



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

June 14, 2023

12:00 p.m. CITY COUNCIL WORK SESSION

City Council meetings will continue to be held in hybrid format using in person and 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 June 14, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Alan Zelenka
Greg Evans
Emily Semple

Matt Keating, Vice President
Jennifer Yeh
Mike Clark
Lyndsie Leech

12:00 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Civilian Oversight Protocols

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Civilian Oversight Protocols

Meeting Date: June 14, 2023
Department: Police Auditor
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Leia Pitcher
Contact Telephone Number: 541-682-5028

ISSUE STATEMENT

This work session is a follow up from a February 22, 2023, work session on potential improvements to the civilian oversight system and Council's May 2022 motion directing a follow-up work session to discuss the Auditor's recommendations for potential improvements to the current civilian oversight system including, if appropriate, potential code amendments.

The February session gave an overview of several different areas for potential improvements to the oversight system; this work session will focus only on potential updates to the Civilian Oversight Protocols. This work session is an opportunity for Council to review and comment on proposed improvements to the oversight system and to consider initiating the renegotiation process.

BACKGROUND

In February 2022, Council requested a work session on the history and structure of Eugene's civilian oversight system, which was implemented after Eugene voters overwhelmingly voted in favor of a charter amendment in 2005. That work session took place May 25, 2022, and concluded with a motion from Council for follow-up work and recommendations from the Auditor on potential improvements to the oversight system.

Eugene Charter Section 15-A, along with accompanying sections of City Code, established the structure and authority of the City's current police oversight system. The Civilian Oversight Protocols were negotiated between the Auditor, the City, and the Eugene Police Employees' Association (EPEA) in 2007 to provide guidance in the practice of civilian oversight.

Eugene's two-prong civilian oversight system, including a professional independent police auditor and a volunteer Civilian Review Board (CRB), is efficient and exemplary. The independence of the Auditor's Office from the rest of the City's Executive Branch is fundamental to our credibility in the community; that independence must be safeguarded so that our office can remain free from improper influence. Our funding is protected by City Code, which protects our office from financial retaliation. Finally, our access to police records is vital to the accuracy of our preliminary investigations and classifications.

City Code was amended in 2009 to provide additional protections for access to police records; our level of access is vital to the success of this system. The system has improved over the intervening years, including standardized use of force reporting, increased reporting of incidents of interest (including vehicle pursuits, vehicle accidents, and shows of force), implementation of body-worn and in-car videos, the use of an additional classification category, and standardization of procedures at Civilian Review Board meetings.

Despite the strengths of our system, areas for improvement exist. One such area is an update of the Civilian Oversight Protocols. The Protocols have not been updated since 2007; in the intervening time, the Code has been amended, Eugene Police Department (EPD) policies have been updated, and the process has evolved naturally in practice over 16 years. The Protocols should be updated to reflect current policy and practice, in collaboration and negotiation between the City, the Auditor, and EPEA.

The attached outline provides an overview of the Auditor's proposed improvements related to the Protocols. Any changes to the Protocols would need to be negotiated between the Auditor's Office, the City, and EPEA. The following areas would be a priority of the Auditor's Office in those negotiations:

- 1) Correct language and bring the Protocols into line with current Code, practices and policy
 - The current language is out-of-date and conflicts with City Code, oversight practices, and EPD policy. This causes confusion and reduces the impact of the Protocols. Renegotiating the Protocols to reflect current practices would clarify the process for the community and for those involved in the process.
- 2) Alter limitations on public comment at Civilian Review Board meetings
 - The current Protocols limit public comment, so that the community cannot comment on the case being reviewed at the same meeting where comment is being offered. The intent was to ensure that the CRB was reviewing the investigation and not being unduly influenced by public sentiment, but the impact has been enormously negative at times. The rule has resulted in frustration, a lack of perceived understanding, and an erosion of trust in the system. Adjusting the rule to provide for public comment after the case has been reviewed would balance the need for CRB impartiality with the community's need to be heard.
- 3) Improve accuracy of timelines
 - The current timelines do not account for the addition of video to investigations or the additional personnel involved in investigation and adjudication. Extensions to the timelines are routine, resulting in increased stress and uncertainty for all participants in the process. Adjusting the timelines to reflect current practice would allow for realistic expectations regarding the length of the process for both involved employees and community members.
- 4) Address how disagreement in adjudications is handled
 - Currently, there is no clarity for the community or for involved employees for what happens when there is disagreement in the adjudication process. Disagreement is

not a problem, but the lack of clarity around how it is handled is an issue. The Auditor, CRB, and Chief have worked through a process for allowing dialogue at the CRB meeting when there is disagreement; including this process in the Protocols would allow the community and involved employees to better understand the complaint process as a whole.

5) Streamline access to video/reports

- Currently, Auditor's Office staff can request information from EPD (video and reports, typically) to assist in preliminary investigations. EPD staff is very responsive, but the workload has increased substantially with consistent use of body-worn video. The Auditor's Office, City, and EPEA could negotiate permission for the Auditor's Office staff to be able to independently access video and reports, in a manner that is tracked and limited to materials relevant to complaints, to increase the efficiency of the process.

The Auditor's Office is continuing its work to improve the oversight process, and we have identified two additional areas for improvement outside of any renegotiations of the Protocols:

1) Improve mediation program

- While the Protocols refer to "mediation protocols", the governing document for the mediation program is Section 36.11 of the EPEA collective bargaining agreement. Our office is committed to working with EPEA to re-establish a list of approved mediators and restoring the mediation program in a robust, efficient manner.

2) Clarify/modify "good cause" definition

- "Good cause" to allow for investigation outside of the timeliness limits established in code has historically been interpreted very strictly. This has resulted in some instances where potentially meritorious complaints have been dismissed rather than investigated; in addition, the interpretation of "good cause" remained informal in draft form, which resulted in a lack of clarity for the community. The Auditor will work to craft an interpretation of "good cause" to better meet the community's needs for flexibility and clarity and will make that interpretation publicly available.

The Auditor will report back to Council with updates on these latter two issues; any potential changes to the Protocols will require the agreement of the Auditor, the City, and EPEA. Those three entities may agree to negotiations on their own volition, but Council direction would be instructive.

PREVIOUS COUNCIL DIRECTION

[February 9, 2022 Work Session](#)

Ad Hoc Committee on Police Policy Update

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to direct the City Manager to provide additional review, analysis and information on all items marked for intergovernmental action on Attachment B prior to setting the City's 2023 legislative priorities.

PASSED 7:0

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to schedule a work session on the history and status of the City's current civilian oversight system prior to July 17, 2022.

PASSED 7:0

May 25, 2022 Work Session

Civilian Oversight System

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to direct the Police Auditor to return to Council for a follow-up work session to discuss her recommendations for potential improvements to the current civilian oversight system including, if appropriate, potential code amendments.

PASSED 7:0

February 22, 2023 Work Session

Civilian Oversight System Police Auditor Leia Pitcher presented on potential improvements to the civilian oversight system.

COUNCIL OPTIONS

Council may elect to (1) direct the Auditor and City to initiate renegotiation of the Civilian Oversight Protocols with EPEA; or (2) decline to take action at this time.

POLICE AUDITOR'S RECOMMENDATION

If Council concurs that the issues identified above should be addressed for continued improvement of the civilian oversight system, the Auditor recommends directing the Auditor and City staff to initiate renegotiation of the Civilian Oversight Protocols.

SUGGESTED MOTION

Move to direct the Police Auditor to work with City Staff to initiate renegotiation of the Civilian Oversight Protocols, in accordance with Council priorities.

ATTACHMENTS

- A. Auditor Recommendations for Improvements to Civilian Oversight: Updates to Civilian Oversight Protocols
- B. Eugene City Charter Section 15-A: External Review of Police
- C. Eugene Code Sections on Oversight: 2.240-2.246 (Civilian Review Board) and 2.450-2.456 (Police Auditor)
- D. Civilian Oversight Protocols

FOR MORE INFORMATION

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Auditor Recommendations for Improvements to Civilian Oversight:

Updates to Civilian Oversight Protocols

1. Correct language and bring into line with current code, practices and policy
 - a. Challenge: Protocol language is out-of-date and often in conflict with City Code, oversight practices, and EPD policy
 - i. Code was updated in 2009, EPD policy on personnel complaints most recently updated December 2022
 - ii. Reduces importance/impact of protocols
 - iii. Creates confusion
 - b. Fix: Bring protocol language up-to-date, link to ordinance and policy where helpful so that protocols will remain current even when those change
 - c. Path to Implementation: Auditor, EPEA, and City executive branch negotiate language updates
2. Alter Limitations on Public Comment at Civilian Review Board (CRB)
 - a. Challenge: limiting comment on the case being reviewed by the CRB results in frustration, a lack of perceived dialogue and understanding, and an erosion of trust in the oversight system
 - i. Community members want to be able to be heard on their complaints, by both Auditor's Office staff and civilian volunteers on CRB
 - b. Fix: Public comment on the case under reviewed can be permitted after case review is complete
 - i. Balances community need to be heard with the overall need for impartiality of the CRB review
 - c. Path to Implementation: Auditor, EPEA, and City executive branch negotiate language updates
3. Improve Accuracy of Timelines
 - a. Challenge: Timelines are not reflective of changes to preliminary investigations, increase in length of chain of command, or addition of video to investigations
 - i. Community Impact Case review within 14 days when there was 670 hours of video available for review
 - b. Fix: Negotiate timelines with EPEA that reflect evolution of the system and allow for flexible timelines when necessary
 - c. Path to Implementation: Auditor, EPEA, and City executive branch negotiate language updates
 - i. Timelines are also in EPEA contract so must be bargained for
4. Address Disagreement in Adjudications
 - a. Challenge: Currently, chain of command and Auditor make recommendations on adjudications to the Chief; Chief has final adjudication authority. There is no stated process for when there is a disagreement in the recommendations and the final adjudication, which erodes trust in the effectiveness of the oversight process
 - i. For example, AHCPP made several recommendations altering adjudication authority in part due to lack of clarity on this point
 - ii. In practice, CRB has invited Chief to attend CRB meetings where a case with



a disagreement is being discussed so that Chief can contribute to the conversation

- b. Fix: Protocols should reflect either the agreed-upon practice or the agreement that the involved parties will craft an agreed-upon practice.
 - i. Practice needs to be made public to the community to improve understanding of the accountability and transparency of the process

5. Streamline Access to Video/Reports

- a. Challenge: Increase in available materials for preliminary investigations has resulted in increase in requests for reviews of materials that EPD must provide, in accordance with City Code.
 - i. Practice is established – EPD staff is very responsive – but the workload has increased substantially and there is an increased burden on staff
- b. Fix: Auditor, EPEA, and City executive branch negotiate to establish Auditor's Office's tracked access to video related to complaints or other incidents requiring internal reporting (i.e., reportable uses of force, shows of force, vehicle pursuits, property damage)
 - i. System tracks who is viewing what, when
 - ii. Auditor's Office would only be permitted to view video related to complaints or other incidents of concern – no spot-checking or unfettered access

Additional Areas for Improvement:

1. Improve Mediation Program

- a. Challenge: Mediation has historically been a lengthy process to the detriment of the program
- b. Fix: Collaborate with EPEA to move forward with process in EPEA Contract Section 36.11
 - i. List of mediators has lapsed; annual review of list was never established
- c. Path to Implementation: Auditor and EPEA work to restore mediation program

2. Clarify/Modify "Good Cause"

- a. Challenge: "Good Cause" has historically been interpreted very strictly; this has resulted in complaints being dismissed for a lack of timeliness and an erosion of community trust in the fairness of the oversight system
 - i. For example, AHCPP urging extension of the timelines that are set in Code.
 - ii. "Good cause" is not defined in Code, protocols, or EPEA contract. Previously (2011), Auditor conferred with City Attorney to draft good cause definition, but the definition remained in draft form and was not made available to the community.
- b. Fix: Auditor will work to craft an updated interpretation of good cause and will make that interpretation available to the community.
 - i. Opportunity for community input via Civilian Review Board



Eugene City Charter Section 15-A. External Review of Police.

(1) The city council shall hire, supervise and specify the salary of an independent police auditor to oversee investigations of complaints involving police employees. Notwithstanding section 16 of this charter, the city council shall authorize the auditor to: (a) receive, classify and route complaints about sworn police officers and civilian police employees; (b) contract with persons or entities to perform outside investigations of such complaints; (c) monitor the city's internal investigations, including but not limited to access to all evidence developed as part of the investigation and participation in investigative interviews related to such complaints, and require the city to undertake additional investigation; (d) make recommendations to the city manager or designee following the investigation; (e) prepare reports on complaint trends and police practices in general; and (f) act as a liaison to and provide staff support for the civilian review board.

(2) The city council shall appoint a civilian review board of not more than seven members to review investigations of complaints involving sworn police officers. Notwithstanding section 16 of this charter, the city council shall authorize the civilian review board to: (a) review the completed investigation and adjudication of complaints filed against sworn police officers; (b) require that the city re-open an investigation; (c) provide comments on an investigation, including recommendations to the independent police auditor, city manager or designee about the investigation; (d) review trends and statistics of complaints against sworn police officers and civilian employees, and provide reports and recommendations to the city council; and (e) oversee and evaluate the work of the independent police auditor.

2.240 Civilian Review Board – Established.

- (1) There is hereby established a civilian review board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the civilian review board shall evaluate the work of the independent police auditor, and may review completed complaint investigations involving sworn police employees to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.
- (2) It is intended that sections [2.240](#) through [2.246](#) and [2.450](#) through [2.456](#) will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.
- (3) Except where the context requires otherwise, the definitions contained in section [2.452](#) of this code govern the words and phrases used in sections [2.240](#) through [2.246](#) of this code.
- (4) The civilian review board shall serve as an advisory body to the city council.

(Section 2.240 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.242 Civilian Review Board – Qualifications and Appointments.

(1) *Qualifications.*

(a) Members of the civilian review board shall be volunteers appointed by the city council, who immediately prior to appointment shall be:

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

(b) The following characteristics shall be considered by the city council when appointing members to the civilian review board:

1. A demonstrated ability to be fair, impartial and unbiased;
2. An absence of any real or perceived bias, prejudice or conflict of interest;
3. A record of community involvement;
4. An ability to build working relationships and communicate effectively with diverse groups; and

5. A demonstrated commitment to the purpose of sections [2.240](#) through [2.246](#) and [2.450](#) through [2.456](#).

(c) Appointments to the civilian review board shall not be made on the basis of constituency or representation of any particular group. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.

(d) Members of the civilian review board shall neither be a current employee of the city nor an immediate family member of a current city police employee.

(e) Civilian review board members shall participate in a training program to be developed by the police auditor.

(f) Members of the civilian review board shall agree in writing to a Statement of Principles and Code of Conduct, to be developed by the police auditor and reviewed and maintained in collaboration with the civilian review board.

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

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

(3) *Removal from Office.*

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

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

(Section 2.242 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.244 Civilian Review Board – Powers and Duties.

- (1) In collaboration with the police auditor, the civilian review board shall establish policies, procedures and operating principles for the civilian review board.
- (2) The civilian review board may review the completed investigation and adjudication of complaints filed against sworn police officers at the request of a complainant, upon the recommendation of the police auditor, or at its own discretion upon a majority vote of its members.
 - (a) The civilian review board shall develop criteria to decide whether to accept a case for review. However, the civilian review board may not accept a completed case that was previously reviewed as a community impact case as described in subsection (4) below.
 - (b) All materials concerning the completed investigations of cases the civilian review board has selected to review shall be made available to members for their confidential review.
 - (c) The civilian review board shall, at one of its regularly scheduled meetings, report on such case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation, and the reasonableness of the adjudication.
 - (d) The comments and any related policy or procedural issues identified by the civilian review board in the course of its case review shall be provided to the police auditor for further consideration.
- (3) The civilian review board may review a random selection of closed cases.
- (4) Upon the adjudication of a complaint that the police auditor has identified and the civilian review board has accepted as a community impact case, members of the civilian review board shall be provided all materials concerning the case for their confidential review. Within 14 days of receiving the case, the civilian review board shall meet to discuss and present its determinations on the case. Within 30 days of receiving the case the civilian review board shall do one or more of the following:
 - (a) Concur with the case adjudication;
 - (b) Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration;
 - (c) Require the city to reopen the investigation if it finds either:
 1. The investigation was incomplete or inadequate, and the civilian review board has reason to believe that additional investigation is likely to reveal facts that could change the case adjudication; or
 2. The adjudication reached by the city is not supported by substantial evidence.

When the civilian review board has voted to re-open a community impact case, the police auditor shall inform the civilian review board of the subsequent investigation conducted and the final adjudication decision.

- (5) The civilian review board shall notify complainant(s) and involved employee(s) of its decisions on whether to accept a case for review, and shall inform the complainant of its conclusions on the case.
- (6) The civilian review board shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.
- (7) The civilian review board shall evaluate the work of the auditor's office. In that regard the civilian review board:
- (a) Shall establish criteria by which to evaluate the work of the police auditor;
 - (b) Shall review, comment on, and assist in maintaining policies, procedures and operating principles for the auditor's office and the civilian review board;
 - (c) Shall monitor status reports from the police auditor; and
 - (d) May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.
- (8) The civilian review board may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the auditor's office for processing.

(Section 2.244 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.246 Civilian Review Board – Officers, Meetings, and Procedures.

- (1) The civilian review board shall annually elect from among its membership a chairperson and a vice-chairperson who shall serve in that position for no more than three (3) consecutive one-year terms.
- (2) The civilian review board shall nominate one of its members to serve jointly on the civilian review board and the police commission, which nomination shall be subject to the approval or rejection of the city council.
- (3) The auditor's office shall be liaison to, and provide staff support for, the civilian review board.
- (4) The civilian review board may appoint from its membership committees as necessary to perform its duties.
- (5) The civilian review board shall hold regular meetings with an opportunity for public comment at least quarterly, and the civilian review board and its committees may hold additional meetings as necessary. No business of the civilian review board shall be conducted at a meeting without at least a quorum of three (3) members on a five (5) member board or four (4) members on a seven (7) member board present. All actions of the civilian review board shall be made upon a simple majority vote of the members present.
- (6) Meetings of the civilian review board shall be open to the public except when executive sessions are authorized by law and the civilian review board has determined an executive session is necessary or desirable in order to carry out its business. To facilitate the transparency of the civilian review board's activities, the police

auditor will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable.

- (7) The civilian review board shall prepare and present an annual report to the city council that:
- (a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
 - (b) Assesses the performance of the police auditor consistent with section [2.244\(7\)](#); and
 - (c) Evaluates the work of the auditor's office, including whether the auditor's office is functioning as intended.
- (8) The civilian review board may develop additional reports deemed necessary by it, or as requested by the city council. All reports generated by the civilian review board shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed. The city council shall review and take appropriate action on reports submitted by the civilian review board.
- (9) In collaboration with the auditor's office, the civilian review board may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The civilian review board and police auditor shall work together to develop and disseminate information and forms regarding the police complaint handling and review system.
- (10) The civilian review board, or its individual members, may not:
- (a) Investigate complaints or incidents involving police employees;
 - (b) Issue subpoenas or call witnesses;
 - (c) Review employee discipline decisions except in the context of reviewing trend reports from the auditor's office consistent with section [2.454\(1\)\(f\)\(3\)](#); or
 - (d) Incur city expenses or obligate the city in any way without the prior authorization of the police auditor or city council.

(Section 2.246 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.450 Office of Police Auditor – Established.

- (1) The office of the police auditor, hereafter auditor's office, is hereby established to provide an independent location to lodge complaints involving police employees, monitor internal investigations to ensure objective, thorough and high quality investigations, and develop recommendations to improve police services.
- (2) The auditor's office shall be headed by a full-time professional police auditor who is hired by and accountable to the city council. The city council shall hire, supervise, and specify the salary of the independent police auditor,

who shall serve at the pleasure of the city council. All city council decisions regarding the auditor will be made by a simple majority vote of the city council.

(3) The independent police auditor shall have exclusive authority to hire, supervise, and to make all other employment decisions regarding the auditor's support staff. No change relating to the authority to hire and supervise the auditor's staff shall be made without formal action of the city council.

(4) Any findings, recommendations and actions taken shall reflect the police auditor's independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the police auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.

(5) The city manager shall include in his/her recommended budget an allocation sufficient for the auditor and the auditor's office to carry out their duties and responsibilities under the Eugene Charter of 2002 and the Eugene Code, including sufficient funds to contract for external investigations.

(6) The physical location of the auditor's office shall be separate from the police department, but in close proximity so as to facilitate a close working relationship with others involved in the complaint investigation process, and easily accessible to the public. The auditor shall have complete, unrestricted and direct access to the internal affairs area during office hours.

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

(Section 2.450 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007; and amended by Ordinance No. 20435, enacted August 10, 2009, effective September 11, 2009.)

2.452 Office of Police Auditor – Definitions.

Words and phrases used in sections [2.240](#) through [2.246](#) and [2.450](#) through [2.456](#) have the following meanings.

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

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

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

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

Critical incident. An occurrence involving a significant police action including, but not limited to, a civil disturbance or riot, an officer-involved shooting, or other action by a sworn police officer resulting in serious physical injury or death.

Facilitated conversation. A discussion guided by a third party, trained facilitator, between the complainant and a department representative, most often the named employee's supervisor or internal affairs staff.

Immediate family member. A person's spouse or domestic partner, a parent, step-parent, grandparent, child, stepchild, grandchild, sibling, half-sibling or step-sibling of the person or of the person's spouse or domestic partner.

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

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

Police auditor or auditor. Police auditor or designee if authorized by the auditor to undertake a certain function.

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

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

Service complaint. A complaint about police employee performance or demeanor, customer service and/or level of police service.

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

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

(Section 2.452 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007; and amended by Ordinance No. 20435, enacted August 10, 2009, effective September 11, 2009.)

2.454 Office of Police Auditor – Powers and Duties.

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

- (a) Oversee the operations of the auditor's office, establish program priorities and objectives, and manage the implementation and evaluation of work programs;

- (b) Develop and maintain operating procedures for the auditor's office, including protocols for handling complaints and monitoring investigations;
 - (c) Establish standards of professional conduct and provide necessary training for staff in the auditor's office.
 - (d) Act as liaison and provide staff support to the civilian review board. In collaboration with the civilian review board, the police auditor shall:
 - 1. Establish and maintain policies, procedures and operating principles for the civilian review board's functions; and
 - 2. Conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees, and develop and disseminate information and forms regarding the police complaint handling and review system.
 - (e) Receive and process complaints concerning police employees; monitor the complaint investigation and review process as set forth in sections [2.456\(1\)](#) and [\(2\)](#); and review a selection of service complaints.
 - (f) Perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community. These activities include:
 - 1. Analyzing complaint trends and recommending changes to police policy, practices and training;
 - 2. Reviewing risk and tort claims and developing recommendations to reduce risk and liability;
 - 3. Reviewing and reporting trends in completed police employee disciplinary decisions.
 - (g) Provide status reports to the civilian review board and city council and provide recommendations relevant to police policies and practices to the police commission.
 - (h) Develop and present to the civilian review board and city council annual public reports describing the activities of the auditor's office, its findings and recommendations, the police department's response to its recommendations, and any other information pertinent to assessing the performance of the auditor's office.
 - (i) Provide the city council with any other reports deemed necessary or requested by the city council. All public reports shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed.
 - (j) Determine whether applicants for the civilian review board meet the requisite qualifications in section [2.242\(1\)\(a\)1.](#) and [2.242\(1\)\(d\).](#)
- (2) The police auditor shall receive timely notification of critical incidents to enable him/her, or a qualified designee, to report to the scene of critical incidents. The police auditor and chief of police shall develop necessary protocols for summoning the police auditor to the incident for purposes of first-hand observation.
- (3) The police auditor shall participate in use of force review boards.

- (4) All case adjudication and employee discipline decisions shall be made by the chief of police. The police auditor may develop adjudication recommendations, but is not authorized to recommend the level of discipline for police employees.
- (5) For purposes of this subsection, an “allegation” is a report or claim that the chief of police has committed a crime, violated any provision of sections [2.240](#) to [2.246](#) or [2.450](#) to [2.456](#), violated a person’s civil rights, or failed to perform non-administrative duties in accordance with professional law enforcement standards applicable to Eugene’s sworn officers.
- (a) If the auditor receives an allegation against the chief of police, the auditor shall forward a copy of the allegation to the city manager. The city manager shall notify the council, and investigate the allegation. The manager shall keep the auditor informed of the progress of the investigation.
- (b) Upon completion of the investigation, but prior to the finalization of the investigation report, the city manager shall provide the auditor with a draft of the report. The auditor shall review the draft report and provide comments about the draft to the manager within seven days of receiving the draft. The manager shall consider any comments received from the auditor and finalize the report within seven days. Once the city manager issues a decision on the allegation, the manager shall inform the council of the manager’s decision related to the allegation.

(Section 2.454 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007; and amended by Ordinance No. 20435, enacted August 10, 2009, effective September 11, 2009.)

2.456 Office of Police Auditor – Complaint Processing.

- (1) *Complaint intake.*
- (a) Any person may lodge a complaint or commendation with the auditor’s office about the conduct of, or services provided by, a city police employee;
- (b) The auditor’s office is the intake center for all community complaints about police employees. City employees may choose to lodge complaints against another employee through either internal affairs or the auditor’s office. The auditor’s office shall document all contacts and complaints received from any source. The auditor’s office may refer a complainant to another department in the city or another agency that would be more appropriate to address the complaint.
- (c) If the city receives a claim for damages that alleges that a police employee caused the damage, a copy of the claim shall be forwarded to the auditor’s office for a determination as to whether the claim should also be classified and processed as a complaint.
- (d) The auditor’s office conducts the preliminary investigation of all complaints lodged with the auditor’s office or internal affairs to appropriately classify and route the complaint and any accompanying information accordingly. The auditor has exclusive authority to classify, route and reclassify complaints. The auditor may reclassify a complaint if, upon further investigation and receipt of additional information that was not

available at the time of intake, but before the completion of the investigation, the auditor finds reclassification is warranted.

(e) If a complaint is received that alleges criminal conduct on the part of the employee, the police auditor shall forward the complaint and any associated information to the chief of police.

(f) The auditor's office may determine whether a complaint is appropriate for mediation or facilitated conversation, and upon the voluntary agreement of the involved parties and approval of the chief of police, shall coordinate the resolution of such cases.

1. Mediation is an alternative to the investigation, adjudication and disciplinary process; if the parties agree to mediation, the investigation, adjudication and disciplinary process will end.

2. A facilitated conversation may, but does not necessarily, result in termination of the investigation, adjudication and disciplinary process.

(g) The auditor's office classifies complaints that will be treated as community impact cases and provides support to the civilian review board in its review of those cases and other cases accepted by the civilian review board.

(h) The auditor's office shall provide timely updates on the status of a complaint and notification to the complainant of its final disposition.

(i) The auditor's office may dismiss a complaint if upon review, it meets criteria that the auditor has established for such action, including reporting delays and/or insufficient information from which to take further action.

(j) The auditor may review and process a complaint not filed directly with the auditor's office if the auditor determines that concerns have been expressed about conduct of a police employee(s).

(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.

(2) *Complaint Investigations.*

(a) Except as provided in paragraph [\(b\)](#) of this subsection, administrative investigations of complaints shall not commence until after the auditor has received, classified and routed the complaint. The investigation shall commence upon classification or as soon as possible after classification.

(b) Paragraph [\(a\)](#) of this subsection shall not preclude preliminary investigations by the auditor's office, or a police supervisor's attempt to address a service complaint, provided that the supervisor prepares and forwards to the auditor within 24 hours a report identifying the complainant and contact information for the

complainant, and explaining the nature of the service complaint and the outcome of the supervisor's conversation with the complainant.

(c) If the chief of police determines that all or a part of an administrative investigation should be postponed in order to avoid jeopardizing a criminal investigation or prosecution, the chief of police shall request the auditor's agreement on postponement. If the auditor and chief of police are unable to agree on the postponement, then they shall present in writing their respective positions to the municipal court judge, who shall then decide whether all or part of an administrative investigation will be postponed.

(d) The police auditor shall actively monitor internal investigations to ensure a thorough, objective, and timely investigation, and is authorized to:

1. Participate in complainant, employee and witness interviews;
2. Require the city to undertake additional investigation.

(e) The police auditor may require, and is authorized to contract for, an external investigation when the police auditor determines that an external investigation is appropriate.

(f) The police auditor will not be directly involved in any criminal investigations, but shall be kept apprised of the status of such investigations involving police employees. The police auditor shall have access to the case file relevant to the administrative portion of such investigations.

(g) All case files shall be provided to the police auditor upon conclusion of the investigation for review and a determination that the investigation was thorough and complete. Once the investigation is deemed complete, the involved employee's immediate supervisor will confer with the police auditor and develop a case adjudication recommendation that will be forwarded through the chain of command to the chief of police for final adjudication. If the police auditor disagrees with the supervisor's recommendation, his/her disagreements and comments will be documented and forwarded to the chief of police as well. The immediate supervisor and police auditor will use their best efforts to complete this process in a timely manner and without unreasonably delaying the final adjudication of the case. If the investigation reveals evidence of criminal conduct not previously known, the auditor may refer the matter to the appropriate criminal prosecutor for his/her consideration.

(h) The auditor's office will make every reasonable effort to notify the complainant that an investigation has been conducted, summarize the case findings, and provide an opportunity for the complainant to comment or ask questions about the process.

(i) The auditor's office shall return all case file materials to internal affairs for retention, but shall have subsequent access to closed cases.

(j) The police auditor shall maintain an on-going status report on the work of the auditor's office and case investigations and shall share it with the civilian review board.

(3) *Access to Records and Materials.*

(a) Except to the extent that a specified state or federal law provides to the contrary, or where information resides on a restricted database governed by a contract that does not allow access beyond certain law enforcement employees:

1. The auditor shall have complete and unrestricted access to all complaints, investigative records and information obtained or developed by the internal affairs investigator related to an administrative investigation of a complaint, whether the information exists in electronic format or hard copy, including information stored on an internal affairs database;
2. The auditor shall be provided any other information identified by the auditor that is relevant to a complaint; and
3. The identity of any individual involved in an event giving rise to a complaint shall not be withheld from the auditor.

(b) When legally required or requested by the chief of police, the auditor shall keep confidential the name of any such individual involved in a complaint and other information leading to the name of the individual.

(c) Except as provided in section [2.456\(2\)\(f\)](#), the police auditor shall not have access to a criminal investigation file until the conclusion of any such criminal investigation.

(d) The police auditor shall supervise the development and implementation of a case management system to track all complaints received in coordination with the internal affairs unit, report case statistics and trends, and provide performance indicators to evaluate the effectiveness of the auditor's office.

(e) The chief of police and police auditor shall develop cooperative interdepartmental procedures and any necessary infrastructure to coordinate the flow of information and communication between the auditor's office and the police department.

(Section 2.456 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007; and amended by Ordinance No. 20435, enacted August 10, 2009, effective September 11, 2009.)

The Eugene Code is current through Ordinance 20679, passed November 30, 2022.

Disclaimer: The city recorder's office has the official version of the Eugene Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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CIVILIAN OVERSIGHT PROTOCOLS

Auditor's Office Protocol

Protocols for Notification of Auditor's Office

1. The police auditor shall receive timely notification of critical incidents to enable him/her, or a qualified designee to report to the scene of critical incidents. Ordinance No. 20374, Section 3, 2.454 (2)
2. A critical incident is an occurrence involving a significant police action including but not limited to a civil disturbance or riot, an officer-involved shooting, or other action by a sworn police officer resulting in serious physical injury or death.
3. The auditor will report his/her telephone number(s) and alternative telephone numbers to the police chief to facilitate prompt communication.
4. The auditor may respond to the scene of a critical incident in order to enable first-hand knowledge of high profile events should a complaint ensue; to participate in deadly force review boards; and to develop risk/liability reduction plans for the City of Eugene. The auditor will have no greater access to the scene of a critical incident than access afforded to the non-involved department members, or as permitted by the investigating agency.
5. The auditor will not interview the involved or witness officers at the scene regarding the incident.

Complaint Intake

1. The police auditor will perform all intake of complaints against Eugene Police Department employees by members of the public. City of Eugene employees may lodge a complaint, with the auditor's office or with the internal affairs unit of the police department if the complaint arises out of their employment with the City.
2. Complaints may be filed by telephone, in writing by mail, by e-mail or in person. Intake forms will be made available to facilitate complaint processing by are not necessary.
3. Complaints may be accepted from third parties with a reasonably direct knowledge of the incident. Anonymous complaints alleging misconduct will be accepted provided there is specific information from which to investigate the complaint.
4. Complainants may request that their personal information, including their identity, be kept confidential and the auditor will honor this request as allowable by law and as practicable to investigate the incident.
5. The auditor may initiate a complaint based upon credible evidence of possible misconduct.
6. The auditor's office will conduct a preliminary investigation in order to classify the complaint and further understand the nature of the potential violation(s). The preliminary investigation will include information such as a

- description of the event, date, time location, name of the employee(s), badge number(s), description of the vehicle(s), name and address of any witness(s) or any other evidence relevant to the investigation. Internal affairs personnel may assist in gathering information for the auditor's preliminary investigation.
7. Records/warrant checks will not be conducted on a routine basis as part of the complaint intake. If, during the preliminary investigation, an outstanding warrant for the arrest of the complainant is discovered, the police auditor will encourage the complainant to resolve the warrant. In situations where the complainant named in the warrant is of a serious nature, the police auditor will advise the police department. Serious nature includes crimes of violence or crimes which involve serious risk of danger to the public such as domestic violence complaints.
 8. The auditor may dismiss or decline the complaint for the following reasons:
 - a. Timeliness;
 - b. If the complaint involves personnel who are not within the jurisdiction of the auditor's office;
 - c. If another remedy is in use or is more appropriate;
 - d. The complaint has been previously reviewed.
 9. The auditor will document the reason for any dismissals and explain the decision to the complainant in writing, if possible, within five business days of initial intake. A copy of this correspondence will be forwarded to internal affairs. Internal affairs will forward this information on to the affected employee(s) and EPEA if the involved employee is an EPEA represented employee.

Classification of Complaints

1. After a preliminary investigation, the auditor will classify complaints to facilitate a timely and satisfactory resolution. Complaints will be classified into the following general categories:
 - a. Allegation of criminal conduct (on or off duty)
 - b. Allegation of misconduct
 - c. Service complaint (concerns about employee performance or demeanor, customer service and or level of police service provided)
 - d. Policy complaint (where the person is dissatisfied with current policies or established procedures)
 - e. Inquiries
 - f. Complaints may be further categorized as a community impact case
2. Service complaints, allegations and inquiries will be further classified by type for statistical tracking and trends analysis purposes. All complaints will be recorded in a database designed to track complaints by category type and by complainant. The database will be used by both internal affairs and the police auditor to ensure a full accounting of all complaints received and so that trends can be detected.

3. Service complaints that are not resolved at intake by the police auditor's office will be directed to internal affairs for assignment to a supervisor. The supervisor will conduct an investigation into the complaint. The supervisor will assign the adjudication, take the appropriate action concerning the employee, if any, and return reports to internal affairs.
4. Allegations of criminal behavior will be forwarded to the chief unless, in the police auditor's view, informing the chief will compromise a criminal investigation. In those circumstances, the police auditor may forward the allegation(s) directly to the appropriate government prosecutor.
5. Allegations of misconduct will be forwarded to the chief of police for formal investigation by internal affairs or other department staff if appropriate.
6. The police auditor may choose to contract for an outside investigation to ensure a thorough and objective review of the complaint or if the chief disagrees with the auditor's classification of a complaint as one requiring an internal affairs investigation.
7. Service complaints will be forwarded to internal affairs who will work with the involved employee's supervisor to address any possible employee performance issues and to determine the most appropriate complaint resolution option. The police auditor will be notified of the resolution of the complaint within ten (10) days of the resolution. If the supervisor uncovers possible misconduct during review of the incident, the matter may be reclassified.
8. The police auditor will coordinate with internal affairs to gather appropriate information necessary to resolve inquiries.
9. The police chief may reclassify a complaint; such decisions will be recorded as part of the auditor's complaint handling process.
10. The police auditor will determine if complaints are appropriate for alternative resolution (refer to mediation protocols).
11. The police auditor determines if complaints will be treated as a community impact case and reviewed by the Civilian Review Board prior to closure. A community impact case may include complaints alleging excessive force, bias, disparate treatment, or a violation of constitutional rights.
12. The police auditor's office will notify the complainant, the affected employee and EPEA (if the affected employee is an EPEA-represented employee) about receipt and classification decision within seven (7) business days after the complaint was received.

Auditor Review of Completed Administrative Investigations

1. Allegations of misconduct will normally be investigated by internal affairs. Upon conclusion of the internal investigation, all relevant case files will be provided to the police auditor for review and a determination that the investigation was thorough and complete. The police auditor will make this determination within ten (10) business days of receipt of the completed investigation.

2. The police auditor may require the city to undertake additional investigation if the investigation is deemed incomplete.
3. If the police auditor becomes aware of criminal allegation(s) not previously known, the police auditor will refer the matter to the police chief unless, in the police auditor's view, informing the police chief will compromise a criminal investigation. In those circumstances, the police auditor may forward the allegation(s) directly to the appropriate government prosecutor.
4. After the police auditor has reviewed the investigation and it is deemed complete, the employee's immediate supervisor will develop a case adjudication recommendation after conferring with the auditor. The supervisor's recommendation then will be forwarded through the chain of command to the chief of police for final adjudication. The police auditor may develop independent adjudication recommendations, but is not allowed to recommend the level of discipline for police employees.
5. Adjudications may include the following:
 - a. **Sustained:** The complainant's allegation(s) was determined to be a violation of Eugene Police Department policies, rules and/or procedures and, the employee(s) involved committed the violation(s) as alleged.
 - b. **Insufficient Evidence:** The chain of command was unable to determine whether or not a violation of Eugene Police Department policies, rules, and/or procedures occurred.
 - c. **Unfounded:** The claim is unsubstantiated. It was determined that the employee(s) involved did not engage in the behavior as alleged by the complainant.
 - d. **Within Policy:** It was determined that the behavior of the employee(s) involved did occur but was consistent with Eugene Police Policies, rules, practices and/or procedures.
 - e. **Mediated:** During the process of an investigation it was determined that the case would likely be more successfully resolved through mediation; all parties agreed to mediate the complaint and the mediation process was completed.
 - f. **Administratively Closed:** The investigation is closed prior to reaching a conclusion. For instance, the complainant does not provide the information needed or refuses to cooperate with the investigation. The investigation may be re-activated upon the discovery of new, substantive information or evidence.
6. If the police auditor disagrees with the supervisor's recommendation, his/her disagreements and comments will be documented and forwarded to the chief of police.

Dismissal or Declining Investigation of Complaints

1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations that might be handled as a service

complaint shall be dismissed by the police auditor, if not filed within 60 days of the incident.

2. Except for good cause, complaints of serious misconduct including, for example, excessive force that causes substantial physical injury, egregious act of disparate treatment, or major rules violations shall be dismissed by the auditor if not filed within six (6) months of the incident.
3. A complaint will be dismissed if the complaint is about an employee who does not work for the City of Eugene Police Department. The complaint will also be referred to the appropriate agency if that agency can be identified.
4. A complaint may be dismissed if the complainant could reasonably be expected to use or is using another remedy or channel for resolution of the complaint (for example, a judicial determination of guilt).
5. The police auditor may dismiss complaints that are subject to a judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint.
6. Absent new, substantial evidence or information, a complaint shall be dismissed if the complaint was previously adjudicated. This circumstance may arise if a second person files a complaint about an incident that was previously resolved. It might also arise if the same complainant files a second complaint about a matter that was previously adjudicated.
7. A complaint may be dismissed if the involved employee cannot be identified.
8. A complaint may be dismissed if the involved employee has resigned or has been terminated.
9. A complaint may be dismissed if upon review of the facts presented or information learned during intake, the allegations are found to be illogical, malicious or improbable.

Civilian Review Board Protocol

Community Impact Cases

1. A community impact case is an investigation or complaint involving sworn police personnel that alleges excessive force, bias, disparate treatment or violation of constitutional rights, which the police auditor determines should be reviewed by the Civilian Review Board as a community impact case.
2. If the police auditor selects a case for review as a community impact case, the Civilian Review Board will review a summary of the complaint and investigation and may decide if they will accept this matter as a community impact case. If the Civilian Review Board votes by a majority to review the matter as a community impact case, the chief of police will be notified by the police auditor.
3. The police auditor will monitor and review investigations of community impact cases as s/he would other misconduct investigations.
4. Upon completion of the investigation and preliminary adjudication decision by the police chief, the police auditor will provide the completed investigation to the Civilian Review Board for their confidential review.

5. Members of the Civilian Review Board will not discuss the investigation with anyone other than members of the board or the office of the auditor before the completion of the Civilian Review Board review. Board members may discuss the case with other members of the Civilian Review Board and the Police Auditor. If a board member requires further information to complete their review, they may direct the police auditor to conduct research to report to the Civilian Review Board.
6. If a community impact case is also the subject of an on-going criminal investigation or prosecution, the case will be discussed in executive session when legally permissible.
7. Within 14 days of receiving the case, the Civilian Review Board shall meet in order to discuss and present its determinations on the case. Within 30 days of the receiving the case, the Civilian Review Board will do one or more of the following:
 - a. Concur with the case adjudication;
 - b. Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration;
 - c. Require the city to reopen the investigation if it finds either:
 - i. The investigation was incomplete or inadequate, and the civilian review board has reasonable basis to believe that additional investigation is likely to reveal facts that could affect the case adjudication; or
 - ii. The adjudication reached by the city is not supported by substantial evidence.
 - d. Unless the Civilian Review Board has voted to reopen the investigation, the police auditor shall develop a written synopsis of the board's proceedings and conclusions concerning the investigation and will provide that information to the chief of police so that appropriate steps to close the case can be taken.
 - e. When the Civilian Review Board has voted to reopen a community impact case, the police auditor shall inform the Civilian Review Board of the subsequent investigation conducted and the final adjudication decision.
8. The Civilian Review Board will notify the complainant(s) and involved employee of its decision on whether to accept a case for review, and shall inform the complainant, the affected employee(s) and EPEA if an affected employee is an EPEA-represented employee, of its conclusions on the case.

Civilian Review Board Review of Closed Cases

1. Community members, upon receiving the disposition of a complaint previously lodged with the auditor's office, may request that the Civilian Review Board review the complaint investigation and adjudication decision for a determination whether it was handled fairly and with due diligence. The auditor may also recommend the Civilian Review Board review a closed case

that was not previously identified as a community impact case. This review shall not impact the outcome of the case but the board may make recommendations concerning the investigation.

2. The purpose of the Civilian Review Board review of closed cases includes the following:
 - a. Identify deficiencies regarding the complaint system (intake and classification).
 - b. Develop recommendations for process improvements.
 - c. Make judgments about the quality of the investigation.
 - d. Make judgments about the rationale for the case disposition.
 - e. Increase transparency by the public discussion of a complaint.
3. The Civilian Review Board shall develop criteria to decide whether to accept a case for review. However, the Civilian Review Board may not accept a completed case that was previously reviewed as a community impact case.
4. All materials contained in the investigative file concerning the completed investigations of cases the Civilian Review Board selected to review will be made available to members for their confidential review.
5. The police auditor will prepare a case summary for use during the public meeting of the Civilian Review Board. This summary will strive to protect confidentiality of the complainant(s) and the police employee(s).
6. The Civilian Review Board may review a random sample of complaint intake and classification decisions by the auditor in order to ensure complaints are handled with due diligence.
7. The Civilian Review Board may review an investigation when the complainant requests that the board do so. The request by the complainant may be made in writing, by appearance at a scheduled board meeting, by e-mail, telephone or FAX.
8. The Civilian Review Board will report annually to the City Council concerning the following:
 - a. A summary of the Civilian Review Board's Activities, findings and recommendations during the preceding year;
 - b. Assessment of the performance of the police auditor consistent with section 2.233(7) of the ordinance.
 - c. Evaluating the work of the auditor's office, including whether it is functioning as intended.

Public Comment

1. The Civilian Review Board will hold public comment period at its meetings at least quarterly.
2. The purpose of public comment will be to gather information about community concerns and about specific police actions. This information may be forwarded to the police auditor for processing and/or intake or to the Eugene Police Commission in order to review policy matters.

3. Public comment about incident specific police actions may not occur at the same meeting as the Civilian Review Board is reviewing the investigation of the incident.
4. Public comment is limited to three minutes. Generally, the speakers will be called upon in order in which to “request to speak” forms are received by staff at the meetings. No persons will be allowed to complete a request to speak form more than 15 minutes prior to the start of the meeting.