

CITY OF EUGENE

Eugene Civilian Review Board Annual Report

2014



EUGENE CIVILIAN REVIEW BOARD 2014 ANNUAL REPORT

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Introduction

Ordinance 20374 which enables 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.” [ORD 20374; 2.246 (7)]

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 complaints are handled fairly and with due diligence.

Our meetings are open to the public and provide an opportunity to review the complaint process and hear input from members of our community. While we are committed to maintaining the confidentiality of the involved parties, discussing complaints in public allows the community to learn about the complaint intakes, classifications, investigations and determinations as they are discussed openly and critically. It also allows members of the public that have filed complaints to ask the board for review of their case at a future meeting.

One part of the process involves review of Service Complaints. Service complaints are complaints about: “...Police employee performance or demeanor, customer service and/or level of police service” [ECC 2.452]. Generally, service complaints are referred to an involved officer’s supervisor who reviews the issue and follows up with both the complainant and the officer. The supervisor prepares a memo detailing their review of the complaint and contact with the involved parties. The OPA reviews the materials for completeness and thoroughness, and then contacts the complainant for a follow-up and a survey. The CRB’s reviews of service complaint files do not contain the same level of detail found in the investigative files related to allegations of misconduct. Nonetheless, we try to make a practice of reviewing service and policy complaints during at least one meeting per year. Further, each month we receive information regarding all complaints received by the OPA (including inquiries, service complaints, and policy complaints). Questions regarding the classifications of such complaints are posed to the Auditor during board meetings.

The majority of the work by the CRB involves case more complex than service complaints and are classified as case reviews. During case reviews, Board members discuss, deliberate, and analyze the Internal Affairs investigation, the Auditor’s monitoring of the Eugene Police Department’s (EPD) internal administrative investigations, and have the opportunity to discuss, agree or disagree on the supervisor’s recommended adjudication, the chain of command’s recommended adjudication, the Auditor’s recommended adjudication and the Chief’s final adjudication. The review of the investigations may include, but are not limited to: reviewing investigative files, listening to digital recordings of interviews and live audio from the scene of an incident, and observing videos related to complaints. Often the process of reviewing a case prior to a board meeting is several hours.

Whether we are looking at service complaints or a case review we decide whether we agree with the classification of the complaint and have the opportunity to review policy and service complaints classified as something other than an allegation of misconduct.

In addition to service complaints and case reviews, 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 continuing learning by board members of community services that impact the job of the EPD. The efforts in continuous learning prove 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 or not revisions seem appropriate. These policy recommendations are channeled to the Police Commission and the Police Chief through the CRB's appointed representative to the Police Commission.

We appreciate the support the City Council, Mayor, Office of Police Auditor, The Eugene Police Department, and many service organizations that have presented to us over the past year. The members of the Board are proud to participate in process that continues to evolve and allows the community to glimpse into the "whys" of police work and the officers present are able to hear comments from community members in a thoughtful, and we hope, helpful forum.

Thank you for the opportunity to be of service.

Sincerely,

Bernadette Conover
Board Chair

Eric VanHouten
Board Vice-Chair

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.

2014 Overview

The CRB is required to meet four times a year. The CRB met nine times in 2014, all public meetings including a joint meeting with the Police Commission and one meeting in which the CRB reviewed the performance of the Auditor's office. The CRB reviewed 8 case files involving multiple allegations and/or multiple officers and 5 service complaints.

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.

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, 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 Lieutenant who supervises Internal Affairs 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 complaint handling through the following steps:

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, and
7. Additional comments and/or concerns.

A brief summary of the 2014 individual case reviews follows:

FEBRUARY CASE REVIEW— Auditor initiated complaint that an officer, while facilitating the return of a 10 year- old boy to his father who had by court order full custody of the child, struck the child in the forehead with his open palm after the child him.

Summary: The officer was dispatched to a city park to help facilitate a transfer of a minor child to his father who had produced a court order granting him full custody of his child. The mother at the time refused to provide the location of the child. After sometime, two juveniles appeared and the mother yelled for the child to flee. Once verifying that the child was the child in question the officer pursued and caught up to the child. While escorting the child back to the parents an unidentified woman began filming and taunting the officer. Another male juvenile began running alongside of the officer heckling him. At this point the officer felt a pinching sensation in his hand and looked down to find the child biting him on the hand. The officer reached over and with his free hand and open palm pushed the child's forehead away from his hand saying "Don't Bite."

The Auditor's Office received numerous calls about the video that had been posted on YouTube with complainants upset that the officer had struck a child.

Allegations:

Use of Force: The Supervising Lieutenant, Supervising Captain, Police Auditor, and Chief of Police determined the Use of Force was within policy.

Issues for the Civilian Review Board: The Board, after review determined that the investigation was thorough and although the incident was unfortunate the officer did not over react but with a calm demeanor did just enough to stop the biting and return the child to the custodial parent. The CRB agreed with the recommended and final adjudications.

FEBRUARY CASE REVIEW 2 – The second case reviewed by the CRB in February was an incident in which an officer was accused of violating the constitutional rights of a woman of color by patting her down during a traffic stop.

Summary: The reporting party was stopped for a defective tail light and during the stop admitted to the officer that she did not have insurance. At this point the officer made the determination to cite the reporting party and impound her vehicle. The officer returned to his patrol car and checked the reporting party's driving record and for any warrants. During this time Officer B responded to the scene and the two officers discussed the inventory search policy and how it relates to impounding the vehicle. The officers then muted their microphones (8 minutes into the recording). The officer then returned to the reporting party's vehicle and appeared to explain the citation to her. At 20 minutes on the recording the reporting party exited her vehicle, listened to the officer and raised her arms above her head while the officer performed a pat down search of the woman's person. During the investigation the officer could not recall rather or not he asked the reporting party for consent to search and his microphone was still muted. The reporting party could be seen repeatedly shaking her head during the search and when she later contacted the Auditor's Office she stated the officer did not do anything inappropriate but she felt the search was unnecessary.

Allegations:

Constitutional Rights: That Officer A patted down the reporting party without reasonable suspicion that she was armed and dangerous.

Recommended Adjudications:

Supervising Sergeant: Within Policy

Supervising Lieutenant: Within Policy

Supervising Captain: Sustained

Police Auditor: Sustained

Chief of Police: Sustained

Issues for the Civilian Review Board: The Board, after review, agreed that the investigation was thorough and complete. One member noted that the officer seemed genuinely concerned during his interview that he had violated someone's constitutional rights. The Board agreed with the Chief's adjudication of Sustained as a final outcome of the case.

MARCH CASE REVIEW – In March the Civilian Review Board looked at an allegation that an officer used excessive force on a detainee at a football game and was discourteous by using profanity toward the detainee.

Summary: The reporting party was approached by Officer A in the football stands concerning an altercation with another fan. The officer asked the reporting party to come speak with him at the top of the stands. The reporting party began moving up the stairs and then stopped, at which time the reporting party stated that the officer struck him with his flashlight and used profanity toward him. The reporting party at this time told Officer A that he was a State Trooper. Once at the top of the stairs the reporting party complained that the officer refused to identify himself. Additional officers escorted the reporting party from the stadium with the admonishment that he could not return that night and that his supervisor would be notified.

Allegations:

Use of Force: Officer A used excessive force by striking the reporting party with a flashlight.

Courtesy: That Officer A used profanity while addressing the reporting party.

Performance: That Officer A refused to identify himself when asked for his name.

Recommended Adjudications:

Use of Force: The Supervising Sergeant, Lieutenant and Captain all adjudicated the Use of Force as Unfounded, as did the Police Auditor and the Chief of Police. There was no evidence that the officer used or even had a flashlight in his hand.

Courtesy: The Supervising Sergeant, the Auditor and all command staff including the Chief found this allegation Sustained.

Performance: The allegation that the officer refused to identify himself was adjudicated as Unfounded by the whole chain of command as well as the Auditor.

Issues for the Civilian Review Board: Members of the Board expressed concern that the investigator was unable to get an interview with the reporting party but understood that the reporting party had made the decision not to talk with the investigator. One member felt that due to the amount of other witnesses interviewed the outcome would have been the same even with an interview with the reporting party. The Board concluded that they agreed with the adjudications made by the Chief.

APRIL CASE REVIEW - The Civilian Review Board reviewed a case in which it was alleged that an officer used excessive force during the processing of a DUII suspect at the jail intake room.

Summary: The reporting party requested that the Civilian Review Board review the stop she was involved in for suspicion of DUII. Officer A responded to the stop to administer a field sobriety test. The woman was taken into custody for DUII. The officer transported the reporting party to the jail intoxilyzer room. ICV showed that the reporting party was cooperative but argumentative during the stop. Arriving at the jail the ICV audio captured the officer saying “Stop trying to kick me.” With a reply from the reporting party “Beat me up some more [expletive].” During the intake of the complaint at the Auditor’s Office the reporting party stated she stood up from a bench and was asking questions about the test. The officer told her to sit down and when she did not sit right away the officer shoved his arm and knee into her and hit her head into the wall more than once. There is no video of this area of the jail. The officer’s report stated that as he was filling out paperwork the reporting party stood and began to walk toward the exit. The officer grabbed the reporting party’s arm and pushed her into a sitting position. He stated she kicked him in the shin and tried to continue kicking at him. The officer then delivered a knee strike to the reporting party’s thigh and held her against the wall until Deputies arrived to take her into the jail. The reporting party denied trying to hit or kick the officer and no other witnesses were in the room.

Photos taken at the time showed the reporting party had a red area on the back of her head. The Officer had an abrasion on one elbow, a scratch on his forearm and an abrasion on his shin. A few days after the incident the Auditor’s Office photos showed that the reporting party had lighter bruises on her back and shoulder and a larger bruise on her thigh.

Allegations:

Use of Force: An Officer used excessive force by striking in the thigh and pushing her into a wall.

Recommended Adjudications: The supervising Sergeant, Lieutenant, and Captain adjudicated the allegation Within Policy as did the Auditor’s Office and the Chief of Police.

Issues for the Civilian Review Board: Members expressed concern that no cameras are in the small isolation room where breathalyzers tests take place, this leads to a “he said she said” scenario now before them. One member felt the officer could have used verbal de-escalation techniques to get a

better advantage. The officer seemed to be put out and belittled the woman although the officer's behavior was within Policy the officer did not behave as professionally as they would expect. The Board with the noted concerns agreed with the Chief's adjudication.

JUNE CASE REVIEW - The Civilian Review Board reviewed 5 Service Complaints chosen by Auditor Gissiner to discuss. Service Complaints consist of complaints and concerns brought forward that do not rise to the level of an allegation of misconduct, but are processed and reviewed by an officer's direct supervisor through an alternate dispute resolution process. The supervisor makes contact with the reporting party about their concerns, per ordinance and collectively bargained protocols .

Summary:

Traffic Stop: The reporting party filed a complaint alleging that an officer demeaned her during a traffic stop when she disagreed with the law. Board members appreciated the body cam video that was available and commented on the officer's patience with the reporting party during the stop. One member noted that once an officer gives a lawful order members of the public need to comply, but that the Sergeant reviewing the complaint could have done a better job of explaining that with the reporting party.

Disabled Son Concern: The reporting party, the mother of a mentally disabled son was concerned about interactions he had been having with a school resource officer. The officer seemed to be harassing her son for no reason. Civilian Review Board Members were impressed with the supervisor's conversation with the mother, explaining the reasons for each contact, including reports of her son who is an older teen no longer in school and having inappropriate contact with high school students. Because of the supervisor's communication skills the mother was able to have a constructive conversation about her concerns.

Anonymous Road Rage Complaint: An anonymous caller alleged he was the victim of road rage in which a semi-truck destroyed his bicycle and that the officer did a poor investigation. The Board was appreciative that the Auditor's Office and the supervisor took the allegation seriously even though the complaint proved to have no merit and the reporting party was actually the instigator in the situation.

Hospital Drop Off Complaint: A nursing supervisor filed a complaint about how an officer dropped a person off at the hospital without sufficient contact with staff. The Professional Standards Lieutenant advised the incident needed to be reviewed and made contact with the supervisor to discuss best practices for officers transporting people to the hospital. The Board was pleased with the community outreach.

Rude and Sarcastic Officer: The final complaint reviewed by the Board was an allegation that a sergeant was rude and sarcastic with a citizen when they looked over a stairwell to see what the "commotion" was. The sergeant was alleged to have said "Do you want to join the

party?” Some members of the Board felt that officers sometimes use language to control a situation but in this instance the comment to a passerby did seem rude.

SEPTEMBER CASE REVIEW – In September the Civilian Review Board reviewed a case in which a supervisor failed to perform his duties at the scene of a trauma where the custody when into apparent cardiac arrest.

Summary:

EPD officers were dispatched to a fire department request for assistance with a combative patient. When officers arrived EMS was holding the patient down and he was struggling with them. An officer applied handcuffs to the patient and then almost immediately noticed the patient’s face was blue and he was not breathing. The handcuffs were removed and EMT’s began CPR. The patient was transported to the hospital where he was pronounced dead. The supervisor on scene did not initiate death investigation protocols and at one point the officers on the scene felt the supervisor was directing them to fill out a field information card and not complete a report. The officers conferring with a sergeant who advised them to document the incident. It was ultimately documented as an “Outside Agency Assist.” The on scene supervisor did not notify Violent Crimes or the Patrol Captain of the event as per policy.

Issues for the Civilian Review Board: Concerning the complaint intake and classifications Board members commented that officers were expanding self-reporting. Members also agreed with the classification but questioned why a criminal investigation had preceded the IA investigation. Mr. Gissiner noted that when the decision was made for a criminal investigation it was not clear where the criminal investigation began and ended and when the administrative began and ended. In this circumstance, a criminal investigation was conducted first to try to determine exact cause of death. After conclusion of the criminal investigation and review by the DA, the case then became an administrative investigation. CRB members also commented on the applicability of Police Procedure Manual policy 308.6- Death Investigation being used as an allegation as it didn’t seem clear rather the Violent Crimes Supervisor should have been called. The IA sergeant clarified from a training perspective that call depended on the circumstances of each individual case. The consensus from EPD and the Auditor was that the supervisor should have been called and the Violent Crimes Unit activated. A Policy and Training issue mentioned by one member was that when in doubt officers should always go above the bar and conduct a death investigation. The Board members agreed with the adjudication, but a few members remarked that the Chief’s adjudication memo was harsh and his choice of words could have been better. A final comment by a member was that he felt the EMS officials failed to recognize the patient’s condition and additional training on coordination between police and fire at the scene was needed at the leadership level.

OCTOBER CASE REVIEW – An allegation that an officer used excessive force to detain a person at the LTD Downtown Station and that the officer did not have legal authority to detain that person.

Summary:

The reporting party, a juvenile, reported to the Auditor's Office that she was walking on LTD property and shouting obscenities when an LTD officer told her to stop. She continued walking and the LTD officer asked an EPD officer to detain her. The EPD officer twice ordered the reporting party to stop and she continued walking, believing she did not have to stop unless she was under arrest.

Surveillance video showed the officer laid his bike down and physically stopped the reporting party and then took his hand away. The reporting party again attempted to walk away the officer than put his hand on the reporting party's shoulder and pulled her down into a seated position. During the stop the juvenile was cited for possession of tobacco. The officer believed he had reasonable suspicion of a violation or crime when the LTD officer told him to stop the reporting party and that he had used the least amount of force necessary to effect the stop.

LTD's ordinance 36 restricts the use of threatening or offensive language. The EPD officer is contracted by LTD to enforce administrative rules and investigate criminal acts that occur on LTD Property. During this investigation City Attorneys were consulted as to rather it is lawful for an officer to stop someone for LTD's ordinance 36. It was recognized that a gray area existed and it did not provide an officer with clear direction on rather a stop was lawful and justified.

Allegations:

Use of Force: The allegation that an Officer used excessive force when stopping a juvenile at the LTD Downtown Station was adjudicated as Unfounded by the Supervising Sergeant and Lieutenant, while the Captain, Auditor and Police Chief found the allegation to be Within Policy.

Person Stops and Contacts: This allegation was adjudicated Within Policy by the Supervising Sergeant and Lieutenant, Unfounded by the Captain and Within Policy by the Auditor and the Police Chief.

Issues for the Civilian Review Board: Members expressed concerned that the minor requested an adult male to be present at the interview that later was found not to the teen's father. One member questioned the use of cell phone photos for documentation. Another member expressed disappointment that the Alternate School students seemed to be profiled. Members also commented on the complications that arose with free speech issues on quasi-public/private areas and were glad the City Attorney was delving into the EPD contracting with other agencies. Finally members commended the IA Sergeant for his follow-up efforts with the Charter School noting this helped turn the incident into a teachable moment for the teens.

NOVEMBER CASE REPORT – The November 2014 case review looked at an internally reported allegation opened by the Auditor and the Patrol Captain that an officer did not have probable cause to detain a person in violation of Policy 901.1 Use of Force and Policy 418 Mental Health Crisis Response.

Summary: Officer A responding to a reckless driver chasing a male. The officer encountered a man running between the canal and the bike path. When the officer approached the man, the man ran toward the canal and a female jogger. The officer exited his vehicle and asked the man to sit down; the man then stated he was afraid and went down to one knee. The man seemed scared and said someone was chasing him. The officer attempted to handcuff the man so he could detain him on a mental hold for his own safety and the safety of others. At this point the man began resisting the officer while at the same time apologizing for resisting. Due to the active resistance by the man the officer attempted various force methods before using a Taser to take the man into custody. At the hospital a doctor agreed that the man was a danger to himself and to others and admitted the man on a non-criminal hold.

Allegations:

The Use of Force allegation and the Mental Crisis Response Allegation were adjudicated by the Supervising Sergeant, Lieutenant, Captain, Police Auditor and Chief as Within Policy.

Issues for the Civilian Review Board: Members of the Board agreed with the adjudication brought forth by the Chief. Various members commented on the need for officer training in Crisis Intervention and that this young officer would likely benefit with continued training. It was indicative of the mental health system and how inadequate it was to face the needs of the community leading to officers more and more having to handle crisis situations with the mentally ill.

DECEMBER CASE REVIEW – The Civilian Review Board in December reviewed a case in which a man alleged that during a person stop an officer used profanity towards him and with no verbal warning tackled him to the ground, kned him in the back and used his dread locks to pull his head around and push him to the ground. The reporting party also alleged that his head was smashed into the police car door.

Summary: The reporting party was attending a concert at the WOW Hall. He was approached by an officer for holding an open container of beer. The officer had the reporting party sit while he conducted a record check. As the officer stated his designator into his radio, the reporting party thought he heard the officer curse at him. The incident escalated when the reporting party knocked over his beer and then attempted to leave the scene. The officer called for backup and ordered the reporting party to get on the ground. Video of the incident shows the officer and the reporting party struggling on the ground. Back up officers arrived, Officer B began crowd control of the large group of people that had begun to circle the officers and the reporting party. A third officer assisted with taking the reporting party into custody. The video revealed that at one point an officer stood on the

reporting party's dread locks, but there was no indication that the reporting party's head was pushed into the patrol car.

Adjudication: The allegation for the 3 officers listed for using excessive force were adjudicated as follows.

1. Use of Force Officer A
 - Supervising Sergeant: Within Policy
 - Supervising Lieutenant: Within Policy
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy
2. Use of Force Officer C
 - Supervising Sergeant: Unfounded
 - Supervising Lieutenant: Unfounded
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy
3. Use of Force Officer B
 - Supervising Sergeant: Unfounded
 - Supervising Lieutenant: Unfounded
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy

Issues for the Civilian Review Board: Members of the board noted several concerns with this incident. First, that a bike officer initiated a person stop alone in front of a crowded concert venue. If backup had not arrived quickly the large crowd could have been a factor for the safety of the officer and the reporting party. Other members expressed concern about the officer who stood on the reporting party's hair, though some believed the officer was not aware he was on the reporting party's dread locks. It was also noted that the reporting party's perception of what had happened and what the ICV revealed did not match. The investigator did a thorough job of bringing out the facts of the case.

Civilian Review Board Training

Members of the Eugene Civilian Review Board have differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operations, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies. The Board recognizes it is important to receive balanced training from a variety of sources both inside and outside the law enforcement.

In 2014 our training came from a variety of sources. Generally a training session occurs at regular meetings and the topics and presenters are selected by the Board in advance. Other training occurs during case reviews when legal and policy discussions occur. The training sessions included:

- March: Canine operations
- June: Computer-Aided Dispatch (CAD) system
- July: Tour and meeting with Lane County jail and staff
- September: Community engagement
- October: Joint meeting with the Police Commission
- November: School Resource officers presentation
- December: Officer Involved Shootings

Identified Policy, Procedure and Training Concerns

Eugene's model of oversight includes the CRB as a quality assurance oversight body to evaluate and comment on the work of Office of the Police Auditor and review and comment on some Internal Affairs investigations arising out of complaints and allegations of misconduct. It also includes providing a CRB as a representative to the Eugene Police Commission as a policy body to evaluate and address policy concerns, some of which have been identified by the CRB arising out of its work. The CRB also has a representative on the Human Rights Commission. In 2014 both the Auditor's office and the department helped the Board identify concerns that were passed along to the Police Commission and the Chief.

We recognize that the Auditor ultimately decides the classification of a complaint; notwithstanding the input of police command staff. We also recognize that ultimately a decision must be made based on the totality of circumstances. The CRB does debate these classifications, takes the issues seriously and actively engages the Auditor and Deputy Auditor as to the decision-making that occurs with these classifications, recognizing the potential impact to an employee's job status.

The Board regularly seeks clarification regarding procedures and practices that evolve out of case reviews and training discussions. On occasion these result in suggestions to the department for improving services.

Evaluation of the Office of the Police Auditor and the Auditor's Performance

By ordinance, the CRB "shall evaluate the work of the auditor's office..." and shall "establish criteria by which to evaluate the work of the police auditor." Five members of the CRB completed written reviews of the police auditor and the work of the Office of the Police Auditor. The evaluation criteria were along seven dimensions. It should be noted that Mr. Gissiner has never shied away from discussions around his performance. Each time a case review takes place Mr. Gissiner and his office is evaluated. It is not uncommon for comments made in meetings about a process change to result at the next meeting.

The OPA and the Auditor's performance were rated in each dimension and individual comments and suggestions for improvement were included in the evaluation. The 2014 evaluation is included in the evaluation for Council in its evaluation of June 2014.

The Board previously sent the information to the Council in its performance evaluation packet in June 2015. The entire package is available upon request. Overall eight dimensions were evaluated. In those dimensions the Auditor's office met or exceeded expectations. Points of emphasis include continued efforts to strategize how to get additional community engagement in the processes.

Conclusions

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 in analyzing 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 case review, policy considerations and training issues. The CRB consistently meets more than the minimum requirements of the ordinance. At most meetings, the entire board is present. The CRB must evaluate difficult personnel and policy issues that impact community members and sworn police personnel. They have been complimentary, critical, inquisitive and decisive. It is an honor and privilege to serve the community of Eugene. In 2014 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 the community.



City of Eugene Police Auditor

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To: Mayor Kitty Piercy, Council President Claire Syrett, Council Vice President Greg Evans, and City Councilors
From: Mark Gissiner, Police Auditor
Date: November 23, 2015
Re: Informational Report

I continue to meet regularly with Mayor Piercy, Councilor Syrett and Councilor Evans and would be more than happy to meet with any councilor at any interval as I know that issues involving EPD are important.

1) The CRB met October 27 to review and comment on the officer involved shooting of Mr. Brian Babb. I appreciate the difficult work the CRB does when reviewing such impactful cases. Several family members provided public comment at the November 10 CRB meeting. We will have another "high profile" case coming forward, likely to be reviewed by the CRB early next year.

2) We are on pace for 425 complaints this year. It is difficult to manage that size of caseload with current staffing resources. We were busy as well because of several major cases. We have had to intake, classify, monitor and provide adjudication recommendations on several complicated cases. On occasion, an investigation starts as an allegation of criminal misconduct and/or is reviewed by the District Attorney's Office. In addition, as a result of the Blue Team software program, which tracks uses of force, we are on pace to review approximately 200 uses of force in which on scene sergeants complete initial reports.

3) Steven McIntyre was approved as the CRB member appointed to serve on the Police Commission. Heather Marek was designated as the CRB liaison to the Human Rights Commission.

4) We are working with Human Resources and the Budget Office to create a part-time position in our office for a Program Specialist to coordinate community engagement activities and provide bilingual services for complainants with first language as Spanish.

5) A smart phone application was created and is near experimental implementation in which officers identify demographic characteristics during detentions, arrests and vehicle stops for documentation and study in a new database program for EPD to determine whether bias-based stops, detentions and engagements are occurring. The program should launch very soon.

6) Case management engulfs the vast majority of our time, particularly officer involved shootings. With other time, we work with and continue to reach out to the community. I will be speaking at the Chamber of Commerce's Leadership Eugene-Springfield forum in December.

7) I have been working at the state level to assist a working group with developing the statewide racial profiling complaint system. I expect that implementation will occur soon.

8) In January, two of three Internal Affairs positions will be re-assigned to different personnel, which requires a training and learning curve.

9) With regard to the 425 complaints I expect to receive, the highest number since the office opened, approximately 36 will involve cases involved allegations of serious misconduct. Separate allegations will be adjudicated by EPD in which in most cases the Auditor's office made adjudication recommendations to the Police Chief. These adjudication recommendations involve thorough reviews of the investigative files, participation in employee and witness interviews, analysis of relevant policies and procedures, legal analysis and discussions with adjudicating supervisors.

10) On a mostly weekly basis, our newsletter provides information about the complaints and cases.