



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, November 12, 2019 - 5:30 p.m.**  
Atrium Building, 99 West 10<sup>th</sup> Avenue, Saul Room (Third Floor)  
**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 October meeting)	5 minutes (5:40pm)
4. Comments from Board Members and Commission Liaisons	5 minutes (5:45pm)
5. Continuation of Discussion of October Case Review	5 minutes (5:50pm)
6. Election of Human Rights Commission Liaison	5 minutes (5:55pm)
7. Training Topic: Discussion on Investigations of Human Trafficking	20 minutes (6:00pm)
8. Break	10 minutes (6:20pm)
9. Case Review: Allegation Related to Handling of a Call for Service for Alleged Domestic Violence	45 minutes (6:30pm)
10. Auditor Report	15 minutes (7:15pm)
11. Adjourn – Next Meeting January 14, 2020	(7:30pm)

## MINUTES

Civilian Review Board  
Bascom Room, Eugene Public Library  
100 W 10th Ave, Eugene, OR 97401

October 8, 2019  
5:30 p.m.

PRESENT: Lindsey Foltz, Carolyn Williams, Rick Roseta, Bernadette Conover, Susan Gallagher-Smith, Michael Hames-Garcia, Awab Al-Rawe, Civilian Review Board members; Leia Pitcher, Vicki Cox, Beatriz Hernandez, Police Auditor's Office; Lt. Angie San Miguel, Sgt. Jason Berreth, Eugene Police Department; Tamara LeRoy, Sexual Assault Support Services; Ela Kubok, Human Rights Commission.

ABSENT: Mark Gissiner, Police Auditor's Office.

Chair Lindsey Foltz convened the Civilian Review Board (CRB) at 5:37 p.m.

### 1. AGENDA AND MATERIALS REVIEW

There were no changes to the agenda.

### 2. PUBLIC COMMENT

There was no public comment provided.

### 3. MINUTES APPROVAL – SEPTEMBER 2019

Ms. Foltz noted her name was spelled incorrectly as "~~Lindsay~~." It was spelled **Lindsey**.

**Motion:** Ms. Conover moved to approve the September 2019 minutes as amended. Ms. Williams provided the second.

**Vote:** The vote passed 4:0. Mr. Al-Rawe, Mr. Hames- Garcia, and Ms. Gallagher-Smith arrived after the vote.

Ms. Foltz declared the minutes approved.

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

Ms. Conover attended the September 2019 Police Commission meeting. During the meeting, members discussed the process for how the Eugene Police Department (EPD) dealt with illegal car camping (i.e. how it was reported, how contact was made, how agencies worked with the individual, and the process for repeat offenders).

Ms. Foltz asked who enforced laws around car camping. Ms. Conover replied mostly St. Vincent de Paul (SVDP).

Police Chief Chris Skinner also provided a hiring report to the Police Commission. There was discussion about what hiring looked like (i.e. the balance of gender, language fluencies, etc.). Finally, commissioners discussed content of some EPD policies.

Mr. Hames-Garcia arrived at 5:42 p.m.

Ela Kubok, Human Rights Commission (HRC) Liaison, introduced herself. She provided a brief report on the September 2019 HRC meeting, during which all liaisons were approved. Ms. Kubok had a designated representative to attend CRB meetings if she was unavailable.

## **5. ELECTION OF OFFICERS**

Ms. Pitcher provided an overview on the election process for officers (chair and vice chair) and committee liaisons, as well as position responsibilities. HRC and PC met once a month. There were some additional time commitments for the positions.

Ms. Gallagher-Smith arrived at 5:47 p.m.

Ms. Conover nominated Ms. Foltz as Chair of CRB. Mr. Roseta seconded the nomination. All were in favor. Ms. Foltz accepted the position of Chair.

Mr. Roseta nominated Ms. Williams as Vice Chair. Ms. Conover seconded the nomination. All were in favor. Ms. Williams accepted the position of Vice Chair.

Ms. Foltz asked if there was a volunteer for the HRC position. There were none. Ms. Pitcher offered that folks could wait a month and attend one meeting to see if they were interested.

Staff would attend the October 2019 HRC meeting, and CRB would wait until the November 2019 meeting to continue the conversation.

Mr. Hames-Garcia and Ms. Foltz volunteered to serve on PC. Each spoke on why they were interested in the position.

CRB conducted a voting process for the PC position. Ms. Foltz would serve as the liaison for PC.

## **6. TRAINING TOPIC: SEXUAL ASSAULT SUPPORT SERVICES**

Mr. Al-Rawe arrived at 5:55 p.m.

Tamara LeRoy presented a PowerPoint on Sexual Assault Support Services (SASS), a 501c3 nonprofit located at 591 W19th Avenue in Eugene.

Ms. LeRoy was a privileged advocate with SASS. She explained the organization was within an older remodeled home, meant to create a welcoming space. met with small support groups.

Ms. LeRoy shared SASS's mission: *"The mission of SASS is to provide services to survivors of past and present sexual assault, and to change societal conditions that allow oppression, especially sexual violence, to exist. We create social change by providing direct services; by empowering survivors; through organizing; educating; and outreach."*

Ms. LeRoy shared services SASS provided. She explained when a victim was in the hospital, an advocate was called to help navigate the complex legal system.

Services provided by SASS included:

- 24-hour Crisis/Support Line
- Drop-In Center 9 – 4 p.m. Tuesday – Thursday
- 24-hour Emergency Medical & Law Enforcement Response
- Services in Spanish/English & ASL by appointment
- Counseling
- Support Groups
- Systems advocacy
- Outreach to underserved communities
- Legal/Medical Advocacy
- Transportation & Accompaniment
- Information & referral

Services were provided in Spanish, English, and some indigenous dialects (via a translation phone line).

Ms. Conover asked if advocates went to the hospital in Cottage Grove. Ms. LeRoy said not necessarily, but sometimes. Generally, victims were referred into Eugene anyway.

Ms. LeRoy said SASS had an in-house counselor, as well. Mr. Hames-Garcia asked if SASS would refer clients outward. Ms. LeRoy responded sometimes, but there was a shortage of counselors who were trauma informed and survivor centered in their practice. Jen Donovan was often recommended.

Ms. Williams asked if support groups were drop in. Ms. LeRoy said yes, all except closed groups which required an application.

Ms. LeRoy explained the empowerment philosophy at SASS:

- SASS did not give advice.
- SASS believed everyone has the ability and power to make their own decisions and to help themselves.
- Instead, SASS wanted to help survivors tap into their own potential and strengths so that they can become self-reliant, self-confident, and regain a sense of personal power.

Ms. LeRoy explained what advocate privilege meant:

- Statutorily protected communications with survivors
- Advocates were not mandatory reporters
- Advocates couldn't communicate with anyone outside of agency without expressed, written and informed consent of survivors
- Exceptions

Ms. Conover asked if advocates made a report when someone was a danger to themselves or others. Ms. LeRoy said no, an advocate would encourage the person to go to the hospital. Privileged advocates were prohibited from reporting, but the people SASS worked with generally worked with mandatory reporters on a daily basis.

Ms. LeRoy shared some statistics (2018):

- Last year, SASS responded to nearly 3,000 requests for support from survivors of sexual assault and their partners, family and/or friends.
- In the first half of 2019, SASS advocates have responded to 87 requests for emergency medical advocacy.

Ms. Conover asked about emergency medical advocacy. She wondered if that was indicative the event just happened. Ms. LeRoy said most people would report the assault within 5 days in order to receive paid services including an emergency room trip, a medical exam, and a forensic exam. Evidence collected followed a chain of custody.

Ms. LeRoy stated the State of Oregon had finally worked through its backlog of forensic kits. Additionally, in 2018 legislation was passed which allowed victims to have evidence stored for up to 60 years, without engaging in law enforcement immediately.

Mr. Roseta asked if there were similar agencies in other counties. Ms. LeRoy said yes, however, sometimes rural areas lacked such services. Mr. Roseta asked if other agencies had a similar structure. Ms. LeRoy responded that some agencies encompassed different services in one place, such as a shelter and advocacy services.

Mr. Roseta wondered if SASS emanated from one state statute. Ms. LeRoy said SASS was created by Eugene community members in response to the closure of the community rape crisis line. She noted the organization's funding stream was now very diverse.

Ms. LeRoy explained why privileged advocates were important:

- Strongly value partnering with other service providers in the community
- Want to ensure survivors have access to as many resources as possible
- Strive to be as inclusive as possible and elevate awareness of agency and our services to broader community.

Ms. LeRoy shared statistics, specifically from January 2019 through July 2019:

- 87 Medical Advocacy Responses
- 19 Reports to Law Enforcement
- 9 Law Enforcement Reports with EPD

Ms. LeRoy explained the Forensic Experiential Trauma Interview (FETI), which survivors partook in. She explained:

- Advocates used trauma informed interviewing practices that dovetailed with community-based advocacy practices
- The FETI mitigated impacts of secondary trauma
- The FETI improved outcomes.

Ms. LeRoy stated there were improved outcomes with advocate engagement. She shared more statistics:

- 59% vs. 41% (Survivors filing police reports)

- 29% vs. 57% (reports that are no actioned)
- 93% vs. 88% (Victims who show for trial)
- 11% vs. 14% (recanted statements)
- 33% vs. 10% (Convictions due to victim appearing)

Ms. LeRoy shared what individuals could do to help survivors. She summarized that a positive disclosure experience mitigated trauma. It was important to support and validate the survivor as well as refer them to services.

Ms. Conover clarified whether clients came to SASS when wanting to submit a police report. She wondered if patrol officers were FETI trained. Ms. LeRoy said yes, an officer would come to the SASS office. SASS largely worked with people who were from marginalized communities and didn't necessarily want police involvement. In those cases, it helped to have an advocate present.

In response to Ms. Conover, Lt. San Miguel said officers were not necessarily trained on FETI, but EPD did occasionally offer the training. Lt. San Miguel advised that she would work on instituting FETI training for EPD patrol officers.

Mr. Roseta asked if Ms. LeRoy thought it would be helpful to have a statewide system rather than county. Ms. LeRoy preferred a county model, as communities differed widely from one another at the local level.

In response to Mr. Hames-Garcia, Ms. LeRoy stated it was important to serve those with the highest needs, as then everyone benefited.

Ms. LeRoy concluded her presentation by reading a blurb from the SASS brochure, highlighting outcomes from services and agencies such as SASS.

## **7. BREAK**

CRB took a break and returned at 6:52 p.m.

## **8. CASE REVIEW**

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

### **1. Summary of Facts**

- Reporting Party called 911 to report that he was following an apparent hit and run driver.
- Officer A was dispatched to the scene and found a vehicle that fit the description given in the call.
- Officers contacted RP, who was waiting in a vehicle nearby. Officer A interviewed RP about what RP had seen, and then advised RP that he was free to go. As RP returned to his vehicle, he asked Officer A if it was ok to visit his sister, who lived in the same apartment complex. Officer A indicated that it was ok, and RP continued to his vehicle.
- Officer A then asked RP for his sister's name. RP did not provide it, and Officer A appeared to become suspicious. Officer A ordered RP out of the vehicle.

- RP ultimately got out of the vehicle, and Officer A conducted a pat-down. RP stood by with officers, and ultimately another officer stepped in to speak with RP further.
- RP then filed a complaint with the Police Auditor's office related to Officer A's actions during the stop.
- Officer A stated in an administrative interview that they became suspicious of RP due to some inconsistencies in RP's story. Officer A stated that they believed reasonable suspicion existed to support detention of the RP to determine whether he was actually the suspect in the incident.
- Officer B and Officer E stated in their administrative interviews that they agreed with Officer A's suspicion.

2. Allegations

- a. 322 Search and Seizure: That Officer A lacked reasonable suspicion to detain RP during a police contact.

3. Adjudication

a. Search and Seizure

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

4. Issues for CRB Discussion

- Complaint Intake and Classification

Ms. Williams was always impressed with EPD and the Police Auditor's process for reviewing external complaints.

Mr. Roseta had some issues with intake and classification. He noticed an email report from Sgt. Berreth, explaining the complaint should be classified as supervisor action/service complaint, and Mr. Roseta was in agreement. He had questions about what caused the disregard of Sgt. Berreth's comments.

Sgt. Berreth explained his thought pattern. The assault complaint was invalid, but he thought the detainment was problematic. The officer was also very new to the profession so there could be additional training opportunities.

Ms. Foltz appreciated that EPD and the Auditor still reviewed the complaint to see if anything happened against policy even though, based on Body Worn Camera (BWC) footage, the complainant reported something that didn't appear to have occurred.

- Complaint Investigation and Monitoring

Ms. Gallagher-Smith thought the investigation was thorough.

- Relevant Department Policies and Practices
  - 322 Search and Seizure

Ms. Gallagher-Smith thought officers turning off BWC microphones created a nuanced issue. She understood it would not be resolved by CRB's comments, but she suspected the situation would be exponentially clearer if there weren't four minutes of footage without audio.

Mr. Roseta explained audio and video was discoverable for criminal cases, and officers didn't want to share tactical thinking to a defense lawyer. It was a legitimate concern for officers, however, he agreed it was nuanced.

Ms. Foltz noted that the officers muted their audio simultaneously without verbal or physical cue, which made her think it was common practice. Policy stated video could be muted when discussions involve tactics, instruction and coaching. Ms. Foltz asked if EPD representatives present could possibly describe the type of conversation had.

Lt. San Miguel assumed they were discussing how to approach the case.

Mr. Al-Rawe read within the policy that officers needed to verbalize why they were deactivating audio. Ms. Foltz had concerns because the officers did not explain why it was put on mute. Muting could be misused.

Ms. Foltz asked about Baker Units and why there were two officers per car. Lt. San Miguel said there were various reasons. On Wednesdays, EPD was sometimes short on cars, and other times, a recruit and trainer rode together.

Ms. Foltz thought Officer D did an awesome job de-escalating the situation. During the interviews, they were asked why they decided to end the interaction, and Officer D responded the conversation was no longer productive.

Ms. Foltz asked about being detained. It appeared that the reporting party was not free to leave even though they were not in handcuffs and restrained. As a civilian, that seemed confusing. Additionally, she wondered if the reporting party had a right to not provide any additional information, such as their sister's name.

Ms. Pitcher said that once the officer asked the person to stay, they were technically detained.

- Policy and/or Training Considerations

Mr. Roseta thought training consideration might tie in with supervisor action on explaining best practices for those types of interactions.

Mr. Al-Rawe was curious about current training regarding constitutional rights and search and seizure.

Lt. San Miguel said officers had several days of training in Salem at the state academy and also at the EPD academy.

Mr. Al-Rawe thought, based on video footage viewed, the officer involved had very little knowledge on what constituted a reasonable search. He noted a hunch that something was off constituted a reasonable



detainment and search, but it seemed this officer made an assumption with zero grounds. He thought it was a serious violation of the reporting party's constitutional rights.

Mr. Hames-Garcia agreed with Mr. Al-Rawe. It was unclear to him why the officer made the reporting party stay. He thought the officer said they became suspicious because of where the sister was located, and the fact license plates were not running right. There were reasons to be suspicious, but the officer's actions didn't necessarily follow protocol. Once the officer went down that road, the reporting party became more defensive.

Ms. Williams wondered how much of the issue was due to a young career and how much of it was being re-taught the idea of subjective versus objective and that a suspicion didn't equal evidence. She hoped EPD would continue to train on the issue. Lt. San Miguel added that the City Attorney came to provide legal training on case law twice yearly. Case law changed all the time.

Mr. Roseta said case law was difficult as it still needed interpretation. For example, a tiny issue litigated in one case that wouldn't show up in another.

Ms. Gallagher-Smith felt conflicted. In her line of work, when she got the sense something was off, she called full stop. So, she had some compassion for officers as they noticed things weren't adding up. It was a situation where Ms. Gallagher-Smith would encourage additional training. Some parts were handled with finesse, but other areas needed fine tuning.

Ms. Conover pointed out that if the officer was hired a year ago, they had been on their own for only three months, as there were nine months of training to complete. She hoped the officer would take it as a learning opportunity.

Ms. Foltz summarized comments. She heard the group didn't think the officer had malintent and noted that re-watching videos was another good training option for teaching and training the officer.

- Adjudication Recommendations
  - Chain of Command and Auditor disagreed
  - Chief concurred with Auditor's office

Mr. Al-Rawe, Ms., Williams, Mr. Hames-Garcia, Ms. Gallagher-Smith, and Ms. Conover agreed with the Police Auditor's office.

Mr. Roseta thought the officer's actions were within policy. He agreed with the chain of command. Mr. Roseta pointed out the reporting party lied about the officer injuring him. It significantly affected that person's credibility, and the officer knew he was lying. Then the reporting party refused to provide their name, and information on the car in question. To Mr. Roseta, the refusal was an indication that he was hiding something. Additionally, the reporting party looked intoxicated and was offended about the officer's conduct to a fault, which Mr. Roseta thought showed a consciousness of guilt. According to wife, sister drove blue BMW.

Ms. Gallagher-Smith thought amiss when reporting party wasn't linear in their story. They were obviously not thinking clearly.

Ms. Williams thought Ms. Gallagher-Smith's comments showed the reporting party was a bad witness, but she didn't know there was evidence to indicate a crime was committed.

Mr. Roseta stated the officer acted reasonably given the situation presented to him. However, he agreed the officer should have called off detention once they had the reporting party's name, address, and phone number. It was not unreasonable to ask the person to stay for ten more minutes.

Mr. Al-Rawe asked for a list of bullet points as to why the officer was within policy. He pointed out that anything that happened after detainment didn't matter in the decision, as it was hindsight. Anything preceding the detainment could be considered grounds for detainment, but the officer did not have solid reasoning.

CRB was over its allotted meeting time and chose to stop discussion and would return to the item during the November 2019 meeting.

- Additional Comments/Concerns

None.

## **9. AUDITOR REPORT**

Ms. Pitcher reported there was an upcoming public safety forum on November 6, 2019 at Cesar Chavez Elementary School from 6:00 p.m. to 8 p.m.

## **10. ADJOURN**

Ms. Foltz adjourned the meeting at 7:50 p.m.

*(Recorded by Marina Brassfield, LCOG)*

## Eugene Police Department

October 2019 Open Case Report

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 1, 2019  
Class/sub-class: Policy Complaint  
Disposition: Supervisor Review-Closed

RP has reported, at least three times, an illegal camping issue and as far as he can tell, nothing has been done. The camper is even moving dirt, digging steps, constructing a handrail and making himself a permanent camp.

Note: Reassigned to Parks.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 1, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition: Supervisor Review-Closed

RP is upset that numerous times he has been harassed by people because he is developmentally disabled, and the police do nothing to help him. For instance, guy on a bike started harassing him while he was walking home. The guy got up in his face with a camera and would not back away. RP kicked at him to get him to move away. Both parties ended up calling the police, and once again, the police did not listen to anything he had to say. RP has been informed that it is illegal for people to call a disabled person names in the state of Oregon. One of the officers told him he was wrong, that the type of language directed at him was free speech. RP is certain that it is illegal.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 1, 2019  
Class/sub-class: Service Complaint / Courtesy  
Disposition: Supervisor Review-Closed

RP reported an incident in which she was pulled over by an officer just as it was getting dark, to verify she was the owner of her vehicle. RP has epilepsy and she tried to get the officer to turn off his strobe light that was facing her. RP alleged that he was not receptive about it, even though he eventually did turn it off and claimed he didn't have a card and was reluctant to provide her his badge number.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 2, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition:

RP has been unable to get a return call about a case.

---

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

RP is upset that an officer called his foster mother to try and locate him about a restraining order violation.

---

Incident type: IA Investigation  
Status: Completed  
Received date: Oct 4, 2019  
Class/sub-class: Allegation of Misconduct / Use of Force  
Disposition: Dismissed-o/s jurisdic

RP reported an incident in November of 2017 in which she was tased twice while handcuffed and then drug out of her home upside down during a welfare check.

Dismiss - outside jurisdiction.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 7, 2019  
Class/sub-class: Service Complaint / Service level  
Disposition: Supervisor Review-Closed

RP is trying to find out the status of her report and is not getting a return call from the officer who took the call.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 7, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP is confused as to why his neighbor who hit his tree and then fled this scene was not issued a citation for DUII.

---

Incident type: Incident Review  
Status: Active  
Received date: Oct 7, 2019  
Class/sub-class: Incident Review / Constitutional Rights  
Disposition:

RP sent a letter to the City Attorney alleging that an EPD Officer violated rights by ordering a man to stop using an amplification device in a public area. The officer indicated it was against a city ordinance, briefly scrolled through his phone to look for the ordinance and then walked away without providing the ordinance.

---

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

RP complained about drug dealing at an apartment complex he owns.

---

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

RP complained about the lack of follow up with regards to a theft he reported.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 9, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP is trying to get an update on a case.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 9, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP hand delivered a letter to EPD requesting that police investigate her neighbor, who had been using a BB gun to shoot squirrels in his yard.

---

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

RP expressed on Social Media that he is sick of seeing EPD officers speed without their overhead lights activated.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 9, 2019  
Class/sub-class: Inquiry  
Disposition: Dismissed-Other

RP in a long narrative, reported an incident in which she was transported to University District Hospital by an officer who manhandled her, dragged her to the car and called her a name. Dismiss per Auditor after review of BWC. Allegation not true.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 9, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP was directed to report to the Auditor's Office an issue of when she tried to report her wallet stolen. The person whom she first spoke with told her she would get an email in a couple of days with a report number and an officer would go over and pick up the security video. RP only received an email with a link to report again, which told her she had to call it in due to having a security video that needed to be picked up.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 11, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP is concerned about the harassment she and her sons have been experiencing by EPD Officers. They have been stopped and questioned for no reason, the latest incident, her son was stopped on Hwy 99,

and was asked to move over behind the donut shop where he was questioned about what he was doing.

---

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

RP stopped into the Auditor's Office to report that she had been issued two trespassing tickets, one in the Whit and one downtown. RP was unable to provide dates or times for either citation but felt that the downtown one may have been last weekend in the early morning, RP stated that the officer kicked her during this stop.

---

Incident type: IA Investigation  
Status: Active  
Received date: Oct 14, 2019  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition:

An officer was dispatched as the primary officer to a call from a local service provider. The investigation established probable cause to arrest a person for assaulting a staff person. A decision was made to not make an arrest at the time due to jail bed availability.

1. 103.5.14 Unsatisfactory Performance - It is alleged that the officer violated policy by failing to obtain supervisory approval to hold an assault report.
2. 103.5.17 Insubordination - It is alleged that an officer violated policy when by failing to call the Watch Commander line as instructed by a Lt. regarding the assault report.
3. 103.5.1 Truthfulness - It is alleged that an officer violated policy by knowingly or willfully providing an untruthful, deceptive and/or misleading answer to a Lt. when asked about contact with another Watch Commander related to the held assault report.

Allegations:

Performance - 103.5.14 Unsatisfactory Performance  
Conduct - 103.5.17 Insubordination  
Conduct - 103.5.1 Truthfulness

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 16, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP reported an interaction with an officer and a red cap on in which they took his property.

---

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

RP has been trying for the last year to get a neighbor's barking dog issue dealt with.

---

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

RP is trying to speak with a Supervisor concerning a child custody issue. RP feels the issue is custodial Interference and he has been unable to get officers to help him find his daughter.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 17, 2019  
Class/sub-class: Inquiry  
Disposition: Dismissed-Other

RP stopped into the Auditor's Office to report that he was prevented from going to Risk Services to file a claim by an officer. The Officer told him if he went there he would be arrested for trespassing. RP was also told that he had been trespassed from a business and inquired into rather this was true or not.

Dismiss the access to Risk portion. He partially filled out the form today then left in frustration. (I believe that he may have literacy problems.) Please advise if he has been trespassed from the business and Auditor's office can pass along to him.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 18, 2019  
Class/sub-class: Inquiry  
Disposition:

RP reported being harassed and targeted by an EPD officer.

---

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

RP reported an officer who was rude and unprofessional with him when he tried to report his ex-wife driving recklessly with his child in a car.

---

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

RP inquired into what was happening with an incident she reported when her ex-husband followed her and her child and banged on her car window, while threatening her with bodily harm.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 21, 2019  
Class/sub-class: Inquiry  
Disposition:

RP has been trying for the last month to get a police report.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 21, 2019  
Class/sub-class: Policy Complaint  
Disposition:

RP filed a public records request and received an email listing an ORS and denying his request for body cams saying it is not EPD's policy to release body cams. After reading the ORS listed RP does not see the justification for the denial.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 21, 2019  
Class/sub-class: Service Complaint / Conduct  
Disposition: Dismissed-Other

RP reported being harassed mentally by EPD and other agencies. They park near his location and turn their lights on and off. He stated that they go to his job and make statements about him. On a particular date, five cops passed him one at a time. RP also believes they are tracking him on his cell phone.

Dismiss - no policy violation alleged.

---

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

RP is concerned that when she called EPD for a welfare check on her suicidal son who was drinking and threatening to drive, she told the call taker that she did not want her named released to him. She learned later that her son had been told by the officer that she had been the one that called.

---

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

RP stopped by the Auditor's Office with a concern about being harassed by a couple of EPD officers. He was given a citation by an officer who spent an hour working on the citation, telling him he was lying when he told him he worked at the place he was supposedly trespassing at. The officer wouldn't listen to his co-worker either and told him to be quiet and that he was interfering in an investigation. Then he finds out when he went to court that the citation was never filed.

---

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

RP reported observing an EPD car driving about 20 mph over the speed limit, change lanes in the middle of an intersection and come within a lane of a woman crossing the street with a stroller. The vehicle was not going code with lights or sirens. RP has dash cam videos of the incident linked.

---



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

RP stopped into the Auditor's Office to report that when he went to the downtown station at the direction of a woman who had answered the Chief's line he was treated unprofessionally by officers.

---

Incident type: IA Investigation  
Status: Suspended  
Received date:  
Class/sub-class: Allegation of Criminal Conduct / Conduct  
Disposition: Under investigation

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 28, 2019  
Class/sub-class: Inquiry  
Disposition: Dismissed-alt remedy

RP reported an officer who he felt was a little over the top and needs work on interacting with the public as he was ticketed for illegal parking at the airport.

Dismissed - alternative remedy.

---

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

RP reported a call taker who refused to assist him in a court ordered custody issue. The call taker told him dispatch said it was a civil issue and EPD would not get involved unless it was to keep the peace.

---

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

RP was concerned about a discussion he had with a supervisor in relation another case. The supervisor repeatedly told him he was wrong when he recited a legal law that two officers did not follow in a contact with him. The supervisor then hung up on him.

---

Incident type: Supervisor Action  
Status: Active  
Received date: Oct 29, 2019  
Class/sub-class: Service Complaint / Performance  
Disposition:

RP reported an EPD patrol car that came within 5 ft of him as he crossed the street in an intersection.

---

Incident type: Supervisor Action  
Status: Completed  
Received date: Oct 30, 2019  
Class/sub-class: Inquiry  
Disposition: Supervisor Review-Closed

RP expressed a concern about how officers approached her vehicle. The officers were responding to a dispute call in which weapons might be involved. As the RP's windows were darkly tinted, they approached with weapons drawn and pointed at the ground.

---

Incident type: Internal  
Status: Initial  
Received date: Oct 31, 2019  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition:

An officer was dispatched to a reported burglary. When comparing the police report to the BWV of the contact, it is clear that the officer's report omitted and/or embellished relevant facts of the case. In addition, the officer failed to perform the required tasks to adequately investigate the burglary.

1) Allegation: 103.5.14c, Unsatisfactory Performance: All employees must perform the required tasks associated with their official duties, rank, or position as described in their job description.

2) Allegation: 103.5.22 b and c, Report and Evidence Submission: b: Employees must submit true, accurate and complete reports.

c.: As soon as practicable, employees must submit photographs, evidence and other required documents and products.

[40 incidents displayed.](#)

## Eugene Police Department

October 2019 Closed Case Report

---

Incident type: IA Investigation  
Status: Completed  
Received date: May 7, 2019  
Class/sub-class: Allegation of Misconduct / Conduct  
Disposition: Sustained

Two officers responded regarding a disorderly juvenile. The call originated with a request for CAHOOTS to take the juvenile to Station 7. The caller called back to say that the juvenile was out of control and had broken a window and was kicking the door. The juvenile's parent told an officer that they wanted the juvenile taken to SERBU and expressed specific safety and parental concerns about the juvenile being taken to Station 7.

330.3 CHILD ABUSE REPORTING - All sworn officers of this department are responsible for the proper reporting of child abuse. Any sworn officer who has reasonable cause to believe that any child with whom the employee comes into contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, will ensure that the matter is immediately reported in the manner required by ORS 419B.015 (ORS 419B.010.)

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.

103.4: JUDGMENT - Employees must use their training, experience, and observations to make sound and reasonable decisions. "Good judgment" is defined for this policy as those decisions and actions that a reasonable employee in similar circumstances would use or take, given the information they knew or should have known at the time.

103.5.22: REPORT AND EVIDENCE SUBMISSION a.) That reports shall be submitted in accordance with the department's report system manual. b.) Employees must submit true, accurate and complete reports. c.) As soon as practicable, employees must submit photographs, evidence, and other required documents and products.

### Allegations:

1. 330.3 Child Abuse Reporting - That an officer failed to report as required by ORS 419B.015 (ORS 419B.010), investigate or document in the report that the parent of a juvenile, reported that the juvenile possibly had been a victim of a violent crime and also had relations with an older juvenile.
2. 103.4.3 Integrity - That the officer arranged for the juvenile to be taken by Cahoots to Station 7 even though the juvenile's parent objected and instead wanted the juvenile transported to SERBU; that the officer knowingly left the parent with the impression that the juvenile would be taken to SERBU.
3. 103.4 Judgment - That the officer failed to report, investigate or document in the police report that the parent of a juvenile reported that the juvenile had been possibly a crime victim and also had relations with an older juvenile.
4. 103.5.22 Report and Evidence Submission - That the officer's police report omitted relevant facts.
5. 103.5.14 Unsatisfactory Performance - That the officer failed to perform the required tasks of their rank and position by not investigating allegations made by a juvenile that the juvenile was possibly a victim of a crime.

### Allegations:

Performance - 330 Child Abuse Reporting - Sustained  
Conduct - 103.4.3 Integrity - Sustained  
Performance - 103.4.1 Judgment - Sustained  
Performance - 103.5.22 Report and Evidence Submission - Sustained

Performance - 103.5.14 Unsatisfactory Performance - Sustained

---

Incident type: IA Investigation  
Status: Completed  
Received date: Jul 3, 2019  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Sustained

Allegation:

416 Officer Response to Calls - It is alleged that an officer drove without due regard for the safety of all persons in violation of POM 416.2 when responding Code 3 to a call for service.

Allegations:

Performance - 416 Officer Response to Calls - Sustained

---

Incident type: IA Investigation  
Status: Completed  
Received date: Jul 5, 2019  
Class/sub-class: Allegation of Misconduct / Performance  
Disposition: Within Policy

Allegations:

1. 103.5.22 Report and Evidence Submission - It is alleged that an officer failed to submit a true, accurate and complete report regarding a Violation of Restraining Order.
2. 405 Preliminary Investigations - It is alleged that an officer violated policy, by failing to thoroughly investigate a Violation of Restraining Order and take appropriate action.

Allegations:

Performance - 103.5.22 Report and Evidence Submission - Within Policy  
Performance - 405 Preliminary Investigations - Within Policy

---

Incident type: IA Investigation  
Status: Completed  
Received date: Oct 4, 2019  
Class/sub-class: Allegation of Misconduct / Use of Force  
Disposition: Dismissed-o/s jurisdic

RP reported an incident in November of 2017 in which they were tased twice while handcuffed and then drug out of their home upside down during a welfare check.

Dismiss - outside jurisdiction.

## **Police Commendations**

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

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