



The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Bob Walker, Chair; Tamara Miller, Vice-Chair; Mike Clark; Edward Goehring; Jim Garner; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Juan Carlos Valle; Bill Whalen

Police Commission Meeting
April 10, 2014
5:30 – 8:30

<u>Item</u>	<u>Starting – Ending Time</u>	<u>Minutes</u>
1. Agenda and Minutes Approval	5:30 – 5:40	10
2. Public Comments	5:40 – 6:00	20
3. Commissioner Response	6:00 – 6:10	10
4. Stops Data Committee Report (Co-Chair Kip Leonard)	6:10 – 6:30	20
5. Questions for Chief Kerns	6:30 – 6:50	20
6. Break	6:50 – 7:00	10
7. Professional Stops Policy	7:00 – 7:30	30
8. Bias Based Policing – Debrief Committee's Work, How to respond to comments, and identify Commission Next Steps	7:30 – 8:00	30
9. Commission Comments	8:00 – 8:15	15

Next Police Commission Meeting:
May 8, 2014

City of Eugene Police Commission

March 13, 2014

DRAFT Meeting Minutes DRAFT

*Please note the official full record is contained in the video recording at
<http://eugene-or.gov/index.aspx?NID=1344>*

The meeting convened at 6:00.

Commission members present: Bob Walker, chair; Tamara Miller, vice chair; Mike Clark; Jim Garner; Edward Goehring; George Rode; Joe Tyndall; Juan Carlos Valle; Bill Whalen

EPD Staff Present: Chief Pete Kerns, Sgt. Matt Lowen, Carter Hawley

Members absent: James Manning; Claire Syrett; Jesse Lohrke

Mr. Walker called the meeting to order and turned the time to Mr. Valle to run the Community Panel.

Community Panel

Mr. Valle introduced the panelists, who each provided a 5 minute presentation.

Carmen Urbina – Thanked the Commission for their work. Thanked the elders of this community. Provided a recap of the history of this community’s past efforts around racial profiling and bias based policing. Explained that many in the community are tired of talking about this issue, and are looking for resolution.

Ken Neubeck – Discussed the international treaty CERD (Committee on the Elimination of Racial Disparity), and suggested that the bias based policing policy should address three areas of focus from CERD. The three areas are to be pro-active in the elimination of bias, be aware of and address the unintended consequences of policies and practices, and be aware of and address disproportionate impact of policies. He expressed concern about imprecise language and asked the Commission to clarify if the policy includes protecting people who are homeless.

Raquel Hecht – Suggested that the policy should encourage use of discretion. Asked Commission to consider the impact of citing low level offenses for immigrants who as a result of the citation might be deported. Explained the history of the driver’s license legislation and discussed the impact on community members.

Emilio Hernandez – Described his knowledge of the history of this important issue. Stated that some parents are keeping their students out of school out of fear for how their children are treated en route to and from school. He shared stories of experiences of bias. Expressed concern about lack of Spanish speaking police employees. Expressed concern that this important issue should not be addressed solely in training, because training is outside of the public view. Needs oversight.

Jed McGuire – Serves on Board for Eugene Police Employees Association, and stated that it’s ethically and morally wrong to conduct bias based policing. Explained personal interest in being productive law enforcement professional and acknowledged more time could be spent to explain the circumstances of a stop. Stated that police officers do care about this issue, and volunteered to participate and help in any way useful.

Mark Gissiner – Expressed concern that the policy defines what officers cannot do, but does not define what the parameters are for what is accepted. Expects the policy to clearly define what the officers are permitted to do. Talked about implicit bias, and noted a policy is not likely to be able to legislate the omission of implicit bias. People who fear the police the most need the police the most. Outlined his expectations for an effective policy.

Kip Leonard – Co-chair of the Stops Data Collection Advisory Committee. Described the process and products for the Committee which is advising Chief Kerns on the implementation of the software to collect demographic information on stops. Listed the names of the committee members, and outlined some of the next steps for the committee.

Commissioner comments

The Commissioners thanked the panel, and community members.

Discussion ensued about the following topics: Better use of language that's inclusive, whether the policy should be more or less precise in its definitions; the impact of the driver's license law, difference between what a stop and an encounter is.

No action was taken.

The panel concluded.

Break

Public Comments

Majeska Seese Green – Asked for clarification on whether socioeconomic status is included. Asked the Commission to get an update of the matching network for homelessness.

Deb Frisch – Protested both the brevity of summaries of public comments in the minutes and the racial and gender bias in the bias based policing panel.

Neil Van Steenberg – Explained his history of experience in this community. Challenged the commission and community to revisit this policy and make progress.

Carol Berg-Caldwell – Shared several instances she's witnessed Latinos appear to be stopped because they're Latino on some other charge, and then they are cited for driving without a license.

Melissa Wellington – Discussed the issue of discretion and intention, and encouraged officers and community members to connect with people on a personal basis. Encouraged the police to be kind with people who are fearful.

Minutes Approval

MOTION AND ACTION: Mr. Valle moved Mr. Goehring seconded approval of the minutes as submitted. The motion was approved unanimously.

Professional Stops Policy

Ms. Miller – Encouraged the policy to define protected class once and use that definition. Supported the idea that officers give the public the reason why they were stopped.

Mr. Garner – Noted that the amendment approved at the February meeting to the policy was noted in the minutes but not noted in the policy itself, and asked that the change be made.

MOTION: Mr. Tyndall moved and Ms. Miller seconded that the definition of protected class be referred to in the policy instead of repeating definitions in the policy.

Mr. Clark – Asked if the data collection project should include all protected classes? Chief Kerns recommended that the policy start small, and additional definitions be added after success is achieved.

Mr. Valle – Opposes the motion, because repeating the definition and specific categories provides guidance and emphasis.

Ms. Miller – encouraged the department to communicate thoroughly with the public.

ACTION: Motion approved with eight ayes (Miller, Walker, Clark, Rode, Garner, Tyndall, Whalen, Goehring) and one nay (Valle)

Mr. Valle – Expressed concern that the amendment approved last month clarifying which encounters require documentation by the police doesn't address what the Commission originally intended.

Closing Comments

Mr. Walker – Thanked Mr. Valle, Mr. Goehring, Mr. Whalen, and Mr. Tyndall and their hard work on the Bias Based Policing Committee. Encouraged commissioners to bring motions for future proposed changes.

The Commissioners thanked the panelists, the public and the commission for a productive conversation.

Mr. Valle – Encouraged commissioners to attend the April 3 public forum. Noted that racism isn't an easy policy to discuss.

The meeting adjourned at 8:35.

Notes taken by Carter Hawley

Proposed Variables
Eugene Police Department Stops Data Collection
Presented to Police Commission April 10, 2014

The following variables have been recommended to be collected for the stops data collection project. SunGard, the software vendor is currently developing a detailed cost estimate for providing this form, and EPD is developing standards for a pilot program to test the data entry.

1. Officer Id (autofilled, based on underlying traffic stop record)
2. Stop date, time & location details (autofilled, based on underlying traffic stop record)
3. Initial Purpose of the Stop (Check box, options to be provided by EPD)
4. Enforcement action taken as result of stop Check all that apply, UTC, CLC, Arrest, Warning, etc. There was interest in documenting all warnings issued through this. (autofilled, based on underlying traffic stop record)
5. Demographics of driver: Age, sex, race and ethnicity. Race and ethnicity captured as known race or reasonably perceived by officer, after officer approaches vehicle. Use NIBRS categories RACE - I (American Indian/Alaska Native); A (Asian); B (Black or African American); H (Hispanic or Latino); P (Pacific Islander /Hawaii Native); W (White). Do not include Unknown for race. ETHNICITY - A (Arab); C (Chinese); H (Hispanic or Latino); J (Japanese); V (Vietnamese); O (Other/None Ethnic Origin); U (Unknown)
6. Number of passengers: (Can default to "0". If changed to more than 0, question 7 can be asked)
7. Demographics of passengers: Age, sex, race. Collected only if passengers are arrested, cited, detained, searched or patted down.
8. Driver/passenger/vehicle searched: Y/N (default "N")
9. Kind of search: Search warrant, inventory, probable cause, search incident to arrest, consent (Check box)
10. Contraband found: None, drugs, alcohol, money, weapons, other (default box is "none")
11. Open ended comment field: If suspect self-identifies a race, that should be noted here, plus any other notes from the officer

POLICY
402

EFFECTIVE
DATE
Draft 031714

Eugene Police Department

Professional Police Contacts

402.1 PURPOSE AND SCOPE

This policy states unequivocally that bias based profiling by the Eugene Police Department will not be tolerated. It offers guidance to sworn Department members on how to prevent such an occurrence and protections to Department members who act within the confines of the law and this policy. This policy shall apply to all sworn members who have the law enforcement authority to detain, investigate, and arrest persons, or provide law enforcement service.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Racial profiling – When an Officer uses race inappropriately as a primary motivator for law enforcement action, even when there is probable cause or reasonable suspicion.

Bias-based profiling - An inappropriate reliance on protected class characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide law enforcement service.

Protected Class – As defined by Eugene Code 4.613: [including](#) race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

402.2 POLICY

The chief goal for the Eugene Police Department is to reduce the threat and fear of crime in Eugene. The Department will only accomplish this by proactively deploying officers to areas of high crime, by contacting and investigating suspicious persons and circumstances, and by actively enforcing motor vehicle laws throughout the City.

While the Eugene Police Department expects its officers to make citizen contacts [and ferret out criminal activity through observation](#), it is equally committed to providing equitable law enforcement services to the community with due regard for the [protected class status](#) of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group.

~~Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group~~ Protected class status shall not be used as the basis for detention of a person, nor for providing differing levels of law enforcement service or the enforcement of the law.

402.3 USE OF PROTECTED CLASS AS A DESCRIPTION

While stops (as defined by ORS 131.605 and ORS 131.615) for any reason other than reasonable suspicion or probable cause are strictly prohibited, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or ethnic description) when based upon the totality of the circumstances. Nor should anything in this policy be construed to prohibit an officer from initiating a conversation with any person, so long as a reasonable person would conclude that they are free to go at any time.

402.4 DEPARTMENT RESPONSIBILITY

Every member of this department shall perform his or her duties in a professional, fair, and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor as soon as practicable.

402.4.1 DETENTIONS

~~Absent any investigative information or other facts, a person's membership in a protected class will not serve as the lone justification to detain that person.~~ Eugene Police Department officers will always ensure the stopping, detaining, frisking, and/or searching citizens is based upon current and accepted legal principles that conform to their training in arrests, search and seizure, and Oregon State law.

To the extent that written documentation would otherwise be completed (e.g. a custody report, Uniform Traffic Citation), the involved officer should include the facts giving rise to the officer's reasonable suspicion or probable cause for the detention.

~~Nothing in this policy requires an officer to document a contact that would otherwise not require reporting.~~ All contacts that become a stop or arrest must be reported.

If an officer is informed or perceives from a contact that the person stopped believes they have been stopped, searched, or arrested based upon bias by the officer, the officer should immediately notify a sworn supervisor and politely refer the person stopped to the responding supervisor.

402.4.2 RECORDING INFORMATION ON STOPS BY POLICE

SOON THE DEPARTMENT WILL BEGIN COLLECTING DEMOGRAPHIC INFORMATION ONCE A NEW SOFTWARE AND DISPATCHING SYSTEM IS LAUNCHED IN 2014. WHEN THESE REPORTING PARAMETERS ARE SET, THIS SECTION WILL REFLECT THEM.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors who are summoned to the scene where a person stopped, searched, or arrested believes they have been targeted through bias by an officer will respond to the scene and address the situation. If the supervisor determines it necessary, he or she will complete a Blue Team entry before they secure which details the circumstances of the contact and make a recommendation to their chain of command as to whether or not the complaint merits further investigation.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the *Policy 1020 Personnel Complaints Policy*.

Supervisors should discuss any issues with the involved officer and his or her supervisor in a timely manner.

Supervisors may review ICV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy and document these periodic reviews.

Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

402.6 ADMINISTRATION

The Professional Standards Lieutenant shall review the reported incidents of Racial Profiling and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or his designee. The report should not contain any names or identifying information regarding a specific incident, complaint, citizen, or officer. It will be reviewed by the Chief of Police. The Professional Standards Lieutenant will assist the Chief in identifying any changes in training or operations that should be made to improve service.

402.7 TRAINING

The Department will schedule periodic training on conducting Professional Police Contacts. This training can include, but is not limited to: Constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills. The Training Manager will ensure this training is documented.

Bias Based Policing
 Police Commission DRAFT Next Steps
 For Commission consideration

Responding to Public Comments

Input was received at the April 3 public forum, as well as other written testimony. Question – Does the Commission want to systematically respond? If so, is it done by the Commission collectively at a meeting, or by someone appointed by Commission to respond?

Possible Commission Work Plan

Department Activity	Commission Role	Commission Meeting
May 2014 Draft policy and pilot program design is complete	Report to Commission of draft policy and pilot program design by staff	June 2014
July 2014 Pilot program begins	Written report and presentation to commission with draft policy and pilot program design	July 2014
February 2015 Six month pilot report complete	Commission reviews 6 month report	March 2015
	Commission hold public forum at regular commission meeting after commission review of report	March 2015
	Commission provide comment on policy or pilot modifications based on report and public comment	March 2015
September 2015 Twelve month pilot report complete	Commission review of 12 month report	October 2015
	Commission hold public forum at regular commission meeting	October 2015
	Commission feedback on 12 month report and public input	October 2015
February 2017 First annual report complete	Commission review of report	March 2017
	Commission hold public form at regular commission meeting	April 2017

Chief's Report to the Police Commission



March 2014

Chief's Activities

- Womenspace “End the Silence” Breakfast
- Security Forum: “School Safety and Dangerous Acts of Violence”
- Oregon Drug Enforcement Summit – Salem
- Monthly appearances on KEZI & KUGN morning shows
- The 15th Night Initiative
- Budget Committee Meetings & Public Hearings
- PSAP Board
- Skate Park Charity Fund Raiser
- Eugene Airport Terminal Building Open House

- Creswell Preschool visit
- Public Safety Day Eugene/Springfield Chamber of Commerce Leadership – Panel Participation
- LULAC Anti-Profilng Committee Meeting
- Alcohol and Drug Policy Commission Meeting
- Ten members of EPD that included the Honor Guard, officers and command staff attended the memorial service in Fort Bragg, California to honor Mendocino County Deputy Ricky Del Fiorentino.

In the News



★ Hit and Run Vehicle vs. Pedestrian Crash

★ US Bank Robberies

★ Suspect Arrested for Public Indecency at Willamette High School

★ Robberies at Albertson's and Fred Meyer Pharmacies

★ Two men in their 20s robbed of black 2006 BMW at gun-point and forced into vehicle's trunk, escaped unharmed prior to the vehicle leaving the parking lot

★ Man was found to have been shot and killed at a fire at Elk Avenue

★ Suspect, Ricardo Chaney, died in a shoot-out with Mendocino County Deputies in which Deputy Ricky Del Fiorentino lost his life in the line of duty.

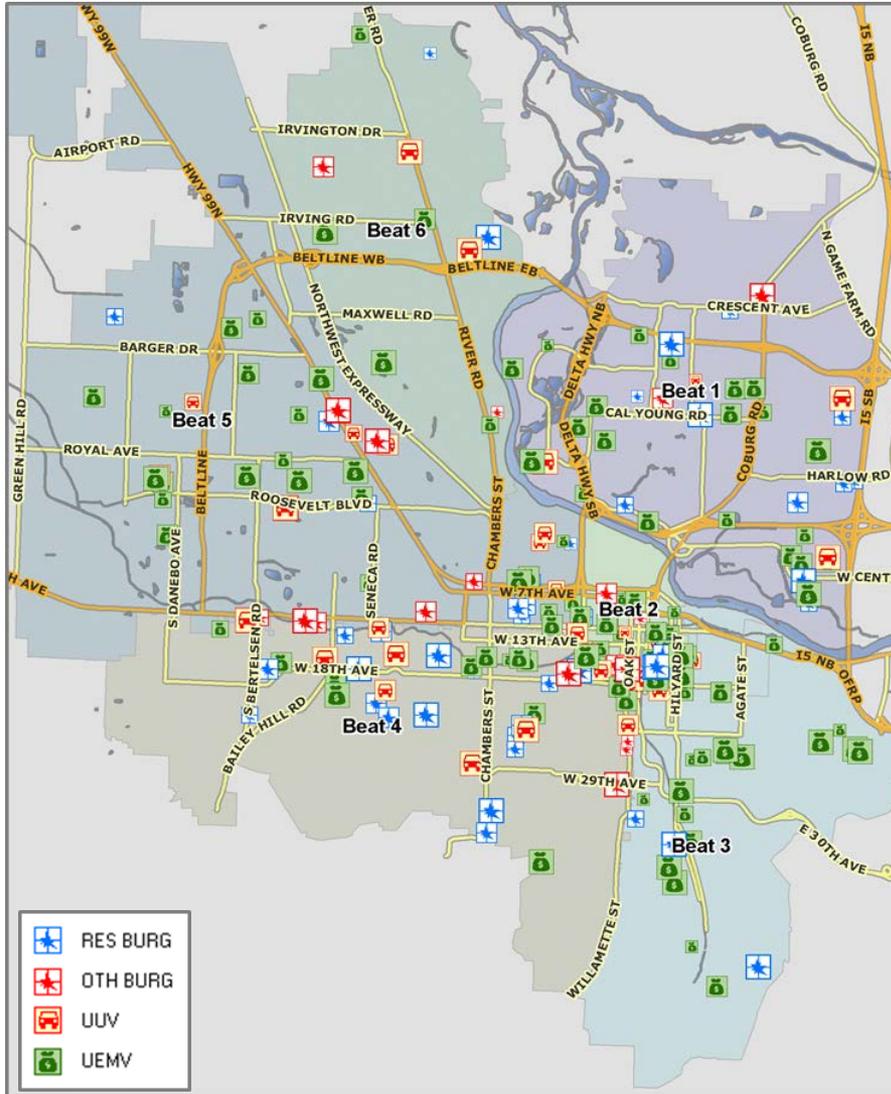
★ Armored truck robbery attempt at Albertson's



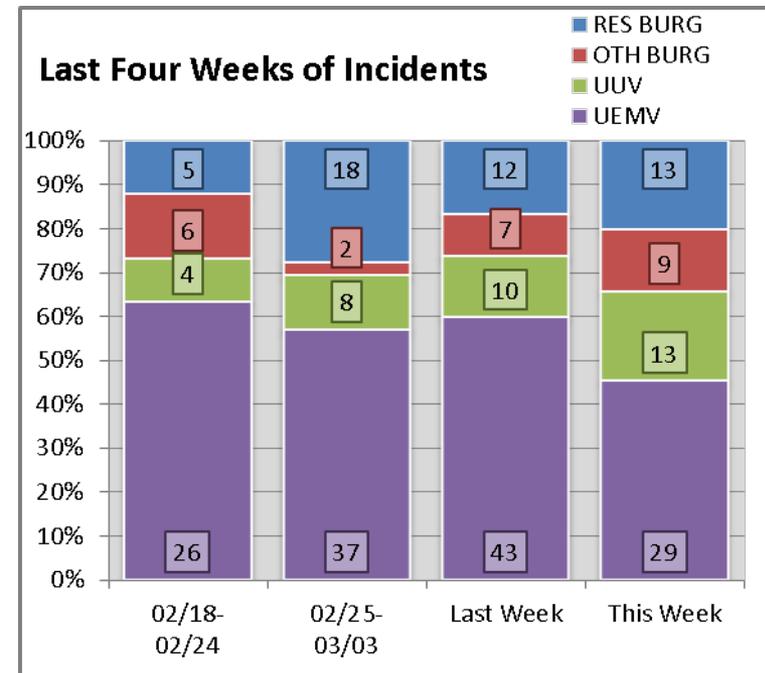
A faint, blue watermark of the City of Eugene Police badge is visible in the background. The badge features a central seal with the text 'CITY OF EUGENE', 'STATE OF OREGON', and 'POLICE'. The seal is surrounded by a decorative border.

Hot Spot Maps

Four Week City-Wide

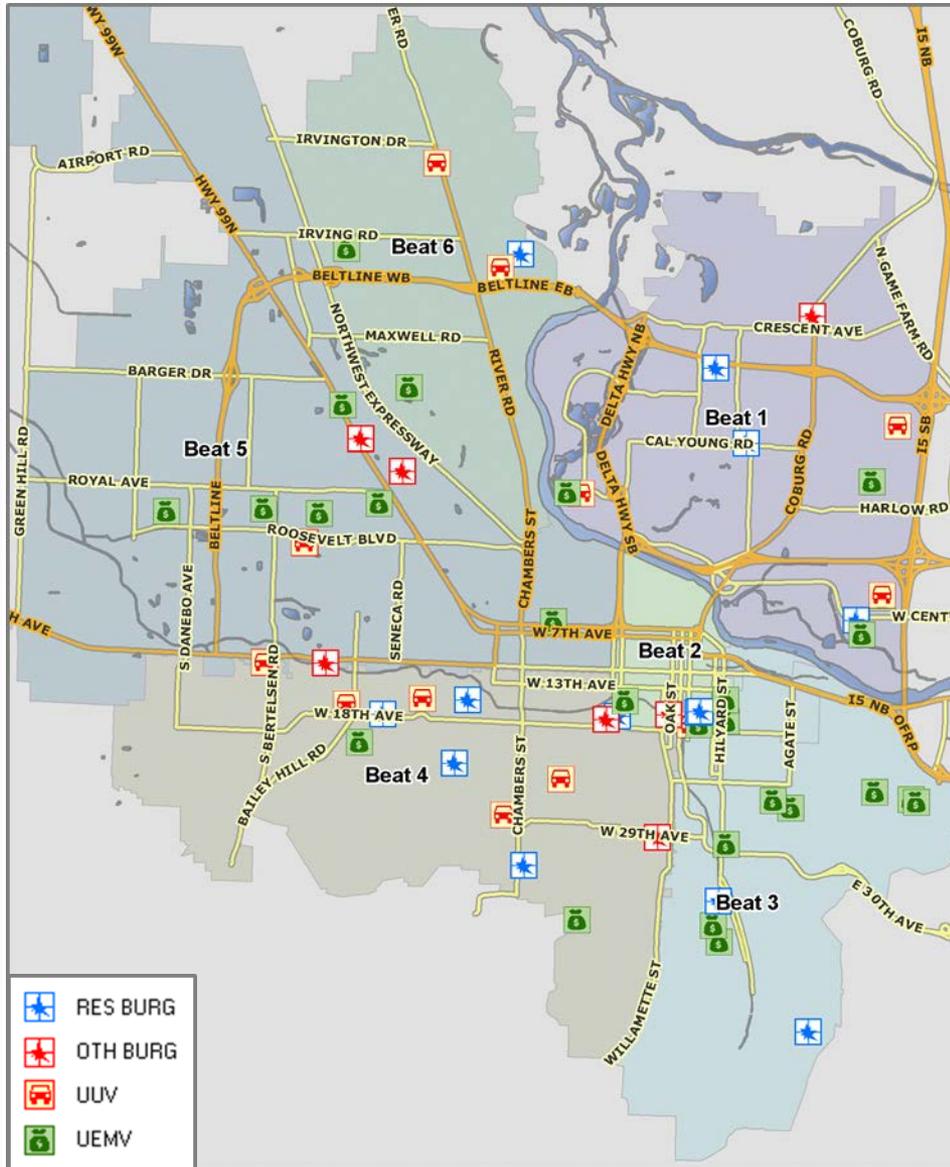


	Outside Eugene*	Beat 1	Beat 2	Beat 3	Beat 4	Beat 5	Beat 6	Total
RES BURG	0	11	6	3	18	8	2	48
OTH BURG	0	2	5	0	6	9	2	24
UUV	0	4	7	4	9	9	2	35
UEMV	9	27	27	29	14	24	5	135
TOTAL	9	44	45	36	47	50	11	242



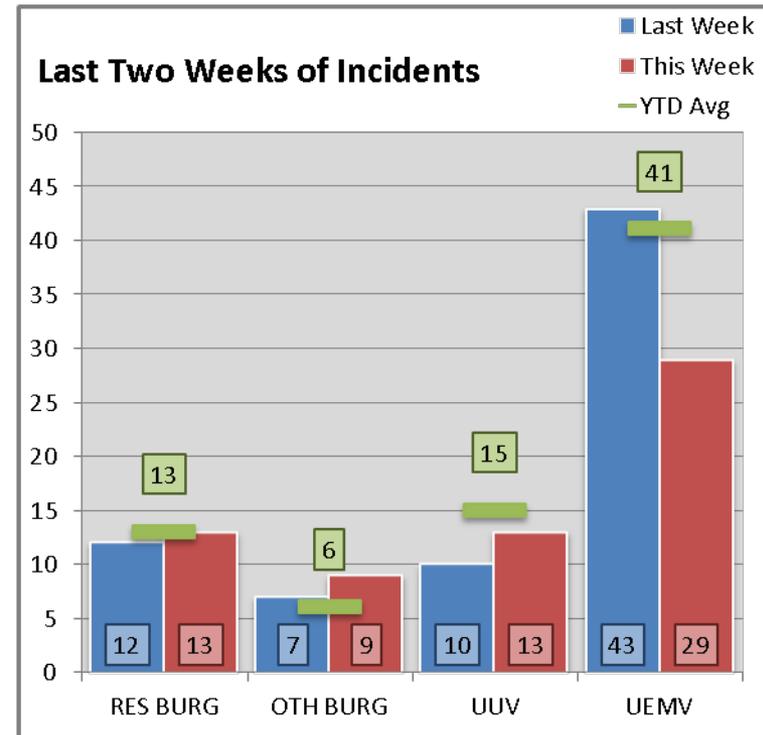
This Week City Wide

PROTECT. SERVE. CARE.



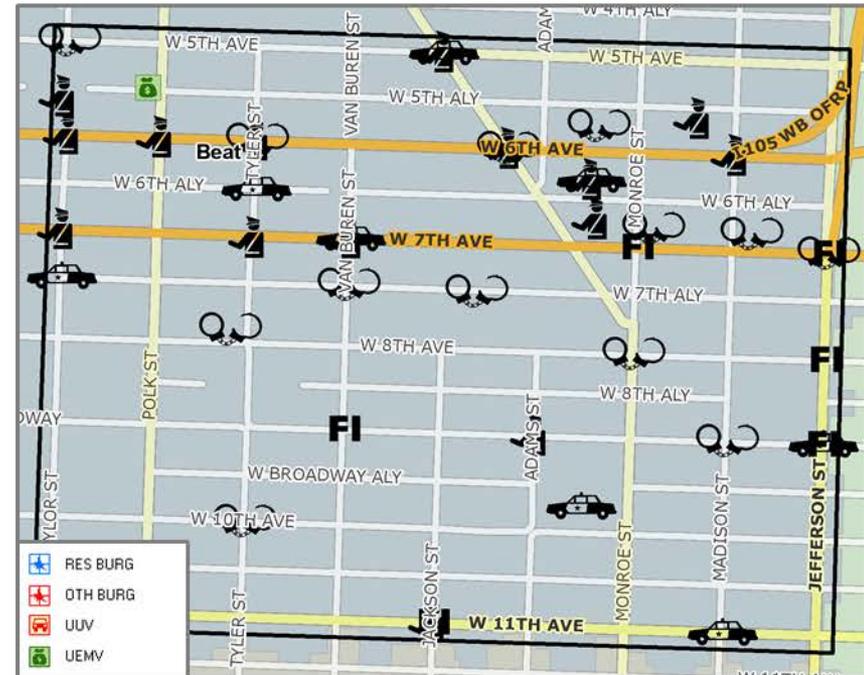
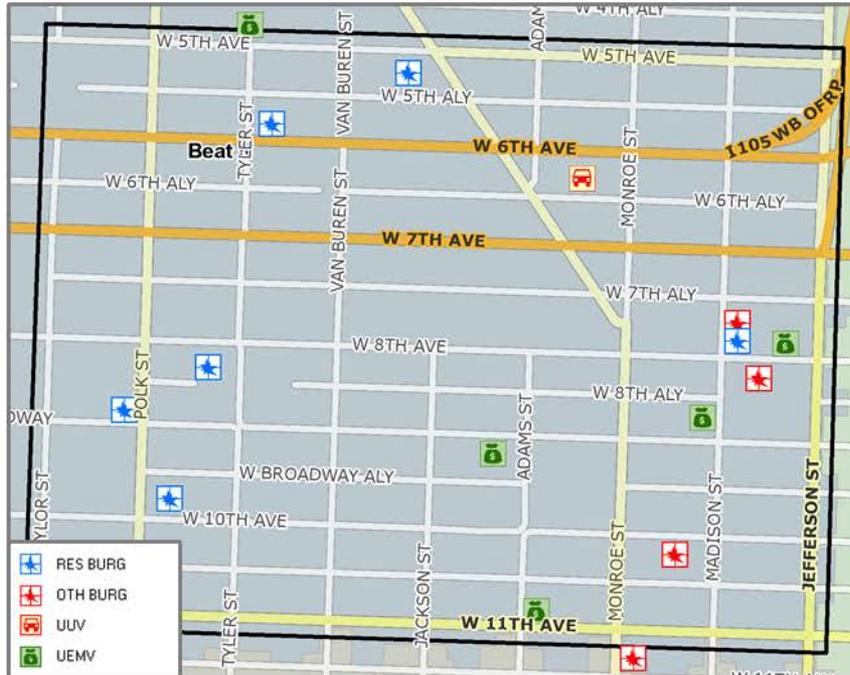
OFFENSE	LAST WEEK	THIS WEEK	DIFF
RES BURG	12	13	1
OTH BURG	7	9	2
UUV	10	13	3
UEMV	43	29	-14
TOTAL	72	64	-8

(20 Calls on the 9-Log, 7 UEMV's)



Area of Focus

W. 5th Ave. to W. 11th Ave. / Taylor St. to Jefferson St.

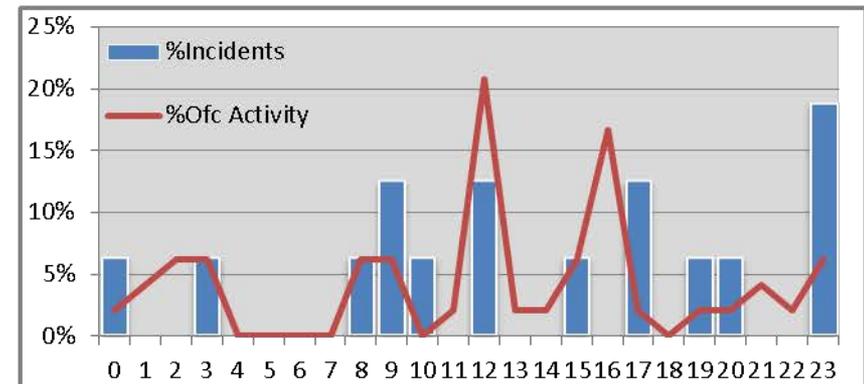


Four-Week Look:

- 38% of Residential Burgs occurred this last week
- Highest frequency on Tuesdays
- 55.6% of incidents occurred between 0800 and 1800hrs
- 50.0% of incidents occurred Tuesday through Wednesday
- Two spikes in activity, at 0900 on Wednesday and 2300 on Sunday

Officer Activity:

13 ARR/CLC
18 CIT/UTC
8 FI
9 PCHK



Looking Ahead

PERSONNEL

New Job Postings

- Police Captain – Screening in process
- Police Officer Selection - Filled/Eligibility List Established
- Communications Supervisor – Repost in April or May
- Communications Program Manager – Filled
- Administrative Specialist, Sr. (Ops Support) – In Process
- Administrative Specialist, SR (VIP) – In Process
- VIP Program Manager (Part-time) - Closed. Will re-post at a later date
- Record Specialist B – In Process
- 9-1-1 Calltaker/Dispatcher (Lateral Recruitment) - **Continuous**



America's Safest City

The Most Professional Agency

INFORMATION ADDED TO THE POLICE COMMISSION PACKET ORIGINALLY DISTRIBUTED
WEDNESDAY APRIL 3

- Memo and other community policies from Juan Carlos Valle regarding Professional Stops Policy
- Memo from Jim Stauffer on behalf of ACLU of Oregon regarding Professional Stops Policy
- Notes from Public Forum, held April 3, 2014

From Juan Carlos Valle,

Commissioners, in the past, the Police Commission has either asked entities to provide feedback or to present to the commission in hopes of being informed and/or to craft recommendations on policies or police practices. For example, the ACLU, Women's Space, Kids First, CASA, and even lately Women's Space. Some other groups have approached the Commission on their own or have asked for inclusion to participate. Latest being The League of United Latin American Citizens (LULAC) presenting both verbal feedback and written feedback on the Policy the Commission is working on. Currently titled: Professional Contacts. Attached is their feedback for your reference. I, in my role as Police Commissioner, recommend that the Police Commission establish a formal response mechanism if/when recognized community entities or organizations present feedback on both the work of the Commission and regarding Policies the body is working on or has worked on.

Strong statement: Police Officers are strictly prohibited from engaging in racial profiling.

1. 402. 2 . I move that the Police Department return to the Police Commission with a recommendation for the definition of "area of high crime" to be included in the next draft of the professional stops policy.
2. 402. 2 Suspicious Persons and Circumstances
Suspicious: Oxford Dictionaries: having or showing a cautious distrust of someone or something/// causing one to have the idea or impression that someone or something is questionable, dishonest, or dangerous. I move that the Police Department report to the Police Commission how the definition of "suspicious persons and circumstances" is being defined operationally during the pilot program phase and that it can be used for the draft policy.
3. I move that a section be added to the policy that reads:
For every citizen/ resident who is detained in any manner a card that contains the officer's name and badge number, an explanation of the right and process to submit a complaint regarding biased policing, contact information for the Police Auditor or the appropriate intake contact information, and Human Rights Center, NACP or LULAC
4. 402.4.2. I move that the Police Department report back to the Commission on how stops are anticipated to be characterized including initial reason for the stop and ultimate result of the stop, and report after the 12 month pilot program information about the initial reason for the stop and the result of the stop.
5. 402.5 Supervisor Responsibility. I move that the Police Department return with a recommendation on how assure accuracy, validity and compliance of stops data reports submitted by officers, and include a provision for this measure in the policy.

To be better informed, the Eugene Police Commission might want to ask if the following is still in effect and to request a copy of the data collected or final report.

SB 415 sets up the Law Enforcement Contacts Policy and Data Review Committee. (This might be old data).

Eugene

Basis for collection: voluntary

Effective: August, 2001

Restrictions: pilot program

Data Collected: age, gender, other

Additional Information: A pilot program was started in late **August 2001 with only 30 officers collecting 16 pieces of information including age and gender.**

Related Articles: [Final Report on the Eugene Police Department's Vehicle Stop Data](#)

Sinton Texas

Sinton Police Department

In accordance with both Federal and State mandates, the Sinton Police Department has enacted a policy on racial Profiling. The policy notifies the public at large of their rights and protections against racial inequalities. Sinton Police Officers also have other required policies in regards to racial profiling in order to protect the public and the officer, also in accordance with both Federal and State laws.

Racial Profiling Policy

Amended January 21, 2003

I. Policy and Purpose

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

II. Definitions

Racial Profiling — A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individuals as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling.

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.

2. Law enforcement officers may use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race Or Ethnicity — means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

Acts Constituting Racial Profiling — are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possible engaged in criminal activity, or other lawful reasons for the law enforcement action.

Pedestrian Stop — means an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

Traffic Stop — means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

III. Prohibition

Peace officers of the City of Sinton are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

IV. Complaint Process and Public Education

Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

The City shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing or the city employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place and details of the incident of alleged racial profiling, the identity of description of the peace officer or officers involved, and the identity and manner of contacting the complainant.

Any peace officer, city employee or city official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Chief of Police, before the end of the shift. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Detectives within a reasonable period of time, and the results of the Detective's review and investigation shall be filed with the Chief of Police and with the complainant.

In investigating a complaint alleging racial profiling, the Detective shall seek to determine if the officer who is subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, but it may be grounds for corrective action.

In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Detective shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer that is a subject of the complaint.

The Police Department of the City of Sinton shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the city of Sinton under Part VI below. Additional information will be made available as appropriate in languages other than English.

V. Corrective Action

Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand, diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined the Chief of Police.

VI. Collection of Information and Annual Report When Citation Issued or Arrest Made

For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, a peace officer involved in the stop shall collect information identifying the race or ethnicity of the person detained, stating whether a search was conducted, and if a search was conducted, whether the person detained consented to the search.

The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Sinton no later than March 1, of the following year. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search
3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation or any other violation.

The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

VI. Collection, Compilation, Analysis, and Reporting Requirements in Absence of Either Audio and Video Equipment

If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, each peace officer of the City shall make the following report for each traffic and pedestrian stop:

1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender; and
 - b. The person's race or ethnicity, as stated by the person, or if the person does not state the person's race or ethnicity, as determined by the officer to the best of his or her ability;
2. The traffic law or ordinances alleged to have been violated or the suspected offense;
3. Whether the officer conducted a search as a result of the stop, and, if so whether the person detained consented to the search;
4. Whether any contraband was discovered in the course of the search and the type of contraband discovered;
5. Whether probable cause to search existed and the facts supporting the existence of that probable cause,
6. Whether the officer made an arrest as the result of the stop or the search, including a statement of the offense charged;
7. The street address or approximate location of the stop; and
8. Whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

This department shall compile and analyze the information contained in these individual reports. Not later than March 1st of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve.

This report will include:

1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of racial profiling by officers in this department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.

2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

VII. Use of Video and Audio Equipment

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio; as appropriate, is recorded.

This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least every ninety (90) days.

VIII. Training

Officers responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The chief of police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

An individual appointed or elected as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

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Stephenville Texas

Racial Profiling

Stephenville Police Officers are strictly prohibited from engaging in racial profiling in traffic contacts, field/pedestrian contacts, and in asset seizure and forfeiture efforts. The prohibition against racial profiling does not preclude the use of race, ethnicity, or other factors in a detention decision by a peace officer. Any person who believes that a peace officer employed by the City of Stephenville has engaged in racial profiling with respect to that person may file a complaint with the Department by contacting the Professional Standards Unit at 254-918-1200. You will be asked to document the complaint in written form. The written complaint should include the time, date, location, and details of the incident of alleged racial profiling. The complaint must also identify or describe the officer(s) involved, describe the manner in which the officer(s) contacted the complainant, and state the address and/or phone number for a follow-up investigation.

Investigations of complaints will be conducted in a thorough and timely manner. The Professional Standards Unit will inform the complainant in writing about the final disposition of the investigation.

Racial Biased Based Profiling.

Is defined as a law enforcement-initiated action based on, but not limited to, an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups; rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

An Act Constituting Racial Profiling.

Acts initiating law enforcement action, such as a traffic stop, a subject stop, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups; or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

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Center for Intercultural Organizing

12625 SW Broadway, Suite 200
Beaverton, OR 97005
(503) 913-6969

<http://www.racialprofilinganalysis.neu.edu/background/jurisdictions.php?state=OR>

Background and Current Data Collection Efforts

Jurisdictions Currently Collecting Data

OREGON

SB 415 sets up the Law Enforcement Contacts Policy and Data Review Committee, which solicits data from individual agencies and provides assistance to any agency that chooses to collect data. Portland has been collecting data voluntarily, and now requires police in patrol cars and motorcycles to collect data on all stops. Eugene also has a pilot data collection program.

number jurisdictions required to collect data

S.B. 415, 71st Leg., Reg. Sess. (Or. 2001), [An Act Relating to Public Safety Personnel](#)

Status: Enacted June 29, 2001 ; Effective June 29, 2001

number jurisdictions required to collect data

Scope of Collection: vehicle stops

Restrictions: Data collection is not mandatory, but the legislation urges law enforcement agencies to establish voluntary traffic stop data collection programs

Data Collected: age, race, gender, national origin, reason for stop / alleged violation, warning given, citation given, arrest made, personal search conducted, search of vehicle conducted, other information necessary

Other Information: 2001 Senate Bill 415 establishes the Law Enforcement Contacts Policy and Data Review Committee for a six-year period to help law enforcement agencies evaluate data they collect on police stops. 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. The Committee shall submit a report by December 1, 2002 and annually thereafter.

HB 2441 was the initial introduction of legislation relating to traffic stop data collection in the last session of the legislature. Parts of HB 2441 were modified and incorporated into SB415, which was signed into law.

The relevant parts of the bill are Sections 5-10, which are repealed on December 31, 2007 based on a sunset clause in Section 11.

Related Articles:

Journal Articles and Law Reviews:

- [Oregon Law Enforcement Contacts Policy and Data Review Committee 2002 Annual Report](#)

Contact Information:

Oregon Law Enforcement Contacts Policy and Data Review Committee

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

number jurisdictions required to collect data

H.B. 2433, 69th Leg., Reg. Session (Or. 1997), [An Act Relating to Criminal Procedure](#)

Status: Enacted August 15, 1997 ; Effective October 04, 1997

number jurisdictions required to collect data

Restrictions: Required jurisdictions to establish policies, allowed for limited data collection, including a public perception survey

Other Information: Required law enforcement agencies to collect data and adopt policies "prohibiting the stopping, detention and search of persons when the action is motivated by the officer's perception of the person's race, color, sex or national origin and when the action would constitute a violation of the person's civil rights" by January 31, 1998. Also required agencies to facilitate the filing of complaints about police practices. Part of the data collection effort was the public perception survey, "Public Perceptions of Stop Decisions by Oregon State Police Officers," completed by Campbell DeLong Resources, Inc. in 1999. Another part was the compilation of summaries of complaint data that agencies received. After the initial reporting period, that effort was continued on a voluntary basis for two years, but then discontinued in favor of the traffic stop data collection effort under SB 415.

The relevant section of the bill is Section 6.

Related Articles:

Journal Articles and Law Reviews:

- [Public Perceptions of Stop Decisions by Oregon State Police Officers](#)
Campbell DeLong Resources, Inc.

Contact Information:

Oregon Law Enforcement Contacts Policy and Data Review Committee

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Other Collection Efforts

Corvallis

Basis for collection: voluntary

Data Collected: age, race, gender, date, time, location, duration of stop, action taken, search of vehicle conducted

Additional Information: The City of Corvallis Police Department has participated in a voluntary stop data collection effort in cooperation with the State of Oregon [Law Enforcement Contacts Policy and Data Review Committee](#) since April 2001. In November 2002, a subcommittee of the Corvallis Police Department's Community Policing Forum was formed to review and attempt to analyze stop data collected by the Police Department. A [report](#) on the data analysis was released by the department in July 2003.

Related Articles:

- [New general orders respond to profiling concern](#)
- [Police Respond to Bias Claims](#)
- [Corvallis Police Defend Race Report](#)

Eugene

Basis for collection: voluntary

Effective: August, 2001

Restrictions: pilot program

Data Collected: age, gender, other

Additional Information: A pilot program was started in late **August 2001 with only 30 officers collecting 16 pieces of information including age and gender.**

Related Articles:

- [Final Report on the Eugene Police Department's Vehicle Stop Data](#)
- [City Sued Over Racial Profiling Allegation](#)

Contact Information:

Eugene Police Department

777 Pearl St., Room 105

Eugene, OR 97401

<http://www.ci.eugene.or.us/police/index.htm>

Portland

Basis for collection: voluntary

Effective: January, 2001

Scope of collection: all stops

Additional Information: Data collection on all vehicle and pedestrian stops. Motorcycle police officers began collecting data 6 months after data collection began. The first 6 months of collection have been

criticized, as it is unknown if cruisers and motorcycles are dispatched proportionally in different ethnic neighborhoods.

Related Articles:

- [Portland, OR: Police data on stops unused, incomplete](#)

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Criminal Justice Commission Members

Darryl Larson, Chair
Lane County

Lee Ayers
Jackson County

Walter Beglau
Marion County

Mark Eddy
Lane County

Greg Hazarabedian
Lane County

Kiki Parker-Rose
Klamath County

Mary Stern
Yamhill County

Floyd Prozanski
State Senator

Andy Olson
State Representative

2012 Commission on Public Safety

Police Commission
City of Eugene

Date: March 28, 2014

RE: Policy 402, Professional Police Contacts

We commend the Eugene Police Department for undertaking this important step to reduce the occurrence of biased police practices. We anticipate the pilot program will lead to an improvement in trust between minority groups and the EPD.

As the Professional Police Contacts policy is finalized, we would like to share our remaining questions and concerns regarding this pilot program, as well as our expectations for ongoing and permanent efforts to measure, analyze, and address bias.

Policy 402 aims to equip EPD with data necessary to detect bias, as well as training to move beyond it. However, while both of these strategies look good on paper, they require specificity, oversight, and community involvement in order to ensure their effectiveness. We ask the EPD to address the following ambiguities:

Data Collection

Rigorous monitoring depends on the quality and the availability of the data that EPD collects. So, we ask the department to clarify the following:

- The type of data that will be collected. Section 402.4.2 refers to collecting “race/gender information” only. Characteristics such as socioeconomic status and national origin have been shown to affect outcomes from police encounters.
- The data collection method. How will the officers ensure the information they collect is accurate?
- What data will be available to the public, and in what format. Will the department willingly provide raw data, or just pre-digested police reports?

Training

Dealing with a diverse public requires a diverse skillset. Trainings are crucial to cultivating a police force that is culturally competent, compassionate, and able to promote the *public* safety. For these reasons, we would like to know:

- Whether or not the trainings will be mandatory.
- How frequently the trainings will occur.

- Whose expertise will the department seek in order to develop the trainings (e.g. other departments who have had similar issues, professional service providers, community groups, etc.).

Assessment

Finally, in order to ensure that this program, as well as future efforts, is responsive and adaptable to community concerns, we feel it is important that the department specify the following:

- The metrics that will be used to determine the effectiveness of this program.
- How community stakeholders will be involved during the pilot program.
- How community stakeholders will be engaged in future work, and the steps that will be taken to ensure this involvement is robust.

We thank the Commission for your time and consideration on this important issue.

Sincerely,

Heather Marek
Andrew Thomson
Jim Stauffer

On behalf of the Lane County Chapter of the American Civil Liberties Union of Oregon



Eugene Police Commission
Bias Based Policing Committee - Public Forum
April 3, 2014

Harris Hall, Lane County Public Services Building

Committee members present: Juan Carlos Valle, Edward Goehring, Joe Tyndall.
Committee members absent: Bill Whalen

The meeting convened at 5:40

Juan Carlos Valle provided a review of process that the Committee was undertaking, introduced the committee members, and welcomed the speakers to come and speak to the committee.

Carol Berg Caldwell – Expressed gratitude for hosting the panel in March and thanked the panelists, particularly Jed McGuire, member of the Eugene Police Employees’ Association (EPEA) Board, who offered the assistance of the EPEA in the Commission’s efforts related to bias based policing.

Sterling Rand: Expressed confusion about why this policy is necessary. He was concerned that it would be necessary to have a policy that requires equal treatment, which appears self-evident.

Jim Stauffer – On behalf of the ACLU of Oregon. Commended the Police Commission for this work. He referenced a letter he submitted. He asked questions about the timeline for the department’s data collection, and how agencies can be involved in the process.

Neil Van Steenberg – At the panel in March, he offered comments about how implicit bias and privilege impact interactions with others. He has facilitated numerous discussions at Lane Community College that involve small groups of people to address similar issues. He recommends a workshop be designed where a group of 10 people, five from the department and five from the community, where people talk about bias and learn from each other.

Mike McFadden – Spoke about socioeconomic status, mental illness, drug addiction and how these factors are involved in bias of officers. Expressed a concern that it is difficult to implement a policy when there is implicit bias involved.

Michael Ratliff – Expressed a desire that the process would result in measurable information, and provide baseline information about the conditions that exist and can show a measurable change over time.

Shael Cohen – Shared a story about his son who was stopped with a group of youth, and his son was the only person targeted by the police and was the only person of color in the group. Upon inquiry, he was told that the department doesn’t have bias issues because of training, and did not have a successful resolution from the department. Also expressed concern about the phrase in the policy that specifies that the department can focus its efforts on areas of high crime. Fears that without a definition, the term “area of high crime” can be synonymous with communities of color

Mr. Valle thanked all speakers, and invited the commission members in attendance to comment.

Mr. Joe Tyndall – Thanked all speakers, and seconded all concerns raised. He offered information about the department’s data collection efforts.

Mr. Edward Goehring – Acknowledged Bill Whalen of the Committee who could not attend, and other Commissioners present. Endorsed the idea that baseline data is needed. Noted that if the community is concerned with the ambiguous language of “high crime area”, the community may wish to ask the Police Commission to add language to the policy further defining that phrase, such as adding the underscored language “high crime area as defined by data”.

Mr. Bob Walker – Thanked members of the community who attended the forum and the commissioners for the months of work. Acknowledged that the topic is difficult to discuss. Expressed hope that the discussion helps with resolution, or better understanding of the work. He commended the department for its training on bias based policing, a condensed version of which was offered to all members of the Police Commission.

Ms. Tamara Miller – Thanked all participants at tonight’s forum. Briefly described the Department’s efforts on Data Led Policing, and supported the idea that additional definitions may be needed regarding the definition of “high crime area”.

Mr. James Manning – Noted that Police Commissioners are not part of the Department. Appreciated the comments received and said the comments are meaningful and powerful. Noted that the policy is in its initial stage, and that there is time to continue to revise the policy.

Mr. Jesse Lohrke – Noted that caution is needed when additional data is collected, because it’s collecting information about people. With more and more tracking, it’s critical to be aware of how the data is going to be secured and used.

Mr. Jim Garner – Thanked the members of the public and supported the idea that comments from the public help assure that the Commission can advise the department appropriately.

Ms. Claire Syrett – Thanked the Commissioners and members of the public for attending. Stated that the reason there is policy on the obvious such as bias, is because it helps guide the city institution on this important issue. Appreciated the notion about baseline data and goals for achievement. Police Auditor’s office is an important part of this system because as the office receives complaints, they can close the loop with the department regarding the training and policy.

Mr. Juan Carlos Valle – Thanked the Commission for attendance. Supported the idea that the title of the policy should more clearly define what the policy is designed to do or prohibit, such as - a policy to prohibit bias, more specifically racial bias.

Mr. Walker – Explained that the Police Commission will be meeting April 10 to continue to discuss this topic, review the policy, and discuss the Commission’s future involvement.

The meeting adjourned at 6:30pm

Notes taken by Carter Hawley