City Council
125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

September 14, 2016

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of September 14, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

Greg Evans, President	Alan Zelenka, Vice President
George Brown	Mike Clark
George Poling	Chris Pryor
Claire Syrett	Betty Taylor

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

1. **WORK SESSION** **12:00 p.m.**
   Annual Reports from Civilian Review Board and Police Auditor's Office

2. **WORK SESSION** **12:45 p.m.***
   Use of Marijuana Tax Funds and Retail Cannabis Regulations

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov.***

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session: Annual Reports from Civilian Review Board and Police Auditor's Office

Meeting Date: September 14, 2016 | Agenda Item Number: A
Department: Office of the Independent Police Auditor | Staff Contact: Mark Gissiner
www.eugene-or.gov | Contact Telephone Number: 541-682-5016

ISSUE STATEMENT
The leadership of the Civilian Review Board and the Police Auditor are appearing before the City Council to discuss the 2015 Annual Reports of the Civilian Review Board and the Police Auditor's Office, respectively.

BACKGROUND
The Eugene City Council appoints members to the Civilian Review Board and is the hiring authority for the Police Auditor. On an annual basis, the Civilian Review Board and the Auditor's Office provide and discuss their annual reports.

RELATED CITY POLICIES
Eugene Charter and Police Auditor Ordinances.

COUNCIL OPTIONS
Offer comments and questions.

CITY MANAGER'S RECOMMENDATION AND SUGGESTED MOTION
No council action or motions are suggested. This item is informational only.

ATTACHMENTS
A. 2015 Civilian Review Board Annual Report
B. Police Auditor's Annual Report
C. PowerPoint of Selected Graphs and Charts from the Police Auditor 2015 Annual Report

FOR MORE INFORMATION
Staff Contact: Mark Gissiner
Telephone: 541-682-5016
Staff E-Mail: mark.a.gissiner@ci.eugene.or.us

Attachment A

CITY OF EUGENE

Eugene Civilian Review Board Annual Report

2015

EUGENE CIVILIAN REVIEW BOARD 2015 ANNUAL REPORT

Section ***Page***

Introduction ……..3

2015 Civilian Review Board …….5

Mission and 2014 Overview …….6

Training ……6

Case Review Summaries ……..……..……..7

Conclusions …….……...…17

Introduction

Ordinance 20374 which enables Eugene's Civilian Review Board, requires the Board to "…prepare and present an annual report to the city council that:

(a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
(b) Assesses the performance of the police auditor…; and,
(c) Evaluates the work of the auditor's office, including whether the office is functioning as intended." [ORD 20374; 2.246 (7)]

Eugene's Civilian Review Board (CRB) is designed to provide transparency and help ensure public confidence in the police complaint process. The Board evaluates the work of the independent Police Auditor, and reviews complaints to provide a community perspective about whether complaints are handled fairly and with due diligence.

This annual report contains a summary of the work that the Civilian Review Board (CRB) undertook in the year 2015. As set forth in the ordinance case reviews and assessment of the police auditor and the auditor's office should be set forth in this summary. As in years past the bulk of this report centers around the cases reviewed by the CRB. While detailing the allegation, setting forth the issues discussed and outlining (briefly our discussions and findings) this report only touches on the work that we have put into our job.

Our meetings are open to the public and provide an opportunity to review the complaint process and hear input from members of our community. While we are committed to maintaining the confidentiality of the involved parties, discussing complaints in public allows the community to learn about the complaint intakes, classifications, investigations and determinations as they are discussed openly and critically. It also allows members of the public that have filed complaints to ask the board for review of their case at a future meeting.

In order to do our jobs full, open, and at times lively discussions have ensued. We hope that we have reflected the tenor of all parts of the community when we have these discussions. This means at times we have disagreed with findings but we have attempted, to the best of our abilities to be cordial and respectful of varying points of view. However, we must also be respectful of those who are not there whether it be the complainant or the officer of the alleged police misconduct in question. This requires a balance to the confidentiality to which we have all agreed to as a board member and the expectations of transparency in order for there to be public confidence in the system. This balance is an ongoing discussion of both procedure and performance. Our meetings are open to the public, yet rarely attended. We have very detailed minutes but some members would prefer audio or video recordings. This balance reflects the very balance that we see in the cases we review.

Balancing the actions of an officer (performance) with the expectations of action of the officer (written policy). We believe that we have, as in years past, found a way to balance transparency with confidentiality. Open discussion with need to respect individual personnel matters.

To this end the office of police auditor and his staff were integral in examining the issues at hand and in setting our procedures and the cases each month. As you will see in the case summaries and reviews set forth in this report we the CRB could not do our job as well as we do if it were not for the excellent work by Internal Affairs and the Police Auditor's office. We thank you for allowing us the opportunity to serve on the board.

This year we continued to see the benefits of the Blue Team program which allows for tracking of uses of force allowing both EPD and OPA the chance to know quickly when a use of force has been used and can be reviewed without delay or the need for a citizen complaint. However, this has also led to a rise in review of allegations against supervisors. It is our hope that this is not a trend but has raised awareness within the department of best practices and continued coaching/mentoring of supervisors.

In addition to service complaints and case reviews, the CRB engages in continuous learning associated with police practices, civil rights, constitutional based policing practices, and interactions with vulnerable communities. Just as each case brings forth a new issue so too does the continuing learning by board members of community services that impact the job of the EPD. The efforts in continuous learning prove beneficial to the Board's overall approach to its mission by ensuring a comprehensive understanding of relevant processes and community factors influencing various decision makers and affected parties.

The Board also considers and discusses current policies and practices and whether or not revisions seem appropriate. These policy recommendations are channeled to the Police Commission and the Police Chief through the CRB's appointed representative to the Police Commission.

We appreciate the support the City Council, Mayor, Office of Police Auditor, The Eugene Police Department, and many service organizations that have presented to us over the past year. The members of the Board are proud to participate in process that continues to evolve and allows the community to glimpse into the "whys" of police work and the officers present are able to hear comments from community members in a thoughtful, and we hope, helpful forum.

Thank you for the opportunity to be of service.

Sincerely,

Bernadette Conover
2015 Board Chair
Retired from the CRB in 2016

Eric VanHouten
2015 Board Vice-Chair
2016 Board Chair

Civilian Review Board Members

Steven Buel-McIntire is Vice President of Administration and General Counsel for SELCO Community Credit Union. He earned his B.S. in business from Linfield College and His Law degree from the University of Oregon School of Law. He has served on numerous community boards; Oregon Eye Clinic Independent Review Board, Oregon State Board of Bar Examiners, and CASA among others.

Bernadette Conover is a life-long Oregonian. She graduated from Portland State University with a degree in Administration of Justice and holds a law degree from Willamette University College of Law. She has lived in Eugene since 1991.

Maurice A (Maurie) Denner lives in south Eugene and is a retired elementary principal. He has a BA in English and an MA in Education from the University of Oregon. Maurie is a graduate of the Eugene Citizen's Police Academy, served on the Chief's Forum under Chief Cooke; and he was an original appointee to the Police Commission when it was created. Maurie's interest in law enforcement grew out of work in Oakridge that established a Police in the Schools cooperative arrangement. Maurie retired from 4J in 2004, and worked part time for Looking Glass Youth and Family Services until February, 2014.

Lindsey Foltz is a Eugene native, returned after living in Central Oregon and serving as a Peace Corps Volunteer in Bulgaria. She holds a M.A. from the University of Oregon in International Studies. She has spent the past 3 years as the Equity and Human Rights Analyst for the City of Eugene, before resigning to spend time with her two small boys and dedicate more time to volunteer endeavors that help to make our community safe, welcoming and healthy such as her community garden and serving on the Civilian Review Board.

Heather Marek has lived in Eugene since 2007. She is a concurrent doctoral and law student at the University of Oregon, where her research has focused on human rights issues in the criminal justice system. Before returning to graduate school, Heather worked for nonprofits advocating for civil liberties and democracy reform. Heather received a BA in criminology from the University of Montana, and has enjoyed opportunities to intern with federal law enforcement as well as police watchdog groups. Heather plans to use her background in social science and law to conduct rigorous public interest research. But all of this is just in her free time. First and foremost, Heather spends her time playing with her dogs, running, playing accordion, and baking.

Eric Van Houten has a Masters in Social Work and is a Licensed Clinical Social Worker. He has 15 years experience working with high risk youth, families and adults. His background includes working with individuals with a myriad of issues including drug and alcohol abuse and addiction, mental health issues, violence, and homelessness. Eric was raised in Eugene, OR and returned to the community in 1993. Eric's background includes 3 year stint with the Peace Corps as a volunteer in Senegal, West Africa. He is married with two school age daughters.

Mission Statement

It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department into allegations of police misconduct, use of force and other matters that have an impact on the community. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.

2015 Overview

The CRB is required to meet four times a year. The CRB met nine times in 2015, all public meetings. The CRB reviewed 1 officer involved shooting, 7 case files involving multiple allegations and/or multiple officers and 6 service complaints.

The Board (with the help of the Office of the Police Auditor) identified policy concerns and communicated such to the Police Commission and the Eugene Police Department.

Training

The CRB was involved in six training sessions:

- The Data Collection Initiative under development by EPD to electronically track all stops and record activities and demographic information.
- Update on the CAHOOTS Program and its impact on the Community.
- Alternate, disguised and hidden weapons both used by people suspected of criminal activities.
- Police Recruiting, the Oregon Department Public Safety Standards and Training Institute (DPSST), and in-service training programs for officers.
- Police Communications Section operations and training.
- Learning session and discussion with newly hired Police Captain Sherri Meisel and how her law enforcement experience with the Detroit, Michigan Police Department could be of value to EPD.

Continue to Next Page

Case Review Summaries

In preparing for a case review, Board members have complete access to the Internal Affairs investigative file. These materials include call logs, correspondence, in-car videos and digitally recorded interviews of complainants, officers, witnesses and others with potentially relevant information.

Board members review file materials, the fact-finding report prepared by the Internal Affairs investigating officer, along with the Adjudication recommendations of the Auditor, the Supervisors and the Chief of Police. During our reviews, the IA investigator is available to answer questions about the complaint investigation. The Lieutenant who supervises Internal Affairs is also available to answer questions regarding department practices, policies and procedures.

The Board follows a case review process delineated in its Policies and Procedures Manual. The Board reviews each case by evaluating and commenting on the complaint handling through the following steps:

1. Auditor's case presentation,
2. Complaint intake and classification,
3. Complaint investigation and monitoring,
4. Relevant department policies and procedures,
5. Policy and/or training considerations,
6. Adjudication recommendations, and
7. Additional comments and/or concerns.

CRB Case Summaries 2015
CRB Report
Link to Complete Minutes: http://www.eugene-or.gov/88/Civilian-Review-Board

A brief summary of the 2015 individual case reviews follows.

FEBRUARY CASE REVIEW— Investigation of a Supervisor's Actions after an Officer Injury

Summary: During a break in training, an Officer injured his hand while engaged in horseplay with another Officer. Supervisor A was present and likely witnessed the event. Supervisor A advised Supervisor B that Officer E had injured his hand but did not state how the injury occurred. Supervisor B, upon learning of how the injury occurred, reviewed the text notifications from Supervisor A and was concerned that Supervisor A did not properly notify Supervisor B of the incident. Supervisor B was also concerned that the notifications from Supervisor A did not contain information that a reasonable employee would have provided under similar circumstances.

Allegations:

Unsatisfactory Performance – That Supervisor A did not properly notify Supervisor B about an incident that involved an employee breaking his hand while engaged in horseplay. - **Sustained**
Judgment – that Supervisor A's notification to Supervisor B lacked information which a reasonable employee in similar circumstances would have provided.-**Dismissed**

Issues for the Civilian Review Board: The Board, after review determined that the investigation was thorough and complete. Members voiced concern that an injury was not properly reported that could lead to workman's compensation issues. Members also noted that horseplay and wrestling did not have a place in the workplace and this should be made clear to employees. Six CRB members agreed with the recommended and final adjudications. One member felt that the incident should have been dismissed.

MARCH CASE REVIEW – Investigation of An Officer's Use of Force during an Arrest

Summary: Officers were dispatched to a building regarding a burglary, where they found a suspect who appeared to be asleep in the basement of the building. Officers eventually got the suspect to his feet at which point he began to resist. Officers were able to place a single handcuff on the suspect before a fight ensued with an officer being thrown into a stairway with the suspect on top of the officer. A third officer arrived and was able to use a taser to subdue the suspect by handcuffing and restraining him. After the man was handcuffed, one of the officers used a focus blow and struck the suspect in the lower back/buttock area with his fist. This officer later reported to his supervisor that he was not completely sure if his blow was delivered before the suspect was in handcuffs, but it may have been after.

Allegations:

Use of Force – That an Officer used force on a suspect after the suspect was in custody and was no longer an immediate threat - **Sustained**.
Issues for the Civilian Review Board:
Members appreciated seeing evidence that the system was working in that the officer had self-reported the incident to his supervisor. A discussion about the level of force: open hand verses a closed fist lead to the IA Sergeant describing how officers are trained in both methods with officers using the most effective method to control the situation. The Auditor noted that any strike to the head was reviewed by his office and IA.

APRIL CASE REVIEW - Review of Inquires, Service and Policy Complaints.

Summary: The Board reviewed various complaints that were assigned to direct supervisors.

1. A complainant reported a use of force that they had observed. A review of (In-Car Video) ICV found the incident to be Within Policy due to the circumstances and behavior on the part of the suspect. The Reporting Party was contacted.

2. A third party complaint that an officer's court testimony did not seem to match the ICV. An interview of the officer and review of the ICV revealed that the involved vehicle slowed and then accelerated through the intersection against the light. The officer's testimony was in fact consistent with the ICV. The complaint was closed.

3. A complaint that no arrest was made when the complainant's daughter called about her boyfriend smashing a window in her front door. The investigation revealed that the boyfriend had established residency at the home and that the caller was unable to articulate another crime for officers to establish probable cause to arrest the boyfriend. The complainant was contacted with the findings.

4. A complaint that an officer did not write correct information about court hours on her citation. The Reporting Party (RP) was upset that when she went to Municipal Court to take care of her citation they only took care of her type of citation on the second Thursday of the month. The supervisor learned that the Court had changed times for this type of citation and the officer involved was using a citation book that had not been updated and was unaware of the change himself. The complaint was closed after the supervisor spoke with the Reporting Party about the findings.

5. A complaint that an officer had an abrasive tone when contacting him at the airport. The supervisor learned that the officer had been asked to contact the Reporting Party who was sleeping at the airport by airport personnel, and had nudged his foot to awaken him so as not to overly startle the sleeping man. The officer felt he had been professional and courteous in the contact. The Reporting Party did not leave contact information for the Supervisor to contact him.

6. A complaint that the reporting party had been unable to get their belongings released after an arrest. After a Supervisor review it was determined that the DA's office had instructed the officer to not release the belongings that were evidence at this time. The involved employee had been unsuccessful in contacting the Reporting Party but would continue trying.

Issues for the Civilian Review Board:

Members discussed each complaint noting that these service and policy complaints are investigated by a direct supervisor, typically Sergeants, who research the situation and then speak with the complainant and the officer about the concerns involved. They then follow up with a memo to the Auditor's Office. The IA Sergeant informed the board that each of these types of complaints typically take 1 to 4 hours to complete with each Sergeant generally handling 18-20 of them a year.

MAY CASE REVIEW- Allegation related to investigation of a crime: Investigation showed that an EPD employee impermissibly gained consent to search and failed to upload in-car video in a timely manner.

Summary: During the course of a harassment investigation an officer inappropriately questioned the Reporting Party regarding his disability and failed to completely investigate or take appropriate enforcement action. After telling the complainant that he did not have probable cause to arrest or cite the suspect the officer coerced that suspect into allowing a search of his backpack by advising him he could either give consent or go to jail.

Allegations:

1) **Performance -** questions related to the RP's disability: - **Within Policy**
2) **Performance -** that Officer A failed to investigate completely, possibly due to bias: - **Unfounded**
3) **Search and Seizure** – that an Officer impermissibly coerced Suspect's consent to search his backpack. - **Sustained**
4) **ICV** - that an Officer violated policy by failing to upload ICV related to this incident at the end of his shift. - **Sustained**

Issues for the Civilian Review Board:

The Board found the investigation to be through and complete, members questioned rather the issues should have been separated out into two complaints. The Board agreed with the adjudications recommendations made in the case. Various members expressed concern that the officer did not have a satisfactory knowledge of the law and that badgering people into allowing searches was not acceptable.

MAY CASE REVIEW 2 - Internally reported allegation that an employee engaged in horseplay, causing injury to an employee of another agency and failed to report consequent damage to an EPD vehicle.

Summary:

Internally reported following an incident during training. EPD Supervisor A was driving in a City vehicle on a road at the training facility. EPD Officer B, Other Agency Officer D, and a civilian instructor were walking along the road in the same direction. EPD Supervisor A drove his vehicle close to the walkers in order to splash them with water. As he passed, Other Agency Officer D jumped onto the hood of the vehicle. EPD Supervisor A sped up slightly and then braked quickly, causing Other Agency Officer D to fall from the hood onto the ground. Other Agency Officer D immediately complained of pain; X-rays revealed a fracture to the lower limb area. When EPD Supervisor C went to use the vehicle, he found a long scratch on the hood. EPD Supervisor A later stated that he had observed the scratch but neglected to report it.

Allegations:

Judgment – that Supervisor A failed to use good judgment when he engaged in horseplay using a motor vehicle, contributing to the injury of another. **- Sustained**
Unsatisfactory Performance – that Supervisor A failed to report damage to the vehicle from the incident. - **Sustained**

Issues for the Civilian Review Board:

Members discussed the expectation that supervisors should be held to a higher standard and should not have been engaging in horse play. The IA Sergeant said the EPD expectation was that this type of incident should not happen. The members also expected workplace injuries to be reported immediately or a soon as possible.

JUNE CASE REVIEW – Internally reported allegation that an employee detained a commercial driver and ordered a medical evaluation without probable cause.

Summary: An allegation was initiated based upon a risk claim the City received. An Officer contacted and detained the Reporting Party at the Eugene Airport based upon a report of a possible impaired driver. After the Officer's investigation, the Officer forced the Reporting Party to go to the hospital under a mental health hold.

Allegations:
Constitutional Rights – that an Officer unlawfully seized the Reporting Party following a contact and detention based on a report of a possibly impaired driver; specifically, that the unlawful seizure occurred when the Officer sent the Reporting Party to the hospital on a mental health hold. - **Sustained**

Issues for the Civilian Review Board:

The Board was pleased with how the complaint came to the Auditor on the advice of an IA Sergeant that was reviewing the risk claim. One Board member commented that the investigation stated the driver was driving erratically, and scaring his passengers. There was some concern about the driver's mental ability. Although Officer A could have done a better job handling the stop, Officer A used sound judgment in taking the driver off the street. There would have been liability issues if the driver was involved in a crash. The IA Sergeant said Officer A had probable cause to stop the driver for reckless driving. The IA Sergeant said there were three witnesses to the complainant's driving and that the Reporting Party should have been arrested for reckless driving. The members agreed with the adjudication of the case as the officer had a better option than the mental hold.

JULY CASE REVIEW - Internally reported allegation that an employee discovered undocumented evidence (drugs) in another employee's bag in the locker room and failed to immediately contact a supervisor. Included in the investigation was the notification processes used by two employees.

Summary: Officer B asked Officer A to retrieve a camera out of Officer's C locker, as Officer C was out of town and Officer B needed pictures from the camera for a court room testimony. While looking for the camera Officer A discovered a small bag of a substance suspected to be methamphetamine as well as a bag with marijuana. Officer A sent a text message to Officer B about the drugs, Officer B than informed Officer C of the discovery. The following day Officer A reported this to a supervisor who in turn reported it to IA. Officer C granted permission for Internal Affairs to retrieve the drugs from the locker and two investigation were open focused on the actions of Officer C that led to the presence of drugs in the locker and this one investigation, focused on the action of Officer A and Officer B with regard to the reporting of the incident. (It should be noted that a second case file was opened against Officer C and there was a sustained finding regarding evidence handling.)

Allegations:

Unsatisfactory Performance – that Officer B became aware that Officer C had possible illegal drugs in a department-issued locker and failed to immediately report that discovery to a supervisor. – **Within Policy**
Unsatisfactory Performance – that Officer B became aware that Officer C had possible illegal drugs in a department-issued locker and failed to immediately report the discovery to a supervisor. - **Within Policy**
Judgement – that upon discovery of possible illegal drugs in the EPD locker room in or around Officer C's locker, Officer A allegedly photographed the material and sent the picture to Officer B. – **Within Policy**
Judgment – that Officer B allegedly contacted Officer C regarding the discovery of drugs rather than contacting a supervisor. – **Within Policy**

Issues for the Civilian Review Board:

Members noted that evidence was improperly handled and compromised if it was kept any place except in the evidence locker and that was where unsatisfactory performance had occurred. Because this evidence involved an illegal substance the way it was handled was of greater concern. Members questioned officers being trained to work out problems with each other if it resulted in failure to report something that should go to a supervisor. One member's first concern was about chain of custody and whether policies relating to receipt of evidence and using an evidence bag had been observed. He questioned Officer B going to the source instead of to the supervisor. The IA Sergeant said going to the source was appropriate in situations involving personnel conflict but not in illegal or criminal matters.

OCTOBER CASE REVIEW – Review of the Officer Involved Shooting that Resulted in the Death of Mr. Brian Babb

Summary:

The incident began as an "armed suicidal subject" based on 911 calls from Mr. Babb's therapist, who was also on a call with Mr. Babb.

The Interagency Deadly Force Investigation Team (IDFIT) was called and responded to investigate the incident. The IDFIT investigation was reviewed by the Lane County District Attorney's office, who determined that the officer used reasonable force based on the totality of circumstances.

An administrative investigation, focusing on compliance with EPD policies, followed the closure of the IDFIT investigation. The administrative investigation culminated in a meeting of a Deadly Force Review Board. That meeting took place on August 10. The Board issued its findings on September 8. Police Auditor Mark Gissiner was a member of that Board. The CRB reviewed the case in October 2015.

Allegations:

Deadly Force Review Board

Use of Deadly Force by the Officer:

- Determines only whether the actions of the employee(s) were within department policy, or consistent with the accepted industry standards in cases where there is no applicable department policy.
- "Department Policy" includes written directives, training, past practices, and verbal direction.
- The Deadly Force Review Board recommended that the involved employee's actions be adjudicated as **Within Policy**.

Issues for the Civilian Review Board:

- Complaint Intake and Classification
    - Internally reported; Auditor was notified in a timely manner
    - Classification: Deadly Force Review
        - Mr. Gissiner reported he was contacted by Chief Pete Kerns after the shooting occurred and Mr. Gissiner went to the scene. IDFIT was responsible for investigating the actions of officers and presenting information to the District Attorney.
- Administrative Investigation and Monitoring
        - Mr. Denner said no team leader had been identified before IDFIT arrived, which created a gap in the investigation. He was concerned that no forensic evidence was gathered at the scene and the photographs taken by IDFIT did not contain identification of the location or date and time when the photographs were taken. He was disappointed in the quality of the work done in the two hours immediately following the shooting.
        - Mr. Gissiner noted EPD held the scene and the officer involved was taken from the scene. When IDFIT arrived, EPD disengaged from the investigation process.

        - Mr. McIntire commended Mr. Gissiner for his good work at the scene. He noted there was confusion at the scene when IDFIT arrived.
        - Mr. Van Houten concurred that some of the information provided at the scene was confusing. The work at the beginning of the investigation needed clarity.
        - Mr. Wig was also concerned with the confusion related to the incident command, and he was very concerned that the gun used was not identified.
        - Ms. Foltz said the scene was not thoroughly photographed and there was confusion at the scene. She agreed the weapon should have been fingerprinted at the scene.
        - Ms. Marek agreed with comments from other CRB members.
- Relevant Department Policies and Practices (also addressed in next presentation):
    - Use of Force
    - Use of Force Reporting
    - Police Firearms
    - Use of Deadly Force Investigations
    - Mental Health Crisis Response
    - Hostage/Barricaded Subjects
    - Crisis Intervention Team
    - Crisis Negotiation Team
        - Mr. McIntire said the radio communication was choppy and the hand off by the 911 call taker was problematic. There were too many people involved in the communications and some of the message was lost. There should have been more effort made to bring Mr. Babb's therapist into the communication.
        - Mr. Van Houten suggested it would be helpful to separate the hostage and barricaded person policies, which called for different responses from the officers. There should have been an expanded thought process for determining who should be involved in the de-escalation process.
        - Mr. Wig agreed there was a need to divide the hostage and barricaded person policy. He appreciated Mr. Gissiner's recommendations for revising those policies.
        - Ms. Marek was confused about the Crisis Intervention Team (CIT) policy and why only one crisis negotiator was at the scene.
        - Mr. Gissiner asserted that after the shooting, the Police Commission had approved the recommendation of EPD to amend Policy 418.
        - Mr. Denner had serious concerns about command at the scene and officer communications. It was difficult to refute allegations about whether the loud hailer or other attempts to communicate with Mr. Babb were effective. Although there were two sergeants with their teams at the scene, lines of authority were not clear. It was important to have policy to clarify what the lines of authority were.
        - Ms. Conover noted the crisis intervention policy had changed since she joined the CRB. When she first joined the CRB, about 50 percent of the officers were trained in crisis intervention and today almost 100 percent of the officers

were trained. Crisis intervention training needed to be expanded to include 911 call takers and dispatchers.

- Policy and/or Training Considerations
    - Mr. Van Houten thought EPD offered adequate crisis intervention training for officers, but hostage and barricaded person events did not occur frequently in the community, and officers did not have opportunities to use their training in actual situations.
    - Mr. Wig had reviewed the full and un-redacted file, which included reports on the level of introspection demonstrated by EPD and Mr. Gissiner.
    - Ms. Marek agreed that EPD officers did not have many opportunities to practice the skills they trained on. Training should include a practicum.
    - Mr. Denner said that Policy 1201.7, Crisis Negotiation Team, used the term "negotiator", which should be synonymous with communicator. Police officers should not talk with people in crisis in the same manner with which they talked with criminals. He added Policy 310.2, which addressed how officers responded to scenes, should add language about collecting forensic evidence.
    - Mr. McIntire did not think the CIT officer on the scene had been adequately trained to talk with people suffering from PTSD. The situation was dynamic and could have gone in a different direction.
    - Ms. Conover suggested Cahoots could be a resource for the CIT. She inquired about the number of cases where people threatened to hurt themselves ended successfully.
    - Mr. Van Houten said people in mental health crisis were unpredictable, and veterans often responded differently than other people in similar circumstances.
    - Mr. Denner opined there may never be enough training for officers who interacted with veterans and other people in crisis.
- Adjudication Recommendations
    - Mr. Gissiner said Chief Kerns determined that the officer was justified in using deadly force. The Board agreed with the adjudication recommendations. Ms. Marek added that while under the circumstances, it was reasonable for the officer to shoot, she had concerns leading up to the shooting. Mr. Denner agreed with the adjudication based on the information provided to the CRB. It was unfortunate that a life was taken and an officer was put in the position of having to take a life.

NOVEMBER CASE REPORT – Allegation of competency related to investigation of traffic violation, investigation of EPD employee failed to adhere to standards of duties.

Summary:

Officer A attempted to stop a vehicle. The vehicle eluded the stop and Officer A did not pursue.

Office A called dispatch and described the vehicle as possibly stolen and stated that the vehicle hit the Officer's car. Officer B began following the vehicle from the aired location and attempted a PIT maneuver when the vehicle was located. Officer A aired a request for priority traffic stating that the vehicle had hit his patrol car. The other vehicle fled the scene and was later located. Officer B later informed his supervisor that his statement about the vehicle hitting him had been a mistake, he had instead intentionally struck the vehicle as it approached him. At the scene Officer B did not inform investigating officer that he had hit the vehicle leading to those officer filing inaccurate reports.

Allegations:

Performance – Officer A did not provide an accurate report. - **Sustained**
Competency – Officer A failed to adhere to the standards of duty. - **Sustained**

Issues for the Civilian Review Board:

One Board member listed four components to the allegations; judgment, thought process, communication, and action. Mr. McIntire said that the Officer's lights weren't activated and the Officer's car was unmarked. He asked what the policy was for forcibly stopping a suspect's vehicle when the target vehicle wasn't speeding or driving at the time. IA Sgt. Nelson replied that as long as the Officer was certain regarding the suspect's vehicle it was a valid reason to use the maneuver but that in this case, it was not the type of maneuver they were trained for. It was also not an allowable use of force in this instance.

There was consensus by the CRB to agree with the adjudication recommendations.

Ms. Foltz added an additional comment that someone rising to this rank when they demonstrated a lack of judgment left her with an uneasy feeling. Ms. Conover said that it wasn't the first case of a supervisor expressing lack of judgment and that the officers on the streets needed to be able to trust their superiors. She said this was cause for great concern.

NOVEMBER CASE REVIEW 2 – The owner of a store called 911 for the theft of a bike and an E-cigarette. Two Officers pursued the suspect and attempted to arrest him which resulted in the discharge of a Taser on the fleeing (on foot) suspect.

Summary:

Internally reported following discharge of a Taser on a fleeing suspect. Two Officers pursued a suspect into an alley after a store owner called 911 to report a stolen bike and E-cigarette. An Officer ordered the suspect to stop and attempted to arrest him. A third Officer entered the alley from a building adjacent to the alley. Officer A drew a Taser gun and discharged it on the suspect hitting him from behind, the suspect fell face first to the pavement.

Allegations:

An Officer violated policy by discharging a Taser into the back of a fleeing suspect. - **Sustained**

Issues for the Civilian Review Board:

Ms. Foltz felt that the report of the suspect posing a credible threat was not consistent with the body camera footage and that it appeared that the suspect was running away. She agreed that the suspect should not have been shot in the back and stated that the Officer could have stepped aside and stopped the pursuit. Mr. McIntire said that sometimes officers forget to take the safety off their Tasers and if this had been the case the suspect would have been running toward the Officer when the Officer drew the Taser, thus posing a credible threat. Mr. Denner stated that Officer A did what was expected after the use of the Taser and that he was impressed with the response to keep the airway open and call for medical help in a professional manner. He felt that once the suspect was incapacitated, they were safe. Ms. Marek felt there was room for additional standards in regard to the Taser Policy.

Conclusions

We have an engaged and thoughtful civilian review board that invests considerable personal time to participate in and evaluate the police oversight processes in Eugene. They are the community's representatives in analyzing the internal administrative personnel processes of EPD and the external monitoring and complaint intake processes of the Auditor's office. The CRB continually strives to have open and transparent discussion of case review, policy considerations and training issues within the confines of the Oregon Public Records Laws and the hundreds of exemptions that exist in Oregon Public Record law. The CRB consistently meets more than the minimum requirements of the ordinance. At most meetings, the entire board is present. The CRB must evaluate difficult personnel and policy issues that impact community members and sworn police personnel. They have been complimentary, critical, inquisitive and decisive. It is an honor and privilege to serve the community of Eugene. In 2015 Eugene's system of civilian oversight continued to evolve and develop. We look forward to continuing our work and we are committed to improving our processes in service of the community.

Attachment B

CITY OF EUGENE

Office of the Police Auditor

2015 Annual Report

Mark Gissiner, Police Auditor

7/8/2016

July 8, 2016

Honorable Mayor Kitty Piercy
Council President Greg Evans
Council Vice-President Alan Zelenka
City Councilors

I am honored to present the 2015 Annual Report of the Office of the Independent Police Auditor (OPA). This report covers the period from January 1, 2015 – December 31, 2015. 2015 was again marked by a stable, dedicated and hardworking Civilian Review Board (CRB), investigative work by EPD's Internal Affairs Section that continued to meet expectations, and decisive actions on sustained complaints. With minimal impact caused by personnel changes, all entities were able to focus on the work that needs to be accomplished to meet Council and community goals.

We remain constrained by Oregon Public Records laws that restrict our ability to communicate with optimal transparency to the community about important issues. We aim to be as transparent as possible with our weekly newsletter and annual report. The keys to building and maintaining community trust are transparency and open government. Laws that shield the public from openness and transparency feed portals of distrust and discontent and block the opportunities to identify good work done by many employees.

This report includes analysis of complaints and trends, decisions on classifications of complaints, policy and adjudication recommendations, the work of the Civilian Review Board (CRB), community outreach and education, and discussion of major cases. Statistical profiles of complaints, allegations and findings are provided with commentary. One issue of note is a slight decrease in overall complaints, as well as in internally generated complaints. Our opinion is that the number of external complaints is indicative of the wide knowledge the community has of our office, the historic nature of Eugene in engaging in civic affairs, and public confidence (albeit not universal) in the complaints system. We interpret the rate of internal complaints as an EPD expression of confidence in the oversight system, and it has largely been accomplished both through our office's monitoring of Blue Team entries (data software detailing use of force, property damage, vehicle pursuits and accidents, and similar incidents) and increased identification of clear expectations of EPD supervisors and command staff in understanding their responsibilities in reporting potential misconduct. These successive advancements have helped direct our focus toward higher value work.

Beyond complaint resolution, we reviewed 186 uses of force for the calendar year. We work with the Police Commission and EPD to promote policy improvements, focused on emphasizing the training and skills necessary to successfully navigate interactions with the community. The OPA and the CRB meet and continue to work with external groups to learn about their interests and the services they provide.

We wish to thank the Mayor and City Council for their support in actively and vigorously participating in the oversight process. Also, we wish to thank the City's Executive Team, and other support staff for all of the "back room" functions they provide including but not limited to finance, budget, information technology and human resources. Without them, we would have a more difficult time providing customer service to our community.

Staff work from Deputy Auditor Leia Pitcher and Senior Program Coordinator Vicki Cox has been nothing short of exemplary. We look forward to welcoming our new Community

Engagement Coordinator for greater outreach to our community. Finally, my congratulations and sincere gratitude to the members of the CRB for their hard work on difficult issues and their tireless volunteer efforts to the community to assist us with this process. They take valuable time from their personal and professional lives to give back to the community under circumstances that at times can be stressful and controversial.

Many Eugene police officers work tirelessly for the greater good of our community. These efforts should be recognized. In addition, we have seen, although not necessarily measurable, upward trending in supervisor engagement in the daily activities of officers. No one is mistake free. The vast majority of police who make mistakes of the heart — meaning they have no malice and are not attempting to shirk responsibility — are treated fairly and sent back to work. Some have come forward on their own to admit mistakes or lapses in judgment. At the same time, those who commit acts with malice and forethought are treated with swift and decisive action.

We welcome your comments and suggestions regarding how we can improve this report.

Respectfully submitted,

Mark Gissiner
Police Auditor

Our Mission
To provide an accessible, safe, impartial and responsive intake system for complaints against Eugene Police Department employees and to ensure accountability, fairness, transparency and trust in the complaint system.

Our Purpose
The Police Auditor has three broad mandates: 1) to receive and classify complaints of police misconduct; 2) to audit the investigations based on these complaints; and 3) to analyze trends and recommend improvements to police services in this city. In addition, the Police Auditor supports a Civilian Review Board, which provides valuable input about the fairness and diligence of the investigation process. Ultimately, the goal of the Civilian Review Board is to make the system of police accountability more transparent and increase public confidence in the manner that police conduct their work.

Contact Information
Mark Gissiner, Police Auditor; Leia Pitcher, Deputy Police Auditor, and Vicki Cox, Senior Program Coordinator
Office of the Independent Police Auditor
City of Eugene
800 Olive Street
Eugene, OR 97401

Phone: 541-682-5016
Fax: 541-682-5599
Email: policeauditor@ci.eugene.or.us

Website: http://www.eugene-or.gov/policeauditor

Staff
Mark Gissiner, **Police Auditor** – started as Eugene Police Auditor in June 2009. He brings approximately 30 years of experience and consulting in the field of external oversight of law enforcement.

In his career with Cincinnati, Mr. Gissiner served in the City Manager's Office as Director and Investigator of the Office of Municipal Investigation (OMI) and worked in the Department of Human Resources. He helped develop Cincinnati's Collaborative Agreement and the Memorandum of Understanding with the United States Department of Justice. Mr. Gissiner was the first two- term President of the International Association for Civilian Oversight of Law Enforcement (IACOLE). Mr. Gissiner's writings on issues of government accountability, government reform and human rights have been published in 14 languages. He consulted for the United States Justice Department and governments including South Africa, Brazil, Northern Ireland, Portugal, Hungary, Australia, China, Hong Kong and Spain. He was a keynote speaker at the 50th Anniversary of the European Declaration of Human Rights in Evora, Portugal.

Leia Pitcher, Deputy Auditor – Leia Pitcher began working as the Deputy Police Auditor in November 2010. She came to Eugene in 2003 for law school, and after obtaining her J.D., she clerked at Division Two of the Washington Court of Appeals for two years before returning to Eugene to work in private practice. She currently serves as a member of the board for Oregon Research Institute's Community and Evaluative Services.

Vicki Cox, Senior Program Coordinator – Ms. Cox has worked for the City of Eugene for 10 years, beginning in the City Manager's Office as receptionist, the last 8 years as Administrator to the Police Auditor's Office. Vicki is the front door to the Auditor's office. She organizes all administrative functions, coordinates information flow to the civilian review board and the public, maintains files, data entry and is the first point of contact for complainants or others in need of services, including services not provided by the Auditor's Office.

Table of Contents

Section	Page
Executive Summary	1
Intake Processes and Accomplishments	3
Investigations	4
Blue Team	4
Communications	4
Performance and Policy Impact	5
Other Accomplishments	5
Progress and Results for 2015-2016 Goals	6
Goals for 2016-2017	7
Primary Challenges for 2016-2017	7
Complaint Process Flowchart	8
2015 Complaint Statistics	9
Dismissals	15
Allegations	16
Inquiries	22
Service Complaints	24
Policy Complaints	26
Inquiry/Service Complaint/Policy Complaint Surveys	26
Vehicle Pursuits	29
Vehicle Accidents	29
Commendations	31
Community Impact Cases	31
Critical Incidents	31
Conclusion	32

Appendix A: 2015 Allegations of Misconduct and Criminal Conduct
Appendix B: 2015 Service Complaints, Policy Complaints, and Inquiries

Executive Summary

This is the Office of the Independent Police Auditor's annual report to the City Council covering January 1, 2015 to December 31, 2015. For detailed information about all aspects of our office, please visit our website at: http://www.eugene-or.gov/policeauditor

The Office of the Independent Police Auditor (OPA) was established by charter amendment in 2005 to provide an external mechanism for the independent receipt, classification, and routing of complaints against sworn and non-sworn employees of the Eugene Police Department (EPD); contract for outside investigations when necessary; and provide monitoring of the EPD internal investigations of allegations of misconduct and supervisors' investigations of service complaints. The Charter Amendment also authorized the auditor to: make recommendations regarding adjudications, policies and training to the Police Chief; prepare reports concerning complaint trends and police practices; and act as a liaison and staff support for a civilian review board. The Police Auditor is hired and supervised by the Eugene City Council.

Eugene has an oversight system based on the parliamentary model of oversight, in which a professional and experienced police oversight auditor is employed by the legislative branch, the City Council. Under the "parliamentary model," a greater separation of powers occurs, which is healthy for the oversight process. To enhance the system, Council appoints a civilian review board which gives a community perspective on the police complaints process. This combination creates a sound structure for police accountability when implemented effectively, fairly and without bias.

Our office is the intake point for all complaints against employees of EPD, including complaints generated internally. We independently, impartially and thoroughly monitor the investigation process; identify ways to improve the complaint process; provide recommendations to the police chief and police commission on policies, training and trends; and provide staffing and counsel to the civilian review board on cases and policy issues. Our office monitors the overall integrity and fairness of the administrative investigative process, and in the course of such examination, reviews how citizen complaints are investigated and resolved.

Eugene's Civilian Review Board (CRB) is designed to provide transparency and help ensure public confidence in the police complaint process. The Board evaluates the work of the independent Police Auditor, and reviews complaints to provide a community perspective about whether complaints are handled fairly and with due diligence. Their annual report will also be available on the CRB's website at: http://www.eugene-or.gov/CRB

2015 saw a decrease from the record high number of complaints we received in 2014. We received and monitored 394 complaints in 2015; this marked a return to 2013 levels and remained a significant increase over the past five years (over 20%). The oversight process continues to evolve; we observed continued improvements in the quality of investigations and EPD policies, increased responsibilities for EPD supervisors, and incremental progress in the documenting of demographics for police contacts. While there has been a slight decrease in complaints received, the implementation of the BlueTeam incident tracking software has resulted in our office reviewing 186 reportable uses of force in 2015. Reviews of uses of force

include, at a minimum, reading supervisor and/or officer reports; frequently, reviews include viewing of in-car video (ICV) or body-worn video (BWV) and review of witness statements.

The Auditor's Office and Civilian Review Board (CRB) were constructed primarily as a citizen complaint-based model. While there is a brief portion of the legislation and protocols that gives the Auditor some latitude to initiate a complaint, the primary focus is on citizen complaints. While we believe that Eugene's oversight system is an effective one, it can be limiting as compared to a more inspector-general-type model. Our office ultimately initiated five complaints in 2015; we are also gratified to see continued representation of internally-reported complaints (12% of the complaints we received in 2015 were from internal sources).

The CRB gained two new members in July 2015. Throughout the year, the membership provided thoughtful and candid discussion on a number of cases, related training topics, and the transparency of the group. We appreciate that members of the CRB dedicate their time and energy to improving policing in the community and gaining community trust. The CRB held nine meetings in 2015. Case reviews involved a significant width of issues; whether based on the conduct of individual officers or those that had significant policy implications. The work of the CRB is more fully addressed in their annual report.

Leia Pitcher and Vicki Cox provide excellent customer service and efficiency in working to achieve our mandate. Managing nearly 400 complaints over the year can stretch our resources. Few oversight organizations in the United States receive as many complaints per capita as our office, demonstrating the expectations of our community and the knowledge of our activities in the community.

City	Population	Complaints	Complaints per Capita
Denver	649,495	396	.0006
Portland	609,456	432*	.0007
San Jose	998,537	303	.0003
San Francisco	837,442	728*	.0009
Eugene	159,190	394	.0025

*only 2014 numbers available

Our complaints returned to 2013 levels in 2015, with 394 in 2015 compared to 398 in 2013. Allegations remained steady from last year's low of 24, with 26 in 2015. Classifications of complaints as allegations of misconduct generally occur following a more thorough preliminary investigation undertaken by our office. Our ability to perform a thorough preliminary investigation has been facilitated mainly by (1) implementation of in-car video (ICV) and body-worn video (BWV), and improved accountability for their use; and (2) supervisor investigation of incidents such as uses of force, vehicle pursuits, and vehicle accidents using BlueTeam (a software program that allows our office to more easily access those reports).

We have noticed as we review investigations of allegations of misconduct that the depth, breadth, and overall quality of the investigations has expanded and improved. Allegations are those cases which are investigated by the Internal Affairs Section of EPD and usually require far

more comprehensive investigations and time. The balance of complaints (called service complaints, policy complaints and inquiries), are handled through a process similar to an alternative dispute resolution process, in which a supervisor will discuss the complaint with the reporting party and the involved employee and attempt to facilitate understanding between the parties. The satisfaction rate for this process, as indicated in returned surveys, remains relatively high. Inquiries are most often classified as such by the Auditor as a fact-finding tool to determine how a complaint should be classified. At times, this process has concluded that, in fact, there is no basis for a complaint. (Please see below for further discussion and statistics related to classification and dismissal of complaints.)

Intake Processes and Accomplishments: As stated above, the Auditor's Office was constructed primarily as a citizen complaint-based model. A complaint process under this design has the potential to create gaps, unless our office and EPD are willing to generate complaints as well. I believe that these gaps are lessened by improved supervisory efforts in EPD utilizing Blue Team, technology upgrades to the data tracking system, and open and honest communication between EPD's command staff, the EPD Office of Professional Standards, and our office regarding individual behavior issues, systemic enhancements and policy weaknesses.

We spend hours working with complainants to navigate and understand the complaint process; and assist them in understanding the roles of the courts, their attorneys and how their roles differ from the auditor's office. Returned survey data indicates a high satisfaction level with the customer service provided by the Auditor's office (86% of those who return surveys believed our office was helpful; please see below for further statistics on customer surveys).

Internally-reported complaints continued to constitute a significant portion of our complaints (12%, or 49 complaints). I believe this is indicative of the oversight process, at least to some degree, bringing EPD supervisory expectations to a higher level through reporting of incidents, including uses of force. If the Auditor or EPD command staff review a report in Blue Team and identify potential performance issues or policy violations, an investigation is initiated.

Anecdotally, we continue to work to improve the community's understanding of the purpose and limitations of this office. Initially, community members may seek out our office in the hopes that we can serve as their advocate in the justice process (largely related to violations and misdemeanors being adjudicated in municipal court). Our role is not that of a court advocate, but that of a neutral evaluator of police conduct, and whether that conduct violates law, policies, and/or procedures. External organizations, on the other hand, can play a key role in community understanding; examples include community forums and "know your rights" trainings, recently offered by the NAACP and the Civil Defense Law Center, respectively. These activities assist in engaging the community on police/community issues and concerns.

Classification and re-classification of complaints are solely the responsibility of the Auditor, and while we believe that those decisions are fair and neutral, we invite and encourage discussion of those decisions with community members, CRB members, and other stakeholders. We hold EPD employees to high standards, as does the community Setting high expectations honors employees and shows faith in their ability to provide the highest level of service to the

community. It is likely that complaints classified as allegations of misconduct may not be classified as such in many other jurisdictions (such as use of pepper spray, pointing a Taser but not firing, which is considered a rather benign use of force in most policing jurisdictions). However, we aim to keep classification standards in line with community expectations as part of our focus on building community trust. We recognize and appreciate the impact of our decisions on reporting parties and their families, community, officers, their families and the other interested parties. We make these decisions with careful consideration based on our experience, training and policy evaluations, with recognition that our decisions are not always going to satisfy all parties.

Investigations: The quality of internal investigations continues to improve and meet expectations. The current Internal Affairs investigators, supervisor, and staff accept the role of our office; we work to maintain a collaborative relationship and endeavor to make every investigation clear, unbiased, and sound. In 2015, we worked with one investigator just beginning a two-year rotation and one who was in his fourth year, having elected to serve in the unit for an additional two-year rotation. The experience of the latter investigator was invaluable. In addition, the Internal Affairs supervisor completed his third year of service in the position in 2015, gaining valuable experience and insight into the process. The addition of a full-time sergeant to aid in policy writing (implemented in 2013) continued to improve the speed and quality of the policy revision process. The policy sergeant was also able to adeptly handle several policy complaints and inquiries, providing continuity for those reporting parties with frequent questions and concerns related to EPD policies.

Some allegations of criminal conduct are turned over to an outside agency, to avoid any perceptions of bias or favoritism. Generally, the decision of who is the most proper investigator in those incidents is one that our office is included in. Criminal investigations are, as a rule, returned for further investigation and adjudication in an administrative process. I have found no evidence of interference with Internal Affairs investigators by command staff in fulfilling their duties of conducting a fair and objective investigation.

BlueTeam: EPD implemented the use of BlueTeam, a software program that tracks uses of force, vehicle pursuits, vehicle accidents, property damage, and citizen complaints (among others), in 2013. The use of BlueTeam continues to significantly impact the transparency between our office and EPD. With EPD command staff agreeing that full access for our office is important for the success of Blue Team, we are now able to look at all uses of force within 24 hours of their occurrence. We will issue a Use of Force Report for 2015 as soon as practicable.

With our current system we have identified those officers with the highest number of complaint involvement. The best measure in these circumstances is a sustained rate; however, a higher complaint rate does generate supervisory review as discussed at the weekly Auditor's Office/EPD Internal Affairs/EPD command staff meeting. Several past and current investigations are identifying sworn and non-sworn employees who have exhibited a pattern of policy violations.

Communications: We work to foster positive and constructive relationships and partnerships with Council through monthly meetings with the Mayor, Council President and Council Vice-

President, respectively; in addition to written and oral reports to Council. Beyond the public civilian review board member meetings, we have reached out by attending various community meetings and neighborhood association meetings. Mark issued a Community Engagement Strategy that our office and the CRB are working to implement. As part of that, we worked with Human Resources in 2015 to create the position of a Community Engagement Coordinator; it is expected that that position will be filled in 2016. It is becoming an industry best practice for oversight agencies to employ such a coordinator, and the complaint load at our office largely monopolizes current staff time.

The customer service aspect of our responsibilities consumes a significant portion of our workload. Identifying and advocating for structural changes in EPD policies, supervision and police interactions has continued to be a priority for us. We have had discussions with other agencies to pool our resources to better expose the community to the work of the Police Commission, Human Rights Commission and the Civilian Review Board. We created new brochures as well as descriptive handouts related to each of the classification categories to better inform customers of the complaint process. All of these new documents have been translated into Spanish. We are working with several community groups, including the Integration Network, to organize community forums with emphasis on the needs of the Latino community.

Again this year, we spent considerable time with individuals apparently suffering temporary or permanent mental health crisis. Mark continues to advocate for greater attention to this matter in his work as a member of the Oregon League of Cities Intergovernmental Committee. In addition, our office supports and will continue to advocate for EPD to better track its interactions with people apparently suffering from mental illness. Such tracking would provide valuable information to the community and government regarding use of police resources; however, the privacy concerns related to such tracking have proven difficult to work around. We will continue to work to find a solution that enables tracking of these contacts.

Performance and Policy Impact: For EPD, of the 26 cases that were opened as allegations, 58% resulted in at least one sustained allegation (more details follow below). For comparison purposes, Cincinnati had a sustained rate of 12%, Boise – 14%, Seattle – 27%, and San Jose – 4%.

We (Auditor and CRB) have advocated, with varying degrees of success, for policy improvements in search and seizure, canine use, vehicle pursuit, *Brady* issues, use of force, response to people in mental health crisis, and response to unusual behavior by arrested subjects. We are providing commentary to EPD and the community on new policies and data collection to determine the scope of bias-based policing issues. It is a monumental task but one that I am certain will be of great benefit to the community.

Other Accomplishments: We provided staff support and training initiatives to the CRB, spent many hours assisting community members with problems unrelated to police officers, attended public meetings in the community, published a weekly newsletter, and issued a thorough and transparent annual report that captures the work of our office.

Our 2015-2016 fiscal year budget was approximately $460,000. This represents a per capita cost of approximately $3.00, or $0.008 per day (less than a cent).

Throughout the reporting period we maintained contact with the public through our website, holding meetings with key stakeholders and the general public, conducting interviews with print and TV media, participation in public forums and on panels, attendance at civilian oversight conferences, and a great source of weekly activities our newsletter. We continue to work with community stakeholders on outreach to the Latino community about our services, and we anticipate that the Community Engagement Coordinator position will help immensely in that task.

Progress and Results for 2015-2016 Goals

We have identified the following focus areas for 2015 and 2016 but the primary focus is continuing implementation of the tracking of stops to determine if individual or systemic patterns of bias are occurring. This is currently in the testing phase at EPD.

1. Implementation of data tracking for demographics of police contacts to determine if individual or systemic patterns of bias are occurring.
    - We had hoped this would have paced more quickly, but EPD has a pilot project now in place, in which volunteers within the police department are tracking the demographics of the people with whom they come into contact. The nature of our office as a complaint-based, reactive system has been a limitation in our ability to encourage a speedier implementation of this program; it seems likely that movement toward a more inspector-general, proactive system would increase the influence that our office may have on this front.
2. Collaborate with EPD Internal Affairs and Professional Standards staff to create and implement a new classification system that more accurately classifies, routes, and tracks complaints.
    - The new classification system was agreed to by our office and Professional Standards in December 2015. It is now in place, but implementation will be more secure if and when the police employees' union and EPD can include it in their ongoing collective bargaining process.
    - The new classification system means that the statistics presented in the 2016 Annual Report will look significantly different than below.
3. Continue with implementation of community engagement strategy.
    - Our office worked with Human Resources and the Finance Department to create a position of Community Engagement Coordinator, which will be filled in 2016.
    - CRB members are working to represent the Board at community events and to create new opportunities for the Auditor and CRB members to inform the community regarding the civilian oversight system in Eugene.
4. Work with EPD to ensure policies are up to date and comport with best practices, including policies surrounding sexual assault investigations and bias policing.
    - Staff worked with the Investigations supervisors, making recommendations regarding EPD's policies surrounding sexual assault investigations. We plan to make a recommendation to Police Commission that these are policies that

should be reviewed and improved, especially in light of current federal efforts surrounding public universities and local government's investigation of Title IX complaints.

5. Provide excellent customer service to both internal and external reporting parties; work to provide clear, concise, and timely response to complaints.
    - Returned surveys indicate continued high satisfaction rates for the helpfulness of our office.
6. Work with EPD to create and implement system to track encounters, both positive and negative, with people apparently suffering from a mental health crisis, including PTSD and our veteran population.
    - Progress on this front is ongoing; as stated above, the privacy concerns related to such tracking have been an obstacle. We will continue to focus on this goal in 2016-2017.

Goals for 2016 – 2017

We have identified the following focus area for 2016 and 2017:

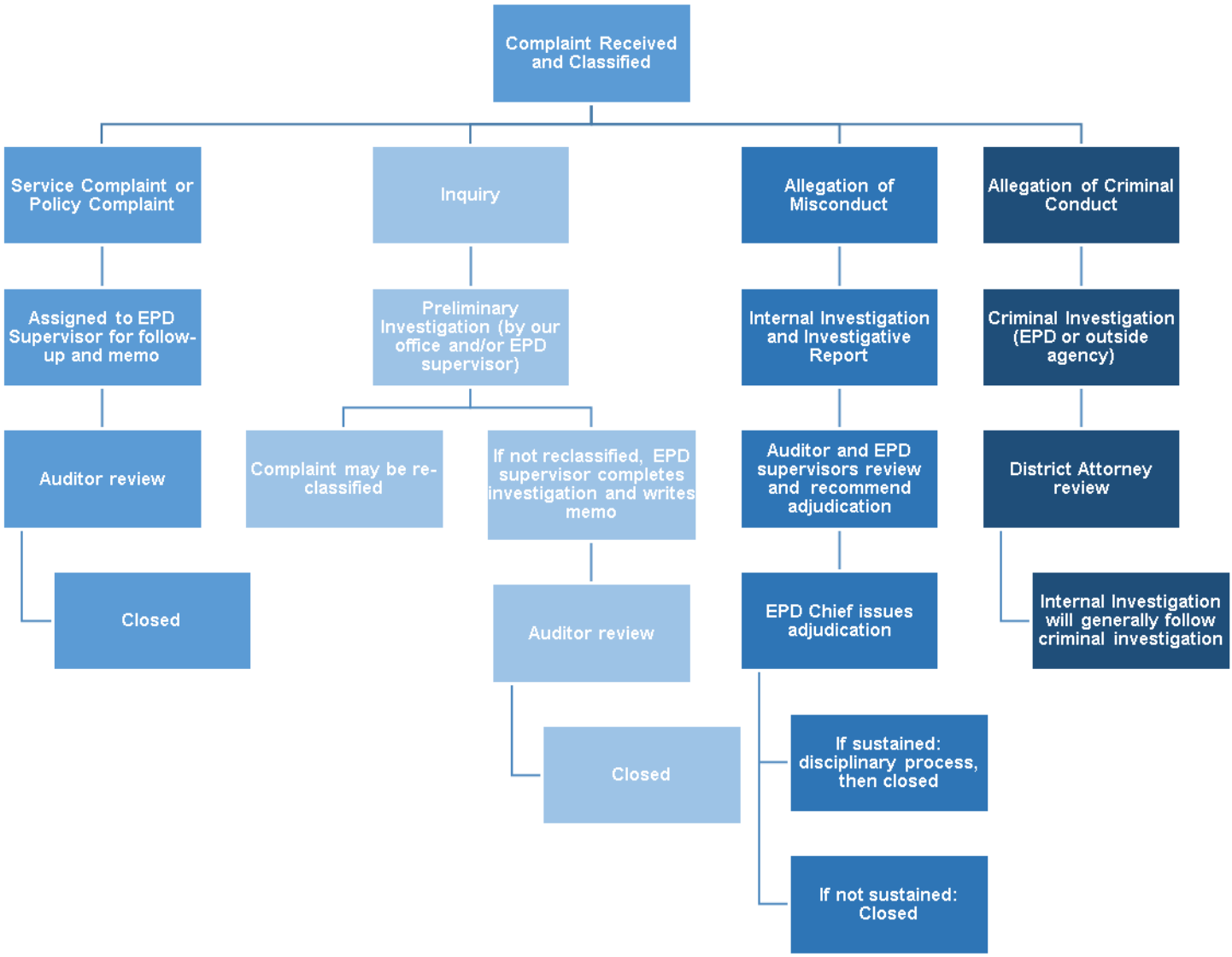
1. Continued improvement in community engagement with all community members, with a focus on underrepresented groups.
2. Work to improve the Interagency Deadly Force Investigation Team (IDFIT) model. This model has been a point of concern since my arrival in 2009, as it produces an investigation that is inadequate for the purposes of internal review of the employee's use of deadly force. The investigations that have been produced under the IDFIT model do not meet the high expectations of this office and are not of the same quality as the internal investigations conducted by EPD. Officer-involved shootings are the most important and controversial incidents that can occur in policing, and it is critical that the pursuant investigations meet the highest standards of scrutiny.
3. Continue to provide excellent customer service to internal and external reporting parties.
4. Continue to meet and exceed staffing expectations for CRB.

Primary Challenges for 2016 – 2017

1. Cultural trajectory at EPD, from a crime-focused model to a constitutional-policing and legitimacy-based model, which is being developed and used in in-service training.
2. Work surrounding constitutional stops and detentions.

.

Complaint Process



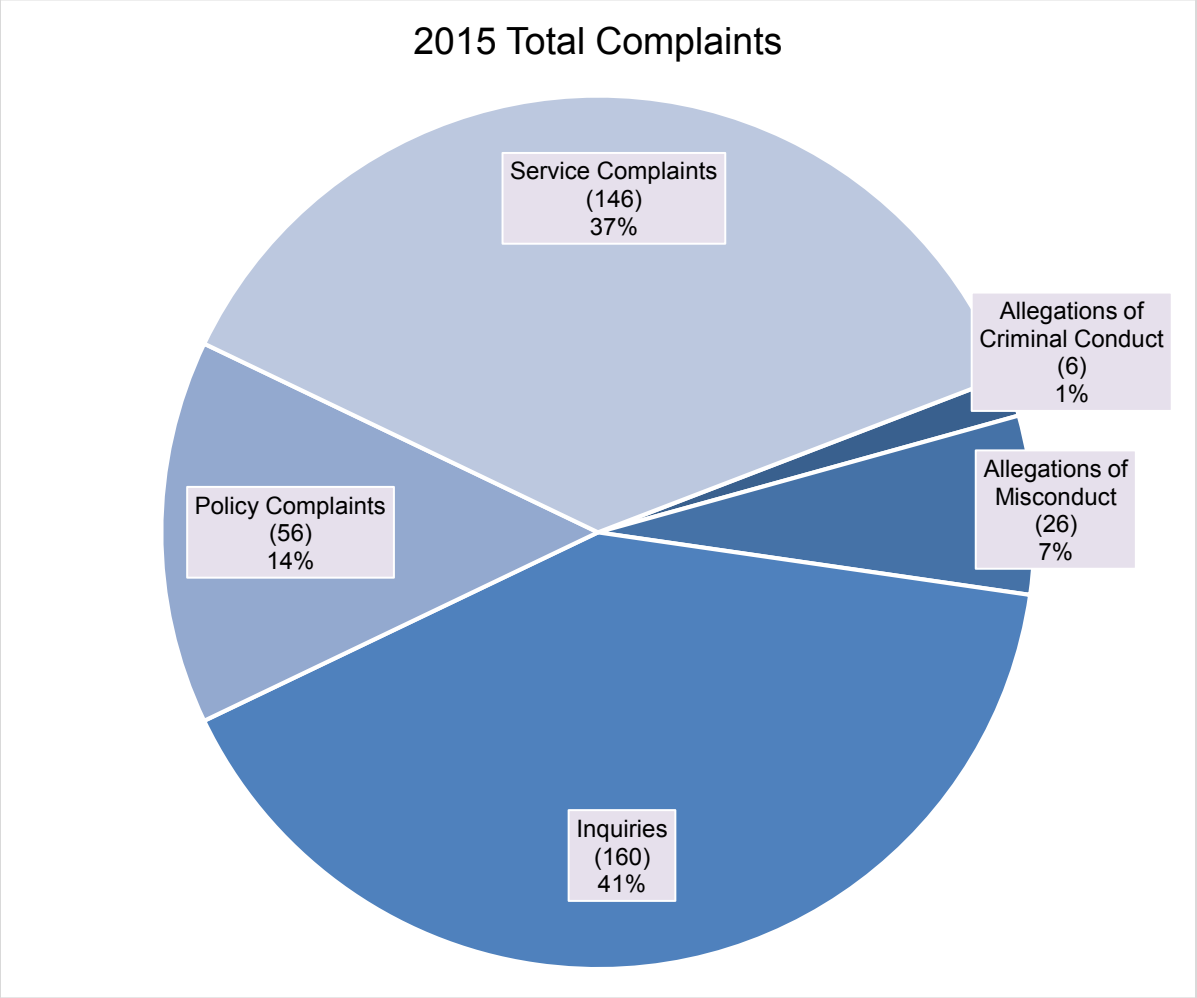
Any complaint may be selected for possible mediation, which follows a different process.

Community Impact Cases and complaints against the EPD Chief follow the processes set out in Eugene City Code §2.244 and §2.454, respectively.

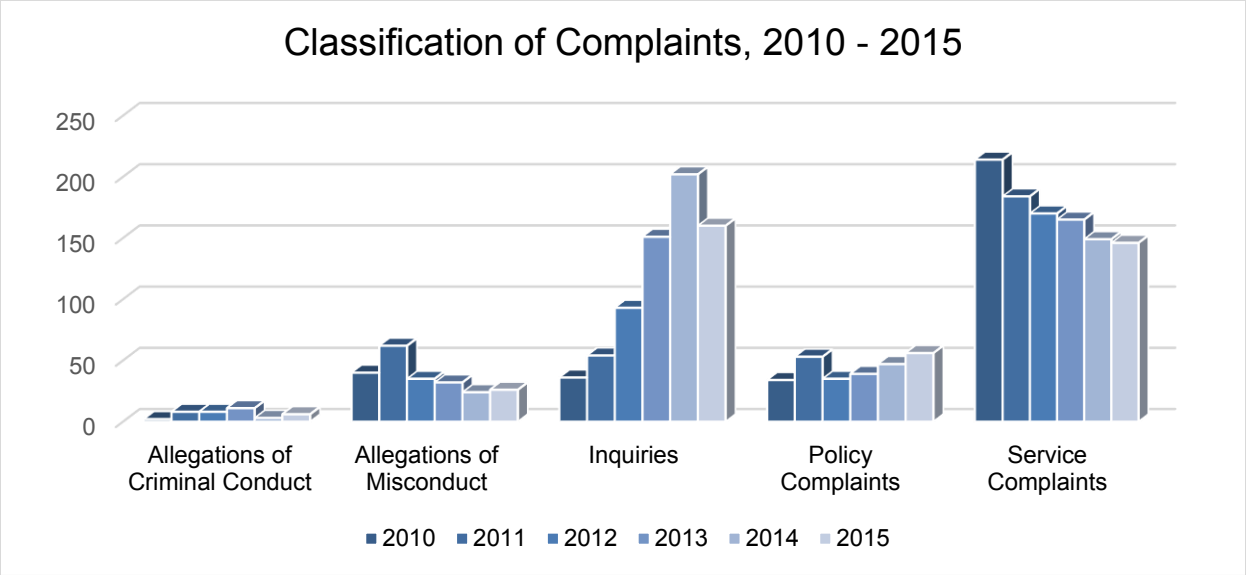
2015 Complaint Statistics

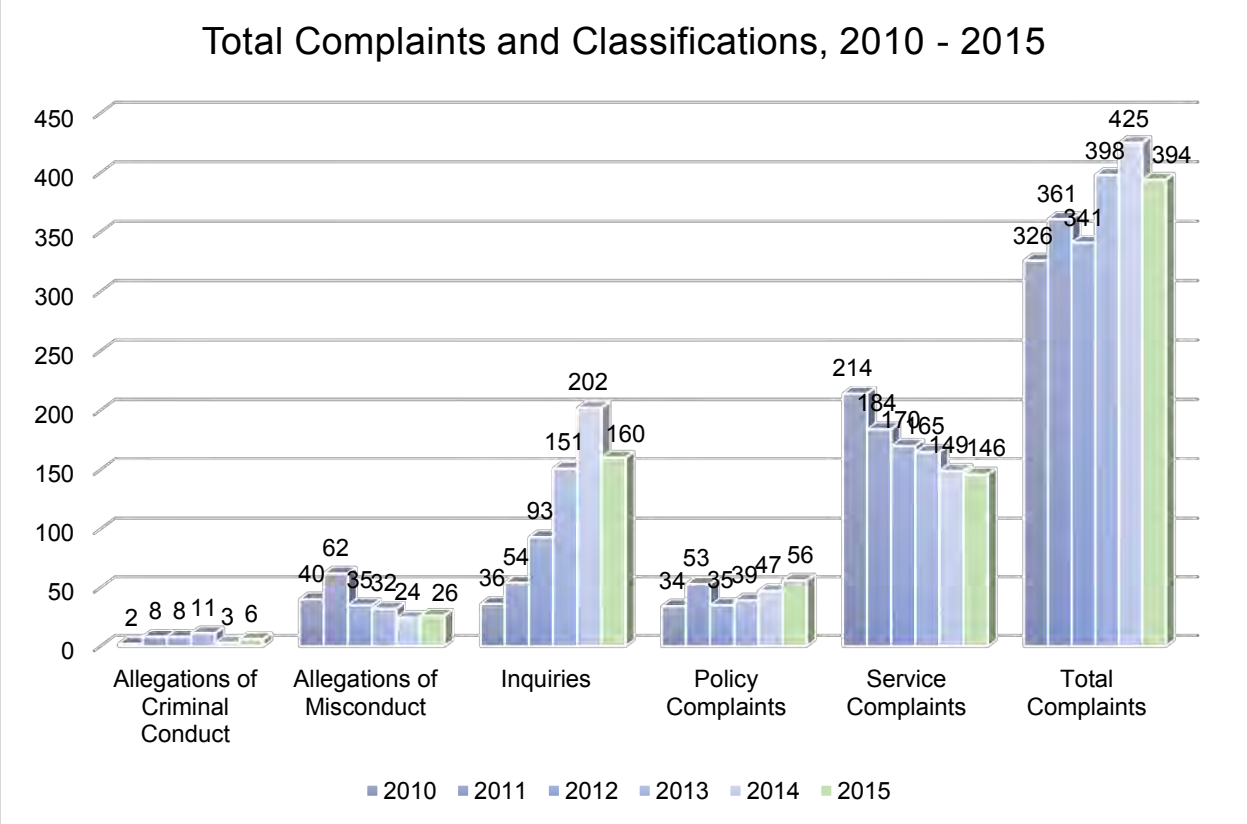
The Auditor's Office received 394 complaints in 2015. This was a 7.3% decrease from the 425 complaints received in 2014. The majority of complaints were classified as inquiries and service complaints (160 inquiries, or 40.6% of total complaints, and 146 service complaints, or 37% of total complaints). Our office also participated in a Deadly Force Review Board and a Use of Force Review Board (further details included below).

Classification	Number of Complaints
Allegation of Criminal Conduct	6
Allegation of Misconduct	26
Inquiry	160
Policy Complaint	56
Service Complaint	146

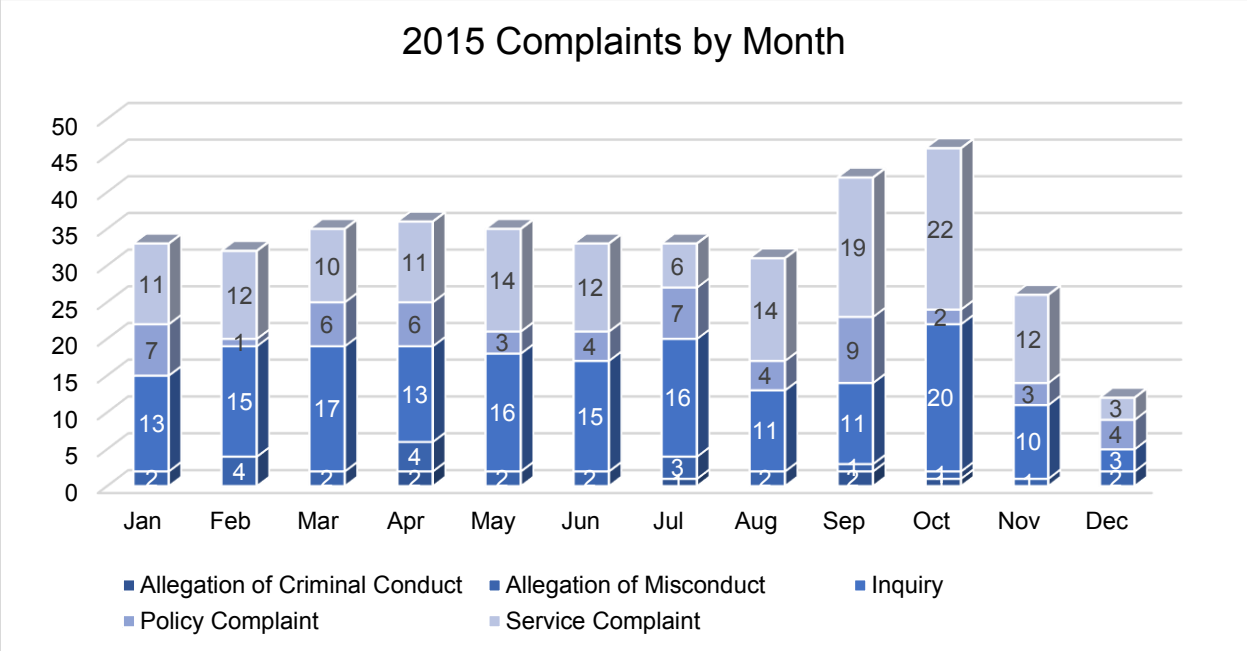


Allegations increased slightly, from 24 in 2014 to 26 in 2015. Policy complaints also increased (from 47 to 56, an increase of 16%). Inquiries decreased just over 20%, with 160 in 2015 compared to 202 in 2014. Service complaints remained steady, with 149 in 2014 and 146 in 2015.

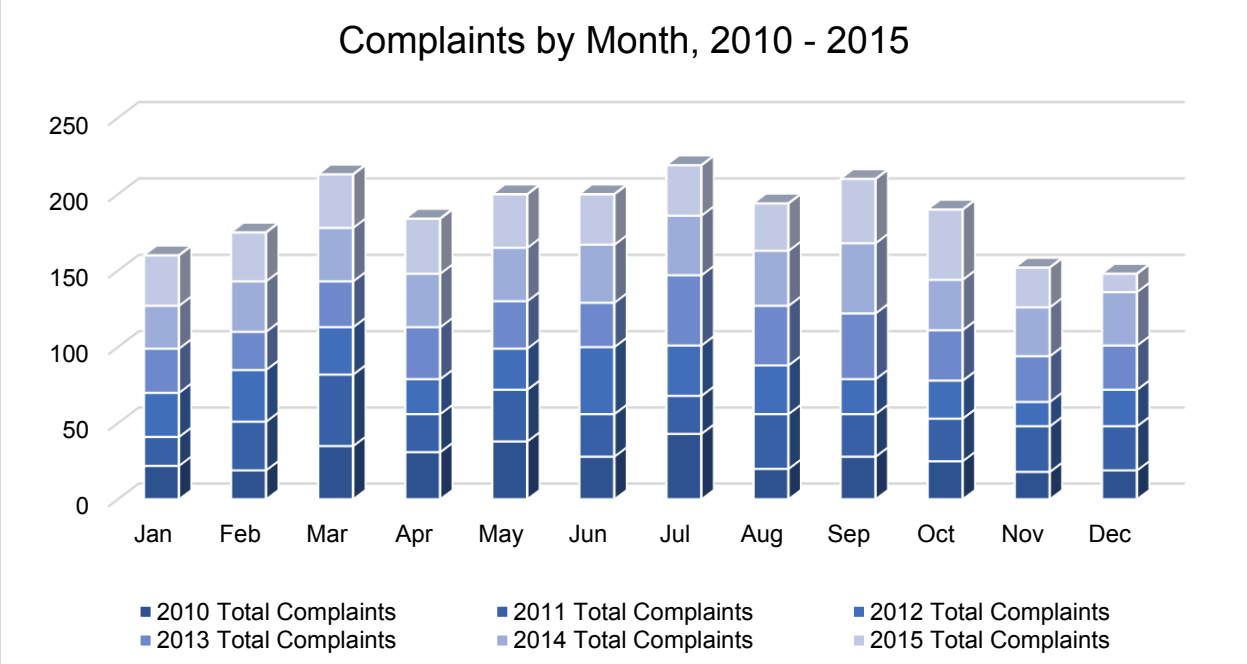




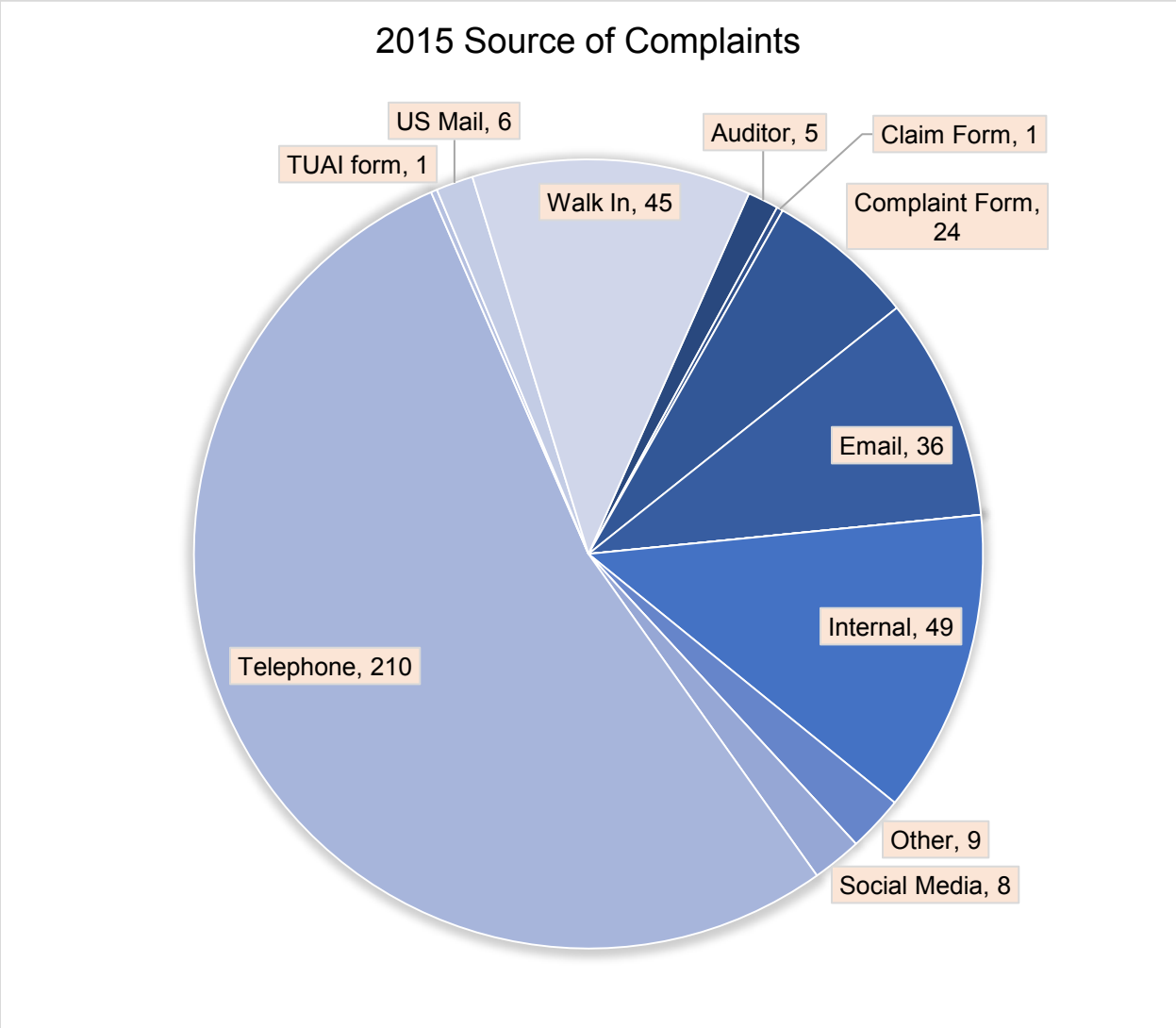
We received an average of 32.8 complaints per month, with a clear increase in September (42) and October (46); complaints dropped off sharply in November (26) and December (12). This was a 7.3% decrease from 2014's average of 35.4 complaints per month.



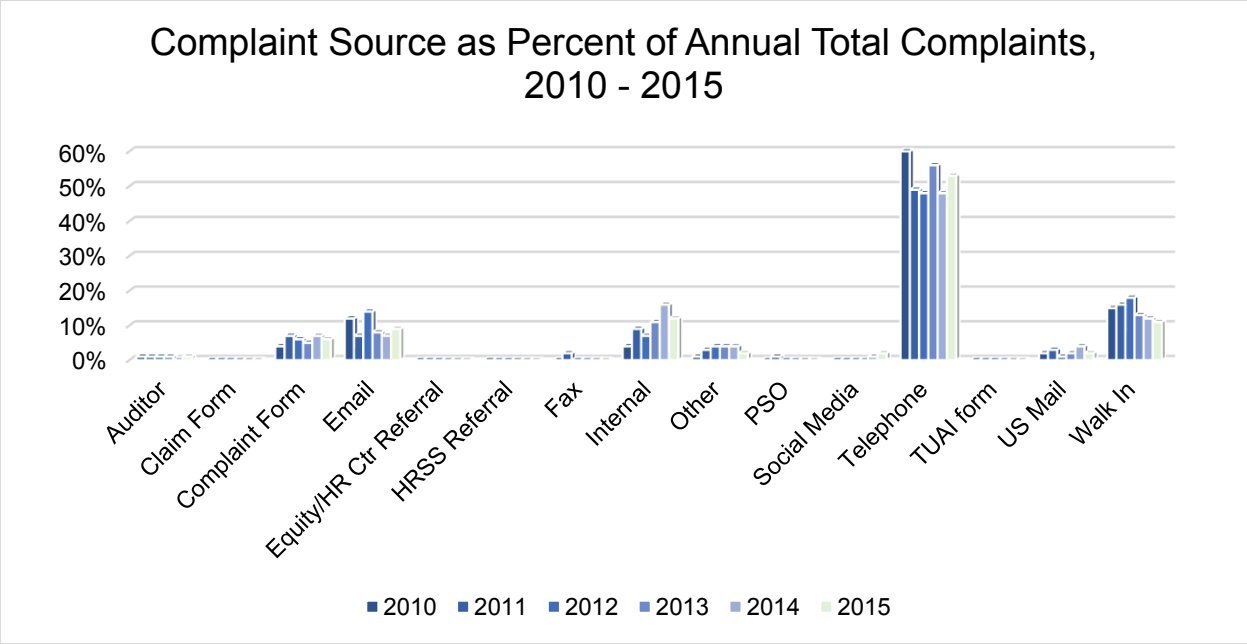
Data from the past six years shows that we generally have an increased number of complaints in the warmer months, with complaints dropping off November – January.



The majority of our complaints continue to be taken by phone (210 complaints, or 53% of our total). Complaints that are internally reported continue to constitute a significant portion of our total (49 complaints, or 12% of the total). Our walk-in rate remains steady, and the percentage of complaints received via email and social media showed a slight increase (from 7% to 9% and 1% to 2%, respectively).

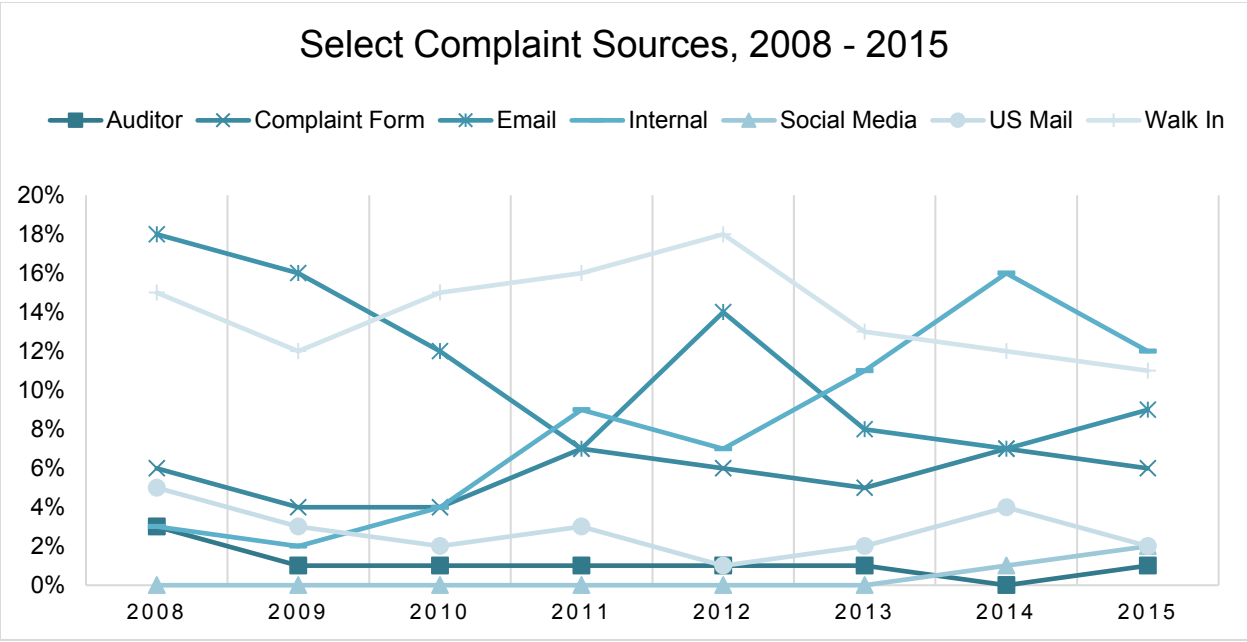


The telephone has consistently been the most common way for us to receive complaints. Methods such as referrals from the Equity and Human Rights office, submissions of EPD's "Tell Us About It" (TUAI) form, fax, referrals from the City's Public Service Officer, and submission of risk claim forms, have remained consistently low over the years.

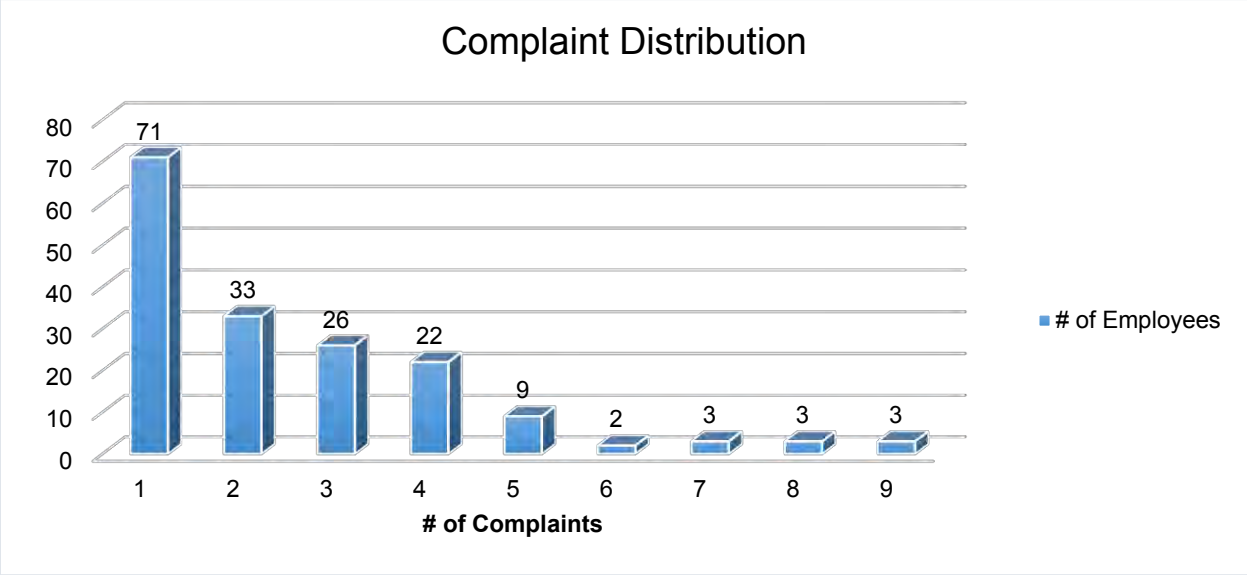


Internal complaints have increased over the years; internally reported complaints consisted of 2-4% of the total complaints in 2008-2010, increased to 16% of complaints in 2014, and decreased slightly to 12% of complaints in 2015. Auditor-initiated complaints have remained steady at about 1% of total complaints.

2015 saw a decrease in the percentage of complaints received from walk-in contacts, from 15% to 11% of our total. The number of complaints received from our complaint form remained steady at 6%. 340 of our 394 complaints (86%) were received from community members.



Complaints were distributed among 172 employees. 41% of those employees (71 employees) had only one complaint levied against them. Three employees received 9 complaints; another 3 employees received 8 complaints, and another 3 received 7 complaints.



* Please note, some complaints name more than one employee.

Our office is the intake point for complaints for all employees of EPD, including sworn and non-sworn employees (a total of 307 employees, as of July 2016). The 172 employees with complaints represent 56% of the employees at EPD.

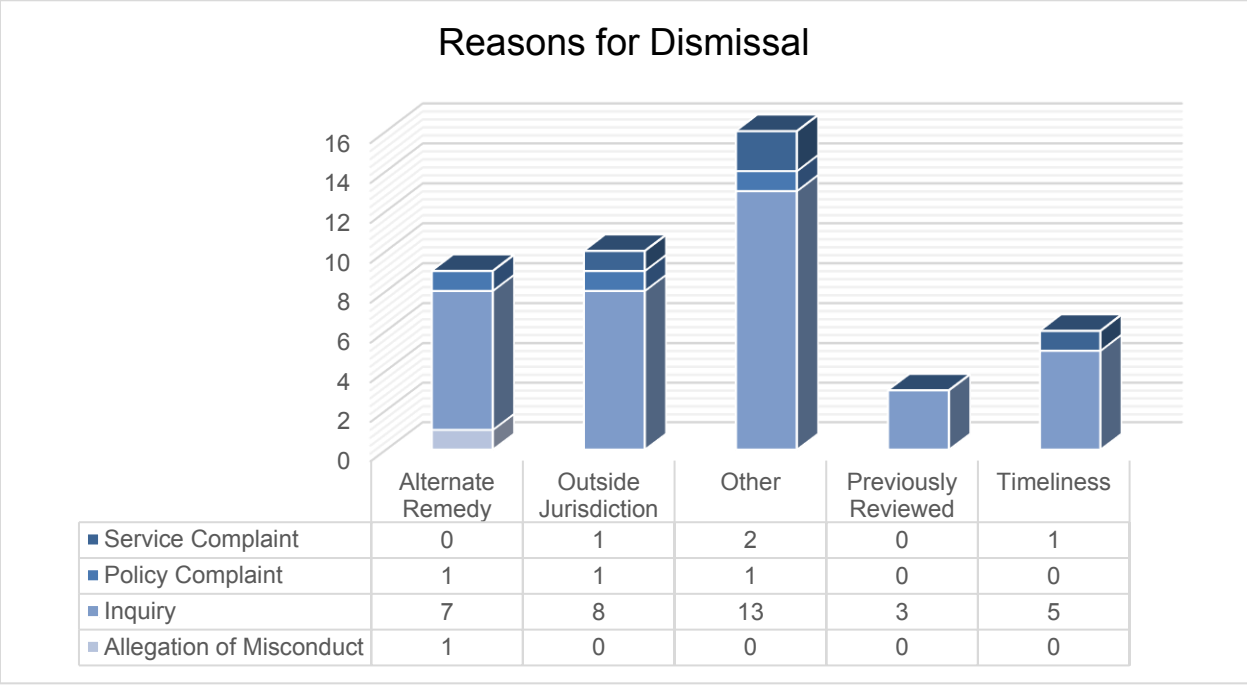
Table 1. 2015 Complaints by Number of Employees

	Number of Employees	Number of Complaints Received	Percent of All EPD Employees
Employees with Complaints	172	394	56.0%
	71	1	23.1%
	33	2	10.7%
	26	3	8.5%
	22	4	7.2%
	9	5	2.9%
	2	6	0.7%
	3	7	1.0%
	3	8	1.0%
	3	9	1.0%
Employees with No Complaints	135	0	44.0%
Total	307	394	100%

The distribution of sustained allegations of misconduct among employees, as opposed to complaints (which may be unfounded) is addressed below.

Dismissals

Of the 394 complaints received in 2015, 41 were dismissed (10.4%). This was a decrease from the 13.4% of complaints that were dismissed in 2014. The number of complaints dismissed for a lack of timeliness remained steady at just over 1% - hopefully an indication that members of the community who wish to file a complaint know about our office and therefore are able to file their complaints in a timely manner.



	Alternate Remedy	Outside Jurisdiction	Other	Previously Reviewed	Timeliness
Service Complaint	0	1	2	0	1
Policy Complaint	1	1	1	0	0
Inquiry	7	8	13	3	5
Allegation of Misconduct	1	0	0	0	0

Similar to 2013 and 2014, inquiries were dismissed far more than other classifications of complaints. This reflects our thorough preliminary investigations – often, a complaint will be classified as an inquiry while we perform a preliminary investigation. The additional information gained in that investigation may allow us to dismiss a complaint where appropriate. Often, in-car video (ICV) is included as part of the preliminary investigation; where it is clear from the video that the involved employee followed policy, the complaint may be dismissed (these would fall under the category of dismissed-Other, above). This practice is discussed in further detail below.

Allegations

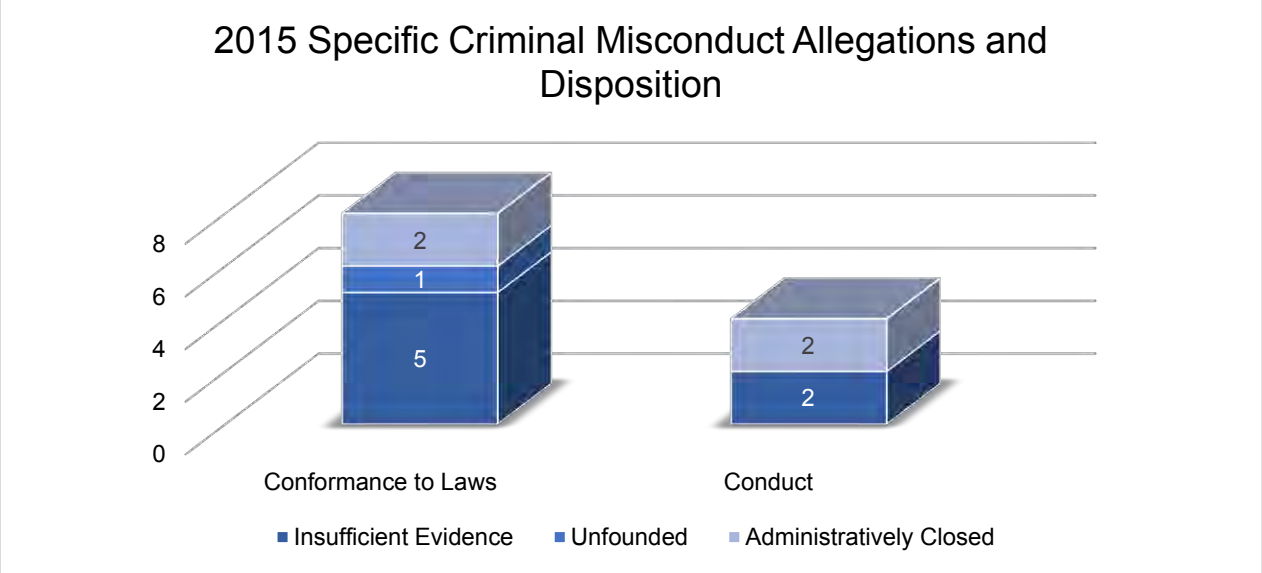
A complaint is classified as an allegation if it alleges serious misconduct. There are two main categories of allegations: allegations of criminal conduct (where the actions alleged, if found to be true, would constitute criminal conduct by an employee) or allegations of misconduct (where the actions alleged constitute a major rules violation, including excessive force that causes physical injury or egregious acts of disparate treatment).

Criminal Conduct

The Auditor's office received 6 complaints in 2015 that were classified as allegations of criminal conduct. This doubled the 3 complaints of criminal conduct that we received in 2014; however, it is only slightly more than half of the 11 such complaints we received in 2013. The 6 complaints included 7 separate allegations of violations of law and/or policy (one complaint involved two employees).

Table 2. 2015 Specific Allegations of Criminal Misconduct

	# of Allegations	Insufficient Evidence	Unfounded	Administratively Closed
Conformance to Laws	5	1	2	2
Conduct	2	0	0	2
Totals	7	1	2	4



The criminal misconduct allegations were as follows:

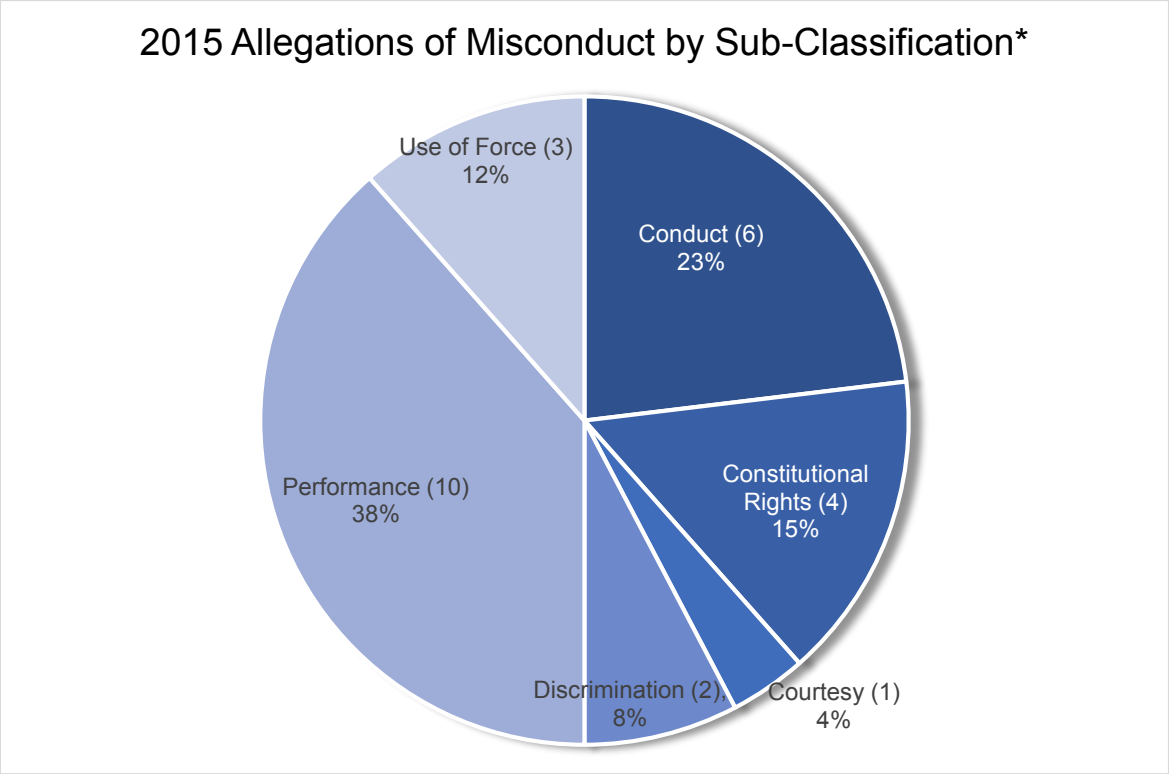
- An employee was arrested by an outside agency. The employee was placed on administrative leave during the investigation. The criminal investigation, conducted by the outside agency, resulted in the charges being dismissed. The subsequent

administrative investigation, while thorough, uncovered insufficient evidence to determine whether the employee violated policy. The employee returned to work at the close of the investigation.

- An employee discovered illegal drugs in a locker room at EPD while looking for another employee's camera. A criminal investigation was initiated to attempt to determine the source of the drugs (related internal investigations were initiated related to evidence handling and reporting of the discovery). While all investigative steps were followed, the involved employee was not identified, and the complaint was administratively closed.
- An employee, while seeking guidance from a supervisor on workplace concerns, revealed to that supervisor that the employee had recorded conversations with a different supervisor without first informing that supervisor. The conduct appeared to violate state statute. The Lane County District Attorney reviewed the investigation and did not have interest in prosecuting the case. The complaint was therefore administratively closed.
- A reporting party complained that two employees had taken money from her during her arrest. The investigation included in-car video of the incident, as well as related police report and interviews with jail staff. There was no evidence to support the allegation. The Lane County District Attorney reviewed the investigation and concurred. The complaint was adjudicated as unfounded and closed.
- A reporting party indicated in a jail intake that she had been sexually assaulted by an EPD employee several years earlier. She stated that the employee had been prosecuted and convicted of multiple sexual assaults and had been sentenced to a long prison term. The criminal investigation showed that the alleged incident had occurred when EPD officers Magana and Lara were committing similar crimes in the community. The reporting party had not been contacted as part of that investigation. The assigned investigator made initial contact with the reporting party but was unsuccessful in obtaining a full interview or in providing a photo lineup. The complaint was administratively closed pending further contact from the reporting party.
- A reporting party implied to an EPD supervisor that an employee had suggested she provide sexual favors in lieu of a citation. A criminal investigation followed. The reporting party indicated during that investigation that there had been a misunderstanding and refused to cooperate further. The investigation included interviews with several of the reporting party's acquaintances, none of whom could remember the reporting party discussing any such incident. The employee denied making any similar statements to the reporting party. The District Attorney's Office reviewed the investigation and found "no basis to pursue a criminal prosecution … or to criminally investigate this matter further." The subsequent administrative investigation uncovered no evidence of a policy violation, and the complaint was administratively closed.

Misconduct

In 2015, the Auditor's office received 26 complaints (from both internal and external sources) alleging serious misconduct. Most allegations were related to unsatisfactory performance; we also received allegations related to conduct, constitutional rights, use of force, discrimination, and courtesy (in descending order based on number of complaints). Allegations of misconduct are investigated by Internal Affairs sergeants, and the Auditor's office participates in and oversees those investigations. The 26 complaints alleging serious misconduct included 58 specific alleged policy violations by EPD employees.



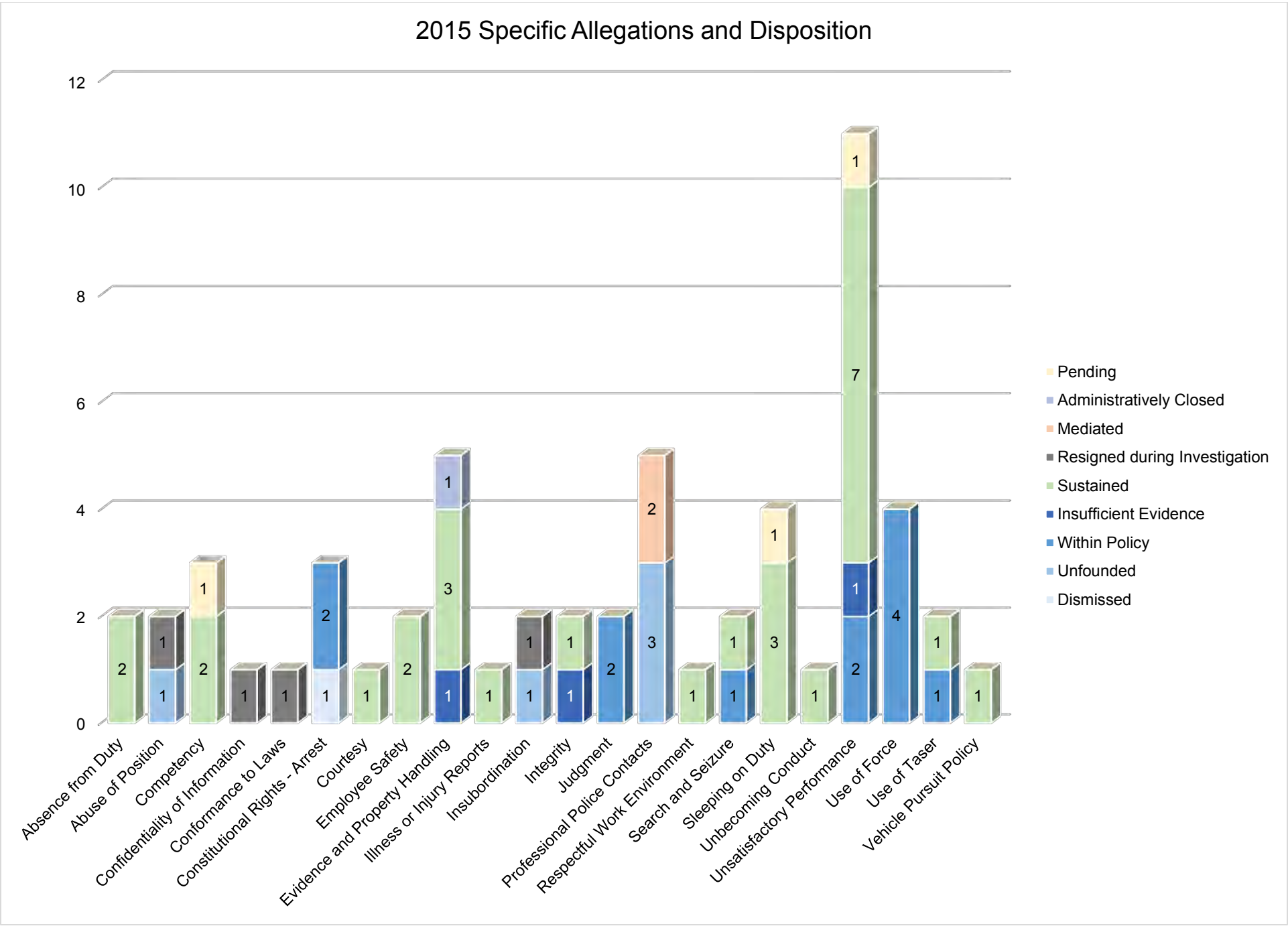
* In the graph above, only the primary allegation is indicated.

15 of the 26 complaints were sustained – about 58%. This is a decrease from 2014's high of 79%, but it is higher than the sustained rates for 2011 – 2013 (30%, 29%, and 44%, respectively). Four complaints were found to be within policy (15%), and two were referred for mediation. All complaints except one have been adjudicated, though three still have disciplinary action pending (as of July 4, 2016).

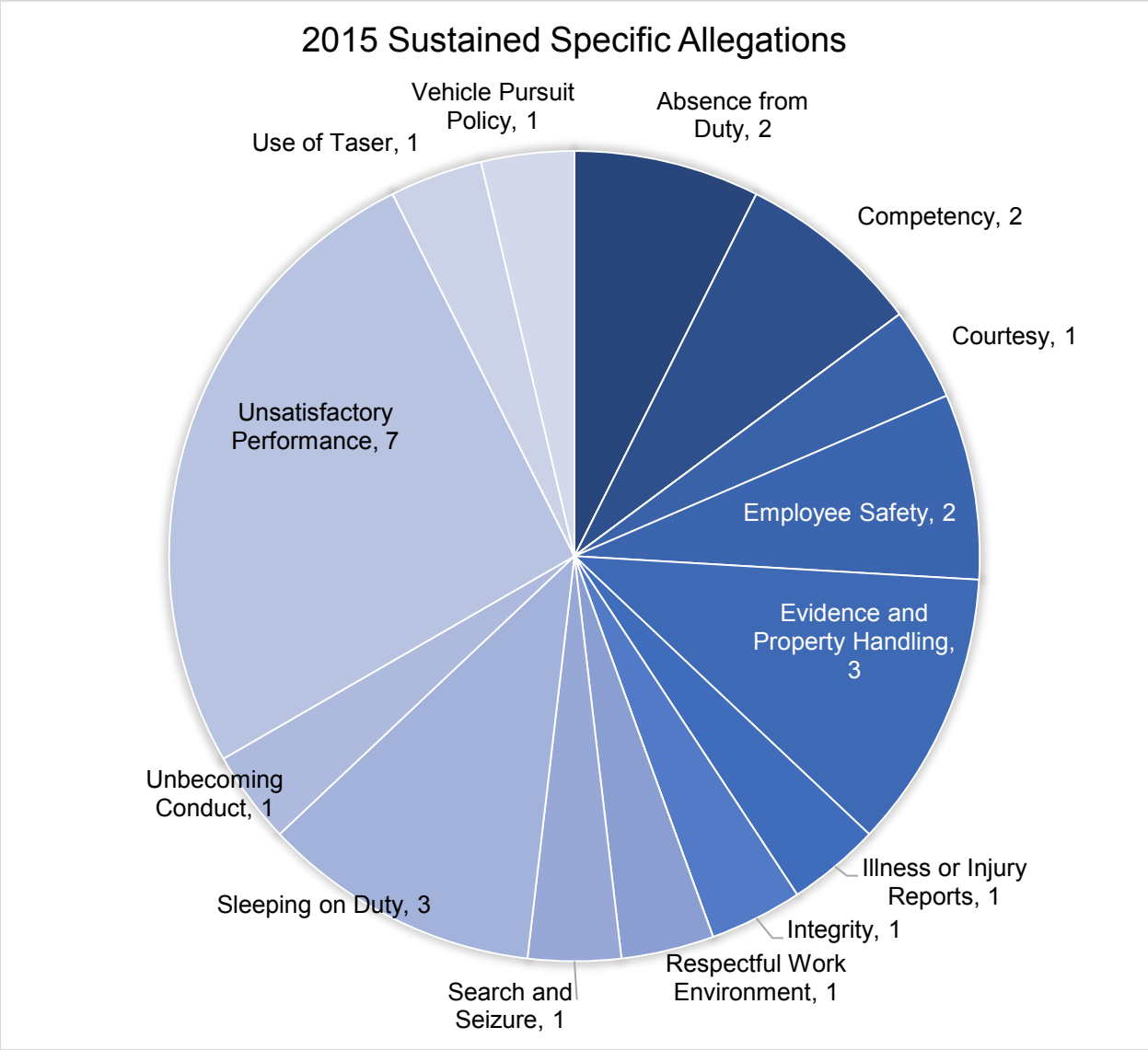
The following table and graph illustrate in further detail the types of allegations we received in 2015 and their outcomes (instead of addressing only the primary allegation). The primary allegation is designated within the Internal Affairs database that we share with EPD, using the primary of what may be several allegations against several officers.

Table 3. 2015 Specific Allegations

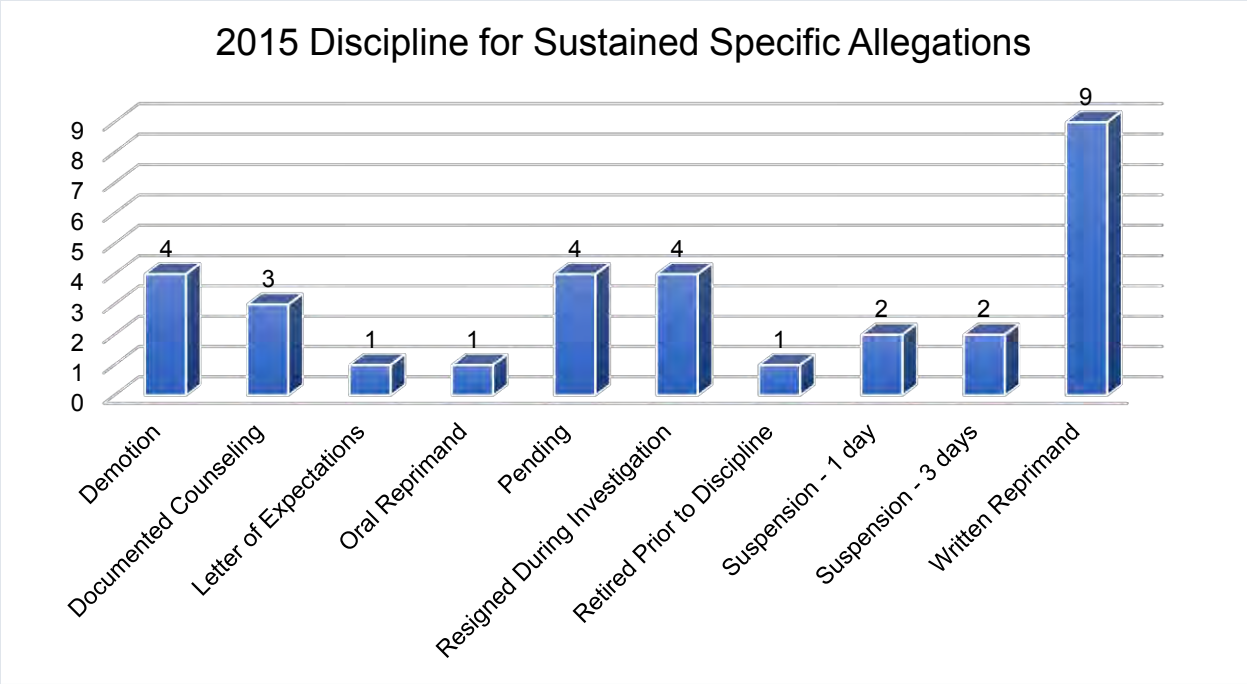
	# of Allegations	Dismissed	Unfounded	Within Policy	Insufficient Evidence	Sustained	Resigned during Investigation	Mediated	Administratively Closed	Pending
Absence from Duty	2	0	0	0	0	2	0	0	0	0
Abuse of Position	2	0	1	0	0	0	1	0	0	0
Competency	3	0	0	0	0	2	0	0	0	1
Confidentiality of Information	1	0	0	0	0	0	1	0	0	0
Conformance to Laws	1	0	0	0	0	0	1	0	0	0
Constitutional Rights - Arrest	3	1	0	2	0	0	0	0	0	0
Courtesy	1	0	0	0	0	1	0	0	0	0
Employee Safety	2	0	0	0	0	2	0	0	0	0
Evidence and Property Handling	5	0	0	0	1	3	0	0	1	0
Illness or Injury Reports	1	0	0	0	0	1	0	0	0	0
Insubordination	2	0	1	0	0	0	1	0	0	0
Integrity	2	0	0	0	1	1	0	0	0	0
Judgment	2	0	0	2	0	0	0	0	0	0
Professional Police Contacts	5	0	3	0	0	0	0	2	0	0
Respectful Work Environment	1	0	0	0	0	1	0	0	0	0
Search and Seizure	2	0	0	1	0	1	0	0	0	0
Sleeping on Duty	4	0	0	0	0	3	0	0	0	1
Unbecoming Conduct	1	0	0	0	0	1	0	0	0	0
Unsatisfactory Performance	11	0	0	2	1	7	0	0	0	1
Use of Force	4	0	0	4	0	0	0	0	0	0
Use of Taser	2	0	0	1	0	1	0	0	0	0
Vehicle Pursuit Policy	1	0	0	0	0	1	0	0	0	0
Totals	58	1	5	12	3	27	4	2	1	3


2015 Specific Allegations and Disposition
12
10
8
6
4
2
0
Absence from Duty
Abuse of Position
Competency
Confidentiality of Information
Conformance to Laws
Constitutional Rights - Arrest
Courtesy
Employee Safety
Evidence and Property Handling
Illness or Injury Reports
Insubordination
Integrity
Judgment
Professional Police Contacts
Respectful Work Environment
Search and Seizure
Sleeping on Duty
Unbecoming Conduct
Unsatisfactory Performance
Use of Force
Use of Taser
Vehicle Pursuit Policy
Pending
Administratively Closed
Mediated
Resigned during Investigation
Sustained
Insufficient Evidence
Within Policy
Unfounded
Dismissed

The most common specific policy violation alleged was unsatisfactory performance, with 11 allegations (7 sustained). We also received 5 specific allegations related to evidence handling (3 sustained) and professional police contacts (the policy which addresses bias-based policing, or racial profiling). Two of the allegations related to professional police contacts were referred for mediation. 23 of the 58 total specific allegations were externally reported (40%).



Discipline for specific sustained allegations varied. The purview of our office is limited to the investigatory process; we are excluded from commenting on discipline of EPD employees. However, in the interests of transparency, discipline information is provided below.



Allegations were distributed among 25 employees, or 8.1% of EPD employees. One employee had 12 sustained allegations, another had 4, and another had 3. Eight other employees had one sustained allegation each.

Table 4. EPD Employees with Sustained Allegations of Misconduct

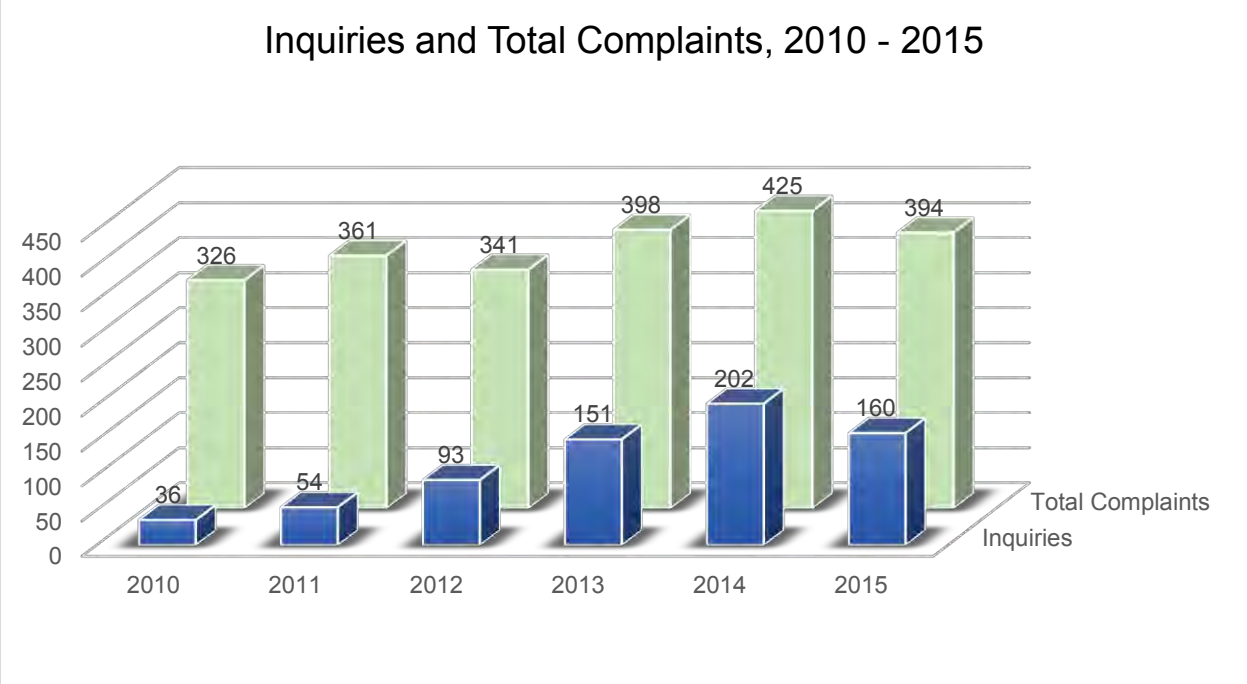
# of Sustained Policy Violations	# of EPD Employees	% of EPD Employees
12	1	0.0%
4	1	0.0%
3	1	0.0%
1	8	2.6%

Inquiries

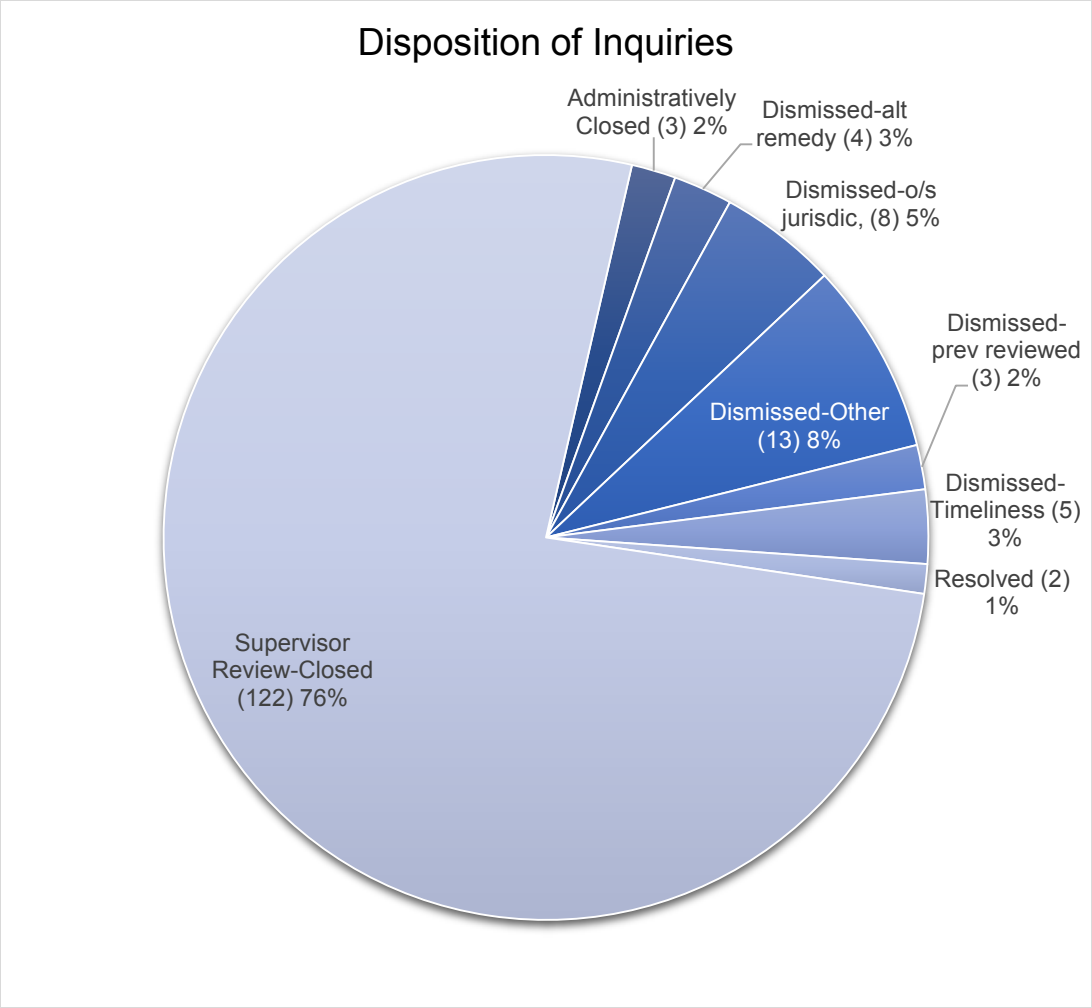
Inquiries, service complaints, and policy complaints are handled in a different manner than allegations of criminal conduct or misconduct. A complaint may be classified as an inquiry where it involves a "question about the propriety of an employee's actions or a department policy, procedure, or regulation in a manner which indicates dissatisfaction, but which does not necessarily constitute or imply an allegation of misconduct." EPD Police Operations Manual (POM) 1102-3, Part I.A.1. An inquiry may be investigated by a supervisor, Internal Affairs sergeant, or the Internal Affairs coordinator, as appropriate. The Auditor's Office is kept informed regarding the progress of inquiries and will contact the reporting party with a resolution.

Inquiries increased steadily from 2012 to 2014, but 2015 showed a decrease to 160 inquiries (41% of total complaints) from 202 in 2014 (which constituted 47% of total complaints that year). The overall increase in inquiries over the past several years is likely related to our evolving classification process; our office has continued to focus on improving preliminary investigations of complaints, and often complaints are classified as inquiries until the preliminary investigation has developed. Often, inquiries will be reclassified to allegations, service complaints, or policy complaints depending on what is discovered in the preliminary investigation.

This theory is supported by the sharp decrease in dismissed allegations over the past few years. In 2011, 15 specific allegations of misconduct (from several different complaints) were dismissed for various reasons. Only one specific allegation was dismissed in 2015 (and none in 2014).

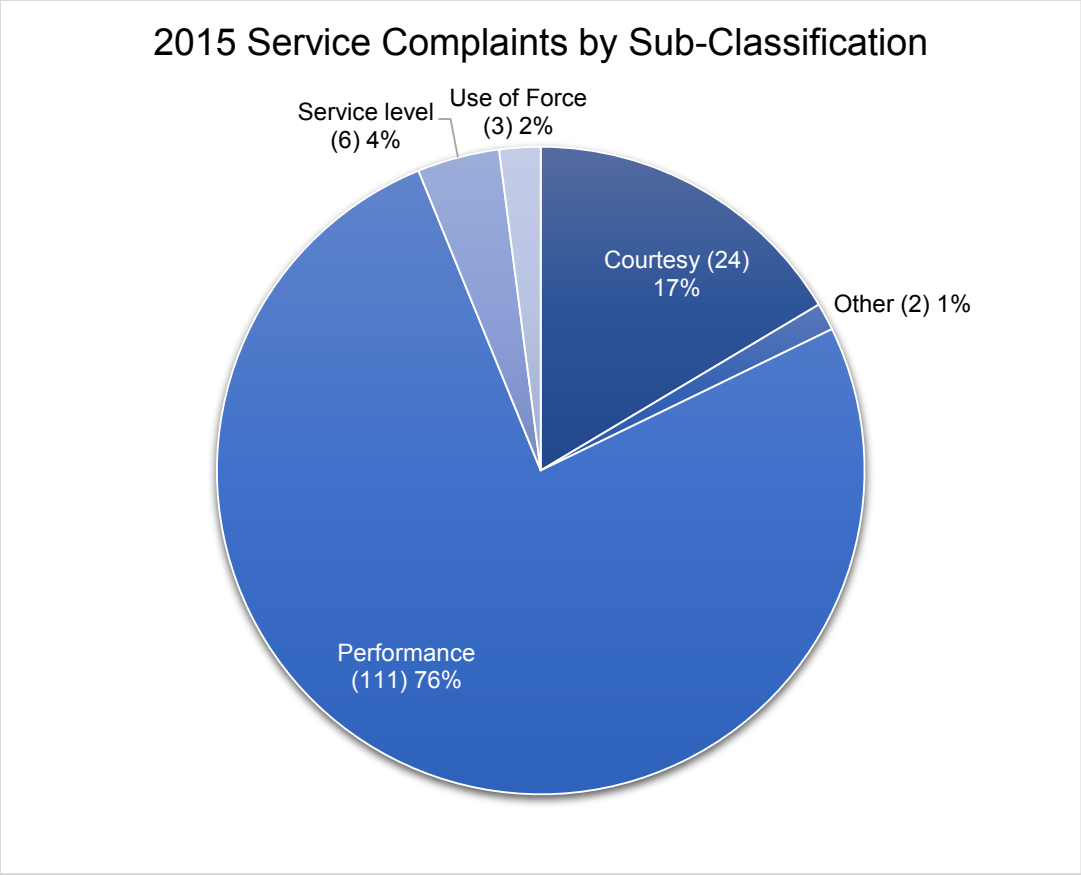


A little over 76% of the inquiries received in 2015 were reviewed and/or resolved, either by EPD supervisors or the Auditor's Office. 33 inquiries were dismissed for various reasons, as shown below.

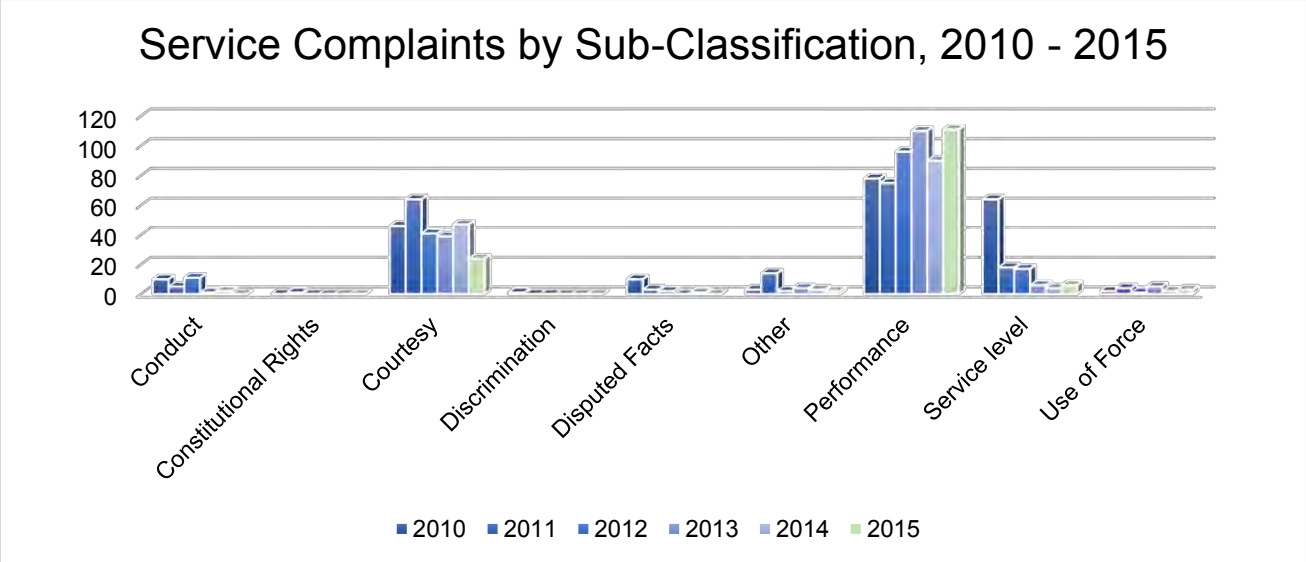


Service Complaints

Service complaints are complaints "about police employee performance or demeanor, customer service and/or level of police service." E.C.C. § 2.452. Generally, service complaints are referred to the supervisor of the involved officer(s) for follow up with both the complainant and the involved officer(s). The supervisor will write a memo detailing their review of the complaint and contact with the involved parties, which the Auditor's Office reviews for completeness and thoroughness. The Auditor's Office then contacts the complaining party for a follow up survey.



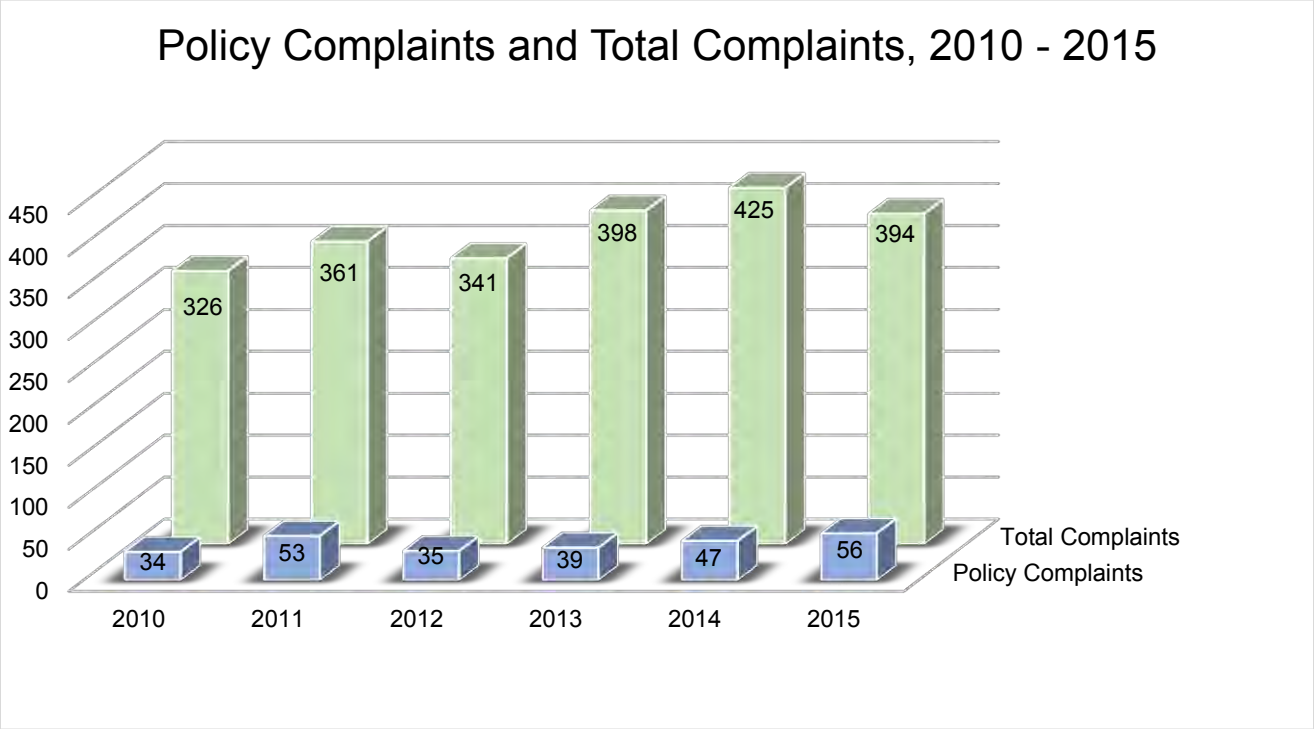
As in previous years, the majority of service complaints were related to performance or courtesy. However, courtesy complaints were sharply down from recent years – a 49% decrease – from 47 in 2014 to 24 in 2015.



Policy Complaints

Complaints are classified as policy complaints where the complainant "is dissatisfied with current policies or established procedures." Civilian Oversight Protocols, Classification of Complaints 1.d. These complaints are referred to either a supervisor (where appropriate) or an Internal Affairs sergeant. For example, a policy complaint may be investigated by a supervisor where a particular officer, division, or program is the focus of the complaint. Similar to a service complaint, the investigator will contact the complainant, as well as any involved officer(s), and write a memo detailing their resolution of the complaint. The Auditor's office reviews the memo and follows up with the complaining party.

Policy complaints increased again in 2015; we received 56 policy complaints in 2015, compared to 47 in 2014 (an increase of about 16%). Policy complaints also constituted a higher percentage of our overall complaints in 2015 – up to 14% from 11% in 2014.



Inquiry/Service Complaint/Policy Complaint Surveys

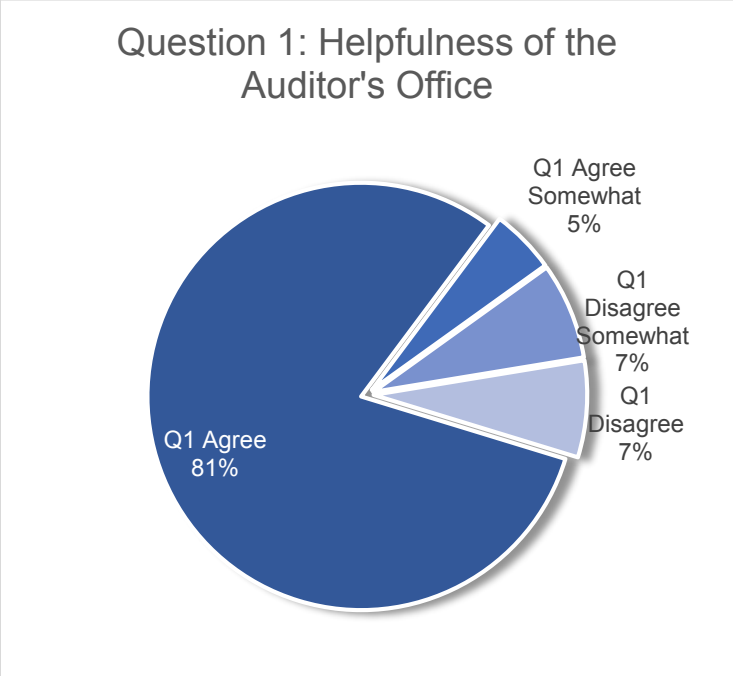
In 2015, we received 47 returned surveys. This survey is sent at the close of each inquiry, service complaint, and policy complaint unless (1) the complaint was internally generated, (2) the complaint was generated by our office, or (3) the reporting party indicated that they did not want to be contacted or provided insufficient contact information. Our office sends a different survey form for reporting parties of complaints classified as allegations, but we did not receive

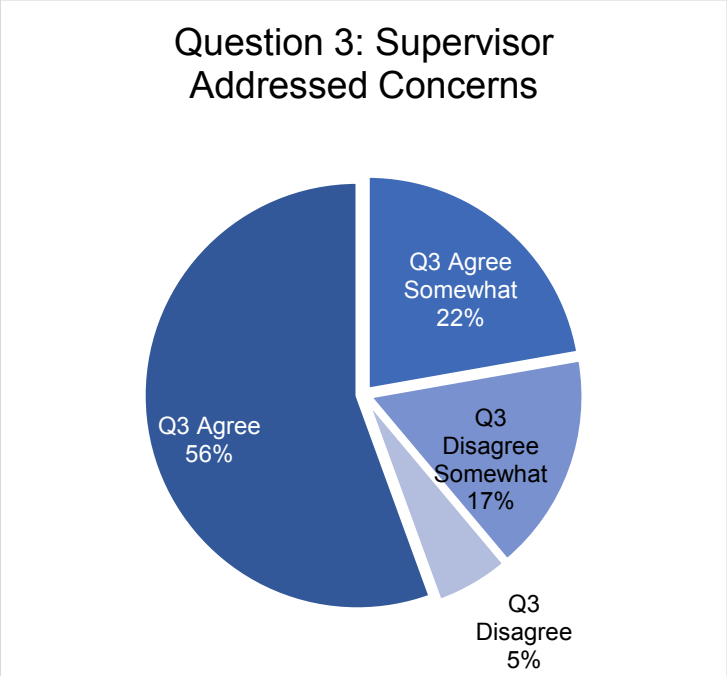
any returned allegation surveys in 2015. We sent out approximately 360 Inquiry/policy complaint/service complaint surveys in 2015, for a response rate of about 13%.
The questions on the surveys are as follows:

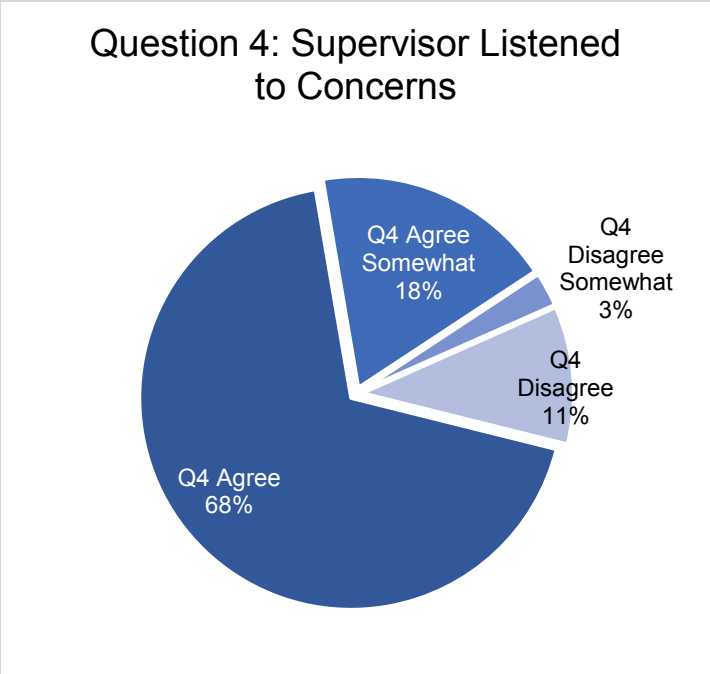
1) Staff member(s) at the Office of the Police Auditor was/were helpful in taking my complaint.
2) Were you contacted by the EPD employee's supervisor?
3) If yes to #2, my concerns were addressed by the supervisor.
4) The supervisor listened to my concerns.
5) I am satisfied with the outcome of the complaint investigation.
6) Would you have preferred to speak with the involved officer rather than the supervisor?

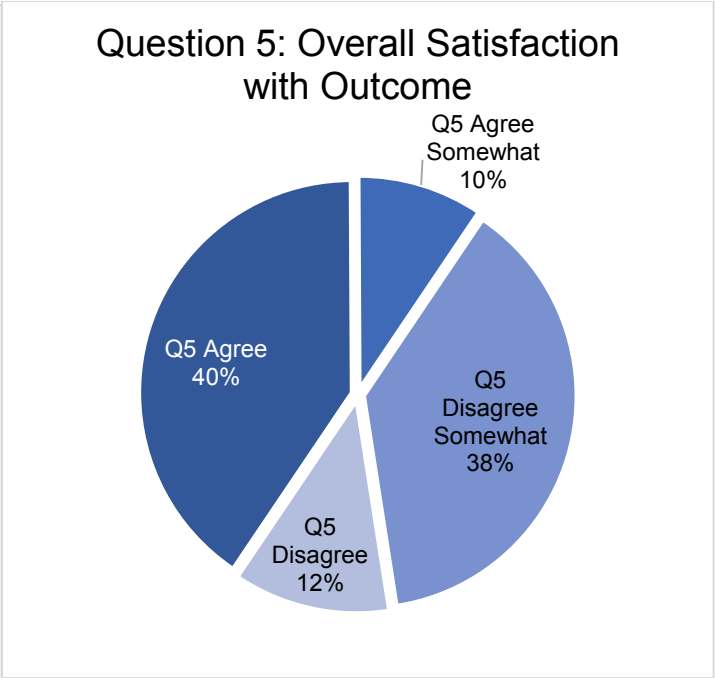
Questions #1, #3, #4, and #5 are answered with a ranking: Agree, Agree Somewhat, Disagree Somewhat, and Disagree. Question #2 is a yes or no question. We received 33 "Yes" answers and nine "No" answers; the remaining surveys did not answer the question.

Question #6 was added to the survey during 2011; it is a yes or no question and includes a space for comments. Of the 42 surveys that answered this question, 6 indicated that they would have liked to speak with the involved officer (whether in addition to or instead of speaking with the supervisor).

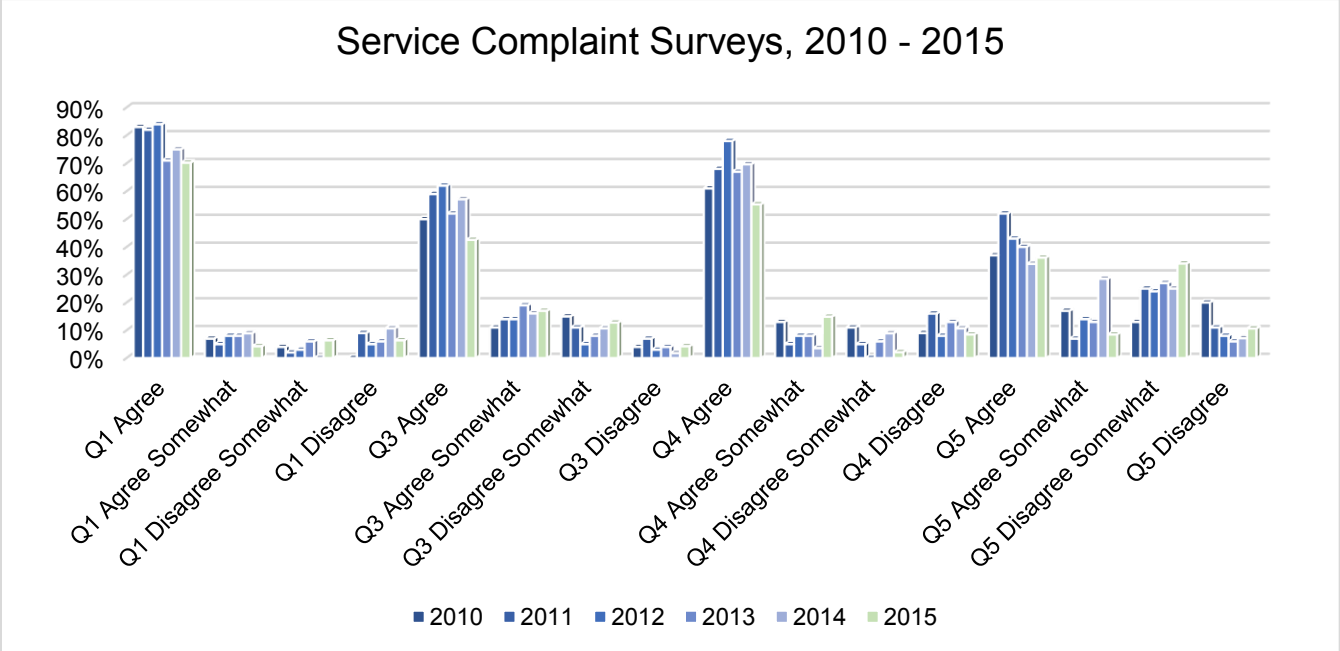






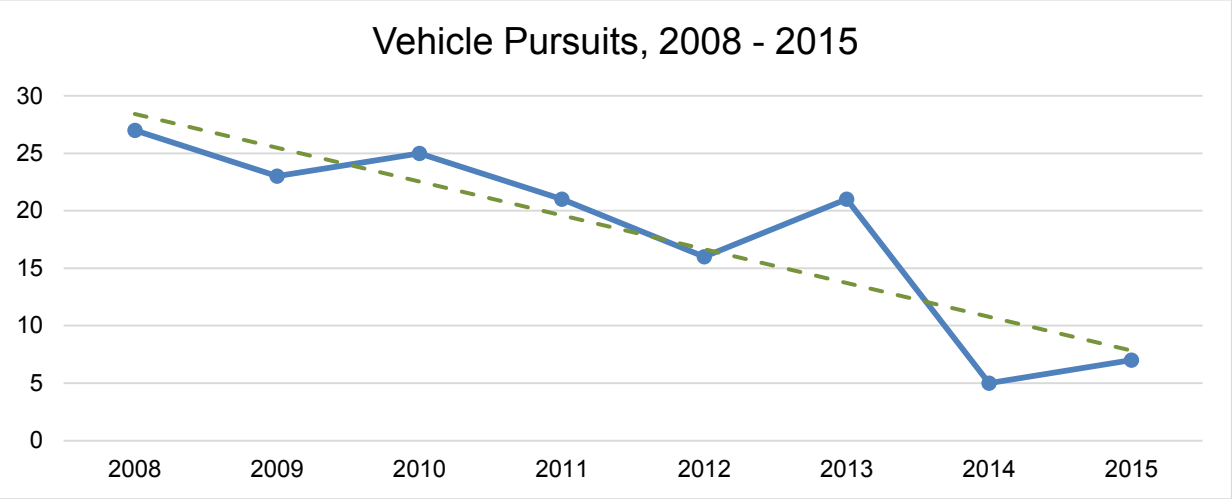


In 2015, 86% of respondents agreed or somewhat agreed that the Auditor's Office was helpful in taking their complaint (Question 1). This number has remained steady since 2011. Overall satisfaction with the outcome decreased slightly – 50% in 2015 compared to our high in 2014 of 66%.



Vehicle Pursuits

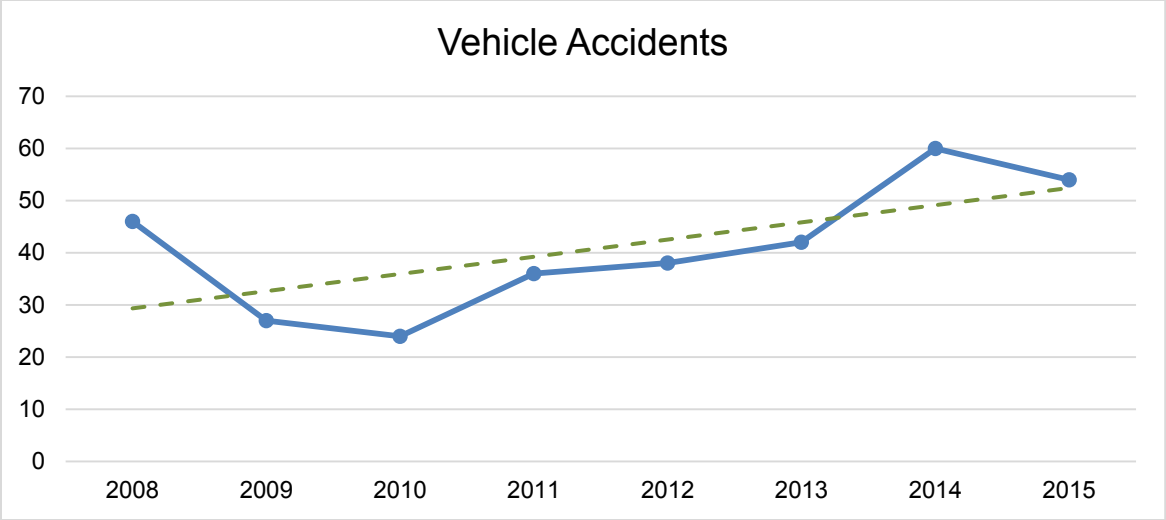
Vehicle pursuits remained low in 2015, with 7 compared to five in 2014. Our office focused on working with EPD to institute a new vehicle pursuit policy that became effective in February 2014, and we remain very pleased to see the decrease in the number of vehicle pursuits. Four of the pursuits were found to violate policy.



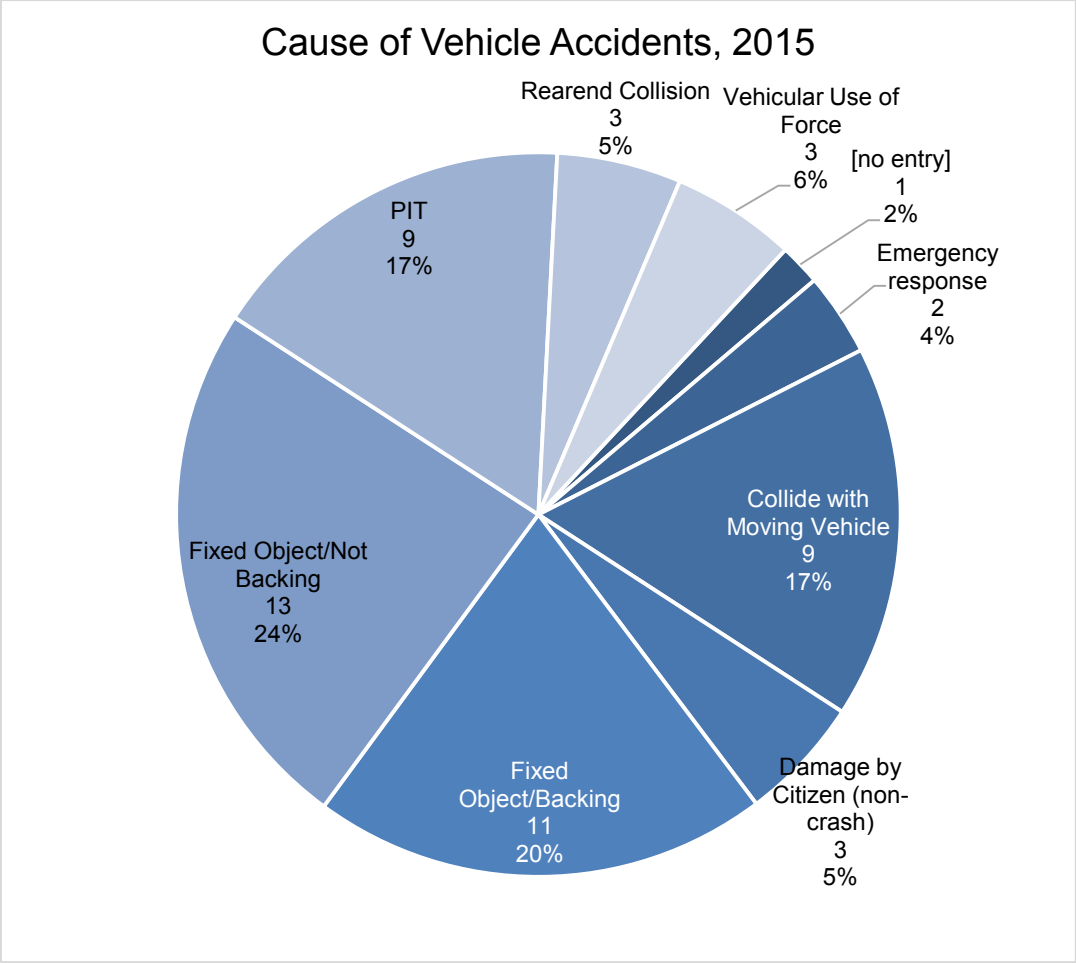
Every vehicle pursuit is reviewed by EPD's Emergency Vehicle Operations team and entered into the Internal Affairs database that our office shares with EPD. If either the EPD EVOC team, the EPD chain of command, or our office identifies a concern with the pursuit, an administrative investigation, conducted by Internal Affairs and with the participation of our office, may be initiated. Four of the pursuits in 2015 were found to violate policy.

Vehicle Accidents

Vehicle accident decreased slightly in 2015, to 54 (compared to 60 in 2014). This number remains high. Vehicle accidents are reviewed by the involved employee(s)' supervisor and entered into the Internal Affairs database that is shared between our office and EPD. The supervisor determines whether the involved employee was at fault or not at fault. Of the 54 vehicle accidents in 2015, 26 (48%) were determined to be the fault of the involved EPD employee.

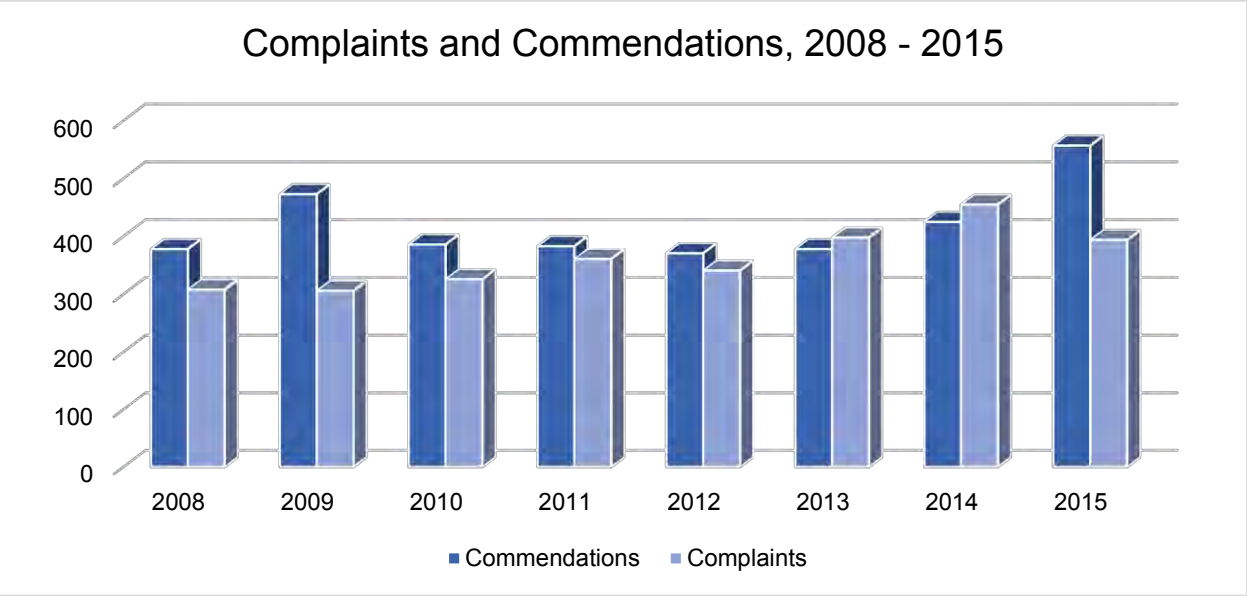


Approximately 44% (24) of the accidents were with fixed objects. Only two accidents (4%) were caused by the employee's emergency response. Twelve of the accidents (23%) were either vehicular uses of force or otherwise intentional maneuvers by the EPD employee in an attempt to force another vehicle to stop (called a PIT maneuver).



Commendations

The Auditor's Office and EPD continue to intake commendations, a total of 557 in 2015. This was a 31% increase from the 425 received in 2014, and it vastly outnumbered the 394 complaints received.



Community Impact Cases

The Auditor did not receive any complaints in 2015 that were designated as a community impact case.

Critical Incidents

There were two critical incidents in 2015; our office was notified in a timely manner in each case. The first was an officer-involved shooting on March 30, 2015; we were notified, responded to the scene, and participated in a Deadly Force Review Board as part of the administrative investigation of the incident. In addition, the Auditor issued an "Analysis and Recommendations" document (available on our website) and the CRB reviewed the shooting and pursuant investigation. Numerous concerns with the Interagency Deadly Force Investigation Team (IDFIT) investigation were noted by both the Auditor and CRB; however, the internal investigation met our expectations. The shooting itself was determined by the Deadly Force Review Board to be within policy.

Our office was also notified following an incident where two employees used a variety of force options, including challenging the involved citizen with their firearms and deploying the Taser. We participated in the Use of Force Review Board convened to discuss the incident. The Board unanimously found that the employees' actions during the incident were consistent with EPD policy.

Conclusion

We wish to also thank the outstanding volunteers for the Civilian Review Board, past and present, as well as members of the Police Commission and the Human Rights Commission. We truly appreciate the outstanding support provided by the Central Service Department for finances, information technology, budgets, human resources, payroll and other functions. The City Manager's office, the City Attorney's office, and the Eugene Police Department have all been helpful in assisting the Auditor's Office accomplish its core function and goals. Finally, we wish to thank the Mayor and City Councilors for having patience and taking the time and energy to be effectively involved in the evolution of the civilian oversight process in Eugene.

2015 Allegations of Misconduct and Criminal Conduct

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Auditor-initiated complaint, resulting from risk claim, based on possible search and seizure issue.	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	N/A	S*	S	1/6/15	3/17/15	3/20/15	5/5/15	74	6/9/2015
Summary of Complaint	**Allegations**		**Adjudication**			**Dates/QC**					**CRB Review?**
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that an officer mishandled evidence by having it in a personal locker.	Allegation of Misconduct: Performance	804 Evidence and Property Handling	S	S	S	1/21/15	4/8/15	5/22/15	7/10/15	121	
		804 Evidence and Property Handling	IE	IE	IE						
Summary of Complaint	**Allegations**		**Adjudication**			**Dates/QC**					**CRB Review?**
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Auditor initiated complaint that two officers became aware that a third officer had in their possession illegal drugs and failed to report this discovery immediately to a supervisor	Allegation of Misconduct: Performance	1101.1.B.9 Unsatisfactory Performance	WP	WP	WP	2/3/15	4/21/15	5/20/15	5/22/15	107	7/14/2015
		1101.1.B.17 Judgment	WP	WP	WP						
		1101.1.B.9 Unsatisfactory Performance	WP	WP	WP						
		1101.1.B.17 Judgment	WP	WP	WP						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internally-generated investigation based on a risk claim that an officer did not have probable cause to arrest a suspect for theft of services.	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	WP	WP	WP	2/13/15	4/10/15	5/4/15	5/7/15	81	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that a non-sworn employee appeared to not know how to process work that they had been previously trained in and appeared to be nodding off on duty.	Allegation of Misconduct: Performance	1101.1.B.8 Competency	S	S*	S	2/18/15	5/19/15	6/18/15	9/10/15	120	
		1101.1.B.8 Competency	S	S*	S						
		1101.1.B.24 Sleeping on Duty	S	S*	S						
		1101.1.B.9 Unsatisfactory Performance	S	S*	S						
		1101.1.B.9 Unsatisfactory Performance	IE	IE	IE						
		1101.1.B.9 Unsatisfactory Performance	S	S*	S						
		1101.1.B.9 Unsatisfactory Performance	S	S*	S						
		1101.1.B.9 Unsatisfactory Performance	S	S*	S						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that a supervisor improperly denied an officer's request for backup at jail arraignments and failed to adequately assess safety risks.	Allegation of Misconduct: Performance	1101.1.B.9 Unsatisfactory Performance	S	S	S	2/26/15	5/15/15	6/18/15	12/4/15	112	3/8/2016
		APM 15.4 Employee Safety	S	S	S						
		1101.1.B.16 Integrity	IE	IE	IE						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Allegation that a Communications Specialist disclosed confidential information to a suspect in a criminal investigation. **Employee resigned prior to conclusion of the investigation.**	Allegation of Misconduct: Conduct	1101.1.B.4 Confidentiality of Information	**N/A - Resigned during Investigation**			3/2/15			4/29/15	57	
		1101.1.B.15 Insubordination									
		1101.1.B.2 Abuse of Position									
		1101.1.B.5 Conformance to Laws									

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal investigation that a non-sworn employee was absent from duty, sleeping on duty, and failed to report a condition that could affect performance.	Allegation of Misconduct: Conduct	APM 12.1.D Absence from Duty	S	S	S	3/20/15	5/19/15	6/18/15	9/10/15	88	
		1101.1.B.24 Sleeping on Duty	S	S	S						
		1101.1.B.13 Illness or Injury Reports	S	S	S						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Deadly Force Review of officer involved shooting.	Deadly Force Review	300 Use of Force	WP	WP	WP	3/31/15	9/8/15 (findings of review board issued)	10/7/15	10/12/15	187	10/27/2015
		301 Use of Force Reporting	WP	WP	WP						
		901.4 Police Firearms	WP	WP	WP						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that an officer initiated a vehicle pursuit in violation of EPD Policy and failed to terminate the pursuit when ordered to do so.	Allegation of Misconduct: Performance	314 Pursuit Policy	S	S	S	4/14/15	7/9/15	9/17/15	10/13/15	153	4/12/2016
		1101.1.B.15 Insubordination	UF	UF	UF						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal Criminal investigation into an officer's off-duty arrest for misdemeanor assault.	Allegation of Criminal Conduct: Conformance to Laws	1101.1.B.5 Conformance to Laws	IE	IE	IE	4/20/15	7/24/15	8/24/15	8/26/15	124	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that a supervisor misrepresented circumstances surrounding a request for time away to assist with a line-of-duty death and that the involved employee represented the agency in a poor light when discussing supervisors with someone from an outside agency.	Allegation of Misconduct: Conduct	1101.1.B.16 Integrity	S	S	S	4/27/15	8/13/15	8/31/15	12/21/15	124	
		1101.1.B.25 Unbecoming Conduct	S	S	S						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Criminal investigation into the source of illegal drugs found in an EPD locker room. Administratively closed.	Allegation of Criminal Misconduct					4/27/15			7/7/15	70	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that a taser use by an officer on a suspect who was running away from him was outside policy.	Allegation of Misconduct: Use of Force	309 Taser Use	S	S	S	4/29/15	6/22/15	7/15/15	8/7/15	76	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that a supervisor did not follow proper protocol for a securing a suspicious package and failed to keep fellow employees safe.	Allegation of Misconduct: Performance	APM 15.4 Employee Safety	S	S	S	4/30/15	6/18/15	8/11/15	12/4/15	101	
		1101.1.B.9 Unsatisfactory Performance	S	S	S						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
A former civilian employee alleged that a supervisor violated the city's respectful work environment policy.	Allegation of Misconduct: Conduct	APM 1.4 Respectful Work Environment	S	S	S	5/21/15	10/21/15	11/25/15	1/12/16	184	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
RP alleged that, after she had parked to change a tire on her vehicle, officers inappropriately arrested her for giving false information and interfering with an officer.	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	WP	WP	WP	5/28/15	9/14/15	10/1/15	11/9/15	123	1/12/2016
	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	WP	WP	WP						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Allegation that an officer misused his position to help an acquaintance with a shoplifting charge.	Allegation of Misconduct: Conduct	1101.1.B.2 Abuse of Position	UF	UF*	UF	6/12/15	8/14/15	8/14/15	8/18/15	62	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Internal allegation that an employee did not properly handle evidence. **Administratively Closed; no employee identified.**	Allegation of Misconduct: Performance	804 Property and Evidence Handling	**N/A - Administratively Closed**			6/22/15			11/9/15	137	
Summary of Complaint	**Allegations**		**Adjudication**			**Dates/QC**					**CRB Review?**
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Internal Allegation that a non-sworn employee recorded conversations with a supervisor without disclosing that the conversation was being recorded. **Administratively Closed**	Allegation of Criminal Misconduct: Conformance to Laws	1101.1.B.5 Conformance to Laws	**N/A - Administratively Closed**			7/9/15			2/18/16	219	
Summary of Complaint	**Allegations**		**Adjudication**			**Dates/QC**					**CRB Review?**
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Auditor initiated allegation that a supervisor failed to audit temporary evidence lockers in accordance with policy.	Allegation of Misconduct: Performance	804 Evidence and Property Handling	S	S	S	7/10/15	11/13/15	11/27/15	12/21/15	137	2/9/2016

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Reporting party alleged that several employees used excessive force (including use of a Taser) and were biased in their actions during an encounter with two community members of color.	Allegation of Misconduct: Use of Force	300 Use of Force	WP	WP	WP	7/16/15	11/18/15; supplemental IA report 5/17/16	6/11/16	Not yet closed; corrective action pending	325	
		402 Professional Police Contacts	UF	UF	UF						
		300 Use of Force	WP	S	WP						
		402 Professional Police Contacts	UF	IE	UF						
		1101.1.B.9 Unsatisfactory Performance	S	S	S						
		300 Use of Force	WP	WP	WP						
		402 Professional Police Contacts	UF	IE	UF						
		309 Taser Use	WP	WP	WP						
Summary of Complaint	**Allegations**		**Adjudication**			**Dates/QC**					**CRB Review?**
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal allegation that an officer used excessive force by hitting a driver while he was seated in the vehicle and that another officer used profanity toward the suspect.	Allegation of Misconduct: Use of Force	300 Use of Force	WP	WP	WP	8/5/15	10/5/15	10/29/15	11/20/15	84	
		1101.1.B.7 Courtesy	S	S	Dismissed - timeliness						

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
RP alleged that officers that arrested her in 2013 stole money from her.	Allegation of Criminal Misconduct: Conformance to Laws	1101.1.B.5 Conformance to Laws	UF	UF*	UF	9/1/15	3/1/16	3/1/16	3/11/16	180	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Reporting party alleged an officer told her she could avoid being cited if she provided him with favors. Administratively closed following criminal investigation and review by DA.	Allegation of Criminal Misconduct: Conformance to Laws	1101.1.B.5 Conformance to Laws	**N/A - Administratively Closed**			9/1/15			1/8/16	127	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Reporting Party alleged that an off-duty employee initiated a stop on him with no basis other than his race. **Mediated.**	Allegation of Misconduct: Discrimination	402 Professional Police Contacts	**N/A - Mediated**			8/27/2015			5/19/2016	262	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
Reporting Party reported during jail intake that she had been sexually assaulted by an EPD employee about 15 years ago. Criminal investigation followed and has been administratively closed pending further contact with the reporting party.	Allegation of Criminal Misconduct: Conformance to Laws	1101.1.B.5 Conformance to Laws	**N/A - Administratively Closed**			10/19/15			2/2/16	103	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total	
RP alleged that she was improperly arrested for filing a false police report that someone tried to steal her phone. **Dismissed: Alternate Remedy**	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	**N/A - Dismissed**			10/28/15			11/6/15	8	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Internal investigation into an employee's mishandling of evidence. Employee admitted mistake and submitted to expedited administrative process.	Allegation of Misconduct: Performance	804 Evidence and Property Handling	S	S*	S	11/23/15	12/21/15 (memo from employee submitted)	1/14/16	1/26/16	51	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command**	Auditor	Chief	Intake	IA Report	Adjud-ication	Closed	Total ***	
Allegation that an officer used insolent language when speaking to a juvenile suspect.	Allegation of Misconduct: Courtesy	1101.1.B.7 Courtesy	S	S	S	12/16/15	2/11/16	2/23/16	3/29/16	67	

Adjudication recommendations are: Sustained (S), Insufficient Evidence(IE), Unfounded (UF), and Within Policy (WP). Those terms are defined in Eugene's Civilian Oversight Protocols (2007):

Sustained = the complainant's allegation(s) was determined to be a violation of EPD policies, rules and/or procedures and, the employee(s) involved committed the violation(s) as alleged.
Insufficient Evidence = The chain of command was unable to determine whether or not a violation of EPD policies, rules, and/or procedures occurred.
Unfounded = The claim is unsubstantiated - it was determined that the employee(s) involved did not engage in the behavior as alleged by the complainant.
Within Policy = It was determined that the behavior of the employee(s) involved did occur but was consistent with EPD policies, rules, practices and/or procedures.

* Indicates that the Auditor's Office reviewed the investigation and conferred with EPD Chain of Command/EPD Chief but declined to write an adjudication memo.
** Indicates the recommended adjudication from the highest ranking reviewer - in some cases, direct supervisor's recommendation may have been different.
*** Total time in Police Auditor's Office - from intake to adjudication (does not include time to notify employee, discipline, and close file).

2015 Service Complaints, Policy Complaints, and Inquiries

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/2/2015	1/5/2015	3	Inquiry **Dismissed: Outside Jurisdiction**	RP was concerned about an issue his friend had had at the jail.	**Dismissed: Outside Jurisdiction**
1/5/2015	1/21/2015	16	Inquiry	RP was concerned about how a call involving his daughter was handled; she had called to complain that a woman threatened her, but responding officers did not contact the neighbor at the time of the initial call.	Sgt. reviewed the incident and found that, although the suspect had been positively identified, officers were not able to force entry into the suspect's home with the information known at the time. RP's daughter had been told to recontact police immediately if the suspect tried to contact her again. Sgt. spoke with RP about search and seizure laws and why the suspect was not taken into custody during the first call for service.
1/1/2015	2/4/2015	33	Service/ Performance	RP was concerned that an officer did not do enough to investigate a theft at her mother's home.	Sgt. spoke with officer about the incident, then with RP and did some follow-up regarding the investigation with new information provided by RP.
1/4/2015	1/14/2015	10	Service/ Performance	RP complained about an officer driving slowly and swerving.	Lt. spoke with RP about his observations and to the officer.
1/4/2015	1/6/2015	2	Inquiry	RP filed complaint about an officer who told him to leave an area he was standing in.	Sgt. found that the named officer has not had contact with RP in months. RP is a chronic violator of downtown ordinances and has frequent contact with officers.
1/6/2015	2/3/2015	27	Inquiry	RP was upset at 4 EPD vehicles that went flying down her residential street at a high rate of speed.	Lt. reviewed information about the incident and found that officers were responding to a emergency call, ICV verified that officers were with in policy and using appropriate speed for the conditions. Lt. spoke with RP about his findings.
1/6/2015	1/9/2015	3	Policy Complaint	RP was upset that he had been unable to get EPD to release his medical marijuana that was in his backpack that he left on a LTD bus.	Sgt. spoke with RP about EPD policy that only allows release of the controlled substance with a court order even if it is medical.
1/6/2015	2/18/2015	42	Inquiry	RP was upset that she was searched by a male officer prior to her arrest and touched inappropriately	Sgt. reviewed IVC of the arrest and found that the search was conducted correctly with no inappropriate touching. Male officers are allowed to frisk female suspects prior to transport in an arrest. Sgt spoke with RP.
1/6/2015	1/29/2015	23	Service/ Performance	RP was upset that an officer showed up at her home looking for someone that does not live there at a late hour.	Sgt. learned that the suspect had been known to have been at RP's address and the officer was working the case during his assigned shift. RP did not return calls from Sgt.
1/9/2015	2/12/2015	33	Service/ Performance	RP was upset that an officer refused to take a theft report against her landlord.	Sgt. learned that the situation involved a civil issue between RP and the landlord, the officer had correctly identified the issue and had explained the reason for no report to RP. Sgt. spoke with RP about his findings.
1/12/2015	1/13/2015	1	Inquiry **Dismissed: Previously Reviewed**	RP wrote a letter to the chief reiterating 3rd party complaints that had previously been reviewed.	**Dismissed: Previously Reviewed**
1/12/2015	3/12/2015	60	Policy Complaint	RP wondered why it took so many officers to do a follow up at her home.	RP's incident involved a possible domestic violence issue which necessitated a response by more than one officer. RP's phone had been disconnected when Sgt. tried to make contact.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/13/2015	2/18/2015	35	Service/ Performance	RP was upset at the comments made by officers when he tried to get a police report taken for his stolen guitar.	Cpt. learned that the officers investigating at the time made comments because RP did not have proof of ownership for the guitar and the suspect was an acquaintance. RP was notified that once he could provide proof that the item was his a report would be taken.
1/14/2015	2/17/2015	33	Inquiry	RP was reported that an officer who cited him for an expired tag did not tell him about the fix-it-ticket program.	RP did not return phone calls to discuss the issue with Sgt.
1/15/2015	1/27/2015	12	Policy Complaint	RP was concerned about a crime issue on his church's property that was located near a Tavern.	Lt. spoke with RP about his concerns and gave him tips and ideas about how to contact EPD when there is an issue occurring.
1/15/2015	1/26/2015	11	Service/ Performance	RP was upset that an officer wrote a weekend date for his court appearance and wanted to speak with a supervisor about it.	Sgt. spoke with RP and notified him that because of the wrong date listed the citation had been voided.
1/17/2015	3/21/2015	64	Service/ Performance	RP complained about how a burglary call in which his daughter was the victim was handled. He was upset that futher investigative steps were not taken.	Lt. spoke with the involved employees, reviewed reports and ICV, and spoke with the victim. She explained the involved employees' actions and was able to assist and aid the victim with a related ongoing problem.
1/21/2015	1/22/2015	1	Inquiry	RP felt that the other driver in a collision should have been cited when it was discovered later that the insurance presented by the driver at the scene had lapsed.	Sgt. spoke with the officer and learned that he had recontacted the parties involved and spoken with them about needing to deal with the damage out of pocket. It was within the officer's discretion to not issue a further citation. Sgt. spoke with RP about his findings.
1/22/2015	2/10/2015	18	Policy Complaint	RP was upset that an officer did not cross out old information about court hours on her parking citation, causing her inconvenience in paying her citation.	Sgt. learned that most ticket books had been retrofitted to show the new hours, he sent a notice to the chain of command with a reminder about the new court hours for any books that may have escaped the update. Sgt. spoke with RP about the inconvenience caused by the misinformation.
1/16/2015	2/2/2015	16	Inquiry	RP was upset that officers continue to contact her and her family about a third party who had lived with them for a short time.	Lt. reviewed the records of contact with RP and spoke with officers and learned that the investigation into the third party was completed and no further contact would be initiated with RP. Lt. spoke with RP about his findings.
1/23/2015	1/26/2015	3	Inquiry	Auditor-initiated inquiry into what information dispatch had released to officers during an arrest.	Sgt. reviewed call logs and found the information needed by the Auditor.
1/23/2015	3/26/2015	63	Service/ Performance	RP was upset that an officer listed the wrong court time on his citation.	Sgt. reviewed the citation, spoke with officer about making sure the citation is clear and advised RP of the mistake made by the officer.
1/24/2015	3/20/2015	56	Inquiry	RP was upset about how officers had treated her during her arrest.	Sgt. reviewed ICV, read related police reports, and spoke with employees and witnesses who had been at the scene. He found no evidence of a policy violation, and the complaint was closed.
1/24/2015	1/27/2015	3	Inquiry **Dismissed: Outside Jurisdiction**	RP was unhappy with a parking citation he received.	**Dismissed: Outside Jurisdiction**
1/26/2015	3/2/2015	36	Inquiry	RP was upset that on officer followed him into the 7-11 and stared at him.	Sgt. learned that RP had been trespassed from the store by the owners which was why the officer made contact with RP. RP did not respond to messages left by the Sgt.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/27/2015	2/3/2015	6	Service/ Performance	RP called about an EPD vehicle that had come around a blind corner on a residential street at a speed that was too fast for the area.	Sgt. spoke with RP and with the involved officers about RP's concern.
1/27/2015	3/2/2015	35	Other	RP felt he was singled out by two officers for littering when others in the area had not been.	Lt. learned that officers had given a warning the previous day about litter in the area and RP's area was the only area left with litter when officers returned.
1/29/2015	2/26/2015	27	Service/ Courtesy	RP felt an officer was rude for waking him at the airport and questioning him about his travel plans.	Sgt. spoke with RP about the incident. RP did not leave contact information.
1/29/2015	2/9/2015	10	Policy Complaint	RP was upset that when she went to EPD Headquarters to report an issue there were no parking spaces available for the public due to an event.	Sgt. reviewed the issue with the parking and sent a reminder to staff that parking arrangements need to be made when scheduling an event at the facility, the Sgt. also made a change to the volunteer's parking to free up more spaces in the public lot. Sgt. spoke with RP about the corrective actions taken.
1/29/2015	3/25/2015	56	Policy Complaint	RP was upset that when she reported her car stolen she was not notified for 2 days that it had been towed.	Sgt. reviewed the issue and learned that RP had never reported her vehicle stolen. RP's phone number was disconnected.
1/29/2015	7/22/2015	173	Inquiry	Inquiry into an officer's time accounting and work production during a light duty assignment.	Investigation revealed that the officer and supervisor had miscommunicated on the work assignment and that the time discrepancies were accounted for in contractual breaks.
2/2/2015	2/17/2015	15	Service/ Performance	RP had been unable to have her property released and has not received a return call from the officer.	Sgt. spoke with the officer and learned that the DA's office had instructed him to not release the property until January of 2016. The officer had an official form signed form the DA's office. The officer had tried to notify RP but her message did not leave a valid phone number. No policy violations.
2/2/2015	2/6/2015	4	Service/ Performance	RP reported poor customer service by an employee at the front desk of the records department.	Supervisor learned that RP had requested a report that due to confidential medical information needed to be redacted before release. RP was not happy that he could not get the report immediately. Supervisor spoke with RP about his concerns and informed him the report was now available for pick up.
2/3/2015	2/4/2015	1	Service/ Performance Dismissed: Timeliness	RP called about property he did not have returned, after an arrest 3 years ago.	**Dismissed: Timeliness**
2/3/2015	2/4/2015	1	Inquiry	RP was concerned about the number of officers that responded in in incident in which her autistic daughter was arrested.	Lt. spoke with RP about the situation and explained EPD's CIT training and the reason the number of officer involved in the situation.
2/4/2015	3/19/2015	45	Service/ Performance	RP reported that an officer pulled out in front of her and her husband causing him to have to brake sharply.	Sgt. spoke with the officer who remembered the incident and noted that he had misjudged the distance of RP's car. The officer asked the Sgt. to extend his apology which he did.
2/5/2015	2/23/2015	18	Inquiry	RP was upset at a citation he received from bike officers. RP explained that the officer had a long conversation about what to cite him with and didn't seem to have a clear idea of that their probable cause was.	Sgt. reviewed body-cam from the officers stop and found the officers were professional and immediately explained the reason for the stop to RP.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/5/2015	2/11/2015	6	Inquiry	An anonymous caller complained that an officer and his teenage son speed through the neighborhood where they live.	Lt. spoke with the officer and gave him the information relayed by the caller.
2/11/2015	3/18/2015	37	Inquiry	RP was upset that on officer accessed her cell phone during her arrest without a warrant. And that officer would not allow her to be handcuffed in another way as behind her back caused pain. RP also alleged her head was pushed in to the divider in the patrol car.	Sgt. learned that officer had obtained a search warrant and had explained that to RP, ICV revealed that the officer had applied double handcuffs in order to accommodate RP's pain concern and that no evidence could be seen of the officer pushing RP into the divider. RP was unhappy with the Sgt. findings which was documented before the case was closed.
2/11/2015	3/19/2015	38	Service/ Performance	RP filed a concern about how different officers were interpreting the cell phone law when he is making every effort to obey the law he gets different stories.	Sgt. reviewed a recent traffic stop with RP and spoke with him about what is allowed and not allowed pertaining to cell phones in a vehicle.
2/13/2015	6/23/2015	130	Inquiry	Third party complaint that an officer refused to file a report against an area bouncer who had allegedly assaulted a coworker.	After review of report and ICV Sgt. found that the coworker had returned to the bar after closing to retrieve an item and had proceeded to kick and hit the windows of the establishment. The bouncer had approached and the coworker became aggressive with the bouncer, the officer investigated and handled the issue correctly when the bouncer declined to press charges.
2/12/2015	2/18/2015	6	Service/ Courtesy	RP was upset at how an officer handled an child exchange issue between himself and his ex, threatening to get involved and arrest RP if he did not take the child after school club even though he was sick.	Sgt. found that the officer did misrepresent what he could do in the situation and that the ex would have had to have a judge authorize police intervention in the incident. Sgt. spoke with RP about his findings and thanked RP for bringing forward his concern as it was a good training opportunity for the officer as well as the supervisors.
2/17/2015	3/16/2015	29	Inquiry	RP complained that an officer had not returned her calls to get clarification about an incident.	Sgt. learned that officer had had issues retrieving his voicemail and was instructed to contact the IT department for help. Sgt. spoke with RP about her concerns and the incident in which she needed clarification.
2/12/2015	3/17/2015	35	Inquiry	Inquiry to document a criminal investigation conducted by OSP into a former employee.	DA found insufficient evidence of a crime.
2/17/2015	3/11/2015	24	Service/ Performance	RP reported an officer driving erratically and pulling quickly out in front of him.	Sgt. reviewed dispatch records and spoke with the involved employee. Sgt. attempted to advise RP of his findings but was unsuccessful in reaching him.
2/17/2015	7/30/2015	163	Inquiry	RP's filed a complaint alleging that an officer was harassing them over a situation with their neighbor and trash cans.	Sgt. learned that an attempt to located had been placed on RP in regard to a criminal mischief issue and the officer's attempt to contact RP had been part of his investigation, the officer was not harassing RP and his actions were within policy.
2/16/2015	3/26/2015	40	Inquiry	RP alleged he was falsely arrested and tased while in handcuffs.	Sgt. reviewed over 2 hours of ICV and Body cam video and found none of the allegations made by RP to be credible. RP's voicemail box could not accept new messages.
2/15/2015	5/15/2015	90	Service/ Courtesy	RP reported a incident in which a supervisor used a loud and angry voice toward an employee across a crowed room.	Cpt. reviewed the incident and spoke with supervisor involved about RP's concerns.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/19/2015	3/12/2015	23	Inquiry	RP reported that she was touched inappropriately during an arrest.	Cpt. found that RP was given a pat down search in accordance with policy and at no time was RP alone with accused officer. It was also learned that in a jail recording (phone contact with a relative) RP indicates that it was a joke about the inappropriate touching.
2/2/2015	3/19/2015	47	Inquiry	RP filed a third party complaint alleging that a officer used inappropriate investigative methods .	Sgt. reviewed the investigation file and spoke with the officer about the issue. No policy violations were found.
2/23/2015	3/20/2015	27	Inquiry	RP emailed the Chief inquiring into the steps taken concerning a dog who was thought to be abused.	Supervisor learned that the animal involved was extremely old and being well cared for by the owner, even though the dog's appearance seemed to belie that to the numerous people who became involved in the situation who did not have all the information. The case was also reviewed by the DA's office.
2/25/2015	4/6/2015	41	Service/ Performance	An EPD patrol vehicle was observed speeding in the fast lane of I-5.	Sgt. spoke with officer involved regarding expectations to maintain the speed limit when not in emergency mode.
3/5/2015	3/5/2015	0	Policy Complaint	RP was upset that RP's daughter's husband had eluded arrest and wanted EPD to actively be searching for him.	Sgt. spoke with RP about what how EPD handles this type of out of state warrant. He also advised RP about strategies to help ensure RP's daughter's safety and how to notify EPD is he is seen in the area.
2/28/2015	3/5/2015	5	Inquiry	RP was concerned about an officer who drove his vehicle up on to the park blocks near children who were playing.	Sgt. reviewed video that was available and spoke with officer who had been able to identify where each person was in the park before moving his vehicle toward an incident that needed to be addressed. Sgt. found no policy violation and no citizen that was in close proximity to the vehicle. Sgt. spoke with RP.
3/1/2015	3/12/2015	11	Inquiry	RP noticed officer's interaction with a couple of teens in his neighborhood, the girl was crying and obviously terrified and feels it's just another example of inappropriate police presence in West Eugene.	Sgt. learned that officers had been dispatched to a call of a subject screaming for help once contact was made with the victim it was determined probable cause existed to arrest a suspect. Sgt. did not get a response from RP to talk about the findings.
3/2/2015	3/20/2015	18	Policy Complaint	RP inquired into why suspects involved in a supposed road rage incident on Beltline were not cited or arrested.	Lt. reviewed records involving the call and spoke with officers who advised that some of the public information on the incident was exaggerated and going by the policy manual the mutual issue where neither party wished to prosecute was resolved. Lt. spoke with RP party and explained why this decision was reached.
2/19/2015	4/13/2015	54	Inquiry	RP was upset that on officer told him he did not have contact with his son and he later learned he did.	Sgt. learned that the officer was backup on the scene involving RP's son and at the time he spoke with him was not aware his son was involved in the incident. Sgt. spoke with RP about his findings.
3/4/2015	3/6/2015	2	Policy Complaint Dismissed: Outside Jurisdiction	RP was upset that an officer confiscated his phone and was trying to retrieve it.	**Dismissed: Outside Jurisdiction**
2/19/2015	3/26/2015	37	Service/ Service Level	RP was upset about how officers responded to a conflict between house mates.	Sgt. found that the numerous calls to the address were for civil issues. RP acknowledged that her situation had now changed and hopefully the problems were over.
2/23/2015	4/6/2015	43	Service/ Performance	RP questioned decisions made at the time he was arrested.	Sgt. reviewed reports and found that the officer followed the appropriate guidelines and policies in regard to the type if arrest. Sgt. spoke with RP about her findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/4/2015	3/16/2015	12	Inquiry	RP was unhappy with a supervisor who contacted her late at night about a complaint she had filed.	Lt. spoke with RP about her concerns and the reason for the late hour response by the supervisor.
3/4/2015	3/20/2015	16	Policy Complaint	RP complained about an arrest she observed when the homeless individual appeared to be doing nothing wrong	Sgt. reviewed the CAD and Police reports of the event and spoke with RP about the events leading up to the arrest.
2/27/2015	3/6/2015	9	Inquiry **Dismissed: Outside Jurisdiction**	RP felt officers were harassing her foreign exchange student.	**Dismissed: Outside Jurisdiction**
2/27/2015	4/1/2015	34	Policy Complaint	RP was upset that it has taken several phone calls to deal with an illegal camping issue near his home.	Lt. spoke with RP about the illegal camping ordinance and the steps and time frame involved.
2/27/2015	4/13/2015	46	Inquiry	RP posted on Twitter his annoyance that an officer stopped him when he had done nothing wrong. He did not get a warning or a citation.	Sgt. spoke with the officer and reviewed ICV of the stop and found that RP had failed to maintain a lane and once stopped the officer found equipment violations, an expired license, and no proof of insurance each of which the officer gave a warning about in a polite and professional way. RP did not return phone calls by the Sgt. to discuss the stop.
3/3/2015	3/26/2015	23	Policy Complaint	RP was upset that when he stopped by the Police HQ to report crimes that have been committed against him Cahoots was called.	Sgt. learned that the crimes being reported by all reasonable accounts sounded like someone suffering from a mental health crisis. No policy violations were found.
3/5/2015	3/26/2015	21	Service/ Performance	RP was confused as to why he was cited when a bicyclist come from the side of the road and struck his vehicle.	Sgt. spoke with the officer and found that he had cited both the driver and bicyclist. Review of the citations found that the vehicle driver should not have been cited. Officer was to dismiss the charge at court.
3/9/2015	4/13/2015	34	Inquiry	An anonymous complaint questioned why an alleged victim would be taken to jail, when the alleged perpetrators were allow to go free.	Sgt. learned that a dispute at a home caused officers to respond. The alleged victim was arrested on outstanding warrants and only then did this person make allegations about the other parties.
3/9/2015	3/19/2015	10	Service/ Performance	RP reported that as he was walking home about 1 a.m. he was almost struck by an EPD vehicle that was traveling with out emergency lights or sirens.	Sgt. spoke with the officer and found that he remembered the incident in which he had executed a left hand turn to find a pedestrian in the crosswalk walking against the light and then noted the person run back toward the curb. Sgt. spoke with RP who believed that he still had time on the cross light. Sgt. reminded officer of careful driving practices.
3/9/2015	4/16/2015	37	Inquiry	RP was upset that when officers responded to a call about a fight at her apartment, they did not wait for her to put more clothes on, buy came right through the door. She does not understand how they can come into her house without a warrant.	Sgt. learned that officers were dispatched to a male / female fight in which the women appeared to be beaten up. Due to the nature of the call the Community Caretaking Statute applied and offices were obligated to check on the situation and perform a domestic violence investigation. RP did not return calls to the Sgt.
3/10/2015	3/23/2015	13	Service/ Performance	RP felt like an officer seemed disinterested in her concern about a third party making threats to her on her voicemail.	Sgt. learned that RP had not wanted to prosecute but requested the officer contact the third party to ask that they not be contacted which the officer did. Sgt. spoke with RP and learned that the person had stopped calling after the officers' call and RP was now fine with the issue.
3/11/2015	4/6/2015	25	Service/ Performance	RP reported an officer who blew through a pedestrian traffic signal with its yellow lights flashing.	Sgt. was unable to locate which officer was involved. RP requested no follow-up.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/11/2015	4/13/2015	32	Policy Complaint	Internal review of Cadet Policy after an ICV noted a cadet carrying a rifle during an incident.	Lt. found the policy stated cadets were not to be assigned tasks beyond their training or ability Performance matters for the supervisors involved were noted and referred to officers' supervisors.
3/12/2015	3/20/2015	8	Inquiry	RP was upset at the rudeness of an officer when she stopped to help translate for a non English speaker during a traffic stop. RP felt that the officer accused her of call him a racist.	Sgt. was at the scene of the stop during part of the interaction knew that the driver in the stop had been able to speak English and that the entire incident had been recorded. Sgt. invited RP to review the ICV and body cams with him and discuss her concerns.
3/13/2015	3/19/2015	6	Service/ Performance	RP felt an officer cited him for no rear reflector because he was mad at his attitude.	Sgt. spoke with RP about the stop and learned that RP was more upset at getting a citation thinking his side white light was good enough. Sgt. explained the ORS about rear reflectors to RP.
3/12/2015	3/16/2015	4	Inquiry **Dismissed: Timeliness**	RP filed a complaint about an incident that occurred in May of 2014.	**Dismissed: Timeliness**
3/13/2015	4/6/2015	23	Inquiry	RP was upset that her son's phone was not returned to him after his arrest.	Sgt. found that the phone and backpack were lodged at Evidence and notified RP about how her son could retrieve his belongings.
3/13/2015	3/23/2015	10	Service/ Performance	RP (a 17 year old juvenile) was upset that on officer refused to arrest a man he alleged assaulted him.	Sgt. reviewed reports and spoke with the officer and learned that at the time of the investigation witness statements were inconsistent and the officer could not articulate a probable cause which had been explained to RP. RP did not return calls from the Sgt.
3/16/2015	4/16/2015	30	Inquiry	Auditor-initiated inquiry into a use of taser.	Sgt. reviewed police report and found officers had been dispatched to a male female physical fight. At contact the male tried to get away from officers by entering the dwelling. Not knowing if the suspect had weapons accessible, he was tased after being admonished not to enter the home. Taser use was within policy.
3/16/2015	4/23/2015	37	Inquiry	RP inquired into confidentiality when making a complaint about her neighbors. Her neighbor seemed to know she was the one who had complained.	Sgt. spoke with RP about her concern and then with officer about maintaining public trust and citizens' needs to feel comfortable call for help.
3/17/2015	4/16/2015	29	Inquiry	RP alleged officers used excessive force on him while he was being arrest for disorderly conduct. RP feels he was in the process of complying with officers but was still tased.	Sgt. reviewed ICV from the incident and spoke with civilian witnesses and found that officers acted within policy in this situation.
3/18/2015	3/18/2015	0	Inquiry **Dismissed: Outside Jurisdiction**	RP alleged misconduct by Jail personnel.	**Dismissed: Outside Jurisdiction**
3/18/2015	4/27/2015	39	Service/ Courtesy	RP was upset at how officers treated her when she was stopped after leaving her ex-boyfriend's mother's home.	Lt. reviewed ICV, spoke with witness officers and found that policy was followed in the detention and arrest of RP for Hindering Prosecution. RP did not return calls.
3/22/2015	3/23/2015	1	Inquiry **Dismissed: Timeliness**	RP alleged an officer had ulterior motives for a stop in 2013.	**Dismissed: Timeliness**

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/23/2015	3/23/2015	0	Inquiry **Dismissed: Outside Jurisdiction**	RP complained about a traffic stop her son was involved in.	**Dismissed: Outside Jurisdiction**
3/25/2015	4/15/2015	20	Service/ Performance	RP complained that officers did not seem to care about the background information about his daughter he could provide in a situation where she was having a meltdown.	Sgt. learned that the call did not have a crime component, and that officers were only on the scene to provide back up to medics. Sgt. spoke with RP about the call and explained EPD's involvement and that in this instance back ground information did not add to the solution at the scene.
3/24/2015	4/21/2015	27	Inquiry	RP was upset that officer showed up in the middle of the day and intimated his girlfriend into letting them into his home to check on his children. RP also alleged that they had told the girlfriend not to call him.	Sgt. found that the officers had been dispatched for a welfare check on the children. RP and the girlfriend could not articulate how officer intimated them, officers had not told RP's girlfriend she could not contact him. No policy violations found.
3/25/2015	4/15/2015	20	Service/ Performance	RP was upset that officers showed up at her door at 11:00 pm and then covered her peep hole so she could not verify they were officers. RP ended up calling 911.	Sgt. found that officers were investigating RP as a suspect in a criminal mischief case. Officers often cover peep holes as an officer safety technique when investigating a person unknown to them. RP was able to provide officers proof that she was not their suspect. Sgt. spoke with RP about her concerns.
3/25/2015	4/13/2015	18	Service/ Performance	RP reported an officer who used his emergency lights to get through a traffic light, turn around and then head the other direction without them.	Sgt. learned that officer was responding to a burglary and had used his lights to clear the intersection and then had responded the remainder of the way without lights and sirens. The officers actions was with in policy. RP did not leave contact information.
3/25/2015	4/16/2015	21	Inquiry	Internal reported incident in which an officer found a peanut butter jar with marijuana into wedged between the seat of a patrol car at the shift change.	ICV revealed the suspect who had wedged the jar in the back of the vehicle. Sgt. spoke with officer about what was found.
3/30/2015	5/11/2015	41	Inquiry	RP reported an incident in which she observed an bike officers take a male into custody and forcefully hit the man's head into the door of the police car.	Body cam footage broken down frame-by-frame found no evidence that the suspect's head hit the patrol car. ICV and audio also did not show any such contact. Sgt. spoke with RP about his findings.
4/2/2015	4/6/2015	4	Service/ Performance	RP was upset with an officer speeding on a county road.	Lt. explained to RP that the officer was at the time responding to an armed robbery. RP understood but asked officers to use an alternate route when possible.
4/5/2015	4/17/2015	12	Inquiry	RP inquired into an arrest of a neighbor for a noise complaint.	Lt. spoke with RP about the concerns he had in the situation.
3/29/2015	4/7/2015	8	Inquiry Dismissed: Timeliness	RP alleged an officer did not have probable cause to stop him. He feels he was entrapped.	**Dismissed: Timeliness**
4/6/2015	5/12/2015	36	Service/ Courtesy	RP complained about a person stop in which he was cited for no light on his bike.	Sgt. reviewed ICV and found the entire stop was conducted professionally and with in policy by officers, even as RP was less than cooperative with officers. RP did not leave a contact number for follow up.
4/7/2015	4/9/2015	2	Inquiry **Dismissed: Other**	RP feels officers are colluding with people who are telepathically trying to harm him.	**Dismissed: Other**

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/10/2015	5/20/2015	40	Inquiry	RP reported two instance that he felt he was harassed by EPD officers for parking and sleeping in Alton Baker Park.	Sgt. found ICV did not collaborate RP's perception oh how the incidents had occurred and that RP was parked in a section of the area that does not allow overnight camping. RP was not cited by either officer. Sgt. spoke with RP about his findings.
4/10/2015	6/9/2015	59	Inquiry	RP inquired into speaking with a supervisor about her son's death report.	L.t contacted RP to speak about concerns.
4/13/2015	7/9/2015	86	Inquiry	Internal inquiry into an officer placing his firearms into safekeeping by another agency.	Sgt. that the officer had place his firearms in safekeeping of an agency near his home. The Sgt. found no policy violations by the officer.
4/13/2015	5/18/2015	35	Policy Complaint	RP inquired into talking with someone about a drug house in his neighborhood and why EPD could not give them more help.	Sgt. stopped by and spoke with RP about the issue and retrieved written notes made by RP about the different dates and times of issue occurring. Information gleaned from the notes will be forwarded to patrol.
4/15/2015	5/19/2015	34	Policy Complaint	RP complained that her son's car was sold by a towing company after a tow by EPD and the registered owner was not notified.	Sgt. found that the vehicle had been registered to RP's son and that notification had been sent via certified mail about the sale of the vehicle. RP did not return phone calls by the Sgt.
4/16/2015	5/26/2015	40	Service/ Use of Force	RP reported that an officer pulled him out of a police car, jumped on top of him and dropped his weight on him	ICV revealed that during his arrest RP had slipped his hand cuffs from behind his back to the front, an officer pulled RP from the car while another officer assisted and RP was re-hand cuffed the correct way while laying on the ground. The Lt. did note that the officer appeared irritated and loud with RP, but no policy violations were found. Lt. spoke with RP about her findings.
4/15/2015	4/21/2015	6	Inquiry	RP felt the information she was given by call takers when she called about a situation taking place in her neighborhood was inadequate.	Supervisor reviewed the calls and spoke with RP about the information she received and the reason call takers can not give more up to date information without an on the scene officers approval.
4/20/2015	5/15/2015	25	Inquiry	RP was upset that an officer did not require a signature from her sister before releasing her property to her.	Cpt. found RP's concern to be unfounded as it was not outside of policy.
4/20/2015	5/18/2015	28	Service/ Performance	RP brought a concern forward about police ride-alongs being present during a questioning of a sensitive nature.	Sgt. found that no policy had been violated in this incident, but the Sgt. forwarded recommendations for updates to the Policy to address RP's concern.
4/20/2015	4/27/2015	7	Policy Complaint	RP was upset that he was stopped by an officer for supposedly smoking a drug pipe at the Saturday Market. Another officer came up and said that's not the guy and he was released.	Sgt. spoke with RP and explained that officers were with in the law in detaining him and the differences between reasonable suspicion and probable cause.
4/20/2015	4/21/2015	1	Policy Complaint Dismissed: Alternate Remedy	RP was upset that he was cited in the Downtown Park Blocks for using his medical marijuana.	**Dismissed: Alternate Remedy**
4/21/2015	5/20/2015	29	Inquiry	RP was upset that he was thrown to the ground and handcuffed by officers.	Sgt. learned that officers had been dispatched to a disconnected call reporting a man with a knife. Upon arrival a man was observed by officers leave the residence, who then did not comply with officers instructions. Once detained officers learned that RP was not the suspect but was having a medical issue. EMT's were summoned and RP was released. The Sgt. spoke with RP about his findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/22/2015	5/27/2015	35	Service/ Performance	RP reported officers would not take a report of a woman illegally camping near the Ferry Street bridge menacing him.	Sgt. spoke with officers and found that witnesses did not corroborate RP's allegation so no probable cause existed to take a report.
4/23/2015	6/1/2015	38	Service/ Performance	RP questioned why call takers would not take his report on the 911 line, but directed him to the non-emergency line.	Supervisor reviewed calls and spoke with RP about Policy that had directed call takers to refer him to the non emergency line.
4/23/2015	5/11/2015	18	Service/ Performance	RP reported an EPD patrol vehicle that tailgated him for 2 or 3 miles.	Sgt. spoke with officer who did not recall the specific time frame involved. Sgt. reminded officer of courteous vehicle operation and spoke with RP about his concern.
4/27/2015	7/23/2015	86	Inquiry	RP was upset that an officer cut his back pack off his shoulders while he was being arrested for trespass.	Investigation of the incident found that the officer did cut the bags but used a technique that pulled the blade toward the officer, which was within policy.
4/24/2015	5/12/2015	18	Service/ Courtesy	RP complained about an officer who was flippant in his remarks to her when she reported suspicious subjects in a parking lot. RP felt the officer stereotyped her and the interaction was extremely offensive.	Sgt. spoke with the officer about the interaction and found that the officer had no intended to sound flippant but to only lighten the tone of the situation. RP seemed to understand, but felt the officer could have been more effective in getting his point across.
4/27/2015	5/26/2015	29	Policy Complaint	RP was upset that officers would not take a vehicle theft report when her estranged husband took her daughter's car, citing it being a civil issue.	Sgt. reviewed the information about the call and agreed with the officer's findings that in this instance it was a civil issue. Sgt. spoke with RP his findings.
4/27/2015	6/12/2015	45	Service/ Performance	RP was unhappy about how an officer handled a noise complaint.	Sgt. learned that, due to call load, the officer did not arrive in time to hear the noise RP complained about. Knocking on the door of the apartment did not provide a response from residents, so the officer spoke with RP about options for dealing with the issue. RP's phone was disconnected when Sgt. returned call.
4/28/2015	4/30/2015	2	Inquiry **Dismissed: Resolved**	RP emailed the Mayor about an incident where an officer left a women at the church he volunteers at and left.	Church Pastor contacted Lt. to let him know he later was notified that the people who had taken charge of the woman and ok'd it with officers.
4/28/2015	6/17/2015	49	Inquiry	RP alleged that officers who arrested her did not Mirandize her until after she had been in cuffs for 15 minutes; they also said she had to give her SSN.	Sgt. found that officers had responded to a very loud party for a noise complaint were hostile residents and party goes were uncooperative, RP was taken into custody and transported to jail for the Prohibited Noise Ordinance, no policy violations were found. RP's phone goes to voicemail and does not allow messages.
4/28/2015	5/22/2015	24	Inquiry	Internal inquiry into an officer that may have violated EPD pursuit policy.	Sgt. reviewed ICV, and reports to conclude the officer violated pursuit policy since he had been able to identify the suspect.
4/2/2015	6/8/2015	66	Policy Complaint	RP inquired into what steps are being taken for this years 4th of July fireworks enforcement.	RP did not return phone calls to discuss the issue with Lt.
4/30/2015	5/26/2015	26	Service/ Performance	RP was unhappy with how officers handled her loud noise complaint and marijuana use by her next door neighbor's teenager.	Sgt. found no policy violations by officers. Sgt. spoke with RP about the incident and then with officers about the concerns RP had brought up.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/1/2015	5/22/2015	21	Inquiry	RP called about a concern with animal control. RP's dog had been impounded, and he was told to go to the website and it would tell him the procedure to get his dog back. However, the site did not help and phone numbers listed did not work, in the mean time RP's dog had been had been impounded for almost a week and he was no closer to getting him out.	Cpt, checked into the website and found RP's concerns to be valid. Cpt. spoke with RP and notified him of the procedure to retrieve his dog.
5/5/2015	6/11/2015	36	Service/ Service Level	RP was dissatisfied about the difficulty she encountered in filing a report about theft on property at her vacant home.	Supervisor found that the call taker should have requested permission from the watch commander to take a phone report. Supervisor spoke with RP about her findings and facilitated a report being taken.
5/5/2015	5/26/2015	21	Service/ Performance	RP reported an EPD patrol vehicle that was weaving in and out of traffic and then sped past without lights and sirens.	The Sgt. was unable to identify which patrol vehicle was involved. Several calls for service were being handled during the time frame in question. Sgt. spoke with RP about his report.
5/6/2015	7/1/2015	55	Inquiry	RP complained that records clerks blew him off when he stopped by EPD to report an assault.	Supervisor found that staff had questioned RP if he had completed his business with the dispatch phone, they then moved his on his way when they learned that he had.
5/6/2015	6/25/2015	49	Inquiry	RP alleged that an officer asked if he wanted to press charges against a person who attacked him and then told him he did have grounds to press charges.	Sgt. learned that the officer had made a preliminary inquiry about pressing charges but the subsequent investigation found that neither party had cause for charges. Officer followed procedure and policy.
4/23/2015	5/20/2015	27	Service/ Performance	RP reported an officer that was not responding to his phone calls for information on his case.	Sgt. spoke with officer who immediately remembers he had received the voicemail but had not remembered to return the call and apologized. Sgt. spoke with RP about his concerns and give an update on his case.
5/4/2015	7/6/2015	62	Inquiry	Auditor initiated inquiry into 102 untested rape kits in EPD's Evidence Control Unit.	Cpt. researched the situation and reported back to the Auditor's Office.
5/7/2015	5/11/2015	4	Service/ Courtesy	RP reported an officer that was rude when she tried to ask for directions.	Sgt. found RP's phone was no longer in service but spoke with the officer involved.
5/8/2015	5/28/2015	20	Inquiry	RP reported a driving issue involving an EPD volunteer vehicle.	Supervisor discussed the importance of being attentive to driving and setting a good example. Supervisor spoke with RP about her concerns.
5/8/2015	5/25/2015	17	Service/ Performance	RP reported an officer that crossed three lanes of traffic and then turn down a street almost hitting a pedestrian in the crosswalk.	Sgt. spoke with the officer involved who did not remember the specific incident, the officer was reminded on safe driving and using lights and sirens if needed. Sgt. spoke with RP.
5/11/2015	6/17/2015	36	Inquiry	RP inquired into an incident where he had been told officers disregarded witness statements in a domestic altercation.	Sgt. reviewed the police report and ICV's of the investigation and then spoke with officer's and found that the officers had probable cause to make the arrest. Witnesses began to change their story when they realized an arrest was going to happen. Sgt. spoke with RP about the incident.
5/11/2015	6/1/2015	20	Service/ Performance	RP was upset that she was rushed by the call taker when she tried to report a fraud issue.	Supervisor reviewed the situation and found that the call taker handled the issue correctly at the time; the call was complicated by it being a multi-agency issue. Supervisor was able to speak with RP and give more information pertaining to her concerns.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/13/2015	6/1/2015	18	Service/ Performance	RP was upset that when he called the non emergency number to report reckless driving near a school the call taker put him on hold and never returned.	Supervisor found that the issue was equipment related which caused RP's line to disconnect when placed on hold. Supervisor spoke with RP about findings.
5/12/2015	5/22/2015	10	Policy Complaint	RP was upset that when he called EPD to retrieve his guns that had been placed on a voluntary hold , he was told he must wait for background checks. That is not what he was told by officers at the time.	Sgt. spoke with RP and explained the policy involved and why background checks needed to be done.
5/13/2015	7/2/2015	49	Service/ Performance	RP reported via Facebook that on officer did not slow down through a school zone.	Sgt. spoke with officer who did not remember the incident but admitted he may have missed the school zone. The officer was reminded to be aware safe driving habits.
5/13/2015	6/11/2015	28	Service/ Courtesy	RP complained that on officer disrespected him by making a comment during a service call.	Lt. reviewed ICV and spoke with officer and found no unprofessionalism, Lt. believes the incident was a miscommunication. RP did not return phone calls.
5/14/2015	5/26/2015	12	Service/ Performance	RP was upset that an officer would not take a report about an incident where he was assaulted.	Sgt. found that RP was given the details of how he needed to file his report but had been unhappy with the information. RP's number was not valid.
5/18/2015	7/9/2015	51	Inquiry	RP was concerned that officers took part in an illegal eviction.	Sgt. found that when the officer arrived after being dispatched about a theft, RP's friend was already packing his belongings. When officers discovered the theft allegation was unfounded, they stayed at the location on Civil Standby while the person in question worked with Cahoots to move from the location.
5/18/2015	6/22/2015	34	Service/ Performance	RP alleged an officer did not return phone messages about a vehicle report from 2011.	Sgt. found that the officer mentioned in the complaint was not the same officer who had handled the original complaint though their last names were the same, when he tried to contact RP numerous times about the miscommunication the phone rang with no voicemail to leave a message.
5/18/2015	5/19/2015	1	Service/ Courtesy Dismissed: Outside Jurisdiction	RP complained about a traffic citation.	**Dismissed: Outside Jurisdiction**
5/18/2015	5/19/2015	1	Service/ Performance Dismissed: Other	RP felt an officer was harassing her.	**Dismissed: Other**
5/18/2015	7/23/2015	65	Inquiry	RP complained about how officers treated him when he was arrested.	Lt. reviewed ICV and found that the incident did not occur as recalled by the RP. Lt. also spoke with the involved employees about RP's concerns. Lt. made several attempts to contact RP, but the number was out of service.
5/16/2015	6/15/2015	29	Policy Complaint	RP was upset that no one will help clear up a incident in which their car is mentioned in a hit and run report, even though it was not.	Sgt. found that neither the car or owners were documented as being suspects nor was any police action being contemplated. Sgt. spoke with RP about his findings.
5/19/2015	5/27/2015	8	Service/ Courtesy	RP was upset that an officer told a neighbor her home was a drug house.	Sgt. spoke with officer and found that the officer had spoken with the neighbor about persons of interest he was looking for and that if he saw anything suspicious in the area to call EPD. The officer did not specifically say the house was a drug house. Sgt. spoke with RP and clarified the miscommunication with RP.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/18/2015	6/4/2015	16	Inquiry	RP alleged that undercover cops tried to entrap him by putting marijuana in his pocket while he was visiting downtown.	Lt. found that no undercover operations are being conducted in the area, it is also not the practice of EPD or any professional police department to plant marijuana to effect an arrest.
5/20/2015	7/6/2015	46	Policy Complaint	RP's alleged that an officer was rude and dismissive with them when they asked to be part of the escort of a group of veterans returning to the National Guard complex from the Airport.	Lt. spoke with RP's about EPD's criteria for such escorts and why the Officer had been unable to make an exception for the motorcycle group that had hoped to a part of the escort.
5/21/2015	11/13/2015	172	Inquiry	Internal inquiry into a former employee deleting city files.	An analysis was made to determine if files could be retrieved from the hard drive.
5/22/2015	5/26/2015	4	Inquiry **Dismissed: Reviewed by Supervisor**	RP questioned the reasons for his stop and arrest.	Sgt. found that the arrest was because of call for service for an intoxicated bar patron. Witness' and friends' statements found no truth to the complaint.
5/27/2015	6/8/2015	11	Inquiry	RP was upset that officers entered her room on a welfare check when other guests reported loud banging and screaming coming from her room.	Lt. reviewed all reports and ICV and found no policy violations in the officers' check on the welfare of RP. RP did not leave contact information.
5/26/2015	6/5/2015	9	Inquiry **Dismissed: Other**	RP alleged that officer were nice but they tased and beat RP to death.	**Dismissed: Other**
5/28/2015	7/23/2015	55	Inquiry	RP alleged that a detective threatened her daughter that she would lose everything if she didn't testify against RP's fiancé at the Grand Jury.	During his investigation the Sgt. spoke with RP's daughter who explained that at no time had she been threatened by the officer and that her mother had confused many aspects of the situation. Sgt. spoke with RP and explained the investigation to her and answered her questions.
5/28/2015	6/8/2015	10	Inquiry	RP complained that officer cited her for trespass in her own property and got into an issue with tenants that was a civil issue.	Lt. found that RP's claims were valid and had the trespass citation voided. Lt. spoke with officers about the issue involved in the situation.
5/28/2015	6/10/2015	12	Service/ Performance	RP felt a call taker was very unhelpful when she called about her son who was locked into a car.	Supervisor reviewed calls about the situation and found that the call taker followed protocols, but failed to reassure the call taker and used some phrasing that upset RP. Supervisor spoke with call taker and then with RP.
5/29/2015	7/22/2015	53	Inquiry	An audit of petty cash appeared to uncover a discrepancy.	Sgt. found that the funds were being used as currency standards for counterfeit cash crimes, all monies were accounted for and the box closed out with Finance.
6/1/2015	6/17/2015	16	Service/ Service Level	RP complained that a Cahoots volunteer was argumentative with her and then set a food box on her legs.	Supervisor notified White Bird about the incident.
4/15/2015	6/23/2015	68	Inquiry	RP was concerned that the police report related to her interaction with the police had misstatements.	Review of the incident revealed no policy violations and indicated that the RP's mental state during the incident may have affected her memory.
6/2/2015	7/15/2015	43	Service/ Courtesy	RP reported that a call taker was disrespectful when she tried to report someone who was threatening to post something about her past on Facebook.	Supervisor reviewed the call and found that the call taker was polite and had made every attempt to assist RP with her issue and then forward her call to the officer she requested.
6/2/2015	6/29/2015	27	Service/ Performance	RP was concerned that an officer had a port-a-potty towed from the street when it was not in violation of the City Code at the time.	Sgt. found that it was Parking Services that was actually the entity involved in the issue and notified RP.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/3/2015	6/15/2015	12	Inquiry	RP complained that officers entered her home to check on dog because of a neighbors complaint and left no note.	Sgt. found that because of the type of complaint the community care taking law came into play and officer accessed RP's home to verify RP was ok. Sgt. spoke with RP about the law and why officers entered her home.
6/5/2015	7/20/2015	45	Inquiry	RP was upset that an officer told her and her roommates that he would come back and kick them out of their apartment is they did not up their rent to the landlord, even though no eviction notice had been given.	Sgt. learned that the officer had made no such statement but had facilitated an agreement with the two parties about the rent all the while making it clear that it was a civil issue and not a criminal one. RP phone was no longer in service and had moved from the residence when Sgt. attempted to contact her with findings.
6/8/2015	6/18/2015	10	Inquiry	RP was upset that when his brother who has mental disabilities wanted to press charges against his lawyer for pushing him officer treated him has the bad guy and refused to press charges.	After reviewing ICV and reports the Sgt. found that the investigation was thorough and the decision not to make an arrest was appropriate and that officer exercised extreme patience and restraint in a charged situation.
6/8/2015	6/10/2015	2	Service/ Courtesy	RP was upset that on officer was rude with an employee and basically accused her of lying.	Sgt. spoke with the officer about the interaction and found that a miscommunication had occurred about the trespass letter program. Sgt. spoke with RP to clarify.
6/8/2015	6/10/2015	2	Service/ Performance	RP complained that a volunteer made an illegal U-turn.	Supervisor learned that the driver had thought he could make the turn from the lane he was in and it was his mistake. Supervisor reminded volunteer of safe driving habits and contacted RP with her findings.
6/9/2015	6/9/2015	0	Service/ Performance	RP believes that she did not receive the service to which she was entitled.	Lt. spoke with RP about the officers need to have probable cause before they could cite or arrest someone and that in her situation officers were unable to proceed even thought RP wanted them to.
6/8/2015	6/11/2015	3	Service/ Performance	RP observed an officer make a right turn into the path of a cyclist and when confronted did not seem to want to acknowledge he needed to be more careful.	Sgt. spoke with officer who told him of the incident and was coached about safe driving. Sgt. spoke with RP about his concerns.
6/10/2015	6/15/2015	5	Policy Complaint	RP was upset that an officer had dropped his child off at the YMCA wearing SWAT gear, resulting in lockdown at nearby schools.	Lt. learned that the officer who had permission to be in his SWAT gear did not know he had cause such a commotion and expressed his apologies to RP. Lt. spoke with RP about EPD policy and his concerns.
6/10/2015	6/11/2015	1	Service/ Performance	RP was upset that an officer would not take a report about a tree cutting company trimming the trees in the neighbor's yard when a child was in his yard.	Sgt. spoke with RP about his concerns, and explained to RP that no crime had been committed so the officer could not take a report.
6/11/2015	7/6/2015	25	Service/ Performance	RP reported an EPD SUV traveling at a high rate of speed with no lights or sirens.	Lt. found that the one SUV that could have been EPD's was parked at the time of the incident. Lt. reported to RP that another agency must have been involved.
6/11/2015	8/3/2015	52	Inquiry	RP was unhappy with how a reported burglary reported by her sister was handled.	Cpt. found that at the time of the report it appeared from investigation that the sister's boyfriend was a resident of the apartment and could not be charged with burglary. Later it was found by the grand jury that the boyfriend had listed himself has homeless on some other legal matters and the burglary case went forward.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/11/2015	6/12/2015	1	Policy Complaint	RP was concerned about a call her son made to the 911 center about his sister's injury where EMT's were dispatched to the wrong address.	Supervisor reviewed the call and found the call taker provided the corrected information to the dispatcher and within 1 minute the dispatcher provided the information to Junction City. It was with the JC dispatch that the confusion occurred. When speaking with RP the supervisor allowed RP to review the call with her, and discussed her concerns.
6/12/2015	7/13/2015	31	Service/ Performance	RP was upset that EPD never responded to his call about a large party near his home.	Sgt. found that officers did respond about an hour later and the party was shut down. Officer do not typically contact complainants when the situation is taken care of. RP did not respond to Sgt. calls.
6/12/2015	8/6/2015	54	Inquiry	RP questioned why officers told a daughters of a overdose patient that they could dispose of unwanted drugs and paraphernalia is they found any, even giving them latex gloves.	Lt. found that officers had been asked to search for other drugs and because they could not search the home without a warrant the advice to the daughters were if they found any further drugs since they were residence they could dispose of them. The Lt. spoke with RP about his findings.
6/14/2015	3/23/2016	279	Inquiry	An officer self reported a voicemail on his phone claiming that the caller knew that the officer had assaulted an acquaintance of his.	Investigation in to the allegation revealed that the person who called has severe mental health issues. The caller revealed that the allegation was not based in fact.
6/15/2015	7/30/2015	45	Inquiry	The Deputy DA inquired into what seemed to be inaccuracies of a police report.	After review of the report and ICV's of the case in question Sgt. found that the officer was not being untruthful in the report but identified some best practices in case management that were addressed with the officer.
6/17/2015	7/6/2015	19	Inquiry	RP complained that on officer was rude and unprofessional while giving him a park exclusion.	Lt. reviewed the body cam of the incident and found that the citation and exclusion was within policy but the officer was short with RP. The Sgt/ spoke with RP and the officer about the incident.
6/18/2015	6/19/2015	1	Inquiry	RP believes that on officer submitted a report that was not accurate.	Sgt spoke with officer and reviewed the report and diagram of a traffic accident. The report and diagram matched the photos taken of the accident scene and no discrepancies were found. Sgt. spoke with RP about his findings.
6/19/2015	7/23/2015	34	Policy Complaint	RP inquired into why EPD officers did not cite more Harley drivers for loud mufflers.	Sgt. spoke with RP about the traffic enforcements team's duties and that whenever possible they do cite motorcycles if their muffler system is too loud. Sgt. shared that with over 700 miles of Eugene City Limits and the amount of officers available traffic enforcement is hampered, but citations do occur.
6/22/2015	7/17/2015	25	Policy Complaint	RP reported an officer who did not cite a vehicle that made a turn on a posted no turn on red light. The officer was right behind the vehicle making the infraction.	Sgt. spoke with RP about a possible reasons why the stop was not made. Officer on a non emergency call, officer on a separate work detail not enforcement, etc.
6/17/2015	6/25/2015	8	Inquiry	RP complained about an ongoing conflict with an EPD employee.	Preliminary investigation showed that contact between the RP and the employee took place entirely off-duty, and indicated no policy violation on the part of the employee.
6/24/2015	7/23/2015	29	Inquiry	RP was upset that an unmarked EPD car sped through the Alton Baker parking lot putting people in danger.	Sgt. spoke with the officers involved and expressed RP's concern about the matter, he then contacted RP.
6/27/2015	7/6/2015	9	Inquiry	A call taker mishandled a call for service by not forwarding it to the LCSO.	Supervisor reviewed the call and spoke with the call taker about the correct procedure for handling of the call.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/27/2015	6/29/2015	2	Service/ Performance	A call taker mishandled a call for service by forwarding it to Linn County when it should have went to Lane County.	Supervisor reviewed the call and spoke with employees that were involved in the call, employee that mishandled the call was advised on correct procedure for this type of call.
6/28/2015	6/29/2015	1	Service/ Performance	RP reported an officer that was driving erratically on Beltline Hwy, crossing the center and fog lines as well has almost coming into her lane when she passed.	Sgt. spoke with the officer involved who admitted he may have been looking at his on board computer, the Sgt spoke with the officer about safe vehicle operation.
6/29/2015	7/30/2015	31	Inquiry	RP's reported that during a recent call for service Fire/EMS employees had to use an emergency key to gain access to their building only to find that they had been given the wrong address.	Supervisor reviewed the call and found the Fire/EMS was dispatched to the address provided by the caller. The supervisor explained that this type of situation happens rarely and that every precaution is made to get the right address and if by chance damage is done to a building during such a mistake the city's risk department would review it to see if the city need to pay the repairs.
6/29/2015	7/8/2015	9	Inquiry	RP was unhappy with that volunteers that were serving a subpoena spoke with his neighbors.	RP reviewed the incident and spoke with RP about the situation, which was caused partially due to RP not having a current phone number in the system.
6/27/2015	7/6/2015	9	Inquiry	RP felt an officer was rude and disrespectful toward his wife during a contact at his home.	Sgt. reviewed ICV and found that the officer was calm, professional and quickly conducted his business once he learned RP's wife had a medical issue. RP was satisfied with the contact by the Sgt.
7/1/2015	7/23/2015	22	Service/ Performance	RP was disappointed that police would not respond to the scene of a non injury accident and after moving the vehicles to a near by parking lot an officer driving by did not stop.	Chief emailed RP information about the non injury accident policy in place and his concerns in the matter.
7/1/2015	7/31/2015	30	Inquiry	RP reported that he has been unable to get EPD to return his belongs after an arrest. RP is especially looking for a Betty Boop lunch pail.	Sgt. reviewed records and ICV of the arrest and property sheets. No where in the ICV was the mentioned lunch pail seen. RP had previously picked up all listed property from the Property Control Unit.
7/2/2015	7/16/2015	14	Inquiry	RP emailed a complaint that his due process was violated.	RP's contact with EPD could not be verified in the records, RP did not reply to an email for more information.
7/2/2015	7/31/2015	29	Service/ Performance	RP was upset that an officer awoke her household over a complaint about an easement.	Sgt. found no policy violations by the officer as he was following up on an assigned investigation during his normal working hours. Sgt. spoke with RP's about their concerns and offered to have this investigation moved to a day shift officer.
7/6/2015	7/13/2015	7	Inquiry	RP complained that an officer had used his lights and sirens to move vehicles out of his way when he was not responding to an incident.	Sgt. reviewed ICV and found that the officer had cleared the vehicles to catch up with a vehicle he planned to make a stop on. The stop was captured on tape around the corner from where RP had noticed the officer. Sgt. spoke with RP about his findings.
7/6/2015	8/6/2015	30	Policy Complaint	RP was upset that EPD is not doing enough about illegal fireworks.	Lt. spoke with RP about his frustration over the fireworks and explained what EPD is doing and what limitations they have on the enforcement of illegal fireworks.
7/7/2015	7/8/2015	1	Policy Complaint	RP was upset that a call taker told him to call the tip line about illegal fireworks.	Lt. contacted RP and apologized for the response he was given and gave correct information to RP.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
7/8/2015	7/31/2015	23	Inquiry	Inquiry into whether an officer's use of a taser was within policy.	Sgt. reviewed information from police reports and spoke with officer and witnesses. The suspect had blocked a lane of traffic with cones and was out in a busy though fare. When approached by officers he darted in to heavy traffic. Due to the fact that the suspect was placing himself and others into threat of physical injury it was within policy to use the taser after giving the taser warning. No policy violations were found in the incident.
7/8/2015	7/31/2015	23	Policy Complaint	RP is upset that no enforcement is being done by officers of aggressive panhandlers who are coming into the road and up to car windows at River Road and Beltline.	Lt. was unable to reach RP but another Lt. was able to address RP concerns when he came to Police headquarters about the matter. Lt. explained that at this time this area belongs to ODOT and it is not posted for no camping. RP needs to start a conversation with them to get post the area so EPD could begin enforcement.
7/2/2015	9/17/2015	75	Inquiry	Internal inquiry into a person stop in which the suspect detained in handcuffs jumped up from a seated position and fled from officers during his flight the suspect ran into a pole and sustained a life threatening head injury and died days later at the hospital.	IA Sgt. completed an investigation into the incident and found no wrong doing by officers, the report was submitted to the DA's office and cleared as no crime committed.
7/9/2015	7/10/2015	1	Inquiry **Dismissed: Outside Jurisdiction**	RP mentioned she knew a police officer on the coast who used marijuana.	**Dismissed: Outside Jurisdiction**
7/9/2015	7/16/2015	7	Service/ Performance	RP was upset that it took 3 days for a contact when she attempted to report a stolen purse. She also felt that when she did speak with an officer he was rude.	Sgt. reviewed records and spoke with RP about policy on the follow up contact on theft reports and then spoke with officer about RP's concerns and identifying himself when contacting the public.
7/9/2015	9/17/2015	68	Policy Complaint	RP began a Facebook conversation with EPD about how an incident with a missing and then deceased relative was handled.	Sgt. reviewed the incident and spoke with family members about how the case was handled.
7/9/2015	7/23/2015	14	Service/ Performance	RP was upset that officers cited him for menacing with no proof that he was involved in the incident and even though he had proof his car was in the shop at the time.	Lt. learned that after further investigation the officers had learned that they did not have probable cause to cite RP and had spoken with their Sgt. to have the citation revoked and the Sgt. contacted RP informed his the citation was no longer valid.
7/12/2015	8/6/2015	24	Inquiry	An emergency room team was upset that an officer refused to help restrain an voluntary mental hold patient so medication could be administered.	Lt. found that the officer followed policy, Officers do not restrain patients that have come to the hospital voluntarily. In this instance a miscommunication took place that the hospital team did not inform the officer that the patient had been place on a Doctor's hold which changed the criteria for the officer to help the hospital team. Lt. meet with the hospital administrators to clarify the memorandum of understanding between the two parties.
7/13/2015	8/13/2015	30	Inquiry	RP was upset that EPD officers had not helped her in a situation with the person she sub-leases from.	Sgt reviewed records of EPD interaction with RP and learned that her situation was a civil issue. Sgt. spoke with RP about the officers decisions in her situation.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
7/13/2015	9/21/2015	68	Inquiry	RP felt officer did not handle her call for service about a dispute with her boyfriend correctly.	Sgt. reviewed the police report and ICV of the incident and found that at the time RP noted no physical injuries and that the incident had been a verbal dispute. The officers did not have probable cause for further enforcement. Sgt. spoke with RP about his review.
7/13/2015	8/13/2015	30	Inquiry	RP was concerned how an interaction between an officer and her ex-husband had gone and why the officer had signed something her ex-husband asked him to.	Lt. spoke with RP at length and reviewed relevant department policies and laws. Lt. explained that the paper would not be able to be used in the manner that RP was concerned about, and that the involved employee had not violated policies.
7/13/2015	7/27/2015	14	Inquiry	RP was upset that an officer came past his locked gate inquiring about a car that belonged to his ex and had been used in a hit and run. RP was upset that the officer came to his home since he had nothing to do with the situation.	Sgt. found that the RP's gate was open and that the driveway also services other homes. The Sgt explained the purpose of the investigation and answered RP's questions.
7/16/2015	8/17/2015	31	Inquiry	RP was upset that on officer called his doctor about his notarized medical affidavit to have darker tinted windows.	Sgt. spoke with RP about the call to the doctor's office with was informational for the doctor and not to seek RP's medical records.
7/16/2015	7/21/2015	5	Inquiry	RP spoke with Lt. about a report from 2014 that she did not feel an officer had adequately followed up on.	Sgt. reviewed the report and found that everything was in order and that the officer had did follow up before suspending the case.
7/17/2015	8/21/2015	34	Inquiry	RP reported that an EPD vehicle caused a wreck by pulling across travel lanes unexpectedly.	Sgt. reviewed various ICV's but was unable to identify which patrol vehicle might have been involved. Sgt. spoke with RP.
7/20/2015	8/13/2015	23	Service/ Performance	RP reported that she had been unable to get a return call from an officer and her supervisor.	Lt. learned that the supervisor had been on vacation and assigned follow up to them. Sgt. learned that in the mean time RP had been able to speak with the officer and was satisfied with the outcome. Sgt. also spoke with the officer about the complaint.
7/24/2015	8/18/2015	24	Inquiry	RP was unhappy with how rude and unhelpful an officer was during an accident investigation.	Sgt. spoke with officer about the need to be courteous and take the time to explain issues to citizens. Sgt. also spoke with RP about the incident.
7/27/2015	9/3/2015	36	Policy Complaint	RP was concerned about the length of time it took officers to respond to a loud party in her neighborhood, even though they had been advised about the possibility of a problem the week before.	Sgt. had briefed duty sergeants of the possibility of the situation and officers were dispatched as soon as they were available to look into the noise complaint. Sgt. left messages with RP to explain the timing of events.
7/29/2015	7/31/2015	2	Inquiry	RP is upset that no enforcement is being done by officers of aggressive panhandlers who are coming into the road and up to car windows at River Road and Beltline.	Lt. was able to address RP concerns when he came to Police headquarters about the matter. Lt. explained that at this time this area belongs to ODOT and it is not posted for no camping. RP needs to start a conversation with them to get post the area so EPD could begin enforcement.
7/30/2015	8/18/2015	18	Service/ Performance	RP complained that an officer will bother him at times and ignore him at others.	RP had no memory of making the complaint and thanked the Sgt. for calling.
7/30/2015	8/28/2015	28	Service/ Performance	RP was upset that when he reported to EPD that he had seen a person that had previously assaulted him he was just told to call again next time he saw the person.	Supervisor found that the call taker was very patient with speaking with RP and triaged the call correctly that the person was no longer near by giving the advice to call again next time the person was near. Supervisor spoke with RP about the call and why he did not receive further service at the time.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
7/30/2015	8/4/2015	4	Inquiry	RP reported an incident in which an animal control officer appeared to not be concerned that a dog was left in a car.	Supervisor spoke with control officer and found that the owners in question were homeless living out of their car, the animals was not in distress, had water and the owners where near by. The animals were also in good shape so no enforcement action was needed. Supervisor contacted RP with her findings.
8/5/2015	8/17/2015	12	Policy Complaint	RP questioned whether an officer should have allowed her to write a check for damages to another party in a traffic dispute.	Sgt. spoke with RP and officer and review records and found the officer was within policy in the incident.
8/5/2015	8/24/2015	19	Service/ Performance	RP was upset with how an officer handled a situation in which his elderly parents had been in a car accident.	Sgt. spoke with officer and learned that even though the father had dementia issues being involved in the accident warranted the officer speaking with him which had upset RP. Sgt. spoke with RP about his review of the situation.
8/6/2015	9/4/2015	28	Service/ Courtesy	RP was upset at the service she received from call takers about a welfare check.	Supervisor reviewed the call with RP and found that the call taker could have provided better customer service and was coached on how to accomplish that. RP did not wish a call back.
8/11/2015	8/13/2015	2	Service/ Performance Dismissed: Other	RP posted on Facebook a concern about poor driving from an officer.	**Dismissed: Other /** Unable to get enough information to pursue.
8/12/2015	8/13/2015	1	**Dismissed: Previously reviewed**	RP stopped by police headquarters to discuss an issue with an issue that had been previously reviewed.	**Dismissed: Previously reviewed**
8/13/2015	9/18/2015	35	Service/ Performance	RP was upset that when trespassers ran a car through his hedge and brick garden wall EPD was useless.	Lt. learned that some of the issue also was a code enforcement problem and RP was very frustrated with help he was getting from the city. RP did feel that officer understood the magnitude of the issue. At this point the case was being prosecuted..
8/13/2015	8/24/2015	11	Inquiry	RP was upset at a traffic stop in which the officer had another officer come to the stop and take pictures of him. RP also felt the officer was rude and did not explain the situation.	Sgt. spoke with RP about the issue with the pictures in which another officer had been assigned to take pictures of officers in action for recruiting purposes.
8/13/2015	9/3/2015	20	Service/ Performance	RP was upset that EPD did not contacted her when her fence was broken when they apprehended a suspect.	Sgt. learned that officers had spoke with RP's grandson and had all the needed information to make a report and list RP's property as being damaged.
8/15/2015	8/17/2015	2	Service/ Courtesy	RP was concerned about how an officer investigated her report of a dog being left in a car in the heat.	Sgt. spoke with RP about her concerns and then with the officer counseling on a better way of handling the incident.
8/13/2015	10/1/2015	48	Service/ Performance	RP reported that a call taker did not dispatch officers when he tried to anonymously report that he had been assaulted by a convenience store manager.	Supervisor reviewed the call and found that RP was vague about where officers could contact him at the scene and hung up on the call taker when pressed for more information. RP was not found at the scene of the assault by officers that responded. When the supervisor spoke with RP about the complaint he quickly became unhappy and hung up on the supervisor before full information about the incident could be communicated.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/13/2015	10/1/2015	48	Service/ Performance	RP reported two OR vehicle plates to the non emergency call taker and was told they could not be found which RP thought was odd.	Supervisor reviewed the calls and found that the call had not given complete information to find the plate and that the call takers she spoke with were new and may not have realized that they needed more information. Supervisor spoke with RP about her findings.
8/15/2015	8/20/2015	5	Inquiry **Dismissed: Other**	RP alleged that an officer threatened to jail him for asking questions..	**Dismissed: Other /** Unable to get enough information to pursue.
8/10/2015	8/25/2015	15	Service/ Performance	RP reported an EPD volunteer pickup who was in a turn lane but proceed to go straight and almost caused an accident.	Supervisor spoke with involved volunteers about the incident, the volunteer who was not familiar with the area, returned to the area and noted where he had made the mistake. Volunteer was reminded to be cognizant of his driving. Supervisor spoke with RP about her findings.
8/17/2015	8/19/2015	2	Policy Complaint	RP was upset about a confusing memo he received from the Auditor's office about his complaint about panhandling.	RP spoke with the Lt. and with the Auditor's office to straighten out his concern.
8/18/2015	8/27/2015	9	Inquiry	RP complained that when she retrieved her son's bike from the jail lock up it had been stripped.	Sgt. looked into the issue and found that the storage area near the jail has a camera but is not monitored. People retrieving items are buzzed in but no further information is obtained. Video showed a man who spend 13 minutes in the area and swapped numerous bike parts around, this person was identified by officers and a theft report was made.
8/20/2015	9/21/2015	31	Service/ Courtesy	An anonymous complainant alleged that an officer was overbearing and rude when he tried to explain he was helping a stranded motorist.	Sgt. learned that the officer had simply asked RP to move his vehicle in front of the patrol car for safety reasons and then allowed him to assist the stranded motorist. RP did not respond for correspondence with the Sgt.
8/24/2015	9/4/2015	10	Service/ Service Level	RP was unhappy an officer has not returned his calls concerning an accident investigation.	Sgt. found that the officer had made a clerical error on his report and had been on vacation for 3 weeks leading to the calls to RP going unanswered. Sgt. spoke with RP about his concerns.
8/25/2015	9/24/2015	29	Inquiry	RP advised that an officer was rude to him at the dog park yelling at him about his dog attacking someone and then after questioning him the officer mean-mugged him for 20 minutes.	Sgt. learned that the officers was responding to a dog bite and the interaction between RP and the officer had become confrontational. Sgt. spoke with officer about professional interactions and then with RP about his findings.
8/26/2015	8/31/2015	5	Policy Complaint	RP was upset that officer's showed up and his home demanding ID, because someone reported his baby crying. He feels he is being harassed.	Lt. reviewed the records of the call and spoke with RP about EPD's requirements under Oregon law in regard to the young and elderly and that they did not have an option of not investigating.
8/27/2015	10/6/2015	39	Inquiry	During an interview of a juvenile it was alleged that an officer had been stalking her mother.	Sgt. spoke with the mother in question and found that during the time frame in question the officer had been investigating drug- and DHS-related issues she'd been having. The officer was not found to have done anything inappropriate.
8/26/2015	9/24/2015	28	Inquiry	RP was concern that on officer would not allow a homeless advocate to pull his trailer home in the street, which was violating his free speech.	Lt. reviewed body cam footage to learn that the officer was polite and professional and that the gentleman in question was a pedestrian in the roadway and required to move for his safety.
8/27/2015	8/28/2015	1	Policy Complaint	RP inquired in to policy regarding the arrest of undocumented immigrants.	Lt. spoke with RP and answered his questions..

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/27/2015	9/14/2015	17	Service/ Service Level	RP had been unable to get a return call from an officer about a theft she had reported.	Sgt. spoke with officer who had cleared the call as a civil issue, further details revealed that an element of the issue needed a police report. Sgt. directed the officer to make contact with RP and take a report.
8/31/2015	9/28/2015	28	Service/ Performance	RP was unhappy with the response he received from a call taker when he called to report a trespasser at the Eugene Library.	Supervisor reviewed the call and found the call taker to have provided to the point and professional service in regard to a trespasser who had already left the scene. RP has not responded to speak with the supervisor.
8/31/2015	9/9/2015	9	Inquiry	RP complained that an officer parked outside her business facing her door to intimidate her. The officer had said he was eating his lunch but RP didn't believe that.	IA Sgt. found that the officer a Sgt. usually uses the parking lot for his lunch break but is usually scheduled for a later shift when the businesses are closed. No indication that the Sgt was at the location for any other reason but to have his break. Sgt. spoke with RP about his findings.
8/31/2015	9/10/2015	10	Inquiry	RP complained that officers arrested her for no reason, searched her car and at one point held a gun to her head, also taking her medical marijuana	Sgt. reviewed police reports and ICV of the arrest and found that officers had probable cause for the arrest and that a gun was drawn 4 to 5 feet away from RP when she reached for a knife when officers had cautioned her not to. All officer movements were justified and with policy and explained to RP at the time by officers. Sgt. spoke with RP by phone and explained his findings.
8/28/2015	9/21/2015	23	Inquiry	RP was upset that officers threatened to shoot his dog if he wasn't able to control it.	Sgt. was unable to identify officers involved but did speak with RP about Policy in such a situation.
9/1/2015	9/24/2015	23	Service/ Performance	RP was upset that the mother of one of his foster care tenants was not arrested for trespassing when he called about her being unruly on the property.	Sgt. learned that when the officer arrived due to the suspects mental frame of mind he did not want to arrest without giving a warning. The officer also advised PR that he would be able to return if the situation did not resolve itself. Sgt. spoke with RP about the miscommunication.
9/1/2015	9/2/2015	1	Inquiry **Dismissed: Other**	RP reported a police vehicle parked in a expired meter.	**Dismissed: Other**
9/1/2015	10/1/2015	30	Service/ Performance	RP reported that when she was pepper sprayed by a group of juveniles the officer blamed her.	Sgt. learned that a call for service had been made about a women throwing bottles at the caller and his girlfriend and that he had pepper sprayed her when officers responded they explained to RP that since she was the instigator the man was within his rights to defend himself with the pepper spray. RP did not return calls from the Sgt.
9/1/2015	10/1/2015	30	Service/ Performance	RP reported that a call taker didn't seem to know how to handle the call for service he made about a lost dog.	Supervisor found that all the calls were handled politely and courteously but that EPD requires the caller to call back if an Animal Control Officer is not on duty. RP was able the next day to have the situation resolved and the dog's owner notified.
9/2/2015	10/2/2015	30	Service/ Courtesy	RP was upset that an officers was unfriendly and aggressive with her during a call for service in which a family member had been suicidal.	Sgt. learned that RP was talking on the phone with 911 when officers arrived and that the officers attempts to have her hang up and speak with them now was taken as rudeness when in fact it is policy so officers can obtain information about the incident quickly. The Sgt spoke with RP about the findings.
9/3/2015	9/28/2015	25	Policy Complaint	RP was upset that an officer contacted his insurance company during a traffic stop.	Sgt. explained to RP that Policy directs officers to contact insurance companies before an impound if possible.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/3/2015	9/21/2015	18	Service/ Performance	RP complained that a volunteer driver crossed the double center line causing another car to take evasive action.	Supervisor reviewed the incident and spoke with RP and with the volunteers about the situation.
9/3/2015	9/14/2015	11	Policy Complaint	RP was upset that when officers came to his home they spoke with his 10 year old son instructing him to go find a friend of RP's brother instead of asking for an adult.	Sgt. reviewed ICV of the incident and spoke with RP. It was reasonable for the officer to asked the juvenile if the person he was looking for was at the residence without asking for an adult.
9/3/2015	10/1/2015	28	Policy Complaint	RP was confused about the Policy that did not allow him to ask that his adult daughter be taken to the hospital against her will even though her physician recommended he call and request it.	Supervisor reviewed the call and found the call taker handled the incident correctly with the information RP provided at the time. Supervisor spoke with RP about her findings and the reasons a call for service could not be generated. RP was unhappy with the information and felt regardless of the policies EPD did not do enough.
8/31/2015	10/15/2015	45	Service/ Performance	RP provided video to the Auditor of officers committing traffic violations.	Sgt. reviewed the videos two officers were coached on the driving issue note, the third was not a violation. Sgt. spoke with RP about his findings and provided further information requested
9/1/2015	10/15/2015	44	Service/ Performance	RP reported that after an arrest his false teeth were missing and that the last time he had seen them an officer was holding them.	In reviewing ICV the Sgt. found that the officer had placed the missing teeth in a suitcase and had informed RP where. The suitcase was lodged at ECU and RP had not yet retrieved this from ECU. RP was notified of the findings.
9/4/2015	10/23/2015	49	Policy Complaint	RP was unhappy at how his daughter's traffic crash was handled with no report or investigation taking place.	Cpt. learned that the officer did speak with the drivers and no apparent injuries, signs of intoxication was noted, in accordance with EPD policy no report was needed. Cpt. spoke with RP about his findings.
9/8/2015	9/26/2015	18	Service/ Performance	RP was unhappy that is took over 3 hours for an officer to respond to his call for service when he awoke to find a man standing over his bed.	Sgt. learned that the call for service had been triaged as a trespass, as the suspect was not longer in the home and had fled. Sgt. spoke with RP about the call volume and the triage system for the most critical calls.
9/9/2015	9/11/2015	2	Inquiry **Dismissed: Outside jurisdiction**	RP filed a complaint about an incident with Lane County Sheriff Employees	**Dismissed: Outside jurisdiction**
10/10/2015	10/30/2015	20	Policy Complaint	RP was upset at how the program charged with monitoring illegal camping is functioning.	Sgt. contacted RP about her concerns and explained the program in detail.
8/28/2015	9/14/2015	16	Inquiry	RP was upset that no officers came by when she had another party call 911 about someone setting fire to a small field near her business.	Supervisor reviewed the call and the dispatch log and found that officer had check out the situation and by then no one was in the field and no fire was noted. RP was notified of what had happened with the call.
9/14/2015	9/28/2015	14	Service/ Courtesy	RP alleged an officer was rude and disrespectful when he spoke with her about feeding feral cats in her neighborhood.	Supervisor reviewed ICV of the incident and found that RP had been speaking with another officer when the officer named approached a short conversation about her having seen him before ensued. Sgt. noted nothing in the interaction that could have been disrespect or rudeness. Sgt. spoke with RP about what he had learned.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/9/2015	9/15/2015	6	Service/ Performance	RP complained that when a burglary call was happening in his neighborhood no one spoke with him or look for the suspect on his property.	Sgt. learned that canine's had alerted to a different area and so there had not been a need to search the area of RP's home. Sgt. spoke with RP about what had happened with the call.
9/16/2015	10/21/2015	35	Service/ Courtesy	RP was unhappy that officers completed a traffic stop in the parking lot of the restaurant that he works in during the lunch hour.	Sgt. reviewed ICV of the stop and found RP was upset with the officers being in the lot and was told that they would move as quickly as possible. RP continued to engage officers creating an officer safety issue.
9/16/2015	10/8/2015	22	Inquiry	RP was concerned that officers showed up around 12:30 at night looking for a former tenant with a warrant. RP felt they should have know that he had moved in the last few weeks.	Sgt. spoke with RP about her concern and explained that officers are charged with completing their investigations and at times this means late hours because of the shifts they work. Sgt. noted RP's wish that more business hours could be utilized.
9/17/2015	10/16/2015	29	Service/ Performance	RP reported loud people behind his apartment around 2:30 am and then threats from them when he checked on the noise, after speaking with 3 separate call takers with no response provided by EPD.	Supervisor reviewed the call and found several call taker errors in how it was handled and the communication to RP, these issues were addressed. Supervisor spoke with RP about her findings and what RP should have expected from his call.
9/17/2015	12/17/2015	90	**Policy Complaint**	RP was upset that officers were not dispatched to a non-injury motor vehicle accident.	Communications supervisor reviewed call and found that call taker followed policy, a supervisor from communications had already spoken with RP, file was turned over to a Policy Sgt. to speak with RP about EPD's Policy in this situation.
9/21/2015	10/8/2015	17	Service/ Performance	RP was concern about how rude an officer was during a traffic stop. RP felt he was treated as a criminal for just a traffic stop.	Sgt. reviewed ICV of the stop and found RP ran a red light and a stop sign on his bicycle, the officer started the stop calmly but had to become more insistent when RP did not cooperation with instructions. RP was cited for the traffic infraction and released. No policy violations were noted. RP asked to not be contacted by a Supervisor.
9/22/2015	9/28/2015	6	Service/ Performance	RP reported a driving complaint about an EPD volunteer.	Supervisor discussed the importance of being attentive to driving and setting a good example. Supervisor spoke with RP about her concerns.
9/22/2015	10/29/2015	37	Policy Complaint	RP believes that illegal camping issues are handled less aggressively in the Whiteaker Neighborhood.	Lt. spoke with RP about the various rules of engagement, processes and types of homelessness that the department works with. Lt. listened to RP's concerns and forwarded them to watch commanders and sergeants that work with her neighborhood.
9/21/2015	9/25/2015	4	**Policy Complaint Dismissed: Other**	RP was unhappy with a purchase made by EPD and demanded it be returned	**Dismissed: Other**
9/23/2015	9/23/2015	0	Inquiry **Dismissed: Alternate Remedy**	RP complained that he was cited for an open container and he was only drinking coconut water.	**Dismissed: Alternate Remedy**
9/23/2015	10/27/2015	34	Service/ Performance	RP complained that an EPD vehicle drove past a dangerous traffic incident at 6th and Jefferson and did not render aid.	Investigation of the issue revealed that the patrol vehicle was being driven by EPD maintenance volunteers that did not have the authority or knowledge to handle the traffic incident. RP was happy to learn that his concerns had been looked into.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/23/2015	9/24/2015	1	Service/ Performance	RP reported poor driving by a patrol officer on Beltline.	Sgt. found that the officer in question had been responding to a dispute but had not used his lights or siren and was reminded to use his emergency equipment appropriately. Sgt. spoke with RP about his findings.
9/24/2015	9/25/2015	1	Inquiry **Dismissed: Other**	RP reported that 3 officers did not do anything when he was almost run down by a Harley	**Dismissed: Other**
9/24/2015	11/10/2015	46	Inquiry	RP felt that EPD had not done a complete job of investigating a report that a juvenile runaway girl had been sexually involved with a 21 year old man.	Sgt. researched the investigation and learned that the officer has work with the mother of the juvenile but physical evidence has not been found to provide probable cause in the case. Sgt. found a further complication that the juvenile continues to runaway. Sgt. spoke with RP about the officers due diligence in attempting to investigate the allegations.
10/24/2015	11/13/2015	19	Inquiry	RP reported that she overheard officers saying that anyone coming from her home would be pulled over and harassed.	When contacted RP said her issue had already been addressed in a previous complaint.
9/25/2015	10/15/2015	20	Service/ Performance	RP reported an EPD SUV driver texting and driving and then run a yellow light.	With the information provided Sgt. was unable to determine the officer involved. Sgt. spoke with RP and told her he would remind his whole team of safe driving habits.
9/24/2015	11/3/2015	39	Inquiry	RP was upset that an officer quietly approached her house with no squad car present to question her about a roommate.	RP did not return calls to Sgt. Not parking directly in front of a residence is within policy for officer safety reasons.
9/26/2015	10/15/2015	19	Inquiry **Dismissed: Other**	RP reported how an officer treated his daughter at a UofO football game. But did not give enough information to identify the jurisdiction.	**Dismissed: Other**
9/28/2015	10/12/2015	14	Use of Force	RP alleged an officer did not do a complete investigation of a harassment incident and that the officer twisted his wrist when he handcuffed him.	Sgt. reviewed the police reports and ICV of the incident and found that the officer had developed probable cause to arrest RP in the incident. The ICV revealed that the officer used a standard technique during the handcuffing to maintain control of the suspect. Sgt. spoke with RP about his findings.
9/29/2015	10/6/2015	7	Inquiry	RP reported that on officer put a hand on his shoulder and then wanted to question him because he had a backpack.	Sgt. spoke with officers that were on the scene of a call for service none of which remember touching anyone that was not the actual suspect. RP did not return Sgt. calls.
9/29/2015	10/15/2015	16	Policy Complaint	RP reported an incident in which she and some friends were sexually harassed during a walk home and the two officer that responded acted unprofessional when taking her report. The report was not taken seriously.	Sgt. spoke with the officers involved and found that they had responded to the call and had searched the nearby area with out locating a suspect. The officers had tried to use humor to poke fun at the suspect and had in no way meant to cause RP further distress. The Sgt. spoke with RP about his findings and apologized for the miscommunication by the officers.
9/30/2015	10/28/2015	28	Service/ Performance	RP reported that a call taker told her an officer would be dispatched to take her report about verbal and social media harassment and then called back and said there was no grounds to take a report.	Supervisor reviewed the calls and determined that an officer should be sent out to speak with RP to determine if a crime had been committed.
10/1/2015	11/30/2015	59	Inquiry	RP questioned why officer had to keep coming to his home looking for his son who had warrants.	Lt. reviewed issue and found that since RP had called the warrant had been served. He spoke with RP about how officers can only respond to the last known address for a suspect.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/1/2015	11/16/2015	45	Service/ Performance	RP was upset that an officer would not allow her to press charges against 4 young men that had tried to steal marijuana plants from her balcony.	Sgt. reviewed the officer's investigation and found that charges had been forwarded to the DA who had declined to prosecute. The officer then sought out whether the charges could be brought in Municipal Court and will proceed with this as soon as the DA finishes with the file. Sgt. spoke with RP at length about the incident and her concerns.
9/30/2015	10/7/2015	7	Inquiry	RP inquired into why an employee was not cited for DUII.	Sgt. found that the officer found the employee after a single vehicle motorcycle accident who was up and walking, calm and articulate, with no indication of impairment and based on strict DUII investigatory procedures it is difficult to cite someone at a later date which was explained to RP.
10/1/2015	10/5/2015	4	Inquiry	RP was upset that an officer cited him for touching an open container that belonged to his friend. RP felt the officer was power tripping him.	**Dismissed: Alternate Remedy**
10/2/2015	10/5/2015	3	Inquiry **Dismissed: Timeliness**	RP reported a concern about an officer not taking citing a driver who hit her son and whose insurance is no longer wanting to pay for medical treatment.	**Dismissed: Timeliness**
9/30/2015	11/16/2015	46	Service/ Performance	RP was upset that on officer did not follow through with a report of stolen sunglasses.	When contacted RP only wanted a report to be taken. Sgt. sent out an officer to take the report.
10/2/2015	11/20/2015	48	Service/ Performance	RP was concerned that two officers used their PA systems to sing Happy Birthday to a school secretary, right after the UCC shootings it was alarming.	Sgt. found that the officers were at the school voluntarily to help ease the tension after the UCC shootings and had not intended to cause any alarm. Sgt. noted that other people had complimented the officers. Sgt. spoke with RP about the incident.
10/5/2015	10/7/2015	2	Service/ Courtesy	RP's claimed an officer was rude and unprofessional when investigating who lit a port-a-potty fire.	Sgt. spoke with the officer and found that he had used the word "punks" in addressing a group of people, the officer was advised to not use such descriptors. Sgt. spoke with RP about his findings.
10/5/2015	11/10/2015	35	Inquiry	RP reported that when a belligerent customer chased an employee through two closed business doors the call taker did not dispatch an officer.	Supervisor reviewed the calls and found that a call was entered but officers no officers were available, RP then told call takers that the man had left and that the shop was closing for the day and a will call back notification was placed on the call. Supervisor spoke with RP about the circumstances of the call and how it was handled. RP was glad someone had looked into it but was still frustrated with the system.
10/7/2015	10/15/2015	8	Inquiry **Dismissed: Other**	RP sent a letter reporting erratic driving by an officer, but gave no details to be able to identify the officer.	**Dismissed: Other**
10/5/2015	11/6/2015	31	Service/ Performance	RP was upset that a call taker would not forward him to a watch commander.	Supervisor reviewed calls and found that the call taker should have a least taken a phone message for the watch commander. Supervisor contacted RP and apologized that a message was not taken.
10/7/2015	11/20/2015	43	Inquiry	RP alleged that an officer seemed to do everything possible to dissuade a woman from getting a rape evaluation.	Sgt. reviewed the police report and ICV of the incident and learned that the officer took considerable time and care trying to persuade the women to come with him to the hospital when she wanted to go home. Another supervisor at the scene noted that without the officer's attention to the issue the woman would have left. Sgt. spoke with RP about his findings and offered to allow RP to view the ICV of the incident.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/7/2015	11/16/2015	39	Service/ Performance	RP was unhappy about how a break in at her neighbors home was handled by EPD officers.	Sgt. reviewed the records and found that officers had done a complete investigation and had communicated with the out of state owner about the break in and that the home was unsecured. Sgt. spoke with RP about his findings, RP still felt officers should have contacted her since she made the report.
10/9/2015	11/6/2015	27	Service/ Performance	RP was unhappy that a call taker would not do anything about a woman who told her" how would you like it if I jumped on you" after RP's dog jumped on her child. RP felt threatened by the statement.	Review of the call found that the call taker gave accurate information to RP about EPD policy as well as the ORS statute on harassment. RP had not yet returned Supervisor's call.
10/12/2015	10/13/2015	1	Service/ Courtesy	RP was unhappy about how an officer treated him during a call for service involving a neighborhood dispute.	Sgt. spoke with RP about his feelings and about the matter and how officers had to handle the issues involved.
10/12/2015	11/30/2015	48	Inquiry	RP alleged that when they were hit by a drunk driver on MLK the officer in charge was rude and disrespectful, accusing them of drinking and then arresting her boyfriend who later blew 0.00 on the breathalyzer.	Lt. found that probable cause had been developed to arrest RP's boyfriend for DUII and driving on a suspended license. RP was allowed to do field sobriety tests on site to allow her to drive her car from the scene.
10/12/2015	10/21/2015	9	Inquiry	RP's complained that an officer took their dog from them and gave it to some other people who claimed it was theirs.	Sgt. reviewed the officer's investigation and reports and found the investigation to be complete and the findings correct. Sgt. spoke with RP about his findings.
10/13/2015	11/13/2015	30	Policy Complaint	RP inquired into the policy that EPD seems to be following to not go onto private property to enforce handicap parking issues unless given permission by the owners.	Sgt. spoke with RP about his concerns and explained that EPD would not intentionally or knowingly influence or direct officers to not enforce certain laws.
10/13/2015	11/16/2015	33	Service/ Performance	RP was unhappy at how an officer handled a road rage incident in which she had been involved.	Sgt. learned that the officer had spent quite a bit of time speaking with RP about the incident but did not respond to RP's home as RP advised that no one was hurt. The incident was handled within policy and these findings were relayed to RP.
10/13/2015	10/15/2015	2	Inquiry Dismissed: Outside Jurisdiction	RP reported an issue with officers entering his home, that was found to be another jurisdiction.	**Dismissed: Outside Jurisdiction**
10/13/2015	11/12/2015	29	Service/ Performance	RP felt she was treated rudely by an officer who seemed to have a prejudicial and tough guy attitude and seemed to believe her landlord over her in a dispute.	Sgt. reviewed ICV and reports and found that an officer had not given his name when asked by RP but the rest of the situation was handled within policy. Sgt. spoke with RP about his findings.
10/14/2015	11/20/2015	36	Service/ Performance	RP felt she was treated poorly and patronized by an employee when she called to report loitering near her home.	Supervisor reviewed the call and found that the call taker was polite and went to the extra effort to file a beat call when no call really needed to be made. Supervisor spoke with RP at length about the issues in her neighborhood.
10/15/2015	11/9/2015	24	Inquiry	RP claimed that an officer seemed to not believe her when she tried to report a hit and run of a parked car in which her daughter was hurt.	Sgt. reviewed reports and ICV of the call and found that the evidence did not support a criminal case just as the officer had advised. Sgt. spoke with RP about his findings and her concerns.
10/15/2015	10/22/2015	7	Inquiry	RP alleged that every time an officer arrests him he brutalizes him.	Sgt. reviewed contacts officer had with RP going back a couple of years, the latest was a year ago with a person stop which showed no issues. RP has a long history of mental health issues. Allegation was unfounded. RP was not notified of findings due to being incarcerated.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/15/2015	11/16/2015	31	Service/ Performance	RP was upset that when she reported possible identity theft from a person she had been dating the officer seemed bothered that she was even there.	Sgt. spoke with RP and answered questions about the possible identity theft and advised he would speak with the officers about appearing impatient.
10/15/2015	12/11/2015	56	Inquiry	RP felt a call for service about her daughter being assaulted by her boyfriend was not handled correctly.	Sgt. reviewed police report, pictures of the investigation and concurred with the officer's assessment that there was not probable cause to make an arrest. The case was forwarded to the DA for confirmation. Sgt. spoke with RP about his findings.
10/19/2015	12/11/2015	52	Inquiry	RP made a third party allegation of sexual harassment and abuse by an EPD officer.	After an extensive investigation it was found that RP had no first hand knowledge of EPD employees being involved and that the incident in question involved another agency.
10/16/2015	10/23/2015	7	Inquiry	RP was upset that when his niece thought her car was stolen EPD assured her the car had not been towed. Later they found it had been and a large bill was now owing.	Issue was resolved with Parking Services. RP asked for the complaint to be closed.
10/20/2015	11/12/2015	22	Service/ Performance	RP was upset that an acquaintance that grabbed her wrist under a garage door during a dispute was not cited.	Sgt. found that the officer handled the incident within policy, but could have documented the incident since RP requested it. Sgt. spoke RP about his findings.
10/21/2015	10/23/2015	2	Inquiry **Dismissed: Timeliness**	RP was unhappy that Risk Services had denied his claim for a knife he alleged an officer must have took since it was not with his belongings.	**Dismissed: Timeliness**
10/21/2015	11/30/2015	39	Service/ Performance	RP was upset that an officer had not returned her calls about a harassment call.	Sgt. found that the issue had been a landlord tenant dispute and that the officer had felt he had been clear about how these civil issue were handled and that no report would be taken. Sgt. spoke with RP about the incident and had an officer take a report to document the incident for RP.
10/17/2015	11/9/2015	22	Service/ Courtesy	RP was upset that the other driver in a traffic accident was not cited.	The officer's actions in not citing were within his discretion, but the supervisor, after speaking with the RP, had a citation issued to the other driver.
10/26/2015	12/7/2015	41	Inquiry	Multiple persons inquired into and EPD officer leaving a dog in a vehicle at a separate location when arresting a woman, resulting in the dog's death.	Sgt. learned that the woman arrested gave vague information about where to find her car and did not have phone numbers of contacts to help. Officers had been attempted to locate the vehicle but were unsuccessful.
10/21/2015	10/26/2015	5	Inquiry	RP was unhappy at the runaround she was getting trying to get a public records request she needed for a court case.	Sgt. was able to track down the item needed by RP and assist her in obtaining a copy.
10/22/2015	11/25/2015	33	Service/ Performance	RP reported two police cars going 60 mph through a school zone.	Sgt. reviewed ICV from the cars in question and found the officers on a emergency response to combatants with a hand gun. The ICV showed the officer exceeding the speed limit, as allowed by law, no children present and officers slowing and clearing intersections before proceeding. Sgt. spoke with RP about his findings.
10/27/2015	11/16/2015	19	Service/ Performance	RP was unhappy about the outcome when she report a woman drove over her lawn and hit her car on purpose.	Sgt. found that the investigation did not reveal any evidence to support RP's claim of the other person driving on the lawn. The officer help with the information exchange but found no criminal wrongdoing. After review the Sgt. concurred with the officer's findings and spoke with RP about the issue.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/28/2015	10/30/2015	2	Inquiry	Media complaint combined with another complaint and closed.	**Dismissed: Other**
10/27/2015	2/8/2016	101	Inquiry	Media personnel complained that officers threatened them with arrest at the scene of an incident even though they were standing in a public area with no crime scene tape or barricades.	Sgt. learned that the scene was below a rise and several natural barriers and that media personnel has came through those areas, in order to protect the integrity of the scene media members were asked to move back and advised they could be arrested if they did not.
10/26/2015	11/9/2015	13	Service/ Performance	RP was upset that when she was hit by a vehicle on her bike the driver was not cited.	Sgt. reviewed the incident and found that the officer did not have to issue a citation due to the circumstance of the accident, this was explained to RP.
10/26/2015	2/1/2016	95	Inquiry **Dismissed: Previously Reviewed**	RP complained about an officer's use of a Taser.	**Dismissed: Previously reviewed**
10/26/2015	12/1/2015	35	Inquiry	RP complained that medical injuries she had incurred were not properly documented in a police report.	Sgt. reviewed call history, police reports, and the series of phone calls and voicemails between our office, EPD, and the RP. There was no evidence of any policy violations by EPD employees. It appeared that the RP had concerns remaining related to her treatment at the hospital.
10/26/2015	11/19/2015	23	Inquiry	RP was upset that an officer who cited him on the NW Expressway for speeding said he had do 90 to catch up with him. RP felt this was excessive and unsafe.	Sgt. explained to RP that is quite frequent that officers have to speed themselves to catch up with someone going over the speed limit. In this case Oregon law allows for the officer to do this.
10/26/2015	12/3/2015	37	Use of Force	RP complained that an officer placed handcuffs too tightly and caused injury.	Sgt. reviewed ICV from the incident and found that the officer applied the cuffs according to policy. During transport to the jail RP mentioned an existing condition and the officer readjusted the handcuffs at the jail at the soonest safe opportunity.
10/28/2015	12/4/2015	36	Policy Complaint	RP complained of the illegal activity at the Washington Jefferson Park with nothing being done by EPD.	Lt. spoke with RP about his concerns and steps EPD and the Parks department are taking to patrol the parks more efficiently. Lt. also spoke of call load that sometimes causes less immediate issues to not be addressed as quickly as people would like.
10/30/2015	12/1/2015	31	Service/ Performance	Employees of the municipal court felt an officer's behavior was rude and discourteous.	Sgt. spoke with the officer involved about the incidents in question and found the officer's description and explanation of the events to be plausible. When the Sgt. spoke with Reporting Parties giving the officer's reasoning they agreed that a different perspective on the situations made all the difference and were appreciate of the attention given to their concerns.
11/2/2015	12/15/2015	43	Policy Complaint	RP inquired into how the illegal camping program with St. Vincent de Paul works.	Sgt. spoke with RP and found that he had been given misinformation about the program as his concerns about illegal camping in Parks is a violation of park rules and not an issue that is sent to the camping program. Sgt. provided RP with the correct information.
11/3/2015	12/14/2015	41	Inquiry	RP felt an officers dissertation on mental illness was not needed, during a call for service for a family dispute.	Sgt. reviewed records and spoke with both parties in the dispute and found that the officer was only trying to help in a difficult situation. Officer's actions were within policy.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/2/2015	12/1/2015	29	Inquiry	RP was upset that after having a lawful eviction served EPD would not arrest the tenants that returned and occupied his rental. RP was told it was a civil issue.	After review the Sgt. found that the officers had made the right determination at the time. Court documents filed by the tenants right before the eviction made the situation a civil one and not a criminal. RP was notified of the findings.
11/2/2015	12/4/2015	32	Policy Complaint	RP was upset with the customer service he received after reporting a large noisy party in his neighborhood.	Sgt. spoke with RP about the manpower constraints EPD has especially on nights such as Halloween when priority calls will be placed ahead of noise complaints. RP was encouraged to continue to call if he has problems with noise from loud parties in his neighborhood.
11/4/2015	12/3/2015	29	Service/ Performance	RP felt an officer treated him poorly when called to a small fender bender, yelling and screaming at him.	Sgt. reviewed ICV of the incident and found that the officer did not raise his voice or yell at RP. RP spoke with RP about his perceptions and his findings..
10/26/2015	11/9/2015	13	Service/ Performance	RP was upset that the animal control officer seemed to have a preconceived mindset that the issue between him and his neighbor and his dog barking was all his fault, the officer than left before the issue had been resolved.	Supervisor found that the officer needed to have spent more time getting to the heart of the situation before issuing a citation. Supervisor apologized for the situation and had another Officer follow up with RP.
11/3/2015	1/4/2016	61	Service/ Performance	RP was upset that she was not getting return calls about her case.	Review of the incident found that calls had been returned and officers was waiting on further information to be submitted by RP before the case could go forward. Sgt. informed RP of his findings and encouraged her to mail the needed documents to the Police Department.
11/9/2015	11/30/2015	21	Policy Complaint	RP was concerned about all the questions a call taker asked before dispatching help in an emergency situation.	Supervisor reviewed the call and found the call taker had followed policy and protocol for the call and then spoke with RP about the call and offered to take his concerns to the next Dispatch System meeting where protocols are reviewed and revised.
11/6/2015	12/18/2015	42	Inquiry	RP alleged that an officer inappropriately frisked him by groping his crotch.	Review of case file and ICV found no evidence of the allegation, only a standard search prior to arrest with back up officers in attendance. OSP also opened a file on the incident which was closed as Unfounded.
11/9/2015	11/17/2015	8	Inquiry	RP claimed that an officer pulled him out of his vehicle while he was parked at Skinners Butte eating lunch.	Sgt. reviewed ICV of the stop and found that the officer in a calm and professional manner questioned RP if he was sleeping in his vehicle and it was when RP tried to drive away that the officer pulled him from his vehicle. Sgt. did not observe any activity outside of policy. Sgt. spoke with RP about his findings.
11/10/2015	12/8/2015	28	Inquiry	RP complained that when she tried to report an incident with her ex-boyfriend, the officer did not help her.	Sgt. Reviewed intake, emails, texts, ICV, and video from the Intoxylizer room; he found that the officer had followed policy and had not been able to act on the RP's complaint about the ex-boyfriend because it was a traffic violation, which an officer must observe in order to cite.
11/12/2015	11/25/2015	13	Service/ Performance	RP wrote Chief Kerns about how difficult is had been for him to turn in a gun for disposal.	RP recontact the Auditor's office to explain he only wanted to make EPD aware and not file a complaint, asking the file be closed.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/13/2015	12/14/2015	31	Service/ Performance	RP felt that an investigation into a man who assaulted him was not handled correctly.	Sgt. reviewed the case file and spoke with the officer about the incident. Sgt. learned that information about RP being repeatedly struck while on the ground and possibly knocked unconscious for a few seconds was not given at the time of the incident. Sgt. spoke with RP about the incident and requested the updated information be added to the file for further investigation. No policy violation on the initial investigation was found.
11/19/2015	11/30/2015	11	Service/ Performance	RP reported that when his ex's boyfriend came in his house and punched him out an officer just told him that he can't go to the guys house and the guy can't come to his. The boyfriend was not arrested.	Sgt. reviewed the police report and found that there was probable cause to have the boyfriend arrest for assault and dispatched an officer to do that. Sgt. spoke with RP about his findings.
11/19/2015	12/14/2015	25	Service/ Performance	RP reported calling the non-emergency line to report a man acting strangely outside a school when the call taker tried to transfer him to 911 the line went silent, he heard "Oh crap" and then the line went dead.	Supervisor reviewed the call and found that the call taker had actually placed RP on hold to take a 911 call and not to transfer him. "Oh crap" was not heard on the recording. RP hung up before the call taker came back to the call without leaving a return number to be recontact. RP was notified of the findings and advised of the misunderstanding and given an explanation on how the system works.
11/17/2015	11/24/2015	7	Service/ Performance	Contacted after leaving a message on the Chief's phone RP decline to make a complaint.	**Dismissed: Resolved**
11/23/2015	11/25/2015	2	Inquiry **Dismissed: Alternate Remedy**	RP feels he was mistreated by an officer in which he was injured by another vehicle that failed to yield. He was cited for reckless driving at the hospital before making a statement.	**Dismissed: Alternate Remedy**
11/23/2015	12/14/2015	21	Service/ Courtesy	RP felt an officer was rude and disrespectful when responding to a dispute between strangers at the 7-11.	Sgt. reviewed incident in which officer found 4 individuals fighting which took several commands from the officer to get the individuals separated. ICV revealed terse and direct communication from the officer, communication techniques were discussed with the officer.
11/24/2015	12/7/2015	13	Service/ Performance	RP reported an officer who turned out of an intersection into her lane.	Sgt. reviewed ICV that was available for the incident and found that the officer did turn into the first lane and then immediately into the second. The officer admitted that if she had stayed in her lane longer before making the lane change the incident would not have happened and that she understands the importance of following the traffic laws. Sgt. spoke with RP about his findings.
11/23/2015	12/2/2015	9	Inquiry	RP reported an officer was chippy with her telling her he didn't have time to teach her how to drive a vehicle she was trying to back out of a difficult spot.	Sgt. spoke with officer about how some off the cuff remarks can be perceived by the public and to be mindful of wording so as to instill trust and professionalism.
11/24/2015	12/9/2015	15	Inquiry	RP was upset that an officer called him and bullied him about a telephonic harassment and trespass issue when he didn't have the facts.	Sgt. found that the officer had probable cause to arrest RP for the crimes of telephonic harassment and trespass, unable to locate RP a call was made to warn RP about the situation. When the Sgt. called RP about the investigation he refused to speak with the Sgt.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/24/2015	12/16/2015	22	Inquiry	RP was upset that an animal control officer did not warn employees that he was using OC spray on an aggressive dog before using it. RP agreed with the action just wanted the warning.	Supervisor spoke with officer about the concern and communicated a future plan to give warnings be for deploying the OC spray.
11/24/2015	11/30/2015	6	Service/ Courtesy	RP spoke with a Communications Supervisor about a call taker who did not seem to take a call for service seriously regarding a woman in crisis at the Park Blocks.	Supervisor spoke with RP about the call and than later reviewed the call and spoke with the call taker about the proper way to have handled the call.
11/30/2015	12/2/2015	2	Inquiry **Dismissed: Other**	RP was upset that officer took him to the hospital for saying he was an angel.	**Dismissed: Other**
11/30/2015	12/14/2015	14	Service/ Courtesy	RP's from out of town reported an officer that was extremely rude when they became lost while trying to find Alton Baker Park during a U of O Duck game.	Lt. contacted RP's and apologized for their treatment by a EPD officer.
11/30/2015	1/14/2016	44	Inquiry	RP felt officers did not handle a restraining order call correctly.	Sgt. found that a revised restraining order did not spell out whether or not the person could be at RP's location, making it unable to be enforced, and that officers had made the correct determination about the issue. Sgt. spoke with RP about his findings.
12/7/2015	12/16/2015	9	Service/ Performance	RP was upset that on officer did not arrest an individual who was sleeping on the doorstep of his business.	RP found that when the officer spoke with the person she noticed that the business did not have no trespassing signs displayed and since the person moved on did not feel an arrest was needed. Sgt. spoke with RP and encouraged him to post no-trespassing signs if that was his wish.
12/7/2015	12/28/2015	21	Inquiry	RP felt and officer who responded to her call about threatening emails she got interrogated her and than told her nothing could be done.	ICV of the incident showed that at this point the emails were protected speech and that the officer was very patient and kind in explaining this to the RP. Sgt. spoke with RP about his findings. She was disappointed and did not agree.
12/11/2015	1/19/2016	38	Inquiry	RP was upset that his belongings and bicycle were not returned to him after his arrest.	Sgt. spoke with one of the officers involved in the arrest and was able to retrieve RP's belongings except for the bike which was missing from the lock up. RP was directed to Risk Services to file a claim for this bike.
12/12/2015	12/14/2015	2	Policy Complaint	RP is frustrated with the illegal camping in Hendricks park and feels EPD is not taking the issue seriously.	Lt. spoke with RP about how calls for service are prioritized and officers dispatched, and how the On Street Camping Program works.
12/15/2015	1/14/2016	29	Service/ Performance	RP was reported an car that drove up very close behind him 3 or 4 times, not until the officer turned on his lights was he aware that it was the police. RP felt this contact was unsafe.	Sgt. learned that the officer was a recruit learning traffic stop techniques of reading license plates, the officer was provided further training, RP did not respond to Sgt's calls.
12/23/2015	2/3/2016	40	Policy Complaint	RP was unhappy with how a neighbor was parking a vehicle feeling that is was unsafe and neither Parking Services or EPD would help.	Sgt. reviewed numerous dispatch logs and drove to the site to evaluate the situation and found no traffic hazard that was enforceable by officers. Sgt did speak with Parking Services and got the situation on their call log to be looked into. Sgt. spoke with RP about his findings.
12/30/2015	1/22/2016	22	Service/ Performance	RP felt an officer wrote an inaccurate report leading her to daughter to withhold visits with her granddaughter.	Sgt. learned that during an investigation of Telephonic Harassment an officer made an observation of the scene which was with in policy. Sgt. spoke with RP about his findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/30/2015	2/1/2016	31	Service/ Performance	RP alleged that during an arrest officers cut his backpack and broke his phone.	Sgt. learned that the backpack was cut from RP after a struggle for officer safety reasons. Sgt. was unable to determine if the phone breakage happened at the time or not. RP's mail box was not set up to receive messages.
12/24/2015	1/29/2016	35	Inquiry **Dismissed: Other**	RP feels EPD is ignoring crimes he is trying to report involving spying with cellular frequencies.	**Dismissed: Other**
12/31/2015	2/2/2016	32	Policy Complaint	RP was upset that a neighboring business was loud and was told nothing could be done.	Sgt. learned the various channels had been explored about the noise, Land use, City Prosecutor's etc.. No crime was being committed and officers determination that nothing could be done was correct. Sgt. spoke with RP about his findings.

Attachment C

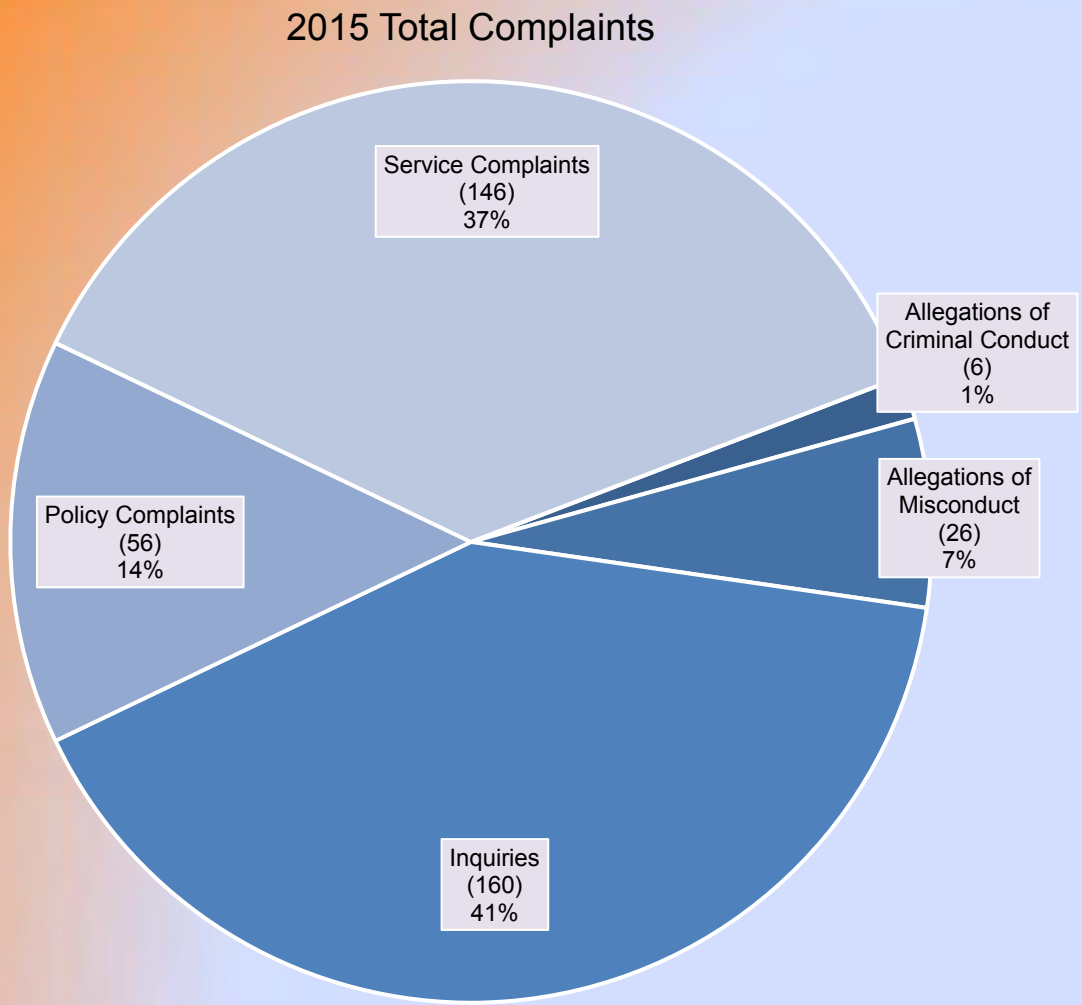
2015 Annual Report
Office of the Police Auditor

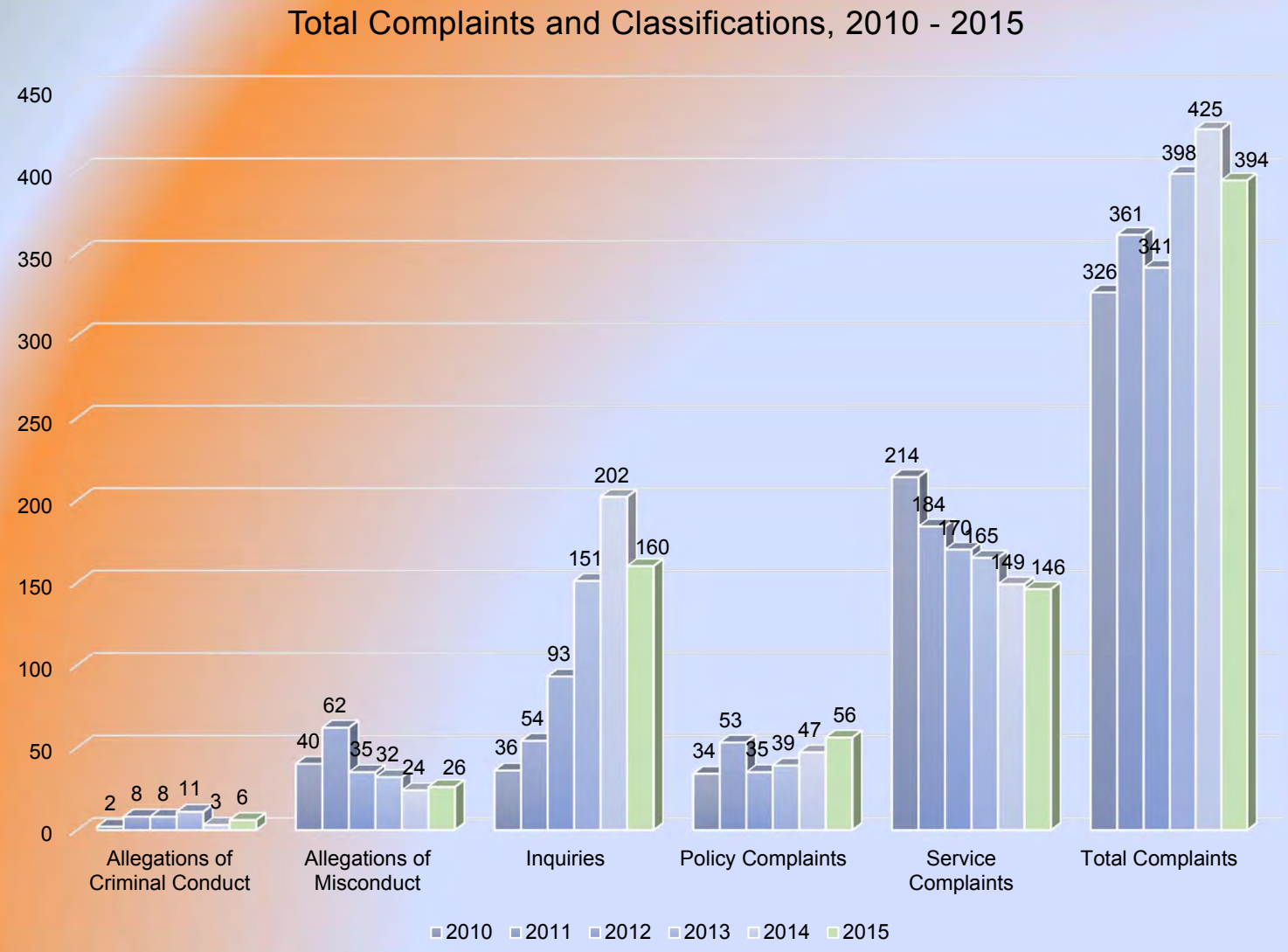
Eugene City Council

July 25, 2016

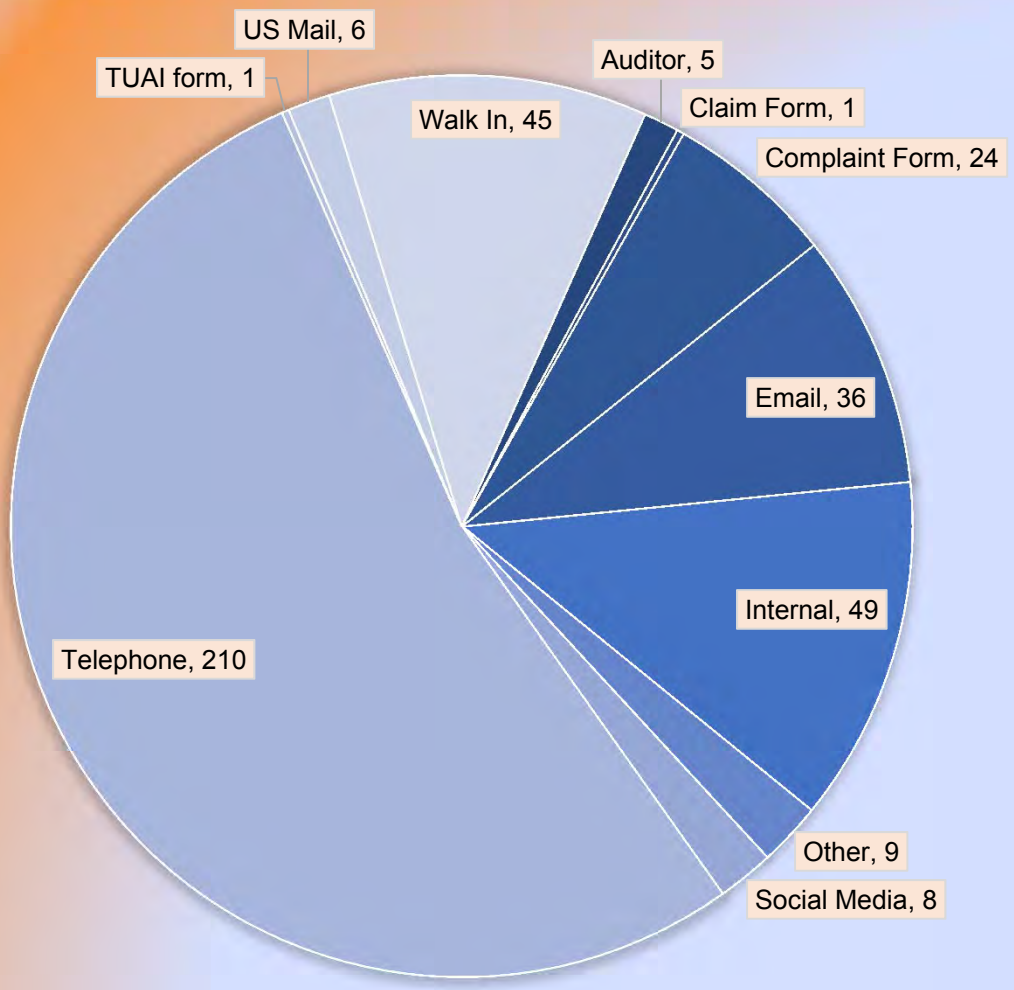
2015 Complaints

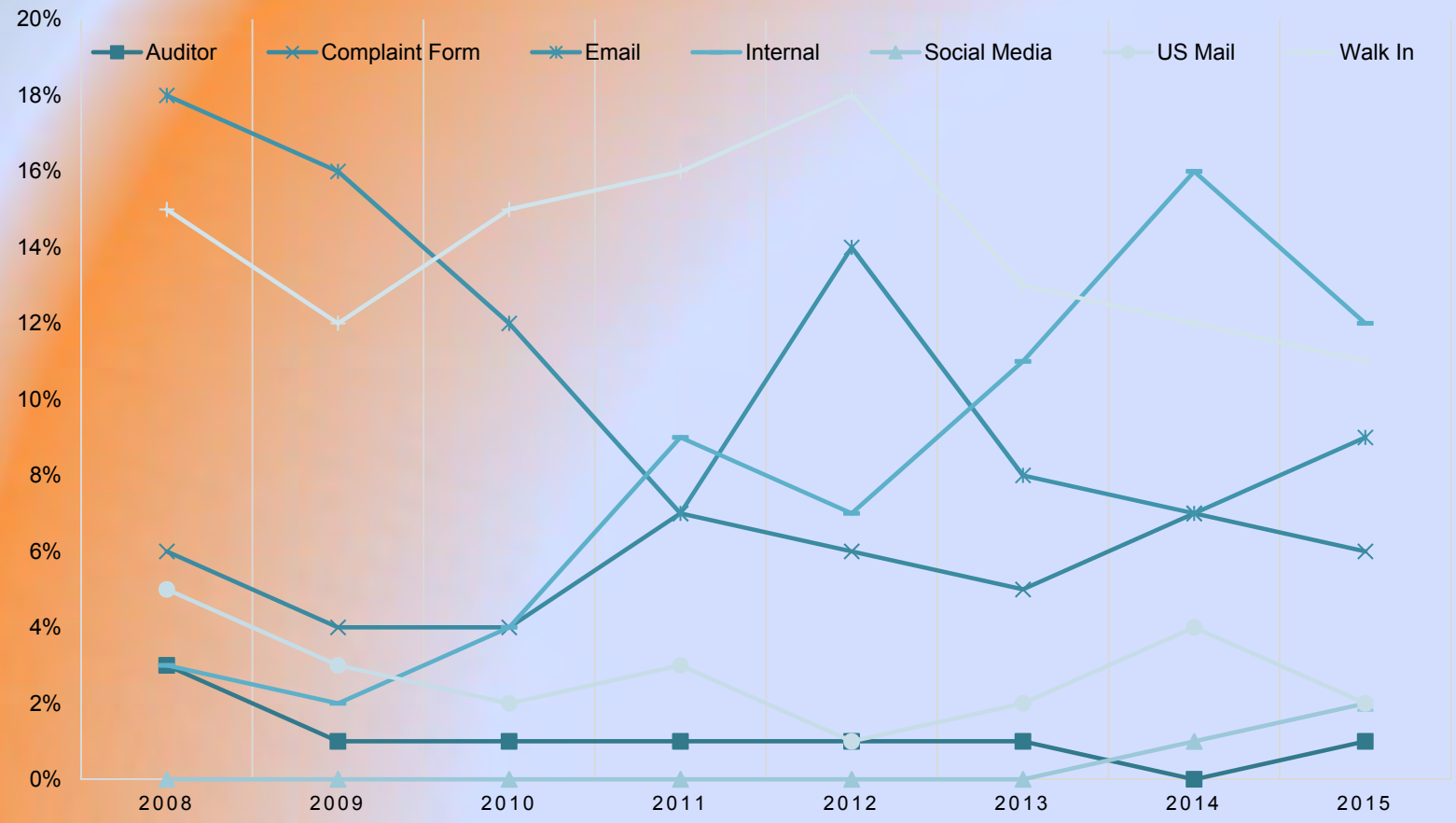
- The Auditor's Office received 394 total complaints in 2015:

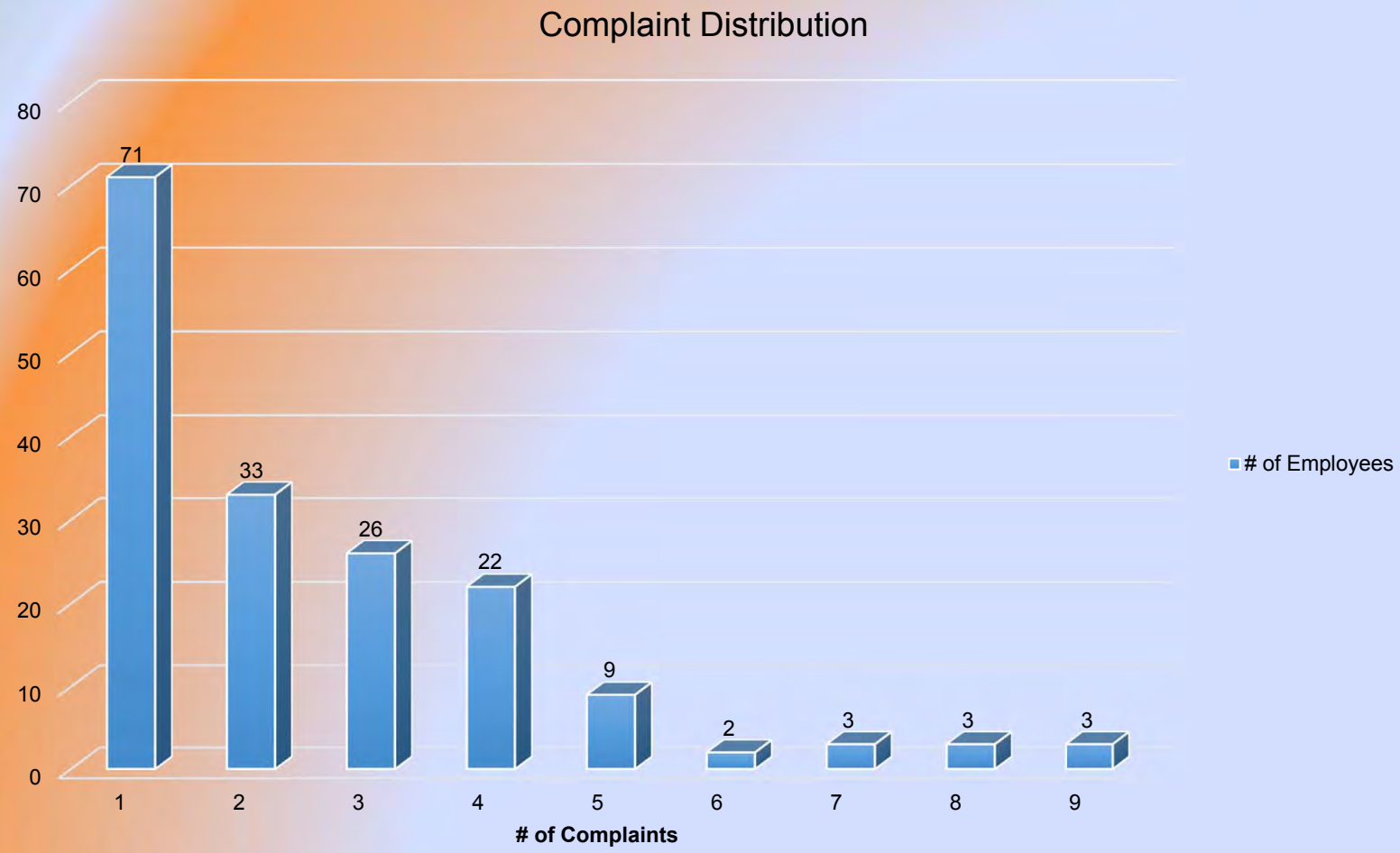



Total Complaints and Classifications, 2010 - 2015
450
400
350
300
250
200
150
100
50
0
2 8 8 11 3 6
40 62 35 32 24 26
36 54 93 151 202 160
34 53 35 39 47 56
214 184 170 165 149 146
326 361 341 398 425 394
Allegations of Criminal Conduct
Allegations of Misconduct
Inquiries
Policy Complaints
Service Complaints
Total Complaints
2010 2011 2012 2013 2014 2015

2015 Source of Complaints



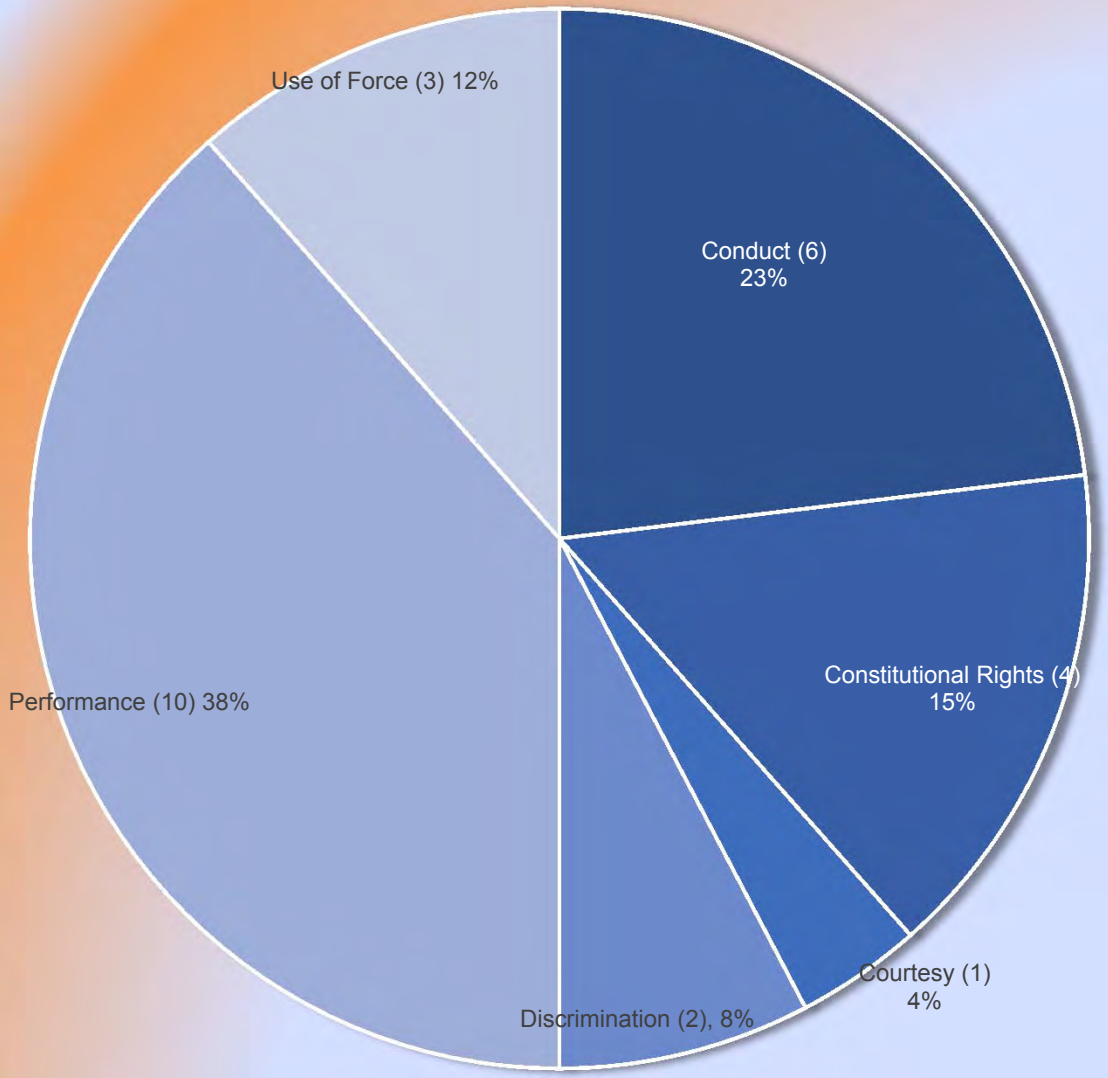

Select Complaint Sources, 2008 - 2015
20%
18%
16%
14%
12%
10%
8%
6%
4%
2%
0%
Auditor
Complaint Form
Email
Internal
Social Media
US Mail
Walk In
2008
2009
2010
2011
2012
2013
2014
2015

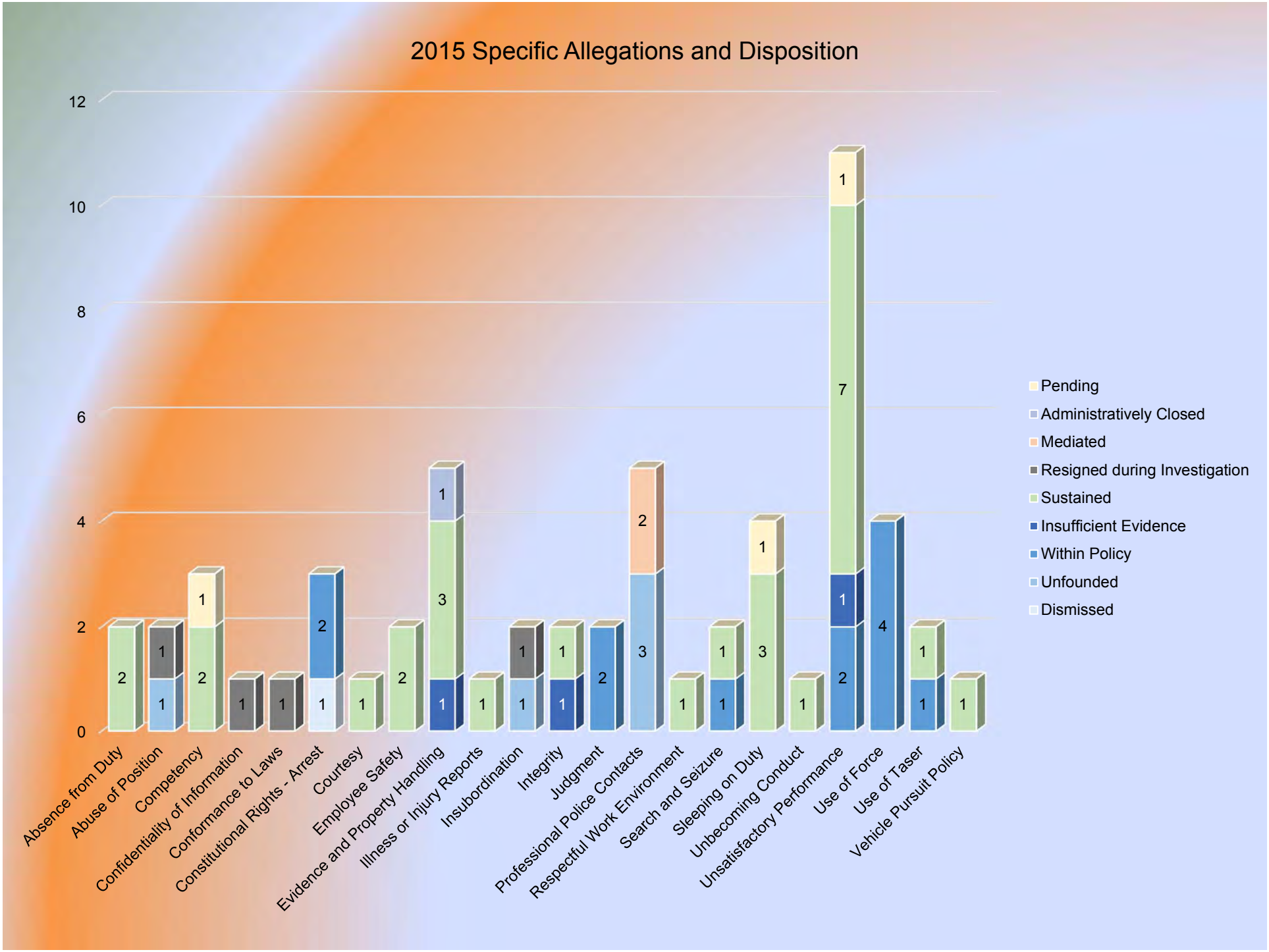

Complaint Distribution
80
70
60
50
40
30
20
10
0
71
33
26
22
9
2
3
3
3
1
2
3
4
5
6
7
8
9
# of Complaints
# of Employees

2015 Complaints by Number of Employees

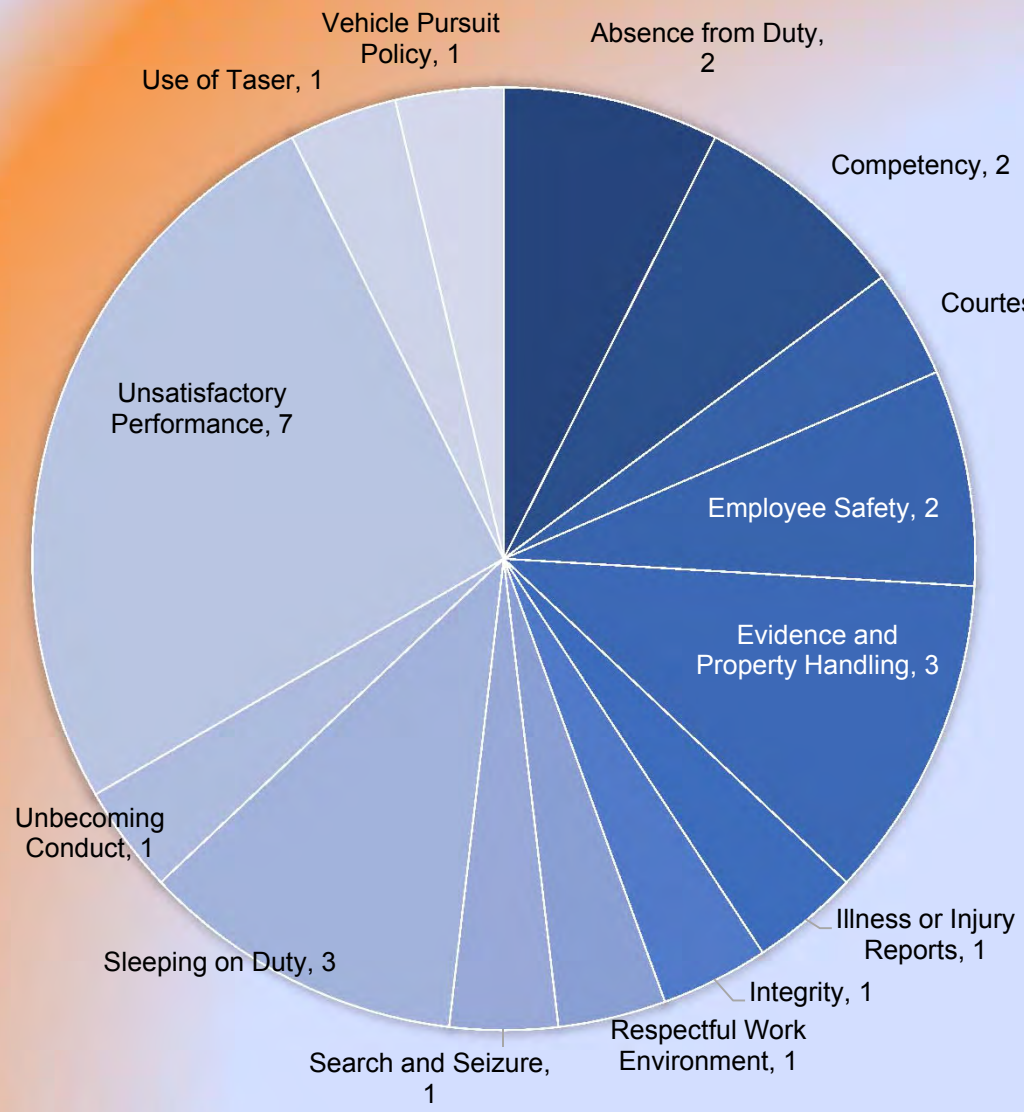
	Number of Employees	Number of Complaints Received	Percent of All EPD Employees
Employees with Complaints	172	394	56.0%
	71	1	23.1%
	33	2	10.7%
	26	3	8.5%
	22	4	7.2%
	9	5	2.9%
	2	6	0.7%
	3	7	1.0%
	3	8	1.0%
	3	9	1.0%
Employees with No Complaints	135	0	44.0%
Total	307	394	100%

2015 Allegations of Misconduct by Sub-Classification*

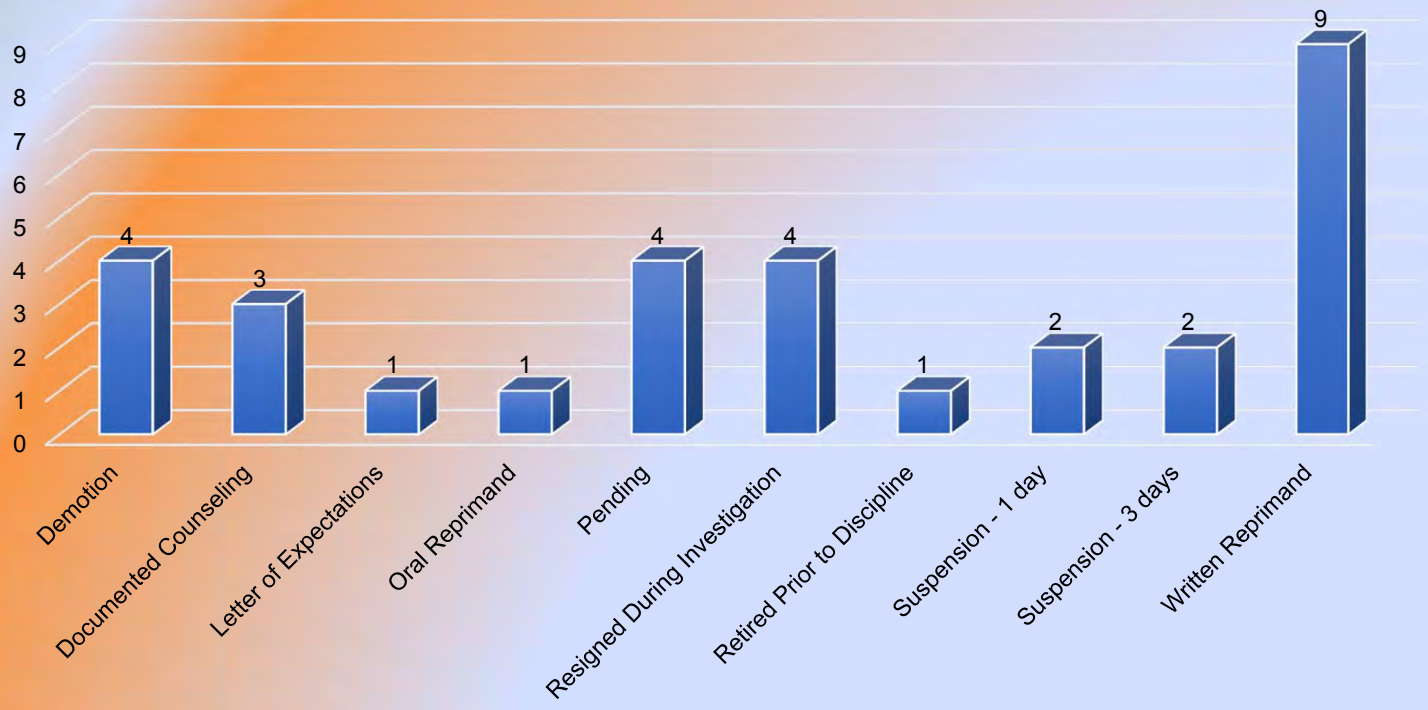



2015 Specific Allegations and Disposition
12
10
8
6
4
2
0
Absence from Duty
Abuse of Position
Competency
Confidentiality of Information
Conformance to Laws
Constitutional Rights - Arrest
Courtesy
Employee Safety
Evidence and Property Handling
Illness or Injury Reports
Insubordination
Integrity
Judgment
Professional Police Contacts
Respectful Work Environment
Search and Seizure
Sleeping on Duty
Unbecoming Conduct
Unsatisfactory Performance
Use of Force
Use of Taser
Vehicle Pursuit Policy
Pending
Administratively Closed
Mediated
Resigned during Investigation
Sustained
Insufficient Evidence
Within Policy
Unfounded
Dismissed

2015 Sustained Specific Allegations



2015 Discipline for Sustained Specific Allegations

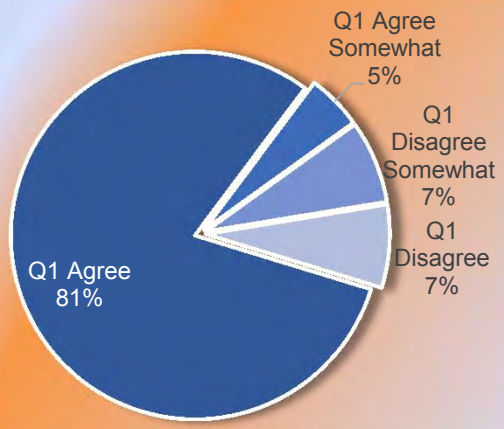


EPD Employees with Sustained Allegations of Misconduct

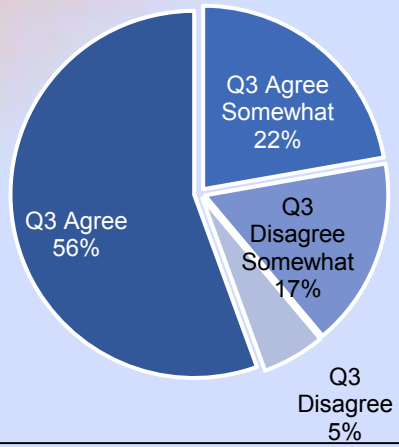
# of Sustained Policy Violations	# of EPD Employees	% of EPD Employees
12	1	0.0%
4	1	0.0%
3	1	0.0%
1	8	2.6%

Service Complaint/ Policy Complaint/ Inquiry Survey Results

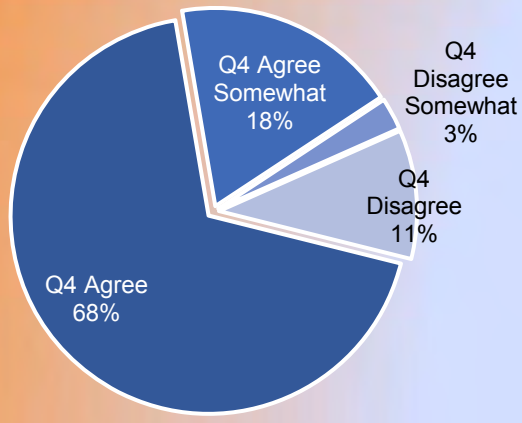
Question 1: Helpfulness of the Auditor's Office



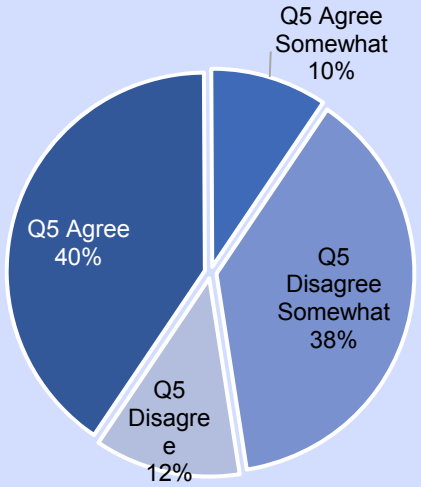
Question 3: Supervisor Addressed Concerns

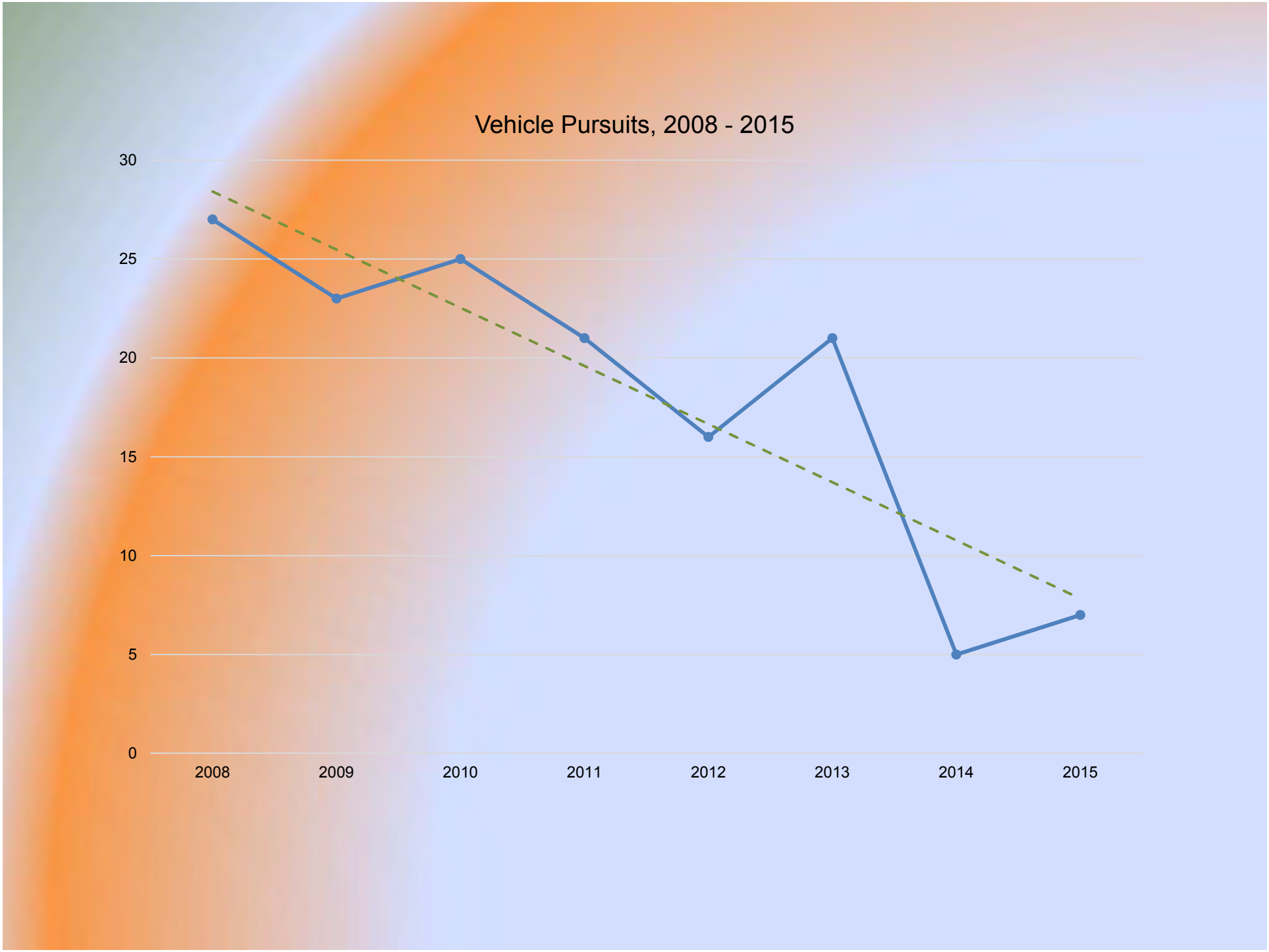


Question 4: Supervisor Listened to Concerns



Question 5: Overall Satisfaction with Outcome




Vehicle Pursuits, 2008 - 2015
30
25
20
15
10
5
0
2008
2009
2010
2011
2012
2013
2014
2015

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session: Use of Marijuana Tax Funds and Retail Cannabis Regulations

Meeting Date: September 14, 2016 | Agenda Item Number: B
Department: Central Services | Staff Contact: Glenn Klein
www.eugene-or.gov | Contact Telephone Number: 541-682-5010

ISSUE STATEMENT
City Council has requested a work session to consider how potential funds for a tax on retail cannabis sales could be used. A recent work session poll also requested consideration of other possible regulations of retail cannabis businesses.

BACKGROUND
Beginning July 1, 2017, the current state tax of 25 percent imposed on the retail sale of marijuana items, including marijuana leaves and flowers; immature marijuana plants; marijuana concentrates and extracts; marijuana skin and hair products; and other marijuana products, will reduce to 17 percent. Under ORS 475B.345, cities may impose up to a 3 percent tax on sales of marijuana items made by those with recreational retail licenses by referral to voters. In July, Council referred an ordinance for the November election. This is an opportunity for Council to consider how funds could be used if voters approve of the tax.

In addition to considering how funds could be used if voters approve a tax, Council may discuss regulations of retail cannabis sales.

RELATED CITY POLICIES
A local marijuana tax would contribute to the Council Goal of Fair, Stable and Adequate Resources.

COUNCIL OPTIONS
Discussion only.

CITY MANAGER'S RECOMMENDATION
The City Manager does not have a recommendation.

ATTACHMENTS
A. LOC White Paper
B. LOC Frequently Asked Questions
C. Ordinance

FOR MORE INFORMATION

Staff Contact: Glenn Klein
Telephone: 541-682-5010

ATTACHMENT A

LEAGUE OF OREGON CITIES

LOCAL GOVERNMENT REGULATION OF MARIJUANA IN OREGON

THIRD EDITION

REVISED MAY 2016

Published by the League of Oregon Cities

Table of Contents

Introduction and a Word of Caution 1

Home Rule in Oregon 3

Federal Law 5

An Overview of Oregon's Marijuana Laws 6

- Oregon Medical Marijuana Act 6
- Recreational Marijuana 7
- State Taxation of Recreational Marijuana 7
- Registration and License Types 8
- Early Sales of Recreational Marijuana 10
- Is a Consolidated System on the Horizon? 10

Local Government Options for Regulation of Marijuana 12

- State Restrictions on the Location of Medical and Recreational Marijuana Activities 12
  - Medical Grow Sites and Recreational Producers 12
  - Medical Processing Sites and Recreational Processors 13
  - Medical Marijuana Dispensaries 13
  - Wholesalers and Recreational Retailers 14
  - Compatibility with Local Requirements - Land Use Compatibility Statement (LUCS) 14
- Local Government Means of Regulation 15
  - Tax 15
  - Ban on Early Sales 16
  - Ban on State-Registered and Licensed Activities 16
  - Business License Ordinance 18
  - Development Code 18
  - Land Use Code 18
  - Time, Place and Manner Regulations 19

Appendix A: Early Sales Opt Out 21

Appendix B: Opt Out by Voter Referral 24

Appendix C: Opt In by Voter Referral 31

Appendix D: Local Tax by Voter Referral 38

Appendix E: Sample Time, Place and Manner Restrictions on Marijuana Businesses 45

Introduction and a Word of Caution

The League of Oregon Cities (League) has prepared this guide to assist cities in evaluating local needs and concerns regarding medical and recreational marijuana, so that city councils can find solutions that are in the best interests of their community. The League does not take a position on which choices a city council should make. The League's mission is to protect the home rule authority of cities to make local decisions, and to assist city councils in implementing the decisions they make, whatever those decisions might be.

The League published the first edition of this guide in the spring of 2015. Its original focus was regulation of medical marijuana under the Oregon Medical Marijuana Act (OMMA). In November 2014, Oregon voters adopted Measure 91, legalizing the growing, distribution, possession and use of marijuana in certain amounts for recreational (*i.e.* non-medical) personal use. In 2015, the state Legislature passed four bills—HB 3400, HB 2041, SB 460 and SB 844—which made comprehensive reforms to Measure 91 and the OMMA and addressed issues of local control, taxation, and early sales, among other things. All of those changes are now codified in ORS 475B.

> The law with regard to local government regulation of marijuana is complex because it involves the interplay of state and federal law, and the law continues to evolve. At press time, there were several court cases pending regarding the legal authority of local governments to regulate, up to and including prohibiting, the operation of medical marijuana facilities. The League will continue to update its members as the law in this area changes.

Since that time, the Oregon Liquor Control Commission (OLCC), the agency charged with implementing the recreational marijuana licensing process, and the Oregon Health Authority (OHA), the agency charged with implementing the OMMA, have engaged in rulemaking. In addition, in 2016, the Legislature once again amended Oregon's marijuana laws with the adoption of three additional pieces of legislation—HB 4014 (Or Laws 2016, ch 24), SB 1511 (Or Laws 2016, ch 83), and SB 1598 (Or Laws 2016, ch 23). Some of the changes made by those bills are discussed in more detail below.

All of those changes have made it difficult for local government officials to stay on top of this ever evolving regulatory landscape. Consequently, the League has prepared this third edition of the guide, revising its regulatory guidance to reflect the latest statutory and administrative rule changes, as well as providing sample ordinance wording for both medical and recreational marijuana facilities that is consistent with those changes. Because most experts believe that the medical marijuana and recreational marijuana systems will eventually merge, the sample ordinance provisions in this edition do not differentiate between medical marijuana or recreational marijuana businesses and treats both the same for purposes of regulating the time place and manner of those activities.

> The sample ordinance provisions included in this guide are intended to be a starting point, not an ending point, for any jurisdiction considering taxing, regulating or prohibiting marijuana businesses.

This guide begins by providing an overview of the source of local government authority—Oregon's constitutional home rule provisions. The guide then provides a brief explanation of the status of marijuana under federal law, as well as a summary of Oregon's marijuana laws, before turning to a discussion of local control and options available for local governments. The guide concludes with sample ordinances to use as a starting point if a city decides it wants to tax, regulate or prohibit marijuana facilities.

It is important to note that this guide, although lengthy, is not intended to give exhaustive treatment of every issue that a city might face with respect to marijuana regulation. The regulation of marijuana is becoming increasingly complex as the industry grows and evolves and as the Legislature and state agencies adopt new laws and administrative rules. As such, this guide and the sample wording that is attached serves as a starting point (not and ending point) for local government officials to understand this topic so that eventually they can spot issues and further analyze and develop local solutions.

This guide is not a substitute for legal advice

City councils considering taxing, regulating or prohibiting marijuana businesses should not rely solely on this guide or the resources contained within it. Any city council considering any form of regulation of marijuana should consult with its city attorney regarding the advantages, disadvantages, risks and limitations of any given approach. Legal counsel can also assist a city in preparing an ordinance that is consistent with existing ordinances and with a city's charter, and advise on what process is needed to adopt the ordinance.

Home Rule in Oregon

Any discussion of a city's options for regulating anything that is also regulated by state law must begin with a discussion of the home rule provisions of the Oregon Constitution, from which cities derive their legal authority. Home rule is the power of a local government to set up its own system of governance and gives that local government the authority to adopt local ordinances without having to obtain permission from the state.

The concept of home rule stands in contrast to a corollary principle known as Dillon's Rule, which holds that municipal governments may engage only in activities expressly allowed by the state because municipal governments derive their authority and existence from the state.[1] Under Dillon's Rule, if there is a reasonable doubt about whether a power has been conferred to a local government, then the power has not been conferred. Although many states follow Dillon's Rule, Oregon does not.

Instead, a city government in Oregon derives its home rule authority through the adoption of a home rule charter by the voters of that community pursuant to Article XI, section 2, of the Oregon Constitution, which was added in 1906 by the people's initiative. Article XI, section 2, provides, in part, that:

> "The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation of any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon."

A home rule charter operates like a state constitution in that it vests all government power in the governing body of a municipality, except as expressly stated in that charter, or preempted by state or federal law. According to the League's records, all of Oregon's 242 incorporated cities have adopted home rule charters.

The leading court case interpreting Oregon's home rule amendment is *La Grande/Astoria v. PERB*, 281 Or 137, 576 P2d 1204, *aff'd on reh'g*, 284 Or 173, 586 P2d 765 (1978). In that case, the Oregon Supreme Court said that home rule municipalities have authority to enact substantive policies, even on a topic also regulated by state statute, as long as the local enactment is not "incompatible" with state law, "either because both cannot operate concurrently or because the Legislature meant its law to be exclusive." In addition, the court said that where there is a local enactment and state enactment on the same subject, the courts should attempt to harmonize state statutes and local regulations whenever possible.[2]

---

[1] *See* John F. Dillon, 1 The Law of Municipal Corporations § 9b, 93 (2d ed 1873).

[2] Criminal enactments are treated differently. Local criminal ordinances are presumed invalid, and that presumption cannot be overcome if the local enactment prohibits what state criminal law allows or allows what state criminal law prohibits. *See City of Portland v. Dollarhide*, 300 Or 490, 501, 714 P2d 220 (1986). Consequently, the Oregon Supreme Court's case law is clear that a local government may not recriminalize conduct for which state law provides criminal immunity. *See City of Portland v. Jackson*, 316 Or 143, 147-48, 850 P2d 1093 (1993) (explaining how to determine whether a state law permits what an ordinance prohibits, including where the Legislature expressly permits specified conduct).

In subsequent cases, the Oregon Supreme Court directed courts to presume that the state did not intend to displace a local ordinance in the absence of an apparent and unambiguous intent to do so.[3] Along the same lines, a local ordinance can operate concurrently with state law even if the local ordinance imposes greater or different requirements than the state law.[4]

Where the Legislature's intent to preempt local governments is not express, and where the local and state law can operate concurrently, there is no preemption and local governments retain their authority to regulate. As such, the Oregon Supreme Court has concluded that a negative inference that can be drawn from a statute is insufficient to preempt a local government's home rule authority.[5] For example, where legislation "authorizes" a local government to regulate in a particular manner, a court will not read into that legislation that the specific action authorized is to the exclusion of other regulatory alternatives, unless the Legislature makes it clear that the authorized regulatory form is to be the exclusive means of regulating.

[3] *See, e.g., State ex rel Haley v. City of Troutdale*, 281 Or 203, 210-11, 576 P2d 1238 (1978) (finding no manifest legislative intent to preempt local provisions that supplemented the state building code with more stringent restrictions).

[4] *See Rogue Valley Sewer Services v. City of Phoenix*, 357 Or 437, 454-55, 353 P3d 581 (2015); s*ee also Thunderbird Mobile Club v. City of Wilsonville*, 234 Or App 457, 474, 228 P3d 650, *rev den*, 348 Or 524 (2010) ("A local ordinance is not incompatible with state law simply because it imposes greater requirements than does the state, nor because the ordinance and state law deal with different aspects of the same subject." (internal quotations omitted)).

[5] *Rogue Valley Sewer Services*, 357 Or at 453-55 (concluding that explicit authorization for cities to regulate certain utilities did not, by negative implication, create a broad preemption of the field of utility regulation); *Gunderson, LLC v. City of Portland*, 352 Or 648, 662, 290 P3d 803 (2012) (explaining that even if a preemption based on a negative inference is plausible, if it is not the only inference that is plausible, it is "insufficient to constitute the unambiguous expression of preemptive intention" required under home rule cases).

Federal Law

Marijuana remains a Schedule I controlled substance under the federal Controlled Substances Act (CSA). Schedule I substances are those for which the federal government has made the following findings:

- The drug or other substance has a high potential for abuse;
- The drug or other substance has no currently accepted medical use in treatment in the United States; and
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Recently, the federal government has started reexamining the status of marijuana. In December 2014, Congress directed the Department of Justice not to use any of its funding to prevent states like Oregon from implementing their medical marijuana laws. The effect of that appropriations bill is currently being litigated in federal court.

In addition, under the federal CSA, the attorney general may, by rule, transfer a drug between schedules or remove a drug from the schedules if certain requirements are met. The United States Drug Enforcement Agency (DEA) has indicated that it currently is reviewing marijuana's status as a Schedule I controlled substance and expects to release a final determination in the first half of 2016. The DEA has not, however, given any indication of whether it will reclassify or remove marijuana from the schedules. Should the DEA reclassify or remove marijuana from Schedule I, the League will update its members to address the implications of any reclassification.

Oregon's laws on medical and recreational marijuana do not, and cannot, provide immunity from federal prosecution. Consequently, state law does not protect marijuana plants from being seized or people from being prosecuted if the federal government chooses to take action under the CSA against those using marijuana in compliance with state law. Similarly, cities cannot provide immunity from federal prosecution.

An Overview of Oregon's Marijuana Laws

There are two separate laws and regulatory structures governing marijuana at the state level: the Oregon Medical Marijuana Act, which regulates medical marijuana, and the Control and Regulation of Marijuana Act, which regulates recreational marijuana. Since their adoption by the voters, the Legislature has made substantial changes to both acts.

Oregon Medical Marijuana Act

Oregon has had a medical marijuana program since 1998, when voters approved Ballot Measure 67, the Oregon Medical Marijuana Act (OMMA) (codified at ORS 475B.400 – ORS 475B.525). Since that time, the Legislature has amended the OMMA on a number of occasions. Generally, under the OMMA, a person suffering from a qualifying debilitating health condition must get a written statement from a physician that the medical use of marijuana may mitigate the symptoms or effects of that condition. The person may then obtain a medical marijuana card from the Oregon Health Authority, which is the agency charged with regulating medical marijuana. The patient may designate a caregiver and a grower if the patient decides not to grow his or her own marijuana, each of whom also get a medical marijuana card. Patients, caregivers and growers with medical marijuana cards, who act in compliance with the OMMA, are immune from state criminal prosecution for any criminal offense in which possession, delivery or manufacture of marijuana is an element. Those without medical marijuana cards may also claim immunity from state criminal prosecution if they are in compliance with the OMMA and, within 12 months prior to the arrest at issue, had received a diagnosis of a debilitating medical condition for which a physician had advised medical marijuana could mitigate the symptoms or effects. The OMMA also provides protection from state criminal prosecution for medical marijuana processors and medical marijuana dispensaries acting in compliance with the law.

The OMMA originally was envisioned as a system in which patients would grow for themselves the marijuana that they needed, or designate a small scale grower, and, as a result, the regulation was relatively minimal. The OMMA did not originally envision large-scale grow sites, processing sites, or dispensaries. However, as time went on, the Legislature saw a need to impose more restrictions on medical marijuana grows, create a system for registering processors, and create a system for state-registered facilities to lawfully transfer medical marijuana between growers and patients or caregivers.

Legislation in 2015 and 2016 addressed some of the local government concerns about the lack of regulation that had not been addressed in the original legislation. For example, a medical marijuana grow site now can have only a limited number of mature marijuana plants and a limited amount of usable marijuana harvested from those plants. In addition, medical marijuana is now classified as a farm crop, but the Legislature was careful to carve out local regulatory authority not available for other farm crops. The Legislature also added a new registration category for medical marijuana processors, and imposed greater restrictions on those facilities. Along similar lines, the Legislature also added further restrictions on where certain medical

marijuana facilities can locate, and imposed new testing, labeling, inspection and reporting requirements.

With the Legislature's more robust statutory scheme came more extensive administrative rules from the OHA. Those rules, found primarily in Oregon Administrative Rule 333-008, cover many of the gaps left by the Legislature, including setting out a detailed registration system and requirements for testing, reporting, background checks, security, and advertising, among other things.

Recreational Marijuana

In November 2014, Oregon voters approved Ballot Measure 91, which decriminalized the personal growing and use of certain amounts of recreational marijuana by persons 21 years of age or older. The OLCC is the agency charged with licensing and regulating the growing, processing, and sale of recreational marijuana. In particular, the OLCC has been tasked with administering a license program for producers, processors, wholesalers and retailers, and under that program, a person may hold more than one type of license.

Since the voters approved Measure 91, the Legislature has made notable changes to its structure, primarily increasing accountability and safety requirements. For example, the Legislature added testing, labeling, inspection and reporting requirements for licensees, required handlers permits for those working with marijuana, and charged the OLCC with licensing OHA-accredited laboratories to conduct the required testing. The Legislature also expanded the OLCC's rulemaking authority, tasking the agency with, among other things, developing and maintaining a seed-to-sale tracking system and adopting restrictions on the size of recreational marijuana grows. The Legislature also tasked the OLCC with certifying public and private marijuana researchers. As noted above, the Legislature has also tasked the OLCC with creating a system for transitioning medical marijuana registrants to OLCC recreational licensing, with the possibility for recreational licensees to register with the OLCC to engage in activities related to medical marijuana.

The OLCC has adopted temporary rules that begin to implement those legislative changes and to fill some of the gaps left by the Legislature. For example, the OLCC has imposed extensive security requirements for alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities. The OLCC has also imposed health and safety requirements, including sanitary requirements and restrictions on how marijuana is processed. In addition, the OLCC has addressed a number of other issues including testing, packaging, labeling, advertising, waste, and implementing a seed to sale tracking system. At the time this guide was published, the OLCC was in the process of adopting permanent rules.

State Taxation of Recreational Marijuana

Early sales of recreational marijuana from medical marijuana dispensaries are taxed at a rate of 25 percent. When sales from OLCC-licensed retailers begin later in 2016, the sale of marijuana items will be subject to a 17 percent state tax, to be collected by those retailers. However, in

2016, the Legislature clarified that medical marijuana cardholders and caregivers will not have to pay the state tax on the retail sale of marijuana items. (SB 1511, § 17)

Of that state tax revenue, 10 percent will be transferred to cities to "assist local law enforcement in performing its duties" under the Control and Regulation of Marijuana Act, *i.e.* the law regulating recreational marijuana.[6] That 10 percent will be distributed using different metrics before and after July 1, 2017. Before that date, tax revenues will be distributed proportionately to all Oregon cities based on their population. After July 1, 2017, those revenues will be distributed proportionately based on the number of licenses issued for premises located in each city. Fifty percent of revenues will be distributed based on the number of production, processor and wholesale licenses issued in the city, and the other 50 percent will be distributed based on the number of retail licenses issued in the city. However, if a city adopts an ordinance prohibiting the establishment of any registered or licensed marijuana activities, the city will not be eligible to receive state marijuana tax revenues.

Registration and License Types

Taking into consideration both the medical system and the retail system, there are 10 marijuana activities that require registration or a license from the state.[7] The table on the next page provides a summary of each type of activity and its registration/licensing requirements along with a citation to the laws that governs those activities.

[6] The remaining tax revenues will be distributed as follows: 40 percent to the Common School Fund; 20 percent to the Mental Health Alcoholism and Drug Services Account; 15 percent to the State Police Account; and 10 percent to counties.

[7] This guide focuses on regulation of those activities. In 2016, the Legislature preempted cities from prohibiting or otherwise limiting homegrown marijuana production, processing, and storage as described in ORS 475B.245 and a medical marijuana patient and caregiver's possession of seeds, plants, and usable marijuana as allowed under state law. (HB 4014, § 33).

Oregon's Ten Regulated Marijuana Activities

	Grow	Make Products	Wholesale	Transfer to User	Research & Testing*
Medical Regulated Activities	**Marijuana Grow Site**: Location for planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers *Register with OHA* *ORS 475B.420; OAR 333-008-010 to 333-008-0750*	**Marijuana Processing Site**: Location for compounding or converting marijuana into medical products, concentrates or extracts *Register with OHA* *ORS 475B.435; OAR 333-008-1600 to 333-oo8-2200*	**Wholesaler**:** Purchase marijuana items for resale to a person other than a consumer. *License with OLCC* *SB 1511, §4 (2016)*	**Dispensary**: Transfer usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers.*** *Register with OHA* *ORS 475B.450; OAR 333-008-1000 to OAR 333-008-1248*	**Laboratories**: Conducts testing of recreational and medical marijuana items. *Obtain license under ORS 475B.560 and OAR 845-025-5000 to 845-025-5075.* *Obtain accreditation from OHA* *ORS 475B.565*
Recreational Regulated Activities**	**Producers**: Manufacture, plant, cultivate, grow, harvest *Obtain license from OLCC* *ORS 475B.070; OAR 845-025-2000 to OAR 845-025-2080*	**Processors**: Process, compound or convert marijuana into products, concentrates or extracts, but does not include packaging or labeling *Obtain license from OLCC* *ORS 475B.090; OAR 845-025-3200 to OAR 845-025-3290*	**Wholesalers**: Purchase marijuana items for resale to a person other than a consumer *Obtain license from OLCC* *ORS 475B.100; OAR 845-025-3500*	**Retailers**: Sell marijuana items to a consumer *Obtain license from OLCC* *ORS 475B.110; OAR 845-025-2800 to OAR 845-025-2890*	**Researchers:** Public or private research of medical and recreational marijuana, including medical and agricultural research *Certification from OLCC* *ORS 475B.235 and OAR 845-025-5300 to 845-025-5350*

*These activities support both the recreational and medical marijuana systems.

**There is no means for obtaining a medical wholesale license from OHA. Legislation in 2016 allows an OLCC licensed recreational wholesaler to obtain authority from OLCC to also wholesale medical marijuana.

***Medical Marijuana Dispensaries can do limited retail sales until December 2016. OAR 333-008-1500

****In addition to the ten types of regulated activities, certain employees must also obtain an OLCC handlers permit. ORS 475B.215; OAR 845-025-5500 to OAR 845-025-5590.

Early Sales of Recreational Marijuana

Since July 1, 2015, people 21 years of age and older have been able to possess limited amounts of recreational marijuana under state law. Because the OLCC was not prepared to issue licenses for the retail sale of recreational marijuana at that same time, the Legislature authorized medical marijuana dispensaries to sell limited quantities of recreational marijuana between October 1, 2015 and December 31, 2016. By the time early sales end, recreational retailers are expected to be operating.

Under current law, medical marijuana dispensaries may sell the following to a person who is 21 or older and presents proof of age:

- One quarter of one ounce of dried marijuana leaves and flowers per person per day;
- Four marijuana plants that are not flowering; and
- Marijuana seeds.

Starting June 2, 2016, medical marijuana dispensaries also may sell the following to a person who is 21 or older and presents proof of age:

- Non-psychoactive medical cannabinoid products intended to be applied to the skin or hair;
- One single-serving, low-dose unit of cannabinoid edible per person per day; and
- One prefilled receptacle of cannabinoid extract per person per day.

Is a Consolidated System on the Horizon?

During the 2016 legislative session, the Legislature amended the recreational marijuana laws to begin shifting towards a consolidated system. In particular, the Legislature imposed a requirement on the OLCC to adopt rules governing the process of transitioning from medical registration with OHA to medical/recreational licensing with the OLCC. Specifically, one bill provides that the OLCC is to establish a program that allows medical registrants to convert to a retail license. HB 4014 §§ 24 and 25 (2016). In addition, another bill created new provisions allowing recreational licensees to register with the OLCC to engage in the same retail license activity for medical marijuana purposes, essentially allowing one licensee to engage in retail and as medical marijuana activities under the regulatory control of the OLCC. (SB 1511, §§ 1-6) At the time this guide was published, the OLCC has yet to issue rules as set out in that legislation. However, the upshot of those changes is that subject to the rules OLCC adopts, that legislation will enable co-location of both medical and recreational marijuana activities under the oversight of one agency.

Although oversight of marijuana activities may be consolidating into the OLCC, it's important to note that for now the recreational and medical programs continue to retain separate' characteristics and businesses operating within them will be subject to different rules. For example, in 2016 the Legislature added a separate description of what constitutes medical

marijuana, with a definition that suggests that medical products may carry a different potency than recreational marijuana. (SB 1511, § 11). Additionally, as discussed below, the spacing requirements remain different (for recreational retailers local governments can't require more than a 1,000 feet buffer, but medical marijuana under state law must be at least 1,000 feet from each other.) Thus a person licensed to conduct both retail and medical marijuana activities will still be operating under different sets of rule for each activity.

Local Government Options for Regulation of Marijuana

Any city wanting to regulate or prohibit marijuana activities should work closely with its legal counsel to survey existing state law, administrative rules, and local code; develop a means to implement and enforce any new ordinances; and then craft the necessary amendments to the city's code to accomplish the council's intent.

As set out in ORS 475B.340, ORS 475B.500, and under their home rule authority, cities have a number of options for regulating marijuana activities. Whether to regulate is a local choice. What follows is an overview of the options available to cities. However, before embarking on any form of regulation, cities should begin by examining the 10 types of marijuana activities authorized by state statute and the restrictions state law (including administrative regulations adopted by the OLCC [found in OAR chapter 845, division 25] and the OHA [found in OAR chapter 333, division 8]) places on each type of activity to determine whether a gap exists between what state law allows and what the community desires to further restrict.

State Restrictions on the Location of Medical and Recreational Marijuana Activities

Before regulating or prohibiting state-registered or licensed marijuana activities, cities should examine the restrictions in state law. It is important to know about any state restrictions that create a regulatory "floor." In other words, although the courts generally have upheld a city's authority to impose more stringent restrictions than those described in state law, a city likely cannot impose restrictions that are more lenient than those described in state law. So for example, when state law requires a 1,000-foot buffer between medical marijuana dispensaries, a city could not allow dispensaries to locate within 500 feet of each other. Moreover, some cities may determine that state regulation of marijuana activities is sufficient and that local regulation is therefore unnecessary.

For those cities interested in prohibiting any of the marijuana activities listed above, it is important to examine the state restrictions, particularly in smaller communities. Those restrictions effectively may preclude a person from becoming registered with or licensed by the state to engage in marijuana activities.

Medical Grow Sites and Recreational Producers

ORS 475B does not restrict where medical marijuana grow sites or recreational marijuana producers can locate. In fact, in 2016, the Legislature clarified that both medical and recreational marijuana are farm crops, allowing marijuana to be grown on land zoned for exclusive farm use. Nonetheless, such grows are still subject to local time place and manner restrictions.

However, the OLCC has adopted some restrictions on where recreational marijuana facilities generally can locate, and where recreational marijuana producers in particular can locate. (OAR

845-025-1115). All recreational marijuana facilities (including grows) are prohibited from locating:

- On federal property;
- At the same physical location or address as a medical marijuana facility that has maintained its medical registration with the OHA; or
- At the same physical location or address as a liquor licensee.

(OAR 845-025-1230) Recreational marijuana growers are additionally prohibited from locating on public land or on the same tax lot or parcel as another licensed grower under common ownership. (OAR 845-025-1115)

In addition to location restrictions, state law and rule places limitations on the number of plants that a medical marijuana grower can grow in residential zones on the size of recreational marijuana grow canopies. Generally, a medical marijuana grow site may have up to 12 mature plants if it is located in a residential zone, and up to 48 mature plants if it is located in any other zone. However, there are exceptions for certain grow sites that were in existence and had registered with the state by January 1, 2015. For those grow sites, the number of plants is limited to the number of plants that were at the grow site as of December 31, 2015, as long as that number does not exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones. A grower loses the right to claim those exceptions, however, if the grower's registration is currently suspended or revoked.

Those medical limits, however do not apply to grow sites that are converting to recreational grows under the provisions of SB 4014 and are reapplying through the OLCC to become a recreational and medical grow site.

Medical Processing Sites and Recreational Processors

Processors that produce medical marijuana extracts may not be located in an area zoned for residential use. The OHA has defined "zoned for residential use" to mean "the only primary use allowed outright in the designated zone is residential." (OAR 333-008-0010(64)).

Processors that make recreational marijuana extracts may not be located in an area zoned *exclusively* for residential use, and they are also subject to the general location restrictions in the OLCC rules outlined above.

Medical Marijuana Dispensaries

Under state law, medical marijuana dispensaries may not locate in residential zones, may not be located at the same address as a grow site, and may not be located within 1,000 feet of another dispensary.

In addition, dispensaries may not locate within 1,000 feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial

elementary or secondary school, teaching children as described in ORS 339.030(1)(a).[8] As a practical matter, that means that dispensaries cannot locate within 1,000 feet of most public and private elementary, middle and high schools. However, if a school is established within 1,000 feet of an existing dispensary, the dispensary may remain where it is unless the OHA revokes its registration. In addition, under the 2016 legislation, a city can allow a dispensary within 500 feet of a school under limited circumstances. (SB 1511, § 29).

Wholesalers and Recreational Retailers

Wholesale and retail licensees may not locate in an area that is zoned exclusively for residential use and are subject to the same general OLCC restrictions on location noted above. The same requirements that apply to medical marijuana dispensaries regarding their proximity to schools apply to retail licensees. As a practical matter, a retail licensee may not locate within 1,000 feet of most public and private elementary, middle and high schools. However, if a school is established within 1,000 feet of an existing retail licensee, the licensee may remain where it is unless the OLCC revokes its license. In addition, under the 2016 legislation, a city can allow a dispensary within 500 feet of a school under limited circumstances. (SB 1511).

State law does not impose a 1,000-foot buffer between retailers as it does for medical marijuana dispensaries. In fact, as discussed further under local government options, under state law, a city cannot prohibit a retailer from being located within a distance greater than 1,000 feet from another retailer. In other words, the maximum buffer that a city can impose between retailers is 1,000 feet.

Compatibility with Local Requirements - Land Use Compatibility Statement (LUCS)

In addition to express restrictions on the location of certain marijuana facilities, state law also requires certain marijuana facilities to obtain a land use compatibility statement (LUCS) from the local government before the state will issue a license. In particular, recreational producers, processors, wholesalers, and retailers must request a land use compatibility statement from a local government before the OLCC issues a license. A LUCS describes whether the proposed use is allowable in the zone requested, and must be issued within 21 days of:

[8] ORS 339.020 provides, "Except as provided in ORS 339.030:

> (1) Every person having control of a child between the ages of 7 and 18 years who has not completed the 12th grade is required to send the child to, and maintain the child in, regular attendance at a public full-time school during the entire school term.
>
> (2) If a person has control of a child five or six years of age and has enrolled the child in a public school, the person is required to send the child to, and maintain the child in, regular attendance at the public school while the child is enrolled in the public school."

ORS 339.030(1)(a) provides, "In the following cases, children may not be required to attend public full-time schools: (a) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year."

- Receipt of the request if the land use is allowable as an outright permitted use; or
- Final local permit approval, if the land use is allowable as a conditional use.

Certain small-scale medical marijuana growers outside of city limits do not have to request a LUCS when applying for a recreational marijuana license. (SB 1598, § 2).

A local government that has a ballot measure proposing to ban marijuana activities does not have to act on the LUCS while the ballot measure is pending.

Local Government Means of Regulation

In recent years, the Legislature has enacted several pieces of legislation that have encroached, but not entirely preempted, a city's home rule authority to regulate marijuana. What follows is a discussion of those various encroachments and the options that remain available for cities that may wish to regulate or prohibit marijuana activities.

Tax

The OMMA was silent on local authority to tax, meaning that local governments retained their home rule authority to tax medical marijuana. Measure 91, on the other hand, attempted to preempt local government authority to tax recreational marijuana, though there were significant questions regarding the effect and scope of that purported preemption.

In ORS 475B.345, adopted in 2015, the Legislature vested authority to "impose a tax or fee on the production, processing or sale of marijuana items" solely in the Legislative Assembly, except as provided by law. The Legislature also provided that a city may not "adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items," except as provided by law. The Legislature went on to provide that cities may adopt an ordinance, which must be referred to the voters, imposing a tax or fee of up to 3 percent on the sale of marijuana items by a retail licensee. The ordinance must be referred to the voters in a statewide general election, meaning an election in November of an even-numbered year. However, if a city has adopted an ordinance prohibiting the establishment of any recreational marijuana licensees or any medical marijuana registrants in the city, the city may not impose a local tax under that provision. In addition, in 2016, the Legislature adopted an additional restriction on local governments by providing that a local tax may not be imposed on a medical marijuana patient or caregiver. (SB 1511, § 18).

ORS 475B.345 preempts local governments from imposing a tax on the production, processing or sale of recreational marijuana, except as provided by state law. State law provides that a city may impose up to a 3 percent tax on the sale of marijuana by an OLCC-licensed retailer, but an ordinance adopting such a tax must be referred to the voters at a statewide general election. In 2016, the Legislature attempted to expand the state preemption by providing that a local tax may not be imposed on a medical marijuana patient or caregiver. (SB 1511, § 18).

Cities that do impose a local tax may look to the state for help in administering that tax. Recognizing that cities, particularly smaller cities, may not have the resources to administer and

enforce a local marijuana tax, the 2016 Legislature clarified that local governments may contract with the Oregon Department of Revenue (DOR) to collect, enforce, administer, and distribute locally-imposed marijuana taxes. (HB 4014, § 32). The League is working to develop a sample contract that cities interested in contracting with DOR can use as a starting point in discussions with the agency.

For those cities that enacted taxes on medical or recreational marijuana prior to the Legislature's adoption of ORS 475B.345, the status of those taxes remains an open question. Arguably, cities that had "adopt[ed] or enact[ed]" taxes prior to the effective date of ORS 475B.345 are grandfathered in under the law. However, the issue is not free from doubt, and cities that decide to collect on pre-ORS 475B.345 taxes should be prepared to defend their ability to do so against legal challenge. Consequently, cities that plan to continue to collect taxes imposed prior to the passage of ORS 475B.345 should work closely with their city attorney to discuss the implications and risks of that approach.

Ban on Early Sales

On October 1, 2015, medical marijuana dispensaries began selling limited quantities of recreational marijuana. Cities may adopt an ordinance prohibiting those early sales without referring the ordinance to voters and likely without tax implications. Although a city adopting an ordinance "prohibiting the establishment" of certain marijuana activities is not eligible to receive state marijuana tax revenues, an ordinance prohibiting early sales would merely limit the activities at an existing medical marijuana dispensary. As a result, cities would likely remain eligible to receive state tax revenues.

However, cities likely cannot impose a local tax on early sales. Under ORS 475B.345, cities may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided in that legislation. ORS 475B.345 further stipulates that cities may refer an ordinance to voters imposing a tax of up to 3 percent on sales by a person that holds a retail license issued by the OLCC. Because early sales of recreational marijuana will be made by medical marijuana dispensaries, and not by a retail licensee, a city likely is preempted from imposing a tax on early sales of recreational marijuana. However, cities interested in imposing a local tax on early sales should consult their city attorney.

Ban on State-Registered and Licensed Activities

Under ORS 475B.800, cities may prohibit within the city the operation of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and medical marijuana dispensaries. The law is silent on whether a city can ban medical marijuana growers, marijuana laboratories, and marijuana researchers from operating in the city. However, ORS 475B.800 does not indicate that the bill's process for banning marijuana activities is the exclusive means to do so. Cities considering banning medical marijuana grow sites, marijuana laboratories, or marijuana researchers should consult their city attorney about whether they can do so under either home rule, federal preemption or both legal theories.

Before December 24, 2015, cities located in counties that voted against Measure 91 by 55 percent or more (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wheeler Counties) had the opportunity to enact a ban through council adoption of an ordinance prohibiting any of the six activities listed above. For cities that did not take that approach within the required timeline, and for cities not located in those counties, the city council may adopt an ordinance banning any of the six activities listed above, but that ordinance must be referred to the voters at a statewide general election, meaning an election in November of an even-numbered year. Medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city or county land use application process.

Under either procedure, as soon as the city council adopts the ordinance, it must submit it to the OHA for medical bans and the OLCC for recreational bans, and those agencies will stop registering and licensing the banned facilities. In other words, for cities using the referral process, the council's adoption of an ordinance acts as a moratorium on new facilities until the election occurs.

For cities using the referral process, it is also important to note that once the elections official files the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, cities should consult the secretary of state and their city attorney to ensure that public employees are complying with state elections law in their communications about the pending measure.

If voters reject a ballot measure proposing to ban marijuana activities, the OHA and the OLCC will not begin registering and licensing marijuana facilities until the first business day of the January following the statewide general election. (HB 4014, § 31). That system will allow cities that want to regulate marijuana businesses time to adopt time, place, and manner ordinances after the ban is rejected and before new registrations or licenses are issued by the state.

In determining whether to prohibit any of the marijuana activities registered or licensed by the state, cities may want to consider the tax implications. Cities that enact a prohibition on any marijuana activity likely will not be eligible to receive state marijuana tax revenues or impose a local tax, even if the city bans only certain activities and allows others.

If a city that has imposed a ban decides to lift that ban, the governing body may repeal the ordinance, and must give notice of the change to the appropriate regulatory agency (either OHA or OLCC). (HB 4014, § 30).

It is also important to note that in 2016 the Legislature preempted cities from imposing restrictions on certain aspects of the personal possession of recreational and medical marijuana. (HB 4014 § 33). As a result, cities interested in enacting a ban on any aspect of personal use and growing of marijuana should consult with their city attorney to discuss the scope of the preemption, and whether the city can regulate or ban under either home rule, federal preemption or both legal theories.

Business License Ordinance

Although ORS 475B.800 provides an avenue for cities to ban certain marijuana activities, nothing in the statute makes that the exclusive means for prohibiting marijuana activities. As a result, some cities may not need to go through the procedures outlined in ORS 475B.800 to ban marijuana activities because they may already have laws in place that create an effective ban. However, cities relying on other avenues to ban should be prepared to defend their authority to do so.

A number of cities have imposed a ban through a local business license ordinance that provides that it is unlawful for any person to operate a business within the city without a business license, and further provides that the city will not issue a business license to any person operating a business that violates local, state or federal law. Indeed, cities that have a business license ordinance in place should review their existing codes to determine if such wording already exists. Additionally, whether adopting a new business license program or amending an existing one to provide that the city will not issue a business license to any person operating a business that violates local, state or federal law, a city should work with its legal counsel to ensure that its business license ordinance includes an enforcement mechanism to address a situation in which a person is operating a business without a business license.

In addition, cities that decide to enforce a business license ordinance instead of adopting a ban under ORS 475B.800 should consult their city attorney regarding *City of Cave Junction v. State of Oregon* (Josephine County Circuit Court Case #14CV0588; Court of Appeals Case #A158118) and *Providing All Patients Access v. City of Cave Junction* (Josephine County Circuit Court Case #14CV1246, Court of Appeals Case #A160044). At issue in those cases is whether the city of Cave Junction may enforce its business license ordinance, which prohibits issuance of a business license to a business operating in violation of local, state or federal law, to effectively prohibit medical marijuana dispensaries from operating. Two trial courts in Oregon have upheld the city's business license ordinance against challenges that it has been preempted by the OMMA (prior to its amendment by HB 3400). Both of those cases currently are on appeal before the Oregon Court of Appeals.

Development Code

Cities that desire to impose a prohibition on marijuana operations could also include in their development codes a provision stating that the city will not issue a development permit to any person operating a business that violates local, state or federal law. If not already defined, or if defined narrowly, the city will want to amend its code to provide that a development permit includes any permit needed to develop, improve or occupy land including, but not limited to, public works permits, building permits or occupancy permits.

Land Use Code

As noted previously, state law places restrictions on where certain marijuana activities can locate, including prohibiting certain processors, dispensaries and retail establishments from

locating in residential zones. In addition to those state requirements, cities can impose their own more stringent land use requirements and restrictions. Moreover, cities that desire to prohibit marijuana facilities altogether might also do so through amendments to their land use codes. Before considering this option, cities should work with their legal counsel to first determine if the wording of their zoning codes already prohibits marijuana operations, and if not, to identify the appropriate land use procedures and the amount of time it would take to comply with them. If the wording in a city's zoning codes does not prohibit marijuana operations, the city has different options. One option is to add wording such as "an allowed use is one that does not violate local, state or federal law" to the city's zoning code. Cities that adopt a prohibition that references federal law would then rely on existing mechanisms in their ordinances for addressing zoning violations.[9]

It is important to note that under ORS 475B.063 (as amended in HB 4014, section 11), a land use compatibility statement is required as part of the OLCC's licensing process. In particular, before issuing a producer, processor, wholesaler or retailer license, an applicant must request a statement from the city that the requested license is for a location where the proposed use of the land is a permitted or conditional use. If the proposed use is prohibited in the zone, the OLCC may not issue a license. A city has 21 days to act on the OLCC's request, but when that 21 days begins varies. If the land use is allowed as an outright permitted use, the city has 21 days from receipt of the request; if the land use is a conditional use, the city has 21 days from the final local permit approval. The city's response to the OLCC is not a land use decision, and the city need not act on a LUCS request while a measure proposing to ban marijuana facilities is pending.

Time, Place and Manner Regulations

ORS 475B.340 (recreational) and ORS 475B.500 (medical) provide that local governments may impose reasonable regulations on the time, place and manner of operation of marijuana facilities. The League believes that, under the home rule provisions of the Oregon Constitution, local governments do not need legislative authorization to impose time, place and manner restrictions, and that the Legislature's decision to expressly confirm local authority to impose certain restrictions does not foreclose cities from imposing other restrictions not described in state law.

ORS 475B.340 and ORS 475B.500 provide that cities may regulate marijuana facilities by imposing reasonable restrictions on:

[9] Under existing law, the League believes it is clear that a city may enforce civil regulations of general applicability (such as zoning codes, business licenses and the like) through the imposition of civil penalties. Although a city likely cannot directly recriminalize conduct allowed under state criminal law, it is a different legal question whether a city may impose criminal penalties for violating a requirement of general applicability when the conduct at issue is otherwise immune from prosecution under state law (i.e. whether a city may impose criminal penalties for operation of a medical marijuana dispensary in violation of a city's land use code). *Cf. State v. Babson*, 355 Or 383, 326 P3d 559 (2014) (explaining that generally applicable, facially neutral law, such as a rule prohibiting use of public property during certain hours, may be valid even if it burdens expressive conduct otherwise protected under Article I, section 8, of the Oregon Constitution). Consequently, a city should work closely with its city attorney before imposing criminal penalties against a person operating a medical marijuana facility in violation of a local civil code, such as a zoning, business license or development code.

- The hours of operation of recreational marijuana producers, processors, wholesalers, and retailers and medical marijuana grow sites, processing sites and dispensaries;
- The location of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites and dispensaries, except that a city may not impose more than a 1,000-foot buffer between recreational marijuana retailers;
- The manner of operation of recreational marijuana producers, processors, wholesalers and retailers; production and processing by marijuana researchers; and medical marijuana grow sites, processing sites and dispensaries; and
- The public's access to the premises of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites and dispensaries.

What regulations a city ultimately adopts will depend on community wants and needs, as well as on future changes to the law and to the rules adopted by the OHA and the OLCC. As a result, although cities may want to begin considering the types of regulations that they want to impose, cities should be aware that local needs may change with experience and as new laws and administrative rules go into effect.

Frequently Asked Questions About
Local Regulation of Marijuana

May 24, 2016

What's New?

Oregon's medical and recreational marijuana laws are now codified in ORS chapter 475B. Provisions relating to recreational marijuana are found in ORS 475B.005 to 475B.399. Medical marijuana is addressed in ORS 475B.400 to to 475B. 525. Testing of cannabis and cannabis products are covered in ORS 47B.550 to ORS 475B.590. Packaging, labeling and dosage of cannabis and cannabis products are covered in ORS 475B.600 to 475B.655. Taxation of cannabis and cannabis products is addressed in ORS 475B.700 to 475B.760. Provisions relating to the authorit of cities and counties to prohibit the establishmet of cannabis-related businesses are found in ORS 475B.800.

During the 2016 legislative session, the following amendments were made:

HB 4014 (2016)

- Allows but does not mandate the ability for cities and counties to enter into IGA's with Oregon Department of Revenue to collect local marijuana sales taxes (3 percent)
- Clarifies that a land use compatibility statement (LUCS) request is not a land use decision and therefore not subject to review by the Oregon Land Use Board of Appeals
- Eliminates two-year residency requirement
- Reduces the cost of a medical marijuana card for veterans
- Directs OLLC to adopt rules allowing medical marijuana grow sites, processing sites and dispensaries to convert from OHA to OLLC licenses
- Allows tax deduction for production, processing or sale of marijuana items which would have otherwise been available under section 280E of Internal Revenue Code
- Creates a process by which city or county can repeal a previously adopted ban on one or more types of marijuana business (the "opt-in" ordinance)

SB 1598 (2016)

- Allows existing medical marijuana growers operating outside of cities to sell into the recreational market without completing a LUCS/ LUCS still required within city limits
- Treats medical marijuana grown on agricultural lands as a farm crop but allows city or county to impose reasonable regulations on marijuana production other unlike other agricultural crops

SB 1511 (2016)

- Expands access to allow OLCC licensed producers, processors and retailers to participate in both recreational and medical marijuana markets
- All recreational marijuana will be subject to the "seed-to-sale" tracking requirement
- Expanded early start: adult-use customers able to purchase single serving low-dose marijuana products that have passed appropriate purity and potency tests from the OHA until December 31, 2016
- Delay in effective date of plant limits: A medical grower in the process of applying to become an OLCC licensee (and who has filed the paperwork) is granted a stay on the reduction in plant limits through December 31, 2016
- OHA is directed to consider higher allowable dosages for medical patients with serious medical conditions

HB 4094 (2016)

- Exempts financial services from certain Oregon criminal laws for providing financing or financial services to marijuana businesses

Below are answers to some of the most commonly asked questions about Oregon's marijuana laws and their impacts on local governments.

HOME RULE AND FEDERAL LAW

I've heard that cities did not need this legislation to regulate marijuana because Oregon is a home rule state. What is home rule?

Home rule is the power of a local government to set up its own system of governance and gives that local government the authority to adopt ordinances without having to obtain permission from the state. City governments in Oregon derive home rule authority through the voters' adoption of a home rule charter as provided for in the Oregon Constitution. All 242 cities in Oregon have adopted a home rule charter. A charter operates like a state constitution in that it vests all government power in the governing body of a municipality, except as expressly stated in that charter or preempted by state or federal law.

So how does home rule relate to a city's authority to regulate marijuana?

Home rule authority allows local governments to enact ordinances regulating marijuana unless preempted by state law. The state Legislature can limit local government authority if it passes legislation that clearly and unambiguously preempts that authority. Because the Legislature recently passed four bills relating to marijuana, it is important to understand how state and local authority interact because that relationship will impact what cities can and cannot do when it comes to regulating marijuana. Specifically, unless clearly preempted, cities can impose regulations in addition to those authorized under ORS chapter 475B under their home rule authority.

Isn't marijuana illegal under federal law? If so, how can Oregon legalize it?

Marijuana is classified under the federal Controlled Substances Act as a Schedule I drug, which means it is unlawful under federal law to grow, distribute, possess or use marijuana for any purpose. Individuals who engage in such conduct could be subject to federal prosecution. Thus far, courts have upheld a state's authority to decriminalize marijuana for state law purposes. Oregon did so for medical marijuana in 1998 and for recreational marijuana in 2014. What that means is someone who grows, distributes, possesses or uses marijuana within the limits of those state acts is immune from state prosecution, but might still be subject to federal prosecution if federal authorities desired to do so.

The U.S. Drug Enforcement Agency has indicated that it may consider reclassifying marijuana in the future. To date, this has not occurred nor is there any indication that any reconsideration by the DEA would result in a reclassification.

Can we as a city council use our home rule authority and vote to re-criminalize marijuana within our city?

No. A city's home rule authority is subject to the criminal laws of the state of Oregon. As noted above, the OMMA and Measure 91 provide immunity from criminal prosecution for individuals who are acting within the parameters of those laws. Consequently, a council cannot remove the immunity provided by state law.

The immunity provided by state law does not extend to all crimes committed while engaging in marijuana-related activities. For example, the immunity provided by state law does not apply to the crime of driving under the influence. Likewise a city should be able to impose criminal penalties against a person engaging in a marijuana-related activity that violates another law, such as a business license ordinance, zoning or anti-smoking regulations. However, before doing so, a city should work with its city attorney to confirm that the state law immunities do not apply.

BANS

Can my city ban the growing, processing, and sale or transfer of marijuana?

ORS 475B.800 provides a process, explained below, for cities to ban six of the seven types of marijuana activities registered or licensed by the state. Specifically, the six types of marijuana activities that cities can ban under ORS 475B.800 are:

- Medical marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Medical marijuana dispensaries;
- Recreational marijuana producers (growers);
- Recreational marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Recreational marijuana wholesalers; and
- Recreational marijuana retailers.

The seventh marijuana activity registered by the state is the growing of medical marijuana. The bills the Legislature enacted in 2015 are silent on whether a city can ban medical marijuana growers from operating. (State law does expressly place limits on the number of plants and the

amount of marijuana that can be located at any particular grow site.) As noted below, the statutes do not indicate that the process in ORS 475B.800 for banning marijuana activities is the exclusive means to do so. Cities considering banning medical marijuana grow sites should talk to their city attorney about whether they can do so under either home rule, federal preemption, or both legal theories.

What process does the city need to go through under ORS 475B.800 to impose a ban on the growing, processing, or sale or transfer of marijuana?

Before December 24, 2015, cities located in counties that voted against Measure 91 by 55 percent or more (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wheeler Counties) were permitted to enact a ban through council adoption of an ordinance prohibiting any of the six activities listed above. After that time, and for cities not located in those counties, the city council may adopt an ordinance banning any of the six activities listed above, but that ordinance must be referred to the voters at a statewide general election, meaning an election in November of an even-numbered year. The general election date for 2016 is November 8.

As soon as the council adopts the ordinance, it must submit it to the Oregon Health Authority (OHA) for medical bans and the Oregon Liquor Control Commission (OLCC) for recreational bans, and those agencies will stop registering and licensing the banned facilities. In other words, for cities using the referral process, the council's adoption of an ordinance acts as a moratorium on new facilities until the election occurs.

Can my city ban the personal use and growing of marijuana?

ORS chapter 475B does not provide an avenue for cities to ban the personal use and growing of marijuana. As a result, cities interested in enacting such a ban should consult with the city attorney to discuss whether the city can do so under either home rule, federal preemption, or both legal theories.

If the city adopts a ban under ORS 475B.800, are existing marijuana activities grandfathered (allowed to remain open)?

The answer depends upon the type of activity. Medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city or county land use application process.

However, ORS 475B.800 does not provide similar protection to any of the other marijuana activities that a city can ban under that legislation. Consequently, recreational marijuana growers, processors, wholesalers and retailers are subject to a ban under ORS 475B.800, even if those businesses are already operating at the time the ban was enacted.

Although some businesses may argue that they have a due process right to continue operating, the status of marijuana as an illegal drug under federal law makes it unlikely that a court would recognize a due process right for a marijuana business owner. However, cities will want to work closely with their city attorney on enforcement of a ban against existing businesses.

If my city adopts a ban under ORS 475B.800, will it still get a share of state marijuana tax revenues?

No. A city that adopts an ordinance prohibiting the establishment of medical or recreational marijuana businesses is not eligible to receive a distribution of state marijuana tax revenues.

If the voters in my city vote to reject the ban, when will the Oregon Liquor Control Commission or Oregon Health Authority begin registering or licensing marijuana businesses?

Section 31 of HB 4014 (2016) provides that licensing or registration on the first business day of the January immediately following the date of the statewide general election. This date was chosen to provide an opportunity for cities and counties to adopt local time, place or manner restrictions, business license ordinances and forms and to take other action required to address issues and concerns relating to the addition of marijuana businesses in the city. Cities dealing with this situation will want to visit with their city attorney to discuss action steps and to further determine if there are home rule or business license possibilities to prohibit some or all marijuana business activities.

My city requires businesses to obtain a license to operate, and city ordinance provides that the city will not issue a business license if a business operates in violation of local, state or federal law, creating an effective ban on marijuana businesses. Can we continue to enforce that ordinance instead of adopting a ban using the procedure described in ORS 475B.800?

Yes. The League has taken the position that cities may still adopt and enforce their business license ordinances. However, a city should be prepared to defend its authority to do so.

ORS chapter 475B does not contain a broad express preemption on local government authority.[1] Nothing in ORS 475B makes the ban procedures in the law the exclusive means for prohibiting marijuana businesses. Consequently, the League has taken the position that ORS 475B does not prevent a city from banning marijuana activities through other means, such as adopting or enforcing a business license ordinance that prohibits issuance of a business license to a business operating in violation of local, state or federal law.

However, cities that decide to enforce a business license ordinance instead of adopting a ban under ORS 475B.800 should consult their city attorney about the case of *City of Cave Junction v. State of Oregon*, Josephine County Circuit Court Case #14CV0588, which is currently on appeal before the Oregon Court of Appeals. At issue in that case is whether the city of Cave Junction may enforce its business license ordinance, which prohibits issuance of a business license to a business operating in violation of local, state or federal law.

If my city adopts a ban under ORS 475B.800 and the ban is approved by the voters at a statewide general election, will it be possible to repeal the ban at a later time?

Yes, ORS 475B.800 provides the mechanism by which a city that has effectively banned marijuana businesses may repeal that prohibition. The process by which a city or county may opt in to allow marijuana businesses is quite similar to the process required (and described above) by which a city opted out of allowing marijuana businesses.

[1] Section 57 of HB 3400 does provide that Measure 91 supersedes any "inconsistent" local enactments. Although some people have suggested that Section 57 is a broad preemption of local authority, the League disagrees. The liquor control act contains similar wording and the Oregon appellate courts have not interpreted that section to be a broad preemption. For more information and analysis of the inconsistency provision in Measure 91, as amended by ORS 475B, see the memorandum on the League's A-Z Marijuana Resources webpage entitled, "Measure 91 and Local Control."

The city council must adopt an ordinance repealing its earlier ordinance which prohibited one or more of the six activities listed above, and that ordinance of repeal must be referred to the voters at a statewide general election, meaning an election in November of an even-numbered year. The general election date for 2016 is November 8. The next available election date to opt in will be November 6, 2018.

As soon as the council adopts the ordinance, it must submit it to the Oregon Health Authority (OHA) for medical marijuana activities and the Oregon Liquor Control Commission (OLCC) for recreational marijuana activities. Those agencies will begin registering and licensing on the first business day of the January immediately following the date of the statewide general election. This date was chosen to provide an opportunity for cities and counties to adopt local time, place or manner restrictions, business license ordinances and forms and to take other action required to address issues and concerns relating to the addition of marijuana businesses in the city.

LOCAL TAX

Can my city tax recreational marijuana?

Yes, as long as the city has not adopted an ordinance under ORS 475B.800 prohibiting marijuana activities in the city.

Under ORS 475B.345, cities may impose up to a 3 percent tax on sales of marijuana items made by those with recreational retail licenses by referring an ordinance to the voters at a statewide general election, meaning an election in November of an even-numbered year.

Can my city tax medical marijuana?

It is unclear whether a city can tax medical marijuana. ORS 475B.345 provides that authority to "impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly," and a city may not adopt or enact ordinances imposing a tax or fee on those activities except for the 3 percent tax on recreational activities discussed above. The legal question is whether that section applies to medical marijuana. Cities interested in taxing medical marijuana should work closely with their city attorney.

My city enacted a tax on medical and recreational marijuana before ORS 475B was enacted. Can we continue to impose that tax now?

The status of taxes enacted prior to ORS 475B is an open question. ORS 475B.345 provides that, except as provided by law, the authority to "impose" a tax or fee on the production, processing or sale of marijuana items is vested solely in the Legislative Assembly, and a city may not "adopt or enact" ordinances imposing a tax or a fee on those activities. Arguably, cities that have already adopted or enacted a tax prior to the effective date of ORS 475B.345 are grandfathered in. However, the issue is not free from doubt, and cities that decide to collect on pre-ORS475B345 taxes should be prepared to defend their ability to do so against legal challenge. Consequently, cities that plan to continue to collect taxes imposed prior to the passage of ORS475B.345 should work closely with their city attorney to discuss the implications and risks of that approach.

My city requires all businesses to obtain a license and pay a fee. Does that fee count as part of the 3 percent tax or fee that the city can impose under HB 3400?

HB 3400 limits a local tax on "the sale of marijuana items" to 3 percent and provides that a city may not otherwise adopt or enact an ordinance imposing a tax or fee on "the production, processing or sale of marijuana items." Although ORS 475B.345 preempts certain local taxes and fees, a city may be able to continue to impose taxes and fees of general applicability, which are not specific and limited to marijuana businesses, without being subject to the 3 percent limit. Cities considering imposing such a tax or fee should obtain their city attorney's advice before doing so.

If my city adopts a ban for some—but not all—marijuana activities, can it still impose a local tax on those activities not banned?

Probably not. ORS 475B.800(5) broadly provides that a city that adopts a ban under ORS 475B.800 prohibiting one or more marijuana activities within its jurisdiction "may not impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated."

STATE TAX

What is the state going to tax and in what amount?

Under ORS 475B.700, the state will impose a 17 percent tax on the retail sale of marijuana items, including marijuana leaves and flowers; immature marijuana plants; marijuana concentrates and extracts; marijuana skin and hair products; and other marijuana products.

Early sales of recreational marijuana from medical marijuana dispensaries, however, will be taxed at a higher rate. Starting January 4, 2016, early sales of recreational marijuana from a medical marijuana dispensary will be taxed at a rate of 25 percent.

How much of the state tax revenues will go to cities?

Ten percent of the state marijuana tax revenues will be distributed to cities that do not adopt ordinances prohibiting the establishment of marijuana facilities registered and licensed by the state.[2] The revenue will be distributed to cities "[t]o assist local law enforcement in performing its duties" under Measure 91.

Early figures indicate that retail sales of marijuana have exceeded expectations, but insufficient information is available upon which one can draw any reasonable conclusions as to what actual dollar amounts might be available for distribution to cities. While preliminary revenue numbers have been described in popular media, very little information has been made available relating to the costs incurred by the State of Oregon in the administration and enforcement of ORS 475B.

How will the state tax revenues be distributed to cities?

Until July 1, 2017, the state tax revenue dedicated to cities will be distributed proportionately based on population to those cities that do not adopt prohibiting ordinances. After July 1, 2017, those revenues will be distributed proportionately based on the number of recreational licenses issued for premises located in each city. Fifty percent of the revenue for cities will be distributed based on the number of recreational grower, processor and wholesale licenses issued for a

[2] The remaining revenues will be distributed as follows: 40 percent to the Common School Fund; 20 percent to the Mental Health Alcoholism and Drug Services Account; 15 percent to the State Police Account; 10 percent to counties; and 5 percent to the Oregon Health Authority.

premises in the city. The other 50 percent will be distributed based on the number of recreational retail licenses issued for premises in the city.

Will the Oregon Department of Revenue be available to help collect local marijuana sales taxes on behalf of cities and counties?

Yes. Section 32 of HB 4014 amends ORS 305.620 to allow cities and counties to enter into intergovernmental agreements with the Oregon Department of Revenue (DOR) for the collection, enforcement, administration and distribution of local marijuana sales taxes. The League is working with the DOR to create an intergovernmental agreement template.

TIME, PLACE AND MANNER RESTRICTIONS

Does state law place any restrictions on where marijuana businesses can locate?

Yes. Medical marijuana dispensaries, recreational marijuana retail stores, and medical and recreational marijuana processors that process marijuana extracts cannot locate in a residential zone.

In addition, medical marijuana dispensaries and recreational marijuana retail stores are subject to the following restrictions:

- Neither can locate within 1,000 feet of certain public and private schools, unless the school is established after the marijuana facility.
- Medical marijuana dispensaries cannot locate within 1,000 feet of another dispensary.
- Medical marijuana dispensaries cannot locate at a grow site.

Finally, before issuing any recreational marijuana license, the OLCC must request a statement from the city that the requested license is for a location where the proposed use of the land is a permitted or conditional use. If the proposed use is prohibited in the zone, the OLCC may not issue a license. A city has 21 days to act on the OLCC's request, but when that 21 days starts to run varies:

- If the use is an outright permitted use, 21 days from receipt of the request; or
- If the use is a conditional use, 21 days from the final local permit approval.

I have heard that the new legislation ends "card stacking" and puts limits on the amount of marijuana at a medical marijuana grow site. What are those limits?

Generally, a medical marijuana grow site may have up to 12 mature plants if it is located in a residential zone, and up to 48 mature plants if it is located in any other zone. However, there are exceptions for certain existing grow sites. If all growers at a site had registered with the state by January 1, 2015, the grow site is limited to the number of plants that were at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones. A grower loses the right to claim those exceptions, however, if the grower's registration is suspended or revoked.

In addition to possessing mature marijuana plants, a medical marijuana grower may possess the amount of usable marijuana that the person harvests from the mature plants, not to exceed 12 pounds of usable marijuana per mature plant for outdoor grow sites and 6 pounds of usable marijuana per mature plant for indoor grow sites.

I have heard that cities can impose "reasonable restrictions" on medical and recreational marijuana businesses. What does that mean?

Although the League takes the position that the Legislature has not foreclosed other regulatory options, ORS 475B.340, as amended by section 66 of HB 4014, expressly provides that cities may impose reasonable regulations on the following:

- The hours of operation of retail licensees and medical marijuana grow sites, processing sites and dispensaries;
- The location of all four types of recreational licensees, as well as medical marijuana grow sites, processing sites and dispensaries, except that a city may not impose more than a 1,000-foot buffer between retail licensees;
- The manner of operation of all four types of recreational licensees, as well as medical marijuana processors and dispensaries; and
- The public's access to the premises of all four types of recreational licenses, as well as medical marijuana grow sites, processing sites and dispensaries.

The law also provides that time, place and manner regulations imposed on recreational licensees must be consistent with city and county comprehensive plans, zoning ordinances, and public health and safety laws, which would be true of any ordinance imposed by a city.

EARLY SALES OF RECREATIONAL MARIJUANA

What are "early sales" of recreational marijuana?

As of July 1, 2015, people 21 years of age and older have been allowed to possess limited amounts of recreational marijuana under state law. The OLCC anticipates the issuance of licenses for the retail sale of recreational marijuana in 2016. To allow the OLCC time to implement its licensing system, while also providing an avenue for people to purchase recreational marijuana, the Legislature authorized medical marijuana dispensaries to sell limited quantities of recreational marijuana.

In particular, medical marijuana dispensaries will be able to sell the following to a person who is 21 or older and presents proof of age:

- One quarter of one ounce of dried marijuana leaves and flowers per person per day;
- Four marijuana plants that are not flowering; and
- Marijuana seeds.

When did early sales start?

Medical marijuana dispensaries began selling limited quantities of recreational marijuana on October 1, 2015. Sales of recreational marijuana from medical dispensaries currently are set to end on December 31, 2016. At that time, recreational retail facilities likely will be operating and selling recreational marijuana.

Can my city opt out of early sales?

Yes. Under SB 460, a city may adopt an ordinance prohibiting the early sales described above. The city council may adopt the ordinance without referring it to the voters.

If my city opts out of early sales, is the city still eligible to receive state marijuana tax revenues?

Probably. HB 2041 provides that a city that adopts an ordinance "prohibiting the establishment" of marijuana businesses registered or licensed by the state is not eligible to receive state marijuana tax revenues. An ordinance prohibiting early sales under SB 460, however, would not prohibit the establishment of a state-registered or licensed facility. Rather, such an ordinance would merely limit the activities at an existing medical marijuana dispensary. As a result, a city prohibiting early sales should remain eligible to receive state marijuana tax revenues.

Can my city impose a local tax on early sales?

Probably not. Under ORS 475B, cities may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided in that legislation. ORS 475B.345 further stipulates that cities may refer an ordinance to the voters imposing a tax of up to 3 percent on sales by a person that holds a retail license issued by the OLCC. Because early sales of recreational marijuana will be made by medical marijuana dispensaries, and not by a retail licensee, a city likely is preempted from imposing a tax on early sales of recreational marijuana. However, cities interested in imposing a local tax on early sales should consult their city attorney.

TIMELINE

The following is a summary of key dates that local government officials need to be aware of regarding the effective date and implementation of Oregon's new marijuana laws:

- **January 1, 2016** – Most amendments to Measure 91 go into effect. In addition, after this date, medical marijuana growers became eligible to apply for an OLCC license to grow recreational marijuana at the same site.
- **January 4, 2016** – The OLCC must approve or deny recreational license applications as soon as practicable after this date (HB 3400 § 171). In addition, medical marijuana dispensaries engaging in early sales of recreational marijuana must begin collecting a 25 percent state tax on those sales.
- **March 1, 2016** – Most amendments to the OMMA go into effect.
- **November 8, 2016** – Next statewide general election. Cities may refer measures on prohibition of marijuana activities and measures on local taxes at this election.
- **December 31, 2016** – Early sales of recreational marijuana from medical marijuana dispensaries end.
- **January 2, 2017 –** OLLC and OHA begin processing applications of marijuana businesses in cities and counties where proposed bans were rejected by local voters.

COUNCIL ORDINANCE NO. 20566

COUNCIL BILL 5156

AN ORDINANCE CONCERNING IMPOSITION OF A THREE PERCENT TAX ON THE RETAIL SALES OF RECREATIONAL MARIJUANA; ADDING PROVISIONS TO THE EUGENE CODE, 1971; PROVIDING FOR AN EFFECTIVE DATE; AND REFERRING THE CODE AMENDMENTS TO THE ELECTORS OF THE CITY AT THE NOVEMBER 8, 2016 ELECTION.

ADOPTED: July 25, 2016

SIGNED: July 26, 2016

PASSED: 7:1

REJECTED:

OPPOSED: Brown

ABSENT:

EFFECTIVE: If Passed by Voters: January 1, 2017

ORDINANCE NO. 20566

AN ORDINANCE CONCERNING IMPOSITION OF A THREE PERCENT TAX ON THE RETAIL SALES OF RECREATIONAL MARIJUANA; ADDING PROVISIONS TO THE EUGENE CODE, 1971; PROVIDING FOR AN EFFECTIVE DATE; AND REFERRING THE CODE AMENDMENTS TO THE ELECTORS OF THE CITY AT THE NOVEMBER 8, 2016 ELECTION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 3.700, 3.702, 3.704, 3.706, 3.708, and 3.710 of the Eugene Code, 1971, are added to provide as follows:

Retail Tax on Marijuana Items

3.700 Retail Tax on Marijuana Items - Definitions. The following words and phrases as used in this Chapter shall have the following meanings:

City Manager. The city manager or the city manager's designee.

Tax Administrator. The person designated by the city manager.

Consumer. A person who purchases, acquires, owns, holds or uses marijuana items other than for the purpose of resale.

Marijuana item. Marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts as defined in ORS 475B.015.

Marijuana retailer. A person licensed under ORS 475B.110 who sells marijuana items to a consumer in the State of Oregon.

Person. Individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

Retail sale price. The total consideration paid to a marijuana retailer for a marijuana item by or on behalf of a consumer, excluding any tax.

3.702 Retail Tax on Marijuana Items - Tax Imposed. The city hereby imposes a tax on each marijuana item sold to a consumer within the city by a marijuana retailer to be used for general government purposes. The tax shall equal three percent of the retail sale price for each marijuana item sold.

3.704 Retail Tax on Marijuana Items - Collection. The consumer shall pay the tax to the marijuana retailer at the time of the purchase or sale of the marijuana item. Every marijuana retailer shall collect the tax from the consumer at the time of the sale of a marijuana item. The marijuana retailer shall remit the tax to the tax administrator.

3.706 **Retail Tax on Marijuana Items - Accounting and Records.** Every marijuana retailer must keep, preserve and make available to the tax administrator detailed records of all sales made and all taxes collected consistent with administrative regulations adopted by the city manager pursuant to section 2.019 of this code.

3.708 **Retail Tax on Marijuana Items - Penalties and Interest.** The city manager shall adopt administrative rules pursuant to section 2.019 of this code to specify the amount of penalties and interest that a retailer must pay if the retailer fails to timely remit any tax imposed by this code. The amount of penalties and interest established by administrative regulation shall be consistent with comparable provisions of state law.

3.710 **Retail Tax on Marijuana Items - Appeal.** Any person aggrieved by any decision of the tax administrator under this code may appeal the decision in the manner provided in section 2.021 of this code. The appeal shall be heard and determined as provided in section 2.021 of this code.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 3. The provisions of Section 1 of this Ordinance shall not become effective unless approved by the electors of the City of Eugene at the City election to be held concurrently with the statewide election on November 8, 2016.

Section 4. If approved by the electors of the City of Eugene at the November 8, 2016 City election, this Ordinance shall become effective on January 1, 2017.

Passed by the City Council this

25th day of July, 2016.

Beth Forrest
City Recorder

Approved by the Mayor this

26 day of July, 2016.

Kitty Piercy
Mayor