

New Complaints and Commendations Overview:

26 complaints opened from February 1 to February 29, 2020:

- 14 Inquiries
- 9 Service Complaints
- 1 Policy Complaint
- 1 Allegation of Misconduct
- 1 Incident Review

24 Commendations were received during this period.



Highlights

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New Complaints

We opened 26 complaints from February 1 to February 29, 2020: 14 Inquiries, 9 Service Complaints, 1 Policy Complaint, 1 Allegation of Misconduct, and 1 Incident Review; for a total of 52 complaints so far this year.

As a reminder, the complaints we receive are a first step in a thorough investigative process. Like complaints filed in court, they represent only one side of an interaction. Prior to the investigation, we have no way to discern the accuracy of the information provided in the complaint. What you read here is not necessarily the truth of an incident; it is an introduction to an incident that will be thoroughly investigated. For the purposes of space, the complaint summaries are brief. In particular, inquiries are often used to begin an investigation when the information provided to us from a complainant is limited. Many times inquiries are reclassified.

If a complaint is received that alleges criminal conduct on the part of the employee, the police auditor forwards the complaint and any associated information to the chief of police.

Inquiries:

- 1) RP reported they were arrested for DUII as they were leaving their work place, which is near a bar. Despite being tested, and blowing a 0.0, they were detained for hours and later issued a ticket for DUII and failure to signal.
- 2) RP reported that their partner suffered three seizures due to an officer refusing to turn off his lights. RP had to call dispatch to have their lights turned off. The officer then arrested RP for driving while suspended and refused to view paperwork that alleged RP was not suspended. RP was also unhappy that a call taker refused to transfer them to the Chief's direct line to report the officer's conduct.
- 3) RP is frustrated that they did not receive any calls or voicemails regarding their stolen car being recovered by EPD. They were finally notified days later by a letter from a Deputy Sheriff and now RP does not have the means to get the vehicle out of impound.
- 4) RP alleges to not have received follow up on a mail fraud case they reported in July 2019. After the case was handed off to another officer, they have not been updated on the status, and there

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is now a new December incident they would like to add to the record. This situation has led to various financial issues and the RP is getting frustrated.

- 5) RP alleged that police showed up at his door several hours after their partner called about an intruder at their apartment. RP claims officers pushed their way into the house, causing injury, and arrested RP for interfering and resisting arrest. RP also alleges that some property was not inventoried when taken to jail and is now missing.
- 6) RP and their partner contacted our office to report a series of incidents with EPD. RP claims EPD officers have been looking into their parked vehicles for several nights in a row with no explanation. RP feels they are being harassed and targeted for unknown reasons.
- 7) RP contacted our office regarding their belief that EPD is continuously harassing and maliciously prosecuting them, despite claiming to have done nothing wrong. RP believes that his race may be a factor.
- 8) RP claims a library security guard constantly harassed and tried to provoke them while seeking services at the library.
- 9) RP claims that during their arrest, an officer confiscated their baseball card collection which were given by a friend. The officer claimed it was too expensive for RP to have, insinuated they were stolen, and wanted to verify if they had been reported stolen. RP claims the cards had nothing to do with the arrest and wants the cards returned.
- 10) RP emailed our office with concern about a naked man in close proximity to the school. RP wanted to know why the school was not placed on lock down and the lack of communication and information following the incident.

- 11) RP was concerned with how they were treated when they reported a restraining order violation. The officer used words like "If this happened..." The officer later allegedly said he would have to speak with the partner to believe RP. RP feels they were judged and treated like a criminal, and that the officer's mind was already made up about the incident.
- 12) RP reported an incident in which an officer allegedly lied on a police report in what RP believes was done to get enough evidence to book a friend. A polygraph RP took proved they were truthful.
- 13) RP claims that after someone reported seeing a gun, their friend's description was given, even though they were not involved. RP was also stopped, and when they tried to ID them, RP complained about illegal search and seizure and was told to shut up while their phone was ripped out of their hand and they were shoved to the ground. When RP asked for the officer's badge number, it was not given, and RP feels their rights were violated.
- 14) RP called the Communication Center to inquire why their juvenile child was being stopped by officers and why RP wasn't notified. RP's child believes they were stopped because they were with two other people of color.

Service Complaints:

- 1) RP reported that after a brief wait to pick up their partner at the Eugene airport, an officer unprofessionally issued a parking citation for unknown reasons and altered the citation after filling it out. RP felt threatened and fearful of the officer.
- 2) RP tried to report a mail fraud incident and EPD was unwilling pick up the check and investigate the issue. RP's bank suggested that they give the check to law enforcement. RP also has the text messages from the person and would like to get the check out of their possession. RP thought it was odd EPD would not send an officer to get the check.
- 3) RP and their neighbors have been trying to get EPD or Parking Services to enforce an illegal parking situation behind their homes. Parking Services claims it's a private road and that EPD enforces that. EPD supposedly told the people illegally parking that they weren't going to enforce it and to go ahead and park there. RP

would like to speak with someone to get this issue resolved.

- 4) RP is upset that an officer failed to arrest a woman who was going through RP's trailer and took off with one of RP's bags. The officer appeared to not believe RP about what had happened because RP could not identify what was in that particular bag. RP also feels it was due to a bias, because of other interactions they have had with the officer and they are unhappy with the outcome of the incident.
- 5) RP contacted the Auditor's Office after encountering the man who stabbed them 15 times in the same park. When RP questioned an officer about why this person was not in jail, they were given no information and referred to the Auditor's Office. RP still has much of the evidence of the stabbing, which was not taken by police as well as hospital records etc. RP wants to know what is happening with this case and why this person is still walking the streets.
- 6) RP reported an incident in which they turned themselves in to EPD on weapons charges and refused to speak with a specific Detective due to past issues with him. When RP sat down with a different officer and declined to answer questions without their lawyer, that Detective burst into the room and threatened RP with going to jail for being uncooperative. The officers spoke with RP's mom and decided to release them with a citation. The Detective then took RP to be fingerprinted and processed. RP looked at the citation that they were given and commented that this would probably be dropped and that they were going to file a lawsuit. The Detective then yelled at RP to shut up or they'd be taken to jail. RP is unhappy with how they were treated by the Detective.
- 7) RP has been concerned about how fast EPD officers have been traveling down their residential street over the last few months.
- 8) RP reported a hit and run driver who struck them. It took 4 days for EPD to contact RP to take their report, and they were told by the officer that since it had been so long and the other party lived in Harrisburg, nothing would be done. RP inquired if that was correct and if that was policy, since they had called at the time of the incident.

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- 9) RP has repeatedly reported a noise issue to EPD over the last seven months, with no results. The noise at times can be felt in RP's home and goes on until 1 or 2 a.m. RP has been told that officers have been sent out, but there has been no change. RP wonders if noise complaints in the University District are treated with more leniency.

Policy Complaint:

- 1) RP is concerned about how officers handled a situation outside of the Fairgrounds during a protest of the logging conference. There was heavy traffic on 13th Avenue and trucks driving by gunning their engines, speeding, and flipping off people in the protest. RP talked with an officer who admitted that the vehicles were breaking the law, but they were not there at the time for that and they didn't have the resources to go after the speeders. RP suggested parking a police car, so it was visible to the traffic but was brushed off by the officer.

Allegation of Misconduct:

- 1) It is alleged that an officer's taser deployment on a UEMV (Unauthorized Entry into a Motor Vehicle) suspect who was running away was outside policy.

New Commendations

There were 24 commendations documented, during the month of February for a 2020 total of 52 so far. Most commendations are made through EPD. The Auditor's office accepts commendations as well.

Commendations are listed on the Police Department website at:

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

Closed Cases

18 complaints were closed in the month of February 2020: 8 Service Complaints, 7 Inquiries, 1 Policy Complaint, 1 Incident Review, and 1 Allegation of Misconduct.

Closed Service Complaints:

1) RP was dissatisfied with an officer's comments and actions as RP was waiting to pick someone up from the airport. RP claims the officer's demeanor was very disrespectful and it scared their child.

Summary of Investigation: A review of the video showed that the officer acted within policy. Nevertheless, the supervisor of the involved officer had a conversation about how to speak to the public and how to speak with courtesy and in a professional manner.

2) RP was dissatisfied that an officer left after being told the officer would talk to other tenants regarding a molestation incident of a neighbor. Leaving immediately after talking to RP makes it appear they were involved and other tenants are starting to question RP.

Summary of Investigation: RP contacted the office again and stated they wanted to retract the complaint.

3) RP is frustrated that an incident involving a bottle of cologne stolen by their caretaker in September of 2019 still had not been resolved.

Summary of Investigation: Investigators found no policy violations on behalf of the officer. They did, however, use this opportunity to discuss investigation techniques, investigative resources and developing contacts with various partner agencies.

4) A former EPD member shared a concern and suggestions for future EPD practices and better customer service.

Summary of Investigation: The involved officer's supervisor had a conversation with both RP and the involved officer and provided feedback for future

investigation best practices to the officer. The officer did not violate policy, and this was explained to RP.

5) RP reported what they believed to be excessive force while being detained by an officer, which caused a visible bruise on their left arm.

Summary of Investigation: Investigators and the Auditor reviewed body-worn camera footage of RP being removed from the vehicle and detained by officers. Details of the call included a potential kidnapping situation and indicated that RP had a gun in the car. Officers performed a department trained control hold and two officer handcuffing technique to safely detain RP. It showed no excessive force by either officer and these findings were shared with RP.

6) RP reported excessive use of force while being arrested by an officer. RP reported not being injured.

Summary of Investigation: The Auditor and investigators reviewed body worn camera footage of the incident. The two officers detained RP in a very calm manner. There was no force used at all by either officer and RP was detained in a professional manner in accordance with officer training. These findings were shared with RP.

7) RP reported an EPD vehicle driving erratically, running a red light, turning without a signal, and with no lights on in the rain.

Summary of Investigation: Supervisor was able to identify the described vehicle and which officers were involved at the time of the alleged incident. There was no video available since the vehicle was not on a call that necessitated the video system to be active. Upon review, the driving officer was being supervised by a coach despite RP's claims that only one officer was in the vehicle. The coach's notes did not detail any driving concerns and RP's claims seemed to mirror a prior traffic stop that RP was involved in.

8) RP tried to report a mail fraud incident and EPD was unwilling pick up the check and investigate the issue. RP's bank suggested that they give the check to law enforcement. RP also has the text messages from the person and would like to get the check out of their possession. RP thought it was odd EPD would not send an officer to get the check.

Summary of Investigation: The supervisor contacted RP and learned they had already turned the check over to the United States Postal Service in relation to mail fraud and were no longer requesting assistance from EPD. RP seemed satisfied by the information provided by the end of the call.

Closed Inquiries:

1) RP reported an incident in July 2013 in which they allege that an EPD detective obstructed justice by manipulating evidence and falsely swearing to that evidence on arrest warrants.

Per Auditor: Dismissed – Timeliness

2) RP reported they were arrested for DUII as they were leaving their work place, which is near a bar. Despite being tested, and blowing a 0.0, they were detained for hours and later issued a ticket for DUII and failure to signal. The incident left RP anxious, scared, and unable to sleep well.

Summary of Investigation: As officers are trained when a 0.0 BAC is received, officers requested a drug recognition expert (DRE) to evaluate RP on whether they were under the influence of a controlled substance. RP was asked for consent to be evaluated by a DRE at SPD, where a DRE was available as per OSP DRE paging guidelines. RP was explained this was a completely voluntary evaluation and they still consented. Based on probable cause developed by the officer, the incident was handled correctly. Attempts to reach RP with updates on the investigation were unsuccessful.

3) RP is frustrated that they did not receive any calls or voicemails regarding their stolen car being recovered by EPD. They were finally notified days later by a letter from a Deputy Sheriff and now RP does not have the means to get the vehicle out of impound. RP feels they were victimized twice and that the whole system is rigged.

Summary of Investigation: A supervisor reviewed incident details and discovered there were two different phone numbers for RP. After contacting RP through the second phone number, RP told officers that the previous cell phone had

been in the vehicle at the time it was stolen, and they had to change numbers. RP had notified the Sheriff's Office of the number change, but that information was never relayed to EPD. RP understood that their frustrations were not towards EPD and expressed his intent to continue contacting the Sheriff's Office and the DA regarding the manner this was handled.

4) RP contacted our office regarding their belief that EPD is continuously harassing and maliciously prosecuting them, despite claiming to have done nothing wrong. RP claims to know of other African Americans in the community who are experiencing similar harassment and RP fears for their life.

Summary of Investigation: A supervisor reviewed the alleged incidents and determined that the investigations arose from citizen complaints of criminal activity, not due to race. Due to the ongoing criminal investigation of one of the incidents, further details are not releasable until the conclusion of that case. The supervisor found no conduct by officers involved in this investigation, to be outside of policy.

5) RP claims a library security guard constantly harassed and tried to provoke them while seeking services at the library. **Dismissed: Outside of Jurisdiction**

6) RP reported an incident in which an officer allegedly lied on a police report in what RP believes was done to get enough evidence to book a friend. A polygraph RP took proved they were truthful. This incident caused RP pain and suffering because they lost a friend over it.

Dismissed per Auditor – Timeliness

7) RP claims that after someone reported seeing a gun, their friend's description was given, even though they were not involved. RP was also stopped, and when they tried to ID them, RP complained about illegal search and seizure and was told to shut up while their phone was ripped out of their hand and they were shoved to the ground. When RP asked for the officer's badge number, it was not given, and RP feels their rights were violated. **Dismissed per Auditor after video and audio review: No policy violations found.**

Closed Policy Complaints:

- 1) Anonymous RP was concerned with EPD officers blocking the exit/entrance to a store while conducting investigations. They believe it makes for an unsafe situation for both the business and citizens. **Dismissed per Auditor: Other**

Closed Incident Review:

- 1) RP submitted a complaint that an employee violated policy during a pursuit initiated by an outside agency.

Summary of Investigation: Investigators talked to involved employees and witnesses. A witness admitted that the employee's actions caused some potential issues with the Communications Center operations during the incident, but they believed it was blown a bit out of proportion and future problems could be mitigated with a conversation between the involved employee and Communications Center supervisors. It was determined to be a Performance issued and the employee's direct supervisor was notified for further follow-up.

Closed Allegation of Misconduct:

- 1) An officer was dispatched as the primary officer to an Assault call at a hospital. The investigation established probable cause to arrest a patient 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 by failing to call the Watch Commander line as instructed regarding the assault report.
 3. 103.5.1 Truthfulness - It is alleged that the officer violated policy by knowingly or willfully providing an untruthful, deceptive and/or misleading answer to a Lt. when asked about the contact with another Watch Commander related to the held assault report.

Summary of Investigation:

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. **Sustained:** Investigation showed that the officer admitted they did not attempt to, nor did they receive, supervisory permission to hold the police report.
2. 103.5.17 Insubordination - It is alleged that an officer violated policy by failing to call the Watch Commander line as instructed regarding the assault report. **Within Policy:** After listening to Lt.'s voicemail left for the officer, it could be understood why the officer could believe the message was a request rather than a direct order. Investigators did not believe the officer intentionally disobeyed a direct order, rather, the officer explained in their interview they thought to be addressing the problem in the most expedient manner.
3. 103.5.1 Truthfulness - It is alleged that the officer violated policy by knowingly or willfully providing an untruthful, deceptive and/or misleading answer to a Lt. when asked about the contact with another Watch Commander related to the held assault report. **Unfounded:** The investigation indicated that the involved officer had a few encounters with the Lt., but after interviewing both, it was unclear who initiated the interaction.

About Us

The Office of the Police Auditor operates independently. We report directly to, and are funded by, the Eugene City Council. We are an independent, civilian entity Responsible for civilian oversight of the Eugene Police Department; neither our funding nor management overlap with EPD.

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News Items

Phoenix Council approves civilian oversight of police in 5-4 vote

<https://www.fox10phoenix.com/news/phoenix-council-approves-civilian-oversight-of-police-in-5-4-vote>

NYC crime down 25% in first week of coronavirus shutdown — just one homicide

<https://www.nydailynews.com/new-york/nyc-crime/ny-crime-down-under-coronavirus-20200323-qfajepyy3nf4fd7eri2zcgkxi-story.html>

Law enforcement warns Americans of increasing coronavirus scams

<https://abcnews.go.com/Politics/law-enforcement-warns-americans-increasing-coronavirus-scams/story?id=69760340>

Coming Up

Due to the public health concerns, we are not accepting walk-ins at this time. Staff from our office continue to intake complaints and commendations from the public. Please continue to contact our office by:

- Visiting our website at www.eugene-or.gov/PoliceAuditor
- Calling us at 541-682-5016
- Emailing us: policeauditor@eugene-or.gov
- Filling out our complaint form located to the right of our door and placing through the mail slot

In addition, per City of Eugene guidelines, all public meetings have been cancelled until further notice. Please stay connected to our Facebook, Twitter and website, where we will announce our next Civilian Review Board meeting.

Thank you for your understanding.