



City of Eugene CIVILIAN REVIEW BOARD

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
Tuesday, December 13, 2016 - 5:30 p.m.
Bascom Room, Eugene Public Library, 100 W. 10th 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	5 minutes (5:35 pm)
3. Minutes Approval (Minutes from October and November meeting)	5 minutes (5:40 pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	10 minutes (5:45 pm)
5. Election of Vice-Chair	5 minutes (5:55 pm)
6. Training Topic: Implicit Bias	30 minutes (6:00 pm)
7. Break	10 minutes (6:30 pm)
8. Case Review: Review of Allegation of Misconduct Related to Off-Duty Conduct at a Training Conference	30 minutes (6:40 pm)
9. Case Review: Review of Allegation of Misconduct Related to Reporting of Off-Duty Conduct at a Training Conference	30 minutes (7:10 pm)
10. Auditor Report	10 minutes (7:40 pm)
11. Adjourn	(7:50 pm)

NAME OF MEETING: Civilian Review Board
DATE OF MEETING: October 11, 2016
TO: Vicki Cox
RECORDED BY: Emily Mathis

ROUTING INFORMATION

10/24/16 EM Draft to Staff

MINUTES

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

October 11, 2016
5:30 p.m.

PRESENT: Eric Von Houten, Chair; Lindsey Foltz, Vice Chair; Maurice Denner, Rick Roseta, Heather Marek, Steven McIntire, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Beatrice Hernandez, Police Auditor's Office; Lt. Carolyn Mason, Eugene Police Department.

Mr. Von Houten convened the Civilian Review Board (CRB) at 5:32 p.m.

1. AGENDA AND MATERIALS REVIEW

Mr. Von Houten noted some in attendance were recording tonight's CRB meeting. He added that while he appreciated the interest in the events that transpired in the CRB, it was important to note that these recordings were not official transcripts of the meeting. The recordings had not been authenticated for accuracy or completeness, nor had they been approved by the CRB. The recording of meetings was a matter previously brought before the CRB and the board, as a body, did not approve the recordings of meetings. These recordings were the personal property of the individual who created them and were not sanctioned by the City of Eugene, the Auditor's office or the CRB.

No changes to the agenda were made.

2. PUBLIC COMMENT

Mr. Brian Michaels was the attorney representing Ms. Ayisha Elliot and Quinton Richardson. He was there to express shock at information falsely presented to the CRB at the last meeting regarding the case entitled: *Quinton Richardson vs. The City of Eugene*. He didn't get to read the minutes from last month's CRB meeting in which this case was discussed and he was unable to locate the audio. He stated that the description of Quinton given to the CRB was inaccurate, stating that he was taller than 6 foot 5. He added that someone on the CRB noted that they had a friend in excess of 6 foot 5 who was aware of how he was perceived due to his size. Mr. Michaels said Quinton was around 6 foot 1, weighing 200-210 pounds at the time of the incident. He asked that the CRB to question why Quinton's size was exaggerated and what else might have been exaggerated. It was important to consider viewing this case in terms of racial bias. He argued that the EPD might have felt that citizens were more sympathetic to their actions if they thought the actions involved the intimidating and imposing figure of a large black man. Mr. Michaels reported that Ms. Elliot was still suffering from symptoms of concussion, and back pain from having been thrown to the floor. Mr. Michaels clarified that after Quinton walked out of the house onto the porch, he was cooperatively handcuffed. He suggested that Quinton was not threatening and suggested that if incident involved a white woman and a white son, the officers would not have felt threatened. He added that the incident happened so fast that there was no de-escalation, but rather a constant sense of escalation.

Ms. Ayisha Elliot confirmed that her son, Quinton, was 6 foot 2 and weighed 215 pounds at the time of the incident. She stated that some information was skipped over in the testimony presented to the CRB. She said that she came out to the porch and talked with the EPD officers for a minute and a half about what was going on with Quinton, what had already happened, what she had done, and informed the

officer that Quinton had Traumatic Brain Injury (TBI), and that she was going to go back into the house to get Quinton. The officers were prepared for the situation because she shared this information with them prior to bringing Quinton out. She said that Quinton wasn't aggressive and while they were talking with the first police officer; Quinton turned to talk with the other police offer and was subsequently handcuffed. Ms. Elliot said the officer standing at a distance told Quinton he would tase him and she saw a red light on Quinton. She turned and put her arms around Quinton and told the officers if they had a taser or a gun, then they needed to get off her property. The next thing she knew was she was thrown to the floor and no one spoke to her while she was on the ground. The officer was on her back and Quinton was to her right; she and Quinton yelled back to one another to stay calm. The officer slammed her head to the ground at least three times. She was then arrested. She emphasized that the testimony reported a hectic incident, but in actuality there were parts to the incident that were not reported, such as the calm conversation she had with the officers before bringing Quinton out of the house.

3. MINUTES APPROVAL— September 14, 2016

Mr. McIntire noted an error on page 3, under the bullet point that began with “code of conduct on integrity...” He asked that the following information be added to the bullet point: he made a motion to bring the code of conduct policy back for review and that motion passed.

Mr. McIntire noted another error on page 7, under “Relevant Department Policies and Practice” on the bullet point that began with, “Mr. McIntire stated that Officer C;” he asked that the words “demand and control” be changed to “command and control.” He added that there was an error on the same page, two bullet points down. It should read, “Mr. McIntire asked if **CIT** Training...”

Ms. Marek said there was an error on page 3, at the end of the second full paragraph; the url should have read “www.tinyurl.com/crbaudio”

Mr. Roseta added that his name was missing from the list of those present.

With the changes presented, the minutes were deemed approved without objection.

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

Ms. Marek shared that she was recording tonight's CRB meeting. The audio could be accessed online at tinyurl.com/crbaudio. She announced that at the next Human Rights Commission there would be a presentation on a proposed policy that required citizen participation before police could implement new technology. She added that the Oregon Supreme Court handed down a decision that involved the CRB American Civil Liberties Union of Oregon based in the City of Eugene. Under Oregon public records law, the public had the right to examine public records, but there was an exception for situations where it involved investigative records that dealt with the discipline of officials. There was an exception to that exception that allowed for disclosure of disciplinary findings if there was a significant public interest. The lower court found that the CRB struck a balance between the public's interest in disclosure and the government's interest in confidentiality. However, the Oregon Supreme reversed and stated that when considering those competing interests, there was a presumption in favor of disclosure. When the interests in confidentiality and disclosure were competing and equal, disclosure won. Public interest in disclosure extended beyond disclosure of police records but also to CRB itself. Ms. Marek argued that this was relevant to the CRB because while discussing whether or not to resume audio recording the CRB meetings, the lower court decision was included in the CRB packet as evidence for why it was not necessary

to record. Ms. Marek perceived that there were arguments made that there was no need for recordings because if the CRB was doing a good job reviewing cases, then that was oversight enough and no need for recordings. Ms. Marek argued that this argument was circular because it suggested that because the CRB was doing a good job, the public did not need to ensure that they were doing a good job. This assumed that the CRB would be incapable of doing a poor job. In conclusion, Ms. Marek suggested that the strong statement made by the Oregon Supreme Court's reversal should make the argument to record each CRB meeting even more persuasive.

Mr. McIntire stated that from his perspective, the discussion about recording CRB meetings was about whether audio or video recordings should be allowed. He stated that the CRB had written minutes and public record law allowed for written or audio recording.

Mr. Von Houten thanked Mr. Michaels and Ms. Elliot for their public comments. He added that the members of the CRB felt it was important to recognize what implicit bias was and how to consider it in regards to police work. He reported that the CRB was working toward training on bias so that the board could continue to expand their understanding of implicit bias. Mr. Von Houten added that the Oregon Supreme Court ruling was exciting. He emphasized there were many occasions where transparency was good for the community. However, Oregon had strict employee records laws and the CRB had to work within them. He didn't believe the CRB should revisit whether or not they should record audio. The CRB needed to follow its own processes accurately.

Ms. Foltz stated that when police reform was discussed, it was important to recognize that it was not necessarily a national incident, but rather a local issue and localized action was needed to see systemic reform enacted. She added that she supported transparency and would continue to be an advocate for more ability for the public to view the kinds of records that the CRB saw. It was important for accountability. She thought the CRB was abiding to the law by having robust written minutes. She was also of the opinion that audio recording was helpful and was not harmful.

Mr. Denner wanted to clarify, in response to Mr. Michael's public comment, that he was the CRB member who noted he had a friend of a large size who was aware of how their size was perceived by others.

Mr. Gissiner clarified that, in regards to the Quinton Richardson vs. City of Eugene case, the auditor's office found and the CRB agreed that the officer who took Ms. Elliot to the ground used excessive force and failed to perform policy standards of EPD.

5. CASE REVIEW: Complaint Related to investigation of a menacing incident

Ms. Pitcher offered a PowerPoint presentation entitled *Case Summaries—Civilian Review Board—October 11, 2016* and facilitated a discussion on the case before the CRB.

Summary of Facts

- Officer A was dispatched to a report of a physical dispute, along with two other employees. They contacted the victim outside her residence, where she explained that she had been in a physical dispute with an ex.
- Officer A asked about injuries; the victim explained that she was fine but probably had bruising. She stated that there was a shotgun and ammunition in her house. She went over the incident more than once with Officer A.
- Officer A told her he would be writing an incident report and that he did not think that this

rose to the level of an Abuse Prevention Act arrest. Officer A advised that the victim should consider getting a restraining order. Victim replied, "I've already had one."

- Officer A did not follow up on the restraining order statement. Officer A asked the victim about the shotgun; the victim responded that the suspect had picked up the gun and threatened to hit her with it. Officer A turned to Officer B and said something similar to, "May not get out of here on time."
- Officer A asked some clarification questions and informed the victim that this information changed things, and it was now a mandatory arrest situation.
- Officer A and cover officers went to the victim's residence to search for the suspect, but he was gone. The involved shotgun was located on the floor of the residence, but it was not seized.
- The victim advised the officers of a one-block area where the suspect was living with a relative; she did not know the specific address.
- An audit of the records system showed that Officer A did not run the suspect's name through that system. Officer B ran the suspect through DMV to try and obtain a current address. There was no information that the suspect was run through the records department.
- Officers did not discover that the suspect was a felon with a valid restraining order against him, protecting the victim in this case.
- Officer C assisted in a later investigation where probable cause existed to arrest the suspect; Officer C was able to obtain his address via an Internet search. The suspect was contacted and arrested for all charges at that address.
- While preparing for trial of the suspect, the District Attorney's office developed concerns about how Officer A investigated this case and handled the follow up with the DA. The DA then reported their concerns to EPD.

Allegations

1. Unsatisfactory Performance: That Officer A failed to take appropriate action, as required by ORS 133.055 and POM 320.4.g, when he failed to take reasonable steps to effect the arrest of a suspect.
2. Courtesy: That Officer A used insolent language in the presence of the victim during an investigation

Recommended Adjudication

1. Unsatisfactory Performance
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief's Adjudication: Sustained
2. Courtesy
 - EPD chain of command: Unfounded
 - Auditor's Office: Sustained
 - Chief's Adjudication: Unfounded

Issues for CRB Discussion

- Complaint Intake and Classification
 - Mr. Denner recognized that this case did not go before the auditor's office until the ADA, who was prosecuting another case, made reference to it. He argued that there needed to be a certain level of redundancy a supervisor in the chain of command looked at anything

that was a serious misdemeanor or felony and there was no arrest. He added that the Eugene Police Employee's Association had a commitment from the City of Eugene that there was a clock that started at the six month point. He thought this agreement needed to be flushed out because there would be cases where the facts were not discovered until later.

- Mr. Von Houten appreciated that the CRB was able to examine the role of the investigative officer. He asked if there had ever been a complaint brought forward by the ADA. He appreciated that it was brought forth by the ADA.
- Ms. Foltz echoed Mr. Denner's comment, stating that the six-month period needed to be examined more closely. She felt the period should be extended.
- Lt. Mason stated that the six-month period was a contention in recent cases and there was discussion between the City of Eugene and the Union to have specific language on whether the period was six months from the date of the incident or six months from the date that an issue was discovered.
- Complaint Investigation and Monitoring
 - Mr. Von Houten complimented Sgt. Compton on his investigative skill and how he handled himself.
 - Mr. Roseta agreed, stating that the IA was very thorough and objective.
 - Mr. McIntire agreed with Mr. Roseta and Mr. Van Houten's statements.
 - Mr. Denner agreed that the investigation was very thorough and professional. He believed that there was an additional line of questioning that would have opened some additional concerns. Officer A made a statement about not running the offender's name and birthdate because he didn't expect to encounter the subject that evening. Mr. Denner believed that statement suggested the officer did not plan to investigate the incident further.
 - Ms. Foltz wasn't sure if it was a common practice to let the deputy auditor be present in interviews. She was glad that it happened in this case because it was useful to have a different perspective.
 - Mr. Gissiner reported that the Statute allowed the IA and one representative from the auditor's off to be present in interviews.
- Relevant Department Policies and Practices
 - Mr. Denner was concerned that the officer did not identify the victim and the subject in route to the call. He also expressed concern that the victim was left on the street corner by herself. He argued that this devalued the victim and what she experienced. Even putting her safely in the back of a police car, or someone staying with her would have been best.
 - Mr. McIntire asked if it was policy or practice that stated an officer did not need to run a suspect because they were not in the officer's presence.
 - Sgt. Crompton said there was no such policy or practice. There was an expectation that an officer should run any individual that they receive a call on. He said this expectation was trained through coaching and mentoring.
 - Mr. Roseta commented on the treatment of the victim. He said the CRB should consider the fact that all three officers were needed to check the victim's house. He thought the treatment of the victim might be seen differently if something bad had happened to two officers when they went into the house while leaving one officer outside with the victim. He suggested that perhaps it would have been appropriate for the officers to ask the victim if she did not want to be left alone.
 - Mr. Von Houten asked for clarification on the policy on courtesy. He thought it was weak due to the fact that it was broad and lacking in description. It did not provide officers with

- clear guidance. He appreciated Sgt. Compton's comments about using a supervisor. Mr. VanHouten felt as if though the officer did not use his supervisor.
- Ms. Foltz had a question about why the officer did not run the perpetrator's information. She felt that there was not a satisfactory reason given. She asked if there would be any reason why an officer would avoid running a perpetrator.
 - Sgt. Crompton said it was much easier to run someone before the new RMS system. Now, officers had to go through three systems to run someone properly, if officers themselves did it. A lot of officers go to station two and ask for information on someone. As workload increases and staffing decreases, officers were expected to run information on someone themselves. He added that calling records was another way that officers could gather information on someone.
 - Ms. Foltz described the officer's behavior as calloused toward the victim. The officer made several comments and demonstrated dismissive behavior about the victim.
 - Ms. Marek asked for further clarification on the policy for running information on suspects. She had a sense that the officer could have done more. However, she was unsure if it was fair to hold an officer to a standard that was not clear.
 - Sgt. Crompton noted there was an ORS that stated steps to take in an APA situation. It stated that all reasonable means in trying to apprehend should be exhausted. His expectations were that for an officer's own safety, information on a suspect should be run. He reiterated that this was based on training and experience. He added that the officer in question was not a new officer, and should have run information on the suspect.
 - Lt. Mason reported that the ORS statue that was being discussed had been part of annual DV investigation training.
- Policy and/or Training Considerations
 - Ms. Marek was concerned about the reenactment of the violence and wondered about training around that.
 - Lt. Mason stated that training included forensic experiential trauma interviewing (FETI). Lt. Mason was considering how to include FETI training in the EPD in-service training. She added that trauma informed care was also being considered for further trainings.
 - Ms. Foltz asked if the reenactment of violence was something the officer was trained to do.
 - Sgt. Crompton stated it was not something the officer was trained to do.
 - Ms. Foltz was concerned about the lack of victim care. She wanted to know more about training that existed around care for victims.
 - Sgt. Compton said it was possible to become desensitized as a police officer. However, officers were trained in understanding the psychology behind victims of domestic violence and why domestic violence continued to happen. He suggested that perhaps the officer didn't think about this and was desensitized to domestic violence calls. Empathy was necessary.
 - Mr. Von Houten thought Sgt. Compton's comment accurately described courtesy.
 - Mr. Roseta agreed. He said that Sgt. Crompton's description caused him to rethink his view of the insolence of the officer in question.
 - Mr. Denner suggested that peer review and peer coaching might be a good way to approach a situation as egregious as this one. He suggested that sometimes, if someone isn't performing in the right way, the top-down approach might not be the best way to address the behavior.
 - Ms. Pitcher agreed that the courtesy policy needed improvement and suggested that during the code of conduct review, the policy on courtesy be reviewed, as well.

- Adjudication Recommendations
 - Mr. Denner agreed with the adjudication on unsatisfactory performance. He added that he would have sustained the adjudication on courtesy for all the reasons discussed and for leaving the victim alone on the street.
 - Mr. McIntire would sustain on unsatisfactory performance and courtesy. He added that the courtesy adjudication was focused on the comment “not going to get out of here on time.” To him that was not something of major concern, but rather the officer’s disinterest, and lack of respect for the victim should have been of concern.
 - Mr. Roseta agreed that both courtesy and unsatisfactory performance should have been sustained. He thought it was good that the ADA brought this up, but that this was not an issue to be taken up by the CRB, rather, it should have been taken up with the Police.
 - Mr. Von Houten agreed with sustained on both courtesy and unsatisfactory performance.
 - Ms. Foltz agreed on sustained for both.
 - Ms. Marek agreed on sustained on both.

- Additional Comments/Concerns

Mr. Gissiner complimented Ms. Pitcher on all of her work for this case. He said she was vigilant in making sure the case moved forward and she did a great job.

Mr. Von Houten complimented Sgt. Crompton on his listening and interviewing skills.

6. INQUIRY REVIEW: Complaint related to police contact regarding trespassing at a school

Ms. Pitcher offered a PowerPoint presentation entitled *Case Summaries—Civilian Review Board—October 11, 2016* and facilitated a discussion on the case before the CRB.

Summary of Facts

- Officer A was contacted by school officials regarding two people trespassing on the campus of a school and reportedly using the school’s port-a-potty. Officer A contacted the two individuals and explained that they could not be on school property. He explained the division between school property and park property. No citations were issued.
- Some people in the neighborhood reported to a police commissioner that Officer A was harassing the individuals. The police commissioner notified EPD, and Officer A’s supervisor spoke with Officer A, the person who reported the incident to the police commissioner and the police commissioner.
- Officer A’s actions were found to be within policy, and the complaint was closed.

Discussion

- Ms. Marek said she was the board member that had questions about this case because it wasn’t clear to her how it was resolved or how the officer became involved with individuals spoken to. Ms. Marek’s questions were about how the officer knew the individuals were trespassing, and whether or not the school was participating in the trespass program, or if the officers were called to the scene. She said it was clear from the packet that the officer was called. Her concern was that the officers enforced trespassing laws against people who looked a certain way or whom they know did not belong. After reviewing the case materials, her concerns weren’t entirely addressed. She didn’t have enough information to know if the officer did anything wrong. She had concerns about the investigation itself. She believed there was evidence to suggest that the officer was

enforcing trespass laws on public property. The auditor's office and the person investigating this case took it at face value based on what the officer said. The witness saw the officer enforcing trespassing laws on public land. There were port-a-potties on public land in the adjacent park, as well as some at the intersection of Kidsport, the school, and the field. Ms. Marek expressed concern that the individuals may have been on public property. Even if the school called it in, it was not clear that the individuals were trespassing because the port-a-potties were not on school property. The officer said he knew these people, and that they often came to the school. Ms. Marek felt as if the individuals may have been profiled. She was unsatisfied and hoped the complaints were taken seriously and investigated with rigor. She emphasized that even though the individuals were not ticketed, the police engagement could have had negative implications such as embarrassment, loss of time, and erosion of trust in the police force. She emphasized that when complaints were not investigated, it undermined credibility of the process.

- Mr. Denner suspected that there was not a dispatch record because it was possible that the school had access to the safer schools officer's cell phone number. The school official may have called the officer and asked for direct assistance to talk to individuals. If the officer was free then they would come to the school that was calling, or they would call station two and see if anyone was available to take the call.
- Ms. Pitcher confirmed Mr. Denner's explanation. The call was to the cell phone of the school's resource officer.
- Mr. Denner guessed, based on the time of the call, that the principal was outside supervising lunch break and called from the site. He asked Ms. Marek for more explanation about the trespass program.
- Ms. Marek said the trespass program allowed officers to enforce the trespass laws even if the property owner did not call them.
- Mr. Denner appreciated that this case gave the CRB the chance to look at the possibility that profiling was taking place either by the community or by the department. He was satisfied with the supervisor's investigation and reporting.
- Mr. McIntire wondered why the CRB reviewed this case. From what he understood, this case began because a passing motorist sent a short email complaining about the incident. Mr. McIntire emphasized that this witness could not hear what was going on and did not know whether or not the individuals were ticketed. He emphasized that the police commissioner was satisfied with the investigation. He felt that many assumed that any interaction with an officer was negative. However, the report indicated that there was discussion and laughter between the individuals and the officer. He felt it was unnecessary to review this case as it was sufficiently responded to and investigated already.
- Mr. Roseta suggested that the witness who complained might have been implicitly biased against police. He said the school officials saw the individuals on school property and they used the port-a-potties on school property, which was possible because the school building was under construction. By the time the police officer got there the individuals had moved off school property. Mr. Roseta agreed with Mr. McIntire. He did not believe there was any harm done to the individuals and they did not want the complaint to be proceeded with. There could have been some minor loss of time and damage in some way by being contacted by an officer, but he argued that it was not at any level to be concerned with.
- Mr. Von Houten appreciated that the community cared about the two individuals so much.
- Ms. Foltz appreciated that any individual from the CRB could have a concern and have all of the CRB examine it. She did not find anything particularly problematic about this interaction. She understood Ms. Marek's concern about differential enforcement of the trespass law based on the

identity of the individuals and that it was unclear whether or not they were on public property. Ms. Foltz appreciated that when community members were concerned there was a way they could address their concern.

- Ms. Marek stated that she would have been more satisfied with the case if there had been more conversation with the officer and the school to ensure that the individuals weren't being pushed off of public property.
- Mr. Denner reported that there would be direction from the Oregon Supreme Court on a school's authority. He said as a school administrator, he used to assume responsibility for the children in school from the time they left their homes until they returned home. He reported that a case from the Eugene school district would be reviewed because it entailed a young person was prosecuted for harassment that occurred after school and on public property in a park adjacent to the school. He thought that case would be reviewed in terms of considering how much schools were responsible for the safety of the students.

7. ELECTIONS

Mr. McIntire seconded by Mr. Denner, nominated Mr. Von Houten for Chair of the CRB. The nomination carried unanimously, 5:0.

Ms. Foltz, seconded by Mr. Roseta moved to close the nominations for Chair of the CRB. The motion carried unanimously, 5:0.

Mr. McIntire seconded by Mr. Denner, nominated Ms. Foltz as Vice-Chair of the CRB. The motion carried unanimously, 5:0.

Mr. Roseta, seconded by Mr. McIntire, moved to close the nominations for Vice-Chair of the CRB. The motion carried unanimously, 5:0.

Mr. Von Houten asked Mr. McIntire if he was willing to continue to serve as the Police Commission Liaison. Mr. McIntire indicated that he was willing to continue to serve.

Mr. Denner, seconded by Mr. Roseta, moved to forward the nomination of Mr. McIntire to serve as Police Commission Liaison to the Council for appointment. The motion passed unanimously, 5:0.

Mr. Von Houten asked Ms. Marek if she was interested in continuing to serve as the Human Rights Commission (HRC) Liaison. Ms. Marek indicated that she was interested in continuing to serve, but stated that she had a time conflict that would cause her to leave the HRC meetings early during some months. She suggested that this was an opportunity for someone else to serve if there was interest. Ms. Pitcher indicated that if Ms. Marek needed to miss a meeting, others from the CRB could attend the HRC meeting in her place.

Mr. Roseta, seconded by Mr. Denner, moved to forward the nomination of Ms. Marek to serve as Human Right Commission Liaison to the Council for appointment. The motion passed unanimously, 5:0.

8. AUDITOR REPORT

Mr. Gissiner reported that the next CRB meeting was planned for Wednesday, November 9, 2016. It was a joint meeting of the Police Commission. He suggested this was a good opportunity to have a discussion

about how police officers should behave when a colleague was misbehaving, in regards to policy improvement or enforcement of current policies.

Mr. Gissiner added that Dr. Johnny Lake was planned to give implicit bias presentation. Mr. Gissiner hoped to schedule his presentation for December or February. The police commission would also be attend the presentation.

Mr. Gissiner reported that he attended the Law Enforcement Coordinating Committee (LECC) meeting in Salem. He said the legislature and the governor signed a response to profiling in which police departments were supposed to submit data to the staff people at Portland State University for analysis. So far, only two police departments had supplied data for analysis. Mr. Gissiner reported that a critic of an officer involved shooting included the practice of an Oregon State Police person writing down a summary of their perception of the interview with the officer. Now, a stenographer would be present in the interview to take down every word.

Mr. Gissiner reported that there would be a Bethel quarterly meeting on October 19, 2016 where Vickie Cox and Beatrice Hernandez planned to give a presentation about the Auditor's office.

Mr. Gissiner added that the former Assistant Chief was appointed to the President's commission on 21 Century Policing. He believed this was due to the fact that EPD was considered a leader of Blue Team routine use of force.

9. COMMUNITY ENGAGEMENT UPDATE

Ms. Hernandez reported an overview of what she had been working on in her new position. Primarily she had been creating and updating materials. So far she:

- was creating a frequently asked questions brochure in Spanish and English
- created bilingual "know your rights" wallet cards
- updated the online Spanish complaint form
- created a Spanish option for the Auditor's Office phone
- updated an in depth PowerPoint presentation and translated it into Spanish
- created a new color flyer to place in key high traffic areas
- was working on a student guide to police practices
- created social media accounts (Facebook and Twitter) for the Police Auditor's Office

Ms. Hernandez reported that the Police Auditor's office had a new logo and all new materials would include the logo. She added that she planned to reach out to non-profit organizations to give brief presentations about the Police Auditor's Office. MS. Hernandez asked the CRB members for a brief message about the CRB that she could then convey to the public.

Ms. Foltz suggested that is people expressed being part of the CRB, that Ms. Hernandez could provide information on that process.

Mr. Gissiner stated that the non-profit outreach also included Springfield because many Springfield residents work or spend time in Eugene.

Mr. Von Houten suggested that CRB members send Ms. Hernandez their comments about the CRB by email.

Mr. Denner asked that forms and handouts developed for the public be forwarded to the CRB members so they were aware of the information the public was receiving about the CRB.

10. ADJOURN

Mr. McIntire, seconded by Mr. Denner moved to adjourn the CRB meeting. The motion carried unanimously, 5:0. The meeting adjourned at 7:46 p.m.

(Recorded by Emily Mathis)

NAME OF MEETING: Civilian Review Board & Police Commission
DATE OF MEETING: November 9, 2016
TO: Vicki Cox
RECORDED BY: Tiffany Boss

ROUTING INFORMATION

11/28/16 TB

Draft to Staff

MINUTES

Civilian Review Board & Police Commission
300 Country Club Road
Eugene, Oregon

November 9, 2016
5:30 p.m.

PRESENT:

Civilian Review Board: Eric Van Houten, Chair; Lindsey Foltz, Vice Chair; Maurice Denner, Rick Roseta, Steve McIntire, Chris Wig

Police Commission: Bill Whalen, Chair; Edward Goehring, Vice Chair; Mike Clark; Will Davie; Edward McGlone; Steve McIntire; Scott Nowicki; Terry Robertson; Claire Syrett; Bob Walker; Marshall Wilde

Police Auditor's Office: Mark Gissiner, Leia Pitcher, Vicki Cox, Beatriz Hernandez

EPD: Lieutenant Carolyn Mason, Sergeant Larry Crompton

EPEA Representative: Officer Chris Mackey

Commissioner Whalen convened the Civilian Review Board (CRB) & Police Commission at 5:32 p.m.

1. AGENDA AND MATERIALS REVIEW

Mr. Van Houten welcomed the group and covered the agenda.

No changes to the agenda were made.

2. PUBLIC COMMENT

There was no public comment.

3. MINUTES APPROVAL

No minutes to approve.

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

Mr. Denner explained that the Human Rights Commission CLU was proposing somewhere in the national system of new technology review that there should be citizen involvement. He was struck by the fact that EPD has been doing that for a long time. He was pleased to see that this may become a national effort. He commented that given the technology available with drones and recording devices, by police and citizens, it should be an interesting move forward.

Welcome from Mr. McIntire.

Ms. Syrett was pleased to be there since she had been absent for medical purposes. Today was her first full day back at work. She was able to arrange coverage for another meeting in order to be present tonight.

Ms. Foltz stated she appreciated the police service and the citizen involvement. She also thanked the auditor's office for their contribution. She has accepted another position and that was her last meeting.

Mr. Gissiner introduced Beatriz Hernandez, the new Community Engagement Coordinator and Translation Specialist.

Mr. Van Houten thanked the group for the joint meeting, he attended the joint meeting last year and expressed it was good to be together again. He affirmed that in this arena the two teams could work well together. A big issue has been bias, how does it happen and how do they manage it? He provided a tentative date of December 15th for a Bias Training to be presented by a professor from NCU. This session would provide training and development.

Mr. Whalen welcome Ms. Syrett back to the Commission.

Mr. McGlone informed the group that a few months ago he brought up the potential ability of police to use a drone or robot to execute lethal force. He continued that recently a police helicopter in North Dakota Pipeline was engaged by a drone. Drones are also being used to land phones, drugs and money into prison yards. He felt the trend will develop and must be addressed in the future.

Chief Kerns thanked the group for their work and expressed his pride in the new building, which the department moved to in 2012.

5. GREETING FROM MAYOR ELECT: LUCY VINIS

Mayor Elect Lucy Vinis greeted the group, stated it was her special pleasure to be there and thanked many at the table for their work and relationships. She has circulated and was delighted to see them assembled. She was there to listen and learn and was officially Mayor Elect as of today. She counted on those with experience to direct and navigate security, public and human rights. She affirmed her desire to look to this group for leadership and offered gratitude for their service and sacrifice. She continued that she was looking forward to meeting everyone and getting to know them.

Mr. Whalen turned over the meeting to Mr. Van Houten and explained that this portion will not be recorded.

Mr. Van Houten explained they were less formal than Robert's Rules. They have found discussion is valued and that was what would take the team forward. The task was to discuss. He affirmed this task was taken with the highest responsibility.

6. CRB-LED REVIEW OF INCIDENT OF EXCESSIVE FORCE AND DISCUSSION OF RELATED POLICIES

Ms. Pitcher explained that while CRB members receive the entire investigative packet, Oregon Public Records law prohibits the release of personnel information related to a case. Therefore, CRB practice is to refer to the involved employees as Officer A, B, etc.

Ms. Pitcher offered a PowerPoint presentation entitled *Summary of Facts--Civilian Review Board & Police Commission--November 9, 2016*:

Summary of Facts

- CRB does not release names of employees involved in administrative investigations. This presentation will follow that practice.
- Officer A and Officer B were dispatched to a bar where a man (Mr. B) was refusing to leave. They spoke with the caller and Mr. B when they arrived. Mr. B asserted that he was being assaulted. Officer A asked him whether he was injured and, when Mr. B did not indicate any injury, Officer A disputed whether he was being assaulted
- Mr. B then called 911, ostensibly to report his assault. Officer A decided to arrest Mr. B for misuse of 911 and trespassing. Officer A and Officer B engaged in a physical struggle with Mr. B in order to effect the arrest.
- Per policy, Sergeant C prepared a use of force to report in Blueteam. The report documented focused blows by Officer B, Taser deployment by Officer A, and a bite to Officer A's finger by Mr. B.
- Officer A and Officer B transported Mr. B to the jail. Mr. B was in handcuffs and seated on a bench in the pre-booking area while Officer A filled out paperwork.
- Mr. B and Officer A were engaged verbally while Officer A was filling out paperwork. Officer A then approached Mr. B rapidly and pulled him from the bench to the ground; the incident was captured by video cameras at the jail.
- Mr. B's head appeared to the bench and the floor. While he was on the ground, Officer A used his knee to push Mr. B's head to the floor twice. Officer B then approached and held Mr. B's legs; jail deputies then entered the room and took Mr. B into the jail.
- Mr. B was treated for injured by jail staff.
- Sergeant C was notified of the use of force at the jail prepared another use of force report in Blueteam. Sergeant C did not offer a recommendation on whether the use of force was within policy.
- Our office reviewed the use of force reports. We also received an anonymous complaint regarding the use of force at the jail. A criminal investigation into Officer A's actions at the jail followed.
- The administrative investigation was suspended pending the conclusion of the criminal investigation and prosecution process.
- Officer A was found guilty of official misconduct and assault. He was sentenced to 60 days in jail, suspended following two years' probation.
- The administration investigation followed the close of the criminal investigation; for the most part, it adopted the criminal investigation.
- The City and Officer A came to an agreement about Officer A's separation and he is no longer employed by the City.

Allegations

1. Use of Force: That Officer A used excessive force when he grabbed Mr. B, a handcuffed suspect, from a bench in the Lane County Jail book-in-room, and took him to the ground. During the takedown, Mr. B suffered a laceration and bruising to his head and face.
2. Conformance to Laws: That the level of force used by Officer A on Mr. B during the takedown in the jail constituted the misdemeanor crime of Assault IV and Official Misconduct I, in violation of EPD policy.

3. Courtesy: That Officer A used coarse, profane, and insolent language with Mr. B and failed to control his temper, while engaging in unprofessional verbal exchanges.
4. Unbecoming Conduct: That Officer A's actions and demeanor were unprofessional, unbecoming and brought discredit to him and the department.
5. Unsatisfactory Performance: That Officer A 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 Mr. B.

Recommended Adjudication

1. Use of Force
 - EPD recommendation: Resigned during internal investigation
 - Auditor's Office concurred
 - Chief concurred
2. Conformance to Laws
 - EPD recommendation: Resigned during internal investigation
 - Auditor's Office concurred
 - Chief concurred
3. Courtesy
 - EPD recommendation: Resigned during internal investigation
 - Auditor's Office concurred
 - Chief concurred
4. Unbecoming Conduct
 - EPD recommendation: Resigned during internal investigation
 - Auditor's Office concurred
 - Chief concurred
5. Unsatisfactory Performance
 - EPD recommendation: Resigned during internal investigation
 - Auditor's Office concurred
 - Chief concurred

5:50pm Chris Wig joined the meeting

Issues for CRB Discussion

- Complaint Intake and Classification
 - Ms. Foltz stated the intake was timely. Blue Team system means that the notification is very seamless. It came in the same night it occurred. She appreciated that efficiency.
 - Mr. Gissiner affirmed BT was a software program that came in around 2009 and it shifted the paradigm for reports. Prior to that, if an officer used a taser, the officer would fill out their own report and perhaps it would have been reviewed by supervisor. Now, BT required that they must respond for property damage and use of force, injury, search, pursuit, high speed chase, K9, property damage, vehicular accident. Supervisors are required to enter the report and internal affairs and the Police Auditor's office can review those reports. This incident was reviewed the following morning. Anytime something happened at the jail he would be curious. Given the circumstances, the IA coordinator might decide it should have been pulled over to internal affairs, she did that for this case. These incidents were looked at every time. He appreciated that officers used the system and it seemed that it brought the temperature down in most scenarios with questions such as "are you injured? Etc."

- Ms. Foltz inquired at what point was it clear there would be a criminal investigation.
- Mr. Gissiner responded that it was likely made clear at the weekly Thursday meeting, so within the week of the incident. Chief Kern made the decision about the investigation. It took some time before the video was available and once the investigator saw the video it was then a decision would be made
- Mr. McIntire asked if there were one or more police officers present at the jail. Yes. He wondered why was it limited to the one officer when others were present and also have a duty.
- Mr. Gissiner replied that the Sergeant responded immediately, and reports were written in a timely fashion. It was less than 2 seconds on the video and yes there was duty to intercede. The concern was the verbal interaction prior to the assault. Confirmed with Ms. Pitcher if he could say assault. She confirmed. In his opinion the criminal case dragged on too long. He asked if there were allegations of misconduct for other officers, Ms. Pitcher responded no.
- Mr. McIntire inquired if the other officers were involved appropriately.
- Mr. Gissiner responded that the supervisor was contacted and responded.
- Ms. Pitcher clarified the use of force reporting policy had not yet been updated at the time of the incident. This was a case from 2014. \
- Mr. Denner affirmed that with the information that it was a case prior to change in policy he felt the Sergeant did an outstanding job recording and documenting.
- Mr. Van Houten brought up that the 5 allegations seemed redundant and asked how could they have been addressed differently? Mr. Gissiner reviewed the 5 allegations and did not have any disagreement with the first 4. Mr. Van Houten agreed.
- Complaint Investigation and Monitoring
 - Mr. Wig had wondered why it took so long for the investigation, but now he understood.
 - Mr. Gissiner clarified that the EPD began interview very quickly, but then there was a gap because the interviews had to be transcribed. Once investigators reviews the transcription, they returned for more interviews, which again were transcribed. He stated his belief that it was approximately one year from the time the DA received the case until there was a trial. There was also an attorney change and a murder trial that interrupted the DA. As a reminder, he continued, the Defendant was entitled to a fair trial.
 - Mr. Denner inquired about the interviews with the crime detectives, he did not see any truthfulness or Miranda warnings in the notes.
 - Ms. Pitcher responded she did not know much about how Miranda warnings are typically documented, and that in administrative interviews, there is a truthfulness admonishment. She also stated that while EPD can compel an administrative interview, a criminal interview cannot be compelled.
 - Mr. Gissiner added that to his recollection there was a Miranda warning, but he does not know where it was documented.
 - Mr. McIntire affirmed he thought it was timely.
 - Ms Foltz agreed. It was thorough and timely, but lengthy due to the process not neglect.
 - Mr. Van Houten added he was thankful for a community that held everyone accountable.
- Relevant Department Policies and Practices
 - Ms. Foltz expressed concern for other officers and their involvement. The incident escalated from the moment they walked in, such as the unproductive banter. She said she thought a co-worker should have intervened and did not understand why peers allowed him to become so physical. Why did they not consider the other officers and their duty to policies? Also, she felt the paid administrative leave was much too long and wasteful.

Other officers should have perhaps responded differently to prevent it. The 2 years of paid leave was unacceptable. She used other extreme use of force incidents and stated the Blue Team system should use data to train and preserve officers when there are red flags. BT could be used for prevention of escalated events. Also, because she did not see the discipline side, there was not a clear discipline matrix or expectation, which could have led to better accountability.

- Mr. McIntire asked what the Use of Force policy was the time. He read the policy. He noted it did not address de-escalation as a tool to help prevent use of force. 300.2 addressed how officers should handle situation and de-escalate it. Mr. McIntire continued that it was in regards to interactions with the public not other officers.
 - Mr. Denner affirmed the issue of other officers had been addressed.
 - Mr. Roseta stated that there was clearly emotion and an escalated situation. He cannot say that what the second officer did was unreasonable.
 - Mr. Denner stated he would like to have seen intervention by Officer B, but the situation was brought under control and it was a very dynamic situation. Restraining the offender helped quiet the situation.
 - Mr. Wig concurred with Ms. Foltz and Mr. McIntire.
 - Mr. Van Houten asked if there was enough information for the officers to say that they had a role to intervene, yes, but there was no policy. He asked if Officers B and C were less experienced and they were. The offending officer had seniority. Mr. Van Houten asked if it was typical to arrest someone for misuse of phone. It was the policy at the time.
- Policy and/or Training Considerations
 - Mr. Wig stated that the situation started to escalate before the event of use of force, an opportunity was lost. He would like to see more training about de-escalation while keeping everyone safe.
 - Mr. Denner brought up the issue of officer safety at the room in the jail. It was better than it was in the past, but it was not ideal. A Custody could get up off the bench and he questions whether there should be some restraint available since the structure of the room cannot be changed. It struck him as dangerous.
 - Sergeant Crompton stated that there was a risk and they have forms for those situations. There was also a personal responsibility of the officer to be aware of himself just as he would anywhere else.
 - Mr. McIntire reiterated that de-escalation training among other officers should be addressed.
 - Ms. Foltz noted that sometimes the use of force is justified, but often there was a path of opportunities leading to the situation. She emphasized that additional training on de-escalation should be a continued conversation.
 - Mr. Van Houten relayed a story of another officer that turned their back and was engaged. The room was nearly impossible to navigate. He was also concerned about the room. He affirmed the opportunity to deescalate was in the verbal banter, but was missed.
 - Chief Kerns addressed policy and training considerations, if 100% of the work force were at a 10 for de-escalation it would be a great force, however officers regularly do a good job and unfortunately others do not see that. The group will only see the extreme cases. This case forced EPD to push their thinking and policies. Lost opportunities occurred months before the incident. He reported that other agencies have had a practice that if an officer was involved in a struggle another officer will take over at that time for transport,

etc. Also, he would like to play with the language to develop policy of tactics and training, etc. He affirmed that everyone wondered why one of the officers did not step in, this was one of the most extraordinarily obnoxious subjects. Some agencies, like New Orleans, were discussing how officers could help save each other from incidents like this. How could EPD set up a training for, “I’m asking you now, step in, when I lose my temper”?

- Mr. Van Houten responded, we did recognize the good officers and we did get a chance to review positive situations, and this was an extreme case that occurred. Interactions with people who were inebriated or high were increasing. That officer could have been saved by other officers, one had to share that “wealth” of difficult people in order to have been a successful team.
 - Ms. Foltz added that they had look at cases where officers did their job properly. She hoped that officers saw the public review was there to help. She added that this was a long term officer and in the past had an altercation with another long term officer. She was concerned that younger officers looked up to them and they could not help. She had higher expectations from a senior officer.
 - Chief Kerns added officers should become better with time, not worse, there were higher expectations.
- Adjudication Recommendations
 - Mr. Wig agreed with all of the recommendations.
 - Mr. Roseta agreed with all of the recommendations.
 - Mr. Denner asked about the officer’s law enforcement certificate status. It was not revoked until after the criminal charges were filed. EPD could have revoked it, but it was not automatically sustained. Did this officer still have authority?
 - Chief Kern responded the officer was suspended and could not act as an officer at that point. Lt. Mason stated an employee can rebut, but it did not usually happen beforehand.
 - Mr. McIntire agreed with all of the recommendations.
 - Ms. Foltz agreed with all of the recommendations.
 - Mr. Van Houten agreed with all of the recommendations.
 - Additional Comments and Concerns
 - Ms. Foltz emphasized again the need for growth and training in order to prevent a similar situation in the future, training instead of punitive actions. She asked if Blueteam could be used for early intervention.
 - Chief Kerns replied that it was possible, but there were other things within the software that may complicate it. Some agencies believe there were programs that could do that. He continued that they reviewed every single complaint and it was a small staff so they could identify the issues. He stated that he saw every case, which is not true of larger police departments.
 - Mr. Wig thanked the chief for the training section. He appreciated that the chief heard and received what the public presented.
 - Chief Kerns replied that Mr. Gissiner was constantly scanning the world for quality practices and provided leverage for policy that made sense, the EPD was in a better place because of his contributions. CRB has been a good thing that has held officers accountable.

- Mr. Van Houten asked, from the packet, could Officer A, based on the collective knowledge in the room have been hired as a police officer in the State of Oregon. Would this conviction have been available to an HR dept.?
- Chief Kerns replied that the certificate was revoked and he could not. There were approximately eighteen thousand departments in the US, some of those have less than ten officers. EPD was a larger size, but not too large. He has had to research officers before, but other agencies may not have the same resources, especially when officers hop from State to state, therefore, unfortunately it was possible.
- Mr. Gissiner offered his appreciation for the 600+ pages, video, etc. that had been offered to them regarding this case.
- Mr. Van Houten requested that the time for more commentary happen next time. This was not an option for a case while it was under review.

Mr. Whalen asked everyone to take a few minutes to review the policies packet and any changes they would like to make to the Underlying Policies.

- Mr. Wilde brought up that there were incident reports on public record and he found that the DA had ample evidence for the offender who bit the officer.
- Clarification from Mr. Whalen that this was not the time nor the place for that comment, but a policy discussion was permissible.
- Mr. Wilde continued the policy he change he wanted to review was the indefinite paid leave. Officials from another county which did not act appropriately, which cost the city a lot of money, therefore he felt there should be a set limit. He would like to see a policy in place. He did not agree with people who came from other counties that did not make the case a priority.
- Mr. Walker added that everyone was entitled to due process. He had a due process hearing and he was exonerated, but it affected him greatly.
- Mr. McIntire suggested the department have a conduct policy, if they were found guilty. There was a lot of integrity in question.
- Mr. Van Houten said there was a discussion about how long the paid leave should be, but to put a limit on a person who was then found innocent would have a great impact. He would like the Chief to have had more tools to handle the situation, more options. He only saw some timelines for adjudication, but could there be a better process for officers? For example, the process could move faster with higher ranked officers to do the do the officer justice and not allow it to wait for so long.
- Ms. Syrett expressed that this was a very sticky wicket and that there should be concern if an officer had an investigation they may lose pay and it could ruin their lives based on something that had not yet gone to trial. She was very troubled by that idea. She believed that employees should be protected, but also did not want to be cavalier with public funds. However, each family needs to be protected, even when it drags on in another jurisdiction. She remarked this was a dangerous path to travel down.
- Mr. McIntire, one of the other policies mentioned 301.2, he requested that policy be reviewed at some point.
- Mr. Roseta believed the city must pay while the officer had a fair trial. He would like to see legislation that other counties must process within maybe 6 months, in order to make the DA's office step up.
- Mr. Goehring agreed it was a slippery slope. He addressed Mr. Wilde that it may not be fair, but the hidden cost was Eugene would become known as a place where you lose pay

if you have an investigation. He added, it could also affect hiring appeal. Yes it was difficult for junior officers to curb a senior officer, hard to supervise them. He suggested a departmental “safe word” to help officers communicate in the moment. He clarified this was a Procedural suggestion, not policy recommendation.

- Mr. Whalen called time for a break.
- Mr. Wilde tried to continue, but Mr. Whalen declared it was time to break.

Mr. Whalen called the meeting back to order at 7:11pm

7. DISCUSS ROLES OF POLICE COMMISSION AND CIVILIAN REVIEW BOARD

- Mr. Whalen welcomed everyone back and announced the Police Commission’s main goal was to recommend changes to police department and city council. Two city councilors sit on the commission. They are there to look at and make sure the department was hearing from the public about policies and how those policies affect the public. The desire was to have a good working relationship with the public that showed respect. The commission will focus on policies that directly affect the public or that the chief gives. He added they will bring support from the community for those changes.
- Mr. Van Houten presented for the CRB. Their main role was to review police through the police auditor’s office and looked at complaints that were internally driven, such as Blue Team reports. Concerns brought from officers and public complaint. There were on average 400 complaints annually, which was a very high number for a city of this size. People were cultured to feel free to express their concerns and opinions. Actions were to review on a monthly basis those cases presented that might impact community, but others may be trending nationally. He was concerned about the volume of high speed chases a few years ago, as an example. Blueteam was for use of force and many high profile cases that come out. They were complaint driven, at an administrative tribunal. They have tried not to make judgement on officers, “what were they thinking?!” but more what were training opportunities available, and to better understand officers. He stated that the CRB also has monthly training topics to gain perspective and knowledge. The CRB also annually reviewed Service Complaints, police complaints, and inquiries (more service oriented complaints). They meet about 10 times per year, even though the Charter only required four.
- Mr. McIntire agreed with Mr. Van Houten, simplest form was whether or not there was misconduct and how much of that was an ambiguous or lacking policy. How can the policies be adjusted to make it clearer for officers.
- Chief Kerns gave his appreciation to the approach CRB took because the police chief was responsible for policies, instead of focusing on individual officers. He reported what they learned nationally was that expectations were changing, He could not hold officers accountable to new policies that they were not trained in. Officers were working hard and waiting for additional training.
- Mr. Van Houten stated we all chose to do this work, but the commonality was everyone wanted to have a better relationship between the public and EPD, and they believe trust was increasing. Mr. Van Houten reported he has served 7 years.
- Mr. Goehring stated that when he came to Police Commission from Human Rights Commission, he was pleased to see the process. There were reasons, and he could relay those mysteries to citizens. He expressed the pleasure he found giving that translation to the public. The CRB does not share that mission and by nature cannot discuss it with the public, so he as Commissioner relished that he was the “de-mystifier”.

- Mr. Van Houten stated that was a challenge for the CRB, they cannot share the information or the reasoning's behind decisions. They relied on open information because discussion was critical to create transparency.
- Mr. Denner reminded the group that he was skeptical of the creation CRB about 9 years ago and his greatest concern was that it would create a situation to skewer city employees and officers, but he was pleased when he was appointed to the board that the process of review did not involve individual officers, but rather the process. It was a great approach. There were also expectations of officers that there will always be one or two blue folders in their file. He hoped that for Eugene as the CRB had matured, that the fear he had in 2008 has not occurred. The CRB was not after employees, but instead focused on process development.
- Mr. McIntyre stated he had been on the board a long time and he understood policies can take a long time to change, but as a credit to the chief, there have been many tools he had implemented to assist all parties.
- Ms. Syrett gave an extended appreciation to everyone for their service and personally for their support during her absence.
- Mr. Nowicki offered his appreciation for the process and gratitude for the work that was accomplished by the team.
- Mr. Wilde stated he understood there were laws to prevent public communication, however the public like to see public response to public complaints. He would like to see the city lobby for change in order to respond publicly to public employee issues.
- Mr. Whalen shared that representatives could provide community gathered information to the chief, which was leaps and bound ahead of other departments.

8. FUTURE JOINT GOALS AND HOW TO DEVELOP TWO YEAR WORK PLAN

- Mr. Whalen reported there would be adjustments made to the two year work plan for the retreat in May.
- Mr. McIntire affirmed the CRB values 1:1 time with Commissioner Whalen and will add plans to formalize the process in order to accomplish more for the future.
- Mr. Wilde asked for an update on data gathering for racial profiling, it was such a touchy subject nationally.
- Mr. Walker added that in his years the May Work Plan has been at an outside location, included a vote on priorities for a task list and handled a large amount of public response. This is the process and those items cannot be added to work plan due to time. He would like to see them pick those of greatest concern and vote to include in May.
- Ms. Syrett responded, she understood prioritizing, as long as the commission left room to review. She cautioned against being too administrative.
- Mr. McIntire explained that “hot topics” can take a year to plan and another year to enact policy, but there should be a means to have flexibility to add in new policy as necessary.
- Mr. Goehring offered appreciation to the CRB, but cautioned they can never know what may be down the road. Review would have value to the officers and public, since they cannot know the outcome of a decision until a problem has arisen.
- Mr. Wig expressed an interest in closing the feedback gap between complaint, incident and prevention. He offered an example with the Barricade & Hostage policy, it was once one policy, until a situation deemed it necessary to separate and adjust the policies.

9. CLOSING COMMENTS

- Mr. Van Houten shared a thanks to Chief Kerns for his perspective and others for their information as well. He felt it was a good evening of exchange and recognized Mr. McIntire and Ms. Foltz for their hard work and upcoming departures. Also, the CRB has been a great experience from various angles.
- Ms. Foltz mentioned the CRB members did not always agree, but there was always a productive, civil discussion. She asked the group to please be aware of demographic with her replacement as the community was not represented well and she would like to see that change. She also appreciated the experience and perspective she gained.
- Ms. Syrett shared an anecdote about a high speed chase.
- Mr. Robertson added the information and process was valuable and it was nice to see both parties are parallel in their goals.
- Mr. McIntire thanked Ms. Foltz for her contributions and wished her farewell.
- Mr. Denner echoed Mr. McIntire. He also complimented the EPD because they have found a way to accept civilian input and have put it into action, they have become a model for other departments. He also recalled that back in the 90's Chief Cook had asked him if he had interest in a forum, there has been progress.
- Mr. Roseta concurred with Mr. Denner.
- Mr. Wig affirmed the same concerns of Mr. Wilde and extended farewell to Ms. Foltz.
- Mr. Davie shared he learned about the CRB and now he knew he did not want to participate, but the meeting was useful and beneficial.
- Mr. Wilde reported that Portland PD were settling with the "Feds" regarding interview process, officers have due process. He was not seeking a deadline for leave, but the public was upset and they should consider a middle ground policy.
- Officer Mackey shared he was born and raised in Eugene, left for a while, but chose to return to serve the city that raised him. He appreciated the accountability found in EPD. He continued that an officer may be heckled by the public, but they must continue to put the badge on. The incident in Dallas last summer made the job more difficult. The job will always be hard, loved ones worried and it was disheartening to hear the paid leave discussion. Officers should be held accountable, but that burden of process should not be on their shoulders. Experienced officers do not get to have bad days at work. He thanked the group.
- Mr. Goehring responded to Officer Mackey, sometimes the public has forgotten the police were people too. It can be a thankless job, not paid well but expected to take a bullet. He challenged everyone in the room to remind their public sphere that the police are people too.

10. ADJOURN

Mr. Whalen, seconded by Mr. McIntire moved to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 7:59 p.m.

(Recorded by Tiffany Boss)

Eugene Police Department

November 2016 Closed Cases

Incident type: Internal Affairs
Status: Completed
Received date: Jul 23, 2015
Class/sub-class: Allegation of Misconduct / Conduct
Disposition: Sustained

A non-sworn employee reported late for duty, took an extended break and fell asleep during their work shift.

APM 12.1.D Absence from duty Without Authorization – Sustained

1101.1.B.24 Sleeping on Duty – Sustained

1101.1.B.16 Integrity - Dismissed

Incident type: Internal Affairs
Status: Completed
Received date: Dec 31, 2015
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Sustained

A non-sworn employee reported late for duty, ask for help on simple tasks, recorded evidence improperly and fell asleep during their work shift.

1. 1101.1.B.8 Competency – Insufficient Evidence
 2. 1101.1.B.24 Sleeping on Duty - Sustained
 3. 1101.1.B.9 Unsatisfactory Performance -Sustained
-

Incident type: IA Investigation
Status: Completed
Received date: Jun 23, 2016
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Sustained

1101.1.B.9 Unsatisfactory Performance:

It is alleged that a supervisor failed to conform to the standards established for his rank or position and failed to take appropriate action by failing to timely report his direct observations of off-duty conduct by an EPD manager that he knew, or should have known, violated one or more EPD policies.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained

Eugene Police Department
November 2016 Open Case Report

Incident type: Supervisor Action
Status: Active
Received date: Nov 1, 2016
Class/sub-class: Service Complaint / Performance
Disposition:

RP emailed Chief Kerns with a concern that he has been unable to reach an officer in regards to taking a complete report about a motor vehicle/bicyclist accident in which he was severely hurt.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 1, 2016
Class/sub-class: Service Complaint / Service level
Disposition: Supervisor Review-Closed

RP is unhappy with the lack of service he and his employees have received when reporting prohibitive camping at 2nd and Washington near the skate park to EPD. On one occasion RP reports calling at least 4 times over 5 hours and never having an officer dispatched except the one that drove past the illegal activity.

Incident type: Supervisor Action
Status: Active
Received date: Nov 1, 2016
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's Office upset with the level of service he has received when reporting trespassing and even, a break in at his home. The latest incident there was a break in and officers assured him the guy would be arrested, only to find out he was only cited. RP quoted over 300 calls to EPD over the last 3 years and the issues such as trespassing, threats against his life, defecation in his yard, heroin needles etc. are never dealt with.

Incident type: Supervisor Action
Status: Active
Received date: Nov 2, 2016
Class/sub-class: Inquiry
Disposition:

RP reported an incident in which her granddaughter was verbally harassed with sexual terms, threatened and subjected to a lengthy unwanted hug at her school. A report was given to the school officials an officer but nothing seems to have come of it. RP would like to know if a police report and appropriate steps were taken in this issue.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 3, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP emailed Chief Kerns with a concern about an incident. RP and a friend witnessed a man throw a woman against her car with a lot of force. Thinking it was domestic violence they approached the man, as the woman ran away, he also left the scene. After leaving the area, they came into contact with an officer arresting the woman. They explained what they witnessed and asked to file a complaint against

the man after learning the female was being arrested for shop lifting. The officer would not take the report, even though the man was in the wrong also. RP is also requesting information about the man's employer to report the damage to her car.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 3, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office inquiring into how to get less attention from officers. RP who is Hispanic, and with his beard can look Arabic recently noticed that when he drives his girlfriend's new car he gets a lot of police attention, he is being followed by officers and was even cited. RP said this doesn't happen when he drives his own older truck.

Incident type: Supervisor Action
Status: Active
Received date: Nov 7, 2016
Class/sub-class: Service Complaint / Performance
Disposition:

RP was upset that officers who arrived when his car had run out of gas on Hilyard Street would not allow him to call a tow truck on his own insurance instead calling their own tow company who demanded 120 dollars cash, which he did not have after recently retrieving his vehicle from impound after it had been stolen. His vehicle is now in impound again with all his belongings inside and leaving him on the street as he was living in his car.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 9, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP reported an unmarked black Chevy Suburban was responding code 3 (emergency lights/siren). He reported the particular section of Dillard Access Rd has a "blind hill" and he's concerned about officers driving too fast through the area.

Incident type: Incident Review
Status: Active
Received date: Nov 9, 2016
Class/sub-class: Incident Review / Performance
Disposition:

The Eugene Police Employees' Association (EPEA) (via their attorney) sent a letter to the City requesting an Incident Review of the entire incident that occurred on 10/21 and 10/22/16, 1845 W. 18th, alleging that the lives of surrounding neighbors, as well as officers were needlessly endangered as SWAT was ordered to withdraw, while a suspect, who had fired approximately 20 rounds from his house, was not taken into custody.

Incident type: Supervisor Action
Status: Active
Received date: Nov 10, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

RP reported two separate incidents in which he contacted EPD about issues at his home.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 11, 2016
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP reported an incident in which he was pulled over by an officer because he claimed to know he had a suspended license. The officer then coerced him by telling him he could keep his truck if he was allowed to search it. The officer also patted him down for a traffic violation. RP also alleges that numerous guests leaving his house have been harassed by being pulled over and patted down.

Incident type: Supervisor Action
Status: Active
Received date: Nov 15, 2016
Class/sub-class: Inquiry
Disposition:

RP reported on incident in which officers treated him unprofessionally at his home when responding to speak with him about a gang member who has been harassing, stalking, and using racial slurs against him. One officer told him he could leave. They were very confrontational with him and laughed at him when he went into a seizure. He then went into his home and called EMT's because of the seizures. The officers came back drug him out of his house, wrenching his arm. Paramedics decided he was not having a seizure. Later RP was still feeling he needed help and called the non-emergency number to access Cahoots.

Incident type: Incident Review
Status: Completed
Received date: Nov 16, 2016
Class/sub-class: Incident Review / Constitutional Rights
Disposition: Dismissed-alt remedy

RP stopped by the Auditor's Office to report the arrest of his son and search of his car after an accident in which both he believes were without probable cause. Officers arrested his son for hit and run even after being shown a video of the accident that caused damage to the vehicle and the involved parties at the scene. He was also denied entry into his vehicle when he arrived to pick it up.

Incident type: Supervisor Action
Status: Active
Received date: Nov 16, 2016
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office to report information about an assault in the Whitaker area. A young woman was assaulted by a man who is an acquaintance. (Possibly a domestic partner) Neighbors called the police because of the arguing and seeing the woman seemingly to be forcing her way into a car. When officers arrived they failed to listen to her about the assault and only focused in on the man who was saying she was trying to steal his car. The Sgt. who was called told her that the issue with the car was bigger than with the assault and she could be cited.

Incident type: IA Investigation
Status: Active
Received date: Nov 16, 2016
Class/sub-class: Allegation of Misconduct / Performance
Disposition:

On Wednesday, a non-uniformed employee was observed sleeping at her desk.

There were also performance issues that were brought to the attention of Supervisors. In addition to the errors noted in the documentation, the supervisors learned of paperwork that was sent to the wrong

court and was returned to our department later in the week.

Incident type: IA Investigation
Status: Active
Received date: Nov 17, 2016
Class/sub-class: Allegation of Misconduct / Use of Force
Disposition:

RP stopped by the Auditor's Office with the allegation that officers used excessive force against her.

Incident type: Supervisor Action
Status: Active
Received date: Nov 21, 2016
Class/sub-class: Policy Complaint
Disposition:

RP reported an officer responding to a call north on Beltline driving way to fast and driving against a red light.

Incident type: Supervisor Intake
Status: Active
Received date: Nov 22, 2016
Class/sub-class: Service Complaint / Service level
Disposition:

The RP reported finding a male laying on the ground next to his bicycle, no apparent injuries but his headlamp was still on. The caller advised at the time of the call that he had drove past the subject and no longer had OP. During the intake with the complainant he advised that he had chosen to stay with the subject and ultimately contact him. The caller was concerned that he waited with the subject for 45 minutes and no one ever came. The caller advised that although the subject was difficult to rouse, he did wake up, his pupils were pinpointed and appeared to be high on something. The caller convinced the subject to move out of the rain and into a sheltered area.

The callers concern was the length of time it took for the call to be dispatched.

Incident type: Supervisor Action
Status: Active
Received date: Nov 30, 2016
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office to inquire into why EPD employees did not assist her when her former landlord's family and friends broke into her house.

20 incidents displayed.

The Eugene Police Department received 34 commendations from citizens in October, 2016. Below is a sample of those commendations.

A citizen commended the Eugene Police Department for the "hard work" they do on a daily basis. The citizen commented, "I have such respect for all your officers. Thank you for taking on these jobs. Thank you for making Eugene a safer place to live. Please know that I believe that the majority of people support the Eugene Police...Keep up the good work. You are appreciated."

Officers were commended by a citizen for how they handled a situation where the officers were attacked by a dog in a local park. The citizen commented, "I wanted to say thank you for not killing it even though you could have." The citizen also commented on a situation where they needed police services in the past. The citizen stated, "I called the Eugene Police thinking they wouldn't help and the officer was helpful and kind to me. Thank you for your professionalism."

A local judge commended officers for their assistance in the courtroom during a trial where the defendant was being "unruly throughout the case". The judge commented, "Having them there throughout the trial was very reassuring to me and my staff and I'm sure the jurors...I just wanted to let you know how much they were appreciated by me in the courtroom."

The Eugene Police Department was commended for the way they handled a recent incident that escalated into a large number of citizens creating a mob scene around officers. The citizen commented, "I watched the video and I have to say that I think all the police involved handled themselves remarkably well. The conduct is exactly what I want from the police in that difficult situation."

A citizen commended officers for their assistance with removing a subject that was trespassing the citizen's place of business. The citizen commented, "They were able to get him to move without having to arrest him after a period of speaking to him...That was a good job!"

Officers were commended by a citizen for the way they handled a call for service when the citizen reported a prowler around their residence. The citizen commented, "They were both extremely professional, yet very approachable and friendly...You have two excellent officers representing the EPD and making your organization proud."

Officers were commended by the principal of a local school for their efforts in monitoring the traffic around their school. The citizen commented, "Thank you so much for enforcing the school zone speed limit! I'm sure it is helping reduce accidents!"

A citizen commended call-takers for the compassion that was shown to the citizen when their dog went missing. The citizen commented, "It was just nice to have some empathy for us instead of just taking the information. They were great!" The citizen further commented that one of the call-takers "was just so sweet and understanding. She took her time...she was very helpful."

An officer was commended by a citizen for the assistance they provided when they reported an unlawful use of their vehicle. The citizen commented, "He was the best officer I've ever dealt with. He was kind, proficient, did his job and took a situation that could have been really bad...squashed it and made it very workable for all parties concerned."

Officers were commended by a citizen for their professionalism during a recent report of a break in at the citizen's residence. The citizen commented, "I just wanted you three and the K-9 to know how much I appreciate all you do for this community. I felt safe and reassured things would be fine."

A citizen commended officers through social media for their actions related to an incident that took place near the citizen's home recently. The citizen commented, "In light of recent events, a larger thank you is due. The discretion shown by police responding to such a tense situation and the fact that there was no loss of life during this event should be commended...Again your response and the way in which the situation was handled are appreciated, and I expect that it was a scary event for all the officers involved to have to respond to. I am pleased that no officers were hurt and that the arrests were made without loss of life. Thank you."

The Eugene Police Department received 30 commendations from citizens in November, 2016. Below is a sample of those commendations.

A citizen commended an officer for the "positive encounter" they recently had with the officer. The officer assisted the citizen when they had left their cell phone in a rental car prior to flying out of the Eugene Airport. With the officer's help, the citizen was able to retrieve their cell phone prior to their departure. The citizen commented, "My crisis clearly wasn't a law enforcement issue. (Officer's name) chose to act with the compassion and courtesy we all hope our officers display when someone from the community comes forward asking for help."

A citizen commended department employees for their professionalism when they responded to the citizen's home for follow-up after a minor crime took place at their residence. The citizen commented, "Our experience with the above mentioned members, of your department, left us with the opinion that you are one lucky Chief. They are fine examples of the Eugene Police Department. Their professionalism, courtesy, thoughtfulness, and assistance was appreciated."

Department employees were commended by a citizen for their assistance with an animal issue the citizen had been dealing with. The citizen commented, "I appreciate hearing your perspective and it was helpful to know. Thank you for your hard work."

Officers were commended by the staff of a local business for "Run, Hide and Fight Training" the officers provided to their staff. The staff commented "Thank you so much for providing our agency with the Run, Hide and Fight training. You took a terrifying subject and made it fun and informative...and now we have a plan; thank you!"

A citizen commended officers for their "exemplary conduct" when they responded to the citizen's residence during a 'dispute' call for service. The citizen had been having difficulties with a tenant that required police assistance. The citizen commented that the officers "handled a very difficult situation with professionalism and compassion". The citizen further stated, "Never in my life have I witnessed peace negotiations conducted in a civil dispute that allowed all parties involved to resolve their differences in such an effective and timely manner."

An officer was commended by a citizen for their assistance during a recent motor vehicle accident the citizen was involved in. The citizen commented, "I was treated with respect and kindness. I just wanted to give a shout out to the Eugene Police Department to say thank you."

Officers were commended by a citizen for the "excellent job they did" in dealing with a disorderly subject that was close to breaking down one of the doors at a local hospital recently. The citizen commented, "They really did a fantastic job! They really came through for us."

A citizen commended officers for their assistance related to follow-up that was conducted for their family members that had been experiencing troubling family issues. The citizen commented, "I was grateful for the help and how they handled things in such a difficult situation." The citizen's child is now in a treatment facility and receiving the help they need. The citizen further commented, "I appreciated their kindness."

An officer received a 'Thank You' letter for their efforts related to the 2016 Olympic Trials. The citizen commented, "Thank you so much for all your work to make the Olympic Trials a great success! We appreciated your expertise, commitment to delivering a great event, and your sense of humor!"

A citizen commended an officer for helping to turn their life around. The citizen had entered drug court and successfully completed it this year. The citizen invited the officer to attend and thanked them profusely at the ceremony.

Officers were commended by a citizen for their efforts related to what could have been a very dangerous situation when a suspicious device was reported at a local courthouse. The citizen commented, "Thank you for being there and dealing with a device that could have been really bad."