



City of Eugene POLICE COMMISSION

The Police Commission recommends to the City Council, the City Manager, the police department, and the people, the resources, preferred policing alternatives, policies, procedures, and civilians' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership among people and between people and the police department that helps to achieve safety, justice, and freedom for all people.

Police Commissioners: Jensina Hawkins, chair; Sean Shivers, vice chair; Dr. Silky Booker, Alan Zelenka, Jennifer Yeh, William Parham, Alan Leiman, Clay Neal, Jacy Price, Emeilia Foulkes, Jack Radey, and Tina Thorson

Police Commission Meeting

Eugene Police Department, 300 Country Club Road, Kilcullen Classroom

and Via Webinar: <https://eugene-or-gov.zoom.us/j/86181670379>

Webinar ID: 861 8167 0379

Password: PolComm1

Thursday, October 10, 2024

5:30 – 8:30 p.m.

Or dial by phone: (Toll Free) 877 853 5257, or (Toll Free) 888 475 4499, or (Toll Free) 833 548 0276

<u>Item</u>	<u>Starting – Ending</u>	<u>Minutes</u>
Review and Approve Agenda	5:30 – 5:33 p.m.	3 min
Previous Meeting Recap	5:33 – 5:36 p.m.	3 min
Review September 2024 Minutes	5:36 – 5:41 p.m.	5 min
Liaison Reports	5:41 – 5:51 p.m.	10 min
Commissioner Comments	5:51 – 6:16 p.m.	15 min
Chief's Report	6:16 – 6:36 p.m.	20 min
LEMHW Subcommittee Update	6:36 – 6:41 p.m.	5 min
Roundtable discussion w/Linda Phelps, Larry Craig, and Scott Lemons	6:41 – 7:11 p.m.	30 min
Review Communications w/Persons w/Disabilities (Policy 370)	7:11 – 7:41 p.m.	30 min
Closing Comments	7:41 – 7:56 p.m.	15 min
Public Comment	7:56 – 8:00 p.m.	4 min

Upcoming Meeting Dates and Agenda Items*

November 14, 2024—Welfare Checks, and Mental Health
Crisis Response (418)

December 12, 2024—Continue review of Strikes and Labor
Disputes (313)

**Agenda items subject to change*



MINUTES

EUGENE POLICE COMMISSION

Thursday September 12, 2024

5:30 p.m. – 8:30 p.m.

COMMISSIONERS PRESENT:

Chair Jensina Hawkins; Vice Chair Sean Shivers; Jack Radey, Tina Thorson, William Parham, Emeilia Foulkes, Jacy Price, Jennifer Yeh, Alan Leiman, Clay Neal, Dr. Silky Booker

ABSENT:

Alan Zelenka

STAFF AND COMMUNITY PRESENT:

Holly Mathews, Executive Assistant/AIC Police Commission Analyst; Chris Skinner, Chief of Police; Sgt. Julie Barrong, Policy Analyst

GUESTS:

Cindy Coleman, EPD Professional Standards Manager; Leia Pitcher, Independent Police Auditor; Associate Police Auditors Lindsey Foltz and Robert Eller; Beatriz Otero

RECORDED/TRANSCRIBED BY:

Lydia Harvey; Lane Council of Governments (LCOG)

CALL TO ORDER

Chair Hawkins called the meeting to order at 5:30 p.m.

~A quorum was present~

REVIEW AGENDA

Chair Hawkins reviewed the agenda.

PREVIOUS MEETING RECAP [0:1:12]

Chair Hawkins gave an overview of the previous meeting.

REVIEW JULY 2024 MEETING MINUTES [0:1:35]

Commissioner Radey moved to strike a line from page 5, Chair Hawkins added she would like to add a line on page 3 on the “Chair being allowed to do that.” On page six, they requested a clarification on the State of Oregon Agility test.

MOTION: Chair Hawkins moved, Vice Chair Shiver seconded, to approve the July 2024 minutes with recommended amendments. [0:4:02]

The Motion passed unanimously 10:0:1 with Chair Hawkins, Vice Chair Shivers and Commissioners Radey, Thorson, Parham, Foulkes, Price, Yeh, Leiman, and Booker voting yes. Commissioner Neal abstained.

WELCOME NEW CRB AND HRC LIASON MEMBERS [0:4:50]

Chair Hawkins introduced the new CRB liaison member Clay Neal.

— *Commissioner Neal* introduced himself and gave a few details on his history.

LIASON REPORTS [0:7:46]

Commissioner Neal gave a brief update on the Civilian Review Board, noting he had not attended the last meeting. He said the biggest news was that Ms. Pitcher was leaving her position and the meeting was a celebration of her work. He said they didn’t meet over the summer so there were no major updates.

— *Commissioner Booker* said they had the same requests from the Human Rights Commission as the last meeting. They wanted to offer support and collaboration to the Police Commission. The Homeless and Poverty Workgroup wanted to share the unsanctioned posting protocols with the Police Commission, for them to review and consider policy changes for Police Protocols when engaging with encampments and coordination with social services organizations on ORS 195.505. He explained the Human Rights Commission would be working on a proposal and protocol impacting victims of hate crimes with a focus on the Black community. He said the Human Rights Commission wanted information on the EPD’s impact on the Rights’ Assistance Program from being a direct service model to a pass through from the Department of Justice. He said they also wanted updates on the cultural audit.

COMMISSIONER COMMENTS [0:10:34]

Dr. Booker hoped everyone had a chance to read through the Police Auditor’s data presented to them and he hoped they could form a subcommittee that could go through that review as they didn’t have enough time to discuss it in this meeting. He felt the data further warranted a cultural audit within EPD.

— *Commissioner Leiman* welcomed Commissioner Neal and appreciated how he looked at policy and said his expertise was very welcome. He thanked Ms. Pitcher for her service and looked forward to hearing what would happen next. He hoped they would hear from the Chief on Measure 110.

CHIEF’S REPORT AND MEASURE 110 UPDATE [0:15:41]

Chief Skinner introduced himself. He said House Bill 4002 was what they call the rollback of Measure 110. He explained with council back in session they were busy again. He said as they prepared for football season, and they were mindful of having a tired workforce. He said they were on pace to be fully

staffed in dispatch by the end of the year and police recruiting continued to be ongoing. Their selection process would begin on the 21st of this month, as of today they had 120 or 130 applicants.

He explained that House Bill 4002 was the bill that rolled back Measure 110, he said it recriminalized possession of controlled substances and made it an unclassified misdemeanor. He said they had only been in the space for 12 days, but concurrently to House Bill 4002 the RFP had been written for deflection and they were hoping it would be available in early October. In the meantime, when they came across someone with controlled substances, they had several options. They could take them into custody, but they also had citation in lieu of custody, but it still counted as an arrest, he explained how they would build that case and that all these cases would go to the DA for prosecution. He said in the event they have possession of a controlled substance with lower-level criminal activity that might be appropriate for the deflection program. He added that there was a list of criteria, but the cornerstone was it was voluntary. He explained that history showed that many people chose not to take the path of treatment, and deflection was designed to help those who wanted it. He said it would be interesting to see how many people chose to go through deflection and explained how the process may work. He said it was a lot of work for the EPD and they had a lot to do, so it may take time to respond to a civilian call and then they had to build probable cause.

— *Vice Chair Shivers* said they got a call response priority list and asked where on the list these drugs were.

Chief Skinner said much of it was prioritized on what else was attached. He said he knew the community was hurting and needed their help, and he wanted it to be a priority, but he couldn't make it a priority 9 call.

— *Dr. Booker* thanked the Chief for explaining and said he had spoken to Clint Riley, managing director for this, from the Deflection Committee, and he knew that Cultural Competency and Fairness was being discussed. He said he had a conversation with the DA on the list of qualifications for deflection. He was concerned about the unfairness of the arrests and wondered if the suspects were educated on the program. He said ultimately it was up to the officers on who was offered deflections and wondered about the training and overall interactions with how they view criminality when it came to black people. He said there much being discussed at those meetings and he was willing to keep updating the commission on the meetings. He asked the Chief on if there were any black officers in recruitment.

Chief Skinner said he would know on the 21st of September, and he would be happy to ask for the demographics at that time.

— *Commissioner Neal* asked how deflection occurred.

Chief Skinner explained that operationally the officer was in the field and has contact with the suspect and had reasonable cause at that point there was criteria in place and if they met the criteria then they would be offered deflections. He did not believe there would be many custody arrests, and he felt they would offer deflection program more often than not. He said none of this was going to work unless the County and State invested in on demand treatment for these people. He did not believe deflection would be enough, but he hoped they would have some funding for on-demand treatment.

— *Vice Chair Shivers* asked if they could have a copy of that list and wanted to know what the data tracking was on who offered deflection and who didn't.

Chief Skinner said their STOPS tracking data helped them notice trends. He explained in this case it could be self-initiated by an officer or responding to a call for service, and it may be that what they track is not the contact, but the outcome of that call. His sense was that with the body of data they would be able to see how deflection and arrests pertained to different groups.

— *Chair Hawkins* asked how citation in lieu of custody worked and how they would know the individual would be arrested.

Chief Skinner said it was not instantaneous, there could be multiple citations on the same day, and they could very well arrest the same person twice in the same day and not know it, he said this was a bug in the system.

— *Commissioner Leiman* asked if someone went to jail on an unclassified misdemeanor, would the expectation be that that person not stay for a long time in the Lane County jail.

Chief Skinner said there would likely be a book and release system and that was more expensive than a citation. He explained there were instances when removing someone from a situation was safer, but often it was a citation. He said the logistics around taking someone into custody were difficult, sometimes it made more sense to cite and leave the person in place if they were in a safe place.

— *Commissioner Leiman* said it was like a traffic ticket, but it was a mandatory appearance and failure to appear resulted in an arrest.

Commissioner Radey said when he did his ride along, he noticed that an arrest would take an officer off the streets for an hour or more and felt a citation made more sense.

— *Chief Skinner* said it did make more sense and they tried to not tie officers up, he explained there were instances where removing the person from the situation was necessary, but the majority of the time the long process was taken into consideration.

LEMHW SUBCOMMITTEE UPDATE [0:39:36]

Chair Hawkins gave a recap of their September subcommittee meeting and announced that she would like to appoint Commissioner Parham as chair of the subcommittee.

MOTION: Vice Chair Shivers moved, Commissioner Booker seconded, to appoint Commissioner Parham as the new Chair of the LEMHW Subcommittee. [0:41:00]
The motion passed unanimously 10:0:1 with Chair Hawkins; Vice Chair Shivers; and Commissioners Radey, Thorson, Foulkes, Price, Yeh, Leiman, Neal, and Booker voting yes.
Commissioner Parham abstained.

— *Commissioner Parham* said their main goal was to get a policy in place for Critical Incident response.

Chief Skinner announced that Ms. Pitcher has taken a job in Colorado. He said he had a lot of respect for her and he would miss her and wished her all the best. He said Council approved the appointment of Mark Gissiner, Ms. Pitcher's predecessor, to bridge the gap between her departure and their new hire and he had full confidence in Mr. Gissiner's ability to do the job.

INDEPENDENT POLICE AUDITOR'S ANNUAL REPORT AND OFFICE OF PROFESSIONAL STANDARDS (INTERNAL AFFAIRS) 2023 ANNUAL REPORT

[0:46:10]

Chair Hawkins introduced Leia Pitcher, the independent police auditor.

— *Ms. Pitcher* thanked the group for being receptive and open, introduced the report and gave the floor to her team.

Ms. Foltz said they were the singular intake point for the city of Eugene if people had complaints about the Eugene Police Department and they also received complaints from within EPD. She said the auditors would classify the complaints in terms of what resolution was most appropriate, she said they received a lot of complaints and after a preliminary review they would classify the complaint. She said the preliminary review was seamless and efficient thanks to Ms. Coleman and her team. She said they classify the complaints and monitor the investigations, though they do not conduct the investigation. She said if there was a serious offense, they could make adjudication recommendations to the chief, but the chief had the final say. She said they also did annual reports. She explained the Civilian Review Board's role in the workings of the Police Auditor's office and that they had no role in investigation or adjudication. She said in 2023 they took in 371 complaints, and after doing preliminary reviews, 103 were dismissed and 266 went into the system and were investigated and closed out.

— *Ms. Coleman*, Professional Standards Manager from EPD, introduced herself and explained the program and process of the internal affairs that was currently in place. She said they work with the Auditor's office and had access to the same data. She introduced Internal Affairs and gave an overview of their 2023 data. She mentioned that they had a companion database called Blue Team and it was where officers entered data after encounters. She said the department tracked every reportable use of force and it was now the task of each officer to input data into Blue Team. She said all use of force incidents were reviewed by IA, The Auditor's Office and the supervising sergeant. She said if anywhere in the chain of review if they felt they had an outside of policy for use of force that would trigger an IA investigation. She explained the reasons and types of use of force.

Chief Skinner clarified they do not pull their weapon or show a taser unless they had a justified reason to do so, they do not show force if using that force would not be justified. They do not use it to gain compliance unless they have a justified reason.

— *Ms. Coleman* said every case that came through the IA Office was reviewed upon completion and if there was something that required adjustment with training they would provide that recommendation. She gave examples of recommendations and showed a list of the policies published in 2023. She explained the police accreditation process and said they had a quality assurance analyst to assist them in making sure they were on track to keep accreditation. She also gave some highlights for training in 2023.

Vice Chair Shivers asked about the shift in taser use and efficacy.

— *Chief Skinner* said it was a combination of equipment and improved training.

Vice Chair Shivers said they had quite a bit of data about complaints, and he wondered if there was a way to track who was complaining as they had seen an uptick in violence against women and people of color recently.

— *Ms. Foltz* said they did try to track that, but the data was difficult as they did not require that information to be shared when a complaint was made. She said they were sensitive to those boundaries and very few people chose to disclosed identifying details. She said they did not want to create a barrier to complaining. She said the people who had more contact with police were more like to complain.

Vice Chair Shivers said it was not their role on the police commission to dig into incidents or track disciplinary actions, but asked if the CRB got any feedback on disciplinary actions.

— *Commissioner Leiman* said the CRB received no information on disciplinary action.

Vice Chair Shivers said they needed some transparency on that matter.

— *Ms. Pitcher* said it was an issue that came up through the years, but in the ordinance their office would not have input into discipline and therefore the CRB had no overview.

Vice Chair Shivers said he respected the reasons it existed, but felt it needed to change.

— *Chief Skinner* said that change did not solely lie with him, but also with the state, the union and ordinance implications.

Commissioner Leiman said he was frustrated as a CRB member that he could see the report but could not see the discipline. He respected the union and confidentiality, but until they had Ms. Coleman's report, they did not know what happened to those officers. He asked about the bailiff program.

— *Ms. Coleman* replied they had three bailiffs on the EPD staff.

Commissioner Leiman asked if they still had security or if the Bailiffs replaced those.

— *Chief Skinner* said they still had security, but they used to pull officers off the streets to fulfill the Bailiff position, but they found the funding to hire and train a bailiff without losing any officers.

Commissioner Booker said they as commissioners had to be mindful of how politics affected police departments and said it was clear from the data that it played a large role. He asked what classified something as serious misconduct.

— *Ms. Pitcher* said serious misconduct was typically found after a thorough review, and if they found a clear violation of policy then that was considered misconduct.

Commissioner Booker asked if the IA could work with the Police Commission to subclassify policy complaints so that the Commission could work on those policies.

— *Ms. Pitcher* said the policy complaints were classified as someone complaining about the policy. These were when EPD officers did everything within policy, but the complainant had an issue with the policy itself.

Ms. Coleman said they could use the category to track trends with complaints over specific categories.

— *Commissioner Booker* said he would like to understand what policies they could focus on that would help the community. He said given the bias and hate crime reports they saw over the last ten years and knowing that the black community had been the target of many of these crimes, and he wondered if the IA was willing to look at the bias and hate crime report in conjunction with this particular report and how it aligned with the community at large.

Ms. Pitcher said they were always open to working with their city partners, and the hate and bias crime report was based around crimes against minority communities, and it was not necessarily complaints that the Police didn't respond to, it was a criminal complaint. She said if there was a complaint about a police response to a hate crime, that would be under their purview, but not the crime itself.

— *Commissioner Booker* asked what justified a show of force from a policy position.

Chief Skinner replied that in their policy, whether it was the taser, gun, or canine, there should be language in the policy that articulated when that level of force was justified. He said if they would like to look at those existing policies they could pick them out one at a time and discuss them and give the Commission the time to weigh in. He felt it would provide good dialogue and education.

— *Commissioner Booker* said he would love to see those policies and have that dialogue.

Sergeant Barong said all those policies are in the public eye and available for anyone from the public to see.

— *Commissioner Booker* said not everyone he served had access to the internet and he would like to print them out for people.

Commissioner Neal said at the CRB they reviewed investigations into policy violations and their role was to offer feedback on if the investigation was done well, not on if the policy was good or not, however there were time when an investigation led to the understanding that an officer did something that was within policy and perhaps the policy was not written well. He felt those were what the police commission should look at.

— *Sergeant Barong* said those do go to her from the Auditor's Office and that the Police Commission has reviewed several in the past.

Vice Chair Shivers said that if the community didn't like a policy and if the CRB was uncomfortable with the policy then it could be brought to the Commission for review.

— *Commissioner Leiman* said there was generally a consensus that the body worn camera policy should be revisited, and there was a debate on it and that was one that could be passed along.

Chief Skinner said they were happy to take those on, but the community wide operational policies were sometimes for the sake of resource allocation.

— *Vice Chair Shivers* said he was interested in making sure that the commission and community was aware that the City of Eugene had to make hard decisions sometimes.

Commissioner Thorson wondered about the loss of personnel on the training team in January 2023 and asked how that had changed in 2024.

— *Chief Skinner* said that was the result of city budget cuts and they fell back to their original staffing levels from 2019, but the numbers of trainings and quality of trainings had not decreased. He said they unfortunately had to pull officers out of the field to do the trainings now, but that was the result of the budget cuts.

Commissioner Thorson asked if there was financial benefit to outsourcing training.

— *Chief Skinner* said they often brought in outside trainers, but so much of their training and standards were set in certain standards and they were either using their own people or asking other agencies to send them their people. He said the disciplines that had to outsource were those that were designed through having full time trainers that were mandated by DPST.

Vice Chair Shivers asked if commendations impacted raises and promotions and if complaints did.

— *Chief Skinner* replied no.

Vice Chair Shivers asked if complaints were considered when raises and promotions were on the table.

— *Chief Skinner* said that raises were union bargaining and nonunion staff were set by the city, so raises were not impacted but promotions were.

Vice Chair Shivers asked if outreach had gotten easier in the wake of Covid and if they had managed to do outreach to community news organizations, or local podcasts.

— *Ms. Otero* said it was nice to see people in person and they had rebranded one of their events into a community resource fair to expand what was available in the community, especially for those who speak Spanish. She said she was recently invited to attend the summer socials and she was interested in attending the neighborhood association socials. She said they had tried to reach out to the Spanish community through a Spanish radio station, there was also a Spanish city news segment they went through.

Vice Chair Shivers said they had a community focused commission, so hopefully they could direct them to Ms. Otero and the office of the auditor.

— *Commissioner Booker* asked if there was any work being done on being proactive instead of reactive.

Chief Skinner said part of the importance of this report was to track trends and this report did not reveal anything revealing itself to be concerning, but having said that, the depth of the type of complaints they had seen, the Department of Internal Affairs was good at analyzing and putting forth early warning notices that could resolve with training or peer support. He said unfortunately the IA process was particularly reactive aside from seeing some trends occurring that they could get ahead of.

— *Commissioner Booker* asked about the Cultural Audit and if it was an outside agency. And requested that the agency conducting the cultural audit meet with the Police Commission at some point.

Chief Skinner said they were on site, and it was a contracted outside agency.

— *Ms. Pitcher* said she learned a lot and it was an amazing 14 years in the Auditor's office and a remarkable 3 years leading it and she will always sing the praises of her team.

The Commission thanked *Ms. Pitcher* for her work.

REVIEW DRAFT FISCAL YEAR 2024 ANNUAL REPORT TO CITY COUNCIL

[2:08:55]

Chair Hawkins explained the report to city council, which would be presented to city council in October.

— *Ms. Mathews* said she wrote the report from a neutral perspective and one from the Police Commission's perspective. She was looking for feedback from the commission.

Vice Chair Shivers said he and *Chair Hawkins* had already looked at this, but if they had missed anything, to please let them know.

— *Chair Hawkins* said much of it was their roster, their tribute to *Chair Boggs*, changes in membership, the new liaisons, the number of meetings they had, their hybrid meeting method, their workplan and priorities from last summer. She said they were prioritized in a certain order, but some were close to the hearts of some commissioners and moved to the tops. She said their scope of work showed what they had completed, what was in progress and the policies and procedures they had reviewed and recommended to the chief. She said it included presentations, and the time they spent on emergent topics. She named some of the special guests they had spoken with. She explained the community outreach opportunities they had been presented with. She mentioned the awards given to their commissioners and the role of the Law Enforcement Mental Health and Wellness subcommittee. She ended the review with a short conclusion written by *Ms. Mathews*.

Commissioner Radey wasn't clear on what work the police commission could do to achieve freedom for all people from the mission statement and goals.

— *Vice Chair Shivers* said the mission statement was written a long time ago and the main point was that freedom was not infringed upon.

Commissioner Radey said on page 27 downtown safety it said that *Chief Skinner* had worked on safety and cleanliness downtown. *Commissioner Radey* inquired about what cleanliness meant.

— *Chief Skinner* said one of the things they focused on downtown was that they had a civilian incident staff connect with the public works department on timely cleanliness.

— *Commissioner Thorson* said she was confused about the Eugene police policy to pay for the mental health sessions after an incident under highlights of work performed.

Chief Skinner said they require one within the first six months, and they will pay for that, but they recommend two and will pay for that one too. *Chief Skinner* said that policy would probably be on the agenda for 2025.

CLOSING COMMENTS [2:21:56]

Commissioner Thorson was grateful for the presentations tonight. She felt they were effective and concise.

— *Commissioner Radey* said he found the reports fascinating, but he was not totally convinced that going over them verbally and then having questions at the end was the best way to present the points. He suggested perhaps they give them the report and then summarize it and allow discussion. He said the reports showed serious attention to business

Commissioner Price thanked everyone for the hard work and attention to detail. She thanked Emily Macauley for the information given for the September LEMHW meeting and appreciated the time taken.

— *Commissioner Neal* appreciated the attention to detail and that these were being tracked. He said he will not be here for the next two meetings due to work obligations but will be sending liaison reports in.

— *Commissioner Leiman* said he was happy and proud to be part of the commission, he said one noteworthy point was that 50% of the complaints were internal and he felt that the department should be proud of that. He felt they had a robust system in place, and while they still needed work and could improve, that figure meant they were policing themselves.

Chair Hawkins asked for an explanation of Blue Team.

— *Ms. Coleman* said Blue Team was a companion software that spoke to IA pro, and they can use this application to give a service complaint to a supervisor. The other way they used Blue Team was for officers and sergeants to input data into as a self-report system for required reports such as use of force or show of force.

Commissioner Leiman asked how an officer could report concerns if they overheard something.

— *Ms. Coleman* said they could report it to a supervisor, who would then import it to Blue Team.

Commissioner Leiman said if the Auditor thought it was more then they could escalate it.

— *Ms. Coleman* said yes, and supervisors generally had an idea, but they did not have the power to classify it. She explained that the Auditor could see every complain that came in no matter how it came in.

Chair Hawkins asked if an employee could report anonymously.

— *Ms. Coleman* said they could through the Auditor’s Office.

Commissioner Booker said that while *Commissioner Leiman* said the internal complaints were a positive, he would like to make note of what prompted the request for a cultural audit and the lawsuit by a female officer. He felt they should not lose sight of that, or of the lack of diversity in the police force. He also asked that the outside agency come to the next police commission meeting to explain their process and for that outside agency to meet their commissioners. He appreciated the annual report and thanked them for including the late *Dallas Boggs* into their report and that *IA* came to explain their report.

— *Vice Chair Shivers* said it would not be the next meeting, but he said they will work to have the agency conducting the cultural audit come and give the Commission a report. He said he was eager to see the work from the LEMHW subcommittee and hoped they came to the committee with some ideas.

Commissioner Booker congratulated *Commissioner Parham* on being the new Chair for the LEMHW Subcommittee.

ADJOURNMENT

Meeting adjourned at 8:07 p.m.

EUGENE POLICE COMMISSION

AGENDA ITEM SUMMARY



Linda Phelps and Larry Craig with Mobility International, USA

Meeting Date: October 10, 2024

Department: Eugene Police Department

www.eugene-or.gov/policecommission

Staff Contact: Holly Mathews

Contact Telephone Number: 541-682-5852

hmathews@eugene-or.gov

ISSUE STATEMENT

The Police Commission would like the opportunity to meet with Linda Phelps and Larry Craig with Mobility International, USA (MIUSA) to help aid in their review of policy 370 Communications with Persons with Disabilities.

The police commission will have time to ask Linda and Larry questions as it pertains to persons with disabilities.

BACKGROUND

Linda Phelps was the Senior Planner for the Eugene Police Department for 11 years. During this time, she oversaw the Police Commission, coordinated department projects, including the department's first Strategic Plan, helped develop the mental health crisis training model, and managed the Crime Analysis section. Linda has a M.S. in Therapeutic Recreation from the UO and worked for the city's Recreation Department for 20 years where she was the manager of the Adapted Recreation program and developed Hilyard Community Center. She has served on the Board of Directors for Mobility International, USA (MIUSA) for several years. She currently is the President of this board.

Larry Craig was a Systems Analyst for the Eugene Police Department, serving as 9-1-1 Communications Systems Coordinator for 13 years. During this time, he assisted in the design and installation of the Operations Floor and Server Room of the 9-1-1 Center including the computer, radio and telephone systems used by 9-1-1 Communications personnel. Larry has a B.S. in Community Services and Public Affairs from the UO and worked as a dispatch supervisor for the city's Fire/EMS Department for 5 years and as a 9-1-1 Communications Supervisor for the Police Department for 15 years prior to his service as Systems Analyst. Larry has served on the Board of Directors for Mobility International, USA (MIUSA) for 10 years. He currently is the Vice President of this board.

ATTACHMENTS

- A. Information for Mobility International, USA (MIUSA) can be found here:

<https://www.miusa.org/>

EUGENE POLICE COMMISSION

AGENDA ITEM SUMMARY



Review Policy 370 Communications w/Persons w/Disabilities

Meeting Date: October 10, 2024

Department: Eugene Police Department

www.eugene-or.gov/policecommission

Staff Contact: Holly Mathews

Contact Telephone Number: 541-682-5852

hmathews@eugene-or.gov

ISSUE STATEMENT

The Police Commission will review and discuss Policy 370 Communications with Persons with Disabilities.

BACKGROUND

Policy 370 Communications with Persons with Disabilities is listed as priority number seven on the Police Commission's FY 2024 and FY 2025 Work Plan.

Policy 370 Communications with Persons with Disabilities was last updated on June 15, 2009.

ATTACHMENTS

- A. Policy 370 Communications with Persons with Disabilities

**POLICY
370**

**EFFECTIVE
DRAFT
03-22-23**

Eugene Police Department



Communication with Persons with Disabilities

370.1 PURPOSE AND SCOPE

Individuals with disabilities (e.g., hearing or sight impairment, autism, developmental or physical disabilities) may encounter difficulties in gaining meaningful access to, or an understanding of, important rights, obligations, and services. In accordance with the Americans with Disabilities Act (ADA), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 DEFINITIONS

Person with a disability – A person with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

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Americans with Disabilities Act (ADA) – This is a law that protects people with disabilities from discrimination in many areas of public life. It requires state and local governments including criminal justice agencies to comply with the ADA. Specific information is available on ADA.gov site. (ADD HYPERLINK)

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Impaired Individual -

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Deaf/ Hard of Hearing – “Deaf” usually refers to a hearing loss so severe that there is very little or no functional hearing. A person who is “hard of hearing” experiences a hearing loss where there may be enough residual hearing that an auditory device, such as a hearing aid or FM system, provides adequate assistance to process speech.

Commented [PLM1]: We need to decide if we are going to use the word ‘impaired’ it isn’t a popular word at this time.

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Blind/low vision – People who are blind are unable to see because of injury, disease, or a congenital condition.

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370.3 FACTORS TO CONSIDER

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Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. These factors

may include, but are not limited to:

- a. The extent to which a disability is obvious or otherwise made known to the involved employee. ~~Impaired or disabled individuals~~ Individuals with a disability may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- b. The nature of the disability (e.g., total deafness or blindness vs. partial impairment.)
- c. The nature of the law enforcement contact (e.g., emergency vs. ~~non-emergency~~ nonemergency, custodial vs. consensual contact.)
- d. Availability of resources to aid in communication.

When considering these factors and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals with apparent disabilities to critical services while not imposing undue burdens on the Department or its employees.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, body language, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication ~~impairments~~ limitations. If an individual may not know why ~~s/he is~~ they are being contacted, the involved employee should normally identify ~~his/her~~ their position and the purpose of the contact (e.g., telling a person with limited sight ~~impaired person~~ that the employee is a police officer.). To set an appropriate environment for effective communication, the factors outlined in ~~Policy 418.3.3~~ Policy 418 - Mental Health Crisis Response section ~~3.3.4~~ 18.3 ~~??~~ should be considered. ~~It is important to consider~~ Remember that some behaviors (e.g., not looking a person in the eyes) may be a function of a disability.

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370.3.4 TYPES OF ASSISTANCE AVAILABLE

~~Depending on the balance of the factors available for consideration at the time, this department~~ EPD will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. ~~People with disabilities~~ Disabled individuals may ~~elect~~ choose to accept such assistance at no cost, choose to provide their own communication services at their own expense, or any combination thereof. In any situation, the individual's expressed choice of communication method will be given primary consideration and honored unless the EPD employee can adequately demonstrate that under the circumstances another effective method of communication exists. ~~under the circumstances~~. Officers should document the type of communication utilized in any related report and whether a person with a disability ~~disabled or impaired individual~~ elected to use services provided by the Department or some other identified source. Department-provided services may include, but are not limited to, the following:

370.3.4.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected ~~disabled or impaired person~~person with a disability. Alternate methods of communication may be useful if the person seems unable to communicate verbally. -Examples of this would include such simple methods as:

- a. Hand gestures, sign language, or written communications exchanged between the employee and a deaf or person with limited hearing~~hearing-impaired individual~~ or a person who cannot speak.
- b. Facing an individual who utilizes lip reading and speaking slowly and clearly.
- c. Slowly and clearly speaking or reading simple terms to any visually or mentally ~~impaired-limited~~ individual ~~-~~and attempting to ensure that the officer or employee was you were understood.

370.~~34~~.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually ~~limited impaired~~ individuals. In the absence of such audio recordings, employees may elect to read aloud a ~~Department~~department form or document such as a citizen complaint form to a visually ~~limited-impaired~~ individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.~~34~~.3 TELEPHONE INTERPRETER SERVICES

Central Lane Communications will maintain a list of qualified interpreter services to be ~~contacted at department expense~~ to assist deaf or person with limited hearing~~hearing-impaired~~ individuals upon approval of a supervisor. When utilized, notification to such interpreters will be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours~~.-~~). For additional information on interpreters, refer to Policy 368 – Limited English Proficiency Services.

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370.~~34~~.4 TTY AND RELAY SERVICES

Individuals who are deaf or ~~have limited hearing~~hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services will be accepted by this ~~department~~.

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370.~~34~~.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location, and availability, responsible members of the ~~community~~may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders, and school officials. In addition to such sources, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

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370.~~34~~.6 FAMILY AND FRIENDS OF PEOPLE WITH DISABILITIES ~~DISABLED OR IMPAIRED INDIVIDUAL~~

While family and friends of a person with a disability~~disabled or impaired individual~~ may

frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.34.7 PERSONAL ADVOCATES AND ADVOCACY ORGANIZATIONS

Some individuals have personal advocates who may be able to assist in communicating with, and providing assistance to, persons with disabilities. In addition, community resource databases (e.g., www.211lane.org) may help to locate advocacy and other organizations which could assist.

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370.45 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to people with disabilities ~~disabled and impaired individuals~~ so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved ~~disabled or impaired individual(s)~~ person with a disability, such services should be noted in the related report. If an interpreter is used, contact information for that person should be included in the report.

370.54.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide ~~disabled and impaired individuals~~ people with disabilities with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated emergency calls to its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate ~~such disabled and impaired individuals~~ people with a disabilities utilizing 911 lines through any or all of the above resources.

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While 911 calls will receive top priority, it is also important that reasonable efforts be made to accommodate ~~disabled and impaired individuals~~ people with disabilities seeking more routine access to services and information from this department.

370.54.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all ~~disabled and impaired individuals~~ people with disabilities are protected during arrest and custodial interrogation, ~~this department~~ EPD places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with ~~disabled or impaired individuals~~ a person with a disability.

Whenever a deaf or person with limited hearing ~~impaired individual~~ is detained or arrested and placed in handcuffs, officers should consider, if safety permits, handcuffing the person

in front of the body in order to allow the individual to sign or write notes.

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Employees providing such assistance will also be aware of the inherent communication impediments to gathering information from ~~disabled or impaired individuals~~ a person with a disability throughout the booking process or any other situation in which a ~~disabled or impaired individual~~ person with a disability is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore, it is important ~~for this department employees to~~ make every reasonable effort to provide effective communication assistance in these situations.

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a. Individuals who require communication aids (e.g., hearing aids, automated speaking device) should be permitted to retain such devices while in custody whenever possible consistent with officer safety requirements.

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(a) _____

(e)b. While it may present officer safety or other logistical problems to allow an individual with a physical disability ~~physically disabled individual~~ to retain devices such as a ~~wheel chair~~ wheelchair, cane(s), or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

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370.54.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts which may involve people with disabilities ~~disabled or impaired individuals~~. The scope and nature of these activities and contacts will inevitably vary, and the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved people with disabilities ~~disabled or impaired individuals~~.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken with a ~~disabled or impaired individual~~ person with a disability. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual. When ending the contact, the employee should ensure that the person is oriented and not left in a potentially confusing or hazardous situation.

370.4.4 COMMUNITY OUTREACH

~~Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community~~

~~groups, local businesses, and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.~~

370.56 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with persons in custody) are properly trained, this department will provide periodic training in the following areas:

a. Employee awareness of related policies, procedures, forms, and available resources.

(a)

b. Training for employees having contact with the public (or those in ~~our department~~ custody) to help them work effectively with persons with disabilities through the use of such resources as in-person and telephone interpreters, ~~other services and/or and other persons or~~ specialized equipment.

(b)

c. (e) Training for management staff, even if they may not interact regularly with ~~people with disabilities~~ disabled individuals, in order that they remain fully aware of and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

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Chris Skinner
Chief of Police