



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, January 8, 2019 - 5:30 p.m.

Eugene Public Library, 100 West 10th Ave., Bascom Room

Contact: Vicki Cox, 682-5016

<u>ITEM</u>	<u>TIME (Starting)</u>
1. Agenda and Materials Review	5 minutes (5:30pm)
2. Public Comment	5 minutes (5:35pm)
3. Minutes Approval (Minutes from November meeting)	5 minutes (5:40pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	5 minutes (5:45pm)
5. Bylaws Discussion	10 minutes (5:50pm)
6. Case Review: Allegation of Misconduct Related to Employee's Social Media Use	45 minutes (6:00pm)
8. Break	10 minutes (6:45pm)
9. Training Topic: Viewing of Second Half of "Under the Bridge: The Criminalization Of Homelessness"	40 minutes (6:55pm)
10. Auditor Report	15 minutes (7:35pm)
11. Discussion: Case Selection for February Meeting	10 minutes (7:50pm)
12. Adjourn – Next Meeting February 12, 2019	(8:00pm)

MINUTES
Civilian Review Board
Saul Room, Atrium Building
99 West 10th Avenue

November 13, 2018
5:30 p.m.

PRESENT:

Civilian Review Board Members: Maurice Denner (Chair), Steve McIntire (Vice Chair), Rick Roseta, Carolyn Williams, Lindsey Foltz
Police Auditor Office Staff: Leia Pitcher, Vicki Cox, Beatriz Hernandez
EPD Staff: Lt. Angie San Miguel

ABSENT: Mark Gissiner

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

1. AGENDA AND MATERIALS REVIEW

There were no changes to the agenda.

2. PUBLIC COMMENT

No one from the public provided comment.

3. MINUTES APPROVAL – OCTOBER 2018

Mr. McIntire noted his name was missing the letter “M” on Page 1.

Mr. Denner corrected Page 3, Paragraph 2, Sentence 1 from “~~commissioner~~” to “**commission.**” Within that same paragraph, Mr. Denner corrected Sentence 2 by taking out the word “~~to.~~”

Mr. Denner was unclear about a sentence within Page 7, Paragraph 2. He thought it was oddly worded. Ms. Foltz suggested changing it to “Ms. Foltz would prefer if University of Oregon Police Department were subject to the Eugene Police Auditor process.”

Ms. Foltz pointed out that on Page 7, Paragraph 10, the sentence read, “~~Ms. Foltz asked wondered...~~” She requested the sentence be changed to “**Ms. Foltz asked...**”

The minutes, as amended, were approved by acclamation.

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

Ms. Foltz said that during last meeting, she did not have time to mention one comment. She was impressed that during the employee’s interview, he acknowledged mistakes he made. While she didn’t find his performance satisfactory, she appreciated the fact he reflected upon the process to learn and grow.

Mr. McIntire attended the recent Police Commission meeting where the group finalized the Code of Conduct policy. He thought the policy was much improved. In addition, there was a presentation regarding methods to reduce bicycle thefts, mostly around the idea of “bait bikes.”

Mr. McIntire reported that the Police Commission also reviewed proposed changes to EPD's taser policy. There was an issue about whether or not to capture taser displays and admonishments within Blue Team; some thought capturing the information was too much of an administrative burden. Mr. McIntire thought officers should be required to capture all types of force to track statistics. CRB had seen reports about effectiveness of taser threats alone; he thought only focusing on actual deployment left out some information on the true value of tasers as a tool. Mr. McIntire was unsure whether there would be any traction on the policy change, but he recommended Police Commission ask for the Police Auditor's feedback.

Mr. Denner asked Lt. San Miguel for her feedback from a police training point of view. Lt. San Miguel said supervisors are currently required to input a Blue Team entry to document any taser threat/use. EPD wanted to move away from that requirement, because the process took time. EPD had tracked the data for years, but now they felt that the importance of tracking had diminished. Mr. Denner asked if pointing of a firearm was tracked. Lt. San Miguel said pointing of a firearm was never documented in use of force reports, but it would be captured in police reports.

Ms. Pitcher stated that one possible solution, as suggested by Mr. McIntire at Police Commission, would be for the employees to still include taser display and admonishment information in their police reports, and then route those reports to the Auditor's Office for tracking.

Mr. Roseta asked what information they would seek by reporting taser threats. Mr. McIntire responded that it shows when only the threat of force, as opposed to the use of force, was effective. Mr. Roseta was unsure when it would be necessary to use that data in evaluation of officer performance. To him, it did seem somewhat of an administrative burden. Ms. Pitcher said the statistic was used a lot in discussing use of force. The current data shows that admonishment is frequently all that is needed for compliance; actual taser usage is often less effective. Also, as taser usage is still contentious in some parts of the community, she felt it was good practice to keep up reporting for the sake of transparency.

To Mr. Denner, admonishing someone with a taser or pulling a firearm was use of force. He noted both were more than just the officer's presence to gain compliance and represented potential for bodily harm. He was unsure if CRB had seen a case in which someone complained about either, but he saw room for complaint if there wasn't a record of what was done by officers. Mr. Roseta agreed, after hearing the value of the statistic.

Ms. Pitcher added officers could have weapons drawn and not pointed at anyone, and that the Police Auditor didn't necessarily need to know those instances. However, they do want to know when weapons were pointed at someone, and currently, they do not.

Mr. Denner asked if Police Commission would work on the policy with EPD. Mr. McIntire was unsure there was much they could do, but he thought there was some concern.

Bonnie Sousa, chair of the Human Rights Commission work group, "Whole Eugene Community United," provided an update. The work group put together a voter's report; it was recently formalized and present to City Council. Ms. Sousa said WECU prioritized recommendation of three things: hire a full-time liaison to act as a bridge between the City and marginalized communities; develop a rapid response plan

in the case of hate crimes, or other serious and threatening incidents; and put together a planning committee to create a centrally located, multi-cultural center. The City Manager approved all requests and instructed staff to move forward. Currently, the proposal was in front of the budget committee.

Ms. Foltz asked which department the liaison would be in. Ms. Sousa was unsure, but it would be discussed with City staff.

5. REPLACEMENT OF MEMBERS: WAIVER OF BYLAWS REQUIREMENT

Currently, there are two vacancies on the CRB that have not been filled in compliance with the CRB bylaws. Mr. Denner read the bylaw (5) for current language:

(5) The civilian review board shall hold regular meetings with an opportunity for public comment at least quarterly, and the civilian review board and its committees may hold additional meetings as necessary. No business of the civilian review board shall be conducted at a meeting without at least a quorum of three (3) members on a five (5) member board or four (4) members on a seven (7) member board present. All actions of the civilian review board shall be made upon a simple majority vote of the members present.

Mr. Denner suggested moving forward with two separate motions. He thought the first motion should suspend the rules in order to move forward as a five-member board without recruiting additional members. The second motion should be to create a committee to consider amending the bylaws, so to make the change a more common practice. According to Roberts Rules of Orders, there was no discussion for suspending bylaws, it was simply a yes or no decision.

Mr. McIntire asked for clarification on whether CRB was on a timeline for recruitment, based on current bylaws. Mr. Denner responded according to the rules, CRB needed to replace a member within 45 days. Mr. Denner said CRB couldn't do fulfill that requirement because the appointment process went through City Council and their agenda. Ms. Pitcher explained the recruitment process. Usually, there were 12-13 members on a committee that reviewed applications. She didn't see how it would be possible to create such a committee within 45 days, so they were unable to meet the requirement; however, the only place the requirement was present was within CRB policy, so they could vote to amend the process. The long-term action would be drafting new language moving forward.

Ms. Foltz asked how many applicants were in the last process. Ms. Pitcher said there were six applicants for three vacancies. One was a reappointment. One concern she had was fall and winter were not a time when people familiar with boards and commissions were looking for openings. Ms. Foltz asked why they couldn't use the existing pool. Ms. Pitcher said City Council would not do that anymore. Mr. McIntire would appreciate more time for recruitment to expand the applicant pool; he wanted to engage an active effort in recruiting minorities.

Mr. Denner added another issue was that positions reopened in June 2019, and any applicants recruited now would still need screening and background checks after appointment. They wouldn't have much time on the board before needing to reapply. Ms. Pitcher noted the next recruitment process would start in March 2019 and end in May 2019. There would be three openings.

In response to Mr. Roseta, Mr. Denner said he wanted to waive the 45-day requirement.

Ms. Williams clarified with a five-member board, a quorum was three.

Mr. McIntire made a motion, seconded by Mr. Roseta, to waive the 45-day requirement within Article 3, Section 6.

The motion passed unanimously.

Mr. McIntire made a motion, seconded by Ms. Foltz, for the chair and vice chair to review the language in Article 3 during a leadership meeting.

The motion passed unanimously.

Mr. Denner had a chance to attend the Cal Young neighborhood meeting with staff. At the meeting, Ms. Hernandez and Mr. Gissiner brought more awareness to CRB, and explained the Police Auditor's role within the community. Mr. Denner encouraged members to attend a neighborhood meeting if one was set up by Ms. Hernandez in their neighborhood.

Ms. Hernandez shared the next meetings included the Downtown Neighbors Association on November 29, 2018 and the Harlow Neighbors Association on December 13, 2018.

Ms. Williams asked how many people were in attendance. Ms. Hernandez said about 40-60 people.

6. CASE REVIEW: ALLEGATION OF EXCESSIVE FORCE RELATED TO USE OF OC SPRAY

Summary of Facts:

- Officer A responded to a report of a suspect who had allegedly broken into a vehicle and stolen a phone. The victim was following the suspect and had called it in.
- Officer A found the involved subjects – the suspect, followed by the victim and a witness – and exited his patrol vehicle. Officer A stated that he ordered the suspect to stop walking and sit on the ground. The suspect did not immediately do so, and Officer A pulled his OC spray from its holder and sprayed the suspect.
- The incident was captured on body-worn video, but given how quickly the incident evolved, the camera only captured video (no audio).
- Officer A's sergeant and lieutenant reviewed the incident (per the use of force reporting policy) and determined that it was within policy. The captain believed the use of force was outside policy, and this investigation was opened into the incident.

Allegations:

1. 803 Oleoresin Capsicum Aerosol: that Officer A's use of OC spray against the suspect was outside of policy.

Adjudication

1. OC Spray:
 - EPD chain of command recommendation: Within Policy
 - Auditor's Office recommendation: Within Policy

- Chief of Police: Within Policy

Issues for CRB Discussion

- Complaint intake and classification discussion
 - Internally reported
 - Classification: Allegation of Misconduct

Ms. Williams thought the classification seemed appropriate. Mr. Roseta didn't see an issue with the classification; he thought it was good to honor whatever was concerning someone.

Mr. Denner said the case was timely, in regard to the discussion at Police Commission. In the case at hand, Officer A announced the intent to use pepper spray and the subject didn't appear responsive. Mr. Denner didn't have trouble with the classification, but it raised the question of when use of force began.

- Complaint investigation and monitoring

Mr. Roseta said the investigation was handled appropriately; however, Mr. Roseta did not have a copy of the camera recording on his thumb drive. He thought the summary provided was sufficient enough. Ms. Pitcher said feel free to call the Police Auditor's office if that happened in the future.

Ms. Foltz appreciated body worn cameras, because they made the oversight process simple. It was unfortunate there wasn't audio, but because of the camera's angle, she could see everything the officer was doing, and both individuals' body language lined up with the officer's testimony.

Lt. San Miguel added Officer A was late in activating the video. The officer should have hit the button as he was pulling up but there was delay. Ms. Pitcher thought the car video was supposed to go on at the same time as body worn cameras, but it wasn't functioning. Lt. San Miguel said EPD was transitioning from the old in car video system to a new system. The new system would activate all other cameras in the area (i.e. for other officers, in cars etc.). Currently, about 70% of EPD's fleet was upgraded.

Mr. Roseta asked for the rule regarding when activation was to be done. Lt. San Miguel replied at any investigative contact.

Mr. Denner thought in car video should activate when the officer activated his overhead camera. Lt. San Miguel said it should have; she was unsure why it didn't. Ms. Foltz didn't think in car camera would have captured more, in this particular case. Ms. Williams added the audio would have been captured. Lt. San Miguel said body worn cameras within the new system served as both audio and video.

Ms. Williams thought the investigation was thorough.

- Department Policies and Practices

Ms. Foltz saw some confusion in wording of the policy. For her, the most important part of the policy was that protesters weren't being pepper sprayed when choosing to exercise their first amendment right. Ms. Foltz thought that was the intent behind the policy, and the case at hand was not in the same context. Ms. Foltz thought it would be good to harmonize wording ("passive" versus "static" resistance), but the overall intent was clear.

Mr. McIntire also concerned about wording of “passive” and “static” Mr. Denner asked if the concern was forwarded on. Ms. Pitcher said it was provided to the Chief and that Sgt. Williams was also aware.

Mr. Denner didn’t have other issues with the policy, but he hoped policies around protesting remained on Police Commission’s radar. Ms. Foltz thought the policy provided a lot of protection to protestors.

Ms. Williams said wanted more consistency as well, but she didn’t think the policy had anything to do with the case. She would like to see an entire paragraph to address cases similar to this one; she didn’t want to change the policy, but instead add an entire layer to fit other situations.

Mr. Roseta thought the policy could be left as is and left to officer discretion.

Mr. Roseta said that within the case interview, a sergeant stated he considered the situation “ominous.” He wondered if the language was out of another policy. Ms. Pitcher said EPD used to train on the use of force continuum. “Ominous” was one way of looking at a force situation. Officers were not trained on the same continuum anymore.

- Policy and Training

Ms. Foltz offered de-escalation training as a consideration. She thought the officer was on the scene for only 10 seconds, so it made her wonder if there were other things that could have been done. She wondered the standards of escalation were, before use of force.

Mr. McIntire thought Ms. Foltz’s point was one reason why the captain raised a concern around the case. Mr. Denner agreed, the officer administered pepper spray quickly. He noted that afterward, there was a conversation between a supervisor and officer about options for de-escalation. He praised the supervisor for acting proactively.

Mr. Denner said another concern involving use of force was that the individual could have crossed traffic again. It could have been a point where use of force was actually better for the subject than not deploying force (i.e. safer, because the subject could have run into traffic).

Ms. Williams agreed more de-escalation could have occurred, but without knowing the verbal exchange that occurred, it was hard to determine. However, she saw the subject with his hands open, in a non-threatening manner. She was unsure pepper spray was needed.

Mr. Roseta agreed with the other CRB member comments. He noted hindsight was always 20/20. For example, the subject could have sued the officer if he ran into traffic and was hit; the subject’s defense could have been “the officer should have done something to stop me and keep me safe.” Mr. Roseta thought overall, the officer’s performance was okay.

- Adjudication Recommendations

Mr. McIntire had no quarrel with the adjudication. Mr. Denner agreed. Ms. Pitcher’s memo was thorough, and he appreciated the chief’s comments.

All members agreed the adjudication was within policy.

Ms. Pitcher said de-escalation was discussed a lot during the case, specifically around the tools available to the officer. Tackling and use of a Taser were actually much less safe than the use of pepper spray; although the video was jarring, out of everything available to the officer, he chose the safest option. Ms. Foltz noted there were bystanders very close by who could have been affected by whatever option chosen.

Ms. Foltz added the pepper spray definitely stopped the person, but they weren't incapacitated and could still talk. It appeared the officer used the minimum amount of force necessary.

Mr. Denner commented that all the subject's behaviors fell into a different context when he saw the officer search the subject and meth came out. It created challenges for the officer and for bystanders. The two bystanders following the subject and not listening to the advice of the operator was frustrating. Mr. Roseta said yes, it was likely frustrating for the operators when people didn't listen in that type of setting.

Ms. Williams added the case exemplified the value of board and the Police Auditor. At first, she thought the officer's actions were totally unreasonable, but after review and going through the process, they did appear within policy.

7. BREAK

CRB took a break until 6:43 p.m.

8. TRAINING TOPIC: VIEWING OF THE FIRST HALF OF "UNDER THE BRIDGE: THE CRIMINALIZATION OF HOMELESSNESS"

Ms. Pitcher introduced the film "Under the Bridge: Criminalization of Homelessness." The viewing would be split over two meetings.

CRB watched the film until 7:23 p.m.

CRB discussed scenes in the film thus far. Mr. Denner noted the aerial shots exemplified the amount of infrastructure the city was not doing. It showed different priorities. Additionally, it was interesting to see the reduction in police contact when the police department identified a population based on number of arrests and then intervened. However, they didn't seem to have capacity for the next step of support.

Mr. Roseta thought the use of Commissioner Officer Training (COT) force seemed a little unclear. Ms. Pitcher said Eugene did something similar with a response team. The team focused on one frequent arrestee, and accessed services for the individual to get them out of the system. The program was currently still funded and required coordination between community organizations.

Mr. McIntire pointed out they could fund services more if saving that kind of money. Mr. Roseta said an example of similar work in Eugene was the expansion of CAHOOTS.

Mr. Denner pointed out there were a variety of people homeless for different reasons, so the issue begged multiple solutions. It was the nature of government to look for a single answer, which

wouldn't work. Mr. Denner said CRB wanted the message sent to officers and other city employees to be aware, thoughtful, and careful in their work with the population.

9. AUDITOR REPORT

Ms. Pitcher provided a report on behalf of Mr. Gissiner, as he was currently at a training. Over the past month, Mr. Gissiner served on the deadly force review board and brought information back to EPD.

Ms. Hernandez was planning the various neighborhood meetings currently happening.

Ms. Pitcher said there were some Police Commission training ideas that might also be interesting for CRB. Ideas included the ride along program, community court, or a presentation by Sergeant Julie Smith on generalized downtown improvements. Mr. Denner thought a presentation focused on downtown might be a good follow up to the movie.

10. DISCUSSION: CASE SELECTION FOR DECEMBER MEETING

Mr. Denner wondered whether CRB should meet in December 2018 or January 2019. CRB agreed to meet January 2019.

Ms. Pitcher asked if there was any interest to review one of the open cases. Ms. Foltz asked if staff could send November 2018 closed cases at some point so CRB members could review.

Mr. Denner wanted to create an agenda for the January 2019 meeting prior to December 25, 2018. He also wondered when case books could be delivered. Ms. Pitcher said the first week of January. Mr. Denner suggested that if there was not a closed case of policy violation, CRB could review a service complaint instead. Ms. Pitcher would speak with Mr. Gissiner.

Lt. San Miguel shared there were 13 new employees, who had about 40 weeks total of training. Another training topic could be on the new hire academy. She reported another captain position was opening, and the deputy chief position still was not filled.

11. ADJOURN

Mr. Denner adjourned the CRB meeting at 7:47 p.m.

(Recorded by Marina Brassfield, LCOG)

November 2018 Closed Case Report

IA Investigation

Classification/Sub-classification: Allegation of Misconduct / Conduct

Involved citizen:

Internal

Allegations:

Conduct - 1101.1.B.25 Unbecoming Conduct
Sustained

Summary:

During the review of a service complaint, in-car video footage revealed inappropriate conduct by recording a "rant" which included profanity and other inappropriate language about a contact the officer had with a community member. It appears that the officer then played back the "rant" and re-recorded it. The statements of the officer were then posted to a temporary social media site.

25. Unbecoming Conduct

- a. Police are the most conspicuous and accountable representatives of government. To the majority of the people, they are symbols of stability and authority, and represent individuals on whom they can rely.
- b. Your conduct will be closely scrutinized by citizens. You will not be allowed to discredit the department or the City. Nothing in this policy shall be interpreted to preclude you from exercising your rights as a citizen while you are off-duty.
- c. You must conduct yourself, at all times, both on and off duty, in a way that reflects favorably on the department.
- d. Unbecoming conduct which brings the department into disrepute, reflects discredit upon you as a member of the department, or impairs the operation or efficiency of the department or employee, is prohibited.

1101.1.B.25 Unbecoming Conduct - It is alleged that the officer violated policy when they recorded a "rant," which was captured on in car video.

Eugene Police Department

November 2018 Open Case Report

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

RP stopped by Auditor's Office with his concern about being overly scrutinized by EPD, pictures taken of him and then arrested for carrying a concealed weapon.

Closed: Alternative remedy.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 1, 2018
Class/sub-class: Service Complaint / Service level
Disposition: Supervisor Review-Closed

RP has repeatedly called EPD about an illegal camping situation. She and her employees are verbally harassed when they go in or out of the building, even without trying to engage with the camper. Today supposedly she was told police were there, but the campers have not left.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 1, 2018
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP reported an email with an officer in which she felt was unprofessional. RP had tried to report a theft from her vehicle, her passport being one of the things taken. She received an email telling her to add some more things to the form. RP emailed a couple of questions back and received a reply, about not using this personal email, use the form, this is a government email don't use it. RP feels she has been vaguely threatened for using a government email, when trying to ask a question. She still does not have her questions answered. Fortunately the high school found a sack of her belongings and the passport was in it.

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

RP commented on Google review about the lengthy time it took on two separate occasions to receive help at EPD headquarters.

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

RP is upset about the lack of response from EPD. His tenants frequently encounter transients on the property and when they call for police to assist with trespassing there is no response. Overall, the RP is dissatisfied with the lack of police response to his concerns including traffic issues and car camping.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 2, 2018
Class/sub-class: Inquiry

Categories: LECC Reporting

Disposition: Supervisor Review-Closed

Narrative:
Officers were dispatched to the location.

RP's mom had called police because he was breaking items inside the home.

An officer developed probable cause to arrest the RP and transported him to the jail. Once at the jail, the RP accused the officer of racial discrimination.

A review of the body worn camera for the incident showed that at no point did the officer say anything resembling what RP was alleging. The officer was polite and courteous throughout the contact and there was no evidence of racial discrimination.

Inquiry, close with supervisor reviewed per Auditor.

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

RP has had a hard time meeting up with EPD Officers so they can photograph her storage unit after a theft at the facility.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 5, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP reported that an officer has acted unprofessionally with her son and other students at his school. RP feels he is a minority minor being targeted by the school and this officer. The officer has been questioning her son and other students without their parents present which has led to her son being served with a disorderly conduct citation and being suspended from school. (Supposedly making threats to students and the school.) When the officer served the citation on at their home (her son had been out sick) he failed to notify them that he was suspended and when he tried to return to school he was told he would be trespassing if he continued on to school.

Dismiss, per Auditor. Alternative remedy for DC. No unprofessional conduct noted on BWC. Standard investigatory steps. School's responsibility to notify if student suspended. No indication that officer ever interviewed suspect and RP's parents have no say so over other interviews of students.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 5, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP reported an incident in which she had called to have a welfare type of check on her granddaughter,

who had called her mother asking for help. RP's granddaughter is an adult and she requested to be listed as an anonymous caller, the person who then followed up on her call told her granddaughter that she is one that called. Her granddaughter was arrested and RP now fears that she will not allow her to care for her children which will most likely put them in an unsafe environment. Indication was that significant other made the call to police first.

Dismiss, no policy violations per Auditor.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 6, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP reported an interaction with an officer in which he felt the officers attitude and actions were unprofessional, when RP tried to explain that the cell phone was new and totally inoperable, and ask a couple of questions the officer got excited and kept hovering over his gun and called for back-up. He then had to ask him three times for his badge number and he kept spelling his name, the officer filled out the citation incorrectly and he stills not sure what court he is supposed to report to. RP wasn't sure if he was having a bad day or had too much Red Bull.

Dismiss, alternative remedy, per Auditor.

Dismiss, unprofessional conduct, per Auditor.

Incident type: Supervisor Action
Status: Active
Received date: Nov 6, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP is concerned about being given incorrect information from the records department.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 8, 2018
Class/sub-class: Service Complaint / Other
Disposition: Supervisor Review-Closed

An Anonymous male reported EPD officers pulling up on the sidewalk and parking parallel to the street in front of the substation at Olive Street. RP has seen this numerous times and doesn't feel this is appropriate.

Incident type: Supervisor Action
Status: Active
Received date: Nov 8, 2018
Class/sub-class: Inquiry
Disposition:

Auditor initiated Defensive Tactics review of Use of Force incident. Review of the use of force utilized and peripheral issues involving the incident with consideration for the actions of the involved officers.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 9, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office frustrated with not being able to contact an officer who is handling the death of his daughter. He keeps being told the officer is not available, and in the meantime it's been 6 days and he's been unable to speak with anyone to provide more information or to learn what is happening with the investigation.

Incident type: Supervisor Action
Status: Active
Received date: Nov 13, 2018
Class/sub-class: Policy Complaint
Disposition:

RP stopped by the Auditor's Office upset that when he went to EPD for a public records request of a body cam video of a conversation he had with an officer in March of 2018 at Police Headquarters he was told it was no longer available and had been erased. RP had specifically requested that not happen, he now has no recourse in trying to identify the former tenant who had been harassing him.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 13, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported an incident in which officers were dispatched to her home due to a fight between family members. At one point an officer asked her to leave the room and when she told him he would have to move out of the way so she could exit he grabbed her arm and pulled her out of the room. This action left a large bruise on her shoulder bicep area and even down her left side.

Incident type: IA Investigation
Status: Active
Received date: Nov 14, 2018
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

It was reported that a supervisor took a draft copy of a confidential report from the office of another employee, unbeknownst to the employee and without permission of the employee, or any supervisor at a higher rank. The employee subsequently made a copy(ies) of the report later returning the original to the desk and office of the staff member. The supervisor then shared the report with at least two of his co-supervisors and attempted to share it with another. He also allegedly shared information from the report with Non-City/non-EPD person(s).

103.5.10 CONFIDENTIALITY OF INFORMATION

a. Employees must respect the confidentiality of information that they see or hear through their official duties. Information must not be disclosed to an unauthorized source, unless the release of information is required to properly perform employee's duties.

103.4.3 INTEGRITY

Employees must avoid any conduct that may compromise their honesty or moral uprightness, or that of their fellow department members, and the department.

103.5.9 CONDUCT

Police employees must conduct themselves in a responsible and professional manner. As a public employee, each individual is subject to review and scrutiny that may exceed the conduct of the general public. The following conduct is not permitted:

e. Engaging in conduct that brings the department into disrepute and/or significantly impairs the operation or efficiency of the department or employee.

Allegations:

Conduct - 103.5.10 Confidentiality of Information
Conduct - 103.4.3 Integrity
Conduct - 103.5.9 Conduct

Incident type: Supervisor Action
Status: Completed
Received date: Nov 14, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

Internal Intake: RP alleged he was Tasered in a medic unit. No officer rode in the medic unit to the hospital. RP was taken to the hospital by medics after experiencing a seizure.

Closed at intake. Close at Intake per Auditor.

Incident type: Supervisor Action
Status: Completed
Received date: Nov 15, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP was displeased about how officers handled a domestic call that involved a custody dispute.

Incident type: IA Investigation
Status: Active
Received date: Nov 16, 2018
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

A patrol sergeant requested additional units respond to the scene of a loud party. The officer was dispatched to the call, acknowledged the call via radio, but failed to respond to the scene.

1. 103.5.19 Neglect of Duty - It is alleged that the officer failed to respond to the dispatched call and request for assistance within a reasonable amount of time.
2. 103.5.17 Insubordination - It is alleged that the officer failed to execute a lawful order given by a supervisor in an appropriate period of time.

Allegations:

Performance - 103.5.19 Neglect of Duty
Conduct - 103.5.17 Insubordination

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

Two officers were working an event assignment when they became aware of a fight in progress between a suspect and two LCSO deputies. They noticed the suspect, who was handcuffed, attempting to escape from the deputies. The EPD officer warned of a taser deployment before actually deploying with a close contact shot to the mid-back in an attempt to subdue with a 3-point. Meanwhile, the suspect was being directed toward a lower elevation position and no 3 point was achieved.

1. 809 Taser Use - It is alleged that the officer violated policy when he discharged his Taser against a handcuffed prisoner.

Incident type: Supervisor Action
Status: Active
Received date: Nov 22, 2018
Class/sub-class: Inquiry
Disposition:

The RP alleged that he was detained and handcuffed because of inaccurate information obtained by an EPD employee.

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

RP complained about very incidents and issues he has with EPD.

Incident type: Supervisor Action
Status: Active
Received date: Nov 24, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP complained about the lack of service received from EPD in which his neighbor's dog menaces him and his dog.

Incident type: Supervisor Action
Status: Active
Received date: Nov 26, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP was displeased about how he was treated during a domestic situation.

Incident type: Supervisor Action
Status: Active
Received date: Nov 27, 2018
Class/sub-class: Service Complaint / Service level
Disposition:

RP was awoken by a loud noise outside and had witnessed a suspect breaking into his roommate's vehicle. The RP stated that he scared them off and followed behind. He contacted 911 about the incident, informing them that he knew exactly where the suspect was. Dispatch informed the RP that EPD and the Lane County Sheriff's office would be informed and sent to the scene. The RP stated that he waited 45 minutes and not a single officer from either force showed up on scene. Nor did an officer from either force ever contact him later or come and take a police report.

Incident type: Incident Review
Status: Active
Received date: Nov 28, 2018
Class/sub-class: Incident Review / Performance
Disposition:

Managers from a downtown business submitted a complaint about lack of police response to a man who trespassed at their business and when told to leave became disorderly and indicated that he was not leaving, had just gotten out of jail and was a "slicer." Took officers about one hour to arrive. Cahoots

drove by but never stopped. The company decided to evacuate its 75 employees because the police did not respond until an hour later.

Incident type: Supervisor Action
Status: Active
Received date: Nov 28, 2018
Class/sub-class: Inquiry
Disposition:

Subject's place of business on West 11th Avenue, gets burglarized on a regular basis. He stated when officers do respond, they take no or limited enforcement action.

Incident type: Supervisor Action
Status: Active
Received date: Nov 29, 2018
Class/sub-class: Inquiry
Disposition:

RP alleged that he was treated poorly when officers came to his house looking for a woman who was screaming. There was no one else in the apartment. The apartment was searched with consent.

After review by Auditor, no policy violations in regards to the involved officers, although it might be good if the supervisor could reach out and explain things to the man.

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

RP stated that he has filed two police reports now about being assaulted twice by a man known as "Nutty Nick." These assaults occurred near his apartment and he has not heard back from the officers and still feels threatened by "Nutty Nick."

He would like the officer to contact him so he can learn the status of the cases.

Eugene Police Department

December 2018 Closed Allegations Case Report

Incident type: IA Investigation
Status: Completed
Received date: Jul 10, 2018
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Sustained

1. 814 Vehicle Pursuit - It is alleged that an officer violated the Vehicle Pursuit policy when they initiated a pursuit of a reported stolen vehicle.
2. 1101.1.B.9 Unsatisfactory Performance - It is alleged that an officer failed to take appropriate action when they failed to follow established procedures as the first responding officer outlined in Policy 12.23.
3. 814 Vehicle Pursuit - It is alleged that a supervisor violated the Vehicle Pursuit policy when they engaged in a pursuit of a reported stolen vehicle.

Allegations:

Performance - 814 Vehicle Pursuit Policy – Sustained
Performance - 1101.1.B.9 Unsatisfactory Performance - Insufficient Evidence

Allegations:

Performance - 814 Vehicle Pursuit Policy - Sustained

Incident type: IA Investigation
Status: Completed
Received date: Aug 13, 2018
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Sustained

A non-sworn employee dispatched paramedics to the wrong location.

1101.1.B.9 Unsatisfactory Performance

It is alleged that the employee failed to take appropriate action when they entered a 911 call with an incorrect location and failed to verify the address or phone number, per policy. This created a delay in response.

Allegations:

Performance - 1101.1.B.9 Unsatisfactory Performance - Sustained

Eugene Police Department

December 2018 Open Case Report

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

RP reported an interaction with officers in which they showed up at his home at midnight to speak to his roommate about a felony involving a neighbor's vehicle. When his roommate did not awake after he tried to rouse him through his locked bedroom door the officers began to accuse him of hindering their investigation and threatened to jail him.

After reviewing the video, the Auditor's Office is concerned that an officer stated to another officer that he would just call another roommate to gain consent to the apartment. Such consent would not have complied with requirements of the Fourth Amendment. If a cotenant of a residence is present and objects to entry, another cotenant cannot override that objection. Any ensuing entry is not justified as a reasonable entry. It is also worth reviewing whether any potential consent given by the complainant would have been considered coerced or not; as a reminder, the state has the burden of proving whether, under the totality of circumstances, consent to search was an act of free will or was a result of police coercion, either express or implied.

Eventually, the roommate came out on his own and was cited for the felony in lieu of custody.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 3, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported an incident in which he is very disappointed in the process in which he was denied his custody time with his son even though there was no dispute that the time was his.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 3, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Dismissed-o/s jurisdic

RP reported an officer in an unmarked vehicle that pulled him over for having a two year stickers on his front plate instead of a month and a year sticker. RP felt it was peculiar since the officer had never been in front of him before he was pulled over. RP was not cited but he felt he may have been pulled over for no reason, possible a harassment issue.

Per Auditor - Dismissed Outside Jurisdiction.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 3, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP spoke with the Auditor's Office about a concern in which he was arrested for an incident that happened over a year earlier. RP also thought that the arrest might have been motivated by bias.

Dismiss by Auditor: Alternative remedy.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 3, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP reported an officer who was driving through a parking lot where RP is the maintenance person at a high rate of speed without lights or siren. When RP asked the officer if he could slow down the officer was rude.

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

RP (who is deaf) filed a complaint that he is being harassed by others and EPD is not willing to help him. At one point in his narrative he mentioned he was ambushed and the police possibly stepped in to help the others but not him.

This was assigned to a sergeant who knows sign language. Later RP told EPD, in response to their offer to attempt to help make arrangements for an interview regarding his complaint that he didn't want to talk to anyone. Closing pending further contact by RP.

Incident type: Supervisor Action
Status: Active
Received date: Dec 5, 2018
Class/sub-class: Inquiry
Disposition:

RP reported an officer who came off the bike path in his vehicle at Maurie Jacobs Park and told him that he could not park his truck and trailer across 4 spots in the parking lot, that is was an offense he could be arrested for. He was then given a 24 hour notice and a 30 day suspension from having his vehicle in the city. The officer told him he could have parked at Alton Baker Park, RP doesn't see the difference as they are both city parks.

Incident type: Supervisor Action
Status: Active
Received date: Dec 6, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP contacted the Auditor's Office about an incident in which a man with a vicious dog threatened him with a gun. By the time officers arrived the man had gotten into a car and when officers frisked him and found no gun, he was released because it was his word against the other guy. They then tried to tell him they hadn't any probable cause to search the man's car since he didn't have the gun on him physically.

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

RP is frustrated with the lack of police response when loss protection personnel at a department store apprehend shoplifters.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 8, 2018
Class/sub-class: Inquiry

Categories: LECC Reporting

Disposition: Supervisor Review-Closed

A patron of the airport claimed that an officer asked him to leave because of his race. He stated that he wanted to stay at the airport for 2 nights before he departed on his plane. He showed a reservation showing that his flight did not leave for two more days. The airport is closed for overnight hours and the lobby is not equipped to host someone for two days, therefore he was asked to leave.

Investigated by supervisor. Close per Auditor.

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

A DHS screening report was routed to EPD about an officer that indicated there is insufficient information indicating a safety situation existed.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 10, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-o/s jurisdic

RP (unknown last name) emailed the Chief with a concern about lack of service regarding a theft of his lawn mower. Lane County Sheriff investigated.

Dismiss per Auditor.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 10, 2018
Class/sub-class: Service Complaint / Service level
Disposition: Supervisor Review-Closed

RP is concerned about transients who have set up a camp next to the Valley River Inn on the vacant lot next to the bike path.

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

RP reported an incident in which officers followed him due to someone accusing him of pulling a gun on them. The officers pulled him from car and searched his car for a gun without his permission, and then arrested him for DUII. The next day at court the charge about the gun was dismissed, and he was given diversion for the DUII. RP believes he was falsely arrested due to an untrue allegation.

Per Auditor – Dismissed: Alternate Remedy

Incident type: Supervisor Action
Status: Completed
Received date: Dec 11, 2018
Class/sub-class: Policy Complaint
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's Office with a concern about how transients are allowed to steal shopping carts from area businesses. RP notices that police in Eugene just ignore the issue, he believes it allows people to "move in", steal stuff and transport it around. He'd like to see some consideration of this issue being addressed.

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

RP reported in incident in which his call for service about a hit and run went unheeded by EPD for over a day, and at the time of his complaint had still not been filed. RP a crime victim feels like he is being treated as a nuisance by EPD.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 13, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's Office with a concern that he is being targeted and harassed by the downtown EPD officers. RP stated that he has been arrested 85 times for trespass and Prohibitive Camping since 2017. RP has now been given a downtown exclusion and is finding it hard to get a meal, since he is now excluded from the Dining Room. RP feels he is being harassed because he is homeless and because he is Jesus.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 14, 2018
Class/sub-class: Inquiry

Categories: [LECC Reporting](#)

Disposition: Supervisor Review-Closed

The driver of a vehicle who committed a hit and run car collision alleged that he was arrested because of his race. The RP was identified by 2 eyewitnesses.

Dismiss: Per Auditor after review of BWV.

Incident type: Supervisor Action
Status: Active
Received date: Dec 14, 2018
Class/sub-class: Inquiry
Disposition:

RP is concerned about the progress and lack of concern by a detective investigating a violent crime involving a friend. The name of the suspect is known and is a felony sex offender. As far as RP knows he has never even been interviewed or spoken to in regard to the case.

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

RP reported an incident in which he was thrown on the ground by officers, his face crushed into the concrete of the parking lot, even after he told officers he had PTSD, was Hispanic and gay and he would not give them any trouble. When he was held tightly to the ground unable to move, he screamed for help and was restrained with a wire around his wrists and his ankles and some type of mesh bag over his head, they threw him into a back of a van. They finally took off the bag when he became hysterical but never did check his wrists even when repeatedly asked.

Dismiss per Auditor. Based on BWV, force was reasonable, complainant was threatening and never complained about wrists during arrest or transport.

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

RP had an altercation with a woman at Broadway Metro and when the police came was immediately pushed to the ground without any conversation about what was happening and handcuffed.

Dismiss: per Auditor after review of body worn video.

Incident type: Supervisor Action
Status: Active
Received date: Dec 14, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP reported the misrepresentation and refusal by Animal Welfare staff to act in providing public protection from documented vicious dogs as specifically directed by the City of Eugene City Code Animal Regulations dated 8/31/2018. RP is unhappy with the handling of a situation he reported in November 2018.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 15, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP filed a complaint about an issue that happened in 2014 in Springfield. No EPD officers were named.

Per Auditor - Dismissed: Other

Incident type: Supervisor Action
Status: Completed
Received date: Dec 15, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP claimed that people camping on the streets are being harassed by police.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 17, 2018
Class/sub-class: Inquiry /
Disposition: Dismissed-Other

RP submitted a complaint form which shows an issue with his bank and an EPD CAD reporting fraud. It does not seem to articulate an issue with EPD. RP when asked about an issue unintelligibly indicated he had an issue but once again did not articulate specifics.

Dismiss - other. EPD not involved.

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

RP reported a concern that when a person was trespassed the responding officers did not have probable cause as a basis for issuing the verbal trespass notice and admonishment for her to not return.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 19, 2018
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP complained that officers are not investigating the alleged behavior of a man who supposedly talks to children.

Incident type: Supervisor Action
Status: Active
Received date: Dec 19, 2018
Class/sub-class: Service Complaint / Service level
Disposition:

RP is concerned that when he requested a listing of the willful violators for the Prohibitive Camping Program, the records department seems to be unable to provide it in a timely manner, claiming it will take weeks. Every other agency in the area is able to pull it up quickly on their computer and print of off.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 19, 2018
Class/sub-class: Inquiry
Disposition: Supervisor Review-Closed

RP reported that several co-workers and friends have been harassed by EPD for being associated with him or his house on the false pretense that his house is a drug house. RP's girlfriend was ticketed for a license plate light that was out that wasn't.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 24, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP felt officer used excessive force with handcuffs when he was arrested for a mental hold.

Dismiss: per Auditor after review of BWV.

Incident type: Supervisor Action
Status: Active
Received date: Dec 27, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP was upset at being awakened at 0200 by an officer demanding she return a dog in her care or face being arrested. RP has been a Rep Aide for the dog owner for a number of years and recently found out his dog had been unattended for 2-3 days in his trailer while he was in the hospital. RP arranged for a neighbor to help the dog which didn't happen. She then came and retrieved the dog and got him vet care. Because of this and her understanding of the situation she felt the owner would not care for the dog properly.

Incident type: Supervisor Action
Status: Completed
Received date: Dec 28, 2018
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP reported that excessive force was used during his arrest for DUII.

Per Auditor after BWV review: Dismissed - Other

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

RP reported not being able to get a return call from two officers involved in an incident involving her son, in which he was beaten with a bat by a store clerk who felt he was going to rob him. RP would like to speak with the officers about the return of her son's phone and the missing 400.00 from his wallet.

Incident type: Supervisor Action
Status: Active
Received date: Dec 31, 2018
Class/sub-class: Policy Complaint
Disposition:

RP reported an incident in which he and others were protesting in front of a downtown business and they went inside to drop off a letter, and encountered an EPD officer in full uniform who commented that you can have your first amendment rights outside today. RP felt it was odd that this officer was inside the business acting as a private security guard.

Incident type: Supervisor Action
Status: Active
Received date: Dec 31, 2018
Class/sub-class: Service Complaint / Performance
Disposition:

RP feels that an investigation into a burglary in her home over the Christmas Holiday is not being handled properly. RP and her boyfriend found some of their belongings in the back of her neighbor's friend's truck and when they went to her apartment more of their things were visible inside. The officer

who came out decided to believe the neighbor that she didn't know the things were stolen, her friend had brought them in. She was not allowed to press charges nor was the neighbor cited.

35 incidents displayed.