

MINUTES
Civilian Review Board
Zoom Webinar

June 13, 2023
5:30 p.m.

PRESENT: Carolyn Williams, Chair; Jose Cortez, Vice Chair; Bernadette Conover; Rick Roseta; Alan Leiman; Clay Neal; Monique Griffin; Rob Eller; Lindsey Foltz; Leia Pitcher; Cindy Coleman.

ABSENT: There were no absent members.

Chair Williams convened the Civilian Review Board (CRB) at 5:30 p.m. The Land Acknowledgement was read, and a quorum was established.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from May 9, 2023, Meeting)

Conover stated that the minutes should reflect the Vice Chair as Jose Cortez, not Alan Leiman.

MOTION: Neal moved, seconded by Conover, to approve the May 9, 2023, CRB meeting minutes with amendment. The motion passed unanimously – 6:0.

3. Comments from Board Members and Commission Liaisons

Conover noted that Pride, Flag Day, and Juneteenth were celebrated this month.

Neal said that they attended the Human Rights Commission meeting last month, and that they did not get to participate in discussions.

Leiman said the police commission's two-year work plan would be presented to city council soon. A few of the top priorities listed in the plan were virtual policing, the discipline matrix, and performance evaluations.

There were no other comments.

4. Public Comment

Ricky Collin said they attended the Eugene Police Policy Commission meeting last week, where they brought to attention several officers violating multiple policies. They noted that they also told the police auditor's office, the sheriff's office, and the Eugene Police Department (EPD) about the violations, and that they had received nothing but rejections despite the blatant violations of law and policy committed by EPD officers. They noted that when they emailed the police chief about their concerns, they received three pornographic videos from them in response.

There were no other comments.

5. Intake Review: Dismissed After Preliminary Investigation

Summary of Facts

Eller said that a reporting person (RP) submitted an incident report in which their doctor called in a welfare check. The RP complained that four armed officers, a medical staff member, and CAHOOTS arrived at their residence and that their cul-de-sac was blocked off. The RP was detained and coerced into having their home searched. The RP's complaints were reviewed by the police auditor's office, and it was determined that no policy violations were made. The complaint was dismissed.

Conover said they appreciated the chance to review this case, which showcased two different EPD interactions with the same person in a twelve-hour span of time. They noted that the EPD reacted to the RP in a calm and caring manner.

Leiman stated they had empathy for the RP, who was clearly in distress.

Vice Chair Cortez said they wanted the people of Eugene to know that the auditor's office took these types of complaints seriously. They empathized with the RP, but the EPD de-escalated the situation appropriately.

Chair Williams said it was important to note that the auditor's office looked at everything when reviewing cases.

Griffin noted that even though this case was dismissed, it did not prevent the auditor's office from reviewing the relevant information.

Rosetta said they appreciated the way Vicki Cox spoke to the RP during their phone call and that EPD officers responded to this situation in an empathetic and appropriate manner.

Foltz said the auditor's office worked diligently to find supporting evidence for all complaints.

There were no other comments or questions.

Chair Williams called for a five-minute break.

6. Break

The CRB took a break from 5:55 p.m. to 6:00 p.m.

7. Case Review: Vehicle Pursuit, Foot Pursuit, Taser Policy

Eller said this case review entailed allegations of an improper vehicle pursuit, foot pursuit, and taser use.

Summary of Facts

While on patrol in an EPD vehicle, officer A saw who they believed to be a person with a felony warrant for a firearms offense operating a vehicle. Officer A attempted to stop the suspect, but they did not stop. Other officers were called to assist. Before other officer's arrived on the scene, officer A found the suspect, who then fled the scene on foot. Officer A was able to catch the suspect on foot. Upon catching the suspect, Officer A realized the suspect was not the person with a felony warrant. Office A proceeded to arrest the person for fleeing the scene, but they did not obey EPD commands. As a result, officer A drew their firearm in one hand and their taser in the other. The person became combative and threw a

deck chair at officer A. The taser was used on the person twice, and with assistance from other officers, the person was taken into custody.

During their Internal Affairs, (IA) interview, officer A acknowledged they engaged in a vehicle pursuit, stated that the foot pursuit was justified, said they deployed their firearm and taser because of the threat the person presented, and that the second taser deployment was necessary.

Allegations

- 814.2.1 Vehicle Pursuit Policy – Officer A violated this policy when they engaged in a vehicle pursuit despite the fact that the suspect was not engaged in the commission of or the attempt to commit a violent felony, and the pursuit was not authorized.
- 809.2.g Use of Taser Policy – Officer A held a firearm and a taser at the same time when lethal force was not justified.
- 809.4.3 Use of Taser Policy – Officer A repeatedly discharged their taser on the suspect in violation of policy.
- 458.3 Foot Pursuit – Officer A continued to pursue the suspect on foot when officer A was acting alone, and exigency did not require it.

Adjudication Recommendations

- Vehicle Pursuit – Sustained by the Auditor, EPD Chain of Command, and the EPD Chief
- Use of Taser – Sustained by the Auditor, EPD Chain of Command, and the EPD Chief
- Use of Taser – Sustained by the Auditor, EPD Chain of Command, and the EPD Chief
- Foot Pursuit – Within Policy by the Auditor, EPD Chain of Command, and the EPD Chief

Eller noted this was an internal complaint and listed the following materials provided to the CRB for review:

- In car camera video, body-worn camera video, and photographs,
- IA report detailing the investigation process,
- all correspondence related to the complaint, including internal correspondence,
- adjudication recommendation memo from the chain of command,
- adjudication from the auditor,
- adjudication memo from the chief,
- all related reports and records,
- Relevant EPD policies.

The board discussed the complaint intake, classification, and monitoring.

Neal said they did not have a problem with how the intake was handled, and the classification seemed reasonable to them. Based on the materials provided, it seemed like a well-monitored investigation.

Leiman noted it would be helpful if the auditor's office could provide pointers to relevant information and said it was difficult to find the moment in the video where the taser was used.

Vice Chair Cortez said the classification seemed straight forward. There was not much to comment on regarding the intake and monitoring.

Chair Williams agreed with Vice Chair Cortez and said the intake, classification, and monitoring were well done. They stated the reason why the auditor's office did not point out specific details in a case was because doing so could be misconceived by the public.

Neal said given the fact that the board were all volunteers, it would be helpful to streamline the review process. They suggested a table of contents or a naming convention for provided files would be helpful.

Foltz said chapter and verse were provided in the IA report.

Chair Williams said Officer A seemed to have a hero complex, which was concerning. Officer A went into detail regarding their intent to ensure the community was safe. They had imaginative ideas about what could or would have happened. Officer A was trying to use evidence that had nothing to do with the case. Their remarks seemed disingenuous and a bit like they were gaslighting the IA investigator. Chair Williams hoped not all EPD officers had hero complexes and that was not the culture of the EPD.

Griffin concurred with Chair Williams. They asked if officers were allowed to seek assistance when writing their reports or if that was an independent effort.

Coleman said officers wrote their reports independently, but that they were approved by their supervisor. The supervisor could request additional information from officers, if needed.

Griffin said officer A stated that they kicked and hit the suspect with focused strikes, which did not seem warranted because the suspect was facing officer A and on the ground at the time. In their report, officer A repeatedly stated the phrase, "in my experience, this could have resulted in X, Y, or Z", as a justification for their reactions. Griffin was disappointed that the auditor's office did not include those uses of force in their classifications.

Pitcher said focused kicks and hits were considered low-level uses of force and not outside of EPD policy.

Griffin acknowledged that they had a guttural reaction when watching the focused strikes because they were not accustomed to that type of behavior. Despite that, it seemed the uses of force were not appropriate, even though they were considered low-level.

Rosetta agreed with Leiman's comments regarding pointers to relevant information from the auditor's office. They said the intake, classification, and monitoring were done well.

Conover noted that officer A had only been on the force for three years. Regarding pointers to relevant information from the auditor's office, Conover said board members could be pointed in the right direction by reading the IA report before watching the supporting videos. They agreed with Griffin's points about the focused strikes. Conover said the intake and classification were good and appreciated the IA report.

Leiman said pursuits should be avoided, but noted certain conditions required them to occur. There seemed to be a concerted, demonstrated effort to force them to occur within the EPD. Regarding officer A drawing their handgun and taser at the same time, it was apparent that EPD officers were trained not to do that based off documented comments made by other officers in the supporting materials.

Vice Chair Cortez said officer A displayed a lack of accountability during their IA interview. The reason given for the pursuit was that the suspect was putting themselves in a deadly situation. Officer A seemed to feel their way through this situation as opposed to thinking their way through it.

Chair Williams said mental health training was important to help tightly wound EPD officers refrain from uses of force. Though the suspect was not the warranted felon officer A thought they were, the suspect broke the law when they ran from officer A. It could have all been prevented if they did not run.

Griffin said they were satisfied with the classification. As Leiman pointed out, certain training was referred to by other officers in the report and not that long ago, the deputy chief said that officers were being trained on the pursuit policy quarterly. Griffin said it would be beneficial for the board to know more about the non-deadly use of force policy, i.e., pain, compliance, and when it was appropriate to administer certain types of force. She did not think the level of aggressiveness displayed by officer A should be policy or part of EPD training.

Pitcher said Deputy Chief Adams wanted to provide a non-deadly force training for the board, but noted it was a hands-on training.

Griffin said they would not be interested in participating in a hands-on training but would like to see a PowerPoint presentation of the training.

Conover said the entire EPD did not need to be trained if one officer fell out of line with their training and reiterated that officer A was relatively new to the force and had a lack of experience.

Coleman said every use of force got reviewed and the department always looked for examples to use in trainings. Trends within the department were recognized and training was given to the entire department, if needed. Training opportunities could be identified even if the use of force was within policy.

Pitcher said officer A put themselves in an unsafe situation by going on the foot pursuit alone. Clearly that was an issue that needed to be addressed.

Neal said it seemed that overarching training entailed both fear and action. There had to be a balance to ensure officers were safe and reacting appropriately to threats, but at the same time, not overreacting to threats. Training had to be coupled with reasoning or experience. This case presented an opportunity to look at the training for threat response and how to develop a mature sense of reasoning.

All board members agreed with the adjudications.

There were no other comments or questions.

8. Auditor Annual Report

Pitcher said 33 complaints were received, there was 15 uses of force, and one vehicle pursuit in May 2023. There had been 10 vehicle pursuits so far this year. The annual report was completed and presented to city council. Pitcher would meet with city council on June 14, 2023, to discuss possible improvements to the oversight system. Pitcher noted that no changes had been made to the oversight system since 2007. Foltz and Eller were appointed as associate auditors. Pitcher signed their contract as auditor with the City of Eugene.

Pitcher said the Auditor Annual Report was posted on the City of Eugene website. There were 262 investigated complaints and 71 dismissed complaints. Though there were fewer complaints than the

previous year, the auditor's office investigated more specific allegations. The two highest allegations of misconduct were regarding performance and judgement policies. Overall, most of the allegations were sustained. Seven employees received documented counseling for sustained violations, two employees received written reprimand, two employees received oral reprimand, one employee retired prior to corrective action, and two employees received coaching. Administrative outcomes included the following:

- Accessibility
- Diversity, Equity, and Inclusion
- Core Competencies
- Outreach
- Ongoing Collaboration and Improvement

There were no comments or questions.

9. Closing Comments

Chair Williams told board members to let them know if there were any cases they would like to discuss at the next meeting. They reiterated that non-lethal use of force training was on the list of trainings the board was interested in.

Griffin was happy Lea Pitcher became the permanent auditor, and that Lindsey Foltz, and Rob Eller were named as associate auditors. They were also glad that Carolyn Williams and Jose Cortez would be returning to the CRB for another term.

Conover noted the CRB used to have joint meetings with the police commission.

Pitcher offered to reach out to police commission staff to inquire about doing that again in the future.

Regarding tactfully addressing public comments, Conover suggested stating that board members may offer a response during closing comments prior to opening the floor to the public.

Chair Williams agreed it would be tactful to have a script developed and noted it should include the fact that board members would not be allowed to discuss the case specifically.

Neal asked if there was a closed case related to the public comments made tonight.

Pitcher said yes, but it was most likely from a few years ago. They agreed a script for opening public comments would be great.

Leiman stated that at the last police commission meeting, there was an effort to put Ricky Collin in contact with the auditor's office. Unrelated, they said to have a truly robust oversight system, there had to be a connection between the process and the outcome. It was worth noting that the department was responsible for making the discipline decisions, but the decisions were kept secret. It was important for the public to know that this process lacked a certain element of transparency regarding discipline.

Vice Chair Cortez was about to ask about the email allegations made against the police chief by tonight's public speaker when Foltz chimed in about the issue.

Foltz said investigating the actions of the police chief was not in the purview of the auditor's office. That would fall under the city manager's purview. Complaints arriving in the auditor's office about the chief would be dismissed for being outside of their jurisdiction.

Vice Chair Cortez said when public comments entail allegations against the chief, it would be appropriate to state that the chief's actions were outside of the auditor's jurisdiction during closing comments.

Chair Williams said Leiman's comments about the importance of transparency regarding disciplinary actions were completely appropriate. There was nothing wrong with discussing beneficial changes to the oversight system.

Leiman noted Pitcher would meet with city council on June, 14, 2023, to discuss possible changes within the oversight system.

Conover said the purpose of the auditor's office and the CRB was to review conduct. When the board looked at discipline, it went beyond what the community voted for with regard to the oversight system.

Pitcher said the system does what it set out to do very well, in their opinion.

There were no other comments.

10. Adjourn

Chair Williams adjourned the meeting at 7:27 p.m.

(Minutes recorded by Diana Pamir Tisdale)