

# Stops Data Collection and Analysis Basics

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PORTLAND POLICE BUREAU

# Legal and Policy Sources

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All Stops Data Collection is guided by definitions / laws / rules from one of the following sources:

- State of Oregon
  - Oregon Revised Statutes (ORS)
- Portland Police Bureau
  - Directives
  - Standard Operating Procedures
  - Standard Practice

# What is a Stop?

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A “stop” is a “temporary restraint of a person’s liberty by a peace officer present in any place.” [ORS 131.605 (7)]

- Distinguishing feature of "stop" is that person's liberty is restrained by either physical force or show of authority.

State v. Hasan, 93 Or App 142, 760 P2d 1377 (1988)

During a stop, the subject is NOT free to leave until the officer resolves the interaction.

- Encounter is a stop “when restraint or interference with citizen freedom of movement is significantly out of ordinary.”

State v. Blair/Vanis, 171 Or App 162, 14 P3d 660 (2000)

# When can a Stop occur?

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A police officer can perform a stop when the officer has reasonable suspicion that a crime [ORS 131.615 (1)] or violation [ORS 810.410 (3) ; ORS 153.039 (2)] has been committed.

- Officers can also stop individuals when they suspect the subject is about to commit a crime (i.e., felony or misdemeanor) [ORS 131.615 (1)].

## Interactions not considered a stop:

- Community Initiated Contacts
- Response to call for service
- Mere conversations
- Off-duty interactions
- Routine security checks when entering secure areas (courthouse, airport, etc.)
- Community engagement

# What Stops require data collection?

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## State of Oregon:

- Traffic Stops: “detention of a driver of a motor vehicle..., not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code” [ORS 131.930 (4)]
- Pedestrians: “detention of a pedestrian... that is not associated with a call for service.” [ORS 131.930 (3)]

## Portland Police Bureau

- All traffic stops, regardless of stop reason
  - Felonies, Misdemeanors, Portland City Code, TriMet Code, County Code
- Includes pedestrians, bicycle riders, passengers in vehicles, scooter operators, etc.

# Data Collection History

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Portland Police Bureau began voluntarily collecting STOPS data prior to the State mandate

- First data collection occurred in 2001 based on recommendations from community leaders on the Blue Ribbon Panel for Racial Profiling
- Bureau-wide collection began in 2003

Bureau launched electronic data collection system in 2011

State of Oregon passed HB 2355 (codified as ORS 131.930 through 131.935) in 2017 which mandated PPB follow State guidelines beginning on July 1, 2018

- Minor changes to PPB's data collection practices

# Data Collection Monitoring

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# Monitoring and Auditing

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PPB's Stops Data Collection system requires officers to complete an entry if they self-initiate a stop in CAD or write an eTicket.

- Automatically creates a reminder to the stopping officer to complete a STOPS mask
- If the STOP isn't completed in a timely manner (about 8 days), command staff is notified

Almost all other law enforcement agencies in Oregon use a State system that relies on the officer remembering to fill out the survey

- PPB's accountability system has ensure more than 99% of all stops over the past 10 years have attributable data

# What data is collected?

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# Data collection

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The data points collected meet requirements outlined by the State of Oregon. These points are indicated by an \* and **green font** on the following slides.

- In order to stay compliant with these requirements, PPB cannot modify the data collection for these points in ways that prevent reporting to the State (e.g., add a new race/ethnicity category not listed by the State).

PPB collects additional data points, not required by the State. These data points are indicated by **blue font** on the following slides.

# Stop Information

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## Date / Time of Stop\*

- Automatically recorded by PPB data systems
  - Format: MM/DD/YYYY HH:MM:SS

## Location of Stop\*

- Automatically recorded by PPB data systems
  - Address, Intersection, Block, or Milepost

## Subject of Stop\*

- Driver\*
- Pedestrian\*
- Bicycle (submitted as a “pedestrian” to State)
- Passenger (not submitted to State for analysis)

# Demographic Data

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## Perceived Age\*

- Integer\*

## Perceived Sex\*

- Male\*
- Female\*
- Non-Binary\*

## Perceived Race / Ethnicity\*

- American Indian or Alaskan Native\*
- Asian\*
- Black or African American\*
- Hispanic or Latino\*
- Middle Eastern\*
- Native Hawaiian or Other Pacific Islander\*
- White\*

# Reason for Stop

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## Probable Cause of a Traffic Crime or Violation\*

- Aligns with the State definition of stops
- Includes a list of all Federal, State, City, and TriMet traffic violations

## Probable Cause of Other Crime

- Includes a list of all non-traffic related State, City, and TriMet offenses
- Added in December 2020; used by PPB to determine if a traffic stop was conducted to investigate another crime involving the subject

## Reasonable Suspicion of Other Crime

- Includes a list of all non-traffic related State, City, and TriMet offenses
- Added in December 2020; used by PPB to determine if a traffic stop was conducted to investigate another crime involving the subject

# Consent Searches

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- No Consent Search Requested\*
- Consent Search Requested, but Denied\*
- Consent Search Completed\*

# Other Searches

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The Portland Police Bureau has continuously collected data on discretionary searches not involving consent

- Previously, the available categories were:
  - Plain View
  - Probable Cause
  - Reasonable Suspicion
  - Weapon Patdown
- These categories were not legal definitions and created confusion on the point of officers
  - Modified search list in December 2020 to only list legal search reasons that align with officer training and legal guidance

The State of Oregon does not collect comprehensive data on secondary search reasons – only if a search was conducted

# Other Searches

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## Other Searches Conducted (select all the apply):

- None
- Field Sobriety Test
- Search Warrant
- Warrant Exception: Emergency Aid Doctrine / Community Caretaking
- Warrant Exception: Exigent Circumstances / Hot Pursuit
- Warrant Exception: Incident to Arrest (excluded in discretionary search analyses)
- Warrant Exception: Inevitable Discovery
- Warrant Exception: Inventory (excluded in discretionary search analyses)
- Warrant Exception: Open Fields / Abandoned or Lost Property

# Search Findings

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- Nothing Found\*
- Alcohol\*
- Drugs\*
- Stolen Property\*
- Other Evidence\*
- Weapons(s)\*
  - Weapon(s) – Firearm
    - Added December 2020 by PPB to track gun recovery via traffic stops
      - Reported to the State as “Weapon(s)”
  - Weapon(s) – Other
    - Added December 2020 – reported to the State as “Weapon(s)”

# Stop Disposition

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- No Action Taken\*
- Warning (Verbal or Written)\*
- Citation\*
- Citation-in-Lieu of Arrest\*
- Juvenile Summons\*
- Arrest\*
  - Was this a mandatory arrest related to a warrant, restraining order violation, or domestic violence incident?\*
  - Voluntarily added in December 2020 at the State's request to better understand how many arrests are mandatory by State law and therefore unrelated to the traffic incident

# Perceived Mental Health

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Did the subject of the stop have a perceived mental health issue?

- Yes
- No
- Unknown

PPB-specific question that was added to meet guidelines established in the settlement agreement with the United States Department of Justice

# Data Analysis

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# Data Analysis Overview

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The Portland Police Bureau regularly produces reports summarizing the Bureau's traffic and pedestrian stops

- Quarterly Reports
- Annual Reports

The State of Oregon Criminal Justice Commission (CJC) also produces an annual report summarizing the stops submitted to the State

- Released every December

# PPB Quarterly Report

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Brief report summarizing who was stopped, and where, over the past 3 months

## Includes:

- Perceived Race / Ethnicity
  - Citywide and by Organizational Unit (Traffic or Non-Traffic)
  - By Precinct
- Perceived Mental Health

## Does Not Include:

- Benchmarking
- Searches
- Disposition

# State Annual Analysis

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The CJC is required by statute to submit an annual report each December 1

The report provides a brief overview of each agencies data – including the PPB – on stop rates, search rates, hit rates, and stop disposition

- Veil of Darkness compares stop rates between daylight and night time
- Hit-Rate Analysis compares successful search rates across different perceived race / ethnic groups
- Predicted Disposition Analysis provides a statistical matched pairs to determine if a perceived race / ethnicity is predictive of stop rates

# PPB Annual Report

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Comprehensive research report summarizing all stops executed by Bureau personnel during the calendar year

- Includes analyses on all STOPS data, including stop type, stop location, subject demographics, stop reason, searches, and stop disposition
  - Crosstabulation of different characteristics / variables
  - Descriptive and Multivariate Statistics
  - Statistical benchmarks for Stop Reason and Searches
- Identifies disparate outcomes and results for subjects based on perceived race / ethnicity, sex, age group, and mental health status

# PPB Annual Report – Stop Benchmarking

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A different benchmark is used for the different operational divisions of the PPB due to a difference in the mission, tactics, and reason for stop

- Traffic Division
  - Primarily concerned with curbing dangerous driving behaviors that frequently contribute to collisions and fatalities on Portland roadways
- Non-Traffic Division
  - Includes all personnel from patrol and investigative divisions
  - Primarily utilize traffic stops as a way to contact potential subjects of interest and investigate criminal activity
    - Secondary mission is to promote road safety

# PPB Annual Report – Traffic Benchmark

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The Injury Collision Benchmark is used to estimate the racial / ethnic demographics of drivers in Portland

- Identified as a best-practice benchmark in research literature
- Unbiased indicator since injury collisions usually require a police response
- Can also be a general indicator of driving quantity and behavior

# PPB Annual Report – Non-traffic Benchmark

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The Violent Crime Victimization Benchmark is used to estimate the racial / ethnic demographics of individuals that may come in contact with patrol and investigative officers in the Portland Police Bureau

- PPB officers primarily concerned with reducing and investigating violent crime are more likely to spend time in neighborhoods that experience crime
- Benchmark acts as a proxy by assuming that the victim demographics of violent crime are reasonable estimates of the communities they live, play, and work

# PPB Annual Report – Stop Benchmarking

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## Benchmarks not used:

- Census Demographics
  - Not a reliable estimate of who may be using the roads as drivers
  - Doesn't include non-residents who drive in Portland to get to work, restaurants, events, etc.
  - Does not account for variation in demographics in different parts of Portland
    - No minority-majority neighborhoods exist in Portland; however, smaller geographies such as “blocks” or “districts” can have very different demographics (e.g., Jade District, North Mississippi / Albina)
- Suspect Demographics
  - Biased measure due to systemic racism in the criminal justice system
- 9-1-1 Caller Demographics
  - Not comprehensively tracked by BOEC or PPB
  - Prone to bias as different communities are more likely to call 9-1-1 than others

# PPB Annual Report – Search Benchmarking

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The overall stop rate for each demographic group is the benchmark for searches conducted by PPB officers

- Assumes the search rate and stop rate should be the same (or similar) for a particular group
- For instance, if subjects perceived to be Black / African American represent 15% of all stopped individuals, they should represent 15% of all searched individuals

# Stops Analyses

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The Bureau, and the CJC, are restricted on the type on analyses and data that can be released

- “Data acquired under this section shall be used only for statistical purposes and not for any other purpose. ... Data collected by law enforcement agencies or held by the Oregon Criminal Justice Commission under this section that may reveal the identity of any stopped individual or the identity of any law enforcement officer is exempt from public disclosure in any manner.” [ORS 131.935 (6)]

# Stops Analysis Reports

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## PPB Quarterly Reports

- <https://www.portlandoregon.gov/police/67433>

## PPB Annual Reports

- <https://www.portlandoregon.gov/police/72040>

## State Annual Reports

- <https://www.oregon.gov/cjc/stop/Pages/default.aspx>

# Changes to Data Collection

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Modifications to the Portland Police Bureau stops data collection occur when:

- The State of Oregon adjust Stops Data Collection Requirements
- The Portland Police Bureau's analysis of stops data identifies a need to change or add data collection points to provide additional context, clarity, or completeness to the analysis.
- Changes to State law or Portland Police Bureau policy requires collection of additional or modified data points to monitor impact of policy changes.

# Change Process

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Once changes are approved by the Chief's Office, the Portland Police Bureau goes through a process to develop, train, and implement the change. Depending on the complexity and number of changes this process can take a few months to over a year.

- Analysts in Strategic Services Division (SSD) determine the data collection criteria
- Developers in the Public Safety Technology Division make changes for SSD to beta test
- Training is developed in partnership with the Training Division, Chief's Office, SSD, the Office of the Inspector General, the City Attorney's Office, and others.
- Training is delivered through the Learning Management System to all officers
- Changes are implemented in the Stops Data Collection app & new collection begins