

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

Police Commission Meeting December 13, 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 – November 8, 2012	5:35	5
3. Public Forum	5:40	10
4. Comments from Chair and Items from Commissioners	5:50	20
5. Domestic Violence Review and Question & Answer	6:10	40
6. Committee Report – Policy Screening and Review Committee	6:50	20
7. Break	7:10	10
8. Committee Report – Outreach and Resources	7:20	10
9. Chief's Report	7:30	25
10. Update and Committee Member Selection for Committee to Create Path to End DPSZ	7:55	20
11. Closing Comments	8:15	15

Next Police Commission Meeting: Thursday, January 10, 2012



Police Commission

Memorandum

City of Eugene
300 Country Club Road
Eugene, Oregon 97401
(541) 682-5852

December 7, 2012

To: Members of the Police Commission
From: Carter Hawley, Police Commission Analyst
Subject: Material Review for December 13, 2012 Police Commission Meeting

Listed below are items on the upcoming Police Commission meeting.

Committee Reports

Both the Outreach Committee and the Policy Committee will provide reports at the Commission meeting. The Policy Committee will be forwarding two policies for Commission consideration. The first is the Officer Code of Conduct, and the second is the policy related to Social Security Numbers.

It was requested by both the Committee members and the full Commission members that staff edit marks be included in the policies. Where staff have already reviewed a policy and provided comments, those notes are included in the material. If there are no edit marks or comments, there has been no department review and changes prior to the Committee or Commission's review.

Domestic Violence

At the Commission's 2012 Annual Retreat, one of its intended work items was to review the policies surrounding domestic violence response, and to have a conversation with service providers about the policy and to hear their perspectives about the policy. At this Commission meeting, Sgt. Kathy Flynn and Det. Mel Thompson will provide an overview of the Department's domestic violence policies and practices and be able to answer questions. The Commission can then discuss how it wishes to proceed for a subsequent discussion with social service providers.

Discussion about Committee to Develop Path to End the DPSZ

At the November 8 meeting, the Police Commission made a motion requesting two appointments to the Committee to develop a path to end the Downtown Public Safety Zone. The motion also included a request to allow the Police Commission the opportunity to review and comment on the recommendations prior to forwarding the recommendations to the City Manager. An update will be provided as to the status of the Commission's request, and any progress on the Committee's establishment.

MINUTES

Eugene Police Commission
Kilcullen Room—Police Headquarters—300 Country Club Road
Eugene, Oregon

November 8, 2012
5:30 p.m.

PRESENT: Tamara Miller, Vice chair; Mike Clark, Jim Garner, Jesse Lohrke, James Manning, Claire Syrett, Joe Tyndall, Juan Carlos Valle, Bob Walker, commissioners; Police Chief Pete Kerns; Carter Hawley, Lieutenant Nate Reynolds, Eugene Police Department

ABSENT: Bernadette Conover, Kaitlyn Lange, Linda Hamilton

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

1. Agenda Review

Ms. Hawley reviewed the agenda and related materials, and explained that Councilor Clark and Councilor Syrett would be late to the meeting.

2. Minutes Approval

Minutes were approved by unanimous consent.

3. Public Forum

Deb Frisch spoke about the broken criminal justice system, particularly the Federal Courts, District Attorney, and City and Council.

Zach Vishnof expressed concern about the Police Commission meeting at 300 Country Club. He stated it created barriers, and hinders the public's input. He stated his displeasure with the drinking district around Autzen Stadium, and hopes that this policy is reviewed.

4. Comments from Chair and Items from the Commission

Mr. Tyndall – asked about developing a policy to decriminalize the behaviors resulting from homelessness.

Mr. Valle – thanked the Commissioners for their support.

Mr. Garner – Commended Mr. Steve Williams for a positive presentation regarding fraud. He thanked the Chief for allowing the presentation.

Mr. Manning – Thanked the public for attending the meeting, and commended Mr. Valle for a positive campaign.

Mr. Lohrke – Asked that the Commission revisit the decision to meet at 300 Country Club.

Ms. Miller – thanked the public for attending, and commended Mr. Manning for a successful campaign

5. Committee Reports

Outreach Committee Meeting Report

Mr. Tyndall reported on the action of last Outreach Committee Meeting. He reported that Ms. Lange began to set up the University of Oregon (UO) Forum. The UO would like to jointly hold a forum, and the date was tentatively set for April 9, 2013.

Policy Screening and Review Committee Report

Mr. Walker reported that the committee met and again did not have a quorum. He expressed frustration about the inability to take action without a quorum.

He reported that policy 1101 was not ready for action, so that policy is tabled until the December meeting.

Mr. Walker moved and Mr. Lohrke seconded approval of Policies 306 and 501.

Lt. Reynolds explained Policy 306

In response to a question from Mr. Valle, Lt. Reynolds responded that he was unsure whether the term “excited delirium” is a term that is increasingly consistent and used by the medical and legal community. Ms. Miller stated that the term may be used in the TASER policy. Lt. Reynolds will look into the prevalence of the use of that phrase.

Mr. Tyndall pointed out two typos.

Mr. Garner asked if the edit marks could be printed in the packet.

Mr. Manning stated his preference that the full commission reviews the policies brought before the Commission, but should not repeat all the work conducted by the Committee.

Mr. Walker supported Mr. Manning’s comments, and expressed his willingness to have the Commission walk through and offer thorough comments.

Lt. Reynolds walked through Policy 501, highlighting the changes proposed by the committee.

In response to a question from Mr. Garner, Lt. Reynolds responded that the format would be made standard.

In response to a question from Chief Kerns, Mr. Lohrke explained the reasons for the added language below section 2, to clarify that someone should not be arrested just because they exercised their right to remain silence.

Mr. Valle asked about the difference between should vs. shall. Lt. Reynolds explained that the permissive language is used when strictly requiring the behavior is not possible.

Ms. Miller offered a friendly amendment to change the first sentence to “reasonable given the totality of the circumstances”. Mr. Walker seconded the motion. It was accepted by Mr. Walker and Mr. Lohrke.

Mr. Lohrke thanked Chief Kerns for asking the question about intent, and commended the commission for the discussion. He questioned why it would be inappropriate to require that officers consider “necessary”.

The motion was approved unanimously (7-0)

6. Chief’s Report

The Chief reviewed recent crime trends and upcoming activities. He commended the Crime Prevention Unit for proactively addressing crime.

In response to a question from Mr. Manning, Chief Kerns responded that approximately two-thirds of the people contacted on weekend nights in the area around the University are UO students. He said that EPD and UO Police Department (UOPD) are working collaboratively, but UOPD is several years from being able to provide support off campus.

In response to a question from Mr. Valle, Chief Kerns said that there is significant coordination between all law enforcement agencies, including LCSO, and would anticipate similar coordination with UOPD.

Chief Kerns stated that he was unsure of the involvement of Crime Prevention with youth.

In response to a question from Ms. Miller, Chief Kerns responded that as the price of metal increases, it is anticipated that there will be an increase in the theft of metal.

Chief Kerns responded to the public comments related to official misconduct. He explained that this law is infrequently used, and related specific crimes directly related to the position.

Ms. Syrett and Mr. Clark joined the meeting.

7. Downtown Public Safety Zone (DPSZ) Update

Ms. Hawley updated the Police Commission. The City Council met October 8, 2012 and voted to extend Downtown Public Safety Zone ordinance until 11/30/2013. They amended the ordinance and reduced some of the offenses for the 90 day exclusion. The Council also required the development of a database to collect information on all arrests and citations within the boundaries of the DPSZ, and the disposition of any DPSZ notice to appear.

She also reported that the Council moved to create a committee to develop a path to end the DPSZ that would involve social services, public safety, prevention and enforcement, and that the City Manager include a role for the Human Rights Committee in developing or reviewing this path.

The Human Rights Commission has adopted a motion requesting two members and the opportunity to express its opinions to the City Council and City Manager before the Council Decision. Staff is bringing this to the Police Commission to determine if the Commission wishes to take a position.

Mr. Walker thanked staff for bringing this issue to the Police Commission.

In response to a question from Mr. Lohrke, Ms. Hawley responded that the City Manager will be appointing the committee. Mr. Lohrke said that the Community should be given the opportunity to provide input.

Mr. Valle moved to have two members from the Police Commission and that the Commission has the opportunity to comment on the recommendations. He was surprised that this important committee is proposed to be appointed by the City Manager.

Mr. Clarke suggested that he could support the motion, however members of the Commission have different perspectives, and he hopes that the people seated would represent the will of the Commission, rather than their own perspective.

Ms. Syrett expressed concern that Police Commission members on the Committee should not forward a position in conflict with the Council position to end the Downtown Public Safety Zone.

Mr. Tyndall expressed perception that the DPSZ has been put in place to address the homeless. Perhaps the Commission could send one person who's supporting and one who's in opposition.

Mr. Valle is looking forward to the State of Public Safety forum where this could be discussed further, and hopes that the two representatives are appointed from the Police Commission who are open minded.

Mr. Lohrke said that he doesn't see that the Police Commission has a role on this Committee, and the Commission representatives should volunteer and be selected just like other Community members.

Chief Kerns framed the purpose of the committee is to develop alternatives, not to weigh in on the merits of the DPSZ.

Ms. Syrett expressed concern that if two members are appointed from the Police Commission, the Commission should determine how those people are given direction.

Motion passed 8-1, with Mr. Lohrke voting nay.

Mr. Valle and Mr. Tyndall volunteered to serve on the Committee.

The group agreed that the offer should be extended to people who are absent.

8. Commission Meeting at a Location in Community

Mr. Valle suggested that the Commission should first confirm whether it wants to proceed with this proposal.

Mr. Lohrke asked what criteria should be used to evaluate options.

Mr. Manning suggested that phone call-in may be difficult in other locations, and asked that call-in provisions be made where possible.

Ms. Miller suggested the neighborhood association should be informed to help get people to the meeting.

Mr. Tyndall asked if the Commission wanted to offer Skype video conferencing to people.

Mr. Valle said that he's heard concerns from the Community that the Commission should strive to appear to be more objective, and encouraged the commission meet in the community.

Ms. Syrett suggested that the Commission schedule a meeting in a part of the community that is interested in an upcoming agenda topic

Mr. Clark suggested that the Commission should select between two options: 1) meet at the same location every meeting, or 2) hold its meetings throughout all regions of the community.

The Commissioners each offered their informal opinion about whether to meet in the community. All members expressed that they were not interested in holding a meeting at another location in the City.

9. Closing Comments

Mr. Garner – Welcomed Ms. Syrett, and Mr. Clark and Chief Kerns

Mr. Walker - Pass

Mr. Valle – Pass

Mr. Tyndall – Asked how Commission could have a discussion about developing policies in line with the article recently routed by Chief Kerns regarding decriminalizing homelessness.

Mr. Lohrke - Thanked Chief Kerns for the PSRC discussion

Ms. Miller – Welcomed Ms. Syrett

Ms. Syrett – Thanked everyone for the welcome. Explained that the Mayor appointed her to fulfill Councilor Andrea Ortiz remaining term through December 2012 on the Police Commission.

Mr. Clark – Explained he has been through personal difficulties, but now is through most of them. He thanked EPD for finding his son's stolen bicycle.

Mr. Manning – Reported on the activities of the Oregon Commission on Black Affairs, including proposed hate crimes legislation

Chief Kerns – Thanked the Commission. Announced he was appointed to governor's committee for racial profiling, representing Oregon Police Chief's association.

The meeting adjourned at 8:15pm.

(Recorded by Carter Hawley)

<u>IncidentDATE/CSNUMBER</u>	<u>INV</u>	<u>Disp</u>	<u>Num</u>		<u>IncidentAddr</u>
	2009	2010	2011	2012	Total
HARASSMENT PHONE ALLOW	1	0	0	0	1
HARASSMENT PHYSICAL	59	63	87	91	300
HARASSMENT TELEPHONE	2	0	1	1	4
HARASSMENT THREAT	2	5	14	5	26
HIT & RUN - PROP DAMAGE	1	0	0	0	1
IMPR USE OF EMERG PHONE	1	0	0	0	1
INTERF MAKING POLICE RPT	9	6	2	2	19
INTERFERE WITH POLICE	1	0	0	0	1
KIDNAPPING-1	6	2	0	0	8
KIDNAPPING-2	2	2	1	0	5
MENACING	64	80	89	71	304
MURDER FELONY	2	0	0	0	2
OFFENSIVE PHYSIC CONTACT	1	0	0	0	1
RAPE-1	1	0	0	0	1
RECKLESSLY ENDANGERING	0	3	4	2	9
RESISTING ARREST	0	0	1	0	1
SEXUAL ABUSE-1	2	0	0	0	2
SODOMY-1	1	0	0	0	1
STALKING - MISDEMEANOR	0	2	0	1	3
STRANGULATION	56	50	56	46	208
SUSPICIOUS CONDITIONS	0	0	1	0	1

Mod1Desc Mod2Des

<u>IncidentDATE/CSNUMBER</u>	<u>INV</u>	<u>Disp</u>	<u>Num</u>	<u>IncidentAddr</u>	<u>Mod1Desc</u>	<u>Mod2Des</u>
	2009	2010	2011	2012		
TAMPER W/WITNESS	0	0	0	1	1	
THEFT-1	0	0	0	1	1	
THEFT-2	0	0	0	1	1	
THEFT-3	0	0	2	0	2	
UNAUTH USE VEHICLE	2	0	0	0	2	
UNLF SEX PENETRATION-1	2	0	0	0	2	
UNLF USE OF WEAPON	7	4	2	3	16	
VIO POLICE PROTECT ORDER	43	7	0	0	50	
VIOL CRT STALK ORDER/MIS	2	0	0	0	2	
VIOL RO CONTEMPT PC	0	2	1	0	3	
Total	648	634	687	537	2,506	

GENERAL ORDER



SERIES
308

NUMBER
10

EFFECTIVE DATE
02-01-02

SUBJECT

DOMESTIC VIOLENCE/RESTRAINING ORDERS

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

This policy deals with domestic violence, restraining orders, and related issues. For information on stalking and violations of court stalking orders, refer to General Order 308.34.

PART I - Responsibilities and Procedures for All Personnel

- A. Domestic Violence
- B. Restraining Orders
- C. Violation of Release Agreement
- D. Multiple violations
- E. Civil liability

PART I - Responsibilities and Procedures for All Personnel

A. Domestic Violence - ORS 133.055

1. Call receipt
 - a. When a call regarding domestic violence is received, in addition to information normally gathered, the call-taker should determine:
 - ◆ whether the suspect is present and, if not, the suspect's description and possible whereabouts;
 - ◆ whether weapons are involved;
 - ◆ whether anyone has been injured;
 - ◆ whether the offender is under the influence of drugs or alcohol;
 - ◆ whether there are children present;
 - ◆ whether a victim has a current protective or restraining order; and
 - ◆ whether there is a history of domestic violence complaints at that location, or involving those people.
 - b. Do not cancel a police response to a domestic violence complaint based solely on a follow-up call from the residence requesting the

cancellation. However, advise responding officers of the request.

2. When you respond to an incident of a domestic disturbance, ORS 133.055[2] provides that you *shall arrest and take into physical custody* the alleged or potential assailant (even over the objections of the victim) if there is probable cause to believe that the suspect has
 - a. committed an assault, or placed the other party in fear of imminent serious physical injury *and*
 - b. the involved parties are "family or household members" as defined in ORS 107.705.
3. ORS 107.705[3] defines "family or household members" as:
 - ◆ spouses
 - ◆ former spouses
 - ◆ adult persons related by blood, marriage, or adoption
 - ◆ persons who are cohabiting or who have cohabited with each other
 - ◆ persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under ORS 107.710
 - ◆ unmarried parents of a child
4. You are not required to arrest both or all participants, except in cases of clear mutual combat. In determining who is the assailant, consider the following contributing conditions:
 - ◆ comparative extent of injuries inflicted, or seriousness of threat
 - ◆ history of violence between the parties
 - ◆ whether any alleged crime was committed in self-defense
 - ◆ potential for future assaults
5. Conduct a thorough investigation and report, including:
 - ◆ information on how to contact the victim
 - ◆ photographs of injuries and scene
 - ◆ suspect statements and demeanor
 - ◆ witness statements and demeanor
 - ◆ relationship between victim and suspect
 - ◆ prior history of domestic violence
 - ◆ whether there was a restraining order violation
 - ◆ whether any minor child was present at the time
 - ◆ evidence seized (e.g., weapons)

- ◆ copies of EMS run log and 911 tape, when applicable
- 6. Give the victim a copy of the notice required by ORS 133.055[3] and advise him/her to contact the District Attorney's office by phone or in person on the first business day following the arrest.
- 7. Consider the need for victim's assistance and, if appropriate, assist in obtaining that help (e.g., contacting the Crime Victim and Survivor Services Unit of the District Attorney's Office; obtaining transportation for the victim to another location).
- 8. Ensure the safety of any children at the location, and remain at the scene until you are satisfied that there is no further threat to the victim.
 - a. If one or both parent(s) is/are arrested, it may be necessary to contact SCF to arrange for safe placement with a responsible family member or with an approved foster parent.
 - b. In some cases, the victim/parent may be incapable of properly caring for children immediately following an assault, and temporary care will be necessary and appropriate.
- 9. An Assault IV is elevated to a Class C Felony if it is committed in the immediate presence of or witnessed by the minor child or stepchild of the suspect or victim who resides within the household of either. If this is the case, route a copy of the report to SCF.
 - a. If the child is verbal and under twelve years of age, inform the victim to have the child interviewed at the Child Advocacy Center (CAC) at 1330 hours on the next business day. Ensure that a copy of the report is routed so that it is received by the CAC not later than 1200 hours on the day of the interview.
 - b. If the child is twelve years of age or older, document his/her statements in your report.
- 10. Complete the Uniform Domestic Violence Report form and include it in (but not as the face page of) your report package.

B. Restraining Orders - ORS 133.310 [3], [4], and [5]

- 1. ORS 133.310 requires an *arrest and physical custody* when you establish probable cause that a person has violated:

- a. a legal, current restraining order which, along with proof of service, has been entered into LEDS pursuant to ORS 107.720; *or*
 - b. a legal, current foreign restraining order (as defined in ORS 24.190).
2. Proofs of service (Oregon restraining orders)
- a. LCSO is responsible for receiving, verifying validity, data entry, and recording of all restraining orders and proofs of service.
 - b. You must verify restraining orders and proofs of service with Records. Have Records read the restraining order. If a violation occurred, take appropriate action.
 - c. Except for foreign restraining orders to prove their existence, do not accept restraining orders or proofs of service in the field.
3. Foreign restraining orders
- a. ORS 24.190 defines a foreign restraining order as an injunction or other order issued by a court of the United States (other than by a court in the State of Oregon) for the purpose of preventing:
 - ◆ violent or threatening acts or harassment against another person;
 - ◆ contact or communication with another person; or
 - ◆ physical proximity to another person.
 - b. ORS 133.310 mandates a *custody arrest* if you have probable cause to believe that the person to be arrested has violated a foreign restraining order and the person protected by the foreign restraining order has:
 - ◆ presented a copy of the order to you and represented to you that the order is the most recent order in effect and that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order; or
 - ◆ filed a copy of the order with a court, or has been identified by you as a person protected by the order via a LEDS or NCIC computer entry.
 - c. The victim may register the foreign restraining order with LCSO, but *is not required to do so*.

- d. ORS 133.318 makes it a Class A Misdemeanor to provide certain types of false information to a police officer regarding a foreign restraining order.
4. Arrests and Charges
- a. You may *not* cite and release a suspect for violating a restraining order. *You must arrest*, even if the original complainant objects. Include any objections in your report.
 - b. Charge the suspect with Contempt of Court. Circuit Court will maintain adjudication of such offenses.
 - c. Attach a copy of the restraining order and proof of service, if on file with EPD, or a copy of the teletype confirming the order, if this information is on file at another agency, to all Custody Reports.
 - d. Advise the individual protected by the restraining order to contact the attorney filing the original order.

C. Violation of Release Agreement - ORS 133.310[6]

- 1. You *shall arrest and take into custody* a person if you have probable cause to believe the person you are to arrest:
 - a. has been charged with an offense that also constitutes domestic violence; *and*
 - b. is presently released for that charge under a no-contact condition of release; *and*
 - c. has failed to comply with the no-contact condition.
- 2. Charge the suspect with Contempt of Court. Circuit Court will maintain adjudication of such offenses.

D. Multiple violations

You may have to charge violations of both ORS 133.055[2] and 133.310 from the same incident.

E. Civil liability

You cannot be held liable for making an arrest in good faith and without malice.

THAD BUCHANAN
Chief of Police



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.

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.

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 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	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.