Law Enforcement Contacts Policy and Data Review Committee (LECC)
Meeting Minutes
March 2, 2005, 10:00 a.m.
Oregon Department of Transportation Building, Salem, Oregon

LECC Members Present
- William Feyerherm
- David Fidanque
- Annabelle Jaramillo
- Walt Myers
- Frank Thompson
- Greg Willeford
- Claudia Black
- Meredith (Bud) Bliss
- Laura Uva
- Craig Prins

LECC Staff Present
- Guests
- Greg Willeford
- Keith Aoki
- Charles Martinez
- Jan Chaiken
- Raul Ramirez
- Roland Broussard
- Peter Wong
- Dep. Shane Bernham
- Gabriella Rico
- Lt. Dan Connor

Welcome / Introductions
Craig Prins, Executive Director of the Oregon Criminal Justice Commission (CJC), welcomed the members of the Committee, and explained that the LECC Chair had not been chosen yet because only ten members had been appointed so far to this 11-member committee and the former chair, David Frohnmayer, is no longer able to serve on the Committee. He asked members to introduce themselves in order to facilitate the nomination of, and voting for, an acting chair of the meeting.

Craig Prins was a Multnomah County Prosecutor for approximately five years. He then worked in the Legislature as the Council for the Judiciary Committee in the 2001 and 2003 sessions. This past year he worked as Deputy Director at the Department of Public Safety Standards and Training (DPSST).

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Bill Feyerherm is the Vice Provost for Research and the Dean of the Graduate School of Portland State University. Most of his research interest has been in the juvenile justice system, and he is heavily involved at the federal level in what the Office of Juvenile Justice and Delinquency Prevention calls the “disproportionate minority contacts” issue. He designed the data collection system that the federal government uses for tracking issues of equal treatment and disparities at the federal level and imposes on all of the states. As one of the original members of the LECC, he helped set up the data collection and analyze the first set of data in Hillsboro.

Greg Willeford works with the Superintendent’s Office of the Oregon State Police (OSP), and has been with the OSP for 26 years. He is a newly appointed member of the LECC.

Walt Myers, Salem Police Chief, was an original member of the LECC. He sees the issue of racial profiling as a problem of both reality and perception. He is especially concerned about the perception of the police by the growing Hispanic immigrant population, many of whom have had negative interactions with police in their home countries. He also wants to see the level of awareness of racial profiling and sensitivity to diverse ethnic backgrounds rise among law enforcement officers in this state.
Frank Thompson is Superintendent of the Santiam Correctional Institution, and has worked in the corrections system in Oregon for approximately ten years. He served as Chair of the Commission on Black Affairs for four years under the Kitzhaber Administration.

David Fidanque is the Executive Director of the American Civil Liberties Union (ACLU) of Oregon. He has worked for the ACLU of Oregon since 1982, and has been statewide director since 1993. He has worked on racial profiling issues since the late 1980s and, as a member of the Asset Forfeiture Oversight Advisory Committee, he helped begin looking into patterns in stops that were made by members of the Drug Interdiction Team of the Oregon State Police.

Other Introductions
Lt. Dan Connor and Dep. Shane Bernham represented Sheriff Ramirez at the meeting, because he was out of town.

Bud Bliss has been Research Analyst at the Oregon CJC since 2000 and provided staff support for the LECC in its early years as well as for the Asset Forfeiture Oversight Advisory Committee.

Claudia Black, Associate Director of the Criminal Justice Policy Research Institute (CJPRI) at Portland State University, is providing staff support for the Committee. She was a police officer in California and has been personally interested in the issue of racial profiling since.

Roland Broussard attended this meeting as a guest member of the public. He is currently Chair of the Salem Policing Advisory Committee. He mentioned it would be beneficial to better publicize the LECC meetings so that the minority community knows that efforts are being made to correct racial profiling.

Peter Wong and Gabriella Rico are reporters from The Statesman Journal.

Selection of Acting Chair
Thompson moved that Myers should be the acting chair for this meeting, and Feyerherm seconded the motion. The Committee unanimously approved the motion.

Approval of Agenda
The Committee approved the agenda, with the exception that the OASIS Update should occur before the Subcommittee Updates in order to allow Jaramillo time to arrive.

History
Fidanque described the history of the LECC.

In 1997, the Legislature enacted HB 2433 which expanded the authority of police officers to stop persons and expanded the scope of inquiries in most vehicle stops. There was a great deal of concern related to racial profiling around that bill, Fidanque being one of its
opponents who had urged Governor Kitzhaber to veto the bill. In the end, Kitzhaber agreed to sign it on the condition that the [Governor’s Public Safety Planning and Policy Council] work with community organizations to address the issue of racial profiling.

A number of large meetings were called in which a variety of different perspectives on racial profiling were represented. After agreeing on a definition, they came to the conclusion that racial profiling is both real and perceived. This was a critical point that allowed everyone to find some common ground and realize that they must work jointly to find solutions.

They came to an agreement that law enforcement agencies should be encouraged to voluntarily collect data on law enforcement contacts. Because collecting data in and of itself is not a solution, there also had to be a dialogue between communities of color and law enforcement, which could be achieved through outreach.

Out of that work came a recommendation for the creation of the LECC which then went to the Legislature in the 2001 session, becoming SB 415. It was felt that the Committee would have greater stature if members were appointed by the governor with an ongoing budget, allowing them to take the racial profiling work to a higher level.

When the LECC began meeting in 2001, they quickly formed two subcommittees, one to work on data review and the other on community relations. The general charge of the Data Review Subcommittee was not only to encourage law enforcement agencies to begin collecting data, but also to provide a central clearing house to assist local jurisdictions in the analysis of that data, both in the context of their own jurisdictions and in a statewide context. This goal has yet to be met.

The Community Relations Subcommittee was focused on figuring out how to improve relations between individual law enforcement agencies and communities of color within their jurisdictions. Ideally, models would be provided for local jurisdictions that they could easily adapt for outreach within their own jurisdictions. This work is also incomplete.

[Annabelle Jaramillo arrived at approximately 10:30 a.m.]

There was an understanding that the level of staffing at the CJC was not adequate to support the work of the LECC. The problem was not a lack of will, but a budgetary crisis. There was a freeze on hiring outside consultants. It has been very difficult to maintain the funding of this committee over the past two and a half years. The members’ energy had been diverted by the budget cuts and the tragedy of September 11, 2001.

Because there has been a lot of turnover in law enforcement personnel over the last three to four years due to retirements, there is a need to reach out to people that are concerned about racial profiling in order to let them know that this committee is getting restarted, is serious about addressing these issues and is committed to a model in which law enforcement agencies and community organizations and activists work together.

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Fidanque noted that the issue of racial profiling is more urgent than ever based on recent events, particularly in Eugene and Portland where there has been much controversy over police interactions with people of color. There is a lot of concern and anger in these cities about the “all talk, no action” issue with racial profiling.

Willeford asserted that longer, better training of law enforcement officers on this issue, such as that developed by DPSST, is part of the solution, and Fidanque agreed. Jaramillo agreed, and added that training must be an on-going process in order to be effective. Fidanque said they need to find out what the current level of training is and where they are on data collection and by-laws.

Fidanque said he did not know which agencies were collecting data right now, but had heard that a number of agencies that had been collecting data no longer are. There is a sense among some law enforcement officers that the racial profiling issue is complete and it is not necessary to worry about anymore.

Feyerherm commented that data collection will allow agencies to keep track of the effectiveness of their training. In addition, the very act of collecting data will remind officers that this issue is pressing.

Prins said that DPSST is moving from a ten-week to a 16-week academy. This will allow for the move from a classroom setting to a more interactive training in which trainers dig more deeply into the issues. However, it may be difficult to put together an effective curriculum and still abide by the strict mandates of the Legislature.

Prins added that John Minnis, who is currently the Director of DPSST, was Chair of the Senate Judiciary Committee that passed this bill, and therefore is very aware of racial profiling issues and motivated to combat them. Prins assured the Committee that Minnis would be willing to present a report to them on what is currently being done with the DPSST cultural competency and diversity curriculum.

Jaramillo brought up the issue of resources. The choice to jump to training when you do not even have resources to collect all the data needs to be considered carefully. In addition, one must recognize the challenge of integrating the different sectors of the Sheriff’s Department, which may include adult corrections and law enforcement.

Myers agreed that resources are a major issue. However, training is a more active step that moves the process forward while the data collection is pursued.

Feyerherm reminded the Committee that training is but a starting point whose effect lasts at best for two years. Follow-ups on training are necessary.

Thompson added that curriculum should be tailored to specific regional data.
Data Review Subcommittee Update

Because the Chair, Jan Chaiken, was not able to attend this meeting, Feyerherm provided a brief summary of the work of the Data Review Subcommittee.

Essentially, the Data Review Subcommittee focused on two issues/sets of information: public surveys and traffic stop data. Public surveys offer insight into the public perception of racial profiling and whether this perception is isolated in particular groups or is shared. This gives the committee a beginning idea of whether people of color have different experiences than non-hispanic white people. There are challenges with using these types of surveys to illicit specific information, because these are surveys of 600-1000 people and the numbers of people affected would be quite small. Additionally, they are statewide surveys, and Oregon is a fairly homogenous state in which there are relatively low proportions of non-white respondents. These surveys are also unable to look at specific areas within Oregon.

The Data Review Subcommittee has also been looking at traffic stop data. They have looked at data from the Oregon State Police, Hillsboro Police Department, and perhaps Eugene and Corvallis Police Departments. When looking at this data, there are two major questions one can ask:

1. Who is likely to be stopped? Is there a disparity?
2. What happens to people after they are stopped?

It must be recognized that there are differences in the demographics of the driving public as compared to the public at large. There are a host of factors that can contribute to a person being subject to a traffic stop. For example, older people generally do not get pulled over as often as younger people. There are age differences in distributions of race. For example, Latinos have a larger population percentage of young people than do non-hispanics. The quality of the vehicle tends to attract police attention. The Data Review Subcommittee probably cannot address the first question (is there a higher likelihood to be stopped), but can address the second (what happens after the stop, and whether a ticket, arrest or search is more likely for different races).

The perception of racial profiling appears to be larger than its reality, but the Subcommittee does not have access to Portland Police Bureau Data, which is important considering the recent shootings.

OASIS Update

Bliss provided the update on the Oregon Annual Social Indicator Survey (OASIS), repeatedly emphasizing the importance of careful interpretation, as it is easy to get misled when merely looking at the raw statistics.

The University of Oregon puts together this survey each year. LECC is currently in their fourth year of participation with OASIS. This is a public perception survey and a random digit dialing telephone poll. Therefore, there is a built-in bias towards people who both have a telephone and are willing to participate in the survey during the hours in which the survey is conducted. They are very persistent in following up on calls, making thousands of calls in order to get 800 people to participate in the survey. Unfortunately, there is very
limited ability to sample the racial minority population, so people are grouped into Non-Hispanic Whites (approx. 90 percent of respondents), and All Other Minorities (approx. ten percent of respondents).

Because of the small sample size, the statistical validity is not such that one can draw good conclusions. Generally, just below 25 percent of respondents that were drivers reported having been stopped within the year. Out of those that were stopped, about 10-15 percent reported having been searched as a result of that stop. Doing any significant analysis on the very small population of people that reported being searched is difficult.

Males tended to express the belief that racial profiling occurs “rarely” or “never” more frequently than females did. But males expressed the belief that it occurs “frequently” at about the same rate as females. Older drivers very consistently tended to have a much more favorable attitude toward police and tended to believe that racial profiling occurs less often than did younger drivers. In the first two years of the survey, minorities were much more likely to believe that racial profiling occurred “frequently,” but in the survey that was conducted last year this flip-flopped. However, this does not have statistical significance because of the very small sample size. Minorities consistently expressed negative attitudes about the police more often than whites. In both racial categories, those who were stopped by the police tended to have a more negative attitude toward the police than did people who had not been stopped.

It is important, because of the small sample sizes, to look for trends across years. However, when doing this, one must consider the major events of each year (such as shootings) that may have affected public opinion.

There is a slightly greater number of minorities who are stopped that are searched as a result of the stop. It is hard to draw reliable conclusions due to the small sample size, but this is a trend that is consistent over a number of years.

The 1999 Public Perception Survey used a technique of oversampling that would be very valuable to the LECC. Some challenges of oversampling are language barriers and finding the populations to oversample.

Myers wanted to know if oversampling was an important enough effort for the committee to make it one of their priorities. Feyerherm estimated, based on previous experience with these sorts of surveys, that it would cost approximately $250,000.

Bliss brought up the possibility of “piggybacking” onto one of the Oregon Survey Research Laboratory projects, which would allow the LECC to approach oversampling on a more reasonable budget. Feyerherm noted that this would still cost $50,000 to $100,000.

Prins mentioned that Senator Gordly is keenly interested in this issue. He has talked to her about funding issues for the LECC, so he thinks it would be good to talk with her if the LECC decides to pursue this sort of survey.
Prins described the budget issue. There is funding to staff the project through the end of this biennium. The governor’s recommended budget does not include funding for the LECC for the 2005-2007 biennium. Although it is not in the Governor’s budget, both the Governor and members of the Legislature are interested in this issue. Prins and Black stated that the absence of LECC funding in the budget appears to be an oversight.

**Community Relations Subcommittee Update**
Jaramillo and Myers provided the update on the work of the Community Relations Subcommittee.

Jaramillo stated that the Subcommittee focused mainly on training issues, although they did discuss how they could implement some sort of community outreach at the local level. However, this would have to be done jurisdiction by jurisdiction, with some basic guidance by the Subcommittee.

Training and involving law enforcement would be a much easier task than engaging the communities. The Subcommittee never got beyond that dilemma, so that is the issue to be focused upon in the future. Training needs to be looked at as a continuum, and therefore investments need to be looked at in the long-term.

As law enforcement personnel are aging, the Subcommittee may want to look at how they can engage younger officers earlier in their careers, thus creating certain cultural changes within the organizations.

Myers added that differences between regions of Oregon must be considered. Because this makes the process much more complicated, they had considered hiring a project manager.

The work of this Subcommittee requires a two-pronged approach. They need to understand both the law enforcement personnel’s and the communities’ perceptions on racial profiling, while also making progress on the issues.

**Review Work Plan**
Black reviewed the LECC Work Plan.

Although there had been a recommendation to modify the questions on the OASIS survey, they made the decision to continue with the same questions as before, in order to have a means of comparison, and to wait until the Committee was up and running to make a final determination of whether or not to change the OASIS questions.

**Subcommittee Chair Selection**
There was a group consensus that Myers and Jaramillo should continue as Co-Chairs of the Community Relations Subcommittee, and Jan Chaiken should continue as Chair of the Data Review Subcommittee.
Law Enforcement Survey
Black briefly reviewed the work needing to be done on the Law Enforcement Survey.

Both Subcommittees have plans to survey all of the law enforcement agencies in Oregon. The Data Review Subcommittee would like to survey all that are currently collecting or interested in beginning to collect “stop” data and are able to share data with the Committee. Their set of survey questions will focus on post-stop data.

The Community Relations Subcommittee’s set of survey questions will be to identify current or planned outreach efforts to minority communities, successful practices or programs to involve minority communities in planning data collection and analysis, and technical assistance needs for outreach, data development and/or analysis.

Black said that the Subcommittees should refine the questions and decide how to increase participation.

Bliss remarked that each agency has adopted their own approach to collecting data, which creates some challenges in merging data from different agencies into a single statewide database. Bliss also discovered that the reason for the stop changes as the stop progresses. When LECC gets the data, they do not get the original reasons for the stops.

Fidanque added that he would like the Data Review Subcommittee to have some sessions with some of the local jurisdictions that are sharing their data with the LECC. Trying to dig deeper into their raw data, rather than just blending that data with statewide data, would allow them to see if there were enough data points and subjects involved to draw any conclusions.

Bliss said that an additional resource that the LECC could tap into is the Eugene data. There is an analyst with the OASIS survey who is interested in this issue and has done the analysis on the Eugene data; his report is a national model for the interpretation of this data.

Willeford recommended that they include a question on training, and Jaramillo agreed. Not only would this inform the LECC of current training activities, but it would also act as an incentive to the agencies that have talked about having training but have not actually implemented it yet.

Public Comments
Broussard commented on the OASIS survey. He suggested that one way to get a greater sampling of specific racial groups is to seek assistance from local community-based organizations, such as NAACP, Urban League, or local Hispanic community-based organizations. However, it would be imperative in these situations to assure them that the surveys were not going to be embellished and that there are some checks and balances to see that those types of surveys are in fact true samplings of what the various respondents would say.
He said that, because of the small sample size of non-white people in the OASIS survey, communities of color would not see this as a valid measure of racial profiling and its perception.

In addition, he said that the racial category of “Asian” is too broad a category to identify certain subgroups of Asians that are stopped by the police more than others.

**Next LECC Meeting / Agenda Items**

The Committee reached a consensus to initially meet monthly in order to regain its momentum. Fidanque mentioned that the goal in the beginning was to have the LECC meet quarterly and the Subcommittees meet more frequently.

The Committee decided to schedule the next LECC meeting for April 11, 2005, based on the schedules of the members present. One of the issues to be discussed at this two-hour meeting is the budget. Myers said that, by the time of the next meeting, the LECC Chair should have been chosen, they should have a clear idea of their primary mission and focus, and each of the Subcommittees should have, at their meetings, put together a clear statement of their priorities.

Myers said that the Subcommittees should make two lists of their priorities. One would list their priorities if there is funding available. The other would list their priorities if there is not funding available. Therefore, there would be some things that the LECC could continue working on even if they do not receive funding.

Willeford suggested that the Subcommittees also create timelines of tasks for both financial scenarios. The Committee agreed.

Fidanque suggested, and the Committee agreed, that, at a minimum, funding was necessary to continue to staff the LECC.

Prins said that he would talk to Craig Campbell, the governor’s Public Safety Advisor, and Senator Gordly, Chair of the Public Safety Subcommittee of the Ways and Means Committee, on March 3, 2005, at the latest. He invited interested members to join him, and will report back to the Committee.

Fidanque suggested that there be a small working group of members and staff that communicates over e-mail to work out a consensus of what is reasonable for a minimal base budget to insure the continuation of the committee staff. The Committee agreed. Several members expressed interest in participating in this activity.

**Adjournment**

The meeting was adjourned at 12:20 p.m.