



City of Eugene

POLICE COMMISSION

The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Bob Walker, Chair; Tamara Miller, Vice-Chair; Mike Clark; Edward Goehring; Jim Garner; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Bill Whalen; Juan Carlos Valle

Police Commission Meeting
March 13, 2014
6:00 pm, Harris Hall, Lane County Public Service Building, 125 E 8th Ave

<u>Item</u>	<u>Starting – Ending Time</u>	<u>Minutes</u>
1. Community Panel – Bias Based Policing		
Presentations from panelists	6:00 – 6:45	45
Questions/dialogue with the Police Commission	6:45 – 7:30	40
2. Break	7:30 – 7:40	10
3. Public Comments	7:40 – 8:00	20
4. Minutes	8:00 – 8:05	5
5. Professional Police Contacts Policy	8:05 – 8:30	25

Next Police Commission Meeting:
April 10, 2014

City of Eugene Police Commission

February 13, 2014

DRAFT Meeting Minutes DRAFT

*Please note the official full record is contained in the video recording at
<http://eugene-or.gov/index.aspx?NID=1344>*

The meeting convened at 5:30.

Commission members present: Bob Walker, chair; Jim Garner; Jesse Lohrke; George Rode; Mike Clark; James Manning; Joe Tyndall; Juan Carlos Valle; Bill Whalen; Edward Goehring; Claire Syrett

EPD Staff Present: Sgt. Matt Lowen, Lt. Nathan Reynolds, Chief Pete Kerns, Carter Hawley

Members absent: Tamara Miller

Mr. Valle called the meeting to order.

Public Comments

Deb Frisch – Noted the lack of gender diversity at Commission meeting. Expressed concern that stop data won't be collected for warnings, that EPD doesn't have a good track record for data collection, and about the EPD secret committee.

Majeska Seese- Green – Concerned about where and how socioeconomic status is included in the professional stops policy. Would ask the Commission, the Chief, City Council and Human Rights Commission to embark on a conversation about including socioeconomic status in protected class.

Melissa Wellington – Noted that this community has long history of racial bias. She encouraged the Commission to continue this difficult and important work.

Commission comments

Mr. Whalen – Thanked the speakers

Mr. Goehring – Thanked the speakers and thanked them for coming out to this building.

Mr. Rode – Thanked the speakers. Reviewed two cases reviewed by the Civilian Review Board.

Mr. Clark – Appreciated the public comments

Mr. Garner – Thanked the speakers. Agreed that it is important to collect all data.

Mr. Lohrke – Will be forwarding an article about police departments refusing to accept military vehicles.

Mr. Manning – Chief's committee will be forwarding its recommendations to the Commission.

Mr. Tyndall – Thanked the speakers

Mr. Valle – Believes it was not acceptable for the officer to have slapped the child. Noted that data collection is not a new effort. Concerned about the precedent of having a separate committee that is not public.

Mr. Walker joined the meeting.

Chief Kerns – Acknowledged that the suggestion for more comprehensive data collection is a good idea and suggested the project may start with a smaller set of data.

Professional Stops Policy

Sgt. Lowen reviewed two changes that were proposed by the staff from the Equity and Human Rights Center.

Discussion ensued about the change to require documentation of all stops, and the definitions provided in the packet of encounter, stop and arrest.

MOTION: Mr. Garner moved and Mr. Valle seconded amending the section in 402.4.1 to: All contacts that become a stop or arrest must be reported.

Mr. Walker asked about the definition of a detention. Sgt. Lowen noted that it is not a defined term, but a detention would likely be closer to a stop.

Mr. Tyndall asked how people would know whether they are free to go. Sgt. Lowen responded that the 9th circuit court has not required officers to notify people that they are free to go.

Discussion ensued about when information is collected and under what circumstances.

Discussion ensued about what constitutes a stop.

Mr. Manning suggested Commissioners take advantage of any training sessions offered by the department so they see how the officers are trained. He is concerned about the amount of time taken on discussing this policy.

Mr. Valle noted that if this change allows more encounters to not be recorded he does not support the change.

Ms. Syrett joined the meeting.

Discussion ensued about whether a time limit should be added to the consideration of when a stop is documented.

ACTION: Motion was approved eight (Walker, Manning, Lohrke, Garner, Clark, Syrett, Goehring, Whalen) to three (Rode, Valle Tyndall)

MOTION: Mr. Valle moved that the Police department return to the Police Commission with a recommendation for the definition of “area of high crime” to be included in the next draft of the professional stops policy. Seconded by Mr. Tyndall.

Discussion ensued about the substance of the amendment, with some speaking in favor of increasing the definitions in the policy, and others speaking about the difficulty of defining this term which is integral to police operations.

ACTION: The motion was defeated with two in support (Valle, Tyndall) and nine opposed (Walker, Manning, Lohrke, Garner, Clarke, Rode, Syrett, Goehring, Whalen)

MOTION: Mr. Valle moved that the Police Department report to the Police Commission how the definition of “suspicious persons and circumstances” is being defined operationally during the pilot program phase and that it be used for the draft policy. Seconded by Mr. Lohrke.

Discussion ensued about the substance of the amendment, with some speaking in favor of increasing the definitions in the policy, and others speaking about the difficulty of defining this term which is integral to police operations.

ACTION: The motion was defeated, with one in favor (Valle), nine opposed (Walker, Manning, Garner, Lohrke, Clark, Rode, Syrett, Goehring), and one abstention (Tyndall)

Break

Mr. Lohrke left the meeting.

Questions of the Chief

Mr. Valle asked about the status of the gang prevention work. Ms. Hawley and Chief Kerns provided information about the status of the ongoing work of Lane County Gang Prevention Coalition.

Mr. Goehring asked about how the City responded in the recent snow emergency. Chief Kerns explained how emergency services were provided.

Mr. Tyndall asked if there is information about the population of businesses by beat. Chief Kerns responded that the department does not have the capacity at this time.

Mr. Rode asked about the record management system. Chief Kerns noted that the system implementation has bugs and there is frustration. He also noted that systems like this require increased work load for the officers, because they need to do the data entry.

Mr. Manning asked that the department consider providing something similar to a citizens' police academy for the commission.

Bias Based Policing Committee Report

Mr. Valle reviewed the written report he submitted, attached to these minutes.

Ms. Syrett – Suggests that the public hearing be described as a public forum, because of the legal implication of the term “public hearing”.

Mr. Clark – Asked for clarification about the purpose of the Community Forum. Mr. Tyndall responded that the purpose is to provide rich information and community perspective.

Mr. Tyndall suggested adding a panel seat for someone on the stops data committee.

MOTION AND ACTION: Mr. Clark moved to have the meeting extend for 10 minutes, seconded by Mr. Rode. The motion was approved nine (Walker, Tyndall, Valle, Whalen, Goehring, Syrett, Rode, Clark, Garner) to one (Manning)

MOTION AND ACTION: Mr. Goehring moved and Mr. Rode seconded to hold a 90 minute panel for March 13. The motion passed unanimously.

MOTION AND ACTION: Mr. Valle moved, and Ms. Syrett seconded holding a public forum on April 3. The motion passed unanimously.

MOTION AND ACTION: Mr. Tyndall moved and Mr. Clark seconded moving the March 13 meeting to Hall. The motion passed unanimously.

The meeting adjourned at 8:45

Notes taken by Carter Hawley

Report from Mr. Valle on work of Bias Based Policing Committee – Submitted 2/13/14

At the wishes of the Commission, a subcommittee was created to execute the motion made at last month's meeting to 1) hold a public hearing related to bias based-policing, 2) hold a community panel, and (**For Commission**) 3) Review the professional police stops policy in one year.

The Committee's focused first on the identification of panelists that would help the Commission with valuable community experience and information, historical context, from an Advocate, from the legal perspective, from those whom have implemented such policy and perhaps from an officer.

The committee went through a process of identifying potential panelists and narrowed it down to potential final candidates.

The Committee is requesting the panel be held at March 13 commission meeting, 90 minutes, with 5-7 panelists. The format will include an introduction remarks from the panelists, followed by questions from commissioners. The committee asks the Police Commission to hold the meeting at Harris Hall. We are aware that this might mean it would bump a tentatively scheduled presentation on budget and an update from the chair of the chief's stops data committee.

*We did have an extensive and, in my humble opinion, large list of possible panelists. The Committee is recommending that anyone not selected to be a panelists will still be asked to offer input in various ways.

*The Committee made a motion to recommend to the Police Commission that socioeconomic status be emphasized in the policy.

The committee has also identified a date to hold a Public Hearing on this topic April 3rd.

The Committee is asking for funding to be used for publicity. It will to go for posters.

The Committee's next meeting is scheduled for Wednesday 2/18 at Community Television, where committee members will film PSA spots for forum and hearing.

Chair of Committee encourages to read the notes from the meetings, especially the ones from 02/11/2014 * Feedback at community dialogue and Public input during meeting were: Socioeconomic, Access to meetings and participation, parallel policies, chief's committee on Data Collection, Female representation, Clarity to focus on Racial/ Ethnic contacts and how it might support Data Collection. *** Data Collection section be taken out of Policy. No blank policy that expects Stamp of Approval from Police Commission; Dangerous precedent.

ACTION needed and Direction needed from the Police Commission:

1. Using March 13 meeting for community forum
2. Having community forum for 90 minutes
3. Having community forum and commission meeting at Harris Hall

4. \$ for publicity
5. OK to do PSAs? If so, the talking points will be developed at the next meeting.
6. What's commission's interest: What are your hopes for the panel and the hearing?

Attorney	Advocate	Community Experience	Officer	Dept	Historical Context
3 Hecht	4 Richardson	6 Hernandez		Boldizar	3 Harris
1 Regan or Designee	1 Mogart	2 Van Steenbergen			2 Del Noro
2 Allen	6 Neubeck	Salgado			5 Urbina
	1 Carrasco	Johnson			2 Blazak
	3 Berg-Caldwell	4 Villanueva			3 Martinez
	Navarro	1 Waite			Renauer
	3 Fidanque	Gissiner			Coleman
	Davis	Filipe			
		2 Ansari			
		Valkyrie			

From Juan Carlos Valle,

distributed to Police Commission 2/13/14

Commissioners, in the past, the Police Commission has either asked entities to provide feedback or to present to the commission in hopes of being informed and/or to craft recommendations on policies or police practices. For example, the ACLU, Women's Space, Kids First, CASA, and even lately Women's Space. Some other groups have approached the Commission on their own or have asked for inclusion to participate. Latest being The League of United Latin American Citizens (LULAC) presenting both verbal feedback and written feedback on the Policy the Commission is working on. Currently titled: Professional Contacts. Attached is their feedback for your reference. I, in my role as Police Commissioner, recommend that the Police Commission establish a formal response mechanism if/when recognized community entities or organizations present feedback on both the work of the Commission and regarding Policies the body is working on or has worked on.

Strong statement: Police Officers are strictly prohibited from engaging in racial profiling.

1. 402.2 . I move that the Police Department return to the Police Commission with a recommendation for the definition of "area of high crime" to be included in the next draft of the professional stops policy.

2. 402.2 Suspicious Persons and Circumstances

Suspicious: Oxford Dictionaries: having or showing a cautious distrust of someone or something/// causing one to have the idea or impression that someone or something is questionable, dishonest, or dangerous. I move that the Police Department report to the Police Commission how the definition of "suspicious persons and circumstances" is being defined operationally during the pilot program phase and that it can be used for the draft policy.

3. I move that a section be added to the policy that reads:

For every citizen/ resident who is detained in any manner a card that contains the officer's name and badge number, an explanation of the right and process to submit a complaint regarding biased policing, contact information for the Police Auditor or the appropriate intake contact information, and Human Rights Center, NACP or LULAC

4. 402.4.2. I move that the Police Department report back to the Commission on how stops are anticipated to be characterized including initial reason for the stop and ultimate result of the stop, and report after the 12 month pilot program information about the initial reason for the stop and the result of the stop.

5. 402.5 Supervisor Responsibility. I move that the Police Department return with a recommendation on how assure accuracy, validity and compliance of stops data reports submitted by officers, and include a provision for this measure in the policy.

To be better informed, the Eugene Police Commission might want to ask if the following is still in effect and to request a copy of the data collected or final report.

SB 415 sets up the Law Enforcement Contacts Policy and Data Review Committee. (This might be old data).

Eugene

Basis for collection: voluntary

Effective: August, 2001

Restrictions: pilot program

Data Collected: age, gender, other

Additional Information: A pilot program was started in late **August 2001 with only 30 officers collecting 16 pieces of information including age and gender.**

Related Articles: [Final Report on the Eugene Police Department's Vehicle Stop Data](#)

POLICY
402

EFFECTIVE
DATE
Draft 020414

Eugene
Police Department



Professional Police Contacts

402.1 PURPOSE AND SCOPE

This policy states unequivocally that bias based profiling by the Eugene Police Department will not be tolerated. It offers guidance to sworn Department members on how to prevent such an occurrence and protections to Department members who act within the confines of the law and this policy. This policy shall apply to all sworn members who have the law enforcement authority to detain, investigate, and arrest persons, [or provide law enforcement service](#).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Racial profiling – When an Officer uses race inappropriately as a primary motivator for law enforcement action, even when there is probable cause or reasonable suspicion.

Bias-based profiling - An inappropriate reliance on protected class characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide law enforcement service.

Protected Class – As defined by Eugene Code 4.613, including race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

402.2 POLICY

The chief goal for the Eugene Police Department is to reduce the threat and fear of crime in Eugene. The Department will only accomplish this by proactively deploying officers to areas of high crime, by contacting and investigating suspicious persons and circumstances, and by actively enforcing motor vehicle laws throughout the City.

While the Eugene Police Department expects its officers to make citizen contacts through observation, it is equally committed to providing equitable law enforcement services to the community with due regard for the racial, cultural or [other differences-protected status](#) of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 USE OF PROTECTED CLASS AS A DESCRIPTION

While stops (as defined by ORS 131.605 and ORS 131.615) for any reason other than reasonable suspicion or probable cause are strictly prohibited, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or ethnic description) when based upon the totality of the circumstances. Nor should anything in this policy be construed to prohibit an officer from initiating a conversation with any person, so long as a reasonable person would conclude that they are free to go at any time.

402.4 DEPARTMENT RESPONSIBILITY

Every member of this department shall perform his or her duties in a professional, fair, and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor as soon as practicable.

402.4.1 DETENTIONS

Absent any investigative information or other facts, a person's membership in a protected class will not serve as the lone justification to detain that person.

To the extent that written documentation would otherwise be completed (e.g. a custody report, Uniform Traffic Citation), the involved officer should include the facts giving rise to the officer's reasonable suspicion or probable cause for the detention.

~~Nothing in this policy requires an officer to document a contact that would otherwise not require reporting.~~ All contacts that involve detention must be reported.

If an officer is informed or perceives from a contact that the person stopped believes they have been stopped, searched, or arrested based upon bias by the officer, the officer should immediately notify a sworn supervisor and politely refer the person stopped to the responding supervisor.

402.4.2 RECORDING INFORMATION ON STOPS BY POLICE

SOON THE DEPARTMENT WILL BEGIN COLLECTING RACE/GENDER INFORMATION ONCE A NEW SOFTWARE AND DISPATCHING SYSTEM IS LAUNCHED IN LATE FALL/EARLY WINTER OF 2013. WHEN THESE REPORTING PERAMETERS ARE SET, THIS SECTION WILL REFLECT THEM.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors who are summoned to the scene where a person stopped, searched, or arrested believes they have been targeted through bias by an officer will respond to the scene and address the situation. If the supervisor determines it necessary, he or she will complete a Blue Team entry before they secure which details the circumstances of the contact and make a recommendation to their chain of command as to whether or not the complaint merits further investigation.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the *Policy 1020 Personnel Complaints Policy*.

Supervisors should discuss any issues with the involved officer and his or her supervisor in a timely manner.

Supervisors may review ICV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy and document these periodic reviews.

Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

402.6 ADMINISTRATION

The Professional Standards Lieutenant shall review the reported incidents of Racial Profiling and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or his designee. The report should not contain any names or identifying information regarding a specific incident, complaint, citizen, or officer. It will be reviewed by the Chief of Police. The Professional Standards Lieutenant will assist the Chief in identifying any changes in training or operations that should be made to improve service.

402.7 TRAINING

The Department will schedule periodic training on conducting Professional Police Contacts. This training can include, but is not limited to: Constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills. The Training Manager will ensure this training is documented.