

MINUTES

Civilian Review Board
Harris Hall, Lane County Public Service Building
125 East 8th Avenue

November 16, 2017
5:30 p.m.

PRESENT: Chris Wig, Chair; Rick Roseta; Steve McIntire; Maurice Denner, Vice Chair; Carolyn Williams; Jim Hargreaves; Heather Marek;, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Beatrice Hernandez, Police Auditor's Office; Ron Tinseth, Eugene Police Department.

Mr. Wig convened the Civilian Review Board (CRB) at 5:30 p.m.

1. AGENDA AND MATERIALS REVIEW

Mr. Wig added an item to the agenda after the case review and asked that CRB vote on its next case for the January meeting, as the case reviewed that evening had a subsequent part. Mr. Wig explained part one covered the incident that occurred, and part two included additional information found during the investigation.

In response to a question from Mr. Hargreaves, Mr. Wig explained the usual process for selecting a case for review. Mr. Wig thought the gravity of the case required the full board's weigh in as to whether they should see the second part. Mr. Hargreaves asked what material came to light after the initial case. Mr. Wig said it came to light that someone was dishonest during the internal review.

Mr. Wig deemed the agenda approved as amended by acclamation.

2. PUBLIC COMMENT

Lindsey Foltz introduced herself, and said she brought CRB academic research on sexual harassment in law enforcement. She shared an article published in Police Quarterly in 2013. The article surveyed 531 female officers and was part a series of studies with relatively similar findings. Findings were 93% respondents indicated they experienced gender based or sexual harassment, and 92.5% of those incidents were in the past year.

Ms. Foltz said it was important to indicate sexual or gender based harassment was frequent and common for women in policing. In addition, more than 80% of women do not report those cases. Reasons to not report included fear of retaliation, fear of being treated differently by a supervisor or colleague, fear of not be taken seriously, or because no action had been taken in past after prior complaints. Ms. Foltz said in context of harassment in general, it was not just one story but women experienced it pervasively in American culture, and in policing it was especially high. She said it was under reported and there were

specific reasons for why that was true. Also, linked to the study was that women who were in male dominated professions, such as police or fire, experienced higher levels of that type of behavior. She noted women in supervisory roles especially faced even higher instances.

Mr. Wig asked Ms. Foltz to send him the article, and he would relay to CRB.

3. MINUTES APPROVAL — October 2017

Mr. Denner made a correction on page two, where it read “~~Sergeant Crompton would be promoted,~~” it should have read that Mr. Denner asked if “Sergeant Crompton was being transferred.” On page six, it appeared the rest of the sentence was cut off. The sentence read “~~Mr. Denner said in Washington~~” and it should have read “Mr. Denner said in Washington D.C., officers must return to the station if recording equipment was not working.”

Mr. McIntire corrected the spelling of his name on page 2 of the October 2017 minutes.

Ms. Marek said on page 11, the minutes read “~~it was not clear to her that is was constitutionally required to use force,~~” when what she meant was “it was not constitutionally permissible to use force.” In the next sentence, it read “~~she noted the subject had something in their pocket, and often people keep weapons in their pocket,~~” but Ms. Marek wanted the minutes to read “she noted the subject had something in their pocket, and often people keep weapons in pocket, but she had no reason to believe there was a weapon in that instance.” Finally, on page 13, “~~Ms. Marek did not think that using a Taser met any criteria of the policy~~” but she meant “Ms. Marek did not think facts of the case justified use of a Taser under criteria of the policy.”

MOTION: Mr. Roseta, seconded by Mr. McIntire, moved to approve the October 2017 Civilian Review Board (CRB) Meeting minutes as amended. The motion carried, unanimously.

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

Mr. Denner said the 2017 Police Executive Research Forum report had been released. A few items stood out to him that came up at CRB in the past, and were mentioned in the PERF report, including material on trainings, reporting, promotions, and evaluations. He said PERF was a good organization for analyzing what police officers did, because PERF looked at many different cities and different programs. Mr. Denner thought the report was good background for CRB’s mission. Mr. Gissiner would email the report to CRB.

Mr. McIntire said the police commission had an October presentation on guardian mentality versus the warrior mentality. In November, there was a report regarding body worn cameras and the PERF report. He said the last time PERF had released a report was 2005 and there had been movement on several issues, such as the review and promotion processes. What stood out to him was the focus on leadership needing more transparency and better communication. He said there were also sections on accountability, inclusiveness, and sexual harassment.

Mr. McIntire said the Police Commission received a presentation on a strategic business plan which had a focus on the promotion process. He noted an element of the plan came from the PERF report and was around testing. The idea was to craft the process in a way to focus more on the individual, with less emphasis on scores, because someone could test poorly but still be very effective in a leadership position. Mr. McIntire hoped there would be more participation with the PERF report in the future, because participation was around 51%; however, with open ended questions they found participation to rise to 63%.

Ms. Marek reported she would record CRB meetings whenever she was present, and the recordings would be available online at: www.tinyurl.com/crbaudio.

Mr. Wig said a report commissioned by Oregon State Sheriff's Association and the Oregon Association of Chiefs of Police was recently released. The report was titled "Mental Health Task Force Executive Summary: A Right Response for Law Enforcement Encounters with People in a Mental Health Crisis." He noted the report pertained to many issues in Eugene. He requested Ms. Pitcher send the PERF report, the Mental Health report, and the article provided by Ms. Foltz to CRB members. In addition, Mr. Wig noted Portland City Club released an article on addiction and treatment.

Mr. Wig said the case reviewed that evening was of high profile. He asked members be extra careful to avoid names or identifying information, even if members in the community already knew who CRB was discussing. He said the case had been on his mind for a long time, especially recently as people had been posting on social media with #metoo. Mr. Wig felt the case was even more poignant than a year ago, when it was first in the queue for CRB review, and that it was too important to let fall through the cracks.

5. ELECTION OF HUMAN RIGHTS COMMISSION LIAISON

Mr. Wig said last month, CRB decided to put off the election of a Human Rights Commission Liaison. Mr. Denner was willing to take the position for a year if CRB so chose.

MOTION: Mr. Hargreaves, seconded by Mr. Roseta, moved to elect Mr. Denner as the Human Rights Commission liaison. The motion carried, unanimously.

Ms. Hernandez gave a report on behalf of Human Rights Commission. She said the dog ban was discussed, which had 69 field contacts 18 citations in total. There was a Deferred Action for Childhood Arrivals (DACA) debrief, and City Council allocated \$10,000 and the only requirement was residing in Eugene. Finally, the commission discussed the upcoming International Human Rights Day.

Mr. Wig wanted to ensure that all CRB members received an invitation to a joint meeting of the Police Commission, CRB, and Human Rights Commission for a presentation on 21st century policing. He said it would be insightful and hoped CRB would be well represented.

Mr. Denner made a disclosure of interest. He said he knew several principals named in the case review. Mr. Denner said he wanted to be transparent, but because CRB did not vote or come to any sort of decision, he did not feel he needed to exclude himself from the discussion.

Mr. Roseta had a similar situation. He said 15 years ago, one individual involved came into his office and sought his advice in a matter involving a labor issue. Mr. Roseta said it went no further than that discussion. Even so, he wanted to recuse himself from any discussion because technically, he achieved a client-attorney relationship with the individual.

6. CASE REVIEW: ALLEGATION OF A VIOLATION OF THE CITY'S RESPECTFUL WORK ENVIRONMENT POLICY

Ms. Pitcher shared presented a PowerPoint on the case.

Summary of the Facts

- The Police Auditor's office received an anonymous complaint in March 2016 alleging that inappropriate conduct had occurred between Supervisor A and Lower-level Supervisor B, and that the investigation and treatment of the conduct by the City and EPD had been inadequate.
- The office conducted an intake interview with Lower-level Supervisor B, who stated that Supervisor A (who is of a higher rank) had taken a picture of her chest without her consent and despite her objection.
- Lower-level Supervisor B had mentioned the incident to her immediate supervisor, who reported it to Human Resources. HR met with Lower-level Supervisor B and Supervisor A separately and discussed their recollections of the incident. Those recollections were the basis of an HR report that was submitted to EPD in December 2015.
- The office's preliminary investigation (conducted upon receipt of the complaint) included review of the HR investigative report. Finding that report to be inadequate, the complaint was classified as an allegation of misconduct; specifically, a violation of the City's Respectful Work Environment policy.
- An outside investigator was retained to perform the investigation, which included recorded interviews with both of the involved parties and witnesses with whom they discussed the incident. The investigation was submitted to the City in October 2016.
- The office reviewed the investigation and found it to be unbiased and complete. Our recommendation to Chief Kerns, submitted later in October 2016, was that the allegation be sustained.
- Chief Kerns issued his initial adjudication issued in January 2017; at that time he stated that the evidence did not meet the threshold for violation of the City's RWE policy.
- The office received new information related to this investigation in March 2017. At that time, the investigation was re-opened and re-assigned to the outside investigator for follow up.
- At the conclusion of the re-opened investigation, our office found no need to submit an additional adjudication recommendation, as our recommendation had not changed. Chief Kerns re-adjudicated the case in July 2017.
- A separate, but related, investigation resulted from the receipt of new information in March 2017. That investigation was not under review at that night's meeting. The adjudication of that investigation was incomplete at the time casebooks were created. The CRB may elect to review that case at a later meeting.

Allegations

1. **Respectful Work Environment:** That Supervisor A's actions in taking a photo of Lower-level Supervisor B violated the City's policy promoting a respectful workplace.

Recommended Adjudications

1. Respectful Work Environment
 - Auditor's Office: Sustained
 - Chief (initially): Did Not Meet Threshold
 - Chief (final): Sustained

Issues for CRB Discussion

- Complaint Intake and Classification
 - Received via an apparently third-party anonymous complaint; Auditor's Office followed up with intake interview
 - Classification: Allegation of Misconduct

Ms. Marek thought the independent investigation went well. She said with the overall independent investigation, she was pleased with the interviews, and thought they were thorough and respectful. However, she was disappointed to hear that after the complaint was filed with Human Resources (HR), the alleged victim and perpetrator did not hear anything for at least 6 weeks, which cause a lot of discomfort for both. She appreciated that case was reopened when new information came up.

Mr. Denner said he thought it was alleged that the photographs were shared with a person outside of the agency. He felt that if he was trying to create an issue around a respectful work environment, sharing those photographs would be especially disrespectful. He thought that point was well made at several steps in the case. As for intake, he was bothered by the lack of clarity from HR. Mr. Denner believed HR should have delegated the intake interviews as soon as they knew they could not conduct them properly, even if they had to go to City Manager's Office. He felt it was a symptom of disrespect.

Mr. Wig thanked Ms. Marek for her comments regarding how the reporting party was treated. He said the situation sounded like it created a lot of anxiety for her at work. It was unfortunate that it could have been rectified with a phone call or an email.

Ms. Williams said once the complaint reached the auditors' office, it was well handled investigated thoroughly.

Mr. Gissiner said when the ordinance in the charter was written, he was certain it was not envisioned that the Police Auditor's office would be responsible for HR and Equal Employment Opportunity Commission (EEOC) investigations. However, the ordinance allowed employees to come into the Police Auditor's office regarding cases that could be considered serious misconduct. Given the nature of the HR investigation at that time, Mr. Gissiner opened the case as an allegation of serious misconduct.

Mr. Wig clarified that if the investigation had been handled differently, the Police Auditor would not have been involved. Mr. Gissiner said the primary responsibility was HR, though the ordinance permitted the Police Auditor to explore EEOC cases. Mr. Wig asked whether lower level Supervisor B submitted the

complaint. Mr. Gissiner said the Police Auditors Office received an anonymous complaint; the office then contacted the person involved, and that person was willing to provide a statement.

- **Complaint Investigation and Monitoring**

Mr. McIntire said he was somewhat confused by the report CRB reviewed. He thought the city's HR department did an inadequate job investigating the case. As he was reviewing the case, the subsequent investigation stopped when the Chief opinioned that the investigation was inconclusive. However, Mr. McIntire did not see that the case as being inconclusive in the external investigation, and felt he was missing information. In addition, HR alluded to additional party, but Mr. McIntire clarified that could be part two of the case which CRB had not yet seen.

Mr. Denner said he had trouble with the investigation and interview. He thought the choice of HR to conduct an initial meeting in a public restaurant was horrible. Mr. Denner said it was very disrespectful, and spoke badly of the city. Mr. Denner said there were many missing pieces, which Mr. McIntire had mentioned. He suspected they were in HR notes that were not public. Mr. Gissiner said to best of his knowledge, what CRB saw was the entire HR investigative process.

Mr. Denner thought the independent investigator, who interviewed several people, rambled and did not approach the issue with a real sense of what they wanted to learn. As various issues came up, the investigator did not circle back around and clarify those issues. Mr. Denner thought employees were treated disrespectfully.

Ms. Williams said the original investigation by HR was clearly inadequate and should not have been accepted by the chief at EPD. Ms. Williams said after the initial investigation, it was more thoroughly handled.

- **Relevant Department Policies and Practices**
 - **APM 1.4 Respectful Work Environment**

Mr. Denner said the issue could have gone to professional standards, and could have been an internal investigation. He said there were certainly points along way which showed unbecoming conduct. He said there was no clear standard with a timeline that outlined responsibility for that type of behavior. Mr. Denner guessed the City had boiler plate language from the State or an HR consultant that addressed the type of behavior in question, but that it probably was not specific enough, especially for law enforcement purposes. He acknowledged policing had been a male dominated profession, and was in the process of changing, but things still needed to be clarified.

Ms. Pitcher asked if Mr. Denner was suggesting that EPD should have its own more specific respectful workplace policy, or if the City should adopt something more thorough. Mr. Denner said the police commission and the police auditors' office should work through professional standards. He noted if the city failed to establish a timeline for reporting, then EPD should. Mr. Denner felt if the victim had been a represented employee, the union would have acted.

Ms. Williams said the respectful work environment policy was not followed. She agreed with the Auditor's office in that it was a violation all along. Ms. Williams noted while the Chief's first

adjudication said the case did not violate policy, she was relieved the Chief changed the initial adjudication. Ms. Williams was concerned about the seemingly systemic sexism in EPD.

Ms. Marek said specific policies tended to be more helpful; she noted the policy in question was broad, and talked about offensive and degrading remarks or conducts. Ms. Marek thought more specific guidance should exist.

Mr. Hargreaves said it was two-edged sword because if a policy was too specific, the department risked leaving things out and then having people say they did not violate policy. Mr. Gissiner said the PERS report focused on and had good recommendations for workforce harassment and prevention.

Mr. McIntire thought there was a policy issue, a practice issue and a cultural issue. First off, the behavior was inappropriate and he thought it would be offensive to any reasonable person. CRB had reviewed cases regarding misconduct before, and Mr. McIntire felt that culture was very important, but was often set by higher ups. He was troubled by the case and thought work and attention needed to be given to culture and practice. He did not know what there was to interpret in the policy, it seemed clear that Supervisor A's actions were inappropriate.

- **Policy and/or Training Considerations**

Mr. Hargreaves thought the case never should have gotten to CRB, and the city's HR should have done an adequate job. He did not know how CRB could affect functioning of city HR, but to him that was where the first big failure occurred; he thought the department didn't take the case very seriously. Mr. McIntire said if people do not know that the kind of behavior demonstrated in the allegation was unacceptable, the city needs to work on education and policies.

Mr. Denner said at the conclusion of the discussion, he wanted to present a motion to CRB.

Ms Williams recommended training on harassment. She was alarmed that the parties involved would have to continue to work together and concerned that the involved supervisor did not receive sufficient punishment.

Mr. Hargreaves agreed that paid leave, and then simply returning to the position the supervisor left, was not appropriate disposition.

Mr. Wig asked how often a supervisor the rank of Supervisor A would receive training on a respectful workplace environment. Mr. Gissiner said there was a city-wide training, but he was not sure it was mandatory. He thought it may be required early in hiring process. He was unsure if EPD had specific policies. Mr. Tinseth said those types of trainings were not usual occurrences for EPD. He said there was a diversity training and other types which sometimes touched on respect issues. Mr. Tinseth said in-service trainings were mandatory but not everyone was able to attend. Mr. Hargreaves said if the content was important there should be more than one training as an option.

Mr. Wig said he understood the respectful workplace environment policy involved more than the case discussed, but felt "respectful workplace environment" lumped issues together, when this case was sexual harassment. He wondered why there was not regular training on what was sexual harassment. Mr. Wig

said it was shocking that an employee who had been there for 10 years had never been to a sexual harassment training. His training recommendation was that employees attend trainings on sexual harassment.

Ms. Williams added that someone in a leadership positions should be familiar enough to teach a training on the issue.

Mr. McIntire was nervous to narrow the policy only to sexual harassment. He thought some improvements could be made on the policy, but there were lots of types of harassment. Ms. Marek said along that line, the policy should be focused on overall work climate. She noted many trainings focused on liability for the city, and covered what type of behaviors would potentially cause legal issues. Instead, trainings should be focused on how to improve work environments for everyone.

- **Adjudication Recommendations**

Ms. Williams agreed with the recommendations of the Auditor's Office. She did not agree with the first adjudication by the police chief, and she had major concerns regarding the credibility and honesty of Supervisor A's story.

Ms. Marek said Supervisor A's conduct was clearly in violation of policy, but she also felt the situation was more complicated. During interviews, she did not feel it was so clear that one party was being dishonest. There was an overlap between personal and professional relationships, and then the third party that came in later. Even with all taken into account, taking photos of someone's chest in the workplace constituted offensive conduct, and she agreed with the adjudication.

Mr. McIntire said he thought the case got overthought and overcomplicated when it was taken to credibility findings. He said it did not matter whether someone believed Supervisor A or B, the fact was both acknowledged a picture was taken, including Supervisor A. He was unsure why credibility was even discussed, because a policy was admittedly violated. Mr. McIntire was very disappointed in the weakness of the HR investigation and the first adjudication. Then, HR had an opportunity to change the adjudication after realizing additional information, but nothing changed. He agreed with the findings.

Mr. Denner concurred with the Police Auditor and the Chief's third adjudication. Mr. Denner added there were repeated photographs, not just one, and there was more than one message that Supervisor B didn't want to be photographed. He noted that the issue was not included in the adjudication. Mr. Denner said there was a blank disregard for that wish by Supervisor A. unless a photo had workplace purpose, it had no purpose in environment.

Mr. Wig concurred with Police Auditor's recommendation.

Ms. Williams said as a CRB member, she had the impression there were many investigations where people involved were not telling the truth. She was concerned how HR dealt with Supervisor B and her complaint; after two years of investigation, the process seemed to fail. Ms. Williams had trouble understanding why he was back on duty, as the files made it clear there was violation.

Ms. Marek thought Supervisor A should be rehabilitated (along with the entire workplace culture) instead of being terminated, especially after so many years of service. While his actions were inappropriate, she didn't believe they met the threshold for termination.

Mr. Hargreaves said the discussion of discipline went beyond CRB. He too had difficulty seeing it as a firing offense, but also thought discipline of greater than 5-months paid leave was appropriate. Mr. McIntire concurred.

Mr. Gissiner said as a reminder, CRB members could not review employee discipline decisions. There was nothing about discipline in the case files provided.

Mr. Denner said discipline was out of CRB purview. He thought the interview with Ms. Pitcher had a telling phrase and he thought it would be remiss if it was not mentioned. The time lapse and the lack of attention given to the issues raised compounded the offense for both parties. Mr. Denner said lack of expedient decision making made the case more egregious than it was.

- **Additional Comments/Concerns**

Mr. Wig was bothered by the complex relationship dynamic. He felt Supervisor A brought up his out-of-work relationship with Supervisor B to excuse his conduct. Mr. Wig said it was clear the relationship between Supervisors A and B changed over three years; however, it was irrelevant whether Supervisor B would have been okay with the picture at one point in time, as the behavior was not work appropriate. Mr. Wig said during the investigation, it was alluded that the relationship changed over time, partly due to a rivalry between Supervisor B and another high-level supervisor. Supervisor A went so far as to say that the other high-level supervisor "poisoned the well" with Supervisor B. Mr. Wig said that was inappropriate to say about other leadership positions, because when inner-department conflict occurred, employees and the people they served suffered. Mr. Wig said that aspect of the case was not included at all in the Chief's report. He thought it was a failure of leadership that the situation persisted. Mr. Wig brought up a past case CRB reviewed involving two officers in a car at the University, when one said a racial slur about a group of civilians. Mr. Wig said the culture of the investigative process was such that the reporting officer trusted the case would be handled fairly, and implicitly trusted that other officers would not turn on him for filing a complaint. In that case, the reporting officer alleged the situation happened, and the violating officer denied the situation. The Chief wrote in his adjudication memo that the reporting party had no reason to lie, and the alleged perpetrator had no reason to tell the truth. Mr. Wig said this case was very similar, but he thought of two possible differences. First, the relationship between the Chief and Supervisor A had gotten to a point where the Chief could no longer be subjective. The second difference could be that Supervisor B was a woman. Mr. Wig did not know which was worse – losing perspective or blatant sexism. He noted none of that was on the record until mentioned at that night's meeting. Mr. Wig said Supervisor A was not accountable for actions, and he repeatedly tried to change the story to not be accountable for actions. If Supervisor A had said he was wrong and apologized, CRB would likely not be reviewing the case. Mr. Wig said to that day, the Chief had not held Supervisor A accountable for his actions.

Mr. Roseta said there were many documents with a significant redactions. He felt it would be hard to make a decision, with over a page of redactions in the case.

Mr. Gissiner said the redactions were references to other cases and other incidents. For example, there were past allegations or conducts included which were unrelated to the reviewed case; that was why parts were redacted. Mr. McIntire asked if the redactions were about Supervisor A. Mr. Gissiner said more so the complainant but during the course of interviews, other incidents were discussed that were not related in a conduct way. Mr. Roseta said both the memo from HR and from the attorney were labeled confidential, but if there were other items that could affect credibility they should be available to people on board, rather than have them eliminated. Ms. Marek asked whether it was required the content was removed. Ms. Pitcher said CRB could legally review closed cases; the case that evening was closed, but some parts discussed during the case were not closed or never investigated. It was largely a records issue around personnel files.

Mr. Denner said the path for providing feedback to the city was typically through the auditor and the supervisor of internal affairs. He thought that likely meant HR would not see CRB deliberations. Mr. Denner said the concept of CRB was to shed light on issues that arise around police conduct. He felt this case crossed into the HR area and performance in that department. He thought it needed to be made clear to somebody. Ms. Williams asked exactly which part of the discussion. Mr. Denner said the minutes of the entire discussion, not the case file. Mr. Hargreaves agreed with Mr. Denner and said he didn't know how else to reach out to HR. He thought there was a consensus concern over how the HR department handled the matter, and felt CRB should say so directly to HR. Mr. Roseta said good idea to send to both entities, however, did not think CRB should add any type of value statement. Mr. Denner asked CRB to send the minutes to HR and other relevant departments.

MOTION: Mr. Denner, seconded by Mr. Hargreaves, moved to send the minutes on the discussion regarding a respectful workplace to the City Manager, the Human Resources Department, and to Central Services. The motion carried, unanimously.

Mr. Wig asked CRB to vote on whether to review part two of the case at the next meeting. Mr. Gissiner said part two of the case was closed, and additional information regarding Supervisor A had come to light. Ms. Pitcher mentioned that CRB usually only met in December or January, so CRB could choose one month. CRB chose to meet in January and review part two of the case at that time.

MOTION: Mr. Hargreaves, seconded by Ms. Williams, moved to review part two of the case discussed that evening at the January 2018 meeting. The motion carried, unanimously.

7. BREAK

CRB took a break from 6:48 p.m. until 6:58 p.m.

8. TRAINING TOPIC: OBJECTIVES AND CHALLENGES OF IMPLEMENTATION OF CIVILIAN OVERSIGHT

Mr. Wig introduced that evening's panel. He noted the initial idea for the panel was from a story on creating an independent office of the police auditor and the civilian review board. Mr. Wig said in that instance, many women of color gathered together to address grievances and it was an inspiring story. Mr. Wig said one of the primary challenges to implementation of civilian oversight was race. He said, for example, the Police Chief, the Police Auditor and Junior Auditor, the Mayor, and 7 out of 8 city councilors were white. Mr. Wig said communities of color and other historically marginalized communities, such as Lesbian, Gay, Bisexual, Queer, and Transgender (LGBTQ), experience policing in a very different way, and it could be argued they experience police misconduct at a disproportionate rate.

Mr. Wig said CRB needed diversity and perspectives that they did not have much access to, despite fact that the Police Auditor's office went above and beyond to try and reach out to people in other communities. Phil Carrasco, Director of Grupo Latino de Acción Directa (GLAD), was there to speak about issues important to the community.

Mr. Carrasco said GLAD of Lane County worried about public safety, food insecurity, environmental justice, and other pressing social issues; however, being part of a more vulnerable community, police misconduct and policies were very important and came to the forefront sometimes. Mr. Carrasco said for the past couple years, GLAD held public forums with members of the Latino community, meaning not representatives of the community, but full members. In addition, many public officials have come and engaged with GLAD. He said discussion usually rose to the level of customs and immigration, and has often informed policies GLAD brought forward to City Council, such as sanctuary ordinances. He said GLAD strove for an inclusive community that listens to citizen concerns. Mr. Carrasco said he went to a number of commissions, committees, and boards in Eugene, and the demographic was generally white and middle-class; what had become unacceptable was when someone Hispanic came to a meeting, and the commission asked how to get more color and diversity on the board." Mr. Carrasco said it often meant letting someone else apply. He added it was an issue that needed to continue and be talked. He was part of The Human Rights Commission for some time, and he said they struggled with diversity there, but tried to make itself very representative.

Mr. Wig said CRB was concerned about professional police stops, which fell under the broader category of racial profiling. He asked if there was a perception in GLAD or the Latino community that people were being profiled. He wondered if people were concerned about law enforcement. Mr. Carrasco said it was always something they were concerned about, especially when there were rumors mixed with real stories about bad actors in EPD. Everyone becomes concerned, and it becomes what everyone is going to expect. He said it was helpful that the sheriff's department, as well as EPD and Springfield Police Department, expressed what they would or wouldn't do during a police stop, and why. Mr. Carrasco said it was important for police to not enforce immigration type policies – it was not their duty, and there were already not enough police officers in the state. Those responsibilities were solely immigration. Mr. Carrasco said it was helpful to have Ms. Hernandez and others in the city to refer to Spanish speakers, so they could report whatever they were experiencing. Mr. Carrasco said during the last forums he saw a decrease in distrust of the police department; he felt they need to continually have conversations with the community, and have a face to the department. It was important they expressed how police would do a professionally police stop, that way people know what that looks like, and what their rights were if something was going wrong.

Mr. Wig asked how well known the Police Auditor's office was in the community, and if it was known, was it trusted.

Mr. Carrasco said no organization can be helpful to the community they intend to serve if there was no real trust. He said when the office was coupled with other activists and leaders in the Latino community, such as Alex Reina, a local media outlet, it was more successful. Mr. Reina had been instrumental in explaining what the Auditor's office does, and he had quite substantial views from the Latino community. Mr. Carrasco said there would never be total trust, as police officers have a gun, a baton, a Taser, and defensive skills. More importantly, police had protection and it was hard to build trust if people didn't talk about it. Mr. Carrasco thought different types of civilian review boards should be discussed; some had subpoena power to investigate disciplinary actions. Mr. Casco asked if CRB received some type of reports.

Ms. Pitcher said CRB received the weekly, monthly, and annual reports created by the Auditor's Office. Mr. Gissiner said he feared the Latino community underreported safety issues because of the recent emphasis from the federal government toward immigration. He wondered about Mr. Carrasco perspective. Mr. Carrasco said crime is underreported, and 40% of the Latino population will not report, while 70% of undocumented folks would not report. He said it was easy to target the administration because of the climate they created, but Mr. Carrasco reiterated that dialogue be maintained by the police auditor and the police chief. For example, recordings at forums to ensure accountability were valuable tools

Mr. McIntire asked what Mr. Carrasco meant when he said "making room" on committees for others. He was certainly willing to make room for anyone wanting to serve. He noted CRB tried to reach out and recruit different groups in the community. Mr. McIntire was curious if the Latino community had interest. Mr. Carrasco explained distrust eroded how efficient a CRB could be, if a Latino person felt they would not have any real power. Mr. Carrasco said certain demographics fit this type of service more, such as people who were retired or who had jobs that allowed more flexibility. He said the average median income between the Latino population and the broader white population – he thought it was the job of every board to advertise what board was doing so people knew about it. Mr. Wig said the Auditor's Office had held forums in the past, but there were things individual board members could do to help to put themselves out there more.

Mr. Carrasco made a point that the most culturally competent or responsive organizations were for-profit because want to sell people something. For-profit companies had culturally appropriate settings, and also in Spanish to encourage participation. He wondered how many normally-engaged citizens understood role of CRB. He said if the city or its committees wanted involvement, they needed to sell themselves to the community to encourage civic engagement.

Mr. Gissiner asked if the addition of a stipend would attract more people who needed money for babysitting or transportation. He said stipends were not offered for any committees, which made participation heavily weighted to the South Hills area and the people with the most means. Mr. Carrasco said he thought it would make a difference, but said it still needed to be advertised to ensure people could take advantage of the opportunity. He said it was most valuable to go directly to the community, not do what is typical and go to the library and wait for people to come.

Ms. Pitcher said they do a lot of outreach, and had an upcoming recruitment period for CRB. She asked Ms. Hernandez if CRB could include that in the upcoming forum. Ms. Hernandez responded that it would be great to have a quick announcement about open positions.

Ms. Williams asked if CRB would have the means to get a translator for a solely Spanish-speaker. Mr. Gissiner said yes.

Mr. Carrasco concluded with two thoughts. He said it was the community's responsibility to make every one of our departments needs to be a shining example, especially since Eugene was a human rights city. He said the case reviewed that evening was not an example of the America the community wanted to be. Second, he was curious what the percentage of complaints filed were actually reviewed. Mr. Gissiner said about 1/3 of cases that are classified as allegations. He explained his office sees many of service complaints. Ms. Pitcher said CRB saw every complaint through open and closed case reports, but CRB did a closer review of about 25 to 30 allegations and 6 service complaints per year. The Auditor's Office received about 350 complaints a year. Mr. Wig said when CRB reviewed service cases, the chair and vice-chair tried to pick cases representative of the greater trends.

Mr. Carrasco asked if CRB included settlement cases in reports, and how much money was doled out in settlement cases. He thought it would be interesting to see that number; it would also add a reason to why CRB exists, and show why it was important to always improve the Auditor's Office. In addition, he had thought about the military equipment that EPD had access to. Mr. Carrasco wondered how many times the military equipment was deployed, versus how many service calls were received. He thought it was important to keep track of usage for the public, as many people don't feel that kind of equipment is necessary.

Ms. Pitcher said that whenever tactical vehicles were used, it was policy to report the use. Mr. Gissiner said the perception of use was probably greater than reality. Mr. Wig said if someone was from a community targeted by immigration, the equipment could be a serious concern for them.

Mr. Denner said subpoena power was a huge issue in front of the police commission around ten years ago. They were going to recommend it to city council for adoption. He didn't remember the whole discussion, but the turning point was that if a standard for the committee was set so high that members had subpoena power, members had to be trained so the task was done correctly. Mr. Denner noted some communities give the auditor or ombudsman subpoena power, but very few gave CRB subpoena power. He added those were usually federally mandated.

Mr. Gissiner said city council had subpoena power, and as an agent of city council. The police auditor had access to all police records, and officers were required to provide testimony during investigations. He said in other places where CRBs have subpoena power, it was usually because the chief or union had successfully structured the system to where officers did not have to give testimony. Mr. Gissiner said certainly, Oregon was hindered by the Public Records Law being protective regarding public employee records. He thought it was more beneficial to share everything with the community. For example, in Ohio, CRB could speak subjects' names and everything that was in the case file, rather than telling the public to

trust CRB. He said it was great for employees, but not great for transparency. Because of Public Records Law, people within the department don't know what actually happened in the case.

Mr. Denner said EPD was a good place, and wanted to ensure that evening's case was not an indictment of the entire department. He thought the world of most of the employees and the department.

Mr. Carrasco said if EPD was honest about protecting and serving, they would do the work necessary to ensure the community trusts them, and that included internal behavior. Mr. Carrasco said it was not an indictment of the entire department, but the result of the case discussion is an indictment of how it was structured. Mr. Carrasco said Supervisor A was in the office again, and that was the person he was asking his community to trust.

Mr. Wig said while Supervisor A's behavior wasn't typical of all EPD, the PERF report said culture was the hardest thing to change but most important. Mr. Gissiner said the United States had 5% of world population but 25% prison population – most of which are people of color. He said the value of CRB was trust, but it needed people more representative of the entire Eugene community. Mr. Gissiner said there were people in CRB who were lawyers and judges, and CRB needed to break down barriers of intimidation and encourage participation from more residents with an everyday perspective.

Ms. Williams noted there was an organization that paid for babysitting so community members could participate in public committees.

9. COMMUNITY ENGAGEMENT UPDATE: PUBLIC SAFETY FORUM

Ms. Hernandez provided an update on the Public Safety Forum scheduled for Wednesday, December 6th from 6:00 to 8:00 p.m. at El Rio de Camino. Alex Reyna would be live streaming the event so people could engage from home. She said a web link was sent to CRB, and there was a Facebook page. Ms. Hernandez said it was more than a forum at that point. She had talked to the school said it was turning into an awareness event. She explained the first hour would be tabling for local nonprofits, and a Tio Pepe restaurant would provide food. The second hour would be guided by Mr. Reyna, and city departments would talk to the audience about what they do and answer any questions. Additionally, people could submit questions online via the Facebook live feed, or an anonymous box on site. Ms. Hernandez said the purpose of the forum was to build a sense of trust in the city government.

Mr. Gissiner said it would be a place for people to ask general safety questions, like what to do with a broken car window, or a grease fire on the stove for example. He said it was not a showcase for agencies, it would be a safe place for people to ask questions about things going on in their lives. Many people don't know what to do in certain emergency situations, and if someone was from another country it could be concerning. Mr. Gissiner said the Police Auditor's office wanted to help build trust. Mr. Gissiner said the event would be entirely in Spanish. He hoped it would be festive and informative, and wanted people to feel comfortable.

Ms. Hernandez noted an email regarding training topics was sent to CRB members and asked for suggestions.

10. AUDITOR REPORT

Mr. Gissiner said he agreed with portions of the PERF report. He thought some methodology was flawed, such as comparing Eugene's retention rate to other rates in different cities across the country. For example, Cincinnati had 40 suburbs that officers could transfer between and Eugene doesn't - they were very different places. Mr. Gissiner said Los Angeles County gave a presentation on how they recruited millennials using cellphones. Mr. Gissiner was pleased to see how PERF talked about people with Acting in Charge (AIC) status, because he thought people were in those positions for too long, and he was unsure if it was an HR issue or a police department issue. He felt AIC should be a maximum of 90 days. When in an AIC position, the person was hanging by thread and if they made a mistake, it gave reason deny the permanent position. Mr. Gissiner wanted to see more diversity in the police department, and have officers with a wide range of backgrounds including social services. The width of recruitment outlined in the PERF was not where he wanted it to be. He did not want departments to be overly dependent on pre-hire testing. Mr. Gissiner said all the issues he shared were important to him, and he shared his thoughts with PERF too.

Mr. Gissiner reported he met with the consultant for about four hours regarding the new chief hiring process. He said the consultant published the brochure, which would hopefully bring some attention.

Mr. Gissiner said EPD had some service issues. For example, no one was at a reporting call to clear the house after a burglary, so the residents were there for 7 hours alone. Mr. Gissiner appreciated the feeling that if the bad guy wasn't there then it was a cold call, but the fear factor affected the residents. Mr. Gissiner wondered if there was a prioritizing of ticketing people with open containers that same evening.

Mr. Gissiner said in the PERF report, it was highlighted there was historically few performance evaluations.

Mr. Wig asked if internal performance reviews could be a future training topic. Mr. McIntire said the police commission had that training. He knew in the strategic plan there was an area dedicated to performance reviews.

Mr. Denner asked about a call to Coburg Road. He said he would like to see that case on the CRB agenda if it had been investigated. Mr. Gissiner said the case involved nonsworn personnel and CRB didn't have jurisdiction to review those cases.

10. ADJOURN

Mr. Wig adjourned the CRB meeting at 8:01 p.m.

(Recorded by Marina Brassfield, LCOG)