

Statistical Transparency of Policing (STOP) Data Update

Testimony before the Joint Committee on Transparent Policing and Use of Force Reform

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Background and Introduction

79th OREGON LEGISLATIVE ASSEMBLY-2017 Regular Session

Enrolled

House Bill 2355

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Attorney General Ellen Rosenblum)

CHAPTER _____

AN ACT

Relating to public safety: creating new provisions; amending ORS 51.050, 131.915, 131.920, 131.925, 137.633, 151.570, 161.515, 181.84.10, 221.339, 419C.501, 422.478, 425.252, 475.005, 475.752, 475.824, 475.884,

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 4 of this 2017 Act:

(1) "Law enforcement agency" means an agency employing law enforcement officers to enforce criminal laws.

(2) "Law enforcement officer" means a member of the Oregon State Police, a sheriff of a municipal police officer.

(3) "Officer-initiated pedestrian stop" means a detention of a pedestrian by a law enforcement officer, not associated with a call for service, when the detention results in a citation, an arrest or a consensual search of the pedestrian's body or property. The term does not apply to detentions for routine searches performed at the point of entry to or exit from a controlled area.

(4) "Officer-initiated traffic stop" means a detention of a driver of a motor vehicle by a law enforcement officer, not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code.

(5) "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 read 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.

(6) "Sexual orientation" has the meaning given that term in ORS 174.100.

SECTION 2. (1) No later than July 1, 2018, the Oregon Criminal Justice Commission, in consultation with the Department of State Police and the Department of Justice, shall develop and implement a standardized method to be used by law enforcement officers to record officer-initiated pedestrian stop and officer-initiated traffic stop data. The standardized method must require, and any form developed and used pursuant to the standardized method must provide for, the following data to be recorded for each stop:

(a) The date and time of the stop;

(b) The location of the stop;

Enrolled House Bill 2355 (HB 2355-B)

■ HB 2355 (2017) required law enforcement to report on all discretionary traffic and pedestrian stops.

STOP Data Elements				
Agency Name	Gender			
Stop Date/Time	Reason for the Stop			
Location & County†	Outcome of Stop			
Type of Stop (Traffic/Ped)	Search (Y/N)			
Residential Zip Code†	Search Reason			
Race/Ethnicity	Search Findings			
Age	Was an Arrest Made?			

Disparities Identified in First Annual STOP Report

		Stop Disposition			
	Stop				Search
Agency	Decision	Citation	Search	Arrest	Success
Beaverton PD			Н	Н	
Clackamas Co SO					
Eugene PD					
Gresham PD					
Hillsboro PD		Н			
Marion Co SO		Н			
Medford PD					
Multnomah Co SO		В			
Oregon State Police		B, H			
Portland PB			B, H	В	В
Salem PD		Н			
Washington Co SO		Н		Н	

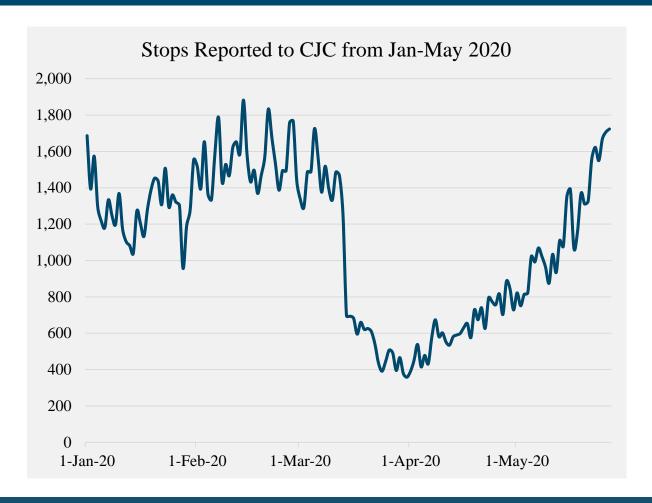
[†] Insufficient number of observations to test for disparities in treatment of Asian, Native American, or Middle Eastern individuals at the agency level

Second Annual Report

■ In December, 2020, CJC will release its second annual STOP report, which will include analyses examining 51 Oregon law enforcement agencies.

Tier 1	Beaverton PD	Clackamas CO SO	Eugene PD	Gresham PD	Hillsboro PD
	Marion CO SO	Medford PD	Multnomah CO SO	OSP	Portland PB
	Salem PD	Washington Co SO			
	Albany PD	Ashland PD	Bend PD	Benton Co SO	Canby PD
	Central Point PD	Corvallis PD	Deschutes Co SO	Douglas Co SO	Forest Grove PD
	Grants Pass DPS	Hermiston PD	Hood River Co SO	Jackson Co SO	Keizer PD
Tier	Klamath Co SO	Klamath Falls PD	Lake Oswego PD	Lane Co SO	Lebanon PD
2	Lincoln City PD	Lincoln Co SO	Linn Co SO	McMinnville PD	Milwaukie PD
	Newberg-Dundee PD	Oregon City PD	OHSU PD	Polk Co SO	Port of Portland PD
	Redmond PD	Roseburg PD	Springfield PD	Tigard PD	Tualatin PD
	Univ. of Oregon PD	West Linn PD	Woodburn PD	Yamhill Co SO	

Effect of COVID-19 on Discretionary Stops



- COVID-19 reduced the number of discretionary traffic stops substantially during March, April, and May
 - Average daily stops before mid-March: 1,425
 - Average daily stops from mid-March to May 1st: 594
 - Many of the CJC's selected analyses rely on having sufficient sample size, which could be impacted by the reduction in stops.

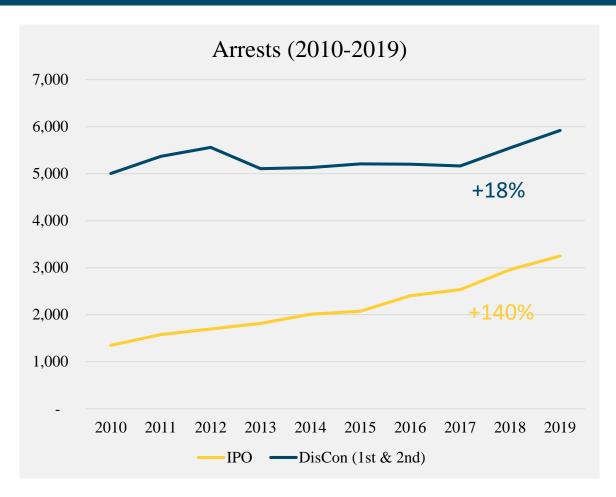
DATA REQUEST BRIEFING

162.247 – Interfering with a Peace Officer

163.023 – Disorderly Conduct (1st Degree)

163.025 – Disorderly Conduct (2nd Degree)

Interfering with a Peace Officer and Disorderly Conduct (1st and 2nd Degree)



- CJC received a data request from Rep. Bynum's Office to examine patterns related to arrests and convictions for:
 - 162.247: Interfering with a Peace Officer
 - 166.023: Disorderly Conduct (1st Degree)
 - 166.025: Disorderly Conduct (2nd Degree)
- CJC queried arrests where IPO or DisCon was one of the charges.
 - DisCon arrests have fluctuated, but been rather steady
 - IPO arrests have steadily increased

Co-Occurring Crimes

Top Ten Co-Occurring Crimes 2010-2019

Interfering w/ a Peace Officer	Disorderly Conduct (2 nd Degree)
Resisting Arrest	Harassment
Disorderly Conduct (2 nd Deg)	Resisting Arrest
Possession of Meth	Criminal Trespass (2 nd Deg)
Criminal Trespass (2 nd Deg)	Assault (4 th Deg.)
Harassment	Interfering w/ a Peace Officer
Escape (3 rd Degree)	Menacing
Fleeing/Eluding	Criminal Mischief (2 nd Deg)
Reckless Driving	Criminal Mischief (3 rd Deg)
Assault (4th Deg.)	Possession of Meth
DUII	Unlawful Use of a Weapon

• Accompanying charges:

- On average, nearly 87% of arrests for IPO and 65% of arrests for DisCon are accompanied by other charges
- Nearly all of the co-occurring charges are misdemeanors (some can be felonies in certain cases).
- It is common for IPO and DisCon to cooccur with each other

Racial Breakdown of Arrests

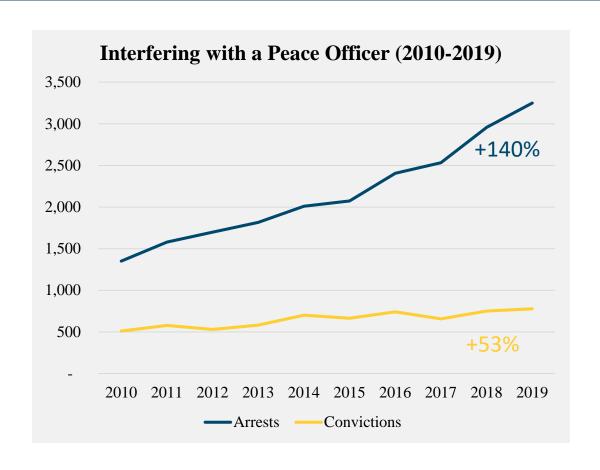
Race/Ethnicity of Arrested Individuals (2010-2019) and 2019 Census Breakdown

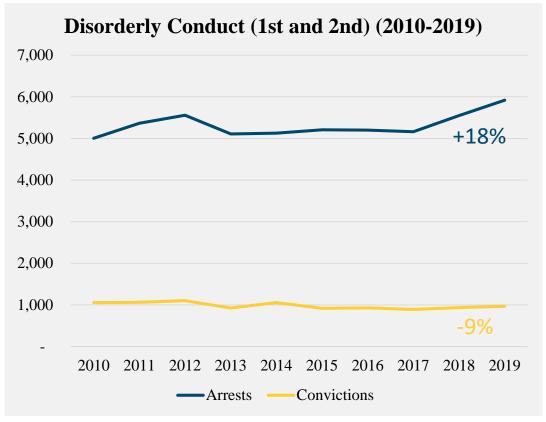
	IPO		DisCon (1st & 2nd)		Census Pop
Asian	287	1.3%	721	1.4%	4.9%
Black	2,143	9.9%	3,153	5.9%	2.2%
Hispanic	2,724	12.6%	5,958	11.2%	13.4%
Native	410	1.9%	1,561	2.9%	1.8%
White	16,096	74.3%	41,778	78.5%	75.1%

[†] Approximately 0.1% of arrests are for individuals of "unknown" race

- Comparing the racial breakdown in arrests to Census population breakdowns:
 - Most concerning is the frequency of arrests for IPO for Black individuals
 - Arrests for Native Americans is slightly higher than their share of the population
 - CJC reports the aggregate totals for the study period, therefore it is unknown whether these patterns are consistent across the time period

Convictions





Note: Disorderly Conduct in the 1st Degree only resulted in 36 total convictions

Racial Breakdown of Convictions

Race/Ethnicity of Convicted Individuals (2010-2019) and 2019 Census Breakdown

	IPO		DisCon (1st &	Census Pop	
Asian	44	0.7%	73	0.7%	4.9%
Black	528	8.1%	420	4.3%	2.2%
Hispanic	880	13.6%	1,170	11.9%	13.4%
Native	116	3.8%	336	3.4%	1.8%
White	4,675	72.0%	7,525	76.5%	75.1%

[†] Approximately 3-4% of convictions are for individuals of "unknown" race

- Comparing the racial breakdown in convictions to Census population breakdowns:
 - The overrepresentation for Black individuals for IPO was reduced slightly
 - Native Americans are overrepresented for both IPO and DisCon
 - CJC reports the aggregate totals for the study period, therefore it is unknown whether these patterns are consistent across the time period

Racial Disparity: Raw Differential Representation

