

New Complaints and Commendations Overview:

26 complaints opened from November 1 to November 30:

- 14 Service Complaints
- 6 Inquiries
- 1 Policy Complaint
- 1 Incident Review
- 4 Allegations of Misconduct

24 Commendations were received during this period.



Highlights

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New Complaints

We opened 26 complaints from November 1 to November 30, 2020: 6 Inquiries, 14 Service Complaints, 1 Policy Complaint, 1 Incident Review, and 4 Allegations of Misconduct; for a total of 329 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 November

Within the month of November, we opened and closed 10 complaints: 3 Inquiries, 6 Service Complaints, and 1 Policy Complaint.

Inquiries:

- 1) RP called in to assert that officers were in her yard and antagonizing her; along with her mother and others.

Summary of Investigation: Preliminary review of body-worn camera showed that RP appeared to be hallucinating, and the call was unfounded. CAHOOTS services were offered to RP with no avail and the complaint was closed per the Auditor.

- 2) RP reported an incident in which an officer appeared to use bias in an enforcement situation.

Summary of Investigation: RP's summary noted the incident happened in Creswell with an officer's name who is not an EPD employee. Dismissed per Auditor - Outside Jurisdiction.

- 3) Inquiry into whether officers were shot at by someone with a paintball gun.

Summary of Investigation: During interviews, the officer advised their

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transmission was a mistake and confirmed the officers were making contact with a male subject who struck the vehicle with a paddle he was holding.

Service Complaints:

- 1) RP reported an EPD vehicle doing at least 10 miles per hour over the speed limit. The vehicle had no lights or sirens and the officer was on a cell phone.

Summary of Investigation: Contact was made with RP and it was explained that often officers may drive over speed limit when going to calls, but if driving very fast, using emergency lights and sirens is appropriate and safe. The officer was reminded of safe driving practices and a hands-free option for calls was discussed. RP was appreciative of the call.

- 2) RP had reported to EPD a woman who was smoking marijuana in public. No officer ever came by. When he called back about his report, he was told officers came by but didn't see the woman. RP never saw the officers, and no one contacted him or even bothered to call him back for more information about the incident.

Summary of Investigation: When the investigator made contact with RP, RP stated that there had been a confrontation with the female regarding the marijuana smoking. He stated this confrontation escalated which he said was relayed to the call taker. The investigator explained to RP that officers did respond, however they did not observe evidence of marijuana being smoked so they cleared. A review of the call showed that RP never mentioned any dispute and the complaint was closed as unfounded.

- 3) RP reported that she had just learned that a conflict of interest may have occurred when she was arrested for misuse of 911.

Summary of Investigation: Dismissed per Auditor - Timeliness

- 4) RP feels that an officer is retaliating against him for requesting a chain of command look at an issue of vehicle theft he tried to report.

Summary of Investigation: Based on the investigator's review of this incident, they found the officers acted within policy and documented their contact with RP well. There is no evidence of retaliation and this complaint should be cleared as unfounded. When contact was attempted with RP to explain the investigation, RP yelled and said several times to not talk to him and to talk to his lawyer. Eventually, the phone contact with RP was ended.

- 5) RP is a commercial delivery driver who is finding it difficult to find a parking spot in the downtown area, most days over the last 3 months. EPD vehicles are parking in the commercial parking spots even when the emergency vehicle spaces are open.

Summary of Investigation: After talking with the complainant, it was clear he was not complaining about any specific police officers or City employees. He was just frustrated at the lack of available parking downtown. The investigator informed RP about the Eugene City Ordinance that allows for a vehicle to park in an alley to load or unload for up to 30 minutes. After the discussion, RP indicated he was better informed and no longer had a complaint. RP offered his thanks for the information and would explain to the other delivery drivers they could utilize the alleyway for unloading deliveries.

- 6) RP complained that an unmarked police vehicle was speeding on Hwy 20 and almost hit him while passing.

Summary of Investigation: The investigator spoke with the involved officer about this. The officer admitted they had passed some cars on the highway and sped up a little more to pass them but definitely did not think they were going 80 MPH. They also did not recall almost hitting any other vehicles. The officer also said that when they entered a town, they saw a sign and noticed they were driving too fast and slowed down right away. RP did not expect follow up and the complaint was closed.

Policy Complaint:

- 1) RP is upset and concerned about the response she receives from EPD about the unsafe conditions in her neighborhood, dealing daily with drug dealing, garbage, feces, fights, stealing and being harassed. RP does not feel safe in her own home. RP was spoken to in a condescending tone by a call taker who informed her that they have to deal with suicides and real emergencies first.

Summary of Investigation: The investigator and RP discussed the complexities of the homeless issue in Eugene, current EPD staffing constraints, and other issues. RP is frustrated by the situation, but also seemed to understand. A review of the call did not find the call taker to have been inappropriate, this was relayed to RP in a message, and she was asked to make contact if she had any other questions.

Additional Opened Cases

Aside from the 10 complaints received and closed within the month of November, we received an additional 16 complaints in November: 8 Service Complaints, 3 Inquiries, 1 Incident Review, and 4 Allegations of Misconduct.

Service Complaints:

- 1) RP reported a complaint regarding an assault and lack of police response. After initial 911 call, RP called back two additional times to see when EPD was going to send someone out. During the third phone call, the dispatcher told RP that an officer came to a nearby address where they received another report of this same man. However, they couldn't find him, so they left. "NO FOLLOW UP, NO CHECK IN AT ALL!! Nobody ever came by. This is the level of response we receive?"
- 2) RP was pulled over by a motorcycle officer who approached the vehicle without a face covering or mask. When RP only lowered her window part way due to this, the officer demanded she lower the window farther and told her they weren't required to wear one. When RP declined to lower the window, the officer became irritated and in a hostile tone told her they were citing her and her friend for a seatbelt infraction. RP commented, "[They] seemingly did not care about the safety of myself or my driver and was

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clearly doing this traffic stop to execute dominance, manipulate a citation and create an unsafe interaction with civilians."

- 3) Anonymous reported an EPD officer speeding 50 in a 35 with no lights on.
- 4) RP called about a sweep of a camp in a park. Aside from the fact that these sweeps should not be happening due to Covid as per CDC guidelines, the officers involved in the sweep were not wearing masks or respecting social distancing. An officer also harassed a passing community member for walking his dog in the park.
- 5) RP reported EPD evicting the unhoused from a park and officers not wearing masks.
- 6) RP requested to speak with a supervisor on scene after he was taken into custody on a shoplift.
- 7) RP is concerned for her friend's sanity and wellbeing after a serious of identity theft and cybercrime-related incidents.
- 8) RP reported a trespasser with a campfire on his property. The call taker did not include information about the fire in the CAD notes, which lowered the priority of the response. Due to heavy call load and the missing information, units were not sent to the location. Caller was unhappy due to extensive delay and EPD not responding prior to subject departing.

Inquiries:

- 1) RP is upset that EPD towed her vehicle from private property when she got a flat tire. After leaving to make a call, she returned to find 6-8 officers towing her car.
- 2) RP learned that a report she made of child abuse of her child to an EPD officer was not forwarded on to Detectives as she had been told it would. RP called to get someone else to look at the file after learning it went nowhere and was told she

would have to talk to this same officer who didn't follow through last time.

- 3) An inquiry into a comment made by an officer during a strategy discussion.

Incident Review:

- 1) Review into an officer possibly failing to perform the duties of their position by failing to take reasonable investigative steps.

Allegations of Misconduct:

- 1) Allegations:
 1. 820 De-escalation - It is alleged that an officer used ineffective verbal communication and failed to attempt to de-escalate the encounter with a suspect in violation of policy.
 2. 809 Taser Use: It is alleged that an officer's deployment of the Taser while affecting the arrest of a Disorderly Conduct suspect was in violation of policy.
- 2) Allegations:
 1. 103.5.19 Neglect of Duty - It is alleged that an officer failed to respond to a dispatched call within a reasonable amount of time.
 2. 103.5.14 Unsatisfactory Performance - It is alleged that an officer failed to perform the required tasks associated with their position.
- 3) Allegations:
 1. 103.5.2 Use of Position/Authority - It is alleged that an officer attempted to use their position to pressure a business to hire their spouse.
 2. 103.4.1 Judgment - It is alleged that an officer violated policy when they confronted a business owner about their decision to terminate an employee.
- 4) Allegations:
 1. 820 De-escalation: That an officer failed to attempt to de-escalate their encounter with a suspect, in violation of policy.
 2. 103.4.1 Judgment - That an officer's actions with a suspect demonstrated poor judgment in violation of policy.

New Commendations

There were 24 commendations documented, during the month of November for a 2020 total of 384 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 10 complaints received and closed within the month of November, we closed an additional 17 complaints: 2 Inquiries, 4 Service Complaints, 4 Policy Complaints, and 7 Incident Reviews.

Closed Inquiries:

- 1) RP emailed the Chief with a concern about not getting a response from EPD when calling in car burglaries in their neighborhood.

Summary of Investigation: RP mentioned his frustration with the increase in crime in his neighborhood, and believes it is attributed to the transient camps being moved out from downtown. He said he has stopped calling in complaints even though he still follows the suspects. He also was frustrated with the inability to reach a Sergeant or find contact on the website for Sergeants of certain sections. He requested to get an email address for a Street Crime Sergeant as that is who he wanted to speak to about the increased crime going on in his neighborhood. RP was advised that would be looked into.

- 2) RP reported an incident in which officers accused her of trespassing when she was on her own porch. Dispatch told her no one had made a call about trespassing. RP then incoherently rambled on about the times when she called for the cops and they won't come and then calling her by the wrong name. RP feels unsafe and that she is being retaliated against for calling the auditor's office.

Summary of Investigation: EPD responded to RP's boyfriend's residence when a neighbor reported a possible prowler. Officers determined RP was allowed to be at the residence and cleared the call as advised. A short time later, RP called 9-1-1 to inquire which officers had contacted her as she was unhappy with the way they had treated her, relaying that they had "chased" her onto a porch. She explained that she had been unable to reach EPD on

the non-emergency lines due to some issues with the phone tree. The call taker did not ask the address where the contact had occurred or other details about the contact. The call taker advised RP that they didn't have any current calls that matched the caller's description and that officers don't have time to chase people onto porches. The call taker did not ask sufficient questions to thoroughly research RP's question and gave her wrong information. Additionally, they sounded rushed and their tone was dismissive of the caller's complaint. RP was offered an apology on behalf of the Department and RP was thankful for the information and follow up.

Closed Service Complaints:

- 1) 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.

Summary of Investigation: The investigator observed on body worn video that the officer spoke with care and empathy and in a calm voice explained their reason for the call and answered every question RP asked. Advising a potential suspect, who may be committing telephonic harassment, to stop is appropriate because an official warning is needed to prosecute these types of crimes. Based on review of body worn video, CAD details, officer interview and the conversation with RP, the officer acted within their training, department policies, and within their authority as a police officer regarding this incident.

- 2) 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.

Summary of Investigation: It was not obvious in either of the incidents that the officer used their foot to contact RP. It appeared to be minor force

used, similar to a takedown, and RP never cried out or hinted he was in any pain. Based on review of this incident, the officer's force was used in a takedown method and not a use of force as in a strike. The force and tactics used were justified and within policy.

- 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.

Summary of Investigation: After speaking to several officers in the area, the investigator was unable to determine which employee was directly involved as the complainant never returned any phone calls. As requested by the complainant in his voice mail to the auditor, the investigator talked to the involved employees about driving behavior and as a friendly reminder cautioned each to continue to drive with due regard.

- 4) RP called CAHOOTS/ Eugene non-emergency and then finally 911 for a disorderly subject screaming. RP complained about how long it took for anyone to respond.

Summary of Investigation: EPD received a total of 12 calls regarding this individual. The investigator spoke to all the employees who worked that night as everyone on phones took a call related to this subject. They were all familiar with this individual as he is a frequent subject they receive calls about with similar circumstances. They had a discussion as a group that even if they are familiar with a subject, that does not mean area residents are and that if a subject is bothering that many citizens, they should be dispatching CAHOOTS and if they are unavailable, then dispatch patrol. It is not their place in dispatch to determine if patrol or CAHOOTS will be able to do anything. RP was provided this information and was satisfied with the conversation. The investigator thanked RP for bringing this to EPD's attention so they could address the situation.

Closed Policy Complaints:

- 1) 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."

Summary of Investigation: The investigator attempted to contact RP twice on three different days. The phone rings one time, and then goes to voicemail. RP was sent an email requesting a call back and as of yet, have not heard back.

2) 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.

Summary of Investigation: An investigator spoke with RP about her concerns. RP was advised about the online reporting options and explained some of the confusion and challenges regarding the enforcement of homeless related issues. RP was understanding and seemed to be content with the conversation.

3) 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.

Summary of Investigation: An investigator spoke with RP and his wife about their concerns and expressed empathy for their position. They also explained the delicate balancing act the police department works through with protest activity. The conversation was productive, and the RPs were thankful for the call.

4) 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, 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.

Summary of Investigation: An investigator spoke with RP about her concerns. RP was advised about the online reporting options and explained some of the confusion and challenges regarding the enforcement of homeless related issues. RP was understanding and seemed to be content with the conversation.

Closed Incident Reviews:

1) Catch-all for complaints that EPD did not step in soon enough on 5/29.

Summary of Investigation: This incident review was discussed by the Civilian Review Board on 12/15/20. A recording of the meeting is available at:
<https://www.youtube.com/watch?v=eKVQeP7ahNc&feature=youtu.be>

2) Catch-all for complaints that EPD used excessive force in response to demonstrations on the night of 5/29 (into early morning of 5/30)

Summary of Investigation: This incident review was discussed by the Civilian Review Board on 12/15/20. A recording of the meeting is available at: <https://www.youtube.com/watch?v=eKVQeP7ahNc&feature=youtu.be>

- 3) Catch-all for complaints related to EPD response to demonstrations on Saturday 5/30 and Sunday 5/31.

Summary of Investigation: This incident review was discussed by the Civilian Review Board on 12/15/20. A recording of the meeting is available at: <https://www.youtube.com/watch?v=eKVQeP7ahNc&feature=youtu.be>

- 4) Incident Review initiated by Auditor requesting officer's review use of force.

Summary of Investigation: The investigator determined the use of force employed by officers under the circumstances was objectively reasonable and within EPD policy. All available material was factually consistent and agreed with the Chain of Command that the use of force employed was within policy.

- 5) 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 don't want to, they said i could go to jail I said whatever that's fine i can't go to the hospital because i don't have insurance and i can't afford it, and I don't need it. still they took me to the hospital and walked out 10 minutes later with a \$477.50 bill they didn't do ANYTHING TO ME! ..."

Summary of Investigation: Officers arrived and began to approach the location on foot. As they walked closer, RP appeared from the shadows nearby. Officers identified themselves and within moments of the contact, RP took a wide stance and extended his hands toward the officers, making a gesture as though he was shooting them

with his fingers. RP then began to walk quickly toward an officer while wildly swinging his fists in the air in an aggressive manner. The officer attempted to retreat by walking backward away from RP while telling him repeatedly to "stop" and warning he would be Tased. The officer deployed the Taser, striking him in the abdomen and causing RP to fall to the ground where he was taken into custody without further major incident. An officer contacted the original complainant and attempted to explain what had transpired between officers and RP. She did not appear to have a desire to hear the officer's explanation, and they soon abandoned their attempts.

- 6) 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. RP's specific complaint is that the officer had the time to see them get struck and laid out and allowed the assailants to drive away without getting their arrest nor their vehicle information.

Summary of Investigation: Officers on patrol happened upon a physical dispute occurring between two subjects and RP. RP could be seen being knocked to the ground after being struck by one of the subjects. RP appeared intoxicated and agitated, refusing several requests to sit down and was ultimately detained in handcuffs due to his lack of cooperation. After the other two subjects were released, officers spoke more about the incident and determined it was unfair that only RP was charged with Disorderly Conduct when all three subjects engaged in tumultuous behavior. Officers re-contacted the other two subjects nearby and issued them citations in lieu of custody for Disorderly Conduct as well. RP was provided with this information since he was unaware the other two subjects had been cited as well.

- 7) 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.

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:

Summary of Investigation: Responding officers did a thorough and complete investigation into this incident. RP was treated politely and professionally during the incident, but he was questioned about the evidence shown on the surveillance footage. An officer appropriately seized available evidence and conducted reasonable follow-up after clearing the scene in an attempt to identify the suspect. The officer will conduct further investigation in the event new information comes to light that will assist them in locating or identifying the outstanding suspect. No evidence was found to support RP's allegation this incident wasn't thoroughly investigated due to his race and language of origin.

- 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 via Zoom. Please follow our social media pages for more information on how to access the meeting and provide public comment.

News Items

Arizona Daily Star: Mayor, chief seek to reel in city board often at odds with Tucson cops' discipline

https://tucson.com/news/local/crime-and-courts/mayor-chief-seek-to-reel-in-city-board-often-at-odds-with-tucson-cops-discipline/article_867660bb-76d3-5706-9271-a73afd556bf5.html

Milwaukee Journal Sentinel: Fire and Police Commission approves partial ban on chokeholds in new policy stressing de-escalation techniques

<https://www.jsonline.com/story/news/2020/12/10/milwaukee-approves-partial-ban-policing-using-chokeholds/3885376001/>

KSAT San Antonio: San Antonio police to begin releasing footage after officers shoot people

<https://www.ksat.com/news/defenders/2020/12/11/san-antonio-police-to-begin-releasing-footage-after-officers-shoot-people/>

Coming Up



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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