sexual Orientation: _____

Primary Language: _____

National Origin: _____

Religion: _____

Political Affiliation: _____

Homeless: Yes No

Disability: Yes No

DISPOSITION:

- Exonerated Unfounded
 Sustained Not Sustained Other: _____

Tips for completing a PROFILING COMPLAINT SUMMARY form

- Best used with Adobe Reader.
- Review ORS 131.925 for information related to the PROFILING COMPLAINT SUMMARY form.
- Original complaint must be redacted per ORS 131.925(3).
- For each profiling complaint, a separate PROFILING COMPLAINT SUMMARY form must be completed and included with the submission of the ANNUAL PROFILING COMPLAINT CERTIFICATION.
- On the PROFILING COMPLAINT SUMMARY form, information on the “Perceived factors by law enforcement” is the factors noted at the time of the incident by law enforcement. If not perceived, list N/P for not perceived.
- Attach additional pages as necessary.