



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; Jim Garner; Edward Goehring; Rachel Hecht; Jesse Lohrke; Steve McIntire; Scott Nowicki; Claire Syrett; Joe Tyndall; Marshall Wilde

Police Commission Meeting  
November 12, 2015  
5:30 – 8:00 pm

Item	Starting – Ending	Minutes
Review Agenda	5:30 – 5:35	5 min
Public Comments	5:35 – 5:45	10 min
Commissioner Comments / Responses	5:45 – 6:00	15 min
Review September and October Minutes	6:00 – 6:05	5 min
Standards, Duty, and Conduct Policy Review (1001)	6:05 – 6:35	30 min
Crowd Management and Control Policy Approval (404)	6:35 – 6:50	15 min
BREAK	6:50 – 7:00	10 min
Chief's Presentation	7:00 – 7:20	20 min
Commission Vacancy	7:20 – 7:30	10 min
Professional Stops Data Pilot Program Update	7:30 – 7:45	15 min
Commissioner Closing Comments	7:45 – 8:00	15 min

UPCOMING Police Commission Meeting:

December 10, 2015

## City of Eugene Police Commission

September 10, 2015

### Meeting Notes

The official full record is contained in the video recording, at the Police Commission web page, linked [here](#).

The meeting convened at 5:30 P.M.

Members in attendance: Bob Walker, chair; Bill Whalen, vice chair Edward Goehring; Jim Garner; Rachel Hecht; Jesse Lohrke; Steve McIntire; Scott Nowicki; Claire Syrett; Joe Tyndall; Marshall Wilde

Members absent: Mike Clark

EPD Staff in attendance: Chief Pete Kerns, Lt. Nathan Reynolds, Lt. Carolyn Mason, Sgt. Matt Lowen, Carter Hawley

#### **Agenda Review**

Ms. Hawley reviewed the agenda.

#### **Police Commission Comments**

Commissioners welcomed new Commissioners Mr. Nowicki, Mr. McIntire, and Mr. Wilde, and returning staff Ms. Hawley. They also thanked and commended Mr. Cleversey for his staff work with the Commission.

Mr. McIntire reported the CRB reviewed a case that involved evidence that was not contained in an evidence bag. He requested that the Police Commission consider addressing a policy addressing the issues raised in this case.

Ms. Syrett stated that in response to the Mayor's letter regarding downtown, a group is being convened to address the issues. Ms. Syrett will report back.

#### **Review of Minutes**

Mr. Goehring moved and Mr. Garner seconded approval of the June and July minutes. Approved 10-0-1 (Aye - Walker, Whalen, Syrett, Nowicki, Lohrke, Goehring, Tyndall, Wilde, Hecht, Garner. McIntire abstained).

#### **Review of Crowd Management and Control Policy**

Mr. Garner noted that 404.6.3(d) should be amended to read: "Second and third warning shall be issued, if conditions permit, at reasonable time intervals..."

Commissioners discussed the difference in response to civil disturbance vs. civil disobedience, and suggested the policy include additional language addressing the department's response to civil disobedience.

Mr. Goehring suggested the policy should include a decision tree regarding the different responses for different events.

In response to questions from the Commission, Chief Kerns agreed to provide the command directive and any new policies regarding armored vehicles.

### **Thank you for George Rode**

The Commission deferred the discussion, to publicly thank George Rode, whose Police Commission term concluded in June 2015. Mr. Rode was provided a certificate, and thanked by the members of the Police Commission for his thoughtful service.

### **Crowd Management and Control Policy (404), continued**

Mr. Tyndall moved and Ms. Syrett seconded that the definition of civil disobedience in section 404.3 be amended as follows:

**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.

Mr. Nowicki moved to amend the motion to move the struck sentence to the end of the definition. The motion did not receive a second.

The original motion was approved unanimously.

Chief Kerns noted that the Department has significant experience and assigns liaisons to various civil disobediences, that the policy should outline specific responses, including if a peaceful planned event is commandeered by another group, and that the Department will provide the Police Commission with other similar policies.

Mr. Tyndall moved and Ms. Hecht seconded changing the order of section 404.6.4, by moving the first item, "A. Display of forceful presence including police lines that may combine with bicycles, motorcycles, law enforcement vehicles, and armored police vehicles" to the end of the list, as item D. Sgt. Lowen responded that the intent of the section is to first provide a deterring visible police presence before any force or contact is made with the protest, and that the list as proposed escalates the response, starting with no contact but a physical presence. The motion failed unanimously.

By unanimous consent, the commission did not take action on the policy but held it over to the October meeting.

### **Chief's Presentation**

The Chief responded to questions and comments about his report, contained in the meeting packet.

### **Officer Veteran Response**

Lt. Nathan Reynolds introduced Dr. Michael Leeds. Dr. Leeds discussed efforts underway in Eugene to address the needs of veterans, including Vet Net, Vet Court, and he discussed similar work in Boise, Idaho. Discussion ensued. The Commission expressed appreciation for the work underway, and encouraged continued coordination between policing and other service providers serving veterans.

### **Mental Health Crisis Policy 418**

Lt. Carolyn Mason described the history of the Crisis Intervention Team (CIT) program and reviewed the changes made in the updated policy.

Mr. Goehring moved and Ms. Syrett seconded approval of the policy as proposed.

Mr. Wilde suggested that before the policy is approved it should be sent to Lane County Behavioral Health for their review.

The motion was approved 10-1 (aye-Walker, Whalen, Garner, Nowicki, Syrett, Hecht, Tyndall, McIntyre, Lohrke, Goehring, nay- Wilde)

Lt. Mason agreed to send the policy to Lane County Behavioral Health and to Dr. Leeds for any feedback and comments.

### **Commissioner Comments**

Commissioners offered closing comments, including welcoming the new commissioners, thanking George Rode for his service, comments about the homeless camps, and gratitude for the Commission's hard work and good discussion.

The meeting adjourned at 8:20.

*Notes taken by Carter Hawley*

## City of Eugene Police Commission

October 8, 2015

### Meeting Notes

The official full record is contained in the video recording available at the Eugene Police Commission web page with the meeting archives.

The meeting convened at 5:30 P.M.

Members in attendance: Bob Walker, chair; Bill Whalen, vice chair Edward Goehring; Jim Garner; Steve McIntire; Scott Nowicki; Joe Tyndall; Marshall Wilde

Members absent: Mike Clark; Rachel Hecht; Jesse Lohrke

EPD Staff in attendance: Chief Pete Kerns, A/C Karl Durr; Lt. Nathan Reynolds, Sgt. Matt Lowen, Carter Hawley

#### Agenda Review

Ms. Hawley reviewed the agenda.

#### Public Comments

Ms. Majeska Seese-Green – Noted that the civil disturbance policy shouldn't include word "punish", as it is not the role of the police to punish.

Jack Radey – Expressed concern about recent cases that highlight excessive use of force. Encouraged Commissioners to read the report released by the Police Executive Research Forum (PERF), entitled, "Re-engineering Training on Police Use of Force", which staff agreed to distribute.

#### Police Commission Comments

The Commissioners offered general comments.

#### Review of Minutes

Mr. Tyndall noted that the September minutes should be amended to reflect the result of the motion he made to amend the definition of civil disobedience. The following sentence was added to the minutes, "The original motion was approved unanimously." The September minutes are to be brought back for approval to confirm that the minutes reflect the intent of the Commission discussion.

#### Review of Crowd Management and Control Policy

Mr. Tyndall moved and Mr. Wilde seconded the following amendment:

Civil Disobedience: A symbolic, non-violent violation of the law, done deliberately in protest against some form of perceived injustice. The act must be nonviolent, open and visible, and performed for the moral purpose of protesting an injustice, and done with the expectation of ~~being punished~~ consequences.

The motion was approved unanimously.

Mr. Garner moved and Mr. Walker seconded, to amend the following sentence:

Passively blocking vehicular travel lanes and public rights of way is NOT considered Civil Disobedience for the purposes of this policy, and will be handled as a public safety concern.

After discussion, the motion was withdrawn and Sgt. Lowen agreed to return with proposed language.

### **Body Worn Video**

A/C Durr reviewed the Body-Worn Video Policy, highlighting the areas that have changed since the Police Commission last saw the policy, and the language that is required by State Law.

Discussion ensued.

### **Break**

### **Chief's Report**

Chief Kerns provided an overview of the report contained in the Commission packet, and responded to questions.

### **21<sup>st</sup> Century Policing**

A/C Durr provided an overview of the 21<sup>st</sup> Century Policing Task Force Report.

Discussion ensued.

Mr. Walker suggested that portions of the report may be brought back for further discussion.

The meeting adjourned at 7:30.

*Notes taken by Carter Hawley*

POLICY  
1001

EFFECTIVE  
DATE  
Draft 102015

# Eugene Police Department

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## Standards, Duties, and Conduct

### 1001.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all department employees (full-, or part-time), volunteers, and cadets.

### 1001.2 PHILOSOPHY AND VALUES

Being an employee of the Eugene Police Department, particularly that of a sworn law enforcement officer, places members in a unique position of trust and high expectations of the community we serve. We have access to privileged and confidential information and possess authority delegated to us that far exceeds that of other citizens. The authority to conduct investigations, arrest and use force against persons, if necessary, are uniquely granted to us through the process of democratic government. We steadfastly resolve to remain mindful that concurrent with this increased authority comes increased responsibility and that our words and actions are subjected to review and scrutiny through a variety of systems not imposed on others. To fulfill our mission to serve and protect the community which grants us our authority, and in order to retain the public trust in our department, we will strive to embody the standards contained herein.

#### **1001.2.1 HONESTY**

All employees will be truthful, complete, and accurate in all official written and oral communications, statements, and reports. Exceptions to this standard are when deception is necessitated and allowable during a criminal investigation, or when the need to acquire information for public safety or the exigency to provide for employee safety exists. The use of deception will be specific, lawful, and temporary in nature.

#### **1001.2.2 PROFESSIONALISM**

Police Officers are the most conspicuous and accountable representatives of government. To a majority of the people, Police Officers are symbols of stability, authority, and accountability upon which people feel they can rely. These persons readily acknowledge and accede to the authority you hold, often with little question. A smaller group will choose to closely scrutinize your words and actions, question your authority, and even openly revolt against your presence and authority. Regardless of the circumstances, Eugene Police employees will always provide

courteous service, use carefully reasoned discretion, and will ensure their conduct is respectful, neutral, objective, and unbiased.

### **1001.2.3 JUDGMENT**

All employees representing the Eugene Police Department must use their training, experience, and observations about the overall situation to make sound and reasonable decisions; often times these are “split-second” decisions that are complex, evolving, and dangerous. The community and the Department always expect its employees to use good judgment at all times. “Good judgment” is defined as those decisions and actions that a reasonable employee in similar circumstances would use or take, given the information you knew or should have known at the time.

### **1001.2.4 INTEGRITY**

The reliability, consistency, and honesty of the Eugene Police Department and its employees must never come into question – the fundamentals of public service demand this. Members must scrupulously avoid any conduct that may compromise your integrity, that of your fellow department members, or the department.

### **1001.3 DISCIPLINE POLICY**

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect the department's operations or the employee's ability to perform official duties, or to the extent that it may be indicative of unfitness for his/her position.

### **1001.4 CONDUCT THAT MAY RESULT IN DISCIPLINE**

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service or that violates a commonly held legal or workplace standard. Examples of conduct that may result in discipline include, but are not limited to:

#### **1001.4.1 ABUSE OF POSITION/AUTHORITY**

Department employees may not use, or attempt to use, their position, credentials, or badge:

- a. To obtain personal or financial gain or advantage;
- b. To obtain special privileges;
- c. To avoid consequences of illegal acts;
- d. To gain information from another agency or computer system for personal use;  
or
- e. As lending credentials, identification badges, or other forms of city identification to others, or allowing them to be reproduced without approval of the City.

#### **1001.4.2 ADHERENCE TO LAWS AND DEPARTMENT POLICY**

- a. Violating any misdemeanor or felony statute, or any court order, criminal or civil.
- b. Failing to promptly and fully report activities that have resulted in official contact with this or any other law enforcement agency.

- c. Knowing or negligent violation of the provisions of this manual, City of Eugene policy, or any other written directive by an authorized supervisor.

#### **1001.4.3 ASSOCIATIONS WITH FELONS/INDICTED PERSONS**

- a. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of local, state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- b. This does not apply to situations where contact is unavoidable due to circumstances beyond an employee's control.

#### **1001.4.4 ATTENDANCE**

- a. Leaving any scene, shift, or assignment to which assigned during duty hours without reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- c. Failing to report for work shift or to place of assignment at time specified, in the appropriate uniform, and fully equipped to perform duties without reasonable excuse.
- d. Failing to appear for any court proceeding to which employee is subpoenaed relating to the performance of official duties.

#### **1001.4.5 BRIBES, GRATUITY, AND PAYMENT**

- a. Accepting or soliciting any bribe.
- b. Accepting or soliciting anything of value if any connection between that gift or gratuity of value and your employment exists.
- c. Accepting any payment for services except for wages earned by employment with the Eugene Police Department, court-ordered restitution payable to employee, or outside employment approved by the Chief of Police.

#### **1001.4.6 CONDUCT**

- a. Engaging in horseplay that result in injury, property damage, or significant disruption of department operations, or the reasonable possibility thereof.
- b. Engaging in discourteous, disrespectful, or discriminatory treatment of any member of the public, or member of this department or any other law enforcement agency.
- c. Expressions of prejudice or discrimination about race, religion, national origin, sexual orientation, or other similar personal characteristics or protected classification while on duty or representing the department.
- d. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- e. Engaging in sexual relations including, but not limited to sexual intercourse or other sexual contact while on-duty.
- f. Engaging in conduct that brings the department into disrepute and impairs significantly the operation or efficiency of the department or employee.
- g. Participation in gambling on duty, except in the performance of official duty and while acting under proper and specific orders from a supervisor.
- h. Wrongful or unlawful exercise of authority for malicious purpose, personal gain, willful deceit or any other unlawful purpose.

- i. The use of profane language to insult, or demean any person while performing official duties.

#### **1001.4.7 CONFIDENTIALITY OF INFORMATION**

- a. Disclosing any information employee sees or hears through employee's official duties to an unauthorized source, unless the release of information is required to properly perform employee's duties.
- b. Using information employee sees or hears through employee's official duties for private gain by employee or another person or entity.

#### **1001.4.8 CONFLICTS OF INTEREST**

- a. Engaging in enforcement, investigation, or administrative functions that create a conflict of interest, or a perception of a conflict of interest. (Example: serving as primary investigator in a crime for which the officer is also a victim.)
- b. While on duty, or off duty and identifying self as a police employee, publicly criticizing or ridiculing the department, its policies, or its members, where employee's oral or written statements produce intolerable disharmony, dissension, chaos, or is without a factual basis.
- c. Making public statements to media purporting personal opinions to be official department statements, unless authorized by the Chief of police.
- d. Allowing personal motives to govern decisions or actions in the discharge of duties

#### **1001.4.9 DUTY TO KNOW AND ENFORCE LAWS**

- a. Demonstrated lack of knowledge of the law.
- b. Unwillingness, inability, or failure to take appropriate action when required by department policy, practice, or local, state or federal law.

#### **1001.4.10 DUTY TO IDENTIFY AS POLICE OFFICER**

- a. Refusal to identify self as police officer when engaged in department-related functions by name and badge number when it is reasonable to believe no investigation would be jeopardized, no police function is hindered, and officer-safety conditions permit identification.

#### **1001.4.10 DUTY TO PERFORM**

- a. Shirking from danger or responsibility to act when any situation requiring police attention is brought to employee's attention, regardless of whether or not the officer's assistance is requested.
- b. Failure to aid, assist, or protect a fellow officer(s) in the performance of duty, unless incapacitated.
- c. Failure to maintain physical conditioning and qualifications sufficient to safely perform law enforcement duties.
- d. Inefficiency, incompetence, or poor performance of assigned official duties.

#### **1001.4.11 ENDORSEMENT OF PRODUCTS AND SERVICES**

- a. Using position or authority with the Department to endorse any organization, program, product, or service without authorization from the Chief of Police.

#### **1001.4.12 HORSEPLAY**

- a. Eugene Police Department employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a City of Eugene facility or work station, and shall not distract others who are performing assigned duties.

#### **1001.4.13 ILLNESS OR INJURY AND SICK LEAVE**

- a. Misrepresenting the facts of an illness or injury to the department.
- b. Failing to inform a supervisor of any physical or mental condition that has the potential to affect the performance of assigned duties.
- c. Using sick leave in violation of City of Eugene APM Policy 11.2 Sick Leave.

#### **1001.4.14 INSUBORDINATION**

- a. Ignoring, refusing, or taking unreasonable delay to execute any lawful order given by a supervisor, or any order relayed from another employee originating with a supervisor.
- b. Falsely telling others an order originated from a supervisor, when it did not.
- c. Disparaging, discourteous, or disrespectful words or conduct to a supervisor that disrupts or subverts the good order, morale, and discipline of the department.
- d. Employees are exempt from executing any order originating from a supervisor if the order is *illegal, unethical, or represents a substantial and reckless disregard for civilian life or officer safety*. If practical, respectfully state the reason for objection to the supervisor; if the issue remains unresolved, immediately report the incident to the next-highest ranking member in the employee's chain of command. Employees invoking this exception should be fully prepared to accurately account for and justify their denial of the order.

#### **1001.4.15 INTOXICANTS: ALCOHOL AND CONTROLLED SUBSTANCES**

- a. Reporting for work, training, or call-back overtime following the use of intoxicants (intoxicants are defined as any alcoholic beverage, inhalant, or controlled substance, whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties, or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- b. Unauthorized possession, use, or attempted use of intoxicants while on duty, except as authorized in the performance of official duties while under specific orders and supervision.
- c. Failure to notify your supervisor of any impaired performance of your assigned duties based on medications you are taking, or failure to notify a supervisor if recommended dosages are being exceeded.
- d. Operating a City-owned vehicle or one rented with City funds, at any time proximate to consuming intoxicants.
- e. Employee must notify a supervisor if employee is subject to a call-back and employee has recently used intoxicants such that employee's performance, judgment, or response time will be impaired. The notified supervisor will decide if the employee should respond to the call-back or not.
- f. When attending off-site training or conferences, employee's consumption of alcohol must be legal and moderate, and may not reflect poorly upon employee or the Eugene Police Department.

#### **1001.4.16 NEGLECT OF DUTY**

- a. Sleeping while on duty
- b. Reading, playing games, watching television, or otherwise entertaining self while on duty unless on an authorized break.
- c. Engaging in personal business or any other activity that makes employee neglectful or inattentive to employee's duties.
- d. Taking unnecessary delay to respond to dispatches or requests for assistance.
- e. Leaving an assigned post or assignment without authorization from a supervisor and/or proper relief.

#### **1001.4.17 POLITICAL ACTIVITY**

- a. Employees may not engage in political activities while on-duty or using their official authority or influence, or using department property. "Political activities" include promoting or opposing, orally or in writing, any political committee, initiative, measure, petition, or candidate, including requesting contributions for, or distributing campaign literature for or against, any political candidate or position. "Using an employee's official authority or influence" includes but is not limited to, using the employee's official title, or wearing the employee's official uniform or parts of the uniform like official badges.

#### **1001.4.18 PROPERTY AND RESOURCES OF THE DEPARTMENT**

- a. Wrongfully loaning, selling, appropriating, or giving away any department property for the personal use of the employee or any unauthorized person.
- b. Unauthorized use of any badge, uniform, identification card, or other department equipment for personal gain or any other improper use.
- c. Theft or attempted theft of department property, services, or property of other employees.

#### **1001.4.19 REPORT SUBMISSION**

- a. Failure to submit reports within the work week, or if the report is a custody report, before the end of shift unless expressly permitted by a sworn supervisor.
- b. Submitting false, inaccurate, erroneous or incomplete reports.
- c. Failure to submit photographs, evidence, and other required documents and products as soon as practicable in order to allow follow up on investigations to be completed.

#### **1001.4.20 TRUTHFULNESS**

- a. Knowingly or negligently making any false, misleading, or misrepresenting statements to any supervisor inquiring specifically about department-related activities, or relating to the employee's fitness for duty, regardless of whether or not the employee is under oath.
- b. Refusing to truthfully and completely answer any question asked by a supervisor inquiring about department-related activities, or relating to the employee's fitness for duty, regardless of whether the employee is under oath.
- c. Failure to disclose material facts, or intentionally misrepresenting or falsifying the written content, on any report, form, or other official document.

#### **1001.4.21 EXPECTATIONS OF SUPERVISORS**

- a. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- b. Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.
- c. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.
- d. Failure of a supervisor to foster a safe and respectful work environment for employees.

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. The act must be nonviolent, open and visible, and performed for the moral purpose of protesting an injustice, and done with the expectation of ~~being punished~~ [legal consequences](#).

### 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? Can it be easily categorized as Civil Disobedience or Civil Disturbance?
- 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 RESPONSE TO CIVIL DISOBEDIENCE

Nothing in this section is intended to require responding officers to disregard normal officer safety protocols. The Eugene Police Department will never intentionally infringe on the public's right to peaceably assemble or exercise rights to freedom of speech; however, non-violent breaches of the peace (such as trespassing at a business or other private property) will be addressed **IF** there is a willing complainant. *Passively blocking vehicular travel lanes and public rights of way will be handled without the delays normally reserved for contacting a civilly disobedient group, but as a public safety emergency, is NOT considered Civil Disobedience for the purposes of this policy.*

Officers dispatched to a report of Civil Disobedience should immediately summon the necessary amount of officers necessary to cordon and contact the group and a supervisor to the scene. In addition to the factors listed in § 404.4(a-j), take note of the number and disposition of the protestors and attempt to identify leaders of the protest. If time allows,

attempt to solicit from leaders or protestors who would like to be cited in lieu of custody and then released.

The first supervisor on scene should assume command of the scene and identify if any additional resources are necessary to resolve the situation. Once the appropriate number of officers are on scene, the supervisor should contact the group and notify them that their gathering is unlawful and that they are being given a lawful order to leave the property immediately. The supervisor should then use officers to systematically remove protestors beginning with those who are willing to be cited in lieu of custody, proceeding to those who are not relying on protestor devices or passive resistance (i.e. non-combatively clinging to other persons or fixed objects), those who are passively resisting, concluding with those bound or fixed inside of protestor devices. Supervisors should also consider:

- a. Use of Jail Van and other considerations for significant numbers of compliant persons to be physically arrested and lodged at the Lane County Jail.
- b. Staging medics nearby.

#### 404.6 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.

#### 404.7 RESPONSE TO CIVIL DISTURBANCES

##### **404.7.1 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.

#### **404.7.2 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.

#### **404.7.3 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 if practicable 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.

#### **404.7.4 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~~ [police rescue vehicles](#).
- b. 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

#### **404.7.5 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.

#### **404.7.6 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 will be prepared by the IC or designee.

# Chief Kerns' Report to the Police Commission



**October 2015**

# Chief's Activities

- Attended Vet Net Meeting
- **ESCI Consultants Follow Up Site Visit**
- Deadly Use of Force Review Findings with media, and employees
- **Eugene City Club Panel on House Bill 2002 (Police Profiling)**
- KUGN Radio Interview
- **Attended the APCO Awards Banquet in Sunriver**
- Council Work Session (Fireworks)
- **HRC Meeting to discuss HB 2002**
- Met with Downtown Business Owners
- **Special Olympics Tip-A-Cop**

# In the News



★ **Police response at 2300 block of Compton Street**

★ **Halloween Safety Tips**

★ **Deadly Use of Force Review Findings-Devos**

★ **9-1-1 Temporarily Down**

★ **Loud Party Calls for the Month of October**

★ **Vehicle/Bicyclist Crash**

★ **Police Looking for Information Regarding Stabbing Early Saturday Morning**

# Looking Ahead

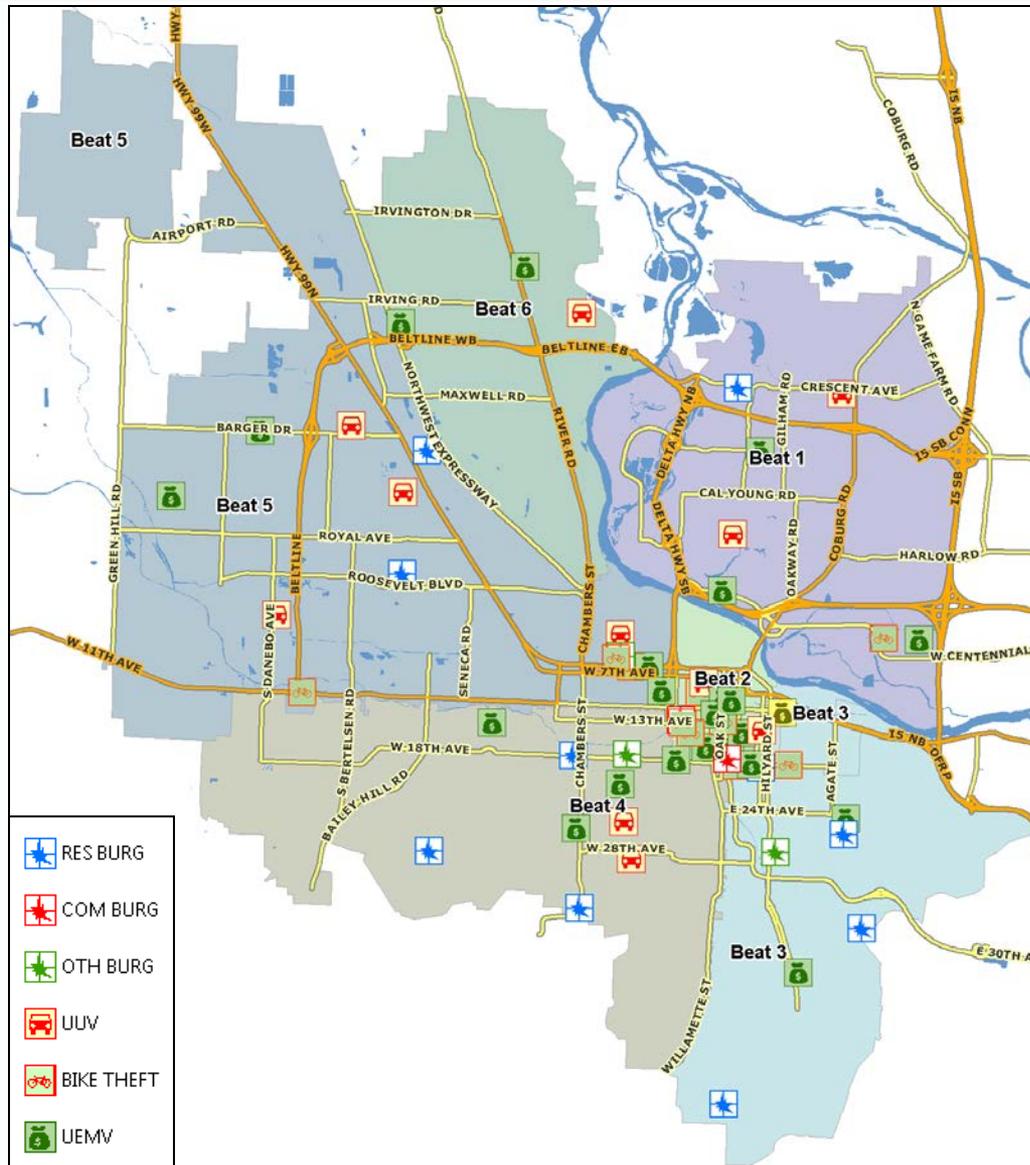
- 17 communication specialist applicants have completed the background phase.
- **One applicant is currently in the background phase for Animal Welfare Officer.**
- 17 police officer applicants have moved to the background phase.
- **One applicant has moved to the background phase for the Chief's executive assistant.**
- CSO A (Patrol)—written test will be on November 14<sup>th</sup>. Hiring for one position.
- **Phone interviews are schedule for VIP Program Senior Administrative Specialist.**
- CSO B & C— these postings are currently being prepared.
- Senior Financial Analyst posting closes November 13th

## DLP Report October 27, 2015

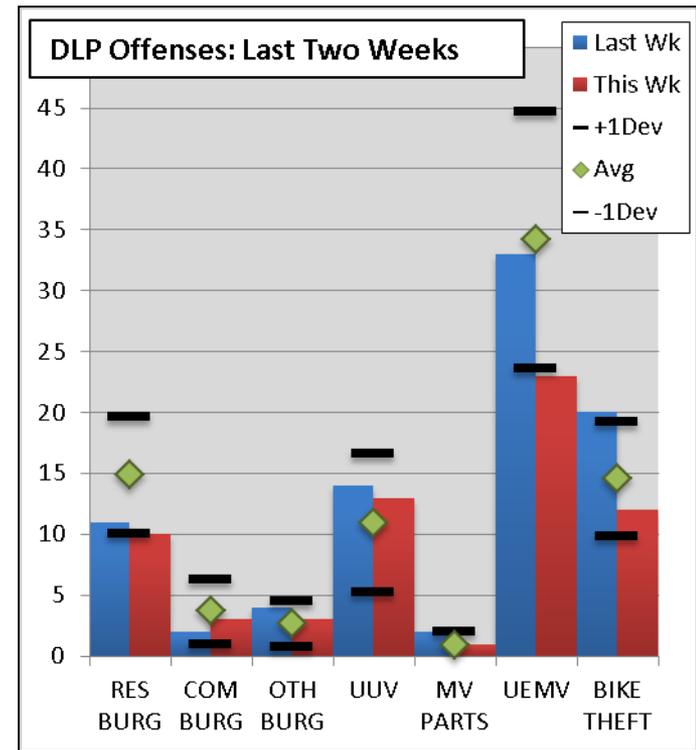
- One and Four Week DLP Slides
- Area of Focus
- Top Arrestees
- Top Calls For Service Locations
- September MVA/TEU Activity
- Downtown CFS

# One Week City-Wide

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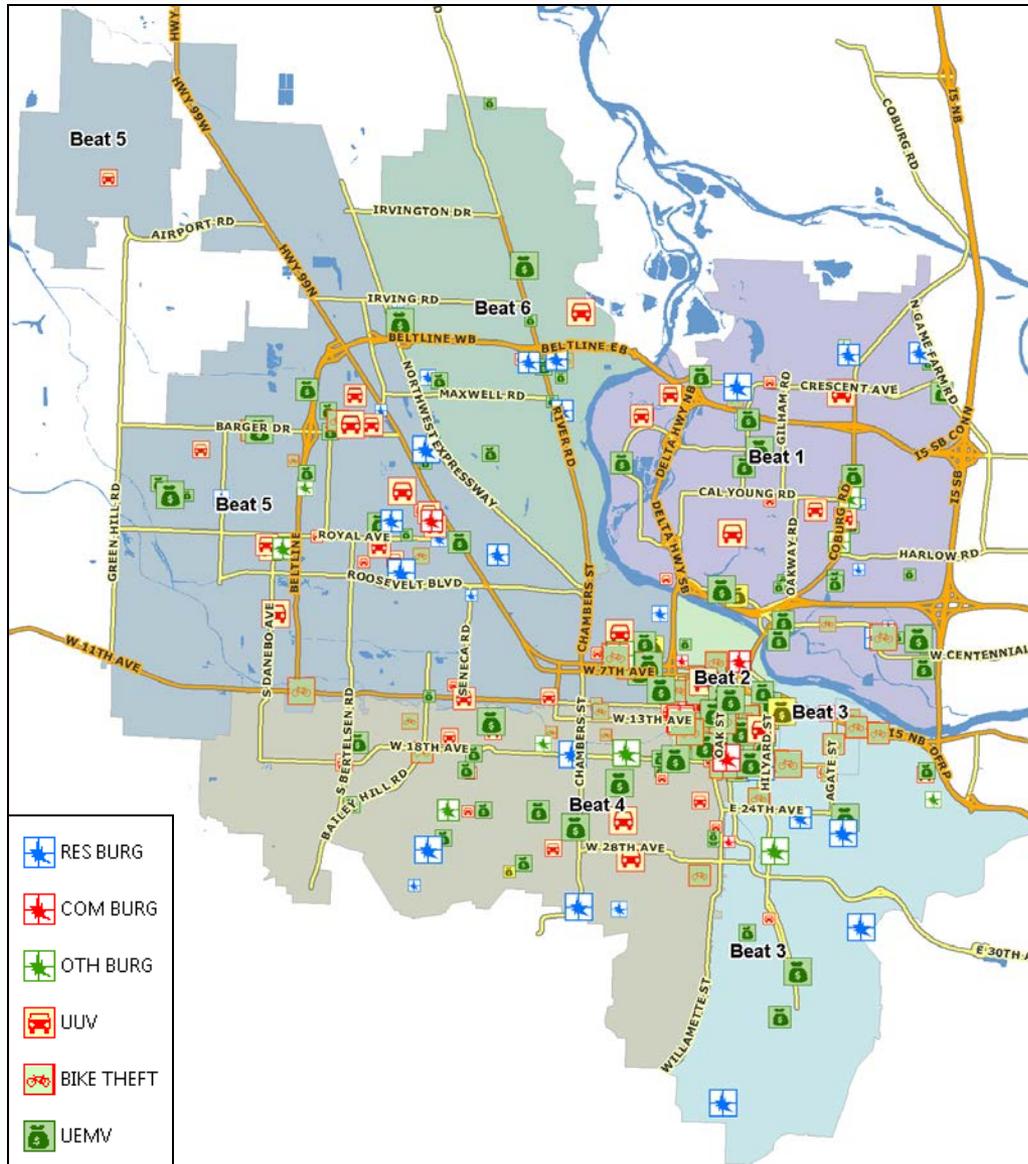


Offense	-1Dev	Last Wk	This Wk	Avg	+1Dev
RES BURG	10	11	10	15	20
COM BURG	1	2	3	4	6
OTH BURG	1	4	3	3	5
UUV	5	14	13	11	17
MV PARTS	0	2	1	1	2
UEMV	24	33	23	34	45
BIKE THEFT	10	20	12	15	19
<b>Total</b>	<b>66</b>	<b>86</b>	<b>65</b>	<b>82</b>	<b>98</b>

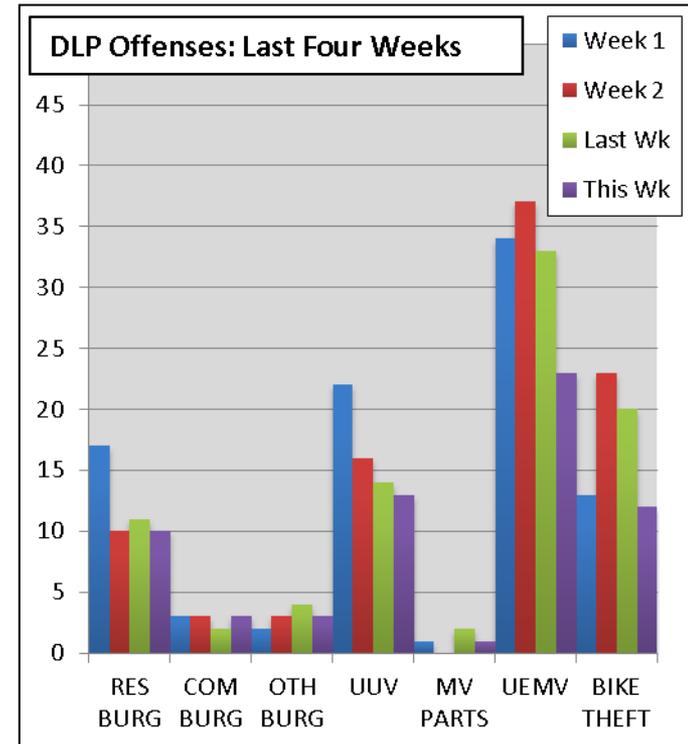


# Four Week City-Wide

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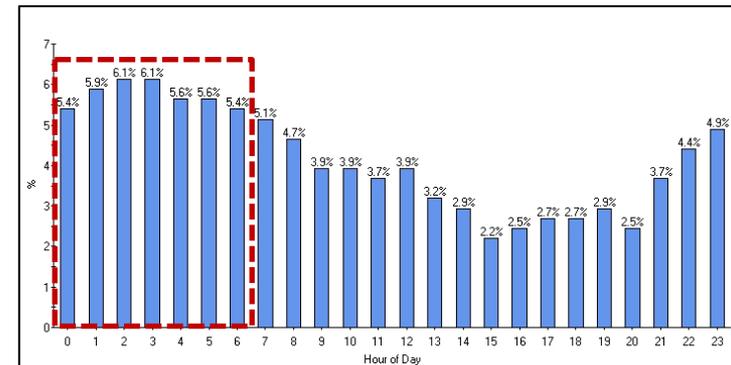
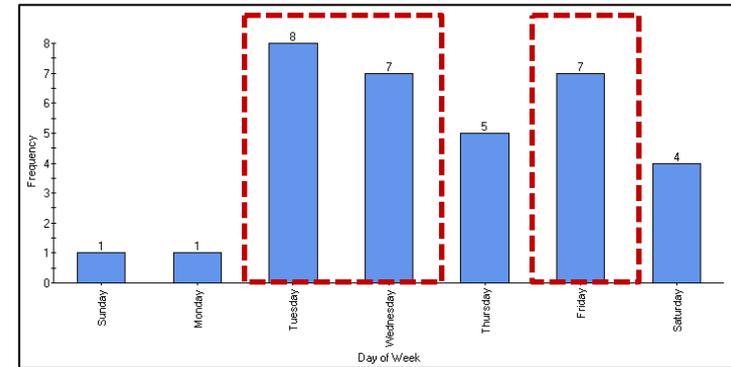
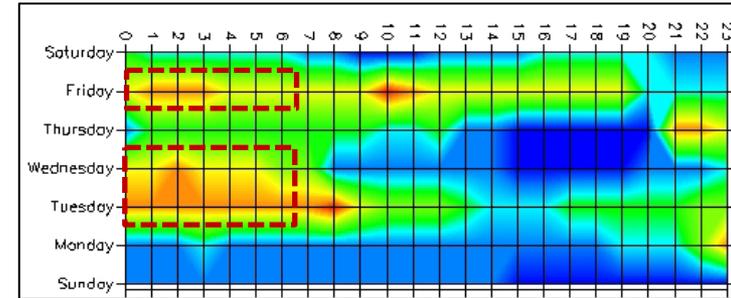
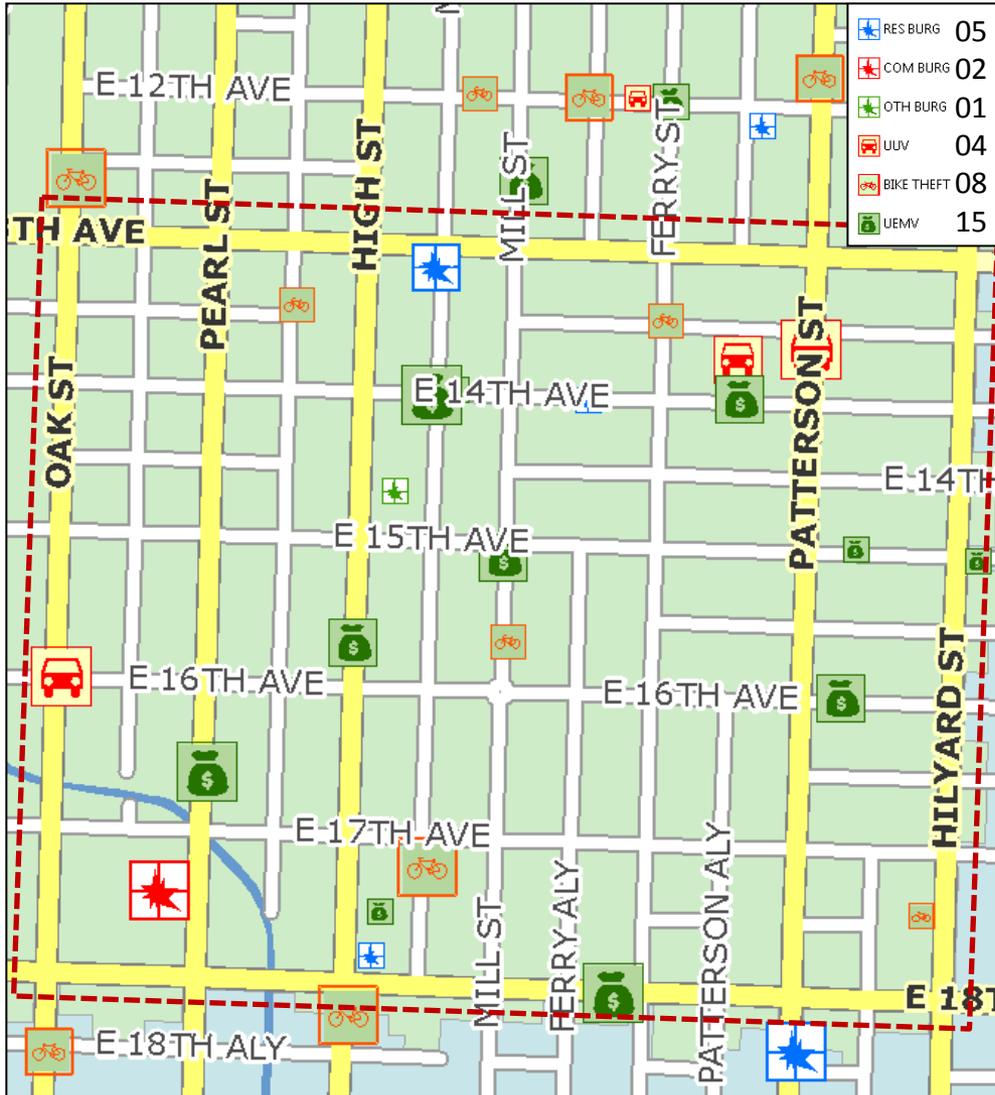


Offense	YTD 2014	YTD 2015	Diff	%Change
RES BURG	642	651	9	1.4%
COM BURG	138	151	13	9.4%
OTH BURG	106	120	14	13.2%
UUV	451	463	12	2.7%
MV PARTS	49	39	-10	-20.4%
UEMV	1644	1211	-433	-26.3%
BIKE THEFT	584	667	83	14.2%
<b>Total</b>	<b>3614</b>	<b>3302</b>	<b>-312</b>	<b>-8.6%</b>



# Area of Focus

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



# Top Arrestees: Sept 2015

\*RMS Activity: Rolling 12 Months

Total/Last Month: 53/01

Demographics:		Arrest History	EPD
AGE	53	CONS UNLIC PREM/OPEN CON	28
DOB	09/18/62	CRIMINAL TRESPASS 2	19
RACE	W	POSS LT 1 OZ MARIJUANA	2
GENDER	M	CRIMINAL MISCHIEF 3	1
HEIGHT	603	CRIMINAL TRESPASS 1	1
WEIGHT	190	DISORDERLY CONDUCT	1
HAIR	RED	NOISE DISTURBANCE-PROH	1
EYE	BLU	ALL OTHER	3

Contacts:

03/16/2015	0818	249 E 13TH AVE/HIGH ALY
08/05/2015	1424	341 E 12TH AVE

Total/Last Month: 41/02

Demographics:		Arrest History	EPD
AGE	57	CONS UNLIC PREM/OPEN CON	31
DOB	01/04/58	CRIMINAL TRESPASS 2	10
RACE	W	VIOLATION PARK RULES	6
GENDER	M	URINATE/DEFECATE	1
HEIGHT	510		
WEIGHT	150		
HAIR	BRO		
EYE	BLU		

Contacts:

Total/Last Month: 47/03

Demographics:		Arrest History	EPD
AGE	57	CONS UNLIC PREM/OPEN CON	28
DOB	05/29/58	CRIMINAL TRESPASS 2	20
RACE	W	LITTERING	6
GENDER	F	HARASSMENT (LAA) PHYSICAL CONT - S	1
HEIGHT	508	POSS LT 1 OZ MARIJUANA	1
WEIGHT	145	VIOL RESTRAINING ORDER	1
HAIR	RED		
EYE	BLU		

Contacts:

11/15/2014	1617	655 E 11TH AVE
12/20/2014	1224	655 E 11TH AVE
08/01/2015	2116	539 E 13TH AVE

Total/Last Month: 26/05

Demographics:		Arrest History	EPD
AGE	53	CRIMINAL TRESPASS 2	10
DOB	08/18/62	CONS UNLIC PREM/OPEN CON	8
RACE	W	DISORDERLY CONDUCT	4
GENDER	M	VIOLATION PARK RULES	2
HEIGHT	508	ARSON 1	1
WEIGHT	120	HARASSMENT - SIMPLE ASLT	1
HAIR	BLK	INTERFERE PUBLIC TRANSPORT	1
EYE	BRO	ALL OTHER	3

Contacts:

Total/Last Month: 38/02

Demographics:		Arrest History	EPD
AGE	48	CONS UNLIC PREM/OPEN CON	21
DOB	03/18/67	CRIMINAL TRESPASS 2	14
RACE	W	VIOLATION PARK RULES	2
GENDER	F	ASSAULT 4 - SIMPLE ASLT APA	1
HEIGHT	504	DISORDERLY CONDUCT	1
WEIGHT	105	INTERFERE PUBLIC TRANSPORT	1
HAIR	RED	THEFT 3 - SHOPLIFTING	1
EYE	BLU	ALL OTHER	1

Contacts:

11/09/2014	1455	1875 W 8TH AVE
02/28/2015	1328	240 WASHINGTON ST
03/20/2015	0847	1795 W 8TH AVE
05/10/2015	1512	845 W 10TH AVE
07/24/2015	1821	349 W 10TH AVE/LINCOLN ALY

Total/Last Month: 36/05

Demographics:		Arrest History	EPD
AGE	51	CONS UNLIC PREM/OPEN CON	18
DOB	01/24/64	CRIMINAL TRESPASS 2	12
RACE	W	THEFT 3 - SHOPLIFTING	5
GENDER	M	VIOLATION PARK RULES	4
HEIGHT	507	POSS LT 1 OZ MARIJUANA	2
WEIGHT	180	CARRY CONCEALED WEAPON	1
HAIR	BRO	CONS LIQUOR UNLIC PREM	1
EYE	BLU	ALL OTHER	5

Contacts:

03/27/2015	1402	450 HWY 99N
10/05/2015	0834	800 HWY 99N

Total/Last Month: 29/03

Demographics:		Arrest History	EPD
AGE	41	CONS UNLIC PREM/OPEN CON	10
DOB	04/04/74	CRIMINAL TRESPASS 2	8
RACE	I	DISORDERLY CONDUCT	8
GENDER	M	MENACING - DIS CONDUCT	2
HEIGHT	511	POSSESS METHAMPHETAMINE	2
WEIGHT	150	THEFT 3 - SHOPLIFTING	2
HAIR	BLK	CRIMINAL MISCHIEF 2	1
EYE	BRO	ALL OTHER	2

Contacts:

03/18/2015	0728	1186 OAK ST
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Total/Last Month: 26/04

Demographics:		Arrest History	EPD
AGE	53	CONS UNLIC PREM/OPEN CON	15
DOB	04/15/62	CRIMINAL TRESPASS 2	6
RACE	W	URINATE/DEFECATE	1
GENDER	M	VIOLATION PARK RULES	1
HEIGHT	511		
WEIGHT	155		
HAIR	GRY		
EYE	HAZ		

Contacts:

03/20/2015	0847	1795 W 8TH AVE
07/04/2015	2349	588 W 7TH AVE
07/09/2015	1835	1100 WILLAMETTE ST
09/18/2015	1257	125 W 11TH AVE

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# Top Arrestees: Sept 2015

\*RMS Activity: Rolling 12 Months

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Total/Last Month: 23/01

Demographics:	Arrest History	EPD
AGE 36	CRIMINAL TRESPASS 2	8
DOB 12/05/78	CONS UNLIC PREM/OPEN CON	7
RACE W	DISORDERLY CONDUCT	2
GENDER M	THEFT 3 - SHOPLIFTING	2
HEIGHT 601	CARRY CONCEALED WEAPON	1
WEIGHT 190	CRIMINAL MISCHIEF 3	1
HAIR BRO	FELON IN POSS OF RESTRICTED WEAP	1
EYE GRN	ALL OTHER	2

Contacts:  
 05/05/2015 1305 499 W 11TH AVE/WASHINGTON ST

Total/Last Month: 19/04

Demographics:	Arrest History	EPD
AGE 37	CONS UNLIC PREM/OPEN CON	6
DOB 11/21/77	CRIMINAL TRESPASS 2	6
RACE W	DISORDERLY CONDUCT	3
GENDER M	THEFT 3 - SHOPLIFTING	2
HEIGHT 600	INTERFERE W/ POLICE OFFICER - COND	1
WEIGHT 180	THEFT 3 - OTHER	1
HAIR BRO	VIOLATION PARK RULES	1
EYE BRO		

Contacts:  
 12/11/2014 2341 737 W 6TH AVE  
 12/19/2014 1045 55 COBURG RD  
 03/03/2015 1017 74 CENTENNIAL LP  
 05/06/2015 0945 1795 W 6TH AVE  
 1506 796 HWY 99N

Total/Last Month: 19/02

Demographics:	Arrest History	EPD
AGE 34	CONS UNLIC PREM/OPEN CON	12
DOB 07/03/81	CRIMINAL TRESPASS 2	4
RACE W	CRIMINAL MISCHIEF 2	1
GENDER M	CRIMINAL TRESPASS 1	1
HEIGHT 508	HARASSMENT - SIMPLE ASLT	1
WEIGHT 185	INTERFERE PUBLIC TRANSPORT	1
HAIR BRO		
EYE HAZ		

Contacts:  
 01/24/2015 0942 1539 HWY 99N/PATTISON ST  
 01/27/2015 1653 1418 WILLAMETTE ST  
 08/01/2015 2116 539 E 13TH AVE  
 10/10/2015 1840 255 HUNSAKER LN  
 10/14/2015 2206 1805 GARDEN AVE

Total/Last Month: 24/02

Demographics:	Arrest History	EPD
AGE 47	CONS UNLIC PREM/OPEN CON	9
DOB 12/06/67	CRIMINAL TRESPASS 2	7
RACE W	POSSESS METHAMPHETAMINE	2
GENDER M	CRIMINAL MISCHIEF 2	1
HEIGHT 601	DISORDERLY CONDUCT	1
WEIGHT 155	INTERFERE PUBLIC TRANSPORT	1
HAIR GRY	INTERFERE W/ PUBLIC TRANSPORT - D	1
EYE BRO	ALL OTHER	5

Contacts:  
 01/27/2015 1653 1418 WILLAMETTE ST

Total/Last Month: 22/05

Demographics:	Arrest History	EPD
AGE 63	CONS UNLIC PREM/OPEN CON	13
DOB 10/24/51	CRIMINAL TRESPASS 2	10
RACE W	CRIMINAL MISCHIEF 3	1
GENDER M	CRIMINAL TRESPASS 1	1
HEIGHT 508	URINATE/DEFECATE	1
WEIGHT 180		
HAIR BLK		
EYE BRO		

Contacts:  
 07/12/2015 0929 258 E 13TH AVE

Total/Last Month: 20/01

Demographics:	Arrest History	EPD
AGE 51	CRIMINAL TRESPASS 2	9
DOB 08/10/64	THEFT 3 - SHOPLIFTING	2
RACE W	VIOLATION PARK RULES	2
GENDER F	ASSAULT 2	1
HEIGHT 504	CONS UNLIC PREM/OPEN CON	1
WEIGHT 120	HARASSMENT - SIMPLE ASLT	1
HAIR BRO	POSSESS METHAMPHETAMINE	1
EYE GRN	ALL OTHER	2

Contacts:  
 09/14/2015 0607 1180 W 4TH AVE  
 05/31/2015 1224 3333 W 11TH AVE  
 07/27/2015 1334 930 OLIVE ST  
 08/10/2015 1053 340 BLAIR BLVD

Total/Last Month: 18/05

Demographics:	Arrest History	EPD
AGE 55	CONS UNLIC PREM/OPEN CON	14
DOB 02/05/60	CRIMINAL TRESPASS 2	4
RACE W	PROHIBITED NUDITY	1
GENDER M	VIOLATION PARK RULES	1
HEIGHT 604		
WEIGHT 180		
HAIR BRO		
EYE BRO		

Contacts:  
 05/18/2015 1841 4550 W 11TH AVE  
 07/09/2015 1835 1100 WILLAMETTE ST

Total/Last Month: 19/03

Demographics:	Arrest History	EPD
AGE 49	CRIMINAL TRESPASS 2	4
DOB 05/17/68	DOWNTOWN ACTIVITY ZONE - PROHIB A	3
RACE W	POSS LT 1 OZ MARIJUANA	2
GENDER F	PROHIBITED CAMPING	2
HEIGHT 505	CONS UNLIC PREM/OPEN CON	1
WEIGHT 130	CRIMINAL TRESPASS 1	1
HAIR BRO	HARASSMENT - DIS CONDUCT	1
EYE	ALL OTHER	5

Contacts:  
 12/12/2014 1343 112 E 10TH AVE

# Top Dispatched CFS: Crimes Sept 2015

\*CAD Activity: Rolling 12 Months

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4550 W 11TH AVE: (WALMART)	CFS
THEFT	102
SHOPLIFT 3050 PROGRAM	92
CRIMINAL TRESPASS	31
ANIMAL CRUELTY	25
DISPUTE	19
ALL OTHER	279
<b>Total</b>	<b>548</b>

3333 W 11TH AVE: (FRED MEYER)	CFS
THEFT	50
SHOPLIFT 3050 PROGRAM	31
HIT AND RUN	19
CRIMINAL TRESPASS	15
ANIMAL CRUELTY	14
ALL OTHER	160
<b>Total</b>	<b>289</b>

240 WASHINGTON ST: (WJ SKATEPARK)	CFS
DISORDERLY SUBJECT	35
DISPUTE	29
ILLEGAL CAMPING	27
BEAT INFORMATION	25
ASSIST PUBLIC- POLICE	17
ALL OTHER	200
<b>Total</b>	<b>333</b>

293 VALLEY RIVER CENTER: (VALLEY RIVER CENTER)	CFS
HIT AND RUN	32
ANIMAL CRUELTY	24
THEFT	20
THEFT FROM VEHICLE	16
ANIMAL COMPLAINT	11
ALL OTHER	184
<b>Total</b>	<b>287</b>

100 W 10TH AVE: (EUGENE LIBRARY)	CFS
CRIMINAL TRESPASS	71
THEFT	30
TRANSPORT	26
ASSIST PUBLIC- POLICE	17
THEFT OF BICYCLE	15
ALL OTHER	136
<b>Total</b>	<b>295</b>

1080 WILLAMETTE ST: (LTD EUGENE STATION)	CFS
CRIMINAL TRESPASS	43
ASSIST PUBLIC- POLICE	26
TRANSPORT	20
THEFT	18
DISORDERLY SUBJECT	16
ALL OTHER	125
<b>Total</b>	<b>248</b>

145 E 18TH AVE: (SAFEWAY)	CFS
THEFT	75
SHOPLIFT 3050 PROGRAM	33
CRIMINAL TRESPASS	24
SHOPLIFT	18
BEAT INFORMATION	12
ALL OTHER	127
<b>Total</b>	<b>289</b>

4275 BARGER DR: (WINCO FOODS)	CFS
SHOPLIFT 3050 PROGRAM	46
HIT AND RUN	23
CRIMINAL TRESPASS	22
THEFT	17
ANIMAL CRUELTY	11
ALL OTHER	122
<b>Total</b>	<b>241</b>

# Downtown CFS: Sept 2015

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

Top Dispatched*	Count	Top Self Initiated*	Count
CRIMINAL TRESPASS	94	PERSON STOP	178
ASSIST PUBLIC- POLICE	57	TRAFFIC STOP	109
CHECK WELFARE	51	WARRANT SERVICE	12
DISORDERLY SUBJECT	45	DISORDERLY SUBJECT	12
BEAT INFORMATION	39	ASSIST PUBLIC- POLICE	11
THEFT	35	FOLLOW UP	11
DISPUTE	30	CRIMINAL TRESPASS	10
SUBJECT DOWN	26	DISPUTE	8
THEFT FROM VEHICLE	20	FIGHT	8
INCOMPLETE CALL	18	DUII	5

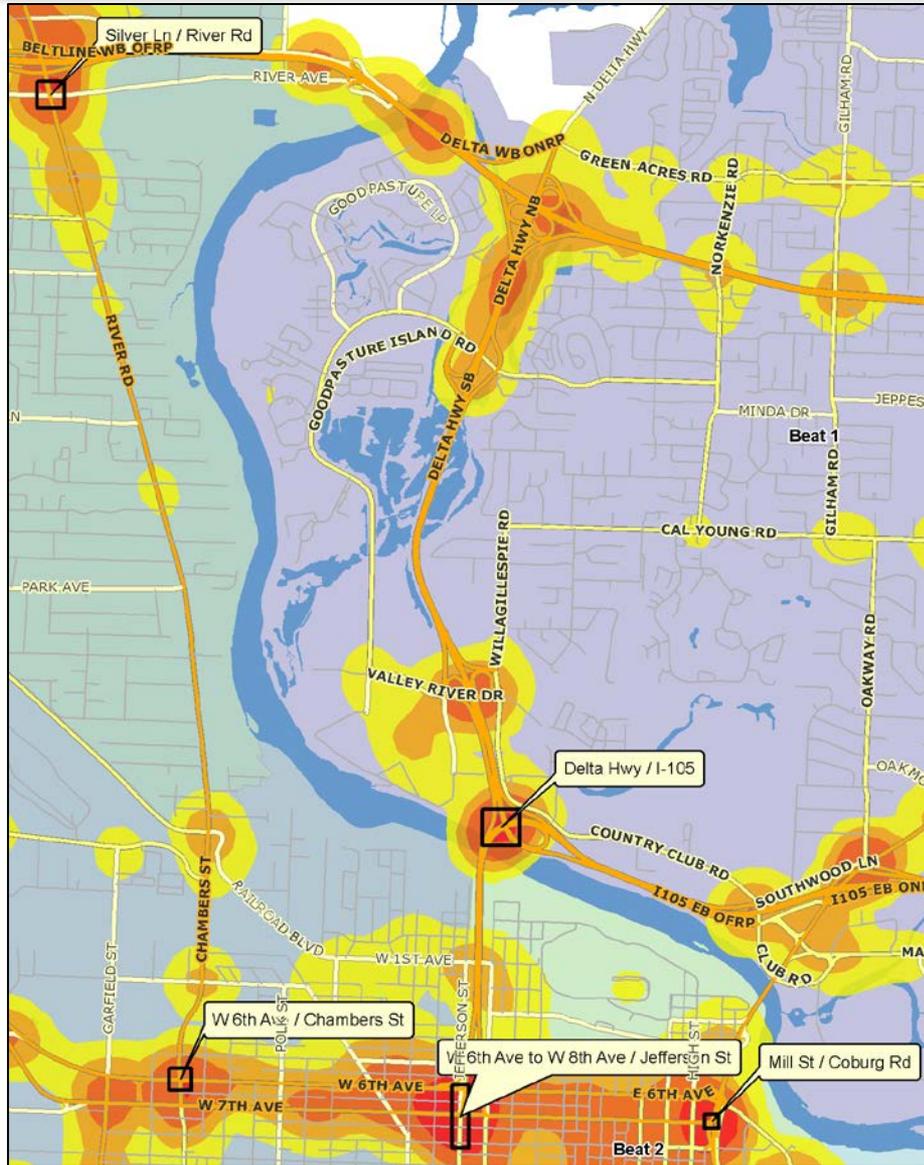
Top Dispatched/Self Initiated CFS represent 65% of Downtown activity.

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total
Sun	5	6	2	7	0	0	1	2	5	2	6	2	0	3	4	4	3	5	9	5	2	8	3	4	88
Mon	2	3	1	0	1	3	2	1	4	5	8	1	5	5	9	4	8	7	4	4	3	4	3	4	91
Tue	4	3	5	5	0	2	4	3	6	6	9	4	9	2	9	7	5	11	6	4	8	3	9	2	126
Wed	8	4	4	1	0	1	1	1	5	8	2	10	8	7	7	8	12	12	1	4	7	7	8	7	133
Thu	7	3	2	1	0	1	1	0	4	5	5	8	10	9	8	7	8	6	7	9	4	9	4	6	124
Fri	4	7	3	0	1	3	2	5	4	6	3	3	10	10	2	10	7	8	5	6	5	6	4	7	121
Sat	2	5	1	0	0	0	1	1	4	3	6	11	3	5	5	8	5	3	2	5	3	7	8	7	95
Total	32	31	18	14	2	10	12	13	32	35	39	39	45	41	44	48	48	52	34	37	32	44	39	37	778

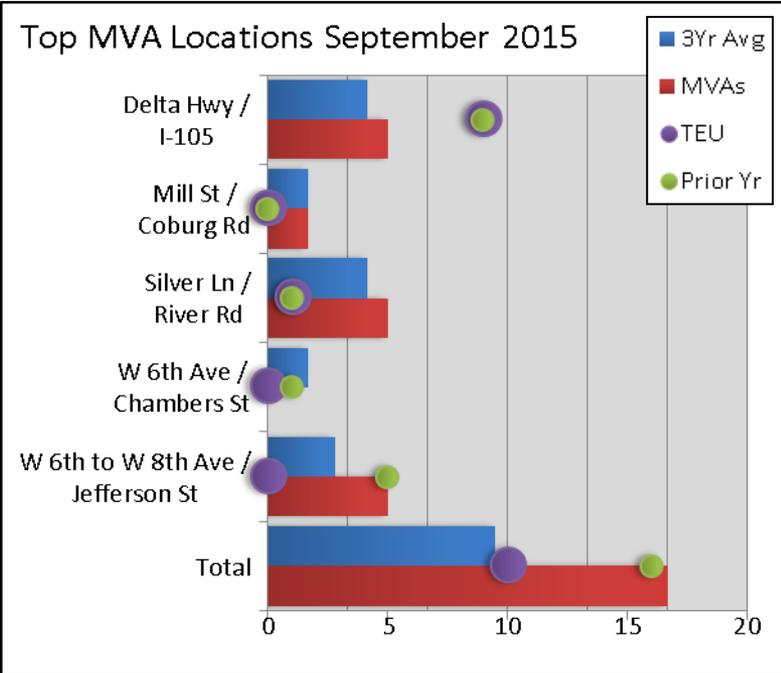
\*Excludes Transports and Patrol Checks. Weekday and Time reflect dispatched CFS.

# MVA/TEU Activity: Sept 2015

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Top MVA Locations September 2015



Location	September 2015					October
	Prior Yr	TEU	3Yr Avg	MVAs	Diff	3Yr Avg
Delta Hwy/ I-105	9	9	2.5	3	0.5	0.9
Mill St/ Coburg Rd	0	0	1.0	1	0.0	1.3
Silver Ln/ River Rd	1	1	2.5	3	0.5	1.2
W 6th Ave/ Chambers St	1	0	1.0	0	-1.0	0.0
W 6th Ave to W 8th Ave/ Jefferson St	5	0	1.7	3	1.3	2.8
<b>Total</b>	<b>16</b>	<b>10</b>	<b>5.7</b>	<b>10</b>	<b>4.3</b>	<b>5.8</b>



# Downtown Controls: All Calls for Service

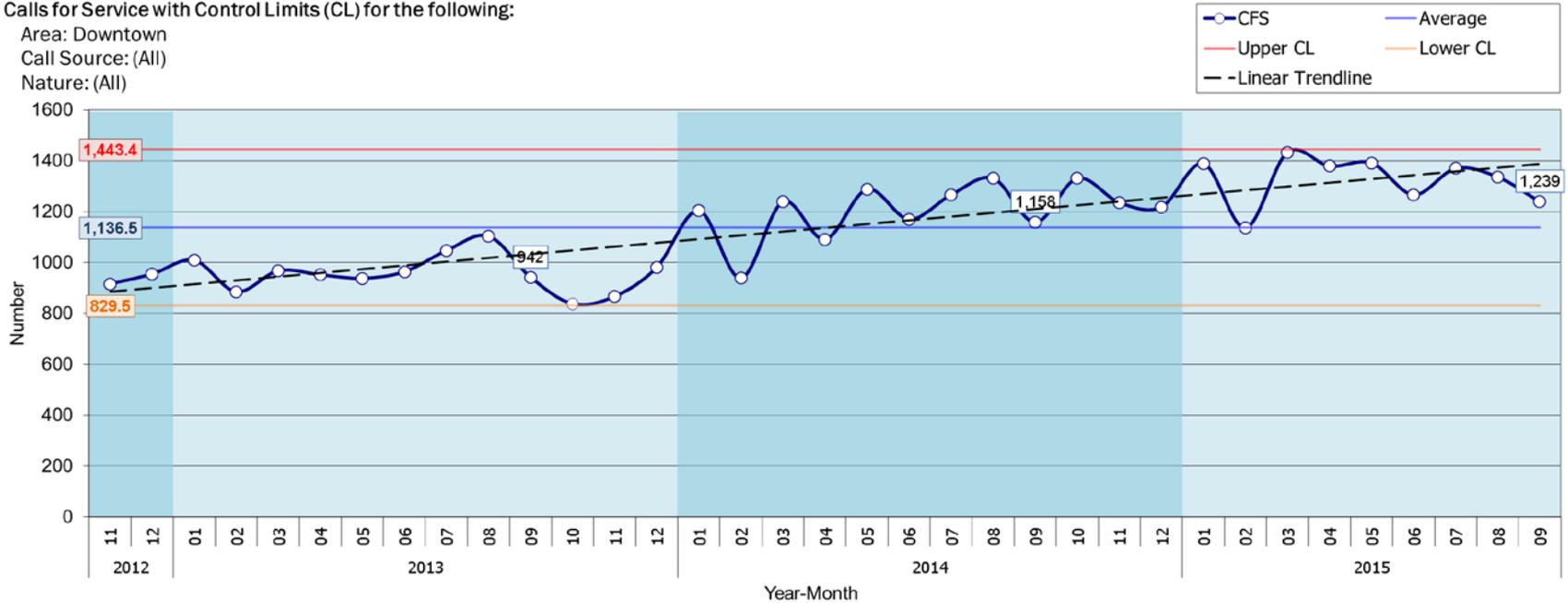
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Calls for Service with Control Limits (CL) for the following:

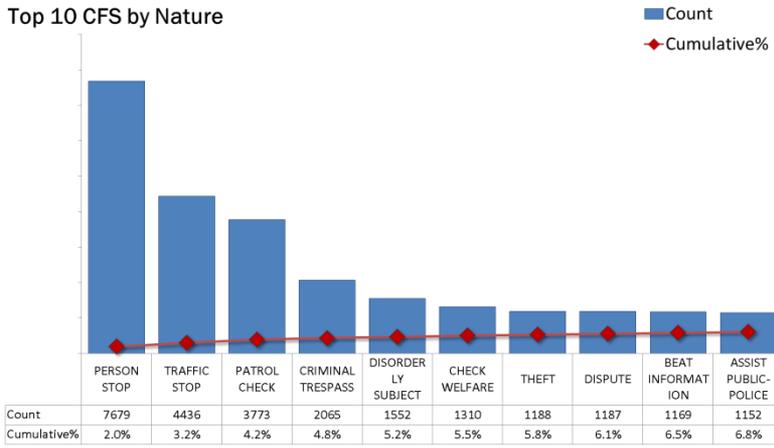
Area: Downtown

Call Source: (All)

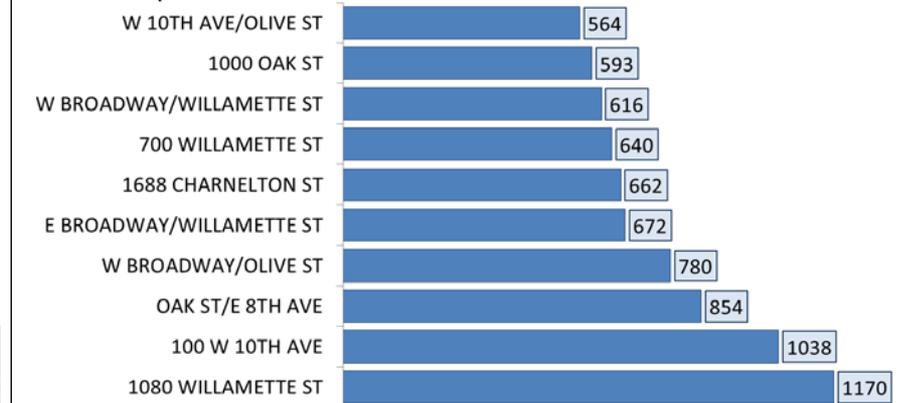
Nature: (All)



Top 10 CFS by Nature



Downtown Top 10 CFS Locations

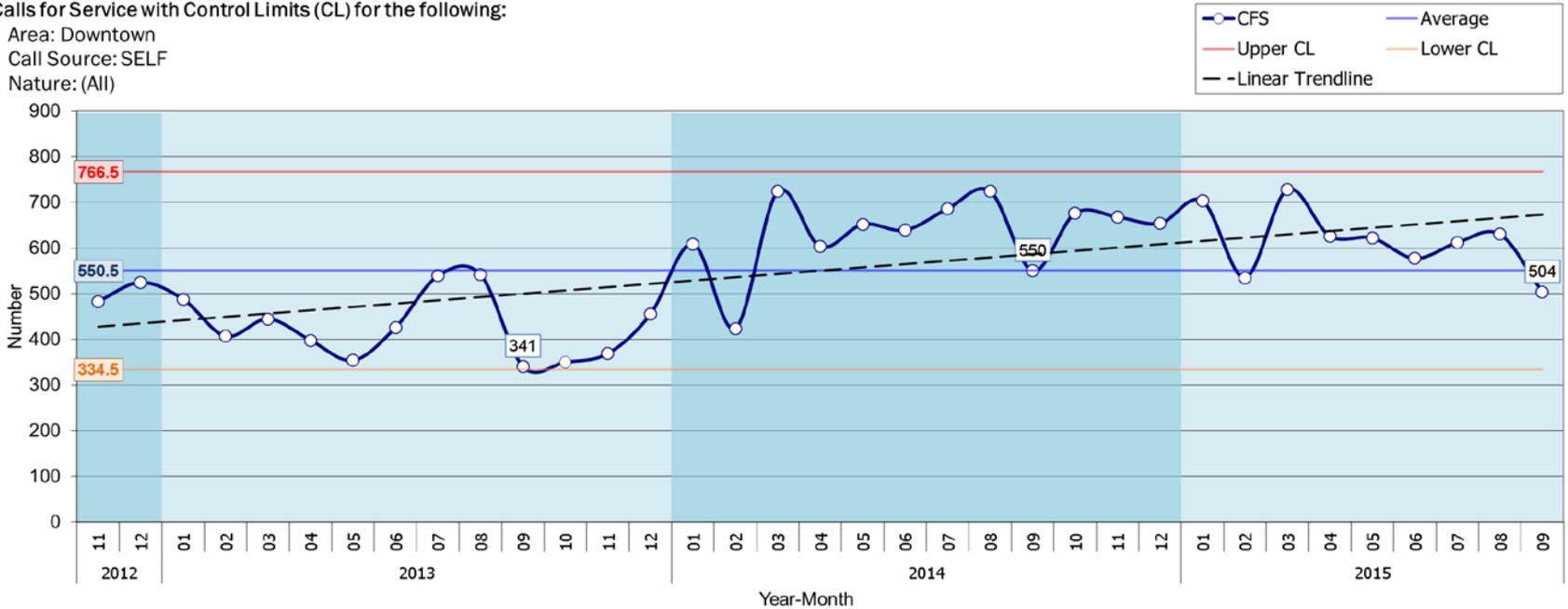


# Downtown Controls: Self-Initiated CFS

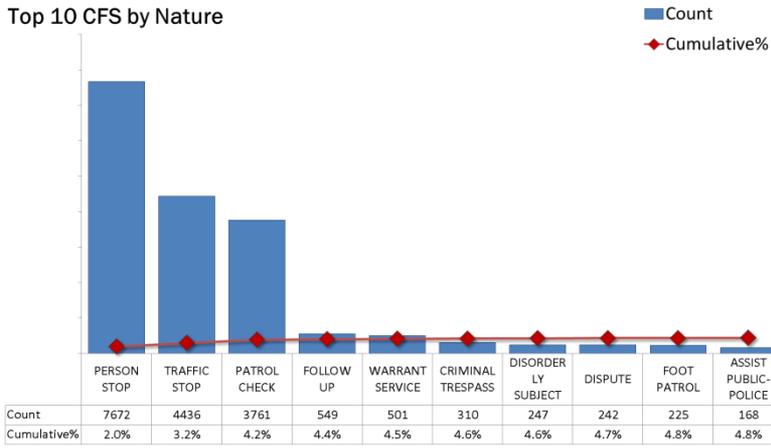
PROTECT.SERVE.CARE.

Calls for Service with Control Limits (CL) for the following:

Area: Downtown  
Call Source: SELF  
Nature: (All)



Top 10 CFS by Nature



Downtown Top 10 CFS Locations

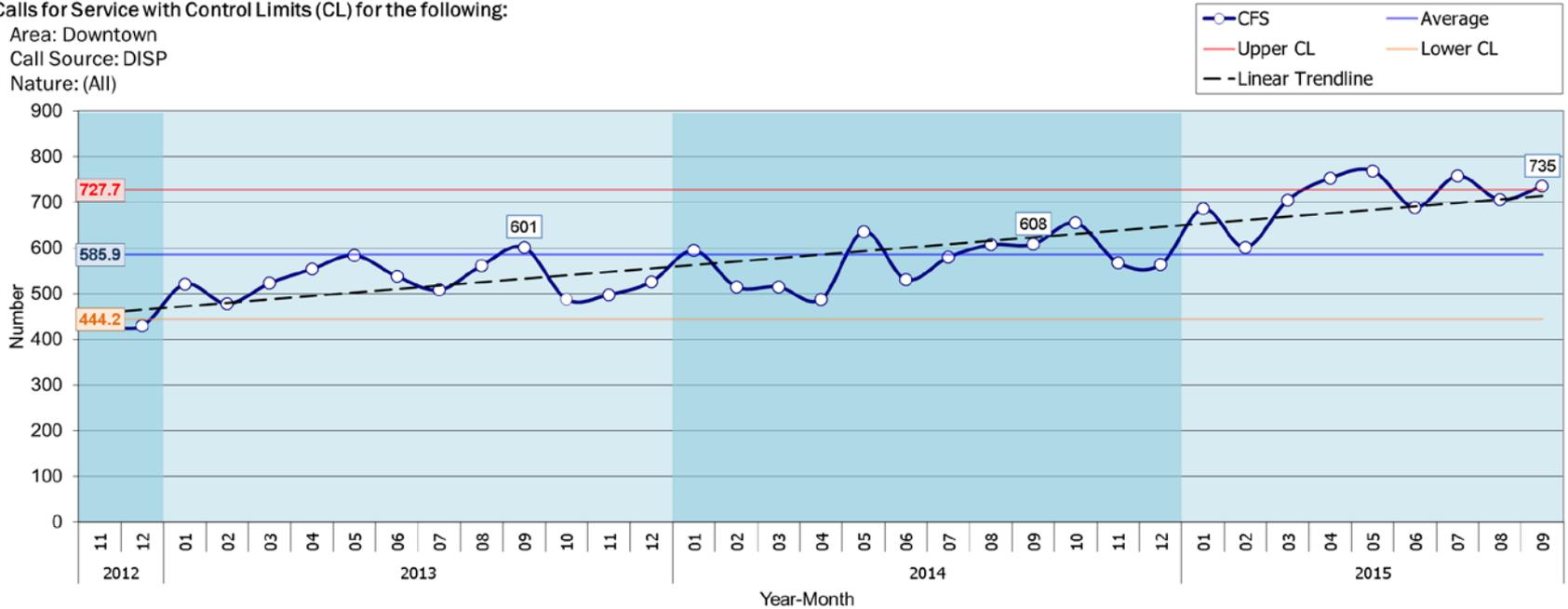


# Downtown Controls: Dispatched CFS

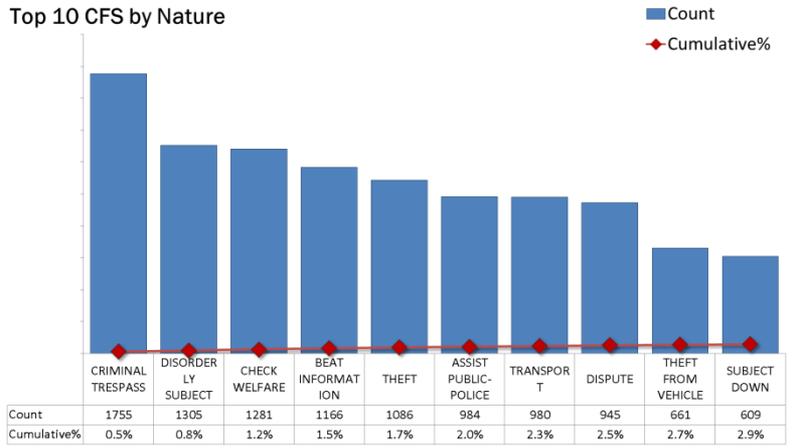
PROTECT.SERVE.CARE.

Calls for Service with Control Limits (CL) for the following:

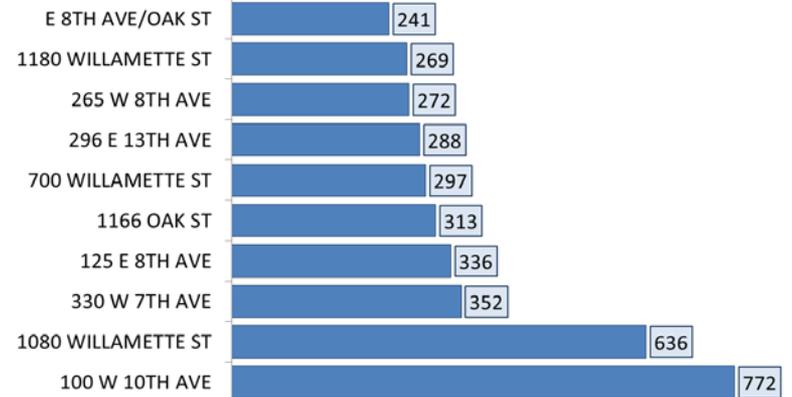
Area: Downtown  
Call Source: DISP  
Nature: (All)



Top 10 CFS by Nature



Downtown Top 10 CFS Locations





**The End**

**America's Safest City**

**The Most Professional Agency**



April 21, 2014

TO: Mayor Kitty Piercy  
City of Eugene  
125 East 8th Avenue, 2nd Floor  
Eugene, OR 97401

RE: Four Eugene Police Commission Vacancies

Dear Mayor Piercy:

The Eugene Police Commission has four open seats as of July 1, 2015. The Police Commission appointed committee members: Ms. Tamara Miller (Committee Chair), Mr. George Rode, and Mr. Joe Tyndall to interview the applicants. Please see the summary of the applicant interview scoring below.

Applicant	Average Score	Rated "Highly Recommend"	Rated "Recommend"
Robert E. Walker, Police Commission Chair	Reapplying Commissioners were not interviewed:		
Jesse C. Lohrke, Police Commissioner	Please see below statement*		
Scott M. Nowicki	39.3	2	
Terry L. Robertson	38.0	2	
John Stapleton	36.7	1	1
Marshall L. Wilde	35.3	2	
Evan L. Rees	28.7		2
John A. Shadell**	22.7		2
Michelle D. Price**	Not Interviewed		

\*The three Committee members agree: Commission Chair Robert Walker and Commissioner Jesse Lohrke have served honorably and should be considered as strong candidates for reappointment.

\*\*Disqualified due to residence outside of UGB as per City Code 2.013 Subsection 6.

Each candidate was asked a series of questions, and rated on a scale of one (low) to ten (high). Those individual scores were averaged and provided in the above table. Additionally, the commissioners were asked to assess each candidate on whether the candidate was "recommended" or "highly recommended". That information is also available in the attached table.

The Police Commission is requesting that you review this information and conduct interviews with any of the applicants you see fit. We would appreciate your recommendation to the City Council for the applicant of your selection to fill this vacancy on the Eugene Police Commission.

Thank you in advance for your assistance with this process. Please let us know if we can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara E. Miller".

Tamara E. Miller  
Eugene Police Commission Vice Chair

**POLICY  
104**

**EFFECTIVE  
DATE  
022715**

**Eugene  
Police Department**



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## **Oath of Office**

### **104.1 PURPOSE AND SCOPE**

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

#### **104.1.1 OATH OF OFFICE**

Upon employment, all sworn employees will be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

#### **104.1.2 AFFIRMATION – SWORN OFFICERS**

I swear (or affirm) that, as a law enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

I, (name), do solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution and laws of the State of Oregon, the laws and ordinances of the City of Eugene, and the rules and regulations of the Eugene Police Department; and that I will, to the best of my ability, faithfully perform the duties of police officer in and for the City of Eugene during my continuance of office.

#### **104.1.3 AFFIRMATION – TELECOMMUNICATORS**

I do solemnly swear that I will faithfully perform the duties of a Telecommunicator; that I will act at all times with respect for the law and the good of the community; that I will uphold the rules and regulations of my department; and that I will perform my duties to the best of my ability.

### **104.2 CODE OF ETHICS**

All sworn personnel of the Eugene Police Department are required to subscribe and adhere to the Law Enforcement Code of Ethics, and communications specialists are required to subscribe and adhere to the Telecommunicator's Code of Ethics.

#### **104.2.1 LAW ENFORCMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve society; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation,

and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

#### **104.2.2 TELECOMMUNICATOR'S CODE OF ETHICS**

As a telecommunicator I regard myself as a member of an important and honorable profession. I will recognize the positive relationship between good physical and mental conditioning and the performance of my job. I will perform my duty with efficiency to the best of my ability. My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state, and country. I will not, in the performance of my duty, work for unethical advantage or profit. I will recognize at all times in my duty that I am a public safety employee, and that ultimately I am responsible to the public. I will give the most efficient and impartial service of which I am capable at all times. I understand the importance of courtesy and will maintain it as my reference point in all my duties. I will regard my fellow telecommunicators with the same standards as I maintain myself. I share a reciprocal affinity and obligation with my fellow telecommunicators, my administration, and my agency. I will accept responsibility for my actions. I will strive for those values which will reflect honor on my fellow telecommunicators, my agency, and myself.

**POLICY  
402**

**EFFECTIVE  
DATE  
011515**

**Eugene  
Police Department**



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## **Professional Police Contacts**

### **402.1 PURPOSE AND SCOPE**

This policy states unequivocally that bias-based policing by the Eugene Police Department will not be tolerated.

#### **402.1.1 DEFINITIONS**

Definitions related to this policy include:

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

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

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

### **402.2 POLICY**

The Eugene Police Department expects its employees to provide equitable law enforcement services to the community with due regard for the protected class status of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group. Eugene Police employees are forbidden to engage in racial profiling or bias-based policing practices.

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

Nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or

probable cause. This policy does not prohibit an officer from initiating a conversation with any person, so long as a reasonable person would conclude that they are free to go at any time.

#### **402.4 DEPARTMENT RESPONSIBILITY**

Every member of this department shall perform his or her duties in a professional, fair, and objective manner.

##### **402.4.1 DETENTIONS**

Eugene Police Department officers will always ensure the stopping, detaining, frisking, and/or searching any person is based on current and accepted legal principles.

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

If any employee is informed or perceives from a contact that the person contacted believes they have been contacted based upon bias by the officer, the employee should immediately notify a sworn supervisor.

#### **402.5 SUPERVISOR RESPONSIBILITY**

A supervisor must promptly contact the complainant who has made an allegation of biased-based policing.

If the supervisor determines it necessary, he or she will complete a Blue Team entry before the end of their shift which details the circumstances of the contact and make a recommendation to their chain of command as to whether or not the complaint merits further investigation.

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

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

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

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

#### **402.6 ADMINISTRATION**

The Professional Standards Lieutenant shall review the reported incidents of Biased-Based Policing and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or designee. The report should not contain any names or identifying

information regarding a specific incident, complaint, citizen, or officer. It will be reviewed by the Chief of Police. The Professional Standards Lieutenant will assist the Chief in identifying any changes in training or operations that should be made to improve service.

#### **402.7 TRAINING**

The Department will schedule annual training on conducting Professional Police Contacts. This training can include, but is not limited to: Biased-Based Policing, constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills.

**Enrolled**  
**House Bill 2002**

Sponsored by Representatives FREDERICK, BUCKLEY, WILLIAMSON, Senators BATES, DEMBROW, EDWARDS, THOMSEN; Representatives KENY-GUYER, MCLAIN, VEGA PEDERSON, Senators GELSER, MONNES ANDERSON, SHIELDS (Presession filed.)

CHAPTER .....

AN ACT

Relating to public safety; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. As used in sections 1 to 3 of this 2015 Act:**

- (1) "Law enforcement agency" means:**
  - (a) The Department of State Police;**
  - (b) The Department of Justice;**
  - (c) A district attorney's office; and**
  - (d) Any of the following that maintains a law enforcement unit as defined in ORS 181.610:**
    - (A) A political subdivision or an instrumentality of the State of Oregon.**
    - (B) A municipal corporation of the State of Oregon.**
    - (C) A tribal government.**
    - (D) A university.**
- (2) "Law enforcement officer" means:**
  - (a) A member of the Oregon State Police;**
  - (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383 or 353.125;**
  - (c) An investigator of a district attorney's office if the investigator is or has been certified as a law enforcement officer in this or any other state;**
  - (d) An investigator of the Criminal Justice Division of the Department of Justice;**
  - (e) A humane special agent as defined in ORS 181.435;**
  - (f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial Department who is appointed under ORS 1.177 and trained pursuant to ORS 181.647;**
  - (g) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or**
  - (h) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.**
- (3) "Profiling" means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.**
- (4) "Sexual orientation" has the meaning given that term in ORS 174.100.**

**SECTION 2.** (1) No later than January 1, 2016, all law enforcement agencies shall adopt written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

- (a) A prohibition on profiling;
  - (b) Procedures allowing a complaint alleging profiling to be made to the agency:
    - (A) In person;
    - (B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or
    - (C) By telephone, anonymously or through a third party;
  - (c) The provision of appropriate forms to use for submitting complaints alleging profiling;
  - (d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and
  - (e) Procedures for investigating all complaints alleging profiling.
- (2) A law enforcement agency shall:
- (a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.
  - (b) Establish a time frame within which a complaint alleging profiling may be made to the agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged commission of profiling.

**SECTION 3.** (1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy and Data Review Committee a copy of each complaint the agency receives alleging profiling.

(b) The law enforcement agency shall notify the committee of the disposition of the complaint.

(2)(a) A person may submit to the committee a complaint alleging profiling and the committee shall receive the complaints.

(b) The committee also shall receive complaints alleging profiling that are forwarded from a law enforcement agency.

(c) The committee shall forward a copy of each profiling complaint the committee receives to the law enforcement agency employing the officer that is the subject of the complaint. The forwarded complaint must include the name of the complainant unless the complainant requests to remain anonymous, in which case the complainant's name must be redacted.

(3)(a) The committee shall not release any personal information concerning a complainant or a law enforcement officer who is the subject of a profiling complaint.

(b) The personal information of complainants and of law enforcement officers who are the subject of profiling complaints are exempt from public disclosure under ORS 192.502.

(c) As used in this subsection, "personal information" has the meaning given that term in ORS 807.750.

**SECTION 4.** No later than October 1, 2015, the Law Enforcement Contacts Policy and Data Review Committee shall establish policies for receiving and forwarding complaints alleging profiling. The policies shall be consistent with the provisions of section 3 of this 2015 Act.

**SECTION 5.** (1) The Law Enforcement Profiling Work Group is established, consisting of the following 10 members:

- (a) Three members appointed by the President of the Senate.
  - (b) Three members appointed by the Speaker of the House of Representatives.
  - (c) Three members appointed by the Governor.
  - (d) The Attorney General, or the Attorney General's designee from the Civil Rights Unit of the Department of Justice, who shall chair the work group.
- (2) The work group shall:

(a) **Propose a process to identify any patterns or practices of profiling as defined in section 1 of this 2015 Act that impact groups of persons disproportionately on the basis of any of the factors listed in section 1 (3) of this 2015 Act.**

(b) **Identify methods to address and correct patterns or practices of profiling.**

(c) **Prepare a report identifying any statutory changes needed, including recommendations for legislation, to the interim committees of the Legislative Assembly related to the judiciary no later than December 1, 2015.**

**(3) The Department of Justice shall provide administrative and technical support to the work group.**

**SECTION 6.** Section 2 of this 2015 Act is amended to read:

**Sec. 2.** (1) *[No later than January 1, 2016,]* All law enforcement agencies shall *[adopt]* **have** written policies and procedures prohibiting profiling. The policies and procedures shall, at a minimum, include:

(a) A prohibition on profiling;

(b) Procedures allowing a complaint alleging profiling to be made to the agency:

(A) In person;

(B) In a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or

(C) By telephone, anonymously or through a third party;

(c) The provision of appropriate forms to use for submitting complaints alleging profiling;

(d) Procedures for submitting a copy of each profiling complaint to the Law Enforcement Contacts Policy and Data Review Committee and for receiving profiling complaints forwarded from the committee; and

(e) Procedures for investigating all complaints alleging profiling.

(2) A law enforcement agency shall:

(a) Investigate all complaints alleging profiling that are received by the agency or forwarded from the committee.

(b) Establish a time frame within which a complaint alleging profiling may be made to the agency. The time frame may not be fewer than 90 days or more than 180 days after the alleged commission of profiling.

**SECTION 7.** Sections 4 and 5 of this 2015 Act are repealed on July 1, 2016.

**SECTION 8.** Section 3 of this 2015 Act and the amendments to section 2 of this 2015 Act by section 6 of this 2015 Act become operative on January 1, 2016.

**SECTION 9.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$250,431, for distribution to the Criminal Justice Policy Research Institute at Portland State University for the purpose of supporting the Law Enforcement Contacts Policy and Data Review Committee.

**SECTION 10.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

**Passed by House June 26, 2015**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate July 1, 2015**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

.....  
Jeanne P. Atkins, Secretary of State

State Oversight of local law enforcement data collection:

*Law Enforcement Contacts Policy & Data Review Committee (LECC) [ORS 131.906] - Receives and analyzes demographic data to ensure that law enforcement agencies perform their missions without inequitable or unlawful discrimination based on race, color or national origin.*



Using Data and experience to influence policing policy to create an equitable outcome for all Oregonians

The LECC is a statewide governor appointed committee that is charged with the duties of assisting Oregon law enforcement agencies with stop data collection and analysis efforts, improving community relations, training efforts, and policy recommendations that pertain to ensuring equity in Oregon law enforcement.

**NEW** - With the passage of **House Bill 2002**, beginning **October 1, 2015** the LECC is able to assist the general public file a complaint of profiling by an Oregon law enforcement officer. **If you wish to learn more about filing a profiling complaint please click here.**

#### Committee Sessions

The LECC recognizes that biased policing, whether actual or perceived, impacts relationships between marginalized communities and law enforcement agencies. In order to foster relationships within community, the LECC has taken a multi-pronged approach led by committees in order to assure equitable outcomes. Sessions are open to members of the public.

#### Contact

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