

## New Complaints and Commendations Overview:

24 complaints opened from  
April 1 to April 30:

- 12 Inquiries
- 10 Service  
Complaints
- 2 Allegations of  
Misconduct

18 Commendations were  
received during this period.



## Highlights

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## New Complaints

We opened 24 complaints from April 1 to April 30, 2020: 12 Inquiries, 10 Service Complaints, 2 Allegations of Misconduct; for a total of 99 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.

## Open and Closed in April

Within the month of April, we opened and closed 11 complaints: 7 Inquiries and 4 Services Complaints.

### Inquiries:

- 1) RP was upset with the way he was arrested in June 2019, after a dispute with a relative he was asking to leave his home. Without a warrant, officers used flashbangs and SWAT officers leveled rifles at him. He then, unprovoked, was shot with a soft projectile.

**Summary of Investigation:** Per Auditor - Dismissed - Timeliness

- 2) RP contacted the Auditor's Office with a concern about an incident at his home. RP and his 18-month-old child were in his garage with his dog, when suddenly two police officers appeared from around the corner of his house startling them. His dog began barking and running toward the officers, not giving him a chance to grab the dog. One officer started beating the dog around the face with a mag light. The second officer, once the dog was cowering on the ground, stepped over and pepper sprayed the dog in the

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face. The officers then tried to tell him that a male DHS officer had called in a welfare check on RP's partner. RP called their partner's DHS worker to verify and learned that, as far as she knew, no one from DHS had made the call. RP is upset at the treatment of his dog by the officers and that no verification was made about the call that was supposedly DHS before officers were sent out.

**Summary of Investigation:** Dismissed per Auditor after review of body worn video and reports. DHS did request a welfare check. The dog was loose and aggressive. The officers used less force than described. The officers acted reasonably under the circumstances.

3) RP reported her son being arrested after calling in a suspect who was throwing rocks at a restaurant. Officers mistook him for someone else, threw him to the ground, handcuffed him and failed to verify his identity (ID cards in his pocket). He was then jailed for 2 days without being able to call anyone or given his medication.

**Summary of Investigation:** Auditor reviewed video and did not believe there were any use of force issues with the officer's performance. The investigator spoke to the officers about articulating to the suspect that he was under arrest prior to going hands on. The officer recognized the error and the breakdown in communication. The officer's coach thoroughly debriefed the call the day of the arrest. The officer's belief that RP's son was someone else was due to them having similar appearances and physical attributes. When taking RP's son into custody, an Oregon trail card bearing his actual name was found. The officer asked him if his name was the name imprinted on the card and

he replied, 'no', resulting in being lodged under another name. The person in custody told jail staff that the name on his ID bracelet was not his true name, and latent fingerprints determined the error. A Sgt. coached the officers about their performance related to the proper identification of suspects in police custody.

4) RP lives next door to the home involved in the standoff and would like to inquire into how the chain of events and the timing of police actions were determined. RP's family was asked to leave their home due to the situation but then allowed to return before it was over. RP felt overall the situation was handled well and is not complaining about officers, but for her peace of mind would like to ask some questions.

**Summary of Investigation:** Investigator called RP, answered several questions and gave her some information about police tactics specifically related to the incident. She was appreciative of the call and did not have any complaints regarding the police response.

5) RP called the Auditor's Office to offer a couple of suggestions about a standoff.

1. Sooner notification that a dangerous situation was going on, so people knew of the potential danger. RP heard the officers trying to get the man to put down his gun all afternoon, but no notification was given until 9pm.

2. In the phone notification it would be wise to remind people to not stand in front of windows, for their own safety.

**Summary of Investigation:** Per Auditor - Dismissed - Other (Suggestions Only)

6) RP An officer requested a sergeant response to the Lane County Jail because a person in custody claimed he was racially profiled by officers and wrongfully arrested.

**Summary of Investigation:** Dismissed per Auditor. Investigation revealed that officers were responding to a call for service - a robbery, and not officer initiated. Investigation by arresting officers led to the arrest of RP who matched the description of the robber and the victim's grandmother was able to track the stolen phone to RP's bunk at a shelter.

7) RP completed a complaint form outlining issues with a possible OSP officer. No mention of EPD employees was made.

**Summary of Investigation:** Dismissed – Outside Jurisdiction

**Service Complaints:**

- 1) Complainant called EPD's non-emergency line to report an incident with a trespasser at his apartment complex. He felt the call taker asked too many questions and inappropriately hung up on him. RP called back, spoke to a different call taker and eventually asked to speak to a supervisor.

**Summary of Investigation:** From review of the phone recording it is clear the conversation wasn't very functional. Complainant used a buzzword, potentially hoping to elicit a response. At first he declined to clarify and when he did the answer, didn't match what the Department considers aggression. Additionally, the complainant repeatedly spoke over the call taker, whether they paused and waited for him to finish or if they went ahead hoping he would stop speaking. With the suspect leaving and the instruction given to call back if needed, the choice to end an ineffective conversation is reasonable. The EPD staff did say to call back, which was largely talked over, and announced they would be disconnecting the call. The complaint is not founded.

- 2) RP expressed concern about the resources used: Patrol cars and motorcycles for a parade, escorting private vehicles for a child's birthday. RP was told by an officer that they had been given approval. In this time of emergency, RP wonders how his neighborhoods are being policed and resources spent. RP also noted a group of kids playing soccer at the school near where the parade was staging, and the blind eye turned to the group not following the distancing rules set up by the governor.

**Summary of Investigation:** During the investigation, RP re-stated the complaint as originally alleged, but with the twist that he is a healthcare provider, and concerned because of the perspective that the officers and others gathered before this mobile tribute had violated the constructs of social distancing. The investigator mentioned that they had personally authorized the Sgt. to conduct the operation he witnessed, because of the trust-building opportunity with the boy, his family, and others. Such duty, even lasting only a few minutes, increases officer morale and job-satisfaction. For this reason, several departments around the nation have

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done similar things, including recent salutes to nursing staff. RP said that as a registered nurse, he was aware of such tributes to his colleagues. RP thanked EPD sharing their perspective, and for hearing his side of things.

- 3) RP is upset with a couple of EPD officers who detained two suspects underneath his apartment window for 2 hours from 8 to 10 pm. The officers argued back and forth with them in loud enough voices as to disturb his evening routine and never took any action to solve the situation which appeared to be domestic in origin. RP noted that the officers seemed reluctant to put the suspects in their patrol car due to COVID19.

**Summary of Investigation:** In reviewing CAD details, officers were dispatched at 2105 hours and first to arrive at 2107 hours. This contradicted RP's allegation that officers were on scene and had suspects detained from "8 to 10 pm". All officers cleared from the call for service within minutes of 2150 hours. This also contradicted RP's allegations. The incident was related to a possible domestic dispute and disorderly subject, and it's possible RP heard the subjects prior to police arrival.

- 4) RP is concerned about the service she and her neighbors receive from EPD when they try and report issues. No one bothers to come out and take reports, only over the phone, and follow up on issues is very limited. RP's neighbor reported an attempted break in, he wants to press charges and RP has video from her ring device. The officer has failed to contact her to obtain the video. RP is frustrated with the service they receive.

**Summary of Investigation:** During the interview with the involved officer, it was revealed that there had, in fact, been an arrest and that subject who was

reported to be breaking into a residence was in custody. The officer advised they spoken with RP and was informed of video footage of the incident. The officer explained that they had been waiting for RP to email them the video. The officer also stated they had called RP to follow up with her and obtained the video, also advising her an arrest was made. This follow up occurred within 24 hours of the original call. The complaint was unfounded.

## Additional Opened Cases

Aside from the 11 complaints received and closed within the month of April, we received an additional 13 complaints in April: 5 Inquiries, 6 Service Complaints, and 2 Allegations of Misconduct.

### Inquiries:

- 1) RP requested (via the HRC for accommodations) being able to speak with someone at EPD about various incidents reported, the labeling of the crimes, and what the outcome is. RP mentioned that possibly speaking with the officer who took the reports or their Sergeant would help understand where each is at and how it was classified.
- 2) RP, the mother of the young woman killed in a car accident, is concerned that she has been unable to get an officer to return her calls about the case.
- 3) RP is frustrated that an officer and a supervisor will not return his calls regarding an incident in which his daughter was arrested for felony assault. The man involved choked, bruised and gave his daughter a concussion, but was not charged. The DA did not go forward with charges and RP would like to discuss how this issue was handled, and his daughter would like to press charges against the man.
- 4) RP called EPD for a civil assist to take custody of his two children who had been on an extended stay with his ex. RP attempted to take custody, and his ex was not allowing it. RP is from another state and was able to show officers all his complete court paperwork showing he has custody of the children. The officers deemed a gray area in the extended time between Oregon and the other state and declined to help, insisting he needed to go back to court.

- 5) It was reported that an officer may have reported for EPD firearms training at the range, inappropriately.

### Service Complaints:

- 1) RP inquired into why nothing has been done about a sign theft he reported. RP had been able to give the plate of the person who took the sign and when he inquired into the outcome, he was given the incident number and told it was given to the beat officers. As far as he can tell no follow-up.  
RP also asked to speak to someone about the options on the x5111 recording (he feels it should have an "Other" option as well as Reporting and Records) and was told he would have to call the Auditor to complain and could not be forwarded to the person responsible for the recording.
- 2) RP is concerned with how officers handled a call for service for a fire that was set outside of the front door of his business. (RP observed the interaction on his surveillance footage the next morning.)
- 3) RP reported an officer she felt was disrespectful toward her when she was making a report. RP noted that three officers came to take the report and one seemed to be in training. RP thought three officers was excessive for a theft report. RP also request she not be contacted but would like the interaction reviewed.
- 4) RP emailed the Chief, unhappy with how a call for service was handled by EPD. The issue involved her daughter and a friend from school and her parents.
- 5) RP reported an incident in which he was waiting at a traffic light sometime between noon and 2 o'clock. An EPD officer was in front of him and failed to move for 10 seconds or longer after the light changed. RP tapped his horn to get the officer's attention which caused the officer to come out of their vehicle and threaten him with an unlawful use of a horn citation and lecture him on how rude he was for honking. RP did not lay on his horn and knows it is not unlawful to use your horn per a Supreme Court case he has read about.
- 6) RP claimed that the officer who was handling a theft RP had reported and had not returned his message in approximately 2 weeks. RP had

questions on the progress of the investigation and felt the officer was ignoring him.

### **Allegations of Misconduct:**

- 1) 1203.7 Body-Worn Video: That a supervisor muted their microphone in violation of policy during the contact and investigation of a use of force (Taser).
- 2) 103.5.19 Neglect of Duty: It is alleged that an EPD staff member was sleeping on duty in violation of policy.

## New Commendations

There were 18 commendations documented, during the month of April for a 2020 total of 97 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>

## Additional Closed Cases

Aside from the 11 complaints received and closed within the month of April, we closed an additional 10 complaints: 2 Inquiries, 4 Service Complaints, 2 Incident Reviews, and 2 Allegations of misconduct

### **Closed Inquiries:**

- 1) RP reported an EPD officer who was clearly going home and not on a call, talking on their cell phone while driving down I5.

**Summary of Investigation:** Investigators spoke with the involved EPD member. They claimed they often receive work related phone calls on their way home and they usually place their cell phone in their external vest pocket to talk. The EPD member's take home vehicle is not equipped with Bluetooth technology. RP didn't really want to "get them in trouble" but believed they should be pulling over or using some other method to talk rather than holding the cell phone. He felt it gave the public a poor image of police; being able to do something the public would be cited for. The EPD member was followed up with, reminded of EPD procedures and arranged to provide them with a

Bluetooth speaker or other technology of their choice to prevent this from happening again.

- 2) RP is concerned about the way a welfare check on them was handled in February. RP's partner thought they heard RP's shotgun in the background and called police. At least 7 cops showed up, one hiding behind a tree with binoculars. The other officers were holding their M4's in their hands. RP repeatedly told them they were fine, not suicidal and to leave. As one officer continued to question RP, RP looked to their left and noticed another officer with their gun pointed right at RP. Finally, a supervisor told the others they could leave.

**Summary of Investigation:** The caller was RP's partner who told dispatchers RP was potentially armed with a shotgun and had access to knives and threatening harm to themselves. The caller reported hearing the shotgun being manipulated by RP, describing a cocking sound. After reviewing the CAD and BWV of this incident, it was apparent the responding officers handled the call appropriately and within department policy and training practices for this type of call with these circumstances. When reviewing the BWV, no officer ever directly pointed a firearm or less lethal device directly at RP. One officer who deployed a less lethal 40mm device, did lift the firearm up in the general direction of RP but did so appropriately and only to turn on their sighting device. While RP was confrontational with the officers verbally, RP did not represent a threat to themselves or the community. The officers quickly came to this conclusion after consulting with their Sgt., the decision was made to leave the scene and let RP go back inside their home after they refused service and an offer to help. Follow up was provided to RP and they were appreciative of EPD's contact and explanation of tactics used during the incident.

### **Closed Service Complaints:**

- 1) RP is concerned that only Fire was dispatched when they reported a transient with an open fire under the awning of a property they own. Fire put out the flames and had the man move along. A no trespassing sign was on display below the man and RP wants to know why no

officer was dispatched to cite the trespasser, as the property could have burned down.

**Summary of Investigation:** Investigators reached out to RP and explained that they believed the situation had been resolved as the fire department had cleared the scene advising the fire had been extinguished and without requesting patrol respond. EPD had no indication that there was a continuing hazard or crime in progress at the scene. RP continued to disagree with this assessment. He is upset that an arson report was not taken and that patrol did not respond to trespass the subject. He considers what happened to be a serious offense and is concerned that EPD did not respond on what he believes to have been a potential serial arsonist.

2) RP reported an officer who pulled them over after following them for a mile. The reason the officer provided for pulling them over was because the license plate wasn't readable. RP feels they were given a made up reason for being pulled over, violating their rights. Both RP and the officer looked at the plate and there was no violation. RP tried to get the officer's name but was admonished to back away from the officer due to safety concerns.

**Summary of Investigation:** Investigators reviewed the digital recordings captured by the officer's in-car dash camera along with their body camera. In doing so, it showed the officer well within policy, maintained a very patient, polite along with professional demeanor with RP. The officer's behavior and demeanor did not change even though RP was verbally hostile towards them from the beginning of their interaction. After several missed instances to connect with RP, the investigator was able to discuss findings of the investigation. There was no violation of department policy; state statute related to the traffic code and consistent with industry standards. Additionally, the officer should be commended for keeping their composure and professional demeanor with such an aggressive, hostile person.

3) RP inquired into how EPD handled a case of theft from RP's home. RP made a report of theft from a worker in their home. About a month later, RP learned that the man had been picked up on a parole violation. As far as RP can discern, RP's report was never linked to the man and followed up on. In early February RP spoke with the supervisor at the downtown station with a hint at where the man might be. The supervisor seemed uninterested and said the police would have a better idea than them. At this point RP feels like they have been ignored and would like this looked into.

**Summary of Investigation:** An officer was instructed to conduct follow-up on the case and contacted RP, who advised that he had text messages proving the suspect committed the crime. The officer requested RP forward the messages to the officer's work phone and provided the number. The officer advised RP never sent the messages so they could move forward with the investigation and suspended the case. RP didn't understand why the incident wasn't taken care of when the suspect was arrested on an unrelated incident. Investigators looked into the suspect's arrest and determined he was arrested by UOPD on an unrelated incident. RP was advised that not all agencies have information systems that communicate. At the conclusion of the conversation with RP, he began to understand the complications when it came to different agencies systems and how his incident may have been missed. RP was still concerned about why it took so long for his case to be assigned for follow-up but he was assured it would be followed up on if he provided the officer the information they had requested initially.

4) RP reported an unmarked vehicle that ran right through a red light at 7th and Madison, with no lights or sirens. Two other civilian vehicles followed them right through the light.

**Summary of Investigation:** Investigators attempted to connect with RP, but their line had been disconnected. IA was able to confirm via GPS tracking that indeed the vehicle involved driven by an EPD employee was in the area near the time described by the complainant. The investigator spoke with the involved employee about this incident and counseled them, ensuring that they are paying attention while driving and following the rules of the road. The employee assured they would pay more close attention to driving while operating a police vehicle. Without being able to contact the complainant and ask further questions for detail clarification, unable to investigate this incident further.

### **Closed Incident Reviews:**

1) RP contacted the Auditor's Office with a concern that his client was racially profiled during a traffic stop. His client was stopped at gun point by officers, pulled from his car, slammed to the ground and handcuffed for over 30 minutes with no explanation as to why he was being detained. He was told "You are being detained, that's all you need to know." Evidently officers mistook him for someone else, but this all happened before he was asked for his name, ID, or registration for a car that is in his name. His client at one point asked for his handcuffs to be loosened, and was told, "If you check out, it will be over soon." The cuffs were not taken off for another 10 minutes when he was given 3 citations and released.

**Summary of Investigation:** An officer ran a plate of a vehicle driving in the area. The vehicle returned to a subject known to officers as a drug dealer who has previously been arrested with large quantities of drugs in his possession. Before the vehicle could be stopped, it pulled into an apartment complex parking lot. A brief time later, a different white pickup truck that had been parked next to the vehicle left the parking lot. The officer saw the driver of the truck, and noticed he appeared similar in appearance to the suspect. This caused the officer to suspect the subject had switched vehicles. When the vehicle failed to signal a turn, they pulled the vehicle over. After the vehicle was cleared of additional occupants, the officer contacted RP's client and explained why

he had been stopped, why he was held at gunpoint, and why he was detained in handcuffs. RP's client was apologetic and appeared to understand what had occurred. Investigators were able to confirm that the person detained loosely matches the physical description of the known criminal. This is not a case of racial profiling, rather a case of an unfortunate mistake of identity.

2) Opened as Incident Review per Auditor. 4/30/2020 - Incident Review Dismissed by Auditor and converted to a review by the Use of Force Review Board. The incident involved a use of force including a Taser. A few days later the arrested person passed away due to an unrelated event.

### **Closed Allegations of Misconduct:**

- 1)
  1. 103.5.14 Unsatisfactory Performance: That an EPD staff member did not adequately perform the tasks associated with their official position when they released their work material to an outside agency prior to the completion of a Technical Review (TR) in violation of policy.
  2. 103.5.14 Unsatisfactory Performance: That an EPD staff member did not adequately perform the tasks associated with their official position related to their work on this case, including:
    - (a) failing to document their work product related to images;
    - (b) failing to retain or preserve the images that were processed as evidence;
    - (c) failing to report and document the opinion that was offered in trial based on work performed;
    - (d) failing to document work as completed throughout the process as required by policy.
  3. 103.5.1 Truthfulness: That an EPD staff member was not truthful when they told other EPD staff that they had not testified and that they were to testify in the future.
  4. 103.5.17 Insubordination: That an EPD staff member was insubordinate when they testified after being instructed by a supervisor that they could not testify due to work issues discovered in the TR.
  5. 103.4.3 Integrity: That an EPD staff member engaged in conduct that compromised their honesty and that of the department when they

testified in this matter despite knowing that their work did not comply with policies and that the TR identified work issues yet to be corrected.

6. 103.5.1 Truthfulness: That an EPD staff member was not truthful when they told other EPD staff that the only documentation released to an outside agency was one report.

7. 103.4.3 Integrity - That an EPD staff member improperly deleted a large volume of computer files in close proximity in time to them being placed on Administrative Leave in connection with this investigation.

### **Summary of Investigation:**

Allegations:

Performance - 103.5.14 Unsatisfactory  
Performance - Resigned during investigation

Performance - 103.5.14 Unsatisfactory  
Performance - Resigned during investigation

Conduct - 103.5.1 Truthfulness - Resigned during investigation

Conduct - 103.5.17 Insubordination - Resigned during investigation

Conduct - 103.4.3 Integrity - Resigned during investigation

Conduct - 103.5.1 Truthfulness - Resigned during investigation

Conduct - 103.4.3 Integrity - Resigned during investigation

2) Internally reported incident involving an officer's failure to lodge evidence seized in a case in a timely manner.

**Summary of Investigation:** Interviews were completed with all involved officers and body worn video was reviewed of the incident. During questioning, officer admitted they had forgotten to lodge evidence seized by the end of their shift. 1104 Evidence and Property Handling policy was violated, and the allegations was sustained.

## News Items

### **Reuters Investigates: For cops who kill, special Supreme Court protection**

<https://www.reuters.com/investigates/special-report/usa-police-immunity-scotus/>

### **Cleveland to pay \$18 million to trio who spent decades in prison for wrongful 1975 murder convictions**

<https://www.cleveland.com/court-justice/2020/05/cleveland-to-pay-18-million-to-trio-who-spent-decades-in-prison-for-wrongful-1975-murder-convictions.html>

### **LPD sees rise in thefts from vehicles, mental health and fraud calls; but total calls down during coronavirus restrictions**

[https://journalstar.com/news/local/lpd-sees-rise-in-thefts-from-vehicles-mental-health-and-fraud-calls-but-total-calls/article\\_aea59dad-449a-5f62-b969-c1435c9efeda.html](https://journalstar.com/news/local/lpd-sees-rise-in-thefts-from-vehicles-mental-health-and-fraud-calls-but-total-calls/article_aea59dad-449a-5f62-b969-c1435c9efeda.html)

## 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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## 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](http://www.eugene-or.gov/PoliceAuditor)
- Calling us at 541-682-5016
- Emailing us: [policeauditor@eugene-or.gov](mailto:policeauditor@eugene-or.gov)
- Filling out our complaint form located to the right of our door and placing through the mail slot

In addition, we will be holding our next Civilian Review Board meeting virtually on June 9<sup>th</sup> via Zoom. Please follow our social media pages for more information on how to access the meeting and provide public comment.