

City of Eugene POLICE COMMISSION



The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Juan Carlos Valle, Chair; Tamara Miller, Vice-Chair; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; Kaitlyn Lange; Jesse Lohrke; James Manning; Timothy Mueller; Kitty Piercy; Bob Walker

Police Commission Meeting Thursday, November 10, 2011 5:30 pm, McNutt Room, Eugene City Hall, 777 Pearl Street

<u>Item</u>	<u>Starting Time</u>	<u>Minutes</u>
1. Agenda review	5:30	5
2. Minutes Approval - October 13, 2011	5:35	10
3. Public Forum	5:45	10
4. Comments from Chair and Items from Commissioners	5:55	20
5. Search and Seizure Policy	6:15	50
6. Break	7:05	10
7. Chief's Report	7:15	25
8. Committee Report – Outreach and Resource	7:40	10
9. Hate Crimes Conference Committee/Work Group	7:50	10
10. Budget & Savings	8:00	20
11. Closing Comments	8:20	10

Next Police Commission Meeting: Thursday, December 8, 2011



Memorandum

City of Eugene
777 Pearl Street, Room 106
Eugene, Oregon 97401
(541) 682-5852

November 3, 2011

To: Members of the Police Commission

From: Carter Hawley, Police Commission Analyst

Subject: Material Review for November 10 Police Commission Meeting

Listed below are items on the upcoming Police Commission meeting on November 10 that warrant more explanation:

Search and Seizure Policy

The Policy Screening and Review Committee began its review of this policy in April 2011, and considered additional information received in the fall at the request of the Commission. The attached policy reflects the recommendation of the committee. Also included are the verbatim comments from commissioners wishing to explain their action when there was a split vote. Commission action on this policy is sought.

Committee Update

November 2, the Outreach Committee received a written update from Sgt. Lisa Barrong and Cpt. Rich Stronach regarding the Department's efforts in responding to the recommendations related to the Monroe Street Station. Their report is included in this packet and the chair of the committee, James Manning will review it during his update of the committee activities.

Hate Crimes Conference and Committee

On behalf of the Commission, Commissioner Valle sent a letter to the leadership of the HRC. Their response is included in the packet. With that information the Police Commission can create the working group and identify the members.

Budget Savings

There are several cost issues including videotaping and food which could affect the Commission's operations. At the meeting, various options will be presented, along with the recommendation from the Chair and Vice-Chair.

MINUTES

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

October 13, 2011
5:30 p.m.

PRESENT: Juan Carlos Valle, Chair; Tamara Miller, Vice Chair; Bernadette Conover, Jim Garner, Linda Hamilton, Kaitlyn Lange, Jessie Lohrke, James Manning, Tim Mueller, Mayor Kitty Piercy, Bob Walker, commissioners; Police Chief Pete Kerns; Carter Hawley

ABSENT: Mike Clark, commissioner.

Mr. Valle called the meeting of the Eugene Police Commission to order.

1. Agenda Review

Ms. Hawley reviewed the agenda and meeting materials.

Ms. Conover recalled that the commission passed a motion to table its consideration of the search and seizure policy to the October 2011 meeting. Mr. Valle recalled that subsequently the commission decided to refer the policy to the Policy Screening and Review Committee. Ms. Conover asked if that action took precedence over the motion to table. Mr. Valle deferred further discussion to follow item 2.

2. Minutes Approval

Mr. Valle solicited corrections to the September 8 minutes of the joint meeting of the Police Commission and Civilian Review Board (CRB). Ms. Conover questioned whether she needed to be listed as both a member of the CRB and the Police Commission and further noted that Leia Pitcher should have been referred to as the *Deputy* Police Auditor. Mr. Garner pointed out that Carol Berg Caldwell was erroneously listed as “Carl” Berg Caldwell on page 1 of the meeting minutes.

Mr. Mueller, seconded by Ms. Lange, moved to approve the September 8, 2011, minutes of the joint meeting of the Civilian Review Board and Police Commission as amended. The motion passed unanimously, 11:0.

Mr. Valle then solicited corrections to the September 8 Police Commission minutes.

Mr. Garner corrected the vote for the first motion on page 1 from 6:0 in favor to 5:0 in favor because the Outreach and Resource Committee had five members at that time rather than six. Mr. Garner also pointed out that the motion reflected in paragraph 6 on page 5 of the minutes should be revised to indicate that the vote was 7:3, with Ms. Conover, Mr. Manning, and Mr. Valle voting yes rather than no as shown. Ms. Conover noted that Ms. Hamilton was mistakenly listed as present at the meeting and the total for all votes should be 10 rather than 11 commissioners.

Mr. Manning, seconded by Mr. Garner, moved to approve the minutes of the September 8, 2011, Police Commission meeting as amended. The motion passed unanimously, 11:0.

3. Public Forum

Deb Frisch, no address given, criticized the CRB as cost-ineffective because its findings resulted in no action; police officers could only be sanctioned if the police chief or district attorney chose to act. She believed the CRB created an illusion that Eugene had done something in response to past police wrongdoing. She was also concerned that no attempt had been made to avert tragedies such as the Chris Kilcullen slaying by precluding those with mental illness from owning firearms. Ms. Frisch concluded by discussing her opposition to hate crimes legislation because she believed murder, assault, and rape were hate crimes regardless of who they were perpetrated against.

Ken Neubeck, vice chair of the Human Rights Commission (HRC), shared the HRC's interest in co-sponsoring a Hate Crimes Conference with the Police Commission. He hoped to identify leads on the HRC to serve on a planning committee. He invited questions.

Zachary Vishanoff, no address given, suggested that a hate crime was in the eye of the beholder. He recalled an incident he had with the Eugene Police Department (EPD) that ended in his being shot with a less lethal weapon and no one had suggested it was a hate crime at the time but he questioned what else it could be. He suggested the commission form a subcommittee to define "hate crime."

Mr. Vishanoff asked the commission to ask the City Council to hold public hearings on the University of Oregon (UO) proposal to form a Department of Public Safety (DPS).

There being no other requests to speak, the public forum closed.

The commission returned to the topic of the motion regarding the search and seizure policy. Mr. Walker reported that the Policy Screening and Review Committee had been unable to finish its work on the policy before the commission meeting. He recommended the commission take the item off the table and refer it back to the committee to correct the process error it made in September by passing a motion after the item had been tabled.

Mr. Walker, seconded by Mr. Garner, moved to take the motion of September 8 tabling the search and seizure policy off the table and refer it back to the Policy Review and Screening Committee.

The commission briefly discussed whether the motion was necessary and whether the motion affected the commission's timely review of the policy.

The motion passed unanimously, 11:0.

4. Comments from Chair and Items from the Commission

Mr. Mueller endorsed a recommendation made to the commission at the September meeting by Majeska Seese-Green that the commission hold a public forum on the search and seizure policy and suggested the commission discuss that at its next meeting.

Ms. Hamilton looked forward to the HRC and Police Commission's work on a hate crimes conference, and reminded the commission of the HRC's two work planning meetings scheduled for October 18-19.

Ms. Conover said the CRB met earlier in the week and heard a presentation from Terry Martin of the Canine Unit on the EPD's use of canines. Board members Tim Laue and Steve McIntyre were elected to the positions of chair and vice chair for another year, and board members Snell Fontus and Ms. Conover agreed to continue to serve as liaisons to the HRC and Police Commission. The CRB reviewed a case proposed for review by a complainant, which was a first-time occurrence, and that resulted in a good discussion. Ms. Conover reported that the CRB's training topic for November was a tour of Buckley House. The next meeting was scheduled for November 8, 2011.

Mayor Piercy reported on her attendance at the Citizen Police Academy, saying those in attendance heard informative presentations on gangs and narcotics. She said the gang presentation had improved since the commission saw it and noted that the council would hear the presentation on October 14.

Mayor Piercy commended the work of the Buckley House and emphasized its importance to the successful operations of the CAHOOTS (Crisis Assistance Helping Out on the Streets) Program.

Mr. Walker expressed appreciation for the Prevention Convention and thanked the commissioners who participated.

Mr. Lohrke appreciated the public testimony, in particular Mr. Vishanoff's suggestion that the two commissions work together to create a definition of hate crimes. He asked for more information about the City's role as it related to the proposed campus DPS and suggested the commission look into that issue in the future.

Ms. Miller proposed that the commission hold a brief training on Roberts Rules of Order.

Ms. Miller observed that the State legislature authorized the formation of the DPS and the City had no authority to stop it. She anticipated that there would be some overlap between the responsibilities and authorities of the EPD and DPS as the proposal evolved. She regretted her inability to attend the Prevention Convention.

Mr. Valle commended Mr. Manning for his work at the Prevention Convention on behalf of the commission. He reported that he and Mayor Piercy had been invited to participate in a panel discussion for a film festival entitled "Not in My Town." He commended the event and said it provided food for thought for discussions of the community's future.

Mr. Valle challenged commissioners to attend a session at Municipal Court or a police ride-along.

Mr. Garner concurred with Mayor Piercy's praise of the Citizen Police Academy and shared the agenda topics for upcoming meetings. He saw value in every aspect of the academy. Mr. Garner was pleased the survey was done and noted it was scheduled for later discussion. He reported that he and his wife had also participated in the Prevention Convention.

Mr. Manning had attended the Prevention Convention and noted the many commissioners who participated. He reported he had used the convention as an opportunity to talk to the officers in attendance and encouraged other commissioners to reach out to EPD officers at future events.

Ms. Lange appreciated the public testimony as well as the information provided by other commissioners via e-mail. She volunteered to provide a briefing on Roberts Rules of Order. Ms. Lange reported that the Oregon University System (OUS) Board of Directors approved the use of sworn police officers on campus

and the discussion was moving on to whether offices should be armed and DPS oversight. Two committees had been created to develop recommendations for those issues. Ms. Lange felt the issue of a University police force was pertinent to the commission, although she was unsure in what context.

Mayor Piercy believed the community needed further information and discussion about the UO's proposal. She said Chief Kerns was closely following the formation process.

Ms. Lange reported that the Neighborhood Livability Working Group recommended that the City Council adopt a local social host ordinance.

5. Discuss and Prioritize Work Plan Items

The commission first noted the priorities it identified in May: 1) street gang violence, 2) jail bed capacity, 3) domestic violence, 4) social services and public safety, and 5) services for youth. Commissioners briefly discussed the items on the list they supported moving forward.

Mr. Valle asked Chief Kerns for input. Chief Kerns suggested the issue was what the commission wished to do regarding each item and where its efforts would do the greatest good. He reviewed each priority in turn and described the department's current efforts regarding them. He anticipated the commission could have a role in addressing street gang issues. Chief Kerns suggested that the resolution to the issue of jail beds could be a political one and might require a new funding source. He welcomed the commission's assistance with domestic violence. Speaking to the topic of social service and public safety, Chief Kerns suggested the item might be more informational in nature. He believed services for youth was related to the issue of jail beds as there were not enough beds for young offenders.

The commissioners agreed that all the topic areas were important. However, they also agreed the commission needed to address those items that it could most appropriately and effectively address as the Police Commission in the time frame provided. Ms. Miller recommended, and the commission agreed, that it schedule informational presentations on 1) domestic violence, 2) social services and public safety, and 3) services for youth as a starting point. Those examinations would allow the commission to gauge the scope of each item and consider what other communities had done. The commission would consider whether to pursue the other two items as time allowed later in the year.

6. Discuss Hate Crimes Conference

Mr. Valle recommended the commission commence planning for the hate crimes conference by forming a planning committee. He asked the commission what other partners might be appropriate to involve. Commissioners briefly discussed how to proceed with a focus on whether the committee would be a joint committee with another body such as the HRC, how it would be staffed, and other potential partners.

Mr. Neubeck said that he and Ms. Hamilton could raise the issue during the HRC's work planning sessions and assess support, which could also allow them to identify people interested in participating on a planning committee. Ms. Hamilton concurred, and suggested that the commission involve Nancy Savage of the FBI in the planning effort.

Ms. Conover, seconded by Mr. Manning, moved that chair draft a letter of outreach to the people involved in the last committee to see if they would like to form a working group to schedule and produce a hate crimes conference.

After brief discussion of the scope of the motion, Ms. Conover and Mr. Manning withdrew the motion.

Ms. Conover, seconded by Mr. Mueller, moved to direct the chair to send letter to the HRC to ask if it would like to participate in the preparation and planning for a hate crimes conference in 2013. The motion passed unanimously, 11:0.

Ms. Miller suggested that the Police Commission wait to appoint its representatives to the working group until it heard back from the HRC. There was no objection.

7. Break

The commission took a brief break.

8. Chief's report

Chief Kerns provided his report, first highlighting the department's preparations for the upcoming Occupy Wall Street protests. He also noted his attendance at the meeting where the OUS board approved the UO's DPS proposal and reported that while DPS officers' authority would extend to the entire state, the University's administration would have to determine if officers could work off of campus property.

Chief Kerns reported that the EPD had officially separated the Property Crimes Unit into east and west divisions. The department would evaluate that structure after six months. The department's joint labor-management budget committee would hold five meetings to discuss reductions in the department's budget. The EDP held listening sessions for veterans and those who cared for them and planned a listening session with the media and a report back to the Asian-American community on the department's debriefing of the Taser incident involving Chinese foreign students.

Chief Kerns reported that Operations Support Division Manager Lynn Reeves was leading the remodeling effort of the new police headquarters and that work had begun the previous week. He hoped the department would occupy the building by June 2012. He reported that the City was acquiring a new records management system designed primarily to serve the EPD that he hoped would support the department's data-led policing efforts more effectively.

Chief Kerns shared hot spot maps illustrating criminal activity over the past month.

Chief Kerns said the Prevention Convention had been very successful, with approximately 1,100 people in attendance. He commended Sergeant Lisa Barrong and the volunteers who assisted her with the event and noted the department was able to keep costs low through the assistance of community donations.

Chief Kerns reported that the department hired ten new officers on October 17 and staff had been able to develop a financial plan that allowed the department to over-hire by one officer.

Chief Kerns reported that Officer Chris Kilcullen would receive posthumous recognition from the Oregon Peace Officers Association at its annual fall conference.

Chief Kerns reported that he attended the September 13 APTA conference where several dispatchers received statewide recognition; he appeared on KUGN and KPNW radio programs; received the trophy for

the “Boots” versus “Badges” blood drive competition; attended the September 24 Neighborhood Summit; attended the September 27 Looking Glass Breakfast; attended the September 27 EPD promotion ceremony; attended the Latino Heritage Night banquet; and attended the Prevention Convention.

Chief Kerns noted the passing of Crime Analyst Stan Lenhart.

Mr. Mueller asked about the payback associated with the new records system and if the system would enable police officers to identify people who were disabled or had medical marijuana cards. Chief Kerns did not know if the records system would produce cost savings, although he hoped so, and did not know if the system could identify an individual’s status as disabled or having a medical marijuana card. Mr. Mueller asked about the nature of Chief Kerns’ meeting with the Asian community. Chief Kerns recalled that he had promised to share the results of the department’s incident debrief with the Asian-American community and offered to share that information with the commission.

Mr. Manning expressed concern that DPS officers might be armed and asked if that was necessary as he believed that heightened the potential for an accident or incident on campus. He asked if current security personnel would be converted to police officers or if the UO would hire new officers. Chief Kerns pointed out that 98 percent of all United States universities have a police force, and less than 13 percent of that larger percentage was unarmed. He also pointed out that the UO used to contract with City for police services and all Eugene officers were armed. Chief Kerns anticipated that the UO would hire new officers who would be trained and certified like Eugene officers.

Chief Kerns said he was not concerned about whether UO officers would be armed but was concerned that the DPS had the right leadership, policies, supervision, and employees. He believed the UO had a need for a police force and that the UO campus was better served by a police force that was uniquely designed to address the needs of a campus environment. He pointed out that having a campus police department meant that Eugene would have 26 more police officers and he believed that was a good thing. He further pointed out that the UO was exempted from paying property taxes so Eugene was not paid for the services it provided to campus, and that took away from the EPD’s ability to serve Eugene residents.

Responding to a question from Mr. Garner, Chief Kerns provided a brief overview of the department’s internal budget process, which included some exploratory reduction targets. He indicated he had no mandate to reduce services by any particular percentage. Responding to a follow-up question from Mr. Garner, Chief Kerns indicated there had been no overall change in the number of staff at the 9-1-1 Center.

Speaking to the City’s new records system, Mr. Valle hoped that the system provided data that informed future discussions of racial profiling. He asked Chief Kerns if the data would be shared with ICE. Chief Kerns said the software would not change current practices. He anticipated that the department would be able to share its data with other local agencies. He did not know if ICE was able to view the current system, AIRS.

Mr. Walker asked if AIRS would go away. Chief Kerns anticipated that some agencies would continue to use AIRS, although the City would not. The City’s new system would be a standalone system that interfaced with other public safety systems.

Responding to a question from Ms. Lange about the role of Officer Aaron Dressler on campus, Chief Kerns responded that Officer Dressler was an area coordinator for the West University area and was working with the OLCC and UO students to reduce offenses related to large disorderly parties and property crimes. Officer Dressler was participating in the Party Patrol with positive effects.

Mayor Piercy emphasized the high level of crime in campus-area neighborhoods and believed it was important that students understood the DPS was there to protect them. She suggested that message be continually conveyed. She continued to be interested in seeing some type of independent oversight system for the DPS.

Mr. Mueller said it appeared the department had ten percent more calls for service than in 2010 and asked if that reflected different response priorities or more overtime. Chief Kerns believed the increase could be attributed to more officer-initiated activity and calls related to homelessness.

Ms. Miller expressed concern about the amount of time it took for officers to process shoplifters and asked if the new records system would reduce that time. Chief Kerns anticipated officers would someday have electronic hand-held citation books that reduce the time needed for such arrests.

9. Community Survey Review and Approval

Mr. Manning, seconded by Ms. Miller, moved that the commission accept the work of the Outreach Committee regarding the survey.

Mr. Walker did not support the motion. He thought the questions were too subjective and he was concerned about how the responses would be interpreted and used. He also questioned the need for demographic information.

Ms. Miller thought it was important for the commission to have a baseline survey if the commission planned to conduct future surveys. She had wanted a statistically valid survey and said the department had hired a consultant to ensure that was the case. For that reason, she supported the motion.

Mr. Valle supported the motion and thanked the chief for funding the survey.

Responding to a question from Ms. Lange, Mr. Manning confirmed that she could secure hard copies of the survey to give to students. Ms. Hawley invited Ms. Lange to contact her for copies. Ms. Miller noted that such a student sample would not be statistically valid but the committee was still interested in comparing those results to the baseline survey. Mr. Mueller anticipated the commission would survey other non-random groups to compare to the baseline.

Speaking to Mr. Walker's concerns, Mr. Mueller said the committee provided the consultant with the information it wished to gather from the survey, and she had created the questions based on her professional experience. Mr. Garner attributed the inclusion of demographic questions to the committee's interest in knowing if certain groups were more satisfied or less satisfied with the department's performance.

The motion passed, 10:1; Mr. Walker voting no.

10. Closing Comments

Mr. Valle solicited closing comments.

Mr. Garner reported that he learned of a new gang in his neighborhood at the last Citizen Police Academy, and also learned that pharmaceutical drug overdoses exceeded all other forms of overdose. He commended the work of the Outreach and Resource Committee on the survey.

Mr. Lohrke believed it was also important to track socio-economic status in the survey and was glad those questions were included.

Mayor Piercy shared information about a latest youth fad known as “bowling,” which involved youth consuming various drugs taken from a bowl.

Ms. Conover said the CRB presented its annual work plan to the City Council the previous day. She reported that Police Auditor Mark Gissiner was discussing police oversight options with the UO. She commended the personal safety instructor who presented at the Prevention Convention. Ms. Conover expressed concern about circulating hard copies of the survey until the telephone survey had been done.

Mr. Mueller looked forward to the survey as he believed it would inform the commission’s discussions about how to build community trust in the police. He believed that the fact the department was getting a new headquarters and records system was a testament to the community’s support of the EPD.

Mr. Valle adjourned the meeting at 8:30 p.m.

(Recorded by Kimberly Young)

EUGENE POLICE COMMISSION

AGENDA ITEM SUMMARY



Review and Approval of Search and Seizure Policy

Meeting Date: November 10, 2011

BACKGROUND

In April, the Policy Screening and Review Committee of the Police Commission began its review of a new Search and Seizure Policy. An initial recommendation was made to the Police Commission at its meeting in September. The policy was remanded back to the committee for further review and to incorporate additional input received. The Committee has concluded its review and forward a policy to the Commission and recommend that the Commission approve the policy.

The Committee actively solicited input from the Police Auditor, ACLU and community members. In addition the Committee's work was written up in the Eugene Weekly.

KEY ISSUES

The Committee's discussion was thorough and robust and covered many of the key issues embedded in a search and seizure policy, including:

- Purpose of a search and seizure policy
- Prohibition of illegal profiling
- Probable cause
- Reasonable expectation of privacy
- Search of private residence
- Definition of plain view
- Circumstances when a search warrant is not required
- Electronic enhancements

While unanimous consensus was sought and obtained in most areas, a few of the discussions resulted in split votes, reflecting the difficult and valid perspectives held by the Committee members and the community they represent. Where members wished to express their opinions that differ from the attached policy, their verbatim comments are attached for the consideration of the Commission and the Police Chief.

COMMISSION OPTIONS

The Commission can approve, deny or amend the policy. It can also remand it back for further input or discussion.

RECOMMENDATION AND MOTION

Approve the Search and Seizure Policy as proposed. *I move approval of the Search and Seizure Policy as proposed.*

ATTACHMENTS

- A. Recommended Search and Seizure Policy
- B. Dissenting Opinions

Search and Seizure

Committee added preamble information in draft explaining intent and differing kinds police and citizen contact.

322.1 PURPOSE AND SCOPE

Information:

There are three levels of police/citizen contact.

The first level is a consensual encounter. A police officer may approach any person in a public place and request to talk to him. So long as the person is free to leave whenever he wants, no Fourth Amendment seizure has occurred and no reasonable suspicion or probable cause is required.

The next level is the "Terry" type encounter. Terry v. Ohio, 392 US 1, (1968). Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Failure to answer the questions asked by the officer or to properly identify oneself cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released.

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense.

Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.

Language clearly stating that EPD does not condone or promote any profiling system.

Policy:

EPD shall not condone or promote the use of any illegal profiling system in its enforcement program. Criminal elements exist in every segment of our society. An officer whose enforcement stops and decisions to search are based on race or ethnicity is engaged in a practice which undermines legitimate law enforcement, and may face claims in Federal courts of civil rights violations. To focus on a single segment of society is to limit enforcement efforts. Awareness is the key to success in criminal interdiction. Observations must be evaluated in the aggregate - not isolation. An officer must use all senses while avoiding the development of tunnel vision. An important factor to remember when conducting an enforcement stop is to take the time to do it right. Do not rush through the stop or an important indicator of illegal activity may be missed. Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained. For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop had been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

For information about searches of persons in custody, refer to Policy 902.

Defines probable cause

322.2 DEFINITIONS

Probable Cause: ORS 131.005(11) defines probable cause: probable cause means that there is a substantial objective basis for believing that, more likely than not, an offense has been committed and a person to be arrested has committed it. Courts

have further stated that an officer must subjectively believe that a crime has been committed and thus that a person or thing is subject to seizure, and this belief must be objectively reasonable in the circumstances

Outlines legal privacy expectations and the legal exceptions to the requirement to have a warrant	<p>322.3 REASONABLE EXPECTATION OF PRIVACY</p> <p>Both the United States and Oregon Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area, or search any property or possessions where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:</p> <ul style="list-style-type: none">• A search warrant• Probable cause accompanied by an exception to the warrant requirement (e.g., exigency, plain view, search incident to arrest, vehicle exception)• Valid Consent• Community Caretaking/Emergency Aid (see 322.5)• Lost or Abandoned Personal or Real Property (see 322.3) <p>Except in cases of fresh pursuit, consent, or when exigent circumstances exist, a search warrant will be obtained prior to making entry into premises to serve an arrest warrant, unless the subject of the warrant resides in those premises and there is probable cause to believe s/he is present at that time.</p>
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Introduction paragraph for section relating to unique situations called out below	<p>322.4 SPECIFIC SITUATIONS</p> <p>Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.</p> <p>Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.</p>
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Specific situation of privacy within home and area around home.	<p>322.4.1 RESIDENCE</p> <p>Absent a search warrant, an exception to the warrant requirement, probation or parole authorization, or consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas immediately around their home where the general public would reasonably be permitted to go unless they have taken affirmative measures to exclude the general public, such as fences, gates or posting “no trespassing” signs. Absent evidence of an intent to exclude, an occupant impliedly consents to people walking to the front door and knocking on it.</p>
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Specific situation – addresses how issues of abandoned and lost property are addressed.	<p>322.4.2 Abandoned and lost property</p> <p>This section includes abandoned personal property and abandoned real property.</p> <p>Abandoned property is a category of property for which a warrant is not needed for a lawful search (no privacy interest is invaded). Police are authorized to seize and inspect lost property in an effort to identify the owner</p> <p>For purposes of this policy, property is considered abandoned if the totality of the</p>
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circumstances indicate the privacy expectations have been relinquished – for example, the property has been vacated or left unattended for a period of time inconsistent with the intended use or its location. Further, there is no reasonable expectation that the owner of the property can be discovered without additional inspection of the property or its contents.

Specific situation – defines “plain view” Explains the "Plain View Doctrine" as it has been defined by the courts

322.4.3 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

(a) An item in plain view may generally be seized when all of the following conditions exist:

1. It was viewed from a lawful location
2. There is probable cause to believe that the item is linked to criminal activity
3. The location of the item can be legally accessed

(b) The object of a search and/or seizure must be one of the following (ORS 133.535):

1. Evidence or information pertaining to a crime
2. Contraband
3. Proceeds or fruits of a crime
4. Items used in the course of the commission of a crime (instrumentalities)
5. A person for whom there exists a warrant or probable cause to arrest, or who is unlawfully held in concealment.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item is evidence or will aid in an investigation. Such a nexus should be included in any related reports.

Specific situation – Outlines how courts have defined this particular exception to the warrant requirement

322.4.4 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:, when there is reasonable belief that there is imminent danger of:

- (a) Injury or death
- (b) Serious damage to property
- (c) Escape of a suspect
- (d) Destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally valid.

Officers are authorized to conduct properly limited protective sweep in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene. A report must be written to articulate the reasons for conducting the limited sweep.

A warrantless search based upon exigent circumstances is limited to searching for the item that created the exigency. The search must be terminated once there are no more exigent circumstances.

Specific situation –
person searches

322.4.5 PERSON SEARCHES

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) When the person to be searched is of the opposite sex of the officer, an officer of the same sex should be summoned to the scene to conduct the search.
- (c) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the same sex. When practicable, this search should be video recorded. In these instances the officers will adhere to the following guidelines:
1. A supervisor and/or one other officer should witness the search, if practical.
 2. Officers will use the back side of the hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch, and buttocks areas..
- (d) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

Specific situation –
parole and probation
searches are discussed
as to when they
constitute a warrant
exception

322.4.6 PAROLE AND PROBATION SEARCHES

Unless otherwise permissible under another section of this policy, officers may not conduct parole or probation searches without authorization from the subject's supervising parole or probation officer. Any search predicated on a condition of parole or probation must be based on reasonable grounds to believe that evidence of a violation will be found (ORS 137.540(1)(i) and 144.270(3)(b)(A)). If the person refuses to allow the search, this may constitute a violation of his/her conditions of parole or probation, but will generally not justify a search by an officer absent a warrant or a separate warrant exception.

Specific situation –
vehicle exception to the
warrant requirement

322.4.7 VEHICLE EXCEPTION

The Vehicle Exception that permits search of a vehicle, and the containers therein, without a warrant exists when:

- 1) The officer has probable cause to believe that the vehicle contains contraband or other evidence of a crime;
- 2) The vehicle was mobile before the initial police contact; AND
- 3) The vehicle is attended and operable at the time of the search..

The Vehicle Exception ceases to exist when the vehicle is impounded.

The term vehicle applies to non-motorized conveyance such as bicycles.

Officers should consider telephonic search warrants, when permitted, before searching pursuant to the Vehicle Exception.

Specific situation – VIN
number

322.4.8 VIN NUMBER

There is no reasonable expectation of privacy in a Vehicle Identification

Number (VIN). If an officer lawfully stops a vehicle and the VIN is covered with an object, the officer may reach into the car, move the object and read the number.

Specific situation – use of flashlight to look into passenger compartment

322.4.9 USE OF FLASHLIGHT TO LOOK INTO PASSENGER COMPARTMENT

After a lawful vehicle stop, police may use a flashlight to look into the passenger compartment; if an officer sees an item in plain view which is immediately apparent to be evidence (probable cause) police may seize the evidence or contraband without consent or a search warrant.

States that it is ideal to receive valid consent to search and outlines criteria for obtaining informed consent to search

322.5 CONSENT

Entry into a location for the purpose of conducting a search, or searching personal property/belongings for any item reasonably believed relevant to any criminal investigation is permitted once valid consent has been obtained. Consent, however, is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent, and has not been precluded by a person with equal legal authority.
- The search does not exceed the scope of the consent given.

Unless unusual circumstances would prevent the use of the Department's Consent to Search form, officers should have the individual read the form, ensure s/he understands it, and provide the person with a copy after s/he has signed it. The Consent to Search form provides strong support for the validity of any consent.

If unusual circumstances prevent the use of the Consent to Search form, officers should describe such circumstances in related report(s).

A person with authority to consent to a search should be present or otherwise in a position to communicate a withdrawal of consent should s/he so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

The most important factor the courts will consider when determining if consent was valid is the voluntariness of the consent based upon the totality of the circumstances.

- Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

-

Requires that knowledge of the right to refuse consent must be established, and encourages verbal explanation if written form is not used.

- Knowledge of the right to refuse must be established. It is strongly recommended that the subject be told of the right to refuse if the Consent to Search form is not used.

- When seeking consent to search, officers will inform people of their right not to consent

- The person's ability to understand the request for consent should be considered. If the subject does not speak English, the consent shall be sought in the subject's native language, or by any other manner reasonably expected to advise the subject of their options.

- The person's age, education and other indicators of general cognitive ability can also be factors in determining whether, or not, the subject understands and is knowingly and voluntarily giving consent.

Describes community caretaking and emergency aid as it relates to search and seizure.

322.6 COMMUNITY CARETAKING/EMERGENCY AID

ORS 133.033 authorizes:

"(1) Except as otherwise prohibited by law, any peace officer of this state, is authorized to perform community caretaking functions.

"(2) As used in this section, 'community caretaking functions' means any lawful acts that are inherent in the duty of the peace officer to serve and protect the public. 'Community caretaking functions' includes, but is not limited to:

"(a) The right to enter or remain upon the premises of another if it reasonably appears to be necessary to:

"(A) Prevent serious harm to any person or property;

"(B) Render aid to injured or ill persons; or

"(C) Locate missing persons."

Community care taking functions shall not be primarily motivated by an intent to arrest or seize evidence and the officer reasonably suspects that the area or place to be searched is associated with the emergency and that, by making a warrantless entry, the officer will discover something that will alleviate the emergency.

Prior to making entry into a premise under the authority of this statute or pursuant to emergency aid, an officer will notify a supervisor of the circumstances justifying the need for entry, unless exigent circumstances preclude such notification.

Any officer making entry under the authority of this statute will prepare a report detailing his/her actions and the justification for them.

Explains that search warrants are required unless an there is an exception, outlined in this policy.

322.7 SEARCH WARRANTS

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. Eugene Police Officers will always consider obtaining a search warrant before relying on legal exceptions to the warrant requirement. Even when an exception exists, there are times that obtaining a warrant is a better option.

Two options exist for obtaining a search warrant.

- Standard application procedure where the affidavit is presented to and reviewed by the judge in person
- Telephonic application where the judge reviews the affidavit and authorizes the warrant over the phone. Specific limitations apply to this procedure, and are discussed under 322.7.2

322.7.1 OBTAINING A WARRANT

Describes process for obtaining a search warrant

- (a) Inform your supervisor of your intent to apply for a search warrant.
- (b) Consult with the appropriate prosecutor regarding elements and language needed for the search warrant and affidavit.
- (c) Obtain a description of the items to be sought.
- (d) Obtain a legal description of the premises to be searched. Include address, color, and any distinctive features (e.g., number of levels, type of construction). If the warrant involves a vehicle, obtain the complete vehicle description, including license and VIN.
- (e) When dealing with premises, verify any facts that link your person or evidence with the premises (e.g., local computer records; DMV records; EWEB, Qwest, or other utility where subscriber information can be utilized).
- (f) Obtain as much information as possible about the physical layout of the location to be searched and background information on any persons likely to be present when the warrant is served.
- (g) Discuss any safety issues with a supervisor and evaluate risk factors to determine if SWAT service of the warrant may be appropriate. Complete a *Planned Operation Risk Assessment* form and follow procedures listed in General Order 1201.5 if the criteria listed in that policy are met.
- (h) Prepare the affidavit and the warrant, and review them with a supervisor and a Deputy District Attorney prior to presenting them to a judge. Discuss with the Deputy District Attorney issues regarding
 - Notice (i.e., “knock and announce”) required before entering the premises to serve the warrant.
 - Day or night service requirements
- (i) Present 2 copies of the affidavit and at least 3 copies of the search warrant to the appropriate court judge. The judge will retain one signed copy of the warrant and one signed affidavit. You will retain the remaining signed copies of the warrant and the other signed affidavit. (The extra signed affidavit is for your records or may be attached to your report regarding the execution of the search warrant.) One copy of the warrant will be read to the occupant/defendant, and will stay with that person along with a list of the items seized. The final copy of the warrant will be submitted with the return of search warrant.

322.7.2 TELEPHONIC SEARCH WARRANTS

Describes process for obtaining telephonic search warrants.

This procedure is for use in incidents involving:

- Crimes prosecutable in Circuit Court and there is a need to expedite the standard warrant process
 - An example would be a warrant for blood draw for alcohol content would dissipate more if a standard warrant procedure were followed.
- Violations of the Eugene Municipal Code related to prohibited noise when people in control of the involved premises do not consent to police entry or search of the property.

- (a) Inform your supervisor of your intent to apply for a warrant.
- (b) Prepare the application for a search warrant using the form provided by the appropriate prosecutor's office.
- (c) Upon completion of the application, contact the on-call District Attorney or City Prosecutor. Read the document to him/her, and get verbal authorization to contact the judge.
- (d) If the case is one for Circuit Court, the DA will provide the contact information for the judge designated for search warrants at that time. Call the judge and advise them of the need for a search warrant and your desire to apply for a search warrant on the telephone. With their permission, place a subsequent call to the judge which will be recorded.
- (e) If the case is a Municipal Code Violation that qualifies for telephonic warrant, the first phone call is unnecessary. In this case the list of judges is supplied by Municipal Court.
- (1) The warrant application conversation must be recorded. EPD officers are responsible for recording the conversation. The recording, must begin immediately upon contact with the judge.
- (2) The judge will place you under oath. Read the application to the judge, and s/he will make a determination if probable cause has been established. The judge may ask questions, the answers to which will become part of the record and establishment of probable cause. Upon the judge determining the probable cause exists, read the search warrant to the judge and they will authorize the issuance of the warrant.
- (3) Prepare three originals of the warrant: one which is served, one for inclusion with reports, and one to be returned to the judge. The judge will sign the original warrant returned to him/her and include it in the court file.
- (f) Once the warrant has been authorized and completed, notify your supervisor and arrange for service of the warrant ..
- (g) The following items must be returned to the judge within five (5) days following the execution of the search warrant:
- Inventory of items seized
 - Transcription of the phone recording of the application conversation with the judge (Normally, the Patrol Division Administrative Specialist will be available to transcribe the telephone recording.
 - Original tape of the recording (if the recording was done in digital format a copy of the recording will suffice)
- (h) It is the affiant officers responsibility to ensure the judge receives these items. Court Liaison may assist with delivering them to the judge .
- (i) The police report package should include:
- incident and/or custody report
 - details of the incident, including a list of evidence seized
 - the application for the search warrant
 - the search warrant

- a copy of the transcription of the telephone conversation
- (j) A copy of the tape recording should be made and placed in evidence.

Describes process to serve warrant

322.7.3 SERVING THE WARRANT

(a) General provisions

- (1) All officers involved in serving the search warrant must wear protective body armor. Plainclothes officers should also wear police raid jackets and caps, unless circumstances preclude doing so.
- (2) Consider restricting radio traffic on the radio talk group/channel being used before serving the warrant for officer safety purposes. Clear the restriction as soon as operational conditions allow.
- (3) Officers will knock and announce prior to all entries to serve search warrants unless a judge has authorized an unannounced entry in the issuance of a warrant.
- (4) The scope of searches pursuant to search warrants is limited to the premises specified in the warrant and for only those items specified to be seized. Specifically:
 - Officers may search only in those places where the evidence they are authorized to seek may be found.
 - The search must be terminated once all items specified in the warrant are discovered
 - If during the execution of the warrant, there is discovery of evidence not specified in the warrant (even when the evidence is of a crime unrelated to the warrant) it may be seized under the plain view exception
 - Unless specifically authorized by the search warrant, people on the premises may not be searched for evidence, unless there is probable cause to believe they are in possession of the evidence specified in the warrant. However, such persons may be frisked for weapons and be brought to a central location for observation during the search.
 - Unless there is probable cause to arrest, or reasonable grounds to further detain, such persons, they will be informed of their right to leave and allowed if that is their desire
- (5) It is a violation of the 4th Amendment to invite the media along when executing a search warrant.

Outlines the various positions involved in obtaining a search warrant and the responsibilities of each.

(b) Supervisor

A supervisor should oversee preparation for and execution of the warrant if the location to be searched is occupied or the execution will require forced entry and conduct a pre-service briefing that includes:

- (1) All personnel and their assignments
- (2) Diagrams, sketches, photographs and/or maps of the location to be searched
- (3) Special equipment needed or utilized
- (4) Safety issues and plans in case of an emergency

(c) Coordinating Officer

- (1) The affiant will normally serve as the coordinating officer, unless another officer is assigned to do so by the supervisor.

(2) The Coordinating Officer will work closely with the Supervisor to ensure that all of the duties listed below and all of the functions identified below are fulfilled.

(3) Ensure the Watch Commander and Communications Supervisor of the appropriate jurisdiction are aware of the location to be searched and the officers involved.

(4) Coordinate the service of the warrant.

(5) After securing the premises, but prior to the actual search, ask subjects if there is any money or property of unusual value present. If there is, the Coordinating Officer will ensure that the money and property are located, photographed, inventoried and secured prior to the remainder of the search being conducted.

- Count substantial amounts of cash in the presence of the owner and another officer, before entering that amount on the property/evidence report. If the cash is seized as evidence, have the owner and witness officer initial the entry on the Property/Evidence report.

- If money or valuable property are not seized as evidence, return it to the custody of the owner. Have the owner sign the inventory listing, acknowledging return of the items.

- If the person in possession of valuables is to be arrested, that person is responsible to arrange for the safe storage of the property. Take any reasonable steps to comply with the wishes of the property owner

- If you discover valuables during the search of an unoccupied premise, take all reasonable steps necessary, including seizure of the property for safekeeping, to ensure its safety.

(6) Photograph the entire area to be searched in order to document the condition of premises when police arrived.

(7) Ensure that the warrant is read to the person in charge of the premises and give him/her a copy. If the premise is unoccupied, leave a copy of the warrant in a conspicuous place. (The affidavit is not part of the warrant.)

(8) Photograph and document (via police report or memorandum) any damage caused by officers during service of the search warrant. Officers should take care to avoid damaging property whenever possible.

(9) Photograph all areas searched to document the condition of items and property when the search is concluded.

(10) Secure and compile reports by officers.

(11) Return the search warrant to the court within five days after service. A signed copy of the warrant along with an itemized list of the items seized during service of the warrant will accompany the return.

(d) **Evidence Officer**

(1) Seize all items which are to be taken as evidence. Maintain custody and create a written record of the items and the location where they were found.

(2) Whenever practical, ensure that each item to be seized is photographed as found, before it is moved.

(3) Prepare a complete evidence report listing all items seized which will be the basis for the return of the search warrant. Give a copy of the evidence report to the person in charge of the premises. When premises are unoccupied, leave a copy of the evidence report with the copy of the warrant that is left.

(4) Numbering of items on the Evidence/Property Report must be consistent with General Order 601.2.

(5) Mark, package, and submit the evidence.

(e) **Photographer**

(1) Consider the desirability of videotaping the scene.

- (2) Take video or photographs which depict the overall condition of each room prior to the search and after the search.
- (3) Videotape or photograph any property damage ensuing from entry or search.
- (4) When reasonable to do so, photograph each item to be seized in its original location prior to moving it.

(f) **Search Officer**

- (1) Search each room or area of the premises in a careful, thorough, and orderly manner.
- (2) Wear protective gloves when necessary to protect evidence (e.g., latent prints) and/or for personal safety.
- (3) Notify the Photographer and Evidence Officer when you find an item to be seized.

322.7.4 SEIZURE OF BODY FLUIDS

Explains the process for the seizure of body fluids

Refer to General Order 303.11 (DUII Enforcement) for information regarding blood samples related to DUII investigations

(a) In non-DUII criminal cases, you may obtain bodily fluids for evidence after consent or with a search warrant. Blood is the most common fluid obtained for evidence, but the same general procedures apply to the collection of any body fluids such as saliva, semen and urine..

(1) First, attempt to obtain consent from the suspect, if possible witnessed by some other person.

(2) The County Health Department nurse is retained by contract with the District Attorney's Office and will respond only at their authorization.

(3) The nurse supplies the seizure kit.

(4) In the case of blood draw for alcohol content evidence, the sample size, which may consist of one or more vials, will be consistent with the warrant. If there us no warrant, the sample size will be determined by the officer and nurse drawing the blood based upon the evidentiary needs of the investigation.

(5) In order to determine dissipation of alcohol in the blood, the nurse will generally draw two specimens, one hour apart.

- In this case, officers must remain with the suspect prior to and between blood draws to prevent ingestion of substances which could alter test results
- Complete any applicable forms required by the medical facility

(b) Compelling collection of body fluids

(1) With a search warrant, a County Health Nurse can draw blood or collect other fluid samples, despite any objections by the medical facility, unless an attending physician determines that drawing fluid samples will jeopardize the patient's medical condition.

(c) The D.A.'s office will review all affidavits for search warrants to seize body fluids. There is a sample affidavit and search warrant available in the Violent Crimes Unit and the Watch Commander's Office.

(d) Take custody of fluid samples (tubes), package appropriately, and place them in an intake locker in the evidence/property submission room (refer General Order 601.2).

(1) Do not expose samples to excessive heat (e.g., car heater, engine hood, direct sunlight), attempt to keep the samples as cool as possible. If the samples are collected on a weekend contact the Property Control Unit Supervisor for assistance in getting the samples refrigerated,

(2) Blood samples are the most susceptible to degradation due to exposure to heat for a protracted time or not being refrigerated within a reasonable time.

(3) Use a "Bio Hazard" label on the packaging.

(e) Body fluid samples will be submitted to Property Control Unit as soon as possible following collection. If there is reason to believe that Property Control Unit employees will not be working in the next 24 hours (i.e. weekends or holidays), call the Property Control Unit /Forensics Evidence Unit supervisor to advise them of the submission of body fluids.

322.7.5 Electronic Enhancement

Describes the purpose, policy and procedures of using electronic enhancement to assist searches

Electronic enhancement of human observation, such as Global Positioning Systems, Thermal Imaging Devices, etc., have implications on Search and Seizure that are predicated on particular fact situations and subject to complex and changing rules from courts. Obtaining a warrant for their use is generally the best practice. Therefore, prior to implementing the use of such devices, officers will consult with the DA or other prosecutor assigned to the case.

Purpose:

To ensure uniformity in conducting electronic search warrants and direct the warrants to the proper investigating authority.

Seizure of technology and electronic enhancement of human observation, such as Global Positioning Systems, Thermal Imaging Devices, etc., have implications on Search and Seizure that are predicated on particular fact situations and subject to complex and changing rules from courts. Therefore, prior to implementing the use of such devices, officers will consult with the DA or other prosecutor assigned to the case.

Policy:

Obtain supervisory review and approval of electronic search warrants and court orders before contacting the court. A supervisor from the Intelligence Unit will be the primary approving supervisor. In the event an Intelligence Unit supervisor is unavailable, a supervisor from the Violent Crimes Unit will approve the search warrant. Assistance in drafting the electronic search warrant or court order should come from the City Prosecutor's office or the District Attorney. The use of data-reading software, known as Secure Techniques for on Site Preview (Stop) or similar authorized software to examine electronic data contained in electronic data storage devices prior to seizure, are to be conducted by authorized Department personnel only.

Upon seizure, all forensic examinations of stored electronic data contained in computers are conducted by the Forensic Evidence Unit. All forensic examinations of cell phones, Blackberries, cell phones and other similar devices are conducted by the Forensic Evidence Unit.

Information:

There is a difference between an electronic search warrant and a court order. A computer, usually the hard drive, is actually searched to obtain information on its contents. Much like searching a house for evidence, the computer is the property of another, but it may contain evidence of a crime. To search the property of another requires the consent of the owner or a search warrant. Due to wording in the laws concerning searches of electronic media, the municipal court or the circuit court is used as the issuing authority for the search warrant.

All that is required to obtain subscriber information from an Internet Service Provider (ISP) is a court order. There is no search involved and the ISP owns the subscriber information. It is the same as obtaining a telephone number with a court order.

Should a subscriber store e-mail on the ISP's server or have a file share stored on an ISP's server, a search warrant would be needed, as that information is the property of the subscriber, not the ISP.

Procedure:

A. Electronic Search Warrants and Court Orders

1. The search warrant or court order will be approved by a supervisor from the Intelligence Unit or Violent Crimes Unit.
2. The search warrant or court order will be reviewed by the City Prosecutor's office or the District Attorney.
3. The search warrant or court order will be signed by a judge from the circuit or municipal court
4. Computers seized for forensic examination are submitted to the Forensic Evidence Unit along with the following:
 - a. A case summary or a Forensic Evidence Unit (FEU) evidence submission sheet.
 - 1) FEU evidence submission sheets can be obtained by contacting FEU.
 - b. A copy of the search authority (search warrant, Consent to Search Without a warrant or FEU consent form).
 - 1) When using a consent to search form, it is imperative that officers obtain consent from all parties who have an expectation of privacy. Access to all parts of the electronic device may require additional paperwork. FEU officers can give further advice in this area.
 - 2) If the electronic device is from a business, the consent to search form must also be signed by the supervisor of the business, and include a copy of the business' user agreement.
 - a) The supervisor must have direct authority over the electronic device in order to give consent. FEU officers can give further advice in this area.

B. Electronic Court Orders

1. To obtain a court order, personnel will contact the Intelligence Unit. Only certified Intelligence Unit officers can write these court orders.
2. All telephone court orders require the following information on the affidavit:
 - a. Requesting officers need to provide their name, rank, unit of assignment, working hours, telephone and fax numbers. Officers must include the criminal charge, with the ORS section number for the investigation, and a brief statement of probable cause.
 - b. The probable cause statement must include how the telephone number is involved in the criminal activity and how the requested information will assist law enforcement in the criminal investigation.
3. Court orders can be obtained for:
 - a. Subscriber information
 - 1) This gives the name, address, and credit card information on the person(s) who is/are responsible for the payment of the Internet service. This information comes from

the ISP, such as America On Line, Comcast, etc.

b. Internet provider address information

1) This information can be obtained for certain types of investigations. For example, if an officer needs assistance in identifying a person using a certain moniker in a chat room or on a blog posting.

Procedure

A. Court Orders for Telephone Records

References:

United States Code (USC) 18USC2510-18USC2522, et al - Federal Wiretap Statutes

18USC2703 - Release of Subscriber Information to Law Enforcement under Court Order

18USC3127 - Authority to issue orders pursuant to 18 USC 2703

ORS 133

ORS165

Definitions:

On Line Listing Information (OLLI) – Provides subscriber name, address, and zip code on published telephone numbers in the Eugene service area. No court order required.

Dialed Number Recorder (DNR) – Equipment installed at service provider's Central Office. Electronically traps numbers dialed from a target location. Requires monitoring and additional equipment. Incoming call data can be received if the target line has Caller ID service and the equipment is enabled to capture such data.

Pen Register – Same as a Dialed Number Recorder.

Trap and Trace (T&T) – Software programming by provider at the switch, which records numbers dialed into a target's phone (Incoming Calls). By using Pen Register and Trap and Trace together both incoming and outgoing calls will be identified.

Non-Published number – Unlisted telephone service: Subscriber name, and address on non-published telephone numbers requires a court order. There is no cost for this service.

Call Termination Study - Provides a list of telephone numbers, which are terminating at a designated location. Not all calls will be recorded depending on the volume of calls.

Pre-paid Account - Service is provided to a subscriber, who has pre-paid their account. Usually seen where minutes are purchased on a particular cell phone number. Subscriber information is not confirmed by service provided, thus information is not reliable. Any name can be provided to service provider for subscription. Court order is required.

Telecommunications Service Provider (TSP) – Company responsible for the transmission of communications through either land or cellular capabilities. Includes Cingular, Nextel, Sprint, Verizon, etc.

Purpose:

Clarify the responsibility of officers and supervisors in requesting court orders for telephone records. To identify the Intelligence Unit as the Unit responsible for writing court orders, providing requesting units with instructions for getting them signed, serving them on the affected telephone company, receiving returns from the telephone company, and keeping a master file of all court orders. The Intelligence Unit has the only state certified officers to perform the service required in court orders for certain telephone records.

Policy:

Requests for court orders for telephone records pursuant to 18USC2703 will only be

made in connection with a legitimate criminal inquiry. Requesting officers will provide the information as requested by the Intelligence Unit. Records obtained pursuant to a court order will only be used for criminal investigations and will be maintained in a manner which prevents the release of such information to anyone not involved in the investigation or criminal prosecution.

Information:

A municipal or circuit court judge must sign all telephone record court orders. All telephone court orders require the following information on the affidavit:

A requesting officer needs to provide his name, rank, unit of assignment, working hours, telephone and fax numbers. The officer must include the criminal charge, with the ORS Section number for the investigation, and a brief statement of probable cause. The probable cause statement must include how the number is involved in the criminal activity and how the requested information will assist law enforcement in the criminal investigation.

Procedure:

A. Requesting Telephone Records

1. Requests for information on "published" telephone numbers will be made through the Intelligence Unit. Information will be retrieved from OLLI.

2. Requests for information on "non-published" telephone subscribers, toll records for long distance calls, credit information and custom calling features for other Telecommunications Service Providers (TSP), and billing records from wireless carriers will require a Court Order.

a. The requesting officer must provide the appropriate information to the Intelligence Unit.

1) The Intelligence Unit will complete a Court Order Application and Order. The court order will be addressed to the TSP for the exact records requested.

2) The Intelligence Unit will fax or deliver the application and order to the requesting officer to take to the Court On-Call Criminal Judge. The requesting officer will fax or deliver the signed application and order to the Intelligence Unit. The Intelligence Unit will serve the order on the TSP. Some providers require certified copies, those must be obtained and delivered to the Intelligence Unit.

a) Intelligence will advise requesting officer at time of request if a certified copy of the order is needed.

3) Notify the requesting officer in advance if the company involved may require personal service. The requesting officer is responsible to serve personal service orders.

4) When the records are available, the Intelligence Unit will contact the requesting officer to arrange for pick up.

3. Use of Pen Register/Dialed Number Recorder (DNR) or Trap and Trace (T&T).

NOTE: The investigating unit must maintain daily contact with the Intelligence Unit for the duration of the DNR or T&T surveillance. This daily contact is critical to the success of the DNR and T&T surveillance.

a. Direct requests for DNR and T&T surveillance to the Intelligence Unit Commander. The requesting officer must supply his name, rank, unit of assignment, and unit supervisor approving the expenditure of funds for the service.

1) In the absence of the Intelligence Unit Commander, the Violent Crime Commander, Investigations Bureau Commander or Police Chief will approve or deny the request.

b. Subscriber information for target phone(s) will be verified using a Court Order.

c. An investigator from the requesting unit will be the affiant on all orders. The Intelligence Unit Commander or his designee will assist in drafting the Application and Entry.

1) The Application and Entry will then be presented (for review and approval) to the Criminal Judge of the Court. Once the order is signed, it will be hand carried to the Intelligence Unit Commander or his designee. **NO EQUIPMENT** will be installed or

TSP ASSISTANCE provided until the Intelligence Unit Commander has the court order in hand.

d. The Intelligence Unit Commander or his designee will manage and control any DNR equipment until it is either installed and/or delivered to the telephone service provider's security personnel for installation.

1) The Intelligence Unit Commander will keep the Violent Crime Unit Commander informed at all times until the investigation is completed.

e. The Intelligence Unit Commander or his designee will instruct the affiant to hand deliver the Court Entry for filing of the documents.

f. Upon completion of the investigation, all computer records, hard copies of reports, a copy of the Application and Court Entry and any other records associated with the DNR investigation will be maintained and stored under the Intelligence Unit Commander's direction.

g. Upon completion of the investigation using the T&T, all computer records, hard copies of reports, a copy of the Application and Court Entry, and any other records associated with the T&T investigation will be strictly maintained, and properly stored under the Intelligence Unit Commander's direction at the Forensics Evidence Unit.

4. Request for Call Termination Studies will be directed to the Intelligence Unit Commander. The Intelligence Unit Commander will review the request and approve or deny the request. The requesting officer must supply name, rank, unit of assignment, name of his/her unit supervisor approving the expenditure of funds for the service.

1) In the absence of the Intelligence Unit Commander, the Violent Crime Investigations Section Commander, the Bureau Commander or the Police Chief will approve or deny the request.

b. Subscriber information for the target phone(s) will be verified using a Court Order, or an Authorized Consent Form signed by the telephone subscriber.

c. An investigator from the requesting unit will be the affiant on all orders. Intelligence Unit Commander or his/her designee will assist in drafting the Application and Entry. Documents will be reviewed for accuracy.

d. Upon completion of the investigation, all computer records, hard copies of reports, a copy of the application and court entry, and any other records associated with the investigation will be maintained and stored under the Intelligence Unit Commander's direction.

322.7.6: Anonymous Tips

Describes how anonymous tips can and cannot be used.

Information or descriptions resulting from anonymous tips is not sufficient probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officer's observations while on the scene, securing more complete information from the anonymous caller and other circumstances which would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a "Terry" stop.

Dissenting Opinions – Search and Seizure Policy

November 2, 2011

Section 322.5 – Consent

The section was approved, 5-1, with Mr. Walker voting nay. He explained his vote:

“I would object to the wording in the fifth paragraph of section 322.5, (the third bullet): “When seeking consent to search, officers will inform people of their right not to consent.” I feel this sentence is an unnecessary addition to the policy. It is addressed plainly in the previous bullet wherein the wording recommends that the officer use the consent form or advise the person of their right to refuse. I believe that is reasonable and sufficient in and of itself. Asking permission clearly implies a right to refuse said permission, thus differing in circumstance from an officer **TELLING** the person he is going to search. More importantly, there are no statutory or case law examples evident of any such requirement. Officers in our community must be able to use all the tools at their disposal to protect the community and themselves from harm. This section is counterproductive and places an unnecessary burden on the police.”

Section 322.7.3 – Serving the Warrant

A motion was made to add language related to how a search is conducted involving a minor. The motion failed, with Mr. Valle & Mueller voting for, Mr. Lohrke and Mr. Walker voting against, and Mr. Manning abstained.

Mr. Manning explained his abstention:

“I abstained because I recognized that Mr. Valle’s and Lt. Fellman both had valid concerns regarding such language being inserted into this policy. I did not agree nor did I disagree.”

Mr. Valle explained his aye vote:

“This section is consistent to EPD’s policies in protecting and foreseeing potential dangerous situations. Regarding the handling, possible searching and treatment of minor children; however, the policy does not address the procedure and the manner in which an officer is to approach a situation involving children. According to EPD staff, there is no such policy in how to and if it is permitted to search children only that “to be respectful of everyone”.

This is a community value that I hope EPD would consider in its final Search and Seizure draft and before Policy 322 is implemented.”

Recommendations

- 1. The City should commit to maintain a public restroom in the neighborhood, because the restroom at Monroe Street Station Public Safety Station (MSPSS) may be eliminated as the station closes.**

The Police Department will follow up with the City Manager's Office and Department of Public Works to determine if plans are being made to replace the public restroom facilities, and report any news back to the committee.

Meanwhile, the Police Department is compiling a listing of other public restrooms in the vicinity to make available to customers who use the restroom at Monroe Street Station.

- 2. The Eugene Police Department should redeploy freed-up staff and volunteer resources to crime prevention in Monroe Street neighborhood as well as city wide. Additionally, station manager Lupe Thompson should have regular scheduled hours in neighborhood.**

Lupe Thompson is no longer employed with Eugene Police Department, and that position is currently vacant. Because of the continuing budget shortfall, all vacant positions are being reviewed for possible elimination, to avoid any possible layoffs.

The role of station manager is temporarily being filled by Harlow Meno, until the move to the new headquarters.

Tod Schneider continues as the Community Prevention Specialist in the area around the Monroe Street Public Safety Station. He has recently been directed to spend more time in the community, rather than in the office. This should result in an increase in the visible presence of EPD in the neighborhood, both in the short-term and after the move. Tod Schneider has also begun writing a monthly news article for a neighborhood group newsletter. Additionally, after the station closes, he will not need to fill in for the station manager in the office, allowing for even more time in the field.

- 3. Station manager Thompson should continue to have direct contact and outreach with businesses, non-profits and other groups in the neighborhood.**

The direct contact and outreach with businesses will be divided appropriately between the temporary station manager and the Crime Prevention Specialist, to continue and enhance EPD's presence.

- 4. Increase the "crime prevention" branding on crime prevention vehicles to increase visibility.**

It is the intent of the Crime Prevention Unit to supplement the Department's law enforcement presence throughout the community, to deter criminal activity and reassure victims that the department is acknowledging and responding to problems in their neighborhood. Further differentiating the branding between the Crime Prevention vehicles and the other EPD vehicles may confuse the public and diminish the deterrence effect of the Crime Prevention vehicles.

The Department understands that the intent of this recommendation is to enhance the branding of the successful Crime Prevention Unit. Without compromising the balance of the Department's branding efforts, we will consider ways to increase the visibility of that unit.

- 5. Find replacement site for needle box, in partnership with the Harm Reduction Coalition**

EPD is contacting businesses and the Harm Reduction Coalition to determine if an alternate site has been secured and will report to the Committee any new information.

- 6. The Department should consider increasing cultural competency training and language training for EPD staff and officers**

A cultural competency component has been added to all scenario training requirements for the Department. Information is provided to employees about opportunities for language training as they become available throughout the year and employees are eligible to apply for educational aid assistance for college level courses. Employees who reach a department-specified level of language competency are eligible for incentive pay as well and this qualification includes ongoing annual training.

7. The Department should explore participation in a neighborhood resource center in the neighborhood

The Department has looked into participating in a neighborhood resource center. There are no discussions currently underway to create this model of local government service delivery. Staff from Neighborhood Services also stated that nationwide, most similar models of this are in larger cities, or in cities in the midst of larger metropolitan areas where transportation congestion make City Hall inaccessible. Additionally, with the budget constraints, it is unlikely that the City will be pursuing an enhanced model of service delivery.

8. The Department should strive to increase number of bicultural and bilingual staff and officers in the Department within Department standards

The Department will look into ways meet the intent of this recommendation within the limited resources, and current standards. The Department has recently added a bilingual pay incentive for employees.

9. The Department should consider a focused crime prevention effort in the Whiteaker neighborhood two to three times a year

The Department is increasingly aware of the community concerns in the Whiteaker neighborhood, and is responding, in partnership with the community. Since these recommendations were approved, Department staff worked with neighbors about concerns in Scobert Park, and at Tiny's Tavern. After meeting with the concerned neighbors, the Department has increased bicycle patrol in the park, and worked to address the concerns at Tiny's. As requested by the community, Crime Prevention will continue to respond to community concerns.

10. The Department should work on solution to provide phone access, because phone access is currently provided at the station, and will not be available after the station closes.

EPD staff have contacted Catholic Community Services (CCS). CCS is located at 1464 W. 6th, seven blocks west of MSPSS. CCS offers phone, mail, and restroom services, and are open Monday through Friday 9:00- 4:00, and they are hoping to also open on Saturdays. The Department will make this information available at the counter of the MSPSS. Additionally, staff are providing clients with change of address forms from the US Post Office, to make the forwarding of mail smoother.

11. The Department should add nuisance and behavior crimes to the analysis conducted in conjunction with the efforts on data led policing, to better capture and document the crime occurring in the neighborhoods around the MSPSS. Additionally, efforts should be made to improve the reporting rate of these historically under-reported crimes.

The Department is seeking to add nuisance crimes to the mapped information for the data led policing efforts. Because of the historical underreporting, and the fact that not all complaints result in a report for an arrest or citation, to map this data requires an alternate source, compared to current "hot spot" maps which represent where crime has occurred. Mapping nuisance calls for service will

come via Computer Aided Dispatch (CAD) data, and the Department is currently looking into ways to capture and map that CAD data.

Additionally, Crime Prevention staff has significantly increased their messaging related to reporting all suspicious behavior and all crimes, possibly resulting in an increase in the reporting rates.

12. Crime prevention should pursue use of resources in neighborhood around MSPSS that are publicly owned or otherwise offered to maintain presence.

As crime prevention meetings are held in the community, EPD will seek out existing publicly owned or otherwise offered spaces to maintain a presence in the community. It would be the preference of the Unit to meet in the neighborhood.

13. Enhance communications and relationships between the Department and the Community, and the Police Department be requested to attend community meetings of neighborhoods previously served by the Monroe Street Station and provide crime prevention information at those meetings

Recently, all Crime Prevention Specialists, including the CPS in the area around the MSPSS have contacted the leadership of the Neighborhood Associations, and asked to attend a meeting and provide information. They will attend neighborhood meetings as requested, and will periodically check with leadership of the Neighborhood Associations about attending upcoming meetings. Tod Schneider is also contributing a monthly article in a neighborhood newsletter. He also shares crime trend and prevention information through an email group that anyone is welcome to join. To join the email group or to seek other Crime Prevention interactions in the area around the MSPSS, please contact Tod Schneider at 541-682-8186.



Human Rights Commission

City Manager's Office at the Atrium
99 W. 10th Avenue, Suite 116
Eugene, Oregon 97401
(541) 682-5177
(541) 682-5221 FAX
www.eugene-or.gov/hrc

October 28, 2011

Juan Carlos Valle, Chair
Tamara Miller, Vice Chair
Eugene Police Commission
Eugene, OR 97401

Dear Commissioners,

Thank you for your recent letter about the upcoming opportunity to work on a Hate Crimes Conference. The Human Rights Commission has a long history of working with the Police Commission and we have a shared member, Linda Hamilton. Linda has served as our link to the Police Commission for over a year and her participation has been one way that we contribute in an ongoing nature to the Police Commission's work. We have also in the past collaborated on a Hate Crime Forum and Resolution project as a part of our last work plan.

Linda and Ken shared with you in your meeting last month that the Human Rights Commission is looking forward to partnering with your commission on the Hate Crimes Conference project over the next two years. As you know we have been working on our own work plan. The conference collaboration is an item we are strongly in favor of and have included in our draft work plan.

The Human Rights Commission work plan has not yet been approved by council and we hope this will happen on November 16, 2011. This is after your scheduled commission meeting and we hope that this letter will again confirm our commitment to work on a conference and have this be a shared project of both commissions. We know that our liaison Linda Hamilton has expressed her desire to be part of the conference planning subcommittee and we hope to have 1-2 other commissioners who will also join this project. We will not know this for sure until we have that conversation at our November 15th meeting.

Thank you again for your letter and we look forward to working with the Police Commission on this important work.

Sincerely,
Toni Gyatso
Chair, Eugene Human Rights
Commission

Ken Neubeck
Vice Chair, Eugene Human Rights
Commission

cc: Eugene Police Commission
Eugene Human Rights Commission





Memorandum

City of Eugene
777 Pearl Street, Room 106
Eugene, Oregon 97401
(541) 682-5852

November 3, 2011

To: Members of the Police Commission

From: Carter Hawley, Police Commission Analyst

Subject: Budget and Costs

There are several pending issues affecting the costs and operations of the Police Commission. They are outlined below. At a recent meeting, Commission leadership discussed these issues and requested that the full Commission be apprised of the issues.

1. Recording meetings – The City has determined that the Boards and Commissions should videotape their monthly meetings. The Commission began doing this in September in two ways.
 - a. Metro TV – For approximately \$270 per meeting, Metro TV will videotape and convert the monthly Commission meetings. This provides a high-quality, multiple camera recording, with minimal EPD staff obligations
 - b. Do-It-Yourself (DIY) Option – EPD owns a video camera that they have agreed to allow the Police Commission to use for recording monthly meetings. This camera, plus the addition of a cord to allow the McNutt Room microphones to be used, allow staff to record the meetings with outlay. This option provides a single camera, lower quality video recording of the meeting. Staff must set up and take down the camera, start the recording, transfer and convert the file for web posting.

Either of these options meets the expectations of the City Manager's Office. Chief Kerns has agreed to pay Metro TV to record the Commission meetings through December while the DIY option is refined.

At the same time, the Commission is spending between \$250 and \$300 per meeting for a minutes recorder. While this redundant recording is not currently legally required when video tape recordings are available, it provides a written record of the meeting, readily accessible by the public, easy to archive and easy to search.

2. Food – When the food provider was changed in spring 2011, the agreement was to provide approximately 15 plates of food for \$149 per month. With guests and increased staff attendance, the number of plates served was creeping up towards 20. In order to continue to feed everyone, the cost would need to increase approximately \$50 per month. Without

sufficient funds in the budget, staff worked with the caterer to reduce the number of plates to 15, thereby remaining within the food budget.

The Chair and Vice-Chair recommend the following:

- Continue to have a minutes recorder at every full commission meeting.
- Utilize the Police Department's camera and have staff record the meetings, eliminating Metro TV after December
- Limit meals to about 15 per dinner (Commission, staff & invited guests)
- Pursue the possibility of securing sponsorships for the meal, or occasionally order pizza or deli sandwiches
- Review this arrangement in six to eight months

The purpose this is on the agenda is to confirm that this direction is acceptable with the balance of the Commission. If consensus is reached that this is acceptable, no motion is necessary.

SUPPLEMENTAL MATERIALS

November 2011

1. Internal Affairs – Department Commendations for October 2011
2. Information e-mailed weekly to Commission

SUPPLEMENTAL MATERIALS

November 2011

1. Internal Affairs – Department Commendations for October 2011
2. Closed IA Summaries – October 2011
3. Information e-mailed weekly to Commission

The Eugene Police Department received 36 commendations in October, 2011.

Below is a sampling.

The reporting party commended officers for their "outstanding job" dealing with a subject who was stopped in the downtown area and posted a video of the encounter on YouTube: "i am not a big fan of the police but do understand. even as a past criminal you had my respect. (*sic* throughout)"

The reporting party was very grateful to the officers who helped him get out of traffic and "pushed me up a big ol' hill" when his truck stalled. "That was really nice of them."

A downtown property owner commended EPD for the "brilliant idea" of using spare bicycles to discourage loitering in the downtown area. "It helps the situation... all we need is more of the same."

The reporting parties commended an officer's performance in the investigation of a burglary: "From the second he arrived he was polite, professional, and a pleasure to deal with. He was very thorough in his investigation, very tedious. His hard work and keen eye led to the suspects that same day, and the recovery of most of his belongings. We are so pleased with him."

The reporting party was very grateful to an officer "for being so incredibly patient with me and answering my numerous questions, no matter how silly they might have been," when he contacted her regarding the recovery of a stolen vehicle.

The reporting party commended a presentation given by two officers: "As a team, the two of you clearly presented the problems your department faces, showed how you developed solutions, and revealed the success of the program in a simple, yet comprehensive manner... Listening and watching the two of you, was like watching Fred Astaire and Ginger Rogers gliding across the dance floor. You complement each other beautifully."

The reporting party thanked an officer for helping his daughter out of a "bad jam": He helped her leave an abusive boyfriend, bought her a Greyhound ticket to rejoin her family, and stayed with her until the bus was ready to leave. He also gave the reporting party a call and let him know what had transpired. He "really did a great job helping my daughter out."

The reporting party commended the officers who responded to a suicidal subject call near her home: "I simply wanted to let you know that, with the work of MANY different police officers, this scene transpired in our quiet neighborhood with the officer's doing an impeccable job of keeping order, and maintaining dignity and respect to the individual involved."

The reporting party complemented EPD's handling of the Occupy Eugene demonstrations: "You all rose so beautifully to the occasion... I saw such care during marches, and also regard for constitutional rights and good community relations." She characterized EPD as responding to the challenges presented by the Occupy Eugene events in "the most community-minded manner I have ever seen."

The reporting party commended a supervisor's response to some concerns he expressed about an incident: she "graciously recounted various facets of the events that went on ... I found her gracious and articulate... I found her answers satisfying... My confidence is renewed, my concerns are abated, and I have no more concerns regarding this issue."

From: [HAWLEY Carter R](#)
Subject: Weekly Mailings for Police Commission - October 7
Date: Friday, October 07, 2011 1:47:32 PM
Attachments: [Neighborhood News News and Information Week of Oct 9.msg](#)
[C11-292.pdf](#)
[20110930 Newsletter.pdf](#)
[Eugene_flier_2011-CP11.pdf](#)

Upcoming Meetings: Next week, the Police Commission meets on Thursday. Meeting materials are available [here](#).

Prevention Convention At last week's Prevention Convention, the Commissioners who volunteered shared information about the work of the Police Commission. They also sought input from people passing by, under the heading "What's important to you?" The feedback they received included the following: "You are important to me! Thanks!!" "Constitutional Rights, Freedoms, Liberty! Oh yes, & positive healthy Community and Police (who are community) relations! ☺" "Community involvement in police policies" "How much training do police, detectives, etc... about people with mental illness?" "Just keep up the good work" From the reports I received, it was a good opportunity to have two-way dialogue between the Commissioners and the community.

Commendations A commendation is attached.

Updates from Chief Kerns

- Work on our 300 Country Club headquarters starts on Monday, October 3. The project will begin with installation of a new roof followed by demolition and construction.
- Articles that may be of interest
 - A Hells Angel chapter president killed in shootout with rivals. [Article here.](#)
 - Crime rises in Oakland, and dim lights get blame [Article here.](#)
 - City to spend \$1.83 million on 1,600 safer Tasers (Charlotte, NC). [Article here.](#)
 - Colorado company takes on the high-tech war on car thieves [Article here.](#)
 - Interrupting the cycle of teen violence [Article here.](#)

- Springfield police chief: Realignment of police beats pays off (MO) [Article here.](#)
- Sharp drop in chronic homelessness in Utah hailed. [Article here.](#)
- Prince George's County tout drop in crime following summer initiative [Article here.](#)

Financial Planning Day – Free Public Service – Saturday, Oct. 22

Courtesy of the City Manager's Office: The City of Eugene will join the Financial Planning Association of Mid-Oregon, United Way of Lane County and the U.S. Conference of Mayors this fall to help make financial information available to community members. Financial Planning Day is scheduled for Saturday, October 22. The event will be held at Willamette High School, 9 a.m. until 4 p.m. A flyer is attached to this e-mail.

Other Newsletters

[Eugene Police Department Data Led Policing Weekly Report](#)

[City Council Newsletter](#)

Neighborhood News (1 email attached below)

Police Auditor (1 newsletter attached below)

Have a great weekend.

Upcoming Dates

- Oct 13 Police Commission Meeting
- Oct 18 Policy Screening and Review Committee
- Oct 20 Outreach Training session (evening)
- Oct 22 Financial Planning Day
- Oct 27 Outreach Training session (evening)
- Nov 1 Outreach Training session (evening)

From: [HAWLEY Carter R](#)
Subject: Weekly Mailings for Police Commission - October 14
Date: Friday, October 14, 2011 11:10:31 AM
Attachments: [20111007 Newsletter.pdf](#)

Upcoming Meetings: Next week, the Police Commission Policy Screening and Review Committee will meet on Tuesday. Meeting materials are [here](#).

Updates from [Chief Kerns](#)

- Communications Staff began work with others on plans for a full-scale disaster exercise to test response in coordination with public safety, a transportation entity, and other partners this week. The exercise, scheduled for November 3 in Eugene, will be a test of our ability to quickly work together to ensure the safety of the public and minimize risk to our responders and the environment. This is just one of a number of multi-agency, multi-discipline exercises scheduled to take place between October 2011 and June 2012 to test our emergency preparedness and response.

- Articles that may be of interest
 - North Jersey police team up with social media. [Article here.](#)
 - Police outreach helps make it safer in Southeast Raleigh [Article here.](#)
 - 'Safety zone' bans meetings of alleged gang members [Article here.](#)

[Financial Planning Day – Free Public Service – Saturday, Oct. 22](#)

Courtesy of the City Manager's Office: The City of Eugene will join the Financial Planning Association of Mid-Oregon, United Way of Lane County and the U.S. Conference of Mayors this fall to help make financial information available to community members. Financial Planning Day is scheduled for Saturday, October 22. The event will be held at Willamette High School, 9 a.m. until 4 p.m.

Other Newsletters

[Eugene Police Department Data Led Policing Weekly Report](#)

[City Council Newsletter](#)

Neighborhood News

Police Auditor (1 newsletter attached below)

From: [HAWLEY Carter R](#)
Subject: Weekly Mailings for Police Commission - October 14
Date: Thursday, October 20, 2011 3:32:05 PM
Attachments: [20111014 Newsletter.pdf](#)
[September 2011 VIP Hours.pdf](#)
[Neighbory News News and Information Week of Oct. 16.msg](#)

Have a great weekend.

Upcoming Dates

Oct 18 Policy Screening and Review Committee

Oct 20 Outreach Training session (evening)

Oct 22 Financial Planning Day

Oct 27 Outreach Training session (evening)

Nov 1 Outreach Training session (evening)

Nov 1 Policy Screening and Review Committee

Nov 2 Outreach & Resource Committee

Jan 5 Mayor's State of the City

Upcoming Meetings: Next week, there are no Police Commission meetings. The following week there is an Outreach and Resource Committee on November 2.

Committee Work: The Policy Screening and Review Committee completed its review of the Search and Seizure policy at their meeting October 18. The final policy will be forwarded to the Police Commission for your review at the November 10 meeting. The Committee decided to cancel its next meeting on November 1.

Follow up from Commission Meeting: At the Commission meeting, in response to Chief Kerns providing an update about the Department's search for new data system, someone asked if ICE (Immigrations & Customs Enforcement) had access to the current data system (AIRS). According to staff who manage the current AIRS system, ICE is not currently a system user. While that federal agency's requirements and expectations may change in the future, for now they are not currently users.

Council Presentation: Monday night, Detective Greg Harvey presented information to the City Council about street gang violence. The material was similar to the presentation to the Police Commission, and can be found starting at page 19 of the council packet for that evening, linked [here](#). The Council expressed concern and Chief Kerns will go back to the Council in the winter with next steps.

Updates from Chief Kerns – articles of interest

- Intelligence-led policing working for APD to keep crime down (Abilene, TX). [Article here.](#)
- Portland police using new 'step back' training to deal with people in mental health crisis [Article here.](#)
- Philadelphia Inquirer editorial: Catching cops on candid cameras [Article here.](#)
- New LAPD crime-busting strategy: Hats off before entering stores [Article here.](#)

Financial Planning Day – Free Public Service – Saturday, Oct. 22

Courtesy of the City Manager's Office: The City of Eugene will join the Financial Planning Association of

Mid-Oregon, United Way of Lane County and the U.S. Conference of Mayors this fall to help make financial information available to community members. Financial Planning Day is scheduled for Saturday, October 22. The event will be held at Willamette High School, 9 a.m. until 4 p.m.

Other Newsletters

[City Council Newsletter](#) (new one will be posted Friday, and this link will be good)

Neighborhood News (email attached below)

Police Auditor (1 newsletter attached below)

Volunteers in Policing Monthly Update (attached below)

Have a great weekend.

Upcoming Dates

Oct 22 Financial Planning Day

Oct 27 Outreach Training session (evening)

Nov 1 Outreach Training session (evening)

Nov 1 Policy Screening and Review Committee

Nov 2 Outreach & Resource Committee

Jan 5 Mayor's State of the City

From: HAWLEY Carter R

Weekly Mailings for Police Commission - October 28

Friday, October 28, 2011 2:45:18 PM

Date: [Fwd News release draft - EPD stops Gang conspiracy to shoot members of rival gang.](#)

[msg](#)

[invitation to hrc.pdf](#)

[C11-310 \(2\).pdf](#)

[C11-316.pdf](#)

[20111021 Newsletter.pdf](#)

[20111028 Newsletter.pdf](#)

[Neighborhood News News and Information - Oct 31 Edition.msg](#)

Upcoming Meetings: Next week, the Outreach and Resource Committee meets, Wednesday, November 2. They will be getting a status report on their recommendations related to the Monroe Street Station. Meeting materials are [here](#).

Invitation to HRC: At the last Commission meeting, the Commission directed Commissioner Valle to send a letter to the HRC inviting them to participate in a working group to create a hate crimes conference. Attached is the letter that was e-mailed to the Chair, vice chair, HRC liaison and HRC staff.

News Release - Criminal Street Gang: Because of the Commission's interest in the topic, I've attached a copy of a news release that was distributed today about EPD averting gang violence at Trainsong Park.

News Release: Periodically, I forward news releases from EPD that I think are of particular interest to Commissioners. If you would like to receive all e-mailed news releases, please email me with the e-mail you'd like me to use for that distribution. I'll make sure you get them all. Otherwise, you'll get the most relevant releases bundled in this e-mail.

Commentation: Attached are two commendations that were sent to the Department, with a request that they also be shared with the Police Commission. _

Occupy Eugene Update: In addition to the information available in the Register Guard, I wanted to pass on that the Mayor is calling a short emergency council meeting at noon on October 31, to fulfill the obligations of the motion passed this past Monday, and since the Occupy Eugene participants have vacated the Alton Baker location, which had the temporary camping rule waiver.

Interesting Article: A student reporter from the Daily Emerald participated in a ride-along, and [here's the write up](#).

Updates from Chief Kems – articles of interest

- With money tight, Metro Police get creative on patrol (Las Vegas) [Article here.](#)
- Smaller Shelters and Persuasion Coax Homeless Off Bronx Streets [Article here.](#)

Other Newsletters

[City Council Newsletter](#) (new one will be posted Friday, and this link will be good)

Neighborhood News (email attached below)

Police Auditor (2 newsletters attached below)

EPD Crime Focus for the week ([linked here](#))

Have a great weekend.

Upcoming Dates

Nov 2 Outreach & Resource Committee

Nov 10 Police Commission Meeting

Dec 8 Police Commission Meeting

Jan 5 Mayor's State of the City

Commendations

Newsletters