



## 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 8, 2018 - 5:30 p.m.**  
99 West 10<sup>th</sup> Avenue  
Eugene Atrium Building, Saul Room  
**Contact: Vicki Cox, 682-5016**

<b><u>ITEM</u></b>	<b><u>TIME (Starting)</u></b>
1. Agenda and Materials Review	5 minutes (5:30 pm)
2. Public Comment	5 minutes (5:35 pm)
3. Minutes Approval (Minutes from April meeting)	5 minutes (5:40 pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	5 minutes (5:45 pm)
5. EPD Chief Chris Skinner Introduction	15 minutes (5:50pm)
6. Training Topic: Professional Stops Update?	20 minutes (6:05 pm)
7. Break	10 minutes (6:25 pm)
8. Case Review: Allegations of Excessive Force, Discourtesy, and an Unconstitutional Arrest	50 minutes (6:35 pm)
9. Auditor Report	15 minutes (7:25 pm)
10. Adjourn – Next Meeting June 12, 2018	(7:40 pm)

## MINUTES

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

April 10, 2018  
5:30 p.m.

PRESENT: Chris Wig, Chair; Maurice Denner, Vice Chair; Rick Roseta, Steve McIntire, Carolyn Williams, Jim Hargreaves, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Police Auditor's Office; Angie San Miguel, Eugene Police Department.

ABSENT: Heather Marek, Civilian Review Board; Beatrice Hernandez, Vicki Cox, Police Auditor's Office.

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

### **1. AGENDA AND MATERIALS REVIEW**

Mr. Wig deemed the agenda approved by acclamation.

Mr. Wig noted a citizen was audio recording the meeting. It was neither authorized nor opposed by the Civilian Review Board.

### **2. PUBLIC COMMENT**

Mr. Wig declared there was no public comment.

### **3. MINUTES APPROVAL – MARCH 2018**

Mr. McIntire pointed to a typo on page six, toward the bottom of the page, in the second sentence where it read, "Ms. Williams said brought." The word "said" was omitted.

Mr. Wig deemed the minutes approved as amended by acclamation.

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

Mr. Roseta was pleased to hear a new chief was appointed, and he hoped it would work out. Mr. McIntire would be attending the Police Commission (PC) meeting on Thursday, April 12, 2018.

Mr. Denner attended the Human Rights Commission (HRC) meeting and there were a few topics of interest. Sergeant Smith was present and talked about an intensive intervention program called "Community Court." Court identified and worked one on one with individuals who were in stress or living on the streets, and attempt to match them with resources. It was a collaborative effort with other agencies, and looked to be showing good results for participants; however, there were more people in need than there was time to intervene and help. He concluded it was a proactive approach to a challenging and important job.

Mr. Denner said the other issue addressed during the meeting was the review of a 2017-18 bias report by HRC. He explained HRC had been releasing the reports since 1998. Mr. Denner was struck by the spike in statistics for criminal behavior and in several other categories. He said it could reflect better reporting if the individual cases were broken down by event. Mr. Denner said there were certainly increases in both verbal assaults as well as property crimes reflecting bias. He said the report available on the HRC website, within the agenda for March 2018. Mr. Denner asked if it was available on the CRB site.

Mr. Wig said there was a new police chief, Chief Skinner, who started April 30, 2018. Mr. Wig reminded CRB that last month he participated in the community panel portion of the interview process, and Chief Skinner was his first choice. Mr. Wig felt optimistic about his performance during the panel, and what he would do during his time in Eugene.

Mr. Wig said a certain case CRB recently reviewed, which initially caused media commotion, was back in the news because Supervisor A was added to the Brady list. He said CRB was often siloed off, because they were the last piece of feedback loop and didn't receive much external feedback from the community. He said having the case handled by the district attorney validated CRB's judgement, and was good external feedback. Mr. Wig said without CRB, the case may not have been reconsidered.

Mr. Wig said that evening would be his last meeting on CRB, as he was moving to Springfield. He said it had been a great honor to serve on CRB and as the chair. It had been educational for him, and he appreciated CRB members for their service.

##### **5. TRAINING TOPIC: COMMUNITY CARETAKING**

Lt. San Miguel said she would provide a training on welfare checks and community caretaking because there had been a few complaints the CRB recently covered. Mr. Gissiner asked Lt. San Miguel to train CRB on the topic because EPD was having more issues with community caretaking, particularly when CAHOOTS arrived first, and the organization's recommendation was to transport the individual to the hospital. On occasion, the person did not want to go, so the cops got involved. Mr. Gissiner said with the recent long response times from EPD, sometimes the individual would have to wait for two hours and would be in a different mind state by the time officers arrived. It became an issue about whether to still transport the person since they were then in different mental state. Mr. Gissiner asked Lt. San Miguel to discuss the type of training officers receive.

Lt. San Miguel said officers receive an update in community caretaking training during their in-service training from the District Attorney or the city attorney. She said they also receive updates on changes in case law. Looking back through records, she noticed every couple years there were changes. Lt. San Miguel said community care authorized police to enter or remain on another person's premises to stop, redirect, or render aid if it appeared a person seemed a subject or capable of serious harm. Often CAHOOTS was the first entity to respond, so they were often already in the premises. CAHOOTS contracted with EPD so it was almost as if EPD was already there.

Lt. San Miguel said EPD's policy on welfare checks was a simple two page policy that outlined what gave officers authority to do the check, and how officers were trained on the practice. Basically, officers received information on the radio on why they were going to do the welfare check. Officers were trained to approach the scene, talk to neighbors, and contact family if they had that information. Officers didn't

generally just knock on the door or go inside right away; there were usually things done first. Sometimes they talk to the person who called, who was concerned. Lt. San Miguel explained the officer did a bit of investigating before making contact. Generally, if forcing entry, officers were required to notify their supervisor and announce they were entering. They had to enter with as minimal damage as possible. The policy also talked about securing the residence after leaving.

Lt. San Miguel reiterated the policy was simple, and the training was straightforward. Lt. San Miguel pulled the number of welfare checks and in 2015 EPD conducted 4,498; in 2016 EPD conducted 6,964; and in 2017, EPD conducted 7,392. She explained there were a lot of suicidal subjects, and some elderly checks. Hang up 911 calls were also treated as welfare checks.

Mr. Hargreaves asked if the department categorized the type of welfare checks, to track data. Lt. San Miguel said EPD would have to do a search narrative of the Computer Aided Dispatch (CAD), because they were all titled “Welfare Check” within the system. It was possible, but it would take some time.

Mr. McIntire saw the policy was dated 1993. He knew it was fairly straightforward but he wondered how often did the policy was revisited. Mr. McIntire added that the phrase “secure the premises,” meant checking the house to ensure it was safe, instead of locking the doors as they were leaving. He thought it was unclear. Lt. San Miguel said number 2a in the policy talked about securing the premises. Sometimes, EPD would call city facilities if a window needed to be broken, for example.

Ms. Williams referred to the case reviewed last month, and wondered why the whole house wasn’t checked by the officer. She was curious why the policy did not say what was required of the officer once he was inside the house. Lt. said each check depended on the house. For example, if the house was one with quads, sometimes officers legally could not enter certain areas because they were separate residences. Lt. San Miguel explained in that case, one could argue that since the subject lived in the garage and did not have access to the rest of the house, entering the house went beyond the scope of the situation. Lt. San Miguel said it was a fine line for officers, as they could not go too far and look for too much. Lt. San Miguel agreed the officer should have checked the whole house; however, within the case details it noted the complainant searched upstairs. Ms. Williams clarified the search was at the discretion of the officer in each case. Lt. San Miguel responded yes.

Mr. Gissiner said through welfare checks, EPD had created a huge data set where they could likely cross reference information. With around 20 welfare check calls a day, there had to be repeaters but he did not think EPD was tracking that data. Lt. San Miguel said welfare checks were not something EPD trained on a lot because it was something officers did every day. Mr. Hargreaves said all cases received the same heading, and all the details went in the free text, so if there was some type of sorting, EPD could look through the data. Mr. Gissiner said they could write a computer program to do that. Lt. San Miguel said officers could keyword search “suicidal,” for example. Mr. Gissiner wondered if officers working different shifts would know whether the call was a repeat. Lt. San Miguel said the dispatcher knew that information, and if it seemed relevant they would tell the responding officer. Lt. San Miguel clarified it was all part of the investigative work and sorting out the details for each case.

Mr. Gissiner asked if there were scenario trainings on mental illness cases. Lt. San Miguel said when EPD held its 40 hour CIT training, they also did a crisis intervention training where they hosted a panel of community members with mental illness, some with serious ones who had been incarcerated.

Mr. Denner wondered if CAHOOTS had the capacity to update the MDT, if they arrived on the scene first. Lt. San Miguel responded no, but they had radios to communicate with police officers. He asked if CAHOOTS had the authority to leave before an officer arrived. Lt. San Miguel told Mr. Denner yes, they could. Also, EPD did not respond to all CAHOOTS calls. Sometimes, CAHOOTS handled the situation and entered into a contract with the person where person told them exactly what they would do to be safe. Lt. San Miguel said if the situation became violent or the person had a weapon, CAHOOTS could leave. There was no requirement they stay and put themselves in possible danger.

Mr. Hargreaves asked if CAHOOTS did an assessment and then call EPD, or if the call to both entities was simultaneous. Lt. San Miguel said calls went through the dispatch center and the operator dispatched CAHOOTS if appropriate. CAHOOTS worked with the person initially, and then call EPD if needed. EPD was dispatched first if it seemed like a high risk situation, such as an armed subject or if someone was in a manic state. She concluded the call taker really decided based on information received.

Mr. Roseta asked if CAHOOTS kept case by case records for each intervention. Lt. San Miguel was unsure what types of records they kept. Mr. Roseta said in the case reviewed that evening, it sounded like CAHOOTS had been to the location previously and had asked EPD to come, so there had to be some conclusion on their part the person needed an evaluation of some sort, which would heighten the officer's response. In order to protect officer, it seemed like it would be good to have CAHOOTS records if they made the decision to transport the individual if they complained. Lt. San Miguel said basic records were kept in the CAD system so they had the caller and involved person's information. Those were tracked, but as far as medical information went, that information was not shared with EPD. CAHOOTS would explain the medical state and if the person was on medication at the time during the call, but after that they would not due to Health Insurance Portability and Accountability Act (HIPAA). Mr. Roseta clarified CAD was accessible to officers and dispatchers. Lt. San Miguel said yes, and that dispatchers often ran the address to see if EPD had been there before.

Mr. Gissiner asked if CAHOOTS was made of medical professionals. Lt. San Miguel said some responders were certified medics, and most had some level of medical training and social work training. She added nursing students often accepted internships with CAHOOTS.

## **6. BREAK**

CRB took a ten minute break.

Mr. Wig reconvened the meeting at 6:17 p.m.

## **7. CASE REVIEW: INCIDENT REVIEWS AND INQUIRIES**

Ms. Pitcher presented a PowerPoint on the cases reviewed.

### **1. Complaint #1**

- Reporting Party contacted the Auditor's Office after he was denied access to his grandson while the child was at the hospital. RP stated that an EPD officer denied him access despite a

valid power of attorney form that RP has related to the grandson's medical care. RP also complained that the child was released to foster care rather than to his care following treatment.

- Internal Affairs reviewed the Body-Worn Video, related police reports, and the RP's paperwork. IA's investigation showed that the child had been admitted and transported to a different hospital, which was why the RP was unable to visit the child at the hospital.
- The involved officer investigated the incident as child neglect, and therefore DHS was contacted. DHS was the decision maker regarding placement of the child following treatment, not EPD.
- The investigator attempted to contact the RP, but was unsuccessful, and the compliant was closed.
- Classification: Incident Review

Mr. Gissiner said as the divorce rate continued to skyrocket, EPD got calls from biological parents who were unclear when they could visit their child at certain times.

Mr. Wig disclosed he encountered the situation in a professional capacity so he would refrain from commenting on the case.

Mr. Denner thought the officer had a good handle on their responsibility, and made a reasonable attempt to explain it to the grandparent. The one thing that was unclear to Mr. Denner was where the officer contacted the supervisor to get the advice to maintain separation. He was unclear when the child was taken to other facility, because there was a break in the camera and there was no focus. Mr. Denner wondered why the person who was ultimately arrested and the officer stayed so long in the emergency room. It seemed several hours were spent there. It helped in determining that the person in question was probably high on an illegal substance, but it also seemed EPD was working in someone else's work space (the hospital). Mr. Denner said a nice job was done on the interview to determine the level of impairment of the person who had responsibility for the child. Mr. Denner said he did not have any policy questions.

Mr. McIntire was fine with how the case played out, and said the body camera was very helpful. Mr. Hargreaves said it was a confusing situation for officers, because the hospital had records that DHS had custody of the child, but the hospital and officers were unaware that it had been some time. Mr. Hargreaves was also bothered by the case, because he couldn't figure out when the grandfather actually showed up with his power of attorney in relation to when the officer said the child was transported elsewhere. If the grandfather was there with the power of attorney while they were taking the kid out the back door, it didn't sit right with Mr. Hargreaves. If that was the case, the hospital and officers should have been communicating with the grandparent; it was not a good way to handle the situation. Mr. Hargreaves was also concerned that the officer did not understand there were other ways to have the right of custody/control over a child, besides having a signature at the bottom of a document. He thought it could be a training issue.

Ms. Williams said she had a hard time reading the power of attorney. It was unclear to her, grammatically, whether the grandfather had right to obtain medical and dental treatment of the child or not. Mr. Hargreaves said as a parent, they could designate a power of attorney. He had seen lots of agreements with relatives who were powers of attorney that were perfectly valid. The parents gave their

rights to someone else. Ms. Williams said it was confusing grammatically, and read the sentence in question. Ms. Pitcher said it was not very clear, but the document was meant to convey the health care decision making power to the grandfather.

Mr. Gissiner asked if Mr. Hargreaves had ever litigated a case around a medical decision. Mr. Hargreaves had not, and had not seen one litigated. He had seen CSD workers involved in getting a power of attorney done. Mr. Gissiner wondered about the officer in a scenario where DHS came. Mr. Hargreaves did not fault the officer, but his concern was he could not tell at the time whether it was true the child was gone. Mr. Hargreaves thought someone should have gone out and talked to the grandfather, and hated to see CSD get involved if there were other alternatives.

Ms. Williams said from her perspective, the officer looked at the document for a minute and handed it back. Ms. Williams said if her father were trying to help her child and he had a document like that, she would have expected the grandfather be able to see the child and talk to medical providers.

Mr. Gissiner was disappointed by the lack of good customer service and taking the extra time. Ms. Williams thought the officer treated grandfather very respectfully beyond the one issue. Ms. Pitcher noted in child neglect cases officer were unsure of whose care the child should be in, so they were still trying to understand how the emergency occurred with the child. She could understand officers being generally hesitant to give out information when they didn't know exactly what happened and had to go on what other people were telling them.

Mr. Roseta said the power of attorney put the grandfather in the position of mother. It would have been a good service to let the grandfather see the child, if the child was there, but it was not apparent that any medical decisions needed to be made, so there was no real harm to the parent. It sounded to him that university district hospital staff took the lead and made it clear that DHS would take care of the case because of other things going on in the child's life.

Mr. Denner added that he was a school administrator and was in a similar situation where DHS would inform him that he was not to tell either parent where their child was if he knew. Mr. Denner said it was awkward. Mr. Denner said in this case, what they didn't have was footage between hospital staff and DHS. He said the hospital had a record from treating the child previously when DHS did have control of the child, and the hospital did not have a record of DHS returning the child to their mother or grandfather. Mr. Denner felt for the officer in the situation because they didn't have chance to get it right. Mr. Hargreaves agreed, and said it should have been sorted out when the hospital called DHS. Mr. Denner said DHS did not respond to the hospital. He was fine with the decision from the internal investigation.

## 2. Complaint #2

- A supervisor observed an injury on a CAHOOTS employee; the supervisor learned that the employee had been the victim of an assault (suspected to be a bias crime) and that the employee had concerns about how the incident was handled by responding EPD employees.
- The supervisor entered the incident in BlueTeam; it was classified as an Inquiry and forwarded to the EPD employees' supervisor for follow up. That supervisor reviewed body camera footage of the investigation, reviewed police reports, spoke to the involved employees, and then contacted the RP with his findings.

- The supervisor found that the employees had not violated policy with their investigation, and that their determination that the incident was mutual combat, rather than a bias crime, was not inappropriate. However, the supervisor found that some of the employees had misled the RP regarding the outcome of the investigation, which was “unnecessary and ... counterproductive.” The involved employees were coached on that point.
- Classification: Inquiry

Mr. McIntire appreciated the body camera. Mr. Hargreaves generally agreed that the case was handled the best it could be, however, he got the sense it wasn't coordinated.

Ms. Williams said things the RP suggested were easily proved true or not true by body cameras. The main thing was discrepancy in what people were being told. The officer was not in violation of policy but the miscommunication was counter-productive. Ms. Williams said both people admitted to being part of the brawl. There were a few different videos, and one where the officers were discussing what to do. One officer told the woman involved to press charges, then explained to the other officers what he told her; it was then discussed between them. There was a miscommunication, but overall she thought it was handled well.

Mr. Roseta said there was ultimately a good result. There was some confusion about who was in charge on the scene but overall, the officers diffused the situation. Overall, the women involved seemed reasonably happy with the outcome, because they were not fully committed to prosecuting. Mr. Roseta said the memorandum provided by the sergeant was an excellent analysis. Mr. Wig agreed that the memorandum was well written. Mr. Wig said at the end they were unsure the person who made the remark was even involved in the fight. Given that level of confusion, he thought the situation was handled excellently even though some lines of communication were crossed. He wondered about whether or not the RP felt pressured to make a complaint of some kind. She did not bring the situation up to her employer or the police, it was only after she had been asked about the situation. Mr. Wig was glad her voice was heard, but he hoped she didn't feel she had to submit a formal complaint.

Mr. Gissiner said welfare calls used the same model currently as it did 100 years ago. He pointed out there were four officers tied up in the case, which was an example of where police departments could possibly be reengineered.

Mr. Denner was frustrated with long breaks in the body camera footage for tactical discussion. He understood the need to break for a tactical discussion or other radio traffic, but as a reviewer, he found it hard to know what led to the conclusion they came to, which bothered him a lot. Secondly, Mr. Denner thought the officers had an ethical obligation (it was not a policy obligation) to tell the woman and her friend involved that they would diffuse the situation by removing the person. Mr. Denner thought the woman should have known what had happened even if she was impaired. He also noticed there were four people in a situation that was diffused, and wondered how many calls were building up on CAD screen while they were all there. Mr. Denner wondered if there was a point in the situation where the officers could have designated one primary and one secondary officer, then release the other two officers. He was unsure that four people needed to stay.



Mr. Wig noted the memo was extremely well written and informative. Ms. Pitcher informed CRB the memo written by a new sergeant and it was his first memo written in the position.

Mr. Denner commented it was the first time he saw an adjudication recommendation that some off record counseling had taken place. Ms. Pitcher asked him which part he meant. Mr. Denner meant when the officer was “coached.” Ms. Pitcher said typically corrective action was redacted, but coaching was not considered corrective so the area was not redacted. However, if the IA was sustained there was usually more than coaching. Mr. Denner appreciated seeing someone stepping up to coach the officer.

### 3. Complaint #3

- RP called the Auditor’s Office and stated that an EPD employee had shoved his son during a walk out at his son’s school. RP was also upset at the EPD employee’s tone and language towards his son (i.e., threatening arrest).
- The complaint was forwarded to a supervisor for follow up. The supervisor reviewed body-worn video from the employees who were present, as well as the related dispatch records. The supervisor also spoke with the principal of the school, who gave some background information on the incident.
- The supervisor reviewed his findings with the Auditor, who agreed that there was no evidence of a policy violation. The Auditor contacted the RP, and the complaint was closed.
- Classification: Incident Review

Ms. Williams disclosed she knew people in the videos but they were not associated with the case. Mr. Hargreaves was fine with the outcome, and thought there was a fair amount of restraint shown by the officer. He thought it could have escalated. Ms. Williams wondered what the policy was on touching students (since the officer had reportedly shoved the student) because she felt officers should follow the same policy. Overall, Ms. William thought the situation was handled well.

Mr. Gissiner said the officer was put in the middle of the situation because the school was making the decision; the officer probably was not involved in the decision to not let the student back inside.

Ms. Williams said the policy of protest in schools was that if the protest was going on outside, the building administrators locked the doors and did not let the children come back inside until they were ready to have a calm discussion. She was sure it was not officer’s decision.

Mr. Roseta said the school district official who was assisting the principal did a good job of calming students down. He noted the officer showed restraint in letting the official take care of the situation. Overall, Mr. Roseta thought the officer did a good job.

Mr. Wig had been involved in a situation similar to the case. It was difficult to deescalate and they had the added responsibility of dealing with juveniles. Mr. Wig thought school personnel and officers struck a good balance between safety and creating an environment where kids could come back into. Mr. Wig wondered if the Police Auditor could show the father the body camera video. Ms. Pitcher said Mr. Gissiner wrote a letter recommending the father watch the footage. Mr. Hargreaves asked if the video was

public record. Lt. San Miguel said they were public but only under certain situations; generally, the video was redacted and there was still audio but not much footage.

Mr. Denner thought the officers were being reasonable but clearly they were winging part of handling the demonstration. He wondered if they assigned who was the primary officer in the situation. Mr. Gissiner said the resource officers were primary. Mr. Denner said the officer did a good job at responding to both students and administrators respectfully. He said there was clearly good repertoire and communication.

Mr. McIntire hoped the young man reflected upon the situation and learned from it. He said there was a good job of gathering facts, and truth came out which was irrefutable. Mr. McIntire thought it was well done. Mr. Denner said the video illustrated the mutual respect for the school officer, and the officer for the kid. They were able to talk, even in the midst of a fairly heated situation. Mr. Gissiner said the former sergeant of school resource officers was hired by the school board, and he wondered if they would transition to their own force or group. Mr. Denner did not have any insight, but he felt strongly about the value of breaking down barriers when kids were young, especially with learning how to respond and speak respectfully to officers, and know that the people behind the uniform were actual humans. Mr. Denner said schools needed resource officers, because the City could not provide those resources. He liked separation between the two forces.

#### 4. Complaint #4

- RP contacted the Auditor's Office with a complaint that EPD employees had taken her to the hospital on a mental health hold. She felt that the way they treated her was abusive, and that they used excessive force during the contact.
- Our preliminary investigation included review of body worn video of the contact.
- The preliminary investigation showed that the officers had not violated policy and had acted within their obligation under Oregon's community caretaking statute to take RP to the hospital.
- The Auditor's office contacted the RP with our findings, and the case was dismissed (no policy violation) and closed.
- Classification: Inquiry

Ms. Williams agreed that there was no policy violation. Ms. Williams said she liked how Mr. Gissiner addressed the woman in his letter – he showed a lot of empathy and respect, which Ms. Williams appreciated.

Mr. Roseta echoed that body cameras were helpful. While watching the complainant, it was clear at times that there was a mental health issue going on. He noted if someone were to only hear the audio, not see the video, they would have thought she was being beat based off her screaming. Mr. Roseta explained the video showed the officers were doing a good job of keeping her from hurting herself and them. He was impressed by the CAHOOTS representative, and thought she handled the issue about getting the keys well.

Mr. Gissiner said the call was held for 16 minutes and it took another 8 minutes for the officer to show up. As a member of the community, those numbers were a little concerning. To him, anything over five MINUTES—Civilian Review Board

minutes was too long. Mr. Gissiner said it was inconsistent with his views of what public safety should look like, although it was not a criticism of EPD.

Ms. Williams thought the complainant was Facetiming a CAHOOTS employee earlier, and wondered if she was mistaken. Ms. Hargreaves thought so too, because they knew she had medication.

Mr. Wig said mental health interventions were scary in general, and a situation like that made him thankful to learn about the crisis intervention training EPD went through. Mr. Wig noted EPD far exceeded national best practices in terms of handling crisis situations. He had a lot of empathy for the workers of CAHOOTS and the officers in the scenario. Mr. Wig also agreed with Mr. Roseta, the audio indicated she was being hurt based off her yelling, but that was not case as shown by the body cameras. Mr. Wig noted the car audio had been consistently turned on in cases, which he appreciated.

Mr. Denner said he did not think it was a CRB problem, but in the complaint it was brought up how to inform someone who was being taken into the emergency or mental health unit they would be incurring expenses. Mr. Denner said taking the person to the hospital did not necessarily mean it was the wrong thing to do, but there could possibly be an information sheet. He did not know the answer to the issue, but thought the complainant raised a fair question, and it was possible the officers put her in another high stress situation.

Mr. Denner noted there was an accusation in the call that the complainant was speeding on Centennial Boulevard, but he was unsure of where that came from and it never went anywhere. Ms. Williams clarified the complainant's boyfriend reported she was speeding. Mr. Denner also noted that when EPD transported someone to jail, they checked weapons into a lock box, however, three people were in the mental health unit with their side arms on their hips. He thought officers should possibly check them in hospitals as well. Mr. Wig thought that was a good idea.

Mr. Gissiner wondered about zip ties over handcuffs from a compassion stand point. For an older woman in her 50s or 60s, it seemed zip ties would be more compassionate; she did not commit a crime, officers were there for a well fare check. Lt. San Miguel thought zip ties might be worse. Mr. Denner thought of soft restraints but he was unsure of how it would be possible. Lt. San Miguel said EPD had battled with the Johnson Unit who had a lock box and wanted officers to check weapons, but it had never been an expectation at the hospital.

Mr. Hargreaves said it didn't seem right, to involuntarily put her in cuffs, involuntarily take her to the hospital, and then leave her with the bill. Mr. Wig said yes, but the other option would be to not intervene, and leave someone who could potentially be a danger to themselves or someone else.

Mr. McIntire pointed if didn't intervene and she did cause harm to herself, the community would pay the bill. Mr. McIntire said before body cameras, police departments were lucky to have audio; he wondered how much time, resources, and discussion they would have if the case was based only on audio. He thought the fact they were able to do quick and expeditious reviews was something to share and tell. Mr. Gissiner agreed, things had changed. He thought there would be a full-on investigation if there was no body camera.

#### 5. Complaint #5

- Two EPD employees arrested RP on a warrant. The RP complained to a supervisor that one of the employees poked a wound on his wrist with the handcuff point.
- The supervisor spoke with the RP and the involved employee. He also looked at the wound on RP's wrist.
- The employee stated that he had not noticed the wound until he moved a bracelet on RP's wrist and that he had not intended to poke the wound. The supervisor observed that the scab on RP's wrist was intact.
- The supervisor took photos of RP and his wrist and entered the complaint into BlueTeam.
- Our office reviewed the complaint and closed it as handled by the supervisor.
- Classification: Inquiry

Mr. Roseta thought the case was handled well. Mr. Wig appreciated seeing what it looked like when everyone did right thing; the officers documented the wound, because if it had been poked, the situation could be seen as use of force. Mr. Wig appreciated that the supervisor took the extra step to be prepared for review.

Mr. Denner said the sergeant responded promptly and politely. He thought the case was well done and the team of officers worked well together while they were there. Mr. Denner concluded the case pretty much went by the book.

Mr. McIntire agreed with Mr. Denner. Mr. Gissiner liked officers to provide good customer service in cases like this; about half of officers would tell the person to call the Police Auditor's office, when the sergeant could have instead taken 5 or ten minutes to talk to the RP.

Ms. Williams thought the body cameras were very valuable, not only for the facts, but watching the five cases gave her more perspective on how EPD officers interacted with public. Watching the cases had been a positive experience for her, and she thought if more people had interfacing like that with officers, the community might have an overall different perception of EPD. Ms. Williams thought the secondary officer kept the suspect calm and showed empathy. Mr. Roseta added the footage in another case exemplified that officers had a relationship with community members, and was able to converse well with community members.

Mr. Denner commented it was helpful to sample service cases and see how they being handled by the chain of command. It was why the public demanded an auditor and a review board years ago; it was good to see some day to day activities.

#### **8. AUDITOR REPORT**

Mr. Gissiner had the opportunity the past month to meet with each of the police candidates for 45 minutes with each police chief candidate. He recommended Chief Skinner as his choice. Mr. Gissiner appreciated that two of three candidates read a lot about what was going on and also tried to learn about his office which he appreciated since the amount of involvement the Police Auditor's Office had with EPD was a unique thing in the country. He was hopeful that Chief Skinner would work out well, despite resource challenges the department had recently faced.

Mr. Gissiner shared that CRB would have three vacancies. Mr. Roseta reapplied. There were five or six applicants, whom were diverse. He would convene a subcommittee. Mayor Vinis and Mr. Gissiner would gather people to participate in the subcommittee, which would interview applicants in April 2018.

Mr. Gissiner reported that his performance review was in June and that the CRB members would be polled. Mr. Gissiner said CRB members would receive information from HR. Finally, he said Ms. Pitcher and Ms. Hernandez were working on the annual report.

**9. ADJORN**

Mr. Wig adjourned the CRB meeting at 7:31 p.m.

Next meeting May 8, 2018 at 5:30 p.m.

*(Recorded by Marina Brassfield, LCOG)*

## Eugene Police Department

### April 2018 Open Case Report

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 2, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an incident in which she was passing a patrol car when the car suddenly switched on its overhead lights and pulled in behind her cutting off her husband's vehicle that was traveling behind her and almost causing him to hit the patrol car.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 2, 2018  
Class/sub-class: Policy Complaint  
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office upset that when he returned to Eugene from vacation he found that his car had been found after he had reported it stolen, but that it had been towed without his authorization and he is looking at a large bill to retrieve his vehicle. RP was notified he believes by the call center, that the car was in a lot and given a towing number which he believed to be for his convenience to have the vehicle towed if he wished to.

---

Incident type: IA Investigation  
Status: Completed  
Received date: Apr 3, 2018  
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws  
Disposition: Unfounded

RP alleged that he knows a woman who may have engaged in prostitution with possibly an EPD officer years ago.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 4, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP alleged that a burglary report was prepared inaccurately.

Per Auditor - closed service complaint.

---

Incident type: IA Investigation  
Status: Active  
Received date: Apr 5, 2018  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition:

Internally generated complaint that:

1. 1101.1.B.9 Unsatisfactory Performance: - It is alleged that an officer failed to recognize an incident was a policy violation.

2. 1101.1.B.9 Unsatisfactory Performance: - It is alleged that an officer misrepresented the purpose and scope of a request to a sergeant and misrepresented the assessment.

3. 1101.1.B.29 Truthfulness - It is alleged that an officer was untruthful during his administrative IA interview.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance  
Performance - 1101.1.B.9 Unsatisfactory Performance  
Conduct - 1101.1.B.29 Truthfulness

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 5, 2018  
Class/sub-class: Inquiry  
Disposition: Dismissed-o/s jurisdic

RP provided information about an officer driving an unmarked SUV giving false names. The officer appears to be from Springfield in RP's complaint.

Per Auditor: Dismiss outside jurisdiction

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 9, 2018  
Class/sub-class: Inquiry

Categories: **LECC Reporting**

Disposition: Supervisor Review-Closed

RP alleged that he was arrested because of his race even though there was an outstanding warrant.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 10, 2018  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP came to the Auditor's office to report discourtesy and poor customer service. She attempted to file an illegal parking issue online but the online complaint form does not have an option to upload photos. She came downtown to report that her neighbor regularly parks on the sidewalk causing danger to others. When she attempted to report this the employee was rude to her and failed to provide any assistance to her to report the matter and was not otherwise interested in her issue.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 11, 2018  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP alleged that during the course of an interview based on a call for service, an officer attempted to escalate the contact causing the RP to fear that he may be attacked by the officer.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 11, 2018  
Class/sub-class: Inquiry  
Disposition: Dismissed-Other

RP emailed the Eugene Police Chief email to report that law enforcement and others have been tracking the location of his vehicle and attempting to engage with him. He also reported drive-byes from patrol cars that blare their siren, pass and then turn off the siren. RP asks for EPD to cease and desist from tracking him and playing games around him.

Dismissed -other

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 12, 2018  
Class/sub-class: Policy Complaint  
Disposition:

RP reported that after calling EPD multiple times about crimes in his neighborhood and never getting follow up, he believes that they only care about issues like DUII's that they can ticket people for and which will make money for the state.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 13, 2018  
Class/sub-class: Inquiry  
Disposition: Dismissed-Timeliness

RP made a complaint on the EPD google reviews page, alleging that an officer committed fraud by altering and lying on police reports.

Per Auditor - Dismissed/Timeliness

---

Incident type: IA Investigation  
Status: Active  
Received date: Apr 13, 2018  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition:

1101.1.B.27 Use of Intoxicants and Medications

Allegations:

Conduct - 1101.1.B.27 Use of Intoxicants and Medications

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 18, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition: Dismissed-alt remedy

A homeless advocate contacted EPD alleging that a homeless person was wrongfully cited for Criminal Trespass.

Per Auditor: Dismiss - alternative remedy.



---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 18, 2018  
Class/sub-class: Service Complaint / Courtesy  
Disposition:

RP reported an incident in which the driver and the insurance company of the driver had notified his company to tow a pickup from the scene of an accident. The officers on scene were very rude and went ballistic on the driver telling him he had no right to be there and needed to leave.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 18, 2018  
Class/sub-class: Inquiry  
Disposition:

RP provided to the Auditor's Office a packet of information in which she alleges that EPD violated her rights by distorting the facts she reported to an officer regarding abduction, rape and a landlord trafficking ring. She also alleged that she is being assaulted by electromagnetic rays and the police will not take an assault report.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 19, 2018  
Class/sub-class: Inquiry

Categories: [LECC Reporting](#)

Disposition: Supervisor Review-Closed

RP arrested a man for criminal mischief. RP stated that he was only being arrested as he was Asian.

At the jail the RP stated that he had not broken the window; however, he had paid another person to break out the window of the vehicle.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 20, 2018  
Class/sub-class: Policy Complaint  
Disposition:

RP was directed to the Auditor's Office with an issue of poor customer service she has experienced. In 2017 her home was burglarized and over \$20,000 in belongings were taken as well as work computers with client information of children, and her husband's passport ID. A report was taken, but the case was never given to a detective to investigate, nor were fingerprints ever taken. At one point she found a flashlight that was processed when she took it to EPD. She has gotten alerts from google notifying her someone is trying to access her work computer. This week she received a voicemail on her home phone (with a name and number) asking if she would like to get some of her belongings back. When the officer who took the original report was notified of this she was told they may get to it in a few days, and that she could go ahead and talk to the person. RP does not know if this person is a drug addict or worse and felt this was unsafe advice to give someone. RP is upset that EPD does not seem to care about the victims of property theft in this town.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 20, 2018  
Class/sub-class: Service Complaint / Courtesy

RP contacted the Auditor's Office with a concern about a call for service involving her son who was having a bipolar-manic episode and had verbally told her he was going to over dose. RP had called about her son overdosing, an officer came and then left because it had been labeled as a dispute. RP called again, officers spent 15 min outside talking with her until she climbed up on his balcony and got into his apartment where he was unconscious on the floor. When the officers entered they made her leave, she then heard yelling and screaming. He was in the hospital for 6 days and still had bruises when he was released. Her son was kneaded in the back, and thrown against the closet. RP also reported that the officers were laughing at him while he was being loaded into the ambulance. (A review of BWC showed no use of force.)

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 23, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an incident in which an officer and possibly another in plain clothes were searching some adolescent boys in an alley near a school. The plain clothed officer threatened to search them also if they didn't keep on walking.

---

Incident type: IA Investigation  
Status: Active  
Received date: Apr 24, 2018  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition:

1. 1101.1.B.18 Neglect of Duty - It is alleged that an officer met a civilian while on duty which may have made him neglectful or inattentive to duty.
2. 1101.1.B.2 Abuse of Position - It is alleged that an officer used his position for personal gain or advantage by accessing contacts in the Communications section to divert routine patrol work from him so that he could engage in a personal relationship(s) with individual(s).

Allegations:

Conduct - 1101.1.B.18 Neglect of Duty  
Conduct - 1101.1.B.2 Abuse of Position

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 25, 2018  
Class/sub-class: Policy Complaint  
Disposition:

RP stopped by the Auditor's Office upset that an officer stopped by his vending booth and harassed his employees.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 26, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition:  
RP reported a patrol vehicle driving erratically.

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Incident type: Supervisor Action  
Status: Completed  
Received date: Apr 26, 2018  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP alleged that a tattoo artist should be arrested for assault because he did not like the art work and now he has some sort of skin disorder.

Dismiss per Auditor. Supervisor handled.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 30, 2018  
Class/sub-class: Inquiry  
Disposition:

RP stopped by the Auditor's Office upset with how he was treated by officers when they stopped him for walking down the street. RP alleged that he was detained, backpack searched and patted down without consent and without reasonable suspicion.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 30, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP contacted the Auditor's Office trying to find out what is happening with a case in which he was assaulted on the bike path in West Eugene. RP spoke with the officer who took his report and was told that someone else was handling it, but was not informed who. He has not been asked for a medical report about his injuries.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Apr 30, 2018  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported that she has had numerous issues with her neighbor over the last year and has had the police out many times. Last week officers came out and cited her neighbors, then again she had to call police, this time the officer (who has been out various times in the past) told her that he is friends with the neighbors, RP believes that this has something to do with issues with her neighbors escalating as they know nothing is going to happen to them.

[27 incidents displayed.](#)

## Eugene Police Department

### April 2018 Closed Case Report

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

1. 1101.1.B.24 Sleeping on Duty (2 counts) - It is alleged that an officer was sleeping on duty and he failed to notify a supervisor.

Allegations:

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

---

Incident type: IA Investigation  
Status: Completed  
Received date: Apr 3, 2018  
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws  
Disposition: Unfounded

Allegation that several years ago an officer, perhaps EPD was patronizing a prostitute.

2 incidents displayed.

## **Police Commendations**

**The Eugene Police Department received 12 Commendations from citizens in March 2018.**

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