

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.

Policy Screening and Review Committee Members: Bob Walker, Chair; Jesse Lohrke, Vice-Chair, Bernadette Conover, Linda Hamilton, Tamara Miller, Juan Carlos Valle

Policy Screening and Review Committee Eugene Police Commission

5:30 PM Tuesday, December 4, 2012

Eugene Police Headquarters, 300 Country Club Road – Community Meeting Room

Staff Contact: Carter Hawley, 541-682-5852

<u>Starting Time</u>	<u>Item</u>	<u>Minutes</u>
5:30	Agenda and Material Review	5
5:35	Minutes Review and Approval	5
5:40	Public Comment	10
5:50	Review Policy 1101.1 Code of Conduct – Final Review	5
5:55	Review Policy 308.39 Social Security Numbers	10
6:05	Review Policy 308-32 Park Use Restrictions	15
6:15	Review Policy 411 Trespass Letter	15
6:30	Review Policy 308-40 Person Stops and Contacts	15
6:45	Community Dialogue and Member Comment	15

Upcoming Scheduled Meetings

January 2, 2013 (Police Headquarters – 300 Country Club Road)

Policy Screening and Review Committee

Eugene Police Commission

Note: Meeting is available on audio tape. These notes represent only the basic information captured at the meeting per public meetings law. A copy of the audio recording can be purchased by contacting the Police Commission Analyst at 541-682-5852.

Meeting Date: November 6, 2012

Members Present: Jesse Lohrke, Bob Walker (Chair), Tamara Miller, Lieutenant Nathan Reynolds (EPD)

Members Absent: Bernadette Conover, Linda Hamilton, Juan Carlos Valle

Agenda & Material Review – Mr. Walker reviewed agenda and packet materials.

Public Comment:

Deb Frisch: Ms. Frisch stated that in the April 12, 2012 meeting of the Police Commission during a discussion on Roberts Rules, there was a motion to reconstitute the entire Police Commission Policy Screening and Review Committee. This inappropriate motion was not called out of order by the Chair. On October 8, 2012, there was a report by EPD staff Sam Kamkar to the City Council on the Downtown Exclusion Zone ordinance; nobody mentioned the Police Commission or thought to ask the Commission to work on this issue, despite the fact that the Commission has worked on this issue in the past. The Police Commission's effectiveness has decreased to the point that the City Council doesn't involve the Commission in such matters now.

Zachary Vishanoff: Mr. Vishanoff feels that the meeting location at the new EPD Country Club headquarters has a chilling effect on public participation in our meetings. He feels these decisions should be made with the public in mind and for public involvement, to enable real public input and to build a relationship with the public. Mr. Vishanoff suggests that future meetings be held at the Eugene Public Library. Mr. Vishanoff also spoke about the drinking district around Autzen Stadium. This was before Chief Kerns became Chief, but he feels this exception for game day fans is not consistent with open container laws/ordinances in other areas of the City and that this permitted exception increases rapes in this area during the football games.

Second Review, Policy 306

Lt Reynolds and Mr. Walker led us through the additional changes to draft Policy 306 – Handcuffing and Restraint. Lt. Reynolds highlighted that on page 4, medical consideration was added.

Second Review, Policy 501.1 Arrests

Lt. Reynolds led the group through the additional changes to draft Policy 501.1 – Arrests. The additional changes to Part 1 was acceptable to the Committee.

Second Review, Policy 1101.1, Code of Conduct

Mr. Walker commented on Section 5 of this draft policy that AIRS is going away, so he suggests taking out language: "because of your AIRS access".

Section 1 of this policy has Law Enforcement Code of Ethics language. Ms. Miller commented that the Lexipol version of or EPD version both appear fine, and so suggests if there is nothing wrong with the EPD language, there would be no reason to change to the Lexipol language. This section is philosophy only, not technical policy language.

Section 3, Associations. Committee members asked questions of Lt. Reynolds regarding the "reputation as a criminal" language. What if this person is an officers brother or has a DUI? Lt. Reynolds said that EPD will look at Lexipol language or policy language from other jurisdictions and see what other language is used.

Section 7, Courtesy. Mr. Walker commented that subsection C. seemed a bit vague, and asked who interpreted what "coarse" language is and suggested that perhaps this was an outdated term.

Section 8. Competency. Lt. Reynolds said perhaps they would look at certifications for guidance on this section for "sufficient competency", and EPD will look at training requirements and policies to see if more specific language could be suggested on this section.

Section 18, Neglect of Duty. Mr. Walker suggested that language in this section be updated for today's technology and suggested that perhaps the media policy be looked at for guidance or referenced in this policy. Lt. Reynolds conveyed that the social media policy is still in draft format due to a pending court case, and so it isn't being advanced at this time.

Section 30, Personal Mail. Mr. Lohrke and Lt. Reynolds agreed that there are additional locations besides EPD's department to received mail as authorized by statute.

Committee agreed that it could not take official action due to lack of a quorum, but agreed it would be appropriate to forward Policies 306 and 501.1 to the full Police Commission as part of its Committee Report for the Police Commission to take action on as it sees appropriate.

Community Dialogue and Member Closing Comments: There was no community dialogue and no Committee members wishing to make closing comments.

Meeting adjourned at 6:25

Next Meeting: December 4, 2012

Meeting minutes taken by Tamara Miller, Committee member



SERIES
1101

NUMBER
1

EFFECTIVE DATE
10-10-99

GENERAL ORDER

SUBJECT

CODE OF CONDUCT

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

PART I - Responsibilities and Procedures for All Personnel

- A. General Standard of Conduct
- B. Specific Standards of Conduct

PART I - Responsibilities and Procedures for All Personnel

A. GENERAL STANDARD OF CONDUCT

1. Sworn Officers: Law Enforcement Code of Ethics

LAW ENFORCEMENT CODE OF ETHICS ([Lexipol](#))

As a law enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a

public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.^[c1]

LAW ENFORCEMENT CODE OF ETHICS(EPD Lobby)

As a law enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

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2. Communications Employees: Telecommunication's Code of Ethics

TELECOMMUNICATOR'S CODE OF ETHICS

As a telecommunicator I regard myself as a member of an important and honorable profession. I will recognize the positive relationship between good physical and mental conditioning and the performance of my job. I will perform my duty with efficiency to the best of my ability. My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state, and country. I will not, in the performance of my duty, work for unethical advantage or profit. I will recognize at all times in my duty that I am a public safety employee, and that ultimately I am responsible to the public. I will give the most efficient and impartial service of

which I am capable at all times. I understand the importance of courtesy and will maintain it as my reference point in all my duties. I will regard my fellow telecommunicators with the same standards as I maintain myself. I share a reciprocal affinity and obligation with my fellow telecommunicators, my administration, and my agency. I will accept responsibility for my actions. I will strive for those values which will reflect honor on my fellow telecommunicators, my agency, and myself.

B. SPECIFIC STANDARDS OF CONDUCT

1. Conformance to directives

You may not commit any act which violates any policy, procedure, or order of the City or department, whether stated in this manual or elsewhere.

2. Abuse of position

a. You may not use your position, official identification, or badge:

(1) for personal or financial gain or advantage;

(2) to obtain privileges;

(3) to avoid consequences of illegal acts; or

(4) to gain information from another agency or computer system for personal use.

b. You may not lend your identification cards or badges, or permit them to be reproduced, without the approval of the City.

c. You may not use your name, photograph, or titles which identify you as an employee for testimonials or advertisements without approval of the City.

d. In the discharge of duty, you cannot allow personal motives to govern decisions or actions.

3. Associations

a. You must avoid association with persons you know, or should know, are under criminal investigation or indictment, or who have a reputation as a criminal.

Except ^(c) as required in the performance of official duties or, in the case of immediaterelatives, employees shall not develop or maintain personal or

financial relationships with any individual(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws

- b. This rule does not apply on duty, where you are encouraged to contact (discover, arrest, process) such people, or where contact is unavoidable due to circumstances beyond your control.

4. **Confidentiality of information**

You must keep confidential whatever you see or hear in your official capacity, except when the release of information is required to properly perform your duties.

5. **Conformance to laws**

- a. You must obey all laws of the United States, including any state or local jurisdiction in which you are present. A conviction of a violation of any law will be prima facie evidence of a violation of this section. You may be disciplined for violating the law even if you are not convicted.
- b. Because of your AIRS access, you must immediately notify your supervisor if you are charged with a felony or Class A misdemeanor.
- c. To comply with Title 18 of the U. S. Code (USC), if you are a sworn officer you must immediately notify your supervisor if:
 - ◆ you are arrested or cited for a misdemeanor crime of domestic violence as defined in 18 USC §921(a)(33); **or**
 - ◆ you are the subject of a court order meeting the requirements of 18 USC §922(g)(8) which restrains you from harassing, stalking, or threatening an intimate partner, as defined in 18 USC §921(a)(32).

6. **Constitutional rights**

- a. You have a fundamental duty to observe, respect, and protect the constitutional rights of every person with whom you come in contact. All persons, including those you suspect of committing a crime, retain their constitutional protections. Arrest deprives subjects only of their liberty; it does not affect their rights under the constitution.
- b. If you act within the law and our policies and procedures, you may enforce the law without fear of abrogating the constitutional rights of those you deal with.

- c. You will not stop, detain, or search any person based solely and impermissibly on that person's race, color, gender, sexual orientation, or national origin, or on your perception of that person's race, color, gender, sexual orientation, or national origin.

7. **Courtesy**

- a. You must be courteous to the public and to fellow employees, with whom you should make every effort to build good working relationships.
- b. You must be tactful, control your temper, exercise patience and discretion, and not be provoked by the actions of others.
- c. You^[c4] may should not use coarse, violent, profane, or insolent language or gestures, unless justified under the totality of the circumstances.
- d. You are not to express any prejudice about race, politics, national origin, sexual orientation, or similar personal characteristics.
- e. Your public statements should show good judgment. Do not express personal opinions during the performance of official duties.

8. **Competency**^[c5]

- a. You must maintain sufficient competency to perform your duties properly and to assume all responsibilities of your position.
- b. You must perform your duties professionally, and maintain the highest standards of proficiency in carrying out assignments.

9. **Unsatisfactory performance**

- a. You are expected to perform all aspects of your job as well as you reasonably can.
- b. Examples of unsatisfactory performance include, but are not limited to:
 - (1) Lack of knowledge of the law.
 - (2) Unwillingness or inability to perform assignments.

- (3) Failure to conform to standards established for your rank or position.
- (4) Failure to take appropriate action.
- (5) Failure to perform professionally.

10. **Endorsement of products and services**

- a. You may not, while on duty, recommend or suggest any product or service by brand name or provider, including tow services and attorneys.
- b. Nothing in this section prohibits you from stating a preference in the transaction of personal business.
- c. You must scrupulously avoid using your position with the city to endorse any organization, program, product, or service not approved and/or required in the performance of duty as defined by the City.

11. **Fees and rewards**

- a. You may only accept payments regulated by the City as a result of your employment with the City, except:
 - (1) Court-ordered restitution to you;
 - (2) Outside employment approved by the Chief.
- b. Compensation for court appearances
 - (1) If you are appearing (testifying or participating in a pre-trial conference) while on duty, you will be paid your normal salary.
 - (2) If you initiate a civil action from a duty-related incident, you would not normally be paid for your court appearance. Only the Chief or his/her designee may authorize an exception.
 - (3) We will not pay you for appearing in any non-duty related matter.
 - (4) If you have a subpoena to appear, while on duty, in a non-duty related matter, you must take time off (comp time, vacation).
 - (5) If you are appearing while off-duty outside of Lane County in a duty-related case, you will collect witness and mileage fees.

Return these fees to the City, and submit an overtime request. Indicate the number of hours involved in the specific case. If you use a private vehicle and do not charge the city, you may keep the mileage fees.

(6) You may have to appear in a duty-related case from a previous law enforcement employer. If you are on-duty, you do not have to take time off to appear. If you are not on duty, we will not pay you. Submit a request for compensation to that previous employer.

c. The City recognizes an employee's right to file tort claims against third parties. This policy is not intended to abrogate that right. In addition, if you receive a recovery related to a workers' compensation claim, the distribution of the recovery between you and the City will be governed by state statute.

12. **Gifts, gratuities, or loans**

You may not solicit or accept anything of value when there is any connection between it and your employment without authorization from the Chief or designee. Refer to the City APPM and to the City of Eugene Employee Handbook for additional details, as well as for information regarding gifts to the department.

13. **Illness or injury reports**

a. You may not misrepresent the facts of your illness or injury.

b. You must inform your supervisor of any physical or mental condition that could affect your duty performance.

14. **Immoral conduct**

You must keep your personal and business affairs in keeping with the standards of the law enforcement profession. You may not participate in any conduct which impairs your ability to perform as our employee or which causes us to be brought into disrepute.

15. **Insubordination** (refer also General Order 101.1)

a. You may not ignore or refuse to obey any lawful order of a supervisor. This includes orders relayed from a supervisor by a peer or person of lesser rank.

b. You may not falsely tell others that an order originated from a supervisor if it did not.

- c. You may not engage in unprofessional or disrespectful conduct directed toward a supervisor by word or physical conduct.

16. **Integrity**

The public demands your complete integrity. The dishonesty of a single employee can impair public confidence and cast suspicion upon all of us. You must scrupulously avoid any conduct which might compromise your integrity, that of your fellow employees, or the department.

17. **Judgment**

You are expected to use good judgment at all times. "Good judgment" is defined as those decisions and actions which a reasonable employee in similar circumstances would use or take, given the information you knew or should have known at the time.

18. **Neglect of duty**

- a. You^[c6] may not read, play games, watch television or movies, [use multi-media/mobile electronic devices](#), or entertain yourself on duty unless it is duty-related. This rule does not apply if you are on an authorized break. [Refer to 1060 Employee Speech, Expression, and Social Networking.](#)
- b. You will not engage in personal business or any other activity which makes you neglectful or inattentive to duty.

19. **Political Activity**

Follow City policy and guidelines regarding political activity.

20. **Processing property and evidence**

- a. You must account for and properly handle all property or evidence entrusted to you by any person, even if you merely destroy it.
- b. You may not convert to your own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

21. **Prompt submission of reports**

- a. You must submit all your reports on time and in accordance with

department procedures.

- b. Your reports must be truthful and complete. You may not knowingly report, or cause to be reported, any inaccurate, false, or improper information.
- c. If you become aware of an error in your report, correct it as soon as possible. If you become aware of an error in another employee's report, notify your supervisor. Supervisors will ensure that errors are corrected as soon as practical.

22. **Public statement**

- a. While on duty, or off duty and identifying yourself as a department employee, you may not publicly criticize or ridicule the department, its policies, or other employees by any expression, where what you say or write produces intolerable disharmony, inefficiency, dissension, chaos, or is without a factual basis.
- b. You must identify all your public statements as personal opinion, unless you are authorized to make official department statements.

23. **Request for assistance**

When any person requests assistance, or makes complaints or reports either by telephone or in person, obtain all pertinent information in an official and courteous manner, and act upon it judiciously, consistent with departmental procedures.

24. **Sleeping on duty**

- a. You must remain awake while on duty.
- b. If you are unable to remain awake, report to your supervisor, who will determine the proper course of action.

25. **Unbecoming Conduct**

- a. Police are the most conspicuous and accountable representatives of government. To the majority of the people, they are symbols of stability and authority, and represent individuals on whom they can rely.
- b. Your conduct will be closely scrutinized by citizens. You will not be allowed to discredit the department or the City. Nothing in this policy shall be interpreted to preclude you from exercising your rights

as a citizen while you are off-duty.

- c. You must conduct yourself, at all times, both on and off duty, in a way that reflects favorably on the department.
- d. Unbecoming conduct which brings the department into disrepute, reflects discredit upon you as a member of the department, or impairs the operation or efficiency of the department or employee, is prohibited.

26. **Use of department resources**

- a. The resources of this department are those of the citizens of the community. You are charged with using those resources in the most effective manner possible. Other than in emergencies, you may use equipment only as it was designed to be used.
- b. You are responsible for all equipment we issue to you, and you must maintain it in proper order.
- c. You may use City-owned computers only in accordance with City policy, and may not use them to play games or for other personal entertainment.
- d. Internet access and use must comply with City policy.

27. **Use of intoxicants and medications**

- a. Refer to the APPM and any applicable labor agreement for additional information regarding prohibited conduct, testing, and standards.
- b. For this manual, except when stated otherwise, the term “intoxicants” includes alcohol and controlled substances. Medications prescribed for you are exempted if taken as prescribed.
- c. You must notify your supervisor if [you are taking any medications that have the capability to affect your ability to perform your duties.](#) ~~your duty performance may be affected by medication(s) you are taking, or if you are exceeding the recommended dosage.~~
- d. You may not use intoxicants:
 - ◆ while at work, except as necessary to perform your duties *and* specifically authorized by department policy;
 - ◆ while representing the City at an event or function (except as authorized by paragraph “h” below); or

- ◆ while at City-owned or City-leased work sites.
- e. You may not operate a vehicle owned or leased by the City, or one rented with City funds, at any time proximate to consuming intoxicants.
- f. On Duty
 - (1) You must be mentally alert and physically responsive on duty. You may not, except as a necessary part of an official assignment, consume alcohol on duty or in uniform. You must have your supervisor's authorization to do so.
 - (2) Unless specifically authorized by a supervisor for job-related reasons, you may not report for normally assigned work or be at work:
 - (A) with a detectable odor of intoxicants (alcohol or drugs) on your breath;
 - (B) with any detectable amount of intoxicants (alcohol or drugs) in your body ([residual legal substances remaining in urine excluded](#)); or
 - (C) with any substance in your body which may impair your ability to work safely and efficiently.
 - (3) We may require you to take a urine or blood test by a third party as a condition of employment, if we have a reasonable suspicion (as defined by Oregon law) that you have violated subsection (1) or (2) above.
 - (4) If you unintentionally ingest, or are made to ingest, any alcohol, drug, or controlled substance while on duty you must immediately report the incident to a supervisor so that appropriate medical steps may be taken to ensure your health and safety, and an assessment can be made as to your ability to continue working.
- g. Off Duty
 - (1) You may, in conformance with law, consume intoxicants off duty, but only at times that guarantee you are not affected when you are scheduled to come to work. You may not use intoxicants in a manner which brings discredit on the department or on you as a member of the department.

- (2) If you are called in for unscheduled work, and you have consumed intoxicants, you must inform the command officer initiating the call-back. We will want to know how impaired you may be so we can determine whether or not you should report to work. This also applies to prescription drugs which can impair judgment or response times.

h. Off-site events

While attending off-site events paid for entirely or partially with City funds (e.g., conferences, training), you may not consume intoxicants during hours for which you are being compensated. When you are on your own time, your consumption of intoxicants must be legal and moderate. Your behavior must be professional and must not reflect unfavorably on the department or the City.

28. **Vendors and contractors**

- a. We will not commit resources to a prospective contractor or vendor before we sign a contract.
- b. You may not use what you learn in the department for private gain by you or any other person or entity.
- c. You must keep confidential anything you learn that is confidential. Your personal feelings, motives, or the possibility of personal gain may not influence your decisions.
- d. You may not compromise your position by soliciting or accepting gratuities -- even where such activity might otherwise be considered an acceptable form of business negotiations outside the department.

29. **Truthfulness**

- a. As an employee, you may not knowingly, recklessly, or negligently convey or provide information which is dishonest, misleading, or a misrepresentation except as necessary in the course of conducting an investigation.
- b. You will truthfully answer any question asked by a supervisor or fellow employee that is related to your scope of employment.


30. **Personal mail**

You may not use the department's address to receive mail, except for inadvertent mailings which may result from your use of the department's address on DMV [property tax, or any other](#) records [authorized by statute](#), or mail from someone who may try to contact you and has only our address.

31. Identification

- a. Except when working an undercover assignment, or when circumstances exist that would jeopardize your safety, you will clearly state your name and badge number when requested by any person to do so. (For non-sworn personnel, it is sufficient to provide your first name and your badge number.)
- b. When feasible to do so, provide the person with one of your business cards.

JAMES R. HILL
Chief of Police

GENERAL ORDER		SERIES	NUMBER	EFFECTIVE DATE
		308	32	07-14-06
SUBJECT		REVIEW RESPONSIBILITY		
Park Use Restriction		Patrol Captain		
		SCHEDULED REVIEW		
		July 2011		

This policy establishes procedures for park use restrictions which are authorized under Administrative Order 58-05-10-F, Park and Open Space Rule R-1.005(3).

PART I - Responsibilities and Procedures for All Personnel

- A. Generally
- B. Procedures
- C. Program Manager
- D. Communications
- E. Records

PART I - Responsibilities and Procedures for All Personnel

A. Generally

1. The intent of the park use restriction is to encourage lawful use of the parks by excluding those who have violated laws or ordinances in a city park.
2. Violations which impact the quality of life for park users (e.g., alcohol or drug offenses, violent behavior) should be cause for issuing a notice of restriction. Other offenses may be considered for issuing the restriction if the behavior is inconsistent with the intended use of the park. A restriction of park use may apply to a specific park, open space, or facility, or to all City parks, open spaces, and facilities, as determined by the officer issuing the notice.
3. Nothing in the park use restriction rules shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitution. However, a person engaged in such protected activity who also commits acts that are not protected, and that violate applicable provisions of law, shall be subject to exclusion.

B. Procedures

1. A *Notice of Restriction of Use* can be issued when a subject is being cited or taken into custody for any felony, misdemeanor, or violation of park rules committed in a City park.

2. Determine the appropriate length of restriction: 1 month for a first offense, 3 months for a second offense, or 1 year for a third offense within a 12-month period. Confirm the appropriate length of suspension based on information from the individual's AIRS record (either via Station 2 or an MDC).
3. Fill out the five-part *Notice of Restriction of Use* form. (If the person's primary language is Spanish, issue the notice in Spanish rather than English.)
 - Give the subject the pink copy.
 - Keep the gold copy for your records.
 - Attach the original and the remaining copies to your report.
4. A person in violation of a park restriction can be charged with Criminal Trespass II (EC 4.807).

C. Program Manager


1. Maintain a list of individuals who have been issued a *Notice of Restriction of Use* and send the information to the Director of Parks and Open Space Division or designee.
2. Enter the current restrictions into the subject's AIRS record via a comment entry. Remove the entry from AIRS when it is no longer valid.
3. Enter information regarding expired restrictions within a 12-month period into a subject's AIRS record via a comment entry. Delete the entry when the information is no longer valid.

D. Communications

When requested by an officer in the field, relay information from the AIRS comment field to ensure proper restriction duration.

E. Records

Place the yellow copy of the *Notice of Restriction of Use* with the report and route the original and all remaining copies to the Program Manager.

GENERAL ORDER		SERIES	NUMBER	EFFECTIVE DATE
		308	39	07-01-04
SUBJECT Social Security Numbers		REVIEW RESPONSIBILITY Patrol Captain		
		SCHEDULED REVIEW July 2009		

It is important that the department maintain accurate records of its actions and the identity of individuals who are victims of crimes or subjects of enforcement action. Social security numbers are one form of identification which can be helpful to verify the identity of a person contacted and to maintain accurate law enforcement records, as well as to assist individuals who have been victims of identity theft. Other forms of identification which can be useful in establishing a person's identity include valid, government-issued picture identification (e.g., passport, military identification, consular identification). The intent of this policy is to standardize when social security numbers will be requested, balancing our need to have that information in certain cases with the desire of individuals to protect their social security numbers to the extent possible.

PART I – Responsibilities and Procedures for All Personnel

- A. Requests for social security numbers
- B. Requirement to provide social security number
- C. Release of social security numbers

PART I – Responsibilities and Procedures for All Personnel

A. Requests for social security numbers

1. You will normally request the social security number:
 - from a person who is being taken into physical custody;
 - from a person who is being issued a citation in lieu of custody for an offense that would normally generate an arrest warrant if the person fails to appear as required (e.g., misdemeanor, traffic crime);
 - for a person who is the subject of a missing person or runaway juvenile report;
 - if reasonably necessary to determine whether a person is or is not the subject of a warrant or other "locate" request (e.g., missing person); or

- if reasonably necessary to investigate or resolve an issue involving identity theft or improper/fraudulent use of a social security number.
2. You may request the social security number of an individual if you reasonably believe, under the circumstances, that the social security number is needed to satisfactorily establish the person's identity and you are:
 - taking some other enforcement action (e.g., traffic citation); or
 - completing a computer check on the individual.
 3. You will not normally request that a person provide his/her social security number in other situations. Except as provided in the paragraphs above, we do not normally collect social security number information from victims and witnesses.

B. Requirement to provide social security number

1. If you ask for a person's social security number, advise him/her that:
 - s/he is being asked for the social security number based on department policy in order to ensure accurate record-keeping, and
 - s/he is not required to provide the social security number.
2. No person is required to provide his/her social security number to you in any situation. You may not take any action against the person for declining to provide his/her social security number. (The presence or absence of a social security number may be one factor considered, along with other relevant factors, in determining whether a person's identity has been adequately established for purposes of General Order 501.3 if s/he is being cited and released.)
3. If you are preparing a report or citation, simply write "DECLINED" in the appropriate space if the person has a social security number and declines to provide it.

C. Release of social security numbers

Social security number information will be removed from any reports or other documents released by the department.

POLICY

411

**EFFECTIVE
DATE**

Draft 111709

Eugene Police Department



Trespass Letters

411.1 PURPOSE AND SCOPE

This policy enumerates procedures to be used for letters signed by property owners which give police officers authority to enforce city ordinances relating to trespassing on their premises.

411.2 DEFINITIONS

Trespass Letter: A letter that authorizes an officer to act as the agent of a property owner to cite or arrest trespassers under EC 4.805-4.809.

Trespass File: A database of all property with current trespass letters. A file of the actual letters will be maintained by the Crime Prevention Unit.

Owner: The owner of the premises, or his/her authorized representative.

411.3 PROGRAM DESCRIPTION

(a) Trespass letters are authorized for property owners experiencing a trespass problem. They are generally used in the absence of the owner or the authorized representative.

(b) Owners return signed letters to the Crime Prevention Unit (CPU) which manages the trespass letter system. CPU maintains the computer file and annually audits the files.

(c) In participating in this program, the owner must agree to prosecute all trespassers and to testify if necessary. The owner must post the property with "No Trespassing" signs.

(1) The signs must be posted on all sides of the premises which are accessible to the public.

(2) The owners are responsible for the replacement of all stolen, lost, or missing signs.

411.4 PROCEDURE

(a) An officer or Communications can determine if a trespass letter is on file by using the Trespass Letter database (under "Police Applications" in our computers). Hard copies of trespass letters are also on file at the West University Public Safety Station.

(b) Verify that the property is posted with a "no trespassing" sign.

(c) If a trespass letter is on file and the property is posted with a "no trespassing" sign, the trespasser can be cited or arrested.

(d) If the property is not signed, the person must be warned, or have been previously warned, before enforcement action can be taken. If this is the initial warning, it should be documented on an FI card.

(e) If no trespassing letter is on file, contact the owner to determine if s/he wants to prosecute and testify.

411.5 PROGRAM ADMINISTRATION RESPONSIBILITIES

(a) Enter the information from the signed letter into the Trespass Letter Database (under "Police Applications" on our computers).

(b) Place the original copy of the letter in the trespass letter files.

(c) Trespass letters do not expire. If ownership of a property changes or information about a property changes, it is the owner's responsibility to update their letter with us. The database will be audited on a yearly basis to ensure the accuracy of our information.