



## City of Eugene CIVILIAN REVIEW BOARD

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*It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department involving allegations of police misconduct, use of force and other matters. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.*

Meeting Agenda: Civilian Review Board  
**Wednesday, September 14, 2016 - 5:30 p.m.**  
**Bascom/Tykeson Room, Eugene Public Library**  
**100 West 10<sup>th</sup> Avenue**  
**Contact: Vicki Cox, 682-5016**

*(A Light dinner will be available for board members beginning at 5:00 pm.)*

<u>ITEM</u>	<u>TIME (Starting)</u>
1. Agenda and Materials Review	5 minutes (5:30 pm)
2. Public Comment	10 minutes (5:35 pm)
3. Minutes Approval (Minutes from July meeting)	5 minutes (5:45 pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	10 minutes (5:50 pm)
5. Case Review: Complaint filed by Eugene/Springfield NAACP surrounding an arrest and related use of force.	60 minutes (6:00 pm)
6. Break	10 minutes (7:00 pm)
7. Auditor Report	15 minutes (7:10 pm)
8. Community Engagement Update	10 minutes (7:25 pm)
9. Adjourn	(7:35 pm)

## MINUTES

Civilian Review Board  
Bascom Room, Eugene Public Library  
100 West Tenth Avenue Eugene, Oregon

July 12, 2016  
5:30 p.m.

**PRESENT:** Eric Van Houten, *Chair*; Lindsey Foltz, *Vice-Chair*, Maurice Denner, Heather Marek, Chris Wig, Richard Roseta, Civilian Review Board Members; Vicki Cox, Mark Gissiner, Leia Pitcher, Police Auditor's Office; Ben Miller, Assistant City Attorney; Lt. Carolyn Mason, Eugene Police Department; Majeska Seese-Green, guest.

**ABSENT:** Steven McIntire

Chair Van Houten convened the meeting at 5:31p.m.

### **I. AGENDA AND MATERIALS REVIEW**

No additions or deletions were made. Ms. Pitcher noted that an attachment would be added to the April minutes including Ms. Marek's motion to amend the February minutes (the motion had not passed).

### **II. PUBLIC COMMENT**

Mr. Van Houten noted Majeska Seese-Green would be recording tonight's CRB meeting.

Ms. Marek said she would also be audio recording the meeting.

### **III. MINUTES APPROVAL- Minutes from April 12, 2016 and June 14, 2016**

Ms. Marek requested some amendments to the April minutes. On page four she wanted the minutes revised to say that she was co-chairing a work group, rather than an anti-discrimination workshop. Additionally, the April minutes stated Ms. Marek said the Human Rights Commission would prepare a report that would include comments from the LGBTQ community, and Ms. Marek wanted to add that the report would also include comments from Eugene's communities of color.

Ms. Marek clarified with regard to the first sentence on page three of the April minutes that she had not made any changes to the February minutes to give the other members an opportunity to look over the proposed changes.

Ms. Foltz stated that Mr. McIntire had emailed in the following proposed changes: On page one of the April minutes, use of the word 'may' in Section Four was supposed to refer to the article instead of the section. Mr. McIntire clarified he would support clarification to Chapter Three, not Chapter Two. Halfway down page three, Mr. McIntire requested that "he read Article Seven of the bylaws and noted that it did not occur" be changed to "was not accurate" rather than "did not occur." In the June minutes, at the bottom of page two in the last sentence, Mr. McIntire suggested it should say the "City Council" was considering using court reporters for recording meetings, rather than the Police Commission. Mr.

McIntire requested that the last sentence said, “He thought the cost of that service could be used for other things.”

Mr. Wig moved to approve the April 2016 and June 2016 minutes as amended.

Mr. Denner seconded. The motion passed unanimously, 6:0.

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

Mr. Van Houten stated that the CRB would be moving towards Robert’s Rules of Order as a mandate in the New Year.

Ms. Marek announced she didn’t have information on the Human Rights Commission (HRC) because she was absent from their June, 2016 meeting. She reported that the HRC was going into planning sessions soon, and didn’t think there would be a lot of news coming up this summer. Ms. Marek stated that the recent incidents in Baton Rouge, Falcon Heights and Dallas highlighted the need for having good relationships between the community and its police force.

Mr. Wig mentioned that like, Ms. Marek, he had been thinking heavily about these incidents as well, and events of that magnitude made him think about the work of the CRB still to be done. Mr. Wig believed the most recent case in Dallas showed there were glaring holes in the process of the Interagency Deadly Force Investigations Team that could compromise public trust in the EPD team should an incident like that happen in Eugene.

Ms. Foltz read some thoughts aloud she’d written before the meeting. She said it had been a heartbreaking week due to the tragic loss of black lives and police lives, including those in Dallas, and that the worst fears of families were coming true in frightening and unsettling ways. She asked that CRB members go to the Campaign Zero website to get familiar with its content on proposed national, state and local reforms. Ms. Foltz said she would like to see the Auditor’s Office gather more data to inform an early intervention plan, and that the community was in a good position to create the Blue Team system and go a step further with tracking of trends.

Mr. Van Houten welcomed Rick Roseta to the board. Mr. Roseta stated he had recently retired and was grateful for the opportunity to participate.

Mr. Denner shared that he was glad there was a local system that officers bought into that held them accountable, but at the same time he was struck by how polarized people were in their beliefs that there was no commonality between citizenry and law enforcement. He felt there was hope that our community could get this right, but that we needed to work on the issues dividing us. Mr. Denner proposed inviting the union to come and offer its perspective during a training since the CRB was in its tenth year and it would make sense to ask the Union how things were working. Mr. Denner raised the point that the Boise Police Department was light years ahead of EPD on reform and social issues because they had a full-time therapist on staff to connect those who needed mental help to services in the community. Additionally,

Mr. Denner remarked that when EPD Officer Randy Ellis retired, there would be a need to replace his community work with other staff efforts to collect used items for people on the streets.

Mr. Van Houten agreed that he shared profound sadness about the tragedies in Louisiana, Minnesota and Texas. He feared events like this garnered lots of media attention but that the nation was quick to move on. Mr. Van Houten stated that in many professions, one needed to report on a colleague when they failed to do their job well, and that this needed to be true among police officers as well, with an expectation for excellence always.

Ms. Pitcher reported that the Police Commission met in June. Ms. Cox stated that the group presented on their observations in Boise of the Spokane model of community restorative justice for the upcoming Drug Court program that Judge Allen was trying to implement in Eugene to help prevent repeat offenses. Ms. Cox said that the Commission also discussed the camping program with St. Vincent DePaul at that meeting.

Mr. Denner complimented Lt. Reynolds of Incident Command and the other law enforcement agencies' leadership at the Olympic Trials after overhearing a woman who had lost her phone thank an officer who had found it and brought it back to her.

## **V. TRAINING TOPIC- PUBLIC RECORDS AND PUBLIC MEETINGS**

Assistant City Attorney Ben Miller, the evening's trainer, clarified that his role was to handle in-house litigation for the City of Eugene and offer legal update trainings to the EPD, and that he would be training the CRB on confidentiality and public records. The confidentiality requirements imposed on members of the CRB were written in City Code Ordinance 20374, Section 2.244, subsection 4. That subsection specified rules on what to do when files on investigations of officer discipline were requested from the CRB. This was distinct from what the City would do in response to public records requests about employee discipline or investigation. Members of the CRB did not decide which documents would be disclosed to the public or not; the City made that decision. Irrespective of whether records ended up being released publicly, the info that CRB members obtained through the confidential review process needed to stay confidential.

Mr. Miller reported that when the City got a request for Internal Affairs (IA) records, or broader requests for information about trends or officers, the response depended greatly on the facts of each case because of statutes found in Oregon Revised Statutes 181A Subsection 830. This statute expressly prohibited a public employee from disclosing information if the investigation in question didn't result in a discipline. A sustained complaint would result in discipline. A similar statute authorized the CRB to review confidential documents. It was a narrow exception, so the fact that information was disclosed to CRB members didn't make it subject to disclosure overall. In this way, the City couldn't pick and choose who it released records to.

Lt. Carolyn Mason entered the meeting at 6:10 p.m.

The exemption in 181.830 had to do with public interest. Mr. Miller's office looked at requests on the specifics of each case and on the type of information that was being requested. Someone could petition that public interest required record disclosure, and perhaps not an entire IA file but portions of it like video records, records from a taser cam, etc. Officers also needed to be comfortable in being candid and critical about their own self examination or of other officers without fear of retribution.

The last exemption in section 192.501 subsection 12 applied to records where discipline had resulted. The materials and documents were conditionally exempt from disclosure, and the Public Body (the City) had to weigh the value of disclosure over non-disclosure.

Mr. Roseta asked whether any of these things were negotiable with the union. Mr. Miller replied that there were provisions that addressed requests that came in when employees were required to be notified. The City was required to blur out officers' faces if they were on film or body cam footage. Sometimes officers didn't really care, but the City Attorney's Office contacted them when there was an information request that involved their files and their image. This was in the Collective Bargaining Agreement.

Ms. Foltz asked if one could make the argument that it was in the public interest that these records were disclosed with the purpose of building trust. Mr. Miller replied that the legislature placed the burden on the requester to show that it was in the public interest to disclose. This would always be done in a case-by-case fashion, rather than a blanket manner.

Mr. Denner pointed out that the CRB was exposed to the names of victims and perpetrators and asked which codes spoke to their confidentiality. Mr. Miller replied that Section 2.244 Subsection 4 stated that the exemptions he discussed this evening were not specific just to the public employee but to the entire investigation, including victims and witnesses, and all of that should be kept confidential. Public comment in meetings, however, was not protected communication. Mr. Miller reiterated that the role of the CRB was to maintain confidentiality.

## **V. BREAK at 6:31 p.m.**

### **VI. CASE REVIEW: Selection of Service Complaints, Policy Complaints and Inquiries**

Mr. Gissiner reminded CRB members that there were five types of complaints the Auditor's Office received, and the ordinance required him to make the final decision regarding classification. What the CRB was asked to do was evaluate or express views of how the supervisor handled cases in service, policy and inquiry complaints. Historically, these type of complainants preferred to speak to a supervisor. Mr. Gissiner reminded the group to focus the critique or review on how a sergeant or supervisor handled a matter. Mr. Wig asked what percentage of complaints were service related overall, and Mr. Gissiner said it was around 93 percent.

Ms. Pitcher offered a PowerPoint presentation entitled Case Summary—Civilian Review Board—July 12, 2016 and facilitated a discussion on the six cases before the CRB.

### **Case #1 - Summary of Facts**

- The principal of a school contacted an EPD supervisor and asked about an incident where two students were found to be in possession of marijuana (after July 2015). The principal stated that the responding officers did not investigate and told her to destroy the marijuana.
- The complaint was initially classified as an allegation of misconduct.
- The investigation showed that EPD policies had yet to be updated following the legalization of marijuana in July 2015. Nothing in the training addressed exceptions for marijuana found in or near schools.
- The complaint was then reclassified to a policy complaint, and a supervisor addressed expectations with the involved officers.

Issues for CRB Discussion:

- Complaint Intake and Classification
- Initially classified as allegation of misconduct
- Reclassified to policy complaint
- Complaint Investigation and Monitoring
  - Relevant Department Policies and Practices
  - Policy and/or Training Considerations
  - Additional Comments/Concerns

Comments:

Mr. Roseta expressed disappointment that there was not a policy in place for this in spite of substantial lead time from the change in marijuana legislation. He was struck by the fact that there was a large amount of marijuana in question and there was not anything in the laws that made this case distinct even though it happened at a school. He also appreciated the principal's position that they wanted to send a message to students.

Lt. Mason clarified that EPD has the same policies for all members on all units, and that included School Resource Officers (SRO's). She stated there was some question about the quantity of marijuana present that caused the hiccups in the case, and that EPD's expectations were not mirrored in the policy. One thing that might be considered was that the policy said officers could destroy seized items but they gave it back.

Lt. Mason believed it was poor performance on the part of officers around the investigation. She believed the case was affected because it happened at Network Charter School, which did not fall into purview of SROs.

Mr. Van Houten mentioned he thought there could be a training consideration for charter schools about consistent police response in those environments.

Lt. Mason raised that EPD's SROs typically responded to charter schools and that was why those officers were sent.

Ms. Foltz thought it was encouraging that the principal developed rapport even after that experience, and that the officer put all of this information into the system. This demonstrated that the sergeant was able to develop community relationships in that he did not feel reticent to put it into the complaint system.

Mr. Wig clarified that the 'Within 1000 Feet of a School' law had been repealed. He opined that this case was possession versus distribution, and that the expectation would be that the students involved would receive Minor in Possession citations. Lt. Mason said that was correct.

Ms. Marek stated she was not alarmed by this case because the public was moving towards a recognition that criminalizing everything was not working, that it may have been contributing to a school-to-prison pipeline, and if an officer given a situation decided that citing a youth wasn't the best approach, she wasn't convinced it was so problematic.

## **Case #2 - Summary of Facts**

- A separate investigation included an audit of messages sent between mobile data computers (MDCs). During that review, inappropriate messages were discovered, sent between Officer A and Officer B.
  - The complaint was originally classified as an allegation of misconduct. The specific policy violations alleged were for unbecoming conduct and misuse of the MDCs.
  - The complaint was initiated outside of the timeliness limits set out in ordinance (6 months for incidents of serious misconduct; 60 days for incidents of minor misconduct).
  - The complaint was reclassified to a service complaint/conduct and sent to the employees' supervisor for follow up.

### Issues for CRB Discussion:

- Complaint Intake and Classification
- Initially classified as allegation of misconduct
- Reclassified to service complaint/conduct
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
  - 1101.1.B.25 Unbecoming Conduct
  - 301.9 Mobile Data Computers
- Policy and/or Training Considerations
- Additional Comments/Concerns

No comment from Ms. Marek, Ms. Foltz, Mr. Wig, or Mr. Roseta.

Mr. Van Houten asked if the CRB was outside the timeline to respond to this case in terms of disciplinary action, and whether the frequency of this type of communication had been determined. Lt. Mason responded that the offense was discovered in the course of another investigation, and that the case was still in the window of disciplinary action. She stated the Internal Review Board did not explore all the officers' MDC communication to see if it was a pattern.

Mr. Van Houten asked if using the MDCs this was was common practice by other officers. Lt. Mason said it was common that people used MDCs for personal info. She imagined that if EPD searched, they would likely find a lot of this type of communication, and that they had a case where EPD ended up with a lot of officers listed because of this kind of communication on MDCs. Mr. Van Houten remarked that it raised the question of the effectiveness of the policy if it was being treated as a joke.

Mr. Gissiner asserted that it would consume a lot of resources to try to discover that kind of data in a resource-challenged organization.

Mr. Denner mentioned this seemed related to community policing when they talked about broken windows and graffiti in that this wasn't an issue that went to the top levels of discipline, but it couldn't be ignored. Lt. Mason assured that just because it didn't meet the EPD's ability to investigate, it didn't go unseen. It just wasn't documented in a bigger fashion. She was sure message traffic after this was pretty quiet.

### **Case #3 - Summary of Facts**

- Reporting party called to complain about the length of time it took for officers to respond when he reported a mentally ill neighbor who was threatening him.
- The complaint was classified as policy complaint.
- The assigned supervisor spoke with the primary involved officer and the reporting party.
- The supervisor explained the call delay and why the officers took the actions they did (and did not) during the call.
- The supervisor was also able to explain to the reporting party that the officers had not given out his identity to the people who were the subject of the call, but that they had already determined it was the reporting party who complained.

#### Issues for CRB Discussion:

- Complaint Intake and Classification
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
- Policy and/or Training Considerations
- Additional Comments/Concerns

Mr. Denner stated he saw no fault with the classification of the investigation, but that it did illustrate the staffing concerns that existed with every watch. The public expected perfection, but there may have been something else going on that prevented a prompt response.

Mr. Gissiner stated he wished supervisors would break up groups of officers after a code three, and were more assertive about getting staff spread out more quickly.

Mr. Roseta believed that despite the complainant saying he was not satisfied, there was interest shown by the supervising police and he went away feeling okay.



Ms. Marek suggested she wasn't sure there was anything else that could have been done, and that the case highlighted the need for more mental health services that could have been called upon.

Mr. Wig voiced satisfaction with the supervisor's response. According to the memo, he explained the situation to the complainant and even if he did not agree, the reporting party was able to come away from the parting stating that he understood.

Ms. Foltz reiterated the importance of mental health services in this case because sometimes the police were not the right tool for the problem, and the appropriate response should have been medical care.

Mr. Van Houten indicated he thought the supervisor did only a cursory job to support the reporting party. Mr. Van Houten did not hear of anyone giving this individual tools or de-escalation strategies when there was an opportunity to do some public good. The reporting party probably still had to deal with the issue the next day and perhaps EPD staff missed an opportunity to help him respond differently.

#### **Case #4 - Summary of Facts**

- Reporting Party complained about how officers responded to a domestic dispute in which she was involved. She stated that an officer was rude and complained that her children were interviewed without DHS being present. She also complained that her husband was not arrested.
- The complaint was classified as a service complaint/performance.
- The assigned supervisor reviewed the police report and spoke with the primary involved officer before speaking with the reporting party.
- The supervisor explained to the reporting party: (1) the laws surrounding menacing and why no enforcement action against her husband was taken; (2) that policy permitted officers to interview the children; and (3) why the officers she felt was rude was in a hurry to get a statement.
- The reporting party stated that she felt much better about the incident and thanked the supervisor for explaining things to her.

#### Issues for CRB Discussion:

- Complaint Intake and Classification
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
- Policy and/or Training Considerations
- Additional Comments/Concerns

Mr. Wig shared that the presence of a firearm made the situation harrowing for him and concerned him greatly. He thought that the memo and the explanation about why the steps occurred was pretty comprehensive, and that the reporting party also went away from the encounter with understanding and feeling better about what had happened after receiving more info.

Mr. Gissiner said he thought the response time was over an hour to the caller, and that for a case involving someone with a rifle who was suicidal, and that the response time did not meet his standard.

Lt. Mason clarified that the call was dispatched at 20:57 and the officers arrived less than two minutes later.

Mr. Roseta indicated he thought the officer was probably trying to get to the heart of things quickly and the RP thought he was being brusque. Mr. Roseta wasn't sure what more that they could have done to make it a better resolution.

Mr. Denner saw no issues about communication. It seemed to him there was another case where an officer needed to gather information so they could consider charges before they interviewed or took someone into custody, and the RP didn't understand why the officers didn't just go after the accused party. Mr. Denner asserted that some people were really good at explaining their jobs to other people, and other people were more sequential in thought. Mr. Denner acknowledged that there was a training officer in this case, which may have complicated things.

Mr. Van Houten asked what resources were available to the woman in this situation, and if officers would document in an incident report if a woman went to Women's Space or another resource referral. Lt. Mason replied that information provided could be random because there was not a requirement to report specific things on resource referral. Lt. Mason expressed an appreciation for the idea and thought she would want to add it to the next report writing class. Ms. Foltz said she thought it was a good thing to add to reports and showed that all efforts had been made to help parties. In the end it seemed to Ms. Foltz that the RP was still very scared after the fact.

At 6:30 p.m., Mr. Van Houten noted that time was up and made a motion to extend. The motion was approved unanimously.

### **Case #5 - Summary of Facts**

- Reporting Party complained to auditor's office that an employee had repeatedly threatened to cite his wife for leash law violations, despite the fact that the dog was a certified service Animal.
- The complaint was classified as an inquiry.
- The assigned supervisor reviewed relevant laws and regulations and spoke with the reporting party's wife (who had had the contacts with the involved employee).
- The supervisor took the time to explain the rules surrounding service dogs and leashes (with certain exceptions, state law requires that control over assistance animals must be with a harness, leash, or tether).
- The reporting party was appreciative of the follow up from the supervisor and of the officer's discretion in not citing her for having the dog off-leash.

#### Issues for CRB Discussion:

- Complaint Intake and Classification
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
- Policy and/or Training Considerations
- Additional Comments/Concerns

Ms. Foltz argued that in a circumstance where an officer was not legally allowed to ask a person what their disability was, there was no way the officer would know whether the harness would interfere with the ability of the animal to perform its task. Ms Foltz stated that in functionality, the animal wasn't running loose, and it was possible that the officer was just harassing this person. Mr. Van Houten concurred.

Mr. Denner stated he thought Ms. Foltz was making a good point, but in his opinion the officer's and supervisor's behaviors were consistent with good community policing. He indicated that the lack of a formal citation issued showed that their responses were consistent.

Mr. Roseta opined that the supervisor did a good job, that they didn't cite the RP's wife with everything they could have, and that it sounded like everything ended on a good note.

Ms. Marek said she looked up the law the officer was working with and determined that it wasn't a very thorough legal analysis. The officer stated in their letter that the RP had misinterpreted the law around her service animal incorrectly. Ms. Marek took issue with the fact that in the report, the officer put service dog in quotation marks, which seemed like a bias. Ms. Marek wondered if what the officer said to the RP could have been construed as unauthorized practice of the law or as giving legal advice. Ms. Marek was also concerned with the other officer on the street who seemed to be enforcing other rules besides trespassing on private property. Ms. Marek stated that as a community member, she had other understandings about how this event impacted the community and wondered if there were other complaints about this officer from unhoused people.

Mr. Wig shared that he thought the officers conduct was a model of police discretion about when to be really strict and when to give someone a break. He argued that the officer was very compassionate about enforcing the law. Mr. Wig added that in this case, he wished that 'unfounded' was an option for service complaints.

#### **Case #6 - Summary of Facts**

- Reporting Party complained that an officer kept telling her he didn't believe her and used misleading questions when asking her about an accident in which she stated she hit her head on a door jam.
- The complaint was classified as an inquiry.
- Preliminary investigation included review of dispatch records, police reports, and ICV.
- The preliminary investigation showed that no EPD employee had violated policy during the call, and the complaint was dismissed and closed.

#### Issues for CRB Discussion:

- Complaint Intake and Classification
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
- Policy and/or Training Considerations

- Additional Comments/Concerns

Mr. Denner said this struck him as a classic domestic dispute training case and appreciated Ms. Cox's work in taking the call and teasing out the facts. Mr. Denner expressed no objection to the dismissal of this case and said he thought it showed how support could be provided in the way that the prior two cases did not.

Mr. Rosetta offered no objections, nor did Ms. Marek or Mr. Wig.

Ms. Foltz noted that this complaint came in on April 29, 2016 and was resolved by May 2, 2016. She stated that all of the complaints discussed so far were resolved in very timely fashion. Ms. Foltz found this case totally disturbing as a woman and that she would have been afraid for her life in this situation, but thought there was nothing wrong with how this was handled.

Mr Wig agreed with Ms. Foltz, saying this case made him feel powerless and he wished there were something more that could happen to help. He thought it was a really scary situation and hoped that the RP was seeking help for the probable trauma that occurred. Mr. Wig added he thought the letter that the Auditor's office sent to the RP was very compassionate.

Mr. Van Houten remarked he thought the communication was really well done and agreed that there was probably trauma involved.

## **VII. AUDITOR'S REPORT**

Mr. Van Houten asked the CRB to please complete the Auditor's performance review online as soon as possible.

Mr. Gissiner shared he thought some officers had seen other officers commit misconduct and not report it, and that no matter how difficult your job was, it did not entitle you to do cruel things. He stated that the Blue Team had an early intervention system piece that would likely be part of the final union contract. Mr. Gissiner believed a formalized disciplinary matrix format would be useful, and that there needed to be more community involvement in the hiring process for officers. He insisted that the most powerful people in our nation individually had to be held accountable and appreciate the power they had. Power did not entitle someone to act with malice and forethought and attack a defenseless person.

Mr. Gissiner announced that a conditional offer had been made to the Community Engagement Specialist candidate if her background check passed, and that he was really looking forward to bringing her on board.

Mr. Gissiner shared that at a City Council presentation, the Police Chief stated that the IA and audit process had a negative impact on many officers while the union members felt as if they were being fair and equitable. Mr. Gissiner concluded that if the process was more impactful than the punishment itself, maybe conduct problems lay at the punishment level. He said if he were charged with a crime and was more worried about the trial than the sentence something was not working. Mr. Gissiner also stated that

one employee apparently had twelve sustained allegations. The Auditor's Office was not involved in the disciplinary process other than to study trends. The Police Chief and City Manager were responsible for discipline, and Mr. Gissiner suggested some might argue that it was not there and was not a deterrent.

Mr. Gissiner announced that stenographer services had been approved for City Council and for the CRB, but would be postponed until December when the City Manager calculated costs and allocated funds.

#### **VIII. ADJOURN**

The meeting adjourned at 7:54 p.m.

*-Minutes by Carly Brynelson-*

## Eugene Police Department

### July 2016 Open Case Report

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Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 5, 2016  
Class/sub-class: Policy Complaint  
Disposition: Supervisor Review-Closed

RP emailed Chief Kerns and others to report an illegal camper in the lot at Amazon Community Center and his concern for the many children using the center. The community center says they can't do anything and EPD tells him he has permission from the center.

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Incident type: Supervisor Action  
Status: Active  
Received date: Jul 6, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP stopped by the Auditor's Office to report a call he made to 911 about a neighbor who fell in front of his home. RP felt that his calls were handled inappropriately by the call takers he spoke with.

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Incident type: Supervisor Action  
Status: Active  
Received date: Jul 6, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an officer who she believes did an illegal search of her car after she refused to allow a drug dog search of her car. As soon as she denied the drug dog search the officer impounded her car and cited her for no insurance, even though she was parked in an area that the car could have been left. The tow company told her she denied the search, that's why she was towed.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 6, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office concerned that a call taker lied about policy, miss quoted city ordinances and did not send a response to his call for service. RP called about a man who had come into his establishment basically naked and covered in feces and refused to leave. RP read the city ordinance to her verbatim she argued with RP about it and finally he hung up.

RP also questioned when the EPD Policy of not responding to MVA began as he feels this may be a violation of state law.

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Incident type: Supervisor Intake  
Status: Completed  
Received date: Jul 7, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP complained that an officer didn't take action when he saw a red light violation.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 8, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Dismissed-o/s jurisdic

An anonymous complaint was filed that alleged an officer without emergency lights ran a red light at Franklin and Agate.

Auditor Dismissed.

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Incident type: Incident Review  
Status: Suspended  
Received date: Jul 8, 2016  
Class/sub-class: Inquiry /  
Disposition:

An anonymous caller claimed that he saw an EPD officer using meth at a drug house.

Suspended pending criminal review.

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Incident type: Supervisor Action  
Status: Active  
Received date: Jul 8, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP reported an officer who was disrespectful and not understanding of an incident in which he forgot his backpack after finishing his volunteer shift at the Olympic trials.

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Incident type: Supervisor Action  
Status: Active  
Received date: Jul 12, 2016  
Class/sub-class: Inquiry  
Disposition:

RP filed a complaint that an officer would not press charges against two men who physically assaulted her and her 15 year old son.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 12, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported that when he spoke with a call taker about a verbal domestic dispute he was having with his ex-wife the woman was snide and abrupt with him. RP spoke with this particular call taker 3 times.

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Incident type: Supervisor Action  
Status: Active  
Received date: Jul 13, 2016  
Class/sub-class: Inquiry  
Disposition:

RP reported in incident in which a mentally ill person was in his neighborhood acting out and confronted his 3 year old son by pointing a bat and swinging it around near his son. The man was also honking a strange horn. The officer who responded came back later and told him that the man had been arrested, but RP could still hear the guy's horn. RP feels the officer did not tell him the truth about the situation.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 13, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP is unhappy an officer did not return his phone call about an incident in which he and his ex-wife argued and both ended up calling for service.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 13, 2016  
Class/sub-class: Policy Complaint  
Disposition: Supervisor Review-Closed

RP emailed Chief Kerns about a traffic stop in which his vehicle was towed by officers which lead to him losing his vehicle. RP feels the officers profiled his truck and his property was taken without due process.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jul 14, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP inquired into records about a contact with a High School Resource Officer. When RP went to EPD records to request incident information or a police report she was told that one did not exist. RP stated that the officer was rude and threatening with her at the time and his account of the incident is being used by her employer but there seems to be no official record that she can access.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 18, 2016  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP responded to a Forgery call. A suspect description provided by the caller caused an officer to contact a person. The man claimed he was stopped because he was a black male even though the caller described the suspect in detail.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 18, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP was unhappy about how an officer handled his call about a downstairs neighbor trying to steal parts from his jeep.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 19, 2016  
Class/sub-class: Service Complaint / Constitutional Rights  
Disposition: Supervisor Review-Closed



Officers were dispatched to the location to check the welfare of the female resident who had posted on Facebook that she had been assaulted by her boyfriend. The victim included a picture of a fresh injury to her forehead (swelling). The victim was unhappy that officers tried to arrest her boyfriend by forcing their way into the home.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 20, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office to complain that she has been unable to get an officer to return her calls.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jul 25, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported the officer in a vehicle was talking on his cell phone. It didn't appear to him the officer was using his phone for business.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jul 27, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP reported that the officer who finally contacted him to take his report that he had mistakenly filed on a tip line was rude with him.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jul 27, 2016  
Class/sub-class: Inquiry  
Disposition:

RP contacted the Auditor's Office with a concern that the police report of a domestic dispute with her and her husband was never forwarded to the DA's office.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jul 27, 2016  
Class/sub-class: Inquiry  
Disposition:

Review of an injury entered by a supervisor in which the suspect allegedly head-butted a glass door.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jul 27, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP was forwarded to the Auditor's office by dispatch inquiring into why an officer was parked facing the wrong way in front of her home. A police incident with family members had happened a few months

ago and RP is fearful of police action.

---

Incident type: Supervisor Action

Status: Active

Received date: Jul 30, 2016

Class/sub-class: Inquiry

Disposition:

RP called to complain that he was put in a choke hold by Officers for no reason outside Jameson's. He then changed his story and said it was actually bouncers inside the establishment who put him in a choke hold, and that he was detained by EPD Officers when he exited the bar.

## Eugene Police Department

### July 2016 Closed Case Reports

---

Incident type: IA Investigation  
Status: Completed  
Received date: Mar 17, 2016  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Sustained

#### 1. 314 Vehicle Pursuits

It is alleged an officer engaged in a pursuit of a potential DUII suspect vehicle in violation of the pursuit policy.

Performance - 314 Vehicle Pursuit Policy - Sustained

---

Incident type: IA Investigation  
Status: Completed  
Received date: Apr 1, 2016  
Class/sub-class: Allegation of Criminal Conduct / Conduct  
Disposition: Unfounded

It was alleged by the RP that a pat down done by an officer was overly intrusive. A review of the ICV and interviews indicated that the pat down was consistent with policy and that the allegation was unfounded.

---

Incident type: IA Investigation  
Status: Completed  
Received date: Apr 7, 2016  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Sustained

#### 1. 314 Vehicle Pursuits

It is alleged that an officer initiated and engaged in a pursuit of a suspect in an attempt to apprehend a driver who was not stopping or following relevant traffic laws in violation of the pursuit policy.

Performance - 314 Vehicle Pursuit Policy - Sustained

---

Incident type: IA Investigation  
Status: Completed  
Received date: Apr 7, 2016  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Within Policy

#### (4) Failure to take appropriate action.

Allegation that two officers allowed an impaired person to drive away in a motor vehicle with passengers and that the officers could have prevented the impaired person from getting into a vehicle and driving, reducing a potential hazard to the public, the passengers and the impaired driver.

It was determined that prior to the person driving away, the officers did not have reasonable suspicion that the driver was impaired. The driver was pulled over after violating a traffic law.

Performance - 1101.1.B.9 Unsatisfactory Performance - Within Policy

---

Incident type: IA Investigation

Status: Completed

Received date: Apr 7, 2016

Class/sub-class: Allegation of Misconduct / Performance

Disposition: Sustained

An employee damaged equipment and failed to report it to supervisors.

1. 1101.1.B.9 Unsatisfactory Performance

An EPD failed to take appropriate action by failing to immediately notify a supervisor of damage to security equipment.

Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained - Jun 2, 2016

## Eugene Police Department

### August 2016 Open Case Report

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 2, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP feels she is being ignored and lied to by the call takers when she calls to request Cahoots. She is repeatedly told she is on the list and has waited two days straight with no dispatch.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 2, 2016  
Class/sub-class: Service Complaint / Use of Force  
Disposition:

RP contacted the Auditor's Office upset that when she pickup her 17 year old daughter from SERBU she was covered in bruises. RP said her daughter got off an LTD bus at the downtown because she was going to throw up from drinking too much. Officer would not allow her back on the bus and when her daughter tried to walk away she was slammed to the ground.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 4, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition: Dismissed-Other

RP stopped by the Auditor's Office upset that when he had called the non-emergency number to report a person who he believes is harassing him, the call center dispatched Cahoots.

Dismiss - no policy violation alleged.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 5, 2016  
Class/sub-class: Inquiry  
Disposition: Dismissed-alt remedy

RP alleged that her arrest for DUII, Driving Under Suspension and other charges was unlawful.

Dismissed by Auditor. Alternate remedy.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 8, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported an incident in which an officer was investigating a hit and run and did not return a message about security footage that was available in the incident. At this point the footage has been taped over but RP is disappointed that the officer did not follow up.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 8, 2016  
Class/sub-class: Policy Complaint  
Disposition: Dismissed-Other

RP reported an illegally parked vehicle at 1st and Blair that was a traffic hazard. RP was unhappy with the time it took for a response.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 9, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor's Office with a concern about a call to the 911 center. RP lives at 5th and Jefferson and had went outside and noticed a man laying partially in the street. Unable to remember and have the means to look up the non-emergency number, RP called 911 and immediately let the call taker know it wasn't an emergency, expecting to quickly be told the number. Instead the call taker said you can call 411 for that number and disconnected the call. RP was disappointed in the response as it would have taken the call taker the same amount of time to quickly give her the number.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 11, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office about not receiving a follow up call after reporting to the non-emergency line drug activity and other issues on River Road.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 11, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition: Supervisor Review-Closed

RP was upset at in interaction he had with an officer who pointed at him and yelled at him to get on the sidewalk.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 12, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP alleged that a supervisor was unprofessional to a reporter.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 13, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP alleged that a man should have been arrested instead of receiving a citation. Closed at intake.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 15, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP sent a request to Chief Kerns asking for help understanding why officers did not respond to a call for service of a man sleeping on her neighbor's porch for over two hours.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 22, 2016  
Class/sub-class: Inquiry  
Disposition:

RP contacted the Auditor's Office with a concern about a motorcycle accident he was involved in. RP was badly hurt after going off the road into a ditch, when he was finally able to get his cell phone out of his pocket and dial 911 a recording told him "If this is not an emergency please hang up and call the non-emergency line. You can reach a call taker by saying help at any time." RP tried to say help but then the recording started over and eventually hung up. Fortunately another rider saw him in the ditch and was able to call for help. RP noted that even that call was handled strangely, the call taker kept asking irrelevant questions that totally frustrated the man who was trying to help. RP is very concerned about not reaching help and feels he could have died because the calls were not handled appropriately.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 23, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition: Dismissed-Other

RP reported officers harassing and arresting a kid for smoking weed in the park when he wasn't. Dismissed - no policy violation following review of ICV/BWV.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 23, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an officer in using the new LTD lanes to continue over three blocks straight instead of turning as the signs direct with no indication that he was on a call.

---

Incident type: Supervisor Intake  
Status: Completed  
Received date: Aug 23, 2016  
Class/sub-class: Allegation of Misconduct / Use of Force  
Disposition: Dismissed-Other

Officers were dispatched to the location in reference to an unattended child. Upon arrival, they were contacted by three separate complainants that advised the child was routinely left unattended for long periods of time. On this date, the child had been taken in by a neighbor who was caring for her until police could arrive.

As officers conducted their investigation, the child's mother, returned. She became displeased with the officer's questions and advised she was going to the neighbor's to get her daughter. She ignored officer instruction preventing her from contacting her daughter until the situation could be resolved and began to storm toward the neighbor's trailer.

Officers detained her in handcuffs to prevent her from reaching her daughter or becoming combative with them.

There were no visible signs of injury and the officers were prudent and WITHIN POLICY when they detained the RP.

Dismiss per Auditor.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 23, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP emailed Mayor Piercy about a domestic disturbance in her neighborhood and how unhappy she was with the police response and handling of the issue.

---

Incident type: IA Investigation  
Status: Active  
Received date: Aug 25, 2016  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition:

1101.1.B.9 Unsatisfactory Performance:

It is alleged that an officer failed to take appropriate action when dispatched to a Criminal Trespass case, around the time and location of a crime, when he located a bag with potential evidence.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 25, 2016  
Class/sub-class: Inquiry  
Disposition:

RP reported that when he called the non-emergency number to ask for an officer to come and speak with him about his storage unit lock being cut by the unit's manager, and possibly burglarized. The call taker hung up on him as soon as she found out it was him, telling him we are not sending out an officer. RP also feels that he is racially profiled by EPD because he is Native American.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 26, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP attempted to file a police report about a housekeeper taking thousands of dollars of his property and was told he could not make a report because he had invited her into his home.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 26, 2016  
Class/sub-class: Service Complaint / Courtesy



Disposition:

RP and others spoke with Chief Kerns about an incident in which they felt that an officer was verbally pushy with someone that he apparently misidentified.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 27, 2016  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP was upset at an officer who came to her home on the word of a neighbor. RP stated that the officer was condescending, treating her as she was to blame from the beginning, the officer did not use social deescalating skills and made RP feel that because of her economic status she was the one in the wrong and the trouble maker.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Aug 28, 2016  
Class/sub-class: Inquiry / Internally Generated  
Disposition: Dismissed-Other

Officers were on a patrol check dealing with trespass issues in the field south of a property. They came in contact with 2 people regarding trespassing. One had a warrant for her arrest.

Once she was advised she was under arrest the officers had to walk after her as she was walking away. Officers grabbed both her arms as she was physically struggling with the officers. She was placed against the hood of a patrol vehicle in order to control her movement. She was placed in handcuffs and arrested.

While she was physically resisting she made claims that the officers were raping her. She was screaming "rape...help."

There were witnesses this display of anger. The officer's ICV captured a portion of the arrest. There is no evidence to support the allegation. She never requested a supervisor and after her initial outburst she never made the allegation again.

A supervisor responded immediately. See ICV for further information.

As the officers were leaving the field they observed a man hiding nearby. They recognized him and knew he had a similar warrant for his arrest. They contacted him and arrested him without incident. Once they reached the car he screamed "rape, rape."

This interaction was captured on the officer's ICV. No evidence exists to support this second allegation.

Dismissed - other per Auditor.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 29, 2016  
Class/sub-class: Inquiry  
Disposition:

An officer in the area of Broadway and Willamette contacted a suspect regarding an open container. RP alleged he was cited because of his race.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 29, 2016

Class/sub-class: Inquiry  
Disposition:

RP emailed EPD with concerns about an incident in which a detective came to his home during an investigation of his son. RP felt that the Detective was insensitive and showed a lack of respect, compassion and was seemingly uncaring of RP's cultural and religious beliefs.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 29, 2016  
Class/sub-class: Inquiry  
Disposition:

RP contacted the Auditor's Office with a couple of concerns regarding 2 burglaries at her store.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 30, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported a police vehicle ran a red light.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 30, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP reported a man standing in the street urinating at Hwy 99 and Roosevelt on 8/29/16, after calling two or three times that day and again on the 30th no one came and took care of the situation. Officers have driven by and ignored the man, Cahoots has stopped and talked with him. A Sgt indicated that someone would take care of the situation but no one has. RP is concerned about this guy pulling out his penis in front of his daughter and cannot believe no one will respond to this issue.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 30, 2016  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP emailed Chief Kerns about a call for service about prowlers in his yard. The call taker told him that no officer could come because of a shift change. Several hours later RP inquired into the disposition of his call and was told it was broadcast but no one had responded.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 30, 2016  
Class/sub-class: Policy Complaint  
Disposition:

RP attempted to call 911 from his cell to report a fire in a field. The RP kept getting a message that all circuits were busy and to try again. He asked if this was normal for Eugene and if he should expect improvements.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Aug 31, 2016  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor's Office very frustrated with an issue of identity theft he has been dealing with for over 6 years.

## Eugene Police Department

### August 2016 Closed Case Report

The dispositions listed are the final decisions made by the Chief of Police.

---

Incident type: Internal Affairs  
Status: Completed  
Received date: Sep 11, 2014  
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws

Disposition: Resigned during Administrative Investigation

1. 901.1 Use of Force - It is alleged that an officer used excessive force when he grabbed a handcuffed suspect, from a bench in the Lane County Jail book in room, and took him to the ground. During the take down, the man suffered a laceration and bruising to the right side of his head and face above his right eye.
2. 1101.1.B.5 Conformance to Laws - It is alleged that the level of force the officer used during the take down constituted the misdemeanor crimes and convictions of Assault IV and Official Misconduct I, violating the department's Conformance to Laws policy.
3. 1101.1.B.7 - Courtesy - It is alleged that during the arrest and detention the officer used course, profane and insolent language and failed to control his temper, while engaging in unprofessional verbal exchanges.
4. 1101.1.B.25 Unbecoming Conduct - It is alleged that the officer's actions and demeanor during the arrest and detention of a suspect was unprofessional, unbecoming, and brought discredit to him and the department.
5. 1101.1.B.9 Unsatisfactory Performance - It is alleged that an officer failed to conform to the standards of his rank or position, failed to take appropriate action, and failed to perform professionally during the arrest and detention of a man.

#### Allegations:

Use of Force - 901.1 Use of Force - Resigned during investig - Aug 30, 2016  
Conduct - 1101.1.B.5 Conformance to Laws - Resigned during investig - Aug 30, 2016  
Courtesy - 1101.1.B.7 Courtesy - Resigned during investig - Aug 30, 2016  
Conduct - 1101.1.B.25 Unbecoming Conduct - Resigned during investig - Aug 30, 2016  
Performance - 1101.1.B.9 Unsatisfactory Performance - Resigned during investig - Aug 30, 2016

---

Incident type: Internal Affairs  
Status: Completed  
Received date: Jul 16, 2015  
Class/sub-class: Allegation of Misconduct - Use of Force/ Allegation of Misconduct- Performance

Allegation that several officers used excessive force to effect the arrest of 2 people, that 2 officers were racially biased by making the arrests of 2 people; that an officer was racially biased and used excessive force when he threatening to use a Taser and arrest a third person, and that an officer was racially biased when he made statements at the jail.

It was also alleged that an officer did not meet the conformance standards of his position by not ensuring the original incident was investigated and failed to attempt to de-escalate the situation.

#### Allegations:

Constitutional Rights, EPD Policy 322. The RP alleged that 2 officer violated her constitutional rights when they arrived at her home. She stated she called CAHOOTS but officers showed up instead. She alleged that she ordered them to leave her porch/front deck area because she did not want police officers to respond and when they refused to leave, she believes her constitutional rights were violated.

Dismissed by Auditor. Met the Community Caretaking Standards.

Use of Force, EPD Policy 300: Alleged that 3 officers used excessive force to effect the arrests of 2 people. Within Policy.

Taser Policy, EPD Policy 309: Alleged that an officer violated the Taser policy when he tasered and drive stunned a man. Alleged that an officer violated the Taser policy when he "painted" the Taser laser on a man. Within Policy.

Professional Police Contacts, EPD Policy 402: Alleged that 3 officers violated the Professional Police Contacts Policy by allegedly failing to provide equitable law enforcement services with due regard for the protected class status of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group. Eugene Police employees are forbidden to engage in racial profiling or bias-based policing practices.

#### 1101.1.B.9 - Unsatisfactory Performance

That an officer failed to conform to standards established for his rank or position and failed to take appropriate action.

1<sup>st</sup> officer: Allegations:

Discrimination - 402 Professional Police Contacts - Unfounded

2<sup>nd</sup> officer: Allegations:

Use of Force - 300 Use of Force - Within Policy  
Discrimination - 402 Professional Police Contacts - Unfounded - Jun 21, 2016  
Use of Force - 309 Taser Use - Within Policy - Jun 21, 2016

3<sup>rd</sup> officer: Allegations:

Use of Force - 300 Use of Force - Within Policy - Jun 21, 2016

4<sup>th</sup> officer: Allegations:

Use of Force - 300 Use of Force - Within Policy - Jun 21, 2016  
Discrimination - 402 Professional Police Contacts - Unfounded - Jun 21, 2016  
Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained - Jun 21, 2016

---

Incident type: IA Investigation  
Status: Completed  
Received date: Mar 24, 2016  
Class/sub-class: Allegation of Misconduct / Constitutional Rights  
Disposition: Sustained

RP contacted the Auditor's Office with a complaint about how an officer handled a situation at a Assisted Living Facility. When RP directed his father via a note that he wanted him to remain silent, the officer went off about how they didn't usually make a big deal about these situations but if he wanted to make it a big deal that could happen. RP felt the officer was trying to bait him and even lie about what could happen to his father. RP also noted that the officer made the facility director cry, and that a few of the other women present felt the officer was out of line.

In a follow-up interview with RP, he alleged the officer asked a sarcastic question regarding his mother's peculiar mannerisms related to her mental health condition.

1101.1.B.6 Constitutional Rights: That an officer failed to "observe, respect, and protect the constitutional rights" of the RP and his father when he attempted to coerce them into speaking with them against their express wishes to assert their right to remain silent.

1101.1.B.7 Courtesy: That an officer was discourteous during this investigation.

Audio and Video Recordings

446.4 Utilization Requirements for Systems: That an officer improperly muted his ICV during this contact.

Allegations:

Constitutional Rights - 1101.1.B.6 Constitutional Rights - Insufficient Evidence

Courtesy - 1101.1.B.7 Courtesy - Sustained

Performance - 446 Audio Video Recordings - Sustained

---

Incident type: Supervisor Intake

Status: Completed

Received date: Aug 23, 2016

Class/sub-class: Allegation of Misconduct / Use of Force

Disposition: Dismissed-Other

Officers were dispatched to the location in reference to an unattended child. Upon arrival, they were contacted by three separate complainants that advised the child was routinely left unattended for long periods of time. On this date, the child had been taken in by a neighbor who was caring for her until police could arrive.

As officers conducted their investigation, the child's mother, returned. She became displeased with the officer's questions and advised she was going to the neighbor's to get her daughter. She ignored officer instruction preventing her from contacting her daughter until the situation could be resolved and began to storm toward the neighbor's trailer.

Officers detained her in handcuffs to prevent her from reaching her daughter or becoming combative with them.

There were no visible signs of injury and the officers were prudent and WITHIN POLICY when they detained the RP.

Dismiss per Auditor.

**The Eugene Police Department received 35 commendations from citizens in June, 2016. Below is a sample of those commendations.**

A 'Thank You' card was received from a citizen thanking the Eugene Police Department for everything they do for the community. The citizen commented, "I appreciate every time you step up to help right a wrong or keep someone safe. You guys make a huge difference. I hope you know there are many of us who see how much you do and are deeply grateful."

A citizen commended the effort of a Community Service Officer in retrieving their stolen bike. The citizen's bike was stolen when their spouse had accidentally left the bicycle outside against the garage. Luckily, the citizen had registered the bicycle. The citizen commented, "Thank you to the officer who made it possible to have my bicycle back."

Officers were commended by a citizen for their assistance in solving an 'Identity Theft' case the citizen was a victim of. The citizen was very impressed by the "excellence" they experienced during the case and was very thankful the suspect was caught. The citizen commented, "Stopping them quickly protected the public in a big way."

The staff at a local care facility commended officers for their assistance during a call for service when a gentlemen that was being discharged from the facility had made threats to harm staff if they were released. A staff member commented, "They did great! They were just extremely helpful and very appropriate...it was very successful without much issue." The staff member further commented, "It was a very good outcome."

Officers were commended by a citizen for their assistance when the panic alarm was set off in the citizen's home. The citizen was impressed with "what a good job" the officers did in assisting. The citizen was very appreciative and wanted to ensure the officers received the message.

A citizen submitted a letter to commend the efforts of an officer in locating their stolen vehicle. The citizen commented, "He was very thorough in explaining the law and his opinions on where he might find it." The officer found the citizen's vehicle three hours later. The citizen further commented, "Please pass my thanks...We have made sure to tell all our friends how pleased we are with EPD's work."

Officers received a 'Thank You' card from a citizen for their assistance in caring for an injured child recently. The card that was received reads as follows, "Thank you so much for stopping during the victim's voices run to help! Her knee healed really well. We thought that it was impressive that you ran in your gear; you both really set amazing examples! Thank you again!"

A citizen commended officers for their assistance in dealing with an illegal camping issue at a local park. The citizen frequents the location and has seen where the camping issue has made some females and older citizens uncomfortable when they're in the area so the citizen just wanted to say "Thanks" for the officers' response.

An officer and a call-taker were commended by a citizen for their efforts in having a vehicle removed that was blocking the citizen's driveway. The citizen commented, "She was very efficient and I want to pass on good thoughts of the manner in which she handled this disturbance and she got in touch with the policeman who is wonderful." The citizen further stated, "I am very appreciative with their concern and directness in handling it."

A citizen submitted a commendation for an officer and the ALICE Training they recently provided. The citizen commented, "I really do appreciate you being able to take the time out of your schedule for us as well as the "serious humor" you bring to the presentation. You really make it work. Thanks Again."

A local teacher within the community submitted a 'Thank You' card to an officer to express their appreciation for talking to their students recently. The citizen commented, "Thank you so much for talking to my seniors. They learned a lot! All the MIP questions in the morning class concerned me but telling them that offense stays with them for a while should keep them off the sauce at parties! Thank You!"

A high school student out of California was recently assigned to conduct a research project on a fallen officer. The student chose to conduct their research on the late Officer Kilcullen from EPD. The student's research "saddened" them in learning the type of individual Officer Kilcullen was and the selflessness he showed in conducting his duties. The citizen commended the Eugene Police Department by commenting, "Thank you and your officers for all you do daily to make our country a safer place to live."



**The Eugene Police Department received 43 commendations from citizens in July, 2016. Below is a sample of those commendations.**

An officer was commended by a citizen for the assistance they provided when the citizen's car was disabled after an accident. The citizen commented, "I am so grateful you changed my flat tire for me and comforted my granddaughter. I felt so supported. I appreciate your kindness and generosity. It was beyond the call of duty."

A citizen commended an officer for the service they received when the officer returned the citizen's dog to them. The citizen commented, "I'm so pleased to publicly thank (officer's name) of the Eugene Police Department for returning our dog to us and doing all she could to prevent our best friend from having to spend the night in the shelter. We're so over-the-top grateful for your service..."

An officer was commended by a citizen for their efforts in solving a disturbance problem within the citizen's neighborhood. The citizen stated that the officer "did a full interview" and a "complete job". Ever since the citizen reported the disturbance, the citizen has not had any more disruptions and commented, "I can have blissful nights of sleep. This is a perfect example of once police get on the scene and there in much in command as he was, things get done."

A citizen commended officers for their response to their granddaughter's call when she was having a mental breakdown incident. The citizen stated that when the officers arrived, they "understood immediately" what was taking place. The citizen further commented, "They were very professional and very understanding. We appreciate them."

An officer was commended by a citizen for their attention in removing an illegal tent camper in a local park. The citizen frequents the location and has observed instances where it has become an unsafe environment. The citizen commented, "I really appreciate it."

Officers and a communications specialist were commended by a citizen for their presence when the citizen's spouse found their son had passed away from a suicide. The citizen commented, "Even though I knew our situation wasn't an actual emergency, it felt like an absolute emergency to us. You gave me a lifeline to hold on to, when it seemed like our world was falling apart." The citizen further commented, "We especially want to thank (officers names) for their personal attention and care, and for giving us guidance in each next-step, both that day and in the coming days."

A citizen submitted a 'Thank You' card to the Eugene Police Department. The citizen commented, "Thank you for all you do to help and protect all the citizens in Eugene. I am very grateful and I realize you put your lives on the line for all of us every day!! I keep all of you in my prayers that you may all be safe every day!"

Officers were commended by a citizen for the way they handled a tough situation when the citizen's son was transported from the hospital to a mental health facility. The citizen commented, "You could tell how much they cared. They were outstanding...absolutely awesome in how they handled everything!"

A citizen commended an officer for their professionalism when a call was initiated for suspicious conditions at the citizen's residence. The citizen stated that the officer was "very professional...very pleasant". The citizen further commented, "I appreciate how he handled it. He listened and followed up with checking the area out. He exemplifies what a police officer should do when you call them."

A community service officer was commended by a citizen for their assistance and the quality service that was provided in recovering the citizen's stolen vehicle. The citizen commented, "Thank you. You were fantastic." The citizen stated that the officer was "very courteous...very helpful".

A citizen commended an officer for their kindness in assisting three ladies that were having trouble in getting a heavy piece of equipment into the back of a pickup truck. The officer identified they were having trouble and "pleasantly and happily hopped out of his car" to assist. The citizen stated that the officer was "just the nicest guy". The citizen further commented "We're extremely supportive of the police department and extremely grateful for them putting their lives in danger to keep us safe."