



# City of Eugene

## **POLICE COMMISSION**

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The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Bob Walker, Chair; Tamara Miller, Vice-Chair; Mike Clark; Edward Goehring; Jim Garner; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Bill Whalen; Juan Carlos Valle

Police Commission Meeting  
January 9, 2014  
5:30 pm, Kilcullen Conference Room, Police Headquarters, 300 Country Club Road

<u>Item</u>	<u>Starting – Ending Time</u>	<u>Minutes</u>
1. Agenda review	5:30-5:35	5
2. Public comments	5:35-5:45	10
3. Commissioner Response/Comments	5:45-6:00	15
4. Videotaping Events Policy (action)	6:00-6:15	15
5. Professional Police Contacts Policy (discussion)	6:15-7:20	65
6. Minutes Approval – November 14, 2013	7:20-7:25	5
7. Break	7:25-7:35	10
8. Questions for Chief Kerns (Report from December)	7:35-7:50	15
9. Biased-Based Policing Scoping	7:50-8:15	25
10. Commission Comments	8:15-8:30	15

Next Police Commission Meeting:  
February 13, 2014

<b>GENERAL ORDER</b>		SERIES	NUMBER	EFFECTIVE DATE
		308	33	11-01-00
SUBJECT		DISTRIBUTION		
VIDEOTAPING OF SITUATIONS AND EVENTS		All Personnel		
		ORIGINATING UNIT POM		

This policy deals with use of video recording equipment to document situations and events which involve, or may lead to the need for, police action (e.g., demonstrations). Our intent in videotaping is to create a record of the event and the actions of all involved parties while minimizing the impact on the ability of the participants to exercise their rights. [See associated policies "301.4 In-Car Video/Audio Recording System" and "309 Taser Use Policy"](#)

**PART I - Responsibilities and Procedures for All Personnel**

- A. Use of video equipment
- B. Handling of videotapes

**PART II - Responsibilities and Procedures for Supervisors and Command Personnel**

- A. Supervisors

**PART I - Responsibilities and Procedures for All Personnel**

**A. Use of video equipment**

1. We use [videotaping-video recordings](#) when appropriate to create a record of situations and events which involve, or may lead to, the need for police action. These tapes help us to present evidence for criminal prosecution, to evaluate our performance, and to better respond to allegations of improper police actions and/or legal action taken against the department.
2. [Videotaping-Video recording](#) by department personnel will be done in compliance with applicable laws and ordinances. Pursuant to ORS 181.575, [videotaping-video recording](#) shall not be done for the purpose of collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
3. [Pursuant to ORS 165.540\(1\)\(c\), officers are required to make a notice that the recording of voices and visual images are being made as soon as practicable.](#)

The only exception is when the recording is at a public meeting or rally, provided that the recording device is unconcealed.

3. ~~Department video equipment is used to document situations or events:~~
  - ~~• to create a record of situations which involve, or may lead to, police action to enforce laws or maintain order;~~
  - ~~• to document unlawful conduct; and/or~~
  - to record police actions and conduct.
4. ~~If the videotaping equipment has the capability to do so,~~ date/time stamps will be included with all video footage.

## **B. Handling of videotapes**

1. ~~Videotapes~~ Video recordings will be submitted to the Property Evidence Control Unit (PCUECU). They will be classified as evidence if they contain evidence of a crime; otherwise, they will be submitted as property. Copies of any accompanying report(s) will be routed to the Violent Crimes Unit supervisor and to the IA Coordinator.
2. ~~Videotapes~~ Video recordings submitted as evidence will be retained until released in accordance with normal evidence handling procedures.
3. ~~Videotapes~~ Video recordings submitted as property will be retained as follows:
  - a. ~~Videotapes~~ Video recordings taken or obtained at situations or events where no police action was taken will be retained for ~~30 days~~ 6 months, during which time we will review information (e.g., officer reports, reports of criminal conduct, citizen complaints) for issues for which the videotapes could constitute evidence.
    - (1) ~~Persons~~ Employees submitting such video recordings tapes should ~~complete a pre-formatted gummed label~~ lodge the recording in accordance with the ECU packaging manual and include: ~~(including date, location, and officer information)~~ and attach it to the videotape video recording. ~~The tape will then be placed in the videotape collection box in the PCU evidence packaging room.~~
    - (2) At the end of this time, ~~videotapes~~ video recordings and related reports not included in a case file shall be destroyed or erased unless there are reasonable grounds to believe that the ~~videotapes~~ video recording relate directly to an ongoing criminal investigation or an investigation of alleged police misconduct. In such cases, PCU ECU will be notified of the change in retention period, and the relevant

~~videotape~~video recording(s) or report(s) will be retained as long as they are needed for that investigation.

b. ~~Videotapes~~ Video recordings and related investigative reports will be retained on the following schedule:

- Investigations resulting in termination will be retained for 10 years after employee separation.
- Investigations resulting in disciplinary action or exoneration will be retained for 3 years after resolution.
- Unfounded investigations will be retained for 3 years.

b.c. For a situation or event where criminal activity does occur, the ~~videotapes~~video recordings will be retained as long as the case file is retained.

4. Except for ~~videotapes~~video recordings relevant to or taken as part of a criminal investigation, ~~videotapes~~video recordings will be filed and cross-referenced by incident date and location only, rather than by the name(s) of individual(s) or group(s) involved.
5. Once the retention period has passed, the ~~videotape~~video recording will be completely erased by PCU personnel and made available for re-use unless a “hold” is placed by someone authorized to do so.
6. Except in cases where an individual is a suspect in criminal activity or is a person who has been contacted, or may need to be contacted, as a witness in a case involving criminal conduct or potential civil liability, names of individuals should not be listed in reports.
7. Original videotapes will not be edited or altered in any manner. If a copy is edited or altered, it will be clearly marked as such.
8. Handling and storage of, and access to, ~~videotapes~~video recording will be handled in accordance with procedures in this policy and in General Orders 601.1 and 601.2.

## **PART II - Responsibilities and Procedures for Supervisors and Command Personnel**

### **A. Supervisors**

1. Assign someone to create a ~~videotape~~video recording record of incidents described in this policy when possible.
2. Ensure that employees you supervise comply with the provisions of this policy.

# Oregon Revised Statutes

## § 165.540<sup>1</sup>

### Obtaining contents of communications

(1) Except as otherwise provided in ORS [133.724 \(Order for interception of communications\)](#) or [133.726 \(Interception of oral communication without order\)](#) or subsections (2) to (7) of this section, a person may not:

(a) Obtain or attempt to obtain the whole or any part of a telecommunication or a radio communication to which the person is not a participant, by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, unless consent is given by at least one participant.

(b) Tamper with the wires, connections, boxes, fuses, circuits, lines or any other equipment or facilities of a telecommunication or radio communication company over which messages are transmitted, with the intent to obtain unlawfully the contents of a telecommunication or radio communication to which the person is not a participant.

(c) Obtain or attempt to obtain the whole or any part of a conversation by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, if not all participants in the conversation are specifically informed that their conversation is being obtained.

(d) Obtain the whole or any part of a conversation, telecommunication or radio communication from any person, while knowing or having good reason to believe that the conversation, telecommunication or radio communication was initially obtained in a manner prohibited by this section.

(e) Use or attempt to use, or divulge to others, any conversation, telecommunication or radio communication obtained by any means prohibited by this section.

(2)(a) The prohibitions in subsection (1)(a), (b) and (c) of this section do not apply to:

(A) Officers, employees or agents of a telecommunication or radio communication company who perform the acts prohibited by subsection (1)(a), (b) and (c) of this section for the purpose of construction, maintenance or conducting of their telecommunication or radio communication service, facilities or equipment.

(B) Public officials in charge of and at jails, police premises, sheriffs offices, Department of Corrections institutions and other penal or correctional institutions, except as to communications or conversations between an attorney and the client of the attorney.

(b) Officers, employees or agents of a telecommunication or radio communication company who obtain information under paragraph (a) of this subsection may not use or attempt to use, or divulge to others, the information except for the purpose of construction, maintenance, or conducting of their telecommunication or radio communication service, facilities or equipment.

(3) The prohibitions in subsection (1)(a), (b) or (c) of this section do not apply to subscribers or members of their family who perform the acts prohibited in subsection (1) of this section in their homes.

(4) The prohibitions in subsection (1)(a) of this section do not apply to the receiving or obtaining of the contents of any radio or television broadcast transmitted for the use of the general public.

(5) The prohibitions in subsection (1)(c) of this section do not apply to:

(a) A person who records a conversation during a felony that endangers human life;

(b) A person who, pursuant to ORS [133.400 \(Recording of custodial interviews\)](#), records an interview conducted by a peace officer in a law enforcement facility;

(c) A law enforcement officer who is in uniform and displaying a badge and who is operating a vehicle-mounted video camera that records the scene in front of, within or surrounding a police vehicle, unless the officer has reasonable opportunity to inform participants in the conversation that the conversation is being obtained; or

(d) A law enforcement officer who, acting in the officer's official capacity, deploys an Electro-Muscular Disruption Technology device that contains a built-in monitoring system capable of recording audio or video, for the duration of that deployment.

(6) The prohibitions in subsection (1)(c) of this section do not apply to persons who intercept or attempt to intercept with an unconcealed recording device the oral communications that are part of any of the following proceedings:

(a) Public or semipublic meetings such as hearings before governmental or quasi-governmental bodies, trials, press conferences, public speeches, rallies and sporting or other events;

(b) Regularly scheduled classes or similar educational activities in public or private institutions; or

(c) Private meetings or conferences if all others involved knew or reasonably should have known that the recording was being made.

(7) The prohibitions in subsection (1)(a), (c), (d) and (e) of this section do not apply to any:

(a) Radio communication that is transmitted by a station operating on an authorized frequency within the amateur or citizens bands; or

(b) Person who intercepts a radio communication that is transmitted by any governmental, law enforcement, civil defense or public safety communications system, including police and fire, readily accessible to the general public provided that the interception is not for purposes of illegal activity.

(8) Violation of subsection (1) or (2)(b) of this section is a Class A misdemeanor.

(9) As used in this section:

(a) Electro-Muscular Disruption Technology device means a device that uses a high-voltage, low power charge of electricity to induce involuntary muscle contractions intended to cause temporary incapacitation. Electro-Muscular Disruption Technology device includes devices commonly known as tasers.

(b) Law enforcement officer has the meaning given that term in ORS [133.726 \(Interception of oral communication without order\)](#).

POLICY  
402

EFFECTIVE  
DATE  
Draft 111813

Eugene  
Police Department



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## Professional Police Contacts

### 402.1 PURPOSE AND SCOPE

This policy states unequivocally that bias based profiling by the Eugene Police Department will not be tolerated. It offers guidance to sworn Department members on how to prevent such an occurrence and protections to Department members who act within the confines of the law and this policy. This policy shall apply to all sworn members who have the law enforcement authority to detain, investigate, and arrest persons.

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Racial profiling** – When an Officer uses race inappropriately as a primary motivator for law enforcement action, even when there is probable cause or reasonable suspicion.

**Bias-based profiling** - An inappropriate reliance on protected class characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide law enforcement service.

**Protected Class** – As defined by Eugene Code 4.613: Race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

### 402.2 POLICY

The chief goal for the Eugene Police Department is to reduce the threat and fear of crime in Eugene. The Department will only accomplish this by proactively deploying officers to areas of high crime, by contacting and investigating suspicious persons and circumstances, and by actively enforcing motor vehicle laws throughout the City.

While the Eugene Police Department expects its officers to make citizen contacts through observation, it is equally committed to providing equitable law enforcement services to the community with due regard for the racial, cultural or other differences of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

#### 402.3 USE OF PROTECTED CLASS AS A DESCRIPTION

While stops (as defined by ORS 131.605 and ORS 131.615) for any reason other than reasonable suspicion or probable cause are strictly prohibited, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or ethnic description) when based upon the totality of the circumstances. Nor should anything in this policy be construed to prohibit an officer from initiating a conversation with any person, so long as a reasonable person would conclude that they are free to go at any time.

#### 402.4 DEPARTMENT RESPONSIBILITY

Every member of this department shall perform his or her duties in a professional, fair, and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor as soon as practicable.

##### 402.4.1 DETENTIONS

Absent any investigative information or other facts, a person's membership in a protected class will not serve as the lone justification to detain that person.

To the extent that written documentation would otherwise be completed (e.g. a custody report, Uniform Traffic Citation), the involved officer should include the facts giving rise to the officer's reasonable suspicion or probable cause for the detention.

Nothing in this policy requires an officer to document a contact that would otherwise not require reporting.

If an officer is informed or perceives from a contact that the person stopped believes they have been stopped, searched, or arrested based upon bias by the officer, the officer should immediately notify a sworn supervisor and politely refer the person stopped to the responding supervisor.

##### 402.4.2 RECORDING INFORMATION ON STOPS BY POLICE

SOON THE DEPARTMENT WILL BEGIN COLLECTING RACE/GENDER INFORMATION ONCE A NEW SOFTWARE AND DISPATCHING SYSTEM IS LAUNCHED IN LATE FALL/EARLY WINTER OF 2013. WHEN THESE REPORTING PERAMETERS ARE SET, THIS SECTION WILL REFLECT THEM.

## 402.5 SUPERVISOR RESPONSIBILITY

Supervisors who are summoned to the scene where a person stopped, searched, or arrested believes they have been targeted through bias by an officer will respond to the scene and address the situation. If the supervisor determines it necessary, he or she will complete a Blue Team entry before they secure which details the circumstances of the contact and make a recommendation to their chain of command as to whether or not the complaint merits further investigation.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the *Policy 1020 Personnel Complaints Policy*.

Supervisors should discuss any issues with the involved officer and his or her supervisor in a timely manner.

Supervisors may review ICV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy and document these periodic reviews.

Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

## 402.6 ADMINISTRATION

The Professional Standards Lieutenant shall review the reported incidents of Racial Profiling and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or his designee. The report should not contain any names or identifying information regarding a specific incident, complaint, citizen, or officer. It will be reviewed by the Chief of Police. The Professional Standards Lieutenant will assist the Chief in identifying any changes in training or operations that should be made to improve service.

## 402.7 TRAINING

The Department will schedule periodic training on conducting Professional Police Contacts. This training can include, but is not limited to: Constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills. The Training Manager will ensure this training is documented.

**Eugene Police Commission  
November 14, 2013  
DRAFT Meeting Minutes DRAFT**

*Please note the official full record is contained in the video recording at  
<http://eugene-or.gov/index.aspx?NID=1344>*

Members present: Bob Walker, Chair; Tamara Miller, Vice-Chair; Jim Garner; Edward Goehring; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Bill Whalen; Juan Carlos Valle; Staff Present: Police Chief Pete Kerns; Lt. Nathan Reynolds; Sgt. Matt Lowen

Members Absent: Mike Clark

**Agenda Review:**

Lt. Reynolds reviewed the material in packet.

Mr. Walker explained the difference between agenda items 5 and 9.

**Public Comments:**

Carol Berg-Caldwell – Distributed letter and material concerning frequency of officers citing people and not providing the brochure explaining the “Fix-it Ticket” program. She asked that the Commission recommend that brochures be provided to all citizens cited by the police.

Majeska Seese-Green – Expressed concern about an incident near her home where an officer suggested to neighbors that they “mess with” someone illegally camping in their neighborhood. She was concerned that officers were encouraging violence towards people experiencing homelessness. She encouraged staff look into the program discussed by City Council, to match up homeless individuals with people who have space available. Hopes that the bias based policing will include issues around homelessness.

**Commissioner Response/Comments**

Mr. Manning: Welcomed Mr. Whalen and thanked the public for their comments.

Mr. Garner: Welcomed Mr. Whalen.

Mr. Rode: Welcomed all. Shared recent case information from the Civilian Review Board (CRB), and expressed a desire to have ethics training available again for officers. Discussed a specific incident of an intoxicated young lady who consented to be taken home. People who are visibly intoxicated are not able to make sound decisions. Wondered if there was a policy related to consent, in cases like this.

Mr. Lohrke: Supported Ms. Seese-Green’s comments. Was able to conduct a ride along with 911 Center, and he shared his experience. He felt welcomed and was impressed with training done.

Ms. Miller: Has not done ride along yet but did serve at a community breakfast at a local church and had a great experience.

Mr. Walker: Has received a good response from the homeless forum. Welcomed Mr. Whalen. Participated in ride along with Officer Jim Hunt last week. Observed good police work and was impressed with the collaboration between veteran officers and new officers.

Mr. Valle: Appreciated that the commission will be discussing bias based policing policy. Encouraged everyone to do a ride-along at the municipal court.

Mr. Whalen: Thanked commissioners for welcoming him and appreciated public comments.

Mr. Goehring: Thanked commissioners for welcoming him. Had positive interaction with Officer Hunt in his neighborhood. Human Rights Commission continues to research the Bills of Rights and Bills of Responsibilities of people who are homeless in other nearby cities and states and exploring funding that provides legal help.

**Videotaping Events Policy**

Sgt. Lowen reviewed material included in packet, and asked for questions.

Ms. Miller: Should the term “video tape” be changed to reflect different types of media, and are other changes needed to anticipate changing technology?

Lt. Reynolds: Noted that the term video-taping was changed to recordings, based on input from the Commission.

Ms. Miller: When police take citizen’s recording, can there be a way to make sure that the information has not been edited?

Sgt. Lowen: Will ask Jason Petersen, Forensic Supervisor.

Mr. Goehring: What is the process of video recording? What does the public see, and is there any indication that the recording is to document the officer, not the public?

Sgt. Lowen: Historically the public would see plain clothed person who could be identified with a department badge and emblem.

Chief Kerns: Purpose of video isn’t to document actions of the police or public but what is on the scene.

Mr. Lohrke: Would a complaint to the police auditor extend the requirement for retention?

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Sgt. Lowen – Yes.

Mr. Garner: Section 3A states that video will be held for 30 days. Is that long enough to retain if someone is going to make a complaint to the auditor?

Lt. Reynolds: The auditor has to classify a complaint within a certain amount of time, normally 30 days. Will look into timeline to assure recordings are retained for sufficient time to be classified.

Chief Kerns: In-car video has standard of six months retention. After that, files are automatically purged if they are not used.

Mr. Garner: Understands that people need to be notified if they are recorded. How does that work with in-car video and body cameras?

Sgt. Lowen: We make that notification immediately; officers are required to tell the person the conversation is being recorded.

Mr. Valle: Will officers be identified visibly at public events?

Sgt. Lowen: Officers routinely wear something that can visibly identify them as EPD.

Mr. Valle: Suggests that storing videos for six months would be better than one month.

Mr. Tyndall: Concurred with Mr. Valle to keep video for six months. How many cameras are still using tape versus flash storage?

Lt. Reynolds: Estimated about 10 or 12 still use 8mm micro cassettes tapes. Unsure how many are in storage.

Mr. Tyndall: Are there policies or requirements for citizens recording police? Do you always need to notify people being recorded?

Lt. Nate Reynolds: No, when it is being overtly recorded, no notice is required. If not overt, need to notify.

Mr. Goehring: Has heard of other police departments implementing policies over snatching cameras from citizens. Are there any police procedures or policies here?

Chief Kerns: Received complaints over that issue. There is an Oregon law that people can't record conversation unless both parties are notified. But police are often secretly videotaped. Training is provided to officers and they are informed that if an incident occurs, they can have the district attorney look at the issue, but there would unlikely be a prosecution.

Mr. Valle: Are officers taking video away? If someone is being recorded by an officer, does the citizen have the right to record the officer as well?

Chief Kerns: Anyone can record officer. In certain circumstances, the recording may be seized or retained for investigation purposes.

Mr. Tyndall: Is it possible to include a reference to Oregon law or any material regarding video-taping in the next packet?

Mr. Walker: Topic has passed its time is the commission ready to make a motion to approve or request more time to make the changes?

Mr. Tyndall: Has the retention time been moved from 30 days to six months?

Mr. Walker: We are making the motion to postpone to the next meeting in order to have time to make that change.

**MOTION AND VOTE:** - Mr Walker moved, and Mr. Manning seconded Postpone Video Tape Policy to next meeting. The motion passed unanimously.

### **Bias Based Policing Policy**

Mr. Manning: Asked about the panel EPD was going to put together.

Chief Kerns: The Advisory Committee has met. Their purpose is to develop a recommendation for the data points to collect by the middle of December so the software vendor can build the software system. By July the Department needs an interim policy, and will develop a pilot program to implement the system. Reports will be developed to identify what is occurring, and the based on the pilot, the Department will refine the program and the policy.

Sgt. Lowen: This is a preliminary draft policy, and the Department is looking to the Commission for input. Several draft policies are included for Commission consideration.

Ms. Syrett: Policy 402.3 allows officers to use race of a suspect in order to make a stop?

Sgt. Lowen: Yes as a descriptor.

Mr. Garner: How did you come up with this draft?

Sgt. Lowen: Majority comes from Lexipol.

Mr. Manning: Concerned with title of racial profiling, as it may send wrong message. Substance within the document is more important. Off to a great start in approaching this topic.

Ms. Syrett: Regarding the title of this policy, consider constitutional prohibited profiling, which doesn't refer specifically to race. Section 4.2 of the policy needs additional attention, but this is a good start. Keep the policy simple and clear. Does the department already have a policy related to bias based policing?

Chief Kerns: Our stops policy contains some language.

Mr. Valle: Is racial profiling happening now in EPD?

Chief Kerns: We are looking to collect data to determine if it is.

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Mr. Valle: There is not a lot of support to connect with the community. Encourages Department to look into existing racial profiling. What are the consequences of officers who racially profile? Policy should spell out discipline consequences.

Mr. Walker: Suggests defining protected class.

Mr. Goehring: Excited to present to the Human Rights Commission that EPD will be getting data on stops. Profiling can occur based on factors other than race.

Ms. Miller: Appropriate to change name of policy from racial profiling. Policy needs to be brief and clear. Consequences be spelled out.

Mr. Rode: Prejudice occurs everywhere. Eugene takes it very seriously.

Mr. Jim Garner: This first draft is well done for a draft. Should the consequences to policy violations be contained in this policy, or should it be addressed elsewhere for all policies?

Mr. Manning: Number of issues that have been raised. No one knows if racial profiling occurs, but there is an opportunity to connect and outreach with community. This policy should identify consequences. Additional outreach needs to be done.

Mr. Tyndall: Explained his police experience in Irvine, CA. Data collection program is a good start.

Mr. Valle: This conversation is overdue and maybe the Commission should have a discussion on human rights. This policy is not like any other policy. Data is not going to change one particular person, and the union has been involved. Asked what will be the expectations for officers, and what will citizen rights be.

Ms. Syrett: Liked Ms. Miller's suggestion to bullet point certain criteria. Policy needs to address all profiling, beyond solely race. This will be a big step forward.

George Rode: While doing a ride along he witnessed the officer give tickets to certain people and not others; bias goes on in different forms.

The policy will be brought back at the next meeting with changes.

### **Minutes Approval**

MOTION AND VOTE - Ms. Miller moved and Mr. Valle seconded to approve the minutes as submitted. The motion carried unanimously.

### **Break**

### **Chief's Report**

Chief Kerns: Department can consider a policy to require that the Fix-it Ticket program brochure is handed out. Will discuss with Lt. Reynolds. Encouraged Ms. Seese-Green to provide him further information on camping interaction described so he can look into it. Will provide an update on the status of the Information & Referral catalogue the City Council discussed. Hopes the Commission will give its opinion and state where the bias based policing policy falls short. Discussions on fair and equal enforcement action is supported by the 4<sup>th</sup> and 14<sup>th</sup> amendment, and the policy should help the Department give guidance on those issues.

Mr. Garner: How many officers recently graduated?

Chief Kerns: Two

Mr. Garner: The Springfield Chief selection process how is that going?

Chief Kerns: They have made a job offer to the Assistant Chief of Medford. Unsure when he starts.

Mr. Garner: What impact does the termination of the city prosecutor have on EPD? What impact did ESPN College GameDay have?

Chief Kerns: It won't change the prosecutorial capacity. The city attorney office has a contract with the district attorney to provide prosecution services. ESPN requires security protection for the stage and ESPN pays for police.

Mr. Valle: Thanked chief for providing information and being available to the public. Is this information available to the public? Hope to have promotions go through commission with community groups.

Chief Kerns: Information has been released to the public. Chair of Police Commission and staff from NAACP and HRC have sat on promotion panels.

Ms. Miller: Asked about changes in fraud.

Chief Kerns: Fraud suspects are prolific, with one or two suspects able to make a significant difference in the crime.

Ms. Syrett: Commended department on the level of detail in the report.

Mr. Goehring: Noted that the Friendly Neighborhood Watch Program has made a difference in the neighborhood. Has ESPN GameDay paid yet?

Chief Kerns: Not sure, but they have paid in the past.

Mr. Walker: On the auto theft issue the publicity for the Clubs campaign has been effective and have sold out twice. Are burglaries on CrimeReports.com going to be included?

Chief Kerns: Has assigned someone to address that.

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Mr. Rode: Asked if the auto theft report differentiates on the age of the car. Cars newer than 2005 are much more difficult to steal.  
Chief Kerns: Will include information in the next report.

### **Biased- Based Policing Scoping**

Mr. Walker: The purpose of this discussion is to clarify what the Police Commission is seeking regarding its community issue of "racial profiling". What is the purpose of the discussion and desired outcome?

Ms. Miller: Asked for additional information about stops data collection advisory committee.

Captain Kamkar: SunGard is the software vendor being used for the new records management system. The Department has the ability to build a program based on what is important here. The committee is reviewing specific data points used around the nation, and best practices based on state and national experts.

Ms. Miller: How was the committee selected?

Chief Kerns: Email was sent to Police Commission, and other groups, asking everyone for three names of people to serve on committee. I also made personal phone calls asking for three referrals. All nominations were considered, and invitations were made and all accepted, including retired Judge Kip Leonard as Co-chair.

Mr. Walker: Noticed the Department of Education definition of race is separate from ethnicity. We have to look at who determines the race and ethnicity.

Mr. Manning: Asked about the make-up of the committee.

Chief Kerns: The committee includes academics, police officers, educators, ACLU, police auditor, correction officers, and community activists. No one is below the poverty level.

Mr. Manning: The Police Commission could conduct outreach to the community.

Mr. Tyndall: Will the system be paper or electronic? Will the information be filled out during the event or after the fact? Is there prototype?

Captain: Kamkar: The system will be electronic, and it has not been determined when the form will be completed. After the Department determines the data points, the system will be built based on that custom list.

Mr. Tyndall: How will race and ethnicity be identified?

Captain: Kamkar: The committee is expected to make a recommendation on that.

Ms. Syrett: Reason for the initial stop should be recorded. Outreach to the community is necessary and pilot program should occur and time provided to discuss outreach. Meeting on December 12 should focus on the policy.

### **Commissioner Comments**

Mr. Valle: Disappointed that the Commission didn't have enough time, and feels it is very important for the Commission to identify what its role will be with this. LULAC has an anti-racial profiling committee, and believes that no data about race or ethnicity be collected that will be used to single out one group of people based on race or ethnicity. Believes that community forums or listening sessions will be critical with community organizations such as NAACP, LULAC, CALC, and after a year, bring the groups back together to assess any progress. Hopes to continue the conversation at the next meeting.

Mr. Whalen: Excited to be having this conversation. Encourages all to attend orientation given by Captain Kamkar.

Mr. Goehring: This is an opportunity for the Human Rights Commission and the Police commission to work together.

Mr. Manning: Community outreach should have guidelines and Commission should give the public an option to speak.

Mr. Garner: There are some deadlines that need to be met regarding the bias based policing item, that the Commission needs to keep in mind. Welcomed new commissioners.

Mr. Rode: Thanked the Commission for their collaboration. Learning a great deal from the Commission. Will need to leave early at next meeting.

Mr. Lohrke: No comment.

Ms. Syrett: Apologized for being late. Applied to do a ride along will hopefully do in December. Welcomed new commission members as well.

Ms. Miller: Discourse was a good start. Public outreach should be a focus, perhaps with the Human Rights Commission.

Mr. Walker: Thanked everyone for contributions. Will continue to keep items on agenda until it is done and will not be rushed.

Notes taken by Patricia Sandoval  
Meeting adjourned at 8:30

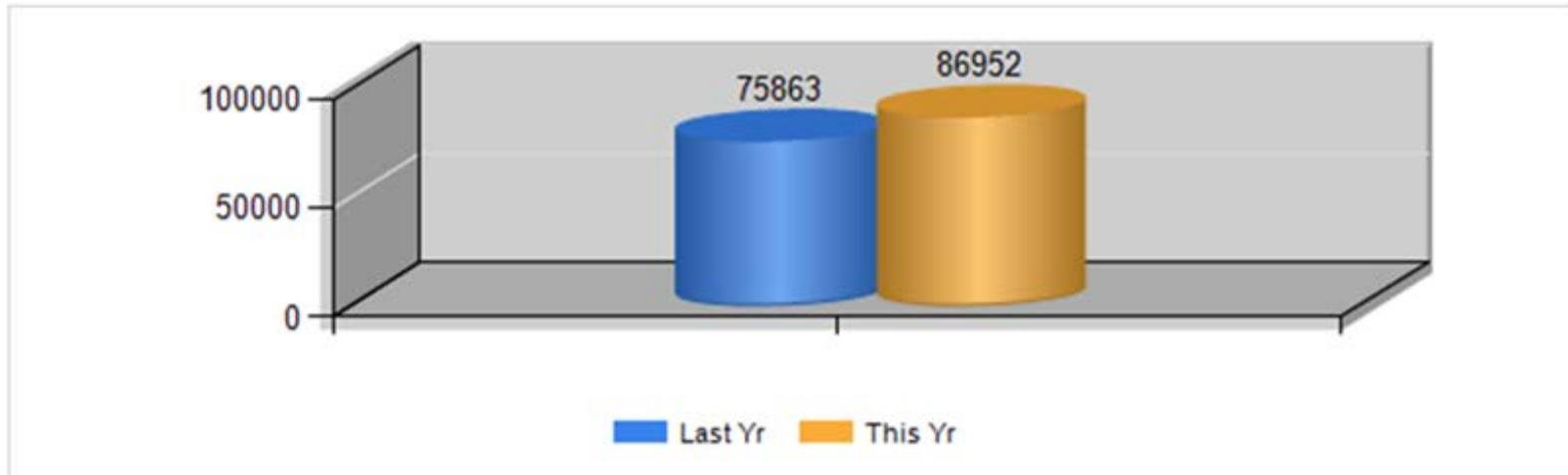
# Chief's Report to the Police Commission



**December 2013**

# Total Call for Service Comparison 2012-2013

## Total Call for Service YTD Comparison 2012 vs 2013



Call Type	1/1/2012-08/30/2012	1/1/2013-08/30/2013	% Change
Calls for Service	41424	47068	13.62%
Traffic Stops	11143	13308	19.43%
Person Stops	6875	8290	20.58%
Other	16421	18286	11.36%
<b>Total Calls for Service</b>	<b>75863</b>	<b>86952</b>	<b>14.62%</b>

*Calls for service represents all calls coming into Central Lane 911 and are not a true indicator of crimes. It is an indicator of calls.*

# Chief's Monthly Activities

- Buckley House Funding Meeting
- Budget Committee Meetings
- Officer Robert Libke Funeral
- SunGard Go Live (CAD/RMS)
- Downtown Policy Team
- Stops Data Committee Meeting
- “Every 15 Minutes” Mock Car Crash at N Eugene High School
- Progressive Clergy Lunch
- Alcohol Drug Policy Commission
- NAMI Annual Dinner

# In the News



★ **Vehicle Skateboard Crash**

★ **West Side Gangsters Arrested for Assault**

★ **Officer Involved Shooting**

★ **Suspect Who Rammed Police Vehicles  
During Pursuit Arrested**

★ **Vehicle Theft Prevention “The Club”**

★ **Vacant Home Burglars Arrested**

★ **Burley Design Donates Bike Trailer to help Huckleberry Patrol Team Clean the City**

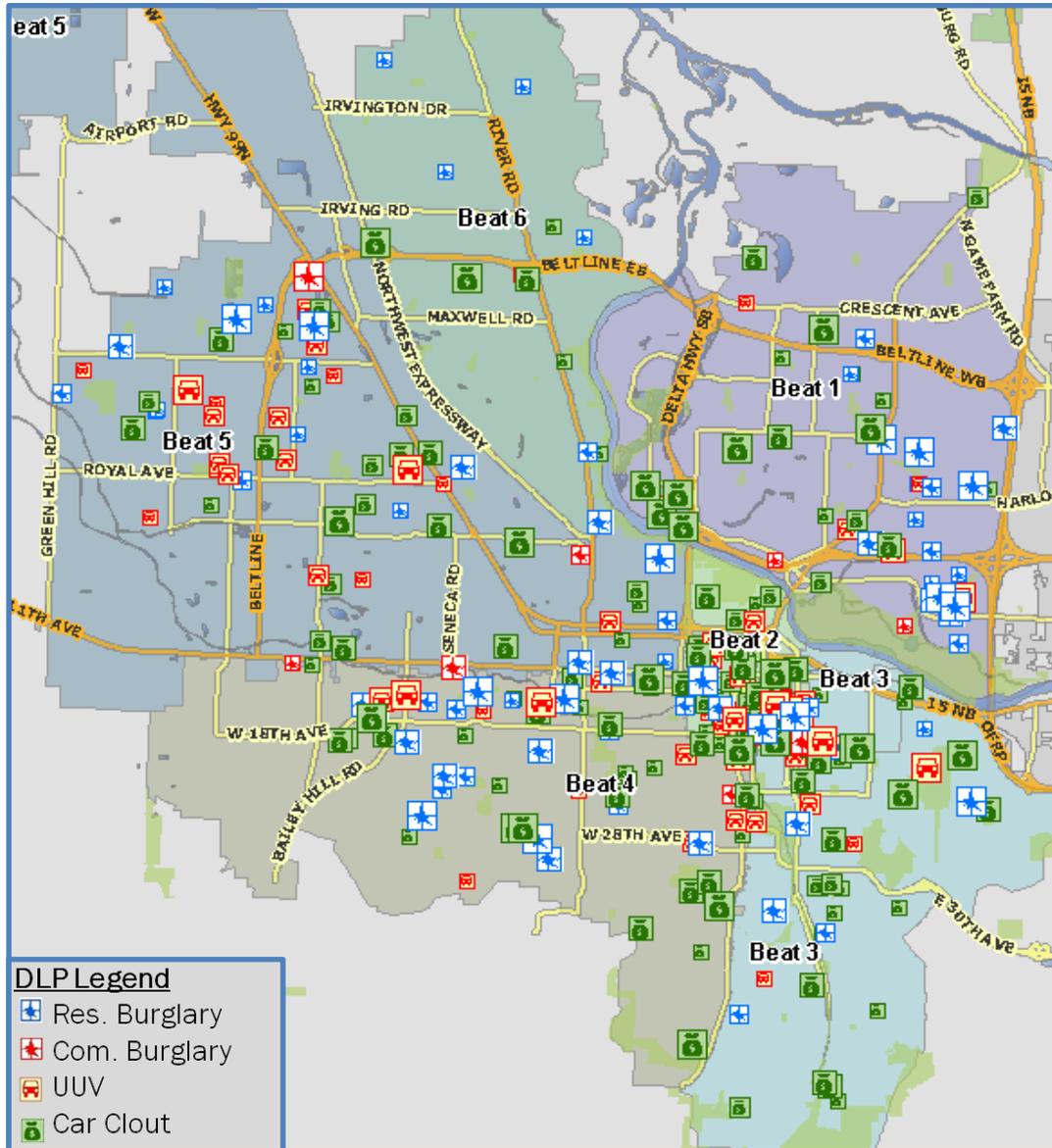


A faint, blue watermark of the Eugene Police Department badge is visible in the background. The badge is a five-pointed star with a central seal. The seal features a figure holding a scale and a sword, surrounded by the text "CITY OF EUGENE" and "STATE OF OREGON". The word "POLICE" is written across the bottom of the star.

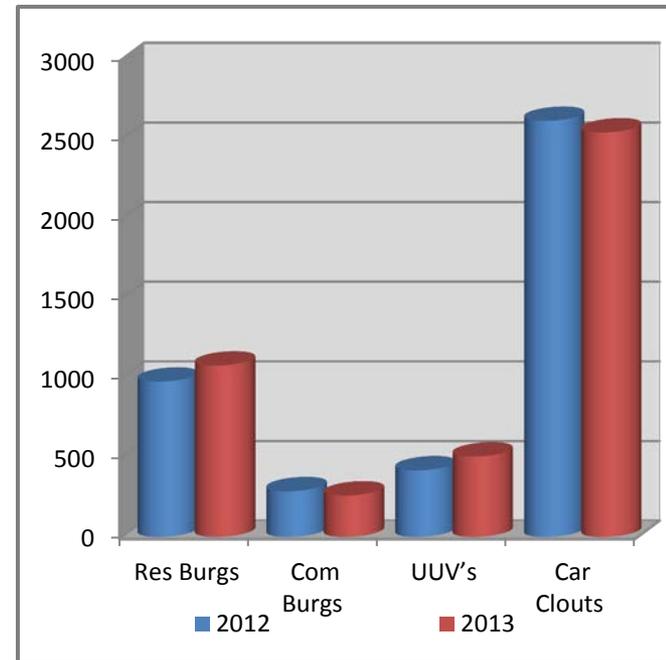
# Hot Spot Maps

# Four Weeks City Wide/YTD Numbers

PROTECT.SERVE.CARE.

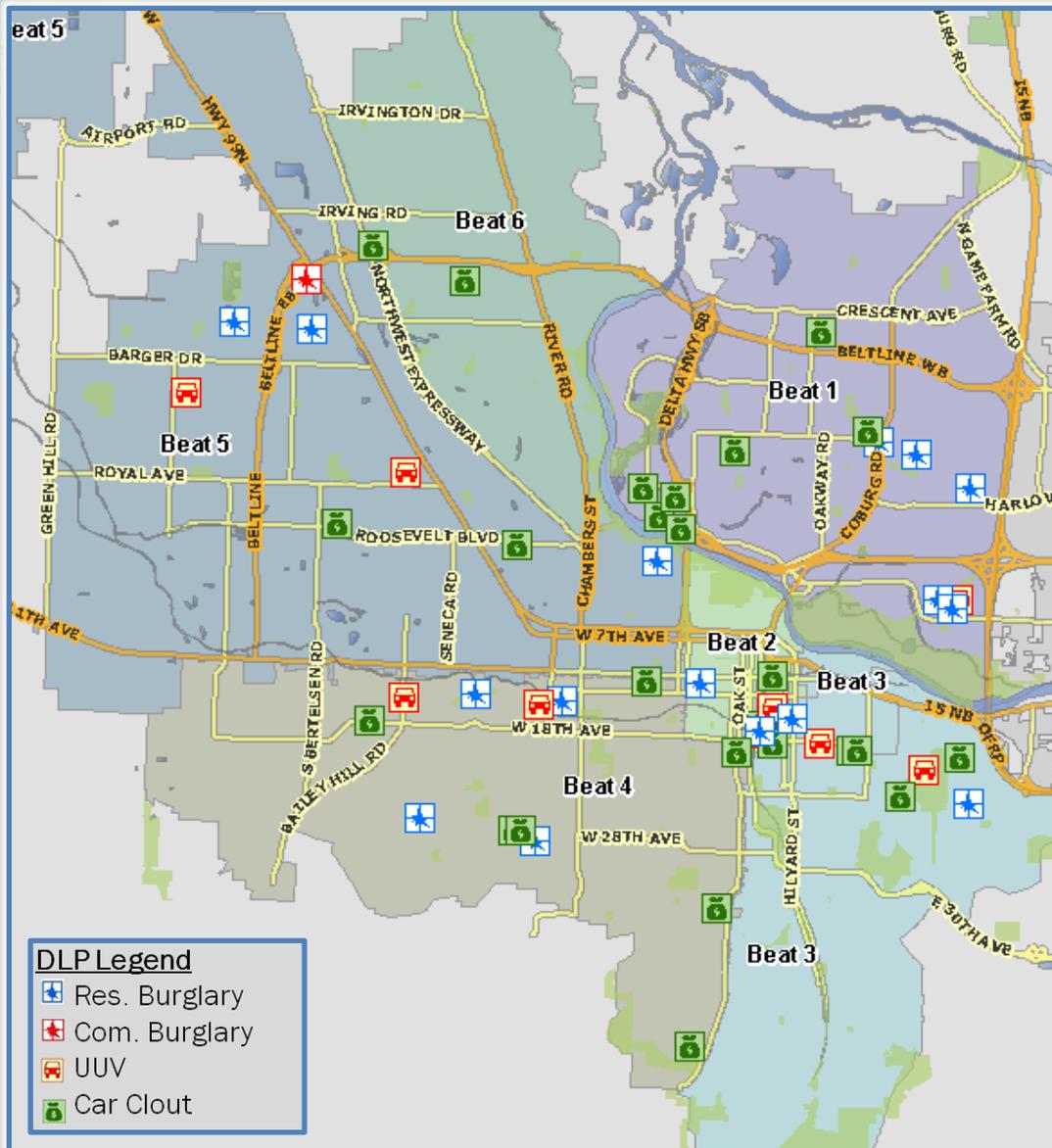


YTD	2012	2013	Diff	% Chg
Res Burgs	975	1076	101	10.4%
Com Burgs	287	260	-27	-9.4%
UUV's	418	505	87	20.8%
Car Clouts	2613	2540	-73	-2.8%

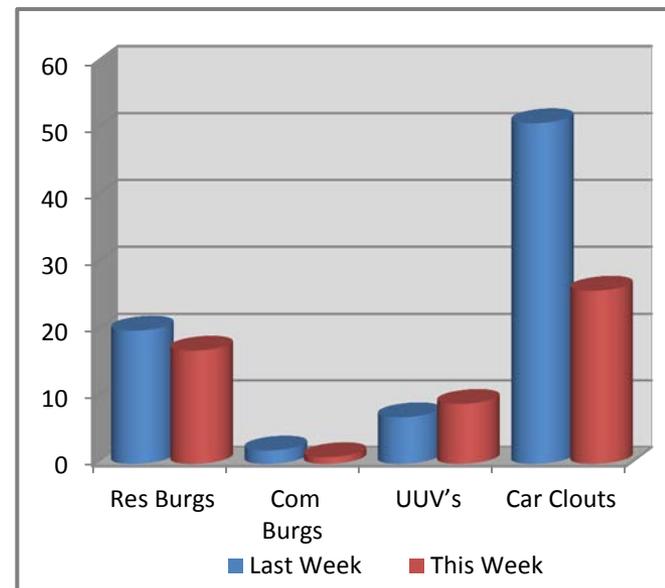


# This Week City Wide

PROTECT. SERVE. CARE.

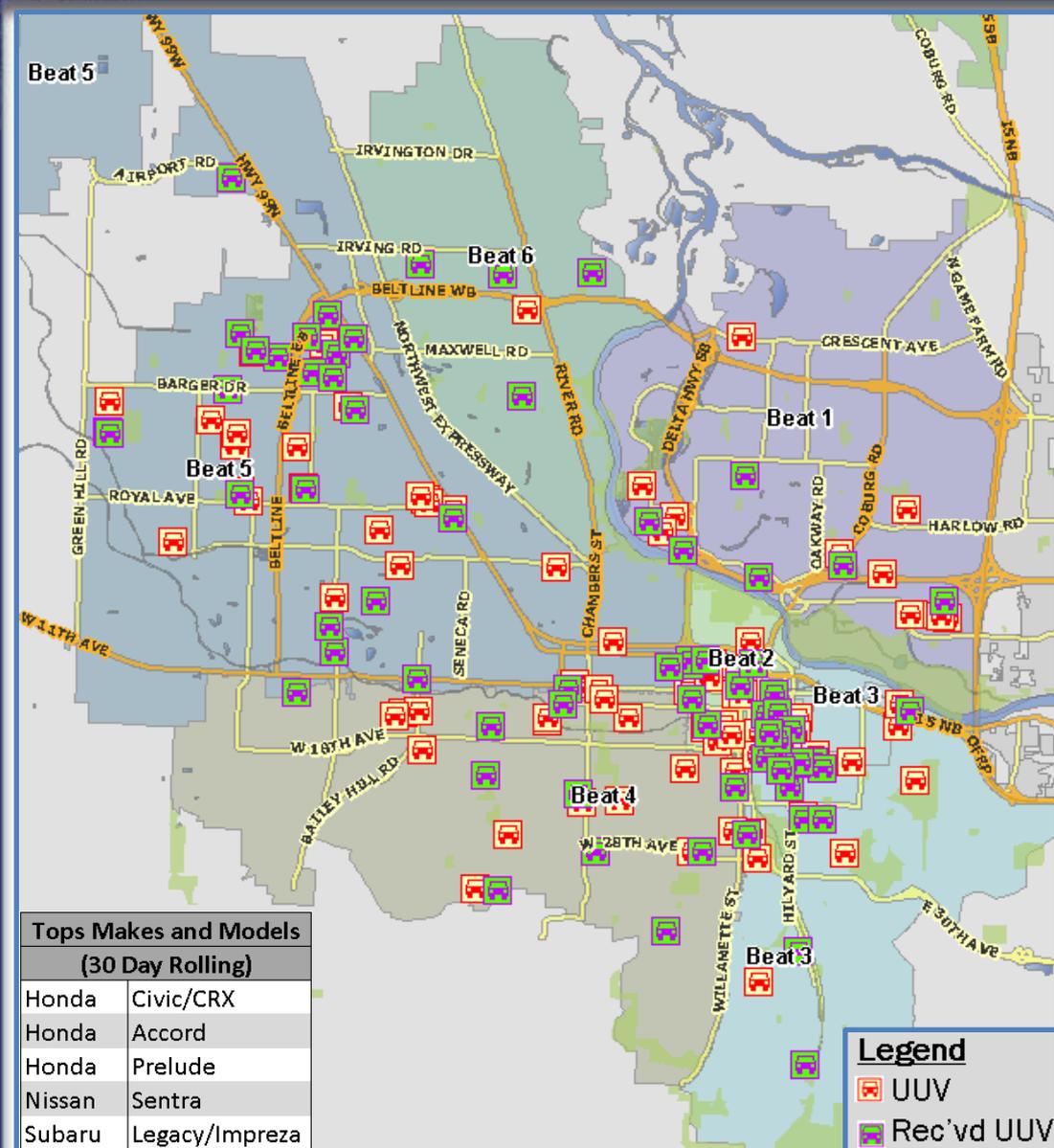


	Last Week	This Week	Diff
Res Burgs	20	17	-3
Com Burgs	2	1	-1
UUV's	7	9	2
Car Clouts	51	26	-25

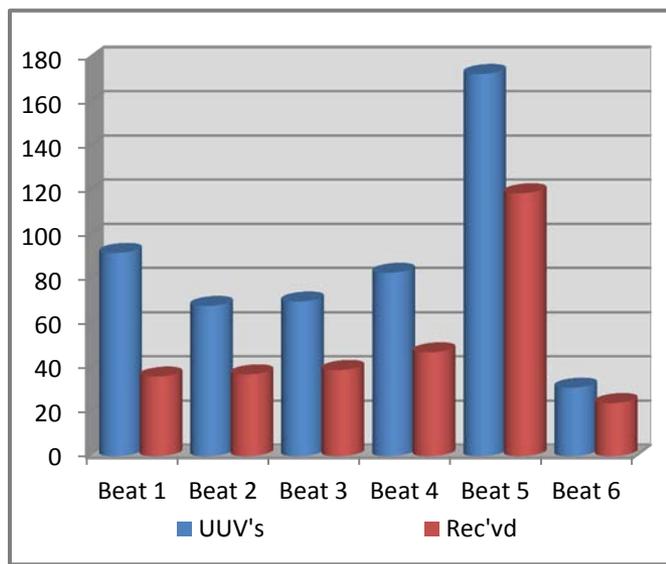


# UUV Stolen and Recovered 10/1/2013 - 11/11/2013

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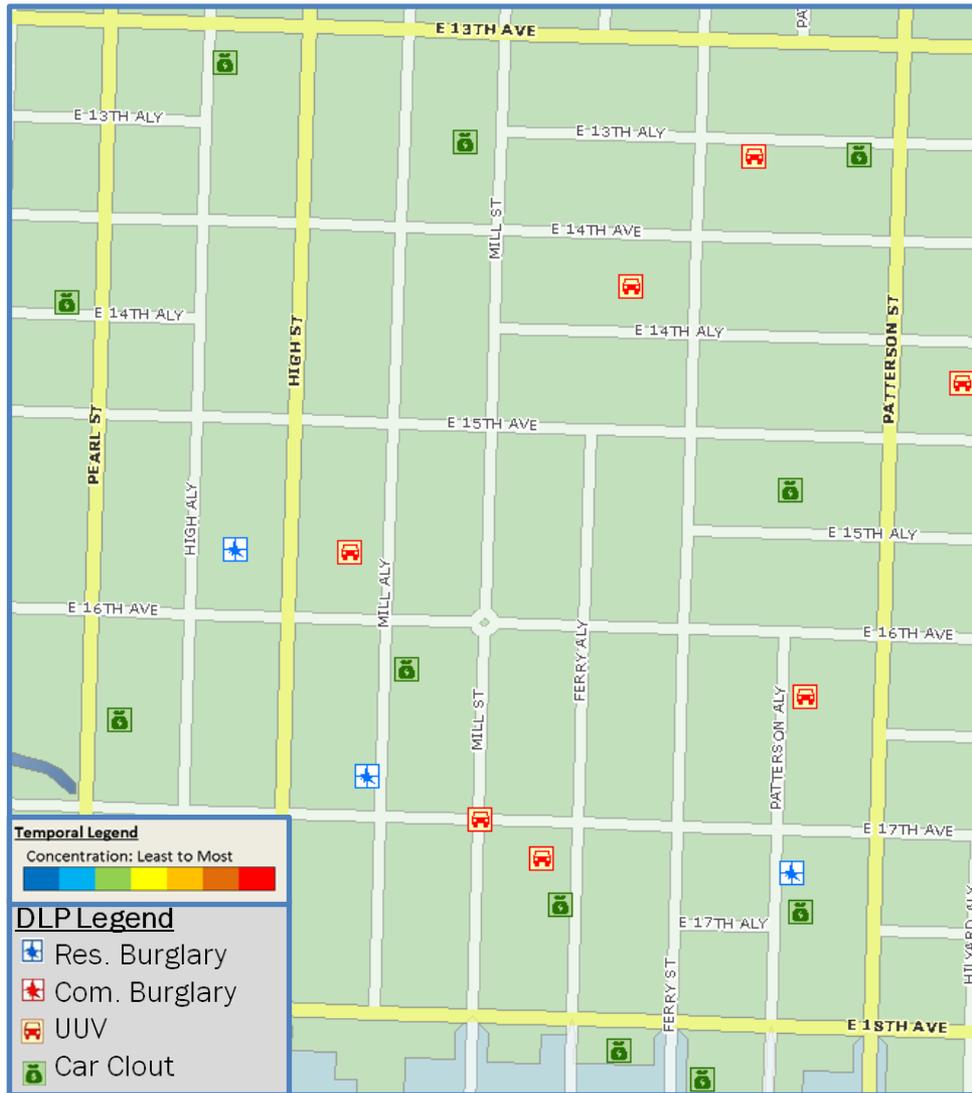


Jan 1 – Nov 11, 2013	
Beat	Rec'vd
1	11.9%
2	12.3%
3	12.9%
4	15.6%
5	39.4%
6	7.9%



# CAU Recommended Area of Focus

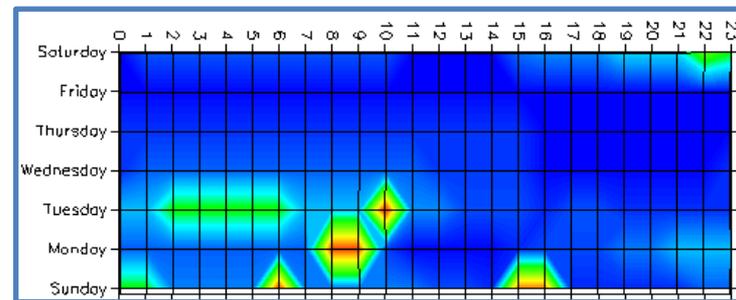
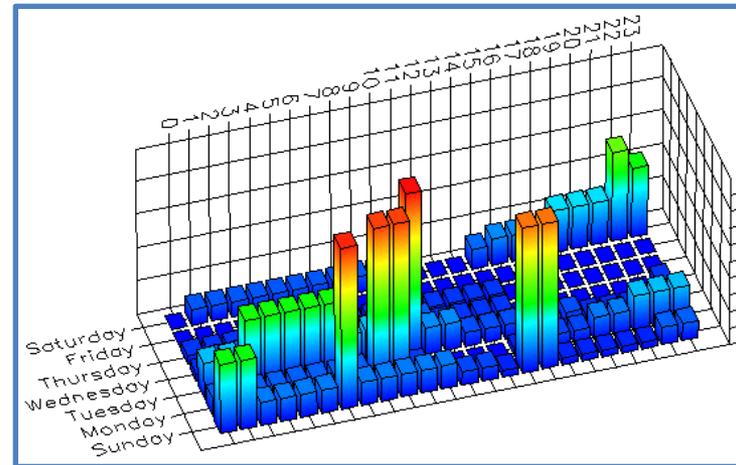
E. 13<sup>th</sup> Ave to E. 18<sup>th</sup> Ave, Pearl St to Patterson St



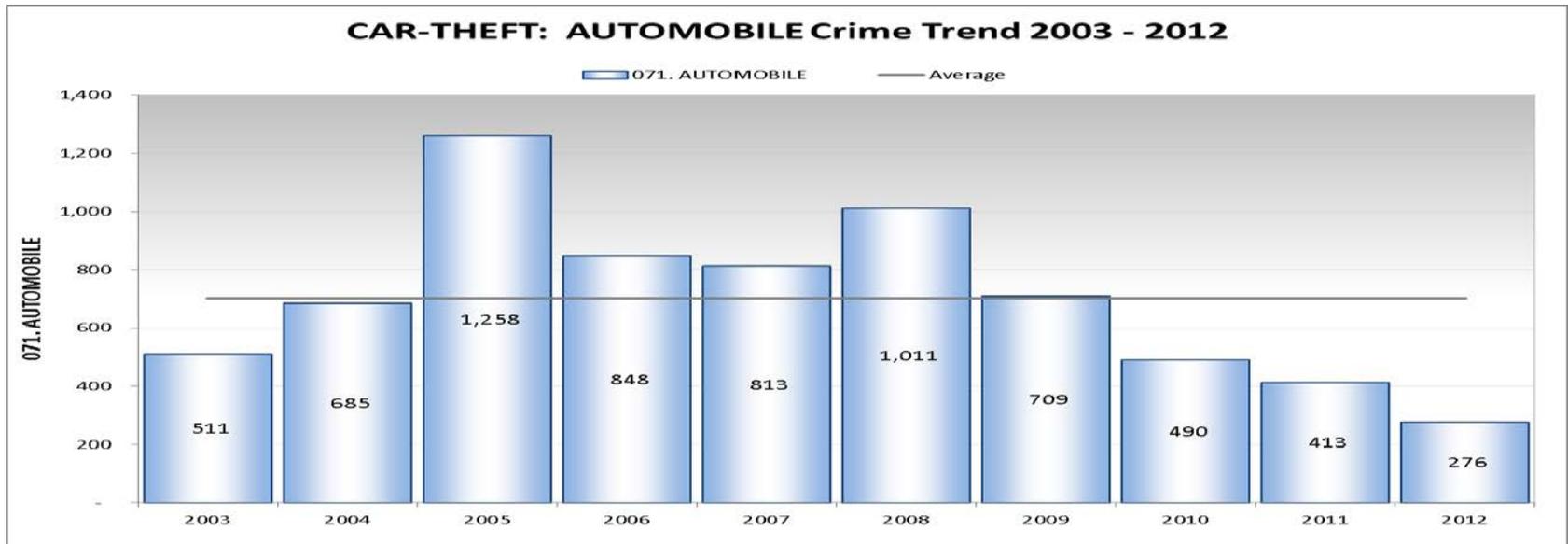
**Four-week Look::**

**When:** Sunday through Tuesday, 0600-1600hrs.

**What:** 24 incidents in four weeks: 3 Res Burgs, 7 UUV's, and 14 Car Clouts



# Car-Theft: Automobile Crime Trent 2003 - 2012



**CAR-THEFT: AUTOMOBILE Crime Trend 2003 - 2012**

Category/Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
071. AUTOMOBILE	511	685	1,258	848	813	1,011	709	490	413	276
Average	701	701	701	701	701	701	701	701	701	701

# 2012 vs. 2013 Crime Comparison



## 2012 vs. 2013 Crime Comparison\*

Year	2012	2013	Diff	%
Person Totals	1,575	1,402	-173	-11.0%
Property Totals	9,062	8,550	-512	-5.6%
Behavior Totals	6,016	6,491	475	7.9%
Crime Totals	16,653	16,443	-210	-1.3%

\*Data through August 2013

# 2012 vs. 2013 Property Crime Comparison

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2012 vs. 2013 Property Crime Comparison\*

Property Crime	Year	2012	2013	Diff	%
	Burglary		922	1,012	90
Theft		3,606	3,916	310	9%
Car-Theft		333	345	12	4%
Arson		51	52	1	2%
Forgery		193	272	79	41%
Fraud		2,704	1,683	-1,021	-38%
Embezzlement		2	0	-2	-100%
Stolen Property		100	85	-15	-15%
Vandalism		1,151	1,185	34	3%
<b>Property Totals</b>		<b>9,062</b>	<b>8,550</b>	<b>-512</b>	<b>-6%</b>

\*Data through August 2013

# 2012 vs. 2013 Crime Comparison

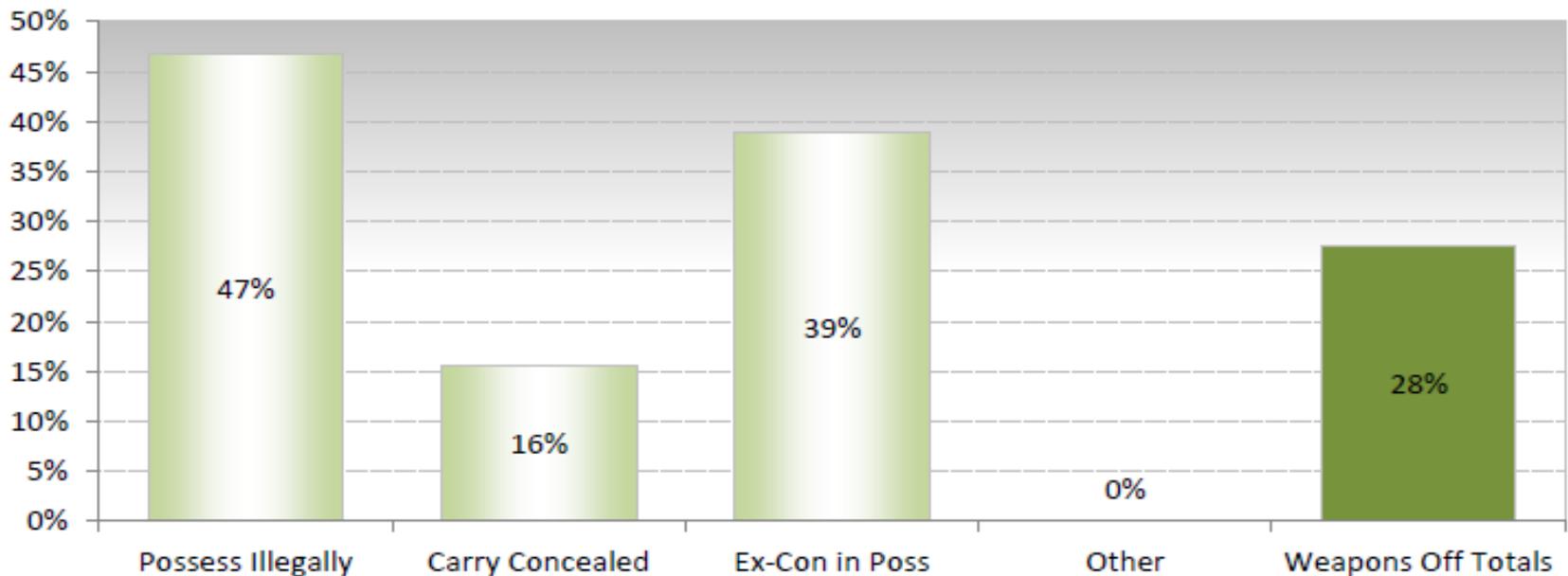
## 2012 vs. 2013 DLP Crime Comparison\*

DLP Property Crime Detail	Year	2012	2013	Diff	%
	Residential Burg	649	778	129	20%
	Commercial Burg	188	196	8	4%
	Other Burg	85	38	-47	-55%
	Pickpocket	3	4	1	33%
	Shoplift Theft	764	737	-27	-4%
	From Vehicle Theft	1,186	1,231	45	4%
	Vehicle Parts Theft	156	116	-40	-26%
	Bicycle Theft	447	603	156	35%
	Fr Pub Build Theft	438	468	30	7%
	Other theft	612	757	145	24%
	Automobile Theft	198	243	45	23%
	Trk, Van, Bus Theft	84	71	-13	-15%
	Motorcycle Theft	15	17	2	13%
	Other Veh Theft	36	14	-22	-61%
<b>DLP Totals</b>	<b>4,861</b>	<b>5,273</b>	<b>412</b>	<b>8%</b>	

\*Data through August 2013

# Weapons Comparison

## 2012 vs. 2013 Weapons Offense Crime Comparison\*



## 2012 vs. 2013 Weapons Offense Crime Comparison\*

Weapons Offense	Year	2012	2013	Diff	%
	Possess Illegally	62	91	29	47%
	Carry Concealed	109	126	17	16%
	Ex-Con in Poss	18	25	7	39%
	Other	3	3	0	0%
	<b>Weapons Off Totals</b>	<b>192</b>	<b>245</b>	<b>53</b>	<b>28%</b>

\*Data through September 2013

# Looking Ahead

## PERSONNEL

### New Job Postings

- Police Officer Selection in process
- Communications Systems Analyst in process
- Four Police Lieutenants Promoted
- Five Police Sergeants Promoted
- Sr. Office Supervisor – Carmen Nasholm Hired
- Property Evidence Specialist Selection in Process
- VIP Program Manager (Part-time) - in Process
- Program Specialist (Part-time) – in Process
- 9-1-1 Calltaker/Dispatcher (Lateral Recruitment) **Continuous**
- Quartermaster position in process



**America's Safest City**

**The Most Professional Agency**



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# MEMORANDUM

300 Country Club Road  
Eugene, Oregon 97401  
(541) 682-5852  
www.eugene-or.gov

Date: October 29, 2013  
To: Police Commissioners  
From: Bob Walker, Chair  
Subject: Bias Based Policing Discussion

At our retreat in May 2013, the Commission decided upon a list of community issues we were going to discuss over the next two years. We have concluded with the first discussion of homelessness, and the second issue to be reviewed is bias based policing.

## Background – EPD’s Efforts

This issue was selected to compliment the work Eugene Police Department (EPD) is undertaking independently, related to implementing a new records management system. One of the components of that system is a module that better captures the racial and ethnic demographic information of people contacted by the police during traffic stops. This module is scheduled to be implemented in summer 2014 as a pilot program, with final implementation scheduled before the end of 2015. To assist the Department in implementing this system thoughtfully, Chief Kerns has invited a group of community members to advise him on the data points to be selected, the details of the pilot program, reporting tools that are needed, and the mechanism for ongoing meaningful communication with the community about these important topics. The Committee will be chaired by Judge Kip Leonard, and Captain Sam Kamkar.

The Department has identified three goals for this internal project:

- A) Increase community discussions with police about demographic, law enforcement stops data and the related underlying police practices and community implications.
- B) Illustrate that the practice of racial profiling is inconsistent with effective policing and the goals of the City of Eugene. And to continuously improve on the precision with which the Eugene Police Department applies individuals' Constitutional rights and protections to its daily enforcement.
- C) Improve police effectiveness through assessment of stops data and underlying police practices.

## EPD’s Request of the Police Commission

EPD has asked the Police Commission to review bias based policies from other communities, and the draft developed internally based on those policies, and develop a recommended policy. This is in line with the past actions of the Police Commission, and it has already been added to the work plan and list of policies to review, and work will begin on November 14 on that policy. In order to be of greatest use for the department, the recommended policy is needed by the beginning of March 2014.

## Purpose of November 14 Police Commission Discussion

Included in this packet is a work sheet that the Police Commission can use to design this project. What do we want to see from this work? Other than the policy review, what other functions can or should the Police Commission fill? The discussion on November 14 is designed to provide Commission leadership and staff with sufficient guidance so that a work plan for this important community issue can be developed and work can begin.

Policies and Practices Related to Bias Based Policing  
Police Commission Scope  
DRAFT - FOR DISCUSSION PURPOSES ONLY - DRAFT

**Purpose** (*Why is this being reviewed? Similar to Desired Outcomes below*)

1. Review draft and recommend policy to EPD
- 2.
- 3.

**Process Overview** (*How many meetings? For how long? What roughly does the commission want to accomplish*)

Meeting 1 – November 14, 2013 (40 minutes)

- Review policy
- Discuss, refine and approve scope, include purpose, process, outcomes

Meeting 2 – December 12, 2013 (60 minutes)

- Review policy
- 

Meeting 3 – January 9, 2014 (45 minutes)

- Approve policy
- 

Meeting 4 – February 13, 2014 (45 minutes)

- 

**Desired Outcomes** (*What will success look like, for this 4 month project? For whom?*)

The Police Commission . . .

The Community . . .

The Eugene Police Department . . .