



Oregon Department of Justice
Ellen F. Rosenblum, Attorney General

HB 2355A – Profiling Prevention

**2017 Joint Legislative Committee on Ways and Means
Subcommittee on Public Safety**

June 14, 2017

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Office of the Attorney General



Background

HB 2002 (2015):

- Required Attorney General to chair a Task Force on the Prevention of Profiling by Law Enforcement.
- Task Force Members: Law Enforcement, District Attorneys, ACLU, Unite Oregon, and many others.
- After 18 months of deliberation, the Task Force returned largely consensus recommendations, now encompassed as HB 2355A.



HB 2355A

Transparency, Training, and Accountability

Transparency:

- Institute a statewide data collection system:
 - Provide the public and policy makers with current data about who is being stopped, searched, and arrested.
 - Requires Law Enforcement statewide to collect certain information about every discretionary traffic and pedestrian stop.
 - Other states implementing similar requirements report less than 30 seconds of additional officer time per stop.



HB 2355A

Transparency, Training, and Accountability

Transparency and Accountability:

- The Criminal Justice Commission (CJC) reviews stop information to identify any patterns or practices of profiling.
- All CJC findings, and aggregate data submitted by Law Enforcement, are available to the public.
- CJC will provide their findings in an annual report to the legislature, Governor, and the Department of Public Safety Standards and Training (DPSST).



HB 2355A

Transparency, Training, and Accountability

Training and Accountability:

- DPSST shall review all reports generated by the CJC to identify any data suggesting a possible pattern or practice of profiling.
- If pattern or practice of profiling is found:
 - DPSST may provide guidance to any law enforcement agency based on best practices in policing as determined by the Oregon Center for Policing Excellence
 - DPSST guidance shall be shared with the public via live testimony to the Local Public Safety Coordinating Council (LPSCC).



Budget

Data Collection, Analysis, and Training

Data Collection:

- Request for Information (RFI) posted:
 - Sought information about creating a secure, internet-accessible data collection portal to process and securely store data on all discretionary traffic stops across Oregon.
 - Two major cost drivers: Onetime start-up costs associated with the creation of the data collection infrastructure, and ongoing maintenance of the data collection system.
- Based on Estimates from RFI responses:
 - Median total start-up cost of \$446,500.
 - Median on-going annual maintenance costs of \$85,000.
- Offsetting Federal Funding:
 - ODOT Traffic Records Coordinating Commission funds:
 - \$750,000; In disbursements to be determined.
 - NHTSA Section 1906 Funding:
 - Pending application review: Not more than \$527,000.



Budget

Data Collection, Analysis, and Training

Data Collection:

- Apart from the responsibilities of the vendor, the implementation process will require limited duration state resources, recommended for placement at OSP.
- This is presently estimated to require:
 - One Project Manager 3; and
 - One Information Systems Specialist 8.



Budget

Data Collection, Analysis, and Training

Analysis:

- To implement HB 2355A, the Criminal Justice Commission requires two positions:
 - One Principle Executive Manager: Responsible for developing and implementing the policies, procedures and data collection program.
 - Will work directly with Law Enforcement, and will be responsible for compiling and submitting CJC report to the Legislature, Governor's Office, and DPSST.
 - One Research Analyst: Will review the collected information and identify patterns or practices of profiling and will have primary responsibility as interpretive custodian of the data.



Budget

Data Collection, Analysis, and Training

Training:

- DPSST will need analysts with experience to review, and analyze law enforcement data, and provide technical assistance to law enforcement agencies to interpret the data;
- Positions included within HB 2355A will be used to develop, coordinate, deliver, and evaluate regular trainings; and
- Provide technical assistance to law enforcement agencies to achieve “community policing,” and
- Offer specialized and advanced training opportunities on fair and impartial policing, countering bias, and responding to diverse communities.



Drug Policy Reform

Sentence Reduction for Low Level Offenders

Analysis:

- Imposes a Class A Misdemeanor for possession of user quantities of drugs.
- Only applies to low risk individuals. Any previous felony conviction is disqualifying from misdemeanor treatment.
- Mirrors DUII penalty structure. Allows for imposition of a felony upon third conviction.
- Maintains existing treatment resources by requiring supervision by the state.
- No significant anticipated fiscal impact.



Conclusion

Ending Profiling in Oregon:

In 2015, Oregon became the 31st state to place a prohibition against profiling by law enforcement into statute.

HB 2355A follows the best available national trends in recommending a path to prevent profiling within Oregon through training, transparency, and accountability.

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