

GANG ENFORCEMENT PATROL: The Police Bureau must show that traffic stops are effective

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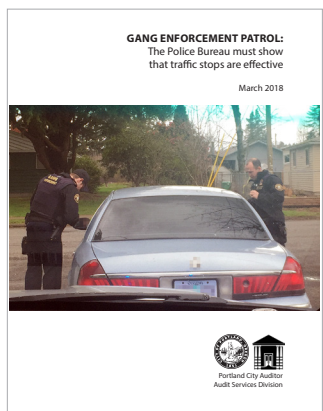
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Gang Enforcement officers make a traffic stop in March 2017.
Photo by Audit Services



GANG ENFORCEMENT PATROL:

The Police Bureau must show that traffic stops are effective

Summary

The Police Bureau's Gang Enforcement Team carried out traffic stops that disproportionately affected African American Portlanders. Community members expressed concerns that the stops were too broad and were not limited to criminal gang suspects.



We found that the Police Bureau cannot demonstrate that these stops were effective. This was because the Bureau did not require officers to collect certain information and also did not analyze available data:

- Gang Enforcement officers did not record the reasons why they made stops
- The team did not analyze the results of stops, such as how many stops led to gun seizures or arrests. Officers did not record how many stops led to contacts with people who were involved in gangs

Without this data, the Gang Enforcement Team cannot analyze or explain the overrepresentation of African Americans in its stops. The team also cannot show the effectiveness of its practices.

We recommend the Police Bureau document and analyze the reasons for stops and the results, and report this information to the public to improve community trust.

The focus of this report is on the team's patrol function. We assess the team's investigative function in a separate report.

Background

Police officers from the Gang Enforcement Team, a specialty unit of the Portland Police Bureau, patrol streets and neighborhoods around the city. The team's mission is to reduce criminal activity related to street gang violence. The team also investigates violent crimes with a gang connection, which we discuss in a separate audit report titled *Gang Crime Investigations: Lack of accountability and transparency reduced the community's trust in police*.

<https://www.portlandoregon.gov/auditservices/article/677594>

The team had 28 sworn members as of December 2016 and it costs about \$6 million to \$7 million per year to fund the team.

Gang Enforcement Team uses pretext traffic stops to contact people

Eight team members were assigned to patrol in the afternoon and evenings. When the team's officers, who wear police uniforms, engage in patrol, they:

- Go to places where they expect gang activity, including neighborhoods, parks, event venues, and bars
- Observe people and vehicles to look for suspicious activity
- Contact people by pulling over vehicles when they recognize a specific person or car or when they see a driver acting suspiciously

In 2016, the Gang Enforcement Team recorded almost 1,300 such encounters, an average of about six encounters a shift. Officers can then question, search, arrest, or let people go. The team wants to proactively contact people and does not respond to dispatched calls like regular patrol officers.

The team uses traffic violations as a pretext to create opportunities to search for illegal guns or to arrest people for other crimes. Pretext reasons include minor violations, such as changing lanes without a signal or infringing on a crosswalk. Here is an example of a stop by the team:

In May 2015, two Gang Enforcement officers decided to drive by the house of a specific gang member, whom they suspected of carrying a gun and actively targeting members of a rival gang. While passing by, the officers saw a car associated with the gang member and stopped it under the pretext of minor violations: failing to signal a lane change, failing to signal a turn, and obstructing the windshield with an air freshener.

The gang member was a passenger in the car and appeared nervous, according to officers. In their report, officers described how his breathing, talking, and hand motions were different from his usual behavior in prior interactions with police. Officers patted down the man, searched the car, and found a loaded gun in the glove box, the report said.

Officers arrested the man, charged him with unlawful possession of a firearm and unlawful possession of a loaded firearm, and seized the gun. In November 2015, the man pleaded guilty to unlawful possession of a firearm and was sentenced to 18 months of probation.

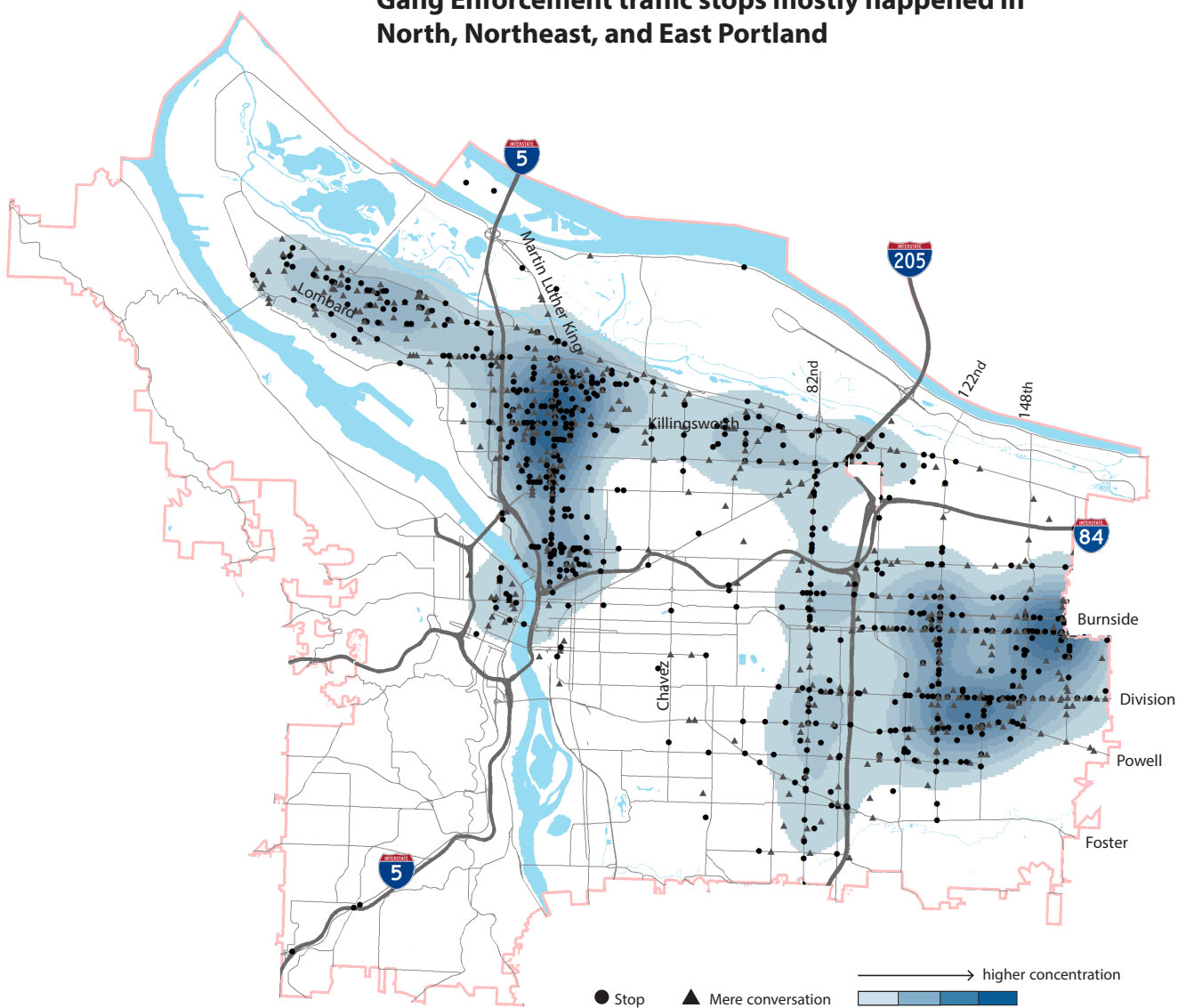
Officers have wide discretion to stop cars and detain people. Although stops can have benefits, they also interrupt people's lives. Traffic stops are a preferred tactic of the team, as officers say most people will commit a traffic violation if you follow them long enough. Officers said that it was safer for police to interact with people through a traffic stop compared to entering a house. It is also easier for police to seize illegal items through traffic stops compared to getting a search warrant to enter a home.

The Gang Enforcement Team did not have formally documented goals for its patrol function, but officers said that the patrols were effective and prevented shootings in three ways:

- Confiscating illegal guns
- Arresting people who may be on the verge of violence
- Creating a visible police presence, which acts as a disincentive to people who may otherwise engage in violent activity

Research from other jurisdictions has shown that this kind of targeted patrol can be effective in reducing crime, but the practice can negatively affect relationships between the community and police, according to the Criminal Justice Policy Research Institute at Portland State University. Some neighborhoods see a regular presence of the Gang Enforcement Team – its patrol activities were concentrated in North, Northeast, and East Portland. The team said these were areas where gang crimes happened. These are also Portland’s neighborhoods where more residents are African American.

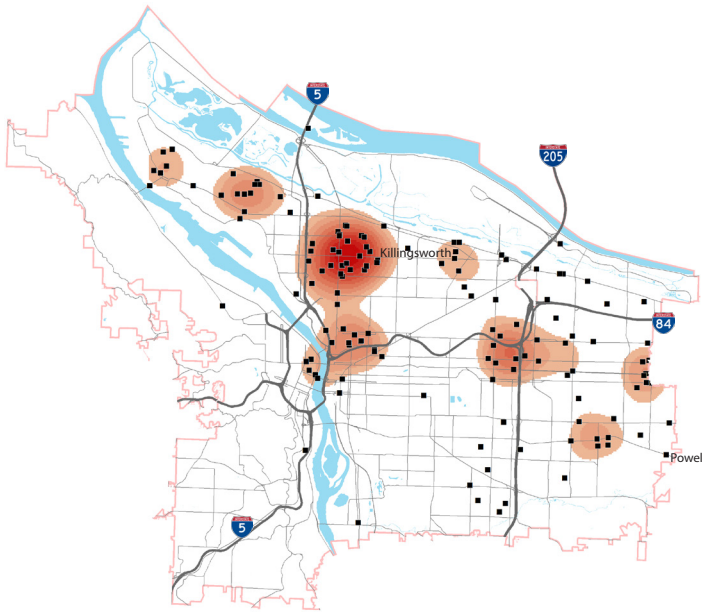
Gang Enforcement traffic stops mostly happened in North, Northeast, and East Portland



About 1,300 encounters from 2016
Source: Audit Services analysis of Police Bureau’s stops data

Police managers said that most gang shootings in Portland were committed by African American gangs, while others, such as Latino gangs, Asian gangs, and White gangs, did not often commit street crimes involving guns. In gang shootings from 2016, 90 percent of known suspects were African American, but about 40 percent of suspects were unknown. About 80 percent of known victims were African American, according to counts by the Gang Enforcement Team.

Gang crime investigations



Police managers said that the areas patrolled by the Gang Enforcement Team matched those areas where gang shootings occurred. For comparison, this map shows 159 crime scenes investigated by the team in 2016.

Source: Audit Services analysis of Gang Enforcement Team case data

Traffic stops are not the only approach to address gang crime. Efforts by the City and other providers include mobilizing the community, providing opportunities to or intervening with people involved in gangs and their families, and coordinating services.

The Gang Enforcement Team has developed relationships with law enforcement partners, including parole/probation officers, prosecutors, and other police agencies. The team also partnered with the Mayor's Office of Youth Violence Prevention and street-level gang outreach workers.

Audit Results

The Police Bureau faces two key questions: Are the Gang Enforcement Team's stops focused on gang suspects? And, what are the results of these stops? With this audit, we tried to get answers to these two questions.

The Police Bureau could not answer these questions because it did not require officers to collect certain data that would be needed and it also did not analyze its existing data. Without data to answer these questions, the Bureau can neither prove that its Gang Enforcement patrols are effective nor explain to the community what it is doing.

Traffic stops disproportionately affected African Americans

Since 2001, the Police Bureau has required all officers to record demographic and some outcome information about traffic and pedestrian stops. The Police Bureau wanted to analyze the data annually and "facilitate discussions surrounding racial disparities in stops."

The Bureau has not recently analyzed the Gang Enforcement Team's stops data nor publicly reported results. The Bureau only has a brief analysis for 2015, which removed Gang Enforcement stops from the data analysis, and an analysis of gang suppression operations from 2011.

Our analysis of demographic data collected by the team shows that its stops largely affected African Americans. Of the 1,300 encounters recorded by the team in 2016, the Police Bureau has demographic data for about 800 traffic stops. Fifty-nine percent of these traffic stops were of an African American person. White people made up 24 percent of the team's stops. This data is recorded by officers at the end of the traffic stop and often relies on them making a judgment about the person's race.

African Americans were in **59 percent** of traffic stops by the Gang Enforcement Team

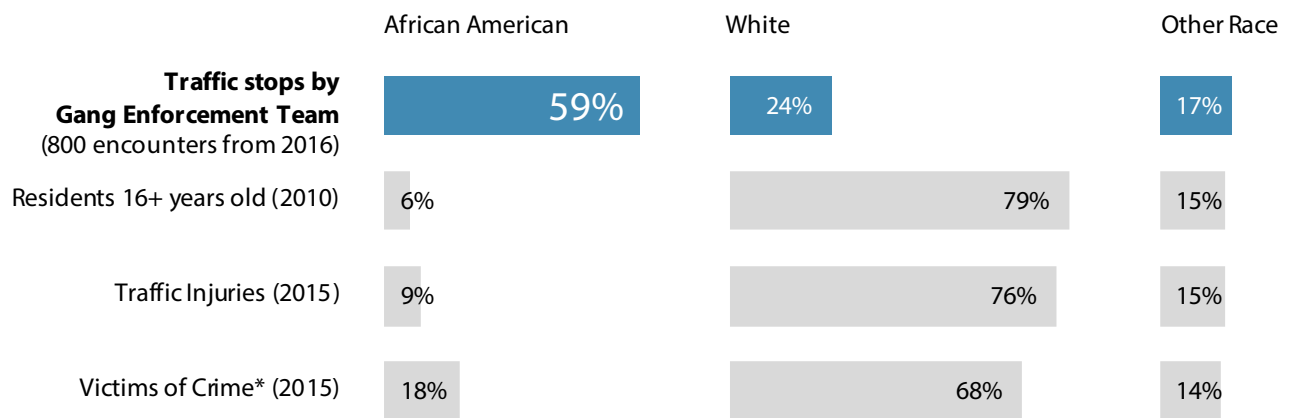
It is common for police agencies to analyze stops data by comparing the race of those stopped by police with benchmarks of those at risk of being stopped, assuming no bias. These analyses are a starting point for inquiries into potential racial bias in policing. It is unconstitutional for police to treat people differently solely based on race or to carry out racial profiling.

In the past, the Bureau compared the race of people from traffic stops to three benchmarks to look for racial disparities:

- Residents of driving age
- Traffic injury data, to approximate the driving population
- Victims of violent crime, to account for police spending more time in neighborhoods where crime happens

These analyses were for the Bureau overall and not specific to the Gang Enforcement Team. We used the Bureau’s methodology for data from the team. By any of these benchmarks, African Americans were overrepresented its stops.

African Americans made up 59 percent of traffic stops by the Gang Enforcement Team and were overrepresented compared to other measures



* Victims of Part I crimes: homicide, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson

Source: Audit Services analysis of Police Bureau’s stops data, Police Bureau’s 2015 stops report, U.S. Census 2010

The Police Bureau failed to analyze the team's stops data, even though disparities exceeded thresholds

When groups are overrepresented in stops at rates two times higher than the expected benchmark, this justifies "further review and possible action as decided by police management with input from the community," according to a Police Bureau report from 2016.

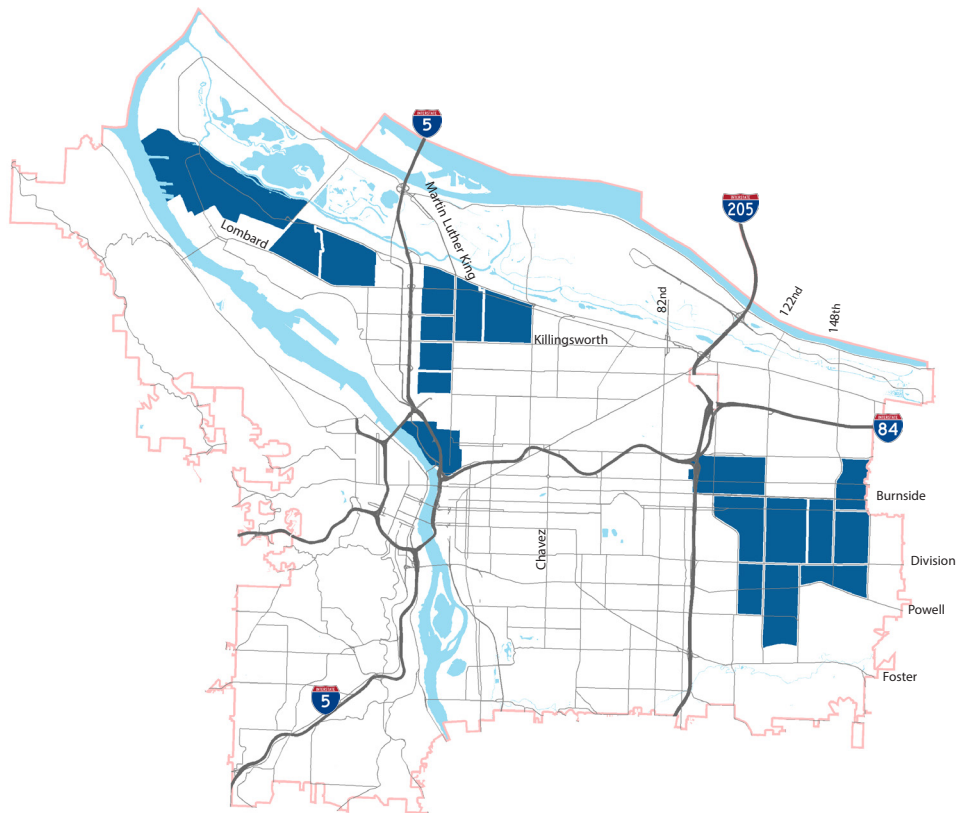
The Bureau did not analyze the data, even though the overrepresentation of African Americans in stops by the Gang Enforcement Team was larger than the threshold. The team stopped African Americans at rates:

- Ten times higher than there were African American residents in Portland age 16 and older
- Seven times higher than there were African American drivers, approximated by traffic injuries
- Three times higher than there were African American crime victims

Disparities also existed when we narrowed the analysis to specific neighborhoods where the Gang Enforcement Team patrols, rather than the city as a whole. This shows that the team is not stopping people randomly and that its focus on some neighborhoods still does not explain the disparities.

We focused on 19 Census tracts with the most Gang Enforcement stops; in 2016, these areas accounted for about half of all team stops. In each of these areas, we found that African Americans were stopped at rates more than two times higher than there were African American residents.

African Americans were overrepresented in Gang Enforcement stops in the 19 Census tracts with the most stops



Source: Audit Services analysis

Limits to interpreting the benchmark analyses

The preceding analyses show that a disparity exists, but do not explain why. These analyses do not allow one to conclude that officers have racial bias or are profiling, but they show that the Bureau needs to analyze causes and results of Gang Enforcement stops.

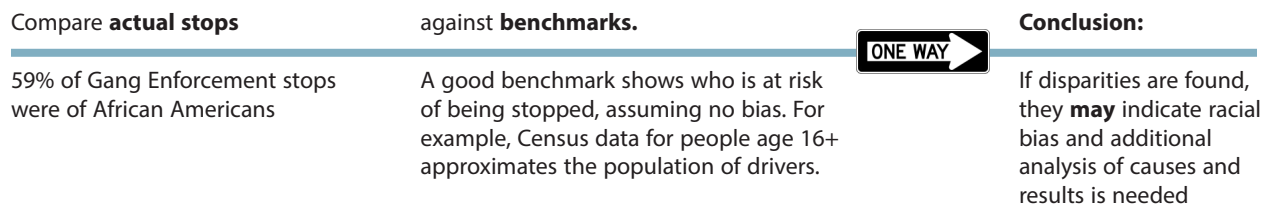
Officers recognized that their stops largely affected African American people. To justify these disparities, officers said that criminal gangs affected African American communities and that they were protecting African American communities. Officers also said most gang shooting victims were African American.

This explanation is not sufficient to address community members’ concerns that people who are not criminal gang suspects get stopped. This is because benchmark analyses are approximations and the Police Bureau did not directly record, for the vast majority of stops, whether they resulted in contact with people involved in gangs, or not.

Benchmark comparisons can be the first step in a broader analysis of stops, but it would be inappropriate to use the benchmark the other way around to justify who gets stopped. In other words, just because a large percentage of Portland’s shooting victims were African American, it would be inappropriate to aim for that percentage of stopped people to be African American.

Using benchmark comparisons

Standard use of benchmarks:



Inappropriate:



Source: Audit Services analysis

Demographic data was not recorded for many encounters

The Police Bureau did not have complete data for the Gang Enforcement Team’s 1,300 encounters from 2016. Officers only recorded demographic information for about 800 of these encounters. Officers classified the remainder as “mere conversations” for which no demographic data is collected.

At the end of an encounter, officers are prompted on their computer to fill out demographic information, but officers have the option to cancel the data entry by classifying the encounter as mere conversation.

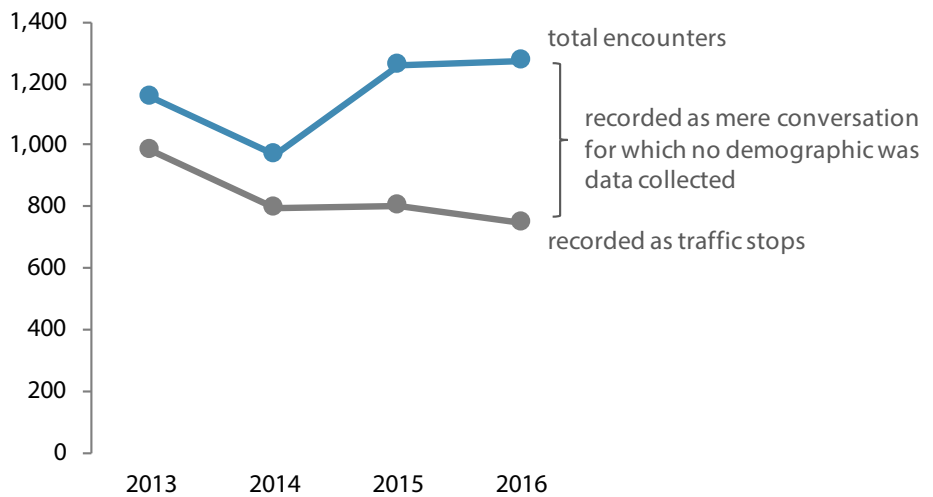
What is mere conversation?

Caselaw considers an encounter between a police officer and a person a *stop* when, at some point during the contact, the person is detained by police and not free to go.

Mere conversation is less than a traffic stop; during mere conversations, people are free to leave at all times.

The use of this classification by the team has grown in recent years.

Gang Enforcement officers have increasingly classified encounters as “mere conversations” since 2013



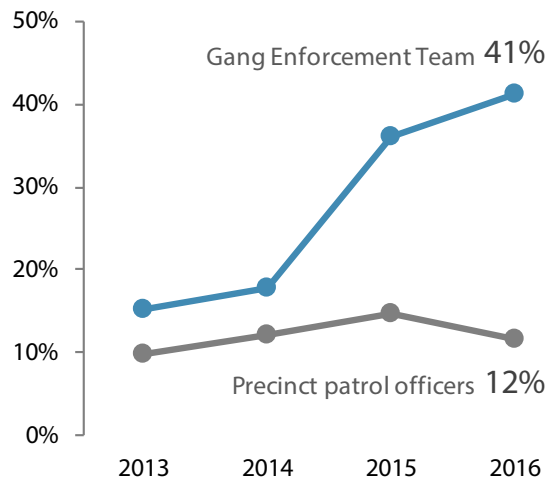
Source: Audit Services analysis of Police Bureau’s stops data

The lack of data for a large portion of the team’s encounters with community members should be a concern to police managers who would get an incomplete picture if they analyzed the data or used it in public reporting.

Other Bureau units did not have such high rates or growth in recording mere conversations. Recording mere conversations was also inconsistent within the Gang Enforcement Team. Some officers recorded many more encounters as mere conversations, compared to their colleagues, as is their discretion.

Precinct patrol officers did not record as high a rate of “mere conversations”

Encounters recorded as mere conversations



Source: Audit Services analysis of Police Bureau’s stops data

Many of these mere conversations recorded by Gang Enforcement officers could potentially be considered traffic stops. When we compared stops data, which is recorded by officers following a stop, with dispatch data entered by dispatchers, we found inconsistencies in documentation:

- Thirty-two encounters from 2016 in which Gang Enforcement officers told dispatchers the encounter ended in arrest, but recorded it as a mere conversation without recording demographic data.
- More than 400 encounters in which Gang Enforcement officers told dispatchers they issued a warning, but recorded it as mere conversation. To issue a warning, officers would have to have seen a violation of law, which is already a basis for a stop.

Regardless of how officers record their encounters, community members may not feel they are free to leave and may perceive the interaction as a traffic stop.

Some community members had poor opinions of Gang Enforcement traffic stops

A strong relationship of mutual trust between police and communities they serve is critical to maintaining public safety, according to the U.S. Department of Justice. Police rely on the cooperation of community members to provide information about crime in their neighborhoods and to work with police to find solutions to crime problems. Community members' willingness to trust the police depends on whether they believe that police actions reflect community values and are procedurally just and legitimate.

We spoke with several community members, especially from the African American community, about their knowledge and perception of the Gang Enforcement Team. We sought out community members who have relevant knowledge, community connections, or a stake in gang enforcement work.

While the community members were generally supportive of the Police Bureau, recognized the problems of violent crime, and wanted effective policing, some had concerns about gang enforcement practices. Concerns centered around police stops and how the team identifies suspects.

Community members shared negative views on traffic stops, including that:

- Traffic stops were too broad, based on questionable reasons, and affected innocent people
- Stops created mistrust and anger and prevented positive relationships with police

While police viewed traffic stops as a legitimate tool to prevent and investigate crimes and build relationships, people shared anecdotes of getting stopped by police or knowing someone who had been stopped, and they were almost all critical of the stops. One community member summed it up: "Black folks do not want to be stopped by police." Another community member said that some people were afraid of interacting with police.

Community members also had concerns that the Gang Enforcement Team was not accurately targeting gang suspects and that the African American community was being overpoliced. Several people said that the team inaccurately considered people to be involved in gangs if they simply rode in the same car or were seen talking with someone who police considered a gang member.

Community members said that the team was giving some people increased police attention, especially young African American men and people driving certain types of cars. The perception was that this happens more in North and Northeast Portland neighborhoods. Community members also reported that communities of color had low levels of trust towards police and government.

A 2016 public opinion survey for the City echoed these community perceptions of the Bureau. While the survey was about the Police Bureau overall, not the Gang Enforcement Team specifically, concerns about being stereotyped and treated differently were higher in the African American community:

- 40 percent of respondents thought that police in Portland used race and ethnicity when deciding whether to stop someone. Among White respondents, this was 40 percent, but among African Americans it was 48 percent.
- 78 percent of African American respondents worried that Portland police might stereotype them because of race or ethnicity.
- 44 percent of African American respondents said that Portland police treated people like them disrespectfully.

Perhaps because of these perceptions, trust in police was low among African Americans. While 59 percent of White respondents agreed that the police were trustworthy, only 36 percent of African Americans surveyed thought so.

36 percent
of African Americans surveyed said that Portland Police were trustworthy

Partner organizations had positive views of the Gang Enforcement Team

Representatives from organizations that work closely with the team said it was responsive and its officers were highly committed and motivated. The team also received praise for its skill in de-escalating fights and participation in community events and meetings. Some people said the team was successful at building relationships and lauded team members for their already existing relationships with community members.

Managers said the team members were experienced, skilled police officers, who communicated well. Team members said that they were patient and courteous during interactions with community members and that they had built trust with some people who were involved in gangs.

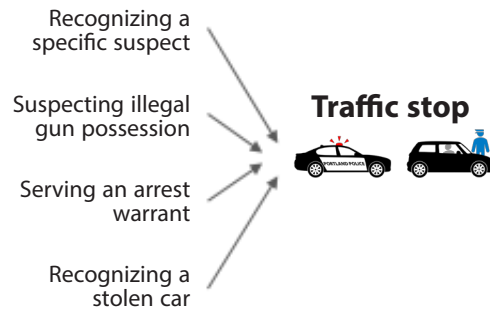
The team's officers said they rarely issued traffic citations to avoid fining people for minor traffic violations. Data shows that the team receives misconduct complaints and uses force at lower rates compared to officers from the Police Bureau overall.

Gang Enforcement Team rarely documented the investigative reasons for stops

One way for the Police Bureau to address the question of whether Gang Enforcement stops are focused on gang suspects is to quantify and explain the reasons for stops. The team's officers, however, rarely documented the investigative reasons for traffic stops because the Bureau has not required any of its officers to do so.

Without this information, police managers had no way of knowing for which investigative reasons stops were made and if these met expectations. The missing data also stood in the way of the Bureau explaining the team's activities to the community.

Examples of investigative reasons to make a traffic stop



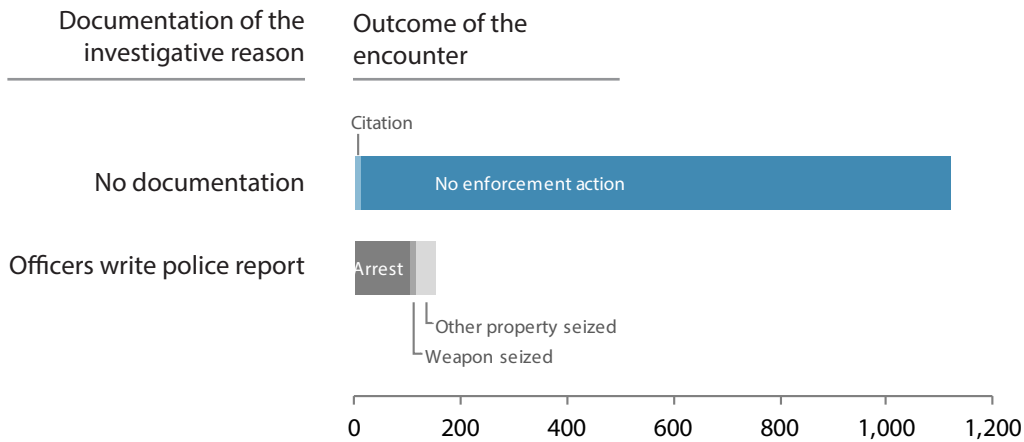
The Gang Enforcement Team did not document investigative reasons for most stops



Sometimes Gang Enforcement officers stop a familiar car related to a specific gang investigation. At other times, they make a stop without knowing who is in the car. Investigative reasons include, for example, recognizing a suspect from a gang shooting or another crime, serving an arrest warrant, suspecting gun possession, or recognizing a stolen car. Some investigative reasons clearly relate to gang enforcement, while others have no connection to gang crime. Gang Enforcement officers have broad discretion when deciding whether to stop a car. We observed officers using the appearance of the car, the driver's behavior, the location, and other factors in their decision-making.

Officers only documented investigative reasons for their stops when they wrote police reports, which are required for arrests, property seizures, and uses of force. That happened only for about 10 percent of the team’s encounters.

Investigative reasons were not documented for almost 90 percent of 1,300 encounters



* includes 16 arrests with weapons seized

Source: Audit Services analysis of Police Bureau’s stops data

Pretext of traffic violation is insufficient explanation

Documenting and analyzing the investigative reason would be a shift for the Gang Enforcement Team. Currently, officers justify traffic stops by pointing at minor traffic violations that provide reasonable suspicion for a stop. Establishing reasonable suspicion presents a relatively low bar. Gang Enforcement officers, however, use the traffic violation only as a pretext to initiate the traffic stop and encounter with people inside the car. While it is legal for police in Oregon to make pretext stops using minor traffic violations, these pretexts do not answer the question of effectiveness.

Police reports and existing stops data collection may be enough documentation for *traffic* officers, who stop drivers to promote traffic safety, and when stops do not result in racial disparities. But when there is a racial disparity, or when a police unit such as the Gang Enforcement Team largely makes proactive stops, the stops data is not enough to explain why the disparity exists.

A better approach would be to use police reports or another form of documentation to record the investigative reasons for of stops. Police managers were concerned that additional documentation requirements would affect morale and effectiveness of Gang Enforcement officers. But with an average of six encounters per shift for the entire team, creating a brief record of the investigative reason for each stop should not be a large burden. Gang Enforcement officers already file a daily activity report that is unique to the team, and this information could be included.

If police can explain their investigative reason for most interactions, it could show that Gang Enforcement officers were targeting people potentially involved in crime, and that race was not the sole reason for the stop. But if officers do not have investigative reasons or cannot explain why they stopped someone, such interactions can appear unjustified and raise the community's concerns.

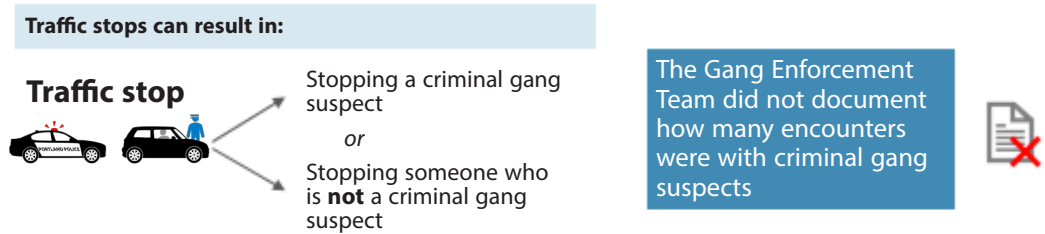
Gang Enforcement Team has not evaluated the results of its stops

Another way for the Police Bureau to address the question of whether the team’s stops are focused on gang suspects is to evaluate the results of stops. The team identified three goals for its patrols:

- Seizing illegal weapons
- Arresting people who may commit gang violence
- Monitoring gang suspects’ behavior and providing a visible police presence

In addition, during short-term suppression operations, the team targets specific people for arrest to reduce gang violence. During these operations, the team uses proactive methods, like traffic stops, to interact with people.

The team, however, has not tracked the results of traffic stops against these goals and thus Police Bureau managers cannot explain how many traffic stops were effective and how many led to contact with people with no gang or criminal ties.



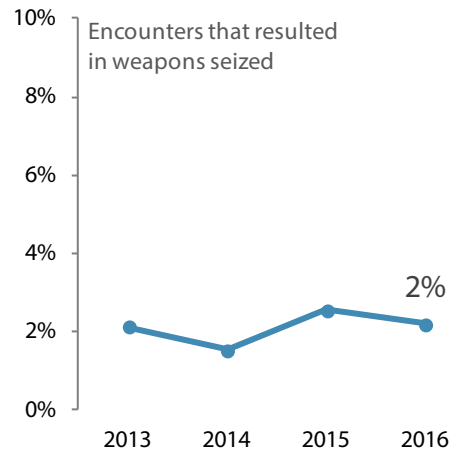
In addition to documenting and reporting on the reasons for the stops, the Bureau should report on the results of stops. When stops do not result in an arrest, citation, gun seizure, or contact with a gang suspect, their benefit seems less clear.

We analyzed stops data to evaluate to what extent the Gang Enforcement Team achieved these outcomes. The team has not set numeric goals – for example, what fraction of stops result in a gun, arrest, or contact with a gang suspect, so police managers did not have a standard against which they could measure the team’s activities.

Few stops resulted in weapon seizures

In 1,300 encounters in 2016, Gang Enforcement officers found weapons 2 percent of the time, according to their stops data.

The team’s data does not suggest that there were racial disparities in their searches to the detriment of African Americans: our analysis of how successful the team was in finding weapons or contraband among its searches showed no statistically significant differences between African Americans and White people.



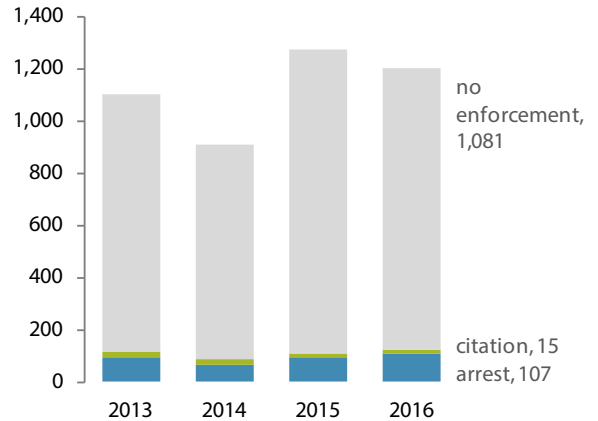
Source: Audit Services analysis of Police Bureau’s stops data

Rather than tracking the rate of seizing guns in traffic stops, the team counts the total number of guns seized. Because that number also includes guns seized in situations other than traffic stops, such as at crime scenes, it is not a good measure for the effectiveness of traffic stops.

Few stops resulted in arrests

In 1,300 encounters in 2016, the team made about 100 arrests. The team rarely issued citations – only about 15 times according to its stops data. The vast majority of encounters, nine out of 10, resulted in no enforcement action – arrest, citation, or seizure – by police. We do not consider verbal warnings that the team often issues for traffic violations to be enforcement actions.

Gang Enforcement officers rarely issued traffic citations



Source: Audit Services analysis of Police Bureau’s stops data

Officers said that, as a courtesy, they rarely issued citations. They said they did not want to fine people for minor violations, such as expired license plates.

The team’s number of stops without arrest or citation conflicts with the Bureau’s intent to reduce the number of traffic stops in which officers take no enforcement action. The Bureau articulated this in 2009 as part of a plan to reduce racial profiling. In that plan, the Bureau recognized that stops can seem like harassment, especially by people of color, and recommended issuing written warnings or citations.

Officers rarely recorded how many stops led to gang suspects

For the vast majority of 1,300 encounters in 2016, the Gang Enforcement Team did not document whether they stopped a criminal gang suspect. Documentation in the form of police reports was only available when officers made an arrest, seized illegal items, or used force, which happened about 10 percent of the time. Officers did not record names or gang affiliations for the other 90 percent of stops, and they were not required to. This made it impossible for the team to assure the community that stops were mainly affecting gang suspects.

Percentage of stops that resulted in contact with criminal gang suspect:

Unknown

Sometimes traffic stops reach gang suspects, but we also observed several stops by Gang Enforcement officers that turned out to have no apparent connection to gangs. In one example, officers stopped a car which they suspected carried several specific gang members. During the stop, they learned the occupants were tourists, not those gang members they sought. When stops repeatedly affect people with no gang or crime connections, they can feel harassed.

Stops without arrest or citation may still be meeting the team's goal to monitor gang suspects' behavior and use police presence to discourage violence. To support that, the team would need to record whether, and how many, people stopped were gang suspects.

This is a question of degrees: It is not reasonable to expect that every stop by the Gang Enforcement Team yields an arrest or deters a crime. If the team occasionally stops a person without gang connections, it would be much less of a concern than if the team frequently stops people who have no connections to gang crime.

Gang Enforcement officers should use police reports or another form of documentation to record whether the person stopped was involved in criminal gang activity. This information could help build community trust, provide an explanation for the racial disparities in stops, and inform future practices by the team.

Results of suppression operations were mixed

Sometimes, the Gang Enforcement Team carries out suppression operations, during which officers make contacts with many people and aim to arrest a list of specific suspects. As with traffic stops, the team has not explained that it is accurately targeting people, despite community concerns about too-broad police intervention.

Suppression operations carried out by the team in 2016 showed mixed success in targeting criminal gang suspects. Some, but not all the people who were targeted for arrest, were arrested by the team. The team arrested about one third of the initial target list. In addition to those arrests, the team also arrested some 30 to 40 people who were not targeted.

What are suppression operations?

The Gang Enforcement Team carried out suppression operations in April 2016 and December 2016, with the goal to quickly reduce violent gang shootings.

With extra officers and overtime, the team intensified its efforts to surveil suspects and to interact with a large number of people during these operations.

For these operations, the team created lists of people they wanted to arrest for any legal reason. Police managers said these suppression operations narrowly targeted specific individuals and were not broad sweeps.

Since 2016, the team has carried out more suppression operations that we did not review in detail.

Suppression operations resulted in some targeted arrests

April 2016



December 2016



* includes 2 individuals who each were arrested twice

Source: Audit Services analysis of Gang Enforcement Team's reports

To justify the amount of staff resources used and address community concerns that the Gang Enforcement Team is over-policing communities, the team needs to show that its suppression operations reached those people the team wanted to contact. In its own evaluation after these suppression missions, the Bureau did not compare the arrest outcomes against the initial goals.

The following case example shows how one suspect got away from the Gang Enforcement Team, but they arrested others:

During Operation Safe Spring in April 2016, Gang Enforcement members surveilled a person they had targeted for arrest. They followed a car with the targeted person and two other occupants and later stopped the car under the pretext of a traffic violation of failing to signal a turn for 100 feet. Four additional Gang Enforcement officers arrived at the stop and recognized the car's two occupants by name and as gang members with a history of gun possession and as potential targets of rival gangs. The person initially sought was no longer in the car.

The car's occupants appeared nervous to Gang Enforcement officers, which indicated the presence of guns, according to the police report. Officers talked with the car's occupants and eventually removed them from the car to frisk them for weapons, citing officer-safety.

During a search, Gang Enforcement officers found one bullet on one person and two guns in the glove box. The two people were arrested and each charged with unlawful possession of a firearm and other charges. Officers also took DNA samples from the guns.

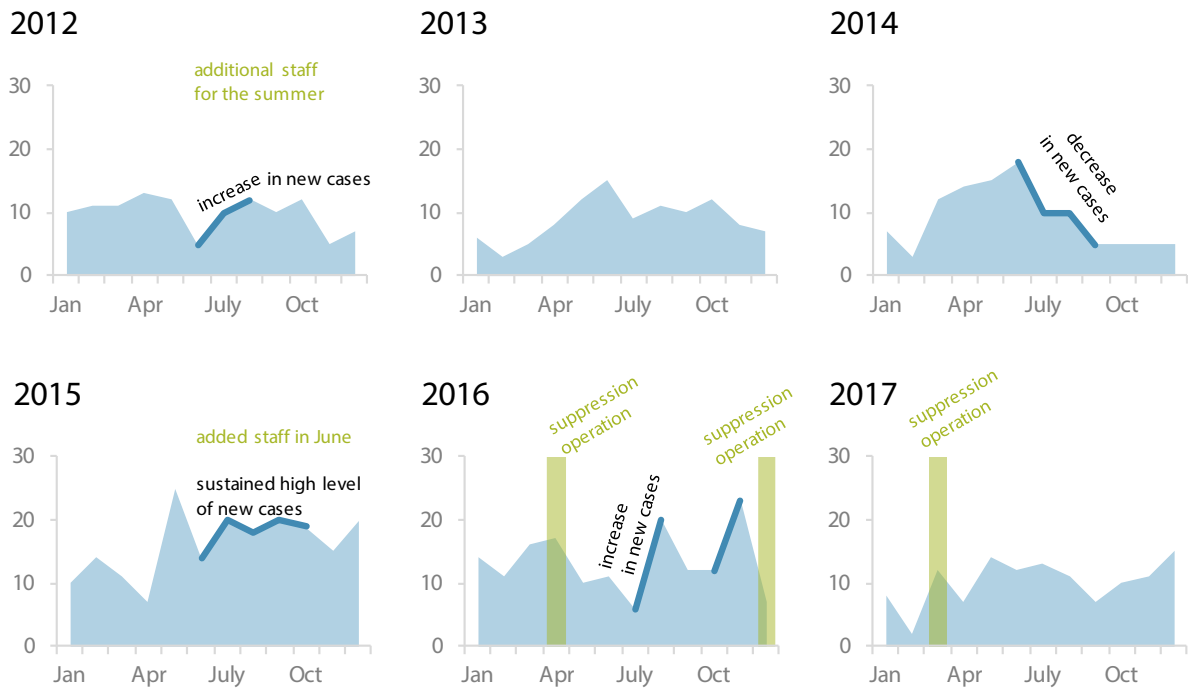
At the scene of the traffic stop, several people were watching, filming, and opining loudly and negatively about police officers, according to the police report. Police released the car to the mother of one of the arrested people.

The District Attorney did not prosecute either arrestee for these charges.

Police managers said that one arrest early during the suppression operation can result in other gang members “laying low,” thus making it more difficult to arrest them, but also reducing their violent activities.

A few months after the 2016 suppression operations, violence levels increased again. Even though Gang Enforcement managers said these operations were successful in reducing violence in the subsequent weeks, our review of case data shows that violence levels fluctuate, and that after some time, gang shootings increased again.

Number of Gang Enforcement investigations fluctuates



Source: Audit Services analysis of Gang Enforcement Team's case data

Conclusion Patrols by the Gang Enforcement Team largely affected African Americans in Portland, as shown in the racial disparities in traffic stops and perceptions by community members. The Police Bureau could not explain the results of its Gang Enforcement patrols to the community because officers were not required to collect certain data and the Bureau did not analyze existing stops data for the team. The Bureau also could not assure the community that the team's stops were focused on gang suspects, even when community members were concerned that the team inaccurately targeted traffic stops.

Recommendations We recommend the Commissioner-in-charge direct the Police Bureau to implement the following recommendations:

1. The Police Bureau should regularly analyze and publish demographic data regarding Gang Enforcement Team traffic stops.
2. The Gang Enforcement Team should regularly monitor stops data and the percentage of encounters recorded as "mere conversations" and provide training to officers on when this classification should be used.
3. The Gang Enforcement Team should require its officers to document the investigative reason for their traffic stops. The Police Bureau should regularly analyze the data and publish the results.
4. The Gang Enforcement Team should set goals to measure the effectiveness of patrol stops, and record whether a stop resulted in a contacting a criminal gang suspect. The Bureau should regularly analyze the data and publish the results.
5. The Bureau should evaluate the effectiveness of suppression operations by the Gang Enforcement Team by continuing review of crime trends and by reviewing arrest outcomes.

Objective, scope, and methodology

Our audit objective was to assess how well the Police Bureau's Gang Enforcement Team was meeting its goals and what the results of its work were. This report focuses on patrol activities by the uniformed afternoon patrol shift in 2015 and 2016. We are issuing a separate report about investigations and information sharing.

To accomplish this objective, we:

- Interviewed Gang Enforcement Team members about their roles, their work, and their practices. We observed several patrol shifts by riding with officers. We observed several traffic stops. We also interviewed the team about its management practices.
- Researched background and historical information from various sources, including reports issued by the Police Bureau, its stops data reports, the City's budget, a Multnomah County comprehensive gang assessment from 2014, news media reports, and stakeholder interviews. We interviewed a Deputy City Attorney and consulted the Auditor's General Counsel about applicable legal issues.
- Reviewed the Police Bureau's directives on gang designation; community policing purpose; bias-based policing; search, seizures, and inventories. We reviewed best practices for stops data collection and analysis and interviewed experts.
- Considered equity issues and incorporated reviews of community impacts into our audit work.
- Obtained and analyzed the following data:
 - Stops data from the Bureau of Emergency Communication and the Police Bureau
 - Officers assigned to the Gang Enforcement Team from the Police Bureau
 - Gun seizures from the Police Bureau
 - Arrests made by the Gang Enforcement Team from the Police Bureau
 - We hired a consultant to assist with analyzing the stops data. The consultant is a faculty member at Portland State University and directs the Criminal Justice Policy Research Institute. He previously analyzed the Police Bureau's stops data for the Police Bureau.

While we did not carry out detailed data reliability testing, we performed analyses to conclude that the data was reasonable for our objectives and conclusions.

- Reviewed police reports and files for selected investigations and gun seizures, which sometimes described stops.
- Interviewed community members and community leaders about their perceptions and opinions of the Gang Enforcement Team.

We rounded numbers and percentages shown in this report.

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESPONSE TO THE AUDIT



**OFFICE OF MAYOR TED WHEELER
CITY OF PORTLAND**

March 23, 2018

Mary Hull Caballero
City Auditor
1221 SW 4th Avenue, Ste. 310
Portland, OR 97204

Dear Auditor Hull Caballero,

Thank you for the opportunity to review and respond to your audit of the Portland Police Bureau's Gang Enforcement Team (GET). In conversations about crime in Portland, gang violence – particularly gang violence involving firearms -- is often left out of the conversation. While gang violence in our city grabs media headlines, it continues to elude deeper reflection and analysis by Portlanders, ultimately revealing deeply entrenched biases about which communities are prioritized in Portland and how they are prioritized.

In 2017, there were 121 gang-related shootings. This year, in 2018, there have been 19 gang-related shootings in Portland; at this time, last year, there were 14. Of the 19 gang-related shootings that have afflicted Portland, two have been homicides. Since 2016, gang-related shootings have been reduced by 39%. These shootings rarely occur in a vacuum; they are more than statistics, and are often part of a devastating chain reaction that has ripple effects throughout the community. In one shooting, a Northeast home was struck by a barrage of bullets while four people, including two children, were inside. Officers located twelve bullet casings in the street, scattered across half a block, appearing as if they had been fired from a moving vehicle. In another, a Southeast Portland resident pulled into a residential driveway behind his friend. Before the victim could exit his vehicle, his vehicle was hit by 16 rounds of gunfire. The victim suffered a gunshot wound to his face. In a more recent shooting, officers arrived at a location in Southwest Portland to find a man inside a vehicle with multiple gunshot wounds to his body and head. The victim was later pronounced dead at an area hospital.

The skewed demographics of gang-related shootings demand a heightened understanding of the activities of the Gang Enforcement Team. Accordingly, the GET must be able to justify its practices through accurate and thorough data collection. The audit correctly notes that it is difficult to demonstrate to the community that the GET is not engaging in racial profiling if there is inadequate data collection and analysis of stops (including "mere conversations").

I am pleased to share that several recommendations are currently either in practice or in process by the Portland Police Bureau. The Police Bureau has collected stops data since 2002, and has been issuing annual Stops Data Collection Reports since 2014. Data specific to the Gang

Enforcement Team will be published in the Police Bureau's 2016 Stops Data Collection Report, and will continue to be included in annual reports going forward. Suppression operations are not undertaken lightly, and are initiated with the intent of reducing gang violence in the short term in response to a spike in gang violence during a specified time frame, where the incidents are interrelated, or in response to a high-profile incident that could precipitate retaliatory incidents. The Police Bureau's outcomes will continue to be measured to assess efficacy. Outside of the report's recommendations, it's also important to highlight the relationship-driven work of the Gang Enforcement Team. The unit's efforts to build relationships have been instrumental in its collection of needed intelligence, its ability to intercede at critical points, and ultimately its ability to have an impact within the community.

I applaud and whole-heartedly support the recent anti-profiling bill signed into law by Governor Kate Brown. It lays the groundwork for a new standard for the Portland Police Bureau to follow. No later than July 1, 2018, the Oregon Criminal Justice Commissioner, in consultation with the State Police and Department of Justice, must develop and implement a standardized method for all law enforcement agencies to record officer-initiated traffic and pedestrian stops data. Notably, this data must include the race, ethnicity, age and sex of the pedestrian or driver; and the results of the stop. This will apply to the Gang Enforcement Team, and reinforces the work currently underway by the Police Bureau.

I fully support the recommendations outlined in the report. These recommendations raise critical questions that strike at the heart of the Gang Enforcement Team's practices, and I intend to conduct a full review and analysis of the practices at issue. Of particular concern is the treatment of "mere conversations," and the apparent lack of unanimity between the Bureau of Emergency Communications and the Police Bureau. Though they may not fit the legal definition of a "stop," there is a community-wide recognition that "mere conversations" are more than community engagement. The GET's high rate of "mere conversations" certainly raises questions for my office, and I'd like for data collected from "mere conversations" to be included alongside annual stops data to provide a more holistic view of the GET's interactions with the community. Along with the recording of investigative reasons for "stops," there are some recommendations that deserve deeper analysis with respect to feasibility and potential legal limitations. I am committed to working with the Police Bureau to determine what those limitations are, if any, and to find solutions that will address the gaps identified in the report.

Auditor, I appreciate your team's careful review and assessment of the Gang Enforcement Team. Thank you for your work.

Sincerely,



Mayor Ted Wheeler



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

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March 20, 2018

Mary Hull Caballero
City Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Dear Auditor Hull Caballero:

I appreciate the opportunity to review and respond to the recent audit and recommendations on Gang Enforcement Patrol and Gang Crime Investigations.

During the past year, and as a result of this audit, we have made changes to our policies and procedures. This was done in an effort to further improve our efficiencies and effectiveness when investigating and preventing violent crime related to those who are most at risk of being gang affected. However, there is still room for enhancements and I agree with the recommendations outlined within this report.

We appreciate the effort put forth by your staff during the course of this review and look forward to working with your office on future assessments.

As a police agency we remain committed to transparency and are willing to always pursue enhancements that benefit the Bureau's efforts in ensuring public safety in our service of the Portland community.

Sincerely,

Danielle M. Outlaw
Chief of Police

DMO/as/drh

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City Information Line: 503-823-4000, TTY (for hearing and speech impaired): 503-823-6868 Website: www.portlandpolice.com

**Portland Police Bureau Responses to the Portland City Auditor Report on
Gang Enforcement Patrol.**

- 1) *The Police Bureau should regularly analyze and publish demographic data regarding Gang Enforcement Team Traffic Stops.*

Agree. In practice. The Portland Police Bureau (PPB) collects and publishes demographic data regarding all traffic and pedestrian stops conducted by sworn members. This practice has been conducted since 2002 in different formats and the information is available for internal and public review on the Portland Police Bureau Open Data website. Since 2014, PPB has published quarterly demographic stops data and created annual Stops Data Collection Reports. The 2014 and 2015 reports are posted online. The 2016 report is pending completion and will be posted online for public review upon completion. The 2016 annual report differentiates stops data specific to the Gang Enforcement Team (GET) from other units in the Bureau. Separating GET stop information from other PPB units will allow a more specific analysis of stops being conducted by the team and will be included in all future annual reports.

- 2) *The Gang Enforcement Team should regularly monitor stops data and the percentage of encounters recorded as “mere conversations” and provide training to officers on when this classification should be used.*

Agree. Currently under review to determine next steps. Review to be completed by June 29th, 2018. Bureau Chief Responsible: Assistant Chief of Investigations. Annual reports will now provide stops data specific to the Gang Enforcement Team allowing supervisors and command staff to regularly review trends to develop better community oriented policing strategies in response to gang and youth violence. Both “mere conversation” and “stop” are legally defined terms with specific meanings under law. Mere Conversation contacts are excluded from stops data because they do not meet the legal definition of a stop. As part of the PPB gang violence reduction strategy, PPB expects GET officers to initiate mere conversation contacts at a higher rate compared to patrol officers or other members of PPB. When an officer selects “mere conversation” in the stops mask, the contact is no longer recorded in the stops data and shows as a “cancelled stop”. In cases where BOEC incorrectly codes the contact as a stop, officers clear the mere conversation contact by completing the cancelled stops mask to ensure only legally defined stops data is collected. PPB training currently establishes guidelines for officers to determine when a contact becomes a legally defined stop, verses a consensual encounter or conversation. As an agency, PPB currently records only those contacts legally defined as stops, but the Bureau is committed to reviewing the feasibility of capturing mere conversation contacts in future data.

- 3) *The Gang Enforcement Team should require its officers to document the investigative reason for their traffic stops. The Police Bureau should regularly analyze the data and publish the results.*

Agree. Currently under review to determine next steps. Review to be completed by June 29th, 2018. Bureau Chief Responsible: Assistant Chief of Investigations. House Bill 2355, the new stops data collection law, specifies that "... the data acquired under this section shall be used only for statistical purposes and not for any other purpose. The data may not contain information that reveals the identity of any stopped individual or the identity of any law enforcement officer. 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 identify of any law enforcement officer is exempt from public disclosure in any manner". PPB will explore available options permitted under current state law, with the goal of providing data related to traffic stops to enhance police legitimacy and transparency. Please also refer to PPB Directive 344.05 Biased-Based Policing/Profiling Prohibited, which incorporates Oregon House Bill 2355.

- 4) *The Gang Enforcement Team should set goals to measure effectiveness of patrol stops, and record whether a stop resulted in contacting a criminal gang suspect. The Bureau should regularly analyze the data and publish the results.*

Agree. Currently under review to determine next steps. Review to be completed by June 29th, 2018. Bureau Chief Responsible: Assistant Chief of Investigations. The policy allowing for the designation of individuals simply for membership in a criminal gang was rescinded in October 2017. The efficacy of police stops in reducing gang violence can be difficult to measure; however, the positive outcomes of these stops can be measured by the following: increased gang intelligence, service/treatment referrals for gang impacted individuals wishing to leave the gang life style, proactive intervention prior to a violent act occurring, and/or an arrest. While measuring the number of arrests or weapons seized against the number of stops can be done, truly measuring "effectiveness" of stops will require analysis to determine if a methodology for doing so is feasible.

- 5) *The Bureau should evaluate the effectiveness of suppression operations by GET by continuing review of crime trends and by reviewing arrest outcomes.*

Agree. In practice. PPB will continue to evaluate and measure the number and types of violent gang related incidents before, during, and after suppression missions to determine the effectiveness of these missions. Missions are conducted in direct response to either an increase in the severity of gang related violence or when an increase in violence is imminent based on developed intelligence. Additionally, arrest outcomes will be evaluated to determine if a correlation exists between the arrest of individuals involved in gang crimes and a reduction of gang violence in the city.

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Gang Enforcement Patrol: The Police Bureau must show that traffic stops are effective

Report #494A, March 28, 2018

Audit Team: Minh Dan Vuong, Elizabeth Pape,
Casey Bieberich

This report is intended to promote the best possible management of public resources. This and other audit reports produced by the Audit Services Division are available for viewing on the web at: www.portlandoregon.gov/auditservices. Printed copies can be obtained by contacting the Audit Services Division.

Mary Hull Caballero, City Auditor
Kari Guy, Director of Audit Services

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