Civilian Oversight in Eugene

EUGENE CITY COUNCIL
MAY 25, 2022

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Overview of Presentation

- History of Civilian Oversight in Eugene
- Structure of Civilian Oversight in Eugene
- Next Steps

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History of Civilian Oversight in Eugene

2004 - PRESENT

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History of Police Oversight System

- March 2004 – July 2005: Police Commission Review Process
- July 2005: Police Commission report to Council recommends "hybrid" oversight including professional police auditor and civilian review board
- November 2005: Resolution passes (75% in favor) approving Charter amendment adding Section 15-A "External Review of Police"
- October 2006: Council establishes the Office of the Independent Police Auditor
- September 2007: Auditor and EPEA President agree to Civilian Oversight Protocols
- October 2007: Council establishes Civilian Review Board

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History of Police Oversight System

- November 2008: Resolution passes (62% in favor) amending Section 15-A (replacing "the city council is authorized to" with "the city council shall" hire an independent police auditor and appoint a civilian review board)
- November 2008: Council creates the Police Auditor Ordinance Review Committee (PAORC) to review issues related to the auditor ordinance
- March 2009: PAORC final report to Council, including recommendations for Code amendments
- August 2009: Council adopts ordinance amending certain code sections related to the auditor (based on PAORC recommendations)

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Eugene's Civilian Oversight System

IN PRACTICE

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Police Oversight: Hybrid or 2-Prong Model

AUDITOR'S OFFICE

- Independent of City government (reports to Council, not City Manager)
- Oversees investigations of all police employees (sworn and non-sworn)
- Monitors investigations, participates in interviews, and has access to all evidence related to the investigation
- May require additional investigation or hire external investigator
- Independence, Funding, and Access are protected in City Code

CIVILIAN REVIEW BOARD

- Appointed by Council (7 volunteers); meet monthly
- Reviews investigations of complaints involving sworn officers
- Evaluates the Auditor's work and provides community perspective on whether complaints are handled fairly and with due diligence
- Cases are reviewed in public meetings
- Members have access to entire investigative file

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Complaint Process

Intake

- Internal/External, Anonymous, Third-Party
- Auditor-initiated

Preliminary Investigation

- Videos (civilian, EPD body-worn and/or in-car)
- Reports, recordings, intake interview(s)

Classification

- Allegation of criminal conduct, Allegation of Misconduct
- Incident Review
- Inquiry, Policy Complaint, Service Complaint

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Complaint Process

Routing

- Dismissal or routing to another department
- Determine whether mediation or facilitated conversation is appropriate

Investigation

- Criminal allegations require criminal investigation
- EPD supervisor (either immediate supervisor or Internal Affairs)
- Auditor monitors and participates (collaborative process)

Adjudication

- Auditor and EPD chain of command make recommendations
- Chief has adjudication authority

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Disciplinary Phase

- Auditor does not make discipline recommendations
- Chief has final disciplinary authority
- Auditor may report on disciplinary trends (included in our annual reports)

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Review of Uses of Force

Use of Force Incidents

- Auditor's Office reviews every use of force and determines whether additional administrative action is appropriate
- Auditor also selectively reviews other matters (i.e., shows of force, vehicle pursuits, and unintentional discharges)

Use of Deadly Force

- Auditor is notified ("critical incident")
- Interagency Deadly Force Investigation Team/ District Attorney review
- Internal administrative process follows close of IDFIT

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Reporting

- Open and Closed cases in every CRB packet (monthly)
- Annual Report
- Newsletters (in transition)
- Additional Reports as appropriate

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Civilian Review Board

Selection of Cases for Review

- Can review any completed investigation
- Selected by members, can be at request of reporting party or Auditor

Review Process

- Access to complete files
- Provided at least 10 days before meeting

Public Discussion/Public Meetings

- Transparency and Oregon Public Records Law
- Public meetings with public comment (limits in oversight protocols)

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Community Impact Cases

- Allegation of excessive force, bias, disparate treatment or violation of constitutional rights
- Auditor recommends designation as CIC; CRB can accept that or not
- CRB is allowed to provide input before the matter is closed
- CRB may require the City to reopen the investigation under certain circumstances
- Example: investigation into EPD response to community demonstrations in the wake of George Floyd's murder in May 2020

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Next Steps

- Oversight structure has remained largely unchanged since 2009
  - Stability in the Auditor's Office allowed the system to evolve within the structure of the charter/city code/protocols
- Improvements underway include:
  - Community portal for filing complaints and follow-up communications
  - Review of complaint process through DEI lens to identify potential improvements in accessibility and inclusivity
  - Expanding community outreach
- Common sticking points
  - Change in protocols/policy
  - Potential topics for code amendments

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Thank You

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