



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 9, 2018 - 5:30 p.m.
Bascom Room, Eugene Public Library
100 West 10th Avenue
Contact: Vicki Cox, 682-5016

<u>ITEM</u>	<u>TIME (Starting)</u>
1. Agenda and Materials Review	5 minutes (5:30pm)
2. Public Comment	5 minutes (5:35pm)
3. Minutes Approval (Minutes from September meeting)	5 minutes (5:40pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	5 minutes (5:45pm)
5. Discussion Topic: Meeting Date and Time	10 minutes (5:50pm)
6. Training Topic: Work of the Auditor's Office and the Civilian Review Board	30 minutes (6:00pm)
7. Elections of Chair, Vice Chair, Police Commission Liaison, and Human Rights Commission Liaison	10 minutes (6:30pm)
8. Break	10 minutes (6:40pm)
9. Case Review: Allegation of Disparate Treatment, Lack of Knowledge of the Law, and Unsatisfactory Performance by an EPD Supervisor	50 minutes (6:50pm)
10. Auditor Report	10 minutes (7:40pm)
11. Discussion: Case Selection for November Meeting	10 minutes (7:50pm)
12. Adjourn – Next Meeting November 13, 2018	(8:00pm)

MINUTES

Civilian Review Board
Atrium Building, Saul Room
99 West 10th Avenue

September 11, 2018
5:30 p.m.

PRESENT: Maurie Denner, Chair; Steve McIntire; Carolyn Williams, Vice-Chair; Chris Hayes; Rick Roseta; Mark Gissiner, Leia Pitcher, Vicki Cox, Police Auditor's Office; Jason Berreth, Cindy Coleman, Angie San Miguel, Eric Klinko, Eugene Police Department.

ABSENT: James Hargreaves, Lindsey Foltz

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

1. AGENDA AND MATERIALS REVIEW

Mr. Denner welcomed Chris Hayes to the Civilian Review Board. He also stated that Lindsay Foltz, a previous CRB member, will rejoin the Board next meeting after she returns from overseas.

There were no additions or corrections to the agenda or materials.

Mr. Denner said that Mr. Hayes has a conflict with meetings on the second Tuesday of the month. This topic will be revisited at the October meeting when all members are present.

2. PUBLIC COMMENT

There was no public comment.

3. MINUTES APPROVAL – MAY 2018

Ms. Williams asked if there would be a possibility to get the meeting minutes earlier if there is a long break between meetings.

Ms. Cox replied that the turnaround depends on how long staff takes to review the minutes.

Mr. Denner declared the minutes accepted as they are presented.

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

Mr. Denner shared that he attended the Human Rights Commission meeting in May. He said that a new representative from the CRB will need to attend this meeting on the third Tuesday of the month. The Human Rights Commission held a retreat last month and set an agenda for the coming year.

Mr. McIntire stated that he attended the Police Commission meeting on July 12, 2018. The meeting covered the restorative rest policy and reviewed the public safety camera system and the taser policy. He

expressed that the annual work plan always contains more than what can be accomplished in a year. Mr. McIntire reported that he proposed a system to prioritize policies for review.

Mr. Gissiner asked when the Police Commission develops their work plan.

Sergeant Kyle Williams answered that the plan is normally approved in May.

Mr. Gissiner asked Mr. Hayes to share a bit about his background. Mr. Hayes said that he works at Partner Solutions IT, is a U of O alumni, and served in the Air Force. He also shared that he works with the Downtown Eugene Merchants and is passionate about improving the space downtown.

Mr. Denner thanked the first responders on the anniversary of September 11th and expressed support for those who were lost.

Mr. Denner also mentioned that he was invited by City staff to be part of a discussion group to look at the public safety levy that Council is considering. He said that the group has met once and set an agenda and will likely make suggestions to Council about a levy, if it is to move forward.

Mr. Gissiner and Mr. Denner told the board that they will be presenting the auditor's report at the City Council meeting on September 24th at 5:30pm. Mr. Denner encouraged board members to let him know what points they think are important to convey to Council.

5. TRAINING TOPIC: PRESENTATION FROM THE AUTISM SOCIETY OF OREGON

Mr. Gissiner introduced the. He said that he attended a Police Executive Research Forum this May in Nashville where a student and his father from the Parkland High School shooting in Florida spoke. The student, Cameron Kasky, has a brother with autism who also attends Parkland High School. Cameron immediately went to his brother's classroom and experienced a police response to the classroom he found to be intense and at one stage, inappropriate.

He introduced Ms. Toby Rates, Executive Director of the Autism Society of Oregon. Ms. Rates expressed that she is pleased to present to police departments and first responders whenever the opportunity arises. More information on her organization is at autismsocietyoregon.org.

Ms. Rates defined autism as a brain development that affects communication, social interaction, restricted interests, repetitive behaviors, and sensory issues. She explained that everyone on the autism spectrum is different.

Ms. Rates said that verbal communication varies along the autism spectrum. It is always a good idea to speak clearly, use concrete terms, and wait a couple seconds for people with autism to process what has been said. She also stated that people with autism often cannot read nonverbal communication or social cues. It is always better to tell the person what you would like them to do directly. People with autism

often want to interact, but don't always have the skills to do so. Ms. Rates explained that autism presents a difference in learning, not intelligence.

Mr. Rates said that autistic people often use self-stimulating behaviors (stim) like rocking or flapping their arms. Unless these behaviors are harmful, she encouraged police to allow these behaviors so the person can calm themselves and take in the situation.

She explained that everyone on the autism spectrum has a sensory processing disorder, but they can be over- or under-sensitive. It is always a good idea to ask "may I touch you" before doing so.

Ms. Rates presented some facts on autism, including that 1 in 59 children is affected by autism by age eight. Girls are often diagnosed later because they are better at mimicking behaviors. Autism is five times more commonly diagnosed in males. Diagnosed cases are increasing year over year, in part due to more awareness.

Mr. McIntire asked if people can evolve on the spectrum. Ms. Rates answered that people absolutely change due to development, circumstances, and treatment.

Ms. Rates reported that safety is a big concern with autistic children. One third of children on the autism spectrum have wandered off from a safe environment in the past year. She said that drowning is the leading cause of death for autistic children. She encouraged first responders to look for nearby bodies of water first when searching for a missing autistic child. AWAARE is a good resource for more on safety.

She shared that it is helpful for families with autistic children to meet police and first responders before an incident occurs, through opportunities like community events or programs. This may help children understand they should listen to police during stressful situations because their verbal abilities are the first thing to go.

Ms. Rates said that autistic children are often bullied. They are more likely to be victims of violence than to be violent.

Ms. Rates presented some 'do's and don'ts' when working with people with autism. Police should support people on the spectrum by: 1) being aware of the circumstances (sensory issues, anxiety or transition points); 2) observing their behavior to understand what they may be communicating; 3) using literal language, visuals, and slowing down; 4) discerning if the person 'can't' or 'won't' do something; and 5) making time for breaks. She also encouraged police not to expect eye contact or touch/hug without permission. It is also important to avoid sudden changes.

Lastly, she explained that meltdowns and tantrums are different. A meltdown is like a panic attack and it is how a person with autism communicates they are overwhelmed. It is best to recognize the signs and try to alter the situation to avoid a meltdown because once it starts, you have to let it run its course.

Mr. Gissiner asked about diagnoses for people of color. Ms. Rates responded that there tends to be a slightly higher diagnostic rate for white males in urban settings because of resources. However, autism affects all populations.

Mr. Gissiner asked if decision-making uses different parts of the brain for those on the spectrum. Ms. Rates replied that she was unable to answer this question.

He also asked if there is a plateau in the spectrum for adults. Ms. Rates acknowledged that most conversations and literature is about children with autism. There is a slow recognition that autistic children become autistic adults. She explained that adult needs are housing, employment, and social relationships. She said that people typically develop more coping skills but can also have setbacks from triggers or stressful life events.

Mr. Roseta asked if people with autism receive social security. Ms. Rates said that they do, if they meet the income limits. However, there is a high denial rate. She noted that Senior and Disability Services provides resources at the county level, but funding for KPLAN is at risk.

Mr. Denner brought up the Bridgeway House, a school program for families with autistic children in Lane County. Ms. Rates said this is one of two in the state.

Ms. Rates also mentioned KIND Tree (<https://kindtree.org>). She said that there are two volunteers in Eugene who are adults on spectrum. They offer programs to support people with autism, particularly with the arts.

The group thanked her for the opportunity to learn more about autism.

Mr. Roseta asked the best way to train officers on this topic. Ms. Rates answered that it is useful to have officers with her at the training. She also advocated for the police academy to integrate this training for at least one hour on how to de-escalate situations involving people on the spectrum.

7. BREAK

CRB took a break from 6:37 p.m. until 6:47 p.m.

8. CASE REVIEW: ALLEGATIONS OF UNSATISFACTORY PERFORMANCE AND UNTRUTHFULNESS

Mr. Denner announced a request from an EPD staff member from the department to record this portion of the meeting.

There were no objections. Mr. Gissiner stated that it is the first time in nine years this has been requested.

Mr. Gissiner provided a narrative on the case.

Summary of Facts

- Supervisor A was acting as watch commander when an incident occurred that was later determined to be an out-of-policy pursuit. Supervisor A, listening to the incident over the radio,

believed as it was occurring that it was a failure to yield. As he did not believe it to be outside of policy, he did not terminate the pursuit.

- Supervisor A informed Supervisor B (higher on the chain of command) of the incident as soon as it was over. Supervisor B told Supervisor A to run the incident by the Emergency Vehicle Operations Supervisor (EVOC), (Supervisor G). She did not ask him to enter the incident in Blue Team.
- Supervisor A met with Supervisor G later that day; they looked at radio traffic and dispatch records. ICV was not yet available.
- Three weeks later, Supervisor B emailed Supervisor A and directed him to enter the incident into Blue Team as a pursuit. Supervisor A did so. Supervisor A stated in that Blue Team entry that he had not watched the ICV.
- Approximately six weeks after the Blue Team entry, Supervisor B initiated this investigation into Supervisor A.

Allegations

1. **Unsatisfactory Performance:** that Supervisor A failed to recognize the involved incident as a pursuit.
2. **Unsatisfactory Performance:** that Supervisor A misrepresented the purpose and scope of Supervisor B's request that Supervisor G review the incident, and further misrepresented Supervisor G's assessment when entering the incident into Blue Team.

During the investigation, the following allegation was added:

3. **Truthfulness:** that Supervisor A was untruthful during his administrative interview when he reported that he did not watch Officer H's ICV recording prior to entering the incident into Blue Team.

Mr. Denner reminded members that the committee does not use first or last names or gender.

Mr. Gissiner provided commentary on why CRB is involved in this case, noting that the case must be classified if it is to be investigated. He also said that truthfulness is a very serious allegation, which necessitates Auditor office involvement.

- **Complaint Intake and Classification**
 - *Internally reported and initiated by Supervisor B*

Mr. Denner clarified the incident was internally reported. Mr. Gissiner stated the first and second allegations were written by Supervisor B, but he can't confirm they wrote the last report.

Mr. McIntire shared that he has difficulty plugging the facts into allegation. He asked if there is a template or guidance to determine an allegation.

Mr. Gissiner said that he did not have any involvement in writing the allegations because it did not involve a complaint from the public or harm to the public property/persons.

Mr. Roseta agreed that he had the same issue with the allegation as Mr. McIntire. He noted that there is not a policy that requires an officer to recognize a vehicle pursuit. He said there is not enough evidence to sustain based on how the allegation was written.

Mr. Gissiner stated that the officer had provided cryptic information to the watch commander, who made the decision to not name it a pursuit, at that time.

Mr. McIntire asked if a watch commander can see ICV at real time. Mr. Gissiner replied that they cannot.

- *Classification: Allegation of Misconduct*

Mr. Roseta said he also took issue with the second allegation. He expressed that Supervisor B should have written that the entry into Blue Team was inaccurate, rather than say it was misrepresented.

Ms. Williams said she did not understand why Supervisor B made a complaint and that they should be the one investigated. She stated that Supervisor B was unclear in their expectations of Supervisor A, making this a supervisory issue.

Mr. Denner said that in listening to the audio for the first allegation, it seems the like a reasonable decision, given the information at the time. He stated the first allegation could have been failure to follow 814 Vehicle Pursuit Policy. The second allegation was a failure to communicate. Mr. Denner explained that both Supervisors A and B left initial meeting misunderstanding each other completely. He said it did not seem like either attempted to clarify what was expected.

- **Complaint Investigation and Monitoring**

Mr. Denner commended Sargent Berreth in putting the information together, especially given the delay in starting the process.

Ms. Williams agreed that it was a very throughout investigation. She said she was impressed by amount of those involved and interviewed.

Mr. Roseta also agreed it was a very good investigation. He added that it seemed like the investigator allowed Supervisor B to become too much of an advocate, which was inappropriate.

Mr. McIntire agreed with previous comments.

Mr. Denner said that it was good the auditor's office got this case to the CRB quickly, given the complexities.

- **Relevant Department Policies and Practices**
 - 1101.1.B.9 Unsatisfactory Performance

- 1101.1.B.29 Truthfulness
- 407 Watch Commander
- 814 Vehicle Pursuit Policy

- **Policy and/or Training Considerations**

Mr. McIntire said that there is an opportunity to clarify the chain of events on the training on the Vehicle Pursuit Policy. He noted that an officer who has since retired was contacted as part of the investigation and they supported Supervisor A on how the policy was interpreted. He explained that since there was difference in the interpretation of the policy, there is opportunity for clarity.

Mr. Roseta agreed that the Vehicle Pursuit Policy may need to be revisited, even though it didn't come into play in the allegations.

Ms. Williams agreed with the previous comments and added that there is also an opportunity to address when something is entered into BlueTeam and when it is not.

Mr. Denner asked a staff member to join the table and discuss guidelines for recognizing a stolen vehicle.

Lt. Angie San Miguel said that EPD doesn't allow pursuit of property crimes for non-violent offenders. She explained that Supervisor A did not get all the information from the officer and made an initial decision based on that limited information. After that, Supervisors A and B had a conversation and they disagreed on the policy.

Lt. San Miguel shared that the in-car video is available when the car docks. She said it should have been reviewed if Supervisor A had looked at video.

Mr. McIntire asked if there is a policy to review ICV in this situation.

Lt. San Miguel answered that the policy is to review everything in BlueTeam. However, this incident wasn't entered in BlueTeam at the time.

Mr. Denner said that it seemed like a failure to conduct the after-action event. He explained that there is a purpose in a supervisor being able to call on or off a pursuit. He stated that supervisors should recognize when coaching is required.

- **Policy and/or Training Considerations**

Mr. Denner said that this case provides an opportunity to look at how EPD prepares and designates people into supervisory roles. He stated that someone familiar with the watch commander role was interviewed and asked about what training was required. They answered that very little training is required, it is mainly based on experience. He noted that this was a case in which someone was underprepared for the role they were given.

Ms. Williams agreed that leadership training for both Supervisors A and B is appropriate. She explained that they both failed their subordinates in not providing clarity.

Mr. Roseta stated that there is an opportunity to train watch commanders and provide additional training on pursuits.

Mr. McIntire added training on BlueTeam to the list. He asked when staff enter something into BlueTeam who can make a request for EVOC to do a pursuit review. He concluded that it was largely a communication issue between two supervisors.

Ms. Cindy Coleman, Internal Affairs Analyst, replied to Mr. McIntire's question. She reported that any supervisor can request an EVOC supervisor to look at something and give an opinion. She added that it can be done informally before it goes to BlueTeam. She said that informal discussions like this happen routinely.

Mr. McIntire asked who is allowed to make a BlueTeam entry. Ms. Coleman replied that any supervisor can make a BlueTeam entry. Lt. San Miguel added that it is ideally the supervising officer.

Mr. Gissiner said that he reviewed the last twenty-three pursuit entries (back to 2015) and there were only three incidents that were entered some days after. He said that he respectfully disagrees with Ms. Coleman's statement that informal discusses happen often.

Ms. Coleman responded that she had a discussion with a former EVOC Sergeant who reported it was routine for them to be approached informally like this.

Mr. Denner said that there is an opportunity to clarify when a request goes to an EVOC supervisor for review to make it clearer for patrol Sergeants.

Ms. Coleman stated that the pursuit policy does say that a supervisor should enter it and the EVOC supervisor should review it through BlueTeam. She explained that the question here was that it hadn't been entered as a pursuit yet.

Mr. Gissiner considered that asking someone to look at things informally may start to betray systems and impact decisions.

Mr. Roseta said that he understood this statement but would also hate to do anything to signal that people should not consult with one another.

Mr. Denner said that watch commanders seem to be placed in their role based on seniority.

- **Adjudication Recommendations**

Mr. McIntire reviewed his recommendations. He said that he felt the first allegation asked the wrong question and found it unfounded. The second allegation was a communication breakdown and ambiguous instruction. He stated that it did not rise to the level of misrepresentation. He found it unfounded. In third

allegation, he found insufficient evidence. He explained that there was no concrete evidence, just speculation. He named the third allegation unfounded as well.

Mr. Roseta agreed with Mr. McIntire. He said there would have been other allegations associated with the first one, but they were not stated.

Ms. Williams stated that she found all three insufficient evidence, if not unfounded. She added that truthfulness is very a serious allegation and it was uncalled for.

Mr. Denner stated that he expected Supervisor A to do the after-action event. He said that it is the responsibility of Supervisor A to know when to punish or coach. In this case, coaching may have led to a different attitude and outcome. He also noted that the conversation between Supervisors A and B could have resulted in a different outcome. He concluded that a higher level of leadership is needed up the chain of command and that this case felt borderline vindictive.

- **Additional Comments/Concerns**

Mr. Roseta recommended coaching for the original officer who was in pursuit.

Mr. McIntire said that he agreed with Mr. Gissiner's comments in the last paragraph of the report. He noted that this case went down a path that was unnecessary.

Mr. Denner thanked the investigators for the professional analysis.

Mr. Gissiner stated that he typically tries to keep a distance from internal investigations. He asked the CRB their opinion on his involvement when allegations are poorly written.

Mr. McIntire counseled Mr. Gissiner to understand his role and act either way.

Mr. Roseta agreed. He suggested having a discussion with the person to help focus the complaint and get to the issue better.

Mr. Denner commended Mr. Gissiner's question. He recommended sitting down with the supervisor who constructed the allegation and discuss how it reads to a third party.

Ms. Williams agreed with Mr. Denner.

Ms. Coleman agreed that Mr. Gissiner should be in communication when things don't make sense.

9. AUDITOR REPORT

Mr. Gissiner reported that Beatriz Hernandez is organizing the Auditor's office to attend community meetings in October and November. The first meeting will be on October 4, 2018. Members of the CRB are encouraged to attend. Mr. Gissiner said that the meeting topic often deviates from the agenda, but it is good to have conversations. Beatriz will send information to the committee with the meeting dates.

Mr. Gissiner shared that he received a performance review from City Council in July. The review went well, and he encouraged members to provide feedback at any time. He stated that Council was impressed with the CRB's engagement in the process.

Mr. Gissiner informed the group that there have been a lot of cases and complaints lately, especially customer service-based complaints. He said that Ms. Cox has been doing incredible work with community members with mental illness.

Mr. Gissiner recommended a case for next month that involves two combatants, one of which complained about the way they were treated at the level to generate a case of misconduct. The individual was homeless. He suggested a later training topic on substance abuse counseling for male adults. There is a program that helps fathers who had experienced substance abuse issues to reconnect with their children when there is a separation.

Mr. Denner suggested moving the substance abuse training to November so that they can have a process session in October to review logistics, especially for new members.

Mr. Denner also asked about a shooting case and inappropriate contact with a civilian. He noted that these cases may get more public attention and warrant discussion at the next meeting.

Ms. Pitcher reminded the group that there will be elections for Chair, Vice Chair, and Police Commission Liaison, and Human Rights Liaison in October.

Mr. Gissiner thanked the group for their input into the case. He added that EPD should consider being a catalyst for police training using outside partners.

Mr. Denner shared that he read Mr. Gissiner evaluation and he thanked the committee for being responsive. Lastly, he praised staff for their good work.

10. ADJORN

Mr. Denner adjourned the CRB meeting at 7:54 p.m.

(Recorded by Dana Marie Shinnars, LCOG)

Eugene Police Department

September 2018 Open Case Report

Incident type: Supervisor Action
Status: Completed
Received date: Sep 4, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Dismissed-Other

RP stopped by the Auditor's Office to complain about the level of service he received from EPD. He stated that he had received "prank calls" from a sergeant because they were from a blocked number, that a detective had not called him back in a timely manner, and that as a whole EPD had not properly handled a dispute he was involved in with a bank.

Dismissed following preliminary investigation - no policy violations noted.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 4, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP sent a YouTube video to the PIO, showing an interaction with an officer in which the person inside of the car seemed unhappy with the interaction.

Per Auditor - Dismissed-Other. No indication of policy violation.

Incident type: Supervisor Action
Status: Active
Received date: Sep 4, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which he called EPD after his ex-wife came to his home, spat in his and his wife's face and mouth and forced her way into his home, to try and see their children. RP has custody of the children.

RP is angry that officers that responded did not cite or arrest his ex-wife even when he believes she committed an assault felony for spitting on him and his wife. RP also noted that she frightened his children who did not want to see her.

Ex-wife was cited for trespass; service complaint on how spitting issue and communication with victim about outcome could have been handled.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 5, 2018
Class/sub-class: Service Complaint / Conduct
Disposition: Dismissed-Other

RP reported an incident in which he was arrested on a he said/she said situation in which a previous landlord accused him without proof of stealing from her apartment. RP noted that the officer who came to speak with him on an ATL pressured him to confess to doing something he did not do and then decided to arrest him anyway with no proof that he had done anything wrong. No charges were filed, because there was no evidence, RP feels the officer illegally arrested him.

Dismiss after review - no policy violation.

Incident type: Supervisor Action
Status: Active
Received date: Sep 5, 2018
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office with a concern about an incident he had observed downtown; he stated that he had seen EPD employees interacting with an African-American male at the bus station and that they repeatedly called the man "boy" or "big boy." He was concerned about the racial connotations of using that label to address a grown man.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 6, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

Officers responded regarding a dispute between a male and female. Officers ultimately developed PC to arrest the female for Assault 4 APA DV. During transport the female was disorderly and physically abusing herself. At the jail, more of the same. As a result of her behavior, she was transported to the hospital. There she claimed she was injured by an officer. There was no indication that she was injured by officers and she refused treatment at the hospital. She was cleared at the hospital and lodged at the jail.

Inquiry: Dismiss per supervisor's review. MG

Incident type: Supervisor Action
Status: Active
Received date: Sep 6, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which she and a few others were staging a small protest in the Park and 16 cops showed up. She was arrested and frisked by 3 officers after they turned off their recordings. RP also felt that the women officers that were there should have frisked her not the males. Then they tried to take her service dog away and not allow him to go with her uncle.

Incident type: Supervisor Action
Status: Active
Received date: Sep 6, 2018
Class/sub-class: Policy Complaint
Disposition:

RP reported an incident in which officers roused her and a friend telling them to get up and get out. They were not on private property and no trespassing signs and after the new federal law the day before officer had no right to harass them. The officer would not reveal who called saying it was anonymous and they would not give their names or badges numbers to RP.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 6, 2018
Class/sub-class: Service Complaint / Performance

Disposition: Supervisor Review-Closed

A supervisor received a service complaint from UO Athletics concerning interaction between a fan and EPD officers working the game. They complained about how an officer handled a beer spilling incident. The supervisor determined that an officer missed a key detail as to who spilled beer on whom. This error changed the course for the RP/ who became hostile and argumentative from that point onward. The supervisor spoke with both officers involved, and shared the BWC footage with the officer for continued learning.

Per Auditor - Closed/Supervisor Reviewed.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 10, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP reported an incident in which she called EPD because a woman who appeared to be high on drugs was running in front of cars on W 11th. No officer showed up, calling back a 1/2 hour later she was told that officers were too busy to respond. RP finally had to leave after an hour and never saw an officer show up which she felt was unacceptable due to the danger of the woman being hit by a car.

(Cahoots responded)

Incident type: IA Investigation
Status: Active
Received date: Sep 11, 2018
Class/sub-class: Allegation of Misconduct / Use of Force
Disposition:

RP stopped a theft and UEMV suspect identified by the victim who was following the suspect from the crime scene. The officer reported that he told the suspect to stop and the reason for the stop. The officer reported that the suspect turned and faced him and was non-compliant. The officer sprayed OC spray in the suspect's face to gain compliance. It was one burst from about 5 feet.

803 Oleoresin Capsicum Aerosol - It is alleged that the officer's use of OC spray when contacting a theft and UEMV suspect was outside policy.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 11, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP, who has developmental disabilities, reported an interaction with an officer in which he was told that he should not text and send pictures to his friend who is a Lane County Sheriff Deputy. RP was upset and offended that the officer would try to tell him what he could or could not do with his friend.

Per Auditor: Dismiss Other. No such conversation occurred during the interaction.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 12, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP has been unable to get property control to release his belongings after he wound up in the hospital after being stabbed down by the river. EPD assisted his family in getting the property.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 13, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP requested a further investigation in to her son's death. RP feels that no real investigation was performed by EPD even though she requested one, as the death seemed suspicious to her.

Per Auditor - Dismissed/Other. Review of reports indicate that shortly after officers arrived, the Medical Examiner took control of the investigation.

Incident type: Incident Review
Status: Completed
Received date: Sep 13, 2018
Class/sub-class: Incident Review / Performance
Disposition: Supervisor Review-Closed

RP reported an incident in which she had called EPD after she arrived at work to find a man sleeping in the doorway of the medical clinic she manages, with a shopping cart, belongings and drug needles strewn about. The call-taker indicated that someone would be sent. When someone did arrive, one of the officers proceeded to tell her employees in a rude condescending way that they don't respond to transient issues and that it's only a threat if someone is pointing a gun at them. He then proceeded to belittle them about it being private property that the needles lying about on the sidewalk was there responsibility to take care of.

Incident type: Supervisor Action
Status: Active
Received date: Sep 14, 2018
Class/sub-class: Inquiry
Disposition:

RP is unhappy that an officer will not assist her in getting an LTD video that will enable her to identify a man who ran over her foot with his electric wheel chair on the bus. The officer tells her the man didn't mean to run over her foot, but she sustained injuries. LTD will not release the tape unless requested by an officer.

Incident type: Supervisor Action
Status: Active
Received date: Sep 14, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which she was in an accident and the officer who responded refused to give her the name and insurance information about the driver who hit her.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 14, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP reported an officer who he believes is harassing him and his family, by showing up at his home, and his children's school. RP is being transferred to Coffee Creek and requested a call to his girlfriend for details. Calls to the number provided have not been returned.

Dismiss as been unable to contact girlfriend. Will reopen if contacted.

Incident type: Supervisor Action
Status: Active
Received date: Sep 17, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RPs reported being rear ended by a young man on Beltline. The officer who responded would not verify the insurance or license information of the other driver.

Incident type: Supervisor Action
Status: Active
Received date: Sep 18, 2018
Class/sub-class: Service Complaint / Other
Disposition:

RP reported an issue he is having with various EPD patrol vehicles that are turning on their sirens and then turning them off for no apparent reasons as they go by his condo.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 19, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP contacted the Auditor's Office with a concern about an officer who she feels is targeting her. RP was on public property and was cited for prohibited camping and given a \$525.00 citation.

Dismiss, alternate remedy. Per Auditor.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 20, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP reported an incident in which an officer could have helped and served a member of the community, but instead just sat and watched a man pile up his belongings and refused to allow him to make a phone call to get help from a friend.

Dismiss. Other. Officer did a good job and did assist the man who was being evicted due to a restraining order.

Incident type: Supervisor Action
Status: Active
Received date: Sep 20, 2018
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's office with a concern about a new developed system EPD has to tell if people are marijuana impaired. RP was listening to LCC this morning and heard a report about the system. RP wants to ensure that people with physical disabilities and brain injuries are taken into account in this system. RP was arrested last year because an officer did not allow her to use her cane while taking one of these tests, which led to her arrest even though she was not impaired by any drug or alcohol.

Incident type: IA Investigation
Status: Active
Received date: Sep 20, 2018
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

1. 209 Overtime - It is alleged that a non-sworn employee performed work-related duties on two different days without prior approval from a supervisor. The employee did not submit overtime requests.
 2. 1101.1.B.29 Truthfulness - It is alleged that the employee was dishonest when a supervisor asked them if they worked on one of the days in question.
-

Incident type: Supervisor Action
Status: Active
Received date: Sep 21, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which his car had broken down. A very helpful officer stopped and assisted him, offering to call a tow. The officer failed to let him know that if the police called the tow, the tow company would not take his insurance and would not drop his vehicle unless he paid 120.00. Since he did not have the 120.00 the tow company impounded his vehicle.

Incident type: Supervisor Action
Status: Active
Received date: Sep 23, 2018
Class/sub-class: Inquiry
Disposition:

RP is unhappy with an officer who watched him training his dog on what appears to be a field off of Owens Loop (RP gave coordinates and not an address) for over an hour and then eventually come over and told him he couldn't have his dog off leash. RP noted that the officer ignored a meth lab, and hassled him because he is Hispanic looking.

Incident type: Supervisor Action
Status: Active
Received date: Sep 24, 2018
Class/sub-class: Policy Complaint
Disposition:

RP believes that a police response to a day care center was too slow.

Incident type: Supervisor Action
Status: Active
Received date: Sep 26, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP complained that an officer was not returning phone calls related to a pending case.

Incident type: Supervisor Action
Status: Completed
Received date: Sep 27, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported being unable to get in touch with a detective in charge of case she reported over 2 weeks

ago. Finally she was able to learn that the detective was out on vacation and training. Because of the delay from EPD's poor service she has been unable to get services.
RP was contacted. It was discovered that RP's phone was blocking calls from any unpublished numbers.

Incident type: Supervisor Action
Status: Active
Received date: Sep 29, 2018
Class/sub-class: Policy Complaint
Disposition:

RP reported a concern with the service that they have been receiving from EPD in response to calls about apprehended shoplifters. The poor service has been ongoing for quite some time, one recently.

[31 incidents displayed.](#)

Eugene Police Department

September 2018 Closed Case Report

Incident type: IA Investigation
Status: Completed
Received date: May 7, 2018
Class/sub-class: Allegation of Misconduct / Discrimination

Disposition: Sustained

RP stated he was assaulted and his bicycle was destroyed. He stated when officers arrived they refused to take a report, failed to interview any witnesses, failed to arrest the alleged perpetrator, failed to call paramedics even though he had a broken finger, concussion and multiple contusions, and used profanity toward him.

Allegations of Misconduct:

1) The complainant repeatedly asked for medical attention stating he had a broken hand and a broken finger. He was told by a supervisor he would receive medical attention then later denied him medical attention unless it was at the jail. The other combatant was given medical attention by Cahoots at the request of the officers. The complainant went to the hospital on his own and was treated for a dislocated finger and multiple abrasions including to the head.

1101.B.9.a. and b.4: Unsatisfactory Performance: a. You are expected to perform all aspects of your job as well as you reasonably can.

2) That the supervisor failed to take law enforcement action based on the homeless status of the victim.

402.1 and 2 POLICY

Bias-based Policing - An inappropriate reliance on protected class characteristics such as those listed above as a factor in deciding whether to take law enforcement action or to provide law enforcement services.

The Eugene Police Department expects its employees to provide equitable law enforcement services to the community with due regard for the protected class status of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group. Eugene Police employees are forbidden to engage in profiling or bias-based policing practices.

3) That a supervisor failed to accurately interpret ORS 161.225: Use of Physical Force in Defense of Premises

1101.B.9.b.1: Unsatisfactory performance

b. Examples of unsatisfactory performance include, but are not limited to:
(1) Lack of knowledge of the law.

Added by Chief Skinner:

4) 1101.1.B.9 Unsatisfactory Performance - That a supervisor failed to conform to the standards of [his] rank ... in ensuring a thorough and fair investigation of the involved incident occurred.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance – Auditor recommendation: Sustained

Chief Decision: Sustained
Discrimination - 402 Police S.T.O.P.'s (Statistical Transparency of Policing) - Auditor recommendation: Sustained
Chief Decision: Unfounded
Performance - 1101.1.B.9.b.(1) Lack of knowledge of the law - Auditor recommendation: Sustained
Chief Decision: Sustained
Performance - 1101.1.B.9 Unsatisfactory Performance – Chief Decision: Sustained

Incident type: IA Investigation
Status: Completed
Received date: Jun 29, 2018
Class/sub-class: Allegation of Misconduct / Conduct
Disposition: Within Policy

RP alleged that he was filming an officer address people who might be in violation of the dog ordinance. He was sitting on the sidewalk selling wares that he had a valid vendor permit to do so. After the officer was finished with the dog people, he alleged that she came over and said that since he was filming her addressing the dog people, she was going to make him move his wares to a spot blocking bike racks. When he protested that he was not blocking the sidewalk, she gave him a citation for blocking the sidewalk.

No audio of the interview. Part of contact at Auditor's office on officer's BWC.

Allegation of Misconduct: That the officer violated Section 415.4 RECORDING POLICE BY COMMUNITY MEMBERS: "...Members of the Eugene Police Department may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities..."

415 Recording Police Activities by the Community - It is alleged that the officer contacted and took law enforcement action against the complainant because he was filming her police contact with people who might be in violation of the dog ordinance. The officer asked the complainant to move his wares which were partially blocking the sidewalk. The complainant disputed that the sidewalk was blocked and was issued a citation for violation of 4.872 Downtown Activity Zone - Prohibited Acts.

Allegations:

Conduct - 415 Recording Police Activities by the Community - Within Policy. It was determined, based on body worn camera, that the officer and the supervisor discussed contacting the complainant earlier in the day about him blocking the sidewalk. While the officer did make the comment, there was a preponderance of evidence that a contact was going to occur regardless of the conversation just prior to contact.

2 incidents displayed.

Police Commendations

The Eugene Police Department Commendations from citizens for September 2018 maybe found at the link below.

<https://www.eugene-or.gov/2763/Commendations>

CIVILIAN OVERSIGHT PROTOCOLS

Auditor's Office Protocol

Protocols for Notification of Auditor's Office

1. 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. Ordinance No. 20374, Section 3, 2.454 (2)
2. A critical incident is 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.
3. The auditor will report his/her telephone number(s) and alternative telephone numbers to the police chief to facilitate prompt communication.
4. The auditor may respond to the scene of a critical incident in order to enable first-hand knowledge of high profile events should a complaint ensue; to participate in deadly force review boards; and to develop risk/liability reduction plans for the City of Eugene. The auditor will have no greater access to the scene of a critical incident than access afforded to the non-involved department members, or as permitted by the investigating agency.
5. The auditor will not interview the involved or witness officers at the scene regarding the incident.

Complaint Intake

1. The police auditor will perform all intake of complaints against Eugene Police Department employees by members of the public. City of Eugene employees may lodge a complaint, with the auditor's office or with the internal affairs unit of the police department if the complaint arises out of their employment with the City.
2. Complaints may be filed by telephone, in writing by mail, by e-mail or in person. Intake forms will be made available to facilitate complaint processing by are not necessary.
3. Complaints may be accepted from third parties with a reasonably direct knowledge of the incident. Anonymous complaints alleging misconduct will be accepted provided there is specific information from which to investigate the complaint.
4. Complainants may request that their personal information, including their identity, be kept confidential and the auditor will honor this request as allowable by law and as practicable to investigate the incident.
5. The auditor may initiate a complaint based upon credible evidence of possible misconduct.
6. The auditor's office will conduct a preliminary investigation in order to classify the complaint and further understand the nature of the potential violation(s). The preliminary investigation will include information such as a

- description of the event, date, time location, name of the employee(s), badge number(s), description of the vehicle(s), name and address of any witness(s) or any other evidence relevant to the investigation. Internal affairs personnel may assist in gathering information for the auditor's preliminary investigation.
7. Records/warrant checks will not be conducted on a routine basis as part of the complaint intake. If, during the preliminary investigation, an outstanding warrant for the arrest of the complainant is discovered, the police auditor will encourage the complainant to resolve the warrant. In situations where the complainant named in the warrant is of a serious nature, the police auditor will advise the police department. Serious nature includes crimes of violence or crimes which involve serious risk of danger to the public such as domestic violence complaints.
 8. The auditor may dismiss or decline the complaint for the following reasons:
 - a. Timeliness;
 - b. If the complaint involves personnel who are not within the jurisdiction of the auditor's office;
 - c. If another remedy is in use or is more appropriate;
 - d. The complaint has been previously reviewed.
 9. The auditor will document the reason for any dismissals and explain the decision to the complainant in writing, if possible, within five business days of initial intake. A copy of this correspondence will be forwarded to internal affairs. Internal affairs will forward this information on to the affected employee(s) and EPEA if the involved employee is an EPEA represented employee.

Classification of Complaints

1. After a preliminary investigation, the auditor will classify complaints to facilitate a timely and satisfactory resolution. Complaints will be classified into the following general categories:
 - a. Allegation of criminal conduct (on or off duty)
 - b. Allegation of misconduct
 - c. Service complaint (concerns about employee performance or demeanor, customer service and or level of police service provided)
 - d. Policy complaint (where the person is dissatisfied with current policies or established procedures)
 - e. Inquiries
 - f. Complaints may be further categorized as a community impact case
2. Service complaints, allegations and inquiries will be further classified by type for statistical tracking and trends analysis purposes. All complaints will be recorded in a database designed to track complaints by category type and by complainant. The database will be used by both internal affairs and the police auditor to ensure a full accounting of all complaints received and so that trends can be detected.

3. Service complaints that are not resolved at intake by the police auditor's office will be directed to internal affairs for assignment to a supervisor. The supervisor will conduct an investigation into the complaint. The supervisor will assign the adjudication, take the appropriate action concerning the employee, if any, and return reports to internal affairs.
4. Allegations of criminal behavior will be forwarded to the chief unless, in the police auditor's view, informing the chief will compromise a criminal investigation. In those circumstances, the police auditor may forward the allegation(s) directly to the appropriate government prosecutor.
5. Allegations of misconduct will be forwarded to the chief of police for formal investigation by internal affairs or other department staff if appropriate.
6. The police auditor may choose to contract for an outside investigation to ensure a thorough and objective review of the complaint or if the chief disagrees with the auditor's classification of a complaint as one requiring an internal affairs investigation.
7. Service complaints will be forwarded to internal affairs who will work with the involved employee's supervisor to address any possible employee performance issues and to determine the most appropriate complaint resolution option. The police auditor will be notified of the resolution of the complaint within ten (10) days of the resolution. If the supervisor uncovers possible misconduct during review of the incident, the matter may be reclassified.
8. The police auditor will coordinate with internal affairs to gather appropriate information necessary to resolve inquiries.
9. The police chief may reclassify a complaint; such decisions will be recorded as part of the auditor's complaint handling process.
10. The police auditor will determine if complaints are appropriate for alternative resolution (refer to mediation protocols).
11. The police auditor determines if complaints will be treated as a community impact case and reviewed by the Civilian Review Board prior to closure. A community impact case may include complaints alleging excessive force, bias, disparate treatment, or a violation of constitutional rights.
12. The police auditor's office will notify the complainant, the affected employee and EPEA (if the affected employee is an EPEA-represented employee) about receipt and classification decision within seven (7) business days after the complaint was received.

Auditor Review of Completed Administrative Investigations

1. Allegations of misconduct will normally be investigated by internal affairs. Upon conclusion of the internal investigation, all relevant case files will be provided to the police auditor for review and a determination that the investigation was thorough and complete. The police auditor will make this determination within ten (10) business days of receipt of the completed investigation.

2. The police auditor may require the city to undertake additional investigation if the investigation is deemed incomplete.
3. If the police auditor becomes aware of criminal allegation(s) not previously known, the police auditor will refer the matter to the police chief unless, in the police auditor's view, informing the police chief will compromise a criminal investigation. In those circumstances, the police auditor may forward the allegation(s) directly to the appropriate government prosecutor.
4. After the police auditor has reviewed the investigation and it is deemed complete, the employee's immediate supervisor will develop a case adjudication recommendation after conferring with the auditor. The supervisor's recommendation then will be forwarded through the chain of command to the chief of police for final adjudication. The police auditor may develop independent adjudication recommendations, but is not allowed to recommend the level of discipline for police employees.
5. Adjudications may include the following:
 - a. **Sustained:** The complainant's allegation(s) was determined to be a violation of Eugene Police Department policies, rules and/or procedures and, the employee(s) involved committed the violation(s) as alleged.
 - b. **Insufficient Evidence:** The chain of command was unable to determine whether or not a violation of Eugene Police Department policies, rules, and/or procedures occurred.
 - c. **Unfounded:** The claim is unsubstantiated. It was determined that the employee(s) involved did not engage in the behavior as alleged by the complainant.
 - d. **Within Policy:** It was determined that the behavior of the employee(s) involved did occur but was consistent with Eugene Police Policies, rules, practices and/or procedures.
 - e. **Mediated:** During the process of an investigation it was determined that the case would likely be more successfully resolved through mediation; all parties agreed to mediate the complaint and the mediation process was completed.
 - f. **Administratively Closed:** The investigation is closed prior to reaching a conclusion. For instance, the complainant does not provide the information needed or refuses to cooperate with the investigation. The investigation may be re-activated upon the discovery of new, substantive information or evidence.
6. 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.

Dismissal or Declining Investigation of Complaints

1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations that might be handled as a service

complaint shall be dismissed by the police auditor, if not filed within 60 days of the incident.

2. Except for good cause, complaints of serious misconduct including, for example, excessive force that causes substantial physical injury, egregious act of disparate treatment, or major rules violations shall be dismissed by the auditor if not filed within six (6) months of the incident.
3. A complaint will be dismissed if the complaint is about an employee who does not work for the City of Eugene Police Department. The complaint will also be referred to the appropriate agency if that agency can be identified.
4. A complaint may be dismissed if the complainant could reasonably be expected to use or is using another remedy or channel for resolution of the complaint (for example, a judicial determination of guilt).
5. The police auditor may dismiss complaints that are subject to a judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint.
6. Absent new, substantial evidence or information, a complaint shall be dismissed if the complaint was previously adjudicated. This circumstance may arise if a second person files a complaint about an incident that was previously resolved. It might also arise if the same complainant files a second complaint about a matter that was previously adjudicated.
7. A complaint may be dismissed if the involved employee cannot be identified.
8. A complaint may be dismissed if the involved employee has resigned or has been terminated.
9. A complaint may be dismissed if upon review of the facts presented or information learned during intake, the allegations are found to be illogical, malicious or improbable.

Civilian Review Board Protocol

Community Impact Cases

1. A community impact case is an investigation or complaint involving sworn police personnel 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 as a community impact case.
2. If the police auditor selects a case for review as a community impact case, the Civilian Review Board will review a summary of the complaint and investigation and may decide if they will accept this matter as a community impact case. If the Civilian Review Board votes by a majority to review the matter as a community impact case, the chief of police will be notified by the police auditor.
3. The police auditor will monitor and review investigations of community impact cases as s/he would other misconduct investigations.
4. Upon completion of the investigation and preliminary adjudication decision by the police chief, the police auditor will provide the completed investigation to the Civilian Review Board for their confidential review.

5. Members of the Civilian Review Board will not discuss the investigation with anyone other than members of the board or the office of the auditor before the completion of the Civilian Review Board review. Board members may discuss the case with other members of the Civilian Review Board and the Police Auditor. If a board member requires further information to complete their review, they may direct the police auditor to conduct research to report to the Civilian Review Board.
6. If a community impact case is also the subject of an on-going criminal investigation or prosecution, the case will be discussed in executive session when legally permissible.
7. Within 14 days of receiving the case, the Civilian Review Board shall meet in order to discuss and present its determinations on the case. Within 30 days of the receiving the case, the Civilian Review Board will 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:
 - i. The investigation was incomplete or inadequate, and the civilian review board has reasonable basis to believe that additional investigation is likely to reveal facts that could affect the case adjudication; or
 - ii. The adjudication reached by the city is not supported by substantial evidence.
 - d. Unless the Civilian Review Board has voted to reopen the investigation, the police auditor shall develop a written synopsis of the board's proceedings and conclusions concerning the investigation and will provide that information to the chief of police so that appropriate steps to close the case can be taken.
 - e. When the Civilian Review Board has voted to reopen a community impact case, the police auditor shall inform the Civilian Review Board of the subsequent investigation conducted and the final adjudication decision.
8. The Civilian Review Board will notify the complainant(s) and involved employee of its decision on whether to accept a case for review, and shall inform the complainant, the affected employee(s) and EPEA if an affected employee is an EPEA-represented employee, of its conclusions on the case.

Civilian Review Board Review of Closed Cases

1. Community members, upon receiving the disposition of a complaint previously lodged with the auditor's office, may request that the Civilian Review Board review the complaint investigation and adjudication decision for a determination whether it was handled fairly and with due diligence. The auditor may also recommend the Civilian Review Board review a closed case

that was not previously identified as a community impact case. This review shall not impact the outcome of the case but the board may make recommendations concerning the investigation.

2. The purpose of the Civilian Review Board review of closed cases includes the following:
 - a. Identify deficiencies regarding the complaint system (intake and classification).
 - b. Develop recommendations for process improvements.
 - c. Make judgments about the quality of the investigation.
 - d. Make judgments about the rationale for the case disposition.
 - e. Increase transparency by the public discussion of a complaint.
3. 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.
4. All materials contained in the investigative file concerning the completed investigations of cases the Civilian Review Board selected to review will be made available to members for their confidential review.
5. The police auditor will prepare a case summary for use during the public meeting of the Civilian Review Board. This summary will strive to protect confidentiality of the complainant(s) and the police employee(s).
6. The Civilian Review Board may review a random sample of complaint intake and classification decisions by the auditor in order to ensure complaints are handled with due diligence.
7. The Civilian Review Board may review an investigation when the complainant requests that the board do so. The request by the complainant may be made in writing, by appearance at a scheduled board meeting, by e-mail, telephone or FAX.
8. The Civilian Review Board will report annually to the City Council concerning the following:
 - a. A summary of the Civilian Review Board's Activities, findings and recommendations during the preceding year;
 - b. Assessment of the performance of the police auditor consistent with section 2.233(7) of the ordinance.
 - c. Evaluating the work of the auditor's office, including whether it is functioning as intended.

Public Comment

1. The Civilian Review Board will hold public comment period at its meetings at least quarterly.
2. The purpose of public comment will be to gather information about community concerns and about specific police actions. This information may be forwarded to the police auditor for processing and/or intake or to the Eugene Police Commission in order to review policy matters.

3. Public comment about incident specific police actions may not occur at the same meeting as the Civilian Review Board is reviewing the investigation of the incident.
4. Public comment is limited to three minutes. Generally, the speakers will be called upon in order in which to “request to speak” forms are received by staff at the meetings. No persons will be allowed to complete a request to speak form more than 15 minutes prior to the start of the meeting.

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) elow.

(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