



# 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; Bill Whalen, Vice-Chair; Mike Clark; Edward Goehring; Jim Garner; Rachel Hecht; Jesse Lohrke; Steve McIntire; Scott Nowicki; Claire Syrett; Joe Tyndall; Marshall Wilde

Police Commission Meeting  
Sep 10, 2015  
5:30 – 8:30

Item	Starting – Ending	Minutes
Review Agenda	5:30 – 5:35	5 min
Introduction of New Commissioners	5:35 – 5:40	5 min
Public Comments	5:40 – 5:55	15 min
Thank you Mr. Rode	5:55 – 6:00	5 min
Commissioner Comments / Responses	6:00 – 6:15	15 min
Review June and July Minutes	6:15 – 6:20	5 min
Crowd Management and Control Policy 404 Review (Sgt. Lowen)	6:20 – 6:45	25 min
BREAK	6:45 – 6:55	10 min
Chief's Presentation	6:55 – 7:05	10 min
Officer Veteran Response (Dr. Michael Leeds, Lt. Reynolds)	7:05 – 7:35	30 min
Mental Health Crisis Policy 418 Review (Lt. Mason)	7:35 – 8:15	40 min
Commissioner Closing Comments	8:15 – 8:30	15 min

UPCOMING Police Commission Meetings:

October 8, 2015

**City of Eugene Police Commission  
June 11, 2015**

**DRAFT Meeting Notes DRAFT**

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

The meeting convened at 5:31 P.M.

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

Members absent: Claire Syrett; Raquel Hecht

Staff in attendance: Chief Pete Kerns, Sgt. Matt Lowen, Leia Pitcher, Vicki Cox, Jeremy Cleversey

**Agenda Review**

Mr. Cleversey reviewed the agenda, made announcements and read a special farewell statement for Commissioners Miller and Manning on behalf of Carol Berg-Caldwell.

**Public Comments`**

Majeska Seese-Green seconded the items stated in Carol Berg-Caldwell's statement. She requested the Chief give an update on the River Keepers/ River Station proposal as well as the Parks Ambassadors Pilot Program. She asked the Chief to speak about the issue of smoking downtown.

**Commissioner Comments**

- Multiple Commissioners offered comments of appreciation for Commissioners Manning and Miller.

Mr. Clark responded to Ms. Seese-Green's question about smoking downtown and says that Council only knows about what City Councilor Evans has proposed. He also announced that he graduates on Monday.

Mr. Manning commented on Ms. Seese-Green and Mr. Clark's comments on smoking downtown saying that we are becoming a culture of complete restrictions and cautions that we be careful not to impose on everyone's civil liberties. Discusses the use of SWAT uniforms and warns the fear they can generate is real.

Mr. Lohrke agreed with Mr. Manning comments. Commented that EPD officers are regularly asking students if they attend UofO when contacting them. He does not believe there needs to be complicity between EPD and the UofO Dean of Students.

Mr. Whalen commended on the employee awards ceremony, commented on police SWAT uniforms and asked if it is necessary for officers to wear something that is not blue or black as is traditionally associated with Police.

Mr. Goehring announced that he will not be in attendance for the July 9, 2015, Police Commission meeting and has requested that other Human Rights Commission representative sit in attendance. He explained that he was a victim of a Facebook scam earlier that day costing him \$3,000. He commented on his experience with the dean of students. Recommends EPD use blue traffic vests with SWAT written on them.

Mr. Tyndall congratulated Mr. Clark on going back for his degree.

Mr. Garner congratulated Mr. Clark and thanked Ms. Seese-Green for her comments. He agreed that there are rights issues with the downtown smoking discussion. He thanked the Chief for allowing Lt. Klinko to conduct robbery presentations at the credit union to include all of the branches.

Mr. Walker commented on Mr. Manning's concern about uniforms and promised the Commission would address it as part of the work plan. He requested more commissioners attend next year's awards ceremony.

Ms. Miller commented on the SWAT uniform incident, stating that she thinks it is great that there are members of the public that are aware in the community that they would call in things that look out of place.

Chief Kerns responded to the downtown smoking ordinance concerns offering a small background and stating that really the question is, "Does the council want to see some form of a ban and if they do what would they want it to

look like and how would they expect it to be enforced?" He says it is those decisions that can have an effect on police time. Chief Kerns did ask Councilor Clark if the council had received a presentation on it.

Mr. Clark responded that Councilor Evans asked for a work session on his idea that he would like to propose an ordinance like that. He reported that two things happened:

- His presentation seemed to be enhanced and supported by Lane County Public Health.
- The City Manager announced that he was going to do this in city parks.

Chief Kerns went on to discuss the municipal court system, now called the community justice system where the approach we want to take is offering as many exit ramps from the criminal justice system as we possibly can. Instead of going from the police officer to sentencing, we are looking for avenues where the behavior is less likely to be repeated. He discussed uniforms and how they were picked to provide the best protection through concealment for the police officer. He concluded by responding to Mr. Lohrke's concerns about the relationship between EPD and UofO.

Mr. Clark asked Chief Kerns if we are an open carry state and if so why it would create such a response.

Chief Kerns replied that open carry is lawful but not normal.

Mr. Rode reported on the Citizen Review Board (CRB), he described an interesting case they had worked where an officer put a mental hold on someone instead of arresting them for reckless driving. The officer did a good deed getting the person off the road but being nice, he did it in the wrong way, and it has come back as a lawsuit. Sgt. Lisa Barrong gave a presentation on CAHOOTS which Mr. Rode says is an incredible organization and he would like to ride along with them.

Ms. Miller reminded people of the heat outside, she witnessed an unhoused person with heat stroke and suggested people take an extra water bottle to hand out.

Mr. Rode commented on how difficult it would be to have your thinking error scrutinized by the media.

### **Approval of Minutes**

- Change the words customer service to community policing in Mr. Goehring's Commissioner Comments.
- Remove the words "and Mr. Kinnison" from the Citizens Filming Officer Policy Review.
- Replace the word "passed" with "past" in Mr. Rode's Commissioner Comments.

MOTION AND ACTION: Mr. Goehring moved and Mr. Rode seconded approval of the minutes to include the mentioned adjustments. Approved unanimously

### **Review Article IV.2 of the Police Commission Bylaws**

Mr. Walker apologized for not holding Police Commission officer elections last year.

Ms. Miller discussed how the number of terms for the Police Commission Chair was adjusted from two to three years and the length of terms was adjusted from two years to a single year. She said this was an experiment that she was part of and wanted the commission to be aware of it.

Mr. Cleversey added that if we were going to discuss changing the bylaws regarding the Chair, it made sense to hold the discussion prior to officer elections later that day.

Mr. Rode stated that he applied to have his term renewed as a member of the CRB but does not know when that will be decided. Mr. Clark confirmed that appointment schedules for the CRB and Police Commission match.

Mr. Walker said that he is not seeing any consensus for change so the commission will move on.

POINT OF CLARIFICATION: Mr. Walker responded on behalf of Mr. Manning's request for clarification that the bylaws will remain unchanged with a Commission Chair continuing with a one year term and a three year term limit.

### **Civil Disturbances Policy 801 Review**

Sgt. Lowen presented on the policy and both Sgt. Lowen and Chief Kerns responded to questions.

Commissioners requested the policy include the following:

- Adding a definition of a lawful assembly.
- Needs a section outlining how to monitor social media feeds to determine violent splinter groups looking to hijack the event for their own purposes.
- Request to include a reference to the interrelated tear gas section of Policy 308.
- Add language to call the emergency number on the front of the business so they can respond and repair the damage before casual looting.

Further topics discussed:

- Request to know if there is a Lexipol policy
- Requested Sgt. Lowen and Chief Kerns create a policy draft with the department's philosophy of today.
- Combining policies that handle masked groups.
- Recommended that we consider reviewing the Madison Way Policy?
- What constitutes an unlawful policy?

General consensus was Commission would like to see a new draft of the policy and other example policies.

### **Break**

### **Chief's Presentation**

Chief Kerns responded to questions and requested Mr. Cleversey add an introduction of the Animal Welfare Unit supervisor to a future agenda.

### **Eugene Police Commission Officer Elections**

Ms. Miller facilitated the nominations. Chief Kerns and Mr. Cleversey counted ballots.

Mr. Walker was nominated for Chair by both Mr. Rode and Mr. Goehring.

MOTION AND ACTION: Mr. Goehring moved and Mr. Tyndall seconded to close nomination.

Approved unanimously – Mr. Walker was accepted by acclamation.

Mr. Garner, Mr. Lohrke, and Mr. Whalen were nominated for Vice Chair.

MOTION AND ACTION: Mr. Rode moved and Mr. Garner seconded to close nomination. Approved unanimously.

Mr. Walker was elected as Chair-elect and Mr. Whalen was elected as Vice Chair-elect

### **Farewell to Commissioners Manning and Miller**

Chief Kerns presented certificates of appreciation. Commissioners expressed thanks to one another.

### **Commission Comments**

Members of the Commission offered closing comments.

The meeting adjourned at 8:03 P.M.

*Notes taken by Jeremy Cleversey*

**City of Eugene Police Commission**  
**July 09, 2015**

**DRAFT Meeting Notes DRAFT**

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

The meeting convened at 5:31 P.M.

Members in attendance: Bob Walker, chair; Jim Garner; Claire Syrett; Raquel Hecht; Scott Nowicki; Joe Tyndall  
Members absent: Bill Whalen, vice chair, Edward Goehring; Jesse Lohrke; Marshall Wilde; Mike Clark; Civilian Review Board liaison

Staff in attendance: Assistant Chief Karl Durr, Sgt. Matt Lowen, Jeremy Cleversey, Leia Pitcher, Vicki Cox

--No Action was taken this month; bylaws require a minimum of seven members present to establish a quorum--

**Agenda Review**

Mr. Cleversey reviewed the agenda.

**Introduction of New Police Commissioner**

Mr. Walker introduced new Police Commissioner Scott Nowicki.

**Public Comments**

No public comments were made.

**Introduction of the New Animal Welfare Unit Supervisor**

Assistant Chief Durr introduced Molly Monette. Ms. Monette responded to questions.

**Commissioner Comments**

Mr. Walker reported on the Police Commission Plan presented to City Council.

Mr. Garner discussed the Civic Stadium fire and the recent violence in Springfield.

Ms. Syrett made several comments of appreciation. She thanked Mr. Walker and former commissioner Ms. Miller for presenting the biennial work plan and report before City Council. She thanked Commissioners Miller and Manning for all their great long term work on the Police Commission, and she thanked Fire and Police for their response to the Civic Stadium Fire. Ms. Syrett also commented on the fireworks ban.

Mr. Nowicki says that he is grateful to be here and is looking forward to working with the Commission.

Assistant Chief Durr commented on fireworks and announced that Carter Hawley will be returning to serve the Police Commission as the staff member on September 1, 2015.

**Approval of Minutes**

No adjustments to the minutes were recommended. The Commission was without a quorum so the minutes will return for review and approval on September 10, 2015.

**Civil Disturbances Policy 801 Review**

Sgt. Lowen reviewed the new policy draft and responded to questions.

- He identified at least two additional agency policies for the Commission to review for comparison. He said he would get those to Mr. Cleversey.

Mr. Garner recommended two adjustments to the policy:

- 404.6.3 subsection 'd.' - add the words 'if circumstances permit' after 'A second and a third warning shall be issued'.
- 404.6.5 subsection 'd.' - either select the words 'shall be completed' or 'will be prepared' but not both.

Ms. Syrett mentioned a concern about the language 'Crowd encirclement' in 404.6.3 subsection 'd., b.', where the intent of 404.6.3 is to discuss crowd dispersal and she did not want people getting stuck.

- Sgt. Lowen stated that he will clarify.

Mr. Tyndall shared that the Chief of Police in Seattle during the World Trade organization protests later wrote a book that may have thoughts about civil disturbances. Mr. Tyndall said the Seattle Chief summarized it by saying "At the time he was defending territory and not protecting people.... and that he essentially needed a change in perspectives". He recommended that Sgt. Lowen look through his book for some ideas. He also recommended a section be added to the policy for civil disobedience.

The general consensus was to move onto the Chief's presentation before taking a break.

### **Chief's Presentation**

Assistant Chief Durr presented and responded to questions for Chief Kerns.

### **Break**

### **Body Camera Grant and request for Policy review**

Assistant Chief Durr gave a small history on the grant and responded to questions.

- Mr. Tyndall requested the bill number for the state legislature on body worn videos and Assistant Chief Durr promised to get it to Mr. Cleversey for distribution to the Police Commission.

### **Commission Comments**

Members of the Commission offered closing comments.

- Mr. Tyndall reminded commissioners that the next Police Commission meeting is in September.
- Commissioners offered comments of appreciation for the time spent working with Mr. Cleversey.

The meeting adjourned at 7:13 P.M.

*Notes taken by Jeremy Cleversey*



# MEMORANDUM

**Date:** August 10<sup>th</sup>, 2015  
**To:** Eugene Police Commission  
**From:** Sergeant Matt Lowen  
**Subject:** Amendments to *Policy 404 – Crowd Management and Control*

At the July 9<sup>th</sup> meeting of the Eugene Police Commission I was directed to make the following changes to *Policy 404 – Crowd Management and Control*:

- I added a definition of Civil Disobedience from the internet which I found most roundly expressed the elements that highlighted Civil Disobedience as a non-violent form of protest, which also most clearly defined the act as one that is protected from extreme methods of crowd dispersal, (batons, tear gas, etc.).
- Added the word “agencies” after “Government” in the first sentence of §404.4.
- Renumbered the second set of alpha-numeric bullets inside of §404.6.3 to §404.6.4 APPROVED CROWD DISPERSAL TACTICS.
- Clarified the maneuver of “crowd encirclement” in §404.6.4
- Removed the words “shall be completed” from §404.6.6(d)



POLICY  
404

EFFECTIVE  
DATE  
Draft 081015

# Eugene Police Department



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## Crowd Management and Control

### 404.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

### 404.2 POLICY

The Eugene Police Department will strive to effectively manage crowds during demonstrations or civil disturbances to prevent loss of life, injury, or property damage and minimize disruption to persons who are uninvolved. Officers encountering such incidents shall adhere to this policy to protect life, property, and the exercise of First Amendment rights. In rare circumstances involving emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander (IC) may temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

### 404.3 DEFINITIONS

**Demonstration:** A lawful assembly of persons organized primarily to engage in First Amendment activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.

**Civil Disturbance:** A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

**Civil Disobedience:** A symbolic, non-violent violation of the law, done deliberately in protest against some form of perceived injustice. Mere dissent, protest, or disobedience of the law does not qualify. The act must be nonviolent, open and visible, illegal, performed for the moral purpose of protesting an injustice, and done with the expectation of being punished.

### 404.4 GENERAL MANAGEMENT OF CROWDS

Government agencies may impose *reasonable restrictions* on the time, place, and manner in which persons engage in First Amendment activity. The department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited commerce and freedom of movement and only after consulting with the City Attorney's office, when practicable.

The Incident Command System (ICS) will be used in crowd management situations to ensure control and unified command.

If the crowd control event is a planned event (such as a permitted protest) or an event that can be reasonably forecasted, the Watch Commander will prepare a written operations plan and submit it to the Patrol Captain for approval and then the Assistant Chief of Police for review.

When events are identified which indicate large crowds are intending to gather, whether lawfully or not, every effort will be made to establish contact with event leaders and to gather information about the event to ensure appropriate assignment of personnel and resources. Normally this responsibility will fall to either the Watch Commander or one or more members of the Special Investigations Unit (SIU). When assessing the crowd event for planning purposes, consider the following:

- a. What type of event is planned?
- b. When will it begin and end?
- c. How many participants are anticipated?
- d. Is the event permitted?
- e. Will there be opposition to the event planned? Counter-demonstration?
- f. Do the event leaders anticipate protest devices? (e.g. sleeping-dragons, tripods, u-locks, etc.)
- g. How are the event planners using social media?
- h. Is there critical infrastructure located near the planned event?
- i. Where are potential assembly areas, casualty collection points, and field detention processing points located? What are their ingress and egress routes?
- j. What is the history of conduct at similar planned events? Are the event leaders cooperative?

Supervisors will deploy officers to locations to best monitor crowd activity; however, officers should be positioned in such a manner as to minimize contact with the assembly. Officers assigned to monitor crowds will not engage in conversations or be prompted to act in response to comments from demonstrators. Officers shall maintain a courteous and neutral demeanor.

Personnel shall wear their badges and nameplates or other identification in a visible location on their person at all times.

#### 404.5 USE OF FORCE SPECIFIC TO CIVIL DISTURBANCES

Unless exigent circumstances justify immediate action to perform an arrest, officers will not independently make arrests or employ force without authorization from a sworn supervisor.

The following limitations and restrictions shall be observed during demonstrations and civil disturbances:

- a. Canine teams will not be deployed to perform crowd containment or dispersal. Police canines will remain in their patrol vehicles or other secure locations away from the view of the crowd, if reasonable to do so. Canines may be deployed away from the crowd control scene to pursue suspects or perform other related canine functions.
- b. Impact projectiles and Tasers will only be used in accordance with their respective policies to assist in the arrest of actively resistant individuals or in defense of an officer or third party. These weapons will not be indiscriminately deployed into crowds as a method of dispersal.

- c. Oleoresin capsicum (OC) may only be used against specific individuals engaged in unlawful conduct, or those who are actively resisting arrest. OC spray may not be used against groups of people as a method of crowd dispersal, or against those passively resisting. High-volume OC delivery systems are designed for use against crowds of people who are all engaged in unlawful acts or endangering public safety and security. Sworn supervisors should deploy or direct the use of high-volume OC delivery systems against groups.
- d. A police PR-24 baton, or similar device, may be used as a defensive weapon; as a means of overcoming resistance to an arrest; as a show of force; or as a means to deny access to, or disperse a crowd.

## 404.6 RESPONSE TO CIVIL DISTURBANCES

### **404.6.1 ACTIONS OF FIRST OFFICER TO ARRIVE AT THE SCENE**

- a. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
- b. Notify dispatch of the location, number of participants and seriousness of the disturbance. Observe for and relay the presence of any dangerous or deadly weapons, fires, barricades, or any efforts made by demonstrators to interrupt or block vehicular traffic.
- c. If approaching the crowd will not present any unnecessary risk to the officer, he or she should instruct the crowd to disperse and attempt to identify any leaders or agitators positioned in the crowd.

### **404.6.2 ACTIONS OF FIRST SUPERVISOR TO ARRIVE AT THE SCENE**

- a. Assume responsibility as (IC) until relieved by another supervisor of same or higher rank.
- b. Establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area if necessary.
- c. Establish a temporary command post (CP).
- d. Reroute pedestrian and vehicular traffic around the disorder and attempt to control unauthorized egress into the disorder.
- e. Ensure photographs of any injured officer, bystander, or demonstrator are taken.
- f. Assign a videographer(s) as soon as practicable.
- g. Begin to plan and consider:
  - 1. Whether or not mutual aid requests or recalls of detectives or off-duty personnel are necessary
  - 2. Locations of media staging areas, staging areas for first responders, or temporary holding facilities.

### **404.6.3 CROWD DISPERSAL**

Before ordering the forced dispersal of a civil disturbance, the Incident Commander will conduct the following:

- a. If feasible, establish contact with crowd leaders and develop a mutually acceptable plan for de-escalation and crowd dispersal.
- b. Ensure that prior to issuing a planned dispersal order all the potentially necessary law enforcement, fire and EMS equipment and personnel are on hand to successfully carry out the tactical operation, including logistical needs for mass arrests.

- c. When the IC has made a determination that an unruly gathering is present and crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking action to disperse the crowd.
- d. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio or video recorded and the time and the names of the issuing officers recorded.

#### **404.6.4 APPROVED CROWD DISPERSAL METHODS**

Specific crowd dispersal tactics shall be ordered as necessary where the crowd does not heed warnings. These crowd dispersal tactics include, but are not limited to, any one or a combination of the following:

- a. Display of forceful presence including police lines that may combine with bicycles, motorcycles, law enforcement vehicles, and armored police vehicles.
- b. Crowd encirclement Maneuvering or sheparding a crowd away from an area by placement of police lines
- c. Multiple simultaneous arrests
- d. Use of approved chemical agents
- e. Use of police batons to force crowd movement

#### **404.6.5 MASS ARRESTS**

In a civil disturbance it may be necessary to make arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following shall be observed:

- a. Mass arrests shall be conducted by designated squads.
- b. An adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.
- c. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing; two or more officers shall carry those who refuse to walk.
- d. Injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility. Photographs shall be taken of all injuries.

#### **404.6.6 DEMOBILIZATION**

When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:

- a. All personnel engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries.
- b. Assign a case agent responsible for the event and subsequent investigation.
- c. All written reports shall be completed before the end of any responding officer's shift.
- d. A comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items ~~shall be completed~~ will be prepared by the IC or designee.

# Chief Kerns' Report to the Police Commission



**August 2015**

# Chief's Activities

- Attended Vet Net Meeting
- Radio Interviews with KPNW, KUGN, and Jefferson Public Radio
- Shop with a Cop
- Welcome lunch with two new Police Commission members
- Attended the LECC Meeting at DPSST
- SAFE Kits Workgroup Meeting
- Two officer ride-alongs
- Muni Court Jail Arraignments Discussion
- ESCI Consultants

# In the News



★ August DUI Saturation Patrols

★ Homicide Investigation: 90 Commons Drive

★ Murder-suicide 2100 Block of McLean

★ Fatal Motorcycle Crash—Motorcycle Collides with EWEB Utility Truck

★ Fatal Crash at Crescent and Chuckanut

★ Calltaker/Dispatcher Career Night

★ Officers Issue “Tickets” for Good Deeds

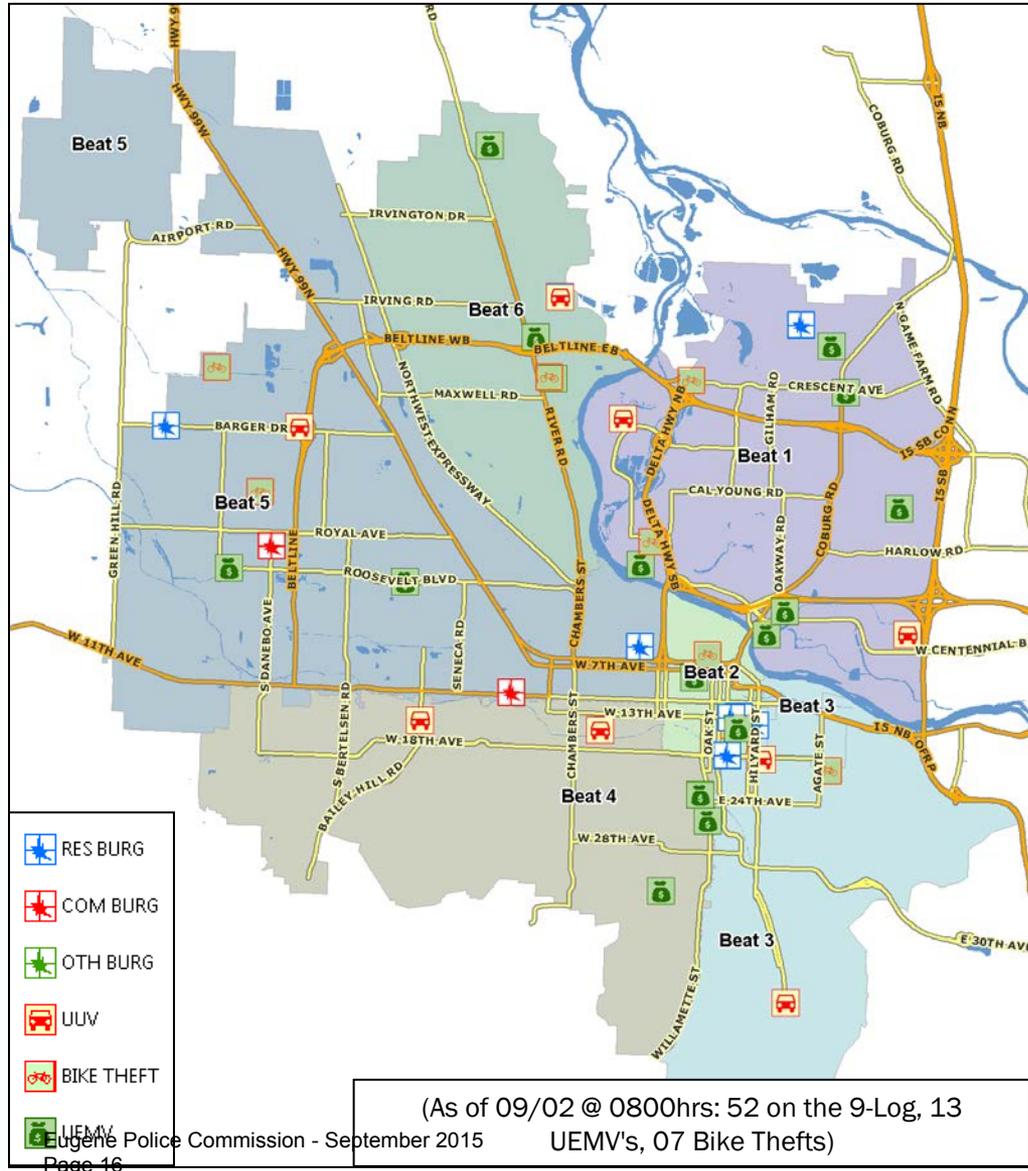
★ Police seeing uptick in unlocked door/open window burglaries

# Looking Ahead

- **Current police officer process with a potential hire date of February 22, 2016.**
- **Second police officer hiring process will begin in January 2016.**
- **Hiring Process for Executive Assistant to the Chief of Police and Assistant Chief of Police.**
- **Three Call taker/Dispatcher candidates are currently in the psychological phase of the hiring process.**
- **Posting for Volunteers in Policing Program senior administrative specialist.**

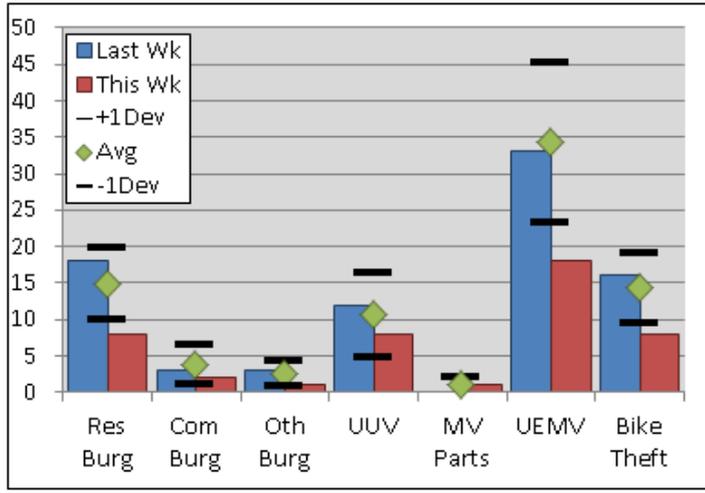
# One Week City-Wide

PROTECT. SERVE. CARE.



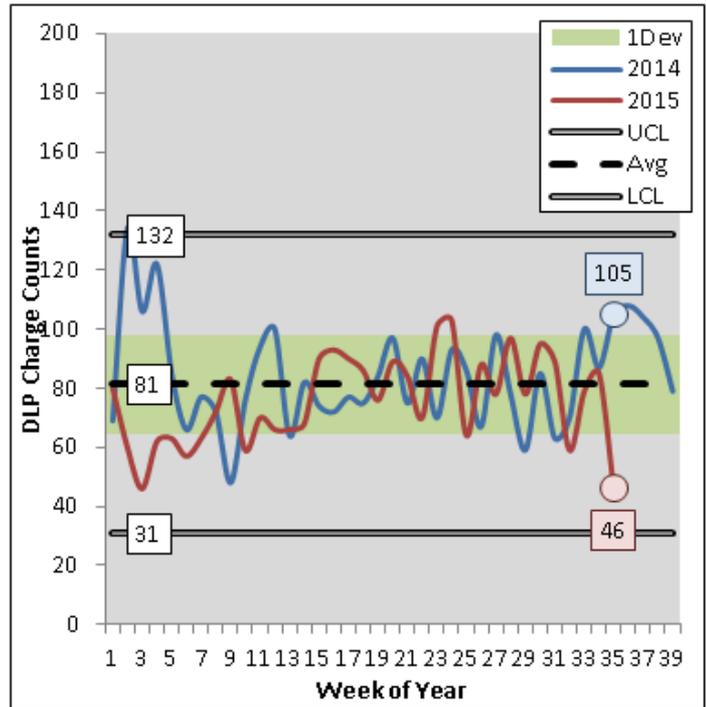
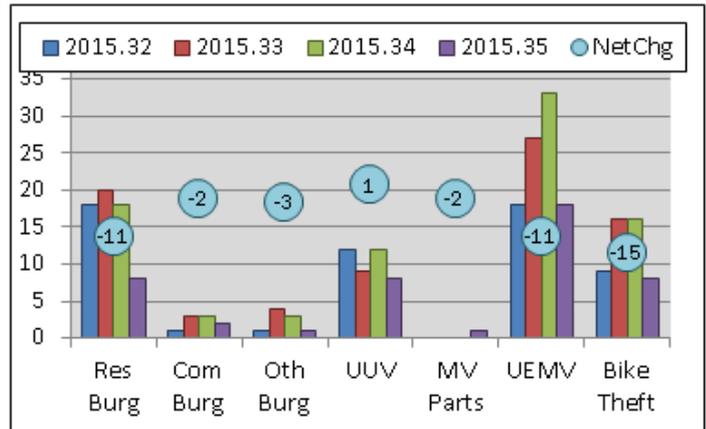
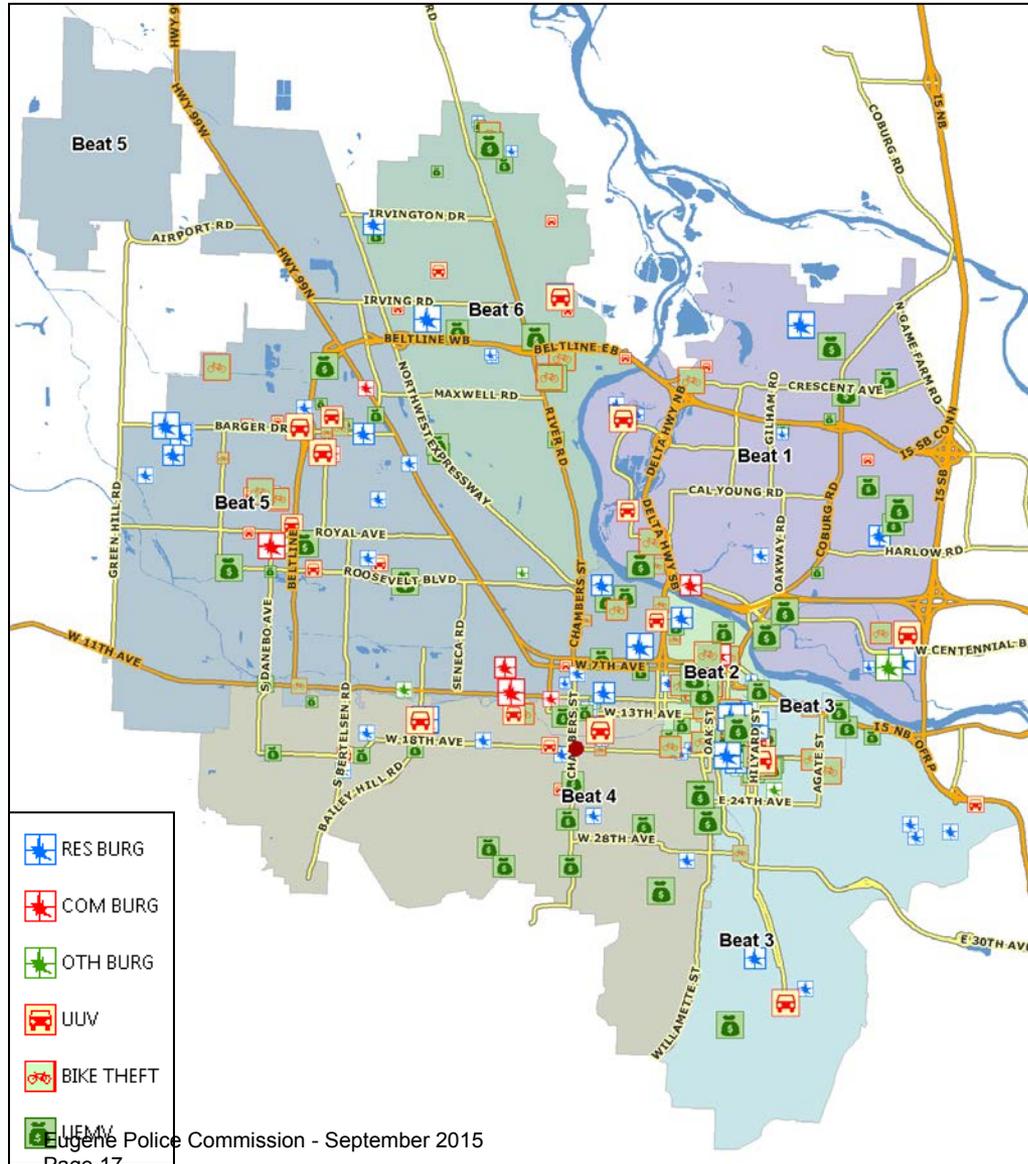
	-1Dev	This Wk	Avg	+1Dev
Res Burg	10	8	15	20
Com Burg	1	2	4	7
Oth Burg	1	1	3	4
UUUV	5	8	11	16
MV Parts	0	1	1	2
UEMV	23	18	34	45
Bike Theft	10	8	14	19
<b>Total</b>	<b>65</b>	<b>46</b>	<b>81</b>	<b>98</b>

	YTD 2014	YTD 2015	Diff	%Chg
Res Burg	532	547	15	2.8%
Com Burg	119	131	12	10.1%
Oth Burg	90	83	-7	-7.8%
UUUV	379	351	-28	-7.4%
MV Parts	45	30	-15	-33.3%
UEMV	1281	976	-305	-23.8%
Bike Theft	454	537	83	18.3%
<b>Total</b>	<b>2900</b>	<b>2655</b>	<b>-245</b>	<b>-8.4%</b>



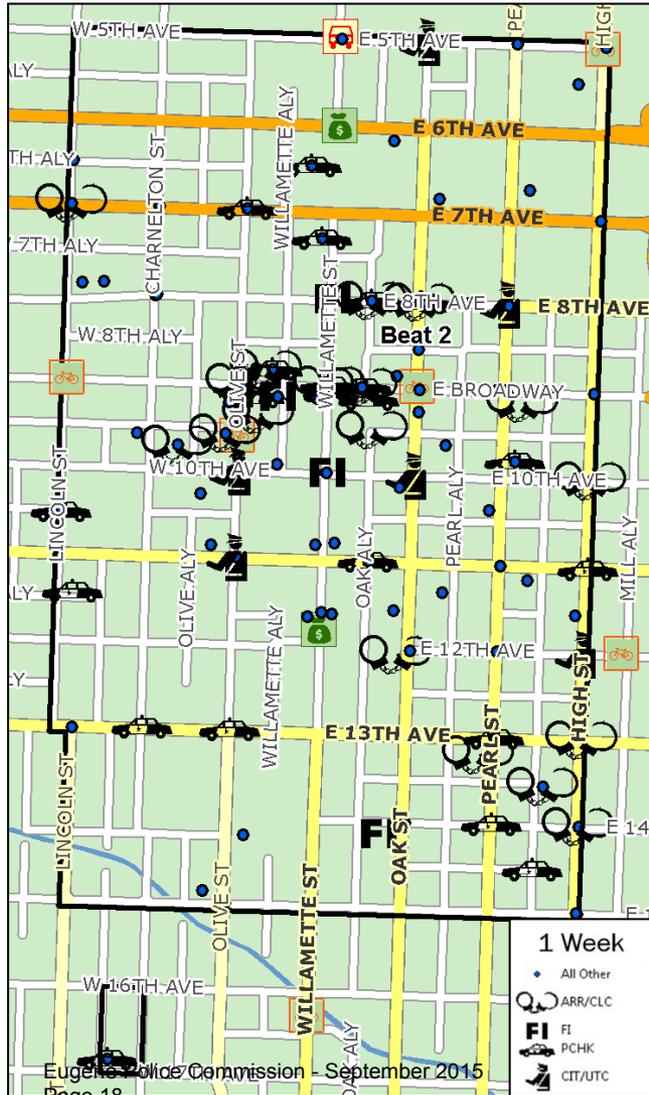
# Four Week City-Wide

PROTECT. SERVE. CARE.



# Officer Activity

## Downtown Area: W 5<sup>th</sup> Ave. to W 15 Ave. / Lincoln St. to High St.

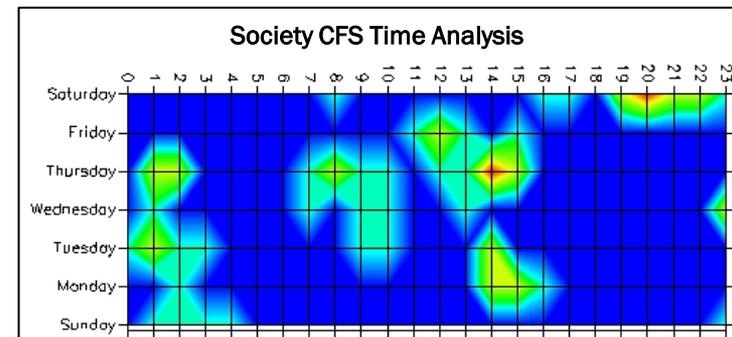
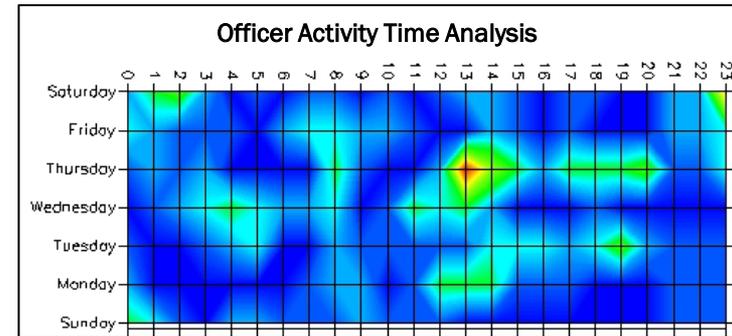
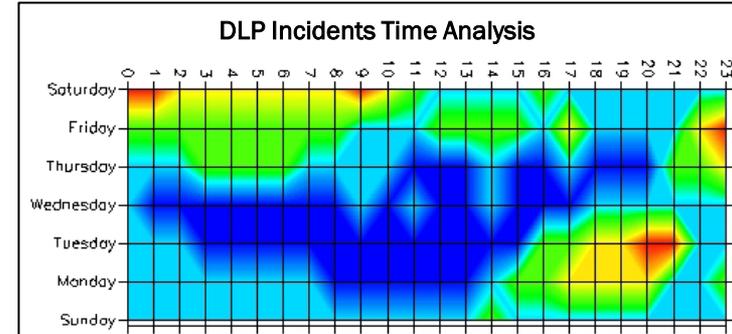


Patrol	79
ADVI	17
PCHK	15
REPT	10
ARR	9
ASST	8
UTC	7
WARN	6
FUP	4
RSLV	1
CLC	1
FI	1

Downtown	75
PCHK	19
CLC	14
REPT	13
ADVI	12
WARN	5
ASST	4
RSLV	3
FUP	2
ARR	2
FI	1

Cahoots	9
ASST	7
RSLV	1
ADVI	1
<b>Total</b>	<b>163</b>

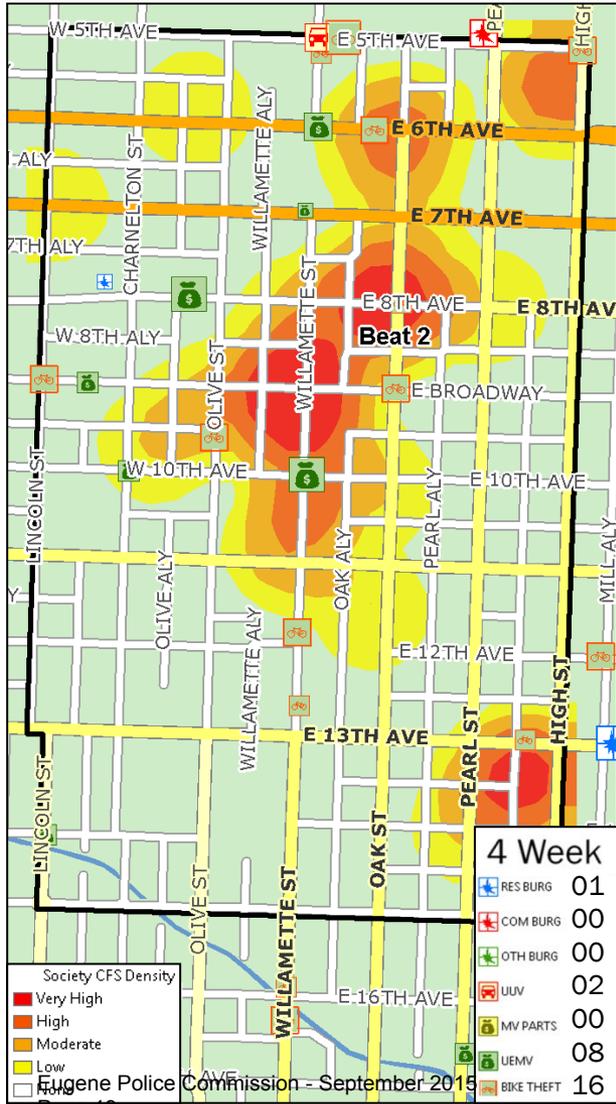
New Reports	2
UEMV	1
Bike Theft	1



PROTECT.SERVE.CARE.

# Area of Focus

## Downtown Boundary: W 5<sup>th</sup> Ave to W 15 Ave / Lincoln St to High St



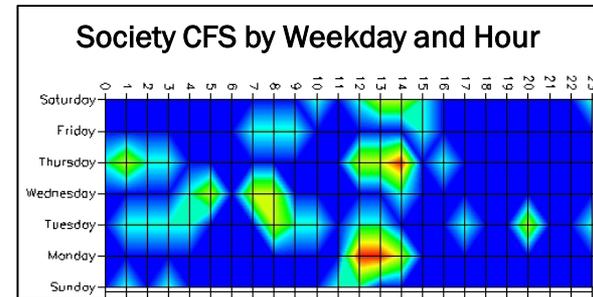
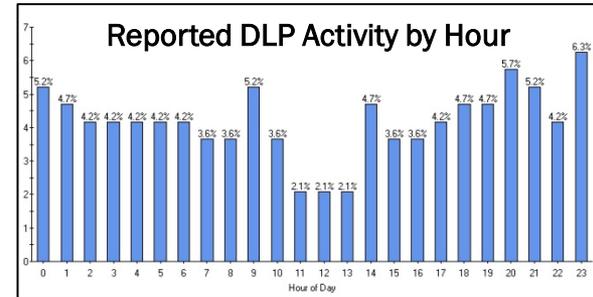
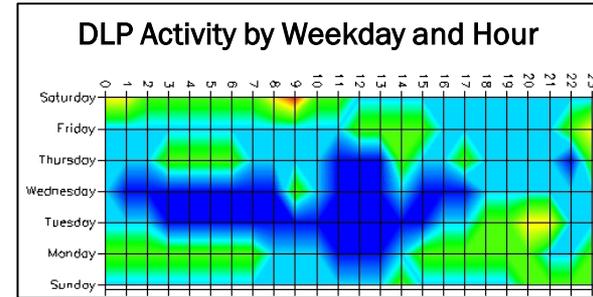
Per Cpt. Kamkar: Downtown CFS volume is expected to increase over the next few months. As a result, Patrol is to focus efforts in the area over the summer months.

**27 DLP Incidents/4 weeks:** Based on date and time information of recent officer reports within the area, DLP activity is most likely to occur:

- Monday through Tuesday, from 1700 through 2300, with one spike in recent activity on Saturdays at 0800 - 0900hrs
- Highest density : 5<sup>th</sup> Ave to 10<sup>th</sup> Ave / Lincoln St to Oak St

**41 Society CFS/1 week:** including: Trespass, Disorderly, DUII, Liquor Violations, and Animal Ordinances, CFS activity is most likely to occur:

- Weekdays, between 0800 and 1500hrs
- Highest density: 8<sup>th</sup> Ave to 10<sup>th</sup> Ave / Willamette Aly to Pearl Aly; and 13<sup>th</sup> Ave to 14<sup>th</sup> Ave / Pearl St to High St.





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## EUGENE POLICE DEPARTMENT

# DEPARTMENT COMMAND DIRECTIVE

No. CD15-020

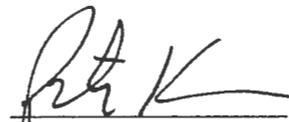
**Date:** July 6<sup>th</sup>, 2015

**Subject:** Review of Policy 418 – Mental Health Crisis Response

**Reviewed Policy:**

Effective July 20<sup>th</sup>, 2015 Policy 418 – Mental Health Crisis Response has been reviewed and its effective date has been updated accordingly. The review was predicated by the Department's internal review schedule as well as small procedural changes that are now reflected.

The review also consisted of inspecting the policy for accuracy and applicability. The next review date for the aforementioned policy is July 20<sup>th</sup>, 2018.

  
Pete Kerns  
Chief of Police

**POLICY  
418**

**EFFECTIVE  
DATE  
072015**

# Eugene Police Department



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## Mental Health Crisis Response

### 418.1 PURPOSE AND SCOPE

Individuals who are experiencing a mental health crisis can pose a significant challenge to police officers. Such a person can behave in an unpredictable manner, and can pose a safety hazard to him or herself, to police officers, and/or to others. The Eugene Police Department will strive to de-escalate the situation and deal with such a person in a compassionate yet safe manner in order to protect the individual, the public, and officers. A person experiencing a mental health crisis will be taken into custody only when he or she has committed a criminal offense; has a valid detention order against him or her; or has demonstrated by his or her actions, as observed by a reliable person, that he or she poses a danger to him or herself or to others and is in need of immediate care, custody, or treatment for a mental illness.

### 418.2 DEFINITIONS

**Person in crisis:** This term refers to an individual whose level of distress or mental health symptoms have exceeded the person's internal ability or coping skills to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including a cyclical increase in symptoms of mental illness despite treatment compliance, non-compliance with treatment (most notably failure to take prescribed medications appropriately), or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior, often accompanied by impaired judgment.

**CIT Officer:** Any sworn employee who has successfully completed the core 40-hour CIT training.

**CIT Coordinator:** The CIT Coordinator, who is appointed by the Chief of Police or designee, will be a sworn employee holding the rank of Sergeant or above who is responsible for the administration of the CIT program.

**De-escalate:** A deliberate attempt to reduce the necessity or intensity of force to resolve confrontation.

**Delaying Custody:** A tactic that can be used if the officer determines immediately taking the person into custody may result in an undue safety risk.

**Disengagement:** The intentional decision, based on the totality of circumstances, to discontinue contact after the initial attempts with a person in crisis.

**Non-engagement:** The intentional decision, based on the totality of circumstances, not to make contact with a person in crisis.

### **418.3 PROCEDURE**

(a) Crisis Intervention Team (CIT) training: All sworn officers will attend CIT training during the Oregon DPSST Basic Academy or during a separate training class. CIT refresher training will be conducted during in-service training. Officers are expected to use their CIT training when responding to incidents involving persons in crisis due to a known or perceived mental illness.

(b) Response to Persons Affected by Mental Illness or in Crisis:

Any officer responding to persons exhibiting abnormal behavior or symptoms of mental illness or mental health crisis should carefully consider the following actions to manage the situation for the safety of all at the scene:

1. Any available information which might assist in determining the cause and nature of the behavior, including information about any prior mental health crises
2. Conflict resolution and de-escalation techniques for potentially dangerous situations involving persons in crisis
3. Appropriate language usage when interacting with persons in crisis
4. Community resources which may be readily available to assist (e.g., CAHOOTS, caregiver or personal advocate)
5. If force is required and circumstances permit, alternatives to lethal force should be considered when dealing with potentially dangerous individuals.
6. Evaluate the nature of the situation and necessity for police intervention or referral.
7. If police intervention is necessary, evaluate if the contact should be made by phone or in person.
8. If police intervention is necessary, evaluate the need to utilize additional cover officers and the ability to notify and/or utilize a supervisor
9. Evaluate the need for assistance from individuals with specialized training in dealing with mental illness or crisis situations (e.g. Crisis Negotiator, CAHOOTS.)

#### **418.3.1 RECOGNIZING ABNORMAL BEHAVIOR**

(a) Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to diagnose an individual experiencing a mental health crisis, but rather to recognize behavior that is potentially dangerous to the individual or others.

(b) Listed below are some general signs and symptoms of behavior that may suggest a mental health crisis. Officers should not rule out other potential causes, such as physical injury, reactions to narcotics, alcohol, or medication, or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making determinations about an individual's mental state and the need for intervention if a crime has not been committed.

1. Strong and unrelenting fear of persons, places, or things
2. Extremely inappropriate behavior for a given context
3. Extreme rigidity or inflexibility
4. Abnormal memory loss (such as inability to remember name or date)
5. Delusions that are clearly false
6. Hallucinations

7. Extreme fright or depression
8. Belief that one suffers from extraordinary physical maladies that are not possible (such as a belief that the heart has stopped beating for an extended period of time)

#### **418.3.2 ASSESSING RISK**

(a) Not all persons who are experiencing a mental health crisis are dangerous; some may be victims, and some may present a danger only under certain circumstances or conditions. In addition to specific factors relevant to the individual's behavior, the volatility of the environment must also be evaluated.

(b) The following is a list of some indicators which may indicate that the person represents an immediate or potential danger to himself/herself or others:

1. Availability of weapons
2. Statements by the person that suggest that s/he is prepared to commit a violent or dangerous act
3. A personal history that reflects prior violence under similar or related circumstances
4. Loss of control of emotions (e.g., rage, anger, fright, agitation)

#### **418.3.3 INITIAL RESPONSE**

(a) If a police response involves a situation where a person is believed to be in crisis, a CIT trained officer should be dispatched, if available.

(b) Emergency lights and siren should be used only when urgency is required, and these devices should be turned off as soon as possible upon arrival.

(a) An officer who is dealing with a person in crisis should attempt to establish a safe environment that will be conducive to successful de-escalation and resolution of the incident.

#### **418.3.4 DISPOSITIONS**

Officers will consider the nature of the situation and the behavior of the involved person in crisis in determining the appropriate disposition of the person. Officers will normally choose from the following options:

(a) Determine that no further police involvement is necessary, and terminate the contact with the person. Consider referring the person to his/her caregiver or personal advocate, if available.

(b) Refer the person to a mental health agency, crisis hotline, or other related service agency.

(c) Consult with a mental health or medical professional, or request a response from CAHOOTS when they are on duty.

(d) Transport the person to a mental health or medical facility for voluntary care when no other means of transportation is readily available. The person should not be dangerous, and should be able to manage his/her behavior. Officers should escort the person into the waiting area and introduce the person to facility staff. There is no requirement to stand by. A report will be prepared documenting the incident and transport.

(e) Take the person into custody on a peace officer hold (ORS 426.228) when there is probable cause to believe the person is a danger to self or any other person, or is unable to provide for basic personal needs and is not receiving the care necessary for health and safety, and is in need of immediate care, custody, or treatment for mental illness.

(f) Where there is a minor criminal offense and the individual is suffering from a mental health crisis that does not rise to the level of a police officer's hold, the person should be cited in lieu of custody with an attempt to access resources in the field. In the absence of resources and a community interest in removing the individual from further incidents is apparent, the subject can be transported to jail and lodged.

(g) When there is sufficient information for a police officer's hold and there is probable cause to believe the individual has committed a crime that does not require mandatory custody, or the crime is a C felony or lesser offense, the officer should cite in lieu of custody and proceed with the police officer hold process.

(h) When there is sufficient information for a police officer's hold and there is probable cause to believe the individual has committed a crime requiring mandatory custody, the individual should be taken into custody and transported and lodged at the Lane County Jail. Notification and details of the mental health crisis should be provided to the jail staff.

(i) Non-engagement or disengagement are tactics that can be used if the officer determines that contact or continued contact with the person will result in an undue safety risk to the person, public, and/or officers. Officers will notify a supervisor and then determine whether to develop a plan to make contact at a different time or under different circumstances. A report will be written documenting the circumstances.

(j) Delaying custody is a tactic that can be used if the officer determines that taking the person into custody under the present circumstances may result in an undue safety risk to the person, the public, and/or officers. Officers will notify a supervisor and then develop a plan to determine a safer time and method to take the person into custody (civil). A report will be written documenting the circumstances.

(k) Any report involving the use of a CIT officer will be routed to the CIT coordinator. If no report is taken, an FI card will be completed and routed to the CIT coordinator. The card will include the Event Number and a brief description of the incident's resolution.

#### **418.4 AUTHORITY FOR CUSTODY**

The commitment of a person to a treatment facility or other confinement is controlled by ORS 426.070 through 426.228. Definitions applicable to these ORS sections can be found in ORS 426.005.

(a) Peace Officer Hold- ORS 426.228 authorizes peace officers to take into custody a person who the officer has probable cause to believe is dangerous to self or to any other person and is in need of immediate care, custody, or treatment for mental illness. The officer will transport the person to the nearest hospital or non-hospital facility approved by the Department of Human Services (normally the Behavioral Health Unit, via the Emergency Room at Sacred Heart Medical Center, University Campus) and notify the community Mental Health Director or designee. The officer will prepare a report and will state:

1. the reason for the custody
2. the date, time, and place the person was taken into custody
3. the name and phone number of the Community Mental Health Director

(b) Director's Hold- An officer may also be requested to take a person into custody at the direction of the Community Mental Health Director who has placed a Director's Hold on that person.

1. Verify the authority of the person signing the Director's Custody Report,
2. Take the person named on the Director's Custody Report into custody.
3. Obtain the Director's Custody Report from the director or designee and transport the person to the medical facility as designated by the director.

(c) If the attending physician finds the person to be in need of emergency care or treatment for mental illness, the officer may be requested to transport the person to an appropriate care facility. If the physician determines that the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer will return the person to the place where the person was taken into custody unless the person declines that service.

(d) Psychiatric Security Review Board (PSRB) Order of Revocation- Under ORS 161.375(4), the PSRB has the authority to take PSRB supervised persons into custody on Revocation Orders, which are comparable to arrest warrants and subject to the same rules. When an officer is notified of a PSRB Revocation Order, typically through PSRB Law Enforcement Data Systems (LEDS) message reading: "No Criminal Warrant, PSRB order for mandatory return to Oregon State Hospital," the officer shall:

1. Take the person named in the Revocation Order into custody and notify a supervisor.
2. Ensure the Oregon state Hospital Communication Center is notified; the phone number can be found in the PSRB LEDS message.
3. Transport, with one other officer, the person to the Oregon State Hospital Communication Center and notify a supervisor of the transport.
4. Document the incident in a police report.

(e) Patients Eloped from Mental Health Facilities- Officers may be requested to take patients that elope from facilities into custody. This will be done only when the situation meets one of the following criteria:

1. The patient eloped from a state hospital after being committed under ORS 181.530, due to a conviction of a crime or committed as sexually dangerous. Notice can be in writing or by teletype. Be mindful that PSRB arrest orders expire seventy-two (72) hours after being signed.
2. The civilly committed person unlawfully eloped from a residential facility and the facility produced the order of commitment and requested the assistance of a peace officer pursuant to ORS 426/223.
3. An eloped patient is deemed to be a danger to him or herself or others.
4. If the eloped patient meets one or more of the above criteria, officers should:
  - (a) Take the eloped patient into custody and transport them back to the facility they eloped from, if stable enough to return, or transport to the nearest designated hospital.

(f) Assisting Hospitals with Patients with Mental Illness and Walk-Aways- Officers will not become involved in incidents within a secure evaluation unit or an emergency care hospital, unless the officer is bringing in a patient requiring immediate detention to prevent an assault or

other crime. Officers will not take into custody voluntarily admitted patients who have walked away from a hospital or facility, unless their actions at the time indicate they are a danger to themselves or others and are in need of immediate care, custody, and treatment for mental illness.

## **418.5 OFFICER CONSIDERATIONS AND RESPONSIBILITIES**

### **418.5.1 TRANSPORTATION**

When transporting any individual for a mental health commitment, the handling officer should have Central Lane Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient, and whether or not any special medical care is needed. Officers may transport patients in the patrol unit and will secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance with an officer accompanying ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member.

If more than one hour will be required to transport the person to the hospital or non-hospital facility from the location where the person was taken into custody, the officer must obtain, if possible, a certificate from a physician who has examined the person within the last 24 hours stating that the travel will not be detrimental to the person's physical health, and that the person is dangerous to self or to any other person and is in need of immediate care or treatment for mental illness (ORS 426.228[3]).

### **418.5.2 RESTRAINTS**

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

### **418.5.3 MENTAL HEALTH DOCUMENTATION**

The officer will also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

### **418.5.4 SECURING OF WEAPONS**

If a receiving center and/or secured facility prohibit weapons, or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearms will be secured in the appropriate gun locker at the facility or in the police unit.

## **418.7 SEIZING FIREARMS AND OTHER WEAPONS**

Whenever a person has been detained or apprehended for examination pursuant to ORS 426.228 and is found to own, or to have in his/her possession or under his/her control, any firearm, it should normally be taken into temporary custody by the handling officer when there is legal authority to do so if the officer reasonably believes the weapon represents a danger to the person or others if the person is released. Examples of such authority would be that the weapon is being seized as evidence of a crime, or that it is being taken for safekeeping with consent from a person authorized to give such consent. The weapon will be booked into Evidence Control Unit (ECU) pending disposition.

A weapon seized as evidence may be released once it is no longer needed as evidence. A weapon taken into custody for safekeeping will be returned to the lawful owner upon request

unless a court order or other legal authority authorizes that it be retained, in which case it will be released when specified by the court order or required by other legal authority.

Prior to releasing any weapon, ECU personnel will ensure that the person to whom the weapon is being released is legally eligible to possess the weapon.

#### **418.8 TRAINING**

As a part of advanced officer training programs, this agency will include DPSST-approved and/or locally-based Crisis Intervention Team (CIT) training for all sworn employees. CIT is designed to resolve police encounters with people experiencing a mental or emotional crisis safely and, when appropriate, link these individuals to mental health supports and services that reduce the chances for future interactions with the criminal justice system. To accomplish this, CIT sworn personnel work in conjunction with dispatchers, CAHOOTS, and area mental health providers.

The CIT Program will be administered by the CIT Coordinator. He or she will be responsible for sworn officer's initial and on-going training. The CIT Coordinator will review all crisis incidents in which CIT officers are used, and will compile and report on data gathered from those incidents.