



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 17, 2021

5:30 p.m. CITY COUNCIL WORK SESSION

Due to Governor 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-and-Meeting-Materials>

**Meeting of May 17, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President

Mike Clark

Randy Groves

Emily Semple

Claire Syrett, Vice President

Greg Evans

Matt Keating

Alan Zelenka

5:30 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Ad Hoc Committee on Police Policy – Report to Council

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Ad Hoc Committee on Police Policy – Report to Council

Meeting Date: May 17, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Kazim Zaidi
Contact Telephone Number: 541-682-5239

ISSUE STATEMENT

Eugene City Council created the Ad Hoc Committee on Police Policy (AHCPP) in July 2020 to review current police policy and make recommendations to the City Council for changes and improvements. The committee has completed its work and at its final meeting on April 21, 2021, unanimously approved the Ad Hoc Committee on Police Policy Report to Council (see Attachment A). At this work session, facilitation staff will present the committee's recommendations, highlight lessons learned for future engagement with BIPOC and other marginalized groups, and ask Council to provide direction on next steps.

BACKGROUND

The killing of George Floyd in May 2020 sparked a national dialogue around racism and the experience of BIPOC and other marginalized groups with law enforcement. That dialogue has taken place in jurisdictions around the country resulting in a wide variety of approaches. Around 20 major jurisdictions have cut funding to police^a, others have challenged the legal doctrine of qualified immunity, and others are considering or have already enacted programs designed to increase civilian oversight. The George Floyd Justice in Policing Act, which includes many of these changes, was passed by the U.S. House of Representatives on March 3, 2021 and is currently awaiting a Senate hearing.

Against this rapidly evolving legislative and policy background, the AHCPP met 14 times between September 2020 and April 2021. It proposed 50 recommendations based on the policy recommendations in Campaign Zero and The President's Task Force on 21st Century Policing. These can be found in the executive summary of the attached report.

At its final meeting on April 21, 2021, the AHCPP voted unanimously to include the following recommended next steps for Council in the report:

^a <https://www.theguardian.com/us-news/2021/mar/07/us-cities-defund-police-transferring-money-community>

- In cases where the committee has asked for a change at the State level, that these requests be made in the span of the coming [calendar] year.
- That the organizations and individuals represented on the committee should meet again next year with the Council and elected and appointed officials to see what has been accomplished and as a guide to what further steps can be taken.
- That all organizations should be invited back including those members who resigned from the committee.
- That organizations should be able to appoint other representatives if needed.
- That information should be sent to committee members ahead of time, ideally in a video format.
- That the City send regular updates to committee members as the delivery of these recommendations proceeds.

PREVIOUS COUNCIL DIRECTION

On [July 20, 2020](#) Council adopted the following resolution:

Move to create an ad hoc council committee to review current police policies related to Campaign Zero's outlined policy solutions and the President's Task Force on 21st Century Policing and prepare and submit a report to council recommending policy changes to current police policy.

This work shall be completed by January 31, 2021, after which time the ad hoc committee will dissolve. The ad hoc committee shall be comprised of 30 members to include two representatives from the Civilian Review Board, Police Commission, Human Rights Commission, Black Unity, Centro Latino Americano, LULAC, NAACP, Blacks in Government, Transponder, the 15th Night Youth Advisory Committee, Asian/Pacific Islander Community Action Team, Eugene Islamic Center, and a community Indigenous Peoples group. In addition to the 30 committee members, councilors can join the committee as non-voting participants. City Council members will serve as participants for the purpose of listening, learning, and asking questions to better understand the community concerns and the recommendations that come from the committee.

Each group will select two representatives to serve on the ad hoc committee and must notify the Council of the selected representatives no later than September 1, 2020. The group's notification to Council of the group's two selected representatives serves as the appointment of those two people to the ad hoc committee until the committee dissolves. No proxies will be allowed for appointed members. Any seat on the ad hoc committee not filled by September 1, 2020, shall remain vacant for the duration of the committee and quorum shall be determined by number of filled committee seats. The Mayor will appoint four members of the ad hoc committee.

May 17, 2021, Work Session – Item 1

On [September 14, 2020](#), Council adopted a resolution concerning compensation for ad hoc committee members.

On [November 9, 2020](#), Council adopted a resolution to extend the AHCPP to March 31, 2021 and to allow compensation for subcommittee meeting hours.

On [March 8, 2021](#), Council adopted a resolution to extend the AHCPP to April 30, 2020.

ATTACHMENTS

A. Ad Hoc Committee on Police Policy Report to Council

FOR MORE INFORMATION

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Telephone: 541-682-5239, 503-888-3993
Staff E-Mail: Kzaidi@eugene-or.gov



Ad Hoc Committee on Police Policy Report to Council

Kazim Zaidi, Kevin Alltucker, Mo Young

May 17, 2021, Work Session - Item 1

Land Acknowledgement

It is important to begin this report with an acknowledgement of the traditional indigenous inhabitants of this land as a way of showing respect, to counter the doctrine of discovery with the more accurate story of the people who were already here, to support the larger truth-telling and reconciliation efforts, and to open a way towards indigenous protocols that honor respectful relationships (U.S. Department of Arts and Culture, 2020).

*"Since time immemorial the Kalapuya Ilihi have been the Indigenous stewards to this land, building dynamic communities, maintaining balance with wildlife, and enacting sustainable land practices. Following treaties between 1851 and 1855, Kalapuya people were dispossessed of their Indigenous homeland by the United States government and forcibly removed to the Coast Reservation in Western Oregon. The City of Eugene is built upon the traditional homelands of the Kalapuya peoples and acknowledges the inherent sovereignty of the nine federally-recognized tribal nations in the State of Oregon. Kalapuya descendants are citizens of the Confederated Tribes of Grand Ronde Community of Oregon and the Confederated Tribes of the Siletz Indians of Oregon. They continue to make contributions in their communities here and across the lands."*¹

¹ This language is under review by tribal governments and may change.

Black Lives Matter Statement: June 2020

Statement from Eugene City Councilors Evans, Pryor, Semple, Syrett, Yeh and Zelenka and Mayor Vinis regarding Black Lives Matter

The City of Eugene recognizes the harmful impact racialized violence has had on Black People throughout our city's, state's, and nation's history. We, the undersigned city councilors and mayor, say clearly and loudly: Black Lives Matter. The killings of George Floyd, Breonna Taylor and Ahmaud Arbery were enabled by a culture of oppression and dehumanization that has deep roots in our society.

Dismantling this culture will require us to think about what people with privilege, especially White Privilege, should be doing to change this culture, and challenging systemic bias in our neighborhoods, businesses, and our city government. As elected officials we recognize the privilege we hold and our responsibility to use that privilege to end bigotry, discrimination and systemic bias. Some of us have marched alongside the demonstrators, but we know that speeches and demonstrations are not enough.

One place we can start this re-examination is with our police. While Eugene's Hate and Bias Reporting system is used nationally as a model of best-practice and our partnership with CAHOOTS is being cited as an example to cities across America, we recognize more can be done and change needs to be faster. There is a great deal more to do before communities of color and others who have been marginalized will truly feel protected and served by our law enforcement officers.

We recognize there is a need for immediate change, but just as systemic racism runs deep in our institutions, so will our work need to be deep, thoughtful and reflective. We want to assure you that we are taking immediate steps. The Police Chief has already revised the policy regarding the use of chokeholds and the independent police auditor has begun investigations into all recent complaints regarding police use of force. We are committed to 21st century policing and police reform. We are ready to engage with communities of color to listen to their ideas and input on how we can do better in this area.

We recognize that there is a history to be overcome and we are dedicated to working together to do that. This work will likely take the form of a task force that includes elected officials, representatives from communities of color and others who have a stake in this important work. We believe there is a need to look at our city policies through an equity lens with the goal of reforming city policies that continue a legacy of racism.

This is long-term work that will take time and dedication to accomplish, but it must be done if we are to achieve equality and justice in our community. We pledge to continue working on this issue and not to forget – even after the current marches spurred by the senseless and unjust death of George Floyd have ended. We hear you, and we are listening to you: Black Lives Matter.

Acknowledgements

Facilitating the Ad Hoc Committee and producing this report has been a huge team effort. As well as the subject matter experts who have helped the committee to understand the intricacies of police policy and oversight, there are also many staff who have worked behind the scenes to make the AHCPP possible. We would like to acknowledge all of their contribution to this vital work here:

Patricia Perlow, Lane County District Attorney
Mark Gissiner, Police Auditor (Rtd.), City of Eugene
Leia Pitcher, Police Auditor, City of Eugene,
Travis Smith, City Prosecutor, City of Eugene
Cindy Coleman, Professional Standards Manager, AIC, Eugene Police Department
Ron Tinseth, Finance and Administration Lieutenant, Eugene Police Department
Angie San Miguel, Training Lieutenant, Eugene Police Department
Eric Klinko, Patrol Captain, Eugene Police Department
Jason Berreth, Internal Affairs Sergeant, Eugene Police Department
Jeremy Cleversey, Police Commission Analyst, Eugene Police Department
Niyah Ross, Mayor's Assistant, City Manager's Office, City of Eugene
Katie Sproles, Web Analyst, City of Eugene
Caitlin Wallace, Communications Coordinator, City of Eugene
Sarita Black, Office Coordinator, City Manager's Office, City of Eugene
Jennifer Knapp, Associate Planner, City of Eugene

Our thanks also goes to the whole team at the Employee Resource Center including Randi Bowers-Payne, Keri Beraldo, Janice Gross, Misty Jarrett, and Jen Lleras Van Der Haeghen.

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Executive Summary

- Overview of Charge and Process
- Summary of Policy Recommendations by Policy Area
- Recommended Next Steps

Executive Summary

Overview of Charge and Process

The City of Eugene Ad Hoc Committee on Police Policy (AHCPP) was created by a vote of the City Council on July 20, 2020. Using the President's Task Force on 21st Century Policing (Final Report on the President's Task Force on 21st Century Policing, 2015) and Campaign Zero's 10-point plan for policing reform as reference points (www.joincampaignzero.org, 2021), the AHCPP was charged with looking at current police policy through the lens of these two documents and proposing changes to the council. The facilitation team identified 210 policy recommendations from Campaign Zero and 21st Century Policing, and then the Eugene Police Department (EPD) provided information on which of these had been enacted by EPD.

Ten organizations representing marginalized groups were invited to participate and each organization was asked to nominate two members to sit on the committee. The Eugene Police Commission, the Civilian Review Board, and the Human Rights Commission were also asked to nominate two members and the Mayor was asked to invite four members to ensure that a broad cross-section of the community were represented. The AHCPP consisted of 30 members. Members were given a stipend equivalent to \$15/hr for their participation in meetings in recognition of the fact that many members of marginalized groups have been historically excluded from participation in policymaking due to financial pressures (McBride, Gonzales, Morrow-Howell, & McCrary, 2011).

The committee was initially due to meet 10 times between September 2020 and the end of January 2021, reporting back at the end of January. However, the scale of the task and the challenges posed by virtual meetings during the Covid 19 pandemic required a re-think of this timeline. In November 2020, the City Council amended the charge given on July 20, 2020 to extend the AHCPP's work to March 31, 2021, and increased the budget to allow for the creation of subcommittees to take a deeper dive into the issues. A survey was used to assist the committee in identifying priority areas and creating a work plan. On March 8, 2021 the City Council approved a two-meeting time extension and a revised deadline for the committee of April 30, 2021.

In total, the AHCPP held 14 2-hour virtual meetings between September 30, 2020 and April 30, 2021. In addition, five subcommittees covering Community Oversight, Use of Force, Hiring and Training, Body-Worn Cameras and Independent Investigation and prosecution met during this period². One full committee meeting was dedicated entirely to testimony from community members with adverse experiences of policing in Eugene. Recommendations

² All subcommittees met twice, except for the Hiring and Training Subcommittee, which was unable to reach quorum at its second meeting.

were adopted by a simple majority vote and a loose interpretation of Robert's Rules was used to give structure to meetings.

This report includes a diversity of perspectives and voices, including those that were not in the majority. There is no single "BIPOC" or "marginalized" experience and the members of the Ad Hoc Committee represented diverse viewpoints and interests. This is reflected in the fact that in some cases this report contains several different potential solutions to the issues faced by marginalized members of our community.

Committee members were clear that while some of the recommendations in this report can be enacted through changes to existing policy, others will require changes to local, state or federal law or a significant restructuring of existing systems in the City and EPD. However, the laws, policies and practices that govern policing across the nation are changing rapidly and the Ad Hoc Committee was a rare platform for BIPOC and other marginalized voices in Eugene to add to the national conversation. Throughout the process, members have articulated the wish to balance aspiration with pragmatism, advocating for immediately achievable local changes as well as a far-reaching re-evaluation of how law enforcement operates and how officers and police departments are held accountable.

Issues requiring further discussion³

Committee members have asked for the items below to be brought to the attention of the City Council. These are areas that members felt required more discussion than was possible in committee meetings. Some are touched on in the recommendations, others are reflected in the end-of-process survey and others are highlighted in testimony from committee members.

Qualified Immunity – Some members felt strongly that the city should lobby state government for modifications to current qualified immunity laws or, in the case of some members, for the wholesale removal of this privilege. Some members also felt that the City should ban qualified immunity, in the awareness that such a ban may be challenged in court.

Crisis Response – At its [Feb. 17th meeting](#), the committee received testimony from five community members who called CAHOOTs but received a police response that included violence and arrest. This was also a major concern in the end-of-process survey and some members have asked the facilitation team to highlight the need for more civilian crisis responders and for changes to the 911 dispatch system to prevent police from being dispatched to calls where a mental health crisis responder would be more appropriate.

³ This section of the report was added by committee members at the April 21st meeting. Members voted 17-0 to make the addition.

Civil forfeiture – This was a major concern in the end-of-process survey.

No-Knock Raids – This was a major concern in the end-of-process survey and in conversations between the facilitation team and members, some of whom cited the case of Breonna Taylor as the worst-case-scenario they wished to avoid happening in Eugene.

Chokeholds – The AHCPP asked that EPD eliminate the use of chokeholds within the department.

Police Unions – Members felt that the role of police unions in shaping policy and experiential outcomes for marginalized groups needs to be addressed more fully. Members are aware that many of their recommendations will require collective bargaining if they are to be implemented. Members wished to highlight that the City Manager has the authority to bring experts into the bargaining process and these experts should include representation from BIPOC and marginalized communities. This will have the impact of increasing the transparency of the bargaining process.

Summary of Recommendations by Policy Area

Use of Force

- Overhaul EPD crowd control policy
- Revise “Duty to Intercede” policy
- Revise “De-escalation” policy
- Create an “Unreasonable force” policy
- Revise existing use of deadly force policy
- Track all threats of the use of force
- Institute regular training on updated use of force policies
- Give community members input when vetting new technologies
- Expand non-sworn response services
- Demilitarize EPD uniforms and equipment
- Limit the use of chemical weapons
- Limit “Open Carry” firearms.

Hiring and Training

- Evaluate EPD training programs from a diversity, equity and inclusion perspective
- Review EPD engagement with marginalized groups
- Review EPD hiring practices
- Review EPD policies and practices for fostering an inclusive workplace
- Improve bias assessment and anti-bias training
- Hire an equity-focused staff member into EPD
- Review officer evaluation metrics.

Community Oversight

- Extend the expiration period for complaints
- Make Civilian Review Board findings of fact binding on the Chief of Police
- Allow the CRB to consider the entire event when looking at police misconduct
- Give the CRB power to obtain additional evidence
- Limit officer testimony if body-worn camera footage is lost or destroyed
- A minimum of a quorum of CRB members be from marginalized groups
- No current or former EPD employee should be a member of the CRB
- CRB members receive a stipend
- Give council final say on police policy proposals
- The city council should engage community in evaluating civilian oversight structures
- Increase accountability during police stops
- Give the CRB subpoena power
- Drug test officers after an incident that results in serious injury or death
- Create a public database of police stops

- Give the CRB adjudication authority
- Create a disciplinary matrix.

Body-Worn Cameras

- Prohibit muting/editing of body-worn camera footage
- Create a disciplinary matrix for body-worn camera policy
- Prevent officers from reviewing footage before completing incident reports/statements
- Lobby the state legislature to make body and dash cam footage public record
- Require justification in court for the denial of FOIA requests for body/dash cam footage
- Body/dash cam footage should be stored externally to EPD
- Reaffirm the right to film police.

Independent Investigation and Prosecution

- Give the CRB its own investigative team
- Give the CRB investigative powers
- No police union officials or committee members should serve on IDFIT teams
- Civilian prosecutors should handle cases of potential criminal misconduct by police
- Lobby for the removal of disciplinary matters from collective bargaining
- Lobby for changes to state law to make the civilian complaints process more transparent
- Lobby for changes to state law to allow civilian investigators to interrogate officers within 48 hours of a deadly force incident
- Incorporate procedural justice into the internal disciplinary process.

Recommended Next Steps

At its final meeting on 21st April 2021, the AHCPP voted on a motion recommending the following next steps for delivering the recommendations contained in this report:

- In cases where the committee has asked for a change at the State level, that these requests be made in the span of the coming [calendar] year
- That the organizations and individuals represented on the committee should meet again, next year, with the Council and elected and appointed officials to see what has been accomplished and as a guide to what further steps can be taken
- That all organizations should be invited back including those members who resigned from the committee
- That organizations should be able to appoint other representatives if needed
- That information should be sent to committee members ahead of time, ideally in a video format
- That the city send regular updates to committee members as the delivery of these recommendations proceeds



Introduction

- Foreword by Mayor Vinis
- Defining Terms
- Political and Historical Background (National)
- Political and Historical Background (Local)
- 21st Century Policing Overview
- Campaign Zero Overview
- Challenges and Approach

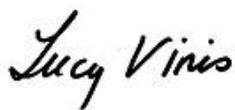
Foreword by Mayor Lucy Vinis

The killing of George Floyd by a Minneapolis police officer on May 25, 2020, sparked protests across the country, the world, and our own city. The video of Officer Derek Chauvin kneeling on Mr. Floyd's neck for almost ten minutes was shocking, but to many members of BIPOC and other marginalized communities, it was just one more in a long line of brutal actions by individuals in uniform. Breonna Taylor, Philando Castille, Eric Garner, Tamir Rice, and too many others to list were the victims of force unjustly applied by the very people tasked with enforcing justice. So many times before it seemed that those responsible could act with impunity, that the deep legacy of America's racist past meant that victims would not be protected, and perpetrators would not be held accountable.

In the summer of 2020, though, something felt different. It felt like this time a change in public attitudes might just make it possible to challenge the entrenched inequalities in our law enforcement system. On June 22, 2020, the Council issued a statement in support of the Black Lives Matter movement and in September 2020 it passed the resolution that created the Ad Hoc Committee on Police Policy. Over the months that have followed, our dedicated committee members have worked tirelessly on solutions that meet our community's needs. They, and the many City of Eugene staff who have assisted them, have ensured that George Floyd will leave a legacy that will continue for many years after his life was so cruelly taken away.

The Ad Hoc Committee unanimously approved this report just one day after Floyd's killer was found guilty on all counts. The verdict was a relief but it is only one step on the road towards true justice for BIPOC and other marginalized groups. The policies and attitudes that underpin white supremacy pervade every aspect of our society, and removing them will be long, patient and difficult work. In Eugene, the City Council, the Police Commission, the Chief of Police, EPD's policy specialists, and the Police Auditor will all have pivotal roles in this process, as will our elected representatives in Salem and Washington, DC.

The community discussions and demands for action that initiated the creation of the Ad Hoc Committee will continue in different forms to guide this long-term work. We learn as we go, and thanks to the work of the AHCPP, we know where we need to get to. It is up to us as a community to make sure that we sustain this legacy work.



Eugene 2021

The information contained in this section was written by the facilitation team to provide social and historical context for the recommendations made by committee members. It does not necessarily reflect the views of the committee.

Defining Terms

This report is underpinned by two key concepts: Equity, and Systemic Racism/Exclusion. A clear understanding of both is needed in order to fully understand the recommendations that have been put forward by the committee. These two terms, along with some other concepts critical to understanding the AHCPP's work, are defined here:

Equity

Equity can be understood as a refinement of the concept of equality (Annie E. Casey Foundation, 2020). Where an equal approach to public administration requires that everyone receive the *same treatment* from government, an equitable approach requires us to work to ensure that they experience the *same outcome*. An everyday example of an equitable approach are braille signs for the visually impaired: an equality-based approach would require all signage to be the same, but an equity-based approach requires us to adjust our signage so that all of the population is able to access them.

BIPOC

The term BIPOC refers to Black, Indigenous and People of Color. It has gained currency in the last decade because it recognizes both the common experiences and distinct justice claims of groups whose marginalization stems from their ethnic, racial or cultural background (Garcia, 2020).

Systemic Racism/Systemic Exclusion

This report relies on the concept of “systemic exclusion” as well as the more common “systemic racism” because systemic racism is only one of many forms of marginalization faced by people in our community. Other examples include homophobia, transphobia and sexism/misogyny.

Systemic exclusion refers to the combination of attitudes, assumptions, policies and processes that mean certain groups have different (lesser) experiences of our society and public institutions due to an innate characteristic that they possess. Systemic exclusion may not always be obvious in a specific case, but often reveals itself when we look at broad trends. For example, during the war on drugs era, sentences for crack cocaine offenses were 100 times more severe compared to the sentences for powder cocaine offenses (American Civil Liberties Union, 2021). These two substances are almost the same in their effects, but crack was overwhelmingly used by BIPOC communities and powder by white people. As a result of this policy, thousands more BIPOC drug users were

incarcerated for long periods than their white counterparts for essentially the same offense.

A critical element of systemic exclusion is that it has a compound effect. If you are a member of a BIPOC community you are more likely to live in poverty, which in turn means that you are more likely to have a low credit score, experience bankruptcy and lack access to medical and mental health treatment. This “poverty trap” not only makes it harder to improve your social position, but in the minds of some members of the general population can confirm the prejudice that there is a link between skin color/culture and poverty and criminality.

Individual Bigotry Vs Systemic Exclusion

A common point of confusion in conversations about race and other systemic exclusions is that a person does not need to have an active animus against marginalized groups in order to be a participant in, and beneficiary of, the system that marginalizes those groups. A person might not “have a racist bone in their body” or “have nothing against gays” but if they are not actively challenging the exclusions faced by these groups, they may still be an unwitting (and perhaps even unwilling) agent of exclusion (Kendi, 2019).

Due to the fact that this report focuses on police and police policies, attention is directed towards law enforcement and its role in maintaining structural inequities. However, this does not mean that police officers or policing as an institution should be viewed as more culpable than the rest of society, merely that policing practices in our country are an extension of long-standing social biases and behaviors that are just now beginning to be examined, spurred on by the largest social movement in our country since the 1960s (New York Times, 2020).

White Supremacy Vs White Nationalism

AHCPP members were very conscious of the impact of white supremacy and white nationalism on the way members of marginalized groups experience policing. These two terms are sometimes used interchangeably but should be understood as distinct. White nationalism is a political ideology based on the premise that Americans with light skin and/or European ancestry should form an ethnic homeland, either by creating their own breakaway state or by removing members of other ethnic groups from the United States.

White supremacy is a cultural attitude which perceives European-descended cultures and values as both superior to those of other cultures and as the norm against which other cultures are judged (Perlman, 2017). A person can have white supremacist attitudes without ascribing to the political ideology of white nationalism, but a person who is a white nationalist must necessarily have white supremacist attitudes.

The phrase “White Power” is an example of white nationalism. The phrase “they shouldn’t come here if they can’t speak English” is an example of a white supremacist attitude.

Political and Historical Background (National)

There is an extensive literature that provides evidence of long-standing discriminatory policies and practices in the United States (i.e., Brondolo, ver Halen, Pencille, Beatty, & Contrada, 2009; Feagin & Bennefield, 2014; Kelly & Varghese, 2018). Racism is deeply embedded into our social, political, educational, economic, healthcare and legal systems to the point where it is difficult for people identifying with the dominant culture to detect such disparities because the policies are ubiquitous and often benefit the dominant culture (Delgado & Stefancic, 2007).

Within the framework of structural racism, it is useful to trace the historical arc of American policing practices in order to gain insight into the systemic components that explain why so many BIPOC and other marginalized groups have negative experiences of policing.

The evolution of policing in the United States can be understood through the lens of northern cities, southern slavery, and western frontiers (Brown, 2019). Each area developed its own unique law enforcement approach based on the different social and political forces that existed in that region. The first professionalized forces emerged in large northern industrial cities like Boston and were inspired by Robert Peel’s Metropolitan Police Force, created in London in 1829. Although much more effective and impartial than the city watches which preceded them, these forces sometimes fell under the influence of local gangs and were often drawn into city politics. Their role was primarily dealing with public disorder, including the suppression of labor and immigrant rights movements rather than investigating crimes or catching criminals.

In the south, the development of policing took a different route, evolving into slave patrols, whose primary role was catching runaway slaves and maintaining white supremacy (Bass, 2001). The first recorded slave patrol was in Carolina in 1704. During the reconstruction period, many local sheriffs “functioned in a way analogous to the earlier slave patrols, enforcing segregation and the disenfranchisement of freed slaves” (Potter, 2013).

On the western frontier, law enforcement developed in areas where people were taking over indigenous land and where clear legal authority and formal government did not exist. This often gave way to extra-legal and vigilante enforcements of laws and social norms (Langworthy & Travis, 1999).

Policing as we know it today grew from these roots and can be understood to have evolved through five major phases in the 20th Century (Brown, 2019). The first major development came from August Vollmer who served as the Chief of the Berkeley, CA police department starting in 1909. Vollmer was an early

influencer in police practices, and his suggested reforms included changing police departments to be more like the military, stressing tactics and weapons, and he successfully exported a militaristic policing training regime across the country.

The next phase started during the prohibition era which marked the first large-scale governmental investigation of law enforcement in the United States (Immarigeon, 2002). The brazen relationship between business, organized crime and municipal police forces during this time resulted in pushback from both the federal government and from within police ranks. In 1929, the federal Wickersham Commission reports were the first to describe law enforcement abuses, police brutality, and the repudiation of the link between immigrant status and crime (Immarigeon, 2002).

In 1951, one of Vollmer's protégés O.W. Wilson published his book *Police Administration*, which set the standard for police procedures and conduct for the next 30 years. Like Vollmer, Wilson advocated for greater centralization, stronger hierarchy, military-style discipline and merit-based promotion (Engle, 2002). Wilson's reforms led to more professional forces, but they also increased the gulf between police and communities by emphasizing maintaining order over law enforcement (Brown, 2019). In 1967 the federal Kerner Commission commented on the tensions between minority groups and the police, noting "those departments that were believed to be the most professional were in fact those that had the most serious disturbances and civil unrest" (Engel, 2002, p. 1058).

It was also in 1967 that the case of *Pierson vs. Ray* introduced the concept of qualified immunity, which was later strengthened in the case of *Harlow vs. Fitzgerald* (1982). This legal concept shields officers from civil liability if they violate a person's constitutional rights as long they do not violate clearly established law (Congressional Research Service, 2020). Critics of qualified immunity say that it offers police officers too much protection and diminishes accountability, while proponents argue it is necessary for police officers to do their jobs without fear of being sued for reasonable but mistaken actions (Congressional Research Service, 2020).

The doctrine of qualified immunity has long been seen as a fixture of law enforcement in the United States but has recently been challenged by federal and state legislators. For example, the U.S. House of Representatives passed HR 1280 known as the "George Floyd Justice in Policing Act of 2020" on March 3, 2021 (Weiner 2021) and several states enacted legislation addressing qualified immunity (i.e., Colorado, New Mexico, New York) (Ford, 2021).

The fourth phase began in the late 1970s and was heralded by Wilson (no relation) and Kelling (1982), who developed the "broken windows" model, which held that unchecked minor incidents would lead to more violent crime. This gave more discretion to individual officers and supported them to intervene with individuals or situations that seemed out of place (Brown, 2005). There is some agreement that this approach contributed to the practice of "stop and frisk" where police officers stopped individuals if they had reasonable suspicion that

the person was committing a crime, had committed a crime, or was about to commit a crime (Goel, Rao, & Shroff, 2016). Perhaps the nation's most notable example was New York City's high profile stop and frisk policy that resulted in a disproportionate number of BIPOC residents being stopped, and was ruled unconstitutional in 2013 (Vaughn, 2013).

Political and Historical Background (Local)

The past 30 years have helped sketch the outlines of the next chapter of policing and police reforms nationally and in Eugene. Eugene has a documented history of being on the forefront of police reforms and working with the community to meet the needs of its residents. For example, in 1989, the City worked with the White Bird Clinic to develop the CAHOOTS⁴ (Crisis Assistance Helping Out On the Streets) program as a community-based policing initiative that created an alternative first response to individuals experiencing mental illness, homelessness and addiction. CAHOOTS has been featured nationally as an effective model and it was the catalyst for federal legislation introduced in February, 2021 by Oregon Senator Wyden (D-OR) and seven other senators including Jeff Merkley (D-OR). (CAHOOTS, n.d.; Merkley, 2021).

In 1998, the Eugene Police Commission was started to increase communication between the community and the police department and to provide input on police policies. The independent Police Auditor's office was created in 2005 on the basis of lessons learned from the arrest and conviction of two Eugene Police Officers for sexual assault. It provides an external mechanism for the receipt, classification, and routing of complaints against sworn and non-sworn EPD employees. In 2006, a Civilian Review Board was established to provide fair and impartial oversight and review of civilian complaints and internal investigations conducted by the Eugene Police Department. In 2017 all Eugene Police Department officers started wearing body-worn cameras.

Some committee members have asked the facilitation team to highlight the fatal incidents involving Brian Babb in 2015 and Eliborio Rodriguez in 2019 as indicative of systemic failures. In both cases an IDFIT investigation found the use of force to be justified, and no disciplinary actions were taken against the officers.

Although Eugene has implemented many of the reforms that are proposed in 21st Century Policing and Campaign Zero, the almost daily protests that occurred for several months following the police killing of George Floyd demonstrate that there is still a significant gap in trust between police and a large section of the population. The testimonies of Ad Hoc Committee and community members show that this is not just the product of national or historical trends, but is also

⁴ Readers are directed to the testimony provided to the committee on February 17, 2021 where three people described incidents when they called for CAHOOTS and Eugene Police responded to the call.

rooted in the daily experience of BIPOC and other marginalized groups in Eugene.

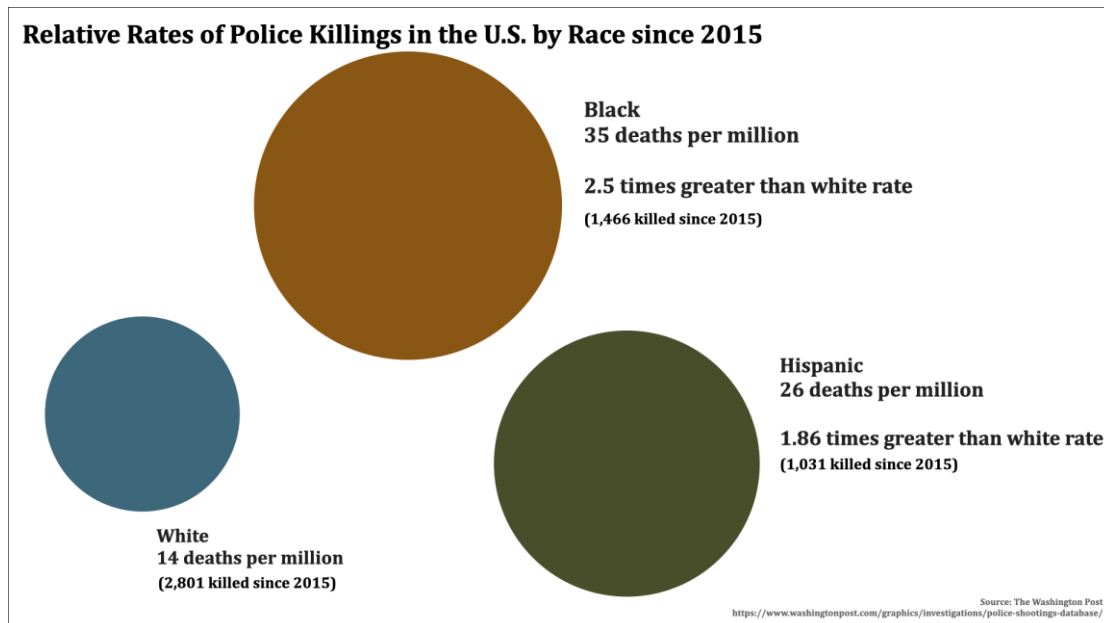


Figure 1 shows the relative rates of police killings in the U.S. by race since 2015.

Note: A significant omission from the Washington Post data is the number of Native people that are killed by police. It is important to acknowledge that most recent attention regarding police killings has focused on Black people and Hispanic people, and Native people have historically been left out of the national conversation. A recent article by the National Academy of Sciences found that American Indian men and women are more likely to be killed by police compared to white people. Readers are encouraged to access the article here: <https://www.pnas.org/content/116/34/16793>

Policing & BIPOC Communities: The National Statistics

While more white people have been killed by police, the rates at which Black and Hispanic people are killed are disproportionately higher compared to white people, with the Black rate 2.5 times higher and the Hispanic rate 1.86 times higher. Although the vast majority of police encounters do not result in the threat of violence or actual violence, the evidence indicates that BIPOC and other marginalized groups are disproportionately likely to have a police contact or experience the use of force. According to a 2018 report by the U.S. Department of Justice (the latest data available) about 61.5 million people had at least one police contact that year. White people made up around 26 % of contacts, despite being around 60 % of the population whereas Black people made up 21 % of contacts, despite only constituting around 14 % of Americans.

There were also racial differences in the threat of force or the use of force, with Black people and Hispanic people being more than twice as likely to experience the use of force during a police stop, compared to White people (Harrell & Davis, 2020). Other studies have found that regardless of gender and sexual orientation, Black people are “more likely to be stopped, searched, and arrested by the police, and are more likely to be the victims of police use of force, and are

more likely to report negative police experiences” compared to other racial categories (Owusu-Bempah, 2017, p.24).

Recent studies have shown that police fatally shoot on average about 1,000 people every year since 2015 (Lyons, 2020), with Black deaths disproportionately higher than white deaths. Ross (2015) examined the U.S. Police Shooting Database and found that unarmed Black Americans were 3.49 times more likely to be killed by police compared to unarmed white Americans. DeGue and her colleagues examined 812 fatalities resulting from police lethal force between 2009 and 2012, and found that most victims were white (52%) but disproportionately Black (32%), with the Black fatality rate 2.8 times that of the white fatality rate (DeGue, Fowler, & Calkings, 2016).

Policy Reference Documents

The resolution passed by Council took the President's Task Force on 21st Century Policing and Campaign Zero as its policy reference points. A brief overview of these is given below:

21st Century Policing Overview

The President's Task Force on 21st Century Policing (21CP) was established by Executive Order by President Barack Obama in December 2014 in response to the police shooting of Michal Brown in Ferguson, MO, and the unrest that followed. It presented its interim report in March 2015 and the final report was released in May 2015.

21CP is based on the community policing model and aims to strengthen the work done by the Office Community Oriented Policing Services, which was created through the 1994 Violent Crime Control and Law Enforcement Act. The task force provided over 100 recommendations under six "pillars:"

- Building Trust and Legitimacy
- Policy and Oversight
- Technology and Social Media
- Community Policing and Crime Reduction
- Officer Training and Education
- Officer Safety and Wellness

A follow-up report released in 2016 indicated that at least nine states and cities in the United States had adopted some of the recommendations in 21st Century Policing.

Campaign Zero Overview

Campaign Zero (CZ) was created in 2015 by activists in the Black Lives Matter movement in response to criticism that the movement was not putting forward concrete policy proposals.

Originally billed as "Eight Can't Wait," referring to eight policy areas where rapid and radical change was needed, the Campaign Zero platform now consists of around 100 recommendations divided into ten themes:

- End Broken Windows Policing
- Community Oversight
- Limit Use of Force
- Independently Investigate and Prosecute
- Community Representation
- Body Cams/ Film the Police
- Training
- End For-Profit Policing
- Demilitarization
- Fair Police Union Contracts

Challenges

The Ad Hoc Committee faced a number of challenges to achieving the goal set out in the charge given by council. Recognizing and addressing these challenges was key to the committee's work.

Challenges unique to Eugene include:

1. Unlike some other jurisdictions, Eugene has enacted a significant number of the reforms proposed in CZ and 21CP or has developed solutions that result in similar outcomes but using different policy pathways. This meant that significant committee time had to be spent bringing members up to speed on the current system, a process that took up a large amount of committee time that might otherwise have been spent discussing policy.
2. These reforms have been gradual, resulting in a complex accretion of structures and policies that do not map easily onto the current national conversation around policing.
3. The legacy of Oregon's "whites only" status (Smith, 2014) which means that city institutions have less experience working with BIPOC civil society groups than in other parts of the country.

These challenges were in addition to those faced by police reform projects nationally, including:

4. The COVID-19 pandemic, which restricted meetings to an online format.
5. The legacy of systemic exclusion that means that the number of people who have an understanding of the practices and policies around law enforcement AND have lived experience of membership of a marginalized group is limited.
6. The sheer scale of the task - there are 210 policy recommendations in CZ and 21CP, and analysing and discussing all these proposals in sufficient detail would be the work of years.
7. The challenge of multiple jurisdictions and rule-making bodies: because systemic exclusion pervades government institutions and society, there is no one body that can address it in isolation. In Eugene, the Police Commission, the Civilian Review Board, the Police Auditor's Office, the Chief of Police and the City Council are all responsible for the areas covered by CZ and 21CP. In addition, city, county, state and federal laws and structures including collective bargaining requirements, all constrain possibilities for action.

Approach

These challenges were addressed by:

Giving ownership to the community and being led by the wisdom of the committee by allowing it to influence its agenda and priorities. This was done through the use of a survey that identified the top five areas that were most important to the committee as a group and asking members to contribute to and vote on work plans. One example of this was the committee's decision to devote one of its 14 meetings to receiving testimony from members of marginalized groups who had negative experiences of the current community oversight model.

Allowing space for uncomfortable conversations and acknowledging that systemic exclusion cannot be addressed without hearing directly from members of marginalized groups about their trauma.

Honoring dissenting voices: The membership of the AHCPP represented diverse viewpoints, interests and experiences. Throughout the process, facilitation staff worked to ensure that all voices were heard and recognize that there could be multiple solutions to the same problem.

Treating the process as a qualitative data gathering and agenda-setting exercise: Members were encouraged to bring proposals that were as close as possible to ready-to-implement policy, but it was understood that dismantling centuries of exclusion could not be achieved in 30 hours of virtual meetings. It was also clear that this forum was not conducive to fully exploring the legal and policy ramifications of each proposal.

Members were therefore asked to bring their proposals in a format that allowed policy-makers to understand their intent, so that if there are impediments to the implementation of a specific proposal, workarounds could be found to achieve the same goal through other means.

It was also understood that, in some cases, proposals would be the start of a long process for bodies like the Police Commission or the City's Human Resources teams. Members were encouraged to bring proposals like "develop a plan to..." rather than being expected to develop that plan themselves.

Adopting an asynchronous learning model, using video presentations to bring AHCPP members up to speed on the policy environment in Eugene and highlighting how it differed from the national conversation. This allowed members whose expertise was in the lived experience of marginalized groups, rather than the nuances of police policy, to participate more effectively in the policy discussions without sacrificing all of the committee's limited meeting time to question-and-answer sessions.

Using a loose interpretation of Robert's Rules: After the first Ad Hoc Committee meeting on September 30, 2020, the facilitation team implemented a

simplified framework of Robert's Rules of Order for the purpose of establishing a structure for making and recording decisions.

Members were asked to submit motions detailing their proposals on a particular issue. These could be modified through a "friendly amendment" if those proposing and seconding the motion accepted the change. Decisions were made by a simple majority roll-call vote. During discussions, each committee member was allowed three minutes to speak, and the facilitators gave a 30-second reminder before time ran out.

This was an imperfect system: many committee members were unfamiliar with Roberts Rules of Order and felt reluctant to participate, conversely those members who were more fluent in parliamentary procedure sometimes dominated discussion. Some members also felt that the three-minute rule and 30-second warning were inconsistently applied and that some were given more time and space to express themselves than others.

The facilitation team attempted to address this dynamic by overtly pausing discussion to make space for everyone to participate and working with members outside committee time to help them draw up proposals, but this was not achieved to the satisfaction of all committee members.

Additionally, some members felt that Roberts Rules of Order represented a White, Eurocentric perspective that emphasized a transactional and linear process that placed a high value on production and the number of decisions made as opposed to the discussion and consensus-based approaches preferred by many indigenous and marginalized communities.

Scheduling meetings based upon a quorum of committee members being able to attend: After a scheduling conflict resulted in postponement of a subcommittee meeting due to the lack of availability of subject matter experts, it was determined that a meeting would go ahead if a quorum of subcommittee members were available to attend.

Not all of these challenges could be fully overcome: the facilitation team recognized that some Ad Hoc Committee members viewed the entire process as an extension of white privilege, and an extension of a white space firmly rooted in traditional dominant-culture expectations and procedures.

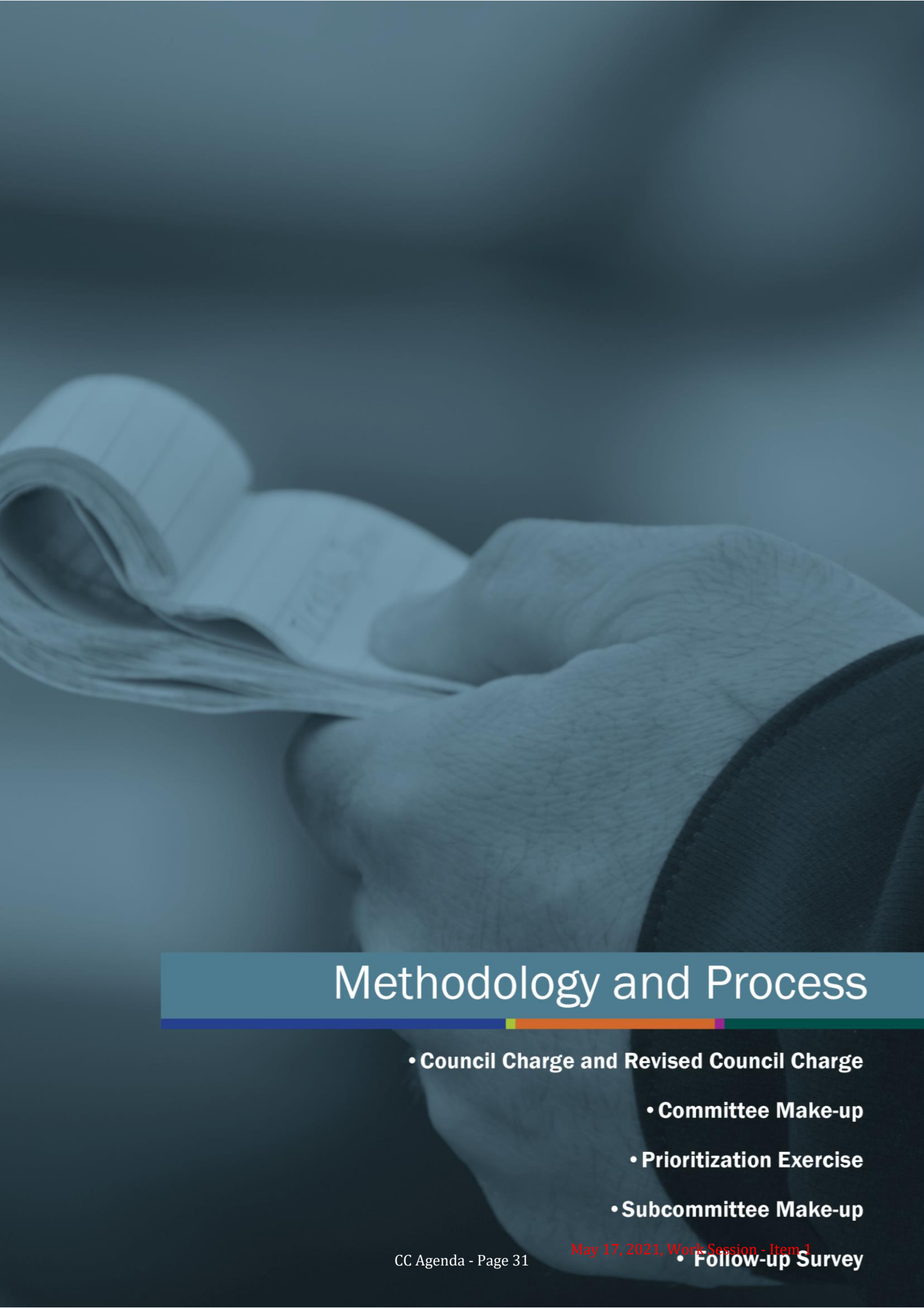
Three-question format: towards the start of the process, city councilors requested that committee members adopt a "three-question format" in order to assist elected representatives in understanding the intent of committee members' proposals. Members were asked to provide the following contextualizing information with each proposal:

1. What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly?
2. What, specifically and clearly, is your recommended change (motion)?

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

Some members expressed the opinion that this request created an additional barrier to participation, especially for those less familiar with city procedures, but members generally worked to accommodate the request.

The motions contained in the body of the report are not presented in the three-question format in order to maximize readability. The full text of motions including the three-question format can be found in Appendix 1.



Methodology and Process

- Council Charge and Revised Council Charge
 - Committee Make-up
 - Prioritization Exercise
 - Subcommittee Make-up
 - Follow-up Survey

Methodology and Process

The following section describes the City Council motions that created the Ad Hoc Committee process, the committee members and their representative organizations, the prioritization exercise that was completed to organize the work plan, and a description of the five subcommittees that were formed to examine the Committee's top five priority topics from Campaign Zero and 21st Century Policing.

Council Charge and Revised Council Charges

The following motion was approved by the City Council on July 20, 2020: *Move to create an ad hoc council committee to review current police policies related to Campaign Zero's outlined policy solutions and the President's Task Force on 21st Century Policing and prepare and submit a report to council recommending policy changes to current police policy.*

This work shall be completed by January 31, 2021, after which time the ad hoc committee will dissolve. The ad hoc committee shall be comprised of 30 members to include two representatives from the Civilian Review Board, Police Commission, Human Rights Commission, Black Unity, Centro Latino Americano, LULAC, NAACP, Blacks in Government, Transponder, the 15th Night Youth Advisory Committee, Asian/Pacific Islander Community Action Team, Eugene Islamic Center, and a community Indigenous Peoples group. In addition to the 30 committee members, councilors can join the committee as non-voting participants. City Council members will serve as participants for the purpose of listening, learning, and asking questions to better understand the community concerns and the recommendations that come from the committee.

Each group will select two representatives to serve on the ad hoc committee and must notify the Council of the selected representatives no later than September 1, 2020. The group's notification to Council of the group's two selected representatives serves as the appointment of those two people to the ad hoc committee until the committee dissolves. No proxies will be allowed for appointed members. Any seat on the ad hoc committee not filled by September 1, 2020, shall remain vacant for the duration of the committee and quorum shall be determined by number of filled committee seats. The Mayor will appoint four members of the ad hoc committee.

During the process, it became clear that the committee would need more time for its deliberations. Council approved two extensions to the committee's work, extending the final deadline to April 30, 2021.

Committee Make-up

The Ad Hoc Committee representatives and their organizations:

David Saez	Centro Latino Americano
Guadalupe Quinn	Centro Latino Americano
Joel Iboa	Human Rights Commission
Daniel Borson	Human Rights Commission
Marty Wilder	TransPonder
Emz Avalos	TransPonder
Brian Michaels	NAACP
Ibrahim Coulibaly (Replacement)	NAACP
Joshua Purvis (Resigned)	NAACP
Patricia Toledo	League of United Latin American Citizens (LULAC)
Betsy Davis	LULAC
Richard Hamilton	Blacks in Government
Quentin Reynolds	Blacks in Government
Midas Well	Black Unity
Dee Dent	Black Unity
Jason Mak (Resigned)	Asian/Pacific Islander Community Action Team (APICAT)
David Tam (Resigned)	APICAT
Ib Hamide	Eugene Islamic Center
Abdulrahman Eissa	Eugene Islamic Center
Tauna Nelson	15th Night
Leticia Serna	15th Night
Sandra Shotridge	Community Indigenous People's Group
Erika Lincango	Community Indigenous People's Group
Silverio Mogart	Police Commission
Maisie Davis	Police Commission
Lindsey Foltz	Civilian Review Board
Rick Rosetta	Civilian Review Board
Marvin Revoal	Mayor's Appointee
Leah Edelman	Mayor's Appointee
Alaí Reyes-Santos (Resigned)	Mayor's Appointee
Justin Meyers	Mayor's Appointee

Prioritization Exercise

In October 2020, members of the Ad Hoc Committee were asked to complete a SurveyMonkey survey designed to assist them and the facilitation team in prioritizing policy areas for the committee to focus on in the limited amount of time available. The survey asked committee members to prioritize 11 policy topics from Campaign Zero and 21st Century Policing, as well as to list any specific policies they wanted to discuss. Nineteen out of the 30 committee members completed the survey. The results of the survey helped the facilitation team to develop a work-plan for the committee moving forward:

1. Limit Use of Force
2. Hiring and Training
3. Community Oversight
4. Body-Worn Cameras
5. Independent Investigation and Prosecution
6. End Broken Windows Policing
7. Community Representation
8. Community Policing
9. Demilitarize the Police
10. End For-Profit Policing
11. Fair Union Contracts

Survey Results

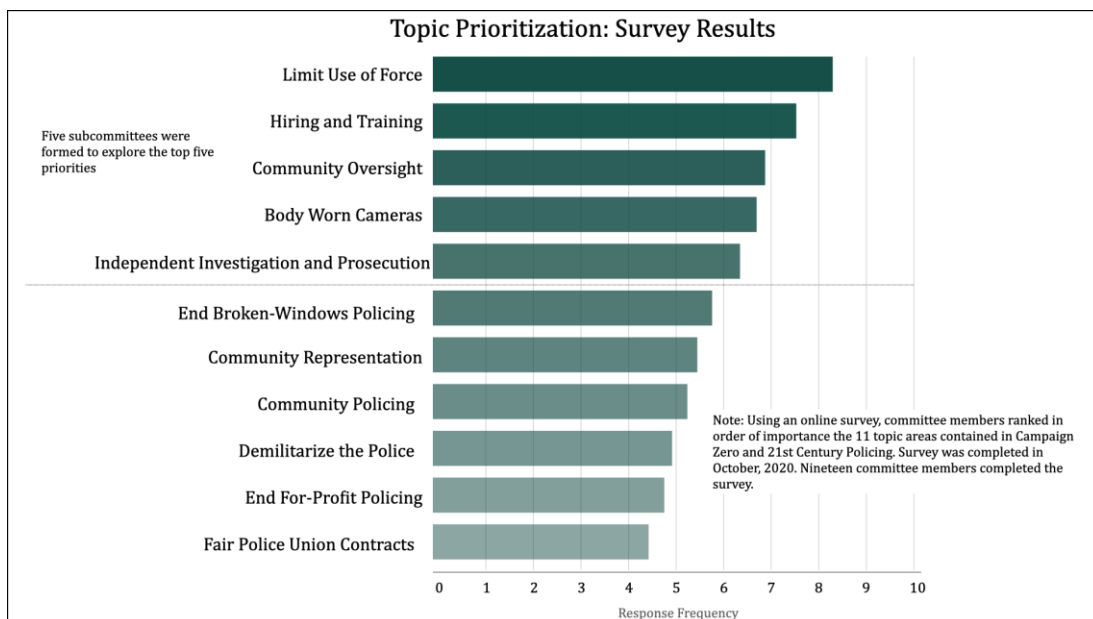


Figure 2 shows the results of the prioritization survey completed in October, 2020

End-of-Process Survey

In March 2021 the facilitation team asked committee members to complete an online survey that prioritized the remaining approximately 70 policy recommendations contained in the six broad topics from Campaign Zero and 21st Century Policing that the committee was not able to consider due to time constraints. The six remaining broad topics were:

- End Broken Windows Policing
- Community Representation
- Community Policing
- Demilitarize Police
- End For-Profit Policing
- Fair Police Union Contracts

The purpose of the survey was to provide the City Council and other policy-making bodies information about the committee's priorities regarding these remaining topics.

The facilitation team made multiple requests for committee members to complete the survey before it closed on April 1, 2021. A total of 10 committee members completed the survey by the closing date.

There is little consistency in the academic literature regarding a minimum response rate required for overall survey validity. Suggestions range from a minimum of 50% response rate to a more robust response rate of 80% (Baruch & Holtom, 2008). Given the 33% response rate for the second prioritization survey, the facilitation team decided to forego an in-depth analysis of the survey results and instead provide a brief summary of the top five topics that were identified:

- Hire more civilian first responders, conflict de-escalators, and violence interrupters from underrepresented communities. (80% of respondents rated "highest" priority)
- Prohibit police from seizing the property of civilians (i.e., civil forfeiture) unless they are convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture. (78% of respondents rated "highest" priority)
- Restrict police departments from deploying armored vehicles, weaponized aircraft, drones, Stingray surveillance equipment, camouflage uniforms, and grenade launchers. (65% of respondents rated "highest" priority)
- Restrict police departments from using SWAT teams unless there is an emergency situation or imminent threat to life and high-ranking officers have given approval. (65% of respondents rated "highest" priority)
- Restrict police departments from conducting no-knock raids. (65% of respondents rated "highest" priority)

Subcommittee Make-up

Five subcommittees were formed in October 2020 to examine the top five priority topics, with the idea that the smaller subcommittees would enable Ad Hoc Committee members to work on topics that were of interest to them, would be more efficient in digging into the details of each of the five top topic areas, and would be able to bring recommendations and motions to the larger Ad Hoc Committee for consideration. Subcommittees met twice⁵, with the first meeting dedicated to exploring possible recommendations with various “subject matter experts” attending the meeting. These content experts included the Chief of Police, Police Officers, Police Auditor, Deputy Police Auditor, Lane County District Attorney, City of Eugene Human Resource personnel, and the City Prosecutor. The second subcommittee meeting was usually reserved for subcommittee discussion and developing recommendations to bring to the larger Ad Hoc Committee for consideration. The second meeting did not typically include any content experts.

Use of Force Subcommittee

Rick Hamilton	Blacks in Government
Marty Wilder	TransPonder
Maisie Davis	Police Commission
Abdulrahman Eissa	Eugene Islamic Center
Guadalupe Quinn	Centro Latino Americano
Silverio Mogart	Police Commission
Erika Lincango	Community Indigenous People's Group

Hiring and Training Subcommittee

Midas Well	Black Unity
Justin Meyers	Mayor's Appointee
Dee Dent	Civilian Review Board
Leah Edelman	Mayor's Appointee
Sandra Shotridge	Community Indigenous People's Group
Jason Mak (Resigned)	APICAT
Alaí Reyes-Santos (Resigned)	Mayor's Appointee

Community Oversight Subcommittee

Patricia Toledo	LULAC
Betsy Davis	LULAC
Daniel Borson	Human Rights Commission
David Saez	Centro Latino Americano
Brian Michaels	NAACP
Richard Roseta	Civilian Review Board

Body-Worn Cameras Subcommittee

Erika Lincango	Community Indigenous People's Group
Emz Avalos	TransPonder
Joel Iboa	Human Rights Commission
Sandra Shotridge	Community Indigenous People's Group
Silverio Mogart	Police Commission
Abdulrahman Eissa	Eugene Islamic Center
Maisie Davis	Police Commission

Independent Investigation and Prosecution Subcommittee

Daniel Borson	Human Rights Commission
Brian Michaels	NAACP
Ibrahim Coulibaly	NAACP
Emz Avalos	TransPonder
Erika Lincango	Community Indigenous People's Group

⁶ All subcommittees met twice, except for the Hiring and Training Subcommittee, which was unable to reach quorum at its second meeting.



Testimony from Committee Members

Testimony from Committee Members

Committee members were invited to submit detailed testimony for inclusion in the appendices to this report. In addition, they were invited to summarize that testimony in the main body of the report. Summaries of testimony from community organizations is given below:

Eugene Human Rights Commission

Summary Statement to the Ad Hoc Committee on Police Policy April 3, 2021

Eugene prides itself as a city dedicated to human rights. The city must commit itself to reimagining the role of the police in public safety. The racist history of policing, in the United States and in Eugene, is well-documented, and this history has produced a toxic police culture that permeates our entire criminal justice system. This culture devalues the lives of BIPOC, LGBTQ+ and other marginalized people.

The recommendations of the Ad Hoc Committee represent a good first step towards achieving a system of public safety that protects all people, especially those most vulnerable in marginalized communities. While all of the recommendations of the Committee are important, the ones relating to community oversight of the police and qualified immunity could perhaps do the most to change toxic police culture, by holding officers truly accountable for their actions. City Council should also limit the influence of police unions on public policy, especially relating to accountability and discipline. The City should expand alternatives to emergency response that are more appropriate to the situation – the majority of 911 calls do not require an armed officer.

Finally, the City should explore alternative structures of public safety. Changing police policy can only do so much to reform an institution which is built upon a foundation of systemic racism and bigotry. Ultimately, the City Council must undertake the necessary process of re-imagining new institutions of public safety in Eugene, built upon a foundation of anti-discrimination in all its forms.

Amanda McCluskey

Chair, Eugene Human Rights Commission

Daniel Borson

Vice-Chair, Eugene Human Rights Commission
AHCPP Member

Joel Iboa

Eugene Human Rights Commissioner
AHCPP Member



LEAGUE *of* UNITED LATIN
AMERICAN CITIZENS

LULAC Testimony

We speak of structural and systemic racism and many have reactive responses to these terms because they do not see themselves as racist. We must be aware that these terms are not aimed at individuals but rather at the system within which individuals work. The system can appear fixed, immutable and impervious to change. It is not; it is socially constructed and can be dismantled.

One example of social construction is “qualified immunity”. Qualified immunity is not a constitutional artifact, it is not a statutory artifact, it is a jurisprudential construct created to serve an agenda, as are most constructs within policing. Another example the idea of “reasonableness.” This lies historically at the heart of every police policy, procedure and legal judgement. Policy is written with the idea of reasonableness at its core on the assumption that this is something that is objective and reflects “truth” outside of our social and political realities. In reality, the perspective of the white, male, instructionally experienced officer is the standard by which reasonableness is measured; policies are structured, systems are linked to ensure this standard continues.

LULAC fears that as our recommendations go through the process of bureaucratization, they will be weakened, their intent lost, and their impact lessened because they move into systems and policies historically constructed. We urge you to keep checking in with your own consciences and with the community to make sure that the path you follow is the hard path of deep change, not the easy path of surface level improvements where nothing actually changes for the BIPOC community.

When you consider our recommendations, please bear in mind that what seems “reasonable” and “objective” and “natural” to you is not experienced as such by those at the sharp end of U.S. history.

Betsy Davis, LULAC Representative
Patricia Toledo, LULAC Representative

NAACP Testimony

Dear Ad Hoc Committee Members, Councilors and City of Eugene Staff,
Unfortunately, due to the word limitation, we are forced to choose between expressing our gratitude or our opinion. We choose our opinion.

Community Oversight

The single most important aspect of police policy is to have the citizens of our community conduct independent oversight of police conduct. We have seen the necessity of such oversight from the killing of Brian Babbs and Eliborio Rodriguez in North Eugene. An Op-Ed on community oversight by NAACP representatives can be found [here](#).

The committee passed these two resolutions we wish to highlight:

- IIP-114 which calls for all complaints about police officers to be conducted by the CRB.
- IIP-115 which calls for all investigations, other than Internal Affairs, to be conducted by the CRB.

A flow chart showing how this system could operate can be found in Appendix 3. The video testimony of Scott McKee, former Internal Affairs Officer for EPD, and then SPD linked [here](#).

Use of Force

At the [April 17 meeting](#) of the Ad Hoc Committee, five women testified to calling CAHOOTS for a family member going through mental illness, only to have the police arrive, take over, and in various degrees use violence upon their family member, then take their family member into custody. A letter from CAHOOTS is in Appendix 4. Using CAHOOTS for CAHOOTS calls is patently obvious to reducing unnecessary force against our citizens.

- Any use of force policy must include and enforce a de-escalation policy, along with opening police misconduct records to the public.
- Mandating body cameras and in car videos is vital to reigning in use of force problems.
- We urge the city to implement motion CO-90 which calls for the drug-testing of officers immediately after a use of force incident.

RESPECTFULLY SUBMITTED this 20th day of April 2021, by:

IBRAHIM COULIBALY

BRIAN MICHAELS

On Behalf of Eugene/Springfield NAACP.

Transponder Testimony

20th April 2021

While the reforms and policy proposals put forth by this Ad Hoc Committee, if enacted, would lead to harm reduction, they do not address needed prevention. We wish that the Ad Hoc Committee process had been more centered on our voices and experiences. Transgender and nonbinary communities experience higher levels of unemployment and homelessness. We cannot separate our lived experience from our engagement with law enforcement. Please read our full statement in the Appendix.

The more we examined what is problematic about police policy, the clearer it became that we really need to reimagine public safety and create alternate response teams to relieve EPD from many of the calls they now cover. Police are only the enforcement end of a larger system. As long as our laws and city codes criminalize us for being poor, for not having a place to sleep, for needing to scrounge for food, for walking while trans and so on, then the police who are sworn to uphold those laws will project the same criminality upon us.

The City should continue to reach out to our communities and in addition to offering aid when needed, the City should give members of those communities' agency to advocate for themselves and the means to follow through.

Finally, the City of Eugene should move to end qualified immunity following the examples of New York, Nevada, and New Mexico. Greater accountability will create a culture within the department of conscientiousness and allow victims of police brutality to seek justice.

Emz Avalos

TBIPOC Liaison & Board Member, TransPonder
AHCPP Member

Marty Wilder

Member, TransPonder
AHCPP Member

Eugene Islamic Center Testimony
19 April 2021

The Muslim community is an integral part of the city of Eugene. Its members are deeply integrated here. Doctors, academics, pharmacists, engineers and business owners form the core of our community. Islam teaches us that life is sacred and that all lives matter. We firmly believe this will not be the case in America until Black Lives Matter.

As a response to the killing of George Floyd, an Ad-Hoc committee was formed to address police reform in Eugene. Marginalized communities were asked to send two representatives each to form the committee. The mission was to forward recommendations to the city council in the form of motions passed on various policing topics.

The Muslim community believes that gun law reform is vital and brought a motion to that effect. Our community believes gun-free streets are core to the safety of all residents in Eugene.

Finally, kudos should go to the facilitating team for a job well done. They certainly earned the praise from the Muslim community for their dedication and communication skills.

Representatives

Ibrahim Hamide

Abdulrahman Eissa

**Testimony from 15th Night
27th April 2021**

Serving on the Ad Hoc Committee has been an amazing experience. Meeting people from so many walks of life in our community was inspiring. Listening to people's stories and experiences in regard to how police violence has affected them or their family and friends was humbling and overwhelming at times. The many people who shared were brave and gave me hope for a better future in our community.

We appreciated everyone's thoughts and ideas around what we can do as a community to fix issues like police brutality. As young people from marginalized groups who have been previously impacted by the streets and homelessness, we have had our fair share of experiences engaging with police where we felt scared and powerless. When listening to our fellow Ad Hoc members share their ideas for solutions, we felt by association represented and heard.

We felt honored to be able to represent my fellow youth and our experience with police to further better police and youth interaction in the future. We appreciated there being a safe space created for this conversation to happen. We are hopeful that the many great discussions brought to the Ad Hoc Committee table will continue to happen further down the road with our community and youth.

Tauna Nelson
Leticia Serna

Erika Lincango, Indigenous Community Representative Testimony
April 20th 2021

The history of police brutality nation and state-wide is reflected locally in the number of crimes committed by police members while in service. The several cases registered urge us as a community to REVIEW our vision of community-centered- safety; QUESTION the role of police in our everyday lives; and REALLOCATE how much resources we are investing in police services. The Eugene Police Department must embody the values of our city. Our public force must be responsive to the aspirations and calls of the people whom they serve.

Therefore, to reduce and eliminate negative encounters between historically targeted communities and the police, we as a community must choose police accountability over qualified immunity. We as a city must fully support the implementation of the George Floyd Justice in Policing Act (H.R. 1280) and Oregon Senate Bill 238 at the local and state level. The Policing Act (H.R. 1280) hopes to end qualified immunity, and the Oregon Senate Bill 238 prohibits school boards from employing law enforcement personnel. It also requires that money budgeted for law enforcement be “redistributed to community outreach and meeting students’ mental and behavioral health needs.”

To do so, the Eugene City council must ALLOCATE funding to empower community-based emergency first responders. These must INCLUDE environmental, social, and cultural organizations, housing co-ops, recreational centers, trauma centers, and forgivable loans for Indigenous, Black, Asian, and people of color-owned businesses and services. Investing in our local community would increase civic participation and strengthen the public trust in our local government. May we always remember that community safety first means that we all have access to food, housing, health, education, and a life without discrimination.

Those officers who repeatedly abuse their power must be held accountable and liable in a civil court. They must cover their legal fees and settlements with their own money from their retirement accounts.

I encourage every member of our community to demand police accountability in the name of truth, justice, and equity.

With Love & Rage,

Erika Lincango,
Indigenous Community Representative

Rick Roseta, Civilian Review Board Member Testimony
20 April 2021

The following comments are my perspective as a citizen of the community, a member of the Committee and a member of the Civilian Review Board (CRB). They do not necessarily represent the views of the CRB.

I feel that in some of its discussions and recommendations, the committee has drifted from its original charge and made recommendations that could only be accomplished through changes to federal, state, county laws or to the United States Constitution.

This was especially true of the Community Oversight and Independent Investigation and Prosecution subcommittees. Some proposals from these subcommittees seek changes to the structure of community oversight in Eugene that involve the elimination or weakening of the Police Auditor. For the CRB to serve as investigator, prosecutor and judge of the law and the facts in the case violates the separation of powers and causes significant concerns regarding due process of the rights of the accused officers.

Proposals with causes for concern with respect to Community Oversight

I would like to highlight the following motions as having causes for concern:

- **CO-101:** on the admissibility of officer testimony if body camera footage is lost or destroyed
- **CO-89:** on the composition of the CRB
- **CO-88:** on the composition of the CRB
- **CO-96:** to make CRB findings of fact binding on the Chief of Police
- **CO-97:** on allowing the CRB be able to consider the entire event when adjudicating alleged misconduct
- **CO-102:** on CRB powers to obtain additional evidence
- **CO-95:** extending the expiration date for complaints
- **IIP-115:** giving the CRB its own investigation team
- **IIP-114:** giving the CRB investigative powers
- **IIP-107:** barring police union officials from serving on IDFIT teams
- **IIP-105:** on the removal of disciplinary matters from collective bargaining
- **IIP-104:** on transparency in the civilian complaints process
- **IIP-103:** allowing civilian investigators to interrogate officers within 48 hours of an alleged offense.

Richard A. Roseta,
Ad Hoc Committee member and CRB Member

Justin Meyers, Mayor's Appointee Testimony
22ND April 2020

It has been an experience and a privilege serving on the Ad Hoc Committee. I have appreciated the City Council's desire to hear what the community thinks and feels about the issues of racial tension that are currently going on not only in our community of Eugene but also those in our country as a whole.

This committee is doing work that needs to be done and sometimes can be and appear very daunting and difficult. I appreciate that the council was willing to even attempt to tackle such a complex and sensitive issue.

I believe the committee was successful in some respects but in many there maybe things that we can take away from this and apply to our next attempt in order to be more efficient and effective. There could have been a clearer vision and end goal. When this committee started we were provided with very broad boundaries and because of this it was very difficult to hone in on specific agenda items.

As well when addressing race and racism we must remember to take the approach of being very group specific as all marginalized groups within this country have very different justice claims because of the different types of injustice that these different groups have experienced.

There are many perspectives amongst many marginalized groups and while all are valid and need to be heard and addressed, the size of this group meant we were not able to give every issue and perspective the ample attention and care that each deserves.

Justin Meyers, Mayor's Appointee
Affiliate of The American Descendants of Slavery, Eugene Branch

Sandra Shotridge, Indigenous Community Representative Testimony
April 28th 2021

I was contacted by someone who appreciated the significance of having an Indigenous elder as part of the team. As an Indigenous woman who grew up on a culturally rich island, where my people were the majority, I've watched the colonization spread over tribal lands, devouring all our fair and just ways. One of the ways women of color suffer glaringly is at the hands of either apathetic or ignorant police officers. Either Missing and Murdered Indigenous Women (MMIW), or Asian women suffer far too much. We need to be released from the hands of cops who don't care or aren't trained to deal with traumatized victims. Now I hear of potential conflict of interest with Kevin Alltucker and his job with the Community Safety Initiative and his position in the adhoc committee. Nor was I aware that his wife works for some kind of Police Foundation. If this is true, Kevin, I speak in behalf of Indigenous women elders... that clearly you don't respect... Shame on you!

It's 2 to 3 million dollars in payroll taxes that they just implemented Jan 2020. Chief Skinner has already made a grab at the funds to buy an expensive surveillance van the size of a tour bus. I'm uncomfortable knowing that I've handed over so much private info to cops.

Sandra Shotridge
Indigenous Community Representative

Policy Recommendations

Motions passed by subcommittees AND the main committee are given below, along with a summary of the discussions in each subcommittee.¹ These have been given reference numbers that denote which subcommittee they came out of (e.g. CO-109 represents the 9th motion received by the main committee from the Community Oversight Subcommittee). Some motions were brought direct to the Ad Hoc committee, without going through a subcommittee and they are marked AHCPP-XX to show that they were discussed only in the main committee.

Motions that relate to a theme for which there was no subcommittee are given at the end of this section of the report.



Policy Recommendations Use of Force

Policy Recommendations: Use of Force

The Use of Force Subcommittee met twice, considering 13 motions; of which 13 were passed on to the full committee and 13 were voted into the final report.

Subcommittee members felt strongly that the existing culture, laws, policies and practices around use of force in law enforcement in the United States provided incentives for officers to use force other than as a last resort. Members were also keenly aware that BIPOC and other community members who were visibly “different” experienced force and intimidation from police at higher rates than the general population.

The subcommittee discussed the social context in which force is used and recognized that the police must be armed at least to the same degree that the citizenry is armed. Motion AHCPP-111 reflects these discussions. Considerable attention was also given to the definition of “force,” with members stating that they felt public statements by police that disparage an individual or group and over-patrolling a particular area or population were forms of force.

Committee members’ suggested approaches to this complex and multi-faceted problem included:

- Rewording existing policy to emphasize de-escalation and to create a higher bar for justifiable use of force
- Improving training around use of force and de-escalation and creating avenues for community input into selecting training contractors and developing training programs
- A significant reconsideration of policies and practices around the policing of demonstrations and other large community events

The subcommittee also discussed the issue of force in incidents where mental health is a significant factor. A range of ideas were covered, including boosting mental health crisis services, exploring alternative dispatch models and cross-training with mental health professionals. Some of those ideas are captured in motion UF-108.

Motions UF-100-107, UF-109 and UF-110 were passed as omnibus motion UF-113. These are reproduced as individual motions below for the sake of clarity.

UF-112

Recommendation to overhaul EPD crowd control policy

Vote Record

Y: 20

N: 1

A: 0

Recommendation

We recommend an overhaul of EPD policy on crowd control that makes it more clear when an assembly becomes unlawful, stipulates conditions under which EPD can tell a crowd to disperse, and clarifies when and how munitions can be used to enforce dispersal. There are several points we would like to ensure are covered:

What constitutes an unlawful assembly:

There must be criminal activity or clear and present danger of imminent violence.

EPD cannot declare an unlawful assembly for the following:

- Failure to obtain a permit
- Past history of unlawful activity either by the group or any of its members
- Temporarily blocking traffic (officers should redirect traffic as needed).

If a group gathers again after dispersing from an unlawful assembly (unless they again display criminal activity or violence) the police must do all of the following before they can use force or make arrests:

- Give an official declaration that this is an unlawful assembly
- Must provide clear instructions and warnings that can be heard within the crowd
- Must announce what will happen if people do not comply (arrest or use of force)
- Must announce where to go to disperse (egress or escape route)
- Must give reasonable time and opportunity to comply Special circumstances
- Officers must clearly display name and/or number
- Officers must not take out their weapons before an order to disperse has been given
- If refusal to comply is passive resistance, police shall make arrests as a first course of action in place of using munitions to enforce dispersal
- Verbal abuse is not cause for making arrests or use of force
- Media shall be permitted to observe and get close enough to arrestees to get their name
- Medics who are actively caring for people who have been hurt shall be permitted to complete their work
- Must allow those who are not engaging in unlawful activity the means and opportunity to comply and/or distance themselves from those who are engaging in unlawful activity.

Limits on use of force:

- Electronic immobilizing devices such as Tasers shall not be used for crowd control
- Specialty impact munitions shall not be used for crowd control
- OC spray can only be used against active assailants and cannot be used where it might harm bystanders or passive resisters.

UF-100		Recommendation on revising “Duty to Intercede” policy
Vote Record	Recommendation	
Y: 16 N: 2 A: 0 (As part of Omnibus UF-113)	<p>We would like the policy on Duty to Intercede to be reworded in such a way that it is clear that every officer is expected to prevent, interrupt, and/or stop excessive force. Wording like “when in a position to do so” makes it sound like the officer is only expected to intercede when it is convenient</p> <p>There should be a clause added to protect officers from retaliation.</p> <p>There should be a clause stating that failure to intercede will be subject to appropriate discipline. We understand that there will be extenuating circumstances and that the department will have different disciplinary actions for different situations. However, we feel that officers who stand aside and do nothing while witnessing another officer use unreasonable force or excessive force should be held accountable as accomplices.</p> <p>Officers should also be held accountable for failing to report incidents, whether they interceded or not.</p>	
UF-101		Recommendation on revising “De-escalation” policy
Vote Record	Recommendation	
Y: 16 N: 2 A: 0 (As part of Omnibus UF-113)	<p>We would like the De-escalation policy to be much stronger and emphasized throughout the EPD policies on use of force.</p> <p>We would like de-escalation to be the expected first approach in all incidents.</p> <p>We would like to de-escalation attempts to be required prior to use of force. Granted there may be situations where an officer is unable to apply de-escalation methods, but the reasons why it was not possible should be evident to an investigator or supervisor.</p> <p>There should be a clause stating that failure to attempt de-escalation in some form will be subject to appropriate discipline. Again, barring extenuating circumstances, an officer should be able to say the method of de-escalation that they attempted to employ and why it was not possible.</p> <p>We offer the example policy wording (below) which has been borrowed from other police departments. SEE APPENDIX ONE FOR POLICY WORDING.</p>	
UF-102		Recommendation to create an “Unreasonable force” policy
Vote Record	Recommendation	
Y: 16 N: 2 A: 0 (As part of Omnibus UF-113)	<p>In addition to the existing policy on reasonable use of force, we would like EPD to create an additional policy on unreasonable force. Although the department may have non-discrimination clauses elsewhere in the manual, we would like a policy clearly written within the Use of Force documentation.</p> <p>The policy should establish that officers may not use force to punish, retaliate, or coerce.</p> <p>The policy should establish that force shall not be used based on bias against a person.</p> <p>The policy should establish that one officer using force does not excuse another officer to follow suit.</p> <p>This would help each officer to think clearly about when and how they use force.</p> <p>We offer the example policy wording (below) which has been borrowed from other police departments.</p> <p>SEE APPENDIX ONE FOR POLICY WORDING.</p>	

UF-103

Recommendation to revise existing use of deadly force policy

Vote Record

Y: 16

N: 2

A: 0

(As part of
Omnibus
UF-113)

Recommendation

We would like the existing policy on Permissible Use of Deadly Force to be expanded to include restrictions that help to ensure that the level and degree of force applied is appropriate to the situation.

The policy should state that deadly force can never be used to apprehend a suspect of a non-violent offense.

The policy should state that deadly cannot be used to protect property.

The policy should state that officers cannot use deadly force against someone who presents a threat only to themselves.

The policy should state that deadly force cannot be used against a restrained person.

The policy should require an officer to give a verbal warning that deadly force may be used.

We offer the example policy wording (below) which has been borrowed from other police departments. SEE APPENDIX ONE FOR POLICY WORDING.

UF-105

Recommendation to track all threats of the use of force

Vote Record

Y: 16

N: 2

A: 0

Recommendation

We would like the EPD to track all exhibitions and threats of force options by adding these actions to the Use of Force Reporting policy.

We understand that adding these actions to the list of reportable incidents creates more work for officers and their supervisors. It is hoped that this might dissuade officers from drawing attention to force options or threatening to use them until such time as they are needed. If they are needed, a report would have been required anyway. So effectively, this added stipulation should only create more work for officers who either misjudge the need for force options or who misuse the force option as a threat.

We offer the example policy wording (below) which has been borrowed from other police departments.
SEE APPENDIX ONE FOR POLICY WORDING.

UF-106

Recommendation to institute regular training on updated use of force policies

Vote Record

Y: 16

N: 2

A: 0

Recommendation

As new policies are enacted regarding Use of Force, we would like a policy to be made that requires regular training in the new policies.

The policy should state that internal training should be revised to incorporate the new policy changes.

We offer the example policy wording (below) which has been borrowed from other police departments. SEE APPENDIX ONE FOR POLICY WORDING.

UF-107

Recommendation to give community input into vetting new technologies

Vote Record

Y: 16

N: 2

A: 0

(As part of
Omnibus
UF-113)

Recommendation

Require public input with a focus on BIPOC community members as well as other groups who are more likely to be disadvantageously affected by the new technology such as people with disabilities and mental health issues, immigrants especially those with limited English proficiency, houseless or impoverished community members.

Any new technology will be subject to a one-year pilot period to be reviewed by the Police Commission and community members.

UF-108	Recommendation to expand non-sworn response services
Vote Record	Recommendation
Y: 21 N: 0 A: 0	<p>We propose that mental health calls should be handled by mental health professionals. We encourage the city to invest in and expand 24-hour emergency response teams, similar to and including CAHOOTS, to handle non-criminal calls.</p> <p>We further encourage the city to form a task force to identify needs, strategize implementation, and develop protocols.</p> <p>Key elements include:</p> <ul style="list-style-type: none"> • Modify the dispatch algorithm so that unarmed response teams (not police or CSO) are the first responders to all non-criminal calls. • Ensure that calls do not default to a response from EPD unless first responders request police assistance. • Establish a separate dispatch console for non-criminal calls including mental health crisis, suicide response, intoxication, transportation to services, housing crisis, first aid, noise complaints, disputes, disturbances, and other non-criminal situations.

UF-109	Motion on demilitarizing EPD uniforms and equipment
Vote Record	Recommendation
Y: 16 N: 2 A: 0 (As part of Omnibus UF-113)	<p>We recommend that EPD demilitarize their uniforms, weapons, vehicles, and equipment, including surveillance technology and equipment.</p> <p>We do not want our local police force to interface with community as if equipped for war.</p> <p>The policy should include materials designed specifically for police use but modelled after military equipment.</p> <p>The policy should advocate for the least degree of force necessary to complete the task at hand.</p> <p>We offer the example policy wording (below) which has been borrowed from other police departments SEE APPENDIX ONE FOR POLICY WORDING.</p>

UF-110	Recommendation to limit the use of chemical weapons
Vote Record	Recommendation
Y: 16 N: 2 A: 0	<p>We would like to create a blanket policy regarding the use of all chemical weapons.</p> <p>The policy should require verbal warning. It should state that chemical weapons should never be used to wake or rouse a person.</p> <p>The policy should require having medical personnel on site when the use of chemical weapons is anticipated.</p> <p>We offer the example policy wording (below) which has been borrowed from other police departments SEE APPENDIX ONE FOR POLICY WORDING.</p>

Vote Record

Y: 9

N: 2

A: 6

Recommendation

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.



Policy Recommendations Hiring and Training

Policy Recommendations: Hiring and Training

The Hiring and Training Subcommittee met once; a second scheduled meeting did not reach quorum. The facilitation team reached out to subcommittee members and worked with them to bring motions to the full committee. These motions result from discussions that took place in the first subcommittee meeting but were not voted on by subcommittee members.

Key areas of discussion included:

- Developing a Diversity, Equity and Inclusion strategy specific to EPD (in addition to city-wide strategies that apply to EPD staff as employees of the City of Eugene) with a focus on recruitment and retention of staff from BIPOC and other marginalized communities.
- Improved psychiatric evaluations and implicit bias testing.
- Plans for dealing with white nationalist and other anti-democratic sentiments in current and prospective officers.
- Improved data-collection and monitoring of the demographic and identity makeup of EPD staff, especially among leaders and trainers.
- Creating forums for community input into training content and the selection of training contractors.

HT-100	Recommendation to evaluate EPD training programs from a diversity, equity and inclusion perspective
Vote Record	Recommendation
Y: 17 N: 0 A: 0	<p>EPD will work with community to develop a system to evaluate and modify all training programs and materials to ensure that they do not replicate patterns of systemic exclusion.</p> <p>This should be done with a focus on:</p> <ul style="list-style-type: none">• Procedural justice• De-escalation and minimizing the use of force• Relationship-based policing• Crisis intervention, mediation, and conflict resolution. <p>This system should include a forum for ongoing community input into the content of training programs and the selection of training contractors.</p>

HT-101	Recommendation to review EPD engagement with marginalized groups
<p>Vote Record</p> <p>Y: 17 N: 0 A: 0</p>	<p>Recommendation</p> <p>EPD will work with the City of Eugene’s HR department and external Diversity, Equity and Inclusion (DEI) consultants to review its training and procedures on engagement/contact with marginalized groups including (but not limited to):</p> <ul style="list-style-type: none"> • BIPOC • Youth • LGBTQ, transgender and gender nonconforming individuals • English language learners • Individuals from different religious affiliations • Individuals who are disabled. <p>The aim of this review will be to identify exclusionary practices and behaviors and develop strategies for improving them.</p>
HT-102	Recommendation to Review EPD hiring practices
<p>Vote Record</p> <p>Y: 17 N: 0 A: 0</p>	<p>Recommendation</p> <p>EPD will work with the City of Eugene’s HR department and external Diversity, Equity and Inclusion consultants to review its hiring practices to ensure that outreach to potential recruits from marginalized groups is in line with DEI best-practice.</p>
HT-103	Recommendation to review EPD policies and practices for fostering an inclusive workplace
<p>Vote Record</p> <p>Y: 17 N: 0 A: 0</p>	<p>Recommendation</p> <p>EPD will work with the City of Eugene’s HR department and external Diversity, Equity and Inclusion consultants to review its policies for fostering an inclusive workplace culture and develop a plan to improve the experience of EPD employees from marginalized groups.</p> <p>The plan should include a metrics-based system for assessing EPD’s performance in these areas (for example, by tracking and regularly reporting the hiring, retention and promotion rates of EPD staff from these groups).</p> <p>It should also include a system for tracking DEI-based complaints by EPD staff against colleagues and a clear training and disciplinary pathway for EPD staff who are subject to regular complaints.</p> <p>The plan should be in addition to the policies that apply to EPD staff by virtue of their status as City of Eugene employees.</p>
HT-104	Recommendation to improve bias assessment and anti-bias training
<p>Vote Record</p> <p>Y: 17 N: 0 A: 0</p>	<p>Recommendation</p> <p>Research shows that police forces have not been very good at identifying bias in recruits or officers. The systems in place to detect bias or white supremacy leanings were created by those whose biases have not been challenged. There are mechanisms to test for bias and they appear to produce a more reliable result.</p> <p>EPD should require current and prospective police officers to undergo mandatory anti-bias testing, including testing for bias in shoot/don’t shoot decision-making, and develop a clear policy for considering an officer’s level of bias in the hiring process, in performance evaluations, in deployment decisions (e.g. where they are assigned to work).</p> <p>This anti-bias testing program should be drawn up in conjunction with the City of Eugene’s HR department and external Diversity, Equity and Inclusion consultants and should have a focus on identifying and addressing White Nationalist affiliations and/or a white supremacist world-view.</p>

HT-105	Recommendation to hire an equity-focused staff member into EPD
Vote Record	Recommendation
Y: 16 N: 1 A: 0	<p>Managing the workload in these motions will require a dedicated staffing resource. EPD should therefore hire an Equity Officer. This person should have knowledge of police culture and procedures as well as lived experience of being a member of a marginalized group.</p> <p>Their primary tasks should be coordinating the development and implementation of the plans outlined in these motions but they should also:</p> <ul style="list-style-type: none"> • Act as EPD's point person for engagement with marginalized groups • Advise on communications and strategy around crisis events (such as the shooting of a person of color by police) • Act as facilitator for community input forums.
AHCPP-107	Recommendation regarding officer evaluation metrics
Vote Record	Recommendation
Y: 20 N: 0 A: 0	<p>Move that EPD create implement metrics of success for officers based on community values, and with direct community input and approval, such as de-escalation, and then proactively evaluate officers based on those metrics during documented, annual (or more frequent) performance reviews.</p> <p>These reviews should be conducted for all officers, of every rank and tenure. Additional reviews should be conducted based on complaints, but these should not replace the routine reviews. Those who train new officers or act as Field Training Officers should have a demonstrated record of positive performance reviews.</p> <p>Supervisors should be evaluated on their timely and thorough completion of these reviews and EPD should present a public annual report of compliance rate for timely reviews and thematic analysis of strengths and weaknesses of the department according to the metrics.</p>



Policy Recommendations Community Oversight

Policy Recommendations: Community Oversight

The Community Oversight Subcommittee met twice, considering 19 motions; of which 16 were passed on to the full committee and 15 were voted into the final report. In addition, three motions of this subcommittee were passed on to the Independent Investigation and Prosecution Subcommittee by vote of the full committee on the basis that the work in these two areas was closely connected.

Discussions centred around two main themes:

1. “Quick-win” policy changes that would improve the effectiveness and accessibility of existing systems of oversight (CO-90, CO-92)
2. Deeper structural changes aimed at giving more weight to community concerns by reconsidering the balance of powers and responsibilities between the Civilian Review Board, Police Auditor’s Office, Internal Affairs and the Chief of Police (CO-91, CO-93)

The general consensus in the subcommittee was that the existing structures were opaque to those wanting to bring a complaint and that too much adjudicatory and disciplinary power resided with Internal Affairs, the Chief of Police and (to a lesser extent) the Police Auditor. Members who dissented from this view cited a general confidence in the existing system as well as constraints placed on such processes by state and federal law as a primary reason for not wishing to enact wholesale changes.

The final recommendations of the subcommittee demonstrate a desire for community standards, rather than internal law enforcement standards to play a determining role in disciplinary processes. This was a recognition that the models adopted by some large cities were not appropriate to the Eugene policy environment and that a bespoke oversight model would need to be developed if these aspirations were to be achieved.

CO-95	Recommendation to extend the expiration period for complaints
Vote Record	Recommendation
Y: 16 N: 1 A: 0 (As part of omnibus motion CO-104)	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.
CO-96	Recommendation to make CRB findings of fact binding on the Chief of Police
Vote Record	Recommendation
Y: 16 N: 1 A: 0 (As part of omnibus motion CO-104)	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.

CO-97	Recommendation that the CRB be able to consider the entire event when looking at police misconduct
Vote Record	Recommendation
Y: 16 N: 1 A: 0	The CRB shall be able to 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.
CO-102	Recommendation that the CRB should have power to obtain additional evidence
Vote Record	Recommendation
Y: 12 N: 1 A: 6	If the motion #9 [CO-96] in the packet is approved, then the CRB shall have the power to request and obtain additional evidence (documents, medical records, surveillance footage, and other materials) relevant to a case before the CRB and to request and obtain statements from witnesses and participants in the case.
CO-101	Recommendation on admissibility of officer testimony if body-worn camera footage is lost or destroyed
Vote Record	Recommendation
Y: 16 N: 2 A: 1	If the Civilian Review Board becomes a fact-finding body, then 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 Citizen Review Board (CRB) fact finding process.
CO-89	Recommendation that a minimum of a quorum of CRB members be from marginalized groups
Vote Record	Recommendation
Y: 16 N: 0 A: 2 (As part of omnibus motion CO-100)	A minimum of a quorum of members of the CRB shall be nominated by groups representing marginalized people.
CO-88	Recommendation that no current or former EPD employee should be a member of the CRB
Vote Record	Recommendation
Y: 16 N: 0 A: 2 (As part of omnibus motion CO-100)	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.
CO-87	Recommendation that CRB members receive a stipend
Vote Record	Recommendation
Y: 16 N: 0 A: 2 (As part of omnibus motion CO-100)	Motion regarding the Civilian Review Board (CRB): CRB and Police Commission members shall receive a stipend for their work.

CO-86	Recommendation to give council final say on police policy proposals
Vote Record	Recommendation
Y: 16 N: 0 A: 2 (As part of omnibus motion CO-100)	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.
CO-93	Recommendation that the city council engage community in evaluating civilian oversight structures
Vote Record	Recommendation
Y: 20 N: 0 A: 0	Recommend that the city council engage community in evaluating the existing form and structure of civilian oversight and defining the appropriate system for this community.
CO-92	Recommendation on accountability during police stops
Vote Record	Recommendation
Y: 24 N: 0 A: 0	Police stops: For all stops police officers should be required to give their name, badge number, the reason for the stop and a card with this information and with instructions for filing a complaint.
CO-91	Recommendation that the CRB be given subpoena power
Vote Record	Recommendation
Y: 18 N: 3 A: 0	The Civilian Review Board (CRB) should have subpoena power over Eugene Police personnel and documents as it investigates or reviews cases.
CO-90	Recommendation that officers be drug-tested after an incident that results in serious injury or death
Vote Record	Recommendation
Y: 20 N: 0 A: 0	Officers should be drug-tested at the close of the event for any use of force incident that results in serious injury or death.

AHCPP-110**Recommendation to create a public database of police stops****Vote Record**

Y: 17

N: 1

A: 0

Recommendation

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;
- 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-109**Recommendation to give the Civilian Review Board adjudication authority****Vote Record**

Y: 20

N: 0

A: 0

Recommendation

Move that the City of Eugene endow the civilian Police Auditor and the Civilian Review Board with the authority to override the Police Chief's adjudication in response to investigations of misconduct or policy violations.

In cases when the Police Auditor and the Chief do not agree on the adjudication the Civilian Review Board will review the case and vote on whether they concur with the Auditor's adjudication. If the CRB votes to concur with the Auditor's adjudication, then the Auditor's adjudication is final.

AHCPP-108**Recommendation to create a disciplinary matrix****Vote Record**

Y: 20

N: 0

A: 0

Recommendation

Move that the City of Eugene establish and bargain for a disciplinary matrix based on community values with direct community input and approval for EPD that determines the range of disciplinary action for sustained proven misconduct or policy violations.



Policy Recommendations Body-Worn Cameras

Policy Recommendations: Body-Worn Cameras

The Body-Worn Cameras Subcommittee met twice, considering seven motions; of which seven were passed on to the full committee and seven were voted into the final report.

This subcommittee's discussions were centred on increasing transparency and minimizing logistical and practical barriers to the consistent and effective deployment of body cameras. Members acknowledged that research indicates that body cameras do not reduce excessive force incidents, but that the existence of camera footage can increase accountability and builds confidence in the justice system.

Issues raised included storing body camera footage with a 3rd party, rather than with EPD or the Police Auditor; removing the ability to "mute" audio recording and placing the redaction of tactically sensitive information in the hands of those storing the data rather than officers in on the ground; and ensuring that SWAT and other similar teams have body cameras available for use with their specialized equipment. Members also proposed measures to protect the right of the public to film police and to build confidence with the public that this right would be respected.

BWC-106		Recommendation to prohibit muting/editing of body-worn camera footage
Vote Record		Recommendation
Y: 22 N: 0 A: 0		Muting microphones should be prohibited, and audio will be redacted/ edited if needed at the stored facility (CRB/PA). Officers who mute microphones will get appropriate training or disciplinary action according to the disciplinary matrix.

BWC-105		Recommendation to create a disciplinary matrix for body-worn camera policy
Vote Record		Recommendation
Y: 21 N: 0 A: 0		Include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.

BWC-104	Recommendation to prevent officers from reviewing footage before completing incident reports/statements
Vote Record	Recommendation
Y: 21 N: 1 A: 1	Incidents involving use of force or police brutality, officers should be prevented from reviewing footage of an incident before completing initial reports, statements or interviews about an incident. If the City wants the officers to have the ability to view the video footage, suspects that suffer police brutality or use of force should also have access to the video footage before they complete their report.
BWC-103	Recommendation that COE lobby the state legislature to make body and dash cam footage public record
Vote Record	Recommendation
Y: 21 N: 0 A: 0	Recommend that the City of Eugene press the state legislature/legislators to make all body cam and dash cam video public record.
BWC-102	Recommendation on justifying the denial of FOIA requests for body/dash cam footage
Vote Record	Recommendation
Y: 21 N: 1 A: 0	Require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption.
BWC-101	Recommendation that body/dash cam footage be stored externally to EPD
Vote Record	Recommendation
Y: 20 N: 0 A: 2	Require body and dash cam footage to be stored externally (not directly under the control of the police department) and ensure district attorneys and civilian oversight structures have direct access to the footage.
BWC-100	Recommendation reaffirming the right to film police
Vote Record	Recommendation
Y: 18 N: 3 A:	Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices.



Policy Recommendations Independent Investigation and Prosecution

Policy Recommendations: Independent Investigation and Prosecution

The Independent Investigation and Prosecution Subcommittee met twice, considering 16 motions; of which 16 were passed on to the full committee and 8 were voted into the final report.

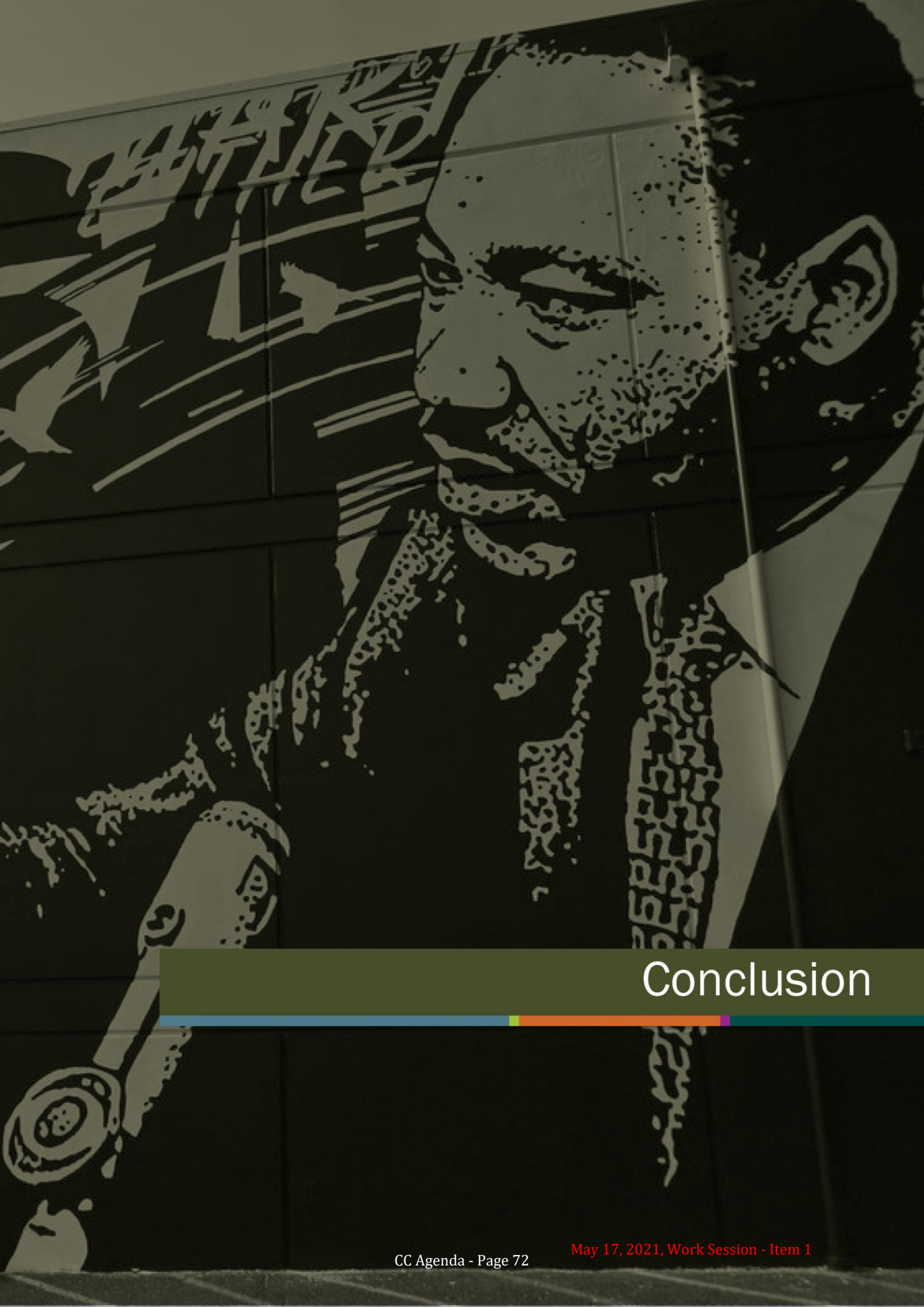
A substantial proportion of the subcommittee's work was passed on by vote of the full committee from the Community Oversight Subcommittee on the basis that the work in these two areas was closely connected.

Members expressed concerns that in both criminal and internal disciplinary processes, the standards and tests applied to police behaviour were different from those in other professions. The issue of considering the events leading up to a use of force, as well as the use of force itself, in determining the outcome of disciplinary and criminal proceedings was also covered in detail.

Members discussed the weaknesses of the Inter-Agency Deadly Force Team (IDFIT) system, including the lack of judicial or community oversight and a lack of transparency during the investigation phase and argued that officers who hold official union positions should not be able to serve on such teams.

IIP-115	Recommendation to give the CRB its own investigative team
Vote Record	Recommendation
Y: 14 N: 2 A: 2	The CRB should have its own independent investigation team.
IIP-114	Recommendation to give the CRB investigative powers
Vote Record	Recommendation
Y: 16 N: 2 A: 2	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.
IIP-107	Recommendation that no police union officials or committee members serve on IDFIT teams
Vote Record	Recommendation
Y: 16 N: 1 A: 0	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-106	Recommendation that civilian prosecutors should handle cases of potential criminal misconduct by police
Vote Record	Recommendation
Y: 16 N: 1 A: 0	In cases of potential criminal misconduct by the police, an independent civilian prosecutor shall prosecute the case.
IIP-105	Recommendation to lobby for the removal of disciplinary matters from collective bargaining
Vote Record	Recommendation
Y: 16 N: 1 A: 0	The City shall advocate for the removal of all matters pertaining to the discipline of law enforcement officers in their police union contract.
IIP-104	Recommendation to lobby for changes to state law to make the civilian complaints process more transparent
Vote Record	Recommendation
Y: 17 N: 0 A: 0	<p>State law 192.410 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.</p> <p>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.</p>
IIP-103	Recommendation to lobby for changes to state law to allow civilian investigators to interrogate officers within 48 hours of a deadly force incident
Vote Record	Recommendation
Y: 16 N: 1 A: 0	The City shall advocate for state law to be changed to allow Independent civilian investigators to have the ability to interrogate officers within 48 hours after an incident where deadly force was used and. Independent civilian investigators to shall be immediately notified of any police shooting and shall be required to send an investigator immediately to the scene of the shooting.
IIP-102	Recommendation to incorporate procedural justice into the internal disciplinary process
Vote Record	Recommendation
Y: 18 N: 0 A: 0	<p>EPD leadership shall incorporate procedural justice into the internal discipline process, placing additional importance on adherence to community values adherence rather than adherence to rules.</p> <p>Contextual information regarding procedural justice found at: https://cops.usdoj.gov/procdceduraljustice</p>



Conclusion

Conclusion

During the six months that the committee was engaged in its work, there was a profound shift in the national conversation about public safety. There are efforts underway across the country to address the unequal experience of policing, some of which seek to change policies, processes and laws that have been a part of law enforcement culture for decades.

It is clear from the feedback given to the facilitation team that many committee members believe that the work of this committee was too narrow in its scope and the recommendations in this report should be understood as the start of a longer process of institutional and cultural transformation. It is vital that the process for delivering the changes recommended by committee members is transparent and responsive and builds on the lessons learned through the Ad Hoc Process.

It is also clear that many committee members feel that the City of Eugene has work to do in improving its engagement with marginalized groups. The effort to raise up the voices of BIPOC and other communities who have historically been excluded from full participation in society will require an ongoing commitment to equitable practices and a continual reassessment of how policy is made and implemented. Eugene has long prided itself on being ahead of the curve on issues of equity, inclusion and social justice, but in order to remain ahead of the curve, we must keep moving.

With these caveats and limitations in mind, this report is an important step forward in the quest for a community in which everyone feels welcome, safe and valued.

Kazim Zaidi, Kevin Alltucker, Mo Young
Eugene, April 2021.

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Appendices 1-5

Appendices

Appendix 1: Full Text of Motions (including 3 question format and sample policy wording)

Appendix 2: Legislative History of Motions

Appendix 3: Full Testimony from Committee Members

Appendix 4: Community Member Testimony

Appendix 5: Information Shared with the Committee

Appendix 1

Full text of all motions, including the 3-Question format

APPENDIX 1
Summary of Approved Motions with Three Question Format

Background: Towards the start of the process, city councilors requested that committee members adopt a “three question format” in order to assist elected representatives in understanding the intent of committee members’ proposals. Members were asked to provide the following contextualizing information with each proposal:

1. What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly?
2. What, specifically and clearly, is your recommended change (motion)?
3. How do you think that the recommended change will achieve the desired result?

All of the policy motions that were approved by the committee are included in this appendix. Approved procedural motions are not included because they addressed committee business and therefore did not require a follow-up process. Not all of the approved motions included the three question format. This is because some of the motions were approved before the three question format was implemented, and also because some committee members did not propose their motions using the three question format.

The following prefixes are used to indicate the origin of each motion:

AHCPP = Ad Hoc Committee on Police Policy
CO = Community Oversight subcommittee
UF = Use of Force subcommittee
BWC = Body Worn Cameras subcommittee
HT = Hiring and Training subcommittee
IIP = Independent Investigation and Prosecution subcommittee

AHCPP-111	Recommendation to make the City of Eugene a no open-carry zone
	<p>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.</p> <p>Make the City of Eugene a no open carry zone within the State of Oregon:</p> <ul style="list-style-type: none"> •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. <p>Encourage the State of Oregon to enact stricter gun control laws:</p> <ul style="list-style-type: none"> •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. <p>Ban all NFA weapons in the State of Oregon.</p>
	<p>What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly?</p> <p>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.</p>

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.

AHCPP-110

Recommendation to create a public database on all police stops

Motion regarding creating public database: 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.

No information was provided regarding the three question format

AHCPP-109

Recommendation to give the CRB adjudication authority

Motion to give Civilian Review Board adjudication authority: Move that the City of Eugene endow the civilian Police Auditor and the Civilian Review Board with the authority to override the Police Chief's adjudication in response to investigations of misconduct or policy violations. In cases when the Police Auditor and the Chief do not agree on the adjudication the Civilian Review Board will review the case and vote on whether they concur with the Auditor's adjudication. If the CRB votes to concur with the Auditor's adjudication, then the Auditor's adjudication is final.

Background information by Lindsey Foltz: Investigatory and adjudication authority currently rests within EPD. While I have been satisfied with the system of civilian oversight of the investigation process through the civilian Police Auditor and Civilian Review Board, I am concerned that the final adjudication authority currently resides with the Chief of Police. This is particularly troubling in cases where the Police Auditor and Civilian Review Board disagree with the Chief's final adjudication.

AHCPP-108

Recommendation to create a disciplinary matrix

Motion to create a disciplinary matrix: Move that the City of Eugene establish and bargain for a disciplinary matrix *based on community values with direct community input and approval* for EPD that determines the range of disciplinary action for ~~sustained~~ *proven* misconduct or policy violations.

Background information by Lindsey Foltz: There is currently very little transparency in the discipline process and it is a process that relies heavily on historic precedent, which is not consistent with current community expectations for accountability in police misconduct.

AHCPP-107	Recommendation to create officer evaluation metrics
<p>Motion regarding creating officer evaluation metrics: Move that EPD create <i>implement</i> metrics of success for officers based on community values, <i>and with direct community input and approval</i>, such as de-escalation, and then proactively evaluate officers based on those metrics during documented, annual (or more frequent) performance reviews. These reviews should be conducted for all officers, of every rank and tenure. Additional reviews should be conducted based on complaints, but these should not replace the routine reviews. Those who train new officers or act as Field Training Officers should have a demonstrated record of positive performance reviews. Supervisors should be evaluated on their timely and thorough completion of these reviews and EPD should present a public annual report of compliance rate for timely reviews and thematic analysis of strengths and weaknesses of the department according to the metrics.</p>	
<p>Background information from Lindsey Foltz: Training is important, and easy to quantify, but measuring outcomes in police practice is critical in evaluating if the right people are being given the right tools to engage in public safety in a manner consistent with community values and expectations.</p>	
CO-102	Recommendation that CRB has the power to request and obtain additional evidence
<p><i>If the motion #9 in the packet is approved, then</i> the CRB shall have the power to request and obtain additional evidence (documents, medical records, surveillance footage, and other materials) relevant to a case before the CRB and to request and obtain statements from witnesses and participants in the case.</p> <p><u>Text of motion #9 in the packet (CO-94):</u> 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</p>	
<p>No written information was provided regarding the three question format</p>	
CO-101	Recommendation regarding body-worn camera video
<p><i>If the Civilian Review Board becomes a fact-finding body,</i> then 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 Citizen Review Board (CRB) fact finding process</p>	

No information was provided specifically regarding the three question format, however the following comments were provided:

Information provided by Rick Roseta:

I voted against this motion because it misstates and misinterprets the law of evidence relating to spoliation. Spoliation is a rule of evidence that was created by the courts, pertaining to cases before a court, in which there is a permissible inference that the party who is in control of the evidence that could have been introduced at trial, can be disregarded by the trier of fact, if the trier of fact decides to do so. The inference is not a mandatory inference in which the trier of fact is directed to ignore the evidence that is no longer available. It is a permissible inference that would result in an instruction being given to the trier of fact by the Judge, that they may view the evidence submitted as being less favorable to the party that had custody of the evidence or the ability to protect it prior to trial. Using the rule in the motion is an improper use of the case law on the subject. There is no case pending in these situations, where the Judge could make rulings on the appropriateness of the application of the inference. Certainly, if there is a criminal trial involving a police employee as a defendant the rule could come into play. This rule is too vague and cannot be applied because there is no tribunal to apply it.

Information provided by Brian Michaels:

Mr. Rosetta has submitted a memorandum against the use of spoliation as a legal principle. We all know the police have a history with body cameras and in car videos becoming unavailable –often by failing to turn on the video, or lost the video, or malfunctioned at a critical time, and so forth. All three body cams became unavailable for viewing at the incident where the woman and her son were beaten after calling for CAHOOTS. Because Eric Richardson, then president of the NAACP now Executive director, is the brother and uncle of these two individuals he was there witnessing the events unfold. When telling his story, he was called a liar. This proposal called spoliation is attempting to correct these sorts of problems.

CO-98	Recommendation regarding the CRB
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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.

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

Currently, the CRB is barred from hearing from those directly affected by an allegation of police misconduct, and as such, miss out on an opportunity to put the facts of the case in context. Also, the impact of the misconduct should be a factor in determining the nature and severity of the misconduct. Note that this would require revision to the bargaining agreement with the union.

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

No information was supplied for this question, however the answer can be deducted from the wording of the motion.

CO-97	Recommendation regarding the CRB
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The CRB shall be able to consider the entire event *when making their decision*, 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 reach out to victim's families to inform them about and guide them through the process.

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

Frequently, there is escalation prior to a use of force, but the CRB is often restricted to the more immediate events and must ignore any ways that a police officer escalated or neglected to de-escalate a situation before the events under review begin. All actions must be put into their proper context if a fair finding is to be made.

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

No information was supplied for this question, however the answer can be deducted from the wording of the motion.

CO-95

Recommendation regarding the 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.

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

While there are a handful of cases that currently are dismissed for timeliness, the current 60 days is not reasonable, especially for people from marginalized communities, who often have a more difficult time navigating bureaucracy. Also, people may often require enough time to heal from the trauma caused that by the time they're emotionally ready to file a complaint, the time has expired. This is especially true for families that are grieving a death at the hands of police.

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

No information was supplied for this question, however the answer can be deducted from the wording of the motion.

CO-93

Recommendation regarding an evaluation of the City's civilian oversight system

Recommend that the city council engage community in evaluating the existing form and structure of civilian oversight and defining the appropriate system for this community.

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

Historic and contemporary incidents of police brutality against communities of color compelled residents in Lane County, Oregon and across the country to march in protest resulting in nationwide re-examination of public safety, including the role civilian oversight plays. For its part, the Eugene City Council voted to establish the Eugene Police Policy Ad Hoc committee in order to address local concerns.

The ad hoc committee has been charged to integrate recommendations from The President's Task Force on 21st Century Policing (PTFTCP) and Campaign Zero (CZ) when developing recommendations for changes to police policies. According to Recommendation 2.8 of the PTFTCP, "...Every community should define the appropriate form and structure of civilian oversight to meet the needs of the community." The Campaign Zero policy solution for community oversight states that communities must "establish effective civilian oversight structures" in order to ensure accountability, particularly related to incidences of police violence. The call to action from the local community demonstrates that the existing public safety infrastructure, including the community oversight component, are falling short in meeting the "needs of the community" and calls into question the effectiveness of what exists.

While the move to form an ad hoc committee responds to the urgent call to action, we must consider that changes in policies will reform the structures piecemeal without systematically gathering information that can help us engage in the transformation of public safety in Eugene.

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

This recommendation will enable the City of Eugene to truly understand the impact existing structures have on communities of color, identify areas of concern that require reform, provide a clear map for what work must be done, and provide the community the opportunity to articulate its needs as it relates to civilian oversight and how they can be met.

CO-92	Recommendation regarding police stops
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No written information was provided regarding the three question format.

CO-91	Recommendation regarding the CRB subpoena power
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The Civilian Review Board (CRB) should have subpoena power *over Eugene Police personnel and documents* as it investigates or reviews cases.

No information was provided regarding the three question format, however the following comments were supplied:

Rick Roseta:

I voted against this motion in the subcommittee meeting for two reasons:

1. The Auditor already has the power to obtain all information, including video, statements under oath and police investigation; and
2. A subpoena in this setting is not authorized by law. Rule 55 of the Oregon Rules of Civil Procedure provides the sole basis for the issuance of a subpoena. The ability to subpoena is limited to matters where there is a case of some kind filed in court. If there is a case filed, an attorney can issue a subpoena or the Judge can issue the subpoena. No other subpoena exists in Oregon law. In order to impose this right upon the CRB, the legislature would have to pass legislation to enable the CRB to have the right. If that took place, there would be no case for use in determining the relevance of the subpoena, and no Judge to rule on the scope of the subpoena.

Brian Michaels:

Technically, Mr. Rosetta is correct, as this is not a recommendation for a judicial subpoena with judicial enforcement. It is to have the CRB obtain any and all information from the police it requests, similarly to auditor, though it places the investigation process in the CRB.

So, subpoena may be a shorthand word to be replaced with the code cited by Mr. Rosetta, replacing CRB with auditor: "The **CRB** has the power to obtain all information, including video, statements under oath and police investigation."

CO-90	Recommendation regarding drug testing
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Officers should be drug-tested at the close of the event for any use of force incident that results in serious injury or death.

No written information was provided regarding the three question format.

CO-89	Recommendation regarding the CRB
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A minimum of a quorum of members of the CRB shall be nominated by groups representing marginalized people

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

Since marginalized communities are more likely to be affected by police misconduct, relative to their proportion of the population, it is important to have broad community representation on the CRB.

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

Requiring marginalized communities to be represented by a minimum of a quorum on the CRB will ensure fair treatment and adjudication of cases for all residents of Eugene.

“The nominees should have a demonstrated commitment to the well-being of the city where they live, and a strong understanding of the importance of upholding civil rights and civil liberties in policing. They should also believe in a police department that operates in a transparent and accountable manner. No member of the board 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.” [Getting It Right]

CO-88

Recommendation regarding the 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.

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

While it is important to have knowledgeable people on the CRB, the primary purpose of the CRB is to review police actions through the experience and perspective of Eugene’s residents, and not to view police actions through the lens of the police. What is considered reasonable among general Eugene residents should be the standard, and not what is or has been considered reasonable from within police department culture.

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

No written information was supplied for this question, however the answer can be deducted from the wording of the motion.

CO-87

Recommendation regarding stipends for CRB and Police Commission members

CRB and Police Commission members shall receive a stipend for their work

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

One barrier to many in marginalized communities from serving on a time-intensive position, such as on a CRB, is the cost associated with their time. Unlike more economically privileged members of our community, they cannot always afford the time, especially if childcare is required. Certainly remote meetings helps in this effort, but the CRB requires a great deal of work to review and analyze cases prior to meetings.

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

A modest stipend would remove the barrier for many who would otherwise have a lot to contribute to the CRB.

CO-86	Recommendation regarding Police Commission right to appeal Chief of Police decision
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	
No written information was provided regarding the three question format	
BWC-106	Recommendation regarding muting cameras
Muting microphones should be prohibited, and audio will be redacted/edited if needed at the stored facility (CRB/PA). Officers who mute microphones will get appropriate training or disciplinary action according to the disciplinary matrix.	
No written information was provided regarding the three question format	
BWC-105	Recommendation regarding a disciplinary matrix
Include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.	
No written information was provided regarding the three question format	
BWC-104	Recommendation regarding reviewing video footage
Incidents involving use of force or police brutality, officers should be prevented from reviewing footage of an incident before completing initial reports, statements or interviews about an incident. If the City wants the officers to have the ability to view the video footage, suspects that suffer police brutality or use of force should also have access to the video footage before they complete their report.	
No written information was provided regarding the three question format	
BWC-103	Recommendation regarding advocating for change in public records law
Recommend that the City of Eugene press the state legislature/legislators to make all body cam and dash cam video public record.	
No written information was provided regarding the three question format	
BWC-102	Recommendation regarding Freedom of Information Act requests
Require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a	
No written information was provided regarding the three question format	

BWC-101	Recommendation regarding external storage of body and dash cam video
Require body and dash cam footage to be stored externally (not directly under the control of the police department) and ensure district attorneys and civilian oversight structures have	
No written information was provided regarding the three question format	
BWC-100	Recommendation regarding banning police from taking cell phones without consent
Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or	
No written information was provided regarding the three question format	
UF-112	Recommendation regarding crowd control
<p>We recommend an overhaul of EPD policy on crowd control that makes it more clear when an assembly becomes unlawful, stipulates conditions under which EPD can tell a crowd to disperse, and clarifies when and how munitions can be used to enforce dispersal. There are several points we would like to ensure are covered:</p> <p>What constitutes an unlawful assembly</p> <ul style="list-style-type: none"> • There must be criminal activity or clear and present danger of imminent violence • EPD cannot declare an unlawful assembly for the following <ul style="list-style-type: none"> ◦ Failure to obtain a permit ◦ Past history of unlawful activity either by the group or any of its members ◦ Temporarily blocking traffic (officers should redirect traffic as needed) ◦ If a group gathers again after dispersing from an unlawful assembly (unless they again display criminal activity or violence) <p>The police must do <u>all</u> of the following before they can use force or make arrests</p> <ul style="list-style-type: none"> • Give an official declaration that this is an unlawful assembly • Must provide clear instructions and warnings that can be heard within the crowd • Must announce what will happen if people do not comply (arrest or use of force) • Must announce where to go to disperse (egress or escape route) • Must give reasonable time and opportunity to comply <p>Special circumstances</p> <ul style="list-style-type: none"> • Officers must clearly display name and/or number • Officers must not take out their weapons before an order to disperse has been given • If refusal to comply is passive resistance, police shall make arrests as a first course of action in place of using munitions to enforce dispersal • Verbal abuse is not cause for making arrests or use of force • Media shall be permitted to observe and get close enough to arrestees to get their name • Medics who are actively caring for people who have been hurt shall be permitted to complete their work • Must allow those who are not engaging in unlawful activity the means and opportunity to comply and/or distance themselves from those who are engaging in unlawful activity <p>Limits on use of force</p> <ul style="list-style-type: none"> • Electronic immobilizing devices such as Tasers shall not be used for crowd control • Specialty impact munitions shall not be used for crowd control • OC spray can only be used against active assailants and cannot be used where it might harm bystanders or passive resisters 	

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

After several reported and documented encounter between the police and social justice demonstrators locally. We can agree that we all witnessed at times a display of excessive police response. This situations have made evident that police brutality exist in our community not only against indigenous, black and people of color but against any one who opposes to police brutality, like the 14 year old girl that we all saw in social media. Therefore, we want to be ensured of the freedom to practice our first & second Amendment rights without fear of becoming targeted or unfairly attacked by police. This affects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions, as well as anyone who wants to protest in solidarity with any of these groups.

How do you think that the recommended change will achieve the desired result? As part of the community police role is to serve and protect every person in our community regardless of their ethnicity, gender, religious beliefs, age or abilities. Therefore, we need to know what is EPD's criteria that defines what makes a public demonstration unlawful.

This recommendation aims to provide parameters to clarify what makes a civil disturbance, both to officers and to protesters/demonstrators. Providing also a list of sanctions that will limit the kinds of force used against civilians.

UF-110

Recommendation regarding the use of chemical weapons

We would like to create a blanket policy regarding the use of all chemical weapons. The policy should require verbal warning. It should state that chemical weapons should never be used to wake or rouse a person. The policy should require having medical personnel on site when the use of chemical weapons is anticipated.

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

Recent protests against police brutality have resulted in an aggressive response from police, lending more strength to the cause to address police brutality. Riot control agents such as OC spray, pepper balls, and tear gas, are outlawed for use in warfare. Originally, the US chose to use chemicals for riot control against prisoners of war. It was later expanded for law enforcement use to control riots. The media and some recent testimony here in Eugene have reported excessive use of chemical agents against protesters. This affects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions, as well as anyone who wants to protest in solidarity with any of these groups.

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

No person practicing their First Amendment rights should have to fear an unexpected assault by chemical weapons. The requirement of verbal warnings and means of egress should prevent anyone from being subjected to chemicals without knowledge and forewarning.

UF-109

Recommendation regarding demilitarization

We recommend that EPD demilitarize their uniforms, weapons, vehicles, and equipment, including surveillance technology and equipment. We do not want our local police force to interface with community as if equipped for war. The policy should include materials designed specifically for police use but modeled after military equipment. The policy should advocate for the least degree of force necessary to complete the task at hand.

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

Studies have shown that the more militarized the field equipment and weaponry are, the more officers perceive citizens in a confrontational mindset, leading to more violent interactions. Studies also show that police departments that demilitarize, discontinuing use of high-powered rifles, armored vehicles, and military uniforms, experience lower rates of assault directed at the police officers. Chief Skinner has denied participation in the Department of Defense 1033 program, but admits to purchasing new military grade equipment (BearCat) directly. Heavily armored presence can itself be excessive show of force.

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

Demilitarization not only relaxes the tensions and resistance that the community feels towards the police, it relaxes the adversarial mindset that officers feel towards the civilian population. This would also decrease the expense dedicated to the purchase, maintenance, training and use of such equipment, potentially freeing up more city dollars for use elsewhere.

UF-108

Recommendation regarding alternative response

We propose, and Chief Skinner agrees, that mental health calls should be handled by mental health professionals. We encourage the city to invest in and expand 24-hour emergency response teams, similar to and including CAHOOTS, to handle non-criminal calls. We further encourage the city to form a task force to identify needs, strategize implementation, and develop protocols. Key elements include:

- Modify the dispatch algorithm so that unarmed response teams (not police or CSO) are the first responders to all non-criminal calls.
- Ensure that calls do not default to a response from EPD unless first responders request police assistance.
- Establish a separate dispatch console for non-criminal calls including mental health crisis, suicide response, intoxication, transportation to services, housing crisis, first aid, noise complaints, disputes, disturbances, and other non-criminal situations.

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

The EPD is sent to deal with a wide variety of incidents, some of which could be better addressed by other agencies. In these situations, the very act of sending police officers to arrive on the scene can itself be an excessive use of force. This is especially true with well checks for persons with mental health issues, addiction, and can also apply to domestic situations requiring conflict resolution, mediation, or practical resources. The houseless population in Eugene requires a mutual aid response. Currently, the EPD does have a cooperative relationship with CAHOOTS. But many people in the community who could use CAHOOTS services do not call for fear of getting the police instead.

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

The police force is trained to be a show of force. It is an armed unit designed for enforcement. As such, and given the training police officers have to respond to any perceived threat with (potentially lethal) force, the EPD is not the right tool for the job when it comes to non-violent, non-criminal emergency response. Especially now that we have passed a measure to decriminalize drug offenses, it is time to revamp our community response. We need to put community care first by creating a separate dispatch specifically for mental health, social services and public resources. Instead of funneling more resources into the EPD with additional trainings in an attempt to make the EPD into a "one size fits all" first responder, we should focus EPD on the armed force it is trained to be and reduce the demand on the EPD to only those situations that truly require a show of force. A cursory look at past dispatch logs

indicates that CAHOOTS, given the funding and resources it requires, could probably absorb at least 25% of EPD's current responses. Other agencies exist that could handle other non-violent incidents. With explicit demands from the BIPOC community, the CLDC, and other community organizations to disband, disarm, and/or defund the police, this transition of emergency response would be a step towards honoring those populations who have been harmed by police.

UF-107

Recommendation regarding new technology

Require public input with a focus on BIPOC community members as well as other groups who are more likely to be disadvantageously affected by the new technology such as people with disabilities and mental health issues, immigrants especially those with limited English proficiency, houseless or impoverished community members. Any new technology will be subject to a one-year pilot period to be reviewed by the Police Commission and community members.

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

We are currently examining existing policy for multiple types of weaponry and technology that EPD has at its disposal, but new weapons and technology can emerge for which we have not given guidance.

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

Currently, public input is encouraged but not required. Emergent new technology should be vetted through the community.

<p>Current EPD Policy</p> <p>1206.4 CONSIDERATIONS BEFORE NEW TECHNOLOGY IS ADOPTED</p> <p>Before any new technology is obtained by the department, the following will be forwarded via the chain of command to the Police Chief for approval:</p> <ol style="list-style-type: none"> 1. Proposed pilot test project that includes: <ol style="list-style-type: none"> a. The purpose and objectives of the project b. Description of the technology c. Description of how the technology is designed to support the department's mission d. Consideration of unintended consequences e. Summary of public concerns where technology has been implemented f. Plan to address public concerns g. Plan to solicit public input. If no input is sought, explanation as to why no input is sought h. Evaluation methods and scope of project i. Evaluation criteria j. Duration of the project k. Total cost of ownership including licensing l. Support service and maintenance requirements and cost m. EPD or ISD staff assigned to support new technology n. Data storage plan o. What other agencies own/utilize the new technology? 2. Pilot test project findings 	
UF-106	<p>Recommendation regarding annual training</p> <p>As new policies are enacted regarding Use of Force, we would like a policy to made that requires regular training in the new policies</p> <p>The policy should state that internal training should be revised to incorporate the new policy changes</p> <p>What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly?</p> <p>If EPD agrees to incorporate reforms in terms of revisions to existing policies and procedures, officers must be made aware of these changes. This issue most directly affects members of the Eugene Police Department, but then the deployment of policy into action is what mostly affects the public. Everyone who engages with the police experiences this problem.</p> <p>How do you think that the recommended change will achieve the desired result?</p> <p>An annual reminder can help officers to keep the priorities of these policies in place and put them into action. Incorporating these policies into practical force and force option training both gives officers examples of practical applications and it also helps prevent officers from getting conflicting messages about how and when to apply force.</p>
UF-105	<p>Recommendation regarding use of force reporting</p>

We would like the EPD to track all exhibitions and threats of force options by adding these actions to the Use of Force Reporting policy

We understand that adding these actions to the list of reportable incidents creates more work for officers and their supervisors. It is hoped that this might dissuade officers from drawing attention to force options or threatening to use them until such time as they are needed. If they are needed, a report would have been required anyway. So effectively, this added stipulation should only create more work for officers who either misjudge the need for force options or who misuse the force option as a threat

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

Officers are required to report what are considered reportable incidents (801.1.1) which include discharging firearms and active use of less lethal weapons. However, the display or verbal threat of a weapon is also a use of force and can have a chilling effect on persons to whom such a threat may be implied. Emphasis on the police possession of weapons, such as an officer placing their hand on a holstered firearm during an interaction, can be perceived as threatening and intimidating. Officers should not brandish handcuffs, for example, as a way to assert authority. Community members report feeling harassed or intimidated by heavy police patrol in their neighborhood combined with veiled demonstrations of power. This mostly affects Black, indigenous, and Latinx communities, but also LGBTQ youth, houseless people, and others who congregate in downtown at night.

Current EPD Policy

800.6.1 REPORTABLE USES OF FORCE An employee will promptly notify his or her supervisor if involved in one of the incidents listed below:

- Any intentional act by an EPD employee during the performance of his or her police duties resulting in a subject's physical injury (as defined in ORS 161.015) or loss of consciousness.
- Discharge of a firearm while on duty, while on City property, or while in performance of police duties (except for authorized test-firing, dispatch of an animal in accordance with department policies, or approved training activities.)
- Any other intentional discharge of a City-owned firearm (except for lawful target practice.)
- A bite by a police K-9 to anyone who is not a handler.
- The discharge or display of a Taser against a person.
- The use of OC spray against a person.
- The use of an impact weapon to strike blows against a person.
- The discharge of any other department-owned or department-issued less-lethal weapon (e.g., bean-bag round, tear gas) against a person (with or without hits).
- The use of any department-owned equipment resulting in injury to a person.

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

If officers are required to report verbal threat to show or use force as well as any display of force options, they will be less likely to wantonly place emphasis on possession of weapons with the intention to intimidate or coerce. Tracking such data should assist the Department in identifying and addressing racial profiling and other systemic violations.

UF-103

Recommendation regarding deadly force

We would like the existing policy on Permissible Use of Deadly Force to be expanded to include restrictions that help to ensure that the level and degree of force applied is appropriate to the situation.

The policy should state that deadly force can never be used to apprehend a suspect of a non-violent offense.

The policy should state that deadly can not be used to protect property.

The policy should state that officers cannot use deadly force against someone who presents a threat only to themselves.

The policy should state that deadly force cannot be used against a restrained person.

The policy should require an officer to give a verbal warning that deadly force may be used.

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

We have recent police shooting incidents that affect Black, Latinx, and gender non-conforming communities. Often, after the fact, it can seem that the use of deadly force could have been avoided, was unnecessary, or was due in part to provoking behavior on the part of the police force to escalate the situation. While it is understood that the reasonableness of force is based upon the totality of circumstances and not hindsight, it is also true that enacting police reform to prevent these cases from occurring in the first place would go further to make amends to the family members and community of those killed or injured by police. This problem is experienced by anyone confronted with deadly force, but appears to be more pronounced among BIPOC community members and the houseless populations.

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

These recommendations provide clearer guidelines for when not to use deadly force. At best, such recommendations may prevent an officer from choosing to use deadly force and possibly save lives. If such an incident does occur, these recommendations establish a clear case of misconduct, facilitating accountability.

Current EPD Policy

800.4.1 PERMISSIBLE USE OF DEADLY FORCE An officer is justified in using deadly force against another person when and to the extent the officer reasonably believes the deadly force is immediately necessary to:

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

UF-102

Recommendation regarding unreasonable force

In addition to the existing policy on reasonable use of force, we would like EPD to create an additional policy on unreasonable force. Although the department may have non-discrimination clauses elsewhere in the manual, we would like a policy clearly written within the Use of Force documentation.

The policy should establish that officers may not use force to punish, retaliate, or coerce.

The policy should establish that force shall not be used based on bias against a person.

The policy should establish that one officer using force does not excuse another officer to follow suit. This would help each officer to think clearly about when and how they use force.

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

There is an issue of infiltration of white supremacists in law enforcement. Unfortunately, Eugene has a history with white supremacists. One can see why a person who fosters hatred towards classes and characteristics of people would desire to acquire the power and resources of a police officer, as well as the qualified immunity. This is also true for any officer who approaches policing with an “us/them” mentality or who might harbor resentments, or desire displays of superiority and control. This issue most strongly affects the BIPOC community, but others as well.

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

This recommendation draws a line in the sand and delineates what will not be tolerated. It names the acts of racism, sexism, xenophobia, transphobia, and general abuse of power that people in the community suspect and fear may underlie use of force. While it should perhaps go without saying that these recommendations should be presumed to be unreasonable, putting them into policy both facilitates accountability and serves to dissuade persons who wish to abuse their position to such ends from joining the EPD in the first place.

Current EPD Policy

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

UF-101

Recommendation regarding unreasonable force

We would like the De-escalation policy to be much stronger and emphasized throughout the EPD policies on use of force.

We would like de-escalation to be the expected first approach in all incidents.

We would like to de-escalation attempts to be required prior to use of force. Granted there may be situations where an officer is unable to apply de-escalation methods, but the reasons why it was not possible should be evident to an investigator or supervisor.

There should be a clause stating that failure to attempt de-escalation in some form will be subject to appropriate discipline. Again, barring extenuating circumstances, an officer should be able to say the method of de-escalation that they attempted to employ and why it was not possible.

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

Use of force is limited to cases where the person is resistant to arrest or poses a threat. The problem is that officers are in a position to instigate resistant or aggressive behavior, thereby escalating situations. The current policy (820.3) contains one line that says officers *should* de-escalate followed by a second line that says officers are *expected* to respond with force. Without stronger policy in place to prioritize de-escalation, officers may use their position to target certain populations by provoking them into punishable behavior. The policy also lacks defensibility, meaning there is not enough in the policy to charge an officer for neglecting to attempt to de-escalate a situation. This affects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions.

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

This recommendation prioritizes de-escalation making it no longer simply an additional tactic that an officer may choose to employ, but instead the objective in every situation to attempt the least degree of violence possible. The recommendation gives supervisors and investigators better grounds to hold officers accountable for failure to apply de-escalation or for instigating or provoking engaged persons.

Current EPD Policy

820.3 POLICY Officers should make every reasonable effort to de-escalate confrontations to prevent the need to use force. When a subject's actions create an imminent threat to the public or to officers, it is expected that officers will respond with reasonable and decisive force.

UF-100

Recommendation regarding use of force reporting

We would like the policy on Duty to Intercede to be reworded in such a way that it is clear that every officer is expected to prevent, interrupt, and/or stop excessive force. Wording like "when in a position to do so" makes it sound like the officer is only expected to intercede when it is convenient.

There should be a clause added to protect officers from retaliation.

There should be a clause stating that failure to intercede will be subject to appropriate discipline. We understand that there will be extenuating circumstances and that the department will have different disciplinary actions for different situations. However, we feel that officers who stand aside and do nothing while witnessing another officer use unreasonable force or excessive force should be held accountable as accomplices. Officers should also be held accountable for failing to report incidents, whether they intercede or not.

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

Excessive use of force can exceed that which policy allows. Creating more stringent policy reforms does not in and of itself correct excessive use of force. A culture within the police force can lend itself towards greater or lesser use of force, often that culture includes biases towards targeted populations. By establishing requirements to prevent, interrupt, stop and report excessive use of force, a police department can create a culture that places a stronger emphasis on peacekeeping and a lesser emphasis on show of force. This affects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions.

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

This recommendation builds upon the current policy to clarify when an officer is expected to intervene, how an officer is expected to intervene, and how to report incidents (see recommendation below on Use of Force Reporting). The non-retaliation clause should encourage lower ranking officers to intercede even with higher ranking officers. This may help to weed out officers whose values do not meet the standards of the culture we are wanting to create. The clause about failure to comply makes the policy more defensible during investigations of complaints.

Current EPD Policy

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

HT-105	Recommendation regarding EPD Equity Officer
<p>Managing the workload in these motions will require a dedicated staffing resource. EPD should therefore hire an Equity Officer. This person should have knowledge of police culture and procedures as well as lived experience of being a member of a marginalized group. Their primary tasks should be coordinating the development and implementation of the plans outlined in these motions but they should also:</p> <ul style="list-style-type: none"> •Act as EPD's point person for engagement with marginalized groups •Advise on communications and strategy around crisis events (such as the shooting of a person of color by police) •Act as facilitator for community input forums. <p>No written information was provided regarding the three question format</p>	
HT-104	Recommendation regarding EPD anti-bias testing
<p>Research shows that police forces have not been very good at identifying bias in recruits or officers. The systems in place to detect bias or white supremacy leanings were created by those whose biases have not been challenged. There are mechanisms to test for bias and they appear to produce a more reliable result</p> <p>EPD should require current and prospective police officers to undergo mandatory anti-bias testing, including testing for bias in shoot/don't shoot decision-making, and develop a clear policy for considering an officer's level of bias in the hiring process, in performance evaluations, in deployment decisions (e.g. where they are assigned to work).</p> <p>This anti-bias testing program should be drawn up in conjunction with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants and should have a focus on identifying and addressing White Nationalist affiliations and/or a white supremacist world-view.</p> <p>No written information was provided regarding the three question format</p>	
HT-103	Recommendation regarding EPD DEI policies
<p>EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants to review its policies for fostering an inclusive workplace culture and develop a plan to improve the experience of EPD employees from marginalized groups.</p> <p>The plan should include increased mentorship and professional development opportunities for members of marginalized groups as well as a metrics-based system for assessing EPD's performance in these areas (for example, by tracking and regularly reporting the hiring, retention and promotion rates of EPD staff from these groups).</p> <p>It should also include a system for tracking DEI-based complaints by EPD staff against colleagues and a clear training and disciplinary pathway for EPD staff who are subject to regular complaints.</p> <p>The plan should be in addition to the policies that apply to EPD staff by virtue of their status as City of Eugene employees.</p>	

No written information was provided regarding the three question format	
HT-102	Recommendation regarding EPD recruiting policies
EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants to review its hiring practices to ensure that outreach to potential recruits from marginalized groups is in line with DEI best-practice.	
No written information was provided regarding the three question format	
HT-101	Recommendation regarding EPD training policies
<p>EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion (DEI) consultants to review its training and procedures on engagement/contact with marginalized groups including (but not limited to):</p> <ul style="list-style-type: none"> • BIPOC • Youth • LGBTQ, transgender and gender nonconforming individuals • English language learners • Individuals from different religious affiliations • Individuals who are differently-abled <i>disabled</i> <p>The aim of this review will be to identify exclusionary practices and behaviors and develop strategies for improving them.</p>	
No written information was provided regarding the three question format	
HT-100	Recommendation regarding EPD training policy evaluation
<p>EPD will work with community to develop a system to evaluate and modify all training programs and materials to ensure that they do not replicate patterns of systemic exclusion. This should be done with a focus on:</p> <ul style="list-style-type: none"> •Procedural justice •De-escalation and minimizing the use of force •Relationship-based policing •Crisis intervention, mediation, and conflict resolution <p>This system should include a forum for ongoing community input into the content of training programs and the selection of training contractors.</p>	
No written information was provided regarding the three question format	
IIP-115	Recommendation regarding the CRB
<i>The CRB should have its own independent investigation team.</i>	
No written information was provided regarding the three question format	

IIP-114	Recommendation regarding the CRB
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	
No written information was provided regarding the three question format	
IIP-113	Recommendation regarding the CRB
All CRB public meetings proceedings will be audio and/or video recorded and shall be made public.	
No written information was provided regarding the three question format	
IIP-112	Recommendation regarding civilian oversight of IDFIT investigations and process
The City shall advocate for meaningful civilian oversight of IDFIT investigations and the IDFIT	
No written information was provided regarding the three question format	
IIP-111	Recommendation regarding IDFIT process
Any IDFIT investigation into an EPD officer shall be made fully public.	
No written information was provided regarding the three question format	
IIP-109	Recommendation regarding EPD mediation process
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.	

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

In the current civilian complaint process, the complainant and officer involved may agree to mediation. Currently, this process includes only the two parties and a mediator (and possibly a translator, if needed). There is an inherent power imbalance in this process. The complainant, who may have been traumatized by the experience, must face his or her abuser. Additionally, police officers are familiar with the process and their own rights in the process, which gives them an additional advantage in the process.

What, specifically and clearly, is your recommended change (motion)?

When a civilian complainant and a police officer agree to mediation, the complainant may choose to have an advisor in the process. This advisor would help guide the complainant through the process and would be available to answer questions during the process about the process and about his or her rights regarding the alleged misconduct. This would not be legal counsel, per se. The police officer would not be able to be represented by a union attorney or any legal counsel.

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

This change would level the playing field. Currently, the process involves, on one side, a police officer, who is familiar with the process and his rights in the process (as detailed in the union contract). On the other side is a complainant who is probably unfamiliar with the process, may experience restimulated trauma at facing the officer, and may see the mediator as part of the same system as the police. Advisors may be city staff (perhaps with the HRNI office or under the authority of the CRB), or they may be from a non-profit agency. The advisor would ensure that the civilian is aware of his or her rights and is aware of the process, so that the civilian would be able to mediate from a knowledgeable position. Currently, the mediation process is not used that much. However, combined with other measures designed to hold police officers more accountable for misconduct and abuse, it's likely that the mediation process would become a more attractive option for officers and members of the public.

IIP-108

Recommendation regarding the CRB

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.

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

Members of BIPOC communities and the mentally ill experience a greater incidence of excessive use of police force. In adjudicating complaints against the police, such as excessive use of force, frequently the police officer's use of force is deemed "reasonable" once the situation has reached a certain point. Even if a police officer is found in violation of something minor, the officer is disciplined for that minor infraction, and the full impact of the incident on the civilian is not always considered. As a result, the civilian would have no sense that justice has been served.

What, specifically and clearly, is your recommended change (motion)?

This motion is predicated upon the approval of IIP-101, in which the CRB investigates and adjudicates allegations of police misconduct. In adjudicating a complaint, the CRB would be able to consider all of the police actions taken, starting with the initial point of contact, that led to the specific action(s) specified in a complaint. Even if use of force was deemed necessary at that point, an officer's failure either to adhere to policy or to seek nonviolent alternatives, would be considered.

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

While not a panacea, this tool could be used to hold police officers more accountable, not just for their actions, but for the impact of their actions. This approach can integrate with procedural justice to shift the culture of policing towards a more compassionate and understanding approach that is more responsive to the needs and well-being of marginalized communities. This recommendation would allow the CRB to take a "higher altitude" view, as Scott Mckee mentioned in his testimony to the Committee, and the CRB would be able to consider whether the officers' conduct was necessary and warranted, and not just whether the conduct was justified.

IIP-107

Recommendation regarding IDFIT process

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.

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

There is an inherent conflict of interest when EPD employees are charged with investigating other EPD employees for possible misconduct and also serve on police union boards and committees. In their capacity on police unions, their priority is protecting EPD employees, which is in direct conflict while investigating actions which could result in disciplinary actions being taken against the very employees they are charged with protecting. This conflict contributes to the culture of police protecting their own, and officers who perpetrate misconduct, abuse, and brutality are less likely to be fairly or completely investigated. Members of BIPOC and other marginalized communities are disproportionately the targets of such misconduct and brutality.

What, specifically and clearly, is your recommended change (motion)?

Any EPD employee who is charged with investigating the misconduct of other EPD employees would not be able to serve as an officer of or on any committee of a police union. Such employees may still belong to the union.

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

This measure would reduce the conflict of interest inherent in police internal affairs investigators who also serve the police union. While it does not address the general culture of police protecting their own, it creates a bit of a firewall between those whose responsibility is to protect police employees and those whose responsibility it is to investigate those same employees for potential abuses and misconduct.

IIP-106

Recommendation regarding an Independent Civilian Prosecutor

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

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

Members of marginalized communities, especially BIPOC communities, are disproportionately victims of police brutality, and rarely do they see justice for the misconduct of police officers. Most public prosecutors work very closely with the police when prosecuting general cases against members of the public. Since these prosecutions rely on maintaining the credibility of the police, when the on-duty actions of officers are under investigation, prosecutors face a conflict of interest between their desire to maintain their working relationships with the police and their duty to investigate and prosecute police brutality. As a result, police are rarely prosecuted for the crimes they commit, and when they do, it is usually for lesser crimes, such as seen in the prosecution of the officers involved in the Brianna Taylor incident.

What, specifically and clearly, is your recommended change (motion)?

In cases of criminal police misconduct and for police brutality, an independent civilian investigator will be retained to prosecute the case. Campaign Zero recommends a state independent prosecutor, although this could happen in a variety of ways at different levels of government.

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

This change would avoid the inherent conflict of interest which public prosecutors face when prosecuting police - the very people upon whose credibility they rely in other prosecutions. District Attorney Patty Perlow, when asked why she has never prosecuted an EPD officer for lethal use of force, attributed that fact to the "excellent training that EPD receives." Her answer belies the bias inherent in her position, which depends on the perception that police officers are always credible, honest, and law-abiding. By engaging truly independent civilian prosecutors, who have no such conflict of interest, to prosecute cases against the police, the victims of these crimes would have a far better chance at seeing justice.

Admittedly, this would do nothing to address the bias of the courts and of state and federal laws in favor of police officers, and these should be addressed at the appropriate levels, but at least a truly independent prosecutor would give victims of police brutality a better chance.

IIP-105

Recommendation regarding union contract

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

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

Police unions have a long history of having provisions negotiated into their contracts that place constraints on the investigation and discipline process with regard to civilian complaints. As a result, sufficient discipline, and hence justice, for cases of police misconduct is rarely achieved for the affected civilians, especially those from marginalized communities.

“Scholars and experts generally agree that rigorous enforcement of internal regulations within a police department promotes constitutional policing by deterring future misconduct and removing unfit officers from the streets. In recent years, though, a troubling pattern has emerged. Because of internal appeals procedures, police departments must often rehire or significantly reduce disciplinary sanctions against officers who have engaged in serious misconduct.”

- https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9652&context=penn_law_review

Further, union contract provisions also prevent the public from watching or participating in many hearings.

What, specifically and clearly, is your recommended change (motion)?

This motion would ban the inclusion in police union contracts of any provision that relates to the discipline of law enforcement officers. Some of these provisions may require changes to state law, and would most certainly require changes to the police union contract.

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

Campaign Zero references several articles on how police union contracts prevent adequate oversight and accountability of police with respect to incidents of misconduct:

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9652&context=penn_law_review
<https://static1.squarespace.com/static/55ad38b1e4b0185f0285195f/t/5c491ac8b91c91570026453b/1548294860533/Police+Institutions+and+Police+Abuse+-+Evidence+from+the+US+%281%29.pdf>
<https://www.bjs.gov/content/pub/pdf/ccpuf.pdf>
<https://reason.com/2012/10/19/how-special-rights-for-law-enforcement-m/>

IIP-104

Recommendation regarding state public records law

State law [*Reference 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.

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

There are community members who know who the “bad cops” are. They know their names. They may file complaints, and yet these officers remain on the force. Some of these policy violations are investigated through the civilian complaint process, and others through Internal Affairs. State records law currently prohibits a sufficient level of transparency into these cases. The current system protects police officers who repeatedly violate policies and engage in misconduct. While the vast majority of officers may be professional, courteous, and dedicated to serving their community, a few “bad actors” can endanger members of marginalized communities and weaken community trust in the police.

What, specifically and clearly, is your recommended change (motion)?

Current state law would be changed to allow more transparency for the community and the CRB to be aware of police officers who repeatedly violate policies. This would allow members of the community and the CRB to identify those few “bad actors.” This recommended policy could be implemented by empowering the CRB to recommend that officers who have repeatedly been found in violation of policy, either through IA or civilian complaint investigations, be fired from the force. The Chief of Police could then be required to provide the CRB a letter of explanation if he/she chooses not to fire the officer. Further, EPD may not legally hire police officers who have a documented history of police misconduct.

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

There are some professions where a few “bad apples” do indeed spoil the whole bunch. We cannot tolerate these bad actors when lives are at stake, just as we would not tolerate a few bad airline pilots. By allowing community members and the CRB to have full transparency into the results of IA and civilian complaint investigations, these bad actors could be identified and removed from the force.

This would also require changes to existing Union contracts. The City Council and City Manager should advocate and negotiate for such changes.

IIP-103

Recommendation regarding civilian investigators

The City shall advocate for state law to be changed to allow independent civilian investigators to ~~shall~~ have the ability to interrogate officers within 48 hours after an incident where deadly force was used and: independent civilian investigators to ~~shall~~ be immediately notified of any police shooting and shall be required to send an investigator immediately to the scene of the shooting.

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

Understandably, it can be a traumatic experience for a police officer to kill someone. This is the rationale given for placing an officer on administrative leave following such an incident and not being compelled to provide an interview or statement until several days later. In the event of an incident where lethal police force was used, there is the belief among many in the community that the officer may use that time to formulate a reasonable alibi or explanation. This perception is reinforced by the fact that police officers are rarely held accountable or prosecuted for the misuse of lethal force, and contributes to the belief that the current system protects bad cops. Members of BIPOC and other marginalized communities who experience trauma at the hands of police

What, specifically and clearly, is your recommended change (motion)?

An independent investigator would be able to compel a police officer to be interrogated within 48 hours after an incident where deadly force was used. This may require changes to the police union contract. This is based upon a Campaign Zero recommendation.

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

Police officers involved in uses of lethal force should have their stories recorded by independent civilian investigators as soon as possible after the event, when details are fresh. This would ensure that the officer would have the details of the incident fresh in his or her mind, and would not have the opportunity to come up with alternative interpretations of facts or outright lies that would support his or her case

IIP-102

Recommendation regarding procedural justice

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

Contextual information regarding procedural justice found at: <https://cops.usdoj.gov/prodceduraljustice>

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

Most of the problems arising from complaints against the police are regarding excessive use of force, which disproportionately affects BIPOC and LGBTQ+ communities. These events typically arise from a failure of the officer involved to de-escalate the situation, usually by reacting too quickly, and upon false assumptions or from implicit biases. An example of procedural would be that the officer is required to hear the subject's side of the story before taking action.

What, specifically and clearly, is your recommended change (motion)?

Procedural justice focuses on the way police and other legal authorities interact with the public, and how the characteristics of those interactions shape the public's views of the police, their willingness to obey the law, and actual crime rates. It is based on current research in psychology and economics as they relate to behavior. Procedural justice speaks to four principles, often referred to as the four pillars:

- 1) being fair in processes,
- 2) being transparent in actions,
- 3) providing opportunity for voice, and
- 4) being impartial in decision making.

At its core, procedural justice is based upon the premise that police behavior is to be judged by the same standards and values as the behavior of the public.

Police officers would be held more accountable for procedural policy violations, whether or not a given violation resulted in a violent action against a civilian. Procedural justice has been shown to shift the way that police officers approach their work in the field and slow down their thought process sufficiently to reduce use of force incidents.

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

Implementing procedural justice policies (and training officers accordingly) has been shown to reduce these types of incidents and to reduce complaints against the police. It has also been shown to increase public compliance with laws and to increase the likelihood that police and community members will collaborate to combat crime. The current system of police enforcing laws through a system of deterrence and punitive outcomes results in fear and mistrust of police by the community. Under procedural justice, police and community members work together with shared community values to encourage collaborative, voluntary maintenance of a law-abiding community. This leads to officers slowing down their thought processes enough to identify opportunities for non-violent means of handling a given situation.

Appendix 2

Summary of motions (this shows the legislative history of each motion)

Summary of Motions
Ad Hoc Committee on Police Policy
Date of report: 4/22/21

Key: The motion prefix indicates the origin of the motion

AHCPP = Ad Hoc Committee on Police Policy

CO = Community Oversight subcommittee

UF = Use of Force subcommittee

BWC = Body Worn Cameras subcommittee

HT = Hiring and Training subcommittee

IIP = Independent Investigation and Prosecution subcommittee

Full Ad Hoc Committee

Motion	Approved by AHCPP	Decision date	Status and Description
AHCPP-114	✓	4/21/21 YES 17 NO 0	APPROVED BY AHCPP: Approval of the final report with the suggested edits. (Note: The 70% approval standard that AHCPP-99 required was met)
AHCPP-113	✓	4/21/21 YES 16 NO 0	<p>APPROVED BY AHCPP: Approval of the additions to the Executive Summary of the report: Issues requiring further discussion</p> <p>Committee members have asked for the following items that they feel were not discussed in sufficient depth during the committee to be brought to the city council's attention. Some of these are reflected in the end-of-process survey and others are highlighted in testimony from committee members:</p> <p>Qualified Immunity – some members felt strongly that the city should lobby state government for modifications to current qualified immunity laws or, in the case of some members, for the wholesale removal of this privilege. Some members also felt that the City should ban qualified immunity, in the awareness that such a ban may be challenged in court.</p> <p>Crisis Response – At the Feb. 17th meeting, <RECORDING LINK HERE> the committee received testimony from five community members who called CAHOOTS but received a police response that included violence and arrest. This was also a major concern in the end-of-process survey and some members have asked the facilitation team to highlight the need for more civilian crisis responders and for changes to the 911 dispatch system to prevent EPD from being dispatched to calls where a mental health crisis responder would be more appropriate.</p> <p>Civil forfeiture – This was a major concern in the end-of-process survey.</p> <p>No-Knock Raids – this was a major concern in the end-of-process survey and in conversations between the facilitation team and members, some of whom cited the case of Breonna Taylor as the worst-case-scenario they wished to avoid happening in Eugene.</p> <p>Chokeholds – The AHCPP asks that EPD eliminate the use of chokeholds within the department.</p> <p>Police Unions – Members felt that the role of police unions in shaping policy and experiential outcomes for marginalized groups needs to be addressed more fully. Members are aware that many of their recommendations will require collective bargaining if they are to be implemented. Members wished to highlight that the City Manager has the authority to bring experts into the bargaining process and these experts should include representation from BIPOC and marginalized communities. This will have the impact of increasing the transparency of the bargaining process.</p>
AHCPP-112	✓	4/21/21 YES 16 NO 0	APPROVED BY AHCPP: I am grateful for the City Council creating this committee. It is my hope that the Council, Mayor Vinis, City Manager Medary and those who have the ability to do so, implement these policies created with this report. In cases where the committee has asked for a change at the State level, that these requests be done in the span of the coming year. I am asking for the organizations and individuals represented on the committee to meet again, next year, with the Council and elected and appointed officials to see what has been accomplished and as a guide to what further steps can be taken. All organizations should be invited back including those members who resigned from the committee. Organizations should be able to appoint other representatives if needed. Information should be sent to committee members ahead of time, ideally in a video format. Also recommend to receive regular updates to the committee members from the City.

AHCPP-111	✓	4/7/21 YES 9 NO 2 ABSTAIN 4	<p>APPROVED BY AHCPP: 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.</p> <p>Make the City of Eugene a no open carry zone within the State of Oregon:</p> <ul style="list-style-type: none"> •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. <p>Encourage the State of Oregon to enact stricter gun control laws:</p> <ul style="list-style-type: none"> •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. <p>Ban all NFA weapons in the State of Oregon.</p>
AHCPP-110	✓	3/31/21 YES 17 NO 1	<p>APPROVED BY AHCPP: Motion regarding creating public database: 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.”</p> <p>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.</p>
AHCPP-109	✓	3/17/21 YES 20 NO 0	<p>APPROVED BY AHCPP: Motion to give Civilian Review Board adjudication authority: Move that the City of Eugene endow the civilian Police Auditor and the Civilian Review Board with the authority to override the Police Chief’s adjudication in response to investigations of misconduct or policy violations. In cases when the Police Auditor and the Chief do not agree on the adjudication the Civilian Review Board will review the case and vote on whether they concur with the Auditor’s adjudication. If the CRB votes to concur with the Auditor’s adjudication, then the Auditor’s adjudication is final.</p>
AHCPP-108	✓	3/17/21 YES 20 NO 0	<p>APPROVED BY AHCPP (AS AMENDED): Motion to create a disciplinary matrix: Move that the City of Eugene establish and bargain for a disciplinary matrix <i>based on community values with direct community input and approval</i> for EPD that determines the range of disciplinary action for <i>sustained proven</i> misconduct or policy violations.</p>
AHCPP-107	✓	3/17/21 YES 20 NO 0	<p>APPROVED BY AHCPP (AS AMENDED): Motion regarding creating officer evaluation metrics: Move that EPD create <i>implement</i> metrics of success for officers based on community values, <i>and with direct community input and approval</i>, such as de-escalation, and then proactively evaluate officers based on those metrics during documented, annual (or more frequent) performance reviews. These reviews should be conducted for all officers, of every rank and tenure. Additional reviews should be conducted based on complaints, but these should not replace the routine reviews. Those who train new officers or act as Field Training Officers should have a demonstrated record of positive performance reviews. Supervisors should be evaluated on their timely and thorough completion of these reviews and EPD should present a public annual report of compliance rate for timely reviews and thematic analysis of strengths and weaknesses of the department according to the metrics.</p>
AHCPP-106	✓	1/20/21 YES 23 NO 0	<p>APPROVED BY AHCPP: How abstentions will be counted: All votes going forward shall allow for abstentions to be counted as a non-vote rather than a vote against. If a member abstains, they will be treated as “not present” for the vote and a majority shall consist of half of all those voting</p>

AHCPP-105	✓	11/30/20 YES 23 NO 0	APPROVED BY AHCPP: Approved Jason Mak to Hiring and Training Subcommittee. Approved members of the Body Worn Cameras Subcommittee
AHCPP-101	✓	3/2/21 YES 20 NO 2	APPROVED BY AHCPP: The AHCPP requests that the City Council approve that the AHCPP has at least two additional meetings, if that is sufficient, in which it could consider and vote on all remaining motions referred to it by Subcommittees and any miscellaneous motions presented by members prior to the March 31 meeting.
AHCPP-100	✓	2/17/21 YES 21 NO 1 ABSTAIN 1	APPROVED BY AHCPP: Allow Marianne Dugan to provide testimony regarding her experiences in calling for CAHOOTS and Eugene Police responded to the call
AHCPP-99	✓	11/10/20 YES 22 NO 1	APPROVED BY AHCPP: The final draft of the AHCPP report shall be considered approved only if no less than 70% of the committee members present at the meeting at which the report is considered, vote in favor of approval
AHCPP-98	✓	11/10/20 YES 19 NO 3	APPROVED BY AHCPP: The AHCPP set aside no less than 45 minutes during the Feb. 17 meeting to hear from citizen complainants about the process they undertook with the Police Auditor and Civilian Review Board. Video testimony in lieu of attending the meeting is permitted
AHCPP-97	✓	11/10/20 YES 24 NO 0	APPROVED BY AHCPP: Motion tabling CRB Subpoena motion
AHCPP-96	✓	11/10/20 YES 23 NO 3	APPROVED BY AHCPP: Calling for a second meeting of the Community Oversight Subcommittee
AHCPP-95	✓	11/10/20 YES 23 NO 0	APPROVED BY AHCPP: Approved appointments to the Use of Force, and Hiring and Training Subcommittees
AHCPP-94	✓	10/27/20 YES 18 NO 5	APPROVED BY AHCPP: Authorizing the creation of subcommittees
AHCPP-93	✓	10/27/20 YES 23 NO 3	APPROVED BY AHCPP: Asking City Council to extend the AHCPP timeline by three months
AHCPP-92	✓	10/6/20	APPROVED BY AHCPP: Revised group agreement to include the phrase: Limit the use of the chat function to informational and procedural points only

Community Oversight Subcommittee

Motion	Approved by AHCPP	Decision date	Status and Description
CO-104	✓	2/2/21 YES 16 NO 1	<p>APPROVED BY AHCPP: Omnibus motion to send all the outstanding motions from the Community Oversight Subcommittee to the Independent Investigation and Prosecution Subcommittee for revision.</p> <p>Community Oversight motions CO-94, CO-95, CO-96, and CO-97 as described in the information packet will be sent to the Independent Investigation and Prosecution subcommittee for revision and reintroduction to the Ad Hoc Committee at a later date (NOTE CO-94 AND CO-96 ARE THE SAME MOTION)</p> <p>CO-95: 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.</p> <p>CO-96: 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.</p> <p>CO-97: 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.</p>
CO-103			
CO-102	✓	1/5/21 YES 12 NO 1 A 6	<p>APPROVED BY AHCPP: <i>If the motion #9 in the packet is approved, then</i> the CRB shall have the power to request and obtain additional evidence (documents, medical records, surveillance footage, and other materials) relevant to a case before the CRB and to request and obtain statements from witnesses and participants in the case.</p> <p><i>Text of motion #9 in the packet (CO-94):</i> 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</p>
CO-101	✓	1/5/21 YES 16 NO 2 A 1 11/30/20 YES 21 NO 1 12/16/20 Y 5 N 0	<p>APPROVED BY AHCPP (AS AMENDED): <i>If the Civilian Review Board becomes a fact-finding body,</i> then 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 Citizen Review Board (CRB) fact finding process</p> <p>SENT BACK TO CO SUBCOMMITTEE</p> <p>APPROVED BY CO SUBCOMMITTEE: : 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 Citizen Review Board (CRB) fact finding process.</p>
CO-100	✓	1/5/21 YES 17 NO 0 A 2	<p>APPROVED BY AHCPP: Omnibus motion regarding the Civilian Review Board and the Police Commission:</p> <ul style="list-style-type: none"> (CO-89) 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 (CO-88) 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 (CO-87) Motion regarding the Civilian Review Board (CRB): CRB and Police Commission members shall receive a stipend for their work (CO-86) 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

Motion	Approved by AHCPP	Decision date	Status and Description
CO-99		<p>1/5/21 YES 5 NO 5 ABSTAIN 9</p> <p>12/16/20 YES 4 NO 1</p> <p>12/16/20 YES 2 NO 1 ABSTAIN 2</p> <p>11/4/20 YES 5 NO 0</p>	<p>NOT APPROVED BY AHCPP: AMENDED 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 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</p> <p>APPROVED BY CO SUBCOMMITTEE: AMENDED 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 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</p> <p>NOT APPROVED BY CO SUBCOMMITTEE: AMENDED 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)</p> <p>APPROVED BY CO SUBCOMMITTEE: 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 CRB has the authority to conduct independent investigations, and at the heart of the search ability must be the ability to subpoena witnesses and documents including internal police disciplinary documents, medical records, surveillance footage and other materials relevant to an investigation. Once the CRB's professional staff completes its thorough investigation, the board's substantiates and allegations of misconduct, the Board's finding of fact will be binding on the head of the police department who will then determine discipline based on those facts and guided by a predetermined disciplinary matrix.</p>
CO-98	✓	<p>3/31/21 YES 18 NO 0</p> <p>3/23/21 YES 5 NO 0</p> <p>12/16/20 YES 5 NO 0</p> <p>11/4/20 YES 5 NO 0</p>	<p>APPROVED BY AHCPP: 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.</p> <p>APPROVED BY IIP SUBCOMMITTEE (AS AMENDED): The CRB shall have the power to request and hear testimony from witnesses and participants at the time that they hear the case <i>and shall allow any complainant who wishes to appear and give testimony.</i></p> <p>APPROVED BY CO SUBCOMMITTEE TO TABLE MOTION FOR FURTHER DISCUSSION: The CRB shall have the power to request and hear testimony from witnesses and participants at the time that they hear the case.</p> <p>APPROVED BY CO SUBCOMMITTEE: The CRB shall have the power to request and hear testimony from witnesses and participants at the time that they hear the case.</p>
CO-97	✓	<p>3/31/21 YES 18 NO 0</p> <p>3/23/21 YES 5 NO 0</p> <p>2/2/21 YES 16 NO 1</p> <p>12/16/20 YES 3 NO 2</p>	<p>APPROVED BY AHCPP (AS AMENDED): The CRB shall be able to consider the entire event <i>when making their decision</i>, 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 reach out to victim's families to inform them about and guide them through the process.</p> <p>APPROVED BY IIP SUBCOMMITTEE (AS AMENDED): 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. <i>The CRB may also reach out to victim's families to inform them about and guide them through the process.</i></p> <p>INCORPORATED INTO OMNIBUS MOTION CO-104 APPROVED BY AHCPP ON 2/2/21 TO SEND CO-95, CO-96, AND CO-97 TO THE INDEPENDENT INVESTIGATION & PROSECUTION SUBCOMMITTEE</p> <p>APPROVED BY CO SUBCOMMITTEE: 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.</p>

Motion	Approved by AHCPP	Decision date	Status and Description
CO-96		2/2/21 YES 16 NO 1 12/16/20 YES 4 NO 1	INCORPORATED INTO OMNIBUS MOTION CO-104 APPROVED BY AHCPP ON 2/2/21 TO SEND CO-95, CO-96, AND CO-97 TO THE INDEPENDENT INVESTIGATION & PROSECUTION SUBCOMMITTEE APPROVED BY CO SUBCOMMITTEE: 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.
CO-95	✓	3/31/21 YES 17 NO 1 3/23/21 YES 5 NO 0 2/2/21 YES 16 NO 1 12/16/20 YES 3 NO 1 ABSTAIN 1	APPROVED BY AHCPP: 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. APPROVED BY IIP SUBCOMMITTEE: 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. INCORPORATED INTO OMNIBUS MOTION CO-104 APPROVED BY AHCPP ON 2/2/21 TO SEND CO-95, CO-96, AND CO-97 TO THE INDEPENDENT INVESTIGATION & PROSECUTION SUBCOMMITTEE APPROVED BY CO SUBCOMMITTEE: 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.
CO-94		12/16/20 YES 4 NO 1	<u>NOTE: (CO-94) AND (CO-96) ARE THE SAME MOTION:</u> 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
CO-93	✓	3/2/21 YES 20 NO 0 11/30/20 YES 21 NO 1 12/16/20 YES 5 NO 0	APPROVED BY AHCPP: Recommend that the city council engage community in evaluating the existing form and structure of civilian oversight and defining the appropriate system for this community. SENT BACK TO CO SUBCOMMITTEE APPROVED BY CO SUBCOMMITTEE: Recommend that the city council engage community in evaluating the existing form and structure of civilian oversight and defining the appropriate system for this community
CO-92	✓	11/10/20 YES 24 NO 0 11/4/20 YES 3 NO 2	APPROVED BY AHCPP: Police stops: For all stops police officers should be required to give their name, badge number, the reason for the stop and a card with this information and with instructions for filing a complaint. APPROVED BY CO SUBCOMMITTEE: For all stops, police officers be required to give their name, badge number, the reason for the stop, and a card with this information on it and instructions for filing a complaint.
CO-91	✓	3/2/21 YES 18 NO 3 11/4/20 YES 4 NO 1	APPROVED BY AHCPP (AS AMENDED): The Civilian Review Board (CRB) should have subpoena power <i>over Eugene Police personnel and documents</i> as it investigates or reviews cases. APPROVED BY CO SUBCOMMITTEE: The Civilian Review Board (CRB) should have subpoena power as it investigates or reviews cases.
CO-90	✓	3/2/21 YES 20 NO 0 11/4/20 YES 5 NO 0	APPROVED BY AHCPP: Officers should be drug-tested at the close of the event for any use of force incident that results in serious injury or death. APPROVED BY CO SUBCOMMITTEE: Officers should be drug-tested at the close of the event for any use of force incident that results in serious injury or death.

Motion	Approved by AHCPP	Decision date	Status and Description
CO-89	✓	1/5/21 YES 17 NO 0 A 2 12/16/20 YES 5 NO 0	INCORPORATED INTO OMNIBUS MOTION CO-100 APPROVED BY AHCPP ON 1/5/21 APPROVED BY CO SUBCOMMITTEE: A minimum of a quorum of members of the CRB shall be nominated by groups representing marginalized people.
CO-88	✓	1/5/21 YES 17 NO 0 A 2 12/16/20 YES 5 NO 0	INCORPORATED INTO OMNIBUS MOTION CO-100 APPROVED BY AHCPP ON 1/5/21 APPROVED BY CO SUBCOMMITTEE: 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
CO-87	✓	1/5/21 YES 17 NO 0 A 2 12/16/20 YES 4 NO 0 A 1	INCORPORATED INTO OMNIBUS MOTION CO-100 APPROVED BY AHCPP ON 1/5/21 (AS REVISED): CRB <i>and Police Commission</i> members shall receive a stipend for their work APPROVED BY CO SUBCOMMITTEE: CRB members shall receive a stipend for their work
CO-86	✓	1/5/21 YES 17 NO 0 A 2 12/16/20 YES 4 NO 0 A 1	INCORPORATED INTO OMNIBUS MOTION CO-100 APPROVED BY AHCPP ON 1/5/21 APPROVED BY CO SUBCOMMITTEE: 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.
CO-85		12/16/20 YES 5 NO 0	APPROVED BY CO SUBCOMMITTEE: 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.

Motion	Approved by AHCPP	Decision date	Status and Description
BWC-107			
BWC-106	✓	3/1/7/21 YES 22 NO 0 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Muting microphones should be prohibited, and audio will be redacted/edited if needed at the stored facility (CRB/PA). Officers who mute microphones will get appropriate training or disciplinary action according to the disciplinary matrix. APPROVED BY BWC SUBCOMMITTEE: Muting microphones should be prohibited, and audio will be redacted/edited if needed at the stored facility (CRB/PA). Officers who mute microphones will get appropriate training or disciplinary action according to the disciplinary matrix.
BWC-105	✓	3/1/7/21 YES 21 NO 0 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy. APPROVED BY BWC SUBCOMMITTEE: Include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.
BWC-104	✓	3/17/21 YES 21 NO 1 ABSTAIN 1 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Incidents involving use of force or police brutality, officers should be prevented from reviewing footage of an incident before completing initial reports, statements or interviews about an incident. If the City wants the officers to have the ability to view the video footage, suspects that suffer police brutality or use of force should also have access to the video footage before they complete their report. APPROVED BY BWC SUBCOMMITTEE: Incidents involving use of force or police brutality, officers should be prevented from reviewing footage of an incident before completing initial reports, statements or interviews about an incident. If the City wants the officers to have the ability to view the video footage, suspects that suffer police brutality or use of force should also have access to the video footage before they complete their report.
BWC-103	✓	3/17/21 YES 21 NO 0 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Recommend that the City of Eugene press the state legislature/legislators to make all body cam and dash cam video public record. APPROVED BY BWC SUBCOMMITTEE: Recommend that the City of Eugene press the state legislature/legislators to make all body cam and dash cam video public record.
BWC-102	✓	3/2/21 YES 21 NO 1 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption. APPROVED BY BWC SUBCOMMITTEE: Require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption.
BWC-101	✓	3/2/21 YES 20 NO 0 ABSTAIN 2 2-22-21 YES 6 NO 0	APPROVED BY AHCPP: Require body and dash cam footage to be stored externally (not directly under the control of the police department) and ensure district attorneys and civilian oversight structures have direct access to the footage. APPROVED BY BWC SUBCOMMITTEE: Require body and dash cam footage to be stored externally (not directly under the control of the police department) and ensure district attorneys and civilian oversight structures have direct access to the footage.

Motion	Approved by AHCPP	Decision date	Status and Description
BWC-100		3/2/21 YES 18 NO 3 ABSTAIN 1 3/2/21 YES 2 NO 20 2-22-21 YES 5 NO 0	<p>APPROVED BY AHCPP: Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices.</p> <p>AMENDED LANGUAGE NOT APPROVED BY AHCPP: Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices.</p> <p>APPROVED BY BWC SUBCOMMITTEE: Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices</p>

UF-113		2-2-21 YES 16 NO 2	<p>APPROVED BY AHCPP OMNIBUS MOTION THAT CONTAINED REVISED MOTIONS UF-100, UF-101, UF-102, UF-103, UF-105, UF-106, UF-107, UF-109, and UF-110</p> <p>UF-100 Duty to Intercede (AS AMENDED):</p> <ul style="list-style-type: none"> We would like the policy on Duty to Intercede to be reworded in such a way that it is clear that every officer is expected to prevent, interrupt, and/or stop excessive force. Wording like “when in a position to do so” makes it sound like the officer is only expected to intercede when it is convenient There should be a clause added to protect officers from retaliation There should be a clause stating that failure to intercede will be subject to appropriate discipline. We understand that there will be extenuating circumstances and that the department will have different disciplinary actions for different situations. However, we feel that officers who stand aside and do nothing while witnessing another officer use unreasonable force or excessive force should be held accountable as accomplices. Officers should also be held accountable for failing to report incidents, whether they intercede or not We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-101 De-escalation (AS AMENDED):</p> <ul style="list-style-type: none"> We would like the De-escalation policy to be much stronger and emphasized throughout the EPD policies on use of force We would like de-escalation to be the expected first approach in all incidents We would like to de-escalation attempts to be required prior to use of force. Granted there may be situations where an officer is unable to apply de-escalation methods, but the reasons why it was not possible should be evident to an investigator or supervisor There should be a clause stating that failure to attempt de-escalation in some form will be subject to appropriate discipline. Again, barring extenuating circumstances, an officer should be able to say the method of de-escalation that they attempted to employ and why it was not possible We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-102 Unreasonable Force (AS AMENDED)</p> <ul style="list-style-type: none"> In addition to the existing policy on reasonable use of force, we would like EPD to create an additional policy on unreasonable force. Although the department may have non-discrimination clauses elsewhere in the manual, we would like a policy clearly written within the Use of Force documentation The policy should establish that officers may not use force to punish, retaliate, or coerce The policy should establish that force shall not be used based on bias against a person The policy should establish that one officer using force does not excuse another officer to follow suit. This would help each officer to think clearly about when and how they use force We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-103 Deadly Force (AS AMENDED)</p> <ul style="list-style-type: none"> We would like the existing policy on Permissible Use of Deadly Force to be expanded to include restrictions that help to ensure that the level and degree of force applied is appropriate to the situation. The policy should state that deadly force can never be used to apprehend a suspect of a non-violent offense. The policy should state that deadly cannot be used to protect property. The policy should state that officers cannot use deadly force against someone who presents a threat only to themselves. The policy should state that deadly force cannot be used against a restrained person. The policy should require an officer to give a verbal warning that deadly force may be used. We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-105 Use of Force Reporting (AS AMENDED)</p> <ul style="list-style-type: none"> We would the EPD to track all exhibitions and threats of force options by adding these actions to the Use of Force Reporting policy We understand that adding these actions to the list of reportable incidents creates more work for officers and their supervisors. It is hoped that this might dissuade officers from drawing attention to force options or threatening to use them until such time as they are needed. If they are needed, a report would have been required anyway. So effectively, this added stipulation should only create more work for officers who either misjudge the need for force options or who misuse the force option as a threat We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-106 Annual Training (AS AMENDED)</p> <ul style="list-style-type: none"> As new policies are enacted regarding Use of Force, we would like a policy to made that requires regular training in the new policies The policy should state that internal training should be revised to incorporate the new policy changes We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING
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			<p>UF-107 Vetting New Technology (ORIGINAL MOTION WAS APPROVED)</p> <ul style="list-style-type: none"> • Original motion (no revisions) • Require public input with a focus on BIPOC community members as well as other groups who are more likely to be disadvantageously affected by the new technology such as people with disabilities and mental health issues, immigrants especially those with limited English proficiency, houseless or impoverished community members. Any new technology will be subject to a one-year pilot period to be reviewed by the Police Commission and community members <p>UF-109 Demilitarization (AS AMENDED)</p> <ul style="list-style-type: none"> • We recommend that EPD demilitarize their uniforms, weapons, vehicles, and equipment, including surveillance technology and equipment. We do not want our local police force to interface with community as if equipped for war. The policy should include materials designed specifically for police use but modeled after military equipment. The policy should advocate for the least degree of force necessary to complete the task at hand • We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>UF-110 Chemical Weapons (AS AMENDED)</p> <ul style="list-style-type: none"> • We would like to create a blanket policy regarding the use of all chemical weapons. The policy should require verbal warning. It should state that chemical weapons should never be used to wake or rouse a person. The policy should require having medical personnel on site when the use of chemical weapons is anticipated • We offer the example policy wording (below) which has been borrowed from other police departments—SEE ORIGINAL MOTION FOR POLICY WORDING <p>*NOTE:Daniel Borson pointed out that he didn't think that the revision to part "D" of UF-110 got included in the motion that was approved by the Ad Hoc Committee's omnibus motion UF-113. The text of Daniel's suggested revision reads: "No chemical agents may be used which have been banned by the 1993 Chemical Weapons Convention, which banned these agents for warfare but allowed them for riot control." Daniel requested the final report include a mention of this. Jason Mak commented on UF-110 and requested the final report add that members of the press should not be targeted</p>
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UF-112		1-13-21 UNANIMOUS CONSENT	<p>TABLED BY UF SUBCOMMITTEE: Crowd Control</p> <p>Civil Disturbances Definition</p> <p>The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly. There must be criminal activity or a clear and present danger of imminent violence. (add to 317.I.A)</p> <p>The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful. (add to 317.I.A)</p> <p>Generally</p> <p>Even when some members of a crowd engage in violence or destruction of property, other members of the crowd are not participating in those acts. Once some members of a crowd become violent, the situation often turns chaotic, and many individuals in the crowd who do not want to participate in the violent or destructive acts may be blocked from leaving the scene because the crowd is so large or because they are afraid they will move into a position of heightened danger. (add to 317.I.B)</p> <p>If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly and the required official declaration has been adequately given. (add to 317.I.B)</p> <p>Officers in non-violent crowd situations shall not display weapons before a dispersal order is given or other enforcement action is implemented. (add to 317.I.B)</p> <p>The media shall be permitted to observe and shall be permitted close enough access to the arrestees to record their names. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made unless their presence would unduly interfere with the enforcement action. (add to 317.I.B)</p> <p>Specific Situations</p> <p>Officers will try to facilitate demonstrations that may temporarily block traffic and/or otherwise use public streets subject to time, place, and manner of circumstances, by regulating and/or rerouting traffic as much as practical. (add to 317.I.C.1)</p> <p>Command Options</p> <p>In the event of a declared unlawful assembly, it is the general policy of EPD to use multiple simultaneous arrests to deal with a non-violent demonstration that fails to disperse and voluntarily submits to arrest as a form of political protest rather than dispersing the demonstrators by using weapons or force beyond that necessary to make the arrests. (add to 317.II.B.2)</p> <p>Verbal abuse against officers shall not constitute a reason for an arrest or for any use of force against such individuals. (add to 317.II.B.2)</p> <p>Prior to using force against people in a crowd, officers shall:</p> <ol style="list-style-type: none"> 1.provide clear instructions and warnings in a manner that can be heard by persons in the crowd, such as through a bullhorn or speaker system when available; 2.state the consequences of refusing to comply with a mandatory directive, including that arrests will occur and force may be used unless persons comply; 3.specify adequate egress or escape routes, whenever possible, a minimum of two escape/egress routes shall be identified and announced; and 4.give a reasonable opportunity to comply. (add to 317.II.B.3) <p>Less-lethal ammunition:</p> <ol style="list-style-type: none"> 1.may be used during civil disturbances only against specific individuals who are threatening or active assailants; and 2.shall not be used during a civil disturbance against groups of individuals. (add to 317.II.B.3) <p>OC spray:</p> <ol style="list-style-type: none"> 1.may be used against specific individuals who are active resisters, threatening assailants or active assailants; 2.shall not be used where bystanders would be unreasonably affected; and 3.shall not be used against passive resisters, or indiscriminately against groups of people. (add to 317.II.B.3) <p>Specialty Impact Munitions (SIM):</p> <ol style="list-style-type: none"> 1.shall not be used for crowd management, crowd control or crowd dispersal during demonstrations or crowd events; 2.may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive. (add to 317.II.B.3) <p>Electronic Immobilizing Devices (EID's):</p> <p>EID's such as tasers, stun guns, and stun shields shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. (add to 317.II.B.3)</p> <p>Field Force</p> <p>The number or name shall be clearly visible at all times. The letters or numerals on helmets, jackets, and vests shall be clearly legible at a distance sufficient to provide a measure of safety for both officers and demonstrators/observers and, in no case, shall be less than two inches in height on helmets. (add to 318.I.A.4)</p>
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UF-111			<p>NO ACTION TAKEN BY UF SUBCOMMITTEE (RAN OUT OF TIME): Reasonableness of Force Change all places where current policy says “reasonably believes” to “reasonably perceives” as in the example below.</p> <p>a.PERMISSIBLE USE OF DEADLY FORCE An officer is justified in using deadly force against another person when and to the extent the officer reasonably perceives the deadly force is immediately necessary to:</p> <p>b.Protect them or others from what he or she reasonably perceives would be an imminent threat of death or serious physical injury.</p> <p>c.To arrest or prevent the escape of a suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious physical injury or death, and the officer reasonably perceives that there is an imminent or potential risk of serious physical injury or death to others if the suspect is not immediately apprehended.</p> <p>(800.1.3, 800.2.1, 800.2.2, 800.4.1, there may be more)</p>
UF-110	✓	<p>2-2-21</p> <p>1-13-21 YES 7 NO 0</p>	<p>APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21</p> <p>APPROVED BY UF SUBCOMMITTEE: Chemical Weapons A.Require a verbal warning with reasonable time for compliance before displaying chemical weapons. Verbal warning must be clear and audible (use of loudspeaker, repeated if necessary). Time and egress routes must be sufficient for orders to disperse to be met. (803.3, 804.2 C) B.OC spray should never be used to wake or rouse a person. (803.3) C.If use of chemical weapons is anticipated, officers shall have medical personnel on site prior to their use and shall make provision for decontamination and medical screening to those persons affected by the chemical agent(s)</p>
UF-109	✓	<p>2-2-21</p> <p>1-13-21 YES 7 NO 0</p>	<p>APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21</p> <p>APPROVED BY UF SUBCOMMITTEE: Demilitarization A.Discontinue purchases of field equipment, machinery and weapons designed for war B.Evaluate the equipment and weaponry currently owned by EPD and sell or destroy items that should not apply to policing civilian communities. This should include equipment and technology designed for military surveillance and espionage</p>
UF-108	✓	<p>3/2/21 YES 21 NO 0</p> <p>2/15/21</p> <p>12/9/20</p>	<p>APPROVED BY AHCPP (AS AMENDED): We propose, and Chief Skinner agrees, that mental health calls should be handled by mental health professionals. We encourage the city to invest in and expand 24-hour emergency response teams, similar to and including CAHOOTS, to handle non-criminal calls. We further encourage the city to form a task force to identify needs, strategize implementation, and develop protocols. Key elements include:</p> <ul style="list-style-type: none"> •Modify the dispatch algorithm so that unarmed response teams (not police or CSO) are the first responders to all non-criminal calls. •Ensure that calls do not default to a response from EPD unless first responders request police assistance. •Establish a separate dispatch console for non-criminal calls including mental health crisis, suicide response, intoxication, transportation to services, housing crisis, first aid, noise complaints, disputes, disturbances, and other non-criminal situations. <p>REVISED BY UF SUBCOMMITTEE ON 2/15/21: We propose, and Chief Skinner agrees, that mental health calls should be handled by mental health professionals. We encourage the city to invest in and expand 24-hour emergency response teams, similar to and including CAHOOTS, to handle non-criminal calls. We further encourage the city to form a task force to identify needs, strategize implementation, and develop protocols. Key elements include:</p> <ul style="list-style-type: none"> •Modify the dispatch algorithm so that unarmed response teams (not police or CSO) are the first responders to all non-criminal calls. •Ensure that calls do not default to a response from EPD unless first responders request police assistance. •Establish a separate dispatch console for non-criminal calls including mental health crisis, suicide response, intoxication, transportation to services, housing crisis, first aid, noise complaints, disputes, disturbances, and other non-criminal situations. <p>NO ACTION TAKEN BY UF SUBCOMMITTEE (RAN OUT OF TIME): Ceding Mental Health and Related Calls A.Create a task force to develop and initiate a 5-year plan to reassign all non-violent emergency response, not necessarily requiring an arrest, to alternative unarmed agencies as first responders. The response teams will be dispatched through a separate console that will nto automatically default to EPD. These agencies can, in turn, call in EPD as needed, essentially making the police second responders. Officers responding to the scene should first defer to the alternate agency B.CAHOOTS is one such agency, responding to mental health crisis, suicide response, intoxication, transportation to services, housing crisis, first aid, and other non-violent situations. The city should invest in increased salary and benefits for CAHOOTS staff and a massive expansion of the program, sufficient to enable it to absorb all such dispatch calls C.Other agencies should be similarly funded to handle other kinds of non-violent, non-criminal emergency response This can include mediation services to handle disputes, neighborhood safety patrols to handle loud parties, trained counselors to approach houseless youth, etc. The task force would develop a set of policies for dispatch, authority, and inter-agency engagement</p>

UF-107	✓	2-2-21 1-13-21 YES 7 NO 0	APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21 APPROVED BY UF SUBCOMMITTEE: Vetting New Technology Require public input with a focus on BIPOC community members as well as other groups who are more likely to be disadvantageously affected by the new technology such as people with disabilities and mental health issues, immigrants especially those with limited English proficiency, houseless or impoverished community members. Allow for a one-year pilot period for any new technology that is instituted, with provisions for the Police Commission and the community to review
UF-106	✓	2-2-21 1-13-21 YES 7 NO 0	APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21 APPROVED BY UF SUBCOMMITTEE: Annual Training A.Sworn officers of all ranks, and professional staff members who are trained on and authorized to use specific force options, shall receive training at least annually on the specific provisions of policies involving Use of Force B.All practical force and force option training for Department members that is delivered by Department training staff shall incorporate into the lesson plan or training materials instruction on policies involving Use of Force
UF-105	✓	2-2-21 1-13-21 YES 7 NO 0	APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21 APPROVED BY UF SUBCOMMITTEE: Use of Force Reporting A.EPD should track all shows of force including the verbal threat or display to use force options B.Definitions of reportable incidents in Section 801.1.1 should be expanded beyond discharge and use of said force options to include the drawing, exhibiting, and unholstering of firearms as well as the verbal threat to use or draw such firearms and impact weapons C.Add to the list of reportable incidents in Section 801.1.1 control holds, compliance techniques, takedowns, and physical control techniques including escorts
UF-104			NO ACTION TAKEN BY UF SUBCOMMITTEE (RAN OUT OF TIME): Following Use of Deadly Force A.The officer will comply with drug testing as soon as possible after the incident, but before being relieved of duty. (800.4.3) B.Require officers who have used deadly force to attend counseling before return to work. Currently, officers are offered a minimum of two opportunities for mental health counseling within 6 months following the incident. The officer is only required to attend one session. (810.3.5(j)) C.The 48 hour wait period before interviewing the officer is unfair. We recommend the City work with the State and Federal agencies to change this policy. (This is beyond the purview of this committee, but we would like to submit our recommendation nonetheless). D.Extend the period of administrative assignment, especially when there is an active investigation of misconduct and/or complaint filed against the officer. Currently, policy only requires 72 hours before an officer can be returned to duties that might place an officer in a situation in which he or she has to use deadly force. (810.3.5(g))
UF-103	✓	2-2-21 1-13-21 YES 7 NO 0	APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21 APPROVED BY UF SUBCOMMITTEE: Deadly Force A.An officer shall not use deadly force to apprehend a person who is suspected of a minor or non- violent offense B.An officer shall not use deadly force to protect property C.An officer shall not use deadly force against a person who presents only a danger to themselves and does not pose an immediate threat of death or serious bodily injury to another person or officer D.An officer shall not use deadly force against a restrained person E.If possible, and if doing so would not increase the danger to the officer or others, an officer shall identify themselves as a police officer and give a verbal warning that deadly force may be used before discharging a firearm at a person
UF-102	✓	2-2-21 1-13-21 YES 7 NO 0	APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21 APPROVED BY UF SUBCOMMITTEE: Unreasonable Force Officers are prohibited from using force or threat of force to punish, retaliate, or unlawfully coerce A.Officers shall not use force based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic B.An officer shall not use force solely because another officer is using force

UF-101	✓	2-2-21 1-13-21 YES 7 NO 0	<p>APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21</p> <p>APPROVED BY UF SUBCOMMITTEE: De-escalation All attempts shall be made to carry out law enforcement by non-violent means (Add to 820.3). A. Officers will apply use of force only after attempts at de-escalation have been exhausted or are deemed not possible (Add to 820.3). B. Officers who fail to employ de-escalation strategies as described in Section 820 when evidence determines that it was reasonably possible will be subject to appropriate discipline. (800.2, 820.3) C. What is the issue that the community is experiencing and which communities in Eugene experience this problem most strongly? D. Use of force is limited to cases where the person is resistant to arrest or poses a threat. The problem is that officers are in a position to instigate resistant or aggressive behavior, thereby escalating situations. The current policy (820.3) contains one line that says officers <i>should</i> de-escalate followed by a second line that says officers are <i>expected</i> to respond with force. Without stronger policy in place to prioritize de-escalation, officers may use their position to target certain populations by provoking them into punishable behavior. The policy also lacks defensibility, meaning there is not enough in the policy to charge an officer for neglecting to attempt to de-escalate a situation. This effects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions. E. Use of force is limited to cases where the person is resistant to arrest or poses a threat. The problem is that officers are in a position to instigate resistant or aggressive behavior, thereby escalating situations. The current policy (820.3) contains one line that says officers should de-escalate followed by a second line that says officers are expected to respond with force. Without stronger policy in place to prioritize de-escalation, officers may use their position to target certain populations by provoking them into punishable behavior. The policy also lacks defensibility, meaning there is not enough in the policy to charge an officer for neglecting to attempt to de-escalate a situation. This effects BIPOC, immigrant, houseless, disabled, LGBTQ, and persons with mental health or addiction conditions.</p>
UF-100	✓	2-2-21 1-13-21 YES 7 NO 0	<p>APPROVED BY AHCPP (AS AMENDED) AS PART OF OMNIBUS MOTION UF-113 ON 2-2-21</p> <p>APPROVED BY UF SUBCOMMITTEE: Modify the current policy to clarify this policy as a requirement. Change “clearly beyond” to “exceeds” (800.1.2). Change “prevent” to “prevent or disrupt” (800.1.2). Change “will also report” to “shall report under section 801 Use of Force Reporting” (800.1.2). A. Any officer who observes another officer about to use force that is illegal, excessive, or otherwise inconsistent with this policy shall, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events before the fellow officer does something that makes any official action necessary B. Any officer who observes another officer using force that is illegal, excessive, or otherwise inconsistent with this policy shall, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and stop the use of force C. Officers shall not be subject to discipline or retaliation for intervening, or for reporting excessive force, or for failing to follow a directive that the officer reasonably believed to be excessive D. Officers who fail to intercede to prevent excessive force when the evidence deems the officer was in a position to do so will be subject to appropriate discipline</p>

Hiring and Training Subcommittee (Note: The HT subcommittee did not meet quorum for its second meeting. HT Subcommittee Leah Edelman brought these motions directly to the AHCPP)

Motion	Approved by AHCPP	Decision date	Status and Description
HT-105	✓	4/7/21 YES 16 NO 1	APPROVED BY AHCPP: Managing the workload in these motions will require a dedicated staffing resource. EPD should therefore hire an Equity Officer. This person should have knowledge of police culture and procedures as well as lived experience of being a member of a marginalized group. Their primary tasks should be coordinating the development and implementation of the plans outlined in these motions but they should also: <ul style="list-style-type: none"> • Act as EPD's point person for engagement with marginalized groups • Advise on communications and strategy around crisis events (such as the shooting of a person of color by police) • Act as facilitator for community input forums.
HT-104	✓	4/7/21 YES 17 NO 0	APPROVED BY AHCPP: Research shows that police forces have not been very good at identifying bias in recruits or officers. The systems in place to detect bias or white supremacy leanings were created by those whose biases have not been challenged. There are mechanisms to test for bias and they appear to produce a more reliable result EPD should require current and prospective police officers to undergo mandatory anti-bias testing, including testing for bias in shoot/don't shoot decision-making , and develop a clear policy for considering an officer's level of bias in the hiring process, in performance evaluations, in deployment decisions (e.g. where they are assigned to work). This anti-bias testing program should be drawn up in conjunction with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants and should have a focus on identifying and addressing White Nationalist affiliations and/or a white supremacist world-view.
HT-103	✓	4/7/21 YES 17 NO 0	APPROVED BY AHCPP (AS AMENDED): EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants to review its policies for fostering an inclusive workplace culture and develop a plan to improve the experience of EPD employees from marginalized groups. The plan should include increased mentorship and professional development opportunities for members of marginalized groups as well as a metrics-based system for assessing EPD's performance in these areas (for example, by tracking and regularly reporting the hiring, retention and promotion rates of EPD staff from these groups). It should also include a system for tracking DEI-based complaints by EPD staff against colleagues and a clear training and disciplinary pathway for EPD staff who are subject to regular complaints. The plan should be in addition to the policies that apply to EPD staff by virtue of their status as City of Eugene employees.
HT-102	✓	4/7/21 YES 17 NO 0	APPROVED BY AHCPP: EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion consultants to review its hiring practices to ensure that outreach to potential recruits from marginalized groups is in line with DEI best-practice.
HT-101	✓	4/7/21 YES 17 NO 0	APPROVED BY AHCPP (AS AMENDED): EPD will work with the City of Eugene's HR department and external Diversity, Equity and Inclusion (DEI) consultants to review its training and procedures on engagement/contact with marginalized groups including (but not limited to): <ul style="list-style-type: none"> • BIPOC • Youth • LGBTQ, transgender and gender nonconforming individuals • English language learners • Individuals from different religious affiliations • Individuals who are differently-abled-disabled The aim of this review will be to identify exclusionary practices and behaviors and develop strategies for improving them.
HT-100	✓	4/7/21 YES 17 NO 0	APPROVED BY AHCPP: EPD will work with community to develop a system to evaluate and modify all training programs and materials to ensure that they do not replicate patterns of systemic exclusion. This should be done with a focus on: <ul style="list-style-type: none"> • Procedural justice • De-escalation and minimizing the use of force • Relationship-based policing • Crisis intervention, mediation, and conflict resolution This system should include a forum for ongoing community input into the content of training programs and the selection of training contractors.

Independent Investigation and Prosecution Subcommittee

Motion	Approved by AHCPP	Decision date	Status and Description
IIP-115	✓	3/31/21 YES 14 NO 2 ABSTAIN 2 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): <i>The CRB should have its own independent investigation team.</i> (APPROVED BY IIP SUBCOMMITTEE): Investigators now in the police auditor office will become a part of the CRB instead.
IIP-114	✓	3/31/21 YES 16 NO 2 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: 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. (APPROVED BY IIP 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.
IIP-113	✓	4/7/21 YES 16 NO 0 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): All CRB <i>public meetings</i> proceedings will be audio and/or video recorded and shall be made public. (APPROVED BY IIP SUBCOMMITTEE): All CRB proceedings will be audio and/or video recorded and shall be made public.
IIP-112	✓	4/7/21 YES 15 NO 0 ABSTAIN 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: The City shall advocate for meaningful civilian oversight of IDFIT investigations and the IDFIT process. (APPROVED BY IIP SUBCOMMITTEE): The City shall advocate for meaningful civilian oversight of IDFIT investigations and the IDFIT process.
IIP-111	✓	4/7/21 YES 15 NO 0 ABSTAIN 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: Any IDFIT investigation into an EPD officer shall be made fully public. (APPROVED BY IIP SUBCOMMITTEE): Any IDFIT investigation into an EPD officer shall be made fully public.
IIP-110		3/23/21 YES 5 NO 0	(APPROVED BY IIP SUBCOMMITTEE): Motion to consider the eight motions (IIP-102, IIP-103, IIP-104, IIP-105, IIP-106, IIP-107, IIP-108, IIP-109) together and vote as one package.
IIP-109	✓	4/7/21 YES 9 NO 5 ABSTAIN 2 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: 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. (APPROVED BY IIP 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-108	✓	4/7/21 YES 14 NO 1 ABSTAIN 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: 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. (APPROVED BY IIP 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.

Motion	Approved by AHCPP	Decision date	Status and Description
IIP-107	✓	3/31/21 YES 16 NO 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP: 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. (APPROVED BY IIP 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-106	✓	3/31/21 YES 16 NO 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): In cases of <i>potential</i> criminal misconduct and brutality by the police, an independent civilian prosecutor shall prosecute the case. (APPROVED BY IIP SUBCOMMITTEE): In cases of criminal misconduct and brutality by the police, an independent civilian prosecutor shall prosecute the case.
IIP-105	✓	3/31/21 YES 16 NO 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): The City shall ban the inclusion <i>advocate for the removal</i> of all matters pertaining to the discipline of law enforcement officers in their police union contract. (APPROVED BY IIP SUBCOMMITTEE): The City shall ban the inclusion of all matters pertaining to the discipline of law enforcement officers in their police union contract.
IIP-104	✓	3/31/21 YES 17 NO 0 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): State law <i>[Reference state law]</i> 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. (APPROVED BY IIP 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-103	✓	3/31/21/ YES 16 NO 1 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): <i>The City shall advocate for state law to be changed to allow independent civilian investigators to shall have the ability to interrogate officers within 48 hours after an incident where deadly force was used and: independent civilian investigators to shall be immediately notified of any police shooting and shall be required to send an investigator immediately to the scene of the shooting.</i> (APPROVED BY IIP 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-102	✓	3/31/21 YES 18 NO 0 3/23/21 YES 5 NO 0	APPROVED BY AHCPP (AS AMENDED): EPD leadership shall incorporate procedural justice into the internal discipline process, placing additional importance on <i>adherence to community values</i> adherence rather than adherence to rules. Contextual information regarding procedural justice found at: https://cops.usdoj.gov/proceduraljustice (APPROVED BY IIP SUBCOMMITTEE): EPD leadership shall incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules.
IIP-101	✓	3/2/21 YES 19 NO 1 2-18-21 YES 5 NO 0	APPROVED BY AHCPP (AS REVISED): Ask the Ad Hoc Committee to allow Allow Scott McKee to attend an Ad Hoc Committee meeting and be available to answer questions. for a question-and-answer session. APPROVED BY IIP SUBCOMMITTEE: Ask the Ad Hoc Committee to allow Scott McKee to attend an Ad Hoc Committee meeting for a question-and-answer session.
IIP-100		2-18-21 YES 5 NO 0	APPROVED BY IIP SUBCOMMITTEE: Allow Scott McKee to attend the next Independent Investigation and Prosecution subcommittee meeting for a question-and-answer session.

Appendix 3

Committee member testimony

APPENDIX 3
Committee Member Testimony

Complete Testimony and Recommendations for the Eugene Police Policy Ad-hoc Committee

**Submitted by: Lindsey Foltz, Civilian Review Board Chair
10/6/2020**

General CRB reflections

I have held two different appointments on the Civilian Review Board, with a year break in between. As a CRB member I am allowed to review the work of the auditor's office and see completed investigative case files. This includes body-cam footage, interviews, dispatch logs, police reports, and any other information that is involved with investigating a specific complaint. There is a special provision in Oregon Public Records Law that allows the Office of the Auditor and the Civilian Review Board to view these unredacted materials. I have been very satisfied with the transparency afforded to CRB members and have found these files and the investigations to be thorough and well done. The discussions amongst CRB members are robust and add to the transparency and integrity of the process. The Auditor and the Chief of Police both issue an adjudication recommendation for each case. I have not always agreed with the conclusions of the chief nor have I always agreed with the auditor. However, in terms of transparency and thoroughness of investigation I think the process in place is solid from a CRB member perspective. I think the public at large should have more access to these files, but I will address this at the end of this document as a policy recommendation. I am not a proponent of implementing all of the policies outlined in Campaign Zero regarding community oversight in Eugene. The recommendations for the Police Commission, for example, strike me as impractical in a City where even our City Councilors are essentially unpaid (they receive a very small stipend but no benefits) and where the Police Commissioners aren't allowed to witness the body worn camera footage or see the IA files due to Oregon Public Records Law. However, I have highlighted some of the recommendations that I think fit with our needs in Eugene and could move us toward more meaningful and effective community oversight in the short term.

Testimony for the ad-hoc committee based on CRB experience

In this testimony I speak on behalf of myself based on my experience as a member of the Civilian Review Board. I want to draw your attention to three cases that connect to all the policy changes that I am proposing for the committee to consider.

I have broken my concerns down into two separate categories: policies related to civilian oversight, and broader concerns based on witnessing cases. This document includes the minutes from these cases, the involved policies, my suggested changes, how they connect to Campaign Zero, supporting documents, and implementation paths.

In terms of civilian oversight my concerns include policies and practices related to:

- Body worn video
- Lack of transparency in discipline for sustained cases of misconduct
- Lack of recourse when Auditor and CRB disagree with Chief's adjudication
- Restrictions on public comment at CRB meetings
- Timelines for filing complaints with the auditor's office

Broader concerns based on witnessing cases:

- De-escalation
- Transparency in Public Records

Three Illustrative Cases

I would like to highlight three cases involving mothers who were bereaved or aggrieved by EPD who have shared their testimony with me. The first two were shared in public forums. I have received permission from the third to share our conversations with you all in this public setting.

Body Worn Video

All three of these cases occurred before body-worn cameras were implemented at EPD and were negatively impacted by the lack of footage. So, I'll start by praising the implementation of body worn cameras and their usefulness is civilian oversight. However, one of my recommendations is to improve the body-worn camera policy and implementation practices. I will summarize here:

- no muting
- no selective disabling
- permanent retention of footage
- mandating use on ALL sworn personnel including SWAT

Veteran with PTSD Shot by Police

The first case involved a veteran with PTSD who was shot and killed by police. He was shot by an officer from the hatch of an armored vehicle shortly after being hailed by loudspeaker to come out of his house with his hands up. The officer saw the man shoulder his gun at the armored vehicle which had driven into the man's yard. In this case, at the time of the shooting the force was ruled as reasonable. I agreed with the adjudication that the officer had not violated policy. However, that was the beginning of my advocacy for de-escalation as a centerpiece of our public safety strategy. The current de-escalation policy is from May 2018 and was influenced by this case. But there is still more to do. We urgently need to improve skill, reward, and accountability to de-escalate. In addition, this man's family was prevented from providing public comment at the CRB meeting where his case was discussed because of a CRB protocol. I advocate for this protocol to be amended, which will require agreement from the police union.

The minutes from the CRB meeting discussing this case are here: <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/3930>

Mother Tackled and Son Tazed after Calling for Mental Health Crisis Response

The second case mother called 911 in the middle of the night requesting help from CAHOOTS for her son who was in a mental health crisis and had been turned away from the hospital earlier that day. This incident was captured by audio recording devices which made some details impossible to verify (since it was before body-worn cameras). There was an officer at the scene who was working with the mother and her son to get him help with some success. When the supervising sergeant arrived on the scene, he escalated the situation. The mother, fearing for her son's life, wrapped her body around her son and refused orders to let go of him. She was tackled to the ground and put in handcuffs to

separate her from her son, who was tazed. Neither of them was provided medical care, against policy.

While the use of force was determined to be within policy by Chief Kerns at the time it was deployed, the sergeant's behavior escalated the situation necessitating the level of force. This case was before the current de-escalation policy was in place, but as of this date I have not yet seen one case classified by the auditor as a violation of that de-escalation policy. I have reason to believe that is about to change and I hope it does because I am weary of seeing cases with justified force due to unjustified escalation. De-escalation should be a set of skills that we hire and promote for. Those who are in charge of training and supervising officers should be highly skilled in de-escalation.

This case also brings up questions that I have regarding discipline and civilian oversight. The CRB and the auditor's office are not allowed to know anything about the disciplinary outcomes, even in cases where misconduct is sustained. There are certain officers who appear in complaints many times, are repeatedly found to have violated policy, and yet are obviously still employed and in some cases given promotions or more authority. I think greater transparency in the disciplinary process would create an environment more conducive to accountability and would improve our current civilian oversight system. The final frustration that I will note from this case was that the auditor and CRB's recommended adjudications varied from the Chief's. There is no recourse in these situations for ordinary complaints beyond what amount to strongly worded letters. Again, this impairs accountability and erodes my trust in the usefulness of civilian oversight.

The minutes from the CRB meeting discussing this case are here: <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4490>

Grieving Mother Denied Access to Complaint Process

The third mother is someone I have only recently met. Her baby son died when he was less than a year old. When she buried him, she didn't know that there was a reason to suspect her son's death wasn't natural, in part because DHS wasn't properly notified of his death by EPD. She went through lengthy legal processes with several involved agencies and eventually submitted a complaint to the auditor's office with her concerns about EPD's investigation into her son's death. However, her complaint was dismissed because it was beyond the 60-day window established in the City of Eugene ordinance for minor complaints and the 6-month window for allegations of serious misconduct. Though there is a statement in the ordinance allowing cases with "good cause" to be reviewed by the auditor beyond these windows, the the interpretation was that the threshold had not been met. Though dismissals for timeliness are not common, they do occur. I think the 60 day and 6-month window are too short and the interpretation of the "good cause" is not sufficiently broad to reasonably meet the needs and expectations of our community. This mother deserves to have her son's case fully reviewed by the auditor's office, through the robust process that we have in place to provide transparency.

These cases are by no means the only cases related to the policies that I am recommending changes to, but they provide a sense of the stakes and human costs of policies, practices and procedures that need to change right here in Eugene.

They also allude to needs beyond policing to achieve community safety. We need to do everything we can to fully and robustly fund upstream solutions, some of which have

already been identified in the Public Safety Payroll tax ordinance such as: prevention and homeless services, adding emergency shelters, a day center and funding after school programs at Title 1 schools along with diversion programs such as expanding community court and mental health court. Police, CAHOOTS, and EMS are all crisis response and sometimes they are the right tool for the job. However, we also need to find a way to center care in our public systems to PREVENT and STOP CREATING crisis. *I do not think we will be moving toward broader public safety, regardless of the size of the police department or the civilian oversight system, until we also choose to systematically fund and address upstream issues.*

Policy Recommendations, Campaign Zero Connection, Supporting Documents:

Body Cameras: These are critical records and I am thankful that body-worn cameras have been implemented for most officers, but we can do more and need to clarify practices and procedures for capturing behavior and safeguarding this footage. There should be extremely limited muting of body-worn cameras and no selective turning off cameras unless there is a clear and defensible law-enforcement purpose. It is entirely possible that this footage could contain evidence related to crimes for which there is no statute of limitations. On these grounds I recommend permanent retention of the footage. Otherwise officers or administrators are choosing to erase evidence. Video can always be redacted, but erasing, muting, and turning off cameras destroys evidence that cannot be recovered. I am not sure the procedural route to change the retention period for the footage, and I know that in the past there has been concern about expense. However, there are increasingly inexpensive ways to store massive amounts of highly confidential data in perpetuity (particularly in cold storage) which should eliminate the barrier of expense. In terms of muting, particularly in the past year, I have noticed that in many case the CRB has reviewed there are large segments of video where officers have muted their cameras and do not have a clear law enforcement purpose for doing so and have not followed POM policy 1203 to verbalize why muting was commencing. Not just one officer was muting in these cases (often we get several officers' footage) but all officers at the scene mute and all at the same time (which signals to me it is a common practice for which there is a non-verbal cue to mute which occurs off camera). In one specific case I recall the intentionally muted conversations contained critical information which was disputed by involved parties later. Not having the audio greatly impacted adjudication of the case. In other cases, it was less clear that it critically impacted the investigation, but the policy and practice should be very clear: severely limit or eliminate muting or disabling cameras. I also propose that SWAT and all other sworn personnel be required to wear body worn cameras and adhere to the policy.

Police Operations Manual Policies to Review

- 1203 Body-Worn Video <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/480412032>
- 1202 Audio and Video Recordings <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4281>

Implementation Path

- EPD
- Police Commission

Relates to Campaign Zero Solution:

6. Body cameras

Due to a range of research studies finding no evidence that body cameras reduce police use of force, we caution cities *against* adopting new body camera programs. ***Places that have already implemented body cameras should ensure they are governed by the following policies reinforcing accountability*** (emphasis added):

- ***require officers with body cams to record all law enforcement interactions and prevent officers from having discretion to turn the cameras off*** (emphasis added)
- notify subjects that they have the option to remain anonymous and stop recording/storing footage if they choose this option
- ***allow civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years*** (emphasis added)
- require body and dash cam footage to be stored externally and ensure district attorneys and civilian oversight structures have direct access to the footage
- require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption (Ex: [Illinois House Bill 4355](#))
- ***include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.*** (emphasis added)
- consider whether cameras or mandated footage are tampered with or unavailable as a negative evidentiary factor in administrative and criminal proceedings
- prevent officers from reviewing footage of an incident before completing initial reports, statements or interviews about an incident
- prohibit footage from being used in tandem with facial recognition software, as fillers in photo arrays, or to create a database or pool of mugshots. (Ex: [Baltimore PD Body Cam Policy](#))
- update privacy laws to protect civilians from having video or audio recordings released publicly that do not contain potential evidence in a use-of-force incident, misconduct incident, discharge of a weapon or death. (Ex: [ACLU Model Policy](#))”

(<https://www.joincampaignzero.org/film-the-police> , accessed 10/6/2020)

Transparency in Discipline: The Civilian Review Board is not allowed to know the disciplinary outcomes for cases of sustained misconduct or policy violations and the Auditor has no input in discipline. This lack of transparency and accountability concerns me because of my experience seeing certain officers repeatedly have sustained allegations and yet continue to serve as officers (and in some cases get promoted). There are multiple paths to achieving more transparency and accountability. A disciplinary matrix would be a generalized way to communicate the type of discipline that is applied to particular kinds of misconduct or policy violations. This transparency in disciplinary process may also benefit officers as the outcomes would be clear and predictable should allegations be sustained. The current practice which relies in part on historical comparables to determine discipline

should be seriously reconsidered. Police discipline of the past does not meet contemporary community expectations and needs. Alternatively, the discipline record in specific cases could be included in the file accessible by the auditor and then included in packet the CRB reviews for closed cases. A third option would expand the role of the auditor's office to include the ability of the auditor to be part of the disciplinary process and offer a recommended disciplinary adjudication (similar to the way the auditor currently offers a recommended adjudication related to the allegations). The Chief would still have ultimate say in the discipline, but this would greatly improve transparency of the process and outcomes. Please note that Campaign Zero recommends that disciplinary adjudication rest with Police Commissions. This generally may be good practice, particularly in large cities with formal and professionalized Police Commissions. In Eugene this is an awkward fit within the current system for a number of reasons (including State of Oregon public records laws) and the clearer path would be to expand the purview of the Auditor's office and the transparency of records to the CRB.

Implementation Path

Varies based on option: City Council (ordinance revision), EPEA, EPD

Relates to Campaign Zero Solution:

2. Community Oversight

Establish effective civilian oversight structures

Establish an all-civilian oversight structure with discipline power that includes a Police Commission and Civilian Complaints Office with the following powers:

The Police Commission should:

- determine policy for the police department based on community input and expertise
- share policy and policy changes in publicly accessible formats
- discipline and dismiss police officers
- hold public disciplinary hearings
- select the candidates for Police Chief, to be hired by the Mayor
- evaluate and fire the Police Chief, if needed
- receive full-time, competitive salaries for all members
- receive regular training on policing and civil rights
- not have current, former or family of police officers as members
- select its members from candidates offered by community organizations

The Civilian Complaints Office should:

- receive, investigate and resolve all civilian complaints against police in 120 days
- establish [multiple in-person and online ways](#) to submit, view and discuss complaints
- [be immediately notified](#) and required to send an investigator to the scene of a police shooting or in-custody death
- be allowed to interrogate officers less than 48 hours after an incident where deadly force is used
- access crime scenes, subpoena witnesses and files with penalties for non-compliance
- ***make disciplinary and policy recommendations to the Police Chief***
- ***compel the Police Chief to explain why he/she has not followed a recommendation***

- ***have the Police Commission decide cases where the Police Chief does not follow recommendations*** (emphasis added)
- issue [public quarterly reports](#) analyzing complaints, demographics of complainants, status and findings of investigations and actions taken as a result
- be housed in a separate location from the police department
- be funded at an amount no less than 5% of the total police department budget
- have at least 1 investigator for every 70 police officers or 4 investigators at all times, whichever is greater
- have its Director selected from candidates offered by community organizations
- not have current, former or family of police officers on staff, including the Director

(Ex: San Francisco Charter Policies on [Police Commission](#) and [Office of Citizen Complaints](#)) (<https://www.joincampaignzero.org/oversight> , accessed 10/6/2020)

Discrepancies in Adjudication: When the chief's adjudication is contrary to the auditor and the Civilian Review Board the entire oversight process appears ineffectual and weak. As an intermediate step, I like the proposed remedy from Campaign Zero to have the chief publicly address the discrepancy. This could be achieved by written memo included in the CRB packet and public presentation at the Civilian Review Board meeting where the case involved is being discussed. A more extensive change would grant the power of final adjudication to the Auditor if the Auditor and CRB agree on an adjudication contrary to the Chief.

Implementation Path

City Council

Relates to Campaign Zero Solution:

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(Ex: San Francisco Charter Policies on [Police Commission](#) and [Office of Citizen Complaints](#)) (<https://www.joincampaignzero.org/oversight> , accessed 10/6/2020)

Timeliness: Extend the 60-day window in section (k) and the 6-month window in section (l) from the time a complainant had reason to believe there was a policy violation and/or broaden the definition of “good cause” to better serve the needs and expectations of the community.

City of Eugene Ordinance 2.456 1 (k) and (l)

“(k) 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.

(l) 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”

<https://eugene.municipal.codes/EC/2.456> (accessed, 10/6/2020)

Implementation Path

- City Council
- Eugene Police Employees Association (Police Union)
- City Attorney (clarify “good cause” and suggest alternative language if Council agrees that the current interpretation is too narrow)

De-escalation: De-escalation should be a central element of training, explicitly called out in the training policy. It should be used as a success metric at the department level and used as part of performance evaluations and promotions at the individual officer level. This would require routine (annual) and robust performance evaluations, similar to those conducted for other city employees, integrating de-escalation metrics. Those who train new officers should demonstrate proficiency and skill in de-escalation. There should also be

more accountability for not de-escalating which would require more frequent classification by the auditor.

Police Operations Manual Policies to Review

- 208: Department Training (particularly 208.4 and 208.5) <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4298>
- 436: Field Training and Evaluation Program <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4344>
- 437: Probation Review Committee <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4345>
- 800: Use of Force <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4358>
- 820: De-escalation <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/5165>

Implementation Path

- Eugene Police Department
- Police Commission
- Auditor's Office

Relates to Campaign Zero Solutions:

7. Training

"The existing research literature is inconclusive on the effectiveness of training at reducing police violence...we caution cities against emphasizing more training as a solution. ***Rather, existing training programs should be replaced with programs that de-emphasize firearms and use of force and that empower communities to design and implement new training paradigms*** (emphasis added) for first responders including, but not limited to, the following topics:

- Procedural justice
- Relationship-based policing
- Crisis intervention, mediation, and conflict resolution
- Appropriate engagement with youth
- Appropriate engagement with LGBTQ, transgender and gender nonconforming individuals
- Appropriate engagement with individuals who are english language learners
- Appropriate engagement with individuals from different religious affiliations
- Appropriate engagement with individuals who are differently abled
- ***De-escalation and minimizing the use of force***" (emphasis added)

(<https://www.joincampaignzero.org/train> , accessed 10/6/2020)

3. Limiting Use of Force

"Revise and strengthen local [police department use of force policies](#)

Revised police use of force policies should protect human life and rights. Policies should include guidance on reporting, investigation, discipline, and accountability and increase

transparency by making the policies available online. This use of force policy should require officers to:

- restrict officers from using deadly force unless all reasonable alternatives have been exhausted (Ex: [Philadelphia PD Policy](#))
- use minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance (Ex: [Seattle PD Policy](#))
- ***utilize de-escalation tactics (verbalization; creating distance, time and space; tactical repositioning, etc.) whenever possible instead of using force (Ex: [Seattle PD Policy](#))*** (emphasis added)
- carry a less-lethal weapon (Ex: [Seattle PD Policy](#))
- ban using force on a person for talking back or as punishment for running away (Ex: [Cleveland PD Policy](#))
- ban [chokeholds](#), strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle (Ex: [NYPD Policy](#))
- intervene to stop other officers who are using excessive force and report them to a supervisor (Ex: [Las Vegas Metro PD Policy](#))
- have first aid kits and immediately render medical assistance to anyone in police custody who is injured or who complains of an injury (Ex: [New Baltimore PD Policy](#))”

(<https://www.joincampaignzero.org/force>, accessed 10/6/2020)

Public Comment at CRB Meetings: Current CRB policies prohibit people from commenting on the case being reviewed publicly at that meeting. I have been uncomfortable in two of the above cases telling people they would have to come back to give their testimony on the case. I think public comment should not be restricted in this way.

Civilian Review Board Policies

<https://www.eugene-or.gov/DocumentCenter/View/18785/Civilian-Review-Board-Policies> (Chapter 3, Section 3)

Implementation Path

- Eugene Police Employees Association
- Civilian Review Board

Public Records Transparency: I think it is wrong that the CRB members and staff in the auditor’s office are the only citizens in Oregon who can routinely see information related to officer behavior. To increase transparency and accountability of police actions, and allow the public at large more access to information, Oregon Public Records Law (particularly exemptions) would need to change.

Documents:

https://www.oregonlegislature.gov/bills_laws/ors/ors192.html

<https://justice.oregon.gov/PublicRecordsExemptions/>

Implementation Path:

- City Council: I would like to request the Eugene City Council consider collaborating with other cities to advocate for reform to the State of Oregon Public Records Law, particularly the exemptions. For a

detailed argument I agree with see this article in the Oregonian:
<https://www.oregonlive.com/opinion/2020/06/opinion-fix-oregons-public-records-law-to-allow-scrutiny-of-police.html>



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TransPonder Demands

on Policing and the Trans/Gender Diverse Community

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

TransPonder would like to speak directly on behalf of the community we represent. Black Trans Women & Black Trans Femmes, existing at multiple intersections of oppression, are uniquely singled out for criminalization by the police and government. While all transgender women of color are more marginalized than their peers, Black Trans Women & Black Trans Femmes experience disproportionately higher rates of housing insecurity, police violence, and under/unemployment due to discrimination based in their perceived gender and race¹. We know of cases where this is happening right now with current EPD officers. All of us who are not cisgender still face a dominant culture that vilifies us, ridicules us, and discredits us individually and as a classification. Our basic rights are constantly in flux with the political tides. On the whole, we do not trust the establishment to have our backs. History and personal experience have shown us that the discrimination we face is deep-rooted and institutionalized. Simple acts like going to the bathroom or being asked to show ID can be dangerous for us. We know that law makers and law enforcers are not impartial and the choices they make with the discretion they have tend to run against us. Police are often ill-informed about who we are and how cisgender bias affects them. TransPonder has offered trainings sessions to EPD, but they have thus far not accepted that offer.

Our youth experience violence in their homes, in their schools, and downtown. Family rejection and discrimination and violence have contributed to a large number of transgender, non-binary, and other gender nonconforming youth who are homeless. Social services, foster care, juvenile justice systems, and homeless shelters often fail to culturally and appropriately serve gender nonconforming youth on the streets. SROs in schools do not make schools safer, they make schools militarized and they make students criminalized. Our youth are subject to depression, suicidality, addiction, and victimization at well over 3 times the rate of their cisgender peers.²

Transgender people with disabilities are marginalized in multiple ways resulting in exacerbated disadvantages. In particular, transgender people with disabilities are more often victimized due to the vulnerability of their disability compounded with gender discrimination that tarnishes their credibility in speaking out. When approached by police, failure to respond in the expected able-bodied way can be interpreted as non-compliance and lead police to harm transgender people with disabilities. Although gender

¹ <https://transgenderlawcenter.org/black-trans-women-black-trans-femmes-leading-living-fiercely>

² <https://www.thetrevorproject.org/2019/02/22/research-brief-data-on-transgender-youth/>



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dysphoria is no longer considered a psychiatric disorder, the stigma around transgenderism and the violence we face make us far more likely to experience depression, anxiety, and other mental health disabilities. Police often do not have training or experience to identify or address our needs and often exacerbate the harm.

We propose that the City of Eugene shift their approach in the following four broad categories: Decriminalization, Non-discriminatory practices, Honoring our self-determination, and Accountability and transparency.

Decriminalization – In order to address racism and transphobia, the City cannot modify policy alone without also addressing the laws and city ordinances that the police are sworn to enforce. Both approaches must go hand in hand. Shift from punitive measures to community care models. Invest in the community instead of supporting further criminalization by funneling funding, such as the Community Safety Initiative payroll tax, into the police department.

Decriminalize poverty – Remove city ordinances that criminalize not having access to resources. This includes ending money bail and any fines or fees that allow people who can afford such fees to continue to participate in behaviors that our society doesn't approve of. On the other hand, people without the resources to pay these fines are not only held accountable to the same behaviors that affluent people get away with, the fine itself can hurl them into escalating disaster that can literally destroy lives. People who are transgender or gender nonconforming have much more difficulty achieving economic security than the rest of the population. Combined with anti-trans religious beliefs and hiring practices, social isolation, and hate crimes, it is discriminatory policies and laws such as these that institutionalize poverty.

Decriminalize addiction – Oregon has decriminalized drug possession, making it a civil violation. However, we still need to continue the work to address drug addiction as a public health concern and dispel the war on drugs. We want to ensure that the needles we may have in our possession for needed hormone treatment are not listed as drug paraphernalia and used to criminalize us. For those of us who do suffer addictions, we want an unarmed civilian crisis response to assist us in our health and recovery process.

Decriminalize homelessness – Replace vagrancy laws and routine sweeps of homeless camps with investments in mutual aid, shelter care and connections to resources. During the pandemic, we have seen the City place higher sanctions on our most vulnerable by further criminalizing the need to look for food in dumpsters, having a pet companion on the streets, and attempting to shelter in place and limit your vulnerability to a deadly virus amid constant sweeps.

Decriminalize prostitution – Sex work is not inherently dangerous, it is the shame, misogyny, racist policies, and unchecked police power that make it dangerous. We do not want regulation or rehabilitation that presumes sex work is deviant and requires intervention. We want resources invested in our communities and away from the racist, transphobic criminal legal system. As long as prostitution is criminalized, the police can profile us as being "suspected" sex workers and therefore feel justified to arrest, harass, and perpetuate violence against us. Trans migrants are at greater risk of detention and deportation for simply being suspected to be doing survival sex work.³

³ https://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf



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Decriminalize national origin/migration status - We demand an end to all forms of immigration detention, incarceration, criminalization, and deportation of transgender, gender non-conforming, nonbinary, and queer migrants and call for the complete abolition of immigration enforcement, police, detention centers, jails, and prisons.

Non-discriminatory Practices – We call on the City of Eugene to add gender identity to the protected classes of the Human Rights Code. The Eugene Police Department, and the City of Eugene as a whole, must commit to best practices in terms of recognizing and honoring transgender and gender non-conforming individuals in our community. This includes updating all forms and documents to include our titles, pronouns, and “current name” (separate on record from “legal name” and “alias”) as well as updating gender designations to include “non-binary” or “X” as well as “unknown” when the person has not disclosed their gender identity.

Model Police Policy – We provide the attached best practices from the National Center for Transgender Equality and call on the Eugene Police Department to assign a team to thoroughly examine this document and implement it fully.

Training – All city employees, including all EPD sworn officers and staff, should receive annual training on gender identity and best policies and practices with regards to transgender and gender nonconforming people.

Honoring Our Self-Determination – We are a beautiful and resilient community of autonomous and capable individuals seeking justice. Too often, even those in law enforcement and City government who intend to support the trans community view us as broken people in need of help. Efforts to regulate and control our lives and our wellness only contribute to further harm us.

Occupation – We call on the City of Eugene to end workplace discrimination against transgender and gender nonconforming employees and job applicants. We demand workplace accommodations to provide safe and accessible working conditions, practices, and bathrooms. We must be free to use our chosen titles, names, and pronouns on the job and when interfacing with the public in a working capacity without putting our employment at risk. We must be able to freely make decisions for ourselves, including the decision to engage in and transition out of sex work. We demand that trade unions recognize sex work as work and engage with sex workers to organize unions. We demand collective bargaining power to ensure that our work is deemed legitimate labor, that we have healthy and safe working conditions, and that we have the benefits that should be afforded to all people.

Medical/health needs – We call on the City of Eugene to provide access to holistic healthcare, trans-specific mental health support, addiction treatment, and other resources that affirm us and allow for healing and self-efficacy not regulation and dependency. We demand that mental health concerns be addressed as a public health issue, not a criminal/legal concern. We support a CAHOOTS that is independent from police response but that continues to be supported out of the EPD budget as it replaces and relieves police response. The Community Safety Initiative payroll tax revenues need to be invested in non-police services that address our medical and health needs through support and care and should not be invested in further criminalization of our bodies and our voices.



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Mutual aid and support networks – We demand that the City of Eugene funnel resources into community, not police. The City must value agency and self-determination over shame and stigma. The City should provide free legal support, conflict resolution and mediation services, housing, and other resources that allow for true self-determination. Do these things instead of band-aid solutions that legitimize harmful systems. Do not allow the EPD to leverage crime statistics to garner the City’s support in increased criminalization, surveillance, and incarceration. Instead, we call on the City to combat violence with healing and accountability. Trust in our agency as individuals and support us in building capacity to respond to violence in our homes with healing and collective accountability.

Accountability and Transparency – Violence thrives in isolation. Qualified immunity and police union protections that are purported to support police officers in their service to the community also provide a cover for police to disproportionately target us, especially Black trans people, and inflict physical, mental, and emotional violence with impunity. We must have transparency and accountability to expose these individual threats and the overall systemic institutional injustices that perpetuate them.

Civilian oversight with jurisdiction – It is not enough to have a Civilian Review Board and a Police Commission if, in the end, the final authority is still with the Chief of Police. The civilians who serve on these oversight bodies must be oriented in the specific concerns of transgender and gender nonconforming community members. They must be given authority to hold the police department accountable for misconduct. They must have means to appeal the decisions of the Chief of Police when they are deemed unjust or not in the best interest of the community by these oversight bodies.

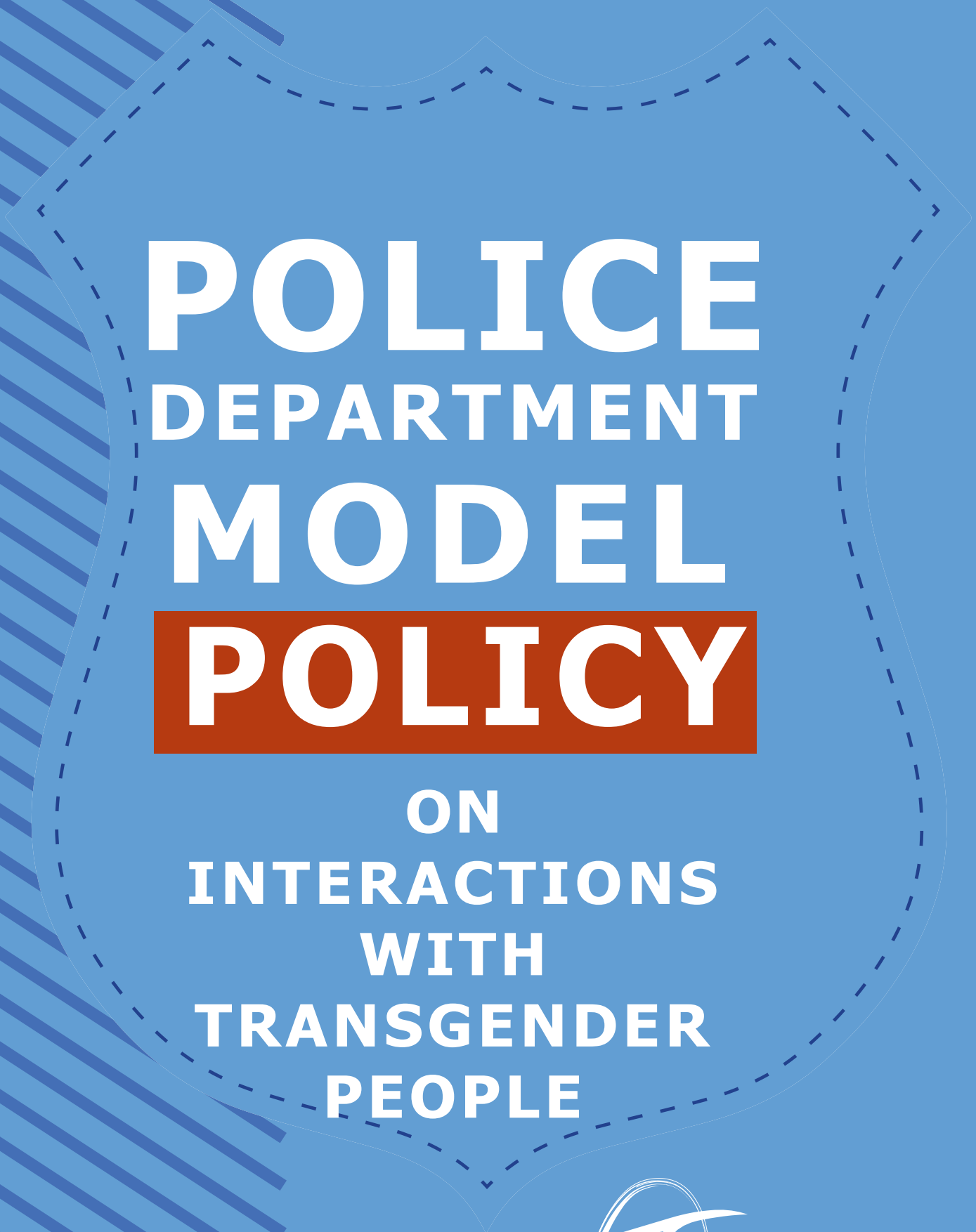
Representation – Transgender voices need a seat at the table. The selection process for civilian oversight bodies must be reviewed for biases that screen out certain disadvantaged populations. The City should seek to promote the voices of the transgender and gender nonconforming community, especially of Black and Indigenous trans women and femmes, by investing in leadership skills-building opportunities that focus on our communities. Trust in our collective sustainability and innovation to provide necessary insights to the community at large. Be prepared to invite in new vision by expecting discomfort and showing a willingness to change entrenched systems. We call on the City to create an ongoing subsidized advisory board of representatives from marginalized communities.

Waive public records fees for complainants – Citizens require open and accessible means to public records. Poverty cannot be used to segregate civil rights away from those who most require them. We demand that the City waive all fees for public records requests from the very citizens who have been or who claim to have been harmed by the police.

Much of this document was drawn from the collaborative work of the Trans Agenda for Liberation. The Trans Agenda for Liberation is put forward by a national coalition of majority Black, indigenous, and migrant trans, nonbinary, and gender nonconforming leaders, working with Transgender Law Center, the largest transgender advocacy organization in the United States.

Lead authors: Micky B and Ash Stephens of Transgender Law Center

National coalition membership has shifted over time, and has included: Dee Dee Chamblee, LaLa Zannell, LaSaia Wade, Umi Vera, Kiara St. James, Emmett Schelling, Cathy Kapua, Evonne Kaho, Janetta Johnson, Mattee Jim, Tamara Jean, Gabriel Foster, Agaiotupu Viena, Bamby Salcedo, Stefanie Rivera, AnaAndrea Molina, Jennicet Gutiérrez, Zahara Green, Tiara Gendi, Marin Watts, Andy Marra, Sasha Buchert, Isa Noyola, Ola Osaze, Chase Strangio, Gia Cordova, Yozantli Lagunas Guerrero, Sophia Kass, Oluchi Omeoga, Ash Stephens, Kayla Gore, Mariah Moore, and Shelby Chestnut.



POLICE DEPARTMENT MODEL POLICY

**ON
INTERACTIONS
WITH
TRANSGENDER
PEOPLE**





This model policy document reflects national best policies and practices for police officers' interactions with transgender people. The majority of these policies were originally developed by the National LGBT/HIV Criminal Justice Working Group along with a broader set of model policies addressing issues including police sexual misconduct and issues faced by people living with HIV. Specific areas of the original model policy were updated and modified for use as the foundation for NCTE's publication ["Failing to Protect and Serve: Police Department Policies Towards Transgender People,"](#) which also evaluates the policies of the largest 25 police departments in the U.S.

This publication contains model language for police department policies, as well as other criteria about policies that should be met for police departments that seek to implement best practices. **The larger Working Group's model policies developed by Andrea J. Ritchie and the National LGBTQ/HIV Criminal Justice Working Group, a coalition of nearly 40 organizations including NCTE,** can be found in the appendices of the Community Oriented Policing Services (COPS) ["Gender, Sexuality, and 21st Century Policing"](#) report.

While these are presented as model policies, they should be adapted by police departments in collaboration with local transgender leaders to better serve their community. **For assistance in policy development and review, please contact Racial and Economic Justice Policy Advocate, Mateo De La Torre, at mdelatorre@transequality.org or 202-804-6045, or ncte@transequality.org or 202-642-4542. NCTE does not charge for these services.**

#1: Availability of Policy on Transgender Interactions:

Department's Transgender policies should be readily accessible to the public at no cost via the Department's website and external search engines. An ideal policy would include all of the following criteria, either in a "Transgender Policy" or cross referenced from other sections within said policy.

#2: Non-Discrimination and Profiling Based on Gender Identity:

Model Policy:

1. Members shall not:
 - A. Request identification or otherwise initiate contact solely based on actual or perceived sexual orientation or gender identity or expression
 - B. Inquire about intimate details of an individual's sexual practices, genitals, anatomy or medical history, or conduct a search to determine a person's anatomy or assign gender.
 - C. Use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation. This includes "he-she," "tranny," "faggot," "punk," "it," "shim," "thing," "dyke," "bull-dagger" or any other derogatory term.
 - D. Engage in any sexual harassment of members of the public, while on or off duty, as defined by the department's policy on sexual misconduct.
 - E. Consider an individual's gender identity, gender expression, or actual or perceived sexual orientation as a reason to stop, question, search or arrest that individual, a basis for reasonable suspicion, or as prima facie evidence that the individual is, has or is about to engage in a crime, including, but not limited to, prostitution or lewd conduct.
2. Officers should be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use or drug paraphernalia.

#3: Non-Discrimination Based on Sexual Orientation:

Model Policy:

Policy must clearly prohibit profiling, harassment, and discrimination based on sexual orientation or perceived sexual orientation. See criteria #2 for recommended policy language.

#4: Non-Binary Recognition:

Best Practice:

Policies and training materials should recognize that not all people identify as male or female.

Note: Model policy language on non-binary identities is included in each of the gender-specific model policies that follow: *Use of Respectful Language, Department Forms/Records, Search Procedures, Transportation, Removal of Appearance Related Items, Bathroom Use, and Training.*

HOW A POLICE DEPARTMENT CAN DESCRIBE NON-BINARY PEOPLE IN EASY-TO-UNDERSTAND LANGUAGE AND GIVE BASIC INFORMATION ABOUT USING PRONOUNS

Most people – including most transgender people – are either male or female. But some people don't neatly fit into the categories of "man" or "woman," or "male" or "female." For example, some people have a gender that blends elements of being a man or a woman, or a gender that is different than either male or female. Some people don't identify with any gender. Some people's gender changes over time.

People whose gender is not male or female use many different terms to describe themselves, with non-binary being one of the most common. Other terms include genderqueer, agender, bigender, and more. None of these terms mean exactly the same thing – but all speak to an experience of gender that is not simply male or female.

Different non-binary people may use different pronouns. Many non-binary people use "they" while others use "he" or "she," and still others use other pronouns. Asking whether someone should be referred to as "he," "she," "they," or another pronoun may feel awkward at first, but is one of the simplest and most important ways to show respect for someone's identity.

#5: Use of Respectful Communication and Language:

Model Policy:

1. Members shall:
 - A. Address the public using names, pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual (e.g. "she, her" for an individual who requests she/her pronouns; "he, his" for an individual who requests he/his pronouns; "they, them" for an individual who requests "they/them" pronouns.).
 - B. Respectfully treat trans, intersex and gender-nonconforming individuals in a manner appropriate to the individual's gender identity and/or expression, which may be different from their sex assigned at birth or what is listed on their official government-issued identification.
2. Members should be aware that individuals' names may change over time, whether due to marriage, changes in gender identity, or other factors, and should always use the name currently used by individuals.

#6: Department Forms/Records: Name, Gender, and Pronouns

Best Practices:

All departmental forms and records should include a space for "Name currently used (if different from legal name)," and "Legal Name" in addition to any spaces currently designated for "alias." (e.g. a transgender woman might use the name Jane Doe ("Name Currently Used"), her nickname might be JD ("Alias"), and the legal name on her ID might be different ("Legal Name"). Pronouns should be recorded along with "Name Currently Used."

All forms and records should include designations for male, female, a gender-neutral designation (such as "non-binary" or the abbreviation "X"), and "Unknown" for instances where the gender of the individual has not been disclosed and is otherwise unknown.

Model Policy:

Members shall:

1. Record an individual's currently used name under "Name Currently Used" in all Department forms and records if different from legal name. Members shall use this name when addressing, recording, or referring to an individual.
2. Record an individual's legal name as stated on government issued ID or other legal paperwork under "Legal Name" in all Department forms and records.
3. Note an individual's gender as "M," "F," "X," or "Unknown" based on the individual's expressed gender identity. If unsure or if the individual has not disclosed, members shall respectfully ask for how the individual identifies regardless of gender marker on government ID.
4. Pronouns shall be recorded as stated by the individual.

Some states and municipalities allow for a gender neutral designation(usually "X") on identification documents. Members shall consider identification with X gender markers as legal forms of identification.

Members shall not:

1. Consider or document the name an individual currently uses as an "alias" or "nickname."

#7: Search Procedures:

Model Policy:

1. Under no circumstances shall members of the department frisk or search any person, including searches premised on an individual's consent, for the purpose of viewing or assigning gender based on the person's anatomy or genitalia or for any demeaning or harassing purpose.
2. Trans, intersex, and gender-nonconforming individuals shall not be subject to more invasive searches or frisk procedures than other individuals in the field or in police holding facilities.

- 
3. Before searching an individual when no other lawful basis exists for the search, members shall inform the individual of their right to refuse a search based on consent (if applicable), and ask for the written consent of the individual to be searched. If no such consent is provided, then no search will be conducted.
 4. Before conducting any search of an individual in the field or at a police holding facility, officers conducting the search will ask the individual to be searched their preference with respect to the gender of the officer conducting the search (i.e. a trans woman may prefer to be searched by female members of the department). This request will be honored absent exigent circumstances, which shall be documented in writing as set forth below. This provision does not apply to frisks conducted to ensure officer safety.
 - A. If exigent circumstances exist or the search involves a frisk conducted to ensure officer safety and there is no time to determine whether the individual would feel safer being searched by a male or female officer, then the default should be for the individual to be searched by a female officer, unless a male officer is explicitly requested prior to or during the search. A search of a transgender, gender non-conforming, or intersex person by an officer of the same sex as the person's gender identity or of the requested gender shall be considered a proper "same-sex" search for purposes of PREA and any other applicable law.
 - a. If no officer of the gender requested is available, then the members shall:
 - i. Summon an officer who is of the gender requested by the individual to conduct the search; and if no such officer is available or the individual's request is not honored for any other reason, the member shall document the individual's preference with respect to the gender of the officer performing the search, and the reason the individual's preference was not honored, in the command log.
 - ii. If an officer of the requested sex is not available to conduct a legally necessary strip search, then such a search may only be conducted in private by a physician as a last resort.

#8: Transportation:

Model Policy:

1. All members are required to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip to transport arrestees.
2. When transporting trans, intersex, and/or gender-nonconforming individuals, members shall transport with other arrestees of the same self-identified gender unless the individual has expressed a safety concern and wish to be transported alone or with people of a different gender.
3. If a person does not identify as male or female, they shall be transported with arrestees of the gender they express to be safest for them.

#9: Officer Sexual Misconduct:

Model Policy:

This department has a zero tolerance policy with respect to sexual harassment, sexual assault, sexual misconduct, sexual abuse, and rape of any member of the public by any member of the department. Engaging in such conduct will be grounds for immediate discipline, up to and including suspension and termination from the force.

1. Members are prohibited from:
 - A. Engaging in any on-duty sexual activity by officers
 - B. Engaging in any on- or off-duty sexual activity using department/city property
 - C. Using official position to coerce, persuade, force, or initiate sexual contact
 - D. Failing to report sexual misconduct
 - E. Performing non-exigent searches of women by male officers
2. Department shall employ the following prevention and oversight measures:
 - A. partner with independent victim service providers to conduct post-arrest exit interviews;
 - B. Conduct regular unannounced supervision;
 - C. Conduct regular "sting" audits for officer sexual misconduct;

- D.** Conduct annual independent audits for sexual misconduct compliance;
 - E.** Publish annual data on alleged incidents of sexual misconduct
 - 3.** Department shall fully incorporates PREA lockup standards.
 - A.** Abuse Prevention Planning (hiring, training, searches)
 - B.** Evidence and Referral Protocols
 - C.** Training and Education
 - D.** Risk Screening
 - E.** Reporting
 - F.** Official Response to a Report
 - G.** Investigations
 - H.** Staff Discipline and Prosecutions
 - I.** Medical and Mental Care
 - J.** Data Collection and Review
 - K.** Audits and Corrective Action

#10: Placement in Temporary Lockup:

Model Policy:

- 1.** In the event that a transgender or gender-nonconforming person is in police custody and held in an area segregated by gender:
 - A.** The individual shall be consulted on where they feel most safe before placement, and every effort will be made to ensure the person will be placed where they say they will feel most safe.
 - a.** Should the individual's assessment of their safety change over the course of detention, they will immediately be moved to a location where they feel safer.
 - B.** Unless individuals express a concern for their safety, individuals shall be housed in a manner consistent with their gender identity.
 - a.** Safety preference for placement will be documented in writing.
 - b.** All placements made that are not in accordance with what the arrested individual specifies would be safest shall be documented in writing, with a detailed explanation for why the safety requests of the individuals were overridden.

2. Transgender, gender-nonconforming, and intersex individuals shall not:
 - A. be arbitrarily placed in segregated cells solely because of their transgender, gender-nonconforming, or intersex status or for their own protection unless they have expressly requested to be so placed.
 - B. be handcuffed to railings, chairs, or other devices for any length of time solely because of their transgender, gender nonconforming, or intersex status or for their own protection.
 - C. be held longer than necessary for processing.

#11: Access to Medical Care in Lockup:

Model Policy:

1. Prescription hormones shall be treated like any other prescription medication necessary for an individual's health and wellbeing.
2. Whenever a trans, intersex, and/or gender-nonconforming individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any medical need or injury.

#12: Removal of Appearance Related Items:

(e.g. prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items)

Model Policy:

1. Transgender people shall not be asked to remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items), regardless of where they are housed, if non-transgender individuals of the same gender identity are not also required to do so.
 - A. If the individual does not identify as male or female, they should be allowed to keep appearance-related items regardless of placement, unless the items are disallowed for all arrestees regardless of gender.
 - B. Whenever practicable, removal of items shall be conducted in private.

#13: Bathroom Use:

Model Policy:

1. Trans, intersex, and gender non-conforming individuals shall not, on the basis of gender identity or expression, be stopped, questioned, or arrested for using a gender-segregated or single-sex restroom including public restrooms.
2. Trans, intersex and gender-nonconforming individuals shall be allowed to use the restroom in accordance with their gender identity or where they feel the most safe while in police custody.

#14: Use of condoms as evidence for prostitution-related offenses:

Many people participate in sex work, drug sales, and other activities that are currently criminalized (“underground economy”) to earn an income, or in exchange for food, a place to sleep, or other goods or services. The commercial sex trade exists in a variety of forms, including street-based and online sex work. Participation in the sex trade is often higher among those who have faced family rejection, poverty, or unequal opportunities in employment, housing, and education. Numerous studies have documented higher levels of participation in sex work among transgender people, and in particular people of color and those facing homelessness or poverty.

Model Policy:

Members of the service are advised that confiscating, citing, and invoicing condoms as arrest evidence for any prostitution-related offenses may compromise public health by creating a disincentive for individuals to carry, distribute, share, or receive condoms in order to engage in safer sex practices.

Members shall not:

1. Confiscate unused condoms from individuals under any circumstances.
2. Cite or rely on the presence or possession of condoms to any degree as the basis for reasonable suspicion or probable cause to believe that an individual has engaged in or intends to engage in any prostitution-related charge, including patronizing, promoting, maintaining a premise, or trafficking.

3. Comment on the presence or possession of unused condoms, or ask individuals questions regarding the purpose and intended use of condoms, or regarding their sexual practices.
4. Harass individuals or businesses engaged in the distribution of condoms, or threaten to use presence or possession of condoms as a basis for ongoing harassment or initiation of any law enforcement action.

#15: Training:

Best Practices:

1. The department should implement full and regular training of new recruits, current members of the department, supervisors, and commanders on this policy and other matters related to the LGB and trans, intersex, and gender-nonconforming community.
2. Trainings should be led or co-facilitated in meaningful part by members of the LGBT community who have experience with the department and by organizations knowledgeable about these issues and communities.
3. Training on trans, intersex, and gender-nonconforming issues should be incorporated throughout all officer trainings, including during search and seizure training and "cultural sensitivity" training.
4. Members should receive 8 hours of training specifically on trans, intersex, and gender-nonconforming issues and periodic roll-call trainings or other shorter "in-service" trainings.

#16: Immigration Enforcement Cooperation:

Best Practices:

NCTE encourages Police Departments to work with their local communities to establish comprehensive immigration and oversight policies and mechanisms for their jurisdiction. The following criteria are meant as a starting point to describe the overall position of the Department towards the communities they police.

Members shall not:

1. Honor civil immigration notification and hold requests from USDHS ("detainer requests") by continuing to hold in custody without a judicial warrant an individual who is eligible for release on a criminal matter, or by sharing that individual's information, including release date, with USDHS for purposes of aiding them with civil immigration enforcement.
2. Take police action for the purposes of determining immigration status.
3. Inquire about individuals' immigration status, country of birth, or first language.

Members shall:

1. Provide police services to all persons, including those who are undocumented, to ensure a safe environment.

#17: Civilian Oversight:

Best Practices:

Independent oversight bodies should:

1. Be a standing body, independent of both law enforcement and political interference.
2. Have the authority to initiate and conduct investigations independently, including subpoena power and the authority to impose discipline up to and including terminating an officer for misconduct.
3. Report annually on the types of complaints received and their dispositions, and work collaboratively with community members and organizations to address issues and situations related to the community, even when official reprimand or discipline was not implemented.
4. Accept and investigate anonymous complaints, whether filed by the individual or by third parties/organizations on their behalf.



Acknowledgments

We thank the members of the National LGBT/HIV Criminal Justice Working Group, a coalition of nearly 40 organizations, and in particular thank those who developed the original model policy from which the model policies in this report were adapted with their input:

Andrea J. Ritchie, primary author, 2014 Senior Soros Justice Fellow
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Eugene OR March 15, 2021

To: Councilors Gregg Evans, Jennifer Yeh, and all other City Councilors as well as Ad Hoc Facilitators and participants

We appreciate that an Ad Hoc committee was created to represent a long overdue round of open and honest conversations regarding police policy, public safety, oversight, and police brutality and to recognize how it all affects Black Indigenous and People of Color (BIPOC) communities.

There are, sadly, several issues and concerns that we would like to present to you for your future efforts in this regard. We also ask, where possible, for immediate reparation and action.

The City Council charged the Ad Hoc committee to review Campaign Zero recommendations and the Task Force on 21st Century policing. The committee was then asked to present recommendations to inform EPD police policy back to the city council.

From the beginning of the Ad Hoc committee process, there were issues that resulted in disparity and inequity in ensuring everyone's participation. This is unfortunate as not every voice is honored or respected, and distrust in the process has been generated.

We do not suggest this process was consciously structured to do this, but we do realize the process implicitly resides within the historically-driven systemic and structural bias that is within all institutions of power and impacts the parameters around all procedures and discussion.

We, therefore, offer this feedback in the hopes of strengthening future processes and, where possible, the current Ad Hoc committee process.

Issues

- 1) Inequity in participation. This issue is evident to everyone. We acknowledge the facilitators noted to the committee their concern around lack of participation of BIPOC members and encouraged these voices to come forward. Thus, we know it was not the intent of the city council, nor the Ad Hoc committee facilitators, to create a process that resulted in participation inequity. However, what the facilitators had the privilege to not know, was that the manner in which the process was developed may have been destined to result in this outcome. The committee structure and procedures appeared to be formulated within the definition of what is "acceptable" for this type of advisory committee, which could have been overlaid onto any advisory committee. The only "good" difference put forth to the committee by facilitators was the larger quantity of both BIPOC representation and number of committee meetings, there was no difference noted in process or procedure, nor were

BIPOC community members engaged in discussion on what committee processes would be best for them.

The Ad Hoc process therefore resulted in the following observed, and historically common, outcomes related to participation inequity:

- a. Those individuals on the committee with institutional and oversight knowledge of the status quo system, who have been successful in this system and who were comfortable with the “fight” structured within this system, tended to be the only dominant voices to drive the committee recommendation process. Most of these individuals were not members of the BIPOC community and some consistently told the BIPOC community that what they wanted would not “fit” within the existing system, never acknowledging that it is the existing system where systemic and structural biases reside. We do not challenge their belief in their “good” intentions. But, this is the way it goes, and has gone, to preserve the status quo in discussions, policies, and, by virtue, disparities. In these types of situations, the result is that the power of BIPOC voices are lessened as these members try to understand what is “acceptable” for achieving their desired impact.
- b. The above is related to, and exacerbated by, what felt like insufficient time to review police policies on our own, analyze to determine where our desired recommendations would relate, and make community perspective recommendations for policy based on national recommendations. This was completely new to many BIPOC committee members, taking more time, and allowed the dominant voices with institutional knowledge and experience to carry the focus and conversations within meetings.
- c. Moreover, the system for putting forth motions for recommended change was altered after the meetings had started to include answering three questions in order to make our motions. The committee wasn’t provided with an explanation of why these three questions were necessary or how the questions would aid the recommendation process, it was simply put forth that this was the way it was now going to be now. This addition was yet another hurdle to putting forth a motion that placed further constraints on some BIPOC members who were simply trying to keep track of the fast pace of motions and discussion among the dominant voices.
- d. We witnessed BIPOC members disengage from the committee process, several walking away. There are always many reasons for walking away. But we do know of one member who left because his repeated requests for information on whether EPD had an equity plan were not honored and frustration grew.
- e. Another member, who remains on the committee, **repeatedly asked for a matrix of the ten national recommendations topics specified in the Campaign Zero** matched to potential EPD policies such that EPD policy could be viewed relative to any recommendation. This request was also never honored bringing forth a high level of frustration with and distrust of the process. It was unclear how we could possibly phrase our policy change recommendations without knowing which EPD policy, and its parameters, our recommendation could potentially impact. The effect of this is that the voice of yet another BIPOC member was lessened in the process.

The above issues are intrinsically related to the issues below related to process inconsistencies and distrust in the Ad Hoc committee facilitators.

2) Process Inconsistencies

- a. Some committee members perceived inconsistent application of rules and arguments. Rules of public participation were unevenly applied and in some cases not followed by the loudest, most dominant, voices, but seemed to be not acceptable when BIPOC members would inadvertently do the same.

- b. It was established that there would be no replacement or alternate on ad hoc committees, yet in at least one instance this was permitted. It was until very recently when a new member in the Ad Hoc Committee was added that we saw the rule was broken without consulting the committee. We know that one potential committee member was sick with COVID, but was not permitted to have a replacement. The member had committed to participate in the first subcommittee to discuss community oversight and it was obvious that not allowing a replacement would create a potential imbalance in the outcome of that subcommittee. Nevertheless, the Ad Hoc Committee leaders decided themselves not to bother to consult the committee, creating yet another inconsistency.
 - c. It was known that one organization was allowed to send in motions and recommendations for the Ad Hoc committee while another organization was told to ask a committee member to bring up motions and or requests, which as described above placed some BIPOC committee members and organizations at a disadvantage and created more confusion than was necessary.
 - d. We became aware that smaller groups of people were meeting to discuss the work of the Ad Hoc committee and seemingly coming to agreement on what actions to take. We believe public meetings laws might not have been observed by these individuals, but it also gave these individuals a "leg up" on being the driving force in committee meetings.
- 3) Distrust in the Ad Hoc committee facilitators.
- a. It was unknown by the community how the facilitators were selected, having not been asked for input. We were asked to put our trust in these individuals without **considering the possibility of asking the members to be involved as facilitators or name people they would like to have served as facilitator. Imposing the facilitators on the group** has become an issue. We do not know why they were selected. They have called themselves the leaders of the committee and at the same time have expressed their frustration and/or inexperience during the sessions in the job they need to do. At least one of the facilitators has been involved in a competing, and perhaps antithetical, outside purpose to ours, working with the Community Safety Initiative, which focuses in part on "crime deterrence and jail beds", both of which cause concern for many in the BIPOC community. This outside purpose involvement resulted in: 1) the Ad Hoc committee being solicited for involvement in this outside antithetical initiative, with some feeling as if they were being used as a convenient BIPOC sample; and 2) a view that this is why facilitators were too busy to fulfill committee member informational requests, which increased frustration. This latter issue also supported a belief that the facilitators were not well-versed on police policies and practices and that this could further weaken our chances of making any real change.

We would like to note that one BIPOC committee member, attempting at the very beginning to get a community oversight motion voted on, had difficulty in the process of getting a motion in the "correct form" to put up for a vote. It was in our last meeting that this motion finally came up for a vote and it is an important one, because it relates to what should have been done initially relative to setting up the current Ad Hoc committee process. The motion asks the City Council to engage the BIPOC community in evaluating the existing form and structure of civilian oversight and defining the appropriate system of accountability for these communities.

The approved motion is an attempt to expand the definition of what "public safety and oversight" means to include BIPOC community definitions as equally valid to what is currently defined within the status quo system. We were tasked with making police policy change recommendations, but we make these within an existing structure that we know to be systemically biased against BIPOC communities. We should start at the beginning to discuss

foundational concepts as a means for further change rather than what may become window dressing recommendations to the existing system that will not change policing outcomes for BIPOC communities.

In the same way, the Ad Hoc committee structure, process and procedures should not have been unilaterally determined to follow a status quo committee process, but rather have been shaped with BIPOC community input on what would be best for them to achieve the purpose of policy, and by virtue, police behavior change. The BIPOC community should have been asked to help frame the work plan such that it could capture the communities' main concerns.

We are concerned that the Ad Hoc committee, as it has become, is yet another missed opportunity to make meaningful change.

Below are additional suggestions we have received and submit within this letter:

- 1) A debriefing with Ad hoc members by city council and city manager. Hold a separate debriefing with facilitators and community, with ongoing community listening sessions via a commission.
- 2) Whether by design or not, actual police policies need to be reviewed, not just recommendations, such that accountability can be enhanced, and send this to the city council for consideration. Such policies include all Use of Force Policies and the continuum (Choke hold, restraining, any use of force or to restrict), De-escalation techniques, Fleeing Suspects, and a greater threshold in engaging community members.
- 3) Establish an explicit anti-racial profiling policy.
- 4) Conduct a Police Auditor in-depth review and establish greater accountability and transparency on the office's recommendations. There should never be an instance where a BIPOC community member fails to report unsolicited biased police contact and not report it because in the past their complaints have disappeared into "thin air", with community members saying "it's their word against mine and they always win".
- 5) Civilian Review Board to start sending requests for police policy review to the police commission, with BIPOC representation, and to review more cases with greater transparency.

Respectfully submitted,

Juan Carlos Valle, Council President

Ad Hoc Committee Members:

Silverio Mogart, EPD Police Commissioner

Patricia Toledo

Betsy Davis

Jason Mak, APICAT

Erika Lincango

Maisie Davis, EPD commissioner, TransPonder

Letter reviewed by other members.

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Eugene Human Rights Commission
Statement to the Ad Hoc Committee on Police Policy
April 3, 2021

From its inception, policing in the United States was built on a foundation of systemic racism and oppression against marginalized people. The modern police force started in the early 1900s, but its origins date back to the American colonies. In the South in the 1700s, slave patrols were created to stop runaway slaves. In the north, a formal police force was created to control immigrants who were moving into cities in the 1800s. In Oregon, police have historically been used to enforce unwritten sundown laws and to bust union organizing. Throughout its history, the primary goal of policing in the United States has been more to protect the interests and property of the wealthy than to protect members of the public.

In the wake of the George Floyd protests nationwide, many in our Eugene community had hoped that the City of Eugene would undertake an earnest process to re-examine the institution of policing and to re-imagine the institutions and structures of public safety. The City Council, however, chose to create two separate, parallel, and far more limited processes: The Ad Hoc Committee on Police Policy (AHCPP), specifically to review police policy, and the Community Safety Initiative (CSI) engagement process, to review the allocation of funds from the CSI Payroll Tax.

The Eugene Human Rights Commission believes the City could have created a more comprehensive, efficient, and effective process. In Ithaca, New York, for example, the Mayor has proposed a comprehensive plan to replace the city's police department with a civilian-led department of public safety. This is the type of reform for which many in our community are clamoring, but which the City Council specifically deemed out of bounds for the Ad Hoc Committee to address. Instead, we were left to review policies relating to the Campaign Zero and 21st Century Policing reports. While these represent very important changes, if implemented, the best our community could hope for is harm reduction, which is unfortunate.

The mission of the Eugene Human Rights Commission is to promote the values of human rights as set forth in the Universal Declaration of Human Rights and in the City of Eugene Human Rights Code. There are several articles of the Universal Declaration of Human Rights that relate to policing:

Article 2: Everyone is entitled to freedom from discrimination of any kind.

Article 3: Everyone has the right to life, liberty and security of person.

Article 5: No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of [their] rights and obligations and of any criminal charge against [them].

Article 11: Everyone charged with a crime has the right to be presumed innocent until proven guilty.

Article 20: Everyone has the right to freedom of peaceful assembly and association.

The police should be the protectors of these rights, and yet they are too often the ones who impinge upon them. It may be unreasonable to expect that an institution that was created to restrict these rights for some members of society, on behalf of others in that same society, could ever be re-formed into an institution that protects those rights for everyone. And yet, that is exactly what the City has asked the AHCPP to do.

Despite the challenges AHCPP members faced, they all made important contributions to the final report and generated much valuable testimony, ideas, and recommendations. The City Council should see this report as a serious, initial step toward public safety reform, and not the entirety of police reform in Eugene.

Among the most important recommendations of the AHCPP are those regarding civilian oversight of police. In recent decades, Eugene has made great strides in instituting progressive police oversight. The work of the AHCPP does not negate the importance of those advances; rather, it insists that there are many ways this oversight could be strengthened. One key recommendation is strengthening the role of the Civilian Review Board in a more balanced oversight structure. Marginalized communities must also have disproportionately higher membership on the CRB because they are disproportionately the targets of police misconduct. Policing will not change unless police officers can be held accountable for their actions by the standards and values of the community that they serve, rather than by the standards and values of the institution of policing. Another crucial component of police accountability is the elimination of qualified immunity for police officers, as is being implemented or considered by cities and states across the country. The City Council should give special attention to these recommendations by the AHCPP, even if implementing some of these measures would require changes to the City Charter or to state law.

Ultimately, it is the culture of policing in Eugene, and likewise in the United States, that must be addressed if any meaningful police reform is actually to occur. The culture of public institutions in the United States as a whole has historically been rooted in systemic racism, xenophobia, and bigotry; this is also true of the institution of policing. This does not mean that every police officer is a racist or bigot, but every police officer is affected by the culture that is embedded in the institution of policing. It is a toxic culture that perceives certain members of our community not as vulnerable people to be protected, but as threats which must be dealt with through the use of force.

We call this culture “toxic” because it disproportionately results in trauma, injury, and even death to too many members of marginalized communities. It is a culture that insists that the use of force against certain people is often justified, for no other reason than the police officers’ claims that they feared for their own safety. Many of these fears, however, are based upon conscious or unconscious biases that stem from historic and systemic racism and xenophobia. While we sincerely praise efforts to address implicit bias in policing, and such training may have many benefits, studies show that such training is ineffective at reducing police brutality. This is due, in large part, to the systemic biases in the institution of policing itself.

Though significant, one area that the AHCPP did not have time to adequately address is the role of police unions. For decades, police unions have been the primary agents in the persistence of toxic police culture and the primary opponents of and obstacles to meaningful police reform. The influence of police unions extends beyond police departments. Police unions contribute to campaigns for city councils, district attorneys, and other elected offices. All of this contributes to the perpetuation of a toxic culture throughout the entire criminal justice system, including the police. Meaningful police reform cannot occur without addressing this obstacle. One way to do this is to disband the police department in favor of a new institution, as was done eight years ago in Camden, New Jersey, and is currently proposed in Ithaca, New York. Another would be to limit the influence of police unions over certain aspects of police policy, especially as they relate to the investigation and prosecution of civilian complaints, police misconduct and the resulting discipline.

Because of their past experiences with the institution of policing, many in marginalized communities do not fully benefit from our current system of public safety. Many among communities of color are hesitant to call the police in an emergency because they fear that they will become their targets. Even though EPD is prohibited – both by state law and by Eugene city ordinance – from cooperating with federal immigration officers (being undocumented is not a crime), many in immigrant communities remain fearful of law enforcement and will not call the police, even if they are victims of or witnesses to a

crime. Many in the LGBTQ+ and other marginalized communities similarly fear calling the police for an emergency. This renders the most vulnerable among us even more vulnerable. This is a violation of human rights, and it cannot and should not continue.

Finally, the people of Eugene – all of the people – deserve to be served and protected by a public safety institution dedicated to the Universal Declaration of Human Rights, built upon the principles of systemic anti-racism and anti-discrimination, and committed to public safety for all people, especially those who are most vulnerable and marginalized in our community. Public trust in any institution of public safety is essential, if all members of our community are to feel safe and valued. We hope that the City Council will act thoroughly and swiftly, where possible, to implement recommendations contained in the AHCPP's final report. We further encourage the City Council to continue the necessary public process of re-imagining new institutions of public safety in Eugene, built upon a foundation of anti-discrimination in all its forms.

Amanda McCluskey
Chair, Eugene Human Rights Commission

Daniel Borson
Vice-Chair, Eugene Human Rights Commission
AHCPP Member

Joel Iboa
Eugene Human Rights Commissioner
AHCPP Member

Testimony from Richard Roseta 4/15/21

The following comments are from my perspective as a citizen of the community, a member of this Committee and a member of the Civilian Review Board (CRB). That is not to say that what I have to say represents the position of the CRB. These are my views. It is not my intent to take away or minimize the position of those for whom this Committee was founded, their voices or their needs and desires. I comment only to bring a sense of practicality to the proposed changes in governance of policing in Eugene, given my perspective of community needs and the ordinances, statutes and Constitutions that exist. First and foremost, I respect the laws and the process by which they have come into existence. I may disagree with one law or another, or how laws are applied to individuals, or how they are perceived to have been applied to groups, however, in order for there to be a safe and functional society, laws must be obeyed and there must continue to be respect for the process.

THE AD HOC COMMITTEE CHARGE

The Eugene City Council passed a motion on July 20, 2020 which provided the parameters of the duties of the Ad Hoc Committee: *“Move to create an ad hoc council committee to review current police policies related to Campaign Zero’s outlined policy solutions and the President’s*

Task Force on 21st Century Policing and prepare and submit a report to council recommending policy changes to current police policy. [Emphasis added.]

The charge to the Committee was to look at current police policies and recommend policy changes to that document. The Committee drifted a long way from the stated charge of the City Council and made Recommendations that could only be accomplished by changes in federal, state, county and city law, and in some cases changes to the United States Constitution and Oregon Constitution. In addition, many of the recommendations relate not to problems experienced with City of Eugene Police Policies or their implementation, but were reflections of problems experienced elsewhere in the country. Some of these instances were brought into discussion because of misunderstanding of the changes that had already taken place in policing in Eugene and related to issues that had not been experienced in Eugene, so experientially there was no basis for concern.

COMMUNITY OVERSIGHT

A subcommittee was formed that met twice to discuss potential motions to propose for adoption by the full Ad Hoc Committee. The Ad Hoc Committee voted to give some of the jurisdiction of Community Oversight matters to another committee, the Independent Investigation and Prosecution Subcommittee. The IIP Subcommittee was made up of different members than the Community Oversight Subcommittee except for two members who participated in both.

Without really directly doing so, a group of Ad Hoc Committee members sought to eliminate the office of the Independent Police Auditor. They did not raise the issue directly, but sought to change the structure of Community Oversight, so that a new Civilian Review Board would be formed, with new qualifications for members, empowerment to investigate, prosecute and adjudicate alleged violations of Police Policy. This necessarily involves the elimination or essential weakening of the Police Auditor, without directly addressing the issue. This is not a valid approach to perceived problems and is fraught with challenges. To have the CRB serve as investigator, prosecutor and judge of the law and the facts in the case is violative of separation of powers and carries with it significant concerns regarding due process of the rights of the accused officers.

In 2006, the City Council passed an ordinance creating an Independent Police Auditor. At or near the same time the Council established the ordinance creating the Civilian Review Board. At that time, there were several styles of Community Oversight in the United States. The Eugene City Council chose the Auditor form of Oversight. When they did so, they amended the Charter of the City and passed governing ordinances.

There are almost as many systems of oversight as there are cities that have adopted some form of oversight. Before civilian review boards and auditors became available to ensure compliance with police policy, those determinations were made by the police agencies themselves. For a number of reasons this method was not satisfactory. In the case of Eugene, the decision was made to appoint an Independent Police Auditor, responsive only to the City Council, who had the power to independently investigate and oversee Internal Affairs investigations, review all video footage, see all reports, review all witness statements and participate in advising the Chief as to adjudications of alleged violations of police policy. At or

near the same time, the Council set up the Civilian Review Board, responsive to the City Council, made up of citizens of the community who passed background checks, sworn to confidentiality regarding investigations and who were privy to the information available to the Auditor. The Civilian Review Board was empowered to provide oversight to the actions of the Auditor and provide input into adjudications regarding alleged violations of police policy.

Some cities have chosen to empower two civilian boards, one to investigate and prosecute and one to adjudicate, rather than hire an independent auditor. These cities are primarily larger cities with very large budgets. San Francisco, for example, has two boards, the Department of Police Accountability (DPA) and the Police Commission. The DPA budget in 2019-2020 was \$11,557,966. The DPA had 46 employees. In 2019 they handled 773 complaints, 451 of which were dismissed as unfounded. Of the remainder, the DPA recommended that there be a less than a 10 day suspension of the offending officer. If there were a recommendation of greater than 10-day suspension, the matter would be heard by the Police Commission. In 2019, the Police Commission handled 19 cases, 12 of which required hearing. The seven members of the Police Commission therefore heard a dozen cases during the year. The average length of time it took from alleged police policy violations to final hearing was just under 5 years. The Police Commission members, numbered seven (7), were paid \$155,000 per year for participating in 12 hearings.

In Chicago, the Chicago Office of Police Accountability (COPA) investigates and prosecutes policy violations and the Chicago Police Board is the adjudicative body. The COPA budget was \$17.5 million in 2019. The budget for CPB is unknown to me.

Portland, Oregon has a system that is in a state of flux at this time. The last information available is that Portland has three bodies involved, and maybe four, depending upon how recent City Council actions are interpreted. In addition to the Independent Police Review Office, the Police Review Board and the Citizen Review Committee, in November 2020 Portland formed a Portland Community Police Oversight Board (PCPOB) that is funded with at least 5% of the total Portland Police Budget. If Eugene adopted a similar funding mechanism, the board would cost approximately \$3.4 million annually. The Portland measure did not mention what was to happen with the other three bodies, nor describe how the new Portland Community Police Oversight Board would interface with the other entities. The new PCPOB is granted the authority to receive complaints, investigate complaints and adjudicate complaints, presumably relating to violations of police policy, but the measure is silent as to scope of responsibility. The Portland provision would empower the PCPOB to hire a director and employ investigators. To some extent, the Portland measure has some similar features to the bits and pieces recommended by the Ad Hoc Committee, but the issues regarding separation of powers and due process remain undetermined, the cost is substantially more, and there is no guarantee that there are any vices that would be cured. Simultaneously, the Portland City Council cut the overall police budget by \$16 million. This cut involved reducing homicide prevention and investigation and the homicide rate increased in Portland by over 20%. It is unknown how the experiment in Portland will work out for the citizens.

The various academic reviews of potential types of community oversight generally find that the independent auditor style is the best. Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight Should Function and How it Fails, 43 Columbia Journal

of Law and Social Problems, 1, 17-19 (2009). This is because the Auditor is not just investigating complaints, he/she is charged with the role of overall systemic reform of policing: "...civilian auditors are typically granted full access to police department records and given wide-ranging authority to report on all aspects of departmental policy and to advocate for systemic reform. The auditor model has enjoyed strong support within the academic community." [Emphasis added]. "...the auditor [is] a cost-effective form of oversight capable of functioning with more limited resources than an external-investigative agency." Arrested Oversight, 43 CJLSP at 17 and 18.

The subject of oversight has led to much research on the various types of formats. The National Association for Civilian Oversight of Law Enforcement (NACOLE), the National Institute of Justice, the Department of Justice and a number of commentators at law schools have published on the subject. See, for example, https://www.cityofmadison.com/Council/meetings/documents/NACOLE_Civilian_Oversight.pdf; Stephens, Darrel W., Ellen Scrivner, and Josie F. Cambareri. 2018, Civilian Oversight of the Police in Major Cities. Washington DC; Office of Community Oriented Policing Services at <https://cops.usdoj.gov/RIC/Publications/cops-W0861-pub.pdf>; and Civilian Oversight as a Policy Accountability Mechanism, Brett Raffish, Lawfare 2021 at <https://www.lawfareblog.com/civilian-oversight-police-accountability-mechanism>.

The manner in which the auditor system has been established in Eugene has taken these advantages and allowed for independent oversight of police policies, monitoring of complaints, progressive analysis of needed changes in policy and enforcement, while at the same time utilizing the input of a vetted board to provide civilian oversight. The auditor system in Eugene allows for the investigation to be handled by trained investigators who are performing their role in the investigation of Internal Affairs (review of video, taking of statements from witnesses, review of police records and reports and consultation with experts in areas of use of force, tactical matters, policy issues, and an understanding of the difficulties that are faced by officers in the field). The Auditor system has handled in excess of 4000 complaints of alleged violations of police policy. Those on the Committee who seek to overturn this successful system have called the system a "failure", but the facts differ from that characterization. Those same individuals have pointed to two cases, since 2006 to support their contention that the system "failed".

One of these cases involved the fatal shooting of an armed individual who was having mental health issues. Family members were understandably upset with the outcome and have been vocal about the situation. These family members filed a lawsuit in United States District Court for the District of Oregon alleging excessive force and consequent violations of civil rights of the decedent. With excellent representation, the matter was submitted to a jury of citizens who ruled that the City and its officers were not liable for the events. The Auditor and CRB did not have any contribution to the shooting, the citizens on the jury concluded that the officers were not liable. It is difficult to see how one could come to the conclusion that the Auditor system "failed".

The second case cited involved the contact and arrest of a subject whose case was reviewed by the Auditor and the CRB. The Auditor and the CRB had complete access to all of the facts of the case and performed review, with recommendations regarding whether there were police

policy violations. The family again was understandably concerned by the events. During the Committee meetings they complained that they were not treated appropriately. They disagreed with the outcome. The family filed a lawsuit in United States District Court for the District of Oregon and the case went to trial. Some of the claims against the police were ruled inadequate by the Federal Judge, some of the claims went to a jury following a trial. Again, the jury, representing the citizens of the community ruled that the officers were not liable for the use of excessive force. No facts were hidden from the jury, the case was completely presented to the jury by competent counsel and the jury rejected the claims. Again, it is difficult to see how the Auditor and CRB “failed” in this case either. The Auditor and CRB did not have involvement in the incidents, and there was no failure to provide transparency during the investigations by IDFIT and IA.

Out of over 4000 cases, these two are the only ones cited by the proponents of the changes in the CRB and Auditor system in effect in Eugene. Both were determined by a duly sworn jury to hear the facts. Both cases resulted in favor of the officers in connection with their treatment of the incidents. Neither should be used as examples or reasons to change an otherwise well- functioning oversight system.

The are other recommendations that I have concerns about in the community oversight area of the report are:

1. **CO 101**, related to a preemptive ruling on admissibility of evidence that could come into consideration in determining police policy violations regarding what took place at the time of the incident if for some reason, either within the control of the officer or not, there is unavailability of the body camera footage. The evidence should not be barred, but should be given the weight, if any, to which it is entitled.
2. **CO-89**, related to the composition of the CRB. The effort should be to have the best people serve, not earmark positions based upon alleged marginalized status.
3. **CO-88**, related to barring EPD employees from service on the CRB. This rule is already in effect. This was pointed out to the Committee by Lindsay Foltz and Leia Pitcher during Committee meetings.
4. **CO -96**, related to establishing the CRB as the final word on violations of police policy, removing the Chief of Police from the responsibility to make the final decision. I oppose this because it guts the Command Structure of the Police Department, the long-standing method of governance of police departments around the world.
5. **Co-97**, relating to allowing the CRB to consider the entire event under consideration, including whether the involved officer(s) initiated or escalated the incident. This is already the case. The CRB has access to all of the information necessary to make its recommendations. This provision is unnecessary.
6. **Co-102**, related to allowing the CRB to have access to all records necessary to make decisions. Medical Records are generally unavailable due to Federal Regulations. Statements of individuals can be requested and will be provided already. This provision is unnecessary.

7. **CO-95**, relating to extension of time to file complaints does not unnecessarily cause concern. However, if the CRB is the investigator, prosecutor and adjudicator of the facts, they should not be put in a position of guiding the complainant through the process. This is one of the tasks of the Police Auditor's office, and should not be given to the CRB for fear of conflict of interest.
8. **IIP-115**, relating to providing the CRB with its own "investigation team". This recommendation is part and parcel of turning the CRB into a mostly volunteer Board into investigator, prosecutor, adjudicator and to take care of the other responsibilities regarding suggestions to Police Commission regarding Policy changes. I oppose this change for the reasons previously enunciated. The Auditor/Civilian Review Board has operated well since its inception and will continue to do so, with some minor tweaks.
9. **IIP-114**, relating to requiring investigation to be performed by the CRB. This has legal issues associated with it. The City of Newark had a similar system thrown out by the New Jersey Supreme Court, in *Fraternal Order of Police, Newark Lodge v. City of Newark*, (A-15-19)(083197), decided August 19, 2020. In that case the Court was faced with a similar situation. Police Departments are by law required to perform Internal Affairs investigations. Having a system that requires two investigations, with potentially different findings troubled the NJ Supreme Court and the Court held that such a system could not be approved.
10. **IIP 107**, relating to limiting the members of IDFIT. This provision conflicts with State law and County ordinances on the investigation of deadly force matters.
11. **IIP-106**, relating to appointing an independent prosecutor to prosecute and criminal case arising where an officer is a defendant. This conflicts with State law on the scope of responsibility of the District Attorney. The City Council does not have jurisdiction over such matters.
12. **IIP -105**, relating to removal of police discipline matters from the police collective bargaining agreement. The contract is the contract. One party, the City, does not have the power to change it. This conflicts with federal and state labor law and violates the terms of the contract. The Police Union cannot be eliminated from consideration.
13. **IIP-104**, relating to disclosure of personnel records of police officers to the public. This conflicts with many labor and public records law provisions.
14. **IIP-103**, relating to changing state law to allow for civilian investigation into use of deadly force within 48 hours of the incident. This conflicts with confidentiality laws, public records laws, personnel records laws and crosses into areas that are within the purview of the IDFIT team and the District Attorney. Compromise of criminal investigations is a great risk.

Richard A. Roseta – Ad Hoc Committee member and CRB Member

Testimony from Ibrahim Coulibaly and Brian Michaels on behalf of the NAACP

Dear Ad Hoc Committee Members, Councilors and City of Eugene Staff,

Introduction

The NAACP is a policy advocacy organization dedicated to challenging racism and exclusion in all its forms. This is the work we have done for over 100 years and we will continue to work with the city, county, state and federal governments long after this committee is over.

We are proud to have contributed to the Ad Hoc Committee on Police Policy. We believe that Chief Skinner, Eugene Police Department staff and city employees have all participated in good faith and we acknowledge their hard work and dedication. We also want to thank Mayor Vinis and the city council for responding to the committee's requests to give more time for this vital work.

This is a good start, but 30 hours of video conferences and a single report will not make systemic racism disappear overnight. The city has shown that it can respond to the movement that was sparked by the killing of George Floyd, but we still need to be convinced that it has the will to make a long-term commitment to meaningful change.

Policy Priorities

NAACP representatives to the Ad Hoc Committee have actively participated in a wide range of discussions over the last few months. Everything the committee has discussed is important, but our top priorities for change are:

1. Community Oversight

The single most important aspect of police policy is to have the citizens of our community conduct independent oversight of police conduct. We have seen the necessity of such oversight from the killing of Brian Babbs and Eliborio Rodriguez in North Eugene. Shortly after the killing of Mr. Rodriguez our chief exonerated the officer who shot him, praising his work, and stating, ""I absolutely **want officers stopping and having conversations with individuals** that look like they're not in the place they're supposed to be, whether it on foot, on a bicycle, in a car **in these neighborhoods.**" [emphasis ours] This following him exonerating his officer killing an unarmed Latino man minding his own business in a white neighborhood.. (Please see attached published Op-Ed written by the two NAACP representatives to the Ad-Hoc Committee addressing this incident.)

Those who hold us accountable for our actions, simply refuse to be held accountable to us for their actions. It is apparent police are not able to police the police. The citizens of Eugene must have a final say on what violent actions by police are deserving serious discipline. The officer who killed George Floyd is on trial for murder. That is too much to ask in this community. Community oversight is within our grasp.

Please review the video testimony of Scott McKee, former Internal Affairs Officer for EPD, and then SPD. Here is the link:

The committee passed these two resolutions: (a) IIP-114

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. And (b) IIP-115

The CRB shall have its own independent Investigative team.

And the CRB shall be made up of a cross section of the community to include marginalized groups as well as minorities.

A flow chart of the CRB independent investigation is attached hereto

2. Use of Force

At the April 17 meeting of the Ad Hoc Committee, five women testified to calling CAHOOTS for a family member going through mental illness, only to have the police arrive, take over, and in various degrees use violence upon their family member, then take their family member into custody. Here is the link:

Attached is a letter from CAHOOTS. We urge the city council to watch the testimony of these women. We know the mayor has because she spoke about this at the rotary club.

3. Using CAHOOTS for CAHOOTS calls is patently obvious to reducing unnecessary force against our citizens.
4. **Most importantly, any use of force policy must include and enforce a de-escalation policy.** Such an enforced policy would easily have saved the lives of Mr. Babbs and Mr. Rodriguez, along with so many of our citizens who suffered violent beatings at the hands of officers, unknown to us because of police policy and secrecy. Those who ask us if we have nothing to hide, seem to have lots they want to hide from us. Opening up police misconduct records to the public including but not limited to allegations of violence by citizens will shine the light of day on hidden behaviors for the citizenry to understand.
5. At pages 32-35 of final report, Use of Force subcommittee's motions on use of force are hereby adopted by NAACP.
6. Mandating body cameras and in car videos is vital to reigning in use of force problems. At Page 39, CO -101, if officer does not have camera available for any reason, the CRB investigation will not hear testimony from that officer, only from complainant and complainant's witnesses.
7. Motion CO 90, at page 41 of final report, we urge to be implemented. It reads as:

Officers should be drug-tested at the close of the event for any use of force incident that results in serious injury [defined by Oregon Statute] or death.

3. Hiring and Training

Our sole input here, apart from what has been placed into the report, is this:

By now we all know that for generations black men and women have been given "the talk" as a part of being raised in America. It is time for police to be trained in this "talk," when dealing with individuals. The idea that police do not see color means they do not see this talk, nor the experience and behaviors that come along with this lesson of life in America. This lack of understanding naturally leads to misunderstanding the attitudes behind behaviors of black men and women as incriminating. Very often. We can change this

There were also a number of important items that the committee was unable to discuss due to time limitations. We nevertheless want to bring these items to the attention of the City Council.

Next Steps

We share the concerns expressed by members of this committee and in the community that the Ad Hoc process could result in a paper exercise that doesn't lead to a better experience of law enforcement for BIPOC and other marginalized groups.

We therefore want to see the council adopt clear next steps for managing the work. We ask the council to report back to the community on the committee's work at three, six and eighteen months after the report is submitted and we want the City Manager to produce a clear plan to show that this work has the staffing, resources and direct oversight from city leadership it needs to succeed.

We also want the city to continue to engage BIPOC and other marginalized groups to make sure that the plans and policies that come out of the Ad Hoc Committee's work accurately reflect the needs and aspirations of those who have been too often shut out of power.

Lessons Learned

Overall, we believe that the city has stepped up its work with marginalized groups. The Ad Hoc Committee is an improvement on historical efforts to engage our communities but there are still lessons to be learned:

Time: Future community engagement needs to be given time and space to succeed. This process would have been very different, and in our view more successful, if it had been designed to last six months, instead of a three-month process that was extended.

Resources and Staff: We are pleased that the city has invested more in engagement with marginalized groups. The committee's work has benefitted from these investments but delivering the changes we need to see will require further investment. This is especially true within EPD and we believe that without a dedicated resource, the good intentions expressed by the Chief and EPD cannot result in strategic and systematic interventions that bring measurable improvements.

Education: The Ad Hoc committee's meetings made clear that the city needs to do a lot of work to help members of marginalized groups to understand how the decisions that shape their lives are made. The city needs to invest in education to help BIPOC and other marginalized communities to be more active in civic affairs. Correcting the deep historic wrongs of racism in our nation can only be achieved if those who have lived experience of exclusion are active participants in ending it.

RESPECTFULLY SUBMITTED this 15th day of April 2021,
By:

On Behalf of Eugene/Springfield NAACP.

Testimony from Erika Lincango

Eugene, April 20th 2021

Eugene Ad Hoc Committee for Police Policy Reform:

The history of police brutality nation and state-wide is reflected locally in the number of crimes committed by police members while in service. The several cases registered urge us as a community to REVIEW our vision of community-centered-safety; QUESTION the role of police in our everyday lives; and REALLOCATE how much resources we are investing in police services. The Eugene Police Department must embody the values of our city. Our public force must be responsive to the aspirations and calls of the people whom they serve. Therefore, to reduce and eliminate negative encounters between historically targeted communities and the police, we as a community must choose police accountability over qualified immunity. We as a city mustfully support the implementation of the George Floyd Justice in Policing Act (H.R. 1280)and Oregon Senate Bill 238 at the local and state level. The Policing Act (H.R. 1280) hopes to end qualified immunity, and the Oregon Senate Bill 238 prohibits school boards from employing law enforcement personnel. It also requires that money budgeted for law enforcement be “redistributed to community outreach and meeting students’ mental and behavioral health needs.” To do so, the Eugene City council must ALLOCATE funding to empower community-based emergency first responders. These must INCLUDE environmental, social, and cultural organizations, housing co-ops, recreational centers, trauma centers, and forgivable loans for Indigenous, Black, Asian, and people of color-owned businesses and services. Investing in our local community would increase civic participation and strengthen the public trust in our local government. May we always remember that community safety first means that we all have access to food, housing, health, education, and a life without discrimination.

Those officers who repeatedly abuse their power must be held accountable and liable in a civil court. They must cover their legal fees and settlements with their own money from their retirement accounts.

I encourage every member of our community to demand police accountability in the name of truth, justice, and equity.

With Love & Rage

Erika Lincango

History of State Violence in Lane County, Oregon

(1997-Present)

By sharing this research of the history of Lane County police violence, we hope to bring awareness that the health and safety of our Eugene & Lane County community is sustained by the violence of a militarized State. Hence, the need for us to say the names of the people of our community, the names of our neighbors who have been the victims of such violence. Learn their names. Say their names!

1997 EPD & LANE COUNTY MILITARIZATION

The United States Department of Defense launches the so-called 1033 Program, facilitating the transfer of surplus American military equipment to police departments across the United States. Though military-style policing has a long history in the United States, this program's launch is commonly regarded as the beginning of the modern militarization of American cops, and would eventually lead to the normalization of armored vehicles and advanced tactical weaponry as tools of domestic law and order. Since the program's launch, Oregon law enforcement agencies have received over 10 million dollars worth of surplus military equipment. The Lane County Sheriff's Office has been the biggest beneficiary of the program in the state, securing 2.2 million dollars worth of gear and vehicles in 23 years—over a fifth of the state's total. The Eugene Police Department alone has received over \$340,000 worth of materials— including rifles, night-vision equipment, and a fucking Humvee—while their counterparts in Springfield received nearly \$234,000.

March 3, 2000. EPD Brutality (Disabled man)

Pete Raiteri, a disabled man, was convicted of resisting arrest and three counts of physical harassment following a confrontation with police in downtown Eugene. In 1999, Raiteri was assaulted by several EPD officers after warning his friends about police presence downtown. At some point during the encounter, Raiteri, who

suffered a spinal cord injury in college that left him unable to walk, was flung out of his wheelchair by an officer and pepper-sprayed while on the ground. A year later, he was sentenced to 15 days in jail and a \$1,000 fine.

June 18-19, 2000 EPD Crushing Dissent

The Eugene Police Department used excessive force and arrested over 60 people over two days of anti-capitalist gatherings and protests across the city.

On June 18, a group of anarchist activists left the University of Oregon campus—where they had been watching a documentary about the previous year's WTO protests in Seattle—and marched through downtown Eugene, blocking most of West 11th Avenue. The EPD quickly responded with riot control tactics, eventually surrounding the activists near the Lane County Jail. Taking care to form a line of cops between the protestors and the gathering media presence, the cops then attacked the protestors and arrested around 41 people. Witnesses, including business owners and others having nothing to do with the protestors, said that cops shot at least a half-dozen rubber bullets at one protestor's legs at very close range, while two others received point-blank shots from a beanbag gun. Other protestors were dragged by their hair and clothes into police vans, though the jail was within walking distance. At least a dozen people reported injuries from the conflict, including four minors.

The following day, local anarchists held a "Carnival Against Capital" (which, I must admit, is a great name for a street action) in Washington-Jefferson Park to commemorate the one-year anniversary of a protest-turned-riot in Eugene, held in solidarity with the "Battle in Seattle." Fearing that the gathered anarchists would attempt to "re-enact" the previous year's events, the cops went ahead and escalated things themselves, breaking up the peaceful protest with riot tactics once again when the protestors left the park and began blocking streets. Cops fired beanbag rounds and used pepper-spray on the protestors before eventually arresting an additional 22 people on disorderly conduct charges. The crush of arrests from the weekend led to activists being held in cramped jail cells with loud music playing over speakers for upwards of 45 hours before being released.

EPD was praised by city officials and local media for their handling of the protests.

Oct. 3, 2001 -SPD POLICE BRUTALITY

Springfield Police officer Rod Harrison shot and wounded 29-year-old Jaired Paul Gordon following a brief altercation. According to reports, Gordon—who had a history of mental illness and previous altercations with the SPD—was smashing the windows of neighborhood churches when police were called. As soon as police arrived on the scene, Gordon began calling himself God (as he had done in at least two prior incidents) and brandished a pocket knife, prompting Officer Harrison to

shoot him twice in the stomach. Gordon survived, and Harrison's use of force was deemed justified by District Attorney Doug Harclerod.

Officer Harrison is the twin brother of another Springfield cop, former Police Captain Richard Harrison, who was investigated and sued in 2010 for improper sexual conduct during his time as Captain. During that lawsuit, it was revealed that Rod Harrison had been caught with thousands of child porn images on his work computer but faced no disciplinary action whatsoever, thanks to his high-ranking twin brother. In his 24 years working for the SPD, Rod Harrison received the Medal of Honor, the Medal of Valor, and—most ironically—the Lifesaving Medal. He eventually left the force and has been working as an assistant for the [University of Oregon's athletic program since 2010](#), where he runs security and operations for events at Matthew Knight Arena.

Sept. 28, 2002 EPD CRUSHING DISSENT

On a Friday night in a neighborhood adjacent to the University of Oregon, somewhere around 1,500 people participated in a fiery riot, whose origins remain unclear. What is clear is the heavy-handed police response to what could otherwise be considered just another Friday night in a college town.

The police did not take any action during the riot itself, but instead spent the night surrounding the crowd and filming the participants with video cameras. Once the crowd was cleared away by EPD crowd-control teams, police swept through nearby apartments in the wee hours of the morning and arrested anyone they believed to be associated with the rowdy crowd.

Most of the 35 people arrested that night weren't participants in the riot, but simply found themselves in the wrong place at the wrong time. EPD arrested a magazine writer by tackling him, cuffing his hands behind his back, and using "a permanent marker to write on his neck the name of his arresting officer and the location of his arrest before loading him into a paddy wagon with several others"—despite the writer identifying himself as a journalist to police. Other people in the neighborhood were arrested for simply walking home from nearby bars, unaware that any riots had even taken place.

One man who went to buy chips from a nearby 7-Eleven said he was shot with a beanbag gun and promptly arrested when he tried to explain himself.

In public, the police response to the riot was surprisingly frank, considering just how indiscriminately they chose to arrest people in the community and the EPD's historical tendency to flat-out lie about the circumstances surrounding a crackdown on protests and riots. Capt. Steve Swenson of EPD was quoted at the time saying: "I'm not even going to pretend that the people who were arrested were the ones who we really want to have in custody. When the cops say it's time to clear the streets, just do it."

Note: Though this is a notorious incident in University of Oregon history, it is far from the only incident in which the EPD violently cracked down on college kids throwing raucous parties in the West University neighborhoods. Based on my research, there was a period of time in the late '90s and early '00s during which police were called to break up college parties-turned-riots every few months. At one point, throwing a party that the police had to violently disperse became a sort of badge of honor for UO undergrads, and at least one UO law student got their start in practicing law by suing the EPD for excessive force and false arrest.

Jan. 17, 2003 EPD FATAL

Guy Einer McClure, 35, was shot no less than 31 times by nine members of the Metro SWAT team on the porch of his RV in Creswell. Hours earlier, McClure had been shot in the face with a .44 magnum during a dispute with his girlfriend; witnesses said that it appeared that half of his face was blown off. Soon, the Metro SWAT team arrived and began an eight-hour standoff. Police twice fired tear gas into McClure's RV over the course of the night, some of which seeped into neighboring RVs and trailers in the neighborhood.

(If you've ever been exposed to tear gas, you know just how irritating and painful the experience can be. Now, imagine being gassed while barricaded in a small space and bleeding from a gaping gun shot wound on your face.)

Eventually, a drunk and delirious McClure emerged from his home waving a handgun, causing police to immediately open fire. McClure's body was riddled with bullets, as were several neighboring trailers and RVs. One neighbor reported several bullet holes in the walls of her daughter's bedroom, who was luckily not at home during the standoff. An 88-year old neighbor who was nearly deaf reported not even knowing that gunfire was happening; she didn't see the holes in her own walls until the next day, when she saw the shrapnel littering her kitchen.

Lane County DA Doug Harclerod ruled that the shooting, the first fatal event in the SWAT team's history, was justified. He also took care to note that McClure was suffering from mental illness at the time of his murder.

McClure's mother said that her son's final words were "I love you, Mom."

March 6, 2003 EPD POLICE BRUTALITY

Two brothers, Mohammed Al-Nesayan and Hatem Al-Nasian, were brutalized and arrested by EPD officers following a fight at the Southtowne Bowling Alley in Eugene. The incident became known as the "Southtowne Beat-Down" among other Eugene cops.

The brothers had gotten into a dispute with two other unidentified men inside the

bowling alley when someone called the cops. When police arrived a short while later, the responding officers–Aaron Berndt, Chris Harrison, Juan Lara (remember this name), Jason Berreth, and Aaron Gevatosky–proceeded to beat the ever-living shit out of the brothers, using punches, kicks, nightsticks, batons, and even pepper spray, according to witness testimony and police dashcam video. When the case went to trial, Hatem was found not guilty of the charges of “resisting arrest” and “interfering with a police officer” while his brother was found guilty of the same charges.

The beating was so savage that Mohammed, the elder brother, suffered permanent brain damage, while the incident prompted Hatem to move his family back to Saudi Arabia.

“I’m done with the United States,” Hatem al-Nasian told the Register-Guard after he was acquitted.

Note: The invasion of Iraq began on March 20, 2003, which should tell you exactly where public sentiment toward Muslims was at the time of this police beating. How else could one explain why Hatem Al-Nasian believed that Saudi Arabia was a better place to raise his family than Eugene, Oregon?

July 5, 2003 SPD POLICE BRUTALITY

Springfield police officer Jason Brown shot Tyler Phillip Smith, 21, once in the abdomen after an altercation at a Gateway Street apartment complex. Smith, who had been suffering from mental illness and was in the midst of a severe breakdown, survived the shooting.

In the weeks leading up to the shooting, Tyler Smith’s family reported increasingly erratic behavior, including an incident in which Smith destroyed the inside of his father’s home. On the afternoon of July 5, a driver called police about a shirtless man standing in the middle of Gateway Street berating passing cars. Smith had also allegedly cracked the driver’s side window of a car with a basketball (something I have a very hard time believing is possible).^{*} When police arrived, Smith fled and hopped a fence into the parking lot of an apartment complex. There, he began a fistfight with Officer Brown, allegedly landing several clean and powerful punches to the cop’s face. Officer Brown then drew his gun and shot Smith in the stomach; when the man didn’t stop fighting, Brown followed up with a heavy dose of pepper spray on the wounded man.

District Attorney Doug Harclerod found the shooting justified, and claimed that Tyler Smith was “mentally unstable” and was possibly under the influence of some sort of drugs. A drug screen at the hospital found that Tyler Smith was stone-cold sober at the time he was shot.

There’s no evidence that anyone gave him a mental health screening.

Note: Upon further research, it appears that it's actually very easy to crack a car window with a basketball. That's still no reason to shoot a man in the stomach.

June 24, 2004 EPD RAPISTS

The trial of longtime Eugene Police Officer Roger Eugene Magaña begins. Magaña faced 13 charges of rape and sexual assault after he spent nearly a decade using his position as a police officer to intimidate, terrify, and assault women—many of who were homeless, struggling with addiction, or otherwise vulnerable to sexual predators. He became known among Eugene's street population as "Officer Blowjob" and regularly used threats of arrest, assault, and state-sponsored kidnapping of children to keep his victims from speaking out.

The EPD ignored virtually every red flag waved by Magaña, including a harassment allegation in 1995 in which he pressed his body against a 17-year-old police cadet—for which he received nothing more than a stern warning from his supervisor. There were also multiple instances of harassment directed at other women in the department throughout his career, none of which were ever taken seriously by higher-ups on the force. The Chief of Police at the time, Robert Lehner, was quoted saying that Magaña's victims were "almost impossible to believe" because of their addictions—an absolutely appalling quote from anyone, much less the Chief of Police.

Magaña did not work alone, eventually recruiting Juan Francisco Lara, a young officer he had personally trained, into his sick and violent abuses of power. Like Magaña, Juan Lara also used his authority as a police officer to sexually abuse women in his custody, often with Magaña supervising. Together, the two officers were found to have abused at least 35 women over the course of their careers, though the actual number is likely much higher. The case received national attention and cratered the EPD's reputation in the city for many years.

Eventually, Magaña was found guilty and sentenced to 94 years in prison, where he continues to rot. Lara faced a maximum of 26 years in prison but was sentenced to only five years and eight months for his role in the serial rapes—only to be released two years early for "good behavior." In the years following the scandal, EPD paid out over \$5 million in settlements—funded by taxpayers—to Magaña and Lara's victims and established an independent Police Auditor to oversee the actions of the EPD.

June 26, 2005 SPD KILLING STUDENT

On the night of June 24, 15-year-old Jason Porter—a sophomore at Thurston High School—stole a pickup truck from the parking lot of the Gateway Mall in Springfield. Two nights later, Springfield Police Officer Ethan Spencer shot the 15-year-old in the head.

after a chase ended outside the Weyerhaeuser plant on the edge of town, claiming that he had witnessed the boy brandish a pistol.

There was no pistol in Porter's hand, nor was any firearm found in the truck. It was dark out, and the truck's windows were heavily tinted. And yet, Lane County District Attorney Doug Harclerod ruled that Officer Spencer was justified in his use of deadly force—before anyone had a chance to finish the investigation.

In the weeks following the shooting, the Springfield Police Department attempted to paint Porter as a serial teenage hooligan, citing incidents such "breaking sprinkler heads in an apartment complex" and "setting paper towels on fire in a mobile home bathroom" as a pattern of criminality that justified the murder of a teenager at the hands of a cop.

Porter's mother acknowledged that her son was troubled, but stressed that his issues with the law never went beyond petty crimes like shoplifting and that he was on medication to address his mental health issues.

The SPD also worked to discredit a non-police witness to the shooting—a man sitting in the back of a police cruiser who had been arrested shortly before the chase with Porter—who claimed that he saw the 15-year-old Porter emerge from the vehicle with his hands in clear view before being shot by Spencer. The second officer—Evan Sether of the SPD—also made a false claim to police dispatchers that Porter was fleeing north along the railroad tracks. That lie was waved away by DA Harclerod, who said that Sether made that statement because "he expected the suspect to run."

Following the Porter murder, Sgt. John Umenhofer filed a lawsuit against the Springfield Police Department and alleged that, prior to the killing, two Springfield officers reported to him that Spencer "seemed fixated on killing someone, and as a result, [the officers] did not want to work with or go on any calls with him."

Note: This story has one final twist. In February of 2006, Jason Porter's father was arrested for attempting to hire a hitman—who turned out to be a police snitch—to kill Ethan Spencer. He planned to pay for the hit using money from the \$35,000 settlement check he was due to receive from the City of Springfield for the murder of his son.

Aug. 9, 2005. Lane County FATAL

Five Lane County sheriff's deputies killed James David Moore, Jr. after he pointed a handgun at them during a domestic dispute at his Elmira home. Moore fired three shots into the air. They fired 53 shots at him.

DA Doug Harclerod ruled that the shooting was justified.

Note: It's largely understood that this was a case of "suicide-by-cop." The phenomenon of calling the police on oneself in order to be shot to death should be evidence enough that the police should be defunded, disarmed, and dismantled.

2006 EPD & LANE COUNTY MILITARIZATION

The Eugene Police Department purchased their first BearCat, a military-grade armored vehicle that has become synonymous with the militarization of police forces across the United States. Depending on the features, the BearCat costs somewhere between

\$200,000 and \$300,000, which was paid for by local taxpayers. The BearCat became the second armored vehicle in EPD's fleet, joining a military-surplus Humvee the department had obtained several years earlier through the Department of Defense's 1033 program.

November 14, 2006 EPD FATAL

Ryan Salisbury, a 19-year-old suffering from bipolar disorder, was killed by Officer Shawn Trotter of the Eugene Police Department during a mental health crisis at his home. Salisbury, who had just enrolled at Lane Community College to begin an EMT training program, suffered a psychotic break and threatened his parents with a kitchen knife. When police arrived, Salisbury walked out of the house and was shot several times with beanbag rounds. When that didn't stop him, Officer Trotter shot Salisbury five times while his parents watched from the window of their bedroom.

Note: Salisbury's murder by EPD was one catalyst for the department's adoption of the then-new Taser stun gun, in the hopes that this less-lethal weapon would be added to the arsenal of local law enforcement in order to avoid future killings. The move had overwhelming support from local officials and the community, but there were a few that expressed skepticism about the new weapon. Hugh Massengill, a member of the Eugene Human Rights Commission and a temporary member of the police commission, was the only vote against adopting Tasers. He called them "[cattle prods for the poor](#)" and said that "they will almost always be used on poor people who are not armed and are not suicidal."

It wasn't long before Massengill was proven right.

2007 Interagency Deadly Force Investigation Team (IDFIT)

established; no case of police brutality found unjustified to date.

In response to a rising trend of police brutality and killing throughout the state, the Oregon Legislature passed Senate Bill 111, requiring local and county governments to create transparent and comprehensive methods to investigate and document cases in which law enforcement officers use deadly force. This bill led to the creation of the LaneCounty Interagency Deadly Force Investigation Team (IDFIT), which brings together representatives of various law enforcement agencies within the county to investigate instances of police violence and assist the District Attorney in determining whether they're justified.

To date, every single instance of police violence investigated by the IDFIT has been ruled justified.

July 2, 2007 Oakridge FATAL

John Erva Dunn was shot by Officer Steve Ball of the Oakridge Police Department in the first fatal shooting in the nine-person department's history. The murder happened outside the town of Westfir, deep in the Cascades, after the OPD officer pulled Dunn over for speeding and driving with two broken tail lights. Ball attempted to arrest Dunn, a former felon, for "illegal possession of a firearm" upon discovering that the driver had two unloaded guns in his car. When Dunn resisted, Officer Ball fired ten shots, one of which struck Dunn in the head, killing him instantly.

The IDFIT and the District Attorney ruled that the shooting was justified.

May 30, 2008 EPD CRUSHING DISSENT

Ian Van Ornum, an 18-year-old student at the University of Oregon, was shot twice in the back with a Taser by Eugene Police Officer Judd Warden (a cop name if there ever was one) during an anti-pesticide protest in downtown Eugene. EPD claimed that Van Ornum was blocking traffic during the protest and resisting arrest, but Van Ornum and a handful of eyewitnesses contradicted the police claim by saying the teenage protestor was merely reacting to being assaulted by police officers.

The Taser was fired after Van Ornum was tackled by police and pinned against the sidewalk. Officer Warden was said by witnesses to have pounded Van Ornum's head into the sidewalk several times during his arrest. Van Ornum was eventually sentenced to 80 hours of community service, 18 months probation, and forced to pay attorney fees and court costs. (This may not seem like much, but the two protestors who attacked Warden in defense of Van Ornum only received a total of 40 hours of community service for the far more serious crime of assaulting a police officer.) Judge Jack Billings only heard evidence from witnesses who claimed that the police were justified, and not from any of the witnesses who attested that Van Ornum was just standing there at the protest.

Van Ornum eventually had his conviction overturned on appeal, though the process took nearly seven years. For his role in the beating, Officer Judd Warden was bestowed the "Officer of the Year Award" by Chief Pete Kerns at the end of 2008.

Oct. 30, 2008 SPRINGFIELD FATAL

Springfield Police Officers Ethan Spencer, Russ Boring, George Crolly and James Wilson combined to shoot 51-year-old Richard Sykes 31 times following a standoff in Springfield. Officer Spencer, who had earlier in his career murdered 15-year-old Jason Porter, was responsible for 17 of those shots.

The police arrived at Sykes' home following a call from the victim's doctor, who warned police that Sykes was alone and had declared his intention to commit suicide. Sykes' wife had also called 911 and told authorities that her husband was distressed and would not take kindly to the sight of police officers outside his home. After an hour of exchanging threats and increasingly erratic behavior, Sykes emerged from his home with a rifle, performed what witnesses called an "army-style barrel roll," and was subsequently gunned down.

The officers' use of force was ruled justified by the IDFIT and the District Attorney, though the shooting was widely understood to be a case of "suicide-by-cop."

Ethan Spencer later received over \$150,000 in worker's compensation claims stemming from injuries sustained while on the SPD as well as "mental problems" endured from his involvement in two murders. He was also awarded a \$52,000 severance payment by the City of Springfield to help pay the cost of his college tuition. All of this was funded by taxpayers.

Dec. 29, 2008 SPRINGFIELD BRUTALITY

Mark Andrew Kemp, a 51-year-old man suffering from mental illness, was the victim of excessive force at the hands of the Springfield Police Department.

Kemp was first arrested by the SPD following a trespassing dispute at a gas station in Springfield, released, then arrested on a separate trespassing charge the following day by the Eugene Police Department. The EPD placed Kemp in what's known as a "mental health hold" which barred him from being released until he could be treated for his mental illness. On Jan. 9, 2009, the Eugene Municipal Court ordered that Kemp be transferred to the Oregon State Hospital in Salem, as his mental illness prevented him from assisting in his defense. The EPD ignored the order and later assaulted Kemp in the Lane County Jail when he refused to comply with correctional officers.

Three weeks after his arrest, Kemp was discharged from the jail and finally transferred to a local hospital, where he received treatment for his mental illness. Kemp later sued the City of Springfield and Lane County for damages, but the suit was dismissed.

March 13, 2009 EPD CRUSHING DISSENT

EPD Sgt. Bill Solesbees used excessive force and illegally seized a video camera from activist Josh Schlossberg during an arrest outside a bank in downtown Eugene.

Schlossberg, who was tabling in front of Umpqua Bank to bring attention to the bank's partnership with environmental boogeyman Roseburg Forest Products, was confronted by Sgt. Solesbees, who accused the activist of blocking pedestrian traffic. When Schlossberg began filming Solesbees, the cop grew agitated and demanded that the activist hand over the camera. Schlossberg refused, so Solesbees lunged at Schlossberg, threw him to the ground, slammed his head into the ground, and pressed his knee into the back of the activist's neck (the same maneuver that killed George Floyd and countless others). Schlossberg was arrested for "intercepting communications" and "resisting arrest" but had the charges quickly dropped.

Schlossberg sued the city and Solesbees for civil rights violations and eventually won. This brief confrontation cost the City of Eugene nearly \$420,000 in legal fees and helped to clarify the legal rules surrounding the videotaping of police activity.

Despite the legal smackdown inflicted upon the EPD in this case, Chief Pete Kerns maintained that Sgt. Solesbees "acted appropriately."

Aug. 11, 2009 EPD BRUTALITY

JoAnn Ernst, then-Eugene Water and Electric Board Commissioner and one-time candidate for East Lane County Commissioner, and her three children were the victims of a pre-dawn Metro SWAT drug raid authorized under false pretenses by EPD officer Joe Kidd.

According to a lawsuit filed by Ernst and her adult children, the drug raid originated in a claim from a discredited police informant (as if there's any other kind) that Jack Allen—Ernst's son—was involved in a heroin trafficking ring and had shot a man in the hand, though the police themselves had concluded that the gunshot was self-inflicted. In order to get the raid authorized, Kidd told the presiding judge that the Ernst home was "high-risk," claiming that the household was "potentially armed with firearms" and intentionally obscuring the fact that one of Allen's prior misdemeanor charges for "illegal possession of a weapon" was a pocket knife in his sock.

When police raided the home early on the morning of August 11, they burst

through the front door with a battering ram and shattered windows with flashbag grenades, one of which struck Jamie Allen, Ernst's daughter, in the head while she slept. Jack Allen's face and arms were cut with broken glass during the raid. All four members of the family were arrested for felony drug possession, though the only substance found in the home was an ounce of medical marijuana belonging to Ernst. No heroin or weapons were found in the house, and all charges stemming from the raid were eventually dropped.

Chief Pete Kerns defended the actions of Kidd and the Metro SWAT team, even after Ernst settled a civil rights lawsuit with the city for \$87,000.

Note: During her [run for County Commissioner](#), Ernst proclaimed her hard-line stance against excessive logging in Lane County and a desire to direct money away from law enforcement and toward non-violent social programs. Take that as you will.

Sept. 22, 2009 EPD BRUTALITY AGAINST STUDENT

In his second assault in just over a year, Officer Judd Warden used his Taser to stun a Chinese exchange student at the University of Oregon while the student was lying on the floor of his own apartment—just a few hours after moving in.

Police responded after the Chinese student's landlord, Timothy Breen, reported that he believed that the people inside the apartment were burglars. The landlord claimed that he didn't remember until after the Taser attack that the student and his roommate, another Chinese exchange student, were the rightful tenants of the apartment. The police entered the apartment without a warrant, assaulted one student, and detained both students without cause.

Officer Warden claimed that the student he shocked was unresponsive to his commands to put his hands up—likely because the student didn't speak English and was asleep at the time the police burst into his apartment. Officer Warden further claimed that the student's hand was "underneath a blanket," which made the officer believe that the student wished to cause him harm, though camera footage of the attack shows that the student's hands were in plain view, crossed in front of his chest as electricity coursed through his body.

Chief Pete Kerns said that the descriptions of the students in the apartment were "consistent with the appearance of a trespasser" and called Officer Warden's actions "objectively reasonable." Both City Manager Jon Ruiz and Mayor Kitty Percy declined to condemn the actions of the EPD in this case. In contrast, the Civilian Review Board, the non-police agency responsible for overseeing local law enforcement use of force, called Officer Warden's actions "excessive" and "pretty alarming." Later, transcripts of interviews with Officer Warden released by EPD Internal Affairs revealed that the officer "probably would have shot [the student]" had he drawn his firearm, and that he felt such an action would've been justified.

The Civilian Review Board eventually voted 7-0 to “disagree” with Pete Kerns’ decision to rule the incident justified. That, of course, meant nothing.

March 13, 2010 SPRINGFIELD BRUTALITY

Nick Jenkins was beaten with a flashlight and pepper-sprayed by SPD officer Ryan Molony during an attempted arrest outside of an apartment complex in Springfield. Jenkins’ parents, Maria and Gary Jenkins, were also arrested by SPD officers when they attempted to defend their son. The family was homeless at the time.

Jenkins, who was wanted for allegedly threatening his partner earlier that day, initially ran from SPD officer Carissa Hartmann before being caught by Molony. A fistfight ensued, during which Jenkins landed at least one punch to Molony’s face, splitting his lip and leading the officer to repeatedly beat the man in the head with his flashlight.

Moments later, Molony used his pepper-spray on all three members of the family.

Jenkins’ parents later testified that their son had suffered a traumatic brain injury following a bicycle accident as a child, an injury further exacerbated by Molony’s beating. Maria Jenkins was later taken to the Oregon State Hospital when it was found that she was mentally unfit to stand trial. Gary Jenkins was charged with misdemeanor interference for attempting to prevent the officer from battering his son with a heavy metal flashlight. It was later reported that the family had chosen to live in their car in order to save money for Maria’s dental surgery.

Though Nick Jenkins pleaded guilty to punching Molony in the mouth and served 50 days in prison, the Jenkins family sued the SPD for excessive force. The case was dismissed.

Oct. 19, 2010 EPD BRUTALITY

An unnamed autistic man was Tased three separate times and wrestled to the ground by EPD officers after he entered a random apartment in the Sheldon neighborhood of Eugene.

After the man, who had been left unattended by his caretaker for a few minutes, entered the apartment of Sharon O’Leary, the 69-year-old woman phoned the police. The man did not threaten her, but instead took a bag of potato chips from her kitchen, entered the bedroom, and began eating them. Minutes later, police arrived on the scene and demanded that the man exit the apartment. When he appeared to ignore their commands, Officer Brian Hagan shot the man in the ass with his Taser and then pressed the stun gun to the man’s back twice more. The responding officers claimed

that the autistic man was clutching "two unidentifiable objects" in his hands, which were later revealed to be plastic toys.

No disciplinary actions were taken against the officers involved in the attack.

Oct. 28, 2010 LANE COUNTY FATAL

Mark Thomas Casterline was killed by an unnamed Lane County Sheriff's Deputy following a dispute in an apartment complex in Veneta.

Casterline, who friends and neighbors said had mental disabilities as well as substance abuse problems stemming from a divorce several years earlier, was staying with his sister in Veneta at the time. On the night he was killed, the siblings got into an intense argument after Casterline and some of his friends arrived at the apartment drunk and disorderly. When Casterline refused to leave, his sister called police "just to get him out of the house for a few hours." But, when police arrived, Casterline became even less responsive. After a very brief standoff, one deputy fired a single beanbag round at close range, hitting Casterline in the chest. Seconds later, after an incredulous Casterline reportedly yelled "I can't believe you shot me!" a second deputy fired a lethal round, killing Casterline in his sister's bedroom.

Lane County District Attorney Alex Gardner ruled the shooting justified. Casterline's sister later went on record to condemn the LCSO's action and swore that she would "never call 911 again."

Dec. 15, 2010 COTTAGE GROVE BRUTALITY

Matthew Susumu Waggoner, a man of Japanese descent, was assaulted by Cottage Grove Police officers Tami Howell, Jarrod Butler, Doug Skaggs and David Burgin while he was walking down the street.

The officers were responding to a home burglary when they saw Waggoner about "100 yards away from the house." The officers ran at the man, who said he did not recognize them as police officers because it was dark outside, and immediately began beating him on the sidewalk. Waggoner testified that the officers yelled "Stop resisting!" after they had already shattered his knee with a metal baton; while Waggoner was writhing in pain, one of the officers also used a Taser on him. They then dragged him off to the city jail, where he sat for four days without medical attention for his battered knee, leaving him with a permanent limp. While in jail, Waggoner said that the officers used anti-Japanese racial slurs toward him and further injured his knee by kicking his legs while leading him up some stairs.

All charges against Waggoner were later dropped, and Waggoner sued the city and police department for civil rights violations. The lawsuit was dismissed.

March 3, 2011 EPD BRUTALITY

Tyson Salmon-Harris and Joshua Kennedy were assaulted and arrested by EPD officer Tom Schulke following an incident at a bank in which the two Black men were profiled as bank robbers.

Salmon-Harris entered the Pacific Continental Bank in Eugene on the afternoon of March 3 to ask for a job application while Kennedy waited for him outside. The two men were dressed in hoodies and baggy pants, which raised suspicion in the bank teller that spoke to Salmon-Harris. The teller called the police on the two men, claiming that they appeared to be "preparing to rob the bank." When the men left the bank, they returned to the apartment complex across the street where they lived, where they were confronted by Officer Schulke. When Salmon-Harris refused to be taken into custody by Schulke and the other responding officers, Schulke used his Taser on Salmon-Harris, which caused him to fall to the pavement and strike his head on the ground. Schulke then pointed his Taser at Kennedy, who promptly surrendered. Both men were taken into custody by EPD and spent one night in the Lane County Jail.

The charges against the two men were later dropped when it was discovered that they, in fact, were not doing anything wrong. Despite that, Chief Pete Kerns ruled that Schulke acted appropriately when he Tased Salmon-Harris, saying that both men "appeared to be physically capable of injuring the officers."

Note: Trayvon Martin was murdered by George Zimmerman in Sanford, Florida on the night of February 26, 2012, just a few short weeks before the charges against Salmon-Harris and Kennedy were dismissed.

From March 3, 2011 to February 4, 2013. No single incident of police brutality among any law enforcement agencies in Lane County was reported

Feb. 4, 2013 - EPD BRUTALITY

[A two-and-a-half minute video](#) uploaded to YouTube appears to show Officer Judd Warden slamming a "99 pound girl" on the hood of his police car several times during an arrest on the corner of 5th and Adams in the Whiteaker neighborhood. The one-time "Officer of The Year" can be heard calling the woman "a knucklehead" while she screams "You're hurting me!" while an unidentified officer can be heard saying "Do you

want some of this? Then leave!" to a bystander protesting the assault. It is not clear if the girl was doing anything other than sitting on the sidewalk and crying.

Note: I found no evidence that this incident was reported or investigated by any authorities, but an eyewitness account of police brutality and intimidation cannot go ignored just because it was never brought to anyone's attention.

Sept. 13, 2013 - EPD BRUTALITY

Shaymond Michelson was attacked by EPD officer Charles Caruso outside of the Lane County Jail in downtown Eugene following a DUI arrest.

Caruso, who had joined the EPD in 2012, was leading Michelson into the jail's booking area when Michelson suddenly stopped in the sally port of the jail, right beneath a security camera. Footage from the camera obtained by journalists showed Caruso slamming Michelson to the ground and placing his knee on his neck. Moments later, Lane County Sheriff's Deputy Neil Woolsey came from inside the jail to assist Caruso by grabbing one of Michelson's legs, at which point Caruso began repeatedly punching the man in the face. After being beaten senseless, the two officers dragged Michelson into the jail, where he was processed for his DUI and the additional charge of assaulting a police officer. Michelson's mugshot showed scrapes and bruises on his face. The charges were quickly dropped after Michelson filed a complaint, but a grand jury declined to charge Caruso with aggravated assault, even after reviewing the video evidence.

Chief Pete Kerns also failed to discipline Caruso, who left the EPD shortly after the beating. Caruso now works as a cop in Danville, CA.

July 24, 2013 EPD SEXUAL HARASSMENT & ABUSE

EPD Officer Stefan Zeltvay pleads guilty to five counts of sexual harassment and one count of third degree sex abuse, stemming from a single criminal complaint filed against him in July of 2012. The investigation found that Zeltvay's abuses stretched over the course of almost two decades, dating back to 1995, when he first joined the EPD. In his early years with the department, Zeltvay worked closely with serial rapist Roger Magaña, but was (supposedly) not involved in Magaña's well-publicized case.

Zeltvay's victims included spouses of other officers and at least one female officer, who spoke on the record to the media about the harassment she suffered at Zeltvay's hands. Before his arrest, Zeltvay served on the EPD's School Resource Team assigned to South Eugene High School, putting this serial sexual predator in close contact with thousands of teenagers. In July 2012, Zeltvay was investigated after police caught wind of an allegation that he had harassed female students at SEHS—

including an incident in which Zeltvay groped a student during a drug search—but nothing came of those allegations, and the officer continued to work as an SRO.

Though Zeltvay pleaded guilty to the charges and quickly resigned from the force following his arrest, he was only sentenced to 140 days in prison and served zero. Prior to his resignation, Zeltvay had been put on paid administrative leave pending the results of the investigation, meaning that taxpayers paid the salary of a soon-to-be-convicted sexual abuser and likely pedophile for at least 18 months.

Two years later, a suit claiming that the EPD were aware of Zeltvay's abuses and did nothing to mitigate the predator's actions went to court, but the case was quietly dismissed.

Nov. 20, 2013 EPD FATAL

Christopher Lee Koziatek was killed by EPD officer Aaron Johns outside of Churchill High School following a traffic stop. Koziatek, 44, was stopped while riding a mini-motorcycle without a helmet on Bailey Hill Road. After Johns removed a hatchet and a knife from the motorcycle's saddle bag, Koziatek bolted across the high school's parking lot, causing Johns to give chase. A short while later, while the two men were wrestling on the pavement, Johns shocked Koziatek with his Taser. When Koziatek continued to resist, Johns pulled his gun and shot him, killing him at the scene.

District Attorney Alex Gardner ruled the shooting justified and took the extra step of calling Johns "a hero" for murdering a man in the parking lot of a high school—while students were in class.

Sept. 11, 2014 - EPD BRUTALITY

EPD Officer John Sharlow assaulted Arik Bumpas inside the Lane County Jail after Bumpas accused Sharlow of violating his civil rights. Bumpas had been arrested for "misuse of 911" and was being processed at the jail when Sharlow attacked him.

Sharlow and the three other law enforcement officers present claimed that Bumpas was rising to his feet and preparing to lunge at the cop, but surveillance footage obtained by journalists showed that Bumpas was seated with his legs crossed and his hands cuffed behind his back when Sharlow grabbed him by the throat, threw him to the ground, and pounded his head against the floor. In his report, Sharlow claimed that he had grabbed Bumpas by the upper arm, and testified that he was "very surprised" that the video showed him with his hands around the man's throat.

Following the attack, charges were dropped against Bumpas, and Sharlow was charged with misdemeanor assault. He was sentenced to two years probation.

Before his conviction and forced resignation, Sharlow was placed on paid leave for 17 months. During that time, he was paid over \$100,000 by city taxpayers.

March 30, 2015 EPD FATAL

In arguably one of the highest-profile police murders in Eugene history, Officer Will Stutesman shot and killed Brian Babb, a 49-year old Army veteran suffering from a traumatic brain injury and post-traumatic stress disorder following his deployment to Iraq in 2006.

During a mental health crisis, Babb contacted his therapist and told her that he had fired a handgun into the ceiling of his West Eugene home. The therapist, immediately realizing that Babb needed far more help than she could offer, called 911 and asked police to intervene before the veteran hurt himself or others. The police, for their part, proved exactly why one should never call the police for a mental health wellness check, as they rolled up to Babb's home in their BearCat and initiated a tense standoff with a drunk veteran in crisis. Babb didn't know the police were en route until the department's BearCat arrived in front of his home twenty minutes after his initial call. The EPD's lines of communication between dispatch, Babb's therapist, and Babb himself immediately broke down, and a series of incorrect assertions by the police dispatcher and general confusion among the police put the entire response team on edge. For example, the officer in charge of the scene claimed that he had put in a request to Babb's counselor to ask him to step outside the house with his hands empty, but the therapist said she had never received such a request. Even Babb's initial claim that he had fired a round inside his home later came under scrutiny, as Babb's roommate was sleeping at home at the time of standoff and later testified that he had not heard a gunshot.

Exactly one hour after Babb placed the first call to his therapist, he was shot dead. Police said that he had pointed a hunting rifle at the police in the armored vehicle, but the rifle was found unloaded. Further reporting by the Register-Guard found that the police's view of Babb on his porch was mostly obstructed by a fence, meaning that there was no way that the police could've seen Babb and his rifle. The only person with a clear view of the porch was Stutesman, who was pointing his assault rifle at Babb's front door from the roof hatch of the BearCat. When Babb emerged from the home, Stutesman gave Babb a warning, then shot him in the head. Chaos ensued, and other officers believed Babb had fired the first shot. Unsure whether Babb had been instantly killed by the gunshot, EPD drove the BearCat through two fences, rammed Babb's pickup truck, and parked the tank mere feet from the front door. Babb was declared dead at the scene.

The Lane County DA and the IDFIT ruled that the use of force was justified.

Babb's therapist, who continues to fight the narrative presented by the EPD in the wake of the murder, has consistently asserted that her efforts to de-escalate and calm Babb

over the phone during the standoff were working, and that Babb's condition only worsened because of the arrival of armed cops in an armored vehicle in his front yard. Babb's family, for their part, have since sued Stutesman and the City of Eugene in federal court. The lawyer for the family has "offered the theory that a police officer jumped over the back fence of Babb's home after the shooting and planted the rifle near Babb's dead body before officers drove through a front fence in the BearCat to render aid and secure the scene." Both inside and outside the courtroom, the Babb family has worked tirelessly to bring attention to Brian's murder. Through unspeakable tragedy, they've become staunch advocates for transparency and acknowledgement of the horrors of policing.

Despite that, the suit failed to find any wrongdoing on the part of Stutesman or the City of Eugene, and the case was dismissed after just an hour of jury deliberation.

The 9mm handgun that Babb supposedly used to shoot through the floor of his bedroom was later found in the glove compartment of his pickup truck. They never checked it for fingerprints, nor did they ever analyze the rifle Babb was supposedly holding.

April 3, 2015

EPD CHILD PORN

Jeffrey Wade Argo, an officer with the EPD, pleaded guilty to nine counts of possessing child pornography and 12 counts of invasion of privacy.

Argo, who had joined the EPD in 2012, was caught after he uploaded at least six videos of other officers urinating, which he captured using secret miniature cameras he had installed in the bathrooms of both the Eugene Police Department and a house in Bend where he and other officers took a work retreat. He was also caught filming four high school track students at a rest stop in Clackamas County and another officer at the state police academy in Salem. Officers found the child porn after a raid on his home in Deschutes County following the secret camera revelations.

Six of the officers filmed by Argo—five from Eugene and one from Gresham—later sued the City of Eugene for \$500,000, claiming that the city and the police department failed to properly vet Argo before hiring him in 2012. Argo had moved to Oregon from an undisclosed state prior to applying for his EPD job and had apparently been caught committing similar actions prior to arriving in Oregon.

He was sentenced to just seven years in prison.

July 16, 2015 EPD BRUTALITY & EXCESSIVE FORCE

suit filed by current Executive Director of NAACP

On the night of July 16, Ayisha Brown contacted CAHOOTS for assistance with her 19-year-old son, who was in the middle of a mental health crisis. The crisis assistance teams were busy at the time, so police were dispatched to the scene instead. Within an hour, Ayisha Brown was forced to defend her mentally ill son against stun guns and excessive force at the hands of the EPD. Brown, the sister of local NAACP chapter president Eric Richardson, sustained a concussion after Sergeant Bill Solesbees repeatedly beat her head against the ground; she later spent the night in jail on misdemeanor charges of interfering with police. Her son was arrested as well, though formal charges were never filed against the pair.

Richardson—who witnessed the police assault—and his sister quickly filed an excessive force lawsuit against the EPD in federal court. Two years later, the judge ruled in favor of the EPD. The family's claims of racial discrimination and false arrest were dismissed before the trial even began.

Note: Ayisha Elliot (née Brown) now hosts a podcast called ["Black Girl in Eugene"](#) in which she talks about her experiences as one of the few Black women in this community.

Sept. 10, 2016 EPD BRUTALITY/NEAR FATAL

Edgar Rodriguez, a 26-year-old wildland firefighter, paramedic, and Iraq War veteran was shot six times by EPD officers Mark Hubbard and Timothy Hunt after he called police for help breaking up a fight in his home. He miraculously survived the shooting.

According to a lawsuit filed by Rodriguez, he had called 911 after a couple who was staying at his house got into a drunken fight that he was unable to break up. In his initial call, he told the emergency dispatcher that he was a legal gun owner, then waited outside for police to arrive. He removed one handgun from his home, presumably to keep the firearm away from the drunk couple arguing in his living room. As soon as they arrived, one of the officers yelled "Gun!" and shot Rodriguez. When he lifted his hands to defend himself, he was shot five more times. At least ten shots were fired in all, some of which hit parked cars nearby.

After he was shot, Rodriguez—an experienced medic—says that he recognized that his lung had collapsed, and told the officers who shot him what sort of first aid he needed, but the officers ignored him until paramedics arrived and took him to the hospital.

Following the shooting, Rodriguez was arrested and found guilty of “threatening officers with a gun.” District Attorney Patty Perlow ruled that the shooting was justified.

Rodriguez has since filed a lawsuit in federal court.

Jan. 15, 2018 LANE COUNTY FATAL

Robert Martinez, Jr. was shot and killed by Lane County Sheriff’s Deputy Richard Smith in the front yard of his house in Santa Clara within a minute of the deputy’s arrival at the home.

A neighbor’s home surveillance camera captured the shooting, which happened shortly after Martinez and another man pulled into the driveway in an allegedly stolen vehicle. When Deputy Smith arrived, Martinez left the car and tried to walk into the home. The deputy then demanded that Martinez “get back in the vehicle” while also shouting “get down the ground.” (I would like to point out that it’s impossible to do both.) When Martinez refused the confusing order, Deputy Smith shot him with his Taser, which had no effect. After Martinez reached for his pocket following the failed electrical attack, Deputy Smith pulled his gun and shot at Martinez an undisclosed number of times until he fell to the ground. Martinez died at the hospital a short while later.

District Attorney Patty Perlow ruled that Deputy Smith was justified in using deadly force, and praised him for his “calm demeanor” during the shooting.

Oct. 28, 2018 UOPD BRUTALITY cover up against Eliborio

Rodriguez who has since been killed by from EPD

Officer Troy Phillips, a K9 handler for the University of Oregon Police Department (yes, the local university police has a K9 unit) drew his firearm and savagely arrested Eliborio Rodrigues Jr. The officer claimed at the time that Rodrigues had made an illegal traffic maneuver on a bicycle in front of the officer’s vehicle and then resisted further arrest. An internal investigation found that Phillips lied about the entire encounter in his official report; the officer’s body camera footage corroborated Rodrigues’ assertion that he had done nothing wrong throughout his encounter with Phillips.

In January 2018, Rodriguez appeared in court and testified about the incident. He was acquitted of the charges and immediately filed a tort claim—basically a legal warning that one is about to file a lawsuit—which resulted in the internal investigation of the incident, but the lawsuit never saw a courtroom, as Rodrigues was murdered by the EPD in Nov. 2019.

Troy Phillips was fired from the UOPD following the filing of the lawsuit and an internal investigation, but it should be noted that his official cause of termination (according to The Daily Emerald) was not the use-of-force violation, but the fact that Phillips lied repeatedly in his statement and failed to disclose his body camera footage in a prompt manner.

The violence was justified, but lying about it was not.

Jan. 11, 2019 EPD FATAL

On a cold January morning, Charlie Landeros, 30, was murdered by Eugene Police Officer Steve Timm during an altercation outside of Cascade Middle School.

Lane County DA Patty Perlow ruled that the shooting was justified, based on body camera footage released after the shooting and several eyewitness accounts. Officer Timm and Aaron Johns—the other officer, who had Landeros pinned to the ground at the time of the shooting—both claimed that Landeros had pulled their gun and fired two shots before being shot themselves.

But the official story of the death of Charlie Landeros does not go deep enough, and works to obscure some chilling facts about the days and months leading up to that shooting outside Cascade Middle School.

See, in addition to being an Army veteran, a university student, a social worker, and a parent to two children, Charlie Landeros was also a tireless activist. Landeros attracted local media attention after confronting UO President (and all-around dirtbag) Michael Schill during a campus protest in 2017 and was overall well-known and respected in the community. In the months before their violent death, Landeros had turned their attention to community self-defense, using their military training to help people of color and left-leaning activists grow more comfortable with firearms.

But of course, an outspoken leftist and queer person of color with military experience and a fierce belief in the Second Amendment is essentially the ruling class' worst nightmare. As a result, Charlie Landeros attracted the attention of the FBI. [Documents released by the](#) Bureau to the Daily Emerald revealed that Landeros was under surveillance as early as February of 2018, based on an anonymous tip they had received from a fellow soldier who had served with Landeros. FBI agents interviewed several people close to Landeros in the months before the police murder, but found nothing that could corroborate the tipster's claim that Landeros was planning "riots and uprising with the goal of destabilizing local governments."

Landeros' FBI file was closed a few weeks before their murder.

April 1, 2019 SPD FATAL

Officer Kraig Akins of the Springfield Police Department shot and killed Stacey William Kenny, 33, following a car chase stemming from a traffic stop.

After pulling Kenny over, Akins claimed that Kenny threw something that made an "alarm noise" and took off, causing Akins to call for backup. When Kenny stopped a second time, Akins drew his weapon and pointed it at Kenny, causing the driver to call 911 and once again speed off. When Kenny stopped a third time, Sgt. Rick Lewis parked his cruiser in front of Kenny's car. Then, both cops busted out the windows of Kenny's car and Tasered her. When this had no effect, Sgt. Lewis opened the passenger door and crawled inside, attempting to force Kenny from the car. This caused Kenny to once again drive off, this time with Lewis hanging from the passenger side.

Then, Lewis fired his weapon five times, hitting Kenny three times in the chest and twice in the head, killing her immediately and causing the car to crash into a fence and then a delivery truck.

Lane County DA Patty Perlow ruled this a justified homicide.

Oct. 27, 2019 Oakridge FATAL

Officer Steve Davidson of the Oakridge Police Department shot and killed Marcus Hartsfield during an altercation outside of the Hartsfield family home. According to witnesses, Hartsfield had entered his family's home with a knife and proceeded to slit his own throat and cut into his arms in front of several family members. When police arrived, Hartsfield—who was covered in his own blood—approached Officer Davidson, who promptly shot him. Minutes later, Hartsfield's father arrived on scene and began assaulting the man that had killed his son, for which he received 50,000 volts of electricity from a Taser.

District Attorney Patty Perlow found this use of force justified.

Nov. 30, 2019 EPD FATAL

Officer Samuel Tykol shot and killed Eliborio Rodrigues Jr., 40, following a physical fight on a 20-degree night in North Eugene. Rodrigues was reportedly walking in "the middle of the street," collecting plastic bottles from recycling bins in the neighborhood while wearing a hoodie, gloves, and a partial face covering. Officer Tykol believed that these clothes made Rodrigues, Jr. a suspicious figure; others might believe that's just how people dress when it's 20 degrees outside.

In ruling that the shooting was justified, DA Patty Perlow pointed to Rodrigues's autopsy, which supposedly revealed that the victim was high on methamphetamines and marijuana at the time of his murder. Officer Tykol also claimed that there had been break-ins in that same neighborhood that night.

Neither one of them mentioned that Rodrigues was suing the University of Oregon Police Department for an unlawful and brutal arrest Rodrigues had been subjected to just one year earlier.

Note: It is not my intention to draw any conclusions from these two separate incidents involving Eliborio Rodrigues, Jr. and two different local law enforcement agencies, as not enough independent research was done to find any connections between the two events. That being said, getting murdered by a cop just a few short months after pressing charges against another police department for their unlawful arrest practices certainly raises some flags.

April 2020 EPD MILITARIZATION

EPD purchased a second BearCat—this one an upgraded G2 model—to supplement its now 14-year-old predecessor. It, too, cost Eugene taxpayers somewhere in the vicinity of \$300,000. Both are currently in operation by the department.

April 13, 2020 EPD BRUTALITY

Scott Gardner, 54, was shot twice by two different officers during a mental health/wellness check turned trespassing dispute turned Metro SWAT team standoff. He survived the shooting.

On the night of April 13, EPD sent the Crisis Response Team and a SWAT unit to a townhome in South Eugene in response to a call about a family member who "refused to leave the premises." When cops arrived, Gardner barricaded himself inside the townhome, where just a day earlier he was reported to be suffering a mental health crisis and feeling suicidal. After negotiations failed, EPD smashed through a sliding glass door and tear-gassed the home. They also reportedly used flashbang grenades and surveillance robots (which are a thing now!) to coerce Gardner into surrender.

Gardner responded by shooting back at the cops, who in turn responded by blowing up his front door and deploying more tear gas. Gardner eventually came down the stairs, supposedly holding his rifle, at which point Officers Aaron Johns (who you may remember from the Charlie Landeros and Christopher Lee Koziatsek murders) and Tyler Richards both shot Gardner in the stomach.

A few weeks later, Lane County DA Patty Perlow ruled that the shooting was justified and said there was "probable cause" to arrest Gardner because he had allegedly hit his 13-year-old son on the head.

January 2019 EPD FATAL

The sister of a man who died of asphyxiation after wrapping a seat belt around his neck in the back of a Eugene police car has filed a \$9 million wrongful death suit against the city and Eugene police.

The federal civil rights suit alleges police failed to recognize Michael Amador Sanchez, 34, was suffering from a mental health crisis, failed to properly secure him in the back of the patrol car to ensure his safe transport to a hospital, failed to monitor his conduct in the rear seat and failed to summon an ambulance to properly care for him.

The suit, filed Friday by Isabel M. Mihalich in Eugene, seeks \$6 million in noneconomic damages and \$3 million in economic damages, as well as unspecified punitive damages.

Sanchez had a diagnosis of bipolar disease with psychotic features and several run-ins with police in the days before his Jan. 30, 2019, arrest, according to the suit. Attorney Robert A. Miller, who represents Mihalich, said the video evidence from the police transport of Sanchez to the hospital supports the allegations.

Eugene police declined comment on the suit.

After Sanchez was found unresponsive in the patrol car and hospitalized, Eugene Police Chief Chris Skinner released a statement, calling it a "tragic circumstance for Mr. Sanchez and for his family."

"We and our transporting officers are shocked and deeply saddened. You never expect quick, seemingly routine transport to turn out this way. The vehicle's travel was smooth without crashes or abrupt stops. We will continue to look into how this occurred and remain concerned for Mr. Sanchez's wellbeing and for his family."

Spring 2020, ON GOING EPD CRUSHING DISSENT

Following the murder of George Floyd by Minneapolis police officer Derek Chauvin, protests and direct actions erupted nationwide in opposition to the ongoing terror of American police departments. A few days after protestors in Minneapolis burned down the Third Precinct (already a legendary moment in the police abolition movement), protestors in Eugene finally gathered in solidarity with Black lives across the country. On May 29, a peaceful march through Eugene was escalated by EPD officers, who pepper-sprayed and assaulted protestors attempting to march on the Interstate 105 on-ramp.

Hours later, after protestors set fire to several dumpsters and began smashing storefront windows, EPD deployed tear gas canisters and savagely attacked protestors and passersby throughout downtown.

Two days later, EPD crowd control teams shot pepper balls and rubber bullets at groups of protestors following a last-minute announcement of a downtown curfew. The same night, the EPD teargassed a group of local journalists and protestors in the parking lot of a McDonald's near the University of Oregon. Throughout the night, armored EPD vehicles patrolled city neighborhoods, wantonly tossing tear gas at anyone unfortunate enough to be caught outside. So much gas was deployed that people in some neighborhoods told reporters that gas was leaking inside their homes.

The EPD was roundly criticized for their heavy-handed responses, but the department's only response to the community they had spent an entire weekend battling was a promise to ban chokeholds "unless absolutely necessary."

Testimony from 15th Night

Youth Feedback, Thoughts and Ideas

Section 1: Tauna and Leti's thoughts after serving on the Ad Hoc Committee. These thoughts are also informed from previous work we have been a part of that you will read about in section 2.

Crisis Response

Scenario: Police are called or CAHOOTS is called and police show up instead.

Or police happen upon crisis.

Youth are scared, act out, don't want help, etc... things escalate.

Common results of this scenario: Youth in crisis/experiencing trauma end up with charges and additional trauma from being arrested in the midst of a crisis.

Department of Youth Services Probation Officer's/Department of Human Services caseworkers have testimony examples

Police contact adds to current crisis/Additional trauma

Example: 911 is called for a sexual assault on a 13-year-old girl under Washington Jefferson Street Bridge. CAHOOTS is requested, police show up.

Girl does not want to have contact with police, freaks out, police put their hands on a young sexual assault victim and put her in cuffs to try and help calm her down. Girl hits cop, now young sexual assault victim has been traumatized further and has charges for assaulting a police officer. All directly following her being sexually assaulted.

Solution: CAHOOTS has a department called HOOTS that is specifically for High School age youth.

Can we build in systems where HOOTS is called in rather than Police or can CAHOOTS be called to accompany police and take the lead in cases that are non-criminal and are a true crisis specific to youth?

What about CATS? (Crisis and Transition Services)

Training

Trauma informed training working with youth specifically

Working with a traumatized youth or a youth in crisis is far different than working with an adult in crisis

Youth act out, not because they are trying to be defiant- they are scared

Deescalating youth is different than deescalating adults

Power dynamic (Child/Adult, badge, gun, back up...It's scary!)

Things to remind police when youth are acting out:

Don't take it personal, it's not about you
They're scared
You're an adult, they are a child. Do not antagonize them
If you're interfacing with them, chances are they have been through things a child should never have to go through that has gotten them into the present situation
Create an opportunity/forum for Police to be taught and heard BY YOUTH what it's like for a youth to get arrested. Allow youth to share what that experience is like. It would be important here for police to share their experiences with youth as well.
Train police in youth resources

Community Oversight Committee

Include youth voice
Youth representation:
Department of Youth Services
Adjudicated youth

15th Night

Street Impacted youth
Homeless and unaccompanied
School aged youth
Youth of Color
LGBTQ Youth

Idea: Have 15th Night run a survey asking youth for their feedback on experiences, perceptions and ideas police can improve from a youth's perspective

Ask City Manager for money for \$5 Dutch Bro cards
\$375/75 youth
Serbu Detention/Phoenix Program
Youth we know who have had police contact
PO's
Drop in centers
Youth on streets
Youth in schools (Foster, unaccompanied)

Appendix 4

Community member testimony

APPENDIX 4
Community Member Testimony

Sarah Kerr Daly Testimony 2/17/21

Hello .. Thank you so much for asking me to give testimony February 17th, 2021. I understood the two main objectives about calling for help Cahoots vs Police and the follow up/Auditor's report. I had plenty to say and was discombobulated when my son came into the room unexpectedly. When I saw his face I was overwhelmed with feelings related to the disregard and disrespect he has endured while trying to live in this community with his schizophrenia.

Because of our experience on August 6th, 2020 it's important to know that Eamonn, his dad - Paul - and I will never feel safe asking for help again. This is tragic really.

Recommendations:

1) The dispatcher needs to hear intent. This is not so difficult really. If Paul and I were sitting watching TV and Eamonn came at us with a knife .. intent was to harm us. If (which is what happened) I pleaded with the dispatcher that we were not fearful and I said that I provoked Eamonn to change his behavior and he held up a small knife - like a prop - and told us to leave him alone and leave the house .. intent was to get us to leave him alone. I stressed how Eamonn was in a psychotic crisis and had been for weeks. Sending all available police cars and a fire truck and ambulance and setting up what looked like a hostage or bomb scenario has forever damaged us as a family and a member of our neighborhood. If Cahoots had come in first, I guarantee, they would have quickly discovered that Eamonn did not have a weapon and was not dangerous and they could have assisted him to the hospital - which is what we had needed for weeks and what we asked of the dispatcher. When the police arrived they promised us they would not hurt him and they would take as long as necessary. After they assaulted him physically and emotionally and took him to jail. I have a voicemail from a police officer at the end telling me that he was safe and not hurt and being taken to jail. They did not tell us about the blood, taser wire, broken items or the destruction in my living room. During the entire ordeal Paul and Cahoots workers and Eamonn's doctor and counselor from Peacehealth and our neighbors of 26 years stood on the sidewalk and pleaded with each police officer to take him to the hospital. Their response, "our hands are tied because of the assault" ... I became outraged because there was no assault - only Eamonn was assaulted by the police. The dispatcher needs to hear the request and honor that request. To assume a small knife means an assault is to forget that most street people using Cahoots' help carry a knife. Strange how the police said that we were assaulted and Eamonn was not hurt...

2) Cahoots should call the shots when they are dispatched .. better yet, the calls for mental crisis should not go through the police. Cahoots should enter a mental crisis situation and ask for the police if needed and not the other way around. We had used Cahoots for at least 7 years and Eamonn had never been violent, only psychotic. They were always able to calm him and once they transported him to the hospital when they all agreed that was what

Eamonn wanted and needed. Eamonn's well being at the moment and for his future was the focus.

3) Schizophrenia is a brain disease. This is a disability that must be respected throughout the judicial system. A blind person is not assaulted if they can not see. Eamonn was following commands as best he could and when he bent to put on his shoes he was jumped by all the police. Did he understand why the police were in our home? Did he understand why he was going to jail? Did he understand the arraignment? Seven months later he still does not understand any of this, except that his mom made a phone call and the police hurt him horribly. He did not speak for almost 5 months after this and one of the first things he said was, "they hurt my pride" he was emotionally crushed and still is.

4) There needs to be follow up and accountability specifically for Eamonn (the victim of the police). Within (two weeks?) there should be an officer or two coming into the home and explaining what happened. They should tell you what body cameras tell those who had the privilege to see them. Getting the truth about the incident should not be hidden behind passing the buck and barriers. The police department should want open and honest dialog with community members so there can be respect instead of intimidation and fear. If they are proud of being one of seven to jump a shy and calm young man in his living room they should wear that badge proudly. If they realized that they could have been kinder and used better strategies they need to apologize because no one will respect them or trust them if they gloss over their bad behavior and hide behind policies that don't relate. Eamonn's charge of "Assault" never happened. It was changed to "Menacing" which was eventually dropped. Again, the intent is crucial to the best outcome. Eamonn never intended to hurt us. Did the police intend to hurt Eamonn - I think yes.

5) The auditors' office never felt independent of the police. The next morning Paul and I went to the Auditors' office and filed a formal complaint against the police. When I found out that the investigator for the auditors office was a police officer it felt like a huge betrayal. By the time the investigator, Kyle Williams, contacted me it was 5 weeks later and I found out that he did not and would not contact anyone else related to Eamonn's case. He did not contact his dad or his doctor we talked for almost an hour and a half and he made excuses for the police and said they did nothing wrong. He even told me, "they didn't kill him". What was officer Williams' intent? ... to stand up for the police or investigate with an open mind? Was there an investigation?

5) The Civilian Review Board was involved and we heard their findings on November 10th. We were not allowed to participate - only to observe. The body cameras told the story and the body camera footage should never be edited. It was a lot of footage and most of the members were disturbed by what they saw. They were outraged that Eamonn was treated the way he was. The Civilian Review Board should be able to make recommendations and participate in the investigation .. especially because there wasn't an investigation. Again, none of this felt independent of the police.. Their voice was silenced and we didn't have a

voice. When we were permitted to speak about 7 weeks later at the next CRB meeting in one minute they said they might finish early and in the next minute they gave us 60 seconds to speak instead of the usual 3 minutes. Again, we were silenced. When the community believes their voice doesn't matter you lose trust and respect. Eugene can do better.

6) Victims of police assault should not be punished. Eamonn was taken to jail. Paul and I were traumatized and yet we had to fight for Eamonn's release and proper care. It should not be so difficult to know what will help a family or hurt a family. For 10 years Paul and I have been Eamonn's caregivers. Those 10 years are wished on no one. Schizophrenia is a devastating illness and for whatever reason Paul was declared the victim in all of this. Paul and I stood side by side that evening. We both spoke with the dispatcher and we both stood on my deck and watched Eamonn through my many windows. Declaring Paul the victim meant that he could not be with Eamonn ... I am 71 and Paul is 76. Eamonn is 29 and he was our very wanted baby. Now, Paul could not help care for Eamonn after this trauma. It was on me..24/7. Eamonn was put in jail during a pandemic and he wouldn't go to Peacehealth providers for help. He was so sad that he was hurt and he didn't trust me or anyone and I was supposed to care for him by myself. When the charges were finally dropped 4 months later Paul was allowed to have contact again. This is/was wrong and must be changed. The police needed a crime to assault Eamonn and a crime needed a victim. What is/was the intent of declaring Paul a victim when he and I experienced exactly the same experience? We wrote letters to everyone pleading to change this. No one seemed to care.

6) Probably the most important recommendation is to value the efforts of families/friends trying desperately to keep their mentally ill loved ones from becoming one more wandering street person. What is involved in keeping someone with illness safe and sheltered is daunting. The emotional and financial care and commitment should be treasured. Eugene needs to be kinder to marginalized citizens and their loved ones. There is a need for more apologies and accountability and less cover ups and betrayal. Ineffective public servants must be fired...quickly.

I would love to help make Eugene better. Please remember Eamonn's words

THEY HURT MY PRIDE!

Thank you for all that you do,
Sarah Kerr-Daly

Ayisha Elliott testimony 2/17/21

Recommendations for the Ad Hoc Committee Based on the abusive interaction with the Eugene police department, on July 15-16, 2015 and ongoing with CRB and Auditor until the resolve of the court case in October 2017.

RESPONSE:

- Cahoots; allow Cahoots to decide if law enforcement is needed once they are on scene.

- Cahoots: call line is absolutely separate from the police department. Perhaps they need their own call center funded by the city/state POLICE Hiring Practices:
- ELIMINATE "Soldiers" who have not gone through extensive PTSD therapy. Extensive: cannot be considered for hire any earlier than a year from being discharged from the military. Ongoing and frequent (every 2 weeks at least) of behavioral and cognitive therapy before hiring eligibility can start.
- AT LEAST and Associates DEGREE, in related fields. (NOT JUST EARNED COLLEGE COURSE HOURS)
- Increase the time in experience with the public to three years. REQUIRING six months to a year with a vulnerable population including but not limited to: mentally disabled, impaired, drug addicted or unstable. Including time spent with the families of this population, and or treatment centers.
- ALTERNATIVE: A 30 (60 if 30 was not satisfactory) day required assignment to work in a service capacity to these populations supervised, in a system in which they would need to report their experience regularly to a professional of that field. BEFORE decision to hire is made or within the first 90 days of employment with possibility of release if not completed satisfactorily.

MENTAL HEALTH/Cultural Competency:

- REQUIRE cultural sensitivity, mental health training EVERY 6 months. (40 hours)
- AFTER EACH LOSS, EXCESSIVE FORCE OR BODILY HARM CLAIM filed, Therapy is REQUIRED for ALL officers on scene or involved. NO LESS than 20 HOURS to be ENGAGED and COMPLETED within 2 months of the incident.
- Three more INCIDENTS OF LOSS, EXCESSIVE FORCE or BODILY HARM claims, permanent reduction of hours with the public or termination from the force. WITH A 6 months NO REHIRE policy within the state.

Marianne Dugan Testimony 2/17/21

Thank you to the Committee for hearing us last night.

I feel strongly that CAHOOTs needs to have its own, non law enforcement, people answering the help line. White Bird, which runs CAHOOTs, has trained mental health counselors, and in fact my understanding is they have them 24 hours a day, 7 days a week at this point. CAHOOTs has been receiving well-deserved national attention as a model for the country as we move away from using police for mental health issues. Increased funding for CAHOOTs appears to be forthcoming and will help make CAHOOTs a welcome replacement for police response in those situations. When CAHOOTs receives crisis calls, they can use their expertise to make the decision as to whether law enforcement involvement is desired, whether as primary response or "standby" in the event of a dangerous situation evolving, or not at all -- the latter being the most common response needed when someone calls CAHOOTs rather than 911.

When a mental health crisis call comes in, the mere existence of an outstanding warrant should not justify the involvement of law enforcement. In addition to our experience regarding our nephew (with the warrant for failure to appear after getting a municipal

ticket for driving without insurance), an acquaintance of mine was once arrested for a warrant for failing to show up for jury duty. These two examples make clear that the mere existence of a warrant has nothing to do with whether the person is a danger and should be immediately locked up rather than being first given the mental health or medical treatment they urgently need.

As one final example of the problem, and potential solution, I have another acquaintance who takes medication for bipolar disorder. One night, likely having been off her meds for couple of days, she had a breakdown after a difficult argument with her husband, and hit him in the face. He called CAHOOTS trying to get her mental health assistance. To his shock, the police arrived instead, and took the wife to jail instead of bringing her to a crisis center or the Johnson Unit -- and did not provide her medications or mental health counseling during the many hours she was incarcerated. While I recognize that domestic abuse -- hitting your spouse -- can be a serious crime, and often deserves special treatment in the justice system, in this situation the solution that was applied -- throwing the ill wife in a freezing cell overnight -- was inappropriate. The husband was not injured to the point of needing medical treatment. The fourth degree assault charges were dropped. The potential preferred solution in this situation would have been, as Ayisha discussed, getting the mental health history from the family member and the ill person, and then using CAHOOTS' expertise to get her the help she needed.

Thank you again for your attention to these very difficult issues.

CAHOOTS Testimony



CAHOOTS

Crisis Assistance Helping Out On The Streets

Program Coordinator: Ebony Morgan (emorgan@whitebirdclinic.org)

Clinical Supervision Coordinator: Laurel Lisovskis (laurel@whitebirdclinic.org)

To the AHCPP:

February 2021

The CAHOOTS team feels honored to have been consulted by the Eugene Ad Hoc Committee and appreciates their diligent work in our community to ensure the safety, health, well being and growth of the people of Eugene. This work is especially relevant to the rights of citizens to decline to interact with law enforcement, and exercise oversight and feedback when those interactions do occur. We are also excited to see in the notes you have shared with us that a Citizen Review Board will be providing some of this oversight and feedback.

CAHOOTS recognizes that these conversations have been rich, creative, collaborative and on going for some time before insight was solicited from CAHOOTS. We are incredibly thankful for the opportunity and respectfully contribute to the discussion today based on our experience. We ask as conversations occur going forward, that we be afforded the opportunity to continue to participate, where appropriate, in the shift from law enforcement responses to community-based crisis response. CAHOOTS actively acknowledges that many members of the BIPOC communities do not feel safe accessing our services, and this drives the desire to be included in the conversations moving forward. It will help us learn more about what is needed, and inform our relationship with law enforcement, and also types of services/community needs outside of our current work that we aren't seeing due to our cultural blind spots.

Regarding (UF-108) Ceding Mental Health and Related Calls, CAHOOTS supports in concept the idea of being given first responder status and utilizing a new algorithm to guide a separately staffed dispatching console for non-criminal calls. We would ask that the following feedback from line staff CAHOOTS workers be considered by the Task Force in further refining the motion.

We would like to reserve the right to decline to respond first or alone based on call details that might threaten the health or immediate safety of the responding teams.

We would like to reserve the right to have continued access to police channels in order to make ourselves available to officers as a co-response when we hear call details that make it appropriate. We would also see this access as critical to fostering the mutual trust of other first responders and remaining a relevant resource they can utilize when contacting citizens and other members of the public. We believe siloing police activity would be dangerous.

To that end, while we see a separate dispatch as an eventual necessity, we do not want the staffing and training of this role to supersede the infrastructures that must be in place for the CAHOOTS model to be truly effective in matching and meeting the capacity of needs that the city demonstrates.

We ask the Task Force to consider the realistic limitations that the CAHOOTS program faces at this time. To be clear, we are not limited in our support for your work, and see it as vital. We see the recommendations of this committee as cornerstones for addressing police brutality, racial profiling and the police role that is played in responding to mental health crises.

That said, the skill, desire, and passion to do this work in our community with excellence will never be enough on its own. We must have an expansion of resources and other structured social services with whom we can partner and refer people to. Only then can we do impactful work to identify and break cycles of houselessness, poverty, addiction, chronic marginalization and systemic racism. We must address the drastic gulf between need and availability of culturally sensitive detox and sobering services. Relatedly, without low barrier shelter for youth and adults we are largely unable to assist people in meeting their most basic needs for safety, security and personal organization.

We see the recommendations of the adhoc committee being successful if have the foundation in place to be wholly responsive. We must exert pressure on the city for culturally responsive emergency shelter resources. This includes supportive housing, medical and crisis respite, and supervised detox with peer support. From our experience working in Eugene we know that our current systems ***do not realistically accommodate*** the proportion of our community who are in need of immediate and ongoing support.

The current capacity of need vastly exceeds the availability of these services and we must recognize that many in the BIPOC, immigrant, and indigenous communities of our city have never been considered in the development or structure of these services. Additionally, this population has faced insurmountable obstacles or overt deterrents to access.

As these needs of our community are recognized we can envision culturally specific outreach teams directly tasked with responding to calls for emergency shelter requests, a youth street team, case management for the unhoused, and specialized support staff for addiction recovery. As these crucial teams are formed, funded and developed, CAHOOTS would expect to continue to refine our role as first responders to high acuity community crises.

In order to envision a significantly expanded CAHOOTS we would like to note the complex and rigorous nature of our training process and the conscientious care and concern involved in growing our team. To that end we would caution that we are not currently able to handle an expanded schedule nor could we realistically accommodate that ask in the *immediate* future. We want to be transparent about our expansion process and our current capacity. In order to recruit and retain the quality of staffing that we want the community to expect from a CAHOOTS response, we are working to negotiate conditions and wages that are in line with market rates for this line of work.

As these negotiations are taking place we would ask to be included in conversations about timelines and publication of expansions. We are aware of the community's needs, actively soliciting feedback from those who feel excluded from our service, humbly developing and

educating ourselves, and feel strongly about being transparent in our ability to respond in kind. We believe that first responder status and a separate dispatch console will be critical, and that the infrastructure be in place so that responses in the community are relevant and helpful.

This work is complicated and versatile and so incredibly necessary. To highlight the scope of our services, we have attached excerpts from a statement offered as public testimony written by a current CAHOOTS medic.

With great respect and dedication,

The CAHOOTS Team

The following is an excerpt from Elle Natchke, a medic on the CAHOOTS team and offered as public testimony in support of the CAHOOTS Act, which would expand federal funding in support of community crisis response programs nationwide:

My role as EMT can be deceiving as much of my day consists of interacting in a role that is more consistently relatable to a street social worker. One shift consists of working 12 hours on a van with a partner who is trained in crisis counseling, and myself as the medic. In one day we got dispatched to an individual who was in need of ongoing wound care, as the patient didn't have the patience and resources to continue to be seen at the hospital. But we got diverted to a suicidal client who had unsuccessfully tried to hang themselves, our work revolved around getting the client the appropriate resource; though not all are willing to seek proper care...

CAHOOTS can act as a liaison between police and fire in high stress situations and continue to give client-centered care before handing off to next level of care, this instance being an ambulance; and ultimately the individual chose to seek necessary medical attention. Not only does the involved need care, but those close to the involved are often in need of counseling as well, and our next task was to talk with those who found the client in their attempt. After all was de-escalated, we were dispatched to a youth feeling suicidal after a sexual assault. The youth was a person many of the team were familiar and had built rapport with so this youth felt comfortable being direct with our team. After the youth had time to discuss and the team had time to talk about resources available, the team called the parent and transported the client back home. Next we were dispatched to an individual who had just that day been involved in intimate partner violence and was in need of counseling and a medical assessment. Along the way, we were hailed by a couple who were in

need of housing resources, which generally means a combination of sleeping bag, tent, tarp and warm clothing, possibly snacks. Continuing to our dispatched call, consisting of a deep and involved conversation, and a medical evaluation, we finally get dispatched back to our first patient in need of ongoing wound care eight hours later. In between calls can be area checks for folks who are acting oddly, and we check in with people matching descriptions; we stop when we are flagged down by someone in distress or in need of resources; we decontaminate our gear and apparatus after every transport or interaction involving medical equipment; and sometimes we have a short time period between calls to grab a snack. And that is just one shift.

Appendix 5

Information shared with committee members

APPENDIX 5
Information Shared with the Committee

Information produced by Staff:

1. Master list of Policy Recommendations from Campaign Zero and 21st Century Policing
2. Summary of Bills Approved by Oregon Legislature in June 2020 Special Session regarding Police Reforms: <https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>
3. EPD Hiring Data: <https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>
4. Eugene Police Psychological Evaluations: <https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>

Information provided by committee members and given to the facilitation team for distribution

5. Informational links from Silverio Mogart
 - a. <https://www.kezi.com/content/news/National-criminal-justice-experts-weigh-in-on-police-sexual-misconduct-573808921.html>
 - b. <https://www.npr.org/2021/01/27/961103187/surveillance-and-local-police-how-technology-is-evolving-faster-than-regulation>
 - c. <https://www.youtube.com/watch?v=D3Z6uEfpTog>
6. Proposed Alternative Complaint Resolution Flow Chart: <https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>
7. McKee Tort Notice City of Springfield: <https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>
8. Copy of Register Guard article “Former Springfield officer Scott McKee files another notice of lawsuit against city and police department.” Feb. 21, 2021:
<https://www.eugene-or.gov/4560/Ad-Hoc-Committee-on-Police-Policy>
9. Video presentation by Scott McKee, former Eugene police officer:
<https://www.youtube.com/watch?v=oK9hO9tVZ1g>

10. Clarke, S. (2009). Arrested oversight: A comparative analysis and case study of how civilian oversight of the police should function and how it fails. *Columbia Journal of Law and Social Problems*, 43(1), 1-49.
11. Attard, B. (2010). Oversight of law enforcement is beneficial and needed—both inside and out. *Pace Law Review*, 30(5), 1548-1561.
12. Ofer, U. (2016). Getting it right: Building effective civilian review boards to oversee police. *Seton Hall Law Review*, 46, 1033-1062.

Presentations from City of Eugene and Lane County

13. EPD Sgt. Molony presentation: Use of Force <https://vimeo.com/476050275>
14. EPD Cindy Coleman presentation: Use of Force <https://vimeo.com/476050737>
15. EPD Lt. San Miguel presentation: Hiring and Training:
<https://vimeo.com/480544058/6c106e596a>
16. EPD Lt. Tinseth, Officer K. Williams, ERC personnel: Hiring and Training:
<https://vimeo.com/483306514/184e54521e>
17. City Prosecutor Travis Smith presentation: Municipal Prosecution Benefits of Body-Worn Cameras <https://vimeo.com/492579193/9b825424a4>
18. EPD Lt. San Miguel presentation: Body Worn Cameras
<https://vimeo.com/491327257/8482a4b016>
19. Deputy Police Auditor Leia Pitcher presentation: Body-Worn Cameras
<https://vimeo.com/492581547/0430bebcd9>
20. EPD Captain Klinko presentation: Body-Worn Cameras:
<https://vimeo.com/492687701/65568439f7>
21. EPD Sgt. Barreth presentation: Complaint Intake and Investigation:
<https://vimeo.com/500166744/a910900e0f>
22. Deputy Police Auditor Leia Pitcher presentation: Independent Investigation and Prosecution: <https://vimeo.com/501028968>
23. Lane County District Attorney Patty Perlow presentation: Independent Investigation and Prosecution: <https://vimeo.com/500241000>

