



MINUTES
Thursday July 10, 2025
EUGENE POLICE COMMISSION MEETING
Kilcullen Classroom, Eugene Police Department and on Zoom
5:30 p.m. – 8:00 p.m.

COMMISSIONERS PRESENT: Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, Jennifer Yeh, Alan Leiman, John Bradley, Katie Wilgus, Martha Espinosa-Blank, and Randy Groves

COMMISSIONERS ABSENT: Clay Neal

STAFF PRESENT: AIC Chief Jake Burke; Holly Mathews, AIC Police Commission Analyst

GUESTS PRESENT: Lindsey Foltz, Interim Independent Police Auditor, Captain Roy Wright, Patrol Division

TRANSCRIBED BY: Pam Berrian, Lane Council of Governments (LCOG)

WELCOME AND REVIEW OF AGENDA [00:00:01]

Chair Hawkins called the meeting to order at 5:30 p.m. Chair Hawkins welcomed new Commissioners Katie Wilgus and Martha Espinosa-Blank. She asked if there were any adjustments to the agenda. She noted that in light of the number of people who may wish to provide public comments, the meeting may be extended by 20-30 minutes.

MOTION: VICE CHAIR FOULKES MOVED, SECONDED BY COMMISSIONER RADEY TO APPROVE THE AGENDA.

The motion passed 10:0:0 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Katie Wilgus, Randy Groves, Martha Espinosa-Blank and Alan Leiman, voting yes, with no no votes, and no abstentions.

PREVIOUS MEETING RECAP [00:02:41]

Chair Hawkins stated that the June meeting included a discussion of immigration enforcement activity, and the Commission had approved a motion to forward a memorandum to the City Council requesting they publicly reaffirm their commitment to two resolutions and an ordinance related to sanctuary cities in Oregon. She said the Commission began a review of EPD Policy 702, relating to searches and inventories, which would be updated and brought back to the Commission for review. She said the Commission also reviewed EPD Policy 703 related to storage of prisoner property, under County Jail rules, and that it would also be updated and brought back to the Commission for review.

FAREWELL TO COMMISSIONER SHIVERS [00:04:22]

Chair Hawkins stated the Commission would bid farewell to Commissioner Sean Shivers and thanked him for his years of service to the Commission. She introduced former Eugene Mayor Lucy Vinis who recollected the appointment of Commissioner Shivers and said he stood out in a large number of applications because he was deliberative and thoughtful. She said her biggest take away from her Police Commission experience, as Mayor, was the wealth of talent and commitment in the Eugene community and she recognized those attending tonight's meeting who made for a better community. She thanked Commissioner Shivers for the model the Police Commission uses today and presented him with a certificate of appreciation.

LIAISON REPORTS [00:07:46]

Commissioner John Bradley, Human Rights Commission (HRC) Liaison to the Police Commission, reported turnover on the HRC, and announced a new Chair (Dr. Silky Booker) and Vice Chair (Kianaa Cabuko), and four new Commissioners. He said that on June 22, the Human Rights Community Awards event recognized Debbie Williamson, the Trans Alliance of Lane County, and the UO Museum of Natural and Cultural History. He said the HRC was on a summer schedule with limited work until their September meeting.

Commissioner Yeh, City Council Liaison, said she did not have an update related to the sanctuary cities-related memorandum forwarded to the City Council. She said she spoke to the mayor about the letter and relayed her opinion that it was a good idea and that she had voted for it. She said she would try to obtain feedback by the next Commission meeting.

Commissioner Groves, City Council Liaison, stated that the approved City budget included a six-year stormwater fee increase that was expected to generate \$4.7 million in new revenue. He said the budget was able to restore most of the services that were on the cut list. He said he was a member of the Council's Intergovernmental Relations (IGR) Committee and state legislation had approved \$6 million in infrastructure funding to support development improvements in the Clear Lake Road area. He added that Lane County received funding for a Stabilization Center which he believed, as a former firefighter and medic, would be a game changer for the treatment of mental health issues and life-threatening substance addiction. He said the Stabilization Center would be built at the Riverbend Hospital campus next to their planned behavioral health hospital. He said the City Council approved a recruiting firm to initiate a nationwide search for a new City Manager. He said funds had been received for the toxic clean-up of the J. H. Baxter site, and an informational meeting was scheduled for July 16th at Cascade Middle School from 6:00 p.m. to 8:00 p.m.

- Chair *Hawkins* asked about the timeline for the hiring of the new City Manager.

--*Commissioner Groves* replied that from his experience, from recruitment to interviews to background checks, it would take a better part of a year, and an interim City Manager was likely.

Commissioner Neal was absent; no report was provided on the Civilian Review Board (CRB).

COMMISSIONERS OPENING COMMENTS [00:14:15]

In light of the two new Commissioners being present, Chair Hawkins asked if Commissioner opening comments could include information about their term on the Commission and about themselves.

Vice Chair Foulkes thanked Sean Shivers for his contributions to the Commission and stated that she was new to being vice chair and to meeting before a crowd of this size. She thanked AIC Chief Burke for his presence and the new Commissioners for joining the Commission. She said she was employed by the Oregon Department of Human Services in the Hearing Unit.

Commissioner Radey said he had been on the Commission for a year, retired, and is writing a book.

Commissioner Bradley said this was his second meeting as an HRC liaison and he worked as a Social Worker, mostly with veterans.

Commissioner Yeh said she was a City Councilor representing Ward Four, northeast Eugene, and her day job was with Community Supported Shelters. She thanked Commissioner Shivers for his contributions.

Commissioner Leiman welcomed the two new Commissioners. He said he has a solo law practice that helps people recover wages, is a municipal Judge in Veneta (15 years), and is occasionally a Justice of the Peace in Lane County.

Commissioner Groves thanked Sean Shivers for his work on the Commission and his friendship. He welcomed the new Commissioners to the table and offered his assistance. He welcomed AIC Chief Burke to the meeting.

Commissioner Shivers stated he served eight years on the Commission, and he worked for small and medium nonprofit companies providing administrative services. He said he would be based in Colorado with the nationwide company. He offered words of advice to new Commissioners: to take it slow and recognize there was great value to the work. He thanked former Mayor Lucy Vinis for her stewardship.

Chair Hawkins thanked Sean Shivers for his mentorship, especially after the passing of former Chair Dallas Boggs.

---Transcriber's note: At the end of the meeting, under Closing Comments, Chair Hawkins stated she forgot to provide some information during Opening Comments, and they have been included here. She said she had been on the Police Commission for 2 1/2 years and she was a Medical Software Trainer, and taught doctors to use medical records systems.

Commissioner Wilgus said she wore two hats, one being as a Downtown Solutions Strategist at the Eugene Chamber of Commerce and one as the Executive Director of Downtown Eugene, Inc. She said the reason she joined the Police Commission was her experience working with EPD in her roles, and she believed that she understood the challenges in the community.

Commissioner Espinosa-Blank said she was a retired anesthetist and worked at a hospital for 30 years. She said she felt it was a good time to be civically involved, and the work seemed like a good fit for her.

WELCOME NEW COMMISSIONERS [00:21:55]

Chair Hawkins welcomed two new Commissioners and said she would make herself available to assist Commissioner Wilgus and Vice Chair Foulkes would assist Commissioner Espinosa-Blank, and she encouraged them to bring any questions or concerns about the meeting materials and process to them.

APPROVE JUNE 12, 2025 MINUTES (attachment) [00:23:18]

MOTION: VICE CHAIR FOULKES MOVED, SECONDED BY COMMISSIONER SHIVERS TO APPROVE THE JUNE 12, 2025, MEETING MINUTES

Commissioner Radey stated that since the main business of the Commission was done at the table during meetings, he believed it was important to capture the comments of the Commissioners, and transcription summaries should include that context. He affirmed he had forwarded some inclusive edits to staff.

The motion passed 8:0:2 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Randy Groves, and Alan Leiman, voting yes, with no no votes, and Katie Wilgus and Martha Espinosa-Blank abstaining.

COMMUNITY ENGAGEMENT [00:25:19]

Chair Hawkins stated that the discussion was about members of the Police Commission participating in community events, such as the Asian Celebration and Pride Festival, and the option of joining EPD's information booth at those events. She said that the Police Commission has no budget of its own to pay a booth fee, and staff had stated that the Police Commission could not join the Citizen Review Board's tabling at an event and that commissioners would need to be supervised by City of Eugene staff.

Commissioner Shivers said he believed it was a mistake to force Commissioners to interact with EPD despite the good reasons behind it and that the people the Commission serves are those who are least likely to interact with EPD. He said he believed tabling with the CRB was appropriate middle ground.

Commissioner Yeh said in her experience, joint tabling is a good staffing solution, and she would support Chair Hawkins if she would like to forward a request that the Police Commission join CRB in tabling at community events.

Commissioner Leiman stated he would prefer to hold a decision about future tabling with EPD until the question was resolved about CRB tabling and opined there should be a line of separation with EPD, and added he meant no disrespect with that suggestion. He raised another issue, stating that he did not like the fact the Commission met at EPD headquarters, that the Commission should be more independent, and the site was intimidating. He said he would like to pitch a change in location.

--*Chair Hawkins* remarked that the current meeting location could be a barrier to public participation.

Commissioner Radey stated that he was at the Asian Festival last year and his impression was that the EPD staff were eager for community input and interaction. He said he felt it would make sense to table an event with CRB. He said he would not have an objection to tabling with EPD but would object if they monitored what Police Commissioners said while tabling an event. He added that he was concerned about the Commission not being allowed to have input into applications for Police Commission openings.

Commissioner Espinosa-Blank asked whether the issue was about the optics of tabling an event with EPD staff. She said she understood public reluctance to come to the EPD facility for meetings. She said her husband is a retired Deputy and from her experience, they do not want to surveil anyone at these events, they want to be open about their work.

--*Chair Hawkins* said there may be some questions about the optics, as some public may view the Commission as affiliated with EPD, and for her the question was whether the Police Commission wants to table with EPD.

Commissioner Shivers recalled that some years ago there was concern about locating the meetings at an easy place for the public to attend, then the COVID pandemic interrupted that discussion. He suggested that now would be a good time to consider a change in location. About tabling at community events, he said the Commission's objectives were more closely aligned with those of the CRB.

MOTION: COMMISSIONER SHIVERS MOVED, SECONDED BY COMMISSIONER GROVES TO REQUEST THAT THE CITY COUNCIL OVERTURN THE DECISION BY CITY STAFF THAT THE POLICE COMMISSION NOT TABLE WITH THE CITIZEN REVIEW BOARD AT COMMUNITY EVENTS.

Commissioner Lehman stated it was the staff from the Office of Community Engagement who denied the request to table with CRB, not staff from the Independent Auditor's Office.

Commissioner Yeh suggested a friendly amendment, that the City Council consider whether the Police Commission could table an event with the CRB or look for additional solutions, such as paying or a Police Commission table, to tabling and community outreach.

Commissioner Shivers suggested that the friendly amendment be a request that the City Council direct City staff to reverse their decision and look for other solutions to table and engage with the community. He restated his motion as a friendly amendment as follows:

MOTION: COMMISSIONER SHIVERS MOVED, SECONDED BY COMMISSIONER GROVES TO REQUEST THAT THE CITY COUNCIL DIRECT CITY STAFF TO REVERSE THEIR DECISION AND LOOK FOR SOLUTIONS FOR THE POLICE COMMISSION TO ENGAGE AT COMMUNITY EVENTS.

The motion passed 9:0:1 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Sean Shivers, John Bradley, Jennifer Yeh, Randy Groves, Alan Leiman, Katie Wilgus and Martha Espinosa-Blank voting yes, with no no votes, and Jack Radey abstaining.

Chair Hawkins said she would work on drafting the memorandum to the City Council.

Commissioner Radey stated that it was part of the mission of the Commission to improve communications between EPD and Eugene residents. He said it would behoove the Commission to do what they could to help people overcome the reticence of those who come to police headquarters or visit at a table with police officers at it, and it was part of their job to try to break those barriers down.

CHIEF'S REPORT [00:38:26]

Acting In Capacity (AIC) Chief Jake Burke, Investigations Captain, provided the following updates:

- Extra staffing was provided for several weekend events including the Butte-to-Butte race, and response to over 200 calls for service relating to the use of illegal fireworks, and a potential suicide event downtown.
- He added that there was a lot of public awareness relating to the use of illegal fireworks and that staff had coordinated the disposal of roughly 350 pounds of illegal fireworks, much of it voluntarily turned in.

Commissioner Leiman noted that there was a big track event at Hayward Field and acknowledged the important work of EPD behind the scenes.

AIC Chief Burke, in response to a question from Chair Hawkins, affirmed the EPD was working with partner agencies in preparation for the University of Oregon football season.

Chair Hawkins referred to and read from Eugene Police Department Command Directive No. CD25-013, dated July 7, 2025, titled *Guidance for Requests for Assistance at the Federal Building Involving Immigration*, and asked about the objective of a Command Directive.

--*AIC Chief Burke* replied that the objective of Command Directives was to get information about policies out immediately to staff as guidance. He said the one she referenced was intended to provide clear guidance related to sanctuary laws. He said that in the past EPD has been responsible for responding to issues at the Federal building located in Eugene, and at this time there needed to be more clear guidance.

Chair Hawkins asked about calls for assistance from Federal Protective Services (FPS), a division of Homeland Security. She asked about the role of FPS.

-- *AIC Chief Burke* replied that the Federal building housed a lot of staff who had nothing to do with immigration. He said that while FPS staff may wear Homeland Security badges, their function was to manage property and staff.

Chair Hawkins read a statement related to the function of the EPD Watch Commander in responding to requests from FPS.

-- *AIC Chief Burke* replied that the EPD supports First Amendment and freedom of assembly rights and complies with Oregon sanctuary laws. He said there is a complexity of laws and immigration nuances, so the Watch Commander would provide an assessment before EPD got involved. He noted that as long as an assembly was peaceful, EPD would not be involved.

Chair Hawkins read a statement related to FPS requests involving immigration related activities, with no imminent threat to life or injury, which stated any response involving EPD officers would require approval from the Patrol Captain. She read an additional statement citing State and local laws that EPD shall not approve any requests to use EPD in support of immigration enforcement involving the dispersal of persons for the purpose of facilitating for immigration detainees, and that if any low-level crimes

occurred such as vandalism, EPD would take a report and follow-up. She noted that the Command Directive was specific in stating that nothing in the directive would preclude EPD from responding to life or injury threatening activities, including those of EPD or Federal staff, or managing riotous behavior. She asked AIC Burke to define *Watch Commander*.

-- *AIC Chief Burke* replied that a Watch Commander is generally a Lieutenant in charge of Patrol staff.

AUTOMATED LICENSE PLATE READERS (POLICY 1204) (attachment) [00:49:17]

Chair Hawkins stated that the Commission has a policy review role, and during this agenda item public comment was not accepted, but public comments could address this topic during the public comment agenda item later in the meeting.

-- *AIC Chief Burke* stated that license plate reader (LPR) technology has existed for about 10 years, and he described a process that provided real time alerts to EPD when specific license plate numbers are located in the designated areas by the LPR system. He said the intent of the system was to capture rear license plates and not faces but acknowledged a face could possibly be recorded if somebody was looking out the back window. He said that in Eugene, LPR locations were primarily on arterial roads and information would be verified before EPD took responsive action.

Chair Hawkins stated she had reached out to ACLU regarding this agenda item, and if they were present in the room she was prepared to accommodate their comments. There was no response.

MOTION: VICE CHAIR FOULKES MOVED, SECONDED BY COMMISSIONER RADEY TO APPROVE POLICY 1204.

Vice Chair Foulkes asked about Section 1204.4 related to data collection and asked what kind of access the vendor (Flock) had to the data.

-- *AIC Chief Burke* replied that the data was retained for 30 days then erased, except where the data became evidence, and then there were other policies in place related to the treatment of evidence. He said that the vendor, Flock, was not allowed to sell or share the data as the data belonged to EPD. He said that if EPD received a subpoena for the data they would send the subpoena to the City's legal team to process it. He said he had been told by the vendor that if they received a subpoena for the information, they would have their legal team respond to the subpoena.

Commissioner Wilgus asked about the text "*other approved law enforcement*", and an example of who that might be.

-- *AIC Chief Burke* replied that EPD could receive requests from other users and Federal agencies, but they would decline the request. He said, to date, they have only shared information with other Oregon agencies that abide by the same laws.

Commissioner Espinosa-Blank asked what EPD's response would be if the President signed an Executive Order relating to the release of the data and a request was made.

-- *AIC Chief Burke* replied that the request would be forwarded to the City Attorney's Office.

Commissioner Yeh asked how the system shared information with other states related to Amber Alerts.

-- *AIC Chief Burke* replied it depended on whether the request was attached to the national law enforcement database, and then it would not matter if they shared it or not as EPD would still get the alert.

Commissioner Yeh asked about Section 1205 and non-law enforcement public records requests.

-- *AIC Chief Burke* replied that staff manage public records requests with the City Attorney's Office and would not comply with the request.

--*Commissioner Yeh* stated the section implied it could be provided in response to a public records request although AIC Chief Burke stated it would never be supplied.

Chair Hawkins received affirmation from AIC Chief Burke that facial recognition technology was not utilized.

Commissioner Leiman asked about recent media attention on an arrest of a Wisconsin murder suspect related to an out-of-state warrant. He asked if Florida had a warrant, for example, whether it would trigger EPD's LPR system and was then up to EPD to take action if the LPR pinged on that license plate in Eugene. He provided another example of Texas searching for a license plate of an alleged abortion seeker. He asked if EPD had the discretion to respond, or not.

-- *AIC Chief Burke* replied that EPD had the discretion to act on an alert and when. He said EPD had discussed the issue with Flock, the vendor, and that the CEO of Flock had issued a statement about an incident in Texas, and said the statement was available via a Google search.

Commissioner Shivers asked whether the data would be deleted if ICE submitted a request, and it went to the City Attorney's Office and their review took longer than 30 days.

-- *AIC Chief Burke* replied the EPD would not comply, and the request would be turned over to the City Attorney's Office.

Commissioner Shivers recommended that if an activity was not illegal in Oregon, EPD should not devote resources at EPD by using the LPR system to arrest a person. He said he would not initiate a motion, but he seemed to be hearing that consensus.

Commissioner Wilgus stated that section 1205.5a seemed contradictory to...seems 1204.4a and asked about the audits referenced in 1205.5e.

-- *AIC Chief Burke* replied that audits are performed quarterly, and he could add language to the policy.

Commissioner Groves asked about a situation where a murder suspect was sought in Eugene and asked how that worked between states.

-- *AIC Chief Burke* stated that another state could reach out directly to Oregon because that state had reason to believe the person was there, or a state could issue a blanket alert such as those for stolen vehicles and Amber Alerts.

Commissioner Foulkes asked if audit information could be hacked, and what protections were in place.

-- *AIC Chief Burke* replied that when they issued a request for proposals (RFP), the City worked with its information technology staff on the safety and security measures relating to the data.

Chair Hawkins stated that in the health field, if data was breached, the organization was required to provide notification to the public or the patient base and asked if EPD would provide those notifications.

-- *AIC Chief Burke* replied yes and reiterated the EPD was committed to transparency.

Commissioner Leiman agreed there seemed to be a contradiction in section 1205.5a, relating to public records requests. He said the section related to public records requests, but EPD stated they would not release the information for any reason, and he asked if EPD was certain about that, that there could never be a legal basis to release the information. He suggested that it was a public records law question.

-- *AIC Chief Burke* replied that that paragraph should be clarified that requests were only intended to pertain to requests used for law enforcement purposes.

Commissioner Bradley stated that the HRC would not support EPD informing other law enforcement about violations of law that had not occurred in its own jurisdictions. He added that today data is already sold to companies and that privacy was significantly compromised by our cell phones.

Commissioner Radey stated that the EPD's use of license plate technology is used to try to find people. He said that if an officer could see a car with their own eyes that seemed OK, but people did not seem to want a machine or a camera to see the same thing and he asked what principle was there to defend that. He said there was a general and pervasive fear about the invasion of privacy, but it had been largely given up already with security cameras at businesses and homes, and cell phones. He said the public wants the police to find people they are looking for and he did not believe it was reasonable to oppose that.

MOTION: COMMISSIONER RADEY MOVED TO TABLE ACTION ON THIS AGENDA ITEM UNTIL IT RECEIVED A LEGAL REVIEW AND REWRITING, SECONDED BY COMMISSIONER YEH.

Commissioner Yeh added that she would appreciate hearing public comments on the matter as well.

-- *AIC Chief Burke* added that EPD staff were developing an LPR program transparency portal for the City's website to include a description of objectives, its use and prohibited uses (such as for immigration tracking). He said there would be a statement relating to data retention as well.

Commissioner Espinosa-Blank asked if the program was already in the budget.

-- *AIC Chief Burke* replied that EPD initiated a spring 2024 grant application and was awarded \$391,000 and executed a 2-year contract with Flock. He noted this was not General Fund expenditure.

The motion passed 10:0:0 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Katie Wilgus, Randy Groves, Martha Espinosa-Blank, and Alan Leiman, voting yes, with no no votes, and no abstentions.

Chair Hawkins stated that the Commission would not meet in August, and the next review of this policy would likely be in September.

IMMIGRATION LAW (POLICY 305) (attachment) [01:24:02]

MOTION: VICE CHAIR FOULKES MOVED TO APPROVE POLICY 305

SECONDED BY COMMISSIONER BRADLEY

Commissioner Radey said that he loved section 305.6 which made it clear that the Watch Commander was directed to receive then deny any records requests from Federal immigration officials for assistance relating to immigration enforcement other than a judicial subpoena.

-- *AIC Chief Burke* stated that EPD has and would continue to abide by the State's sanctuary laws.

Commissioner Yeh referred to section 305.4 and asked for examples of *exceptions as required by State or Federal law*.

-- *AIC Chief Burke* replied that an example would be a federal warrant signed by a Federal Magistrate, a judge.

Chair Hawkins noted that in response to a protest at the Federal building, 50 complaints about EPD's response were forwarded to the Independent Police Auditor's Office and she was informed there would be an independent review.

-- *AIC Chief Burke* stated that fact findings would result from the Independent Auditors Office review and said EPD issued a press release about the incident. He said that EPD received a call for service from FPS, and the responding EPD officers did not admonish or interact with the crowd. He said there was no threat to imminent safety and once EPD learned the request pertained to immigration activities, EPD received clear guidance. He said officers took reports of crimes. He added there were employees who wanted to go in and out of the building safely.

Commissioner Groves referred to a motion at the previous Commission requesting the City Council to reaffirm their commitment to two approved City Council Resolutions and a City Council Ordinance relating to sanctuary cities, and that the only reason he voted against the motion was that he believed the request was redundant with the Council's previous actions.

Commissioner Yeh commented that State law provides an additional layer of support to the City's Resolutions and Ordinance.

Chair Hawkins asked for an example of a crime that would be investigated whereby knowing one's immigration status was a necessary component.

-- *AIC Chief Burke* replied it could possibly pertain to somebody in custody with a confirmed warrant signed by a magistrate.

Chair Hawkins asked Commissioner Leiman if he had any additional clarification about examples where immigration status would be pertinent, perhaps if there was a valid Federal warrant.

Commissioner Leiman discussed with AIC Chief Burke the response differences between administrative warrants and criminal warrants, and AIC Chief Burke concluded that EPD would respond to criminal warrants. He said that in his 29 years as an officer he had never worked with ICE on any immigration issue. He said there were Command checks and balances and officers just had not engaged on immigration issues.

Chair Hawkins asked about cases in which EPD assists Federal officials.

AIC Chief Burke said EPD worked with federal officials in many cases, such as crimes against children, financial crimes, and that the FBI are located in the Federal building.

Vice Chair Foulkes pointed out a typographical error in section 305.3 in which listed subsections a and c, but not b.

Commissioner Yeh stated that immigration status may be relevant if related to the crime such as in cases of human trafficking or hate crimes where the immigrant is the victim of a crime, and quoted section 305.4b.

AIC Chief Burke stated he had never had an occasion to ask about immigration status.

Chair Hawkins stated her interest in tabling action on the item until the meeting in September to correct some of the citations in the document, and to provide additional time for public comments on the policy.

MOTION: CHAIR HAWKINS MOVED TO TABLE ACTION ON POLICY 305, SECONDED BY COMMISSIONER RADEY AND VICE CHAIR FOULKES.

The motion passed 10:0:0 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Katie Wilgus, Randy Groves, Martha Espinosa-Blank and Alan Leiman, voting yes, with no no votes, and no abstentions.

MOTION: CHAIR HAWKINS MOVED TO PLACE THE PUBLIC COMMENT AGENDA ITEM AHEAD OF THE CLOSING COMMENTS AGENDA ITEM, SECONDED BY COMMISSIONER RADEY.

The motion passed 10:0:0 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Katie Wilgus, Randy Groves, Martha Espinosa-Blank and Alan Leiman, voting yes, with no no votes, and no abstentions.

Chair Hawkins noted she had Request To speak forms from 14 persons in the room and 3 online participants.

MOTION: CHAIR HAWKINS MOVED TO EXTEND THE MEETING AS NEEDED TO PROVIDE TIME FOR PUBLIC COMMENTS, WITH EACH COMMENTER LIMITED TO TWO MINUTES, SECONDED BY COMMISSIONER RADEY.

The motion passed 10:0:0 with Chair Jensina Hawkins, Vice Chair Emeilia Foulkes, and Commissioners Jack Radey, Sean Shivers, John Bradley, Jennifer Yeh, Katie Wilgus, Randy Groves, Martha Espinosa-Blank and Alan Leiman, voting yes, with no no votes, and no abstentions.

PUBLIC COMMENT [01:45:21]

1. Annie Perkins stated that the Flock LPRs were powered by artificial intelligence and had been used elsewhere to identify the face of a person seeking medical care and she was opposed to the secrecy of the Eugene decision and the installation. She said she believed the use was a violation of privacy,

photographing without consent. She said the systems used in other states and countries had led to mishandling and would be used to target immigrants, minorities, and women seeking medical care.

2. Sarah Jones stated that not everyone used a smartphone 24/7, that Google and other search engines did not automatically send location information to police departments, and that LPRs were a type of surveillance that people could not opt out of. She said she was appalled that residents would give up this privacy to EPD, that the cameras were unmarked and the neighborhoods in which they were sited were not informed. She said it was not a perfect world and Texas used information from cameras, including those beyond their jurisdiction, to track down a woman alleged to have sought an abortion.

3. Athena Aguiar recommended that the Police Commission be allowed to make policy and not just issue a recommendation on policies set by EPD and the City Council.

Sarah Jones was allowed to complete her time allocation. She referenced the report from the *Electronic Frontier Foundation* related to records shared among police agencies and feared these systems could be used to prosecute people and their doctors. She said EPD should not allow Flock to handle the data, and the use needed to be consistent with Oregon sanctuary laws.

Annie Perkins was allowed to complete her time allocation. She said the public paid EPD salaries, and working with a privatized company like Flock and their LPRs was not a good idea, given the level of fear in the community and the number of people that do not want to have any interaction with the police.

4. Pete Goldust self-identified as a father, an educator, and a small business owner and said that coming to police headquarters for a meeting was not comfortable and felt like a strong-arm tactic. About the Flock LPRs, he said it was not the time for Eugene to invest in this surveillance. About the privacy principle raised by Commissioner Radey, he said people could choose whether to carry a smartphone or not and the LPR technology has taken choice away from the public. He added that those systems were not just collecting the identification of those they are looking for, but they were collecting data on everyone that passes. He said that it seemed that private information always gets released and he did not feel the data was safe, especially in the hands of a private company.

7. Bailey Gilmore stated that community outreach about LPR should have occurred far before the contract was signed, and that EPD withheld information about the plans even after the contract was signed. She said surveillance of the population of Eugene without their knowledge was an extraordinary act that showed EPD was uninterested in building trust between the public and the police. They said the reason EPD received no complaints was because the public was kept in the dark, and that even since publicity about the system, EPD made took no action to engage the public. She said she had done extensive research on surveillance systems and noted that in March, ICE unilaterally added 7,000 people to their deportation orders who were otherwise going through the legal process. She said the LPR systems allow other states to add any reason to search for a suspect and the data could easily be misused. She said the community needed to reject the use of LPR's.

8. Anna (no last name provided) identified as a member of the Trans Alliance of Lane County and recalled that she sat next to AIC Chief Burke at a meeting in December relating to building trust in the community. She said she was horrified to find that in the age of Donald Trump, EPD would cite Amber Alerts and murders as reasons for the LPR system. She said she had sought gender affirming care and

when the federal administration comes for her and the clients she works with, this LPR system would be used to find her.

9. Ryder Hales thanked the Police Commission for tabling both policy items and stated that the problem was that the community does not trust the police, which needed to be based on action, not just good sounding words. He said that others have researched the Flock LPR system and he felt the EPD was continuing to be complicit with ICE because the community deserved information before the LPR cameras were installed, not after. He said EPD needed to stand up to ICE and not allow their federal vehicles to be loaded up and driven away.

10. Jacob Griffin identified as a member of the Trans Alliance of Lane County and as a Jewish trans man who lives in Eugene and said he was absolutely frightened about what he heard at tonight's meeting. He said fascism was rising and there was no respect for legal guardrails. He said every day he must take testosterone, a use federally required to be registered, and if the federal administration wanted to intrude on data barriers, they could find him by matching those records. He said he was appalled that the HRC Commissioner did not speak up about the LPR activities and said today people are walking into the federal building not knowing if they will ever walk out or be sent to Sudan. He does not want the EPD to give the federal government more information and said the federal government does not care how honest and caring EPD is.

11. Ky Fireside identified as a former 911 dispatcher and familiar with data collection and retention and said that they did not expect EPD staff to be cybersecurity experts and requested two actions of EPD: 1) to please consult with independent security experts not Flock, the vendor. She said EPD may think they own the data but may not be clear on what ownership means, and there were different kinds of encryptions and 2) that EPD increase transparency and said the Lexington Police Department publishes the locations of all the cameras. She said she would like EPD to list all the agencies they are sharing information with and to show the public what a typical search or alert looks like.

12. Rob Sheldon stated he was a cybersecurity expert and was surprised at the insufficient consideration of Policy 1204. He said 2 minutes of public comment time was not enough to correct statements he felt were technically wrong or wrong in principle. He said Flock's LPR system was a powerful data sharing system, and the 7000 persons ICE added to the deportation list could be placed into the Flock's LPR alert system. He added that the data collected was not limited to license plates and offered to speak with Commissioners Shivers and Radey about the topics. He opined that EPD received bad advice from their IT staff, and the system was in fact not safe from access outside of EPD's control.

13. Glenn (no last name provided) asked why it was OK to scan his license plate information and retain the data for 30 days when a warrant was needed to get cell phone data. He said there was no accountability to keep the system intact and too many ways for data incursions with a private company. He opposed the use of the LPR system and opined that if EPD received a picture of a license plate it was likely also receiving data on cars associated with or in proximity to the license plate being sought.

14. Manuel Mejia Gonzalez stated he felt the discussion was appalling and shameful and that the Police Commission had a duty to be informed so they could do their own due diligence to have an informed opinion, and to promote transparency. He said he was appalled the use of the LPR's had not raised red flags with the HRC, and all members needed to reflect on the reason they are on the Commission, which was public safety.

15. Naphtali Renshaw stated she was a faith leader with UMC and worked with targeted communities such as BIPOC, LGBTQ+, and Rainbow Guard and they are hearing from their communities that there is little trust now, that it is not safe now for people to be surveilled. She said immigrants have been in Eugene for many years, but many immigrants may be moving here because of the State's sanctuary laws but the state is not a sanctuary if they are surveilled by a camera anytime they drive. She encouraged EPD to be honest about their mistakes and to be honest about how they support ICE inadvertently.

16. Kamryn Alexandra Stringfield said she was a member of the Community Action Team for Socialism and Liberation and said that the last two weeks have shown protesters exercising their First Amendment rights against injustices with zero violations of the law, yet ICE was harming immigrants and their families. He asked why EPD was involved with ICE at all. He said during the protest at the Federal building, there were 12 drive-bys of EPD patrol cars and EPD staff staged themselves nearby and did nothing as ICE drove people through the gate, then EPD rushed out a statement about the vehicles and protesters. He said EPD should be transparent about its crowd control policies and how they conduct their surveillance whether it be through Stingray, Guardian Towers, LPR's, or drones.

17. Dr. Jeff Gordon stated he was a Eugene area clinical psychologist and referenced the comment made by AIC Chief Burke about federal FPS employees who have communicated with EPD. He said FPS was involved in federal immigration enforcement, and is part of DHS and ICE. He said that if EPD communicated with ICE, they violated the City of Eugene's Ordinance, and Chief Skinner should resign, apologize, and issue a public response.

18. Jetty Etty said he was present at the protest on July 1, standing close to federal government cars leaving the federal building which almost ran someone down who was using a walker. She said EPD did nothing and she wanted answers as to why they are protecting property and not human lives. She said she has been ticketed by officers as she outreaches to the homeless and she herself feels criminalized.

19. Bob Moland stated he was an organizer for Socialism and Liberation and said the reason provided for the LPR system was to prevent crime, but police exist to respond to crime. He said the prevention of crime is the result of well-funded social services. He said while the funding of the Flock LPR system initially came from a grant, EPD would use the discovered criminal activity as a reason to justify its continuation. He said he opposed the surveillance of peaceful protests and was dismayed that at every protest there had been drone surveillance and multiple police drive-bys. He said the EPD did not have a neutral aspect to their work and that they had been present to observe and intimidate.

20. Sean Townsend said he was the Vice president of APWU local 679 in Eugene and cited several provisions of the City Council's adopted sanctuary city resolutions and ordinance. He said the use of the Flock LPRs violated one or more provisions of those resolutions and ordinance. He said the LPRs were intimidating and caused fear and prejudice related to gender, immigration status, sexual orientation, age, and housing status. He said EPD was collecting information whether there was an active request or not.

21. Janet Whitlow stated she was not as well researched as the speakers but agreed with the data collection flaws and would like the public to know what EPD was laying the groundwork for with its present activities in collecting data outside of license plates.

22. Brian (no last name provided) stated oligarchs were in charge of the country and he was upset with the Police Commission, who he said needed to review their role. He read a quote from Ben Franklin related to giving up one's essential liberty. He said that in Portland, people were being knocked out and brought into ICE offices. He said wanted to volunteer at the 4J School District to provide encouragement children and found they are scared about their parents being kidnapped and disappeared. He said humans are dying in detention facilities, one facility even referred to as *Alligator Alcatraz*.

23. Matthew Whitlow asked the police Commission to take a close look at the costs of the LPR's and whether the funds would be better used to hire more officers who can think for themselves. He said Americans may think they are free but LPR's were a precursor to the monitoring of everyone, everywhere, all the time. He said facial recognition will come next. He said the Police Commission needed to be brave enough to avoid installing these cameras and find other ways to address the small percentage of crimes in Eugene.

24. Heather Gardner-Madras stated that the lack of transparency about the LPR's was atrocious, especially that EPD did not even inform the Police Commission. She said she works in technology and understands the data control vulnerabilities of LPR's. She said she would have expected EPD to have made an argument about why they needed the LPR's to keep the community safe before deployment. She said a fascist regime was taking over and people were terrified.

Chair Hawkins thanked those providing public comments and stated that while current recruitment on the Police Commission may have closed, there was a vacancy, and people could submit an application for appointment. She said applications were reviewed by the Mayor, who may interview the applicants prior to making an appointment. She said there are 12 members on the Police Commission, including two City Council liaisons and one Human Rights Commission liaison, all voting members. She added that public comment was a part of each Commission agenda. She said she heard loud and clear that the location of its meetings is a barrier and it was her goal to move the meetings, possibly to City Hall.

Chair Hawkins introduced Lindsey Foltz, Interim Independent Police Auditor. Ms. Foltz described the role of the Auditor's Office as separate from EPD and reporting to the City Council. She said the Auditor's Office has unfettered access to records needed to review complaints. She acknowledged that her office had received several complaints related to the recent ICE protests and they had been registered. She said interested people can check in anonymously on the Auditor's Office website to follow the cases. She said it was not a fast process and if people wish to provide their name, they would receive case open and closing information. She added her office had also received many complaints about the Flock LPR's, which are categorized as *policy* complaints. She provided the website URL: www.eugene-or.gov/policeauditor

COMMISSIONERS CLOSING COMMENTS [02:50:10]

Vice Chair Foulkes thanked all the speakers for providing information she did not know about, and added she appreciated hearing different perspectives about feeling safe and connected as a community. She said the speakers had given her a lot to think about and process.

Commissioner Radey thanked all the speakers and said he understood their motivations and was as concerned about fascism in the country as they were. He agreed that decent social conditions prevent crime, not the police. He said his perspective was a bit different from some speakers and Commissioners.

He said he had been surveilled for much of his life, and he didn't think that any law or policy would get in someone's way who was intent on finding someone and one does have to fight back about this kind of thing. He said that taking the LPR issue and combining it with a fascist government scenario was a bit of a stretch for him, because there was a difference between the federal government and the Eugene Police Department. He recommended that everyone avoid prejudice and prejudgment against EPD in particular, and to make an effort to find out more about what goes on inside the Department, their policies, their procedures, their attitudes, and their personnel.

Commissioner Martha Espinosa-Blank said this was her first meeting and had been in a bubble as an anesthesia provider and lived in community for a long time. She said she was an immigrant herself and recommend volunteering and continuing to attend Police Commission meetings and speaking up.

Commissioner Bradley affirmed that he heard the comments loud and clear regarding the Human Rights Commission and that he accepted the obligation to respond to their concerns. He said he planned to stay after the meeting to discuss the work of the Human Rights Commission and the Police Commission as he felt it was important to explain that the most Police Commission members are volunteers and are their advocates. He cited the work of an author named Loretta Ross and a book titled Calling In about people joined in a cause are stronger together. He said he wants to be stronger with those in the room.

Commissioner Wilgus said she wanted to echo the comments of the other Commissioners and agreed that the comments from the speakers gave her a lot to think about.

Commissioner Yeh agreed that the comments gave her a lot to think about and added that the comments applied to more than just the two policies scheduled at tonight's meeting, that they could apply to all of the work on the Commission's two- year work plan.

Commissioner Leiman stated that he felt HRC Commissioner Bradley may have been put on the spot when asked to comment about something the HRC Commission would do, as John Bradley is a liaison from the HRC and could only speak on decisions the HRC had made. He said he wanted the audience to understand why John Bradley may have been hesitant to respond. He added that the Police Commission was advisory, and they do not hire the Police Chief or control the equipment that the Chief places in his toolbox. He said what the Police Commission does have is the ability to influence the policy around the use of the tools and stated, for example, that the Commission had spent 8 meetings discussing the policies around the use of the guardian trailers, and other meetings focused on tasers and drones. He said he was incredibly disappointed that the LPR systems were installed without notice and noted that the Chief apologized. He agreed with Commissioner Radey that the EPD should be given a chance to explain themselves. He said if a pattern developed where the Police Commission was left out of important communications, he would find that extremely disappointing.

Commissioner Groves stated that there was an incredible amount of valuable information provided during public comments, and he would have to take some time to process it. He wanted to note that the City Council did not hire the Police Chief, the City Manager does. He said the City Council also acts on a policy level and as a former Fire Chief he himself finds it difficult to change from hands-on operations to City Council policy making. He said he has interacted with EPD frequently and while some individuals may have flaws, as an agency they show restraint and professionalism.

Commissioner Shivers recalled the last huge upswelling in public comment was after the George Floyd killing, and then protest faded, not by anyone's fault but by a system designed for working people, and those who are marginalized are left out. He said he had been a political organizer with Young Socialists, Indivisible Eugene and Occupy Wall Street and he would like to speak with others about how to

maximize the power they do have. He applauded all who brought their energy and called out Athena for her attendance at Police Commission meetings, and said her energy was always appreciated.

Chair Hawkins stated she forgot to introduce herself in the Opening Comments agenda item, and that she works as a Medical Software Trainer, teaching doctors how to use their electronic medical records systems. She apologized to Commissioner Bradley and said she did not mean to put him on the spot about an HRC position. She said that post-meeting conversation should be taken out into the parking lot as the room had to be closed. She acknowledged the large public attendance and expressed appreciation to the audience, to staff, to AIC Chief Burke, and attending media.

ADJOURNMENT

Chair Hawkins adjourned the meeting at 8:39 p.m.