

City of Eugene
Joint Meeting
CIVILIAN REVIEW BOARD
& POLICE COMMISSION



Police Commissioners: Bill Whalen, Chair; Edward Goehring, Vice-Chair; Mike Clark; Will Davie; Edward McGlone; Steve McIntire; Silverio Mogart; Scott Nowicki; Terry Robertson; Claire Syrett; Bob Walker; Marshall Wilde

Civilian Review Board Members: Eric Van Houten Chair; Lindsey Foltz, Vice-Chair; Maurice Denner; Heather Marek; Steven McIntire; Chris Wig; Rick Roseta

Agenda
November 9, 2016
5:30 – 8:00 pm

<u>Item</u>	<u>Starting – Ending</u>	<u>Minutes</u>
Review Agenda	5:30 – 5:35	5 min
Public Comments	5:35 – 5:45	10 min
Commissioner/Board Member Comments	5:40 – 5:50	10 min
Greeting from Mayor-Elect Lucy Vinis	5:50 – 6:00	10 min
CRB-led Review of Incident of Excessive Force at the Lane County Jail and Discussion of Underlying Policies	6:00 – 6:50	50 min
Break	6:50 – 7:00	10 min
Discussion of Roles of Police Commission and Civilian Review Board	7:00 – 7:20	20 min
Future Joint Goals or Work Plan Items and Mid-Plan Adjustments	7:20 – 7:40	20 min
Closing Comments	7:40 – 8:00	20 min

GENERAL ORDER



SERIES
1101

NUMBER
1

EFFECTIVE DATE
10-10-99

SUBJECT

CODE OF CONDUCT

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

PART I - Responsibilities and Procedures for All Personnel

- A. General Standard of Conduct
- B. Specific Standards of Conduct

PART I - Responsibilities and Procedures for All Personnel

A. GENERAL STANDARD OF CONDUCT

1. Sworn Officers: Law Enforcement Code of Ethics

LAW ENFORCEMENT 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.

2. Communications Employees: Telecommunicator's Code of Ethics

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.

B. SPECIFIC STANDARDS OF CONDUCT

1. **Conformance to directives**

You may not commit any act which violates any policy, procedure, or order of the City or department, whether stated in this manual or elsewhere.

2. **Abuse of position**

a. You may not use your position, official identification, or badge:

(1) for personal or financial gain or advantage;

(2) to obtain privileges;

(3) to avoid consequences of illegal acts; or

(4) to gain information from another agency or computer system for personal use.

b. You may not lend your identification cards or badges, or permit them to be reproduced, without the approval of the City.

c. You may not use your name, photograph, or titles which identify you as an employee for testimonials or advertisements without

approval of the City.

- d. In the discharge of duty, you cannot allow personal motives to govern decisions or actions.

3. **Associations**

- a. You must avoid association with persons you know, or should know, are under criminal investigation or indictment, or who have a reputation as a criminal.
- b. This rule does not apply on duty, where you are encouraged to contact (discover, arrest, process) such people, or where contact is unavoidable due to circumstances beyond your control.

4. **Confidentiality of information**

You must keep confidential whatever you see or hear in your official capacity, except when the release of information is required to properly perform your duties.

5. **Conformance to laws**

- a. You must obey all laws of the United States, including any state or local jurisdiction in which you are present. A conviction of a violation of any law will be prima facie evidence of a violation of this section. You may be disciplined for violating the law even if you are not convicted.
- b. Because of your AIRS access, you must immediately notify your supervisor if you are charged with a felony or Class A misdemeanor.
- c. To comply with Title 18 of the U. S. Code (USC), if you are a sworn officer you must immediately notify your supervisor if:
 - ◆ you are arrested or cited for a misdemeanor crime of domestic violence as defined in 18 USC §921(a)(33); or
 - ◆ you are the subject of a court order meeting the requirements of 18 USC §922(g)(8) which restrains you from harassing, stalking, or threatening an intimate partner, as defined in 18 USC §921(a)(32).

6. **Constitutional rights**

- a. You have a fundamental duty to observe, respect, and protect the constitutional rights of every person with whom you come in contact. All persons, including those you suspect of committing a

crime, retain their constitutional protections. Arrest deprives subjects only of their liberty; it does not affect their rights under the constitution.

- b. If you act within the law and our policies and procedures, you may enforce the law without fear of abrogating the constitutional rights of those you deal with.
- c. You will not stop, detain, or search any person based solely and impermissibly on that person's race, color, gender, sexual orientation, or national origin, or on your perception of that person's race, color, gender, sexual orientation, or national origin.

7. **Courtesy**

- a. You must be courteous to the public and to fellow employees, with whom you should make every effort to build good working relationships.
- b. You must be tactful, control your temper, exercise patience and discretion, and not be provoked by the actions of others.
- c. You may not use coarse, violent, profane, or insolent language or gestures.
- d. You are not to express any prejudice about race, politics, national origin, sexual orientation, or similar personal characteristics.
- e. Your public statements should show good judgement. Do not express personal opinions during the performance of official duties.

8. **Competency**

- a. You must maintain sufficient competency to perform your duties properly and to assume all responsibilities of your position.
- b. You must perform your duties professionally, and maintain the highest standards of proficiency in carrying out assignments.

9. **Unsatisfactory performance**

- a. You are expected to perform all aspects of your job as well as you reasonably can.
- b. Examples of unsatisfactory performance include, but are not limited

to:

- (1) Lack of knowledge of the law.
- (2) Unwillingness or inability to perform assignments.
- (3) Failure to conform to standards established for your rank or position.
- (4) Failure to take appropriate action.
- (5) Failure to perform professionally.

10. **Endorsement of products and services**

- a. You may not, while on duty, recommend or suggest any product or service by brand name or provider, including tow services and attorneys.
- b. Nothing in this section prohibits you from stating a preference in the transaction of personal business.
- c. You must scrupulously avoid using your position with the city to endorse any organization, program, product, or service not approved and/or required in the performance of duty as defined by the City.

11. **Fees and rewards**

- a. You may only accept payments regulated by the City as a result of your employment with the City, except:
 - (1) Court-ordered restitution to you;
 - (2) Outside employment approved by the Chief.
- b. Compensation for court appearances
 - (1) If you are appearing (testifying or participating in a pre-trial conference) while on duty, you will be paid your normal salary.
 - (2) If you initiate a civil action from a duty-related incident, you would not normally be paid for your court appearance. Only the Chief or his/her designee may authorize an exception.
 - (3) We will not pay you for appearing in any non-duty related

matter.

- (4) If you have a subpoena to appear, while on duty, in a non-duty related matter, you must take time off (comp time, vacation).
- (5) If you are appearing while off-duty outside of Lane County in a duty-related case, you will collect witness and mileage fees. Return these fees to the City, and submit an overtime request. Indicate the number of hours involved in the specific case. If you use a private vehicle and do not charge the city, you may keep the mileage fees.
- (6) You may have to appear in a duty-related case from a previous law enforcement employer. If you are on-duty, you do not have to take time off to appear. If you are not on duty, we will not pay you. Submit a request for compensation to that previous employer.

- c. The City recognizes an employee's right to file tort claims against third parties. This policy is not intended to abrogate that right. In addition, if you receive a recovery related to a workers' compensation claim, the distribution of the recovery between you and the City will be governed by state statute.

12. Gifts, gratuities, or loans

You may not solicit or accept any thing of value when there is any connection between it and your employment without authorization from the Chief or designee. Refer to the City APPM and to the City of Eugene Employee Handbook for additional details, as well as for information regarding gifts to the department.

13. Illness or injury reports

- a. You may not misrepresent the facts of your illness or injury.
- b. You must inform your supervisor of any physical or mental condition that could affect your duty performance.

14. Immoral conduct

You must keep your personal and business affairs in keeping with the standards of the law enforcement profession. You may not participate in any conduct which impairs your ability to perform as our employee or which causes us to be brought into disrepute.

15. **Insubordination** (refer also General Order 101.1)

- a. You may not ignore or refuse to obey any lawful order of a supervisor. This includes orders relayed from a supervisor by a peer or person of lesser rank.
- b. You may not falsely tell others that an order originated from a supervisor if it did not.
- c. You may not engage in unprofessional or disrespectful conduct directed toward a supervisor by word or physical conduct.

16. **Integrity**

The public demands your complete integrity. The dishonesty of a single employee can impair public confidence and cast suspicion upon all of us. You must scrupulously avoid any conduct which might compromise your integrity, that of your fellow employees, or the department.

17. **Judgement**

You are expected to use good judgement at all times. "Good judgement" is defined as those decisions and actions which a reasonable employee in similar circumstances would use or take, given the information you knew or should have known at the time.

18. **Neglect of duty**

- a. You may not read, play games, watch television or movies, or entertain yourself on duty unless it is duty-related. This rule does not apply if you are on an authorized break.
- b. You will not engage in personal business or any other activity which makes you neglectful or inattentive to duty.

19. **Political Activity**

Follow City policy and guidelines regarding political activity.

20. **Processing property and evidence**

- a. You must account for and properly handle all property or evidence entrusted to you by any person, even if you merely destroy it.
- b. You may not convert to your own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence

in connection with an investigation or other police action, except in accordance with established departmental procedures.

21. **Prompt submission of reports**

- a. You must submit all your reports on time and in accordance with department procedures.
- b. Your reports must be truthful and complete. You may not knowingly report, or cause to be reported, any inaccurate, false, or improper information.
- c. If you become aware of an error in your report, correct it as soon as possible. If you become aware of an error in another employee's report, notify your supervisor. Supervisors will ensure that errors are corrected as soon as practical.

22. **Public statement**

- a. While on duty, or off duty and identifying yourself as a department employee, you may not publicly criticize or ridicule the department, its policies, or other employees by any expression, where what you say or write produces intolerable disharmony, inefficiency, dissension, chaos, or is without a factual basis.
- b. You must identify all your public statements as personal opinion, unless you are authorized to make official department statements.

23. **Request for assistance**

When any person requests assistance, or makes complaints or reports either by telephone or in person, obtain all pertinent information in an official and courteous manner, and act upon it judiciously, consistent with departmental procedures.

24. **Sleeping on duty**

- a. You must remain awake while on duty.
- b. If you are unable to remain awake, report to your supervisor, who will determine the proper course of action.

25. **Unbecoming Conduct**

- a. Police are the most conspicuous and accountable representatives of government. To the majority of the people, they are symbols of

stability and authority, and represent individuals on whom they can rely.

- b. Your conduct will be closely scrutinized by citizens. You will not be allowed to discredit the department or the City. Nothing in this policy shall be interpreted to preclude you from exercising your rights as a citizen while you are off-duty.
- c. You must conduct yourself, at all times, both on and off duty, in a way that reflects favorably on the department.
- d. Unbecoming conduct which brings the department into disrepute, reflects discredit upon you as a member of the department, or impairs the operation or efficiency of the department or employee, is prohibited.

26. **Use of department resources**

- a. The resources of this department are those of the citizens of the community. You are charged with using those resources in the most effective manner possible. Other than in emergencies, you may use equipment only as it was designed to be used.
- b. You are responsible for all equipment we issue to you, and you must maintain it in proper order.
- c. You may use City-owned computers only in accordance with City policy, and may not use them to play games or for other personal entertainment.
- d. Internet access and use must comply with City policy.

27. **Use of intoxicants and medications**

- a. Refer to the APPM and any applicable labor agreement for additional information regarding prohibited conduct, testing, and standards.
- b. For this manual, except when stated otherwise, the term "intoxicants" includes alcohol and controlled substances. Medications prescribed for you are exempted if taken as prescribed.
- c. You must notify your supervisor if your duty performance may be affected by medication(s) you are taking, or if you are exceeding the recommended dosage.
- d. You may not use intoxicants:

- ◆ while at work, except as necessary to perform your duties *and* specifically authorized by department policy;
 - ◆ while representing the City at an event or function (except as authorized by paragraph "h" below); or
 - ◆ while at City-owned or City-leased work sites.
- e. You may not operate a vehicle owned or leased by the City, or one rented with City funds, at any time proximate to consuming intoxicants.
- f. On Duty
- (1) You must be mentally alert and physically responsive on duty. You may not, except as a necessary part of an official assignment, consume alcohol on duty or in uniform. You must have your supervisor's authorization to do so.
 - (2) Unless specifically authorized by a supervisor for job- related reasons, you may not report for normally assigned work or be at work:
 - (A) with a detectable odor of intoxicants (alcohol or drugs) on your breath;
 - (B) with any detectable amount of intoxicants (alcohol or drugs) in your body; or
 - (C) with any substance in your body which may impair your ability to work safely and efficiently.
 - (3) We may require you to take a urine or blood test by a third party as a condition of employment, if we have a reasonable suspicion (as defined by Oregon law) that you have violated subsection (1) or (2) above.
 - (4) If you unintentionally ingest, or are made to ingest, any alcohol, drug, or controlled substance while on duty you must immediately report the incident to a supervisor so that appropriate medical steps may be taken to ensure your health and safety, and an assessment can be made as to your ability to continue working.
- g. Off Duty
- (1) You may, in conformance with law, consume intoxicants off

duty, but only at times that guarantee you are not affected when you are scheduled to come to work. You may not use intoxicants in a manner which brings discredit on the department or on you as a member of the department.

- (2) If you are called in for unscheduled work, and you have consumed intoxicants, you must inform the command officer initiating the call-back. We will want to know how impaired you may be so we can determine whether or not you should report to work. This also applies to prescription drugs which can impair judgement or response times.

h. Off-site events

While attending off-site events paid for entirely or partially with City funds (e.g., conferences, training), you may not consume intoxicants during hours for which you are being compensated. When you are on your own time, your consumption of intoxicants must be legal and moderate. Your behavior must be professional and must not reflect unfavorably on the department or the City.

28. Vendors and contractors

- a. We will not commit resources to a prospective contractor or vendor before we sign a contract.
- b. You may not use what you learn in the department for private gain by you or any other person or entity.
- c. You must keep confidential anything you learn that is confidential. Your personal feelings, motives, or the possibility of personal gain may not influence your decisions.
- d. You may not compromise your position by soliciting or accepting gratuities -- even where such activity might otherwise be considered an acceptable form of business negotiations outside the department.

29. Truthfulness

- a. As an employee, you may not knowingly, recklessly, or negligently convey or provide information which is dishonest, misleading, or a misrepresentation except as necessary in the course of conducting an investigation.
- b. You will truthfully answer any question asked by a supervisor or fellow employee that is related to your scope of employment.

30. **Personal mail**

You may not use the department's address to receive mail, except for inadvertent mailings which may result from your use of the department's address on DMV records, or mail from someone who may try to contact you and has only our address.

31. **Identification**

- a. Except when working an undercover assignment, or when circumstances exist that would jeopardize your safety, you will clearly state your name and badge number when requested by any person to do so. (For non-sworn personnel, it is sufficient to provide your first name and your badge number.)
- b. When feasible to do so, provide the person with one of your business cards.

JAMES R. HILL
Chief of Police

**POLICY
300**

**EFFECTIVE
DATE
101514**

Eugene Police Department



Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in every situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner. This policy is intended to be used in concert with other department policies related to use of force.

300.1.1 PHILOSOPHY

The department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and, when warranted, may be called upon to use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true when officers must overcome resistance while engaged in the performance of their duties.

While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to sustain physical injury before applying reasonable force.

300.1.2 DUTY TO INTERCEDE AGAINST EXCESSIVE FORCE

Any officer present who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Officers witnessing excessive force will also report these observations to a supervisor immediately.

300.1.3 DEFINITIONS

The following definitions apply to this policy and, unless otherwise indicated, to all other department policies related to use of force:

Objectively Reasonable: An objective standard viewed from the perspective of a reasonable officer, without the benefit of hindsight, based upon the totality of the circumstances presented to the officer(s) at the time of the incident.

Totality of Circumstances: a combination of facts and circumstances that are reasonably believed to be true by a police officer at the time of an incident or action.

300.1.4 POLICIES RELATED TO USE OF FORCE

- a. *Policy 303 – Oleoresin Capsicum (OC)*
- b. *Policy 306 – Flexible Restraint Device*
- c. *Policy 307 – Carotid Restraint Hold*
- d. *Policy 308 – Handcuffing, Control Holds, and Impact Weapons*
- e. *Policy 309 – Taser Use*
- f. *Policy 311 – Spit Hoods*
- g. *Policy 313 – Edged Weapons*

300.2 USE OF FORCE BY OFFICERS

It is the policy of this department that officers will use only that force that reasonably appears necessary, given the totality of the circumstances perceived by the officer at the time of the event, to effectively gain control of an incident. Officers should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible. It is also expected that any use of force is:

- a. Consistent with state and federal laws, and
- b. Consistent with other department policies concerning uses of force, and
- c. Employed in a manner consistent with the officer's department training, unless individual circumstances justify alternate tactics or equipment.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, each officer must be entrusted with the discretion in determining the appropriate use of force in each incident.

300.2.1 FORCE IN MAKING AN ARREST OR PREVENTING AN ESCAPE

Pursuant to ORS 161.235, and except as provided in ORS 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the officer reasonably believes it necessary:

- To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- For self-defense, or to defend a third person from what the officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest, or while preventing or attempting to prevent an escape.

300.2.2 DETERMINING THE REASONABLENESS OF FORCE

The use of force by an officer must be objectively reasonable. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving with regard

to the amount of force that is necessary in a particular situation. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision about the use of force.

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- a. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- b. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects.
- c. The influence of drugs and/or alcohol on the subject's physical and mental capacity and their threshold for pain or reason.
- d. The subject's proximity to weapons.
- e. The degree to which the subject has been effectively restrained and his or her ability to resist despite being restrained.
- f. Time and circumstances permitting, the availability of other options (what resources and/or alternatives are reasonably available to the officer under the circumstances).
- g. The seriousness of the suspected offense or reason for contact with the individual and the need to apprehend.
- h. The training and experience of the officer.
- i. Any potential for injury to citizens, officers, and suspects if force is used against the person.
- j. The risk of escape presented by the subject.
- k. Any other reasonable, exigent circumstance as articulated by the police officer.

It is recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons, or methods provided by the department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and used only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

300.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or serious physical injury will be considered non-deadly force. Each officer is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include, but are not limited to, those covered by the

following policies: *Policy 303 – Oleoresin Capsicum (OC)*; *Policy 306 – Flexible Restraint Device*; *Policy 307 – Carotid Restraint Hold*; *Policy 308 – Handcuffing, Control Holds, and Impact Weapons*; *Policy 309 – Taser Use*; and *Policy 311 – Spit Hoods*.

300.4 DEADLY FORCE APPLICATIONS

Deadly physical force is force that under the totality of the circumstances in which it is used is readily capable of causing death or serious injury.

300.4.1 PERMISSIBLE USE OF DEADLY FORCE

An officer is justified in using deadly force against another person when and to the extent the officer reasonably believes the deadly force is immediately necessary to:

- a. Protect them or others from what he or she reasonably believes would be an imminent threat of death or serious physical injury.
- b. To arrest or prevent the escape of a suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious physical injury or death, and the officer reasonably believes that there is an imminent or potential risk of serious physical injury or death to others if the suspect is not immediately apprehended.

300.4.2 ADDITIONAL CONSIDERATIONS

- a. An officer's intent in using deadly force is to incapacitate the subject and render the person incapable of being an immediate threat.
- b. An officer may not use deadly force, even if the above conditions are met, if he or she believes there is an unnecessary risk of death or serious physical injury to innocent persons.
- c. This policy is more restrictive than state law as to when deadly force may be used.

300.4.3 ACTIONS FOLLOWING USE OF DEADLY FORCE

- a. When an officer uses deadly force, he or she will immediately take whatever steps are reasonable and necessary to protect his or her safety and the safety of any member of the public.
- b. After taking such steps and it is safe to do so, the officer will immediately notify dispatch of the use of deadly physical force and summon any medical aid needed.
- c. The officer will then, if able, take such steps as are reasonably necessary to preserve the integrity of the scene and preserve evidence.
- d. Upon request, the officer will provide information (Public Safety Statement) regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to provide a framework for the investigation.

A Public Safety Statement is a compelled statement to an investigating supervisor that is limited to collecting critical information about an officer involved shooting and is limited to ascertaining information about the safety to the public and providing a framework for the investigation. An example of a Public Safety Statement can be found in Annex A of *Policy 310 – Deadly Force Investigations*.

300.5 MEDICAL ATTENTION FOR INJURIES SUSTAINED

Officers are responsible for the physical safety and security of persons they arrest. Prior to booking or release, medical assistance will be obtained for any person who has sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail.

A person who exhibits extreme agitation, violent, irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who requires a protracted physical encounter with multiple officers to bring him or her under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable prior to transport in a police vehicle. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, their refusal shall be documented in related reports. Whenever practicable, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or interview with the individual, any refusal should be included, if possible.

300.6 REPORTING THE USE OF FORCE

Any reportable use of physical force will be documented promptly, completely, and accurately in the appropriate report(s) depending on the nature of the incident.

300.6.1 REPORTABLE USES OF FORCE

An employee will promptly notify his or her supervisor if involved in one of the incidents listed below:

- Any intentional act by an EPD employee during the performance of his or her police duties resulting in a subject's physical injury (as defined in ORS 161.015) or loss of consciousness.
- Discharge of a firearm while on duty, while on City property, or while in performance of police duties (except for authorized test-firing, dispatch of an animal in accordance with department policies, or approved training activities).
- Any other intentional discharge of a City-owned firearm (except for lawful target practice).
- A bite by a police K-9 to anyone who is not a handler.

- The discharge or display of a Taser against a person.
- The use of OC spray against a person.
- The use of a carotid hold or other neck restraint against a person.
- The use of an impact weapon to strike blows against a person.
- The discharge of any other department-owned or department-issued less-lethal weapon (e.g., bean-bag round, tear gas) against a person (with or without hits).
- The use of any department-owned equipment resulting in injury to a person.

300.7 SUPERVISOR RESPONSIBILITY

A sworn supervisor will respond to the scene of any of the incidents listed in 300.6.1 involving an EPD employee. The responding supervisor will be responsible for taking the following actions:

- Obtain the basic facts from the involved officer(s).
- Ensure any injured parties are examined and treated.
- Ensure any potential witnesses are identified and interviewed to the extent feasible.
- Ensure photographs are taken of injuries to officers or other persons.
- Make any command and/or other notifications that are required or that the supervisor determines should be made.
- When feasible, approve all reports in the report packet completed by involved officer(s) to ensure accuracy and consistency. If it is not feasible for the responding supervisor to do this, he or she will coordinate with another supervisor who will be responsible to review all remaining reports.
- Prepare a Use of Force Incident report in “Blue Team” to include a synopsis of the event and related photographs.

The Chain of Command and Internal Affairs Section should be contacted if the supervisor believes the incident may give rise to potential civil litigation or claims.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation may be initiated.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8 USE OF FORCE REVIEW BOARD

The Chief of Police may assemble and convene a Use of Force Review Board (refer to *Policy 302 – Use of Force Review Board*) to investigate the circumstances surrounding any use of force incident and will designate a member of the board to serve as chairperson.

300.9 ANNUAL REVIEW

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

300.10 TRAINING

The Training Section will maintain training records documenting the use of force training that each officer has received, which includes lesson plans, F6 attendance rosters, and all qualification dates and scores for weapon systems.

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Policy 301 - Use of Force Reporting

301.1 PURPOSE AND SCOPE

This policy provides standardized reporting and investigation for use of force incidents. Any use of deadly force that results in death or serious physical injury to a person will be handled in accordance with Policy 310 (Use of Deadly Force Investigation) (Note: until such time as 310 is published, the reference will be found in relevant sections of General Order 901.6), which implements provisions of Oregon law and the Lane County *Deadly Physical Force Plan*. In such cases, the provisions of that policy will take precedence over any conflicting provisions of this policy. Reporting requirements in this policy apply to department volunteers, such as cadets and reserve officers, as well as to paid employees. This policy is designed to be used in concert with all other department policies relating to use of force.

301.1.1 DEFINITIONS

Reportable incident: Any incident, whether occurring on or off duty, in which any of the following has occurred:

- Use of department-owned equipment resulting in property damage or injury to a person or animal;
- Discharge of a firearm while on duty, while on City property, or while in performance of police duties (except for authorized test-firing or approved training activities);
- Discharge of any City-owned firearm, except while using the firearm for lawful target practice;
- Use of OC spray in the performance of police duties;
- Use of a TASER in the performance of police duties,(refer to policy 304.4.4 Taser, Report of Use);
- Use of an impact weapon to strike blows against a person;
- Use of any other department-owned or department-issued less-lethal weapon (e.g., bean-bag round, tear gas) against a person (with or without hits);
- Use of the carotid restraint/LVNR or other neck restraint against a person;
- Focused blows/kicks that strike a person;
- A bite by a police K-9
 - to a citizen under any circumstance,
 - employees who are not handlers, or
 - handlers where serious injuries are suffered;
- Any act occurring during performance of police duties resulting in property damage; or
- Any act occurring during performance of police duties resulting in physical injury (as defined by ORS 161.015) or loss of consciousness to someone.

Major incident: Any reportable incident:

- That results in serious physical injury (ORS 161.015) or death; or
- That involves an intentional discharge of a firearm* at a person;
- That involves another intentional application of force which is intended to, or would reasonably be expected to, cause serious physical injury or death; or
- That involves a discharge of a firearm* that injures anyone.

* NOTE: Discharge of a firearm as a means to launch an extended-range impact weapon (e.g., bean-bag round) or chemical agent does not constitute a major incident unless serious injury or death results.

Minor incident: Any reportable incident that is not a major incident.

Administrative assignment: temporary reassignment to non-enforcement duty, or to duties other than the employee's normally assigned duties.

Administrative leave: relief from duty (without loss of pay or benefits). During administrative leave, an employee may not work overtime assignments or be assigned modified duty. S/he must be available for interviews and appointments with health care professionals or related activities. Administrative leave duty hours are normally daytime hours, that do not exceed the employee's normal work day, week or pay period.

Uses of Force/Pursuit Report: A special electronic report form to be completed by the primary involved employee in a minor reportable incident, or by the investigating supervisor (or, if none, the involved employee's supervisor) in a major reportable incident. The completed form should document all reportable uses of force against the subject by all officers involved, not just the employee completing the report, and should be approved by the same supervisor who approves the report package for the incident.

301.2 GENERAL PROCEDURES

(a) Any reportable incident must be reported to the employee's supervisor or the Watch Commander as soon as possible, even if the incident occurred outside the City.

(b) Remember that discussions with other employees (except designated peer counselors, under authority of ORS 181.860) have no confidentiality privilege. Therefore, an involved employee should not discuss any major incident except with department investigators or supervisors, and/or with persons with whom such conversations are privileged (e.g., an attorney). (For further information regarding peer counselors, refer General Order 101.7.)

(c) The ranking command officer involved in a major investigation must approve the release of information regarding the incident to the media or to other individuals or agencies not involved in the investigation.

(d) Unless this policy or specific instructions from a supervisor indicate otherwise, any use of force should be documented in the appropriate police report (e.g., Custody Report). This is true whether or not a *Use of Force/Pursuit Report* is completed. A printout of the electronic Use of Force/Pursuit Report form will be attached to the police report as it will only include information that should be in the police report.

301.3 MINOR INCIDENTS

301.3.1 INVOLVED/WITNESS EMPLOYEES

(a) The primary employee involved with each person against whom the reportable force is used must complete a *Use of Force/Pursuit Report*. *Only the electronic form is authorized. It must also be submitted electronically to their supervisor. Attach a printout of the report to the police report of the incident.* If the reports are done at different times, *the printout of the Use of Force/Pursuit Report* is to be turned in to the employee's supervisor within 24 hours of the incident and the Supervisor will ensure that it is included in the police report package once it is approved. For purposes of this section, "primary employee involved" means the employee utilizing the highest degree of force. If multiple employees utilize the same level of force against a person, it is the employee who first initiated that level of force. If there is any question as to who should complete the *Use of Force/Pursuit Report*, a supervisor should be consulted and s/he will determine who will complete the report.

(b) For the following types of minor incidents, a *Use of Force/Pursuit Report* is not required. Instead, follow the procedures outlined.

(1) A minor incident involving use of a police service dog will be reported using this form but will be reported in accordance with that unit's procedures and is only to be completed by a K9 handler.

(2) A vehicle collision in which the police vehicle was not employed as a use of force will be reported in accordance with General Order 301.7 – On-duty Vehicle Accidents.

(3) If a police vehicle contacts another vehicle due to use of a forcible stop tactic, that use of force will be documented in the *Use of Force/Pursuit Report Form*

(4) The following incidents will be reported via memorandum, unless the necessary information is included in a police report about the incident:

- Any reportable discharge of a firearm that does not constitute a major incident
- Damage to property or injury to an animal
- Use of chemical agents (such as tear gas), except during approved training
- Use of OC spray against an animal
- Use of a firearm to kill a seriously injured or diseased animal while on duty with prior supervisory authorization.

301.3.2 PROCESSING MINOR INCIDENTS

(a) The involved employee's supervisor will review minor incidents and the *Use of Force/Pursuit Report*, and may require the employee to submit other oral or written reports.

(b) The Division Manager may ask the employee's supervisor for a report.

(c) If investigation of an allegation is necessary, the supervisor will proceed in accordance with relevant department policies.

(d) The supervisor may reclassify the incident to a major incident, or may conduct further investigation as outlined in this procedure, if the circumstances warrant.

301.4 MAJOR INCIDENTS

301.4.1 PROCESSING MAJOR INCIDENTS

(a) A major incident in which the use of deadly force by an officer has resulted in serious injury or death will be handled in accordance with the provisions of Policy 310 Use of Deadly Force Investigations (NOTE: Until that policy is published, refer to General Order 901.6).

(b) A major incident involving either the intentional discharge of a firearm at a person, or an intentional application of force which is intended to, or would reasonably be expected to cause serious physical injury or death, will be handled in accordance with all provisions of Policy 310 (or General Order 901.6) which are applicable. The responsibilities assigned to IDFIT in that policy will be carried out by EPD Investigations Division, unless the Chief of Police or designee indicates that another agency will handle or assist in the investigation.

(c) A major incident involving a discharge of a firearm which injures someone, and that is not covered under (a) or (b) above, will be handled in accordance with § 301.4.2 below.

301.4.2 INVESTIGATION OF INTENTIONAL WEAPON DISCHARGE

(a) Investigations Division will normally conduct any criminal investigation to determine the propriety of criminal charges.

(b) Primary control of the incident investigation will rest with the criminal investigators. They must cooperate with all reasonable requests from the internal or civil investigators.

(c) The involved employee(s) will be told who will be conducting the investigations as soon as practical.

(d) Investigators will follow normal investigative procedures, including separating involved and witness employees and procedures for seizure of evidence, to maintain the integrity of the investigation. The assigned criminal investigator will normally take custody of the weapon, and officer will normally be given a replacement weapon.

301.5 SUPERVISORY RESPONSIBILITIES

301.5.1 MINOR INCIDENTS

(a) Respond to the scene and review the incident with the involved employees to ensure all procedural requirements and aftercare needs are met and to identify any matters requiring supervisory follow up (e.g. interviewing, or at least identifying citizen witnesses, ensuring photographs are taken and physical evidence is collected). Provide any assistance needed by on-scene employees, involved persons, or uninvolved third parties.

(b) Ensure a completed *Use of Force/Pursuit Report* is received from the primary involved employee within 24 hours of the incident. If s/he is unable to complete the report, have another involved employee complete the form, or complete it yourself if needed.

(c) Review the form for completeness, and review the use of force to ensure it is consistent with law and department policy.

d) Review the electronic *Use of Force/Pursuit Report* to ensure completeness and accuracy. If the form needs corrections, return it to the employee prior to forwarding it. Once the report is complete and accurate, approve the report. Administrative Staff will forward the report to the Defensive Tactics Coordinator.

301.5.2 NOTIFICATIONS

In a case involving the discharge of a firearm which is not being handled under the provisions of Policy 310 (or GO 901.6), the on-scene supervisor will normally notify:

- Investigations
- Involved officer's chain of command through the division manager
- EPEA representative (if desired by a represented employee)
- PIO

301.6 POST- INCIDENT REVIEW

301.6.1 USE OF FORCE REVIEW BOARD

The Chief of Police may convene a Use of Force Review Board to review the incident, with procedures and responsibilities as outlined in Policy § 302.2 (or GO 901.6).

301.6.2 CHIEF OF POLICE

The Chief of Police will make the final determination regarding compliance with policy and procedures, and any necessary corrective action.

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APPENDIX A: **Electronic Use of Force Form Instructions**

Use of force is a significant topic in policing and community accountability. As such, the Department must assure that use of force data is timely and accurate. To accomplish this goal, a new electronically submitted, searchable use of force form will be implemented. In addition to being searchable, the new form will be faster and easier for officers to use than the paper forms.

The following items address key points related to use of the new form and the new Use of Force Reporting Policy 301.

- The electronic form, which is located on the I drive in the Word Templates folder, replaces the current paper TASER, Use of Force, and Pursuit Report forms. Please destroy all old forms.
- The new form is required for Use of Force incidents as explained in Policy 301, Use of Force Reporting:
 - The primary employee involved with each person against whom the reportable force is used must complete a Use of Force/Pursuit Report form. See 301.3.1.b for exceptions/variations.
 - See Policy 301- Use of Force Reporting for additional details on types of incidents requiring reports.
- **SUPERVISORS:** For all reportable minor incidents (301.5.1), supervisors will respond to the scene to review the incident with the involved employees to ensure all procedural requirements and aftercare needs are met, to identify any matters requiring supervisory follow up (e.g. interviewing, or at least identifying citizen witnesses, ensuring photographs are taken and physical evidence is collected.), and provide any assistance needed by on-scene employees, involved persons, or uninvolved third parties.
- The new form is required for TASER incidents as described in the TASER policy by the officer utilizing the TASER.
- **ONLY** a K9 officer may complete the form when documenting use of Police K9.

- The new form is required to be completed by the primary officer in a pursuit as explained in the Pursuit policy.
 - Upon completion, click submit to route the report to IA (only for Pursuit Reporting), and submit electronically with the incident report. IA will coordinate the file workflow.
 - IA will assign a P# and route the report to an EVO sergeant for initial review then route the completed packet to the reviewing supervisor as assigned by the employees Division Manager.
 - The supervisor portion of the pursuit review will NOT be attached to any police report as that is an internal personnel document.

- When the new electronic form is used, it must be attached to an electronically submitted, typed police report and may not be used with a hand written report. (See detective exception below.)

- To use the form, open the document, and select the applicable boxes at the top of the form to open those sections. E.g. TASER specific fields or Pursuit related fields. The fields that are common to all incidents will open automatically.

- For use of force, the DPSST categories of resistance are part of the information collected. Because they have specific definitions that should be referenced, there is a box you can click on to see the definitions without having to search further for that information.

- For use of force, most of the criteria are very straight forward using common language. However, it was noted in preparing this form that everyone might not know what is meant by "1000 yard stare". This is when a subject experiences a radical facial change from the time you started talking to him/her. The facial expression goes blank and the person stares past you even if standing right in front of you. This can be an indicator of pending flight or attack.

- If you have any questions about the use of this form please contact your supervisor.

Reminder for Supervisors: Because the accuracy of the information on this form is very important, and because we want to avoid having to submit corrections to any police report, please be sure this form is always carefully reviewed along with your normal thorough review of the attached report for this level of force use. See 301.5 b,c,d for additional details.

For detectives working patrol only: It is permissible to print the form and submit it in the same manner their patrol reports are generally submitted.

Eugene Civilian Review Board and Police Commission Enabling Legislation

Eugene Municipal Code: 2.244 Civilian Review Board – Powers and Duties.

- (1) In collaboration with the police auditor, the civilian review board shall establish policies, procedures and operating principles for the civilian review board.
- (2) The civilian review board may review the completed investigation and adjudication of complaints filed against sworn police officers at the request of a complainant, upon the recommendation of the police auditor, or at its own discretion upon a majority vote of its members.
 - (a) The civilian review board shall develop criteria to decide whether to accept a case for review. However, the civilian review board may not accept a completed case that was previously reviewed as a community impact case as described in subsection (4) below.
 - (b) All materials concerning the completed investigations of cases the civilian review board has selected to review shall be made available to members for their confidential review.
 - (c) The civilian review board shall, at one of its regularly scheduled meetings, report on such case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation, and the reasonableness of the adjudication.
 - (d) The comments and any related policy or procedural issues identified by the civilian review board in the course of its case review shall be provided to the police auditor for further consideration.
- (3) The civilian review board may review a random selection of closed cases.
- (4) Upon the adjudication of a complaint that the police auditor has identified and the civilian review board has accepted as a community impact case, members of the civilian review board shall be provided all materials concerning the case for their confidential review. Within 14 days of receiving the case, the civilian review board shall meet to discuss and present its determinations on the case. Within 30 days of receiving the case the civilian review board shall do one or more of the following:
 - (a) Concur with the case adjudication;
 - (b) Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration;
 - (c) Require the city to reopen the investigation if it finds either:
 1. The investigation was incomplete or inadequate, and the civilian review board has reason to believe that additional investigation is likely to reveal facts that could change the case adjudication; or
 2. The adjudication reached by the city is not supported by substantial evidence.

When the civilian review board has voted to re-open a community impact case, the police auditor shall inform the civilian review board of the subsequent investigation conducted and the final adjudication decision.

- (5) The civilian review board shall notify complainant(s) and involved employee(s) of its decisions on whether to accept a case for review, and shall inform the complainant of its conclusions on the case.
- (6) The civilian review board shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.

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- (7) The civilian review board shall evaluate the work of the auditor's office. In that regard the civilian review board:
 - (a) Shall establish criteria by which to evaluate the work of the police auditor;
 - (b) Shall review, comment on, and assist in maintaining policies, procedures and operating principles for the auditor's office and the civilian review board;
 - (c) Shall monitor status reports from the police auditor; and
 - (d) May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.
- (8) The civilian review board may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the auditor's office for processing.

(Section 2.244 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

Eugene Municipal Code: 2.246 Civilian Review Board – Officers, Meetings, and Procedures.

- (1) The civilian review board shall annually elect from among its membership a chairperson and a vice-chairperson who shall serve in that position for no more than three (3) consecutive one-year terms.
- (2) The civilian review board shall nominate one of its members to serve jointly on the civilian review board and the police commission, which nomination shall be subject to the approval or rejection of the city council.
- (3) The auditor's office shall be liaison to, and provide staff support for, the civilian review board.
- (4) The civilian review board may appoint from its membership committees as necessary to perform its duties.
- (5) The civilian review board shall hold regular meetings with an opportunity for public comment at least quarterly, and the civilian review board and its committees may hold additional meetings as necessary. No business of the civilian review board shall be conducted at a meeting without at least a quorum of three (3) members on a five (5) member board or four (4) members on a seven (7) member board present. All actions of the civilian review board shall be made upon a simple majority vote of the members present.
- (6) Meetings of the civilian review board shall be open to the public except when executive sessions are authorized by law and the civilian review board has determined an executive session is necessary or desirable in order to carry out its business. To facilitate the transparency of the civilian review board's activities, the police auditor will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable.
- (7) The civilian review board shall prepare and present an annual report to the city council that:
 - (a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
 - (b) Assesses the performance of the police auditor consistent with section 2.244(7); and
 - (c) Evaluates the work of the auditor's office, including whether the auditor's office is functioning as intended.

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- (8) The civilian review board may develop additional reports deemed necessary by it, or as requested by the city council. All reports generated by the civilian review board shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed. The city council shall review and take appropriate action on reports submitted by the civilian review board.
- (9) In collaboration with the auditor's office, the civilian review board may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The civilian review board and police auditor shall work together to develop and disseminate information and forms regarding the police complaint handling and review system.
- (10) The civilian review board, or its individual members, may not:
 - (a) Investigate complaints or incidents involving police employees;
 - (b) Issue subpoenas or call witnesses;
 - (c) Review employee discipline decisions except in the context of reviewing trend reports from the auditor's office consistent with section 2.454(1)(f)3.; or
 - (d) Incur city expenses or obligate the city in any way without the prior authorization of the police auditor or city council.

(Section 2.246 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

Eugene Charter

Section 15-A. External Review of Police. (1) The city council shall hire, supervise and specify the salary of an independent police auditor to oversee investigations of complaints involving police employees. Notwithstanding section 16 of this charter, the city council shall authorize the auditor to: (a) receive, classify and route complaints about sworn police officers and civilian police employees; (b) contract with persons or entities to perform outside investigations of such complaints; (c) monitor the city's internal investigations, including but not limited to access to all evidence developed as part of the investigation and participation in investigative interviews related to such complaints, and require the city to undertake additional investigation; (d) make recommendations Eugene Charter -4- 12/02/2008 to the city manager or designee following the investigation; (e) prepare reports on complaint trends and police practices in general; and (f) act as a liaison to and provide staff support for the civilian review board. (2) The city council shall appoint a civilian review board of not more than seven members to review investigations of complaints involving sworn police officers. Notwithstanding section 16 of this charter, the city council shall authorize the civilian review board to: (a) review the completed investigation and adjudication of complaints filed against sworn police officers; (b) require that the city re-open an investigation; (c) provide comments on an investigation, including recommendations to the independent police auditor, city manager or designee about the investigation; (d) review trends and statistics of complaints against sworn police officers and civilian employees, and provide reports and recommendations to the city council; and (e) oversee and evaluate the work of the independent police auditor.

Eugene Municipal Code: 2.368 Police Commission.

- (1) Created. The police commission is hereby created to act as an advisory body to the city council, city manager, and police chief regarding police policy issues.
- (2) Membership. The commission shall have 12 members, consisting of two city councilors, one member who is also a member of the human rights commission, one member who is also a member of the civilian review board, and eight citizen members selected from the public so as to represent a diverse range of interests and

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experiences with due regard to the geographic distribution of the membership. The citizen members of the commission shall be selected from, but are not limited to, several but not necessarily all of the following groups: youths, students of the University of Oregon and Lane Community College, persons with a demonstrated interest in law enforcement, social services providers, educators, members of community or neighborhood groups, persons engaged in private business, persons with a diversity of ethnic and cultural affiliations, and persons with diverse economic backgrounds and interests.

- (3) Appointment and Terms of Office. Members shall be nominated by the mayor and appointed by the council. The eight citizen members shall serve for four-year terms. The councilor members shall be appointed annually as part of the process for appointing elected officials to other committees, and shall serve during their terms as councilors. The members from the human rights commission and civilian review board shall serve during their term on such commission, committee or board, or for four years, whichever is less. In any event, all members shall be limited to two consecutive terms. A vacancy shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. A member who is absent for more than three consecutively scheduled meetings without having been excused by the chair of the commission may be removed by the council and the vacancy filled.
- (4) Powers and Duties.
 - (a) In general, the police commission exists to work toward the following outcomes for the community:
 1. To increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for this city;
 2. To identify police policy and resource issues related to preferred policing alternatives;
 3. To decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
 4. To provide input on police policies and procedures that reflect community values; and
 5. To assist the city council in balancing community priorities and resources by advising it on police resource issues.
 - (b) The police commission shall develop a mission statement and a yearly workplan, to be reviewed and approved by the city council, which will articulate how the listed outcomes will be achieved.
 - (c) In seeking to accomplish its mission, the police commission may:
 1. Review and make recommendations on police policies, practices and priorities for consistency with community values;
 2. Provide input on service and resource needs for community safety;
 3. Work on police-related projects as directed by the council; and
 4. Provide a forum for addressing public concerns related to police policies and practices.
 - (d) The police commission shall not undertake the review of allegations and inquiries related to the actions of individual police officers.
 - (e) The police commission shall receive periodic reports from the police auditor regarding complaint trends that the auditor believes indicate a review of police

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- practices or training methods may be warranted.
- (f) The member appointed from the civilian review board shall assist in redirecting any complaints received about employee conduct to the auditor's office and in reporting on issues raised during the course of the civilian review board's work pertinent to police policy and practices.
 - (g) The member appointed from the human rights commission shall serve as a liaison to that commission in monitoring police policy issues that are or may generate community concern.

(Section 2.368 added by Ordinance No. 20136, enacted December 7, 1998, effective January 6, 1999; amended by Ordinance No. 20398, enacted October 24, 2007, effective November 23, 2007; and clerically corrected May 1, 2008.)