

POLICE AUDITOR MONTHLY UPDATE

New Complaints and Commendations Overview:

32 complaints opened from
May 1 to May 31:

- 13 Service Complaints
- 4 Inquiries
- 7 Policy Complaints
- 2 Incident Reviews
- 6 Allegations of Misconduct

26 Commendations were
received during this period.



Highlights

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New Complaints

We opened 32 complaints from May 1 to May 31, 2020: 4 Inquiries, 13 Service Complaints, 7 Policy Complaints, 2 Incident Reviews, and 6 Allegations of Misconduct; for a total of 131 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 May

Within the month of May, we opened and closed 7 complaints: 3 Inquiries, 3 Services Complaints, and 1 Policy Complaint.

Inquiries:

- 1) RP contacted the Auditor's Office alleging that officers entered the backyard of his property without probable cause or reasonable suspicion. RP shares this backyard with his neighbors and when he encountered officers with their holsters unclashed on his property, he was told officers noticed a lot of sketchy people and were doing a welfare check. RP called non-emergency to confirm whether anyone in the area had called about a welfare check, and he was told no one had called. When RP asked officers to leave the property, RP alleges one officer stated, "Hope you don't get hurt" and asked if he was going to post the interaction to Facebook. (RP is known to post many EPD-related incidents online). This led RP to believe officers knew about him, and were at his property to "show some muscle" and get back at him for previous videos he's posted.

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Police Auditor's Office

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Additionally, the following morning while on a walk at about 0800-0900 hours, RP claims a same officer from the day before was on 15th and Willamette and followed him all the way to 22nd & Alder. RP suspects intentional intimidation and feels unsafe.

Summary of Investigation: The supervisor's investigation revealed that both officers involved were enroute to an unrelated call and were disregarded from that call prior to arrival when they noticed a subject on a bike entering the backyard of a house. Officers acted within department policy and law and acted within their scope of authority as a police officer investigating criminal activity such as Criminal Trespass. Review of body worn camera showed no mention was made by officers about social media or "getting hurt", their proximity to RP was adequate, and neither of the involved officers were on shift during the time RP felt followed the following morning.

The Auditor's Office determined that the supervisor missed the primary point that the officers were not on the complainant's property and that the officers approached the front entrances of several houses that were adjacent to but not on the property of the complainant. The officers also maintained social distancing until the complainant closed the space between them.

2) In a series of posts, RP alleges that she made it known to two EPD officer that her ex-husband was mentally abusing her 2 children and was denying visitation even though he has full custody. She alleges that as mandatory reporters, the officers had a statutory obligation to report the abuse to DHS. There is no indication in the record of an actual contact with

the family by one officer, only emails she sent to him.

Summary of Investigation: Per Auditor: After review of the BWV and based on the Auditor's experience (38 1/2 years) as a mandatory reporter, there is no evidence that the officer violated EPD policies or state law by failing to report alleged abuse as there is no evidence of alleged abuse. Dismissed per Auditor.

3) This complaint was received and linked and merged into another complaint per Auditor. This classification was changed to inquiry and administratively closed.

Summary of Investigation: See above.

Service Complaints:

1) RP contacted the Auditor's office with concerns that EPD is not doing enough to help him with an ongoing harassment issue with a neighbor.

Summary of Investigation: Based on review of the incident, the officer did not violate any policy or procedure and did an exceptional job. They spent an extended amount of time with RP even after determining that there was no probable cause to prove a crime occurred. They showed empathy and compassion in their questions and attempt at trying to make RP's living situation more pleasant for RP and his neighbors, even though it was apparent RP was suffering from a mental health problem.

2) RP is concerned about the prohibitive camping at Sorrel Way Park.

Summary of Investigation: RP was contacted via phone and advised of the COE's current protocol during the current COVID19 pandemic. She was advised to report problems via COE Park Watch, contact and police if behavior arises to that level.

3) RP had a couple of issues with a speeding citation he received. When the officer approached his passenger window he was not wearing a protective face mask or gloves, the officer stuck his face inside his vehicle and touched his car door, clearly breaking social distancing measures.

Summary of Investigation: RP was advised that he would have to take his justification of the committing the traffic violation up with the court. The investigator understood the concerns he had

about personal protective equipment. RP was appreciative and apologetic by the end of the conversation.

Policy Complaint:

- 1) RP expressed a concern about prohibitive camping in Gilbert Park and in the Bethel area. There are tents all up and down Hwy 99, people going through garbage cans at night etc. The areas set up for the homeless during this pandemic are not being utilized, no one appears to be enforcing the laws and RP feels EPD should be doing something.

Summary of Investigation: RP was contacted via phone and advised of the COE's current protocol during the current COVID19 pandemic. She was advised to report problems via COE Park Watch, contact police if behavior arises to that level.

Additional Opened Cases

Aside from the 7 complaints received and closed within the month of May, we received an additional 25 complaints in May: 1 Inquiry, 10 Service Complaints, 6 Policy Complaints, 2 Incident Reviews, and 6 Allegations of Misconduct.

Inquiries:

- 1) RP reported an incident in which one of her members was approached by a female officer in the Skinner City Farm and accused of trespass and littering. The officer was angry and aggressive and used a scared child to translate instead of accessing an actual translator. The woman was actually in her garden plot gardening and to a logical person it would have seemed it was not a trespass situation. It appears the woman was called in by a third party. RP would like body cam reviewed.

Service Complaints:

- 1) RP called the non-emergency number to report a transient had set up a major campsite in an outdoor alcove at her work. About an hour after she called, her landlord was able to get the transient to clear out. About that time, they noticed a police officer drive by the building along 12th Avenue. She called the non-emergency number back a little later to notify them an officer was no longer needed. The dispatcher said the officer had come by her

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building and didn't see anyone. The officer didn't bother to stop and ask about the transient nor to check if he was still here. She thought this was an inadequate response to her concern.

- 2) RP emailed the Auditor upset that she had been unable to get a response from EPD, Park Ambassadors, or Park Watch regarding illegal camping. RP has called over 3 times and gets no response or even someone to come assess the situation. Per Auditor -Park Watch has made contact with the RP. Dismiss - Outside Jurisdiction.
- 3) RP reported being unhappy with the officers who came for her call for a civil stand by when a roommate was moving out of her house and taking her belongings.
- 4) RP reported trying to get EPD to deal with a homeless camp on the railroad property that backs up to the storage units he manages on Hwy 99. (permission has already been given by the railroad) He and neighbors have called at least 3 times in the last week and are told that they will get right on it. No action has happened to date.
- 5) RP is concerned about an ongoing issue at her apartment complex in which a mentally ill man who lives next door has been committing illegal actions and EPD ignores them.
- 6) RP reported an incident in which he was walking on the bike path near his home at midnight when he heard a voice from the shadow ask to speak with him, RP replied no and kept on walking. The third time the voice spoke it finally identified itself as police and told RP he was under arrest and to get on the ground. RP complied by raising his hands and getting on his knees. The officer came up behind him said "stop resisting" and then pushed his head down on to the pavement, permanently damaging RP's glasses.

- 7) RP reported an incident in which he called for help for his mentally ill daughter who was walking down a road. Cahoots tried to engage with her, but she ignored them, she then got into her mother's car and jumped out going 5 to 10 miles an hour. The officers that responded would not transport her to the Behavioral Health Unit, telling him he should transport her himself, even when he commented a police vehicle would be safer. His daughter once again got in her mom's car and jumped out again at 20 mph, this time resulting in paramedics and an ambulance response. RP would like to know why a person jumping out of a car with a known mental health issue is not a danger to themselves and didn't warrant intervention by the officers.
- 8) RP reported a domestic violence issue across the street from his home and specifically asked the call taker to not let the people involved know who had called in. RP learned from his mother that after the officers spoke with the people across the street, they came straight over to his home to speak to him, basically telegraphing to the people who had called.
- 9) RP expressed concern about the investigation into her daughter's death. RP feels the officer involved led her on and fed her lies and misinformation. RP was led to believe there would be manslaughter charges and just learned from the DA that the case had been closed listing an overdose as the cause of death.
- 10) RP was displeased about a lack of customer service by an officer assigned to his place of employment.

Policy Complaints:

- 1) RP expressed a concern that an EPD officer who gave her a citation on Friday was not wearing a mask. RP's feels it was unsafe and would like the policy looked at. RP does not need contact.
- 2) RP was forwarded to the Auditor's office to voice his concern about the homeless camps along the River.
- 3) RP has a concern that EPD is dismissing his security guards and not allowing them to prosecute for trespassing, even when the same individuals continue to trespass at the same locations. They are being told "We're not doing that right now." The trespassers are being told they are free to go.
- 4) RP emailed a concern to the Auditor's Office that officers are not wearing masks and did not wear masks when they came to his home.
- 5) RP sent the below email to the Auditor: I am your retired public health physician. Public safety employees must all be wearing face masks. The

CDC recommends face coverings. Other jurisdictions are wearing masks. The point of the mask is to protect vulnerable folks.

- 6) RP is concerned about the prohibited camping he is seeing around town, especially at the West 11th and Beltline area where the creek is being used as a bathroom by the campers. RP noted concerns with the ground water and the creek which feeds into Fern Ridge which people use for recreation. RP feels the issue is not being addressed and laws are being applied arbitrarily.

Incident Reviews:

- 1) Series of complaints that EPD did not step in soon enough during the demonstrations/riots on on 5/29.
- 2) Series of complaints that EPD used excessive force in response to demonstrations on the night of 5/29 (into early morning of 5/30). Classified as Incident Review to investigate more thoroughly to identify potential named employees and policy violations.

Allegations of Misconduct:

- 1) 800 Use of Force: That an officer's use of force during the arrest of a person was in violation of policy
- 2) 103.5.14 Unsatisfactory Performance: It is alleged that an employee failed to complete a police report related to a dog bite/vicious dog incident until directed to do so by his supervisor.
- 3) 103.5.14 Unsatisfactory Performance: It is alleged that an employee failed to dispatch a patrol officer to a dog bite/vicious dog incident when an Animal Welfare Officer was unavailable.
- 4) 103.5.17 Insubordination - It is alleged that an employee was insubordinate by directing her staff to disregard a Watch Commander's request to obtain information related to another agency's probable cause for a vehicle pursuit that entered Eugene's jurisdiction.
- 5) 809 Taser Use: It is alleged that an officer's deployment of the Taser while affecting the arrest of a suspect was in violation of policy.
- 6) 1. 103.5.14 Unsatisfactory Performance: It is alleged that an employee did not meet the standard for information gathering on

emergency calls when handling an emergency 911 call of a reported death.

2. 103.5.14 Unsatisfactory Performance: It is alleged that an employee did not meet the standard for call control and caller management when handling an emergency 911 call of a reported death.

3. 103.5.14 Unsatisfactory Performance: It is alleged that an employee transferred an emergency 911 call of a reported death to the wrong dispatch agency, resulting in a delay in notifying the correct agency of jurisdiction of a possibly suspicious death.

New Commendations

There were 26 commendations documented, during the month of May for a 2020 total of 123 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 7 complaints received and closed within the month of May, we closed an additional 11 complaints: 5 Inquiries and 6 Service Complaints

Closed 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.

Summary of Investigation: A detective was assigned to review several police reports, body camera, and related evidence. After extensive review, the detective agreed there was not a criminal aspect to RP's numerous reports. In one body camera video, RP articulated she can't say a crime occurred. The involved employees acted within policy and expectations. No crimes were

articulated and follow up is either not possible (lack of evidence or meeting OSP standards for testing) or appropriate. This complaint is now closed.

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.

Summary of Investigation: Once RP filed a complaint, EPD staff took steps to expedite the investigation and ensure communication with the family. RP explained she was initially frustrated and the officer has since returned her calls and answered her questions.

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.

Summary of Investigation: Review of this incident shows the officer conducted a thorough and professional investigation resulting in a lawful arrest. There were no policy or procedure violations by the involved officers. RP wished to provide additional document and photos he collected to forward to detectives, and an email was provided. RP was advised further charges would be investigated and evaluated by the DA's office or detectives.

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.

Summary of Investigation: Upon contact from investigators, RP stated he acquired additional information regarding his inquiry. He advised he wished to cancel his complaint / inquiry and after

he spoke with his attorney understood that officers could not legally enforce or assist in his original matter without a judge's written order. RP was assured that in the future if EPD was able to assist with his issues and had legal authority to do so, they would. He advised he understood and thanked them for their time and phone call.

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

Summary of Investigation: The investigation revealed that the officer was not in violation of any policies.

Closed 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.

Summary of Investigation: Based on the initial call, RP had a pile of free things in front of his home with a cardboard sign. RP claims a car with 4 girls in it was loading items into the car. When asked if he saw them load the sign into the car, he said no but that they were laughing so they were probably up to no good and guessed that they stole the sign. When asked if he wanted contact, RP claimed he was not worried about the sandwich board, but if found would like it back. Investigators explained that without a willing victim, EPD doesn't take reports or do investigations into crimes. He still did not fully understand why EPD would not have investigated this sign being stolen even after not wanting to press charges, not having a valid license plate or having actually seen the person he suspects take the sign.

- 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.)

Summary of Investigation: The officer claimed the involved male had been burned and had some mobility issues, thus making it challenging to lodge him at the jail without first providing medical care. Investigators explained this to RP and also told him there were other options that could have been explored. RP's concerns were documented and the issue was addressed with the involved officer. The officer failed to take appropriate action to adequately resolve a call for service.

- 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.

Summary of Investigation: The number of responding officers was due to a Phase One recruit needing their Field Training Officer and a cover unit, per EPD policy. This was explained to RP during their encounter. All three officers were very patient and took over 30 minutes to assist RP. At no time did any officers talk down to RP or treat her in a negative fashion, in fact they spent extra time trying to assist her with issues that were not crimes and not the typical reason EPD would be called to a residence. During the contact RP thanked the officers numerous times for their time, information they shared, and informed them they were "her anchor."

- 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.

Summary of Investigation: The investigator contacted RP and explained that their role was

not to re-investigate the case, but to address any customer service concerns she had with the involved officer. RP admitted she had no complaints with the officer's service level, she just did not like the outcome of the investigation. During the investigation it was found that the officer's report did not include statements from one involved party. The officer was asked to follow up with them and to write a supplemental report. When investigators tried to contact RP again, she did not answer, so a voicemail was left.

- 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.

Summary of Investigation: The officer was identified and stated they allowed a vehicle across the roadway to turn, fully acknowledging this was not consistent with rules of the road for normal right of ways. Investigators inquired about the use of the horn and a training officer explained the intent of the horn in an automobile is a warning device. The horn is lawfully used to warn others of danger. Being inconvenienced is not a lawful use of a horn. Regarding the First Amendment concerns about horn use, the training officer explained the courts did not want people cited for using their horns when expressing political statements such as at a presidential rally or similar event. Though the officer was technically correct in what he said to RP, they could and should have handled this situation differently. All of this was explained to the officer and relayed to RP.

- 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.

Summary of Investigation: The investigator contact RP at his residence and had a long conversation about the case. RP was receptive and understood that a Sgt. was trying to tell him the same thing and RP apologized for his behavior toward the Sgt.. In the end, RP was understanding and satisfied with the conversation.

News Items

How South Carolina cops, prosecutors are seeking to end a revolving door of repeat violent offenders

https://www.postandcourier.com/news/how-south-carolina-cops-prosecutors-are-seeking-to-end-a-revolving-door-of-repeat-violent/article_90dad774-9f4e-11ea-ad0d-cf25fd725bfa.html

Poll: Americans want major police reform, more focus on serious crime

<https://www.usatoday.com/story/news/nation/2020/06/29/us-police-reform-poll-finds-support-more-training-transparency/3259628001/>

Police recruits in Washington state are determined to be different, but it may take more than training

<https://www.seattletimes.com/seattle-news/police-recruits-determined-to-be-different-but-it-may-take-more-than-training/>

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 [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, we have been holding our Civilian Review Board meetings virtually via Zoom. Please follow our social media pages for more information on how to access the meetings and provide public comment.