

# 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, February 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 – January 13, 2011	5	5:40
3. Public Forum	15	5:45
4. Comments from Chair & Items from Commissioners	30	6:00
5. Use of Force Policy – Policy 303-OC Spray	30	6:30
<b>Break</b>	15	7:00
6. Chief's Report	20	7:15
7. Status Report on Annual Work Plan	45	7:35
8. Closing Comments	10	8:20

Next Meeting: Regular Police Commission Meeting – Thursday, March 10, 2011

# MINUTES

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

January 13, 2011  
5:30 p.m.

PRESENT: Tamara Miller, Chair; Juan Carlos Valle, Vice Chair; John Ahlen, Mike Clark, Tim Mueller, Mayor Kitty Piercy, commissioners; Linda Hamilton, Human Rights Commission Liaison; Bernadette Conover, Civilian Review Board Liaison; Police Chief Pete Kerns; Linda Phelps, Lt. Scott Feldman, Officer Michelle Jones, Officer Lars Hoernlein, Officer Chris Masimer, Lori Kievith, DeAnne Enyart, Eugene Police Department; Deputy Police Auditor Leia Pitcher.

ABSENT: Joe Alsup, Jim Garner, Frank Travis, commissioners.

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

## 1. Agenda Material Review

Mr. Valle reviewed the agenda materials. Ms. Miller welcomed Mayor Piercy to the commission. She noted that commissioners Alsup, Garner, and Travis were excused.

## 2. Minutes Approval: November 18 & December 9, 2010

Mr. Valle referred to paragraph 2 on page 7 of the November 18 and requested the following change (struck text deleted; italicized text added): “Mr. Valle suggested that successful mediation ~~required~~ *hoped* that the result be positive for the officers.” He referred to the first sentence in paragraph 9 on page 8 of the same minutes and requested the following change: “Mr. Valle encouraged new commissioners to keep in mind that the commission ~~brought~~ brings community perspective and values to discussions about police issues and procedures.”

Ms. Miller pointed out that the word “contact” was misspelled in paragraph 8 on page 2 of the November minutes. She reported that Commissioner Jim Garner had pointed out that sentence 4 in paragraph 10 on page 6 included the extraneous word “be” and it should be deleted.

Referring to the minutes of December 10, Mr. Valle pointed out that the words “but” and “up” were transposed in the remarks attributed to Ms. Hamilton in paragraph 7 on page 4.

Mr. Mueller, seconded by Mr. Valle, moved to accept the November 18 and December 10 minutes as amended. The motion passed unanimously.

### 3. Public Forum

Mr. Valle reviewed the rules for the Public Forum.

**Deborah Frisch**, no address given, shared what she termed her “fantasy” that local law enforcement would hire her on a part-time basis because of her experience as a cognitive psychologist and “quasi-psychotic activist,” which she believed qualified her to generate insights into criminals.

**Majeska Seese Green** urged the commission to ensure its committee meetings were noticed in the Public Meetings Calendar. She also urged the commission to amend its bylaws to allow non-commission members to serve on Public Outreach/EPD Resources Committee. She believed the City Attorney had misinterpreted the commission’s bylaws, pointing out the bylaws stated that the chair of a committee must be a commissioner, implying that other committee members did not need to be members of the commission.

Mr. Valle closed the Public Forum.

### 4. Comments from Chair and Items from Commissioners

Mr. Manning regretted that he had missed the December meeting. He expressed interest in participating in the Public Outreach/EPD Resources Committee.

Mr. Clark said he was happy to have been appointed to serve on the commission for another year. He expressed interest in Ms. Seese Green’s suggestion that non-commission members serve on committees.

Ms. Hamilton announced a Martin Luther King, Jr., Day event regarding youth and tomorrow’s leaders, and reported that Lane County would also hold its first recognition of Black History Month.

Mr. Mueller said he served on the Lane County Mental Health Advisory Committee and chaired a subcommittee working to reduce barriers for veterans seeking mental health services. A subcommittee member had reported to him she attended a recent “Vet-Net” where the police shooting of the veteran suffering from post-traumatic stress was discussed. Those in attendance feared that the message that went out to veterans as a result of the incident was that their families should not call the police when they were in crisis. His subcommittee hoped to overcome that by holding up examples of veterans who had successfully overcome mental health issues, and Mr. Mueller asked commissioners with such examples to contact him.

Ms. Conover reported on the recent Civilian Review Board (CRB) meeting, saying that the CRB heard a presentation by Sergeant Kathryn Flynn of the Eugene Police Department’s (EPD) Violent Crimes Unit about the department’s successful response to the murders of four local homeless people. The presentation highlighted the change in how homeless people had been treated over time. Ms. Conover said the CRB also reviewed a case involving a vehicle pursuit.

Ms. Conover determined from Ms. Miller that the Police Commission’s 2011 work plan included a review of the EPD’s vehicle pursuit policy.

Ms. Conover reported that Tim Laue was the new chair of the CRB and Steve McIntire was the Vice Chair. Recruitment was underway for new CRB members.

Mayor Piercy said she was happy to join the commission. Speaking to Mr. Mueller's remarks, she said she had attended a meeting that morning at PeaceHealth and had asked what services were in place for returning veterans. She was told that the local hospitals and health care providers were working together on plans to address the needs of those individuals.

Mr. Valle said he looked forward to the work of the committees in 2011, particularly the Public Outreach/EPD Resources Committee. He welcomed Mayor Piercy to the commission.

Lt. Scott Fellman introduced officers Michelle Jones, Lars Hoernlein, and Chris Masimer.

Ms. Miller said that Mr. Garner had expressed appreciation for the memorandum included in the packet entitled *December 2010 Closed Case Considerations for Policy and Training*. Ms. Phelps thanked Lt. Fellman for providing the information in the memorandum.

Ms. Miller looked forward to the meetings of the Public Outreach and Resource Committee.

Ms. Miller expressed appreciation to Chief Kerns for providing the commission with the services of Ellwood Cushman. She said that retired Captain Chuck Tilby would take Mr. Cushman's place.

Ms. Phelps reported that the department had hired Carter Hawley to staff the Police Commission. Ms. Hawley had served as associate vice president of King County United Way. She would start work on January 24. Ms. Miller thanked Ms. Phelps for her service to the commission.

## **5. Work Session: Accept Use of Force Committee Recommendations**

### **a. Policy 302 – Deadly Force Review Board**

### **b. Policy 432 – Patrol Rifles**

Ms. Miller reminded the commission that it had reviewed the two policies in December but had not taken action because of a public notice concern.

Mr. Clark, seconded by Ms. Conover, moved to accept policies 302 and 432 as submitted. The motion passed unanimously.

### **c. Policy 312 – Firearms**

Ms. Miller led the commission through a brief review of Policy 312. Commissioners asked questions clarifying the information presented. No changes to the policy were suggested.

Mr. Ahlen, seconded by Mr. Valle, moved to accept the policy as written. The motion passed unanimously.

Ms. Miller called for a brief break.

## 6. New Public Outreach/EPD Resources Committee Scoping

Ms. Miller reminded the commission that it had decided to combine the Public Outreach and EPD Resources committees into one committee, the Public Outreach/EPD Resources Committee. The agenda item was an opportunity for commissioners to provide input into the work of the committee. Ms. Phelps recalled that the commission had indicated to the council that it wished to combine the committees and charge it to both review department resources to identify service gaps and to track the Lane County budget for its impacts on the regional criminal justice system and the EPD.

Ms. Kievith, EPD Financial Manager, provided an overview of the Eugene Police Department's fiscal year 2012 budget. Commissioners asked questions clarifying the information presented. Mayor Piercy and Mr. Clark left the meeting during the presentation.

Ms. Miller believed there was benefit to take-home police cars but she acknowledged the cost involved, and hoped the department could reconsider the issue in the future.

Mr. Ahlen and Mr. Valle supported a review of the bylaws to ensure that the commission was not precluded from appointing non-commission members to its committees. The current members were Ms. Miller, Mr. Mueller, and Mr. Valle with Mr. Manning having indicated his interest in joining the committee.

After determining from Ms. Phelps and Chief Kerns the difficulty of quantifying what it cost the City to arrest and to prosecute people for marijuana offenses, Mr. Mueller said he had wanted to be on the committee because he believed that the EPD could save money if it stopped such arrests. It appeared from the staff response that would not be possible, and he was disappointed in that. Ms. Phelps assured Mr. Mueller that said she would do what she could do to provide some data about marijuana and drug arrests. It was challenging to segregate that information because of the way the data was currently structured.

Mr. Valle asked about establishing a process to include non-commission members on the committee. He recalled that historically, such members had not been able to vote. Ms. Miller concurred. She said traditionally, community members could participate on committees as invited guests or *ad hoc* members but could not vote because they were not appointed members of the commission. Committee members determined who would participate.

Ms. Phelps indicated staff would confer with the City Attorney about his interpretation of the commission bylaws and would share that information with the commission's leadership. She suggested the commission had the option of changing the bylaws if it was not satisfied with the response.

Mr. Ahlen recalled two exceptions to the voting rule. He agreed the City Attorney should be consulted but supported the addition of community members on committees. He suggested that a consensus process could make such an issue moot, added to the fact committee recommendations were forwarded to the commission for final action.

The commission then discussed desired outcomes and tasks for the committee to accomplish in the next five months. Ms. Phelps reminded the commission that there were two outstanding work tasks remaining for the original Public Outreach Committee: completing a questionnaire or survey and distributing the flyer describing the commission activities.

Ms. Phelps shared that Mr. Clark had asked her to share his comments for this discussion:

- *The committee should track Lane County's public safety budget and discuss any concerns the EPD had about it. Mr. Clark also hoped the committee would be able to share any concerns it had about the proposed fiscal year 2012 budget with the City's Budget Committee. (Clark)*

Ms. Phelps then asked commissioners to share their ideas for the new committee:

- *Whatever the committee did should not take away from public safety; expect to have more input to offer later when the committee gets underway. (Manning)*
- *When the department considered cutting positions, it should first consider what it was legally obligated to do to avoid future liability. (Hamilton)*
- *Continue to be interested in discussion of how to improve the commission's outreach and give people the opportunity to discuss the commission's policies in a less formal setting. (Mueller)*
- *Need to consider public safety beyond those in uniform to include those parts of the social support system that made it possible for people with mental health issues or in deep poverty to avoid crime. The committee should discuss what the EPD was doing to prevent crime, and if there were resources more appropriately directly toward the mental health system than law enforcement. (Mueller)*
- *Anticipate the committee would prioritize where it thought more funding was needed and would not avoid "sacred cows" when discussing possible reductions. Want the committee to look at areas where costs could be transferred to other entities when possible. Hope the committee would consider the impact of proposed reductions on officer morale. (Conover)*
- *Hope the committee would look at other ways the public could better engage with the commission and its subcommittees. (Ahlen)*
- *Would like the committee to ask the EPD what tasks it would like to undertake that it was not doing now, and the resources it needed to achieve a safe community. Do not spend time looking at reductions. Hope the committee would talk to the County to help it understand how the County budget will affect the City. (Valle)*
- *Concur with Mr. Mueller about the need to consider resources for the mental health system but need to acknowledge committee's limited impact in that area. Also concur with comments about resource prioritization, as opposed to budget reduction, given the department has had to reduce the budget over the past years and was probably more familiar with the committee about what, if anything, could be cut. (Miller)*
- *Agree with Mr. Mueller about the need for more creative public outreach on the part of the commission. (Miller)*
- *Suggest the commission needs to make a better connection with the City's neighborhood groups. (Miller)*
- *Would like to complete work on the survey begun by the Public Outreach Committee. (Miller)*
- *Continue to be interested in the concept of community policing and would like to work toward a system where officers spent more time in neighborhoods engaging residents in creating a safer environment; acknowledge the need for additional resources to accomplish that. (Mueller)*
- *Suggest commission role in Prevention Convention as a public outreach activity. (Valle)*
- *Consider additional department resources that could be used to publicize commission activities and agendas. (Valle)*

Ms. Miller observed that the commission did not appear to hold uniform views about the committee's work and anticipated the committee would take the input as a starting point for further discussion about its work plan.

Chief Kerns said the department did not consider the budget in terms of reductions, but in terms of how the department could do a better job at less cost. The employee budget committee had helped by asking new questions about how things were done and by confirming the importance of some of the department's efforts and calling for their expanded use. He believed the new committee would play a similar role and that it would be very helpful to the department.

## **7. Chief's Report**

Chief Kerns reported on the department's transition to an area command model. He noted that Captain Chuck Tilby had retired and he had assigned Captain Steve Swenson of Technical Services to Investigations, and appointed Pam Collett to serve as acting-in-capacity Division Manager for Technical Services. Captains Swenson and Richard Stronach were working with lieutenants and section managers on the realignment, which would be completed by March 1. He reported that the EPD was also assembling a Street Crimes Unit that should be fully operational by April 2011.

Chief Kerns discussed that month's department in-service training, which included a presentation on the impact of a single offender.

Chief Kerns reported that the City had hired a design team for the new police headquarters at 300 Country Club Road.

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

Chief Kerns reported that the department was in the hiring process for sworn personnel, community service officers, and communication specialists.

Chief Kerns provided a brief overview of the officer-involved shooting that occurred in December 2010 and also shared the details of some other police responses.

Chief Kerns discussed his contacts with the community, saying he had participated in a listening session with *The Register-Guard* and attended the State of the City address.

Chief Kerns provided a report on crime trends. Commissioners asked questions clarifying the information presented.

Responding to a question from Mr. Valle, Chief Kerns indicated that the City would operate a substation downtown after the move to a new headquarters. He also hoped to maintain a police presence in the Whiteaker neighborhood.

Mr. Manning expressed interest in seeing the establishment of a program similar to "Scared Straight" for first-time offenders and said he would like to be involved with that. Ms. Conover described some of the existing programs for first-time offenders.

## **8. Closing Comments**

Ms. Miller solicited closing comments.

Ms. Conover announced the February 8 CRB meeting.

Mr. Mueller reported on a discussion he had with a retired police officer who emphasized the importance of the EPD doing more to fight offenses that affected a lot of people, such as bicycle theft.

Ms. Hamilton reported that the Human Rights Commission continued to work on process issues.

Mr. Valle commended the valuable information brought to the meeting by the commission's liaisons.

Ms. Miller adjourned the meeting at 8:25 p.m.

*(Recorded by Kimberly Young)*



# EUGENE POLICE COMMISSION

## AGENDA ITEM SUMMARY

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**Work Session: Accept Use of Force Committee Recommendations: Policy 303 – OC Spray**

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Meeting Date: February 10, 2011  
Department: Eugene Police Department  
[www.eugene-or.gov/policecommission](http://www.eugene-or.gov/policecommission)

Agenda Item Number: 5  
Staff Contact: Carter Hawley  
Contact Telephone Number: 541-682-5852

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### **AGENDA ITEM SUMMARY**

This is a work session to accept the recommendations of the Use of Force Committee on Policy 303 – OC Spray. Following a presentation by Use of Force Committee Chair Joe Alsup, the commission will be asked to forward the policies to Chief Kerns for the final department review.

### **BACKGROUND**

#### **Commission Action History**

Policy 303 – OC Spray has been reviewed and changes recommended from the Use of Force Committee (UOFC), and concludes the committee's work of reviewing the Use of Force policies. Upon completed review of each policy, the committee sends their recommendations to the full commission for consideration. Following a discussion, the commission votes on the recommended policy changes and any amendments, and forwards their recommendation to the Chief of Police.

#### **Other Background Information**

Members of the UOFC are: Joe Alsup, Chair; Tamara Miller, Vice Chair; John Ahlen, Jim Garner, Frank Travis, and Juan Carlos Valle. There are twelve Lexipol versions of force-related policies the UOFC is charged with reviewing. The following is a list of all the use of force policies. (Please see Attachment A for a grid outlining the review status for each policy.)

- 300 – Use of Force
- 301 – Use of Force Reporting
- 302 – Deadly Force Review Board
- 303 – OC Spray
- 304 – Shooting Policy
- 306 – Leg Restraint Device
- 307 – Carotid Restraint
- 308 – Control Devices and Techniques
- 309 – Taser Guidelines
- 310 – Use of Deadly Force Investigation
- 312 – Firearms
- 432 – Patrol Rifles

#### **Policy 303 – OC Spray**

The UOFC first reviewed the policy on January 6, 2011 and approved it on January 27, 2011. The motion passed 5-0, member Frank Travis absent. A summary of the changes include:

- References to the use of force continuum were deleted as the continuum is not longer taught by

the Department of Public Safe Standards and Training (DPSST).

- Language was made consistent to use the third person (*an officer* as opposed to *you*).
- Changed range of recommended usage from 2-10 feet to 3-10 feet (sec 303.4.1(a)).
- Require officer to request replacement of OC spray five years after manufacture date (303.7(b))

In addition to these changes, there was discussion around other aspects of the proposal that did not result in changes to the policy. That discussion focused on whether section 303.3.1(c) is necessary, and the appropriateness of section 303.4.1(d).

### **TIMING**

The UOFC has forwarded each policy to the full commission upon completion. There are no timing issues associated with policy

### **OPTIONS**

- a.) Accept the Use of Force Committee's recommended policies 303 as presented, and forward to the Chief of Police for his consideration.
- b.) Make suggested amendments to policy 303 agreed to by the Police Commission, and forward to the Chief of Police for consideration.
- c.) Send policy 303 back to the Use of Force Committee for further review of selected outstanding issues.

### **SAMPLE MOTION**

I move to accept the Use of Force Committee's recommended policy 303 – O.C. Spray as presented, and forward to the Chief of Police for his consideration.

### **ATTACHMENTS**

- a.) Use of Force Committee: Status of Reviewed Policies
- b.) Draft of Policy 303 – OC Spray

### **STAFF CONTACT**

Carter Hawley, Police Commission Analyst  
(541) 682-5852  
carter.r.hawley@ci.eugene.or.us

### Use of Force Policy List for Police Commission - Status Update

Policy	Current Status	Reviewed by Use of Force Committee	Reviewed by Police Commission	Forwarded to Chief
309 – Tasers	Complete	YES	YES	April 8, 2010
300 – Use of Force	Finalized when all other UOF policies are complete	YES	YES	July 8, 2010
308 – Control Devices & Techniques	Complete	YES	YES	September 9, 2010
306 – Leg Restraint Device	Complete	YES	YES	September 9, 2010
307 – Carotid Restraint	Complete	YES	YES	October 14, 2010
304 – Shooting Policy	Complete	YES	YES	October 14, 2010
310 – Use of Deadly Force Investigation	Complete	YES	YES	November 18, 2010
301 – Use of Force Reporting	Complete	YES	YES	November 18, 2010
302 – Deadly Force Review Board	Complete	YES	YES	No
432 – Patrol Rifles	Complete	YES	YES	No
312 – Firearms	Complete	Yes	No	No
303 – OC Spray	Approved by UOFC January 27, 2011	Forwarded to PC for Feb 10, 2011	No	No

## POLICY

# 303

### EFFECTIVE DATE

Draft 20111  
(all changes)

# Eugene Police Department



## OLEORESIN CAPSICUM (OC) AEROSOL SPRAY

### 303.1 PURPOSE AND SCOPE

This agency has issued Oleoresin Capsicum (OC) aerosol restraint spray to provide officers and CSOs with an additional use-of-force option for defending themselves or gaining ~~compliance-~~control of resistant or aggressive individuals in arrest and other enforcement situations. It is our policy that employees authorized to use OC may use it when warranted, in accordance with the guidelines and procedures set forth here and in other policies on use of force.

### 303.2 AUTHORIZATION

- (a) Only personnel who have completed the prescribed course of instruction on the use of OC are authorized to carry or use OC spray while on duty. Any use of OC spray while off duty and acting in an official capacity must comply with department policy.
- (b) Officers whose normal duties/assignments may require them to make arrests or supervise arrestees are required to carry at least two of the following three departmentally authorized ~~OC while on duty~~ less-lethal force options: OC spray, baton, or Taser.
- (c) Uniformed personnel will carry only departmentally authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry departmentally authorized OC in department-approved alternative devices.

### 303.3 USAGE

#### 303.3.1 USAGE CRITERIA

- (a) OC spray is considered a use of force and will be employed in a manner consistent with our use of force policy (refer Policy 300 – Use of Force) and other relevant policies. ~~OC is a force option following verbal compliance tactics on the use of force continuum.~~
- (b) Consider issuing a verbal warning prior to using OC against an individual. An officer should weigh the likelihood that a warning will convince a person to comply with his/her instructions against the likelihood that the warning may cause the person to cover his/her face or otherwise try to defeat the use of the spray.
- (c) Once a suspect is incapacitated or restrained and no longer a threat to persons or property, use of OC is no longer justified. ~~OC spray will not be used punitively.~~

(d) If a person armed with OC spray or similar substance uses or threatens to use it against an officer, the officer or another officer may use reasonable force to defend the officer in order to avoid becoming incapacitated and risking the possibility that the person could gain control of the incapacitated officer's firearm and/or seriously injure the incapacitated officer or another person. ~~You may use deadly force to protect yourself from the use or threatened use of OC when you reasonably believe that deadly force will be used against you if you become incapacitated.~~

(e) OC should not be used as a means to disperse crowds, although it may be used when reasonably necessary to defend persons or to assist in effecting ~~an~~ the arrest of an individual (refer General Order 801.5 – Field Force).

(f) OC spray should not be used against persons engaged only in passive resistance, as defined in Policy 300—Use of Force. ~~For purposes of this policy, “passive resistance” means non-compliance with an officer's orders unaccompanied by any active or physical resistance. (An example of passive resistance would be a person who was limp on the ground, and who was not grasping onto an object or making other efforts to resist being taken into custody.)~~

(g) OC spray can be effective against animals, and it should be considered as an option when dealing with hostile animals.

### **303.3.2 USAGE GENERALLY**

(a) Use OC only in a manner consistent with the department training received.

(b) Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders. OC spray should not be used in the vicinity of infants unless absolutely necessary, and then care should be taken to minimize exposure of the infant to the spray to the extent reasonable under the circumstances.

(c) Consider any information known about a person's pre-existing medical or physical conditions that might exacerbate the effect of OC spray in determining whether and how to use it.

### ~~303.3.3~~ 303.4 DELIVERY MECHANISMS

#### 303.4.1 INDIVIDUAL OC SPRAY CANISTERS

(a) Whenever possible, an officer should be upwind from the suspect before using OC and should avoid entering the spray area.

(b) An officer should maintain a safe distance from the suspect, preferably between ~~2~~ 3 and 10 feet.

(c) Direct a single spray burst of between one and three seconds at the suspect's eyes, nose, and mouth. Multiple applications should be avoided. A single application, based on a burst of one to three seconds in duration that contacts the suspect's face, is normally sufficient. While multiple applications will not increase the effectiveness of the chemical agent, additional applications are permissible if the first or subsequent burst(s) are not observed to strike the face of the suspect. The use of OC should be discontinued when the officer reasonably believes that further applications will likely be ineffective.

(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.

### ~~303.3.4~~303.4.2 FOGGERS

(a) Foggers may be deployed in situations where there may be a need to use OC against multiple subjects, where delivery of OC may be required from a greater distance, or where a greater quantity of OC is needed to achieve the needed result (e.g., a suspect barricaded inside a vehicle).

(b) Unless emergency circumstances exist, do not use a fogger to direct spray at a person's face from a distance of less than 3 feet.

### ~~303.4~~303.5 EFFECTS OF OC AND OFFICER RESPONSE

#### ~~303.4.15.1~~ USE ON INDIVIDUALS

(a) Within several seconds of being sprayed by OC, a person may display symptoms of temporary blindness, difficulty in breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.

(b) Immediately after spraying a person, be alert to any indications that the individual needs medical care (e.g., breathing difficulties, gagging, profuse sweating and loss of consciousness). Upon observing these or other medical problems, or if the person requests medical assistance, immediately summon emergency medical aid.

(c) The effects of OC vary among individuals and OC may not be immediately effective (or effective at all) when applied to persons who are highly intoxicated by drugs or alcohol, or who are in an altered state of consciousness due to chemical or mental impairment. Officers must be aware of the possibility of limited effectiveness of chemical agents and be prepared to accomplish custody by other means. Additionally, all arrestees will be handcuffed as soon as safely possible after being sprayed. (For information on [proper restraint and transport of prisoners and positional asphyxia](#), refer General Order 501.1 – Arrests.)

(d) Air will normally begin reducing the effects of OC spray within 15 minutes of exposure (although the length of time will vary with different individuals). However, once the person has been restrained, assist him/her ~~as you can~~ by rinsing the exposed area with water as soon as practicable. Do not apply, or allow others to apply, oil-based substances (e.g., Vaseline, cold cream) to the exposed area unless authorized by a physician or paramedic.

(e) Continue to monitor arrestees who have been sprayed for indications of medical problems. Do not leave them alone while in police custody.

(f) Provide assurance to persons who have been sprayed that the effects are temporary.

(g) ~~As you are able~~[When practicable](#), offer assistance to any individuals accidentally exposed to OC spray and who feel the effects of the agent. An officer should report all such incidents to his/her immediate supervisor as soon as possible and detail them in an incident report.

(i) When lodging a person at a correctional facility (e.g., juvenile detention facility, jail), notify personnel there if s/he has been sprayed with OC.

### **303.4.25.2 EXPOSURE OF MULTIPLE PERSONS**

In situations where multiple persons are exposed to OC spray, ensure that reasonable steps are taken to contact those exposed and assist them in any needed treatment to the extent that the circumstances and situation allow.

### **303.5.6 REPORTING PROCEDURES**

- (a) Use of OC spray in the performance of police duties is a reportable incident under department policies on use of force (refer Policy 301 – Use of Force Reporting).
- (b) In the case of an accidental discharge or equipment malfunction, the officer will notify his/her supervisor as soon as practicable.

### **303.6.7 REPLACEMENT AND INSPECTION**

(a) An officer is responsible to maintain all OC spray devices issued to him/her in an operational and charged state, and to request a replacement for a damaged, inoperable, or empty device.

~~(b) OC spray devices will be inspected annually by defensive tactics personnel, who will report any unexplained depletion to the employee's supervisor.~~

(b) An officer is responsible to request a replacement for OC spray that is more than five (5) years past its date of manufacture as labeled on the device.

# EUGENE POLICE COMMISSION

## AGENDA ITEM SUMMARY



### Police Commission Mid-Year Work Plan Progress Report

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Meeting Date: February 10, 2011  
Department: Eugene Police Department  
[www.eugene-or.gov/policecommission](http://www.eugene-or.gov/policecommission)

Agenda Item Number: 7  
Staff Contact: Carter Hawley  
Contact Telephone Number: (541) 682-5852

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#### AGENDA ITEM SUMMARY

This is a work session to review the progress of the Police Commission's FY11 Work Plan and assess timelines for the remaining projects of the fiscal year.

#### BACKGROUND

##### Commission Action History

The Police Commission's FY11 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 work session is intended to assess the accuracy of those timelines and plan out the remaining five months of the fiscal year.

With the addition of a Carter Hawley, the Police Commission's new staff analyst, work will begin on the annual mid-year work plan report to City Council. This report outlines each work plan item, describing the status of each item. The report for City Council will be coordinated with the Police Commission leadership and will be forwarded to all commission members.

##### Policy Issues

Eugene City Code requires that the Police Commission submit a yearly work plan for City Council approval and an annual report documenting the commission's accomplishments from the prior year. Periodic updates are created during the fiscal year to advise City Council of progress achieved in addressing the work plan and to bring to the Council's attention any significant changes that may have occurred.

##### Timing

The commission has five months remaining in this fiscal year to fulfill the commitments of its work plan. The chair and vice chair will present an annual report to the City Council in July 2011 and they will propose the new work plan for the next fiscal year.

#### OPTIONS

Upon review and discussion of the attachments, the commission may:

- a) Determine that no changes are needed in the FY11 Work Plan;
- b) Identify modifications to the work plan including adjusting the project timelines;
- c) Identify more significant revisions to the work plan, such as the addition or removal of items and

submit those changes to the City Council with the mid-year status report for their approval.

### **STAFF RECOMMENDATION**

Staff recommends the commission consider option a: *determine that no changes are needed to the FY11 Work Plan*. The Police Commission has accomplished many of the items on its work plan and is in a good position to either complete or make substantial progress on all work items by June 30, 2011.

### **ATTACHMENTS**

Attachment A: February 4, 2011 Work Plan Progress Report

Attachment B: Police Commission FY11 Work Plan

### **STAFF CONTACTS**

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## POLICE COMMISSION FY11 WORK PLAN STATUS UPDATE

A. COMMITTEES	STATUS	KEY OUTCOMES
<b>Policy Screening &amp; Review Committee (PSRC)</b>	In Progress	<p>The committee has reviewed fewer policies this year due to the heavy schedule of the Use of Force Committee. These policies were reviewed in FY11:</p> <ul style="list-style-type: none"> <li>• 810 - Release of Public Records</li> <li>• 801 – Community Service Officers</li> <li>• 106 - Policy Manual</li> <li>• 345 - Attempts to Locate</li> <li>• 215 - Use of EPD Logo</li> </ul> <p>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.</p>
<b>Use of Force Committee (UOFC)</b>	Complete	<p>Reviewed 10 policies. Final policy is on February 10<sup>th</sup> agenda for Police Commission adoption.</p> <ul style="list-style-type: none"> <li>• 301 – Use of Force Reporting/Investigation</li> <li>• 302 – Deadly Force Review</li> <li>• 304 – Shooting Policy</li> <li>• 305 – OC Spray</li> <li>• 306 – Leg Restraint Device</li> <li>• 307 – Carotid Restraint</li> <li>• 308 – Control Devices &amp; Techniques</li> <li>• 310 – Officer-Involved Shooting</li> <li>• 312 – Firearms</li> <li>• 432 – Patrol Rifles</li> </ul>
<b>EPD Resources &amp; Public Outreach</b>	In Progress	<p>The scoping/framing session was held at January Police Commission meeting. First meeting for this committee scheduled for February 16, 2011.</p>
B. WORK SESSIONS & INFORMATION ITEMS	STATUS	KEY OUTCOMES
WS: Downtown Public Safety Zone ordinance	Complete	<p>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.</p> <p>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.</p> <p>Council subsequently adopted the ordinance and addressed</p>

		items 1 and 2 in the new ordinance.
WS: Establish the CRB process of referring policy review to the Police Commission	In Progress	Discussed at the July 8, 2010 meeting. See Section "C", item: "Joint meeting with the CRB".
INFO: Mediation Options for Officers When Receiving Complaints	Complete	Presentation by Operations Support Division Manager Lynn Reeves in November 2010.
INFO: Marijuana Citations and Resources spent on enforcement		Department needs some direction from the commission regarding the scope of this information item so that appropriate materials can be prepared.
INFO: Cross-cultural Competency Training at EPD	Complete	Presentation by Operations Support Division Manager Lynn Reeves in November 2010.
<b>C. ANNUAL &amp; LONG-TERM PROJECTS</b>	<b>STATUS</b>	<b>KEY OUTCOMES</b>
Joint Meeting with HRC (including another project on a hate crimes resolution)	In Progress	The HRC hosted a special event on hate crimes with some involvement from commissioners and assistance from the Police Commission staff. The joint meeting remains to be scheduled.
Joint meeting with the CRB	In Progress	A discussion was held with members of the leadership of the Civilian Review Board at the July 8, 2010 meeting. No additional meeting has been scheduled.
Presentation of the Police Auditor's Annual Report	In Progress <i>Possible June?</i>	These reports are released on a calendar year basis. The commission received the CRB 2009 Report at July 8, 2010 meeting. The Police Auditor's 2009 report was provided in August 2010. The Police Auditor is currently working on the 2010 report and the publication date has not been confirmed.
Presentation of the 2010 Internal Affairs Case Statistics	In Progress <i>Possible June?</i>	2009 IA Statistical Report was presented at July 8, 2010 meeting. Should receive 2010 report by June 2011.

<b>D. WORK PLAN OUTCOMES</b>	<b>STATUS</b>	<b>UPDATE</b>
<p><b><i>OUTCOME 1. Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.</i></b></p> <ul style="list-style-type: none"> <li>• Monthly EPD commendations and Internal Affairs case summaries.</li> <li>• 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.</li> <li>• Regular updates from the Human Rights</li> </ul>	In Progress	All items have been addressed in monthly agenda planning. Additional details are provided in Section A and B of this report.

<p>Commission liaison and participation in joint meetings/activities.</p> <ul style="list-style-type: none"> <li>• Public input on proposed policy recommendations and involve interested community members in the review process.</li> <li>• Information to the public on standard police practices and new procedures to increase the transparency of police operations.</li> </ul>		
<p><b><i>OUTCOME 2. Identify police policy and resource issues related to preferred policing alternatives.</i></b></p> <ul style="list-style-type: none"> <li>• Examine the police department’s resources and make recommendations on service gaps to increase productivity and effectiveness.</li> <li>• Monitor the impact of Lane County funding on public safety, specifically reviewing and suggesting options for improving service gaps in the police department.</li> <li>• Hold an information session with police department staff to discover options for police employees during mediation of complaints.</li> <li>• Hold an information session with police department staff to learn about cross-cultural competency training that EPD is providing to employees.</li> </ul>	In Progress	<p>Some outcomes will be included in the work of the commission’s Outreach and Resource Committee. Their first meeting will be February 16, 2011.</p> <p>Finance Manager Lori Kievith presented information on the EPD budget at the January 2011 meeting.</p> <p>The two information sessions have been held. (See Section A)</p>
<p><b><i>OUTCOME 3. Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.</i></b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Respond to emerging issues by scheduling topic-specific work sessions and requesting information updates from staff.</li> <li>• Network with other City of Eugene boards and commissions to increase collaboration and information sharing on topics of mutual interest.</li> <li>• Attend EPD-sponsored events and participate in the Ride-Along program to discuss the impact of policy changes on officers.</li> </ul>	In Progress	<p>News Releases, web site and Twitter have been used during the year. The Outreach and Resource Committee could explore other methods.</p> <p>Other topics that have been addressed in commission meetings include:</p> <ul style="list-style-type: none"> <li>• <i>Riots &amp; Civil Disturbances</i> (Held at the October 14, 2010 commission meeting, this session was provided by Patrol Captain Richard Stronach.)</li> <li>• <i>Chief’s Policy 309 – Taser Use</i> (Held at the December 9, 2010 commission meeting. A presentation and discussion with Chief Pete Kerns.)</li> </ul>
<p><b><i>OUTCOME 4. Provide input on police policies that reflect community values.</i></b></p> <ul style="list-style-type: none"> <li>• Assist the police department in a comprehensive</li> </ul>	In Progress	The commission has completed a major body of work with the final policy of the Use of Force Committee.

<p>review and update of its policy manual to a Leixpol format. All policy reviews will be screened by the Policy Screening and Review Committee (except those assigned to the Use of Force Committee). Policies of significant community interest will be more thoroughly vetted in a public meeting setting.</p> <ul style="list-style-type: none"> <li>• Monitor the application of policies that were previously recommended to the department by the commission and schedule periodic reviews of policies when necessary.</li> </ul>		<p>The PSRC has not met publicly this year due to the emphasis put on finishing the Use of Force policies.</p> <p>Policy 309 – Taser Use was reviewed following the Chief’s adoption of the policy.</p>
<p><b><i>OUTCOME 5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.</i></b></p> <ul style="list-style-type: none"> <li>• Assess community concerns on resource issues through the Committee on EPD Resources &amp; Public Outreach.</li> <li>• Use the findings developed through committee work to make recommendations on programs and training within the department.</li> </ul>	<p>In Progress</p>	<p>Outreach and Resource Committee should provide venue for these outcomes. This work may be delayed due to the late start-up of the committee.</p> <p>This year, some training considerations were identified through the Use of Force Committee and the commission’s work on the Downtown Public Safety Zone Ordinance.</p>

City of Eugene

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# **POLICE COMMISSION**

## **FISCAL YEAR 2011 WORK PLAN**

*Approved by City Council July 21, 2010*

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## **POLICE COMMISSION MEMBERS**

**Tamara Miller, Chair**

**Bernadette Conover**

**Juan Carlos Valle, Vice  
Chair**

**Linda Hamilton**

**John Ahlen**

**Tim Mueller**

**Joe Alsup**

**Marilyn Nelson**

**Councilor George Brown**

**Frank Travis**

**Councilor Mike Clark**

**For more information on the Police Commission, please contact:  
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***[www.eugene-or.gov/policecommission](http://www.eugene-or.gov/policecommission)***

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## Eugene Police Commission FY11 Work Plan

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### Police Commission Mission Statement

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

### Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The commission's enabling ordinance, adopted in December of 1998, requires that it develop a yearly work plan for City Council review and approval. Work plans follow a July 1 – June 30 fiscal year (FY) schedule. Major accomplishments over the past six years include:

- Special Weapons and Tactics (SWAT) and related policy review (FY04)
- Report on strategies to improve police and community interactions (FY04)
- Social Security Number policy development (FY05)
- Complaint handling and civilian oversight recommendations (FY05 - 06)
- Patrol In-Car Video policy development (FY06)
- Assistance with oversight model implementation (FY06 – 07)
- Recommendations for a Crisis Intervention Team (CIT) and related steering committee (FY08)
- Policy on Tasers (FY08)
- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY09)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY09)
- Review and recommendations on several force-related policies, including the Taser Pilot Project policy and general use of force (FY10)

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## Eugene Police Commission FY11 Work Plan

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The projects proposed for the commission's FY11 Work Plan are described in more detail in the following sections. A Gantt chart showing tasks associated with these projects and estimated timelines is also attached. An annual report, documenting the group's achievements and challenges encountered in meeting its work plan commitments from FY10, is provided separately. FY11 Work Plan Tasks and Procedural Objectives

### Work Plan Tasks

The Police Commission's work plan is divided into the following three components: a) Committees; b) Work Sessions and Information Items; c) Annual & Long-Term Projects.

#### A. Committees

Two committees from FY10 will continue and carry over to this fiscal year's work plan: Policy Screening and Review Committee, and Use of Force Committee. One new committee identified at the commission's June 10, 2010 Process Retreat will focus on the Eugene Police Department's (EPD) resources and budget.

- The **Policy Screening and Review Committee (PSRC)** is designed as a multi-year effort to assist the department in updating the police policy manual, utilizing the Lexipol structure as the framework for a comprehensive policy review process. This committee was first organized in FY08 but did not begin reviewing policies until FY09. In the past fiscal year, the committee reviewed and made recommendations on several different topic-specific policies. In FY11 the committee will continue its process of screening policies and making suggestions for revisions as they see fit. Some of the priority policies identified for this year include homelessness, warrantless entry and vehicle pursuit.
  
- The **Use of Force Committee** originally began in FY08 to assist the department with the development of a Taser policy for the department's pilot project. With the Taser policy review completed, in addition to several others, the committee has the following policies left for this fiscal year:
  - 301 – Use of Force Reporting/Investigation
  - 302 – Deadly Force Review
  - 304 – Shooting Policy
  - 305 – OC Spray
  - 306 – Leg Restraint Device
  - 307 – Carotid Restraint
  - 308 – Control Devices & Techniques
  - 310 – Officer-Involved Shooting
  - 312 – Firearms
  - 432 – Patrol Rifles
  
- The **Committee on EPD Resources and Public Outreach** is a modified project from last year's Public Outreach Committee. The commission's goal for this committee is to combine the work of the current Public Outreach Committee and incorporate a review of the police department's

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## **Eugene Police Commission FY11 Work Plan**

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resources to identify service gaps and make recommendations on the FY12 budget. One of the focus areas of this committee will be to monitor Lane County's budget and assess the impact of funding to City of Eugene operations. This committee will utilize outreach strategies designed in FY10 to better engage the public in supporting the police department's goal of strengthening and increasing resources.

### **B. Work Sessions and Information Items**

Work sessions are scheduled periodically to provide opportunities for information sharing and discussion of public safety issues that do not necessarily require Police Commission action. These work sessions may involve presentations from police department staff, other City departments, or other relevant agencies. The commission has limited the number of work sessions and information items to those of highest priority to conserve meeting time and enable some flexibility to address emerging issues. The following work sessions and information items are planned for FY11:

- Work session on the Downtown Public Safety Zone exclusion ordinance to review the program and make recommendations on its extension
- Information session on mediation options for officers when receiving complaints
- Information session on marijuana citations to discover how resources are spent on enforcement
- Information session on cross-cultural competency training at EPD
- Work session to establish the Civilian Review Board's process of referring policy review to the Police Commission

The commission intends to continue its review of quarterly strategic plan status reports from the department and other related activities to stay informed of the organizational issues and strategies.

### **C. Annual and Long-Term Projects**

Every year the commission holds meetings with other City boards and commissions to stay informed of current public safety issues and to partner with these groups on projects. These are organized in the FY11 Work Plan as Annual and Long-Term Projects. They are:

- Joint meeting with the Human Rights Commission (to include another project on a hate crimes resolution)
- Joint meeting with the Civilian Review Board
- Police Auditor Annual Report presentation
- 2010 Internal Affairs Case Statistics presentation
- Process session/work planning retreat

### **Procedural Objectives**

Some specific procedural objectives for FY11 are to:

- Support the commission's leadership team with appropriate level of responsibilities

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**Eugene Police Commission  
FY11 Work Plan**

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- Maintain a highly qualified, dedicated and balanced membership
- Identify opportunities for team-building to establish positive working relationships and facilitate group cohesiveness
- Continue outreach, information sharing and collaboration with the Human Rights Commission and the Civilian Review Board on issues of mutual interest
- Utilize the roles of commission liaisons (two City Councilors, one CRB member and one HRC member) to stay on track with other City business
- Engage in discussions with officers to understand the impact of policies on their work

## **Work Plan Outcomes**

<b><i>OUTCOME 1.</i></b>	<b><i>Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.</i></b>
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In FY11, the Police Commission will:

- < Provide frequent opportunities for community dialogue on current issues in law enforcement, to include:
  - 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.

<b><i>OUTCOME 2.</i></b>	<b><i>Identify police policy and resource issues related to preferred policing alternatives.</i></b>
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In FY11, the Police Commission will:

- < 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

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**Eugene Police Commission  
FY11 Work Plan**

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training that EPD is providing to employees.

<b>OUTCOME 3.</b>	<i>Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.</i>
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In FY11, the Police Commission will:

- < 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.

<b>OUTCOME 4.</b>	<i>Provide input on police policies that reflect community values.</i>
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In FY11, the Police Commission will:

- < 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 (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.

<b>OUTCOME 5.</b>	<i>Assist the City Council in balancing community priorities and resources by advising it on police resource issues.</i>
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In FY11, the Police Commission will:

- < 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.

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## **Eugene Police Commission FY11 Work Plan**

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As outlined above, the tasks proposed for this year's work plan are clearly aligned with the Police Commission's role and objectives as described in its ordinance. The commission has continued to be forward-thinking in crafting its work plans while responding to issues of local interest. The continuation of policy-focused committees will help the department implement critical policies that will directly benefit the community. And the opportunity for public comment at every committee and commission meeting allows for greater participation from the community and an open environment for dialogue.

The new and ongoing projects in the Police Commission's FY11 Work Plan make for a full and ambitious work load. However, the Police Commission will accommodate pertinent changes as directed by the City Council or as necessary to respond to emerging community concerns.

## ADDITIONAL MATERIAL FOR YOUR REVIEW

1. **City of Eugene Advisory Groups Member & Staff Manual** Some of you may have already received this in advisory group training held by the City last year. It answers the Commission's question about membership on subcommittees (bottom of p. 8).
2. **International Association for Public Participation (IAP2) Spectrum of Public Participation and Core Values** This is being included for the Commission's information, as it may provide a useful framework for enhancing the meaningful public participation sought by the Commission.
3. **January 2011 EPD Commendations & Closed Case Considerations**
4. **Annual Recruitment for Boards and Commissions**



## City of Eugene Advisory Groups Member and Staff Manual

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In Eugene, community members participate in local government by holding elected office, speaking at public hearings and contributing to public forums, contacting the Mayor and City Council, and participating in neighborhood organizations and community events.

Another way in which Eugene's community members participate in city government is through membership on City of Eugene boards, commissions and committees. Advisory group members interact creatively with people of all ages, interests, and backgrounds -- and provide an invaluable service to the community.

Making local government effective and responsive is a responsibility that belongs to all of us. In the words of Abraham Lincoln: *"Government of the people, by the people, for the people, shall not perish from the Earth."*

In June 2009, the Eugene City Council affirmed desired outcomes in three areas:

### **1) Representation**

The makeup of boards, commissions and committees should over time represent the richness of our community's perspectives, neighborhoods, and population demographics – race and ethnicity, gender, age, socioeconomic class, disability and other factors.

### **2) Development**

Advisory group members are effective and feel satisfied because they have the training and support to be successful contributors – both before becoming candidates for vacancies and following their appointments.

### **3) Recruitment & selection**

Communication and procedures associated with outreach, recruitment, interviews, selection and appointments are fair, accessible, transparent and civil.

Advisory group members give elected officials and City staff greater understanding of community concerns, values and perspectives. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services.

Advisory groups play a variety of roles, depending on their specific mission and the changing needs of the community and City of Eugene organization. Committees can function as quasi-judicial, advisory to the City Council and advisory to City department staff.

**The following pages provide information and guidelines in the following areas:**

Types of Committees

Recruitment and Selection

Roles and Relationships (with Elected Officials and with City Staff)

Ethics and Accountability

Open Meetings, Public Records & Minutes

Communicating with...

Outside Agencies, General Public, Committee Members, News Media

Eugene's Form of Government

How to Conduct a Successful Meeting

## Types of Committees

The City Council has created *five distinct types of committees*:

- Standing committees
- Ad hoc committees
- Department advisory committees
- Intergovernmental committees
- Committees established by Eugene Charter

The authority and charter for these committees originate from different sources: Eugene City Code, City Council action, state statute, intergovernmental agreement, and the City Charter. The boards, commissions, and committees for the City of Eugene are governed by the City Code, Chapter 2, Section 2.013. The Eugene Code is available online at [www.eugene-or.gov/citycode](http://www.eugene-or.gov/citycode). In addition, many advisory groups have adopted protocols and policies that provide guidelines specific to their mission and operations.

### Standing Committees

Standing committees are established by ordinance. In general, they make recommendations to the City Council on policy issues and advise City staff on specific operational matters. Standing committees include:

- **Budget Committee** - develops budget recommendations for council action and approves the City's tax rate. This committee is established by state statute (ORS 294.336).
- **Sustainability Commission** - works to create a healthy community now and in the future by proposing measurable solutions to pressing environmental, social and economic concerns to the City of Eugene, its partners and its people.
- **Human Rights Commission** - and its subcommittees advise the City Council on issues of human rights, accessibility and community education and outreach.
- **Planning Commission** - advises the council and serves as a quasi-judicial committee. This committee has the authority to make binding decisions which require or restrict the action of individuals. For example, the Planning Commission hears appeals of Hearings Official decisions.
- **Historic Review Board** - is a subcommittee of the Eugene Planning Commission; it oversees the main components of Eugene's historic preservation program, and makes historic landmark designations.
- **Police Commission** - advises the council and Police Chief on matters of public safety.
- **Civilian Review Board** - was established to increase the transparency of, and public confidence in, the police complaint process. The board evaluates the work of the independent Police Auditor and reviews completed complaint investigations involving sworn police employees.
- **Toxics Board** (Eugene Charter-mandated) - makes policy governing the City of Eugene hazardous material reporting program; by Charter amendment it is authorized to enforce the reporting requirements and impose penalties.

### **Ad Hoc Committees**

Ad hoc committees are authorized by the Mayor to address specific emerging or priority issues. In most cases, the Mayor recommends and appoints members to these groups. The duration of the committees is limited and the scope of work is also limited to a specific charge. Examples of ad hoc committees include the following:

- Amazon Headwaters Committee
- Mayor's Blue Ribbon Committee on Homelessness

### **Department Advisory Committees**

Department advisory committees are administrative in nature because they report to department staff and not to the City Council. Department advisory committees can exist for no more than two years before they are re-evaluated. In general, however, department committees complete their task and disband in fewer than two years.

Members of department advisory committees are appointed by the department manager. These groups are formed on an as-needed basis to develop recommendations for City staff on specific program areas. They are not established by ordinance but must have the approval of the City's executive managers prior to being formed. Examples are:

- Cultural Services Advisory Committee
- Eugene Redevelopment Advisory Committee
- Library Board
- Neighborhood Matching Grant Department Advisory Committee
- Rental Housing Department Advisory Committee

### **Intergovernmental Committees**

Intergovernmental committees are formed as the result of agreements signed between the City of Eugene and other governmental agencies. In some cases, the City Council appoints citizens to represent Eugene on these regional bodies. City Councilors also serve as representatives on some committees. Examples include:

- Lane Regional Air Protection Agency
- Lane Workforce Partnership
- Metropolitan Wastewater Management Commission

### **Function of Intergovernmental Committees**

Intergovernmental committees are advisory to the participating organizations. Citizen members are appointed to a specified term by the City Council. Each year, the Mayor appoints a City Council representative to the intergovernmental committees.

### **Intergovernmental Committee Application and Appointment Process**

Recruitment for intergovernmental committee members begins in January of each year. The deadline for applications is the end of March. Applicants complete an application and supplemental questionnaire; the Mayor (with the help of the committee) nominates and the council appoints. Appointments are made in June; terms dates are determined by the intergovernmental committee.

### **Recruitment & Selection**

The Eugene City Code requires that every effort be made to ensure that the composition of City committees reflects the diversity of the community.

*It is the policy and intent of the City Council that in all City Council and mayoral appointments and nominations to each board and commission, every effort will be made to assure*

*representation on the boards and commissions in proportion to the representation of women, ethnic minority group members, the disabled and younger and older citizens, in the population of the Eugene incorporated city limits. (Resolution No. 3822, Section 1, adopted by the Eugene City Council on December 14, 1983)*

*City staff are directed to take affirmative action to ensure that members of the above groups (women, ethnic minority group members, the disabled and younger and older citizens) are notified of vacancies and encouraged to apply so that in making appointments, the mayor and council will have a diverse pool of applicants from which to select. (Resolution No. 3822, Section 2, adopted by the Eugene City Council on December 14, 1983)*

Recruitment for most department advisory groups occurs each spring, with appointments to terms beginning July 1. Applicants complete an online application and supplemental questionnaire; the council then reviews applications, selects candidates and conducts interviews before making appointments. Appointments are made in June; terms begin on July 1. Terms for the Budget Committee, Civilian Review Board, Human Rights Commission and Toxics Board are for three years; terms for the Planning Commission, Police Commission, Sustainability Commission and Historic Review Board are for four years.

### **Reappointment**

Members on standing committees may be reappointed for a second term. Incumbents must submit application materials before the recruitment deadline. Individuals who have served the maximum two terms must wait one year before they can reapply for a position on the same committee.

### **Residency Requirements**

Applicants must live within the Eugene urban growth boundary to be eligible for appointment to standing committees. Budget Committee members must also be qualified electors.

### **Eligibility of City Employees**

City of Eugene employees may not serve on City policy committees except as specifically provided by City ordinance, or as required to perform official City duties. This prohibition exists for employees of the Eugene Water & Electric Board (EWEB) as well. EWEB is technically a division of Eugene city government even though the utility runs its operations autonomously.

### **Serving on Multiple Committees**

Members of council standing committees (Budget Committee, Sustainability Commission, Human Rights Commission, Police Commission, Civilian Review Board, and Planning Commission) may serve on two additional department advisory or council ad hoc committees. In some cases, a standing committee member may represent his or her group on another standing committee. For example, there is one Human Rights Commission representative on the Police Commission. In these instances, the standing committee member is permitted to serve on the two standing committees and two additional department or ad hoc commissions.

Department advisory committee and council ad hoc committee members may serve on one additional department or ad hoc committee.

## **Roles and Relationships**

### **Mayor and City Council**

Groups that are advisory to elected officials provide status reports, written findings, and recommendations in several ways. One is through the weekly City Council agenda packet. Committee reports must be approved by the committee before being submitted to the council. The committee's staff person is responsible for placing the recommendations in the council packet and for scheduling committee reports for action by the council.

In some cases, a committee may need direction from the City Council in order to define and accomplish its work plan. Committees receive this type of instruction during City Council work sessions. City staff can place the committee's item on the City Council agenda by working with staff in the City Manager's Office.

Some committees, such as the Planning Commission, also communicate with the Mayor and Council through assigned council liaisons, "buddy" assignments that match committee members with elected officials, and by setting occasional meetings with one or more elected officials to discuss current issues.

Standing and ad hoc committees make recommendations to the City Council. The City Council then accepts, rejects or modifies those recommendations. The council relies on various committees to increase the variety of viewpoints and talents brought to bear on City issues. By concentrating on specific areas, committee members can expand the level of expertise with which to address an issue and can conduct detailed analyses that the council itself may not have the time to pursue.

It is expected that committees will adopt positions of advocacy within their specific spheres of interest. However, the council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The council must weigh the effect of any given recommendation, not only on the particular area of interest, but on all other City goals and programs.

Standing and ad hoc committees transmit their written findings and recommendations to the council through the weekly City Council agenda packet. Committee reports must be approved by the committee before they are submitted to the council. The committee's staff person is responsible for placing the recommendations in the council packet and for scheduling committee reports for action by the council. For information about council packet specifications, please contact the City Manager's Office at 687-5010.

In some cases, a committee may need direction from the City Council in order to accomplish its task. Committees receive this type of instruction during City Council work sessions. City staff can place the committee's item on the City Council agenda by working with staff in the City Manager's Office.

Occasionally, a committee will take a position on an issue that is under consideration by the City Council but not on the committee's work plan. Committees also take advocacy positions on community issues and work with community allies. Committees should express opinions on council matters through a letter from the committee chair to the City Council. City staff can assist in the preparation of such letters. The entire committee should review and approve the letter before sending it to the council and a record of the letter should be kept by committee staff.

Staff recommends consideration of the following factors in developing a protocol for taking positions:

**Public notice** - Communicating the group's intention to community members, interest groups, affected individuals and organizations, and others when considering and potentially taking a policy position. Communicating processes and results in timely, effective ways.

**Balanced input** - Providing an opportunity for persons with differing opinions to weigh in. Maintaining fair, open and accessible processes.

**Advisory group role** - Connecting the committee to the issue or item, so that its unique contribution to the discussion or activity is consistent with the group's charge and makes sense.

**Triple bottom line** - Emphasizing outcomes that support social equity, economic prosperity and environmental health.

### **Committee Support Staff**

City staff performs administrative and housekeeping functions and does not vote. City employees have a responsibility to ensure the committee is aware of laws and administrative processes affecting proposed policies and operational recommendations. City staff should take the initiative to inform committee members about activities, projects, and work that is taking place elsewhere in the organization and among other committees.

Committee staff must be constantly aware of the responsibility to represent overall council priorities and policies of the City. Staff should also present a balanced report on controversial issues, so that both positive and negative aspects can be readily identified.

Staff's main responsibilities are to assist the committee in its functions and to represent the City of Eugene. Other responsibilities may include the following:

- provide professional and technical advice
- provide clerical assistance for the preparation, duplication and distribution of committee letters and reports
- arrange for accommodations for persons with disabilities
- maintain public records created by the committee, including minutes or action summaries, reports, recommendations, and letters, as required by state law
- prepare the committee agenda in consultation with the chair
- notify committee members and the City Manager's Office of upcoming meetings; (contact the City Manager's Office to place meeting information on the Public Meetings Calendar)
- prepare appropriate reports based on the committee's deliberations and action for the council agenda
- ensure adherence to the required council report format and timetable for submittal
- maintain a current copy of the Boards and Committees Manual and bring it to the committee meetings
- secure meeting rooms for committee meetings, and
- assist in mobilizing resources needed for the research and preparation of committee reports

In most cases, requests for extensive staff work or report preparation should be approved by the department director to ensure that the resource allocation is in accordance with budget priorities. If a committee desires information or a report which will require a significant amount of staff time, the committee should request City Manager or department director approval to pursue the project. The committee should provide information to staff regarding urgency of the referral. Following this procedure will prevent staff from being diverted from a priority project.

## **Committee Member Responsibilities**

### **Chair**

The chair performs the following duties:

- Presides at all meetings of the committee
- Appoints subcommittees and chairs of subcommittees subject to the approval of the committee
- Approves the agenda prior to distribution
- Signs correspondence on behalf of the committee
- Represents the committee before the City Council with the approval of the committee
- Performs other duties necessary or customary to the office

The most important duty of a chair presiding over a meeting is to ensure that the work of the committee is accomplished. To this end, the chair must exert sufficient control to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.

### **Transfer of Chair**

In the event the chair is absent or unable to act, the vice chair presides in place of the chair. In the absence of both the chair and the vice chair, the remaining members shall elect one of their members to act as temporary chair.

### **Individual Committee Members**

Unless authorized by the committee, an individual committee member may not represent the committee before any other committee, outside agency, the media, or the general public. When an individual committee member is appearing in a private capacity before other committees, outside agencies, or the general public, the committee member must clearly indicate that he or she is speaking as a private individual, not as an official representative. Official City stationery may be used only for official communications authorized by the committee.

Each committee member also has the obligation to work cooperatively with other committee members. Committee members should exercise self-discipline and strive always to be objective, fair and courteous with each other as well as with staff and the public. A healthy respect for the time of other committee members, staff, and the public is of critical importance.

### **Subcommittees**

At times, a subcommittee of the body may be needed to do additional work. Subcommittees can be formed either at the request of the whole committee or by the chair, with the confirmation of the committee.

A temporary subcommittee is made up of two or more committee members but fewer than the existing quorum of the body. Only existing committee members are eligible to become members of a subcommittee; however, the committee may seek input and advice from the community. Subcommittees of the Human Rights Commission are exempt from this policy, as these groups are made up of Human Rights commissioners and additional community members. Subcommittees should be reviewed annually by the committee to determine whether a continuation of the subcommittee is warranted.

### **Work Program**

Many committees find it effective to establish a yearly work program or goals statement. A work program is a planning document that specifies how and when the objectives (outcomes) that the committee expects to accomplish during the year will be achieved. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal. The nature of the duties of specific committees may determine which method is most suitable.

## **Reporting Completed Work**

### **Standing and Ad Hoc Committees**

It is the responsibility of standing and ad hoc committees to provide complete, concise and accurate reports to the council. These documents should be prepared in such a manner that the City Council fully understands the issue and what action, if any, is to be taken. A committee report should include a clear recommendation, the reason for the recommendation, the facts on which it is based, points of disagreement within the committee or with staff, and a minority recommendation, if any.

Quality committee reports and recommendations take into account the council's necessity to view an issue from as wide an angle as possible. The council must fully understand the relevant background and implications, including costs, of each action it is asked to take. It is the committee's responsibility to provide that requisite information insofar as it is possible.

Submission of quality reports will enable the City Council to act knowledgeably and expeditiously on committee reports and will reduce the likelihood of the council referring the report back to the committee for clarification.

### **Department Advisory Committees**

The same need for high-quality work exists for department advisory committees as it does for other boards and committees. Department advisory committees receive a specific charge when they are formed. The recommendations of these bodies should address that charge.

Department advisory committee reports are presented to City staff for consideration. These groups disband once they have delivered their recommendations to the department.

### **Food and Beverage**

Because of budget constraints, departments generally are unable to provide full meals at regular board, committee and commission meetings. However, many advisory groups enjoy light snacks.

### **Training and Travel**

Through advisory group orientation, special forums and other sessions, we support member development. Additionally, departments sometimes offer external training for members, ranging from the Oregon Planning Institute for Planning Commissioners and a regional diversity institute in Portland for Human Rights Commissioners. Except in the most unusual circumstances, the City does not provide out-of-state and high-cost training opportunities, generally keeping training costs below \$150 per member in a 12-month period.

### **Interconnectedness of Boards and Commissions**

It is becoming increasingly important to tie and coordinate the work of boards and commissions to the efforts of other advisory groups. With the help of City staff, advisory group members look for areas of common interest and focus among different boards and commissions, and identify opportunities for collaboration, efficiencies and info-sharing.

## **Ethics and Accountability**

### **Conflict of Interest**

Members of Eugene's committees provide advice to the City Council, study various civil matters and, in the case of certain committees, function in a quasi-judicial capacity. Precise relationships vary in that some of these quasi-judicial determinations may be appealed to the City Council and others may not. All members of committees should be aware of the need to avoid any instance or appearance of conflict of interest. Conflict of interest standards are generally applicable to all committees. Additional requirements may be applicable to particular boards and committees. Staff should contact the City Attorney's Office for answers to specific questions about government ethics.

### **Respectful Environment – No Harassment**

Members of City boards, commissions, and committees are agents of the organization and are subject to City policies related to maintaining a respectful work environment:

*The City of Eugene is committed to fair and impartial treatment of all employees, applicants, contractors, volunteers, and agents of the City, and to provide a work environment free from discrimination and harassment, where people treat one another with respect. It is the responsibility of all employees to maintain a work environment free from any form of discrimination or harassment based on race, creed, sex, sexual orientation, color, national origin, age, religion, disability, marital status, familial status, source of income, or any other legally protected status. The City prohibits unlawful harassment and/or discrimination. Accordingly, derogatory racial, ethnic, religious, age, gender, sexual orientation, sexual, or other inappropriate remarks, slurs, or jokes will not be tolerated. [Administrative Policies and Procedures Manual, Section 1.4 (Revised 05/14/04)]*

### **Absenteeism**

All members shall take an active role in their committees, including regularly attending committee meetings. No distinction is to be made between excused and unexcused absenteeism, since it may be a source of misinterpretation.

Any member who misses more than three consecutive, regular meetings without having been given a leave of absence by a majority vote of the committee may be removed by the appointed authority upon recommendation of a majority of the committee. If members of the committee are unable to attend a meeting, they shall notify City staff as soon as possible. These policies on absenteeism are superseded by any bylaws of individual committees.

### **Resignation Procedure for Committee Members**

A committee member wishing to resign shall submit a letter of resignation to the City staff person responsible for his or her committee. The City staff person shall then notify the committee and the City Manager's Office that a vacancy exists.

### **Statement of Economic Interest Required**

The State of Oregon requires that public officials file an annual statement of economic interest. This law also applies to the City of Eugene Planning Commission. The statement of economic interest asks for information about sources of household income, business interests, and other financial matters. Specific dollar amounts are not requested. The purpose of the form is to make general information about a public official's income sources and business relationships available to the public.

This form must be submitted to the State of Oregon by April 15 of each year. The City Recorder's Office provides the information to Planning Commission members, and the State of Oregon provides the forms for completion.

### **Incompatible Public Offices Prohibited**

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices which are incompatible in terms of their duties and/or the likelihood of divided loyalties. If a committee member in an elected or appointed office is applying for appointment to a second public office, staff should contact the City Attorney for advice as to whether the two offices may be deemed incompatible.

### **Use of Official Position or Office to Obtain Financial Gain**

Oregon statutes clearly state that public officials may not use their position to receive financial gain. Oregon Revised Statutes (ORS) 244.040 states that:

*No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office..."*

For more information, please refer to the Oregon Government Standards and Practices Committee guidebook.

### **Open Meetings, Public Records and Minutes<sup>1</sup>**

Meetings must be held within the city limits of Eugene and only at the place specified on the agenda. Once convened, such meetings may be adjourned to another location within the city if unusually large crowds or other circumstances warrant.

With very limited exception, all meetings of governing bodies, which include standing and ad hoc committees of the governing body, are open to the public in the state of Oregon. ORS 192.620 establishes Oregon's policy of open decision-making by governing bodies:

Oregon Public Meetings Law authorizes governing bodies to meet in executive session in certain limited situations (ORS 192.600). The City Attorney and the City Manager's Office must be consulted if a committee feels it must conduct a meeting in executive session. The occasions when an advisory body may legally meet in closed session are very limited and the occasions when a committee could adjourn to an executive session are rare.

### **Public Hearings, Public Forums, and Workshops**

Public hearings are relatively formal proceedings and follow legally required steps preceding action by a committee sitting as a quasi-judicial body. A public hearing must include specific elements which are recorded in the minutes, such as testimony from an applicant, appellant, or interested citizens, or an introduction into the record of pertinent facts and findings. Contact the City Manager's Office at 682-5010 for details.

Public forums are an opportunity for committees to receive public input in a less formal atmosphere. It is a chance for citizens to ask questions and express support or concern for proposals being considered.

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<sup>1</sup> Generally, department advisory committees are not public bodies for purposes of Oregon's public meetings law. However, the City has decided that many of the requirements applicable to the City's other advisory committees should apply to department advisory committees as well.

Workshops are designed to elicit citizen input in the least formal manner, allowing maximum interaction between citizens and committee members. Frequently, workshops are held on a drop-in basis. Citizens can learn more about certain proposals and then can register their impressions of the ideas. Workshop sessions do not culminate in action at that meeting. Legally required actions or recommendations should be taken at either the next regular meeting or at another publicly announced date and time.

### **Public Records**

State of Oregon Administrative Rule 166-30-016 requires each city to appoint a City Records Manager/Archivist to establish a records management program to insure orderly retention and destruction of all public records, and to insure the preservation of public records of value. In Eugene, the City Recorder has been assigned this responsibility.

The state also provides minimum retention schedules for records and files generated by city governments. The City Recorder works with all City departments to develop retention and destruction schedules for all records generated. No records may be destroyed unless the minimum retention period has been determined in accordance with the state-authorized Records Retention Schedule. Contact the City Recorder's Office for additional assistance.

### **Notice of Meetings, Agenda and Public Record**

All committee meetings are open to the public. State law requires that the City of Eugene provide public notice of all meetings. To comply with this requirement, the City of Eugene publishes a weekly calendar of upcoming meetings. This calendar is sent to the news media each week and is posted to the City's website. Contact the City Manager's Office for details on how to place meetings on the public calendar.

In addition, discussion and materials distributed during public meetings are public record. For additional, detailed information, please see the Attorney General's Public Records and Meetings Manual: [http://www.doj.state.or.us/pdf/public\\_records\\_and\\_meetings\\_manual.pdf](http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf)

City policy and public meetings law requires that committees provide at least 24-hour notice to the news media and interested persons before conducting a meeting. If City staff is unable to provide 24-hour notice, the meeting should be rescheduled.

Committees may, in rare circumstances, hold an emergency meeting without providing 24-hour notice. This may only be done in a genuine emergency and staff must document the reasons for the meeting in the minutes.

### **Record of Meetings**

A record must be kept of all advisory group meetings. Oregon's Public Meetings Law requires that a public body have a sound, video or digital recording or written minutes of its meetings. While written minutes need not be a verbatim transcript, the record of a meeting, whether preserved in written minutes or a sound, video or digital recording, must provide a "true reflection" of the meeting and must, at a minimum, contain the following information:

- members present;
- motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- results of all votes and, except for public bodies consisting of more than 25 members, unless requested by a member of that body, the vote of each member by name;
- the substance of any discussion on any matter; and
- subject to the Public Records Law, a reference to any document discussed at the meeting.

The committee's staff person is responsible for arranging for the meeting record, and can arrange for a Minutes Recorder if written minutes will be kept of the meeting. If minutes are taken, they must be presented to the committee for approval, and the committee may by motion make correction(s) to conform to fact. Corrected minutes should be included in the agenda packet at the next regular meeting. The official copies of minutes are retained in the department permanently. Other documents, such as agendas and memos, should be retained for five years. Contact the City Recorder for details.

#### **Department Advisory Committee Action Summary**

City staff is responsible for maintaining desired written summaries for each department advisory committee meeting. Action summaries should include the list of members present at each meeting, the topics of discussion and the outcome of all votes or decisions made by the group.

Under existing Public Records Law, any documents created by department advisory committee are public records. If action summaries are made, they should be retained in the department permanently. Significant related records, such as staff reports, correspondence and agendas, must be retained for a period of five years.

Quality committee reports and recommendations take into account the council's obligation to view an issue from as wide an angle as possible. The council must fully understand the relevant background and implications, including costs, of each action it is asked to take.

#### **Requirement to be Accessible to Public**

All public meetings must be accessible to people with disabilities. All committee meetings must be held at wheelchair-accessible locations. This includes the approach to the facility, entry, path of travel within the facility, and restrooms.

#### **Communication Access**

All committees must provide communication access in the form of accommodation to members of the public so that they may have an equal opportunity to participate in, and benefit from, committee meetings. This particularly affects citizens who are vision- or hearing-impaired, and may involve requests for such accommodations as providing meeting agendas in large print or Braille, utilizing the City's assistive listening devices, or the provision of a sign language interpreter at the meeting.

It is the responsibility of the City staff person to arrange for accommodations at no cost to the requesting individual. The City of Eugene asks that requests be made 48 hours prior to the meeting. Staff should contact the City's American's with Disabilities Act Coordinator with questions about accommodation procedures, resources, and costs.

### **Communicating with Outside Agencies, General Public, Committee Members and News Media**

#### **Outside Agencies**

Unless specifically authorized by the council, committees may not represent the policy of the City of Eugene. Committees function in an advisory capacity and, in the absence of specific direction from the council, may not directly communicate with outside agencies.

### **General Public**

The purpose of committee meetings is to permit open discussion on specific topics in a setting that is more informal than a council meeting, to hear public expression on issues, and to inform the public of what the committee is doing. Committee members have an obligation to consider the welfare of the entire City, to be fair, objective, and courteous, and to afford due process to all who come before them.

All communications from the committee to members of the public should be transmitted through the committee's City staff person. Similarly, communications received by the staff should be relayed to the committee with its agenda.

### **Communicating with News Media**

In order to inform the public as much as possible of committee activities, the committee's staff person should provide the media with pertinent information. Information concerning items of particular interest to be discussed at future meetings as well as recent newsworthy actions of the committee should be regularly provided to the media. City staff should make use of the public information staff in their departments to issue these news releases. Copies of all news releases should be sent to the Communications Director in the City Manager's Office.

## **Eugene's Form of Government**

### **Mayor/Council/Manager System**

In 1944, the citizens of Eugene adopted the council/manager form of government. In this form of government, the City Council develops legislation and policies to direct the City, and hires a professional manager (the City Manager) to oversee City of Eugene personnel and operations and to carry out the City Council's direction.

### **Mayor**

The Mayor serves as the City's political head and chair of the council. He or she is elected by the city at-large on a nonpartisan ballot for a four-year term of office. The Mayor is the formal representative of the City. He or she presides over City Council meetings but has no vote except in the case of a tie. The Mayor can veto any decision, but a two-thirds vote of the council can override the veto.

### **City Council**

The City Council, Eugene's legislative body, has eight members. Councilors are elected on a nonpartisan ballot for four-year terms, with one member elected from each of eight wards. New wards may be created or the boundaries of wards changed by council action. One-half of the council is elected every two years. The council may fill vacancies that arise in elected offices by appointment until the next duly elected person takes office.

The council sets City goals, enacts legislation, adopts policies and plans, and determines the services the City provides. The council adopts the City budget, which specifies how much money can be spent for each City service. The Mayor and council also appoint citizen committees to advise the City on a wide range of issues.

Each year, the council elects two of its members to serve as president and vice president. The president presides over the council in the Mayor's absence and often represents the Mayor and council on special occasions. All council proceedings are open to the public, except for properly called executive sessions.

### **City Manager**

Under the council/manager form of government, the council appoints a City Manager who manages the City's staff and departments. The City Manager is responsible for the day-to-day operations of the City of Eugene. The manager hires an assistant city manager and department heads to assist in providing City services and enforcing City ordinances. The City Manager also prepares an annual budget for review by the council and Budget Committee and provides reports and recommendations to the Mayor and council.

### **City Ordinances**

City ordinances generally become effective 30 days after they are approved by the council and signed by the Mayor. The Mayor has 10 days to approve or veto a decision of the council. The council may, by a two-thirds majority, override the Mayor's veto. Exceptions:

- An emergency measure needed to ensure the health, peace, and safety of the City is effective immediately following a favorable vote by two-thirds of the council.
- Certain ordinances with an effective date greater than 30 days following approval to allow orderly implementation.

## **How to Conduct a Successful Meeting**

### **Five Steps to a Better Meeting:**

#### I. Plan

1. Set the agenda in advance and state the purpose of the meeting
2. The agenda should include the date, time, subject and estimated length of the meeting
3. List the participants
4. State the goal for each agenda item: Information, Discussion, or Decision
5. Distribute background material in advance

#### II. Inform

- Send out the agenda with enough lead time to prepare members for the discussion

#### III. Prepare

- Structure the agenda so that the most important issues get covered first and there is adequate time for full discussion
- Check the agenda at the start of the meeting for additions or deletions
- Decide if a facilitator is needed and, if so, make arrangements to include planning time with the facilitator

#### IV. Structure and Control

- Define the issues and stay focused on them
- Clarify and enforce any ground rules
- Avoid "spinning your wheels"
- Use a facilitator if appropriate
- Assign a time keeper if a facilitator is not used

#### V. Summarize and Record

- Assign follow-through: Who does what and by when?
- Commitments should be stated and recorded
- A summary of significant items, including assignments, should be prepared by staff and distributed promptly.

### **Tips on Chairing a Meeting**

- Follow the agenda and state clearly which item is being considered
- State the purpose of each agenda item and the time allotted to it
- Recognize persons to speak in the order in which they have sought recognition
- Keep participation balanced. Discourage domination by one or two committee members
- Solicit input from those who have not spoken on an issue
- Halt side discussions among one or two members while another person has the floor
- Outside the meeting, confront cases of persistent late arrival, early departure, or absenteeism
- Summarize at the conclusion of each agenda item: What was agreed upon and who shall do what by what date?
- Clearly restate what is being voted upon

For additional tips on running meetings: [www.robertsrules.com](http://www.robertsrules.com)

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International Association  
for Public Participation

## IAP2 Core Values of Public Participation

As an international leader in public participation, IAP2 has developed the “IAP2 Core Values for Public Participation” for use in the development and implementation of public participation processes. These core values were developed over a two year period with broad international input to identify those aspects of public participation which cross national, cultural, and religious boundaries. The purpose of these core values is to help make better decisions which reflect the interests and concerns of potentially affected people and entities.

### Core Values for the Practice of Public Participation

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

For more information, visit the IAP2 Web site at [www.iap2.org](http://www.iap2.org).



International Association  
for Public Participation

# IAP2 Spectrum of Public Participation

*Increasing Level of Public Impact*

## Public participation goal

### Inform

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

### Consult

To obtain public feedback on analysis, alternatives and/or decisions.

### Involve

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

### Collaborate

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

### Empower

To place final decision-making in the hands of the public.

## Promise to the public

We will keep you informed.

We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

We will implement what you decide.

## Example techniques

- Fact sheets
- Web sites
- Open houses

- Public comment
- Focus groups
- Surveys
- Public meetings

- Workshops
- Deliberative polling

- Citizen advisory committees
- Consensus-building
- Participatory decision-making

- Citizen juries
- Ballots
- Delegated decision

**The Eugene Police Department received 27 commendations in January, 2011.  
Below is a sampling.**

Officers assisted the Lane County Sheriff's Office with an armed, suicidal subject. The captain in charge of the incident stated: "within minutes of their arrival on scene they had contacted the subject and talked him out of the residence safely.... I saw firsthand not only the professionalism of your personnel, but the degree of confidence that our group had in yours."

The reporting party thanked an officer for his outstanding professionalism as he investigated a case in which her daughter was involved: "I know you were only doing your 'job' but the way in which you handled me crying, and just being easy to talk to, I really cannot thank you enough!"

The reporting party called the non-emergency number on an icy morning and appreciated the responding employee's help in mapping out a safe route for her to get to work.

The reporting party credited officers' "heroic efforts" to revive her husband after he collapsed while chasing a man who had been breaking into cars.

Representatives of an out-of-state agency commended an officer for his outstanding assistance with the investigation and prosecution of a murder suspect. He was instrumental in providing information about a previous case in Eugene involving the same suspect, including staying in contact with the victim in case her testimony was needed at the trial or sentencing hearing. At the sentencing hearing, the officer provided detailed, "extremely prepared" testimony, and a video interview with the Eugene victim that he had prepared with short notice. The judge mentioned that the information about the Eugene case had been "reliable and very relevant," and the murderer was sentenced to 120 years imprisonment.

A young woman who has had multiple contacts with an officer thanked him for all his help and support, including talking to her and visiting while she was in treatment: "You have saved my life multiple times... When I feel down you always help... Also thank you in general for not giving up on me and being in my life... I don't have many male figures in my life and most the ones I do have are negative and I used to think all men are bad but you taught me different and you remind me of a dad... If I graduate high school I hope you're there... you're the best cop ever!"

The reporting party wrote that her ride-along experience with an officer "far exceeded my expectation...Your example of expertise, not only with the driving skills during 5 o'clock, but also with the people skills you demonstrated, gave me a glimpse of how fortunate Eugene is to have you working for them."

The reporting party had a raccoon that had taken up residence on her porch that she feared might be sick or injured. An employee provided her with a referral to a wildlife services company, who helped remove the raccoon. When the reporting party called back to report the positive outcome, she spoke with another employee. "Both ladies ... were lovely. They were helpful and polite and friendly and made feel that my matter was worth taking seriously."



# MEMORANDUM

**Date:** February 3, 2011  
**To:** Members of the Eugene Police Commission  
**From:** Lieutenant Scott Fellman, Professional Standards Section  
**Subject:** JANUARY 2011 CLOSED CASE CONSIDERATIONS FOR POLICY AND TRAINING

The Office of Professional Standards, in the course of closing Internal Affairs cases, considers elements of the cases that might suggest policy updates or training that can support ongoing improvement to the quality of the service we provide to the community.

January's closed cases identified a policy that may benefit from revision relating to the use of Police K9s and that policy is on the list for review in the near future. This case also identified an area to review in future use of force decision making training updates.

Review of some recent 2011 cases identified a need to update and assure a high level of proficiency at the commonly used skill of handcuffing potentially combative suspects. While not a component of any of the complaints in these cases, this training need was covered as a part of EPD's in-service training in January.

SCOTT FELLMAN – LIEUTENANT  
OFFICE OF PROFESSIONAL STANDARDS  
EUGENE POLICE DEPARTMENT

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

**Use of Force, Judgment:** It was alleged that an officer used an unreasonable level of force in sending a K-9 to seize a fleeing burglary suspect. It was further alleged that the officer's decision to use the dog under the circumstances demonstrated poor judgment. The investigation consisted of interviews with the involved officer and witnesses, together with a review of the relevant police records.

The investigation revealed that the officer's use of force was reasonable and justified under the totality of the circumstances. Therefore, the Use of Force allegation was adjudicated as **WITHIN POLICY**. The investigation further revealed that, while the force used was reasonable, the officer's decision-making process and justification for that use of force demonstrated poor judgment. Therefore, the Judgment allegation was **SUSTAINED**.

**Performance, Conduct:** It was alleged that an officer abused their position by acting in an official capacity in a matter which involved their immediate family. It was further alleged that the officer's actions related to this matter indicated poor judgment. The investigation consisted of interviews with the involved officer and witnesses, together with a review of the dispatch log and other relevant police records.

The investigation revealed that the officer's involvement did not in any way affect the outcome of the event or gain the officer any advantage. Therefore, the allegation of Abuse of Position was adjudicated as **UNFOUNDED**. The investigation further revealed that the minor communications issues identified did not rise to the level of a sustained error in judgment. The judgment allegation was therefore adjudicated as **UNFOUNDED**.

**Conduct:** The reporting party alleged that an officer abused his power by using his emergency lights to get a slower vehicle to pull over, and then proceeded on above the speed limit to his own residence. The reporting party further alleged that the officer routinely exceeded the speed limit when travelling to his residence in his patrol car. The investigation consisted of an interview with the reporting party and the involved officer.

The investigation revealed that the officer activated his emergency lights to initiate a traffic stop, but decided to terminate the stop for safety concerns. It was determined that the officer's actions were lawful and consistent with department policies and training. Therefore, the allegation of Abuse of Position was adjudicated as **WITHIN POLICY**. The investigation revealed no evidence to prove or disprove the allegation that the officer was speeding during this incident. Therefore, that allegation of Conformance to Laws was adjudicated as **INSUFFICIENT EVIDENCE**. The investigation revealed no evidence to support the allegation that the officer routinely speeds on his way home. Therefore, that allegation of Conformance to Laws was adjudicated as **UNFOUNDED**.

**GET INVOLVED – VOLUNTEER  
ANNUAL RECRUITMENT FOR BOARDS, COMMISSIONS AND  
COMMITTEES**

Recruitment Begins January 24 - Deadline for Application Submittal March 31

The City of Eugene is now recruiting for City boards, commissions and committees. The recruitment will conclude on Thursday, March 31, 2011. Applicants are being sought for advisory committees to the City Council, departmental advisory committees and intergovernmental committees. Below are key dates in this process.

<ul style="list-style-type: none"> <li>• January 24, 2011</li> <li>• March 31, 2011</li> <li>• Week of May 2, 2011</li> <li>• June 27, 2011</li> <li>• July 1, 2011</li> </ul>	<ul style="list-style-type: none"> <li>Recruitment Begins</li> <li>Recruitment Ends</li> <li>Candidate Interviews (tentative)</li> <li>City Council Action on Appointments</li> <li>Terms Begin</li> </ul>
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The City is recruiting to fill vacancies on the following groups. For some groups, current members whose terms are expiring may apply to be reappointed.

<b>Standing Committees:</b>	
<ul style="list-style-type: none"> <li>• Budget Committee</li> <li>• Civilian Review Board</li> <li>• Human Rights Commission</li> <li>• Planning Commission</li> <li>• Police Commission</li> <li>• Sustainability Commission</li> <li>• Toxics Board</li> </ul>	<ul style="list-style-type: none"> <li>4 vacancies</li> <li>2 vacancies</li> <li>5 vacancies</li> <li>2 vacancies</li> <li>4 vacancies</li> <li>4 vacancies</li> <li>3 vacancies (one advocacy, one industry, one neutral)</li> </ul>
<b>Intergovernmental Committee:</b>	
<ul style="list-style-type: none"> <li>• Lane Regional Air Protection Agency</li> </ul>	2 vacancies
<b>Departmental Advisory Committees:</b>	
<ul style="list-style-type: none"> <li>• Library Board</li> <li>• Neighborhood Matching Grant Department Advisory Committee</li> <li>• Whilamut Citizen Planning Committee</li> </ul>	<ul style="list-style-type: none"> <li>4 vacancies</li> <li>1 vacancies</li> <li>5 vacancies</li> </ul>

APPLY ONLINE [here](#).

Interested persons must complete an application including supplemental questions. For certain groups, members must meet mandated eligibility requirements.

**Application Deadline**

All application materials must be received no later than 5 p.m. on Thursday, March 31. Applications should be submitted online, but paper applications and related materials are available, if necessary, at the City Manager’s Office, 777 Pearl Street, Room 105.

**For Additional Information**

Additional information on the boards, committees and commissions is available at the City Manager’s Office at 541-682-5010.