

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 Percy, Frank Travis

Meeting Agenda: Police Commission

Thursday, March 10, 2011

5:30 PM, McNutt Room, Eugene City Hall

777 Pearl Street, Eugene

Contact: Carter Hawley, 682-5852

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

<u>Item</u>	<u>Minutes</u>	<u>Starting Time</u>
1. Agenda and Material Review	10	5:30
2. Minutes Approval – February 10, 2011	5	5:40
3. Public Forum	15	5:45
4. Comments from Chair & Items from Commissioners	20	6:00
5. EPD Processes & Challenges Investigating Crimes Involving Homeless and Transient Populations	40	6:20
Break	10	7:00
6. Committee Report – Outreach and Resource Committee	5	7:10
7. Policy Review Process	30	7:15
8. Process Retreat Discussion	15	7:45
9. Chief's Report	20	8:00
10. Closing Comments	10	8:20

Next Meeting: Regular Police Commission Meeting – Thursday, April 8, 2011

MINUTES

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

February 10, 2011
5:30 p.m.

PRESENT: Tamara Miller, Chair; Juan Carlos Valle, Vice Chair; John Ahlen, Joe Alsup, Mike Clark, Jim Garner, James Manning, Tim Mueller, commissioners; Police Chief Pete Kerns; Carter Hawley, Linda Phelps, Lt. Scott Feldman, Chuck Tilby, Eugene Police Department; Melissa Mona, guest (for Linda Hamilton), Deputy Police Auditor Leia Pitcher.

ABSENT: Bernadette Conover, Mayor Kitty Piercy, Frank Travis, commissioners.

Ms. Miller called the meeting of the Eugene Police Commission to order. She introduced Carter Hawley, the commission's newly hired staff person. She noted that commissioners Conover, Piercy, and Travis were excused and Mr. Valle had to leave early.

1. Agenda and Material Review

Ms. Hawley reviewed the agenda and the agenda materials.

2. Public Forum

Zachary Vishanoff, no address given, asked the commission to reconsider its traditional approach to community outreach, particularly for the Use of Force Subcommittee. He suggested the commission reconvene the subcommittee and then solicit unresolved use of force-related issues from the public. He advocated for a format through which residents such as himself could present to the subcommittee about their experiences, followed by a half-hour of subcommittee discussion about the experience, followed by the subcommittee's development of 20 "unresolved questions" about the experience that might someday result in a better outcome.

Majeska Seese Green agreed with Mr. Vishanoff's remarks. She objected to the manner in which her comments at the last meeting were captured in the minutes. She welcomed Ms. Hawley. She objected to the staff interpretation of the rules governing participation on commission subcommittees and again advocated for non-commission members to participate on commission subcommittees.

3. Minutes Approval: January 13, 2011

Mr. Garner pointed out typographical errors on pages 4 and 5 of the January 13 minutes. Mr. Mueller asked that the minutes recorder listen to the testimony of Ms. Seese-Green to ensure it was correctly reflected in the minutes.

Mr. Valle, seconded by Mr. Alsup, moved to accept the January 13, 2011, minutes as amended. The motion passed unanimously.

4. Comments from Chair and Items from Commissioners

Commissioners welcomed Ms. Hawley.

Mr. Manning noted the current targeted law enforcement effort directed at illegal cell phone use in vehicles and urged the department to get the word out to the public.

Ms. Mona was pleased that four Police Commissioners were participating in the upcoming Human Rights Framework training and reported that all spots in the training were full.

Mr. Garner reported that he had joined the Public Outreach/EPD Resources Subcommittee.

Mr. Alsup was happy to hear that renovations to the new police headquarters at 300 Country Club were underway and the department would soon be out of City Hall.

Ms. Miller suggested that residents interested in events such as the targeted law enforcement effort mentioned by Mr. Manning should subscribe to Twitter to receive department updates.

Mr. Valle thanked Ms. Phelps and Chief Kerns for including the commission's leadership in the process that resulted in the hiring of Ms. Hawley. He hoped the Public Outreach/EPD Resources Committee would "hit the ground running" and suggested it could take the lead in soliciting community feedback. He believed it was important that the commission continued to receive articles such as those included in the meeting packet so it could continue to make informed recommendations to the chief.

5. Use of Force Policy – Policy 303-OC Spray

Mr. Alsup led the commission through the Use of Force Committee report on Policy 303, OC Spray. Commissioners asked questions clarifying how the policy was interpreted with most of the focus of the questions being on the usage criteria and delivery mechanism. Mr. Valle left the meeting during the review.

Chief Kerns suggested the commission might wish to prepare a document to accompany its recommendations that could be made public on the department Web site and that laid out the rationale and reasons for the recommendations. For example, the document could explain that certain text was included in the policy to ensure that the incident of June 1, 1997, did not occur again in Eugene. That would allow the policy to achieve what it intended to achieve. Chief Kerns indicated he intended to prepare a letter to the commission that explained any changes he made to the final policy.

Referring to Section 303.4.1(d), Mr. Alsup said the subcommittee had asked the department's representatives to offer examples of when the action described by the policy was inappropriate. The circumstances they offered were so narrow he believed the commission would not want it in the policy. He thought the number of times the procedure described was appropriate to use was outweighed by what he anticipated would be public misunderstanding of the policy. He recalled a subcommittee member saying that EPD policies should not be geared toward unique circumstances, and he believed the text in question was an example. Even after hearing examples of its use, he still was unable to believe there were other more appropriate police responses.

Mr. Alsup, seconded by Mr. Mueller, moved to strike Section 303.4.1(d), *If spraying OC is not feasible under the circumstances, it may be applied manually to the facial area in a manner consistent with training (e.g., through use of a glove). However, OC will not be applied directly to a person's eyes.*

Mr. Manning agreed with Mr. Alsup's remarks and questioned how such an application could occur without danger of injury.

Ms. Miller asked Lt. Fellman to discuss the application of the policy and alternatives to the use of OC spray as described. Lt. Fellman said the first general decision point for an officer in such a situation was whether the use of OC spray was justified as a level of force. That was a precondition for the section to be applied at all. At that point, the situation would have gone beyond passive resistance to static resistance. Once that determination to use OC spray was made, an officer had to consider how to avoid secondary exposure.

Lt. Fellman offered an example of a situation where OC spray might be applied as described in the policy that involved two officers attempting to arrest an individual strong enough to resist having his arms placed behind his back and a third officer applying OC spray to the individual manually to overcome that resistance. The manual application made it less likely that the officers would be affected by OC spray. He clarified, in response to a question from Ms. Miller, that the officers wanted the OC spray to get into the eyes of the person resisting arrest, but wanted to avoid injuring the eye through use of an applicator. In response to a follow-up question from Ms. Miller, Lt. Fellman acknowledged other alternatives were available but they involved different risks. He cited the application of "softening" or "focus blows" as well as the use of a baton as examples. The department used OC spray to convince a person to change their behavior in such a situation.

Mr. Ahlen found the example offered by Lt. Fellman to be helpful and urged the department to use caution when such situations arose. He believed it was important to have text that specifically addressed the use described by Lt. Fellman.

Mr. Clark agreed with Mr. Ahlen and was unable to support the motion.

Mr. Alsup thought the example offered implied that there were two trained officers present with knowledge of control holds and other less intrusive uses of force. That argued to him that they could take the person resisting arrest into custody without the application of OC spray described in the policy. If the person resisting arrest was very large or strong, Mr. Alsup anticipated the department would move to another level of force beyond OC spray. He believed the circumstances that triggered the described application were too narrow to justify the policy. Mr. Alsup also thought the policy would alienate the public.

Mr. Mueller objected to the subsection in question, calling it "gross." He said the department needed to find another way to overcome such resistance. He said that OC spray "hung around forever" and was not easily washed away. He said if the use of OC spray was not feasible, it should not be used.

Chief Kerns said the policies in question were intended to reduce injury. He believed that the application of OC spray in the manner described would cause less injury than would result from two officers having a fight with a resisting suspect. He said it did not take a large person to create a significant problem for two police officers.

Ms. Miller reminded the commission that the use of OC spray must be justified for it to be used in the manner described or for it to be sprayed. The only reason it would not be sprayed was to avoid risk to other people in crowded or windy situations. She believed the use described in the section was appropriate. Ms. Miller said if it was appropriate to spray a resisting suspect in the face it was appropriate to apply the spray with a glove to prevent other people from being injured.

Lt. Fellman agreed with the chief about the danger of physical encounters and the difficulty of restraining some individuals. He had been surprised more than once how strong a slight person turned out to be, how difficult it had been to control them, and how fast things could go bad.

Mr. Ahlen did not think the motion accomplished what Mr. Alsup desired because removal of the section would leave the department without any guidance about the use of the technique.

Mr. Alsup averred that “speed was of the essence” when the police were trying to take someone into custody. He perceived the application as described as not providing for a speedy outcome, and such an outcome which was necessary to prevent injury to the subject and officers. He did not think the EPD needed policy language that was specific to such rare events.

Mr. Manning suggested that Mr. Alsup’s concerns might be addressed if the practice described was reflected in the training manual rather than the policy. If it was already addressed in the training manual, he suggested that the policy before the commission could make reference to the police acting in accordance with the training manual.

Mr. Mueller said the use of OC spray as described seemed close to torture. He advocated for the police to take a more patient approach to such situations.

The motion failed, 3:4; Mr. Alsup, Mr. Mueller, and Mr. Manning voting yes.

Mr. Alsup, seconded by Mr. Clark, moved to accept Policy 303-OC Spray as amended.
The motion passed unanimously, 7:0.

Mr. Alsup thanked the members of the subcommittee and staff, past and present.

Ms. Miller called for a brief break. Ms. Mona and Lt. Fellman left during the break.

6. Chief’s Report

Chief Kerns shared some hot spot maps with the commission to illustrate crime concentrations and where the department was focusing its efforts. He said the department was planning a focused enforcement effort for property crime over spring break, targeted at the Kingsrow and West University area.

Chief Kerns shared statistics that indicated burglaries in the community were declining.

Chief Kerns shared data about monthly bicycle theft arrests and reported that the department would also prepare hot spot maps for bike theft to see if there were places it could make a difference. He shared data about vehicle thefts that indicated a declining trend in that area. He believed the numbers were still too high and looked forward to making comparisons with other communities when the FBI reports were out.

Chief Kerns provided an update on the department’s progress in remodeling the new police headquarters 300 Country Club Road. He said a design team and architect had been hired. He anticipated the department would relocate to the new facilities in January 2012.

Chief Kerns reported he had contacted the Police Executive Resource Forum for contacts for intelligence led policing and received the name of several chiefs, who he had been communicating with about the topic. He anticipated that staff would do site visits to departments who were doing intelligence led

policing well. He also anticipated that 28-day reports would be produced by the EPD that discussed the crimes that occurred in the previous 28 days, the police response, and what did and did not work.

Chief Kerns reported that the next crisis intervention training was scheduled for March 2011.

Chief Kerns discussed the status of ongoing hiring processes, reporting that the department had just completed one hiring process and planned to start another one immediately to fill the ten officer vacancies that existed. The department had hired two community service officers.

Chief Kerns reported that the department arrested the second suspect in the Dutch Brothers robbery on January 14.

Chief Kerns reported that the department started provided finger printing services at the public safety stations on January 24.

Chief Kerns reported on his community contacts, which included participation in the Martin Luther King, Jr. Day parade, attendance at the Success by Six Breakfast on January 20, meetings with representatives of the American Civil Liberties Union (ACLU), and a presentation to the Delta Rotary. He reported that the City's executive management team met with its University of Oregon equivalent. Chief Kerns had also met with Mayor Piercy and staff of the Oregon Research Institute about positive reinforcement behavior approaches to downtown. He had participated in a ride-along with Officer Dave Clark.

Mr. Alsup asked what issues the ACLU brought up in regard to the use of tasers. Chief Kerns said the ACLU preferred the past language about authorized use and active resistance and would have preferred the information be contained in a single paragraph so it could be shared easily. Ms. Phelps had met with Claire Syrett of the ACLU and shared the department's training manual, which would also be shared with the commission. Chief Kerns recalled that he had offered to make Lt. Fellman available to discuss the department's training efforts with the commission.

Responding to a question from Mr. Clark about the potential impact on City police functions that might arise from a loss of timber payments, Chief Kerns said he and Sheriff Tom Turner had talked about what they could do differently but that discussion was in the early stages.

Mr. Manning commended the work of the chief and endorsed his involvement with the schools.

7. Status Report on Annual Work Plan

Ms. Phelps provided a status report on the commission's work plan.

Ms. Miller thanked Ms. Phelps for the presentation and observed that it was the first year in her experience as a commissioner that the commission was on track with the work plan.

Mr. Alsup thanked commission leadership. He asked for a list of the openings on existing committees. Ms. Miller noted that the Outreach Committee had a full complement of members. Ms. Phelps noted there was an opening on the Public Outreach/EPD Resources Committee. She said she would update the commission via e-mail.

8. Closing Comments

Ms. Miller solicited closing comments.

Mr. Clark thanked Mr. Alsup for his work as chair of the Use of Force Subcommittee.

Mr. Manning commended the work of the chief and the EPD. He said the enhanced and continuous training, public outreach, and public participation in department programs were among the best approaches the department had to keeping its members safe.

Mr. Mueller wanted to see law enforcement move away from the use of force and looked forward to hearing more about the positive reinforcement approaches mentioned by Chief Kerns. He wanted to see EPD do more work on negotiation skills, which he believed could accomplish much.

Ms. Miller noted the current vacancy on the commission and invited interested commissioners to contact her if they wished to participate in candidate interviews.

Mr. Garner welcomed Ms. Hawley and thanked Ms. Phelps for acting as the commission's staff in the interim. He appreciated the information Ms. Hawley was providing to the commission. He thanked Mr. Alsup for his work chairing the Use of Force Subcommittee.

Ms. Miller adjourned the meeting at 8:04 p.m.

(Recorded by Kimberly Young)

**Proposed Scope of Work
Outreach and Resources Committee
Police Commission**

1. Finish public outreach committee's work of developing, disseminating and analyzing a survey, and secure video recording of committee meetings (high priority)
2. Develop public outreach toolbox or tip sheet for Police Commission (high priority)
3. Use newly developed toolbox for outreach with Whiteaker neighborhood related to possible changes in public safety facilities (high priority)
4. Develop standard practices regarding outreach to the community and input received on Police Commission work
5. Work with homeowners' associations and neighborhood groups
6. Develop strategy for increased engagement using alternative methods since the methods that have been consistently used result in consistent results.
7. At each meeting, invite someone from the City to share for approximately ten minutes on a topic related to either outreach or resources.
8. Review Department resources to identify gaps and make recommendations regarding budget (lower or later priority)



Memorandum

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

March 4, 2011

To: Members of the Police Commission

From: Carter Hawley, Police Commission Analyst

Subject: Policy Review Process Discussion at March 10 Commission Meeting

At the March 10 Commission Meeting, the Commission will receive a presentation on an updated policy review process and accompanying flow chart. This memo provides some context and background for the discussion and the attached flow chart.

This proposal is being brought to the Commission for your information. No action is required.

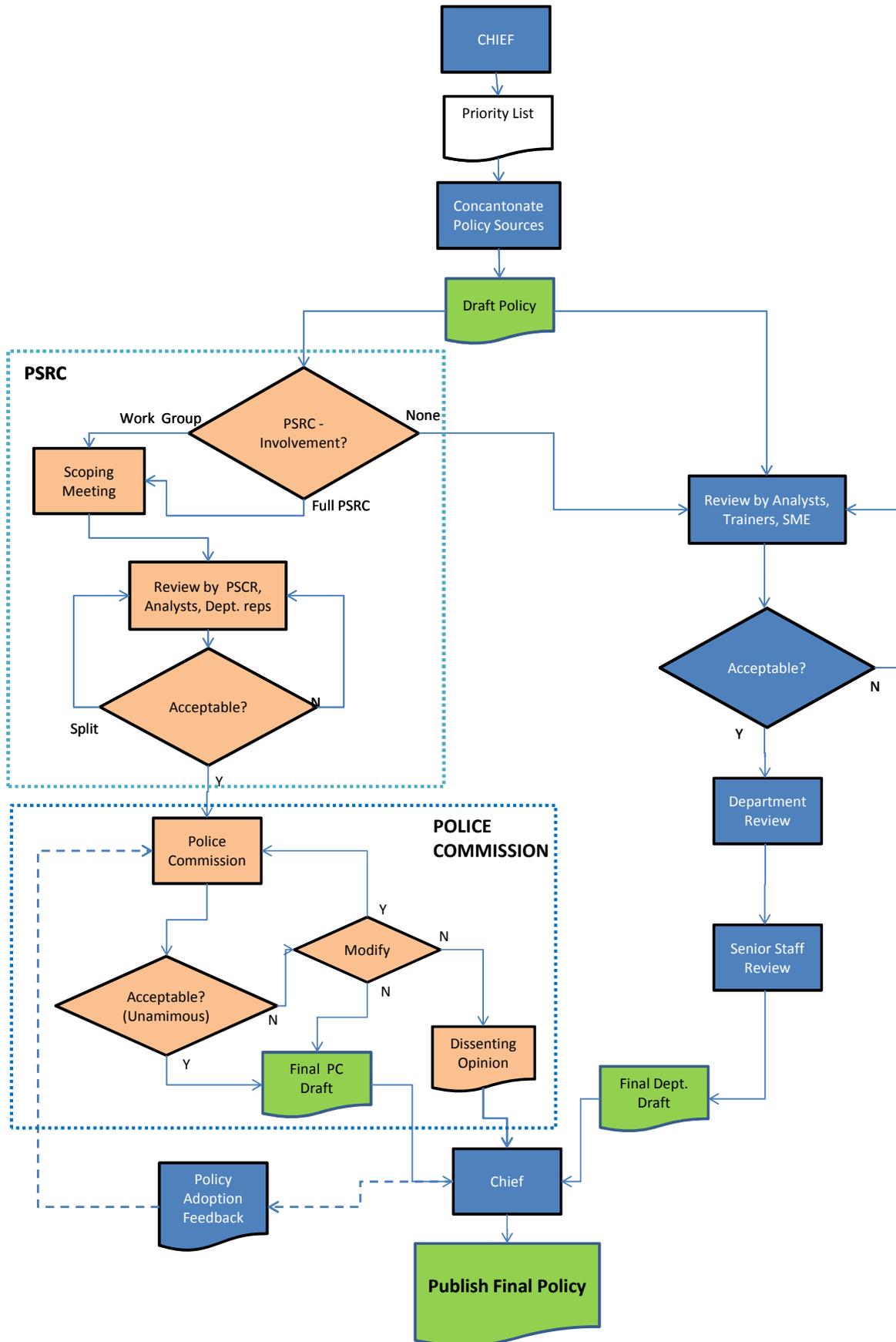
Nothing substantively has changed between this version and the process. The current version reflects an effort to commit to paper the process that was underway, and it reflects the dual track that policy review currently undergoes - both volunteer and staff. It also reflects two proposed modifications:

- 1) After the Policy Screening and Review Committee (PSRC) determines that it will review a policy, it would be beneficial to add a meeting or at least an intentional discussion, reflected on the flow chart as "scoping meeting". The purpose of this scoping meeting would be to solicit any possible community concerns or issues early in the process, so that staff can conduct their review with the benefit of that information. This would help to address the concerns of the community as expressed by the Commission by understanding them earlier in the process.
- 2) After the Commission hears the recommendation from the PSRC, it is possible that the Commission would have a split vote, reflecting a split perspective in the Community. While it is critical that the Commission's voted recommendation be forwarded to the Chief, it is also important to hear the opinion of those who did not prevail on the final recommendation. That dissenting opinion would be forwarded to the Chief, along with the approved recommendation.

Lt. Fellman, Linda Phelps and Carter Hawley will be present to answer any questions. Should there be significant discussion, staff would recommend that the discussion be tabled until the April meeting when Captain Tilby can join the conversation as well.

POLICY DEVELOPEMENT FLOWCHART
 EUGENE POLICE DEPARTMENT
 (Dual Track System)

February 22, 2011



BLUE - DEPARTMENT ACTIVITY

TAN - POLICE COMMISSION or PSRC ACTIVITY

SUPPLEMENTAL MATERIALS

March 2011

1. Internal Affairs – Department Commendations for January 2011
2. Closed IA Summaries – February 2011

Information previously e-mailed to Commission

- A. Police Commission Status Report
- B. Commendation requested to go to Commission
- C. News release regarding doubling of CAHOOTS
- D. Article regarding officer safety

The Eugene Police Department received 23 commendations in February, 2011.

Below is a sampling.

The reporting party expressed appreciation for the painted "no loitering" boxes by the bus station and library. He said people blocking the sidewalks used to be surly about moving out of the way and he has noticed a great change.

The mother of a runaway was extremely impressed with the responding officer's professionalism and diligence in trying to locate her son. She spoke highly of his attentiveness and concern, mentioning the several phone calls he made to her throughout the evening to keep her updated on the investigation.

A retired LAPD officer who was stopped for a traffic violation commended an officer for "his approach to the right side of my vehicle and his courteous, professional demeanor in the handling of the event. ... Leaving the cited violator with the appropriate frame of mind is a primary goal and he accomplished that well."

The reporting party was pulled over "for the first time ever" by an officer. She called to say he "must really love his job; he rocked." She also stated, "he gave me tons of statistics and reasons why I shouldn't speed ... he was super nice."

The reporting party commended two officers for their help recovering some property from a residence involved in a restraining order: They were "really really nice" and "very professional." He also made statements to the effect that, if all officers were like these two, he didn't know what people were complaining about.

The reporting party commended two officers for their handling of an assault case. One officer was able to identify two potential suspects after most of the witnesses had dispersed because he noticed that the residents of a nearby apartment were watching for longer than is normal for uninvolved members of the public. When the suspect was contacted, both officers were "very patient and clear" in their communication with him. When the suspect did not comply, they offered him opportunities to "see reason" several times. The reporting party concluded, "Every time I ride with the Eugene Police Department I always walk away with the sense that EPD officers are doing an excellent service."

The reporting party thanked an officer for helping her young son, "a big-time duck fan," get a "perfect" view of the parade.

The reporting party wrote to thank an employee for her help with a medical call: "You kept my elderly mother calm while I was in distress and we waited for the EMTs. Too often, we take for granted that you are always there, your service is appreciated."

The reporting party commended an officer for her presentation on bullying and harassment to 5th-8th grade students: "The response has been overwhelmingly positive. I have appreciated the opportunity to work with [her], the clear message she has sent to our students and the partnership with the Eugene Police Department."

The reporting party commended an officer for his patience, insight, and understanding in investigating an abuse case: "He understood the delicate balance between family problems, criminal activity, and keeping the victim safe. He exemplifies your mission statement of 'enhancing the quality of life in our city by providing quality policing services.' "

The reporting party witnessed the arrest of a suspected burglar and was impressed. "The officers remained calm in this tense situation and reacted quickly, efficiently, and professionally, as the suspect fought back." He also appreciated the officers' polite and considerate treatment of the neighbors who wanted to know what was going on. "I thanked the officer who spoke to me but wanted to say more. It is when witnessing a situation as I did yesterday that I feel a great sense of pride in our police."

**Internal Affairs Case Summaries
For Cases Closed in February 2011**

Courtesy, Judgment: It was alleged that an officer, while on duty and in uniform, engaged in a series of behaviors including interrupting a class presentation and arguing with a partner agency employee in view of staff and the public, thereby demonstrating poor judgment. It was further alleged that he exhibited discourteous, demeaning, and threatening behaviors toward the partner agency employee. The investigation consisted of interviews with the reporting party, the officer, and witnesses.

The investigation revealed evidence that supported the allegations as alleged. The allegations of discourtesy and poor judgment were SUSTAINED.

Constitutional Rights: The reporting party alleged that two officers had stopped and searched him without cause. All involved parties agreed to and participated in a mediation process. The complaint was adjudicated as MEDIATED.



Memorandum

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

February 23, 2011

To: Mayor Piercy and City Council

From: Carter Hawley, 541-682-5852
Police Commission Analyst

Subject: Police Commission Status Report

This is a status report of Police Commission activities from July 2010 through January 2011. Please contact Chair Tamara Miller at 541-686-7198, or staff with any questions.

The Police Commission's FY 2011 Work Plan was approved by the City Council on July 21, 2010. The work plan outlines efforts of three committees: Use of Force, EPD Resources and Public Outreach and Policy Screening and Review. Several work sessions and information items were also included, as well as annual and long-term projects. The commission designed its work plan to fit within reasonable timeframes and allow ample time for any emerging community issues to be addressed. This summary is intended to assess the accuracy of those timelines and plan out the remaining five months of the fiscal year.

Committee Work

Policy Screening & Review Committee (PSRC) – In Progress

The committee has reviewed fewer policies this year due to the heavy schedule of the Use of Force Committee. These policies were reviewed in FY 2011:

- 106 - Policy Manual
- 215 - Use of EPD Logo
- 345 - Attempts to Locate
- 801 – Community Service Officers
- 810 - Release of Public Records

The department has a new policy analyst who is currently reviewing the status of each policy and will provide the PSRC with an updated list of policies scheduled for review during the remainder of this fiscal year.

Use of Force Committee (UOFC) - Complete

The UOFC reviewed 10 policies. This committee worked extremely hard, over a long period of time, and the resulting recommended policies

300 – Use of Force	307 – Carotid Restraint
301 – Use of Force Reporting	308 – Control Devices & Techniques
302 – Use of Force Review Board	309 – Taser Use
303 – O. C. Spray	310 – Use of Force Investigation
304 – Shooting Policy	312 – Firearms
306 – Leg Restraint Device	432 – Patrol Rifles

EPD Outreach & Resources – In Progress

The scoping/framing session was held at the January Police Commission meeting. The first meeting for this committee was held February 16, 2011. The committee plans to meet two times per month for the remainder of the fiscal year. The key outcomes identified for this committee include:

Work Sessions & Information Items

The Police Commission held five monthly meetings over the past six months, taking the month of August off. The work sessions and informative items are on track according to the FY 2011 Work Plan timeline. The following is a summary highlighting the main items discussed at each monthly meeting:

July

- ✓ Joint discussion with Civilian Review Board
- ✓ 2009 Internal Affairs case statistics presentation from Office of Professional Standards

September

- ✓ Downtown exclusion zone ordinance – recommendations to the City Council
- ✓ Annual report from Police Auditor

October

- ✓ Information session on riots and civil disturbances
- ✓ Committee report / liaison reporting discussion

November

- ✓ Mediation options to resolve complaints
- ✓ Cross cultural competency in Eugene Police Department

December

- ✓ Downtown public safety zone ordinance update

Specific Work Items

Downtown Public Safety Zone Ordinance (DPSZ) As directed in Ordinance #20419, the Police Commission sponsored a special public forum on September 1, 2010 regarding the DPSZ. The two-hour forum was attended by approximately 50 community members. On October 8, 2010, the Commission recommended to City Council that the DPSZ ordinance should be adopted and noted three outstanding issues that should be addressed prior to adopting the ordinance: 1) adding some sexual offenses and tying State statutes (especially for sexual assault) to the Eugene Code; 2) consider options to mitigate the issue of due process concerns; 3) consider greater support and funding to social service agencies to aid in the overall criminal justice system. Council subsequently adopted the ordinance and addressed items 1 and 2 in the new ordinance.

Establish the CRB process of referring policy review to the Police Commission Discussed at the July 8, 2010 meeting. See Section “C”, item: “Joint meeting with the CRB”.

Mediation options for officers when receiving complaints Presentation to the Police Commission by Operations Support Division Manager Lynn Reeves in November 2010.

Marijuana citations and resources spent on enforcement The Department needs some direction from the Commission regarding the scope of this information item so that appropriate materials can be prepared.

Joint Meeting with HRC (including another project on a hate crimes resolution) Joint meeting with the CRB – Held July 8, 2010.

Presentation of the Police Auditor's Annual Report Presentation of the 2010 Internal Affairs Case Statistics July 8, 2010

Additional Outcomes Sought

In addition to specific work items called out in the work plan, several specific outcomes were identified. The Commission's progress towards those outcomes is summarized below.

Outcome 1: Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.

- Monthly EPD commendations and Internal Affairs case summaries.
- Progress of the civilian oversight system via periodic status updates from the police auditor and the Civilian Review Board liaison, and review of annual police auditor and CRB reports.
- Regular updates from the Human Rights Commission liaison and participation in joint meetings/activities
- Public input on proposed policy recommendations and involve interested community members in the review process.
- Information to the public on standard police practices and new procedures to increase the transparency of police operations.

STATUS - All items have been addressed in monthly agenda planning. Additional details are provided in Section A and B of this report.

Outcome 2: Identify police policy and resource issues related to preferred policing alternatives

- Examine the police department's resources and make recommendations on service gaps to increase productivity and effectiveness.
- Monitor the impact of Lane County funding on public safety, specifically reviewing and suggesting options for improving service gaps in the police department
- Hold an information session with police department staff to discover options for police employees during mediation of complaints.
- Hold an information session with police department staff to learn about cross-cultural competency training that EPD is providing to employees.

STATUS - Some outcomes will be included in the work of the commission's Outreach and Resource Committee, which held its first meeting on February 16, 2011. Finance Manager Lori Kievith presented information on the EPD budget at the January 2011 meeting. The information sessions have been held.

OUTCOME 3. Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.

- Present the results of the commission's analyses and recommendations to the community, using news releases, the commission's web site, social networking sites like Twitter, status reports to City Council, distribution of reports to stakeholders and participants, and other mechanisms as appropriate.
- Respond to emerging issues by scheduling topic-specific work sessions and requesting information updates from staff.
- Network with other City of Eugene boards and commissions to increase collaboration and information sharing on topics of mutual interest.
- Attend EPD-sponsored events and participate in the Ride-Along program to discuss the impact of policy

changes on officers.

STATUS - News Releases, web site and Twitter have been used during the year. Additionally, the Commission held a meeting and discussed riots and civil disturbances on October 14, 2010. A presentation by and discussion with Chief Pete Kerns was held December 2010 related to the Taser policy.

OUTCOME 4. Provide input on police policies that reflect community values.

- Assist the police department in a comprehensive review and update of its policy manual to a Leixpol format. All policy reviews will be screened by the Policy Screening and Review Committee (PSRC) (except those assigned to the Use of Force Committee). Policies of significant community interest will be more thoroughly vetted in a public meeting setting.
- Monitor the application of policies that were previously recommended to the department by the commission and schedule periodic reviews of policies when necessary

STATUS - The commission has completed a major body of work with the final policy of the Use of Force Committee. The PSRC has not met publicly this year due to the emphasis put on finishing the Use of Force policies.

OUTCOME 5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.

- Assess community concerns on resource issues through the Committee on EPD Resources & Public Outreach.
- Use the findings developed through committee work to make recommendations on programs and training within the department.

STATUS – Resource concerns will be a component of the Outreach and Resource Committee, which held its first meeting February 16. Additional training considerations were identified through the Use of Force Committee and the commission’s work on the Downtown Public Safety Zone Ordinance. These concerns were communicated to the Chief of Police.

No change in work plan sought

Because of the work already accomplished, no adjustment is requested in the Police Commission FY 2011 work plan.

Membership Changes

There have been two changes to the Commission membership. James Manning has replaced Marilyn Nelson, and Jim Garner replaced Brooke Dodge.

Summary of Status of Eugene Police Commission Activity
July – December 2010

Topic	Status: In Progress	Status: Complete
Policy Screening & Review Committee (PSRC)	✓	
Use of Force Committee (UOFC)		✓
EPD Resources & Public Outreach	✓	
Downtown Public Safety Zone ordinance		✓
Establish the CRB process of referring policy review to the Police Commission	✓	
Mediation Options for Officers When Receiving Complaints		✓
Marijuana Citations and Resources spent on enforcement		✓
Cross-cultural Competency Training at EPD		✓
Joint Meeting with HRC (including another project on a hate crimes resolution)	✓	
Joint meeting with the CRB		✓
Presentation of the Police Auditor's Annual Report		✓
Presentation of the 2010 Internal Affairs Case Statistics		✓
Additional Outcomes called out in work plan		
Outcome 1: Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.	✓	
Outcome 2: Identify police policy and resource issues related to preferred policing alternatives	✓	
Outcome 3 Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.	✓	
Outcome 4. Provide input on police policies that reflect community values.	✓	
Outcome 5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.	✓	

Chief

CERTIFICATE OF COMMENDATION FOR EPD SGT. JIMMIE McBRIDE

This commendation is given for 2 actions done by EPD Ofcr. Jimmie McBride which I observed on February 10, 2011, during my usual daily practice of engaging in volunteer 'court observing' at Eugene Municipal Court.

The first incident involved a man in custody whom I first observed sitting in the larger of the two courtrooms. I noticed Ofcr. McBride loosening the cuffs. However, a more notable 'moment of grace' occurred about 45 minutes later, when this defendant was relocated to the smaller courtroom for his hearing. When the judge mentioned that the jury was to be dismissed (for a later date trial) and then judge announced a recess and left the room, Ofcr. McBride asked if defendant had people waiting outside in lobby. (I assume he meant people who might be friends/relatives of the defendant, who might want to also get that 'heads up' that the scheduled trial was now going to be reset for another day) Ofcr. McBride was told 'yes'. He then asked if defendant would like a few minutes with these folks? Defendant looked incredulous, saying "Really? That's OK? Gosh, thanks!" He also said something about the young woman waiting was his fiancée. Ofcr. McBride opened the door, the young woman was allowed in to speak with her fiance, to embrace, before he was returned to jail.

I have seen other EPD officers allow these moments, for defendants and loved one to connect, embrace, communicate. However this was the first time I realized that this is not "only" a thoughtful and kind thing to allow, but it's also plain smart, and good 'public safety-minded'. For I noticed what a large man this defendant was, who was in a public setting, a courtroom. We have all heard tales of people erupting in courtrooms, attacking lawyers, judges, others. How VERY SMART it is to do a kind, simple thing (allowing defendant to connect with a loved one), a defendant who was clearly grateful. I think those little gestures, by police, help defendants NOT 'act out', because they appreciated the willingness of the officer to allow that moment to connect with a loved one.

The second commendable incident happened about 30 minutes later, when I observed how Ofcr. McBride used excellent 'verbal judo' in requesting a somewhat agitated man leave lobby area of Police Station. Tone was firm, not mean or angry. Person

thus responded immediately. Good job all around! Carol Berg-Caldwell

CC: Police Auditor/CRB/Police Commission/HRC/Mayor & Council, Chief Kerns

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NEWS RELEASE

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City Doubles CAHOOTS Contract Service in Response to Local Needs

SUMMARY: EPD's contract with CAHOOTS is doubled. CAHOOTS works alongside EPD in cases where non-police trained mental health expert might still be safe.

Eugene Police Department's contract with CAHOOTS has been doubled and a second van has been purchased and put into service to enhance response to people experiencing mental health issues. In 2010, EPD's response to non criminal holds increased 47 percent over 2009 figures. Also, last year, Eugene Police actively worked with the City's 12-point plan to reduce crime in the downtown core, improve the feeling of safety, and make downtown a safe and welcome environment for everyone. As part of looking at the issues and providing solutions, the City Council doubled the funding for doubling the CAHOOTS contract to enhance services for people experiencing mental health issues. EPD has been working with CAHOOTS on the upgraded \$566,000 contract.

"Police are usually called as a last resort, when someone is in mental or emotional crisis and other responses are not working," said Eugene Police Lieutenant Pete Deshpande. "Our officers are extremely well trained with classroom, street and advanced Crisis Intervention Training, but we are not mental health providers. We are excited to have the CAHOOTS service enhancement and feel very fortunate in our relationship with them. For decades, they have provided some intervention response whenever possible, and to have that service doubled represents a big step forward."

The second van and personnel went into service this week. One pair of CAHOOTS operators will cover a shift from 11 a.m. to 11 p.m., and a second team will provide service from 3 p.m. to 3 a.m. White Bird through ShelterCare will provide short-term emergency shelter for CAHOOTS-transported individuals.

The \$566,000 contract provides for CAHOOTS staff, supplies, and equipment, not including vehicle maintenance and fuel costs. The second van was purchased at an additional cost of \$60,000 (vehicle maintenance and fuels costs are not included).

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Return of Tombstone Courage?



Friday, January 28, 2011
Dave Grossi

No one can deny that the first month of 2011 proved to be a very deadly one for law enforcement. With the recent tragedies in Florida, Indiana, Ohio, New Jersey, Michigan and Oregon, January 2011 ended with more than a dozen officers being killed, according to the National Law Enforcement Officers Memorial Fund. At the risk of being called a Monday-morning quarterback, some might argue that more than a few of these deaths were the result of either not heeding apparent or obvious danger signs, relaxing too soon or taking a call as “routine.” Some might say “tombstone courage” played a part in at least one incident.

Back in 1976, LAPD Sergeant Pierce Brooks authored what many consider to be the first bible on officer survival, “Officer Down, Code Three.” For those baby cops out there, Brooks, then a detective, was the lead investigator on the infamous “Onion Field” case where LAPD Officers Ian Campbell and Karl Hettinger were kidnapped by career criminals Gregory Powell and Jimmy Lee Smith. Campbell was executed during that incident which occurred out near an onion field in Bakersfield, Calif., hence the name of retired LAPD Sgt. Joseph Wambaugh’s classic book, *The Onion Field*, and the subsequent movie. Brooks believed that most police murders could be avoided by following a few simple rules. I think that’s why he felt so close to what the original Street Survival Seminars were preaching: “You can do something about your safety out there.”

After retiring as a captain with LA, Brooks went on to head two law enforcement agencies, first in Lakewood, Colo., and later on in Eugene, Ore. I had the pleasure of meeting Brooks years after he retired from the Eugene (Ore.) PD when I was teaching the Street Survival Seminar in that fair city. He had a tremendous amount of respect for not only the seminar’s format and content, but also co-founders Chuck Remsberg and Denny Anderson. Contained in Brooks’ ground-breaking text were “The 10 Deadly Errors.”

Based on what we’ve seen throughout the past 30 days, it might be an appropriate time to review those issues and do a little soul searching, too. As they say, if the shoe fits,

wear it. As you read over the list, if you start to see a pattern emerging in your tactical behavior, take a minute to reflect on these items, first culled more than 35 years ago from the mind of Pierce R. Brooks. I've taken the liberty of paraphrasing some of the language and the hierarchy of his original list, but the spirit of those 10 core errors remains intact.

1. **Tombstone courage:** Just what it says, if time allows, wait for backup. There are very few calls where you should try to make a dangerous arrest or apprehension by yourself or with insufficient manpower/equipment.
2. **Taking a bad position:** Remember relative positioning and the "I" stance. Never let anyone you are interviewing or stopping get in a more advantageous position than you.
3. **Not heeding danger signs:** If you've spent a few years on the street, you know what that good cop's sixth sense feels like (e.g., movements, strange cars, the pre-attack postures).
4. **Relaxing too soon:** There's no such thing as a routine call. That false sense of security after handling 99 false alarms can create a deadly sense of safety for that 100th. And be careful of presumed compliance.
5. **Improper (or not) searching:** Search before cuffing. There are more than 100 places on the human body where a knowledgeable suspect can hide a weapon. Never assume that the first cop (or the next one) has searched (or is going to search) your prisoner.
6. **Improper (or not) cuffing:** Once you've made the collar, cuff. And cuff properly. *Grossi's law:* There are only two places for handcuffs—in your cuff case or behind the suspect's back.
7. **Failing to watch the hands:** Hands kill. Enough said.
8. **Loss or lack of concentration:** If you fail to keep your mind focused on the task at hand, you'll start to make errors. There's nothing more important than what you're doing *right now*.
9. **Lack of sleep:** Police work requires that you be alert. A lack of sleep isn't only dangerous to you. You jeopardize your partner, too.
10. **Dirty (or inoperative) weapon:** Let me expand on that. Maintain all your equipment—firearms, magazines and ammo, ECD, OC, cuffs, baton, radio—in optimum condition. Your tools are just as important to you as a surgeon's instruments are to him.

This material isn't just for you street dogs. Bosses need to subscribe to these same philosophies. Starting at No. 10, by conducting frequent inspections, you can ensure that the officers in your charge are maintaining all their equipment in good working order. With No. 9, if you see one of your troops looking like he hasn't had a good night's (or day's) sleep, call for a meet at the local coffee shop. Maybe he's working a second (or third) job and isn't getting his full complement of Zzz's. For No. 8 through No. 1, roll-call training on such tactics as always watching the hands, proper searching and cuffing, remembering relative positioning, waiting for backup and the other critical issues that encompass safe street work is part of your job as a first- or second-line supervisor. Be a leader, not just a supervisor.

I hope and pray that the stats for February don't resemble January's. But hoping and

praying aren't enough. It's going to take the full effort of street cops, trainers and bosses alike to bring down the deadly numbers that opened 2011. Stay safe!

References

Brooks, Pierce R., *Officer Down, Code Three*

Motorola Teleprograms, Inc., April 1976