

POLICE AUDITOR MONTHLY UPDATE

New Complaints and Commendations Overview:

40 complaints opened from
July 1 to July 31:

- 12 Service Complaints
- 16 Inquiries
- 7 Policy Complaints
- 4 Incident Reviews
- 1 Allegation of Misconduct

40 Commendations were
received during this period.



Highlights

- New Complaints **P.1**
- Open and Closed in July **P. 1**
- Additional Opened Cases **P.4**
- New Commendations **P.5**
- Additional Closed Cases **P. 5**
- News Items **P. 12**
- Coming Up **P. 13**

New Complaints

We opened 40 complaints from July 1 to July 31, 2020: 16 Inquiries, 12 Service Complaints, 7 Policy Complaints, 4 Incident Reviews, and 1 Allegation of Misconduct; for a total of 233 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 July

Within the month of July, we opened and closed 19 complaints: 10 Inquiries, 7 Service Complaints, 1 Policy Complaint, and 1 Incident Review.

Inquiries:

- 1) RP called to inquire as to whether EPD owns an LRAD (LRAD refers to a line of "acoustic hailing devices" designed to broadcast "live or recorded voice messages with exceptional clarity for any operational scenario ... even above crowd, engine, and background noise.") and whether one had been used during the police response to protests.

Summary of Investigation: RP was advised that EPD does in fact have an LRAD and it had been used during several protests over the last few months. The LRAD was placed on the top of a vehicle and used as a communication device. The protocol that is used when deploying the LRAD and how it is used to effectively communicate with a crowd in loud environments was explained to RP, as well as the safety measures taken into consideration.

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Police Auditor's Office

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- 2) RP called the Auditor's Office to complain that officers were following him and harassing him and his dog. He said he called dispatch and no one was dispatched to his address, and he's scared that the officers were in his yard and/or reaching over the fence.

Summary of Investigation: Dismissed per Auditor: Other

- 3) RP contacted the Auditor's Office concerned that their employee had been pulled over the night before. He believed he was pulled over for violating curfew, but RP did not believe there had been a curfew.

Summary of Investigation: Deputy Auditor reviewed body cam and did not see any policy violations. She called RP to follow-up and he expressed his gratitude to the officer for not issuing a citation. Dismissed- Other

- 4) RP reported that EPD towed his trailer in September of 2019 after various contacts with officers and Public Works employees where he had explained that he was in the process of remodeling the bathroom of the trailer.

Summary of Investigation: Dismissed per Auditor: Timeliness

- 5) RP reported an incident in which officers had their vehicles parked illegally on the sidewalk. When he stood in front of one of the cars like a pedestrian would on a sidewalk he was told if he didn't move he would be run over. RP alleged that he was nudged by the vehicle. RP also noted that the Chief watched this man forcibly use his vehicle against him. The officer was extremely rude and also would not provide his name.

Summary of Investigation: Dismissed per Auditor. RP's allegations are not true other than the fact that the officers had parked on the sidewalk to respond to an Assault 2. Victim was present.

- 6) RP complained a particular incident is part of a larger systemic issue with EPD community policing procedures and the EPD's inability to incorporate historical call information when addressing new calls related to a same and ongoing concern, some of which are violent in nature creating risk management issues for the tax payers of the City of Eugene.

Summary of Investigation: RP is frustrated with lack of arrests and resolution to her problems. She also stated she knows the officers aren't the problem and did not feel they have done anything wrong but believes there is a systemic problem in EPD on how calls are handled. RP thanked the supervisor for the call and understood no violations of policy or procedures occurred. She advised she hopes EPD can make positive changes through discussion to address problem areas in our community.

- 7) RP reported an incident in which they feel they were racially profiled by an officer. They were driving and turned onto Maxwell Road, when the officer looked at their driver, he followed them and stayed at the end of the street they turned on until they left. Dispatch said their car did not match a description of any car they may have been looking for. RP left only a name, no contact info.

Summary of Investigation: A supervisor was unable to locate any contact information for RP in RMS and OPCenter. The officer assigned to the identified vehicle did not recall following any vehicles, parking and waiting in the area RP's complaint originated from. A check with dispatch indicated no calls for service, vehicle stops or person stops in the area at the time of RP's complaint. Based on this investigation there is no evidence of any officer within EPD racially profiled RP. In fact, she was not even contacted or stopped during her alleged incident. This complaint is closed.

- 8) RP reported an issue at her place of business in which a man led them to believe they were an officer then harassed her employees about displaying a Black Lives Matter sign at the store.

Summary of Investigation: Per Auditor - OK to Dismiss. Not EPD.

- 9) RP is upset that two officers and the staff at a youth facility allowed his kid to go out a back door at 00:30 in the morning.

Summary of Investigation: Dismissed per Auditor. This was a decision by the youth facility to release the youth to a friend, not an EPD decision.

- 10) RP forwarded a social media link and alleged that EPD officers falsely detained an individual using an assault rifle at the apartment of a protest leader.

Summary of Investigation: Closed. Resolved by Auditor with complainant. Officers were looking for two armed gunmen in the same building and K-9 tracked to the door of the apartment as they had just been outside. Both armed men were captured in the same apartment building.

Service Complaints:

- 1) RP called to complain that when he called EPD to report that his housemate had illegal controlled substances in his house, no one responded or took him seriously. He also stated that the housemate had brought a murder suspect to the residence. Note: Per CAD, Communications made decision that an officer would not be dispatched to the call.

Summary of Investigation: RP's roommate would have a reasonable expectation of privacy for the contents located in her purse, inside her residence. The call details stated RP found the described pill bottles in her purse and learned they were not in her name and what they contained. Such a search would be unreasonable and inadmissible in a court of law. A supervisor spoke with RP about several issues and he was satisfied with EPD's explanation. RP stated the roommate appeared to be in the process of moving out.

- 2) RP complained about an incident where he was detained in January 2016.

Summary of Investigation: Dismissed: Timeliness

- 3) RP contacted the Chief on behalf of his daughter. An EPD officer had cited her for a moving violation and later tried to call her at least 6 times. When his daughter texted the number to see who it was, the officer texted her court information that had changed. RP would like to know how the officer got his daughter's phone number and for what purpose? Is this

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policy to contact drivers by phone to discuss court times? Why call at 2AM? RP would like follow-up of this investigation.

Summary of Investigation: Officers observed an error on a citation written to RP's daughter. They intended to contact RP's daughter early in their shift via phone due to social distancing protocol and advise her of the correction but were unable to due to an event taking place. The phone number was obtained through EPD's local database, RMS. No policy violations occurred, but officers were talked to about using better judgment and consideration in the future in order to better serve our community.

- 4) An anonymous caller reported that an EPD vehicle almost hit them coming out of a cross street onto Bertelsen.

Summary of Investigation: Patrol teams were contacted and officers were reminded that the most extended impact EPD has with people is Code 1 driving. It is particularly noted by the public when they have received a traffic citation for offenses that they see police officers committing. The supervisor asked the officers to practice perfect driving as much as possible due to being under public scrutiny.

- 5) RP reported an issue with illegal camping near her home. As of yet, no change in the situation, which is becoming a safety issue as the campers are making makeshift weapons. Also trash, sofas, chairs, etc. are piling up. RP has pictures of the area in question.

Summary of Investigation: The responding officer had spoken with RP via phone, prior to arrival on scene. RP's complaint was focused on the disorderly behavior and not on camping. RP stated the involved were sitting on sofas and recliners near the

intersection. RP stated she wanted the people spoken to and told to stop the behavior. When officers arrived, the involved were gone. They contacted some nearby campers at an RV and inquired if they had seen or heard the disorderly subjects. They said they had and denied that it had been them. The officers knew these people were not the involved because they did not match the descriptions given by RP. A supervisor contacted RP and shared options for garbage and debris pick up through Public Works. RP appreciated the call.

- 6) Anonymous reported that two EPD officers were not wearing face coverings and were within 6 ft of citizens. This is a public safety issue.

Summary of Investigation: A supervisor was unable to confirm or verify the identity of the "two EPD officers" who were observed in the proximity of the Kiva Market, located at 125 W Broadway, on the indicated date who were not wearing a face covering. The anonymous caller did not leave a physical description of the officers. The complainant did not leave a phone number or any information for follow up contact. There were no specific police calls for service dispatched to 125 W Broadway on the specified date. Complaint is closed.

- 7) RP expressed concern with a citation issued.

Summary of Investigation: Dismissed per Auditor, Citation-- Alternate remedy.

Policy Complaint:

- 1) RP called with a concern that an EPD employee was not wearing a mask during their interaction.

Summary of Investigation: The involved officer was instructed to make sure and don a face covering per department protocol during all interactions with community.

Incident Reviews:

- 1) RP called the Auditor's Office concerned that after she was recently a victim in a vehicle collision, the police discriminated against her because she is a Muslim and wears a headscarf. She stated that she was parked when a white male hit her parked vehicle. She smelled alcohol on his breath and called the police. The police did not give him a breathalyzer and discovered that he was not wearing glasses as he was supposed to; they did not cite him.

Summary of Investigation: The driver backed into her car causing minor damage. The officer conducted a field sobriety test and determined there was no probable cause he was impaired. It is illegal for police to conduct field breathalyzer tests in Oregon. The officer did warn the driver about his glasses. He stated because of the mask his glasses fog up. EPD policy recommends that drivers not be cited in minor crashes when there are no injuries.

Additional Opened Cases

Aside from the 19 complaints received and closed within the month of July, we received an additional 21 complaints in July: 6 Inquiries, 5 Service Complaints, 6 Policy Complaints, 3 Incident Reviews, and 1 Allegation of Misconduct.

Inquiries:

- 1) RP wrote and called with her concerns about clearing the campers at Washington-Jefferson park.
- 2) RP has been having difficulties with her downstairs neighbor. They have filed complaints with the apartment manager and have had officers at her apartment regarding this issue. The officers have told them that there is nothing that can be done, and the people have the right to say what they want. These issues have been going on for a year.
- 3) RP listed a couple of complaints on a complaint form. 1. RP wants EPD to get involved in getting her ex-husband a handgun that he left in an unlocked car on her property. The ex has been harassing and stalking her. From the narrative it is unclear whether EPD has been involved up to this point. 2. RP alleges that EPD stalked and harassed her acting with prejudice, predatory and violated her rights.
- 4) RP has an issue with the animal control officer coming back and telling her that an issue from months back which had been resolved is now going to get her a citation. RP's dog had killed a neighbor's chicken.
- 5) RP emailed a concern about an officer who did not do his job in a courteous manner when he tried to report an issue with harassment at work (threatening to kill him)

over Covid issues. The officer read him the Oregon harassment statute but did not take a report. RP also noted the officer was awkward and unprofessional.

- 6) RP is concerned that two EPD officers were on her porch shining flashlights around their home and their vehicle parked out front at 0300. The officers did not knock or acknowledge their presence. RP feels this is maybe to harass them because they belong to one of the protest groups.

Service Complaints:

- 1) Complaint about officer not wearing mask during a traffic stop.
- 2) RP was forwarded to the Auditor's Office with a concern about the aggressive bums that are roaming through the 55 and older complex he manages.
- 3) RP reported two officers in a vehicle who were not social distancing and had their masks pulled down on their chins.
- 4) RP emailed the Mayor and City Council stating that an officer was discourteous to him because he was wearing a BLM shirt.
- 5) RP reported an EPD vehicle driving 20 miles an hour over the speed limit.

Policy Complaints:

- 1) RP expressed concerns about officers not wearing face masks and not social distancing.
- 2) RP is concerned about the protesters blocking streets, causing fear for their safety, belongings and property to residents of the city. Blocking the roads also causes emergency vehicles to be delayed. Detour signs need to be used when roads are inaccessible. One group is being allowed to cause this much disruption, please do something for Eugene residents who are paying taxes.
- 3) RP emailed the Mayor and Council with concerns about EPD officers setting up an "Entrapment Area" in the construction area west of Coburg on I-105. RP also notes poor police service in the Whit.
- 4) RP is concerned that EPD's policy of educating and not citing regarding illegal fireworks is not working. Once again, this year, RP's neighborhood sounded like a war zone. RP believes that the only way to notify every citizen about what is legal is to send out a flyer,

just putting it in the Register Guard is not getting the job done.

- 5) RP is concerned about a homeless camp at the end of Empire Park Drive.
- 6) RP is concerned that there isn't a call line or easy way to report vehicles that have expired tags so that enforcement can take place. EPD told her that they don't follow up on this unless they pull someone over, in which case they could cite the person.

Incident Reviews:

- 1) Various citizens have reported EPD using excessive force on a teen during a protest.
- 2) RP is concerned that EPD did nothing to stop the vandalizing of his business, while employees feared for their safety inside. The police just watched, no arrests were made, and rioters were allowed to continue on their way causing more damage.
- 3) RP reported an incident in which officers declined to render aid to a protester who was having a seizure when asked by other protesters.

Allegation of Misconduct:

- 1) Allegation: 103.5.14 Unsatisfactory Performance - It is alleged that a call taker failed to perform the required tasks and duties of their position by not dispatching emergency medical services to a report of a person experiencing chest pains.

New Commendations

There were 40 commendations documented, during the month of July for a 2020 total of 219 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 19 complaints received and closed within the month of July, we closed an additional 32 complaints: 5 Inquiries, 14 Service Complaints,

10 Policy Complaints, and 3 Allegations of Misconduct

Closed Inquiries:

- 1) RP filled out a complaint form alleging her son is being ignored or not taken seriously by EPD when he tries to report being assaulted.

Summary of Investigation: After numerous failed attempts to connect with supervisors via phone and email, an EPD supervisor observed the complainant participating in a protest downtown. The supervisor introduced themselves and asked the complainant if they could set up an appointment to talk about his concerns. The supervisor observed the complainant to be disheveled with a lack of concentration and very poor hygiene. During their short conversation, he fluctuated from laughing to crying and was unable to focus. An in-person appointment was set up and the complainant did not show up for the meeting. This complaint is now closed.

- 2) Anonymous reported an incident in which he felt an officer was extremely rude and intimidating with him. RP was out walking his dog near his home and came across two officers sitting in their vehicle. As he came up to them one officer got out and questioned if the dog was his. RP said yes and told the officer he would put his 8lb dog on the leash. The officer rudely commented that he was the number one complaint in the neighborhood. RP lives near the bike path with all kinds of transients and meth users around, and questions that him and his 8lb dog are the main complaint. Another morning, RP same two officers were sitting in front of his house, which RP felt was an attempt to harass him. RP retreated back into his house not wanting a confrontation and the call center told him that the officers had not been dispatched to the area.

Summary of Investigation: A supervisor spoke with the involved officers and asked if they recalled the contact. They advised that they did. Both indicated that the description was likely from a male they observed on the bike path with a dog off leash. They advised they contacted him and informed the male he needed to leash the dog.

They stated that the male immediately became argumentative with them. They attempted to offer the male a leash for his dog however he yelled and argued with them. The male then departed and the contact ceased. The supervisor advised both officers of the importance of utilizing BWC when contacting any citizens regarding any potential enforcement related contacts.

- 3) RP reported an incident that she observed near her home. An apartment complex manager had called in a drunk person in a vehicle in their parking lot. When officers arrived, the vehicle started to leave. Then RP stated that one of the officers stated over the loud speaker "Get out of the car or we'll shoot." RP felt during these times this was a totally inappropriate and an over the top statement to make. It did not appear that any officers' lives were in danger.

Summary of Investigation: Officers on the scene gave instructions consistent with EPD policy and training. A supervisor explained to RP that EPD had given warnings to keep the suspect, officers, and bystanders who were watching from downrange safe, but that EPD doesn't threaten to shoot people as she thought she'd heard. After the conversation RP thanked the supervisor for their time and said she was OK with what EPD had done and why. They went on to discuss crime in her neighborhood and crime prevention strategies for her residence.

- 4) RP reported filming a man being arrested and was concerned that he was not Mirandized nor was he given a reason for the warrant he was being arrested on. RP provided video. An anonymous male also called in a concern about the same incident.

Summary of Investigation: Officers took the involved man into custody and told him he had a warrant multiple times. The bystanders didn't seem to understand that the warrant was the reason for the arrest. Officers even clarified that it was a parole violation warrant. One bystander didn't believe an officer could stop someone if they had a warrant and that a warrant could only be served if they were stopped for another reason. To the issue of having three officers on

scene for the arrest; At least 2 of the 3 officers on scene had prior contacts with the man and there was prior knowledge that he has run from police and his PV warrant was for a weapons offense. Three officers were appropriate for this arrest.

- 5) RP emailed the Chief with a concern about EPD not responding to a theft call. RP then went on to mention possible restraining order issues. No names, or addresses were provided by RP; additional information has been requested.

Summary of Investigation: Per Auditor - Dismiss - Other (Requires further information/details)

Closed Service Complaints:

- 1) RP has been unable to get an officer to return his call about a hit and run driver who damaged his bumper. He has left messages various times. The officer was supposed to call him back after they spoke with the driver.

Summary of Investigation: During the supervisor's review of the text messages sent by the officer, they discovered the messages had been sent to an incorrect phone number. The supervisor requested that the officer contact RP via phone on his correct number and resend the information. RP understood the honest mistake and appreciated the follow up.

- 2) RP is upset that EPD did not notify him when a vehicle stolen from his car lot was recovered. He was told by officers that he would be notified so that he could retrieve the vehicle. Instead he received a letter stating it was at a tow facility.

Summary of Investigation: A supervisor reviewed reports for this case. Both the officer and dispatch attempted to contact RP, and both left VM for him. The supervisor contacted RP (using the same number the officer and dispatch used) and RP was upset with the tow fees he was responsible for. The supervisor explained that the department had no control of tow fees and what EPD policy was for recovering vehicles. The complaint was unfounded and closed.

- 3) RP alleged that every time she calls EPD for help they don't show up. RP has been sexually assaulted, and robbed, but if she has an open container she gets in trouble. RP requested a look back over the last year of contacts.

Summary of Investigation: Dismissed per Auditor: After review of last year of contacts, no policy violations indicated.

- 4) RP inquired into whether or not an officer can tell when an inmate is released from jail. RP would like to substantiate whether this person, or others he has given her address to, have been released. RP has a restraining order on a former tenant and needs this information. The officer she spoke with was not forthcoming with the information she asked for.

Summary of Investigation: A Supervisor reviewed all relevant materials, including the restraining order and contacted the Lane County Jail to confirm the details of the release agreement. The officer concluded that the release agreement does state that the former tenant is prohibited from contacting RP through a third-party. However, while the former tenant was in jail, he had yet to sign and agree to this new jail release agreement therefore was not in violation of his release agreement. The officer determined no probable cause existed for a violation of the protective order or release agreement. A supervisor contacted RP who was very cordial and wanted to withdraw her complaint because she was able to confirm on her own by contacting the Lane County Sheriff's Office that the officer did nothing wrong and felt the complaint was not warranted.

- 5) RP is concerned that on two different occasions he contacted the non-emergency line and got two different answers to his question about reporting two motorhomes that are blocking a pan-handled drive to two apartments. RP feels it is a fire hazard, due to fire equipment not being able to access the property. One call taker refused to forward him to the fire marshall and another tried to send him to parking services. RP also doesn't believe any report was entered about his concern.

Summary of Investigation: Eugene Police does not enforce parking regulations on private property. The lone exception is disability parking violations, handled by volunteers in the SALT program. This small but significant factor left call takers responding to a situation different than the one at hand, giving inaccurate advice, and entering calls that could not address the problem. RP is working with someone in the Fire Marshal's Office on this. It was also suggested that City Code Enforcement may be able to help (the fire lane was likely a condition for building two units behind the main house).

6) RP is concerned that EPD did not respond to her call for service about her ex-husband coming to her home when the day before she had been told by an officer and a detective that a warrant for this arrest had been filed due to alleged child abuse. RP was put on hold twice by 911 to answer other calls, and the call log the next day did not reflect an officer had even been dispatched. RP also texted the Detective and did not hear back.

Summary of Investigation: A review of the call showed RP stating there should be an arrest warrant for her ex-husband who had just shown up at the house and she wanted an officer there. The calltaker asked if the ex-husband was there arguing with the caller and RP said no, but that he was being investigated for abusing their kids and offering the daughter drugs. The calltaker confirmed that the suspect was not inside the house and that the house was secure, but he was at the door knocking and trying to contact the children. The calltaker did have to put the caller on hold twice to attempt to pick up other 911 calls while getting the suspect description. When the calltaker returned to the call the last time, the ex-husband was getting into his vehicle and was leaving the location. RP was asked if she wanted officer contact and she said she did not. She did state she needed officers to be able to find him so that she and her children could stop stressing waiting for him to be picked up for the charges. The calltaker closed the call as "disregard" as the suspect had left the location. A supervisor emailed RP to discuss the complaint and has not yet heard back.

7) RP inquired into why a young man who crashed into her vehicle parked in front of her home was not cited for DUII, hit and run or reckless driving. A neighbor was able to see which house the young man went to, and he later admitted to them that he had drank too much, the back of her vehicle was totaled and even her insurance is questioning why no citations.

Summary of Investigation: When a supervisor contacted RP, she stated that she had spoken to another officer prior to their phone call with her and had given her satisfactory answers to questions regarding DUII investigations and Hit & Run statute and that she no longer sought clarification from her complaint at the Independent Police Auditor's Office.

8) RP reported a couple of trailers that were stolen to an officer the 2nd week of May. When he spoke with the officer about possibly getting surveillance video, he was denied service due to "COVID" and he does not believe that excuse.

Summary of Investigation: A supervisor contacted RP by phone and he stated he was just getting ready to leave the location and would call back when he was done driving. RP never called the supervisor back and this complaint is now closed.

9) RP is upset with the investigation by an officer of the man who shot a handgun during the protest on 5/31/20. RP was a witness to the situation and feels the officer interrupted his narrative and tried to shape his testimony of what happened by interjecting what the shooter had said. RP was then dismayed to see that the only charge filed on the man was unlawful discharge of a firearm.

Summary of Investigation: Upon review of BWC of the involved officer, it appeared they conducted a professional and thorough investigation. The officer took RP's statements and clarified information as needed. The officer never told RP how the interview or investigation was going to transpire. This matter should be

considered closed unfounded, no policies or laws were broken.

10) RP is concerned that a report he filed with an officer is inaccurate. The officer appeared to get the information he provided wrong, gave inaccurate information to the people she was calling on the phone, asked them the wrong questions, got the wrong answers and tried to convince him they were the answers to his questions. The officer also sent him to urgent care to get an x-ray and he was refused, because they don't take police cases, when RP told the officer, the officer appeared to not believe him. RP feels the investigation has been inadequate.

Summary of Investigation: During the investigation it was learned there were multiple other incidents that were alleged to have occurred as well. This resulted in both RP and the other person involved being cited in lieu of custody for their respective crimes against each other. In reviewing the reports and body worn video it appeared the officer's investigation was accurately reflected in their report. The officer did request that RP be seen at an Urgent Care to help document the injuries since they couldn't be seen (rib injury). RP stated he was denied at Urgent Care due to it being a police request. The officer checked into this and learned that RP was not likely refused service because it involved a police case but because he did not have medical insurance which why he was likely directed to the hospital. The supervisor tried to discuss part of their findings with RP but was unable to pass along much information as he talked excessively barely allowing them to speak. RP then ended the phone call and there didn't seem to be much resolution with him.

11) RP is getting the runaround about not being contacted by EPD when her stolen vehicle was recovered in a different county. It was recovered on May 25th and EPD was contacted by 0200. She was not notified until she received a letter from the towing company.

Summary of Investigation: EPD staff received the teletype from the other county that RP's stolen vehicle had been recovered and towed. The

teletype was uploaded to RMS. EPD staff recorded into RMS that a letter informing RP of the recovery of the stolen vehicle was put into outgoing mail to be sent to her. A scanned copy of the letter was not attached to the record in RMS. Attempts to contact RP via the phone numbers she listed in the initial report were unsuccessful due to both numbers being disconnected.

12) RP is concerned that the two times she has reported incidents with her neighbor the report says something different from what the officers tell them. One incident concerned damage to her car, the other about a report she made of her neighbor abusing his child. The officers listened to some other neighbors who are friends of RP's neighbor instead of RP.

Summary of Investigation: RP called in after 6pm to report a Criminal Mischief that had occurred earlier in the morning. The officer contacted RP and did a thorough investigation for the crime of Criminal Mischief. RP claims a neighbor had put out a cigarette on her driver side door and caused damage to the window. RP did not see this occur but stated her husband had witnessed it. RP had no corroborative evidence or third-party witness to the alleged crime. It was determined that the alleged suspect and RP are neighbors and embroiled in an ongoing dispute with each other. The parties involved have no contact orders through their property management company that runs their apartment complex. A second officer contacted the suspect and he stated he always smokes in the designated smoking and did not touch their vehicle at all. The officer did not develop probable cause to make an arrest in this case and provided advice to RP to consider buying surveillance cameras to capture evidence in case of any future issues. Second incident: RP called police to report her neighbor who lives in the same apartment complex but does not share walls with was heard "screaming" at their 10-year child and called the child "stupid". RP told dispatch she believes EPD should do a welfare check on the child. She also claimed the neighbor recently spit on the caller and fiancé. RP initially told dispatch she did not want police contact and refused to provide her apartment number. She later stated she did want police

contact so, "she can make a statement". These statements are documented in the dispatch call log notes "The children both appeared very healthy, well-fed, and they were very social...they were playing video games" the officer states in his report. "There were no signs of child abuse, nor any kind of suspicious condition to lead me to believe abuse was occurring." After watching the body worn video, the supervisor agrees with the officer's observations.

13) RP was displeased about a lack of customer service by an officer assigned to his place of employment.

Summary of Investigation: RP had some frustrations about the officer's use of time during the day. All parties agreed to arrange a time to meet in the fall to discuss these practices and come to a solution.

14) 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.

Summary of Investigation: BWC showed that officers took control of each wrist and arm in order to place the suspect into handcuffs. The suspect tensed up his arms and attempted to pull his arms forward and resisted the officers attempt to place him into handcuffs. The officers pushed the male forward onto his stomach in a prone position so he was laying on his stomach. Because of his resistance to being placed into handcuffs he was pushed to the ground for them to put handcuffs on him. Based on the review of the multiple body worn videos, reports, and the conversation with RP, the supervisor found that the officers acted within their training, department policies, and within their authority as police officers regarding this incident.

Closed Policy Complaints:

1) RP inquired into why EPD trespassed protesters from the Whole Foods parking lot, which is private property. RP spoke with managers, and security personnel and was told that they did not initiate the trespass.

Summary of Investigation: RP told the investigating supervisor he had since spoken with managers at Whole Foods and Diamond Parking who told him they did not authorize the Eugene Police Department to trespass people from the property. The supervisor explained the trespass letter program to RP and directed him to the City of Eugene website if he had further questions. RP was also informed there was a valid trespass letter on file for the location. RP was relieved that a letter existed and thanked EPD for taking the time to call him.

2) This complaint was merged with a previous complaint per Police Auditor and closed.

Summary of Investigation: See above.

3) RP was at a local restaurant and because she saw a couple of EPD officers without masks, she went elsewhere.

Summary of Investigation: A voicemail was left for RP asking her to call an EPD supervisor back. She called back and left me a message while they were on the phone. In the message she advised that there was not much more information to share, and she did not care to identify the specific officers. She said she just wants the police to wear face coverings. This complaint is now closed.

4) RP is exasperated at the condition of the right of way at 1st and Jefferson, as well as what is happening in the park. RP lives in the Whitaker area and has a rental property in this area. There are now at least 15 tents lined up along the street with trash piling up. This situation needs to be taken care of, it is unfair to the Whitaker property owners and taxpayers.

Summary of Investigation: By the time a supervisor contacted RP, the involved campers had already moved out of the area and relocated to Railroad Blvd. RP thanked EPD for clearing the

campers out. She mentioned there was still a camper on the ODOT portion of the property. RP stated she was not upset at all with EPD, but rather with her council and mayor. She mentioned the politics of the situation were at fault, and that she did not wish to complain in any way against EPD. This complaint is now closed.

- 5) RP is concerned about all the campers in the Washington and Jefferson Park and how they are now moving out into her neighborhood.

Summary of Investigation: EPD shared with RP that due to COVID-19 the City allowed homeless persons to shelter in place on public properties, including parks and right of ways. Since Lane County was approved to move to Phase II of re-opening the police department and Parks and Open Spaces have been working together to enforce park rules in a systematic way of prioritizing sites for abatement. RP had called code enforcement about a boarded up house across from her property with no response. I agreed to check in with Parks about the illegal campers along Jefferson St to determine if it was a site they were prepared to clean and to pass the information along to code enforcement related to the property across the street. RP seemed satisfied with our discussion and the work EPD would do to abate the camp.

- 6) RP inquired into why a business on Oak Street was not notified about the man on top of the parking structure who had a gun. They were not evacuated nor told to lock down and they had children inside at the time.

Summary of Investigation: The location in question is located on the east side of the overpark. The suicidal subject was located on the west side of the overpark and was unable to move to the opposite side. Due to the business not being in immediate danger from the suicidal subject, and due to resources spread out to cover multiple blocks to the west, EPD had to prioritize resources to those in immediate danger to the west. The purpose of the CENS message was to cover those in the immediate area, unable to be contacted directly by police. The business and their patrons were safe under normal operating conditions.

- 7) RP was concerned that EPD allowed protestors to ride in vehicles without seatbelts, even, standing in the back of trucks.

Summary of Investigation: RP was told that an officer must witness violations to be able to take any enforcement action against them. RP thanked the supervisor for the information and again expressed his support for the Eugene Police Department.

- 8) RP was concerned about the harassment of essential workers during the protests. His workers were turned back from certain areas and others were allowed to roam freely. Very unequal in how it was handled. RP also expressed dismay about the phone alerts about the curfew that kept waking his employees up.

Summary of Investigation: RP told an EPD supervisor several of his employees had conveyed to him that they had been stopped in both Eugene and Springfield while they were performing their work duties. RP said he had no details about the locations or specifics about the conversations. EPD confirmed with RP that this was an isolated incident during the first week of the protests and has not been continuing. The supervisor told RP his employees could always ask to speak with a supervisor if they were uncomfortable with their contact, or felt they were not being treated fairly. RP was grateful for this information and said he would pass it on to his employees.

- 9) RP, who lives in Dexter, was upset that his phone went off every 1/2 hour on 6/1/20 keeping him awake to notify him of a curfew in Eugene. RP has a 14-hour day in front of him and wants to know how to get off of this notification list.

Summary of Investigation: After discussion with an EPD supervisor, RP requested to be unsubscribed from alert sense due to the fact that it's not possible to put 'do not contact' hours. This request was completed through the Alert Sense application.

- 10) RP, a supervisor at a store, called with a concern that one of her employees biking to work on 6/1/20 about 0030 was not allowed to

cross the Ferry Street Bridge even though he was able to show his work ID. RP is not sure if the issue was he was on a bike, but she would like to get the word out that she needs her employees to report to work.

Summary of Investigation: RP clarified she was not complaining about the situation, she only wanted to make sure her employees could respond to work. RP did not have any details about the specific incident and said this was an isolated incident and that has not happened again. RP was provided with a supervisor's cell phone number and told to call immediately if anything similar happened again.

Allegations of Misconduct:

- 1) 809 Taser Use: It is alleged that an officer's taser deployment on a UEMV suspect who was running away was outside policy.

Summary of Investigation: 809 Taser Use, Sustained. The use of force was reviewed by the officer's Chain of Command, who determined the use of the Taser under the circumstances was outside policy. Section 809. 4 section b 4 states, "A person who flees from arrest for a crime for which a person would normally be taken into custody, in lieu of using another force option more likely to result in injury to the subject or officer. The fact that a person is fleeing should not be the sole justification for discharge of a Taser, and the crime must be either: a felony or a misdemeanor involving injury, or threat of injury, to a person.

- 2) 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.

Summary of Investigation: 103.5.14 Unsatisfactory Performance, Unfounded. During the interview, the employee admitted they violated the 2015 policy as written, but also stated that they followed standard practice in this case. They provided an email chain from 2017 in which the employee received direction that did not align with the 2015 policy. A significant discussion occurred at the time regarding revising the 2015

policy to reflect the changes, though no official revision of policy occurred. Because the employee clearly believed they were following policy, and there is documented evidence of confusion over revisions to the 2015 policy, this allegation should be unfounded.

- 3) 103.5.17 Insubordination - It is alleged that an employee was insubordinate by directing their 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.

Summary of Investigation: 103.5.17 Insubordination, Unfounded. The investigation showed that the employee had no intention of disobeying or disregarding the Watch Commander's request. It is also clear that the Watch Commander required the information they were requesting in order to perform their job as Watch Commander. However, what the Watch Commander perceived to be an unreasonable delay (over the course of three requests for information) was not intentionally caused by the employee (who only heard the third request and did not know of the previous two, and who did not understand the urgency as the pursuit had left Eugene city limits).

News Items

Audio released of fatal CPD chase into Newport: 'He just crashed... I need fire. I need fire.'

<https://www.cincinnati.com/story/news/local/newport/2020/08/21/audio-released-fatal-cpd-chase-into-newport-he-just-crashed-need-fire-need-fire/3413540001/>

Rise in reports of child sex trafficking, exploitation cases during COVID-19

<https://www.nbcsandiego.com/news/investigation/s/rise-in-reports-of-child-sex-trafficking-exploitation-cases-during-covid-19/2388917/>

323,911 Accusations of N.Y.P.D. Misconduct Are Released Online: The records had been sealed for decades, but last month, New York repealed a law keeping them secret after national protests against police brutality
<https://www.nytimes.com/2020/08/20/nyregion/ny-ypd-ccrb-records-published.html>

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, we will be holding our next Civilian Review Board meeting virtually on September 8th via Zoom. Please follow our social media pages for more information on how to access the meeting and provide public comment.



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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City of Eugene

