

**POLICY  
309**

**EFFECTIVE  
DATE  
9-16-04**

**Eugene  
Police Department**



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## **Sensitive Criminal Investigations**

This policy was written to ensure that information regarding criminal investigations involving certain individuals, which may be sensitive because of the position of the person involved or his/her working relationship with this department, is accessible only to those who have a business need for the information in order to protect the integrity of those records. This policy applies to criminal investigations involving a City employee, an employee of a law enforcement agency, a public official, or a family member of such an individual. All reports covered by this policy are also subject to applicable provisions of the Oregon Public Records Law.

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

#### **A. Definitions**

*City Employee:* a full-time or part-time employee of the City of Eugene.

*Criminal investigation:* the investigation of a misdemeanor or felony.

*Family member:* the spouse, domestic partner, child (including step-child, foster child, or child-in-law), parent (including parent-in-law or step-parent), or sibling (including step-sibling) of a City employee, law enforcement agency employee, or public official.

*Law enforcement agency:* Any federal, state, county, or local criminal justice agency employing persons who have the power to make arrests and who are authorized to carry firearms in the performance of duty.

*Public official:* an elected official of a government entity, a magistrate as defined in ORS 133.030, or a prosecuting attorney.

## **B. Investigating officer**

1. Notify your supervisor, another department supervisor, or the Watch Commander if you are dispatched or otherwise assigned to conduct a criminal investigation involving one of the individuals listed.
2. Conduct the investigation as you normally would, unless you receive different instructions from a supervisor. (Note: A criminal investigation involving actions of a City of Eugene employee which occur while the employee is on duty, or which are related to the person=s employment with the City, will normally be conducted by a police supervisor.)
3. Complete the report prior to going off duty and deliver it to a sworn supervisor for approval.
4. At the direction of the Chief of Police or his/her designee, the investigation of an incident involving a Eugene Police employee may be referred to another law enforcement agency.

## **C. Records**

If a report is received regarding an investigation covered by this policy, or an involved individual=s status as a person covered by this policy is discovered later, pull the original report from Records and deliver it to the Data and Records Manager.

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

### **A. Supervisors**

1. A supervisor who is made aware of an investigation falling under this policy will notify the Watch Commander and, if the person is an EPD employee, the involved employee=s supervisor. (Notifications outlined in this section and section II.B of this policy are not mandatory in cases involving family members of designated individuals. Decisions as to what notifications, if any, should occur in those situations will be made on a case-by-case basis.)
2. Upon approval of any involved reports, deliver them to the Data and Records Manager or designee. If immediate data entry is needed, and the Data and Records Manager or designee is not available, deliver the report(s) to the on-duty Records Supervisor.
3. If you are conducting a criminal investigation arising from an internal or external complaint:
  - a. Contact a Communications Supervisor for an incident number, advising him/her of the type of investigation, location, date/time parameters, and the investigating supervisor=s name.

- b. Notify the appropriate Investigations supervisor.
- c. After the investigation is completed and the report(s) approved, deliver the report(s) to the Data and Records Manager or designee.

**B. Watch Commander**

- 1. Ensure that the proper officers/detectives are assigned to the investigation, and that the investigation is thoroughly completed following standard department procedures.
- 2. Ensure that proper notifications are made:
  - a. If the involved person is an EPD employee, ensure notification of his/her supervisor and other appropriate individuals in the chain of command.
  - b. If the involved person is a City of Eugene employee (including EPD employees), notify the Human Resources Manager or designee.
  - c. If the involved person is not a City employee, notify your division manager and other individuals (e.g., involved employee=s supervisor, affected agency Watch Commander) as appropriate, depending on the nature of the investigation.

**C. Data and Records Manager (or designee)**

- 1. Complete the appropriate data entry into the AIRS system and route the report to parties who need copies.
- 2. Ensure that access to reports covered by this policy is limited to those individuals with a strict business need to know, and that access is only allowed through you, as the official custodian of department records, or your designee.
- 3. Coordinate with the Office of Professional Standards and follow established retention and purge protocols.
- 4. Make a determination regarding reports which may be an exception to this policy – i.e., reports which fall under this policy which can be processed normally, or other reports of a sensitive nature which should be handled in accordance with this policy.