



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, March 14, 2017 - 5:30 p.m.
Eugene Public Library, 100 West 10th Avenue, Bascom Room
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 February 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. Training Topic: Conversation with the Eugene Police Employees' Association	25 minutes (5:55 pm)
6. Break	10 minutes (6:20 pm)
7. Case Review: Review of Allegation of Misconduct of Excessive Force and Biased Policing during an Arrest	30 minutes (6:30 pm)
8. Community Engagement Report	10 minutes (7:00 pm)
9. Auditor Report	15 minutes (7:10 pm)
10. Adjourn	(7:25 pm)

NAME OF MEETING: Civilian Review Board
DATE OF MEETING: February 15, 2017
TO: Vicki Cox
RECORDED BY: Emily Mathis

ROUTING INFORMATION

03/03/17 EM

Draft to Staff

MINUTES

Civilian Review Board
Whiteaker Community Center
Head Start of Lane County, 21 North Grand Street
Eugene, Oregon

February 15, 2017
5:30 p.m.

PRESENT:

CRB members: Eric Van Houten, Chair; Chris Wig, Vice Chair; Maurie Denner, Rick Roseta, Heather Marek

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

EPD: Captain Sherri Meisel, Lieutenant Carolyn Mason, Sergeant Larry Crompton

Mr. Van Houten convened the Civilian Review Board (CRB) at 5:34 p.m.

1. AGENDA AND MATERIALS REVIEW

Mr. Van Houten recommended that the case reviews be done in chronological order. Item 5 would move to item 8, item 6 would stay the same, and item 7 would move to item 5 and item 8 would move to item 7.

- 5. Case Review: Review of Allegation of Misconduct Related to Off-Duty Conduct at a Training Conference
- 6. Case Review: Review of Allegation of Misconduct Related to Reporting of Off-Duty Conduct at a Training Conference
- 7.. Break 10 minutes
- 8. Case Review: Review of Allegation of Misconduct Related to Off-Duty Conduct Resulting in Law Enforcement Contact

2. PUBLIC COMMENT

No one present wished to provide public comment.

3. MINUTES APPROVAL— December 13, 2016

Mr. Denner stated that on page 4 of the minutes, the title of item 6 should read as follows: *CASE REVIEW: Complaint Related to investigation of off duty conduct.*

Mr. Van Houten deemed the minutes approved by proclamation.

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

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.

Ms. Marek did not have any comments. She explained that she was not in attendance of the January Human Rights Committee (HRC) meeting.

Mr. Wig said he was in attendance of the January HRC meeting. He reported that the main item of business was a resolution in support of the City of Eugene's rental housing program. The resolution passed and was sent to Eugene City Council for review.

Mr. Wig added that he closely monitored the discussion around safety downtown. He thought it was an important conversation and that there was a possibility that the CRB would review a situation that evolved from the issue of safety downtown. He encouraged everyone to read about the topic in the Register Guard and Eugene Weekly in order to be best informed.

Mr. Denner attended the Police Commission meeting in place of Mr. McIntire, in January. He reported that there was no quorum at the meeting, so it ended early. However, they did review policies around rendering emergency medical aid and search and inventory of detained persons.

Ms. Pitcher attended the February Police Commission meeting. She reported that Mr. McIntire updated the Police Commission on the CRB's implicit bias training from Dr. Lake in December. She added that the Police Commission also discussed preliminary discussions on the code of conduct, which was in the drafting process. They also discussed the process of promotion, demotion and selection.

5. Case Review: Review of Allegation of Misconduct Related to Reporting of Off-Duty Conduct at a Training Conference

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

- **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.
- **Unbecoming Conduct:** That Supervisor A's actions reflected negatively on the Eugene Police Department and brought discredit upon himself and the Eugene Police Department.
- **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

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

Recommended Adjudication

- Judgment
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
- Unbecoming Conduct
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
- 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

Mr. Wig noted the irregularity of receiving a case that was reported as a result of a performance review due to promotion consideration.

Mr. Van Houten thought the process of questioning Supervisor A seemed relatively slow and he was impressed with the actions of Officer D.

Ms. Pitcher said one cause of the delay was asking for the District Attorney review, which took more time than expected.

- **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**

Mr. Wig noted that a city vehicle was used at the time of the incident and a non-city employee became the designated driver for all involved. He mentioned that this person was most likely not covered by the city insurance. This was a concerning situation.

Ms. Marek said in addition to the concern about the insurance coverage, it was also possible for people to infer that the person driving represented the City of Eugene.

Ms. Marek was concerned that some policies seemed vague and might cause difficulty in understanding how to conform to them. For example, one policy refers to acting in a way that a “reasonable officer” would. This term was left open for interpretation. Ms. Marek also noted concern about 1101.1.B.25 Unbecoming Conduct in that seemed to send a conflicting message: on one hand, clause B it states that conduct would be closely scrutinized by the citizens and an officer could not discredit the department or the city. On the other hand, the policy states that nothing in the policy shall be interpreted to preclude an officer from exercising their rights as a citizen while off duty.

Mr. Van Houten suggested that the policies were sometimes left vague as to avoid tightly held constraints that made it seem as though one was always in violation. He stated that the behavior in this particular case was clearly in violation and sustainable unbecoming conduct.

To clarify, Ms. Marek said that her statement wasn’t focused on whether or not the officer in this incident was found to be in violation because the facts of this case clearly point to sustained unbecoming conduct. However, her point was focused on the language of the policy and how the vagueness may cause issues in future cases.

Ms. Pitcher agreed with Ms. Marek. Allegations of misconduct often are related to violations of the code of conduct. There had been past cases that demonstrated the difficulty in being able to prove the words in the policy and whether or not the employee could be held accountable under employee laws. There were a lot of repeat issues with the code of conduct. The code of conduct was a policy

that Mr. McIntire pushed for Police Commission review on. It was discussed at the last Police Commission meeting and Mr. McIntire worked on comments on draft policy related to what the CRB had reviewed.

Mr. Wig said that there was nothing in the code of conduct should be interpreted to preclude an employee from exercising their rights as a citizen in the affirmative. However, being drunk in public was not a constitutional right.

Ms. Pitcher noted that the code of conduct referred to both on and off duty conduct. However employment law limits the extent to which an employer can control an employee's off-duty actions.

Mr. Van Houten said that many professions require that employees be held accountable for off duty conduct, such as lawyers, doctors, social workers, educators, etc.

Ms. Marek highlighted two issues: 1) to what extent was it appropriate to intrude into the private lives of employees and 2) how can the policies be written in a manner that was not overly vague.

Lt. Mason stated that this topic was something she had been dealing with in her role as policy and training coordinator. The overarching question was how to teach officers what standards were. In new drafts of the code of conduct there had been an effort to identify what unbecoming conduct was by providing examples and explaining the terminology. However, the list of examples could not be exhaustive. She appreciated the discussion the CRB was having around this issue and emphasized the importance of expectations and standards being taught through officer training.

Mr. Roseta noted that this particular case was not vague. It was clear that the employee was in violation.

- **Adjudication Recommendations**

Mr. Denner, Mr. Roseta, Mr. Van Houten, Mr. Wig and Ms. Marek all concurred with all of the adjudication recommendations.

- **Additional Comments/Concerns**

Mr. Van Houten noted that supervisor behavior had been a concern in many cases reviewed by the CRB. Actions of supervisors had not reflected well on the department or supported officers. I was concerning on an organizational level that if there was not strong leadership in the chain of command, then opportunities were lost to develop the next group of leaders.

Mr. Gissiner emphasized that the allegations brought forward were based on choices that people had made, rather than mistakes.

Mr. Denner said the language around judgment in the code of conduct should explicitly highlight "choices."

Mr. Van Houten discussed the power differential between the woman involved in the incident and the involved employee. It was very concerning that a supervisor engaged in unwanted touching.

Mr. Denner stated that when the party offended was a female it could be beneficial to have a

female interviewer because she might bring a point of view that was different from a male's and might ask lines of questioning that invite helpful answers from the witness's point of view. However, when the questioner was a dominant male, the dynamics of the interview would be changed and perhaps not solicit the helpful information.

Lt. Mason agreed with Mr. Denner. She said when an investigator was assigned; these factors were taken into consideration. In this particular case there were two male investigators, along with Lt. Mason, herself, and a female investigator. She noted that when selecting interviewers, power dynamic were considered. She added that different types of interviewing techniques such as forensic interviewing, cognitive interviewing and lines of questioning to elicit honest responses in regards to bias were under consideration, as well.

6. Case Review: Review of Allegation of Misconduct Related to Off-Duty Conduct Resulting in Law Enforcement Contact

Summary of Facts

- During the investigation of Supervisor A, it was noted that Supervisor B was potentially in violation of policy when he failed to report Supervisor A's conduct in a timely manner.
- Supervisor B stated in his administrative investigation that he thought for a long time about whether Supervisor A's conduct was criminal conduct or misconduct; in his determination, he did not believe that Supervisor A's conduct rose to the level of criminal conduct, but he had a difficult time deciding whether it rose to the level of an EPD policy violation.
- In Supervisor B's memory, he had investigated allegations under similar circumstances that were not sustained as violations of EPD policies.
- Supervisor B recalled discussing the incident with Officer D, and Officer D did not see that the incident was reportable misconduct.
- Supervisor B also discussed the incident with Supervisor C, who encouraged him to report it.
- Supervisor B ultimately reported the incident when asked about Supervisor A during a performance review.

Allegations

- **Unsatisfactory Performance:** That Supervisor B failed to conform to the standards established for his rank or position and failed to take appropriate action by failing to timely report his observations of the off-duty conduct of Supervisor A, which he knew, or should have known, violated EPD policies.

Recommended Adjudication

- Unsatisfactory Performance
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained

Issues for CRB Discussion

- **Complaint Intake and Classification**
 - Discovered during IA investigation of Supervisor A
 - Classification: Allegation of Misconduct
- **Complaint Investigation and Monitoring**
- **Relevant Department Policies and Practices**
 - 1101.1.B.9 Unsatisfactory Performance
 - Past practices?

- **Policy and/or Training Considerations**
- **Adjudication Recommendations**
- **Additional Comments/Concerns**

Mr. Wig said Supervisor B went to another supervisor for advice. The supervisor told him he should report the incident and he did not report. Mr. Wig found this to be concerning.

Mr. Denner agreed with Mr. Wig. Overall, Mr. Denner thought the investigation moved promptly.

Mr. Van Houten stated that the Supervisor B failed to consult standard operation procedures, nor take advice from peers. He was disappointed that action was not taken. The police force should be a place where people can ask questions and get guidance and become better supervisors.

Ms. Marek highlighted that in past meetings there had been concern around whether people in the department felt as if they could come forward about policy violations of their fellow officers. She connected this case to a past case in which this concern was mentioned in public comment. It was important for officers to be obligated to report policy violations.

Ms. Pitcher stated that she too was surprised that this incident was not reported right away. However, it was encouraging that the employee now fully acknowledges that this should have been reported. The employee now had a plan to talk to his supervisor should he ever witness a similar incident in the future. Ms. Pitcher noted it was especially concerning that Supervisor B, who had been involved with internal affairs and knew how this process worked, did not consider this incident to be misconduct. This illustrated that this kind of conduct had historically been tolerated in the department.

Mr. Denner emphasized the importance of creating collaborative environment where people were able to criticize with the expectation that it would be heard and acted on and not retaliated against. When given an opportunity to come forward to provide constructive criticism to person in question, and to someone who was in the position to act on it if it was egregious. Neither happened in this case.

7. Break

The CRB took a break from 6:26 p.m. until 6:36 p.m.

8. 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 out with a woman who was staying at his home. She consumed alcohol throughout the day, including while they were in his personal vehicle parked in a City park.
- They went to dinner and to a club. While at the club, the woman informed Officer A that she had been unsuccessful in an attempt to buy an illegal controlled substance from someone who worked at the club. Officer A and the woman were later asked to leave the club.
- They returned to his residence and began arguing about a text message the woman had received, as well as about racially-charged comments the woman had made earlier in the day.
- Officer A told the woman he would take her to the Eugene airport so that she could leave

town. They continued to argue while in the car. The woman asked Officer A to pull over so she could get out. Officer A did so, but was concerned for her safety and asked her to get back in the car.

- When the woman returned to the car, Officer A placed his loaded firearm in her lap and his badge on the center console.
- Officer A stated that he did this because he was concerned the woman would fabricate a story that he was kidnapping her. The same concern prompted him to begin recording their interactions on his phone.
- The woman stated that his behavior frightened her, and she again asked that he pull over and let her out. Officer A pulled to the side of the road, the woman exited, and she then called 911.
- Responding law enforcement agencies conducted a high-risk traffic stop. ICV of the stop showed that Officer A was cooperative during the stop. The investigating trooper determined that there was no probable cause to arrest Officer A for a crime.
- The responding officers discovered that the woman had an outstanding warrant; they then arrested her and lodged her at the jail.
- The law enforcement agencies who conducted the stop informed EPD that they had had a contact with an EPD employee. EPD informed our office, and this investigation ensued.

Allegations

- **Judgment:** That Officer A displayed poor judgment when he placed a loaded firearm in a woman's lap, when they were involved in a heated verbal argument at the time and he knew her to be intoxicated.
- **Unbecoming Conduct:** That Officer A took a series of actions that directly contributed to a 911 call, which resulted in law enforcement agencies responding to the scene, conducting a high-risk traffic stop, detaining Officer A in handcuffs, seizing his firearm, and administering field sobriety tests; and that these actions reflected negatively upon him as a Eugene police officer, as well as the department.
- **Integrity:** That Officer A failed to scrupulously avoid conduct that may compromise his integrity when he advanced a relationship with a woman after she had attempted to purchase an illegal controlled substance.
- **Associations:** That Officer A failed to avoid association with a person he should have known "may have a reputation as a criminal" when he attempted to advance a relationship with a woman after she attempted to purchase an illegal controlled substance.

Recommended Adjudication

- Judgment
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
- Unbecoming Conduct
 - EPD chain of command: Sustained
 - Auditor's Office: Sustained
 - Chief: Sustained
- 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 reported to EPD by agencies who conducted the traffic stop of Officer A
- Classification: Allegation of Criminal Conduct – following the criminal investigation, reclassified as an Allegation of Misconduct

Ms. Marek asked why there was not a policy violation related to guns.

Mr. Gissiner answered, stating that the gun was the officer's personal firearm.

Mr. Van Houten stated that the officer had a constitutional right to have a firearm.

Mr. Gissiner said the judgment allegation was in regards to placing the firearm in the woman's lap. The judgment allegation was more serious than a gun handling issue, which was quite specific and would have been difficult to prove.

Mr. Denner said he would have liked to see the allegation on gun handling come forward and to be able to have a discussion about adjudication. There was a higher expectation around people who were trained with firearms. He understood that there was a decision made but he thought that the firearm question was worth discussing.

Mr. Van Houten asked if the firearm was the officer's work or personal firearm and if that changed the decision about adjudication.

Mr. Gissiner stated it was the officer's personal firearm and it would have changed the adjudication decision if it had been his work firearm.

Mr. Wig understood that the officers who responded were not from the Eugene Police Department (EPD). Yet, he expressed concern that the driver was not arrested for DUI, despite passing the sobriety test, especially when there were allegations of inappropriate use of a weapon, and admission of drinking alcohol.

Sgt. Crompton stated that there was no probable cause for DUI, based on the video of the incident.

- **Complaint Investigation and Monitoring**

Mr. Van Houten recalled that the integrity allegation focused on the continued relationship with someone who attempted to buy a controlled substance at a club. He noted that the investigation never asked the woman about that scenario, yet the officer acknowledged that it occurred. Mr. Van Houten wondered why the woman was not asked.

Ms. Pitcher thought the woman was asked about this scenario during the criminal investigation.

Lt. Mason thought that the officer revealed information after the fact and EPD was unable to follow through with the woman as the interview had already been conducted.

Mr. Van Houten asked about the relevance of asking the woman if she had been intimate with the officer.

In response, Sgt. Crompton stated that the relationship was peculiar and EPD wanted to make sure that all aspects of the relationship were discussed in an effort to have all of the information, should it be pertinent to the case.

Lt. Mason added that EPD also wanted to explore the possibility of domestic violence and that line of questioning was relevant in that case.

- **Relevant Department Policies and Practices**

- 1101.1.B Code of Conduct:
 - Judgment
 - Unbecoming Conduct
 - Integrity
 - Associations

- **Policy and/or Training Considerations**

Ms. Marek found the policy around association to be intrusive and unrealistic. She found the policy's statement that officers must "avoid associations with persons who have a record of criminal activity, or have reputations as criminal" to be burdensome to an individual, for example if they had relative who fit that description. She added that it might burden certain populations disproportionately due to disproportionate criminalization. She emphasized the importance of the police having good relationships with the community.

Ms. Pitcher said that this policy was revised in the newest draft of the code of conduct.

Ms. Marek asked if the officer's displaying of his badge while off duty was a policy violation.

Lt. Mason stated that if an officer carried a gun, whether on duty, or not, he or she must carry their badge as that served as their concealed firearm permit.

Mr. Wig expressed concern that there was an open container in the officer's car.

Mr. Van Houten noted that this case surfaced many issues of concern regarding training.

Mr. Denner referenced a return to duty memorandum dated from April. A memorandum dated from June of no criminal charge followed it. Mr. Denner noted that these memorandums seemed out of sequence. He asked if there was a criminal investigation underway, why was the officer not placed on light duty.

Lt. Mason stated that the officer was put on administrative leave for another purpose - medical concern. Once this concern was resolved, the officer was placed under full duty while under internal investigation. IA did not handle officer leave; the officer's supervisor determined that.

Mr. Van Houten asked if the officer had served as an officer in another jurisdiction prior to his service with EPD.

Lt. Mason stated that he had not. He was a new officer and had just been released from his probationary period.

- **Adjudication Recommendations**

All members of the CRB concurred with the adjudication recommendations from the EPD chain of command, the auditor's office and the Chief of police.

- **Additional Comments/Concerns**

Mr. Wig made note of the adjudication memorandums. He appreciated that despite recommending a sustained judgment, the auditor's office stated that Officer A conducted himself with clear and apparent integrity throughout the investigation. In addition, he appreciated that the Chief of Police pointed out that this was a young and inexperienced officer and that the choices he made going forward were going to determine whether or not he would be able to fulfill the responsibilities of the job. This lead Mr. Wig to believe that the department had not given up on the officer. He noted that this was a good call and he hoped that the officer recognized how pulling out a weapon and his badge could be perceived as intimidating, rather than empowering.

Mr. Van Houten read aloud Mr. McIntire's notes on the case. In his notes, Mr. McIntire stated that he questioned whether this was an officer who should get a second chance as he exhibited poor judgment on many levels.

Mr. Gissiner clarified that there was a policy, which stated that off duty officers were to carry identification. It was recommended that officers armed off duty also carry a badge, handcuffs and an extra magazine. Alcohol was not specifically addressed in the policy. He stated this should be a considered addition in the policy language.

Ms. Marek suggested policy clarification on when badges it was appropriate for badges to be displayed.

Lt. Mason stated there was a policy around an officer using his/her position for advantage, but it did not specifically address displaying a badge. She made a note of this for future policy considerations.

9. AUDITOR REPORT

Mr. Gissiner reported that the auditor's office requested additional hours for Beatriz Hernandez from the city manager and Eugene City Council. In the supplemental budget she was approved to have 30 hours a week, when she previously had 24 hours per week. In addition, in the budget recommendation for FY 17-18, it was suggested to increase her hours to 32 per week. Mr. Gissiner reported that Beatriz had done an excellent job reaching out to organizations, particularly Latino organizations, which was difficult given the current political climate. The auditor's office was working on gathering feedback from the Latino community without asking for identification. It was important to create an atmosphere of trust and understanding. He noted that there were many other aspects of Beatriz's work that were worthy of noting.

Mr. Van Houten said it would be beneficial to hear reports from Beatriz in the CRB meetings in the future.

Mr. Gissiner continued, reporting that there had been two complaints filed by the union and the auditor's office was waiting for a report from a consultant. He though the cases would be closed within the next 1-2 weeks.

Mr. Gissiner added that the auditor's office suggested that the CRB review a case around a supervisor at the police department being in violation of the city policy on respectful workplace.

Mr. Denner complemented Leia's exemplary conduct during the interviews. He additionally complemented her supervision of staff.

Mr. Wig asked Mr. Gissiner if he had any information about the rollout of the collection of data on police stops.

Mr. Pitcher said the Police Commission provided a report on that topic. Their feedback was that the pilot data was not representative as of yet. The plan was to switch to a different format because the smartphone app was not being adequately used by officers. The Department was moving toward a method of data collection integrated into their current computing system..

Mr. Gissiner said there were various software and vendor issues encountered. He thought it was still very important to collect that data. He referred to In Car Video (ICV) and that those who turn on the video are not the ones who needed to be monitored. The most conscientious of the officers were the ones who turned on ICV. He added that it was not important in regards to catching officers doing bad things, but it was also a concern for officer safety.

Mr. Wig reported that profiling would be an item in the legislature partially because it was something that could be done without major cost for the state. Mr. Wig noted that when he talked to people in the community about the CRB, profiling was a topic that regularly came up.

10. ADJOURN

Mr. Wig moved to adjourn the CRB meeting. Mr. Van Houten adjourned at 7:33 p.m.

(Recorded by Emily Mathis)

Eugene Police Department

February 2017 Closed Case Report

Incident type: IA Investigation
Status: Completed
Received date: May 20, 2016
Class/sub-class: Allegation of Misconduct / Use of Force
Disposition: Within Policy

RP alleged that an officer used excessive force at her home.

Allegations:

300 Use of Force: It is alleged that Officer A used excessive force against RP during her arrest.

300 Use of Force: It is alleged that Officer B used excessive force against RP during her arrest.

300 Use of Force: It is alleged that Officer C used excessive force against RP during her arrest.

402 Professional Police Contacts: RP2 alleged Officer D treated him unfairly due to his race.

402 Professional Police Contacts: RP2 alleged Officer B treated him unfairly due to his race.

402 Professional Police Contacts: RP2 alleged Officer A treated him unfairly due to his race.

Allegations:

Use of Force - 300 Use of Force - Within Policy
Discrimination - 402 Professional Police Contacts - Unfounded

Incident type: IA Investigation
Status: Completed
Received date: Jun 27, 2016
Class/sub-class: Allegation of Criminal Conduct / Conduct

Disposition: Resigned during Investigation

An anonymous caller provided information to the Auditor's Office alleging that an EPD detective was having a sexual relationship with the wife of a man he had arrested for child abuse, and that this was not the first time this had happened with this detective.

The DA's office also received an anonymous emailing stating, "I understand that [a] Eugene Police Detective arrested a man, who is still in custody, and that the detective is now having an ongoing sexual relationship with the arrested man's wife."

Allegations:

1. 1101.1.B.2 Abuse of Position - It is alleged that Detective A used his position for personal gain or advantage by accessing systems, information and contacts related to investigations to develop and engage in personal, romantic relationship(s) with individual(s) involved in active criminal cases he was assigned to investigate during the course of his duty.

2. 1101.1.B.4 Confidentiality of Information - It is alleged that Detective A shared confidential law enforcement information regarding criminal cases with people when the release of information was not required to properly perform his duties.
3. 1101.1.B.9 Unsatisfactory Performance - It is alleged that Detective A failed to meet the standards of his rank or position, failed to take appropriate action and failed to perform professionally by entering into personal, romantic relationship(s) with individual(s) involved in active criminal cases he was assigned to investigate during the course of his duty.
4. 1101.1.B.15 Insubordination - It is alleged that Detective A failed to obey both verbal and written lawful orders of a police supervisor which were outlined in his administrative leave memo and no contact letter.
5. 1101.1.B.16 Integrity - It is alleged that Detective A engaged in conduct which impaired his ability to perform as our employee, brought himself and the department into disrepute, and compromised his integrity and that of the department by engaging in personal, romantic relationship(s) with individual(s) involved in active criminal cases he was assigned to investigate during the course of his duty.
6. 1101.1.B.17 Judgment - It is alleged that Detective A used poor judgment by engaging in personal, romantic relationship(s) with individual(s) involved in active criminal cases he was assigned to investigate during the course of his duty.
7. 1101.1.B.18 Neglect of Duty - It is alleged that Detective A engaged in personal business or other activities while on duty which may have made him neglectful or inattentive to duty.
8. 1101.1.B.25 Unbecoming Conduct - It is alleged that Detective A engaged in unbecoming conduct by engaging in personal, romantic relationship(s) with individual(s) involved in active criminal cases he was assigned to investigate during the course of his duty which brings the department into disrepute, reflects discredit on him as a member of the department and impairs the operation and efficiency of the department.
9. APM 12.1(N) General Causes for Discipline; Interfering with an Internal Investigation - It is alleged that Detective A interfered with an internal investigation by contacting potential witnesses and encouraging them not to disclose pertinent information related to the investigation.
10. APM 5.8 Vehicle Use Policy - It is alleged that Detective A engaged in prohibited activities while using his assigned City vehicle.
11. 1101.1.B.15 Insubordination - It is alleged that a Lieutenant ordered Detective A to refrain from any further contact with a witness in this case. It is alleged that Detective A made contact with the witness after the lawful order to cease all contact with this witness until further notice.
12. 1101.1.B.15 Insubordination: It is alleged that Detective A was placed on paid administrative leave with the requirement that he be at his residence during his work hours. It is alleged that on a particular date and time Detective A was insubordinate to a lawful order when he failed to adhere to the time and location restrictions of that order.
13. 1101.1.B.15 Insubordination - It is alleged that Detective A was placed on paid administrative leave with the requirement that he be at his residence during his work hours. It is alleged that Detective A was insubordinate to a lawful order when he failed to adhere to the time and location restrictions of that order.
14. 1101.1.B.25 Unbecoming Conduct - It is alleged Detective A created an inappropriate, vulgar and unprofessional police report on EPD report forms based on an actual EPD case that was assigned to him and forwarded it using EPD email to a third party's private email which reflects negatively and brings discredit on him and the Eugene Police Department.
15. 1101.1.B.25 Unbecoming Conduct - It is alleged that Detective A engaged in prohibited activities in his assigned City vehicle which reflects negatively and brings discredit on him and the Eugene Police Department.
16. 1101.1.B.15 Insubordination - It is alleged that Detective A was ordered A to refrain from any further contact with a witness in an ongoing criminal investigation and an Internal Affairs investigation.

It is alleged that Detective A made contact with the witness after the lawful order to cease all contact with this witness until further notice.

Case suspended pending criminal investigation by Salem Police.
Case w/ADA Hasselman for review.

1/26/17 - Administrative Case reopened.
Employee entered into a Separation Agreement and Release with the City resigning his employment.
He also stipulated to voluntarily relinquish his DPSST certification (permanent revocation).

Allegations:

Conduct - 1101.1.B.2 Abuse of Position - Resigned during investig - Feb 2, 2017
Performance - 1101.1.B.9 Unsatisfactory Performance - Resigned during investig - Feb 2, 2017
Performance - 1101.1.B.17 Judgment - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.16 Integrity - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.25 Unbecoming Conduct - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.4 Confidentiality of Information - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.15 Insubordination - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.18 Neglect of Duty - Resigned during investig - Feb 2, 2017
Conduct - APM 12.1 General Causes for Discipline - Resigned during investig - Feb 2, 2017
Conduct - APM 5.8 Vehicle Use Policy - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.15 Insubordination - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.15 Insubordination - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.25 Unbecoming Conduct - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.25 Unbecoming Conduct - Resigned during investig - Feb 2, 2017
Conduct - 1101.1.B.15 Insubordination - Resigned during investig - Feb 2, 2017

Incident type: IA Investigation
Status: Completed
Received date: Dec 3, 2016
Class/sub-class: Allegation of Criminal Conduct / Conduct

Disposition: Unfounded

RP was stopped and arrested for DUII. Officers A and B conducted an inventory search of the vehicle. Officer A located cash consisting of \$1's, \$5's, and \$10's totaling \$48 in the center console of the vehicle. Officer A did not locate any cash in RP's wallet. RP accused the officers of stealing \$100.

Admin investigation suspended pending criminal investigation.

1101.1.B.5 - Conformance to Laws - RP alleges that money was missing from his property at the time of his arrest and that Officer A may have taken it.

1101.1.B.5 - Conformance to Laws - RP alleges that money was missing from his property at the time of his arrest and that Officer B may have taken it.

Allegations:

Conduct - 1101.1.B.5 Conformance to Laws - Unfounded

Incident type: IA Investigation
Status: Completed
Received date: Jan 7, 2017
Class/sub-class: Allegation of Criminal Conduct / Conduct

Disposition: Dismissed-Other

Officers arrested a man for DUII-Felony, Reckless Driving, and drug charges. RP alleged officers had lost or stolen \$490 from him. Later he said he had \$1,000. When asked if he thought the officers took the money, he said he was not saying that, just that he had missing money.

Suspended pending criminal. Changed to administrative and dismissed.

Allegations:

Conduct - 1101.1.B.5 Conformance to Laws - Dismissed

Eugene Police Department

February 2017 Open Case Report

Incident type: Supervisor Action
Status: Completed
Received date: Feb 1, 2017
Class/sub-class: Policy Complaint
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office with a concern about the many times he has called EPD about illegal camping and suspicious conditions in his neighborhood. The most recent time he called, he stated that he was told they would check it out when they could. None of the things he has ever reported gets handled and he wonders why he is even paying property taxes.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 1, 2017
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP was concerned that a drug dealer had learned his name, and he was concerned that EPD had informed on him. RP felt that he should leave town, but that would violate his parole conditions. RP did not think it was appropriate for EPD to give his name out.

Incident type: Supervisor Action
Status: Active
Received date: Feb 1, 2017
Class/sub-class: Policy Complaint
Disposition:

RP stopped by the Auditor's Office with the concern that EPD employees entered him into the CORT program following his arrest; his understanding was that the program is supposed to be voluntary.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 2, 2017
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP stopped by the Auditor's Office concerned about EPD's actions while investigating a drive-by shooting of his apartment. RP stated that his phone had been examined without his permission and that he was having trouble getting it back.

Dismissed following preliminary investigation - no policy violation.

Incident type: Supervisor Action
Status: Active
Received date: Feb 2, 2017
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which she called 911 for a violation of a restraining order. RP called 911 about 1900 and was not contacted by officers until 2022 when she was told they could not do anything without proof. RP does not believe a report was even filed and she wonders what good is the restraining order if the police can't do anything.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 2, 2017
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP who lives in California inquired into why protesters who had encircled a man's car and then slashed his tires because he had a Trump Flag were not arrested. RP heard about the incident on the news and is concerned that this type of lawlessness is being allowed. RP would like an update on what is happening with this issue.

Incident type: Supervisor Action
Status: Active
Received date: Feb 3, 2017
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office to report an incident from last summer in which he was at Kesey Square and an employee of the Red Hats began using a blower causing debris to fly towards him. Police were called RP did not feel they performed a complete investigation. No medical attention was administered by the officer even though he had been pepper sprayed and was laying on the ground in pain. RP also alleged the officer administered the handcuffs too tightly and refused to loosen them; he also complained about the officer's statements towards him during the contact.

Incident type: Supervisor Action
Status: Active
Received date: Feb 3, 2017
Class/sub-class: Service Complaint / Courtesy
Disposition:

RP reported an incident in which he was waiting for his storage unit to open at 0700 when an officer approached him from behind and in a brusque and rude manner demanded to know what he was doing. RP felt he was uncaring. After the interaction, RP called 911 to report the rude officers

Incident type: Supervisor Action
Status: Completed
Received date: Feb 3, 2017
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office upset that he has been unable to get animal control to deal with and cite the owner of a continuously barking dog that he has numerous recordings of. The animal control officer did not return his calls and then finally told him her supervisor was dealing with it. The supervisor was not helpful either; RP stated that meanwhile nothing is being done about the loud noise made by the dog.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 3, 2017
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP is upset that an officer stopped him on his bike and cited him for not having a rear light. The court agreed to let him go to a bike course where he was informed that he legally only has to have rear reflectors. RP believes that the only reason he was stopped was that it was dark and he was wearing a hoodie and a backpack. RP feels he should be reimbursed for the cost of the bike course.

Incident type: Incident Review
Status: Completed
Received date: Feb 7, 2017
Class/sub-class: Incident Review / Performance
Disposition: Supervisor Review-Closed

RP contacted a supervisor directly while off duty. RP/ was concerned about how a possible domestic violence investigation was completed by officers. She had called non-emergency asking for housing resources for a neighbor whom she believes is being emotionally and physically abused by the man she rents from.

Incident type: Supervisor Action
Status: Active
Received date: Feb 9, 2017
Class/sub-class: Inquiry
Disposition:

RP reported that a DNA test she had been waiting for on a cigarette butt that had been taken as evidence in a car break-in was ordered to be destroyed. RP was concerned that she had not been informed of the decision. She also complained about the manner of the employee who responded to the break-in.

Per Auditor - Complaint as to the responding employee is Dismissed due to Timeliness.

Incident type: Supervisor Action
Status: Active
Received date: Feb 10, 2017
Class/sub-class: Service Complaint / Performance
Disposition:

RP contacted the Auditor's Office with a concern about an incident in which he called about a guy that was clearly having mental health issues roaming around his yard and trying to come into his garage where he was working. Cahoots was dispatched, talked with the guy, and then left him. The man continued his behaviors. A second call to EPD resulted in them telling him if he wanted to sign a trespass complaint they would come and get him. No one ever showed up. RP stated that a few days later that this guy stabbed someone just down the street.

Incident type: Supervisor Action
Status: Active
Received date: Feb 13, 2017
Class/sub-class: Inquiry
Disposition:

RP filed a complaint that after he was assaulted, one of the two officers who responded was disrespectful when he tried to explain about having had a grand mal seizure a couple of days prior and that his mental faculties were still fuzzy.

Incident type: Supervisor Action
Status: Active
Received date: Feb 13, 2017
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's Office concerned about an incident in which one of her employees was confronted in a restroom by an officer over a personnel issue concerning his wife who had worked with RP. The RP's employee has no knowledge of the situation and felt it had been inappropriate for the officer to have approached him.

Incident type: Supervisor Action
Status: Active
Received date: Feb 13, 2017
Class/sub-class: Service Complaint / Service level
Disposition:

RP stopped by the Auditor's Office with the concern that when he went by EPD to file a police report about some of the issues that have been happening to him, he waited over an hour with no one bothering to come out an even speak with him.

Incident type: Supervisor Action
Status: Active
Received date: Feb 14, 2017
Class/sub-class: Inquiry
Disposition:

RP filed a complaint with the Auditor's office related to how EPD employees handled a situation where he alleged that he was hit by a vehicle. RP stated that the officers were discourteous and did not give him their badge numbers. RP also noted that since this incident he has been followed around town by various city vehicles and was stopped for driving too slowly (he was released with a warning). RP believes this is a pattern of systematic harassment by EPD officers.

Incident type: Supervisor Action
Status: Active
Received date: Feb 14, 2017
Class/sub-class: Service Complaint / Service level
Disposition:

RP complained to the Auditor's Office about an incident where he called 911 after a security guard told him he was banned from the library. RP stated that 911 informed him that they would not send anyone out. A second call to 911 resulted in them not seeming as if they were interested in helping. Since he felt like he wouldn't get a fair shake, he declined a response.

Incident type: Supervisor Action
Status: Active
Received date: Feb 15, 2017
Class/sub-class: Service Complaint / Conduct
Disposition:

RP stopped into the Auditor's to report being harassed by an officer in the downtown area. The officer

had previously cited RP last fall for a violation. RP complained that now every time the officer sees him he walks up behind him, stands and glares at him with an arrogant cocky attitude trying to intimidate him. RP's feels because EPD arrested his father about 15 years ago, the officer is biased against him.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 15, 2017
Class/sub-class: Inquiry
Disposition: Dismissed-o/s jurisdiction

RP called inquiring about a man whom he had done some work for who claimed to be a cop. RP stated that they got into a disagreement about payment, and RP is wanting to know if he is a police officer or rather he was impersonating one.

Dismissed – no EPD employees matched the given description.

Incident type: Supervisor Action
Status: Active
Received date: Feb 15, 2017
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office with a concern about a conversation he had with an EPD supervisor. About 6 months ago RP reported to EPD an issue with a neighbor in his apartment complex who had child porn on his computer. RP stated that nothing was done. RP also reached out to DHS, who he stated basically told him to deal with it himself. RP then spoke with a supervisor, at the direction of DHS, and RP stated that the supervisor told him to handle it himself. RP also complained that an officer declined to take a statement from him about the issue.

Incident type: Supervisor Action
Status: Active
Received date: Feb 16, 2017
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's office and complained that an officer improperly searched her private property during a contact and seized her key ring, stating that she had a lot of keys. RP stated that the officer is now requiring her to provide proof of ownership of every vehicle to match the keys before he will return them.

Incident type: Supervisor Action
Status: Active
Received date: Feb 17, 2017
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's Office about a call for service his daughter placed about her ex-husband making verbal threats to her. The call taker told his daughter it was a gray area and that there was nothing that could be done at this time. The call taker did not even take his daughter's name or number for the record.

Incident type: Supervisor Action
Status: Active
Received date: Feb 23, 2017
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which she was waiting at a traffic light, the vehicle in front of her decided to parallel park and backed into her vehicle. Three officers were in line behind her and responded. The other driver had trouble finding her license and insurance information, so RP tried to take pictures of the other vehicle. RP stated that the officers stopped her from doing so. RP complained that the information later given to her by the other driver was false. RP felt that, as the victim, she was mistreated by the officers.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 24, 2017
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP contacted the Auditor's Office concerned about a traffic stop and then an arrest for a marijuana DUII in which he was clearly not impaired and passed all the tests. RP's concern is that officers have insufficient training to make such a charge. RP does not want to speak with a supervisor as he doesn't feel cops can police cops.

Dismiss - alternative remedy.

Incident type: Auditor Intake
Status: Active
Received date: Feb 28, 2017
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office to report he is getting the runaround between property control and the prosecutor's office. RP stated that his belongings related to a case should have been released, but property control says they need paperwork and the prosecutor says they have already sent it.