



Management Review of the Eugene Police Department

Conducted by
The International City/County Management Association (ICMA)
and the Police Executive Research Forum (PERF)

March 2005

Acknowledgements

This report is the result of a management review of the Eugene Police Department (EPD) conducted by International City-County Management Association (ICMA) and the Police Executive Research Forum (PERF) in January 2005. A number of individuals need to be acknowledged for their efforts to bring this report to its fruition.

The ICMA team organized to conduct the assessment was lead by David Mora, an experienced city manager; Leonard Matarese, a human resource commissioner, former city manager, and former police chief; Rodney Brown, a former police chief; and Dr. Gayle Fisher-Stewart, a professor in criminal justice at the University of Maryland. The team was organized and supported by ICMA staff including Mosi Kitwana, Domestic Technical Assistance Team Leader, Roberta Lesh, Director of Police Programs, and Cory Fleming, Senior Project Manager.

The PERF team included Tony Narr, Director of PERF's Senior Management Institute for Police, and Dr. Tory Caeti, Director for Management Services for PERF.

The ICMA-PERF Review Team also wishes to acknowledge the tremendous assistance it received from Dennis Taylor, City Manager for Eugene, and Police Chief Robert Lehner and their respective staffs in organizing the review. The review team also wishes to thank the hundreds of Eugene citizens who attended focus groups, participated face-to-face interviews and telephone interviews, and provided information for the review. Their input was invaluable in developing the recommendations contained within this report.

Executive Summary

In November, 2004, the City of Eugene, Oregon, contracted with the International City/County Management Association (ICMA) and the Police Executive Research Forum (PERF) to assess police-community relations, governance, and the internal management practices of the Eugene Police Department (EPD). The purpose of the assessment is to provide guidance to the city in its effort to improve how the police department relates to the community and assist the police in re-establishing trust with and in the community they serve.

The Eugene Police Department, like the entire local government of Eugene, exists to serve the community. The EPD's relationship with the community defines its success better than any other indicator or measure. The ICMA-PERF Review Team had the opportunity to interview or hear from more than 200 citizens and local government employees about the EPD, its relationship with the community, and its leadership and management. The input received from these stakeholders and the recommendations in this management review are vital to the success of the EPD and the city government.

It is a new beginning for the community and the Eugene Police Department. Out of crisis comes opportunity. The men and women of the EPD have to opportunity to create a new working relationship with those they serve, if these recommendations are implemented.

These recommendations fall in the broad categories of police-community relations, governance, and police management practices and procedures. The review team also strongly recommends that the overall transformation process represented by these recommendations be overseen by an independent consultant or facilitator from outside the Eugene city government.

Police-Community Relations

Recommendation No. 1: Develop mechanisms to access more segments of the community to determine the validity of perceptions expressed in this and other reports.

Recommendation No. 2: Develop a comprehensive information outreach and feedback program loop.

Recommendation No. 3: Determine community expectations of the police department and its role in the community, and develop policy that matches those expectations. Fully implement community policing.

Recommendation No. 4: Establish an external review board to oversee the handling of complaints coming to the attention of the Eugene Police Department. However, several qualifications must be taken into account in the establishment of such a board.

Recommendation No. 5: Consider eliminating the following statement from the police department website: “The department routinely checks the police records of the people with whom we have contact, including people who file complaints. If a Police Officer has contact with you and is aware of a warrant, he/she is legally compelled to arrest you. However, we do not want this to prevent you from giving us feedback. If you have an outstanding warrant, please clear it with the Court.”

Governance

Recommendation No. 6: The city council should develop an integrated multi-year strategic plan based on the vision and goals statement it established in May 2003.

Recommendation No. 7: Develop a strategic plan for the EPD that is aligned with the city council’s strategic plan.

Recommendation No. 8: Involve the rank-and-file in the development of the EPD’s strategic plan and related performance indicators as well as community residents and neighborhood groups.

Recommendation No. 9: Assess the actual work of the Police and Human Rights Commissions to ensure they are aligned with the policy and managerial framework for the city.

Police Management Procedures and Practices

Recommendation No. 10: Update the 2000 Hobson Report to assess current workload and capabilities.

Recommendation No. 11: Work with the Police Employees Union.

Recommendation No. 12: Work with the Human Resources (HR) Services to develop a comprehensive recruitment strategy based on current and future public safety needs that result from an on-going workload and forecast trend analysis.

Recommendation No. 13: The police department should work with Human Resource Services to adopt a year-round recruitment effort.

Recommendation No. 14: The recruitment effort should remain a police department function with support from Human Resource Services. The department's recruitment needs are not so great as to justify a team of full-time recruiters, however, it certainly does justify a formal, planned effort.

Recommendation No. 15: Recruiters should represent the best of the department. They should be a diverse mix of officers who represent both the make-up of the community, and the race, ethnicity, and gender that is under-represented within a department. They should be officers who are fit and present themselves well in the department's uniform. They should be well spoken and exude pride in themselves and the department.

Recommendation No. 16: Recruiters need appropriate tools to make a positive impression on the best potential applicants.

Recommendation No. 17: The recruitment effort must be a formal initiative with goals, incremental objectives, timetables for key events, fixed responsibility, and a budget to support activities.

Recommendation No. 18: The department should solicit recruiting assistance from every officer on the department.

Recommendation No. 19: The role and involvement of Human Resource Services in the recruitment and selection process needs to be clarified and documented so that future turf battles and disagreements are avoided.

Recommendation No. 20: The department has assigned its current role in the hiring process to a captain. This police official should be designated to oversee all recruitment and selection activities. There should be one high-level manager to establish a work plan, and ensure its activities are carried out and goals and objectives are met.

Recommendation No. 21: The passing score for the written exam for police officer should be static and not adjusted from exam to exam.

Recommendation No. 22: The review team recognizes that the prohibition of polygraph examinations in the hiring process resides at the state level. The department should work with others in the state to lobby for change in this area.

Recommendation No. 23: The personal history questionnaire completed by applicants should be submitted to the EPD rather than Human Resource Services.

Recommendation No. 24: A pool of background investigators should be established within the department.

Recommendation No. 25: Applicants disqualified at any stage of the process should be eliminated from further processing.

Recommendation No. 26: No applicant should be advanced to the psychological exam until his/her background investigation is complete.

Recommendation No. 27: The practice of advancing applicants based on their interview and role play performance against the performance of others only on that day should be discontinued.

Recommendation No. 28: As recommended in the Recruitment and Selection section of this report, there is a need to prepare a recruitment plan that specifically targets under-represented populations, specifically Hispanics and females.

Recommendation No. 29: Affirmative action (AA) plans should be considered living documents for the users and should be revisited every six months to ensure that goals are still meaningful and data on minority and female representation is updated regularly.

Recommendation No. 30: The EPD needs accurate and timely statistical data to develop recruitment and hiring plans.

Recommendation No. 31: Both Human Resource Services and the EPD should continue to assess for adverse impact in all selection processes.

Recommendation No. 32: All applicants for the position of police officer should undergo the same stringent selection process.

Recommendation No. 33: Academy staff should continue to improve the recruit training program, especially in the area of scenario-based training.

Recommendation No. 34: The department must attract its best officers to the Field Training Officer (FTO) program.

Recommendation No. 35: Academy and FTO training should contain a strong ethics component that instills the values of the department in every potential officer.

Recommendation No. 36: In-service training represents several opportunities that need to be capitalized upon by the department and publicized widely to personnel.

Recommendation No. 37: In-service training should have two tracks, compulsory and optional.

Recommendation No. 38: The department should seek leadership, management, and supervisory training opportunities to enhance and build from that training mandated by the state.

Recommendation No. 39: The department should seek the assistance of corporate, university, and professional law enforcement trainers in building their command staff and instilling leadership in their officers.

Recommendation No. 40: The placement of the crime analysis function is sufficient, however, the EPD should continue to monitor the function to ensure a strong connection is fostered with patrol, where timely receipt of crime analysis information is also vital.

Recommendation No. 41: The EPD should reorganize organizational responsibility for both the Internal Affairs (IA) and public information functions to directly report to the Office of the Chief.

Recommendation No. 42: Roll call should be better used to communicate information between the executive and line staff within the department.

Recommendation No. 43: The potential of holding periodic meetings for the chief, other city officials, the line officers, and support staff should be explored.

Recommendation No. 44: The effectiveness and quality of the command staff should be increased on a continual basis.

Recommendation No. 45: The department should utilize a watch commander at the rank of lieutenant during late night hours.

Recommendation No. 46: Sergeants need to spend more time on the street observing, supervising, and developing their subordinates.

Recommendation No. 47: Sergeants should be trained in current supervisory practices and issues prior to assuming their roles as management staff.

Recommendation No. 48: The investigation of disciplinary infractions is solely within the purview of the Eugene Police Department. In conjunction with Human Resource Services, the EPD should develop a table of offenses and penalties for minor offenses. This table would guide the investigating official's recommendations for discipline. The final authority to approve or disapprove the recommendation for discipline, if any, rests with the city manager who has administratively delegated this responsibility to the policy chief.

Recommendation No. 49: Performance evaluations must be based on validated job criteria and performance measures.

Recommendation No. 50: Evaluators must receive training in observing and recording potential behavior problems, and providing constructive feedback to address problems.

Recommendation No. 51: Every employee deserves to be regularly appraised of expectations and his/her job performance.

Recommendation No. 52: When employees are presented with his/her evaluation, the supervisor must go over all aspects of performance.

Recommendation No. 53: The department should have a fully staffed IA unit, commanded by a captain.

Recommendation No. 54: The department must remain mindful that when a complaint involves a criminal investigation, the eventual completion of an administrative (internal) investigation cannot be overlooked.

Recommendation No. 55: The intake process and coding of complaints needs to be formally established and clarified.

Recommendation No. 56: All personnel assigned to the IA function must receive comprehensive training on how to conduct internal investigations, and on the laws, rules, regulations and other nuances unique to this type of assignment.

Recommendation No. 57: The role of Human Resource Services in the internal investigation and discipline arena should be clarified for police department personnel. While department personnel are responsible for the timely and comprehensive conduct of investigations, the city is ultimately responsible.

Discussion of these recommendations follow in the body of the full report. It is important to read the entire report to fully understand how these recommendations affect the community, the city, and the police department. Time will be needed to affect and see positive change. If the City of Eugene is committed to implementing these recommended changes, trust can be re-established between the people of Eugene and the Eugene Police Department.

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I. Introduction

In November, 2004, the City of Eugene, Oregon, contracted with the International City/County Management Association (ICMA) and the Police Executive Research Forum (PERF) to conduct a management review of the Eugene Police Department (EPD). The review focused on police-community relations, governance, and the internal management practices of the EPD in response to several high profile incidents that have occurred in recent years. The most recent and controversial incident involved two officers, currently incarcerated, who were found guilty of abusing the authority of their positions by committing acts of sexual assault against women while on-duty. The combined effect of such incidents has created a crisis atmosphere within the community, and a public demand for change within the EPD.

In the *Fifth Discipline* (1994), Peter Senge notes that the Chinese use two brush strokes to write the word crisis. The first stroke stands for danger, while the other stands for opportunity. In a crisis, there is a need to be aware of danger, however, it is also important to recognize the potential for opportunity. The City of Eugene is poised on the brink of turning crisis into opportunity, of having the chance to strategically manage its future by managing change as opposed to having change and crisis manage the City of Eugene, and more specifically, the Eugene Police Department. For there is one thing that is certain, change and crisis will both continue to occur. Those communities that have positioned themselves by becoming what Senge termed learning organizations will be better able to manage change or mitigate the potential damage of crisis. It will be up to the City of Eugene to take the first step.

This report reaffirms a key finding from a 1997 PERF “Environmental Scan” of the Eugene Police Department, namely that the department is fundamentally sound. Personnel want to do the job for which they have been hired. They want to work with the community to make the city a better place to live and work. Department

personnel also acknowledge that they need and desire leadership which they feel has been lacking from city and the top executives of the police department.

However, with the hiring of a new city manager and police chief, there is optimism that change is on the horizon, and a new direction is imminent. City and department leadership must lead and lead now. To adopt a wait-and-see position will send a negative message to both the police department personnel and the city at large.

This report offers a series of recommendations and advisories to assist the City of Eugene in strategically managing its future as it relates to the provision of police services. Recommendations are presented in those cases where the ICMA-PERF Review Team agree that enough information is available to determine that a problem exists and steps need to be taken to correct it. Advisories are offered where there is not enough information to specifically state that a problem exists, however, there may be reasonable or valid perceptions among those interviewed that there is a problem. An advisory, therefore, directs the city to conduct additional research into the issue to determine whether or not the recommended change is warranted.¹

The recommendations and advisories fall into three major categories:

- Police-Community Relations
- Governance
- Police Management Procedures and Practices

¹ The information gained throughout this process has been reviewed by the review team for consistency and clarification as a whole. In instances where conflicting reports or bits of information were found, attempts have been made to verify the information through additional sources. However, since much of the information involves personal perceptions, particularly that gained from the focus groups and interviews, the report indicates wherever possible whether the information is based on perception, opinion, or fact.

II. Methodology

The ICMA-PERF Review Team conducted a management review of the Eugene Police Department (EPD) and its relationship with the residents of Eugene in January, 2005. The team designed the review to be broad in nature, encompassing several different components of the larger management question faced by EPD. ICMA, a leading organization in local government management, was responsible for writing the assessment and focused primarily on police governance and community relations in its investigations. PERF, a recognized expert in police management, addressed police operations and training. This report is the result of the combined efforts of review team, and represents an integrated approach in its recommendations to addressing the current crisis.

Assessment of Community Values, Perceptions, and Needs

ICMA embarked upon a process to assess the values, perceptions, and needs of the community as they related to police-community relations. To accomplish this, ICMA conducted focus groups and individual interviews (by phone and in person), reviewed relevant documents and the City of Eugene website, attended Police Commission and city council meetings, conducted a review of media articles and other news releases, and established a toll-free watts phone line wherein persons could call and provide comment on the process and their views on policing in the City of Eugene.

Focus Groups: Working with the city manager's office, a working list of approximately 400 stakeholders was narrowed to 150 to participate in eighteen focus groups² conducted throughout the city during January, 2005. Letters from both the city manager and ICMA were sent to the targeted group inviting them to participate.

² A total of 147 individuals participated in the focus groups. These participants included grassroots community members; members of the city council, police and human rights commissions, representatives of local government; county leaders; community organization leaders; leaders in education; business leaders; and police department rank-and-file and leadership.

The focus groups were conducted during day and evening hours to provide maximum opportunity for community members to participate. While specific questions were developed for these focus groups, participants were not limited to answering only these questions. Focus group members spoke openly and candidly about concerns they believed needed to be addressed.

Personal interviews: The review team met with the city manager, police chief, members of the police department command staff, members of the executive board of the Police Employees Union, and members of the community who did not participate in the focus groups. Views on the current situation between the police and the community were solicited as well as historical information. The interviews also focused on ways to improve the management of the police department and police-community relations.

Phone interviews: Persons coming to the attention of the review team were interviewed prior to, during, and after the January 2005 site visit to Eugene. Questions used in the focus groups provided a basis for these interviews, however, persons were free to provide any information they deemed valuable to the process. A total of 47 phone interviews were conducted.

Document review: ICMA reviewed the City of Eugene website and pulled reports and other relevant material from that site. Reviewers relied heavily on the city manager's office, which provided any and all information requested, to include prior investigative and administrative reports, information on police promotion processes, and background information on the leadership of the police department.

City Council and Police Commission meetings: During the January 2005 site visit, the review team had the opportunity to attend these meetings and gain information first-hand concerning the issues and priorities facing these two bodies.

Media and other news releases: Using the Internet, the review team was able to access numerous articles concerning police-community relations in the City of Eugene.

Toll-free watts phone line: With assistance from municipal employees during and after the site visit, the number was advertised via various media outlets. During the period when the line was operational (January 11 – 31, 2005), over 175 calls were received. Through information provided by some of the callers, it could be ascertained that the calls were from former and retired police officers, community members, and businesspersons. Some of the callers provided not only their views on policing, but also requested a follow-up call from the team. These calls were returned and additional information gained. Other callers provided their perceptions of policing and their experience (positive or negative) with members of the police department. The majority of the callers provided recommendations for improvement in police-community relations. While some of the callers provided information about themselves, others left anonymous comments.

Review of the Management of the Eugene Police Department

PERF conducted a review of the policies, procedures, and the organization of the department to assess areas of needed improvement. Specifically, PERF examined recruitment and selection procedures, training, organization and management, and Internal Affairs (IA). In the course of conducting this research, PERF staff interviewed over 60 command staff, city officials, and community members.

The review team attended meetings with the Police Commission, city attorneys, human resources (HR) personnel, city management, the police chief, all of the captains, the Internal Affairs (IA) personnel, the psychiatrist contracted for evaluation of potential hires, and several lieutenants and sergeants.

III. Background

In her "State of the City Address" (January 3, 2005), Mayor Kitty Piercy asks "...is this a perfect place?" and answers, "Perhaps not quite." Even if perfect conditions were a reality, police-community relations would be tenuous at best. One incident can send an entire community (or portions of it) into the streets demanding better police service. History has taught that ninety percent of all major civil disturbances in this country have at their epicenter the police. This does not say that the police have been the cause of these incidents or that the incidents have been the result of poor police-community relations. However, it does suggest that there is something very fragile about the relationship between the police and the community they serve, and that good police-community relations require constant monitoring and nurturing.

Unfortunately, this country has a history of poor race relations and power abuses associated with the police departments in many major cities. This history has colored the view of many on how they perceive the police and their interactions, particularly with members of minority communities. In Eugene, Mayor Piercy has indicated that her own son has had to struggle with racial profiling (State of the City Address, January 3, 2005). Incidents such as the Cortez Jordan racial profiling allegation and the Al-Nesayan trial, in 2004 and 2003 respectively, register as a strong negative in the court of public opinion. Such evidence further strengthens the resolve of those in the community who point to racial profiling as a significant problem.

Furthermore, the recent Magaña and Lara scandal raises numerous questions regarding abuse of power. Headlines like "Blow Job Cop" and articles asking "Will New Chief Clean House?," "Betrayal - How will the EPD win back women's trust?," and others citing "Missing Brass" and "Audit Criticizes Police Reviews," create public distrust of the police department. Combined with the charges of racial

profiling, the entire management of the police department has come under scrutiny. What kind of culture allows such activities to go unnoticed and unaddressed? Questions have been asked about the complaint process of the police department and whether potential complainants were turned away or shied away because of fear of retribution. Many community members are convinced that something is terribly wrong in and with the police department.

Perhaps the analogy to a “Perfect Storm” can best describe the situation that brought ICMA and PERF to Eugene’s doorstep. A combination of incidents, mis-steps, and missed opportunities required an external look at the community and the police department. The need for change would seem readily apparent, however, this is not the first attempt at change in the EPD.

Over the past 20 years, the EPD has undergone a number of changes thought by many in the department to have limited its ability to exercise the degree of control necessary to properly guide the department into the future. The first of these reported changes took place in the early 1980s when the police and fire departments were realigned within the former department of public safety for the City of Eugene. The public safety director selected at that time was a former member of the Eugene Fire Department. Many of those who recall that period suggest that the primary focus and the personal priority of the director resided with the fire department and placed the police department in a subordinate role.

A general shifting of responsibility for human resource functions from the police department to the City of Eugene’s Human Resource Services (HR) has been another significant change. Although this is not an uncommon practice, it is also not uncommon for police departments that rely heavily on external (to the police department) human resource departments to conduct their selection processes to frequently complain about having too little control over the future makeup of the

department. The balance between the interests of HR and the EPD are discussed in greater detail later in this report .

The process of internal investigations has also been subject to change. As is the case in almost all law enforcement agencies, serious misconduct of officers is the purview of the internal affairs (IA) component. The actual investigation may be conducted by officers assigned to IA, or they may be forwarded to appropriate supervisory personnel in less serious matters. The practice of assigning one police officer to investigate a complaint against another, especially when they are coworkers and potentially long-standing friends, is a deeply rooted concern. Additionally, several of the people interviewed reported that questionable behavior on the part of command staff in the department has been glossed over in the past and not subject to discipline. There is a lack of public trust in the fairness and transparency of the IA and complaint processes.

In 1997, PERF conducted an “Environmental Scan” of the EPD. The scope of this effort was to “(1) conduct an organizational assessment to identify factors contributing to various organizational issues in the Police Services Division; and (2) develop an action plan to respond to the issues.” A number of findings arose as the result of that study for which recommendations were provided. Among the findings stemming from that report are:

- The perceptions of those interviewed were not always rooted in reality.
- The Eugene Police Department has a fundamentally sound police force that conducts day-to-day police work in a professional manner.
- Concerns were expressed about the overall direction of the EPD and how it handles extraordinary police-community encounters.
- Most opinions and feelings expressed about the police department were critical, however, there were also positive feelings/comments expressed.

- Advocates of the homeless criticized the police department.
- City homeowners and business owners have criticized the police for being too passive with the homeless.
- Community friction over what Eugene should be, and what it should become, creates a difficult policing context. The police are charged with both refereeing between competing interests and with enforcing the laws.
- A few vocal community members control of, rather than have input in, police department issues.
- Both the department and the community have struggled to figure out just what community policing in Eugene is. There has not been a complete commitment to community policing, however, the community has been promised a level of community policing the EPD cannot provide.
- Community policing needs to have a well-defined outcome focus.
- The Eugene Police Department lacks direction.
- In terms of community policing, the EPD had never formally or informally described the department's direction.
- Few in the EPD could cite the city's strategic plan or the police department's role in the city's plan.
- Both internal and external communications was a problem.
- The EPD failed to establish a method for consistently and effectively conveying or interpreting significant departmental information.
- There is a need for clear supervision, fair discipline, and appropriate recognition.
- Most of the officers reported little or no contact with their lieutenants.
- Day-shift officers reported minimal street-level supervisory presence.
- Sergeants expressed concern over the lack of supervisory discretion to resolve minor or trivial complaints without resorting to official internal investigations.

Other concerns regarding compensation, recruiting and retention, and promotional processes were also addressed in the 1997 report. Many of the findings from that earlier report echo those that have been included in this current review.

Since that time, the EPD has taken some proactive steps to address community concerns, particularly the charge of racial profiling. In 2003, the department commissioned a study which found that there were differences in the rates at which racial/ethnic groups were stopped, the reason for the stop, the district of the stop, stop results, duration of the stop, whether or not a search was conducted, and differences between racial/ethnic groups in terms of search success. However, the report takes care to point out that these differences may not necessarily indicate racial profiling.

“Whether or not these differences indicate that racial profiling is occurring in Eugene, Oregon, is not a question that can be answered by this (sic) data. Each of the differences discussed.... could be the result of a multitude of factors. While this research cannot provide definitive answers to the racial profiling question, the results can serve as a resource to inform current and future discussions, debates, and public policy on racial profiling and related issues.....Finally, these results provide an opportunity for divergent perspectives to find common ground. The racial profiling debate has divided the Eugene community and the Eugene Police Department for years, and these results provide a shared resource from which all sides can work together to understand, interpret, and creative effective policy changes for the future.”³

The Police Commission and the Human Rights Commission have been assessing community values and critiquing the activities, programs, practices, and policies of the police department. A break-away group, *Citizens United for Better Policing*, was formed after the Cortez Jordan incident, and is taking an active role in pushing for policy changes. There have been calls for an external review board to oversee the handling of complaints filed against members of the police department.

³ See <http://www.ci.eugene.or.us/police/RACIAPROF/VehicleDataReprt1.pdf> (September 20, 2004)

This very public scrutiny has had a profound impact on the morale of the police department, which has suffered tremendously. Some officers have demonstrated timidity and become circumspect in their actions with members of the community. As the review team heard from some officers, "If a minority is pulled over on a traffic stop, no action is taken," for fear of being the subject of a complaint. The police department, to some extent, has been rendered ineffective, paralyzed by the fear of being second-guessed.

The cumulative effect is a community in crisis with respect to public safety and security. The City of Eugene and the EPD face an enormous challenge in turning around the current situation. The recommendations contained in this current report are comprehensive and far-reaching. Implementation will require a long-term commitment to change in order to rebuild public trust in the EPD. And while considerable attention needs to be devoted to establishing better relations with the greater Eugene community, the police force itself must also be given leadership, clear direction, and support. The problems Eugene faces are not simply a matter of better public relations. The police have an obligation to make sure their actions and activities do not provide the ammunition that can be used against them. Without internal changes within the EPD, the external relations with the greater Eugene community are unlikely to change.

IV. Issues

Prior to presenting findings and recommendations, the review team wishes to present some key issues and themes that emerged during the course of their review. These themes serve as a foundation for the findings and recommendations that follow in Section V.

Issue No. 1: The Eugene Police Department is fundamentally a sound department, and the men and women of the department are committed to providing quality service to the residents, visitors, and businesspersons of the City of Eugene. They want to improve the image of the police department in the community. As with any organization, there is a small percentage of employees who fail to adhere to the values of that organization and the Eugene Police Department is no different. The leadership of the Eugene Police Department must capitalize on this commitment.

Issue No. 2: There exists in the community misinformation, lack of information, distortion of factual information, rumors and innuendos, and prejudicial information that can and does distort fact. The review team provides recommendations that will reduce the potential for misinformation to spread and cause additional conflict in the community.

Issue No. 3: There exists polarity in the range of perceptions offered by the community and police personnel about the role of the city council, city manager, and police leadership. As one focus group participant indicated, "There is no gray or middle ground in Eugene. We deal in extremes." As the mayor indicated in her State of the City Address, "We take on all major (and minor) issues with a certain amount of zeal." The review team believes that this polarization causes additional division in the community. Better communication strategies recommended by the review team will lessen the divide.

Issue No. 4: Past (and some believe current) lack of direction by the city council, city manager, and the police chief have created an environment where police personnel believe that they have little or no support from the city or police leadership, and are unsure of expectations. The review team provides specific recommendations that will enhance the governance of the police department to provide the direction needed by police department personnel.

Issue No. 5: Police line personnel believe that there are separate systems of justice for them and the police leadership. Recommendations concerning the tightening of the investigatory and disciplinary processes will lessen this perception to some degree.

Issue No. 6: Lack of Eugene Police Department leadership and supervision combined with flawed selection and IA processes created an environment where Magaña and Lara could thrive and go undetected. Recommendations for improvements in leadership, selection, and IA processes will improve the organizational environment so that activities such as these will either be prevented or at least not go unnoticed.

Issue No. 7: Some in the management ranks do not believe their skills are being utilized or that they have the support of those in leadership above them. The review team provides recommendations concerning improving the police organizational environment which will better utilize the skills of personnel which will be invaluable to police department executives.

Issue No. 8: Some police personnel believe they are receiving mixed messages about the police department's relationship with the community from some in the EPD leadership structure. Some police personnel indicated that they have been told that they do not have to attend community meetings and will not be required to do so.

This belief negatively affects the implementation and institutionalization of community policing. Specific recommendations concerning community policing will eliminate this perception.

Issue No. 9: Due to the Eugene Police Department's handling of certain incidents, race has become one lens through which police-community relations are viewed. Other lens include a SWAT mentality on the part of street officers, lack of access to the police and follow-through, isolationism and separatism, and general distrust due to Magaña and Lara. Recommendations concerning improved communications, better police practices, training, evaluation, and discipline will reduce the potential for perceptions to negatively affect how the police and their relationship with the community are viewed.

V. Recommendations

As noted earlier, this report contains a series of far-reaching recommendations and advisories that fall into three broad categories:

- Police-Community Relations
- Governance
- Police Management Procedures and Practices

These recommendations and advisories have been numbered for discussion purposes. This numbering system, however, in no way reflects any assigned order of priority or level of importance. In addition to these specific findings and recommendations, the review team offers one general recommendation concerning the overall management of this change process.

The review team strongly recommends the City of Eugene contract this effort to someone from outside the city whose sole job is to oversee this transformation process. Implementation of the recommendations provided in this report will take time and focused commitment. As Police Chief Lehner has indicated on several occasions, this process could well take over a year and up to eighteen months. While the review team has provided specific recommendations and advisories, implementation will require the development of action plans and other strategies involving numerous stakeholders. Overseeing this process will be time-consuming and protracted.

As is often stated, "It is difficult to be a prophet in one's own land." Someone from inside the city governmental structure, particularly a current employee, would most probably encounter difficulty holding the city accountable for moving along this change continuum. The other difficulty of having someone inside the local government oversee this process is the potential of having his/her job or promotion opportunities affected negatively should there be conflict concerning movement in the process and challenging the leadership.

Finally, this process requires continued information gathering and validation as well as monitoring and evaluation of activities in this process. Having someone inside the city take on these responsibilities would likely create a very tenuous relationship for an employee who might need to point out deficiencies to those higher in the leadership structure.

Police-Community Relations

The community is a vital component in the success of any police department. Effective police-community relations not only enhance the ability of the police to serve and protect, but also creates a safety net for police officers. Police work is safer when the community views the police as part of the community as opposed to apart from the community.

Recommendation No. 1: Develop mechanisms to access more segments of the community to determine the validity of perceptions expressed in this and other reports.

Discussion: Community input is vital to the success of the EPD, consequently, it is important that all segments of the community are heard. During the focus groups, the review team had an opportunity to hear about unrepresented segments of the community (for example, the homeless and minority group members). The EPD and the city must make a pro-active effort to ensure under-represented segments of the community are engaged in addressing public safety concerns.

The mayor has made several proposals for 2005 aimed at improving public processes and communications that would provide a way to hear from those who may feel disenfranchised from the political process. The first is “Mayor

One-on-Ones.” Mayor Piercy has stated she intends to take these meetings out to the neighborhoods to create more opportunity to hear from residents across Eugene. This is an excellent way to hear first-hand the concerns of those whose voices have traditionally been unheard. The review team supports this effort and recommends that the mayor also work with the neighborhood and business associations in the city to reach all levels of the community.

The Police Commission has proven itself capable of gathering concerns and input from the various segments of the community. Capitalizing on their ability to set up forums and other mechanisms to solicit input would assist in the determination of fact from non-fact and perceptions. The review team recommends that the Police Commission and the mayor work together in this effort.

Recommendation No. 2: Develop a comprehensive information outreach and feedback program loop.

Discussion: As stated in Issue No. 2, misinformation exists in the community and the police department. This misinformation, coupled with personal perceptions, have created a situation where many residents of Eugene hold a view of the EPD that is not fully informed by facts and further perpetuates misinformation and miscommunication.

As the mayor has indicated, better communication tools must be developed. Movement with all deliberate speed must be taken to “improve the ways the City communicates and hears from its citizens through strengthening neighborhood organizations, newsletters, better web tools, and improved hearings and council meetings” (2005 State of the City Address).

Another possible mechanism is the development of a public information and marketing officer for the city whose task is to ensure that timely and correct information is disseminated through the various media available to the city, e.g., the cable TV channel. This position would also work with the police department to promote its activities and personnel. Rumor and innuendo control would be a major task of this person, working with the neighborhood and business associations to ensure that correct information is disseminated throughout the community.

Such a position working together with the city manager and the police chief can help ensure transparency by the city and the EPD. The review team, through its interviews with city leadership and focus groups with residents from across Eugene, heard a consistent demand for transparency in operations.

Recommendation No. 3: Determine community expectations of the police department and its role in the community, and develop policy that matches those expectations. Fully implement community policing.

Discussion: Community policing must be tailored to the needs of the community. However, part of this process is to ensure that the community and the police have a common understanding about what community policing is and, more importantly, what it is not. It is also incumbent upon both the leadership of the city and the police department to be forthcoming with what can and cannot be done. In several documents reviewed, residents have expressed a preference for foot and bike patrols. Are these strategies viable based on a needs assessment for the City of Eugene? If these strategies are not viable based on an evidence-based policing analysis, then the

community must be provided the rationale for not implementing foot and bike patrols (or other strategies). Key to effective community policing is the definition and management of expectations for the city, the police department, and the community.

Recommendation No. 4: Establish an external review board to oversee the handling of complaints coming to the attention of the Eugene Police Department. However, several qualifications must be taken into account in the establishment of such a board.

Discussion: City leadership, community members, and members of the police department, including members of the executive board of the Police Employees Union, have expressed the desire for an external review board to oversee the processing of complaints filed against members of the police department.

In a recent news article, the police chief indicated that he supports the establishment of such a board, and the Police Commission has been researching different types of successful civilian complaint processes. While the review team has reservations about the establishment of a review board, it will not recommend against this seemingly wide-spread desire.

However, the review team does caution against the creation of another bureaucratic layer overseeing the activities of the police department. Further, if an external review board is established, it must have the necessary funding and staffing to make it an effective tool. There have been too many instances across the country where review boards have lost their effectiveness and the support of the community because of lack of staffing and funding that resulted in backlogs in the investigative process.

The city should give serious consideration to whether the Police Commission should be transformed into, or assume the responsibility of, an external review board. The review team acknowledges that should it be decided that the Police Commission is capable of taking on this role, it would necessitate a change in the ordinance that established the commission and that the make-up of the commission may need to be reconsidered.

Whatever the decision, the review board must act and be viewed as an effective tool in the improvement of police-community relations as opposed to an obstacle that furthers complicates the complaint investigative process and leaves officers in a state of limbo during the complaint investigation process. In doing so, it is also imperative that the specific rules and responsibilities of the existing Police and Human Rights Commissions be defined to assure that there is a single commission or review board responsible without referral or appeal to another commission or advisory body for the city council.

Recommendation No. 5: Consider eliminating the following statement from the police department website⁴: “The department routinely checks the police records of the people with whom we have contact, including people who file complaints. If a Police Officer has contact with you and is aware of a warrant, he/she is legally compelled to arrest you. However, we do not want this to prevent you from giving us feedback. If you have an outstanding warrant, please clear it with the Court.”

Discussion: While the review team understands that this is an attempt to be transparent, given the current climate where there are real or perceived

⁴ See http://www.ci.eugene.or.us/police/Int_Affairs/aic.htm

instances of some police officers engaging in retaliation against persons who have filed complaints, this statement can be interpreted incorrectly.

The EPD, as does any police department, has the right and obligation to check the wanted status of those with whom it comes in contact and would be remiss in not doing so. How this fact is communicated must be carefully weighed though, so that it does not discourage residents from working with the police to make the community safe.

Governance

The successful governance and management of a city operating with a council-manager form of government is based on a recognized partnership between the city and the city manager. This partnership, established in the city charter, provides the policy and managerial leadership framework for the local government.

Members of the city council are the elected representatives of the people of Eugene, charged in the city charter with setting policy for the city. Committees, commissions, and boards are established by the council to provide advice and guidance in establishing city policy. The city manager is the chief administrative officer of the city, responsible for implementing policy and managing the daily operations and affairs of the city. If the city council provides clear and consistent leadership in setting policy direction, and the city manager leads the implementation of that policy, the result will be effective government.

Policy Guidance to Strategic Plan

In May, 2003, the Eugene City Council established a vision and goals statement for the city.

2003-2004 Vision and Goals Statements

Eugene is a regional center for education, culture and commerce, and a comfortable, attractive and affordable place to live and work. We value the variety of our safe, livable neighborhoods and the beauty of our landscapes. We respect the perspectives and lifestyles of our active and diverse citizenry. We strive to provide sound, open government and to deliver effective, efficient services.

■ *Safe Community*

A safe community where people feel secure and respected

■ *Sustainable Community Development*

A community that retains a high quality of life and a healthy economy, effectively links land use and transportation planning, and successfully manages growth and change in the urban environment

■ *Healthy Natural and Built Environment*

A community that conserves and enhances the natural environment and provides an attractive and healthy place to live

■ *Accessible and Thriving Culture and Recreation*

A community that offers a wide variety of opportunities for positive cultural, recreational and educational development for all

■ *Effective, Accountable Municipal Government*

A local government that works openly and respectfully with and for everyone in the community

■ *Fair, Stable and Adequate Financial Resources*

A local government whose ongoing financial resources are based on a fair and equitable system of taxation and other revenue sources and are adequate to maintain and deliver municipal services

The vision statement and goals are comprehensive and provide general guidance for the city, representing all the values of Eugene’s community life, including safety, sustainability, accountability, and equity. In order to provide a more practical and useful context for the vision statement and goals, the city should develop an integrated multi-year strategic plan that defines the specific programs and services the city will support to achieve its goals. A multi-year strategic plan helps provide continuity for all the city’s high priority initiatives and establishes a timetable for their implementation. The strategic plan compliments the annual budget process which typically aligns citizen demand for services with the programs and activities of city departments. Together, the two documents serve a policy statement for the city.

Recommendation No. 6: The city council should develop an integrated multi-year strategic plan based on the vision and goals statement it established in May 2003.

Discussion: During the focus groups and interviews, the review team heard that there was a lack of leadership on the part of the mayor and city council. Since these comments came after the electoral process, it can be assumed that past lack of performance has been an issue. The team also heard that some members of the city council believed that they lacked the power to direct or set policy for the police department. This suggests there may be a need for a more in-depth understanding of the roles of city council members and the city manager. If such a need does exist, the strategic planning process may be used to help address it.

The strategic planning process should specifically include an assessment of Eugene's current policies on public safety (policing) and human rights, and deliver a set of prioritized policy goals for the police department. Further, the review team recommends that the city council, city manager, and police chief seek the assistance of a professional facilitator to oversee early rounds of these discussions.

EPD Strategic Plan

Strategic plans assist agencies in anticipating and focusing on possibilities, while also learning that it is wise and important to eliminate choices that do not propel them to a better future.

Recommendation No. 7: Develop a strategic plan for the EPD that is aligned with the city council's strategic plan .

Recommendation No. 8: Involve the rank-and-file in the development of the EPD's strategic plan and related performance indicators as well as community residents and neighborhood groups.

Discussion: Information provided by the city indicates that no strategic plan exists for the EPD. The police department is in the process of developing a plan for the upcoming budget cycle, however, a current plan does not exist.

Strategic planning is critically important for managing the day-to-day operations of a department and responding to crises of any kind. A strategic plan establishes the department's priorities, and serves a reference and guide when the unexpected happens. To be truly effective, department leadership must consider from the outset how the plan will be used as well as how employees fit into it. The strategic plan should provide attainable goals and ways to meet these goals. It should also include performance measures by which progress can be assessed. Ultimately, a strategic plan should enable the agency to determine if it is moving in the right direction.

Policy and Managerial Leadership

As part of its policy leadership role, the city council established the Police Commission. Its mission is "to recommend to the City Council, the City Manager, the Police Department, and the people, the resources, preferred policing alternatives, policies, and citizens' responsibilities needed to achieve a safe community..." The review team considers the work of the Police Commission to be important, but its scope is rather extraordinary, spanning across the city council, the city manager, the police department, and the residents of Eugene. This broad scope may contribute to the perceived ambiguity in EPD and city leadership.

Likewise, the Human Rights Commission seeks to insure no Eugene citizen becomes a victim of discrimination. The commission's role and responsibilities in investigating the possibility of racial profiling by the EPD should be better defined.

Recommendation No. 9: Assess the actual work of the Police and Human Rights Commissions to ensure they are aligned with the policy and managerial framework for the city.

Discussion: The Police and Human Rights Commissions serve in an advisory capacity to the city, providing feedback and suggestions to the city council, the city manager, and in the case of the Police Commission, to the police chief. Perhaps due to the lack of direction within the police department, the Police Commission, in particular, has filled a void in terms of providing input on policy and directive promulgation for the police department. Remembering that perceptions have become reality for some in the community and the police department, it appears to some that the chief of police answers to the Police Commission.

It is critically important that both commissions fully understand their advisory nature, and that the city manager and the police chief develop clear processes for considering the advisory recommendations of the commissions.

A previous recommendation concerning the Police Commission is re-visited here, namely that the city council give serious consideration to transforming the Police Commission into an external review board or having it assume the responsibilities of such a board.

If a separate external review board is established, the roles and responsibilities of the new board as well as the Police and Human Rights Commissions must be clearly defined to assure no blurring of roles and responsibilities.

Police Management Practices and Procedures

One of the primary responsibilities of management is to anticipate the future – to decide what is to be done, how it may best be done, and what resources will be needed to do it. The recruitment, selection, training, development (including discipline), and retention of police officers are critical to any police department. A police department is only as good as the aggregate of its membership, and in some cases, only as strong as its weakest or least professional officers. The following recommendations deal with these issues.

Workforce Allocation

In 2000, the EPD commissioned a report to assess the line officer staffing and deployment needs for the department. Known informally as the Hobson Report, the report established a baseline for determining an appropriate workforce allocation for the department.

Recommendation No. 10: Update the 2000 Hobson Report to assess current workload and capabilities.

Discussion: No member of the review team has yet to meet with police department leadership who did not indicate that the department was understaffed. The Eugene Police Department is no different. However, determining whether problems are the result of understaffing or the inefficient use of human resources is the first step in determining an appropriate number for authorized strength.

In reviewing the Hobson Report, the review team finds that the researcher calculated the percentage of time the officers were non-committed (and found it unacceptable) rather than first determining what the actual need was in terms of personnel hours to handle the existing workload. There are other missed opportunities in the report that could have provided the police department a firmer basis upon which to make decisions concerning needed strength. One recommendation noted, which has been implemented in the department, is that alternatives to traditional handling of calls for service be considered.

The leadership of the Eugene Police Department should engage the services of a consultant skilled in workload and job-task analysis to determine if there are an adequate number of police personnel to accomplish the mission and objectives of the department and whether or not personnel are used as efficiently and effectively as possible.

Recommendation No. 11: Work with the Police Employees Union.

Discussion: If one reads the news accounts, it is easy to believe that the union has been and continues to be a stumbling block to meaningful change in the police department. Traditionally, unions have been treated as if they were external to the police department as opposed to being a part of the police department. Historically, union-management relations have been contentious, acrimonious, and adversarial, creating an us-versus-them mentality within the police family.

However, the leadership of the Eugene Police Department has the opportunity to work in partnership with the Police Employees Union to

improve relations not only with the community, but also within the department. During discussions with the executive board of the union, the review team was pleasantly surprised with the union's assertion that they would welcome an external review board; that they wanted to improve the quality of policing in Eugene; and that they were tired being negatively viewed by the community. The union wants change and wants it now.

When focus group members and other interviewees were asked if they would be surprised to hear that the union supported the external review board, they indicated their disbelief that this was possible. This is clearly a case of the right and left hands wanting the same thing, however, neither knows about the other. It is time to meet with the union to find areas of agreement and to work collectively toward meaningful change.

Recruitment and Selection

Acknowledging that any police department should select only those who are qualified and capable, administrators should embrace a philosophy which ensures that only qualified personnel are selected. Personnel systems should be designed to screen in applicants as opposed to screening out applicants. Personnel systems that screen out applicants attempt to identify those who are unqualified and remove them from consideration. Once this is accomplished, employees are selected from the remaining applicant pool. Some have observed that in this process, "survivors are not necessarily the 'cream of the crop.' They merely represent applicants the agency has found no reason to reject" (Doerner and Nowell, 1999:343). On the other hand, screening in applicants refers to the process whereby organizational goals, values, and tasks are clearly articulated, and procedures are employed to identify the best qualified applicants. Selections are made from this more restricted pool. The difference between the two philosophies is that the former selects applicants from a pool of minimally qualified and the latter selects applicants from a pool of highly

qualified applicants. Therefore, when a police department adopts a policy of screening in applicants, it will select the best qualified for the department. Recruitment and selection must be part of the strategic planning process.

In the City of Eugene, entry-level police officer positions are not continuously open. Rather, when the police department is granted authority to fill vacant or newly allocated positions, they are posted by Human Resource Services. Since actual hiring authority rests with the police department, HR representatives feel theirs is a consulting role. At the request of Human Resource Services, the police patrol captain assigns two sergeants to recruitment responsibilities on a part-time basis. However, because police involvement is typically rotational and veterans to the process are frequently transferred or promoted, those selected to participate are often inexperienced. Therefore, it is HR department personnel who bring consistency to the process.

In advance of each hiring cycle, Human Resource Services develops a list of tasks which focuses largely on where recruitment activities should take place. Historically, the list includes minority law enforcement officer associations; local newspapers, minority-interest publications, and websites where advertisements can be placed; and area colleges and universities. These part-time recruiters make contacts with criminal justice department heads to schedule opportunities to address classes.

Brochures about the police officer positions are available, and there is some public service announcement time provided by local broadcasters. Unfortunately, typical tools and training vital to attract high-quality applicants are not available to recruiters. Put simply, aggressive recruitment does not take place. At best, the public is notified that positions exist and that applications are being accepted, but only for a limited time.

Recommendation No. 12: Work with Human Resources (HR) Services to develop a comprehensive recruitment strategy based on current and future pipeline needs that result from an on-going workload and forecast trend analysis.

Recommendation No. 13: The police department should work with Human Resource Services to adopt a year-round recruitment effort.

Discussion: The current thinking that recruitment and application acceptance should be limited to periods when hiring is imminent may preclude the best applicants. Though some applicants will wait for an opportunity to apply, many others will be lost because there is a mismatch between their time of interest and availability and the police department's outreach efforts.

Understandably, the EPD cannot hire when vacancies do not exist, however, Human Resource Services reports that between ten to twenty positions need to be filled each year. Except in those instances when budget cutbacks are known and there have been directives that vacancies will not be filled, the department should anticipate filling positions lost to attrition. This alone justifies ongoing recruitment and application acceptance. Moreover, maintaining a rolling selection process helps to eliminate the necessity to conduct background investigations and psychological exams concurrently.

Recommendation No. 14: The recruitment effort should remain a police department function with support from Human Resource Services. The department's recruitment needs are not so great as to justify a team of full-time recruiters, however, it certainly does justify a formal, planned effort.

Discussion: Recruiting duties can be performed collaterally by officers with other assignments, however, a supervised recruitment team of well informed, trained, and equipped officers should be available to meet the department's recruitment needs.

Recommendation No. 15: Recruiters should represent the best of the department. They should be a diverse mix of officers who represent both the make-up of the community, and the race, ethnicity, and gender that is under-represented within a department. They should be officers who are fit and present themselves well in the department's uniform. They should be well spoken and exude pride in themselves and the department.

Discussion: As the department's salespeople, recruiters need to be extremely familiar with the benefits of the profession and the department. They should be prepared to make a case for joining this profession – and this department – over others. That means not only knowing everything about employment with the Eugene Police Department, but also how it beats the competition – whether in salary, benefits, working conditions, and promotional and assignment opportunities.

Recommendation No. 16: Recruiters need appropriate tools to make a positive impression on the best potential applicants.

Discussion: Recruiters need more than brochures. They need an attractive display board to present positive images and information about the department. A professional videotape depicting the favorable aspects of the department and the city help attract applicants to the department's display at job fairs. It could also be shown at colleges and to prospective applicants. Recruiters should have access to a new, well-outfitted vehicle to be used at

recruitment opportunities. Attractive office space should be made available for recruiters to meet with prospective applicants. It is difficult to convince impressionable young persons to commit themselves to a decades-long career with the department when the recruitment effort is half-hearted, or the image of the department, its facilities, equipment, and its members is poor.

Recommendation No. 17: The recruitment effort must be a formal initiative with goals, incremental objectives, timetables for key events, fixed responsibility, and a budget to support activities.

Discussion: Unless there is a strategy and work plan to reach a desired goal (e.g., a sufficient and diverse pool of well-qualified applicants) and accountability for outcomes, little success should be anticipated. Again, this process must be tied to the strategic planning process.

Recommendation No. 18: The department should solicit recruiting assistance from every officer on the department.

Discussion: Officers on the street and throughout the department are an untapped recruitment resource. They know the attributes and qualities that are needed to make a good officer. Many departments have found that enlisting the help of current officers can be a great recruiting tool. They meet potential applicants in their everyday contacts. They should be encouraged to recruit by passing out brochures and encouraging persons they think would make good officers to contact a recruiter. Some departments have even offered incentives, such as a day off, to an officer who recruits an applicant ultimately accepted into the academy.

Selection

The selection process is largely administered by Human Resource Services. They manage every step of the process, and schedule applicants to appear at the various steps. Human Resource Services plays a legitimate role in seeking to provide consistency in hiring policy and procedure among the various city agencies. Their review also helps ensure compliance with legal requirements. However, some members of the police department feel Human Resource Services drives the entire process and makes poor decisions regarding hiring practices. In one documented example, an HR memo declares that drug addiction is a protected class under the Americans with Disabilities Act. Such is not the case. This memo and comments regarding the quality of the involvement of Human Resource Services have led to mistrust and miscommunication between HR and the EPD. Clearly, additional training regarding current legal issues in hiring police officers is needed for both the EPD and Human Resource Services.

More importantly, the relationship between HR and the EPD needs to be clarified. This is especially true in the case of ethnically diverse candidates. Many feel Human Resource Services exerts inappropriate pressure on the police department to hire minority candidates over better qualified candidates. In several interviews with department personnel, the issue of undue influence over the process by Human Resource Services was a consistent theme. Undoubtedly, the fact that Human Resource Services exerts influence over the process is a source of strain between HR and the EPD.

Recommendation No. 19: The role and involvement of Human Resource Services in the recruitment and selection process needs to be clarified and documented so that future turf battles and disagreements are avoided.

Discussion: The selection and hiring of all city personnel is the responsibility of Human Resource Services, while the responsibility for management of those hired rests with the police department. The quality and integrity of new hires is a key factor in determining the future of the department. The police department should be actively involved in making these decisions. Clearly, support from Human Resource Services in administering the process is essential, and Human Resource Services and the EPD should work together to establish all recruitment and hiring goals.

Recommendation No. 20: The department has assigned its current role in the hiring process to a captain. This police official should be designated to oversee all recruitment and selection activities. There should be one high-level manager to establish a work plan and ensure its activities are carried out, and goals and objectives are met.

Discussion: This should be a long-term assignment and not rotated among staff. Especially if the department enhances its recruitment effort and assumes a greater role in the selection process, it will need a commander with the expertise gained over time.

Recommendation No. 21: The passing score for the written exam for police officer should be static and not adjusted from exam to exam.

Discussion: The minimum passing score should be the lowest level of accomplishment deemed acceptable to demonstrate the applicant will likely be successful in the position of police officer. If this score is adjusted from one test administration to the next, it demonstrates no potential to predict successful performance. It simply rank orders those who took the test. Moreover, it leaves the city open to litigation by an applicant who failed his

test with a higher score than was required to pass in another test administration. Validation of this score is key to its defense should an applicant complain about his/her rejection.

Recommendation No. 22: The review team recognizes that the prohibition of polygraph examinations in the hiring process resides at the state level. The department should work with others in the state to lobby for change in this area.

Discussion: The unavailability of this vital tool has most certainly led to the hiring of problem police officers, some having committed serious crimes. Hiring authorities need every tool possible to ensure that police officers are fully suitable for the job.

Recommendation No. 23: The personal history questionnaire completed by applicants should be submitted to the EPD rather than Human Resource Services.

Discussion: Once completed, these forms represent the basis for a background investigation and should be screened by the police department. Trained background investigators, accountable via a chain of command to a sworn police manager responsible for recruitment and selection, should be responsible for making recommendations regarding disqualifying information contained in the questionnaire or uncovered in the investigation. However, the applications remain the property of Human Resource Services.

Recommendation No. 24: A pool of background investigators should be established within the department.

Discussion: Background investigations are unlike criminal investigations. The department currently ensures all those who will be conducting background investigations are properly trained, however, the assignment is too often rotated from year to year. An effort should be made to utilize the same members when possible to build experience in a core group of background investigators.

Recommendation No. 25: Applicants disqualified at any stage of the process should be eliminated from further processing.

Discussion: The current practice of keeping applicants in the selection process after disqualifying information has been uncovered is unnecessarily costly and bogs down the process. Moreover, it is unfair to the applicant who may let other job opportunities go by while waiting for a police officer position that will not be forthcoming.

Recommendation No. 26: No applicant should be advanced to the psychological exam until his/her background investigation is complete.

Discussion: The full value of the psychological exam is missed when the psychologist cannot refer to information learned about the applicant. Vital areas for follow-up may be overlooked.

Recommendation No. 27: The practice of advancing applicants based on their interview and role play performance against the performance of others only on that day should be discontinued.

Discussion: Applicants should be scored and compared to all others undergoing the process, not just those interviewed on the same day.

Allowing adjustments to be made at the end of the process may offset some concern, but it does not ensure fairness. Again, this process must be validated if it is going to be used.

Minority/Female Recruitment and Hiring

As in most cities and police agencies, there is a strong and appropriate desire to have the department's personnel make-up mirror that of the community it serves. Rarely is this an easy task. Most often there is a shortage of minority applicants. When the applicant pool is under-represented, the list of those hired will demonstrate a similar under-representation.

The solution is difficult and multi-faceted. First, there is a need to determine why, if there is a significant pool of minorities in the community, they are not applying for the position of police officer. Once that answer is determined and the reason for not applying is one that can be overcome with a directed recruitment strategy, every effort must be made to create a well-balanced police force. A well-constructed and validated selection process is the best hope a balanced police force.

In response to the review team's request for current equal employment opportunity (EEO) data, which depicts the police department's minority representation, Human Resource Services provided the most recent affirmative action (AA) plan. Prepared in 2002, the AA plan includes goals, an account of progress, current (2002) statistics, a work plan and timeline, and a recruiting strategy. Written two to three years ago and using June 2002 gender and ethnicity data for the department, it has limited applicability today. Agency-wide, the department consisted of 42.7 percent female employees (sworn and civilian) and 13 percent employees of color in 2002. When examining the Protective Service Class (police officer positions), 13.2 percent (21 of 159) were female and 16.4 percent (26 of 159) were minorities. The most recent 2004 EEO report for the EPD shows some improvement. Females made up 14.2 percent

(24 of 169) of the Protective Service Class and 16.6 percent (28 of 169) were minorities. When compared to city demographic information, it is evident that the department is under represented in few job categories.

Department-wide, there is some under-representation among Hispanics and females. All other minorities are adequately represented. As is the case in almost every U.S. police department, females are under-represented when looking solely at the Protective Service Class. Again, the question that must be asked is why are women not applying to police departments in numbers representative of their participation in the labor pool. Perhaps it could be that women have more career options today. Shift work, irregular days off, and mandatory overtime may not be attractive to women who have other employment options. However, only research as part of a comprehensive recruitment and selection strategy can answer that question definitively.

Fiscal Year 2003 (FY 03) saw the hiring of twenty new officers. In FY 04, twelve were hired, and thirteen in FY 05. Of the combined forty-five hires made for those three fiscal years, thirty-four were white males, three were Asian males, five were Hispanic males, one was an American Indian male, and seven were Females. This equates to 76 percent white hires, 11 percent Hispanic hires, 7 percent Asian hires, 2 percent American Indian hires, and 16 percent female hires.

However, when seeking to compare the make-up of hires to that of applicants, only FY 04 and FY 05 data were used (FY 03 applicant data were not available).

For the past two years, the department has hired Hispanic and female applicants at rates greater than at which they apply. This clearly demonstrates a successful effort to correct the under-representation found to exist for Hispanics and females.

American Indian applicants are hired at approximately the same rate as they apply.

Asian applicants are hired at approximately 75 percent of the of their application

rate. However, none of the nine black applicants and none of the six other or unknown applicants were hired at all. No black applicant has been hired in three years for which any data were provided.

Figures were provided by Human Resource Services regarding the various components of the selection process. A review of the data for the most recent selection process demonstrate very little adverse impact. The only components reflecting adverse impact were the multiple choice segment of the written test, the physical agility test, and the interview process.

Adverse impact is deemed to exist when any group (race or gender) does not pass at 4/5th or 80 percent of the rate at which the majority group passes. Some degree of adverse impact can be demonstrated against black and female applicants taking the multiple choice test. However, only three black applicants took the test. As such, the group size is so small, no valuable inference can be drawn from the data. It is more interesting that only nine of twenty-four female applicants passed the multiple choice test.

Small group size also is an issue in the data relative to Hispanics taking the physical agility test. Two of the six Hispanic applicants taking the test failed. Only five of the nine females who took the same test passed. Four Asian/Pacific Islander applicants competed in the interview process, but only one passed that step.

Given the small group sizes, the only component of the process that justifies a review based on concern over adverse impact is the physical agility test as it relates to female applicants. However, the best defense to adverse impact is a validated selection process.

Recommendation No. 28: As recommended in the Recruitment and Selection section of this report, there is a need to prepare a recruitment plan that specifically targets under-represented populations, specifically Hispanics and females.

Discussion: Further research must be conducted to determine why women and Hispanics are not applying if their numbers are sufficient in the area labor pool.

Even though there is no under-representation of black employees, it is interesting that no applicant has been hired in at least three years. This is largely due to poor recruitment of black applicants as they do not exist in sufficient numbers in the applicant pool. Research must be conducted to determine why the three applicants failed to be hired and why blacks are not applying or why there is not a sufficient applicant pool available in the labor force.

Recommendation No. 29: Affirmative action (AA) plans should be considered living documents for the users and should be revisited every six months to ensure that goals are still meaningful and data on minority and female representation is updated regularly.

Discussion: Human Resource Services may only prepare and update AA plans every two years, but the plans and goals cannot be left to languish for two years. The EPD should be actively involved in the preparation and execution of these plans.

Recommendation No. 30: The EPD needs accurate and timely statistical data to develop recruitment and hiring plans.

Discussion: At the time of this report, basic city demographic information was not available from Human Resource Services in a consistent format. Applicant and hiring data for the EPD was provided in three different formats for three consecutive fiscal years. Human Resource Services and the EPD should work together to determine what type of information is needed and the format in which it should be submitted.

Recommendation No. 31: Both Human Resource Services and the EPD should continue to assess for adverse impact in all selection processes.

Discussion: While adverse impact should only be considered at the conclusion of selection processes, Human Resource Services and the EPD should look closely at the multiple choice portion of the written test and the physical agility test for adverse impact, particularly as it affects female applicants, to determine if the process is valid.

Community Service Officer to Police Officer Transition

Police departments are always looking for ways to supplement their workforces and implement developmental programs to assist them in this endeavor. Sometimes called Police Cadets or Public Safety Officers, the positions are civilian in nature, but can offer personnel in these positions an opportunity to advance to police officer if they meet the department requirements.

Although no longer used, the Eugene Police Department had such a program, known as the Community Service Officer (CSO). CSOs were unarmed, uniformed civilian employees assigned to the Patrol Division. CSOs provide a wide variety of services to the department and to the public, including non-emergency dispatched

call response, telephone/lobby report taking, prevention / community services, special events/major incident support, and service of subpoenas.

The selection criteria for CSOs was different than for sworn officers, and as civilian positions, fall under different personnel guidelines than police officers. The candidates were required to have a high school education, pass a situational exam, appear before a selection board for an interview, and were subjected to less rigorous background checks than those performed for police officers. They were given a psychological exam, but their suitability rating was specifically for the position of a CSO, not a police officer.

Though the program was not specifically intended to serve as a stepping stone to police officer positions, it is reasonable to expect that good quality applicants could surface. The only time this process was used, the HR function within the former unified public safety department was instrumental in identifying and advancing four individuals from their position as CSOs to police officers. At issue is the transition from CSO to police officer, which allowed for an abbreviated hiring process. The shortcut, referred to by most of the people interviewed as "fastracking," proved to be flawed in its basic design. In reviewing the files of one of the officers hired under this process, it became clear that minimum qualifications for CSO and police officer were different. Key selection process steps for CSO were significantly less demanding than those required of a police officer. The review showed that there were several items in the file which would have precluded the candidate from becoming a police officer under the current standards. The abbreviated process by which these CSOs became police officers led to the belief by many officers that the HR function within public safety was more interested in the minority status of these CSOs than their qualifications.

For example, one CSO brought onto the police department had been formerly employed with another city department. When he became a CSO, he was subjected to a background and psychological exam appropriate for the CSO position. Background information at that time suggested he was a good fit for that position. When he was considered as a candidate for police officer four months later, the degree of inquiry normally undertaken was abandoned and information that eventually became known was treated differently. Criminal history information that would normally have been considered as cause for disqualification was not because the police record had been removed, although it appears that there was knowledge of the matter. Nearly two decades later, after the officer was terminated from the department and convicted of criminal charges, the 1982 criminal information mysteriously resurfaced. There was another juvenile criminal matter from 1981 that was not considered because it had been expunged. Interestingly, the request to expunge was dated after the selection process for police officer began and the expunged document consisted of a handwritten white label dated within a month of the hiring of the person. Additionally, the officer was accepted into the academy without an additional psychological screening (as confirmed by the psychiatrist) or background check (absent from the file). An interview with the psychiatrist employed by the city of Eugene indicated that an additional screening should have been conducted for the armed position.

Recent interviews were conducted with some of those who were involved in the 1985 process. They recall being concerned about applicant quality, however, there was considerable pressure key individuals involved in the process to take advantage of the opportunity to hire minority applicants. Unfortunately, the problems with these hiring processes linger in the minds of many and adds to the suspicion that the HR function within public safety may have exerted pressure to hire applicants because of their minority status rather than their suitability for the position. It should be noted that considerable speculation and misinformation exists regarding

the hiring of the officers under the “fasttracking” process. Several interviewees reported that three of the four hired under this program were no longer with the department. However, this information is disputed by higher level officials. Three of the officers hired under this process still serve successfully with the EPD. However, a great deal of misinformation and urban legend surrounding the hiring process remain, and officials should take steps to dispel it.

Recommendation No. 32: All applicants for the position of police officer should undergo the same stringent selection process.

Discussion: This should be true for any current city or police department employee applying for a police officer position.

Training

Once qualified applicants are selected, the EPD must ensure that they possess the requisite knowledge and skills to perform police work. Training is the imparting of specific and immediately usable skills and the provision of information useful for future long-term applicants. It is a process whereby officers at all levels are given the knowledge and skills to accomplish the goals and objectives of the department.

Advisory No. 1: All training curricula must be based on a training needs analysis.

Discussion: Recognizing that there is some state-mandated training, particularly at the recruit and in-service levels, training must still be based on identified training needs that support the department’s mission and objectives. A training needs analysis will assist training staff in determining what training should be received by students and why, how to determine the training effects, and how to measure whether training is successful.

Advisory No. 2: Curricula must be developed by personnel trained in curriculum development and be continually assessed for relevance.

Discussion: Curricula must be developed by those trained in taking training needs analysis data and developing effective learning strategies. Attention must be paid to the development of strategies that take into account the needs of adult learners as well as the needs of the police department.

Advisory No. 3: Academy instructors at all levels must be certified, particularly in the area of adult education. Instructors must be evaluated based on validate criteria on at least a bi-annually basis.

Discussion: Being an effective practitioner does not guarantee that one will be an effective facilitator of adult learning. It is important that instructors understand the needs of adult learners and adult learning styles.

Advisory No. 4: All training, including roll-call, academy, and external, must be recorded in secure personnel training files.

Discussion: Training records are key personnel records and as such must be maintained and secured. In times of litigation, updated training records can be the key to winning or losing a court case.

Recruit (Academy) Training

The Eugene Regional Basic Police Academy's recruit training program is current, progressive, and dynamic. In recent years, it has undergone a number of changes and adaptations to address the needs of the EPD and the recruits. The recruit academy is twenty weeks in duration. Sixteen weeks focus on state-mandated

curricula, then the classroom instruction is interrupted by four weeks of Field Training Officer (FTO) training conducted on the streets of Eugene under close supervision of experienced police officers.

At the end of the FTO segment, the recruits return to the academy for the remaining four weeks of training. In addition to typical classroom instruction on law, procedure, and tactics, time is dedicated to scenario-based training, mental preparedness, cultural awareness, and ethics. Ethics training is threaded throughout the numerous scenarios that are conducted during training. The scenarios demand that recruits demonstrate their ability to make ethical decisions. This is of particular importance in light of the negative attention drawn to the department after two of its officers were criminally charged and convicted of misconduct arising from the abuse of their positions.

A thorough review of the curriculum by the review team finds it to be typical of a comprehensive academy. The multi-agency faculty presents topics related to their assignment specialties. Early in the program there are team building exercises aimed at bringing the students together and developing a high-level of trust. The mix of classroom, scenario, and field work is well designed. The FTO period inserted at sixteen weeks allows for testing of knowledge and skills learned with critique or remediation during the last portion of training.

The training academy staff is constantly looking for ways to fine tune and improve the curriculum. To further round out the experience of recruits, there is a Community Partner Program. In the spirit of community policing, this is a practical and realistic learning activity in which an officer trainee serves Wednesday afternoons at service organizations and with criminal justice partners in the Eugene area. This allows the recruits to get a better sense of what is actually taking place in the community as well as what the community is doing for the less fortunate

members of society. It is also a means to maintain local police-community partnerships while it develops the police recruit's ability to adapt and communicate in possibly unfamiliar settings with unfamiliar people. Moreover, it introduces the value of providing community service outside their role as police officers. Partner agencies include Parole and Probation, 911 Center, Food for Lane County (an area food bank), Emergency Management System, District Attorney's Office, Department of Human Services' Child Welfare Program, Victim Services Program, and Adult Corrections.

Procedures have been established for assessing and reporting on the progress of recruits throughout their training period. These assessments are presented to the probationary review board which is comprised of senior members of the department who regularly review the progress of probationary officers. Two captains, a supervisor from each discipline, and the FTO supervisor make up the probationary review board. The board reviews the progress of each recruit before the end of the first sixteen weeks of training, and again at the conclusion of the four weeks of FTO training. The board can make recommendations on the remedial training for probationary officers who are not performing to standards or they can recommend dismissal when all other courses of action have been exhausted. In the last academy class, this process identified three recruits who were not performing to required levels. As a result, they were dismissed at an early stage of training prior to being assigned to patrol duty.

Advisory No. 5: Recruit training must be based on a training needs assessment, be validated, and experiential.

Advisory No. 6: Examinations must be tied to a results of a job-task analysis and cut-off scores must be validated as predictors of success on the job.

Advisory No. 7: Assessment of training effects must be continuous and used to refine the training curricula.

Recommendation No. 33: Academy staff should continue to improve the recruit training program, especially in the area of scenario-based training.

Discussion: The department should, from time-to-time, invest in the equipment necessary to provide meaningful scenario-based recruit and in-service training. Hands-on training gives trainees the opportunity to apply lessons and make mistakes in a controlled training environment.

Field Training Officers

Field Training Officers (FTOs) are a vital component of the department's recruit training. These are the recruit officers' link between classroom instruction and real-world application. These are the street-level instructors who teach the recruits how to use what they have learned in accordance with legal constraints, acceptable professional practice, officer safety, and the rights of others. Without this phase of training, complaints, lawsuits, and injuries could spiral out of control.

The four-week FTO period falls after the bulk of classroom training is complete. However, it precedes the final four weeks of training. This has proven to be a successful model in that it permits the recruit to experience how his/her training can be applied and then be returned for a period of debriefing, reflection, and retraining before solo street duty.

The selection of good FTOs is critical. However, there are few incentives to become a FTO. In order for an officer to qualify to become a FTO, the officer must express interest, be off probation, and successfully complete an eight-hour FTO training course. And the assignment does involve additional work. Aside from day-to-day

training and mentoring duties, the FTO is required to complete daily evaluations. As is the case in many departments, the pool of officers interested in becoming FTOs is limited.

Recommendation No. 34: The department must attract its best officers to the Field Training Officer (FTO) program.

Discussion: Some departments offer incentive programs (additional pay or time off) to encourage officers to become FTOs. However, that tends to attract those seeking the incentive more than those seeking the challenge of shaping the department's future. Incentives and recognition are admirable and can be appropriate. However, to surface the best suited officers to become FTOs, there must be departmental pride in the assignment. This requires the department to establish and recognize the FTO role as a vital and valuable position. It must also be remembered that FTOs are facilitators of adult learning and should be interested in performing that duty.

Recommendation No. 35: Academy and FTO training should contain a strong ethics component that instills the values of the department in every potential officer.

Discussion: Such a program should be highly publicized and take advantage of the positive press that would be generated by such a program. Innovative training tactics and ethical lessons should be a vital part of this training.

In-Service Training

There is not a firm commitment to in-service training within the EPD. Even when courses are scheduled, workload demands sometimes cause supervisors and commanders to deny their officers the opportunity to attend. There is a strong desire

among members to have more timely, meaningful, and effective in-service training. Supervisors who were interviewed believe that the training needs to be more operational and less focused on administrative matters. Some line officers reported that in-service training is not particularly relevant, not well delivered, and does not concentrate on core operational issues.

A review of the 2004 and 2005 in-service training curriculum finds that several of the monthly in-service programs included topics such as defensive tactics/vehicle stops, gas masks and hazardous materials, patrol procedures, terrorism, EVOG driving, use of force, and defensive tactics. Other months focused on less street-related topics, including diversity, worker's compensation issues, social security training, court liaison, and a briefing on the Police Commission. Without question, some of these topics are more interesting and more hands-on than others. It was noted that a few of monthly trainings agendas represented a mix of topics that in combination could make for a long day of lectures. But in the end, each is of importance to officers and supervisors.

Advisory No. 8: In-service training must be based on a needs analysis and all training must be evaluated over time to determine training effects.

Recommendation No. 36: In-service training represents several opportunities that need to be capitalized upon by the department and publicized widely to personnel.

Discussion: In-service training should be used to convey updates and new material to on-board officers. Second, it should meet the needs of officers wishing to expand their administrative and operational abilities. Third, it should be a way for the department to train or retrain its officers in issues that have surfaced on disciplinary matters, policy failures, citizen complaints,

officer or citizen injuries resulting from police actions, and the like. For example, after the arrest and conviction of Magaña and Lara, the EPD needs to re-emphasize its focus on ethics. The in-service program should include continual scanning for topics needed by and of interest to officers. Finally, the in-service training relating to increasing public confidence should be offered wherever possible.

Overall the department's training is a well rounded mix of training in hard skills such as emergency vehicle operations, defensive tactics, and firearms, and soft skills like leadership techniques, the FTO program, and conflict resolution. A few days consist of a series of hour-long lectures. Some of these topics could be reduced to handout material. Enhancement of the presentation and structure of training days to include both hard practical skills and soft information topics could make a big difference in how the training is received.

Recommendation No. 37: In-service training should have two tracks, compulsory and optional.

Discussion: Compulsory training must contain those skills that are essential for members to be effective at their jobs. Optional courses are of specific interest to individual officers. This includes specialty training like drug schools, investigative techniques, and fraud investigations. These often take place at external schools involving greater expenses, however, they are invaluable in preparing officers for greater responsibility and career advancement.

Leadership Training

The current standard for the state of Oregon requires that new sergeants receive forty hours of basic supervision at the police academy, supplemented by eighty more hours of approved external training within two years of promotion.

Additionally, the department regularly sends supervisors to the Northwest Management Institute's conference in Portland, Oregon, each year. Many of the sergeants and other commanders expressed a concern with the level and quality of supervisory training conducted in the past (especially with the state course).

Departmental training should include a component where the chief, city officials, and community members train new supervisors in the goals and expectations of the department and the community.

Lieutenants and captains are eligible to attend the FBI's National Academy in Quantico, Virginia, as opportunities are extended by the bureau. In 2004, the police chief sent a captain to attend PERF's intensive three-week Senior Management Institute for Police. Lieutenants can attend a forty-hour middle management class. All supervisors are required to have eighty hours of leadership and management training every three years to maintain their advanced level certification. However, some of the sergeants interviewed do not believe the initial forty hours of training is adequate because it does not include sufficient material for developing their leadership skills. When leadership skills are developed at the early stages of a supervisor's career, subsequent training can be far more meaningful.

There is a strong desire for more leadership training. Front line leadership is critical to the success and image of the police department. Poor leadership affects morale, performance, and public perception. When supervisors suffer from poor leadership skills, they provide poor or no guidance to officers, especially those who are young, inexperienced, and may be more likely to make poor decisions that result in citizen complaints. There is no guarantee that a properly trained supervisor will be a good

one, however, there is greater likelihood that an untrained one will make more mistakes.

Recommendation No. 38: The department should seek leadership, management, and supervisory training opportunities to enhance and build from that training mandated by the state.

Discussion: Most agencies find that the required level of training is exactly what is was intended to be, the minimum standard. Without question the training offered is valuable, however, it should be considered only a starting point.

Recommendation No. 39: The department should seek the assistance of corporate, university, and professional law enforcement trainers in building their command staff and instilling leadership in their officers.

Discussion: In Washington, D.C., for example, the public utilities have invited police officials from several surrounding police agencies to occupy seats in management training offered to their middle and executive managers. Other departments have been able to arrange for blocks of topical instruction from faculty of colleges in their jurisdictions. Still others are sending their managers to sessions at MIT and Harvard University, and provide shadowing opportunities with Fortune 500 companies. One law enforcement agency sends its up and coming leaders to a two-week course at Gettysburg College in Gettysburg, PA. Emerging leaders there study the tactics used in the Battle of Gettysburg and follow the steps of the soldiers who died during Pickett's Charge, an ill-fated decision of General Robert E. Lee.

When funding is available, there are innumerable supervisory and senior management educational programs to which personnel can be sent. Often times, better supervision and management become contagious when several members have completed the same program. Several agencies, including Tucson, Arizona, have reported making far greater strides in improved management after a core group of managers had attended PERF's Senior Management Institute for Police. The common knowledge obtained through the program helped to foster greater expectations from each other. Other high-quality programs include the Southern Police Institute, the Northwestern Police Institute, and the Institute for Law Enforcement Administration.

Organization and Management

Police administrators have specific duties and responsibilities as they attempt to manage their organizations. In essence, an organization is a collective that is brought together to accomplish a mission. Organization refers to how a department is structured and shaped. By evaluating community needs, police administrators develop various units to meet those needs.

Management refers to the processes that occur within the structure. Police administrators, managers, and supervisors must constantly make decisions, develop plans for activities, motivate subordinates, communicate information to various units and personnel within the department, and provide the department with leadership.

Organization and management are constant, interdependent considerations for the police administrator that have a direct effect on the accomplishment of the mission of the department and meeting the needs of the community.

Organizational Structure

The chief of police reports directly to the city manager. The organizational structure of the department (as depicted in the diagram below) is rather typical of forward thinking police departments of a similar size to Eugene. The department is subdivided into four divisions, each headed by a captain. The more traditional design of two major organizational components under deputy chiefs would make the department unnecessarily top-heavy.

One aim of any organizational design is to group logical functions together in work groups or divisions. The other is to design work groups that distribute comparable responsibility to top managers. That is, ideally divisions should be of relatively comparable size and responsibility. Often times, the latter is not possible. Patrol divisions are always home to half or more of a department's strength.

In Eugene, the grouping of work functions and units is appropriate. Too often, police departments tend to group the units that provide support to the patrol division (e.g., K-9, SWAT, crisis negotiation team, and crowd control team) in centralized operations support divisions. Though there is some logic to such a grouping, Eugene's decentralization of these functions to patrol is far more effective. An argument could be made to shift the firearms instructor/range function from patrol to operations support where other training functions reside. However, since the bulk of the unit's work is with patrol officers and their schedules, its current placement is not ineffective.

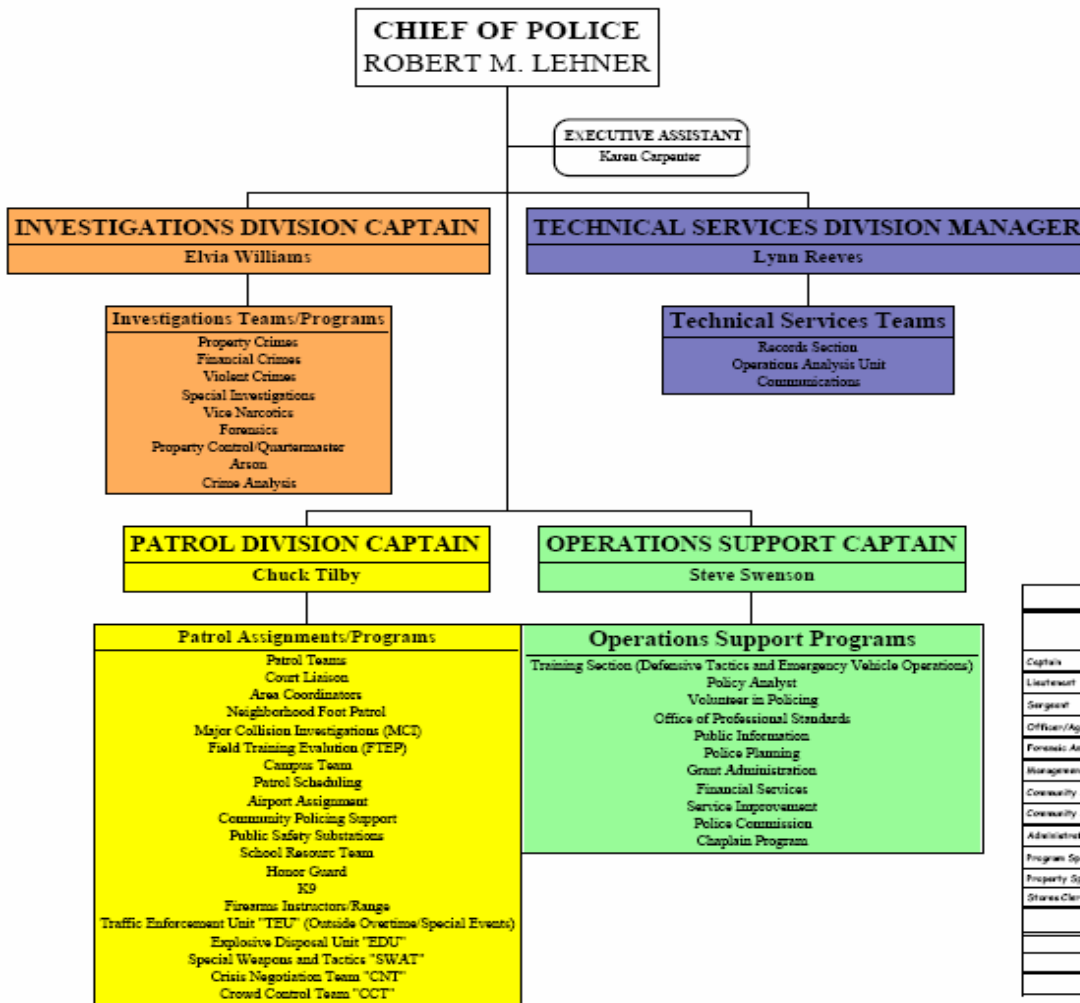
The decision to place the crime analysis unit under the investigations division is a good one, however, proper crime analysis serves both investigations and patrol. Investigations benefit greatly when they are conducted using timely and accurate crime analysis information. Patrol is where crime analysis information can be used, not only to make arrests, but also to prevent crime and save lives. Where crime

analysis is located on the organizational chart is of less importance than the recognition that it must serve a multitude of functions.

The office of professional standards (IA) and the public information office (PIO) are both situated within the operation support division. Typically, these two functions are best placed directly under the chief of police. Internal affairs (IA) conducts highly sensitive internal investigations. If only to eliminate the perception of a potential for managerial tampering or cover-up, the direct relationship between IA and the police chief is optimal. In Eugene, this is actually the case. The professional standards sergeant answers directly to the police chief on investigative matters. The working relationship operation support is strictly for day-to-day administrative matters, such as leave requests.

Perceptually the PIO can be assigned anywhere, however, most police chiefs opt to have the function close at hand within their office. This assumes ready access and a more effective flow of information.

**ORGANIZATIONAL CHART
EUGENE POLICE DEPARTMENT
2005
Update January 5, 2005**



The July 2004 estimated Eugene population is 144,640.

NOTE: This table represents actual employees on the payroll.

TITLE	PATROL DIVISION	INVESTIGATIONS DIVISION	TITLE	OPERATIONS SUPPORT DIVISION	TITLE	TECHNICAL SERVICES DIVISION	NUMBER OF JOBS DEPARTMENT		
Captain	1	1	Chief	1	Technical Services Manager	1	↓ ↑		
Lieutenant	4	0	Captain	1	Police & Records Manager	1			
Sergeant	18.5	5	Lieutenant	1	Records Supervisor	4			
Officer/Agent	121	26	Sergeant	2	Records Supervisor	17.5			
Forensic Analyst/Technician	0	3	Officer/Agent	1	Records Supervisor	1			
Management Analyst/Crime Analyst	0	1	Financial Services	1	Records Supervisor	7			
Community Sec. Supervisor	1	0	Management Anal.	1	Records Supervisor	1			
Community Service Officer	32	1	Admin Aide & Exp.	3.5	Records Supervisor	37.5			
Administrative Aide	4	3	Public Information	1	Records Supervisor	5.5			
Program Specialist	0	0	Program Specialist	4.5	Records Supervisor	1			
Property Specialist	0	4	Police Commission	2	Records Supervisor	1			
Stores Clerk	0	1	Police Planning	1.5	Records Supervisor	1			
	PATROL	INVESTIGATIONS		OPS SUPPORT		TECH SVCS		EDU	
	SW0014	144.5	32	SW0014	6	SW0014		0	152.5
	NON-SW0014	17	13	NON-SW0014	14.5	NON-SW0014		77.5	122
	SW0014 + NON-SW0014	161.5	45	SW0014	20.5	SW0014	77.5	274.5	

Recommendation No. 40: The placement of the crime analysis function is sufficient, however, the EPD should continue to monitor the function to ensure a strong connection is fostered with patrol, where timely receipt of crime analysis information is also vital.

Recommendation No. 41: The EPD should reorganize organizational responsibility for both the Internal Affairs (IA) and public information functions to directly report to the Office of the Chief.

Discussion: Administrative connections to other divisions can be continued if need be, however, placement of both functions should leave no doubt they answer directly to the chief. IA most commonly reports directly to the chief, and this increases the objectivity and thoroughness of investigations.

Communication

Inter-departmental. Serious case investigations require a thorough and routine exchange of information with the sheriff's department, the state police, federal agencies, adjoining agencies, prosecutors, and others. The relationship with the other criminal justice partners in the area is reported to be good, although this may not have always been the case.

Intra-departmental. On a weekly basis, members of the command staff attend meetings with the police chief. During these meetings, information is shared regarding current and emerging issues of importance to the department, and command staff are briefed on the status of open internal investigations. The latter is to ensure that concerns about the investigation's progress are conveyed to investigators in a timely manner. The department's lieutenants also meet weekly to share information.

At the start of each shift, officers attend a roll call briefing where knowledge from other shifts is shared as well as crime analysis data and information coming down through the chain of command. More informally, managers and supervisors maintain open communications among divisions, especially in those areas of mutual or departmental interest. Officers and sergeants are less satisfied with communications up and down the chain of command, and want to have better venues for communicating their views and suggestions. This was not presented as a major issue within the department. However, when officers do not feel they are being fully informed by their commanders, the potential for inaccurate information and erroneous rumors is magnified. Officers do not report any difficulty in the flow of operational information from officer to officer or unit to unit. Crime analysis information is reportedly transmitted in a prompt fashion.

Effective communications goes well beyond the flow of operational and administrative details of the moment though. It also considers how the department communicates its mission, goals, expectations, and prohibitions. Immediate and unit goals are fairly well conveyed by supervisors, but several officers suggested that a common area of concern is that the department's mission statement was not widely understood or acknowledged. This is consistent with the opinion of some that too little information flows down. As is the case in all police departments, written directives convey expectations, how things are to be done, and what is prohibited. Officers feel the department's directives, supported and clarified by supervisors, are appropriate and provide the guidance and direction they need to do their job.

Recommendation No. 42: Roll call should be better used to communicate information between the executive and line staff within the department.

Discussion: Roll call can be an opportunity for the department's top command to interact with officers. Occasional command visits to roll calls can

also facilitate an informal information exchange and can be an opportunity to listen to officer concerns and dispel rumors. The largest number of officers in the department are in patrol. They assemble at roll call at the start of every shift. A large amount of critical operational information is already relayed at roll calls. But it represents an even greater opportunity. Small blocks of time can be dedicated to present information normally offered at in-service training. Understandably, roll call cannot be regularly extended preventing officers from going on the street in a timely fashion. However, ten to fifteen minutes once a week or every other week can be built in for this purpose. Over the course of a year, one to two days of information could potentially be conveyed, allowing scheduled in-service training days to focus on more hand-on topics that better hold officer's attention. On days when roll call training will take place, officers from other assignments can drop in as schedules and workload permits.

Recommendation No. 43: The potential of holding periodic meetings for the chief, other city officials, the line officers, and support staff should be explored.

Discussion: Some departments find it effective to hold monthly or quarterly meetings between the chief and officers representing their work groups. The purpose of such meeting is to clear up rumors, listen to ideas, and allow the officers some exposure to the boss.

System Security and Integrity

The heart of any police department's information system is police records management. In Eugene, records falls under the technical services division. Types of records maintained include: crime reports and supplements, accident reports, investigative reports, arrest records, and much more. The maintenance and release

of original and official police records is strictly governed by law. There are strict requirements as to what can be released, under what circumstances, and to whom. Yet, department policy and practice has been that any officer could physically retrieve any original file or record and take it from the records office. As noted later in this report, this issue surfaced as a serious problem when the department conducted the background on police applicant who was found to have committed a burglary years earlier. There was no known record of any such crime until years later when the officer was under investigation for innumerable criminal acts. The crime and arrest reports mysteriously reappeared. They obviously had been taken, originals in their entirety, from the records office.⁵

Advisory No. 9: Although this issue of records security was addressed when it came to the attention of the chief of police, it is essential to stress that access to records retention areas must be limited to authorized personnel and that original records cannot be permitted to leave the secure records area. Under enumerated circumstances, copies may be made and released.

Leadership

There are three captains and one civilian manager in command of the four departmental divisions: patrol, investigations, operations support, and technical services (see earlier diagram). The captains and the manager all answer directly to the police chief, as does the IA sergeant on internal investigative matters. This is a flat design that affords less opportunity to filter information. Four of the department's six lieutenants are assigned to patrol as watch commanders. One lieutenant is assigned to the operations support division as the commander of vice/narcotics, K-9, traffic enforcement, program areas, and ad-hoc special teams.

⁵ This issue needs to be clarified. If there was a significant time period between first and second background investigations, the records could have been stored in archives. It is a common practice to archive records after three years. Some departments still continue to store records on micro-fiche, however, this practice is becoming out-dated. More progressive departments digitize and store records on a master server.

There are no lieutenants in the investigations division. Rather, five investigative sergeants answer directly to the division captain. The two sergeants in operations support oversee professional standards and the training unit. The technical services division is staffed, supervised, and managed solely by civilian personnel. Under the direction of the division manager, a records manager and a communications manager each oversee four and seven supervisors, respectively.

The chief of police is well regarded by the majority of the department according to those interviewed by the review team. Most think he is doing a good job leading the department through difficult situations and has an interest in doing things right. However, there is a belief that the guidance and direction provided by the department's other upper-level commanders is somewhat uneven. Some report that in recent years there was no real commitment to progressive management. They indicate there was a two-year vacuum while an interim chief was at the helm.

Managerial complacency was noted in the 2004 auditor's report on internal investigations. A number of instances were cited in which managerial review of completed investigations failed to raise obvious questions when conclusions were incomplete or illogical. It should be noted that in response to the report, the police chief has formally strengthened his expectation of supervisors and managers and the degree to which they will be held accountable. When the completion, or the managerial review, of internal investigations supports conclusions and decisions contrary to the values of the police department, the matter will be treated a performance issue and blatantly improper investigations and conclusions will result in discipline.

One expressed area of concern is the lack of managerial presence at night. From 3:00 am to 6:00 am, the highest ranking officer on duty is a patrol sergeant. Admittedly this is typically a slow period, but the potential is always present for a major

incident to occur. Though a number of top officials can respond from home in a short time in the event of real crisis, they are not as easily available at 3:00 am when a highly sensitive, but not urgent, decision needs to be made.

As previously noted, supervisors and first line managers complain that their ideas are not often considered by some managers. Reportedly, this sentiment has discouraged some from attending or participating in information sharing sessions. Despite concerns, members of the department are looking to the chief of police to provide badly needed leadership to the department.

The chief of police understands the necessity to build a cohesive and strong management team. For example, in an effort to begin to develop a higher degree of strategic thinking and command-level problem solving among his command staff, he has started sending captains to leadership development programs such as PERF's Senior Management Institute for Police. Programs like this not only teach commanders how to lead, build consensus and support for their decisions, and anticipate consequences, but they also establish invaluable networking opportunities with top police officials around the nation with whom they can consult as new or difficult situations arise.

An important management asset for the chief of police is the Police Commission. This twelve-member commission serves in an advisory capacity to the city council with its ultimate mission to achieve a safe community. The commission has undertaken a number of initiatives, including research into in-car videos, police complaint processes, use of force, community policing, police-community interaction, and much more.

Recommendation No. 44: The effectiveness and quality of the command staff should be increased on a continual basis.

Discussion: The chief of police has already taken steps to develop a more effective command staff. His response to the “Eugene Police Internal Affairs Audit for 2003” report indicated a strong commitment to hold the management and supervisory staffs accountable for appropriate investigations and conclusions. The chief has demonstrated a commitment to offer the best leadership training to members of his command staff. Funding will be critical to ensure this effort continues.

Recommendation No. 45: The department should utilize a watch commander at the rank of lieutenant during late night hours.

Discussion: A better management presence should be considered during late night hours. Leaving the department in the hands of a sergeant after 3:00 am is less than ideal. The responsibility is not appropriate for a sergeant. And in the event of a critical situation, a sergeant will have other supervisory duties to perform. The department should consider the establishment of a night-duty commander position.⁶ This would increase the compliment of command positions (the lieutenant level would suffice) to permit a permanent night assignment. Some departments create a rotating schedule that calls for all commanders (lieutenants and captains) to serve as the night-duty commander for a week at a time regardless of assignment. In the past, lieutenants had been assigned to work night duty.

Supervisory Roles, Responsibilities and Workload

The patrol division has sixteen sergeants, each in charge of a team of patrol officers.

The span of control for patrol sergeants is typically six to ten officers. Many

⁶ There are four lieutenants in patrol (based on review team data). It would be logical for one of them to work a graveyard shift, and another on a swing shift.

departments around the country will allow a patrol span of control ten to twelve. Patrol work group size is more often a product of the number of officers needed to patrol a district (or other geographic area) than an attempt to replicate an ideal span of control. Span of control is also impacted by the other duties assigned to supervisors that might keep them from strictly overseeing their officers.

Many of the officers, supervisors, and managers interviewed reported that patrol sergeants are often so consumed by administrative and other supervisory duties, they rarely can be available on the street to respond to calls with their subordinates. Complaints of this nature are not new or unique to Eugene. As community policing empowered officers and expanded the role of police patrol, it also expanded the responsibilities of patrol sergeants. Overseeing problem solving initiatives, coordinating with other agencies, ensuring an effective flow of information, addressing emails, sitting on committees, training issues, and conducting internal and performance related investigations among other responsibilities consume formerly uncommitted time. In Eugene, the absence of a fully staffed IA unit causes supervisors to be far more involved with the completion of internal investigations than in most agencies. Other than the most serious and criminal offences, infractions are investigated by the subject officer's supervisor. Some personnel estimate that patrol sergeants in Eugene have as little as fifteen percent of their time available for direct supervision.

A strong desire was expressed by most supervisors to do their job well and to meet the department's expectations. However, to reach their full capacity, new and veteran supervisors require training. Leadership training is made available for newly promoted supervisors, but many complain it is minimal as is follow-up training. Without leadership and guidance during everyday activities, some officers will allow the quality of their work to suffer and soon poor quality work becomes the norm. As the cycle continues, the public begins to lose confidence in the police

department. As confidence erodes, so does public support for the department and eventually the morale of the department suffers. Some EPD members complain they do not feel supported by management. They see other members doing substandard work with impunity, and their own efforts go unrewarded. Supervisors report they are consumed by routine and collateral tasks. They report they do not have enough time with their subordinates, much less time to develop their own supervisory skills.

The recent arrest and conviction of officers for serious criminal misconduct during on-duty activities raises the issue of supervision. It is hard to imagine that patrol officers – with clearly defined roles and geographic boundaries – were able engage in such serious misconduct for so long and go undetected. Without doubt, their illegal actions were not perpetrated in the presence of supervisors, but there clearly was a failure of supervision. Certainly there is no suggestion that the actions of these officers stemmed from supervisory shortcomings. The question remains though. Were they were allowed to go undetected because of a lack of sufficient time to better monitor them in the field or because of a failure in supervisory training? Even when the first attempts were made to report the crimes, supervisors failed consider the validity of the complaint.

Recommendation No. 46: Sergeants need to spend more time on the street observing, supervising, and developing their subordinates.

Discussion: Sergeants report not having the sufficient time to supervise. Coupled with the conviction of officers for duty-related misconduct not caught by their supervisors, that suggests a major problem exists. The span of control between patrol sergeants and their work groups is appropriate. The issue has more to do with the array of responsibilities thrust upon the sergeants.

Almost all police departments rely on first line supervisors to conduct investigations into poor performance and minor misconduct. The absence of a fully staffed IA unit in Eugene thrusts some additional work on sergeants, however, there are not that many investigations.

The department should have sergeants document all of their activities and the time spent on each for a pre-determined time period of thirty to sixty days. This job audit can assist in determining how time is spend and how it can be used. Based on this information, the department can identify and address the activities interfering with effective supervision.

Recommendation No. 47: Sergeants should be trained in current supervisory practices and issues prior to assuming their roles as management staff.

Discussion: Sergeants say they are interested in additional supervisory training. Ideally, training needs should be discussed with every employee as part of a comprehensive performance evaluation process. In the absence of such a process, the training section should survey sergeants annually to determine the supervisory training areas of greatest need and interest. Then, training opportunities should be sought out to match the need.

Discipline

Discipline administered by the department is governed by Article 36 of the contractual agreement between the city and the Eugene Police Employees Association (EPEA). It applies only to employees who have completed their probationary period and does not apply to investigations concerned solely and directly with criminal activities. According to the contract, violations of the internal investigations procedure for allegations can be grieved, and any changes to disciplinary policies must be accomplished through contract negotiations. The

contract permits an EPEA presence at any interview or disciplinary meeting with management, provided it does not delay the meeting. Additionally, the contract stipulates that the city auditor is not to review any file or make any suggestions regarding potential employee discipline until all appeals have been concluded.

The department seeks to ensure the consistency of discipline on a case by case basis. The department's IA office consults with Human Resource Services, which researches its files to find other instances of like infractions and the discipline imposed. Realizing that some circumstances in policing set it apart from other government agencies, the purpose is to establish city-wide continuity of discipline. Mitigating factors such as prior infractions or unusual circumstances can play a role in considering greater or lesser degree of discipline than has been found to be typical.

Despite the intention to be consistent, many of the officers feel Human Resource Services's involvement in this process is not ideal. They feel internal matters such as discipline are being directed from outside the department. There is also a perception among some in the department that managers receive preferential treatment, especially in matters of discipline. Though no specific examples were cited, some believe when a manager is the subject of an investigation, the entire matter is swept under the proverbial carpet.

In its efforts to assess the police complaints system, the city through the city manager's office hired an auditor to review a sampling of reports of closed internal investigations for the last three years. Though listed as one of the objectives of the auditor's review of internal investigations, inconsistency of discipline does not appear to a great problem. The more important issue is that discipline is being avoided completely in some instances because of incomplete or improper

investigations. Discipline avoided in this manner represents the greatest measure of inconsistency.

In response to the auditor's report (2003) and its many concerns about the internal investigations process and the administration of discipline, the chief of police has initiated some changes. Discipline is recommended by the subject officer's supervisory chain of command, beginning with the immediate supervisor. In the event any superior member in the chain of command does not concur, that member is to add his/her concerns to the report and the matter goes to the police chief for a final determination. Under this scenario, the role of Human Resource Services is to provide information about like discipline when asked by IA. The decision to impose discipline and at what level rests with the chief in accordance with departmental and city rules and regulations. Should a discipline matter be contested beyond the police chief's decision, the city manager has final administrative authority for discipline, adverse actions, and issues of the labor contract before the courts and/or an arbitrator.

Recommendation No. 48: The investigation of disciplinary infractions is solely within the purview of the Eugene Police Department. In conjunction with Human Resource Services, the EPD should develop a table of offenses and penalties for minor offenses. This table would guide the investigating official's recommendations for discipline. The final authority to approve or disapprove the recommendation for discipline, if any, rests with the city manager who has administratively delegated this responsibility to the policy chief.

Discussion: Human Resource Services should be asked to publish a disciplinary matrix periodically to provide this information. The matrix should identify only the charge and infraction, and the recommended level of

discipline. This would serve as a guide for every city agency. Currently, the IA office seeks out this information. When disciplinary recommendations are being considered at the subject officer's chain of command level, there should be no reason to involve Human Resource Services. There are too many concerns by officers that Human Resource Services is over-involved in the internal investigation and disciplinary process. These concerns can be easily eliminated by using a matrix.

Performance Evaluation

Annual performance evaluations are officially due for each member of the police department on December 31. The vast majority of supervisors believe they are too time consuming to complete, as they can take approximately four to six hours each to complete. Patrol sergeants complain that with nine or more subordinates, they could potentially spend forty to fifty or more hours on this process. It should be noted that although supervisors have complaints about the system, the evaluation system has not been enforced at all by the police department for the past several years. There is no process in place to ensure supervisors complete the evaluations.

The review team examined a small sample of completed evaluations, and found many of the evaluations were superficially completed with little detail, especially in the case of some of the incarcerated officers. Additionally, many of the commanders who complete evaluations reported a difficulty with being able to directly observe the personnel they were charged with evaluating. This problem is not unique to the EPD as many departments struggle with the evaluation process. Clearly additional upper-level attention is needed to monitor the evaluation process and enforce the protocols already in place. Additionally, the scope of the evaluations and how evaluations are used in the department need to be clearly delineated and publicized to all officers and staff.

Recommendation No. 49: Performance evaluations must be based on validated job criteria and performance measures.

Discussion: Position audits should be conducted to determine appropriate job tasks; knowledge, skills and abilities required for each position; and acceptable level of performance. Based on these criteria, effective performance evaluation processes can be developed.

Recommendation No. 50: Evaluators must receive training in observing and recording potential behavior problems, and providing constructive feedback to address problems.

Discussion: An evaluation process is only as good as the information collected upon which to based decisions. All department personnel involved in conducting evaluations must receive comprehensive and timely training in the various aspects of performance evaluation.

Effective performance evaluation processes can also assist in identifying training issues and can be used as a type of early warning system to identify problem personnel.

Performance observation and evaluation is an on-going process. Continual assessment, recording, and feedback eliminate the need for a crunch at the end of the official rating period. While rating periods can be staggered to eliminate supervisors having to complete all evaluations at the same time, it does not relieve supervisors of the responsibility of constant observation, recording, and feedback of the personnel they manage.

Recommendation No. 51: Every employee deserves to be regularly appraised of expectations and his/her job performance.

Discussion: Without regular appraisals, employees do not know what is expected of them. If they do not know they are not meeting department expectations, they may not know how to correct their performance. A formal evaluation should be presented to each employee annually. There should also be periodic feedback sessions throughout the performance period. If changes to performance are needed, the employee has the opportunity to improve prior to the end of the rating period.

Recommendation No. 52: When employees are presented with his/her evaluation, the supervisor must go over all aspects of performance.

Discussion: The annual evaluation should not be the first time the employee hears about problems with his/her performance. As stated above, performance evaluation is an on-going process. If a performance problem exists, the end-of-rating period review should be a culmination of several documented feedback sessions. For each area requiring improvement, the supervisor and the employee should develop an action plan to bolster performance if one has not developed earlier during the rating period. A mid-point meeting should be held six months later when the supervisor and the employee discuss progress, and any other areas in which performance is not at acceptable levels. During the meeting, the supervisor can reaffirm problem areas and allow the employee every opportunity to take corrective action before the final evaluation is prepared.

Promotion and Transfers

Although promotions were not a direct subject of the review team's inquiry, several interviewees noted tension on the part of the lieutenants in the department. This

tension involved positioning among candidates for the captain rank and warring amongst themselves for the promotion. While this information was speculation and largely a matter of opinion, it was stated frequently enough to merit mention. Selection for special assignment, shifts, and other transfers was a source of criticism, a common problem in nearly every police department in the United States. However, clearly publicizing requirements and making this process transparent ameliorates the negative effects of selection and transfers.

The review team also noted some disparities in the promotional processes for all three ranks of sergeant, lieutenant, and captain.

Advisory No. 10: A validated promotional process should be developed for all ranks.

Discussion: The chief of police has indicated that he is considering alternatives to the current promotional processes used by the department. The review team considers this an excellent move on the part of the police chief. The current processes could subject the department to challenges of validity and fairness. For example, a promotion to the rank of captain involves an internal employee interview. The interview panel charged with making this major career decision consists of police department personnel from equal and subordinate ranks to the candidate. On its face, the process could be challenged for its fairness. How can a subordinate make a fair assessment on the potential of a superior officer to move to a higher rank? According to EPD 's "Promotional Recruitment and Selection Processes for 2003 and 2004," another panel is convened for a community interview. This panel is comprised of nine members, including the patrol division captain

with “the remaining individuals being minority community and/or business community leaders.” This composition appears to be discriminatory.⁷

All three processes for promotion are of concern to the review team. Of particular note is the sergeant’s written examination that is graded by sergeants within the Eugene Police Department. Again, this could be perceived as being unfair. Most police departments have a great deal of security surrounding the taking and processing of written examinations. While the number of written examinations is relatively small for the Eugene Police Department, consideration should be given to a more secure process that does not involve department employees.

Internal Affairs (IA)

The department does not have a typical IA unit. The Eugene Police Department’s Office of Professional Accountability is staffed by two members. The office is headed by a sergeant who answers to the police chief in all matters regarding to internal investigations and to the captain overseeing operations support in all other matters. The sergeant is supported by one civilian assistant. Essentially, this function serves as a clearinghouse for internal investigations rather than actually conducting them. The unit’s primary role is to ensure that complaints are properly received, tracked, and field investigations conducted by supervisory personnel put in place. The chief of police has determined the staffing needs on the streets of Eugene are such that there is no opportunity to staff a full-service IA unit at this time.⁸

⁷ Minority community members also serve on the sergeant’s panel, however, not on the lieutenant’s panel. What is the justification for having minority community members serve on the captain’s and sergeant’s panels and not on the lieutenant’s?

⁸ A complaint and workload analysis, coupled with police department appearance and perception factors, must be considered in coming to this conclusion.

The department has posted its policy on complaints and a detailed explanation of the complaint and investigation process on its website. This is clearly a valid practice and demonstrates the EPD's efforts to create a transparent process. There are alternative methods to submit complaints to accommodate those persons who are timid about making the complaint at a police facility.⁹ However, the website policy also indicates "The department routinely checks the police records of the people with whom we have contact, including people who file complaints. If a Police Officer has contact with you and is aware of a warrant, he/she is legally compelled to arrest you." The purpose of this statement is troubling. Anytime a police officer suspects a person may have an open warrant, a check should be made. However, to warn persons their participation in the complaint process could result in their arrest sends a discouraging message. Moreover, if there is a chance a wanted person could fall into the hands of the police for whatever the reason, why would the department want to issue a warning for them to stay away? On a positive note, the document encourages illegal immigrants to contact the department by openly stating that it is not the department's job to enforce immigration laws. If the department's emphasis is on working with the public to determine, and where needed, correct the quality of police service, there must be no obstacles placed in the way to discourage the public's ability to freely air issues.

In the past, when a complaint was received, the supervisor assessed it immediately to determine if it was a complaint (a breach of policy) or an inquiry (a question about police procedure or policy). If it was determined to be a complaint, it went to IA for review and assignment. Except for criminal or very serious matters handled by criminal investigators or IA, most investigations (known as Blue Folders) were

⁹ An additional question could be asked; who determines or – because of a bias harbored due to the record of a complaint – who dismisses a complaint? Even criminals can have legitimate complaints. Only a proper and equitable decision on the front-end can make the system of receiving complaints fair to all who desire to file. A track record of frivolous complaints can be considered, however, it should be done so and dealt with accordingly after sufficient reason has been established.

directed to the supervisor of the named officer for completion.¹⁰ Blue Folder progress was tracked, but the department was lax in demanding prompt completion of investigations, allowing many to linger too long.

If it was determined by the receiving supervisor or IA that the matter was no more than an inquiry, it was addressed immediately. However, inquiries were not tracked in any way for statistical purposes. This negated the opportunity to recognize recurring inquiries, thereby forfeiting the ability to identify problem policies or those areas requiring officer training or public education. Moreover, the informality of this process reportedly left some members of the public feeling unsatisfied when their inquiry was unilaterally cleared without any investigation or further action taken. This problem was noted among the concerns expressed by the Police Commission (December 9, 2004), namely that the public is often uncertain if what happened was wrong because the public is unsure of laws and procedures governing police conduct.

Currently, complaints can be taken on-line, at the department's front counter, through 911, via the Human Rights Commission, at public safety stations, and by the city manager's office among other venues. In response to community concerns and the auditor's report (2004), the chief of police implemented a new policy in which all matters are initially considered complaints. Details of the complaint process can be accessed on-line or through pre-printed forms which can be obtained at police headquarters and several public safety stations. Complaints can be taken in person at neutral locations limiting the stress some persons may feel about complaining to the police about the police. Volunteer advocates and interpreters are also available to facilitate the process for persons needing assistance.

¹⁰ This is murky and borders on poor policy. What is the line of demarcation between serious and very serious matters? Is it a matter that is a personal decision, or are definite guidelines established?

Complaints are first evaluated by IA. If they are determined to be complaints (or a Blue Folder), the same process is followed and they are assigned to the appropriate supervisor for investigation. In cases of use of force and other serious matters, the police chief assigns the sergeant of IA to conduct the investigation.

Criminal matters are referred to appropriate criminal investigations personnel. When internal investigations involve criminal matters, there is a strict necessity to ensure one-way firewall protection between the criminal and administrative (internal) investigations. That is, information obtained in the criminal matter may be used in the administrative investigation, however, information obtained in the administrative investigation (without Miranda protection) may not be shared in the criminal case. For this reason, some departments establish a clear policy that administrative investigations are not conducted until criminal cases are finalized. This sometimes causes undue delays in the taking of administrative action, such as termination. In the EPD, it is permissible to conduct concurrent criminal and administrative investigations. The key is that the investigations are to be conducted independently by different personnel in different units with firewall protection.

In those instances when a citizen complaint does not meet the Blue Folder criteria and is considered an inquiry, the matter is to be handled in a timely manner by the most appropriate person in the organization to address that issue. An important change is that inquiries, as well as complaints, are assigned numbers and tracked when they are reported to IA. There is no effective way to ensure that supervisory personnel who handle inquiries on their own actually report them.

Advisory No. 11: The most effective way to ensure that everyone understands the proper way to handle inquiries and complaints from outside the department, as well as within, is to issue a general order which lays out the

criteria and procedures in clear language as well as the consequences for not documenting or reporting inquiries.

Discussion: There should be consequences for not documenting and reporting inquiries. While there are no foolproof ways, there are effective practices designed to cut down on covering up complaints and inquiries to suit the receiver's fancy. IA should send a letter to complainants advising them that the matter will be investigated. All complainants must be contacted within ten days of the receipt of the complaint, and investigations must be completed within thirty days. Complainants may also be offered the opportunity to have their complaint mediated by a qualified mediator rather than result in an investigation.

Advisory No. 12: There is an assumption that there are some matters that are not considered suitable for mediation, regardless of how expedient the process might be.

Discussion: Upon the conclusion of the complaint investigation and case resolution, complainants are notified of the outcome but they are not informed of the specific discipline imposed. Dissatisfied complainants can request a three-member panel review. When requested, the panel would consist of the employee's captain or manager, the police chief, and Human Resource Services's risk services manager. The value of this step for the complainant is unclear. The complainant is not required to attend, and the goal of the review is to assess the investigation in order to identify process problems that need to be addressed for the future. Complainants are advised that no finding or action already taken will change as a result of the review.¹¹

¹¹ If the complainant is advised that nothing will be changed as a result of the review, what is the purpose of the providing any information to the complainant?

Unit Structure, Duties, and Training

There are currently two members of the department assigned to IA, one sergeant and one civilian administrator. Both handle complaint intake and assign investigations. This includes assigning case numbers to every case and inquiry. IA is responsible for the review of completed field investigations, including checking for thoroughness, correctness of closure, contacting Human Resource Services for disciplinary consistency, and routing cases to the officer's chain of command for approval.

In the past, any sergeant could conduct an IA investigation without training in the processes and legal issues involved in these investigations. The review team heard several accounts from sergeants that when they were assigned to an investigation, they had to rely on word of mouth and examining previous investigations to determine how to conduct one. This practice clearly lead to inconsistency in the IA process and a general lack of quality in these types of investigations. Additionally, the role of Human Resource Services in this process became more prominent and potentially too involved as a result.

Problems with incomplete and timely investigations, illogical findings and conclusions, and inadequate managerial review have resulted in a lack of confidence in the police department's ability to properly administer the complaint process. This became evident in the number of concerns voiced at public forums on the police complaint process sponsored by the Police Commission. In every aspect of the process (intake, investigation, and discipline/review), the public expressed concern. Issues ranging from a fear of retaliation to the mistrust of less than impartial complaint investigators to a secrecy surrounding the process to a lack of accountability and more were brought to light. The longer term implications of this degree of distrust are that the public can be expected to expand their distrust to the larger operational capacity of the police department. This type of decay of the

relationship between the police and its community can lead to less cooperation, the inability of the police to control crime, declining service, and eroding morale of the officers themselves.

The chief of police has taken steps to ensure complaints and complainants are taken seriously, and that complaints are properly recorded, tracked, and handled in a thirty-day period. Supervisors and managers are being held to a stricter standard – and are being held personally accountable – to ensure investigations are thorough, accurate, and findings and conclusions are logical and appropriate.

Role of Human Resource Services

There are significant anecdotal reports that in all but the most serious cases, decisions regarding complaint dispositions and punishment have historically been heavily influenced by the city's Human Resource Services manager. Only limited opportunity was provided for input from police managers. It was reported to the review team that investigations have been reviewed by Human Resource Services and returned with direction as to findings, the closure type, and the appropriate discipline. Human Resource Services was consulted on all investigations at the discipline stage because they held the organizational memory regarding what had been deemed appropriate discipline in similar cases. But those familiar with the process report that in some instances Human Resource Services requested investigators change the wording in portions of investigative reports to lessen the city's potential liability. This practice is viewed as unwanted interference by the supervisors conducting the investigations and has helped fuel the view that Human Resource Services had become meddlesome. In one case in particular, it was reported that Human Resource Services had told a sergeant that "a termination is warranted in this case" prior to any investigation being conducted or finding of fact being presented. The investigator also reported that the report he/she submitted was altered to such an extent that the findings and facts were changed. If this was

the case, the results may rise to the level of tampering or unduly influencing the investigation. It must be noted the review team had no independent verification of this practice or evidence that it occurred other than these reports during several interviews. Nonetheless, several of the people interviewed reported that they felt intimidated by HR personnel.

It was reported that on two occasions, sergeants were directed by Human Resource Services to respond to the officers' homes to effect a dismissal from the department. This practice raises serious concerns as to the efficacy of the process and also the role of the police chief in issues internal to his department. Additionally, the pressure on those supervisory officers was deemed excessive and unwarranted.

Given the observation that some investigations, in the past, may have suffered from insufficient supervisory review in the areas of conclusions and discipline, there may have been a benefit to external input. This is no longer the case. Given the current police chief's demand for more supervisory and managerial accountability, an increased level of involvement by senior managers in both the investigative and discipline phases of the process is essential.

Recommendation No. 53: The department should have a fully staffed IA unit, commanded by a captain.

Discussion: Performance related matters and minor policy infractions are best handled by immediate supervisors whenever possible. These tasks are part of supervision. Since more serious matters may even reflect on the officer's supervisor, an unbiased investigation is essential. This typically falls to the IA unit. As funding permits, the unit should be increased to also include a lieutenant, two sergeants, and sufficient clerical assistance to permit timely data entry and maintenance of an early warning system to track complaints

and investigations, and raise a red flags regarding personnel when the level of problems arise to the point where they need to be brought to the attention of management. A captain provides command staff-level importance to the operation. While sergeants and lieutenants can actually conduct investigations, the captain provides assurance that rank does not preclude investigation.

Another point to consider is the removal of the IA function from the physical location of the police department. The police department headquarters are relatively small, and IA personnel would be in close quarters the larger department staff. Physical removal would eliminate some of the angst that surrounds the IA function and its personnel.

In lieu of an internal unit, this function could be contracted to a consultant skilled in conducting IA investigation, for example, a retired IA investigator. This would physically remove the process from the department and eliminate the rat squad label from department members.

Recommendation No. 54: The department must remain mindful that when a complaint involves a criminal investigation, the eventual completion of an administrative (internal) investigation cannot be overlooked.

Discussion: A review of recent investigations leading to the arrest of officers finds that after the criminal investigations were completed, the department did not initiate further investigation into peripheral matters typically addressed in a thorough internal investigation. Further, the review team recommends that in the high profile cases of the recent past, an outside independent investigative agency should be brought in to review the IA investigations conducted. The review team does not feel that the investigation

was faulty, but given the breadth of the cases and complexity of the problems, the EPD was limited in terms of resources devoted to the cases. An outside review would undoubtedly have the effect of increasing public confidence as well.

Recommendation No. 55: The intake process and coding of complaints needs to be formally established and clarified.

Discussion: The EPD has made great strides in establishing the requirement to number and track all inquiries along with complaints. This captures much needed information useful for policy review, future training, and public education. This is only a first step. The department should consider the creation of a formal early warning system (EWS). An EWS is a non-disciplinary system designed to track complaints made against officers. A well-designed EWS collects information about all allegations and complaints lodged with the department, regardless if sustained or not. Thresholds are established to alert managers to officers who may be at risk or who might benefit from outside assistance. For example, one system design might raise an alert when an officer has been the subject of four discourtesy complaints in a six-month period. Even if none of the cases were sustained, the system quietly alerts key managers that there may be a problem outside of realm of discipline. It may indicate a need for training or perhaps simply a discussion to see if the officer could benefit from an employee assistance referral. Again, strictly not disciplinary in any way, the intent is to intervene before a more significant problem develops.

Recommendation No. 56: All personnel assigned to the IA function must receive comprehensive training on how to conduct internal investigations,

and on the laws, rules, regulations and other nuances unique to this type of assignment.

Discussion: Each new member of the IA team should be afforded the proper training at the onset of his/her assignment and receive periodic retraining. On-the-job training is an invaluable tool and should follow formal in-depth training.

Recommendation No. 57: The role of Human Resource Services in the internal investigation and discipline arena should be clarified for police department personnel. While department personnel are responsible for the timely and comprehensive conduct of investigations, the city is ultimately responsible.

Discussion: Police department investigators can certainly establish whether a law has been broken or an administrative procedure ignored or violated. Once done, through an investigation that reports the facts, those facts are turned over to the supervisory chain that will adjudicate the case. Appropriate discipline should not be the purview of those who conduct the departmental investigation.

IA personnel should be well-trained in the rules, laws, and regulations that affect disciplinary and criminal investigations. Relevant portions of personnel rules and regulations should be reflected in the police department's general orders and guidelines for IA unit. While no one should change the facts of an investigation, inside or outside of the department, Human Resource Services has the responsibility and obligation to insure that city's policies, rules, laws, and regulations are followed.

Understandably, the role of Human Resource Services was expanded at a time when its guidance brought consistency to the investigatory and adjudication process. As the EPD continues to improve its own reputation for thoroughness and consistency, Human Resource Services can return to its position of oversight. If there is a need for consistency in discipline, it can best be handled via a disciplinary matrix with understanding that there will still be occasions that warrant consultation with Human Resource Services.

Regarding thoroughness and the appropriateness of findings and closures, the chief of police has demanded greater accountability on behalf of his staff. Should problems surface concerning the conduct of investigations and final determinations, appropriate training must be considered. Should investigators find a need to consult with Human Resource Services, requests should be made through the chain of command as opposed to direct communication.

VI. Conclusion

It cannot be stated enough that the Eugene Police Department is a fundamentally sound department. The majority of its personnel are dedicated to the community they serve. However, as in every organization, there are people who undermine the credibility of the department and its mission.

The mantra of the department should be “Out of crisis comes opportunity,” for the department has the opportunity to create the type of environment which can evoke pride among its personnel and the community served. The recommendations and advisories contained in this report offer an opportunity for the department to manage its future, and prepare for future changes and crises for they will occur.

This process will take time, money, and a commitment on the part of everyone involved inside and outside the police department. While some changes can be made immediately, the public must be patient for the vast majority of changes proposed. However, the EPD can lessen the angst perhaps felt by the community by following through with a comprehensive information dissemination process.

Transparency was mentioned over and over again by those who participated in the information gathering process. When people have access to timely and accurate information, there is less of an opportunity for rumors and other less-than-factual information to spread.

The Eugene Police Department is poised on the brink of a new era. It is up to them to take the first step. It will be up to the members of the EPD to create a culture that invokes trust on the part of the community. It is theirs and theirs alone to do.