



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.

Civilian Review Board Meeting Agenda

Tuesday, March 14, 2023 – 5:30pm

Hybrid Meeting

In Person: 101 E. Broadway, Suite 230, Eugene, OR 97401

Via Webinar: <https://eugene-or-gov.zoom.us/j/84352565467>

Meeting ID: 843 5256 5467

Password: CRB32023

Or join by phone:

877 853 5257 US Toll-free

888 475 4499 US Toll-free

833 548 0276 US Toll-free

<u>Item</u>	<u>Time (Starting)</u>
1. Agenda and Materials Review	5 minutes (5:00pm)
2. Minutes Approval (Minutes from February meeting)	5 minutes (5:05pm)
3. Comments from Board Members and Commission Liaisons	5 minutes (5:10pm)
4. Public Comment	5 minutes (5:15pm)
5. Auditor Report	30 minutes (5:20pm)
5. Case Review Including Allegations of Performance, Constitutional Rights, Truthfulness: Intake, Classification, and Monitoring	15 minutes (5:50pm)
6. Case Review: Policy and Training	15 minutes (6:05pm)
7. Case Review: Presentation by Chief of Police	10 minutes (6:20pm)



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Civilian Review Board
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| 8. Case Review: Adjudication Discussion | 30 minutes (6:30 pm) |
| 9. Election of Liaisons for Police and Human Rights Commissions | 20 minutes (7:00pm) |
| 9. Closing Comments | 15 minutes (7:20pm) |
| 10. Adjourn | (7:35pm) |

Upcoming Meeting:

April 11, 2023

MINUTES
Civilian Review Board
Hybrid meeting (in-person and via Zoom)

February 14, 2023
6:00 p.m.

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

ABSENT: Jose Cortez, Vice-Chair

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

1. Agenda and Materials Review

There were no changes made to the agenda.

2. Minutes Approval (Minutes from November meeting)

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

3. Comments from Board Members and Commission Liaisons

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

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

4. Public Comment

None.

5. Training Topic: Vehicle Pursuits

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

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

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

6. Case Review: Allegation of Pursuit Violation

Eller pulled up the CRB Case Summary.

I. Summary of Facts

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

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

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

II. Allegations

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

III. Adjudication Recommendations

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

IV. Issues for CRB Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Election of Liaisons for Police and Human Rights Commissions

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

8. Auditor Report

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

9. Closing Comments

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

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

10. Adjourn

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

(Minutes recorded by Grace Jelks)

Eugene Police Department

February 2023 Closed Case Report

Incident type: IA Investigation
Status: Completed
Received date: Aug 26, 2021
Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws
Disposition: Sustained (all)

Allegations:

1. 103.5.4 Adherence to Laws: that Officer A's driving while in the vicinity of Involved Citizen did not comply with "all laws and statutes, city, state, and federal."
2. 103.5.4 Adherence to Laws: that Officer A did not comply with "all laws and statutes, city, state, and federal" when he/she parked at the curb at the airport, despite repeatedly being advised to leave.
3. 103.5.9.e. Conduct: that Officer A's behavior with Involved Citizen brought the department into disrepute and/or significantly impaired the efficiency of the department.
4. 103.4.3 Integrity: that, while being interviewed by Officer B, Officer A conducted himself/herself in a manner that compromised his/her honesty, including but not limited to:
 - a. Stating that he/she did not know what Involved Citizen was doing when he/she contacted Officer A;
 - b. Stating that he/she did not know he/she could not park at the curb at the airport; and/or
 - c. Stating that his/her window was closed, and he/she could not hear Involved Citizen when that was not true.

Incident type: IA Investigation
Status: Completed
Received date: Jan 11, 2022
Class/sub-class: Allegation of Misconduct / Constitutional Rights
Disposition: Officer A - Sustained 1-3; Insufficient Evidence 4; Officer B - Sustained 1-2; Insufficient Evidence 3

Allegations

Officer A:

1. 300.2 Arrests: That Officer A assisted in the arrest of Involved Citizen for Criminal Mischief II without first establishing probable cause.
2. 405 Preliminary Investigations: That Officer A failed to conduct an adequate preliminary investigation into Involved Citizen's alleged criminal mischief.
3. 103.4.1 Judgment: That Officer A failed to use his "training, experience, and observations to make sound and reasonable decisions" when he/she reported to his/her supervisor that Involved Citizen had damaged the EPD vehicle.

Additional allegation:

4. 103.5.1 d. Truthfulness - Officer A failed to provide an accurate account of his/her interaction with Involved Citizen when his/her (Officer A's) Internal Affairs interview was conducted on May 17, 2022.

Officer B:

1. 300.2 Arrests: That Officer B arrested Involved Citizen for Criminal Mischief II without first establishing probable cause.
2. 405 Preliminary Investigations: That Officer B failed to conduct an adequate preliminary investigation into Involved Citizen's alleged criminal mischief.
3. 103.4.1 Judgment: That Officer B failed to use his/her "training, experience, and observations to make sound and reasonable decisions" when he/she made an incorrect statement in his police report.

Incident type: IA Investigation

Status: Completed

Received date: Apr 29, 2022

Class/sub-class: Allegation of Criminal Conduct / Conformance to Laws

Disposition: Sustained 1, 2, 4, and 5; Insufficient Evidence 3

Allegations:

1. 1104.4 Property Handling: That Officer A did not lodge Involved Citizen 's gun case in accordance with policy.
2. 1104.4 Property Handling: That Officer A did not lodge Involved Citizen 's ammunition in accordance with policy.
3. 103.5.4 Adherence to Laws: That Officer A failed to comply with "all laws and statutes, city, state, and federal" when he/she took the gun case and ammunition into his/her own possession in violation of ORS 164.043.
4. 103.5.9.e Conduct: That Officer A's actions throughout this matter brought the department into disrepute and/or significantly impaired the operation or efficiency of the department.
5. 103.4.1 Judgment: That Officer A failed to demonstrate "good judgment" when he/she failed to address or resolve his/her confusion around what to do with Involved Citizen 's property.

Office of the Police Auditor
February 2023 Open Case Report

Inquiries

Incident type: Supervisor Action
Status: Completed
Received date: Feb 2, 2023
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP copied the Auditor's office on an unfair labor practice complaint.

Dismiss - alternate remedy.

Incident type: Supervisor Action
Status: Active
Received date: Feb 3, 2023
Class/sub-class: Inquiry
Disposition: Dismissed-Other

RP complained officers wrongfully arrested them and used unnecessary force.

Dismiss - review determined no use of force policy violations.

Incident type: Supervisor Action
Status: Active
Received date: Feb 6, 2023
Class/sub-class: Inquiry
Disposition:

RP complained an officer behaved inappropriately during an investigation.

Incident type: Supervisor Action
Status: Active
Received date: Feb 7, 2023
Class/sub-class: Inquiry
Disposition:

RP complained a communications specialist improperly responded to a service request.

Incident type: Supervisor Action
Status: Active
Received date: Feb 9, 2023
Class/sub-class: Inquiry
Disposition:

RP complained officers' responses to several incidents were insufficient.

Incident type: Supervisor Action
Status: Active
Received date: Feb 23, 2023
Class/sub-class: Inquiry
Disposition:

RP complained officers acted inappropriately during a traffic stop.

Incident type: Supervisor Action
Status: Active
Received date: Feb 23, 2023

Class/sub-class: Inquiry
Disposition:

RP complained an officer improperly handled an incident and improperly assessed RP's behavior.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 23, 2023
Class/sub-class: Inquiry
Disposition: Dismissed-alt remedy

RP complained that they were fearful officers would commit perjury in their upcoming court case.

Dismiss - alternate remedy

Incident type: Supervisor Action
Status: Active
Received date: Feb 27, 2023
Class/sub-class: Inquiry
Disposition:

RP complained an officer failed to conduct an appropriate preliminary investigation and was dismissive to their request for police assistance.

Service Complaints

Incident type: Supervisor Action
Status: Active
Received date: Feb 6, 2023
Class/sub-class: Service Complaint / Courtesy
Disposition:

RP complained officers improperly handled their service request.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 6, 2023
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP complained a communications specialist's service was deficient and employees acted inappropriately.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 7, 2023
Class/sub-class: Service Complaint / Performance
Disposition: Supervisor Review-Closed

RP complained that an evidence control employee failed to properly release property.

Incident type: Supervisor Action
Status: Active
Received date: Feb 9, 2023
Class/sub-class: Service Complaint / Service level
Disposition:

RP complained about the classification and length of time it took for officers to respond to a request for assistance.

Incident type: Supervisor Action

Status: Completed
Received date: Feb 15, 2023
Class/sub-class: Service Complaint / Courtesy
Disposition: Supervisor Review-Closed

RP complained a sergeant was discourteous to them.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 17, 2023
Class/sub-class: Service Complaint / Service level
Disposition: Supervisor Review-Closed

RP complained that his adult child received poor service at EPD headquarters.

Incident type: Supervisor Action
Status: Active
Received date: Feb 21, 2023
Class/sub-class: Service Complaint / Disputed Facts
Disposition:

RP complained an officer was discourteous and provided substandard service.

Incident type: Supervisor Action
Status: Completed
Received date: Feb 22, 2023
Class/sub-class: Service Complaint / Performance
Disposition: Dismissed-Timeliness

RP made numerous complaints about lack of service from EPD over the years (most recent incident was in 2021).

Dismiss - timeliness

Incident type: Supervisor Action
Status: Active
Received date: Feb 27, 2023
Class/sub-class: Service Complaint / Service level
Disposition:

RP complained officers failed to respond to a call for service.

Incident Reviews

Incident type: Incident Review
Status: Completed
Received date: Feb 10, 2023
Class/sub-class: Incident Review / Use of Force
Disposition: Supervisor Review-Closed

Auditor review of use of force noted possible policy concern with an officer displaying their taser and firearm simultaneously.

Incident type: Incident Review
Status: Active
Received date: Feb 14, 2023
Class/sub-class: Incident Review / Courtesy
Disposition:

RP complained an officer acted improperly and used unnecessary force.

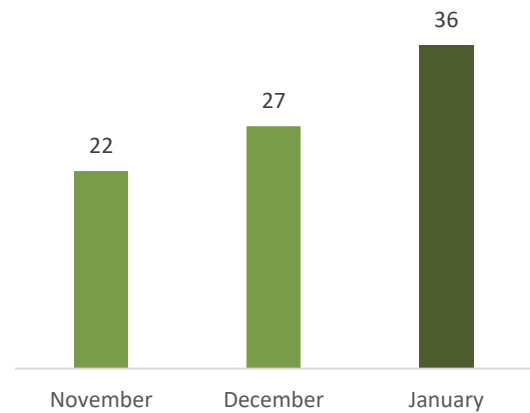
Independent Police Auditor's Report – February 2023

This is the first edition of the redesigned monthly Auditor's Report. These reports will give brief updates on the work of the Independent Auditor's Office including information in intakes and closed cases. As always, I am open to feedback on the content and format, so please reach out with any comments or concerns.

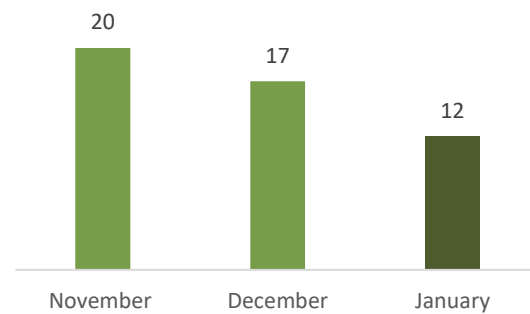
Office Updates:

- We are fully moved into our new office at 101 E. Broadway, Ste. 230! We are awaiting signage but are otherwise up and running and excited about our new space.
- We will be having a short Open House in the new space February 14, from 5-6pm (before a Civilian Review Board meeting at 6pm).
- Public Portal is also up and running! We have been receiving complaints and commendations through the new Portal on our website, and we are so pleased to offer a more accessible and responsive tool for the community.
- At its February 14 meeting, the CRB will review an investigation into a vehicle pursuit in downtown.
- I will be presenting some ideas for areas for growth of the oversight system to City Council at its February 22 work session.
- I've been named to the Annual Conference Committee for the National Association of Civilian Oversight; I'm looking forward to having a hand in putting together the 2023 conference in Chicago, "Building Better Oversight."

Complaint Volume by Month



Reportable Uses of Force



Leia Pitcher
Interim Police Auditor



Independent Police Auditor's Report – March 2023

Auditor's Letter

February was a full month – we received 20 complaints, reviewed 10 uses of force, and are actively working on five open allegations of misconduct. Our team continues to work together extremely well, and I am so grateful for this group!

Office Updates:

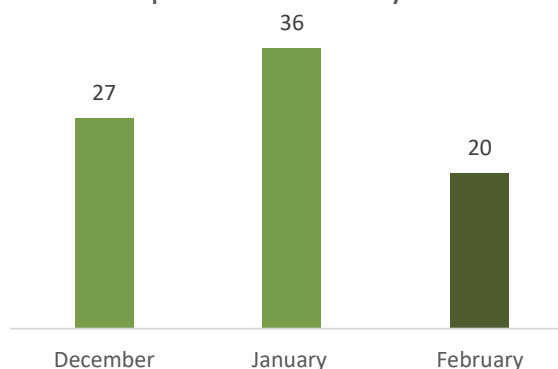
- On the night of January 26/early January 27, EPD had an encounter that turned into an armed barricaded subject situation outside of City limits. EPD employees used deadly force, though no one was injured. We are waiting for completion of the investigation from the Lane County Interagency Deadly Force Investigation Team (IDFIT) and will keep you updated on the administrative follow up to that incident.
- Beatriz is working hard on our fourth Public Safety Forum. The event is entirely in Spanish and is an opportunity for our Spanish-speaking community to gather in a safe space, connect with service providers, and ask questions related to community safety and services. The forum will be held May 2 at Willamette High School from 6-8:30pm.

- The Civilian Review Board has selected an investigation related to the probable cause for an arrest and alleged untruthfulness for its March 14 meeting.

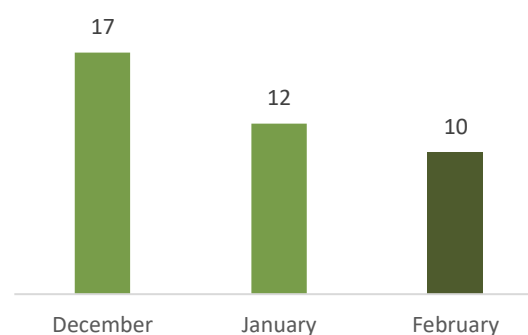
Leia Pitcher

Interim Police Auditor

Complaint Volume by Month



Reportable Uses of Force



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