

MINUTES

Civilian Review Board
Sloat Room—Atrium Building—99 West Tenth Avenue
Eugene, Oregon

June 9, 2015
5:30 p.m.

PRESENT: Bernadette Conover, Chair; Eric Van Houten, Vice Chair; Maurice Denner, Steven McIntire, George Rode, Debra Velure, Chris Wig, Civilian Review Board members; Leia Pitcher, Vicki Cox, Mark Gissiner, Police Auditor's Office; Sgt. Dale Dawson, Eugene Police Department.

ABSENT: None.

Chair Conover convened the CRB at 5:30 p.m.

I. AGENDA AND MATERIALS REVIEW

Ms. Conover deemed the agenda approved.

II. MINUTES APPROVAL—May 12, 2015

Mr. Rode offered the following correction:

Page 1, paragraph 7, should read: Mr. Rode had attended the Police Commission retreat on May 2. ~~He did not attend the last Police Commission meeting.~~

Mr. McIntire offered the following corrections to page 3, section Complaint Investigation and Monitoring:

Mr. McIntire said the officer showed an unsatisfactory knowledge of the law. He should not threaten to arrest the ~~complainant suspect~~ if the officer did not search the backpack ~~suspect refused to allow a search of the backpack,~~ **suspect refused to allow a search of the backpack, especially when the officer knew at the time he had no lawful grounds for an arrest.**

Sgt. Nelson said **if** the officer had probable cause to arrest the ~~complainant suspect~~ for disorderly conduct, **then the search would have been allowed.**

Mr. McIntire offered the following correction:

Page 5, paragraph 2, should read: Mr. McIntire agreed with the Supervising Sergeant about separating the complaints. The officer should be careful with what he ~~said, when demanding to look in the backpack as inappropriate actin would impact his credibility.~~ **Says when requesting cooperation from a suspect, as such an approach may lead one to question his credibility.**

Mr. Denner offered the following correction:

Page 6, section Relevant Department Policies and Practices, 1101.1.B.9 Unsatisfactory Performance, ~~Mr. Denner said EPD did not have the authority to contact the other agency to address officer behavior issues.~~

Mr. Van Houten offered the following correction:

Page 6, section Policy and/or Training Considerations, Mr. Van Houten appreciated Sgt. Dawson's transparency. He thought the officers occasionally needed to let ~~of~~ **off** steam when they were not in the field as one way to build comradery.

Mr. McIntire, seconded by Mr. Denner, moved to approve the minutes, as amended. The motion passes unanimously, 7:0.

III. PUBLIC COMMENT

There was no one who wished to offer public comment.

IV. COMMENTS FROM BOARD MEMBERS, HUMAN RIGHTS COMMISSION LIAISON AND POLICE COMMISSION LIAISON

Mr. Rode reported the Eugene Police Commission was working on policies for on-body worn cameras. Additional cameras could be purchased with grant funding. Cameras could be installed in high crime areas for a six month trial period. The recordings could only be reviewed to help clarify actions that resulted in 9-1-1 calls. Ms. Pitcher added signs would be installed to advise people cameras were in use.

Mr. Wig did not attend the last Human Rights Commission (HRC) meeting because he had to work. He reported that the HRC discussed concerns about closed circuit TV cameras two months ago. He said he was working in a temporary assignment as a counselor at the Lane County drug court. He had talked with some of the kids about interactions with police officers and the role of the CRB. The kids were not aware of the CRB or its role in reviewing complaints received by the Police Auditor's office. The kids thought the CRB would make a difference in how their concerns could be addressed.

Ms. Conover said she had not heard about new appointments to the CRB by the City Council. Her term as well as Ms. Velure and Mr. Rode's terms were ending.

Ms. Velure noted the EPD volunteers did vacation checks for people who were out town.

V. CAHOOTS UPDATE FROM SERGEANT LISA BARRONG

Sgt. Barrong distributed a handout entitled *CAHOOTS Scope of Services*. She reviewed the document and facilitated a discussion of CRB members. She said the City of Eugene funded the CAHOOTS program with an allocation of \$552,000. CAHOOTS had 26 full trained staff. The 9-1-1 Communications Center prioritized and dispatched the CAHOOTS vans, dispatching the most critical calls before dispatching less critical calls. CAHOOTS work would increase with the establishment of the new Metro CAHOOTS program that now serves Springfield in partnership with Lane County that would be funded with grant funding.

VI. BREAK

The CRB took a short break.

VI. CASE REVIEW—Internally reported allegation that employee detained a commercial Driver and ordered a medical evaluation without probable cause.

Summary of Facts

Allegations

Recommended Adjudication

- Issues for CRB Discussion
 - Complaint Intake and Classification
 - Mr. Denner was bothered that the intake focused on complaints raised by the complainant's attorney. Officer A should call for a supervisor when in doubt on what to do.
 - Mr. Gissiner said his office received notice of the complaint as a result of a risk claim assigned to Internal Affairs from the city's Risk Management staff. If the only focus on the issue was from a risk perspective, officer behavior issues may be overlooked.
 - Sgt. Dawson iterated the complaint came in as a risk claim. After reviewing the video, IA identified problems and referred them to Mr. Gissiner.
 - Mr. Rode stated the driver was driving erratically, and scaring his passengers. There was some concern about the driver's mental ability. Although Officer A could have done a better job handling the stop, Officer A used sound judgment in taking the driver off the street. There would have been liability issues if the driver was involved in a crash.
 - Sgt. Dawson said Officer A had probable cause to stop the driver for reckless driving.
 - Complaint Investigation and Monitoring
 - Mr. Wig commended Sgt. Dawson for preparing a well written report.
 - Mr. Denner asked if the vehicle was licensed by the City of Eugene for service to the airport.
 - Sgt. Dawson noted this behavior was not a criminal matter in the City of Eugene.
 - Mr. Rode said Sgt. Dawson's report was thorough and Sgt. Dawson remained neutral throughout the investigation.
 - Relevant Department Policies and Practices
 - Mr. McIntire said it would be appropriate to require the driver to submit to a license test.
 - Mr. Denner asked under what conditions unsafe drivers could be detained.
 - Sgt. Dawson said officers could detain drivers if they had a reasonable suspicion that a crime had occurred or would occur. Officers would often deal with people as a safety issue.
 - Mr. Rode said a reckless driver could be a problem. Officer A did not think the driver was a competent driver.
 - Sgt. Dawson said there were three witnesses to the complainant's driving. Officer A should have arrested the driver for reckless driving. The medics evaluated the driver and he was fit to drive.

- Mr. Van Houten said this situation called for action on the part of the officers. It appeared the junior officers were reluctant to question the decisions of a senior officer.
- Policy and/or Training Considerations
 - In response to Ms. Conover, Sgt. Dawson concurred this would have been a CAHOOTS case if it had occurred during the time when CAHOOTS was working.
- Adjudication Recommendations
 - Ms. Velure found a disconnect with what Officer A said and what she saw on the video. She questioned if the outcome would have been different if the man who got out of the taxi had been a 29 year old African/American and the driver a 72 year old white man.
 - Mr. Denner said the investigation could have been broader.
 - Mr. Rode said this had been a difficult case. Sustaining the allegation was the right decision. Officer A had good intentions. He was glad the driver was off the road.
 - Mr. Wig agreed sustaining the allegation was the right decision. He admired the officer for trying to work with the driver and trying to problem solve, to keep the driver off the road.
 - Mr. Van Houten agreed with the adjudication.
 - Ms. Conover said the adjudication memo was helpful to understand the actions of Officer A.
- Additional Comments/Concerns
 - Sgt. Dawson said there were several issues to be resolved.
 - Having body cameras on the officers at the airport.
 - Having the officer involved with the incident stay with the driver and transport the driver if needed. A relief officer should be called to the airport.
 - Officer A was an amazing ambassador for the city.
 - Mr. Denner said the city should acknowledge that Officer A took an inappropriate action, but the driver did not drive any more that night, which was in the best interest of the city.

VIII. AUDITOR REPORT

Mr. Gissiner thanked Ms. Cox and Ms. Pitcher for continuing to work with the large number of cases and issues that the office receives. He has been doing public outreach and recently did presentations at three conferences on civilian oversight. He suggested the CRB should look at a case that involved drugs found near an employee's locker.

Sgt. Dawson did not have a timeline on the Babb shooting.

Ms. Pitcher was working on the Police Auditor and CRB annual reports to the City Council.

IX. ADJOURN

The meeting adjourned at 7:45 p.m.

(Recorded by Linda Henry)