

## New Complaints and Commendations Overview:

24 complaints opened from  
October 1 to October 31:

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

103 Commendations were  
received during this period.



## Highlights

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## New Complaints

We opened 24 complaints from October 1 to October 31, 2020: 3 Inquiries, 7 Service Complaints, 6 Policy Complaints, 4 Incident Reviews, and 4 Allegations of Misconduct; for a total of 303 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 October

Within the month of October, we opened and closed 8 complaints: 3 Inquiries, 2 Service Complaints, 2 Policy Complaints, and 1 Incident Review.

### Inquiries:

- 1) RP reported his bicycle missing from the evidence locker after being released from the Lane County Jail.

**Summary of Investigation:** Due to the repeated damage at the bike racks, EPD was checking the jail lockers every day to see if the time frame of the damage could be narrowed down. Staff noted new damage of a cut lock on a bike rack, it was again noted a couple of weeks later. Because of the consistent damage to the bike racks at the jail lockers, the use of the bike racks has been discontinued and bikes must be lodged at ECU. Based on the facts of this investigation, it appears RP has a valid risk claim and EPD will leave it to Risk to determine the value of the bicycle.

- 2) Per online complaint form: "I am concerned with the wording Greater Diversity" that means nonwhite. I couldn't help but notice none of the new appointments were all nonwhite. Eugene

City of Eugene



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is 83.6 white so my question how is it statistically possible that all Appointments were all "NonWhite" unless discrimination was committed. I believe the City of Eugene as well the Eugene Police Department has violated ORS 651.120 and The Oregon Fair Employment Practice Act; prohibits discrimination in employment based on race, religion, color, sex, sexual orientation, national origin, marital status, age (18 or over), disability, or association with a member of a protected group (OR Rev. Stat. Sec. 659A.030 et seq.). And Title VII of the Civil Rights Act of 1964 (Title VII). I feel that fair investigation should be conducted to see if the City of Eugene and Eugene Police Department is in violation of the law. Applicants should have been selected based on training, education and life experiences/skills. Not just because of race because that's racist."

**Summary of Investigation:** Per Auditor - Dismissed: Outside jurisdiction. RP was referring to recent appointments to the Police Commission.

- 3) RP called the auditor's office multiple times inquiring about the status of an investigation pertaining to an alleged molestation from an 85-year-old man. RP has tried contacting the investigating officer and has not heard back. RP claims the dispatch people treat her like she is mentally ill when she calls. RP would like insight as to how far along the police investigation is.

**Summary of Investigation:** Based on review of the inquiry, the involved officers acted within policy and followed acceptable investigatory procedures and timelines. After review of the intake interview and the five most recent calls RP made to the non-emergency line, the investigator determined that the calls were handled appropriately. Each of the calls

were answered by a different call taker and each call taker attempted to employ standard call handling techniques but were ultimately able to adjust to RP's needs. The call takers did their best to take as much time explaining primary officer responsibilities and how to best get in contact with the officer. This complaint is now closed.

**Service Complaints:**

- 1) RP contacted the auditor's office regarding a vehicle stop that occurred on his driveway. RP claims his wife and kids were home when this occurred, and they were frightened due to not knowing what was happening. After officers asked the subjects to come out with their hands up, they were let go, officers left the scene, and the occupants of the car remained in their driveway for several minutes. RP expected follow-up from EPD or for EPD to remain on scene until they were gone.

**Summary of Investigation:** Officers were actively searching for a known assault suspect and had information that the suspect may be driving a particular vehicle. An officer located a vehicle of similar description and followed it until they had other officers, then initiated a traffic stop. The stop was of low intensity and the officers quickly determined the occupants of the vehicle were not involved in the assault and instead were employed with a food delivery service. The investigator told RP they had already spoken with all three officers and provided the suggestion that when faced with a similar circumstance, they attempt contact with an occupant of an involved address to provide some peace of mind to the resident. The investigator also explained that two of the officers saw the offender vehicle leave the area within just a couple of minutes. RP was satisfied with the explanation and expressed his gratitude for the difficult job the officers do every day.

- 2) RP is concerned that his reports of missing items that he believes his neighbors are taking are not being addressed by EPD. RP feels he is doing the follow up work that EPD should be doing. RP has called EPD numerous times, most recently in the last few days.

**Summary of Investigation:** Per Auditor - OK to Dismiss (Timeliness)

**Policy Complaints:**

- 1) RP is frustrated with the service they have received over the last couple years with the prohibited camping in the street, sidewalks and vacant lots in the area next to the business. There are at least 22 vehicles on the street near the business, prostitution, drug use, servicing cars on the street not to mention the garbage and filth. Customers and employees alike are feeling unsafe. RP is worried something bad is going to happen. RP has never gotten much help with the issue and now he's been informed that EPD will no longer even dispatch for the situation.

**Summary of Investigation:** RP is understandably upset about the lack of police response and presence in their area. RP advised that hired security will no longer drive down to the end of the road, as it was deemed to be too dangerous for their staff. An investigator recommended that RP continue to report criminal behavior to police but reaffirmed that prohibited camping complaints need to be made to parking services. RP is very frustrated by the current situation, but also understands the position EPD is in. The investigator made a request to patrol for additional patrols by officers in their unobligated time.

- 2) RP left two voicemails on the police auditor's line with concerns about the increase in crime due to EPD not responding to illegal camping calls anymore. He believes it is a public safety concern and is bringing more crime to his neighborhood.

**Summary of Investigation:** Multiple attempts from auditor staff to make contact with RP for more complaint intake details were unsuccessful, as the voicemail is full.

#### **Incident Review:**

- 1) RP emailed the Auditor's office with concerns over the arrest of an activist for Riot (Felony) and Criminal Mischief 2nd Degree (Misdemeanor). RP's concerns included: 1) The timing and optics of these charges appear to be retribution for his part in the lawsuit against the City of Eugene, EPD, et al. 2) Based on the description of the event, they arrested the accused with his young son in the car, and there are assertions that the officers used excessive physical force during the arrest.

## City of Eugene



**Summary of Investigation:** As part of the detective's investigation, they established probable cause to arrest the subject on his criminal behavior the night of May 29, 2020. The subject was spotted by the detective and was arrested without incident. A review of available BWV indicated no significant force was applied during the arrest, and no injuries resulted from the subject's arm being moved into an appropriate handcuffing position behind his back. The subject's involvement with any pending lawsuits against the City of Eugene or any other entities does not free him of the responsibility of crimes committed, nor does it prevent EPD from arresting him based on information gained during a criminal investigation. No evidence was found that the arrest was retaliatory in nature. Significant effort was spent by an officer to ensure the safe care of the subject's child passenger, and the officer assured the subject he would not be removed from the scene until his child was in the care of his chosen relative.

## Additional Opened Cases

Aside from the 8 complaints received and closed within the month of October, we received an additional 16 complaints in October: 5 Service Complaints, 4 Policy Complaints, 3 Incident Reviews, and 4 Allegations of Misconduct.

#### **Service Complaints:**

- 1) RP complained that EPD employees were not requiring others to wear masks in the airport.
- 2) RP called CAHOOTS/ Eugene non-emergency and then finally 911 for a disorderly subject screaming in front of Barnhart Hall. RP complained about how long it took for anyone to respond.

- 3) RP alleged that an EPD vehicle cut him off and almost caused an accident. RP claims the vehicle had no lights or sirens on and went into opposing traffic to get around a vehicle, which resulted in almost hitting RP.
- 4) Officer A was conducting a person stop of RP regarding trespassing. RP ran from Officer A and a foot pursuit occurred. Officer A lost visual sight of RP, but later found RP hiding between a fence and a nearby business. Once RP was in custody, RP asked for a supervisor and complained about his treatment from Officer A.
- 5) RP is getting harassed by her boyfriend's ex-girlfriend. The ex-girlfriend is claiming that RP is the person messaging her on social media. When the officer contacted RP, she claims the officer was very rude, accusatory, and unprofessional. She was unsatisfied with the level of service received.

#### **Policy Complaints:**

- 1) RP is upset with the service she is receiving from EPD concerning trespassing, and homeless camping issues at her place of business. RP came into work to find on her security video that someone had been trespassing on her property between 0430 on and dawn, filling her dumpster up with trash. When she called into EPD she was told sorry, take a video and send it in. RP has tried everything, filing a no trespass letter with EPD, locks on the container are just cut off, she spends over 900.00 a month for private security. She would just like some help with the illegal and unsafe conditions.
- 2) RP is trying to understand why EPD and the city government are allowing protests in neighborhoods. One night, a large group of people went through his neighborhood with bull horns yelling loudly, cursing, and making threats. These folks were disturbing the peace, and making citizens feel threatened. RP was told an officer was on site, but no enforcement action was taken.
- 3) RPs have tried for months to get a response to the illegal camping health hazards and illegal drug trafficking that is taking place outside of their place of business. Calls to EPD produce no help, RPs are looking for a solution to this very unsafe problem.
- 4) RP submitted an online complaint form: "I'm frankly very upset as a retired Lane County cop, I don't get the choices EPD is making. Today I saw an EPD car with pink in police down the side. If it were not for my LE experience, I'd never have suspected it to be a police vehicle. I guess I'm not getting the angle. I

see your cops in groups of no less than 3 on every call. Many of the cops have beards, many visible tattoos and long hair. The EPD patrol officer uniforms are something I'd expect to see on a deployed military unit. I as a retired cop cannot even tell if the EPD cops I see are really cops, tac vests battle dress uniforms, very honestly your cops don't look like cops and I can't even tell they are, now your police cars look like some sort of bad impression of a cop car ... I'm telling you right now, if those pink cars attempted to stop me without knowing what I do now, no way would I have stopped. EPD has so many issues and it is a culture."

#### **Incident Reviews:**

- 1) RP got into a disagreement with a person whom he alleged intentionally struck his vehicle with her bike, then threw a drink at him. RP stated that he tried to defend himself, and that the woman then took his keys and some personal items from the vehicle. RP was unhappy with the service he received from the police and wondered if it was because he speaks Spanish. RP would like this incident looked into and an explanation of where the investigation is.
- 2) RP reported that he was assaulted and knocked unconscious. When he awoke, he was in handcuffs. When he told officers, he wanted to press charges the officer just laughed, saying sorry they got away. My specific complaint is that the officer had the time to see me get struck and laid out and allowed the assailants to drive away without getting their arrest nor their vehicle information.
- 3) RP submitted an online complaint form: "I was out of it one night ... and a friend tried to call CAHOOTS to get help for me, but they were not available so instead she called the police and asked to get help for me. She told them i was not a threat but still 7 cops showed up, .... Then they told me I was going to the hospital, but I told them I dont want to, they said i could go to jail I said whatever that's fine i cant go to the hospital because i don't have insurance and i cant afford it, and I dont need it. still they took me to the hospital and walked out 10 minutes later with

a \$477.50 bill they didnt do ANYTHING TO ME!  
..."

### **Allegation of Misconduct:**

- 1) RP submitted an email complaint that he was falsely arrested. RP was in the lobby of Police Headquarters and was attempting to facilitate the arrest of his son who was there to turn himself in. The officer asked his name and then advised him he was under arrest and placed him in handcuffs and took him out to the police car. The officer subsequently learned that he had placed the wrong person under arrest and let him go and arrested his son.
- 2) 1. 820.3 De-escalation: That Officer A failed to make reasonable efforts to de-escalate the confrontation with RP. 2. 103.4.2 Professionalism: That Officer A did not provide courteous service when they stated "Hey ... you hear those sirens? That's for you, buddy! That's for you! That's for you!" 3. 103.5.14 Unsatisfactory Performance: That Officer A failed to meet performance standards for their position when they did not give RP any orders to follow while spraying him with OC spray.
- 3) 103.4.3 Integrity: That Officer A conducted themselves in a manner that compromised their honesty when, knowing what paperwork was required for a time trade and that they had not asked Officer B to complete the proper paperwork, they misrepresented that the paperwork was properly completed.
- 4) Officer A: 1. 820.3 De-escalation: That Officer A failed to make reasonable efforts to de-escalate the confrontation with a suspect. 2. 103.4.2 Professionalism: That Officer A did not provide courteous service when they greeted the suspect with "Dude, what is wrong with you?" 3. 103.5.14 Unsatisfactory Performance: That Officer A failed to meet performance standards for their position when they did not identify themselves as police prior to giving the suspect orders. 4. 800.2 Use of Force: That Officer A used force in excess of that which was reasonable under the circumstances when they took down the suspect. As to Supervisor B: 1. 820.3 De-escalation: That Supervisor B failed to make reasonable efforts to de-escalate the confrontation with the suspect. 2. 103.5.14 Unsatisfactory Performance: That

Supervisor B failed to meet performance standards for their rank and position when they did not identify themselves as police prior to giving the suspect orders. 3. 800.2 Use of Force: That Supervisor B used force in excess of that which was reasonable under the circumstances when they punched RP.

## New Commendations

There were 103 commendations documented, during the month of October for a 2020 total of 360 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 8 complaints received and closed within the month of October, we closed an additional 27 complaints: 4 Inquiries, 10 Service Complaints, 4 Policy Complaints, 5 Incident Reviews, and 4 Allegations of Misconduct.

### **Closed Inquiries:**

- 1) RP came to the Auditor's Office to discuss concerns she had surrounding a meeting with the Downtown team and follow-up to that interaction.

**Summary of Investigation:** This complaint was filed in early 2020 and put on hold several times at the RP's request. The investigator was informed that RP requested no further contact after the initial intake interview. The investigator highly recommends the EPD Training Division to consider providing department wide training on diversity, equity, and inclusion to better educate all EPD staff.

- 2) RP reported that their ex-spouse has been filing false welfare type checks on them leading to police having to respond to their home.

**Summary of Investigation:** RP expressed her concerns, particularly around the welfare check timing and how EPD could provide a better service

to the community by not only prioritizing welfare checks on children, but doing so at a reasonable time for the parent and child. The investigator explained the process for dispatch based on the priority of the pending calls for the day. RP's additional complaint was about the multiple false reports made by her ex-husband. Options were discussed for mitigating those complaints and for informing the responding officers of the situation, as well as protection orders which could help prevent contact from her ex-husband.

- 3) RP is concerned that when a person calls the x5111 number there are no prompts for a person who is looking to have CAHOOTS dispatched. RP is a newer Eugene resident and was trying to have CAHOOTS dispatched for help for a person on the street. Going all the way through the phone tree, he found nothing that indicated that he could get CAHOOTS via this number. RP feels this is a simple fix and would like to speak to someone about this concern.

**Summary of Investigation:** Adding CAHOOTS as an option on the phone tree for Eugene Police Department non-emergency line has been in progress since July of this year. The updated recordings are complete as is the contract with the vendor to complete the work. This project is in the vendor's queue to schedule and complete.

- 4) RP reported that when RP was arrested in front of EPD headquarters for trespass they were not read their Miranda rights, that the handcuffs were applied too tightly, breaking the skin, and the officer said they were resisting arrest, even though no resisting occurred.

**Summary of Investigation:** The complaint alleges the officer told RP he was resisting, and this is simply not true. There was never any mention of resisting since there never was any resisting by RP, as he was very cooperative. The officer also never read Miranda Warning since it does not apply when dealing with a warrant and the officer never questioned RP about any other criminal activity.

### **Closed Service Complaints:**

- 1) RP and others are concerned about a reply that was made to a community member on EPD's Facebook page. The community member asked if it was okay for a citizen to jump in and help an officer if the officer clearly needed help. The reply was yes, if the officer knows you are helping, and that it is important to follow the officer's directions. RPs believe in today's climate this was welcoming trouble, due to all the folks out there with guns excited to have an excuse to use them. They believe the social media person did a poor job of communicating with their community.

**Summary of Investigation:** The investigator found the original post was not about shootings, vigilantes or guns. The response to the question included common directions provided to people who ask if they can intervene if an officer needs help during an incident. The EPD staff made an attempt to emphasize this in their response and in a further step to reassure RP, they included the statement regarding EPD not encouraging people carrying guns into situations.

- 2) RP is concerned after reviewing an officer's body cam with his attorney about an incident in which he was cited for harassment. The incident was a mutual dispute between RP and three others. Even though the stories matched, and the incident should have been deemed a wash, the officer asked the other parties what they would like to see happen and then gave them options, one of which was for RP to be cited.

**Summary of Investigation:** After reviewing the body camera footage, the officer asked both involved parties similar questions. The officer went into further detail about options when asked by the female involved, what she could do. This was after the officer asked her what she wanted to see done. The officer told the female that they were not sure what the outcome would be because they still needed to speak to RP and witnesses. RP was asked the same question regarding what he wanted done. He had an

answer to the question and did not solicit what his options were as the female did. Based on the investigator's review of this incident, the officer acted within policy and was fair.

- 3) RP is concerned that an officer who took their assault report has not yet filed charges against the suspect.

**Summary of Investigation:** The officer attempted to locate the suspect at two different addresses and attempted to call him to no avail on the same night they spoke with RP. The officer had no additional suspect location leads until RP, via this complaint, stated the suspect was in the Lane County Jail on an unrelated charge. The officer responded to the jail, interviewed the suspect and arrested him. The officer spoke with RP and explained to her that the suspect was arrested, and she was very happy with the officer.

- 4) RP was concerned about an officer who was rude and acted like a jerk on the phone.

**Summary of Investigation:** The investigator spoke to the involved officer, who recalled the case. The officer said they did not have any negative interactions with RP on that date, and felt she was satisfied with the contact. The officer said they only spoke to RP in person on the date of the incident. The officer also does not work on Mondays, despite RP confirming her interaction with the "rude" officer was on a Monday. The investigator then spoke to a communication center supervisor to find out who the dispatcher transferred RP to. They were unable to determine the phone number RP called in on, so the supervisor was unable to find her call to the non-emergency number. Based on review of the incident, the complaint filed against the officer is unfounded.

- 5) RP reported an EPD vehicle in the Blair and 7th area running red lights without lights or sirens going.

**Summary of Investigation:** Officers were looking for a fugitive that was associated to a nearby hotel. The fugitive was also associated with several other known criminals who were also staying at the same hotel. A surveillance officer

reported that several of the involved subjects, including the primary suspect, were leaving the hotel in a vehicle. The involved officer was in a marked police vehicle and was responding to make a stop on the vehicle. The intent was to get to the hotel parking lot prior to the suspect vehicle leaving, to avoid a possible elude. The officer safely cleared the intersections for traffic and did indeed go through a red light in their attempt to get the suspect vehicle stopped. Nothing the officer did was unsafe, or outside of policy.

- 6) RP was concerned that when he tried to report a person who threatened to assault them, the officer who responded said it was not a chargeable offense. The suspect broke the 6ft ordinance and RP would like to press charges. RP also noted that the officer was not wearing a mask.

**Summary of Investigation:** A review of the officer's body worn video showed they were, in fact, wearing a mask. RP explained two incidents to the officer, first a bike theft and second an alleged assault. The officer is observed asking questions pertaining to both allegations and taking RP's statements. Prior to completing the interview and investigation, RP abruptly walks away from the officer without further providing details to assist in any investigation. The officer had no control over RP and could not further investigate any crime. Had RP remained and provided further information to the officer, a possible harassment may have been investigated, however with limited to no suspect information provided by RP and him walking away abruptly, the officer's investigation ended through no fault of his own. The investigator attempted to contact RP via phone fifteen times, however the number appeared not in service.

- 7) RP expressed frustration with trying to get belongings back from EPD.

**Summary of Investigation:** Involved employees are newer employees and were not yet fully trained in the disposition process. Both have now been provided adequate information on protocols. The website was also reviewed, and ECU will work on updating the site with current information. However, none of the actions remedied created a delay in RP

retrieving her items. While it has been determined that the misinformation caused frustration, the items were released in a timely manner and consistent with unit practices and procedures.

- 8) RP is concerned that EPD officers who have responded to their call for service for violation of a restraining order seem to be trying to change the order.

**Summary of Investigation:** After reading the current restraining order and speaking with the involved officers, the investigator learned the officers believed RP was having difficulty understanding the restraining order and the requirements of law enforcement as it pertains to restraining orders. The investigator explained that the conditions under which the order was originally granted had changed, and that RP needed to go to court to ask for a modification to the order. RP was explained the process and provided the investigator's number if she needed assistance, which she was grateful for.

- 9) RP reported an officer who during a traffic stop had an abrupt and rude demeanor. The officer also was not wearing a mask and reached into their vehicle to grab insurance information without even asking.

**Summary of Investigation:** After review of the body-worn camera video, there was nothing in the footage that substantiated RP's claim regarding the officer's demeanor rising to the level of discourtesy. RP also had a complaint about the officer not wearing a mask. The investigator explained to RP that due to wearing a motorcycle helmet, wearing a mask was not a feasible option.

- 10) Auditor initiated Incident Review and request for Use of Force review, specifically with respect to de-escalation and downtown issues.

**Summary of Investigation:** Officers were given guidance and provided ideas related to de-escalation as it pertained to the incident and discussed different ideas on how an incident of this nature could be handled in the future and officer safety principles relate. The officers were receptive to ideas and information provided by the investigator.

### **Closed Policy Complaints:**

- 1) RP reported a concern about the new EPD policy of not dispatching for Prohibited Camping issues.

**Summary of Investigation:** RP was given an explanation the new response profile of EPD along with the reasons why. RP was thankful for the explanation and lamented long-term transient issues in the alley.

- 2) RP contacted the Auditor's Office with a concern about the change in policy about EPD responding to public safety issues surrounding prohibited camping.

**Summary of Investigation:** The investigator spoke with RP about the current status of the city's response to prohibited camping, and related issues. RP was encouraged to continue to call criminal behavior to the police department but to report camping issues to either Park Watch or Parking Services. RP was frustrated with the current situation but appreciated the update on the current state of things.

- 3) RP reported frustration with EPD's policy of not responding to prohibited camping issues.

**Summary of Investigation:** RP was explained the current state of response for campers throughout the city. RP appreciated the call back and acknowledged understanding of the complications.

- 4) RP is frustrated about the policy change of not dispatching for prohibited camping issues.

**Summary of Investigation:** The investigator spoke with RP about the current status of the city's response to prohibited camping, and related issues. RP was encouraged to continue to call criminal behavior to the police department but encouraged her to report camping issues to either Park Watch or Parking Services. RP was frustrated with the current situation but appreciated the update on the current response process.

### **Closed Incident Reviews:**

- 1) Various citizens reported EPD using excessive force on a teen during a protest.

**Summary of Investigation:** Due to the teen's face mask and the rapidly evolving nature of the incident, her age was not immediately apparent from available video evidence. No evidence was found to indicate the arresting officers knew who she was prior to her arrest. Once her age was known, she was appropriately separated from other arrested adults as per EPD policy and ultimately cited in lieu of custody and appropriately released to a responsible adult. Even though the teen resisted officers, they used no focused blows or any other reportable uses of force while taking her into custody. Once in custody, the officer continued to have a calm and professional conversation, explaining the reasons she had been arrested, moving her to a more comfortable seated position, and adjusting her face mask at her request. The teen made no comments about being injured during the struggle, and no visible injury was apparent.

- 2) RP reported a concern about an EPD officer who has been unhelpful with issues regarding trespassing around their shop downtown.

**Summary of Investigation:** During review of the BWV the investigator noted the involved officer to be calm, compassionate, and polite to RP. The officer completed a thorough investigation contacting witnesses to the altercation and completed a report with the intent to pursue the suspects. The investigator spoke with the officer's supervisor who advised they have never seen the officer treat or talk negatively to or about RP. The supervisor has been paying close attention and has not observed behavior by the officer to validate RP's accusations.

- 3) RP is concerned that each time they report a violation of their restraining order against their ex, the ex is never arrested.

**Summary of Investigation:** Upon review, officers have been unable to establish probable cause to arrest the ex on each of the occasions RP has reported him for a violation. The investigations appear to be thorough, complete, and based on the information contained, correct action was taken each time. After explaining the review of the investigations and video, RP stated she understood.

RP was also advised that her ex was not wanted and had not been wanted.

- 4) It appeared that an officer did not activate their BWV when contacting trespassing occupants of a residence.

**Summary of Investigation:** Review of written police reports, Body-Worn Video recordings, and the Blue Team entries was completed. The involved officer was provided feedback from their supervisor regarding correct use of BWC.

- 5) RP reported that after he was released from jail after being arrested, his wallet was not returned to him.

**Summary of Investigation:** The search of RP was captured on officer's BWV as well as ICV. Several items were removed from RP's person, including a lighter, what appeared to be a used tissue, and his belt. At no point was a wallet visibly removed from RP's person.

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

- 1) 800 Use of Force: That an officer's use of force during an arrest was in violation of policy

**Summary of Investigation:** The officer failed to attempt to de-escalate the situation which is a cause for concern. The technique utilized by the officer is not an approved technique however, the level of force chosen to take the suspect into custody is appropriate. What is concerning is the amount of force utilized while applying the particular technique. It is entirely possible that the level of force used, and the amount of force used can be in conflict. In this particular case, the officer applied a technique and was not thoughtful, based on the totality of the circumstances, about how much pressure to apply to gain compliance. The suspect was frail and small of stature and did not seem to pose an immediate credible threat to two larger officers. It is my determination that the officer did in fact violate EPD Policy 800 Use of Force and the allegation is **Sustained**.

- 2) 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.

**Summary of Investigation:** It is clear that the subject was resisting being taken into custody by his static resistance and not following officer commands. It is also notable that there were three other officers involved with the subject when the officer decided to use their Taser. It doesn't appear that there was an immediate threat to officers. The allegation is **Sustained**.

3) RP filed a complaint that an officer failed to use body cam during a stop. Per Auditor, dismissed on the camera complaint because cameras were on. However, review of the file indicated that officer's search of RP's fannypack was apparently in violation of her constitutional rights and EPD policy. Allegations: 1. 103.5.14 Unsatisfactory Performance: That Officer A did not perform the required tasks associated with the duties of their position when they failed to oversee the actions of a recruit officer and failed to take appropriate actions to manage the scene. 2. 322.7 Search and Seizure: That Officer A effected a seizure of RP in violation of RP's constitutional rights when the officer arrested RP based on evidence found in an improper search of personal property.

**Summary of Investigation:** After review of body worn cameras, in-car video, and interviews with involved officers and witness officers, the following allegations were **sustained**: 1. 103.5.14 Unsatisfactory Performance: That Officer A did not perform the required tasks associated with the duties of their position when they failed to oversee the actions of a recruit officer and failed to take appropriate actions to manage the scene. 2. 322.7 Search and Seizure: That Officer A effected a seizure of RP in violation of RP's constitutional rights when the officer arrested RP based on evidence found in an improper search of personal property.

4) RP called to complain about how a situation with her schizophrenic son was handled. RP tried to have CAHOOTS dispatched to help deal with her son and was told that the situation she described (her son had a knife) would require police to respond as well. CAHOOTS was not allowed into the house to help deal with her son, which frustrated them also. Once she was

allowed back in her home after several hours, there was signs of an altercation, blood on her sofa and taser wires strewn about. Her son was then charged and taken to jail.

1. 820.3 De-escalation: That Supervisor A failed to make reasonable efforts to de-escalate a confrontation to prevent the need to use force.

**Summary of Investigation:** The investigation included interviews of involved officers, a police witness, together with a review of Body-Worn Video together with other police records. Due to a weapon being presented, police were dispatched; CAHOOTS responded as well and stood by. Officers established probable cause to arrest the son for Menacing under the Abuse Prevention Act (APA), which required a custodial arrest. The investigation revealed that officers employed a number of de-escalation tactics prior to the use of force, and it was determined those tactics were reasonable under the totality of the circumstances. Therefore, the de-escalation allegation has been adjudicated as **Within Policy**.

## News Items

**Amid COVID-19 pandemic, city police chiefs say departments struggling to connect people with social services as they look to lower crime**

<https://www.courant.com/coronavirus/hc-news-coronavirus-law-enforcement-roundtable-lamont-20201211-qnjfhd6wxfenpg3cfqga4muiou-story.html>

**South Bend, Indiana city clerk wants council to clarify police review office director's role before posting job**

[https://www.southbendtribune.com/news/local/south-bend-clerk-wants-council-to-clarify-police-review-office-directors-role-before-posting-job/article\\_d23ce3f8-390c-11eb-b4cb-abda37488a15.html](https://www.southbendtribune.com/news/local/south-bend-clerk-wants-council-to-clarify-police-review-office-directors-role-before-posting-job/article_d23ce3f8-390c-11eb-b4cb-abda37488a15.html)

**Omaha police's report on protest response calls for more training, equipment**

[https://omaha.com/news/local/crime-and-courts/omaha-polices-report-on-protest-response-calls-for-more-training-equipment/article\\_b4855e20-7def-50f5-aaad-e9cb4638b552.html](https://omaha.com/news/local/crime-and-courts/omaha-polices-report-on-protest-response-calls-for-more-training-equipment/article_b4855e20-7def-50f5-aaad-e9cb4638b552.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](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 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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