

**POLICY
402**

**EFFECTIVE
DATE
10-13-17**

Eugene Police Department



Police S.T.O.P.'s Statistical Transparency of Policing

402.1 PURPOSE AND SCOPE

This policy states unequivocally that profiling and bias-based policing by the Eugene Police Department will not be tolerated. This policy ensures EPD compliance with HB 2355.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Profiling – Profiling means that a law enforcement agency or 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.

Bias-based Policing - An inappropriate reliance on protected class characteristics such as those listed above as a factor in deciding whether to take law enforcement action or to provide law enforcement services.

Protected Class – As defined by *Eugene Code 4.613*.

402.2 POLICY

The Eugene Police Department expects its employees to provide 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. Eugene Police employees are forbidden to engage in profiling or bias-based policing practices. The Eugene Police

Department will investigate all complaints of profiling received by the agency or the independent police auditor.

402.3 USE OF PROTECTED CLASS AS A DESCRIPTION

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. This policy does not 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.

402.4.1 DETENTIONS

Eugene Police Department officers will always ensure the stopping, detaining, frisking, and/or searching any person is based on current and accepted legal principles.

Nothing in this policy requires an officer to document a contact that would otherwise not require reporting.

If any employee is informed or perceives from a contact that the person contacted believes they have been contacted based upon bias by the officer, the employee should immediately notify a sworn supervisor.

402.4.2 RECORDING INFORMATION ON STOPS BY POLICE

Officers will record data on each discretionary traffic stop and person stop they conduct. The data collection program will be called the Statistical Transparency of Policing (STOP) program in partnership with State of Oregon program. The information to be recorded will include, but is not limited to:

- Officer ID
- Stop date and time
- Location of the stop
- The race, ethnicity, age, and sex of pedestrian or operator of the motor vehicle stopped, based on the observations of the law enforcement officer responsible for reporting the stop
- Nature of, and statutory citation for, the traffic stop or person stop
- The disposition of the stop
- Number of passengers

- Age, race and sex of any passengers (Only collected if passengers are arrested, cited, detained, or searched)
- Whether or not the driver, any passengers, or the vehicle was searched by officers
- Type of search (Warrant, Vehicle Inventory, Consent, Search Incident to Arrest, Mobile Vehicle)
- Contraband located during search (Guns, Money, Alcohol, Weapons)

402.5 SUPERVISOR RESPONSIBILITY

A supervisor must promptly contact the complainant who has made an allegation of biased-based policing.

If the supervisor determines it necessary, he or she will complete a Blue Team entry before the end of their shift 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 supervision for any behavior that may conflict with the purpose of this policy and shall address any alleged or observed violation of this policy in accordance with the *Policy 1020 - Personnel Complaints*.

Supervisors should discuss any issues with the involved employee 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.

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

Supervisors must ensure officers are completing STOP records for all qualifying stops. Audits of STOP data will identify any missing records for correction.

402.6 ADMINISTRATION

The Professional Standards Lieutenant shall review the reported incidents of Biased-Based Policing and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or 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.

The Eugene Police Department will provide a copy of, and the disposition upon completion of the investigation, of each complaint alleging profiling received by the agency to the Law Enforcement Contacts Policy and Data Review Committee in accordance with their protocols developed for receiving complaints alleging profiling.

The Crime Analysis Unit Supervisor will ensure that a report of the data collected is prepared and transmitted to the Oregon Criminal Justice Commission annually.

402.7 TRAINING

The Department will schedule annual training on conducting Professional Police Contacts. This training can include, but is not limited to: biased-based policing, constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills.

PETE KERNS
Chief of Police