

City of Eugene
Ad Hoc Committee on Police Policy
Topic: Body Worn Cameras
Information Packet

Meeting Date: January 5, 2021
Meeting Time: 6:00 – 8:00 pm
Location: Zoom

AGENDA
AD HOC POLICE POLICY COMMITTEE
Tuesday, January 5, 2021
Zoom meeting*
6:00 p.m. – 8:00 p.m.

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| 6:00 – 6:10p.m. | 1. Welcome/Opening remarks: Update on subcommittee meetings, welcome NAACP representative Ibrahim Coulibaly
(Kevin Alltucker, staff) |
| 6:10 – 7:00 p.m. | 2. Question and Answer session: Body-worn Cameras
(Mo Young, Facilitator; Lt. Angie San Miguel, EPD, Travis Smith, City of Eugene Prosecutor, Leia Pitcher, Deputy Police Auditor, Captain Eric Klinko, EPD) |
| 7:00 – 7:50 p.m. | 3. Consider Recommendations/Motions from the Community Oversight Subcommittee
(Mo Young, Facilitator) |
| 7:50 – 8:00 p.m. | 4. Next steps
(Mo Young, Facilitator) |
| 8:00 p.m. | 5. Adjourn |

*Due to Governor Kate Brown’s Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-andMeeting-Material>

Agenda Item #1: Welcome/Opening remarks: Update on subcommittee meetings, welcome NAACP representative Ibrahim Coulibaly

(Kevin Alltucker, staff)

- Welcome and best wishes for 2021. This is the sixth meeting of the Ad Hoc Committee on Police Policy and there are six remaining committee meetings (not including subcommittee meetings) which means we are at the 50% completion point in the process
- Since the last Ad Hoc Committee meeting on November 30, 2020 there have been two subcommittee meetings: The Use of Force subcommittee met for the first time on December 9, and the Community Oversight subcommittee met for the second time on December 16. The Community Oversight subcommittee will be bringing their recommendations to the Ad Hoc Committee on January 5, 2021
- On December 4, the Eugene City Council unanimously approved Ibrahim Coulibaly as the NAACP representative to replace Joshua Purvis who resigned from the Ad Hoc Committee. Welcome Ibrahim!

Agenda Item #2: Question and Answer session: Body-worn Cameras

(Mo Young, Facilitator; Lt. Angie San Miguel, EPD, Travis Smith, City of Eugene Prosecutor, Leia Pitcher, Deputy Police Auditor, Captain Eric Klinko, EPD)

The following pre-recorded presentations on Body-Worn Cameras are available on Vimeo (online). To better prepare for the meeting, please try to view the presentations prior to the meeting.

Body Camera History (23 minutes) presented by Eugene Police Department Lieutenant Angie San Miguel:

<https://vimeo.com/491327257/8482a4b016>

Municipal Prosecution Benefits of Body Cameras (12 minutes) presented by City of Eugene Prosecutor Travis Smith:

<https://vimeo.com/492579193/9b825424a4>

Police Auditor Presentation on Body Cameras (18 minutes) presented by City of Eugene Deputy Police Auditor Leia Pitcher:

<https://vimeo.com/492581547/0430bebcd9>

Police Captain's Experience with Body Cameras (10 minutes) presented by Eugene Police Department Captain Eric Klinko:

<https://vimeo.com/492687701/65568439f7>

Agenda item #3: Consider Recommendations/Motions from the Community Oversight Subcommittee

(Mo Young, Facilitator)

The following motions were considered during the Community Oversight Subcommittee meeting on December 16. All of the motions (including the ones that were not approved) and the vote tally are included below for your information.

In Attendance

Daniel Borson, Betsy Davis, Brian Michaels, Richard Roseta, David Saiz

1. **Motion on Spoliation:** If a body-worn camera recording is recklessly, intentionally or negligently destroyed or unavailable, officer testimony on the events contained in the recording should not be admissible in any Civilian Review Board (CRB) fact finding process.
Yes = 5, No = 0, (Approved)

2. **Motion regarding the Civilian Review Board (CRB):** The CRB should adjudicate cases involving excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, discourtesy or disrespectful behavior, use of offensive language, theft and discriminatory behavior. The Police Auditor's Office will continue to accept, store, and organize complaints from residents and assign those cases to the CRB to be investigated. The CRB's ruling on the facts in a case shall be the final adjudication of that case. Yes = 2, No = 1, Abstention = 2, **(Not Approved)**

NOTE: PLEASE SEE ITEM #13 BELOW FOR THE REWORDED MOTION THAT WAS APPROVED BY THE SUBCOMMITTEE

3. **Motion regarding the Civilian Review Board (CRB):** A minimum of a quorum of members of the CRB shall be nominated by groups representing marginalized people. Yes = 5, No = 0, (Approved)
4. **Motion regarding the Civilian Review Board (CRB):** No member of the CRB should be a current or former employee of the police department that the board oversees, and a majority of board members should not have a law enforcement background. Yes = 5, N = 0, (Approved)
5. **Motion regarding the Civilian Review Board (CRB):** The CRB shall have the power to request and obtain all evidence (documents, medical records, surveillance footage, and other materials) relevant to an investigation and to request testimony from witnesses and participants in the case. Yes = 4, No = 1, (Approved)
6. **Motion regarding the Civilian Review Board (CRB):** The CRB shall have the power to request and hear testimony from witnesses and participants at the time that they hear the case.

Author of the motion amended to table for further discussion
Yes = 5, N = 0, (Approved to table the motion)

7. **Motion regarding the Civilian Review Board (CRB):** The CRB shall be able to consider the entire event, not just the immediate events leading up an incident of possible misconduct, including specifically whether the officer(s) involved initiated or escalated the incident. Yes = 3, No = 2, (Approved)
8. **Motion regarding the Civilian Review Board (CRB):** CRB members shall receive a stipend for their work. Yes = 4, No = 0, Abstention = 1, (Approved)
9. **Motion regarding the Civilian Review Board (CRB):** Once the CRB substantiates an allegation of police misconduct, the board's finding of fact will be binding on the Chief of Police who will then determine discipline based on those facts and guided by a pre-negotiated disciplinary matrix. This matrix will have a range of disciplinary actions for each policy violation. Yes = 4, No = 1, (Approved)
10. **Motion regarding the Civilian Review Board (CRB):** The expiration period for a complaint after the incident shall be extended to one year for non-lethal cases and two years for cases involving lethal use of force. The CRB may also reach out to victim's families to inform them about and guide them through the process. Yes = 3, No = 1, Abstention = 1, (Approved)

Police Auditor Gissiner noted that this will require a change in state law.

- 11. Motion regarding omnibus procedural action:** That after the Subcommittee has voted on these motions, all passing motions shall be combined into one motion to present to the Ad Hoc Committee.
Yes = 5, No = 0, (Approved)
- 12. Motion regarding Police Commission:** If the Chief of Police rules against a policy recommendation of the Police Commission, the Commission shall have the right to appeal that decision to the City Council, by a majority vote, who shall decide on the policy in a public meeting. The City Council’s decision shall be final.
Yes = 5, No = 0, (Approved)
- 13. Motion regarding the Civilian Review Board (CRB)--This was a rewording of #2 above in an attempt to find appropriate language that was agreeable to the subcommittee:** The CRB should adjudicate cases involving excessive use of force, abuse of authority unlawful arrest, unlawful stop, unlawful searches, discourtesy or disrespectful behavior, use of offensive language, theft and discriminatory behavior. ~~The Police Auditor’s Office will continue to accept, store, and organize complaints from residents and assign those cases to the CRB to be investigated.~~ *The CRB shall review all complaints filed by residents.* The CRB’s ruling on the facts of such cases shall be the final adjudication of that case.
Yes = 4, No = 1, (Approved)

Agenda item #4: Next Steps

(Mo Young, Facilitator)

No information is provided for this agenda item.

Additional Information

Action Summary from Community Oversight Subcommittee Meeting 12/16/20

The following Action Summary from the Community Oversight Subcommittee’s second meeting on Dec. 16 is included for your information:

Action	Request From	Lead	Outcome
Daniel Borson and Rick Roseta will meet for the purpose of discussing possible revisions to the motion included in Item #5 above	Daniel Borson	Facilitation team	In process
Consult with City Attorney regarding Brian Michael’s question regarding how abstentions are counted	Brian Michaels	Facilitation team	In process
David Saez and Kaz Zaidi meet to discuss how to provide contextual information to David’s motion on civilian oversight structures, and to align with the “3-question” format	David Saez	Facilitation team	In process

Schedule for Remaining Ad Hoc Committee Meetings:

- **Meeting #7:** Wednesday, January 20, 6:00 – 8:00 pm, Topic: Independent Investigation and Prosecution
- **Meeting #8:** Tuesday, February 2, 6:00 – 8:00 pm, Topic: End Broken Windows Policing*
- **Meeting #9:** Wednesday, February 17, 6:00 – 8:00 pm, Topic: Community Representation* (Note: Per the Ad Hoc Committee’s motion approved on November 10, 2020, this meeting will also include testimony from persons affected by police actions)
- **Meeting #10:** Tuesday, March 2, 6:00 – 8:00 pm, Topic: Community Policing*
- **Meeting #11:** Wednesday, March 17, 6:00 – 8:00 pm, Topic: Demilitarize Police*
- **Meeting #12:** Wednesday, March 31, 6:00 – 8:00 pm, Topic: End For-Profit Policing* (Note: in order to meet the Council’s deadline, the Ad Hoc Committee must submit the final report on March 31. That means the report must be approved by 70% of the committee, per the motion passed on November 10, 2020)

*The committee might consider consolidating one or more of these topics

Also, please note that the schedule as it stands now does not allow the committee to consider the last remaining topic “Fair Union Contracts” per the prioritization survey completed by the committee.