

City of Eugene
Ad Hoc Committee on Police Policy
Topics: Consideration of Previous Motions
Meeting #12
Information Packet

Meeting Date: March 31, 2021
Meeting Time: 6:00 – 8:00 pm
Location: Zoom

AGENDA
AD HOC POLICE POLICY COMMITTEE
Wednesday, March 31, 2021
Zoom meeting*
6:00 p.m. – 8:00 p.m.

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| 6:00 – 6:05 p.m. | 1. Welcome/Opening remarks:
(Kevin Alltucker, staff) |
| 6:05 – 7:50 pm | 2. Consider recommendations/motions from subcommittees and committee members
(Mo Young, Facilitator) |
| 7:50 – 8:00 p.m. | 3. Next steps
(Mo Young, Facilitator) |
| 8:00 p.m. | 4. 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:
(Kevin Alltucker, staff)

- Welcome committee members, elected officials, and attendees to the twelfth meeting of the Ad Hoc Committee on Police Policy. As you know, the City Council approved a two-meeting time extension for the Ad Hoc Committee with a revised deadline of April 30, 2021. Here are the remaining dates for the full Ad Hoc Committee meetings:
 - April 7 (meeting #13, Consider recommendations and motions, and begin reviewing the report)
 - April 21 (meeting #14, Dedicated to reviewing and approving the final report to Council)
- A reminder to complete the SurveyMonkey survey to prioritize the remaining policy recommendations from Campaign Zero and 21st Century Policing (End Broken Windows Policing, Community Representation, Community Policing, Demilitarize Police, End For-Profit Policing, and Fair Union Contracts). Staff will compile the survey results and include them in the final report to Council.
 - Link to the survey: <https://www.surveymonkey.com/r/N3T5CTM>

- Questions are presented in a ranking format and members are asked to mark each policy proposal as a Highest, High, Medium, Low or Lowest priority depending on how important you feel the proposal is to improving the experience of policing for marginalized groups
- We will use the results in the final report to highlight proposals that the City Council and other policy-making bodies should look into in more detail as they develop work plans for delivering on the recommendations made by the committee
- Staff is giving each organization the option to submit two written statements that will be included in the final report. One is a discussion of their perspectives and experiences with the Ad Hoc Committee on Police Policy, and specific policy recommendations they want the City Council to consider. The other is a 250-word summary of their letter that describes the salient points that are included in the letter. The 250-word summaries will be included in the body of the report, and the longer letters will be included in the appendix. If members only wish to submit a 250-word summary, they may do so.

Some suggested headings include:

1. Proposals passed by the committee that your organization wants to highlight as a priority
2. Items that the committee was unable to discuss due to time limitations but that your organization wants to bring to the attention of City Council.
3. Thoughts on the process and on improving the City’s engagement with marginalized communities going forward.
4. Thoughts on how the City should handle recommendations after the ad hoc process has concluded

Organizations are encouraged to email these organization statements to Kevin or Kaz before April 7, 2021.

- The facilitation team will also be contacting committee members who served on sub-committees to ask them to comment on and approve short summaries of each sub-committee’s discussions. These summaries are intended to assist the City Council in understanding the motions passed by each sub-committee by giving context to their deliberations.
- We are grateful for Mo Young’s facilitation of the Ad Hoc Committee and we recognize her graceful and skillful work to get the committee to this point. Thank you very much, Mo Young!

Agenda Item #2: Consider recommendations/motions from subcommittees

(Mo Young, Facilitator)

● **(AHCPP-110) Motion from Daniel Borson on behalf of the Human Rights Commission:**

The Eugene Ad Hoc Committee on Police Policy recommends that the Eugene Police Department create a publicly searchable database that includes all stops, including these fields: 1) Date of stop; 2) Purpose of stop; 3) Arrests and charges; 4) Use of force, if any; 5) protected class(es) of people involved; and 6) proportion of Eugene population represented by said protected class(es); 7) proportion of Eugene’s population that is “white.”

The data in above publicly searchable database must be aggregated and anonymized to ensure we register protected class, so that long-term trends of potential biases can be tracked.

- **(AHCPP-111) Motion from Abdulrahman Eissa:**

To coincide with the recommendation that the EPD demilitarize and reduce show of force, we propose that the City of Eugene become a “no open carry” zone, and that City officials work with State officials to enact stronger gun control laws.

Make the City of Eugene a no open carry zone within the State of Oregon:

- No person or organization in any public space within the City of Eugene city limits shall possess or control any firearm, unless the person or organization holds a valid concealed handgun license, issued by Lane County Sheriff, for the firearm. Concealed carry licenses issued by other jurisdictions are not valid.
- All streets and walkways will be considered public spaces.
- Any business establishment that is open to the public will also be considered public spaces.
 - If this is deemed too expansive, then at the very least the no open carry zone should include all of the downtown activity zone as defined in section 4.871 of the City Code.
- Resident gun owners can transport guns within their private vehicles to transport them outside of the city limits, as in for hunting, but these firearms must be unloaded while in transport.
- Firearms, even if unloaded, cannot be carried openly or displayed in public, for example at public demonstrations.

Encourage the State of Oregon to enact stricter gun control laws:

- Require a permit to purchase a firearm. The permit can also serve as registration and license. Permit must be acquired before purchase can be completed. Require fingerprinting and background checks before issuing the permit.
- Require firearms to be registered. Registration database should include the owner’s name, address, and the serial number of the firearm. Police should have access to the registration database. Registration can occur with the permit to purchase.
- Remove state preemption. Allow counties and municipalities to pass strictly gun laws than the state.
- Create magazine capacity restrictions.
- Place restrictions on gun owners traveling through Oregon with their firearms. Require the firearm be unloaded, in a locked box, or out of the driver's reach when they are in the vehicle.
- Restrict the sale and possession of assault weapons. Require that all assault weapons be registered.
- Ban all NFA weapons in the State of Oregon.

Background Information

What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly?

When attempting to address demilitarization and limits on use of force in our police department, one obstacle that EPD faces is the need to arm themselves to the degree that the citizens are armed. Oregon is very lax in terms of gun control. If we want to create a peaceful community in Eugene, we must work towards arms reductions among both the police and the community they serve. The State of Oregon has preemption over local governance except in the case of open carry laws. We want police to be less threatening when they interface with the community, but we also need to address how much we allow the threat of arms to exist in our city in general.

How do you think that the recommended change will achieve the desired result?

We already protect our schools and public buildings by restricting who can carry guns into these places. If we pass a no open carry law, we expand that protection to our entire community. Only gun owners with a license to carry concealed weapons will be allowed to bring their guns into the city limits. Not only would this restriction help to reduce rates of crime, but they would allow police to also reduce the kinds of weapons they carry and the need to unholster their weapons.

- **(CO-95) Motion from the Independent Investigation and Prosecution Subcommittee** (Note: the AHCPP referred this Community Oversight (CO) motion to the Independent Investigation and Prosecution Subcommittee, hence the “CO” prefix):

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 = 5, No =0 (Approved by subcommittee)

- **(CO-97) Motion from the Independent Investigation and Prosecution Subcommittee** (Note: the AHCPP referred this Community Oversight (CO) motion to the Independent Investigation and Prosecution Subcommittee, hence the “CO” prefix):

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. *The CRB may also reach out to victim’s families to inform them about and guide them through the process.*

Yes = 5, No =0 (Approved by subcommittee)

- **(CO-98) Motion from the Independent Investigation and Prosecution Subcommittee** (Note: the AHCPP referred this Community Oversight (CO) motion to the Independent Investigation and Prosecution Subcommittee, hence the “CO” prefix):

The CRB shall have the power to request and hear testimony from witnesses and participants at the time that they hear the case *and shall allow any complainant who wishes to appear and give testimony.*

Yes = 5, No =0 (Approved by subcommittee)

- **(IIP-114) Motion from the Independent Investigation and Prosecution Subcommittee:**

All investigations into complaints about police officers, other than IA, must be conducted, supervised and concluded by citizens of the CRB with input from experts, and using the discipline matrix raised previously.

Yes = 5, No =0 (Approved by subcommittee)

- **(IIP-115) Motion from the Independent Investigation and Prosecution Subcommittee:**

Investigators now in the police auditor office will become a part of the CRB instead.

Yes = 5, No =0 (Approved by subcommittee)

- The following eight motions were approved together by the Independent Investigation and Prosecution subcommittee in an omnibus motion (Yes = 5, No =0).

It is possible that the Ad Hoc Committee may wish to do the same and include all eight in an omnibus motion. It is also possible that the Ad Hoc Committee may wish to consider each individual motion independently.

(IIP-102)

(IIP-103)

(IIP-104)

(IIP-105)

(IIP-106)

(IIP-107)

(IIP-108)

(IIP-109)

Here is the text of each motion:

- **(IIP-102) Motion from the Independent Investigation and Prosecution Subcommittee:**

EPD leadership shall incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules.

- **(IIP-103) Motion from the Independent Investigation and Prosecution Subcommittee:**

Independent civilian investigators shall have the ability to interrogate officers within 48 hours after an incident where deadly force was used. Independent civilian investigators shall be immediately notified of any police shooting and shall be required to send an investigator immediately to the scene of the shooting.

- **(IIP-104) Motion from the Independent Investigation and Prosecution Subcommittee:**

State law should be changed to allow as much transparency as possible into civilian complaints and IA investigations so that community members and the CRB might be aware of police officers who are repeat offenders. The CRB should have the authority to recommend that police officers with a history of repeated or multiple complaints and/or offenses be removed from the force. EPD shall not be able to hire officers who have a documented history of police misconduct.

- **(IIP-105) Motion from the Independent Investigation and Prosecution Subcommittee:**

The City shall ban the inclusion of all matters pertaining to the discipline of law enforcement officers in their police union contract.

- **(IIP-106) Motion from the Independent Investigation and Prosecution Subcommittee:**

In cases of criminal misconduct and brutality by the police, an independent civilian prosecutor shall prosecute the case.

- **(IIP-107) Motion from the Independent Investigation and Prosecution Subcommittee:**

Police members of internal investigations and IDFIT investigations may not be an officer of a police union nor may they serve on any committee of a police union.

- **(IIP-108) Motion from the Independent Investigation and Prosecution Subcommittee:**

In reviewing a complaint of police misconduct, the CRB shall consider the entire event, not just the immediate events leading up to an incident of possible misconduct, including specifically whether the officer(s) involved initiated or escalated the incident. The CRB may also consider the officer's history of prior complaints and sustained allegations.

- **(IIP-109) Motion from the Independent Investigation and Prosecution Subcommittee:**

In mediation sessions with EPD officers, civilian complainants shall have the ability to have a non-legal advisor present. This advisor would be able to guide them through the process and inform them of their rights and responsibilities in the process.

- **(IIP-111) Motion from the Independent Investigation and Prosecution Subcommittee:**

Any IDFIT investigation into an EPD officer shall be made fully public.
Yes = 5, No = 0

- **(IIP-112) Motion from the Independent Investigation and Prosecution Subcommittee:**

The City shall advocate for meaningful civilian oversight of IDFIT investigations and the IDFIT process.
Yes = 5, No = 0

- **(IIP-113) Motion from the Independent Investigation and Prosecution Subcommittee:**

All CRB proceedings will be audio and/or video recorded and shall be made public.
Yes = 5, No = 0

- **(IIP-114) Motion from the Independent Investigation and Prosecution Subcommittee:**

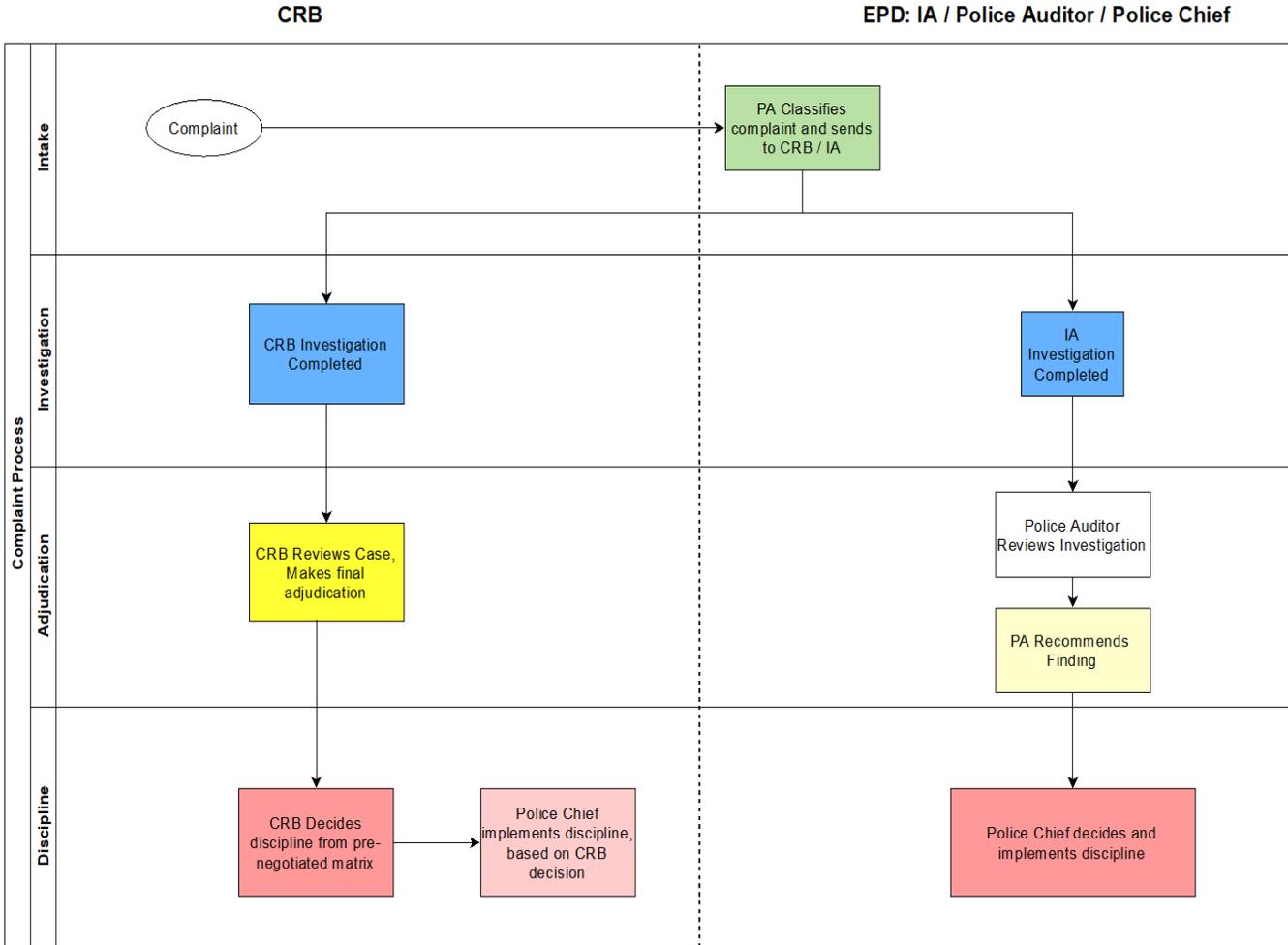
All investigations into complaints about police officers, other than IA, must be conducted, supervised and concluded by citizens of the CRB with input from experts, and using the discipline matrix raised previously.
Yes = 5, No = 0 (Approved by subcommittee)

- **(IIP-115) Motion from the Independent Investigation and Prosecution Subcommittee:**

Investigators now in the police auditor office will become a part of the CRB instead.
Yes = 5, No = 0 (Approved by subcommittee)

Additional Information

- The following proposed CRB/PA Flow chart is submitted by Brian Michaels:



- The following information regarding EPD psychological assessments is submitted by Eugene Police Department:

The psychologist who currently screens all Eugene PD Police Officer applicants is Board Certified Specialist in Police and Public Safety Psychology through the American Board of Professional Psychology. This certification is held by approximately 80 psychologists nationwide and indicates that the psychologist has been through a lengthy process including a peer review of work sample and an oral examination.

As part of the pre-employment evaluation of each applicant, we administer the following psychological tests and other written instruments: the California Psychological Inventory-Police and Public Safety

Report (CPI-434-PPSR), the Personality Assessment Inventory-Police and Public Safety Report (PAIPPSR); the State-Trait Anger Expression Inventory-II-Police and Public Safety Report (STAXI-II-PPSR); the Psychological History Questionnaire-Required Explanations (PsyQ-RE); the Post-Offer Supplemental Psychological History Questionnaire; the online Wonderlic; and the Mental Health Release of Information Form (when appropriate).

As part of the fitness for duty evaluations for each referred incumbent employee, we typically administer a PAI and a Minnesota Multiphasic Personality Assessment Inventory-2-RF (MMPI-2-RF) along with any specialized assessment instruments that may be required. Because the MMPI-2-RF will be superseded by the MMPI-3 in the fall, we would propose to replace the MMPI-2-RF with that instrument when it becomes available.

The police and public safety reports based on the CPI and PAI are published by JRA are designed specifically for the purpose of evaluating applicants for entry level law enforcement and other public safety positions. In particular, the two primary psychological instruments, the JRA CPI-434-PPSR and PAI-PPSR, are some of the most widely used psychological tests for public safety selection in the country (Corey, D. M., Assessment protocols, procedures & pass rates for psychological evaluations of police candidates. Paper presented at the International Association of Chiefs of Police Conference, San Diego, CA., 2016). These selection reports are not only recognized as well validated for their intended use, but are designed specifically for public safety preemployment selection, using norms specific to public safety applicants (See, CA POST Psychological Screening Manual, 2019, pp. 112-114). These specialized norms are also the most diverse of any public safety selection test, having been collected on an extensive national public safety applicant dataset numbering in the hundreds of thousands. These special group norms enable the screening psychologist to view how the testing produced by a current job applicant compares with norms from other job applicants testing for the same position (police officer, firefighter, communications dispatcher), and even more relevant, the selection reports provide the psychologist with comparisons between norms from previous applicants for the same position that went on to be hired, and who maintained employment for a minimum of one year (completed probation).

The Personality Assessment Inventory (PAI) – Police and Public Safety Report

The PAI serves the purpose of identifying the emotionally unstable applicant. The PAI contains 344 items that are answered on a four-alternative scale with anchors False, Slightly True, Mainly True, and Very True. Our PAI Selection Report based on the PAI includes unique features such as: (1) “Risk Profiles” indicating the likelihood an applicant has engaged in behaviors regarded as negative by hiring authorities; (2) Comparison Profiles comparing each applicant to norms from incumbent employees in the same job class of the applicant; and (3) Critical Item listings that direct the interviewer to areas of concern. The report includes job relevant dimensions such as Anger Management, Job Problems, Integrity Problems, and Substance Use/Abuse Problems. The PAI has no adverse impact on protected class applicants and

has demonstrated reliability and validity in our ongoing research program. External researchers have also established the predictive validity of the PAI in the public safety selection context (Lowmaster & Morey, 2012). Research reports are available for review. The PAI is published by Psychological Assessment Resources, Inc., 16204 N. Florida Ave., Lutz, FL 33549.

The California Psychological Inventory-434 (CPI-434) – Police and Public Safety Report

The CPI 434 is used to identify applicants that while emotionally stable, display traits and characteristics that are associated with poor performance of job functions. This version of the CPI contains 434 true-false items that are represented in test scales that are linked to the quality of job performance (e.g., Tolerance, Responsibility, Empathy, Self-Control, Flexibility). The JRA Selection Report contains the same unique features outlined above for the PAI. The CPI has no adverse impact on protected class applicants and has demonstrated reliability and validity in our ongoing research program as well as by external academic researchers (Roberts, R., et al., 2018; Fischler & Roberts, R. (2018); Tarescavage, et al. (2014); Sarchione, et al. (1998); Hargrave & Hiatt, (1989)) Research reports are available for review. The CPI is published by The Myers-Briggs Company, 185 N Wolfe Rd, Sunnyvale, CA 94086.

The State-Trait Anger Expression Inventory-II (STAXI-II) – Police and Public Safety Report

The State-Trait Anger Expression Inventory-II (STAXI-II) is a 57 item self-report measure that focuses on the very important area of how applicants respond to frustration and how they express angry feelings. The STAXI-II has no adverse impact and is valid and reliable. The STAXI is published by Psychological Assessment Resources, Inc., 16204 N. Florida Ave., Lutz, FL 33549.

The Psychological History Questionnaire-Required Explanations (PsyQ-RE)

The Psychological History Questionnaire (PsyQ), published by JRA, is an automated inventory of over 300 questions about various aspects of the applicant's past and current life that are relevant to evaluating his or her psychological suitability for law enforcement work. The behavioral history covered includes "non-medical" areas such as education, work history; past and current employment, military experience; prior public safety experience; financial problems; driving record; illegal drug use and abuse; alcohol use and abuse, criminal record; plus additional "psychological" questions including: psychological treatment history, psychological medication history, rehabilitation history, developmental history, and family, marital and workplace interpersonal relationships. The applicant is also required to provide a narrative response explaining the "who, what, when, why, and where" of each response that is deemed critical or serious. The PsyQ RE test protocol creates a digital record, in addition to a hard copy structured interview form used by the psychologist, that summarizes the applicant's responses to each question and organizes them by content area for the psychological interviewer. Narrative responses provided by the applicant are highlighted in the report and can be used to document critical admissions in the applicant's own language. Our research team uses the digital record of applicant responses to the PsyQ to examine the response rate to each background question by different groups of applicants, identifying any pattern of negative

impact on protected classes. It should be noted that our firm has conducted an exhaustive review of our PsyQ items using a national public safety sample of over 50,000 applicants. Based on our analyses there is not any adverse impact for any of the questions used in our evaluation process, and they exhibit strong associations with other background-relevant data.

The Post-Offer Supplemental Psychological History Questionnaire

The Post-Offer Supplemental Psychological History Questionnaire requires the applicant to report, in his or her own handwriting, any job terminations, contact with mental health professionals, rehabilitation for alcohol or drug abuse, history of illegal drug use or abuse, arrest/conviction history, sexual behavior in the workplace, and restraining orders against him (or her) for threats of violence or actual violence at work, or in personal relationships. Applicants must certify that they understand that any substantive falsification may result in rejection during the selection process or dismissal from employment if hired.

Mental Health Release of Information

The Release of Information Form is administered to those applicants who report psychological problems requiring professional treatment or rehabilitation (which is about 15% of the applicant pool), a history of being prescribed psychiatric medication, or a history of receiving compensation for a disability that may have a psychological cause. The applicant and his or her provider(s) are required to respond to specific questions that allow our psychologist to get important details about the applicant's history of psychological problems, and to verify that the applicant has been honest in their report. The psychologist must review recent psychological records from collateral sources in order to meet the requirement of the ADA to conduct an "individualized assessment" of the applicant and comply with CA POST guidelines and other guidance such as the IACP Psychological Screening Guidelines (See, POST Psychological Screening Manual, 2019, pp. 90-91). The Release of Information Form was developed by our team approximately 20 years ago, and has since become a standard of care for public safety screening.