

**EUGENE CIVILIAN REVIEW BOARD**  
**POLICIES and PROCEDURES MANUAL**

<i>Title</i>	<i>Page</i>
<b>Chapter 1 – General Overview.....</b>	<b>2</b>
A. Mission Statement	
B. Values and Outcomes of Oversight	
C. Statement of Principles and Code of Conduct	
<b>Chapter 2 – Bylaws of the Civilian Review Board.....</b>	<b>3</b>
A. Article I: Establishment of the Civilian Review Board	
B. Article II: Purpose and Objectives	
C. Article III: Appointment, Membership and Term of Office	
D. Article IV: Officers and Duties	
E. Article V: Election of Officers	
F. Article VI: Operating Requirements of Board and Members	
G. Article VII: Meetings, Voting and Procedures	
H. Article VIII: Staff to the Civilian Review Board	
I. Article IX: Committees, Programs & Work Groups	
J. Article X: Amendment of the Bylaws	
<b>Chapter 3 – Policies and Procedures.....</b>	<b>12</b>
A. Guidelines for Meetings	
B. Criteria for Case Reviews	
C. Case Review Procedures	
D. Training	
<b>Appendices.....</b>	<b>14</b>
A. Charter Language relating to the Civilian Review Board Chapter III; Section 15-A. External Review of Police	
B. Ordinance 20374	

## **Chapter 1 – General Overview**

### **A: Mission Statement**

The Mission of the Civilian Review Board is to provide fair and impartial oversight and review of citizen complaints and internal investigations conducted by the City of Eugene Police Department. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and in a timely manner. The Board will encourage community involvement and transparency in order to promote the principles of community policing in Eugene.

### **B: Values and Outcomes of Oversight**

The values that underlie Eugene’s system of Civilian Oversight are accessibility, safety, impartiality, thoroughness, quality assurance, transparency, accountability and fairness. These values are employed to achieve an impartial, transparent and timely complaint process that protects and respects the rights of all involved, promote credibility, enhance trust, and improve services to the community.

### **C: Statement of Principles and Code of Conduct**

Preamble: Members of the City of Eugene Civilian Review Board have a unique role as public servants. Our community, the City Council and the Eugene Police Department have entrusted us with the responsibility of providing oversight and analysis of the police complaint process from a civilian perspective. We earn this trust through a firm commitment to the public good, the mission of our board, and the ethical and professional standards of conduct described in this statement.

Personal Integrity: We demonstrate the highest standards of personal integrity, commitment and honesty to inspire trust and set an example. We will be fair, thorough, and impartial in the performance of our duties. We will avoid conflicts of interest and recuse ourselves when such conflicts arise. We will not accept gratuities or favors that might compromise our impartiality or independence.

Independent and Thorough Oversight: We conduct our reviews and evaluations with due diligence, an open and inquisitive mind, integrity, objectivity, fairness and in a timely manner. We will rigorously test the accuracy and reliability of information from all sources. We will determine the facts and present our findings without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality: We conduct our oversight activities in an open and transparent manner providing regular reports and explanations of our procedures and practices to the public. We will maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment: We treat all individuals with dignity and respect, and without preference or discrimination based on age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.

Community Outreach: We conduct outreach activities and disseminate information throughout the community. We will seek open, candid and non-defensive dialogue with stakeholders to both educate and learn from different communities in Eugene.

Self-Examination and Continuous Improvement: We seek continuous improvement in the performance of our duties, and in the police complaint process in Eugene. We will regularly evaluate and analyze our activities to determine the effectiveness of our work. We will identify and forward to the Police Auditor, the Police Department and the Police Commission policy and organizational concerns intended to improve police services and advance performance and accountability.

Professional Excellence: We actively seek professional development to ensure our competence. We will work to understand the policies, procedures and practices of the Eugene Police Department necessary for the conduct of our duties. We will keep informed of the current legal, professional and social issues affecting our community.

Obligation to the Community: We will, at all times, place our obligation to the community and objectives of and goals of Eugene’s civilian oversight system above our personal self-interest.

## **Chapter 2 – Bylaws of the Civilian Review Board**

### **A. ARTICLE I - ESTABLISHMENT**

The Eugene Civilian Review Board, hereinafter referred to as the Board, was established by Eugene City Ordinance #20374.

Ordinance Number 20374 reads in part: “There is hereby established a Civilian Review Board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the Civilian Review Board shall evaluate the work of the independent police auditor, and may review completed complaint investigations involving sworn police employees

to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.”

All powers and duties of the Eugene Civilian Review Board are derived from the City of Eugene Charter and Ordinance #20374. Nothing in these bylaws shall be construed as expanding the authority conferred upon the civilian review board by the ordinance.

## B. ARTICLE II - PURPOSE AND OBJECTIVES

Section 1. The board shall act as an advisory body to the Eugene City Council. The review board shall:

- a. Evaluate the work of the independent Police Auditor;
- b. Comment from a civilian perspective about whether complaints are handled fairly and with due diligence;
- c. Consider reviewing complaints that have been identified as community impact cases by the Police Auditor;
- d. Report on its case reviews which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation and the reasonableness of the adjudication;
- e. Conduct education and outreach activities to inform the community; and
- f. Develop and disseminate information and forms regarding the police complaint handling and review system.

Section 2. The Board shall develop a mission statement, agree in writing to a Statement of Principles and Code of Conduct, a yearly work-plan, and prepare and present an annual report to the city council that:

- a. Summarizes its activities, findings and recommendations for the preceding year;
- b. Assesses the performance of the police auditor; and
- c. Reviews trends and statistics of complaints against sworn police officers and civilian employees.

Section 3. The 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 auditors office; or
- d. Incur city expenses or obligate the city in any way without the prior authorization of the Police Auditor or City Council.

Section 4. When there are comments on policy and procedural issues identified during its case reviews, those comments shall be provided to the police auditor and to the Eugene Police Commission for further consideration. The review board may develop additional reports it deems necessary or as requested by the city council. The civilian review board shall strive to protect the privacy of all individuals and shall not disclose the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed.

### C. ARTICLE III - APPOINTMENT, MEMBERSHIP, TERM OF OFFICE

Section 1. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.

Section 2. The review board shall consist of five or seven members at the determination of the council.

- a. One member shall be nominated to serve jointly on the board and on the Eugene Police Commission, subject to the approval of the city council; and
- b. One member shall be elected to serve as liaison to the Eugene Human Rights Commission.

Section 3. Members of the Board shall be volunteers appointed by the City Council, who immediately prior to their appointment shall be:

- a. A resident of the city;
- b. 18 years or older; and
- c. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.

Section 4. The members of the board shall be appointed to a three (3) year term. The terms of the first appointees shall be staggered so that approximately one-half of the members' terms end after three years.

Section 5. No member of the board shall serve more than three (3) consecutive terms.

Section 6. Vacancies on the board shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. The City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. The death or resignation of the member;
- b. Removal of a member by the City Council for being absent for more than three consecutive meetings without notifying the Board Chair;
- c. The member ceases to be qualified for initial appointment.

Section 7. Board members shall receive no compensation, but shall be reimbursed for authorized expenses.

#### D. ARTICLE IV - OFFICERS AND DUTIES

Section 1. The board shall annually elect from among its members a chair and vice chair.

Section 2. Election of officers will be held no later than the board's regular meeting in October. If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term. If the Vice Chair cannot serve a full term, the board shall, at the meeting following the departure from office of the Vice Chair, elect a new Vice Chair to complete the unexpired term. If both Chair and Vice Chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

Section 3. A board member may not be elected as Chair for more than three (3) consecutive one year terms.

Section 4. The Chair shall preside at all meetings of the board; call special meetings subject to requirements of Article VII; consult with staff on preparation of board agendas; and perform all other duties necessary or incidental to the office.

Section 5. In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and the Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.

Section 6. The Chair shall decide on all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present.

Section 7. The Chair and Vice Chair are entitled to vote on all issues.

Section 8. The Chair or Chair's designee is the official spokesperson for the board on all matters of community concern addressed by the Board.

Section 9. The Chair and Vice Chair shall:

- a. Assist with educating board, committee and City Council members on procedures and responsibilities;
- b. Act as liaisons between the board and all committees;
- c. At the request of the board, prepare recommendations on board bylaws and other administrative matters.

#### E. ARTICLE V - ELECTION OF OFFICERS

Section 1. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair. Nominations need not be seconded.

Section 2. A member may withdraw their name if placed in nomination, but members may not withdraw in favor of another member.

Section 3. Any member may move to close the nominations; a second is required. If the motion carries, the Chair then calls for the election.

Section 4. The votes of all members will be recorded by the minutes recorder. The candidate who receives a majority of the votes cast becomes Chair. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the Vice Chair.

#### F. ARTICLE VI - OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS

Section 1. The board shall submit an annual report and yearly work plan in writing to the City Council by May 30<sup>th</sup>. As a result of a significant event or unforeseen circumstances, the board may request the city council approve a work plan amendment at any time as a consent item on the Council's agenda.

Section 2. All regularly scheduled meetings will be announced in the Public Meeting Calendar at least one week prior to the meeting and will include a time for public comment.

Section 3. The board may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies.

## G. ARTICLE VII - MEETINGS, VOTING AND PROCEDURES

Section 1. The board shall meet at least once per calendar quarter to conduct regular business, with such additional meetings as it deems necessary to properly perform its duties. Additional meetings may include, but are not limited to, annual work planning and process sessions.

Section 2. The board shall achieve a quorum at a minimum of once per calendar quarter of its regularly scheduled meetings each year.

Section 3. Four (4) members of a seven (7) member board (or three (3) members of a five (5) member board) shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

Section 4. Each voting member of the board shall be entitled to vote at all regular and special meetings of the board, except that a member shall not vote or take part in discussion as a member when there is an actual conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue, then the member may ask the board's permission to abstain. In this case, it is up to board to decide whether an abstention will be permitted. If members are in doubt about the nature of a conflict, they may seek the advice of the city attorney.

Section 5. All members may be involved in board and committee activities, including regularly attending board and committee meetings. If a member is unable to attend a meeting of the board or a committee, they shall notify staff and/or the chair.

Section 6. An agenda committee consisting of the chair, vice-chair and lead staff person shall establish the meeting agenda. An item may be placed on the agenda or removed by a majority vote of the board. Requests to place an item on the agenda may be made by individual board members, city councilors, community members or staff. Through a formal action, the City Council may direct the inclusion of item(s) on the board's agenda. The agenda committee shall decide the date that items come before the board.

Section 7. The chair or a minimum of three (3) members of the board may call special meetings by delivering a 24-hour written notice personally or by mail to each member of the board (and to media representatives filing with the city manager's

office a written request for such notice). The call and notice shall specify the time and place of the special meeting and the business to be transacted. Four members shall constitute a quorum for a special meeting.

Section 8. Members shall not vote on a question unless they are present before the vote is called for or when their names are called by the chair. Proxies are not permitted.

Section 9. Members may at any time explain their votes, or file written explanations of such votes, after the result of the voting has been announced and recorded.

Section 10. In general, communication to and from the public during meetings occurs during the public comment period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to a member of the public at the chair's discretion.

Section 11. As an alternative to using simple majority votes to make its decisions, the board may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general, consensus decision making is appropriate when addressing process and routine issues. The simple majority approach should be used when the board is taking a formal position on a topic. Whichever decision-making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest may not participate in deliberations on the issue.

Section 12. To further its mission, the board may agree to invite specific group representatives, community members or staff to participate with the board in the evaluation, discussion and problem solving of specific issues or policies.

Section 13. The Board, committee and work group meetings shall follow Oregon's public meeting laws.

Section 14. Board members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

#### H. ARTICLE VIII - STAFF

Section 1. The Police Auditor (or designee) shall attend all regularly scheduled Board meetings. The Auditor is not a voting member of the board and shall not be counted for purposes of obtaining a quorum. The Auditor shall take reasonable steps to

ensure the board is kept fully informed about all major police issues that may be of concern to the community in accordance with city oversight ordinances.

Section 2. The Auditor's office shall furnish staff assistance to the board and its committees.

Section 3. A staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next meeting to all members at least five (5) calendar days in advance of the meeting. All printed information distributed to the members with the minutes will be submitted to staff ten (10) days before the meeting so that the materials may be made available to the media and public.

Section 4. A recorder may be furnished to the board by City administration to record the minutes of each regular meeting in accordance with ORS 192.650. The minutes of all meetings shall be filed with the staff person appointed by the City Council to serve the Board. The written minutes shall include at least the following information:

- a. all board members present
- b. all motions, proposals, resolutions and measures proposed and their disposition
- c. the results of all votes and the vote of each member by name
- d. the substance of any discussion on any matter
- e. a reference to any document discussed at the meeting (subject to ORS 192.410 to 192.505 relating to public records).

#### I. ARTICLE IX - COMMITTEES, PROGRAMS & WORK GROUPS

Section 1. The board may establish temporary committees for specific tasks. A majority vote of the board members present is required to form a committee. No temporary committee shall continue for more than six months without city council approval.

Section 2. The size, term, membership and duties of a committee shall be established by the board at the time the committee is approved. Committee membership shall consist of no less than two members.

Section 3. Vacant positions on a committee shall be filled by board appointment of a person nominated by the board. A position shall be considered vacant under the same conditions as set forth for a vacancy on the Board.

Section 4. The officers of each committee shall be a chair and a vice chair elected by the committee. The chair shall be a member of the Board and shall preside over

meetings of the committee and shall have the right to vote. The vice chair shall perform the duties of the chairperson in the absence or disability of the chair.

Section 5. Each committee shall meet as it deems necessary to properly perform its duties.

Section 6. Each committee may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the City charter, ordinances, policies and board bylaws.

Section 7. A majority of the current membership of a committee shall constitute a quorum for the transaction of official business.

Section 8. The board may recommend that the City Council establish any additional committee or task force that the board feels will assist the city in meeting the goals of the board.

Section 9. The chair of the committee, with assistance from staff, shall be responsible for calling meetings and developing agendas for meetings.

Section 10. Committees may base their recommendations upon a consensus or a majority vote with the opportunity for minority points of view to be presented.

Section 11. Committees may take public action only with the approval of the board.

Section 12. Committee chairs may submit names of committee members who are frequently absent from the committee meetings to the board chair, who may suggest those members may be replaced.

#### J. ARTICLE X - AMENDMENT OF THE BYLAWS

Section 1. These bylaws may be adopted, by a majority vote at any session of the board and will continue in force for the board until rescinded or amended. The Bylaws may be suspended, rescinded, or amended by a majority vote at a regular or special meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the board.

## **Chapter 3 – Policies and Procedures**

### **A. Guidelines for Meetings**

Section 1. Meetings of the Board shall be conducted in accordance with the By-laws of the Civilian Review Board and Oregon Public Meetings Laws.

Section 2. Present at the table for CRB meetings shall be Board members, the Police Auditor (or designee). For discussions related to specific agenda items (case reviews, reports, information items, etc.) other city employees may be invited by the Board to be present to present information, answer questions and clarify policies and practices related to the Board's work. The meetings shall be recorded.

Section 3. An opportunity for public comment shall generally be allowed near the beginning of the meeting. However no public comment is allowed at meetings where the Board deliberates on a Community Impact Case and no public comment is allowed pertaining to a closed case that is being reviewed at the same meeting.

### **B. Criteria for Case Reviews**

Section 1. Closed cases of allegations of misconduct or service complaints may be selected for review upon an affirmative vote of a majority of the Board based upon any of the following criteria:

- a. At the request of the complainant, or
- b. Upon the recommendation of the Police Auditor, or
- c. At the Board's direction where the Board believes review is warranted to address issues of police policy or practice, and/or a review might help clarify issues surrounding a community concern.

Section 2. The Board may decline to review a closed case by a majority vote in circumstances where the Board believes a complaint has been properly investigated and processed and that further review would not lead to a different result or recommended changes.

Section 3. Community Impact Cases (once designated as such by the Police Auditor) may be selected for Board review upon an affirmative majority vote when the Board believes the case represents a significant community concern.

### **C. Procedures for Case Reviews**

Section 1. Case reviews shall generally begin with a presentation by the Auditor describing the nature of the allegation, the pertinent facts related to the case, and issues the Auditor believes the Board may wish to consider during their review.

Section 2. Case Reviews shall generally include discussions of the following topics:

- a. Complaint Intake and Classification
- b. Complaint Investigation and Monitoring
- c. Relevant Department Policies and Practices
- d. Policy and/or Training Considerations
- e. Adjudication Recommendations
- f. Additional Comments and/or Concerns.

Section 3. Questions of clarification and or information relating to both Sections 1 and 2 may be addressed to the Auditor or EPD staff as part of the review.

Section 4. The Board may appoint, at its option, a member to develop background and facilitate the review should it determine that such information will assist the Board with conducting the review.

Section 5. All materials concerning case reviews made available to the Board for their confidential review shall be returned to the Office of the Police Auditor within ten days of a completed review.

#### D. Board Training

Section 1. The Police Auditor shall work with the Board to identify and establish a training program for Civilian Board members to acquire the understanding and knowledge necessary for members to perform their duties. Training should be balanced and include (but is not limited to): EPD practices and procedures, community and cultural awareness, use of force, first amendment rights and complaint processes. Training personnel should represent a mix of both law enforcement and civilian expertise.

Section 2. For their part members of the Board commit to ongoing training for the performance of their duties during each year they serve on the Board.

## Appendices

### A. Relevant Eugene City Charter Provisions

#### Chapter III – City Council and Mayor

##### 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 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; (b) require that the city reopen 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.

**ORDINANCE NO. 20374**

**AN ORDINANCE CONCERNING THE POLICE AUDITOR AND CIVILIAN REVIEW BOARD; AMENDING SECTION 2.013 OF THE EUGENE CODE, 1971; ADDING SECTIONS 2.240, 2.242, 2.244, 2.246, 2.450, 2.452, 2.454 AND 2.456 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE FOR IMPLEMENTATION.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Subsection (1) of Section 2.013 of the Eugene Code, 1971, is amended by adding the following entry for “Civilian Review Board” in alphabetical order therein, to provide as follows:

**2.013 City Council - Boards, Commissions and Committees.**

(1) Except for boards, commissions or committees established pursuant to ordinance, state statute, or intergovernmental agreement, the following are the presently constituted boards, commissions and committees of the city with the number of members and names of the appointive authority indicated thereafter, together with the term and the authority for such board, commission or committee:

Civilian Review Board	
No. of Members:	5 or 7 Members
Appointment Process:	Council appoints
Term:	3 years, except for initial members, which shall be: If 5 members: 2 years for 3 initial members and 3 years for 2 initial members If 7 members: 2 years for 4 initial members and 3 years for 3 initial members
Authority:	EC 2.240

**Section 2.** Sections 2.240, 2.242, 2.244 and 2.246 are added to the Eugene Code, 1971, to provide as follows:

**2.240 Civilian Review Board – Established.**

(1) There is hereby established a civilian review board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the civilian review board shall evaluate the work of the independent police auditor, and may review completed complaint investigations

involving sworn police employees to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.

(2) It is intended that sections 2.240 through 2.246 and 2.450 through 2.456 will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.

(3) Except where the context requires otherwise, the definitions contained in section 2.452 of this code govern the words and phrases used in sections 2.240 through 2.246 of this code.

(4) The civilian review board shall serve as an advisory body to the city council.

## **2.242 Civilian Review Board – Qualifications and Appointments.**

### **(1) Qualifications.**

- (a) Members of the civilian review board shall be volunteers appointed by the city council, who immediately prior to appointment shall be:
  - 1. A resident of the city;
  - 2. Of the age of 18 years or older; and
  - 3. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.
- (b) The following characteristics shall be considered by the city council when appointing members to the civilian review board:
  - 1. A demonstrated ability to be fair, impartial and unbiased;
  - 2. An absence of any real or perceived bias, prejudice or conflict of interest;
  - 3. A record of community involvement;
  - 4. An ability to build working relationships and communicate effectively with diverse groups; and
  - 5. A demonstrated commitment to the purpose of sections 2.240 through 2.246 and 2.450 through 2.456.
- (c) Appointments to the civilian review board shall not be made on the basis of constituency or representation of any particular group. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.
- (d) Members of the civilian review board shall neither be a current employee of the city nor an immediate family member of a current city police employee.
- (e) Civilian review board members shall participate in a training program to be developed by the police auditor.
- (f) Members of the civilian review board shall agree in writing to a Statement of Principles and Code of Conduct, to be developed by the police auditor and reviewed and maintained in collaboration with the civilian review board.

(g) It is the intent that civilian review board members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The city will therefore defend and indemnify members to the maximum extent permitted under the Oregon Tort Claims Act and other applicable law.

(2) Terms and Vacancies. Initial appointments shall be staggered as follows: If there are seven (7) members appointed, four (4) members shall be appointed to serve for two (2) years and three (3) members shall be appointed to serve for three (3) years; if there are five (5) members appointed, three (3) members shall be appointed to serve for two (2) years and two (2) members shall be appointed to serve for three (3) years. Except for the initial appointment, the term of each member of the civilian review board shall be three (3) years. No member shall serve more than three (3) consecutive terms. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the unexpired term.

(3) Removal from Office.

(a) A member of the civilian review board may be removed from office by the city council prior to the normal expiration of his/her term for consistent failure to perform civilian review board member duties, or violation of the Statement of Principles/Code of Conduct.

(b) Membership on the civilian review board shall terminate automatically if a member ceases to meet the qualification requirements as described in (1)(a)1, (1)(a)3, and (1)(d) above subsequent to his/her appointment.

#### **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.
- (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.

#### **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.
  - (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 3.** Sections 2.450, 2.452, 2.454, and 2.456 are added to the Eugene Code, 1971, to provide as follows:

**2.450 Office of Police Auditor – Established.**

- (1) The office of the police auditor, hereafter auditor’s office, is hereby established to provide an independent location to lodge complaints involving police employees, monitor internal investigations to ensure objective, thorough and high quality investigations, and develop recommendations to improve police services.
- (2) The auditor’s office shall be headed by a full-time professional police auditor who is hired by and accountable to the city council. The city council shall hire, supervise, and specify the salary of the independent police auditor, who shall serve at the pleasure of the city council. All city council decisions regarding the auditor will be made by a simple majority vote of the city council.
- (3) The independent police auditor shall have exclusive authority to hire, supervise, and to make all other employment decisions regarding the auditor’s support staff. No change relating to the authority to hire and supervise the auditor’s staff shall be made without formal action of the city council.
- (4) Any findings, recommendations and actions taken shall reflect the police auditor’s independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the police auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.
- (5) The city manager shall include in his/her recommended budget an allocation sufficient for the operations of the auditor’s office. The physical location of the auditor’s office shall be separate from the police department, but in close proximity so as to facilitate a close working relationship with others involved in the complaint investigation process, and easily accessible to the public.
- (6) It is intended that sections 2.450 through 2.456 and 2.240 through 2.246 will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.

**2.452 Office of Police Auditor – Definitions.** Words and phrases used in sections 2.240 through 2.246 and 2.450 through 2.456 have the following meanings:

Chief of police. The person designated by the city manager as the chief of police.

Community impact case. A complaint involving sworn police officer(s) that alleges excessive force, bias, disparate treatment or violation of constitutional rights, which the police auditor determines should be reviewed by the civilian review board in accordance with section 2.244(3) and 2.244(4) of this code.

Complaint. An expression of dissatisfaction, allegation of misconduct, or question about a police employee’s conduct, police services provided or not provided, or police department policies or practices in general.

Conclusion of any criminal investigation or conclusion of any such criminal investigation. A criminal investigation is deemed concluded when the appropriate criminal prosecutor decides either to press charged or to not press charges.

Critical incident. An occurrence involving a significant police action including,

but not limited to, a civil disturbance or riot, an officer-involved shooting, or other action by a sworn police officer resulting in serious physical injury or death.

Facilitated conversation. A discussion guided by a third party, trained facilitator, between the complainant and a department representative, most often the named employee's supervisor or internal affairs staff. Immediate family member. A person's spouse or domestic partner, a parent, step-parent, grandparent, child, stepchild, grandchild, sibling, half-sibling or step-sibling of the person or of the person's spouse or domestic partner.

Internal affairs. The police employees designated by the chief of police to investigate allegations of misconduct against police employees.

Mediation. A voluntary, confidential complaint resolution option that is an alternative to the investigation, adjudication and disciplinary process. It is a structured process guided by a neutral, third-party, professionally-trained mediator enabling direct communication between the complainant and employee.

Police employee. A city employee who reports directly or through others to the chief of police.

Preliminary investigation. As used in section 2.456(1)(c), an initial inquiry by the police auditor or the auditor's designee into the facts and circumstances of a complaint for purposes of deciding how to classify and route the complaint.

Substantial evidence. Evidence that, considering the record as a whole, a reasonable person would rely upon to conclude that something is true. For purposes of section 2.244(4), an adjudication is supported by substantial evidence when the civilian review board reasonably could reach the same finding after considering all the evidence in the record, whether or not the board actually agrees with the adjudication.

Sworn police officer. A police employee who is also certified and employed as a peace officer under the laws of this state.

#### **2.454 Office of Police Auditor – Powers and Duties.**

(1) The police auditor is the administrative head of the auditor's office and shall:

- (a) Oversee the operations of the auditor's office, establish program priorities and objectives, and manage the implementation and evaluation of work programs;
- (b) Develop and maintain operating procedures for the auditor's office, including protocols for handling complaints and monitoring investigations;
- (c) Establish standards of professional conduct and provide necessary training for staff in the auditor's office.
- (d) Act as liaison and provide staff support to the civilian review board. In collaboration with the civilian review board, the police auditor shall:
  1. Establish and maintain policies, procedures and operating principles for the civilian review board's functions; and

2. Conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees, and develop and disseminate information and forms regarding the police complaint handling and review system.
- (e) Receive and process complaints concerning police employees and monitor the complaint investigation and review process as set forth in sections 2.456(1) and (2).
- (f) Perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community. These activities include:
  1. Analyzing complaint trends and recommending changes to police policy, practices and training;
  2. Reviewing risk and tort claims and developing recommendations to reduce risk and liability;
  3. Reviewing and reporting trends in completed police employee disciplinary decisions.
- (g) Provide status reports to the civilian review board and city council and provide recommendations relevant to police policies and practices to the police commission.
- (h) Develop and present to the civilian review board and city council annual public reports describing the activities of the auditor's office, its findings and recommendations, the police department's response to its recommendations, and any other information pertinent to assessing the performance of the auditor's office.
- (i) Provide the city council with any other reports deemed necessary or requested by the city council. All public reports 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.
- (j) Determine whether applicants for the civilian review board meet the requisite qualifications in section 2.242(1)(a)1. and 2.242(1)(d).
- (2) The police auditor shall receive timely notification of critical incidents to enable him/her, or a qualified designee, to report to the scene of critical incidents. The police auditor and chief of police shall develop necessary protocols for summoning the police auditor to the incident for purposes of first-hand observation.
- (3) The police auditor shall participate in use of force review boards.
- (4) All case adjudication and employee discipline decisions shall be made by the chief of police. The police auditor may develop adjudication recommendations, but is not authorized to recommend the level of discipline for police employees.

**2.456 Office of Police Auditor – Complaint Processing.**

- (1) Complaint intake.
  - (a) Any person may lodge a complaint or commendation with the auditor's office about the conduct of, or services provided by, a city police employee;
  - (b) The auditor's office is the intake center for all community complaints about police employees. City employees may choose to lodge complaints against

another employee through either internal affairs or the auditor's office. The auditor's office shall document all contacts and complaints received from any source. The auditor's office may refer a complainant to another department in the city or another agency that would be more appropriate to address the complaint.

- (c) The auditor's office conducts the preliminary investigation of all complaints lodged with the auditor's office or internal affairs to appropriately classify and route the complaint and any accompanying information accordingly. If a complaint is received that alleges criminal conduct on the part of the employee, the police auditor shall forward the complaint and any associated information to the chief of police.
- (d) The auditor's office may determine whether a complaint is appropriate for mediation or facilitated conversation, and upon the voluntary agreement of the involved parties and approval of the chief of police, shall coordinate the resolution of such cases.
  - 1. Mediation is an alternative to the investigation, adjudication and disciplinary process; if the parties agree to mediation, the investigation, adjudication and disciplinary process will end.
  - 2. A facilitated conversation may, but does not necessarily, result in termination of the investigation, adjudication and disciplinary process.
- (e) The auditor's office classifies complaints that will be treated as community impact cases and provides support to the civilian review board in its review of those cases and other cases accepted by the civilian review board.
- (f) The auditor's office shall provide timely updates on the status of a complaint and notification to the complainant of its final disposition.
- (g) The auditor's office may dismiss a complaint if upon review, it meets criteria that the auditor has established for such action, including reporting delays and/or insufficient information from which to take further action.
- (h) The auditor may review and process a complaint not filed directly with the auditor's office if the auditor determines that concerns have been expressed about conduct of a police employee(s).
- (i) Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations that might be handled as service complaints shall be filed within 60 days of the incident.
- (j) Except for good cause, complaints of serious misconduct including, for example, excessive force that causes substantial physical injury, egregious acts of disparate treatment, or major rules violations shall be filed within 6 months of the incident.

**(2) Complaint Investigations.**

- (a) The police auditor shall actively monitor internal investigations to ensure a thorough, objective, and timely investigation, and is authorized to:
  - 1. Participate in complainant, employee and witness interviews;
  - 2. Require the city to undertake additional investigation.
- (b) The police auditor may require, and is authorized to contract for, an external investigation when the police auditor determines that an external investigation is appropriate.

- (c) The police auditor will not be directly involved in any criminal investigations, but shall be kept apprised of the status of such investigations involving police employees. The police auditor shall have access to the case file relevant to the administrative portion of such investigations. Following the conclusion of any criminal investigation or within 60 days after the date of the incident, the auditor has the authority to initiate an internal investigation unless the police auditor receives written notice from the District Attorney, United States Attorney, or City Prosecutor that the internal investigation would jeopardize the criminal investigation and prosecution.
  - (d) All case files shall be provided to the police auditor upon conclusion of the investigation for review and a determination that the investigation was thorough and complete. Once the investigation is deemed complete, the involved employee's immediate supervisor will confer with the police auditor and develop a case adjudication recommendation that will be forwarded through the chain of command to the chief of police for final adjudication. If the police auditor disagrees with the supervisor's recommendation, his/her disagreements and comments will be documented and forwarded to the chief of police as well. The immediate supervisor and police auditor will use their best efforts to complete this process in a timely manner and without unreasonably delaying the final adjudication of the case. If the investigation reveals evidence of criminal conduct not previously known, the auditor may refer the matter to the appropriate criminal prosecutor for his/her consideration.
  - (e) The auditor's office will make every reasonable effort to notify the complainant that an investigation has been conducted, summarize the case findings, and provide an opportunity for the complainant to comment or ask questions about the process.
  - (f) The auditor's office shall return all case file materials to internal affairs for retention, but shall have subsequent access to closed cases.
  - (g) The police auditor shall maintain an on-going status report on the work of the auditor's office and case investigations and shall share it with the civilian review board.
- (3) Access to Records and Materials.**
- (a) The police auditor shall have complete and unrestricted access to all complaint and investigative records and materials, and any other information necessary for the performance of his/her specified duties. As provided in section 2.456(2)(d), the police auditor shall not have access to a criminal investigation file until the conclusion of any such criminal investigation.
  - (b) The police auditor shall supervise the development and implementation of a case management system to track all complaints received in coordination with the internal affairs unit, report case statistics and trends, and provide performance indicators to evaluate the effectiveness of the auditor's office.
  - (c) The chief of police and police auditor shall develop cooperative interdepartmental procedures and any necessary infrastructure to coordinate the flow of information and communication between the auditor's office and the police department.

**Section 4.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971 to the provisions added, amended or repealed herein.

**Section 5.** Notwithstanding the effective date for this Ordinance as provided in the Eugene Charter of 2002, the Police Auditor and Civilian Review Board may postpone implementation of powers and duties described in this Ordinance for such reasonable time, not to exceed six months from the effective date of this Ordinance, as they determine is necessary to develop and adopt policies, criteria and protocols for the proficient, fair and efficient implementation of their powers and duties.

**Passed by the City Council this**

**13<sup>th</sup> day of December, 2006**

**/s/ Mary H. Feldman**

**City Recorder**

**Approved by the Mayor this**

**13<sup>th</sup> day of December, 2006**

**/s/ Kitty Piercy**

**Mayor**