

1. Civilian Review Board Agenda Packet March 13 2012
Civilian Review Board Agenda Packet March 13 2012

Documents: [CIVILIAN REVIEW BOARD AGENDA MARCH 13 2012.PDF](#), [DRAFT MINUTES CIVILIAN REVIEW BOARD FEBRUARY 14 2012.PDF](#), [FEBRUARY 2012 CLOSED CASE REPORT.PDF](#), [FEBRUARY 2012 OPEN CASE REPORT.PDF](#), [FEBRUARY 2012 PUBLISHED COMMENDATIONS.PDF](#)

City of Eugene CIVILIAN REVIEW BOARD



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 involving allegations of police misconduct, use of force and other matters. 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.

Meeting Agenda: Civilian Review Board
Tuesday, March 13, 2012
McNutt Room, City Hall, Eugene, OR, 97401
5:30 PM (Public Portion)

Dinner served to CRB Members at 5:00 PM
Board and Staff Only Tour of the Eugene Mission – Meet there.
Contact: Vicki Cox, 682-5016

(Dinner will be available for board members beginning at 5:00 pm..)

<u>ITEM</u>	<u>TIME (Starting)</u>
1. Eugene Mission Tour	45 minutes (4:00 pm)
2. Dinner for Board Members	30 minutes (5:00 pm)
2. Agenda and Materials Review	5 minutes (5:30 pm)
3. Minutes Approval (February 2012 Meeting)	5 minutes (5:35 pm)
4. Public Comment	10 minutes (5:40 pm)
5. Comments: Members, Liaisons to Police and Human Rights Commissions and Chair	15 minutes (5:50 pm)
6. Auditor's Report	10 minutes (6:05 pm)
7. Break	10 minutes (6:15 pm)
8. Case Discussion	30 minutes (6:25 pm)
<i>Two men were brawling on Kesey Square. Officers responded and arrested both combatants. One arrestee claimed officers used excessive force during the arrest. Allegations of excessive force and performance were investigated. The Board may also wish to discuss policy implications relating to violent behavior in the back of police cruisers.</i>	
9. Auditor's Policy Concern: Medical care of prisoners refused from Lane County Jail	20 minutes (6:55 pm)
10. Training Strategy Proposal from Chair	5 minutes (7:15 pm)
11. Case Selection for April Meeting	5 minutes (7:20 pm)
12. Adjourn	5 minutes (7:25 pm)

NAME OF MEETING: Civilian Review Board
DATE OF MEETING: February 14, 2012
TO: Vicki Cox
RECORDED BY: Linda Henry

ROUTING INFORMATION

2/21/12 llh Draft to Staff

MINUTES

Civilian Review Board
McNutt Room—Eugene City Hall—777 Pearl Street

February 14, 2012
6:30 p.m.

PRESENT: Tim Laue, Chair; Bernadette Conover, Steven McIntire, Snell Fontus, George Rode, Eric Van Houten (arrived at 5:32 p.m.), Debra Velure, members; Vicki Cox, Mark Gissiner, Police Auditor's Office; Lt. Scott Fellman, Sgt. Carolyn Mason, Eugene Police Department; George Buck, Human Rights Commission Liaison; District Attorney Alex Gardner; Tina Morgan, Bill Whalen, Kids FIRST Center; Carol Berg-Caldwell, Patricia Diehl, Miaya Sustaita, guests.

ABSENT: None.

I. DINNER FOR BOARD MEMBERS

Mr. Laue convened the CRB at 5:30 p.m. He noted St. Valentine was the saint for happily married people and bee keepers.

II. AGENDA AND MATERIALS REVIEW

None.

III. MINUTES APPROVAL—January 12, 2012

Mr. McIntire, seconded by Mr. Fontus, moved that the January 12, 2012 minutes be approved as submitted. Mr. Laue deemed the minutes approved.

IV. PUBLIC COMMENT

None.

Mr. Van Houten arrived at 5:32 p.m.

V. COMMENTS FROM CHAIR, MEMBERS AND CRB REPRESENTATIVES TO THE POLICE COMMISSION AND HUMAN RIGHTS COMMISSION (HRC)

Mr. Fontus attended the January 17, 2012 Human Rights Commission (HRC) meeting where the commission undertook defining its bylaws and processes. There was a presentation on Opportunity Eugene. He read a proclamation from the community task force on homelessness. The task force would meet six to eight times and report to the City Council in March 2012. The Asian Celebration was scheduled for this weekend. He introduced Ron Buck, the HRC liaison to the CRB.

Mr. Laue asked Mr. Fontus to approach the HRC regarding a joint meeting with the CRB.

Ms. Conover attended the February 9, 2012 Police Commission meeting. She reported the K-9 policy had been completed and could be viewed online. City Councilor Andrea Ortiz had rotated onto and Mayor Kitty Piercy had rotated off of the commission. Prior to the January 2012 Police Commission meeting, a public forum on continuing the downtown exclusion zone policy was held. While some speakers raised concerns about the policy, no one strongly opposed it. Several business owners spoke in support of the policy, saying it was a good tool for police officers to use. Several people also spoke against the policy at the February 9 Police Commission meeting. The commission forwarded a recommendation to the City Council.

Mr. Van Houten had been contacted by people who lived near the recent shooting death in south Eugene who expressed their appreciation to the Eugene Police Department (EPD) officers handling of the incident through their interaction with neighbors and the nearby elementary school.

Mr. Laue thanked Mr. Buck for attending tonight's CRB meeting.

VI. KIDS' FIRST PRESENTATION

District Attorney Alex Gardner introduced Tina Morgan, Kids' FIRST Center Director, and Bill Whalen, Kids' FIRST Center Board of Directors Vice President. He reviewed the history of Kids' FIRST and explained the center was designed to provide one stop shopping for the victim child and the whole family to enable a proper investigation and to ensure the child and family could be connected with the necessary resources. He stated the center was mostly grant funded in addition to \$135,000 from Lane County. He distributed the following brochures: *Domestic Violence Child Witness Project*; *Kids' FIRST—We're Listening to Children*; *Kids FIRST—Healing Together*; and *Forensic Medical Examinations: What to Expect and How to Prepare*. The center served as a regional training facility for other jurisdictions.

Ms. Morgan stated prosecution outcomes had increased during the time the program had been in effect. The center was the first in the nation to respond to children who had witnessed violence in the home. Interventions with the children by a multi-jurisdictional team consisting of a domestic violence detective, Womenspace advocates, Kids' FIRST advocates and the State Department of Human Services (DHS) occurred within 24 hours after the event. Offenders were being held accountable and children were being protected through the program.

Ms. Conover asked if there had been any problems with EPD officers in the facility that needed to be referred to a supervisor.

Mr. Gardner said if there was a complaint about an officer it was immediately referred to the officer's supervisor. There had been very few such complaints. He added members of the EPD Violent Crimes Unit was a strong, well supervised, well educated, highly experienced, quality team who behaved in a professional manner.

Ms. Morgan said the center served nine agencies, including the Lane County Sheriff's Office (LCSO), Springfield Police Department, EPD, and Oregon State Police (OSP). More than one-third of the children were from Eugene. The center served children from 0 to 18 years of age, with children from 4 to 7 years of age, who were easy to prey upon, seen more frequently. The offender was always someone the child, knew, loved or trusted. The majority of physical and

sexual abuse occurred within the home, and there were significant number of children who were injured by coaches, pastors, scout leaders and day care providers.

VII. BREAK

The CRB took a break.

VIII. CASE DISCUSSION

Summary: Officer chased and apprehended an individual who the officer thought was fleeing from a stolen car chase. Pepper spray and focus blows were used to effect arrest. It was later determined that the man was not involved in the car theft. He later claimed he receive a head injury from the arrest.

Mr. Gissiner offered the staff report. Officer A and Officer B pursued a person suspected of stealing a vehicle. The crime that allegedly occurred was a felony in a high crime area. Citizen A did not comply with the officer's commands and posed a risk of flight or resistance. Officer A used pepper spray to effect an arrest. Citizen A complained of several injuries including a head injury, but there were no visible or audio signs of injury while Citizen A was in the police vehicle. The LCSO reported that Citizen A fell while in a holding cell, struck his head and was transported to the hospital. Mr. Gissiner's office reviewed the documents and video, and classified the allegation as one of Misconduct/Use of Force. Upon investigation, it was determined the individual was not involved in the car theft and was intoxicated. It was also determined the injuries he sustained occurred while he was in jail. IA conducted an investigation to determine whether Officer A or Officer B followed policy. During the course of the investigation, the Police Auditor added an allegation of Constitutional Rights to determine whether the officer had reasonable suspicion to stop and detain Citizen A.

Allegations:

Use of Force that Officer A used excessive force on Citizen A by using pepper spray to effect the arrest of Citizen A, and Office B used excessive force to assist with the arrest. Constitutional Rights that Officer A violated Citizen A's constitutional rights by arresting him.

Recommended adjudications:

Use of Force—Officer A did not use excessive force on Citizen A by using pepper spray and focus blows and Officer B did not use excessive force. The Police Auditor determined the Officer B showed up and helped with the arrest. The Supervising Sergeant, the Lieutenant, the Supervising Captain, the Police Auditor and Chief of Police felt Officer A was within policy.

Constitutional Rights—Officer A did not violate Citizen A's constitutional rights because Officer A lacked probable cause or reasonable suspicion to stop Citizen A. The Supervising Sergeant felt Officer A was within policy. The Lieutenant, the Supervising Captain, the Police Auditor and Chief of Police felt the complaint was unfounded.

- ***Complaint Intake and Classification***
 - Mr. Laue thought the intake was well done.

- Ms. Conover thought it was made clear to the complainant what he could and could not do. The intake was well done.
- ***Complaint Investigation and Monitoring***
 - Sgt. Mason stated the investigation was extended because IA made multiple, unsuccessful attempts to contact Citizen A, to give him an opportunity to give his version of the incident.
 - Mr. Rode said the investigation was thorough and likely very expensive.
 - Lt. Fellman said the complainant could not be required to appear and give his version of the incident.
 - Ms. Conover appreciated the officer's comments on why he chose to arrest Citizen A, and subsequently realized Citizen A needed to go to jail or Buckley House.
 - Sgt. Mason said Citizen A was a heavily intoxicated minor with a previous Minor in Possession (MIP) for which he was on diversion and delayed prosecution. Had the officer cited Citizen A for MIP, Citizen A would have lost his diversion.
- ***Relevant Department Policies and Practices***
 - 901.1—Use of Force.
 - 1101.1—Constitutional Rights.

There were no comments on Relevant Department Policies and Practices.
- ***Policy and/or Training Considerations***
 - Mr. McIntire said the identification of the involved parties were vague.
 - Mr. McIntire said it appeared there were officers closer to the scene than the two officers who responded.
 - Lt. Fellman said until officers were certain they had the right person, multiple officers would arrive to assist with the search.
 - Ms. Velure noted one of the officers who traveled a distance was a K-9 officer.
 - Mr. Laue questioned whether two attempted forcible stops of the stolen vehicle was a good idea. He noted there were a lot of spectators in the area.
 - Mr. Van Houten said it clear that the Officer A physically engaged with Citizen A because he recognized pepper spray was not having the desired effect. He questioned why Officer B did not respond sooner.
 - Mr. Fontus noted Citizen A was resisting arrest and trying to flee from Officer A, and Officer B appeared to casually respond to the fleeing suspect. There was no audio and no picture when Officer B disappeared in front of the car.
 - Mr. McIntire iterated there were issues every month with the microphones and video.
 - Lt. Fellman said EPD was aware of the ongoing problems with the in-car video (ICV) units. The officers wanted the problems fixed but were faced with budget limitations. The first seventeen replacements units were arriving in February and would be installed as quickly as possible. He added there was a problem in the video age that officer descriptions were doubted without the video. Officers had complained that when they appeared in traffic court, if they did not have video evidence, their testimony was doubted and they could not win a traffic case. In the past, judges would say it was the officer's job to be able to provide accurate information and descriptions.
 - Mr. McIntire said better quality video would resolve some ambiguities and current protocols called for video.

- Lt. Fellman indicated that officers were expressing concerns that their credibility is more likely to come into question in the absence of video.
- Mr. Laue said it was not that the CRB did not believe the officer, but it was the CRB's job was to find the best way to review cases. He added the complainant did himself no favors with the way he pursued this complaint. One reason for using the ICV was officers wanted it because it made complaints go away.
- Mr. Fontus said officers' abusing their power was a part of EPD's history. When people were in a bad situation they called police, but at the same time, they did not trust the police. The cameras were helpful in supporting officers' statements. He questioned why the officer's microphone did not appear to be working until Citizen A was in the police car.
- Mr. Van Houten said if officers were aware their equipment was not working before they went on duty, they should do something about it.
- Ms. Conover said a former IA investigator tried to instill in officers the importance of taking their time and doing everything right on the street. This made the investigator's job easier because he could accurately recreate what happened.
- Mr. Gissiner said some of the issues became allegations because the community had 21st century expectations and EPD needed to invest in technology.
- **Adjudication Recommendations**
 - Mr. McIntire opined the complaint was unfounded and within policy.
 - Ms. Conover proposed that the supervisor say there was no constitutional right violation. The stop and contact of this individual was valid and therefore within policy and therefore unfounded.
- **Additional Comments and/or Concerns**
 - There were no additional comments.

IX. AUDITOR'S REPORT

Mr. Gissiner distributed a copy of a PowerPoint presentation entitled *Potential Policy Issue for the Police Commission—Civilian Review Board—2/14/2011* for CRB members to review for the March meeting.

Mr. Fontus asked what Mr. Gissiner's responsibility was to a recent officer involved shooting.

Mr. Gissiner said the City ordinance required that he be notified when a critical incident, such as an officer involved shooting, occurred. He or the Deputy Police Auditor then responded to the scene. He found the incident command well organized at this incident. The Interagency Deadly Force Investigation Team (IDFIT) gathered all of the facts and presented them to the District Attorney, after which the District Attorney determined that the shooting was justified. Following this, the IA administrative investigation commenced, which Mr. Gissiner monitors. The administrative investigation could include or not include reinterviewing the officer. Following the administrative investigation, the Chief would form a Use of Force Review Board consisting of several members of the command staff, Mr. Gissiner as a non-voting member, and an outside expert if needed. The Use of Force Review Board would then issue an adjudication recommendation and policy training recommendations, after which Mr. Gissiner would issue an

adjudication recommendation and policy training recommendations to the Chief. At the conclusion of these actions, the CRB could look at the case if it chose to.

Mr. Gissiner stated he was not getting surveys back from citizens regarding allegations. He was talking with Community Mediation Services to conduct the surveys. The number of complaints was up, with 12 in the last week, and an average of 9 per week.

X. TRAINING TOPIC FOR MARCH MEETING

Mr. Gissiner said a tour of the Eugene Mission was tentatively scheduled for March.

Mr. Laue suggested having an IDFIT presentation. He said a schedule for the next several months would be developed.

XI. CASE SELECTION TOPIC FOR MARCH MEETING

Mr. Gissiner reviewed possible cases for future CRB consideration. Following a brief discussion about the large number of cases in the queue for CRB review, there was consensus to conduct two case reviews per meeting in lieu of one case review and a training session in upcoming meetings.

Mr. Laue said an allegation of excessive force and performance would be reviewed in March.

XII. ADJOURN

The meeting adjourned at 8:05 p.m.
(Recorded by Linda Henry)

Eugene Police Department

February 2012 Closed Case Report

Incident type: Internal Affairs
Status: Completed
Received date: Oct 13, 2011
Class/sub-class: Allegation of Misconduct / Conduct
Disposition: Sustained

Allegation:

Conduct - 1101.1.B.4 Release of Information - Sustained

Incident type: Internal Affairs
Status: Completed
Received date: Dec 29, 2011
Class/sub-class: Policy Complaint
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's Office to complain that when police responded to her call that when one of her relatives was beating up another relative he was only given a ticket. She believes the officers should have done more and should have followed up, as one relative turned out to have a concussion.

Policy Issues: Ok to CLC in this case? Ok to accept refusal of medical treatment from a 16 year old? Per auditor 501.1.A.5.

Determined that mother of 16 year old was present to speak for her daughter on the medical issue.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 4, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office with the complaint about how he was treated rudely and then cited by an officer for trespass. RP has a Pallet Recycling Business and was behind a business picking up pallets when the incident occurred. The officer told RP no proof would be sufficient to prove he was ok to be in the area.

A second issue that needs to be addressed is that the business owners seem to be under the impression that people would only be contacted by law enforcement when their security company calls in a trespass even though they have filed a letter of trespass with EPD.

Supervisor worked with business to gain agreement from business to allow complainant to pick up pallets.

Service Complaint - Courtesy. Also policy complaint.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 5, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's Office upset and perplexed about the customer service he received while trying to get a form to expedite an out of state financial crimes issue. RP stated that he had spent 1 and 1/2 hours on two different days on the red phone in the lobby of EPD and still did not have the form or answers on how to even get it. RP feels the red phone in the lobby is customer unfriendly and major privacy issues as you are required to air your business to everyone in the vicinity.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 13, 2012
Class/sub-class: Service Complaint / Conduct
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office with the concern that an officer unnecessarily grabbed his wife, frightening her while she walked across the parking lot of a school. RP stated his wife who is in her 50's was walking their dog across the parking lot toward their home when she was suddenly grabbed and scolded by the officer who stated it was private property and she was trespassing. RP's wife has a hearing disability and may not have heard the officer approach but RP believes this type of force was unnecessary. Evidence indicated that the woman was repeatedly warned but was unable to communicate effectively. Officer and security guard determined that the woman may have been suffering from mental illness and let her go on her way.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 20, 2012
Class/sub-class: Policy Complaint /
Disposition: Dismissed-Other

RP contacted the Auditor's office about an incident he had with a call taker. RP had called about a prowler who was jiggling his door handle. This has happened numerous times and RP feels he knows who the person is. When he told the call taker he would shoot the intruder if they entered his home where he and his daughter were, he was told that he would be arrested for attempted murder if he did. RP contacted OSP who told him he had the right to protect himself he would like to see that the call taker is trained on this law. (RP has cerebral palsy and his daughter is autistic)

Dismissed by Auditor on 2/2/12 -unable to locate calls from this address; other.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 25, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office to file a complaint about an officer and traffic citation he was issued. RP had 2 concerns 1. The validity of the citation and 2. That the officer called a family member who is an EPD employee and RP is having issues with, before giving him the citation. A second or third officer who responded to the stop told him the employee had informed them to ticket him when they had a chance.

Dismiss ticket: Alternative Remedy

Inquiry: Why was Officer looking for this vehicle and what did he discuss with RP.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 26, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office concerned that the officer who contacted her about a noise complaint she had called in seemed to not really care about taking care of the situation.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 27, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

The Human Rights Office forwarded a complaint from RP about an incident he witnessed at the LTD downtown station. RP alleges that he witnessed an EPD bike officer quickly and suddenly rides past him and confronts an elderly African-American woman standing at the bus stop. The officer demanded to know why the woman was creating a disturbance and other harassing and accusatory questions. RP concluded that the officer was harassing the woman because of her race as he had not seen her do anything wrong. After speaking with a supervisor, he was able to understand the issue.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 30, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP called the Auditor's office inquiring into why an EPD patrol was traveling the wrong way on Charnelton.

Incident type: Internal Affairs
Status: Completed
Received date: Jan 30, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with a concern about an EPD SUV vehicle that almost hit her as she was crossing Western at 7th Ave in Corvallis on her bike. She felt the driving operator was aggressive and if she hadn't seen them and moved quickly she would have been hit.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 2, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office concerned about how he was treated by an EPD officer when he was given a citation for riding his skateboard across the intersection at Broadway and Olive. He stated the officer was rude and tried to reach into his pocket and then asked all kinds of questions about his tattoos and wanted to search his backpack. He felt bullied and the officer took his skateboard. Advised he would need to get skateboard back from judge.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 3, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with a concern about EPD patrol vehicles zooming through the intersection at 18th and Jefferson without slowing right at the time school (O'Hara) was getting out for the day. RP realizes that there was a major incident happening at the time but wanted EPD to remember the civilian aspect of the situation.

RP does not wanted to be contacted, just to express her observation and concern.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 3, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office concerned that when his girlfriend was pulled over for a broken tail light and then learned that her license was suspended the officer told her she needed to get someone to come get her or she could drive her car and risk another ticket, but that he had to leave. RP's were concerned that the officer left 2 females, one disabled, late at night in a bad part of town before their ride had arrived.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 6, 2012
Class/sub-class: Inquiry /
Disposition: Dismissed-o/s jurisdic (Lane County Sheriff)

RP called the Auditor's office concerned that EPD officers with a search warrant confiscated his 6 marijuana plants, his cell phone, concealed carry permit, firearm and other items. RP is a legal medical marijuana grower and officers based the warrant on the smell of marijuana in the U-Haul he rented. Officers also refused to look at his legal paperwork that was in his car on the premises. RP was not cited or arrested.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 6, 2012
Class/sub-class: Policy Complaint /
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office to file a complaint that an officer threatened to cite her when she stepped off the curb while filming police arresting a young male for skateboarding. When asked what she was being cited for he replied, "I'll tell you when I cite you." RP stated on this and another occasion that day the officer had threatened to cite her and others for chalking on the walls but cannot and will not cite the lawful reason why.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 6, 2012
Class/sub-class: Inquiry /
Disposition: Dismissed-o/s jurisdic

RP stopped by the Auditor's office frustrated that even though EPD has arrested her boyfriend for harassment/Domestic violence issues he is released right away and then charges are dropped by the DA. She believes something behind the scenes is going on. RP alluded to bike cops who she had been told were trying to make her look crazy, but she could not provide names.

Auditor will dismiss: Outside Jurisdiction - DA's office

Incident type: Internal Affairs
Status: Completed
Received date: Feb 8, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office to complain about the demeanor of an officer when he issued him a traffic citation. RP alleged the officer was rude and instead of handing his license back to him he threw it on the seat. He also noted that on the citation he wrote he was doing 65 in a 51. RP is not aware of any such posted speed.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 9, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with the complaint that an officer was sexist and possibly racially profiled him when he responded to a call for service he initiated when his ex-girlfriend struck him with a door. RP felt even though the officer gave him all his options he persuaded him not to have her arrested, which he felt was due to the fact the ex-girlfriend was a woman and that both the officer and the woman are of Hispanic origin.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 9, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office about an EPD patrol car that cut her off.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 10, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office to report that she called police when she was assaulted by her neighbor, the 3 women officers who responded told her he did nothing wrong. She was slammed into a concrete wall and sprayed by mace. The officers talked to neighbors and came back and told her the attack was her fault.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 16, 2012
Class/sub-class: Inquiry /
Disposition: Dismissed-Other

RP contacted the Auditor's office unhappy about an interaction with on officer who he had flagged down to discuss what to do about people talking sexually dirty to him. RP stated the officer jerked his (officer's) body around with his hips in a sexual manner and it offended him.

Dismissed by Auditor: Other (no contact info for RP)

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP questioned why she was not hired for a volunteer position.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Dismissed-Other

An anonymous gentleman left a message on the Auditor's phone concerned that he witnessed an officer speeding and then just turned into the police station. RP feels it is not ok for officers to speed unless they are on a call.

Dismissed by Auditor; Other (no contact info for RP)

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP filed an online complaint form alleging that an officer used profanity when speaking about him to his property manager. Witnesses indicated that the officer did not use profanity but did disparage property owners for permitting criminal activity to occur.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 22, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP was upset that an officer commented to her that if perhaps the judge was her husband she would most likely get a fine reduction. RP felt that his irrelevant mention of her marital status or sexual preference was offensive.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 22, 2012
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Dismissed-o/s jurisdic

RP voiced concerns about conditions at the Lane County Adult Corrections Facility. Auditor will forward complaint to Lane County Sheriff's Office and dismiss o/s jurisdiction.

[27 incidents displayed](#)

Eugene Police Department

February 2012 Open Case Report

Incident type: Internal Affairs
Status: Active
Received date: Feb 1, 2012
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

RP questioned the motivation of and the purpose for physically arresting someone in his homeowners association for a noise violation, and that the alleged circumstances for probable cause seem to be refuted by the arrestee. He also had concerns that the arresting officer had a friendship with the neighbor who telephoned in the noise complaint.

Allegations:

Conduct - 1101.1.B.2 Abuse of Position

Incident type: Internal Affairs
Status: Active
Received date: Feb 1, 2012
Class/sub-class: Allegation of Misconduct / Courtesy
Disposition:

RP contacted the Auditor's office upset that an officer was totally out of line when he spoke to him as he was protesting in front of a social service agency. RP was on the sidewalk in front of the Service Agency protesting when two EPD patrol cars arrived. One of the officers told him he had to leave when RP told him he had a right to protest on city streets. The officer got nasty with him berating him telling him he should get a job; if he could ride a bike, he must not be handicapped, etc. RP is on disability and was having an issue with the agency about a propane voucher they issued.

Allegations:

Courtesy - 1101.1.B.7 Courtesy

Incident type: Internal Affairs
Status: Completed
Received date: Feb 2, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office concerned about how he was treated by an EPD officer when he was given a citation for riding his skateboard across the intersection at Broadway and Olive. He stated the officer was rude and tried to reach into his pocket and then asked all kinds of questions about his tattoos and wanted to search his backpack. He felt bullied and the officer took his skateboard.

Incident type: Internal Affairs
Status: Active
Received date: Feb 2, 2012
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

RP stopped by the Auditor's office to file a complaint about an officer who allegedly pressured her into talking and signing papers about an arrest of her boyfriend. RP stated that a neighbor had called the police about her boyfriend banging on their apartment door and they arrested him for domestic abuse. An officer pressured her into returning to her apartment alone so he could take pictures of her body and sign a statement, only after she signed did he tell her she legally did not have to.

Allegations:

Conduct - 1101.1.B.25 Unbecoming Conduct

Incident type: Internal Affairs
Status: Completed
Received date: Feb 3, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with a concern about EPD patrol vehicles zooming through the intersection at 18th and Jefferson without slowing. RP realizes that there was a major incident happening at the time but wanted EPD to remember the civilian aspect of the situation.

RP does not want to be contacted, just to express her observation and concern.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 3, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office concerned that when his girlfriend was pulled over for a broken tail light and then learned that her license was suspended the officer told her she needed to get someone to come get her or she could drive her car and risk another ticket, but that he had to leave. RP's were concerned that the officer left 2 females, one disabled, late at night in a bad part of town before their ride had arrived.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 6, 2012
Class/sub-class: Inquiry /
Disposition: Dismissed-o/s jurisdic (LCSO)

RP called the Auditor's office concerned that EPD officers with a search warrant confiscated his 6 marijuana plants, his cell phone, concealed carry permit, firearm and other items. RP is a legal medical marijuana grower and officers based the warrant on the smell of marijuana in the U-Haul he rented. Officers also refused to look at his legal paperwork that was in his car on the premises. RP was not cited or arrested.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 6, 2012
Class/sub-class: Policy Complaint /
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office to file a complaint that an officer threatened to cite her when she stepped off the curb while filming police arresting a young male for skateboarding near Kesey Square. When asked what she was being cited for he replied, "I'll tell you when I cite you." RP stated on this and another occasion that day the officer had threatened to cite her and others for chalking on the walls at Kesey Square but cannot and will not cite the lawful reason why. RP will email video of the incident to Auditor's office.

Incident type: Internal Affairs
Status: Active
Received date: Feb 6, 2012
Class/sub-class: Allegation of Misconduct / Conduct
Disposition:

RP alleges that:

- 1) A supervisor discussed confidential medical information to other employees.
- 2) That a supervisor provided false information to other supervisors about his performance which denied

the RP the opportunity to receive a light duty assignment.

Allegations:

Conduct - 1101.1.B.9 Unsatisfactory Performance

Allegations:

Conduct - 1101.1.B.4 Confidentiality of Information

Incident type: Internal Affairs

Status: Completed

Received date: Feb 6, 2012

Disposition: Dismissed-o/s jurisdic

RP stopped by the Auditor's office frustrated that even though EPD has arrested her boyfriend for harassment/Domestic violence issues he is released right away and then charges are dropped by the DA. She believes something behind the scenes is going on. RP alluded to bike cops who she had been told were trying to make her look crazy, but she could not provide names.

Auditor will dismiss: Outside Jurisdiction - DA's office

Incident type: Internal Affairs

Status: Active

Received date: Feb 7, 2012

Class/sub-class: Policy Complaint /

Disposition:

RP contacted the Auditor's office with the concern that yesterday during the time of the shooting at Briarwood Mobile home Park on Candlelight Drive the schools nearby were not locked down. RP's daughter was allowed to walk home from school at 3:30 p.m.

Incident type: Internal Affairs

Status: Active

Received date: Feb 8, 2012

Class/sub-class: Policy Complaint /

Disposition:

RP contacted the Auditor's office concerned that the young man who rear ended her on Coburg Road on Monday afternoon was not cited for a serious traffic infraction nor was a Police Report was taken. The premise that since she took her daughter and foster son to the Urgent Care 20 feet from the scene and did not ride in the ambulance there were no injuries to trigger a citation or report is wrong.

Incident type: Internal Affairs

Status: Completed

Received date: Feb 8, 2012

Class/sub-class: Service Complaint / Courtesy

Disposition: Supervisor Review-Closed

RP contacted the Auditor's Office to complain about the demeanor of an officer when he issued him a traffic citation. RP alleged the officer was rude and instead of handing his license back to him he threw it on the seat. He also noted that on the citation he wrote he was doing 65 in a 51. RP is not aware of any such posted speed.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 8, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office about an officer he observed who appeared to be texting on a personal cell phone while driving. RP stated he is aware that officers are allowed to talk on phones but this officer was slowing down and speeding up in relation to the texting. He believes the officer was a female.

Incident type: Deadly Force Review
Status: Active
Received date: Feb 8, 2012
Class/sub-class: Deadly Force Review
Disposition:

Use of Force Review Board regarding the shooting on Candlelight Drive, Eugene.

901.1 Use of Force Generally
901.4 Firearms
901.6 Use of Force Reporting

Incident type: Internal Affairs
Status: Active
Received date: Feb 8, 2012
Class/sub-class: Service Complaint / Use of Force
Disposition:

RP contacted the Auditor's and various other offices concerned that excessive force was used when he was arrested by an officer leaving him with a concussion, rib pain and neck and ear swelling (self-diagnosed injuries). RP also noted the officer entered his home without permission to put his identification and keys inside. RP also alleges that this officer has told him it will not go well for him if he files another complaint - he is concerned about retaliation. RP mention that a few days after his arrest the officer returned to his home and questioned him.

Auditor classified as a service complaint after review of ICV. RP has called the EPD more than 500 times in the last few years and is a frequent complainer to the Auditor's office.

Incident type: Internal Affairs
Status: Initial
Received date: Feb 8, 2012
Class/sub-class: Inquiry /
Disposition:

Chief Kerns' office received a call from the managers at Briarwood Mobile Home Park indicating they were upset that they were not notified about the shooting that happened at their complex on 2/6/12.

A Capt. called and spoke to a manager. She indicated she had no issues with police response, but some elderly residents were fearful due to the incident. A CSO also spoke to the managers in terms of crime prevention and was well received.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 9, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office with the complaint that an officer was sexist and possibly racially profiled him when he responded to a call for service he initiated when his ex-girlfriend struck him with a door. RP felt even though the officer gave him all his options he persuaded him not to have her arrested, which he felt was due to the fact the ex-girlfriend was a woman and that both the officer and the woman are of Hispanic origin.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 9, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP contacted the Auditor's office about an EPD patrol car that cut her off in traffic.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 10, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP stopped by the Auditor's office to report that she called police when she was assaulted by her neighbor three officer who responded told her he did nothing wrong. The officers talked to neighbors and came back and told her the attack was her fault.

Incident type: Internal Affairs
Status: Active
Received date: Feb 10, 2012
Class/sub-class: Allegation of Misconduct / Use of Force
Disposition:

RP contacted EPD about an incident in which a student was detained. RP reported that a Detective and other uniformed officers used excessive force to apprehend the student on school property. RP also believes officers were looking for someone else and detained the wrong person.

Allegations:

Use of Force - 901.1 Use of Force
Constitutional Rights/Discrimination - 1101.1.B.6 Constitutional Rights

Incident type: Internal Affairs
Status: Active
Received date: Feb 12, 2012
Class/sub-class: Service Complaint / Performance
Disposition:

RP called Communications to report possible identity theft. He was told he needed to file a report with the Sheriff's Office.

Incident type: Internal Affairs
Status: Active
Received date: Feb 13, 2012
Class/sub-class: Service Complaint / Performance
Disposition:

RP called the Auditor's office with the complaint that an officer did not return phone calls to RP. RP then placed a call to the officer's supervisor and has not received a call back.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 16, 2012
Class/sub-class: Inquiry /
Disposition: Dismissed-Other

RP contacted the Auditor's office unhappy about an interaction with on officer who he had flagged down to discuss what to do about people talking sexually dirty to him. RP stated the officer jerked his (officer's) body around with his hips in a sexual manner and it offended him.

Dismissed by Auditor: Other (no contact info for RP)

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Inquiry /
Disposition: Supervisor Review-Closed

RP inquired as to why she was not picked to serve as an EPD volunteer.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Service Complaint / Performance
Disposition: Dismissed-Other

An anonymous gentleman left a message on the Auditor's phone concerned that he witnessed an officer speeding and then just turned into the police station. RP feels it is not ok for officers to speed unless they are on a call.

Dismissed by Auditor; Other (no contact info for RP)

Incident type: Internal Affairs
Status: Completed
Received date: Feb 21, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP filed an online complaint form alleging that an officer used profanity when speaking about him to his property manager.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 22, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP was upset that an officer commented to her that if perhaps the judge was her husband she would most likely get a fine reduction. RP felt that his irrelevant mention of her marital status or sexual preference was offensive.

Incident type: Internal Affairs
Status: Completed
Received date: Feb 22, 2012
Class/sub-class: Allegation of Misconduct / Performance
Disposition: Dismissed-o/s jurisdic

RP voiced concerns about conditions at the Lane County Adult Corrections Facility.
Auditor will forward complaint to Lane County Sheriff's Office and dismiss o/s jurisdiction.

Incident type: Internal Affairs
Status: Active
Received date: Feb 23, 2012
Class/sub-class: Service Complaint / Courtesy
Disposition:

RP filed a complaint with the Police Auditor that an officer he was filming while cop watching referred to him as "Some punk with nothing better to do" to the suspects he was detaining. He also stated the officer did not give his name when asked.

Incident type: Internal Affairs
Status: Active
Received date: Feb 27, 2012
Class/sub-class: Service Complaint / Performance
Disposition:

RP stopped by the Auditor's Office with the concern about how officers treated her when she called to report a rape and burglary. RP stated that the male officer spent about 1/2 hour talking to her apartment manager and then pressured her to have cahoots come and take her to the hospital. RP also stated that the women officer was very cold and unfeeling toward her, the officers eventually took her to the hospital for a rape exam and now she cannot get any information about the case only that it was handed over to a detective. Neither officer identified themselves or gave RP a card so she does not know their names.

Incident type: Internal Affairs
Status: Active
Received date: Feb 28, 2012
Class/sub-class: Inquiry /
Disposition:

RP stopped by the Auditor's Office (with her husband) to complain that a sergeant told her neighbors she was a meth dealer, which she states is untrue. She and her husband just moved to the area and are very upset that now their neighbors have the wrong idea about them. RP also complained that the officer stopped her son, Casey, who is on probation, just for talking to someone and she does not want them to harass him.

The Eugene Police Department received 38 commendations in February, 2012. Below is a sampling.

The reporting party commended the employees who have made a difference in her brother's life: "I want to thank [those] who have taken the time and extra effort to help my brother obtain housing, getting him off the streets and in a healthier environment... I am sure I don't have all the facts. I do know however, they helped get him housing, donated household items, continue to support and check in with him regularly, and gave him "a job" if you will, making him feel productive. For that I am (sic) very thankful!"

The reporting parties thanked the detectives who investigated a burglary in their home: "[They] not only apprehended the suspects, but they showed genuine sympathy for us throughout the process. We can not say enough about how much we appreciated their concern and professionalism. Both went out of their way to keep us informed and were genuinely happy when many of our items were recovered. The quality of their work and their humanity throughout the process is a tribute to the training and expertise in our Eugene Police Department."

The staff of a childcare center thanked the EPD employees who dealt with an incident near their building: "Because of your ability to give warning to the daycare and quickly suppress the situation, [the children and staff of the center] were kept safe. It means a tremendous amount to the parents and staff that you executed your jobs so quickly and so thoughtfully and kept our children safe."

The reporting party commended an officer's reassuring response when her son was assaulted by a schoolmate: "He was very polite, reassuring to both me and my young son, I was very impressed on how well he could get his questions answered by my 9 year old. I very much appreciated his calm, non judgmental attitude and his ability to relate to me as another parent. He was very gentle with my son. He was very respectful of me as a mother and my son. Since then my son feels safer to walk home from school on the rare occasions I can not pick him up. "

The reporting party commended the responding officers for their compassionate and professional response to an accident that totaled her car: "Through all my tears I found such a calming, understanding, comforting , police dispatched to my home. They truly understood how I felt and really cared about how I felt, but in a very professional manner." (sic, throughout)

The reporting party thanked officers for their assistance when a tire blew out on her car on the highway: "I appreciate all that you did: securing highway safety, replacing my sorry-looking blown-out tire with the spare (in a very tight squeeze situation for the tools needed), and finally for directing and following me to Firestone to be sure I arrived safely, after what was for me a nerve-wracking situation. It was a great help to have you in my corner at that difficult time. Hooray for community policing!"

The reporting party commended the EPD employees who responded when her husband, who has Alzheimer's, accidentally dialed 911. The officers who arrived at the house "were so kind and understanding," and the call taker who kept her husband on the line until they arrived "was just lovely." She very much appreciates the respect her husband received.