

## MINUTES

Civilian Review Board  
Harris Hall—Lane County Administration Building—8<sup>th</sup> Avenue and Oak Street  
Eugene, Oregon

October 27, 2015  
6:00 p.m.

PRESENT: Bernadette Conover, Chair; Eric Van Houten, Vice Chair; Maurice Denner, Lindsey Foltz, Steven McIntire, Heather Marek, Chris Wig, Civilian Review Board members; Leia Pitcher, 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 as prepared.

### II. MINUTES APPROVAL—September 8, 2015

Ms. Conover offered the following correction:

Page 2, paragraph 6, should read: Ms. ~~Richard~~ **Pitcher** agreed to include a link to Campaign Zero in the next Police Auditor's newsletter.

Noting no objections, Ms. Conover deemed the minutes approved as corrected.

### III. PUBLIC COMMENT

**Becky Higgins** stated she was Brian Babb's therapist. Mr. Van Houten cautioned Ms. Higgins that she could not comment on the case review the CRB would do this evening. Ms. Higgins shared her views on PTSD and other challenges faced by veterans following their military service. She said PTSD was not a mental disorder, but a physical disorder that changed people's brains forever. It was important for others to be hopeful and respectful of people with PTSD.

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

Mr. McIntire reported the Police Commission had reviewed policies on crowd control management and use of body cameras. The Eugene Police Department (EPD) recently received a federal grant which provided funds for the EPD to purchase more body cameras for officers.

Mr. Van Houten said he recently participated in a mental health/policing training at the John Serbu Youth Campus. One section of the training addressed working with veterans and peer responders, and not criminalizing people on the streets.

Mr. Wig thanked Ms. Higgins for her comments about PTSD. He worked with the Lane County Veterans Court, where staff regularly discussed PTSD issues. He thought tonight's case had had a significant impact on the community and he was pleased Eugene had an opportunity to look at cases and learn how to handle them more effectively.

Ms. Foltz offered condolences to the Babb family.

Bonnie Souza, Human Rights Commission liaison to the CRB, questioned how effective the proposed changes would be in the future. She understood the CRB would discuss recording its meetings at the November meeting.

## **V. CASE REVIEW—Review of the Officer Involved Shooting that Resulted in the Death of Mr. Brian Babb**

Ms. Conover stated this was the first case of use of deadly force the CRB had reviewed.

Ms. Pitcher offered a PowerPoint presentation entitled:

*Case Summary  
Civilian Review Board  
October 27, 2015.*

### Summary of Facts

- The incident began as an “armed suicidal subject” based on 911 calls from Mr. Babb’s therapist, who was also on a call with Mr. Babb. She informed 911 that Mr. Babb had just shot a 9mm gun, once, through the ceiling; that he had been having a hard time and drinking; and that he had PTSD and was a military veteran.
- Numerous EPD officers began to respond.
- The responding EPD employees were informed that a roommate may be inside; the responding sergeant requested dispatch to get contact information for the roommate so that he could be found.
- One on-scene employee advised over the radio that given the nature of the scene – a two-story house with a driveway on a panhandle lot –it would be tactically dangerous to approach the house on foot. With this arrangement, anyone on the second floor would have a clear view of approaching officers on the driveway. EPD’s Armored Rescue Vehicle (ARV) was requested to respond.
- The ARV was placed on a driveway adjoining the driveway to Mr. Babb’s residence.
- Once the ARV and employees were in position, an employee began addressing Mr. Babb using the ARV’s PA system, telling him he wanted to help and keep him safe and to come out with his hands up. [Hails began at 5:40pm.] At 5:41 p.m. the therapist tells Mr. Babb she called 911 to have someone check on him.
- The therapist remained on the phone with Mr. Babb on her landline, relaying information to a call-taker via her cell phone. The call taker relayed information to a dispatcher, who,

then relayed the information to the employees on scene. At 5:42 Mr. Babb went to the front door.

- The roommate heard the PA announcements and came down from his upstairs bedroom, observing Mr. Babb trying to open the gun safe. He exited the residence and was taken into police protective custody behind the ARV. [Roommate in custody at 5:44pm.]
- The EPD employee on top of the ARV, who was positioned in a hatch, advised over the radio that Mr. Babb was attempting to get guns out of the safe; he stated later that this was based on the conversation he overheard between the roommate and a sergeant on scene.
- The sergeants on scene considered pulling back from the scene once the roommate was out of the house. A sergeant asked the roommate if he would be comfortable if police left; the roommate was reportedly adamant that it would not be safe for officers to leave. He did offer to speak with Mr. Babb.
- At 5:47pm, dispatch stated that the therapist had lost contact with Mr. Babb. An on scene sergeant requested that the therapist disconnect with Mr. Babb so police could call him. An EPD employee called Mr. Babb and reached him on the phone at 5:51pm.
- At 5:52pm:
  - A sergeant advised that he could see Mr. Babb on the ground floor.
  - The sound of a shot fired was heard on the radio.
  - An officer stated over the radio “shots fired” and that Mr. Babb was “down” at the front door.
  - There was some confusion about who fired the shot and at whom it was directed.
- At 5:53pm, the involved officer stated over the radio that Mr. Babb had had a long gun in his hands, pointed at the officer.
- Medics were then requested, and they arrived at 6:00pm.
- The Interagency Deadly Force Investigation Team (IDFIT) was called and responded to investigate the incident.
- The IDFIT investigation was reviewed by the Lane County District Attorney’s office, who determined that the officer used reasonable force based on the totality of circumstances.
- An administrative investigation, focusing on compliance with EPD policies, followed the closure of the IDFIT investigation.
- The administrative investigation culminated in a meeting of a Deadly Force Review Board. That meeting took place on August 10. The Board issued its findings on September 8.
- Police Auditor Mark Gissiner was a member of that Board and will address the findings and recommendations from the Board in a separate presentation.

## Deadly Force Review Board

### Use of Deadly Force by the Officer:

- Determines only whether the actions of the employee(s) were within department policy, or consistent with the accepted industry standards in cases where there is no applicable department policy.
- “Department Policy” includes written directives, training, past practices, and verbal direction.

### Recommended Adjudication:

The Deadly Force Review Board recommended that the involved employee’s actions be adjudicated as within policy.

CRB first issue:

1. Whether the use of deadly force was reasonable and within policy based on the totality of the circumstances.

Issues for CRB Discussion

- Complaint Intake and Classification
  - Internally reported; Auditor was notified in a timely manner
  - Classification: Deadly Force Review
    - Mr. Gissiner reported he was contacted by Chief Pete Kerns after the shooting occurred and Mr. Gissiner went to the scene. EPD personnel were at the scene but the IDFIT personnel had not yet arrived. Mr. Gissiner noted IDFIT had been created by Oregon Senate Bill 111 in 2007 in response to several officer involved shootings that had occurred in the state. The legislation created a system in which officer involved shootings were investigated by multi-jurisdictional teams. In Lane County, the team consisted of members from the District Attorney's Office and member agencies. IDFIT was responsible for investigating the actions of officers and presenting information to the District Attorney.
- Administrative Investigation and Monitoring
  - Mr. Denner said no team leader had been identified before IDFIT arrived, which created a gap in the investigation. He was concerned that no forensic evidence was gathered at the scene and the photographs taken by IDFIT did not contain identification of the location or date and time when the photographs were taken. He was disappointed in the quality of the work done in the two hours immediately following the shooting.
  - Mr. Gissiner noted EPD held the scene and the officer involved was taken from the scene. When IDFIT arrived, EPD disengaged from the investigation process.
  - Mr. McIntire commended Mr. Gissiner for his good work at the scene. He noted there was confusion at the scene when IDFIT arrived.
  - Mr. Van Houten concurred that some of the information provided at the scene was confusing. The work at the beginning of the investigation needed clarity.
  - Mr. Wig was also concerned with the confusion related to the incident command, and he was very concerned that the gun used was not identified.
  - Ms. Foltz said the scene was not thoroughly photographed and there was confusion at the scene. She agreed the weapon should have been fingerprinted at the scene.
  - Ms. Marek agreed with comments from other CRB members.
- Relevant Department Policies and Practices (also addressed in next presentation):
  - Use of Force
  - Use of Force Reporting
  - Police Firearms
  - Use of Deadly Force Investigations
  - Mental Health Crisis Response
  - Hostage/Barricaded Subjects
  - Crisis Intervention Team
  - Crisis Negotiation Team

- Mr. McIntire said the radio communication was choppy and the hand off by the 911 call taker was problematic. There were too many people involved in the communications and some of the message was lost. There should have been more effort made to bring Mr. Babb’s therapist into the communication.
  - Mr. Van Houten suggested it would be helpful to separate the hostage and barricaded person policies, which called for different responses from the officers. There should have been an expanded thought process for determining who should be involved in the de-escalation process.
  - Mr. Wig agreed there was a need to bifurcate the hostage and barricaded person policy. He appreciated Mr. Gissiner’s recommendations for revising those policies.
  - Ms. Marek was confused about the Crisis Intervention Team (CIT) policy and why only one crisis negotiator was at the scene.
  - Mr. Gissiner asserted that after the shooting, the Police Commission had approved the recommendation of EPD to amended Policy 418.
  - Mr. Denner had serious concerns about command at the scene and officer communications. It was difficult to refute allegations about whether the loud hailer or other attempts to communicate with Mr. Babb were effective. Although there were two sergeants with their teams at the scene, lines of authority were not clear. It was important to have policy to clarify what the lines of authority were.
  - Ms. Conover noted the crisis intervention policy had changed since she joined the CRB. When she first joined the CRB, about 50 percent of the officers were trained in crisis intervention and today almost 100 percent of the officers were trained. Crisis intervention training needed to be expanded to include 911 call takers and dispatchers.
- Policy and/or Training Considerations
  - Mr. Van Houten thought EPD offered adequate crisis intervention training for officers, but hostage and barricaded person events did not occur frequently in the community, and officers did not have opportunities to use their training in actual situations.
  - Mr. Wig had reviewed the full and un-redacted file, which included reports on the level of introspection demonstrated by EPD and the Mr. Gissiner.
  - Ms. Marek agreed that EPD officers did not have many opportunities to practice the skills they trained on. Training should include a practicum.
  - Mr. Denner said that Policy 1201.7, Crisis Negotiation Team, used the term “negotiator”, which should be synonymous with communicator. Police officers should not talk with people in crisis in the same manner with which they talked with criminals. He added Policy 310.2, which addressed how officers responded to scenes, should add language about collecting forensic evidence.
  - Mr. McIntire did not think the CIT officer on the scene had been adequately trained to talk with people suffering from PTSD. The situation was dynamic and could have gone in a different direction.
  - Ms. Conover suggested Cahoots could be a resource for the CIT. She inquired about the number of cases where people threatened to hurt themselves ended successfully.

- Mr. Van Houten said people in mental health crisis were unpredictable, and veterans often responded differently than other people in similar circumstances.
  - Mr. Denner opined there may never be enough training for officers who interacted with veterans and other people in crisis.
- Adjudication Recommendations
  - Mr. Gissiner said Chief Kerns determined that the officer was justified in using deadly force.
  - Mr. Wig agreed with Mr. Gissiner that the use of force was within policy.
  - Ms. Foltz agreed with the adjudication. She noted it was challenging to determine what led to the event.
  - Ms. Marek agreed with the adjudication. While under the circumstances, it was reasonable for the officer to shoot, she had concerns leading up to the shooting.
  - Mr. Denner agreed with the adjudication based on the information provided to the CRB. It was unfortunate that a life was taken and an officer was put in the position of having to take a life.
  - Mr. McIntire agreed with the adjudication.
  - Mr. Van Houten had nothing to add to other CRB members' comments. He thanked Mr. Denner for his thoughtful comments.
  - Ms. Marek asked if the officer actually told Mr. Babb to drop his weapon.
  - Mr. Gissiner said based on the evidence, the officer had not told Mr. Babb to drop his weapon, and there was not a recording of the conversation to confirm what had actually been said.
  - Ms. Conover agreed with the adjudication recommendation, and the lack of a recording did not allow for solid confirmation of what had been said.
  - Mr. McIntire suggested the CRB could discuss possible policy changes at a future CRB meeting, which would be forwarded to the Police Commission for consideration and adoption.

Mr. Gissiner offered a PowerPoint presentation entitled:

***Deadly Force Review: Auditor's Analysis and Recommendations  
Civilian Review Board  
October 27, 2015***

*Deadly Force Review Board General Recommendation #1*

- Fingerprint weapon(s) possessed by the deceased person.
- Clear and thorough reports and documentation by IDFIT.
- Audio record all interviews.
- Agency liaison detective should remain on scene and be partnered with the IDFIT primary detective.

Auditor Response: Additional Investigative Improvements

1. The involved officer's interview was considered voluntary. He was never Mirandized or given a *Garrity* warning. (Note: The IDFIT team has proposed new protocols clearly

stating that the IDFIT investigation is a criminal investigation and thus subject to *Miranda*).

- Auditor Recommendation: Delineate criminal and administrative investigations. Permit concurrent investigation so long as the administrative investigation does not interfere with the criminal investigation.
2. EPD secured the scene, but no investigative activity occurred until the IDFIT team leadership arrived, almost three hours later. This prevented a number of potentially beneficial investigative steps from being taken (i.e., no overhead or drone picture of the scene due to falling darkness). The resulting lack of thorough documentation of the scene did not allow for validating a witness statement from an employee who stated that he had a partial view of Mr. Babb immediately prior to the shooting. In addition:
    - Incident command was not well established.
    - Inventory of involved employees was not well coordinated.
    - There was no walk-through with the involved shooting officer immediately following the shooting, as is considered best practice in officer involved shootings.
    - Auditor's Recommendations:
      - EPD should immediately assume incident command at the scene and immediately notify the Auditor's office.
      - The Auditor's office will monitor the investigation until the arrival of IDFIT.
      - EPD should conduct a walk through with the involved officer and begin forensic investigation while awaiting the arrival of IDFIT.
      - EPD incident command should direct the relocation of the directly involved officers to a secure location and replace them on scene with uninvolved officers.
      - Once IDFIT arrives, EPD should maintain incident command jointly with IDFIT until the scene is cleared.
  3. A number of investigators from several different agencies were assigned to the case.
    - Auditor's Recommendation:
      - There should only be two or three lead investigators to manage and investigate any officer involved shooting unless it involved multiple shooters and/or multiple victims. Otherwise, the investigative steps overlap or become disjointed, particularly when you do not have an "in house" supervisor. This also makes briefings more difficult.
  4. The IDFIT investigation did not include evaluation or testing of the 0mm gun found in Mr. Babb's truck. He told his therapist he had fired a 9mm gun.
    - Auditor's Recommendation:
      - EPD should maintain incident command until the scene is cleared. The EPD Range Master should be responsible for managing EPD firearms with IDFIT oversight, and any other weapons should be managed by IDFIT with EPD Range Master oversight. There should be fingerprint, DNA testing and ballistics testing of any involved weapons by IDFIT with EPD Range Master oversight.
  5. IDFIT did not adequately establish the supervising sergeant's justification for remaining on the scene and his consideration that the roommate might have been in the house. These were key components that led to the shooting. Tapping fresh memory rather than aged memory that could have been impacted by outside stimuli would have improved evolution of the employees' decision making processes.
    - Auditor's Recommendation:

- EPD should begin their administrative investigation of employees involved in the decision making related to uses of deadly force earlier—prior to completion of the IDFIT investigation.
- 6. The involved officer fired one round from his rifle, which entered Mr. Babb’s cheek. The bullet passed through Mr. Babb. The IDFIT investigation failed to recognize that there was an exit wound, verify the location of the bullet and failed to recover the bullet before clearing the scene.
  - Auditor’s Recommendation:
    - EPD should immediately assume incident command at the scene and immediately notify the Auditor’s office.
    - The Auditor’s office will monitor the investigation until the arrival of IDFIT.
    - EPD should conduct a walk through with the involved officer and begin forensic investigation while awaiting the arrival of IDFIT.
    - Once IDFIT arrives, EPD should maintain incident command jointly with IDFIT until the scene is cleared.

*Deadly Force Review Board General Recommendation #2*

Mr. Brian Babb fell under EPD’s Mental Health Crisis Response policy. The supervising sergeant’s use of the CNT officer was appropriate to attempt to de-escalate the situation. The use of CAHOOTS would not have been feasible given the knowledge of weapons in the home.

*Board Recommendations:*

1. Policy 418 needs to be updated and merged with POM 1200, Crisis Intervention Team (CIT).
2. Review current ORS/Case law and update 418.7, Firearms Seizure,

*Additional Recommendations*

These are rare situations for EPD. While an agency can train extensively, nothing duplicates real life experience.

In Mr. Gissiner’s opinion, the police presence did not deescalate Mr. Babb. Whether it was the hailing by someone at the ARV while Mr. Babb was still on the phone with his therapist and perhaps felt under siege or betrayed, or whether he just saw them either on the roof or the ARV or in surrounding ground areas, de-escalation did not occur. Continuing to hail him seems more command oriented than negotiation oriented.

One cannot underestimate the value of the initial hailing as it alerted the roommate and allowed him the opportunity to leave a volatile situation. The on scene supervisor had reasonable concern that the roommate was in the house and needed to extricate him from the situation. Under prevailing Supreme Court precedent and Oregon community caretaking laws, police officers acted reasonably and with restraint at initial arrival.

The investigation showed that shortly after arrival, the supervising sergeant understood that (1) Mr. Babb was suffering from PTSD and had a previous brain injury; (2) he was in possession of firearms and fired a round while inside his house; (3) the police radio dispatch described him as suicidal; (4) a roommate could be present; and (5) that numerous houses were in close proximity.

Taken together, these facts led the supervising sergeant to believe not only that Mr. Babb was in danger of committing suicide, but also that another person or persons could be in danger, thus necessitating the need for the ARV and perimeter officers. I am not aware of a single court case mandating withdrawal in the face of multiple exigent circumstances such as those at issue in this incident.

To find that the supervision sergeant violated EPD policies by arriving and positioning officers as he did, we would have to show that exigent circumstances did not exist. Clearly exigent circumstances existed.

Lessons can be learned from the negotiation process. The negotiator had facts that should have caused him to recognize that getting a rational response to police commands would be at best difficult. Unfortunately, audio recording in the ARV malfunctioned; evaluation of the negotiation process would have been substantially improved by such recordings.

Should an attempt have been made to get the therapist to the scene after she offered it? The fact that the therapist offered this option to the 911 operator was never conveyed to the supervisor. This was not a policy violation, but it was key. Even if she was able to get to the scene, we do not know whether the outcome would have changed. However, it does not harm to consider this as a possible solution since she appeared to be making progress with him until police arrived.

Auditor's Recommendation:

- Upgrade the ARV audio and video to state of the art technology so that after an event occurs, it can be evaluated.
- Consider opportunities to transport therapists to the scene when safe for someone in mental health crisis.
- Consider negotiation tactics that are less command based and more negotiation based.

*Deadly Force Review Board General Recommendation #3*

- Post incident, after action report by involved employees is recommended after the Deadly Force Investigation is completed.
- Every action on scene should be intended to move the incident toward the desired outcome of a peaceful resolution. Responses should be adapted to the fact set presented at the time rather than using a "one response fits all procedure." The on scene supervisor should explicitly state the objective and inform responding personnel of who is in charge of the incident.
- In this case, the initial response of isolate, contain and contact was appropriate and per policy. While the tactical response was being managed, the supervising sergeant continued to have the therapist communicate with Mr. Babb in hopes of a peaceful resolution. Both the communication and tactical responses worked toward a similar resolution.
- Also within best practice was the attempt to determine the location of Mr. Babb's roommate. It was incumbent upon officers to confirm his whereabouts. His location had direct bearing on the tactical plan.
- Once the roommate exited, the supervising sergeants discussed pulling back the police presence. This would have been an appropriate plan with the information they had. However, due to Mr. Babb's altered mental state and his possession of high powered rifles, they would not be able to leave entirely due to the continued risk to the public. The roommate expressed considerable alarm at the thought that the officers might leave

(although there is no audio from the ARV). The roommate and the supervision sergeants were consistent in understanding the alarm expressed by the roommate. Mr. Babb exited before any additional plan could be put in place. In police practice, standard priority of life is as follows: (1) victims/innocents; (2) community; (3) police; and (4) suspects. The use of the armored vehicle was appropriate due to the location of the residence and the need to protect responding officers. It provided a safe platform for officers to use the loud hailer. When the roommate exited the resident, it allowed for a safe location for him to be debriefed by the on scene commander.

- The policy of Hostage/Barricaded Subjects melds the two together, though the response and tactical considerations are very different. Law enforcement is trained to make more risks and exert higher levels of force to secure the rescue of a hostage. Conversely, barricaded subject calls, while still high risk, occur more frequently. The approach to a barricaded subject call can be handled in a manner where there is less risk and more flexibility.

*Board Recommendations:*

1. Educate officers on the use and capabilities of the armored vehicles.
2. Bifurcate policy 810, creating a separate policy for hostage response and barricaded subject response. Consider the IACP policies on barricaded subjects.
3. Educate and train supervisors on responding to Barricaded subject and Hostage calls for service. Allow for scenario based training.
4. Train supervisors to be adaptable to each situation and base actions upon whether it furthers the overall mission.
5. Explicitly state over the radio who is in charge of the incident.

*Auditor Response: Additional Recommendations*

- Once the roommate left the house, an opportunity to switch to a “barricaded subject” mode presented itself. Because of the ARV’s lack of audio and video equipment, it is difficult to determine what was said over the loud hailer for the nine minutes after the roommate left and Mr. Babb was shot.

*Auditor’s Recommendation:*

- Once the urgency of a hostage situation has abated (in this case, the roommate leaving the house), EPD should consider using negotiating tactics other than the loud hailer. The facts show that the continued loud hailing did not deescalate Mr. Babb in the nine minutes after the roommate exited and Mr. Babb was shot.

*General Recommendation #4*

- Well over 90 percent of Eugene Police sworn employees are trained in Crisis Intervention (Memphis model). This is the gold-standard in responding to persons in mental crisis or in dealing with persons who have cognitive disabilities. CIT provided education in de-escalation techniques, basic knowledge of mental disorders, dealing with persons in crisis and dealing with veterans and PTSD.
- Eugene Police Department’s CIT program was developed in partnership with Lane County Behavioral Health, NAMI, police officers, family members of persons living with mental illness, and consumers of local mental health services.

*Board Recommendations:*

1. Continue training sworn officers in CIT.
2. Provide 40 hours of CIT to telecommunications (911).
3. Update the policy to reflect current practices.

#### Additional Recommendations

- Concur with the Board. Only one EPD-CIT negotiator was engaged in the crisis negotiation process in this incident.
- Dispatchers and 911 operators were also in a CIT-type mode but did not have CIT training. The investigation indicated they did the best they could under the circumstances, and Mr. Gissiner concurred with Deadly Force Review Board that they should also receive CIT training.
- According to the federal Substance Abuse and Mental Health Services Administration, more than 43 million Americans experience a diagnosable mental illness each year. In addition, EPD should consider additional personnel, or specializing in more officers and dispatchers in mental health crisis issues, beyond the 40 hours of CIT training.

#### *General Recommendation #5*

- The request for the negotiator's specialized skill was an appropriate use of CNT under our current policy and practices. The policy also discusses notification of the CNT supervisor when CNT is used. In this instance, it did not occur. In practice, it would be difficult for a negotiator or a supervisor immersed in a developing incident to divert their attention and make notifications.
- The policy also speaks to calling out more than one negotiator, "a minimum of three", when CNT is utilized. Again, only one officer was used and no other CNT call outs were made. The board also discussed at length the use of a third party negotiator, Mr. Babb's therapist, to assist with the call. During the incident, the therapist offered to come to the scene to speak with Mr. Babb. The request was not relayed to on scene command, and likely would not have been used as it is not a common practice. In this incident, the supervising sergeant asked to keep the therapist on the phone with Mr. Babb if she felt she had rapport with him. Once Mr. Babb was no longer speaking with her, she was asked to disconnect so that the CNT could take over the call.
- As crisis negotiation has evolved, so has the use of third party negotiators. Standard procedure is for the negotiator to make contact or take over the conversation so that CNT police have direct communication with the subject. It mitigates the damage which can occur from a third party who may make the situation worse. It also provides more direct information to the on scene commander by removing the layers of the communication center and the third party.
- The supervising sergeant's request to keep the therapist on the phone was unusual yet appropriate. She had the best rapport with Mr. Babb. He continued to permit this until she had lost contact with him, at which point it was appropriate to take over direct communications.

#### *Board Recommendations:*

1. On scene commanders should consider embedding a negotiator with the mental health practitioner if they have an already established rapport with the subject. Or, if feasible and safety can be ensured, permit the therapist to come to the scene. In either case, directly partnering a negotiator with the therapist will facilitate getting intelligence and sharing information among all partners.

2. Utilize dispatch to contact the CNT supervisor and other negotiators in the event of an ongoing high risk suicidal/barricaded subject incident. The policy should be revised to reflect enhanced call out procedures.
3. Have Crisis Negotiators train on hotlines to increase their experience in dealing with persons in crisis.
4. Require three negotiators to respond.

#### Auditor Response

- Mr. Gissiner concurred with the recommendations. Having a therapist at the scene may not have changed the outcome, though. This was a thoughtful analysis of the issues that impacted Police Communications and on scene supervisors.

#### *General Recommendation #6*

#### Other Considerations

- Radio Procedures/Communications Center: Radio communications throughout the deadly force encounter were calm and measured. On scene officers and supervisors maintained calmness, even during the confusion of who had fired the weapon.
- During the initial call to 911 Communications Center, the therapist (on a cell phone) was disconnected. When she called back, it was answered by a different call taker. Also, the therapist tells the call taker Mr. Babb shot a round in the house, but when the message is typed in, it is put as he “shot out a window”. It is later clarified, but the difference can impact officer response and other tactics.

#### *Board Recommendations:*

1. Best practice would be to maintain one call taker with the therapist. 911 is already considering this change.

#### Other Considerations

- Technology: The Armored Rescue Vehicle has an in car video system but lacks audio. It also lacks a pole camera and a means for persons inside the vehicle to get a view of a location or suspect from the safety of inside the armor. The vehicle is used in situations where ballistic protection is needed. It is also used regularly by SWAT and CNT during tactical operations. Given public interest in these high risk police encounters, it is important that agencies be as transparent as possible. While cameras only provide one vantage of the incident, they can aid in the investigation and after action review.

#### *Board Recommendations:*

1. Install audio and video recording for the ARV.
2. Install a pole camera and hands free viewing capability for the ARV.
3. Equip officers with body worn cameras.
4. Provide smart phones to CNT so that cell phone calls can be recorded using certain apps.
5. Provide supervisors with smart phones so that the incident can be viewed in real time from a position of safety.

#### Other Considerations

- Mental Health/Veteran Response: The Eugene/Springfield area has a large number of veterans who have recent combat related experience. The majority of returning veterans have little police contact. However, some of those who have suffered trauma can be volatile and unpredictable. The agency should continue to outreach to various organizations to help prepare officers to better respond to veterans in crisis.

*Board Recommendations:*

1. Create a Veterans' Response Team to examine how best to work with the veteran's in community, especially veterans in immediate crisis.

*Auditor Response:*

- Mr. Gissiner concurred with all of the recommendation in the **Other Considerations Section.**
- Mr. Gissiner stressed the importance of working with local, state and federal partners to develop effective ways to work with people in mental health crisis.
- Ms. Marek appreciated the adjudication recommendation. She said more thought was needed on the decision to remain on the scene.
- Ms. Foltz said there had been a lot to cover with this case. She was concerned that the ARV was not adequately equipped. There was a need for more training for mental health responses.
- Mr. Wig had serious concerns about the investigation done by IDFIT which was not as thorough as investigations done by EPD and the Police Auditor's office. The gaps in the IDFIT investigation were appalling and best practices were not followed. There was a need to revise the IDFIT policies, and he questioned whether EPD should continue to work with that organization.
- Ms. Conover saw IDFIT as a poor investment for EPD. The Deadly Force Board and the Police Auditor were reviewing the policies.
- Mr. Van Houten appreciated Mr. Gissiner and Chief Kerns' recommendations, and hoped implementation of those recommendations would occur quickly. It would be important to use patience and learn from missed opportunities. This event was a tragedy for the community. Veterans returning to the community was a reality that the community needed to prepare for. PTSD was not a condition that could be removed. He commended Chief Kerns and the EPD for their efforts to plan for unanticipated events.
- Mr. McIntire said the event had a tragic outcome for the community. He appreciated the willingness of Chief Kerns and the EPD to explore ways to work with people with PTSD and other forms of mental illness.
- Mr. Denner said in the past, the Police Commission had worked through difficult issues. There was a part of the community that viewed law enforcement as an "us versus them situation", and there was a need to bridge that gap. He noted additional federal funding for the Veterans' Administration had provided funds for two additional Cahoots van shifts. He suggested the CRB should ask the City Manager to explore working with the Veterans' Administration.
- Ms. Conover understood the EPD was considering having identification for officers who served in the military, which may be a comfort to veterans in crisis. She cautioned such an identification could also serve as a trigger for veterans in crisis.
- Ms. Marek said there was concern nationally about the militarization of police and it was important for there to be clear lines of authority and behavior. Mr. Gissiner noted military people were taught to react to aggression with aggression.

**VI. ADJOURN**

Mr. Gissiner briefly explained the cases the CRB would review at its next meeting.

The meeting adjourned at 8:05 p.m.

*(Recorded by Linda Henry)*