



City of Eugene CIVILIAN REVIEW BOARD

It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department involving allegations of police misconduct, use of force and other matters. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.

Meeting Agenda: Civilian Review Board
Tuesday, October 11, 2016 - 5:30 p.m.
Atrium Building, 99 West 10th Avenue, Saul Room, (3rd Floor)
Contact: Vicki Cox, 682-5016
(A Light dinner will be available for board members beginning at 5:00 pm.)

<u>ITEM</u>	<u>TIME (Starting)</u>
1. Agenda and Materials Review	5 minutes (5:30 pm)
2. Public Comment	10 minutes (5:35 pm)
3. Minutes Approval (Minutes from September meeting)	5 minutes (5:45 pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	10 minutes (5:50 pm)
5. Case Review: Complaint related to investigation of a menacing incident	45 minutes (6:00 pm)
6. Break	10 minutes (6:45 pm)
7. Inquiry Review: Complaint related to police contact regarding trespassing at a school	15 minutes (6:55 pm)
7. Elections – Chair, Vice-Chair, Police Commission Liaison and Human Rights Commission Liaison	15 minutes (7:10 pm)
8. Auditor Report	15 minutes (7:25 pm)
9. Community Engagement Update	10 minutes (7:40 pm)
10. Adjourn	(7:50 pm)

NAME OF MEETING: Civilian Review Board
DATE OF MEETING: September 14, 2016
TO: Vicki Cox
RECORDED BY: Emily Mathis

ROUTING INFORMATION

9/27/16 EM

Draft to Staff

MINUTES

Civilian Review Board
Sloat Room—Atrium Building—99 West Tenth Avenue
Eugene, Oregon

Sept. 14, 2016
5:30 p.m.

PRESENT: Eric Von Houten, Chair; Lindsey Foltz, Vice Chair; Maurice Denner, Heather Marek, Steven McIntire, Chris Wig, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Police Auditor's Office; Lt. Carolyn Mason, Eugene Police Department.

Mr. Van Houten convened the Civilian Review Board (CRB) at 5:31 p.m.

I. AGENDA AND MATERIALS REVIEW

There were no changes to the agenda.

II. PUBLIC COMMENT

Mr. Van Houten noted Heather Marek and Majeska Seese-Green would be recording tonight's CRB meeting.

Mr. Jack Radey spoke about a recent case where an officer was charged with a misdemeanor and subsequently resigned from the force. He asked why grabbing a handcuffed man by throat and throwing him to the floor was a misdemeanor rather than a felony. He noted that the officer in this case was no longer on the force but raised concern about the other officers present when the crime was committed. He wondered why they did not intervene and argued that this needed to be addressed. He concluded his statement articulating that something in the culture needed to change.

Ms. Kathleen Piper proposed that if there was a civil suit and city had to pay as result of an officer's conduct, perhaps those funds should be taken out of the police budget rather than the city's general budget.

III. MINUTES APPROVAL— July 12, 2016

Mr. Wig, seconded by Mr. Roseta, moved for approval of the July 12, 2016 minutes as submitted. The motion passed unanimously, 6:0.

IV. COMMENTS FROM BOARD MEMBERS, HUMAN RIGHTS COMMISSION LIAISON AND POLICE COMMISSION LIAISON

Mr. Wig stated that the Civilian Review Board (CRB) had talked many times about joining campaign zero, which were the policy proposals that came from the black lives matter movement. He urged the CRB to consider campaign zero as they discussed the current case.

Mr. Van Houten welcomed everyone back from the August break. He thanked Leia, Mark and Lindsey for presenting to the Eugene City Council in their work session. He responded to Mr. Radey's public comment. He stated that addressing other officers present during a crime was an

issue that the CRB discussed previously. The CRB members agreed that this was an issue that needed to be looked at further.

Ms. Foltz thanked Mr. Radey and Ms. Piper for their public comments. She suggested that the case Mr. Radey mentioned be reviewed by the CRB. She reported that the budget committee approved funding for 24-hour Cahoots service and the City of Springfield was also providing funding for Cahoots services into Springfield on a limited basis. Ms. Foltz stressed the importance of having mental health workers responding to mental health crises.

Ms. Marek was thankful for the public comments. She reported no updates from the Human Rights Commission (HRC) because there had not been meetings to attend recently. She reported that she had a school related conflict that caused her to have to leave HRC meetings early. She wondered if this would affect her ability to act as HRC liaison for the CRB. Ms. Marek reported that she planned to record CRB meetings. She thought it was important that there was a record of the meetings. She planned to put the recordings online at www.tinurl.com/crbaudio.

Mr. Van Houten suggested that the HRC liaison issue be added to the next CRB meeting agenda.

Ms. Foltz added that liaison position elections were planned for October.

Mr. McIntire expressed gratitude for the public comments. He reported that he attended the Police Commission meeting on September 8, 2016. He said he worked with the Police Commission to advance a number of policy concerns raised by the CRB and provided a brief summary of the discussion:

- Medical aid to suspects – Mr. McIntire suggested that this be a stand-alone policy.
- Communication with persons with disabilities, Policy 37 – This policy was reviewed.
- Promotion and demotion of supervisors – Mr. McIntire made a motion to have command staff present on this topic. The motion passed unanimously.
- Code of conduct on integrity, truthfulness, immoral conduct and insubordination - Mr. McIntire commented that these sections needed to be clarified and simplified in order to make them more meaningful.

Mr. Denner commended Mr. McIntire on his work with the Police Commission. He reported that there was a note in open complaints regarding a 911 caller who was redirected because the issue involved the county Sherriff. He said someone posted an anecdote on Facebook that echoed this issue. Someone called 911 to report a despondent person on the railroad tracks near Northwest Expressway and was redirected to the sheriff's office. For Mr. Denner the issue was that emergency calls were not forwarded. He suggested that this issue be addressed.

Lt. Mason stated that the ability to transfer called existed. She was unsure why the callers in Mr. Denner's examples were not forwarded.

Ms. Pitcher asked that Mr. Denner forward information about the incident reported on Facebook to her.

Mr. Roseta thanks Mr. Radey and Ms. Piper for their comments and for their approach for speaking to the CRB. He said there was a need to have a community wide connection to mental health provision on the streets. He believed the case under discussion tonight could have been prevented if the correct tools had been used.

V. CASE REVIEW

Ms. Pitcher offered a PowerPoint presentation entitled *Case Summary—Civilian Review Board—September 14, 2016* and facilitated a discussion on the case before the CRB.

Summary of Facts

- RP's son turned his attention toward Officer A. Officer A stated that the son advanced towards him; RP2 stated her son did not advance. Officer A deployed his Taser. The Taser was apparently ineffective.
- When the son was within reach, Officer A punched him. Officer B did not see the punch, but stated that he did not believe the Taser was effective. Officer B placed RP2's son in handcuffs.
- Officer A stated that once he realized the son was in handcuffs, he retrieved his Taser, replaced the cartridge, and retrieved his ASP. He stated that he wanted to put the ASP back in his belt; he stated that he therefore struck the ASP on the deck repeatedly. RP1 (who had arrived on the scene) and RP2 both stated that this appeared to be an attempt to taunt the son and that it caused him to be more agitated.
- Supervisor D and Officer C arrived on scene. RP1 and RP2 alleged that RP2 was then thrown to the ground, and that Supervisor D then placed his knee in her back and slammed her head on the deck.
- Officer C stated that he observed Supervisor D give RP2 several commands to release her son (whom she was holding).
- Supervisor D physically separated RP2 from her son. Supervisor D stated in his interview that he attempted to pull her shoulder away and that the son became more agitated at this. Supervisor D then stated that he placed his arm between the son and RP2 and pulled her away; he stated that they both then fell to the ground.
- Supervisor D stated that the son then fell on top of him, and that it was not his intention to bring RP2 to the ground. Supervisor D stated that he did not place his knee in RP2's back or push her head to the ground.
- Neither Officer A nor Officer B recalled seeing how Supervisor D separated RP2 from her son or how they ended up on the ground. RP2 was arrested for interfering with police. Her son was taken to a medical facility on a non-criminal hold.
- RP2 was not charged following this incident; the City Prosecutor believed that the arrest was supported by probable cause.
- There was some discrepancy about whether RP1 was able to capture video of the incident. In-car video provided an audio recording of the contact, but the camera was not positioned where it could capture video of the contact.

Allegations

Officer A

1. Use of Force: that Officer A used excessive force to effect the arrests of Reporting Party 2 and her son.
2. Professional Police Contacts: that Officer A violated the Professional Police Contacts policy by failing to provide equitable law enforcement services with due regard for the protected class status of those served.
3. Use of Taser: that Officer A violated the Taser policy when he deployed his Taser twice on Reporting Party 2's son and when he "painter" the Taser laser pointer on Reporting Party 1

Officer B

1. Professional Police Contacts: that Officer B violated the Professional Police Contacts policy by failing to provide equitable law enforcement services with due regard for the

protected class of those served.

Officer C

1. Use of Force: that Officer C used excessive force to effect the arrests of Reporting Party 2 and her son.

Supervisor D

1. Use of Force: that Supervisor D used excessive force to effect the arrests of Reporting Party 2 and her son.
2. Professional Police Contacts: that Supervisor D violated the Professional Police Contacts policy by failing to provide equitable law enforcement services with due regard for the protected class status of those served.
3. Unsatisfactory Performance: that Supervisor D, as the watch commander and on-scene supervisor, failed to conform to standards established for his rank or position and failed to take appropriate action.

Recommended Adjudication

1. **Officer A**

- a. Use of Force
 - i. EPD chain of command: Within Policy
 - ii. Auditor's Office: Within Policy
 - iii. Chief's Adjudication: Within Policy
- b. Discrimination
 - i. EPD chain of command: Unfounded
 - ii. Auditor's Office: Insufficient Evidence
 - iii. Chief's Adjudication: Unfounded
- c. Use of Taser
 - i. EPD chain of command: Within Policy
 - ii. Auditor's Office: Within Policy
 - iii. Chief's Adjudication: Within Policy

2. **Officer B**

- a. Use of Force
 - i. EPD chain of command: Within Policy
 - ii. Auditor's Office: Within Policy
 - iii. Chief's Adjudication: Within Policy

3. **Officer C**

- a. Discrimination
 - i. EPD chain of command: Unfounded
 - ii. Auditor's Office: Unfounded
 - iii. Chief's Adjudication: Unfounded

4. **Supervisor D**

- a. Use of Force
 - i. EPD chain of command: Within Policy
 - ii. Auditor's Office: Sustained
 - iii. Chief's Adjudication: Within Policy
- b. Discrimination
 - i. EPD chain of command: Unfounded
 - ii. Auditor's Office: Insufficient Evidence
 - iii. Chief's Adjudication: Unfounded
- c. Unsatisfactory Performance
 - i. EPD chain of command: Sustained
 - ii. Auditor's Office: Sustained

iii. Chief's Adjudication: Sustained

Issues for CRB Discussion

- Complaint Intake and Classification
 - Mr. Roseta thought the response was prompt. He felt staff's response to be satisfactory.
 - Mr. Denner was satisfied with the response in case classification.
 - Mr. McIntire stated two questions regarding the allegations: 1) Why was the lack of medical evaluation after taser deployment not part of the review. 2) Was there a policy that states officers should engage in de-escalation and if so why was this not directly addressed in the review for officers A, C and Sergeant.
 - In response, Ms. Pitcher stated de-escalation was addressed under Use of Force 300.2. Mr. Gissiner thought this was addressed. He said the first two officers initially engaged in activities that indicated de-escalation, but asking to turn off the lights seemed to agitate the man.
 - Mr. Wig reported that the auditor's office addressed this issue on page 7-12 on the auditors recommended adjudication.
 - Mr. McIntire clarified that he wondered why Officer A was not investigated on a failure to engage in de-escalation.
 - Ms. Marek wondered why mental health crisis response 4.18 was not implicated.
 - Mr. Denner added the allegations did not look at 4.18; they looked at use of force. He said one officer was operating under 4.18 and one officer operation under use of force.
 - Ms. Marek asked why aftercare 309 and 4.18 were not implicated.
 - Mr. Gissiner stated the use of force was investigated, rather than 4.18 because the officers believed they were responding to a call about violent behavior toward another person.
 - Mr. Van Houten disagreed, stating there was ample evidence that Officers A and B knew were responding to a person in a mental health crisis who may have acted violently toward another person.
 - Mr. Van Houten added that the nature of the complaint was around the bias and forced used.
 - Ms. Marek said the mental health response could not be disaggregated from the use of force because there was potential for escalation.
 - Mr. Wig said the greater historical and political context stipulated that the excessive use of force against and unarmed African American male took precedence over mental health concerns. That needed to be the primary area of investigation. He commended Chief Kerns for being proactive by sharing the evidence with the plaintiff as it became available.
- Complaint Investigation and Monitoring
 - Mr. Wig commended Sergeant Nelson on a thorough investigation. He felt comfortable with the materials presented and the report. He asked if the son was tased a second time; the report said he was, but when the taser was analyzed it indicated a critical error and did not deploy a second time.
 - Mr. Denner said the son was tased twice.
 - Mr. McIntire thought there were three taser deployments.
 - Ms. Pitcher clarified that the first deployment was a test deployment at the beginning of the shift.

- Mr. Van Houten stated that the interviews were timely, fair and thorough. He presented three areas he believed the interviewer should have questioned more in depth:
 - Decisions to deescalate
 - Length of time of the incident
 - Implicit biases
- Ms. Foltz said the investigation was thorough. She echoed Mr. Van Houten's comment, stating that time and implicit biases should have been investigated together. Investigating the series of decisions that go into determining when to escalate an interaction in order to end it quickly was important, especially when a person of color was involved; implicit biases were an important aspect in the line of decision making.
- Ms. Marek agreed. She said the investigation focused on overt discrimination but there could have been more investigation on implicit biases. She believed there was evidence that implicit biases played a role. She cited examples of the officers stating that the son "made a war cry" and "grew taller." She said these comments dehumanized the son, indicating implicit biases. She added that everyone has implicit biases and it was important to explore them when these opportunities arose.
- Mr. McIntire did not have any comments to add.
- Mr. Denner was satisfied with the investigation. Regarding the Mr. Van Houten's question about the length of time of the incident, Mr. Denner indicated that the confrontation began at 3:45 and resolved at 4:02. It was a very short amount of time. Mr. Denner stated that the size of space and the elevation intensified emotional responses.
- Mr. Gissiner clarified that the son's voice was heard at 3:50 p.m., and at 3:52 Officer A yelled at the son to sit down or he would be tased.
- Mr. Roseta added nothing further. He thought the investigation was done well.
- Relevant Department Policies and Practices
 - Mr. Roseta stated that there was a concern about the difference between use of force and de-escalation and should be looked at further. He said he understood de-escalation to be aspirational and use of force to be codification of what should be done.
 - Mr. Gissiner emphasized that the standard for excessive force were clear, while the standards for de-escalation were still evolving.
 - Mr. Denner discussed an issue in practice. On Wednesday nights, including the Wednesday night under discussion, there were overlapping short shifts leaving few people to answer multiple calls. He said adequate supervision and leadership were necessary to make good responses to domestic calls.
 - Mr. McIntire stated that Officer C and Sergeant did not try to deescalate the situation, but rather attempted to demand and control. He emphasized the importance of using Crisis Intervention Team (CIT) training skills. He asked about the taser testing process as the taser used in this situation indicated a critical error.
 - In response, Lt. Mason said the officer did a spark test at the beginning of the shift and got a reading indicating the taser was functioning correctly. Once this information was gathered, it was presumed that the taser was functional. However, an error could occur during the shift. The taser data could only be found when downloaded after the taser was deployed. She stated that all tasers were thoroughly checked quarterly.
 - Mr. McIntire asked if ICT training was tested and practiced regularly.
 - Lt. Mason said the Police force was attempting to use de-escalation practices in multiple different trainings. There was recently a 4-hour training on de-escalation, which included video reviews and small group discussion about different situations. She indicated that role-play would be encompassed into firearms training. She said the police force planned to make de-escalation training more robust.

- Ms. Marek suggested the use of stronger language in the policy that made de-escalation binding, but also allowed flexibility for urgent situations. She emphasized the importance of ongoing CIT practice.
- Ms. Foltz agreed with the concerns about de-escalation. Her main concern was if de-escalation was not effectively utilized it could often lead to a justified use of force. She asked what the policy was on arresting victims as she was concerned that the victim in this case ended up being arrested. Ms. Foltz expressed concern that the victim did not receive caretaking and medical attention. She said this could cause victim to feel less safe when calling emergency services, deterring her from calling again.
- Mr. Wig stated that probable cause did not replace discretion on whether or not arresting a victim served any kind of purpose.
- Mr. Van Houten asked if there was a procedure to determine which officer was the lead on a call. He said in the case under discussion there seemed to be a lack of communication between Officer A and B. He asked if officer A or officer B was the lead on this call.
- Lt. Mason said typically whomever dispatch sends to the call was the primary officer. Secondary officers were cover. She believed that officer B was the primary officer that was dispatched.
- Policy and/or Training Considerations
 - Mr. Wig was concerned that Officer A indicated he had good results yelling at people in mental health crises in the past. Mr. Wig did not believe this was a good intervention and that Officer A needed more training.
 - Mr. McIntire suggested there be more discussion and training around biases, including and expanding beyond racial biases.
 - Mr. Denner emphasized the importance of supervisor training. He believed there should have been more situational evaluation done by the officers. Someone should have taken the initiative to provide medical evaluation for all parties involved.
 - Ms. Marek elaborated on why implicit bias training would be useful. She said research finds that people tended to rely on unconscious automatic responses in times of stress. Therefore implicit bias training was particularly important because it helped provide people the tools to intervene in the moment. She said this training was particularly important for people in powerful positions. She added that implicit bias training should not only be focused on racial biases but different mental health backgrounds, as well.
 - Ms. Foltz emphasized the importance of early intervention. She believed that people tended to operate out of habit and that this was most likely not the first time the officers had reacted this way. She suggested identifying patterns in behavior and intervening with appropriate training.
 - Mr. Van Houten said there were cultural opportunities that were delivered to officers that were ignored. For example Respondent 2 and the son made references to their culture that were taken as threats which escalated the officers rather than taking into consideration the culture of the family. He said these were opportunities for understanding and consideration of biases.
 - Mr. Wig said it was important to note that the officer should have understood the potential interpretation of beating the asp police baton on the ground to close it.
 - Mr. Roseta clarified that the officer believed that he was removing a weapon from the scene.
- Adjudication Recommendations
 - Officer A
 - Use of Force

- Mr. Roseta agreed with the recommendations.
- Mr. Denner questioned some findings and results but supported the auditor's recommendations.
- Mr. McIntire agreed with the recommendations.
- Ms. Marek agreed with the recommendations and added that 4.18 should have been implicated.
- Ms. Foltz agreed with the recommendations.
- Mr. Van Houten disagreed with the recommendations. He believed this was an opportunity to use de-escalation.
- Mr. Wig agreed with the recommendations.
- Discrimination
 - Mr. Wig said believed that adjudication provided by the Chief was unsatisfactory. He thought the auditor's office was correct that was insufficient evidence for discrimination. He felt that the use of the word 'unfounded' was invalidating for members of the African American community.
 - Mr. Van Houten agreed with Mr. Wig's comments.
 - Ms. Foltz agreed with the previous comments. She added that it was impossible to determine that biases were the only motivation in police action, but to say that it was not at all involved was not realistic.
 - Ms. Marek agreed with the previous comments.
 - Mr. McIntire agreed with the auditor's recommendation.
 - Mr. Denner supported the auditor's recommendation.
 - Mr. Roseta agreed with the auditor's recommendation. He emphasized that the conclusion that there was insufficient evidence leads one to conclude that the case was unfounded.
- Use of Taser
 - Mr. Roseta said the use of taser was within policy.
 - Mr. Denner said the use of taser was not in policy. Medics were on scene who were not utilized.
 - Mr. McIntire believed the taser deployment was within policy, but the policy was violated by not having the medics check the person after the taser was deployed.
 - Ms. Marek agreed stating that the taser deployment was founded and added that 309.5 with aftercare was violated.
 - Ms. Foltz agreed with Ms. Marek's comments.
 - Mr. Van Houten believed that the use of taser was within policy.
 - Mr. Wig agreed with the previous comments and stated that the responsibility for aftercare was on the supervisor.
- Officer B
 - Use of Force
 - All CRB members agreed with the auditor's recommendation.
- Officer C
 - Discrimination
 - All CRB members agreed with the auditor's recommendation.
- Supervisor D
 - Use of Force

- Mr. Wig said he was unsatisfied with the recommendations presented by the Chief. He agreed with the auditor’s recommendation.
 - Mr. Van Houten, Ms. Foltz, Ms. Marek, Mr. McIntire, Mr. Denner and Mr. Roseta agreed with the auditor’s recommendation.
 - Discrimination
 - All CRB members agreed with the auditor’s recommendation.
 - Unsatisfactory Performance
 - All CRB members agreed with the auditor’s recommendation.
 - Mr. Gissiner added that he was concerned that there was no consideration for welfare of neither the potential victim of a violent crime nor an individual who was tased.
- Additional Comments/Concerns
 - **Ms. Foltz, seconded by Mr. Denner moved to extend the meeting for fifteen minutes. The motion passed unanimously, 6:0.**
 - Mr. Roseta asked for clarification on the assumption that there was bias. He argued that this was difficult to prove that there was racial bias.
 - Mr. Van Houten believed bias was involved but could not directly link it to race. He was concerned that one of the officers acknowledged going into the call thinking something was going to go bad. He referenced the officer comparing the son to a professional athlete and wondered if this terminology might not have been used if the son was not African American. He added that had the son been smaller or not in a mental health crisis, the outcome might have been different.
 - **Mr. Wig left at 7:33 p.m.**
 - Ms. Marek cited empirical evidence and research that black people are seen as more culpable and dangerous. In this situation, the ways the officers did not provide after care and medical attention, along with the dehumanizing comments that were made pointed to implicit biases as a factor in the officer’s actions.
 - Ms. Foltz cited the Kirwan Institute’s research on implicit biases. The research shows the entire population was affected by implicit biases, which were heightened when layered with multiple aspects of identities. In this case race, age, gender, size and mental health were factors that could have influenced implicit biases of the officers. She added that implicit bias training was important for people in power with guns. The Kirwan Institute research shows that training could make a difference in reactions based on implicit biases.
 - Ms. Marek emphasized that the acknowledgement of implicit biases as a factor provided an opportunity for more training.
 - Ms. Foltz commended Officer B’s empathy with the mother’s reactions in the situation. He was also the calmest in the situation. Ms. Foltz emphasized he importance of being able to empathize with another person with cross-cultural understanding.
 - Mr. Roseta agreed that the mother was ignored by all of the officers, aside from Officer B. He added that her action might not have been cultural, but rather due to the relationship between a mother and son.
 - Mr. Denner was concerned that the media and press focus on race and class overshadow mental health. He said we needed to address how to

appropriately respond to mental health crises. He suggested continuing to get Cahoots available and look for other resources.

IX. ADJOURN

The meeting adjourned at 7:47 p.m.

(Recorded by Emily Mathis)

Eugene Police Department

September 2016 Open Case Report

Incident type: Supervisor Action
Status: Active
Received date: Sep 1, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

The reporting party filed a complaint against an Animal Welfare Officer for not citing his neighbor with a continuous nuisance violation for her barking dog.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 1, 2016
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP had a concern about how he was treated by officers at the scene of an auto accident. He feels he was basically ignored by officers during the investigation because after about 20-30 minutes (he later stated 15 minutes) an officer came and asked him what had happened and that no citations were being issued, but no one asked or appeared concerned about his well-being in an accident that sent his brother to the hospital. He feels his race may have been a factor.

(When discussed with the supervisor, he indicated that he did not think race was a factor and indicated that when the paramedics arrived before the officers they checked on him. He indicated that more than anything he felt ignored by the officers while they investigated the accident.)

Incident type: Supervisor Action
Status: Completed
Received date: Sep 2, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

The RP indicated that when she reviewed reports of her son's arrest for animal abuse and the case was going to trial, she felt that the reports were inaccurate. She was advised as to how to obtain public records of the reports. For example, she stated that the report indicated two animal welfare workers (AWO) were present, while she counted three. (It was later determined that the third person was a ride-along not an AWO.)

Written in the supplemental referenced is final contact the AWO had with the family. She had spoken to all parties involved and believed there was enough evidence to cite the juvenile with animal abuse. The RP felt that her son's citation to juvenile court may have had to do with his race.

Incident type: Supervisor Action
Status: Active
Received date: Sep 6, 2016
Class/sub-class: Inquiry
Disposition:

RP called dispatch due to being upset that a neighbor called in a welfare check and Officers made a check of her apartment without her being home. RP after speaking with neighbors alleges that officers were at her apartment an hour or more. RP feels this was an excessive amount of time to verify that her cat had food and water and there was not a body on the floor.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 7, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP inquired into the correct way of obtaining EPD information during the overnight hours. RP noted that previous protocols do not seem to be working and that call takers are disgruntled with them when they seek information.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 7, 2016
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP reported an incident in which he reported a man who reached his head and arm into his motorhome and took a picture of his wife's private parts. When the officer arrived he didn't deal with the guy but ended up putting RP in handcuffs and threatened to arrest him if he enters his motorhome from the planting strip, claiming he was trespassing. RP also said that the officer told him to shut up.

RP also reported an incident in which they reported a domestic violence issue in the area where 9 officers showed up, but didn't arrest the guy involved.

Incident type: Supervisor Action
Status: Active
Received date: Sep 8, 2016
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's Office about a Burglary report he made about 6 weeks ago. RP has provided additional information about the case to an officer and continues to be told, "I'm sorry nothing can be done until it's assigned to a property crimes detective. RP stated he didn't want the officer to be in trouble as he has been helpful, but would like this moved along to a detective.

Incident type: Supervisor Action
Status: Active
Received date: Sep 12, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

RP contacted the Auditor's office with a concern that she has been unable to get anyone to explain to her why a woman who assaulted her is being charged with a lesser crime.

Incident type: Supervisor Action
Status: Active
Received date: Sep 13, 2016
Class/sub-class: Service Complaint / Performance
Disposition:

RP contacted the Auditor's Office in regards to an issue she had with a tenant who assaulted her and how an officer handled the issue.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 13, 2016
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported to the Auditor's Office that when he was released from the Lane County Jail his bike was not in the lock area where he was told it was lodged. RP checked with Property control and was told that it was not submitted to them. RP would like to find out what happened to his bike.

ICV officers placed the bike on rack #6024 at the Jail Lockers.

The RP was referred to Risk Management.

Incident type: Supervisor Action
Status: Active
Received date: Sep 14, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

RP called to report that he has been having issues with transients harassing him near his home He would like to speak with someone about getting his area cleaned up and these people cleared out his neighborhood.

Incident type: Supervisor Action
Status: Active
Received date: Sep 14, 2016
Class/sub-class: Inquiry
Disposition:

A fire department (not Eugene) official emailed to request an inquiry into the report of a Motor Vehicle Accident that occurred earlier that day. The official was concerned that Fire and EMS were not initially dispatched to the call until requested by LCSO. The call was potentially relayed to LCSO as a dispute issue and they had to request a Fire and EMS response. This was a high impact motor vehicle incident possibly caused by the medical issue being experienced by the driver of the vehicle.

Initial classification of Inquiry pending review of the initial call to dispatch. MG

9-22-2016: I have reviewed this file and there is no indication that there was an injury described. In fact, the caller stated that the man was not injured. MG

Close. MG

Incident type: Supervisor Action
Status: Completed
Received date: Sep 16, 2016
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

The complainant called the non-emergency number to voice concern about a vehicle going code 3. The complainant stated he researched relevant law and said it matched what the supervisor told him with the officer using due regard. He reported the officer was using lights and siren. The supervisor informed him the officer was responding to the report of an intoxicated male assaulting a female with an infant present. The complainant DID NOT want to file a complaint and only wanted more information.

Handled - service complaint, performance, closed. MG

Incident type: Incident Review
Status: Active
Received date: Sep 19, 2016
Class/sub-class: Incident Review / Conduct
Disposition:

RP contacted the Auditor's about a contact with an officer he and his wife had after leaving the dining room and walking through the alley. The officer walked up behind him and was cocky and rude with RP demanding his ID for doing nothing wrong. RP feels that this officer needs to be trained on dealing with people with mental health issues before someone is hurt.

Would like to see body cam/ICV.

2 issues, the treatment of the man, and that neither officer had on their ICVs or body cams, if they have them.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 19, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP reported an incident in which he was assaulted in his home. Under Oregon ORS, he believes that it was a domestic dispute and that his roommate should have been arrested.

Incident type: Supervisor Action
Status: Active
Received date: Sep 22, 2016
Class/sub-class: Policy Complaint
Disposition:

An anonymous gentleman left a voice message with the Auditor very upset at the level of service he and his neighbors have received from EPD in his neighborhood.

Incident type: Supervisor Action
Status: Active
Received date: Sep 22, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

RP reported a call he made to EPD about a man prowling around his property, who was probably on something. Nobody showed up. An hour and half later he called back on the non-emergency line and found out the call was still on a call screen.

Incident type: Supervisor Action
Status: Active
Received date: Sep 25, 2016
Class/sub-class: Service Complaint / Performance
Disposition:

RP is unhappy that when he was assaulted by his neighbor's boyfriend on his own property the officer convinced him to compile all the interactions and issues with his neighbor and he would submit it to the DA since the guy would just be out of jail in a few hours. Instead it went to the Municipal Attorney and the man got off as the city doesn't prosecute such crimes.

Incident type: Incident Review
Status: Active
Received date: Sep 27, 2016
Class/sub-class: Incident Review / Performance
Disposition:

RP and her sister stopped by the Auditor's Office upset that when she reported a burglary at her home, 3 officers showed up and interrogated her about a prior incident. She stated that they also informed her she had a court date, of which she stated she had no previous notification.

Preliminary review of records by Auditor's Office found discrepancies with the offense date on the citation and the court date provided to RP and the one listed on the citation. There is also a question of why RP was not allowed by records to receive a copy of the citation or other information concerning her criminal case.

Incident type: Supervisor Action
Status: Active
Received date: Sep 28, 2016
Class/sub-class: Service Complaint / Performance
Disposition:

RP contacted the Auditor's Office upset over an issue with a Macaw and an officer that threatened to arrest the friend that had given her the bird. RP's friends had been given the bird by an acquaintance who had become homeless.

Incident type: Supervisor Action
Status: Active
Received date: Sep 29, 2016
Class/sub-class: Inquiry
Disposition:

RP reported that he had been unable to reach an officer in response to a report he filed about his cat being stolen.

Incident type: Supervisor Action
Status: Active
Received date: Sep 29, 2016
Class/sub-class: Service Complaint / Courtesy
Disposition:

RP reported a conversation with an AWO in which he told him he knew what had happened to his cat which was stolen two years ago, but then smugly would not tell him about it.

IA Investigation **Received: Mar 30, 2016**

Classification/Sub-classification: Allegation of Misconduct / Performance

Involved citizen:

Internal

First officer

Allegations:

Performance - 804 Evidence and Property Handling - Unfounded

Second officer

Allegations:

Performance - 804 Evidence and Property Handling - Sustained

Performance - 1101.1.B.9 Unsatisfactory Performance - Unfounded

Summary:

An employee was preparing to destroy items from a case. The second officer had given disposition instructions for this case. When opening the backpack a civilian employee found a baggie with crystal substance consistent with Meth, money and prescription narcotics. The backpack which was submitted by the first officer, listed, "Backpack w/junk. items." Per the ECU packaging manual, items such as drugs and money must be separated from other items and submitted in their own packaging. In this case, there was authorization to return the backpack and could have unknowingly returned narcotics and the illegal substance in the baggy.

In looking at the case history, it appears that the second officer was the case officer.

1. 804 Evidence and Property Handling - It is alleged that the first officer lodged a backpack into evidence without inventorying its contents prior to submittal in violation of department policy and procedure. Unfounded.
2. 804 Evidence and Property Handling – It is alleged that the second officer resubmitted the backpack after taking items out of it and submitting the items from the backpack. The backpack was repackaged in a bag with the tape seal signed by the second officer. He left the money, and suspected controlled substances in the backpack when he resubmitted it. Sustained.
3. 1101.1.B.9 Unsatisfactory Performance: That the second officer failed to perform professionally when he authorized release of the backpack while it contained money and suspected controlled substances. Unfounded. Adjudication determined that this allegation was very similar to the first allegation for the second officer and therefore was unfounded given the sustained allegation for violation of 804 Evidence and Property Handling.

Incident type: IA Investigation

Received date: Sep 20, 2016

Class/sub-class: Allegation of Criminal Conduct / Constitutional Rights

Internally generated: A defendant in a criminal case left a message on an officer's phone indicating he was signing a plea agreement because of the officer's physical and verbal threats to him and his family. He stated, "Because of your threats on my life, I signed the plea." He also said that because of the officer's inaction, a Eugene citizen was dead.

The DA's office was contacted prior to the plea in open court.

Subject plead guilty in court and swore under oath that no threats or coercion occurred to enter the plea. Dismissed - other.

The Eugene Police Department received 21 commendations from citizens in September, 2016. Below is a sample of those commendations.

A citizen commended officers for their efforts with addressing the disruptive behavior from subjects around a local business in the Downtown area. The citizen had been witnessing problems with subjects being violent and extremely loud. The citizen commented, "I've noticed that the police have been sweeping through on a regular basis and it seems to have really cleaned things up a lot. I really appreciate that." The citizen further commented that one of the officers is "a keeper" and was "really nice" during their interaction with the officer.

The Eugene Police Department was commended by a citizen for their efforts in cleaning up the Downtown area. The citizen commented, "We appreciate the police presence at (location). We have 87 residents that live at (location) and they can now walk around."

Officers were commended by a citizen for the professionalism and restraint shown during an arrest at a local establishment recently. The citizen commented, "You were subjected to what was one of the most hate filled diatribes against officers I have witnessed. Thank you for the great example you provided for other officers and citizens alike as you performed your duties in the most difficult of circumstances."

A citizen commended the Eugene Police Department and their increased presence in the Downtown area. The citizen felt this response has helped address the disruption of problems from travelers within the area and some of "the blatant behaviors" seeming to have been out of hand. The citizen commented, "I am really grateful to the officers presence and keep up the good work."

Officers were commended by a citizen for their assistance in dealing with trespassers at a local business recently. The citizen had been dealing with this issue over an extended period of time prior to the officers' response to the location. The citizen commented, "I want to thank the police for coming out and taking care of it."

A citizen commended an Animal Welfare Officer for their assistance related to an animal disturbance issue. The citizen commented, "(Officer's name) called me to review the complaint, followed through effectively and called me to update his findings...I appreciate your agency very much and the assistance for a minor problem. I am very impressed, and wouldn't hesitate to sing your praises!"

The chief of police from an outside agency submitted an appreciation letter to commend an officer for the assistance provided to their department in locating a suspect involved in a domestic assault case. The officer was able to locate and obtain a confession from the suspect. The chief commented, "(Officer's name) should be commended for a very professional job that far exceeded any expectations. (Officer's name) went the "extra mile" to re-investigate and assemble a quality case for prosecution."

A citizen commended officers for their assistance in dealing with a difficult patient at the hospital recently. The citizen is a local nurse that was assigned to the patient at the time of the incident. The citizen commented, "The officers were asked to hang out to make sure that the safety of the department was maintained. They were absolutely 100% patient and calm." The citizen further commented, "Both officers worked very hard to work with a difficult situation despite the length of time they were there. They maintained their integrity and focus."

An officer was commended by a citizen for their assistance when the citizen had placed a 'Missing Persons' report in an attempt to locate their spouse. The citizen commented, "He was fantastic, caring, thoughtful and intelligent. He handled the situation beautifully and helped me get my head together. This officer deserves praise. He did his job in a really wonderful way."

Civilian Review Election Summary

Elections for Chair, Vice-Chair, Police Commission Liaison and Human Rights Commission Liaison will be held at the October meeting. The governing ordinance of the CRB (Eugene City Code sections 2.240 - 2.246, found here: [Eugene City Code Chapter 2](#)) and the CRB Policies and Procedures Manual (attached below, also available on the [CRB website](#)) offer some guidance into the positions.

An overview:

- Chair
 - Chosen from the membership, serves a 1-year term
 - Shall serve no more than 3 consecutive 1-year terms
 - If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term
 - Chair presides at all meetings of the board, may call special meetings, consults with staff on preparation of Board agendas
 - Chair decides on all points of order and procedure during meetings
 - Chair (or Chair's designee) is the official spokesperson for the board on all matters of community concern addressed by the Board
- Vice-Chair
 - Chosen from the membership, serves a 1-year term
 - Shall serve no more than 3 consecutive 1-year terms
 - If the Vice Chair cannot serve a full term, the board shall, at the meeting following the Vice Chair's departure from the office, elect a new Vice Chair to complete the unexpired term
 - Vice Chair performs Chair's duties in the absence of the Chair or in the event of the Chair's inability to act
- Police Commission Liaison
 - CRB is directed by ordinance to nominate one member to serve jointly on the CRB and the police commission. Because this person serves as a member of another City Commission, the nomination is subject to City Council approval
- Human Rights Commission Liaison
 - CRB policies state that one CRB member shall be elected to serve as liaison to the Eugene Human Rights Commission

Election procedures are set out in Article 5 of the CRB Policies and Procedures Manual.

EUGENE CIVILIAN REVIEW BOARD
POLICIES and PROCEDURES MANUAL

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Chapter 1 – General Overview

A: Mission Statement

The Mission of the Civilian Review Board is to provide fair and impartial oversight and review of citizen complaints and internal investigations conducted by the City of Eugene Police Department. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and in a timely manner. The Board will encourage community involvement and transparency in order to promote the principles of community policing in Eugene.

B: Values and Outcomes of Oversight

The values that underlie Eugene’s system of Civilian Oversight are accessibility, safety, impartiality, thoroughness, quality assurance, transparency, accountability and fairness. These values are employed to achieve an impartial, transparent and timely complaint process that protects and respects the rights of all involved, promote credibility, enhance trust, and improve services to the community.

C: Statement of Principles and Code of Conduct

Preamble: Members of the City of Eugene Civilian Review Board have a unique role as public servants. Our community, the City Council and the Eugene Police Department have entrusted us with the responsibility of providing oversight and analysis of the police complaint process from a civilian perspective. We earn this trust through a firm commitment to the public good, the mission of our board, and the ethical and professional standards of conduct described in this statement.

Personal Integrity: We demonstrate the highest standards of personal integrity, commitment and honesty to inspire trust and set an example. We will be fair, thorough, and impartial in the performance of our duties. We will avoid conflicts of interest and recuse ourselves when such conflicts arise. We will not accept gratuities or favors that might compromise our impartiality or independence.

Independent and Thorough Oversight: We conduct our reviews and evaluations with due diligence, an open and inquisitive mind, integrity, objectivity, fairness and in a timely manner. We will rigorously test the accuracy and reliability of information from all sources. We will determine the facts and present our findings without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality: We conduct our oversight activities in an open and transparent manner providing regular reports and explanations of our procedures and practices to the public. We will maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment: We treat all individuals with dignity and respect, and without preference or discrimination based on age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.

Community Outreach: We conduct outreach activities and disseminate information throughout the community. We will seek open, candid and non-defensive dialogue with stakeholders to both educate and learn from different communities in Eugene.

Self-Examination and Continuous Improvement: We seek continuous improvement in the performance of our duties, and in the police complaint process in Eugene. We will regularly evaluate and analyze our activities to determine the effectiveness of our work. We will identify and forward to the Police Auditor, the Police Department and the Police Commission policy and organizational concerns intended to improve police services and advance performance and accountability.

Professional Excellence: We actively seek professional development to ensure our competence. We will work to understand the policies, procedures and practices of the Eugene Police Department necessary for the conduct of our duties. We will keep informed of the current legal, professional and social issues affecting our community.

Obligation to the Community: We will, at all times, place our obligation to the community and objectives of and goals of Eugene’s civilian oversight system above our personal self-interest.

Chapter 2 – Bylaws of the Civilian Review Board

A. ARTICLE I - ESTABLISHMENT

The Eugene Civilian Review Board, hereinafter referred to as the Board, was established by Eugene City Ordinance #20374.

Ordinance Number 20374 reads in part: “There is hereby established a Civilian Review Board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the Civilian Review Board shall evaluate the work of the independent police auditor, and may review completed complaint investigations involving sworn police employees

to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.”

All powers and duties of the Eugene Civilian Review Board are derived from the City of Eugene Charter and Ordinance #20374. Nothing in these bylaws shall be construed as expanding the authority conferred upon the civilian review board by the ordinance.

B. ARTICLE II - PURPOSE AND OBJECTIVES

Section 1. The board shall act as an advisory body to the Eugene City Council. The review board shall:

- a. Evaluate the work of the independent Police Auditor;
- b. Comment from a civilian perspective about whether complaints are handled fairly and with due diligence;
- c. Consider reviewing complaints that have been identified as community impact cases by the Police Auditor;
- d. Report on its case reviews which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation and the reasonableness of the adjudication;
- e. Conduct education and outreach activities to inform the community; and
- f. Develop and disseminate information and forms regarding the police complaint handling and review system.

Section 2. The Board shall develop a mission statement, agree in writing to a Statement of Principles and Code of Conduct, a yearly work-plan, and prepare and present an annual report to the city council that:

- a. Summarizes its activities, findings and recommendations for the preceding year;
- b. Assesses the performance of the police auditor; and
- c. Reviews trends and statistics of complaints against sworn police officers and civilian employees.

Section 3. The board, or its individual members, may not:

- a. Investigate complaints or incidents involving police employees;
- b. Issue subpoenas or call witnesses;
- c. Review employee discipline decisions except in the context of reviewing trend reports from the auditors office; or
- d. Incur city expenses or obligate the city in any way without the prior authorization of the Police Auditor or City Council.

Section 4. When there are comments on policy and procedural issues identified during its case reviews, those comments shall be provided to the police auditor and to the Eugene Police Commission for further consideration. The review board may develop additional reports it deems necessary or as requested by the city council. The civilian review board shall strive to protect the privacy of all individuals and shall not disclose the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed.

C. ARTICLE III - APPOINTMENT, MEMBERSHIP, TERM OF OFFICE

Section 1. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.

Section 2. The review board shall consist of five or seven members at the determination of the council.

- a. One member shall be nominated to serve jointly on the board and on the Eugene Police Commission, subject to the approval of the city council; and
- b. One member shall be elected to serve as liaison to the Eugene Human Rights Commission.

Section 3. Members of the Board shall be volunteers appointed by the City Council, who immediately prior to their appointment shall be:

- a. A resident of the city;
- b. 18 years or older; and
- c. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.

Section 4. The members of the board shall be appointed to a three (3) year term. The terms of the first appointees shall be staggered so that approximately one-half of the members' terms end after three years.

Section 5. No member of the board shall serve more than three (3) consecutive terms.

Section 6. Vacancies on the board shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. The City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. The death or resignation of the member;
- b. Removal of a member by the City Council for being absent for more than three consecutive meetings without notifying the Board Chair;
- c. The member ceases to be qualified for initial appointment.

Section 7. Board members shall receive no compensation, but shall be reimbursed for authorized expenses.

D. ARTICLE IV - OFFICERS AND DUTIES

Section 1. The board shall annually elect from among its members a chair and vice chair.

Section 2. Election of officers will be held no later than the board's regular meeting in October. If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term. If the Vice Chair cannot serve a full term, the board shall, at the meeting following the departure from office of the Vice Chair, elect a new Vice Chair to complete the unexpired term. If both Chair and Vice Chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

Section 3. A board member may not be elected as Chair for more than three (3) consecutive one year terms.

Section 4. The Chair shall preside at all meetings of the board; call special meetings subject to requirements of Article VII; consult with staff on preparation of board agendas; and perform all other duties necessary or incidental to the office.

Section 5. In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and the Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.

Section 6. The Chair shall decide on all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present.

Section 7. The Chair and Vice Chair are entitled to vote on all issues.

Section 8. The Chair or Chair's designee is the official spokesperson for the board on all matters of community concern addressed by the Board.

Section 9. The Chair and Vice Chair shall:

- a. Assist with educating board, committee and City Council members on procedures and responsibilities;
- b. Act as liaisons between the board and all committees;
- c. At the request of the board, prepare recommendations on board bylaws and other administrative matters.

E. ARTICLE V - ELECTION OF OFFICERS

Section 1. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair. Nominations need not be seconded.

Section 2. A member may withdraw their name if placed in nomination, but members may not withdraw in favor of another member.

Section 3. Any member may move to close the nominations; a second is required. If the motion carries, the Chair then calls for the election.

Section 4. The votes of all members will be recorded by the minutes recorder. The candidate who receives a majority of the votes cast becomes Chair. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the Vice Chair.

F. ARTICLE VI - OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS

Section 1. The board shall submit an annual report and yearly work plan in writing to the City Council by May 30th. As a result of a significant event or unforeseen circumstances, the board may request the city council approve a work plan amendment at any time as a consent item on the Council's agenda.

Section 2. All regularly scheduled meetings will be announced in the Public Meeting Calendar at least one week prior to the meeting and will include a time for public comment.

Section 3. The board may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies.

G. ARTICLE VII - MEETINGS, VOTING AND PROCEDURES

Section 1. The board shall meet at least once per calendar quarter to conduct regular business, with such additional meetings as it deems necessary to properly perform its duties. Additional meetings may include, but are not limited to, annual work planning and process sessions.

Section 2. The board shall achieve a quorum at a minimum of once per calendar quarter of its regularly scheduled meetings each year.

Section 3. Four (4) members of a seven (7) member board (or three (3) members of a five (5) member board) shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

Section 4. Each voting member of the board shall be entitled to vote at all regular and special meetings of the board, except that a member shall not vote or take part in discussion as a member when there is an actual conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue, then the member may ask the board's permission to abstain. In this case, it is up to board to decide whether an abstention will be permitted. If members are in doubt about the nature of a conflict, they may seek the advice of the city attorney.

Section 5. All members may be involved in board and committee activities, including regularly attending board and committee meetings. If a member is unable to attend a meeting of the board or a committee, they shall notify staff and/or the chair.

Section 6. An agenda committee consisting of the chair, vice-chair and lead staff person shall establish the meeting agenda. An item may be placed on the agenda or removed by a majority vote of the board. Requests to place an item on the agenda may be made by individual board members, city councilors, community members or staff. Through a formal action, the City Council may direct the inclusion of item(s) on the board's agenda. The agenda committee shall decide the date that items come before the board.

Section 7. The chair or a minimum of three (3) members of the board may call special meetings by delivering a 24-hour written notice personally or by mail to each member of the board (and to media representatives filing with the city manager's

office a written request for such notice). The call and notice shall specify the time and place of the special meeting and the business to be transacted. Four members shall constitute a quorum for a special meeting.

Section 8. Members shall not vote on a question unless they are present before the vote is called for or when their names are called by the chair. Proxies are not permitted.

Section 9. Members may at any time explain their votes, or file written explanations of such votes, after the result of the voting has been announced and recorded.

Section 10. In general, communication to and from the public during meetings occurs during the public comment period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to a member of the public at the chair's discretion.

Section 11. As an alternative to using simple majority votes to make its decisions, the board may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general, consensus decision making is appropriate when addressing process and routine issues. The simple majority approach should be used when the board is taking a formal position on a topic. Whichever decision-making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest may not participate in deliberations on the issue.

Section 12. To further its mission, the board may agree to invite specific group representatives, community members or staff to participate with the board in the evaluation, discussion and problem solving of specific issues or policies.

Section 13. The Board, committee and work group meetings shall follow Oregon's public meeting laws.

Section 14. Board members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

H. ARTICLE VIII - STAFF

Section 1. The Police Auditor (or designee) shall attend all regularly scheduled Board meetings. The Auditor is not a voting member of the board and shall not be counted for purposes of obtaining a quorum. The Auditor shall take reasonable steps to

ensure the board is kept fully informed about all major police issues that may be of concern to the community in accordance with city oversight ordinances.

Section 2. The Auditor's office shall furnish staff assistance to the board and its committees.

Section 3. A staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next meeting to all members at least five (5) calendar days in advance of the meeting. All printed information distributed to the members with the minutes will be submitted to staff ten (10) days before the meeting so that the materials may be made available to the media and public.

Section 4. A recorder may be furnished to the board by City administration to record the minutes of each regular meeting in accordance with ORS 192.650. The minutes of all meetings shall be filed with the staff person appointed by the City Council to serve the Board. The written minutes shall include at least the following information:

- a. all board members present
- b. all motions, proposals, resolutions and measures proposed and their disposition
- c. the results of all votes and the vote of each member by name
- d. the substance of any discussion on any matter
- e. a reference to any document discussed at the meeting (subject to ORS 192.410 to 192.505 relating to public records).

I. ARTICLE IX - COMMITTEES, PROGRAMS & WORK GROUPS

Section 1. The board may establish temporary committees for specific tasks. A majority vote of the board members present is required to form a committee. No temporary committee shall continue for more than six months without city council approval.

Section 2. The size, term, membership and duties of a committee shall be established by the board at the time the committee is approved. Committee membership shall consist of no less than two members.

Section 3. Vacant positions on a committee shall be filled by board appointment of a person nominated by the board. A position shall be considered vacant under the same conditions as set forth for a vacancy on the Board.

Section 4. The officers of each committee shall be a chair and a vice chair elected by the committee. The chair shall be a member of the Board and shall preside over

meetings of the committee and shall have the right to vote. The vice chair shall perform the duties of the chairperson in the absence or disability of the chair.

Section 5. Each committee shall meet as it deems necessary to properly perform its duties.

Section 6. Each committee may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the City charter, ordinances, policies and board bylaws.

Section 7. A majority of the current membership of a committee shall constitute a quorum for the transaction of official business.

Section 8. The board may recommend that the City Council establish any additional committee or task force that the board feels will assist the city in meeting the goals of the board.

Section 9. The chair of the committee, with assistance from staff, shall be responsible for calling meetings and developing agendas for meetings.

Section 10. Committees may base their recommendations upon a consensus or a majority vote with the opportunity for minority points of view to be presented.

Section 11. Committees may take public action only with the approval of the board.

Section 12. Committee chairs may submit names of committee members who are frequently absent from the committee meetings to the board chair, who may suggest those members may be replaced.

J. ARTICLE X - AMENDMENT OF THE BYLAWS

Section 1. These bylaws may be adopted, by a majority vote at any session of the board and will continue in force for the board until rescinded or amended. The Bylaws may be suspended, rescinded, or amended by a majority vote at a regular or special meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the board.

Chapter 3 – Policies and Procedures

A. Guidelines for Meetings

Section 1. Meetings of the Board shall be conducted in accordance with the By-laws of the Civilian Review Board and Oregon Public Meetings Laws.

Section 2. Present at the table for CRB meetings shall be Board members, the Police Auditor (or designee). For discussions related to specific agenda items (case reviews, reports, information items, etc.) other city employees may be invited by the Board to be present to present information, answer questions and clarify policies and practices related to the Board's work. The meetings shall be recorded.

Section 3. An opportunity for public comment shall generally be allowed near the beginning of the meeting. However no public comment is allowed at meetings where the Board deliberates on a Community Impact Case and no public comment is allowed pertaining to a closed case that is being reviewed at the same meeting.

B. Criteria for Case Reviews

Section 1. Closed cases of allegations of misconduct or service complaints may be selected for review upon an affirmative vote of a majority of the Board based upon any of the following criteria:

- a. At the request of the complainant, or
- b. Upon the recommendation of the Police Auditor, or
- c. At the Board's direction where the Board believes review is warranted to address issues of police policy or practice, and/or a review might help clarify issues surrounding a community concern.

Section 2. The Board may decline to review a closed case by a majority vote in circumstances where the Board believes a complaint has been properly investigated and processed and that further review would not lead to a different result or recommended changes.

Section 3. Community Impact Cases (once designated as such by the Police Auditor) may be selected for Board review upon an affirmative majority vote when the Board believes the case represents a significant community concern.

C. Procedures for Case Reviews

Section 1. Case reviews shall generally begin with a presentation by the Auditor describing the nature of the allegation, the pertinent facts related to the case, and issues the Auditor believes the Board may wish to consider during their review.

Section 2. Case Reviews shall generally include discussions of the following topics:

- a. Complaint Intake and Classification
- b. Complaint Investigation and Monitoring
- c. Relevant Department Policies and Practices
- d. Policy and/or Training Considerations
- e. Adjudication Recommendations
- f. Additional Comments and/or Concerns.

Section 3. Questions of clarification and or information relating to both Sections 1 and 2 may be addressed to the Auditor or EPD staff as part of the review.

Section 4. The Board may appoint, at its option, a member to develop background and facilitate the review should it determine that such information will assist the Board with conducting the review.

Section 5. All materials concerning case reviews made available to the Board for their confidential review shall be returned to the Office of the Police Auditor within ten days of a completed review.

D. Board Training

Section 1. The Police Auditor shall work with the Board to identify and establish a training program for Civilian Board members to acquire the understanding and knowledge necessary for members to perform their duties. Training should be balanced and include (but is not limited to): EPD practices and procedures, community and cultural awareness, use of force, first amendment rights and complaint processes. Training personnel should represent a mix of both law enforcement and civilian expertise.

Section 2. For their part members of the Board commit to ongoing training for the performance of their duties during each year they serve on the Board.

Appendices

A. Relevant Eugene City Charter Provisions

Chapter III – City Council and Mayor

Section 15-A. External Review of Police

- (1) The city council shall hire, supervise and specify the salary of an independent police auditor to oversee investigations of complaints involving police employees. Notwithstanding section 16 of this charter, the city council shall authorize the auditor to: (a) receive, classify and route complaints about sworn police officers and civilian police employees; (b) contract with persons or entities to perform outside investigations of such complaints; (c) monitor the city's internal investigations, including but not limited to access to all evidence developed as part of the investigation and participation in investigative interviews related to such complaints, and require the city to undertake additional investigation; (d) make recommendations to the city manager or designee following the investigation; (e) prepare reports on complaint trends and police practices in general; and (f) act as a liaison to and provide staff support for the civilian review board.
- (2) The city council shall appoint a civilian review board of not more than seven members to review investigations of complaints involving sworn police officers; (b) require that the city reopen an investigation; (c) provide comments on an investigation, including recommendations to the independent police auditor, city manager or designee about the investigation; (d) review trends and statistics of complaints against sworn police officers and civilian employees, and provide reports and recommendations to the city council; and (e) oversee and evaluate the work of the independent police auditor.

ORDINANCE NO. 20374

AN ORDINANCE CONCERNING THE POLICE AUDITOR AND CIVILIAN REVIEW BOARD; AMENDING SECTION 2.013 OF THE EUGENE CODE, 1971; ADDING SECTIONS 2.240, 2.242, 2.244, 2.246, 2.450, 2.452, 2.454 AND 2.456 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE FOR IMPLEMENTATION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (1) of Section 2.013 of the Eugene Code, 1971, is amended by adding the following entry for “Civilian Review Board” in alphabetical order therein, to provide as follows:

2.013 City Council - Boards, Commissions and Committees.

(1) Except for boards, commissions or committees established pursuant to ordinance, state statute, or intergovernmental agreement, the following are the presently constituted boards, commissions and committees of the city with the number of members and names of the appointive authority indicated thereafter, together with the term and the authority for such board, commission or committee:

Civilian Review Board	
No. of Members:	5 or 7 Members
Appointment Process:	Council appoints
Term:	3 years, except for initial members, which shall be: If 5 members: 2 years for 3 initial members and 3 years for 2 initial members If 7 members: 2 years for 4 initial members and 3 years for 3 initial members
Authority:	EC 2.240

Section 2. Sections 2.240, 2.242, 2.244 and 2.246 are added to the Eugene Code, 1971, to provide as follows:

2.240 Civilian Review Board – Established.

(1) There is hereby established a civilian review board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the civilian review board shall evaluate the work of the independent police auditor, and may review completed complaint investigations

involving sworn police employees to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.

(2) It is intended that sections 2.240 through 2.246 and 2.450 through 2.456 will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.

(3) Except where the context requires otherwise, the definitions contained in section 2.452 of this code govern the words and phrases used in sections 2.240 through 2.246 of this code.

(4) The civilian review board shall serve as an advisory body to the city council.

2.242 Civilian Review Board – Qualifications and Appointments.

(1) Qualifications.

- (a) Members of the civilian review board shall be volunteers appointed by the city council, who immediately prior to appointment shall be:
 1. A resident of the city;
 2. Of the age of 18 years or older; and
 3. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.
- (b) The following characteristics shall be considered by the city council when appointing members to the civilian review board:
 1. A demonstrated ability to be fair, impartial and unbiased;
 2. An absence of any real or perceived bias, prejudice or conflict of interest;
 3. A record of community involvement;
 4. An ability to build working relationships and communicate effectively with diverse groups; and
 5. A demonstrated commitment to the purpose of sections 2.240 through 2.246 and 2.450 through 2.456.
- (c) Appointments to the civilian review board shall not be made on the basis of constituency or representation of any particular group. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.
- (d) Members of the civilian review board shall neither be a current employee of the city nor an immediate family member of a current city police employee.
- (e) Civilian review board members shall participate in a training program to be developed by the police auditor.
- (f) Members of the civilian review board shall agree in writing to a Statement of Principles and Code of Conduct, to be developed by the police auditor and reviewed and maintained in collaboration with the civilian review board.

(g) It is the intent that civilian review board members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The city will therefore defend and indemnify members to the maximum extent permitted under the Oregon Tort Claims Act and other applicable law.

(2) Terms and Vacancies. Initial appointments shall be staggered as follows: If there are seven (7) members appointed, four (4) members shall be appointed to serve for two (2) years and three (3) members shall be appointed to serve for three (3) years; if there are five (5) members appointed, three (3) members shall be appointed to serve for two (2) years and two (2) members shall be appointed to serve for three (3) years. Except for the initial appointment, the term of each member of the civilian review board shall be three (3) years. No member shall serve more than three (3) consecutive terms. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the unexpired term.

(3) Removal from Office.

(a) A member of the civilian review board may be removed from office by the city council prior to the normal expiration of his/her term for consistent failure to perform civilian review board member duties, or violation of the Statement of Principles/Code of Conduct.

(b) Membership on the civilian review board shall terminate automatically if a member ceases to meet the qualification requirements as described in (1)(a)1, (1)(a)3, and (1)(d) above subsequent to his/her appointment.

2.244 Civilian Review Board – Powers and Duties.

(1) In collaboration with the police auditor, the civilian review board shall establish policies, procedures and operating principles for the civilian review board.

(2) The civilian review board may review the completed investigation and adjudication of complaints filed against sworn police officers at the request of a complainant, upon the recommendation of the police auditor, or at its own discretion upon a majority vote of its members.

(a) The civilian review board shall develop criteria to decide whether to accept a case for review. However, the civilian review board may not accept a completed case that was previously reviewed as a community impact case as described in subsection (4) below.

(b) All materials concerning the completed investigations of cases the civilian review board has selected to review shall be made available to members for their confidential review.

(c) The civilian review board shall, at one of its regularly scheduled meetings, report on such case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation, and the reasonableness of the adjudication.

(d) The comments and any related policy or procedural issues identified by the civilian review board in the course of its case review shall be provided to the police auditor for further consideration.

(3) The civilian review board may review a random selection of closed cases.

- (4) Upon the adjudication of a complaint that the police auditor has identified and the civilian review board has accepted as a community impact case, members of the civilian review board shall be provided all materials concerning the case for their confidential review. Within 14 days of receiving the case, the civilian review board shall meet to discuss and present its determinations on the case. Within 30 days of receiving the case the civilian review board shall do one or more of the following:
 - (a) Concur with the case adjudication;
 - (b) Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration;
 - (c) Require the city to reopen the investigation if it finds either:
 1. The investigation was incomplete or inadequate, and the civilian review board has reason to believe that additional investigation is likely to reveal facts that could change the case adjudication; or
 2. The adjudication reached by the city is not supported by substantial evidence. When the civilian review board has voted to re-open a community impact case, the police auditor shall inform the civilian review board of the subsequent investigation conducted and the final adjudication decision.
- (5) The civilian review board shall notify complainant(s) and involved employee(s) of its decisions on whether to accept a case for review, and shall inform the complainant of its conclusions on the case.
- (6) The civilian review board shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.
- (7) The civilian review board shall evaluate the work of the auditor's office. In that regard the civilian review board:
 - (a) Shall establish criteria by which to evaluate the work of the police auditor;
 - (b) Shall review, comment on, and assist in maintaining policies, procedures and operating principles for the auditor's office and the civilian review board;
 - (c) Shall monitor status reports from the police auditor; and
 - (d) May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.
- (8) The civilian review board may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the auditor's office for processing.

2.246 Civilian Review Board – Officers, Meetings, and Procedures.

- (1) The civilian review board shall annually elect from among its membership a chairperson and a vice-chairperson who shall serve in that position for no more than three (3) consecutive one-year terms.
- (2) The civilian review board shall nominate one of its members to serve jointly on the civilian review board and the police commission, which nomination shall be subject to the approval or rejection of the city council.
- (3) The auditor's office shall be liaison to, and provide staff support for, the

- civilian review board.
- (4) The civilian review board may appoint from its membership committees as necessary to perform its duties.
 - (5) The civilian review board shall hold regular meetings with an opportunity for public comment at least quarterly, and the civilian review board and its committees may hold additional meetings as necessary. No business of the civilian review board shall be conducted at a meeting without at least a quorum of three (3) members on a five (5) member board or four (4) members on a seven (7) member board present. All actions of the civilian review board shall be made upon a simple majority vote of the members present.
 - (6) Meetings of the civilian review board shall be open to the public except when executive sessions are authorized by law and the civilian review board has determined an executive session is necessary or desirable in order to carry out its business. To facilitate the transparency of the civilian review board's activities, the police auditor will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable.
 - (7) The civilian review board shall prepare and present an annual report to the city council that:
 - (a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
 - (b) Assesses the performance of the police auditor consistent with section 2.244(7); and
 - (c) Evaluates the work of the auditor's office, including whether the auditor's office is functioning as intended.
 - (8) The civilian review board may develop additional reports deemed necessary by it, or as requested by the city council. All reports generated by the civilian review board shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed. The city council shall review and take appropriate action on reports submitted by the civilian review board.
 - (9) In collaboration with the auditor's office, the civilian review board may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The civilian review board and police auditor shall work together to develop and disseminate information and forms regarding the police complaint handling and review system.
 - (10) The civilian review board, or its individual members, may not:
 - (a) Investigate complaints or incidents involving police employees;
 - (b) Issue subpoenas or call witnesses;
 - (c) Review employee discipline decisions except in the context of reviewing trend reports from the auditor's office consistent with section 2.454(1)(f)3.; or
 - (d) Incur city expenses or obligate the city in any way without the prior authorization of the police auditor or city council.

Section 3. Sections 2.450, 2.452, 2.454, and 2.456 are added to the Eugene Code, 1971, to provide as follows:

2.450 Office of Police Auditor – Established.

- (1) The office of the police auditor, hereafter auditor’s office, is hereby established to provide an independent location to lodge complaints involving police employees, monitor internal investigations to ensure objective, thorough and high quality investigations, and develop recommendations to improve police services.
- (2) The auditor’s office shall be headed by a full-time professional police auditor who is hired by and accountable to the city council. The city council shall hire, supervise, and specify the salary of the independent police auditor, who shall serve at the pleasure of the city council. All city council decisions regarding the auditor will be made by a simple majority vote of the city council.
- (3) The independent police auditor shall have exclusive authority to hire, supervise, and to make all other employment decisions regarding the auditor’s support staff. No change relating to the authority to hire and supervise the auditor’s staff shall be made without formal action of the city council.
- (4) Any findings, recommendations and actions taken shall reflect the police auditor’s independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the police auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.
- (5) The city manager shall include in his/her recommended budget an allocation sufficient for the operations of the auditor’s office. The physical location of the auditor’s office shall be separate from the police department, but in close proximity so as to facilitate a close working relationship with others involved in the complaint investigation process, and easily accessible to the public.
- (6) It is intended that sections 2.450 through 2.456 and 2.240 through 2.246 will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.

2.452 Office of Police Auditor – Definitions. Words and phrases used in sections 2.240 through 2.246 and 2.450 through 2.456 have the following meanings:

Chief of police. The person designated by the city manager as the chief of police.

Community impact case. A complaint involving sworn police officer(s) that alleges excessive force, bias, disparate treatment or violation of constitutional rights, which the police auditor determines should be reviewed by the civilian review board in accordance with section 2.244(3) and 2.244(4) of this code.

Complaint. An expression of dissatisfaction, allegation of misconduct, or question about a police employee’s conduct, police services provided or not provided, or police department policies or practices in general.

Conclusion of any criminal investigation or conclusion of any such criminal investigation. A criminal investigation is deemed concluded when the appropriate criminal prosecutor decides either to press charged or to not press charges.

Critical incident. An occurrence involving a significant police action including,

but not limited to, a civil disturbance or riot, an officer-involved shooting, or other action by a sworn police officer resulting in serious physical injury or death.

Facilitated conversation. A discussion guided by a third party, trained facilitator, between the complainant and a department representative, most often the named employee's supervisor or internal affairs staff. Immediate family member. A person's spouse or domestic partner, a parent, step-parent, grandparent, child, stepchild, grandchild, sibling, half-sibling or step-sibling of the person or of the person's spouse or domestic partner.

Internal affairs. The police employees designated by the chief of police to investigate allegations of misconduct against police employees.

Mediation. A voluntary, confidential complaint resolution option that is an alternative to the investigation, adjudication and disciplinary process. It is a structured process guided by a neutral, third-party, professionally-trained mediator enabling direct communication between the complainant and employee.

Police employee. A city employee who reports directly or through others to the chief of police.

Preliminary investigation. As used in section 2.456(1)(c), an initial inquiry by the police auditor or the auditor's designee into the facts and circumstances of a complaint for purposes of deciding how to classify and route the complaint.

Substantial evidence. Evidence that, considering the record as a whole, a reasonable person would rely upon to conclude that something is true. For purposes of section 2.244(4), an adjudication is supported by substantial evidence when the civilian review board reasonably could reach the same finding after considering all the evidence in the record, whether or not the board actually agrees with the adjudication.

Sworn police officer. A police employee who is also certified and employed as a peace officer under the laws of this state.

2.454 Office of Police Auditor – Powers and Duties.

(1) The police auditor is the administrative head of the auditor's office and shall:

- (a) Oversee the operations of the auditor's office, establish program priorities and objectives, and manage the implementation and evaluation of work programs;
- (b) Develop and maintain operating procedures for the auditor's office, including protocols for handling complaints and monitoring investigations;
- (c) Establish standards of professional conduct and provide necessary training for staff in the auditor's office.
- (d) Act as liaison and provide staff support to the civilian review board. In collaboration with the civilian review board, the police auditor shall:
 1. Establish and maintain policies, procedures and operating principles for the civilian review board's functions; and

2. Conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees, and develop and disseminate information and forms regarding the police complaint handling and review system.
- (e) Receive and process complaints concerning police employees and monitor the complaint investigation and review process as set forth in sections 2.456(1) and (2).
- (f) Perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community. These activities include:
 1. Analyzing complaint trends and recommending changes to police policy, practices and training;
 2. Reviewing risk and tort claims and developing recommendations to reduce risk and liability;
 3. Reviewing and reporting trends in completed police employee disciplinary decisions.
- (g) Provide status reports to the civilian review board and city council and provide recommendations relevant to police policies and practices to the police commission.
- (h) Develop and present to the civilian review board and city council annual public reports describing the activities of the auditor's office, its findings and recommendations, the police department's response to its recommendations, and any other information pertinent to assessing the performance of the auditor's office.
- (i) Provide the city council with any other reports deemed necessary or requested by the city council. All public reports shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed.
- (j) Determine whether applicants for the civilian review board meet the requisite qualifications in section 2.242(1)(a)1. and 2.242(1)(d).
- (2) The police auditor shall receive timely notification of critical incidents to enable him/her, or a qualified designee, to report to the scene of critical incidents. The police auditor and chief of police shall develop necessary protocols for summoning the police auditor to the incident for purposes of first-hand observation.
- (3) The police auditor shall participate in use of force review boards.
- (4) All case adjudication and employee discipline decisions shall be made by the chief of police. The police auditor may develop adjudication recommendations, but is not authorized to recommend the level of discipline for police employees.

2.456 Office of Police Auditor – Complaint Processing.

- (1) Complaint intake.
 - (a) Any person may lodge a complaint or commendation with the auditor's office about the conduct of, or services provided by, a city police employee;
 - (b) The auditor's office is the intake center for all community complaints about police employees. City employees may choose to lodge complaints against

another employee through either internal affairs or the auditor's office. The auditor's office shall document all contacts and complaints received from any source. The auditor's office may refer a complainant to another department in the city or another agency that would be more appropriate to address the complaint.

- (c) The auditor's office conducts the preliminary investigation of all complaints lodged with the auditor's office or internal affairs to appropriately classify and route the complaint and any accompanying information accordingly. If a complaint is received that alleges criminal conduct on the part of the employee, the police auditor shall forward the complaint and any associated information to the chief of police.
- (d) The auditor's office may determine whether a complaint is appropriate for mediation or facilitated conversation, and upon the voluntary agreement of the involved parties and approval of the chief of police, shall coordinate the resolution of such cases.
 - 1. Mediation is an alternative to the investigation, adjudication and disciplinary process; if the parties agree to mediation, the investigation, adjudication and disciplinary process will end.
 - 2. A facilitated conversation may, but does not necessarily, result in termination of the investigation, adjudication and disciplinary process.
- (e) The auditor's office classifies complaints that will be treated as community impact cases and provides support to the civilian review board in its review of those cases and other cases accepted by the civilian review board.
- (f) The auditor's office shall provide timely updates on the status of a complaint and notification to the complainant of its final disposition.
- (g) The auditor's office may dismiss a complaint if upon review, it meets criteria that the auditor has established for such action, including reporting delays and/or insufficient information from which to take further action.
- (h) The auditor may review and process a complaint not filed directly with the auditor's office if the auditor determines that concerns have been expressed about conduct of a police employee(s).
- (i) Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations that might be handled as service complaints shall be filed within 60 days of the incident.
- (j) Except for good cause, complaints of serious misconduct including, for example, excessive force that causes substantial physical injury, egregious acts of disparate treatment, or major rules violations shall be filed within 6 months of the incident.

(2) Complaint Investigations.

- (a) The police auditor shall actively monitor internal investigations to ensure a thorough, objective, and timely investigation, and is authorized to:
 - 1. Participate in complainant, employee and witness interviews;
 - 2. Require the city to undertake additional investigation.
- (b) The police auditor may require, and is authorized to contract for, an external investigation when the police auditor determines that an external investigation is appropriate.

- (c) The police auditor will not be directly involved in any criminal investigations, but shall be kept apprised of the status of such investigations involving police employees. The police auditor shall have access to the case file relevant to the administrative portion of such investigations. Following the conclusion of any criminal investigation or within 60 days after the date of the incident, the auditor has the authority to initiate an internal investigation unless the police auditor receives written notice from the District Attorney, United States Attorney, or City Prosecutor that the internal investigation would jeopardize the criminal investigation and prosecution.
 - (d) All case files shall be provided to the police auditor upon conclusion of the investigation for review and a determination that the investigation was thorough and complete. Once the investigation is deemed complete, the involved employee's immediate supervisor will confer with the police auditor and develop a case adjudication recommendation that will be forwarded through the chain of command to the chief of police for final adjudication. If the police auditor disagrees with the supervisor's recommendation, his/her disagreements and comments will be documented and forwarded to the chief of police as well. The immediate supervisor and police auditor will use their best efforts to complete this process in a timely manner and without unreasonably delaying the final adjudication of the case. If the investigation reveals evidence of criminal conduct not previously known, the auditor may refer the matter to the appropriate criminal prosecutor for his/her consideration.
 - (e) The auditor's office will make every reasonable effort to notify the complainant that an investigation has been conducted, summarize the case findings, and provide an opportunity for the complainant to comment or ask questions about the process.
 - (f) The auditor's office shall return all case file materials to internal affairs for retention, but shall have subsequent access to closed cases.
 - (g) The police auditor shall maintain an on-going status report on the work of the auditor's office and case investigations and shall share it with the civilian review board.
- (3) Access to Records and Materials.**
- (a) The police auditor shall have complete and unrestricted access to all complaint and investigative records and materials, and any other information necessary for the performance of his/her specified duties. As provided in section 2.456(2)(d), the police auditor shall not have access to a criminal investigation file until the conclusion of any such criminal investigation.
 - (b) The police auditor shall supervise the development and implementation of a case management system to track all complaints received in coordination with the internal affairs unit, report case statistics and trends, and provide performance indicators to evaluate the effectiveness of the auditor's office.
 - (c) The chief of police and police auditor shall develop cooperative interdepartmental procedures and any necessary infrastructure to coordinate the flow of information and communication between the auditor's office and the police department.

Section 4. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971 to the provisions added, amended or repealed herein.

Section 5. Notwithstanding the effective date for this Ordinance as provided in the Eugene Charter of 2002, the Police Auditor and Civilian Review Board may postpone implementation of powers and duties described in this Ordinance for such reasonable time, not to exceed six months from the effective date of this Ordinance, as they determine is necessary to develop and adopt policies, criteria and protocols for the proficient, fair and efficient implementation of their powers and duties.

Passed by the City Council this

13th day of December, 2006

/s/ Mary H. Feldman

City Recorder

Approved by the Mayor this

13th day of December, 2006

/s/ Kitty Piercy

Mayor