

# City of Eugene POLICE COMMISSION



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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: Kaitlyn Lange, Chair; Tamara Miller, Vice-Chair; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; Jesse Lohrke; James Manning; Andrea Ortiz; Joe Tyndall; Bob Walker; Juan Carlos Valle

## Police Commission Meeting October 11, 2012

5:30 pm, Kilcullen Conference Room, Police Headquarters, 300 Country Club Road

<u>Item</u>	<u>Starting Time</u>	<u>Minutes</u>
1. Agenda review	5:30	5
2. Minutes Approval – September 13, 2012	5:35	5
3. Public Forum	5:40	10
4. Comments from Chair and Items from Commissioners	5:50	20
5. Videotaping Commission Meetings	6:10	10
6. Chief's Report	6:20	25
7. Bylaws	6:45	40
8. Break	7:25	10
9. Gang Symposium Update	7:35	10
10. Committee Updates	7:45	30
11. Social Host Update	8:15	10
12. Closing Comments	8:25	15

Next Police Commission Meeting: Thursday, November 8, 2012

## **Police Commission Meeting Minutes**

September 13, 2012

5:30 pm, Kilcullen Community Room, Police Headquarters - 300 Country Club Road

Police Commissioners Present: Tamara Miller, Chair, Bernadette Conover, Jim Garner, Linda Hamilton, Kaitlyn Lange, Jesse Lohrke, James Manning, Andrea Ortiz, Joe Tyndall, Juan Carlos Valle, Bob Walker. Staff present: Chief Kerns, Captain Durr, Carter Hawley. Commissioners absent: Mr. Mike Clark.

### **Agenda review**

Ms. Hawley reviewed the agenda.

### **Minutes**

The following corrections to the July 12, 2012 meeting were made:

Mr. Joe Tyndall should be noted as present at the meeting.

Ms. Hamilton stated that she supported the idea that the hate crimes and gang summit be included together

P5, sentence should be amended as follows:

“Ms. Hamilton supported the idea that hate crimes be combined with the gang symposium”.

Mr. Manning moved and Mr. Garner seconded approval of the amended minutes. They were approved unanimously.

### **Public Forum**

Mary Salinas – homeless people should be included in hate crimes. She expressed her support of Commissioner Valle.

Carol Berg-Caldwell expressed her concern about a recent case, and encouraged the Commission to review the case.

Deb Frisch stated her support of Mr. Valle and her dissatisfaction of Tim Laue, member of the Civilian Review Board. She asked that the Police Commission ask Mr. Laue to step down as chair of the CRB.

John Ahlen – Asked the Commission to consider to moving to other locations that are better accessible. He stated his support of Mr. Valle. He offered comments that the work of the Police Commission should continue to be relevant and then resources will be made available. He also expressed concern that the Commission is taking on the review of animal services.

Chief Kerns introduced Captain Karl Durr.

### **Comments from Chair and Items from Commissioners**

Ms. Conover expressed her concern that the Commission isn't very transparent. She thanked the Commissioners for their attendance at the joint meeting.

Mr. Lohrke passed.

Ms. Lange offered further explanation about the comments she made in the Register-Guard article.

Mr. Manning passed.

Mr. Tyndall distributed DVDs about the recent incident that Ms. Berg-Caldwell spoke about. He shared that he stayed through the CRB review of a case at the joint meeting Tuesday evening. He expressed Mr. Laue appeared to understand the issues surrounding the case.

Ms. Ortiz supported Mary Salinas' idea that homelessness be considered a protected class. She expressed concern that there was a second “beat-down” at Trainsong Park.

Mr. Walker expressed concern that whoever had a concern with Mr. Valle should have come forward.

Ms. Miller reported she and Mr. Valle presented the work plan and annual report to the City Council.

Ms. Hamilton expressed her concern about the article. She said she doesn't like “dirty politics”, and that if people have a problem, they should talk directly with the person involved.

Mr. Valle thanked the people who spoke in his support. He expressed concern that commissioners are talking about each other. He stated that he was also surprised about the article in the Register-Guard. He is concerned about the future chair. He urged Chief Kerns to reconsider the funding for the staff position.

Ms. Hamilton asked for clarification about Mr. Valle's resignation. Ms. Hawley stated that he stepped down from chair and resigned from the outreach committee.

Mr. Garner expressed his thanks for Mr. Valle. He expressed concern that there were not more police commissioners at the Police Headquarters opening.

### **Chair Elections**

Ms. Hawley explained the process.

Ms. Conover moved and Ms. Hamilton seconded suspending the bylaws and hold an election. Motion passed unanimously.

Ms. Hamilton moved, and Ms. Ortiz seconded nominating Mr. Garner. Mr. Garner declined because he does not have time.

Ms. Hamilton moved and Ms. Conover seconded nominating Ms. Lange.

Mr. Walker moved and Ms. Miller seconded nominating Mr. Manning.

Mr. Valle moved and Ms. Ortiz seconded nominating Mr. Walker. He declined the nomination.

Mr. Manning moved and Ms. Ortiz seconded closing the nominations. The motion passed unanimously.

Ms. Conover hopes the chair will serve as facilitator.

Ms. Ortiz is glad that there are two candidates.

Ballots were distributed. Pursuant to state open meetings law, the minutes reflect the voting.

Kaitlyn Lange: Conover; Lange; Tyndall; Ortiz; Lohrke; Hamilton

James Manning: Miller, Valle, Manning, Walker, Garner

Ms. Lange was announced the winner.

### **Committee Report**

Mr. Walker shared that the Policy Screening and Review Committee (PSRC) meeting was not noticed appropriately so the committee did not take official action.

Mr. Walker presented the recommended policies for the PSRC to review.

Mr. Walker moved and Ms. Conover seconded that the Commission accept the order and priorities of the PSRC policy review. The motion passed unanimously.

Mr. Manning will continue to serve as chair of the outreach committee, until the next meeting when a new chair and vice chair will be elected.

Ms. Miller moved and Mr. Valle seconded appointing Mr. Tyndall to the Outreach and Resource Committee. The motion passed unanimously.

Ms. Lange moved and Ms. Miller seconded adding the Public Safety Forum, University of Oregon Forum and Improving Communications with the community to the Outreach Committee work plan.

Mr. Manning asked that the Committee identify what the work is, not the Commission. Mr. Valle is concerned that this work may overload the Committee.

The motion was approved 9-2 (Valle & Manning voting nay).

### **Bylaw review**

Ms. Hawley reviewed the changes proposed to the bylaws and the source of the recommendations.

Insert new II.2:

It is the intent that these bylaws be consistent with the Boards and Commission Manual for the City of Eugene. Where there is conflict, these bylaws will control unless the Commission approves a change to align with the Boards and Commission Manual.

Approved by unanimous consent.

Article II.3 is amended to read:

The Commission shall maintain a mission statement and develop a work plan to be reviewed and approved by the City Council, which will articulate how the listed outcomes will be achieved.

Approved by unanimous consent.

Article III.7.b is amended to read:

Removal of a member by the City Council for violating Article 7, section 6.

Approved by unanimous consent.

Article IV.2 and IV.3

Mr. Manning moved and Mr. Tyndall seconded moving to have the chair and vice chair serve for one year. Ms. Ortiz offered a friendly amendment to allow the three successive terms. The friendly amendment was accepted. The motion was approved 10-1 (Lange voted nay)

Article IV.4 is retained as originally written, and the suggested amendment was rejected.

Approved by unanimous consent.

Article VI.1, sentence 1, is amended to read:

The Commission shall submit a work plan and report of previous work in writing to the City Council.

Approved by unanimous consent.

Article VII.1, sentence 1, is amended to read:

The Commission shall meet at least six (6) times a year to conduct regular business, with such additional meetings as it deems necessary to perform its duties.

Approved by unanimous consent.

Article VII.5, proposed amendment is not approved so section remains unchanged.

Approved by unanimous consent.

Article VII.6 –Ms. Lange moved and Ms. Conover seconded amending the first sentence of the paragraph to read:

Any member who misses more than three (3) consecutive regular commission meetings, or misses more than four (4) meetings in a twelve month period, with or without a quorum and without having been given a leave of absence by the Commission Chair, may be removed by the City Council upon recommendation of the Commission. The motion was approved 7-4 (Ortiz, Tyndall, Walker, Lohrke voting nay)

Section VIII.2 is amended to read:

Ms. Miller moved and Ms. Lange seconded to amend the section to read:

The City Manager may, within his or her discretion, furnish staff assistance to the Commission or to the Commission's committees. Staff's main responsibilities are to assist the commission in its function and to represent the City of Eugene. Other possible responsibilities are outlined in the Boards and Commission Manual.

The motion was approved 9-2 (Garner and Lohrke voting nay)

Section VIII.3 is amended to add the following sentence at the end of the section:

Only material related to the upcoming meeting agenda will be distributed in the meeting packet.

Approved by unanimous consent.

Ms. Conover moved and seconded by Ms. Hamilton to table the rest of the discussion on bylaws to the next Police Commission meeting. The motion passed unanimously.

### **Chief's Report**

The Chief provided his report, highlighting crime trends, major activities, and upcoming work of the Department.

### **Closing Comments**

Mr. Garner passed. Mr. Valle passed. Ms. Conover passed. Mr. Lohrke expressed his dissatisfaction with the video cameras, and stated he does not believe they're needed for public meetings law. Mr. Manning passed. Mr. Tyndall offered copies of his DVD of a recent police incident if commissioners didn't already get copies. Ms. Ortiz passed. Mr. Walker passed. Ms. Lange passed. Ms. Miller congratulated the new chair, and commended the Commission for the thoughtful discussion on bylaws.

The meeting adjourned at 8:00pm.

*Notes taken by Carter Hawley*

# EUGENE POLICE COMMISSION

## AGENDA ITEM SUMMARY



### Police Commission Bylaws

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Meeting Date: September 13, 2012

Department: Eugene Police Department

[www.eugene-or.gov/policecommission](http://www.eugene-or.gov/policecommission)

Staff Contact: Carter Hawley

Contact Telephone Number: 541-682-5852

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#### AGENDA ITEM SUMMARY

This action item is to review and consider amendments to the Police Commission bylaws.

#### BACKGROUND

Periodically, the Police Commission reviews its bylaws to bring them into conformance with current practice, state law or city practice. The last review of the Police Commission Bylaws was in September 2011.

The attached redline version incorporates changes from two different sources. The shaded edits reflect recommendations from a discussion with Commission leadership in July. They were not unanimously endorsed, but are included in this draft for Commission consideration. The edits that are not shaded reflect staff review of the City's Board & Commission manual and resulting changes that would bring the Police Commission bylaws into greater alignment with the City's preferred practices. It should be noted that the Boards & Commission Manual contains some items where conformity is required because the manual outlines state or city law. Other items in the Manual reflect city preference, designed to create parity among boards and commissions.

#### RECOMMENDED MOTION

I move to approve the bylaws as reflected (or as amended).

ORGANIZATION AND BYLAWS  
POLICE COMMISSION



Police Commission

Adopted 1999, Revised \_\_\_\_\_

Introduction

The following sets forth information, rules and regulations concerning the Police Commission.

**Police Commission Mission Statement**

Our mission is to recommend to the City Council, the City Manager, the Police Department, and the people, the resources, preferred policing alternatives, policies and civilians' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership among people and between people and the Police Department that helps achieve safety, justice and freedom for all people.

**Our Goals:**

- Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.
- Promote policing that respects and reflects Eugene's rich culture and diversity.
- Increase communications, understanding and trust between police and the people in Eugene.
- Encourage problem solving and partnerships between people, neighborhoods, and other agencies and police.
- Provide fair opportunities for the public and criminal justice professionals to comment and participate in the Commission's work, recognizing the interconnectedness of the criminal justice system.

**ARTICLE I. ESTABLISHMENT**

The Eugene Police Commission, hereinafter referred to as the Commission, was established in December 1998 (Original Ordinance No. 20135 and amended to Ordinance 20398 in October 1997) and was appointed by the City Council in conformance with Eugene Municipal Code 2.013 and 2.368. All powers and duties of the Eugene Police Commission are derived from City of Eugene Ordinance 20398. Nothing in these bylaws shall be construed as expanding the authority conferred upon the Commission by the ordinance.

**ARTICLE II. PURPOSE AND OBJECTIVES**

1. The Commission shall act as an advisory body to the City Council, City Manager and Police Chief regarding police policy issues. The Commission exists to work toward the following outcomes for the community:

- a. To increase communications between the police and the community, leading to a greater understanding of the preferred policing alternatives for the city
- b. To identify police policy and resource issues related to preferred policing alternatives;
- c. To decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- d. To provide input on police policies and procedures that reflect community values
- e. To assist the City Council in balancing community priorities and resources by advising it on police resource issues; and
- f. To recommend police policies reflecting community values

2. It is the intent that these bylaws be consistent with the Boards and Commission Manual for the City of Eugene. Where there is conflict, these bylaws will control unless the Commission approves a change to align with the Boards and Commission Manual.

3. The Commission shall ~~develop a mission statement and a yearly work plan~~ maintain a mission and develop a work plan, to be reviewed and approved by the City Council, which will articulate how the listed outcomes will be achieved.

4. The Commission may:

- a. Review and make recommendations on police policies, practices and priorities for consistency with community values;
- b. Provide input on service and resource needs for community safety;
- c. Work on police-related projects as directed by the City Council; and
- d. Provide a forum for addressing public concerns related to police policies and practices

5. The Commission shall not undertake the review of allegations and inquiries related to the actions of individual police officers.

6. The City of Eugene is committed to fair and impartial treatment of all employees, applicants, contractors, volunteers and agents of the City and to provide an environment free from discrimination and harassment, where people treat one another with respect. It is the responsibility of all agents of the city, including volunteers to maintain a work environment free from any form of discrimination of harassment based on race, creed, sex, sexual orientation, color, national origin, age religion, disability, marital status, familial status, source of income or any other legally protected status. The City prohibits unlawful harassment and or discrimination. Accordingly, derogatory racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs or jokes will not be tolerated.

### **ARTICLE III. APPOINTMENT, MEMBERSHIP, TERM OF OFFICE**

1. The Commission members shall be nominated by the Mayor and appointed by the City Council.

2. The Commission shall consist of:

- a. two members of the City Council

- b. one member from the Human Rights Commission
- c. one member from the Civilian Review Board
- d. eight civilians

3. Members of the Commission shall be city residents or residents of the urban growth boundary who have demonstrated interest and expertise in police matters. Every effort shall be made to assure representation on the Commission is in proportion to the representation of women, ethnic minority group members, people with disabilities and younger and older citizens in the City and its urban growth boundary. Members may represent the following diverse elements of Eugene:

- a. Youth
- b. Students of the University of Oregon and Lane Community College, or other higher education institution;
- c. Persons with a demonstrated interest in law enforcement;
- d. Social service providers;
- e. Educators;
- f. Members of community or neighborhood groups;
- g. Persons engaged in private business;
- h. Persons with a diversity of ethnic and cultural affiliations;
- i. Persons with diverse economic backgrounds and interests;

4. Employees of the City of Eugene or EWEB (Eugene Water and Electric Board) may not serve on the Police Commission.

5. The eight civilian members shall be appointed to a four (4) year term. The terms of the first appointees shall be staggered so that approximately one half of the Commissioners' terms ends after three years. Councilor members shall be appointed annually as part of the process of appointing elected officials to other committees, and shall serve during their terms as councilors. The members from the Human Rights Commission and Civilian Review Board shall serve during their term on such commission, committee or board, or for four years, whichever is less.

6. No member of the Commission shall serve more than two (2) consecutive terms as a member of the Commission.

7. Vacancies on the Commission shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. Except where the vacancy occurs because members from the City Council cease to serve on the Commission, the City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. the death or resignation of the incumbent
- b. removal of a member by the City Council for [being absent for more than three consecutively scheduled meetings-violating Article 6, section 6.](#)
- c. failure of the City Council to reappoint an incumbent at the expiration of his or her term
- d. the incumbent ceases to be qualified for the initial appointment.

8. Commission members shall receive no compensation, but shall be reimbursed for authorized expenses (See Article X, Section 2)

#### **ARTICLE IV. OFFICERS AND DUTIES**

1. The officers of the Commission shall be a Chair and Vice Chair (see Article V, Election of Officers)

2. The Chair and Vice Chair shall serve for ~~two (2) years~~ one (1) year. The election will be held no later than the Commission's regular meeting in June. If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term. If the Vice Chair cannot serve a full term, the Commission shall, at the meeting following the departure from office of the Vice Chair, elect a new Vice Chair to complete the unexpired term. If both the Chair and Vice Chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

3. Commissioners may not be elected as Chair for more than ~~two (2)~~ three (3) successive terms.

4. The Chair shall preside at all meetings of the Commission; call special meetings subject to requirements of Article VI; consult with staff on preparation of commission agendas; and perform all other duties necessary or incidental to the office. (did not insert chair appoints committee chairs)

5. In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.

6. The Chair shall decide on all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present.

7. The Chair and Vice Chair are entitled to vote on all issues.

8. The Chair or the Chair's designee is the official spokesperson for the Commission on all matters of community concern that have been duly addressed by the Commission.

9. The Chair and Vice Chair shall:

- a. Conduct orientation of the new commission and committee members
- b. Assist with educating Commission, committee and City Council members on procedures and responsibilities.
- c. Act as liaisons between the Commission and all committees
- d. At the request of the Commission, prepare recommendations on commission bylaws and other administrative manners.

#### **ARTICLE V. ELECTION OF OFFICERS**

1. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair. Nominations need not be seconded.

2. A member may withdraw his/her name if placed in nomination, announcing that, if elected, s/he would not be able to serve; s/he may not withdraw in favor of another member.
3. Any member may move to close the nominations; a second is required. If the motion carries, the Chair then calls for the election.
4. The votes of all committee members will be recorded. The candidate who receives a majority of the votes cast becomes the Chair. In the event no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the Vice Chair.

#### **ARTICLE VI. OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS**

1. The Commission shall submit ~~an annual report and yearly work plan~~ work plan and report of previous work in writing to the City Council. The report shall list the activities and accomplishments to date and assess these against the Commission's mission and against the yearly work plans. The work plan must be approved by the City Council. As a result of a significant event or unforeseen circumstances, the Commission may request the City Council approve a work plan amendment at any time.
2. All regularly scheduled meetings will be announced in the Public Meetings Calendar the week prior to the meeting and will include a time for public comment.
3. The Commission may make and alter rules for its conduct and procedure providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies.

#### **ARTICLE VII. MEETINGS, VOTING AND PROCEDURES**

1. The Commission shall meet at least six (6) times a year to conduct regular business, with such additional meetings as it deems necessary to ~~property~~ perform its duties. Additional meetings may include but are not limited to annual work planning and process sessions.
2. The Commission shall achieve a quorum at a minimum of six (6) of its regularly scheduled meetings each year.
3. Seven (fifty percent plus one of the current membership) commissioners shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.
4. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except that a member shall not vote or take part in discussion as a member when there is an actual or may be a perceived conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with

persons involved in the issue, then he or she may ask to abstain. If members are in doubt about the nature of a conflict, they may ask for the advice of the City Attorney.

5. All members of the Commission shall be involved in Commission [meetings](#) and may be involved in committee activities, including regularly attending commission and committee meetings.

6. Any member who misses more than three (3) consecutive regular commission meetings, [or misses more than four \(4\) meetings in a twelve month period](#), with or without a quorum and without having been given a leave of absence by the Commission Chair, may be removed by the City Council upon recommendation of the Commission. If members are unable to attend a meeting of the Commission or a committee, they shall notify the Commission Chair or staff as soon as possible.

7. The Chair shall establish the agenda, after consulting with the Vice Chair and staff. The Vice Chair may forward to staff an alternate agenda one week prior to the meeting to be included in the meeting materials for consideration by the Commission at its meeting. An agenda item may be placed on the agenda or removed by a majority vote of the Commission. Requests to place an item on the agenda may be made by individual commission members, city councilors, staff or members of the public. Through a formal action, City Council may direct the inclusion of an item on the Commission's agenda.

8. The Chair or six (6) members of the Commission may call an emergency special meeting by delivering a written notice to each member of the Commission and providing to the City Manager's Office a written request for notice to media representatives at least 24 hours prior to the start of the meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Seven commissioners shall constitute a quorum for a special meeting.

9. Members shall not vote on a question unless they are present before the vote is called for, or when their names are called by the Chair. Proxies are not permitted.

10. Members may at any time explain their votes, or file written explanations of such votes after the result of the voting has been announced and recorded.

11. In general, communication to and from the public during meetings occurs during the public comment or community dialogue period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to any member of the public at the discretion of the chair.

12. As an alternative to using simple majority votes to make its decisions the Commission may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general consensus decision making is appropriate when addressing process and routine issues. The simple majority approach should be used when the Commission is taking a formal position on a topic. Whichever decision making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest must excuse himself / herself from deliberation on the issue.

13. To further its mission, the Commission may agree to invite specific group representatives, civilians or staff to participate with the Commission in the evaluation, discussion and problem solving of specific issues or policies.

14. The Commission, committee and work group meetings shall follow Oregon's open meeting laws.

15. Commission members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

#### **ARTICLE VIII. STAFF**

1. The Police Chief or his designee shall attend all regularly scheduled commission meetings. The Chief is not a voting member of the Commission and shall not be counted for purposes of obtaining a quorum. The Chief shall take all reasonable steps to ensure that the Commission is kept fully informed about all major police issues that may be of concern to the community.

2. The City Manager may, within his or her discretion, furnish staff assistance to the Commission or to the Commission's committees. [Staff's main responsibilities are to assist the Commission in its function and to represent the City of Eugene. Other possible responsibilities are outlined in the Boards and Commission Manual.](#)

3. A city staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next meeting to all members at least five working days in advance of the meeting date. All printed information to be distributed to the members with the minutes will be submitted to staff ten (10) days before the meeting so that the materials may be made available to the media and the public. [Only material related to the upcoming meeting agenda will be distributed in the meeting packet.](#)

4. A record must be kept of all public meetings. The record may consist of written minutes, or sound video or digital recording. The record of a meeting, whether preserved in written minutes, or a sound, video or digital recording, must provide a true reflection of the meeting and must, at a minimum, contain the following information:

- a. All members of the Commission present;
- b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c. The results of all votes and the vote of each member by name;
- d. The substance of any discussion on any matter;
- e. A reference to any document discussed at the meeting (subject to ORS 192.410 to 192.505 relating to public records)

[5. Official city stationary may only be used for official communications authorized by the Commission.](#)

#### **ARTICLE IX. COMMITTEES, PROGRAMS & WORK GROUPS**

1. The Commission may establish temporary committees for specific tasks. A majority of the Commission members present is required to form a committee. No temporary committee shall continue for more than six months without City Council approval.



Start here

2. The size, term, membership and duties of a committee shall be established by the Commission at the time the committee is approved. Committee membership shall consist of no more than six commission members.

3. Vacant positions on a committee shall be filled by the ~~Commission~~ appointment of a person appointed by the Chair, subject to the approval of the Commission. The Committee may nominate a person for consideration by the Chair. ~~nominated by the committee~~. A position shall be considered vacant under the same conditions as set forth for a vacancy on the Commission.

4. ~~The officers of each committee shall be a Chairperson and a Vice Chair, elected by the committee. The Chair shall be a member of the Commission and The Chair of each committee is appointed by the Chair of the Police Commission, subject to approval of the Commission. Each committee may elect a Vice-Chair. The Chair~~ shall preside over the committee and shall have the right to vote. The Vice Chair shall perform the duties of the Chair in the absence or disability of the Chair. The officers shall serve for terms of one (1) year or for the term of the committee, whichever is less.

5. Each committee shall meet as it deems necessary to properly perform its duties.

6. Each committee may make and alter rules for its conduct and procedure, providing they are consistent with state laws and applicable provisions of the City Charter, ordinances, policies and commission bylaws. Each committee should be reviewed annually by the Commission to determine whether a continuation of the committee is warranted.

7. Fifty percent plus one of the current membership of a committee shall constitute a quorum for the transaction of official business.

8. The Commission may recommend that the City Council establish any additional committee or task force that the Commission feels will assist the Commission and the City in meeting the goals of the Commission.

9. The Chair of the Committee shall be responsible for calling and developing agendas for all meetings.

10. Committees may base their recommendations upon a consensus or upon majority and minority points of view.

11. Committees may take public actions only with the approval of the Commission.

12. Committee chairs shall submit names of committee members who are frequently absent from the committee meetings to the Commission Chair, who may replace them.

13. Only existing Commission members are eligible to become members of a committee. The Committee may seek input and advice from the community, regardless of committee membership.

## **ARTICLE X. FISCAL POLICIES**

1. As per City ordinance (City Code 2.368) and subject to State law, the Oregon Budget Law and the Charter of the City, the Commission may expend public funds with the approval of the City Manager or his/her designated representative and may accept contributions and expend the same as long as the funds are related to the Commission's own purposes and work plan and clearly benefit the City.

2. Any member who incurs expenses as a result of Commission work shall submit to the Chair a statement itemizing the expense. The Chair may seek reimbursement for the member from the City Manager or his/her designee. Except for Commissioners' meal expenses at local or in-state activities, expenses shall be approved by the Commission membership prior to disbursement.

3. Members wanting to attend meetings or events to represent the Commission shall first seek approval from the Chair of the Commission to have the trip placed on the agenda of a commission meeting. The membership may then approve spending of commission funds and appoint a member to attend.

4. The fiscal year of the Commission runs from July 1 to June 30.

#### **ARTICLE XI. AMENDMENT OF THE BYLAWS**

1. These bylaws may be adopted, by a majority vote at any session of the Commission and will continue in force for the Commission until rescinded or amended. They may be suspended, rescinded or amended by an affirmative vote of seven (7) members of the Commission at a regular or supplementary meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the Commission.

**POLICY**

**316**

**EFFECTIVE  
DATE  
Draft**

# Eugene Police Department



**PSRC DRAFT POLICY**

This is a draft policy only which incorporates Lexipol and current EPD policy 308.1

## Officer Response to Calls

### 316.1 Purpose and Scope

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

### 316.2 Response to Calls

Officers shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 820.320. Officers shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to OAR 735-110-0000(8) and OAR 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons.

ORS 820.320(2) allows officers to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence,

Officers who fail to use appropriate warning equipment are not exempt from following the rules of the road (ORS 820.300). ORS 801.260, 816.250, 820.300, 820.320, and 820.380 all contain limitations for emergency vehicles.

Officers responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 316.3 Requesting Emergency Assistance

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Central Lane Communications.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

#### 316.3.1 Number of Units Assigned

1. There may be situations requiring emergency response, and there may be situations requiring emergency response by multiple units. Normally, at least two units will be dispatched under these conditions on the following calls.
  - a. Officer needs help (officer engaged in physical struggle, or officer's life/safety in immediate danger)
  - b. Shots fired (where additional information indicates a possibly dangerous situation)
  - c. Person screaming for help (with strong likelihood of danger to a person)
2. Criteria to consider in determining how to respond:
  - a. Will an emergency response significantly expedite the unit's response time?
  - b. Is an emergency response necessary to alleviate a hazard to someone at the scene?

- c. Will use of emergency equipment, especially near the scene, be likely to escalate or de-escalate the incident (e.g., precipitate taking a hostage or disperse a disorderly crowd)?
3. Field supervisors or watch commanders may alter any emergency response.
4. If responding, advise dispatch of your radio designator and location. Respond directly to the scene, unless there is a conflicting emergency or you are directed otherwise by a supervisor.
5. Do not respond to an emergency call unless:
  - a. You are assigned by dispatch;
  - b. You are significantly closer than other responding units and response time may be a factor in successfully handling the call; or
  - c. Other specific reasons exist for doing so (e.g., prior knowledge of the situation, exposure of recruits to calls).
6. If you are the first officer, advise which corner of the location you will cover. If suspects have left, officers will be assigned quadrants to search or fixed positions to observe or contain.
7. For additional guidelines regarding emergency response and emergency vehicle operation, refer to **Policy 314 – Vehicle Pursuit Policy** and the Radio Procedure Manual.

## ~~316.4 Initiating Code 3 Response~~

~~If an officer believes a Code 3 response to any call is appropriate, the officer shall immediately notify Central Lane Communications. Generally, only one unit should respond Code 3 to any situation. Should another officer believe a Code 3 response is appropriate, Central Lane Communications shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code 3 is appropriate.~~

## 316.4 Responsibilities of Responding Officer(s)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify Central Lane Communications. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

## ~~316.6~~ Communications Responsibilities

~~A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:~~

- ~~a. Attempt to assign the closest available unit to the location requiring assistance~~
- ~~b. Immediately notify the Watch Commander~~
- ~~c. Confirm the location from which the unit is responding~~
- ~~d. Notify and coordinate allied emergency services (e.g., fire and ambulance)~~
- ~~e. Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated~~
- ~~f. Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor~~

## 316.6 Supervisory Responsibilities

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- a. The proper response has been initiated
- b. No more than those units reasonably necessary under the circumstances are involved in the response
- c. Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- a. The type of call
- b. The necessity of a timely response
- c. Traffic and roadway conditions
- d. The location of the responding units

### 316.7 Failure of Emergency Equipment

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Central Lane Communications of the equipment failure so that another unit may be assigned to the emergency response.