

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

June 11, 2019
5:30 p.m.

PRESENT: Steve McIntire, Rick Roseta, Carolyn Williams, Lindsay Foltz, Civilian Review Board members; Vicki Cox, Mark Gissiner, Beatrice Hernandez, Leia Pitcher, Police Auditor's Office.

ABSENT: None.

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

1. AGENDA AND MATERIALS REVIEW

There were no additions to the agenda made.

2. PUBLIC COMMENT

Bonny Suza, a civilian, shared a statement about the relationship between police and minorities, and pressed the board to remember the issues between them when speaking about cases that involved minorities

3. COMMENTS FROM BOARD MEMBERS, HUMAN RESOURCES COMMISSION LIASON AND POLICE COMMISSION LIASON

Ms. Williams requested they have a training on local trans issues within the year for the police department. Trans*Ponder was an organization that came to her mind that they could work with.

Mr. McIntire pointed out that he would be at his last Police Commission meeting that Thursday, June 13, 2019.

4. AUDITOR REPORT

Mr. Gissiner reported that Ms. Hernandez would be giving a community safety forum report at their next meeting but wanted her to give a short recap of the forum.

Ms. Hernandez said that they had reached around 100 people, which was close to the numbers from the previous year, even with the school district size being reduced by one-third. The police chief was in attendance and answered a lot of questions. He had a lot of questions directed at him, but Ms. Hernandez said that the individual moderating the forum did a good job of making sure the EPD focused questions were spread out throughout the event.

Mr. Gissiner announced that their annual report had been submitted to the council. It would be presented June 19, 2019 at noon. Mr. McIntire asked how long it would take to go over. Mr. Gissiner replied that it would not take long. Ms. Williams added that since it was already on their agenda they should be ready to go through it rather quickly.

Mr. Gissiner reported that they had a lot of incoming complaints. They were averaging around 37 complaints a month, a good amount of which were walk-ins. Mr. Gissiner said that their yearly average

when compared to other cities was very high. He divulged that a lot of complaints were about homeless individuals on private property. Mr. Gissiner emphasized that Chief Skinner's first year was just coming to an end and that he was working at reorganizing and hiring new individuals to fill holes. Recently he had hired Stacy Jepson as the new deputy chief.

Mr. McIntire asked if there were any patterns to the complaints. Mr. Gissiner said that besides the general complaints about a lack of response or customer service, there does not seem to be a pattern. Ms. Pitcher added that the groups the complaints were coming from are a part of their usual demographic. Mr. McIntire thought that the increase could be because of awareness of where the office is, since walk-in complaints rose.

5. MINUTES APPROVAL – APRIL 2019

There were no corrections to the April 2019 Minutes.

Mr. McIntire declared the minutes approved by acclamation

6. CASE REVIEW:

Ms. Pitcher presented a PowerPoint entitled, "Case Summary: Civilian Review Board June 11, 2019."

A. Summary of Facts

- Officer A received a call from the principal of Cascade Middle School, indicating that there was a possible custody situation there. Officer A went to the school to investigate the issue, and Officer B responded as a cover officer.
- Officer A met with the mother, who had a custody agreement indicating that she had sole custody and decision-making authority over her daughter. As Officer A was leaving the room, the mother stated that Charles Landeros (the child's other parent) was under investigation from the FBI and had anti-government and antipolice beliefs.
- Officer A then went to the principal's office; she had called Landeros, who was also there. Officer A confirmed that the custody agreement the mother had shown him was the most recent and accurate. Landeros asked if they could take their daughter, and Officer A stated that the court paperwork indicated that they could not.
- The principal indicated that she would check with the mother to see if she intended to take their daughter from the school and see if they could come up with a plan. She left the office.
- Officer A asked Landeros when their daughter had come to stay with them; Landeros asked why he was asking and stated that they did not want to answer. Officer A then asked Landeros to leave, and stated that if Landeros would not answer questions, then they should leave.
- Landeros left the principal's office. Officer A conferred with Officer B for a moment and informed him that Supervisor C was coming to the school; he also conveyed the information from the mom that Landeros held anti-government and anti-police views.
- Officer B approached Landeros, who was standing in the hall. They spoke for a moment before Officer A approached (and captured the interaction on video). Landeros stated that they were waiting for the principal and wanted to speak to the principal before they left. Landeros asserted that the police did not have jurisdiction in a school. Officer A asked Landeros to listen to him.
- Landeros, at that point, noticed their daughter and shouted her name. They began to walk past the school exit doors, towards their daughter in the hallway. Landeros shouted to their daughter a few more times, at which point Officer B placed his hands on Landeros' upper arms and began to attempt to move them toward the exit doors.

- Landeros repeatedly shouted their daughter’s name, as Officer B moved them toward the doors, and Officer A stated, “You’re going to end up getting arrested.”
- Landeros continued to shout their daughter’s name, and “Let’s go!” as Officer B moved them out of the school and Officer A followed.
- Once outside, Officer A stated that Landeros was under arrest. Officer B moved Landeros toward the wall outside of the entrance to the school. Landeros began shouting “Let go of me!” and spun away from Officer B’s grip.
- Officer B and Landeros ended up on the ground, at which point the video shows Landeros pull out their firearm. Landeros shot twice: once in the direction of Officer A, and once out and away from the school entrance.
- Officer A drew his weapon and shot once but pulled his shot as he was concerned about accidentally hitting Officer B, as Officer B and Landeros were still wrestling on the ground.
- Officer A then aimed his next shot at close range to Landeros and fired. Landeros stopped struggling immediately.
- The Interagency Deadly Force Investigation Team (IDFIT) was called and responded to investigate the incident.
- Our office was notified, and the Deputy Police Auditor responded to the scene with Internal Affairs staff.
- The IDFIT investigation was reviewed by the Lane County District Attorney’s office, who determined that the involved officer’s use of deadly force was legally justified as self-defense and defense of others.
- The IDFIT investigation was then turned over to EPD and served as the basis for the administrative investigation into the officers’ actions, focused on compliance with EPD policies.
- The administrative investigation culminated in a meeting of a Deadly Force Review Board on April 2, 2019. The Board issued its findings in a memo dated April 7, 2019.
- Deputy Police Auditor Leia Pitcher served as a non-voting member of the board

B. Allegations

1. 800 Use of Force
2. 801 Use of Force Reporting
3. 812 Department Firearms
4. 1203 Body-Worn Video

C. Adjudication

- The Board made a recommended finding that Officer A’s and Officer B’s actions were within policy.
 - The Deputy Auditor concurred with that recommended finding

D. Issues for CRB Discussion

- Complaint Intake and Classification
 - Internally reported; Auditor’s office was notified in a timely manner
 - Classification: Force Investigation

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

- IDFIT Investigation, Administrative Investigation, and Monitoring

Ms. Foltz liked that a transcription of the officer’s interviews was included. However, she had some concerns with how inner disciplinary groups were used to investigate cases where deadly force was used.

Since these cases are not frequent, the group does not have as much experience as EPD does, but she understood why they could not investigate themselves.

Ms. Williams thought that there was timely response made to the scene by EPD, but that the community was left in the dark for far too long. It took 13 days for a statement to be released, which left time for false facts and speculation to rise in the community. Mr. McIntire agreed, but added that it was an improvement on past cases. Mr. Gissiner agreed as well, saying communication is key in these situations, and that he has brought the issue to Chief Skinner.

- Relevant Department Policies and Practices
 - 800 Use of Force
 - 801 Use of Force Reporting
 - 812 Department Firearms
 - 1203 Body-Worn Video

Ms. Foltz reinforced that de-escalation is always preferred in these scenarios but understood the actions the officers made based on what they knew at the time. Students at the school were in the halls at the time, so the officer putting hands on Landeros to get them to move outside was a preventative move.

Ms. Williams, after reading the school staff interviews, thought that the officers should have spoken with more consideration of those around them. They were using language that most people are not used to hearing which could have frightened some.

Mr. McIntire wondered why Landeros was called into the school to begin with, since custody issues usually get ugly. It seemed like a weird move for the administration to make. Ms. Pitcher said that many in the community were upset that they were called in the first place. Mr. Roseta pointed out that Landeros was the only parent listed at the school, so the administration might not have had any other choice.

- Policy and/or Training Considerations

Mr. McIntire said that he liked the integration of the body-cameras, and that they were very helpful. The group agreed.

Mr. Gissiner said that everything made sense when they focused on what the officers knew at the time, and not what the community found out after the incident. The officers did not know what was in their backpack or their car.

Ms. Williams, when listening to the audio from the body-cameras, noticed that the officers were using he/him pronouns when addressing Landeros. She thought they needed to have a discussion about LGBTQ policy, although she understood that the officers had no way to know Landeros' preferred pronouns.

Ms. Foltz asked if it was common for EPD to be called in for custody issues at schools and call backup if there was an issue. She also wondered if it was common to call a supervisor to the scene. Lt. San Miguel answered that all those responses were common, especially when conflict breaks out.

- Adjudication Recommendations

Members of the CRB agreed with the adjudication.

Ms. Williams expressed her disappointment with the use of he/him pronouns.

- Additional Comments/Concerns

Ms. Foltz said that the case was very emotional, and many narratives surrounding it could be true. Violence has repercussions and she just wants them to all acknowledge that.

Ms. Williams emphasized that Landeros felt the need to defend himself against the officers, which shows an issue in itself. Even though they might have had radical views, as a minority and LGBTQ community member they had reasons to feel unsafe. Mr. Roseta understood that point but thought in general it seemed like a bad idea to bring a gun to an interaction with an ex-spouse.

Mr. McIntire said that Landeros was the one that made the choice to bring a gun, and that he was uncooperative, and that he was the one to escalate things and shoot first. Their race and LGBTQ status had nothing to do with the issue. Ms. Foltz understood what he meant but said that the impact that this case made on the communities they were part of did a lot of damage.

7. BREAK

CRB took a break between 6:36 p.m. and 6:46 p.m.

8. ELECTION OF CHAIR TO SERVE JULY 2019 – OCTOBER 2019

Mr. McIntire would be stepping down at the end of June, and the board needed a chair until elections in October.

MOTION: Ms. Williams nominated Ms. Foltz for the position of chair, seconded by Mr. Roseta. The motion carried unanimously.

Ms. Foltz pointed out that they would also need a vice chair during the time.

MOTION: Mr. Roseta nominated Ms. Williams for the position of vice chair, seconded by Ms. Foltz. The motion carried unanimously.

Four new members would be joining the board in July.

9. CASE DISCUSSION/SUMMER MEETING SCHEDULE

Ms. Pitcher informed everyone that while they would have four new members at the July meeting, they would still need to undergo background checks before seeing unredacted documents. Therefore, they would not be able to participate in any meeting activities other than looking at service complaints. She pointed out that they do not usually have a CBR meeting in August, but they might want to switch it to July this year. Ms. Foltz thought that the new members might benefit from having a meeting and learning the structure. Ms. Pitcher let her know that she would be having a meeting with all the new members to go over procedures. Ms. Williams said she would be out of town during the July meeting. Mr. McIntire pointed out that with him gone and Ms. Williams out of town there would only be two full members at the meeting, which seemed like a waste of time.

The board decided to push their next meeting until August.

Ms. Pitcher took the time to thank Mr. McIntire for the work he has done with the CRB. She reminded everyone that his departure meant that the police commission liaison position would also be open. Mr. Gissiner said that they would wait until October to vote someone new into the position.

10. ADJOURN

Next Meeting: August 13, 2019

Mr. McIntire adjourned the CRB meeting at 7:00 p.m.

(Minutes Recorded by Lydia Dysart)