



## 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, February 12, 2019 - 5:30 p.m.**

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

**Contact: Vicki Cox, 682-5016**

<b><u>ITEM</u></b>	<b><u>TIME (Starting)</u></b>
1. Agenda and Materials Review	5 minutes (5:30pm)
2. Public Comment	5 minutes (5:35pm)
3. Minutes Approval (Minutes from January meeting)	5 minutes (5:40pm)
4. Comments from Board Members, Human Rights Commission Liaison and Police Commission Liaison	5 minutes (5:45pm)
5. Vote to Amend Bylaws: Article III, Section 6 (Timeline for Filling Vacancies) and Article VII, Section 3 (Defining Quorum)	15 minutes (5:50pm)
6. Training Topic: Community Impact Cases	35 minutes (6:05pm)
7. Break	10 minutes (6:40pm)
8. Case Review: Administrative Investigation following Report of Off-Duty Conduct	40 minutes (6:50pm)
9. Auditor Report	15 minutes (7:30pm)
10. Discussion: Case Selection for March Meeting	10 minutes (7:45pm)
11. Adjourn – Next Meeting February 12, 2019	(7:55pm)

**MINUTES**  
Civilian Review Board  
Ruth Bascom Room, Eugene Public Library  
100 West 10th Avenue

January 8, 2019  
5:30 p.m.

PRESENT: Maurice Denner, Chair; Rick Roseta, Steve McIntire, Carolyn Williams, Lindsey Foltz, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Beatriz Hernandez, Vicki Cox, Police Auditor's Office; Lt. Angie San Miguel, Jason Berreth, Eugene Police Department.

ABSENT: None.

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.

Mr. Gissiner requested a break after the case review, as he had to leave prior to adjournment.

Mr. Gissiner reported there were 392 complaints in 2018, up by about 60 when compared to 2017.

**2. PUBLIC COMMENT**

None

**3. MINUTES APPROVAL – NOVEMBER 2018**

There were no changes to the minutes.

Mr. Denner deemed the minutes approved as presented.

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

Mr. McIntire attended the recent Police Commission meeting in December 2018. During the meeting, he brought forward the case reviewed by CRB on the use of OC spray, and the ambiguity within the policy regarding static and passive resistance. The Police Commission was now working on the policy issue, so it should be resolved within the coming months. Additionally, there was a presentation regarding the parade permitting process. Mr. McIntire reported Sergeant Williams was working on policies around what constituted a pursuit, as well as separating the audio/video recording policy from other new technology (i.e. ICV) and how they differed.

Ms. Williams asked if another CRB member could begin attending the Human Rights Commission meetings on the third Tuesday of every month at 5:30 p.m. Most Tuesdays wouldn't work for her, so she was unsure if she could fill the role. Ms. Pitcher would add the issue to the following month's agenda.

Ms. Pitcher added that in general, a representative of the Police Auditor's Office was at the meeting. Reporting wise others were available to fill the roll, but structurally, it was important to have a liaison.

Mr. Denner recalled there was a significant incident that month, but it was quickly resolved by Eugene Police Department (EPD). During the event, the SWAT team was called to an apartment complex off Chambers Road; the conflict was resolved without shots. He was happy with the officers' performance.

##### **5. REPLACEMENT OF MEMBERS: WAIVER OF BYLAWS REQUIREMENT**

Mr. Denner said any bylaw changes needed public notice, preventing action from being taken during the meeting.

Ms. Pitcher shared the ordinance regarding membership. CRB was currently operating as a five-member board instead of a seven-member board. Due to the short amount of time left in the positions' terms, CRB hoped to wait and fill them when the City of Eugene began its appointment process.

Ms. Pitcher didn't believe operating as a five-member board violated any bylaws or the City of Eugene's ordinance, but two places required updating including Article 3, Section 6. She proposed they remove the sentence, "City Council shall approve within 45 days of the position becoming vacant." Otherwise, they could add "where/when practicable a subcommittee will be convened."

Mr. McIntire wanted to encourage replacement whenever possible, so thought that language should be included. Ms. Pitcher said the Police Auditor's Office could convene and do its part of the process regardless of the City's timeline. She suggested including, "as soon as possible or during the next recruiting process."

Ms. Foltz asked if there could possibly be a situation in which the board couldn't function (i.e. less than five members). Ms. Pitcher responded the ordinance read there needed to be five or seven people appointed to the board. If there were fewer than five, then there was an issue. Secondly, the ordinance said a quorum was required for business to go forward. Four members of a seven-member board and three members of a five-member board made a quorum.

Mr. McIntire and Ms. Pitcher discussed differences in defining a quorum. Ms. Pitcher thought CRB could include a more generalized definition, such as "the majority of those actively serving on the board," (meaning three would be a quorum in the board's current situation). Mr. McIntire thought the language should stay within terms of Robert's Rules of Order. He pointed out that City Council appointed a seven-member board, so he thought four members actually needed to be present. Otherwise, they would be in conflict with bylaws and the ordinance.

Mr. Roseta was not concerned so much about how CRB voted, but about the process to find replacement members. Ms. Foltz noted the City would announce they were actively seeking people for committees at the end of January 2019. After, City Council would decide upon a process.

Ms. Foltz pointed out now would be an opportune time to offer City Council with input. For example, Ms. Foltz thought alternates should be appointed during the open period, so in case of a mid-year vacancy, boards were prepared.

Ms. Pitcher summarized CRB comments.

Ms. Williams suggested listing the meeting day and time on the committee application so that people were aware of the time commitment.

Mr. Denner requested staff update the bylaws to include a sentence requiring the auditor or chairman to promptly report to the Mayor and/or City Administrator when a position became vacant. Doing so shifted the burden onto City Council to either act or have the recruitment bureau act, alleviating CRB and Police Auditor staff workloads. Ms. Pitcher thought the ordinance was clear in that it was the responsibility of both the Police Auditor and Mayor to convene a subcommittee.

Staff would return with updated bylaw language during the February 2019 meeting.

## **6. CASE REVIEW: ALLEGATION OF MISCONDUCT RELATED TO EMPLOYEE'S SOCIAL MEDIA USE**

Ms. Pitcher shared a PowerPoint entitled, "*Case Summary: Civilian Review Board, January 8, 2019.*"

### **I. Summary of Facts**

- Following a hit-and-run, after which the driver had fled the scene, Officer A responded in a patrol vehicle to assist in setting up a perimeter.
- Officer A's car was in the parking lot of a business. The business owner approached the car and asked about why Officer A was parked in the lot with emergency lights activated. Officer A told the person not to worry about it, and that police would let him know if he needed to worry.
- The business owner filed a complaint with the Auditor's Office. During the review of ICV related to that complaint, it was discovered that Officer A had engaged in an extended "rant" after speaking with the business owner. It appeared that the rant was recorded in order to share on social media.
- After recording the rant, Officer A listened to it again. Officer A then recorded a similar rant.
- Officer A was alone in the vehicle at the time of the incident. There were no known witnesses, but the entire incident was captured on ICV.
- Officer A stated during the investigation that the rant was recorded on Snapchat and shared with two other EPD employees.
- During the investigation, it became clear that the group with whom the recording was shared also included a private citizen. The private citizen confirmed receiving the recording.
- Officer A clarified during a second interview that the initial misstatement about whom the recording had been sent was inadvertent.

### **II. Allegations**

1. **1101.1.B.25** Unbecoming Conduct: that Officer A violated policy when she recorded a "rant", which was captured on in-car video and included profanity and inappropriate language.

### III. Adjudication

#### 1. Unbecoming Conduct:

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

### IV. Issues for CRB Discussion

- Complaint Intake and Classification
  - Discovered during review of related external complaint
  - Classification: Allegation of Misconduct

Mr. Denner misunderstood the source of intake.

Mr. Gissiner explained the business owner first filed a service complaint through the Auditor's Office -- he felt targeted because Officer A had been in their parking lot for about a half hour with emergency lights on. Mr. Gissiner explained the officer was using a strategy to apprehend a fleeing vehicle. When an IA staff member watched ICV and body worn camera footage, the recording came to their attention and onto the chain of command.

Mr. Gissiner continued that an allegation was then opened; however, there were no specific policies on social media so the case became more difficult to consider. Mr. Gissiner framed the issue in that the officer created a public record, no different than if they had typed something in a police report. He wasn't sure if CRB would be having the same discussion, had the officer only recorded themselves on Snapchat, and not ICV.

Ms. Williams was impressed that the internal employee identified the recording as being inappropriate and moved it forward onto the chain of command. She appreciated their due diligence.

Ms. Foltz agreed. She wondered if the case bifurcated, as far as the business owner was concerned. She hoped the business owner received response after the investigation.

Ms. Williams clarified the business owner didn't know about Officer A's rant. Ms. Foltz wondered if EPD and the Auditor's Office had to complete the entire IA process, if two cases were connected, prior to reaching out to the business owner. Mr. Gissiner said they were considered two separate cases, and the business owner's service complaint was dealt with promptly.

Mr. Roseta asked if the business owner complained because the operation was being disrupted, or about the way they were treated. Mr. Gissiner said a bit of both; they were more concerned about disruption, but the owner also didn't feel as though they received a thoughtful answer to his concerns. Ms. Pitcher added the owner was also concerned because he heard from other dispensaries that EPD was targeting that sector.

Mr. Roseta thought the situation was handled appropriately.

Mr. Denner said there was a need for rules. The employee was on City time and using a City-owned vehicle. Whether officers were allowed to use their personal cell phones or not, there was a certain level of expectation for appropriate language and conduct. Mr. Denner had been in a ride-along, though, and was aware not all language used was completely appropriate at all times. CRB needed to be wary of that as the policy moved forward.

Mr. Denner added there were programs available to recover messages from Snapchat via the device it was created on, or the device it was played on. Officer A's recording was not completely lost in the atmosphere so that bothered him a bit.

- Complaint Investigation and Monitoring

Mr. McIntire was concerned by Officer A's omission of a private citizen's involvement. He found that suspicious and would have followed up with the officer. During the investigation, he would have liked to see a question about information shared on the group chat. Both Officers B and C said Officer A sent these types of Snapchat messages quite frequently. Mr. McIntire was concerned about what type of information could be shared to private citizens about cases concerning other private citizens. He didn't believe all police business should be shared.

Mr. Denner was pleased to see the case moved forward quickly. He thought the investigation was thorough but saw Mr. McIntire's point and recognized there was a quick "gloss over" about who was within the chat group. He understood on Snapchat that if someone opened a message and took a screenshot, the original sender would be notified, but he was concerned about whether messages could be forwarded, etc.

Mr. Denner thought guidelines around sharing police business, particularly that which was unresolved, should be outlined. Mr. Gissiner agreed, without a social media policy it was a grey area. He recalled a few years back when a criminal was apprehended, and the sergeant wrote a lengthy post about their feelings toward the person. Mr. Gissiner remembered the discussion with Chief Kerns around implementing a social media policy, because absent of policy, there were many liberties employees could take.

Mr. McIntire wondered if there was a different policy that would prohibit sharing information, since there were multiple types of social media. Ms. Pitcher said officers had a prohibition on sharing confidential information; had Officer A shared confidential information, they would have violated a different policy. If the officer had written (instead of recorded) their rant, a policy wouldn't have been violated.

Mr. McIntire agreed, a policy wasn't violated; however, EPD was unsure about the nature of what was shared. Ms. Pitcher responded the Police Auditor's office was not allowed to ask "fishing" questions. Unless there was a clear policy violation it was difficult to go down that path. Mr. Gissiner thought it was fair to ask if confidential information was shared.

Ms. Williams was concerned that Officer A wasn't talked to about how the business owner was treated. Mr. Denner said the issue was dealt with by a different supervisor. Ms. Pitcher said it was not clear in CRB member packets, however, the issue was dealt with by a different supervisor. The owner felt heard

and appreciated an explanation. Ms. Williams clarified that Officer A was part of both investigations. She was told yes.

Mr. Gissiner said there were many embellishment issues dealt with during the investigation. In some cases, his bar was higher in terms of truthfulness because often that meant their police career was over.

Mr. McIntire pointed out there was a difference between an allegation and one that was unfounded.

- Relevant Department Policies and Practices
  - 1101.1.B.25 Unbecoming Conduct
  - Code of Conduct now updated to POM 103: Standards, Duties, and Conduct

Mr. Roseta said they ought to be wary of delineating exact forms of social media. Only ten years had passed since the first iPhone, so they didn't know what to expect in the future. The policy needed to be general enough, specifically around sharing police / confidential business to those not within the force.

Mr. Gissiner noted some courts recently moved on the issue, ruling that inappropriate social media use fell under "unbecoming conduct." It was very important to pay attention, as many younger officers were entering the force.

Mr. McIntire was curious about the policy around using personal devices on company time, specifically in an active situation. Ms. Pitcher said there was a policy around active duty, which had been used in the past for taking excessive time to text, etc. It was usually brought up in extreme cases where productivity wasn't nearly matching other employees. There was a difference between split attention, and then completely abandoning a job. Mr. McIntire agreed that different situations would have different needs.

Mr. Gissiner noted that officers had vehicle locators for safety, so they could be tracked; however, that in itself couldn't be used to bring forward a disciplinary action. An additional circumstance was needed. Additionally, if officers were found saying something inappropriate on BWC, there could be some "gotcha" instances (i.e. an officer walking by themselves and venting without turning off BWC). Mr. Gissiner thought CRB had to be considerate of the technological paradigm shift and how it was handled in policy. BWC was very sharp but it changed the playing field in terms of measuring conduct.

Ms. Pitcher added that a ride-along felt a bit like a "reality show" because riders were recorded on BMC all the time.

Mr. Denner asked about Officer A's first interview. He heard there was an objection to the allegation, but he didn't hear what it was. He was told Officer A didn't intend to make a public record.

Mr. Denner thought officers needed to fully understand the equipment used.

Ms. Williams had questions about social media and use of personal devices on company time. She was a public employee in a different realm, and there were rules about social media use that were important to note and adhere to.

Ms. Williams added everyone was entitled to breaks but the use of personal devices on duty were not appropriate, especially on an active duty setting. She agreed that smartphones were only a 10-year old technology; however, there needed to be trainings on how to manage social media well. She agreed trainings and policy didn't need to specifically outline different media outlets, as technology was changing, but she didn't think officers should talk about the public in the way Officer A did.

Mr. Gissiner asked Mr. Berreth how breaks and flexibility worked. He said officers received paid breaks on patrol, but many days' officers didn't get true breaks, because if someone was on lunch, they were still available for calls.

Ms. Williams clarified a break wouldn't happen during active duty, like the case considered that day. Mr. Berreth said no, a break would not occur. EPD would expect the officer to be outside their car. Ms. Pitcher added that if an officer was on break, they were expected to inform dispatch.

Ms. Foltz asked how the determination was made whether to utilize a public or personal cellphone while on duty. Mr. Gissiner said it was the officer's choice to use a City phone, or a personal phone and receive a stipend. Ms. Foltz imagined most people used a stipend. She pointed out a personal phone would be less searchable and would require more procedures to extract data, even if paid for with City monies. She thought requiring officers to use a public phone when on duty should be considered as a potential policy.

Ms. Foltz asked what EPD's retention requirements were for ICV and BWC videos. Mr. Gissiner said non-criminal BWC had a pretty short retention timeline. It was a state-level determination. Ms. Pitcher said all video was public record and were considered evidentiary or non-evidentiary. She thought they were allowed to keep videos longer than the requirement but did not need to. One reason EPD did not save video footage longer was due to storage issues. EPD got an enormous amount of video daily.

Ms. Foltz asked that ICV and BWC be retained for as long as people could file an Auditor's grievance, as footage included data that couldn't be recovered. Mr. Gissiner said the State required departments retain footage for 180 days but no more than 30 months when not related to a court proceeding for criminal investigation.

Ms. Foltz agreed there was a ton of data, but there were increasingly more inexpensive and secure offsite data storage options. From her perspective, the more data they had to draw from, the better. But, to limit liability, she understood feeling differently. Ms. Foltz thought retaining video for only one year seemed very minimal.

Ms. Foltz asked who could request ICV videos and how people would know of their existence. Ms. Pitcher said any member of the public could but submitting a public record request may be cost prohibitive when it came to video, because EPD needed to blur all faces and blank out names.

Ms. Foltz thought it interesting that Officer A was surprised their actions were caught on record. Often, people would positively modify their behavior if someone could be watching or listening.

- Policy and/or Training Considerations



Mr. Roseta agreed with Ms. Williams, training around social media would be valuable.

Mr. McIntire said within policy, there was no ambiguity that an officer conduct must at all times, on and off duty, reflect favorably on the department. He was unsure if the policy should be softened.

Mr. Denner said the case showed a distinction in how younger people used media, and how people from different levels of society used language. He pointed out the policy was outlining the bar for behavior; however, someone under 35 may interpret the bar differently than someone over 50. Mr. McIntire noted the command had set that bar of performance. Despite one's age, they accepted the position and in doing so, agreed to adhere to expectations.

Mr. McIntire noted the rant by Officer A did not reflect favorably on the department. Mr. Denner agreed, but explained in the context of casual conversations with friends, put downs were often not meant to be offensive by the person saying it, but could offend the person who hearing it. Somehow, EPD needed to be clear in training that recordings were public record, and absent cursing, the rant was still offensive.

Ms. Pitcher noted previous language in the unbecoming conduct policy required officers on and off duty to act in ways favorably reflecting the department. Governing what people did in their off-duty life was extremely difficult, so the policy ended up being too expansive to be easily enforceable.

Mr. McIntire asked why the policy was still included within the meeting packet. Ms. Pitcher said the particular policy was included because it was still in effect during the incident. Since then, the policy had been updated.

Mr. McIntire was concerned that Officer A was on duty yet was still alarmed by someone walking up to the car. They didn't seem actively engaged in the situation. It seemed like their focus should have been on the case at hand, not on social media. He thought social media training and use of personal device training could be beneficial.

Mr. Denner was struck that safety could be compromised, in particular for intelligence agents. He wondered if, with BWC, the news, public cameras, etc., police departments would be able to recruit people for undercover work and ensure officer safety. There was an incredible power to share information with each other, and hard drives could potentially be compromised.

Mr. Denner pointed out that Las Vegas Police Department released all its video footage within 24 hours. Ms. Foltz added that most states had footage readily available. Mr. Denner said departments often did so to ensure the public saw the police officer's point of view, not just bystander videos.

Ms. Williams was not as offended by language, but by tone of the rant and intent of the message. She thought it was important for people to understand the Internet's permanence, and to train officer's on appropriate media presence. Many people from younger generations knew data didn't disappear once sent but chose to disregard the fact.

- Adjudication Recommendations
  - Auditor and Chain of Command concurred

All CRB members concurred with the adjudication decision.

- Additional Comments/Concerns

Ms. Foltz thought it was clear officers needed additional opportunities to vent when watching the footage. They often dealt with circumstances other community members didn't face. She didn't think venting itself was problematic, but the fact it happened on a social platform was an issue. She supported any efforts in providing mental health supports, additional time off, etc. The case reviewed was minor, but it bled into greater work-life balance issues.

Ms. Foltz addressed public records. She continued to advocate that in general, more access to records was better, as it would demystify many issues. Greater access often helped officers, too. As of now, the public relied on CRB, to rely on the Auditor. It was not desirable to her.

Mr. McIntire thought Officer A's rant was over the top. In their IA, Officer A should have owned that they didn't follow policy. He reiterated his concern about the officer sharing information with private citizens. Additionally, the comment by Officer A, "I hate people," was inappropriate. If they hated people, he was unsure why they were a police officer. Finally, the other officers were annoyed with the Snapchats, but did not express so to Officer A or the chain of command.

## **7. BREAK**

CRB took a break from 7:00 until 7:05 p.m.

Mr. Gissiner excused himself during the break.

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

Ms. Pitcher introduced the second half of the film "*Under the Bridge: Criminalization of Homelessness*." The viewing was split over two meetings.

CRB watched the film until 7:42 p.m.

CRB discussed scenes in the film from the second half, specifically in regard to police conduct.

Mr. Roseta thought the police behaved well. Mr. McIntire said the officers had job to do; they didn't necessarily like what they had to do with the homeless camp – and he didn't either.

Mr. Denner thought the sergeant's demeanor was ideal that role, in that he had a strong desire to not provoke anything. Mr. Roseta said the leader of the homeless group was accepting of their situation and doing his best, but also didn't want to create a criminal situation.

Ms. Foltz was empathetic toward officers put into situations they were untrained for. It seemed like sometimes they were used as a tool, incorrectly. Officers were also often put into positions where they were asked to differentially implement laws, which they couldn't do (i.e. the definition of camping was expansive, but officers couldn't make exceptions). Ms. Foltz was thankful the City of

Eugene tended to use money to support CAHOOTS and other tools better suited for those particular interventions.

Ms. Pitcher thought it was worth remembering that not everyone had homelessness at the forefront of their mind as an issue to solve rather than push away.

Mr. Denner was struck by the number of homeless folks who found the Police Auditor as a resource in Eugene. During Human Resource Commission meetings, folks regularly came to vent. He also knew there were EPD officers who were known around the community as willing ears.

#### **9. AUDITOR REPORT**

Mr. Denner said board and commission openings would be listed by the end of the month.

Ms. Hernandez reported the Police Auditor's Office would hold its second annual Public Safety Forum at Prairie Mountain School on February 5, 2019. There were two panels that year: a government services panel and a community services panel. The discussion was in Spanish, but each information table had bilingual speakers.

Ms. Pitcher added staff continued to attend neighborhood meetings to spread awareness on the Police Auditor's Office and CRB.

Ms. Pitcher would attend Police Commission that Thursday.

#### **10. ADJOURN**

Mr. Denner adjourned the CRB meeting at 7:52 p.m.

*(Recorded by Marina Brassfield, LCOG)*

## Eugene Police Department

### January 2019 Closed Allegations Case Report

---

Incident type: IA Investigation  
Status: Completed  
Received date: Sep 30, 2018  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition: Sustained

A non-sworn employee used the City of Eugene computer systems to gain information for their personal use. The information was accessed in the presence of a trainee. It was related to a subject associated with a residence in the employee's neighborhood unrelated to an active call for service.

1. 1101.1.B.2 - Abuse of Position

It is alleged that a non-sworn employee accessed law enforcement database(s) for personal use in violation of policy.

2. 1101.1.B.17 - Judgment

It is alleged that, while performing the duties of a coach, used poor judgment by accessing information for personal use from law enforcement database(s) in the presence of her trainee.

Allegations:

Conduct - 1101.1.B.2 Abuse of Position - Insufficient Evidence  
Performance - 1101.1.B.17 Judgment - Sustained

---

Incident type: IA Investigation  
Status: Completed  
Received date: Oct 27, 2018  
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws  
Disposition: Unfounded

It is alleged that while off duty, an employee drove under the influence of alcohol, engaged in confrontational conduct with another person, and failed to respond to attempts to contact them.

Allegations:

- 103.5.4 Adherence to Laws and Department Policy - That the employee did not comply with ORS 813.010 when they drove while under the influence of alcohol.
- 103.5.9 Conduct - That the employee engaged in conduct that brought the department into disrepute in an interaction with another.
- 103.5.14 Unsatisfactory Performance – That the employee failed to perform as expected for their rank when they failed to answer calls from supervisors.

Allegations:

Conduct - 103.5.4 Adherence to Laws and Department Policy - Unfounded  
Conduct - 103.5.9 Conduct - Unfounded  
Performance - 103.5.14 Unsatisfactory Performance - Unfounded

2 incidents displayed.

## Eugene Police Department

January 2019 Open Case Report

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 2, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP was upset that officers gave her a notice to leave the Amazon Park Parking lot. RP has permission from the director of the center to be there as she is helping to keep the meth labs out of there. The officer was rude and told her that the employee didn't have that authority. RP also feels she had a right to be there as the city has to provide her a place to park due to the new court findings.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 2, 2019  
Class/sub-class: Inquiry  
Disposition:

RP reported an incident in which a group of officers lingered in the middle of the crosswalk talking as they were passing each other at Broadway and Willamette, after they had finally passed to the side RP went forward and was flagged over by an officer who decided to hinder traffic even more and tell him he had to wait for people to be out of the crosswalk. RP felt this was petty on their part.

---

Incident type: IA Investigation  
Status: Active  
Received date: Jan 2, 2019  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition:

Incident involving the handling of youth at a social service center.

Allegations as to Officer 1:

1. 808.2.2 Handcuffing - That the officer violated policy when they handcuffed a youth.
2. 808.2.2 Handcuffing - that the officer violated policy when they handcuffed a second youth.
3. 103.4.1 Judgment - That an officer used poor judgment by failing to properly manage the scene.
4. 402 Police STOPS - That the officer provided disparate treatment when they handcuffed a youth and not a second youth, when they were engaged in the same behavior.

Allegation as to Officer 2:

1. 808.2.2 Handcuffing - That the officer violated policy when they handcuffed a youth.
- 

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 3, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP reported an incident in which she contacted the 911 line to report a loud verbal argument about to get into physical fight in a Parking Lot.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 4, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP called in regard to his son who is 18 and living on the streets, but is trying to get his act together. RP's son has been being harassed by EPD officers who have laughed at him and called him a liar when they are told he is working on getting his ID and SSN so he can get work.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 4, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an issue in how an officer handled her call for service concerning a neighbor.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 4, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP reported calling 911 after observing a homeless man on a bike with a bike trailer going through a woman's purse, throwing various items on the ground and stuffing other things from the purse in his pocket. They said she would enter it into the call log, about 2 hours later a cop drove by but didn't bother to stop. RP wants to know how catching someone with a stolen purse isn't an emergency.

---

Incident type: Incident Review  
Status: Completed  
Received date: Jan 7, 2019  
Class/sub-class: Incident Review / Constitutional Rights

Categories: **LECC Reporting**

Disposition: Supervisor Review-Closed

RP reported an incident in which he was detained unlawfully by two officers and is a victim of discrimination because of his skin color when officer came on to his property because he was burning yard debris.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 7, 2019  
Class/sub-class: Inquiry  
Disposition:

The City received a Tort Claims Notice from for racial profiling, reckless endangerment, negligence, inciting a riot, slander and libel. IA is conducting a Risk claims investigation. At this point, EPD has not identified any law enforcement contact (EPD or UOPD) related to this event.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 8, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported EPD vehicle changing lanes without signaling with one of the lane changes in the middle of an intersection.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 8, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP contacted the non-emergency number to report a dog at large in her employer's yard and was told by the call-taker that they did not have an animal control officer available due to it being the officer's day off.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 8, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP reported on Social Media his frustration with the crime in his area due to homeless camping issues and how EPD's response times to crimes leads to criminals going free.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 8, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP reported speaking with a call taker who was rude, disrespectful and uninterested in the crime that she was trying to report of over 2700.00 in carts being stolen from Costco.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 9, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP was upset about a citation they received for spitting on a neighbor.

Closed by Auditor: Alternative remedy – courts.

---

Incident type: IA Investigation  
Status: Active  
Received date: Jan 10, 2019  
Class/sub-class: Allegation of Misconduct / Use of Force  
Disposition:

Allegation:

809.4 Taser Use: That an officer discharged his Taser in violation of policy in apprehending a suspect truck thief.

Allegations:

Use of Force - 809 Taser Use

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 10, 2019  
Class/sub-class: Service Complaint / Courtesy  
Disposition: Supervisor Review-Closed

RP was dissatisfied how a supervisor handled a verbal altercation between him and a customer.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 11, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported an incident in which she was traveling west on West 11th when all of a sudden 4 different police cars, went flying by through traffic with lights and sirens. RP also noted that the call taker she spoke to was rude with her when she tried to report it.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 11, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP called EPD about a partially filled syringe near a neighbor's home about 3 months ago and was told no one could come and take care of it. RP wants to know what she was supposed to do about it and what EPD's Policy about dirty needles is.

The complaint portion of this is not timely and will be dismissed, but it would be helpful if someone could address her concerns about how to address this type of situation in the future.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 12, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

A man was upset about being arrested for trespassing. The male was arrested at a clearly posted no trespassing location. At arrest, the officer advised the man to cooperate and he did so. Officers found what was likely meth on the male. He was searched / inventoried per policy prior to transport to jail.

---

Incident type: Incident Review  
Status: Active  
Received date: Jan 14, 2019  
Class/sub-class: Incident Review / Use of Force  
Disposition:

RP reported an incident in which during his arrest his face was scuffed up by officers pressing him to the ground and his handcuffs applied too tightly and not checked or readjusted when he let officers know they were too tight. RP also was concerned that when he retrieved his bicycle from the jail holding area it was damaged beyond repair.

Risk claim also received.

---



Incident type: Supervisor Action  
Status: Active  
Received date: Jan 14, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP reported a concern about an incident in which he called for service about an auto accident and hit and run and was told by the call-taker that since no one was hurt EPD would not respond.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 14, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP provided a summary of the steps she has taken over the last nine months to contact an officer concerning the theft of her wallet. No follow up communication has happened about what was done with case, the officer's cell phone box is full so no messages can be left RP was told that he does not use the number provided by EPD. RP would like someone one to please handle her case and follow through with her.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 14, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP expressed concerns about some incorrect information that provided to the press after the officer-involved shooting.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 16, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RPs reported an incident in which they were cited by an officer for crossing against a pedestrian light. The light seemed to be malfunctioning so they crossed with the traffic lights after carefully checking for vehicles. RP's were engaged by two officers in the center of the road that they were crossing safely, once across RP feels the officer found a workable statute to write a citation for and feels that this not the best use of the police force's time when there is so many more pressing issues.

---

Incident type: Supervisor Action  
IA No: IA19-026 Status: Completed  
Received date: Jan 16, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP reported being unhappy with how officers handled his report of an interaction with a man in the neighborhood who had placed biologically toxic waste (dog waste) in his yard waste bin. RP noted that the officers tried to convince him the guy had done nothing wrong, he believes the officers were gas lighting him.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 17, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP reported an ongoing problem with prohibitive camping outside her home.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 17, 2019  
Class/sub-class: Inquiry  
Disposition:

RP reported an incident in which she had called about a dispute with her ex-boyfriend in which he poked her in the neck creating trauma in the area she had recently had surgery. The main officer who responded came on very verbally aggressive with her, accusing her of choking herself and filing a false report.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 17, 2019  
Class/sub-class: Inquiry  
Disposition:

An anonymous complainant alleged that an officer illegally parks several vehicles in his neighborhood.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 17, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an incident in which she contacted EPD to report the theft of her belongings by a group of people she was carpooling with to Eugene. The call-taker refused to send anyone to help and told her she had to wait 24 hours, and in the meantime try to call the people.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 17, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Dismissed-o/s jurisdic

RP reported a police vehicle driving erratically cutting in and out of traffic, speeding and using emergency lights to run red lights. RP felt that the driving was reckless and needed to be reported.

Per Auditor - Dismissed as Outside Jurisdiction.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 18, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP was unhappy with an interaction with a call-taker when he called for medical aid for a patron of a bar.

---

Incident type: Incident Review  
Status: Active  
Received date: Jan 22, 2019  
Class/sub-class: Incident Review / Conduct  
Disposition:

RP alleged that a pat down search was overly aggressive.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 22, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP was unhappy that he received a 72 hour notice on his Ford RV that he parked in front of his work place.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 22, 2019  
Class/sub-class: Inquiry  
Disposition:

RP inquired into whether or not an officer has been trained in CIT. RP was directed to the Auditor's Office by a records clerk.

Dismiss Per Auditor: RP needs to be informed of the public information request process.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 22, 2019  
Class/sub-class: Inquiry

Categories: [LECC Reporting](#)

Disposition: Dismissed-Other

RP alleged that the admonishment and warning he received for illegally parking and blocking traffic at the intersection of Broadway and Olive on a Saturday night was racially motivated.

Per Auditor - Dismissed after review of body cam.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 23, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported being awoken about 2230 by two officers jiggling her RV door. She was then told that she must be gone by the morning. RP was parked on Highway 99N. The officers would not give their name or badge number and the non-emergency number claims not to have an incident number.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 23, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP was upset that an officer towed her camper that was on a flatbed. The camper is being remodeled and not lived in.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 23, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP reported an incident in early December (actually October) in which his drunk sister-in-law called in a false report of him beating his wife, this was after he had called for help in having her removed from his home. Officers arrived and pushed past him into his home with no warrant or explanation. Two officers went into his bedroom and proceeded to examine his wife for bruises as she sat there in a T-shirt and no under garments.

Per Auditor: Policy Complaint in regards to Community Caretaking Act

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 25, 2019  
Class/sub-class: Inquiry  
Disposition:

RP reported seeing police lights flashing on his apartment walls he went outside to see what was happening and saw a police vehicle driving across the common area of his complex, this is an area that people use to walk their dogs, children play in etc. The vehicle went through moving fairly quickly leaving behind tire tracks in the grass. RP didn't think this was appropriate.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 25, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP is frustrated with how EPD and nearby jurisdictions handle the transfer of calls when he tries to report erratic driving and the driver is headed to another jurisdiction.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 25, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP is concerned about ongoing issues with illegal camping, trespassing, and property crime within Eugene. He is also concerned about long wait times for patrol resources.

Per Auditor - Closed/Supervisor Reviewed

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 28, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP is concerned about how the accident on the I-105 was handled.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 28, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an issue with her ex-husband and trying to get him help when he showed up at her door. RP was unhappy that the officers did not force the hospital to keep her ex-husband on a mental hold.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 28, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP has been continuously calling in a prohibitive camping issue he has had on his street for 4 years now, only occasionally will EPD come and move the campers along, this is a residential street with kids.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 28, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP reported an issue with an event report that was generated in 2015 in which she reported a stolen bike, at the time she was expecting an officer to arrive and after an hour when no one showed up she called back and found out no one was dispatched. A couple of days later she spoke with an officer about the stolen bike and her frustration and when she asked to speak with a supervisor her name was flagged as hostile to police in the CAD. This is a problem to RP as she has many police contacts due to issues with her ex-husband and she feels it prejudices her to the officers. A Sgt. later had the hostile alert removed from her name but she has just recently found that it is still in the event report from 2015. RP wants this removed as well or a modification made to note it is not correct.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 28, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP is frustrated with driving along the freeway near Valley River and seeing all the tents and camps along the river. RP feels this whole situation is unsafe for people using the paths and people living near these homeless camps, not to mention the impression on visitors.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 28, 2019  
Class/sub-class: Inquiry  
Disposition: Dismissed-o/s jurisdic

RP reported in incident with Cahoots employees. RP had fallen and a woman bystander helped her home, about an hour later 3 men from Cahoots showed up saying they were told she needed help, one of the men sat down at her desk and made mention of 35 dollars cash she had sitting there, a few days later when she went to pay her rent all but 10 dollars of the money was missing.

Dismissed - Outside Jurisdiction.

Note: This summary and intake recording has been routed over to EPD for further review of the criminal aspect of this complaint.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Jan 29, 2019  
Class/sub-class: Inquiry  
Disposition: Dismissed-alt remedy

RP is concerned that an officer arrested him on a stalking charge even though he has not seen the person since Christmas. RP approached the school the person attends to inquire into their wellbeing and was arrested for making the inquiry.

Per Auditor - Dismissed/alternative remedy.

---

Incident type: Incident Review  
Status: Active  
Received date: Jan 29, 2019  
Class/sub-class: Incident Review  
Disposition:

RP reported an Incident in which he called for a welfare check on a dating friend, who had been expressing thoughts of suicide. Three officers came to check on her which resulted in 3 cops on top of her yelling at her to quit resisting, and her being arrested and taken to jail with charges of resisting arrest and interfering with a police officer.

Classified as Incident Review; Auditor would like review from CIT and Defensive Tactics before a final classification decision is made.

---

Incident type: IA Investigation  
Status: Active  
Received date: Jan 29, 2019  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition:

RP reported an incident in which she called for service due to a domestic violence issue and is concerned that no action was taken by the officer. RP was hurt by being pushed into a wall. She was also told that there was no police report or incident number to go along with her call.

1. POM 103.5.12 Duty to Know and Enforce Laws: That an officer failed to take appropriate action as required by ORS 133.055 when he did not arrest the person who allegedly assaulted the RP.

2. POM 103.5.14 Unsatisfactory Performance: That the officer failed to appropriately investigate the victim's claim that the person who allegedly assaulted her was viewing inappropriate material on a computer.

Allegations:

Performance - 103.5.12 Duty to Know and Enforce Laws  
Performance - 103.5.14 Unsatisfactory Performance

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 30, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP has had difficulty trying to use the Spanish portion of the non-emergency line to report an incident with a car break-in outside his home. Each time when he presses the Spanish prompt for Police matters the line goes quiet, after 30 minutes a voice comes back on and says "Goodbye" and hangs up

the line. RP is concerned that Spanish callers are not being provided the opportunity to report incidents over the phone and there is no option to leave any sort of message. Police Communications was notified by the Auditor's office and the problem was repaired.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Jan 30, 2019  
Class/sub-class: Inquiry  
Disposition:

An arrested subject experienced a severe medical event while being transported to UD Hospital by an officer.

Auditor Initiated Inquiry.

52 incidents displayed.

## **Police Commendations**

**The Eugene Police Department Commendations from citizens for January 2019  
maybe found at the link below.**

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



## Proposed Amendments to the Civilian Review Board Bylaws

### 1. Reappointments

- Given the method through which new members are appointed to the CRB, the time limit included in the current bylaws language is not practical. The Board previously waived the 45-day requirement for the two current vacancies.
  - Of note: CRB bylaws cannot create obligations on the part of Council.
  - The method for appointing new members is governed by ordinance (requiring “a candidate selection process that includes a community panel... shall be developed by the mayor in consultation with the auditor”)
- Current Language:

C. Article III - Appointment, Membership, Term of Office

...

Section 6. Vacancies on the board shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. The City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

...
- Proposed Amendment:

Section 6. Vacancies on the board shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. ~~The City Council shall appoint within 45 days of the position becoming vacant.~~ Vacancies shall be filled as soon as practicable. A position becomes vacant upon: ...

### 2. Quorum

- The current quorum language is very specific. There was some concern that the current language would not cover situations where the Board consists of other than 5 or 7 members.
- Current Language:

G. Article VII - Meetings, Voting, and Procedures ... Section 3. Four (4) members of a seven (7) member board (or three (3) members of a five (5) member board) shall constitute a quorum for the transaction of official business. ...
- Proposed Amendment

G. Article VII - Meetings, Voting, and Procedures ... Section 3. ~~Four (4) members of a seven (7) member board (or three (3) members of a five (5) member board)~~ A majority of members currently serving on the board shall constitute a quorum for the transaction of official business. ...