



# City of Eugene **POLICE COMMISSION**

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The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: 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

## **Police Commission Meeting**

January 12, 2017

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 Comments	5:40 – 5:50	10 min
Review and Approve October 2016 and November 2016 Minutes	5:50 – 5:55	5 min
Professional Stops Pilot Update	5:55 – 6:10	15 min
Rendering Emergency Medical Aid (Procedure 3.43)	6:10 – 6:20	10 min
Searches and Inventories of Detained Persons (Policy 702) and Storage of Prisoner Property (Policy 703)	6:20 – 6:30	10 min
Evaluation and Discipline of Employees	6:30 – 7:00	30 min
Employee Health and Wellness	7:00 – 7:30	30 min
Chief's Report	7:30 – 7:50	20 min
Closing Comments	7:50 – 8:00	10 min

### UPCOMING Police Commission Meeting:

February 9, 2017

March 9, 2017

April 13, 2017

**Saturday, May 6, 2017**

May 11, 2017



## Eugene Police Commission

Meeting Notes

October 13, 2016

The official record is contained in the video recording, at the Police Commission meeting archive web page, at <http://www.eugene-or.gov/index.aspx?NID=1344>.

The City of Eugene Police Commission meeting was convened by Mr. Bill Whalen, Chair, at 5:30.

Members present: Bill Whalen, Chair; Will Davie, Edward McGlone; Steve McIntire, Scott Nowicki, Terry Robertson, Bob Walker

Members absent: Mike Clark, Claire Syrett, Edward Goehring, Silverio Mogart, Marshall Wilde

### Public Comments

Majeska Seese-Green – Suggested there should be more opportunity for additional public input regarding policies 702 and 703. She requested the Commission delay approval of the policy until additional public input could be collected, and expressed concern about how the decision is made to have a case reviewed by the Citizen Review Board (CRB).

Jack Radey – Commented about the Downtown Community Outreach Response Team (CORT) program. Expressed concern about details surrounding a former police officer. Requested information on consequences for officers who observe assault and do not take action. Requested information about sergeant who has had multiple complaints of excessive force.

Joe Tyndall – Expressed concern about a survey of employees that was not analyzed. Expressed concern about Commission's working agreements, and one commissioner.

Davey Jackson – Expressed concern about outdated and unconstitutional use of force, and tension between people of color and the police. Encouraged EPD to increase de-escalation training.

### Commission Comments

Mr. McIntire – In response to an inquiry from Ms. Seese-Green, Mr. McIntire explained that a recent case reviewed by the CRB was reviewed at the request of a Board member. He summarized cases recently reviewed by the CRB, and supported Mr. Jackson's comments regarding de-escalation.

Ms. Robertson – Supported Mr. Jackson's comments regarding de-escalation.

Mr. Davie – Supported Mr. Jackson's comments regarding de-escalation.

Chief Pete Kerns – Encouraged Commission to review policies 702 and 703 and their impact on homeless, as suggested by Ms. Seese-Green. Reported that EPD is currently drafting a policy regarding de-escalation. Supported Mr. Jackson's comments regarding de-escalation.

Scott Nowicki – Congratulated city on community court and suggested a second presentation on this topic in six months.

Bill Whalen – Thanked the public for comments.

## Minutes

Moved approval of minutes by Mr. Walker, seconded by Mr. Nowicki. Passed unanimously.

### Policy Review – 702 Searches and Inventories of Detained Persons

Sgt. Kyle Williams responded to a previous question regarding police provision of emergency medical care. Police are indemnified for rendering aid if trained and the aid is given as part of their duty.

Sgt. Williams reviewed policy 702.

Mr. Davie noted that there is no definition of personal property.

Mr. McIntire asked if officers conduct searches on camera. Sgt. Williams responded that this is the practice, but it is not contained in the policy.

Chief suggested adding language such as, "Whenever practical, searches should be conducted in front of a camera."

In response to question from Mr. McIntire, Sgt. Williams responded that this policy reflects changes resulting from Supreme Court case involving not opening containers.

### Policy Review – 703 Storage of Prisoner Property

Sgt. Williams reviewed policy 703.

Discussion ensued about how legal amounts of marijuana are stored.

Mr. Walker moved tabling any action on Policy 702 and 703 until December, seconded by Mr. McIntire. The motion was approved unanimously.

## Break

### Rendering Medical Aid

Sgt. Williams reviewed the Rendering Medical Aid policy.

Mr. Whalen asked if the policy could clarify that officers must render aid even if they caused the injury. Sgt. Williams responded that the Use of Force policy includes language which requires officers to render aid.

Chief Kerns suggested adding overarching language clarifying that the police responsibility is to save lives above all.

Mr. Walker suggested that something be added to allow for officer common sense.

The department will return with policy in December.

### Joint CRB Commission Meeting November 9

The Commissioners discussed agenda topics that they would like to discuss at the November 9 joint meeting with the Civilian Review Board (CRB), including:

- Review of the policy issues surrounding a recent case involving a former EPD employee
- Discuss roles of CRB and Police Commission, and liaison.
- Review and discuss work plans to determine areas of mutual interest and discuss how emerging topics may get on agendas.

### Everyday concerns and emerging issues

Two items on the Police Commission annual report are listed as Everyday Concerns and Emerging Issues. The Commission discussed whether there were any additional everyday concerns or emerging issues that should be added to upcoming agendas to address these work plan priorities. After discussion from the Commission, no additional items were identified.

### Chief's Presentation

Chief Kerns reviewed his presentation and answered questions.

### Closing Comments

Chief Kerns – Asked for clarification for agenda topic in January regarding demotions. The Commissioners agreed that the discussion could focus on the more general topic of discipline.

Mr. Walker – Expressed concern about safety downtown. He's hearing from people downtown about continued troubling behavior downtown. Suggested that a policy was needed to address behavior problems downtown.

Mr. Whalen - Thanked everyone for participating and attending.

The meeting adjourned at 7:15

*Notes taken by Carter Hawley*



## Eugene Police Commission

Meeting Notes

November 9, 2016

Members in attendance:

Civilian Review Board: Erik Van Houten, Chair; Lindsey Foltz, Vice-Chair; Rick Roseta; Maurie Denner; Steve McIntire; Chris Wig

Police Commission: Bill Whalen, Chair; Edward Goehring, Vice-Chair; Will Davie; Steve McIntire; Scott Nowicki; Terry Robertson; Claire Syrett; Bob Walker; Marty Wilde

Meeting convened at 5:30.

Mr. Whalen reviewed the agenda.

### Public comments

No public comments.

### Commissioner/Board member comments

Mr. Denner – Announced that Human Rights Commission is working to encourage the police to get public input on police policies.

Ms. Foltz – Thanked everyone for their service, and announced that she was taking a job with the City, so will be stepping down from the Civilian Review Board.

Mr. Van Houten – Stated this is a great opportunity for CRB and Police Commission to work together.

Mr. Whalen – Welcome to everyone

Mr. Goehring – Stated there are examples of civilian drones interfering with police drones, and dropping contraband at prisons.

### Mayor-Elect Vinis

Mayor-Elect Vinis thanked everyone for their service, and explained that she would be sitting through the meeting and learning about the Civilian Review Board and Police Commission.

### CRB Review of Incident of Excessive Force at the Lane County Jail

Leia Pitcher reviewed the case, and the CRB members discussed the case.

Mr. Whalen opened the discussion for the specific policies.

Mr. Wilde recommends that there should be a policy to not allow extended administrative leave. Should be a time limit for paid administrative leave.

Mr. Walker opposed changing the administrative leave policy.

Mr. McIntire relayed that he had concerns about the Code of Conduct Policy. Mr. Whalen responded that this policy is coming before the Police Commission in the near future.

Mr. Van Houten explained that the CRB discussed issues surrounding administrative leave. Requested the Commission consider policy to expedite time frame for adjudication of cases from sergeants and lieutenants.

Ms. Syrett expressed concern about limiting administrative paid leave.

Mr. McIntire supports the idea of de-escalation policy.

Mr. Roseta supports constitutional due process, and suggested that the Commission could advocate to the State that if an out-of-county district attorney handles a case, time limits are placed on resolution of the case.

Mr. Goehring suggested that limiting administrative leave could have negative impact to recruitment.

## **BREAK**

### **Roles of Police Commission & Civilian Review Board**

Mr. Whalen reviewed the role of the Police Commission, and Mr. Van Houten reviewed the role of the Civilian Review Board.

Mr. Wilde suggested that both bodies should lobby the State to increase transparency for public resolution of public complaints of public employees.

### **Future Joint Goals or Work Plan Items**

Discussion ensued about how to provide increased opportunity for issues arising from Civilian Review Board to be addressed by the Police Commission.

Mr. Wilde requested an update of Professional Stops Pilot Program.

Mr. Walker reviewed the process for the bi-annual work planning process. It would be too unwieldy to introduce individual requests throughout the year. Suggests bringing issues from the CRB to the May retreat.

Ms. Syrett – Would like to consider a mid-year check to add policies and issues of concern.

Mr. Goehring – Appreciates input from union, liaisons, CRB. Some policies that are reviewed the Commission won't know the impact until a problem arises

Mr. Wig – Appreciates the opportunity to feed input into Police Commission.

### Closing Comments

Commissioners and Board members offered closing comments.

The meeting adjourned at 8:00pm

*Notes taken by Carter Hawley*

Procedure

3.43

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# Eugene Police Department



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## Rendering Emergency Medical Aid

### 3.43.1 PURPOSE AND SCOPE

The preservation of life is a fundamental duty for law enforcement. It is the expectation of this department that Eugene Police Officers strive to fulfill this duty. This document establishes procedures and expectations regarding the administration of medical aid by sworn employees.

### 3.43.2 EMPLOYEE RESPONSIBILITY

Eugene Police Officers will administer emergency medical aid when confronted with another person experiencing a medical emergency up to the level they have been trained, equipped, and are able. Officers will follow training and safety protocols in the administration of aid.

#### **3.43.2.1 Training**

The Eugene Police Department will provide CPR, first aid, and tourniquet training to all police officers.

#### **3.43.2.2 In-field Considerations**

Police officers will provide emergency medical aid after the scene has been rendered safe, and appropriate medical assistance has been requested by phone or radio. The following precautions will be prioritized in the decision to render aid:

- a. Immediate danger has been neutralized.
- b. Dangerous subjects have been apprehended or have fled the area.

Consideration should be given to moving the injured person from an unsafe scene as a potentially effective way to provide more timely critical care.

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# Eugene Police Department



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## SEARCHES AND INVENTORIES OF DETAINED PERSONS

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Oregon Revised Statutes 131.605 to 131.625 and Oregon Revised Statutes 133.525 to 133.537, regarding lawful searches. This policy is intended to govern searches of persons **after** they have been arrested. For details on search and seizure policy, see *Policy 322 Search and Seizure*.

### 702.2 DEFINITIONS

**Search Incident to Arrest** - This search is conducted when a suspect is under arrest for a crime where probable cause exists and the search of the person is for weapons (based on the officer's reasonable suspicion that the person is presently carrying weapons on their person), evidence of the crime for which they are being arrested, and/or means or implements of escape.

**Personal Property** – Property possessed by a person at the time of contact that is not evidence or contraband.

**Personal Property Inventory** – This administrative inventory search is conducted in the field when an officer knows he will be transporting a detained or arrested person to a custodial facility, or it occurs at the custodial facility prior to booking procedures. Inventorying involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property or prohibited items enumerated in this policy. The detainee's personal property is taken and inventoried in a routine and non-discretionary manner. This policy addresses the strong governmental interest in officer safety issues related to transporting persons as well as to insulate the department from false or fictitious claims of property being lost or stolen during transport.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove some or all of his or her clothing to permit a visual inspection of the breasts, buttocks or genitalia of such person in order to locate contraband or weapons if a reasonable belief exists the person has them hidden from view by clothing.

**Physical Body Cavity Search** - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

### 702.3 SEARCHES INCIDENT TO ARREST

Searches incident to arrest are more fully outlined in *Policy 322 Search and Seizure*. It is the preference of the court for officers to obtain search warrants when possible and time permits. Officers should weigh the immediate need to search a closed container against the inherent delay of getting a search warrant.

When any officer has probable cause to arrest a person, and that person is in the custody of police, an officer may conduct a search incident to arrest of that person, and any articles or possessions immediately possessed by that person, and the immediate surrounding area of that person in order to: discover, locate and disable weapons (based upon the reasonable suspicion the person presently possesses them), to locate evidence of the crime for which that person is under arrest, or to locate means or implements of escape. The officer may inspect the mouth of the person arrested.

Once a person is in custody, the exigency of a search incident to arrest may dissipate regarding the property on the arrestee.

Absent some warrant exception, cell phones, personal data devices, laptops, electronics should be secured to preserve evidentiary value so that a warrant can be obtained. Closed container searches are limited in scope to a place where evidence of the underlying crime could reasonably be found.

While a search incident to arrest is lawful without permission of the person to be searched in most instances, consent by the person to be searched should always be attempted by the officer.

Whenever practical, searches incident to arrest of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, a witness officer should be present during any pat-down search of an individual of the opposite sex as the searching officer. For details see *Policy Section 322.5.g - Search and Seizure*.

Whenever possible, the search of a person should be conducted in the view of an ICV system or body worn camera, see *Policy 322 - Search and Seizure*, for additional guidance.

### 702.4 PERSONAL PROPERTY INVENTORY

An officer will inventory a detained or arrested person's personal property before the person is placed inside the temporary holding facility at Police Headquarters, lodged at any jail facility, or before he or she is transferred to another agency's custody.

This inventory is administrative in nature and non-discretionary. This inventory is required for admission of the custody into the Lane County Jail, and other secure holding areas such as University District Hospital or Buckley Sobriety House. In some cases it is safer for the officer and the individual being searched for this inventory to be conducted in the field at the patrol car where it can be witnessed by another officer, captured on ICV, and before the person is seated in the patrol car. If a situation exists where it is not safe or practical to conduct a personal property inventory in the field, a thorough pat down search may be conducted to ensure no weapons are admitted into the patrol car, and then a more thorough inventory of the transported

person and his or her belongings can be conducted in the jail sally port. **Whenever possible, the inventory search should be conducted within view of the ICV system, or a body worn camera, see Policy 322 - Search and Seizure, for additional guidance.**

The fact that an item **might** contain valuables is not justification to open them. The containers must be **objectively likely** to contain valuables or **objectively likely** to contain a specific danger to officers or the jail facility in order to justify opening them.

The fact that the object contained inside might not be the same make or model as the container describes is not justification to open it.

Officers should conduct the inventory by removing all items from the person's clothing and any container in the person's possession. Closed containers should be opened and inventoried only when:

- a. It is objectively likely; that the contents of the container may pose significant safety risk, such as biohazard, weapons, and the like.
- b. The person consents to or requests an inventory of the contents of the closed container.
- c. The closed container is uniquely designed or objectively likely to contain any of the items listed in *Policy 703 – Storage of Prisoner Property §703.4(a) thru (k)*:
  - Dangerous weapons including firearms, knives, explosive devices and tools
  - Hazardous materials, chemicals, or items contaminated with the same
  - Illegal drugs, drug paraphernalia or medications not properly packaged
  - Pharmaceuticals or prescription drugs
  - Perishable food items
  - Matches, lighters or other ignition sources
  - Propellants, including e-cigarettes
  - Beverage containers or containers under pressure and their contents
  - Live plants, animals or other organisms
  - Small valuables, jewelry or US currency
  - Electronics

Because the following closed containers are uniquely designed to contain valuables, they **shall be opened** and their contents inventoried:

- a. Purses, wallets, backpacks, coin purses, fanny packs, computer cases, cosmetic bags, prescription drug containers, unlocked brief cases, unlocked lock boxes, ring box or jewelry box. This should be treated as an exclusive list.
- b. If an officer locates any containers inside any of the items listed above, a separate analysis of the internal containers is required.

Because the following closed containers are uniquely designed to contain items identified in Policy 703 §703.4(a)-(k) which represent specified officer and facility safety concerns, they **shall be opened to remove the prohibited item** and the container shall be inventoried consistent with their outward appearances only. The officer or deputy performing the inventory shall limit his/her inventory so that the object is scrutinized only to the extent necessary to complete the inventory.

- a. Fishing tackle boxes for filet knives
- b. Gun cleaning bags and rugs for firearms
- c. Opened cigarette packages for lighters or matches

- d. Paper lunch sacks, lunch boxes or similar containers that are uniquely designed to contain perishable food
- e. Diaper bags for perishable food items

Whenever practical, a personal property inventory of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, a witness officer should be present during any pat-down search of an individual of the opposite sex as the searching officer. For details see *Policy Section 322.5.g - Search and Seizure*.

## 702.5 STRIP SEARCHES

If a person is to be transported from the scene of an arrest **and** to be lodged at a jail facility any required strip searches will be conducted by the Lane County Jail Staff. If a thorough inventory is completed in the field and the officer still believes that the arrested person has contraband or weapons beneath their clothing that cannot be accessed or confirmed without a strip search, the officer will transport the arrested person to jail and notify jail staff. If there is a concern for officer or custody safety during the transport, consider another officer to ride with the arrested person to observe him or her. If a person is in the custody of the Eugene Police Department, but is not immediately being lodged at the Lane County Jail, follow the protocols in 702.5.1 for strip searches to be conducted at EPD Holding Facilities.

Except under the most extreme instances of public safety, and without authorization of a supervisor, no strip searches will be conducted in the field, or in the view of anyone other than a law enforcement officer.

No person held at any Eugene Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- a. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
- b. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance does not suffice as reasonable suspicion absent other facts.
- c. The person's actions or demeanor give rise to reasonable suspicion that the person is concealing a weapon or contraband on their person.

### 702.5.1 STRIP SEARCH PROTOCOLS

Strip searches at Eugene Police Department facilities shall be conducted only when appropriate as outlined above. They shall be conducted as follows:

- a. Authorization from the Watch Commander shall be obtained prior to the strip search.
- b. All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).
- c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not

participating in the search. The search shall not be reproduced through a visual or sound recording.

- d. Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.
- e. Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.
- f. The primary employee conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the person who was searched.
  - 5. The name and sex of the persons who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, recovered during the search.
  - 10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance.

## 702.6 PHYSICAL BODY CAVITY SEARCH

No person arrested shall be subjected to a body cavity search without a search warrant.

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:

- a. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken
- b. The officer shall consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others, and/or the security of the Eugene Police Department's detention operations
- c. If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause
- d. On the basis of a search warrant, a body cavity search shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction
- e. For safety and security reasons, the search should be conducted at an authorized medical facility
- f. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing officer shall co-sign that report
  - 1. A copy of the search warrant and the return of warrant that lists the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative

702.7 TRAINING

The Lieutenant of Professional Standards in conjunction with the Department Training Section shall ensure that officers receive training in conducting minimally intrusive, but proper, thorough, and respectful searches.

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# Eugene Police Department



## Storage of Prisoner Property

### 703.1 PURPOSE AND SCOPE

The mission of the Eugene Police Department is to deliver high quality public safety services so all people may share a safe and healthy environment. The Department, in partnership with the community, will endeavor to achieve our mission by utilizing the most modern and effective practices and methods. Accordingly, this policy provides for the proper storage of prisoner property which isn't seized as evidence or contraband. This policy only applies to the property storage lockers located at the exterior Lane County Jail on the corner of 5<sup>th</sup> Avenue and Charnelton.

### 703.2 REFERENCES

Eugene Police Department *Policy 702 – Searches and Inventories of Detained Persons.*

### 703.3 DEFINITIONS

**Prisoner Property** – Personal property possessed by the person in custody at the time of arrest that is not evidence or contraband and will either be stored in a jail property bag inside of the jail or in the jail lockers.

**Inventory** – The systemic, non-discretionary inspection of an arrested person's personal property for the purposes of itemizing, documenting, storing and disallowing of certain items that are prohibited at the Lane County Jail. An inventory includes opening only closed containers that are either *uniquely designed* or *objectively likely* to contain anything prohibited by this policy §903.4.

**Secure Area** – The area within the jail building where custodies are lodged.

**Jail Lockers** – Lockers in a fenced area at the corner of 5<sup>th</sup> Avenue and Charnelton Street.

### 703.4 INVENTORYING RESPONSIBILITIES

Property storage lockers and bicycle racks with security cables are provided at the Lane County Jail at the NE corner of 5<sup>th</sup> and Charnelton, next to the jail sally-port, for the storage of bulk personal property. These lockers and cables are secured with a padlock. The jail lockers are for items that will not fit in the jail property bag which is lodged in the jail with the custody. If possible, items should be lodged inside the jail with the custody.

Arresting officers shall be responsible for strictly following this inventory policy. An inventory is a non-investigatory procedure. Arresting officers who encounter any evidence of a crime shall seize it and lodge it at the Evidence Control Unit (ECU).

Arresting officers who develop probable cause to believe evidence of a crime is located within a closed container that is not open, and not subject to opening because it is not uniquely designed or objectively likely to contain any of the items listed in § 903.4(a) thru (k) will have to seize the closed container and seek a search warrant before opening the container.

Unless otherwise noted in the specific section, the following items are not acceptable for storage inside the Lane County Jail or the jail lockers due to safety and security reasons:

**a. Dangerous weapons including explosive devices, knives, fireworks, tools, ammunition and firearms:**

1. The jail lockers are not designed for any type of combustible or explosive material as required by the Bureau of Alcohol, tobacco, and Firearms (BATF) construction guidelines found in 27 CFR, Part 555(K). Knives, regardless of size, are not acceptable for storage within the secured area of the jail. Tools are not acceptable for storage within the secured area of the jail due to their unique ability to present both physical officer safety dangers and their ability to defeat locking devices, doors and other security measures.

2. Small folding knives which have been made safe utilizing tape or other methods and some tools may be retained in the jail lockers. Tools such as bolt cutters which may be used to cut cables or locks may not be stored in the jail lockers.

3. Firearms are often valuable and are sometimes the subject of false or fictitious claims of loss or damage. Firearms will be stored at the Evidence Control Unit.

**b. Hazardous materials, chemicals, clothing, or property that has been contaminated by dangerous chemicals or bio-hazardous materials:**

Clothing contaminated by chemicals or other hazardous bio-contaminant: The United States Environmental Protection Agency classifies hazardous waste under 40 CFR 261. Materials classified as "potentially harmful" due to having characteristics of ignitability, corrosiveness, reactivity or toxicity are dangerous. No material that has any of these characteristics may be stored in the jail lockers. In an effort to protect staff, arrestees and property, any substance with properties that make it dangerous or potentially harmful to human health or the environment may not be stored in the jail lockers. This includes bio-hazardous materials. These substances should be discarded in an appropriate manner pursuant to department policy.

**c. Illegal drugs, drug paraphernalia and other medications not kept in their original packaging:**

Illegal drugs and drug paraphernalia pose a threat to the security of any secured facility and a threat to law enforcement and non-law enforcement staff of the facility. Illegal drugs and drug paraphernalia exist for the sole purpose of recreational use and are often addictive. Inmates who are or become addicted may stop at nothing to attempt to gain access to their drug of choice. The mere existence of illegal drugs and drug paraphernalia within the confines of the facility when known to anyone, especially inmates, increases the likelihood of their introduction into the facility due to inmate manipulation, outright coercion by implication or actual use of force on members of law enforcement and non-law enforcement staff of the facility and/or their friends and family. Therefore, the presence of illegal drugs and drug paraphernalia being a clear and present danger to law enforcement and non-law

enforcement staff of the facility and other citizens, no illegal drugs and no drug paraphernalia may be lodged within the Lane County Jail or in the jail lockers.

**d. Marijuana:**

Marijuana in illegal amounts and/or forms will be seized as evidence of a crime and lodged at the Evidence Control Unit. Legal amounts and substances of marijuana may be stored in the jail lockers. No marijuana may be stored in the secure area.

**e. Pharmaceuticals/Prescription drugs:**

Pharmaceutical/prescription drugs are often subject of claims of lost or stolen property. List brand names, generic names and quantity on the property receipt form, if applicable. Pharmaceutical/prescription drugs are often abused or used recreationally like illegal drugs, therefore those drugs not contained in their original packaging may not be lodged inside the secure area or in the jail lockers. Prescription drugs in original packaging with valid labels stating that the drugs were prescribed to the prisoner shall be lodged with the prisoner property inside the secure area or lodged at the ECU. Prescription drugs may not be stored in the jail lockers.

**f. All food perishable items, and biodegradable or vegetative substances:**

The United States Food and Drug Administration guidelines for food storage found in 21 U.S.C. § 110 set forth a requirement that storage of food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as deterioration. If food is improperly stored mold will develop and may cause a health hazard. These lockers are for the storage of personal property and are not equipped to properly store perishable, biodegradable or vegetative items. To protect employees, arrestees, and property from contamination by mold or other foodborne illness, food or perishable items may not be stored in these lockers.

**g. Matches, lighters or other ignition sources:**

These items are frequently located on arrested persons and in their property. These items have the characteristics of ignitability as defined by CFR Title 40 (C)§ 261.21 and are a danger to staff and inmates inside of the secured facility should the device itself ignite or ignite other combustible material.

**h. Propellants:**

Due to their unstable and perishable characteristics, propellants, to include e- cigarettes are not approved for storage in the secured areas of the Lane County Jail including the jail lockers.

**i. Live animals, plants, or other organisms:**

The Lane County Jail property storage area is for the storage of personal property and is not equipped to properly store any of these types of items. Items of this kind cannot be cared for and may make it dangerous or potentially harmful to human health.

**j. Valuable items, money, etc:**

Money and small valuables should be inventoried due to the risk of theft or a false or fictitious claims being made against the City for allegedly lost money or valuables.

All jewelry and currency will be removed from the arrested person, inventoried and held in the arrested person's jail property bag where it can be signed for by the arrested person. Money and valuable items may not be stored in the jail lockers.

Consult Policy 702 – Searches and Inventories of Detained Persons for which closed containers may be opened to search for valuables.

**k. Electronics:**

The property storage areas outside the jail and are subject to rapid daily temperature changes depending on the time of year and the weather conditions. Rapid changes in temperature may cause damage to electronic devices such as computers, smart phones, tablets, mp3 device players, and personal data organizers. These items shall be stored at the Evidence Control Unit.

## 703.5 PROPERTY STORAGE PROCEDURE

- a. Enter the gate on the south side of the fenced area or the west side of the fenced area using keys located on the patrol vehicle key ring. This south gate may also be opened using a sergeant's master key.
- b. Fill out a Safekeeping Property Report and include the case number, date, and the custody's name and DOB. The report shall include a description of the inventoried property including serial numbers on property where the number is externally visible. Sign the form and include your badge number and the date it was signed.
- c. Locate an empty locker or bicycle rack. Items should be placed in the smallest sized locker available.
- d. **Bicycles:**
  1. Place a tag containing the case number, custody name, and date placed in the rack on the handle bars.
  2. Place the bike in an empty bike rack location and lock the padlock.
  3. Check the master sheet in locker 29 to determine the padlock code for the selected bike rack location.
  4. Write the rack number and padlock code on the Safekeeping Property Report.
  5. Place the yellow copy of the Safekeeping Property Report in the file in locker 29.
  6. Property may not be stored with the bicycle. Follow the instructions below for property storage.
- e. **Property:**
  1. Inventory the property per EPD *Policy 702 – Searches and Inventories of Detained Persons* to ensure it does not contain one of the prohibited items listed in §703.4, and provide an itemized description of the contents in the space provided on the Safekeeping Property Report.
  2. Place prisoner property in a large clear plastic bag which can be found in locker 29. Knives shall be secured using tape and placed in the bag with the other property. There will no longer be a special location for knives.
  3. Check the master sheet in locker 29 to determine the padlock code for the selected locker.
  4. Write the locker number and padlock code on the Safekeeping Property Report.
  5. Place the yellow copy of the Safekeeping Property Report in the file in locker 29.
  6. Place the yellow copy of the Safekeeping Property Report in the clear bag so that the case number, the date and the prisoner's name are visible through the bag.
  7. Secure the bag.

- |
8. Place the property bag in an empty locker. Unused lockers should have the padlocks unlocked and hanging by the attached chain. Multiple custodies property may not be stored in the same locker.
  9. Secure the lock by closing the shackle and rotating the numbers.
- f. Advise the prisoner that his or her property is being placed in the lockers, and that he/she may retrieve their property by going into the fenced area which will be unlocked remotely from the jail control booth. He or she may then find the locker and/or bike rack number written on the property receipt and unlock the locker or bike rack cable using the code listed on their receipt. Remind them that after they put the code in the padlock, they may need to press the lock together and then pull it open in order to release the lock.
  - g. The deputy should do the following when booking the custody in to the jail:
    1. Request that the prisoner initial the original white copy of the Safekeeping Property Report to confirm the items being stored match the items listed on the form.
    2. Advise the prisoner about the Waiver of Ownership section and give them the option sign the original (white) copy Waiver of Ownership section. If he or she refuses, indicate, "Refused" on the form.
  - h. The Safekeeping Property Report copies shall be distributed as follows:
    1. Yellow: place in locker with property
    2. Pink: give to prisoner
    3. White: route to the ECU (via evidence slot or mailbox in Records)
  - i. Supplies and lock combinations can be found in locker 29 which can be opened using the padlock key found on the vehicle key ring. Locker 29 must be locked after use.
  - j. Over size items that will not fit in a locker may not be left unsecured in the gated area. If items do not fit in a locker, they must be brought to the ECU and submitted with an EPR following current policies for items submitted to the ECU.

	<b>City of Eugene Administrative Policy Manual</b>	<b>APM No:</b>	7.7
		<b>Date Updated:</b>	August 1, 2011

## Policy Title: Performance Evaluations

**Purpose:** To outline the City’s guidelines for the performance evaluation process and organizational expectations.

**Scope:** All regular employees

**Policy Statement:** Two key components to effective performance management are: setting expectations and assessing performance by completing an evaluation. The purpose of the performance evaluation is to assess an employee’s work performance over a specified length of time. Expectations can be goals or simple statements of acceptable, desired performance, activity, and process. It is critical for the supervisor, through discussion, to reach a shared understanding of the expectations with the employee. In this way, supervisors are more fully able to follow through with ongoing, informal coaching and performance feedback. During the evaluation process, supervisors are strongly encouraged to provide an opportunity for the employee to comment in writing on the review.

Performance evaluation of supervisors includes assessment of equal employment opportunity compliance and affirmative action progress within the department or unit they supervise.

**Policy Procedure:**

**Frequency of Performance Evaluations**

Regular and limited duration employees will receive a performance evaluation at 6 months in a position. Subsequent evaluation will be done at 12 months and every 12 months thereafter.

**Related Links:** None

	<b>City of Eugene Administrative Policy Manual</b>	<b>APM No:</b>	8.3
		<b>Date Updated:</b>	August 1, 2011

## **Policy Title: Promotions, Lateral Transfers, and Demotions**

**Purpose:** To clarify the process for employee promotions and demotions

**Scope:** All regular, full- or part-time non-represented employees; represented employees should refer to the appropriate labor agreement

**Policy Statement:** The City of Eugene handles promotions and/or demotions in a fair and consistent manner.

### **Policy Procedure:**

#### **Promotions**

##### **Promotion - Definition**

A promotion occurs when an employee applies and is selected for a vacant position at a higher pay range than their current position.

##### **Promotion - Posting and Selection**

See Recruitment and Selection Policy link below.

##### **Effect of Promotions on Salary**

Employees who are promoted are placed at the step in the new salary range which is an increase of at least 3.75 percent to the nearest step of the new range. The employee cannot be lower than the first step or above the top step of the new range. If a merit increase is due at the time of promotion or within 2 months of the promotion, the supervisor may grant an additional step increase. In instances where a 1- or 2-step increase is not sufficient to reach the first step of the new range, the employee moves to the first step of the new range. The next merit review date for all promotions is 12 months later.

##### **Effect of Promotion on Probation Period**

Employees who are promoted start a new probationary period. See Recruitment and Selection Policy link below.

## **Transfers**

### **Transfer – Definition**

A transfer is the movement of an employee from one position to another within the same classification or to another classification with the same salary range. Limited duration and temporary employees are not eligible for transfers.

### **Types of Transfers and Posting/Selection Process**

Supervisors may fill a vacant position with a transfer. This can occur in one of the following ways:

- A. The supervisor notifies Human Resources that they are interested in considering all employees who qualify for the transfer. Limited duration and temporary employees are not eligible for transfers. Human Resources will then announced the transfer opportunity City-wide. This is generally done via e-mail. After considering the employees who apply, the supervisor will decide whether to fill the vacancy with a transfer or to post the vacancy. If the vacancy is posted, all employees who applied for the transfer will be notified.
- B. Supervisors/managers may elect to transfer employees for business reasons. Transfers of this type which cross departments must be approved by the executive managers of the departments involved.

### **Effect of a Transfer on Salary, Merit Review Date, and Probationary Status**

Transfers into the same classification result in no change in salary or merit review date. In addition, there will be no new probationary period.

Transfers into a different classification at the same salary range result in no change in salary or merit review date. A new probationary period is required.

For more information about transfers, contact the Human Resources Division. Bargaining contracts may vary from this policy. The contract language prevails. See the appropriate labor agreement link below.

## **Demotions**

### **Demotion – Definition**

A demotion is the movement of an employee to a classification with a lower salary range.

### **Types of Demotions and Posting Process**

Supervisors may fill a vacant position with a demotion. This can occur in one of the following ways:

- A. An employee may request to voluntarily demote to a vacant position within their department. If this is approved, no posting is necessary.

- B. Employees may apply for voluntary demotion outside their department by applying during the transfer process identified above in Types of Transfers and Posting/Selection Process section above, when the vacant position being announced is in a classification at a lower salary range from their current classification.
- C. Supervisors may demote an employee as a type of disciplinary action.
- D. Voluntary and involuntary demotions can also be part of a downsizing process.

### **Effect of a Demotion on Salary, Merit Review Date and Probationary Status**

For both voluntary and involuntary demotion:

- A. If the employee's current pay is higher than the top step of the new lower range, the salary will be reduced to the top step of the new lower salary range on the effective date of the demotion. The next merit review date does not change.
- B. If the employee's salary matches a step on the new salary range, the employee will be placed on that step. The next review date does not change.
- C. If the employee's current pay is in-between two steps on the new salary range, the employee's pay is not changed. The next review date will be set based on where the employee's salary is on the new range. If the employee's current pay is closer to the lower step, the next review date is one year after the effective date of the demotion. If the current pay is closer to the higher step, there is no change in the employee's next review date.
- D. If the demotion is a disciplinary demotion, the employee's pay is generally moved to step 6, on step, or down to the closest step on the new pay range. The next review date is one year after the effective date of the disciplinary demotion. In no circumstances would the employee receive an increase.

Voluntary demotions generally serve a new probationary period, while involuntary demotions generally do not serve a new probationary period. Every proposed demotion should be discussed with Human Resources Division to evaluate the impact on an employee's probationary period.

Employees, who are still within their initial probationary period at the time of demotion, may be placed at a step lower than specified above. If the demotion happens during an employee's probationary period in a new position and the demotion is to the employee's former classification, the employee will return to the former step at that pay range and the former merit review date will be reinstated. If the employee's demotion is to a new classification, the new step will be determined based upon an evaluation of the

employee's skill level. Such a placement needs to be coordinated with Human Resources Division.

Labor agreements may differ from this policy. The contract language prevails. See Disciplinary Process Policy/ Due Process section link below.

**Related Links:** For Promotions, Lateral Transfers and/or Demotions related to Represented Employees, see Appropriate Collective Bargaining Agreement Links  
[AFSCME: Article 11.2.F and G; Article 11.3; Article 11.8.B; Article 15.7.C; Article 15.5](#)  
[EPEA: Article 16.4; Article 38](#)  
[IAFF: Article 20.2; Article 30.2](#)  
[Recruitment and Selection Policy](#)  
[Disciplinary Process Policy](#)

A P P M

	<b>City of Eugene Administrative Policy Manual</b>	<b>APM No:</b>	3.3
		<b>Date Updated:</b>	August 1, 2011

## Policy Title: Recruitment and Selection

**Purpose:** To outline organizational policies around recruitment and selection

**Scope:** All employees; Represented employees should refer to the appropriate labor agreement

**Policy Statement:** The City of Eugene will treat all applicants and employees fairly and impartially without regard to race, religion, creed, color, national origin, gender, gender identity, age, mental or physical disability, marital or family and veteran status, sexual orientation, source of income, or any other basis prohibited by local, State, or Federal law, except where there are bona fide occupational requirements.

**Policy Procedure:** Hiring is a complex, shared management responsibility. There are a variety of operational concerns of the hiring department which must be considered. These include the City's compensation policies, budget restraints, collective bargaining agreements, equal employment opportunity/affirmative action objectives, and other policy and legal guidelines. It is the hiring department's responsibility to consider and implement its affirmative action goals when filling vacant positions.

Employment applications will include statements affirming that the City of Eugene is an Equal Opportunity Employer and that the City values diversity in its workforce and is committed to affirmative action.

Employment applications contain an equal employment opportunity/ affirmative action section which solicits pertinent information from all applicants. The affirmative action section of the application states that providing the information is voluntary and for equal employment opportunity/affirmative action purposes only and that refusal to provide such information will not affect an applicant's status.

The roles and procedural responsibilities of management staff in the recruitment and selection process must be carefully followed to ensure selection of qualified candidates. The hiring department has the primary responsibility to ensure that competent candidates are selected to perform City services. Likewise, Human Resources has primary responsibility to actively seek qualified applicants, to meet legal obligations, and to protect the integrity of City employment policies.

To clarify the conditions of employment to prospective employees, a written job offer is required for regular, limited duration, and temporary-hourly positions, and for promotions or voluntary transfers to another classification or movement from one pay unit to another. The job offer letter must be signed by the applicant before the employee starts to work. Templates for Job Offer letters are available on-line through the link below or through the Recruitment & Selection section of the intranet.

### **Recruiting Regular (Full-time/Part-time) Employees**

Generally, all regular full-time, regular part-time positions, and limited duration positions must go through a competitive recruitment process. Most positions are posted externally; however, some positions may meet the Internal Posting Guidelines, outlined in the link below, and be posted internally in the organization. Hiring managers in consultation with Human Resources determine the most appropriate posting strategy for their vacancy. All internal postings for positions must be posted for a minimum of 7 days, and all external postings must be posted for a minimum of 14 days. Temporary positions may be filled through an employment agency, or may be filled through Human Resources. Any exceptions must be approved by Human Resources.

### **Internal Applications**

Employees applying for a vacant position must submit a regular City application form to Human Resources. A separate application packet must be submitted for each job vacancy.

### **Recruitment-Related Procedures, Tools and Forms**

Detailed recruitment options, procedures, tools, and forms are available on the Recruitment & Selection section of the intranet found through the link below. Contact Human Resources Recruitment and Selection staff for consultation throughout the recruitment process. All recruitment and evaluation records are confidential.

### **Promotions and Transfers**

#### Promotions

All recruitment and selection procedures apply to promotions. Upon promotion, a new probationary period will be in effect. See Promotion, Lateral Transfer and Demotion Policy link below for more information.

#### Transfers

A transfer is the movement of an employee from one position to another within the same classification or to another classification with the same salary range. Limited duration and temporary employees are not eligible for transfers. Supervisors may fill a vacant position with a transfer. This can occur in one of the following ways:

- A. All transfers for represented positions must follow any guidelines established in the collective bargaining agreement.

- B. Supervisors/managers may elect to transfer employees for business reasons. Transfers of this type which cross departments must be approved by the Executive Managers of the departments involved.

### **Employment of Minors**

Work permits for minors (ages 14, 15, 16, 17) are no longer required by the State of Oregon. Instead, the City must obtain an Annual Employment Certification for minors, which allows the City to employ minors in accordance with State and Federal laws. Human Resources applies for this certification and monitors the employment of minors for compliance with the appropriate laws.

Supervisors are responsible for verifying the age of a minor at the time of employment. A copy of the document that is used to verify age must be attached to the hire PAF. State and Federal laws specify the type of work and number of hours of work a minor is permitted to work. Supervisors are responsible for the appropriate application of these laws. For more information contact Human Resources.

### Driving Restrictions for Minors

No one under the age of 18 is authorized to drive a City vehicle.

### **Pre-Employment Policies**

#### Reference Checks

Reference checks on all finalists will be conducted by the hiring manager prior to extending a job offer. Records related to these checks should be returned to Human Resources and retained as part of the recruitment file.

#### Backgrounds

##### Public Safety Positions – Background

Any new employee in Police, Fire, 9-1-1 or Municipal Court will be required to pass a background check. This background check is done by the Police Department. The results of this full background check will be reported to Recruitment and Selection staff in Human Resources, who will then contact the hiring supervisor. All documentation from the background check will be maintained in Human Resources. Contact Human Resources for information about positions requiring the background check.

##### Other Background/Criminal Checks

Some City employees are assigned work in the secured areas of Police, 9-1-1, Fire, and Municipal Court, but are not employees of those departments (e.g. Custodians in Central Services). In addition, some City employees have access to secure information (e.g. Human Resources, Risk Services) related to public safety. These employees are required to pass a background check before being hired or assigned to the position. The background check will be done by the

Police Department. Contact Human Resources to determine which positions require a background check.

Human Resources has the paperwork available for finalists to complete prior to the background check. When the finalist has completed the paperwork it is to be returned to Human Resources Division, who will then work with the Police Department to begin the background check. The results of the background check will be reported to Human Resources, who will contact the hiring supervisor. Documentation of the background check will be kept on file in Human Resources.

The Eugene Airport, a division of the Public Works Department, is responsible for completing TSA security clearance checks on employees assigned to work at the Airport, per TSA guidelines.

Finance, Information Systems, Library, Recreation and Cultural Services Department have some positions which require a criminal records check. Human Resources staff completes this criminal records check. Contact Human Resources Division for information and procedures.

The level of background check for each position is determined by a number of risk factors. Please consult with Human Resources Recruitment & Selection staff regarding the appropriate level of background for the vacancy you are filling.

#### Physical Exams and Conditional Offers of Employment

As a condition of employment and after all recruitment procedures have been completed, finalists for full- or part-time jobs which require heavy physical labor or exertion must successfully pass a pre-employment physical, which may include a drug test. This requirement also applies to finalists for working supervisory positions, limited duration positions, and some temporary positions. The results from the physical exams are maintained in Risk Services. Check with Human Resources to determine which jobs have the physical exam requirement.

In compliance with the Americans with Disabilities Act, the City must extend a conditional offer of employment letter to the finalist for this type of position, prior to the physical exam. Conditional letters of employment must be in writing and given to the finalist prior to the physical exam. A Conditional Offer Letter template is available from Human Resources Division.

#### Drug Screens

All regular new hires for the Police and Fire Departments must pass a drug screen test. Those new hires that have a physical exam will have a drug screen as part of the exam. All others will have the drug screen test only. This policy does not apply to current City employees who promote or change jobs to a position in the Police or Fire Departments.

Other positions in the City, such as those positions requiring a Commercial Driver's License, may also have a drug screen requirement as part of the hiring process.

## **Probation**

Probationary periods are part of the evaluation period for determining the qualifications of new or promoted employees and employees who have accepted a voluntary demotion or transfer to another classification.

### Non-Represented Employees

A non-represented employee who has not completed twelve (12) months of continuous employment with the City in a regular, budgeted position shall not be considered a regular employee, is considered an employee-at-will, and may be disciplined or discharged for any lawful reason without warning or just cause. The City may extend the probationary period for up to six (6) months if more time is needed to assess the employee's performance, or longer in exceptional circumstances where the employee has been absent or has worked in a different capacity. To extend probation, the City must provide the employee with written notification prior to the end of the probationary period. Such documentation should also be signed by the employee acknowledging the extension. Supervisors should contact Human Resources prior to extending a probationary period.

Non-represented employees, who promote, voluntarily demote, or transfer to another classification shall serve a probationary period equal to that which a new employee would serve. If the City determines that the employee fails to meet the requirements for the new position at any time during his/her probationary period, the employee may be returned to the previously held classification or position, at the City's discretion, provided the employee is still qualified and the position is available. If the position is unavailable, the employee may be discharged without warning or just cause.

### Represented Employees

Current collective bargaining agreements specify the length and conditions of probationary periods for all employees covered by the agreement. Refer to the appropriate union contract for information on probation for represented employees.

## **Moving Policy**

Moving expenses may be paid (in part or full) for newly hired employees in higher level managerial positions and for professional positions for which recruitments have proven to be difficult. Exceptions for other employees may be made by a division or executive manager in consultation with Human Resources. In all cases, agreement to pay moving expenses must be approved by a division or executive manager.

Reimbursement to an employee is processed through the Accounts Payable System. The City will only reimburse for actual expenses. The employee must provide back-up

documentation or invoices for moving expenses. Moving expenses are generally not considered to be taxable income to the employee; however, this should be verified on a case-by-case basis by contacting Payroll staff.

If employees, whose moving expenses have been paid by the City, resign or are terminated within one year of appointment, they will be required to reimburse the City through a payroll deduction.

### **I-9 Form**

The I-9 form documents an individual's identity and their authorization to work in the United States. This form is required by the US Department of Homeland Security for all employees hired after November 7, 1986.

The employee must accurately complete the first section, on or before the first day of employment. It is the employer's responsibility that section one is completed timely and properly.

The employee must provide a valid, original document or documents that establish identification and authorization to work in the United States within three business days from the first date of employment. The employer will not specify which document(s) the employee should provide and will not accept any expired documents. Complete instructions and a list of acceptable documents are provided on the I-9 form.

When the employee presents their valid, original document(s) required for the I-9 form, only a trained I-9 administrator will thoroughly examine the document(s) and accurately complete section two of the I-9 form. In addition, the administrator will attach a photocopy of both the front and back of the document(s) to the I-9 form. Documents should appear to be genuine and to relate to the individual.

New employees will not be denied employment due to a future expiration date of any document(s) provided. If the employment authorization end date, provided in section "A" by the new employee, has an end date, an employee may not work or be paid past this date unless eligibility for employment can be recertified. This excludes a U. S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident (form I-551) or a List B document that has expired. It is the responsibility of the employee to obtain an extension of their employment authorization. If the employment authorization is not extended, the employee will be terminated. Contact Human Resources for assistance with employees who have temporary authorization to work in the United States.

Section three of the I-9 form will be used for re-verification of extended employment authorizations, and for name changes. When completing section three, the I-9 administrator will again thoroughly examine the document provided and attach a front and back copy to the I-9.

The completed I-9 form and photocopies of the documentation must accompany the new hire paperwork for all new employees. PAF's will not be processed without them.

The "Handbook for Employers, Instructions for Completing Form I-9" (Publication M-274) issued by the US Department of Homeland Security provides detailed information about the I-9 process and is available in the Related Links below.

**Related Links:**

[CESHARE Recruitment and Selection Resources](#)

[Internal Posting Guide](#)

[Handbook for Employers Instructions for Completing Form I-9 \(Publication M-274\)](#)

[I-9 Quick Reference Guide](#)

[Promotions, Lateral Transfers, and Demotions Policy](#)

APM

	<b>City of Eugene Administrative Policy Manual</b>	<b>APM No:</b>	12.1
		<b>Date Updated:</b>	August 1, 2011

## Policy Title: General Causes for Discipline

**Purpose:** To list general causes for disciplinary action

**Scope:** All regular and temporary employees

**Policy Statement:** The following activities or behaviors, while not all inclusive, are general causes for disciplinary action.

- A. Insubordination, inefficiency, incompetence, or performance of less than required duties.
- B. Using intoxicants on the job or reporting for work under the influence of intoxicants.
- C. Habitual or excessive absence or tardiness or abuse of sick leave privileges.
- D. Absence from duty without authorization or failure to notify a supervisor when an employee is unable to come to work or to report on time.
- E. Conviction of a felony or misdemeanor when the conviction would impair an employee's effectiveness as a City employee.
- F. Willful or careless violation of safety rules or policies.
- G. Offensive conduct toward the public or fellow employees or other conduct unbecoming to a City employee.
- H. Willful violation of the provisions of the City Charter, ordinances, or other City rules or regulations, or failure to follow a lawful supervisory directive.
- I. Willful disobedience or failure to follow a lawful supervisory directive.
- J. Misuse of City property.
- K. Dishonesty
- L. Fraud in securing employment with the City.

M. Failure or refusal to cooperate in an internal investigation.

N. Interfering with an internal investigation.

**Policy Procedure:** None

**Related Links:** [Disciplinary Process Policy](#)

A P P M

	<b>City of Eugene Administrative Policy Manual</b>	<b>APM No:</b>	12.2
		<b>Date Updated:</b>	August 1, 2011

## Policy Title: Disciplinary Process

**Purpose:** To define the disciplinary process

**Scope:** All regular and temporary City employees

**Policy Statement:** The City of Eugene believes in holding employees accountable for their conduct and performance and has established a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The progressive discipline policy and procedure is designed to provide a fair and equitable process that is consistent with our organizational values, HR best practices, and employment laws.

Generally discipline proceeds from oral reprimand to written reprimand to suspension to termination. The City of Eugene reserves the right to combine or skip steps depending upon facts of each situation and the nature of the offense. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling, and/or training, the employee's work record and the impact the conduct and performance issues have on the organization. Other forms of discipline may be used such as temporary or permanent demotions or restrictions from overtime. In addition, an employee may be required to take specific classes or training such as anger management, as part of their discipline. Outlined below are the steps of our progressive discipline policy and procedure.

### **Regular Employees**

Regular full-time and part-time employees have property interests in employment after their probationary period has been completed. No regular employee who has completed the initial probationary period shall be subject to discipline or discharge without just cause. Regular employees are normally disciplined in a progressive manner, beginning with an oral reprimand and proceeding to written reprimand, suspension or discharge. Alternate forms of discipline may be used when deemed more appropriate. If warranted by circumstances, higher level disciplines, including suspension, demotion, or discharge may occur without prior discipline.

### **Temporary, Limited Duration, and Probationary Employees**

Temporary, limited duration, and probationary employees are employees at will which means they have no property interest in City employment and may be terminated without prior disciplinary warning.

## **Policy Procedure:**

### **Disciplinary Process for Regular Employees: Authority and Confidentiality**

#### Disciplinary Authority

The City Manager, as appointing authority, has the ultimate authority to hire and fire employees. This authority has been delegated to department managers and Human Resources Division. To ensure consistent decision-making, all disciplinary actions should be reviewed with an appropriate level of department management and Human Resources Division prior to being issued. While disciplinary decision-making is a responsibility of supervisors, no regular employee may be discharged, suspended without pay, demoted, or deprived of any other monetary benefit or property right without consultation and approval of the department manager and notification and review of Human Resources Division. Depending on the nature of the allegation, this may require that the supervisor place the employee on administrative paid leave until the necessary consultation can take place and the necessary procedural steps can be completed. These steps are required by a constitutional doctrine known as "due process", unless the individual is an employee at will.

Supervisors must administer discipline within the general guidelines described in this policy and in accordance with procedures established in departmental regulations.

Managers and supervisors should maintain job performance records to document poor performance when it occurs and written records on investigations and rule infractions even when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands, should be sent to Human Resources Division for inclusion in the employee's personnel file.

#### Confidentiality of Disciplinary Actions

It is the policy of the City to treat all disciplinary actions confidentially. Information related to individual disciplinary actions should be shared only with those people who have a strict business need to know to assist in the processing of discipline. Specific information on an employee's discipline should be released only if the City is legally required to do so.

### **Regular Employees - Due Process for Disciplinary Suspension, Demotion, or Discharge**

Supervisors are required to afford due process to an employee prior to depriving him/her of pay or his/her job, unless the individual is an employee at will. With any suspension without pay, demotion, or discharge, after completing the investigation of the allegation, the supervisor must give the employee notice of the charges, the rules or policies that were violated, and the discipline being proposed. The employee must be given the opportunity to respond to the due process notice prior to administering the

discipline. Due process notices must be reviewed by Human Resources Division to ensure that legal requirements are met.

### **FLSA Exempt Employees - Suspensions without Pay, Temporary Demotions, or Reductions in Pay**

For employees who are exempt from the Fair Labor Standards Act, any reduction of pay, including suspensions or temporary demotions, must be in increments of a full week unless the reduction is for workplace misconduct or an infraction of safety rules of major significance.

An employer may impose an unpaid suspension in full day increments for infractions of workplace conduct rules, such as rules prohibiting:

- sexual harassment
- workplace violence
- drug or alcohol use, or
- violations of state or federal laws

This provision refers to serious misconduct, not performance or attendance issues, and there must be a written policy in place applicable to all employees. Consult with Human Resources Division for advice in these situations.

### **Review of Disciplinary Actions**

Disciplinary actions, when directed toward regular, non-probationary employees, are subject to review. Non-represented employees may grieve a disciplinary action under the City's Complaint Policy and Process. Union employees may use the grievance procedures set forth in their contract.

### **Related Links:**

[Employee Records and Personnel Files Policy](#)  
[Termination of Employment Policy](#)  
[City Complaints Policy](#)

# CONTRACT

Between

**THE CITY OF EUGENE**

and

**THE EUGENE POLICE  
EMPLOYEES' ASSOCIATION**



**Effective July 1, 2016 - June 30, 2019**

- 37.8 No documentation created by the Police Auditor or the Civilian Review Board may be maintained in the employee's official personnel file.
- a. The City will not release the contents of the database to outside parties except as required by law.
- 37.9 The City will document all contacts, including inquiries, complaints and commendations in a log or database by Internal Affairs and the Police Auditor. This database may be shared only by and among Internal Affairs, the Police Auditor, City staff, the City attorneys, and management consultants, or as required by law.
- 37.10 The City, upon the receipt of a valid public information request which asks for the release of an Internal Affairs investigation, will notify the employee of the request. The employee may consent to the immediate release of the information. If an employee does not consent, the City's attorney will make a decision whether the requested information must be released.

### **Article 38 PROMOTIONS**

- 38.1 Promotion to Agent: Police Officers shall be eligible for promotion to Police Agent upon satisfying the following:
- a. Must have an Intermediate Oregon certificate or have possessed a comparable certificate, as determined by the City, from another jurisdiction outside Oregon within the previous twenty-four (24) month period.
  - b. Must obtain Advanced Oregon certificate within thirty-six (36) months of appointment.
  - c. An officer's work performance/record must meet the standards established for Police Officer. If promoted to Police Agent, the officer must meet and continue to meet the standards established for Police Agent.
  - d. Have satisfactorily completed one hundred eighty (180) term hours at an accredited institution of higher learning and three (3) years of police experience, or have obtained ninety (90) points and five (5) years of police experience.
- 38.2 Earning points:
- a. One (1) point may be earned for every credit hour of satisfactorily completed courses at an accredited institution of higher learning.

- b. One (1) point may be earned for every twenty (20) hours of approved in-service training

38.3 Employee rights regarding promotional processes:

- a. An employee, upon inquiring, shall have the right to be informed of the specific criteria that will be used for selection, including the areas of knowledge and the skills that will be tested. The City will provide the information in a timely manner.
- b. An employee, who participates in a promotional process but is not a successful candidate for promotion, shall have the right, upon request, to feedback on his/her performance in the selection process. The employee may request the feedback be either oral or in written form.
- c. An employee who is not successful in a selection process, upon providing a written statement of reasons for believing the process to have been flawed, may file a complaint under the City's formal complaint procedure (see the Employee Handbook). This provision shall not apply to employees who voluntarily withdraw from the process prior to its conclusion. The employee shall exhaust the complaint procedure before resorting to any external process which may be available.
- d. If the City uses an assessment center, the City will insure that only trained assessors are utilized in the assessment center. Questions relating to technical exercises will not be assessed for technical dimensions by non-technical persons.
- e. When an internal promotional process is completed for any position in the bargaining unit, the City will notify all candidates of their score and, if applicable, their rank on the eligibility list for the position. The City will promote employees from an eligibility list in rank order unless the City can reasonably demonstrate a specific business reason for promoting out of order.
- f. In bargaining unit promotional processes opened for outside applicants, if all qualifications are basically equal, internal applicants will be given preference over outside applicants.

### **Article 39 PARKING**

The City will provide free parking to all bargaining unit members at their regularly assigned stations located at:

EPEA Contract – 50

## **Eugene Police Critical Incident Response Team (CIRT)**

### **Talking Points**

**Emily Macauley-CIRT Team Supervisor**

#### **History of EPD CIRT Team**

- The start of Peer Support teams around Oregon
- What type of Peer Support teams were formed
- Training of Peer Support team members
- Early methods of the EPD CIRT team
- The loss of two officers in 2011

#### **Transition of our CIRT Team (over the last couple of years)**

- New leadership on team
- Addition of more CIRT team members
- Shifted to a proactive approach that includes Employee Wellness in addition to Peer Support
- Creation of a strategic plan
  - Visibility
  - Traumatic Incident Directive
  - CIRT Resource Guide
  - Addition of family liaison position
  - CIRT related trainings (emotional survival/resilience)
  - Presentations
  - Line of Duty Death (LODD) manual
  - Quarterly CIRT Newsletter

- Tiered approach to Peer Support
  - Casual check in
  - Monitoring
  - Defusing
  - Critical Incident Stress Debrief (CISM)
  
- Implementation of Employee Wellness
  - Mindfulness resources (classes/phone app)
  - Spouse/Family resources
  - Nutritional resources
  - Wills for Hero's Program
  - Suicide prevention program

## What is Mindfulness?

- It is a form of meditation designed to develop the skill of paying attention to our inner and outer experiences with acceptance, patience, and compassion.

## Benefits of Mindfulness

- Eases aches and pains
- Makes us smarter and improves decision-making
- Improves moods
- .Increases our ability to feel empathy and benevolence for others
- Boosts attention span and focus
- Increases resilience and equanimity
- Slows down neurodegenerative diseases
- Enhances creativity
- Reduces feeling of loneliness

## Headspace Phone App

- Learn to meditate in just 10 minutes a day with the Headspace app. Daily meditation has been shown to help people stress less, exercise more and even sleep better.





**Protect. Serve. Care.**

# **Chief Kerns' Report to the Police Commission**



**December 2016**

# Chief's Activities

- Support the Blue Event
- **NAMI Lane County Holiday Dinner**
- Command Leadership Training—The Speed of Trust
- **Ride along at the Communications Center**
- LECC Meeting
- **Executive Managers Workshop**
- Law Enforcement Monthly Lunch Meeting

# In the News



★ **Driver Crashes Into Wall At Federal Courthouse**

★ **Man convicted in hit and run crash case**

★ **Officer Michael Klews Earns International Accreditation in Traffic Crash Reconstruction**

★ **Robbery at Best Western on Franklin**

★ **New DUII Prevention Weekend Taxi Cab Staging Near Broadway/Olive**

★ **Driver, owner of car found submerged in pond are accounted for and safe**

★ **Rape Suspect Arrested in Nevada**

# Looking Ahead

- **Downtown Park Blocks**
- **Planning in place for President Trump's Inauguration**
- **ELTS Winter Conference**

**PROTECT.SERVE.CARE.**

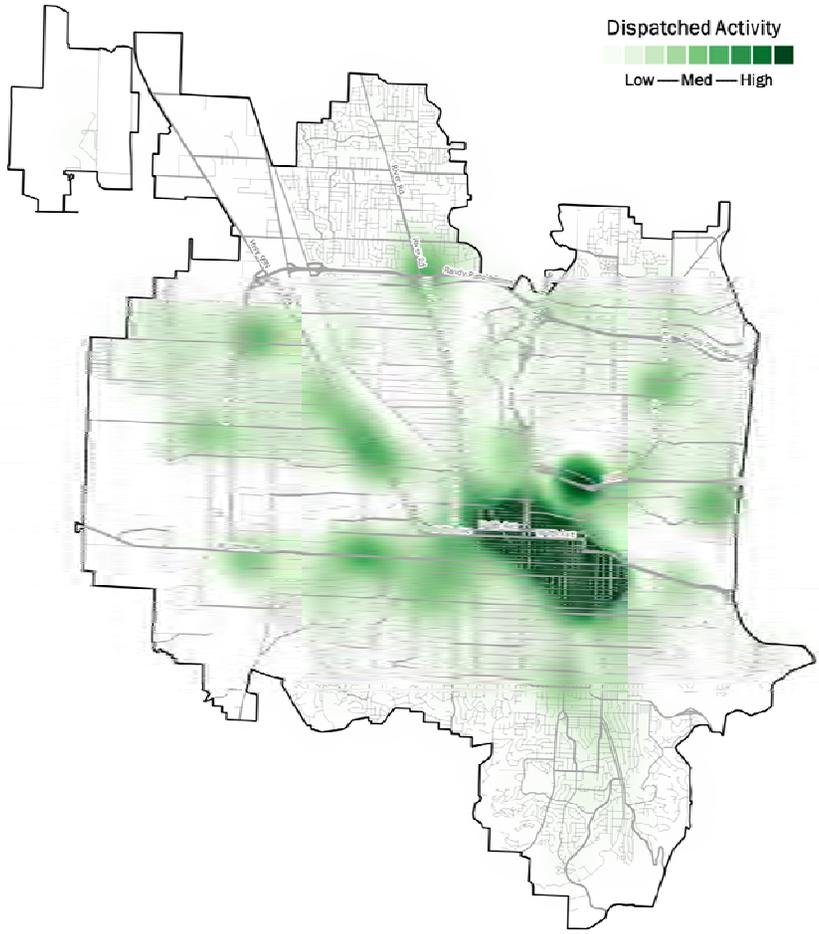


# Call Source Density Maps (January 1-December, 2016)

PROTECT.SERVE.CARE.

### Dispatched Calls for Service (Public Demand) City-Wide

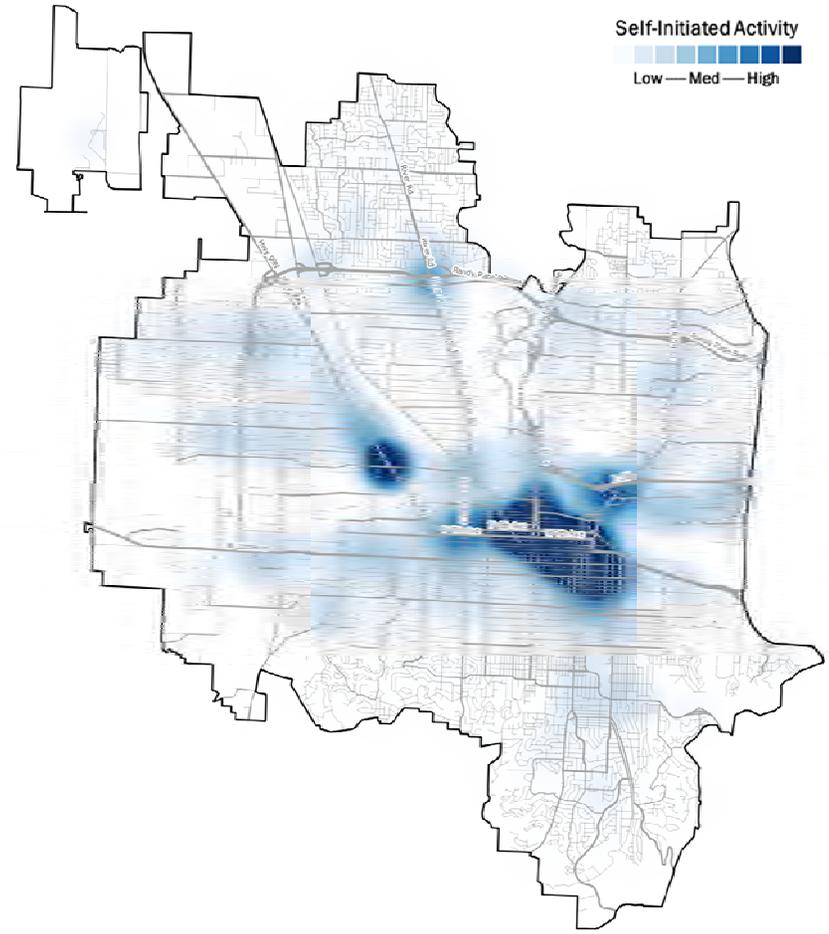
(Data represents January 1<sup>st</sup> through December 31<sup>st</sup>, 2016)



Map produced on January 3<sup>rd</sup>, 2017

### Self-Initiated Calls for Service City-Wide

(Data represents January 1<sup>st</sup> through December 31<sup>st</sup>, 2016)



Map produced on January 3<sup>rd</sup>, 2017



PROTECT.SERVE.CARE.

Person, Property, and Behavior Charges for Jan to Dec, 2015-16\*

Category	Offense	2015	2016	% Change
Person	01 Homicide	7	7	0.00%
	02 Rape	73	64	-12.33%
	03 Robbery	141	139	-1.42%
	04 Assault	1,490	1,546	3.76%
	17 Sex Offense	248	277	11.69%
	20 Family Offense	52	51	-1.92%
	25 Kidnapping	30	23	-23.33%
Property	05 Burglary	1,150	1,081	-6.00%
	06 Theft	4,865	4,693	-3.54%
	07 Motor Vehicle Theft	777	801	3.09%
	09 Arson	46	75	63.04%
	10 Forgery	196	294	50.00%
	11 Fraud	964	917	-4.88%
	12 Embezzlement	9	5	-44.44%
	13 Stolen Property	99	65	-34.34%
	14 Vandalism	1,355	1,435	5.90%
	23 Extortion/Blackmail	2	7	250.00%
Society	15 Weapons Offense	188	185	-1.60%
	16 Prostitution	13	48	269.23%
	17 Sex Offense	15	19	26.67%
	18 Drug Abuse	1,278	1,254	-1.88%
	21 DUII	716	701	-2.09%
	22 Liquor/Tobacco Violation	1,139	802	-29.59%
	24 Disorderly Conduct	755	795	5.30%
	26 All Other Crimes	3,073	2,258	-26.52%
28 Curfew	2	2	0.00%	
29 Runaway	147	152	3.40%	
<b>Category</b>		<b>2015</b>	<b>2016</b>	<b>% Change</b>
Person		2,041	2,107	3.23%
Property		9,463	9,373	-0.95%
Society		7,326	6,216	-15.15%
<b>Total</b>		<b>18,830</b>	<b>17,696</b>	<b>-6.02%</b>

\*This is a preliminary report, final counts for 2016 will not be complete until closer to January 15, 2017.

\*\*Eugene Police Department historically includes Robbery among person crimes due to the threat of immediate use of physical force upon another person, however by US Code and Oregon Statute, Robbery is listed as a property crime.



**The End**