



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

June 27, 2022

5:30 p.m. CITY COUNCIL WORK SESSION

As the state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held in hybrid format using in person and 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 June 27, 2022; Her Honor Mayor Lucy Vinis Presiding

Councilors

Claire Syrett, President
Mike Clark
Randy Groves
Jennifer Yeh

Matt Keating, Vice President
Greg Evans
Emily Semple
Alan Zelenka

5:30 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: POLICE AUDITOR AND CRB ANNUAL REPORTS

2. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), REAL PROPERTY TRANSACTION

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.

June 27, 2022 Work Session

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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

Meeting Date: June 27, 2022
Department: Police Auditor
www.eugene-or.gov

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

ISSUE STATEMENT

Interim Police Auditor Leia Pitcher and the leadership of the Civilian Review Board are appearing before the City Council to discuss the 2021 Annual Report of the Police Auditor's Office and the 2021 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 Police Auditor's Office provide and discuss their annual reports to Council on an annual basis.

PREVIOUS COUNCIL DIRECTION

[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, [E.C.C. 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. [E.C.C. 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.

COUNCIL OPTIONS

Offer comments and questions.

AUDITOR'S RECOMMENDATION

None.

SUGGESTED MOTION

Not applicable.

ATTACHMENTS

- A. 2021 Annual Report of the Police Auditor's Office
- B. 2021 Civilian Review Board Annual Report

FOR MORE INFORMATION

Staff Contact: Leia Pitcher
Telephone: 541-682-5016
Staff E-Mail: lpitcher@eugene-or.gov

2021 ANNUAL REPORT



Police Auditor's Office

800 Olive Street Eugene, OR 97401 541-682-5016

www.eugene-or.gov/policeauditor

Table of Contents

Executive Summary.....	1
Mission & Purview of the Police Auditor	2
Organizational Structure & Independence	3
Functions of the Office of the Police Auditor.....	4
2021 Outcomes for the Office of the Police Auditor.....	5
Complaint Intake, Classification & Investigation.....	5
Intakes	5
Classification.....	6
Service Complaints, Policy Complaints & Inquiries	9
Incident Reviews	9
Allegations.....	10
Disposition.....	11
Sustained Allegations & Discipline	12
Administrative Progress & Results	16
2022-2023 Goals & Challenges	22
Conclusion	25

Executive Summary

I am honored to present the 2021 Annual Report of the Office of the Police Auditor. I am extraordinarily proud of the work we were able to accomplish last year, including:

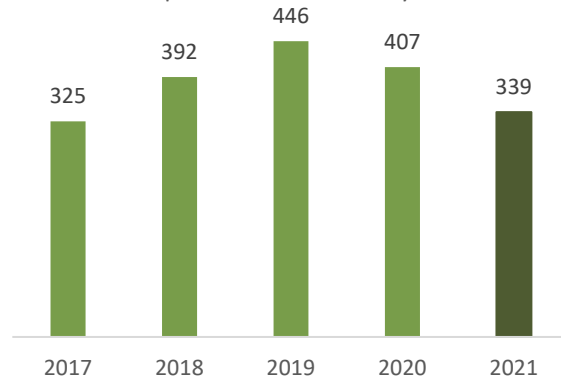
- Sustaining the trust and relationships with community stakeholders that has been carefully built over the past 12 years;
- Improving our online accessibility, including taking steps to establish a community portal for complaints and updates;
- Securing funding to examine and address inequities in the complaint system; and
- Overseeing the investigations into more specific allegations than in any previous calendar year, despite having only one employee focused on auditing investigations.

I am enormously grateful to Vicki Cox and Beatriz Otero-Hernandez for the support and consistency they provided through this year of transition. Our very small office is only able to accomplish great things through the commitment and incredible abilities of this fantastic team, and I am so looking forward to seeing what we can accomplish as a fully-staffed office in 2022.

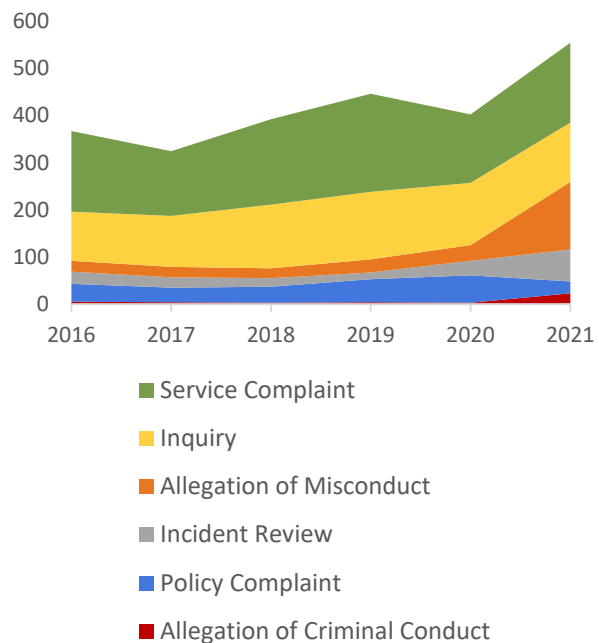
Leia Pitcher

Interim Police Auditor

Complaint Volume by Year



Classifications: Type & Volume
Five Year Trend



What is the Mission & Purview of the Office of the 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 Eugene Police Department and the Police Commission.

Mission and Purview

The Office of the Police Auditor (OPA) was established by [charter amendment](#) in 2005 to provide an external mechanism for the independent receipt, classification, and routing of complaints against sworn and non-sworn 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 OPA 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

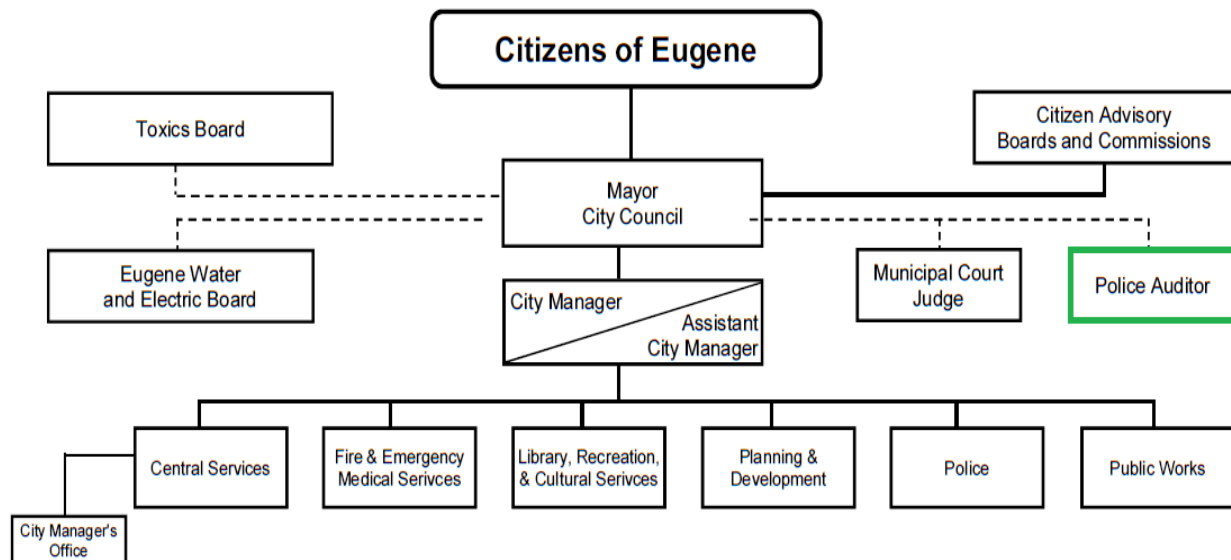
- COMPLAINT INTAKE
- CLASSIFYING COMPLAINTS
- MONITORING INVESTIGATIONS
- RECOMMENDING ADJUDICATIONS
- RECOMMENDING POLICY AND TRAINING
- REPORTING TO THE COMMUNITY
- SUPPORTING CIVILIAN REVIEW BOARD

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

INDEPENDENT CIVILIAN POLICE OVERSIGHT

The Office of the Police Auditor (OPA) and the Civilian Review Board (CRB) operate independently. The OPA reports directly to, and is funded by, the Eugene City Council. The OPA is an independent, civilian entity performing oversight of the Eugene Police Department (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 CIVILIAN REVIEW BOARD OPA STAFF

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: Claire Syrett
 Ward Eight: Randy Groves

Chair: Carolyn Williams
 Vice Chair: Bernadette Conover
 Michael Hames-García
 José Cortez
 Bill Whalen
 Alan Leiman (from 6/2021)
 Clay Neal (from 6/2021)
 Rick Roseta (through 6/2021)
 Lindsey Foltz (through 6/2021)

Police Auditor: Mark Gissiner, (until 2/26/2021)
 Deputy/Interim Police Auditor: Leia K. Pitcher, (Interim from 2/26/21)
 Senior Program Coordinator: Vicki Cox
 Community Engagement Coordinator & Translation Specialist: Beatriz Otero-Hernandez

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

INTAKE

- EXTERNAL
- INTERNAL
- AUDITOR

INTAKE

To ensure access and safety the OPA 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 OPA, 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 OPA 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

REPORT

Community complainants receive a closing letter informing them of the classification and outcome of their complaint. The Civilian Review Board selects cases to publicly review and receives monthly updates on intakes and closed cases; finally the OPA generates an annual report detailing complaints and outcomes from the previous calendar year.

What were the Outcomes for the Office of the Police Auditor in 2021?

Complaint Intake, Classification, & Investigation

Overview

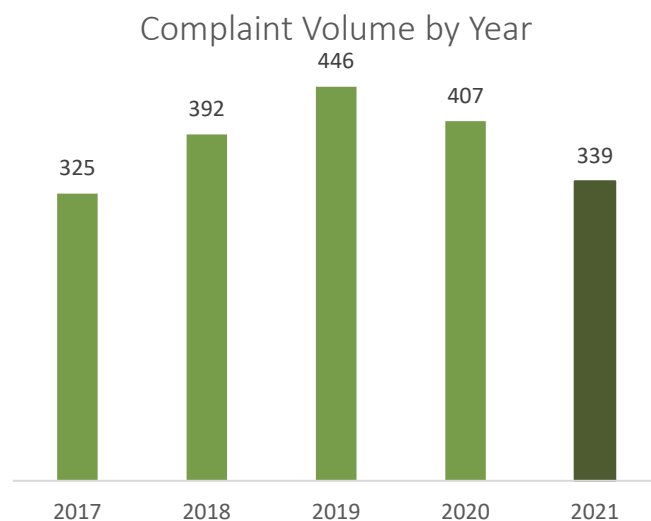
The OPA serves as the intake point for all complaints about EPD employees. In 2021 the office received 339 complaints. Additionally, the OPA proactively reviewed every reportable use of force and vehicle pursuit. During 2021, 152 reportable uses of force and 3 vehicle pursuits were reviewed by the OPA. The OPA also serves as one of several intake points for police commendations.

Complaint Intake

Our office remained closed to walk-in traffic for the duration of 2021.

We continued to receive complaints by phone, email, mail, social media, and through our website. As in years past, we also had a significant number of internally generated complaints which are initiated either by EPD employees or the Auditor.

We received a total of 339 complaints, an overall decrease from 2019 and 2020. In addition, our office reviewed 152 reportable uses of force and three vehicle pursuits.



The most common method used by the community to file complaints with our office continues to be the telephone (52%). The phone has consistently been the source of at least half of our complaints and this number increased over the past two years. This is correlated to the lack of walk-in complaints due to office closures because of the Covid-19 pandemic. Community members also submitted a significant number of complaints

electronically via the online complaint form (20%) and Email (12%). Just under 10% of complaints are internally generated.

Of the complaints our office received, 50 were dismissed. The most common reason for dismissal was because the complaint was related to an employee or practice outside the jurisdiction of the OPA. Cases were also dismissed for reasons such as not meeting the timeliness requirements established by City Code ([Section 2.456\(1\)\(k\)-\(l\)](#)), the employee was not identifiable, or there was a more appropriate alternate remedy such as the courts.

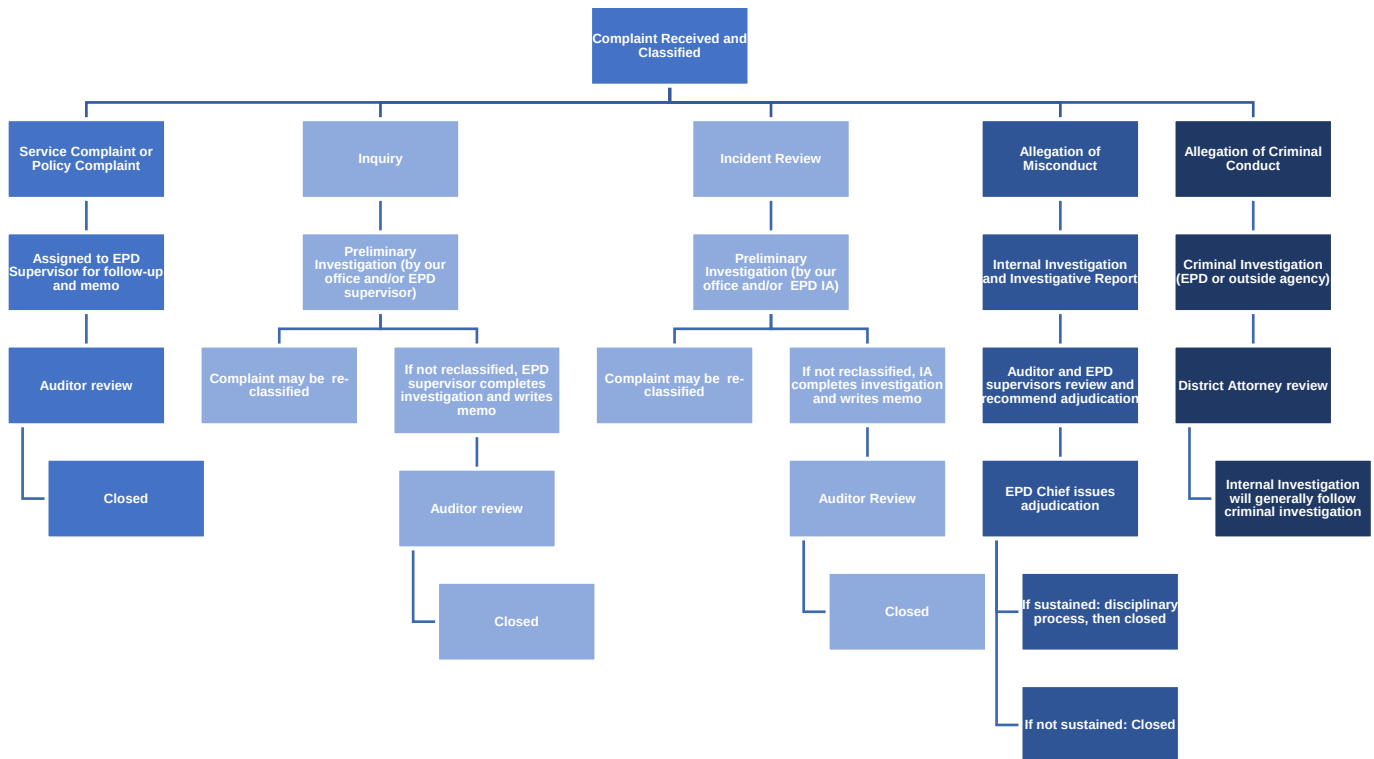
This means that 289 complaints led to an investigation during 2021. Of these, 281 were completed within the calendar year, closing within an average of 42 days. Eight cases opened in 2021 remained open as of the writing of this report. This is an unusually large number of cases still under investigation and is attributable to significant staffing shortages during 2021, which will be addressed in the administrative section of the report below.

Classifications by Category

Once a complaint is received, the Police Auditor reviews it to determine if it is within the jurisdiction of the OPA, meets timeliness requirements elaborated in the City Code, and that the OPA 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

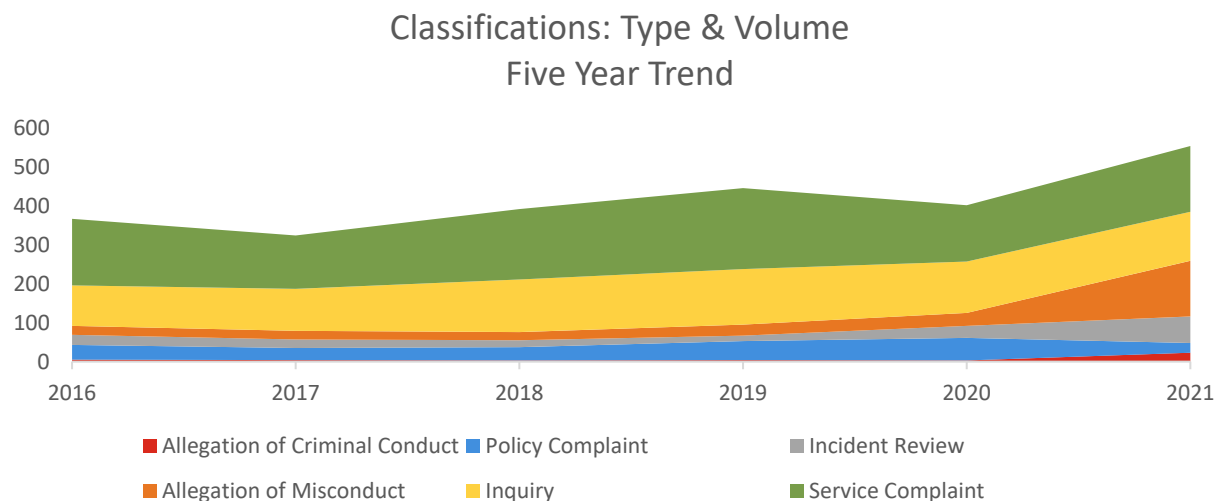
Once a complaint has been classified it follows the corresponding path outlined in the flow-chart on the next page.



- Any complaint may be selected for possible mediation, which follows a different process.
- The Civilian Review Board may review any closed case 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 2021 the auditor classified complaints in the following way:

Specific Allegations	2021
Allegation of Criminal Conduct	23
Policy Complaint	25
Incident Review	68
Allegation of Misconduct	143
Inquiry	126
Service Complaint	169
Total	554



As these charts demonstrate, while complaint numbers were down in 2021, specific allegations generated from each complaint were significantly higher than in any recent year. Service complaints continue to be the most common classification, followed by inquiries. However, there was a markedly higher proportion of allegations of misconduct and allegations of criminal conduct classified during 2021. These are more complex cases that place significant demands on the OPA.

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 169 service complaints during 2021, up from 145 in 2020. Service complaints, always the most common of our complaints, were focused on performance (104 complaints), followed by service level (38 complaints), and finally courtesy (25). Of these, 159 were addressed by an EPD supervisor, reviewed by our office and then closed. The remaining 10 were dismissed.

There were 25 policy complaints during 2021, down significantly from 2020 (58). Of these, 21 were addressed by an EPD supervisor and 4 were dismissed.

Most inquiries were addressed by an EPD supervisor, reviewed by our office, and then closed (97 of 126); one is related to a case that is still under investigation. The others were dismissed or closed following a preliminary investigation.

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. Our office participates in Internal Affairs’ investigations into incident reviews, and prior to interviewing the involved employee, our office consults with Internal Affairs to determine if the complaint should be reclassified (for instance, if it appears serious misconduct occurred) or if the investigation to date is thorough, fair, and complete. Fifty incident reviews were not reclassified and were investigated and closed as Incident Reviews (summaries of all Incident Reviews are included in Appendix B).

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.

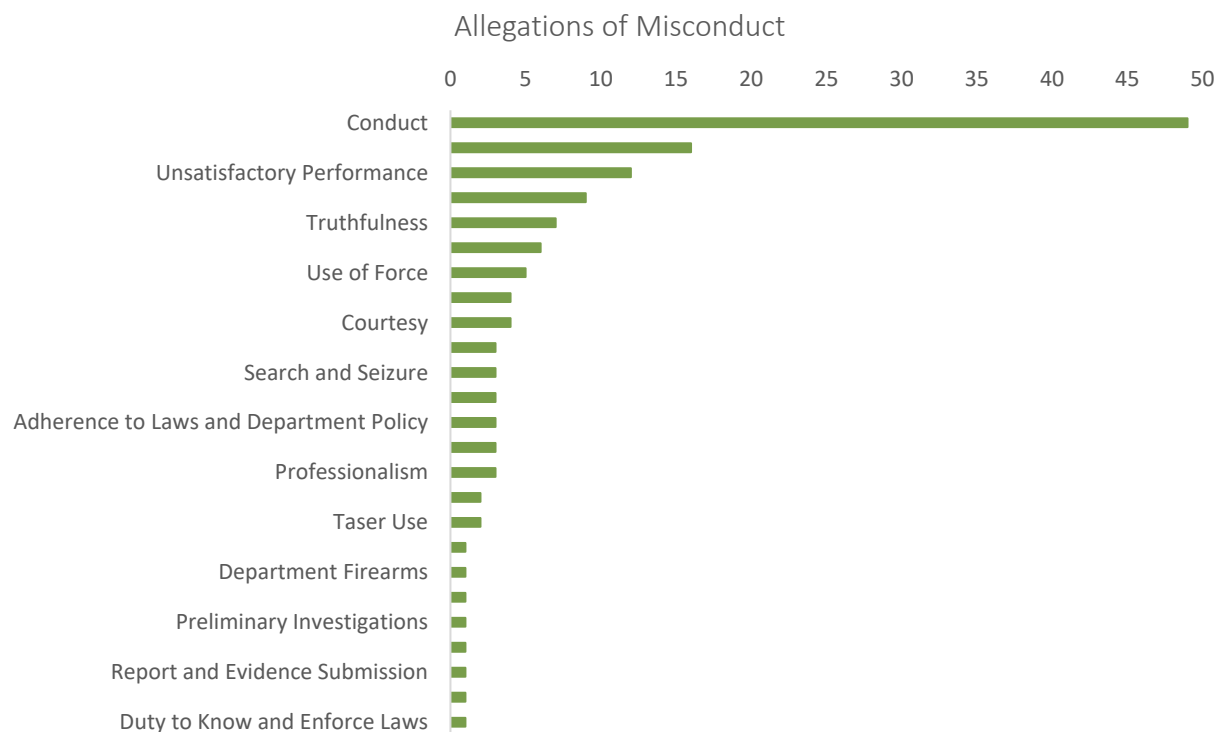
In 2021, we conducted 68 incident reviews. The incident reviews were related to conduct (18), performance (25), use of force (19), discrimination (5), and constitutional rights (1). Fifty incident reviews were investigated by an Internal Affairs supervisor (in collaboration with the OPA) and closed without re-classification and after necessary follow-up. The others were dismissed or administratively closed following the investigation by Internal Affairs and OPA.

Allegations

Misconduct/Policy Violations

In 2021, the OPA classified 143 specific allegations of misconduct against 41 EPD employees (arising out of 31 complaints). A summarization of all allegations is attached to this report as Appendix A. The most common allegations were related to conduct, followed by unsatisfactory performance, use of force, and constitutional rights.

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



Criminal Allegations

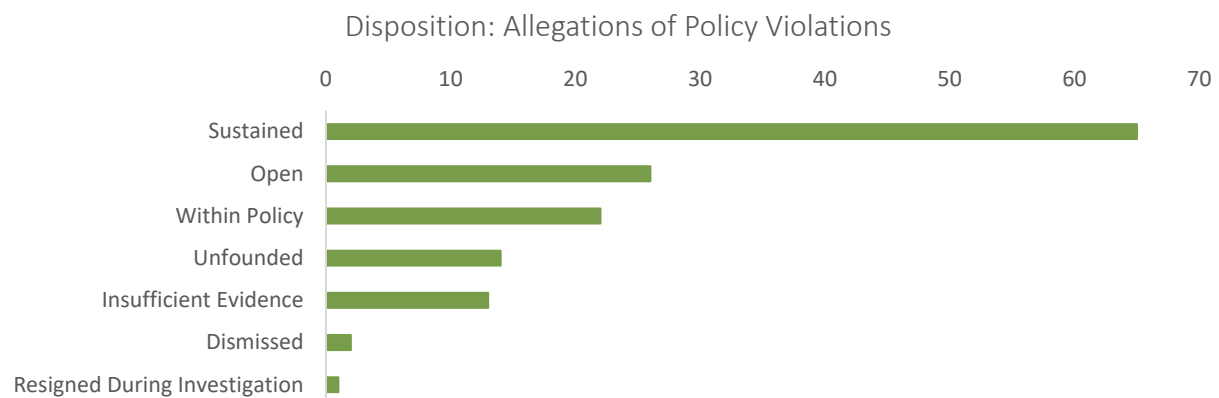
There were 12 complaints classified as allegations of criminal misconduct because they contained elements of alleged behavior, that if true, would have violated the law. There were 11 EPD employees named in these allegations. Related to these 12 cases were a total of 14 specific allegations of criminal conduct and an additional 9 specific allegations of misconduct (violations of EPD Policy rather than law).



Disposition

Misconduct/Policy Violations

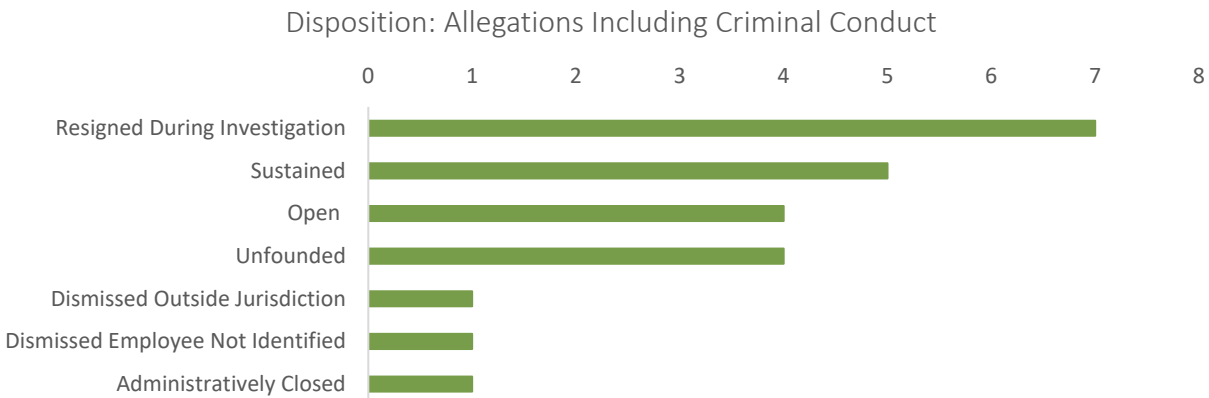
As of the writing of this report, 26 allegations remain under investigation, 14 were unfounded, 22 were within policy, two allegations were dismissed, and one person resigned during the investigation (related to one misconduct allegation). Of the 143 allegations of misconduct, 65 were sustained.¹



¹ Please note that the disposition of one alleged policy violation was changed from "Sustained" to "Within Policy" following an employee grievance.

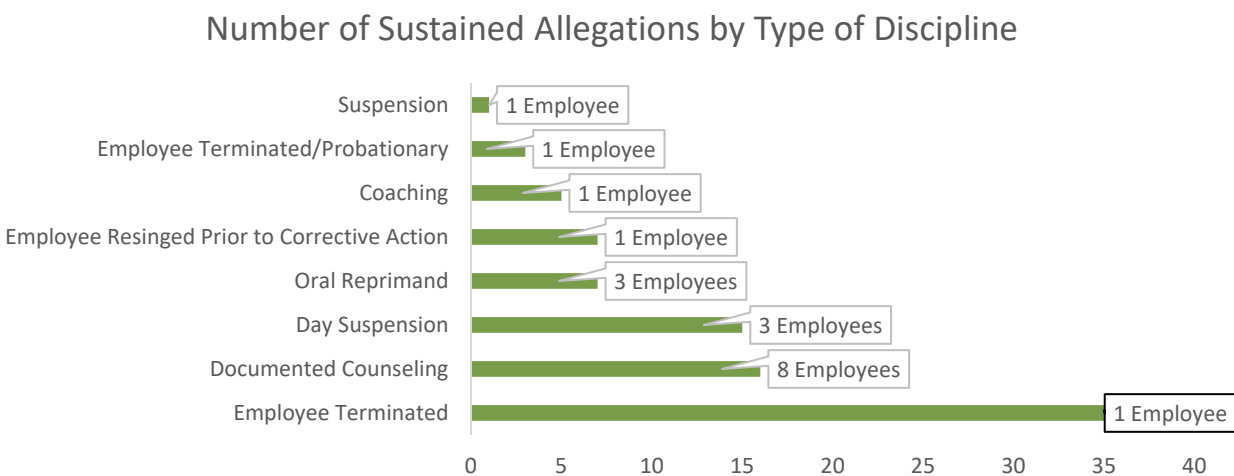
Criminal Conduct

As of the writing of this report, one case alleging criminal conduct was still open, accounting for a total of two criminal allegations and two policy violations. Two cases including allegations of criminal conduct were dismissed, one was administratively closed, and two employees resigned during investigation (related to seven allegations). Four cases were unfounded. There were five sustained allegations of criminal conduct.



Sustained Allegations and Discipline

The OPA is allowed to report on aggregate disciplinary actions taken as a result of sustained allegations of misconduct. The following chart and table highlight the disciplinary outcomes for sustained allegations and which policies were violated. There were 19 employees found to have committed the 70 sustained allegations of misconduct.²



² Please note that the discipline for one sustained allegation was changed from oral reprimand to documented counseling in response to an employee grievance.

Conduct	35
Judgment	6
Adherence to Laws and Department Policy	4
Arrests	4
Integrity	3
Unsatisfactory Performance	3
Expectations of Supervisors	2
Courtesy	2
Professionalism	1
Truthfulness	1
Use of Position/Authority	1
Report and Evidence Submission	1
Attendance	1
Body Worn Video	1
Use of Force	1
Reporting Use of Force	1
De-escalation	1
Respectful Work Environment	1
City of Eugene Code of Conduct	1

Community Impact Case Investigation

During 2021, the OPA finished work on the following community impact case. The Civilian Review Board (CRB) reviewed the majority of the investigations at its December 2020 meeting however two investigative inquiries and one allegation of misconduct investigation were reviewed at the January 2021 and May 2021 meetings, respectively.³ The CRB debriefed on the community-impact case process during their January 2021 meeting.

Background

Spontaneous demonstrations to protest police killings of Black people began in Eugene, as in communities nationwide, on May 29, 2020 in response to the deaths of George Floyd, Breonna Taylor, and others. Over the course of that weekend, some of the demonstrations became violent. The City declared city-wide curfews and designated some of the demonstrations as unlawful gatherings. The Eugene Police Department (EPD) ultimately used force on some demonstrators, including tear gas, pepper spray, PepperBalls, 40mm sponge rounds, and field force batons (PR-24s). The Office of the

³ The final allegation of misconduct was discovered during a review of body-worn video and was not opened until January 2021.

Police Auditor was contacted by dozens of community members regarding this and other conduct.

Given the clear community interest in EPD's response to the demonstrations over the weekend of May 29, our office recommended to the CRB that they designate the resulting investigations as a community impact case. The CRB concurred in a unanimous vote.

The community impact case investigations included:

- Incident reviews offering an overview of the events on May 29, May 30, and May 31
- An incident review/catch-all for complaints about the Chief and command-level decisions
- Seven Allegation of Misconduct investigations, largely focusing on uses of force
- Two additional incident reviews, into specific incidents
- Six inquiries
- One service complaint

The investigations were substantially complete within six months and included work from the Auditor's Office, two Internal Affairs investigators, one EPD employee reviewing video nearly full time, and staff support from both the Auditor's Office and EPD Internal Affairs. EPD recorded over 600 hours of video footage of the weekend from body-worn and in-car cameras.

The community impact case process allows the CRB input into the Chief's adjudication before the adjudication is final. The process also allows the CRB to re-open the investigation under certain circumstances. These cases included 13 specific allegations against seven employees. The majority of CRB members concurred with the Chief's preliminary adjudication in all but one investigation, which focused on an employee's use of a 40mm "sponge round" launcher. In that case, a majority of the CRB members disagreed with the Chief (and agreed with the Auditor) that three of the four uses of that launcher were in violation of EPD policy. The CRB's adjudication recommendations were included in a memo to the Chief, but the Chief did not change the preliminary adjudication finding. The Chief's final adjudication found that the employee's actions were within policy.

The CRB did not vote to re-open any of the investigations included in the community impact case. The group made several recommendations to the Chief on EPD policy and practice, including:

- A recommendation that the SWAT team be outfitted with body-worn cameras
- Several changes to the policy governing the use of the 40mm “sponge round” launcher (including that it should not be used in crowd-control situations)
- Limitations on asking for mutual aid from agencies that lack accountability mechanisms such as civilian oversight
- Several changes to the training and policy governing the use of PepperBall launchers

These recommendations were included in a memo from the CRB to the Chief, in compliance with the City ordinance on community impact cases. In addition, the CRB meetings covering the community impact case are available on the City’s website, and the Auditor’s Office and CRB will be issuing a concise report on the process and outcome of the investigations.

Deadly Force Investigations

In 2021 EPD did not use deadly force, though the Civilian Review Board did review a case involving deadly force from November of 2019 in their June 2021 meeting. 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 Deputy Auditor responds to the scene and performs 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.

2021 Administrative Progress and Results

Overview

In addition to receiving, classifying and investigating complaints, OPA staff supports the Civilian Review Board, regularly attends Police Commission and Human Rights Commission meetings to answer questions those groups may have regarding the office, and conducts extensive public outreach. In 2021, OPA staff also participated in meetings of the Ad Hoc Committee on Police Policy and the Interim Auditor provided input to the City Manager on a roadmap for City Council to consider and implement recommendations generated by that committee.

Staffing Changes

The greatest challenge in 2021 was related to staffing changes in our office. Auditor Mark Gissiner retired in early 2021, and Deputy Auditor, Leia Pitcher, was appointed Interim Police Auditor. We were able to conduct a successful search and hiring process for two Associate Auditors that wrapped up in December of 2021. That meant the office was understaffed from late February through the end of 2021 which presented significant challenges. The COVID-19 pandemic also continued to impact operations and opportunities for in-person meetings, intakes, and outreach. Despite these challenges, staff demonstrated remarkable resilience and dedication to providing the best possible service given the constraints.

Staff Support for Civilian Review Board

The Civilian Review Board (CRB) met ten times in 2021. They did not meet in August or December, but the group held public meetings in every other month. The CRB continued to hold all its meetings virtually, record the meetings, and make them available to the public. The virtual format facilitated this process, though we did encounter challenges due to the restrictive nature of Oregon Public Records law. Specifically, CRB members are prohibited under that law from releasing identifying personnel information; in rare instances that anyone accidentally mentioned identifying details, the recording was not posted to the public, though robust minutes were still made available.

The CRB reviewed 14 cases, continuing in their effort to review more than one case per meeting. 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 virtual meetings, and uploading materials to the public facing website. The CRB Annual Report can be found on the CRB website.

The CRB liaisons to the Police Commission, Human Rights Commission, and the AHCPP worked extensively to coordinate communication between those bodies. The Police Commission liaison focused on bringing CRB concerns from case reviews to the Commission for relevant improvements to EPD policy, and the CRB representatives on the AHCPP worked tirelessly to illustrate how their experiences on the Board informed their recommendations and votes in that committee.

As established by ordinance, our office also collaborates with the Mayor to convene a community panel to review CRB applications and forward recommendations to City Council for consideration during the CRB appointment process. During 2021 this was done remotely.

Ad Hoc Committee on Police Policy

In July 2020, the Eugene City Council created the Ad Hoc Committee on Police Policy (AHCPP), with the charge of looking at current EPD policy through the lenses of Campaign Zero's 10-point plan for policing reform and the pillars of President Obama's Task Force on 21st-Century Policing. The Committee consisted of 30 members, appointed by Council, who represented marginalized groups in the community. Our office worked with the support staff for the group to provide training around Eugene's current system of community oversight. We pulled together background materials for the group and met with staff and the Committee as a whole to answer questions. We also provided the Committee and several of the subcommittees with additional presentations (recorded separately from the meetings and provided to committee members ahead of time) related to specific issues in policing and community oversight.

The AHCPP began meeting in September 2020 and continued through March 2021; our office was present at every meeting of the larger group as well as its subcommittees to answer questions on the current community oversight system. Where possible, we assisted with questions outside of the meetings as well. The AHCPP meetings continued concluded in March 2021, and the group issued its [Final Report](#) in April 2021. The Interim Auditor worked closely with the City Manager, and Municipal Court Judge to provide a roadmap for City Council to consider and address the recommendations of the group surrounding policing and community oversight. This included the development of

the [Policy Recommendation Status Matrix](#) which City Council can use to systematically consider recommendations and strategize implementation. This is ongoing work that our office will continue to be actively engaged with in 2022.

Community Outreach Efforts

Outreach efforts by the Auditor's office continued to be impacted during 2021 due to the COVID-19 pandemic. Virtual channels were critical to our ongoing efforts as in-person events and engagement were still limited for public health reasons.

Presentations, Collaborations, & Media Outreach

- Presentation to City Council: Ad Hoc Committee on Police Policy Update
- National Day of Empathy: Presented on the Eugene Model of Police Oversight for a Virtual Town Hall for Billings, Montana
- Presentation to City Council on Auditor and CRB 2020 Annual Reports
- Introduction to Civilian Oversight at EPD's Sergeants' Academy
- Introduction to Civilian Oversight at EPD's Officers' Academy
- Multiple training videos and attendance at meetings of the Ad Hoc Committee on Police Policy (and its subcommittees)
- Presentation to Police Commission on Auditor's 2020 Annual Report
- Onboarding meetings with new CRB members
- Civilian Review Board Member Recruitment Efforts & Subcommittee Meeting
- Continued distribution of informational materials from the Auditor's Office in locations open to the public during the ongoing pandemic

Continued Spanish Translation Services for Emergency Operations Center and other City Departments during the COVID-19 Pandemic

While in past years our Community Engagement Coordinator and Translation Specialist has mostly focused on sharing information about the Auditor's Office and Civilian Review Board, we recognized the need to keep the community informed about ongoing changes to city services and aid during the pandemic. Our Engagement Coordinator continued to serve the City of Eugene Emergency Operations Center and translated time-sensitive pandemic-related content and service changes. Some of the translation projects completed throughout the year include:

- COVID-19 Community Updates by COE Executives
- Eugene Police Department's Online Reporting System (Coplogic) Translation Review
- Eugene Airport Human Trafficking Translation

- Community Safety Initiative Survey and Responses
- COVID Survey Responses
- Financial Support for Small Businesses affected by COVID
- US Small Business Administration Funding Information
- Emergency Broadband Benefit Information
- Rent Relief Information
- Updated Vaccine Information and Guidance
- Office of Human Rights and Neighborhood Involvement Hate & Bias Online Reporting Tool Translation Review
- Periodic research on other City of Eugene pages that require translation updates
- Updates to the City of Eugene website as new services/resources/information became available

Continued Collaboration on Aquí en la Ciudad (Here in the City) Weekly Broadcasts for Spanish-speaking Community Members

Funding secured by staff from the Office of Human Rights and Neighborhood Involvement allowed for the continuation of this weekly online news broadcast targeted to reach the local Spanish-speaking community who oftentimes does not have an accessible way to receive information in their native language. City of Eugene departments are encouraged to submit City-related news and services available to Eugene residents. The production team met on a weekly basis to discuss potential topics, translate any information that was not available in Spanish, and draft a script scheduled to air the following week. 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.

Public Safety Engagement

The Eugene Police Department and the Aquí en la Ciudad production team collaborated to record a series of short recruitment videos for the Latinx community. The goal of this video series was to showcase a young officer's personal experience throughout the hiring process to become a police officer with EPD. These special segments were promoted and shared during the weekly productions to encourage more bicultural and bilingual community members to submit their applications and remove any potential barriers to or fears of applying.

Another public safety project staff from our office collaborated on was the Community Safety Initiative Survey. Eugene's Community Safety System includes a wide array of services to keep the community safe. As the community grew, unmet service needs were

identified, as was the necessity for more funding to meet those needs. As a result, a Community Safety Initiative was developed to enhance or add services to address the identified unmet needs in the Community Safety System. Survey results, along with focus group input and public comments helped provide guidance to City Council as they considered adjustments to the Initiative, which was supported by a payroll tax the City of Eugene started collecting on January 1, 2021. Targeted outreach was implemented to ensure the City received responses from sectors of the community who often do not engage in providing feedback to government entities. OPA staff worked in collaboration with the Aquí en la Ciudad production team to review the questions in the community survey and make culturally relevant changes to verbiage to ensure accurate feedback was obtained. An incentive was also offered and broadcasted to local monolingual Spanish-speaking families and promoted through the weekly broadcasts.

Lastly, one of the largest translation projects completed during 2021 was a complete overhaul of the Eugene Police Department's Online Citizen Reporting System, Coplogic. Major inconsistencies and poorly translated verbiage were identified, and an offer was made to EPD staff for the Aquí en la Ciudad team to translate the online reporting tool in its entirety. Our Community Engagement and Translation Specialist completed a thorough revision of the translation to ensure consistency in terminology and recommended culturally appropriate changes. We look forward to seeing the updated version of the online reporting tool and hope these major changes encourage more residents to use this valuable tool in the future.

Outreach for Hiring of Two Associate Auditor Positions

After 12 years, Police Auditor Mark Gissiner officially retired and Deputy Police Auditor Leia Pitcher took on the Interim Police Auditor role. Two limited duration Associate Police Auditor positions were created to aid the interim auditor with the vast number of complaints received and classified throughout the year. Efforts were made to share the job opportunity to numerous community and national networks to ensure a diverse pool of applicants. After an extensive hiring process, the positions were filled, and we are excited to welcome our two new associate auditors in the start of 2022.

Trainings & Conferences

We 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:

- Criminal Justice Information System (CJIS) Training
- Police Executive Research Forum Series: What Police Chiefs and Sheriffs Need to Know about Collecting and Analyzing Use-of-Force Data
- City Cybersecurity Training
- OSHA COVID Training

- National Association of Civilian Oversight of Law Enforcement (NACOLE) Webinar Series and the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE) Virtual Conference, including:
 - Good Governance by Design: Mindsets and Strategies for Crisis Leadership
 - 2021 Webinar Series: Investigation and Systemic Review of Police Responses to Large-scale Protests
 - Managing Demonstrations: New Strategies for Protecting Protesters and the Police
 - Police Arbitration Reform
 - Oversight Commissions and Boards: How Member Selection Criteria and Processes Can Impact Effectiveness
 - Supreme Court of the United States Legal Update
 - Mental Health Assistants: Compassion, Opportunities, and Partnerships
 - Challenges of Arbitration Within Oversight and Accountability
 - Legal Updates
 - Towards Racial Equity
 - Civilian Oversight and Its Role in Reform
 - Law Enforcement Responses to Large-Scale Demonstrations: Promoting Democracy and Advancing Community and Officer Safety

Regular Attendance at Reoccurring Meetings

- Civilian Review Board
- Police Commission
- Human Rights Commission
- Latinx Outreach Network
- Immigrant Integration Network of Lane County
- Aquí en la Ciudad (Here in the City) weekly production meetings
- Ad Hoc Committee on Police Policy and its subcommittees
- Regular meetings with the City Manager and Municipal Court Judge to craft a path forward related to the recommendations from the Ad Hoc Committee on Police Policy
- Meetings with the Eugene Police Employees' Association
- Use of Force Review Boards
- Meetings with Internal Affairs and EPD command staff
- All City Meetings & Huddles
- Check-ins with Mayor Lucy Vinis and Council Supervision Team (Council President Jennifer Yeh and Council Vice-President Claire Syrett)
- State of the City Address

Looking Ahead: Goals for 2022-2023

We are proud of our accomplishments in the immensely challenging environment of 2021, and we are look 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 2022, and several initiatives are already underway:

Accessibility

- The pandemic illustrated that that an improved website interface, with an online portal for updating reporting parties on the status of their complaints, would greatly improve users' experience. We have worked with the City's Information Services Division to select a vendor to provide a community portal to the website, which will keep users up to date with the status of their complaints and allow for easier submission of evidence (photos, video, etc.) The community portal will be added to the website in 2022, and we are very excited about how it will improve the service experience.
- With the Auditor's office finally being fully staffed, we have outgrown our office space. We are narrowing down options for new office spaces that are convenient and open to the community, and we have prioritized spaces that allow for both accessibility and privacy of our reporting parties. We are hoping to open our new office space in the final quarter of 2022.

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 are so excited to see the return of in-person community events, and we are working diligently to ensure that we are a visible presence at those events. We are also working to restore our highly successful Public Safety Forums, and hope to hold an in-person event in the latter half of 2022.
- We are in the process of finding an external contractor to conduct a Diversity, Equity, and Inclusion evaluation of our office and our practices, to ensure that we are providing a safe environment for our community and

that our practices are inclusive and supportive of all members of our community.

- Recognizing that a possible outcome of that analysis would be a full-time DEI officer, we have secured funding for that position in our office. The Auditor's office is in the unique position of having access to EPD to analyze trends and make recommendations, and of being insulated from the executive branch of City government. We have access to EPD and can analyze their policies and practices (including hiring and training, promotions and discipline) through an equity lens. EPD has expressed a desire to install a similar position within the department; we are hoping to establish a complementary and collaborative position in oversight. A critical but collaborative, consistent examination of DEI issues within EPD and the oversight system will result in improved services for everyone in our community.

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.

Ad Hoc Committee on Police Policy Recommendations

- In 2021, the AHCPP issued several recommendations surrounding policing and community oversight. Council appointed the Auditor, City Manager, and the Municipal Court Judge to examine the recommendations of the AHCPP and determine next steps for the City. Our group made our initial presentation to Council, with recommendations on how to organize and conceptualize the recommendations, in February 2022.
- At the February 2022 meeting, Council requested a work session from the Auditor going over the history and structure of the current Eugene model of community oversight. The Auditor provided that presentation in May 2022. The Auditor will return to Council in 2022 with her recommendations for improvements to the oversight system, as well as an analysis of the AHCPP recommendations and areas where the recommendations are consistent.

- The Auditor has also regularly met with the City Manager, City Attorney, Police Chief and additional City staff to sort through the recommendations and how/if they can be implemented. We will continue to work with this team of City employees to strengthen the City's status as a leader in public safety and community oversight.

Early Intervention System

- We are continuing our work to implement an Early Intervention System for police employees. We are collaborating with EPD staff and the Eugene Police Employees' Association to establish areas of common ground and how to move forward. Staffing changes and shortages at EPD may slow down this work in 2022, but we are committed to creating an effective, supportive intervention model.

Core Competencies

- We will continue to focus on maintenance of our core competencies: intake and classification of complaints, monitoring and participating in investigations, making recommendations with regard to 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.

Outreach

- The Auditor's Office has continued and expanded outreach efforts as in-person community events have returned. Our staff is working on plans for an in-person Spanish language Public Safety Forum to return in 2022, as well as updating our education materials (including the potential for more video testimonials/presentations), updating our online platforms to be more accessible and interactive, and creating new opportunities for community members to engage with the oversight process.

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. In 2022, we will also implement

exit interviews for CRB members who choose not to continue; we see these as a valuable tool to improve the CRB experience.

Challenges for 2022-2023

The challenges that came to the forefront in 2020 – specifically, the pandemic and the racial justice reckoning – will continue to present challenges in 2022. However, we have learned that we can be both flexible in how we provide service and unwavering in our commitment to our community. Our experience navigating through 2020 and 2021 will only aid us in confronting the challenges of the coming years.

Two part-time Associate Auditors, Rob Eller and Lindsey Foltz, began working in January 2022. Our office will be engaged in significant training and renewed evaluation of office structure and practices throughout 2022 to make the best use of these additional staff members.

Pandemic-related challenges appear to be waning, but we are still limited in how we engage in-person with our community. We are looking forward to re-establishing our Public Safety Forums and to meeting community members face-to-face. We anticipate that we will be able to re-open our doors to walk-in complaints, but it is difficult to predict exactly when that may occur. We will continue to be flexible in our community engagement and complaint intake efforts.

In addition, the nationwide tension between communities and the police is a continuing challenge. The time of unrest and community outrage following George Floyd's murder was extraordinarily difficult and painful. Times of reckoning always are. Our office is well-situated to help our community emerge from this time stronger, and with a greater understanding of each other's lived experiences. Eugene is fortunate to have a robust civilian oversight system, and the challenges of 2020 offered clarity into many of its strengths and areas for improvement. A central challenge of 2022 will be applying what we have learned.

We are optimistic about meeting these and any other challenges that arise in the next year; our staff is experienced, engaged, and committed to providing excellent service to the community.

We are committed to continuing to provide meaningful independent, civilian oversight of police in a cost- and time-efficient manner, and we are working with the community and City staff to improve our services and meet the needs of our community in 2022 and into the future.

Conclusion

We wish to thank the outstanding volunteers on the Civilian Review Board, past and present, as well as the members of the Police Commission, Human Rights Commission, and the Ad Hoc Committee on Police Policy, for volunteering their time and donating their labor to work to improve police and community oversight. We truly appreciate the tremendous support provided to our office by the Central Services Division for assistance with finances, information technology, and employee resources. The City Manager's Office, the City Attorney's Office, and the Eugene Police Department have all aided our office in accomplishing its core function and goals. Specifically, EPD Chief Chris Skinner, Deputy Chief Stacy Jepson, 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 having patience and taking the time and energy to be effectively involved in the evolution of the community oversight process in Eugene.

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP alleged that a jail deputy used excessive force. Dismissed: Outside Jurisdiction			N/A - Dismissed			1/12/2021			1/14/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP alleged an officer kept coming to his home and molesting him. Dismissed: No employee Identified	Allegation of Criminal Conduct: Conduct		N/A - Dismissed			1/13/2021			2/23/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal allegation that an officer used excessive force during an arrest.	Allegation of Misconduct: Use of Force	800 Use of Force	WP	WP	WP	1/14/2021	2/12/2021	3/4/2021	3/15/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that an employee's deployment of a Taser while affecting an arrest was in violation of policy.	Allegation of Misconduct: Use of Force	809 Taser Use	WP	WP	WP	1/20/2021	3/2/2021	4/7/2021	4/16/2021	

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal allegation that an employee's deployment of a Taser while affecting the arrest of a criminal Trespass suspect was in violation of Policy.	Allegation of Misconduct: Use of Force	809 Taser Use	WP	WP	WP	1/21/2021	3/10/2021	4/7/2021	4/15/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal allegations that employees made inappropriate statements, mocked the use of force on community members and engaged in conduct that brought the department into disrepute.	Allegation of Misconduct: Conduct	103.5.9 Conduct	S	S	S	0/27/21	3/24/2021	5/6/2021	10/6/2021 **in grievance/ arbitration process	
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	UF	UF	UF					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	WP	WP	WP					

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

		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.5.9 Conduct	UF	UF	UF					
		103.5.9 Conduct	UF	UF	UF					
Summary of Complaint										CRB Review?
	Auditor's Classification	POM Violations	Adjudication			Dates/QC				
			EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjud- ication	Closed	
Internal Investigation into an employee who failed to conduct an adequate preliminary investigation, failed to take appropriate action in writing a report and failed to use good judgment in the handling of the incident.	Allegation of Misconduct: Performance	405 Preliminary Investigations	UF	WP	UF	1/23/2021	6/16/2021	1/24/2022	3/7/2022	
		103.5.12 Duty to Know and Enforce Laws	UF	S	UF					
		103.4.1 Judgment	S	S	S					
		103.5.22 Report and Evidence Submission	S	S	S					
		103.5.1 Truthfulness	IE	IE	IE					

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that employees engaged in conduct that brought the department into disrepute and that compromised their honesty.	Allegation of Misconduct: Conduct	103.5.9 Conduct	S	S	S	1/27/2021	3/25/2021	8/5/2021	8/4/2021	
		103.4.3 Integrity	S	S	S					
		103.5.9 Conduct	S	S	S					
		103.4.3 Integrity	S	S	S					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal investigation into whether an employee used poor judgment while advising junior employees in the use of baton.	Allegation of Misconduct: Performance	103.4 Judgment	WP	WP	WP	1/27/2021	3/24/2021	4/26/2021	4/30/2021	
		103.4 Judgment	WP	WP	WP					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Allegation that an employee used poor judgment when offering a prescription narcotic to another employee. Allegation that an employee failed to foster a respectful work environment.	Allegation of Misconduct: Conduct	103.4.1 Judgment	S	S	S	1/2/2021	2/22/2021	4/7/2021	5/4/2021	
		103.5.9.g Conduct	S	S	S					
		103.5.9.g Conduct	S	S	S					

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP alleged that an EPD employee and members of other law enforcement agencies kidnapped and then raped RP. Criminal Investigation by OSP: Allegation was Unfounded	Allegation of Criminal Conduct: Conformance to Laws				UF	2/5/2021			9/2/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that employees did not exercise good judgment at the scene of a fire.	Allegation of Misconduct: Performance	103.4.1 Judgment	WP	WP	WP	2/8/2021	3/29/2021	5/6/2021	5/10/2021	Nov-21
		103.4.1 Judgment	WP	WP	WP					
		103.5.14 Unsatisfactory Performance	WP	WP	WP					
		1203 Body Worn Camera	WP	WP	WP					

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed		
Internal Allegation that employees did not exercise good judgment at the scene of a carbon monoxide leak.	Allegation of Misconduct: Performance	103.4.1 Judgment	WP	WP	WP	2/17/2021	4/6/2021	5/6/2021	5/21/2021		
		103.5.14 Performance	WP	WP	WP						
		103.4.1 Judgment	WP	WP	WP						
		103.4.1 Judgment	WP	WP	WP						
		103.5.14 Unsatisfactory Performance	WP	WP	WP						
		322 Search and Seizure	UF	UF	UF						
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed		
Allegation that an employee may have committed an unreported sexual assault years prior to becoming an employee. Dismissed: Employee resigned during investigation. Forwarded to an outside agency for review.	Allegation of Criminal Conduct		N/A - Employee resigned during investigation			2/10/2021			2/26/2021		
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed		
Internal investigation into finding of cash in a patrol vehicle that may have been related to property cash found by earlier by another employee. Criminal Review Conducted by Albany PD: No evidence of a crime.	Allegation of Criminal Conduct: Conformance to Laws		N/A - No evidence to support criminal allegation			3/9/2021			5/7/2021		

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP raised concerned about safety of EMT's at the scene of an incident in which a man had been stabbed in the leg.	Allegation of Misconduct: Performance	103.4.1 Judgment	S	S	S	3/9/2021	4/22/2021	5/25/2021	6/1/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP raised concerns that an employee did not investigate a DUII called in by a family member.	Allegation of Misconduct: Performance	103.4.1 Judgment	UF	WP	UF	3/16/2021	6/2/2021	1/25/2022	3/7/2022	
		103.5.14 Unsatisfactory Performance	UF	WP	UF					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that an employee was arrested for DUII by another Law Enforcement Agency.	Allegation of Criminal Conduct: Conformance to Laws	103.5.4 Adherence to Laws and Department Policy			S	4/3/2021			7/23/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that an employee was untruthful during background investigations during the hiring process. Employee resigned during investigation.	Allegation of Misconduct: Conduct	103..5.1 Truthfulness	N/A - Employee resigned during investigation			4/4/2021			6/8/2021	

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Allegation that a supervisor created a hostile work environment.	Allegation of Criminal Conduct: Conformance to Laws	103.4 Judgment	S	S	S	4/19/2021	8/14/2022	6/7/2022	6/7/2022	
		103.5.9 Conduct Respectful Work Environment	S	S	S					
		103.5.23 Expectations of Supervisors	S	S	S					
		103.5.4 Adherence to Laws and Department Policy	S	S	S					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
RP alleged that an employee was not respectful during an interaction with a citizen who refused to wear a mask inside a business. Officer stipulated to the facts.	Allegation of Misconduct: Courtesy	103.5.8 Courtesy			S	5/6/2021			11/8/2021	2/8/2022

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Review?
RP alleged that an employee failed to fully investigate a hit and run and provided inaccurate information about the damage in reports and to a supervisor.	Allegation of Misconduct: Conduct	103.5.14 Unsatisfactory Performance	Dismissed	Dismissed	Dismissed	6/1/2021	6/16/2021	6/30/2021	7/14/2021	
		103.5.1 Truthfulness	UF	UF	UF					
		103.5.1 Truthfulness	UF	UF	UF					
		103.4.3 Integrity	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	Adjudication	Closed	Review?
RP alleged that an employee pushed him and was rude and disrespectful when his vehicle was being towed.	Allegation of Misconduct: Courtesy	103.5.8 Courtesy	S		S	7/15/2021	10/26/2021	11/10/2021	1/25/2022	2/8/2022
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Review?
RP alleged that an officer pushed her to the ground causing a bloody nose.	Allegation of Misconduct: Performance	103.4.1 Judgment	UF	WP	UF	7/18/2021	11/4/2021	12/19/2021	2/1/2022	
		1203 Body Worn Video	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	Adjudication	Closed	Review?
RP alleged that an employee searched his vehicle without his permission.	Allegation of Misconduct: Constitutional Rights	322.7.3 Search and Seizure	IE	concurred	WP	7/22/2021	11/18/2021	1/6/2022	1/19/2022	Mar-22

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Review?
RP alleged being held captive, beaten and assaulted by various law enforcement officers. Dismissed: Outside Jurisdiction. Forwarded to proper jurisdiction.	Allegation of Criminal Conduct: Conformance to Laws		N/A - Dismissed			7/29/2021			10/29/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Review?
RP alleged being held captive, beaten and assaulted by various law enforcement officers. After review of criminal investigation the case was closed (Unfounded).	Allegation of Criminal Conduct: Conformance to Laws		N/A - Investigation uncovered no evidence to support criminal allegation			7/29/2021			10/27/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Review?
RP reported an officer who failed to show up for a overtime shift, causing issues with a partner agency.	Allegation of Misconduct: Conduct	103.5.9 Conduct	S	S	S	8/23/2021	11/17/2021	12/2/2021	2/2/2022	
		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	Adjudication	Closed	Review?
Internal allegation that an employee used force in excess of that which was reasonable under the circumstance and failed to document the use of force.	Allegation of Misconduct: Use of Force	800.2 Use of Force	WP	WP	WP	8/25/2021	1/10/2022	1/19/2022	2/14/2022	Apr-22
		800.6 Reporting of Use of Force	S	S	S					

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that an officer used force in excess of what which was reasonable during an arrest.	Allegation of Misconduct Use of Force	800 Use of Force	S	S	S	8/25/2021	1/13/2022	2/1/2022	2/16/2022	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Allegation that a call taker did not verify the address of a call and did not comply with protocols. Employee Stipulated to the Facts	Allegation of Misconduct: Performance	103.5.14 Unsatisfactory Performance			S	9/25/2021			11/17/2021	
		103.5.14 Unsatisfactory Performance			S					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Auditor initiated allegation after review of a Use of Force Incident. That an employee failed to make reasonable efforts to de-escalate, used force in excess of that which was objectively reasonable, and failed to be respectful and neutral while transporting the suspect.	Allegation of Misconduct: Use of Force	820 De-escalation	S	S	S	10/4/2021	1/31/2022	2/25/2022	4/14/2022	
		800 Use of Force	WP	WP	WP					
		103.4.2 Professionalism	WP	WP	WP					

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

Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Internal Allegation that employees failed to transport a custody to a proper facility as soon as possible and mistreated the person in custody by leaving them in a patrol car handcuffed for an extended period of time.	Allegation of Misconduct: Consitutional Rights	300 Arrests	S	S	S	12/11/2021	3/14/2022	3/31/2022	4/28/2022	Jun-22
		300 Arrests	S	S	S					
		300 Arrests	S	S	S					
		300 Arrests	S	S	S					
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Allegation of an on duty sexual relationship between an employee and a woman involved in a domestic dispute.	Allegation of Criminal Conduct			UF	UF	11/30/2021			12/16/2021	
Summary of Complaint	Allegations		Adjudication			Dates/QC				CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	
Auditor initiated allegation that an employee was discourteous toward a suspect and used force in excess of that was reasonable under the circumstances.	Allegation of Misconduct: Use of Force	103.5.8 Courtesy	WP	S	WP	12/17/2022	2/24/2022	6/6/2022	6/9/2022	
		800 Use of Force	UF	WP	UF					

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

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/7/2021	2/16/2021	39	Service Level	RP was unhappy with the length of time it took to get his firearm back from EPD.	Supervisor reviewed video and learned no specific timeline had been given to RP. No policy violations were found. Lt. spoke with RP who had just recently had the firearm released.
1/6/2021	1/14/2021	8	Incident Review: Conduct	RP reported that a vehicle registered to an officer had been involved in a hit and run.	An investigation by another agency found that the officer had sold the vehicle 3 months earlier and was able to provide a bill of sale attesting to the date of the sale.
1/3/2021	2/1/2021	28	Performance	RP reported an officer parking in a disabled parking space when others were available.	Sgt. found that the officer was been dispatched to a disorderly suspect in the area. When the officer arrived it was the closest spot available to enable the officer to get to the incident quickly. No policy violation. RP was anonymous.
1/6/2021	1/13/2021	7	Performance	RP called in a Cahoots welfare check on a woman who had laid out a blanket in an alley. An officer showed up told her to move her stuff and no help was offered to the woman.	Sgt. learned that Cahoots had responded but had been unable to find the woman. The officer was not dispatched but happened to notice something laying the alley. The officer approached and found a rug and some other items. A woman near by told the officer the items were not hers and the officer moved them from the alley and left. The woman did not ask the officer for assistance. Sgt. contacted RP with the findings.
1/7/2021	1/11/2021	4	Performance Dismissed: Employee not identified	RP reported a police vehicle traveling on West 11th without head lights on.	Dismissed: Employee not identified
1/7/2021	1/21/2021	14	Incident Review:	RP believes officers should have taken him to the hospital and not to jail during a state of psychosis.	Sgt. learned that RP had committed several significant crimes, three of which had mandatory arrest stipulations under Oregon law. No policy violations were found in the handling of RP's arrest.
1/7/2021	2/16/2021	39	Service Level	RP was concerned about how long it took him to get his property released from EPD.	Review of the incident found that a newer officer unfamiliar with the process to release property was the cause of the delay. The officer was trained on the procedure and RP's property was released.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/7/2021	2/11/2021	34	Policy Dismissed: Outside Jurisdiction	RP complained about a homeless camp on West 11th.	Dismissed: Outside Jurisdiction
1/7/2021	1/29/2021	22	Policy Dismissed: Outside Jurisdiction	RP complained about a homeless camp on West 11th.	Dismissed: Outside Jurisdiction
1/7/2021	1/21/2021	14	Service Level	RP feels EPD is not taking seriously her reports about cyber issues and a possible entry into her apartment where pills may have been taken.	Sgt. learned that the officer had offered to take a report about the possible theft but RP declined. The officer took extensive notes in the dispatch record. The cyber issues officer spent nearly an hour with RP explaining what type of information would need to be gathered by RP before a report could be taken. The officer also advised RP to call dispatch with further information. No policy violations were found. Sgt. spoke with RP about their concerns.
1/11/2021	1/15/2021	4	Incident Review	RP's reported EPD declared a riot on 1/9/21 and then allowed the crowd to continue their protest. Also RP felt that special treatment was given to this group over previous groups.	Sgt. learned that during a planned protest a physical altercation happened. When officers asked the rest of the crowd to disperse they did so and were allowed to continue the peaceful protest. The folks involved in the altercation were arrested.
1/12/2021	2/9/2021	27	Performance	RP was concerned that an officer would not take a report about an verbal altercation between himself and his landlord.	Sgt. found that the issue was determined to be a landlord/tenant issue and not criminal. No policy violations were found. RP did not return calls to discuss the issue.
1/12/2021	1/20/2021	8	Inquiry Dismissed: Previously Reviewed	RP reported an incident in which a friend was tased and his wife pushed down by police.	Dismissed: Previously Reviewed
1/12/2021	2/11/2021	29	Policy	RP is concerned about the homeless camp near a church run daycare and the nightly trespassing with hazards being left behind.	Sgt. contacted RP about policies that guide EPD on camping enforcement. Information about the Community Engagement Team was given to RP for suggestions on the property in question.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/14/2021	2/23/2021	39	Incident Review: Use of Force	Internal Review of a PepperBall deployment on May 31, 2020. (added to Community Impact Case Review)	Review of the incident found that officers had given the crowd a lawful order to disperse as well as admonishment that pepper balls would be used. An unnamed female did not leave as directed and PepperBall were deployed around the ground where she stood. Policy allows PepperBall to be deployed to disperse crowds.
1/16/2021	2/22/2021	36	Inquiry	RP inquired into how to reach an officer to have some property returned and about potential criminal acts.	Review by the Sgt. found no cases or contact between RP and the officer named. RP did not return calls to the Sgt.
1/20/2021	2/1/2021	11	Incident Review Dismissed: Other	RP reported officers using excessive force to arrest a black man by kneeling on his neck.	Review of body cam by the Auditor found that the allegation was inconsistent with the facts. Dismissed: Other
1/23/2021	2/8/2021	15	Inquiry	RP feels harassed by EPD because they were contacted for noise complaints before 10 pm.	Review by the Sgt. found that officers were dispatched to possible noise from a dispute, once officers were able to verify that occupants of the apartment were all safe, information about the noise ordinance was given to RP. No policy violations were noted. RP did not return phone calls.
1/26/2021	2/9/2021	13	Inquiry	RP reported an EPD vehicle sped through a pedestrian crosswalk with people in the center divider.	RP did not return calls to the Sgt. Body cam and ICV found no evidence of the incident in the time frame RP specified.
1/26/2021	3/18/2021	52	Performance	RP was upset with how EPD handled an incident in which two men showed up to repossess his truck.	Sgt. reviewed the issue and found that the officers handled the call within policy, explaining to RP that the issue was a civil one. The officers stayed long enough to keep peace between the parties.
1/26/2021	1/28/2021	2	Inquiry Dismissed: Timeliness	RP reported an incident from a few years ago when officers told him an assault was a misdemeanor.	Dismissed: Timeliness
1/27/2021	2/12/2021	15	Performance	RP has been unable to get an officer to return calls about an incident in a parking lot that she would like to press charges for.	Sgt. learned that the officer and RP had been phone tagging each other. After speaking with RP, Sgt. learned the officer had made contact with an update.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/26/2021	2/25/2021	29	Incident Review Performance	RP is concerned about how a case of stolen identity is being handled by an officer.	Sgt. reviewed body cam and records of the incident and found that the officer did a thorough job of investigating the crime, writing a report and supplemental reports and putting out an Attempt to Locate. No policy violations were found and RP was notified of how the case was going.
2/1/2021	2/2/2021	1	Inquiry Dismissed: Outside Jurisdiction	RP reported illegal camping in a neighborhood park.	Dismissed: Outside Jurisdiction
2/1/2021	2/9/2021	8	Inquiry	RP reported an officer who emailed a threat to her about not contacting her boyfriend's ex and did not identify themselves as a police officer.	Sgt. learned that the officer had emailed RP on EPD email for a telephonic harassment issue. The officer explained consequences and identified himself with name, badge number and department. RP did not return the sergeant's call.
2/2/2021	2/24/2021	22	Inquiry	RP was upset that an EPD officer cited him on a telephonic harassment issue 6 months after the contact.	Sgt. reviewed the situation and found that the officer had established probable cause for the citation and an attempt to locate was generated. It was only after 6 months that RP was located and served the citation. No Policy violations. Sgt. spoke with RP about the incident.
2/2/2021	2/9/2021	7	Service Level	RP was unable to reach an officer to add information to a police report.	Sgt. learned that the officer who had recently switched positions thought his voicemails would transfer to his cell phone. Once the officer was notified of the call he returned RP's voice message.
2/3/2021	2/12/2021	9	Service Level	RP reported a trespasser camped out in a parking space of his complex. When EPD told him to leave it was several hours before he left.	Sgt. found that when the officer was dispatched back the trespasser was gone, the officer updated RP and the conversation went well. Sgt. contacted RP who expressed frustration with the rampant trespassing and homeless issues and was appreciative of the police efforts.
2/3/2021	2/11/2021	8	Inquiry Dismissed: Timeliness and Outside Jurisdiction	RP reported being harassed by what he believed was an undercover police officer.	Dismissed: Timeliness and Outside Jurisdiction

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/2/2021	2/5/2021	3	Inquiry Dismissed: Timeliness	RP reported excessive force during a disturbance between his girlfriend and mother.	Dismissed: Timeliness
2/4/2021	3/11/2021	37	Courtesy	RP felt officers were rude and disrespectful during a call about a dispute RP was having with a roommate.	Review of body cam found that the officer handled the incident with professionalism and respect to both parties in the dispute. Lt. spoke with RP and listened to the concerns.
2/5/2021	3/17/2021	42	Inquiry	RP was upset that officers did not take a report about 3 fake calls that were made to EPD about her.	Review of the incident found that when officers investigated the calls and found no truth to them incident numbers were generated but no police report was required. Sgt. spoke with RP about the findings.
2/5/2021	3/12/2021	37	Policy Dismissed: Other	RP inquired into the policy that allows officers to drive their vehicles on the bike paths.	Sgt. communicated with RP about officers being allowed to drive their cars on the bike paths during emergency calls.
2/1/2021	3/12/2021	41	Policy	RP felt officers misquoted the law during an incident with a mask-less woman in a store.	Sgt. reviewed video of the incident and found no misquotes by the officer. RP did not return calls to discuss the incident.
2/5/2021	3/1/2021	26	Performance	RP has not been able to get in touch with an officer to pass along further information about a case.	Sgt. had officer contact RP to take the report RP now wanted taken. RP was satisfied with the outcome.
2/8/2021	2/22/2021	14	Service Level	RP reported that EPD did not seem to want to help with home burglaries that she has been reporting.	Sgt. found that in the first incident when an officer was dispatched to RP's call RP was not available, follow-up noted RP would call again but did not. During the second an officer was able to speak RP and take a report shortly after contacting the Auditor. RP was satisfied with the update.
2/5/2021	3/2/2021	27	Performance	RP was unhappy with a discussion with a supervisor about a previous complaint.	Lt. reviewed the interaction with the supervisor and RP and found that the supervisor was polite and direct with RP about the incident. RP did not return calls to speak with the Lt.
2/8/2021	3/1/2021	23	Inquiry	RP inquired into how the school district found out about an incident involving her children within hours.	While looking into the incident the Sgt. learned that one of the juveniles' acquaintances may have contacted the school. None of the officers involved notified any other agency.
2/6/2021	2/19/2021	13	Inquiry Dismissed: Other	RP alleged that an officer called them racist because they had written about white privilege.	RP did not identify the officer nor themselves, no contact information provided. Dismissed: Other

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/10/2021	2/23/2021	13	Performance	RP has been unable to get an officer to return calls about a case for an update and to add information.	Sgt. spoke with the officer who had forgotten to return RP's call. The officer was reminded of the importance of following up with calls. Sgt. notified RP that the officer would be calling with an update.
2/10/2021	3/2/2021	22	Inquiry	RP felt officers were not handling a violation of a stalking order correctly.	Cpt. learned that the officers had thoroughly investigated the incident and found no probable cause to arrest for a violation in this incident. The officer also went a further step and had two DA's review the incident who agreed with the findings. Cpt. spoke with RP about the findings and answered question RP had.
2/13/2021	2/17/2021	4	Inquiry	RP alleged that an officer touched him in an inappropriate way during an arrest.	Sgt. reviewed body cams from the arrest and found that the allegation did not happen. Per Auditor dismissed: Supervisor Reviewed.
2/15/2021	2/17/2021	2	Inquiry	RP was concerned about some of the words used by an officer during an investigation which she found to be sexist.	Sgt. spoke at length with RP and reviewed body cam. The officer's words were a description of what he had seen in a video. Sgt. found no language that would be considered sexist.
2/16/2021	3/22/2021	36	Inquiry	RP never heard back from an officer to take a supplemental report about the theft of his gun by a family member.	Sgt. directed the officer to contact RP to take the report and spoke with RP about what would be happening with the case.
2/16/2021	3/18/2021	32	Courtesy	RP felt an officer had been rude and refused to give a message to the chief.	Sgt. found that RP had a history of making calls to EPD that were not for official business and had been advised that RP could be charged with Telephonic Harassment. RP was called and once again notified of the seriousness of only calling with emergencies.
2/16/2021	2/23/2021	7	Courtesy	RP alleged an officer approached him without a mask and inappropriately spoke about how hard his job was.	EPD was unable to identify the officer involved but did contact RP about the incident.
2/17/2021	2/14/2021	-3	Inquiry Dismissed: Outside jurisdiction	RP alleged excessive use of force by officers at the hospital.	Dismissed: Outside Jurisdiction

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/17/2021	2/24/2021	7	Incident Review: Conduct	RP reported an incident in which she observed officer kneeling on a suspect. They also ignored the suspect when told there was an injury.	Review of body cam found that officers had to kneel on the suspect for a short time due to combative behavior of kicking officers. Once handcuffs and leg restraints were in place EMT's evaluated the suspect and transported him to the hospital.
2/18/2021	3/1/2021	13	Policy Dismissed: Other	RP expressed concerns about the illegal activity all around the city due to prohibited camping.	Dismissed: Other
2/18/2021	3/1/2021	13	Inquiry	RP was upset that EPD would not take a report about a storage shed that had been broken into and bikes stolen, because the bikes were not his.	Supervisor reviewed the call and found that RP had not articulated that there was damage to the storage shed, hence the call taker needing reports from the bike owners only. The supervisor after speaking with RP was able to help RP get a report on this missed portion of the incident.
2/18/2021	4/1/2021	43	Policy	RP inquired in to the process to get a public records request.	Supervisor contacted RP to answer questions about the public records process.
1/31/2021	3/17/2021	47	Service Level	RP alleged that she had called EPD 200 times in one month about her boyfriend assaulting her.	Only one call had come in to EPD from RP in the recent month, officers responded and found no probable cause to make an arrest. RP stated to the Sgt. that the call to the Auditor's was only because she was being evicted.
2/19/2021	3/22/2021	33	Performance	RP was upset that EPD investigated damage to a neighbor's motorbike, but would not even come out when he reported a hit and run in the same parking lot.	Sgt. reviewed that call and found that RP was mistaken in the reason officers had responded to the apartments, it had nothing to do with the bike. Sgt. spoke with RP explained that and give information in how to report on-line hit and runs that have no suspect information.
2/23/2021	3/22/2021	29	Performance	RP alleged that her name and address was given out by a call taker to a person she sold a phone to.	Supervisor reviewed the calls made to the non-emergency number, the allegation could not be substantiated by the details RP was providing. RP had never given EPD call takers her name or personal information.
2/23/2021	3/1/2021	8	Performance	RP has been unable to get an officer to return calls about an incident she needs to add information to for insurance.	Sgt. reviewed the officer's call log and found that the officer had not returned at least one of RP's calls. The Sgt. had the officer give RP a call and took care of her issue.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
2/24/2021	3/2/2021	8	Incident Review: Conduct	RP alleged that an officer inappropriately groped his buttock area.	Sgt. reviewed body cam of the officers doing a pat down search of RP. No inappropriate touching was found. The pat down was conducted with standard procedures.
2/25/2021	3/17/2021	22	Inquiry	RP inquired into a case that she thought was being sent to a detective. RP has been unable to get an officer to return her calls.	Sgt. found that the officer had not returned the on call RP made. Sgt. was able to speak with RP and update on where the case stood.
2/25/2021	4/5/2021	40	Performance	Internal review of a new officers driving skills.	Sgt. reviewed ICV of the dispatched drive, noted issues with experience. Spoke with officer involved and training officer about issues to work on.
2/21/2021	4/1/2021	40	Service Level	RP had not heard back on a public records request.	Supervisor contacted RP with the information she was looking for.
3/1/2021	4/5/2021	34	Inquiry	RP alleged officer violated his constitutional rights and used excessive force by applying handcuffs too tight.	Review of body cams found that officer had probable cause to arrest RP. When RP complained of tight cuffs and second set was applied to give RP more movement. No policy violations were found and Lt. spoke with RP about his concerns.
3/1/2021	4/9/2021	38	Inquiry	RP felt a canine officer allowed his dog to bark and snarl in the back of a patrol car to threaten him.	Sgt. found that RP never had contact with an EPD officer. RP's concerns appear to be based on a personal perception. Lt. spoke with RP about his concerns.
2/26/2021	6/8/2021	102	Incident Review/Conduct	Internal review of discrepancy on an officer's original background check.	Review of background and follow up questions led to officer resigning during the investigation.
3/2/2021	4/6/2021	34	Performance	RP was unhappy that an CSO officer did not agree that a parked vehicle was a hazard and declined to tow it.	Supervisor found that the officer had notified parking services but did not believe the vehicle was obstructing the roadway enough to warrant a citation or tow. Supervisor spoke with RP about the incident.
3/8/2021	3/12/2021	4	Inquiry	RP was concerned that police lights and sirens during a school parade had a negative effect on families that had trauma from violent interactions with police.	A review of the complaint found that the school had reached out to EPD to be part of the parade. Sgt. reached out to RP about the concern.
3/8/2021	3/17/2021	9	Performance	RP reported officers who stop in the middle of the road side by side blocking traffic.	Sgt. contacted RP to speak with him about his concerns and give info on why and officers may be stopped in the road momentarily.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/8/2021	4/7/2021	29	Inquiry	RP was concerned that EPD employees had not returned calls to her about a hate crime incident in her neighborhood.	Cpt. reviewed officer's reports of the incident and found them to be thorough and professional. Cpt. reached out to RP to explain the steps EPD was taking in the case.
3/8/2021	4/8/2021	30	Inquiry	RP noticed two officers in the parking lot where her and her husband were parked and believes she is being harassed.	Sgt. found that the two officer had meet up in the lot for a quick conversation. They did have contact with a woman and her child in which they gave the child a sticker. The officer had no contact with RP or her husband. No policy violations were found.
3/15/2021	4/15/2021	30	Courtesy	RP felt an officer was rude to her when she asked a clarifying question about a restraining order.	Review of body cam found that the officer was professional, polite, and patient with RP, unfortunately the officer was 2 stories below RP and had to shout the answer to RP's question leading RP to believe the officer was being rude. Sgt. contacted RP to talk about the concern.
3/15/2021	3/16/2021	1	Inquiry Dismissed: Timeliness	RP reported a situation from 2018 in which he did not receive help for an internet issue.	Dismissed: Timeliness
3/16/2021	4/5/2021	19	Service Level	RP was upset with the service he received when he called the non-emergency line for transport to a doctor's appointment for his wife.	Supervisor reviewed the call and found that the call taker did not adequately explain to RP that medics only transport to emergencies rooms and not to doctor appointments. Supervisor reached out to RP to explain the process.
3/17/2021	3/29/2021	12	Performance	RP feels an officer needs more training as the matter the officer interfered in was civil.	Sgt. spoke with RP about his concerns, noting that the officer is a new officer, but his training officer did agree with the information provided to RP at the time.
3/19/2021	4/22/2021	33	Courtesy	RP felt an officer who took his information about a domestic violence incident didn't seem to care that he had been able to get a lot of detail. Some enthusiasm from the officer would have been nice.	Sgt. learned from the officer that indeed RP had been very detailed and helpful in his description of the incident, but had had to end his conversation with RP to continue the investigation. RP did not return calls from the Sgt.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/19/2021	3/31/2021	12	Inquiry	RP feels an officer did a poor job of documenting a family dispute, possibly leading to a no file by the DA.	Sgt. reviewed body cam and reports and found no policy violations by the officer, a harassment charge was filed and then later a supplemental report was done which upgrade the charge. Sgt. spoke with RP who seemed happy with the follow up.
3/20/2021	3/29/2021	9	Service Level	RP was unhappy with the time it took officers to respond to his call about another vehicle bumping him in traffic and then breaking out his car window when he stopped.	Sgt. found that when RP called the person had left the scene and no immediate danger was present, the call with dispatched to the next available officer. Sgt. contacted RP and explained the call triage system in place.
3/22/2021	3/25/2021	3	Performance	RP reported he did not receive a call back from an officer, as he was promised.	Cpt. learned that the officer had not returned the call after hearing that RP's issue had been addressed by another agency. Cpt. spoke with RP about the finding.
3/25/2021	4/15/2021	20	Courtesy	RP was upset that an officer contacted him to move a vehicle in a no parking zone, but didn't bother to talk to the other vehicle owners. The officer noted that the vehicle could be towed.	Sgt. learned that the parking issue had been called in by a garbage service that needed to access the space. The officer was able to contact all the vehicle owners via phone. No policy violations were found. Sgt. spoke with RP about the incident.
3/25/2021	4/19/2021	24	Inquiry	RP was upset that an officer approached her vehicle during a traffic stop with his hand on his gun at his side.	Sgt. spoke with RP explaining that officers very often rest their hands on top of their weapon on their belt for officer safety. RP understood but did not feel it was a necessary practice.
3/26/2021	4/8/2021	12	Inquiry	RP was concerned that there was no follow up to the public about two explosions and a dead body found in her area of town.	Supervisor emailed RP with the media updates of the incident and answered further questions of RP.
3/26/2021	3/30/2021	4	Inquiry	RP felt her vehicle was towed illegally by EPD.	Review of the tow found that the vehicle was impeding the bike lane and roadway. The officer tried reaching the registered owner before the tow. RP was notified of the findings.
3/29/2021	3/29/2021	0	Performance	RP reported seeing patrol officers breaking traffic laws.	Cpt. forwarded complaint on to patrol supervisors.
3/29/2021	3/31/2021	2	Inquiry Dismissed: Other	RP reported that EPD is harassing him by driving by where he goes fishing.	No policy violations per Auditor. Dismissed: Other

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
3/29/2021	4/12/2021	13	Performance	RP was upset that an officer took a report about his stolen car, but did not include the household items taken.	Sgt. reviewed the report and found that the officer had indeed included RP's household belongings and that the issue was a misunderstanding between EPD records and RP.
3/30/2021	4/8/2021	8	Performance	RP reported an incident in which a patrol vehicle was traveling to a call with lights and sirens and came very close to RP who was crossing an intersection.	Review of ICV by the supervisor found that the officer followed all policies during his response, and at least a 1/2 block of separation between RP and the officer's vehicle. No policy violation was found.
3/31/2021	4/16/2021	16	Incident Review	RP alleged an officer illegally passed him on the right.	Sgt. learned that the incident happened on a stretch of road with a passing lane. No driving laws were broken by the officer.
4/1/2021	4/6/2021	5	Service Level	RP was concerned about how officers handled a call for service for a hit and run in a parking lot.	Review of the incident found that the officer followed policy in how the incident was handled. Sgt. spoke with RP, who understood once the officer's actions were explained.
4/5/2021	4/14/2021	9	Performance	RP feels call takers did not do a good job of handling his call for a friend who was overdosing.	Review of the call found that the call was dispatched within seconds of RP's call, the questions asked by the call taker were protocol for the type of case. Supervisor spoke with RP who believed the supervisor was lying.
4/3/2021	6/3/2021	60	Incident Review: Use of Force	RP reported officers who used excessive force during a bogus call about a repossessed motorhome.	Review of body cams found that during an arrest the suspect fought with officers and various members of the household tried to interfere in the arrest. Force used was reasonable under the circumstances and within policy.
4/5/2021	4/8/2021	3	Inquiry	RP noted his disappointment in the increase in crime in his neighborhood and that there are not more police patrols in the area.	Cpt. ran the crime analysis for RP's area and found that it was consistent for the last few years. Cpt. had the crime prevention unit reach out to RP for tips and ideas and also spoke with RP about his concerns.
4/5/2021	4/26/2021	21	Courtesy	RP felt officers were rude and disrespectful during a call about a welfare check on his son.	Supervisor spoke with RP about his concern and asked that the officers be reminded of a level of compassion that needs to be taken into account when speaking with citizens.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/6/2021	4/26/2021	20	Performance	RP was unhappy with how his call was handled when he was assaulted by man trying to drop off a tow vehicle.	Sgt. reviewed the call for service and found that at the time of the incident RP declined to press charges and no other policy violations were noted. Sgt. spoke with RP about his concerns.
4/6/2021	4/14/2021	8	Performance	RP reported that officer did not provide him with their cards as requested.	Sgt. found that when requested by RP each officer provided verbally their name and badge number. Policy does not require a card be provided. Lt. spoke with RP about his findings.
4/9/2021	4/15/2021	6	Inquiry Dismissed: Timeliness	RP inquired into why EPD did not help her friend in 2015 when she reported abuse issues.	Dismissed: Timeliness
4/6/2021	4/15/2021	9	Courtesy Dismissed: Outside Jurisdiction	RP alleged an officer was rude when questioning her about a friend.	Dismissed: Outside Jurisdiction
4/7/2021	5/7/2021	30	Performance	RP was upset that an officer cited him after a dispute with his minor child.	Review of the incident found that the officer followed policy and did a thorough investigation before the citation was written. While speaking to RP the Sgt. learned that the minor son had embellished the incident to the officer, RP was advised to work with his lawyer and the court about this new information.
4/8/2021	5/15/2021	37	Performance Dismissed: Outside Jurisdiction	RP reported a patrol car driving erratically.	Dismissed: Outside Jurisdiction
4/12/2021	4/28/2021	16	Policy	RP inquired into why EPD is allowing protest groups to take over the street and block traffic.	Sgt. spoke with RP about how EPD is monitoring the protest activity.
4/12/2021	4/19/2021	7	Inquiry Dismissed: Timeliness	RP felt a traffic citation given in 2020 was unfair.	Dismissed: Timeliness
4/14/2021	5/17/2021	33	Performance	RP was unhappy with how a call was handled concerning a neighbor damaging a fence.	Review found that the officer looked into the issue and found that the neighbor had been gardening and some dirt had been piled up near the fence but no damage was done. The officer was professional and kind to both parties.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/13/2021	4/28/2021	15	Policy	RP wanted something done about a homeless camp where people are running into the street causing a dangerous situation.	Information about the area was forwarded to Patrol.
4/15/2021	5/19/2021	34	Performance	RP is upset that no police report was taken when he reported that a man in his parking lot was peering into cars and shot at him with a soft pellet gun.	Review of the incident found that both parties in the incident had plausible explanations for their actions and no probable cause existed for a crime. Sgt. spoke with RP about the findings.
4/15/2021	5/7/2021	22	Inquiry	RP was concerned about the way an officer handled an incident with her neighbor in which she was pushed and threatened with a gun.	Sgt. learned that the incident happened when RP tried to speak with the neighbor about an interaction that had happened with her daughter. RP was on the neighbor's property. The officer did a thorough investigation of both sides of the dispute but found no probable cause for a crime. Sgt. spoke with RP about the officers' actions and why they were unable to cite the neighbor.
4/15/2021	5/19/2021	34	Inquiry	RP is concerned that EPD would not dispatch a unit for an illegally parked vehicle that was blocking his loading dock.	Lt. spoke with RP about the proper venue to call for the illegal parking issue.
4/19/2021	5/25/2021	36	Performance	RP was upset at how an incident was handled when a store employee assaulted her daughter who is bipolar.	Sgt. found that the daughter had a mental health crisis episode in the store and that the employee had controlled her by her wrist and escorted her from the store. An investigation of the incident by officers which included store video found no assault. No policy violations were noted, Sgt. spoke with RP about the findings.
4/20/2021	5/5/2021	15	Courtesy	RP felt the notation an officer made on a revised citation he was mailed was unprofessional.	In review of the citation the Sgt. found that the notes on the bottom of the citation where actually RP's comments at the time of the stop. And were not meant to be disrespectful. Sgt. spoke with RP about the concern.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
4/23/2021	5/13/2021	20	Inquiry	RP was upset at being stopped during an investigation and an officer trying to take his knife while he was detained.	Sgt. reviewed body cam of the incident and found that due to RP being detained in handcuffs during the investigation the knife was removed from RP. It was returned after RP was free to go. RP's phone did not accept voicemails and Sgt. was unable to speak with RP.
4/26/2021	4/29/2021	3	Inquiry Dismissed: Other	RP was concerned about a threat a possible future employee made.	Dismissed: Other
4/27/2021	6/8/2021	41	Incident Review Use of Force	Internal Review of an officer's use of a taser during an arrest.	After review of the incident it was forwarded to the supervisor to address performance issues.
4/28/2021	6/1/2021	33	Inquiry	RP was upset that her belongings were missing when released from jail.	Supervisor found that the contents of the locker at the jail had been disposed of per policy. RP had signed a Waiver of Ownership at the time of arrest. No policy violation found. Supervisor spoke with RP about the findings.
4/28/2021	5/11/2021	13	Incident Review	RP alleged that EPD used profiling and excessive force during his arrest.	Review of RP's arrest found that officers were dispatched to a felon in possession of a Firearm violation. After barricading in a closet a canine was deployed to arrest RP. No excessive force was used.
4/30/2021	6/3/2021	33	Performance	RP is upset that she can't get a prohibited noise issue taken care of.	Supervisor found 9 out of 15 times officers responded the noise had ceased by they time officers got there. Call volume for more urgent issues was a factor. Supervisor spoke with RP, who advised her and a neighbor had spoke with the party and issue had been resolved.
4/30/2021	5/6/2021	6	Performance	RP inquired into why he was approached by officers at the library.	Review of the incident found that officers were dispatched to the library at the library's request to have RP restricted. Sgt. emailed RP about the findings and assured him there was not issues with EPD and the library would contact him.
5/3/2021	6/10/2021	37	Performance	RP is concerned about speeding on her street.	Due to RP's repeated calls about speeding on the street Sgt. sent officers to monitor speed on the street, set up the radar trailer and monitored in an unmarked vehicle. These measures showed that the average speed over 7 days was 23 mph. Sgt. spoke with RP about the findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/2/2021	5/21/2021	19	Performance	RP was unhappy that officers did not inform people in the EPD Headquarters parking lot that a BLM protest was coming.	Lt. found that an officer did indeed drive through the parking lot and notify those present that a march could be on the way. No policy violation found.
5/3/2021	5/4/2021	1	Courtesy Dismissed: Other	RP was unhappy with the questions a call taker asked.	No policies violations Dismissed: Other
5/3/2021	6/10/2021	37	Inquiry	RP inquired about a bias crime that was reported but no report taken.	Sgt. found that the officer was dispatched to the incident but found no victim at the time. Once the officer tracked down the victim he found that the issue was a dispute, with one individual yelling foul language from across the street. The shouting was protected free speech, not a crime. The officer explained the issue at the time. No report was required. Sgt. communicated with RP about the findings.
5/4/2021	5/26/2021	22	Courtesy	RP felt officers did not have a firm grasp on the harassment statute when dispatched to a neighborhood dispute.	Review of body cams found that the officer did a through investigation and the harassment statute did not apply to the situation. The officer warned both parties in the stop and filed a complete police report. Sgt. spoke with RP about his findings.
5/4/2021	5/21/2021	17	Incident Review: Use of Force	RP alleged officers used excessive force during an investigation in to a domestic dispute.	Review of the incident found that officers were dispatched to a physical dispute, per ORS 133.033 officers are obligated to determine if anyone had been hurt. Both parties resisted and fought with officers, causing them to be detained and handcuffed. Once officers determined no physical harm had occurred the parties were released. No policy violations were noted, Sgt. spoke with RP about the incident.
5/4/2021	6/10/2021	36	Performance	RP feels she is getting the run around about her case.	Lt. found that after a through investigation RP's case was suspended due to the alleged offender was not a the scene of the incident at the time in question. Lt. went over the case with RP.
5/5/2021	6/7/2021	32	Policy	RP inquired into why EPD does not cite people who hit someone else in a car accident.	Sgt. spoke to RP about EPD's policy (due to staffing levels) to only do crash investigations and cite people in serious physical injury accidents.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/6/2021	5/26/2021	20	Inquiry	RP was upset that an officer followed his girlfriend home for a traffic stop.	Sgt. found that when he noticed a cracked windshield on the vehicle he turned around to make a stop and the woman driver had parked and went into a house. The officer requested she come out a speak with him about the issue. No policy violation were found. RP did not leave a valid number.
5/7/2021	5/26/2021	19	Performance	RP feels he is being profiled by police because of relatives.	Sgt. found that RP was stopped because of a suspended license and no proof of insurance. No policy violations found. Sgt. spoke with RP.
5/10/2021	5/24/2021	14	Inquiry	RP was upset that officers would not get involved a dispute over a dog even when the other party had hit him.	Sgt. reviewed body cam of the investigation in which RP was asked if he wanted to press charges for being hit. RP declined, the officer then explained that the issue with the dog was civil and he would need to go to civil court for the matter. RP expressed he understood. No policy violations by the officer.
5/10/2021	6/3/2021	23	Courtesy	RP felt a call taker was rude and unhelpful when she called in a erratic driver in her neighborhood.	Review of the call found the call taker brisk and argumentative with RP. Supervisor reviewed the call with the call taker and then emailed with RP about the findings.
5/12/2021	7/6/2021	54	Policy	RP felt EPD's accepting free meals from local businesses and then posting about it was a violation of Policy.	City Policy provides for such meals as long as no individual employee benefits more than 50.00 dollars and there are no pending contracts or lobbying possibilities with the business.
5/12/2021	6/3/2021	21	Service Level	RP reported a trespassing incident in which no officer ever showed up.	Review of the call found that officers were dispatched and cleared advised at the time. RP later learned officers had come and was sorry for the confusion of making a complaint.
5/13/2021	6/23/2021	40	Service Level	RP has been unable to get EPD to contact a man who is illegally sleeping in the park in his neighborhood.	Supervisor found that the call takers followed through on dispatching the calls for service but that call load prevented officers from addressing the less critical issue. Supervisor spoke with RP and found that the issue had finally been addressed.
5/13/2021	6/1/2021	18	Policy	RP was upset about the Thin Blue Line flag he noticed strung up between the flag poles at EPD. RP felt is was a divisive symbol.	Sgt. found that an anonymous person had hung the flag and it was removed by EPD.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/7/2021	6/1/2021	24	Incident Review: Conduct	RP alleged retribution from EPD after being arrested for riot and reporting an officer who had stalked and raped her.	In reference to the alleged stalking and rape a criminal investigation was done by an outside agency and found the relationship between the parties to be consensual. Review of the rioting incident found RP was treated the same as other protestors who were arrested at the time.
5/14/2021	7/29/2021	75	Incident Review	RP was concerned that after an altercation with a roommate the roommate was not arrested but she was.	Sgt. reviewed police reports and body cams and found that after an investigation officers had probable cause to make the arrest of RP but not the roommate. Officers also sent the incident to the DA who agreed there was not probable cause to cite the roommate. Sgt. spoke with RP about the findings.
5/15/2021	6/2/2021	17	Inquiry	RP was upset at how a call for service about her cell phone being stolen and her being assaulted was handled by an officer.	Sgt. learned that the officer did a thorough job of investigating the incident. The suspect was arrested and a report filed. Sgt. spoke with RP who was upset at the quick release of the suspect. Sgt. explained that was a court issue that officers had no control over.
5/17/2021	5/20/2021	3	Policy Dismissed: Other	RP inquired about officers drugging women at bars and stealing their eggs.	Dismissed: Other
5/18/2021	6/3/2021	15	Performance	RP felt singled out for a speeding citation because of liberal stickers on his vehicle.	Sgt. found that RP was clocked doing 82 in a 55 and the officer would not have been able to see the stickers from the initial distance the radar was detected. Sgt. spoke with RP about the findings.
5/19/2021	6/16/2021	27	Inquiry	RP reported EPD officers coming into his home without his permission.	Sgt. found that officers were dispatched to a call about a loud explosion and a neighbor having a mental health episode. When officers knocked on the door it swung open. RP closed the door, RP was advised of making loud noises and officer left the scene. RP did not return calls.
5/19/2021	7/6/2021	47	Courtesy	RP was upset that an officer would not mask up to speak with RP.	Sgt. learned that the officer and a CSO were speaking to one another socially distancing when RP approached from 30 yards away, demanding the officer put on a mask. RP had not been contacted by the officer for any reason. No policy violation.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
5/19/2021	6/1/2021	12	Performance Dismissed: Employee not identified	RP reported a police vehicle driving erratically on Hwy 99.	Dismissed: Employee not identified
5/24/2021	5/24/2021	0	Inquiry Dismissed: Outside jurisdiction	RP inquired into an incident that involved another agency.	Dismissed: Outside Jurisdiction
3/31/2021	7/26/2021	116	Incident Review	RP alleged that an officer was having an inappropriate relationship with a complainant in a criminal case.	RP did not return calls from the Auditor's office for clarification. Review by IA included contact with the complainant who denied any such relationship. The complaint was closed pending receipt of any further information.
5/25/2021	7/7/2021	42	Service Level	RP was upset that an officer had not responded to his text for an update about his case.	Sgt. learned that the officer had not had contact with RP for a while due to no new updates on the case. A warrant had been applied for but not yet issued. Sgt. requested the officer contact RP and then also followed up with a call to RP.
5/25/2021	6/23/2021	28	Inquiry	RP felt harassed by officers because her neighbor accused her of banging on his door with a stick.	Sgt. found that officers were following up on an investigation into a complaint of criminal mischief. Officers were not harassing RP. Sgt. spoke with RP about the findings.
5/26/2021	6/10/2021	14	Performance	Anonymous complaint that an officer was tailgating them.	Due to little information about the incident there was no way to substantiate the driving issue.
5/27/2021	6/7/2022	370	Inquiry	Auditor-initiated inquiry into a conversation that wa alleged to have happened on a call for service.	Review found no evidence that the alleged conversation had occurred as described.
5/27/2021	9/2/2021	95	Incident Review	RP a reported a couple of friends that were cited for jaywalking who felt it was a profiling incident.	Review of body cam found that the officer observed RP's friends begin to cross against the walk signed and warned them not to cross. It was after both parties went ahead and crossed against the light that the officer gave the citation. No policy violations found. Reviewed by CRB.
5/31/2021	6/14/2021	14	Performance	RP was upset that a call taker was dismissive of her when she tried to call in an elderly person who had fallen down outside her home.	Supervisor found that the call taker failed to follow EMD protocol during the call. The call was reviewed with the call taker and Supervisor spoke with RP about the findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/2/2021	6/9/2021	7	Inquiry	RP felt officers took the word of someone who was not a witnesses in a dispute when they arrested her husband.	Sgt. learned that officers responded to a dispute in which the caller had witnesses one of the parties pointing a gun at the other. Officers did a thorough investigation with numerous witnesses before an arrest was made. Sgt. spoke with RP about the findings.
6/2/2021	6/23/2021	21	Inquiry	RP felt that a man and woman who were threatening their neighbors should have been cited.	Sgt. found that a dispute had happened but when officers investigated neither victim wanted to press charges. Sgt. spoke to RP about the incident.
6/3/2021	7/13/2021	40	Performance	RP is upset with how call takers handled a call in which she tried to report harassment by her landlord.	Review of calls found that each call taker was polite and professional and after asking RP numerous questions were able to determine no crime had been committed. RP did not return calls to supervisor.
6/7/2021	6/22/2021	15	Performance	RP felt officers accused her of harassing her neighbors when she had been the one who contacted police and filmed the dispute.	Supervisor reviewed bodycam of the incident and found that a dispute did take place, no one was injured and neither party wished to press charges. The officer did speak with RP but did not insinuate that RP was involved. Sgt. spoke with RP letting RP know that if an officer speaks with someone about an incident it does not necessary mean they were involved.
6/6/2021	7/7/2021	31	Performance	RP believes that an officer did an inadequate job of investigating a theft from her home.	Review of police reports found that officers did a complete investigation and found no probable cause that the person RP accused committed the crime. RP did not return Sergeant's calls.
6/10/2021	7/15/2021	35	Performance	RP felt an officer did not handle an incident in which a mentally ill homeless person menaced him and his wife correctly.	Sgt. reviewed police reports and body cam and found that the woman felt RP had tried to take her belongings that were laying on the sidewalk. No probable cause was found for a citation. Sgt. spoke with RP about the incident and why the officer did not cite.
6/10/2021	6/14/2021	4	Incident Review Dismissed: Outside jurisdiction	RP reported an incident that happened during police transport.	Dismissed: Outside Jurisdiction

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/14/2021	7/8/2021	24	Inquiry	RP is concerned about the arrest of her father who had been harassed by a group of white men yet her father (an African-American) was arrested.	Sgt. learned that probable cause had been developed for the arrest. RP's father had declined to give officers details about the harassment he was dealing with. Sgt. spoke with RP.
6/14/2021	7/13/2021	29	Inquiry	RP reported that an officer failed to give Miranda to her ex-boyfriend which caused the court case to be thrown out.	Sgt. spoke with RP who was not upset with the officer, only that the court case had taken over a year.
6/17/2021	7/23/2021	36	Performance	RP reported an officer tailgating and speeding on Beltline.	Review found that the officer was on a call for a dispute with a person unconscious and the driving was within policy.
6/18/2021	7/2/2021	14	Performance	RP reported that an officer following him on Hwy 99 failed to use turn signals.	Sgt. attempted to identify the officer involved but was unsuccessful.
6/21/2021	7/16/2021	25	Performance	RP reported an EPD vehicle driving erratically on 7th Avenue.	Sgt. spoke with the officer about the complaint. RP did not return voice messages left to discuss the complaint.
6/21/2021	7/16/2021	25	Performance	RP reported an EPD vehicle speeding near the Amazon Pool with out light and sirens.	Sgt. learned that the officer was responding to a call. The code 1 response was appropriate. Sgt. corresponded with RP about the findings.
6/22/2021	6/23/2021	1	Service Level	RP felt three weeks was too long to wait to obtain a police report.	Supervisor found that RP's public records request was actually filled within the 10 allotted timeline.
6/22/2021	7/21/2021	29	Performance	RP was upset that an officer told the owner of her rental unit that she was a meth dealer which has led him to not inform her of a break in at the complex.	Sgt. learned that RP's code had been used at the complex, and that the owner had reached out to the officer about the incident. The officer provided truthful information to the owner. No policy violations were found. Sgt. spoke with RP and explained the issue and provided information on how to make a report if she found her belongings had been impacted.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/25/2021	8/2/2021	37	Inquiry	RP was unhappy with how an officer handled an incident in which he reported a neighbor for leaving dog waste in the street.	Sgt. found that RP and a neighbor's family had an on going dispute. The officer investigated and warned the family about the dog waste issue, then left a detailed message about how the incident had been handled including advising RP that his unruly and harassing behavior needed to cease also. No policy violations were found Sgt. spoke with RP about the findings.
6/28/2021	7/14/2021	16	Courtesy	RP felt an officer was rude and disrespectful, accused her of lying when she was reporting an assault.	Lt. reviewed the body cam and found that the officer had been unable to collaborate RP's account of the assault even with security camera video of the place and time. The officer was professional, but had asked RP clarifying questions about the incident. No policy violations were found and Lt. spoke with RP about the findings.
6/28/2021	7/14/2021	16	Inquiry	RP reported an officer that harassed a vendor of the farmers market.	Sgt. looked into the incident and was unable to identify any officer that may have spoken to the vendor. RP did not return voice messages to obtain further information.
6/29/2021	7/27/2021	28	Performance	RP feels a call taker did not take his report of a woman pulling a knife on him on the sidewalk seriously.	Review of the call found that RP did not make it clear to the call taker that the knife had been pulled on him and RP had called the incident in 45 minutes after the woman had left the area. Supervisor spoke with the call taker about asking further clarifying questions and then with RP about the findings.
6/28/2021	7/23/2021	25	Performance	RP was unhappy with how an officer investigated an incident at Alton Baker Park (taking the other party's side and then suspending the case).	Sgt. found that the officer had followed policy and procedure in the investigation and found that the issue was a civil one. The incident was followed up with the City Prosecutor who agreed. Sgt. spoke with RP about the findings.
6/29/2021	8/4/2021	35	Incident Review	RP was upset about an officer's demeanor and a statement made to him at the Eugene Airport when the officer was responding to an incident at the snack bar.	Sgt. found that the officer had responded to help mediate an interaction between restaurant employees and RP. Body Cam showed that the officer did make a statement about ensuring safety as his responsibility at the airport is to ensure the safety of all involved, it was not made to be rude or as a threat.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
6/29/2021	8/4/2021	35	Inquiry	RP was unhappy with how an incident was handled in which he was assaulted, he was brushed off and sexual and racial undertones of the incident were brushed off.	Sgt. learned that the altercation had been started by RP and the other party did not want to press charges. The Sgt. also agreed with the officer decision and spoke with RP to assure him that only the facts were looked into by the officer.
7/2/2021	9/2/2021	60	Inquiry	RP felt officers used excessive force on a man and that the officer should have waited for back up.	Review found that the suspect had just fought with another officer prior to the interaction that RP witnessed, but that the officer should have waited for back up. Sgt. spoke with RP about the findings.
7/2/2021	7/23/2021	21	Performance	RP reported an EPD officer driving erratically on Hwy 99.	Sgt. learned that the officer was in the process of making a traffic stop and passed cars in the left lane. No policy violations found. RP did not provide contact information for a call back.
7/7/2021	8/2/2021	25	Courtesy	RP was upset that an officer awakened her very early and made her move from the location she was in.	Sgt. learned that the interaction actually took place a 9:51 am and RP was trespassing. No policy violations were found.
7/7/2021	7/20/2021	13	Inquiry	RP was concerned that an officer parked his vehicle partially blocking his driveway.	Sgt. found that the officer realized he had blocked the driveway but the officer determined the suspect of his call who was welding a bat took precedence. No policy violation found. RP was happy with the information about the incident.
7/8/2021	8/9/2021	31	Performance	RP was unhappy that a call taker did not take his call for a welfare check on his children seriously and did not dispatch officers.	Call details showed RP could not provide any information that his children were in immediate danger. The issue was a custody dispute that needed to go to the court. Supervisor spoke with RP .
7/8/2021	10/5/2021	87	Incident Review	An Anonymous RP alleged that an EPD officers made inappropriate remarks about citizens during while off duty.	Due to the Anonymous RP and no one to contact for more details no investigation was conducted. Sgt. spoke with officer about importance of citizen perceptions even when off duty.
7/9/2021	9/16/2021	67	Incident Review	RP reported that he had been told by a friend that an officer had taken a bribe during a traffic stop.	Review of body cams of the stop in questions found the video evidence did not support the claim that RP made.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
7/12/2021	8/2/2021	20	Inquiry	RP was unhappy that his vehicle was searched by EPD with out his permission during a traffic stop made on his roommate who had been driving his car.	Sgt. found that during the traffic stop it was learned that the driver had warrants, a felony suspended license and in possession of 2 grams of meth in plain sight in the vehicle. No warrant was required for the search and there is no requirement to contact the owner prior to the search. RP did not return messages left by the Sgt.
7/13/2021	7/21/2021	8	Policy	RP was concerned about the harm it does to people when EPD releases names to the media. One mistake takes on huge ramifications.	Supervisor spoke with RP about what information EPD can legally release and how they have no say in how the media uses the information.
7/19/2021	9/7/2021	48	Policy	RP was concerned that the Wireless Emergency Alert system did not appear to work as intended, with him getting alerted hours later and a friend not getting an alert at all when he was with in blocks of the incident.	Review of the incident found that a wireless alert system was used which uses cell tower phone sites which are not as precise. Supervisor communicated with RP about the system and how it works.
7/19/2021	8/12/2021	23	Inquiry	RP was concerned that a police vehicle followed him and his son home from a dog park, but never stopped them.	Records showed that officers were in the area concerning a physical dispute between a male and female where a juvenile was involved, officers may have observed RP and his son and then realized that they were not the people they were looking for. Sgt. contacted RP to explain the situation.
7/22/2021	10/5/2021	73	Incident Review	An Anonymous RP believed shady stuff was happening and police did not secure a warrant when using an armored vehicle. RP also referred to the incident as a shooting.	Sgt. learned that the incident was a domestic violence issue and officers had probable cause for an arrest. A warrant was obtained when the suspect refused to leave the residence. The suspect was found deceased of a self-inflicted gun shot wound.
7/22/2021	8/20/2021	28	Service Level	RP tried to report an issue with a man who came to his door about a parking issue and threatened him. Call taker said nothing they could do.	Review of the call found that none of the behavior articulated by RP to the call taker was a crime. Supervisor spoke with RP to explain further the criminal definition of harassment.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
7/30/2021	9/7/2021	37	Inquiry	RP inquired into traffic stop protocols.	Lt. reviewed RP's traffic stop and found no policy violations and then spoke with RP to answer his questions.
7/28/2021	9/7/2021	39	Performance	RP was unhappy with how officers handled a trespassing issue near his home.	Sgt. found that the area in question is actually a common area and that the issue between neighbors was civil in nature and not criminal. Sgt. spoke with RP about why officers were unable to provide the outcome he expected.
8/4/2021	9/15/2021	41	Inquiry	RP called EPD about indecent exposure issues with her neighbor and has not been allowed to press charges.	Sgt. learned that the officers could find no criminal activity at the time of RP's call. Sgt. spoke with RP about what the law would allow officers to arrest or cite for in this situation.
8/3/2021	9/7/2021	34	Courtesy	RP was upset that officers showed up at his home in middle of the night looking for some woman who hadn't lived there in a year.	Sgt. found that the officers had been dispatched to a call of a woman in distress called in by her sister who did not have an address. Officers went to the most recent know address which they found out was not current when they encountered RP. No policy violations noted. Sgt. spoke with RP about the incident.
7/24/2021	8/10/2021	16	Performance	RP was upset that her son was charged but other individuals were not during an altercation at the Fair.	Supervisor spoke with RP about the concerns and how to help RP's lawyer follow up with possible witnesses.
8/6/2021	10/14/21	68	Inquiry	RP is trying to obtain body cam of an incident to used to request a restraining order.	Supervisor reviewed the request and found that a letter was sent to RP explaining that EPD does not provide body cam expect in certain circumstances. Information on that was provided. Also that a records request for the CAD was completed and given to RP.
8/6/2021	9/8/2021	32	Performance	RP inquired into why an officer did not follow through on a request for a welfare check on her child.	Sgt. learned that a custody dispute was going on between the parties and that RP had been unable to articulate a reason for the welfare check and that the other party held an emergency custody order. No policy violations were found. RP did not return numerous voicemails left by the Sgt.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/6/2021	9/7/2021	31	Inquiry	RP was concerned that EPD could do nothing to help with a situation where a homeless man was squatting in her rental home.	Sgt. learned that with the information the officer had at the time, that the man had been in the home 6-12 months it was a civil issue. The officer did attempt to contact the man but received no answer at the door. The incident was investigated appropriately by the officer. Sgt. spoke with RP about the concern.
8/5/2021	9/8/2021	33	Service Level	RP feels EPD has given her no help with being harassed by the husband on an acquaintance.	Sgt. reviewed the calls for service and spoke with RP. Explaining the steps that officers had taken and the limitations of the telephonic harassment laws.
8/9/2021	9/21/2021	42	Courtesy	RP felt an officer was rude and disrespectful when he tried to report a group of homeless men digging a tunnel under the overpass.	Sgt. learned the incident happened in the parking lot of Public Works and the officer thought he was having a short conversation with a PW employee and not a citizen trying to report something.
7/26/2021	9/17/2021	51	Policy	RP was upset that his vehicle was searched by EPD after a traffic stop in which a friend had been driving his car.	Sgt. found that officers had established probable cause as the driver had confirmed warrants was driving with suspended license, drug paraphernalia was in plain sight and the vehicle had been traveling on a public roadway when the traffic stop was conducted. RP did not return voicemails.
7/27/2021	2/16/2022	199	Inquiry	RP is upset with patrols lack of enforcement of traffic issues near her home and in the school across the street. RP also alluded to a rape possible involving an officer.	Sgt. reviewed RP's calls for service and spoke with RP about her concerns. Sgt. learned that the rape alluded to by RP was not by an officer and had happened many years ago.
8/11/2021	8/19/2021	8	Inquiry Dismissed: Outside Jurisdiction	RP reported a traffic stop issue that involved an outside agency.	Dismissed: Outside Jurisdiction
8/13/2021	10/7/2021	54	Performance	RP reported an EPD vehicle that did a U-turn and then was speeding and not staying in the lane.	Sgt. learned that the officer had just been dispatched to a burglary in progress call. Sgt. noted that the officer should have activated his lights and siren to make the turn. The incident was discussed with the officer.
8/13/2021	11/23/21	100	Incident Review/Discrimination	RP was upset that officers who came to his home late at night to give him a citation were transphobic and racist.	Review of body cam showed the officers served RP with a citation that that had been developed during an investigation with probable cause and no evidence of transphobic or racist behavior.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
8/19/2021	9/8/2021	19	Performance	RP was upset with an interaction that her son had with two officers. One officer knock her son's phone out of his hand because he believed he was filming them, they also had their name tags covered up.	Body cam of the incident found that officers had waved RP's son past the stop that was taking place and a few minutes later told him it was ok to film, but he needed to back up to a safe distance. When asked by the son about what was going on the officer politely told him he was in the middle of the situation and could not focus on the son. The phone was not knocked from his hand, and the officer's name plates were clear in the bodycam. Lt. contacted RP with his findings.
8/18/2021	8/26/2021	8	Inquiry	RP was concerned about how a custody dispute was handled by officers	Sgt. found that officers found no criminal activity in the incident, but worked with the two parties to end the dispute. Officers explained the course of actions through the court that the parties needed to take. No policy violations were found. Sgt. spoke with RP about the findings.
8/23/2021	9/28/2021	35	Performance	RP reported an officer who failed to return voice messages.	Sgt. learned that the officer had called and texted with RP at least 20 times and they had made contact.
8/23/2021	9/14/2021	21	Inquiry	RP was upset that an officer would not bring charges against a homeless man who stole \$5000 worth of tools from him.	Sgt. found that the officer used information from the homeless man to charge another man who had initiated the theft. Sgt. spoke with RP who was happy to learn a theft charge had been made.
8/26/2021	10/18/21	52	Policy	RP reported that a homeless man in Washington/Jefferson park who was using a cooking fire was given 5 minutes to pack up and leave or face trespass and arrest.	Sgt. reviewed the incident in question and found officers acted within policy and Administrative Order 52-21-25. Sgt. spoke with RP who felt that the city should revise the appeal process for the Notice of Restriction for City Parks.
8/31/2021	10/5/2021	35	Inquiry	RP was upset that her recovered stolen vehicle was towed by EPD when she was told the tow would be free.	Sgt. found the that when the officer called RP to notify her the vehicle would need to be moved due to it blocking the roadway, RP did not answer. It was safekeep tow per policy. RP did not respond to calls to discuss the issue.
8/31/2021	9/21/2021	21	Performance	RP felt an officer who came to her home on an investigation of a rape by a family member did not take into account the information she reported.	Sgt. reviewed the case in question and found that it was still open and had been forwarded to the District Attorney for review as per policy. No policy violations were found. Sgt. spoke with RP about the investigation and where the case was at this point.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/3/2021	10/7/2021	34	Inquiry	RP's repeated calls for welfare checks have not resulted in an officer being dispatched.	Supervisor found that RP has called frequently over the last few years and that the daughter involved has made note that she is in no danger and does not need the welfare checks. During the latest call 911 operators checked in with the daughter.
9/7/2021	9/15/2021	8	Policy	RP was upset that two officers came to her door unmasked.	Sgt. learned officers were on a welfare check for a call that included hearing screams. Officers stood over 6 ft away from RP and the contact lasted 30 seconds. No Policy violation. Sgt. spoke with RP about the concern.
8/30/2021	2/3/2022	153	Incident Review	RP alleged that officers falsely arrested her son and arrested her after throwing her to the ground.	Review of the incident found that RP was arrested after striking an officer in the face while interfering in a police investigation. RP's son was arrest on a warrant. Sgt. made attempts to speak with RP about the findings.
9/4/2021	9/8/2021	4	Inquiry Dismissed: Outside Jurisdiction	RP was looking for help with issues from outside agencies.	Dismissed: Outside Jurisdiction
9/7/2021	11/8/2021	61	Incident Review/Constitutional Rights	RP alleged that an EPD officer and a park employee talked about planting evidence to have a homeless person kicked out of a park.	Sgt. spoke with RP about the allegation and reviewed extensive bodycam footage but was unable to corroborate if the incident occurred.
9/5/2021	9/15/2021	10	Performance	RP reported a patrol car speeding and weaving through traffic on River Road.	Lt. learned that the officer was on a call for service in which it was not tactically sound to use lights and sirens.
9/14/2021	10/18/21	34	Performance	RP felt an officer who came to her home at 4 am to give her a citation for harassment was biased against people with disabilities.	Sgt. found that the officer was dispatched at that time, body cam showed that no discussion of a disability took place and that RP's concern at the time was that the other party was not cited also. The officer took the time to explain to RP. Sgt. spoke with RP about the findings.
9/14/2021	10/11/21	27	Inquiry Dismissed: Timeliness	RP is upset that an officer did not file charges in an assault from 2019.	Dismissed: Timeliness

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/16/2021	9/24/2021	8	Performance	RP is concerned that when calls about trespass at his place of business are made officers seem reluctant to arrest or even cite the trespasser.	Sgt. spoke with RP about his concerns, explaining at this time due to COVID protocols officer would most likely cite a trespasser and not do a physical arrest.
9/20/2021	10/21/21	31	Inquiry	RP felt officers where very aggressive with her and her husband when they responded to a call that her car had been set on fire.	Sgt. learned that officers had been dispatched to an arson in progress with possible shots fired. Body cam showed the RP and her husband were hysterical and in a panic. An officer had to repeated ask them to stop and calm down so information could be obtained. Once RP calmed down and it was learned that the shots were things exploding in the car, the situation was handled and an arrest was made.
9/21/2021	11/18/21	57	Inquiry	RP was upset that an officer was rude when RP questioned a parking citation.	Lt. reviewed the CAD from the incident and spoke with the officer who noted he had made no contact with RP during the writing of the citation. Lt. spoke with RP who admitted he had not seen the officer. No policy violations.
9/22/2021	9/28/2021	6	Service Level	RP has been unable to get EPD to deal with a noise complaint that he as called over and over about.	Sgt. found that in each call an officer had contacted the resident and gave warnings that gain compliance. RP lives in a student housing area. Sgt. spoke with RP about the steps officers had made and encouraged RP to continue to call in the noise complaints.
9/24/2021	10/8/2021	14	Inquiry	RP watched officers handled what appeared to be a domestic violence issue and on the second call officer left without talking to the woman.	Sgt. learned that officers could not gain compliance from the woman involved to answer the door to allow officers to visually determine if there were no injuries. Previously at another location officers had contacted the other party involved, so knew no current danger was present. Sgt. spoke with RP about the findings.
9/24/2021	10/28/21	34	Inquiry	RP reported an officer who was screaming profanities at vehicles while directing traffic.	Sgt. reviewed video of the incident and found no profanities uttered by the officer. The officer did yell at a car that accelerated around other stopped vehicles in a reckless manner. Sgt. spoke with RP about the findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
9/24/2021	10/22/21	28	Courtesy	RP reported being yelled at by an officer to go around two police vehicles that were parked in the middle of a parking lot.	Sgt. found that numerous officer had been dispatched to the business for a large crowd causing damage and shoplifting at a store. The officers were discussing the dispatch and noted that there was room for cars to go around them. Sgt. spoke with RP who wanted officers to know it could give citizens a reason to not like police.
9/27/2021	10/28/21	31	Service Level	RP has been unable to get ahold of an officer to add information to his report.	Sgt. learned that the officer had reached out to RP and explained he needed to work with an out of state agency due to the issues with the case.
9/28/2021	10/25/21	27	Policy	RP questioned why officers don't ask citizens in the area if they have seen a suspect they are searching for.	Sgt. found that in the incident RP mentioned EPD was an assisting agency, RP did not return calls to talk about the issue.
9/29/2021	1/3/2022	94	Incident Review: Performance	RP felt officers did a poor job of handling a psychotic woman, by not trying to calm her or the situation. RP learned later the woman was taken to jail not the hospital.	Review of body cam showed the officers did a good job of calming the woman and moving her to the patrol car where she kicked an officer twice. When it was learned she had warrants she was transported to the jail. No policy violations were noted by the officers. RP's phone number had changed and Sgt. was unable to contact.
10/5/2021	11/10/21	35	Performance	RP was concerned that an officer dispatched to speak to them about a child abuse situation went to the suspects home first, inadvertently tipping them off.	Sgt. found that a mistake had been made by the officer in going to the wrong address. Both the RP and the detective in charge were notified of the issue.
10/7/2021	10/13/21	6	Incident Review: Performance Dismissed: Alternate Remedy	RP alleged that an officer committed perjury during a criminal proceeding.	Dismissed: Alternate Remedy
10/13/21	11/24/21	41	Inquiry	RP was concerned that an officer did not appear to understand the Oregon Residential Landlord and Tenant Act while dealing with a landlord tenant issue.	Body cam review of the incident found that the officer researched the law while on the call with the DA's office and the internet. No enforcement action was taken due to this research. No Policy violations. An email was sent to RP about the findings.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/14/21	10/19/21	5	Performance	RP reported a neighborhood dispute in which an officer was upset with her children ringing the doorbell of his father. RP's children were not involved.	Sgt. spoke with both parties about the issue, mediated it to the satisfaction of both.
10/15/21	12/9/21	54	Incident Review	RP reported to another jurisdiction that she was sexually assaulted during her arrest.	Sergeant's review of all body cams from officers at the incident found no evidence of RP being sexually assaulted. The Auditor's Office confirmed and closed the complaint: Unfounded.
10/18/21	11/9/21	21	Service Level	RP was unhappy with how his daughter's call about a man on her porch and in the alley of her home were handled.	Call details showed that daughter called about an incident on her Ring camera that had happened 90 minutes before and the man was no longer there, the information was forwarded to patrol, the call about the alley was later that night and it was not conclusive that it was the same person. Call takers handled the call within policy, with documentation and information forwarded to patrol. Supervisor communicated with RP about the findings.
10/14/21	12/2/21	48	Policy	RP is frustrated with the littering, theft, trespass etc. of the homeless camps in his area. Nothing is ever addressed.	Sgt. spoke with RP about his concerns, and forwarded a code enforcement issue to the proper department.
10/19/21	2/14/22	115	Incident Review: Conduct	Via another agency RP alleged that an officer had sexually assaulted her.	Investigation of the allegation included interviewing RP. RP was unable to articulate any sexual contact. Body cam footage of the entirety of EPD's contact with RP also found no sexual contact with RP.
10/2/2021	10/29/21	27	Incident Review: Conduct Dismissed: Timeliness	RP added a new detail to a previously reported complaint from 2020	Dismissed: Timeliness
10/24/21	1/28/22	94	Incident Review: Conduct	RP was unhappy that officers would not cite or arrest the other party in an altercation say it was mutual combat.	Sgt. reviewed records of the interaction and found the officer did an investigation at the time. Witnesses reported that RP was the initial aggressor in the altercation between the parties. Officers had probable cause to cite both parties, who then declined to press charges.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/25/21	12/8/21	43	Policy	RP was concerned that when co workers call EPD about drunk drivers leaving an apartment complex nothing is done.	Sgt. contacted RP for more information about the complaint and did not hear back from RP.
10/25/21	10/28/21	3	Inquiry Dismissed: Outside Jurisdiction	RP tried to report a crime her ex had committed and has been unable to get police to respond.	Dismissed: Outside Jurisdiction
8/27/2021	10/29/21	62	Incident Review: Performance Dismissed: Other	RP complained that when RP reported harassment by some unhoused folks, RP was arrested and given no medical help from EPD.	Preliminary Review by Auditor found no policy violations. Dismissed: Other
10/27/21	2/9/22	102	Incident Review: Discrimination	RP filed a complaint on behalf of a unhoused camper alleging that officers treated the camper differently than others and failed to provide accommodations for disabilities.	Review of Body Cams, police reports showed that in one incident listed the other party was jailed while the camper was cited in lieu of arrest. In the other incident park workers and homeless advocates assisted the camper with his belongings. No Policy violations were found.
10/30/21	11/23/21	23	Inquiry	RP is upset that an EPD officer would not accept a report of perjury against another party in a court case.	During review it was found that the issue is actually under the jurisdiction of another agency. RP was notified.
11/1/2021	12/2/21	31	Policy	RP tried to report two illegal parking issues and was told is was not EPD's problem.	Sgt. spoke with RP about the illegal parking and how parking services is the proper venue for his issue.
11/1/2021	11/8/21	7	Other Dismissed: Outside Jurisdiction	RP feels he is being set up by someone calling the police for a welfare check.	Dismissed: Outside Jurisdiction
11/2/2021	11/10/21	8	Performance	RP felt an officer never got out of his vehicle to look into the a prowler around her property.	Review of the incident found that the officer did check out the area, saw no one, went down the street and contacted RP. RP demanded the officer come to her house which he did. RP then refused the officer's offer to check the backyard. No policy violations. Sgt spoke with RP.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/2/21	12/2/21	30	Policy	RP was unhappy that a call taker would not allow her to be anonymous when reporting a restraining order violation.	Supervisor reviewed the call and found that the call taker correctly told RP that a report could not be generated if EPD did not know who the victim is. Supervisor spoke with RP explaining EPD's policy on making reports.
11/1/21	1/3/22	62	Performance	RP was upset that an officer provided an incorrect case number for his robbery .	Sgt. spoke with the officer about the error and cautioned care in the future. Sgt. spoke with RP about the issue.
11/3/21	11/8/21	5	Performance Dismissed: Alternate Remedy	RP felt an officer ticketed him in error.	Dismissed: Alternate Remedy
11/3/21	12/3/21	30	Courtesy	RP felt a call taker was dismissive, and minimized his concern about illegal camping.	Review of the call found the call taker was professional and tried to help RP but found no dispatch criteria to proceed. A Parking Services referral was made, which RP feels gets him nowhere. Supervisor spoke with RP about the call and his concerns.
11/4/21	11/7/21	3	Inquiry Dismissed: Other	RP is concerned about how officers handled an incident at a local cookie shop.	Per Auditor, preliminary review found no policy violations. Dismissed: Other
11/4/21	11/8/21	4	Inquiry Dismissed: Previously Reviewed	RP reported an incident from 2017 that RP felt was not handled correctly by officers.	Dismissed: Previously Reviewed
11/8/21	1/4/22	56	Performance	RP was concerned that an officer at the airport directed them to leave the loading zone before he was able to install his child's car seat that had been brought on the plane.	No body cam was found of the incident. Sgt. spoke with the officer who did not remember an incident as described. RP did not return calls to discuss the complaint.
11/6/21	11/18/21	12	Incident Review: Performance Dismissed: Alternate Remedy	RP alleged officers violated constitutional rights during two incidents.	Dismissed: Alternate Remedy

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/8/21	2/23/22	105	Incident Review: Conduct	RP felt an officer had retaliated against her client by issuing a citation after a first complaint had been made.	Review of the officer's body cam found no retaliatory behavior made by the officer, records then showed the appeal that RP's client had filed was made 2 days after the officer had made the citation. Sgt. spoke with RP about the findings.
11/9/21	12/3/21	24	Service Level	RP is concerned about EPD's response to a group of men camped on the sidewalk in front of her home, as well as numerous other issues she's had with the camp across the street.	Review of body cam of the contact with RP found the officers were professional and explained what they could and could not do. When the Sgt. spoke with RP the frustration with the situation was apparent and the complaint was not against any individual officer.
11/9/21	12/2/21	23	Service Level	RP is upset with all the issues she has to deal with living across from the Washington Jefferson Park and EPD's lack of enforcement.	Review of calls found that the call takers were professional and processed RP's call appropriately. Supervisor spoke with RP about her frustration on how the city is handling the homeless issue in her neighborhood.
11/5/21	12/29/21	54	Performance	RP was unhappy that an officer would not charge a man with HIV who assaulted and spit on him.	Lt. found that the officer had explained to RP a double jeopardy issue with the law which made it preferable for RP to be tested on the HIV before filing charges. Once that had happened the officer sent the charges through to the DA. RP did not return calls to the LT.
11/10/21	11/22/21	12	Inquiry	RP inquired into EPD's rape kit backlog.	Lt. spoke with RP to provide the information that EPD does not have a rape kit back log.
11/12/21	11/17/21	5	Performance Dismissed: Other	RP feels officers are not doing their jobs. No specific incident cited.	Dismissed: Other
11/12/21	11/23/21	11	Incident Review: Use of Force Dismissed: Other	RP alleged officers used excessive force during an arrest causing nerve damage in both arms	Dismissed: Other. Review of all body cams by Auditor's Officer found no policy violations.
11/12/21	11/23/21	11	Inquiry Dismissed: Alternate Remedy	RP was upset that her car was searched when her friend was driving on a mobile warrant.	Dismissed: Alternate Remedy
11/11/21	11/18/21	7	Inquiry	RP wrote the Auditor about an issue with the Winston OR police department.	Dismissed: Outside Jurisdiction

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/13/21	12/21/21	38	Inquiry	RP was upset with how an officer handled a report of a sexual assault of a minor.	Review of the investigation found that the officer did a thorough investigation, documented the evidence presented by RP and forwarded the case to detectives as per policy. RP was contacted and further information that had not been presented to the officer was added to the report.
11/15/21	11/17/21	2	Conduct Dismissed: Previously Reviewed	RP reported an incident from 2014.	Dismissed: Previously Reviewed
11/15/21	12/3/21	18	Inquiry	RP alleged that EPD personnel used the DMV record system to look her up and then cite RP for hit and run.	Review of the incident found that no EPD personnel looked up RP. The officer cited RP due the investigation and the found probable cause. Sgt. spoke with RP about the findings.
11/15/21	12/3/21	18	Incident Review: Performance Dismissed: Outside Jurisdiction	RP alleged pornographic material was being emailed to him.	Dismissed: Outside Jurisdiction
11/6/21	1/14/22	68	Performance	RP alleged that an officer demanded he sit down and when he refused, picked him up and slammed him to the ground for no reason.	Review of the incident found that officers arrived to a physical dispute in progress and asked the participants to sit down so the situation could be sorted out. RP refused and was guided to the ground with an in policy arm bar technique and handcuffed. Within 3 minutes RP was identified as the victim and released from handcuffs but still refused to cooperate with officers.
11/17/21	1/3/22	46	Incident Review: Conduct	RP inquired about an incident he heard from a friend of an officer who came into their business after a police action outside and offered to sell them weapons.	After review of body cam and talking with the officer Sgt. learned that officer did have a discussion with RP's friend about weapon sales but not about selling to the friend. The Sgt. followed up with friend and found nothing outside of policy. Sgt. spoke with RP about the findings.
11/17/21	1/20/22	63	Incident Review: Performance	RP reported various issues with EPD officers at the Washington/Jefferson St. Park.	Sgt. reviewed body cam from each issue listed and found no policy violations.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/17/21	12/9/21	22	Inquiry	RP inquired into whether a note could be added to her address file due to the same number on an adjacent street having frequent EPD contact. (Officers end up at her address by mistake)	Supervisor reviewed the issue and assisted RP with adding a note to the system to try and solve the issue.
11/17/21	12/21/21	34	Service Level	RP felt an officer did a poor job of looking into the theft of his bike trailer.	Review of the report found that the officer handled the call properly documenting RP's allegations against someone he believed took the trailer and wheel. The officer established no probable cause due to RP's story changing multiple times. No policy violations. RP did not return calls.
11/17/21	1/10/22	53	Service Level	RP was unhappy with how an officer handled an assault by a friend of RP.	Review of the incident found that no assault had taken place, but that the officer should have taken a report due to an allegation that RP had been hurt. Sgt. spoke with RP and directed the officer to fill out a report.
11/17/21	11/23/21	6	Inquiry Dismissed: Alternate Remedy	RP feels an officer did an inadequate job investigating before arresting him for kidnapping.	Dismissed: Alternate Remedy
11/18/21	11/24/21	6	Performance Dismissed: Other	RP feels EPD has not followed up on his reports of burglary.	Dismissed: Other
11/18/21	12/9/21	21	Inquiry	RP feels that a complete background check was not completed by an officer regarding an application.	Review of the process found that a complete background check was completed. Sgt. spoke with RP about the findings and to answer RP's questions about the process.
11/2/21	1/26/22	84	Service Level	RP was upset that a call taker would not forward him to a supervisor without details of the issue and that the supervisor refused to take his complaint about a child custody issue.	Supervisor reviewed the call and found that both the call taker and supervisor were within policy in the handling of the call. Call takers are instructed to ask for details. The supervisor correctly advised RP that the issue was one that would need to be take up with the court.
11/22/21	12/1/21	9	Inquiry Dismissed: Outside Jurisdiction	RP was upset that a call taker gave her the wrong number, and that officers threatened to shoot her.	Dismissed: Outside Jurisdiction. No EPD contact with RP was found in the system.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
11/23/21	12/21/21	28	Performance	RP was upset that when he told an EPD officer where his stolen vehicle was it was towed without him being allowed to come get it.	Review of the incident found that RP was unable to pick up the vehicle during the time frame needed. The officer followed policy in initiating a safe tow. Sgt. spoke with RP about the findings.
11/29/21	12/2/21	3	Inquiry Dismissed: Previously Reviewed	RP feels EPD did a poor job of handling an issue between his ex-and himself.	Dismissed: Previously Reviewed
11/29/21	1/3/22	34	Inquiry	RP was unhappy with the way an officer spoke to her after an interview with her child, and that no charges were filed in the incident that was reviewed.	Review of the incident by the Sgt. found that the officer did get pointed with RP and that DHS workers at the interview felt that officer was being honest and forthright with RP about the situation; they did not see anything unprofessional in the exchange. Sgt. spoke with RP about the findings.
11/29/21	12/20/21	21	Performance	RP reported a patrol vehicle driving with lights but no sirens that almost hit his vehicle.	Review of body cam noted that the officer was not using sirens, Lt. spoke with the officer about using due care while on emergency calls. RP did not return voicemails.
11/29/21	12/13/21	14	Service Level	RP was upset that EPD had not reached out to take a report of an assault.	Review of the Police Report found that an officer contacted RP and documented RP's allegations in the assault. Sgt. spoke with RP who did not realize this had happened.
11/29/21	12/10/21	11	Inquiry	RP felt an officer did not follow through with citing a man who hit her son in the face.	Sgt. reviewed the incident and found that the son and friends had initiated the incident and then later confront the suspect with a knife. The officer and Sgt. both contacted RP with details of the investigation.
11/30/21	1/25/22	55	Inquiry	RP was unhappy that no investigation was undertaken when her son was assaulted by a man outside of a bar.	Cpt. found that the officer had responded to the bar and provided first aid to RP's son. RP's son made no mention that he had been assaulted, nor did bystanders. Based on this information at the time no report was taken. Supervisor reached out to RP and offered to move forward with an investigation if RP's son wished.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/1/21	12/16/21	15	Performance	RP was unhappy that a noise complaint about a construction company starting before 7am was not handled properly.	Lt. found that the severity of the noise was missed by the officer responding. Lt. had the issue documented, forwarded to Planning and Development and the company cited. Lt. spoke with RP about the issue and the remedy.
12/2/21	12/20/21	18	Performance	RP felt an officer was harassing him by showing up and telling him he had to move before the 72 hour notice was up.	Lt. reviewed body cam and found that the officer was professional, and was just providing a warning that RP's time to move was approaching. No policy violations. RP did not return calls to discuss the incident.
12/3/21	12/13/21	10	Inquiry Dismissed: Outside Jurisdiction	RP reported a man who said he was law-enforcement who yelled at her for driving 5 miles per hour too fast in a residential area.	Dismissed: Outside Jurisdiction
12/6/21	12/16/21	10	Inquiry Dismissed: Timeliness	RP reported an incident that occurred in 2017.	Dismissed: Timeliness
12/7/21	12/21/21	14	Service Level	RP was unhappy with how EPD handled an issue with a protective order.	Sgt. found that the officer documented RP's concern provided no information that indicated probable cause for a crime. No policy violations. Sgt. spoke with RP about the findings.
12/8/21	1/18/22	40	Service Level	RP has gotten no response from EPD when she tries to report being harassed by a gang member.	Sgt. reviewed calls made by RP to EPD and found in each that the person who RP had called about had left the scene. Beat information was given to patrol. No policy violations found.
12/9/21	1/20/22	41	Inquiry	RP was unhappy with a non-emergency call in which RP was placed on hold 3 times and then given legal advice about where to report the incident she was describing.	Non-emergency calls are handled by 911 operators and are many times placed on hold. The calltaker's referral to BOLI on a mask issue was correct. No violation of EPD policies were found. Supervisor contacted RP about the findings.
12/9/21	2/15/22	66	Performance	RP was unhappy that an officer approached her vehicle and opened the car door during a traffic stop without a mask.	Sgt. learned that at the time of this stop no outdoor mask mandate was in place. Sgt. spoke with RP apologizing for making her feel uncomfortable, also explaining the officer had not violated any policy.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/10/21	12/21/21	11	Performance	RP feels an incident in which he was assaulted in his car by another man was not investigated accurately and no citation was issued.	Sgt. learned that RP had actually driven his car toward another man and a third man jumped in to stop him when the altercation happened. The officers found no probable cause for a citation. RP was notified of the findings.
12/16/21	1/20/22	34	Inquiry	RP felt an employee that was on an interview panel should not have participated as a relative was RP's current supervisor.	Supervisor found that the employee was scheduled well in advance for the panel and that RP did not list the relative as the current supervisor on the job application. Once the interview was over the employee immediately dismissed themselves from further assessing RP and let HR know. Supervisor spoke with RP about the findings.
12/15/21	1/25/22	40	Performance	RP was upset that an officer did not take the time to view a video she had taken of her son threatening her.	Review of the call for service found the officer had taken time with RP, was compassionate and professional and had explained that her son verbally insulting her was not a criminal matter. Sgt. spoke with RP about the findings.
12/20/21	1/18/22	28	Performance	RP was upset that an officer did not show up to take his report about an arrow that showed up near where he was camping.	Supervisor found that the information being provided was not sufficient to dispatch an officer as it was not in progress. No policy violations. RP was notified of the findings.
12/21/21	1/20/22	29	Inquiry	RP inquired into why EPD would not consider theft of services a criminal issue vs a civil one.	Supervisor was able to have a officer dispatched to determine if RP's issue was civil or criminal. RP was satisfied with the response.
12/21/21	2/4/2022	43	Inquiry	RP was unhappy that no officer was dispatched when she called about her car being broken into and someone possibly in her house.	Supervisor found that policy was followed in the triage portion of the call; no active crime was taking place. Call notes by the call taker could have been more precise and the call taker was coached. Supervisor spoke with RP about the triage process and what her expectations were.
12/21/21	2/8/2022	47	Inquiry	RP was unhappy with how a couple of officers interacted with her when she tried to report harassment and her phone being hacked. Both officers told her she was delusional.	Review of body cams showed that one officer entered a police report and a supplemental was attached by the other. Body cams showed the officers acting with patience while speaking with RP. No policy violations found. RP did not return calls made by the Sgt.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
12/23/21	2/4/2022	41	Incident Review: Performance	RP reported various issues with an arrest in which officer taunted her and asked weird questions.	Review of the arrest found that RP had been on meth at the time and that no body cam footage was found that showed any officer taunting RP or asking questions that did not pertain to the arrest. Sgt. spoke with RP about the findings.
12/24/21	2/1/22	37	Policy	RP is unhappy with the service received from EPD when calls about security alarms not being a priority and homeless camping near his business.	Sgt. spoke with RP about the concerns, explained EPD's triage system for prioritizing calls and answered questions.

CITY OF EUGENE

Civilian Review Board Annual Report

2021



Eugene Civilian Review Board 2020 Annual Report

Table of Contents

Introduction.....	1
2021 Civilian Review Board Members.....	4
2021 Overview	5
Trainings	5
Case Review Summaries.....	6
February: Case 1: De-escalation/Use of Force; Case 2: De-escalation/ Poor Judgment	7
March: Case 1: Use of Taser; Case 2: Improper Arrest.....	11
April: Case 1: Vehicle Pursuit.....	14
May: Case 1: Unbecoming Conduct and Integrity	15
June: Review of Officer-Involved Shooting from November 2019	17
July: A Selection of Four Incident Reviews	18
September: Case 1: Untruthfulness	20
October: Case 1: Judgment; Case 2: Incident Review of Alleged Bias	21
November: Case 1: Judgment, Performance, Body-Worn Video.....	23
Appendix:	25

Introduction

Eugene City Code 2.246(7), which governs Eugene’s Civilian Review Board, requires the Board to “...prepare and present an annual report to the city council that:

- (a) Summarizes the civilian review board’s activities, findings and recommendations during the preceding year;
- (b) Assesses the performance of the police auditor...; and,
- (c) Evaluates the work of the auditor’s office, including whether the office is functioning as intended.

Mission Statement

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

Letter from the Chairs

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

This annual report contains a summary of the work that the CRB undertook during 2021. As set forth in the ordinance, case reviews and assessment of the police auditor and the auditor’s office are included in the case summaries. As in years past, the bulk of this report centers around the cases reviewed by the CRB. While detailing the allegations investigated, the issues discussed, and our discussions and findings, this report only touches on the work that we have put into our responsibilities.

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. This year, due to COVID-19, meetings were all conducted online with an opportunity for public comment. Recordings of the meetings and detailed minutes are also made available to the public.

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. The CRB discussion process successfully strikes this delicate balance between confidentiality and the transparency required to maintain public confidence in the system.

We strive for respectful, rigorous, inclusive dialog during our meetings. We make space for each board member to speak and maintain courtesy regardless of differences in opinion or viewpoint. We are also

cognizant of the importance of being respectful when discussing those who may not be present in the meetings, whether a complainant or any officers involved in the alleged police misconduct in question.

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 Police Auditor (OPA) was integral in examining 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 excellent work by the Police Auditor's office and EPD Internal Affairs.

In February 2021 Mark Gissiner retired as Police Auditor, and City Council appointed Deputy Auditor Leia Pitcher to be Interim Police Auditor. Ms. Pitcher then initiated the hiring process for two part-time Associate Auditors. The drawn-out nature of the hiring process left Ms. Pitcher performing the essential functions of both the Police Auditor and Deputy Police Auditor for the remainder of the year. While we were consistently impressed with the quality of Ms. Pitcher's work, the lack of adequate staffing in the Auditor's Office (and a coincident lack of staffing in EPD Internal Affairs) resulted in delays in case investigations and closures that we have not observed in previous years. We anticipate that appropriate staffing levels in 2022 will rectify these issues.

The OPA received 339 complaints during 2021. This is lower than 2020 when 407 complaints were received. The ten-year average number of complaints for the OPA is 380 per year. However, because each complaint can generate multiple specific allegations against one or more EPD employees, the number of complaints alone does not illuminate the workload of the OPA. While many complaints continued to be customer service oriented and were subsequently classified by the auditor as service complaints, in 2021 there was a significant increase in the number of complaints classified as allegations of misconduct, including criminal conduct. These more complex cases placed significant demands on the OPA in 2021.

Training and the use of body-worn cameras have improved the ability of the Auditor's office and Internal Affairs to more precisely investigate situations where there was a question about an officer's conduct. In addition, video footage also allows the Auditor's office to better triage and classify complaints. 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. Significantly, CRB members expressed ongoing concerns regarding the muting of body worn cameras. These concerns were referred to the Police Commission and Ad Hoc Committee for consideration.

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 OPA 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 does require that the Auditor and Deputy Auditor review approximately 152 more incidents in addition to the complaints received. BlueTeam review and the accompanying report, plus the body-worn cameras enhance and provide clarity to 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 to the Police Commission. We also welcomed an observer from the Human Rights Commission, and a CRB liaison and Auditor staff typically attend their monthly meeting.

The past year was one of ongoing work in the struggle for racial justice in policing, following the public upheaval resulting from the murder of George Floyd at the hands of police in May of 2020. During 2021, the CRB completed its review of incidents related to the Community Impact Case that resulted from the May 2020 protests in Eugene and debriefed the overall process of declaring and reviewing Community Impact Cases. The CRB continued in its efforts to improve transparency and service to the broader community through active participation in the Ad Hoc Committee on Police Policy, which concluded its meetings in April of 2021 and issued its [final report](#) in May of 2021. In addition, the CRB continued efforts to increase the number of publicly reviewed cases. In 2021 the CRB met 10 times and publicly reviewed 16 cases, including 12 allegations of misconduct and 4 incident reviews.

We have an engaged and thoughtful civilian review board that invests considerable personal time to participate in and evaluate the police oversight processes in Eugene. They are the community's representatives who analyze the internal administrative personnel processes of EPD and the external monitoring and complaint intake processes of the Auditor's office. The CRB continually strives to have open and transparent discussion of cases brought before it and provide policy and training recommendations within the confines of the Oregon Public Records Laws. The CRB consistently meets more often than required by City Code. At most meetings, the entire board is present.

The CRB has been complimentary, critical, inquisitive, and decisive. It was an honor and privilege to serve the community of Eugene this past year. In 2021, 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.

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.

Sincerely,

Carolyn Williams
2021 Board Chair

Bernadette Conover
2021 Board Vice Chair

Civilian Review Board Members Serving in 2021

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.

Michael Hames-García has been a Eugene resident since 2005, but grew up in Oak Grove, Oregon. He earned his BA from Willamette University and his PhD from Cornell University. Michael is a professor in the Department of Indigenous, Race, and Ethnic Studies at the University of Oregon and proudly serves as an officer in his union local. His scholarship and teaching currently centers on criminal justice policy reform.

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.

Carolyn Williams is a lifelong Eugene resident - aside from her service as a Peace Corps Volunteer teaching English in Azerbaijan. She is an educator who received her BA in English from Oregon State University and her MAT from Pacific University. Her focus and passion as an educator is on cultural competency, as well as literature and history.

William "Bill" Whalen is Senior Vice President and Chief Credit Officer at Summit Bank. His career in banking began over 30 years ago when he graduated from California State University at Long Beach with a Bachelor's degree in Accounting. He is well-versed in lending, credit administration and management through his work in both the corporate and local community bank settings. Bill has called Eugene his home since 2001. He graduated from the Pacific Coast Bankers School in 2010. Bill is very active in the Eugene community and is a member of the Citizens Advisory Board. He is a board member of CASA of Lane County. Bill is also on the board of directors of Northwest Business Development Corporation (NWBDC), an SBA 504

lender. He is a member of the Eugene Chamber's Local Government Affairs Council and a part of Lane Transit District's Budget Committee. He is excited to join the City of Eugene's Citizen Review Board of the Police Auditor's Office.

Past Members (Served Until June 2021):

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, a non-profit provider of health care for uninsured, underinsured and underserved members of the Eugene-Springfield community. 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.

Lindsey Foltz is a Eugene native, returned after living in Central Oregon and serving as a Peace Corps Volunteer in Bulgaria. She worked as an Equity and Human Rights Analyst and Community Development Analyst for the City of Eugene, before resigning to pursue a PhD in the Department of Anthropology at the University of Oregon where she currently teaches and studies.

2021 Overview

The CRB is required to meet four times a year. The CRB met ten times in 2021, all public meetings. The Board (with the help of the Office of the Police Auditor) identified policy concerns and communicated such to the Police Commission and the Eugene Police Department. In 2021 our representatives to the Police Commission from January-June was Lindsey Foltz, and from June-December was Dr. Michael Hames-Garcia. José Cortez 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. Rick Roseta and Lindsey Foltz served as representatives from the CRB on the Ad Hoc Committee on Police Policy, which issued its final report in May of 2021.

Trainings

Auditor's office staff in collaboration with the CRB chairs selected a number of training topics for 2021. Because the CRB frequently reviewed two cases per meeting, instead of their typical one, the CRB received fewer trainings during 2021 than in the past. The CRB engaged in these four training sessions:

- De-escalation Training
- Background Checks
- Traffic Stops
- State of Oregon Statistical Transparency of Policing (STOP) Program

Case Review Summaries

In preparing for a case review, Board members have complete access to the Internal Affairs investigative file. These materials include call logs, correspondence, 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

Additionally, the Auditor's office and CRB designated the events related to the protests May 29-31, 2020, as a Community Impact Case after receiving a lot of community interest and comments from various perspectives. 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. The last incidents related to the Community Impact Case were reviewed in early 2021 and the CRB publicly reflected on the Community Impact Case process during their January 2021 meeting.

CRB Case Summaries 2021

JANUARY

No Case Review

Discussion of the Community Impact Case Process

FEBRUARY CASE REVIEWS:

Case #1: Allegation of Lack of De-escalation and Use of Force when Two Employees Responded to a Reported Dispute

Summary of Facts

- EPD received two sets of 911 calls regarding a dispute at a residence. Officer B responded to the area following the first call for service but cleared the call as a “Patrol Check” after not finding the dispute. A short time later, the second dispute call was received, and Officer B responded to the residence with Supervisor A.
- Supervisor A and Officer B approached the front door, where Supervisor A stated that they believed they heard a dispute inside. Officer B knocked on the door, and a voice shouted loudly inside. Citizen 1 opened the door, shouting, and a dog ran out.
- Supervisor A backed away from the door and the dog followed; Supervisor A and Officer B ordered Citizen 1 to get the dog. Citizen 1 stood on the front step and called to the dog, who did not respond.
- Officer B stated, “What is the matter with you, dude?” and Citizen 1 responded by shouting “You came to my house!” Officer B and Supervisor A continued to order Citizen 1 to get the dog. Citizen 1 moved out of the house and towards the dog, who was near Officer B.
- Officer B physically directed Citizen 1 towards the dog, and Citizen 1 and Officer B became entangled and Officer B took Citizen 1 to the ground.
- Officer B spotted a knife on the ground during the struggle with Citizen 1. Supervisor A approached but appeared to be focused on the dog. Citizen 2 exited the house and approached the struggle; Supervisor A directed them to get the dog.
- Citizen 2 appeared to get the dog and headed toward the door of the residence; Officer B continued to struggle with Citizen 1, and Supervisor A deployed a Taser, striking Citizen 1 in the abdomen. Citizen 2 then approached the officers again, shouting at them to leave Citizen 1 alone. Supervisor A ordered Citizen 2 to get back and struck Citizen 2 in the chest area. Citizen 2 then moved back towards the front door; Supervisor A pulled Citizen 2 out and detained them in handcuffs.
- Approximately 2 minutes and thirty seconds passed between Officer B knocking on the front door and both Citizen 1 and Citizen 2 being detained in handcuffs.
- A use of force report was written by another supervisor, and the incident was flagged by the EPD chain of command as potentially being outside of policy. The Auditor’s office initiated this investigation following review of the BWV and related reports.

Allegations

Supervisor A:

820.3 De-escalation	That Supervisor A failed to make reasonable efforts to de-escalate the confrontation with Citizen 1.
103.5.14 Unsatisfactory Performance	That Supervisor A failed to meet performance standards for their rank and position when they did not identify themselves as police prior to giving Citizen 1 orders.
800.2 Use of Force	That Supervisor A used force in excess of that which was reasonable under the circumstance when they hit Citizen 2.

Officer B:

820.3 De-escalation	That Officer B failed to make reasonable efforts to de-escalate the confrontation with Citizen 1.
103.4.2 Professionalism	That Officer B did not provide courteous service when they greeted Citizen 1 with "Dude, what is wrong with you?"
103.5.14 Unsatisfactory Performance	That Officer B failed to meet performance standards for their rank and position when they did not identify themselves as police prior to giving Citizen1 orders.
800.2 Use of Force	That Officer B used force in excess of that which was reasonable under the circumstances when interacting with Citizen 1.

Recommended Adjudications

Supervisor A:

De-escalation	
EPD Chain of Command	Within Policy
Police Auditor's Office	Sustained
Chief of Police	Within Policy
Unsatisfactory Performance	
EPD Chain of Command	Within Policy
Police Auditor's Office	Within Policy
Chief of Police	Within Policy

Use of Force

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

Officer B:**De-escalation**

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

Professionalism

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

Unsatisfactory Performance

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

Use of Force

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

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

Case #2: Allegation of Lack of De-escalation and Poor Judgement when Responding to a Large Gathering

Summary of Facts

- Supervisor A was dispatched to a report of a large college party, where attendees were not socially distancing or wearing masks, in November 2020.
- One attendee was holding a plastic bottle with green liquid inside. They were initially argumentative with officers but left.
- A short time later, that person returned and stood on the sidewalk a distance away from Supervisor A and began shouting at the officers to go away. They were still holding the bottle with green liquid. Supervisor A walked toward the person and began to ask about what was in the bottle.
- The person asserted that it was an energy drink, and Supervisor A reached out to grab the bottle. The person pulled the bottle away and began walking backward. Supervisor A stated that they had probable cause to believe the person had committed a crime and reached out toward the person again, who continued to walk backward.
- The person was taken to the ground by another officer and placed in handcuffs. A crowd gathered during the incident, and other officers had to respond to provide security as the person was moved to a patrol car.
- This was an internally reported complaint.

Allegations

Supervisor A:

103.4.1 Judgment	That Supervisor A's actions with this person demonstrated poor judgment in violation of policy.
820.3 De-escalation	That Supervisor A failed to attempt to de-escalate their encounter with this person in violation of policy.

Recommended Adjudications

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

Police Auditor's Office	Sustained
Chief of Police	Sustained

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

MARCH CASE REVIEWS:

Case #1: Improper Use of a Taser

Summary of Facts

- Officer A was on patrol downtown and heard someone screaming “No” and shouting obscenities outside of a bar. Officer A turned their vehicle around and were contacted by an employee of the bar, who told the officer that the person had tried to force their way into the bar and that the bar would like to trespass them.
- Officer A soon saw someone who matched the description of the involved person crossing the street. Officer A got out of the vehicle and shouted at them to stop and sit down. The person did not sit and shouted back.
- Officer A deployed their Taser, striking the suspect. The suspect fell to the ground, stood back up, backed away from the officer, and removed their Taser wires. Officer A deployed pepper spray, which did not affect the suspect but appeared to blow back and affect Officer A.
- The suspect turned and ran away. Officer B ran past Officer A and contacted the suspect a short distance away; the suspect was taken into custody after an additional Taser application and physical struggle.
- Sergeant C completed a BlueTeam report on the use of force, which concluded that the use of force appeared to be within policy. A Lieutenant reviewed the report and body-worn video footage and came to the same conclusion.
- The incident then went to a Captain for review, who requested a further review by the Defensive Tactics Supervisor. That review focused on the Taser deployment by Officer B and concluded that the use of force was within policy.
- The Captain remained concerned about the incident and flagged it for review by the Auditor's office. This administrative investigation followed.

Allegations

Officer A:

820 De-escalation	That Officer A used ineffective verbal communication and failed to attempt to de-escalate the encounter with the involved citizen in violation of policy.
809 Taser Use	That Officer A's deployment of the Taser while affecting the arrest of a disorderly conduct suspect was in violation of policy.

Recommended Adjudications

De-escalation	
Police Auditor's Office	Sustained
EPD Sergeant/Lieutenant	Within Policy
EPD Captain and Deputy	Sustained
Chief of Police	Sustained
Taser Use	
Police Auditor's Office	Sustained
EPD Sergeant/Lieutenant	Within Policy
EPD Captain and Deputy	Sustained
Chief of Police	Sustained

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

Case #2: Investigation into Alleged Violation of Constitutional Rights

Summary of Facts

- Officer A (Field Training Officer [FTO]) and Officer B (Recruit Officer) were dispatched to a report of a violation of a stalking order. They contacted the alleged victim, who provided them with a copy of a document titled "Stipulated Order of No Contact and Dismissal of Stalking Protective Order." Officer A noted that the document was unserved, and not signed by a judge.
- Officer A and Officer B then went to the residence of the alleged suspect (listed as the Respondent on the document). Officer B asked the suspect to step outside; when they hesitated, Officer B stated that they were under arrest and placed them into handcuffs.
- After investigating the incident further, the officers determined that probable cause did not exist to arrest the suspect, and they were taken out of custody.
- Officer A coached Officer B after the call. Their supervisor entered the incident into BlueTeam, and this investigation followed.

Allegations

Officer B:

300 Arrests	That Officer B placed Suspect under arrest without a valid warrant or probable cause to support the arrest.
------------------------------	---

Officer A:

300 Arrests	That Officer A, as FTO for Officer B, failed to prevent Officer B's arrest of Suspect without a valid warrant or probable cause to support the arrest.
103 Unsatisfactory Performance	That Officer A failed to perform the required tasks associated with their position as FTO when they failed to adequately supervise Officer B.
103 Unsatisfactory Performance	That Officer A failed to adequately perform the required tasks associated with their position when they did not adequately review the document provided by the alleged victim in this matter.

Recommended Adjudications

Officer B:

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

Officer A:

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

Unsatisfactory Performance

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

Unsatisfactory Performance

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

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

APRIL CASE REVIEW:

Investigation into Alleged Violations of the Vehicle Pursuit Policy

Summary of Facts

- Multiple people called 911 to report a male, hanging on the hood of a vehicle as it drove through City streets, calling for help. The male eventually fell off the vehicle, and Officer D was sent to contact them.
- Officer A was driving their patrol vehicle in the area and saw the suspect vehicle drive by. Officer A activated their emergency lights and followed. The suspect vehicle failed to yield and began to speed up and away from Officer A.
- Officer A reached about 45 mph (in a 30-mph zone) as they tried to catch up to the vehicle. Officer A stated that the vehicle went through a red light, and Officer A followed.
- Supervisor B at that point asked Officer A what probable cause existed; Officer A stated there was reasonable suspicion for reckless endangering.
- Officer A accelerated to 57 mph (in a 30-mph zone) to keep up with the vehicle; the vehicle then stopped at a red light. The vehicle went against the light as more police vehicles came into the area, and Officer A followed (reaching 45 mph to catch up).
- Supervisor C then checked if anyone was with the victim yet, and no one was. Supervisor C then terminated the pursuit.
- The suspect then stopped in traffic at another red light, and officers pinned in the vehicle and took the driver into custody.
- The Emergency Vehicles Operations supervisor reviewed the incident and was concerned that Officer A and Supervisor B may have violated the Vehicle Pursuit Policy; this administrative investigation followed.

Allegations

Officer A:

814 Vehicle Pursuit Policy	That Officer A initiated and conducted a vehicle pursuit of a suspect vehicle in violation of policy.
---	---

Supervisor B:

814 Vehicle Pursuit Policy	That Supervisor B's management of the apparent pursuit was in violation of the policy.
---	--

Recommended Adjudications

Officer A:

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

Supervisor B:

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

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

MAY CASE REVIEW:

Additional Community Impact Case Investigation: Allegations of Unbecoming Conduct and Integrity

Summary of Facts

- Officer A and Officer B were assigned to crowd control throughout the weekend of May 29-31, 2020.
- Officer A was assigned a pepper ball launcher throughout the weekend, and their use of pepper ball was investigated separate to this (and reviewed by the CRB).
- Officer B was assigned a 40mm sponge-round launcher on the night of May 29, and their use of that tool was reviewed in a separate inquiry. Officer B was assigned a pepper ball launcher for the rest of the weekend; their use of the pepper ball was documented in police reports. Officer B was also interviewed for part of the investigation into Officer A's use of pepper ball.
- The recording that gave rise to this investigation was inadvertently recorded by Officer A's body-worn camera on the night of May 30. It was discovered during the review of all EPD video related to officer response to demonstrations.
- The video included the officers describing their use of force in a casual manner, and their descriptions of their uses of force on the video differed from the accounts they gave in police reports and administrative interviews.

Allegations

Officer A:

103.5.9 Conduct	That Officer A engaged in conduct that brought the department into disrepute when they mocked the use of force on community members.
103.4.3 Integrity	That Officer A engaged in conduct that compromised their honesty when they gave a materially different account for their force on a community member in an administrative interview than they did when speaking informally.

Officer B:

103.5.9 Conduct	That Officer B engaged in conduct that brought the department into disrepute when they mocked the use of force on community members.
103.4.3 Integrity	That Officer B engaged in conduct that compromised their honesty when they stated that none of the people, they had shot over the weekend deserved it except one but justified all their uses of force on community members in police reports.

Recommended Adjudications

Officer A:

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

Officer B:

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

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

JUNE CASE REVIEW:

Review of Investigation into an Officer's Use of Deadly Force on November 30, 2019

Summary of Facts

- On November 30, 2019, Officer A was on patrol and observed a person in dark clothing walking in the road. Officer A contacted the person, later identified as Eliborio Rodrigues, for the pedestrian violation.
- Officer A was wearing a body-camera, which was activated just before the contact with Rodrigues.
- Officer A talked to Rodrigues about the pedestrian violation, and Officer A then asked if Rodrigues had identification. Rodrigues did not immediately respond, and Officer A radioed for Code 1 (nonemergency) cover.
- Officer A ultimately grabbed Rodrigues' arm (within a minute of the initial contact), Rodrigues objected and asked for a supervisor. Officer A radioed for Code 3 (emergency) cover within the next minute (12:33.57 am).
- Officer A continued to hold Rodrigues and repeat orders for them to sit down. Officer A stated that Rodrigues was under arrest for interfering, and Rodrigues continued to ask for a supervisor.
- The physical contact devolved into physical resistance and more of a physical dispute, and Officer A sprayed OC spray at Rodrigues' face.
- Officer A's body-worn camera was dislodged, and the recording ended. Officer A radioed that they were "fighting with one" at 12:34.20 am.
- Rodrigues was able to get away from Officer A, and Officer A chased them. Officer A's radio microphone also came off in the struggle, and they were not able to radio any additional updates.
- Officer A caught up to Rodrigues, and Officer A stated that the fight continued (this was supported by physical evidence).
- Rodrigues was able to get on top of Officer A and continued hitting from that position. Officer A deployed a Taser towards Rodrigues' midsection with no effect. Rodrigues took control of the Taser and deployed it against Officer A's legs and groin area. The two continued to fight, and Officer A slipped from under Rodrigues to grab their firearm. Officer A fired their gun at Rodrigues three times, until Officer A believed that Rodrigues had stopped fighting and Officer A could get out from underneath him.
- Officer A used their radio (Without the hand microphone) to report "shots fired" at 12:36:08 am.
- Officer B and Officer C arrived moments after that information was aired. Officer B and Officer C worked to get Rodrigues into handcuffs, and they found an armed and fired Taser underneath him. Officers provided first aid and CPR. Medics arrived at 12:46 am and pronounced Rodrigues deceased at 12:48 am.
- The IDFIT Team was notified and responded to the scene. The Police Auditor was also notified in a timely fashion and arrived at the scene.
- The District Attorney issued her finding that the use of deadly force was lawful under the circumstances on December 13, 2019.
- A Use of Force Board was convened on March 5, 2020, led by EPD Captain Shawn Adams, to determine whether or not Officer A's actions during the incident were within policy. The Auditor was a non-voting member of that Board.

- The Board found that Officer A's actions leading up to the use of force, as well as the use of force, were within policy. The Board also found that the employee's actions following the use of deadly force were within policy. Captain Adams' memo summarizing the findings of the Board was dated March 6, 2020.
- The Police Auditor submitted his findings to the Chief in a separate memo, recommending that Officer A had violated policy prior to the use of deadly force.

Recommended Adjudications

- The Use of Force Board recommended that Officer A followed EPD policy and training throughout the incident.
- The Police Auditor recommended that Officer A violated EPD policies 402 (Police STOPS), 820 (de-escalation), 800 (use of force), and 458 (foot pursuit). Police Auditor also recommended that the use of deadly force was reasonable.
- The Chief concurred with the findings of the Use of Force Board.

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

JULY CASE REVIEWS:

Incident Reviews

Case Review #1: EPD Response to Demonstration in January 2021

Summary of Facts

- The Auditor's Office received multiple community complaints alleging that EPD handled a demonstration on January 9, 2021 substantially differently than they had handled other demonstrations.
- Complaints alleged that the disparate treatment was evidence of EPD's sympathies with the protestors.
- Classified as an Incident Review; investigated by Internal Affairs.
- Investigation indicated that EPD policies were followed:
 - When a fight broke out in the crowd, EPD sent in the field force contingent and started admonishments to disperse. The crowd complied, which resulted in no force or munitions being used.
 - Three people were arrested as a result of the fight and lodged at local jails.
 - There was an issue with EPD apparently not seizing a flagpole that had been used in the physical dispute; that portion of the complaint was referred to a supervisor for follow up and training.

Case Review #2: EPD Response to Identity Theft

Summary of Facts

- RP contacted Auditor and HRNI Office with concerns about how their complaint of identity theft was being handled by EPD.
- Classified as an Incident Review and investigated by Internal Affairs. Investigation included review of body-worn video, dispatch records, police reports, and the intake interview.
- Investigation showed that EPD policies were followed:
 - The officer notified the RP that they were recording.
 - The officer was on scene for 42 minutes; asking clarifying questions and taking notes. The officer produced three police reports of the incident and placed an Attempt-to-Locate order out for the arrest of the suspect.
 - Incident was referred to direct supervisor for follow-up; the supervisor spoke with the RP and updated them on the case. A detective also followed up.

Case Review #3: Complaint of EPD Response to Domestic Violence

Summary of Facts

- RP, a third-party complainant, contacted the Auditor with concerns about how EPD handled a series of domestic violence calls involving RP's friend. The calls had occurred in 2015.
- Dismissed as not timely, but Internal Affairs reviewed the response from 2015 and spoke with the RP.
- Investigation included correspondence from 2015, as well as review of related police reports.
 - The involved employees followed policy; after receiving information from RP, they conducted a welfare check, wrote a police report documenting the investigation, and contacted RP with their findings.
 - IA contacted RP to go over the investigation that EPD had conducted in 2015 and answer questions.

Case Review #4: Incident Review of Use of a Taser

Summary of Facts

- Officer A used a Taser while arresting a burglary suspect. Their supervisor entered a Use of Force report detailing the use of Taser. The incident was flagged by EPD and Internal Affairs as a potential violation of policy.
- This was an entirely internally reported incident.
- The Auditor initially classified as an Allegation of Misconduct/Use of Taser based on the recommendation of the EPD chain of command.
- The incident was reviewed by the Defensive Tactics supervisor and the Internal Affairs supervisor.
- The incident was reclassified to an Incident Review following an analysis by the Defensive Tactics Supervisor:
 - Officer A had failed to verbally admonish the suspect before using the Taser, which was a policy violation.

- Officer A's first use of the Taser was otherwise within policy, as the suspect was fleeing arrest for a felony.
- Officer A did use the Taser a second time, which also appeared to be within policy as the suspect was reaching for the Taser. However, the supervisor identified issues that could be addressed with Officer A through training.

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

SEPTEMBER CASE REVIEW:

Allegation of Misconduct and Incident Review Arising Out of Inconsistencies in an Employee Background Check

Summary of Facts

- While Officer B was auditing stored background files of failed applicants to EPD, they found files with applications from people currently serving as EPD employees.
- Five of the files were linked to the current employee files, but Officer A's was not.
- Officer B found a background file from 2016 for Officer A and compared it to the background file Officer A had filled out in 2018 (when they were a successful candidate); Officer B found several discrepancies between the two files.
- Officer B notified their chain of command, who brought the matter to the attention of IA and the Auditor, and an IA file was opened. The matter was initially classified as an allegation of misconduct, but because the alleged behavior (statements on the background check) occurred before the employee was officially an employee, the matter was reclassified to an Incident Review and assigned to Supervisor C, who oversees the background process.
- Supervisor C reviewed the files and interviewed Officer A regarding the discrepancies. As a result of the interview, Supervisor C determined that it appeared Officer A was not truthful on their Personal History Questionnaires (PHQ) regarding previous marijuana use; it also appeared that Officer A was untruthful with Supervisor C in that interview.
- Supervisor C summarized their findings in a memo, and the Auditor opened an Allegation of Misconduct; specifically, that Officer A (while employed by EPD) appeared to have been untruthful in their interview with Supervisor C.
- Officer A was notified of the allegations. Officer A resigned during the course of the investigation. Once Officer A was no longer an employee, the investigation was administratively closed.

Allegation

103.5.1 Truthfulness	That Officer A was untruthful in their statements to Supervisor C related to their answers on the PHQ from 2016 and 2018.
---------------------------------------	---

Recommended Adjudications

Officer A resigned during the course of the investigation. Once Officer A was no longer an employee, the investigation was administratively closed.

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

OCTOBER CASE REVIEWS:

Case Review #1: Allegation that a Supervisor Demonstrated Poor Judgment During Traffic Stop

Summary of Facts

- Supervisor A initiated a traffic stop on a vehicle; as the supervisor approached the vehicle, they asked for “code 1 cover.” When Supervisor A contacted the driver, they noticed that there was a large knife sticking out of the driver’s thigh.
- Supervisor A remained very calm and had a conversation with the driver about how the knife came to be in their leg, and where the driver was going. Supervisor A requested a medic unit to come and assess the driver.
- The driver stated that there was a gun in the backseat of the vehicle, and “you guys” had shot him before. The driver reached into their back pocket and ultimately pulled out a wallet and handed their license to Supervisor A.
- Supervisor A moved to the driver’s side of the car after medics and the cover officer (Officer B) had arrived. Supervisor A continued to speak with the driver, and the driver stated that they wanted to get out of the car.
- The driver’s door was opened, and they prepared to exit. The driver, at Supervisor A’s direction, placed both hands up near the windshield as Supervisor A reached for something below the view of the camera. Supervisor A placed their flashlight on the roof of the vehicle.
- The flashlight rolled off the roof and struck a pistol that Supervisor A had retrieved from the space between the doorframe and the driver’s seat. The gun discharged one shot.
- Supervisor A then radioed for emergency cover. Supervisor A maintained control of the driver’s left arm, and Officer B stayed on the passenger side of the vehicle with their firearm pointed at the driver.
- Supervisor A, Officer B, and the driver communicated to ensure that everyone was ok, and no one had been hurt. Officers checked in with the medics to ensure they were okay as well.
- The driver was ultimately removed from the vehicle, searched for weapons, and placed on a gurney. The knife fell out of their leg during this process.
- Fire personnel were concerned about how the situation was handled and reported a complaint to the EPD chain of command. The complaint centered around not securing the scene sufficiently for medics, not placing the driver under arrest, and not being skeptical of the driver’s story of how they were stabbed.
- Following review of reports and video, the complaint was classified as an allegation of misconduct.

Allegation

103.4.1 Judgment	That Supervisor A did not illustrate “good judgment”, in violation of policy, during their interaction with the driver.
-----------------------------	---

Recommended Adjudications

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

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

Case Review #2: Incident Review of Third-Party Complaint Related to a Pedestrian Stop

Summary of Facts

- RP contacted the Auditor’s Office with a third-party complaint – a student of theirs reported that they had been stopped by an officer for a pedestrian violation. The student felt that the stop had been motivated by bias, and that the student and their partner were treated differently because of their race.
- Following review of the body-worn video, the complaint was classified as an incident review and assigned to Internal Affairs.
- The video illustrated that the student had, in fact, crossed against the signal, and it appeared from the video that the officer attempted repeatedly to communicate with the student and their partner before they proceeded against the light.
- Internal Affairs reached out to the RP to discuss the investigation and offered to show them the video. RP was satisfied with the details provided, but they also discussed with the investigator the problem of people being issued citations that they cannot pay and expressed the wish that this could have been resolved with a warning.

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

NOVEMBER CASE REVIEW:

Allegation that Employees Demonstrated Poor Judgment When Dispatched to a House Fire

Summary of Facts

- Several EPD officers were dispatched to a house fire to assist Eugene-Springfield firefighters. When Officer A (training officer) and Officer C (recruit officer) arrived, firefighters were stringing hose in the front yard.
- Officer C asked the people outside if there were more people inside; a resident believed that there were two people and a dog in the bedroom that appeared to be on fire. Officers A and C approached the front door, and Officer A indicated for Officer B to join them.
- After a short conversation, Officer B and Officer C went inside the house and upstairs to attempt to find any more people inside. Officer A appeared to enter as well; Officer A and Officer C became separated at that point.
- Officer C found a locked door and Officer A directed them to break the door. Officer C forced the door and observed that the room was filled with black smoke.
- Supervisor D then shouted at the officers to get out, as ESF needed to get in the house.
- All EPD officers exited the residence. Officer C spoke to a firefighter, who was preparing to go in, about the room where the smoke and fire was.
- Officers then retreated from the house and had a conversation about the fire conditions.
- This complaint was internally reported; supervisors were concerned that Officer A's actions did not illustrate proper judgement and potentially compromised the safety of their recruit officer. There were also concerns that EPD's actions interfered with ESF's response to the fire.
- The investigation was complicated by Officer A's failure to record the event on body-worn camera.

Allegations

Officer A:

103.4.1 Judgment	That Officer A did not exercise good judgment at the scene of the fire.
103.5.14 Unsatisfactory Performance	That Officer A did not perform the tasks associated with their official position when they failed to adequately supervise their recruit officer.
1203 Body-Worn Video	That Officer A failed to follow the policy on BWV by: <ul style="list-style-type: none"> • Failing to record this incident for its entire duration. • Stopping their recording more than once without recording a reason why.

Officer B:

103.4.1 Judgment	That Officer B did not exercise good judgment at the scene of the fire.
-----------------------------------	---

Recommended Adjudications

Officer A:

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

Unsatisfactory Performance

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

Body-Worn Video

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

Officer B:

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

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

MINUTES
Civilian Review Board
Zoom Webinar

January 12, 2020
5:30 p.m.

PRESENT: Lindsey Foltz, Michael Hames-Garcia, Bill Whalen, Carolyn Williams, Bernadette Conover, José Cortez, Rick Roseta, Civilian Review Board members; Beatrice Otero-Hernandez, Vicki Cox, Leia Pitcher, Mark Gissiner, Police Auditor's Office; Jason Berreth, Eugene Police Department.

ABSENT: None.

Chair Williams convened the Civilian Review Board (CRB) at 5:31 p.m. Everyone present introduced themselves.

1. Agenda and Materials Review

Foltz wanted to hear more about the supplementary materials they asked about at the last meeting. They said it could be incorporated into the Auditor report.

Williams wanted to leave public comment until the time indicated on the agenda, so they would do minutes approval first.

2. Minutes Approval

MOTION: Conover moved, seconded by Roseta, to approve the November 10, 2020 and December 15, 2020 CRB minutes as presented. The motion passed unanimously.

3. Public Comment

There was no public comment.

4. Comments from Board Members and Commission Liaisons

Foltz said that the next Police Commission meeting would be on Thursday January 14, 2021. There was an Ad Hoc Committee meeting the previous week. At the meeting they looked at six of the thirteen motions on oversight, four of them passed. Foltz shared that the conversation was very jumbled up and hard to summarize, but that all the information was available online to look at. One major thing talked about at the Committee was CRB membership and function. The issue of representation on the CRB was brought up as well as motions on how to change the CRB role and scope of work.

Roseta thought that Foltz summarized the Ad Hoc Committee meeting well. They agreed that the conversation was jumbled up and that a segment of the Committee wanted to change the CRB to be an adjudication Board. Some people also wanted the CRB to investigate cases and deal out punishment to the officers. Roseta noted that if these changes were made, City charter and ordinance would need to change as well.

Cortez expressed their gratitude for everyone working on the CRB and the auditor's officer.

Conover was concerned with the updates that Foltz and Roseta gave about how the Ad Hoc Committee was viewing the CRB. They hoped that those people saw some of the consequences that would come with those changes. Conover had thought a lot over the past month about the family that came to talk at their last meeting. They were unhappy that they were not given a platform to speak as much as they wanted. Williams agreed and thought they could put time into the agenda for those related to cases to respond.

Williams wanted to bring up the memo that they sent out to the Police Chief. They reminded everyone that Foltz wanted to talk about giving a related memo to the Police Commission. Williams wanted to make sure they touched on that in their discussion that night.

Hames-Garcia reported that there was no December Human Rights Commission meeting. The next one would be the following week and they would report on it at the next CRB meeting.

5. Discussion: Community Impact Case Process

Williams said that they would share their thoughts on how the Community Impact Case process worked. Pitcher thought that Board members could lead the discussion. One thing they knew the Board wanted to talk about was the decision on whether to give the memo on the 40mm sponge round policy suggestions to the Police Commission.

Foltz said that the Police Commission would talk about 40mm sponge rounds at the Thursday meeting. They brought up that Pitcher wrote some policy recommendations concerning the 40mm sponge round that might be useful for the Commission to see. Foltz wanted the Board to vote on sharing that information at the Commission meeting so that they were sharing information that the whole Board agreed on. Whalen wanted to just send their recommendation on policy changes and not the full memo. Their recommendations would say enough about what they thought, and Foltz could communicate anything more. Conover was worried about becoming too advisory over the Police Commission and said that it was Foltz's job as the liaison to share what the CRB was talking about. Conover stated that they could send the recommendations to the Commission and then include more information in the yearly City Council report. Hames-Garcia agreed.

Foltz wanted to share CRB's issues with policies on pepper ball gun policy and the 40mm sponge rounds. They would also bring up concerns with vests covering body cameras and body cameras not getting picked up when officers were called in from home. Whalen was worried that they were getting too advisory with this and thought they should just tell the Commission what policies they had issues with. Foltz wanted to give a brief overview of the conversation CRB had around them. Pitcher thought that was within their role of a liaison to share that information. Conover thought it was good to let them know what policies they talked about so the Police Commission could set their agenda with those conversations in mind. When they topics came up Foltz could then give CRB members thoughts on it. Foltz mentioned that Police Commission would be talking about the 40mm sponge rounds on Thursday which was why they wanted the Board's approval now.

Foltz read out the recommendation that Pitcher wrote out concerning the 40mm sponge round weapon. They read that the rounds were meant to disperse people but usually ended up striking and injuring individuals. All impact weapons were in the same policy, but the recommended them be put into different category on extended range impact weapons. The policy should detail the seriousness of the weapon and the chance of injury if struck. Another recommendation would be to only use the 40mm sponge round weapon when trying to stop someone committing a serious crime or in risk of serious injury.

Conover was worried they were getting into too much detail and believed that Foltz would represent them well. They added that Chief Skinner was present at the Community Impact Case meeting and heard the conversation that CRB had.

Pitcher thought consensus was that the Board wanted the policies they had issues with to be voiced. Foltz thought that giving them the information in the memo would help with their discussion. All members agreed that Foltz should share the memo information as well as their policy concerns.

Williams said they would move on to talking about more overall views of the Community Impact Case.

Whalen did not like the timeline they were given for the Community Impact Case. They thought that the 14-day restriction on when the Board could review the cases and the 30-day restriction on when they had to make recommendations to the Chief of Police impeded the process. Conover thought that they rushed into the process and would have liked to have a better understanding of their role. They said that slowing down and having more meetings to go over the information would have helped them. Hames-Garcia brought up that it would have been helpful to have two discussions. There had been information brought up by Board members that they missed and would have liked time to go back and study before having another discussion. It was too much information to go through in one meeting.

Foltz thanked those at EPD that put the presentation videos together. They said that it helped make everything else make sense.

Cortez believed that the definition of a Community Impact Case was about to change, and with that the process could change as well. They heard comments during their discussion that were mind-opening and wanted to be able to go back and look at the cases again with those ideas in mind. Conover was torn on the issue. They thought that it was good that they each came into the meetings with their own ideas and were not influenced by everyone else. However, they saw the benefit of having more meetings.

6. Auditor Report

Gissiner wanted to address the questions Foltz had brought to them about the Community Impact Case. They said that sometimes officers use language to describe community members that were not always good. Gissiner thought that it was just based on the adrenaline rush but hoped that it would stop. Another issue brought up dealt with the four deployments of the 40mm sponge round weapon. All were used after the destruction that happened that weekend. Gissiner mentioned that one round was targeted at someone who was throwing rocks at officers. They thought the use that time was different then firing at someone who was running away because of curfew. Gissiner were not a fan of the weapon but thought that it was used within training. They thought that once people started fires the situation changed and it became more reasonable to use those types of weapons.

Gissiner shared that his last day working would be February 26, 2021.

7. Closing Comments

Foltz thanked Gissiner for the clarification.

Cortez appreciated the patience the Board had in helping them adjust to the Board. They were experiencing hard times and they had made it easier. Cortez liked that even when they disagreed with each other they were not rude and still had trust in each other.

Whalen thanked Gissiner, the Auditor's office staff, and EPD for all their work on the Community Impact Case.

Conover said that this process showed that slowing down to better understand something was very beneficial. They had to hear facts on both sides of the story before having an opinion. Conover hoped that people kept showing up to their meetings after the Community Impact Case.

8. Adjourn

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

(Minutes recorded by Lydia Dysart)

MINUTES
Civilian Review Board
Zoom Webinar

February 9, 2021
5:30 p.m.

PRESENT: Lindsey Foltz, Michael Hames-Garcia, Carolyn Williams, Bernadette Conover, José Cortez, Rick Roseta, Civilian Review Board members; Beatrice Otero-Hernandez, Vicki Cox, Leia Pitcher, Mark Gissiner, Police Auditor's Office; Jason Berreth, Eugene Police Department.

ABSENT: Bill Whalen.

Chair Williams convened the Civilian Review Board (CRB) at 5:32 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Public Comment

There was no public comment.

3. Comments from Board Members and Commission Liaisons

Roseta was sad that Gissiner was leaving. They appreciated their support and said they had been a great asset for the City.

Foltz stated that the Ad Hoc Committee had continued to meet. At their last meeting they looked at several motions around tear gas and other similar weapons. All motions were moved forward, and some specific language was included. Also, the Police Commission looked at some policy changes. Foltz said it was a pleasure to work with Gissiner and they were sad to see them go.

Hames-Garcia said that the Human Rights Commission talked a lot at their last meeting about the Ad Hoc Committee and what they had been doing. There was a lot of frustration with the timeline and there not being a lot of details on the mandate. They were confused on the desired outcome for the Committee.

Williams noted that there were newspaper op-eds commenting on the role of the CRB. They shared that being part of the CRB had shown them how the system worked. Williams thought Eugene was on a good path for what the "defund the police" movement wanted. We have oversight in place and CAHOOTS.

4. Minutes Approval

MOTION: Conover moved, seconded by Hames-Garcia, to approve the January 12, 2021 CRB meeting minutes as presented.

VOTE: The motion passed – 6:0.

5. Elections of Liaisons to the Police Commission and Human Rights Commission

Williams stated that Roseta and Foltz would stay on the Ad Hoc Committee, but they would vote for new Police Commission and Human Rights Commission liaisons. They shared that the Police Commission appointment had to be approved by City Council.

Foltz said that they were overwhelmed by covering the Ad Hoc Committee and the Police Commission and did not want to continue serving on both. Hames-Garcia was interested in the Police Commission but would be moving in the Fall and did not want to take the position that City Council had to approve just for it to be reassigned later. Pitcher told them it would not be any trouble to have someone else take over later.

MOTION: Foltz moved, seconded by Williams, to recommend to City Council that Michael Hames-Garcia be appointed as liaison for the CRB to the Police Commission.

VOTE: The motion passed – 6:0.

Hames-Garcia said that the Human Rights Commission liaison was not on the Commission and just attended meeting. They had learned a lot about what was going on in the City from those meeting.

MOTION: Conover moved, seconded by Williams, to appoint Jose Cortez as liaison for the CRB to the Human Rights Commission.

VOTE: The motion passed – 6:0.

6. Case Review: Allegation of Lack of De-escalation and Use of Force when Two Employees Responded to a Reported Dispute

Pitcher presented a slideshow called “Case #1 Summary: Civilian Review Board, February 9, 2021.”

I. Summary of Facts

- EPD received two sets of 911 calls regarding a dispute at a residence. Officer B responded to the area following the first call for service but cleared the call as a “Patrol Check” after not finding the dispute. A short time later, the second dispute call was received, and Officer B responded to the residence with Supervisor A.
- Supervisor A and Officer B approached the front door, where Supervisor A stated that they believed they heard a dispute inside. Officer B knocked on the door, and a voice shouted loudly inside. Citizen 1 opened the door, shouting, and a dog ran out.
- Supervisor A backed away from the door and the dog followed; Supervisor A and Officer B ordered Citizen 1 to get the dog. Citizen 1 stood on the front step and called to the dog, who did not respond.
- Officer B stated, “what is the matter with you, dude?” and Citizen 1 responded by shouting “you came to my house!” Officer B and Supervisor A continued to order Citizen 1 to get the dog. Citizen 1 moved out of the house and towards the dog, who was near Officer B.
- Officer B physically directed Citizen 1 towards the dog, and Citizen 1 and Officer B became entangled and Officer B took Citizen 1 to the ground.
- Officer B spotted a knife on the ground during the struggle with Citizen 1. Supervisor A approached but appeared to be focused on the dog. Citizen 2 exited the house and approached the struggle; Supervisor A directed them to get the dog.
- Citizen 2 appeared to get the dog and headed toward the door of the residence; Officer B continued to struggle with Citizen 1, and Supervisor A deployed a Taser, striking Citizen 1 in the abdomen. Citizen 2 then approached the officers again, shouting at them to leave Citizen 1 alone. Supervisor A ordered Citizen 2 to get back and struck Citizen 2 in the chest area. Citizen 2 then moved back towards the front door; Supervisor A pulled Citizen 2 out and detained them in handcuffs.
- Approximately 2 minutes and thirty seconds passed between Officer B knocking on the front door and both Citizen 1 and Citizen 2 being detained in handcuffs.

- A use of force report was written by another supervisor, and the incident was flagged by the EPD chain of command as potentially being outside of policy. The Auditor's office initiated this investigation following review of the BWV and related reports.

II. Allegations

- Supervisor A:
 1. **820.3 De-escalation:** That Supervisor A failed to make reasonable efforts to de-escalate the confrontation with Citizen 1.
 2. **103.5.14 Unsatisfactory Performance:** That Supervisor A failed to meet performance standards for their rank and position when they did not identify themselves as police prior to giving Citizen 1 orders.
 3. **800.2 Use of Force:** That Supervisor A used force in excess of that which was reasonable under the circumstance when they hit Citizen 2.
- Officer B:
 1. **820.3 De-escalation:** That Officer B failed to make reasonable efforts to de-escalate the confrontation with Citizen 1.
 2. **103.4.2 Professionalism:** That Officer B did not provide courteous service when they greeted Citizen 1 with "Dude, what is wrong with you?"
 3. **103.5.14 Unsatisfactory Performance:** That Officer B failed to meet performance standards for their rank and position when they did not identify themselves as police prior to giving Citizen 1 orders.
 4. **800.2 Use of Force:** That Officer B used force in excess of that which was reasonable under the circumstances when interacting with Citizen 1.

III. Adjudication

- Supervisor A:
 1. De-escalation
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Sustained
 - Chief of Police: Within Policy
 2. Unsatisfactory Performance
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Within Policy
 - Chief of Police: Within Policy
 3. Use of Force
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Within Policy
 - Chief of Police: Within Policy
- Officer B:
 1. De-escalation
 - EPD Chain of Command: Sustained
 - Auditor's Office: Sustained
 - Chief of Police: Sustained
 2. Professionalism
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Within Policy
 - Chief of Police: Within Policy

3. Unsatisfactory Performance
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Within Policy
 - Chief of Police: Within Policy
4. Use of Force
 - EPD Chain of Command: Within Policy
 - Auditor's Office: Within Policy
 - Chief of Police: Within Policy

IV. Issues for CRB Discussion

- General Comments

Conover noted that when the officers approached the door there was no argument audible on the recording. They wondered why the officers were holding the screen door open after they knocked. Once they heard the dog, they should have closed it. Conover wondered if that was normal practice. They said that the events took place quickly and they did not need to be so quick. If it had been slowed down it might have helped the situation. Conover knew that it was easy to look back in hindsight and criticize mistakes and that living through a situation was different then seeing video. They were glad the situation was reviewed.

Cortez glad that the first allegation against Officer B was sustained. They said that it was a scary situation since it was dark and there were dogs. Cortez wondered if Officer B saying they would arrest the person if they did not grab their dog was something they could do. They thought the individual being angry was not a reason for officers to engage.

Foltz thought the summary in the use of force report and video were very different. They agreed with Cortez that the addition of the dog made the situation chaotic. When looking at the adjudication memos, as the case went up the chain of command the adjudication changed. They pointed out that the situation seemed to be calming down before the officer's comment. It was unprofessional and immature. Foltz added that the officers never identified themselves and that on top of the citizen being intoxicated lead to confusion.

Hames-Garcia said that intoxication was an important element in this case. The situation was very chaotic with the person being angry, the dog barking, and strangers being present on the persons property. They knew that these types of cases generally started out with small check-ins. Hames-Garcia wanted to know what caused the situation to go off the rails. They noted that several times in the file officers said they were scared because of the presence of the knife and the dog. Hames-Garcia thought they needed better ways to response to emergency situations.

Roseta agreed that the situation unfolded quickly. They thought that the officers were surprised by the presence of the dog and the person coming out so fast. It was a scary situation for the officers since the person had a 13-inch knife. Roseta stated that it was easy to judge this in hindsight.

Cortez inquired into if the individual could be arrested for not grabbing their dog. Berreth was unsure. It was not clear that a crime was being committed, but they had a reason to detain the individual because it was a rapidly evolving situation, there had been multiple reports of a dispute, and they were not cooperating.

- Complaint Intake, Classification, and Monitoring
 - Investigation followed internal review.
 - Community complaint was received after investigation closed.

- o Classification: Allegation of Misconduct

Foltz appreciated the thoroughness of the investigation and the summaries included. They thought the characterization of events in the summaries were accurate to the video. Foltz was not concerned with how the investigative report was written and thought it were transparent.

Hames-Garcia liked the use of Involved Citizen 1 and 2 and it made that part of the investigation easier to follow.

Roseta thought the internal affairs department was very transparent and fair. Williams agreed and said that was very important. They appreciated how quickly the investigation was done.

Conover thought that the reports under Gissiner were more detailed than the past auditor and it made it easier to see what people were thinking in the moment. They did not always agree with EPD, but they were able to understand why events took place.

Gissiner said that Eugene had a very strict de-escalation policy. They wondered if the neighbor was bothered by how loud the individuals were being, so they said there was a domestic situation. Gissiner said that someone should just file a complaint if that was the case. They understood why someone was on edge when there was a knock at their door late at night. Gissiner were concerned with how officers matched the energy of the individual.

- Relevant Department Policies, Practices, and Policy/Training Considerations

- o Policy

- 103 Code of Conduct
 - 820 De-escalation
 - 800 Use of Force
 - 809 Taser Use

Foltz wanted them to start thinking about de-escalation not in terms of the number of hours of training people got, but as a metric of success. They should figure out how to measure that and how to recruit and reinforce those who do it well.

Roseta agreed with the adjudication. The language in de-escalation policy said officers should make every reasonable effort to de-escalate confrontations to prevent the need to use force. They said that “reasonable efforts” meant the policy was not strict and officers should have to show some attempt at de-escalation. Roseta agreed with how the policy was currently written. However, they thought the officers could have acted differently in a view parts of the case.

Williams said that officers had to be the bigger person when in these situations and should not match the energy of the individual they were dealing with. They appreciated body cameras but was disappointed with some of the muting officers did.

Conover pointed out that when talking about policy and training they knew an officer who would call for back-up when they were dealing with someone intoxicated because the situation usually ended in a fight. They hoped others used self-reflection like that before entering a situation.

Cortez noted that in Officer B’s interview they said, “[They] identified that I had gun and a flashlight. So, to say that they did not see my silver badge, which is up on my chest, to not see my police uniform which I was wearing. [They] knew I was a police officer. The opportunity to de-escalate was giving those commands to get [their] dog”. Cortez did not want to disagree with the Officer’s experience but thought that the attempt to de-escalate could have been used earlier in a different way. Cognitive overload

happened when there were too many stimuli present and it was hard to imagine what the officers were dealing with. Cortez said they should focus on what to do in the future for officers in a similar situation.

Pitcher noted that policies sometimes said what officers “should” do which made it hard to enforce. In addition, the courts have not created a legal standard for judging de-escalation. They thought it was hard to say what was needed to have a different outcome in this situation.

Hames-Garcia mentioned that the de-escalation policy had a list of what officers could do to try and de-escalate a situation. In this situation no one seemed to be in immediate danger and the only chaotic element was the dog. They wondered if withdrawing from the situation would have been an attempt to de-escalate. They then could have identified themselves and gotten out of the dog’s territory. Berreth replied that in disputes they were not worried about the dog, just those inside in possible danger. In those circumstances they tried to control the situation and not withdraw.

- Adjudication Recommendations
 - o Disagreement on de-escalation adjudication

Hames-Garcia said that everyone had a different idea of what was reasonable. If de-escalation was not a legal standard, they wondered what that meant for discipline being overturned on union appeals. Gissiner replied that it was rare that discipline at EPD moved to the arbitration process. Hames-Garcia agreed with the auditor’s adjudication.

Roseta thought that the case was within policy. All that the officers needed to do was pause briefly and there might have been a different outcome. Since officers were answering a domestic abuse call, they were focused on what might happen to the person inside. If someone had been hurt while officers were pausing, they would look at the situation differently.

Williams said that this case reminded them of some people who wanted CAHOOTS to show up in potentially dangerous situations. There was too much at stake and they could not put crisis workers at risk. Williams agreed with the auditor’s adjudication for Supervisor A and agreed with the sustained adjudication for Officer B.

Conover did not think Supervisor A had much opportunity, as the cover officer, to de-escalate the situation. They agreed with auditor’s office on the adjudication.

Cortez said that officers going into that situation and not matching the individual’s energy would have been an act of de-escalation. They stated that words had the power to escalate or de-escalate a situation. Changing the words said might not have caused a different outcome, but officers should attempt to in hopes of de-escalating a situation. Cortez agreed with the auditor’s adjudication.

Foltz agreed with what Conover said about Supervisor A and all the auditor’s adjudications.

7. Break

The CRB took a break from 7:17 p.m. - 7:23 p.m.

8. Case Review: Allegation of Lack of De-escalation and Poor Judgement when Responding to a Large Gathering

Pitcher presented a slideshow called “Case #2 Summary: Civilian Review Board, February 9, 2021.”

I. Summary of Facts

- Supervisor A was dispatched to a report of a large college party, where attendees were not socially distancing or wearing masks, in November 2020.

- One attendee was holding a plastic bottle with green liquid inside. They were initially argumentative with officers but left.
- A short time later, that person returned and stood on the sidewalk a distance away from Supervisor A and began shouting at the officers to go away. They were still holding the bottle with green liquid. Supervisor A walked toward the person and began to ask about what was in the bottle.
- The person asserted that it was an energy drink, and Supervisor A reached out to grab the bottle. The person pulled the bottle away and began walking backward. Supervisor A stated that they had probable cause to believe the person had committed a crime and reached out toward the person again, who continued to walk backward.
- The person was taken to the ground by another officer and placed in handcuffs. A crowd gathered during the incident, and other officers had to respond to provide security as the person was moved to a patrol car.
- This was an internally reported complaint.

II. Allegations

1. **103.4.1 Judgment:** That Supervisor A's actions with this person demonstrated poor judgment in violation of policy.
2. **820.3 De-escalation:** That Supervisor A failed to attempt to de-escalate their encounter with this person in violation of policy.

III. Adjudications

1. Judgment
 - EPD Chain of Command: Sustained
 - Auditor's Office: Sustained
 - Chief of Police: Sustained
2. De-escalation
 - EPD Chain of Command: Sustained
 - Auditor's Office: Sustained
 - Chief of Police: Sustained

IV. Issues for CRB Discussion

- General Comments

Roseta said that the officer could have let the man walk away and it was unnecessary for them to follow. Williams agreed that the officer used poor judgment. If they ignored the person, they would have gone away and there would not have been an incident.

Conover shared that they knew this officer. The tone that the officer used was normal in de-escalation and they also did not act too fast. Usually those two things combined equaled de-escalation, but this showed them that it took more than that.

Cortez said that the officer's interview stood out to them, particularly the end concerning officers saying they did not remember training on de-escalation. They said that de-escalation was not a new policy so that was alarming.

Hames-Garcia said that what stood out to them was that the involved civilians were students, and they wondered if implicit bias against students was a factor in this situation.

- Complaint Intake, Classification, and Monitoring
 - Internally reported.

- o Classification: Allegation of Misconduct

Williams appreciated the thoroughness and speed of the investigation. Everyone on the CRB agreed and had nothing else to add.

- Relevant Department Policies, Practices, and Policy/Training Considerations

- o Policy

- 103 Code of Conduct
 - 820 De-escalation
 - 800 Use of Force

Foltz noted that they had seen that officer many times. At some point they had to determine when trainings no longer helped. They were getting frustrated with the system.

Roseta thought that there was poor judgment on the part of the officer.

- Adjudication Recommendations

- o All recommended sustained

All members of the CRB agreed with the adjudication.

Conover said that the other officers' patience when dealing with unmasked drunk youths was impressive.

9. Auditor Report

Gissiner mentioned that there had been a few editorials in newspapers around the CRB and Auditor's Office. One person was talking about an interaction from many years ago which had a big impact on many people in the community. Another piece had factual inaccuracies. Gissiner informed the City Council on those mistakes.

Gissiner said that it was disappointing to retire during a pandemic since they did not get to have a sendoff. They were blessed to work with Pitcher, Cox, and Otero-Hernandez.

Gissiner shared that there were at least four cities that wanted to talk to them about the auditor's office, CAHOOTS, and what Eugene was doing right.

10. Closing Comments

Conover told Gissiner that it had been a pleasure working with them at the beginning and end of his career. They appreciated them staying in touch while Conover was off the CRB and reaching out to ask them to come back.

Foltz thanked Gissiner for all this hard work over the years.

11. Adjournment

Williams adjourned the meeting at 7:55 p.m.

(Minutes recorded by Lydia Dysart)

MINUTES
Civilian Review Board
Zoom Webinar

March 9, 2021
5:30 p.m.

PRESENT: Lindsey Foltz, Michael Hames-Garcia, Carolyn Williams, Bernadette Conover, José Cortez, Rick Roseta, Bill Whalen Civilian Review Board members; Beatriz Otero-Hernandez, Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Kyle Williams, Eugene Police Department.

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

I. Agenda and Materials Review

Williams asked if anyone would take time to discuss anything in the two additional inquiries the group received. One concerned the Community Impact Case, and another concerned a demonstration on January 9, 2021. Whalen thought the inquiries were clear and they did not have to have a discussion. Everyone agreed and were glad that they received the information. Foltz wondered if anyone who made those complaints were present that night to hear what would be said. If not, they did not see the point in discussing them. Pitcher said that it did not appear anyone was present related to those inquiries.

II. Public Comment

There was no public comment.

III. Comments from Board Members and Commission Liaisons

Whalen thanked the investigators who put the investigations together. There was a lot of important information included.

Roseta reported that the Ad Hoc Committee Oversight sub-Committee had finished their work. They felt that the sub-Committee had been overrun by some people who had certain agendas. A few of their motions had been pushed forward. Roseta felt that there were too many people on the Committee which made it hard to have the necessary conversations. They shared that the Committee had asked City Council if they could have a few additional meetings. It was unclear if that had been voted on. Roseta stated that some of the changes people wanted to see were issues at the Federal and State level.

Foltz noted that the Police Commission talked about illegal camping and answered questions from the community. EPD was no longer actively removing people from the parks, and that duty was handed over to parks and recreation. Also, the Police Commission also reviewed the Field Force policy. This was because of the protests that occurred in May 2020. They had not finalized those recommendations. The Ad Hoc Committee heard testimony from the public. They thanked those people for sharing those horrible experiences with the Committee. Foltz said that there was disagreement on what direction the Committee should move. They hoped that the minority voices in the discussion were included in the record. There were some motions around expanding options of non-police response to various types of crisis situations.

Hames-Garcia noted that they had a minor concern with the January 9, 2021 inquiry but did not feel the need to go into it.

Cortez wanted it known that they saw a video from January 9, 2021 and was happy to see that they were investigating the matter.

Conover asked about the minority voices Foltz mentioned in the Ad Hoc Committee report. Foltz clarified that there were distinct proposals that were being brought forth. There was one with a majority behind it which would be passed, they hoped that all proposals would be remembered and not focus solely on what motions were passed. Having all information recorded would be helpful in the long run.

IV. Minutes Approval

MOTION: Conover moved, seconded by Foltz, to approve the February 9, 2021 CRB minutes as presented. The motion passed unanimously.

V. Case Review #1: Improper Use of a Taser

I. Summary of Facts

- Officer A was on patrol downtown and heard someone screaming “No” and shouting obscenities outside of a bar. Officer A turned their vehicle around and were contacted by an employee of the bar, who told the officer that the person had tried to force their way into the bar and that the bar would like to trespass them.
- Officer A soon saw someone who matched the description of the involved person crossing the street. Officer A got out of the vehicle and shouted at them to stop and sit down. The person did not sit and shouted back.
- Officer A deployed their Taser, striking the suspect. The suspect fell to the ground, stood back up, backed away from the officer, and removed their Taser wires. Officer A deployed pepper spray, which did not affect the suspect but appeared to blow back and affect Officer A.
- The suspect turned and ran away. Officer B ran past Officer A and contacted the suspect a short distance away; the suspect was taken into custody after an additional Taser application and physical struggle.
- Sergeant C completed a BlueTeam report on the use of force, which concluded that the use of force appeared to be within policy. A Lieutenant reviewed the report and body-worn video footage and came to the same conclusion.
- The incident then went to a Captain for review, who requested a further review by the Defensive Tactics Supervisor. That review focused on the Taser deployment by Officer B and concluded that the use of force was within policy.
- The Captain remained concerned about the incident and flagged it for review by the auditor’s office. This administrative investigation followed.

II. Allegations

- Officer A:
 - o **820 De-escalation:** That Officer A used ineffective verbal communication and failed to attempt to de-escalate the encounter with the involved citizen in violation of policy.
 - o **809 Taser Use:** That Officer A’s deployment of the Taser while affecting the arrest of a disorderly conduct suspect was in violation of policy.

III. Adjudication

- Officer A:
 - o De-escalation
 - Auditor’s Officer: Sustained
 - EPD Sergeant/Lieutenant: Within Policy
 - EPD Captain and Deputy: Sustained
 - Chief of Police: Sustained
 - o Taser
 - Auditor’s Officer: Sustained

- EPD Sergeant/Lieutenant: Within Policy
- EPD Captain and Deputy: Sustained
- Chief of Police: Sustained

IV. Issues for CRB Discussion

- General Comments

Williams reminded everyone to not talk about Officer A's previous job since it would be an identifier.

Whalen asked if it was common practice for the EPD Supervisor to talk to the Auditor's Office before they wrote their own memo. Pitcher replied that it was normal procedure. Whalen mentioned that the time it took the Officer to deploy the weapon was very short. Whalen knew that interacting with intoxicated individuals was complicate but thought slowing down would have been beneficial.

Roseta agreed with what Whalen said. They knew that people liked to believe that if officers handled a situation kindly then individuals would reply in the same. Roseta emphasized that there were people that did not want to comply, and that intoxicated people were less likely to do so. They noted the taser came out quickly and that that the Officer did not indicate that they would be deploying the weapon.

Foltz said that the Officer exited their vehicle and then seven seconds later the taser was out and eleven seconds after that it had been deployed. They thought it was interesting to read the language used when writing adjudications and memos. One adjudication noted that individual had presented physical indicators that they were going to get physical, and the Officer noted that. Foltz had not noticed any of that during the video. To them the individual seemed confused on why the Officer was talking to them.

Hames-Garcia thought it was clear, and the chain of command agreed, that something went wrong during the interaction. However, the Officer denied that they had done anything wrong. They were disappointed, since in the past they saw Officer remorseful for their actions.

Cortez wanted to know what had to happen regarding policy before an officer gave a lawful order. Pitcher looked at if the officer could detain an individual. Berreth added that if an officer believed they had to stop someone for an investigative reason or had reason to believe the person would be violent officers would as an individual to sit down. Cortez thought the whole situation was hasty.

Conover mentioned that they usually referred to all cases as hasty. The Officer was used to dealing with intoxicated people and de-escalation. It was challenging when telling someone with so much experience that they could have done better. They would not take in that information as well as a newer officer who still knew that they were learning. The Officer had decided that the situation was going to escalate, and they approached it from that angle. Conover wanted to know more about what the Officer saw that made them think that.

Williams noted that in the Taser policy it said that a taser should be used in substitute for another weapon so the person could be taken into custody. They wanted to know if they usually took people in for trespassing. Berreth responded that it depended on the individual. Williams saw nothing from the individual that made it seem like they should have been arrested. Pitcher said that the taser policy could be really confusing and said that a taser should be used in limited situations. Williams did not see an issue if that individual had gotten away. They did not seem violent toward people and it did not seem that they would have harmed the community, therefore they did not need to be tased.

- Complaint Intake, Classification, and Monitoring
 - Investigation arose out of routine use of force review
 - Classification: Allegation of Misconduct

Roseta thought the investigation was done well. They noted that there was a group of people that believed that the police did not police themselves. Roseta pointed out that this investigation was done because the chain of command wanted it looked at.

Foltz noted that it worked for them since there were processes in place that incentivized EPD reporting internally. Those did not rely on good will or good intention. They thought this case was brought in as a part of routine and having BlueTeam in place.

Cortez said that de-escalation needed to take place for these situations to be avoided. They did not see that happening.

Conover agreed with what both Roseta and Foltz had said. BlueTeam was put in place to hold EPD accountable and find these situations so they could be investigated. They mentioned that around the same time they saw more officers bringing situations to them for review. Conover thought one big issue was that officers and the public did not share the same definition of terms. This caused confusion and unnecessary reactions.

Williams was not as concerned as to how the investigations got to them, just that they were being reviewed.

- Relevant Department Policies, Practices, and Policy/Training Considerations
 - 820: De-escalation
 - 809: Taser Use

Foltz said they needed to continue to pursue the types of training they wanted to see, and not focus just on the number of training hours. They advocated for more proactive approaches to identifying people who were successful in de-escalation.

Hames-Garcia was glad to see de-escalation included in this investigation. They hoped to see this policy used more going forward.

Cortez was sympathetic to some type of selection biases when it concerned de-escalation. That was one of the only defenses there was. They emphasized that shared language would not get rid of the perception of the police.

- Adjudication Recommendations
 - Disagreement with Chain of Command
 - Agreement between Auditor and Captain/Deputy/Chief

Every member of the CRB agreed with the sustained adjudications on all accounts.

VI. Break

CRB took a break from 6:56 p.m. to 7:02 p.m.

VII. Case Review #2: Constitutional Rights - Arrests

I. Summary of Facts

- Officer A (Field Training Officer [FTO]) and Officer B (Recruit Officer) were dispatched to a report of a violation of a stalking order. They contacted the alleged victim, who provided them with a copy of a document titled “Stipulated Order of No Contact and Dismissal of Stalking Protective Order.” Officer A noted that the document was unserved, and not signed by a judge.

- Officer A and Officer B then went to the residence of the alleged suspect (listed as the Respondent on the document). Officer B asked the suspect to step outside; when they hesitated, Officer B stated that they were under arrest and placed them into handcuffs.
- After investigating the incident further, the officers determined that probable cause did not exist to arrest the suspect, and they were taken out of custody.
- Officer B coached Officer A after the call. Their supervisor entered the incident into BlueTeam, and this investigation followed.

II. Allegations

- Officer B:
 - **300 Arrests:** That Officer B placed Suspect under arrest without a valid warrant or probable cause to support the arrest.
- Officer A:
 - **300 Arrests:** That Officer A, as FTO for Officer B, failed to prevent Officer B's arrest of Suspect without a valid warrant or probable cause to support the arrest.
 - **103 Unsatisfactory Performance:** That Officer A failed to perform the required tasks associated with their position as FTO when they failed to adequately supervise Officer B.
 - **103 Unsatisfactory Performance:** That Officer A failed to adequately perform the required tasks associated with their position when they did not adequately review the document provided by the alleged victim in this matter.

III. Adjudication

- Officer B
 - Arrests
 - Auditor's Office: Sustained
 - EPD Chain of Command: Sustained
 - Chief of Police: Sustained
- Officer A
 - Arrests
 - Auditor's Office: Sustained
 - EPD Chain of Command: Sustained
 - Chief of Police: Sustained
 - Unsatisfactory Performance
 - Auditor's Office: Sustained
 - EPD Chain of Command: Sustained
 - Chief of Police: Sustained
 - Unsatisfactory Performance
 - Auditor's Office: Sustained
 - EPD Chain of Command: Sustained
 - Chief of Police: Sustained

IV. Issues for CRB Discussion

- General Comments

Cortez stated that this was the first case for them with these allegations. Their initial reaction was that it was a serious structural failure. Cortez said that one of the officers seemed to not see any mistakes that happened when reflecting on the case.

Conover knew that EPD had phase-zero-recruits, who had not gone through the State Academy yet. They wanted to know what the timeline was and what training they had already received. Kyle Williams replied that this was a newer process. Usually, EPD would group hire and take those recruits through their own

academy, accredited by the State. Now, hiring did not always align with when the State was offering classes. As a result, the term phase-zero-recruit was created to describe those waiting to go to the State Academy. Due to COVID-19 some phase-zero-recruits were waiting a few months, usually it was just a few weeks. Kyle Williams shared that phase-zero-recruits were Firearm certified and were taken through basic trainings and certifications.

Conover was confused on why the officers arrested the individual and then decided that there was no longer probable cause. Kyle Williams mentioned that stalking orders at specific requirements and after looking at the document they could find that the arrest was not probable.

Whalen thought that the senior officer should have slowed down on arresting the individual since they were willing to talk and cooperate. They hoped that officers would stop each other in those incidents.

Roseta said that officers had enough evidence to arrest the individual. Officers on the ride over had decided to talk to the individual before doing anything else. Roseta thought that something else must have happened for their minds to change.

Foltz stated that it was not surprising that someone called a zero-recruit had made a mistake. They were disappointed that the FTO did not fix the situation or even acknowledge their mistakes afterwards.

Hames-Garcia noted that it was the job the FTO to let the zero-recruit know if they were doing something wrong. It seemed unfair to them to be holding the zero-recruit responsible. Hames-Garcia wanted to know what procedure was if an officer was acting on bad information. Roseta replied that they had worked a case in the past where an officer had wrong information. The legal issue would not be on the officer, since they had reason to believe the information, but on the City.

- Complaint Intake, Classification, and Monitoring
 - Investigation arose out of supervisor review
 - Classification: Allegation of Misconduct

Conover thought that the investigation was fine. The questions the Board had were not the type of things that would be incorporated in a report. They were unsure if the zero-recruit should be responsible. Hames-Garcia agreed.

Whalen appreciated the question “did [the FTO] think it was good to have a zero-recruit respond to the case?” that Kyle Williams asked.

Roseta was confused on the writing of the unsatisfactory performance policy. They thought it was confusing. Pitcher agreed and they would point it out when policy was reviewed next.

- Relevant Department Policies, Practices, and Policy/Training Considerations
 - 300 Arrests
 - 103 Code of Conduct/Unsatisfactory Performance
 - Field Training Program

Cortez understood that COVID-19 had a role to play in the zero-recruit and the document. However, it felt strange that the document remained unsigned for so long. They wanted to know if there was anything which could be changed to make sure that never happened again. Conover responded that the attorney had to get the document signed and they usually had an unsigned copy that they sent out to the individual.

- Adjudication Recommendations
 - Agreement from all reviewing parties

Williams, Foltz, Cortez, and Hames-Garcia agreed with the sustained adjudications across the board.

Whalen agreed with the sustained adjudication. They did not know if the zero-recruit should have allegations against them.

Roseta agreed with the arrest adjudication but was unsure on the unsatisfactory performance allegation. Conover agreed and thought the zero-recruit's arrest allegation should be "unfounded". They said the zero-recruit did not have the information needed to do their job right. The zero-recruit might have the skills post State Academy to be a good officer.

Foltz wanted them to look at how they did field training and how they chose FTOs.

VIII. Auditor Report

Pitcher said that they were very busy. There were 82 open complaints since the beginning of the year. They were working on hiring two 20-30 hour/week individuals to help with the workload.

Board and Commission recruitment would also be starting soon. Pitcher loved that this group could disagree and stay respectful. They knew that there would be two openings coming up and asked people to inform people they knew of the openings.

IX. Closing Comments

Williams was unsure if doing two cases for each meeting was sustainable. They would discuss it more at the agenda setting meeting.

Foltz hoped they reviewed the Rodriguez case sometime soon. It had been a long time. Pitcher said it would be brought to them once it was a closed case. Mark Gissiner had been kept on contract so they could talk to the Board since it was their case.

X. Adjourn

Williams adjourned the meeting at 8:07 p.m.

(Minutes recorded by Lydia Dysart)

MINUTES
Civilian Review Board
Zoom Webinar

April 13, 2021
5:30 p.m.

PRESENT: Michael Hames-Garcia, Carolyn Williams, Bernadette Conover, José Cortez, Rick Roseta Civilian Review Board members; Beatriz Otero-Hernandez, Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Ryan Molony, Eugene Police Department.

ABSENT: Lindsey Foltz, Bill Whalen.

Chair Williams convened the Civilian Review Board (CRB) at 5:32 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

Williams wanted to move the minutes approval and board comments items until after the training topic.

2. Public Comment

There was no public comment.

Roseta wanted to quickly report on the Ad-Hoc that the Ad-Hoc Committee had one more meeting. The Register Guard picked up the draft report and published most of it. They said that many of the no votes reported were theirs. Roseta did not necessarily want to block votes, but just wanted to note that there was little conversation about what was going wrong in Eugene and what had to be fixed. The job of the Ad-Hoc Committee was to give recommendations to City Council. Many of the recommendations dealt with changes that would need to be made at the State or Federal level and were things that City Council would not be able to change. That was where Roseta's issues arose. A finale report would be given to City Council by the end of the month.

3. Training Topic: De-escalation and Use of Force

Pitcher introduced Ryan Molony, a Sergeant in EPD in charge of defensive tactics and de-escalation training. Molony would give background on those trainings and answer questions from the CRB.

Molony went over policy 820 on De-escalation, its purpose, definition, and the full policy. They said that during police interactions they were dealing with people who were having a hard time. That might lead to uncomfortable encounters. It was important for officers to stay aware of the fact that they were dealing with other humans. Molony stated that slowing down and empathizing with someone went a long way. Barking orders at someone did nothing to help the situation. They said that someone in a police uniform often was a threat to people. Stopping, stepping back, and explaining calmly why they were getting stopped was helpful in not escalating the situation.

Molony shared a few example scenarios. They reviewed all cases involving de-escalation and use of force.

Conover noted that the policy talked about slowing down interactions. With most the cases the CRB saw they felt that not slowing down was an issue. They asked if that was a result of how new an officer was, the situation, or something else. Molony replied that the human aspect kept the reason a variable. However, newer officers seemed to struggle the most. Conover asked how they measured de-escalation

successes, since the CRB only saw failed instances. Molony stated that their use of force numbers were rather low. It was hard to teach slowing down and was something that took practice. Conover inquired into if they had ever looked at a case and thought “wow that was a great response”. Molony said that in one situation where they were able to de-escalate a situation because they knew the person involved. They were a homeless individual and had interacted with Molony a few times. Once the individual recognized Molony they settled down.

Hames-Garcia mentioned that Portland Police Bureau put their use of force reports on their website. They thought a lot of time public concern was amplified since there was no information available. By providing something like what Portland had, they could be more transparent. Molony shared that in reports there was a lot of redacted information which made being transparent in that way hard. They would like to do something like Portland, but it was not in his control. Molony noted that their annual report was available and included some of that information.

Pitcher wondered how they could get a metric that measured the successes of de-escalation. Molony stated that figuring that out would mean a lot for the field. Since they were dealing with humans and the variable that go with them it was hard to find a measure for success. They noted that the failures were a lot easier to track.

Hames-Garcia talked about how they liked doing group assessments in his classroom. That way students learned how to work with a group and either succeeded or failed together. They wondered if that could be translated to how they evaluated officers. That way they could get more data and learn more about their officers and how they worked in groups. Molony replied that they reviewed cases as a group.

Williams noted that the CRB saw a number of field training officers (FTO) making bad calls over the last year. They asked if there was a system in place to evaluate those calls and potentially take away their FTO status. Molony said that they had been talking about that a lot. If someone showed that they were not good to train someone, their FTO status would be taken away. They were continuing to make improvements in that area.

4. Comments from Board Members and Commission Liaisons

Conover appreciated that Roseta explained why they voted no in Ad-Hoc Committee decisions. As a community they should be making changes not because they sounded good, but because they would improve what was happening in the community.

Hames-Garcia reported that the Police Commission had two meetings since the CRB last met. The Commission finished talked about the pepper ball policy and had a long conversation about the civilian police academy. Next month the Commission would meet to create the work plan for the next two years. They wanted the CRB to let them know if they had anything they wanted the Commission to talk about.

5. Minutes Approval

Williams deemed the March 9, 2021 CRB minutes approved as presented.

6. Break

The CRB took a break between 6:25 p.m. - 6:30 p.m.

7. Case Review: Investigation Into Alleged Violations of the Vehicle Pursuit Policy

Pitcher opened a presentation entitled “CRB Case Summary: April 13, 2021”.

I. Summary of Facts

- Multiple people called 911 to report a male, hanging on the hood of a vehicle as it drove through City streets, calling for help. The male eventually fell off the vehicle, and Officer D was sent to contact them.
- Officer A was driving their patrol vehicle in the area and saw the suspect vehicle drive by. Officer A activated their emergency lights and followed. The suspect vehicle failed to yield and began to speed up and away from Officer A.
- Officer A reached about 45 mph (in a 30-mph zone) as they tried to catch up to the vehicle. Officer A stated that the vehicle went through a red light, and Officer A followed.
- Supervisor B at that point asked Officer A what probable cause existed; Officer A stated there was reasonable suspicion for reckless endangering.
- Officer A accelerated to 57 mph (in a 30-mph zone) to keep up with the vehicle; the vehicle then stopped at a red light. The vehicle went against the light as more police vehicles came into the area, and Officer A followed (reaching 45 mph to catch up).
- Supervisor C then checked if anyone was with the victim yet, and no one was. Supervisor C then terminated the pursuit.
- The suspect then stopped in traffic at another red light, and officers pinned in the vehicle and took the driver into custody.
- The Emergency Vehicles Operations supervisor reviewed the incident and was concerned that Officer A and Supervisor B may have violated the Vehicle Pursuit Policy; this administrative investigation followed.

II. Allegations

- Officer A:
 - **814 Vehicle Pursuit Policy:** That Officer A initiated and conducted a vehicle pursuit of a suspect vehicle in violation of policy.
- Supervisor B:
 - **814 Vehicle Pursuit Policy:** That Supervisor B's management of the apparent pursuit was in violation of the policy.

III. Adjudication

- Officer A:
 - Auditor's Office: Within Policy
 - EPD Chain of Command: Within Policy
 - Chief of Police: Within Policy
- Supervisor B:
 - Auditor's Office: Within Policy
 - EPD Chain of Command: Within Policy
 - Chief of Police: Within Policy

IV. Issues for CRB Discussion

- General Discussion

Conover was on the Board when a previous, more permissive pursuit policy was around. It made them wonder why the case caused concern. They had seen causes before where cars were driven down bike paths. Conover was glad it was flagged since they did not see pursuits often.

Hames-Garcia thought it was unclear in the file what made something a pursuit. There seemed to be confusion among the officers as well. They knew that a leading cause of officer death was auto accidents, so pursuits should only be done when necessary.

Cortez noted that in one video an officer turned his microphone off for several minutes. Also, officers continued to not announce or articulate themselves in situations. They appreciated Molony acknowledging that night that people have bad reactions to police and that is not always their fault. In the case the individual noted that they had a bad interaction in the past. Cortez thought that officers were humanizing the individual throughout the case, which was good.

Williams thought it was an interesting case since everything looked normal. They knew the officer did not have sufficient reason to pursue them, but did they not have a reason once the driver was speeding unsafely down the street. Also, they wanted to know what would have happened if the pursuit was called off. Berreth responded that reckless driving because of a pursuit did not create probable cause. If they terminated the pursuit, they would have saturated the area with officers and found the individual in another way since they had the car plate information.

Williams read out comments that were sent in by Foltz. Foltz appreciated that the Auditor requested the Supervisor C be interviewed. They would have preferred if the interview were recorded, but the notes were helpful. Foltz appreciated Supervisor C's termination of the pursuit and did not like Supervisor B's characterization of the current pursuit policy as being restrictive. Pursuits were often dangerous, and the new policy made everyone safer. Foltz did not think there was an intentional violation of policy and that the adjudications were fair.

- Complaint Intake, Classification, and Monitoring
 - Investigation arose out of routine pursuit review
 - Classification: Allegation of Misconduct

Hames-Garcia clarified that vehicle pursuit was a different category than auto accidents in the officer deaths data. They said the investigation went well and they liked the extra interview with Supervisor C.

Cortez wanted to know more about muting body cameras. Pitcher had not noted any muting, and asked Cortez to send them the information. There were certain times that muting was allowed for tactical reasons, so they would look into it and contact Cortez outside of the meeting.

Roseta found that the two allegations were vague. They wanted more information on how the policy was violated.

- Relevant Policies and Practices; Training Considerations
 - 814 Vehicle Pursuit Policy

Cortez appreciated that when the individual asked for water an officer went and got some. It seemed like the officers were working well as a group and treated the individual as a human. They wanted there to be some scripting when officers talked to individuals where they asked if the person was okay.

Williams appreciated how the officers dealt with the individual once they were at the jail. They mentioned that Officer A, being on their first pursuit, did a lot of good reflection in their interview.

Conover appreciated the honesty of Officer A during their interview. They seemed to learn a lot through the situation. The supervisor, however, thought that their ruling was right even if it was against policy. Conover did not like that response.

Hames-Garcia liked the comment from the supervisor and Officer A about being outside of policy and not having probable cause. Honesty in these situations led to more growth from officers. They asked if there was thought of interviewing the emergency vehicle supervisor who made the out of policy call. Pitcher

had not pursued it since they already had a chance to say what they wanted. Also, in the interviews with supervisors and Officer A they did not need more information from them.

- Adjudication Recommendations
 - Agreement that the employees acted within policy

All members of the CRB agreed with the adjudication.

8. Auditor Report

Pitcher wanted to recognize that there were many people in our country going through an incredibly difficult time. They were continuing working through a high workload at the Auditor's Office and were starting work on reform recommendations and an annual report. Pitcher wanted to present that information sooner than in 2020, if possible. Several deadly force and use of force reviews from 2020 were outstanding; they had been delayed by the Community Impact Case investigation and review.

Pitcher was still working on hiring for the new associate auditor positions. If there were certain people or traits that members wanted to be included in a new associate auditor, they could reach out. Hames-Garcia thought having someone who could create more data and reports that would be helpful.

Williams really enjoyed the training topic and wanted to do more. They were interested in doing a ride along when that was possible. Hames-Garcia mentioned that the downtown team was doing walk alongs. Pitcher recommended the citizen's police academy if it was reinstated. It was an extensive time commitment, but it was very helpful for people to experience.

9. Closing Comments

Williams read out comments that were sent in by Foltz. Foltz was dissatisfied that the Rodrigues case had not be finalized and presented for CRB review. They had been asking to see the case since June 2020. Williams agreed with that statement.

Hames-Garcia noted that the head of the State Department of Public Safety Standards and Training made a comment at Police Commission about allowing citizens to come and see how training was done.

Conover liked that they went back to doing a training topic and one case. Maybe they could do alternate doing two cases every other month instead. When the Ad-Hoc Committee gave their recommendation to City Council, they wondered if the CRB should write a response. Roseta thought the CRB could put something together. The Committee wanted the CRB to oversee the investigation, in charge of receiving complaints, and in charge of the adjudication. This would abandon any reason to have a police auditor. Roseta and Conover discussed that potentially an affirmative statement about the utility of CRB of the Auditor's work (the current system) could be helpful.

10. Adjournment

Williams adjourned the meeting at 7:34 p.m.

(Minutes recorded by Lydia Dysart)

MINUTES
Civilian Review Board
Zoom Webinar

May 11, 2021
5:30 p.m.

PRESENT: Carolyn Williams, chair; Lindsey Foltz, Bill Whalen, Bernadette Conover, José Cortez, Rick Roseta, Michael Hames-Garcia, Civilian Review Board members; Beatriz Otero-Hernandez, Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Ryan Nelson, Stacy Jepson, Eugene Police Department.

ABSENT: None.

Chair Williams convened the Civilian Review Board (CRB) at 5:31 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Public Comment

There was no public comment.

3. Comments from Board Members and Commission Liaisons

Foltz shared that the Ad-Hoc Committee wrapped up their work and the document was available for the public online.

Conover brought up that after Roseta's comments at the last meeting about the Ad-Hoc Committee, the CRB talked about putting a response together to go to City Council. Pitcher had said they could incorporate their comments into their annual report. Pitcher stated that the 2020 annual report draft was almost ready for the CRB to look at. Roseta thought creating a small report from the CRB about the value of the CRB would be less bulky and more helpful for City Council to digest. Conover wanted to put something together describing CRB's work over the last ten years. Pitcher said a small group from the Board could get together and draft a report to bring back to the whole CRB. The Ad-Hoc report would go to City Council on Monday May 17, 2021. Whalen liked the idea of doing a separate report and then also including it in the annual report as well. Roseta, Conover, and Hames-Garcia volunteered to draft the response. They would come back with it at their June meeting.

Hames-Garcia would give more information on the Police Commission meeting at the end of the meeting. Cortez was unable to make the Human Rights Commission meeting for that month.

4. Minutes Approval

MOTION: Conover moved, seconded by Roseta, to approve the April 13, 2021 CRB minutes as presented. The motion passed unanimously.

5. Case Review: Additional Community Impact Case Investigation Allegations of Unbecoming Conduct and Integrity

Pitcher pulled up a slideshow entitled: "Community Impact Case Review: Review of Allegations of Unbecoming Conduct and a Lack of Integrity".

I. Community Impact Case: Process Overview

- Lots of community interest from varying perspectives, lots of force reports.
- Incident Reviews to perform high-level look at weekend overall, with certain incidents extracted for further scrutiny.
- Resulting investigations – reviewed December 2020:
 - Incident reviews offering overview of events of May 29, May 30, and May 31.
 - Incident review/catch-all for complaints about Chief-level decisions (outside their jurisdiction).
 - Six allegations of misconduct investigations.
 - Two incident reviews of specific incidents, four inquiries, and one service complaint.
- Two inquiry investigations arose out of CRB discussion in December 2020.
- Review of video from the weekend was still occurring in December and into January 2021.
 - This investigation resulted and was presumptively treated as part of the community impact case.

II. Summary of Facts

- Officer A and Officer B were assigned to crowd control throughout the weekend of May 29-31, 2020.
- Officer A was assigned a pepper ball launcher throughout the weekend, and their use of pepper ball was investigated separate to this (and reviewed by the CRB).
- Officer B was assigned a 40mm sponge-round launcher on the night of May 29, and their use of that tool was reviewed in a separate inquiry. Officer B was assigned a pepper ball launcher for the rest of the weekend; their use of the pepper ball was documented in police reports. Officer B was also interviewed for part of the investigation into Officer A's use of pepper ball.
- The recording that gave rise to this investigation was inadvertently recorded by Officer A's body-worn camera on the night of May 30. It was discovered during the review of all EPD video related to officer response to demonstrations.
- The video included the officers describing their use of force in a casual manner, and their descriptions of their uses of force on the video differed from the accounts they gave in police reports and administrative interviews.

III. Allegations

- Officer A:
 - #1: that Officer A engaged in conduct that brought the department into disrepute when they mocked the use of force on community members.
 - #2: that Officer A engaged in conduct that compromised their honesty when they gave a materially different account for their force on a community member in an administrative interview than they did when speaking informally.
- Officer B:
 - #3: that Officer B engaged in conduct that brought the department into disrepute when they mocked the use of force on community members.
 - #4: that officer B engaged in conduct that compromised their honesty when they stated that none of the people, they had shot over the weekend deserved it except one but justified all their uses of force on community members in police reports.

IV. Preliminary Adjudications

- Chain of Command: Sustained on all allegations.
- Auditor's Office: Sustained on all allegations.
- Chief of Police: Sustained on all allegations.

V. CRB Discussion and Decision Points

Whalen thought these decisions were difficult. They agreed with the preliminary sustain and that officers on duty needed to be more aware of what they were saying. However, they could understand that in the totality of what went on (how many hours they worked and what was said to them) they were trying to relieve stress. Roseta and Conover agreed with that point.

Roseta noted that Pitcher had described the first allegation as “unbecoming conduct”, but the policy was around if their actions held the department in disrepute. They were unsure how the department could be held in disrepute without someone else from the public hearing. Roseta was unsure if the adjudications should be sustained, but officers should be aware that those actions were not ideal and were not condoned. They understood why the Chief would sustain the adjudications to enforce better behavior.

Conover mentioned that integrity being brought up could be career ending. Material fact and reporting had to be included for proof. The investigation and report done by the officers did not reflect what they had said in the car. They agreed that those things should not be said while in uniform. Conover was not in agreement with the integrity adjudication but could agree with the conduct adjudication being sustained.

Hames-Garcia mentioned that they were not aware of how many pepper balls were used, since they were not accounted for in the same way that bullets were. Pitcher told him that they tried to figure out how many were used based on how many pepper balls were ordered after the events. Nelson added that they had a great video and they thought there was a pretty accurate count of pepper balls that were used. Hames-Garcia mentioned that the lieutenant memo had a different description and amount of pepper balls used. They thought it was a weird discrepancy. Either way, there was many rounds used over the weekend.

Hames-Garcia thought these allegations came down to if the inconsistencies were in the report or in the squad car. They were assuming that their conversation was overexaggerated. Pitcher said that they had body camera footage showing how many rounds each of the officers deployed, but the statements made were concerning and they believed should have investigated again. They found that the report was more accurate than the conversation. He understood that when people were under a high level of stress, they made choices and said things they might not normally. However, Hames-Garcia thought there were deeper issues with what were said about how one individual deserved to be shot at with pepper balls.

Williams agreed with how callous some of the comments were. They were concerned with how casually some of those comments were made. Williams asked who found the footage and decided it should be investigated. Pitcher said that EPD had appointed a Quality Control person to go through the footage and flag issues. Williams always appreciated when the departments brought cases forward. They were glad that their body cameras were on and emphasized that when on duty cameras should always be on. Williams also wanted that footage to be made public but understood that was a Legislative issue.

Pitcher knew there were misunderstanding around officers being able to edit footage from their cameras. They reminded everyone that that was not possible. If anything like that was possible videos similar to the one they were looking at would have been edited or even deleted. Williams stated that being able to turn the camera off was a type of editing.

Cortez asked how accurate it was that in the lieutenant memo it said that Officer A was engaged in a private conversation. Pitcher responded that it was an important distinction. When talking to a co-worker away from the public would be private for most people, but officers had cameras on and might have different standards. Cortez believed that when someone was a public servant, some private things became public (like emails, conduct outside the office). They thought that for police officers being on duty was

not considered private. Cortez disagreed that this was a private conversation. The issue was not just about the department and how it was disrepute, but more deep-rooted issues. The public should have high expectations for their public servants.

Foltz thought that the way people spoke when they thought no one was listening could be very telling. In the case they were looking at, it revealed an “us versus them” mentality. Even if done to relieve stress, it created an environment where those types of statements could be made.

The CRB agreed with the adjudication made sustaining allegation #1 on conduct for Officer A.

Foltz, Williams, Hames-Garcia, and Cortez agreed with the adjudication made sustaining allegation #2 on integrity for Officer A. Whalen, Conover, and Roseta did not agree.

The CRB agreed with the adjudication made sustaining allegation #3 on conduct for Officer B.

Foltz, Williams, Hames-Garcia, and Cortez agreed with the adjudication made sustaining allegation #4 on integrity for Officer B. Whalen, Conover, and Roseta did not agree.

The CRB agreed that the cases did not need to be re-opened.

6. Break

The CRB took a break between 6:39 p.m. - 6:46 p.m.

7. Training Topic: Employee Wellness and Support Following High-Stress Incidents

Deputy Chief Jepson was there that night to go over the CRB training topic. Pitcher said there were often circumstances, like the case they went over that night, where officers were in high-stress incidents. It would be beneficial for the Board to hear more about what officers were trained on. Deputy Chief Jepson shared that they were concerned after they heard the video from the case the CRB went over.

Deputy Chief Jepson wanted to have an open discussion where CRB members could ask questions.

Conover said that when going over the case members had talked about the culture of the department and how conversations like that affected it. She asked how they dealt with the fact that there were many conversations that were taking place that were similar when officers were off duty. Deputy Chief Jepson replied that they were all human and would say wrong things sometimes. Even though the officers were under stress, and might have been using humor to destress, they had a hard time dismissing those statements. Deputy Chief Jepson said that they were trying to make changes but did not want to make an example out of one case. They wanted there to be conversations and healthy dialogue within the department when there were problems. Making those types of changes to the culture would take time.

Hames-Garcia asked what tools were available now or would be in the future for officer mental health. Deputy Chief Jepson responded that mental health issues were a big issue with police officers. One of the biggest hurdles they faced was the stigma that officers had to suppress whatever they saw and not deal with how it made them feel. They had fought for an Employee Assistance program, which was about to be finalized by the City. It had a 24-hour police suicide line that was staffed by former police officers. Deputy Chief Jepson said that the most difficult part was getting people to understand that those supports were there for them and there was nothing wrong with using them. They also wanted to do mandatory annual mental health check-ins to help get rid of the stigma.

Foltz hoped, as a community member, to see them move towards a Care and Wellness centered model of public safety at-large. They stated it would be impossible to reach that goal if they did not prioritize

officer mental health. Foltz asked if they had staffing flexibility to allow officers time after a hard response. It would be hard to not bury issues if they had to continue working. Deputy Chief Jepson told them that they discussed this issue, and they were talking with leadership groups on how they can help. One way to help would be having flexible staff.

Cortez mentioned that officer health also involved their families and communities. They thanked Deputy Chief Jepson for the language they used and for saying that wellness was an investment in their community. They asked what the correlation was between officer wellness and a care centric approach. Deputy Chief Jepson responded that the officer and community relationship could be seen as a parallel to parenting. They said that officers being in the right mind-set was a direct correlation to doing their job right. When officers interacted with someone, it was usually one of the worst days of that person's life. Not being able to cope with situations could lead to bad decision making, saying the wrong thing, or taking the bait when someone else was going through a tough situation and lashing out.

Conover inquired into what one thing they would implement to help with mental health. Deputy Chief Jepson replied that it would change a lot if they implemented mandatory mental health check-ins and had unlimited access to mental health care for all first responders.

Hames-Garcia appreciated that the measures talked about were preventative, not reactive. They mentioned a study they saw on officer recruitment about how they advertised openings. One was more action packed; the other, puzzle solving. The different kinds of advertisements brought in drastically different types of applicants. Deputy Chief Jepson was involved in hiring and thought finding the balance of those two types of people was the best outcome. The ideal candidate would be someone with high emotional intelligence who could empathize with the community and be patient.

8. Auditor Report

Pitcher mentioned that the Ad-Hoc Committee would be reporting to City Council on Monday May 17, 2021. They were excited to start fixing some of the problems the Committee pointed out. The annual report would be ready to present to the City Council before their August break. Typically, the CRB report was done at the same time. That had already been drafted and just had to be looked at by the Board.

Pitcher thanked the Board for their patience while the Community Impact Case continued. Pitcher reminded everyone that Mark Gissiner would be back for their June meeting because they would be reviewing the Rodrigues case, which Gissiner had overseen.

City Council had done interviews for the new CRB members. They would vote on the new members in June.

9. Closing Comments

Hames-Garcia reported that the Police Commission was visited by Senator Manning. They talked about the bills that were currently in the Legislature. The Commission also finished their review of the pepper ball policy and gave their recommendations to the Chief.

Foltz thanked Roseta for their continued work with the Ad-Hoc Committee and for volunteering for to help with the CRB draft response. Conover agreed.

Whalen thanked everyone for a great discussion that night and for Deputy Chief Jepson for coming to their meeting.

Roseta was happy with the training topic from that night. They were very impressed by Deputy Chief Jepson.

Conover liked doing the single case reviews. They thought that doing two might work better if they were meeting in person.

10. Adjournment

Williams adjourned the meeting at 7:39 p.m.

(Minutes recorded by Lydia Dysart)

MINUTES
Civilian Review Board
Zoom Webinar

June 8, 2021
5:30 p.m.

PRESENT: Carolyn Williams, chair; Bernadette Conover, vice-chair; Lindsey Foltz, Bill Whalen, José Cortez, Rick Roseta, Michael Hames-Garcia, Civilian Review Board members; Beatriz Otero-Hernandez, Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Shawn Adams, Eugene Police Department; Mark Gissiner, retired Police Auditor.

ABSENT: None.

Chair Williams convened the Civilian Review Board (CRB) at 5:31 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

Williams wanted to push public comment until the time it was shown on the agenda.

2. Minutes Approval

MOTION: Conover moved, Whalen seconded, to approve the May 11, 2021 CRB minutes as presented. The motion passed unanimously.

3. Comments from Board Members and Commission Liaisons

Foltz stated that it was a difficult case to look through and it was not easy. They appreciated everyone being there.

Whalen said that any case they looked at where someone lost a life was a tough one. They wanted to have a conversation that looked fairly at what happened.

Cortez was used to bringing complexity into situations, but this case was already very complex. They did not attend the Human Rights Commission meeting.

Roseta agreed that this case was very devastating. The reports and videos were hard to watch. They understood that officers faced dangers every day. The CRB should remember that they were looking back at what happened and they had another point of view than what the officer went through.

Hames-Garcia taught tough subjects and expected students to handle themselves. When watching the body camera footage, it was hard to not be horrified by what they saw and heard. They attended the Police Commission retreat where they put together what they would look at over the next few years. The schedule that was set might change based off City Council's recommendations after they saw the Ad-Hoc Committee's report.

Conover wondered if they could permanently change the agenda so public comment always went after minutes approval and comments from board members. They said that they always tried to look at both sides of cases to understand why events took place. It was hard to talk about cases when public records laws limit what they could share with the public. Conover usually tried to stay emotionally disconnected from cases to stay unbiased, but that was difficult in this case. They said that some comments they made

during their conversation might seem harsh, but they just wanted to make sure that changes were made to make sure something like that never happened again.

Williams thought that the case in front of them that night, more than any other case, was what they job as CRB members was about. Usually, they did not go over the investigation process that much, but they would do that that night. Instead, they decided if actions taken were in line with policy or not.

4. Public Comment

There was no public comment.

5. Case Review: Review of Investigation into an Officer's Use of Deadly Force on November 30, 2019

Pitcher pulled up a slideshow entitled: "CRB Case Summary: June 8, 2021".

I. Introduction

- Oregon Public Records law prohibited the release of public safety employee information.
- EPD senior staff and former Police Auditor were in attendance.
- Brief overview of response to EPD use of deadly force:
 - o Auditor's office was notified of critical incidents (by City ordinance).
 - o Interagency Deadly Force Investigations Team (IDFIT) had jurisdiction over criminal investigation (under County plan enacted pursuant to State law).
 - o Lane County District Attorney made determination as to whether deadly force was justified (on the basis of the IDFIT investigation).
 - o The IDFIT investigation was provided to EPD. Internal Affairs took over administrative investigation, and investigation was presented to EPD Use of Force Review Board.
 - o Auditor participates in the Board (by City ordinance) but was not a voting member.

II. Summary of Facts

- On November 30, 2019, Officer A was on patrol and observed a person in dark clothing walking in the road. Officer A contacted the person, later identified as Eliborio Rodrigues, for the pedestrian violation.
- Officer A was wearing a body-camera, which was activated just before the contact with Rodrigues.
- Officer A talked to Rodrigues about the pedestrian violation, and Officer A then asked if Rodrigues had identification. Rodrigues did not immediately respond, and Officer A radioed for Code 1 (nonemergency) cover.
- Officer A ultimately grabbed Rodrigues' arm (within a minute of the initial contact), Rodrigues objected and asked for a supervisor. Officer A radioed for Code 3 (emergency) cover within the next minute (12:33.57 am).
- Officer A continued to hold Rodrigues and repeat orders for them to sit down. Officer A stated that Rodrigues was under arrest for interfering, and Rodrigues continued to ask for a supervisor.
- The physical contact devolved into physical resistance and more of a physical dispute, and Officer A sprayed OC spray at Rodrigues' face.
- Officer A's body-worn camera was dislodged, and the recording ended. Officer A radioed that they were "fighting with one" at 12:34.20 am.
- Rodrigues was able to get away from Officer A, and Officer A chased them. Officer A's radio microphone also came off in the struggle, and they were not able to radio any additional updates.

- Officer A caught up to Rodrigues, and Officer A stated that the fight continued (this was supported by physical evidence).
- Rodrigues was able to get on top of Officer A and continued hitting from that position. Officer A deployed a Taser towards Rodrigues' midsection with no effect. Rodrigues took control of the Taser and deployed it against Officer A's legs and groin area. The two continued to fight, and Officer A slipped from under Rodrigues to grab their firearm. Officer A fired their gun at Rodrigues three times, until Officer A believed that Rodrigues had stopped fighting and Officer A could get out from underneath him.
- Officer A used their radio (Without the hand microphone) to report "shots fired" at 12:36:08 am.
- Officer B and Officer C arrived moments after that information was aired. Officer B and Officer C worked to get Rodrigues into handcuffs, and they found an armed and fired Taser underneath him. Officers provided first aid and CPR. Medics arrived at 12:46 am and pronounced Rodrigues deceased at 12:48 am.
- The IDFIT Team was notified and responded to the scene. The Police Auditor was also notified in a timely fashion and arrived at the scene.
- The District Attorney issued her finding that the use of deadly force was lawful under the circumstances on December 13, 2019.
- A Use of Force Board was convened on March 5, 2020, led by EPD Captain Shawn Adams, to determine whether or not Officer A's actions during the incident were within policy. The Auditor was a non-voting member of that Board.
- The Board found that Officer A's actions leading up to the use of force, as well as the use of force, were within policy. The Board also found that employee's actions following the use of deadly force were within policy. Captain Adams' memo summarizing the findings of the Board was dated March 6, 2020.

III. Relevant Policies

- 820 De-escalation
- 800 Use of Force
- 801 Use of Force Reporting
- 803 Oleoresin Capsicum Aerosol (OC Spray)
- 809 Taser Use
- 812 Department Firearms
- 402 Police STOPS
- 458 Foot Pursuit

IV. Adjudication Recommendations

- Use of Force Board recommended that Officer A followed EPD policy and training throughout the incident.
- Police Auditor recommended that Officer A violated EPD policies 402 (Police STOPS), 820 (de-escalation), 800 (use of force), and 458 (foot pursuit). Police Auditor also recommended that the use of deadly force was reasonable.
- Chief concurred with the findings of the Use of Force Board.

V. Issues for CRB Discussion

- Investigation

Whalen expressed their dislike of the deadly force process. They understood that that process was not a part of EPD, but the DA, but they thought a deadly force investigation should be done by the agency.

Whalen noted that Officer A stumbled through their interview and was corrected by their attorney several

times. It seemed like Officer A was confused on why the investigation was being done. Because of that the interview from Officer A was not reliable, but they had to go off their word for some parts that were not available on the video footage. Whalen emphasized the importance of taking time to see who oversaw these narratives. They also thought that the Auditor should be a voting member of the Use of Force Board. Whalen thought that Board should also have tried to keep from talking about what should have been done instead of what happened. There were some concerns since some officers making those comments were field training officers (FTO).

Cortez agreed with the suggestion Whalen made concerning the Use of Force Board and the Auditor's role. They said that giving the Auditor a more important role would be a benefit to the community. Cortez stated that there was a lot of the investigation that they did not understand and that it did not seem well done. When doing these investigations everyone had to remember how the case would affect the community.

Roseta said that in these situations the system they had did not work well. This type of investigation should have one person in charge to avoid scattered leadership and a confusing report.

Hames-Garcia stated that when they were reading the file it was easy to believe the narrative that the officers were telling. However, the reality of what happened was seen through the body camera footage. In the investigation Hames-Garcia felt like the Use of Force Board attempted to control the narrative and put motives on the victim. They were unsure if others were trying to change what happened or if they saw the situation differently. However, they thought the Auditor's memo was great. It described in detail what was shown on the camera without biased. Hames-Garcia wished the rest of the investigation were done as thoroughly as the Auditor had done.

Conover said that Internal Affairs at EPD did a great job at investigation and a lot of what they saw from them was missing in this case. There was history around why the State decided to pass SB 111, which created IDFIT, but the process was mainly beneficial for smaller towns. It was hard to say if this investigation was how, they were normally done. One investigator seemed confused on why they were asking some questions, which was confusing. There were also paths that were not investigated that seemed obvious to them. Conover thought that there should have been more of an investigation.

Williams understood that IDFIT was outside of Eugene jurisdiction, but thought that this case was a injustice to EPD. They were very disappointed with the interview of Officer A. Williams thought it was disrespectful for the investigator to question who wrote the questions they were asking. It made it seem like the investigator was on the side of the officer. They did not understand why they were just given a transcript instead of a video or audio recording. Also, the shaping of the character of the victim was wrong and they should not have used the term suspect. Looking back at Rodrigues' criminal past also seemed irrelevant to the situation. The timeline for this investigation was also too long, and there did not seem to be a reason why.

Foltz agreed with Whalen and Williams comments on the IDFIT interviews. They mentioned that a large portion of the IDFIT report was dedicated to Rodrigues' previous EPD interactions. Officer A did not receive a similar background description. In fact, their EPD history was barely detailed. Foltz noted that the Auditor's report did a good job of detailing the facts of what happened (like how the officer never specifically asked to see Rodrigues' identification, but just asked if they had one). They also wanted to point out how quickly the interaction took place. Officer A had hands on Rodrigues only a little under a minute and a half into their interaction. From there it escalated even more. Foltz thought that the Use of Force Board should be more transparent, and that the Auditor should be a voting member. They thought that other parts of the incident besides the deadly force should have been looked at in more detail. Normally, EPD investigations would have that kind of investigation.

Foltz wanted to hear if Gissiner had said anything about the foot pursuit policy in the Use of Force Board meeting. Gissiner said that they had never seen such a poor investigation concerning an officer involved shooting. They thought that the IDFIT meeting was not recorded because in the past an officer had gotten very emotional during the discussion and the media leaked that footage. Gissiner said that both people in the situation made poor decisions. They felt that the actions taken by Officer A were a result of the training they received. Gissiner said that it was hard for him or Pitcher to gain traction with their knowledge in those types of situations. They could have been more aggressive with the Board, but they did not think they would have gotten any traction. said that other policy violations were not looked at because it was called a Use of Force Board that made members think they were restricted to that policy.

Conover did not want to let EPD off the hook for this bad IDFIT interview. EPD was still a part of the process, and someone could have said something about how poorly it was being done. Gissiner had recommended during a previous shooting investigation that there be an EPD lieutenant assigned to the case.

Foltz said that Rodrigues was killed at the end of November 2019. They thought that the case would be opened to start an investigation until May 2020. They asked if that was an accurate timeline. Gissiner said that was correct. Foltz said that their concerns were around the violations made to EPD policy, which IDFIT was not in charge of investigating. They wondered why the Auditor's office did not open an investigation into the policy concerns by the end of May 2020. Gissiner said that they were thrown off course because that was when the events of the community impact case took place. In retrospect, they thought the Auditor's office should have opened an investigation.

Roseta asked if the concerns with the other policies were connected to the use of force policy. Those actions, like the foot pursuit, might have been important to consider in the investigation. Gissiner replied that the law looked at the use of force separately.

Williams wanted to know why ICV was not enabled. Berreth replied that since the overhead lights were not turned on, with their new system it did not automatically turn on when the body-camera was on.

Williams noted that Whalen had to leave the meeting.

- Adjudications

Cortez read a section of the Investigation Division report and Auditor's report to compare how they both talked about the outcomes of the investigation. They were confused on why IDFIT thought there was no clear idea on what happened. They stated that in times of reconciliation the community needed to hear the truth. If they wanted the community to trust law enforcement and the system, there had to be accountability. Cortez agreed with the Auditor's adjudications.

Roseta said that they only had a decision in the use of deadly force policy. They concurred that Officer A was within their rights to use deadly force in the circumstances. They thought the foot pursuit concern was valid, but not what the CRB was not charged with. Roseta agreed with the Use of Force Board's adjudications.

Hames-Garcia stated that one reason that Officer A approached the victim was because they were walking in the street. They noted that there were a lot of uneven and dangerous sidewalks in Eugene that were hard to navigate at night. In many cases the streets were safer to walk in and something that many residents did. That behavior was not unreasonable. Hames-Garcia agreed with the Auditor's adjudications. They emphasized that there was no attempt to de-escalate the situation, but the opposite.

Conover pointed out that the CRB had seen another case recently where someone asked for the supervisor. They thought that when officers were asked that question it would be a great time to step back and reassess the situation. Conover thought it would have helped in their discussion to see how many cases like this were resolved with no injuries. All information would need to be made available before policy changes could happen. They said that, if they were not already doing it, officers should be going on ride-alongs with organizations like CAHOOTS. In those situations, they were out of uniform and could see how that affected their other interactions. Conover agreed with the Use of Force Board's adjudications. They said that they wished different aspects of the investigation had been looked into.

Williams agreed with the Auditor's adjudications. They emphasized that the de-escalation was not within policy.

Foltz said that just because a full investigation was not done into all policies did not mean the Auditor could not bring them up. To them it seemed like EPD did not want to look at everything that was done, which was frustrating since the case could not be reopened. Foltz agreed with the Auditor's adjudications, even if they were not actionable.

- **Policy Recommendations**

Pitcher wanted to hear the CRB's policy recommendations. They had been talking with Internal Affairs at EPD about what could be done differently in the future. They emphasized that since this incident occurred changes had been made to EPD.

Roseta said that their problems were with IDFIT which they did not see changing. They hoped that City Council would address those issues when the Ad-Hoc Committee reported to them.

Hames-Garcia said that not having the dashboard camera on when the lights turned on was an issue. Also, they wanted to make sure that officer wellness was being prioritized. The officers that performed first aid on Rodrigues went through a traumatic experience. Hames-Garcia hoped that they could do more for their officers. Williams asked Hames-Garcia to bring some of those issues to the Police Commission, specifically the Auditor having a voting role on the Use of Force Board. Foltz agreed and thought that the Use of Force Board should be documented better, at least for CRB use.

Foltz said that all lethal uses of force should be investigated and that the timeline to open a case should be longer. They stated that just because police stops were legal did not mean they had to do them. Foltz was unsure how often those stops were helpful. They wanted to see some data on that.

Cortez said that there was a conflict of if this was the example or the exception of these interactions. They wondered if it was even possible to roll out officer bias, or if that was a systemic issue. They saw people walking in the street in Eugene every day and officers were not stopping them. There were obviously deeper issues going on in the system. Cortez said they had to question what de-escalation meant and what was community wellness.

6. Auditor Report

Pitcher thanked Gissiner for the work they had done on the case and for showing up that night at the meeting. They thanked Adams for showing up as well. Pitcher said that Berreth would be moving to violent crimes so Ryan Nelson would be filling in at CRB meetings. This meant that Berreth would be a part of future IDFIT callouts.

Pitcher said that the CRB and Auditor annual reports would be presented to City Council on June 28, 2021. All that information would be given to Councilors on Monday June 14, 2021. They said that the Associate Auditor position applications would close on Monday as well.

Pitcher said that City Council had appointed her, the City Manager, and the Municipal Court Judge to look at the Ad-Hoc Committee report and make recommendations to City Council on how to move forward on the recommendations. Those three people were chosen because they were the three employees that reported directly to City Council. Their first report was due by the end of July. City Council would also be voting on new the new CRB members the next week. Foltz and Roseta's terms were both up.

Pitcher thought of all the de-escalation cases the Board had looked at between when the shooting happened and now. Overall thoughts on de-escalation had changed in that time.

Pitcher and Otero-Hernandez were looking at putting together a public safety forum in Spring 2022.

7. Closing Comments

Conover reminded everyone that her, Hames-Garcia, and Roseta were supposed to present a draft response to the Ad-Hoc recommendations that night, but it was not finished yet. They were going through ten years of reports, so it was taking longer than expected.

Williams thanked Roseta, Foltz, and Berreth for their work.

Foltz stated that they had a great experience on the CRB, even when it was difficult. They always had great conversations and could disagree while still being civil. Foltz was thankful that the community advocated for police oversight and the implementation of new policies. As always, they wanted to advocate for the public to be able to see what the CRB saw from investigations. By doing that they could build more trust from the community.

Cortez was thankful for the opportunity to disagree.

Roseta said that the CRB was a place to share ideas with no anger. That was rare and they were pleased to have been a part of that process.

8. Adjourn

Williams adjourned the meeting at 8:05 p.m.

(Minutes recorded by Lydia Dysart)

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

July 13, 2021
5:30 p.m.

PRESENT: Carolyn Williams, chair; Bernadette Conover, José Cortez, Michael Hames-Garcia, Alan Leiman, Clay Neal, Civilian Review Board members; Beatriz Otero-Hernandez, Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Cindy Coleman, Eugene Police Department.

ABSENT: Bill Whalen.

Chair Williams convened the Civilian Review Board (CRB) at 5:32 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval

MOTION: Conover moved, seconded by Hames-Garcia, to approve the June 8, 2021 CRB meeting minutes as presented.

VOTE: The motion passed – 4:0. Leiman and Neal abstained.

3. Comments from Board Members and Commission Liaisons

Conover went to the City Council work session where the Pitcher presented the Auditor's report. They had given the Council the CRB's Annual Report and gave a small presentation. The City Council did not have any questions or comments.

Cortez reported that the Human Rights Commission was on break for the Summer. They were looking forward to having these meetings in person soon. Pitcher told them that they would be taking August off, in part to give them time to put together hybrid meetings moving forward.

Leiman said that the work the CRB did was important, and they were looking forward to contributing.

Hames-Garcia reported that the Police Commission had a new chair. They received a presentation from Cindy Coleman about the process for investigations and the role of the CRB.

4. Public Comment

There was no public comment.

5. Training Topic: Independent Police Auditor's 2020 Annual Report

Pitcher pulled up a slideshow entitled: "Office of the Independent Police Auditor: 2020 Annual Report".

I. 2020 Accomplishments

- Community Impact Case investigation and review
 - Largest investigation in history of the office.
 - EPD provided significant staff support; CRB contributed enormous volunteer labor.
 - Final portion reviewed by CRB June 2021; Final Report published July 2021.
- Deadly force investigations

- o EPD had three deadly force incidents in 2020; an additional use of force was designated for review by a Use of Force Board.
- o The Board had met for two of those reviews.
- Ad-Hoc Committee on police policy support
- Staff support for CRB
- Community outreach
 - o Information distribution
 - Bilingual support for Emergency Operations Center and Auditor's Office.
 - Aqui en la Ciudad Language Access Project.
 - o Virtual collaborations and outreach
 - Hispanic Heritage Month, #WeCountOregon, City Club of Eugene, LatinX Outreach Network.

II. Areas of Focus 2021-22

- Accessibility
 - o Website update to community portal.
 - o Continued regular updates on ongoing cases.
- Diversity, Equity, and Inclusion
 - o Continue outreach to establish trust and meaningful community relationships.
 - o Establish DEI Officer position, housed in Auditor's Office but with full access to EPD, to analyze and report on DEI trends in public safety and collaborate on solutions.
- Deadly Force Investigations
 - o Work to improve administrative investigations following uses of deadly force investigations.
- Recommendations of the AHCPP
 - o Collaborate with City Manager and Municipal Court Judge to review AHCPP recommendations and provide path forward.
 - o Strengthen the City's role as a leader in community oversight.
- COVID-related challenges
 - o Requires evolution of our community engagement strategy.
 - o Planning for return of Public Safety Forums in early 2022.
- Personnel changes
 - o Fully staff the Auditor's Office.

III. 2020 Complaint and Commendation Statistics

- 407 complaints received in 2020.
- 8.7% decrease from all-time high in 2019.
- Allegations of misconduct increased by about 15%.
- Incident reviews more than doubled; service complaints decreased by about a third.
- Walk-ins dropped from 14% of complaints to 3% (office closed to walk-ins in March 2020); email complaints increased in a similar proportion (from 5% to 14%).
- 33 allegations of misconduct and 3 allegations of criminal conduct.
 - o 71 specific allegations against 34 EPD employees.
 - o 21 of 33 investigations into alleged misconduct resulted in a sustained allegation against one or more employees.
 - o 21 employees were found to have committed to 33 specific sustained allegations.

6. Case Reviews: Incident Reviews

Pitcher pulled up a slideshow entitled: "CRB Case Summaries: July 13, 2021".

I. Case #1: EPD Response to Demonstration in January 2021

- Summary of Facts
 - The Auditor's Office received multiple community complaints alleging that EPD handled a demonstration on January 9, 2021, substantially differently than they had handled other demonstrations.
 - Complaints alleged that the disparate treatment was evidence of EPD's sympathies with the protestors.
 - Classified as an Incident Review; investigated by Internal Affairs.
 - Investigation indicated that EPD policies were followed:
 - When a fight broke out in the crowd, EPD sent in the field force contingent and started admonishments to disperse. The crowd complied, which resulted in no force or munitions being used.
 - Three people were arrested as a result of the fight and lodged at local jails.
 - There was an issue with EPD apparently not seizing a flagpole that had been used in the physical dispute; that portion of the complaint was referred to a supervisor for follow up and training.
- Materials Included for CRB
 - Body-worn video/in-car video
 - Related dispatch records and police reports
 - Video recordings (from community), photos (from both EPD and the community)
 - Audio recording of complaint intake
 - Correspondence (internal and external) regarding complaint investigation
 - IAPRo report (database entry)
 - Closing memorandum from Internal Affairs
- Intake, Classification, Investigation, and Monitoring

Conover wanted to know if this incident had to be charged as an allegation so the union could be there. They thought in the past they had gotten interviews with the officer. Pitcher replied that for incident reviews they did not do interviews with the employee. They said that service complaints and allegations include interviews. Coleman added that the point of the incident review was to provide the auditor with enough information to see if a more in-depth investigation was needed. Therefore, there were usually some unanswered questions. Conover thought that Internal Affairs did a great job on their normal cases which made those unanswered questions stand out more in these incident reviews.

Cortez disagreed with the way that this incident review was framed. Professionalism was being applied in very inconsistent ways over the last year. There was obvious implicit bias. They wanted to know if there was any follow up after this review since the report ended by saying there would be follow up with those involved. Pitcher replied that historically when they indicated a follow up, those happened but were not usually reported to the CRB. Berreth stated that a conversation happened with that officer.

Williams had seen similar videos to what they were given online when the incident occurred. While there were incidents at that event, the situation did not seem to blow up as it had during the May protests. They hoped that that was a result of officers learning from past mistakes.

Hames-Garcia was surprised that this incident was not classified higher to receive a full internal affairs investigation. They thought there would be some community dissatisfaction as a result. Hames-Garcia had attended protests in the past and noted that EPD tried not to make their presence known. They had noticed a change in that behavior over the last year because of the May 2020 protests.

Pitcher stated that the reasoning behind making it an incident review was like what they did with the Community Impact Case. If the incident review revealed possible misconduct into a case, they would have reclassified it to an allegation of misconduct.

Neal was wondering how this incident's escalation was different than how case escalations occurred. Conover responded that in May 2020 there was not a request for a protest, but they thought this incident had been approved as a gathering. As a result, EPD was able to gather and come up with a plan of action.

- EPD Policies, Practices, and Training

Cortez asked if returning the weapon was consistent with EPD practice. Berreth replied that they would usually keep the weapon. They thought that in the chaos of the event there was a mistake. That was one reason there was a follow up with that officer. Cortez asked if it was in the city's interest to develop a policy for evidence handling for liability purposes. Pitcher responded that the question was if the practice was enough or if policy was needed. They would speak with the Risk Committee about it.

Hames-Garcia thought EPD had done a lot with its policies related to handling of protests and large crowds over the last year.

Conover noted that in May 2020 the complaints were made by people who were involved in the incidents. However, the incidents around this event were made by others. They thought the officer should have contacted a superior about the weapon and not just given it back. Conover did not think a policy recommendation was needed.

II. Case #2: EPD Response to Identity Theft

- Summary of Facts
 - o RP contacted Auditor and HRNI Office with concerns about how their complaint of identity theft was being handled by EPD.
 - o Classified as an Incident Review and investigated by Internal Affairs. Investigation included review of body-worn video, dispatch records, police reports, and the intake interview.
 - o Investigation showed that EPD policies were followed:
 - The officer notified the RP that they were recording.
 - The office was on scene for 42 minutes; asking clarifying questions and taking notes. The officer produced three police reports of the incident and placed an Attempt-to-Locate order out for the arrest of the suspect.
 - Incident was referred to direct supervisor for follow-up; the supervisor spoke with the RP and updated them on the case. A detective also followed up.
- Materials Included for CRB
 - o Body-worn video
 - o Related dispatch records and police reports
 - o Audio recordings of complaint intake and all calls with the Reporting Party
 - o Correspondence (both internal and external) regarding complaint investigation
 - o Closing Memorandum from Internal Affairs (detailing investigation)
 - o Closing Memorandum from employee supervisor (detailing contact with the Reporting Party)
 - o IAPRo report (database entry)
- CRB Discussion

Williams thought this incident was classified correctly. There was a complaint that the officer had a bias that informed their decision making. When watching the video, it was clear that there had been a misunderstanding during the conversation. They appreciated that the reporting party was reached out to in Spanish, their native language, even though they seemed able to communicate in English.

Hames-Garcia noted that the investigation was handled well and showed the usefulness of the incident review category. It was a good instance for the Board and community to see how these lower-level complaints were handled.

Conover mentioned that the officer in question had been with EPD for a year. The officer was very thorough in their work, which they liked to see. Conover appreciated that cameras were left on through the whole incident and felt that the officer learned from what they said. They were not concerned with this officer moving forward.

Cortez agreed with the classification. They stated that if they wanted to build a relationship between the institution and the community, they had to communicate that they had a rubric for their expectations and be transparent.

III. Case #3: Complaint of EPD Response to Domestic Violence

- Summary of Facts
 - RP, a third-party complainant, contacted the Auditor with concerns about how EPD handled a series of domestic violence calls involving RP's friend. The calls had occurred in 2015.
 - Dismissed as not timely, but Internal Affairs reviewed the response from 2015 and spoke with the RP.
 - Investigation included correspondence from 2015, as well as review of related police reports.
 - The involved employees followed policy; after receiving information from RP, they conducted a welfare check, wrote a police report documenting the investigation, and contacted RP with their findings.
 - IA contacted RP to go over the investigation that EPD had conducted in 2015 and answer questions.
- Materials Included for CRB
 - Related police reports (from 2014-2015)
 - Audio recordings of complaint intake and all calls with the Reporting Party.
 - Correspondence with the Reporting Party regarding complaint investigation.
 - IAPRo report (database entry).
- CRB Discussion

Hames-Garcia thought that the police response to the case was not problematic, even though looking at the situation someone could think more could have been done. They did not have much to say besides that their heart went out to those involved.

Conover asked if all the emails were from the reporting party and not the individual involved. Berreth replied that that was correct, the emails were from the reporting party. Conover asked if the case information for the domestic abuse was included in their packet. Pitcher responded that it should have been included. Conover thought that the Chief's October 29, 2020 response was well written and explained the situation well.

Cortez wanted to know what the definitions were for policies, practices, and procedures was. Pitcher replied that policies were in the EPD manual, practices were higher local level and taught during trainings, and procedures were lower local level practices. Cortez stated that this case was a good example of why they had CAHOOTS in their community.

Williams asked if the complaint came to them within the 60-day time period if it would have been classified and investigated differently. Pitcher thought that it would have been handled the same.

IV. Case #4: Incident Review of Use of a Taser

- Summary of Facts
 - Officer A used a Taser while arresting a burglary suspect. Their supervisor entered a Use of Force report detailing the use of Taser. The incident was flagged by EPD and Internal Affairs as a potential violation of policy.
 - This was an entirely internally reported incident.
 - The Auditor initially classified as an Allegation of Misconduct/Use of Taser based on the recommendation of the EPD chain of command.
 - The incident was reviewed by the Defensive Tactics supervisor and the Internal Affairs supervisor.
 - The incident was reclassified to an Incident Review following an analysis by the Defensive Tactics Supervisor:
 - Officer A had failed to verbally admonish the suspect before using the Taser, which was a policy violation.
 - Officer A's first use of the Taser was otherwise within policy, as the suspect was fleeing arrest for a felony.
 - Officer A did use the Taser a second time, which also appeared to be within policy as the suspect was reaching for the Taser. However, the supervisor identified issues that could be addressed with Officer A through training.
- Materials Included for CRB
 - Body-worn video
 - Related police reports
 - Dispatch records
 - EPD policy
- CRB Discussion

Conover thought that this should have been given a full investigation since they had to ask if the actions done were within policy. They thought the officer learned for their mistakes and would know to move slower in future interactions.

Cortez said that being able to look at a few small cases, they had the question of if property owners have grounds for escalating uses of force and to what degree/in what context. They thought that moving forward this should be something that the CRB was aware of and questioned.

Williams remembered a similar case the CRB had reviewed before. The person might have done something illegal, but they were not dangerous, and the use of Taser seemed unnecessary. While the use was in policy, they wanted them to continue to look at these cases in a full investigation to show that it was not how officers should react.

Hames-Garcia concurred with the rest of the Board. They wished they could have gotten more clarification from the officer on what happened by undergoing a full investigation. Hames-Garcia knew

that the use of a Taser was to prevent unnecessary harm but was unsure how that was implemented in that situation.

Cortez asked if they could say something was within policy but not within practice. Pitcher told them that the CRB could say whatever they wanted, but Pitcher were more limited. Cortez wanted to know if it was helpful for them to differentiate like that. Pitcher thought it was helpful for the Board to point out when something was in policy but not how the system should work. Williams brought up the phrase “lawful but awful” and noted that there were cases where actions were within policy but not how officers were trained. Conover mentioned that when there were those discrepancies it could bring about policy changes. They said it was their responsibility to speak about those issues.

7. Auditor Report

Pitcher shared that the posting for the new auditor had closed. They were getting ready to start interviews during the summer. Pitcher thought that going forward CRB could do one allegation and one incident review every month. This would mean less heavy and more varied cases, but not as much work as when they were doing two cases a month.

Pitcher reminded them that the CRB had August off.

City Council would get the Ad-Hoc Committee presentation on July 26, 2021 if anyone wanted to appear at that meeting for public comment. Pitcher knew that City Council was planning on moving towards an in-person/hybrid model for their meetings starting in September. If the CRB was interested, they could do something similar.

8. Closing Comments

Conover thanked Pitcher for all the work they did. They were looking forward to meeting back in person soon.

Cortez said that Pitcher did great work, and they were looking forward to meeting in person. They welcomed the new members to the Board.

Williams thanked the auditor staff and the new CRB members for their work that night.

Hames-Garcia welcomed new members. They liked when the CRB did incident reviews.

Leiman was happy to be on the Board and was looking forward to all the work in front of them.

Neal thought this type of meeting was a great introduction to the CRB.

9. Adjournment

Williams adjourned the meeting at 7:34 p.m.

(Minutes recorded by Lydia Dysart)

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

September 14, 2021
5:30 p.m.

PRESENT: Carolyn Williams, chair; José Cortez, Michael Hames-Garcia, Alan Leiman, Bill Whalen, Civilian Review Board members; Vicki Cox, Leia Pitcher, Police Auditor's Office; Ryan Nelson, Eugene Police Department.

ABSENT: Bernadette Conover, Clay Neal.

Chair Williams convened the Civilian Review Board (CRB) at 5:34 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval

MOTION: Hames-Garcia moved, seconded by Whalen, to approve the July 13, 2021, CRB minutes as presented.

VOTE: The motion passed – 4:0. Leiman abstained from the vote.

3. Comments from Board Members and Commission Liaisons

Hames-Garcia shared that the Police Commission met and discussed what they should do when Police Commissioners received complaints. Many of them wanted to reach out, but they found out it was not their place to do so. In the instances that brought up the topic, the complaints had been submitted to the Auditor's Office as well, so nothing else had to be done. However, if that had not been the case than the liaison between the Police Commission and CRB would inform the Auditor's Office. Hames-Garcia said that if there was anything that the CRB wanted the Police Commission to talk about it had to be put on the work plan, which was done every two or three years.

Cortez reported that the Human Rights Commission had not returned from their summer break yet, but they would provide an update at the next meeting.

4. Public Comment

There was no public comment.

5. Training Topic: Overview of Background Check Process for EPD

Pitcher said that they wanted to have someone come talk to them about background checks since it was relevant to the case they would be reviewing. Sergeant Ryan Nelson from Internal Affairs would be educating the Board. Nelson shared that they had participated in a few hirings in the past, but they were not deeply involved with them. If there were any questions they could not answer they would reach out to Pitcher with answers later.

Nelson stated that recently they had been constantly hiring, both laterally and new recruits. They worked with the HR department to put out a job posting. They also reached out to those who had expressed interested in joining EPD in the past. The process was extensive and after the application was submitted

and they met the minimum requirements, there was a multiple-choice exam, a written exam, a physical agility exam, an interview with two sergeant and three to five officers, a personal history questionnaire (150 – 200 questions). Nelson explained that the questionnaire was designed to have some automatic disqualifications in it, and other questions that would trigger follow up conversations. They added that EPD's hiring process was setting the standard across the State.

Applicants had to provide information on every work place they had worked and every place they had lived in the last ten years. Nelson mentioned that EPD dug to find as many people as possible to talk to about the candidate. They wanted to get an idea of who that person really was, both good and bad. This meant reaching out to people who the candidate did not list as references on their application. EPD also did an in-house record check to see if the candidate had any involvement with law enforcement at any point. They reached out to the State police, Lane County, Springfield police, the DMV, and the Oregon Department of Public Safety Standards and Training (DPSST). Nelson shared that EPD also traveled to the location of all their candidates, which many police departments did not do. Since the job was so important that they felt it was necessary to meet face-to-face.

Nelson stated that an investigation normally took three weeks (or 40 hours of work), but it could take longer if necessary. From the start of testing to their hiring date, the process usually took about 90 days. Once everything was completed the background and a recommendation was turned into the hiring supervisors. Then the hiring supervisors would provide their own recommendations. They recently put together an Executive Command (made up of division managers and the deputy chief) which met with the hiring supervisors to raise any concerns they had. After everything it was up to the Chief to decide if the candidate was hired or not.

Williams asked how many people passed, or failed, the background check. Nelson told them that a lot of people ending up failing out of the background test. It was very thorough and found a lot of things people tried to hide in other parts of the process. The interview that took place was three to four hours long and applicants got asked hundreds of questions.

Hames-Garcia inquired into where most people failed out during the process. Nelson replied that, in their experience, it varied. They forgot to mention that there was a psychological exam happened after background checks and a medical exam that happened after someone was hired. They had seen people fail out at every aspect, which showed that their layered process worked.

Hames-Garcia mentioned that at the Police Commission meeting the Chief said that one challenge they had was people not telling the truth, even about small things, and then getting caught during their background checks. They asked how many resources were put into the background checks. Nelson responded that the process took a minimum of 40 hours for each candidate and that 15 to 20 people worked on the background check.

Whalen asked if they ever went back to discuss issues that were found with the applicant. Nelson replied that if they had questions or something did not seem correct, they reached out to the candidate. Sometimes reasonable answers were given, and they moved forward with the process.

Leiman wondered if EPD's approach to marijuana had changed since it was legalized. Nelson told them that they were allowing marijuana use to some extent, but they were not totally sure. They would get that information and send it to Pitcher. Williams assumed that there were also questions related to alcohol. Nelson replied that there were some questions about alcohol.

Pitcher knew that social media came up a lot in discussions and wanted to know what role it played in the process. Nelson responded that they looked at everything that was public but could not get passwords to view private social media accounts. They said that social media was one of the first things they checked.

Whalen asked if people who did not make it through background checks ever reapplied. Nelson replied that people were able to reapply, but they had to wait two years before doing so. If they did reapply then the information from their previous process was attached.

6. Case Review: Allegation of Misconduct and Incident Review Arising Out of Inconsistencies in an Employee Background Check

Pitcher pulled up a slideshow entitled: “CRB Case Summary: September 14, 2021”.

I. Summary of Facts

- While Officer B was auditing stored background files of failed applicants to EPD, they found files with applications from people currently serving as EPD employees.
- Five of the files were linked to the current employee files, but Officer A’s was not.
- Officer B found a background file from 2016 for Officer A and compared it to the background file Officer A had filled out in 2018 (when they were a successful candidate); Officer B found several discrepancies between the two files.
- Officer B notified their chain of command, who brought the matter to the attention of IA and the Auditor, and an IA file was opened. The matter was initially classified as an allegation of misconduct, but because the alleged behavior (statements on the background check) occurred before the employee was officially an employee, the matter was reclassified to an Incident Review and assigned to Supervisor C, who oversees the background process.
- Supervisor C reviewed the files and interviewed Officer A regarding the discrepancies. As a result of the interview, Supervisor C determined that it appeared Officer A was not truthful on their Personal History Questionnaires (PHQ) regarding previous marijuana use; it also appeared that Officer A was untruthful with Supervisor C in that interview.
- Supervisor C summarized their findings in a memo, and the Auditor opened an Allegation of Misconduct; specifically, that Officer A (while employed by EPD) appeared to have been untruthful in their interview with Supervisor C.
- Officer A was notified of the allegations. Officer A resigned during the course of the investigation. Once Officer A was no longer an employee, the investigation was administratively closed.

II. Allegations

- 103.5.1: Truthfulness – that Officer A was untruthful in their statements to Supervisor C related to their answers on the PHQ from 2016 and 2018.

III. Issues for CRB Discussion

- Complaint Intake, Investigation, Classification, and Monitoring
 - Investigation arose out of audit of background files
 - Classification: Incident Review, then Allegation of Misconduct
 - Not a typical IA investigation

Hames-Garcia thought that it was good to see something referred internally for investigation. They thought that the classification made sense. The investigation was done well. Hames-Garcia noted that the investigation was written in a way that was really engaging (specifically the April 26, 2021, memo).

Cortez said that the case was confusing to them since Officer A resigned in the middle of the investigation. They did not have anything to add on top of what Hames-Garcia said.

Whalen stated that cases like this one were tough for them because it was an employment issue from inside the department. They thought that the classification was correct.

Leiman disclosed that they had Officer B appear in front of them often in court. They knew how thorough that individual was and was not surprised that the investigation was done well. Leiman was disappointed that their first case review was an internal case review. While cases like this had good outcomes, they were unsure if the CRB should have spent its resources looking at it when they should be focused on cases related to the community.

Williams wanted to know if this case would have been dismissed if it was not made clear in the interview with Supervisor C that the officer was lying. Pitcher replied that it would not have been dismissed. If someone lies in their personal history, they could be fired. Nelson added that they emphasized telling the truth and the case would have moved to Internal Affairs if the officer had not resigned.

Williams had listened to many interviews over their five years on the CRB and sometimes though it sounded like people were lying. When they talked to Mark Gissiner about why truthfulness was not an allegation when people were lying, they said that it was a serious allegation that could end someone's career. Therefore, they only used that classification if they were sure. Williams appreciated that truthfulness was the center of the case.

Cortez noted that in Officer B's memo it said that, "Upon reviewing the memo from the 2018 background, they learned {REDACTED} did not have access to that file". They wanted to know if they ever figured out why the old interview was not attached. Nelson responded that the person who initially found the first background check was performing an audit when they noticed that it had not been attached to the application that resulted in the officer being hired. They assumed there had been an administrative mistake that caused the first background check to not be attached. Williams wanted to know how thorough the audits were and how often they were done. Nelson was unsure. They would ask and send a follow up to Pitcher.

Hames-Garcia asked how long they kept files. Nelson responded that they were unsure, but they had a lot of paperwork stored.

- Relevant Policies and Practices; Training Considerations
 - o 103.5.1 Truthfulness

Cortez knew that keeping records could be very expensive and took a lot of time to get through. They asked if EPD had a plan to make the paperwork digital or if they were required to have hard copy files. Nelson was unsure but they would check. They knew that the files had to stay at the department and could not legally leave the building.

Cortez wanted to know more about how marijuana was treated related to alcohol. Nelson replied that they followed State law so the two were looked at very similarly.

Leiman was impressed with how the investigator was able to investigate someone on their own team. They hoped that EPD was looking at all substance abuse and not just marijuana. Nelson informed them that since marijuana was legalized in Oregon, they had treated its use like other legal substances. In this case on interview the individual said they had only smoked once before, and in the other interview they said they had smoked more than a hundred times.

Williams noted that no amount of training could make someone truthful. They were glad that this lie was being taken seriously.

Hames-Garcia thought it was clear that truthfulness was the problem, not marijuana.

7. Auditor Report

Pitcher thanked everyone for their patience with the new system of getting their packets out through the One Drive. They were glad that the process went well, and they would continue to use it. Pitcher had forgotten that the CRB talked about doing one case review and one incident review at each meeting. They would start that format at their October meeting.

Pitcher shared that there were two new hires at the Auditor's Office. Both were undergoing background checks at that time. They were very excited for them to join the team.

Pitcher wanted to figure out how to do more public education about the CRB and what they did. The National Association of Civilian Oversight of Law Enforcement (NACOLE) conference was currently happening if anyone wanted to go to a conference. If so, they should contact Pitcher so they could sign them up. They stated that some CRBs did community outreach. Pitcher thought that the CRB could do more in that area, even if just talking about it at events they already go to. Hames-Garcia thought that having business cards could help with that. Pitcher agreed and said they would work on getting cards.

Pitcher said that they remained busy at the Auditor's Office. There were some interesting cases coming down the line. They mentioned that the August list of opened and closed cases had not been included in the packet because they had not finished it yet. That list would be included in their October packet.

City Council was back from their break and Pitcher would be helping with the Ad-Hoc Committee recommendations.

Leiman noted that there was a complaint about someone upset about their DUI being posted in the paper and there was also a closed case about an officer being given a DUI. They wanted to know if there was a difference between how a civilian and how an officer was treated. Nelson mentioned that the case had been investigated by another agency.

Leiman asked if they used a polygraph at any point in the hiring process. Nelson replied that they did not and that it was not legal in Oregon for them to do a polygraph. As a result, they were always interested in officers who came from State's that required polygraphs. Hames-Garcia added that data showed that polygraphs were unreliable. They said that if they relied on them then they might not do the rest of their background check as thoroughly.

8. Closing Comments

Whalen thanked Nelson for coming and providing them with all that information.

Leiman thanked everyone for all their work and was glad to participate in their first meeting.

Williams thanked the Auditor's Office staff for all the work they had done recently. They mentioned that chair and vice chair elections would be happening in October. Whalen asked if there were term limits for those positions. Williams replied that there were not. Pitcher stated that they would double check.

9. Adjournment

Williams adjourned the meeting at 7:59 p.m.

(Minutes recorded by Lydia Dysart)

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

October 12, 2021
5:30 p.m.

PRESENT: Carolyn Williams, chair; Bernadette Conover, vice chair; Michael Hames-Garcia, Clay Neal, Alan Leiman, Bill Whalen, Civilian Review Board members; Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Cindy Coleman, Shawn Marsh, Ryan Nelson, Eugene Police Department.

ABSENT: José Cortez.

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

1. Agenda and Material Review

There were no changes made to the agenda.

2. Minutes Approval

MOTION: Conover moved, seconded by Whalen, to approve the September 14, 2021, CRB meeting minutes as presented. The motion passed unanimously.

3. Comments from Board Members and Commission Liaisons

Williams mentioned that they used to have a Human Rights Commission member come to their meetings, but they had not seen them recently. Pitcher would reach out to the Commission to see what was happening. They knew that the liaison had changed recently.

Whalen liked that this case review and incident review were put together.

Hames-Garcia shared that they talked about the Biased Crimes report and State legislature at the last Police Commission meeting. There was a lot being discussed at the State level, and it was unknown what would become law.

4. Public Comment

Majeska Seese-Green wanted to know what would happen once the Governor's office would no longer be requiring public recording of the CRB meetings. They wanted the Board to keep their meetings open and hoped that they would keep recording. Williams said that they would continue recording the meetings as long as they were meeting virtually. They suggested talking about it more at their next meeting.

MOTION: Williams moved, seconded by Hames-Garcia, to add a conversation about meeting recordings to their November 2021 CRB meeting agenda. The motion passed unanimously.

5. Training Topic: Traffic Stops and Traffic Enforcement

Sergeant Shawn Marsh, who oversaw the Traffic Enforcement unit, would present to the Board on how EPD handled traffic stops and training around them.

Conover wanted to hear more about how the amount of time it took for a cover officer to get to the scene might impact how an officer interacted in a traffic stop. Marsh replied that it depended on the situation. In

most normal stops cover officers were not present. They were usually only be called in if the interaction required one.

Conover asked about the discretion that motor officers were given. Marsh shared that officers practiced traffic stops at the State police academy. A lot of discretion was given to the officers. Each officer got to choose whether they gave a ticket. Traffic enforcement officers gave more tickets, where patrolling officers might give more warnings.

Whalen inquired into how often the motor detail did traffic stops without cover. Marsh replied that it happened most the time. If another officer was in the area they might stop for cover. Unless the interaction gave the officer a reason, they would not call for cover. The time of day for the stops also could influence that decision.

Hames-Garcia mentioned that there was a report from the RAND Corporation that came out over the Summer that said that rates of driver cooperation had gone down. Marsh had not seen the report, but he had not seen a huge change in cooperation.

Pitcher brought up that they heard community members say that they were only pulled over and given a ticket so that the officer could hit their monthly quota. They asked Sgt. Marsh to address that concern. Marsh stated that there were no quotas. The conversations he had with the Chief about traffic stops was just about the number of stops made, not the number of tickets given out. The goal of the Traffic Enforcement unit was to stop reckless driving and create a safer environment. They added that most the money from a traffic ticket did not come back to the City.

Williams wanted to know what the main traffic issue was for drivers in Eugene. Marsh responded that there were only a few high impact issues: speed, red light violations, not yielding to pedestrian, cell phone usage. Williams asked if DUIs were an issue. Marsh replied that it was low for the motor officers since they just worked during the day. They were unsure of what the number was for night officers.

Neal asked if there was communication training for the Traffic Enforcement unit outside of what the department did. Marsh replied that everyone on the Traffic Enforcement team were senior officers who had great communication skills. The longer that someone was a cop, for the most part, the better they were at speaking with people in those types of situations if they were in a good head space. For that reason, the department did what they could to make sure that officers were in a healthy mental state. Marsh stated that there was no specific communications training for the Traffic Enforcement unit.

Hames-Garcia asked how many people were in the unit. Marsh replied that it was them and seven officers, but two people were on light duty because of injuries. At one point the City funded for two more officers, but that went away after some budget cuts.

Hames-Garcia wanted to know if they focused on certain intersections or times. Marsh told them that they either worked Monday through Thursday or Tuesday through Friday 7:00am – 5:00pm. The Traffic Enforcement unit did not work on the weekends. They had three grants through ODOT to pay for some overtime outside of those hours.

Hames-Garcia asked if they cooperated with the Lane County Sheriff's Office or Oregon State Police for traffic stops. Marsh responded that there were Statewide programs (Click it or Ticket), but they did not work directly with them for that. They said that for the most part everyone just monitored their own jurisdictions.

Neal inquired into if there were statistics into the race of an individual during traffic stops. Marsh was not sure where those records were kept, but officers had a report they had to fill out after the interaction, and they filled out the individuals race. Pitcher added that the CRB had previously had presentations on that topic from the Lieutenant in charge of reporting. They would schedule one for the Board soon.

6. Case Review: Allegation that a Supervisor Demonstrated Poor Judgement During Traffic Stop
Pitcher pulled up a slideshow entitled: “CRB Case Review #1: October 12, 2021”.

I. Summary of Facts

- Supervisor A initiated a traffic stop on a vehicle; as the supervisor approached the vehicle, they asked for “code 1 cover.” When Supervisor A contacted the driver, they noticed that there was a large knife sticking out of the driver’s thigh.
- Supervisor A remained very calm and had a conversation with the driver about how the knife came to be in their leg, and where the driver was going. Supervisor A requested a medic unit to come and assess the driver.
- The driver stated that there was a gun in the backseat of the vehicle, and “you guys” had shot him before. The driver reached into their back pocket and ultimately pulled out a wallet and handed their license to Supervisor A.
- Supervisor A moved to the driver’s side of the car after medics and the cover officer (Officer B) had arrived. Supervisor A continued to speak with the driver, and the driver stated that they wanted to get out of the car.
- The driver’s door was opened, and they prepared to exit. The driver, at Supervisor A’s direction, placed both hands up near the windshield as Supervisor A reached for something below the view of the camera. Supervisor A placed their flashlight on the roof of the vehicle.
- The flashlight rolled off the roof and struck a pistol that Supervisor A had retrieved from the space between the doorframe and the driver’s seat. The gun discharged one shot.
- Supervisor A then radioed for emergency cover. Supervisor A maintained control of the driver’s left arm, and Officer B stayed on the passenger side of the vehicle with their firearm pointed at the driver.
- Supervisor A, Officer B, and the driver communicated to ensure that everyone was ok, and no one had been hurt. Officers checked in with the medics to ensure they were okay as well.
- The driver was ultimately removed from the vehicle, searched for weapons, and placed on a gurney. The knife fell out of their leg during this process.
- Fire personnel were concerned about how the situation was handled and reported a complaint to the EPD chain of command. The complaint centered around not securing the scene sufficiently for medics, not placing the driver under arrest, and not being skeptical of the driver’s story of how they were stabbed.
- Following review of reports and video, the complaint was classified as an allegation of misconduct.

II. Allegations

- 103.4.1: Judgment – That Supervisor A did not illustrate “good judgment”, in violation of policy, during their interaction with the driver.

III. Adjudication Recommendations

- Officer A:
 - Auditor’s Office: Concurred with Chain of Command (did not write separately)
 - EPD Chain of Command: Sustained
 - Chief of Police: Sustained

IV. Issues for CRB Discussion

- Complaint Intake, Classification, Investigation, and Monitoring
 - External complaint from partner agency
 - Classification: Allegation of Misconduct

When Conover first started reviewing the case, they only had the videos to watch. After watching them through the first time, Conover was unsure what the violation was. If anything, it seemed to them like a demonstration on how to do a traffic stop right. They were unsure how this got classified as a judgement. While they understood why the auditor did not write their own memo, Conover would have been interested to read it. Pitcher stated that there was a lot of discussion around this case. While the officer stayed calm, there was concern because the driver was fiddling around between the seats where there was a gun. It was during the interview with the officer where they found out that they were aware of what was going on. The question they talked about a lot was whether that attitude was good or concerning.

Leiman thought it was an appropriate response to what was happening. However, it was concerning how calm and unconcerned the officer seemed. The threat of the driver did not seem to be neutralized before the medical and fire personnel showed up, which was a safety issue. They were glad that the email with the complaint was picked up through the EPD system and investigated.

Neal agreed that the officer was too cavalier with the safety of themselves and their colleagues. They thought that the classification of judgement made sense. The de-escalation tactics used were great, but the lack of alarm was concerning.

Hames-Garcia noted that the gun was a revolver, which changed the context of the situation then if the gun was a pistol. They thought the hand movement around the gun was concerning, since the driver disclosed that they had been shot by police officers before. Hames-Garcia found the interaction alarming and that it could have played out differently if the officer had not de-escalated well.

Williams appreciated that this was an internal review. There were a few complaints from the medic in the email. One was that the officer was being too friendly. However, they thought it showed that the officer was doing a good job of de-escalating the situation. Judgement seemed like a good classification, specifically after reading the Chief's memo.

Whalen thought that the figuring out the classification must have been difficult, even if they understood why it was chosen. The de-escalation from the officer was great and they were able to stop something bad from happening. The investigation was done well. They had a lot of body camera footage which allowed them to see exactly what happened.

- Relevant Policies and Practices; Training Considerations
 - 103.5.1 Truthfulness
 - Degree of vagueness in policy

Leiman stated that there were a lot of red flags during the interaction and that the allegation of judgement was the only classification that made sense.

Neal thought this case was an example that good outcomes could come from more training. They did not want the outcome of this case to be that officers should be more on edge during interactions. Instead, officers just had to be more aware of the possible danger in a situation.

Hames-Garcia understood why an auditor's memo was not included, but they missed having it. It would have helped to have an email stating that there was no memo, instead of them searching through their email looking for it. It seemed clear to Hames-Garcia that since the revolver was cocked the driver was

prepared to defend themselves against the officer. They did not see a reason why the Auditor's office or the Board should disagree with the Chief.

Williams noted that Pitcher sent an email to Internal Affairs saying that they were too busy to write a memo, but the concurred with the Chief. Williams wanted to know when the auditor had to write a memo or not. Pitcher replied that they used their own discretion. They liked to write them to share their thoughts, but there was no policy that made them write a memo. Pitcher emphasized that they would only not write a memo in cases where they agreed with the adjudication.

Williams asked why this person was not written up or given a ticket for being a felon with a gun. Berreth was unsure if the person was a felon and that the officer would not have had that information at the time. Williams asked if the driver was put in the ambulance without an EPD officer because they were not being charged. Other personnel on the scene seemed to think that was not a good decision. Berreth told them that fire personnel could ask an officer to get in the ambulance if they wanted. Later, during the investigation, they found out that the fire personnel thought the driver was under arrest.

Whalen thought the judgement policy needed to be reviewed. They could not choose what level of reasonable someone should be during an interaction. In this case it seemed like the officer's calmness was what kept the situation from escalating.

Conover stated that the officer should have been given the opportunity to address the judgement concerns. There seemed to be an assumption made that the revolver was cocked, but they did not remember any evidence of that. Conover believed that the officer took in everything that was going on, and with their 20 years of experience was able to stay calm and de-escalate the situation, which was exactly the desirable outcome the CRB always talked about. Conover reminded everyone that just because everyone did things right did not mean there would be a good outcome, and vice versa. They had seen many cases of judgement where officers were lucky that things went right. However, for this case Conover believed that everything went right because the officer did a good job.

- Adjudication Recommendations
 - Auditor concurred by no separate memo

Hames-Garcia agreed with the adjudication. They did not think that the officer had complete control over the situation. The officer did not have control of the gun, or the flashlight and Hames-Garcia thought they could have had the cover officer come over and handle the weapon.

Williams agreed with the adjudication. After first viewing they found nothing wrong with the situation but reading the Chief's memo changed their mind. It was through conversation that issues were brought to light.

Whalen disagreed with the adjudication. Usually they were tougher on supervisors, but they did not see anything wrong with how the officer acted.

Conover disagreed with the adjudication. They knew that in situations where someone complained about an officer that the complainant was given the footage to view. Conover wanted to know why they were not shown the footage until after the classification and investigation. Pitcher replied that it was their normal practice to wait until the investigation was over. Based off other cases, Conover did not think that this officer used poor judgement.

Leiman stated that they were a proponent of de-escalation and officer safety. They found this case was confusing to think about. However, the Chief's memo showed that there were some issues. Leiman agreed with the adjudication.

Neal asked if one issue was that there was a lack of communication between the officer and the fire personnel related to the weapon. Pitcher was unsure. Neal agreed with the adjudication.

7. Case Review: Incident Review of Third-Party Complaint Related to a Pedestrian Stop

Pitcher pulled up a slideshow entitled: “CRB Case Review #2: October 12, 2021”.

I. Summary of Facts – Incident Review

- RP contacted the Auditor’s Office with a third-party complaint – that a student of their reported that they had been stopped by an officer for a pedestrian violation. The student felt that the stop had been motivated by bias, and that the student and their partner were treated differently because of their race.
- Following review of the body-worn video, the complaint was classified as an incident review and assigned to Internal Affairs.
- The video illustrated that the student had in fact crossed against the signal, and it appeared from the video that the officer attempted repeatedly to communicate with the student and their partner before they proceeded against the light.
- Internal Affairs reached out to the RP to discuss the investigation and offer to show them the video. RP was satisfied with the details provided, but they also discussed with the investigator the problem of people being issued citations that they cannot pay and expressed the wish that this could have been resolved with a warning.

II. Issues for CRB Discussion

• General Discussion

Hames-Garcia wanted to hear more from Pitcher about the Law Enforcement Contacts Committee (LECC) reporting. Pitcher shared that the State passed a law a few years ago saying that every agency in the State would report complaints of bias to a State body. They include the complaint and how the incident was resolved.

Williams thought that the intake was good and that the complaint did not need to escalate past an incident review. Their first thought was that it seemed like a biased incident. They were unsure how often people got ticketed for passing at a red light. Nelson noted that Marsh already went over how seriously they took those offenses, so they would not repeat that information. Nelson did not think that the incident jumped out to him as a biased but understood how it could be. Williams understood that tickets were usually given out to keep the community safe from unsafe activities. They felt that since the pedestrian was not going to harm anyone else, that it should have been a warning.

Whalen hoped that officers did not escalate these situations and understood that they were minor infractions. Whalen asked if there was an attempt to get in contact with the two individuals involved in the incident since the complainant was not involved. Nelson explained that in the first 30 seconds of the video, where audio was cut out, the officer told the two people to not cross the street. Since they continued to walk across the motor officer had to give them a ticket. Nelson offered, when speaking to the complainant, that they would reach out to the individuals if desired. They never heard back.

Conover shared that they only had video for this incident and announced that they knew the officer involved from when she was a school crossing guard, but they did not have a social relationship. Conover stated that this was the third pedestrian stop where the individual accused the officer of racial bias that they had seen on the CRB. Conover questioned what an officer was supposed to do when “you did this because of my race” was one of the first things said to them.

Leiman wanted the officers to know that it was correct for them to stop the person for what they did, but they could use their discretion and just give a warning.

Pitcher noted that since the individual accused the officer of bias, the supervisor had to be called to the scene.

Neal thought this incident was clear cut, since a warning was given before the individuals decided to cross at the red light. They thought it would be helpful at some point for the Board to look at the data available around traffic stops.

Hames-Garcia's first thought when watching the video was that they had experienced similar stops. However, they had never done something after being told not to by an officer, or even if an officer was present without giving verbal direction. Hames-Garcia said it seemed like the individuals were confused on what the officer had said to them. They noted that when people felt that they were being discriminated against, it stuck with them, even if the officer was just following protocol. When those allegations were made, Hames-Garcia wanted to see patience and understanding from the officers in response.

8. Elections of Chair and Vice-Chair

MOTION: Whalen moved, seconded by Leiman, to re-elect Carolyn Williams for the role of chair of the CRB and to re-elect Bernadette Conover for the role of vice chair of the CRB.

Conover wanted them to leave room for others to be nominated if they have interest. Pitcher had not heard interest from anyone else. They mentioned that Williams or Conover could step down at any point.

VOTE: The motion passed - 6:0.

9. Auditor Report

Pitcher thanked the auditor's office staff for all the work they did. There were two new employees who were still going through their background checks. They hoped that at least one of them would be present at the November meeting.

Pitcher was working with the ERC on crafting a job description for the Diversity, Equity, and Inclusion Officer position. That position would be housed in and funded by the auditor's office, but the department would have access to them.

10. Closing Comments

Conover thanked all the EPD staff who were present at the meeting to answer all their questions.

Hames-Garcia mentioned that there had been a lot of conversations recently in the community about traffic stops and racial biases, so they were glad that they took time to look at these cases.

Williams appreciated that this Board was able to disagree and stay civil in their discussion.

11. Adjournment

Chair Williams adjourned the meeting at 7:57 p.m.

(Minutes recorded by Lydia Dysart)

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

November 9, 2021
5:30 p.m.

PRESENT: Bernadette Conover, vice chair; José Cortez, Michael Hames-Garcia, Clay Neal, Alan Leiman, Bill Whalen, Civilian Review Board members; Vicki Cox, Leia Pitcher, Police Auditor's Office; Jason Berreth, Cindy Coleman, Ryan Nelson, Ron Tinseth, Eugene Police Department.

ABSENT: Carolyn Williams, chair.

Vice Chair Conover convened the Civilian Review Board (CRB) at 5:30 p.m. Everyone present introduced themselves. There was a quorum present.

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval

MOTION: Whalen moved, seconded by Neal, to approve the October 12, 2021, CRB meeting minutes as presented. Conover approved the motion through proclamation.

3. Comments from Board Members and Commission Liaisons

Leiman said that after their last meeting when they were reading over the minutes, they reflected on the statement they made about officer discretion. Leiman said that they learned from the officer with them that night that when a citizen raised an issue of being profiled that a supervisor had to be called. That prolonged the stop and, from his viewpoint, increased the chances of being written a citation.

Conover wanted to add a standing agenda item for the Board to look at the closed cases list. The Board did so in the past and they felt that it would be useful. Also, currently the list did not have anything that was jumping out to them, and their recent reviewed cases were outside of what they normally looked at. For that reason, Conover wondered if they should take off both December and January. Conover wanted Board members to think about that idea and they could talk about it at the end of the meeting.

Cortez noted that they had not heard anything from the Human Rights Commission (HRC) since their break. Pitcher believed that the HRC had appointed a new liaison for the CRB who would be joining their meetings in the future.

4. Public Comment

There was no public comment

5. Training: Statistical Transparency in Policing (STOPS) Program and Data

Tinseth said that they currently worked in finance and administration and had been with EPD for 25 years. They would be going over the Statistical Transparency in Policing (STOPS) data with the group. That data was collected based off officer perception of situations. Tinseth took over the program in 2016 and in 2017 HB 2355 which made it mandatory for police agencies in Oregon to start reporting out on similar data.

The STOPS program goals were to be minimally intrusive for officers, get 100% participation from their officers, and assure accurate data delivery to the State of Oregon. They collected data on all traffic stops (includes bikes) and all person stops. There was a STOP module which was created that automatically ran on the EPD tablets. An officer filled out the module and submitted it electronically after a stop.

One challenge the program faced was how non-tablet users (foot patrol) did their data entry. Those officers had to wait until they were back at the department to fill out the module. Another challenge was the audit review. Almost all their officers were used to using the system, but there were still situations where it was not filled out. Another challenge was the dispatch errors in call codes.

In 2020 the Criminal Justice Commission had three reports. First was the Veil of Darkness, which analyzed variations in stops depending on the daylight. Second was the predicted disposition analysis which looked at stop outcome-citations, searches, and arrests. Third was the KPT hit rate analysis which looked at the rate of successful searches. Tinseth said that EPD had disparity in one out of the three tests for the Latinx population, and that was in the predicted disposition analysis.

Conover thought that tinted windows would make it harder to know someone's ethnicity before they were stopped. They asked if there was any data collected on if windows were tinted. Tinseth replied that there was not.

Leiman knew that driving while suspended was the only offense when an officer did not need observe a violation. They saw the possibility of more Latinx license plates being run without any infractions being seen. Leiman asked if that aspect was being considered. Tinseth replied that it was not, the data was only collected based off the perception of the officer.

Leiman asked if officers were every scrutinized for the number of stops they made. Tinseth responded that they could identify officers rate of stops, but they had not had any issues related to that.

Neal wanted to know if there had been conversations about recording perceived race before the stop was made. Tinseth replied that those conversations were had at the State level before HB 2355 was passed.

Neal inquired into if for stops that almost always ended in citations, if the data was looked at with ethnicity breakdown percentages. Tinseth told them that there was a question on the module asking if the officer knew the driver race prior to the stop. There was some data collected based off that question.

Whalen asked if reports were showing data over the whole state, or if it was just each department. Tinseth responded that they had a Statewide synopsis.

Conover said that the citation made might not be the reason for the stop. They asked if those two things were collected. Tinseth told them that they noted the initial purpose of the stop and the result of the stop.

Conover asked if a phone application could be made to allow non-tablet officers to have access to the module right after a stop. Tinseth replied that the State had that option, but the data went directly to the State and bypassed the EPD audit system.

Cortez asked if the data could be cross referenced for the reason for the stop and ethnicity. Tinseth replied that it could and that the State did a lot of research into those types of data. Since they did a lot of in-depth research, EPD did not do its own.

Cortez asked if EPD communicated with any Federal agencies like Immigration or Customs. Tinseth responded that they did not.

Pitcher asked if there had been any shifts from the 2021 legislative session related to STOPs. Tinseth had not heard of any changes coming.

6. Discussion: Recording of CRB Meetings

Pitcher said that before the pandemic they only had a Minutes Recorder record the meeting through minutes. When they transition to online meetings, they allowed for video recording in addition to the minutes.

Conover knew that Williams made the motion and was in favor of continuing recording their meetings.

Conover shared that the concern previous boards had with recording had gone away since they stopped using identifiers in their discussions. They knew that there was concern that if they recorded their meetings that they would no longer receive the same minutes. Pitcher said that it was not an either/or decision and they could continue doing recordings and getting minutes.

The Board was in favor of continuing to record the meetings and have a Minutes Recorder.

Cortez thought it would be nice to utilize some streaming service like YouTube to go live on.

Conover was unsure if it would be necessary to record video when they were back in person during minutes.

Hames-Garcia noted that they could turn on the close captioning on their meetings.

Pitcher would look at the prices to do audio recordings and video recordings for in-person meetings.

7. Break

The CRB took a break from 6:29 p.m. to 6:35 p.m.

8. Case Review: Allegation that Employees Demonstrated Poor Judgement When Dispatched to a House Fire

Pitcher pulled up a slideshow entitled: “CRB Case Review #1: Allegations Related to Officers’ Response to House Fire.”

I. Summary of Facts

- Several EPD officers were dispatched to a house fire to assist Eugene-Springfield firefighters. When Officer A (training officer) and Officer C (recruit officer) arrived, firefighters were stringing hose in the front yard.
- Officer C asked the people outside if there were more people inside; a resident believed that there were two people and a dog in the bedroom that appeared to be on fire. Officers A and C approached the front door, and Officer A indicated for Officer B to join them.
- After a short conversation, Officer B and Officer C went inside the house and upstairs to attempt to find any more people inside. Officer A appeared to enter as well; Officer A and Officer C became separated at that point.
- Officer C found a locked door and Officer A directed them to break the door. Officer C forced the door and observed that the room was filled with black smoke.
- Supervisor D then shouted at the officers to get out, as ESF needed to get in the house.
- All EPD officers exited the residence. Officer C spoke to a firefighter, who was preparing to go in, about the room where the smoke and fire was.

- Officers then retreated from the house and had a conversation about the fire conditions.
- This complaint was internally reported; supervisors were concerned that Officer A's actions did not illustrate proper judgement and potentially compromised the safety of their recruit officer. There were also concerns that EPD's actions interfered with ESF's response to the fire.
- The investigation was complicated by Officer A's failure to record the event on body-worn camera.

II. Allegations

- **103.4.1: Judgement** – That Officer A did not exercise good judgement at the scene of the fire.
- **103.4.1: Judgement** – That Officer B did not exercise good judgement at the scene of the fire.
- **103.5.14: Unsatisfactory Performance** – That Officer A did not perform the tasks associated with their official position when they failed to adequately supervise their recruit officer.
- **1203: Body-Worn Video** – That Officer A failed to follow the policy on BWV by:
 - Failing to record this incident for its entire duration.
 - Stopping their recording more than once without recording a reason why.

III. Adjudication Recommendations

- Officer A:
 - Judgment
 - Auditor's Office: Concurred with chain of command.
 - EPD Chain of Command: Within Policy
 - Chief Final: Within Policy
 - Unsatisfactory Performance
 - Auditor's Office: Concurred with chain of command.
 - EPD Chain of Command: Within Policy
 - Chief Final: Within Policy
 - Body-Worn Video
 - Auditor's Office: Concurred with chain of command.
 - EPD Chain of Command: Within Policy
 - Chief Final: Within Policy
- Officer B:
 - Judgment
 - Auditor's Office: Concurred with chain of command.
 - EPD Chain of Command: Within Policy
 - Chief Final: Within Policy

IV. Issues for CRB Discussion

- Complaint Intake, Classification, and Monitoring
 - Internally Reported
 - Classification: Allegation of Misconduct

Leiman was puzzled by the case selection they had seen so far on his time on the Board. The intake showed that the Department was paying attention to what their officers were doing. They were glad EPD was not afraid to do internal reporting. Leiman looked forward to reviewing a case that was brought in by a citizen complaint.

Neal had similar concerns when watching the video that lined up with the classification. They shared similar sentiment to Leiman.

Conover explained the Blue Team was a system like the STOP program that started around 2013. Cindy Coleman said that Blue Team was used to assign cases received by the Auditor's Office and sent to Internal Affairs and for data collection. Conover remembered that before Blue Team came out there were concerns that officers would not report on each other. However, that had not been the case. Conover appreciated the classification and intake of this case.

Hames-Garcia and Cortez had no complaints about the classification or intake.

Whalen thought this investigation, even though well done, was a waste of resources. They believed that all questions could have been answered by just asking a few questions. Overall Whalen thought that the situation was handled well and did not need a whole investigation.

Pitcher said that there were 35 allegations that had been opened that year. They mentioned that there were more cases coming up that were the result of citizen complaints and had allegations of Use of Force.

- Relevant Policies and Practices; Training Considerations
 - o 103.4.1 Judgement
 - o 103.5.14 Unsatisfactory Performance
 - o 1203 Body-Worn Video

Neal thought that the policies looked at were justified based on how they were written. They thought there was a communication issue between the officers and the firefighters. Neal wondered why there was no further communication at the door before anyone had to put themselves in harm's way. They were unsure if that was a policy violation, but it was a problem.

Cortez asked if EPD was trained in fire science. Berreth replied that they receive a little bit of training, but they do not do as much as they should. Officers have a minimal level of training. Cortez said that if officers were not trained enough then it would be hard for them to identify those potentially harmful situations. They thought that more training would fix the problems. Cortez asked if Officer A turned the camera off before they got to the scene because they thought it was not needed, or as a result of assessing the scene when they showed up. Berreth replied that during the investigation Officer A said they turned the camera off because they did not think it was necessary since they usually supported the fire department and did not need to interact with citizens. Cortez thought that was a lofty assumption.

Conover thought the body worn camera being turned off was the main issue with what they watched. If all officers had turned off their cameras, then the CRB would not have been able to review the situation to the extent that they did.

Hames-Garcia believed that there was often a benefit to reviewing a situation even if the result was deciding that nothing was done wrong. Since these types of cases were not a majority of what they looked like they were not concerned. Hames-Garcia said that if the Fire Department was on the scene, then it was up to them to decide how the building should be entered for how long. They thought creating clearer policies around how agencies worked together in those situations would help.

Whalen remembered when body cameras were first implemented that they talked a lot about the need to help maintain citizen's privacy. They thought that Officer A turning off their camera should be looked at.

Leiman was glad they were looking at it since there was a fatality and criminal activity at the scene. They were unsure of the procedure but thought that the Fire Department should be investigated for their part in the situation. Leiman found it disappointing when discipline came from an act or attempt for doing something heroic.

Pitcher had written down concerns with the Fire Department and EPD communication. They remembered that there were cases earlier in the year that showed similar problems. Pitcher had was unsure if that issue had been addressed, but it was brought up in Internal Affairs discussions. The other concern was regarding body worn camera policy. Pitcher was disappointed that video was not available for the whole situation. They advocated for video to be available throughout all situations and against muting or stopping footage for any reason. If there were confidentiality problems, that could be edited out before the videos were released. Pitcher emphasized that those videos were crucial in determining what happened.

- Adjudication Recommendations
 - All conduct found to be within policy

Cortez was included to sustain the allegation against body worn cameras for Officer A. They asked if body camera footage was subject to public record. Pitcher replied that they were with a few exemptions. Cortez wanted to know if they had the capacity to censor those videos. Pitcher did not think they did. Cortez said that if Officer A turned off their video before the full information was given then it was a policy violation.

Conover agreed with the Chain of Command and Auditor's Office adjudications.

Hames-Garcia said that before the CRB discussion they agreed with the Chain of Command adjudication, but afterwards felt unsure. This situation might not come up often and so the need for policy problems might have been looked over.

Whalen agreed with all the Chain of Command adjudications. They wanted the body camera policy to be reviewed. While the officer was within policy when they turned off the camera, but it was not within the spirit of the policy.

Leiman said that with that policy in place and how officers usually just monitored the Fire Department equipment, they understood why the camera was turned off. The Chain of Command adjudication was correct, but the policy should be reviewed. Neal agreed. They were interested in the data around EPD and Fire Department communication.

Conover said that the way the adjudication memo was written it did not seem as factual. Some of the language used seemed to add a bit of commentary. They said that the memo needed to be just the facts.

9. Auditor Report

Pitcher said that they were still working on bringing on the new Auditor's Office staff. Hopefully they would be at the next CRB meeting. They were working on the idea of creating a position focusing on Diversity Equity and Inclusion for the Auditor's Office. Pitcher said that not a lot of oversight committees had a similar position, but it would be helpful to their work. They wanted to have a report on that position by May 2022.

There was only one Internal Affairs sergeant at that time and more investigations than they could do. EPD was looking to allocate another sergeant to that department soon. Pitcher mentioned that there were a lot of interesting cases that they would look at in 2022.

Pitcher had been working on the Ad-Hoc Committee recommendations. They were working with the City Manager and the Municipal Court Judge to come up with how to organize the process and how they could move forward. Pitcher was also a part of the Sorting Group (made up of Pitcher, the City Manager, the City Attorney, the Chief of Police, and the Employee Research Center) on sorting out what changes would need to be made to implement each recommendation.

Pitcher was looking into vendors to provide a community portal program to help citizens be more involved with their complaint (adding photos, videos, etc.) and enable them to check on where in the process their complaint was. They said that Coleman had been to a conference where it was announced that a program like that was being made.

Pitcher was working with the EPD Command staff on deadly force investigations, the early intervention system, and the potential for a “middle ground” for certain investigations (not using the full Internal Affairs process).

Pitcher had presented in front of the EPD sergeants’ academy. There were a lot of new sergeants, and that presentation was a good way to get to know everyone. They would be presenting in front of EPD recruit officers soon.

Pitcher had attended some webinars offered as part of the national conference for the National Association for Civilian Oversight of Law Enforcement (NACOLE). They wanted to connect with that group more often. Conover asked if CRB members could attend the conference. Pitcher replied that the conference was virtual that year and CRB members could be signed up through the Auditor’s Office.

10. Closing Comments

Conover hoped they could return to physical case book soon, since they had some trouble with the virtual books. Conover wanted them to revisit skipping their December and January meetings. They had talked with Chair Williams about skipping two months and they were comfortable with it.

Hames-Garcia was nervous to call off both meetings incase anything came up.

MOTION: Whalen moved, seconded by Leiman, to cancel the December 2021 CRB meeting.

Leiman said that there were interesting cases that were still open. They looked forward to discussing cases that dealt more with the community.

Cortez asked if they were using a reasonable person standard when thinking about conduct. They wondered how useful that was, and who benefited from that.

Leiman asked Pitcher if they would fall behind if they took a break in December and January. Pitcher replied that there should not be anything urgent closing in that time, but when they came back in February there would be more interesting cases to look at. If something came up in December Pitcher could inform the Board and they could meet in January if they wanted to. They would contact the Board about any cases by the second week of December. The Board was in favor of taking the two months off unless something came up.

VOTE: The motion passed – 6:0.

11. Adjournment

Conover adjourned the meeting at 7:59 p.m.

(Minutes recorded by Lydia Dysart)