

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 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)