

MINUTES

Eugene City Council
Council Chamber—City Hall
777 Pearl Street—Eugene, Oregon

July 14, 2010
Noon

COUNCILORS PRESENT: George Brown, Mike Clark, Andrea Ortiz, Chris Pryor, Jennifer Solomon, Betty Taylor, Alan Zelenka.

COUNCILORS ABSENT: George Poling.

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

A. WORK SESSION: Police Department Data Led Policing Strategy

Mayor Piercy introduced City Manager Jon Ruiz, who introduced Eugene Police Chief Pete Kerns.

Chief Kerns offered a PowerPoint presentation entitled *Transitioning to the Future—Data-Led Policing Report to the City of Eugene Mayor and Council—Chief Pete Kerns—July 2010* and circulated a handout to councilors containing the presentation.

Mayor Piercy expressed her appreciation for the decrease in property crimes. She noted while the City's property crime rate was high, there was less violent crime than in other cities. She asked how engaged the campus police were.

Chief Kerns said representatives from the University of Oregon (UO) Department of Public Safety attended weekly Data Led Policing (DLP) meetings, and had recently hired a captain whose responsibility it was to work collaboratively with the Eugene Police Department (EPD) to address crime in the university area.

Mayor Piercy was interested in how the City of Springfield jail was utilized and the impact it had on City of Eugene issues. A challenge for the EPD was being located in a state and county with significant funding issues. This resulted in a lack of prevention on the human service side. It was not EPD's role to provide social services in the community and doing so was not a cost-effective way to provide those services.

Mr. Clark thanked Chief Kerns for the report and congratulated him for the innovative approach he had implemented for the department. Mr. Clark noted staffing levels were significantly less than optimum and was heartened to see the department's success. He was particularly encouraged by the work of Sgt. Fitzpatrick and the officers working in the downtown area. Lane County was expected to have a \$30 million revenue loss during the next couple of years which would likely result in a significant reduction in jail beds. He asked what the marginal affect would be from that loss and what the City Council should be doing about the problem. It was important for the City to make intelligent decisions.

Chief Kerns confirmed Mayor Piercy's assertion that Eugene had a relatively low violent crime rate which was part of the Oregon culture. When jail beds were reduced from 300 to 120 in 2008, there was an immediate rise in both property and violent crimes, including robbery and assaults, with a high concentration in the downtown area. He opined crime would immediately rise again and would be difficult to manage if additional beds were eliminated. It would require money as well as consideration of alternative ways, to house people the EPD should not have to work with. People suffering from alcohol and drug addiction were moving into the criminal justice system and using resources that should be used for people who genuinely had the potential to harm the community. Wet housing and Eugene's Mental Health Court provided alternatives to incarceration that could be expanded.

Mr. Clark asked if the City of Eugene could hold Lane County accountable for its State responsibilities to provide jail beds.

Chief Kerns opined several factors contributed to the reduction in crime rates, and the EPD was not entirely responsible. He noted EPD officers made twice as many arrests as the national average, stretching the department's resources.

Ms. Taylor asked if the Ridgeline Trail parking areas were targeted areas for DLP. She asked if EPD had seen signs that the criminals were aware that EPD was targeting areas. Chief Kerns said although crime did occur in the Ridgeline Trail parking areas, it was not in the concentration seen in other areas. He said the department rarely patrolled the area and suggested CCTV cameras could be used for monitoring the area. He stated the department had not yet seen signs of criminal awareness of targeting areas, but EPD had learned some things. He said not all residential burglaries occurred during the day when people were at work. Many offenders committed crimes in the neighborhoods in which they lived. If the offenders moved to other neighborhoods, the data over time would reveal the offenders had relocated.

In response to a question from Ms. Taylor, Chief Kerns said use of illegal fireworks was not on the list of behavior crimes, but it did include alcohol violations, fights, carrying concealed weapons, menacing, and some family offences.

Ms. Taylor asked if people who accumulated parking tickets and were unable to post bail occupied jail beds. She asked if possessing marijuana would result in incarceration. Chief Kerns was not aware of parking violators being jailed. He explained Lane County housed several different types of offenders. The federal government leased beds for inmates awaiting trial. The County housed all State crime offenders including those arrested by EPD, which ranged from very violent offenders to those who committed property crimes, and while not a danger to individuals, were a threat to vehicles. He noted it was not likely people just in the possession of marijuana would be jailed, but those who manufactured and sold marijuana were lodged in the jail, Ms. Taylor did not think someone who privately used drugs was dangerous while people who broke into homes were dangerous.

Ms. Ortiz thanked Chief Kerns for his presentation and said she appreciated all of the information he provided. She said eshare, which allowed detectives to share information with patrol officers, was an interesting concept. She was concerned about how people were listed on eshare and requested an explanation of the process.

Chief Kerns said the threshold for sharing intelligence information among sworn personnel was based on state and federal guidelines, on a reasonable belief that a person was actively engaged in crime. Captain Tilby monitored this program closely.

Ms. Ortiz observed that US Immigration and Customs Enforcement (ICE) had an interest in undocumented people. She asked who paid for beds occupied by undocumented people who were arrested for lower level crimes by local authorities.

Chief Kerns understood when a federal agent assumed custody of an inmate at the jail, those inmates were put in federal beds. The City of Eugene and Lane County would not hold an immigration offender when they had no interest in a State or federal offence.

Mr. Zelenka said the information provided by Chief Kerns allowed the City to target places, times and people with limited resources. He asked if the department was solving the crimes or pushing them somewhere else. Chief Kerns responded the data identified the locations of three types of crimes and were not as likely to shift from place to place as other crimes. Behavior crime tended to move around, but property crimes tended to remain in the same geographic area. This would always be a challenge in the West University Neighborhood (WUN) due to the high concentration of students who owned a lot of small, valuable things. He observed crime solving was part of crime prevention.

Mr. Zelenka asked if the UO Department of Public Safety could be authorized to expand their jurisdiction beyond campus boundaries by passage of legislation during the 2011 Oregon legislative session to address behavioral crimes. He noted it would be a great help for the party patrol to have the UO available to assist during those times. Chief Kerns thought it would be a good idea and that the UO could get the legislature to grant that authority. The UO would be concerned about doing much work off campus because it would involve more civil liability.

Mr. Zelenka commended Chief Kerns on the low vacancy rate in the department. He agreed it was not cost effective for police human services work in dealing with behavioral crimes and asked how this could be improved.

Chief Kerns iterated police and social service agency leadership needed to explore the options.

Mayor Piercy was worried that the message to the community regarding lack of jail beds and other resources sent an invitation up and down the I-5 corridor that criminals should come to Eugene and commit a crime. She said the council should look for ways to talk about the community's needs, and to identify those things that were being done well to ensure that Eugene remained a safe community.

B. BRIEFING: Police Auditor Annual Report Presentation

Mayor Piercy introduced Police Auditor Mark Gissiner.

Mr. Gissiner distributed copies of the following document: *Office of the Police Auditor Annual Report—2009—Mark Gissiner—June 30, 2010*. The report would be available on the City's website.

Mr. Gissiner remarked because the office was relatively new and the sample size small, it was difficult to do comparative trends. The goal was to develop a mutually respectful relationship between members of

the police service and the community served. Mr. Gissiner briefly reviewed the document, highlighting specific issues.

Mayor Piercy congratulated Mr. Gissiner on a successful year. She appreciated the effort to examine trends, and the effort he and Chief Kerns had made in developing a good working relationship.

Mr. Zelenka concurred with Mayor Piercy's comments, noting the working relationship between Mr. Gissiner and Chief Kerns had gone a long way in achieving Mr. Zelenka's goal of having the Police Auditor (PA) function in a business as usual manner. He commended Mr. Gissiner on his community outreach efforts to the neighborhood associations, which went a long way in building credibility for the PA's office. He asked for a timeline on filling the vacant Deputy Police Auditor position. Mr. Gissiner said the application deadline had been July 9, 2010, and he hoped the position would be filled by the fall. He clarified that his relationship with Chief Kerns was not "cozy" and he appreciated the opportunity to have candid conversations with him.

Mr. Zelenka asked if Mr. Gissiner had any issues related to City Council supervision of the Police Auditor. Mr. Gissiner responded he had been pleasantly surprised at the level of engagement between his office and the council, based on his past experience. The overall level was satisfactory.

Mr. Zelenka inquired about the changes in the Police Auditor Ordinance Review Committee.

Mr. Gissiner stated the changes were working fine, noting he had never been denied access to documents, information or people from the EPD. He had not experienced problems with having complete authority to classify cases.

Mr. Zelenka noted the City Council had discussed structural changes at a recent meeting with the Civilian Review Board (CRB). At the time, the majority of the council had agreed to review suggested changes at a later date. He asked when that review might occur. Mr. Gissiner remarked there was incongruence in the Eugene Charter, the Police Auditor Ordinance, and the collective bargaining unit related to closed cases. He would like to address some issues related to editing when the collective bargaining agreement was opened.

Mr. Zelenka asked for clarification on the "24 percent sustained rate" referred to in the annual report.

Mr. Gissiner responded it meant that officers did not act within policy 24 percent of the time on policy complaints lodged with his office.

Ms. Ortiz thanked Mr. Gissiner for his work. She observed a number of complaints were related to homeless people and those with mental health issues, which was almost 50 percent of the cases police dealt with that were not policing. This indicated EPD was doing more than policing. She appreciated the budget conservation demonstrated by the office. She asked if there were a percentage of people who had negative contacts with EPD who did not complain.

Mr. Gissiner agreed there were people who did not complain. He added he was stunned by the demographic that the average complainant was 42 years old. Most of the people who committed crime were between 15 and 25 years of age, and the complainant was often their mother. He thought homelessness and mental illness contributed to that statistic.

Ms. Ortiz said the CRB and the PA's office brought transparency to the complaint process which made it clear to the public that there was a place to go with complaints and someone would listen to those complaints. She was pleased Mr. Gissiner was concerned with the pursuit policy and that it had been added to the CRB work plan. She emphasized that the issues identified were related to training.

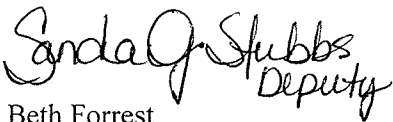
Mr. Pryor observed Chief Kerns' and Mr. Gissiner's reports were related. The manner in which the community was policed would constantly be debated, because there was a continuum of those who believed in individual rights, protections and freedoms, and what we should be able to do as an individual versus those who believed the community had needs and priorities, and the community needed to do what was best for the community. That tension would always exist. Tension between the auditor and the chief was a good thing because it produced the right outcomes and maintained the balance in the community. The auditor's office was a key element in maintaining that balance because it was part of what insured that one side or the other was not favored. He appreciated both the chief and the auditor for recognizing that role. Mr. Pryor asked if the auditor's function was to be a tool for discipline and to affect change, or if it was also a tool to prevent the problems from recurring. This would enable the auditor's office to become a productive part of making EPD better in the future, which he believed had always been the intention of the police auditor function. It was important to learn as much as possible about how the auditor function worked. He was pleased with progress made, noting both the chief and the auditor had found that dynamic.

Mr. Clark commended Mr. Gissiner on the thoroughness of the annual report and thought it would be very useful. He was happy with Mr. Gissiner's first year, noting the auditor's office was working better for the broader community through good communication and the ability to prevent problems. He had learned through weekly meetings with Mr. Gissiner and Ms. Taylor that officers had become more comfortable bringing issues to Mr. Gissiner for advice. As a member of the Police Commission, he had seen improvements through Mr. Gissiner's work with the CRB. This was reinforced by a 100 percent sustained rate of complaints brought forward by other officers. Mr. Clark said he and Ms. Taylor had met with Mr. Gissiner and Mr. Klein to discuss dividing the auditor's review into two pieces, one before the break to discuss process and a second one to discuss how to apply that process.

Mayor Piercy expressed her appreciation for the tough job the officers had in the community. She knew from both the City Council and Police Auditor position, a lot was asked of the officers. The council wanted a good public safety system in which the officers and community were respected.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sinda G. Stubbs".

Beth Forrest
City Recorder

(Recorded by Linda Henry)