

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Annual Meeting with Police Commission

Meeting Date: July 21, 2010
Department: Eugene Police Department
www.eugene-or.gov/policecommission

Agenda Item Number: A
Staff Contact: Randi Zimmer
Contact Telephone Number: 682-5852

ISSUE STATEMENT

This is a work session with members of the Police Commission to discuss the commission's annual report and approve its work plan for Fiscal Year (FY) 2011.

BACKGROUND

Each year, the City Council meets with the Police Commission to review its annual report and approve a work plan for the upcoming year. The Police Commission FY10 Annual Report (Attachment A) describes the commission's accomplishments and challenges in completing the tasks outlined in the FY10 Work Plan. Through its three working committees, the commission spent considerable time reviewing and making recommendations to the police department on many significant policies. A significant amount of time was spent reviewing the Taser pilot project policy and making recommendations on changes. The commission also spent considerable time collaborating with the Human Rights Commission to sponsor a Hate Crimes Conference.

Attachment B is the commission's proposed FY11 Work Plan, adopted at its July 8 meeting. The major committee projects are to:

- Continue the Police Operations Manual (POM) conversion to a Lexipol format;
- Review and make recommendations on policies related to use of force;
- Review and make recommendations on the Eugene Police Department's (EPD) budget and resources for FY12 and increase public outreach efforts.

In addition, the following list includes some of the work sessions and long-term projects that were proposed in the Police Commission's FY11 Work Plan. Each of these projects is consistent with the commission's charge to assist the City Council in balancing police resource priorities with community values.

- Hold two joint meetings with other City-appointed bodies: the Human Rights Commission and the Civilian Review Board (including a discussion with the Police Auditor to review the Annual Report)
- Information session on EPD's cross-cultural training program
- Information session on Lane County funding impacts to City of Eugene
- Continue collaboration with HRC on a Hate Crimes Resolution
- Review the 2010 Internal Affairs Case Statistics Report

RELATED CITY POLICIES

The City Council-adopted vision and goals includes two statements relevant to this item:

- 1) Safe Community – a community where people feel safe, valued and welcomed, and;
- 2) Effective and Accountable Municipal Government – a government that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes.

COUNCIL OPTIONS

The Police Commission is requesting the City Council approve a work plan for the current fiscal year.

The City Council may:

1. Approve the Police Commission FY11 Work Plan as proposed;
2. Amend the work plan and approve the plan as amended;
3. Direct the Police Commission to modify the work plan and present the revised version to the City Council for approval at a later date.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the council approve the Police Commission FY11 Work Plan as proposed and presented in attachment B.

SUGGESTED MOTION

Move to approve the Police Commission's FY11 Work Plan.

ATTACHMENTS

- A. Police Commission FY10 Annual Report
- B. Police Commission FY11 Work Plan
- C. Police Commission FY11 Work Plan Gantt Chart

FOR MORE INFORMATION

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City of Eugene

POLICE COMMISSION

Annual Report

Fiscal Year 2010 **(July 1, 2009 – June 30, 2010)**

Eugene Police Commission Mission Statement

Our mission is to recommend to the City Council, City Manager, Police Department, and the people, the resources, preferred policing alternatives, policies, and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership among people that helps achieve safety, justice and freedom for all people in Eugene.

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I. Introduction

This staff report is submitted to the Eugene City Council to document the activities of the Eugene Police Commission during Fiscal Year (FY) 2010: July 1, 2009 – June 30, 2010. The annual report describes how the commission has met the expectations of the City Council as outlined in its work plan, has responded to issues of community concern, and has furthered its mission and objectives.

The charge of the Police Commission, as described in City Ordinance 20398, is outlined as five outcomes:

- 1) To increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for this city;
- 2) To identify police policy and resource issues related to preferred policing alternatives;
- 3) To decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- 4) To provide input on police policies and procedures that reflect community values; and
- 5) To assist the city council in balancing community priorities and resources by advising it on police resource issues.

The Eugene City Council approved the FY10 Police Commission Work Plan on July 13, 2009. The following sections of this report are organized into Accomplishments, Challenges and Next Steps. Each section identifies the main outcomes of the work plan that the commission was charged with completing.

II. Accomplishments

The FY10 Work Plan was divided into the following three components: a) Committees; b) Work Sessions and Information Items; and c) Annual and Long-Term Projects.

A. Committees

One of the most important Police Commission functions is to provide a forum for discussion on a range of policing issues in a public meeting setting. This year's meeting schedule provided numerous opportunities for community involvement in the commission's work. In addition to the eleven regular monthly Police Commission meetings, members of the commission participated on three committees during FY10: Use of Force; Policy Screening and Review; and Public Outreach.

- **The Use of Force Committee (UOFC)** is charged with reviewing the Eugene Police Department's policies involving the use of force. Members of the committee are Joe Alsup (Chair), Tamara Miller (Vice Chair), Marilyn Nelson, Frank Travis, Juan Carlos Valle, and John Ahlen. The UOFC has been active since FY08 with the charge of reviewing the following policies:

- 300 – Use of Force (*complete*)

- 300 – Use of Force (*complete*)
- 301 – Use of Force Reporting/Investigation
- 302 – Deadly Force Review
- 304 – Shooting Policy
- 305 – OC Spray
- 306 – Leg Restraint Device (*currently in review*)
- 307 – Carotid Restraint (*currently in review*)
- 308 – Control Devices and Techniques (*currently in review*)
- 309 – Taser Guidelines (*complete*)
- 310 – Officer-Involved Shooting
- 312 – Firearms
- 432 – Patrol Rifles

The UOFC spent considerable time in FY10 reviewing policy 309 - Taser Guidelines. Over a period of 10 months, the committee met almost twice monthly to complete their recommendations on the Taser policy used during the police department's pilot project. Each meeting included time on the agenda for the committee to engage in open dialogue with the public to discuss issues of concern or answer clarifying questions. On March 11, 2010, the UOFC presented their recommendations on the Taser policy to the full Police Commission. The group's deliberations continued through the next month, and on April 8, 2010, the commission accepted the draft Taser policy (with few amendments) and forwarded the recommendations onto Police Chief Pete Kerns for his consideration.

To further inform the community of the recommendation process, the UOFC held a Taser Public Forum on May 4, 2010. The objective of this forum was to share with the community the recommendations the Police Commission made on the Taser policy, and provide an arena to answer questions on any outstanding issues. Approximately 50 members of the public attended the forum, including several stakeholders who regularly attended committee meetings during the year. The City Council was also involved in the final stages of the review process, requesting a work session with members of the Police Commission to learn about the recommendations. This work session resulted in Council's unanimous support of the Police Commission's Taser policy draft.

In addition to reviewing the Taser policy, the UOFC completed the review of Policy 300 – Use of Force, and Policy 308 – Control Devices and Techniques. These two policies were forwarded to the full commission with Policy 300 being accepted and presented to Chief Kerns for his consideration. (Policy 308 will be discussed by the commission during its September, 2010 meeting.)

- The **Policy Screening and Review Committee (PSRC)** first began in FY08 as a multi-year effort to assist the department in updating the police policy manual, utilizing the Lexipol structure as a framework for a comprehensive policy review process. In FY10 the PSRC screened and made recommendations on several policies that were mostly administratively-based. Some of the policies reviewed were Aircraft Accidents, Organizational Structure and Responsibility, Internal Written Communications, Department Electronic Mail, Extraditions and Airport Procedures. Most of the policy work this year was focused on force-related policies by the Use of Force Committee, on

which several PSRC members serve. Committee Chair Juan Carlos Valle and Vice Chair Marilyn Nelson provided excellent leadership to the group while undertaking the challenge of assisting the department in an ongoing revision of its policy manual. Other members are Tamara Miller, Tim Mueller and John Ahlen.

- **The Public Outreach Committee (POC)** has a charge of better engaging and educating the public in the work of the police department and strengthening the community/police relationship. The POC began in FY09 with only three members. This year, the committee restructured its membership and was able to add two more members. Chair Brooke Dodge, Tim Mueller, Juan Carlos Valle, Marilyn Nelson and Tamara Miller created a new strategy plan for the POC that included activities intended to bring a stronger community perspective to the Police Commission and the police department. One significant project the POC completed this year was a Police Commission brochure. The brochure included information on the commission's charge, ways for the public to be involved in meetings, and the current year's work plan items, to name a few. The POC also began developing a short survey of questions that sought to identify challenges in achieving the committee's mission of building the relationship between the police department and the community. The survey will be completed in early FY11 and sent to stakeholders, neighborhood associations, and other households both online and on hard copy. Additionally, the POC became involved in social networking by creating a Twitter page. The goal of this project was to announce important events and meetings to the public and increase awareness of the commission's activities.

B. Work Sessions and Information Items

In addition to extensive committee work, the Police Commission held several informational items and work sessions during its busy meeting schedule. The following is a monthly timeline of some of the key discussions in which the commission was involved:

August 2009:

- Discussion with Police Auditor Mark Gissiner to receive annual report
- 2008 Internal Affairs Case Statistics report from Eugene Police Department's Office of Professional Standards
- Update on domestic violence reporting by EPD's Violent Crimes Unit

September 2009:

- Information item on citation authority change with the University of Oregon's Department of Public Safety
- Work session to set protocol on Human Rights Commission and Civilian Review Board liaison reporting
- Work session to review and amend Police Commission bylaws

October 2009:

- Continued work session on Police Commission bylaws
- Work session to accept Use of Force Committee policy recommendations

November 2009:

- Continued work session to accept Use of Force Committee policy recommendations
- Information session with Chief Kerns on downtown public safety strategies

December 2009:

- Information item on EPD's FY11 budget development
- Police Commission mid-year work plan progress report

January 2010:

- Information session on functions of Eugene Municipal Court
- Information session on EPD training

February 2010:

- Work session to begin planning the Hate Crimes Conference
- Work session on the commission's policy review process

March 2010:

- Work session to review and take action on the Use of Force Committee's recommendations on the Taser policy

April 2010:

- Continued work session on the Taser policy (action taken at this meeting)

May 2010:

- Work session on the Police Commission's FY11 budget
- Information item homeless initiatives from EPD staff

June 2010:

- Discussion on joint sponsorship of Hate Crimes Resolution with the Human Rights Commission
- Police Commission process session and work planning session

*July 2010:

- 2009 Internal Affairs Case Statistics Report from EPD's Office of Professional Standards
- Joint meeting with the Civilian Review Board & discussion of annual report
- Work session to accept Use of Force Committee's recommendations on policies 300 and 308
- Work session to approve the Police Commission's draft FY11 Work Plan

The commission regularly takes one month off during the year, which occurred in July 2009. Because this caused a delayed start to the FY10 Work Plan, the commission decided to hold their last meeting of FY10 in July of this year and complete its work one week past the end of the fiscal year. However, the items listed above for July, 2010 are part of FY10 and this annual report.

C. Annual and Long-Term Projects

Most of the annual and long-term projects outlined in the Police Commission's FY10 Work Plan were completed. The Police Commission was proud to partner with the Human Rights Commission in the planning of a Hate Crimes Conference. A separate task group of members from both bodies was convened to plan the event, which occurred over several months. This resulted in a very successful collaboration of agencies throughout Lane County and included a panel of advocates who answered questions from the public. A full joint meeting with the Human Rights Commission wasn't held this year, but the collaborative projects completed allowed the two groups to work through issues of mutual interest. The Police Commission also met with members of the Civilian Review Board to discuss trends in complaints reviewed by the Board. Some of the policy-related issues that were discussed included warrantless entry, search and seizure, and foot pursuits. The Police Commission plans to address these trends by reviewing the relevant policies (via the Policy Screening and Review Committee) and make recommendations on any pertinent changes. Due to the timing of the Police Auditor's 2009 Report, the Police Commission will receive this annual report in early FY11.

In addition to the above items, every monthly meeting included roundtable comments from the Chair and commissioners, as well as regular committee reports. Chief Kerns attended each Police Commission meeting to update the commission on police department news and current events. The Chief's Report was a key component to every monthly meeting and provided a special exchange between the commission and the police department. The chief also answered questions by the commission during this time and offered opportunities for involvement in police-related activities and events.

III. Challenges

A. Membership Changes

The Police Commission had one resignation during FY10, that of member Brooke Dodge. Commissioner Dodge resigned in early June 2010. The recruitment to fill this vacancy is underway and the commission hopes to have a new member onboard in the near future. In addition, the commission welcomed two new liaisons during FY10: Human Rights Commission liaison Linda Hamilton, and Civilian Review Board liaison Bernadette Conover.

B. Work Plan Adjustments

In December 2009, the commission revisited its work plan in an attempt to balance existing commitments with new priorities. A month-by-month schedule was organized to ensure enough time was spent on each of the work plan's pending projects. One significant change was made to the work plan's committee work. The commission originally had included a fourth committee on the police department's resources and budget. The goal of this committee was to review the FY11 budget proposal and make recommendations on resource allocation. However, due to the heavy workload of the Use of Force Committee and busy monthly meeting items, the commission decided to receive regular budget updates from Chief Kerns during his monthly report. These updates satisfied the commission's desire to be involved in the budget process, and

the group decided to further their participation in FY11 by establishing a similar committee earlier in the year.

Another change the commission made at this time was an adjustment to the work plan items' timelines. Both the Use of Force Committee and Public Outreach Committee were set to be completed by spring of 2010, but the group decided to extend both committees through the end of the fiscal year. This allowed extra time for review of the Taser policy and to schedule additional public meetings.

Traditionally, the Police Commission holds a weekend Process Retreat to develop the upcoming year's work plan, and work through any process issues that need improvement. Due to conflicting weekend schedules, the commission instead held its Process Retreat during its June and July meetings. Feedback from the group was that this modified version of a retreat was not as effective because of the limited amount of time allocated. Thus, the group decided to hold a more lengthy retreat in FY11 with more time to discuss process issues and work plan ideas.

C. Next Steps

The commission is proud to report that the majority of the items in the FY10 Work Plan were completed, despite a very busy workload and major policy reviews. Much of the committee work in FY10 will continue into FY11, while allowing adequate time for any emerging issues to be addressed. The proposed FY11 Work Plan will be presented to City Council for their approval in late July, and the commission will reconvene in September to begin working on the new fiscal year's projects.

City of Eugene



POLICE COMMISSION

**FISCAL YEAR 2011
WORK PLAN**

Proposal: July 21, 2010

**Eugene Police Commission
FY11 Work Plan**

POLICE COMMISSION MEMBERS

Tamara Miller, Chair

Bernadette Conover

**Juan Carlos Valle, Vice
Chair**

Linda Hamilton

John Ahlen

Tim Mueller

Joe Alsup

Marilyn Nelson

Councilor George Brown

Frank Travis

Councilor Mike Clark

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www.eugene-or.gov/policecommission

Eugene Police Commission FY11 Work Plan

Police Commission Mission Statement

The Eugene Police Commission's mission is to recommend to the City Council, the City Manager, the Eugene Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Eugene Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The commission's enabling ordinance, adopted in December of 1998, requires that it develop a yearly work plan for City Council review and approval. Work plans follow a July 1 – June 30 fiscal year (FY) schedule. Major accomplishments over the past six years include:

- Special Weapons and Tactics (SWAT) and related policy review (FY04)
- Report on strategies to improve police and community interactions (FY04)
- Social Security Number policy development (FY05)
- Complaint handling and civilian oversight recommendations (FY05 - 06)
- Patrol In-Car Video policy development (FY06)
- Assistance with oversight model implementation (FY06 – 07)
- Recommendations for a Crisis Intervention Team (CIT) and related steering committee (FY08)
- Policy on Tasers (FY08)
- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY09)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY09)
- Review and recommendations on several force-related policies, including the Taser Pilot Project policy and general use of force (FY10)

The projects proposed for the commission's FY11 Work Plan are described in more detail in the following sections. A Gantt chart showing tasks associated with these projects and estimated timelines is also attached. An annual report, documenting the group's achievements and challenges encountered in meeting its work plan commitments from FY10, is provided separately.

**Eugene Police Commission
FY11 Work Plan**

FY10 Work Plan Tasks and Procedural Objectives

Work Plan Tasks

The Police Commission's work plan is divided into the following three components: a) Committees; b) Work Sessions and Information Items; c) Annual & Long-Term Projects.

A. Committees

Two committees from FY10 will continue and carry over to this fiscal year's work plan: Policy Screening and Review Committee, and Use of Force Committee. One new committee identified at the commission's June 10, 2010 Process Retreat will focus on the Eugene Police Department's (EPD) resources and budget.

- The **Policy Screening and Review Committee (PSRC)** is designed as a multi-year effort to assist the department in updating the police policy manual, utilizing the Lexipol structure as the framework for a comprehensive policy review process. This committee was first organized in FY08 but did not begin reviewing policies until FY09. In the past fiscal year, the committee reviewed and made recommendations on several different topic-specific policies. In FY11 the committee will continue its process of screening policies and making suggestions for revisions as they see fit. Some of the priority policies identified for this year include homelessness, warrantless entry and vehicle pursuit.
- The **Use of Force Committee** originally began in FY08 to assist the department with the development of a Taser policy for the department's pilot project. With the Taser policy review completed, in addition to several others, the committee has the following policies left for this fiscal year:
 - 301 – Use of Force Reporting/Investigation
 - 302 – Deadly Force Review
 - 304 – Shooting Policy
 - 305 – OC Spray
 - 306 – Leg Restraint Device
 - 307 – Carotid Restraint
 - 308 – Control Devices & Techniques
 - 310 – Officer-Involved Shooting
 - 312 – Firearms
 - 432 – Patrol Rifles
- The **Committee on EPD Resources and Public Outreach** is a modified project from last year's Public Outreach Committee. The commission's goal for this committee is to combine the work of the current Public Outreach Committee and incorporate a review of the police department's resources to identify service gaps and make recommendations on the FY12 budget. One of the focus areas of this committee will be to monitor Lane County's budget and assess the impact of funding to City of Eugene operations. This committee will utilize outreach

Eugene Police Commission FY11 Work Plan

strategies designed in FY10 to better engage the public in supporting the police department's goal of strengthening and increasing resources.

B. Work Sessions and Information Items

Work sessions are scheduled periodically to provide opportunities for information sharing and discussion of public safety issues that do not necessarily require Police Commission action. These work sessions may involve presentations from police department staff, other City departments, or other relevant agencies. The commission has limited the number of work sessions and information items to those of highest priority to conserve meeting time and enable some flexibility to address emerging issues. The following work sessions and information items are planned for FY11:

- Work session on the Downtown Public Safety Zone exclusion ordinance to review the program and make recommendations on its extension
- Information session on mediation options for officers when receiving complaints
- Information session on marijuana citations to discover how resources are spent on enforcement
- Information session on cross-cultural competency training at EPD
- Work session to establish the Civilian Review Board's process of referring policy review to the Police Commission

The commission intends to continue its review of quarterly strategic plan status reports from the department and other related activities to stay informed of the organizational issues and strategies.

C. Annual and Long-Term Projects

Every year the commission holds meetings with other City boards and commissions to stay informed of current public safety issues and to partner with these groups on projects. These are organized in the FY11 Work Plan as Annual and Long-Term Projects. They are:

- Joint meeting with the Human Rights Commission (to include another project on a hate crimes resolution)
- Joint meeting with the Civilian Review Board
- Police Auditor Annual Report presentation
- 2010 Internal Affairs Case Statistics presentation
- Process session/work planning retreat

Procedural Objectives

Some specific procedural objectives for FY11 are to:

- Support the commission's leadership team with appropriate level of responsibilities
- Maintain a highly qualified, dedicated and balanced membership
- Identify opportunities for team-building to establish positive working relationships and facilitate group cohesiveness

**Eugene Police Commission
FY11 Work Plan**

- Continue outreach, information sharing and collaboration with the Human Rights Commission and the Civilian Review Board on issues of mutual interest
- Utilize the roles of commission liaisons (two City Councilors, one CRB member and one HRC member) to stay on track with other City business
- Engage in discussions with officers to understand the impact of policies on their work

Work Plan Outcomes

| | |
|-------------------|--|
| OUTCOME 1. | <i>Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.</i> |
|-------------------|--|

In FY11, the Police Commission will:

- < Provide frequent opportunities for community dialogue on current issues in law enforcement, to include:
 - Monthly EPD commendations and Internal Affairs case summaries.
 - Progress of the civilian oversight system via periodic status updates from the police auditor and the Civilian Review Board liaison, and review of annual police auditor and CRB reports.
 - Regular updates from the Human Rights Commission liaison and participation in joint meetings/activities.
 - Public input on proposed policy recommendations and involve interested community members in the review process.
 - Information to the public on standard police practices and new procedures to increase the transparency of police operations.

| | |
|-------------------|---|
| OUTCOME 2. | <i>Identify police policy and resource issues related to preferred policing alternatives.</i> |
|-------------------|---|

In FY11, the Police Commission will:

- < Examine the police department's resources and make recommendations on service gaps to increase productivity and effectiveness.
- < Monitor the impact of Lane County funding on public safety, specifically reviewing and suggesting options for improving service gaps in the police department.
- < Hold an information session with police department staff to discover options for police employees during mediation of complaints.
- < Hold an information session with police department staff to learn about cross-cultural competency training that EPD is providing to employees.

**Eugene Police Commission
FY11 Work Plan**

OUTCOME 3.

Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.

In FY11, the Police Commission will:

- < Present the results of the commission's analyses and recommendations to the community, using news releases, the commission's web site, social networking sites like Twitter, status reports to City Council, distribution of reports to stakeholders and participants, and other mechanisms as appropriate.
- < Respond to emerging issues by scheduling topic-specific work sessions and requesting information updates from staff.
- < Network with other City of Eugene boards and commissions to increase collaboration and information sharing on topics of mutual interest.
- < Attend EPD-sponsored events and participate in the Ride-Along program to discuss the impact of policy changes on officers.

OUTCOME 4.

Provide input on police policies that reflect community values.

In FY11, the Police Commission will:

- < Assist the police department in a comprehensive review and update of its policy manual to a Leixpol format. All policy reviews will be screened by the Policy Screening and Review Committee (except those assigned to the Use of Force Committee). Policies of significant community interest will be more thoroughly vetted in a public meeting setting.
- < Monitor the application of policies that were previously recommended to the department by the commission and schedule periodic reviews of policies when necessary.

OUTCOME 5.

Assist the City Council in balancing community priorities and resources by advising it on police resource issues.

In FY11, the Police Commission will:

- < Assess community concerns on resource issues through the Committee on EPD Resources & Public Outreach.
- < Use the findings developed through committee work to make recommendations on programs and training within the department.

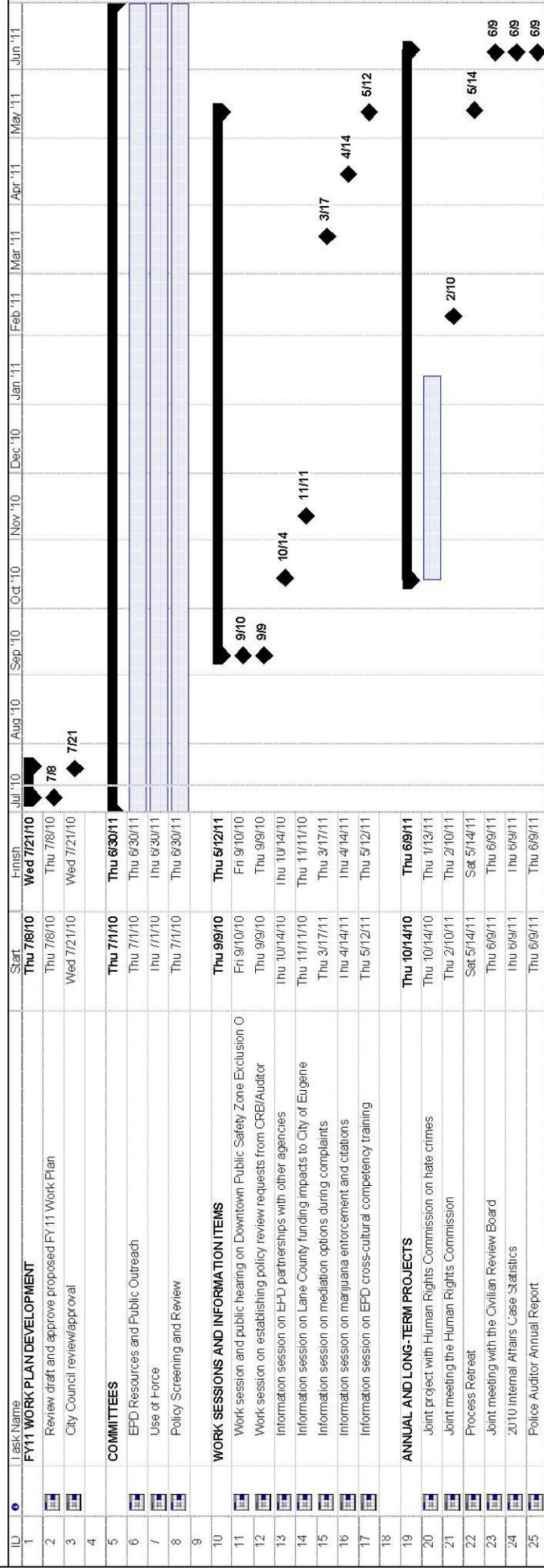
As outlined above, the tasks proposed for this year's work plan are clearly aligned with the Police Commission's role and objectives as described in its ordinance. The commission has continued to be forward-thinking in crafting its work plans while responding to issues of local interest. The

**Eugene Police Commission
FY11 Work Plan**

continuation of policy-focused committees will help the department implement critical policies that will directly benefit the community. And the opportunity for public comment at every committee and commission meeting allows for greater participation from the community and an open environment for dialogue.

The new and ongoing projects in the Police Commission's FY11 Work Plan make for a full and ambitious work load. However, the Police Commission will accommodate pertinent changes as directed by the City Council or as necessary to respond to emerging community concerns.

Attachment C: Proposed Police Commission FY11 Work Plan - Gantt Chart



Task Split Progress Milestone Summary Project Summary External Tasks External Milestone Deadline