MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

May 23, 2011
5:30 p.m.

COUNCILORS PRESENT: Betty Taylor, George Brown, Andrea Ortiz, George Poling, Mike Clark, Chris Pryor, Alan Zelenka, Pat Farr.

Her Honor Mayor Kitty Piercy called the May 23, 2011, work session of the Eugene City Council to order.

A. ITEMS AND COMMITTEE REPORTS:

Mayor Piercy reported that she met with the leadership of the Eugene Area Chamber of Commerce to discuss how to boost local economic development efforts. She said the Chamber had donated to the Honor Guard Fund to assist with the memorial for Officer Chris Kilcullen. Mayor Piercy reported she had received a note of thanks from the Springfield Chamber of Commerce for participating in the ACE Awards, as well as that chamber's congratulations on Eugene's progress in downtown.

Mayor Piercy also noted the recent WeGene! Awards Celebration, the Asian Kite Festival, the 25th Annual HIV-Alliance River Walk, and the "topping-off" ceremony for the Inn at Fifth. She reported she had served as a judge in the Miss Whiteaker Pageant on May 21, and residents of the Whiteaker neighborhood held a neighborhood garage sale. Public Works Day occurred on May 19 at the Roosevelt Yards and the City's Fleet Services was recognized for its good environmental practices. She reported that construction had begun on Willakenzie Crossing, a new low-income housing development.

Mayor Piercy also reported that Dr. Charles Martinez was leaving his position as Vice President of Equity and Diversity at the University of Oregon and was returning to teaching and research. She had attended a gathering in his honor where she thanked him for his work in the community on behalf of the City Council.

Ms. Taylor had also attended the topping off ceremony for the Inn at Fifth and termed it an exciting event. She reported on the Lane Work Force Partnership, saying it was experiencing budget problems and would likely have to lay off employees and thus would not be able to help as many people retrain for and find jobs.

Mr. Zelenka reported that he was working with a group led by Rick Wright of the Market of Choice on a new proposal to save Civic Stadium. The group would present its proposal to the 4J School District Board of Directors soon.

Mr. Zelenka distributed copies of the Fairmount Neighborhood History Project to the council and called councilors' attention to a map in the document that showed the route of the old community trolley system. He reported that at one time, Fairmount was an incorporated community and was later annexed by Eugene. He added that the history project was funded through a neighborhood matching grant.

Mr. Farr said the Bethel Parks Scoping Project was underway and a meeting had occurred at Irving Elementary School to discuss the potential of a new YMCA at Bethel Park near Meadowview School. He said the proposal was in the preliminary stages and nothing was firm. He anticipated there would be additional opportunities for public comment.

Mr. Farr confirmed, in response to a question from Mayor Piercy, that the proposed YMCA was to be located on land leased from the City. He added that the City had planned at one time to build a community center at the park but because of budget issues that prospect was many years away.

Mr. Poling reminded residents of the May 26 Harlow Neighborhood Association meeting at the North Park Community Church.

Mr. Poling had attended the groundbreaking ceremony for the Willakenzie Crossing development and said many different people and organizations had made the development possible. He noted the fact the 64-unit development contained 16 housing units designed to accommodate developmentally disabled individuals.

Mr. Poling had attended Public Works Day and spoke of the many children in attendance and their enjoyment at seeing the heavy equipment used by the department. He encouraged people to attend the event in the future.

Ms. Ortiz invited the council to We Are Bethel event on June 4.

Mr. Pryor acknowledged the recent election and congratulated successful candidates and those who put forth successful measures.

Mr. Pryor said the Housing Policy Board's Evaluation Committee was meeting May 24 to review the criteria for the Request for Proposals for the next affordable housing project.

Mr. Pryor acknowledged the completion of the City budget process and congratulated all those who worked on the budget.

Mayor Piercy recognized the election of Mr. Pryor's spouse, Rosemary Pryor, to the Board of Directors of Lane Community College.

Mr. Brown reported that the Metropolitan Wastewater Management Commission (MWMC) approved an increase of four percent for the regional rate, which equated to about 83 cents monthly for the average household. The increase allowed all MWMC projects to move forward in a timely fashion and maintained the agency's bond rating. He noted that the local rate would increase by three percent but Eugene's rates would still be lower than those of Springfield. Mr. Brown said the council would be asked to ratify the agency's budget at its regular meeting later that night.

City Manager Ruiz thanked the City Budget Committee for its work on the Fiscal Year (FY) 2012 budget.

City Manager Ruiz invited the council to the Eugene Police Department Employee Awards on May 31.

City Manager Ruiz reminded the council that the City's "Summer in the City" series would begin on June 22 with the TrackTown12 One-Year-Out Party.

City Manager Ruiz noted the progress being made on various projects in the downtown area.

B. WORK SESSION:
Report to City Council from Police Auditor

The council was joined by Police Auditor Mark Gissiner. Mr. Gissiner provided a PowerPoint presentation entitled *Police Auditor 2010 Annual Report*. He reported the following:

- 99.2 percent of arrests and citations generated no use of control report (119/14,626)
- The average turnover time for Internal Affairs reports on allegations was 79 days
- The average turnover for service complaints was 23 days
- 62 percent of service complainants satisfied with outcome
- The Eugene Police Department (EPD) had a 27 percent sustained rate, compared to 10 percent in Boise, 10 percent in Cincinnati, 13 percent in Berkeley), and 10 percent in Los Angeles

Mr. Gissiner discussed taser use by the EPD and compared it to taser use in other United States communities, reporting that tasers were deployed by EPD officers at a rate of 1.3 times per 10,000 residents, the lowest rate of the various cities used in the comparison. He was unable to find a city of a similar size with lower taser use.

Mr. Gissiner noted that the Police Auditor's Office would return about 12 percent of its budget to the General Fund because the Deputy Police Auditor position had been vacant for part of fiscal year 2011. He had hired Leia Pitcher to fill that position and he commended her work as well as the work of Senior Administrative Assistant Vicki Cox. He noted that the Police Auditor's Office had done intake on more than 300 complaints in 2010.

Mr. Gissiner reported that he continued to place focus on policy revisions related to search and seizure, vehicle pursuits, use of K-9s, and processes for officer-involved shootings.

Mr. Gissiner shared a flow chart of the complaint process to demonstrate its complexity. He then shared trends in complaints for the years 2008-2010 and data for 2010 regarding complaints by classification and by month. He provided data on 2010 allegations, noting that 27 percent were sustained, and shared the adjudications for 2010 allegations by complaint classification. Mr. Gissiner also shared a graph showing disciplinary actions taken in 2010 for each sustained allegation.

Mr. Gissiner provided data on service complaints in 2010 and reported that service complaints in areas of concern had decreased. He noted the increase in policy complaints and inquiries between 2008 and 2010.

Mr. Gissiner shared a graph showing a decline in police vehicle accidents and pursuits between 2008 and 2010.

Mr. Gissiner concluded his presentation by noting that police commendations were down but had been on an upward trend since 2002.

Mayor Piercy briefly reviewed the mission and duties of the Police Auditor's Office and expressed appreciation to Mr. Gissiner for his work in fulfilling the duties of his office as well as for his work in identifying trends that the EPD wanted to reverse.

Ms. Ortiz asked Mr. Gissiner if he had received any complaints about the Downtown Public Safety Zone that allowed him to identify enforcement trends the EPD might wish to address. She asked the status of the lawsuit filed against the City by the former Deputy Police Auditor. Ms. Ortiz also requested information about policies or training the EPD had in place related to gangs, such as policies and training related to profiling, for example. Mr. Gissiner said he had not identified any trends related to the zone. He said that Judge Wayne Allen had shared with him that police officers requesting exclusions were documenting those cases thoroughly, making it easier for the judge to make a decision. He said those receiving exclusions were generally involved in criminal activity and did not make complaints.

Mr. Gissiner could not speak to Ms. Ortiz's question regarding the lawsuit.

In regard to Ms. Ortiz's question about policies related to gangs, Mr. Gissiner said he had not received many complaints. He suggested that gang members did not generally make complaints because they did not wish to bring attention upon themselves.

Mr. Pryor expressed appreciation for Mr. Gissiner's report. He noted that less than one-quarter of one percent of police interactions resulted in a sustained complaint, suggesting to him that the Police Auditor's Office was moving Eugene in the right direction. He believed the result of the Police Auditor's efforts should be continued process improvement on the part of the EPD, and he thought that was happening. Mr. Pryor acknowledged the complexity of the complaint process but suggested such complexity might be necessary to maintain a robust complaint system that contributed to the outcomes he wanted to see achieved.

Mr. Gissiner said he believed the EPD had a way to go in terms of building relationships through chance encounters between the police and citizens. He said the department was aware of that, and spoke of the public's positive response to Chief Kerns when he greeted people on the street. He also noted that fallen Officer Chris Kilcullen had received many commendations for his personable approach to residents and said that was the direction the department needed to go to become one of the nation's top police departments.

Mayor Piercy suggested the key issue was the service the EPD provided, and she believed that communication and good contact with the public was part of that service.

Mr. Farr agreed with the mayor. He said a pleasant approach helped to create a pleasant interaction.

Mr. Farr noted that all the lines on the complaint process flow chart came together at the complaint classification point. He asked Mr. Gissiner to discuss the classification process. Mr. Gissiner said that some members of the Civilian Review Board (CRB) had been dissatisfied with how he classified complaints in the past, but said he tried to be consistent in making what were subjective decisions. He looked at many factors, including the facts of the case, the level of contact, and any injury involved before classifying the complaint. He noted that on occasion, complaints were reclassified as a result of the investigative process. He emphasized the timeliness of the process. Mr. Gissiner noted that he offered the CRB the opportunity to review any case and ask him questions about his decision-making.

Mr. Farr recognized that the classification process could be a potential "choke point" in the process and commended Mr. Gissiner for his skill in classifying complaints.

Ms. Ortiz left the meeting.

Mr. Clark commended Mr. Gissiner's annual report and expressed appreciation for the work of Mr. Gissiner, his staff, and the CRB. He asked how many complaints Mr. Gissiner had received about the Downtown Public Safety Zone. Mr. Gissiner said he had received a complaint from someone who had to patronize a bank inside the zone to cash a check from the Lane County Sheriff's Office. He could not recall any complaints specific to enforcement of the zone.

Mr. Poling also commended the Police Auditor's annual report. He agreed with Mr. Pryor's remarks about the progress Mr. Gissiner had made. He said Mr. Gissiner's work had helped to build relationships between the police and citizens. He believed the Police Auditor's Office was performing as it should. Mr. Gissiner suggested that the office's clear expectations helped in regard to building relationships, and in addition the process had sufficient nimbleness to ensure that cases were investigated immediately, which also helped. He thought the public appreciated that, as well as the fact the CRB could look at any complaint it wished. Mr. Gissiner suggested his next major task was to educate people about the independent nature of the Police Auditor's Office as many residents appeared to believe it was part of the EPD.

Mr. Poling commended the goal of quick investigations as it lessened the stress on officers and the complainant.

Speaking to the subject of domestic violence, Mayor Piercy asked to be reassured that officers had received adequate training in that area. Mr. Gissiner noted the crisis intervention training received by all officers, which helped them diffuse what were often violent and charged encounters. He suggested more evaluation would be useful.

Responding to a question from Mayor Piercy about complaints received about traffic stops, Mr. Gissiner said the number had dropped but he acknowledged that no one was happy about receiving a traffic ticket.

Mayor Piercy stressed the importance of making like comparisons to track progress over time. Mr. Gissiner concurred, and said he attempted to compare the City to agencies with similar operational characteristics and oversight systems.

Mayor Piercy adjourned the work session at 6:45 p.m.

Respectfully submitted,

Sandra Stebbins Deputy

Beth Forrest
City Recorder

(Recorded by Kimberly Young)