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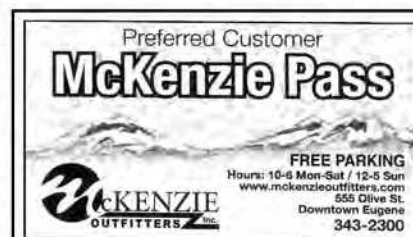
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news BY ALAN PITTMAN

What Now?

External police review passed, but cops, city manager could still kill it.

Eugene citizens voted overwhelmingly for an independent citizen review board and auditor for police complaints last month. But whether Measure 20-106 will actually produce much reform behind the solid blue wall at the EPD remains to be seen.

"We're going to do everything in our power to make sure that is successful," Eugene Police Chief Robert Lehner told the City Club after the measure passed. But the Chief warned that although it wasn't discussed much during the election, "any system is subject to the same rules that I am."

Those rules, found in the police union contract and state laws requiring binding arbitration for police labor disputes, have made reform difficult in the past. A decade ago, the union successfully fought off efforts by a previous police chief to toughen discipline by arguing to a state arbitrator that tighter discipline was illegally inconsistent with past, looser discipline, according to state records.

The current union contract sets detailed disciplinary rules and requires the city to bargain for any changes. The Eugene Police Employees Association campaigned aggressively against 20-106, running thousands of dollars in opposition ads. The union could refuse to accept necessary changes in its contract to accommodate external review, forcing the city into binding arbitration or a lawsuit.

How forcefully city management would defend the external review system is unclear. Eugene City Manager Dennis Taylor wrote a letter to the Police Commission opposing an independent auditor/board appointed by the City Council. Taylor favored a board/auditor he would internally appoint and control.

Under Eugene's city manager system, Taylor has sole authority to hire and direct the city attorney, who would defend the charter amendment and external review from any legal challenges by the police union.

City officials could also defeat the review/board auditor by starving it of funding. Independent review systems in other cities have withered because they haven't been made a budget priority.

The auditor/review board also faces a host of other hurdles:

- During the campaign, public confusion on the powers of the auditor/board appeared widespread. The planned auditor/board would be advisory only and have little real power. Some police departments have ignored their advisory review boards with impunity. Portland, San Francisco and Seattle have stronger external review models with real power.

- In Portland the auditor has been viewed as pro-police and the review board pro-civilian, creating tension and mass board resignations. Reform advocates there accused the auditor of seizing power from the review board. Like Portland, Eugene's system gives the auditor sole authority to decide whether to require or contract for additional investigation of complaints. The

auditor is free to ignore the citizen board.

- In Portland and San Francisco, advocates have been frustrated that elected officials have appointed auditors or board members who oppose citizen police review and reform. In Eugene, critics have accused former Mayor Jim Torrey of stacking the existing Police Commission with "police groupies."

- A key reason for the review board/auditor is to restore public trust, but it's unclear how that will happen if the city carries through with plans to keep much of the auditor and review board proceedings and records secret from the public.

- The proposed review board/auditor does not have subpoena power and its requests for information could be ignored by EPD and its officers.

The union could refuse to accept necessary changes in its contract to accommodate external review, forcing the city into binding arbitration or a lawsuit.

If 20-106 is thwarted by the police union, city management and/or City Council, a lot of voters would be left frustrated.

After two EPD officers were convicted last year of sexually abusing more than a dozen women, voters appear to want real change. Measure 20-106 passed by a 58 percent vote and had majority support in 24 of the city's 34 precincts.

Whiteaker voters gave the measure its strongest support with neighborhood precincts voting 80 percent or more for the measure. Many residents in Whiteaker were alarmed by the EPD's use of a tank and dozens of heavily armed officers in a failed search for marijuana a couple years ago.

Student neighborhoods surrounding the UO also voted strongly in favor of the police review measure, with 80-85 percent voting yes. Students have complained for years that the police are heavy handed and unfair in issuing hundreds of tickets a year for alcohol possession near campus.

South Eugene voters strongly supported the measure with three out of four voters in the College Hill and Fairmount neighborhoods voting for police review. Two-thirds of voters in the neighborhoods around Amazon Parkway and in the neighborhood west of Friendly Street also voted for 20-106.

Support for the review measure was below 45 percent in only five north Eugene precincts — in southwest Bethel, north River Road, Willakenzie, Santa Clara, and off north Delta Highway.

With only the review measure on the ballot, turnout was low at 38 percent. In the precinct surrounding the UO turnout was only 11 percent. But the voting pattern indicates that the measure would likely have passed by an even greater margin if everyone had voted. In the low-turnout student neighborhood, eight in 10 voted yes. **EW**