



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 8, 2024

12:00 p.m. CITY COUNCIL WORK SESSION

City Council Wednesday work sessions are held using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of May 8, 2024;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Matt Keating, President
Jennifer Yeh
Mike Clark
Lyndsie Leech

Randy Groves, Vice President
Alan Zelenka
Greg Evans
Emily Semple

12:00 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Police Auditor's Office and Civilian Review Board Annual Reports

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

Meeting Date: May 8, 2024
Department: Independent Police Auditor
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Leia Pitcher
Contact Telephone Number: 541-682-5016

ISSUE STATEMENT

Independent Police Auditor Leia Pitcher and the leadership of the Civilian Review Board are appearing before the City Council to discuss the 2023 Annual Report of the Independent Police Auditor's Office and the 2023 Annual Report of the Civilian Review Board.

BACKGROUND

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

[City Charter](#) Section 15-A(1) directs the Police Auditor to "prepare reports on complaint trends and police practices in general; Section 15-A(2) directs the Civilian Review Board to "provide reports and recommendations to the city council."

In addition, Eugene Code ([EC](#) 2.246(7) requires the Civilian Review Board to prepare and present an annual report to the city council; requirements for the report are set out therein. [EC](#) 2.454(1)(h) directs the Auditor's office to develop and present annual public reports, with more specific requirements for the reports set out therein.

PREVIOUS COUNCIL DIRECTION

[May 17, 2023 Council Work Session](#)

At the May 17, 2023 City Council Work Session, Independent Police Auditor, Leia Pitcher, and the leadership of the Civilian Review Board appeared and presented the 2022 Annual Report of the Independent Police Auditor's Office and the 2022 Annual Report of the Civilian Review Board.

COUNCIL OPTIONS

Information only.

May 8, 2024 Work Session – Item 1

AUDITOR'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. 2023 Annual Report of the Independent Police Auditor's Office
- B. 2023 Civilian Review Board Annual Report

FOR MORE INFORMATION

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Telephone: 541-682-5016

Staff E-Mail: lpitcher@eugene-or.gov

2023 ANNUAL REPORT



Eugene Independent Police Auditor

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www.eugene-or.gov/policeauditor

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Executive Summary

Welcome to the 2023 Annual Report of the Independent Police Auditor's Office (OIPA). This report offers an overview of our activities and achievements throughout the year, reflecting our commitment to accountability, fairness, and transparency.

As stewards of the complaint process involving Eugene Police Department employees, our primary focus remains to ensure a thorough and impartial process for all stakeholders. Despite an 11% increase in complaints in 2023, the OIPA team managed the workload effectively, delivering on our mission with efficiency and thoroughness. We've refined our review process, enhanced staff support to the Civilian Review Board, and expanded our outreach efforts and materials to better engage with the community.

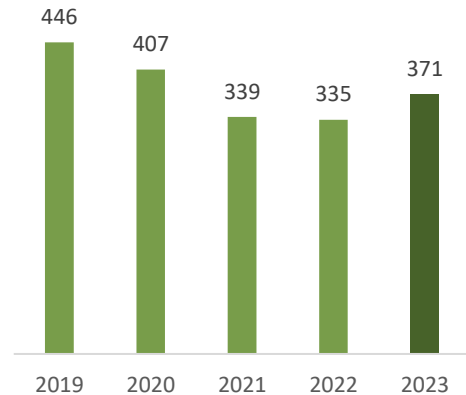
I am deeply grateful to my team – Vicki Cox, Rob Eller, Lindsey Foltz, and Beatriz Otero-Hernandez – for their tireless commitment to this work and to the continued progression of this office. It is an absolute privilege to work alongside them, and I'm continually impressed by what we are able to accomplish together.

Thank you for your interest in our work. We invite you to explore this report and reach out with any comments, questions or concerns. It's an honor to serve this community.

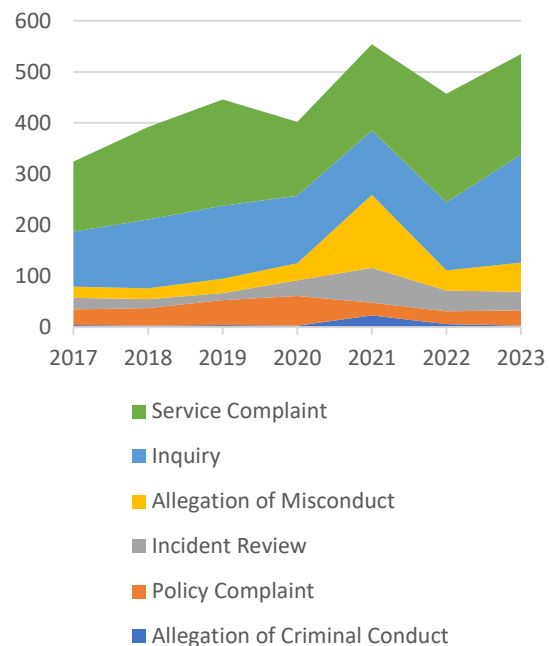
Leia Pitcher

Independent Police Auditor

Intake Volume 5-Year Trend



Classification Type & Volume: 5-Year Trend



What is the Mission & Purview of the Office of the Independent Police Auditor?

MISSION

To provide an accessible, safe, impartial and responsive intake system for complaints against Eugene Police Department (EPD) employees and to ensure accountability, fairness, transparency and trust in the complaint system through the intake, classification, auditing and adjudication process of the complaint system; and to support and staff a Civilian Review Board (CRB) that monitors the work of the Police Auditor, reviews complaint cases and provides policy recommendations to the EPD and the Police Commission.

Mission and Purview

The Office of the Independent Police Auditor (OIPA) 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 EPD employees; contract for outside investigations when necessary; and provide monitoring of EPD internal investigations of allegations of misconduct and supervisors' investigations of service complaints. The charter amendment also authorizes 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 OIPA provides services in an efficient, clear, and accessible manner, and is committed to the mission of transparency and accountability for police services in Eugene. Eugene City Code [2.450-2.456](#) further details the Auditor's Office functions.

FUNCTIONS OF THE OFFICE OF THE POLICE AUDITOR

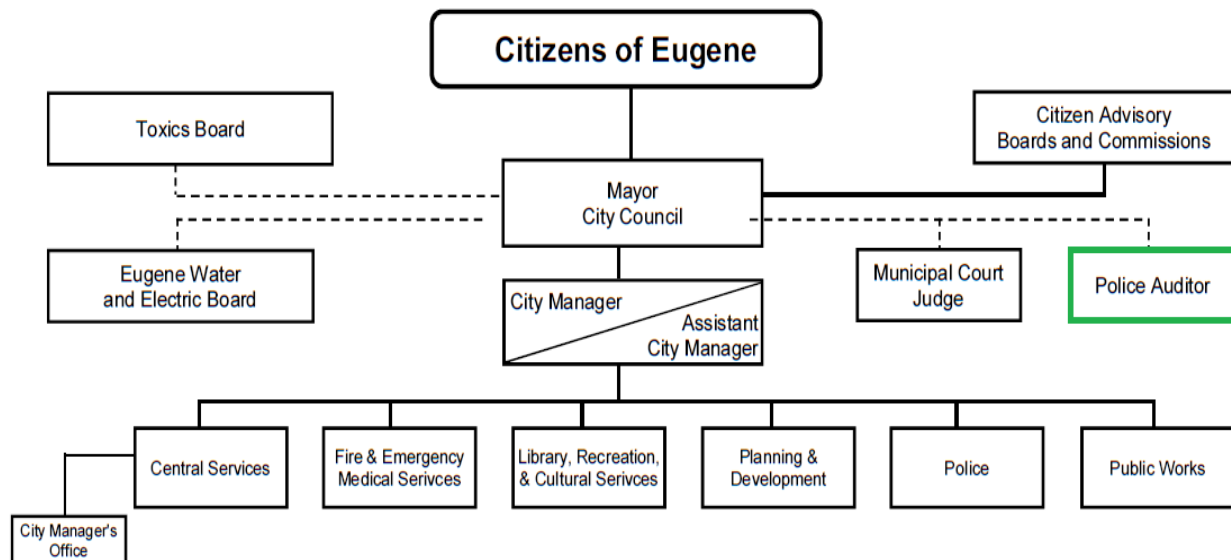
- COMPLAINT INTAKE
- CLASSIFYING COMPLAINTS
- MONITORING INVESTIGATIONS
- RECOMMENDING ADJUDICATIONS
- RECOMMENDING POLICY AND TRAINING
- REPORTING TO THE COMMUNITY
- SUPPORTING CIVILIAN REVIEW BOARD

Where does the Office of the Independent Police Auditor fit within the City?

INDEPENDENT CIVILIAN POLICE OVERSIGHT

The OIPA and the CRB operate independently. The OIPA reports directly to, and is funded by, the Eugene City Council. The OIPA is an independent, civilian entity performing oversight of the EPD; neither the funding nor management overlap with EPD. No employee of the Auditor's office is an employee of the EPD.

City of Eugene Organizational Chart



MAYOR & CITY COUNCIL

Mayor: Lucy Vinis
 Ward One: Emily Semple
 Ward Two: Matt Keating
 Ward Three: Alan Zelenka
 Ward Four: Jennifer Yeh
 Ward Five: Mike Clark
 Ward Six: Greg Evans
 Ward Seven: Lyndsie Leech
 Ward Eight: Randy Groves

CIVILIAN REVIEW BOARD

Chair: Carolyn Williams
 Vice Chair: José Cortez
 Bernadette Conover
 Monique Griffin
 Alan Leiman
 Clay Neal
 Rick Roseta

OIPA STAFF

Police Auditor:
 Leia K. Pitcher
 Associate Auditor:
 Rob Eller
 Associate Auditor:
 Lindsey Foltz
 Senior Program
 Coordinator: Vicki Cox
 Community Engagement
 Coordinator & Translation
 Specialist: Beatriz Otero-
 Hernandez

How does the Office of the Independent Police Auditor Accomplish its Mission?

INTAKE

- EXTERNAL
- INTERNAL
- AUDITOR

INTAKE

To ensure access and safety the OIPA has a wide variety of ways to receive complaints including phone, E-mail, website, walk-in and via mail. Complaints can be generated externally by community members (including anonymous and third-party complaints), internally by EPD staff, or by the auditor.

CLASSIFY

- POLICY
- SERVICE
- INQUIRY
- INCIDENT REVIEW
- ALLEGATION

CLASSIFY

The authority to classify complaints rests with the Police Auditor alone. This classification determines the path of investigation for each complaint. The Auditor may also dismiss complaints if, for example, it falls outside the jurisdiction of the OIPA, isn't timely (as defined by City Code), or is better remedied in an alternate venue such as the courts.

MONITOR

- DATA ACCESS
- INTERVIEW PARTICIPATION

MONITOR

The OIPA actively monitors investigations and has complete access to all reports, body-worn and in-car video footage, call logs, dispatch records, e-mail correspondence, and interviews with witnesses and involved parties.

RECOMMEND

- ADJUDICATION
- POLICY & PRACTICE

RECOMMEND

Based on review of investigatory materials, the Auditor makes allegation adjudication recommendations. These recommendations are documented in adjudication memos that are shared with the Chief and chain of command at EPD.

REPORT

- CLOSING LETTERS
- CRB
- ANNUAL REPORT
- TREND REPORTS

REPORT

Complainants receive a closing letter informing them of the classification and outcome of their complaint. The Civilian Review Board selects cases to publicly review. The Auditor also issues monthly updates on intakes and closed cases and the OIPA generates this annual report. When appropriate, the Auditor also generates trend reports.

What were the Outcomes for the Office of the Police Auditor in 2023?

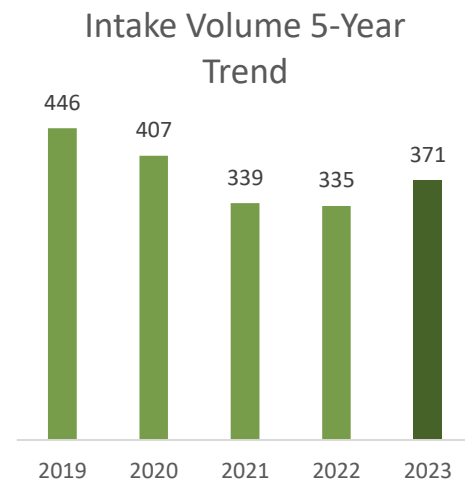
Complaint Intake, Classification, & Investigation

Overview

The OIPA serves as the intake point for all complaints about EPD employees. In 2023 the office received 371 complaints. Additionally, the OIPA reviewed all reportable uses of force and vehicle pursuits. During 2023, there were 132 reportable uses of force and 18 reported vehicle pursuits. The OIPA also serves as one of several intake points for police commendations of which there were 438 in 2023.

Complaint Intake

Our office resumed hours for unscheduled walk-in intakes during 2023 and also continued to accommodate in-person intakes by appointment. We also continued to receive complaints by phone, e-mail, mail, social media, and through our website. As in years past, we had a significant number of internally generated complaints which are initiated either by EPD employees or the Auditor. Approximately 19% of complaints were internally generated in 2023. This is a slight increase from previous years. We received a total of 371 complaints, which is higher than 2022 though a decrease from the highest volume years of 2019 and 2020.



The most common method used by community members to file complaints with our office continued to be the telephone (50%). Community members also submitted a significant number of complaints electronically via the online portal (19%) and E-mail (13%). The portal was fully operational for all of 2023 and allows for truly anonymous complaints, complainants to upload photos, videos, and documents, and includes

functionality for complainants to receive timely status update notifications via text or email upon their request.

With our office fully staffed and trained, we were able to optimize efficiency and responsiveness in the complaint process by improving our preliminary investigative process. Preliminary investigations, performed by the Auditor team prior to classification, now routinely include thorough review of all available materials, including those submitted by the reporting party, related body-worn video, police reports, and any other pertinent information. We are grateful to EPD Internal Affairs staff for their responsiveness and cooperation in providing essential materials for our preliminary investigations, despite the steep increase in our requests for information.

With this more robust preliminary investigative process in place, the Auditor team was able to close out 103 complaints without further investigation or intervention from EPD supervisors. This represented over a quarter of complaints received. With the Auditor team's thorough preliminary investigative process, we have been able to more accurately classify the complaints that do require follow-up from EPD and have been able to free up time that EPD supervisors would have spent addressing complaints where, often, no policy violations were discovered.

Of the complaints that were closed out following preliminary investigation, the OIPA was able to identify 40 complaints in which there was no alleged or observed policy violation. The next most common reasons for dismissals were because the complaint was related to an employee or practice outside the jurisdiction of the OIPA (23) or were not timely (17). The timeliness requirements were established by City Code ([Section 2.456\(1\)\(k\)-\(l\)](#)) and dictate that under ordinary circumstances our office must receive service level complaints within 60 days and that major allegations of misconduct must be submitted to our office within 120 days of the incident. In 11 cases the employee was not identifiable. In 8 cases there was a more appropriate alternate remedy such as the courts. And finally, in three cases the complaints had been previously reviewed. Two cases were administratively closed, meaning there was insufficient evidence to complete an investigation, but they could be re-opened in the future if further information becomes available.

This means that 257 complaints led to further follow-up investigation by EPD during 2023. Of these, 246 were completed within the calendar year. For those cases that were completed during the calendar year, on average they were closed within 26 days, which is 5 days faster than the average complaint closing time in 2022. However, nine complaints remained open at the end of the first quarter of 2024, which was significantly

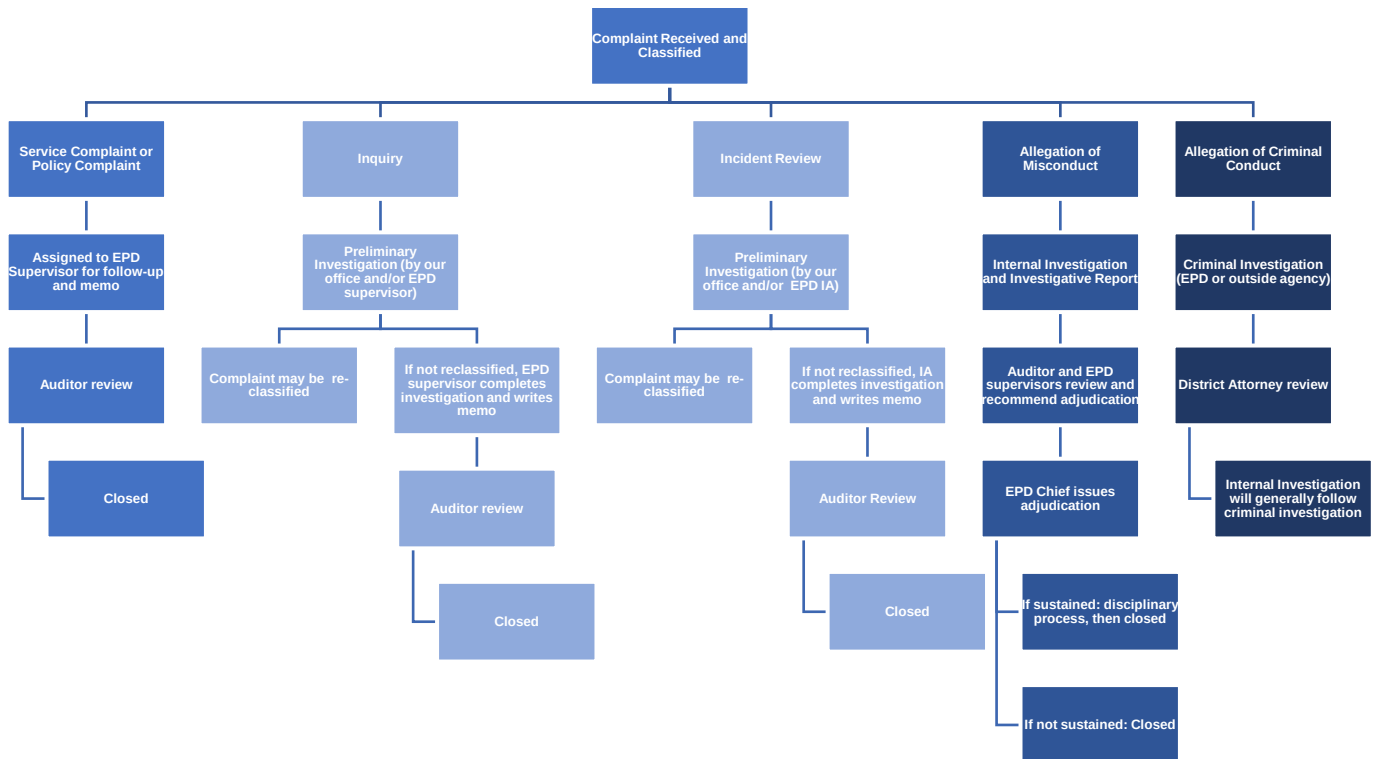
higher (approximately four times) than the number that remained open at the end of March 2023. On average, these nine cases have remained open about 220 days. One was classified as an Incident Review, one was classified as an Allegation of Criminal Conduct, and seven were classified as Allegations of Misconduct. These cases are discussed in more detail below.

Classifications by Category

Once a complaint is received, the Police Auditor reviews it to determine if it is within the jurisdiction of the OIPA, meets timeliness requirements elaborated in the City Code, and that the OIPA is the most appropriate and effective venue for the nature of the complaint. If the complaint is not dismissed, then it is classified by the Police Auditor. This classification determines the investigation and resolution process for that complaint. The following are the classifications used by the Police Auditor:

- Policy Complaint
- Service Complaint
- Inquiry
- Incident Review
- Allegation of Misconduct
- Allegation of Criminal Conduct

Once a complaint has been classified it follows the corresponding path outlined in the flow-chart on the next page.

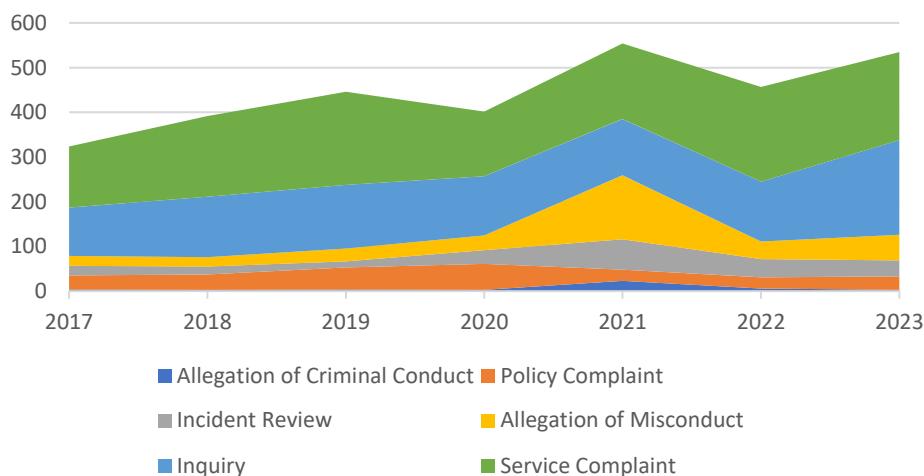


- The Auditor may recommend a complaint be resolved through mediation, which follows a different process.
- The Civilian Review Board may review any closed complaint involving a sworn Eugene Police employee, regardless of classification.
- Community Impact Cases and complaints against the EPD Chief follow different processes as set out in Eugene City Code §2.244 and §2.454, respectively.

A single complaint may generate multiple classifications or specific allegations against one or more EPD employees. In 2023, the auditor classified complaints in the following way:

Specific Classifications	2023
Service Complaint	197
Inquiry	212
Incident Review	36
Allegation of Misconduct	57
Policy Complaint	30
Allegation of Criminal Conduct	3
Total	535

Classification Type & Volume: 5-Year Trend



These charts demonstrate that both the number of complaints and the number of specific allegations generated from each complaint were higher in 2023 than in 2022, and more consistent with 2021. Service complaints continue to be the most common classification, followed by inquiries. There were slightly more allegations of misconduct in 2023 compared to 2022.

Service Complaints, Policy Complaints, and Inquiries

Inquiries, policy complaints, and service complaints are all forwarded to EPD supervisors for follow-up with the reporting party; all three are therefore categorized as “supervisor action.” Our office reviews the complaint before it is closed and contacts the reporting party with a closing letter and a survey. A summary of these complaints is included as Appendix B.

There were 197 service complaints during 2023, down from 212 in 2022. Complaints related to level of service remained high for the second year in a row, at 66, and comprised the largest proportion of service complaints. EPD began tracking more granular data on service level complaints in 2023 which allows for some tentative insights into this recent trend in service level complaints. Community members complained about untimely patrol response in 18 of the 66 service level complaints. Insufficient follow-up from officers after an incident comprised 15 of the service level complaints. These two categories taken together suggest that high call volumes and low staffing are contributing to community frustration with police service even when calls are properly dispatched and prioritized, and usually absent officer misconduct.

There were 62 performance-related service complaints, 32 courtesy complaints, 18 disputed facts, 9 related to constitutional rights, 6 related to conduct, and 4 related to use of force. Of the service complaints, 159 were addressed by an EPD supervisor, reviewed by the OIPA and then closed. The remaining 38 were dismissed by the OIPA following preliminary investigation.

There were 30 policy complaints during 2023, slightly higher than 2022 but down significantly from 2020 (58). Of these, 26 were addressed by an EPD supervisor and 4 were dismissed/closed by the OIPA.

Most inquiries were addressed by an EPD supervisor, reviewed by our office, and then closed (151 of 212). The remaining 61 were dismissed/closed following a preliminary investigation by the OIPA.

Service Complaint

A service complaint alleges minor misconduct.

Policy Complaint

A complaint is classified as a policy complaint when the concern is related to EPD policy rather than conduct.

Inquiry

A complaint is classified as an inquiry when a policy or service-related complaint is received but the auditor would like to conduct an initial investigation to determine basic facts. Inquiries can be reclassified if appropriate.

Incident Reviews

Incident Reviews were created in 2016 as an intermediate category between allegations of minor misconduct (“Supervisor Actions”, see above) and allegations of serious misconduct. The OIPA participates in Internal Affairs’ investigations into Incident Reviews, and prior to interviewing the involved employee, the Auditor consults with Internal Affairs to determine if the complaint should be reclassified or if the investigation to date is thorough, fair, and complete. Therefore, complaints classified as Incident Reviews may be closed in that classification or reclassified either up to an Allegation of Misconduct or down to a Supervisor Action depending on the results of the investigation.

Incident Review
A complaint is classified as an incident review when serious misconduct is alleged but a preliminary investigation is needed. Incident reviews can be reclassified if appropriate.

In 2023, we initially classified 57 complaints as Incident Reviews. After preliminary review 10 of them were dismissed, one remained open as of the writing of this report, and one was administratively closed pending receipt of further actionable evidence.

There were a total of 21 Incident Reviews that were reclassified after the IA investigation; eight of these were re-classified to Allegations of Misconduct and 13 were re-classified to Supervisor Actions.

Twenty-four Incident Reviews were investigated by an Internal Affairs sergeant (in collaboration with the OIPA) and closed after necessary follow-up and without re-classification. These Incident Reviews were related to performance (11), conduct (4), use of force (1), discrimination (7), and constitutional rights (1). Summaries of all Incident Reviews are included in Appendix B.

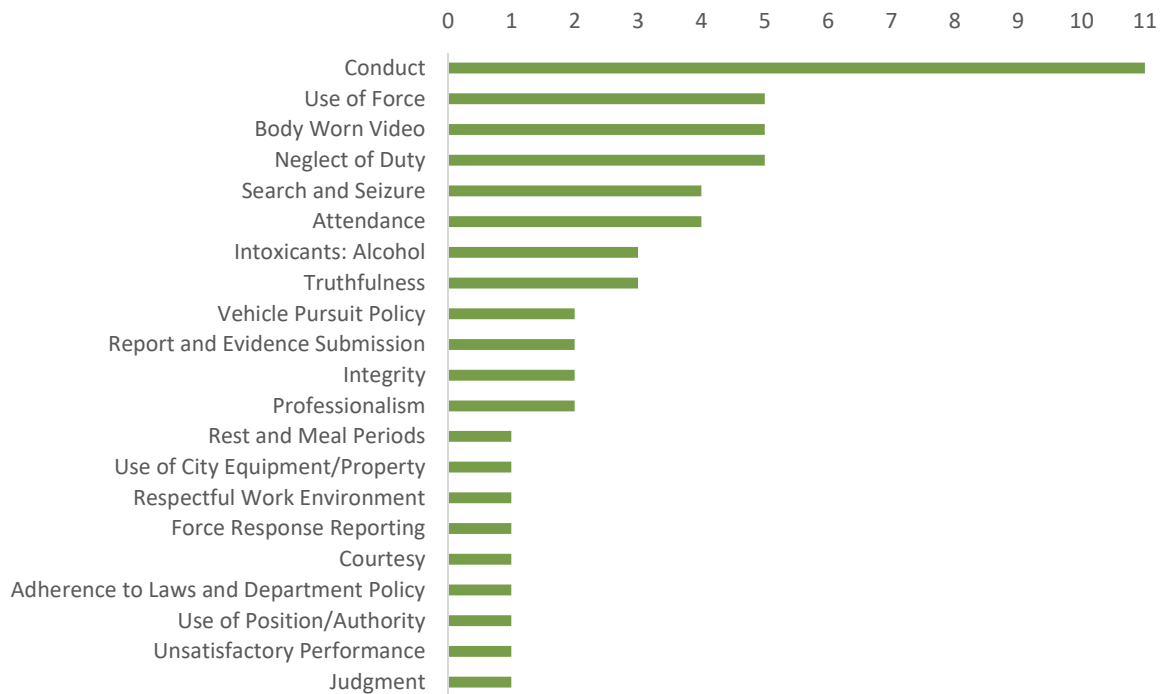
Allegations

Misconduct/Policy Violations

In 2023, the OIPA classified 57 specific allegations of misconduct against 20 EPD employees (arising out of 16 complaints). A summary of all allegations is attached to this report as Appendix A. The most common allegations were related to conduct, use of force, body worn video violations, neglect of duty, search and seizure, and attendance.

Allegation
A complaint is classified as an allegation when serious misconduct or criminal conduct is alleged.

Allegations of Misconduct by Policy



Criminal Allegations

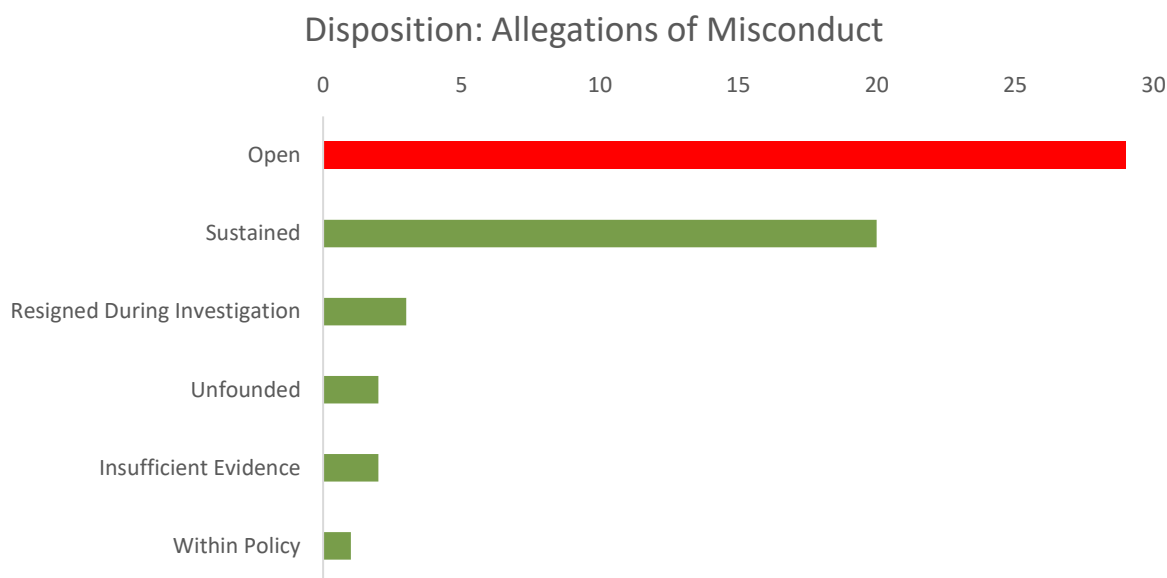
There were 3 complaints classified as allegations of criminal misconduct because they contained elements of alleged behavior, that if true, would have violated the law. One complaint was administratively closed because there was insufficient information from the complainant to pursue an investigation. If further details emerge in the future this can be re-opened. Another complaint was dismissed after preliminary review since it involved a former Eugene police officer who had been previously investigated and ultimately prosecuted for the behavior alleged. The third complaint was received late in the year and is still under investigation.

Disposition

Misconduct/Policy Violations

Of the 57 specific allegations of misconduct, 29 remain open (related to 7 complaints) as of the end of the first quarter of 2024 and the writing of this report. This high number of open cases is unusual. Some of the cases included a related criminal investigation which can lengthen the investigative process; some involved a disagreement in the recommended adjudication between our office and the EPD chain of command. One complaint (which includes 4 specific allegations) is still under investigation. The others

are awaiting final adjudication by the Chief and/or are in the disciplinary process. We will report on the remainder of the allegations once they have closed.

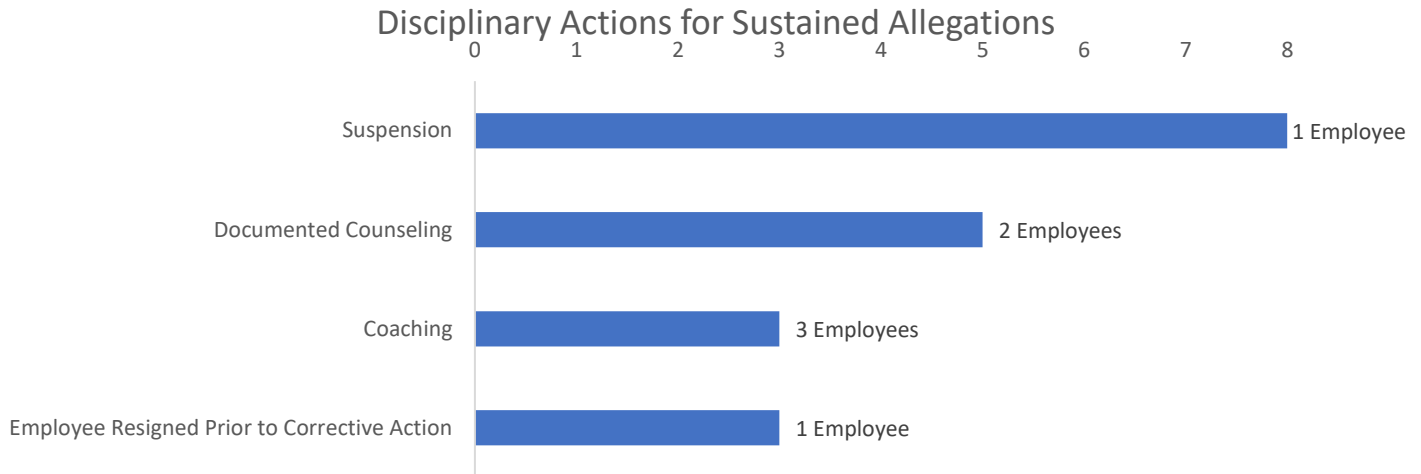


For those that have been completed, 20 were adjudicated by the Chief of Police as sustained, there was insufficient evidence to prove two allegations, one was within policy, and two were unfounded. One employee resigned during the allegation investigation (related to three misconduct allegations). In 2023, no cases were resolved through mediation.

Sustained Allegations and Discipline

The OIPA is allowed to report on disciplinary trends, though we are not involved in discipline of EPD employees. The following chart and table highlight the disciplinary outcomes for sustained allegations and which policies were violated. There were 7 employees found to have committed the 19 sustained allegations of misconduct.

Policies Violated	
Conduct	7
Rest and Meal Periods	1
Neglect of Duty	3
Body Worn Video	2
Search and Seizure	1
Intoxicants: Alcohol	1
Unsatisfactory Performance	1
Respectful Work Environment	1
Attendance	2



Deadly Force Investigations

Police use of deadly force is one of the most sensitive issues our office covers, and rightfully so. Our role in oversight is primarily to ensure that investigations into the use of deadly force are thorough, fair, and complete, and then to provide transparency into the investigative process (to the greatest extent permissible under current state law). The process of investigating deadly force can be frustrating, as our office (at least initially) takes a secondary role to the Lane County Interagency Deadly Force Investigation Team (IDFIT), as set out by state law and local intergovernmental agreement. However, City code requires that our office is notified promptly of any critical incident, including police use of deadly force, and either the Auditor or Associate Auditors respond to the scene and perform a walk-through. We also review IDFIT investigations upon their closure and release by the Lane County District Attorney to determine whether any further investigation is necessary. We participate in any further investigation and in the Deadly Force Review Board, which is convened by EPD pursuant to policy and examines the actions of the involved employees, focusing on potential policy violations and lessons learned. However, the Auditor's Office is not a voting member of the Force Review Board under current EPD policy. The closed investigative file is available for review by the Civilian Review Board in their public meetings.

In 2023 EPD used deadly force in two incidents, though no one was injured or killed. IDFIT was activated and investigated one incident that involved multiple law enforcement agencies (from January 2023). The other incident involved only EPD; because there was no serious physical injury, IDFIT was not involved in the investigation. In both cases, our office was notified in a timely manner. Both investigations are still open; we will report on the results when they are available.

2023 Vehicle Pursuit Trend Analysis

Overview

Vehicle pursuits have been carefully scrutinized by the City's Independent Police Auditor over the years because of their potentially high risk of injury to bystanders and uninvolved community members, officers, and suspects. There is also the risk of costly damage to property and vehicles. The risks of engaging in pursuits must be very carefully weighed against the risk of waiting to apprehend a suspect and apprehending them in another manner. The Police Executive Research Forum, in partnership with the United States Department of Justice's Office of Community-Oriented Policing Services, issued a timely report in the fall of 2023 analyzing police vehicle pursuits nationwide; that report included the following statistics:

According to the National Highway Traffic Safety Administration (NHTSA), fatal crashes involving police pursuits kill more than one person every day; 525 people were killed in 2021, and 545 were killed in 2020. According to Law Enforcement Management and Administrative Statistics (LEMAS) data from 2009 to 2013, 21 percent of those seriously injured in police pursuits are individuals not involved in the pursuit.¹

Since 2014, Eugene Police Department has had a restrictive pursuit policy, that has effectively limited the number of pursuits in which officers engage. However, at the end of 2022, OIPA noted that there were more than three times as many pursuits (10) as occurred in 2021 (3). This upward trend continued in 2023, with a total of 18 pursuits reported for the year. We are in an ongoing process to fully evaluate the extent to which these reported pursuits actually constituted pursuits and if they conformed with policy. However, this significant and sudden increase warranted immediate evaluation beyond the merits of the individual pursuits.

In an effort to understand why pursuits have been trending upward, we utilized historical data on pursuits, compared policy changes, and also examined the specificities of individual pursuits over the past 10 years. During this analysis some weaknesses in data collection were identified, however this is a summary of our initial findings and recommendations.

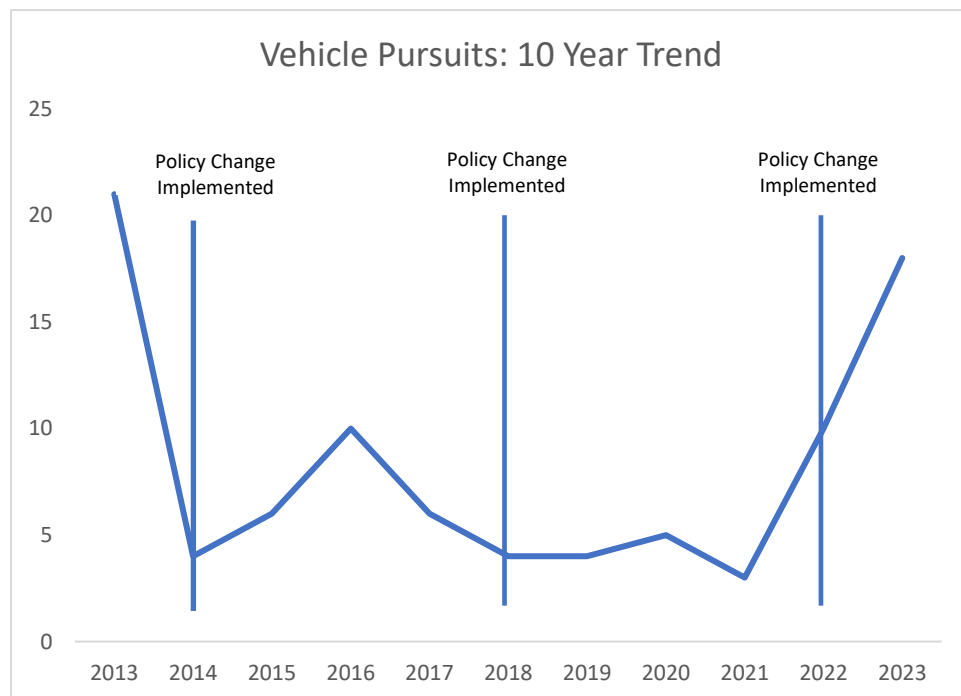
It is worth noting that there are many strengths of the Eugene Police Department's pursuit policy and that it largely conforms with the recommendations recently published

¹ <https://www.policeforum.org/trending23sep23>; Entire report can be accessed [here](#).

by the Police Executive Research Forum in their [“Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks” \(2023\)](#). For example, vehicular pursuits are well defined, the policy is restrictive and allows for pursuits in limited circumstances where there is an imminent risk to the community if the suspect is not immediately apprehended, supervisors are involved in monitoring and terminating pursuits, there is robust and timely data collection on all pursuits, and alternatives to pursuit are explicit.

Vehicle Pursuit Policy Compared to Pursuits: Ten Year Overview

The chart below layers historical data on vehicle pursuits with the timing of policy changes. In 2013 there were more than 20 pursuits. In 2014 there was a major policy change implementing a more restrictive pursuit policy. This policy change had a clear effect; by 2014 the number of vehicle pursuits plummeted. In 2018 there was a minor policy change that did not appear to have a significant impact on pursuit numbers. As the chart makes clear, the number of pursuits has fluctuated from year to year but has averaged about 5 per year or less between 2014 and 2021.



On May 16, 2022, there was a change in policy that appears to be a factor in the increase in pursuits starting in that year though there was already a significantly higher number of

pursuits for the year prior to the policy change. The 2022 policy change expanded the circumstances in which pursuits were allowable to include reckless driving. The changes can be found in the 2022 POM 814.3.1.c.:

Under extraordinary circumstances, such as driving with extreme indifference for the safety of the community at large prior to, or independent of, police engagement, or if it is unlikely the suspect will cease dangerous driving if police terminate their involvement (such as an impaired driver that is likely to be a continued and ongoing threat to citizens despite the absence police presence or intervention.)

In 2022, there were 5 pursuits before the policy change and 5 after the policy change that year. This means there were already significantly more pursuits before the policy change than the previous few years. Comparing the “reason for initiating” that is captured by the officer and documented by their supervisor, there were two pursuits initiated because of reckless driving before the policy change and one pursuit initiated because of reckless driving after the policy change in 2022.

In 2023 there were 3 pursuits initiated because of the driver was suspected to be driving under the influence (as evidenced by the failure of the driver to maintain their lane, reckless driving, and wrong way driving) and 6 pursuits initiated because of reckless driving. This would indicate that 9 of the 18 pursuits may not have been as easily justified under the more restrictive pursuit policy in place prior to 2022. So, while the policy change does have some correlation to the increase in pursuits, it does not appear to be the only factor driving the increase. Therefore, we wanted to consider other potentially contributing factors.

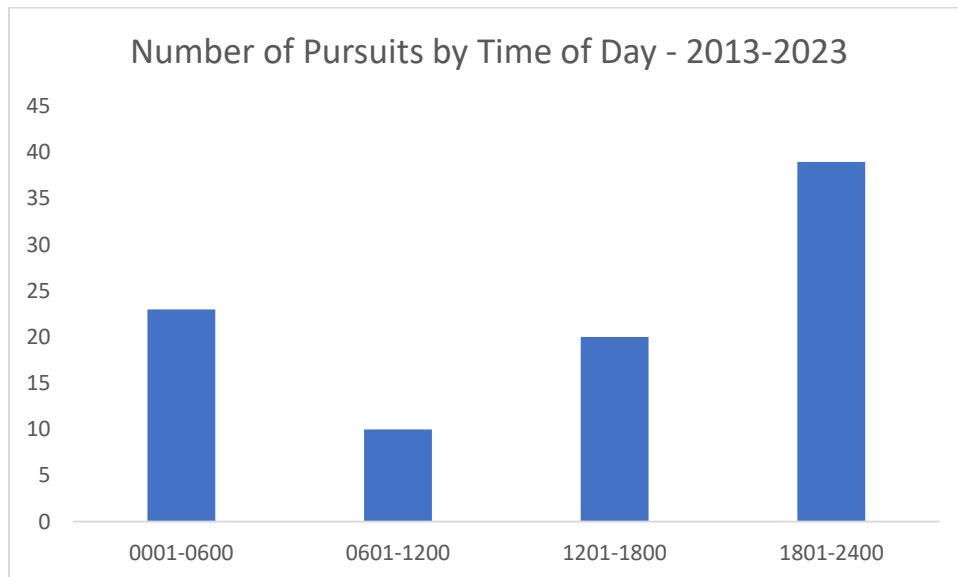
Outlying Officers

We considered that perhaps a small number of officers had initiated a high number of pursuits, which may have impacted the overall pursuit numbers. This, however, did not appear to be a significant factor. There were some inconsistencies in how officers involved in pursuits were tracked over the course of 2023, however there are still some general conclusions that can be drawn. Of the 28 pursuits that have occurred in 2022 and 2023 there were at least 32 officers involved. Most officers who were involved in a pursuit were involved in only one during that two-year period. There were many officers who did not engage in any vehicular pursuits in the two-year period. Therefore, average number of pursuits compared against the entire officer pool would be far below one. There were a couple of officers who engaged in a higher than average number of pursuits

in 2022 and 2023. While they were clearly higher than average, their higher number of pursuits alone are not sufficient to explain the overall increase in pursuits.

Time of Day

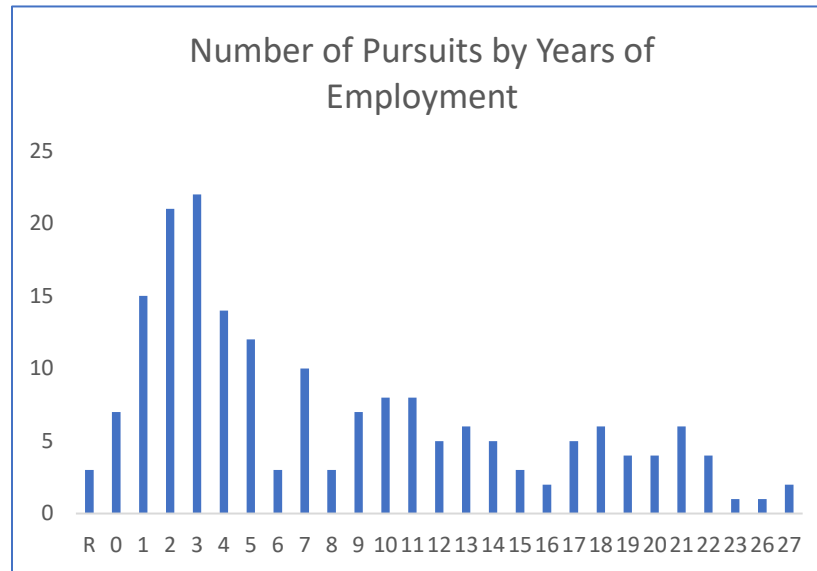
Over the past 10 years there were significantly more pursuits between 6 pm and 6 am than during the day. More specifically, the greatest number of pursuits occurred between 6 pm and midnight.



Comparing the past two years in greater detail in historical context, 6 pm to midnight can account for almost all the historically aberrant increase in pursuits.

Officer Years of Service

We also considered that perhaps an officer's tenure may be correlated with the number of pursuits in which they engage. Over the past ten years, the trend is clear; officers with less tenure engage in more pursuits.



In the past two years this is a particularly notable trend, the vast majority of the pursuits initiated since the policy change in 2022 were initiated by officers with 5 years or less years of experience with Eugene Police Department.

Interpretation

Correlation does not prove causation, however, it appears that the increase in pursuits can be attributed to several factors including a policy change that expanded the allowable reasons to initiate a pursuit.

Other factors that are highly correlated with higher pursuit numbers include the time of day and tenure of the officer. These may actually be overlapping, as those officers and supervisors with less tenure tend to work the shifts when the majority of pursuits are occurring. This suggests that training based on feedback from a more systematic approach to reviewing pursuits should be prioritized, in addition to considering minor changes in the pursuits policy.

Next Steps

Given the apparent variety of factors contributing to the increase in vehicle pursuits, a comprehensive strategy involving training, systematic review, and potential resulting policy adjustments is warranted. We are actively collaborating with EPD partners across these fronts and anticipate sharing updates on our progress over the coming year.

With officer tenure linked to the rise in pursuits, training stands out as a primary focus. Fine-tuning training to align with policy and expectations should lead to more effective and less frequent use of vehicle pursuits as a tool. More specifically, training should

focus on what constitutes “extraordinary circumstances” justifying a pursuit and clarify the criteria for pursuit termination.

Training interventions could be further customized to EPD’s needs and values by engaging in improved systematic review of pursuits. The significant increase in pursuits over the past few years overwhelmed previous review processes, and in response, both EPD and our office are working to revamp our review approach to ensure responsiveness and inclusivity. This includes regular team reviews by EPD patrol command, complemented by additional review during bi-weekly meetings between our office, Internal Affairs staff, and EPD training and command staff. This proactive approach aims to address concerns swiftly while fostering a culture of engagement and continuous improvement.

Prioritizing training refinement, informed by recent pursuit reviews, should precede potential policy adjustments. Insights from the PERF guide ([“Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks”](#)) emphasize pursuing reckless drivers sparingly and ensuring the ability for any involved officer, regardless of rank, to terminate a pursuit if, in their determination, the risks outweigh the benefits. Such language aligns with EPD’s existing foot pursuit policy.

Improving the pursuit review process and ensuring feedback for training refinement will also assist our office determine whether, and where, additional analysis may be instructive. EPD’s history of measured vehicle pursuit management, and our track record of collaboration on this topic, gives us every confidence that we will be able to address these challenges while prioritizing community and officer safety.

2023 Administrative Progress and Results

Overview

In addition to receiving, classifying and monitoring the investigations into complaints, OIPA staff actively supports the Civilian Review Board, regularly attends Police Commission and Human Rights Commission meetings to address inquiries related to our work, and conducts extensive public outreach. Throughout 2023, our office made significant progress in enhancing both efficiency and accessibility. Our auditing team, in collaboration with the EPD Internal Affairs team, conducted thorough preliminary investigations, resulting in fewer complaints necessitating follow-up from EPD supervisors, despite an increased overall complaint volume in 2023.

Moreover, our public complaint portal was operational throughout the year, facilitating seamless communication between our office and reporting parties while improving accessibility and functionality for the community. Additionally, we revamped our website and outreach materials, ensuring they are more user-friendly and inclusive. We reinstated walk-in complaint services at our office space and established a consistent physical meeting place for the CRB, enhancing the physical accessibility of our services to the community.

Personnel Updates

In 2023, the office successfully completed our transition to a triangulated structure, comprising the Independent Auditor and two Associate Auditors. This reorganization has greatly enhanced our capability for conducting preliminary investigations, leading to significantly expedited complaint resolutions. It has also enabled us to integrate diverse perspectives into our work, fostering a more comprehensive approach.

Our Senior Program Coordinator plays a pivotal role in ensuring the delivery of exceptional customer service and facilitating the smooth progression of complaints through our process. Meanwhile, our Community Engagement Coordinator and Translation Specialist has been instrumental in driving our accessibility initiatives forward. She has diligently updated our website and outreach materials and personally engaged in events throughout the Eugene community through her outreach efforts.

The cohesive and knowledgeable nature of our team has been instrumental in our achievements over the past year. It has been a privilege and a pleasure to solidify both our organizational structure and our teamwork during this time.

Staff Support for Civilian Review Board

The CRB met 10 times in 2023. They held public meetings to review cases in February, March, April, June, September, October, November, and December. These meetings were hybrid meetings with an option to attend in person at the OIPA office. These meetings were recorded and are available to the public in accordance with Oregon Public Records Law. The OIPA also contracts with the Lane Council of Governments to record and post robust minutes of CRB meetings. The CRB also met at the Eugene Police Department to attend in-person scenario based trainings on use of force in January and August.

The CRB reviewed 9 cases, continuing in their effort to review more than one case per meeting when possible. This required ongoing dedication from our staff who are

committed to providing excellent support for the board and spent numerous hours each month coordinating with the CRB chairs to develop agendas and select cases to review, compiling and delivering case files to CRB members, hosting and recording the hybrid meetings, and uploading materials to the public facing website. The CRB Annual Report can be found on the CRB website.

The CRB has a formal liaison to the Police Commission and an informal, informational liaison to the Human Rights Commission. These volunteers worked extensively to coordinate communication between those bodies and the CRB in addition to their CRB duties. The Police Commission liaison focused on bringing CRB concerns from case reviews to the Commission for relevant improvements to EPD policy.

As established by ordinance, the Police Auditor also collaborated with the Mayor to convene a community panel to review CRB applications and forward appointment recommendations to City Council consideration. During 2023 this was done remotely. The panel submitted its recommendations to Council, and Council re-appointed Carolyn Williams and José Cortez.

Community Outreach Efforts

Community outreach in 2023 included the return of our Public Safety Forum in Spanish, major updates to our office outreach materials and webpages -- including the addition of our new community portal for complaints and commendations -- and staff participation in various community events, trainings, presentations, and more. We pursued many opportunities to connect with community members who did not know about our office, continued to strengthen established relationships, and improved accessibility.



Return of our Public Safety Forum

The return of our first Public Safety Forum in Spanish post-pandemic was a great success. Our office worked in partnership with the Bethel School District, Office of Equity and Community Engagement staff, and the Eugene Police Department to host our fourth forum, which took place at Willamette High School. Panelists included Chief Chris Skinner and Officer Perez Diaz from EPD, immigration attorney Abigail Molina, and Bethel School District Superintendent Dr. Kraig Sproles, among others. Over 35 families gathered to ask questions, voice concerns, and form connections with staff from 28 community organizations and City of Eugene departments. For the first time this year, we offered [live streaming of the Q & A panel discussion](#) which enabled folks to engage in the conversation from home by sending questions virtually. We look forward to continuing to expand this event and our continued collaboration with our partners.



Updates to the Independent Police Auditor Webpage and Materials

A major project completed this year was the update of both the [Independent Police Auditor](#) and [Civilian Review Board](#) webpages. Changes were made to make these pages more accessible and user-friendly, including the creation of new subpages seen below. A more detailed explanation of each step of the complaint process was provided to ensure transparency in the process. A history section provides the most pertinent information to the creation of our office.

The frequently asked questions section is divided into multiple sections which cover questions about the Independent Police Auditor, filing complaints, and the investigation process.



Our [Spanish webpage](#) was also updated to include key information about the complaint and commendation process and further updates will continue to be implemented into 2024, including a form for the community to request community presentations and interviews. Additionally, changes were made to the way our webpage was listed on the main City of Eugene page. Many community members did not know they needed to search for our office under the Mayor and City Council tab to find the OIPA on the City of Eugene website. We have now created a new category under the Government tab of the City website to provide easier access for those seeking our page.

We also updated many of our print materials in 2023 including new OIPA brochures in both English and Spanish, as well as a Civilian Review Board brochure. A fillable complaint/commendation form was created.

Continued Partnership with the Office of Equity and Community Engagement (OECE)

Staff continued to partner with the Office of Equity and Community Engagement to have a presence at numerous community events throughout the year. This joint effort allowed the OIPA to distribute materials at more community events than in years prior, including participation in major summer events such as the Asian Celebration, Pride in the Park, Black Cultural Festival, and many more.

Community Events

- Noche Cultural 2023
- Migrant Education Summer School Mercado
- Asian Celebration
- National Night Out
- Friendly Area Neighbor's Sustainability Picnic*
- Homes for Good Resource Fair*
- Pride in the Park
- Black Cultural Festival
- First Fridays Communities of Color/Fiesta Cultural
- The Welcoming Festival by the YMCA
- Aloha Festival*
- Southeast Neighbors Annual Picnic*
- International Human Rights Day Celebration
- Homeless Person's Remembrance Day Vigil

*Materials available at a shared City of Eugene table

Continued Collaboration on Aquí en la Ciudad (Here in the City) Weekly Broadcasts
 We also continue to collaborate in weekly Aquí en la Ciudad (Here in the City) Broadcasts. City of Eugene departments are encouraged to submit City-related news and services available to Eugene residents. OIPA staff helped identify City-related topics and worked with a production team to translate, draft a script, and produce weekly videos to keep our Spanish-speaking community informed about accessible city services and community news. While preference is always given to City of Eugene news, culturally relevant topics are also highlighted. We are committed to continuing this important work to ensure every resident in Eugene knows of City services available in our community.

Presentations, Collaborations, & Media Outreach

- Presentations to local groups giving an overview of Eugene’s oversight model, including:
 - University of Oregon School of Law Public Law & Policy Scholars
 - University of Oregon School of Law Local Government Law class
 - Lane County Public Defenders
 - Police Reform Advocates from Springfield, OR
 - Meeting with Sexual Assault Support Services staff to discuss the role of the OIPA
 - Meetings with other jurisdictions regarding Eugene’s oversight model, including: Olympia, WA, and Philadelphia, PA
 - Juntos Emergence Spanish Group Presentation
- City Council Presentations including:
 - Introduction to Police Auditor/Oversight System Recommendations
 - Police Auditor and Civilian Review Board Annual Reports before City Council
 - Improvements to the Civilian Oversight Protocols
- Media Outreach Including:
 - La Que Buena Spanish Radio Station Interview
 - KLCC’s Oregon Rainmakers Interview with Michael Dunne
 - Background interviews with local journalists
- National Association of Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Committee, helping select panels for the November 2023 NACOLE Conference, “Building Better Oversight”
- OIPA Sponsored Events:
 - Independent Police Auditor Office Open House
 - 2023 Public Safety Forum

Translation Requests

The OIPA Community Engagement Coordinator and Translation Specialist assisted with the City’s Languages Access initiatives and was often contracted by other City

departments to complete translations for ongoing city projects. The following documents were translated in 2023.

- Fire and Smoke Safety Alert Translation
- Public Works Right of Way Translation
- National Night Out Spanish PSA Translation
- Eugene-Springfield Fire Evacuation Zones Translation
- City of Eugene Spanish Jobs Landing Page Translation

Trainings & Conferences

The Auditor and OIPA staff strive for awareness on current topics affecting our community to ensure adequate services are being provided. Staff have participated in various trainings and conferences, including:

- Transforming Digital Services for a more Equitable and Sustainable Government
- National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference
- EPD Pre-Academy New Officer Trainings
- EPD Inservice Trainings
- Oregon Bar Association, Labor and Employment Law Section CLE: Early Intervention Systems for Police Officer Performance
- Police Executive Research Forum Series
- National Association of Civilian Oversight of Law Enforcement (NACOLE) Webinar Series, including:
 - Understanding Brady and Giglio: Civilian Oversight's Role
 - Situating Body Worn Cameras within Civilian Oversight
 - Evidence-based Policing
 - Implicit Bias Training for Law Enforcement -Current State of the Field
- Criminal Justice Information System (CJIS) Training
- City of Eugene Cybersecurity Training
- Listening for Success, Less Stress, and More Effectiveness Training

Regular Attendance at Reoccurring Meetings

OIPA staff regularly attended the following meetings to engage with community and strengthen communication and relationships.

- Emergence Latinx Advisory Committee Quarterly Meetings
- Downtown Safety Gathering Meeting
- Civilian Review Board Meetings
- Police Commission Meetings
- Human Rights Commission Meetings
- United for Immigrant Justice Meetings

- Aquí en la Ciudad Weekly Meetings
- Internal Affairs Technical Meetings
- Auditor Supervision meetings with Council Leadership
- Mayor and Auditor monthly meetings
- Regular Meetings with Eugene Police Employees' Association Leadership

Looking Ahead: Goals for 2024-2025

We are proud of our accomplishments in a time of many transitions during 2023, and we are looking forward to building on those accomplishments in the coming years. We will continue to focus on community outreach and fortifying our relationships and rapport throughout our diverse Eugene community; we will also continue to collaborate with partners throughout City government, including EPD leadership, to broaden accountability and transparency in policing.

We have ambitious goals for 2024, and several initiatives are already underway:

Accessibility

- We will continue to refine and update the online community complaint portal to improve frequency of updates to community members on the status of their complaints. We will also work with the software vendor in an effort to improve the functionality of the portal by allowing for the attachment of correspondence from the OIPA in the system.
- We are in the process of digitizing our feedback survey to promote better participation and data gathering.
- We will continue to utilize our office for in-person intakes and hybrid CRB meetings.

Diversity, Equity, and Inclusion

- Our office is dedicated to promoting diversity, equity, and inclusion in the civilian oversight process. Our outreach efforts have proven that positive, practical presence in the community (whether at community events, or at an event that we create) is imperative in establishing relationships with members of our community who would not otherwise seek us out. We will continue to prioritize visible presence at community events throughout 2024.
- Our office has substantially improved accessibility over the past few years, through our office move, our website improvements, and updates to our English and Spanish materials. This is all part of our ongoing effort to constantly identify things we can do better to create a sense of inclusion

and belonging. We are looking into diversifying our outreach to include more video and audio testimonials/presentations.

- The Public Safety Forum is evolving in 2024 to reflect the wide breadth of community services that are a part of the event, though the focus of the Q&A period will remain on public safety, as we have found it enormously valuable to provide an open, Spanish-language forum for the community to interact with public safety leaders.

Deadly Force Investigations

- Accurate, thorough, and transparent deadly force investigations are vital to building community trust in policing. Our office is continuing to work with Internal Affairs staff, EPD leadership, and other local leaders to improve deadly force investigations. The CRB has repeatedly criticized the IDFIT model, which was created by Lane County to comply with Oregon law, and in 2022, the state imposed new, more thorough requirements for interagency deadly force investigations. We will continue our work with EPD to ensure that the administrative investigation that follows the IDFIT investigation meets community expectations, and we are exploring opportunities to partner locally to improve the IDFIT model for the entire Lane County community.

Core Competencies and Reporting

- We will continue to focus on maintenance of our core competencies: intake and classification of complaints, monitoring and participating in investigations, making recommendations regarding adjudication of complaints, and review of reportable uses of force. We cannot predict the events that may require flexibility and adaptability, but we also learned that we can and will continue to provide the highest level of customer service regardless of challenges. We are happy to offer bilingual services, and we hope to continue to expand the availability of those services.
- The Auditor began issuing regular Auditor Reports, coinciding with CRB meetings, in 2022, and this continued through 2023. In 2024 we plan to make these reports available monthly via the website.
- In 2023 we compiled the issue-specific trend reports related to vehicular pursuits (included in this annual report). In 2024 we will compile a trend report on gender equity based on quantitative data tracked by the City.

CRB Support

- One final focus of our office is our staffing obligations to the Civilian Review Board. Our Board is made up of enthused, involved volunteers, and we

prioritize our continued provision of excellent staffing to meet their needs. We have updated how we provide materials to the group, with an eye towards ease and accessibility, and we are updating our onboarding process to be more helpful and inclusive. We have also implemented exit interviews for CRB members who are not continuing with the Board; those interviews provided valuable information about the CRB experience, and we plan to continue with these interviews into the future.

Challenges for 2024-2025

The City's financial picture has required that all departments take a close look at their budgets and find opportunities for efficiencies. Despite the restructuring of our office (from a Police Auditor and Deputy Police Auditor to an Auditor and two part-time Associate Auditors) and the move to a new office, we were running under budget for at the end of the calendar year 2023. Our office is small, and we require a correspondingly small portion of the General Fund, but we are conscientious about our financial stewardship of taxpayer money and will navigate these lean financial years responsibly and in alignment with our mission and values.

Staffing changes and turnover at EPD continue to impact the types of complaints we receive. As noted above, service level complaints – where the service is either not delivered in a timely fashion or is not in line with the reporting party's expectations – are increasing. We have also seen a significant increase in vehicle pursuits and in constitutional rights complaints (impermissible entry or seizure of property or persons). We have included initial trend analysis on pursuits in this report and will continue to work with staff at EPD to streamline our pursuit review process during 2024.

This office has weathered incredible change over the past few years, between the pandemic, increased community focus on police and oversight services, and the change in Auditor. We have remained stable and responsible throughout, and we have learned that we can be flexible in how we provide service and unwavering in our commitment to our community.

Conclusion

Operating fully staffed in 2023, we have been able to fulfill our core mission more professionally and efficiently. Our team is experienced, engaged, and committed to this work. We bring diverse perspectives and backgrounds to our work, allowing us to connect with the many populations with whom we interact. The culture of our office is

collegial and respectful of each other, and we carry that culture in all our professional contacts.

We are committed to continuing to provide meaningful, independent, civilian oversight of Eugene police in a cost- and time-efficient manner, and we will continue to engage with the community and City staff to improve our services and meet the needs of our community in 2024 and into the future.

We wish to thank the outstanding volunteers on the Civilian Review Board, past and present, as well as the members of the Police Commission and the Human Rights Commission, for volunteering their time and donating their labor to work to improve police and community oversight.

We also want to thank the City Manager's Office, the City Attorney's Office, and the Eugene Police Department who have all aided our office in accomplishing its core function and goals. Specifically, EPD Chief Chris Skinner, Deputy Chief Shawn Adams, and the EPD Internal Affairs Team significantly contribute to the smooth functioning of our office through their collaborative efforts.

Finally, we wish to thank the Mayor and City Councilors for supporting our work and taking the time and energy to be effectively involved in the evolution of the community oversight process in Eugene.

Appendix A: Allegations of Misconduct and Criminal Conduct

Attachment A

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
RP complained officers entered her home without permission or a warrant.	Allegation of Misconduct: Constitutional Rights	322 Search and Seizure	S	S	S	1/11/2023	3/27/2023	4/11/2023	6/5/2023	7/18/2023	
		1203 Body Worn Video	S	S	S						
		322 Search and Seizure	S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal: Supervisors identified serious performance issues and safety concerns during a SWAT callout.	Allegation of Misconduct: Conduct	103.5.4 Adherence to Laws and Department Policy	IE	IE	IE	1/27/2023	5/18/2023	5/31/2023	6/5/2023	7/27/2023	
		103.5.18.a Intoxicants	IE	S	IE						
		103.5.18.e Intoxicants	S	S	S						
		103.5.14 Unsatisfactory Performance	S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal Allegation that an officer used force in a manner inconsistent with EPD training during an arrest.	Allegation of Misconduct: Use of Force	800 Use of Force	WP	IE	WP	3/3/2023	5/17/2023	5/25/2023	6/5/2023	7/12/2023	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Anonymous report that an officer engaged in an inappropriate relationship with a person they met when they arrested them.	Allegation of Misconduct: Conduct	103.5.2 Use of Position/Authority	S	S	S	4/11/2023	11/8/2023	12/1/2023	12/18/2023	4/11/2024	
		103.5.9 Conduct	S	S	S						
		103.5.19 Neglect of Duty	IE	S	S						
		103.4.3 Integrity	IE	IE	IE						
		103.4.3 Integrity	S	S	S						

S = Sustained
 IE = Insufficient Evidence
 WP = Within Policy
 UF = Unfounded

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	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Allegation that an officer failed to foster a safe and respectful work environment.	Allegation of Misconduct: Conduct	103.5.9.g Conduct:	S / S	S	S	4/12/2023	8/3/2023	8/31/2023	9/28/2023	2/28/2024	Apr-24
		103.5.9.g Conduct:	S / S	S	S						
		103.5.9.g Conduct:	IE / S	S	S						
		103.5.9.g Conduct:	IE / S	S	S						
		103.5.9.g Conduct:	IE / S	S	S						
		103.5.9.g Conduct:	IE / S	S	S						
		103.5.9.g Conduct:	IE / S	S	S						
		APM 1.4 Respectful Work Environment	S / S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internally reported complaint that an employee may have used excessive force during an arrest.	Allegation of Misconduct: Use of Force	800.2 Use of Force	S	S	S	5/4/2023	1/2/2024	2/7/2024	4/3/2024		
		800.2 Use of Force	S	S	S						
		103.5.9 Conduct	S	S	S						
		103.4.2 Professionalism	UF	S	UF						
		103.5.22 Report and Evidence Submission	IE	S	IE						
		801.2 Force Response Reporting	IE	S	IE						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
RP alleged an assault by EPD officers 15 or 20 years ago as well as being mentally harassed. Attempts to get more information from RP were unsuccessful. Administratively Closed pending further information.	Allegation of Criminal Conduct: Conformance to Laws		N/A			5/19/2023				5/24/2023	

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	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	
RP alleged an officer engaged in criminal activity in the early 2000s. Further information indicated that the matter had been previously investigated.	Allegation of Criminal Conduct: Conduct Dismissed: Previously Reviewed		N/A			6/29/2023				7/24/2023	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	
That a Communications Specialist failed to use their training, experience, and observation to appropriately respond to a caller. Employee resigned during investigation.	Allegation of Misconduct: Conduct	103.4.1 Judgment	N/A			7/18/2023	10/11/2023			10/20/2023	
		103.5.9 Conduct									
		103.5.8 Courtesy									
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	
External complaint that an employee searched a suspect's bag without a warrant or a valid exception to the warrant requirement and failed to accurately represent the incident in their report.	Allegation of Misconduct: Conduct	103.5.1 Truthfulness	N/A - Open Case			7/28/2023	4/15/2024				
		322 Search and Seizure									
		322 Search and Seizure									
		103.5.22 Report and Evidence Submission									
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	
Allegation that officers failed to use body cam while conducting an investigation. Officers stipulated to facts.	Allegation of Misconduct: Performance	1203 Body Worn Video	N/A - Stipulated to Facts		S	7/27/2023	N/A - Stipulation filed 9/18/23		9/18/2023	10/2/2023	Feb-24
		1203 Body Worn Video			S						

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Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Auditor-initiated investigation into an employee's use of force during an arrest.	Allegation of Misconduct: Use of Force	800 Use of Force	WP	S	WP	7/31/2023	1/10/2024	1/22/2024	4/3/2024	4/11/2024	
		800 Use of Force	WP	S	WP						
		103.4.2 Professionalism	WP	S	WP						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal complaint that a non-sworn employee was combining break times, regularly arriving late, and sleeping during work hours.	Allegation of Misconduct: Performance	103.5.19 Neglect of Duty	IE	S	IE	7/31/2023	12/4/2023	1/9/2024	2/13/2024	4/24/2024	
		APM 4.7 Use of City Equipment	IE	IE	IE						
		103.5.7 Attendance	S	S	S						
		APM 6.2 Rest and Meal Periods	S	S	S						
		103.5.7 Attendance	S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internally-generated complaint that officers engaged in a vehicle pursuit in violation of policy.	Allegation of Misconduct: Performance	814 Vehicle Pursuit Policy	WP	WP	WP	9/20/2023	12/26/2023	1/10/2024	4/18/2024		May-24
		814 Vehicle Pursuit Policy	WP	S	WP						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Auditor initiated allegation that officers failed to use body cam video when contacting a possible suspect.	Allegation of Misconduct: Performance	1203.7.1.a Body Worn Video	S	IE	IE	10/2/2023	1/2/2024	1/11/2024	2/12/2024	2/13/2024	Mar-24
		1203.7.1.a Body Worn Video	WP	IE	IE						

S = Sustained
 IE = Insufficient Evidence
 WP = Within Policy
 UF = Unfounded

Appendix A: Allegations of Misconduct and Criminal Conduct

Attachment A

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal complaint that a nonsworn employee was regularly leaving work early and misrepresenting their hours on timesheets.	Allegation of Misconduct: Conduct	103.5.7 Attendance	UF	UF	UF	10/4/2023	1/23/2024	1/29/2024	2/13/2024		
		103.5.7 Attendance	UF	UF	UF						
		103.5.1 Truthfulness	S	S	S						
		103.5.1 Truthfulness	S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal Allegation that a nonsworn employee was found sleeping on duty.	Allegation of Misconduct: Performance	103.5.19 Neglect of Duty	S	IE	S	10/9/2023	10/27/2023	11/13/2023	11/15/2023	12/6/2023	
		103.5.19 Neglect of Duty	S	IE	S						
		103.5.19 Neglect of Duty	S	S	S						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
Internal Allegation that an employee may have been sipping on an alcoholic beverage during a training exercise.	Allegation of Misconduct: Conduct	103.5.18 Intoxicants	UF	UF	UF	11/6/2023	12/6/2023	12/8/2023	12/7/2023	12/11/2023	
		103.5.9 Conduct	UF	UF	UF						
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Auditor Adjudication	Final Adjudication	Closed	Review?
RP stated during a deposition that an EPD employee solicited RP when the officer was off-duty. Case was assigned for criminal investigation, but the RP declined to give any more information. Administratively closed pending further information .	Allegation of Criminal Conduct					11/30/2023				4/22/2024	

S = Sustained
 IE = Insufficient Evidence
 WP = Within Policy
 UF = Unfounded

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/1/2023	1/12/2023	11	Inquiry	RP alleged that a call taker was discourteous and dismissive when he called the non-emergency line requesting a welfare check for a suicidal, bi-polar woman with a child.	Supervisor reviewed the call and found that the calltaker had appropriately addressed the issues raised, and that no lack of courtesy was noted in the call. Supervisor contacted RP with the findings.
1/4/2023	2/6/2023	32	Performance	RP reported an EPD vehicle that was driving erratically and cut him off twice on I-105 westbound right before the Coburg Road exit.	The plate number provided by RP did not match an EPD vehicle.
1/5/2023	1/9/2023	4	Inquiry Dismissed: Alternate Remedy	RP complained that a court conviction was an officer's fault.	Dismissed: Alternate Remedy
1/6/2023	3/15/2023	69	Policy	RP inquired into why a citation was not issued to a motorist who caused an injury to RP's client.	Review of body cam found that at the time of the accident both parties in the accident notified the officer that there were no injuries. An information exchange was facilitated by the officer. No policy violations. RP did not return calls to speak with Sgt.
1/6/2023	1/27/2023	21	Performance	RP complained officer gave incorrect information at the scene of a non-injury car crash by telling the RP they didn't need to file a report with DMV.	Supervisor reviewed body camera video and found that the officer did not provide incorrect information, but could have provided better customer service by reminding RP to file a DMV report. Supervisor spoke to officer and RP with findings.
1/6/2023	4/10/2023	94	Performance	RP alleged officers gave incorrect information and were insensitive when responding to domestic violence.	Review of body cam from the incidents found that officers handled intake of RP's concerns correctly and did the follow up needed. No policy violations were found. RP declined to speak with the supervisor.
1/6/2023	1/27/2023	21	Inquiry	RP alleged officer acted inappropriately and unjustly used their law enforcement authority.	Review of the body cam and police report found that the issue was a civil one between RP and a family member. No inappropriate actions were found by the officer. Supervisor made several attempts to reach RP but was unsuccessful.
1/6/2023	1/11/2023	5	Service Level Dismissed: Employee not identified	RP reported an unnamed officer from Eugene or Springfield who would not take a report about his cat.	Dismissed: Employee not identified
1/5/2023	1/11/2023	6	Performance Dismissed: Employee not identified	RP reported requests to file a report were denied. RP could not articulate who denied their request, or when it was denied.	Dismissed: Employee not identified
1/9/2023	2/17/2023	38	Inquiry	RP complained an officer improperly operated a marked vehicle and unjustly conducted a traffic stop.	Review of the incident found that RP was observed turning into a parking lot with expired plates, no insurance and no license. The officer cited RP for no insurance with warnings for the other infractions. No policy violations were noted. Supervisor tried to contact RP but was unsuccessful.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Attachment A

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/9/2023	1/27/2023	18	Policy	RP complained about language used in a police report, and how officers communicate with persons with disabilities.	Sgt spoke with RP about concerns and notified them that the policy in question about communication with persons with disabilities would be under review in 2023.
1/9/2023	2/3/2023	24	Incident Review	RP complained his/her/their right to free speech had been limited.	Sgt reviewed police reports and body cams and found that after numerous warnings to move belongings obstructing a walkway, RP was arrested for disorderly conduct and a warrant. No policy violations were noted. Sgt contacted RP about the findings.
1/12/2023	2/16/2023	34	Inquiry	RP complained communications specialists were not helpful with a service request.	Review of the calls for service found that one of the callers could have been clearer with RP about how and when officers would respond.
1/14/2023	2/17/2023	33	Performance	RP complained an officer provided substandard service in response to a traffic accident.	Review of the call found that the officer followed through with the investigation, but as a new officer was not aware of a 2nd voicemail box that RP had been leaving messages on. Officer and Sgt followed up with RP on the status of the case.
1/12/2023	2/6/2023	24	Service Level	RP complained via facebook that the police response time to a call made for a trespass was substandard.	Supervisor found that a couple of calls for service at the location were made. Each response was within 10 minutes.
1/16/2023	2/16/2023	30	Inquiry	RP complained an officer acted inappropriately during a facebook exchange.	Review of the complaint found that the officer was on personal time on a personal account and did not represent themselves as a member of EPD. No policy violations were found. Sgt spoke with RP about their concerns.
1/13/2023	2/24/2023	41	Inquiry	RP complained employees were insensitive to RP's disabilities.	Review of the incident found that none of the employees knew of RP's disability at the time of the conversation. Supervisor communicated with RP about the concern.
1/15/2023	1/23/2023	8	Inquiry Dismissed: Timeliness	RP complained about his arrest and subsequent committal to the state mental hospital when he was found unfit to stand trial.	Dismissed: Timeliness
1/17/2023	1/24/2023	7	Service Level Dismissed: Employee not identified	RP complained that there was no EPD response to a report of a "peeping Tom" that his daughter called in.	Dismissed: Employee not identified
1/19/2023	2/16/2023	27	Constitutional Rights	RP complained she was stopped because of her brother and that her car was searched without her permission.	Review of body cam found that the vehicle had been stopped for a legitimate law enforcement action. The officers did not know RP or her relatives at the time. Body cam showed no search of the vehicle. Supervisor spoke with RP about her concerns.
1/19/2023	2/1/2023	12	Performance	RP alleged that a motorcycle officer was positioned in a roadway with a radar gun in a manner that caused a traffic hazard.	Sgt. was unable to determine which specific officer RP mentioned in the complaint, but advised RP he would have a conversation with his team about the RP's concerns.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/18/2023	1/25/2023	7	Inquiry Dismissed: Outside Jurisdiction	RP complained that personal property taken from him during arrest was not returned to him upon release from jail.	Dismissed: Outside Jurisdiction
1/19/2023	1/26/2023	7	Policy	RP complained that officers weren't dispatched to assist him with a customer service issue at an auto dealership.	Review of the call found that the service RP was requesting was not something EPD would respond to without a court order. Supervisor spoke to RP about the policy.
1/20/2023	3/6/23	46	Performance	RP hoped to pass along a reminder to officers leaving the police yard to be sure and look for pedestrians even in the early morning hours.	Lt. spoke with RP and forwarded the reminder to patrol and SWAT staff.
1/24/2023	3/6/2023	42	Inquiry	RP complained that she and her boyfriend were improperly arrested in connection with a bar fight. RP alleged that race was the motivation the arrests.	Sgt. reviewed the body cam and police reports and found that RP and boyfriend had disobeyed officers orders to stand back when officers were trying to break up a fight. <u>Sgt. spoke with RP and the findings.</u>
1/24/2023	2/27/2023	33	Inquiry	RP complained that her calls for service related to her property being stolen were not properly routed by dispatch, who sent CAHOOTS instead. RP complained that after being arrested for trespassing and then being released from jail she could not find her belongings.	Supervisor spoke with RP about her call for service on stolen property and was unable to find it. Supervisor worked with RP to re-enter the incident so a report could be generated.
1/25/2023	2/1/2023	6	Incident Review Dismissed: Timeliness	RP alleged witnessing an officer acting inappropriately with a citizen.	Dismissed: Timeliness
1/26/2023	3/17/2023	51	Service Level	RP complained that police told her that her son had been reported dead and did not check back in with her when they determined her was still alive.	Sgt. learned that officers were investigating a report of a possible suicide. After speaking with RP and others they could not determine RP's son's whereabouts. No officer located RP's son, so they were unable to report back to RP. Sgt. spoke with RP about the investigation.
1/26/2023	3/13/2023	47	Inquiry	RP complained about how officers handled a welfare check called in by her estranged husband and damage done to her door when they forced entry. Also complained about 911 dispatch call taker and Office of the Chief response.	Supervisor reviewed all EPD contacts with RP and did not find any policy violations. Supervisor's attempts to contact RP with their findings were unsuccessful.
1/27/2023	3/3/2023	36	Inquiry	RP was concerned about the demeanor displayed by call takers who took his reported of illegal camping across from his home.	Review of the calls for service found that call takers documented the call correctly and but the watch commander moved them to the camping team. The third call taker questioned RP about whether a crime was being committed which a frustrated RP began to list, then hung up when put on hold. Supervisor spoke with the call takers about making sure people have felt heard and then spoke with RP.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/27/2023	3/13/2023	46	Policy	RP complained that her safety and the safety of her infant were compromised when SWAT executed a warrant for the townhome connected to hers in the early morning. She felt that she and her baby should have been evacuated and that officers dismissed her concerns after the fact.	Lt. spoke with RP explaining policy around warrant services, and the preplanning EPD uses to keep the neighbors safe during police actions.
1/28/2023	2/21/2023	23	Inquiry	RP complained a call taker incorrectly asserted that threatening language directed at him was protected as free speech.	Review of RP's call found that the call taker gave RP the correct information about his report. Supervisor contacted RP with the findings.
1/30/2023	2/9/2023	9	Inquiry	RP complained that he was improperly arrested from a restaurant because he was having a medical emergency during the interaction which impaired his ability to speak to the officers.	Review of body cam found that RP was intoxicated and disorderly, harassing the owner. Officers attempted to speak with RP and RP was not receptive. No policy violations found.
1/1/2023	3/8/2023	67	Performance	An employee reported felling pressured by a supervisor to return to work while not feeling well.	Supervisor reviewed the employee's interactions with the involved supervisor, found no policy violations, and spoke with involved supervisor about management style.
1/31/2023	4/25/2023	85	Incident Review: Performance	EPEA contacted the Auditor's Office to complain that a supervisor was not using AVL appropriately and was disparaging one employee to another employee.	Capt. reviewed the situation and formulated training to address the concerns.
2/3/2023	2/10/2023	7	Inquiry Dismissed: Other	RP complained officers wrongfully arrested him and used excessive force when taking him into custody.	Dismissed: Other Auditor review of complaint found no policy violations.
2/6/2023	3/6/2023	30	Courtesy	RP complained about officer response to an intruder in his home and that he and his family were forced to exit the house before officers would enter.	Sgt reviewed incident and contacted RP to address concerns and explain policy that keeps community members and officers safe in those types of incidents.
2/7/2023	2/27/2023	20	Performance	RP complained that a gun that belonged to her now deceased father was not properly returned to her from evidence control upon her request.	Review of the incident found that a clerical error at the Circuit Court was holding up the return of the weapon. Cpt. spoke with RP and authorized the release.
2/6/2023	4/10/2023	64	Inquiry	RP was unhappy with the conduct of an officer during a traffic stop.	Review of body cam showed that the officer made a stop due to the vehicle being suspected in a previous robbery. After Mirandizing the driver, the officer asked questions related to the robbery. The officer was direct and pointed but no policy violations were observed.
2/7/2023	3/3/2023	26	Inquiry	RP was confused by three different answers she received from call takers.	Supervisor found that with each successive call more information was provided, which lead to RP receiving different answers. Supervisor contacted RP about the calls.
2/2/2023	2/9/2023	7	Inquiry Dismissed: Alternate Remedy	RP alleged unfair labor practices in EPEA activities.	Dismissed: Alternate Remedy

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/6/2023	2/22/2023	16	Performance	RP felt that officers gave him an incorrect assessment of what RP felt were verbal threats.	Review of the incidents found that both incidents reported involved 1st amendment free speech rights. Officers correctly identified that to RP. Sgt. communicated with RP about the findings.
2/9/2023	4/5/2023	56	Service Level	RP dissatisfied with the dispatch classification and length of time it took for officers to respond to a report that there was an intruder in the hallway of his daughter's apartment.	Supervisor reviewed the concern and spoke with RP about the triage system for dispatching calls.
2/9/2023	3/23/2023	44	Inquiry	RP complained of lack of officer response to several incidents involving a former roommate including assault and theft.	Review of the cases RP mentioned found appropriate follow up on each. RP did not respond to calls to get further information.
2/10/2023	3/1/2023	21	Incident Review	Auditor initiated review of a use of force incident.	Review of body cams and police report found that the use of force was within policy. A report was presented to the Auditor.
2/14/2023	5/15/2023	91	Courtesy	RP complained of poor communication and excessive force in an arrest outside the LCC Brewfest.	Sgt. reviewed police reports and body cams and found no excessive force was used. RP was taken to the ground to be detained due to RP not listening to officers commands because of a high level of intoxication. No policy violations. Sgt. spoke with RP about the findings.
2/15/2023	2/27/2023	12	Courtesy	RP is a security guard at an apartment building and complained a Sgt. was discourteous to him during a response to a call involving a gun.	Lt. reviewed body cam and found that officers were trying to access a stairwell to a possible shooting and had to ask RP to move back numerous times, for RP's safety and theirs. Lt. spoke with RP about the incident.
2/17/2023	2/27/2023	10	Service Level	RP complained that his son waited for over two and a half hours at HQ to return stolen property that he had found.	Review of the incident found that call waits for non-emergency calls were over an hour at the time RP's son contacted EPD. An officer did finally try to contact RP's son at the station and his residence.
2/21/2023	3/13/2023	22	Disputed Facts	RP complained about inadequate officer response to a call regarding her mentally ill daughter, including discourtesy on the part of the officer.	Review of the incident found that the officer could not find probable cause to take police action in the situation. No discourtesy was noted. Sgt. spoke with RP about the findings.
2/22/2023	2/27/2023	5	Performance Dismissed: Timeliness	RP reported concerns that EPD gave unsatisfactory service in 2021.	Dismissed: Timeliness
2/23/2023	4/10/2023	47	Inquiry	RP complained officers acted inappropriately during a traffic stop.	Review of the stop found that the officer made the stop for speeding and on approach to the vehicle found that it had an illegal temporary plate. Due to this the officer was more direct with RP as he investigated the plate issue. No policy issue was noted. Lt. spoke with RP about the findings.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/23/2023	3/17/2023	24	Inquiry	RP complained that officers did not discern that she was having an allergic reaction rather than a mental health crisis as her ex-husband informed them.	Sgt. reviewed the records of the incident and found no policy violations by officers. After speaking with RP Sgt. directed the officer to submit a supplemental report with RP's added information.
2/23/2023	3/6/2023	13	Courtesy	RP was upset that an officer used RP's birth name and not their legal name in a report.	Sgt. learned that the officer had asked RP for ID to ensure they used the correct name, as both were listed in RP's record. The officer used RP's preferred name in the report. Sgt. spoke with RP about the findings.
2/27/2023	4/19/2023	52	Inquiry	RP complained an officer failed to conduct an appropriate preliminary investigation and was dismissive to RP's request for police assistance.	Review of body cam found no policy violations in taking the report, but the officer could have been more compassionate with RP. Sgt. emailed with RP and spoke with the officer about the concern.
2/27/2023	3/27/2023	30	Service Level	RP reported that a second call for service a day after an incident went unanswered.	Review of the incident found that the officer in charge of the first event contacted RP and pressed charges at RP's request. No policy violations noted.
2/23/2023	3/1/2023	8	Inquiry Dismissed: Alternate Remedy	RP complained that he was fearful officers would commit perjury in his upcoming court case.	Dismissed: Alternate Remedy
3/1/2023	5/26/2023	85	Incident Review: Performance	RP felt EPD placed him and his child in danger when he inadvertently arrived to pick the child up as they were executing a warrant.	Review of the incident found that the surveillance of the incident noted that RP had arrived and steps were taken to detain RP and move him out of the warrant scene until it was all clear. It appears a language barrier led to RP feeling unsafe.
3/1/2023	3/20/2023	19	Incident Review: Performance	Internal complaint that an officer did not lodge lost property appropriately.	Review of the incident found that the officer believed if the property was of little or no value it could be discarded. Officer was directed to lodge the property and a review of the policy was undertaken.
3/6/2023	3/8/2023	2	Incident Review Dismiss: Outside Jurisdiction	RP filed a complaint alleging misconduct by officers at the county jail.	Dismissed: Alternate Remedy
3/6/2023	3/9/2023	3	Incident Review Dismissed: Timeliness	RP filed a concern about how officers handled intake of RP's reports in 2019 and 2020.	Dismissed: Timeliness
3/6/2023	3/29/2023	23	Service Level	RP complained officers failed to respond to a service request of motorcycles doing donuts in a city park.	Review found that due to call volume an officer did not respond for several hours. No damage to the park was found, the officer cleared the call. No policy violations noted.
3/7/2023	4/13/2023	36	Courtesy	RP complained officers' actions were discourteous and complained a communications specialist provided substandard service.	Review of RP's concerns found that the officers at the stop did not violate policy, but the officer should have initially asked RP for his physical ID and not just verbally with led to confusion with the call center. Sgt. spoke with RP about the incident.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/9/2023	4/19/2023	40	Inquiry	RP complained officers unjustly cited RP for a traffic violation.	Review of the interaction found that officers did have probable cause to cite RP for the traffic violation. No policy violation found. Sgt. spoke with RP.
3/10/2023	3/16/2023	6	Inquiry Dismissed: Outside Jurisdiction	RP reported a concern about a traffic stop.	Dismissed: Outside Jurisdiction
3/13/2023	3/15/2023	2	Inquiry	RP complained officers unnecessarily targeted and harassed RP by having their vehicle towed.	Dismissed: Outside Jurisdiction
3/13/2023	4/17/2023	34	Incident Review Conduct Dismiss: Insufficient information to initiate a complaint	Anonymous RP alleged that an EPD employee was creating an uncomfortable work environment for female employees. Auditor's staff attempted to reach out for more information but were unsuccessful.	Dismiss: Insufficient information to initiate a complaint
3/14/2023	4/19/2023	35	Courtesy	RP felt officers did not apply the law correctly in a menacing situation and were rude with RP.	Review of police reports and body cams found the officers made the correct determination of the incident. Sgt. spoke with RP about the findings.
3/14/2023	4/10/2023	26	Inquiry	RP alleges officers wrongfully arrested him from a public sidewalk and failed to conduct a thorough investigation into an alleged assault.	Review of the incident found that RP had been trespassed from an establishment that had sidewalk seating and was not arrested until RP returned to the establishment after officers had asked him to leave. No policy violations were found.
3/14/2023	5/17/2023	63	Inquiry	RP alleged that EPD employees confiscated his belongings unlawfully.	Review of the incident found that an officer did respond to a citizen's call for service on a trespass. RP was not on scene at the time of the EPD response and RP's property was not taken or lodged by EPD. RP did not respond to a call back from the Sgt.
3/16/2023	3/21/2023	5	Inquiry Dismissed: Other	RP was concerned that on officer had a follow up conversation with him and issued a verbal warning about his vehicle being in the same spot too long.	Dismissed: Other
3/17/2023	4/10/2023	23	Service Level	RP felt EPD had not handled the harassment of a co-worker correctly.	Review of police contact with the involved ex-boyfriend showed that the officers handled the incidents within policy. Sgt. spoke with RP about the findings and to answer any further questions.
3/20/2023	3/22/2023	2	Inquiry Dismissed: Other	RP complained that officers refused to take a report on a stolen gun because he would not let them search his property to establish the gun was in fact missing.	Dismissed: Other
3/14/2023	3/21/2023	7	Inquiry Dismissed: Timeliness	RP made multiple complaints that officers fabricated documents, failed to investigate crimes, and were illegally squatting on his property. Dismissed for timeliness.	Dismissed: Timeliness

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/20/2023	4/6/2023	16	Service Level	RP complained that EPD was slow to respond and investigate the theft of his cell phone.	Review of the complaint found that EPD followed policy in handling the report. RP had a misunderstanding on how the reporting system worked and did not follow up with information needed. Supervisor advised RP on how to continue with the report.
3/20/2023	5/15/2023	55	Inquiry	RP was concerned that EPD appeared to not have a record of her call about sexual abuse and that officers failed to take all the evidence RP offered when she made a report.	Review found that a record was taken and a case started. Review of body cams found officers spent a lot of time with RP and took all evidence relevant to the report RP was making. No policy violations. Sgt. emailed the findings to RP.
3/23/2023	3/30/2023	7	Inquiry	RP alleges a folder with important documents was taken from him in Eugene Municipal Court in 2020 and was not returned. He also complained that he didn't receive a reply to a letter he sent to EPD in late 2022 regarding crimes he had witnessed.	Auditor dismissed folder issue: Timeliness A review of the correspondence found EPD had no record of the letter RP sent. RP was notified of the findings.
3/20/2023	3/22/2023	2	Inquiry Dismissed: Other	RP alleges officers are violating his rights because they have contacted him at his camp on next to the railroad tracks. RP believes that officers are not allowed to contact him if he is camped by the railroad track because it is "federal property". RP also believes that officers are not allowed to give him information about how to properly extinguish his cooking fire and yet they did anyway.	Dismissed: Other
3/22/2023	3/24/2023	2	Inquiry Dismissed: Other	RP complained that EPD did not follow up on a report of animal cruelty from 2021.	Dismissed: Timeliness
3/23/2023	3/29/2023	6	Policy Dismiss: Outside Jurisdiction	RP complained about livestreaming law enforcement activity in another state.	Dismissed: Outside Jurisdiction
3/23/2023	3/29/2023	6	Inquiry Dismissed: Other	RP alleges that EPD is not properly recording citations for prohibited camping which is impacting public reporting on that crime.	Dismissed: Other City staff is working on this issue. EPD Supervisor also emailed RP with information about how to obtain the information requested.
3/24/2023	5/15/2023	51	Courtesy	RP complained an officer was discourteous.	Review of body cam found that an officer used his vehicle hailer to let RP know a different way around was appropriate since officers had their flashing lights activated during a police action. No policy violations.
3/27/2023	5/15/2023	48	Performance	RP complained an officer drove his marked unit improperly.	RP was unable to provide enough details to identify the officer involved and did not return follow up calls.
3/27/2023	4/5/2023	8	Policy Dismiss: Timeliness	RP was displeased a two-and-a-half-year-old complaint could not be investigated.	Dismissed: Timeliness
3/28/2023	4/5/2023	7	Incident Review: Performance Dismiss: Other	RP posted various allegations on social media with no context to follow up.	Dismissed: Other / Auditor Review found no policy violations.

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3/30/2023	4/5/2023	5	Inquiry Dismissed: Timeliness	RP alleged in an incident from nine months' prior that an investigation was conducted solely because of RP's race.	Dismissed: Timeliness
3/30/2023	7/12/2023	102	Service Level	RP reported frustration with the homeless issue on railroad property across from RP's home and expressed concern that an officer was directing people to that area.	Sgt. reviewed body cams of the interaction and found at no time did the officer direct anyone to the area in question. Sgt. spoke with RP about the incident and RP's frustrations with the city's homeless issue.
3/31/2023	4/26/2023	26	Service Level	RP is frustrated that nothing is done when she tries to report drug dealing in her neighborhood.	Supervisor reviewed calls to EPD and found call takers handled the calls appropriately. Supervisor spoke with RP about the calls and how EPD dispatches such calls.
3/30/2023	5/16/2023	46	Inquiry	RP inquired into what was happening with a reported case of being followed.	Lt. reviewed the report and contacted and notified RP that unless he had further information the case was suspended. RP could not provide further information at this time.
3/29/2023	4/19/2023	20	Inquiry	RP inquired into what had happened to belongings confiscated by EPD.	Review of the incident found that a private company trespassed RP and provided time for RP to gather belongings which RP declined and left the scene.
3/31/2023	4/5/2023	5	Inquiry Dismiss: Other	RP reported that an officer struck his back pocket during an arrest.	Dismissed: Other / Auditor Review found no policy violations.
3/30/2023	4/5/2023	5	Performance Dismiss: Other	RP reported several issues he feels were not looked into correctly.	Dismissed: Other / Auditor Review found no policy violations.
4/7/2023	5/10/2023	33	Performance	Internal allegation an officer drove in an unsafe manner.	Review by officers' supervisor and the emergency vehicle training supervisor found no policy violations.
4/10/2023	4/13/2023	3	Inquiry Dismiss: Other	RP was concerned that officers did not allow him to press charges against a neighbor.	Dismissed: Other / Auditor Review found no policy violations.
4/10/2023	4/13/2023	3	Inquiry Dismiss: Other	RP reported a call taker who brushed off concerns about being followed.	Dismissed: Other / Auditor Review found no policy violations.
4/13/2023	6/22/2023	69	Performance	RP complained officers did not have the proper authority to ask a 3rd party for identification during a prohibited noise call for service.	Sgt. reviewed body cam and found no policy violations but some coaching opportunities for the officer. Sgt. spoke with RP and clarified the prohibited noise ordinance.
4/17/2023	4/27/2023	10	Disputed Facts	RP complained an officer drove their marked unit improperly.	Review of body cams found no driving that was reckless or outside of policy. RP had no VM for further contact.
4/17/2023	5/11/2023	24	Conduct	RP complained their property was improperly disposed of.	Supervisor review showed that a new employee was not clear on policy, which requires that even broken or destroyed property must be lodged rather than disposed of. The involved employee was trained on the policy.
4/18/2023	4/20/2023	2	Courtesy Dismissed: Other	RP felt an officer was rude and unprofessional during an interaction.	Dismissed: Other / Auditor Review found no policy violations.
4/20/2023	4/27/2023	7	Policy	RP was unhappy with how EPD identified her adult child over the phone instead of in person.	Review of the incident found that the officer went above and beyond to verify RP's son's identity. No policy violations noted. Sgt. spoke with RP.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/21/2023	4/25/2023	4	Service Level Dismissed: Other	RP complained police services were substandard.	Dismissed: Other / Auditor Review found no policy violations.
4/24/2023	4/25/2023	1	Performance Dismiss: Timeliness	RP complained officers failed to conduct an adequate investigation.	Dismissed: Timeliness
4/26/2023	7/11/2023	75	Courtesy	RP reported two EPD employees who made threatening gestures after RP honked at the vehicle they were driving.	Lt. was unable to determine the employees involved in the incident and spoke with RP about the findings.
4/26/2023	5/30/2023	34	Policy	RP inquired into why EPD could not be transparent with its Trespass Letter on File Program.	Sgt. spoke with RP providing information about the Trespass Letter Program which can also be accessed online. Sgt. also provided information that the database on who is in the program is not available at this time due to <u>staffing shortages</u> .
4/26/2023	5/16/2023	20	Inquiry	RP complained officers engaged in retaliatory behavior.	Review of the incident found that RP had been distracting officers investigating the scene of a serious accident due to the commotion RP was causing, and that officers had a legitimate law enforcement purpose for a later stop of RP's vehicle. RP was notified of the findings.
4/26/2023	5/24/2023	28	Policy	RP complained personal information from a report created a safety risk and complained an officer acted inappropriately.	Sgt. facilitated having the personal information redacted in the report and spoke with RP about a comment from officer that was the source of their misunderstanding.
4/27/2023	6/2/2023	35	Inquiry	RP complained officers mishandled a public assembly.	Lt. found that officers acted within policy while handling an issue at the Saturday Market. One officer used a comparison that offended RP and when asked about it noted that it wasn't the wisest choice and would take care <u>with words used in the future</u> .
4/28/2023	5/18/2023	20	Policy	RP complained the EPD fee to receive a copy of a report was excessive.	Records Supervisor contacted RP to discuss Policy on charges for public records and policy review that is on going.
5/1/2023	7/26/2023	85	Service Level	RP complained the police response to a road rage incident was substandard.	Review of the call for service found that the call taker triaged the call correctly and was professional with the caller. Supervisor contacted RP and explained why the call was handled the way it had been and answered questions.
4/27/2023	5/1/2023	4	Use of Force Dismissed: Other	RP alleged officer used excessive force while arresting RP.	Dismissed: Other / Auditor Review found no policy violations.
5/1/2023	6/5/2023	34	Service Level	RP complained that a police service response did not deal with the issue with RP's teenage daughter.	Sgt. reviewed the incident noting no policy violation and spoke with RP who was frustrated that nothing could be done to help with his daughter running away.

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5/2/2023	5/24/2023	22	Performance	RP complained officers mishandled the towing of RP's vehicle.	Review of police reports and follow up found that officers had called the correct number twice to notify RP that the vehicle had been found. No answer led to EPD having to tow the vehicle. No policy violations were noted. Sgt. spoke with RP.
5/1/2023	5/16/2023	15	Policy	RP questioned the police utilization of body cameras.	Sgt. contacted RP to answer questions about the body camera policy.
5/3/2023	6/16/2023	43	Performance	RP complained an officer conducted a substandard investigation into an assault.	Lt. reviewed all available information into the investigation and found that with no witnesses and security tape not showing the incident the officer had no probable cause to make an arrest in the incident. Lt. spoke with RP about the findings.
5/3/2023	5/8/2023	5	Inquiry Dismissed: Outside Jurisdiction	RP inquired into the term qualified immunity and if EPD officers were covered by it.	Dismissed: Outside Jurisdiction
5/8/2023	5/10/2023	2	Disputed Facts Dismiss: Other	RP was upset that a person who verbally assaulted him at a coffee shop and then hit him was not jailed.	Dismissed: Other / Auditor Review found no policy violations.
5/1/2023	6/13/2023	42	Policy	RP complained police actions to protect pedestrians from automobile drivers in her neighborhood was substandard.	Sgt. contacted RP to explain the staffing EPD has is not adequate at this time to post officers in neighborhood street, but that the Sgt. will continue to have officer spot check the area.
5/5/2023	8/1/2023	86	Performance	RP complained an officer's service was substandard.	Review of the incident showed that the officer tried to explain to RP why the situation had no probable cause to cite or arrest the other party with RP was unhappy about. Sgt. spoke with RP about the issue.
5/8/2023	6/21/2023	43	Inquiry	RP complained a communications specialist acted unprofessionally, and RP's request for service was ignored regarding an accident RP's mother was involved in.	Review of the call for service found that the call taker followed policy in telling RP that the mother would need to file the report and that an officer would follow up with RP once that happened. Supervisor spoke with RP about the findings.
5/8/2023	5/16/2023	8	Policy	RP asked for a policy review for police response to traffic accidents.	Sgt. spoke with RP about concerns that the traffic accident policy was not holding those who caused accidents accountable.
5/10/2023	5/22/2023	12	Incident Review/Performance	Auditor inquired if an officer's response to a call for service was within policy.	Review of the response found the incident required no lights and sirens due the possible hampering of the apprehension of the violator. No policy violations noted.
5/10/2023	5/15/2023	5	Disputed Facts Dismiss: Other	RP claimed officers improperly detained RP.	Dismissed: Other / Auditor Review found no policy violations.
5/10/2023	5/15/2023	5	Inquiry Dismissed: Other	RP complained that EPD did not respond to RP's report of illegal activity.	Dismissed: Other / Complainant withdrew complaint
5/15/2023	6/16/2023	31	Inquiry	RP complained an officer operated his vehicle in an unsafe manner.	Sgt. review call log of the time reported and found that the officer was responding in to call in a nonemergency manner. No video was available. Sgt. spoke with Officer.

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5/11/2023	5/15/2023		4 Performance Dismissed: Employee not identified.	RP reported officers being rude and aggressive during the tow of her vehicle.	Dismissed: Employee not identified
5/11/2023	5/16/2023		5 Service Complaint	RP reported an EPD vehicle that drove too close to a pedestrian in a crosswalk.	Supervisor reviewed the situation and found that no pedestrian was in danger. Employee was reminded to provide adequate space to be sure a pedestrian feels safe. Supervisor also spoke with RP.
5/15/2023	5/19/2023		4 Incident Review/Performance Dismissed: Previously reviewed	RP reported an incident from 2021 in which RP felt officers illegally arrested a friend and himself.	Dismissed: Previously Reviewed
5/11/2023	5/19/2023		8 Inquiry	RP alleged that an officer mishandled a case leading to it not moving forward to the DA.	Review of the incident found that the named officer only handled a small segment of the investigation and that when RP asked for the issue to move forward it was sent to the DA. RP did not return calls to discuss the issue.
5/16/2023	6/28/2023		42 Service Level	RP reported an officer who failed to call back with information about the tow of RP's recovered vehicle.	Review of the incident found that the recovery scene involved numerous subjects and vehicles and the officer involved simple forgot to return the call to RP. Sgt. contacted RP with the findings.
5/16/2023	5/19/2023		3 Conduct Dismiss: Other	RP felt EPD showed an excessive amount of force for a welfare check.	Dismissed: Other / Auditor Review found no policy violations.
5/18/2023	5/22/2023		4 Incident Review/Conduct Dismiss: Outside Jurisdiction	A Cop Logic entry alleged an EPD employee was committing identity theft and fraud.	Dismiss: Outside Jurisdiction (Name listed name has never been an EPD employee)
5/19/2023	6/16/2023		27 Policy	RP complained police sirens were improperly utilized.	Sgt. reviewed body cam of the incident and found that the officer was within policy in using the sirens during a perimeter assignment. Sgt. spoke with RP about the circumstances of the incident and why the sirens were used as they were.
5/22/2023	5/30/2023		8 Incident Review/Performance	Anonymous complaint that a response and demeanor of a supervisor during a call was unsatisfactory.	Review of the incident found that the supervisor was direct, but polite. No policy violations were noted and the supervisor was notified of the concern.
5/24/2023	5/25/2023		1 Inquiry Dismissed: Outside Jurisdiction	RP reported being arrested even though officers determined no criminal activity had take place.	Dismissed: Outside Jurisdiction
5/24/2023	6/2/2023		8 Inquiry Dismiss: Other	RP complained officers used unnecessary force during their arrest.	Dismissed: Other / Auditor Review found no policy violations.

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5/26/2023	6/28/2023	32	Inquiry	RP complained officers used unnecessary force during an arrest.	Review of the incident found that a suspect was appropriately detained in handcuffs during an investigation. No use of force was used in the incident and the suspect was released after the investigation. Lt. spoke with RP about the findings.
5/26/2023	6/13/2023	17	Performance	RP complained officers mishandled an investigation into her stolen vehicles.	Supervisor spoke with RP about her case noting the officer did a thorough intake of the case. The supervisor forwarded new information RP supplied to the investigating officer.
5/30/2023	6/7/2023	7	Inquiry	RP complained a detective mishandled an investigation.	Review of the situation found that RP was a third party not involved in the case. Information has been provided to those involved but could not be released to RP.
5/30/2023	6/16/2023	16	Inquiry	RP inquired into why it took 4 officers to deal with a code compliance issue at RP's home.	Sgt. found that the second group of officers asked to be dispatched for training purposes of a new officer.
5/30/2023	6/1/2023	1	Performance Dismissed: Timeliness	RP reported nothing was ever done with his stolen bike report from 2015.	Dismissed: Timeliness
5/31/2023	6/16/2023	16	Inquiry	RP reported an incident in which her husband who has PTSD was body checked by an officer while on the sidewalk near an accident on his way to a friends home.	Review of all body cams at the scene of the accident found RP's husband walking down the sidewalk but no contact with any officer. Sgt. reached out to RP, explained the findings and offered to have RP view the body cams.
5/31/2023	7/12/2023	42	Inquiry	RP reported two EPD motorcycle officers riding abreast.	Sgt. contacted RP to explain ORS 814.250 which prohibits more than 2 abreast. Sgt. also explained the training officers receive on the safe handling of their motorcycles.
5/31/2023	6/16/2023	16	Conduct	RP who works with another agency felt an officer was abrupt during a conversation about an incident.	Sgt. reviewed body cam of the incident and spoke with both RP and the officer about the interaction.
6/1/2023	6/16/2023	15	Courtesy	RP complained an officer mishandled an investigation into telephonic harassment.	Review of the officer's investigation found that the officer did have probable cause to warn RP of telephonic harassment. Sgt. spoke with RP about the findings.
6/2/2023	6/22/2023	20	Inquiry	RP asked to speak with someone to clarify the crime of harassment.	Sgt. contacted RP and explained the ORS for harassment.
6/2/2023	6/16/2023	14	Inquiry	RP complained that they have not been able to get a copy of a police report and officers notes.	Sgt. found that the incident was a traffic accident and per EPD policy in a non injury accident no report was taken. Sgt. also verified for RP that no notes were taken.
6/5/2023	6/13/2023	8	Service Level	RP complained they received substandard police service for a identity theft issue.	Supervisor found that the CSO involved in handling information did a thorough job, but little information caused the case to be suspended. Supervisor was able to take new information obtained from RP and move the case to a detective.

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6/8/2023	8/1/2023	53	Inquiry	RP complained a request for service was mishandled.	Review of the concern found that RP's report was for a non-criminal (possibly OSHA) issue. Sgt. spoke with RP and directed her in the proper direction.
6/8/2002	7/12/2023	7594	Inquiry	RP alleges charges were not pressed when he was assaulted at his physician's office, as evidenced by his ripped t-shirt, and follow-up was not timely.	Sgt. reviewed the incident and found at the time RP had declined to press charges. After speaking with RP Sgt. directed RP to complete a police report. No Policy violations.
6/9/2023	7/12/2023	33	Inquiry	RP complained that officer response was slow and insufficient when she called for police help with a former roommate stealing things from the house and threatening to assault her.	Review of the incident found that officers conducted a thorough investigation and cited the former roommate for theft. No policy violations were noted and Sgt. spoke with RP about the findings.
6/9/2023	7/5/2023	26	Conduct	RP complained that an officer that lives in his neighborhood is speeding while driving his personal car.	Sgt. spoke with the officer about RP's concern.
6/12/2023	7/12/2023	30	Inquiry	RP alleged that officers wouldn't press charges for noise against her neighbor and were reluctant to give their badge numbers.	Sgt. reviewed the incident and found that the officers gave the neighbors a warning about the noise ordinance, counseled RP on calling the police instead of repeatedly ringing the neighbors bell and yelling through their door. The officers also waited for RP to retrieve a pen to take their names as requested. No policy violations.
6/12/2023	7/20/2023	38	Inquiry	RP complained officers improperly handled a call for service of assault.	Review of the incident found that the investigation was thorough and no probable cause could be established to cite either party in the altercation. Sgt. spoke with RP about the findings.
6/12/2023	7/12/2023	30	Inquiry	RP complained officers mishandled an investigation in to a domestic altercation.	Sgt. reviewed records and body cam and found that officers did a thorough investigation, speaking with those involved and witnesses. No probable cause was found to cite or arrest either party. Sgt spoke with RP about the findings.
6/12/2023	6/21/2023	9	Inquiry Dismissed: Outside Jurisdiction	RP made a report of rape around 1/7/23 and has seen nothing come of if.	Dismissed: Outside Jurisdiction
6/13/2023	7/12/2023	29	Incident Review	RP complained officers mishandled an investigation into a domestic dispute.	Sgt. reviewed police reports and body cam and found the investigation was complete and thorough leading to an arrest. Sgt. spoke with both parties involved.
6/16/2023	7/14/2023	28	Performance	RP complained that an officer did not criminally investigate an altercation between RP and her ex-husband during a response to a custody dispute.	Review of the incident found that though the officer handled the incident correctly, a more in depth explanation about what was happening in the investigation could have been given to RP.

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6/18/2023	9/5/2023	77	Performance	RP complained officers did not prevent intoxicated people from driving away from the scene of a fight and did not provide medical assistance to people who appeared to be injured.	Sgt. found that the officer did ask the injured person about medical assistance which was refused. The officer also assessed the people involved for intoxication. RP was in an apartment above the incident and reported what he thought was happening. Sgt. spoke with RP about his findings.
6/20/2023	6/22/2023	2	Inquiry Dismissed: Outside Jurisdiction	RP sent numerous emails with vague references to police.	Dismissed: Outside Jurisdiction Records indicate RP has had no contact with EPD in recent years.
5/9/2023	7/12/2023	63	Inquiry	Auditor initiated review of officer not calling for EMT after a taser incident.	Review of the incident found that an EMT was not called and the officer admitted to forgetting it in the chaotic scene. Sgt. used the incident as a teachable moment and coaching.
6/21/2023	7/27/2023	36	Inquiry	RP felt an officer was discourteous and unprofessional during an interaction.	Review of body cam showed that the officer noticed smoke near RP in a city park and gave information that smoking was against park rules. RP was not cited and discourteousness was not noted. RP has not returned calls to discuss with Sgt.
6/22/2023	7/27/2023	35	Policy	RP complained officers mishandled an investigation.	Review of the case found that the officer did a thorough investigation, and was still attempting to locate the involved suspect. No policy violations. Sgt. corresponded with RP about the status of the case.
6/22/2023	6/23/2023	1	Courtesy Dismissed: Employee no longer employed	RP shared a video of an officer who RP believed to be rude while talking to citizens at the Saturday Market.	Dismissed: Employee no longer employed
6/22/2023	8/1/2023	39	Inquiry	RP complained regarding a disparity in police response to calls for service.	Review of the incident found that a CSO had tried to make contact with RP about a burglary and had not been able to reach RP. Supervisor reached out to RP to explain and answer any questions.
6/23/2023	7/12/2023	19	Courtesy	RP complained police response to a call for service was untimely and officers lacked courtesy.	Sgt. learned that the call time was exceptionally long in this issue due to call load and no fault of the officer. Sgt. spoke with RP about the situation.
6/23/2023	7/28/2023	35	Performance	RP complained an officer improperly handled a call for service and expressed the need for additional police training.	Review of body cam found that the officer correctly determined that there was no probable cause for criminal charges in RP's dispute. Sgt. spoke with RP explaining the language of the law RP feels was violated.
6/21/2023	7/12/2023	21	Performance	RP feels her police reports are being ignored.	Review of the report found that the detective has completed the investigation and forwarded it to the DA's office. DA's office has decided to not file. No Policy violations.

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6/23/2023	6/27/2023	4	Inquiry Dismissed: Outside Jurisdiction	RP anonymously reported a City Boards and Commissions member was inappropriate in their interactions with the community.	Dismissed: Outside Jurisdiction
6/26/2023	6/28/2023	2	Inquiry Dismissed: Outside Jurisdiction	RP reported her phone was used during a time it should have been in the jail property control.	Dismissed: Outside Jurisdiction
6/26/2023	7/14/2023	18	Performance	RP complained their identity was improperly disclosed to a suspect of an investigation.	Review of the incident found that officers did have the computer screen of the call up in the police car, but RP's name was not used in the information on the screen. No officer gave RP's identifying information to the suspect.
6/28/2023	6/29/2023	1	Courtesy Dismissed: Other	RP reported an officer who was rude while investigating mistreatment of an animal.	Dismissed: Other / Auditor Review found no policy violations.
6/29/2023	8/3/2023	34	Performance	RP complained an officer improperly stated that RP engaged in criminal activity.	Sgt. reviewed body cam and found that both RP and the officer were mistaken about the meaning of the related statute. The officer sought info from the DA for the correct interpretation. Sgt. left a message with RP about the findings.
6/29/2023	8/7/2023	38	Policy	RP requested information on EPD policy around vandalism and illegal homeless activity near her home.	Sgt. was unable to speak with RP about the Policy, but left an extensive voicemail.
6/30/2023	8/3/2023	33	Inquiry	RP complained officers failed to respond properly to a request for restraining order enforcement.	Review of the incident by the Sgt. found that the officer did not have probable cause for a citation in the incident. Sgt. spoke with RP about the findings.
7/5/2023	8/17/2023	42	Constitutional Rights	RP complained communication specialists gave RP incorrect information and failed to provide proper assistance.	Review of the incident found that RP had been given two different answers by call takers. Supervisor contacted RP with the correct information and initiated a training so that all call takers were on the same page with the information provided to callers.
7/5/2023	7/11/2023	6	Disputed Facts Dismissed: Other	RP complained of being unjustly detained at a city park.	Dismissed: Other / Auditor Review found no policy violations.
7/5/2023	7/10/2023	5	Performance	RP complained a detective mishandled an investigation.	Review of the case found that the detective has continued following up with leads from the case. No policy violations. Sgt. spoke with RP about the status of the case.
7/5/2023	8/17/2023	42	Inquiry	RP complained communication specialists and officers provided substandard service for a call about trespassing	Supervisor reviewed RP's call for service and found that the call volume at the time of call did not allow for an officer to be dispatched immediately. Several days later the trespasser returned and officers were able to make an arrest. Supervisor spoke with RP about call center triage procedures and why the dispatch delay.

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7/5/2023	8/8/2023	33	Inquiry	RP complained officers failed to fairly enforce laws/ordinances in regard to fireworks.	Sgt. reviewed the complaint and noted that (1) not all of the Eugene area is serviced by EPD, and (2) calls for person crimes were prioritized over violation calls. Sgt attempted to contact RP with their findings but were unsuccessful.
7/11/2023	8/15/2023	34	Service Level	RP complained a detective failed to contact RP in a timely manner.	Sgt. learned that the detective had received a call but had not had the opportunity to respond to RP. Sgt. coached officer on returning calls promptly. RP did not respond to <u>Sergeant's follow-up</u> .
7/14/2023	7/20/2023	6	Incident Review	RP complained officers engaged in improper conduct.	Sgt. reviewed each call for service connected to RP's name and address and found numerous calls for service for EPD and Cahoots, but no EPD contact was found at the date and times RP reported. RP was satisfied with follow up from the supervisor.
7/17/2023	7/20/2023	3	Policy	RP felt an officer's aggressive demeanor during a traffic stop was unjustified.	Review of the stop found that due to various officer safety concerns (RP trying to leave the vehicle and not complying) the officer started the stop with his weapon at ready. No <u>policy violations found</u> .
7/24/2023	7/27/2023	3	Policy	RP reported noticing officers slowing at traffic lights and then using light bars to go through red lights.	Sgt. contacted RP and explained EPD's policy on using lights to clear through a traffic control device and times when it is allowed.
7/25/2023	11/27/2023	122	Incident Review	RP was concerned that during a DUI investigation the officer involved did not recognize that her father was having a medical emergency and not a DUI	Review of the incident showed that the officer repeatedly ask if RP's father had any medical conditions or needed medical aid, which was declined. It as only after being taken for a breathalyzer were medical issues relayed to the officer. Medics were then called. Sgt. spoke with RP about the <u>incident</u>
7/26/2023	8/9/2023	13	Inquiry	RP felt officers did an inadequate job investigating the theft of her prescription dog.	Sgt. learned that the officer took RP's report, but with the vague and unknown information RP was able to provide, developing leads was impossible. RP did not return VM to speak with Sgt.
7/26/2023	9/5/2023	39	Service Level	RP was frustrated with getting no follow up on a telephonic harassment complaint.	Supervisor found that the officer had failed to returned RP's calls and coached the officer on the issue. Sgt. spoke with RP about the findings.
7/27/2023	8/22/2023	25	Disputed Facts	RP was threatened with arrest if he didn't leave a residence he had established residency at.	Review of police report and body cam found the officers did a thorough investigation and determined RP was not a resident. The investigation was explained to RP in detail.
7/28/2023	8/1/2023	3	Policy Dismissed: Previously Reviewed	RP inquired into why RP had been unable to obtain BWV from 2017.	Dismiss: Previously Reviewed

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7/27/2023	8/17/2023	20	Inquiry	RP reported EPD has not taken care of repeated calls for a noise complaint.	Review of RP's calls found that the officer made numerous contacts with the party, and gave a warning that a citation would follow if more complaints were made. Supervisor updated RP on what actions had taken place.
7/27/2023	8/17/2023	20	Policy	RP inquired into why an officer did not do a police report of a traffic accident.	Sgt. contact RP and explained EPD's policy on reports for moving vehicle accidents.
7/27/2023	9/5/2023	38	Policy	RP was upset that officers were searching through back yards at 4am. RP wondered if it was legal for the officers to do this.	Cpt. emailed RP with policy and legal precedents for the search in RP's neighborhood.
7/28/2023	8/10/2023	12	Courtesy Dismissed: Other	RP reported officers were discourteous when he called about being harassed.	Dismissed: Other / Auditor Review found no policy violations.
7/28/2023	8/31/2023	33	Service Level	RP was displeased with EPD's response time for a harassment issue.	Supervisor reviewed call volume at the time of RP's call and found that with available units to respond there was 8-31 calls holding at anyone time. Calls are triaged as to seriousness. Supervisor spoke with RP about the findings.
7/31/2023	8/9/2023	9	Disputed Facts Dismissed: Alternate Remedy	RP disputed the propriety of a traffic stop.	Dismissed: Alternate Remedy
8/1/2023	9/5/2023	34	Inquiry	RP reported officers using force on a person in a incident.	Review of the incident's body cam video found that no reportable use of force was used. No policy violations noted. RP did not return calls from the Sgt.
8/4/2023	9/15/2023	41	Inquiry	RP reported that EPD failed to look into an incident in which her husband was assaulted by a person claiming to be an apartment manager where they were parked.	Sgt. found the RP's husband had left the scene of the incident before officers arrived and the investigation and witness statements found that RP's husband was the aggressor in the incident. No policy violations were noted. RP did not return voicemail.
8/4/2023	8/9/2023	5	Inquiry Dismissed: Other	RP reported call takers who were rude and intimidating.	Dismissed: Other / Auditor Review found no policy violations.
7/21/2023	8/16/2023	25	Incident Review Administratively Closed	RP made allegations that officers used excessive force while RP was handcuffed and harassed RP to leave town.	Administratively Closed (pending further details)
8/4/2023	8/29/2023	25	Inquiry	RP was unhappy that when she reported a possible unauthorized person in the building of her workplace it took hours before EPD responded.	Review of call RP's calls found that the call takers handled the calls appropriately, but due to call volume, more urgent situations were dispatched ahead of RP's call. Supervisor called and advised RP of the findings.
8/7/2023	9/8/2023	31	Incident Review	Review to determine whether EPD had involvement into another agency's investigation.	Cpt. spoke with the agency's investigator who had no indication EPD was involved.
8/7/2023	8/10/2023	3	Service level	RP has been unable to get an officer to return calls about a death investigation.	RP was able to resolve the issue by speaking to another officer and withdrew their complaint.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/8/2023	10/19/2023	71	Incident Review	RP complained that he was arrested on a warrant from another county and that he was misidentified. He was not the man on the warrant.	Review of the incident found that RP was arrested on a disorderly conduct charge, and the discrepancy in RP's identity was found at the jail.
8/8/2023	8/10/2023	2	Inquiry Dismissed: Outside Jurisdiction	RP complained his vehicle was towed illegally by EPD.	Dismissed: Outside Jurisdiction (tow was ordered by parking services; RP was referred to their office.)
8/9/2023	9/8/2023	29	Policy	RP inquired into the handcuff policy when a suspect has shoulder injuries.	Sgt. noted that EPD has recently updated Policy 808 and now allows alternate procedures for handcuffing in such instances.
8/9/2023	9/5/2023	26	Service Level	RP's daughter called EPD about someone breaking into her home and no officers were dispatched.	Review of the call found that the call taker did not follow protocol for processing the call. Though there were no officers available for the call, the Watch Commander should have been notified. Supervisor spoke with RP explaining how the call had been processed and steps going forward to correct any mistraining.
8/11/2023	9/5/2023	24	Inquiry	RP was frustrated with how officers handled a trespassing issue on property by him home.	Sgt. met with RP and discussed why officers were unable to deal with the situation in the manner RP had hoped for.
8/10/2023	10/26/2023	76	Service Level	RP inquired about a theft report RP had made and any updates.	Sgt. reviewed the case and provided RP with the update; the Sgt was also able to put out an Attempt to Locate for a suspect based on new information recived from RP.
8/11/2023	8/17/2023	6	Performance	RP was concerned about how officers handled a situation with a friend during a mental health crisis.	Sgt. reviewed the incident and spoke with RP about how officers dealt with the situation. RP was thankful for the follow up.
8/11/2023	10/18/2023	67	Performance	RP inquired why a patrol officer drove right by a crime in progress.	Review of dispatch records found that the patrol officer involved was dispatched to a call. Sgt. spoke with RP about the officer's actions.
8/14/2023	11/30/2023	106	Incident Review	RP reported an issue with retrieving safekeeping property from EPD.	Review of records found that each piece of property had been returned to RP's designated third party release person. Each was signed over via chain of custody. No policy violations found.
8/14/2023	9/5/2023	21	Inquiry	RP felt officer made no effort to identify a person who hit him on his bicycle.	Sgt. reviewed records and body cam and found that the officer did canvas the area for the vehicle in question. Sgt. also learned that RP had actually swerved in front of the vehicle. No probable cause existed for a hit and run charge. Sgt. updated RP on the incident.
8/15/2023	9/15/2023	30	Performance	RP felt EPD had not handled a report of their assault correctly.	Review of reports and body cams found during the investigation no probable cause was found and the investigation was suspended pending any further information to move forward. No policy violations. Sgt.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Attachment A

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/16/2023	9/13/2023	27	Inquiry	RP alleged an officer used excessive force without notice during an arrest.	Review of body cam found that the officer had repeatedly asked RP to stop after identifying himself as a police officer. Due to RP's refusal to stop RP was taken to the ground and handcuffed. No policy violations were found. Sgt. spoke with RP about the findings.
8/16/2023	9/11/2023	25	Service Level	RP is unhappy with the service level received when calling in about issue with RP's son.	Review of RP's concern found each call made by RP was dispatched in accordance with triage protocol. No policy violations were found. Supervisor spoke with RP about the concerns.
8/17/2023	9/25/2023	38	Incident Review	RP was concerned that an officer showed up a 1:30 am to discuss a traffic accident that had happened hours before.	Sgt. emailed with RP concerning EPD policy that allows officers to follow up on incidents during their assigned shifts.
8/21/2023	10/5/2023	44	Inquiry	RP reported an EPD officer who threw him to the ground before getting both sides of an incident.	Review of body cam and police records found that RP had shoved the officer and then resisted being placed into custody when being questioned about the incident. Sgt. spoke with RP about the findings.
8/21/2023	9/20/2023	29	Inquiry	RP reported an EPD officer flying a drone over RP's backyard without a warrant.	Review of EPD drone flight logs found no drone flights on the date and location of RP's concern. RP did not return VM.
8/22/2023	9/20/2023	28	Policy	RP was concerned that EPD call takers would not enter a call about a noise complaint without RP pressing charges.	Sgt. contacted RP to explain EPD policy on noise complaints and answer any questions.
8/24/2023	9/7/2023	13	Inquiry	RP was concerned about the lack of response to a theft in her business considering a theft had happened in her area just hours before.	After reviewing the call information the supervisor found that the call was handled within policy. Sgt. spoke with RP who had spoken with a police officer and the store near by and now understood the circumstances and was thankful for the follow up from the supervisor.
8/24/2023	10/4/2023	40	Performance	RP reported being unable to get information about his theft case.	Supervisor spoke with RP and updated about the theft case.
8/25/2023	10/10/2023	45	Inquiry	RP was unhappy with a call taker's demeanor.	Review of the call found that the call taker was professional and efficient in the handling of the call. Supervisor spoke with RP about the findings.
8/28/2023	9/14/2023	16	Policy	RP was concerned that officers were giving incorrect information on the fix-a-ticket program.	Sgt. spoke with RP about the program and showed how the information was in the pamphlet RP received. Sgt. also sent a training memo to patrol with a reminder about giving the correct info on the program.
8/23/2023	9/5/2023	12	Inquiry Dismissed: Outside Jurisdiction	RP reported an issue with a city employee which was not an EPD employee.	Dismissed: Outside Jurisdiction
8/29/2023	9/5/2023	6	Service Level Dismissed: Outside Jurisdiction	RP reported a parking issue near a city park.	Dismissed: Outside Jurisdiction

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8/30/2023	10/26/2023	56	Performance	During an exit interview a former employee noted a supervisor treat RP harshly.	An internal review of employee training records was undertaken including interviews with other employees about the allegation.
8/30/2023	10/10/2023	40	Service Level	RP felt an EPD officer did not do enough to hold a neighbor responsible for damages to RP's home.	Review of the incident found that the officer had cited the neighbor, but the city prosecutor did not pursue the charges. Sgt. spoke with RP about the findings.
8/30/2023	9/7/2023	7	Use of Force Dismissed: Other	RP reported excessive force used during RP's arrest.	Dismissed: Other / Auditor Review found no policy violations.
8/30/2023	9/15/2023	15	Service Level	RP was concerned that an officer not citing his neighbor during a harassment incident lead to escalation of tensions and other incidents.	Review of the incident found that during the investigation the officer found both parties had reasonable self defense claims and spent time with both parties mediating the incident. No policy violations were found. Sgt. spoke with RP about findings.
8/31/2023	9/25/2023	25	Service Level	RP was upset that an officer has failed to return communication about RP's case.	Sgt. spoke with RP about an update on her case and that he had spoken with the officer about returning communications.
9/1/2023	9/18/2023	17	Performance	RP reported an officer who drove past a pedestrian without stopping.	Sgt. was able to identify and speak with the officer involved about the incident.
8/31/2023	10/19/2023	49	Inquiry	RP was unhappy that a neighbor was not cited for criminal mischief.	Sgt. found that the incident appeared to be a neighbor dispute and the officer used discretion in not citing both parties, giving a warning only. Sgt. spoke with RP about findings.
8/27/2023	9/8/2023	11	Inquiry Dismissed: Other	RP reported EPD had not found a robbery suspect.	Dismissed: Other / Auditor Review found no policy violations.
8/31/2023	9/8/2023	8	Inquiry Dismissed: Outside Jurisdiction	RP reported officers kept his work tools after RP's stolen vehicle was returned.	Dismissed: Outside Jurisdiction
9/5/2023	10/10/2023	35	Courtesy	RP reported a call taker was discourteous.	Review of call found call taker asked the required questions per protocol which appeared to frustrate RP. RP requested no follow up.
9/6/2023	9/12/2023	6	Disputed Facts Dismissed: No employee identified	RP alleged that an officer made a Jewish hand sign at him.	Dismissed: No employee identified
9/6/2023	9/12/2023	6	Courtesy Dismissed: No employee identified	RP reported a man who came in to her place of work flashed a badge and said he needed to use their restroom. RP felt it was odd.	Dismissed: No employee identified
9/7/2023	9/12/2023	5	Disputed Facts Dismissed: Other	RP reported that an officer is ignoring 72 hour notice laws, when requiring RP to move tents and belongings.	Dismissed: Other / Auditor Review found no policy violations.

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/8/2023	9/15/2023	7	Inquiry Dismissed: Alternate Remedy	RP reported an officer using a derogatory slur and kicking him awake in an incident in which RP was issued a trespass citation.	Dismissed: Alternate Remedy / Auditor's Review found none of the alleged behavior occurred.
9/12/2023	10/4/2023	22	Inquiry	RP feels EPD is not honoring 72 hour notices to move camps.	Camp posting is done by Public Works and EPD officers only assist PW as safety issues are identified.
9/11/2023	10/16/2023	35	Inquiry	RP complained communications specialists acted unprofessionally.	Review of the calls for service found that the calls were handled professionally and the correct actions were made to compete the calls.
9/13/2023	10/18/2023	35	Incident Review	RP complained an officer mistreated RP during an arrest.	Sgt. reviewed all body cams, surveillance footage and reports of the incident. No policy violations were noted.
9/12/2023	10/11/2023	29	Inquiry	RP claimed an officer mishandled a call regarding a pet.	Sgt. reviewed the investigation of the call about the pet and found no abuse issues. Sgt. spoke with RP about the findings.
9/13/2023	10/17/2023	34	Service Level	RP complained officers failed to appropriately follow-up with RP regarding an accident.	Sgt. spoke with RP about what steps the officer had taken in the investigation and the hold ups due to a rental car agency unwilling to provide information.
9/18/2023	9/18/2023	0	Inquiry	RP complained an officer engaged in inappropriate conduct by assaulting and intimidating RP.	Review of the officer's body cam found none of the issues RP reported.
9/15/2023	9/27/2023	12	Courtesy Dismiss: No Identified Employee	RP complained call takers were discourteous.	Dismiss: No Identified Employee
9/15/2023	10/23/2023	38	Inquiry	RP complained thry should have been contacted by an officer prior to prosecution declination by the Lane County DA's office.	Review found that all of RP's information had been documented in the report forwarded to the DA. No policy violations found. Sgt. spoke with RP.
9/15/2023	9/19/2023	4	Inquiry	RP complained an officer (off duty) went to an inappropriate social function.	Sgt. learned that the plate number to the car RP identified returned as not belonging to the named officer. There was no indication the officer was present.
9/20/2023	10/11/2023	21	Inquiry	RP was unhappy that EPD did a follow up investigation at 1am.	Sgt. spoke with RP about how officers follow up with assigned investigations when time permits on their shifts.
9/20/2023	9/26/2023	6	Inquiry Dismissed: Outside Jurisdiction	RP alleged an officer in an unmarked vehicle braked checked her than pulled her over to warn about her driving.	Dismissed: Outside Jurisdiction
9/20/2023	11/27/2023	67	Policy	RP complained an officer improperly handled an investigation and failed to provide requested actions.	Lt. reviewed all available information and re-interviewed parties in the investigation and developed probable cause to issue a citation.
9/21/2023	11/22/2023	61	Inquiry	RP complained officers acted improperly and unjustly detained her.	Review found that the officer did a thorough investigation and there was probable cause for the detention. Sgt. spoke with RP about the findings.
9/21/2023	10/16/2023	25	Policy	RP complained an officer improperly handled a traffic stop for driving violations.	Sgt. reviewed body cam of the stop and found no policy violations. Sgt. spoke with RP about the findings and RP's concerns.

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9/21/2023	10/4/2023	13	Service Level	RP has not received follow up on a report for a vehicle break in as promised.	Review of the report found that follow up was timely. Supervisor spoke with RP and explained what response protocol was for reporting an incident online.
9/22/2023	10/18/2023	26	Inquiry	RP complained officers failed to provide RP with assistance about a theft.	Review of the investigation found that probable cause to cited was identified and the Sgt. directed an officer to proceed with the citation.
9/25/2023	10/23/2023	28	Inquiry	RP complained officers mishandled a civil eviction incident.	Review of the incident found that offices did a thorough investigation and found RP had not established residency. The incident was handled within policy.
9/2/2023	10/18/2023	46	Performance	RP reported a patrol vehicle driving erratically.	Sgt. spoke with officer noting care in following all traffic laws and with RP about the concern.
9/25/2023	10/18/2023	23	Service Level	RP complained a theft investigation was not properly handled.	Review of police report found that the officer was able to identify that the suspect RP accused did not commit the theft. Sgt. has been unable to reach RP.
9/26/2023	9/27/2023	1	Service Level Dismiss: Outside Jurisdiction	RP reported an overdose on his property and requested an ambulance. No ambulance was dispatched.	Dismiss: Outside Jurisdiction
9/26/2023	9/29/2023	3	Inquiry Dismiss: Timeliness	RP reported various instances that RP felt EPD did a poor job of policing.	Dismiss: Timeliness
9/27/2023	10/4/2023	7	Incident Review Dismiss: Other	Auditor's office received a VM from the governor's office with an allegation of inappropriate conduct by EPD employees.	Dismissed: Other / Auditor Review found no policy violations.
9/28/2023	12/1/2023	63	Service Level	RP reported being unable to get help from EPD when reporting issues with her neighbor.	Records showed the RP's calls regarding the neighbors dog had been addressed by Animal Welfare. Noise complaints are in progress but due to call load the noise has ceased by the time officers can be dispatched. Supervisor spoke with RP and encouraged RP to continue to reach out to EPD about concerns.
9/29/2023	11/17/2023	48	Incident Review	RP reported an officer who handled a DUI investigation in an improper way.	Review of body cams and police reports found that officer conducted the investigation properly, and RP was unable to provide a proper breathalyzer sample and warrant was obtained for a blood drawn. No policy violations were found.
10/3/2023	10/10/2023	7	Inquiry Dismissed: Outside Jurisdiction	RP reported a series of issues with the sheriff and courts.	Dismissed: Outside Jurisdiction

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/3/2023	11/14/2023	41	Inquiry	RP alleged officers acted improperly by not charging a suspect correctly in a home break in.	Review of reports and body cams found the officer conducted a thorough investigation and charged the suspect with the appropriate crime. Sgt. discussed the charging with RP.
10/3/2023	11/22/2023	49	Inquiry	RP alleged an officer acted maliciously towards his belongings.	Review found that the named officer had had no contact with RP during the stated time.
9/21/2023	2/28/2024	157	Incident Review	Internal investigation into whether an officer had a drug exposure while lodging evidence.	Officer left employment before investigation was complete.
10/4/2023	10/11/2023	7	Disputed Facts Dismissed: Timeliness	RP reported that her boyfriend was wrongly detained in an incident from 2022.	Dismissed: Timeliness
10/5/2023	11/22/2023	47	Performance	RP complained an officer operated a marked unit improperly.	Supervisor spoke with involved employee who did not remember the incident, but noted that more caution would be used in the future. Supervisor spoke with RP about the findings and provided RP with information to follow up with safety lights in the area, that RP requested.
10/3/2023	10/10/2023	7	Inquiry Dismissed: Other	RP felt a call taker was discourteous and the officer that responded was unhelpful and threatening.	Dismissed: Other / Auditor's Review found none of the alleged behavior occurred..
10/5/2023	11/3/2023	28	Service Level	RP complained officer response time/assistance was substandard.	Review of the incident found that the officers handled the scene correctly, but failed to communicate with concerned parents of the college students in a timely manner.
10/5/2023	11/14/2023	39	Courtesy	RP complained officers acted improperly and were discourteous.	Review of body cam found that one of the officers involved could have used a less abrasive tone with RP. Sgt. spoke with the officer and with RP.
10/6/2023	10/12/2023	6	Disputed Facts Dismiss: Outside Jurisdiction	RP reported officers who held a friend at gun point with no probable cause to stop him.	Dismiss: Outside Jurisdiction
10/6/2023	10/10/2023	4	Policy Dismiss: Other	RP feels it's not appropriate for EPD officers to park on the sidewalk near the downtown station.	Dismiss: Other
10/6/2023	12/1/2023	55	Inquiry	RP complained a communications specialist failed to provide the appropriate assistance.	Review of RP's call found that the call taker asked appropriate questions to triage RP's call and dispatched correctly. Supervisor spoke with RP about the call and her concerns
10/9/2023	10/30/2023	21	Disputed Facts	RP inquired into the lack of prosecution during a harassment issue.	Review of body cam found that witnesses were able to refute the harassment. Sgt. spoke with RP about the findings.
10/9/2023	10/13/2023	4	Inquiry Dismiss: Timeliness	RP felt a welfare check was not conducted properly.	Dismiss: Timeliness

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Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/9/2023	10/12/2023	3	Inquiry	RP reported to hospital employees that officers had touched her inappropriately.	Sgt. reviewed all body cams of RP's arrest (capturing the entire contact) and found no evidence of impropriety. Auditor's review concurred with the findings.
10/10/2023	11/7/2023	27	Service Level	RP was concerned that there was no dispatch for a loud unruly party called in by RP and neighbors.	Supervisor found that the call was triaged per policy. Due to call load and more urgent calls ahead of RP's concern, no officer was dispatched.
10/10/2023	10/12/2023	2	Inquiry Dismiss: Timeliness	RP is unhappy that a reported rape from 5 years ago has not been forwarded to the DA.	Dismiss: Timeliness
10/10/2023	12/11/2023	61	Service Level	RP was frustrated with call takers who were unhelpful in allowing RP to speak to a detective.	Review of the calls found that the call takers handled the calls professionally and within policy.
10/10/2023	10/23/2023	13	Service Level	RP was concerned that no follow up happened after a report of masked men in her apartment complex.	Review of the incident found a miscommunication between the call taker and RP. Supervisor spoke with RP explained the issue and answered RP's questions.
10/11/2023	11/14/2023	33	Performance	RP complained an officer was driving across the bike bridge causing RP to have to maneuver his bike around the vehicle.	Sgt. spoke with RP about policy that allows officers to use the bike bridge during calls for service while on duty.
10/12/2023	11/22/2023	40	Inquiry	RP complained a vehicle accident was mishandled by an officer.	Review of the incident found the officer did a thorough investigation and facilitated an information exchange. No policy violations.
10/12/2023	12/6/2023	54	Inquiry	RP complained officers made an improper arrest at a homeless camp.	Review found that the arrest was made for creating a hazardous condition. No policy violations were found.
10/16/2023	11/13/2023	27	Performance	RP reported that a police vehicle with lights but no sirens turn a corner and almost hit RP.	Review of In Car Video showed RP was at the street crossing but on the sidewalk when the police vehicle turned the corner. Sgt. spoke with and reviewed the incident with RP.
10/17/2023	10/19/2023	2	Policy	RP was unhappy that a suspect was not arrested only cited.	Sgt. spoke with RP and explained the legal process of citing in lieu of custody.
10/18/2023	10/24/2023	6	Inquiry Dismissed: Other	RP alleged that during a couple of arrests officers used more force than necessary.	Dismissed: Other / Auditor Review found no policy violations.
10/11/2023	11/20/2023	39	Inquiry	RP complained a communications specialist was discourteous and officers' response time was slow.	Review of calls found that they were triaged and handled within policy. Supervisor spoke with RP about the findings and the policy related to how the calls were handled.
10/20/2023	10/20/2023	0	Inquiry Dismissed: Outside Jurisdiction	RP reported an interaction with a Sheriff's Deputy.	Dismissed: Outside Jurisdiction
10/19/2023	10/24/2023	5	Inquiry Dismissed: Other	RP reported being unable to reach a live person at the non-emergency line.	Dismissed: Other The Auditor's Office was able to assist RP in negotiating the phone tree.

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10/19/2023	10/24/2023	5	Inquiry	RP reported an officer was unprofessional.	Sgt. spoke with RP at the scene and was met with profanity and hostility. RP discontinued contact with the Sgt. Later review of body cam found officer was professional while being degraded by RP.
10/20/2023	10/26/2023	6	Inquiry Dismiss: Other	RP was unhappy with an investigation into a physical altercation.	Dismissed: Other / Auditor Review found no policy violations.
10/21/2023	11/13/2023	22	Policy	RP questioned why better detour signage was not posted during Duck games.	Sgt. texted with RP and provided Public Works with RP's concern.
10/22/2023	10/24/2023	2	Inquiry Dismissed: Outside Jurisdiction	RP reported an incident with the sheriffs office.	Dismissed: Outside Jurisdiction
10/23/2023	10/31/2023	8	Inquiry	RP reported that EPD and other city office phones seem to have blocked RP's phone number.	IT phone manager provided information that the city's phone system was not set up to block numbers and that individual phones did not have the ability to individually block numbers.
10/23/2023	11/27/2023	34	Inquiry	RP's complained an officer acted improperly by requiring backing up to film and then taking a picture of RP's license plate.	Review of the incident found that the officer did ask RP's to back up so he could continue an investigation, but did not ask RP's to not film. The officer did take a picture of RP's license plate that was parked in a public space and was not against policy.
10/23/2023	11/15/2023	22	Service Level	RP complained police response time was excessive.	Review of the incident found that RP called in an incident of being threatened with a gun 20 minutes after the incident. Call takers correctly triaged the call according to call volume at the time. RP did not responded to supervisors calls.
10/26/2023	10/30/2023	4	Inquiry Dismiss: Timeliness	RP reported a YouTube video of a person arrested for recording on the sidewalk.	Dismiss: Timeliness
10/28/2023	11/13/2023	15	Inquiry	RP was unhappy with the follow-up about a reported incident with her minor child.	Review found that the detective forwarded the report to the DA, who did not file. Sgt. spoke with RP and asked the detective to follow up with RP and answer any further questions.
10/27/2023	11/1/2023	4	Inquiry Dismiss: Other	RP reported officers who berated and bullied him.	Dismissed: Other / Auditor Review found no policy violations.
10/27/2023	12/5/2023	38	Inquiry	RP complained officers improperly seized items and caused unnecessary residential damage.	Review found that officers followed policy in obtaining and executing a search warrant. No policy violations found. LT. spoke with RP about the incident.
10/30/2023	11/6/2023	6	Performance Dismiss: No identifiable employee	RP complained an officer ignored RP's request for vehicle towing.	Dismiss: No identifiable employee
10/30/2023	11/6/2023	6	Inquiry Dismiss: Timeliness	RP complained an officer conducted an insufficient investigation into an animal welfare issue.	Dismiss: Timeliness

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10/31/2023	11/27/2023	27	Courtesy	RP complained officers were discourteous.	Supervisor spoke with RP and coached employee on amicable interactions with the public.
11/1/2023	12/28/2023	57	Incident Review	RP complained officers handled a search warrant improperly.	Review found that a assessment of the situation and a plan for the warrant execution was done per policy. Officers followed the plan for officer and community safety concerns.
11/3/2023	11/13/2023	10	Inquiry Dismiss: Other	RP reported EPD not willing to take criminal reports.	Dismissed: Other / Auditor Review found no policy violations.
11/3/2023	12/19/2023	46	Policy	RP requested that EPD discontinue welfare checks at his home.	Auditor's office corresponded with RP about the policy EPD uses for welfare and community care taking issues.
11/3/2023	11/30/2023	27	Inquiry	RP complained officers failed to take appropriate enforcement actions after an incident with RP's children.	Review of the incident found that the officer did a thorough investigation and the report was forward to the city prosecutor for review. No policy violations noted. Sgt. spoke with RP about the progression of the incident through the prosecutors office.
11/6/2023	11/13/2023	7	Courtesy	RP alleged officers were discourteous and would not listen to RP.	Supervisor reviewed body cam and found officers were professional handled the situation per policy.
11/7/2023	1/11/2024	64	Performance	RP complained an officer failed to hold a third party accountable for an incident which RP believed has a bias component.	Review of body cam and reports found that the officer cited the third party appropriately with criminal mischief, but could have referred RP to the Office of Equity and Community Engagement for follow up.
11/7/2023	11/27/2023	20	Inquiry Dismiss: Other	RP reported that officers continue to harass him after a search warrant was issued.	Dismissed: Other / Auditor Review found no policy violations.
11/9/2023	11/21/2023	12	Use of Force	Auditor requested review of a taser deployment.	Review found that the suspect was physically fighting with officers when a taser was used to subdue the subject. Taser policy notes the taser should not intentionally be used in the neck or head region. Due to the physical resisting at the time the taser placement came close to the neck area. No policy violations were noted as no ill intention was apparent.
11/10/2023	1/16/2024	66	Inquiry	RP complained officers mishandled an investigation into a stolen RV and failed to provide timely updates.	Sgt. reviewed reports of the incident and found that officers actually found RP's RV within a few days, did a thorough follow up but were unable to establish probable cause to arrest the suspect. The RV was released to RP within a few days.
11/13/2023	12/5/2023	22	Inquiry	An anonymous RP complained an officer gave preferential treatment to persons related to law enforcement when giving pedestrians citations.	Review of the complaint found that the named employee is on extended leave and has not been on duty.
11/14/2023	2/5/2024	81	Inquiry	RP complained communication center specialists and officers failed to provide appropriate service levels.	Supervisor reviewed call times and found that stipulations RP placed on who could respond to her calls for service played into time frames of response. No calls for emergency, life threatening service were made or delayed. Supervisor spoke with RP about the findings.

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11/15/2023	11/29/2023	14	Inquiry Dismissed: Other	A third party reported hearing that officers didn't have Narcan during an overdose.	Dismissed: Other / Auditor Review found no policy violations. EMT's at the scene had enough Narcan for the situation.
11/15/2023	11/27/2023	12	Inquiry Dismiss: Other	RP was upset an officer was knocking on apartment doors at 3am.	Dismissed: Other / Auditor Review found no policy violations.
11/15/2023	11/27/2023	12	Constitutional Rights Dismiss: Constitutional Rights	RP contested how a warrant service was conducted.	Dismissed: Alternate Remedy
11/15/2023	11/27/2023	12	Performance Dismiss: No employee identified	RP reported a call taker that asked unnecessary questions.	Dismissed: No identifiable employee
11/20/2023	11/28/2023	8	Inquiry Dismissed: Employee not identifiable	RP reported a boyfriend of an ex who appeared to be running his criminal information.	Dismissed: No identifiable employee
11/21/2023	11/28/2023	7	Inquiry Dismissed: Alternate Remedy	RP alleged an assault investigation was mishandled by an officer.	Dismissed: Alternate Remedy
11/27/2023	12/11/2023	14	Discrimination	RP is frustrated that nothing is done when she tries to report drug dealing in her neighborhood.	Supervisor reviewed RP's call for service and found each was handled within policy. Supervisor spoke with RP explaining the best way to make a report for each issue.
11/2/2023	1/31/2024	89	Incident Review	RP alleged that an officer was running names and gun serial numbers in law enforcement data bases for a civilian.	Review of data base records found no information was run that was not related to an official police action by employee. No policy violation was found.
11/29/2023	1/22/2024	53	Inquiry	RP reported it took officers 40 minutes to respond to the call of trespass by RP's ex.	Records showed officers were dispatched within 7 minutes and arrived less than 20 minutes later. RP's ex had left, and officers took a report. Supervisor emailed RP about the findings.
12/1/2023	1/5/2024	34	Incident Review	RP was unhappy with how officers handled a death investigation.	Review of body cams, and police reports found the officers handled the investigation in a professional and caring way.
12/4/2023	12/18/2023	14	Inquiry	RP was unhappy with how a call for service about a dispute was handled.	Review of the incident found that the officers handled the scene correctly, and determined both parties at fault in the dispute.
12/5/2023	12/27/2023	22	Service Level	RP was unhappy with the call time response to numerous car thefts.	Supervisor reviewed the calls for service identified some instances that follow up information could be added to reports and worked with RP getting files updated.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/5/2023	12/14/2023	9	Courtesy Dismissed: Other	RP reported two officers who were discourteous when RP tried to engage them.	Dismissed: Other / Auditor Review found no policy violations.
12/5/2023	4/22/2024	137	Incident Review: Administratively Closed	RP claimed they had heard from another party that an EPD employee had tried to initiate a personal relationship with a confidential informant.	Auditor's Office and Internal Affairs spoke with RP and others and could not find evidence to support the allegations. Administratively Closed pending further information.
12/8/2023	12/14/2023	6	Inquiry Dismissed: Timeliness	RP reported an EPD officer who lived across the street, who had harassed a friend.	Dismissed: Timeliness
12/12/2023	12/18/2023	6	Inquiry	RP was unhappy with how officers handled a physical dispute in which RP was bitten by a dog.	Sgt. reviewed the investigation and found the officers did a thorough job, speaking with witnesses and those involved and made the correct determination of the incident.
12/13/2023	12/15/2023	2	Inquiry Dismissed: Other	RP reported EPD did not adequately help her when she reported thefts.	Dismissed: Other / Auditor Review found no policy violations.
12/12/2023	1/16/2024	34	Performance	RP felt an officer did not take enough time to investigate whether a woman in a parking lot was able to drive safely.	Review of the officer's body cam found that officer did a complete assessment of the driver and found no signs of impairment. Sgt. also noted the officer is a trained DUII investigator.
12/13/2023	12/26/2023	13	Inquiry	RP reported speaking to officers who refused to address his concerns.	Sgt. reviewed body cam and found that the officers provided RP with the information to reach out to the officer who was handling RP's concern. No policy violations found.
12/15/2023	1/8/2024	23	Service Level	RP felt a theft report was not investigated thoroughly.	Review of location security camera found that officers were able to see unidentifiable suspects take RP's belongings. A report was taken per policy.
12/11/2023	1/29/2024	48	Inquiry	RP complained about a use of force involving one of RP's clients.	Sgt. review of the force involved during the incident found that the suspect did not comply with officer's directions in a situation where a gun had been seen. Use of force was <u>within policy</u> .
12/14/2023	12/21/2023	7	Inquiry	RP inquired into why officer did not make an arrest in his case.	Review of reports found that at the time of the incident RP was not able to identify the suspect or provide a description. Sgt. spoke with RP about the status.
12/14/2023	12/19/2023	5	Inquiry Dismissed: Other	RP was unhappy with how a call for service about a dispute was handled. RP's wheel chair was bumped by a car.	Dismissed: Other / Auditor Review found no policy violations.
12/15/2023	1/18/2024	33	Inquiry	RP felt her daughter's boyfriend was getting preferential treatment due to being the relative of and EPD employee.	Review of police contacts with the involved found that the employee is not a sworn officer and has no contact with enforcement actions of the police department.
12/14/2023	3/18/2024	94	Conduct	Auditor-initiated investigation into whether an officer had made an inappropriate comment about an internal investigation.	Supervisor spoke with the involved employee about appropriate humor.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Attachment A

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/15/2023	1/22/2024	37	Inquiry	An anonymous RP complained an officer parked in a fire lane at a local business.	Supervisor found that the officially marked vehicle's driver was on duty doing theft prevention and visibility patrols. No policy violation.
12/18/2023	1/25/2024	37	Service Level	RP was concerned about the lack of response to a trespass situation on her son's porch.	Supervisor reviewed the calls for service and noted that they were triaged appropriately due to the high call load at the time. Supervisor spoke with RP and also offered the CSO team to work with her son on a safety audit of his home.
12/14/2023	12/20/2023	6	Performance Dismissed: Other	RP reported an EPD officer driving erratically.	Dismissed: Other / Auditor Review found no policy violations.
12/18/2023	12/20/2023	2	Performance Dismissed: Other	RP was upset that two men that assaulted RP were not prosecuted.	Dismissed: Other / Auditor Review found no policy violations.
12/18/2023	1/22/2024	34	Service Level	RP was unhappy with the response time to a person harassing a vendor at the Christmas Market.	Review of the calls for service found that person was not displaying harassing behavior at the time. RP was advised to call back if the situation escalated. Officers did follow up with the person involved at a later time and took a report, and provided info on filing a stalking order. No policy violations were found.
12/22/2023	1/16/2024	24	Inquiry	RP complained he was harassed and detained by officers who accused RP of assaulting a restaurant employee.	Review of the incident found that RP resembled a security video picture of the suspect. Once it was determined RP was not the person the officer was looking for RP was allowed to go. Sgt. spoke with RP about the investigation.
12/21/2023	12/27/2023	6	Inquiry Dismissed: Employee not Identifiable	RP reported seeing two officers just sitting in a patrol vehicle on cell phones.	Dismissed: Employee not Identifiable
12/26/2023	2/5/2024	39	Inquiry	RP felt an officer cited her for a dispute, when the other party should have been cited also.	Review showed the officer was an eyewitness to RP shoving the other party and gave the citation on the other party's statement and the observation. Sgt. found that the officer could have spoken with other witnesses as well. Probable cause existed for the citation.
12/27/2023	1/24/2024	27	Performance	RP reported seeing a shoplifting incident in which officers who spoke to the suspects did nothing.	Review of the incident found that the store had not reported any issues to EPD and though the officer had spoken to the people RP observed, the officer had no probable cause to stop them. Sgt. spoke with RP about the findings.

Appendix B: Incident Reviews, Inquiries, Policy Complaints and Service Complaints

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/29/2023	2/9/2024	40	Inquiry	RP was upset that an officer spoke to another tenant on the property instead of RP who called in a issue with a trespass/illegal camping issue.	Review of the call for service found that the officer was not given any information that the property had two different tenants. The officer also found that the issue was civil due to the person camping had been given permission by the other tenant. Sgt. spoke with RP provided follow up and informed RP about providing more detailed info to dispatch when calling in.
12/29/2023	1/23/2024	24	Performance	RP was concerned that an officer gave him the wrong information on a tow form	Review of the forms found officer did make a mistake on the form. Sgt. reached out to RP and provided information on filing a risk claim.
12/14/2023	1/30/2024	46	Inquiry	RPs complained that an officer accused them of stealing when they had not.	Review of the incident found that the officer had established probable cause of the crime of theft from witnesses and security video. Sgt. spoke with RP about the findings.
	Average:	47.8			

Civilian Review Board

2023

ANNUAL REPORT



Staffed by the Office of the Independent Police Auditor
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Eugene Civilian Review Board 2023 Annual Report

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Introduction

Eugene City Code 2.246(7), which governs Eugene’s Civilian Review Board (CRB), 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;
- (c) Evaluates the work of the auditor’s office, including whether the office is functioning as intended.

Mission Statement

It is the mission of the CRB to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department (EPD) 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.

Letter from the Chairs

Eugene’s 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 closed complaints to provide a community perspective about their classification, investigation, and adjudication.

We are pleased to present this annual report, which contains a summary of the work that the CRB undertook during 2023. As set forth in the ordinance, assessment of the police auditor and the auditor’s office are achieved through case reviews. As in years past, the bulk of this report centers around the cases reviewed by the CRB. While detailing the allegations investigated and our discussions and findings, this report only touches on the work that we have put into our responsibilities.

We have an engaged and thoughtful civilian review board that generously gives considerable personal time to participate in and evaluate the police oversight processes in Eugene. They are the community’s representatives who analyze the internal administrative personnel processes of EPD and the external monitoring and complaint intake processes of the Auditor’s office. The CRB consistently meets more often than required by City Code. At most meetings, the entire board is present.

Our meetings are open to the public and provide an opportunity to review the complaint process and hear input from members of our community. Accepting public comment at all CRB meetings also allows members of the public who have filed complaints to ask the Board for review of their case at a future meeting. During 2023 we conducted all our public meetings in a hybrid format with an opportunity for public comment either in person or remotely through Zoom. Recordings of the meetings and detailed minutes are also made available to the public.

During CRB case discussion, we endeavor to strike a delicate balance between transparency and the confidentiality required to maintain public confidence in the system. Discussing complaints in public allows the community to learn about the complaint intakes, classifications, investigations, and determinations as

they are discussed openly and critically. We do this while maintaining the confidentiality of the involved parties as required by the City Code and State law.

CRB members continue to engage in respectful, rigorous, inclusive dialogue during our meetings. We facilitate our meetings in a way that gives floor-time for each board member to speak on each topic if they so choose and the opportunity to opt out if they do not wish to comment on that issue. We strive to maintain courtesy regardless of differences in opinion or viewpoint, of which there are many. We are also cognizant of those who may not be present in the meetings, whether a complainant or officers involved in the alleged misconduct, and we aim to demonstrate respect for all parties.

When reviewing cases, we consider both the actions of officers (performance) and the expectations of action of officers (written policy). To this end, the Office of the Independent Police Auditor (OIPA) was integral in explaining the issues at hand, compiling the extensive investigative files for CRB review, and in presenting the cases each month. As you will see in the case summaries and reviews set forth in this report, the CRB's work would be impossible without the diligent work by the Police Auditor's office and EPD Internal Affairs.

The use of body-worn and in-car videos are of critical concern to the CRB and are vital to the Auditor's office and Internal Affairs in their work. Video footage allows for more precise investigations, particularly in situations where there is a question about an officer's conduct. In addition, video footage also allows the Auditor's office to better triage and classify complaints and systematically review uses of force and vehicle pursuits. It has also surfaced misconduct and policy violations absent a citizen complaint.

Members of the CRB also review the body-worn and in-car video recordings during the process of reviewing cases. Our reviews are improved by this technology. However, we are aware that the cameras record a limited perspective. A person who believes that they were not treated properly is describing their experience from the opposite or adjacent perspective of the officer's camera. During 2023 CRB members expressed ongoing concerns for the lack of body worn cameras for the Special Weapons and Tactics team (SWAT). The CRB also reviewed cases involving allegations of misconduct for failure to activate body worn cameras and expressed ongoing support for full compliance with the body worn camera policy.

This year we continued to see the benefits of the BlueTeam software program which allows for tracking uses of force, shows of force, vehicle pursuits, and other reportable incidents. This quickly notified both EPD and OIPA when a use of force or other reportable incident occurred so that they could be reviewed without delay or the need for a citizen complaint. This did require that the Auditor and/or Associate Auditors review significantly more incidents in addition to the complaints received. BlueTeam reports the accompanying police report, in addition to the body-worn and in-car video enhance the review process.

In addition to reviewing service complaints and cases of alleged misconduct, 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 continued learning by board members of community services that impact the job of the EPD. The efforts in continuous learning have proven 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 revisions seem appropriate. These policy concerns are sent to the Police Commission and the Police Chief through the CRB's appointed representative who also sits on the Police Commission. We also appointed a CRB member to be an observer at the Human Rights Commission.

The CRB continued in its efforts to improve transparency and service to the broader community by greatly surpassing the required number of meetings and publicly reviewing multiple cases. In 2023 the CRB held eight public meetings and reviewed nine cases (eight closed Internal Affairs investigations and one dismissed inquiry complaint).

We appreciate the support of the City Council, Mayor, the Office of the Police Auditor, the Eugene Police Department, and other community organizations over the past year. The members of the Board are proud to participate in a process that continues to evolve and allows the community to glimpse into the "whys" of police work, and officers present can hear comments from community members in a thoughtful, and we hope, helpful forum. We look forward to ongoing thoughtful consideration of how we can improve community safety in Eugene and are committed to being partners in this effort. In 2023, 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 our community.

Sincerely,

Carolyn Williams

2023 Board Chair

José Cortez

2023 Board Vice Chair

Civilian Review Board Members Serving in 2023

Current Members:

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.

José Cortez has a PhD in (Latinx) cultural studies and is an assistant professor at the University of Oregon. He brings more than 10 years of experience working in civic institutions in positions of community outreach. As the child of a migrant farm worker, and having grown up in the Pacific Northwest, he has a demonstrated commitment to civic institutions.

Monique Griffin was born and raised in Eugene. She is a pre-law student, attending the University of Oregon, majoring in sociology with a focus on crime, inequalities, and social justice. In addition to serving on the Civilian Review Board, Monique is a member of the Board of Directors for Bridges Oregon, a non-profit organization that serves Deaf, blind, Deaf-blind, and hard of hearing individuals statewide, advocating on behalf of victims of violent crime and connecting people to services.

Alan Leiman has a Eugene based law practice focused on representing employees in labor and employment matters throughout Oregon. Since 2011 he has also served as the Municipal Judge in Veneta. Alan has also worked as an Associate Eugene Municipal Judge, and as the Eugene City Prosecutor. He was an Assistant Public Defender in Miami, Florida before moving to Eugene in 1998. Alan appreciates the opportunity to contribute to this ongoing community effort to promote robust civilian oversight over the handling of complaints about police conduct.

Clay Neal is a 5th generation Oregonian, native Eugenic, and member of the Citizen Potawatomi Nation. From 2009-2014 he worked in the Portland Mayor's Office and the Portland Police Bureau - part of that time as the Director of Public Safety and Peacekeeping. In that role, he negotiated and oversaw the implementation of Police Bureau reforms related to the use of force, training, police bureau oversight and accountability, and community relationships. In 2015 Clay moved back to Eugene to attend the UO graduate program in Architecture. His work and research as an architect focused on the relationship between the built environment, climate change, and equity.

Rick Roseta has practiced as a trial lawyer in Eugene for over 40 years. Most of his practice has included the defense of physicians, nurses, hospitals, attorneys and other professionals in malpractice cases brought against them. Early in his career he handled matters involving State, County and City police conduct. He has tried over 400 civil jury trials to conclusion. He has served as a Circuit Court Judge Pro Tempore, primarily handling cases in Lane County Juvenile Court. He currently serves on the Board of Volunteers in Medicine. Rick obtained his BS and JD degrees from the University of Oregon. He is married to Shannon; is the proud father of two adult children; and is a proud grandfather of two.

Carolyn Williams is a life-time Eugene resident. She left for college but returned right after graduation. Her career, thus far, has been in education, starting as a pre-school teacher locally, then serving as an English Education volunteer for the Peace Corps in Azerbaijan. When she returned from her service, she earned her Master of Arts in Teaching from Pacific University and has been working as a teacher (mostly in middle schools) for the past 12 years. She currently works at the University Career Center at University of Oregon as the campus Peace Corps recruiter.

2023 Overview

The CRB is required to meet four times a year. The CRB held 8 public meetings in 2023 in addition to two hands-on training sessions at EPD. The Board (with the help of the Office of the Independent Police Auditor) identified policy concerns and communicated such to the Police Commission and the Eugene Police Department. In 2023 our liaison to the Police Commission was Alan Leiman. Clay Neal was our representative to the Human Rights Commission, providing valuable insight to the CRB on some of the concerns expressed by the Human Rights Commission related to policing issues.

Trainings

Auditor's office staff in collaboration with the CRB chairs selected a number of training topics for 2023. The CRB engaged in these 8 training sessions:

- Scenario Based Use of Force Training
- Vehicle Pursuits
- Hands On Use of Force Training
- Search and Seizure
- Alternative Crisis Response
- University Related Party Response
- Internal Affairs Annual Report
- Auditor's Annual Report

Case Review Summaries

In preparing for a case review, Board members have complete access to the Internal Affairs investigative file. These materials include 911 call logs, correspondence, body-worn camera video, 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 Internal Affairs Supervisor (now a civilian position at EPD) 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 following elements:

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;
7. Additional comments/concerns.

They accomplish this by sequentially discussing the following four categories after the Auditor presents a summary of the case:

1. General Comments
2. Complaint Intake, Classification, and Monitoring
3. Relevant Department Policies, Practices, and Policy/Training Considerations
4. Adjudication Recommendations

There were no designated Community Impact Cases in 2023. For reference, a Community Impact Case differs from a standard case review in that CRB members can review the investigative file and decide if they concur with the Chief's preliminary adjudication. CRB members are also able to provide recommendations on the handling of the complaint and investigation process, as well as policy and/or procedural issues. Lastly, the CRB can choose to have an incident re-opened if 1) the investigation was incomplete or inadequate and additional investigation is "likely to reveal facts that could change the case adjudication" or 2) the adjudication is not supported by substantial evidence.

CRB Case Summaries 2023

FEBRUARY CASE REVIEW:

Case #1: Allegations Related to Vehicle Pursuit, Forcible Stop, and Report Accuracy

Summary of Facts

- Officer A was on duty and observed a vehicle driven by the Involved Citizen. Officer A observed the path of travel for the vehicle and saw it make erratic movements.
- Officer A conducted a records check for the license plate of the vehicle and learned it was reported stolen. Officer A requested assistance from a communications specialist and confirmed the vehicle was reported stolen.
- Officer A continued to follow the vehicle, but they did not immediately initiate a traffic stop. Officer A requested assistance from other officers. Officer A then activated their vehicle's emergency lights and initiated a traffic stop on the stolen vehicle.
- The Involved Citizen did not stop the vehicle after the emergency light activation and continued driving. Officer B arrived, observed the traffic stop evasion, and struck the vehicle with their patrol vehicle.
- The Involved Citizen continued to evade law enforcement and did not stop the vehicle at the officers' request. Officer A and Officer C pursued the Involved Citizen at high speeds downtown.
- Moments later, the Involved Citizen crashed the vehicle and was arrested by officers.
- During an IA interview, Officer A stated they continued the pursuit because they believed the vehicle struck Officer B's vehicle. During an IA interview, Officer B stated they attempted to block the Involved Citizen from eluding Officer A.
- During an IA interview, Officer C stated they engaged in the pursuit of the Involved Citizen based on the radio traffic (rammed vehicle). During an IA interview, Sergeant D acknowledged responsibility for the pursuit and stated the pursuit policy needed revision.

Allegations

Officer A:

814 Vehicle Pursuits	That Officer A initiated and conducted a vehicle pursuit in violation of policy, when the risk posed to the public was greater than the need for apprehension.
103.5.22 Report and Evidence Submission	That Officer A failed to submit a "true, accurate and complete report" when they wrote in their report and probable cause affidavit that the suspect vehicle had rammed Officer B's vehicle, when the opposite was true.

Officer B:

1302.2 Forcible Stops	That Officer B attempted a forcible stop of a vehicle in violation of policy.
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Officer C:

814 Vehicle Pursuits	That Officer C engaged in a vehicle pursuit in violation of policy, when the risk posed to the public was greater than the need for apprehension.
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Supervisor D:

814 Vehicle Pursuits	That Supervisor D failed to terminate a vehicle pursuit in violation of policy.
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Recommended Adjudications

Officer A:

Vehicle Pursuits	
Auditor's Office	Sustained
EPD Chain of Command	Within Policy
Chief of Police	Insufficient Evidence

Officer A:

Report and Evidence Submission	
Auditor's Office	Sustained

EPD Chain of Command	Sustained
Chief of Police	Dismissed

Officer B:

Forcible Stops	
Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer C:

Vehicle Pursuits	
Police Auditor's Office	Within Policy
EPD Chain of Command	Within Policy
Chief of Police	Within Policy

Supervisor D:

Vehicle Pursuits	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

CRB Comments and Discussion See Appendix A for February meeting minutes.

MARCH CASE REVIEW:

Case: Allegations of Improper Arrest, Improper Preliminary investigation, Judgement, and Truthfulness

Summary of Facts

- Officer A and Officer B assisted City of Eugene park staff at a city park. While patrolling, Officer A and Officer B contacted, arrested, and transported Involved Citizen from the park to the Lane County jail.
- While at the Lane County jail, Officer A and Officer B observed a scratch on their Eugene Police Department (PD) patrol vehicle. After the scratch was discovered, Officer A called Lieutenant C and informed them of the damage. Lt. C instructed Officer A to document the damage in the vehicle log.
- After Officer A and Officer B left the jail, they obtained an \$827.20 repair estimate from an automobile collision repair center. [NOTE: Lt. C did not request a repair estimate.]

- Officer A and Officer B determined the damage was caused by Involved Citizen when he was in their custody. Officer B authored a probable cause affidavit and charged Involved Citizen with Criminal Mischief II.
- Lt. C reviewed the incident and questioned the validity of Officer B's assertion that the damage to the vehicle was caused by the Involved Citizen. Lt. C reviewed Officer A's and Officer B's body worn camera (BWC) footage from their contact with Involved Citizen. Lt. C's review determined Involved Citizen did not cause damage to Officer A's and Officer B's vehicle.
- Lt. C contacted the City of Eugene prosecutor and requested the Criminal Mischief charge be dismissed. Lt. C entered the incident information into a Eugene PD database, which initiated the Internal Affairs review.
- During an IA interview, Officer B stated they did not review the BWC footage after the Involved Citizen's arrest. Officer B acknowledged that after reviewing the materials, the scratch was on the vehicle prior to the Involved Citizen's arrest.
- During their first IA interview, Officer A stated they remembered the Involved Citizen had a piece of jewelry/necklace on and rubbed up against the marked unit during the arrest and damaged the vehicle. During Officer A's second IA interview, Officer A reviewed the BWC footage and acknowledged the Involved Citizen did not cause the damage.

Allegations

Officer A:

300.2 Arrests	That Officer A assisted in the arrest of Involved Citizen for Criminal Mischief II without first establishing probable cause.
405 Preliminary Investigations	That Officer A failed to conduct an adequate preliminary investigation into Involved Citizen's alleged criminal mischief.

103.4.1 Judgment	That Officer A failed to use their "training, experience, and observations to make sound and reasonable decisions" when they reported to their supervisor that Involved Citizen had damaged the EPD vehicle.
103.5.1 d Truthfulness	Officer A failed to provide an accurate account of their interaction with Involved Citizen when Officer A's first Internal Affairs interview was conducted.

Officer B:

300.2 Arrests	That Officer B arrested Involved Citizen for Criminal Mischief II without first establishing probable cause.
405 Preliminary Investigations	That Officer B failed to conduct an adequate preliminary investigation into Involved Citizen's alleged criminal mischief.
103.4.1 Judgment	That Officer B failed to use their "training, experience, and observations to make sound and reasonable decisions" when they made an incorrect statement in their police report.

Recommended Adjudications

Officer A:

Arrests	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Preliminary Investigations	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Judgment	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Truthfulness	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Insufficient Evidence

Officer B:

Arrests	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer B:

Preliminary Investigations	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer B:

Judgment	
Police Auditor's Office	Sustained
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

CRB Comments and Discussion: See Appendix A for March meeting minutes.

APRIL CASE REVIEW:

Case #1: Allegations of Deficient Conduct, Supervision, Performance, Judgment, Work Environment, Professionalism, Respectfulness, and Adherence to Laws and Department Policy

Summary of Facts

- Officer B reported the improper conduct of their supervisor, Supervisor A, to Eugene Police Department (PD) leadership. Based on the allegations against Supervisor A and the involvement of the City of Eugene's Employee Resource Center department (along with the Eugene PD Internal Affairs (IA) section and the Independent Police Auditor's office) a Respectful Work Environment (RWE) investigation was launched.
- The RWE investigation resulted in a spinoff IA investigation for Supervisor A's potential criminal conduct towards Officer H. The IA investigation involved Oregon State Police (OSP) and the Lane County District Attorney's (DA) Office. The Lane County DA's Office reviewed the IA investigation and declined to pursue the criminal prosecution of Supervisor A.
- Twenty witnesses were interviewed regarding their interactions with Supervisor A. During the interviews, employees discussed Supervisor A's behavior. The employees recounted instances of harassment, sexual harassment, deficient supervision, excessive micromanagement, and unprofessional conduct (behavior below the established standards of an employee of the Eugene PD).
- During his IA interview, Supervisor A acknowledged he had signed the City of Eugene Employee Handbook Acknowledgment Form that stated, "I understand that I am responsible for reading

this handbook, familiarizing myself with its contents, and adhering to all of the policies and procedures of the City of Eugene, whether set forth in this handbook or elsewhere.”

- Supervisor A was questioned about the allegations (his behavior, actions, and treatment of his subordinates). Supervisor A acknowledged some deficiencies, did not recall some of the events witnesses reported, and minimized/denied some of the events/allegations.

Allegations

Supervisor A:

103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he inappropriately inspected Officer B’s uniform pants.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he inappropriately inspected Officer V’s uniform pants.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he rubbed a burrito on the groin area of his pants before offering the burrito to a subordinate employee.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he texted a suggestive picture of a person in red leggings with a Fire logo to a subordinate employee whose spouse works for a Fire Department.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he refused to leave during a medical exam of a subordinate employee’s genitals.
103.5.9 g Conduct	That Sergeant A failed to foster a safe and respectful work environment in his treatment of Officer F, including but not limited to: <ul style="list-style-type: none"> a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he repeatedly rubbed a subordinate employee’s phone against the groin area of his pants.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment in his treatment of Officer H, including but not limited to: <ul style="list-style-type: none"> a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over

103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he rubbed a subordinate employee's phone against the groin area of his pants when the phone was displaying a photo of the employee's spouse.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he directed a subordinate employee to tell him about the last time the employee had sex with their spouse.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment in his treatment of Officer R, including but not limited to: <ul style="list-style-type: none"> a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying them police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.9 e Conduct	That Supervisor A engaged in conduct that brought the department into disrepute when he made a sexually suggestive comment regarding an employee's spouse when being introduced to the spouse.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he asked Officer K what their thoughts were about having a differing gender officer join the team.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment in his treatment of Officer K, including but not limited to: <ul style="list-style-type: none"> a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he asked Officer N if they had taken pictures of the injuries of an elderly rape victim.
103.5.23.c Expectations of Supervisors	That Supervisor A exercised his authority as a supervisor in a disparate manner towards Officer B, including but not limited to: <ul style="list-style-type: none"> a. Moving their driver seat forward to nearly put Officer B in contact with the steering wheel, without a legitimate reason to do so b. Repeatedly calling them back to headquarters unnecessarily c. Repeatedly denying their police reports for small errors d. Calling them back to the scene of a disabled vehicle e. Repeatedly holding them back after their shift was over

103.5.23.c Expectations of Supervisors	That Supervisor A exercised his authority as a supervisor in a disparate manner towards Officer V. a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.23 c Expectations of Supervisors	That Supervisor A exercised his authority as a supervisor in a disparate manner towards Officer H, including but not limited to: a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.23 c Expectations of Supervisors	That Supervisor A exercised his authority as a supervisor in a disparate manner towards Officer K. a. Repeatedly calling them back to headquarters unnecessarily b. Repeatedly denying their police reports for small errors c. Repeatedly holding them back after their shift was over
103.5.14 c Unsatisfactory Performance	That Supervisor A failed to perform his required tasks as a supervisor when he asked Officer G to add charges when a K9 had assisted in apprehension of a suspect.
103.5.14 c Unsatisfactory Performance	That Supervisor A failed to perform his required tasks as a supervisor when he directed Officer F to arrest someone for a cooking fire.
103.5.14 c Unsatisfactory Performance	That Supervisor A exercised poor judgment, in violation of policy, in his conduct as a supervisor.
103.4.2 Professionalism	That Supervisor A's conduct towards his supervised employees was unprofessional in violation of policy.
APM 1.4 Respectful Work Environment	Multiple allegations of disrespectful and/or offensive statements and behavior that would be individually and in their totality in violation of policy. City of Eugene Employee Handbook Code of Conduct- Multiple allegations of disrespectful and/or offensive statements and behavior that would individually and in their totality be in violation of the City of Eugene Code of Conduct.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he rubbed EPD paperwork on the groin area of his pants.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he requested naked photos of a subordinate employee's spouse.

103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he loaned a subordinate employee a pair of uniform pants and made a comment to the effect that now their sexual organs were touching.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he rubbed a subordinate employee's phone against the groin area of his pants (different subordinate employee than in Allegation #8).
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he would slap EPD paperwork out of subordinate employees' hands.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he would sit in a manner that displayed the groin area of his pants when in meetings with employees.
103.5.9 g Conduct	That Supervisor A failed to foster a safe and respectful work environment when he repeatedly made comments of a sexual nature to other employees.
103.4.1 Judgment	That Supervisor A demonstrated poor judgment in violation of policy in his conduct with Officer H in the locker room.
103.5.9 g Conduct	That Supervisor A failed to provide a respectful work environment as a result of his conduct with Officer H in the locker room.
103.5.23.c Expectations of Supervisors	That Supervisor A failed to meet expectations of a supervisor with Officer H in the locker room.
103.5.4. a Adherence to Laws and Department Policy	That Sergeant A's conduct with Officer H violated ORS 166.065 (Physical Harassment).

Recommended Adjudications

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained

Chief of Police	Sustained
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Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained

EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Unsatisfactory Performance	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Unsatisfactory Performance	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Judgement	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Professionalism	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Respectful Work Environment	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

COE Code of Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Insufficient Evidence
EPD Chain of Command	Insufficient Evidence
Chief of Police	Insufficient Evidence

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Judgement	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Conduct	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Expectations of Supervisors	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Supervisor A:

Adherence to Laws and Department Policy	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

CRB Comments and Discussion: See Appendix A for April meeting minutes.

MAY CASE REVIEWS:

Case#1: Allegations of Failure to Adhere to Laws, Improper Conduct, and Deficient Integrity.

Summary of Facts

- Officer A was off duty at the Eugene Airport and was parked in their personal vehicle along the front airport entrance curb, a designated pickup/drop off zone. Officer A was contacted by a City of Eugene Parking Services (PS) Officer. After the PS Officer spoke with Officer A, they (the PS Officer) contacted other drivers who were parked behind Officer A. The PS Officer returned and contacted Officer A (PS Officer stood on the passenger side of Officer A's vehicle) and issued them a parking citation.
- In an Internal Affairs (IA) interview, the PS Officer stated during the first exchange, they told Officer A that they were not allowed to wait in the pickup/drop off area and needed to move the vehicle. During the next exchange, PS Officer stated they told Officer A to move the vehicle or receive a citation. PS Officer stated Officer A said that they (Officer A) were not going to move the vehicle.
- PS Officer printed a citation and stated they asked Officer A if they preferred the citation by hand delivery or under the vehicle's windshield. PS Officer stated Officer A refused to accept the citation. PS Officer stated Officer A's behavior was "pretty hostile."
- PS Officer then walked toward the front of Officer A's vehicle, and they (Officer A) drove away. PS Officer stated Officer A's vehicle nearly struck them. Then the PS Officer attempted unsuccessfully to slip the citation through the partially open window on the passenger side of Officer A's vehicle.
- The IA investigation involved Oregon State Police (OSP) and the Lane County District Attorney's (DA) Office. The Lane County DA's Office reviewed the incident and declined to pursue the criminal prosecution of Officer A for reckless driving.
- During an IA interview, the Airport Security & Emergency Manager said no parking signs have been in place at the airport since at least 2011, curbside parking had never been allowed, and the cellphone waiting lot was established in approximately 2017.
- In their interview, Officer A stated they were unaware of the cellphone waiting lot, did not know they could not park on the curb, and had no idea what the PS Officer's job was at the airport. Officer A stated the first time they became aware of any wrongdoing was when the PS Officer attempted to hand them (Officer A) a citation.

Allegations

Officer A:

103.5.4 Adherence to Laws	That Officer A's driving while in the vicinity of the PS Officer did not comply with "all laws and statutes, city, state, and federal."
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103.5.4 Adherence to Laws	That Officer A did not comply with “all laws and statutes, city, state, and federal” when they parked at the curb at the airport, despite repeatedly being advised to leave.
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103.5.9.e Conduct	That Officer A’s behavior with the PS Officer brought the department into disrepute and/or significantly impaired the efficiency of the department.
103.4.3 Integrity	That, while being interviewed by Officer B, Officer A conducted themselves in a manner that compromised their honesty, including but not limited to: <ul style="list-style-type: none"> a. Stating that they did not know what the PS Officer was doing when they contacted Officer A; b. Stating that they did not know they could not park at the curb at the airport; and/or c. Stating that their window was closed, and they could not hear the PS Officer, when that was not true.

Recommended Adjudications

Officer A:

Adherence to Laws	
Police Auditor’s Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Adherence to Laws	
Police Auditor’s Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Conduct	
Police Auditor’s Office	Sustained
EPD Chain of Command	Sustained

Chief of Police	Sustained
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Officer A:

Integrity	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Case#2: Intake Review – Dismissed for Timeliness

Summary of Facts

- The Auditor's Office received a complaint December 20, 2022 regarding an incident that occurred on August 26, 2022.
- The complaint involved two officers who conducted a warrant arrest of a juvenile after running away from a residential treatment center.
- The Auditor's Office conducted a preliminary review of body worn video and police reports and did not identify major misconduct.
- Given the nature of the complaint, timeliness rules dictated by City Code precluded the Auditor's Office from pursuing the complaint any further and it was therefore dismissed for timeliness.
- The reporting party had offered public comment at the April 2023 CRB meeting, so it seemed appropriate for CRB to review the case to offer input on how it was handled.

CRB Comments and Discussion: See Appendix A for May meeting minutes.

JUNE CASE REVIEW:

Case Review: Allegations of Improper Vehicle Pursuit, Foot Pursuit, and Taser Use

Summary of Facts

- Officer A was on duty, in uniform, working patrol, and in a marked Eugene Police Department (PD) vehicle. While patrolling, Officer A believed they observed a known and wanted person operating a vehicle. Officer A knew the wanted person carried firearms and had a felony warrant for a weapons offense.
- Officer A attempted to conduct a traffic stop on the driver (Suspect) of the vehicle. The Suspect refused to stop their vehicle. Other officers arrived in the area to assist Officer A; however, the Suspect evaded the officers.
- Officer A continued to search for the Suspect and found them near their parked vehicle. Officer A commanded the Suspect to stop, but they fled on foot. A foot pursuit commenced, and Officer A caught up to the Suspect.
- As Officer A confronted the Suspect, Officer A realized that the suspect was not actually the wanted person. Officer A attempted to arrest the Suspect and gave them lawful commands. The Suspect refused to comply with Officer A's commands.

- During the encounter with the Suspect, Officer A drew their firearm and then drew their taser (Officer A held their firearm and taser simultaneously; one in each hand).
- The Suspect was combative; they threw and struck Officer A with a deck chair. Officer A deployed their taser on the Suspect two times, and with the assistance of other officers, took the suspect into custody.
- In their IA interview, Officer A acknowledged that they engaged in a vehicle pursuit, stated they deployed both their firearm and taser because of the threat the Suspect presented, stated the second taser deployment was necessary, and believed the foot pursuit was justified due to exigent circumstances.

Allegations

Officer A:

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

Recommended Adjudications

Officer A:

Vehicle Pursuit Policy	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Use of Taser	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Use of Taser	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Foot Pursuit	
Police Auditor's Office	Within Policy
EPD Chain of Command	Within Policy
Chief of Police	Within Policy

CRB Comments and Discussion: See Appendix A for June meeting minutes.

SEPTEMBER CASE REVIEWS:

Case Review: Allegations of Retaliation in the Community, Improper Search and Seizure, Poor Judgement and Lack of Courtesy

Summary of Facts

- The previous fall, Eugene Police Department (PD) officers assigned to party patrol responded to a fraternity house in Eugene, Oregon. A neighboring resident called the Eugene PD communications center and complained the party at the fraternity house was a loud, excessive neighborhood disturbance.
- Officer D was the first to arrive at fraternity house; Supervisor A and other officers arrived moments later. Supervisor A made contact (outside of the residence near the entry of the house) with residents and non-residents. Supervisor A made requests for all the residents of the house to exit the residence and come outside so they could be contacted by officers.
- Supervisor A then went to the front door of the residence and knocked on the door. As the door opened, Supervisor A utilized their flashlight to open the door. While Supervisor A spoke to individuals in the doorway area, they grabbed one citizen (who declined Supervisor A's request to voluntarily come outside) from the door threshold, pulled them out of the entry way, and arrested them.
- Three residents of the house voluntarily exited the residence and spoke with officers. Initially, these residents were slated to receive citations. After Supervisor A became dissatisfied with the cooperation of the other residents of the fraternity house, and Supervisor A made the decision to obtain and execute a search warrant for the residence and physically arrest and jail all the

residents (including the three that cooperated and voluntarily exited) instead of citing in lieu of custody.

- Officer C authored and received approval for a search warrant for the fraternity house. The search warrant was executed and resulted in the arrest and lodging of 23 house residents at the Lane County jail.
- In their IA interview, Supervisor A defended their actions regarding the four allegations in the investigation.

Allegations

Supervisor A:

103.5.5.2 Retaliation in the Community	That Supervisor A engaged in retaliatory behavior when they directed officers to arrest all residents of the house after certain residents asserted their constitutional right to refuse entry, and when several residents had already received citations in lieu of custody.
322 Search and Seizure	That Supervisor A prevented the residents from denying them entry to their residence, without a warrant or a valid exception to the warrant requirement, by preventing them from closing their front door.
103.4.1 Judgment	Supervisor A did not demonstrate good judgment in their handling of the situation, including their failure to consider questions from multiple officers regarding their decision to jail compliant residents.
103.5.8.d Courtesy	That Supervisor A failed to “use tact in their interactions, control their temper, exercise patience and discretion, and not allow themselves to be provoked by the actions of others” when they threatened that exercise of constitutional rights (such as right to a trial) would result in negative consequences.

Adjudications

Supervisor A:

Retaliation in the Community	
Police Auditor’s Office	Sustained
EPD Chain of Command	Unfounded
Chief of Police	Sustained

Supervisor A:

Search and Seizure	
Police Auditor’s Office	Sustained
EPD Chain of Command	Sustained

Chief of Police	Sustained
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Supervisor A:

Judgment	
Police Auditor's Office	Sustained
EPD Chain of Command	Insufficient Evidence
Chief of Police	Sustained

Supervisor A:

Courtesy	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

CRB Comments and Discussion: See Appendix A for September meeting minutes.

OCTOBER CASE REVIEW:

Allegation of Improper Search and Seizure and Failed Body Worn Video Deployment

Summary of Facts

- Citizen 1 called the Eugene Police Department (PD) communications center and requested police assistance. Officer A responded to Citizen 1's residence. Citizen 1 said they allowed Suspect into their residence and allowed them (Suspect) to use their (Citizen 1's) cellular telephone. Citizen 1 said while Suspect was inside the residence, they stole two cellular telephones (one cellular telephone was broken, and the second cellular telephone was used by their five-year-old child) from the residence and left.
- Citizen 1 said they exchanged electronic messages with Suspect and expressed a desire to recover the cellular telephones. Citizen 1 said the requests to recover the cellular telephones were unsuccessful.
- Citizen 1 told Officer A that they gained access to Suspect's electronic messenger and e-mail. [Note: When Suspect used Citizen 1's cellular telephone, they signed into their account(s) and forgot to sign out.] Citizen 1 informed Officer A that Suspect's electronic communications contained exchanges regarding illicit drug trafficking, and they captured some of the discussions. Officer A questioned Citizen 1 about Suspect's drug activity.
- Citizen 1 said they believed Suspect was staying with their parent [Reporting Party, (RP)] and provided Officer A with the address of RP. Later, Officer A went to RP's residence. Officer B assisted Officer A with the investigation.

- Officer A arrived at the front door of RP's residence, opened the exterior door, pushed the interior door open, and announced "hello" and "your door is open." [Note: When the officers arrived at the residence, the exterior screen/storm door was closed, and the interior door was slightly ajar.]
- Moments later, Officer A and Officer B entered RP's empty residence. The officers conducted a limited residential search, then exited the residence and encountered RP on the balcony outside of their (RP's) front door. RP expressed dissatisfaction that the officers entered their residence.
- In the IA interviews, Officer A and Officer B both asserted a warrantless entry into RP's residence was justified by the community caretaking exception. Officer A acknowledged that they failed to activate their body worn camera.

Allegations

Officer A:

322.2 Search and Seizure	That Officer A entered the RP's residence without a search warrant or valid exception to the warrant requirement.
1203.7.1 Body Worn Video	That Officer A failed to use their BWV system while they conducted an investigative encounter with the RP.

Officer B:

322.2 Search and Seizure	That Officer B entered the RP's residence without a search warrant or valid exception to the warrant requirement.
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Recommended Adjudications

Officer A:

Search and Seizure	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer A:

Body Worn Video	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

Officer B:

Search and Seizure	
Police Auditor's Office	Sustained
EPD Chain of Command	Sustained
Chief of Police	Sustained

CRB Comments and Discussion: See Appendix A for October meeting minutes.

DECEMBER CASE REVIEWS:

Case Review: Allegation of Use of Force Policy Violation

Summary of Facts

- Officer A was dispatched to a criminal mischief call and responded in their vehicle to the area where the crime had occurred.
- When Officer A arrived in the vicinity, they identified the suspect matching the physical description of the suspect, including a hand that was lacerated and actively bleeding.
- Officer A initiated verbal contact with the suspect from their vehicle and told they suspect to sit down. The suspect did not comply. Officer A waited for other officers to arrive before approaching the suspect.
- The suspect was placed in handcuffs by two other officers but refused to sit, stating the ground was wet. The two officers stood on each side of the handcuffed suspect.
- Supervisor A instructed the officers to get the suspect's bleeding under control before placing them in the vehicle.
- Officer A switched out with one of the officers holding on to the suspect. Officer A used their right hand to hold on to the suspect and was holding their flashlight in their left hand. Officer A began to verbally engage with the suspect.
- The suspect began to lift his leg and kick toward Officer A and call Officer A names. Officer A admonished the suspect to stop kicking.
- The suspect continued the motion with their leg and Officer A said "I'm gonna hurt your leg if you kick me".
- The suspect lifted their leg again and Officer A struck the suspect on the lower leg with the flashlight they were holding in their left hand.
- At this point Officer A and the other officer holding on to the suspect turned the suspect and walked the suspect toward the front of a nearby patrol car.

Allegation

Officer A:

800 Use of Force	That Officer A used force in excess of that which was reasonable under the circumstances when they used their flashlight as an impact weapon to strike a suspect detained in handcuffs.
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Recommended Adjudication

Officer A:

Use of Force	
Police Auditor's Office	Sustained
EPD Chain of Command	Within Policy
Chief of Police	Within Policy

CRB Comments and Discussion: See Appendix A for December meeting minutes.

MINUTES

Civilian Review Board

Hybrid meeting (in-person and via Zoom)

February 14, 2023

6:00 p.m.

PRESENT: Carolyn Williams, Chair; Monique Griffin; Alan Leiman; Rick Roseta; Bernadette Conover; Clay Neal, Civilian Review Board Members; Lindsey Foltz; Rob Eller, Vicki Cox, Beatriz Otero-Hernandez; Leia Pitcher, Police Auditor's Office; Cindy Coleman; Ryan Nelson; Chief Chris Skinner; Deputy Chief Shawn Adams, Eugene Police Department.

ABSENT: Jose Cortez, Vice-Chair

Williams convened the Civilian Review Board (CRB) at 6:00 p.m. Everyone who was present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from November meeting)

MOTION: Leiman moved, seconded by Neal, to approve the November 8, 2022, CRB meeting minutes as presented. The motion passed unanimously – 5:0. Conover abstained.

3. Comments from Board Members and Commission Liaisons

- a. Neal expressed appreciation for being able to participate in this meeting in-person and acknowledgement for incorporating the architecture department.
- b. Leiman shared that the Police Commission has met twice since the last meeting and they considered the Stop Data Collection Policy. In addition, comments are requested for a revision to Policy 807.2 – Use of Impact Weapons, specifically adding reasonable use of force regarding current law enforcement tools, such as batons.
- c. Conover expressed appreciation for being able to meet in-person and acknowledged the loss of an officer.

- d. Griffin acknowledged and supported the policy changes that Member Leiman discussed.
- e. Williams discussed maintaining transparency and fair representation, while being mindful of officer confidentiality.

4. **Public Comment**

None.

5. **Training Topic: Vehicle Pursuits**

Pitcher introduced Deputy Chief Adams, who presented training on vehicle pursuits for the CRB.

Adams stated that the department currently has a restrictive no-pursuit policy, with the exception of certain legislative requirements for mandatory arrests. The risk to the community is weighed against the risk of apprehension in deciding whether to pursue, such as violent felony crimes or suspects in domestic violence crimes. Some examples of behavior that causes immediate danger to the community are reckless or impaired driving. Supervisors monitor these pursuits for safety and evaluation. An important distinction in a revision to the policy was the ability to safely use stop-sticks to end the pursuit.

Member comments and questions included the start date for new trainings, the frequency of trainings, whether the department was current on PIT and EVOC trainings, and high / low speed limitations. Adams stated trainings had been ongoing since before the policy changes, trainings are on a quarterly schedule, confirmation of trainings would be provided to the Board at a later date, and speeds above 45 mph are considered deadly use of force. Pitcher and Adams are currently discussing areas of training for the Board and will provide an update on availability.

6. **Case Review: Allegation of Pursuit Violation**

Eller pulled up the CRB Case Summary.

I. **Summary of Facts**

- Officer A observed a white vehicle making erratic movements, driven by the Involved Citizen.
- A records check for the license plate of the vehicle was conducted, which showed that the vehicle had been reported stolen. This was by a communications specialist.
- Officer A continued to follow the vehicle without initiating a traffic stop, requested assistance from other officers, and then activated emergency lights to initiate the traffic stop. The Involved Citizen did not stop the vehicle and continued driving.
- Officer B observed the traffic stop evasion upon arrival and struck the white vehicle with their patrol vehicle. The Involved Citizen

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continued to evade law enforcement and did not stop the vehicle at the officers' request.

- Officer A and Officer C pursued the Involved Citizen/Vehicle but moments later the Involved Citizen crashed the vehicle and was arrested by officers.
- During an IA interview, Officer A stated they continued the pursuit because they believed the white vehicle struck Officer B's vehicle.
- During an IA interview, Officer B stated they attempted to block the Involved Citizen/white vehicle from eluding Officer A.
- During an IA interview, Officer C stated they engaged in the pursuit based on the radio traffic (rammed vehicle).
- During an IA interview, Sergeant D acknowledged responsibility for the pursuit and stated the pursuit policy needed revision.

II. Allegations

- **814 – Pursuit Violation:** That Officer A initiated and conducted a vehicle pursuit in violation of policy, when the risk posed to the public was greater than the need for apprehension.
- **103.5.22 – Report and Evidence Submission:** That Officer A failed to submit a “true, accurate and complete report” when they wrote in the report and probable cause affidavit that the suspect vehicle had rammed Officer B's vehicle, when the opposite was true.
- **1302.2 Forcible Stops:** That Officer B attempted a forcible stop of a vehicle in violation of policy.
- **814.2.2 Vehicle Pursuits:** That Sergeant D failed to terminate a vehicle pursuit in violation of policy.

III. Adjudication Recommendations

- Officer A – Vehicle Pursuit Policy
 - o Auditor's Office: Sustained
 - o EPD Chain of Command: Within Policy
 - o Chief Final: Insufficient Evidence
- Officer A – Report and Evidence Submission
 - o Auditor's Office: Sustained
 - o EPD Chain of Command Sustained
 - o Chief Final: Dismissed
- Officer B – Forceable Stop Techniques
 - o Auditor's Office: Sustained
 - o EPD Chain of Command: Sustained
 - o Chief Final: Sustained

IV. Issues for CRB Discussion

- Complaint Intake, Classification, and Monitoring
 - o Internally generated complaint

- o Classification: Allegations of Vehicle Pursuit, Report Submission, and Forceable Stop

Member comments and questions included appreciation for a thorough investigation and recognizing the need to review the policy as it relates to hazardous road conditions while operating a vehicle.

Conover asked for clarification of the 60-day objection, which relates to the time limit set in Ordinance and preserving appeal rights. The delay in opening the formal investigation had to do with the timeframe for the Pursuit Review before moving to the IA investigation.

Williams asked for clarification about the Muting Policy and had concerns about a policy violation as it related to the truthfulness of the Officer and Supervisor. Skinner discussed the directive he has given on this policy and stated that muting in this instance may have been due to a coaching between the supervisor and the employee. Pitcher clarified that muting in this instance was not seen as an egregious violation that would warrant an additional allegation.

- Relevant Policies and Practices; Training Considerations
 - o 814 Vehicle Pursuits, 103.5.22 Report and Evidence Submission, 1302.2 Forcible Stops and 814.2.2 Vehicle Pursuits

Member comments and questions included that Officer B needed more training in traffic maneuvers.

Conover expressed concerns that the supplemental report wasn't submitted until July, the cause for the delay, the motivation behind filing the supplemental report, disagreed that the allegation against Officer A was not sustained, and appreciation that the Sergeant recognized the need for a policy change.

Roseta discussed the short amount time between the pursuit and the crash, which can make assessing the situation and making a decision that would have had a different or better outcome very difficult.

Griffin expressed concerns about the subject matter and timing of trainings, as well as providing more support for the officers in the field.

Williams agreed that the officers involved could use more traffic training and expressed concerns about how the reports are filed. It might be helpful to have the officers review the video before writing and turning in the report to improve accuracy.

Neal asked for clarification on whether the supplemental report changed the adjudication. Pitcher discussed the timing of the events and the adjudication process. It was suggested that a review of the policy and more training was needed in regards to making a report as part of the record versus correcting part of the record.

Leiman discussed the sequence of events from filing the report to the adjudication, which Skinner respectfully disagreed with the characterization. It is important that any report of record be corrected, when needed, because the accuracy may be the determining factor when the defendant is sentenced, etc. There was agreement with

Appendix A

Conover about the concern that the Officer was perceived as being given “safe harbor” for producing a supplemental report and that more traffic training was needed.

- Adjudication Recommendations
 - o Chain of Command: A – WP; B – S; C – WP; D – IE
 - o Chief Final Adjudication: A – IE, D; B – S; C – WP; D – IE
 - o Auditor: A – S, S; B – S; C – WP; D – IE

Roseta agreed that there was insufficient evidence regarding initiating and/or continuing the pursuit and the reporting for Officer A. The allegation against Officer B regarding the pursuit should be sustained. Officer C’s pursuit was within policy. There was insufficient evidence to sustain the allegation against Officer D.

Griffin agreed with the pursuit adjudication but questioned Officer A’s truthfulness.

Williams appreciated the different perspectives used to make these decisions. Skinner’s perspective on this situation and the overall process was helpful and informative.

Neal agreed with Williams about the difficulty of coming to a decision when the policy issue was considered as a whole rather than breaking it down into smaller points. The process of filing a supplemental report to correct a factual inaccuracy and the subsequent dismissal is confusing and initially called into question the Officer’s truthfulness. Pitcher discussed the criteria to review and sustain an allegation of truthfulness on a report versus making a factual error that needs to be corrected.

Leiman agreed with the adjudications and expressed concerns that it took too long to correct the record.

Conover did not believe that the Officers met the criteria of willful disregard for pursuit policy or truthful reporting. Pitcher clarified there is not a willfulness requirement for the policy violations. Conover reinforced that an unintentional lie or pursuit decision could still cause harm. Conover expressed dissatisfaction with the delay in filing the supplemental report.

Skinner gave insight into the incident and his thought process for the adjudications.

7. Election of Liaisons for Police and Human Rights Commissions

MOTION: Conover moved, seconded by Griffin, to set over the Election of Liaisons for Police and Human Rights Commissions to the next meeting. The motion passed unanimously – 6:0.

8. Auditor Report

Pitcher will send out the final report to members at a future date.

9. Closing Comments

- a. Williams discussed scheduling “ride-alongs” for Board Members.
- b. Pitcher discussed the concept of using these reports to motivate a change in behavior.

- c. Members expressed appreciation to Skinner and Adams for their attendance and sharing their thoughts.

10. Adjourn

Williams adjourned the February 14, 2023, Civilian Review Board meeting at 8:00 p.m.

(Minutes recorded by Grace Jelks)

MINUTES
Civilian Review Board
Zoom Webinar

March 14, 2023

5:30 p.m.

PRESENT: Carolyn Williams, Chair; Jose Cortez, Vice-Chair; Alan Leiman; Rick Roseta; Bernadette Conover; Lindsey Foltz; Rob Eller, Vicki Cox, Beatrice Otero-Hernandez; Leia Pitcher, Police Auditor's Office; Cindy Coleman; Ryan Nelson; Chief Chris Skinner, Eugene Police Department.

ABSENT: Monique Griffin and Clay Neal

Williams convened the Civilian Review Board (CRB) at 5:33 p.m. Everyone who was present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no immediate changes identified on the agenda. An executive session was added later in the meeting, after Item No. 5 – Auditor's Report, to offer clarification to Members on maintaining confidentiality during tonight's discussion of the Case Review.

2. Minutes Approval (Minutes from February meeting)

MOTION: Conover moved, seconded by Cortez, to approve the February 14, 2023, CRB meeting minutes as presented. The motion passed unanimously – 5:0.

3. Comments from Board Members and Commission Liaisons

- a. Conover shared that the case under review tonight took a lot of time and asked for clarification on how to maintain confidentiality during tonight's discussion of the Case Review.
- b. Leiman shared that the Police Commission met last week and had a good discussion about Policy 807.2 – Use of Impact Weapons during protests, and training regarding pursuits. He expressed appreciation for Chief Skinner's input during the meeting.
- c. Roseta did not have any comments to add this evening.

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- d. Williams stated a general reminder about being mindful of confidentiality during the discussion tonight.
- e. Pitcher discussed maintaining transparency and fair representation, while being mindful of officer confidentiality.

4. **Public Comment**

None.

5. **Auditor Report**

Pitcher presented the Auditor's Report.

At the request of City Council, Pitcher presented to the Council the history and current structure of the oversight system. In addition, the Council asked the Auditor's Office to report back on ideas for improvements. The focus areas were limited to areas that the Auditor's Office had the authority to change. The four (4) main focus areas of improvement were identified as:

- Renegotiating Protocols
 - o Making Mediation More Effective and Efficient
 - o Reviewing Classifications
 - o Good Cause and Timeliness
 - o Public Comment – CRB
 - o Investigation Tools and Timelines
- Improving the Administrative Investigative Response to Deadly Force Incidents
 - o Current legislation will impact policy and investigations.
- The Auditor Role in Use of Force Review Boards
- Expanding the Auditor Role in Hiring/Firing Practices

Member comments and questions included the impact of public comments on case reviews, whether subpoena power was necessary for uncooperative participants, robust investigations, and transparency or follow up with the CRB regarding the effectiveness of discipline or other recommendations. Nelson and Pitcher indicated that uncooperative participants during investigations was rare. Chief Skinner discussed his conversations with Pitcher about observing the hiring/firing practices in the department as a useful tool for transparency purposes. Pitcher discussed next steps, which will be multiple work sessions on protocols, deadly force, and possibly more to discuss expanding the auditor's role and any upcoming reports.

THERE WAS A CONSENSUS TO RECESS INTO EXECUTIVE SESSION TO CLARIFY MAINTAINING OFFICER CONFIDENTIALITY DURING DISCUSSION OF TONIGHT'S CASE REVIEW.

The Board recessed into executive session at 6:27 p.m.

The Board reconvened into the regular meeting at 6:30 p.m.

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6. Case Review: Allegation of Performance, Constitutional Rights, Truthfulness: Intake, Classification, and Monitoring
 Eller pulled up the CRB Case Summary.

Summary of Facts

- Officer A and Officer B assisted City of Eugene Parks Staff by contacting, arresting, and transporting Involved Citizen from a City Park to the Lane County Jail.
- While at the Lane County Jail, Officer A and Officer B observed a scratch on the patrol vehicle. Officer A called Lieutenant C and reported the damage. Lieutenant C instructed Officer A to document the damage in the vehicle log.
- After Officer A and B cleared the jail, they obtained an \$827.27 repair estimate from an automobile collision repair center. Lieutenant C had not requested an estimate.
- Officer A and Officer B determined that the damage was caused by Involved Citizen while in their custody. Officer B authored a probable cause affidavit and charged Involved Citizen with Criminal Mischief II.
- Lieutenant C reviewed the incident and questioned the validity of Officer B's assertion that the damage to the vehicle was caused by the Involved Citizen. Lieutenant C reviewed Officer A and B's Body Worn Camera footage and contact with Involved Citizen. Lieutenant C's review determined that the Involved Citizen did not cause the damage to Officer A and B's patrol vehicle.
- Lieutenant C contacted City of Eugene Prosecutor and requested that the Criminal Mischief II charge be dismissed. Lieutenant C entered the incident information into the City of Eugene's PD database, which initiated the IA Review.
- During an IA interview, Officer B stated they did not review the Body Worn Camera footage after the Involved Citizen's arrest. Officer B acknowledged that after reviewing the materials the scratch was on the vehicle prior to Involved Citizen's arrest.
- During their first IA interview, Officer A stated they remembered the Involved Citizen was wearing a necklace that rubbed against the vehicle and caused the damage to the vehicle. During the second IA interview, Officer A reviewed the Body Worn Camera footage and acknowledged the Involved Citizen did not cause the damage to the vehicle.

Allegations

Officer A and B:

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- **300.2 – Arrests:** That Officer A and B assisted in the arrest of Involved Citizen for Criminal Mischief II without first establishing probable cause.
- **405 – Preliminary Investigations:** That Officer A and B failed to conduct an adequate preliminary investigation into Involved Citizen's alleged criminal mischief.

Officer A:

- **103.4.1 – Judgment:** That Officer A failed to use his "training, experience, and observations to make sound and reasonable decisions" when he/she reported to his/her supervisor that Involved Citizen had damaged the EPD vehicle.
- **103.5.1.d. – Truthfulness:** Officer A failed to provide an accurate account of his/her interaction with Involved Citizen when his/her (Officer A's) Internal Affairs interview was conducted on May 17, 2022.

Officer B:

- **103.4.1 – Judgment:** That Officer B failed to use his/her "training, experience, and observations to make sound and reasonable decisions" when he/she made an incorrect statement in his police report.

Adjudication Recommendations

- Officer A
 - o Allegation of Criminal Conduct / Conformance to Laws
 - Disposition: Sustained (all)
 - o Allegation of Misconduct / Constitutional Rights
 - Disposition: Sustained 1 – 3; Insufficient Evidence 4
- Officer B
 - o Allegation of Misconduct / Constitutional Rights
 - Disposition: Sustained 1 – 2; Insufficient Evidence 3
 - o Allegation of Criminal Conduct / Conformance to Laws
 - Disposition: Sustained 1, 2, 4, and 5; Insufficient Evidence 3

Issues for CRB Discussion

- Complaint Intake, Classification, and Monitoring
 - o Internally generated complaint
 - o Classification: Allegation of Misconduct

Member comments and questions included appreciation for the timeliness and quality of the investigation, resulting in a vast amount of information.

Leiman appreciated that this incident was self-reported by Lieutenant C.

Roseta felt the classification was troublesome because Officer B signed the probable cause affidavit based on Officer A's allegation, the suspect was not harmed by the additional allegation as they were going to jail anyway for an outstanding warrant and lying to police about their identity.

Williams appreciated Nelson giving the Officers' multiple chances to be truthful and review the Body Worn Camera footage. Clarification was requested about the timeliness of the disciplinary hearing.

Chief Skinner clarified the timeline for the disciplinary hearing (Loudermill Hearing) in this case. Pitcher confirmed the complaint about being outside the hearing timeline was to preserve the issue for appeal and that the appropriate process had been followed. The attorney of record in this case was unfamiliar with the internal process and that there had been extensions issued.

7. Case Review: Policy and Training

Member comments and questions included clarification of the policy for inspecting the patrol vehicle, the lack of preparedness by the Officers for their interviews, and clarification of the review policy for Body Worn Camera footage.

Conover expressed concerns about the disregard for the truth and asked whether Chief Skinner had concerns about this Officer in the future.

Williams asked for clarification on whether there was a policy to require the Officers to review Body Worn Camera footage and expressed concern over the extreme lack of preparedness of the Officers.

Roseta asked for clarification on whether the Officer's Body Worn Camera footage was available for review before the interviews. Clarification was offered about the legal standard regarding truthfulness and questioned the language of the current policy, which doesn't specify a "standard."

Leiman disagreed about the zero impact of the additional Criminal Mischief II charge, as it would have affected the pretrial release decision. Additional training for the Officers regarding probable cause affidavits would be helpful.

Cortez discussed the ambiguity of the truthfulness policy language.

Nelson provided clarification of the vehicle inspection process, the preparedness requirements for Officers that includes Body Worn Camera footage review. The Body Worn Camera footage was made available to the Officers during their interviews, as well as a chance to take a break to consult with their attorney.

8. Case Review: Presentation by Chief of Police

Chief Skinner expressed his frustration with this case and the lack of preparedness by the Officers. Clarification was given regarding probable cause being transferable between the Officers. He didn't get a sense of willfulness to deceive due to Officer A's initial reporting to Lieutenant C. Chief Skinner felt that

the sloppiness exhibited by the Officer could be corrected through additional training and reassured the Board that individuals exhibiting unprofessional behavior, or a bad attitude are required to spend time with him to correct these behaviors.

9. Case Review: Adjudication Discussion

- I. Adjudication Recommendations
 - a. Chain of Command: Sustained
 - b. Chief Final Adjudication: Insufficient Evidence
 - c. Auditor: Sustained

Leiman expressed concerns about the difficulty in sustaining a truthfulness allegation. He is comfortable trusting Chief Skinner to not keep an Officer that will continue to be a problem for the department.

Roseta agreed with Chief Skinner on all adjudication recommendations and allowed for context that the Chief couldn't elaborate on due to confidentiality.

Williams expressed concerns that the Officers might think that they "got away with it."

Cortez asked for clarification about the policy on truthfulness and disagreed with Chief Skinner on accepting the Officer's perception of the truth based on the current language of the policy.

Neal's comments were read into the record. He expressed concerns about the Officers' judgment in this case and a policy to mandate review of Body Worn Camera footage.

Conover expressed frustration about the untruthfulness in this case during the investigative process.

10. Election of Liaisons for Police and Human Rights Commissions

Police Commission

MOTION: Williams moved, seconded by Conover, to appoint Alan Leiman to the Police Commission. The motion passed unanimously – 5:0.

Human Rights

MOTION: Cortez moved, seconded by Conover, to continue this item to a future date. The motion passed unanimously – 5:0.

11. Closing Comments

- a. Cortez felt this was a great case to review and shows the citizens of Eugene the value of transparency through the work of the CRB.
- b. Conover shared the difficulty of trusting people that have done things that are career-ending, such as lack of truthfulness, and whether the CRB should be responsible for constantly reminding them to be truthful and prepared.
- c. Leiman was concerned about the additional misdemeanor charge unfairly added to the Involved Citizen and appreciative of the investigation.
- d. Roseta agreed that this case was difficult to watch.

12. Adjourn

Williams adjourned the March 14, 2023, Civilian Review Board meeting at 7:54 p.m.

(Minutes recorded by Grace Jelks)

M I N U T E S
Civilian Review Board
Zoom Webinar

April 11, 2023
5:30 p.m.

PRESENT: Carolyn Williams, Chair; Jose Cortez, Vice Chair; Bernadette Conover; Monique Griffin; Alan Leiman; Rick Roseta; Clay Neal; Rob Eller; Lindsey Foltz; Leia Pitcher; Cindy Coleman; Sergeant Ryan Nelson; Deputy Chief Shawn Adams; Beatrice Otero-Hernandez; Vicki Cox.

ABSENT:

Chair Williams convened the Civilian Review Board (CRB) at 5:30 p.m. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from March 14, 2023, Meeting)

Ms. Conover made an amendment to section 3.a. on the first page. She asked that the word "during" be removed, as it was a misplaced word that made the sentence grammatically incorrect.

MOTION: Chair Williams moved, seconded by Ms. Conover, to approve the March 14, 2023, CRB meeting minutes as amended. The motion passed unanimously – 7:0.

3. Comments from Board Members and Commission Liaisons

Mr. Leiman stated that the next Police Commission meeting would take place on Thursday, April 13, 2023, at 5:30 p.m., and noted that the Impact Weapon Policy would be a topic of discussion.

4. Public Comment

Natalie Ostrove, a law school student at Lewis and Clark Law School, worked with youths in the Criminal Justice Reform Clinic – Youth Legal Clinic. During that time, she worked with a youth who had a negative experience with a Eugene Police Department (EPD) officer. Members of the Youth Legal Clinic attempted to help the youth report their case of misconduct through the EPD police auditor's complaint form. Though the complaint form did not include any information regarding a deadline to submit a complaint, the youth received a response from the Police Auditor's Office stating that the youth had missed the deadline to file. Complaints that fall under the category of serious misconduct were allowed a filing deadline of six months all other complaints had a 60-day deadline. These deadlines were found within the City of Eugene Code of Conduct, not on the complaint form, or within the response from the Police Auditor Office. Members of the Youth Legal Clinic thought that the youth's complaint did fall under the category of serious misconduct, and inquired about the exception that states that an extension to file the complaint could be requested for Good Cause. Ms. Ostrove requested the extension on behalf of the youth, and received a response stating that the extension request did not meet Good Cause. When asked what that the definition of Good Cause was, she was told Good Cause was based on extraordinary events. Ms. Ostrove noted that Good Cause means reasonable or substantial grounds rather than unusual or remarkable events. She added that she was speaking on behalf of the youth because the complaint process was not accessible to them, and, in her opinion, the complaint process was missing important deadline information.

Ms. Conover clarified that the CRB does not respond to public comments directly after public comments are made. She noted that anyone who wanted to discuss Ms. Ostrove's comments could do so during Closing Comments – agenda item 10.

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5. Case Review: Respectful Workplace Policy Violations

Mr. Eller presented the allegations of deficiencies in conduct, supervision, performance, judgement, work environment professionalism, respectfulness, and adherence to laws and department policy.

Summary of Facts

- Officer B reported the improper conduct of his/her supervisor, Sergeant A, to EPD leadership. Based on the allegations against Sergeant A, a Respectful Workplace Environment (RWE) investigation was launched.
- The RWE investigation resulted in a spin-off Internal Affairs (IA) investigation for Sergeant A's potential criminal conduct against Officer H, which involved Oregon State Police (OSP) and the Lane County District Attorney's (DA) Office.
- The Lane County DA's Office reviewed the IA investigation and declined to pursue criminal charges against Sergeant A.
- 20 witnesses were interviewed regarding their interactions with Sergeant A. During the interviews, employees discussed Sergeant A's behavior. The employees recounted instances of harassment, sexual harassment, deficient supervision, excessive micro-management, and unprofessional conduct; behavior below the established standards of an employee of the EPD.
- During his/her IA interview, Sergeant A acknowledged that he/she had signed the City of Eugene Employee Handbook and Acknowledgement Form, which stated, "I understand that I am responsible for reading this handbook, familiarizing myself with its content, and adhering to all the policies and procedures of the City of Eugene, whether set forth in this handbook or elsewhere." Sergeant A was also questioned about the allegations of his/her behavior and actions. Sergeant A acknowledged some of the deficiencies, did not recall some of the events that witnesses reported, and minimized/denied some of the events and allegations.

Mr. Eller stated that he would only read some of the allegations made against Sergeant A during the RWE investigation, which included the following:

Conduct / Failure to Foster a Safe and Respectful Work Environment

- Inappropriate inspection of Officer B's pants,
- rubbed a burrito on the groin region of his/her pants before offering the burrito to a supporting employee,
- inappropriate text message involving an image of a person wearing red leggings,
- refusal to leave during a medical exam of supporting employee's genitals,
- rubbed a cell phone against the groin area of his/her pants,
- exhibited inappropriate conduct, like the previously listed instances, toward Officer H,
- rubbed a cell phone against the groin area of his/her pants while the phone displayed an image of a supporting employee's spouse,
- inquiry made to a subordinate employee regarding the last time they had sex with their spouse,
- exhibited inappropriate conduct, like the previously listed instances, toward Officer R,
- engaged in conduct that brought the EPD into disrepute,
- made a sexually suggestive comment regarding a supporting employee's spouse when being introduced to the spouse,
- asked Officer K their thoughts about a different gender of officer joining their team,
- exhibited inappropriate conduct, like the previously listed instances, toward Officer K,
- asked Officer N if he/she had taken pictures of injuries of an elderly rape victim,

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- rubbed EPD paperwork on the groin of his/her pants,
- requested naked photos of subordinate employee's spouse,
- loaned a subordinate employee a pair of uniform pants, and commented that now their sexual organs were touching,
- rubbed a subordinate employee's cell phone against the groin area of his/her pants in a separate instance than previously listed above,
- slapped EPD paperwork out of a subordinate employee's hands,
- sitting in a manner that displayed the groin area of his pants during meetings with employees,
- and repeatedly made comments of a sexual nature to supporting employees.

There were 34 allegations in total made against Sergeant A during the RWE investigation.

Expectation of Supervisors

- Sergeant A exercised his/her authority as a supervisor in a disparate manner toward Officer B, Officer H, Officer K, and Officer F regarding the instances previously listed above.

Unsatisfactory Performance / Failure to Perform Required Tasks

- Sergeant A asked Officer G to add charges when a K-9 had assisted in the apprehension of a suspect.
- Sergeant A directed Officer F to arrest someone for a cooking fire.

Judgement

- Sergeant A exercised poor judgement and violated policy with his/her judgement as a supervisor.

Professionalism

- Sergeant A's conduct toward his/her supervised employees was unprofessional and in violation of policy.

Respectful Work Environment

- Multiple allegations of disrespectful and/or offensive statements and behavior were made against Sergeant A, that would be individually and, in their totality, violations of policy.

EPD Employee Handbook / City of Eugene Code of Conduct

- Multiple allegations of disrespectful and/or offensive statements and behavior were made against Sergeant A, that would be individually and, in their totality, violations of the City of Eugene Code of Conduct.

Mr. Eller read the allegations made during the IA investigation of Sergeant A, which included the following:

Judgement

- Sergeant A demonstrated poor judgement and was in violation of policy for his/her conduct with Officer H in the locker room.

Conduct

- Sergeant A failed to provide a respectful work environment because of his/her conduct with Officer H in the locker room.

Expectation of Supervisors

- Sergeant H failed to meet the expectations of a supervisor with Officer H in the locker room.

Adherence to Laws

- Sergeant A's conduct with officer H violated Oregon Revised Statute (ORS) 166.065 of physical harassment.

There were 4 allegations in total made against Sergeant A during the IA investigation, all of which were sustained.

The Police Auditor's Office investigation resulted in the following:

Police Auditor

- 28 Sustained Allegations
- 10 Allegations with Insufficient Evidence

Chain of Command and City of Eugene Chief of Police Concurred

- 26 Sustained Allegations
- 12 Allegations with Insufficient Evidence

Mr. Leiman encouraged board members to think about why Sergeant A was able to exhibit his/her behavior for so long and gain an understanding of failures within the system.

Ms. Griffin stated that she appreciated the thorough investigation and meticulous classifications resulting from the RWE and IA investigations. She expressed concern about the DA's decision to not press charges.

Ms. Conover said Sergeant A stated that his/her behavior was commonplace and noted that was probably because he was behaving inappropriately all the time. During the past 25 years working with officers, she had never seen or heard of behavior like Sergeant A's. She speculated that perhaps the reason this went on for so long was because Sergeant A may have behaved that way among his/her peers before becoming a Sergeant. She noted that he/she had not been a Sergeant for very long. Perhaps Sergeant A did not see themselves as being different from when they were a colleague. Regarding why the DA's Office did not take this case more seriously, she speculated that it could have been caused by officer's not wanting to press charges against Sergeant A. She acknowledged that the investigation was very thorough and that the intake, classification, and monitoring was done well. She gained a new perspective on how IA works with HR.

Mr. Neal said that the when the Federal Department of Justice investigates law enforcement agencies, they look for patterns in behavior practices. When a pattern of poor behavior is identified, that often leads to significant changes within a system. The case against Sergeant A was obviously a pattern in practice considering the length of time that Sergeant A's behavior went on, the number of allegations made, and the number of sustained allegations. He hoped that a pattern in practice could be identified in a more

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direct way with a higher level of seriousness in the future but acknowledged that the investigation was very thorough and that the intake, classification, and monitoring was done well.

Mr. Roseta said he was concerned about where to draw the line between HR and the Police Auditor's Office. So many of these allegations fall under the purview of the HR Department, i.e., alleged poor conduct in the workplace. He asked if the Police Auditor's Office should be tasked with cases like this or if HR should handle these types of situations. He noted that the Eugene Police Employees' Association, who represent the EPD, and the chain of command within the EPD made how to handle this case somewhat unique. He expressed concern regarding two departments working on one case if it could be handled by one.

Ms. Pitcher said the determining factor for if a case should be sent to HR is if the case is 100 percent based on employee complaints. If a case that is based on employee complaints has aspects that could lead to potential misconduct or has led to misconduct, then the two departments would work together.

Mr. Rosetta asked who would make the ultimate decision regarding if Sergeant A would remain a EPD employee.

Ms. Pitcher replied that the decision was made by the City of Eugene Chief of Police.

Ms. Conover asked if HR had the same process for sustained insufficient work.

Ms. Pitcher confirmed that the process was the same.

Chair Williams confirmed that Sergeant A was not currently employed by the EPD. She stated that she thought the investigation was very thorough and good, and the classification was fine. She was thankful that this case went through the CRB process and was made public. She initially wondered if this case was a systemic problem within the EPD, but after the thorough investigation, she was hopeful that it was not.

Vice Chair Cortez said that this case communicates important facts to the public, and he appreciates the EPD's work to communicate these difficult truths.

Mr. Leiman asked if Sergeant A's disciplinary measures were disseminated among Sergeant A's former fellow officers.

Deputy Chief Adams replied that there were good parts that came out of this situation, i.e., officers were willing to speak up and cooperate, which built a level of trust between them and EPD leadership. He noted that many of the instances involving Sergeant A occurred during the night shift and on the weekends, when other supervisors were not around. He stated that after he adjudicated this case, he spoke to every employee and shared as much as he could about what occurred and informed them about the ramifications in this case without crossing the boundary of what was allowed to be shared. Each conversation ended with an understanding of the importance of trust among EPD employees. Check-ins with employees were ongoing throughout the department, and he added that the fact that Sergeant A was no longer employed by the EPD spoke volumes to the EPD officers.

Ms. Griffin asked if there were any trainings explicitly for sexual harassment within the EPD.

Deputy Chief Adams replied that the groundwork for situations like this was taught from the first day a cadet walked through the doors of the police academy, and it was reiterated again when they walk through the doors of the EPD. He stated that there was no excuse for Sergeant A's behavior and added that

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trainings have recently changed to include a two-week seminar on harassment, sexual harassment, diversity, equity, and inclusion.

Ms. Conover said she was wondering why the CRB was reviewing this case, what the takeaway was for the board, and why was it helpful for the public to know about this case. She was not sure there was any training suggestions the board could make because training was already covered.

Mr. Neal agreed with Ms. Conover's line of thinking regarding why the CRB was reviewing this case. He stated that as a University of Oregon (UO) faculty member, he went through scenario-based training. The trainings seemed ridiculous at the time, and he wondered who would need that type of training. Yet, as determined in this case, there are those who need this type of training. He asked Chief Deputy Adams if he thought this was a one-off case.

Chief Deputy Adams stated that in his opinion, this was a one-off case because the department was not seeing these types of cases in high frequency. If there were other cases like this going on, he would know about them. The EPD had worked hard to restore trust among management, and the goal was to increase communication throughout the ranks of the department. He added that the EPD was in the process of promoting four lieutenants and nine sergeants. Once they were promoted, a meeting would take place and discussions would involve culture, leadership, and the future of the agency.

Sergeant Nelson said when he first started his job at the EPD, he worked hard and wanted people to know him by his work ethic. The team that Sergeant A had was all new officers, and they were trying to make a name for themselves. It could have been hard for those younger officers to rock the boat and say something about Sergeant A's behavior. He felt strongly that if this same situation occurred with tenured officers that it would not have gone on for so long. He's been with the EPD for 21 years, and truly believed this was a one-off situation.

Mr. Rosetta said that the way this situation was handled points out to the rest of the officers that the EPD leadership wanted to improve the culture at work.

Chair Williams asked if trainings taught victims how to speak up for themselves and report problems when they occurred, especially for new employees.

Chief Deputy Adams replied that every employee was taught how to initiate a complaint.

Regarding Ms. Conover's speculation about Sergeant A possibly behaving inappropriately before he/she was promoted, Chair Williams asked if that were true, why would they get promoted.

Sergeant Nelson said based on the investigative reports of this case, that behavior was not witnessed prior to Sergeant A's promotion.

Chief Deputy Adams added that employees go through a 360-degree performance review prior to being promoted, which is reviewed by the Chief.

Ms. Conover asked if officers are asked to rate their supervisor's performance.

Chief Deputy Adams replied that there was a probation period of six months to one year for newly promoted employees, and a recommendation must be approved to end the probation.

Chair Williams said as stated in the investigative reports, many officers did not want to come to work due to the situation with Sergeant A, thus using their vacation time. She asked Chief Deputy Adams if those people got reimbursed for their vacation time.

Chief Deputy Adams confirmed that those employees were reimbursed for their vacation time.

Vice Chair Cortez said that whether Sergeant A's behavior was the example or the exception, the magnitude of what took place was overwhelming when he analyzed the list of instances and officers involved.

Ms. Pitcher stated that the reason she suggested this case for CRB review was because it involved so many people.

Vice Chair Cortez said he would like to think CRB cases were selected with some intent. He added implicit bias was difficult to name and identify, and civic institutions were slow to change. He referenced the pay discrepancies based on gender within the City of Eugene.

Mr. Leiman stated that when he reviewed this case, it made him nervous because it was a hidden situation that became discovered. He said that was the reason why this was a good case for the CRB to review and a good case to bring in front of the public so the department would be reminded to not let this happen again. Do not put new employees and a new Sergeant on the same team. That's a step the department could take to possibly prevent something like this from happening again. He suggested training the officers specifically on this case, which in his opinion was explicitly sexual workplace harassment.

Chair Williams called for board members to make closing comments on the adjudication.

Ms. Conover said it was important to keep the lines of communication open for new officers, and frequent reminders about who they could talk to if a problem arises. She noted that new Sergeant's and officers would most likely be put on the night shifts.

Mr. Neal responded that organizational change may be required so new Sergeant's and new officers were no longer assigned to the night shifts. He said there was so much involved with power dynamics and the age of young people entering a profession. Sometimes, it could be gender, or other factors in someone's background that could make them vulnerable in a way that would not encourage telling on someone. In addition to knowing who to tell, officers should also know about the protections they have explicitly from the department, not just from their union. Officers should also be made aware that there would be consequences if this behavior happens and that it would be normal and important for them to report it.

Ms. Coleman stated that every time a recruit is onboarded, or a recruit or Sergeant academy is held, the department has an IA training. The importance of honesty is stressed during those trainings. She added that information about this case could be incorporated into trainings for new recruits. The goal of the trainings was to set new recruits up for success.

Mr. Neil said that the work of the police force is challenging, and if the employees do not feel comfortable and supported it makes it harder to deal with the stress of the job. He noted the importance of employees knowing that IA and the Police Auditor's Office were there to provide protection for EPD employees.

Vice Chair Cortex stated that EPD leaderships' willingness to protect its employees ultimately enhances the safety of the community.

Mr. Leiman stated that he was impressed that the EPD reimbursed the vacation time for the victims in this case. He reiterated his disposition regarding not putting an all- rookie team on the night shift.

Ms. Griffin stated that she agrees with Mr. Leiman in that more experienced employees should work at night. She asked Deputy Chief Adams if executives worked at night.

Deputy Chief Adams replied that executives did not work at night but watch commanders did.

Ms. Pitcher stated that the annual report for 2021 included a graph that displayed allegations made in that year. While there were fewer allegations made overall, it was determined that allegations were more specific in nature. She felt it was important to bring this case before the CRB for review to highlight the level work that went into it by the Police Auditor's Office. She hoped that this case would pave the way for future discussions about inappropriate behavior in the workplace and make it easier for people to report inappropriate behaviors that may occur.

Chair Williams stated that because an in-depth review of this case already occurred, she proposed skipping agenda item 7. The board agreed.

There were no other comments or questions.

6. Break

The CRB took a break from 7:00 p.m. to 7:05 p.m.

7. Case Review: Police Operations Manual (POM) Violations

This agenda item was skipped.

8. Election of Liaison to Human Rights Commissions

Chair Williams asked if there were any board members who wanted to serve as the Human Rights Commission Liaison.

Mr. Neal said he would be happy to take that role but clarified that he would not be available to attend the July, August, and September meetings.

Ms. Pitcher replied that the commission meets one Tuesday out of each month and that meetings would not take place during the month of August.

Chair Williams asked if anybody else was interested in the role of Human Rights Commission Liaison.

MOTION: Chair Williams moved, seconded by Mr. Leiman, to nominate Clay Neal as the Liaison to Human Rights Commissions. The motion passed unanimously – 7:0.

9. Auditor Report

Ms. Pitcher stated that all the CRB applications were received, and she was finishing up the memo that contained the selections. Ms. Otero-Hernandez would be speaking at the Public Safety Forum held on May 2, 2023, from 6:00 p.m. to 8:30 p.m.

Ms. Otero-Hernandez stated that the May 2023 Public Safety Forum would be the first Latinx / Spanish-speaking community, and would be held at Willamette High School. The Police Auditor's Office will have a table set up and she welcomed CRB board members to attend. She noted the event would be primarily in Spanish, but that there would be some capacity of English-speaking people at the table to help board members connect with people. It would be a two and a half-hour event. Tabling would take place among various organizations during the first hour, followed by a question-and-answer session with panelists in the second hour. EPD Chief Chris Skinner would be among the panelists, in addition to a bi-

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lingual EPD officer, an integration attorney, and representatives from the Rental Housing Navigator program and the Eugene 4J school district.

Ms. Pitcher continued the Auditor Report and stated that there were 94 complaints so far for 2023. There were 53 shows of force and 30 uses of force, all of which were reviewed. There were seven pursuits, which were reviewed by the Police Auditor's Office and the Emergency Vehicle Operation Supervisor to ensure they were inline with the Pursuit Policy. Regarding the public comments made earlier by Ms. Ostrove, it was a closed case involving a sworn employee and would have been included in the January closed case reports. It was available for CRB review if they chose to review it. She noted that the complaint was dismissed after the Police Auditor's Office reviewed the police reports and video of the incident.

Chair Williams asked Ms. Pitcher to tell the board about Good Cause.

Ms. Pitcher said that historically, Good Cause had been narrowly interpreted. In her opinion, if there were a broader interpretation of Good Cause, it would address the issue of limits on timeliness. She added that based on legal advice, Good Cause is strictly interpreted.

There were no other comments or questions.

10. Closing Comments

Mr. Neal asked for a high-level clarification on Human Rights Commission procedures.

Ms. Pitcher said that an email would be sent to other members of the commission informing them that Mr. Neal was recently added, and meetings would take place on the third Tuesday of each month at 5:30 p.m.

Ms. Otero-Hernandez clarified that Human Rights Commission meetings were not held during July, August, or December.

Vice Chair Cortez acknowledged his appreciation for the work that the Police Auditor's Office does.

Chair Williams stated that Vice Chair Cortez and herself would welcome input regarding the types of cases the board would like to review. She suggested that board members review the closed case list and identify any cases they were interested in.

Ms. Conover reminded the board that all cases involving egregious or criminal activity fall under the purview of the CRB. Unrelated, she acknowledged the quick turnaround times listed in the March closed case report and said that was an indicator that the Police Auditor's Office was back on track after the COVID pandemic. Lastly, she mentioned the bank shooting in Louisville, Kentucky that took place on April 10, 2023. She noted the fast response made by Louisville police and felt that the EPD would respond to an active shooter in same manner.

Ms. Pitcher stated that the limits for timeliness do not limit the police from doing an investigation. Regarding the incident that Ms. Ostrove mentioned in her public comments, the Police Auditor's Office reviewed the files from that case and determined that there was no misconduct.

Ms. Foltz stated that regarding that incident, officers and witnesses were not interviewed, but the materials that were available from the case were analyzed.

Appendix A

Mr. Neal clarified that the complaint had to meet a criterion for time that was very strictly defined in the ordinance that created the whole system, and that Good Cause was not clearly defined. He asked if the Police Auditor's Office was looking at the possibility to re-think the definition in the future, not related to this case.

Ms. Pitcher said that was correct. If the Police Auditor's Office, the EPD, the Union, and the City of Eugene could all agree that Good Cause could be a bit more expansive, we would not need to change the ordinance language, which would be very complex to do.

Mr. Neal clarified to Ms. Ostrove that there was a process that the Police Auditor's Office was looking at that would not change the outcome of the case they referenced in their comments but could potentially improve the limits on timeliness for future complaints. He noted that the CRB would review what took place in this case and provide comments during their next meeting on May 9, 2023.

There were no other comments or questions.

11. Adjourn

Chair Williams adjourned the meeting at 7:25 p.m.

(Minutes recorded by Diana Pamir Tisdale)

M I N U T E S
Civilian Review Board
Zoom Webinar

May 09, 2023
5:30 p.m.

PRESENT: Carolyn Williams, Chair; Jose Cortez, Vice Chair; Bernadette Conover; Monique Griffin; Rick Roseta; Clay Neal; Rob Eller; Lindsey Foltz; Leia Pitcher; Sargent Ryan Nelson; Beatrice Otero-Hernandez; Vicki Cox.

ABSENT: Alan Leiman

Chair Williams convened the Civilian Review Board (CRB) at 5:38 p.m. The Land Acknowledgement was read, and a quorum was established.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from April 11, 2023, Meeting)

Conover noted that gender identifying titles, such as Mr. and Ms., should not be included in the minutes. They requested last names only going forward. All board members agreed.

MOTION: Conover moved, seconded by Griffin, to approve the April 11, 2023, CRB meeting minutes as presented. The motion passed unanimously – 6:0.

3. Comments from Board Members and Commission Liaisons

Neal stated that they will be attending the Human Rights Commission meetings going forward. The next meeting was scheduled for May 16, 2023, so they would have a report from that at the next CRB meeting.

There were no other comments.

4. Public Comment

No members of the public were present.

5. Intake Review: Dismissed for Timelines

Pitcher spoke about the intake review process within the auditor's office and how classification impacts time limits for complaints. The core functions of the auditor's office were as follows:

- Intake Point for Internal / External Complaints Made Against the Eugene Police Department (EPD)
- Classification of Complaints
- Monitor and Take Part in Internal Affairs (IA) Investigations
- Assess IA Investigations for Thoroughness, Fairness, and Completion
- Make Recommendations on Adjudications
- Make Recommendations on Policy and Training
- Report to the Community

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- Support the CRB

The most common type of complaints was regarding EPD service and policy. Those types of complaints would be classified as minor misconduct per the city code if the complaints were deemed to be true. The auditor's office processed incoming complaints, which sometimes required educating people on EPD policy, to explain why the EPD responded to an incident in a certain way. Other times, complaints may sound like EPD misconduct. When that occurred, the auditor's office would initiate an incident review. Once evidence was gathered, i.e., police video was reviewed, and conversations with witnesses were had, the auditor's office would process the allegations of misconduct, or close the complaints because no evidence was found to support the allegations. Service complaints, policy complaints, and inquiries needed to be received by the auditor's office within 60 days of the incident for the auditor's office to process them, unless good cause existed. For allegations of serious misconduct, per the city code, 160 days were allowed to file a complaint, unless good cause existed. Historically, the good cause exception had been strictly construed and not generous. If protocols become open for discussion and amendments could be made regarding that, Pitcher would like to help reform that exception. Sometimes complaints came in, and the complainant believed serious misconduct occurred. A preliminary investigation would take place to determine if it were minor or serious misconduct and the allotted period for making complaints would be taken into consideration. Preliminary investigations involve talking with the complainant, reviewing dispatch records, body-worn video, patrol car video, and police reports. Regarding the public comment that was made during the April 11, 2023, meeting, and the complaint they were referring to, that complaint was not deemed to be a case of serious misconduct after an incident review took place, and it was submitted to the auditor's office after the 60-day time limit. Therefore, the complaint was dismissed for timeliness.

Pitcher asked the board if they had any issues with the way that case was managed.

Cortez asked what compelled the EPD to hand over evidence for complaints made against them.

Pitcher said in 2009, the police auditor's code was amended, and a section was added that addressed access to materials. It guaranteed that the auditor's office had access to all materials that the EPD had in their possession related to each incident and the complaints that stemmed from them.

Conover asked if the public comments / complaint brought to the April 11, 2023, meeting was a service complaint.

Pitcher confirmed it was and asked the board if they thought it was classified properly.

Conover said based on what they read in the report, there was nothing to indicate that it should have been more than a service complaint. Even if the complaint came in within 60 days, a supervisor would have talked with the officer about it. Quite often, what the complainant said happened was different than what was found to be true when the auditor reviewed police videos. They did not see anything wrong with the classification regarding the public comments / complaint from the April 11, 2023, meeting. They noted that based on what was stated in the report they read, it was hard to know what happened. One thing that peaked their interest when the person making public comments spoke about the 60-day time limit and what was considered good cause was that they made it sound as if the case involved a juvenile. However, the case did not pertain to a juvenile. Therefore, they were satisfied with what the auditor's office did with this case.

Neal said they watched the body-worn video pertaining to this case, and, from their non-professional perspective, they would have classified it as a service complaint, so they agreed with how the auditor's

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office managed it. He noted it was difficult to watch the person going through stress and anguish, but that officers responded appropriately.

Roseta said they agreed with Neal. They did not see a problem with the way the case was classified. Obviously, the person was under stress.

Chair Williams agreed. They asked about the person's request to eat their food, which was denied by the officer.

Sergeant Nelson said it was dependent on each incident. There was nothing in EPD policy that required allowing food to be eaten. If there were numerous witnesses and lengthy interviews taking place, they may offer food, but it was not policy to do that.

Chair Williams clarified that it was up to each individual officer. They then asked if people expressed hunger or other basic human needs often.

Sergeant Nelson said not in his experience. Sometimes restroom breaks were needed, but it was not common for people to ask for food.

Chair Williams said they agreed that it was difficult to watch the video and it was an unfortunate situation but agreed with the way the auditor's office managed the case. They wished there were a broader definition for good cause.

Cortez said they wished there were a way to talk about this in a way that maintained dignity for everyone involved. He thought the auditor's office acted appropriately.

Griffin said they thought the auditor's office acted appropriately in this case.

Pitcher expressed their appreciation for the boards acknowledgement of how difficult it was to watch the video. They noted the countless hours of watching police video that depicted use of force in their line of work, and how difficult it was for them and their staff. They said the auditor's office watched video related to complaints, use of force, shows of force, and vehicle pursuits.

Chair Williams said they appreciated the auditor's office willingness to talk about this case and share it with the CRB.

Conover said public comments at CRB meetings were rare, so when a member of the community brought this case to the board's attention, it was important that they take the time to review it in good faith.

There were no other comments or questions.

6. Break

The CRB took a break from 6:05 p.m. to 6:10 p.m.

7. Case Review: Adherence to Laws, Conduct and Truthfulness

Eller stated there were allegations of failed adherence to laws, improper conduct, and deficient integrity.

Summary of Facts:

Appendix A

Officer A was off duty at the Eugene Airport and was parked in their personal vehicle along the front airport entrance curb, a designated drop-off / pick-up zone. A City of Eugene Department Services officer contacted Officer A to notify them about the no parking rule. They then contacted other drivers who were parked in the drop-off / pick-up zone.

The city services officer returned to officer A's car and was standing on the passenger side of their vehicle. A citation was issued. During an IA interview, the city services officer stated officer A was told they were not allowed to wait in the drop-off / pick-up zone of the airport, and that they needed to move the vehicle. They then told officer A to move their vehicle or receive a citation. The city services officer stated that officer A said they would not move their vehicle. The city services officer printed a citation and stated that they asked officer A if they preferred the citation by hand delivery or under the vehicle's windshield wiper. The city services officer stated that officer A refused to accept the citation. The city services officer stated that officer A's behavior was hostile. The city services officer then walked toward the front of officer A's vehicle and officer A drove away. The city services officer stated that officer A's vehicle nearly struck them. The city services officer attempted to slip the citation through the partially open window on the passenger side of Officer A's vehicle but was unsuccessful.

The IA investigation involved Oregon State Police and the District Attorney's Office (DA). The DA reviewed the incident and declined to pursue criminal prosecution of officer A for reckless driving. During an IA interview, the Airport Security and Emergency Manager said signs stating no parking were posted in the drop-off / pick-up zone at the airport and they had been in place since 2011. Curb-side parking had never been allowed and a cell phone waiting lot was established in 2017.

In their IA interview, officer A stated that they were unaware of the cell phone waiting lot, did not know that they could not park in the drop-off / pick-up zone, and had no idea what the city services officer's job was at the airport. Officer A stated the first time they became aware of any wrongdoing was when the city services officer attempted to hand them a parking citation.

Allegations:

Adherence to Laws

- Driving While in the Vicinity of a City Services Officer / Did Not Comply with All Laws and Statutes – City, State, and Federal
- Parked in the Drop-off / Pick-up Zone at the Airport Despite Repeated Advice to Leave the Area / Did Not Comply with All Laws and Statutes – City, State, and Federal

Conduct:

- Officer A's behavior with the city services officer brought the EPD into disrepute and / or significantly impaired the efficiency of the EPD.

Integrity:

- While being interviewed by Officer B, Officer A conducted themselves in a manner that compromised their honesty, including, but not limited to, saying that they did not know what the city services officer was doing when they contacted officer A, stating that they did not know that they could not park in the drop-off / pick-up zone at the airport, and stating that their vehicle window was closed and they could not hear the city services officer when that was not true.

The auditor, chain of command, and Eugene Police Chief sustained all allegations. This was an externally generated complaint made by the city services officer.

Conover said obviously, the city services officer recognized Officer A was a EPD officer. They then asked if the city services officers' uniform was bright green and the same as parking enforcement officers in the city.

Sergeant Nelson said no, their uniforms were not the same.

Conover noted that they realized IA asked questions to gain a full understanding of cases, not to incriminate people. Intake and classification were well done, and the reason monitoring took a long time from the date of the incident was because the Oregon State Police were involved.

Neal asked if there were other classifications that were considered for this case and noted that they thought this case was classified appropriately.

Pitcher said it came in as criminal misconduct. After the Oregon State Police investigation, it was classified as allegation of misconduct.

Chair Williams asked Neal if they had a recommendation for the classification.

Neal said he did not have any suggestions or recommendations of how to classify it. Sustaining the allegation was important. He wondered what level of allegations the auditor's office was considering.

Pitcher said when this case came to their office, it was a matter of what they were concerned about regarding the allegations, but it was the auditor's decision. They chose failed adherence to laws because the allegations felt like serious violations of the law. Improper conduct felt appropriate. Deficient integrity felt best for the overall lack of integrity during the exchange between the city services officer and officer A.

Neal agreed with the classification and said the intake seemed appropriate and well done.

Roseta agreed with the classification. These types of investigations were not to prove whether someone was guilty or not guilty. It was more about taking what took place into consideration. It would be difficult, if not impossible to determine the truthfulness because there was no cross examination. The structure of the situation was not set up to determine truthfulness. The classification of integrity, as opposed to truthfulness was correct. He did not agree that officer A was recklessly driving.

Chair Williams agreed that the intake was done well, and that integrity was a more appropriate classification than truthfulness. She asked if officer A was still employed.

Sergeant Nelson confirmed that they were.

Cortez said they agreed with the classification of deficient integrity. Integrity was its own category, but it was also the grounds of the truthfulness policy. It could also be categorized as untruthful. It was not reckless untruthfulness, but careless untruthfulness. The untruthful aspect came out during the investigation. He said the classifications seemed appropriate.

Griffin said they felt it was reckless and dangerous to drive the car when the parking officer stepped off the sidewalk. They thought the IA interview was good.

Appendix A

Conover said they were not in agreeance with Roseta's comments regarding officer A not recklessly driving. The city services officer left the sidewalk before officer A started driving, and that was reckless and dangerous. They appreciated the auditor's decision regarding failed adherence to law. They appreciated how thorough the auditor always was, and said the interview was good.

Conover said they believed the difference between reckless and careless driving was there had to be two or more things done wrong for it to be reckless driving or one really bad thing done wrong.

Sergeant Nelson said when you present a case to a prosecuting attorney, they could say reckless driving does not fit but careless driving would be a better fit for that. They did not know if that discussion took place with this case because they were not the investigator for the Oregon State Police. They noted the parking officer did not want to pursue charges.

Neal said they did not think there needed to be training for officer A to help them understand they should not park in the drop-off / pick-up zone at the airport, or that when the city services officer tried to hand them a ticket, they should take it. Based on their interview, they understood there may had been stress in the moment, but it was a case of bad decision making. Officer A may had been looking over their shoulder when they pulled out and may not have seen the city services officer step off the curb. Nevertheless, they should not have tried to drive away when they were being served a ticket. He did not think additional training would solve this problem.

Roseta said they did not think additional training would solve this problem. He said it was reasonable for someone to look over their shoulder when they pulled out into the roadway. In fact, it was required. Officer A would have been guilty of negligent conduct if they did not look over their shoulder. They could not have anticipated that the city services officer was going to step off the curb at that moment.

Chair Williams said they did not fly often but they know you cannot park in the drop-off / pick-up zone at the airport. That rule was clear and consistent with all airports, and they have seen the no parking signs at the Eugene Airport. They noted there were also announcements made on the outdoor public announcement speakers about the no parking rule. They had seen EPD vehicles parked at the far end of the terminal in the past. Officer A had been on assignment at the airport before, so they may have forgotten they could not park there. On the other hand, since they worked at the airport before, they should have a clear understanding of the airport rules. Overall, regarding practices, EPD officers should practice the laws better than anyone else because they know the law better than anyone else. Even when they were off duty, they were representing their profession. Public officials must follow rules even when they were off duty. This officer was not doing that. They broke rules and cultural agreements. There was not training that could address that.

Cortez said trust and accountability were two sides of the same coin. If you want public trust, you need accountability and vice versa. This case was embarrassing and could have been prevented. It was at the threshold of integrity and truthfulness. Regardless, it was a good example of where trust and accountability met in the middle.

Griffin asked Sergeant Nelson if there was talk inside the EPD that stated a public employee should be held accountable when off duty because people were paying attention.

Sergeant Nelson said not really but it was a well-known fact, and everyone recognized that the standard EPD officers were held accountable for was higher.

Cortez said it was explicit because the policy stated language about bringing the department into a state of disrepute. It was a written expectation.

Pitcher said the conduct policy referenced behavior while on duty and off duty, but there was an issue about how to enforce poor behavior that occurred off duty. In a criminal investigation you had the right to not self-incriminate. When officer A was under the criminal investigation, they did not have the right to remain silent. They had to answer the questions.

Cortez asked if silence was okay.

Pitcher said no. If they did not answer and were not truthful, there would be consequences. In previous situations where an officer refused to answer questions, they were held in subordination. They do have to answer, and they do have to be truthful.

Griffin appreciated the Chiefs' letter, and said it showed the EPD took this case seriously.

Conover said the reason there was no need for training was because it took place while the officer was off duty. It was interesting that officer A noticed the city services officer walking from car to car but did not know why that officer was approaching their car. The officer clearly did not want to get in trouble and was saying whatever they could to get out of trouble. They continued to go down that same path during their interview.

Chair Williams asked board members if they agreed with the auditor, chain of command, and the chief in that all allegations were sustained in this case.

Roseta agreed with the chain of command. It was clear during the interview of officer A, there was too much advocacy and not enough answering the questions. They were defensive and it was clearly an integrity issue. It seemed to be that they looked over their shoulder to see if it was clear to pull out, and the city services officer stepped out in front of their car.

Chair Williams agreed with all allegations being sustained.

Griffin agreed with all adjudications.

Conover agreed with all allegations being sustained. Not answering the questions, and then getting argumentative sealed the deal for them. They could be held accountable for reckless driving because while you should look over your shoulder before pulling out, you should not drive forward until you make sure the path in front of your car was clear. A child could have been walking across the crosswalk, or someone on their cell phone.

Neal agreed with all adjudications.

Pitcher said this was an older case that came to them when they were working alone so they appreciated everyone's support in how it was managed.

8. Auditor Report

Pitcher said there had been 113 complaints as of the end of April 2023, which was the same at this time last year. The auditor's office had reviewed 36 uses of force. There had already been nine vehicle pursuits and the auditor's office would be analyzing those. There was an increase in questionable injuries and seizures of property. The auditor's office would also be analyzing those. In November 2022, the process began to make Eller and Foltz permanent employees. Their offer letters would be submitted to them this week. The Eugene Police Auditor's Office Annual Report was completed this week, and the CRB Annual

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Report was complete, which included a letter to the CRB Chair and Vice Chair, and a summary of all the cases reviewed by the CRB. They would be presented to city council on May 17, 2023. It would be shared with the CRB Board after the presentation to council was made. City council met on May 8, 2023, to finalize the auditor's salary. Video of that meeting was on the City of Eugene YouTube channel. The Public Safety Forum happened on May 2, 2023, and it was a success.

Otero-Hernandez said a combination of different households, and organizations attended the Public Safety Forum. Good EPD and school safety questions were asked and relationship building occurred. It was posted on Facebook Live.

Griffin asked Pitcher to expand a bit on the city council meeting that occurred on May 8, 2023.

Pitcher said council had a discussion and a vote regarding their new salary and contract, and that they would provide more information when the final contract was complete and presented to them.

9. Closing Comments

Chair Williams expressed their appreciation for the auditor's office. The Eugene Independent Auditor's Office was unique in that it had a high number of allegations. They acknowledged that the work of the CRB added to the auditor's workload. While they valued the work of the CRB, they were thoroughly appreciative of the auditor's office and the supporting staff. The oversight system in Eugene was fantastic and the best auditor in the country was sitting at the table.

Cortez said these days, there was shame that was justified with civic institutions among communities. Despite that, he was proud of the work that the CRB does, and they believed in it. Institutions were as good as the people that make them, and the CRB had good people.

Griffin said they hoped council would demonstrate an investment in the auditor process. They had pride in the CRB and were confident in this institution and were proud to be part of it.

Conover agreed with Griffin. They began on this board when the auditor system was new and dysfunctional. The office grew because of Pitcher who had grown exponentially in their role without help. The auditor's office had a good system, and they would hate to see it get derailed because the City of Eugene did not value it.

Neal said they appreciated the work of the auditor's office. They acknowledged it was tedious work to review hours of cases.

Roseta said they appreciated the work of the auditor's office and the growth of the office. Pitcher was capable of their role as the auditor. The Eugene Police Auditor's Office was a great system. Without a doubt, there were great people running it.

Chair Williams said the next CBR meeting would be June 13, 2023.

There were no other comments or questions.

10. Adjourn

Chair Williams adjourned the meeting at 7:11 p.m.

(Minutes recorded by Diana Pamir Tisdale)

M I N U T E S
Civilian Review Board
Zoom Webinar

June 13, 2023
5:30 p.m.

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

ABSENT: There were no absent members.

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

1. Agenda and Materials Review

There were no changes made to the agenda.

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

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

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

3. Comments from Board Members and Commission Liaisons

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

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

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

There were no other comments.

4. Public Comment

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

There were no other comments.

5. Intake Review: Dismissed After Preliminary Investigation

Summary of Facts

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

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

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

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

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

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

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

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

There were no other comments or questions.

Chair Williams called for a five-minute break.

6. Break

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

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

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

Summary of Facts

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

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

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

Allegations

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

Adjudication Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix A

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

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

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

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

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

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

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

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

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

All board members agreed with the adjudications.

There were no other comments or questions.

8. Auditor Annual Report

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

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

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

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

There were no comments or questions.

9. Closing Comments

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

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

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

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

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

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

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

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

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

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

Appendix A

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

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

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

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

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

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

There were no other comments.

10. Adjourn

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

(Minutes recorded by Diana Pamir Tisdale)

M I N U T E S
Civilian Review Board
Zoom Webinar

September 12, 2023
5:30 p.m.

PRESENT: Carolyn Williams, Chair; Jose Cortez, Vice Chair; Bernadette Conover; Rick Roseta; Alan Leiman; Monique Griffin; Rob Eller; Lindsey Foltz; Leia Pitcher; Cindy Coleman. Deputy Chief Shawn Adams; Beatrice Otero-Hernandez.

ABSENT: Clay Neal.

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

1. Agenda and Materials Review

Foltz noted that EPD party patrol procedures were the training topic indicated on the agenda.

2. Minutes Approval (Minutes from June 2023, Meeting)

MOTION: Conover moved, seconded by Vice Chair Cortez, to approve the June 2023, CRB meeting minutes as presented. The motion passed unanimously – 6:0.

3. Comments from Board Members and Commission Liaisons

Leiman said the Police Commission did not meet last month and noted that the auditor would present an auditor's report on September 14, 2023.

Conover said they appreciated that the EPD gave the CRB the opportunity to learn about the physical restraint process during their use of force training last month.

Griffin attended Eugene Pride and the black cultural celebration in Eugene with Beatrice Otero-Hernandez, who did a great job setting up the booths.

4. Public Comment

A member of the public brought the following two topics to the attention of the CRB:

- Crisis Assistance Helping Out On The Streets (CAHOOTS) services were now being rendered through the Eugene Fire Department (EFD), and it had become an issue that EPD officers no longer had access to CAHOOTS dispatch calls, leaving them in the dark about when and where crisis intervention was taking place.
- A complaint ending with QDRJ7MDZ was recently filed with the auditor's office.

They hoped CRB members would review each topic and suggested that the auditor's office should have a 24-hour call service to allow real-time mitigation of violent or inappropriate interactions with EPD officer's and members of the public, which was even more necessary now that CAHOOTS services were being rendered through the EFD.

5. Training Topic – Party Patrol

Deputy Chief Adams spoke about party patrol procedures within the EPD. A party with roughly 100 – 150 people, near the University of Oregon (UO), spilled into the street in the early part of spring 2022. The crowd turned violent against EPD officers, and some officers obtained injuries. Chief Deputy Adams noted that the EPD had engaged the UO, and canvassed UO neighborhoods prior to this party, to make people aware of the Social Host Ordinance in Eugene. The EPD Party Patrol was put into effect shortly after the violence at the large street party occurred. A group of six to eight officers were designated to respond to parties, to lessen the burden on the entirety of the Eugene police force. Their responsibility was to respond to loud, disruptive parties and shut them down if violations were witnessed. Chief Deputy Adams noted that Arizona State had experienced similar occurrences with disruptive parties and a zero-tolerance policy was enacted by their police force. The EDP Party Patrol ran for five weeks before the UO Student Association engaged the EPD about it. Chief Skinner met with them, and it was decided that the UO Student Association would police themselves, to which the EPD gladly obliged. The outcome has been successful since that agreement was made. EDP recently spoke to the UO Student Association and canvassed UO neighborhoods to, once again, bring awareness to the Social Host Ordinance in Eugene. This time it was different because of the party registration agreement that recently went into effect at the UO. Complaints regarding disruptive parties would be received by the EPD, who would verify that the party was registered and forward the call to the UO Police Department (UOPD). If the party was not registered, an EPD officer would be dispatched. If the party was not registered, and it was at a UO fraternity or sorority house, the EPD would call the UOPD to come and assist them.

6. Break

The CRB took a break from 6:00 p.m. to 6:05 p.m.

7. Case Review: Constitutional Rights, Conduct, Performance, Courtesy

Allegations

1. 103.5.5.2 Retaliation in the Community – Supervisor A engaged in retaliatory behavior when they directed officers to arrest all residents of the house after certain residents asserted their constitutional right to refuse entry, when several residents had already received citations in lieu of custody.
2. 322 Improper Search and Seizure – Supervisor A prevented the residents from denying them entry to the house without a warrant, or a valid exception to the warrant requirement, by preventing them from closing their front door.
3. 103.4.1 Poor Judgement – Supervisor A did not demonstrate good judgement in their handling of the situation, including their failure to consider questions from multiple officers regarding their decision to jail complaint residents.
4. 103.5.8.d Lack of Courtesy – Supervisor A failed to "use tact in their interactions, control their temper, exercise patience and discretion, and not allow themselves to be provoked by the actions of others" when they threatened that exercise of constitutional rights, i.e., a right to a trial, would result in negative consequences.

Summary of Facts

October 29, 2022, EPD officers assigned to EPD Party Patrol responded to a fraternity house in Eugene, Oregon. (The residents threw a Halloween party on the evening of October 28, 2022, and the party continued into the morning hours of October 29, 2022.) A neighbor of the house called the EPD to complain that the party was a disturbance.

Officer D was the first to arrive. Supervisor A and other officers arrived moments later. Supervisor A contacted residents and non-residents outside near the entry of the house. Supervisor A requested that all residents exit the house to address officers. Supervisor A knocked on the door. When the door began to open, Supervisor A utilized their flashlight to hold the door open. While Supervisor A spoke to individuals in the doorway area, they grabbed one adult, who declined the request to voluntarily come outside, pulled them out of the entryway and arrested them.

Three residents voluntarily exited the residence and spoke with officers. Initially, these residents were slated to receive citations. After Supervisor A became dissatisfied with the cooperation of the other residents, they obtained a search warrant for the house and arrested all the residents, including the three who cooperated.

Officer C authored and received approval for the search warrant, which resulted in the arrest and lodging of 23 of the residents in the Lane County jail. In the Internal Affairs interview, Supervisor A defended their actions regarding the four allegations in the investigation. This was an externally generated complaint.

Adjudication Recommendations

- 103.5.5.2 Retaliation in the Community – Sustained by the Auditor and Eugene Chief of Police, Unfounded by EPD Chain of Command
- 322 Improper Search and Seizure – Sustained by the Auditor, Eugene Chief of Police, and EDP Chain of Command
- 103.4.1 Poor Judgement – Sustained by the Auditor and Eugene Chief of Police, Insufficient Evidence by EPD Chain of Command
- 103.5.8.d Lack of Courtesy – Sustained by the Auditor, Eugene Chief of Police, and EDP Chain of Command

Chief Deputy Adams clarified that they sustained all four allegations and noted that it was the captain who made the unfounded and insufficient evidence adjudication recommendations.

Chair Williams disclosed that they had a professional relationship with the reporting parties' family and stated they would be speaking about this case without bias.

Conover disclosed they had a connection to one of the officers who was dispatched on the scene during the incident. Regarding their opinion on the investigation, classification, and monitoring of this case, they said the amount of time spent on this investigation was overwhelming to them. They stated the intake was appropriate, and the monitoring was handled well. They noted it would have been helpful if a clearer timeline was presented in the narrative regarding when the situation escalated from citations to arrests. If there were monitors at this party, they hoped EPD officers knew who the monitors were, had contact with them upon arrival, and knew whether or not the monitors had control of the premises. It did not seem like those things were asked during the incident or during the investigation. They acknowledged that there was a lot of people being questioned and a lot of content to review. Therefore, it was likely they missed that if it actually occurred. They said it would have been helpful to know if the three residents who willingly came outside did so because they were asked to by officers, or if they just happened to come outside out of curiosity.

Roseta said they did not think the auditor's office should be involved with the allegations of poor judgement or lack of courtesy. Those were subjective determinations that should be reserved for the supervisors of the police department.

Griffin said each allegation was appropriately classified.

Chair Williams agreed with the classification of each allegation. They said the investigation was handled well.

Vice Chair Cortez said they did not have any recommendations about the investigation, classification, or monitoring process.

Leiman said a lack of courtesy was not exhibited by Supervisor A when they told people the penalty would be stiffer if they exercised their right to a trial, it was disinformation.

Regarding relevant policies, practices, and policy training, Roseta said most of the people at this party were intoxicated and seemed unable to control themselves. Therefore, it would be difficult for them to say there should have been policy or training regarding the way this situation was handled.

Griffin said they were not sure what, if any, additional training was needed. However, it was good to learn about the party patrol and how the EPD has collaborated with the UO to find the best solution to deal with disruptive parties.

Chair Williams asked what type of training the party patrol received to deal with disruptive parties and young partygoers. They noted that because of student's age group, it would seem that special considerations would need to be made in dealing with them appropriately. It seemed like a lot of minors were not penalized in this case. Williams asked what the parameters were for under-age drinkers.

Chief Deputy Adams said the expectations was that if officers encountered a minor in possession (MIP), a citation would be issued. They admitted that did not happen. Regarding specialized training in dealing with intoxicated students, basic EPD training covered that. A good portion, if not all of the members of the party patrol were also on the EPD's Mobile Response Team. This team received additional training in dealing with crowd environments.

Vice Chair Cortez said it was difficult to determine what would be good for the community in this scenario, without a collective understanding of what good was. Many of their initial questions were already asked by Chair Williams and answered by Chief Deputy Adams.

Leiman said it was important to understand the warrant process involved in these situations. Warrants were typically issued for parties if there was a noise violation, and the furnishing of alcohol was taking place. An officer would not need to seize the stereo and empty cups to prove there was noise and drinking. In reviewing this case, it seemed like the lieutenant primed the officers before they were dispatched to the scene of the party because at least two of the officers had warrant templates in their possession, which made it seem like the officers went into this situation were more likely to issue a warrant. Taking 23 people to jail for being at a fraternity party should never have happened. Therefore, there should be a policy and training consideration for whoever approved the warrant for this party. If there was a threat to safety or a riot was taking place, that would be different, but clearly, neither of those were a factor. If the party was basically over, and the door was closed, EPD should have walked away.

Conover said with regard to the party patrol, it would have been helpful if EPD officers knew who was in charge of the party and if that person was sober enough to be helpful in this situation. It seemed like a few

of the people who were cited were more cognoscente than others. It also wasn't clear which member of the EPD was supposed to be in charge, or if supervisor A just took charge because they were the supervisor on shift. After reviewing the content of this case, it seemed like there would have been a much different outcome if another member of the EPD was in charge. It also seemed like there was little questioning among officers as to why arrests were being made, as opposed to citations being distributed. Especially because the citations had already been written. Conover recommended that part of the training should include establishing who was in charge and who would be making the decisions in these situations. They wondered why a warrant was needed if the door was being kept open. It was also unclear if the people in the house knew they were supposed to come outside. Therefore, it was not clear if they were truly being uncooperative. Supervisor A should have slowed down and exhibited de-escalation skills to ensure that effective communication was taking place.

Regarding adjudication recommendations, Griffin said they agreed with all the allegations being sustained by the auditor and the chief.

Chair Williams also agreed with the allegations being sustained.

Vice Chair Cortez also agreed with the auditor and the chief's decision to sustain all allegations.

Leiman said their will always be parties and their will always be responses. He agreed with all the allegations being sustained by the auditor and the chief.

Conover said regarding the allegation of retaliation in the community, if it were limited to the three people who were cited, they would agree with sustaining that allegation. However, the claim of retaliation was unfounded for anyone else taken into custody because they had not asserted any rights. Conover did not think there was enough evidence to indicate that there was a failure to consider questions by other officers, and therefore agreed with the finding of insufficient evidence by the EPD Chain of Command. They agreed that the allegation of lack of courtesy should be sustained.

Roseta said the sustained adjudication recommendations for search and seizure and retaliation was unfounded because supervisor A never searched the house or seized anything from the house, and the people were arrested for failing to come outside of the house after numerous requests for them to do so were made.

8. Auditor Report

Pitcher said the auditor's office had been busy, and that the workload had increased compared to last year. The uptick in pursuits was being analyzed closely. The office would report on that when more data was collected.

Conover asked about CAHOOTS being handled by the EFD.

Deputy Chief Adams said as part of the budgeting process, CAHOOTS was moved to the fire department. Aside from the budgeting aspect, the EPD felt it would be beneficial because the medical component of their work would be better aligned with the fire department. It was a city decision to move the program to the EFD. Regarding the public comment earlier tonight, it was not entirely accurate because CAHOOTS calls were still being routed to the EPD. EPD officers will still be on the scene to protect CAHOOTS, if need be.

10. Closing Comments

Chair Williams noted that regarding the member of the public's suggestion for a 24-hour call center at the auditor's office, the auditor's online portal allowed complaints to be made 24 / seven.

Roseta said the public comment suggested it would be beneficial to get responses / mediation from the auditor's office 24 / seven, not have the ability to file complaints.

Vice Chair Cortez asked if it would be a violation of people's rights to arrest all the residents of the house if EPD officers had not entered the premises and witnessed underage drinking.

Foltz noted the residents of the house were arrested for excessive noise, not drinking. As the hosts of the house, they were responsible for breaking the noise ordinance.

Chair Williams said the next meeting would be October 10, 2023.

11. Adjourn

Chair Williams adjourned the meeting at 7:20 p.m.

(Minutes recorded by. Diana Pamir Tisdale)

M I N U T E S
Civilian Review Board
Zoom Webinar

October 10, 2023
5:30 p.m.

PRESENT: Jose Cortez, Vice Chair; Rick Roseta; Clay Neal; Alan Leiman; Monique Griffin; Rob Eller; Lindsey Foltz; Leia Pitcher; Cindy Coleman; Sergeant Joel Peckels; Seargent John Jensen.

ABSENT: Carolyn Williams, Chair, Bernadette Conover.

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

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from September 2023, Meeting)

Leiman made the following amendments to page three of the September 2023, meeting minutes:

- Insert the words "**need to**" in the phrase, "Leiman said an officer would not **need to** seize the stereo and empty cups to prove there was noise and drinking."
- Remove the words "**with a retaliatory mindset**" from the phrase, "At least two of the officers had warrant templates in their possession, which made it seem like the officers went into this situation **with a retaliatory mindset**. Replace those words with, "**more likely to issue a warrant.**"

MOTION: Griffin moved, seconded by Leiman, to approve the June 2023, CRB meeting minutes with amendments. The motion passed unanimously – 4:0.

3. Comments from Board Members and Commission Liaisons

Leiman said the police auditor presented the annual report at the last Police Commission meeting, and it was well received. They were glad to see the training topic on today's agenda and noted that it should be presented to the CRB annually.

4. Public Comment

There was no public comment.

5. Training Topic – Office of Professional Standards Annual Report

Coleman said Sergeant Joel Peckels and Sergeant Ryan Nelson investigated all the cases in 2022 and noted that Rick Webber was an integral part of the day-to-day functions of the Eugene Police Department (EPD). The complete Office of Professional Standards Annual Report was published on the City of Eugene website under EPD Publications.

Report Highlights:

- There were only 16 allegations of misconduct made in 2022. Allegations of misconduct required an EPD Internal Affairs (IA) investigation. If any of the allegations were sustained, a disciplinary phase would take place.
- There were 286 supervisor actions in 2022. Supervisor actions were categorized as service complaints, policy complaints, or inquiries. While service complaints were slightly more in 2022 than in 2021, the incident reviews were slightly less.
- There were 356 commendations made in 2022.
- The EPD was below the 10-year average for IA cases in 2022.
- In 2022, the auditor categorized most cases as performance-based cases.
- Of the 16 allegations of misconduct made in 2022, nine were sustained.
- Of the 16 allegations of misconduct made in 2022, nine were internal and seven were external.
- Of the nine internal allegations investigated, five were sustained.
- Of the seven external allegations investigated, two were sustained.
- In 2022, there were two written reprimands, three oral reprimands, five documented cases of counseling, and two documented cases of coaching.
- There were 28 incident reviews opened, all of which remained incident reviews at the time of their closure.
- 57 of the supervisor actions were service complaints.
- There were 10 vehicle pursuits in 2022.
- There were 159 uses of force in 2022. Factors leading to a use of force included active resistance, attempts to flee, and possession of weapons. 91 percent of these incidents resulted in arrest. The average age of offenders was 36 years of age.
- Taser use decreased by 20 percent in 2022.
- There were 13 canine uses of force in 2022.
- 102 shows of force were reported in 2022. A show of force is defined as an officer drawing or displaying any weapon.

Vice Chair Cortez noted that it was 6:30 p.m. and that the CRB needed to move to the next agenda item.

In closing, Coleman said all cases provided the EPD with an opportunity to gain experience, learn and evolve.

6. Break

The CRB took a break from 6:30 p.m. to 6:35 p.m.

7. Case Review: Constitutional Rights, Body Worn Video (BWV)

Summary of Facts

- On July 22, 2022, Citizen 1 called the EPD communications center and requested police assistance. Officer A responded and went to Citizen 1's residence. Citizen 1 said they allowed an individual (the suspect) into their residence and allowed them to use their cellular phone. While inside the home, the suspect stole two other cellular phones and left.
- Citizen 1 said they sent electronic messages to the suspect expressing a desire to recover the stolen phones. The requests were unsuccessful.
- Citizen 1 told Officer A that they had gained access to the suspect's electronic messenger and email. (Note: when the suspect used Citizen 1's cellular phone, they signed into their account and did not sign out.) Citizen 1 informed Officer A that the suspect's electronic communication

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contained exchanges regarding illicit drug trafficking and that they had captured some of those discussions. Officer A questioned Citizen 1 about the suspect's drug activity.

- Citizen 1 said they believed the suspect was staying with their parents (Reporting Party [RP]) and provided Officer A with their address. On July 22, 2022, Officer A went to the RP's residence. Officer B assisted Officer A with the investigation.
- Officer A arrived at the front door of the RP's residence, opened the exterior screen / storm door, pushed the interior door open and announced, "Hello, your door is open." (Note: when the officers arrived at the residence, the exterior door was closed, and the interior door was slightly ajar.)
- Moments later, both officers entered the RP's residence. The officers conducted a limited residential search, exited the residence, and encountered the RP on the balcony outside of their front door. The RP expressed dissatisfaction that the officers entered their residence.
- In their IA interviews, both officers asserted a warrantless entry into the RP's residence was justified by the community caretaking exception. Officer A acknowledged that they failed to activate their body-worn camera.

Allegations:

- Improper Search and Seizure and Failed Body-worn Video Equipment Deployment
 - o 322.2 Search and Seizure: On July 22, 2022, Officer A entered the RP's residence without a search warrant or valid exception to the warrant requirement.
 - o 1203.7.1 Body Worn Video: On July 22, 2022, Officer A failed to use their BWV system while they conducted an investigative encounter with the RP.
 - o 322.2 Search and Seizure: On July 22, 2022, Officer B entered the RP's residence without a search warrant or valid exception to the warrant requirement.

Adjudication Recommendations

- Officer A – 322.2 Search and Seizure: Sustained by the EPD Chain of Command, the Auditor, and the Chief of Police.
- Officer A – 1203.7.1 Body Worn Video: Sustained by the EPD Chain of Command, the Auditor, and the Chief of Police.
- Officer B – 322.2 Search and Seizure: Sustained by the EPD Chain of Command, the Auditor, and the Chief of Police.

This was an externally generated complaint. Eller noted that while the EPD Chain of Command, the Auditor, and the Chief of Police sustained the allegations, Officer A and B's Line Sergeant found their conduct to be within policy.

General Discussion

Leiman said this was the second search and seizure that had been reviewed by the CRB recently where the EPD Line Sergeant found sustained allegations to be within policy, which warranted some questioning as to why that happens. Regarding Officer A and B's assertion that their warrantless entry into the RP's residence was justified by the community caretaking exception, that exception would only be valid if there was an established threat of danger to any person or property, an intent to endanger any person was established, or a missing person was thought to be inside the premises. They noted that the exterior door was closed, and the interior door was only slightly open. They agreed with the sustained allegations.

Vice Chair Cortez said they found the IA investigation to be thorough and comprehensive.

Griffin concurred with Vice Chair Cortez and expressed appreciation for the EPD Chain of Command's review of this case and all cases. They asked if there was any impact from the RP's decision to eventually allow the officers into their residence.

Pitcher said it made no impact on the allegations.

Rosetta said they struggled with the credibility of the RP in that what they told the person at the EPD communication center was in contrast to what appeared in the video. They felt that there was no harm done by the officers entering the premises without justified cause.

Neal said they disagreed with Rosetta's characterization of the RP because of the way that they responded to the officers. It was justifiable to feel like the officers invaded their privacy by entering their home. They noted that they thought the allegations were handled well.

Complaint, Intake, Classification, and Monitoring Discussion

Vice Chair Cortez said the classification was straightforward.

Relevant Policies and Practices; Training Considerations Discussion

Vice Chair Cortez asked CRB members what they thought about Officer A not understanding his right to enter a residence and if that was an important issue. They also asked if Officer A was a seasoned officer.

Pitcher said Officer had been on the force for three years and Officer B had been on the force for two years.

Neal said they read the report before they watched the video. As they were reading the report, they agreed with Officer A's decision to a welfare check because the door was partly open, and it was late at night. When they watched the video, it was clear that the intention to enter the residence was to look for something and not to check on the safety of someone and they were no longer in agreement with the officer's decision.

Lieman said this was a constitutional violation. The length of time that these officers were on the force was irrelevant. They should know the law. They were concerned that the EPD Line Supervisor thought it was okay for the officers to do so. There was nothing at the front door of that residence that presented any pending danger going on inside.

Rosetta disagreed and said the officers should be allowed some discretion. If the officers did not enter the premises and there was a woman inside bleeding and dying, it would reflect poorly on the EPD. The suspect was described as being erratic and there was some reference to them having a gun.

Leiman said there was no evidence that the suspect was even there. The law required there to be some indicator that danger or serious harm was being done to a person or the property, intent to endanger any person was taking place, or a missing person was believed to be inside the residence.

Rosetta asked where in the EPD policy did it state that.

Leiman said the constitution trumped the policy.

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Pitcher said the EPD policy required that officers followed the constitution. If the officers entered the residence unlawfully and found someone inside dying, it would not be admissible because they entered the premises without a valid reason.

Vice Chair Cortez said the EPD Chief's sustained recommendation reflected the constitution.

Griffin said there was nothing going on at the residence on that day that warranted entry of the RP's home.

Neal said for the officers to not know their entry was unlawful should indicate the need for some training. It seemed like the officers cared about the community, and it was unfortunate that they made a poor decision.

Leiman said the officers went above and beyond to locate the stolen items, which was surprising since the items were two cellphones. The officers were not acting under an emergency circumstance. His concern was that the EPD Line Sergeant thought their conduct was okay. This indicated that training was needed on this topic. It was important because it involved the Fourth Amendment of the United States Constitution.

Griffin agreed with the adjudications.

8. Auditor Report

The auditor's office was experiencing a substantial uptick in complaints, to which no unifying trend had been established. Staff was trying to work on their accessibility, and recent updates had been made to the auditor's office website.

10. Closing Comments

Leiman thanked Sergeants Peckels and Jensen, Cindy Coleman, the auditor's office staff, and CRB members for the work that they do.

Neal said his experience in the Portland Police Bureau was stressful and they appreciated being involved with the EPD.

11. Adjourn

Vice Chair Cortez adjourned the meeting at 7:36 p.m.

(Minutes recorded by. Diana Pamir Tisdale)

M I N U T E S
Civilian Review Board
Zoom Webinar

December 12, 2023
5:30 p.m.

PRESENT: Carolyn Williams, Chair; Bernadette Conover, Alan Leiman, Rick Roseta, Monique Griffin, Rob Eller, Lindsey Foltz, Leia Pitcher, Beatrice Otero-Hernandez, Cindy Coleman, Deputy Chief Shawn Adams.

ABSENT: Jose Cortez, Vice Chair; Clay Neal.

Chair Williams convened the Civilian Review Board (CRB) at 5:30 p.m. A quorum was established.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from October 2023, Meeting)

Griffin made the following amendments:

- Remove the following sentence from the Closing Comments:
 - Griffin expressed her gratitude for the experience of being a CRB member.
- Add the following sentences to the General Discussion:
 - Griffin asked if there was any impact from the RP's decision to eventually allow the officers into their residence.
 - Pitcher said it had no impact on the allegations.

Pitcher suggested postponing the approval of the October 2023, meeting minutes until the January 2024, meeting.

Members of the CRB agreed to postpone approving the amended October 2023, meeting minutes.

3. Comments from Board Members and Commission Liaisons

Griffin said an important fact that they learned at a recent training was that roughly 55 percent of cases reviewed by the auditor's office were sustained by the Eugene Chief of Police.

Conover asked if the Land Acknowledgement would be read.

Chair Willimas said they had received pushback from reading that and suggested not to read it this month.

Griffin suggested that if the Land Acknowledgement was not read every month going forward, it could at least be read during Native American Heritage Month.

Conover said they would prefer to have some form of acknowledgement at the beginning of each meeting.

Chair Williams said a training topic on the history of Eugene or Oregon would be of interest to them.

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Griffin said they learned in their University of Oregon (UO) history class that the Eugene Police Department (EPD) enforced sundown within the city limits at one time and noted that they would be interested in learning more about that.

4. Training Topic – Alternative Crisis Response

Deputy Chief Adams said most people were aware about Crisis Assistance Helping Out On The Streets (CAHOOTS) and their long history in Eugene. They noted that the EPD and CAHOOTS had an ongoing relationship and that CAHOOTS was a model program. In the past, when CAHOOTS was needed for medical or behavioral health issues, a medic and a crisis worker from CAHOOTS were dispatched to the scene by the EPD. In 2022, a decision was made to transition CAHOOTS from the EPD to the Eugene Fire Department (EFD). There were two primary reasons for that decision. The first reason being that it made more sense to have CAHOOTS associated with the fire department, being a life support response agency. The second reason had to do with EPD budgeting. Since the transition, there was a misconception that EPD no longer had a relationship with CAHOOTS. Deputy Chief Adams confirmed that was not true. CAHOOTS vans were still equipped with computers, they still responded to the same calls, and EPD officers still arrived on the scene when CAHOOTS requested their assistance. Though the relationship between the EPD and CAHOOTS was solid, Chief Skinner and Deputy Chief Adams wanted to see the relationship expand. Qualified mental health professionals (QMHP) were now being embedded into police departments throughout the country, including the EPD. QMHP's were dispatched with EPD officers in response to calls involving behavioral health issues. QMHP's did not wear a standard police uniform, and they usually took the lead in such instances. The Lane County Behavioral Health Division would embed a QMHP into the downtown core of Eugene using grant funds during the summer of 2024. Additional grant funding would enable a second QMHP to be assigned to the downtown core sometime during the fall of 2024.

Conover asked if the QMHP's would be required to remain in the downtown core or if they could be dispatched throughout Eugene as needed.

Deputy Chief Adams said their primary focus would be to provide service in the downtown core. They could provide service elsewhere under limited circumstances. This was due to the nature of the grant funds.

Chair Williams asked what defined the downtown core.

The downtown core was defined as publicly-owned property and rights-of-way located within the area bounded by a line that ran from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area.

Chair Williams asked if the downtown core QMHP's would be on patrol.

Deputy Chief Adams confirmed they would be. They added that the EPD would learn what worked and did not work as the program unfolded.

Chair Williams noted that the QMHP's would be different than CAHOOTS because they could approach and respond to people who presented a threat of danger.

Deputy Chief Adams said the QMHP's could also handle case work.

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Chair Williams asked if the QMHP's would partner with downtown agencies doing the same type of work.

Deputy Chief Adams confirmed that they would.

Pitcher asked what would happen if a call came in regarding a person having a mental health crisis who was in possession of a knife.

Deputy Chief Adams said if someone was armed in any way, an EPD officer would be on the scene to protect the QMHP.

Conover asked if this program was modeled after another city's program.

Deputy Chief Adams said it was not modeled after any other city's program.

Conover asked about the grant requirements.

Deputy Chief Adams said they did not have that information, but they could provide more details about that at a future meeting.

Conover asked if Springfield would also have a program like this one.

Deputy Chief Adams replied that Springfield would not.

Rosetta asked who would make dispatch decisions and how the decisions would be made regarding who to dispatch.

Deputy Chief Adams said EPD officers responded to 911 calls and made the decisions regarding who to dispatch. Right now, the EPD was trying to get a foothold on the downtown area. Once the program proved to be successful, it could be utilized throughout other parts of Eugene.

Pitcher asked if QMHP's would be county employees or EPD employees.

Deputy Chief Adams said they would be county employees. They noted that the positions would be filled by two QMHP's as opposed to multiple QMHP's to help establish strong relationships.

Conover asked what the criteria was for the QMHP.

Deputy Chief Adams said Lane County had all the details about that. They noted that one individual had already been selected for the position.

Pitcher asked if the QMHP's would wear body cameras.

Chief Deputy Adams said they would not because they were not employees of the EPD. They noted that depending on the intensity of the situation, an EPD officer may be on the scene, and they would be wearing their body camera.

Griffin asked if the evening hours were a high-risk time for situations to arise.

Deputy Chief Adams said more behavioral health situations arose in the daytime than in the evening. 2

Conover asked if there would be a press release about this.

Deputy Chief Adams said one press release was already put out and confirmed there would be more released as the program unfolded.

Pitcher said having this program and CAHOOTS would be beneficial for the community.

Foltz said regarding other national models for programs like this one, the Police Executive Research Forum put out a report in October 2023, and specific city examples may be listed.

Leiman joined the meeting.

Chair Williams asked Leiman if he had any general comments.

Leiman said they did not have any amendments for the October 2023, meeting minutes. The Police Commission met once since the last CRB meeting, and the Hate and Bias report was discussed.

5. Break

The CRB took a break from 6:35 p.m. to 6:45 p.m.

6. Case Review: Use of Force – Flashlight Strike

Summary of Facts

On December 1, 2022, Officer A responded to a call for service regarding a disorderly person. Officer A encountered an individual (a suspect) and unsuccessfully attempted to converse with them. The suspect was verbally combative to Officer A, Officer A told the suspect they did not wish to engage in a physical altercation. Officer C and Officer D approached the suspect, contacted them, and arrested them for criminal mischief 1 – vandalism. Prior to law enforcement contact, the suspect cut their hand and was bleeding. Sergeant E told the officers on the scene not to place the suspect in the patrol vehicle until medical care was provided for their wound.

Officer A assisted with custody of the suspect on the sidewalk. Officer A told the suspect that they had some “yuckiness” on them. The suspect became agitated, called Officer A an expletive and attempted to kick Officer A. Officer A attempted to dissuade the suspect’s actions. Officer told the suspect that if they did not stop kicking, they would hurt their leg. The suspect continued and raised their leg again. Officer A struck the suspect on their leg with their flashlight. In the Internal Affairs (IA) interview, Officer A stated that they did not intend to cause the suspect harm. They defended their actions and said they were trying to stop the suspect from kicking.

Allegations

Use of Force: That Officer A used force in excess when they used their flashlight as an impact weapon to strike the suspect who was detained in handcuffs, which was reasonable given the circumstances.

Adjudication Recommendations

- Auditor – Sustained
- EPD Chain of Command – Within Policy

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- EPD Chief – Within Policy

Eller said this was an internally generated complaint. They noted that the materials provided for CRB review included the following:

- Body Worn Camera and In Car Camera Video
- IA Report Detailing the Investigative Process
- All Correspondence Related to the Complaint (Including Internal Correspondence)
- Adjudication Recommendation Memo from the Chain of Command
- Adjudication Memo from the Auditor
- All Related Reports and Records
- Relevant EPD Policies

Complaint, Intake, Classification, and Monitoring Discussion

Conover said there was a conversation between Officer A and their sergeant. There was a concern as to whether or not that foreclosed the auditor's ability to investigate this case.

Pitcher confirmed there was an objection.

Conover asked what the objection was based on.

Pitcher said it had to do with an employment law, IA, and officer A potentially being disciplined twice.

Conover asked if the conversation between Officer A and their sergeant took place before the IA investigation.

Pitcher confirmed it did.

Conover asked if that conversation played a role in the decision to go forward with an IA investigation.

Pitcher said no. The IA investigation came into play because the auditor's office was reviewing the allegation of Use of Force. They noted that the auditor's office reviewed every Use of Force. The auditor's office did not know at that time that the sergeant had already spoken with Officer A about the issue.

Conover asked if it would be too late for the auditor's office to add an allegation after the adjudication recommendation was received from the EPD Chief.

Pitcher said that was correct.

Conover noted that despite the chief's adjudication recommendation, they stated that Officer A exhibited poor decision making in their tactical judgement. That statement seemed like the perfect opportunity for the chief to sustain the allegation of Use of Force.

Pitcher said in the past, allegations had been dismissed at that stage, and adjudicated at that stage, but if allegations were added, notice would need to be given to the officer and the opportunity for them to be heard would need to take place. Hypothetically speaking, allegations could be added, but they had not seen that ever happen before.

Deputy Chief Adams said Officer A had already been interviewed by IA. Information had been gained from the interview and a judgement was made. If the case were reopened, IA could not interview again, and the first statements made could not be used. The only time that protocol would change would be if the person conducting the interview knew that the statements being presented were not true. In that instance, the interview would cease, and the employee would be given notice.

Chair Williams asked why poor decision making in Officer A's tactical judgement was not considered to start with.

Pitcher said what they were worried about was that the suspect was hit with a flashlight while handcuffed. The auditor's office was not convinced that Office A was acting within policy.

Conover said in this situation, and based on the chief's statements, it seemed as if it was a judgement issue. Conover notated lawful but awful in that section of the memo because they thought a judgement should have been included.

Deputy Chief Adams said adding an additional allegation was not possible after the fact. They authored that memo and the language used was intentional to memorialize what happened so it could be used at a later time if needed.

Conover said they appreciated the memo because it was so detailed.

Leiman said regarding the complaint, intake, classification, and monitoring, it was possible that the sergeant decided to counsel Officer A instead of bringing it to IA. Nevertheless, it was reassuring that the auditor recognized that this complaint warranted an IA investigation.

Chair Williams said they felt the same as Conover. A red flag was raised in their mind because if Officer A's behavior was okay, it could undermine the whole system if worse conduct were also considered okay.

Pitcher said the auditor's office encouraged and wanted supervisors to do their job of supervising their employees, but the auditor's office needed to do their job too.

Chair Williams said the investigation was done well and monitored well, but they noted that they did not like the way Officer A came across in their interview. They acted like they were above the process, and their responses to the auditor's questions seemed disrespectful. It seemed like a power play to belittle those questions. Officer A approached this situation with bravado and seemed to have a superhero complex. They noted that the CRB had reviewed comments from Officer A before, and they came across the same way, which was concerning.

Pitcher said they were struck by the disrespect for their team as well.

Griffin said the disrespectful tone from Officer A was unfortunate because the work that was being done by the auditor's office was fair.

Relevant Policies and Practices; Training Considerations Discussion

Leiman said they were hesitant to say this but there was a reoccurring theme in cases like these where every time an officer tried to be compassionate and give the suspect a break, it ended up creating trouble. In this case, deciding not to put the suspect in the patrol car until they received medical attention, and not seating an intoxicated, bleeding person down on the ground because it was wet caused the situation to escalate. Leiman wanted officers to use discretion, but it did seem to always end up causing trouble. 5

Chair Williams said Officer A stated in their interview that the reason they said, “I will hurt you”, was because they were trying to use a different approach to get compliance from the suspect. However, in watching the video, Officer A said, “Don’t kick me”, and then said, “I will hurt you”, two seconds afterward. It did not seem like there was enough time to think that through and decide to try a different approach. Chair Williams wanted to make it clear that the injury on the suspect’s hand was not caused by any officer. The wound occurred prior to the officer’s arriving on the scene. They asked if there was any policy about putting a suspect in handcuffs if a wound on the hand was present.

Deputy Chief Adams said the only policy that could potentially apply would involve the suspect wearing a cast. If a suspect punches a window and cuts their hand, it was probably wise to put them in handcuffs.

Chair Williams said there was a lot of conversation about whether or not to put the suspect in the patrol car, which seemed dumb.

Deputy Chief Adams said dumb was probably the correct word for that. The patrol car seats were hard so they could easily be disinfected. Ideally, you don’t want a lot of bodily fluids in the car, but if a suspect was potentially violent, they should be contained in the patrol car. It was unfortunate that the sergeant made that decision.

Chair Williams asked if there was any follow-up with that sergeant about making that decision.

Deputy Chief Adams confirmed that there was.

Conover said as they understood it, the sergeant instructed officers to make sure the bleeding had stopped before the suspect was put in the car. It did not seem like anyone was inspecting the wound.

Rosetta noted that one officer was dealing with the wounded hand for quite a while.

Conover said as soon as the suspect became agitated and started kicking, it would seem that the topic of putting them in the car would resurface among the officer’s and the sergeant.

Chair Williams said Officer A handled the suspect well after the kicking and hitting with the flashlight ceased.

Griffin said it was interesting to hear Officer A tell the suspect that they would hurt them. That seemed cruel and not ideal. It seemed ridiculous for them to say they did not mean to cause the suspect harm during their IA interview, after threatening to hurt the suspect in the moment. Regarding policy, they did not understand how Officer A’s behavior was within policy. It seemed as if the EPD Chain of Command just decided to give it some kind of adjudication because it was not that big of a deal. Obviously, the auditor did not feel the same way.

Conover said this reminded them of a previous case where a suspect bit an officer’s hand. The difference between their IA interview and this IA interview was huge. That officer’s response to being bit by the suspect was similar to one’s reaction to getting stung by a bee, yet that officer was found to have violated policy. Perhaps if Officer A tried to walk the suspect a bit, it would have deescalated the kicking. There were a lot of tools available for Officer A to use.

Pitcher noted that the officer’s response to being bitten was found to be within policy.

Adjudication Discussion

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Leiman said in their opinion, Officer A's behavior was punitive. Using the flashlight to strike the suspect was not an act of self-defense or done in the defense of others.

Chair Williams said if Officer A used a taser on the suspect while they were handcuffed everyone might have thought that was an extreme choice. This situation was similar to that. The suspect's kicking was not a serious threat to Officer A. Hitting the suspect with a flashlight was not the right tool for the job. The level of force used by Officer A was unwarranted.

Griffin said it was an excessive use of force and it was not a legitimate defense of self or anyone else. Griffin noted that they realized that officers get kicked by suspects quite often. Officers needed to find different ways to deal with that. Griffin asked Pitcher what the level of force was for using a flashlight to strike a suspect.

Pitcher said using a flashlight to strike a suspect could be considered a low level of force, depending on how hard an officer was hitting and where they were hitting. A hard strike to a suspect's head could be deadly. In this case, it was low level, but still felt like an inappropriate use of force.

Conover said it was interesting to read the three memos. In the first sergeant's memo, it indicated that the reason why this was within policy was because the the force was used to make an arrest or prevent an escape from custody, yet the arrest had already been made and there were not any indicators that the suspect was trying to escape. Per EPD Policy, Use of Force could also be used in self-defense. This sergeant's reasoning did not apply to this case. Their reasons were not helpful at all. Regarding Deputy Chief Adams memo, Conover appreciated their explanation as to why judgement was not included, but they wish it had been. Officer A's words and their actions raised a concern.

Rosetta said Officer A was the first one to have contact with the suspect. It seemed as if Officer A did not know how to deal with the suspect because they stayed across the street from them, which seemed wise. The other officers circled around the suspect so they could not flee from the scene. Two other officers made the decision to put the suspect in handcuffs. At that point Officer A was not even in the picture. Officer A was asked to stand in for a training officer and hold the suspect in detainment. The first thing the suspect did was call Officer A an expletive and began kicking. The option to put the suspect in the patrol car or on the ground was previously denied by the sergeant. Officer A was left holding a person who was verbally abusive and kicking them. Officer A did not say they were going to hurt the suspect, they said they were going to hurt the suspect's leg. Officer A did not hurt the suspect's leg because there was not a complaint made about the suspect having a hurt leg. Officer A's reaction to the kicking stopped the suspect from kicking. Rosetta said that did not seem like an unreasonable use of force. A person in handcuffs could be just as dangerous as someone out of handcuffs. There was not a complaint made by the suspect about being struck with the flashlight. Officer A was put in this situation, and they did not choose to be in this situation. After Officer A got the suspect under control, they treated them nicely. Within Policy was the proper adjudication.

Conover said the reason why they pointed out the sergeant's memo was because their reasoning for why it was within policy did not match the events that took place.

Rosetta said the sergeant's adjudication could mean anything.

Conover said they did not agree with the sergeant's reasoning as to why it was within policy. They did agree with Deputy Chief Adams reasoning.

Rosetta disagreed with the idea that Officer A was intent on hurting the suspect.

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Conover said their quote was “I will hurt your leg if you kick me.” Conover asked Rosetta if Officer A’s tone made it seem as though they were not intent on hurting the suspect.

Rosetta said yes.

Deputy Chief Adams said they were a bit shocked when they heard Officer A struck a handcuffed suspect. However, after thinking about all the things that could have been done prior to striking the suspect, they all seemed superfluous to the moment when Officer A struck the suspect. That was how Use of Force was judged. Officer A was on the scene doing their job. The suspect had no right to assault the officer. The suspect was warned but did not stop kicking. Officer A used the flashlight because it was what they had available in the moment. Their actions were not malicious. That was the basis of how the EPD Chain of Command, and the Chief reached their adjudication.

Conover asked Deputy Chief Adams if EPD policy was that if Use of Force was not sadistic in nature, it would be within policy.

Deputy Chief Adams said no. That was an example based on the four basic standards in *Graham v. Connor*: 490 U.S. 386 (1989); what was the nature of the crime, what was the need to apprehend, what was the injury inflicted as a result, and was it proportional. If the four-part standard were applied to this case, it was a low-level offense, the suspect was already in custody, there was no claim of injury, and the use of force was proportional to the suspect’s kicking.

Griffin said they did not think that the use of force was proportional. The better thing to do would have been to control the suspect’s legs. The officer’s goal should not be to stoop to the suspect’s level, but to maintain decorum.

Deputy Chief Adams said Officer A was holding the suspect with one hand and holding a flashlight with the other hand. It was okay if everyone here did not agree. Their intent was to share how and why the EPD came to their decision.

Conover said the most important part of the CRB’s processes was having discussions that would be relayed back to the EPD.

Leiman said they watched Officer A’s videos and two other officer’s videos, and they did not see that Officer A’s use of force was defensive to the suspect’s kicking. They asked if anyone else saw defensive actions in Officer A’s use of force. In their opinion, Officer A’s use of force was punitive.

Pitcher said it was easy to say they could have done this, or they could have done that. The standard they analyze in their line of work was determining the least intrusive action an officer could have made. They decided that officer A’s use of force was not reasonable, and it was okay to disagree.

Rosetta noted that the standard was not what was objectively reasonable to anyone other than the officer.

Griffin said all they could do was analyze these cases and share their thoughts about them.

Chair Williams said they could not say the allegations should have been sustained or that they were within policy. Though the use of force was not the right choice to make, it did not cause injury to the suspect. It also seemed like there was insufficient evidence.

Griffin asked Pitcher if they believed this was an excessive use of force.

Pitcher said yes.

Griffin agreed with the auditor, that the allegation should have been sustained.

Conover did not agree with the first sergeant's reasoning as to why Officer A's behavior was within policy, but they did agree with Deputy Chief Adams reasoning, who also found the allegation to be within policy.

Rosetta said they agreed that the allegation was within policy.

Leiman agreed with Chair Williams and said Officer A's behavior was unacceptable. However, based on the four basic standards in *Graham v. Connor*: 490 U.S. 386 (1989), they could not pick a side.

7. Chair / Vice Chair Elections

Chair Williams said they received consent from Cortez to nominate them for the position of CRB Chair.

MOTION: Chair Williams moved, seconded by Conover, to appoint Jose Cortez as the 2024, CRB Chair and Carolyn Williams as the 2024, CRB Vice Chair. The motion passed unanimously – 5:0.

8. Auditor Report

Pitcher said they accompanied Eller at the National Association for Civilian Oversight of Law Enforcement Conference in Chicago last month, and that they were on the annual conference committee. They could share the conference materials if anyone was interested. Another conference would take place on December 14th and 15th and they could provide details about that if anyone was interested. The 2024, National Association for Civilian Oversight of Law Enforcement Conference would be held in Tucson, Arizona in October. If anyone was interested in attending, the auditor's office may be able to pay for some of the costs involved. Complaints were up in October 2023, and down in November 2023.

Vice Chair Williams noted that the next CRB meeting would be on February 13, 2024.

10. Closing Comments

Griffin said CRB members should start thinking about potential partnership opportunities.

Conover said the cases they reviewed were not like many of the cases in other parts of the country. It was easy to forget how good the officers were in Eugene.

Leiman wished everyone a happy holiday.

Vice Chair Williams said they hoped more traffic control officers would be hired in 2024.

11. Adjournment

Vice Chair Williams adjourned the meeting at 7:25 p.m.

(Minutes recorded by. Diana Pamir Tisdale)