

MINUTES

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

April 9, 2019
5:30 p.m.

PRESENT: Steve McIntire, Rick Roseta, Carolyn Williams, Lindsay Foltz, Civilian Review Board members; Mark Gissiner, Leia Pitcher, Beatrice Hernandez, Police Auditor's Office; Angie San Miguel, Jason Berreth, Ryan Nelson, and Aaron Johns, Eugene Police Department; Serena Markstrom, Human Rights Commission.

ABSENT: Maurice Denner, CRB.

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

1. AGENDA AND MATERIALS REVIEW

Mr. McIntire wanted to add discussion about the May 2019 meeting and potential orientation for new members in June 2019 to the end of the meeting.

Mr. McIntire deemed the updated agenda approved by acclamation.

2. PUBLIC COMMENT

Mr. McIntire declared there was no public comment.

3. MINUTES APPROVAL – MARCH 2019

There were no corrections to the March 2019 Minutes.

Mr. McIntire declared the minutes approved by acclamation.

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

Serena Markstrom reported that HRC didn't have a quorum, so no action was taken. At the meeting, there was a presentation about implementation of the TAC report, which tied into policing the homeless population.

Mr. McIntire discussed the initial filtering of applicants for CRB. He said lots of quality folks applied, but he was unsure how many or who advanced. Mr. McIntire also participated in the Police Commission (PC) candidate interview process that week. He thought the screening process for PC needed to be reconsidered, as one person initially selected had a restraining order against him from the Chief of Police. He would discuss the process issues further with Ms. Pitcher.

Ms. Foltz asked if an ordinance outlined the selection procedures for PC. Mr. Gissiner did not think so.

5. TRAINING TOPIC: SCHOOL RESOURCE OFFICERS

Sergeant Ryan Nelson and School Resource Officer Aaron Johns provided a presentation on school resource officers.

Sgt. Nelson said there were five resource officers funded by Bethel and 4J districts, serving about 22,000 kids, ranging from the kindergarten to high school level. Each officer was assigned a high school and was responsible for each of its feeder schools. As sergeant, Sgt. Nelson took care of administrative tasks.

Officer Johns worked at Churchill High School (CHS) and its feeder schools. He explained the role of school resource officers. For example, that day he started at Kennedy Middle School (KMS) to follow up on a harassment complaint. Then, he went to Shasta Middle School regarding a couple Minor in Possessions (MIP). Officer Johns said his tasks varied daily but getting to know kids and building relationships with them was important in his line of work. Sometimes, Officer Johns also presented in classrooms.

Sgt. Nelson added school resource officers (SRO) responded to many things a normal patrol officer would not respond to. SRO worked inside schools to influence kids, build trusting relationships, and to improve school environments, thus they took extra steps when on service calls.

Officer Johns said if an incident occurred off campus, the SRO would take an initial report for outside investigation. If something happened on school, the SRO would participate and investigate through completion.

Mr. McIntire wondered how parental disputes around children were addressed. Sgt. Nelson said SRO treated it no differently than patrol. It came down to what paperwork the parent/guardian could provide. If there was no custody agreement, the one with full custody kept the child, absent any safety concerns. In general, schools were very good about keeping those types of agreements on file.

Ms. Pitcher asked how school resource officers were selected. Officer Johns said it was like most other positions, where officers had to apply and undergo a process. Whoever was the best fit was selected. Additionally, Sgt. Nelson had a list of those interested in experiencing SRO work. Finally, SRO had to be able to fit with all different types of administrators and students.

Ms. Williams was a teacher and was curious why resource officers were only in high schools and not in middle schools. Sgt. Nelson responded the choice was due to funding. The 4J Eugene School District paid a lot for what officers it did have present.

Ms. Williams clarified in emergency situations, all patrol officers came to the school. Sgt. Nelson said absolutely and highlighted a recent incident at Adams Elementary School.

Ms. Williams asked about the general sense of SRO being welcomed in schools. Officer Johns said generally SRO were welcomed. In fact, some students would wait all weekend to report an issue because they knew and trusted him. He had also been able to change some folks' minds, when they realized SRO wanted to help and protect kids, not punish them.

Ms. Williams noticed on Facebook, especially after the Landeros shooting, discussion around the purpose of SRO and whether the public and kids wanted their presence. Sgt. Nelson wasn't very active on social media but thought sharing educational information via Facebook might be helpful.

Ms. Williams noted both of her children participated in Safety Town. She wondered how often that was presented in elementary schools. Sgt. Nelson said not as often as he wanted. Officer Johns tried to reach his elementary schools as often as possible, but again, it came down to available money and bodies.

Mr. McIntire asked how many schools were within the Churchill region. Officer Johns covered Churchill High School, Kennedy Middle School, ATA Middle School, Adams Elementary School, Twin Oaks Elementary, and Caesar Chavez Elementary.

Mr. McIntire asked how long five SRO had been on the team, and what the average tenure was. Sgt. Nelson said there had always been at five. As for tenure, it depended. There were some more senior officers on the team. For example, Officer Savage and Officer Tim had been SROs for 14 years. Not many SRO voluntarily stepped down. Generally, once people stepped in, they stayed.

Ms. Pitcher asked how SRO worked with charter and private schools. Sgt. Nelson said he couldn't necessarily send resources to those schools because of finances but tried to help however possible. For example, if someone reached out wanting to do school safety training, they would help make that possible. Officers Johns added that he often helped with ECCO, an alternative 4J high school.

Mr. Roseta asked how the district enacted direction or control over SRO. Sgt. Nelson said the district trusted SRO to know their field, and generally stepped out of the way. There had been minor issues, like wanting sooner notification about an issue.

Officer Johns added SRO did have a Memorandum of Understanding (MOU) with 4J and Bethel that if a student could be charged with a crime, the officer needed to contact parents/guardians. It was a good policy, and he preferred having a parent there when speaking with a student.

Mr. Roseta asked if SRO were involved in disciplinary actions, such as suspensions. He was told no. If there was a criminal action involved, there would be an outside investigation process.

Mr. Gissiner asked for the nexus between the idea of a school safety officer team within schools and SRO. Sgt. Nelson didn't believe an entire team would be made. The school safety officer considered all aspects of safety within a school.

Ms. Pitcher asked what SRO did during the summertime. Sgt. Nelson said there were special projects, such as PAL Camp and Safety Town. Trainings also took place during the summer. SROs are typically sent to other special teams when on duty and school is not in session (such as downtown). Officers also took vacation time during summer break, because doing so during the year was disruptive toward schools.

Mr. Gissiner asked if they took incident reports, similar to patrol. Sgt. Nelson said yes. Each SRO had an office at their high school with a computer, etc. and wrote reports there. There were also campus supervisors who informed SRO of incidents, and security cameras, which helped in reporting.

6. AUDITOR REPORT

Mr. Gissiner wanted to discuss how to cover the Landeros case. If CRB did review the case, it would likely be in June 2019. Mr. McIntire wondered if it would be considered a community impact case or not. Mr. Gissiner was not recommending it be a community impact case at that time, as EPD did not have investigative control or significant decision-making control. The IDFIT investigation would be investigated by the District Attorney's Office. Even so, Mr. Gissiner thought discussing the case was important.

Ms. Foltz asked if there was feedback from community members who felt it should be recommended as a community impact case. Mr. Gissiner heard from a few folks individually, but the family said they did not want it, which didn't impact the final decision but also couldn't be ignored.

Mr. Gissiner provided a recap on the CRB application process. CRB was the only board appointed commission required by ordinance to create a subcommittee to create appointment recommendations to City Council. Mr. Gissiner and the Mayor met and picked a committee, who then submitted the recommendations.

There were three categories used to select members: recommended, not recommended, and abstain. Anyone receiving a majority (six or more votes) was recommended. Mr. Gissiner explained the recommendation had value, but it was not binding. City Council could still pick someone completely unrecommended. Sometimes, candidates also made a statement if City Council wasn't entirely sure about their appointment.

Mr. McIntire asked how to ensure someone disclosed information the committee should know. Ms. Foltz suggested asking different types of questions, or actively Googling applicants to catch pertinent things. Ms. Pitcher added there was a background check required for CRB members, but it came late in the process.

7. BREAK

CRB took a break between 6:22 p.m. and 6:30 p.m.

8. CASE REVIEW:

Ms. Pitcher presented a PowerPoint entitled, "*Case Summary: Civilian Review Board April 9, 2019.*"

A. Summary of Facts:

- Officer A was contacting a small group of people downtown, when he noticed someone approaching his marked patrol vehicle, which was parked near him. The truck was unlocked and running.
- A video from an EPD trailer showed the person take of his coat and approach the truck, ducking down along the rear driver's side of the truck.
- Officer A asked the person what he was doing and turned toward him. He began to approach the person, who was standing by the driver's door, and threatened to tase him if he opened the car door.

- The person turned toward the door, placed his jacket in the back of the truck, and reached for the door handle.
- Officer A deployed his Taser at the person, who was hit in his back. The Taser was effective, and the person fell to the pavement, striking the back of his head. Officer A then called for medics.
- It was 23 seconds between Officer A speaking to the person and Taser deployment.

B. Allegations:

1. 809 Taser Use: That Officer A discharged his Taser in violation of policy during this contact.

C. Adjudication

1. Taser Use

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

D. Issues for CRB Discussion

- Complaint Intake and Classification
 - Administrative investigation followed Use of Force report in Blue Team
 - Classification: Allegation of Misconduct

Ms. Williams, Ms. Foltz, and Mr. Roseta agreed with the complaint intake and classification.

Mr. Denner agreed, and emailed a full response to Mr. McIntire prior to the meeting:

- Complaint Investigation and Monitoring

All CRB members thought the investigation and monitoring was done well.

- Relevant Department Policies and Practices
 - POM 809: Taser Force
 - POM 800: Use of Force

There were no comments by those present. Mr. Denner emailed comments to Mr. McIntire.

Mr. McIntire thought it would be interesting to have a training topic about guardian trailers (which also captured video of the incident). He wondered more about them and whether they were permanent. Mr. Gissiner provided some explanation and stated EPD installed the guardian trailers which had flashing red and blue lights at the top.

- Policy and/or Training Considerations

Ms. Williams suggested there be training about leaving a vehicle unlocked without an extra set of keys.

Lt. San Miguel stated there was such a policy, however, for tactical reasons it wasn't always necessary.

Ms. Williams understood, but from a public perspective it seemed careless.

Ms. Pitcher said there were two sets of keys provided to patrol officers. This was an unusual case because the officer took a sergeant's vehicle so only had one set.

Ms. Williams asked if that system usually worked. Mr. Berreth said yes, typically. Ms. Williams asked for the point of leaving patrol cars running at all. Lt. San Miguel explained the cars had so much equipment (i.e. computers, video/audio) that would drain the car's battery if not running.

- Adjudication Recommendations
 - Auditor and Chain of Command

Members of CRB agreed with the adjudication.

- Additional Comments/Concerns

Mr. Gissiner noted the subject fell onto the concrete hard, so the situation could have been very different incident. It was a reminder to never let an officer's guard down during de-escalation.

Mr. Gissiner made the point that both he and the officer knew the subject involved. Based on prior interactions, the person likely would have taken the patrol car and additional damage could have occurred.

Ms. Foltz said when watching the video, the subject was not responding in a typical fashion to someone talking to him. She wanted officers to use de-escalation skills but if someone was not interacting with language, there wasn't much else to do in preventing a worse situation. She thought it wise to not let someone get into a vehicle which could be used as a weapon. There was also a crowd of people around the situation, making it complicated, and she was unsure there was anything else the officer could do.

Ms. Foltz appreciated receiving all the video; overall, it was a long interaction with the person. She wanted to highlight the officers involved took time to take care of the person. The officer driving the man back from the hospital to jail was very kind and was chatting with him, which reduced the person's anxiety. That sort of exemplary care was a big deal to her.

Ms. Foltz asked if the subject's Miranda Rights were read to him prior to entering the car, and if it was captured in the video evidence. Ms. Pitcher said yes. Ms. Foltz noted it had never occurred to her how much evidence could be gathered in the back of a patrol car.

Ms. Foltz added that prior to using the Taser, the officer demonstrated great patience and restraint all the ongoing with back chat, stories, etc.

Mr. Roseta wondered about de-escalation also, but considering everything that occurred during the incident, he thought the officer made the right choice.

9. CASE DISCUSSION/MAY 2019 MEETING

CRB members discussed the May 2019 meeting and upcoming case review. Members had conflicting schedules, so the board chose to skip the May meeting and join again in June 2019.

Mr. McIntire noted there would be new board members joining in July 2019. Ms. Pitcher said new members could not review cases until September 2019 due to needing background checks, however, there could be a training in July 2019 and a case review in September 2019.

Mr. Gissiner said the Landeros case would close soon. CRB could likely review the case in June 2019. Ms. Foltz added she was concerned about covering a case important to the public with new board members. She hoped it could be reviewed prior to Mr. McIntire's term ending.

9. ADJORN

Mr. McIntire adjourned the CRB meeting at 7:04 p.m.
(Recorded by Marina Brassfield, LCOG)