



# City of Eugene

## **POLICE COMMISSION**

---

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

Police Commission Meeting  
March 12, 2015  
5:30 – 8:30

Item	Starting – Ending	Minutes
Review Agenda	5:30 – 5:35	5 min
Public Comments	5:35 – 5:50	15 min
Commissioner Comments / Responses	5:50 – 6:05	15 min
Review Minutes	6:05 – 6:10	5 min
Citizens Filming Officers Policy Review	6:10 – 6:40	30 min
UofO/EPD Intergovernmental Agreement	6:40 – 6:55	15 min
BREAK	6:55 – 7:05	10 min
Chief's Presentation	7:05 – 7:15	10 min
CCTV Proposal Discussion Continuation	7:15 – 7:45	30 min
Vehicle Pursuit Policy Revisions Implemented in Training	7:45 – 8:15	30 min
Commissioner Closing Comments	8:15 – 8:30	15 min

UPCOMING Police Commission Meetings:

March 12, 2015

NOTE – Retreat set for Saturday, May 2 – Washington Park Community Center

**City of Eugene Police Commission**  
**February 12, 2015**  
**DRAFT Meeting Notes DRAFT**

*Please note the official full record is contained in the video recording [here](#).*

The meeting convened at 5:32 P.M.

Members in attendance: Bob Walker, chair; Tamara Miller, vice chair; Jim Garner; Jesse Lohrke; James Manning; George Rode; Joe Tyndall; Bill Whalen; Edward Goehring; Claire Syrett

Members absent: Mike Clark

Staff in attendance: Chief Pete Kerns, Asst. Chief Karl Durr, Captain Sam Kamkar, Sgt. Matt Lowen, Jeremy Cleversey, Leia Pitcher

**Agenda Review**

Mr. Cleversey reviewed the agenda and announced that Mayor Kitty Piercy is recommending Raquel Hecht to fill the vacant Police Commission position to City Council on 2/23/2015.

**Public Comments**

Carol Berg-Caldwell – Commended Sgt. Lowen on his research of citizens filming police policies for review, commends Chief Kerns on his leadership and for listening to the community.

Leia Pitcher (Deputy Police Auditor) – Explained the Civilian Review Board (CRB) has created a subcommittee to review their protocols.

**Commissioner Comments**

Mr. Manning asked Ms. Miller about the time limit for the survey taken to gauge the community response to EPD/Officers and suggests that the survey be revisited given the Commission leadership and EPD have changed.

Ms. Syrett noted that it is helpful for the Police Commission to have Ms. Berg-Caldwell's eyes in the community. Responded to Leia Pitcher's comment that the CRB is reviewing their policies and suggests that even if changes are not made, the willingness to review their process and consider change is a good thing.

Mr. Whalen joined the meeting.

Mr. Rode confirmed that the CRB is no longer recording their meetings and said there are written notes. Lt. Reynolds talked to the CRB about the officers' need to see a citizen's hand placement and illustrated some of the creative ways weapons are disguised. Discussed the CRB's consideration of gate keeping third party complaints to protect community resources however the NAACP and LULAC are still very much encouraged. Mr. Rode reminded the Commission that he has an open door policy for people calling him with concerns.

Mr. Garner thanked Mr. Goehring and Chief Kerns for their weekly update materials.

Ms. Miller responded to Mr. Manning's question about the survey by asking Chief Kerns if EPD would be doing another community survey in the upcoming year.

Chief Kerns responded that a survey was run last year and EPD has a volunteer who is a retired philosophy professor who will be analyzing the data.

Mr. Walker stated that the Human Rights Commission (HRC) would like the Police Commission to collaborate on two issues: one, to update the municipal code intimidation law to match the state law regarding transgendered people; two, to include the homeless in the intimidation II laws which will make it a crime to intimidate people based on their socioeconomic status. These items will be brought up during the work plan session in May.

Mr. Tyndall requested that community meetings such as the one Carol Berg-Caldwell mentioned regarding the NAACP be placed in the weekly or a calendar. He stated that recording CRB meetings used to be the practice and requested that Mr. Rode request that practice be reinstated.

Mr. Rode said that he would report back.

Mr. Tyndall said that he had a lengthy discussion on citizens recording police with the Police Auditor (Mr. Gissiner) and Mr. Tyndall believes there is a need for a policy and he commends Sgt. Lowen for the quality of the work he did putting their packet together. He also supported the commission looking at the homelessness issues in the future again.

Mr. Lohrke said that he wants to know how having two police departments in town is evolving? He explained that the UofO Department of Safety (DPS) had two memorandums that outlined how they would operate with EPD and wondered if there were any new memorandums or contracts now that the DPS had become the UofO PD. Mr. Lohrke noted that he is aware of two incidents where students were cited off of campus by EPD and were later contacted by the Dean of Students and would like to know how that connection is made.

Chief Kerns stated the two agencies are working on an agreement of how to share certain documents. He explained how UofO PD is currently authorized to issue citations through the Intergovernmental Agreement (IGA) they received as DPS. Chief Kerns says there needs to be a conversation about where UofO and EPD will do their policing. He said he does not know how we are notifying the UofO that their students have engaged in criminal misconduct off campus but that EPD is notifying them as per UofO's request.

- Several Commissioners nodded in agreement that it would be appropriate to discuss why and how the data is being shared back in a future commission meeting.

Ms. Syrett added that she believed there was an effort from City Council to ask EPD and UofO to work together to communicate criminal misconduct because students continued to perform the criminal behavior despite the fines levied against them because it would not impact their student situation and this was a piece of accountability that was missing.

Chief Kerns responded that EPD could come back with a report, once the commission had decided what kind of time they would like to spend.

Mr. Lohrke asked Mr. Rode or Ms. Pitcher if it was being considered that third party complaints no longer be reviewed by the auditor and it was clarified by both that third party complaints would always be reviewed by the auditor but the CRB was considering whether or not they would continue reviewing them.

Mr. Goehring made the correction that homelessness was not being considered in the language for Intimidation II but socioeconomic status. The HRC liaison will be appointed during the next meeting. He suggested if we are going to discuss the communication between UofO PD and EPD that neighborhood leaders from around the campus should be invited.

Mr. Whalen apologized for being late and was sad that he missed public comment. He is a little worried that what students do outside the campus becomes a campus issue.

### **Approval of Minutes**

MOTION AND ACTION: Mr. Manning moved and Mr. Garner seconded approval of the minutes as submitted. Approved unanimously.

Chief Kerns requested that his presentation be moved to the end before Commission Comments. The commission gave consensus to allow the Chief to speak last.

### **CCTV Proposal**

Asst. Chief Durr discussed the CCTV proposal and Asst. Chief Durr and Chief Kerns responded to questions.

MOTION AND ACTION: Mr. Walker moved and Mr. Rode seconded to accept the policy and proposal and open for discussion.

Chief Kerns suggested that Asst. Chief Durr or Sgt. Lowen could review the policy with the Police Commission.

Point of Order: Mr. Lohrke viewed the Proposal and Policy as two different things and suggested they have two separate motions for discussion. Chairman Walker ruled the motion in order.

Asst. Chief Durr reviewed the policy.

- The Commissioners raised possible concerns and offered suggestions for adjustment to the policy.
- Chief Kerns is grateful that the Police Commission discussed this policy and respectfully asked that the Police Commission not vote but instead let staff listen to their feedback and return with another draft.
- Ms. Syrett asked if staff can provide some information on how the city responds to public records requests in an update or future packet (what are the costs involved?).

MOTION AND ACTION: Mr. Walker moved and Mr. Manning seconded to table the CCTV Proposal discussion until March. Approved unanimously.

### **Break**

#### **Citizens Filming Officers Policy Discussion**

Sgt. Lowen presented and there were no questions.

MOTION AND ACTION: Ms. Syrett moved and Mr. Goehring seconded for discussion of the contents of what should go into the policy. Approved unanimously.

- Several Commissioners thought that the summary, policies and recommendation were well done
- Several Police Commissioners agreed that there was enough material collected to build a policy
- Request to have 'reasonable distance' defined
- The argument was made that the reasonable standard is the legal standard
- Suggestions were made to ask the officers and public for their feedback.
- The suggestion was made to have a PR campaign.
- Recommendations were made on what to include in a potential draft policy.

- A policy that allows the officers the authority to direct someone to a certain place is going to make the officers safer.
- The policy has the opportunity not to just speak to those who have video cameras but any citizen who is getting to close.

MOTION AND ACTION: Mr. Tyndall moved and Ms. Syrett seconded to request that EPD continues to work on the policy and bring a draft back for the Police Commission to review. Approved unanimously.

MOTION: Mr. Tyndall moved and Ms. Syrett seconded to request that we ask a future agenda item to discuss how we want to proceed or if we want to proceed with a public outreach campaign to work with the public on these issues.

Mr. Lohrke asked if a press release would be possible once a policy has been adopted and Chief Kerns responded that it is something we can talk about.

ACTION: Approved (Aye - Walker, Miller, Whalen, Garner, Goehring, Lohrke, Syrett, Tyndall, Manning and Nay – Rode).

### **Stops Data Collection Update**

Capt. Kamkar presented and responded to questions.

Mr. Manning believed that it would be better to define the distinction between race and ethnicity.

Mr. Goehring said that the HRC is hoping that socioeconomic status is captured.

Ms. Miller pointed out that the policy that was adopted by the Police Commission is in place. She commended EPD for being out in front once again.

### **Chief's Presentation**

Chief Kerns reviewed his report and responded to questions.

### **Commission Comments**

Members of the Commission offered closing comments.

The meeting adjourned at 7:49 P.M.

*Notes taken by Jeremy Cleversey*



# MEMORANDUM

**Date:** March 3<sup>rd</sup>, 2015  
**To:** Eugene Police Commission  
**From:** Sergeant Matt Lowen  
**Subject:** Recording Police Activities by the Community Draft Policy

At the direction of the Police Commission, I have prepared a draft policy titled, "Recording Police Activities by the Community." The draft follows generally the outline of the International Association of Chiefs of Police (IACP) Model Policy on Recording Police Activities the commission reviewed and seemed impressed with at the February 12, 2015 meeting. I would like to call a few significant points to the attention of the commission before they begin their review:

- **Policy Title:** With the advent of video cameras in police vehicles, on the police themselves, and many communities adopting, or at least considering a public safety camera network, I sought to make the distinction to any reader, police or community member, that the policy addressed the opposing situation of community members recording police in their official duties. To assist readers in this distinction, I have included the words "by the Community" to the title.
- **Absolute Right to Record, with Reasonable Restrictions:** Like any component of First Amendment speech or expression, it is subject to reasonable restrictions upon said speech or expression. This policy speaks clearly and directly to both: no EPD officer may ever restrict the free expression of an individual by discouraging or preventing the recording of police in their official duties; conversely, no recording party may violate any of the clearly outlined reasonable restrictions that relate to recording police. I am uncertain as to how to underscore any further the importance or value of either the right to record versus the reasonable restrictions upon recording without diluting the unqualified expectation the other is also guaranteed.

Although the policy devotes more ink to articulating what the reasonable restrictions are than to the absolute right to record, in the end, the policy can only be used to guide police actions, not the actions of community members.

- **Arrest procedures that comport with 4<sup>th</sup> Amendment protections:** In the rare event of an arrest or seizure of a recording device the policy requires (like any other arrest) the officer to arrest based upon objective and articulable evidence of the criminal violation. Nor should the officer seize the recording device without first making an arrest. The policy reminds officers of privacy interests in the recording device and that the first consideration should always be



consent, followed by obtaining a search warrant. The policy provides guidance in the very rare exigent instance of when viewing the recording devices content without a warrant is authorized.

- **Sergeants show up:** The policy ends with what I believe to be sound guidance, which if adopted by all law enforcement agencies at low-frequency, high-liability situations, would have spared many agencies from external scrutiny by Federal investigative agencies, media and community: if available, a sergeant must respond to the scene where any person is to be arrested for violating the reasonable restrictions on their First Amendment rights and have their recording device seized. The sergeant should evaluate the totality of the circumstances and determine if the seizure is appropriate. More than anything, this protects the officer, who may be singularly focused on the scene and the offender, and lets the high-liability decision to seize a recording device be shared, or absorbed entirely, by a supervisor of the agency.

Matt Lowen  
Sergeant, Eugene Police Department  
Office of Professional Standards

POLICY  
415

EFFECTIVE  
DATE  
Draft 022615

# Eugene Police Department



---

## Recording Police Activities by the Community

### 415.1 PURPOSE AND SCOPE

The Eugene Police Department preserves and protects the rights guaranteed to its community members by the Federal and State Constitutions. Eugene's community members have a First Amendment right to video and audio record members of the Eugene Police Department while they are conducting their official duties, so long as the recording does not create a legitimate and articulable concern for officer safety, or a hindrance to successful and timely resolution of the police matter being handled. This policy provides guidance to department members on how to preserve the rights of community members who are recording police, and in rare instances where the recording member of the community violates any of the reasonable restrictions placed upon their ability to record police activities, the policy informs officers and supervisors how to successfully deal with an arrest and/or seizure of a recording device.

### 415.2 POLICY

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

### 415.3 DEFINITIONS

**Recording:** Capturing of images, audio, or both, by means of a video camera, cell phone, audio recorder, or other device.

**Media:** The storage source for visual or audio recordings, whether by film, analog, or digital means.

### 415.4 RECORDING POLICE BY COMMUNITY MEMBERS

Persons who are lawfully in public spaces or locations where they have a legal right to be present—such as their home, place of business, or the common areas of public and private facilities and buildings, city streets and sidewalks—have a First Amendment right to record things in plain sight or hearing, to include police activity. Members of the Eugene Police Department may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:

- a. Officers may offer a reasonable distance that must be maintained from the scene(s) where enforcement or related police duties are being recorded. This distance is assigned by the officer on scene and will consider the totality of the circumstances regarding the particular police activity.

- b. Persons engaged in recording activities may not obstruct police actions. The fact that recording and or overt verbal criticism, insults, or name-calling may be annoying, it does not of itself justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's right to protected speech. Examples of actions that obstruct police activities include, but are not limited to:
1. Interference through direct physical intervention or breaching the reasonable distance established by the officer, thereby dividing his or her attention to the matter at hand.
  2. Intentional and persistent attempts to tamper with a witness who is being engaged by the police.
  3. Repeated attempts to engage an officer with questions or interruptions which divide the attention of the officer.
  4. Impeding the movement of emergency equipment, personnel or flow of civilian traffic or pedestrians.
  5. Any action by the recording party that jeopardizes the safety of an officer, victim, witness, suspect, or third party.

Additionally, recording parties are not entitled to enter certain locations they are prohibited from entering simply to record police activities. Examples of locations recording parties are prohibited from entering or remaining upon include, but are not limited to:

1. Anywhere private property the recording party would be trespassing upon;
2. Entry into another person's private dwelling, garage, storehouse, etc.;
3. Entry into an established crime scene;
4. Entry into an area or building not accessible to the general public.

## 415.5 ARREST BASED UPON RESTRICTIONS

### 415.5.1 ARREST

Arrest of any person by a member of the Eugene Police Department for violating the reasonable restrictions placed upon their Constitutional rights will be based upon an objective, reasonable and articulable violation of the law (Interfering with Police, Trespassing, etc.) If it is reasonable and appropriate, any person who is violating the foregoing restrictions should be informed they are engaging in a prohibited activity and given an opportunity to locate an acceptable and legal alternative prior to being arrested. Nothing in this policy suggests an officer *must* warn a person participating in a prohibited activity.

### 415.5.2 SEIZURE OF RECORDING DEVICES SUBSEQUENT TO ARREST

Recording devices and/or media must not be seized without consent or absent the arrest of the recording party. Officers may not order or coerce a recording party to show them recordings that have been made of official department action. Officers should consider that unless there is probable cause to believe evidence of a serious crime is contained in a recording, seizure may not be necessary. Nothing in this policy prohibits the seizure of a recording device if the crime captured is subsequently not deemed 'serious'.

If, however, there is probable cause to believe there is evidence of a serious crime contained in a recording device the officer should do the following:

- a. Immediately request a supervisor to the scene.

- b. As the recording party in possession of the recording device if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and copied.
- c. If the recording party refuses, and it is objectively likely that the recording device contains evidence of a crime and that the recording could be destroyed, tampered with, or altered before a search warrant affidavit can be obtained the officer is may seize the recording device so that a warrant may be obtained authorizing the officer to view and duplicate the suspected recording.
- d. There is no exception to warrant requirement following an arrest where a recording device is seized **except** in *exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized*. Only then can the recording device or media may be confiscated and viewed without a warrant.
- e. Whenever a recording device or media is seized without a warrant or obtained by consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved. In all cases property receipts shall be provided to the owner.

#### **415.5.3 SUPERVISOR RESPONSIBILITIES**

A supervisor will be summoned and respond to any scene where a person is to be arrested and the recording device used will be seized. The supervisor will examine the scene and facts of the case and determine whether or not the seizure is appropriate.

# Chief Kerns' Report to the Police Commission



**February 2015**

# Chief's Activities

- River Road Neighbors Association meeting along with Sheriff Turner
- In-service training
- INET Quarterly meeting
- Officer Ride Alongs and 911 Center Ride Along
- OACP Legislative Committee meeting
- Dr. Seuss Reading to 3<sup>rd</sup> grade Meadowview classes
- NAACP Freedom Fund Dinner

# In the News



★ Suspicious Vehicle Following Females

★ Online Fraud—Deception

★ Missing Person

★ Extensive Graffiti Reported in Barger Area

★ Woman Arrested for Stalking

★ Robbery at GJ's Smoke Shop on Royal Avenue

# Looking Ahead

- 258 applications were received for police officer. 17 more than the previous process
- **Phone interviews under way for Animal Welfare Unit manager position**
- Records Specialist A job posting listed
- **Forensic Analyst job posting listed**
- State's Fallen Law Enforcement Memorial—  
May 5, 2015
- **National Police Week in Washington, D.C.—  
May 10-17, 2015**

**March 04, 2015**

- DLP Report
- Arrests/Contacts of Interest
- Offender Focus
- Area of Focus

# DLP Report

## Semi-Automated

- Based on CAD data
- Is based on a rolling 7 and 28 day vs. set date range (previously Tuesday-Monday)
- Updated and Posted each morning
- Timely and Actionable information
- Saves CAU 25+ hours of work
- Due to the size (55MB) we can not fully automate it
- If needed can be updated at anytime throughout the day
- You can access it through CESHARE either under Crime Analysis or through EPD resources DLP Report.

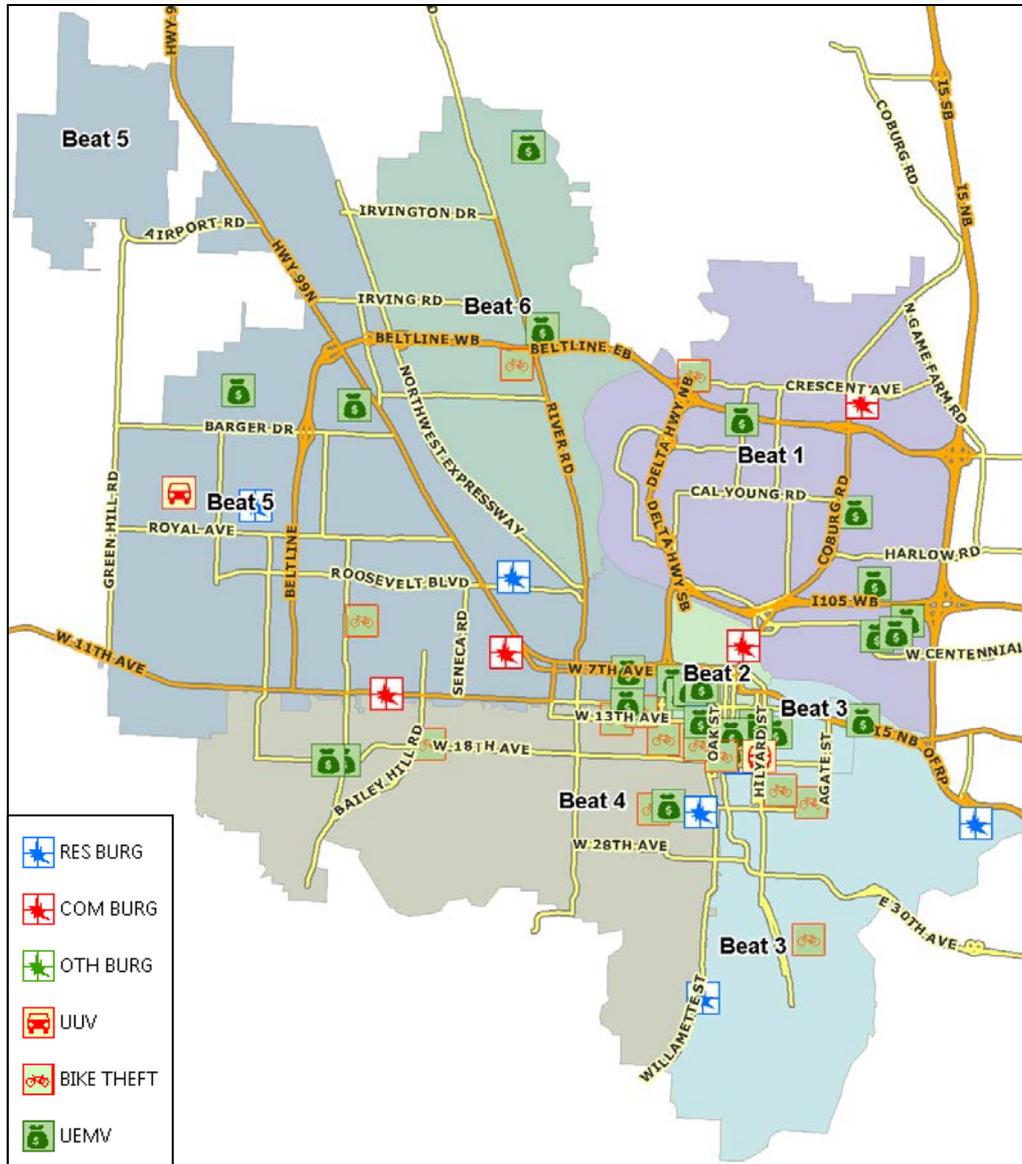
Office of the Chief
EPD Resources
Libraries
Lists
AIRS Reports
Chief's Weekly Updates
Crime/DLP Briefing
Information Technology Committee
Public Information Office
Crime Analysis ←
Eugene Police Training Section
Project Tracking
Sungard Information

<b>EPD Resources</b>
4J Alarms
<b>A</b>
Abatement Program
Adhoc Assignments
Crime Prevention
<b>D</b>
DA Case management
DAT Project Request Form
Department Directives
Department Memos
Digital Image Server
DKHELP
DLP Report ←

<b>Data Led Policing Reports</b>		
<input type="checkbox"/> Type	Name	Modified
<input checked="" type="checkbox"/>	11-19-14 AM DLP City Wide - Beats <small>NEW</small>	11/19/2014 8:28 AM
<input checked="" type="checkbox"/>	11-18-14 PM DLP City Wide - Beats <small>NEW</small>	11/18/2014 4:55 PM

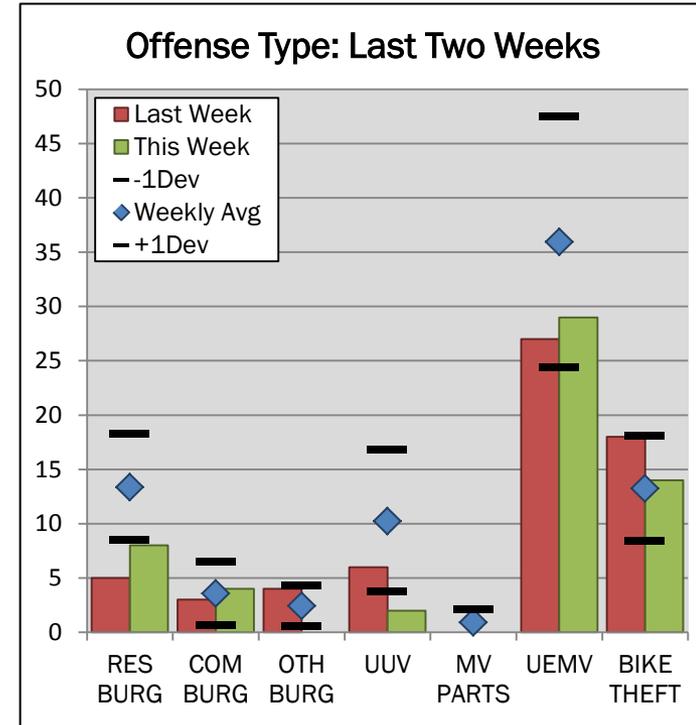
# One Week City-Wide

PROTECT.SERVE.CARE.



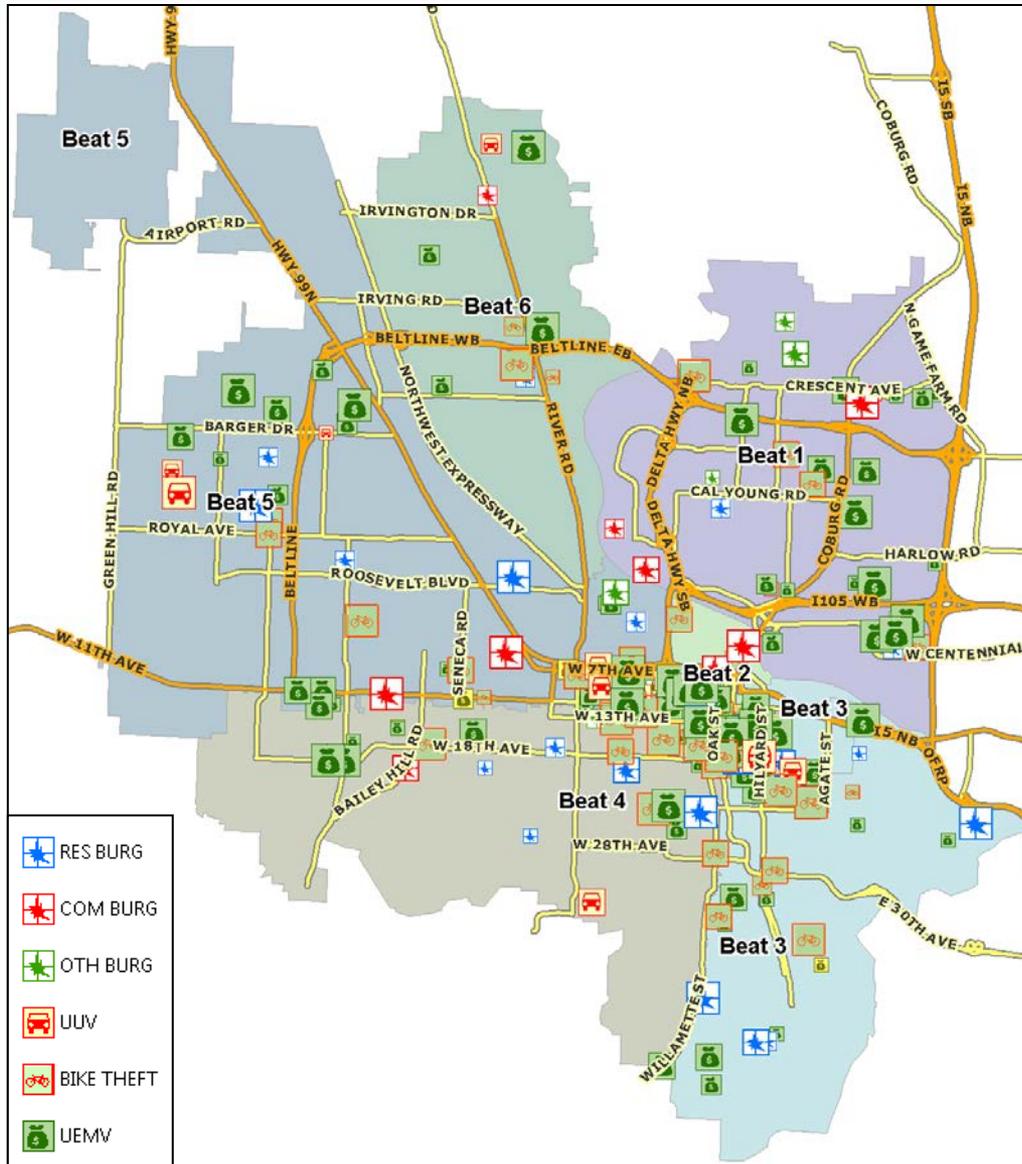
	-1Dev	This Week	Weekly Avg	+1Dev
RES BURG	8.5	8	13.4	18.3
COM BURG	0.6	4	3.6	6.5
OTH BURG	0.6	0	2.5	4.3
UUV	3.7	2	10.3	16.8
MV PARTS	-0.2	0	0.9	2.1
UEMV	24.4	29	36.0	47.5
BIKE THEFT	8.4	14	13.2	18.1
<b>TOTAL</b>	<b>60.0</b>	<b>57</b>	<b>79.8</b>	<b>99.6</b>

(As of 03/04 0924hrs: 28 on the 9-Log, 04 UEMV's, 03 Bike Thefts)

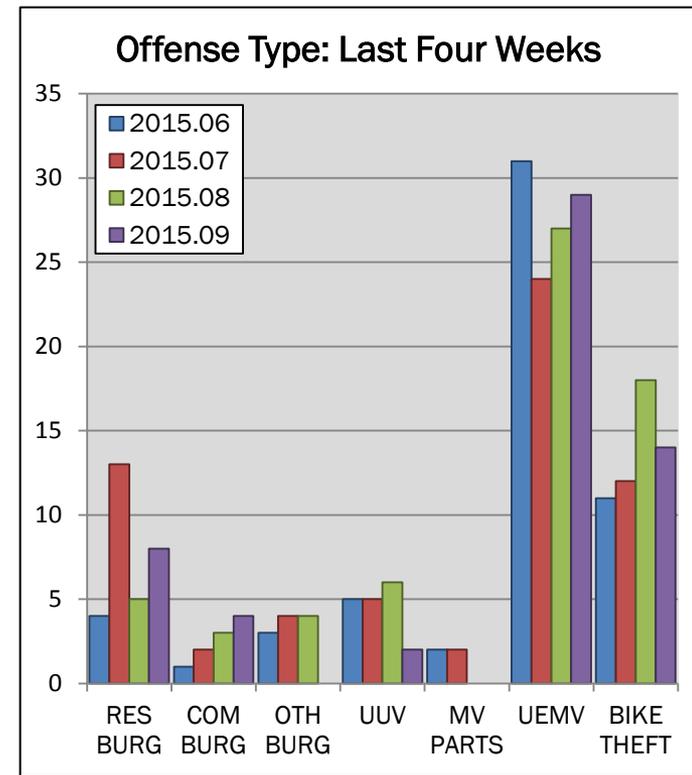


# Four Week City-Wide

PROTECT.SERVE.CARE.



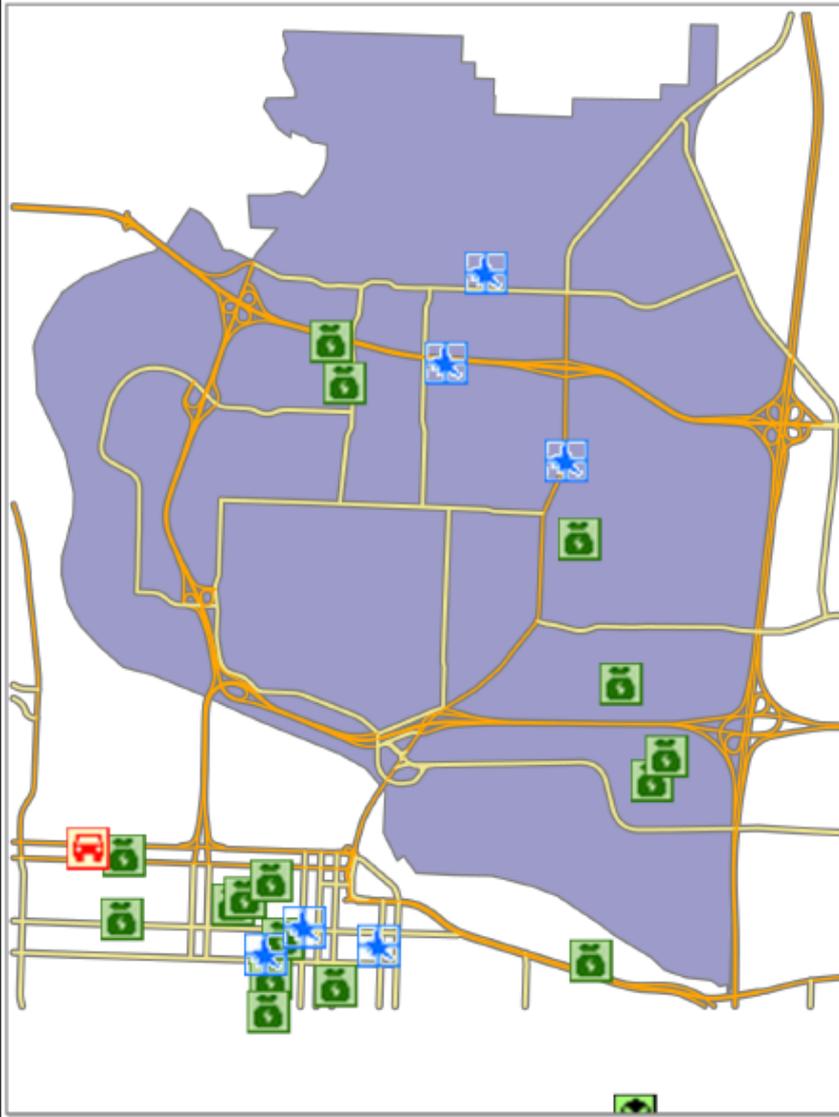
	YTD 2014	YTD 2015	Diff	%Change
RES BURG	121	83	-38	-31.40%
COM BURG	36	23	-13	-36.11%
OTH BURG	23	16	-7	-30.43%
UUV	152	66	-86	-56.58%
MV PARTS	22	5	-17	-77.27%
UEMV	352	230	-122	-34.66%
BIKE THEFT	71	119	48	67.61%
<b>TOTAL</b>	<b>777</b>	<b>542</b>	<b>-235</b>	<b>-30.24%</b>



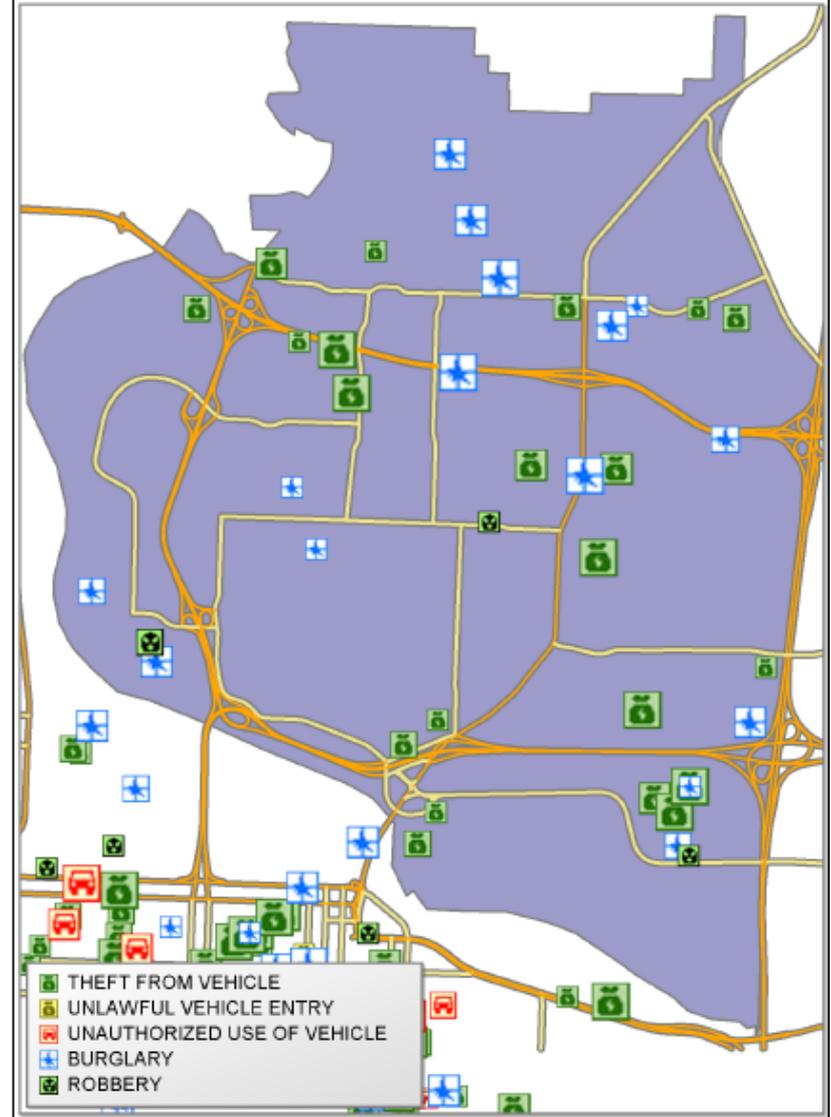
# East Side Beat 1

PROTECT. SERVE. CARE.

DLP - BEAT 1 ONE WEEK



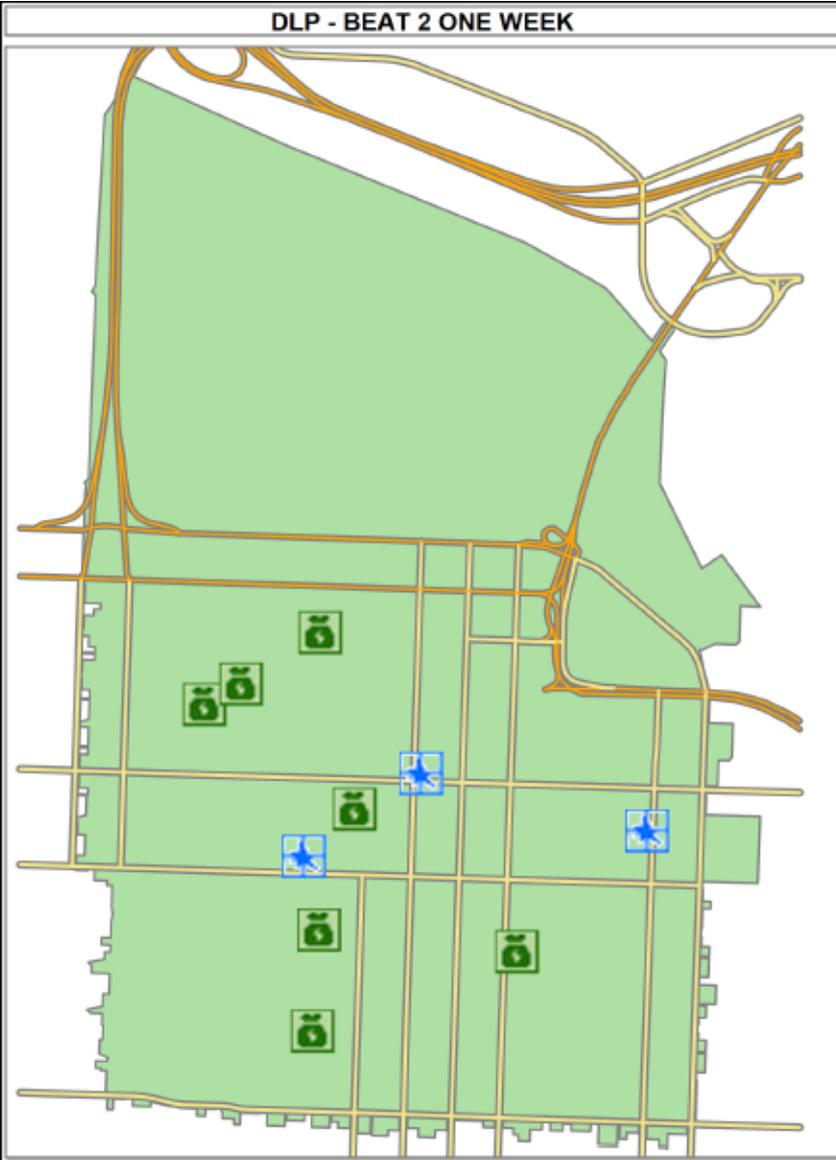
DLP - BEAT 1 FOUR WEEK



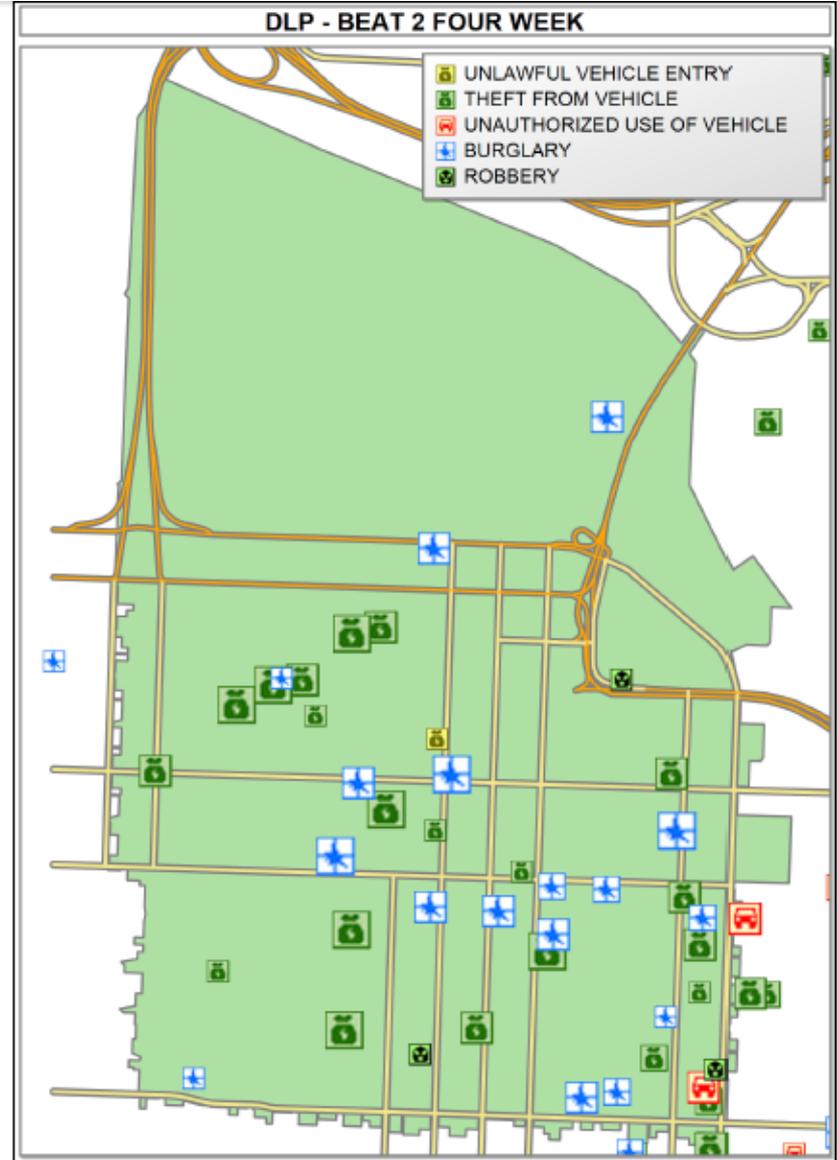
# East Side Beat 2

PROTECT. SERVE. CARE.

DLP - BEAT 2 ONE WEEK



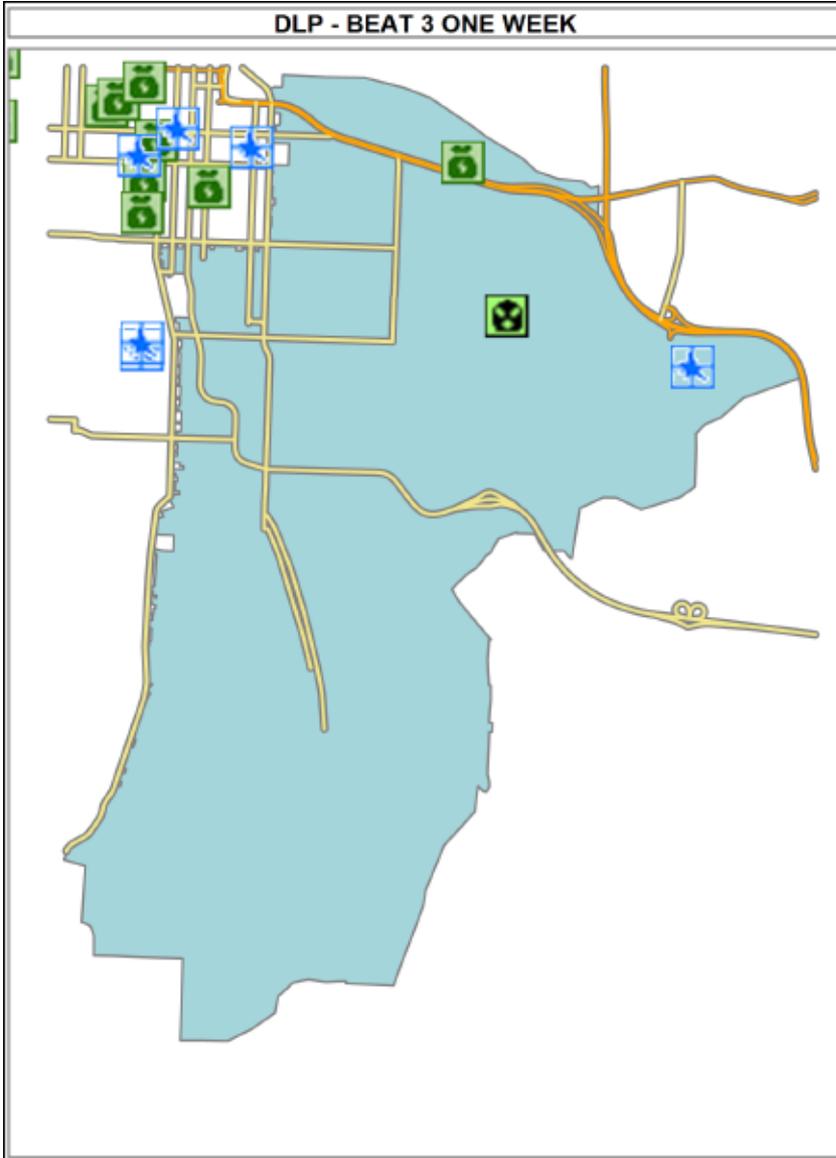
DLP - BEAT 2 FOUR WEEK



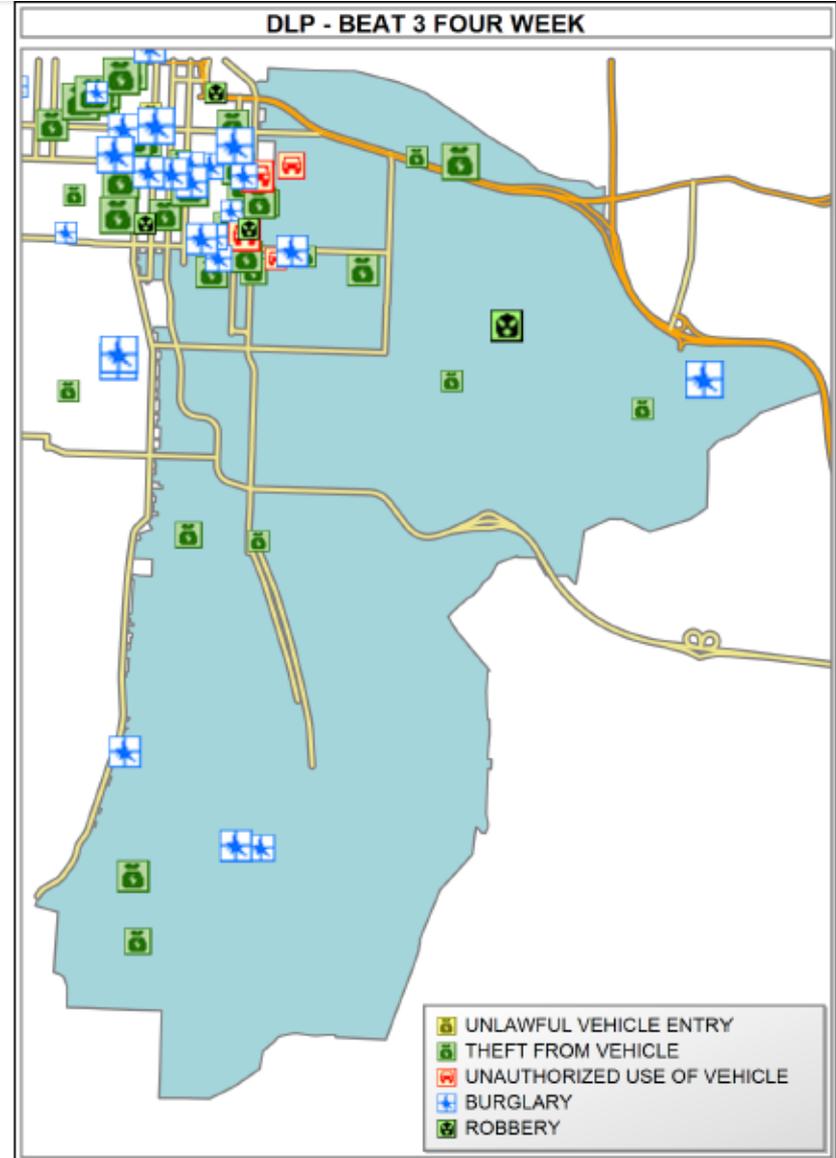
# East Side Beat 3

PROTECT. SERVE. CARE.

DLP - BEAT 3 ONE WEEK

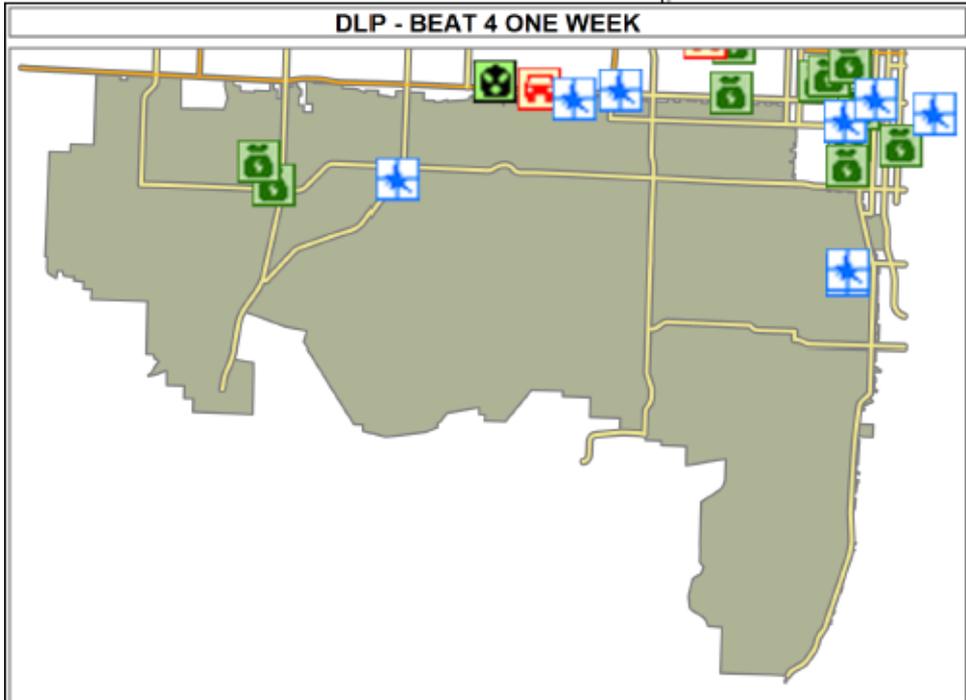
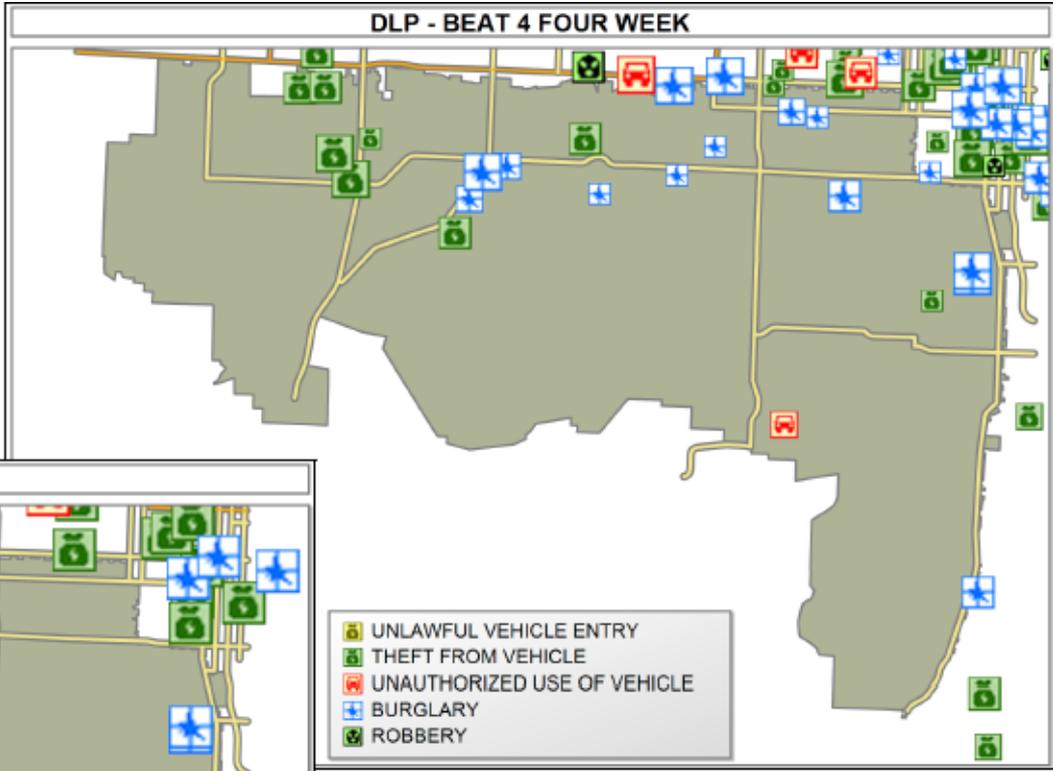


DLP - BEAT 3 FOUR WEEK



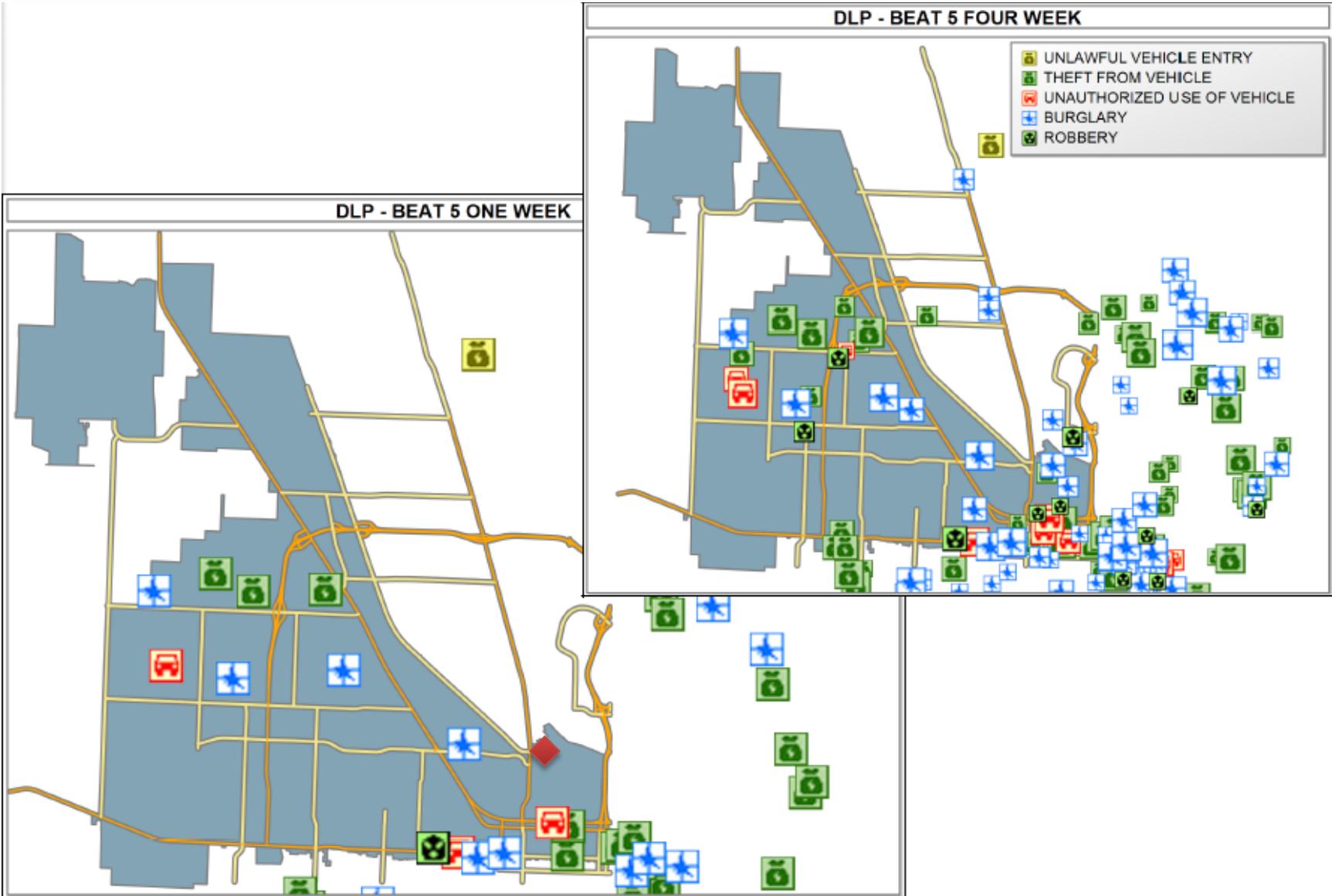
# West Side Beat 4

PROTECT. SERVE. CARE.



# West Side Beat 5

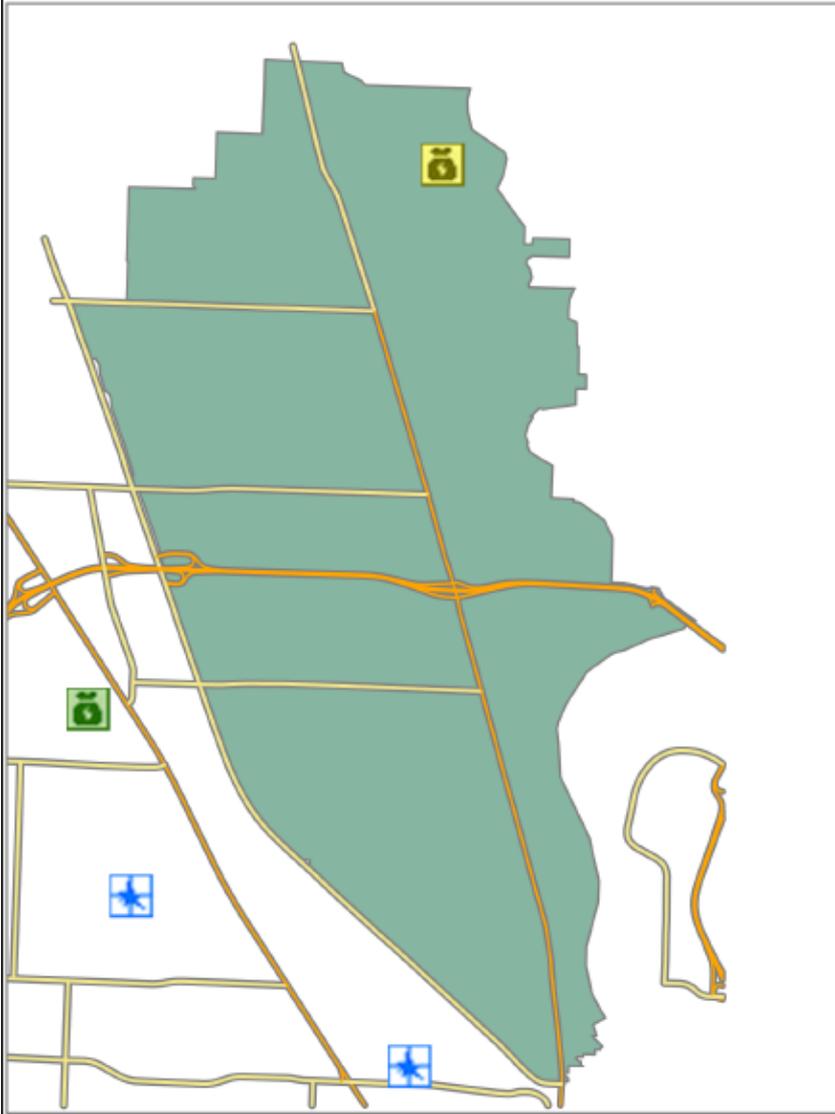
PROTECT. SERVE. CARE.



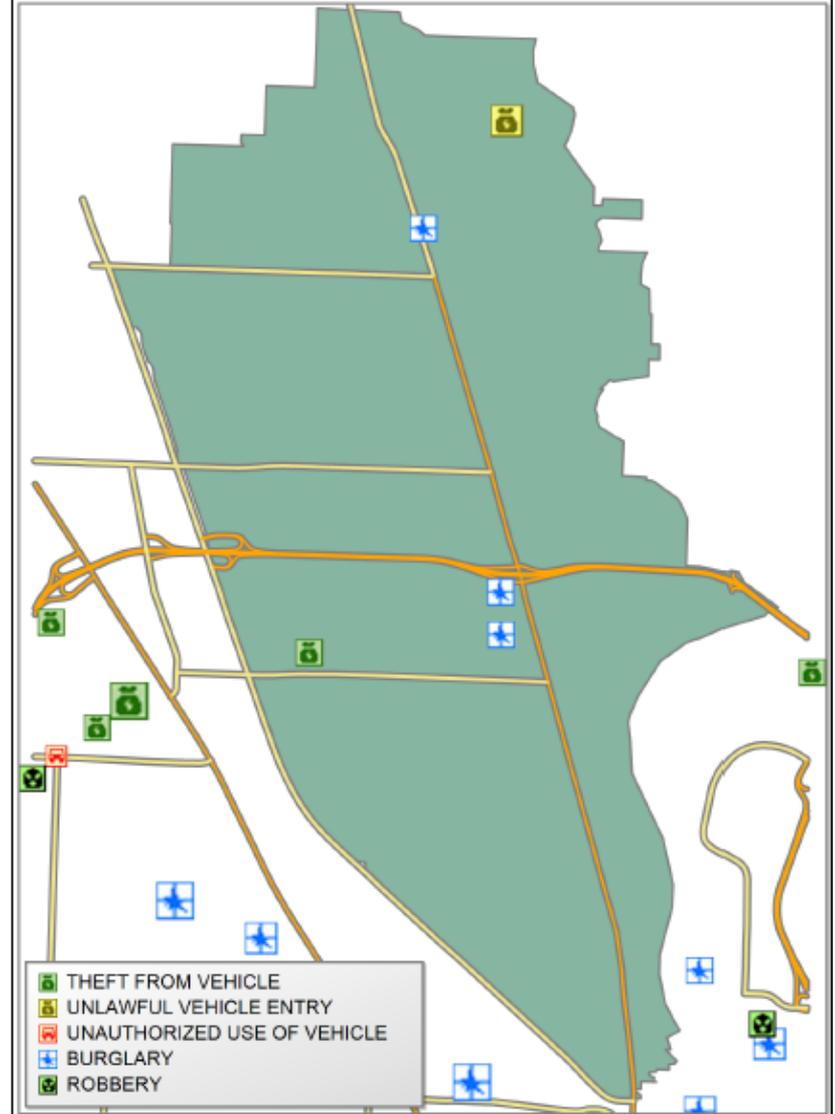
# West Side Beat 6

PROTECT.SERVE.CARE.

DLP - BEAT 6 ONE WEEK

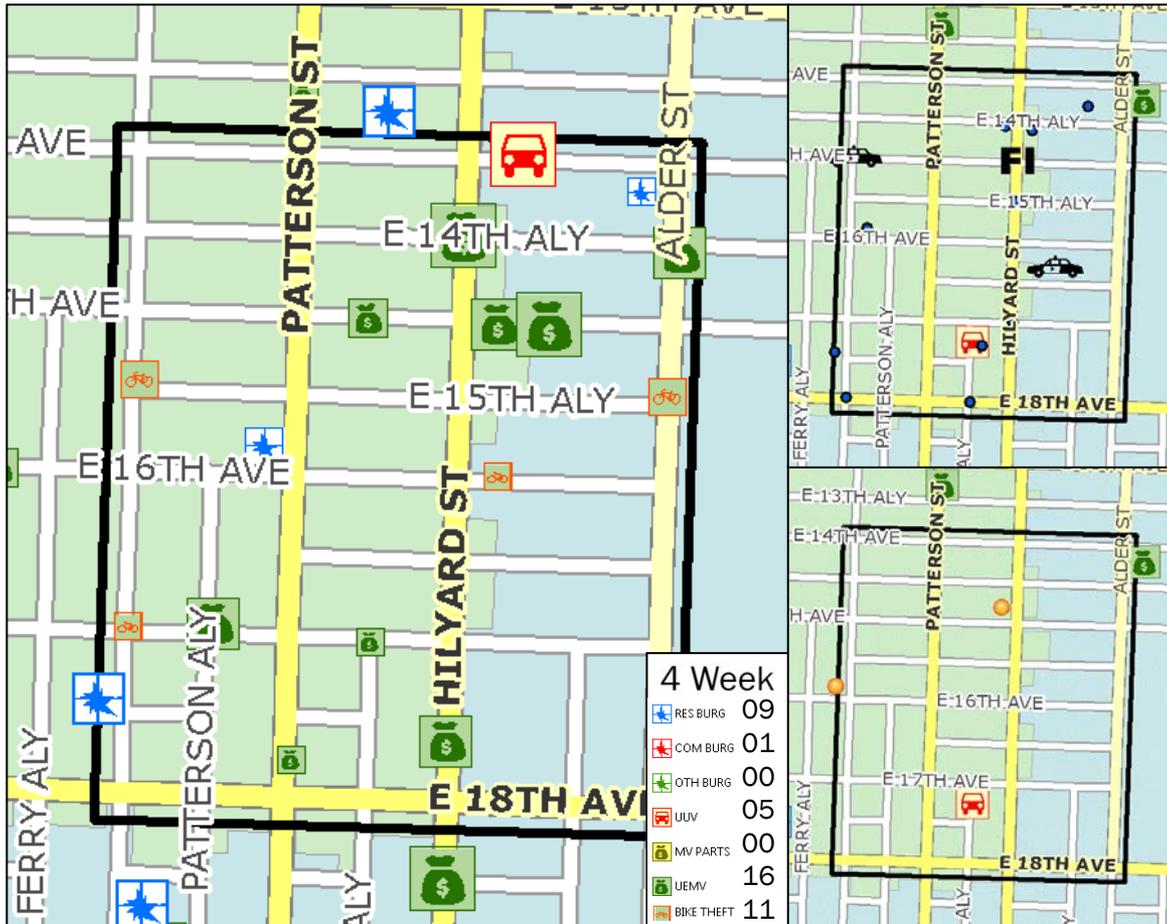


DLP - BEAT 6 FOUR WEEK



# Officer Activity

## E 13<sup>th</sup> Ave. to E 19<sup>th</sup> Ave. / Mill St. to Alder St.



### Officer Activity:

- 00 ARR/CLC
- 00 CIT/UTC
- 01 **FI** FI
- 02 PCHK

### Late Reports/New Activity:

- 01 New UEMV
- 01 New UUV

### Decoy Car Placements:

- 02/24 361 E 14<sup>th</sup> Ave
- 02/26 1590 Ferry St  
1480 Hilyard St
- 02/27 840 Polk St
- 03/02 811 W Broadway

### Additional Activities:

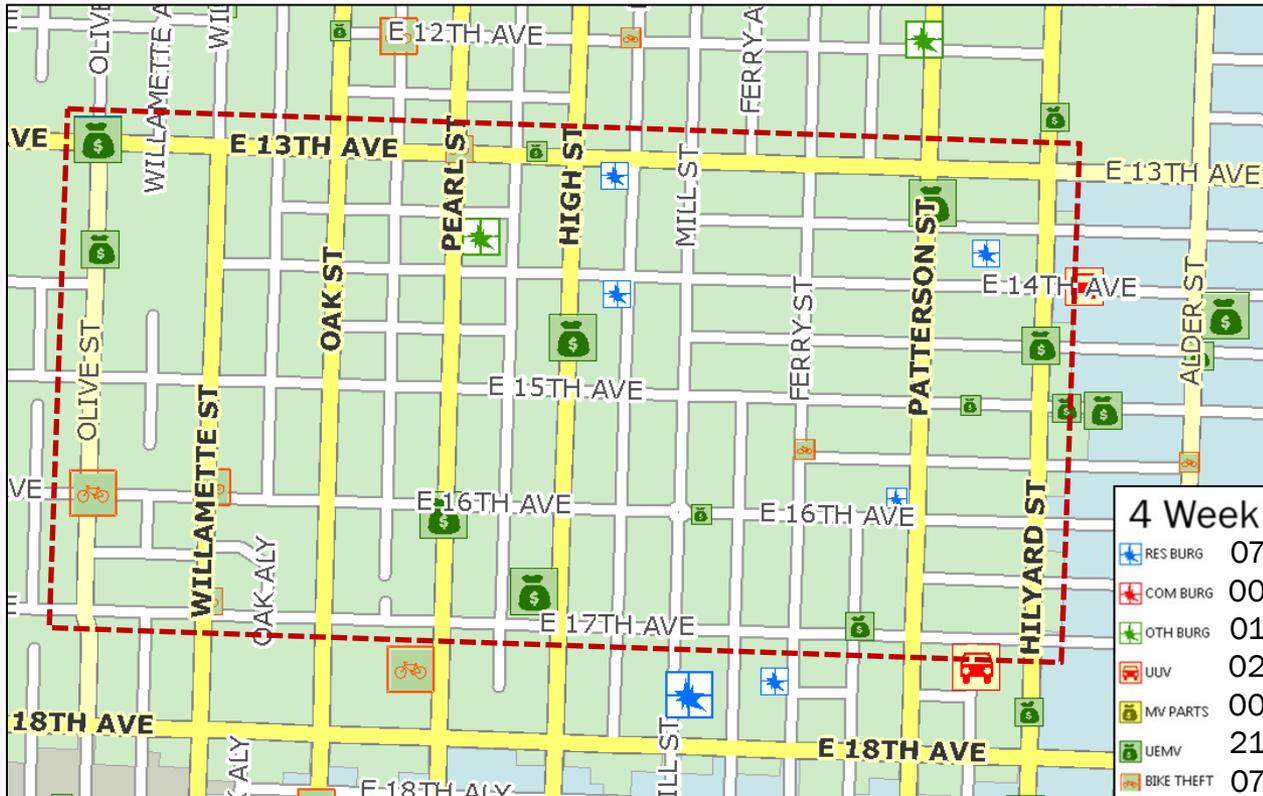
Advised	03
Assisted	01
Report Taken	03
Warnings	02
<b>Total</b>	<b>09</b>

**30 incidents/4 weeks:** Based on date and time information of officer reports within the area, DLP activity is most likely to occur **Mondays, Fridays and Saturdays between 0200hrs through 0400hrs** – taking into account recent activity, the highest probability is on **Fridays between 0300hrs and 0600hrs.**

**Burglaries: MO/** Victims typically absent or not stated. No force, entry usually made through unsecured front doors. **SP/** includes: computers/laptops, and small electronics

# Area of Concern

## E 13<sup>th</sup> Ave. to E 17<sup>th</sup> Ave. / Olive St. to Hilyard St.



**38 incidents/4 weeks:** Based on date and time information of officer reports within the area, DLP activity is most likely to occur **throughout the week between 0100hrs through 0600hrs** - taking into account recent activity, the highest probability is on **Fridays between 0300hrs and 0700hrs.**

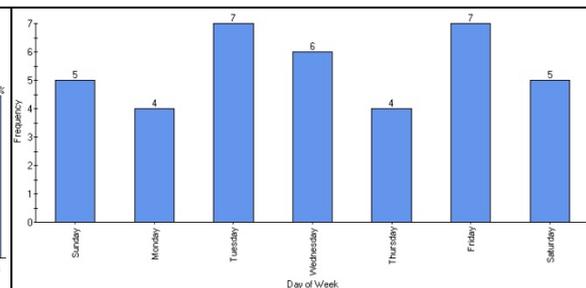
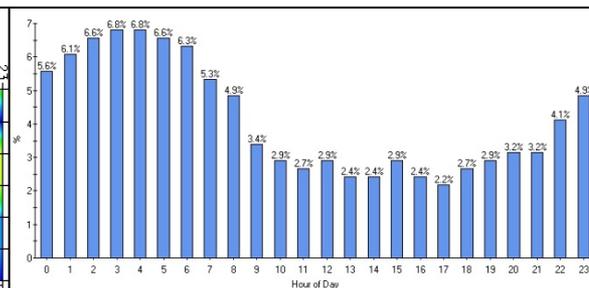
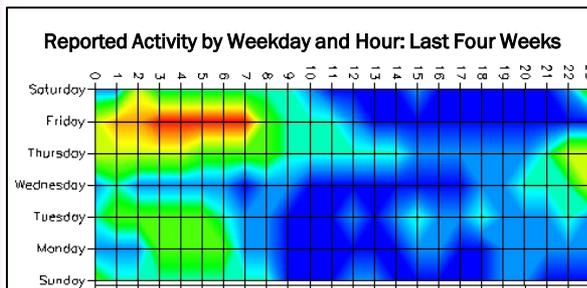
### Burglaries:

- **MO/** Victims typically absent or not stated. No force, entry usually made through unsecured front doors.
- **SP/** includes: computers/laptops, and related electronics

### UO Contacts:

- **150256** – Marsh, Chris G @ 1647. Hx: UUV, Theft, UEMV, Drugs
- **150258** – Eads, Zach D @ 1002 Hx: Assault, Burg, Theft, Drugs
- **150265** – Hancock-Mortenson, Keri L @ 0702 Hx: Robber, Assault, Burg, UUV, Theft
- **150272** – Ulchinsky, Joseph A @ 1734 Hx: Forgery, Theft, Drugs, Poss Burg Tools

4 Week	
RES BURG	07
COM BURG	00
OTH BURG	01
UUV	02
MV PARTS	00
UEMV	21
BIKE THEFT	07





**The End**

**America's Safest City**

**The Most Professional Agency**



**PROTECT. SERVE. CARE**

# MEMORANDUM

**Date:** January 26, 2015  
**To:** Chief Pete Kerns  
**From:** Asst. Chief James K. Durr  
**Subject:** CCTV Pilot Project

## OVERVIEW:

The Eugene Police Department (EPD) is proposing a pilot project for 18 months of a Closed Circuit Television (CCTV) camera system. The purpose of this pilot project is to assist the Eugene Police Department's mission in reducing crime and the fear of crime. The instillation of a CCTV system should be overtly installed in an area where there is: a) criminal activity, b) an area where there is high pedestrian foot activity. The goals of the law enforcement CCTV system would be to:

- Diminish crime
- Prevent public disorder
- Identify criminal activity
- Identify suspects
- Gather evidence
- Improve the allocation of EPD resources in addressing crime

## DISCUSSION:

The utilization of CCTV systems by law enforcement has been utilized for the past fifteen years by law enforcement (New York City Police Department, Baltimore Police Department, University of Southern California, University of Pennsylvania). There have been numerous studies into the effectiveness of law enforcement CCTV's in reducing crime. There are cases which have shown success and failures but the lessons learned from the cases are the deployment of the CCTV's should be strategically conducted. Law Enforcement must identify the area where crime is occurring, analyze the type of crime and ask if the deployment of a CCTV will reduce/eliminate crime. The law enforcement agency that deploys a CCTV should have measured crime in the desired area prior to deployment and continue to conduct an analysis of crime post implementation. The agency should also have a sample group (secondary area) as a comparison to help determine if the goals are being achieved.



## CONSTITUTIONAL ISSUES:

There are two constitutional issues to consider in the deployment of CCTV cameras in the public sector: The first is the Fourth Amendment which protects people against unreasonable search and seizure; the second is the right of privacy which falls under the Fourteenth Amendment. The installation of the CCTV system would be in a public area which the courts have ruled that there is no expectation of privacy where they can be observed by others. Police are able to observe activities that occur in plain view in a public place and thus the use of a CCTV to assist law enforcement does not violate the two constitutional issues. Due care should be utilized if the CCTV system has the ability to view into a business or residence which would be constitutionally protected.

The CCTV system should be used to identify crime and the behaviors associated and should not be used to track or observe people based upon their race, ethnicity, gender, sexual orientation, disability, economic status or other constitutionally protected status.

## ANALYSIS OF CRIME:

The crime analysis unit of the Eugene Police Department examined all crime which occurred within the city for 2014. As a result of their analysis, there were three distinct areas where there is a high level of behavior based crimes (see crime analysis heat map). The reason behavior based crime was used as the baseline for analysis is because of the fear that is often associated with this category of criminal activity. The downtown area attracts behavior based crime along with a high volume of pedestrian activity and a high concentration of businesses. Property crime is a continued focus for EPD but is hard to geographically locate as it is often a crime of opportunity.

### **W 8th Aly -W 10th Aly, Olive Aly-W Park**

In 2014, there were 805 incidents and 3602 calls for service

### **W Park-Pearl, E 7th Aly-S Park**

In 2014, there were 263 incidents and 942 calls for service

### **Washington Jefferson St Park**

In 2014, there were 282 incidents and 650 calls for service

## COSTING:

Pending the approval of the deployment of CCTV cameras at the approved location, a cost analysis can be conducted. EPD would submit a Request for Information (RFI) which we would obtain information from various vendors on the deployment of the cameras and the appropriate software camera management system. EPD would have a better understanding the associated costs and make any necessary revisions prior to a Request for Proposal (RFP). The RFI will:

- Assess the number of cameras needed to cover the area of focus
- Evaluate the lighting conditions (day and night)
- Choose the appropriate camera technology for the conditions and goals
- Choose the appropriate storage system for video retention

## RECOMMENDATION:

Eugene move forward to identify funding for the project as well as implementing an RFI for the implementation of a CCTV system at the W 8th Aly – W 10<sup>th</sup> Aly; Olive Aly – W Park. It is believed the system will be a force multiplier for law enforcement and is in alignment with the city's strategic goal of making downtown Eugene a safer place. This area has:

- High calls for service – it is anticipated the CCTV system will cause a reduction.
- High incidents – it is anticipated the CCTV will cause a reduction.
- Concentration of Bars which result in the area having 181 calls for service for disorderly persons and 197 incidents related to alcohol – it is anticipated the CCTV will cause a reduction.
- High criminal enforcement efforts and the implementation of a CCTV system could have a reduction in court overtime.

The sample group to conduct a comparison and help analyze the effectiveness of the system will be W Park-Pearl, E 7th Aly-S Park and the Washington Jefferson Street Park locations.

The project will be under the supervision of the Downtown Lieutenant who will be responsible for ensuring the pilot project is meeting the goals of the program and will make the necessary adjustments. The lieutenant will be responsible of reporting out the impact of the CCTV system at 6 months, 12 months and 18 months after implementation. The CCTV supervisor will be responsible to conduct audits of the system and collect data on any cases which it is used to assist law enforcement in the identification of crime and suspects. The CCTV supervisor will be responsible to review any case law which may have an impact upon the utilization of the system. The CCTV supervisor will be responsible to ensure that cameras are properly operating and make any recommended change of locations of camera deployment to the office of the chief.

Clearly specified start and end dates for the CCTV project will be outlined once the RFP is complete and before the projects implementation. After 18 months, the results of the program will be presented to the Police Commission for discussion before it is determined if the project should be continued, discontinued or expanded.

POLICY  
606

EFFECTIVE  
DATE  
Draft 030515

# Eugene Police Department



---

## Public Safety Camera System

### 606.1 PURPOSE AND SCOPE

The City of Eugene operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images.

### 606.2 POLICY

Cameras are strategically placed throughout the City at the direction, or with the approval of the Chief of Police for the purpose of assisting the Eugene Police Department to detect and deter crime, to safeguard against potential threats to public safety, to manage emergency response situations to natural and man-made disasters, and to assist other City officials to aid in the enhancement of services provided to the community.

Public safety cameras are a crime prevention tool and can assist with evidence gathering and scene reconstruction. Public safety cameras are also a key resource to assist in securing vulnerable sites by providing real time monitoring and early detection of unusual or criminal activity allowing for a more efficient and timely response by law enforcement and emergency response personnel.

The cameras only record images and do not record sound. Recordings may be used for a variety of purposes including criminal investigations, reducing crime problems and monitoring of behavior activity. In addition, the public safety camera system helps to provide the following benefits:

- a. Assistance in identifying, apprehending and prosecuting offenders.
- b. Assistance in gathering evidence for criminal and civil court actions.
- c. Assists emergency service personnel in maintaining public order through deterrence.
- d. Assistance in monitoring pedestrian and vehicle traffic activity.
- e. Assistance improving the general environment and security on public streets.
- f. Assistance in providing effective services to community.

### 606.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

#### **606.3.1 CAMERA SYSTEM MONITORING**

Video images from the cameras are transmitted to monitors installed at designated locations within the Eugene Police Department such as the Watch Commander's office, or a Communications Center dispatch console. When there is an in-progress call in the vicinity of one of the camera locations, an on duty watch commander may authorize Eugene Police

Department sworn personnel or communications specialists to selectively view the appropriate camera and relay any available information to responding units. The on duty watch commander is authorized to adjust the cameras traverse, elevation, and focus in such a manner as to most effectively view a particular area for any legitimate public safety purpose.

The recorded video from cameras may be accessed by other City employees with the authorization of the Chief or his/her designee, or other law enforcement agencies (e.g., Oregon Liquor Control Commission, Lane County Sheriff's Office) for official business only with the approval of the watch commander.

### **606.3.2 TRAINING**

Personnel involved in monitoring the Public Safety Camera System will be appropriately trained on the technology and policy regarding the system.

### **606.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, or to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these privacy rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

### **606.3.4 NOTIFICATION TO THE PUBLIC**

Areas that are under the surveillance of the Public Safety Camera System will be conspicuously marked in order to notify the public that the area is under video surveillance.

## **606.4 MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons only. The system will store the images from every camera which are recorded throughout the twenty-four hour period of every day of the week. All of the images from every recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m. will be referred to as the Daily Recording.

The Daily Recording will be stored for a period of not less than 30 days and thereafter may be erased if not otherwise required for any related investigation, claim or other official need (Oregon Administrative Rules 166-200-0100 (68)). The system will be configured to automatically purge and write over any Daily Recordings, not flagged for court or further investigation, more than 60 days old.

## **606.5 RETREIVAL OF RECORDED INFORMATION**

Authorization to research and retrieve recorded information is restricted to the Chief of Police or his or her designee. These individuals will be authorized to provide video images for investigative purposes to a Eugene Police Department employee who has completed a video request form in accordance with chain of custody procedures established by the Eugene Police Department.

### **606.5.1 PUBLIC AND OTHER AGENCY REQUESTS**

Requests for recorded video images from other law enforcement agencies or through the submission of a court order or subpoena will be promptly submitted to the City Attorney, or his designee. Upon the receipt of any such request, it will also be promptly submitted to the Communications Operations Manager, or designee who will promptly research the request

and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been finally processed by the City Attorney's office.

Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by Oregon public records law, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

#### 606.6 ANNUAL REVIEW OF CAMERA SYSTEM

The Chief of Police or his/her designee will conduct an annual review the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

DRAFT



# MEMORANDUM

**Date:** March 4, 2015  
**To:** Jeremy Cleversey, AIC Management Analyst – Office of the Chief  
**From:** Nathan Reynolds, Lieutenant – Office of the Chief  
**Subject:** POM 308.2 REVIEW, POLICY 314 IMPLEMENTATION AND TRAINING

In late 2011, the Policy Screening Committee provided input on the department's pursuit policy, the POM 308.2. Proposed changes were directed at narrowing the criteria for justifying a pursuit. The draft policy (Policy 314) was brought to the Police Commission on January 12<sup>th</sup>, 2012 and the Commission voted unanimously to approve the proposed Policy 314. Policy 314 was disseminated to officers and training provided on the new policy during inservice sessions.

Over the next year, analysis of pursuit reviews revealed that the language in Policy 314 was confusing to officers, causing inconsistent decisions to be made during stressful events. Policy 314 was sent back to department vehicle operations experts, and was revised again with clarifying and more restrictive language around when a pursuit can be initiated and continued. The revised Policy 314 was approved and disseminated to officers on February 21<sup>st</sup>, 2014 with training following in inservice sessions. Since the second revision of policy 314 went into effect in February of 2014, we have noticed a decrease in pursuits and an increase in the level of good decision making around initiating and continuing pursuits.



POLICY  
314

EFFECTIVE  
DATE  
022114

# Eugene Police Department



---

## Vehicle Pursuit Policy

### 314.1 PURPOSE AND SCOPE

It is understood that vehicle pursuits expose innocent persons, law enforcement officers, and fleeing violators to the risk of serious injury or death. All officers engaging in vehicular pursuit driving must drive with due regard and be fully aware that irresponsible, careless, and reckless driving will not be tolerated.

It is recognized that vehicle pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

#### 314.1.1 DEPARTMENT PHILOSOPHY

The Department has adopted a restrictive pursuit policy in order to uphold our duty to protect the public. In all situations where you are authorized to pursue a suspect vehicle, the Department expects that you will safely close with the suspect vehicle and end the pursuit as soon as you are offered a safe location and circumstances to do so. All uses of force must comply with *Policy 300 Use of Force*.

#### 314.1.2 DEFINITIONS

**Vehicle pursuit:** The active attempt by a police officer operating a motor vehicle to apprehend the occupant(s) of another moving vehicle when the driver is resisting apprehension by maintaining or increasing vehicle speed ignoring the officer or attempting to elude the officer. If the vehicle remains in motion and complies with all relevant traffic laws except for its failure to yield the officer may continue to follow the vehicle and doing so does not constitute a pursuit for purposes of this policy.

**Actively pursue/actively involved in the pursuit:** To engage in a vehicle pursuit or to attempt to keep up with a vehicle pursuit. This does not include emergency response driving to block intersections for civilian traffic and pedestrians that may be driven through by the eluding vehicle.

**Reasonable Safety:** Factors that the officer must take into account when deciding whether the need to engage in pursuit driving is outweighed by the potential risks to the public include the following:

- (a) The seriousness and/or dangerousness of the crime or matter warranting police involvement;
- (b) Pedestrian and vehicular traffic patterns and volume;

- (c) Time of day;
- (d) Road conditions, weather conditions, lighting and visibility;
- (e) Terrain (curves, hills, buildings, etc.);
- (f) The type of roadway and speeds involved;
- (g) Likely effectiveness or ineffectiveness of audible and visible warning signals;
- (h) The capability and limitations of police equipment and vehicle operator;
- (i) Involved officer's and supervisor's familiarity with the area of travel;
- (j) The quality of radio communications;
- (k) Alternate or safer methods of capture;
- (l) Likelihood of apprehending the suspect as a result of the pursuit;
- (m) Whether the identity of the suspect is known and apprehension could be made at a later time;
- (n) Availability of additional police support;
- (o) Staleness of crime;
- (p) Whether there are other individuals present in the suspect's vehicle;
- (q) Any other factor which increases or decreases risk.

**Terminate:** To terminate a pursuit is to discontinue and stop actively pursuing the fleeing vehicle(s) by stopping or turning from the path of the pursuit, discontinue the use of emergency equipment, and drive in compliance with traffic laws.

## 314.2 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit, officers must drive with due regard for the safety of all other persons, as required by ORS 820.300(2). However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300 and 820.320).

### 314.2.1 WHEN TO INITIATE OR CONTINUE A PURSUIT

Officers are authorized to initiate a pursuit if the officer has reasonable belief that:

- (a) The suspect is engaged in the commission of or attempt to commit a violent felony (which includes all felony offenses against persons, robbery, and arson) and related escape;
- (b) Under extraordinary circumstances when authorized by a Watch Commander.
- (c) The Chief of Police or designee temporarily authorizes vehicle pursuit(s) for a circumstance or crime(s) not included in the above.

When in pursuit, officers shall continuously evaluate the need for apprehension against the risk posed to the public, and adhere to the reasonable safety of the pursuit as defined in 314.1.1.

### 314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of the circumstances known or that which reasonably ought to be known to the officer or supervisor during the pursuit fails to satisfy the requirements of this policy.

A pursuit must be terminated under any of the following conditions:

- (a) When directed to do so by a sworn supervisor; or
- (b) The risk to innocent persons, law enforcement personnel, and/or the suspect outweighs the need for immediate apprehension; or

- (c) The suspect's identity can be established to the point that later apprehension is possible and there is no compelling emergency circumstance requiring immediate apprehension; or
- (d) The officer is unable to effectively communicate with dispatch or a field supervisor or the other officers involved in the pursuit; or
- (e) The officer no longer knows the location of the pursued vehicle; or
- (f) The police vehicle's siren or emergency lights fail or become disabled, or the vehicle is damaged to the extent that it is no longer safe to operate in the pursuit.
- (g) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (h) The officer is unfamiliar with his/her location and unable to provide an accurate geographic location to dispatch.

Any unit may discontinue their own involvement in the pursuit; however they must broadcast that they are discontinuing and the reasons why.

Upon termination of the pursuit, the officer broadcasting the pursuit will advise dispatch that the pursuit has been terminated and provide the vehicle's last known location and direction of travel. Each unit involved in the pursuit must acknowledge the termination via radio.

When the pursuit is terminated by a supervisor, a pursuit of the same vehicle may not be resumed at a proximate time and place without supervisory authorization.

### 314.3 PURSUIT UNITS

The number of units actively pursuing the suspect should be limited to four vehicles; a K-9 officer should normally be one of the four units actively involved in the pursuit when available and feasible. A supervisor may request additional units to join a pursuit if, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should not become actively involved in the pursuit, but should remain alert to its progress and location.

#### 314.3.1 MOTORCYCLE OFFICERS

An officer operating a motorcycle should terminate his/her involvement in any pursuit immediately upon arrival of a sufficient number of police vehicles equipped with overhead light bars, unless involvement of a police motorcycle is necessary to most effectively and safely continue the pursuit.

#### 314.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

An officer driving a unit without an overhead light bar should terminate his or her involvement in any pursuit immediately upon arrival of a sufficient number of police vehicles equipped with overhead light bars. A K-9 supervisor operating a vehicle without an overhead light bar may remain actively involved in the pursuit if a K-9 officer with an overhead light bar is not reasonably available. The exemptions provided by ORS 820.300 do not apply to officers using vehicles that do not qualify as emergency vehicles under ORS 801.260.

#### 314.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will generally be responsible for the reporting of the pursuit. Although the primary unit will be responsible for reporting, all officers involved in the pursuit are responsible to continuously evaluate whether the

pursuit should continue based on the requirements of this policy. Any doubt concerning the reasonableness of a pursuit should be resolved in favor of terminating the pursuit.

Notify dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Unit identifier, and that the unit is in pursuit
- (b) Reason for the pursuit.
- (c) Location and direction of travel.
- (d) Speed of the fleeing vehicle.
- (e) Description of the fleeing vehicle and license number, if known.
- (f) Driving behavior of the suspect
- (g) Number of known occupants.
- (h) The identity or description of the known occupants.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.

In order to allow the primary unit to concentrate on pursuit driving the secondary unit should assume responsibility of broadcasting the progress of the pursuit as soon as practical.

The unit responsible to broadcast the progress of the pursuit will regularly apprise dispatch via radio of any changes of location, speed, or direction of travel, as well as any significant changes in the driving behavior of the suspect (e.g., suspect's disobedience of traffic signals or stop signs) or changes to the factors outlined in § 314.2.1.

Any officer with critical information regarding the pursuit should broadcast that information as soon as practical.

#### **314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES**

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit and that they have assumed responsibility for broadcasting the progress of the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

Any additional units actively involved in the pursuit will advise dispatch via radio of their involvement.

#### **314.3.5 PURSUIT DRIVING TACTICS**

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle and avoid unnecessarily pressuring the suspect driver.

- (b) Because intersections can present increased risks, the following tactics should be considered:
  1. Available units not directly involved in the pursuit should proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic. This driving can be done in an emergency response.
  2. Pursuing units should exercise due caution when proceeding through controlled intersections.

Officers should not directly pursue a vehicle driving left of center (wrong way) on a controlled-access highway or freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

- (a) Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
- (b) Requesting other units to observe exits available to the suspect(s).
- (c) Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.

Officers actively involved in a pursuit should not attempt to pass any other unit actively involved in the pursuit unless authorized by that unit to do so, and then only after communicating on which side the officer will pass.

If a collision occurs during the pursuit, an assessment of the situation must be made and appropriate aid rendered in a timely manner, whether by one or more units involved in the pursuit or by another person/entity.

#### **314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route, except that officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public or to proceed to a location of tactical advantage to assist (e.g., traffic control, deployment of tire deflation devices).

#### **314.3.7 PURSUIT TRAILING**

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s). The role and responsibilities of officers at the termination of a pursuit initiated by this agency will be coordinated with the units from the agency assuming the pursuit. The pursuing unit who relinquishes control may continue with the pursuit through the neighboring jurisdiction until that agency has sufficient units available to complete the stop if it occurs.

Trailing a pursuit does not authorize an officer emergency response driving and does not authorize re-involvement in the pursuit once responsibility has been relinquished.

### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

Supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

A sworn supervisor who is not involved in the pursuit will assume supervisory responsibility for the pursuit, and may terminate it, irrespective of the rank of persons involved in the pursuit. That supervisor will broadcast via radio that he or she is assuming supervisory control, and will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to affirm or deny continuation of the pursuit.
- (b) Directing that the pursuit be terminated if, in his or her judgment, continuation of the pursuit is not justified under the guidelines of this policy.
- (c) Exercising management and control of the pursuit.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Direct units to appropriate observation points as needed.
- (f) Ensuring that the proper radio talkgroup/channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Controlling and managing EPD units when a pursuit enters another jurisdiction.
- (i) Preparing a post-pursuit Blue Team incident and forwarding it to the next approving authority in the chain of command.

If the pursuit supervisor does not receive adequate information from the pursuing unit(s) to justify continuation of the pursuit, he or she will terminate the pursuit.

### 314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary talkgroup/channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units will normally remain on the same talkgroup/channel unless another agency assumes primary responsibility for the pursuit or a supervisor or dispatcher directs a change.

### 314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

#### **314.6.1 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit will be responsible for conducting the pursuit. Units from this department should not join a pursuit unless the pursuit meets the requirements of this policy and they have requested permission from a supervisor.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit, or to assist in a pursuit, should be specific. If the pursuit does not meet the requirements of this policy, a sworn supervisor shall decline to assist in or assume the other agency's pursuit.

If EPD units decline to assist or withdraw from another agency's pursuit, the pursuing agency will be notified as soon as practicable.

EPD officers are bound by EPD policy when assisting another agency, even if their procedures are different from our own.

If another agency's pursuit does not meet the requirements of this policy, EPD units may still assist in emergency mode by assuming observation points and warning cross traffic at intersections likely to be crossed by the pursuit.

Assistance to a pursuing agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources.

In the event that a pursuit from another agency terminates within this jurisdiction, officers will provide appropriate assistance to officers from the other agency including, but not limited to, high-risk takedown, scene control, coordination, and completion of supplemental reports and any other assistance requested or needed.

### **314.6.2 INTERAGENCY PURSUIT AGREEMENT**

This department and other area law enforcement agencies have entered into the Law Enforcement Interagency Agreement regarding vehicle pursuits. This agreement is subordinate to the policies of individual agencies.

## **314.7 REPORTING, REVIEW, AND TRAINING**

### **314.7.1 OFFICER REPORTING**

The primary officer in the pursuit, as well as any others who had a substantial role or observation during or immediately following the pursuit, or any officer directed by a supervisor must complete and submit the appropriate police report(s) (e.g., custody, incident) by the end of his/her shift, unless otherwise authorized by a sworn supervisor.

### **314.7.2 SUPERVISORY REVIEW**

The pursuit supervisor (defined § 314.4) will respond to the scene where a pursuit is terminated if the suspect vehicle comes to rest and someone is arrested or escapes from the vehicle, the vehicle is forcibly stopped, any vehicle involved in the pursuit is in a crash, or if any person is injured or property is damaged during the course of the pursuit.

The pursuit supervisor will conduct the proper electronic or telephonic Department notifications based upon the pursuit outcomes.

The pursuit supervisor will complete a Blue Team/ Vehicle Pursuit incident report which includes a brief investigation into the cause, outcome, and policy adherence during the pursuit as soon as possible, before the end of shift. The investigation will also include photographs if applicable.

The IA Program Coordinator will coordinate with the affected division manager or designee to assign a reviewing supervisor, who will be responsible for the actions listed below.

- (a) The EVOC supervisor will review all available information about the pursuit and prepare a memo based on his/her expertise to the reviewing supervisor.
- (b) If at any point a supervisor believes that a potential violation of policy related to the pursuit should be investigated, he or she will notify their supervisor and coordinate with the Lieutenant of the Office of Professional Standards or Internal Affairs personnel.

### **314.7.3           REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, the Professional Standards Lieutenant will ensure that all sworn members of this department will receive at least annual training on vehicle pursuits.

### **314.7.4           ANNUAL REVIEW**

During the first calendar quarter of each year, the Professional Standards Lieutenant will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, and location of occurrence are not needed for this purpose and therefore will not be part of this process.