

MINUTES

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

December 13, 2016
5:30 p.m.

PRESENT: Eric Van Houten, Chair; Maurice Denner, Rick Roseta, Heather Marek, Chris Wig, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Vicki Cox, Beatrice Hernandez, Police Auditor's Office; Bonnie Souza, Human Rights Commission; Sergeant Crompton, EPD

Mr. Van Houten convened the Civilian Review Board (CRB) at 5:30 p.m.

1. AGENDA AND MATERIALS REVIEW

No changes to the agenda were made.

2. PUBLIC COMMENT

No one present wished to provide public comment.

3. MINUTES APPROVAL— October 11, 2016

Mr. Denner noted an error on the top of page 6:

- “He thought this agreement needed to be flushed out because there would be cases where the facts were not discovered until later.
- “flushed” should be changed to “fleshed”

Mr. Van Houten noted an error throughout the document:

- “Von Houten” should be spelled “Van Houten”

Mr. Van Houten noted an error on the top of page 3:

- “Quinton turned to talk with the other police offer and was subsequently handcuffed.”
- “offer” should be changed to “officer”

Mr. Gissiner noted an error in the url listed on page 3:

- the correct url should be “tinyurl.com/crbaudio”

Ms. Pitcher noted that Mr. Crompton's name was misspelled on page 7:

- “Mr. Compton” should be changed to “Mr. Crompton”

Mr. Roseta, seconded by Mr. Denner, moved to approve the October 11, 2016 CRB minutes with the changes presented. The motion carried unanimously, 5:0 - Mr. Wig abstained from voting due to absence at the October 11, 2016 CRB meeting.

3. MINUTES APPROVAL— November 9, 2016

Mr. Denner noted an error on page 2 - Mr. Denner's comments under item number 4 should be changed to the following:

- “At the Human Rights Commission Meeting the ACLU explained a proposal to require citizen review before new technology was acquired by law enforcement agencies. This is being proposed nationwide. It should be interesting to follow as it moves forward.”

Mr. Wig, seconded by Mr. Denner, moved to approve the November 9, 2016 CRB minutes with the changes presented. The motion carried unanimously, 5:0 - Ms. Marek abstained from voting due to absence at the November 9, 2016 CRB meeting.

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

Ms. Pitcher announced that the Police Commission meeting had been cancelled due to inclement weather.

Mr. Wig commented that there was concern about the Governor's proposed budget. Budget shortfall could affect the community justice reinvestment programs to keep people out of prison. Mr. Wig implored all to email the governor's office, and state representative Nancy Nathanson to tell them how important the criminal justice reinvestment funds were to preventing recidivism.

Mr. Van 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.

Mr. Van Houten reported that Ms. Foltz resigned from her position on the CRB. He articulated that her position would not be filled until June 2017.

Ms. Marek shared that she was recording tonight's CRB meeting. The audio could be accessed online at tinyurl.com/crbaudio.

Ms. Marek reported that many came to speak in support of Eugene becoming a sanctuary city at the November Human Rights Commission meeting. At the meeting, it was noted that Oregon already had a law that prohibited law enforcement agencies from using state funds for apprehending persons in violation of immigration laws if the person in question was not being arrested for another criminal infraction. The HRC then met again to discuss the parameters of Eugene as a sanctuary city.

Bonnie Souza added that at the November HRC meeting there was standing room only due to the amount of people present to urge the HRC to move forward with a sanctuary city ordinance. The HRC then met in December to discuss the possibility of this ordinance. A committee then drafted a proposed ordinance and resolution. After the draft, another public meeting was held; 175 members of the public were present and many provided public comment. The motion to proceed with the

Sanctuary City ordinance carried unanimously and would be sent to the Eugene City Council for action. The City Manager put out a directive to city employees and the Mayor was putting together a work group. Ms. Souza added that there were two state laws: 1) prohibition of local and state law enforcement from cooperating with immigration officials unless there was a crime involved, and 2) prohibition of law enforcement collecting data on people based on their religion, political views, race, etc. The proposed ordinance suggests these laws be strengthened and extended to city employees in addition to law enforcement.

Mr. Roseta noted that there were over 30 commendations in the packet received for this evening's CRB meeting.

5. Election of Vice-Chair

Ms. Marek seconded by Mr. Denner, nominated Mr. Wig for CRB Vice-Chair.

Mr. Wig accepted the nomination.

The motion passed unanimously, 5:0.

6. CASE REVIEW: Complaint related to investigation of off duty conduct

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

- During a performance review of Supervisor A, it was discovered that while out of town at a training conference, he became intoxicated in the presence of subordinate employees and members of other law enforcement agencies and interacted with a female employee of another agency in a manner that made her and the others present uncomfortable.
- The investigation indicated that at the end of the day of training, Supervisor A went out for drinks with Supervisor B and Officer D (also EPD employees), as well as two employees from outside agencies.
- All witnesses agreed that Supervisor A became very intoxicated during the evening. Supervisor B and Officer D noticed “flirty” behavior from Supervisor A directed at a female employee of an outside agency, which Supervisor B recalled as including touching of her leg and neck/shoulder/hair.
- Supervisor B and Officer D tried to intervene, which resulted in Officer D sitting between Supervisor A and the woman in the vehicle. Supervisor A reached around Officer D and continued to touch the woman's hair.
- At some point in the evening, Supervisor A became sick from the amount of alcohol he had consumed and threw up in the vehicle. His conduct toward the female employee then stopped and the group returned to the conference hotel.
- The investigation indicated that Supervisor A apologized to members of the group the next day.
- Supervisor A did not recall the evening clearly during his administrative interview, but he admitted to becoming excessively intoxicated and engaging in conduct that was unbecoming.
- The investigation (prior to the interview with Supervisor A) was reviewed by the District Attorney in the county where the conduct occurred. The DA declined to prosecute, citing insufficient evidence of sexual and/or general harassment.

- A related IA was initiated examining whether Supervisor B violated policy when he failed to report Supervisor A's conduct.

Allegations

1. Judgment: That Supervisor A's decisions and actions were not in line with what a reasonable employee in similar circumstances would use or take, given the information he knew or should have known at the time.
2. Unbecoming Conduct: That Supervisor A's actions reflected negatively on the Eugene Police Department and brought discredit upon himself and the Eugene Police Department.
3. Use of Intoxicants and Medications: That Supervisor A, while off-duty, used intoxicants in a manner that was unprofessional and brought discredit upon himself and the Eugene Police Department.

Recommended Adjudication

1. Judgment
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
2. Unbecoming Conduct
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
3. Use of Intoxicants and Medications
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained

Issues for CRB Discussion

- Complaint Intake and Classification
- Incident was discovered during performance review of Supervisor A
- Related IA investigation concerning lack of reporting
- Classification: Allegation of Misconduct
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
 - 1101.1.B.17 Judgment
 - 1101.1.B.25 Unbecoming Conduct
 - 1101.1.B.27 Use of Intoxicants and Medications
- Policy and/or Training Considerations
- Adjudication Recommendations
- Additional Comments/Concerns

Mr. Denner asked if off duty conduct regulations and expectations were explained in supervisor training.

Sergeant Crompton replied, stating that off duty conduct expectations were not explicitly explained or trained but was understood. Off duty conduct was circumstantial. Thought EPD was not paramilitary, there were expectations having to do with respect, similar to those of a paramilitary organization. Sgt. Crompton explained that this case was a clear indication of off duty misconduct.

Ms. Pitcher added there was a policy that covered intoxication at offsite events. She said this event was different than a private party. In this case, the policy and expectations for an offsite event were clear.

Mr. Denner said he was less concerned less with the conduct, but rather with crossing the lines of subordinate and peer relationships.

Sgt. Crompton said one could put oneself in a bad situation. He emphasized the importance of using common sense.

Mr. Denner stated that with subordinate and peer relationships could be compromised as a leader when engaged in inappropriate conduct. He emphasized this was a leadership issue and should be trained.

Mr. Wig appreciated the Captain's memo as it presented the expectations of conduct in a way that was unambiguous.

Case discussion was tabled in favor of the training topic.

7. Training Topic: Implicit Bias

Mr. Gissiner introduced Dr. Johnny Lake of Northwest Christian University. Dr. Lake provided a PowerPoint presentation on implicit bias and engaged the CRB and attendees in discussion about implicit bias. Below are the main points discussed in the training:

- Dr. Lake distributed the handouts entitled: *Glossary for Understanding and Dismantling Structural Racism; Promoting Racial Equity Analysis; Understanding Culture; Commonalities; Individual and Institutional Change; Diversity in Oregon Bingo Game, John Adams description of Crispus Attucks vs. Darren Wilson description of Michael Brown*
- Explicit vs. Implicit
 - explicit: uncomfortable, easy to notice
 - implicit: before something is noticed
- Socio-political context is essential to understanding implicit bias. Context defines one's worldview and influences implicit biases.
 - It's important to have safe and open conversations about race and differences. All have been conditioned to have implicit biases; it has been built into one's worldview.
 - Conversations around race and differences must begin with a certain level of honesty that we react depending on our worldview when we see someone.
 - Honesty is necessary; we all lie on a continuum of racism.
- There are four essential steps in confronting racism and implicit biases:
 - honesty
 - empathy
 - advocacy
 - action
- Self-reflection is required for this work: Change cannot happen quickly. Implicit biases need to be recognized, and challenged with consistent practice.
- We center ourselves so tightly in our own worldview that we don't see ourselves. We tend to see ourselves as the norm and everyone else who doesn't fit in this notion of normalcy is different.
- Stereotypes vary depending on context and worldview.
- Individual lenses and institutional frameworks foster structural and institutional implicit biases.
- Physical and psychological separation allows rationalization of what happens to others. Allows for a lack of empathy through dehumanization.

- The self and others need to be connected; relationships with those considered to be different and deeper cultural engagement are needed in order to confront dehumanization, stereotyping and implicit biases.

10. ADJOURN

Mr. Van Houten moved to change the next CRB meeting from February 14, 2017 to February 15, 2017.

Mr. Denner, seconded by Mr. Roseta moved to adjourn the CRB meeting. The motion carried unanimously, 5:0. The meeting adjourned at 7:53 p.m.

(Recorded by Emily Mathis)