

New Complaints and Commendations Overview:

32 complaints opened from December 1 to December 31:

- 11 Service Complaints
- 13 Inquiries
- 4 Policy Complaints
- 1 Incident Review
- 3 Allegations of Misconduct

28 Commendations were received during this period.



Highlights

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New Complaints

We opened 32 complaints from December 1 to December 31, 2020: 13 Inquiries, 11 Service Complaints, 4 Policy Complaints, 1 Incident Review, and 3 Allegations of Misconduct; for a total of 395 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 December

Within the month of December, we opened and closed 7 complaints: 6 Inquiries, and 1 Service Complaint.

Inquiries:

- 1) Chief Skinner received an email from RP expressing some frustration and anxiety about a police contact with her and her 12-year-old son near their home regarding a report of someone trying to enter vehicles in their neighborhood.

Summary of Investigation: EPD received a call reporting a suspicious subject described as an unknown gender, wearing a black hoodie (hood up), jeans, and red shoes. Review of BWV found that RP's son was dressed in a similar manner, including red shoes and was in the immediate vicinity within eight minutes of the initial call for service. The officers were extremely polite and professional as they explained to RP the reason they had contacted her son. The conversation was friendly between all involved, and the officers cleared the scene soon thereafter. There was no evidence to support RP's claim that officers had been dishonest when they explained their reason for contacting her son at the time.

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Police Auditor's Office

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- 2) RP is concerned about an incident on his street. A neighbor has been having a feud with one of the other neighbors; he is blaring his vehicle horn late into the night and disturbing the peace. Police had come to deal with the situation and he was told officers were waiting on a warrant to remove the man and his vehicle and that the chain of command told them to stand down. RP wants to know why the police were told not to do their job as he knows this will only begin again.

Summary of Investigation: Signage in the individual's window read "suicide by cop". Officers eventually left the scene. While this may have frustrated area neighbors, it prevented a possible confrontation which could have had deadly consequences. Two days later, officers were able to contact the neighbor and did take him into custody without force being needed. After a short period of incarceration, the individual has reestablished contact with mental health professionals and as of today, EPD has not received any other calls for service at his residence. The investigator made contact with RP and acknowledged his frustration but explained their rationale for delaying action. RP said he was frustrated initially but in hindsight recognizes that EPD's actions were the correct ones.

- 3) A supervisor received a voicemail from RP, who made a variety of statements that were difficult to follow. Specifically, RP alleged an EPD officer had hit her across the face with their baton during a prior contact. RP also alleged she was assaulted by CAHOOTS staff during a prior incident.

Summary of Investigation: The supervisor reviewed the officer's video from the contact and found no assault; RP was placed in protective

custody after she was nearly hit by a car. The supervisor ended up contacting RP during a call for service after receiving the voicemail and attempted to discuss it with her, but she was unable to engage in conversation. The supervisor left a business card and later left a voicemail for RP to discuss their findings.

- 4) Inquiry into an officer's deployment of six 40 mm less lethal sponge rounds during the protest/riot early morning of May 30, 2020.

Summary of Investigation: Based upon review of available materials and evidence along with interviewing the involved officer, the Chain of Command's initial finding that the officer's use of the 40mm launcher was justified, reasonable, and within policy under the circumstances surrounding each deployment was justified.

- 5) RP submitted an email complaint regarding an incident which occurred in July of 2019.

Summary of Investigation: Per Auditor: OK to Dismiss - Timeliness. There is an active criminal case as they are looking for the suspect (ATL). There is no policy violation because the suspect hasn't been arrested yet.

- 6) Inquiry into comments made by an officer captured on BWV during the protest/riots occurring early morning of 5/30/20.

Summary of Investigation: Nothing within the recording seemed unreasonable or particularly concerning given the circumstances. In the first portion, an officer was suggesting different tactics to help disperse the crowd as law enforcement was significantly outnumbered and without sufficient resources available to stop the destruction occurring. Given the nature of the event, the investigator believed it is appropriate to examine different possible solutions to mitigate risk to officers while still achieving the goal of dispersing a riotous crowd. The investigator found nothing to suggest this brief conversation constituted a policy violation, nor did it lead to any other policy violations downstream.

Service Complaint:

- 1) RP emailed the Chief about a concern that EPD would not take a report about a business that discriminated against her and refused to provide service. RP cited ORS of harassment and intimidation (mask-wearing issue). RP

noted that originally EPD was going to send an officer, but after waiting over 1/2 hour, RP left. RP also tried making the report over the phone but was put on hold so many times she hung up. Later on, the red phone, she was told a report would not be taken.

Summary of Investigation: After reviewing the call, EPD apologized to RP for the miscommunication during her first call which led her to believe she was receiving conflicting information but also confirmed that EPD would not be taking a report as her complaint did not constitute a crime. Although RP declined the number, she was referred to the BOLI Civil Rights Division regarding her discrimination claim. She was unhappy with the response but thanked the investigator for following up.

Additional Opened Cases

Aside from the 7 complaints received and closed within the month of December, we received an additional 25 complaints in December: 10 Service Complaints, 7 Inquiries, 4 Policy Complaints, 1 Incident Review, and 3 Allegations of Misconduct.

Service Complaints:

- 1) RP is concerned about an interaction she had with an officer in the park when she had initiated a call about being harassed by a group of three people and their off-leash pit bull as she walked her dog past them. RP felt the officer in his body language, demeanor and the way he made her repeat her story over and over again then changed her statements, was treating her as the criminal. After being threatened to be hurt by these people, RP is unhappy with this officer being rude and disrespectful to her while she was feeling unsafe.
- 2) RPs have been trying to reach an officer in regard to an incident in which their apartment windows were broken out with rocks. The officer came and took a report and it was later learned that RP's car dash window was also broken. RPs have continuously tried to call the officer to see if they ever came back to document the vehicle damage and to get an update on the what is happening with the case.
- 3) RP wrote to the Chief regarding mail fraud and bank forgery, seeking an update on the case.
- 4) RP emailed a police commissioner with a concern about police response to an incident he reported. Disruptive individuals were

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threatening people in line. No one ever showed up. This was not the response RP expected.

- 5) RP is concerned that EPD initiated a planned incident with large bangs and drones near the day care center she works at without any warning to the center. Just an hour before the event, they were told by two officers in their parking lot that they were doing reports. RP feels this was very unprofessional and frustrating to have to put the center into lock down and try to calm the children without answers. They should have been told so they could have been prepared.
- 6) RP is concerned that an officer refused to take a report on death threats he is receiving from his partner's ex, telling him it is not illegal in Oregon to threaten to kill someone. Call history and texts were sent to the officer with no response. RP would like charges pressed and to speak to someone about the issue.
- 7) RP reported that EPD was not willing to take a report about an entry and theft into her home. The officers basically discouraged her, stating that the report would go nowhere. When she has called back later to get the report taken, the only thing EPD will do is offer to send CAHOOTS. RP went on at length about cyber issues she is having with her and her boyfriend's phones.
- 8) RP submitted email complaints to the Auditor and to Chief Skinner: Summary: "Needed police response due to a break in of a storage locker near my unit. However, when I attempted to get police response the 4 different dispatch personnel would not send me an officer. They said I would have to contact my apartment manager or maintenance to have them call for police because I don't know which tenant is leasing it."

- 9) RP submitted an email complaint regarding a traffic stop which occurred in August, alleging that the officer was rude and unprofessional.
- 10) RP was stopped by an officer and reported that the officer was aggressive and threatening, not stepping away from his door, threatening to take his car away if he ever contacted him again.

Inquiries:

- 1) RP alleged that EPD officers used excessive force on a woman in a mental health crisis. The woman was left in bruises, tased, handcuffed and taken to the emergency room.
- 2) RP submitted an email complaint regarding an arrest by Springfield Police, acting at EPD's direction.
- 3) RP submitted an email complaint regarding a search warrant conducted in Springfield.
- 4) RP left a complaint on the Chief's line about a contract with a towing company. RP claimed that the towing company violated several provisions of the contract. RP also wrote a letter asking for a refund pointing out said violations of contract. During intake, RP also mentioned that the company wouldn't take his credit card and blamed it on EPD.
- 5) RP reported an officer who impounded her son's van and then took his phone from him. RP explained that a detective took the van and the phone without a warrant saying it was evidence. RP noted she believed the van was returned but not the phone.
- 6) RP is concerned that EPD is not allowing him to file measure 11 assault charges against two males who assaulted him. RP also requests video footage to be released to his civil attorney.
- 7) RP alleged that EPD deleted their 911 call log to help SPD fabricate evidence.

Policy Complaints:

- 1) RP was concerned that EPD was slow to release information about the police shooting on 11/30/2020. RP also was concerned that the gentleman was shot while in the middle of a mental health crisis instead of utilizing a professional in mental health.
- 2) RP was referred to the Auditor's Office about her concern with the prohibited camping all over the city and the various different answers she gets when she calls in. RP is especially perplexed by the Covid excuse as she witnesses these

campers going in and out of each other's tents, sharing cigarettes, not wearing masks and staying 6 feet apart.

- 3) RP is concerned about the prohibited camping on West 18th near the park and stores. It is a health and safety issue. The campers are in the street and he knows of one incident in which they were almost hit by a car. RP spoke with an officer who happened to be in the park and was told that due to the Idaho ruling they can't move them if they don't have somewhere to put them. RP would like a logical explanation about these as other cities don't have this issue. These people are blocking the sidewalks, bike lanes and threatening people who are only trying to get by.
- 4) RP is concerned the new system that EPD and the city has put in place for reporting prohibited camping is not working. RP has reported camping issues at Skinner's Butte park with the understanding that within 10 days the issue would be addressed. That has not happened. There does not appear to be a working phone line to contact to report a problem and RP wonders if the law is going to be enforced or not.

Incident Review:

- 1) RP reported an incident from last year in which an officer cited her for driving while suspended and uninsured. RP was a passenger in the vehicle at the time and her name was given by the driver to the officer. RP also noted that the officer was annoyed and aggressive when RP would not sit on the wet ground and ended up pushing her down. RP has now been convicted of the charges in court, where the officer withheld body cam footage that proved she was in the passenger seat.

Allegations of Misconduct:

- 1) Allegation: 103.5.4 Adherence to Laws: that an officer operated their patrol vehicle in a manner that violated Oregon Vehicle Code without a legitimate law enforcement purpose.
- 2) Allegations:
 1. 814 Pursuit Policy - It is alleged that an officer initiated and conducted a vehicle pursuit of a suspect vehicle in violation of policy.
 2. 814 Pursuit Policy - It is alleged that a supervisor's management of a vehicle pursuit involving a suspect vehicle was in violation of policy.

3) Allegations:

1. 322 Search and Seizure - It is alleged that an officer entered a residence without consent, a search warrant or warrant exception in violation of policy.
2. 322 Search and Seizure - It is alleged that an officer entered a residence without consent, a search warrant or warrant exception in violation of policy.
3. 322 Search and Seizure - It is alleged that a supervisor authorized the entry of a residence without consent, a search warrant or warrant exception in violation of policy.

sufficient detail to determine what/if any EPD policies may have been violated. Police Auditor agrees this case can be administratively closed pending the receipt of any additional information.

- 2) 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.

Summary of Investigation: A witness described seeing the RP chasing a male with her vehicle and having a dispute. In that footage, she was upset and yelling as she communicated, and she denied any involvement in a dispute. RP asked an officer to call her caregiver and subsequently threw herself to the ground. She was acting irrationally as if a danger to herself or others. As officers calmly took her into protective custody, RP became hysterical. The officers remained calm and attempted in earnest to de-escalate her. Based on the unlawfully parked status of the van associated to RP, it was towed for safekeeping when she was taken to the hospital for a mental health evaluation.

- 3) 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.

Summary of Investigation: The investigator contacted the involved officer, who had a vague recollection of the case and recalled thinking they would have it routed to investigations for review. They were surprised when told they had suspended it. Upon further discussion, the investigator confirmed that RP was alleging the crimes of perjury and emotional abuse. After speaking with staff from Violent Crimes who confirmed that neither is a crime that police will investigate by itself, RP was told EPD would not be investigating her claims. RP stated that was fine, and that she would be continuing her plan to take her case to the Supreme Court.

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

New Commendations

There were 28 commendations documented, during the month of December for a 2020 total of 412 so far. Most commendations are made through EPD. The Auditor's office accepts commendations as well.

Commendations are listed on the Police Department website at:

<http://www.eugene-or.gov/2763/Commendations>

Additional Closed Cases

Aside from the 7 complaints received and closed within the month of December, we closed an additional 15 complaints: 4 Inquiries, 9 Service Complaints, 1 Incident Review, and 1 Allegation of Misconduct.

Closed Inquiries:

- 1) RP used EPD's Facebook page to report an alleged off-duty EPD officer who made offensive comments about the George Floyd murder. The man also made insensitive and concerning comments about working on protest duty. RP commented that this bigoted behavior is precisely the issue at hand and hopes this will be looked into. RP included a first name and location where the comments were made.

Summary of Investigation: The investigator attempted to reach RP for additional information both via telephone and email and never received any response. RP's Facebook complaint lacks

Summary of Investigation: The involved officer said there had been several incidents that had taken place just before this conversation and they were frustrated that officers and supervisors weren't able to intervene. The officer believed officers should have intervened during these incidents, but command was not allowing them to. The officer claimed they were not implying they would use more force than was necessary, they were only meaning that the level of force might be elevated because order was not being enforced early on.

Closed Service Complaints:

1) RP reported a complaint regarding an assault and lack of police response. After the 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?"

Summary of Investigation: The involved officer did not recall the incident at all and they surmised that given the details about a person being shoved, they would have called to check on the RP. There was neither body worn nor in car camera footage to review, since no contact with a suspect was made in this case. There was similarly no police report besides the CAD record report. The investigator reached out to RP to express regret that the officer dispatched could not recall details about the call itself. RP was assured that all parties agreed he or his sister-in-law should have received a call. RP was frustrated about unhoused campers in his area, and that not enough was being done to contain the impacts of their behavior. The investigator also spoke with the sister-in-law. She was appreciative of EPD's apology for no one reaching out to her when the call was dispatched. She declined the investigator's offer to take a police report concerning the physical harassment she experienced.

2) RP complained that EPD employees were not requiring others to wear masks in the airport.

Summary of Investigation: The investigator emailed RP requesting she provide a contact number and a time that would be best to reach her to discuss this incident. No response was received back from RP, but follow-up will happen should she make contact.

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

Summary of Investigation: The officer approached the passenger side. RP stated several times the officer was aggressive and when they were asked why they were not wearing a mask, according to her, they stated "I don't need to wear a mask". The officer actually said, "I'm about 5-6 feet away so we're fine". The investigator explained the reasoning for not wearing a mask and why the officer would ask her to roll her window down further. RP was told that wearing a mask while also wearing a motorcycle helmet was not feasible, and that EPD has taken steps to minimize the potential for exposure. EPD is now approaching the vehicles on the passenger side because a lot of the vehicles only have a driver. Had she rolled the window down all the way the officer would have been able to take a step back, creating more distance. RP said that had the officer explained it like that, it would have made sense. The investigator told RP they would have a conversation with the officer about delivery and provide some suggestions on how to

explain the reasoning of rolling the window down as an example.

- 4) Anonymous reported an EPD officer speeding 50 in a 35 with no lights on.

Summary of Investigation: The AVL information was inconsistent to provide an accurate speed reading. The investigator was unable to contact the complainant to get further information due to them being anonymous. Due to lack of information, the path traveled by the involved officer could not be determined. The investigator spoke with two possible officers in the area. Neither of them could recall their driving on the day the event was reported to have occurred. Both said they would be sure to continue being aware of their speed while driving.

- 5) 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.

Summary of Investigation: The officer incorrectly informed the subject that dogs were not allowed in Section 1. The officer later retrieved their park rules book and found that dogs were allowed in section 1 if they were leashed and on pathways. This information was relayed to the individual. The entire contact was not a stop and the subject was never warned or told they could be cited/arrested. The officer was spoken with about the necessity of always wearing a mask when they were performing such duties, advising that the public has an expectation that EPD wear masks. The officer acknowledged the guidance and RP was accepting of the explanations, although still not happy with illegal camping being address by COE employees.

- 6) RP reported EPD evicting the unhoused from a park and officers not wearing masks.

Summary of Investigation: Review of BWC footage showed there was a short while that an officer was not wearing a mask while in the park.

During that time, they were no closer than 10-15 ft from any one person. RP was advised of why EPD had been in the park and also informed that they were not there to enforce any crimes unless necessary. Their role was for the safety of POS staff and those within the park. The addressing of the camping within the park was being conducted by POS staff and RP was told that if she wished to discuss those matters, it needed to be through POS supervisors. RP was accepting of the explanations, however still was not happy with illegal camping being address by COE employees.

- 7) RP requested to speak with a supervisor on scene after he was taken into custody on a shoplift.

Summary of Investigation: Review of the officer's body worn camera shows them giving RP verbal orders to put his hands behind his back several times. RP does not move. The officer then places their left knee near the center of RP's back in order to get control of his body and then pulls both of RP's hands behind his back. RP is placed into handcuffs without any further force. Per Auditor - OK to close - Supervisor Reviewed

- 8) RP is concerned for her friend's sanity and wellbeing after a serious of identity theft and cybercrime-related incidents.

Summary of Investigation: In a one-month span, Central Lane Communications entered 15 calls for service at the address of RP's friend. The investigator provided information about each contact, including several dismissals of CAHOOTS response. The investigator then followed up with RP, who appreciated the call and what EPD had done up to this point but felt that she would be calling again soon for a welfare check on her friend. RP was encouraged to find someone local that could make those contacts for her, instead of calling the police or CAHOOTS multiple times per month.

- 9) 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.

Summary of Investigation: Review of the recording of the initial call revealed that RP advised the call taker twice about the fire. The call taker did not enter this information into the CAD record; therefore, the dispatcher was unaware of the full circumstances and potential scene safety issue. As a result, patrol officers were not dispatched to the scene in a timely manner. Later, when a call taker phoned RP back to check on the situation, EPD learned the subject had now left. At this point, the call had been in the pending queue for nearly five hours. RP expressed his concern to the call taker about the lengthy delay when the subject had had an active fire on his property. Due to RP's concerns about the ongoing issue, a request for patrol to check his property that night was entered into CAD. Patrol logged a check of the property and the call with RP ended amicably.

Closed Incident Review:

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

Summary of Investigation: The officer responded to an assault and contacted the victim who told the officer he had been assaulted by an unknown male. The officer did not make much of an effort to gain additional information from the victim who was in a great deal of pain and waiting for medics to evaluate his injuries. The investigator believes there are performance issues that should be dealt with by supervisors.

Closed Allegation of Misconduct:

- 1) 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.

Summary of Investigation: The officer's engagement with the subject, at the time and in the manner in which they engaged, appeared

wholly unnecessary. In engaging with the subject, the officer lost command and control of the scene, created a scene of conflict and disorder, and inflamed tensions between the community and the police. Therefore, the allegation of Judgment is SUSTAINED. It is clear from the investigation that the officer did not "make every reasonable effort to deescalate" the situation with the subject. Further, the officer did not "attempt to slow down or stabilize the situation" despite it being apparently safe and feasible under the circumstances; nor did they "assess and accommodate a subject's lack of compliance" despite the time and circumstances seemingly allowing for those possibilities. Therefore, the allegation of De-escalation is SUSTAINED.

News Items

Portland Has Fewest Officers in 25 Years, Chief Asks for Reductions in Budget Cuts

<https://www.policemag.com/593715/portland-has-fewest-officers-in-25-years-chief-asks-for-reductions-in-budget-cut-1>

Rochester police officers suspended after girl, nine, handcuffed and pepper-sprayed

<https://www.theguardian.com/us-news/2021/feb/01/police-pepper-spray-girl-new-york-rochester-video-incident>

Here's what police chiefs think Biden should do to help address issues with law enforcement

<https://www.cnn.com/2020/12/07/us/police-chiefs-joe-biden-law-enforcement/index.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 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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