



# 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; Juan Carlos Valle; Bill Whalen

Police Commission Meeting  
May 8, 2014  
5:30 – 8:30

<u>Item</u>	<u>Starting – Ending Time</u>	<u>Minutes</u>
1. Agenda and Minutes Approval	5:30 – 5:40	10
2. Public Comments	5:40 – 6:00	20
3. Commissioner Response	6:00 – 6:10	10
4. Budget Discussion (Greg Gibson, EPD Finance Mgr)	6:10 – 6:30	20
5. Questions for Chief Kerns	6:30 – 6:50	20
6. Break	6:50 – 7:00	10
7. Bias Free Police Contacts Policy	7:00 – 7:45	45
8. Next Community Issue Discussion – Select topic and scope	7:45 – 8:15	30
9. Commission Comments	8:15 – 8:30	15

Next Police Commission Meeting:  
June 12, 2014

**City of Eugene Police Commission**

**April 10, 2014**

**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>*

The meeting convened at 5:30.

Commission members present: Bob Walker, chair; Tamara Miller, vice chair; Mike Clark; Jim Garner; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Juan Carlos Valle

EPD Staff Present: Cpt. Karl Durr, Lt. Nathan Reynolds, Sgt. Matt Lowen, Carter Hawley

Members absent: Edward Goehring; Bill Whalen

Minutes Approval

Amend comments from Ms. Carol Berg-Caldwell as below:

Carol Berg-Caldwell – Shared several instances she’s witnessed court cases where Latinos appear to be stopped because they’re Latino on some other charge, and then they are cited for driving without a license.

**MOTION AND ACTION:** Juan Carlos moved, James Manning seconded approval of the minutes as amended. The motion was approved unanimously.

Public Comments

Carol Berg Caldwell – Thinking about Erik Humphrey, and how he cared about the community.

Deb Frisch – Alleged criminal misconduct against several elected and appointed officials.

Melissa Wellington – Believes that racial profiling is included in the definition of bias based policing. Also suggested that “sworn” be removed from the definition of the populations affected by the policy.

Steven Luke – Concerned with increase in homeless camping in industrial area near Bertelsen and Beltline. May want to have no camping signs posted to address crimes occurring and concerns of safety.

Commissioner comments

Mr. Manning – Offered condolences for Erik Humphrey. The concern raised about homelessness is also a concern about safety and security for the businesses. Supports the idea of removing the word “sworn” from the definition.

Mr. Clark – Supports the idea of removing the word “sworn”. Encouraged Mr. Luke to speak to the City Council with his concerns about homelessness.

Mr. Garner – Noted that the policy focuses on officer observation.

Mr. Lohrke – There are three homeless rest stops in Trainsong, and the residents of the rest stops help with security. Perhaps having sanctioned camping would help industrial areas reduce crimes

Mr. Tyndall – Wondering of the seriousness of possession of marijuana charges. Sleeping in public or private property is illegal, and hoping that businesses will be involved in identifying safe legal places for people to sleep.

Mr. Valle – Asked for a moment of silence of for Mr. Humphrey. Offered his blessings and prayers for his family. Asked that policy title be changed to “racial profiling”. Supported Ms. Frisch’s concern about differing levels of prosecution.

Ms. Miller – Offered condolences to the department for Mr. Humphrey. Thanked the public for attendance.

Mr. Walker – Thanked the public for coming. Believes the language of the professional stops policy clarifies that all bias based policing is not tolerated.

### Stops Data Committee Update

Judge Kip Leonard made presentation about Stops Data Committee. Stated the charge of the committee was to make recommendations about what data should be collected, how it could be analyzed to identify any implicit or stated bias. Committee has met since November. Judge Leonard identified members of committee, and outlined future work of committee. Reviewed data variables proposed to be collected. Stated that the committee will continue to make recommendations as requested.

Ms. Miller – Asked about timeline. Judge Leonard provided a review of the work of the 12 month pilot program, review of the program and subsequent implementation of the program department-wide.

Mr. Tyndall – asked if the stops data will be collected on more than just traffic stops. Cpt. Durr responded that bicycle officers and traffic officers don’t have hand held computers so they cannot enter information online. Asked if socio-economic status was to be included. Judge Leonard responded that it is not currently but could be considered. Noted that “consent” for a search may be a misnomer because people aren’t generally happy to be searched.

Mr. Valle – Expressed concern about the process of creating this committee. Asked if all committee members attended all meetings and if Cpt. Kamkar participated. Judge Leonard responded that attendance was not 100%. Asked if the location of the initial stop could be noted. Judge Leonard responded that it was not discussed and didn’t get discussion.

**MOTION AND ACTION** Mr. Tyndall moved and Ms. Miller seconded extending the time of this agenda item by 10 minutes. The motion was approved 9 (Walker, Miller, Valle, Syrett, Rode, Clark, Garner, Lohrke, Tyndall) to 1 (Manning)

Mr. Lohrke - Asked if the data would be part of regular discovery. Cpt. Durr noted that a public records request would be needed.

Mr. Manning - Thanked the committee. Asked why Department is trying to reinvent the wheel. Judge Leonard noted that we are building on best practices of other communities.

Ms. Syrett – Noted that what information is to be collected on searches of passengers mentioned by Mr. Lohrke isn’t clear.

### Questions for Cpt. Durr

Mr. Lohrke - Noted that the data collected in the Stops Data Collection should be part of discovery

Mr. Valle – Appreciated the personnel update in the chief’s report.

Mr. Manning – Noted that people in high positions are slapped in the wrist, and small crime folks are run through the wringer. Small amounts of marijuana perhaps shouldn’t be take so much police attention.

Ms. Syrett – Asked labels to be added to DLP charts so the charts are clearer.

Mr. Walker – Supports idea of adding legends to reports.

## Break

### Stops Policy

402.2 –

MOTION: Mr. Tyndall moved to strike the first sentence of the second paragraph beginning “While the Eugene Police Department...” Ms. Syrett seconded the motion.

Mr. Walker noted that the first part of the sentence may be needed, and offered a friendly amendment which was accepted to strike as follows:

*While the Eugene Police Department expects its officers to make citizen contacts, ~~and ferret out criminal activity through observation~~, it is equally committed to providing equitable law enforcement services to the community with due regard for the protected class status of those served. ~~The 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.*

VOTE: The motion was approved unanimously.

MOTION: Mr. Tyndall moved to strike “to the people we contact”. Seconded by Ms. Syrett.

Discussion ensued about the proposal.

VOTE: The motion was defeated with 2 ayes (Syrett, Tyndall) and 8 nays (Walker, Miller, Valle, Garner, Manning, Lohrke, Rode, Clark)

MOTION AND VOTE: Mr. Tyndall moved and Mr. Lohrke seconded to amend section 402.2 paragraph 2 to as follows:

*~~Protected class status shall not~~ Non of the causes listed in the definitions will be used as the basis for detention of a person nor for providing differing levels of law enforcement services or the enforcement of the law.*

The motion was defeated 2 ayes (Tyndall, Lohrke) and 8 nays (Walker, Miller, Valle, Clark, Syrett, Rode, Garner, Manning ).

Ms. Miller suggested the group consider changing the title.

Discussion ensued about the options.

MOTION: Mr. Valle moved to change the policy title to “Policy Prohibiting Racial Profiling and Bias.” Mr. Lohrke seconded.

Discussion ensued about the motion.

MOTION: Mr. Clark moved for a substitute motion to change the title to “Bias Free Police Contacts”. Seconded by Ms. Syrett.

Mr. Valle expressed concern that the substitute motion would be considered.

Discussion ensued about the substitute motion.

VOTE: Substitute amendment approved with 9 ayes (Miller, Syrett, Manning, Rode, Clark, Garner, Lohrke, Tyndall, Walker) and 1 nay (Valle)

MOTION and vote: Ms. Syrett moved Mr. Manning seconded to add language “high crime area “as determined by data led policing practices” The motion was approved unanimously.

Ms. Miller asked if a section should be added to include a complaint language.

MOTION: Mr. Clark moved, Ms. Miller seconded approval of the policy. Mr. Clark withdrew his motion. This topic will be carried into the May meeting.

#### Debrief of Bias Based Policing Committee

Mr. Rode suggested that there should have been more racial diversity on the community panel.

Mr. Valle thanked the Commissioners for attending the public forum. The Commission thanked the Committee for its hard work.

Mr. Manning asked if the Commissioners could attend briefing.

Mr. Walker asked the Commission how they would like to respond to comments

Mr. Valle noted that there is written response received from the public, and it would be great to have a systematic response.

Ms. Syrett noted that response to written comments does not need to be point by point, but does appreciate the opportunity to respond in a meeting, but in general considering response is appropriate.

MOTION AND VOTE: Mr. Walker moved to approve the proposed work plan for the Police Commission to work with the Bias Based Policing Committee, seconded by Ms. Miller. The motion was approved unanimously.

#### Commissioner Comments

Ms. Syrett – Reported a successful block watch story, and complemented the department for proactive efforts.

Mr. Rode – Reported on a recent case that the CRB handled.

Mr. Garner – Commended the Bias Based Policing Committee for their hard work.

Mr. Lohrke – Reported on problem house in his neighborhood.

Cpt. Durr – Explained the Department’s work on getting the Lieutenants meeting with the community.

The meeting adjourned at 8:35.

*Notes taken by Carter Hawley*

# Eugene Police Department Funding Issues



**Presentation to the  
Police Commission  
May 2014**

# EPD Annual Budget

The Eugene Police Department has 4 operating funds.

The **General Fund**, which is the primary fund, is approximately \$46 million

The other 3 funds are:

**PSAP**

**Airport**

**Regional Radio**

# PSAP

The Central Lane County Communication (CLCC) Center Public Safety Answering Point (PSAP) is the regional provider of 9-1-1 call taking services

A flat \$.75 fee per any device capable of dialing 9-1-1 provides revenue that typically funds Oregon PSAP 9-1-1 costs at 30%. The \$.75 fee is subject to review at each legislative session.

Additionally, revenues can fluctuate as consumers increase or decrease the technology they use for residential and/or commercial purposes.

FY 13 = \$1.86 million FY 14 Budgeted= \$ 1.66 million

# General Fund Under spending Targets

**FY 12**  
**\$765,579**

**FY 13**  
**\$231,988**

**FY 14**  
**\$393,606**

# How did EPD handle the shortfall ?

Starting in FY10 (July 1, 2009 to June 30, 2010) the City faced drastic general fund shortfalls and EPD removed over 1 million dollars from our operating budget along with other reductions

Chief Kerns issued a directive requesting employees seriously scrutinize any expenditure before making it and to be specifically mindful of purchases, overtime, and training.

As a result, EPD ended FY10 still able to attend key training and provide priority training while under spending the budget. A specific change was a reduction in overtime spending due to careful patrol scheduling.

# BUDGET CHANGES

- ❖ Continued improvement in line item account budgeting (firearms, ammunition, Tasers, Rilea)
- ❖ Breaking out the overtime budget to each org vs. just patrol
- ❖ Breaking out the training budget to all sections
- ❖ Addition of Animal Welfare to EPD – 2 FTE

# FY 15 BUDGET PLANNING



**Continue to refine budgeting/living within our means**



**Changed method/more involvement**



**Continue to look at reducing materials and supplies and Overtime**

# **FUTURE CHALLENGES**



**Continued quest to reach a sustainable budget**



**Growing number of staff eligible for retirement**



**Overtime management given the presence of unknowns**



**Training – Funding, Staffing**

# Questions?



# Chief's Report to the Police Commission



**May 2014**

# Chief's Activities

- Attended OACP (Oregon Association Chiefs of Police) Annual Conference
- 2014 National Volunteer Week Celebration
- High School Guest Speaker
- Monthly appearances on KEZI & KUGN morning shows
- Member of Florence Police Chief Interview Panel
- Budget Committee Meetings & Public Hearings
- Quarterly PSAP Meeting
- Quarterly Chief's Meeting

# In the News



★ Captain Sam Kamkar Graduates from FBI National Academy

★ 12 Cited in lieu of custody for criminal trespass after refusing to leave City Manager's Office after closing time

★ Illegal camping site at the corner of Hilyard & Broadway closed

★ Woman assaulted in her home by an intruder was assisted by neighbors who called 911 and detained the suspect until police could arrive

★ BiMart Pharmacy on West 18<sup>th</sup> robbed of pharmaceuticals by a male using a note

★ US Bank at Albertson's on Royal Avenue was robbed of cash by a male suspect using a note

★ Police Respond to Two Unrelated Juvenile Arson Incidents

★ EPD Receives Call of "mountain lion" Sighting Near Maurie Jacobs Park

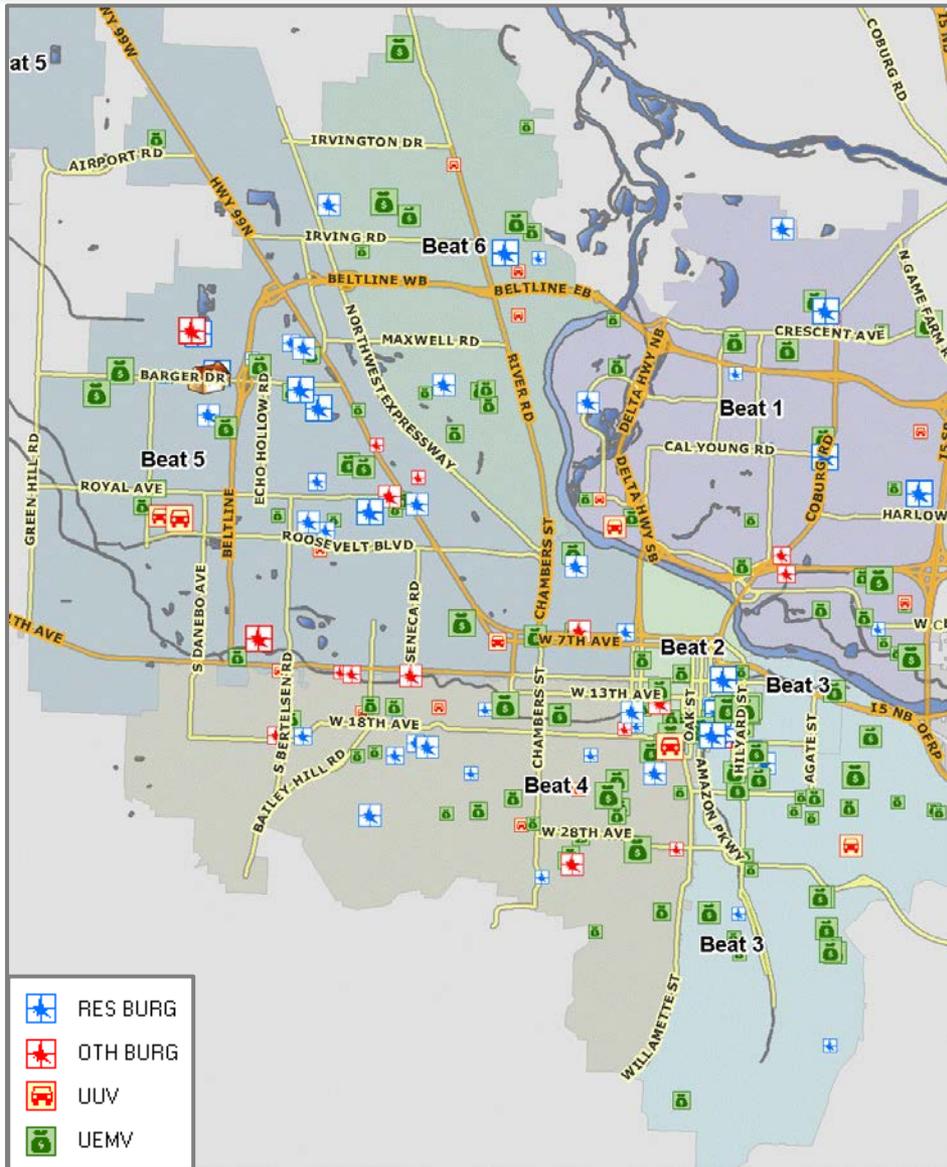


A faint, blue watermark of the Eugene Police Department badge is visible in the background. The badge is a five-pointed star with a central seal. The seal features a figure holding a scale and a sword, surrounded by the text "STATE OF OREGON" and "CITY OF EUGENE". The word "POLICE" is written across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

# Hot Spot Maps

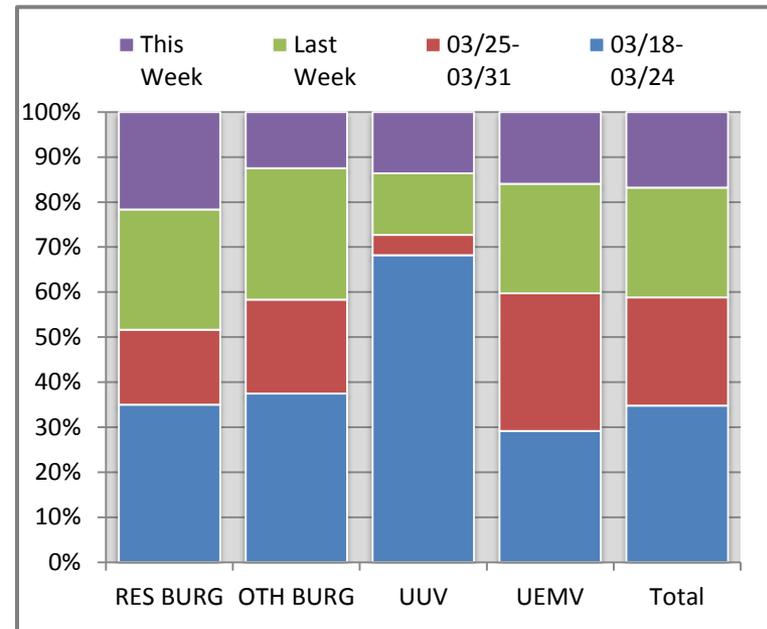
# Four Week City-Wide

PROTECT.SERVE.CARE.



	Beat 1	Beat 2	Beat 3	Beat 4	Beat 5	Beat 6	Total
Res Burg	8	10	7	13	17	4	60
Oth Burg	3	4	0	5	11	0	24
UUV	4	1	2	6	6	3	22
UEMV	22	18	32	24	26	12	144
<b>TOTAL</b>	<b>37</b>	<b>33</b>	<b>41</b>	<b>48</b>	<b>60</b>	<b>19</b>	<b>250</b>

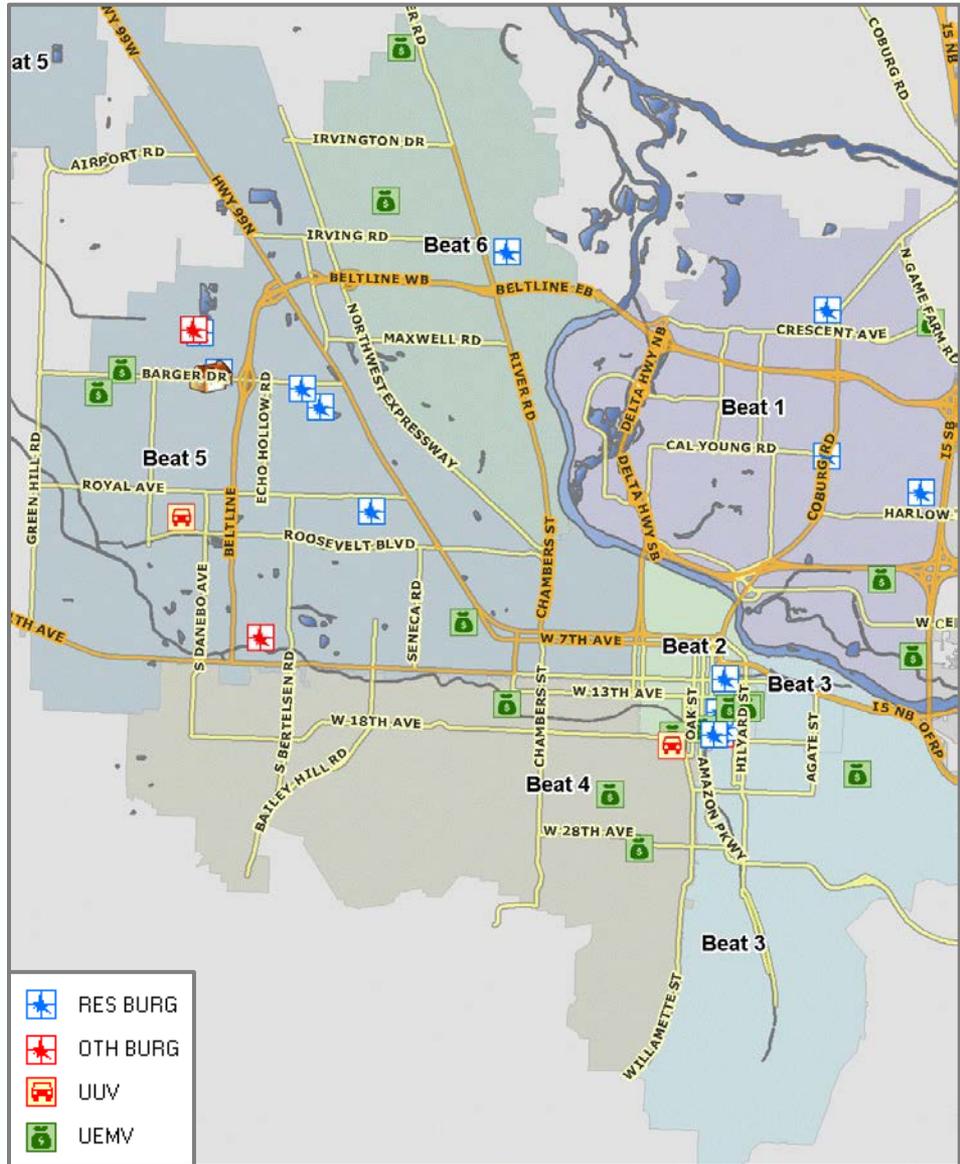
(10 Calls on the 9-Log, 1 UEMV)



\*4.8% of Addresses geoverified outside Eugene at time of entry

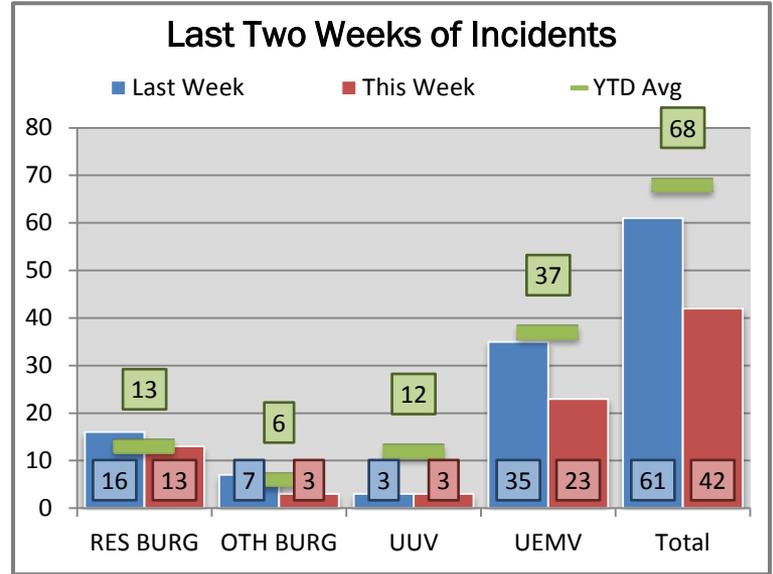
# This Week City Wide

PROTECT.SERVE.CARE.



	Last Week	This Week	Diff
Res Burg	16	13	-3
Oth Burg	7	3	-4
UUV	3	3	0
UEMV	35	23	-12
<b>Total</b>	<b>61</b>	<b>42</b>	<b>-19</b>

	Count (This Week)	Pending or Late Reports	Total Incidents	Incorrect Date/Time
Burg's	16	10	26	3
UUV's	3	0	3	0
UEMV's	23	7	30	1



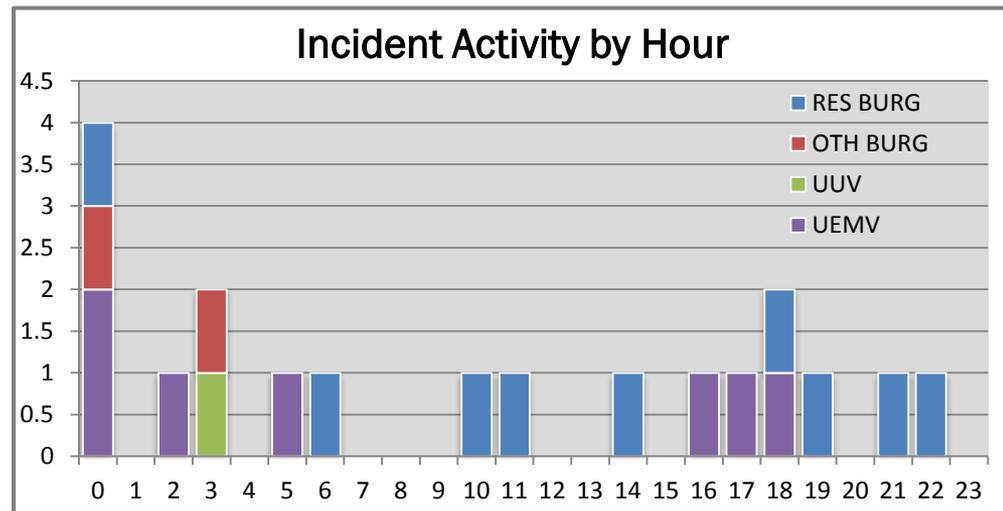
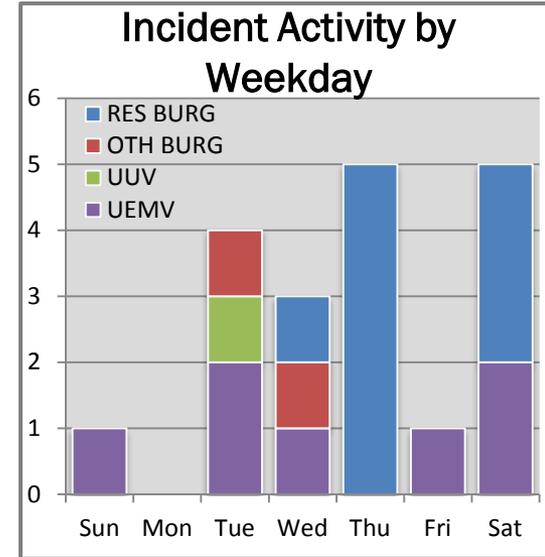
# Area of Focus

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



## Four-Week Look:

- Tightest cluster of incidents city-wide: 19 within a half-mile over the last four weeks
- 33% of Residential Burgs occurred this last week
- 63% of incidents occurred between 1800 and 0400hrs
- 53% of incidents occurred on Thursdays and Saturdays



# Looking Ahead

## PERSONNEL

### Job Postings

- Police Captain – Phone Interviews
- Communications Supervisor – Repost in April or May
- Administrative Specialist, SR. (Ops Support) – Candidate Hired. Start date 5/5/2014
- Administrative Specialist, SR (VIP) – In Process
- VIP Program Manager (Part-time) - Closed. Will re-post at a later date
- Record Specialist B – In Process
- 9-1-1 Calltaker/Dispatcher - **Continuous**



**America's Safest City**

**The Most Professional Agency**

POLICY  
402

EFFECTIVE  
DATE  
Draft 031714

# Eugene Police Department



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## Professional-Bias Free 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, or provide law enforcement service.

#### 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: including 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 as defined by data led policing practices, 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, and ferret out criminal activity through observation<sup>[LMR1]</sup>, it is equally committed to providing equitable law enforcement services to the community with due regard for the protected class status of those served. ~~The 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~~ Protected class status shall not be used as the basis for detention of a person, nor for [LMR2] 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.~~ Eugene Police Department officers will always ensure the stopping, detaining, frisking, and/or searching citizens is based upon current and accepted legal principles that conform to their training in arrests, search and seizure, and Oregon State law.[LMR3]

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.~~ All contacts that become a stop or arrest must be reported.

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 DEMOGRAPHIC INFORMATION ONCE A NEW SOFTWARE AND DISPATCHING SYSTEM IS LAUNCHED IN 2014. WHEN THESE REPORTING PARAMETERS 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.



## Police Commission

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# MEMORANDUM

Date: April 23, 2014  
To: Police Commissioners  
From: Carter Hawley, Staff  
Subject: Community Issue Discussion

With the completion of the community panel and public forum related to bias based policing, the Police Commission can review its list of possible issues from the work plan. This agenda item is designed to result in the selection of a topic, as well as what the Commission wishes to accomplish with the discussion.

### Background

The following information is pulled from the approved Police Commission Work Plan

#### **Community Issues to be Considered**

*Listed below is a preliminary list of issues to be considered by the Police Commission for further work.*

- 1) Information on police contacts with different demographics and the data needed to assess*
- 2) Serving immigrant populations*
- 3) Services and public safety issues related to homelessness*
- 4) Police services in light of budget*
- 5) Crime reduction in light of jail, prison and court cuts*
- 6) Use of force*
- 7) Constitutional privacy – drones and automatic license readers*
- 8) Eugene Police Department policies*
- 9) Advocacy for public safety resources*
- 10) Police budget allocation and grants*
- 11) Strategy public safety funding*
- 12) Police training manual*
- 13) Responding to emerging issues*

*Quarterly, the Police Commission will discuss these issues and any emerging issues and determine which issue will be addressed next, what the specific goal for the Commission's involvement, and work plan to accomplish the goals for that work item.*

The Commission is asked to identify the next topic to discuss, the specific goal for the Commission's involvement, and guidance on a proposed work plan.