

# City of Eugene POLICE COMMISSION



*Our mission is to recommend 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: Tamara Miller, Chair; Juan Carlos Valle, Vice Chair; John Ahlen; Joe Alsup; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; James Manning; Timothy Mueller; Kitty Piercy*

## Meeting Agenda: Police Commission

**Thursday, June 9, 2011**

5:30 PM, McNutt Room, Eugene City Hall

777 Pearl Street, Eugene

Contact: Carter Hawley, 541-682-5852

*(Dinner will be available for commission members beginning at 5:00 p.m.)*

| <u>Item</u>   | <u>Starting Time</u> | <u>Minutes</u> |
|---|----------------------|----------------|
| 1. Agenda and Material Review   | 5:30                 | 5              |
| 2. Minutes Approval – May 12, 2011 & May 14, 2011                             | 5:35                 | 5              |
| 3. Public Forum   | 5:40                 | 10             |
| 4. Comments from Chair & Items from Commissioners                             | 5:50                 | 20             |
| 5. Marijuana Enforcement  | 6:10                 | 30             |
| 6. Committee Reports – Outreach and Resources and Policy Screening and Review | 6:40                 | 20             |
| 7. Thank you to Outgoing Commissioners  | 7:00                 | 5              |
| 8. <b>Break</b>   | 7:05                 | 10             |
| 9. FY 12 Work Plan Approval   | 7:15                 | 45             |
| 10. Chief's Report  | 8:00                 | 15             |
| 11. Closing Comments  | 8:15                 | 10             |

Next Meeting: Regular Police Commission Meeting – Thursday, July 14, 2011

# MINUTES

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

June 9, 2011  
5:30 p.m.

PRESENT: Tamara Miller, Chair; Juan Carlos Valle, Vice Chair; John Ahlen, Mike Clark, Bernadette Conover, Jim Garner, Linda Hamilton, James Manning, Tim Mueller, Mayor Kitty Piercy, commissioners; Police Chief Pete Kerns; Carter Hawley, Officer Jud Warden, Sergeant Terry Fitzpatrick, Eugene Police Department

ABSENT: Joe Alsup, commissioner.

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

## 1. Agenda and Material Review

Ms. Hawley reviewed the agenda, agenda materials, and supplemental materials, which included: 1) *Internal Affairs – Department Commendations for May 2011*; 2) *Closed IA Summaries – May 2011*; and 3) information e-mailed weekly to commission.

## 2. Minutes Approval: May 12, 2011, and May 14, 2011, Retreat

Mr. Garner said the May 12 minutes incorrectly indicated that he, rather than Mr. Alsup, had nominated Mr. Manning for office.

Mr. Clark amended paragraph 4 on page 2 as follows (italicized text added; struck text deleted): “Mr. Clark said he had shared the commission’s question about the appointment of ~~new~~ members *wishing to serve another term* with the City Council and councilors agreed they preferred to make the appointments through the regular process without commission interviews of the candidates.”

Mr. Valle, seconded by Mr. Ahlen, moved to accept the May 12, 2011, minutes as amended. The motion passed unanimously.

Mayor Piercy, seconded by Mr. Garner, moved to accept the May 14, 2011, minutes as submitted. The motion passed unanimously.

## 3. Public Forum

**Carol Berg Caldwell**, 2510 Augusta Street, described an interaction between Officer Eric Eason and a mentally ill person and commended Officer Eason for the quality of his response. She suggested his actions demonstrated the benefit of crisis intervention training.

## 4. Comments from Chair and Items from Commissioners

Ms. Conover announced the June 14 Civilian Review Board meeting and said the board would review a recent case involving an off-duty officer and students at Churchill High School.

Ms. Conover said she did a ride-along with Officer Eason and found he had a good understanding of the situations he encountered. It had been a pleasure to do the ride-along with him.

Mr. Clark reported on the recent Eugene Police Department Awards Ceremony, which was also attended by several commissioners. He was proud to attend and encouraged commissioners to attend future ceremonies. He said that presentations were made to the wives of Officer Chris Kilcullen and Sergeant Jerry Webber recognizing the work of those officers. Officer Kilcullen received the department's Eugene Star award.

Mr. Clark said the proposed legislation that would have allowed the City to establish alcohol impact areas had died in committee. He said that there may be options that allowed the Oregon Liquor Control Commission to address the issue in different ways.

Mr. Garner said he visited the Monroe Street Station the previous week and had a good conversation with Station Manager Lupe Thompson. He had also done a ride-along with Officer Dave Clark. They had looked for stolen vehicles and responded to an accident, patrolled parties in the University of Oregon area, and responded to a domestic disturbance. He commended Officer Clark for his good work in interviewing a witness to the disturbance. He said that Officer Clark had also taken him to the dispatch center and introduced him to staff.

Mr. Garner reported he had participating in Rolling with the Ducks, which raised money for Officer Kilcullen's family. It had been a positive event and he believed the Kilcullen family enjoyed it.

Mr. Manning reminded the commission of the annual Pearl Buck Fund Raiser occurring on June 11 at the Valley River Inn.

Mayor Piercy reported the council would soon meet with the Police Auditor to discuss his evaluation. She also reported the Oregon Legislature passed a bill to rename a portion of Highway 126 in honor of Officer Kilcullen.

Mayor Piercy said the council continued to work on the challenging and complicated issue of homeless camping.

Mayor Piercy said she had been talking to Chief Kerns, members of the Lane County Commission on Children and Families, and representatives of the Oregon Research Institute on how to reduce unwanted youth behavior downtown and encourage good behavior. She said she and Chief Kerns participated in the kick-off of "Summer in the City," which included many family-friendly activities intended to bring families downtown.

Ms. Hamilton noted the upcoming Human Rights Commission (HRC) meeting on June 21. She reiterated the HRC's strong support for another Hate Crimes Conference in Eugene. Ms. Hamilton anticipated that members of the Latino community would begin to meet soon to discuss gang prevention efforts.

Mr. Valle reported on his attendance at the City's workshop on redistricting and said he also attended a meeting about the state redistricting effort. He found the information shared to be interesting and encouraged commissioners to take the City's online survey.

Mr. Valle had received several contacts about how the gang prevention information had been presented at the last meeting and concerns about perceptions about who was represented in gangs. He asked the

commission to keep in mind that there was no single group representing gangs. He hoped to meet with the Chief Kerns to share suggestions on how to present information about gangs.

Ms. Miller announced that Joe Alsup had resigned from the commission as of June 30.

Speaking to downtown development, Ms. Miller reported that PeaceHealth was moving its operations out of 1162 Willamette Street in November, leaving that site available.

The commission accepted a suggestion from Mr. Manning that the commission share Ms. Hawley's weekly updates with the neighborhood associations.

## **5. Marijuana Enforcement**

The commission was joined by officers Jud Warden and Terry Fitzpatrick. Chief Kerns provided statistical information about marijuana arrests, reporting that of the approximate 14,600 arrests or citations in lieu of arrests the department made annually, 1,193 were for marijuana offenses and more than 800 were for possession of less than an ounce of marijuana, with the majority of those resulting in a citation rather than an arrest.

Responding to a question from Mr. Clark about the percentage of arrests made near a school, Chief Kerns said he could secure that information but believed most of the arrests were made in the downtown core because the downtown core is within 1,000 feet of a school. Chief Kerns added officers on patrol did not initiate such citations or arrests for less than an ounce very often as they spent most of their time responding to calls for service. Citations or arrests for less than one ounce were most often a secondary offense.

Mr. Valle questioned the workload impact of marijuana enforcement and suggested the arrests made for other types of drugs were also significant. He acknowledged he had expected a much larger number of total arrests. He asked what other drugs were found. Chief Kerns suggested that arrests for marijuana possession could be likened to jaywalking violation; the other offenses represented were crimes one could go to prison for. In terms of workload impact, Chief Kerns said arrests for marijuana possession were handled fairly quickly, while an arrest for possession of a more serious substance such as heroin took more time.

Responding to a question from Ms. Conover, Chief Kerns confirmed that possession with intent to sell was a crime. Ms. Conover asked about juvenile arrests. Chief Kerns said there were four arrests for possession of more than an ounce with intent to sell, and six arrests for less than an ounce with intent to sell. In terms of possession for use, there were six juveniles cited for more than an ounce and 265 cited for less than an ounce. He confirmed that juveniles could not be detained if cited for possession of less than one ounce.

Mr. Mueller asked how marijuana enforcement affected an officer's ability to engage in other enforcement activities. Officer Fitzpatrick said officers most frequently found marijuana on those already being contacted for another offense; the marijuana ticket was incidental to the primary arrest, and did not represent an increased use of resources.

Mr. Mueller suggested that arrests made for marijuana possession could be used to intimidate some people and give them a bad feeling about the police, reducing the chances they would change their ways. He asked if the officers felt that making marijuana arrests was useful or if they considered such arrests to be a waste of time that made people's lives difficult for no good reason. Officer Fitzpatrick thought such arrests were a useful tool, particularly on the downtown mall. He witnessed adult predators preying on

juveniles by enticing them with marijuana and alcohol. He suggested that rather than reacting to the offense, people who had a bad interaction were reacting to how they were treated. He had people thank him after he arrested him because he treated them with common courtesy.

Officer Warden thought such citations were a good tool in downtown and pointed out that people were not arrested unless they were near a school. He said that officers did not actively seek people out for smoking marijuana but downtown was a place where people openly smoked marijuana, which prompted police contacts.

Officer Warden said some of the most violent people he had encountered were marijuana dealers. They did what they needed to protect their marijuana grows and their profits. People who possessed medical marijuana cards and grew at home experienced home invasions by people attempting to steal their marijuana. He said it was a layered issue.

Mayor Piercy suggested that officers were obliged to enforce the law, regardless of their feelings. If the law was wrong, it was the responsibility of elected officials to seek change. She pointed out the large number of arrests made for alcohol and suggested alcohol also played a huge role in the problems experienced downtown. She also thought the commission needed to consider what kind of situation youth were placed in when young people came downtown and found they could access illegal drugs, which led to other dangerous behaviors. Mayor Piercy said one of the most problematic areas downtown was the Wayne Morse Free Speech Plaza, where drug paraphernalia, which was not illegal, was sold. She acknowledged contradictions in the law that made it challenging for officers to enforce the law and maintain a safe environment downtown.

Mayor Piercy acknowledged Mr. Mueller's concern that the department might be wasting resources on marijuana enforcement, and reiterated that was not a policing decision but a decision made by elected officials when they adopted laws.

Mr. Valle suggested to Mayor Piercy that the police had considerable liberty in regard to how they implemented the law.

Mr. Valle thought the statistics presented regarding marijuana should indicate when an arrest or citation was secondary to another violation. He asked the officers if the community had a problem with the illegal use of marijuana. Officer Fitzpatrick said yes. He said every community had such a problem. Officer Fitzpatrick thought that the community's children were particularly affected by marijuana use. It affected their ability to perform in school, and marijuana was often the first drug children used. He said marijuana did not do the same damage as methamphetamine but the cost to society was tremendous. The community gave its children mixed messages by saying that drugs were bad while other groups advocated for its use, and that made it hard to explain to children why they should not use marijuana.

Officer Warden pointed out that sometimes marijuana was adulterated by other substances as well. The department was finding such adulterated marijuana downtown.

Mr. Mueller asked the officers to confirm that alcohol was generally the first substance youth experimented with. He also asked if people using marijuana at the library or on the Broadway Plaza could be jailed. Sgt. Fitzpatrick said yes, because of the fact they were 1,000 feet of a school. However, most people were cited for the misdemeanor offense rather than arrested and taken to jail for the offense.

Ms. Conover determined from Officer Warden that the sale of marijuana was a felony; a sale within 1,000 feet of a school enhanced the degree of the felony.

Ms. Conover observed that neighborhoods around schools were affected by students who left campus to smoke marijuana in nearby locations.

Ms. Hamilton acknowledged that children were frequently exposed to marijuana by the adults in their lives, including adults with medical marijuana cards. She believed the commission needed to connect with the schools to help students to deal with the pressure created by that exposure.

Mr. Mueller pointed out that smoking killed more people than marijuana and the statistics demonstrated the harm that alcohol did to people. He tried to keep in perspective that there were substances that led to both short- and long-term difficulty for the young people who experimented with them, and it was society's job to help people avoid such bad choices and help them recover from them if they did make them. He believed the most effective approaches did not include law enforcement. Instead, they included treatment, the correct environment, and education. His interest was in knowing if the City's approach was effective and if it was producing the results that the community wanted. Mr. Mueller expressed appreciation for the data prepared by staff and for the insight of the officers.

Mayor Piercy suggested the mixed message that youth received was here to stay given the State law supporting medical marijuana. She anticipated the State would have to continue to refine the law, but she acknowledged that medical marijuana did help some people. She suggested the greatest mixed message that society sent regarded the appropriate use of alcohol. She thanked the officers for their work.

Mr. Clark agreed with the mayor about the police's role in enforcing the law. He looked forward to the day when people separated the role of the police from the laws they were required to enforce.

Chief Kerns emphasized the importance of a balanced enforcement approach that allowed the City to reduce crime and disorder. Some communities had relied heavily on forfeitures from drug interdictions while neglecting other aspects of policing, and had employed their resources in an imbalanced way that was not sustainable over time. He said the police had a role in reducing addiction but it required all parts of the system to address the problem.

Mr. Mueller left the meeting for another commitment.

## **6. Committee Reports—Outreach and Resource Committee and Policy Review and Screening Committee**

Mr. Manning reported that the Outreach and Resource Committee reviewed a survey proposal from Advanced Marketing Research and he anticipated further discussion at the July 14 commission meeting. The committee had been doing considerable outreach to neighborhood organizations and other groups, including Centro Latino-Americano, the Whiteaker Community Council, the Bethel neighborhood organization, and the Lane County Harm Reduction Coalition. He also reported that Councilor Ortiz had attended the last committee meeting to discuss her concerns about the closure of the Monroe Street Station. He shared some of the input the committee heard, including a desire for police officers to live in Eugene and a suggestion that a church could be used to house some of the services now located at the Monroe Street Station. The committee will collate all the suggestions, and develop a recommendation and share it with the commission. He announced the upcoming community forum scheduled on June 13.

Mr. Valle suggested the Monroe Street Station, in particular Station Manager Lupe Thompson, was an important resource for Centro Latino-Americano. He believed that it would be hard to recover from the loss of the substation if it was eliminated and pointed to the trust it had helped to create between the

neighborhood and the police. He believed there was interest in the neighborhood in knowing what presence the department intended to have. Mr. Manning agreed.

Mayor Piercy pointed out what Chief Kerns proposed was to get the officers away from the station and into the neighborhood where they could address some of the problems that existed. She suggested that the department might be able to find another way to provide the resource represented by Ms. Thompson.

Chief Kerns suggested that Ms. Thompson might be a more effective resource if she was more mobile. He attributed the drop in crime in Eugene to the fact that the crime prevention team had been working in the neighborhoods actually affected by crime. He also suggested the potential that crime prevention could be extended to behavior crimes. He emphasized the importance for flexibility in a time of fewer resources.

Mr. Garner reported that Ms. Thompson looked forward to spending time away from the station in the community. She was unable to do the outreach she wished because she was tied to the station.

Mr. Valle emphasized the importance of an accessible police presence to the City Council and hoped the department honored that. He acknowledged resource constraints but did not want the City to move away from having a presence in the neighborhood. He agreed that could be done more cheaply. Mr. Valle asserted that people in the neighborhood wanted to be able to count on having a place to go.

Mr. Valle was pleased to hear of Ms. Thompson's interest in doing more neighborhood outreach.

Mr. Manning concluded his report by recommending the committee work with the Whiteaker Community Council to restart its neighborhood watch program.

Mr. Valle reported on the work of the Policy Screening Committee, saying it was in the process of reviewing the search and seizure policy. He anticipated the committee would need new members. Mr. Manning indicated interest. Mr. Valle said the next committee meeting was June 28.

## **7. Thank You to Outgoing Commissioners**

The commission acknowledged the departure of outgoing commissioners John Ahlen and Joe Alsup. Chief Kerns presented Mr. Ahlen with a certificate of thanks and thanked him for his service. Commissioners also thanked Mr. Ahlen for his service.

## **8. Break**

The commission took a brief break.

## **9. FY12 Work Plan Approval**

The commission reviewed and revised its work plan. Ms. Hawley recorded the revisions.

Mr. Clark, seconded by Ms. Miller, moved that item 5 would stay as it was and that item 8 would become listening sessions with the Eugene Police Department leadership. The motion passed unanimously.

Ms. Conover, seconded by Mr. Manning, moved to accept the 2011-2012 amended Work Plan. The motion passed unanimously.

## **10. Chief's Report**

Chief Kerns provided his monthly report. Commissioners asked questions clarifying the information presented. Chief Kerns noted the following: 1) FBI crime statistics indicated the EPD experienced an 18 percent reduction in crime overall; 2) administrative staff was beginning discussion on the logistics of the move to 300 Country Club Road; 3) work was underway on the strategic plan; 4) Officer Chris Kilcullen's name would be added to the State memorial soon and to the Police Memorial Wall in Washington, DC, next year; and 5) as co-incident commander, the department had begun planning for security at the Olympic Trials with the UO and other community partners.

Chief Kerns contrasted statistics on burglary and theft for the years 2008, 2009, and 2010.

Chief Kerns highlighted the following: 1) because of good physical evidence processing by patrol, the PCU was able to open five cases that would have normally been suspended, but now the department had AFIS hits to look at; 2) six officers and detectives rode in the 260-mile Unity Tour on the East Coast; and 3) the department served a search warrant on a chop shop operation that cleared 12 UUV reports.

Chief Kerns reviewed crime prevention unit activity. He highlighted that since downtown bicycle officers worked only until 9 p.m., some officers were deployed into the downtown core for focused patrol. Weekend activity in the West University area would soon change in coming weeks as school ended at the UO and Lane Community College, and that should create the possibility of focused Downtown and DUII patrols to mitigate bar fights and street assault activity.

Chief Kerns reviewed a map showing the location of calls regarding illegal camping.

Chief Kerns shared "hot spot" maps.

Chief Kerns shared control charts showing data on arrests for robbery, burglary, vehicle thefts, and assaults that illustrated the impact of the availability of local jail beds between the years 2005-2011. He also shared a control chart showing monthly stolen and recovered values between the years 2006-2011.

Chief Kerns indicated the department would present on illegal camping to the council on June 13. He said the department was also working on gang prevention issues and staff was meeting with local partner organizations and briefing neighborhood associations. He acknowledged his concern that people would be labeled as gang members erroneously and indicated the department would work with the community to overcome that problem. He planned to invite several youth-oriented organizations to a meeting with the goal of holding a community summit later in the year. Chief Kerns announced that the department would soon begin operations under its new operational East/West realignment. Chief Kerns reported that there were four candidates going into the background phase of the sergeant's promotion process.

Chief Kerns also reported that the leadership team heard a presentation from Professor Jack Enter on leadership that was well-received. The department planned to add ten jail beds by using savings from the current budget. He anticipated the council would approve funding for the Buckley House if the County failed to do so.

Chief Kerns reported on some of his recent public outreach activities.

## **11. Closing Comments**

Ms. Miller solicited closing comments.

Mr. Ahlen encouraged the commission to move forward with the Hate Crimes conference as soon as possible because of the degree of effort involved, and to work with the HRC on that effort.

Ms. Miller recognized Mr. Alsup's long-time service to the commission.

Mr. Valle looked forward to the council's approval of the work plan.

Ms. Miller adjourned the meeting at 8:24 p.m.

*(Recorded by Kimberly Young)*

# MINUTES

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

July 14, 2011  
5:30 p.m.

PRESENT: Juan Carlos Valle, Chair; Tamara Miller, Vice Chair; Mike Clark, Bernadette Conover, Jim Garner, Linda Hamilton, Kaitlyn Lange, Jesse Lohrke, James Manning, Tim Mueller, Mayor Kitty Piercy, Bob Walker, commissioners; Police Chief Pete Kerns; Carter Hawley, Lt. Scott Fellman, Cindy Cunningham, Eugene Police Department; Police Auditor Mark Gissiner, Police Auditor Leia Pitcher; Carol Berg-Caldwell, guest.

Mr. Valle called the meeting of the Eugene Police Commission to order. He congratulated reappointed commissioners and welcomed newly appointed commissioners. He thanked Ms. Miller for her leadership, guidance, and mentoring in her role as chair of the commission over the past year.

## 1. Agenda and Material Review & Minutes Approval

Ms. Hawley reviewed the agenda, agenda materials, and supplemental materials, which included 1) *Commendations—June 2011*; 2) *Closed Internal Affairs Summaries—June 2011*; 3) information e-mailed weekly to commission; and 4) a complaint letter sent to the Police Commission.

Ms. Conover, seconded by Mr. Mueller, moved to adopt the June 9, 2011, minutes as submitted. The motion passed unanimously.

## 2. Public Forum

**Patricia Robinette**, Hawkins Lane, shared highlights of a letter she had sent to Mayor Piercy about drug use by individuals living in a condominium unit directly attached to her unit. She suggested the City purchase a drug-detecting dog. Ms. Robinette suggested an “early warning” approach that involved a police contact with such individuals that warned them they were being watched before an arrest was made.

**Abigail and Aaron Conover** thanked the Eugene Police Department (EPD) for the Eugene Police Activities League (EPAL) and described some of the activities they participated in through the league and the officers they met. They presented Chief Kerns with a plaque they made in a league activity.

**Carol Berg Caldwell**, 2510 Augusta Street, requested the commission’s help in securing copies of the syllabus and training materials used in the Constitutional rights provided to EPD officers. She suggested the commission might want to request a formal report on the training. She believed it would give the community a clear understanding of the training.

**Tim Laue**, 124 Spencer Crest Drive, chair of the Civilian Review Board, presented the board’s annual report. He expressed concern that the board’s annual report had not been presented formally to the commission for two years in a row and that the report was not included in the commission’s background materials, meaning none of the commissioners had the opportunity to read it. At the request of the Deputy

Police Auditor, Mr. Laue had rearranged his schedule to present the report to the commission only to discover the item was not on the agenda.

Mr. Laue emphasized that the board's report was not intended to sit on a shelf but was designed to inform the community and key stakeholders such as the commission whether the office was functioning as intended, the system was working as hoped, and complaints were being investigated thoroughly and with due diligence. He reminded the commission that the City's civilian oversight system included both a policy component and an incident review component, and the policy component was within the commission's purview.

**Majeska Seese Green** asked that the recommendations of the Outreach and Resource Committee as they regarded the Monroe Street Station be amended to include a reference to neighborhood groups in accordance with the City's Neighborhood Empowerment Initiative, which called for strengthening of the relationship between City and neighborhood groups. She clarified that she was not speaking only about recognized neighborhood organizations.

Ms. Miller closed the public forum and expressed appreciation for the testimony.

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

Mr. Mueller noted he had been unable to attend the most recent Outreach and Resource Committee meeting due to a conflict with the Oregon Country Fair. He said he volunteered with many organizations such as the fair and "Autism Rocks" that shared the commonality of recognizing that the community contained many different people. The Police Commission also frequently dealt with those on the edge of what was considered "normal." Mr. Mueller called on the commissioners to treat such individuals with respect and to open themselves to the differences in them. He said the United States was a product of different cultures that worked together to make the country an exciting and innovative place. He believed Eugene had the opportunity to embrace the differences between people rather than fear those differences.

Ms. Conover reported that the CRB held its last meeting at Petersen Barn in the Bethel area. The CRB began the meeting with a tour of the Property Control Unit. The CRB had discussed the possible sale of seized guns to raise revenues and reviewed three service complaints at its business meeting. Ms. Conover said the CRB received a request that it review a complaint that had already gone through the Police Auditor's system and planned to do that in September. The CRB also discussed the agenda of its joint meeting with the Human Rights Commission.

Mr. Walker suggested to Ms. Seese Green that recommendation 13 of the committee's recommendations related to enhanced communications and relationships addressed her concern about neighborhood groups.

Mr. Clark welcomed new and returning commissioners.

Ms. Lange requested input on how she could share information about the commission with other students. She promised to read any reports provided to her.

Mr. Manning offered condolences to Ms. Hamilton for the recent loss of her mother.

Ms. Hamilton also welcomed the new commissioners. She reported that the Human Rights Commission completed its last listening session and would soon begin to process the input it had received.

Mayor Piercy asked Chief Kerns what Ms. Robinette could do about her situation. Chief Kerns offered the EPD tip line, non-emergency line, and online reporting mechanisms to Ms. Robinette. He said that the high rate of property crime and existing staffing levels made it challenging for the department to deal with lower level offenses such as those described by Ms. Robinette. He offered to meet with her at the break to discuss additional steps she could take.

Mayor Piercy suggested that the commission prepare a response to Mr. Laue. Speaking to Ms. Seese Green's concerns, Mayor Piercy emphasized the City's commitment to collaboration with neighborhoods and neighborhood associations at every level. She noted that several neighborhood associations had recently received national recognition for the innovative work they had done. The City was very proud of its neighborhood associations and they were important to the organization's work.

Mr. Manning noted that representatives of the Police Commission attended all neighborhood association functions.

Mayor Piercy suggested to Ms. Lange that she consider using the *Oregon Daily Emerald* to communicate with students about Police Commission issues. She recalled that the *ODE* published an editorial on July 11 that discussed an editor's late-night encounter with Eugene police officers and encouraged the chief to review it.

Mr. Lohrke looked forward to working with the commission.

Mr. Garner welcomed new and returning commissioners. He expressed disappointment that the commission had not received the CRB's annual report. Mr. Garner reported he had attended the June 14 CRB meeting due to his interest in one of the cases, and had learned considerably more about the case from the meeting than he had through the media.

Ms. Miller welcomed the new commissioners. Speaking to Mr. Laue's concerns, Mr. Miller said that she and many of the commissioners had read the CRB's last report. Regarding Mr. Laue's belief that he had been scheduled to present that evening, Ms. Miller clarified that the leadership group had scheduled Police Auditor Mark Gissiner's annual report but not the CRB's annual report. Ms. Miller recalled that the commission had tried unsuccessfully to schedule a joint meeting with the CRB and she looked forward to such a meeting or a presentation on the report. She suggested the CRB send out an e-mail with a link to the report if it wished to ensure it was more widely disseminated. She had not received such an e-mail. She looked forward to reading the CRB's report and to a presentation by Mr. Laue.

Mr. Valle said the leadership group would work to strengthen communications with the CRB. He reported that the commission's leadership was scheduled to meet with the CRB's leadership the following week.

Mr. Mueller, seconded by Ms. Hamilton, moved to invite the CRB representative to present the CRB report at the commission's September meeting.

Ms. Miller recalled that in lieu of a joint meeting between the CRB and commission, former CRB Chair Kate Wilkinson presented the report to the commission in 2010. She supported either a presentation or a joint meeting.

Ms. Conover recalled that the CRB had discussed presenting the report to the commission and City Council, and she did not want to support the motion without checking in with CRB leadership ahead of time.

The motion passed 11:1, Ms. Conover voting no.

#### **4. Internal Affairs Report**

The commission was joined by Lt. Scott Fellman and Senior Program Coordinator Cindy Cunningham, who provided a PowerPoint presentation on Internal Affairs. The presentation included statistics on complaints, service complaints, and commendations between the years 2005-2010, an overview of how complaints were categorized, a breakdown of complaints and allegations by case and their sources (internal versus external) for 2010 and their adjudications and outcomes. Lt. Fellman shared “lessons learned” cases that could possibly lead to policy and/or equipment changes. Commissioners asked questions clarifying the details of the presentation.

Mayor Piercy expressed a hope that the EPD could find a better way to share the education that it gained from complaints with the public, rather than merely stating a complaint was founded or unfounded complaint. Lt. Fellman concurred.

Responding to a question from Mr. Lohrke, Lt. Fellman said decisions regarding the discipline for sustained cases was made down the chain of command and was generally based on past practice and the employee’s employment history. The discipline for sustained complaints ranged from supervisor coaching to suspension or dismissal. He indicated that performance coaching might still be called for in cases where an officer’s actions were found to be within policy.

Chief Kerns attributed the high levels of internally generated complaints to supervisors who brought mistakes to the attention of Internal Affairs.

Ms. Miller was pleased to see the EPD employ mediation and advocated for its increased use.

Ms. Conover reminded the commission that the District Attorney also reviewed officer reports and would communicate with officers if they found an action questionable or a report lacking in detail.

Ms. Hamilton commended the EPD’s leadership for fostering an atmosphere that lent itself to internal complaints.

#### **5. Police Auditor Report**

Police Auditor Mark Gissiner and Deputy Auditor Leia Pitcher joined the commission for the item. Mr. Gissiner apologized for not checking the agenda to ensure the CRB annual report was on the agenda.

Mr. Gissiner distributed copies of his annual report for 2010 and then led the commission through a PowerPoint presentation with highlights of the report, which could be found online at the City of Eugene’s Web site. Commissioners asked questions clarifying the details of the presentation.

While Mr. Valle acknowledged Mr. Gissiner’s interest in demonstrating fiscal responsibility by returning unexpended moneys to the General Fund, he suggested that instead the auditor consider expending that funding on additional outreach or a bi-lingual staff person.

Chief Kerns emphasized the many factors that contributed to the levels of force used in Eugene and suggested the use of force was quite low in light of the fact that Eugene police officers made twice as many arrests annually as the average United States police officer. In addition, the EPD was more skilled in general in de-escalating encounters than most police agencies and trained its officers more in the use of force, crisis intervention, and de-escalation than most agencies.

Mayor Piercy noted the council's positive evaluation of the Police Auditor's performance. She acknowledged that while some in the community had hoped the auditor would take a more confrontational approach to the EPD, it was important to remember that council, auditor, and City organization all had the goals of good service and a safe community. While it was vital not to forget the need for self-criticism that led to improvement, the goals would be easier to achieve if all worked together.

## **6. Break**

Mr. Valle called for a break. Mr. Clark left the meeting during the break for another commitment.

## **7. Monroe Street Station Recommendations**

Mr. Manning reviewed the extensive public outreach done by the committee and called attention to the results of that outreach, which was included in the Agenda Item Summary. He noted some of the organizations and individuals that the committee reached out to.

Mr. Manning shared the committee's recommendations for the Monroe Street Station, included as Attachment C in the meeting materials:

- 1. City commit to maintain public restroom*
- 2. Redeploy staff and volunteer resources in neighborhood and citywide*
- 3. Station Manager Thompson continue direct contact and outreach*
- 4. Increase branding of crime prevention*
- 5. Find replacement for needle box*
- 6. Consider increasing cultural competency and language training*
- 7. Explore neighborhood resource center*
- 8. Strive to increase bi-cultural and bi-lingual staff*
- 9. Focused crime prevention in Whiteaker*
- 10. Try to address phone access*
- 11. Add behavior crimes to Data-Lead Policing (DLP)*
- 12. Pursue use of other buildings*
- 13. Enhance relationship and communication*

Mr. Manning called attention to the triple bottom line (TBL) analysis of the recommendations included in the meeting materials.

Ms. Conover observed that Monroe Park was within three blocks of the Monroe Street Station and there was a bathroom at that location. If it was open during the day, it could serve as a replacement for the bathroom at the station. Chief Kerns thought that facility was closed because it became an attractive nuisance and indicated he would follow-up.

Ms. Miller commended the committee for its hard work and extensive outreach. She said the recommendations generally reflected themes related to the station that the committee members received from multiple groups.

Mr. Mueller believed the recommendations lacked mention of the concept of the Monroe Street Station as a safe place. He said recommendations 7 and 12 reflected his point of view that it was important to Whiteaker residents that Eugene continue to maintain a physical police presence in the Whiteaker neighborhood. He suggested the City establish a neighborhood resource center staffed by police officers, representatives of other City departments, volunteers, and representatives of human service agencies to provide services and information. He believed that otherwise, residents would feel that their public safety services had been diminished.

Continuing, Mr. Mueller recommended the EPD establish such a center and suggested it could be duplicated around the community at a low cost to the City. He suggested such centers would be a move toward community policing and greater collaboration with Eugene residents. Such centers also spoke to Mayor Piercy's remarks about the need for everyone to work together to achieve City goals.

Mr. Mueller moved to accept Attachment C with an amendment that placed item 7 and 12 at the top of the list and changed the wording in item 7 to say that "The department should lead the establishment of a neighborhood resource center in the neighborhood."

The motion died for lack of a second.

Ms. Lange asked how the recommendations would be funded. Mr. Manning acknowledged the public restroom and telephone access needed to be funded but he did not know how that would occur.

Ms. Hamilton left the meeting for another commitment.

Ms. Lange asked what amount would be saved if the recommendations were adopted. Mr. Manning referred to the TBL analysis and reported that all the factors from that analysis were positive, but he had no numbers to offer. Ms. Hawley indicated all the recommendations were revenue-neutral; the restroom the committee recommended funding was already funded by the City.

Speaking to the Mr. Mueller's motion, Ms. Miller pointed out that on average, 4.7 people per day sought police services at the Monroe Street Station. She suggested that many of the attributes that residents wanted to retain, such as the restroom or needle box, were social-service related rather than police-related. The committee felt strongly that the police resources now located at the station could be much better employed throughout the community. Ms. Miller did not support replacing the station with another physical facility. She suggested recommendation 9 would maintain a connection between the EPD and the neighborhood. Ms. Miller believed the recommendations represented an opportunity to further Chief Kerns' vision of a greater focus on crime prevention and recommendation.

Ms. Conover noted the many social services providers located nearby and suggested one would welcome a needle box. She also noted the many services offered to homeless teens by the Eugene Evangelical Church and reported that First United Methodist had a telephone anyone could use. She asked if anyone had approached Eugene Evangelical about providing a telephone. Ms. Conover believed that regular patrols would be more useful to residents than a place to make a report.

Ms. Conover questioned the appropriateness of Recommendation 8 in this context. Mr. Manning concurred that it was not necessarily related to the station closure, but reflected community feedback from the committee's public outreach. Ms. Conover preferred to make a recommendation to Chief Kerns that spoke to the police services delivered from the station, as opposed to using the recommendation as an opportunity for coming up with other things the commission would like the chief to do.

Mayor Piercy thanked the committee. She believed its work conveyed concern and built relationships. She suggested the commission give the chief a chance to review the recommendations so he could discuss with the commission how they fit with his plans.

Speaking as a Whiteaker resident, Mayor Piercy suggested that Whiteaker was actually many neighborhoods, and for most Whiteaker neighborhoods the station was very far away and had little relevance. She said Whiteaker residents lived with the challenges of the neighborhood because they liked enough other things about the neighborhood to continue to live there. She said that some of the challenges were created by the proximity of the Eugene Mission. Managing those challenges required constant thought and care. Mayor Piercy believed the neighborhood would benefit if the City could do more to address the issue of homelessness.

Ms. Miller, seconded by Mr. Manning, moved to extend the meeting until 9 p.m. The motion passed unanimously, 10:0.

Mr. Mueller pointed out that Project Homeless Connect was successful because many services were brought together in one place. Those without automobiles could go to one location to secure services. For that reason, he thought it important for the City to work with churches and human services agencies in Whiteaker to provide services to the homeless in the neighborhood.

Chief Kerns said the committee did a good job and worked within the confines of his charge, which was to provide better services in spite of the station closure. He agreed with Mr. Mueller about it would be good for the homeless to have a place in Whiteaker they could feel safe, but the EPD could not afford to use its resources to support the station while property crime rates were so high.

Responding to a question from Chief Kerns about Recommendation 12, *Pursue use of other buildings*, Ms. Miller said the committee had envisioned that the department could use a publicly owned building in the neighborhood, if one existed, or partner with a business that had space for crime prevention activities.

Mr. Walker, seconded by Ms. Conover, moved to adopt the recommendation of the committee with an amendment to Recommendation 13 to read "Enhance relationship and communications between the department and community; and the Police Department be requested to attend community meetings of neighborhoods previously served by the Monroe Street Station and provide crime prevention information at those meetings."

Mr. Valle offered a friendly amendment to modify Recommendation 8 as follows: "Should strive to increase number of *qualified* bilingual and bicultural staff." While Mr. Walker did not object, Ms. Conover declined to accept the amendment on the basis that she did not know who would qualify the parties in question. Mr. Garner pointed out that the staff in question would have to meet the requirements of the EPD. Mr. Walker suggested that the commission adopt instead "Should strive to increase number of bilingual and bicultural staff within department standards." Mr. Valle did not object and Ms. Conover accepted the suggestion as a friendly amendment to the motion.

The motion passed unanimously, 10:0.

Mr. Valle thanked the committee for all its hard work and recognized the leadership of Mr. Manning.

**8. Committee Report – Policy Screening and Review**

Due to lack of time, this item was postponed.

**9. Chief's Report**

Due to lack of time, this item was postponed.

**10. Closing Comments**

Mr. Valle solicited closing comments. Commissioners shared general appreciation for the meeting.

Ms. Conover thanked Chief Kerns for EPAL, saying her children had a spectacular time. She also thanked the chief for the EPD's response to a bicycle theft.

Speaking to the subject of the disposal of guns being held for evidence, Mr. Walker observed that 99 officers had been killed in the line of duty so far this year, and officer death by gunfire was up 26 percent. He suggested that the commission take up the issue with the goal of making a recommendation to the chief. Mr. Walker saw no reason to allow such guns to go back onto the street.

Mr. Valle called attention to the ride-along forms provided to the commission and challenged commissioners to participate in police ride-alongs during the commission's August recess.

Mr. Valle adjourned the meeting at 9:01 p.m.

*(Recorded by Kimberly Young)*



# Memorandum

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

December 20, 2012

**To:** Members of the Police Commission

**From:** Carter Hawley, Police Commission Analyst

**Subject:** FY 2012 Work Plan Discussion at June Commission Meeting

## Background

At its retreat on May 14, 2011, the Police Commission developed a list of possible topics to discuss for the subsequent year. Commissioners then placed six colored dots to identify their highest, medium and lower priority items. At the direction of the Chair and Vice-Chair, staff assigned weightings for the three different colored dots, calculated the weighted totals, and developed a prioritized list. The prioritized list will serve as the basis of the Commission's work plan, which must be submitted to the City Council by July 1, and be approved by the City Council.

## How Chart Was Developed

The Commission assigned dots in three colors to signify priority to the list of possible work items. The lowest priority (red) were given one point, or no weighting. The middle priority (yellow) was given a weighting of 2, or 2 points. This means that a yellow dot was valued twice as much as a red dot. Similar logic was used for the highest priority dots (green). A weighting of 4 was given, or 4 points. This means that a green dot was valued twice as much as a yellow dot. Using a scale of 1, 2 and 4 points, the total points received for each item was calculated and the items listed in priority order.

## Calendaring Items

This year, it was recommended that the scheduling be arranged by quarter, rather than by month. This provides the Commission with some flexibility around when an item may be scheduled within the quarter. Items that were the highest priority were scheduled earlier in the fiscal year and more time was allowed for each item. Where possible, the calendar reflects the quarter in which an item will be discussed, and where necessary, specific months are called out. It is anticipated that some discussion items will take significantly more time on the agenda. This is reflected in a darker grey mark. The lighter grey mark indicates a lighter agenda item, requiring less time on the agenda.

After the highest priority items were listed, staff included tasks that are undertaken every year, for which agenda time should be reserved, such as the mid-year review and development of the FY 2013 work plan.

The third item listed on the work plan are the committees. There are two current committees that are recommended to continue, and the anticipated work items the committees anticipate addressing. For the Outreach and Resource Committee, those items were pulled from the scope of work, approved by the committee in March 2011. For the Policy Screening and Review Committee, the list was developed from the current policies slated for review, plus a list of upcoming policies reviewed by the Committee in May 2011. An additional committee is recommended to work on the Hate Crime conference.

#### Additional items on Work Plan

In addition to the highest priority tasks, the administrative tasks and committee work, two additional sections are included for the Commission's review. The first is the list of the items developed at the retreat that received a lower score. It is recommended that these items be included in the work plan as items that may be addressed as time permits. This allows the Commission flexibility to work away at these items, without requiring that they be addressed.

The last section of the chart is the list of items that were developed at the retreat that were not included in the high or low priority tasks. Most of these items are duplicative of other items already included, or they are items that are recommended to be referred to a committee. The reason the items are not scheduled is identified in parentheses after the listing. In the work plan to be approved by the City Council, this section would be omitted, but is provided to you for your information.

After discussing the items on the draft work plan, Commission approval is sought.



# Memorandum

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

December 20, 2012

**To:** Members of the Police Commission  
**From:** Carter Hawley, Police Commission Analyst  
**Subject:** Presentation on Marijuana Enforcement

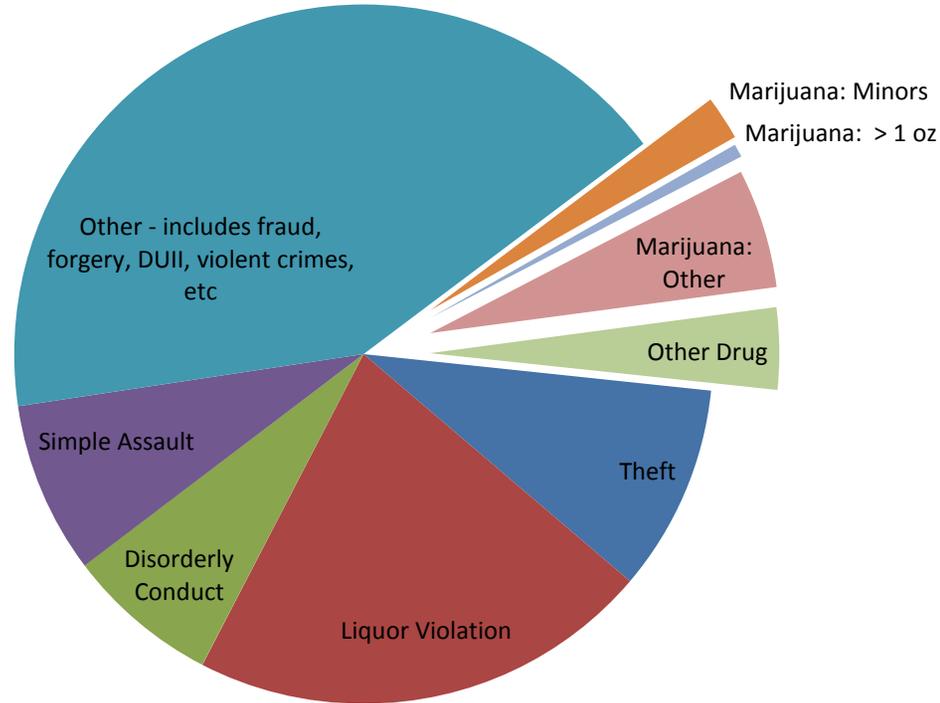
## Background

The FY 2011 Work Plan includes the item “information session on marijuana citations to discover how resources are spent on enforcement.” Attached is a summary of arrests for 2010 to provide that information. Lt. Scott Fellman will present the information and answer any questions.

## Summary

The Eugene Police Department (EPD) made 14,627 arrests in 2010. Of those, 1,193 were for marijuana offenses. Over 800 of those marijuana arrests were actually citations in lieu of an arrest.

## Eugene Police Department 2010 Arrests



| <u>Offense</u>     | <u>Total Arrests</u> | <u>% of Total</u> |
|--------------------|----------------------|-------------------|
| Theft              | 1,398                | 10%               |
| Liquor Violation   | 3,131                | 21%               |
| Disorderly Conduct | 1,033                | 7%                |
| Simple Assault     | 1,159                | 8%                |
| Other              | 6,162                | 42%               |
| Marijuana: Minors  | 298                  | 2%                |
| Marijuana: > 1 oz  | 89                   | 1%                |
| Marijuana: Other   | 806                  | 6%                |
| Other Drug         | 551                  | 4%                |
| <b>Total</b>       | <b>14,627</b>        |                   |

# SUPPLEMENTAL MATERIALS

June 2011

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

**From:** [HAWLEY Carter R](#)  
**To:** Police Commission Members;  
**cc:** [PHELPS Linda M](#); [REEVES Lynn](#);  
[FELLMAN Scott R](#);  
**Subject:** Weekly Mailings for Police Commission - May 13  
**Date:** Friday, May 13, 2011 2:21:46 PM

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Upcoming Meetings: Tomorrow morning we have our annual Retreat. It will be held at Amazon Community Center (2700 Hillyard), starting at 9:00. We will be meeting in Studio B. Next week, there is an Outreach Committee meeting on Wednesday, with materials available at <http://1.usa.gov/jxNiMI> .

National Police Week May 15-21 is designated as National Police Week this year. In observance of this great honor and of our fellow officers who have made the ultimate sacrifice in the performance of their duties, EPD employees are authorized to wear badge shrouds from Sunday, May 15, 2011, 0001 hours through Saturday, May 21, 2011, 2359 hours. You should have also received a blue ribbon to tie to your car antennae commemorating the same week.

Employee Awards The employee awards ceremony which was postponed has been rescheduled for Tuesday, May 31 at 3:30 in City Council Chambers, with a reception following in the McNutt Room. You are all invited to attend.

### Updates from Chief Kerns

- Thursday, May 5, the EPD Honor Guard was in Salem for the Department of Public Safety Standards and Training tribute to fallen officers. We have several continuing remembrances of Officer Chris Kilcullen. We will be maintaining our large EPD Web site memorial to him through May; and in June we will create a permanent site link to honor our fallen officers - Officer Kilcullen's photo and story will be prominent. The motorcycle memorial in front of the Records Section Lobby will remain up through May.
- Sometimes what might seem like a minor crime, is instead a

huge loss to the victim. The resolution can be, too. Recently a family woke up to a burglary at their home in which their daughter's car had been broken into and a few items stolen. They were the most upset that her school backpack had been taken because it contained several nearly-completed, large-scale projects that would have been difficult to recreate. The daughter is only six weeks from graduation and losing the work would have set her back. They were thrilled when they received a call from some of our Property Crimes detectives who had caught the thieves in the next neighborhood over and had discovered the backpack. They delivered the backpack to the family, who appreciated the quick response, extra effort and perfect outcome.

See you tomorrow.

Carter

Carter Hawley

Eugene Police Department

541-682-5852

PROTECT.SERVE.CARE.

**From:** [HAWLEY Carter R](#)  
**To:** [Bernadette Conover](#); [HARTER Margaret F](#);  
[James Manning \(manningstl@gmail.com\)](#); [Jim Garner](#); [Joe Alsup](#) ;  
[John Ahlen](#); [Juan Carlos Valle \(vallecomm@gmail.com\)](#); [Kitty Piercy](#) ;  
[Linda Hamilton](#); [Mike Clark](#); [Tamara Miller \(tamarapolicecomm@gmail.com\)](#);  
[Tim Mueller](#);  
**cc:** [PHELPS Linda M](#); [QUINN Kathleen R](#); [FELLMAN Scott R](#); [REEVES Lynn](#);  
**Subject:** Weekly Mailings for Police Commission - May 20  
**Date:** Friday, May 20, 2011 10:52:56 AM

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### **Police Officer Graduation**

Please join us in congratulating Officer Travis Cooper, Officer Nick Miller and Officer Chris Masimer who will be graduating from DPSST Basic Police class #324 on May 20<sup>th</sup>, 2011. You are invited to attend and support them at the ceremony, which will be at 11:00 at Oregon State Department of Public Safety Standards and Training, 4190 Aumsville Highway, Salem, Oregon, 97317.

### **EPD Participation in Breakfast at the Bridges**

On May 27, from 7:00am – 9:30am, commuters traveling on the River Path Friday morning will be treated with a FREE breakfast of bagels & coffee, FREE bike bells, FREE bike safety checks provided by Paul's Bicycle Way of Life, **bike registration by the Eugene Police Department**, and bike resources from the City of Eugene and Bike Lane Coalition. Commuters can get all this near Caesar Chavez Elementary near the Blue Heron Bike/Ped Bridge. Breakfast at the Bridges is designed for path users and commuters to grab a quick bite to eat and a cup of coffee, meet City staff, learn more about transportation in Eugene, and get a bicycle safety check all at the same time. This signature summer event series celebrates the outdoors and encourages active transportation – especially walking and bicycling – to meet larger City goals, including: healthy living, sustainability and a vibrant business community. Breakfast at the Bridges features local advocacy organizations and local businesses who actively work toward these City goals.

For more information, contact Lindsay Selser: 682-5094 or [lindsay.r.selser@ci.eugene.or.us](mailto:lindsay.r.selser@ci.eugene.or.us).

**Change in e-mail** Commissioner James Manning has updated his e-mail address to [manningstl@gmail.com](mailto:manningstl@gmail.com). Please update your records.

**Updated FBI data to be released** Updated FBI Crime data is being released early next week, and early indications are that EPD's crime data looks great. Watch for more information early next week, and in next week's Friday letter.

**Updates from City Executive Team** – Periodically, the City's executive team shares updates about a variety of things happening in the city, with all City employees. Some of those updates are repeated below:

- Construction is now underway to finally get rid of our pits. The "A" pit (next to the Centre Court) is being replaced with a 5 story commercial building. Construction began in March and is expected to be complete in 2012. The "S" pit (across from the Eugene Library) is the home for the new 90,000 square foot Lane Community College downtown learning center, as well as an additional 5 story residential hall that will contain hundreds of apartment units. The LCC construction has begun and is expected to be completed in 2012. The Beam project (renovation of the Centre Court building) is on schedule. And over at Fifth Street, construction of a new boutique hotel is underway.
  
- The Envision Eugene project has made significant progress in working toward a vision for the City of Eugene for the next 20 years. Over the past year, Envision Eugene collected community input through workshops, surveys, art contests, and a Community Resource Group. The Community Resource Group (a group of 60+ community members representing the spectrum of views about growth and development in our community) demonstrated that people in Eugene who typically have not been able to truly communicate with each other, can learn to listen to and trust each, and then find common ground on issues that had seemed intractable. The result of the Community Resource Group discussions and other public input informed the creation of a draft proposal - *Envision Eugene: A Legacy of Livability*. On March 9, the City Council reviewed the draft proposal and voted unanimously to send the proposal out for public review and comment. A technical analysis phase is next, followed by formal hearings, plan adoption and ongoing implementation.
  
- The City's implementation of our Diversity Equity Strategic Plan (DESP) is moving forward, helped in part by an infusion of one-time dollars in the FY11 budget. The City brought in experts from San Francisco and New York City to provide initial training for city elected officials, board and commission members and some city staff on a Human Rights Framework. That training was the initial step in developing a plan to integrate Human Rights Framework concepts into city policies and procedures, which should be completed this summer. Staff are

now working with IDEC agencies (Interagency Diversity & Equity Consortium) to develop a community campaign that promotes inclusion and a sense of community, with a kickoff in September. Later this summer, the City also will conduct a series of listening sessions for feedback on the human rights provisions of the city code and on the Human Rights Commission structure.

- The recent performance at the Hult Center of *Wicked* broke records. It was the longest performance run in Hult Center history. Nearly 33,000 tickets were sold. A crew of approximately 100 local stagehands was employed for the load-in and load-out of the show and total labor paid out to local stagehands, ushers and custodians alone exceeded \$216,000. Concession sales grossed over \$44,000, which is approximately 20% of total Hult Center concession revenue in a typical year. This was a tremendous economic and cultural success for our community.

- On April 27, the City Manager presented the proposed FY12 budget to the Budget Committee. As part of his budget message, the city manager identified the overarching values that guided the budget preparation: minimize impact on community services and employees, and develop a financially sustainable budget. The budget message also noted that we shrank our expenses, closed the 2010 and 2011 General Fund gaps, and aggressively built the reserves we will need to pay for Public Employees Retirement System increases and loss of Library Local Option Levy funding in coming years. Those efforts allowed us to propose a FY12 budget that continues to provide a full menu of services to our community while we closely monitor plans for our financial future. The budget committee is now reviewing the budget and plans to adopt a recommendation on the budget next week.

- Finally, we want to remember again our colleague, Officer Chris Kilcullen, who lost his life on April 22, 2011, in the line of duty. On April 29, a Celebration of Life service with full honors was held. Hundreds of community members lined the procession route and more than 5,500 people attended the Celebration of Life at Matthew Knight Arena. More than 200 honor guard members from around the west coast and Canada participated in the Celebration of Life. City staff from across the organization spent hundreds of hours working together with the Oregon State Fire Marshal's office, the University of Oregon, and our other intergovernmental partners to make sure that the Celebration of Life and procession provided the community the opportunity to honor Chris, his service to this community and his sacrifice. He will be missed.

Have a great weekend, and enjoy the sunshine today!

Carter Hawley

Eugene Police Department

541-682-5852

PROTECT.SERVE.CARE.

**From:** [HAWLEY Carter R](#)  
**To:** Police Commission Members;  
**cc:** [REEVES Lynn](#); [FELLMAN Scott R](#); [QUINN Kathleen R](#);  
[PHELPS Linda M](#);  
**Subject:** Weekly Mailings for Police Commission - May 27  
**Date:** Friday, May 27, 2011 12:51:26 PM

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Upcoming Meetings: Next week, the Outreach & Resource Committee meets on Wednesday at the City Hall (McNutt Room). Meeting materials are available [here](#).

KVAL Story on Gangs It appears the Police Commission brought some community attention to the issue of gang violence in Eugene. KVAL ran a story earlier this week, and interviewed Commissioner James Manning. See the story [here](#).

Employee Awards The employee awards ceremony which was postponed has been rescheduled for Tuesday, May 31 from 3:30 – 5:30pm in City Council Chambers, with a reception following in the McNutt Room. You are all invited to attend.

Police Auditor Report The Police Auditor Annual Report for 2010 is complete and [available online](#). The Auditor's Office is scheduled to make a presentation to the Commission at the July Commission meeting.

#### Updates from Chief Kerns

- Houston Police Department commissioned a study that found an interesting pattern with their intelligence led policing strategies. Their team's efforts didn't reduce violent crime, but it did impact property crime. A link to an article about this: <http://www.chron.com/disp/story.mpl/metropolitan/7536942.html>

#### Other noteworthy articles

29 dead, 700 flee as gang battles hit west Mexico A gunbattle between rival drug gangs in western Mexico left 29 bullet-ridden bodies in fake military uniforms heaped across a roadway and inside bullet-riddled vehicles in the Pacific coast state of Nayarit, the army said Thursday. [Article here](#).

DOJ releases controversial study on so-called 'stun guns' The study released by

NIJ concludes that it's appropriate for officers to use stun guns to subdue unruly or uncooperative suspects [Article here.](#)

3 Seattle officers suspended for 'gutter language' Chief imposes harsh suspensions for profanity used during traffic stop of two suspected gang members last year [Article here.](#)

Facebook posts lead to deputy's departure Co-workers' complaints cited along with online anti-Obama comments. [Article here.](#)

Helping police officers struck by the Joplin tornado The cop struck by lightning in Joplin remains in critical condition — meanwhile, an 'Adopt-A-Cop Program' has been set up to assist local officers from the affected area who lost their homes and belongings. [Article here.](#)

Have a great and safe weekend.

Carter

Carter Hawley

Eugene Police Department

541-682-5852

[PROTECT.SERVE.CARE.](#)

**From:** [HAWLEY Carter R](#)  
**To:** Police Commission Members;  
**cc:** [PHELPS Linda M](#); [REEVES Lynn](#);  
[FELLMAN Scott R](#);  
**Subject:** Weekly Mailings for Police Commission - May 6  
**Date:** Friday, May 06, 2011 3:57:34 PM  
**Attachments:** [PC Brochure.pdf](#)

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Upcoming Meetings Next week, there are a whole host of meetings: Tuesday – Policy Screening & Review Committee; Thursday – Full Commission Meeting; Saturday – Commission Retreat. Meeting materials are up on the [website](#) for all of those meetings, and can be accessed from the front page.

Brochure Thanks to everyone who offered edits and comments on the updated Police Commission Brochure. I've attached a copy below, and we will start routinely using it, so if you have any corrections, please get them to me.

A Little Bedtime Reading - Our own Tim Mueller is a published author, and his [book is available on Amazon](#), and looks to be a charming read. Congratulations Tim!

Papa's Pizza Fundraiser As of Wednesday 5/14, a check in the amount of \$22,000 was handed to Kristie & John Kilcullen as a result of the fundraiser at Papa's Pizza, continuing the show of amazing community support.

Thank you & have a great weekend.

Carter Hawley

Eugene Police Department

541-682-5852

PROTECT.SERVE.CARE.

## **Internal Affairs Case Summaries For Cases Closed in May 2011**

**Conduct, Courtesy:** It was alleged that two officers were insubordinate when they refused a lawful direct order from a supervisor. It was further alleged that a supervisor was discourteous and unprofessional toward two officers when he contacted them about an issue. The investigation consisted of interviews with the involved officers and a witness, together with a review of the relevant police records.

The investigation revealed evidence that supported that the officers were in violation of policy. Therefore, the Insubordination allegations were SUSTAINED. The investigation revealed no evidence to support that the supervisor's behavior rose to the level of a sustained allegation of Discourtesy. Therefore, the Discourtesy allegation was adjudicated as UNFOUNDED.

**Use of Force, Constitutional Rights:** The reporting party alleged that officers entered his residence without a warrant or consent. He further alleged that an officer pointed a handgun at a person at his residence, and that this constituted an unreasonable use of force. The investigation consisted of interviews with the reporting party, the involved officers, and witnesses, together with a review of the In-Car Video and other relevant police records.

The investigation revealed that the officer who pointed his handgun was from an assisting agency. Therefore, the Use of Force allegation was UNFOUNDED with respect to EPD. The investigation further revealed that the entry into the residence was based upon exigent circumstances to search for an armed subject and/or injured people. Therefore, the Constitutional Rights allegation was adjudicated as WITHIN POLICY.

**Performance:** The reporting party alleged that an employee showed poor judgment when she inappropriately gave legal advice to a citizen. It was further alleged that the employee failed to take appropriate action in confirming the details of a restraining order. The investigation consisted of interviews with the reporting party, the involved employee, and witnesses, together with a review of the relevant police records.

The investigation revealed evidence that supported the allegations as alleged. The allegations of Unsatisfactory Performance and Judgment were SUSTAINED.

**Use of Force:** The reporting party alleged an officer used excessive force by kicking in his door, falling on top of him and then handcuffing him roughly, causing him injury. The investigation consisted of interviews with the reporting party, officer, and witnesses, together with a review of the In-Car Video and other relevant police records.

The investigation revealed that the use of force was reasonable and justified under the totality of the circumstances. Therefore, the Use of Force allegation was adjudicated as WITHIN POLICY.

**Conduct:** The reporting party alleged officer misconduct related to a search conducted in 2009.

The allegation was DISMISSED for timeliness.

**The Eugene Police Department received 30 commendations in May, 2011. Below is a sampling.**

The reporting party thanked an officer "soooo very much" for a "thorough, insightful, and inspiring" presentation on substance abuse prevention.

The reporting party commended an officer's response to a call for service: it was "exceptionally well handled." The officer was "appropriate, well-dressed, friendly," and "really on top of it" and listened well.

Multiple reporting parties commended the Department for organizing such a moving and worthy service for Officer Kilcullen's memorial. One party wrote, "You did yourselves and Officer Kilcullen proud in the midst of your own overwhelming grief." Another stated, "I know something of this magnitude is difficult to pull off on such short notice, under such emotional circumstances. Hopefully, the residents of Eugene learned... EPD is full of good people trying to make the community better."

The reporting party "wanted to give a heartfelt thanks to an officer for his efforts and help on a hit and run vehicle accident ... he is very dedicated and professional."

The reporting party was very grateful for an officer's assistance at an auto accident she was involved with: "He was like an angel... he just kind of saved me." She and the other drivers were shaken up and not thinking very clearly; the officer's calm demeanor and assistance with the correct forms and summoning the tow truck "really took a bad situation and made it bearable."

Two officers made a project of improving the illegal camping situation in a city park. The employees of Parks and Open Spaces and Urban Forestry report that they feel much safer. A supervisor wrote, "Your actions have made the parks more accessible to all members of the community. Thank you for your diligence and hard work."

The reporting party praised two officers for remaining calm and even-handed in an encounter with a young man who was tearing blue ribbons off the trees near the federal building.

The reporting party appreciated the time and care responding officers took on an injured animal call: "they were awesome. They were joking and funny, and at the same time really caring and compassionate... they didn't have to do as much as they did."

An off-duty Junction City Police officer commended an employee for her impressive handling of a noise complaint: "she was super nice and very helpful."

The reporting party commended the officers involved in the investigation of a suicide. The first responders, "acted quickly, calmly, and efficiently." An officer informed the family with "sincerity, empathy, and kind words." The investigating officer "exercised the utmost in professionalism" as he investigated, and the thoroughness of his investigation "left no doubt as to what had occurred ... the family was not left with the insecurity of lingering thoughts of an outside attacker."

The principal of a local school appreciated the rapid response to a non-emergency call when the students could only be held at the school a short time. An involved officer "handled the interviews extremely well" and was "very thorough in both her explanations of the criminal and non-criminal implications of the boys' actions... yet was supportive of them as individuals." Her explanations to the parents of the involved students also displayed professionalism.