



## City of Eugene CIVILIAN REVIEW BOARD

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

Meeting Agenda: Civilian Review Board  
Tuesday, May 9, 2017 - 5:30 p.m.  
Eugene Public Library, 100 West 10<sup>th</sup> 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: Crisis Intervention Training	25 minutes (5:55 pm)
6. Break	10 minutes (6:20 pm)
7. Case Review: Service Complaints	30 minutes (6:30 pm)
8. Auditor Report	20 minutes (7:10 pm)
10. Adjourn	(7:30 pm)

NAME OF MEETING: Civilian Review Board  
DATE OF MEETING: April 11, 2017  
TO: Vicki Cox  
RECORDED BY: Emily Mathis

**ROUTING INFORMATION**

04/ 24 /17 EM

Draft to Staff

# MINUTES

Civilian Review Board  
Whiteaker Community Center  
Eugene Public Library, 100 West 10<sup>th</sup> Avenue, Bascom Room  
Eugene, Oregon

April 11, 2017  
5:30 p.m.

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

Mr. Van Houten convened the Civilian Review Board (CRB) at 5:31 p.m.

## 1. AGENDA AND MATERIALS REVIEW

Ms. Pitcher suggested the CRB discuss item number 7, Case Review: Allegation of Misconduct that Officer Violated Policies During Investigation at Assisted-Living Facility first, and item number five, policies to recommend to the Police Commission review, after the break.

## 2. PUBLIC COMMENT

No one present wished to provide public comment.

## 3. MINUTES APPROVAL— March, 2017

Mr. Van Houten deemed the minutes approved by acclimation.

## 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.

Mr. Denner commented on the quality of the case report written by Sergeant Crompton He thought it was well written and that Sergeant Crompton did a great job. Mr. Denner requested that in addition to profile data about people involved in a case, the first page of the report also include the date of the last performance review for officers involved. This information would help the Civilian Review Board members better understand the level of an officer's awareness of policies and procedures.

Ms. Marek agreed with Mr. Denner's suggestion. She was recording tonight's CRB meeting and the audio recording could be accessed online at [www.tinyurl.com/crbaudio](http://www.tinyurl.com/crbaudio). Ms. Marek reported that she was not in attendance of the last Human Rights Commission (HRC) meeting. However, she did talk to some that were in attendance. She said the meeting focused on the Eugene Protection for Individuals

Ordinance. An ad hoc committee was compiled to put forth recommendations for ordinance. While only some recommendations were adopted, the city was considering how the other recommendations would affect different departments.

Mr. Van Houten recognized his respect and appreciation for the leadership of Chief Kerns, who planned to resign as the Chief of Police for the Eugene Police Department. He noted that Chief Kerns would be greatly missed as a leader in the community and it was a pleasure to have been able to work with him.

Mr. Wig echoed Mr. Van Houten's sentiments about Chief Kerns. He requested an update and more information on the progress about biased based policing and the collection of data around that subject.

Ms. Pitcher reported that Mr. McIntyre discussed code of conduct issues at the last police Commission meeting. The rest of the Police Commission meeting entailed a presentation on school resource officers and how the program worked, and the upcoming retreat on May 6, 2017.

## **5. Case Review: Allegation of Misconduct that Officer Violated Policies During Investigation at Assisted-Living Facility**

### Summary of Facts

- Officer A was dispatched to an assisted-living facility to investigate alleged sex abuse involving residents. He contacted the director of the facility and later returned to contact the involved residents.
- Officer A was approached by Reporting Party when he entered the facility (Reporting Party's father was one of the involved residents). RP attempted to give Officer A a note asserting that his father would be invoking his right to remain silent.
- Officer A activated his ICV after his contact with RP was already in progress, and he muted his mic at a series of different points during the contact.
- RP alleged that Officer A was belligerent and rude toward RP, RP's family, and the director of the facility. He also alleged that Officer A threatened RP and his family when they attempted to assert their right to remain silent.
- An additional allegation was added related to Officer A's operation of ICV.

### Allegations

- **Constitutional Rights:** That Officer A failed to "observe, respect, and protect the constitutional rights" of RP and RP's father when he attempted to coerce them into speaking with him against their express wishes to assert their right to remain silent.
- **Courtesy:** That Officer A was discourteous towards RP, RP's father, and the facility director.
- **ICV:** That Officer A improperly muted his ICV during this contact.

### Recommended Adjudication

- Constitutional Rights
  - EPD chain of command: Insufficient Evidence
  - Auditor's Office: Insufficient Evidence
  - Chief: Insufficient Evidence
- Courtesy
  - EPD chain of command: Sustained

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

#### Issues for CRB Discussion

- Complaint Intake and Classification
  - Intake through Auditor's Office
  - Classification: Allegation of Misconduct

Mr. Roseta found no fault with intake. He did believe the son had any constitutional claim and found no evidence that the officer attempted to get a statement from the suspect at any time.

Mr. Van Houten did not have remarks about intake and classification. He concurred with the actions.

Ms. Marek found it appropriate to bring the courtesy and ICV allegations. She agreed with Mr. Roseta in that the constitutional claim implicated the right that was brought up because he was never in custody. She asked about the process for bringing those allegations as most require legal analysis. She did not see what standard was being applied by the auditor to decide whether or not it had been violated. Other right may have been implicated, such as due process or rights under the Oregon constitution.

In response, Ms. Pitcher each case was different. She said there were a lot of conversations around allegations of misconduct. The first consideration is if the allegations were true, what policies were violated. This was sometimes both case law and policy violation. With use of force, case law was followed. When this case came in, the alleged was that the officer was trying to coerce the father to speak. However, it took the investigation to find out that perhaps the facts as alleged were not exactly what occurred. The relevance of each allegation is discussed in each case. During the analysis of this case, Ms. Pitcher reported that the auditors concentrated on policy language as this was what this administrative investigation was focused on. She welcomed feedback from the CRB members.

Ms. Marek thought that without case law explanation of what would have been a constitutional violation, it would have been impossible to know whether a constitutional right was violated.

#### Complaint Investigation and Monitoring

- Relevant Department Policies and Practices
  - 1101.1.B Code of Conduct
    - Constitutional Rights
    - Courtesy
  - 446.4 In-Car Video

Mr. Denner commented on how well the report was written. He added that Sergeant Crompton's interviews were thorough and telling. Mr. Denner worried that sometimes with serious complaints the opportunities to right the wrong can be lost. He felt that efforts beyond a letter from the auditor's office were required.

Sergeant Crompton reported that he talked with the woman from the current case. He made sure

that damage done was corrected through his conversation with her.

Ms. Marek thought the interview questions were helpful. She thought that is there was going to be a policy that dealt with whether legal rights were violated, then by necessity there had to be a rigorous legal analysis. If a rigorous legal analysis was not possible then this should not be a policy.

Mr. Van Houten appreciated Sergeant Crompton's writing and interview style. It was clear that the interviewees were at ease and comfortable having conversations with him. Mr. Van Houten recognized Sergeant Crompton's ability to resist taking the bait to get defensive about the department's policies and practices, and siding with the officer. He added that Sergeant Crompton did a good job communicating with Officer A and getting him to acknowledge his own mistakes.

Mr. Wig stated that Sergeant Crompton did a very good job with three different interactions with three different people throughout the investigation. He thought Sergeant Compton could navigate difficult interviews with grace and the ability to balance getting information needed while allowing the interviewees to feel validated and protected.

Mr. Roseta agreed that Sergeant Crompton did an excellent job. He thought letting the party talk was enlightening because he could get things that were bothering him off his chest throughout the interview.

Ms. Pitcher told Mr. Denner that the auditor's office was working on making sure the reporting parties were contacted and told about the resolution.

Mr. Denner asked if employees were made aware of complaints filed against them before the investigation began. The officer in this case did not seem aware of the complaint before the investigation began and that the in car video policy was not clear to the officer.

Mr. Crompton said that typically employees received a synopsis of the complaint. He said the officer was a trainer for in car video (ICV) practices and procedures, which made his lack of knowledge about the policy even more egregious. However, Sergeant Crompton noted that a large percentage of the EPD were not aware of the newer ICV policy. Future trainings were planned to address this.

Ms. Pitcher reported that the code of conduct was under review and ICV policy had changed since this incident took place. The main complaint Ms. Pitcher heard from employees about the ICV policy was that it was unworkable because to have it on for every investigative encounter or for all situations described in the policy, did not comport with how the actual instrument was used.

Ms. Marek thought upholding constitutional rights was integral to police practices. However, the standard was very broad. It seemed as if there were more specific policies that could get at the same issues, which might give more guidance to the officers and were more practical to enforce. She added that EPD policy needed to reflect higher standards that promote trust with the community. She thought there needed to be a higher standard than constitutional rights and the policy needed to be more specific and not so dependent on a legal analysis.

- Policy and/or Training Considerations

Mr. Roseta thought the ICV use training needed to be discussed. He also wanted to discuss whether, in the context of interviewing, it was policy to have the recorder off in a situation where protected information might be discussed, such as in this case during the officer's conversation with the care unit manager.

In response, Ms. Pitcher said that if recording ever ended up in court or in the public records request, protected information could be redacted. The policy as written states that the conversation be recorded and then protected information could be redacted, if needed.

Mr. Van Houten said the burden of upholding HIPPA was the responsibility of the health care unit director, not that of the officer.

Mr. Wig asked if the manager knew that the ICV was muted while talking to the officer.

Sergeant Crompton said the officer muted the ICV before entering the manager's office.

Mr. Wig noted that while he did not think it was the officer's intent to mute the recorder to intimidate the manager, it could have been perceived that way. Therefore, the policy should state that all should be recorded and protected information could be redacted later, if needed.

Ms. Pitcher added that the officer turned the recorder on to protect himself because the conversation escalated. Of concern was the time of initiating recording.

Mr. Denner added that the stimulus for the officer turning on the recorder the first time was that he recognized that he was being recorded by the reporting party. This suggested that as these policies were reviewed, it was important to train officers to be conscious of the fact that they were most likely being recorded.

Ms. Marek said Oregon legislature stated people have the right to record as long as it was out in the open. She hoped that trainings were taught about that law and to understand it was not necessarily done for confrontational purposes, but rather citizens exercising their rights.

Mr. Wig stated that the purpose of ICV was to gather evidence; protection to officers or citizens was secondary.

Sergeant Crompton said the ICV was a newer concept and newer officers were more comfortable with it, whereas more veteran officers were not as aware of the new policy. The way it was sold to them was by showing how ICV could work to protect the officer in addition to documenting evidence.

Ms. Marek said she was most disturbed that the officer was dealing with a member of a vulnerable population and recognized that the man would not have the cognitive ability to be questioned and then proceeded to ask questions. She there might have been a training implication in conducting an investigation with vulnerable populations. She also emphasized the importance of de-escalation training.

Mr. Denner mentioned that there was a concurrent investigation underway with DHS, which may have put the facility manager on edge and that officers needed to be sensitive to that.

Mr. Roseta echoed Mr. Denner's comment. He said investigations from DHS and Family and Human Services were very serious and this could have altered the manager's emotional state. The officer's comments could have been misconstrued and over reacted to.

- Adjudication Recommendations

Mr. Roseta agreed with all the adjudication recommendations. He thought the attitude of the officer needed some changing. He also agreed that the ICV policy was violated.

Mr. Wig asked why insufficient evident was determined.

Ms. Pitcher said the policy was vague and it difficult to determine if constitutional rights were violated. It seemed as if the reporting party interpreted the officer's comments as threatening even though he officer did not mean it to be threatening.

Mr. Wig's understanding was that the constitutional rights came from the reporting party thinking that he had power of attorney and his father had been questioned without his consent.

Ms. Pitcher said the allegation was focused on coercion and the attempt of talking someone out of exercising their constitutional rights.

Mr. Wig stated that he agreed with the adjudication recommendations

Mr. Van Houten agreed with all adjudication recommendations.

Ms. Marek agreed with the courtesy and ICV adjudication recommendations. However, she disagreed with the constitutional right adjudication recommendations because she thought there was evidence that he did not observe the constitutional rights of the individual. She was especially concerned that the officer initially thought the power of attorney was significant, but then proceeded to try to question the father.

Mr. Denner agreed with all the adjudication recommendations. He thought the officer should have explained the limits of power of attorney to the reporting party, if he was knowledgeable of them. If he wasn't, he should have left and researched the validity of the document that the father signed and the assertion of Miranda rights by the power of attorney.

Mr. Van Houten asked if officers had access to legal advice.

Sergeant Crompton said officers had access to legal advisors twenty-four hours a day.

- Additional Comments/Concerns

Chief Kerns was interested in discussing how the constitutional rights policy could be re-written to be more specific. There were areas where officers needed to make decisions based on their training around what was lawful. When interaction and circumstances were frequent, it was easier to be familiar with how to enact the policy. However, it would be difficult to write a policy that included all circumstances. He was interested in receiving advice on how that policy could be re-written.



## **6. Break**

The CRB took a brief break from 6:46 p.m. to 7:00 p.m.

## **7. Discussion: Policies to Recommend for Police Commission Review**

Ms. Pitcher explained that the Police Commission was completing their work plan at their annual retreat scheduled for May. Mr. McIntyre brought forth policies as they had been discussed, but the Police Commission's work was structured on their work plan, it was difficult to insert issues as they came up. Therefore, Mr. McIntyre and Ms. Pitcher planned to bring three policies as the priorities of the CRB for re-examination by the Police Commission. Ms. Pitcher then distributed the document entitled: *General Order: Code of Conduct*. This was used to review previously identified policies and areas for improvement.

Chief Kerns reported that the Police Commission already planned to work on the code of conduct. The ICV policies were also going to be revised to make Body Video and ICV policies more consistent.

The CRB identified the following as their top priorities to take to the Police Commission for re-examination:

- 800 - Use of force:
  - De-escalation (800.2): members suggested that language around de-escalation move toward language around it being required, rather than advised.
- 402 – Professional Police Contacts
  - Professional stops (402.4.2): How can data help drive policy on biased-based policing?

Mr. Denner suggested that policy on the use of personal devices be reviewed. Ms. Pitcher said this could be taken to the city attorney if this would be appropriate for the Police Commission to review because it fell under city ordinance, or if it was best as an item for review for an ad hoc committee.

Mr. Wig thought it would be helpful to get feedback on the Police Commission and CRB from communities of color. It would be useful to see how work in these two bodies was perceived.

Mr. Wig asked about the pilot program for 402.4.2 and wondered if the CRB could hear a report on the information that was collected and what conclusions were made.

Chief Kerns said a presentation on the topic could be scheduled for a future CRB meeting. He added that the use of force policy should be on the Police Commission work plan every two years because it was an ever-evolving policy.

Ms. Pitcher said to email further suggestions to Mr. McIntyre.

## **8. Deputy Auditor Report**

Ms. Pitcher reported that there were 3 openings for the CRB. Mr. Denner reapplied, and eighteen other offers were received. A sub-committee planned to meet to discuss the applicants on April 20, 2017 and recommendations would be made to the Eugene City Council. New members were planned to be seated by the July CRB meeting.

Ms. Pitcher added that a she planned to attend a training in Bend put on by the Department of Justice (DOJ) on sexual assault investigation best practices.

**9. ADJOURN**

Mr. Van Houten adjourned the CRB meeting at 7:38 p.m.

*(Recorded by Emily Mathis)*

## Eugene Police Department

### April 2017 Open Case Report

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

RP filed a complaint with the concern that 2 officers did not correctly handle a dispute with her neighbor. Only speaking with him for a moment and then having them move their cars that were parked legally on a public street. The officers did not handle the neighbor's escalating violent behavior and he has continued to bully her and her family.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 6, 2017  
Class/sub-class: Inquiry  
Disposition:

RP stopped into the Auditor's Office with the concern about how officers handled an incident in which he was pushed by a neighbor who has been verbally harassing him using racial and sexual slurs and it ended up him putting the guy into a head lock to defend himself.

Also EPD referral or notification to Human Right Office.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 7, 2017  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

The incident below was submitted on the Auditor's complaint form.

RP alleged hazardous driving by officers.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 11, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP advised that he was upset that the other party that had been involved in his dispute was not arrested.

Closed - Dealt with by supervisor.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 12, 2017  
Class/sub-class: Inquiry  
Disposition:

RP contacted the Auditor's Office with the concern that the officers that responded to his call for service concerning his runaway daughter made the situation worse.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 12, 2017  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP emailed the Auditor's Office with a concern that even with pro-actively calling in illegal camping in front of his business nothing is being done.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 12, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP called about an incident that she called EPD when a woman was trying to break into her apartment. While on the phone with EPD the woman was trying to bust through her window. Officers did not arrive for over 40 minutes.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 12, 2017  
Class/sub-class: Policy Complaint  
Disposition: Dismissed-o/s jurisdiction

RP called with a concern about the fees surrounding the diversion program and how you are even charged for early return of the car breathalyzer after successfully completing the program.

Auditor Dismissed - Outside Jurisdiction.

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Incident type: IA Investigation  
Status: Completed  
Received date: Apr 14, 2017  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition: Dismissed-Employee no longer employed.

Multiple allegations of sleeping on duty and poor performance.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 15, 2017  
Class/sub-class: Service Complaint / Conduct  
Disposition: Supervisor Review-Closed

Complaint about how officers handled a domestic dispute.

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

RP complained about how officers handled a pedestrian violation.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 17, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an officer who turned left against a traffic divider that was directing traffic right, to go and talk to another officer in the area.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 18, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor upset with the service he was received while trying to report a theft from his home.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 18, 2017  
Class/sub-class: Inquiry  
Disposition:

RP inquired into a situation she encountered in which an officer used lights and siren in a manner that she found strange.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 18, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor's Office regarding his stolen truck. The first officer that responded did not take a report, the next day another officer did take a report, but in the meantime LCSO found the truck and towed it to Veneta.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 19, 2017  
Class/sub-class: Inquiry  
Disposition:

Officer self-reported a situation involving another non-police agency.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 21, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor's Office with a concern that her vehicle was stolen from her by her ex-husband by having it towed from her apartment complex. It took over two weeks for the officer assigned to come by and get the surveillance video and the documentation that the vehicle had been signed over to her. And as of this date no one has even went and talked with him.

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Incident type: IA Investigation  
Status: Active  
Received date: Apr 22, 2017  
Class/sub-class: Allegation of Misconduct / Courtesy  
Disposition:

Complainants alleged that an officer directed profane language to them.

1101.1.B.7 Courtesy - It is alleged that an officer used profane and insolent language directed towards the complainants.

Allegations:

Courtesy - 1101.1.B.7 Courtesy

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 24, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition: Dismissed-alt remedy

RP alleged that an officer gave him a criminal citation for failure to perform the duties of a driver and property damage "because I would not talk to him and asked to speak to a lawyer".

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 24, 2017  
Class/sub-class: Policy Complaint  
Disposition:

RP called the non-emergency line to complain that his son was served a subpoena at school.

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Incident type: Incident Review  
Status: Completed  
Received date: Apr 25, 2017  
Class/sub-class: Incident Review / Use of Force  
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office and alleged that an officer used excessive force against her adult daughter.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 28, 2017  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP alleged that it took officers over four hours to respond to a robbery.

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Incident type: Supervisor Action  
Status: Active  
Received date: Apr 28, 2017  
Class/sub-class: Inquiry  
Disposition:

Officer self-reported a situation involving another non-police agency.

## Eugene Police Department

### April 2017 Closed Case Report

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Incident type: IA Investigation  
Status: Completed  
Received date: Sep 20, 2016  
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws  
Disposition: Unfounded

RP was contacted for shoplifting. While investigating the crime RP told the officers she knew an officer had killed numerous people.

The RP told a supervisor that people on the street had told her that an officer had killed nine people and that he is a "serial killer cop." She had no firsthand knowledge to support the claim.

The RP also made allegations against other officers of a similar nature that proved to be unfounded.

#### Allegations:

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

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

1. Performance - 1101.1.B.24 Sleeping on Duty - It is alleged that a non-sworn employee was observed sleeping on duty.
2. Performance - 1101.1.B.9 - It is alleged that the same employee had multiple work related clerical errors.
3. Performance - 1101.1.B.24 Sleeping on Duty - It is alleged that the same employee was observed nodding off/sleeping at her desk by co-workers.
4. Performance - 1101.1.B.24 Sleeping on Duty - It is alleged that the same employee was observed by a co-worker sitting at her desk with her eyes closed, long enough to believe she was asleep.
5. Performance - 1101.1.B.9 – It is alleged that this same employee performed significant clerical errors.
6. Performance - 1101.1.B.9 - It is alleged that this same employee performed significant clerical errors.

Employee resigned employment prior to corrective action being recommended and approved.

#### Allegations:

Performance - 1101.1.B.24 Sleeping On Duty - Sustained  
Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained  
Performance - 1101.1.B.24 Sleeping On Duty - Sustained  
Performance - 1101.1.B.24 Sleeping On Duty - Insufficient Evidence  
Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained  
Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained

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Incident type: IA Investigation  
Status: Completed  
Received date: Dec 29, 2016  
Class/sub-class: Allegation of Misconduct / Use of Force  
Disposition: Within Policy

RP alleged that excessive force was used by officers to get past her to make contact with another resident of her apartment

800 Use of Force - The reporting party alleges that an officer used excessive force when he grabbed her by her arms and wrists, resulting in bruising.

Allegations:

Use of Force - 800 Use of Force - Within Policy

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Incident type: IA Investigation  
Status: Completed  
Received date: Jan 21, 2017  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Sustained

Unsatisfactory Performance 1101.1.B.9 – A non-sworn employee's failure to route a 911 call dispatch caused a delay of response of approximately one hour.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained

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Incident type: IA Investigation  
Status: Completed  
Received date: Mar 16, 2017  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Resigned during Investigation

1. 1101.1.B.24 Sleeping on Duty

It is alleged that a non-sworn employee nodded off at their desk and dropped their cell phone while working the Route Position.

2. APM 12.1.D General Cause for Discipline - Absence from duty without authorization or failure to notify a supervisor when an employee is unable to come to work or to report on time.

Allegations:

Conduct - 1101.1.B.24 Sleeping On Duty - Resigned during  
Conduct - APM 12.1.D Absence from duty w/o authorization - Resigned during  
investigation

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Incident type: IA Investigation  
Status: Completed  
Received date: Mar 26, 2017  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Resigned during Investigation

1101.1.B.24 - Sleeping on Duty –

- a. You must remain awake while on duty.
- b. If you are unable to remain awake, report to your supervisor, who will determine the proper course of action.



Allegations:

Conduct - 1101.1.B.24 Sleeping On Duty - Resigned during investigation

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Incident type: IA Investigation

Status: Completed

Received date: Apr 14, 2017

Class/sub-class: Allegation of Misconduct / Conduct

Disposition: Dismissed-Employee No longer employed