

MINUTES

Eugene Police Commission
McNutt Room—Eugene City Hall
777 Pearl Street—Eugene, Oregon

April 9, 2009
5:30 p.m.

PRESENT: Tamara Miller, Chair; Joe Alsup, Vice Chair; Jon Belcher, George Brown, Mike Clark, Brook Dodge, Tim Mueller, Marilyn Nelson, Frank Travis, Juan Carlos Valle, members; Jon Belcher, Human Rights Commission Liaison; Randi Zimmer, commission staff; Interim Police Chief Pete Kerns, Linda Phelps, Ellwood Cushman, Sgt. Lisa Barrong, Eugene Police Department; Annette Leonard, Linda Hamilton, Human Rights Commission; Holly LaMasurier, Human Rights Program; Carol Berg-Caldwell, Majeska Seese-Green, Deb Frisch, David Fidanque.

ABSENT: John Ahlen, Ann Marie Lemire, commissioners.

1. Agenda and Materials Review

Ms Miller called the meeting of the Police Commission to order.

Ms. Zimmer reviewed the materials distributed to commissioners at their places, which included 1) the Internal Affairs case summaries for March 2009; 2) a memorandum from the chief regarding recently adopted policies; 3) a memo from Municipal Court about the Downtown Safety Zone Ordinance; and 4) a copy of the department commendations list from March 2009. There were no questions about the material distributed with the meeting packet.

2. Minutes Approval: March 12, 2009

Ms. Miller referred to page 2 of the March 12 minutes where Mr. Belcher was quoted in regard to Project Homeless Connect, and suggested that the reference to the Police Commission table should be to the Human Rights Commission table. Mr. Belcher concurred. Ms. Miller corrected the spelling of the name of the new member of the Civilian Review Board, Snell Fontus.

Ms. Nelson, seconded by Mr. Belcher, moved to approve the minutes of March 12, 2009, as amended. The motion passed unanimously.

3. Public Comment

Mr. Alsup reviewed the rules of the public comment period.

Carol Berg Caldwell, 2510 Augusta Street, provided the commission with copies of correspondence between herself and Interim Police Chief Pete Kerns in regard to her question about whether Eugene police had been deputized by the federal government to arrest illegal aliens as had occurred in other places. Chief Kerns had responded by pointing out Oregon Revised Statute 188.151 that prevented local police from assisting in the arrest of undocumented workers based on that status. She found his response

unsatisfactory and unclear and thus reissued her letter. She had also inquired about the availability of data regarding the rate of arrests of Latinos and other non-Caucasians compared to the arrests of Caucasians. Chief Kerns had responded that there was no current data but staff could do the needed analysis upon submittal of a Public Records request and payment of a fee. Ms. Berg Caldwell asked the commission to also request that data because she thought it could be useful in improving police-community relations and building trust. Such data could be used to dispel concerns or reveal patterns so steps could be taken to rectify the situation. She acknowledged the outreach done by Chief Kerns to the Communities of Color but questioned whether his sense of fair play and equitable treatment was shared by all Eugene Police Department personnel.

Ms. Berg Caldwell invited the commission to a “Taser Town Hall” at the Eugene Water & Electric Board Training Room on May 21.

Deb Frisch, no address given, provided the commission with copies of correspondence between City staff person Mike McKerrow of the Land Use Division to Ron Logan; an indictment of the individuals involved in the May 30, 2008, protest arrest; an indictment from June 7, 1983, of Eric Proctor, and a document she prepared regarding the case of Diane Downs. She asserted the documents she provided were proof of staff, police, and prosecutorial incompetence.

David Fidanque, American Civil Liberties Union (ACLU), spoke to the City’s Taser policy, which restricted use of Tasers at political demonstrations without authorization from the chief or his designee as it could inflame a crowd. He asserted that the police used Tasers without authorization in such a situation on May 30, 2008. He further asserted there was community frustration that issues related to the Taser policy raised by that incident had not been addressed. Mr. Fidanque opined that when the Police Commission and independent auditor were initially proposed “it was assumed” that such issues would not have to await the civilian review process “if the policy issues were clear.” Mr. Fidanque urged the commission and Chief Kerns to be vigilant and not wait until a policy needed to be changed if it saw a policy that needed to be changed.

4. Comments from Chair and Items from the Commission

Ms. Miller solicited items from the commission.

Mr. Alsup said he continued to be concerned about the Police Auditor situation. He did not understand why the auditor was on administrative leave. He was frustrated by the lack of an explanation to the community about the situation and suggested that the conjecture that was occurring was damaging independent police oversight. He feared that that the community would vote in something so restrictive it would be damaging because it was so frustrating.

Mr. Valle looked forward to the City Council selecting a new chief of police. He referred to the Public Outreach Committee and said it would have some projects he hoped the commission would want to participate in.

Mr. Brown shared Mr. Alsup’s concerns and said the council was advised by the City Attorney not to comment publicly. Much that was shared in the community was false. He agreed that many people were unhappy but people were not aware of the complete situation. He said the council was following its procedures for a complaint against a council employee. Paid suspension was part of that procedure, but that did not presume the outcome. He anticipated that the council would discuss the situation on April 13, 2009. He agreed that the community needed to know what was going on, and it would.

Mr. Mueller shared Mr. Alsup's concerns, although he acknowledged that the council had to go through the process. Speaking to Mr. Fidanque's comments, he believed that the community was still waiting for someone to talk about the appropriateness of the May 30 action.

Mr. Clark concurred with the remarks of Mr. Brown. He said the council had a policy of not discussing such matters out of respect to the person involved and to protect their rights, and he thought that was a wise approach. He was personally disappointed that the auditor's attorney had spoken publicly and put out information. He agreed with Mr. Brown that the matter would be resolved soon.

Mr. Clark was willing to consider the Taser policy and suggested that adjudication of the May 30 case might help that process.

Mr. Belcher said that timeliness was an issue for both the Taser case and auditor's situation. He was also frustrated by the lack of a discussion of the May 30 incident and lack of resolution of the issues involved, although he understood the circumstances. However, a year was a long time and he hoped to find more expeditious ways to deal with such incidents.

Ms. Zimmer announced the Police Awards Ceremony would occur on April 16 from 3 p.m. to 5 p.m. in the Council Chamber, and said Mr. Alsup would receive the department's Partnership Award for his great work in helping to establish the Crisis Intervention Team. She encouraged commissioners to attend.

Ms. Miller regretted that the complaint about the interim police auditor had become a newsworthy event. She hoped the process put in place by the council would be adequate to resolve the complaint.

Mr. Clark noted that a statement to the media about the police auditor had been developed by himself and Councilor President Alan Zelenka but he did not know if it had been issued.

Mr. Brown emphasized the newness of the position and the flux the position was in since the departure of the first auditor.

Speaking to concerns expressed by Mr. Alsup about the fact of the auditor's administrative leave, Mr. Clark said that all complaints about the police auditor were reviewed by the City Attorney for merit and the council's action to suspend the auditor was based on the outcome of its deliberations in that regard. The council was now investigating the charge for final adjudication.

Ms. Miller found the continuing controversy over the auditor disheartening and hoped that eventually things would go smoothly when a new permanent auditor was in place.

5. Committee Reports

A. Public Outreach

Ms. Dodge reported that the Public Outreach Committee met on April 7 and reviewed a draft of the Proposed Strategy Plan. The committee also decided on its goals and mission. She reviewed the mission, which was:

As a bridge between the community and Police Commission, the Public Outreach Committee's mission is to facilitate a two-way educational opportunity between the community and the police depart-

ment on policy and resource issues and make recommendations on community responses.

Ms. Dodge reviewed the committee's five goals: 1) to bring the community's perspective to the Police Commission and the Police Department; 2) to increase communication between the community and the Police Department using the Police Commission as a vehicle; 3) facilitate open, fair, respectful opportunities for input from the public; 4) identify barriers in the partnership between the community and the Police Department; and 5) develop a list of any policies that need the commission's attention.

Ms. Miller asked how the mission differed from the commission's charge. Ms. Dodge thought the main difference was that the committee's goal was to get community input and process that input with the full commission. Mr. Mueller thought the committee was taking on that element of the commission's role and focusing on it. Mr. Valle specifically tied the committee's focus to the last sentence in the commission's own mission, "We strive to create a climate of mutual respect and partnership between the community and the Police Department that helps achieve safety, justice and freedom for all people in Eugene."

Ms. Dodge said the committee decided to do a community survey and brochure discussing the different roles of police-related groups and their relationships. She asked for commission input into the survey by April 30. The commission would have an opportunity to review the survey.

Responding to a question from Ms. Nelson about how the survey would be conducted and how the information would be compiled, Ms. Dodge said the committee had not completely answered that question, but she anticipated it would survey different neighborhood organizations using an online survey tool. She said there might also be an advertisement to inform people of the web site where the survey could be found. Ms. Zimmer said the survey may also be printed and distributed.

Mr. Belcher said the Human Rights Commission was wondering how its role related to police activities. He recalled the advocacy work done by the Human Rights Program for citizens going through the police complaint process. With the advent of the Civilian Review Board, the commission's role in that process was unclear. It was exploring that question, and he asked the committee to keep that in mind as it worked on its flow chart of responsibilities.

Ms. Miller anticipated that the survey would have an ultimate goal about what information was being collected, why, and how it served the commission and department. She asked if the committee envisioned having any statistical expertise to assist it with the survey. Ms. Dodge said she intended to investigate the potential of involving a University of Oregon statistics intern in the development of the survey.

Mr. Clark noted his own work in survey design and offered his assistance. He stressed the need to eliminate bias and to create a survey that resulted in statistically valid information that made sense and was helpful to the outcome one was trying to achieve.

Mr. Mueller recognized that the committee lacked the expertise to design surveys, but nonetheless the committee planned to develop its own questions as well as to ask various constituencies to supply questions for the survey. The committee had discussed obtaining preliminary results and sharing those with various community groups, and create a community conversation to inform the commission about what needed attention.

Mr. Valle said the committee wanted to measure what people knew about the commission, what it did, and how it did it. He welcomed Mr. Clark's assistance, and said he hoped the survey could give the commission direction about what type of work it should be engaged in and feedback about its performance.

Ms. Miller believed the survey should provide the commission with information that guided it in its future work. She questioned how asking people if they knew what the commission did helped the commission or the department given the commission's role in providing policy direction to the department. She asked the committee to consider those remarks, and thanked the members for their work.

6. Presentation from Crime Prevention Unit with Sgt. Barrong

Sgt. Barrong joined the commission for the item. She provided a PowerPoint presentation on the Crime Prevention Unit that detailed the structure and staffing of the unit, individual unit members and their backgrounds, and the services provided by unit members. The presentation also described specific unit initiatives and public outreach efforts. Copies of the presentation were provided to commissioners. Members asked questions clarifying the information presented. Sgt. Barrong encouraged commissioners to contact her with questions at 682-8248 or at her e-mail address, Lisa.r.barrong@ci.eugene.or.us

Ms. Miller called for a brief meeting break. Mr. Brown left during the break.

7. Discussion with Human Rights Commission

Annette Leonard and Linda Hamilton of the Human Rights Commission (HRC) joined the Police Commission for the item. Human Rights Analyst Holly LeMasurier was also present. Introductions were made. Ms. Miller noted Mr. Belcher's role as the Human Rights Commission's liaison to the Police Commission.

Ms. Miller reported that due to scheduling and staff transition issues, it was not possible to schedule a full joint meeting between the two commissions before the end of the fiscal year. However, Ms. Leonard, Ms. Hamilton, and Ms. LeMasurier were present to discuss possible joint ventures between the two groups.

Ms. Zimmer reported that staff of the two commissions and the commission leadership had met and brainstormed several ideas for possible joint work projects to include in the Police Commission's fiscal year 2010 work plan. Those projects included:

- 1) Having a larger joint meeting with other City boards and commissions (including the Civilian Review Board) to identify trends that affect each body;
- 2) Creating a joint committee to start the planning process for a Hate Crimes Conference which could be a regional event;
- 3) Exploring issues regarding homelessness in Eugene; and
- 4) The structure in place for first responders.

Ms. Leonard referred the commission to the HRC work plan, included in the meeting packet. She highlighted some of the commission's goals. Speaking to the list of ideas, she acknowledged the size and complexity of holding a Hate Crimes Conference, but suggested that the commissions could target 2010 for the event and begin the planning process now.

Ms. Miller solicited the commission's input about the list of ideas.

Several commissioners, including Ms. Nelson, Mr. Belcher, and Mr. Valle expressed support for holding another Hate Crimes Conference. Ms. Nelson and Mr. Valle were interested in being part of the planning

effort.

Ms. Hamilton supported a Hate Crimes Conference but also thought a meeting of all City boards and commissions would be useful for community outreach and education.

Responding to a request from Mr. Alsup, Ms. Hamilton described the shift in handling police-related complaints from the Human Rights Support System to the Police Auditor's office. Mr. Clark suggested that the chief could provide the HRC with courtesy complaints or at minimum their outcomes. Ms. Leonard acknowledged that the shift of complaints to the auditor's office as well as the formation of bodies such as the Police Commission and the Civilian Review Board had led to some amount of identity crisis on the part of the HRC. It was challenging to figure out its role.

Mr. Travis also supported a meeting of all City boards and commissions. He thought it would be nice to give the community more awareness of what the groups do. As a newcomer, there were many things he did not know about and people did not think about going to the City Web site, as he had done. Mr. Belcher thought a boards and commissions summit made sense in terms of educating the public and filling in gaps between the groups.

Mr. Mueller thought the HRC could be useful in helping homeless individuals who did not feel respected or well-treated by the police. He expressed regret that the Police Commission had not taken advantage of its partnership with the HRC during its recent consideration of policies related to police responses to those with mental health disabilities by inviting the HRC's input. He promised that he would ensure that the commission solicited that input in the future.

Ms. Leonard agreed with Mr. Mueller that there were missed opportunities for partnership and she concurred about the value of a boards and commissions summit. She said the HRC had discussed holding a forum for elected officials to allow them to hear from community members.

Ms. Leonard said the HRC was working to establish a Human Rights Educational Summit this fall which would be a one-day event. The HRC was working with the Coalition for Human Rights, which had sponsored the celebration of the United Nations Declaration of Human Rights, on that effort. She invited the Police Commission's participation.

Ms. Zimmer said that the staff from the City's four boards and commissions was talking about doing a regular check-in to ensure that a year did not pass before they exchanged ideas. She thought that might involve a boards and commissions orientation or refresher training.

Ms. Miller thought all the ideas that were raised were good joint projects that would enrich future conversations and result in better decisions and better work products. She was willing to take on any of the projects mentioned.

Ms. Miller encouraged commissioners to forward any additional ideas to Ms. Zimmer and also encouraged them to attend the commission's May 2 retreat.

Mr. Mueller asked what human rights issues were "hot" these days or needed attention at the local level. Ms. Hamilton said that homelessness was a big topic but people were doing their best to address it. Many groups were working on that issue. She invited feedback. Ms. Leonard suggested that if asked, each of the 15 Human Rights Commissioners would have a different answer. She said that the commission currently lacked an active Human Rights Support System, and that was disappointing to her. She described the program and said she thought it was critical it happen. In terms of pressing issues, she said

that homelessness was a long-term issue for the commission because of the basic needs that existed. She said that the commission also responded immediately to incidents of hate crimes when they occurred.

Ms. LaMasurier said the City was trying to look at bias and harassment in a systematic way to address the systematic challenges and barriers that existed in the form of institutionalized practices and policies.

Mr. Belcher anticipated a major change in the makeup of the community but said the community had not discussed how that would occur. Mr. Alsup recalled hearing that the community had a considerable number of torture survivors from Central America and Mexico experiencing mental health issues and asked if the HRC was involved in that issue. Ms. LeMasurier indicated that monitoring occurred informally through HRC liaisons, and Mr. Clark recalled the presentation that the HRC heard on the subject. Ms. Leonard said the HRC also worked with the Trauma Healing Project, which offered services to the population in question.

Ms. Leonard noted the HRC's subcommittee structure and said the Accessibility Committee would be very interested in the Police Commission's recommendation in regard to the next agenda item. She suggested the commission consider making a presentation to that committee. Ms. Leonard also noted the commission's Accessibility Subcommittee, which was working to provide accessible taxis after 10 p.m. at night. She announced the HRC's monthly meetings, which occurred the third Thursday of each month at 6 p.m.

8. Policy 370—Communication with People with Disabilities

Mr. Mueller, the Chair of the Universal Access Committee that was charged to review the policy, thanked staff for its support of the committee, in particular Mr. Cushman. He commended the policy and said he believed it covered all the important aspects it ought to. He spoke of the public comment the committee had received, which helped to inform the policy. He said that people offering comment asked the committee for respect and understanding that they were doing the best they could in spite of their disability.

Mr. Mueller briefly overviewed the revised policy.

Mr. Mueller spoke to the minority report. He thought it important that patrol officers know the characteristics of people with autism and be prepared to respond to them. The minority report was related to that issue. The minority report addressed his concerns related to Section 370.2.1 and offered revisions to the text of the policy specific to the behaviors that people might display that could be interpreted (proposed additions TM1 and TM2). Mr. Mueller indicated that the committee and staff had been reluctant to include more verbiage in the policy but he continued to believe the information would be more accessible to the officers if it was included in the policy.

The proposed revisions included:

TM1: Insert these examples from 418.3.3: "(e.g., be calm and respectful, reduce distractions, give the person time to "hear" you)"

TM2: Add these examples: "slurred speech, demonstrating high anxiety, disorientation"

TM3: Add this: "Taking people into custody solely because of actions or behavior caused by disability deprives them of their rights and may be a violation of the Americans with Disabilities Act (ADA)."

Mr. Mueller referred to a document written by Crime Prevention Specialist Tod Schneider regarding

disabilities and recommended that the policy refer to that document. Ms. Zimmer had indicated to him that the document was not ready and it was not on anyone's work plan to be completed. He emphasized how important he thought it was that the document be available to officers, and urged Chief Kerns to move forward on that task as he thought the document a terrific training resource.

Mr. Cushman referred the commission to Section 370.4.1 of the policy and reported that the 9-1-1 Call Center asked that text be added that read “. . . This department has designated emergency calls to its 9-1-1 lines.” He anticipated that the language related to handcuffing might also be further refined.

Mr. Mueller, seconded by Mr. Belcher, moved to make the suggested amendments to Policy 370 agreed to by the Police Commission and forward that amended policy to the Chief of Police for consideration.

Mr. Alsup questioned the introduction of the revisions at this point given that the committee that forwarded the recommendation did not support them. He thought the existing term “to set an appropriate environment for effective communication” provided direction to the officers without the need to add more text to the policy. He was less concerned about proposed revision 2 than proposed revisions 1 or 3.

Mr. Clark agreed with Mr. Alsup. He was concerned about the third proposed revision because it appeared to call upon the officer to be able to make a diagnosis of what caused the person's behavior. He asked if there was any existing policy language that assisted the officer in making that diagnosis intelligently. Mr. Clark was also concerned because he understood from the commission's training that there were times when gaining compliance was part of taking someone into custody. He did not object if officers used several tactics if the goal was to gain compliance of the person being taken into custody. While he wanted police officers to be calm and respectful in general, he thought there might be times when that might not be the best tactic for officers in doing their job. He did not think he would be able to support the additional revisions.

Referring to language proposed by staff regarding handcuffing an individual in front if possible, Ms. Miller questioned whether there was ever a situation where it was safe to handcuff someone in the front. Mr. Cushman said it was never optimal. He had been knocked unconscious transporting someone who was cuffed in front. Ms. Miller acknowledged that the text left that decision to the officer but said she had a reservation about that recommendation. It was important that officers be safe as well.

Ms. Miller shared the concerns expressed by Mr. Alsup and Mr. Clark about the revisions proposed by Mr. Mueller. She did not support proposed additions TM1 or TM3 and had no strong opinion about proposed addition TM2.

Chief Kerns agreed that it was asking an officer a lot to be able to diagnose a person with disabilities as to the nature of their disability. He asked Mr. Mueller what he was trying to achieve with revision TM3. Mr. Mueller said he was attempting to address an anecdote he heard about a person with cerebral palsy who was pulled over for a violation. That person had slurred speech and when told by the officer to leave his vehicle could not comply and told the officer that. The officer then opened the door and dragged the individual out of the car. He wanted to prevent that from happening. He also wanted to preclude an officer from asking a person to look at them. If a person was acting a certain way because of their disability, they were physically unable to comply with an officer's request. The purpose of the text related to handcuffing was to ensure people with hearing impairments or are Deaf had a right to speak.

Chief Kerns believed that proposed revision TM3 was overly broad. He said that there were some behaviors that were probably the result of disabilities that officers were permitted to arrest people for.

The jail had a large percentage of people who would not be there but for their disabilities (referring to people who, often due to a mental health condition, committed crimes for which they were lodged in the jail). There was no other safe place for them to be. Chief Kerns said that some circumstances evolved so rapidly it would be impossible for an officer to know if a person was behaving as they were because of a disability. He said a Supreme Court landmark case that described when force was authorized was the result of a subject behaving in a certain way due to a disability. He suggested the department apply the provision of interest to Mr. Mueller in its training rather than include it in the policy.

Mr. Valle reminded the commission of the purposes of the policy and how such policies were used by the police. He was concerned about the issues inherent in TM3 and hoped that consideration and discretion were used by officers.

Ms. Nelson indicated she would not support the motion because of the concerns mentioned by Mr. Clark and the fact she preferred to adopt what the committee forwarded. She suggested that the commission forward the policy and minority report to the chief for his consideration.

Mr. Belcher did not support revisions TM1 or TM2 because of redundancy but supported revision TM3 because he thought officers should know a lawsuit was a potential outcome.

Mr. Mueller noted that that the committee that forwarded the report to the commission was essentially himself and Mr. Belcher as Mr. Ahlen was unable to attend.

Mr. Cushman spoke to the revisions, saying that TM3 was very broad and subject to interpretation; it could be interpreted as telling police officers they could not take people into custody for no legal reason, and that was stated elsewhere. He also pointed out that that under State law, the police can do mental holds that allow them to take people into custody for reasons related to their disability that were not necessarily criminal in order to get them treatment.

Mr. Clark, seconded by Ms. Nelson, moved to substitute the motion with a motion that accepted the Universal Access Committee's draft of Policy 370 – Communication with People with Disabilities with the noted dissension from a commission member as an attachment, and forward it to the Chief of Police for his consideration.

The commission moved to consider the substitute motion. The motion passed, Mr. Belcher and Mr. Mueller voting no.

The substitute motion passed unanimously.

9. Chief's Report

Chief Kerns noted the pending misdemeanor trial for Ian Van Ornum.

Speaking to Ms. Berg Caldwell's testimony, Chief Kerns said the EPD did not conduct investigations into immigration violations or cooperate with the Immigration and Customs Enforcement (ICE) on immigration cases.

Chief Kerns discussed the department's work on property crime reduction and its plans to do more focus on crime analysis to assist it to bring those numbers down.

Chief Kerns anticipated more focused patrols would occur in parks.

Chief Kerns briefly noted the planning the department was doing in anticipation of Cinco de Mayo, the Fourth of July, and University of Oregon football games. He reported that the City and University were discussing police services on campus. He anticipated that the University of Oregon and City would begin to discuss the elements of future contracts soon but there would be a different type of contract between the EPD and University's Department of Public Safety next year.

Chief Kerns reported that City staff would be presenting options for a new police facility to the City Council soon. He would also report to the council on costs and other considerations related to providing take-home vehicles for patrol personnel. He indicated that patrol staffing had improved somewhat and the department hoped to hire as many as 10 or 11 officers in June, depending on the number of qualified candidates and the city's budget status. He anticipated an additional vacancy due to retirement.

Chief Kerns reported that he was holding weekly technical briefings with the Police Auditor and senior Police staff, which were a great opportunity to work through policy and adjudication issues.

Chief Kerns noted the upcoming April 20 public hearing on the recommendations of the Police Auditor Ordinance Review Committee. He noted that the City Council had scheduled a meeting to discuss next steps in filling the vacant auditor position as well as the topic of auditor supervision.

Chief Kerns reported that the City Manager would present the fiscal year 2010 budget to the Budget Committee on April 29.

Chief Kerns said the department was involved in making several grant applications, including the JAG grants for software and non-sworn personnel and a grant for collaborative efforts with the schools.

Mr. Alsup, seconded by Mr. Clark, moved to extend the meeting time for 15 minutes.
The motion passed unanimously.

Chief Kerns noted the recent rash of burglaries and reported on a successful police response to a burglary. He said that the perpetrator was released from jail within hours, however, and that continued to be a problem. He had heard from a woman whose daughter had been the subject of a violent assault; the perpetrator was sentenced to a year in jail and almost immediately released. Law enforcement and the judges continued to attempt to give the community a sense of importance of increasing the number of jail beds. The community needed 1,600 jail beds and had about 100.

Chief Kerns reported on his attendance at neighborhood meetings, saying that was going well. He noted some other community events he had attended. He commended the work of the Volunteers in Policing Program and said it would be impossible to do the community policing the department did without program participants. He noted that the volunteers were supporting the Oregon Police Chiefs Association conference, which was occurring in town, and that was going very well. He said participants at the conference were discussing the budget cuts occurring around the state and heard a presentation on grants from Eugene City staff. He said the conference would also include a class on emotional survival for police executives and a session on the use of force.

Responding to a question from Mr. Alsup about the potential University of Oregon security personnel would carry weapons, Chief Kerns said that there was State legislation being contemplated that would allow Oregon universities to hire officers that carried weapons. He did not know the status of that legislation.

Mr. Valle was happy to hear that the department did not work with the ICE. He expressed interest in hearing about the local rate of arrests for people of color in general.

Chief Kerns noted that the City of Eugene had not supported enforcement of immigration laws during his tenure.

Responding to a question from Mr. Valle about the level of enforcement in the downtown exclusion zone, Chief Kerns said there were two officers permanently assigned downtown. There had been some focused enforcement for a few months but the officers involved had been returned to their regular assignment. He said that the report provided to the commission reflected the higher level of enforcement that occurred immediately after the adoption of the ordinance. Mr. Valle looked forward to future reports. Chief Kerns observed that it was difficult to know the impact of the ordinance on behavior crimes, which were not reported for the most part.

Mr. Belcher asked if any officers were involved in the next National Guard deployment. Chief Kerns said one officer was involved. Mr. Belcher asked if any of the grants contemplated were controversial like the Weed and Seed grant. Chief Kerns said no.

Responding to a question from Mr. Mueller about the number of beds in the Lane County jail that were used by the ICE, Chief Kerns indicated that the federal government paid for its own jail space and did not take away from local jail space given that the County could not afford to use all the beds it had available. The federal government paid enough for jail beds to help subsidize other beds for local use.

Mr. Clark encouraged the commission to offer testimony to the Budget Committee. He noted that he had requested a list of real assets that were underused or under-developed from the City Manager that could be better used or sold. He anticipated that he would ask the Budget Committee to fund more officers. Mr. Clark expressed concern that those who committed domestic violence were not held accountable, and someone would be hurt or killed as a result. He did not sense that the Board of County Commissioners was moving toward a solution, and he did not think it responsible for Eugene to ignore the issue. He anticipated he would ask what it would cost to add a couple of jail beds to a new police patrol facility.

Ms. Miller asked if the City collected data related to race, and if that identification was made based on an officer's perception, the information provided by the Department of Motor Vehicles, or if it was self-reported. Chief Kerns said that it was "all of the above."

10. Closing Comments

Mr. Clark said he witnessed the May 30, 2008, Taser incident and had communicated what he saw to the chief shortly thereafter. He said what he read in the paper bore no resemblance to what he witnessed.

Mr. Mueller invited the commission to attend the upcoming *Lunch with Harvey* fundraiser on April 26 at the Hilton Hotel.

Ms. Miller adjourned the meeting at 8:45 p.m.

(Recorded by Kimberly Young)