

# **Law Enforcement Contacts Policy and Data Review Committee**

## **2011 Annual Report**



**December 1, 2011**

**Prepared by:**

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# EXECUTIVE SUMMARY

## Executive Summary:

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During 2011 the Law Enforcement Contacts Policy and Data Review Committee (LECC) continued its efforts to train law enforcement personnel throughout the state and assist agencies in the collection and analysis of traffic stop data to determine if racial profiling, either intentional or unintentional, was occurring within Oregon law enforcement agencies.

In 2011 the LECC performed the following:

- Prepared a report detailing the accomplishments and outcomes of LECC activities since acquisition of federal funding from the National Highway Traffic Safety Administration (NHTSA-2006-23772) in 2006. The report was given to the ODOT-Traffic Safety Division Board. ODOT-TSD acquired the grant for Oregon (summary on p. 24, full report on p. 51)
- Began training using a new curriculum developed by Oregon law enforcement officers entitled, “Diversity and Profiling in Contemporary Policing”. The curriculum is intended as both a follow-up training for those who have participated in the “Tactical Ethics: Perspectives on Profiling” program and a stand-alone training.
- Delivered “Tactical Ethics: Perspectives on Profiling” and “Diversity and Profiling in Contemporary Policing” at Regional and In-Service trainings to 281 law enforcement professionals from more than 48 law enforcement agencies (see report on p. 27). Since 2008 the LECC has trained 1,419 Oregon officers.
- Continued long-term follow-up evaluation of Perspectives on Profiling trainers to examine the extent to which training has impacted their perceptions, beliefs and job performance (see report on p.34).
- Completed a community outreach guidebook entitled, “Decreasing Crime by Increasing Involvement: A Law Enforcement Guidebook for Building Relations in Multi-Ethnic Communities” (see p. 45 for further information). The guidebook will be made available on the LECC website in December (<http://www.pdx.edu/cjpri/lecc>).

The introduction and body of this report covers each of these in more detail.

# INTRODUCTION

## Introduction:

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The Law Enforcement Contacts Policy and Data Review Committee (LECC) was created by Senate Bill 415 in 2001 and charged with the responsibility to obtain data on law enforcement stops, provide technical assistance in collecting and analyzing that data, and identify and disseminate information on programs, procedures and policies from communities that have forged positive working relationships between law enforcement and communities of color. HB 2102, signed into law in 2007, made the LECC permanent and transferred staffing duties from the Oregon Criminal Justice Commission to the Criminal Justice Policy Research Institute at Portland State University. House Bill 2102, codified as ORS 131.905 *et seq.*, can be found in Appendix A of this report.

The LECC, in partnership with the Criminal Justice Policy Research Institute and the Traffic Safety Division of the Oregon Department of Transportation, has received 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 original charge of the LECC was based on the legislative finding that 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, and that data collection can establish a factual foundation for measuring progress in eliminating discrimination.

The LECC recognizes that racially-biased policing, whether actual or perceived, impacts relationships between communities of color and law enforcement agencies. Policing in democratic nations is based on principles of procedural justice. Police are expected to be *neutral* in their decision-making, treat the citizenry with *respect*, and seek *fair* outcomes. A review of research on law enforcement-citizen relations indicates that *trust* in and *satisfaction* with police have important ramifications for crime prevention, case investigation, legitimacy of government institutions, and crime itself.

The purpose of collecting traffic stop and search data is to determine if there are disparities experienced by racial and ethnic groups in the likelihood of being stopped, their treatment during the course of the stop, and their likelihood of being searched or arrested. Disparity analysis allows agencies to consider their tactics and strategies, question the causes of any disparity, and consider whether to modify any policies and practices or the training related to existing policies and

practices. Disparity analysis is meant to facilitate discussion, analysis, reflection and – where desired – action. Collecting stop and search data does not necessarily provide analysts with the ability to prove or disprove racial profiling or racially-biased policing.

Racially-biased policing clearly violates basic principles of justice, and lowers citizen trust and satisfaction with police. However, racially-biased policing and police-citizen relationships are complex and there are no simple solutions. Therefore, in order to foster more positive relationships between law enforcement and the communities they serve, the LECC has taken a multi-pronged approach, led by two regularly convening subcommittees: Data Review and Community Relations. These two subcommittees have carried out a variety of tasks to address issues relating to the intent and goals of ORS 131.905 *et seq.*

The LECC has structured its work around four key areas:

- 1) Status of Stop Data Collection, Analysis, and Utilization in Oregon;
- 2) Public Perception of Racially Biased Policing in Oregon;
- 3) Identification of “Best Practices” for Community Outreach and Law Enforcement Training; and
- 4) Recommendations for Addressing Racially Biased Policing and Law Enforcement-Citizen Relations in the State of Oregon.

In 2011, the LECC focused on a number of tasks that correspond to all four of its key areas. The specific tasks completed by the LECC to address these areas in 2010 were the following:

- 1) Report to ODOT-TSD on LECC activities & accomplishments
- 2) Law enforcement training in regional and in-service settings
- 3) Evaluation of law enforcement training
- 4) Clarification of Oregon State Police traffic stops 2001-2009
- 5) Community outreach manual

The remainder of this introduction reviews each area addressed in 2011, briefly summarizes the tasks undertaken, and lists significant findings and conclusions. This summary includes a broad perspective, including information from other years and other organizations. The introduction ends with the LECC’s recommendations for addressing racially biased policing in Oregon based on the LECC’s cumulative efforts. More detailed descriptions of the LECC committee, tasks completed in 2011, and data findings follow the introduction.

## **1. Status of Stop Data Collection, Analysis, and Utilization in Oregon**

### **LECC Findings Regarding Disparity in Stops, Searches, and Search Outcomes**

Since 2001, the LECC has received and analyzed traffic data from five Oregon police agencies: Beaverton PD, Corvallis PD, Eugene PD, Hillsboro PD, and the Oregon State Police (OSP). The Criminal Justice Policy Research Institute has also worked with the Portland Police Bureau on analyzing their stop and search data. All of these agencies, except Eugene, have between five and seven years of data collection, which allows for more robust analyses than previously undertaken.

Prior LECC analyses of traffic stop data from specific agencies can be found on our website in previous annual reports (<http://www.pdx.edu/cjpri/lecc>).

LECC analyses highlight the presence of the following disparities in most agencies:

- African American and Hispanic motorists are only slightly more likely to be stopped than White motorists, compared to their percentage of the population aged 16 and older.
- Vehicles which are stopped and are driven by African American or Hispanic motorists are more likely to be searched compared to vehicles driven by White vehicles. In most cases these differences in search experiences are statistically significant.
- Although vehicles driven by African American and Hispanic drivers are more likely to be subjected to a search, in some instances they are less likely to be found with illegal contraband than vehicles driven by White motorists.

National research efforts to address limitations in traffic stop data and analysis methodologies have pushed agencies to collect more precise data points and use complex analytic techniques. In 2009 and 2010, the LECC started to examine its research methodologies in light of these new approaches. Using more comprehensive data points and complex analyses with Corvallis PD and the Portland Police Bureau, the LECC has discovered that different analytic techniques can create a more complete understanding of any disparities (see the 2009 LECC Annual Report for additional review).

Here are two examples of what these new analysis techniques reveal:

- 1) Using what is called a regression equation, our analysis of Corvallis PD data finds that African American and Hispanic drivers are equally likely as White drivers to experience discretionary searches *after accounting for*

*other characteristics* that increase one's risk of being searched (LECC, 2009 Annual Report).

- 2) A *daytime versus nighttime analysis* of Portland Police Bureau stops reveals that most of the disparity in African American stops occurs during the night when it is more difficult to observe race. Disparity in African American stop rates may be due to proactive enforcement at night in neighborhoods with higher concentrations of crime, calls for service, and African American residents.  
(<http://www.portlandonline.com/police/index.cfm?c=42284&a=305171>)

Given these analytical developments, the LECC has established a new standardization of data points and benchmarking techniques to understand disparity in stops and searches. Our goal in this standardization is to ensure that inter-agency analyses compare “apples to apples”. The first area of standardization focused on revising the LECC minimum required traffic stop data points agencies need to collect. The original LECC statute recommended agencies collect six data points:

- (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.

In 2007, the LECC recommended the *specific search authority*, not just whether a search was conducted, be specified in a data collection system (e.g. consent, weapons pat down, plain view, incident to arrest, or an inventory search). The LECC has determined that not all searches of vehicles or passengers are the same. It is important for traffic stop data collection to specify the type of search that occurred so that follow-up analyses can separate more discretionary searches from less-discretionary search types. For example, consent, weapon-pat down, and plain view searches involve more officer discretion in initiating the search than a search following arrest, which is often done for officer safety reasons, or vehicle inventory searches that may be required when impounding a vehicle.

In 2010, the LECC added an additional data point recommendation; (g) *the time of the stop*. Collecting data on the time of day when the stop occurred allows for an additional benchmark approach to examine the possibility of officer bias in stop decisions. It is generally more difficult to determine the race/ethnicity of a driver or passenger during the night as compared to when there is daylight. If the

percentage of stops by any race/ethnicity were more pronounced during the day than at night, the agency would have an elevated cause for concern.

The second area of standardization the LECC worked on in 2010 was a consensus over benchmark approaches for understanding disparity in traffic stop and search data. The committee has decided to adopt three benchmarks which are based on current analysis and best practices:

1) Census population comparison:

- a. Expected rate: All racial and ethnic groups are expected to be stopped at rates equal to their percentage in the population.
- b. *Disparity occurs when the racial/ethnic proportion of stops exceeds the driving age (16+) population percentage. A disparity equal to or greater than 5 percentage points is cause for further explanation and concern.*

2) Day vs. night stops comparison:

- a. Expected rate: The proportion of stops *during the day* attributed to racial and ethnic groups should be the same proportion for stops *during the night*. It is easier to identify the race/ethnicity of a driver during the day than night, so if the proportion of stops attributed to a racial/ethnic group is higher during the daytime further investigation is warranted.
- b. *Disparity occurs when the proportion of stops attributed to a racial/ethnic group is higher during the daytime compared to their nighttime proportion.*

3) Discretionary search rate comparison:

- a. Expected rate: All racial and ethnic groups are expected to be the subject of discretionary searches at equal rates.
- b. Discretionary search = consent, weapon pat down, probable cause, plain view searches (does not include incident to arrest or inventory searches). A search rate is the percentage of stops for each race/ethnic group that result in a discretionary search.
- c. *Disparity occurs when any racial/ethnic group experiences a greater rate of discretionary searches per stop than other races/ethnicities.*

In 2011 LECC discussions around Oregon State Police stop and search data led to the conclusion that it may be misleading to present tabulations of searches showing the race/ethnicity of the driver when the race or ethnicity of the person searched may have been different. In other words, the search data we have received from OSP and most other agencies likely entailed searches of the driver, passenger/s, or both, but race data is only collected on the driver. This data collection issue not only effects OSP data, but also every Oregon agency collecting stop and search data. In fact, data collection efforts across the country are also impacted by this insufficient detail in search data. We cannot validly conclude that the race of the driver matched the race of the individual searched. Collecting race data on the specific persons subjected to a search could solve this issue, but subsequent discussions have concluded such efforts would be technically difficult and challenging for officers. In sum, it is one of the limitations in search data collection that agencies and the public should be aware of.

## **2. Public Perception of Racially Biased Policing in Oregon**

Prior to 2007, the LECC conducted four annual statewide opinion surveys that assessed the public's views of law enforcement contacts and the prevalence of racially-biased policing. In 2005, the survey was supplemented with additional surveys of African-American and Hispanic residents of Oregon. A sixth survey was completed in 2009.

These surveys of Oregon drivers have consistently shown that drivers of all races/ethnicities are more likely to be stopped than the national average of 8.4% per year.<sup>1</sup> For example, in 2009, 17% of non-Hispanic White drivers, 22% of African American drivers, and 29% of Hispanic drivers were stopped in Oregon. The disparities in reported stop rates were lower in 2009 than in earlier years. In 2007 these differences were 28% African Americans stopped compared to 16% non-African Americans stopped, and the differences were even greater in 2005. The disparities for stops of vehicles with Hispanic drivers, while higher than for African Americans, are also less in 2009 than in previous years.

**The surveys continue to indicate a sharp divide between African American drivers and other drivers regarding whether they think racial profiling is frequent.** For example, in 2009, 60% of African American drivers believed that Oregon police often or always allow a person's race, ethnicity, or national origin to unfairly influence their decision to stop someone compared to 23% of non-African American drivers from the same neighborhood. Among African American drivers who were stopped, 78% thought the reasons given by the law enforcement officer for the stop were untrue, compared to 29% of other drivers from the same area who had been stopped. **However, attitudes of African American, Minority, and Hispanic drivers regarding the frequency of racial profiling are consistently improving over time.** Among African American

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<sup>1</sup> "Contacts between Police and the Public: 2008" Bureau of Justice Statistics, U.S. Department of Justice, 2011 (<http://bjs.ojp.usdoj.gov/content/pub/pdf/cpp08.pdf>)

drivers in 2005, 71% felt police were often/always biased in making stop decisions, which fell to 66% in 2007 and 60% in 2009. Among Hispanic drivers in 2005, 31% felt police were often/always biased in making stop decisions, which fell to 27% in 2007 and 25% in 2009. Similarly, the attitudes of White drivers regarding the frequency of police bias have been improving over time, too.

Public opinion about whether Oregon police are becoming more or less fair in not allowing race to influence their decisions to stop someone has remained relatively stable for most groups. There is some improvement noted among African American drivers' perceptions of fairness over time. In 2005, 50% of African American drivers felt police had become less fair over the past year, which fell to 32% in 2007 and 26% in 2009.

African American and Hispanic drivers continue to view Oregon police more positively over time. In 2005, 43% of African Americans reported negative feelings toward Oregon police, while only 28% reported negative feelings in 2007, and 21% in 2009. African American drivers still express significantly more negative and less positive views of Oregon police officers than non-African Americans from the same neighborhoods. Since the 2007 survey, Hispanic drivers have not demonstrated statistically significant differences in their overall feelings toward the police than non-Hispanic White drivers.

While the improvement in perceptions toward the police is encouraging, the findings suggest that law enforcement may benefit from further improvement in public relations. Continuing to support efforts in police-citizen relationship building and understanding public perceptions of the police may be important to succeed in achieving public safety goals.

### **3. Identification of “Best Practices” for Community Outreach and Law Enforcement Training**

The LECC initiated statewide training opportunities in 2008 when it purchased the **Perspectives on Profiling™** curriculum designed by the Tools for Tolerance® for Law Enforcement at the Simon Wiesenthal Center's Museum of Tolerance. Perspectives on Profiling is an interactive virtual learning experience that compels users to make critical choices in testing situations. The program is designed for police managers, mid-level supervisors, training officers, and line officers. The interactive video is a cutting edge training tool that is sensitive to the challenges that law enforcement face both in reality and in the management of public perception.

In 2008, the LECC initiated the first series of an ongoing regional training effort and conducted in-service training for the Benton County Sheriff's Department. These trainings have been titled, “**Tactical Ethics: Perspectives on Profiling**” and utilize the Museum of Tolerance curriculum. The LECC trained 113 officers

from 14 different Oregon agencies in 2008. In 2009, the training was greatly expanded to 612 law enforcement professionals from more than 52 law enforcement agencies. In 2010, a total of 413 law enforcement professionals were trained from 56 different agencies.

In 2010, several of the Oregon Perspectives on Profiling trainers and CJPRI staff created a follow-up curriculum for Oregon law enforcement agencies. This follow up training, “**Diversity and Profiling in Contemporary Policing**”, was launched in the fall of 2011 and has been very well received. The follow up curriculum reviews the legal issues and Amendments from the original training, includes Oregon racial history and police-citizen cases, offers deeper discussions on the relationship between race and police-citizen interactions, and includes exercises for officers to practice identifying biased-based policing.

A total of 281 law enforcement professionals from 48 different agencies were trained in 2011 using both the “Tactical Ethics” training and the new “Diversity and Profiling in Contemporary Policing” curriculum.

*Since 2008, the LECC has trained 1,419 officers.* Following the introductory summary, a full account of the 2011 training schedule is provided.

Participant evaluations continue to rate the trainers very highly. Over three-quarters of the respondents indicated that they did *not* agree that the training seemed “watered down.” The vast majority (96%) of respondents agreed that they would recommend this training to other law enforcement officers, with almost half of respondents indicating that they strongly agreed.

In 2010, a new long-term evaluation effort of Perspectives on Profiling trainees was undertaken. This survey was designed to answer the following critical questions about the training experience:

- ✓ Is the training material being used on the job?
- ✓ Has the training increased people’s awareness of personal biases and how those biases can affect job related decision making?
- ✓ Has training helped participants feel more confident in handling racial tensions and inner department ethical issues effectively?
- ✓ What is the overall feedback about the training in retrospect?

CJPRI began to distribute the final survey in the fall of 2010. To date, twelve agencies have participated in this survey effort and a total of 210 law enforcement professionals have completed the survey. We are continuing to reach out to more agencies for their cooperation in delivering this survey to officers. To date, the findings demonstrate that law enforcement officers are recognizing an impact of the training in hindsight.

Out of all of the respondents that had attended a Perspectives on Profiling training:

1. Seventy-one percent at least slightly agreed that they've thought more about organizational culture or ethical issues in law enforcement since the training.
2. Sixty percent have noticed themselves or others thinking more about their motivation for stopping someone.
3. Forty-eight percent have noticed themselves or others being less suspicious of someone, based on race/ethnicity when working patrol.
4. Sixty-three percent felt more confident in handling racial tensions during police stops.
5. Seventy-five percent felt more confident in approaching their supervisors to report unethical behavior.
6. Eighty-four percent of respondents still report, in hindsight, that this training is valuable and should be continued.

As a result of an ongoing collaboration with Salem PD, a community outreach guidebook entitled, "***Decreasing Crime by Increasing Involvement: A Law Enforcement Guidebook for Building Relations in Multi-Ethnic Communities***" will be finalized by the end of 2011. The purpose of this guidebook is to help law enforcement agencies improve their success in community outreach efforts with communities of color and underrepresented ethnic groups, whether they're just beginning their community outreach programs or want to build upon an existing program. It was noted through the LECC meetings that some police departments expressed a desire to improve their relations with their ethnic communities but were often unclear on the best way to accomplish that.

#### **4. Recommendations for Addressing Racially Biased Policing and Law Enforcement-Citizen Relations in the State of Oregon.**

Below are some key conclusions from the work of the LECC to date.

- 1) ***Law enforcement training is critical:*** Back in 2006 the LECC discovered through a statewide survey of law enforcement that training related to issues of police bias and racial profiling was basically non-existent. The investment in the Simon Wiesenthal Perspectives on Profiling curriculum has allowed the LECC to support the training of 1,419 officers since 2008 from all across Oregon. Their feedback has been overwhelmingly enthusiastic and the desire for more trainings of this type is strong. The curriculum has been successful only because a handful of dedicated and inspirational law enforcement trainers have come forth to work hard on their delivery, facilitation skills, and messages. Five years ago law enforcement was hesitant to discuss issues of police bias, but we have discovered that approaching the issue with both tact and respect can, at a

minimum, create eye-opening dialogues and in many cases change attitudes and perspectives.

- 2) **Data collection on public perceptions and traffic stops and searches are important tools.** Data collection on public perceptions of police and traffic stops and searches is important for trying to understand the problem. LECC research has discovered racial/ethnic disparities in public opinion regarding the prevalence of racial profiling. Disparities across stop and search rates have also been discovered. Both public perception data and stop and search data do not necessarily provide analysts with the ability to prove or disprove racial profiling or racially-biased policing. Research on public perception, stop, and search disparities can facilitate discussion, analysis, reflection and – where desired – action. The LECC recognizes the resources and political issues that make data collection difficult, but hopes other agencies can follow the examples of Oregon State Police, Corvallis PD, Hillsboro PD, Portland PD, and Beaverton PD.
- 3) **Maintain Inertia:** It has taken years for the LECC, its staff, and many volunteers to build trust, networks, and effective partnerships. These efforts have been supported since 2006 by two grants from the National Highway Traffic Safety Administration (NHTSA-2006-23772). For the coming year 2011-2012 funding for the LECC is less than a quarter of what it has been in recent years. In effect, we will be limiting training and research opportunities. There is concern that the investments we have made with key law enforcement agencies in the state and in our qualified trainers could be lost. Our hope is that the Oregon legislature and government leaders will recognize the importance of the accomplishments outlined in this report and find a way to continue the efforts that have been managed by LECC and its staff.

### **Work Plan 2012:**

- 1) The LECC will continue to support trainings using the Tactical Ethics: Perspectives on Profiling Curriculum and Diversity and Profiling In Contemporary Policing (see Law Enforcement Training Section).
- 2) LECC members and invited community guests will preview the new follow up curriculum Diversity and Profiling in Contemporary Policing.
- 3) A train-the-trainer session for the *Diversity and Profiling in Contemporary Policing* will be held.

STATEMENT OF PURPOSE  
AND  
COMMITTEE STRUCTURE AND  
HISTORY

## Statement of Purpose:

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“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....”<sup>2</sup>

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<sup>2</sup> ORS 131.905 et seq. (See Appendix A)

## Committee Structure and History:

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The Law Enforcement Contacts Policy and Data Review Committee (LECC) was created by 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 December 2011:

Edwin Peterson, LECC Chair Senior Judge and Distinguished Jurist in Residence, Willamette University College of Law	
Todd Anderson Tillamook County Sheriff	Annabelle Jaramillo(**) Benton County Commissioner
Gilbert P Carrasco Professor of Law Willamette University College of Law	Chris P. Brown Superintendent Oregon State Police
Kevin Díaz Legal Director ACLU of Oregon	Suzanne Isham Captain Department of Public Safety Standards and Training (DPSST)
Scott Akins (***) Professor of Sociology Oregon State University	Gary Boldizar Chief of Police Corvallis Police Department
David Fidanque Executive Director ACLU Oregon	Frank Thompson Superintendent Santiam Correctional Institution

\*\*Chair of the Community Relations Subcommittee

\*\*\*Chair of the Data Review Subcommittee

Current LECC staff, consultants, and additional subcommittee members in 2010:

- Dr. Jan Chaiken, Consultant
- Major Craig Durbin, Data Review Subcommittee member, Oregon State Police
- Lt. Henry Reimann, Community Relations Subcommittee member, Hillsboro Police Department
- Angela Hedrick, Community Relations Subcommittee member, Salem Police Department
- Craig Prins, Executive Director, Oregon Criminal Justice Commission
- Dr. Brian Renauer, Director, Criminal Justice Policy Research Institute, Portland State University

- Mike Stafford, Public Safety Coordinator, Oregon Criminal Justice Commission (until June 2011)
- Emily Covelli, Research Assistant, Criminal Justice Policy Research Institute, Portland State University
- Lauren Brown and John Lehr, Graduate Research Assistants, Criminal Justice Policy Research Institute, Portland State University

## **BACKGROUND:**

Efforts to address charges of racially biased policing on the part of law enforcement officers became a statutory mandate during the 69<sup>th</sup> 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 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).

# LECC ACTIVITIES 2011

## LECC Activities 2011:

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### **Report to ODOT-TSD Board on LECC Activities & Accomplishments 2006-2011**

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The Oregon Department of Transportation's Traffic Safety Division (ODOT-TSD) has been the state agency in charge of monitoring the federal grant that has supported the efforts of the LECC since 2006. The federal grant is entitled "Incentive Program to Prohibit Racial Profiling" under Section 1906 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users – National Highway Traffic Safety Administration. As this grant is coming to a close in October 2012, the Governor-appointed Board to ODOT-TSD requested a report and presentation that provided an overview of how this federal grant has assisted the state of Oregon. What follows is the report that was delivered to the ODOT-TSD Board in July 2011. The report clearly demonstrates how vital the Section 1906 funding has been to success of LECC's efforts in the past five years. What follows is a summary of the highlights from that report. The full report can be found in the appendix.

#### **Initiatives funded under Section 1906**

##### A - Technical Assistance: Traffic Stop Data Collection, Analysis, and Reporting

1. *Funding under Section 1906 has helped standardize the collection of traffic stop data points and benchmarking techniques to understand racial/ethnic disparity in stops and searches in Oregon.*
2. *Funding under Section 1906 has supported technical assistance to law enforcement agencies that patrol the most populous and rural areas, and represent over a third of all sworn officers in Oregon.*
3. *Funding under Section 1906 has supported outreach to all Oregon law enforcement agencies through their associations; technical assistance has been advertised and made available to all of Oregon law enforcement.*
4. *Funding under Section 1906 led to the development of a user-friendly database system, Excel tables, and PowerPoint template to assist Oregon law enforcement in the collection, analysis, and reporting of traffic stop and search data.*

##### B – Training: Tactical Ethics - Perspectives on Profiling

5. *Funding under Section 1906 led to the purchase of a uniform, state-wide training curriculum for all sworn Oregon law enforcement officers regarding police bias, racial profiling, and ethical decision-making.*
6. *Funding under Section 1906 has helped build a competent and dedicated core of trainers committed to facilitating the Perspectives on Profiling training throughout Oregon law enforcement.*
7. *Since 2008, funding under Section 1906 assisted in the delivery of 41 regional trainings and 28 in-service trainings. These trainings were attended by 1302 Oregon Law enforcement officers, approximately 25% of all sworn officers.*
8. *Funding under Section 1906 has facilitated the development of new in-service curricula that will extend our training opportunities into the future and help Oregon agencies continue to meet accreditation standards.*

#### C - Research, Outreach, Presentations, and Publications

9. *Funding under Section 1906 has allowed for the examination of long-term trends in public perceptions of police bias and stop experiences in Oregon. This survey research is critical for the examination of potential outcomes related to training and stop data collection throughout the state.*
10. *Funding from Section 1906 has supported analysis of traffic stop and search data which have been made available to the public in both technical reports and Annual Reports to the Oregon Legislature.*
11. *Funding under Section 1906 has facilitated the outreach of consultation, technical assistance, education, training, and partnership opportunities throughout Oregon and Nationally.*

#### **Outcomes**

1. *Quality statewide training program in place:* Prior to Section 1906 funding there was no consistent or uniform training curriculum in place to address concerns over racial profiling and police bias. In fact, these subjects were rarely formally discussed in most police departments. The purchase of the Perspectives on Profiling curriculum for Oregon fills this void. Both immediate training feedback and follow-up evaluations of trainees point out that over 90% of officers trained agree that the training is important and valuable for Oregon law enforcement.

2. *Over 1300 officers trained (approximately 25% of sworn personnel):* The magnitude of training 1300 officers throughout the state in 3 ½ years could not have been accomplished without the support of Section 1906.
3. *Improved perceptions of law enforcement:* Statewide perceptions of law enforcement have improved since the funding of Section 1906 for the above initiatives, although a direct link cannot be proved. For example, attitudes of African American, Minority, and Hispanic drivers regarding the frequency of racial profiling are consistently improving over time. Among African American drivers in 2005, 71% felt police were often/always biased in making stop decisions, which fell to 66% in 2007 and 60% in 2009. Among Hispanic drivers in 2005, 31% felt police were often/always biased in making stop decisions, which fell to 27% in 2007 and 25% in 2009. Similarly, the attitudes of White drivers regarding the frequency of police bias have been improving over time, too. African American and Hispanic drivers continue to view Oregon police more positively and less negatively over time. In 2005, 43% of African Americans reported negative feelings toward Oregon police, while only 28% reported negative feelings in 2007, and 21% in 2009.
4. *Better understanding of the utility in collecting traffic stop and search data:* Both national and Oregon research has helped to create more realistic expectations regarding the utility of traffic stop data collection efforts. Data collection should be viewed as an important problem-solving tool and a springboard for agency reflection and community dialogues. Data collection coupled with community dialogue increases transparency which is important for improving public relations. Data collection is important for accreditation, strategic planning, and prevention of law suits and negative press. The data cannot prove or disprove racially biased policing and individual officer motivations.
5. *New partnerships and inertia:* The term “racial profiling” has been equally offensive to law enforcement as it has been to communities of color. Discussing “racial profiling” in law enforcement circles could immediately close off dialogue. LECC meetings with Oregon law enforcement agencies, Associations, and DPSST from 2001 to 2006 were viewed with suspicion and often characterized with tension. As the above initiatives supported through Section 1906 spread throughout the state a new climate and partnership based on trust and mutual respect has evolved slowly over time. The LECC, its staff, and initiatives have gained a positive reputation throughout the state to the point where services are sought after. Many factors contributed to this change including careful planning, investment in a quality training curricula designed to create comfort and open discussion regarding controversial topics, outreach/word of mouth, and leadership.

## Law Enforcement Training

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

Since 2008, the LECC has offered “**Tactical Ethics: Perspectives on Profiling**” trainings to Oregon law enforcement. Tactical Ethics: Perspectives on Profiling, taught by Oregon Law Enforcement officers, is an interactive virtual learning experience from the Simon Wiesenthal Center’s Museum of Tolerance that compels users to make critical choices in testing situations. It utilizes an interactive training video and group dialogues to confront a number of complex issues that surround traffic stops, such as when race is an inappropriate factor in a profile and what can be done to avoid escalation in racially-charged stops.

In response to requests from training participants, our trainers, and agency command staff, the LECC began the process of developing additional curriculum for Oregon law enforcement in 2010. On June 22-24, 2010, thirteen Oregon Perspectives on Profiling trainers plus our project manager attended an additional training from the Simon Wiesenthal Center’s Museum of Tolerance. This training entailed being introduced to new materials and exercises that could be used in developing our follow up curriculum, methods for increasing group involvement, development of core objectives, and several presentations and resources for deepening our understanding of the history of racial oppression and our current racial tensions. Following the training, a subgroup of these trainers and our project manager worked together to establish a set of core objectives and needs for the new curriculum, reviewed and discussed additional videos and case studies, and created a new lesson plan and powerpoint for Oregon law enforcement. The core people involved in developing this training were: Lt. Sam Kamkar, Corporal Mike Araiza, Captain Suzanne Isham, Lt. Terry Moss, Sgt. Marc Shrake, Sgt. Rick Graham, Lt. Henry Reimann, and Emily Covelli. In addition, Dr. Brian Renauer, Dr. Yves Labissiere, Chief Ron Louie, Mike Stafford, Sgt. Willie Halliburton, Sgt. Clay Stephens, and Sgt. Jim Zessin served as reviewers or consultants for this project.

In the spring of 2011 the new training curriculum for Oregon law enforcement was completed and entitled, “**Diversity and Profiling in Contemporary Policing**”. Although this curriculum is advertised and presented as a training to follow up on the Perspectives on Profiling curriculum, it was also designed as a stand alone training to ensure that new officers to an agency can still find value and fully participate in this training session along with their peers. The curriculum was pilot tested and revised as needed during the summer of 2011, and then officially launched in the fall by Lt. Sam Kamkar, Sgt. Rick Graham, and Corporal Mike Araiza. The feedback from the participants has been very positive (see the

Training Evaluation section for further information). A Train the Trainer for this curriculum is currently being designed and planned for February of 2012.

In addition to the trainings for law enforcement, the trainers and the LECC have utilized this training in various settings to promote awareness of this training effort, to increase understanding of decision making process that law enforcement officers face, and to create an environment for discussing community concerns. Some of these additional presentations have been conducted for the Corvallis and Eugene Police Citizen's Academy, St. Helens' Rotary Club, the Tribal Public Safety Cluster, and the ACLU of Oregon. These presentations and community discussions have been very well received. Citizen's have felt that these opportunities have given them a greater understanding of the complexity of decision making in police work and have been impressed that Oregon law enforcement engages in this type of training.

## **TRAINING LOCATIONS AND ATTENDANCE FOR LAW ENFORCEMENT**

The LECC began offering the "Tactical Ethics: Perspectives on Profiling" regional and in-service trainings in 2008 and had a total of 113 officers from 14 different law enforcement agencies attend. In 2009, a total of 612 law enforcement professionals from over 52 different agencies were served through the regional, academy, and in-service trainings. In 2010, a total of 413 law enforcement professionals from over 56 agencies were served.

In 2011, we served a total of 281 law enforcement professionals from 48 different agencies using both the "Tactical Ethics" training and the new "Diversity and Profiling in Contemporary Policing" curriculum (see Table 1 below), which brings our total number of attendees up to 1,419. These training sessions were led by the following Oregon law enforcement personnel: Corporal Mike Araiza of the Woodburn Police Department, Lt. Wendi Babst of the Clackamas County Sheriff's Office, Captain Eric Carter of the Albany Police Department, Sgt. Rick Graham of the St. Helens Police Department, Captain Suzanne Isham, Lt. Sam Kamkar of the Eugene Police Department, Lt. Ryan Keck of the Department of Public Safety Standards and Training, Deputy Chief Carolyn McDermed from the University of Oregon Public Safety Department, Lt. Terry Moss of the St. Helens Police Department, Detective Bryan Rehnberg of the Corvallis Police Department, Sgt. Marc Shrake of the Troutdale Police Department, Sgt. Clay Stephens of the Benton County Sheriff's Office, and Officer Jim Quackenbush of Portland Police Bureau. These trainings were staffed and organized by Captain Suzanne Isham of the Department of Public Safety Standards and Training, and Lauren Brown and Emily Covelli of Portland State University.

**Table 1. Trainings conducted in 2011.**

Date	Location	Number of Training hours	In-Service	Number of Participants
February 8, 2011	Medford	6		18
February 9, 2011	Roseburg	6		9
February 10, 2011	Eugene	6		23
March 7, 2011	Metro Sergeant's Academy	7		30
March 12, 2011	Lane Co. Reserve Academy	4		16
March 29, 2011	Gold Beach	6		8
March 30, 2011	Reedsport	6		13
March 31, 2011	Seaside	6		11
April 28, 2011	DPSST Basic Academy	3		12
May 18, 2011	Boardman	6		8
June 9, 2011*	Eugene	4	Yes	6
June 14, 2011	Oregon City	6		17
June 15, 2011	Salem	6		5
September 23, 2011*	Junction City	4	Yes	12
September 26, 2011*	Columbia County	4	Yes	19
September 26, 2011*	Columbia County	4	Yes	12
October 3, 2011*	Lake Oswego	4	Yes	20
October 5, 2011	Portland	6		14
October 6, 2011*	Lake Oswego	4	Yes	18
October 10, 2011	The Dalles	6		10
<b>Total Number of Participants in 2011:</b>				<b>281</b>

\*These trainings utilized the new curriculum: Diversity and Profiling in Contemporary Policing.

## FUTURE TRAININGS

The LECC, in cooperation with DPSST, will continue to organize and conduct "Tactical Ethics - Perspectives on Profiling" and "Diversity and Profiling in Contemporary Policing" trainings in 2012, as funding permits. The following trainings have been committed to for 2012:

Locations	Number of Trainings	Curriculum
Albany	2	Tactical Ethics: Perspectives on Profiling
Portland	1	Tactical Ethics: Perspectives on Profiling
Eugene	4	Diversity and Profiling in Contemporary Policing
Lake Oswego	1	Diversity and Profiling in Contemporary Policing
Corvallis	2	Diversity and Profiling in Contemporary Policing
DPSST Basic Academy	2	Tactical Ethics: Perspectives on Profiling

## Evaluation of Law Enforcement Training Programs

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The LECC, in partnership with DPSST and the Criminal Justice Policy Research Institute (CJPRI) at Portland State University, delivers the “Tactical Ethics: Perspectives on Profiling” trainings and the new follow up training implemented this Fall entitled “Diversity and Profiling in Contemporary Policing” to Oregon law enforcement. These trainings are evaluated on an ongoing basis. Directly after the training, participants are given a survey to assess how well the training was conducted, if participants felt the training was valuable, what they liked and disliked about the training, and whether or not they felt the training was challenging. In addition, the “Tactical Ethics: Perspectives on Profiling” is evaluated at a second level, with a follow-up survey given to law enforcement professionals several months to over a year after the training, to assess whether, in hindsight, they find the training valuable and applicable to their current job position. A summary of both these evaluations efforts are described below.

### **TACTICAL ETHICS: PERSPECTIVES ON PROFILING EVALUATION**

#### **Post-training feedback survey**

A voluntary written feedback survey is given directly to the attendees after most of the training sessions. So far, the participants have been very willing to provide us with feedback through this survey, as well as verbally and through email. This year, a total of 172 surveys were completed. The feedback from these surveys has been consistently positive overall. This section offers a summary of the feedback that we’ve received about trainings in 2011.

The survey for this training consists of five open ended questions and seven questions with closed ended responses that can be responded to with a 10 point scale. This scale ranges from 1, meaning that the respondent strongly disagrees, to 10, meaning the respondent strongly agrees.

#### *Closed Response Questions*

The following offers a brief summary of the feedback for the closed ended questions. The results are also shown in Table 1 below.

- 1) The trainers engaged us in the subject matter.

The majority of respondents found the trainers were capable of engaging students in the subject matter. Ninety-six percent of respondents marked scores of eight or higher. Only one respondent selected a score of five or lower.

2) The trainers were persons we could relate to.

Ninety-four percent of respondents indicated the trainers were individuals they could relate to. Only one respondent selected the low score of neutral five.

3) The trainers had extensive experience in the subject matter.

Respondents indicated the trainers had extensive experience on the subject matter with ninety-four percent marking scores of eight or higher. No respondents indicated scores lower than five.

4) The trainers were able to answer participant's questions.

The majority of respondents felt the trainers were able to answer questions. Ninety-six percent marked scores of eight or higher. No scores were lower than six.

5) The trainers and content matter challenged my opinions about race and police.

There was more variation in respondents' scores to this question than others. Still, the majority (fifty-seven percent) indicated the trainers and content matter challenged opinions about race and police with scores above eight. Seven percent select scores of three or lower, indicating opinions were not challenged by the training.

6) The training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.

Seventy-eight percent of respondents selected scores of 3 or below indicating the training did *not* seem "watered down." Seven percent of respondents marked 8 or higher indicating the training did not do enough to confront difficult issues of race, police and bias.

7) I would recommend this training to other law enforcement officers.

The majority (90 percent) of respondents agreed they would recommend this training to other law enforcement officers, with sixty-three percent of respondents scoring a ten, indicating that they strongly agreed. No respondent indicated scores lower than five on this question.

Table 1. Survey Results from the Tactical Ethics: Perspectives on Profiling Trainings

	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%	1%	0%	3%	16%	23%	57%
2. The trainers were persons we could relate to.	0%	0%	0%	0%	1%	2%	3%	11%	26%	57%
3. The trainers had extensive experience in the subject matter.	0%	0%	0%	0%	1%	1%	4%	11%	32%	51%
4. The trainers were able to answer the participant's questions.	0%	0%	0%	0%	0%	1%	3%	11%	28%	57%
5. The trainers and content matter challenged my opinions about race and police	2%	4%	1%	2%	8%	13%	12%	13%	16%	28%
6. The training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.	42%	25%	11%	7%	3%	2%	2%	2%	1%	4%
7. I would recommend this training to other law enforcement officers.	0%	0%	0%	0%	1%	3%	6%	8%	19%	63%

### *Open-ended questions*

The respondents also had the opportunity to provide written feedback on the following open ended questions: 1) Please tell us the principal reason or reasons you participated in today's training. 2) As you prepared to attend this training today, what did you think the training would be like? 3) What did you like about the training? 4) What did you dislike about the training? 5) How do you feel about the importance of this training for law enforcement officers?

- 1) Please tell us the principal reason or reasons you participated in today's training.

Out of 161 respondents, 73 indicated the principal reason for attending the training was because their participation was requested, required or recommended. Twenty-five respondents expressed in interest in the topic, while 18 indicated they were looking for a refresher on the subject matter. Twenty-five attendees indicated they attended because they value training and education. Nineteen respondents hoped the training would help their abilities as police officers. A few respondents indicated they attended the training in hopes of sharing information with other officers. Positive reviews of prior trainings also helped influence attendance.

- 2) As you prepared to attend this training today, what did you think the training would be like?

Out of 152 respondents, 66 responded that they thought the training would be about ethics or racial profiling, 39 were unsure of the topic. Nineteen attendees expected the training to be boring or repetitive but were surprise to find it interactive and informative. Nine participants had previously attended the training. A few respondents were surprised by the course content and expected the training to be about patrol tactics or other topics within ethics. A few officers were concerned the course would be accusatory and uncomfortable, but were instead pleased with the trainers' approaches to the subject.

- 3) What did you like about the training?

Seventy-three of the 163 respondents expressed they liked the interactive nature of the training, including the openness and discussion. Thirty-nine respondents appreciated the topic and the information provided. Twenty-four respondents indicated the instructors were their favorite part. Respondents also indicated they enjoyed the videos and felt the training was entertaining. Respondents also noted they enjoyed the way the curriculum challenged preconceived notions. Twelve respondents like all aspects of the training.

4) What did you dislike about the training?

One hundred and twenty of the 168 respondents stated they disliked nothing about the training or left the answer blank. Twenty-four respondents had complaints about the video including the acting was bad and scenarios were unrealistic or out of date. A few respondents indicated they felt the training approached the topic too superficially. Nine respondents felt the training was too short or rushed. A few respondents also indicated the training was too long and drawn out.

5) How do you feel about the importance of this training for law enforcement officers?

One hundred percent of respondents indicated they believed the training to be important. Many respondents felt this training should be required for all law enforcement officers.

### **Long-term evaluation of Tactical Ethics: Perspectives on Profiling**

In order to begin examining the long term value of this training for law enforcement, the LECC and the CJPRI began developing a follow up survey for training participants. This survey was designed to get at the following critical questions about the training experience:

- ✓ Is the training material being used on the job?
- ✓ Has the training increased people's awareness of personal biases and how those biases can affect job related decision making?
- ✓ Has training helped participants feel more confident in handling racial tensions and inner department ethical issues effectively?
- ✓ What is the overall feedback about the training in retrospect?

The survey was developed with two tracks, one for those that have attended this training and one for those that have never attended this training, in order to gain an estimate for how frequently people who haven't attended the training think about these issues and how confident they are in handling ethical dilemmas.

Since this training deals with some difficult and controversial issues, a rigorous approach was used to develop and refine the survey questions. The initial survey questions were developed by Dr. Brian Renauer and Emily Covelli, from CJPRI. Next, the survey questions were reviewed by a group of the Oregon law enforcement trainers for this program, and then by the LECC; with the questions being refined and changed during each review process. After the survey questions were finalized and IRB approval had been met, the survey was pilot tested at two law enforcement agencies, using two different distribution methods (handing out a paper survey in-person during briefing and delivering the survey via an online survey program). Again, valuable information was gained regarding

the wording of some of the questions and also about the timing of the survey; it was suggested that it may be best to deliver the follow up survey sometime between 3-6 months after a training has been conducted. The pilot test also showed that officers with only limited exposure to the training (2 hours) were less likely to recall the training. The Perspectives on Profiling designers recommend at least a four hour block of training, which the regional trainings have been adhering to.

CJPRI began to distribute the final survey in the fall of 2010. To date, twelve agencies have participated in this survey effort and a total of 210 law enforcement professionals have completed the survey. We are continuing to reach out to more agencies for their cooperation in delivering this survey to officers. To date, the findings demonstrate that law enforcement officers are recognizing an impact of the training in hindsight. Below is a summary of the current findings for all respondents. Although not shown in the results below, it is also important to note that respondents that have taken the training more recently (within the last year) respond more strongly to noticing benefits from this training on the job than those that attended the training 1 to 3+ years ago. This may be related to the overall quality of the trainings increasing over time, a greater recollection of the impact of the training, and/or an indication of the need for continual training over time on this subject matter.

Out of all of the respondents that had attended a Perspectives on Profiling training:

1. Seventy-one percent at least slightly agreed that they have thought more about organizational culture or ethical issues in law enforcement since the training.
2. Sixty percent have noticed themselves or others thinking more about their motivation for stopping someone.
3. Forty-eight percent have noticed themselves or others being less suspicious of someone, based on race/ethnicity when working patrol.
4. Sixty-three percent felt more confident more confident in handling racial tensions during police stops.
5. Seventy-five percent felt more confident in approaching their supervisors to report unethical behavior.
6. Eighty-four percent of respondents still report, in hindsight, that this training is valuable and should be continued.

Table 2. Follow-Up Survey Results for the Tactical Ethics: Perspectives on Profiling Trainings

	Strongly Disagree	Disagree	Slightly Disagree	Slightly Agree	Agree	Strongly Agree
	1	2	3	4	5	6
1. Since attending the training, I've thought more about organizational culture or ethical issues in law enforcement.	4%	16%	10%	34%	27%	10%
2. I've noticed myself or others thinking more about the motivation behind stopping someone, in addition to having probable cause.	11%	18%	12%	28%	26 %	6%
3. I've noticed myself or others being less suspicious of someone, based on one's race/ethnicity when working general patrol.	14%	21%	18%	22%	21%	5%
4. Since the training, I feel more confident in how to properly handle racial tensions that may arise when making police stops.	7%	18%	11%	31%	24%	8%
5. Since the training, I feel more confident in how to properly handle racial tensions that may arise when making police stops.	7%	11%	7%	36 %	30%	9%

*In summary*

The feedback from the participants has been extremely beneficial for gauging whether or not the training has been successful in meeting the needs of law enforcement. Overall, it appears that this training is important for law enforcement and is being conducted in such a way that is appealing to the participants. We have gained valuable feedback regarding how the training could be improved to increase its appeal and effectiveness. We also receive continual feedback regarding the importance of continuing to offer this training and related trainings to law enforcement.

To date, feedback from the follow-up survey and follow-up discussions with individuals and agency leaders suggest that this training program is not only well-received but is having a valuable impact for attendees. Over half of attendees

reported noticing positive changes in themselves or others since the training. While to date, we are pleased with the results from the follow-up survey, we would certainly like to see even higher percentages of respondents reporting noticeable changes to the above questions. However, even in hindsight, eighty-four percent of the respondents still felt that this training is valuable and should be continued. While some may not have noticed, or at least reported, changes in the types of issues we offered questions for, it is apparent that the vast majority of respondents still found the training valuable.

The feedback that we have received also reinforces the fact that issues of race within the scope of a law enforcement officer's duties arise frequently and are often complex. Continual training and efforts to further improve the effectiveness of these training efforts are critical for preparing officers for success in their careers.

## **NEW FOLLOW-UP TRAINING EVALUATION: "Diversity and Profiling in Contemporary Policing Trainings"**

As described in the previous section, the LECC, in partnership with DPSST and the Criminal Justice Policy Research Institute (CJPRI) at Portland State University, is also evaluating the "Diversity and Profiling in Contemporary Policing" training. Since this training curriculum was just launched this fall, only the initial survey work has been conducted. This survey work is critical for ensuring that our follow-up trainings continue to be as well received as the Tactical Ethics: Perspectives on Profiling trainings and for continual development of this new training curriculum.

### **Post-training feedback survey**

A voluntary written feedback survey was given directly to the attendees after most of the training sessions. This year, a total of 73 surveys were completed. The feedback from these surveys was positive overall. This report offers a summary of the feedback that we've received about trainings in 2011.

The same survey is given for the Diversity and Profiling in Contemporary Policing training as for the Perspective on Profiling training. The survey consists of five open ended questions and seven questions with closed ended responses that can be responded to with a 10 point scale. This scale ranges from 1, meaning that the respondent strongly disagrees, to 10, meaning the respondent strongly agrees.

### *Closed Response Questions*

The following offers a brief summary of the feedback for the closed ended questions. The results are also shown in Table 3 below.

1) The trainers engaged us in the subject matter.

Overall, respondents find the trainers very engaging. Ninety-seven percent of respondents replied with a score of eight or above, on the scale of one to ten. No responses were lower than six.

2) The trainers were persons we could relate to.

The majority of respondents indicated they were able to relate to the trainers. Ninety-five percent of respondents indicated a score of eight or above and no scores were lower than six.

3) The trainers had extensive experience in the subject matter.

Most respondents agreed that the trainers had extensive experience in the subject matter, with ninety-six percent marking a score of eight or above. No respondents selected a score below seven.

4) The trainers were able to answer participant's questions.

Ninety-six percent of respondents scored the trainers' abilities to answer questions with an eight or above. No respondents scored below a six.

5) The trainers and content matter challenged my opinions about race and police.

The majority of respondents agreed that the trainers and content was challenging agreed. Sixty-one percent of respondents marked a score of eight or above, on the scale of one to ten. This question had more variability than prior questions, with thirty percent of respondents marking scores between four and seven, indicating a more neutral stance. Nine percent of respondents marked scores of three and below, indicating the trainers and content matter did not challenge their opinions about race and police.

6) The training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.

Seventy-eight percent of the respondents replied with a score of three or below, indicating that they did *not* agree that the training seemed "watered down". Only eleven percent replied with a score above eight, suggesting that they felt the training was at least somewhat "watered down", while another eleven percent of respondents indicated scores that implied neutral feelings on the issue.

7) I would recommend this training to other law enforcement officers.

The vast majority (92 percent) of respondents agreed that they would recommend this training to other law enforcement officers, with approximately over half of respondents scoring a ten, indicating that they strongly agreed.

Table 3. Survey Results from the Diversity and Profiling in Contemporary Policing Trainings

	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%	1%	3%	24%	17%	56%
2. The trainers were persons we could relate to.	0%	0%	0%	0%	0%	2%	3%	11%	26%	58%
3. The trainers had extensive experience in the subject matter.	0%	0%	0%	0%	0%	0%	4%	24%	21%	51%
4. The trainers were able to answer the participant's questions.	0%	0%	0%	0%	0%	1%	3%	7%	36%	53%
5. The trainers and content matter challenged my opinions about race and police	0%	3%	6%	3%	8%	7%	12%	17%	19%	25%
6. The training seemed "watered down", meaning it didn't confront the difficult issues of race, police and bias.	38%	29%	11%	3%	1%	6%	1%	4%	1%	6%
7. I would recommend this training to other law enforcement officers.	0%	0%	1%	0%	3%	0%	4%	13%	18%	61%

### *Open-ended questions*

The respondents also had the opportunity to provide written feedback on the following open ended questions: 1) Please tell us the principal reason or reasons you participated in today's training. 2) As you prepared to attend this training today, what did you think the training would be like? 3) What did you like about the training? 4) What did you dislike about the training? 5) How do you feel about the importance of this training for law enforcement officers?

- 6) Please tell us the principal reason or reasons you participated in today's training.

Out of 64 respondents, 56 indicated the principal reason they attended the training was due to a requirement. Nine of the respondents expressed an interest in the subject matter.

- 7) As you prepared to attend this training today, what did you think the training would be like?

Out of 62 respondents, 22 responded that they thought the training would be about ethics or racial profiling, while 10 were unsure of the topic. Twenty-one respondents had attended the original Perspective on Profiling training and felt this training would be on similar subject matter. A few respondents indicated they were concerned the training would be a repeat of previous trainings or potentially boring.

- 8) What did you like about the training?

Eighteen of the 64 respondents indicated they liked the instructors. Nineteen respondents enjoyed the videos in the presentation while 10 indicated they like the real life examples and the case studies. Sixteen respondents like the interaction and discussion portions of the training. Ten attendees indicated the updated information was relevant and interesting. A few respondents said they enjoyed all aspects of the training.

- 9) What did you dislike about the training?

Fifty-five of the 73 respondents stated they disliked nothing about the training or left the answer blank. Nine respondents indicated the training was not long enough and felt the presentation was cut short. Five respondents had complaints about the videos including they were boring or outdated. One individual expressed the training title is misleading about the subject matter, while another felt the subject matter does not warrant a required training.

10) How do you feel about the importance of this training for law enforcement officers?

Sixty-three out of 66 respondents indicated the training was important for law enforcement. A few respondents felt the public could also benefit from this training.

*In Summary*

The feedback from the participants has been helpful in the continuing development and fine-tuning of this new training. The Diversity and Profiling in Contemporary Policing training was designed as a follow-up ethics training to the original Perspectives on Profiling training. Feedback from attendees has indicated the material covered is both an excellent supplement to the original training but also works as a stand-alone ethics training. Most respondents have completed the Perspectives in Profiling training at least once and indicated they appreciated having a new option to meet annual training requirements in ethics.

## Clarification of Oregon State Police Traffic Stops 2001-2009

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In an analysis of traffic stop and search data from the Oregon State Police for the period 2001-2009, the following table was presented as Table 3 (p.30) in LECC's Annual Report for 2010.

### OSP searches after traffic stops 2001-2009

	Race/ethnicity of driver						
	Asian	African American	Hispanic	Native American	White	Middle Eastern	Total
<b>Searches 2001-03</b>	210	448	2,965	242	16,594	65	20,524
Stops 2001-03	15,234	12,664	66,950	3,785	752,425	4470	855,528
% of stops searched	<b>1.4%</b>	<b>3.5%</b>	<b>4.4%</b>	<b>6.4%</b>	<b>2.2%</b>	<b>1.5%</b>	<b>2.4%</b>
<b>Searches 2004-05</b>	129	288	2123	111	10425	59	13,135
Stops 2004-05	6,990	6,907	34,369	1,307	346,982	2,915	399,470
% of stops searched	<b>1.8%</b>	<b>4.2%</b>	<b>6.2%</b>	<b>8.5%</b>	<b>3.0%</b>	<b>2.0%</b>	<b>3.3%</b>
<b>Searches 2006-07</b>	119	322	2,426	157	11,501	70	14,595
Stops 2006-07	6,999	6,788	37,193	1,428	349,330	3,031	404,769
% of stops searched	<b>1.7%</b>	<b>4.7%</b>	<b>6.5%</b>	<b>11.0%</b>	<b>3.3%</b>	<b>2.3%</b>	<b>3.6%</b>
<b>Searches 2008-09</b>	165	365	2,671	117	11,925	87	15,330
Stops 2008-09	9,821	8,548	46,394	1,724	436,154	4,610	507,261
% of stops searched	<b>1.7%</b>	<b>4.3%</b>	<b>5.8%</b>	<b>6.8%</b>	<b>2.7%</b>	<b>1.9%</b>	<b>3.0%</b>

While discussions in LECC reports concerning these searches made clear that the search may have been of the driver, a passenger, or the vehicle, additional data provided to LECC by the Oregon State Police for the period August 2008 – December 2009 gave some indication of the extent to which passengers other than the driver had been searched. Namely, the data showed that when there was an arrest after a traffic stop, 18.2% of these arrests did not involve the driver but did involve one or more passengers other than the driver. In these cases,

and also in any other cases where searches involved only passengers other than the driver, race/ethnicity data had only been collected about the driver.

Representatives of the Oregon State Police who reviewed these LECC analyses, and also their own internal data about selected traffic stops, concluded that it was misleading to present tabulations of searches showing the race/ethnicity of the driver when the race or ethnicity of the person searched may have been different. (The extent to which stopped vehicles contain passengers of different race or ethnicity from that of the driver is not known from OSP traffic stop data.) Accordingly, the OSP is reviewing their future data collections about traffic stops and options for how they will handle searches of persons other than the driver

For several reasons, nearly all collections of traffic stop data in the U.S. have limitations concerning the information available about searches of persons other than the driver. First, the burden on officers of collecting detailed information about passengers would be costly to law enforcement agencies and would unnecessarily extend the length of time that citizens are pulled over for traffic stops. Second, the collection of such data would produce an obvious disparity -- the duration of traffic stops for vehicles with passengers would be longer than for vehicles with only a driver. Third, there remains a possibility that searches of passengers, whatever their race or ethnicity, may be influenced by the race or ethnicity of the driver, and research hypotheses about this relationship can be examined using data about the driver. In Oregon traffic stop data received by LECC, only the Corvallis PD provides an indication of whether a passenger was searched, rather than the driver, but nonetheless only the race or ethnicity of the driver is recorded.

## Community Outreach Guidebook

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In early 2010, the Criminal Justice Policy Research Institute (CJPRI) began collaborating with Salem PD to develop a community outreach guidebook or manual. The result of this collaboration is a guidebook entitled, "***Decreasing Crime by Increasing Involvement: A Law Enforcement Guidebook for Building Relations in Multi-Ethnic Communities***". The purpose of this guidebook is to help law enforcement agencies improve their success in community outreach efforts with communities of color and underrepresented ethnic groups, whether they're just beginning their community outreach programs or want to build upon an existing program. It was noted through the LECC meetings that some police departments expressed a desire to improve their relations with their ethnic communities but were often unclear on the best way to accomplish that.

Angie Hedrick, from Salem PD, and Emily Covelli, from Portland State University, have led the development of this guidebook. The initial outline was based on the experiences of Salem PD, as well as issues discussed through the LECC meetings, literature reviews, and dialoguing with invested parties, such as leaders in law enforcement and the community. A draft of this guidebook has been developed and is currently being reviewed by several in law enforcement and those active in the community. The chapters of the guidebook are the following:

- Introduction
- Oregon Public Perceptions of Law Enforcement
- Assessing Readiness for Community Outreach Efforts
- City Manager/Commissioner Support
- The Role of the Media
- Identifying the Populations of Focus
- Overcoming and Understanding the Language & Literacy Levels
- Understanding the Cultural Norms
- Identifying the Best Strategy for Initial Contact/Communication
- Identifying the Best Strategy for In-depth Conversations/Events with the Community

- Evaluation Progress

The guidebook will be finalized after the suggestions from our reviewers have been integrated. Printed copies of the guidebook will be dispersed to the agencies or the individual officers involved in assisting us with the development of this book or other LECC projects. The guidebook will also be made available online at the LECC's webpage in December, so that it is easily accessible for others: <http://www.pdx.edu/cjpri/lecc>

# APPENDICES

## ***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.**

- (2) There is created the Law Enforcement Contacts Policy and Data Review Committee consisting of 11 members appointed by the Governor.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) Portland State University shall provide administrative support staff necessary to the performance of the functions of the committee.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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: Report to ODOT-TSD Board***

### **Background**

*Prior to Section 1906 (1997-2006)*

Oregon started a concerted effort to address racially biased policing in 1997. These prior efforts enabled Oregon to meet the requirements of an “Assurances State” under the Section 1906 *Incentive Program to Prohibit Racial Profiling*. In other words, there were, “satisfactory assurances to the Secretary that the State is undertaking activities to prohibit racial profiling and to maintain and provide public access to data on the race and ethnicity of the driver and passengers for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway (Federal Register, 2006, p. 5728).”

Oregon’s efforts to address concerns over racially biased policing on the part of law enforcement officers began during the 69<sup>th</sup> Legislative Assembly in 1997. During that session House Bill 2433 was adopted. 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 60 member workgroup under the auspices of the Governor’s Public Safety Policy and Planning Council. In addition to recommendations and a final report, the workgroup adopted a model policy for law enforcement agencies which has been adopted, or one like it, by every Oregon law enforcement agency.

A new bill, SB 415, in 2001 provided for voluntary data collection by law enforcement agencies regarding driver race and traffic stop information and the formation of the Law Enforcement Contacts Policy and Data Review Committee (LECC). The bill was supported unanimously by all interested parties and passed the Legislature without a dissenting vote, but was set to sunset at the end of 2007.

The LECC is comprised of eleven members appointed by the Governor and was originally staffed and funded by the Oregon Criminal Justice Commission. The

LECC officially convened February 5, 2002 and quickly established two subcommittees: Data Review and Community Relations.

The purpose of the LECC committee is the following:

- (1) 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.
- (2) 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.

In December 2007 the LECC was codified into Oregon law (ORS 131.905 *et seq*), thus the sunset provisions under SB415 never took effect. Staffing for LECC activities was transferred to Portland State University's Criminal Justice Policy Research Institute.

#### *Section 1906 Incentive Program to Prohibit Racial Profiling*

Due to state budget shortfalls ORS 131.905 *et seq* did not include any general fund monies for staffing. The Section 1906 Incentive Program to Prohibit Racial Profiling, which started in October 2006, has enabled Oregon to continue staffing the activities of the LECC. *The LECC has been able to expand its efforts, scope, longevity and impact because of the Section 1906 Incentive Program.* A three-way partnership between the Oregon Department of Transportation – Transportation Safety Division (TSD), Portland State University's Criminal Justice Policy Research Institute (CJPRI), and the LECC was developed to carry out the provisions of Section 1906 beginning in October of 2006. This funding has allowed the LECC to continue its mission through 2011.

The LECC and CJPRI are indebted to the efforts of Director Troy Costales and Oregon's Transportation Safety Division in managing the Section 1906 program. Without this collaboration the following successes described herein would not have manifested for Oregon.

## **Initiatives funded under Section 1906**

Section 1906 has supported three general initiatives: Technical Assistance to Law Enforcement, Training, and Research & Outreach.

### *A - Technical Assistance – Traffic Stop Data Collection, Analysis, and Reporting*

1. Standardization of data points and benchmarking: The LECC goal has been to ensure that Oregon law enforcement agencies collect similar data points that will be useful for analyzing the existence of racial/ethnic disparities in traffic stops and searches, and potential causes of disparity. Inter-agency analyses of stop and search data should allow for “apples to apples” comparisons. The LECC has also strived to ensure the most valid and reliable analysis techniques are used to ascertain the presence (and potential cause) of racial/ethnic disparities in traffic stops and searched. *Funding under Section 1906 has helped standardize the collection of traffic stop data points and benchmarking techniques in order to understand racial/ethnic disparity in stops and searches in Oregon.* National research efforts to address limitations in traffic stop data and analysis methodologies have pushed agencies to collect more precise data points and use complex analytic techniques. In 2009 and 2010 the LECC started to examine its research methodologies in light of these new approaches. Using more comprehensive data points and complex analyses with Corvallis PD and the Portland Police Bureau, the LECC has discovered that multiple analytic techniques and richer data points are necessary for a deeper understanding of disparity (see the 2009 LECC Annual Report for additional review). The LECC has adopted three benchmarks which are based on best practices (see the 2010 LECC Annual Report for additional review).
2. Partnerships: Since 2007 the LECC and CJPRI worked closely with four law enforcement agencies that have been collecting stop and search data since 2001: Oregon State Police, Hillsboro Police Department, Corvallis Police Department, and the Portland Police Bureau. These departments represent some of the largest departments in the state and patrol both populous and rural areas. For example, 37% of Oregon’s sworn law enforcement officers work with these four agencies. Corvallis, Hillsboro, and Portland agencies serve approximately 20% of the state’s population and the Oregon State Police patrol throughout the entire state. *Funding under Section 1906 has supported technical assistance to law enforcement agencies that patrol the most populous and rural areas, and represent over a third of all sworn officers in Oregon.*
3. Technical Assistance Outreach: *Funding under Section 1906 has supported outreach to all Oregon law enforcement agencies through their associations; technical assistance has been advertised and made*

*available to all of Oregon law enforcement.* In the Spring of 2008, the Oregon Association of Chief's of Police and the Oregon Sheriff's Association agreed to email a description of the technical assistance opportunities available to them through this grant. A presentation on technical assistance opportunities was given to the Oregon Sheriff's Association on July 18, 2008. There have been four new interested partners that evolved out of this outreach effort: The Western Valley Communication Center, Salem PD, Monmouth PD, and Marion County Sheriff's.

4. Database development: A survey conducted of all law enforcement agencies in 2006 identified many agencies were not collecting traffic stop data and those that were had difficulty analyzing data, interpreting findings, and reporting to the public. *Funding under Section 1906 led to the development of a user-friendly database system, Excel tables, and PowerPoint template to assist Oregon law enforcement in the collection, analysis, and reporting of traffic stop and search data.*

#### *B - Training – Tactical Ethics: Perspectives on Profiling*

1. Established State-Wide Curriculum: In 2006, the LECC surveyed all Oregon law enforcement agencies and found there was no consistency to the delivery and content of training related to racial and ethnic biases in policing. LECC members, staff, and partner organizations researched training curricula being utilized nationally and came to unanimous agreement that the Perspectives on Profiling™ curriculum designed by the Tools for Tolerance® for Law Enforcement at the Simon Wiesenthal Center's Museum was the best available. Some Oregon law enforcement agencies had previously purchased a license to use the Perspectives on Profiling curriculum. Section 1906 funding enabled Oregon to purchase a license for the entire state. *Funding under Section 1906 led to the purchase of a uniform, state-wide training curriculum for all sworn Oregon law enforcement officers regarding police bias, racial profiling, and ethical decision-making.*
2. Train-the-Trainer: Extensive training is required by the Wiesenthal Center to ensure trainers are properly facilitating a discussion-oriented and challenging curriculum. A core of 15 active trainers is currently involved in the delivery of the Perspectives on Profiling curriculum. Wiesenthal representatives have visited Oregon to conduct train-the-trainer sessions, invited trainers to their Center in Los Angeles, and provided advanced training sessions. *Funding under Section 1906 has helped build a competent and dedicated core of trainers committed to facilitating the Perspectives on Profiling training throughout Oregon law enforcement.*

3. Regional Training and In-Service Training:: In order to increase the widest exposure to the Perspectives on Profiling curriculum a regional training format was necessary. A partnership between CJPRI and DPSST developed to deliver the Perspectives curriculum throughout the state. *Since 2008, funding under Section 1906 assisted in the delivery of 41 regional trainings which were attended by 679 law enforcement officers.*

Regional and national law enforcement accreditation programs require annual training on issues related to race/ethnicity, racial profiling, or police bias and ethics. To meet this need the Perspectives on Profiling curriculum has been offered as an in-service training opportunity available to every officer in a department. *Since 2008, funding under Section 1906 assisted in the delivery of 28 in-service trainings which were attended by 623 law enforcement officers.*

Below is a table of all the trainings funded to date (June 1, 2011) by Section 1906. *Funding under Section 1906 has led to the training of 1302 Oregon Law enforcement officers, approximately 25% of all sworn officers.*

Perspectives on Profiling Trainings April 9, 2008 to June 1, 2011

Date	Location	Number of Training hours	In-Service	Number of Participants
April 9, 2008	Coos Bay	6		10
April 10, 2008	Eugene	6		6
May 14, 2008	Pendleton	6		11
June 10, 2008	Madras	6		12
June 25, 2008	Klamath Falls	6		12
June 26, 2008	Grants Pass	6		6
October 8, 2008	OSU	4	Yes	28
October 22, 2008	OSU	4	Yes	28
January 7, 2009	Hillsboro	5	Yes	28
February 25, 2009	Central Point	6		10
March 13&16, 2009	Marion County	4	Yes	76
March 24, 2009	Brookings	6		14
March 25, 2009	Coos Bay	6		13
March 26, 2009	Rockaway Beach	6		10
April 8, 2009	Corvallis	2	Yes	13
April 15, 2009	Corvallis	2	Yes	20
April 15, 2009	Bend	6		8
May 8, 2009	Corvallis	2	Yes	30
May 15, 2009	Corvallis	2	Yes	23
May 19, 2009	Ontario	6		28
May 20, 2009	Umatilla	6		12
May 21, 2009	Hood River	6		7
May 26, 2009	St. Helens	3	Yes	22
June 9, 2009	Eugene	6		15
June 10, 2009	Newberg	6		10
June 11, 2009	Hillsboro	6		9

August 12, 2009	Ontario	6		18
August 26, 2009	Salishan	4		57
September 14, 2009	Corvallis	4	Yes	8
September 26, 2009	Clackamas	4		30
September 29, 2009	Springfield	4.5	Yes	26
September 29, 2009	Springfield	4.5	Yes	31
September 30, 2009	Springfield	4.5	Yes	12
September 30, 2009	Springfield	4.5	Yes	23
October 12, 2009	Clackamas	4		28
November 11, 2009	Troutdale	5	Yes	16
November 18, 2009	Troutdale	5	Yes	15
January 14, 2010	Woodburn	3	Yes	14
January 20, 2010	Tillamook	6	Yes	18
January 21, 2010	Woodburn	3	Yes	11
February 8, 2010	Lake Oswego	6	Yes	23
February 11, 2010	Lake Oswego	6	Yes	19
February 16, 2010	St. Helens	6	Yes	21
March 3, 2010	Salem	6		23
March 17, 2010	Salem	3	Yes	7
April 7, 2010	Seaside	6		15
April 12, 2010	Corvallis	2	Yes	35
April 21, 2010	Corvallis	2	Yes	40
April 24, 2010	Eugene	6	Yes	14
May 3, 2010	Metro Sergeant's Academy	6		32
May 6, 2010	OSSA Leadership Training	2		63
May 18, 2010	Klamath Falls	6		8
May 19, 2010	Ashland	6		6
May 20, 2010	Roseburg	6		7
June 15, 2010	Pendleton	6		9
June 29, 2010	Milwaukie	7	Yes	6
September 17, 2010	Animal Control Conference	2		14
October 9, 2010	Metro Reserve Academy	4	Yes	28
December 8, 2010	Junction City	7	Yes	16
February 8, 2011	Medford	6		18
February 9, 2011	Roseburg	6		9
February 10, 2011	Eugene	6		23
March 7, 2011	Metro Sergeant's Academy	6	Yes	30
March 12, 2011	Lane Co. Reserve Academy	4	Yes	16
March 29, 2011	Gold Beach	6		8
March 30, 2011	Reedsport	6		13
March 31, 2011	Seaside	6		11
April 28, 2011	DPSST Academy	3		12
May 18, 2011	Boardman	6		8
June 9, 2011*	Eugene	4	Yes	6
June 14, 2011	Oregon City	6		17
June 15, 2011	Salem	6		5
September 23, 2011*	Junction City	4	Yes	12
September 26, 2011*	Columbia County	4	Yes	19
September 26, 2011*	Columbia County	4	Yes	12
October 3, 2011*	Lake Oswego	4	Yes	20

October 5, 2011	Portland	6		14
October 6, 2011*	Lake Oswego	4	Yes	18
October 10, 2011	The Dalles	6		10

4. Follow-up In-service Training: In order to meet the needs of law enforcement accreditation, a new curriculum that can extend and deepen the lessons provided in the original Perspectives curriculum was needed. *Funding under Section 1906 has facilitated the development of new in-service curricula that will extend our training opportunities into the future and help Oregon agencies continue to meet accreditation standards.*

### C - Research, Outreach, Presentations, and Publications

1. Statewide Public Perceptions Survey: Between 2001 and 2005 the LECC was able to submit questions to a statewide survey originally administered under a program entitled the Oregon Annual Social Indicators Survey (OASIS). The LECC questions measured the public's experiences with police stops in the prior year and their perceptions of law enforcement bias and satisfaction. The OASIS program ended in 2005. In 2007 and 2009 funds from Section 1906 were used to continue a statewide survey with a minority population over sample to monitor public perceptions. *Funding under Section 1906 has allowed for the examination of long-term trends in public perceptions of police bias and stop experiences in Oregon. This survey research is critical for the examination of potential outcomes related to training and stop data collection throughout the state.*
2. Research and Annual Reports: *Funding from Section 1906 has supported analysis of traffic stop and search data which have been made available to the public in both technical reports and an Annual Report to the legislature.* Four annual reports from 2007 through 2010 were turned over to the Oregon State Judiciary Committee, emailed to all Oregon Legislators and made available on the CJPRI/LECC website.
3. Outreach: *Funding under Section 1906 has facilitated the outreach of consultation, technical assistance, education, training, and partnership opportunities throughout Oregon and nationally.* Some examples of these outreach efforts are the following:
  - a. Presentation at the Oregon Sheriff's Association Conference (July 18, 2008)
  - b. Membership and involvement in Portland's Racial Profiling Task Force
  - c. Presentations at the Governor's Summit on Eliminating Disproportionate Minority Contact in the Juvenile Justice System in November of 2008 and 2009.

- d. Partnership with the Salem Police Department to develop a community outreach manual
- e. Regular attendance at Portland's Office of Human Relations meetings dealing with police bias issues
- f. Maintenance of LECC Website (<http://www.pdx.edu/cjpri/lecc>)
- g. Invited conference presentation (Bureau of Justice Statistics Conference)
- h. Two peer-reviewed conferences (Academy of Criminal Justice Sciences and American Society of Criminology)
- i. One peer-reviewed article has been accepted for publication in the journal *Policing*, and several are in the works

## **Outcomes**

1. *Quality statewide training program in place:* Prior to Section 1906 funding there was no consistent or uniform training curriculum in place to address concerns over racial profiling and police bias. In fact, these subjects were rarely formally discussed in most police departments. The purchase of the Perspectives on Profiling curriculum for Oregon fills this void. Both immediate training feedback and follow-up evaluations of trainees point out that over 90% of officers trained agree that the training is important and valuable for Oregon law enforcement.
2. *Over 1300 officers trained (approximately 25% of sworn personnel):* The magnitude of training 1300 officers throughout the state in 3 ½ years could not have been accomplished without the support of Section 1906.
3. *Improved perceptions of law enforcement:* Statewide perceptions of law enforcement have improved since the funding of Section 1906 for the above initiatives, although a direct link cannot be proved. For example, attitudes of African American, Minority, and Hispanic drivers regarding the frequency of racial profiling are consistently improving over time. Among African American drivers in 2005, 71% felt police were often/always biased in making stop decisions, which fell to 66% in 2007 and 60% in 2009. Among Hispanic drivers in 2005, 31% felt police were often/always biased in making stop decisions, which fell to 27% in 2007 and 25% in 2009. Similarly, the attitudes of White drivers regarding the frequency of police bias have been improving over time, too. African American and Hispanic drivers continue to view Oregon police more positively and less negatively over time. In 2005, 43% of African Americans reported negative feelings toward Oregon police, while only 28% reported negative feelings in 2007, and 21% in 2009.
4. *Better understanding of the utility in collecting traffic stop and search data:* Both national and Oregon research has helped to create more realistic expectations regarding the utility of traffic stop data collection efforts.

Data collection should be viewed as an important problem-solving tool and a springboard for agency reflection and community dialogues. Data collection coupled with community dialogue increases transparency which is important for improving public relations. Data collection is important for accreditation, strategic planning, and prevention of law suits and negative press. The data cannot prove or disprove racially biased policing and individual officer motivations.

5. *New partnerships and inertia*: The term “racial profiling” has been equally offensive to law enforcement as it has been to communities of color. Discussing “racial profiling” in law enforcement circles could immediately close off dialogue. LECC meetings with Oregon law enforcement agencies, Associations, and DPSST from 2001 to 2006 were viewed with suspicion and often characterized with tension. As the above initiatives supported through Section 1906 spread throughout the state a new climate and partnership based on trust and mutual respect has evolved slowly over time. The LECC, its staff, and initiatives have gained a positive reputation throughout the state to the point where services are sought after. Many factors contributed to this change including careful planning, investment in a quality training curricula designed to create comfort and open discussion regarding controversial topics, outreach/word of mouth, and leadership.

### **Future Goals**

1. *Continue statewide training through 2012*: Regional and in-service trainings will still be offered with similar opportunities and frequency for 2011-2012.
2. *Start in-service follow-up training program 2011-2012*: The new follow-up in-service curriculum designed for departments to more comprehensively explore issues of police bias and racial stereotypes will begin in Summer 2011 and will be made available to all interested agencies through 2012.
3. *Continue basic technical assistance*: Basic technical assistance regarding traffic stop and search data will be made available to all interested agencies. More comprehensive assistance would be available on a limited basis and would need the support of a contract/grant from the agency.
4. *Non-profit grants and Oregon general fund support*: We are currently looking at a variety of non-profit grant programs to help support some of the above initiatives. In addition, we have started conversations with the Governor’s office to support the use of Oregon general fund money to create a stable, long-term program starting in the 2013-2014 budget cycle.

## ***APPENDIX C – “Tactical Ethics: Perspectives on Profiling” Training Follow Up Survey***

### **Informed Consent Form**

The Criminal Justice Policy Research Institute (CJPRI) at Portland State University (PSU), partners with the Simon Wiesenthal Museum of Tolerance and DPSST in order to offer an interactive scenario based training program to Oregon law enforcement professionals called *Tactical Ethics: Perspectives on Profiling*. In order to continue and enhance this training effort, we need to gain feedback from Oregon law enforcement about the impact of this training and the needs for related trainings in the future.

### ***Your opinions are important to us***

The questions focus on ethical issues in law enforcement, your departmental support for handling ethical dilemmas, and law enforcement training needs and interests. No questions are asked about specific events or experiences.

### ***What will I get out of taking this survey?***

Your feedback will be used for improving the delivery and effectiveness of this training effort. In appreciation for your time we'll be conducting a random drawing for four \$45 gift certificates to BEST BUY. In order to maintain your anonymity, we've set up this drawing through a separate website online. To enter into the optional drawing, please fill out the separate gift certificate raffle form at the end of the survey.

### ***Your answers are confidential***

We understand that topics on ethics are sensitive and that keeping your information confidential is critical. Only Dr. Brian Renauer, Emily Covelli, and Jonathan Dabney at CJPRI will have access to your surveys. In order to protect your privacy your name and agency are never collected, thus you cannot be associated with your answers. Survey results are reported in the aggregate.

### ***Your rights***

While we appreciate your feedback, you are under no obligation to take this survey. You are also welcome to skip any questions that you are not willing to answer. If you have any questions or concerns, you can contact Dr. Brian Renauer at (503) 725-8090 or [renauer@pdx.edu](mailto:renauer@pdx.edu). If you have concerns or problems about your participation in this study or your rights as a research subject, please contact the Human Subjects Research Review Committee, Office of Research and Sponsored Projects, 600 Unitus Bldg., Portland State University, (503) 725-4288 / 1-877-480-4400.

If you have read and understand the above information and wish to take the survey please begin now.

<b>Initial Question: Have you ever attended a scenario-based course during an in-service or regional training called “Tactical Ethics: Perspectives on Profiling” or “Perspectives on Profiling”</b>	
<input type="radio"/>	Yes, I’ve attended such a training
<input type="radio"/>	No, I’ve never attended such a training

**Track 1: For those that responded “Yes, I’ve attended such a training”**

**1) Approximately how long has it been since you attended a Tactical Ethics: Perspectives on Profiling course?**

Within the last 3 months	3-6 months	7-11 months	1-2 years	3 or more years
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**2) Was it an in-service training, regional training, or have you attended both?**

In-service Training	Regional Training	Both
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**3) Since attending the Tactical Ethics: Perspectives on Profiling training, I’ve thought more about organizational culture or ethical issues in law enforcement.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

**4) Law enforcement often has to make quick, important decisions based on very limited information. The training attempts to sharpen one’s ability at relying on clear observations and being more aware of one’s potential personal biases. How strongly would you agree that you’ve noticed yourself or others thinking more about the motivation behind stopping someone, in addition to having probable cause?**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

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**5) The training demonstrates how our personal experiences, media, and culture impact the way that we interpret the world and how we may associate various assumptions with certain characteristics, such as a person's gender, race/ethnicity, or age group. How strongly would you agree that you've noticed yourself or others being less suspicious of someone, based on one's race/ethnicity when working general patrol?**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**6) Since the training, I feel more confident in how to properly handle racial tensions that may arise when making police stops.**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**7) Since the training, I feel more confident in approaching my supervisors to report unethical behavior, if needed.**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**8) My co-workers are concerned about ethical issues in law enforcement and the integrity of other officers' actions is very important to them.**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**9) My supervisors and upper management are very good at encouraging ethical behavior in our agency.**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**10) My department is good at policing itself against unethical behavior.**

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**11) This training is valuable and should be continued to keep law enforcement up to date on current laws, ethical issues, and procedures in law enforcement.**

---

---

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**12) How many years have you worked in law enforcement?**

\_\_\_\_\_

(optional: this information is only used to help us better understand variations in responses, not to identify individuals)

---

**13) What is your current position?**

\_\_\_\_\_

(optional: this information is only used to help us better understand variations in responses, not to identify individuals)

---

**14) How often do you work patrol in your current position?**

---

Never	Rarely	Sometimes	Often	Always
<input type="radio"/>				

---

**15) Are there any specific examples of how you were able to use this training on the job?**

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**16) Do you have any suggestions for improving this training on police ethics?**

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**17) What other trainings would you like to see available to Oregon law enforcement?**

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**18) For supervisors only: What impact, if any, has the Perspectives on Profiling training had on your agency?**

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**Thank you for taking the time to fill out this survey. Your feedback is extremely important to us. Please feel free to leave us any additional comments.**

**Track 2: For those that responded “No, I’ve never attended such a training”**

**1) How important would you rate the following training topics for law enforcement:**

	Not Important	Somewhat Important	Very Important
Officer Safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How to improve community relations and respond to community concerns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The 4 <sup>th</sup> and 14 <sup>th</sup> amendments, and how they relate to decision making during traffic stops	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Understanding the difference between racial profiling and criminal profiling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ethical leadership in law enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**2) I often think about organizational culture or ethical issues in law enforcement.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

**3) I often think about whether my personal biases may impact my decision making.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**4) I feel very confident in how to properly handle racial tensions that can arise when making police stops.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**5) I feel very confident in approaching my supervisors to report unethical behavior, if needed.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**6) My co-workers are concerned about ethical issues in law enforcement and the integrity of other officers' actions is very important to them.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**7) My supervisors and upper management are very good at encouraging ethical behavior in our agency.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**8) My department is good at policing itself against unethical behavior.**

Strongly disagree	Disagree	Slightly disagree	Slightly agree	Agree	Strongly agree
<input type="radio"/>					

---

**9) How many years have you worked in law enforcement?** \_\_\_\_\_

(optional: this information is only used to help us better understand variations in responses, not to identify individuals)

---

**10) What is your current position?**

\_\_\_\_\_

(optional: this information is only used to help us better understand variations in responses, not to identify individuals)

---

**11) How often do you work patrol in your current position?**

Never	Rarely	Sometimes	Often	Always
<input type="radio"/>				

---

**Thank you for taking the time to fill out this survey. Your feedback is extremely important to us. Please feel free to leave us any additional comments.**

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