

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Briefing: Quarterly Briefing to City Council from Police Auditor

Meeting Date: October 25, 2010
Department: Office of the Police Auditor
www.eugene-or.gov

Agenda Item Number: B
Staff Contact: Mark Gissiner
Contact Telephone Number: 541-682-5005

ISSUE STATEMENT

The Police Auditor is appearing before the City Council to provide a tri-annual update on major issues involving the Office of the Police Auditor.

BACKGROUND

The Eugene City Council is the hiring authority for the Police Auditor. On a tri-annual basis the Police Auditor provides reports to the council on key issues effecting the Auditor's office and police/community relations.

RELATED CITY POLICIES

Eugene Charter and Police Auditor Ordinances

COUNCIL OPTIONS

Offer comments and questions.

CITY MANAGER'S RECOMMENDATION

Not applicable.

ATTACHMENTS

- A. Informational Report
- B. Text Format Letter from John Kroger, Oregon Attorney General on Public Records Administrative Changes and Initiatives

FOR MORE INFORMATION

Staff Contact: Mark Gissiner
Telephone: 541-682-5005
Staff E-Mail: mark.a.gissiner@ci.eugene.or.us

**City of Eugene
Police Auditor**

800 Olive Street
Eugene, Oregon 97401
(541) 682-5016
(541) 682-5599 FAX
www.eugene-or.gov

To: Mayor Piercy and Councilors
From: Mark Gissiner, Police Auditor
Date: 10-25-2010
Re: Informational Report

This is my quarterly report to City Council on primary issues in the Auditor's Office. These issues are also discussed monthly (for the most part) with the Auditor Supervision Team of Council President Mike Clark and Council Vice President Betty Taylor.

We continue to strive to provide excellent customer service with recognition that often times the decisions made are not always popular. We also continue to work with the Eugene Police Department and Chief Pete Kerns to identify key issues in policies and training to improve the performance of the department and the Auditor's Office.

I. CRB Letter to the Oregon Attorney General Requesting Clarification on Public Safety Records

Attached in text format is an e-mail from Attorney General John Kroger about administrative initiatives regarding public records. The changes include making the Attorney General's Manual on public records more accessible and clarifications on time frames and costs.

II. Hiring Process for Deputy Auditor

We are in the final stages of the hiring process, I hope. Four finalists were selected by our interview panel and were interviewed by the Auditor's office. Background investigations are currently being conducted. Hopefully, we will have an announcement by early November.

III. Meeting with University of Oregon Officials

After expressing concerns about safety issues at Autzen Stadium and after the disturbance at 13th and Ferry Streets, I was given an opportunity to review operational issues at Autzen on game day with Councilor Zelenka and Assistant District Attorney Patty Perlow. It was an enlightening experience and I appreciate the efforts and hospitality of President Richard Lariviere and Government Relations Director Greg Rikhoff.

I also did one "party patrol" ride-along with Sergeant Reynolds. There was nothing that I did not expect but remain concerned about what the future holds absent more community and long range strategic thinking in partnership with the university.

IV. Discussion with Chief Kerns and Chief Doug Tripp (U of O Chief)

The Chief and I met with Chief Doug Tripp to brainstorm regarding the issue of sworn police officers at the University of Oregon. In general terms, we discussed issues of policy and policy development, accountability, jurisdiction and mutual aid.

V. Policy Issues

In my August Report I wrote about policy initiatives for study by the Police Commission. We continue to prioritize vehicular police pursuits, search and seizure and use of K-9 teams. Interim policies are under development and these initiatives will be presented by the Police Department to the Police Commission for further study. Both the Chief and I have initiated Internal Affairs investigations involving police pursuits that involve “higher” risk efforts. These investigations not only involve an analysis of the conduct of the officer, but the applicability of the policies and the level of training officers receive. Some might define it as more of a business risk assessment. Ultimately, we wish to ensure the safety of the community while at the same time recognizing that this safety may include the need to engage in a high speed pursuit.

VI. Allegations of Criminal Conduct

In two instances so far this year, complainants have made allegations, that if true, would constitute an allegation of criminal conduct. In both instances Chief Kerns, senior police management and I met and concluded that the best course of action was to confer with the District Attorney’s Office and that the investigations be conducted by the Oregon State Patrol rather than in-house. Both cases have been closed with no evidence of criminal conduct. In one instance, the In Car Video proved of great value in disproving the allegation.

VII. Emphasis on Customer Service Improvements

As stated in my previous report, even though only .2 of 1% of complaints on traffic stops involve a complaint of discourtesy or similar verbal interaction, The EPD senior management team and I continue to work diligently to improve every citizen interaction. One on one interaction between officers and residents are analyzed to devise solutions for best practices in these interactions.

VIII. Complaints

Overall complaints are up 15% for the period 1/1/10 to 10/12/10 versus the same period as for 2009. Incidents generating allegations (more serious complaints investigated by internal affairs) are down 25% (29 vs. 40 from previous year’s time period), inquiries are up 46%, policy complaints are up 69% and service complaints are up 20%.

Allegation dispositions for the period 1/1/10 to 10/18/10 (some with multiple officers or multiple policy violation allegations), are indicated below. (Please note that some case dispositions for 2010 are from cases that began in late 2009. Also, these are updated often so the statistics change regularly).

Use of Force: 25 allegations

- 2 sustained (8%)
- 5 unfounded
- 18 within policy

Conduct: 9 allegations

- 4 sustained (44%)
- 4 unfounded
- 1 within policy

Courtesy: 1 allegation (more serious)

- 1 within policy

Performance: 23 allegations

- 14 sustained (36%)
- 2 insufficient evidence
- 7 unfounded

Constitutional Rights: 5

- 5 within policy

Totals: 63 allegation dispositions for the period 1/1/10 to 10/18/10:

- **20 sustained – 32%** (compared to 24% for the 1st six months of 2010)
- **16 unfounded – 25%** (compared to 26% for the 1st six months of 2010)
- **2 insufficient evidence – 3 %** (compared to 5% for the 1st six months of 2010)
- **25 within policy – 40%** (compared to 45% for the 1st six months of 2010)

IX. Commendations

For the period 1/1/10 to 10/12/10 there are now 321 recorded commendations.

ATTACHMENT B

From: Attorney General John Kroger
mailto:attorneygeneral@doj.state.or.us]
Sent: Thursday, October 07, 2010 1:38 PM
To: GISSINER Mark A
Subject: A Step Toward Greater Transparency

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
October 7, 2010

Dear Mark,

Since announcing the Attorney General's Government Transparency Initiative last December, Attorney General John Kroger conducted a statewide outreach effort to hear from Oregonians committed to making state government more accessible. Released today, the Attorney General's Government Transparency Report summarizes the input he received, the current state of transparency and where we should make changes to the law.

We are also happy to announce that the 2010 Attorney General's Public Records and Meetings Manual has been published and is now online. This document is prepared every two years by the Oregon Department of Justice and serves as a reference guide for citizens and public officials to ensure that their government is acting in compliance with the law.

Changes in the 2010 Manual reflect new legislation, recent court decisions and a fresh look at previous interpretations of Oregon Public Records Law:

*For the first time ever the Manual is free, available online and in a searchable HTML format. This new format allows for regular updates, ensuring that the public has access to the most current interpretation of the law.

*The term "reasonable timeframe" to respond to a typical record request is defined as 10 working days. The length of a "reasonable timeframe" - a figure which every public body relies upon - had never before been clarified.

*Consideration of the public's interest for fee waiver requests is now required. Previously, public bodies were invited to assess how much they would be burdened by waiving or reducing their fees without placing the public's interest on the other side of the scale.

*The section that describes how to appeal a public body's decision has been completely reorganized. It is now more accurate and, hopefully, easier to follow.

We hope that you will take the time to read the report and join our effort to transform Oregon Public Records Law in the upcoming legislative session. As always, if you have comments or questions please do not hesitate to contact the Attorney General's office at attorneygeneral@doj.state.or.us. We always enjoy hearing from you.