UO Police Department Oversight Working Group Meeting #4
Meeting Notes
March 1, 2011

Attendees:
Michael Connely
Mark Gissiner
Paul Shang
Brian Smith
Terry Leary
Adam Lillengreen
Doug Tripp
Carolyn McDermed
Jeannine Parisi

Now we will look at the context, lay that kind of ground work, and look at what components the different oversight groups contain.

Mark Gissiner Presentation
Discuss what general terms are for oversight, what works, and people’s opinions
“Goals of the U of O Civilian Oversight System”
- trust
External oversight improves performance, reduces liability to UO. It is not our purpose to be a tool for media entertainment, but to have the best practices in the community
“Established . . . Complaint Process”
The entry for complaints is a bifurcated system; we typically see students and administration as more of a caretaking role, and people who are not students and here for less than honorable purposes, we see not much differently than a regular police force would. There are different responses for different types of folks on campus, this is the enforcement aspect, and most complaints come from those who are not part of UO system. During discussions early on, we talked about Paul Shang being the primary point of contact for student complaints. I like this idea. Discuss how the complaints can be taken. What that communication process will be.
“Complaint Process Continued”
Who decides classification? In a criminal violation, cases are turned over to Oregon State police to take care of. Lot of complaints from folks whether they should go to court system, advocate for going to court, administrative personnel matter within the department, processes mandated by state
Mediation is a valuable tool, until recently members of EPD had confusion as to how our process works, we ironed out confusion, it now works quite well, officers are more open to that thing
What about complaints against non-sworn employees? Iron out in your department, integrate with union process.
Try to preach processes that are airtight, because you’ll run into all kinds of situations. It’s a blessing and a curse when there are not many major incidents. The other thing, in terms of representation, you need to know the steps for representation. Who are and who are not members of collective bargaining agreements (CBAs).
Separate investigative process, an auditor, or should someone within current infrastructure coordinate complaints and reviews? Need to have resources cased
Public records
Discharges weapon, state law right now, everyone needs to understand the process. Once investigation occurs, who decides if officer’s actions were appropriate?

“Classification of Complaints”
Classifying as a Misconduct or Service Complaint determines how complaint will be investigated. 75 to 80 percent are service related, for example—officer arguing when giving a ticket, or officer driving too fast

“Types of Conduct Complaints (Sub-classification)”
Criminal conduct
Allegation of misconduct
Deadly force, the internal process
Inquiry- information without allegation, odd or improbable; look into before making any allegations
Policy complaint- like telephone reporting system, if a bike is stolen; just take a record over the telephone. It will probably be different at UO Police Department
Service Complaint, “house broken into but didn’t show up for 3 hours”
Use of Force Review

“Allegations of Misconduct”
Conduct
Constitutional Rights – lots of situations where judges need support of police dept. This is not the case in EPD
Courtesy—no reason to argue back when giving tickets, no one wants them
Discrimination- stopped because of their race, dress, and economic status
Use of Force- 20 years ago, people would sometimes walk in battered and bruised, but that is pretty darn rare these days, tight handcuffs can be an issue, use of tasers is pretty small, pepper spray is too strong these days, night sticks are rarely used, they can cause a lot of damage and if the bad guy gets the night stick it can be worse, so they were often left in car.
Good training helps
“If he’s got my pistol, maybe using my taser would help.” Cliff, an officer who was killed

“Service Complaints”
Category of performance for most complaints
Speeding, mostly
Service level, in all domestic violence instances one person won’t end up happy

“Complaint Intake Process”
Personal interviews, before they’ve calmed down because they may have a different opinion a few days later. Gather contact information, data on demographics; in Eugene, almost always people in their 40s here, not similar in other cities. There are very few young people or moms on behalf of young people.
Summary, what employees played individual roles, look for target or witness

“Communication to Complainants and Employees at the End of Process”
Unlikely public will know outcomes or discipline imposed as a result of the complaint process. Public records exemptions in Oregon are extensive. Ohio and Florida are quite open
Public gets nuggets of information, instead of whole picture to make judgments.

“Oversight of UO Police”
There are lots of decisions for UO to make. Training for review board, special needs. A tough job, Houston had 9 member board, subcommittees of 3
Deal with UODPS contacts that are 87% non-students, how will this all work?

“Performance of Process”
Done in 60-90 days
In Cincinnati in 1986 it was insane to catch up; there were deadly force cases over a year old.
Process has to be free from bias.
Should the oversight system be independent from police?
Build trust, which is more difficult when you can’t disclose full story because of confidentiality requirements.

“Accountability and Transparency”
If you go on websites for other campuses there are maps with sex offenders in neighborhood
Transparency ensures community confidence

“Strengths”
Back in Cincinnati, we had to do all investigations along with internal affairs. The process was to be helpful throughout, let them know opinions ahead of time. Some offices will wait till end for critiques.
Helping throughout gives people opportunity to make adjustments at half-time
Some folks are really angry
Deliberations of case reviews in public meetings, opportunities for public comment, opportunities to translate findings into policy recommendations.
Important policies need to be decided on quickly

“Investigation of Misconduct Allegations”
For Eugene Police Department: criminal misconduct Oregon State Police (OSP) investigates, if not criminal, Internal Affairs investigates and processes

“Internal Affairs Investigations”
Management employees have right for representation in administrative cases
Garrity Rights mean sworn officers must answer questions but the information cannot be used against them.

“Monitoring the Investigation”
Ask questions; turn over IA issues within one or two years

“Review of the Investigation”

“Recommendations”
Write the report, adjudications recommendations
Sustained, unfounded, within policy, insufficient evidence—the allegation cannot be proven by a preponderance of evidence
Database system, IA cases, red folders for bad things. Wish there was something in-between.
Accountants make mistakes, like three instead of two tickets, things that shouldn’t have cleared end up running before consulting a supervisor. You don’t want employees to feel like they’re being hunted, willful and malicious, but that they will be taken care of, because of a mistake- brain not working well, policy issue, training issues. Not every moment is our best moment. Courtesy complaints- look at in-car-video. Supervisors need to be active, mentoring, and not afraid to deal with issues at hand. EPD rarely gets argumentative types of complaints anymore.

Eugene spends a lot on oversight compared to the rest of country