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## UNBIASED POLICING AND COLLECTING STOP DATA

Policy #201-R06 (02/01/18)

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*This policy applies to all staff.*

### Definitions.

**Biased-Based Policing.** An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sexual orientation, gender or gender identity, economic status, age, cultural group, or disability as the basis for providing differing law enforcement service or enforcement.

**Officer-Initiated Pedestrian Stop.** A detention of a pedestrian by a law enforcement officer, not associated with a call for service.\*

**Officer-Initiated Traffic Stop.** A detention of a driver of a motor vehicle by a law enforcement officer, not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code.\*

*\*Oregon HB 2355 (2017) with change order, and CALEA standards for law enforcement*

### PRIMARY PRINCIPLES

*The Washington County Sheriff's Office (WCSO) does not condone biased policing during any enforcement effort or in the form of disparate treatment in the delivery of any service. Our values for professionalism and doing the right thing are rooted in strong policies, procedures and the law. We provide ongoing training for staff and monitor data and complaints regularly for compliance.*

**1. Biased-Based Policing, as Described in this Policy, is Prohibited.**

**2. Deputies Will Take Equivalent Enforcement Actions and Provide Equal Services to All Persons in the Same or Similar Circumstances.**

Deputies shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are relevant to the investigation.

**3. Deputies Will Only Apply Police Authority or Take Police Action Based on Lawful Authority, in Accordance With the Fourth Amendment of the United States Constitution and the Oregon Constitution.**

People in the community shall only be subjected to stops, seizures or detentions under a lawful authority for police action, such as probable cause for an arrest or non-criminal violation and reasonable suspicion for a criminal stop. Evidence seizures or confiscation of assets as proceeds or instruments of a crime must have a criminal nexus and be based upon probable cause.

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Supersedes: 201-R05 (12/29/16)

Position responsible for updates: Professional Standards Supervisor

CALEA: 1.2.9

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**4. No Person or Vehicle Shall Be Searched Without a Warrant, a Legally Recognized Exception to the Warrant Requirement, or the Person's Voluntary Consent.**

In each case where a search is conducted, this information shall be recorded, including the legal basis for the search and the results thereof.

**5. Once a Motorist or Person is Cited or Warned, Deputies May Only Detain Longer With Continued Reasonable Suspicion of Further Criminal Activity.**

**6. Deputies Will Not Engage in Law Enforcement Matters Where the Deputy's Objectivity May Be or Appear to Be Compromised.**

Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.

### TRAINING REQUIREMENTS

**7. Staff Will Be Trained in the Legal Aspects of Bias-Based Policing and Related Topics.**

Deputies will receive initial and ongoing training in the legal aspects of bias-based policing and topics related to their duty assignment, such as proactive enforcement tactics, officer safety, courtesy, cultural diversity, laws governing search and seizure, asset forfeiture, and interpersonal communications skills. This requirement will initially be met during academy training.

Ongoing training should be available to all staff on diversity, equity and inclusion.

### DATA COLLECTION ON TRAFFIC AND PEDESTRIAN STOPS

**8. Deputies Shall Record Required Data on Self-Initiated Traffic and Pedestrian Stops in the CAD System.**

Pursuant to HB 2355, this data will be available for analysis by the Oregon Criminal Justice Commission and review by the Governor and the Department of Public Safety Standards and Training per ORS 192.245. Any data that reveals the identity of any stopped person or any law enforcement officer is exempt from public disclosure in any manner.

### BIAS-BASED POLICING COMPLAINTS

**9. Complaints of Bias-Based Policing Will Be Received and Investigated.**

No person shall be discouraged, intimidated, or coerced from filing a complaint, or discriminated against because they have filed such a complaint. The complaint will be assigned to a supervisor who was not involved in the incident.

Staff contacted by a person who wishes to file a complaint will refer to *Policy 551, Receiving and Screening Personnel Complaints*.

**10. A Bias-Based Policing Complaint Must Be Made Within 90 Days of the Alleged Incident.**

A person may make a bias-based policing complaint to the Washington County Sheriff's Office in person, in writing (only if signed by the person making the complaint), by telephone anonymously, or through a third party. A sample form for a bias-based policing complaint is

provided below ([Go to Form](#)). In the event a complaint is made telephonically, the person taking the complaint shall fill out as much information on the bias-based policing complaint form as is available.

### ANNUAL REPORTING

**11. By January 31 Annually, the Sheriff's Law Enforcement Technology Unit Will Enable Annual Reporting of Stop Data to the Oregon Criminal Justice Commission Per HB 2355.**

**12. By January 31 Annually, the Professional Standards Unit Supervisor Will Submit Bias-Based Policing Complaints for the Prior Calendar Year to the Law Enforcement Contacts Policy and Data Review Committee.**

The Department of State Police supplies a standard report form that meets ORS 131.925 that must be sent with the complaint copies. A report is required, even if no complaints are received. Information submitted may not include personal identifying information except for the approved data described in ORS 131.925(4)(c).

**13. By January 31 Annually, the Professional Standards Unit Supervisor Will Perform an Annual Administrative Review for the Sheriff of Agency Practices that May Imply Bias-Based Policing, Including Complaints or Concerns Expressed by the Public.**

By January 31 of each year, the Professional Standards supervisor will provide the Sheriff a summary of all bias-based policing or bias-based policing complaints and practices for the preceding calendar year.



## Bias Based Complaint Form

Complainant's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_

Complainant's Phone Number: \_\_\_\_\_

Name of Alleged Victim (If not complainant): \_\_\_\_\_

Officer's Name: \_\_\_\_\_ DPSST #: \_\_\_\_\_

*Note: The information above this line MUST be redacted prior to forwarding this Complaint Form to LECC (ORS 131.906 (6)). For written complaints, the complainant MUST sign the form above.*

Summary of Complaint:

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Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Reason for Stop or Contact (as reported by complainant):

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Enforcement Action Taken (as reported by complainant):

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The following information refers to either the complainant (if they were the alleged victim of bias-based policing), or to the alleged victim of bias-based policing (if the complainant is filing a complaint on someone else's behalf):

Gender: \_\_\_\_\_ Gender Identity: \_\_\_\_\_ Age: \_\_\_\_\_ Color: \_\_\_\_\_

Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Sexual Orientation: \_\_\_\_\_

Primary Language: \_\_\_\_\_ National Origin: \_\_\_\_\_

Religion: \_\_\_\_\_ Political Affiliation: \_\_\_\_\_

Homeless (Y or N): \_\_\_\_\_ Disability (Mental, Physical, Intellectual): \_\_\_\_\_

DISPOSITION (To be added after conclusion of investigation)

FOUNDED \_\_\_\_ UNFOUNDED \_\_\_\_ EXONERATED \_\_\_\_