



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 13, 2018 - 5:30 p.m.
Bascom Room, Eugene Public Library
100 West 10th Avenue
Contact: Vicki Cox, 682-5016

<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: EPD Code of Conduct status	30 minutes (5:55 pm)
6. Break	10 minutes (6:25 pm)
7. Case Review: Allegation of Unsatisfactory Performance during a Welfare Check	50 minutes (6:35 pm)
8. Auditor Report	15 minutes (7:25 pm)
9. Adjourn – Next Meeting April 10, 2018	(7:40 pm)

MINUTES

Civilian Review Board
Harris Hall, Lane County Public Service Building
125 East 8th Avenue

February 13, 2018
5:30 p.m.

PRESENT: Chris Wig, Chair; Rick Roseta, Steve McIntire, Carolyn Williams, Maurice Denner, Jim Hargreaves, Heather Marek, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Beatrix Hernandez, Police Auditor's Office, Sgt. Jason Berreth, Eugene Police Department.

ABSENT: None

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

1. AGENDA AND MATERIALS REVIEW

Mr. Wig deemed the agenda approved by acclamation.

2. PUBLIC COMMENT

Mr. Wig declared there was no public comment.

3. MINUTES APPROVAL – JANUARY 2018

Mr. McIntire had a correction on Page 2, where it read "Ms. Williams during investigation retired supervisor B appeared reliable." It should have read "Ms. Williams **said** during **the** investigation, retired Supervisor B appeared reliable."

Mr. Wig said on page 2, he did not intend the comment to read, "~~based on how the policy was written, it was not against policy to take inappropriate pictures at work, or even sexually harass someone but it was policy that one was not to lie or be dishonest.~~" What Mr. Wig meant was, "**Based on the adjudication, a person could deduce that taking inappropriate pictures at work was not against City policy.**"

Mr. Wig had a correction to the third full paragraph on page 4. Where it read, "Mr. Wig thought ~~the case showed a level of untruthfulness that was not okay by EPD, but was okay by City policy~~ Based off the

City Manager's adjudication," should have read, "**Mr. Wig thought someone looking at the adjudication could deduce it was okay by City policy to be untruthful.**"

MOTION: Mr. Denner, seconded by Mr. Roseta, moved to approve the January 9, 2018 Civilian Review Board (CRB) Meeting minutes as amended. The motion carried, unanimously.

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

Ms. Williams and Mr. McIntire did not have reports. Mr. Denner attended the most recent Human Rights Commission meeting. He said he was catching up since he hadn't attend in years. Mr. Denner noted a good deal of business activity involved line item budget details. Mr. Denner added the commission established dates to look at the work plan.

Mr. Wig asked an audience member on the Human Rights Commission if anything was happening CRB should know about. She said next month's activities might be important so she would report back.

Mr. Denner followed a line item in social media, and saw a consistent statistic saying there were 220 to 240 calls for service in a day. That number was really concerning to him because the community was asking and expecting quality service. The call load exceed the capacity to even answer calls. Mr. Denner reflected back on service complaints within the agenda packet. He assumed Eugene Police Department's (EPD) call center was exceeding the capacity to be thoughtful and mindful of everything going on. Mr. Denner did not know how to present that thought to the acting Chief of Police Commission. He was concerned EPD would make mistakes. The number of calls, and situations across the country where officers were ambushed or unable to provide cover for themselves, was off the charts. He thought the instances were either being grossly over-reported, or the law enforcement sector was beginning to see an ugly trend. It was troublesome to him. He wondered what it meant about the volume if 200 calls were for service but most were not dispatched. Mr. Denner clarified the calls included Emergency Medical Services (EMS) and Fire. Ms. Pitcher was unsure what the data meant, but said she attended the recent Police Commission meeting. She said at the meeting, the acting director shared informational and helpful slides about EPD's call load and volume, as well as dispatch response times. She said they were clear and concerning. She encouraged CRB to review the Police Commission packet for the past week's meeting.

Mr. Denner noticed accommodations were not posted for December 2017. He said a couple calls over the past month reflected the public's perception that Crisis Intervention Team (CIT) training was paying off. He said there was one compliment from someone who identified as a mental health worker. Mr. Denner thought it high praise when someone in the field noticed.

Ms. Pitcher said the Police Commission (PC) had discussed a drone flying policy over the past three months. She said the policy was approved at the last meeting. Ms. Pitcher said there was an understanding the policy was theoretical at that time, and was written for one police drone. She said it was an interesting discussion.

Mr. Denner noted there was a Public Service Announcement (PSA) on the chief of police recruitment process. He said the PSA reported an excess of 20 or more candidates. He thought those may be

individuals who met a certain criteria. Mr. Gissiner clarified there was a total of 33 applicants, and the hiring committee had narrowed those down to 19 priority applicants.

Mr. Wig reported that he reviewed the Police Commission packet. He said the CRB members' comments made Mr. Wig appreciate Acting Director James for holding a mirror, and allowing EPD and the greater community to reflect on themselves.

5. TRAINING TOPIC: PUBLIC SAFETY FORUM REVIEW

Ms. Hernandez, Community Engagement Coordinator, and Officer Landa provided a report from the Public Safety Forum that was held in December 2017.

Ms. Hernandez provided background and said the idea for a forum came from Mr. Gissiner, who saw the need for a safe environment to discuss public safety issues. She explained marginalized communities often had a different view on law enforcement than other sectors of the population. The forum's purpose was to provide people of Hispanic background the opportunity to ask questions.

As for space, Ms. Hernandez knew the forum needed to be held at a place people knew was safe and neutral. Possible places included schools, churches, and nonprofits. She said when outreached to, Camino del Rio Elementary was on board for hosting, and supporting, the event. The school was also recently renovated, so it was a good opportunity for the school to offer community tours.

Ms. Hernandez and the Police Auditor's Office partnered with Tio Pepe Restaurant, who donated food for the event, serving around 50 people. She said the event needed a moderator, trusted by the Hispanic community, to lead the event. She chose to partner with Alex Reyna, owner of a local and well respected radio station called La E-Kiss. He was a recognized individual in the Hispanic community, and had already fostered wide spread trust. Mr. Reyna also had a broad social media influence, so he was essential in spreading awareness around the event.

Ms. Hernandez explained the agenda for event, and noted the length was two hours. During the first hour people ate and grabbed information from organizations tabling. The second hour involved the panel portion of the event; childcare was offered during this time so parents could fully participate. She said a total of 18 local organizations tabled, representing a wide array of services, including WomenSpace, EPD, the Fire Department, Downtown Languages, and more. Ms. Hernandez said it was awesome to hear conversations between staff and community members. She added the Police Auditor's Office asked only that organizations send bilingual staff to the event. If that was impossible, Ms. Hernandez had translators assigned to the table.

Because there was only one-hour for the panel, five speakers were chosen, to ensure each had sufficient time to answer questions. Those individuals included representatives from EPD, Eugene-Springfield Fire Department, Emergency Management Services, and the Police Auditor's office. Panel members prepared for the forum by helping share the event information, meeting with Mr. Reyna to exchange information so he could better guide the conversation, and formulating questions and topics beforehand to discuss during the event.

Katie Sproles, City of Eugene, designed the event's flyer, which was shared wherever possible. Ms. Hernandez said multiple social media pages shared the poster and a Facebook event was created for the forum. Additionally, El Camino del Rio Elementary School printed flyers to send home with students, and also made automated calls in Spanish to families in the district. The event was shared with the Integration Network, which was where community members and nonprofit organizations shared current events with Lane County immigrants. She said doing so really helped get word out. Mr. Reyna had around 15,000 followers on multiple social media pages, so his pages were great venues in which to share the event. The event was also on air during La E-Kiss programming. Prior to the event, Ms. Hernandez released a live video, which around 1,400 people viewed over Facebook.

One concern Ms. Hernandez had prior to planning the event was that people would not know what questions to ask, or would feel scared to ask the questions they did want answers to, so she made sure to create an anonymous question box. She reported people did not end up using the drop box, and that the conversation grew naturally. Ms. Hernandez thought it was great people were comfortable enough to voice their concerns.

Ms. Hernandez said considerations for future events included timing, location, and funding for food and entertainment. She added a fundraiser might be needed in the future. Ms. Hernandez also advised others planning events to anticipate technological challenges in advance. She said they had one technological challenge; the team wanted to broadcast the panel portion of the event through a Facebook live video, but at end of the recorded conversation, Mr. Reyna noticed the Wi-Fi signal was too weak and the panel had not been recorded. It was too bad, because the video would have allowed people not present at the event to interact. Ms. Hernandez noted the event was confidential, so pictures were not taken of attendees' faces at the event to ensure anonymity.

Ms. Hernandez estimated around 75 members attended the forum. There were great questions asked, and clarifications were made about city department services and limitations. Ms. Hernandez added the Springfield School District and the University of Oregon reached out after the event to learn about the planning process. She thought that was promising for a similar future event, either as a partnership or for the organizations to replicate. Ms. Hernandez hoped to keep hosting forums on an annual or biannual schedule to continue building trust in the community.

Officer Landa said it was an overall great event. For most part, he gathered fear toward the City and EPD was still present in the Hispanic community. Officer Landa said based on fear of discrimination or fear of being deported, a large portion of the population felt they could not report crime. A concern Officer Landa had was the population feared reporting domestic issues because of their legal status. He said it was helpful for him to let them community members know EPD did not operate in that way. They were not Immigrations and Customs Enforcement (ICE), and they were there to serve the community and protect them the best they could.

Mr. Gissiner asked if Mr. Landa had a percentage of unreported crimes in the Hispanic community. Officer Landa estimated 80%, based off his conversations with the community. He noted there was lots of fear to report anything because of legal statuses. Officer Landa explained women who depended on their male partner to be the sole provider often did not report. Sometimes female immigrants did not have any other resources, and feared they would be deported, along with their children, because of that.

Mr. Denner asked if the community itself was on the Facebook live video. Ms. Hernandez said they only focused the video camera on panel members, not on community members. Mr. Reyna made sure to ask the audience for permission before the panel began. Officer Landa said the Hispanic community was frustrated overall with police interaction. He thanked the Police Auditor for hosting the event. Ms. Hernandez said she heard feedback that it was the first event where a Hispanic police officer was present. She looked forward to continuing to grow the relationship. Mr. Gissiner said Mayor Vinis thought the presentation should be a model for how the City did outreach to the community. They were impressed by the work of Ms. Hernandez.

Ms. Williams thought a forum would do well in Bethel School District, because they had a large Latinx population. She added they could live broadcast at the school. Ms. Hernandez hoped it would be possible in the future. Mr. Roseta was impressed with the planning efforts and the sensitivity that was shown to the community.

Mr. Wig said the event was incredible, from execution to feedback from community members. Moving forward, he wondered what CRB could do to help. He felt uneasy that 80% of crimes in the Hispanic community went unreported. Officer Landa said continued outreach to the community would help. If CRB and EPD did that, he thought they would see an increase in trust, and therefore an increase in reported crime. He said a similar forum was offered by Springfield Police Department (SPD) in January 2018. The forum helped explain individual rights when interacting with an officer, such as in a traffic stop. Ms. Hernandez explained if someone had a negative experience once, there would likely be less trust in other police departments and officers. She thought education in general was important, and continued conversations about the issues.

Mr. Denner wondered if Ms. Hernandez could present the results of the forum to the Police Commission. Ms. Pitcher would suggest the topic be added to a future agenda. Mr. Denner said around 10 years ago, there were distinct voices from the Latinx community, advocating for more oversight. He asked if there was a mechanism to speak with “elders” in the community to gauge whether there had been changes over the past decade.

Ms. Marek asked whether the Auditor’s office tracked demographics. Mr. Gissiner said the department would if they knew the reporter’s demographics; however, often, complainants do not share background information. Mr. Gissiner said Ms. Hernandez had conducted a survey to understand how successful outreach was in engaging with Latinx communities. She had over 300 respondents, most of which were white males. There were some responses from the Latinx community, and very few responses from the African American community. Mr. Gissiner said the office may work with National Association for the Advancement of Colored People (NAACP) in the future. He noted the survey was helpful to gauge how people felt, and to provide a demographic baseline on how people were being reached. Ms. Marek asked if any groups had connections to unhoused folks so the office could track that information as well. Mr. Gissiner said it was hard to track the unhoused population, as there was lots of returned mail, and no phone numbers.

Ms. Marek asked if there was a mechanism to share concerns people expressed at the forum with EPD. Officer Landa said some people approached him at the forum with experiences in past, but he did not

think anyone requested the community feedback be shared with EPD. Mr. Gissiner added the forum was not only concerning police encounters, it also included departments like EMS to address safety issues like earthquakes and everyday hazards like grease fires. Mr. Denner also wondered if there was a feedback loop to share concerns with command staff. Officer Landa did not think so.

Mr. Gissiner said feedback he received included EPD needed to do a better job of diversifying the police department. He said there were three Hispanic, and a few African American officers while the number of female officers was not aligned with Eugene's demographic profile. Mr. Gissiner noted there were usually very few complaints about women or minority officers.

Mr. McIntire noted CRB needed more diversity. He added after Mr. Wig's term was finished, CRB should recruit members from minority populations. Mr. Wig told City Council more diversity was needed on CRB to reflect the community as a whole. Ms. Williams wanted more female representation on boards as well.

6. BREAK

CRB took a break from 6:25 p.m. until 6:36 p.m.

7. CASE REVIEW: ALLEGATION OF OFF-DUTY MISCONDUCT

Ms. Pitcher presented a PowerPoint on the case reviewed.

1. Summary of Facts

- Our office was contacted by Reporting Party, who complained that Officer A had engaged in a "road-rage" incident with him while off-duty and out of uniform.
- The incident occurred in Springfield. According to Reporting Party, Officer A had approached the vehicle that RP was a passenger in, "pounded" on the window, and cursed and shouted at the driver, identifying himself as an EPD officer.
- RP stated that RP then exited the vehicle, and Officer A verbally confronted him.
- At some point, Officer A returned to his vehicle, and RP claimed that Officer A struck RP with his vehicle (at a slow rate of speed) as he left the scene.
- RP called 911 during the incident, and Officer A called the non-emergency line. Springfield Police responded and took a report. They did not issue citations or take enforcement action related to the incident.
- RP was evaluated at the scene by medics, but they did not transport him to the hospital. He visited the ER later in the day; ER personnel determined that he had no visible injuries or broken bones (though RP complained of pain and nausea).

2. Allegations

- 1) Unbecoming Conduct: Officer A was involved in an off-duty incident wherein he identified himself as a Eugene Police Officer. During the incident, Officer A conducted himself in a manner that reflected negatively, and brought discredit to, himself and the Eugene Police Department.

3. Adjudication

1) Unbecoming Conduct

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

4. Issues for CRB discussion

- **Complaint Intake and Classification**

Mr. McIntire was concerned about another possible allegation, which was lack of judgement. He thought the situation could have been dangerous. Mr. McIntire did not know what to make of Officer A telling Springfield Police one thing, then saying something else during the IA interview. Officer A told EPD during the interview he did not say the statement while banging on the subject's window, but in the parking lot to deescalate situation.

Ms. Marek thought unbecoming conduct was understated, but she did not know what other allegations would be appropriate for the case. Ms. Pitcher said there was a code of conduct for police officers online. Ms. Marek noted it was undisputed that Officer A was invoking his role as a police officer for nonprofessional benefit. There were also lots of safety issues, including that his car came in contact with the RP. Even if the RP was partially at fault, which Ms. Marek did not think was clear, and even if there were no injuries it was problematic that the officer drove away. She would have liked an allegation more serious than unbecoming.

Mr. Wig asked Sgt. Berreth how serious a charge unbecoming conduct was. Sgt. Berreth said it was pretty serious. Ms. Pitcher said there were many conversations whether it was worse to say poor judgement or unbecoming conduct. She understood that to lay people, the allegation may not seem harsh, but with officers it was a big deal. Ms. Marek heard the difference and understood, but all she had to go off of was the language in the policy. She thought Officer A's activity went beyond unbecoming conduct and posed a safety issue to another community member. Mr. Gissiner asked if the case went to the Springfield Municipal Prosecutor. Mr. Wig said it did. Mr. McIntire asked why there was only one allegation. Mr. Gissiner said had he been charged, that would be an additional allegation. Ms. Pitcher said there were discussions on whether there should be multiple, but ultimately they chose the one allegation.

Mr. Gissiner said when assigning the allegation, there was a degree of expectation there would be some sort of criminal charge in the case. He thought the expectation could have clouded thinking regarding allegations. Mr. Hargreaves thought the choice of unbecoming conduct was appropriate. After reading the materials, he did not think there was a chance to prove a criminal case.

Mr. Roseta did not have any objections. Mr. Denner did not object to the intake or classification, but objected to how the situation was reported to the chain of command. Ms. Pitcher said policy required officers to report if they were arrested or indicted. Under current EPD policy, it was not required for officers to report contact with other police departments.

Ms. Williams echoed Mr. Denner's comments. She wondered why SPD and EPD did not have

mechanism for cross reporting. Mr. Gissiner said EPD officers often do ride-alongs with other police agencies.

- **Complaint Investigation and Monitoring**

Mr. Hargreaves thought the case was straightforward, since SPD was there. He had no concerns about the investigation. Mr. Roseta wanted to see medical and ambulance records. Ms. Marek said those records were included on the USB. Mr. Denner said there was also a document on the USB with a less omitted report. Mr. Roseta found someone could get a more honest view of incidents based on what the patient told their care provider. Mr. Denner did not remember anything significant, other than a medical summary, so there was no indication of how he presented himself in the emergency room. Mr. Denner was satisfied with the investigation, as Officer A admitted to his offense.

Mr. Wig appreciated the thoroughness of the investigation. He said the narrative was clear, concise and held all relevant information needed. Ms. Williams added the investigation was unbiased and timely, while the interviews were in-depth.

Mr. McIntire thought the investigation was well done. Ms. Marek asked why the packet was redacted and something different was put on the USB. Ms. Pitcher said it was to help CRB members. Before doing it that way, people were having trouble remembering not to say names. She explained the entire file was on the USB, then there was a printed file just for during the meeting to refer back to. Mr. Wig thought that methodology made sense. Mr. Marek thought it was good to know that detail. Mr. Gissiner said if CRB members wanted printed copies, the office could also provide those. Ms. Marek wondered if the Police Auditor ever followed up with witnesses, instead of EPD. She wondered if there would be a different result if the auditor called witnesses instead of an officer.

Ms. Pitcher said ordinances allowed the auditor to participate in the investigation, and explained IA witness interviews were done a little differently for each witness. She added sometimes that involved just a phone call. In this case, the auditor did not try to follow up. Ms. Marek thought it was good to have strong working relationship with IA.

- **Relevant Department Policies and Practices**

- 1101.1.B.25 Unbecoming Conduct

Mr. Denner was satisfied once the case was reported. He was disappointed that he found out about the case through the morning newspaper, and he was sure the article was frustrating for the employee, the supervisor, and EPD. Ms. Williams asked if the article came out before the RP came to the Auditor. Mr. Denner was unsure, but thought it was simultaneously.

Mr. Wig wanted to see a policy where EPD officers had to report contact with an outside agencies to their supervisors. He did not think it was an unreasonable policy. Ms. Williams was concerned about reporting practices. She said it was important that people in power were held to higher standards than the rest of civilians.

Mr. McIntire did not want a policy for everything, but he was curious if there was any policy for officers out of uniform. He wondered if they were supposed to intervene in traffic violations when off duty. Ms. Pitcher said off duty officers were not equipped or prepared to act on violations, but may take action as an

officer if crime was committed in their presence or if it was an emergency. She said the policy stated police officers were not permitted to act in any sort of professional capacity in any case where they were involved. Ms. Pitcher said officers would not be disciplined if they took no action on a crime when off duty, other than report it. Ms. Pitcher said there was policy for when a crime was committed, but not a violation. Ms. Williams asked if the case was considered a felony. Sgt. Berreth said if there was an injury it would have been.

Mr. Wig thought if an officer was the subject in a case or investigation, whether they were cited or not, they should tell their boss. Ms. Marek thought that expectation went against the notion of innocent until proven guilty. She did not think officers should have to divulge information to their boss, especially if they were not charged for anything. Ms. Marek thought a charge could perhaps be the threshold.

Ms. Pitcher said the policy was in conformance with laws. Officers must obey all laws, and if there was a conviction they must immediately notify their supervisor if charged with a felony or a Class A misdemeanor.

Mr. Denner said someone authorized to drive city vehicles was investigated, whether or not charges were filed. As a risk manager, he would want to know if an investigation took place. Supervisors put employees in city vehicles, so they had an obligation to know if that person had good judgement and drove safely.

Ms. Marek said it was noteworthy that Officer A was off duty and invoking authority. She explained RP stated there was a grave appearance of impunity, and the officer used his authority for advantage in an altercation where Officer A then drove off. She thought situations under which officers could invoke their authority would be good training topic.

Mr. Hargreaves agreed with Mr. Wig. He thought if an officer was involved in another jurisdiction's investigation, it should be reported immediately to their supervisor. Mr. Roseta agreed, and did not think discipline should come from the report, but thought a good manager needed to know. Mr. Hargreaves thought it was a management issue.

- **Policy and/or Training Considerations**

Ms. Williams said if an officer reported the contact to their supervisor, they would be able to tell their side of the story. She thought the fact Officer A felt he could not talk to his supervisor brought up a climate issue within EPD, and she wondered if there was a certain fear of repercussions.

Mr. McIntire felt there should be training for when, why, and how an officer should intervene.

Ms. Marek thought the requirement to report all involvement with law enforcement was a balancing act. She recognized on one hand the need to manage officers and minimize risk, but on the other hand she recognized that officers were private citizens who were not perfect and sometimes needed to be involved with law enforcement for their own personal reasons. Ms. Marek thought privacy interests should be taken into consideration, unless there was a charge.

Mr. Hargreaves said it was not a matter of whether there was a charge. He thought it was important for managers to know what their officers were doing. He said without a policy that required informing supervisors, contact with law enforcement could go under the radar for years. Mr. Denner thought when people joined an organization like EPD, they had an elevated vision and role in community. He said the manager of the organization had an elevated need to know what was going on. Mr. McIntire said it was not uncommon in the private sector to have policies on reporting of certain offenses.

Mr. Denner thought training would be addressed by whatever punishment was served. He said when people assume certain licenses, professional standards began to apply. Mr. Denner thought those standards applied whether someone was an officer of court, or an employee of a school district. People in those roles assumed expectations to conform to standards for that profession. Ms. Marek wondered if it was common practice to report interactions. Ms. Pitcher was unsure. Mr. Gissiner said it varied from department to department. Ms. Pitcher said in her time with EPD, she advised officers give supervisors a heads up. From their perspective it was good to know if something was stressing the officer out, as there could be increased service complaints or something of the sort. Ms. Pitcher added reporting in EPD was appreciated, but not required.

- **Adjudication Recommendations**

CRB members sustained the adjudication recommendation.

- **Additional Comments or Concerns**

Ms. Williams appreciated how Officer A admitted his mistake and expressed he learned from the situation. She noted the Register Guard article about the altercation came out September 21, 2017 so the investigation was already well on its way. Mr. McIntire said it was hard to imagine why Officer A would step out of his car. He noted most people would honk their horn, but in general people didn't get out of the car to yell at another driver. In addition, Officer A could not reasonably expect someone to believe he was an EPD officer just because he said he was. Officers were supposed to be calm in distress, so Officer A's behavior concerned Mr. McIntire. Ms. Marek highlighted that the officer's conduct raised safety concerns. She said it was easy to see why the individuals in the other car would be frightened by his conduct. Ms. Marek said officers were supposed to be held at a higher standard; if it were an individual community member not associated with EPD, she did not think the behavior would be acceptable.

Mr. Hargreaves thought it was likely a bad day, and it was hard to know what would cause him to act the way he did. Mr. Roseta said the case pointed out that no matter what the response was from a community member, they would always want to take advantage of situation. He noted RP was not being honest when he was talking about everything being on camera. There were no cameras. Mr. Roseta clarified he was not excusing Officer A's behavior. Ms. Marek thought it was important not to scrutinize RP because she thought it could potentially deter people from reporting in the future. RP was not the one under investigation, the officer was.

Mr. Denner thought that was a good point. He said if it had been a marked vehicle, they would still be discussing the case. He brought up mindfulness training, and how it was spreading to different departments. He said this situation really caused for a deep breath and a moment.

Mr. Wig commended EPD for providing a neutral narrative of both sides. He said there was evidence EPD had which supported Officer A's story, rather than RP. Mr. Wig said the officer did not make a wise decision, but Officer A realized that too late. Mr. Wig wished that all investigative files would have ended with that level of insight. He noted while events were cut and dry, there was some gray area.

Mr. Gissiner said most reasonable citizens would likely wonder why Officer A did not receive a citation, as other community members would have if they acted in such a way. He thought some people would accuse SPD of preferential treatment. Mr. Hargreaves wondered what he would be cited for.

Mr. McIntire wondered if there was some counter claim like disturbing the peace, or disorderly conduct and menacing. Mr. Hargreaves said there was a dispute on whether or not Officer A pounded on RP's car windows. He noted the city prosecutor could not have proved whether or not that happened. Mr. Roseta said the argument could be that Officer A hit RP's car, which could impose some duty on Officer A to remain on the scene. Ms. Marek wondered if people could legally get out of their cars at intersections.

8. AUDITOR REPORT

Mr. Gissiner said appointments to boards and commissions were expiring soon. Both Mr. Roseta and Ms. Marek would have to reapply if interested in serving on CRB another term. Mr. Wig would be moving out of Eugene, so a third slot would become open as well. Mr. Gissiner said the application could be found on the City of Eugene's website and was due on March 31, 2018. He admired CRB members for their work and input to the community, and appreciated everyone coming to meetings prepared to discuss the case.

9. ADJORN

Mr. Wig adjourned the CRB meeting at 7:41 p.m.

(Recorded by Marina Brassfield, LCOG)

Eugene Police Department

February 2018 Open Case Report

Incident type: Supervisor Action
Status: Completed
Received date: Feb 1, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP tried to report a hit and run and a couple of hours later the email she reported the incident with on the online reporting system was locked and she couldn't log in. RP asked if the police have the capability to lock someone's email.

Incident type: Incident Review
Status: Completed
Received date: Feb 2, 2018
Class/sub-class: Incident Review / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office concerned with a tasing during an arrest. Third parties have told RP about the body cam and he believes the use of force needs to be reviewed. RP also noted that when officers searched the jacket of the person involved they left some money and a prescription in the pockets that are no longer retrievable.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 3, 2018
Class/sub-class: Service Complaint / Conduct
Disposition: Dismissed-Timeliness

RP reported an incident from the 1990's in which she wants an apology from an arresting officer after a sweep made by EPD officers in front of her Eugene home.

Incident type: Supervisor Action
Status: Active
Received date: Feb 5, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an incident in which he stopped to watch three officers who were making an arrest. RP motioned that he wanted to talk with officers after they had completed the arrest. One officer noted he had to wait for them to clear the scene, then he got in his car and left. Another officer walked away from him mumbling something and when he asked for his card he was told he didn't have one, his name was not provided. RP called the non-emergency number and was told to call the Auditor's Office on Monday and then hung up on him. RP felt their behavior was unprofessional.

Incident type: Supervisor Action
Status: Active
Received date: Feb 5, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP complained that his girlfriend vandalized his house. When the officers arrived, she was cited for criminal mischief and not arrest. The RP felt that if it had been him, he would have been arrested for burglary because of his race.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 5, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office with a concern about a warrant from 23 years ago, that was taken care of, but has led to him being arrested at least 7 times since then on the warrant. He is always told it is a computer glitch or some other such story. RP claims 3 months ago he was again arrested by U of O police on supposedly DUUI (passed the sobriety tests) and for this warrant, RP claims he was totally roughed up, his wrist damaged and he had to shell out 4000.00 dollars to get it cleared up once again. Yesterday he had another issue with SPD were he was taken into custody and his friend beaten up by officers. RP who is a black male just wants this issue cleared up, that this warrant is no longer valid. Driving while black he believes is another issue. Dismissed. Outside jurisdiction.

Incident type: IA Investigation
Status: Active
Received date: Feb 6, 2018
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

It is alleged that an officer used to CJIS/NCIC system for a non-law enforcement purpose.

Allegations:

Conduct - 205 Criminal Justice Information System (CJIS)

Incident type: Supervisor Action
Status: Completed
Received date: Feb 6, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office with a concern that after sitting at EPD headquarters for over 2 hours to make a report about her property manager's verbal, physical, sexual harassment and threats to evict her and other tenants the officer told her nothing could be done, he didn't touch you.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 7, 2018
Class/sub-class: Policy Complaint
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with a concern about EPD not being willing to respond to her and her daughter's (two separate incidents) calls about her grandson (12 yrs.) hiding drugs in the home. RP, received a return call from the call taker who relayed that the sergeant said it's not a priority, that they do not come out and get the drugs and to just throw the drugs away. RP cannot understand how this is not a priority to deal with this issue.

Incident type: Supervisor Action
Status: Active
Received date: Feb 9, 2018
Class/sub-class: Inquiry
Disposition:

RP contacted the Auditor's Office with a request about a listing on the online call log. For some reason the care facility is listed on the call log instead of the actual address and she is concerned with that listing making it look like they had gun fire coming from them.

Incident type: Supervisor Action
Status: Active
Received date: Feb 9, 2018
Class/sub-class: Inquiry
Disposition:

RP stopped by the Auditor's Office to report an interaction at a High School. RP had stopped in to inquire about the attendance and grades of his sons, and the school directed him to an officer who basically told him you cannot come here to communicate about your children.

Incident type: Incident Review
Status: Completed
Received date: Feb 10, 2018
Class/sub-class: Incident Review / Conduct
Disposition: Supervisor Review-Closed

Internally generated complaint that an officer posted on Facebook that may indicate he participated in law enforcement activities in another jurisdiction without the knowledge or consent of his supervisor.

Incident type: Supervisor Action
Status: Active
Received date: Feb 12, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP contacted the Auditor's Office with a concern that when he was arrested he became over heated sitting in the patrol car at the jail, while the officer was booking his belongings in the locker. When the officer came back and he requested the window be opened, the officer patronized him and asked him a bunch of stupid questions before finally rolling the window down.

RP called again and now believes that it may have been carbon dioxide poisoning that was the issue with him not being able to breath.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 12, 2018
Class/sub-class: Service Complaint / Conduct
Disposition: Supervisor Review-Closed

RP reported he and his brother were at Lamb Cottage to eat, and had not been staying in the park. An officer came over and gave them a 30 day exclusion from the city streets. RP believes the officer is harassing them, because they have not been on the streets for over a month, and were not given any other warnings.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 12, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-o/s jurisdic

RP stopped by the Auditor's Office to report what he felt was an excessive action by an officer. RP was on the sidewalk near the bus station downtown speaking with some acquaintances about his flute.
Per Auditor - Dismissed O/S Jurisdiction - rww

Incident type: Supervisor Action
Status: Completed
Received date: Feb 14, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP contacted the Auditor's Office about an incident in which she taken to the hospital on a mental hold. RP understands that the officers had to do that but felt the force used to take her into custody was abusive.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 14, 2018
Class/sub-class: Inquiry /
Disposition: Dismissed-Other

RP reported an incident on in which an officer showed up at his home about 0300 looking for his wife. RP's wife is homeless and lives in a van with the registration listing his mother's home, claiming that the van was involved in a hit and run. The officer wanted RP to find his wife and bring her to EPD headquarters by 0500 and he would not arrest her. RP did that and met with the officer, who repeatedly tried to get him to try and get his insurance to cover the incident. RP also got the impression that if they had the insurance take care of the damages or if they took care of the damages the officer would make the citations go away.

Reviewed by Auditor: Dismiss: Other

Incident type: Supervisor Action
Status: Active
Received date: Feb 15, 2018
Class/sub-class: Policy Complaint
Disposition:

RP reported that an EPD officer who towed his vehicle without warning, saying that he was illegally camping, when he had just moved his vehicle to the street from private property. RP does not believe that the officer followed procedures. He was also given a citation for oil leaking on a public street when it was only water.

Incident type: Supervisor Action
Status: Active
Received date: Feb 15, 2018
Class/sub-class: Service Complaint / Courtesy
Disposition:

An anonymous RP contacted the Auditor's Office upset that when she tried to report a dead animal the woman call-taker was rude to her, RP has a heavy accent but tried to speak as clearly as she could when asked by the call-taker. If the call-taker needed her to call someone else, she should have told her instead of being rude. This type of contact discourages people from calling when they need help.

Incident type: Incident Review
Status: Completed
Received date: Feb 15, 2018
Class/sub-class: Incident Review / Conduct
Disposition: Supervisor Review-Closed

RP alleged that he loaned an officer money and now won't pay him back.

Incident type: Supervisor Action
Status: Active
Received date: Feb 16, 2018
Class/sub-class: Service Complaint / Service level
Disposition:

RP inquired into the procedure that takes place when providing information to other agencies. RP's daughter reported her vehicle stolen to EPD and provided 3 telephone numbers, when LCSO recovered the vehicle in Veneta only one number was called which resulted in her incurring a towing fee and RP is wondering if they were given all the numbers. RP also mentioned that when making the report it was not explained to her that a towing charge could be incurred if the vehicle was found.

Incident type: IA Investigation
Status: Active
Received date: Feb 17, 2018
Class/sub-class: Allegation of Misconduct / Performance
Disposition:

1. 1101.1.B.24 Sleeping on Duty - It is alleged that an officer was sleeping on duty at the parking lot between the shops and the Evidence Control Unit; he failed to notify a supervisor.
2. 1101.1.B.24 Sleeping on Duty - It is alleged that sometime during last rotation an officer was sleeping on duty; he failed to notify a supervisor.

Allegations:

Performance - 1101.1.B.24 Sleeping On Duty
Performance - 1101.1.B.24 Sleeping On Duty

Incident type: Supervisor Action
Status: Completed
Received date: Feb 18, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

During the course of a trespass investigation, the suspect made allegations that he was singled out and contacted due to his race.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 18, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Timeliness

RP contacted the Auditor's office concerning an incident in September 2016 in which he was arrested for supposedly threatening squatters on his own property.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 20, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported EPD patrol vehicle traveling northbound on Garfield which did not signal a right turn onto 7th Avenue.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 20, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported patrol vehicle with the driver texting or looking down at in his lap area while driving. RP felt the officer was distracted. RP does not need a follow up.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 20, 2018
Class/sub-class: Policy Complaint
Disposition: Supervisor Review-Closed

RPs, Attorneys emailed the Auditor's Officer with a concern about the use of an attorney's personal home address in a police report.

Incident type: Incident Review
Status: Active
Received date: Feb 21, 2018
Class/sub-class: Incident Review
Disposition:

HR received a written outline documenting various concerns regarding an employee who sent communications, written and verbal, that were unprofessional and disparaging.

Incident type: Supervisor Action
Status: Active
Received date: Feb 22, 2018
Class/sub-class: Policy Complaint
Disposition:

RP stopped by the Auditor's Office with an inquiry into why an officer did not take a police report when he was hit by a car.

Incident type: Supervisor Action
Status: Active
Received date: Feb 22, 2018
Class/sub-class: Policy Complaint
Disposition:

RP was given a verbal warning in December 2016 about contacting a person over issues with a facebook page. RP is in the process of filing a court claim with this person and was told by a dispatcher a couple of months ago that it would be within his rights to send this person that notice via registered mail. Before he does this RP would like this verified with a supervisor so that he does not find himself in trouble with the law.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 22, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP reported an incident in which he believes he was harassed by EPD because the Parole Board after 20 years suddenly put his name on the internet as a registered sex offender. RP believes this is all made

up and that his constitutional rights were violated.

Per Auditor - Dismissed. - rww

Incident type: Supervisor Action
Status: Active
Received date: Feb 23, 2018
Inquiry

Disposition:

RP stopped by the Auditor's Office to report an incident in which officers put him on his back this morning. RP had been in a slight altercation with another man, that person was taken to jail, later RP was behind the church when different officers came to tell him no weapons were allowed at the center and went through his bag, and put him on his back for no reason. RP feels he has had enough interaction with officers that they should know him and not be putting their hands on him.

Incident type: Supervisor Action
Status: Active
Received date: Feb 25, 2018
Class/sub-class: Service Complaint / Service level
Disposition:

RP filed a complaint that when he called EPD about a minor who he had detained for stealing mail from his neighbors, they did not bother to respond.

Incident type: Supervisor Action
Status: Active
Received date: Feb 26, 2018
Class/sub-class: Policy Complaint
Disposition:

RP contacted the Auditor's Office with a request to speak with someone about the flashing lights used by squad cars and the effects they have on people with epilepsy.

Incident type: Supervisor Action
Status: Active
Received date: Feb 28, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported an issue with restraining order violations.

35 incidents displayed.

Eugene Police Department
February 2018 Closed Case Report

Received: Aug 18, 2017

Classification/Sub-classification: Allegation of Criminal Conduct / Conformance to Laws

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance

Jan 31, 2018 Sustained

Performance - 1101.1.B.17 Judgment

Jan 31, 2018 Sustained

Actions taken:

Feb 13, 2018 - Volunteer Resigned

Police Commendations

The Eugene Police Department received 12 commendations from citizens in February, 2018.

<https://www.eugene-or.gov/2763/Commendations>