



City of Eureka

Independent Police Auditor
Quarterly Report: Q3 2024

October 22, 2024



OIR

GROUP



Teresa Magula | Julie Ruhlin | Michael Gennaco

6510 Spring Street #613 | Long Beach, CA 90815

310.906.0259 | OIRGroup.com

Table of Contents

Introduction	1
Critical Incident Update	3
Incident Summary	3
EPD Investigation	6
OIR Review	9
Complaint Case Summaries & Recommendations	11
Case #23-09	11
Case #23-12	12
Case #24-02	13
Case #24-03	14
Case #24-05	15
Case #24-09	16
Case #24-10	17
Case #24-11	18
Conclusion	20

Introduction

In its role as the City of Eureka's Independent Police Auditor, OIR Group reviews internal investigations conducted by the Eureka Police Department (EPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. We publicly report these findings on a quarterly basis at the Community Oversight Police Practices (COPP) Board meeting.

In this quarter, we received the Department's administrative investigation of a critical incident, an officer-involved shooting that occurred in November of 2023; we provide our review of that investigation here.

We received and reviewed nine closed complaint investigations and have had discussions about several others that are in the process of being completed. This is the highest number of investigations received and reviewed for any quarter to date.

Finally, at our recommendation, EPD implemented and successfully used a Pre-Disposition Settlement Agreement as an alternative to a full administrative investigation. (see case #24-03 for a detailed discussion).

In short, our review this quarter indicates that EPD is completing a high volume of investigations, both internal and externally generated, in a timely manner and with appropriate outcomes.

In our last report, we noted that an increased number of complaints often indicates progress: the public may be gaining confidence in EPD's internal systems and is more willing to come forward with their concerns. Likewise, EPD's command staff clearly remains committed to internal accountability: as exemplified by two cases involving supervisors, EPD is willing to formally hold all employees, regardless of rank or tenure, formally accountable for their actions.

This commitment is not to be taken lightly in an agency of EPD's size. Unlike larger agencies that have dedicated Internal Affairs staffing, EPD's

command staff and supervisors are tasked with a myriad of responsibilities yet take the requisite time to investigate complaints of possible misconduct with rigor.

Formal accountability also impacts officers, who are now facing increased scrutiny from their community and command staff alike. We appreciate the extent to which this may seem unfair or needlessly burdensome (particularly when outcomes are Unfounded or Exonerated). Despite these frustrations, we view these processes as ones that ultimately serves both officers and the organization by correcting actions that warrant correction, and, more frequently, engaging in fact-finding that clears *perceptions* of misconduct when misconduct did not, in fact, occur.

In this quarter, we also continued to regularly engage with the Department on both the substance of investigations itself and larger process or policy challenges. We discussed, for example, the use of Automated License Plate Readers (ALPRs) and the implications of the Department's Racial and Identity Profiling Act (RIPA) stop data. As police practices experts with clients throughout California and connections nationwide, we are well-versed in the challenges and concerns facing law enforcement and the communities that they serve and welcome the opportunity to offer our observations and expertise to EPD.

Critical Incident Update

In this period, we received the Department's completed internal investigation of a critical incident: a November 2023 officer-involved shooting that occurred when an armed passenger fled from a traffic stop. As per our agreement with the City, we were notified and briefed of the incident within 24-hours of its occurrence, were provided the Department's critical incident briefing video prior to its public dissemination,¹ received timely updates during the investigative process occurred, and, in late September, received the final administrative investigation.

We were provided and reviewed all the available evidence, including all unredacted body-worn camera footage, radio communications, recorded interviews, and related reports.

This is OIR Group's second opportunity to review a completed investigation of an EPD critical incident; we presented the findings from our first review of a critical incident – a 2021 officer-involved shooting incident -- in our 2024 Q1 Report.² In that report, we provided several process recommendations for review of critical incidents, some of which the Department implemented in its review of this incident.

Incident Summary

On the morning of November 26, 2023, an EPD officer conducted a routine traffic stop of a vehicle. An unidentified passenger – the subject --

¹ The Briefing Video is available on the Department's website and on its YouTube page at: <https://www.youtube.com/watch?v=XfMxvPNuWHE&t=1s>

² That report, which was presented to the COPP Board in April of 2024, is available at our website: https://www.oirgroup.com/files/ugd/95b384_cf705666bdcd4752bdab09a77521613a.pdf

exited and fled on foot using a local pathway that traveled behind Carson Mansion to the rear of the library. The officer broadcast the subject's direction of travel and physical appearance. Officer 1, who had responded to assist with the traffic stop and observed the subject flee on the pathway, drove his police vehicle around the block to the pathway's exit behind the library, where he expected to intercept the subject. Officer 1 powered on his body-worn camera.³

Officer 2, who heard the broadcast and was also familiar with the pathway, also responded to the library.

According to Officer 1, the subject made eye contact with him and changed his direction of travel and ran toward a fenced-in area near a small park. Officer 1 exited his police vehicle and commanded the subject to stop. The subject jumped onto the fence and attempted to pull himself over. Officer 1 grabbed the subject's sweatshirt and pulled him off the fence. The subject fell to the ground, and Officer 1 went hands-on to control him. Officer 1 broadcast that he was in a physical fight.

The subject was able to push off the ground, stand up, and free his right arm. Officer 1 attempted to pin him against the fence and delivered several knee-strikes to the subject's torso in attempts to control him.

With his free right arm, the subject pulled out a firearm. While grappling with Officer 1, the subject managed to grab his firearm's slide and chamber a live round.

Meanwhile, Officer 2 arrived, saw the subject run into the fenced-in area, and, believing that the subject might jump the fence, parked on the opposite side. He chirped his police siren. Officer 2 observed the subject

³ The Motorola body-worn cameras used by EPD have three modes: powered off, stand-by, and activated. Officer 1 reported that he powered off his body-worn camera earlier that morning while working on reports at the station and forgot to power it back on until he was driving to intercept the subject.

The Motorola body-worn camera takes approximately 45-seconds to power up before it is ready to record. As a result, even though Officer 1 powered on and activated his camera with the intention of recording the interaction, Officer 1's initial contact and fight with the subject was not recorded. The administrative investigation, which we detail later, evaluated this.

jump halfway over the fence and then fall back. Officer 2 exited his police vehicle, unholstered his duty firearm, and ran around into the fenced-in area. He observed Officer 1 grappling with the subject and saw that the subject had a firearm in his right hand. He yelled, "Gun! Gun! Gun!" as he moved in toward the subject.

Officer 2 fired one round at the subject.⁴

Simultaneously, Officer 1, who now saw that the subject was armed, pushed himself away. He heard one shot and believed he may have been struck by a round. Officer 1 fell backward. As he fell, he unholstered his duty firearm and began firing rounds at the subject until he observed the subject fall to the ground. He fired twelve rounds.

Less than six seconds elapsed from when Officers 1 and 2 observed the firearm to when they ceased firing rounds.

The subject was laying on his back with his firearm on the ground next to his hand. Officer 1 picked up the firearm and moved it out of reach. At this point, Officer 2 looked down at his body-worn camera and saw it flashing an error message; Officer 2's body-worn camera had not been recording.⁵

Officer 2 maintained lethal cover while Officer 1 ran to his parked patrol vehicle to obtain latex gloves.

Officer 1 placed the subject in handcuffs and began lifesaving measures. As he cut away the subject's sweatshirt, he observed a chest holster. Another EPD officer arrived and took over lifesaving functions; the officers

⁴ Officer 2 had difficulty recalling the incident both on scene and during his interview, and was forthcoming about his frustration that he could sincerely not recall details of the incident. Officer 2 believed that he had struck the subject's torso with the butt of his firearm. He did not recall intentionally firing one round. When he heard a round, he believed that the subject had fired at Officer 1.

⁵ EPD sent the body-worn camera to the manufacturer, Motorola Solutions, who confirmed that the camera had experienced an internal processing error that prevented it from recording even though Officer 2 had activated it.

alternated until medical aid arrived. The subject was pronounced dead at the scene.

Officers 1 and 2 were separated, provided a Public Safety Statement⁶ and walk-through on scene, and were transported to EPD headquarters for completion of investigative processes such as photographs and equipment checks. They were then released from duty until returning to provide an interview to the Humboldt County Critical Incident Response Team (CIRT).⁷

The officers were placed on administrative leave for several weeks until they were cleared to return to duty.

EPD Investigation

The CIRT immediately began their criminal investigation of the scene. The following day, an EPD supervisor who was not involved in the incident was assigned the administrative investigation, which occurred parallel to the criminal investigation conducted by the CIRT. As we reported in our previous critical incident evaluation, running criminal and administrative investigations separately but in parallel is an advisable best practice to ensure efficient and timely review.⁸

⁶ A public safety statement is a set series of questions related to an officer-involved shooting to gather basic information to ensure the public is safe, such as the number of rounds fired, the direction of the rounds, and if there are any outstanding subjects.

⁷ The Humboldt County Multi-Agency Critical Incident Response Team (CIRT) is activated to investigate critical incidents. This team, comprised of each of the County's local law enforcement agencies, is intended to ensure consistency and more objectivity in the way shootings are investigated across the County. The Humboldt County District Attorney's Office serves as the co-lead investigator in each case (along with investigators from the agency that has jurisdiction), and when complete, the CIRT investigation is submitted to the District Attorney for consideration of any potential criminal charges against the involved officers.

⁸ Some agencies complete the criminal investigation, submit it to the District Attorney, and wait for the DA's opinion letter before beginning the administrative

Two days later, both officers gave voluntary statements to the CIRT. In our April 2024 report, we advised on the preference to obtain same-day statements from involved officers prior to the end of shift. This practice is being adopted more frequently as agencies learn the value of a contemporaneous statement, and as prior thinking about memory retention has evolved.⁹ EPD agreed in theory, but noted that same-day statements are difficult to obtain due to their geographic location relative to their legal teams; it reported that it called in local attorneys to assist in the short-term (e.g., to stand by with officers at EPD headquarters), but waited for the formal legal team to arrive before requiring that officers provide formal statements.¹⁰

We did note one commendable area of improvement: the criminal interviews were observed by the EPD supervisor in charge of the administrative investigation. In the last critical incident, the administrative team did not attend the interviews and was only able to review the transcription and recording afterwards. We cited the benefits of the administrative team's presence at the interview and were pleased to note this change.

review. This can be a lengthy process. As of the publication of this report, the DA has not yet issued an opinion on this case, but EPD commendably opted to complete its administrative investigation.

⁹ Some have argued that officer's memory improves after going through two sleep cycles. However, memory experts have debunked the notion that there is any improved recall after an individual goes through several "sleep cycles" and that memory rapidly degrades over time. See, "What Should Happen After an Officer-Involved Shooting?" *Journal of Applied Research in Memory and Cognition* 5 (2016) 246.

In this case, Officer 2 had difficulty recalling the incident during his interview. However, EPD reported that this had nothing to do with the delay in obtaining his statement: Officer 2 could not clearly recall the incident even during the on-scene walk through.

¹⁰ One way to overcome this geographical hurdle is for attorneys to consult with their clients and sit in on the interview over a virtual platform, an arrangement that is increasingly being used for critical incident investigations.

Consistent with preferred protocols, the officers each provided a detailed statement, then watched Officer 1's body-worn camera footage and were allowed to amend or update their statements; neither officer changed their statements based on what they observed on video.

EPD held a preliminary debrief with the involved officers, command staff, supervisors, and subject matter experts to identify any immediate equipment or training needs. At that time, EPD evaluated the body-worn camera issues in this case from a technical and policy standpoint. EPD noted that its body-worn camera policy did not explicitly state that officers must keep cameras "powered on" for the duration of their shift. To its credit, EPD corrected this by issuing a Department Directive mandating that all body-worn cameras are to be kept powered on from the beginning to the end of shift. EPD also sent Officer 2's camera to the manufacturer, who acknowledged the internal failure, confirmed that no video had been captured, and sent a replacement camera.

The investigator then drafted the administrative report using the information gathered in the debrief, officers' interviews, body-worn camera footage (which was limited), forensic evidence, police reports, and radio communications. The investigator framed allegations in three key areas: the officers' tactical engagement with the subject, their use of deadly force, and issues regarding body-worn camera use.

The investigation found that the decision to engage with the subject was reasonable and legal: the subject had fled a traffic stop into a well-known area during daytime hours, and two officers were available to intercept him. EPD evaluated the use of de-escalation and less-lethal tools: the investigation determined that officers did not have time to use de-escalation or less-lethal tools beyond issuing commands to stop and chirping the police vehicle siren to identify themselves as peace officers.¹¹

¹¹ Specifically, the investigation considered that Officer 1 is a canine officer, but did not deploy his canine in this incident. Officer 1 reported that when he exited his police vehicle to intercept the subject, the subject's actions did not rise to the level of resistance necessary to deploy his canine – at that time, he was merely seeking to apprehend a subject who had fled from a traffic stop. The

And, EPD found the officers' decision to use deadly force to be reasonable and necessary when faced with imminent threat -- an armed subject who had just racked a live round and pointed a firearm at a peace officer.

EPD determined that Officer 1's decision to "power off" his camera, while ill-advised, was not officially a policy violation: as noted above, the policy regarding body-worn cameras did not explicitly state at the time that cameras are to be kept powered on at all times.

In the coming months, EPD will convene a Critical Incident Review Board made up of command staff, subject matter experts, training personnel, and a civilian member to review the incident holistically. We anticipate sitting in on this session and will report to the COPP Board on the process and outcome.

OIR Review

We reviewed the draft investigation prior to EPD closing it and engaged in constructive dialogue with Department leadership about the incident and its findings. As we noted in the previous sections, EPD implemented several of our prior recommendations regarding critical incident reviews.

We spoke with the Department at length regarding Officer 2's recall of the incident. While we acknowledge the level of stress an incident of this magnitude places on the human brain, we recommend that the Department provide Officer 2 additional training and development. For example, EPD might consider sending Officer 2 to force simulation training with an emphasis on after-action recall and memory retention under stress. We are aware of several successful law enforcement-specific virtual reality training programs that provide this type of training.

We found the Department's administrative investigation to be thorough and comprehensive. We did identify one tactical concern regarding officer

investigation found that by the time he observed the firearm, it was too late to use less-lethal tools, including his canine.

safety, which we have discussed with EPD. We look forward to further dialogue around this issue at the Critical Incident Review Board meeting.

Complaint Case Summaries & Recommendations

In the following cases, EPD provided the investigative file for our review when it determined that the investigation was sufficiently complete. After constructive dialogue, we provided feedback and recommendations, which EPD considered and often adopted before the case was sent to the Chief for final disposition and closure.

The cases reported here are now officially closed.

Case #23-09

Summary: Complaint initiated by member of the public alleging discourtesy. After a preliminary investigation, EPD determined that the allegation was unfounded. IPA found this investigation to be fair and complete.

An EPD employee approached a vehicle parked in a prohibited camping zone of the city. The employee advised the driver, the complainant, that he had to move per Eureka Municipal Code 93.02, which defines camping areas. When the complainant protested and refused to leave because it was daytime and he was not “camping,” the employee called for backup officers to assist her. Three additional officers arrived and engaged with the complainant. Each explained the reason for their contact.

The complainant began yelling profanities and calling the officers names. The officers eventually left after they advised the complainant that they would enforce the municipal code if he remained parked at that location after dark.

Later, the complainant spoke with a supervisor at length and submitted a complaint stating that the officers had harassed and antagonized him.

EPD initiated a preliminary investigation and framed two allegations related to discrimination and harassment. A supervisor reviewed all related body-worn camera footage and did not observe any actions or

language that could be perceived as harassing or discriminatory and were professional.

We found this preliminary investigation and the findings to be thorough, fair and complete.

One concerning note is that the investigation of this case exceeded the one-year statute of limitations. The Department acknowledged that, because the initial review of body-worn camera footage showed no misconduct and in the face of staffing shortages, it focused its investigative resources on higher priority cases that might have resulted in disciplinary action. Command staff advised us of this decision before the case fell out of statute. While we always prefer to see cases completed in a timely manner, we also appreciate the challenges of completing cases with limited resources, and the value of prioritizing those cases that might result in remedial and corrective actions. We will continue to track and report if additional cases are not completed by the statutory one-year statute.

Case #23-12

Summary: Department initiated investigation of workplace issues. After a full formal investigation by a third-party investigator, EPD found most allegations to be sustained, and one unfounded. IPA found this investigation to be fair and complete and the outcomes appropriate.

An employee reported several incidents where he believed that a supervisor was hostile and discriminatory in his treatment of subordinates. Command staff reviewed the incidents, consulted with the City's Human Resources department, and determined that the behavior might be contributing to a hostile workplace. Due to the nature of the complaint and EPD's staffing levels at the time (EPD did not have sufficient resources to conduct what would likely be an extensive investigation), EPD and the City agreed that this should be investigated by a third-party investigator familiar with workplace investigations.

The third-party investigator completed a thorough investigation which included interviews with various EPD employees and review of related evidence. Upon receipt of the completed third-party investigation, EPD determined that the supervisor's actions had occurred, and that they violated its Code of Conduct. However, both the third-party investigator and EPD found that the alleged actions did not create a hostile work environment. EPD issued what we found to be appropriate corrective action.

Case #24-02

Summary: Department initiated investigation of violation of leave policy. After a preliminary investigation, EPD determined that the allegations were unfounded. IPA found this investigation to be fair and complete.

An officer called out sick but was observed by another Department employee walking his dog on a trail some distance from his residence. The Department initiated a preliminary investigation to learn if the officer had violated the sick leave policy or code of conduct related to dishonesty.

The officer willingly submitted to an interview, in which he reported that he was in fact feeling "under the weather" but that he had to provide exercise for his dog in an area away from other animals and people for their safety. After the walk, he promptly returned home, where he rested and recovered. The officer acknowledged that the optics of these circumstances were not ideal.

Given that the officer was forthcoming and there were no clear policy violations, the Department determined the allegations to be unfounded. We found the investigation to be complete and thorough and the outcomes to be appropriate.

Case #24-03

Summary: Department initiated investigation of violation of leave policy. This case was resolved using a Pre-Disposition Settlement Agreement between EPD and the subject officer. IPA found this to be fair and a reasonable resolution. We found the outcome to be appropriate.

An officer was ordered off-duty due to a work-related injury but was observed responding to a call for service in his capacity as a volunteer for a different agency. When a supervisor contacted the officer regarding this, the officer discussed the incident openly and explained his actions, despite the supervisor advising him to stop talking because his actions would be the subject of an administrative investigation.

Given the circumstances and the officer's willingness to accept responsibility and any related remedial actions, we advised that this case might be a candidate for a "Pre-Disposition Settlement Agreement." A pre-disposition settlement agreement is an alternative to a full, disciplinary administrative investigation that can be used in certain, limited circumstances.¹² It allows officers and agencies to avoid a prolonged investigative process when both parties mutually agree to a set of facts, allegations, findings, and outcomes. The officer is allowed time to discuss

¹² A pre-disposition settlement agreement should only be considered if:

- The subject employee readily acknowledges his/her error, accepts responsibility for his/her conduct and desires the matter be rapidly resolved.
- The issue is not a serious policy violation. Internal Affairs cases that, if sustained, could possibly result in a termination of employment or demotion are not eligible, nor are allegations of sexual or discriminatory harassment or other serious violations of policy
- The subject employee agrees to forego a full investigation and agrees to all conditions.
- The involved chain of command concur that the process is an appropriate remedy to the disciplinary situation.

the agreement with a representative and the agreement can be terminated at any time by either party (at which point a full investigation would proceed).

Here, after being appropriately notified of the complaint and advised about the pre-disposition settlement agreement process, the officer agreed to participate. He acknowledged that his actions had violated the Department's Code of Conduct related to off-duty conduct and agreed to the disciplinary consequences.

We found this process to be complete and thorough and the outcomes to be appropriate. We commend Department leadership for establishing the pre-disposition settlement agreement process and look forward to seeing EPD use this process to expedite cases that meet the criteria. We also will continue to work leadership as they draft policy that defines this process.

Case #24-05

Summary: Public complaint alleging discourtesy. After a preliminary investigation, EPD determined that the allegation was unfounded but determined that the officer should be counseled on more effective communication skills. IPA found this investigation to be fair and complete.

An officer responded to a call for service regarding a verbal disturbance at a residence. When he arrived, the reporting party reported said that her roommate, the complainant, was harassing her. The reporting party directed the officer upstairs, where he contacted the complainant. They had a brief interaction, and then the officer left the residence.

The complainant later alleged that the officer was discourteous, rushed her out of the bathroom, refused to provide his badge number, and threatened and harassed her.

The investigator reviewed the body-worn camera footage. The footage showed that the officer waited for the complainant exit the bathroom, provided his badge number, and then handed the complainant a business card. The investigator noted that, while the officer was initially professional and did provide his card, he did escalate the encounter by

engaging in an argument and threatened arrest if he had to return to the property. The investigator determined that these did not rise to misconduct, but that the officer should be counseled on effective de-escalation.

In reviewing body-worn camera footage, we noted two additional areas of potential improvement for the officer's interaction during this call. First, in conversation with the reporting party after his interaction with the complainant, the officer said that the complainant would likely call his supervisor to file a complaint. That he realized this shows a moment of self-awareness for his behavior. Later in that conversation, when the reporting party said she was trying to stay calm with the complainant, the officer then told her that she had the right to self-defense if it was reasonable.

EPD agreed to raise both of these issues when they counseled the officer on more effective communication with members of the public.

Case #24-09

Summary: Complaint alleged discourtesy and discriminatory treatment. After a preliminary investigation, EPD determined that the allegations were unfounded. IPA found this investigation to be fair and complete.

An officer responded to a call for service regarding trespassing and possible vandalism on a vacant lot. When he arrived, he observed several posted notices regarding trespassing violations. He found an individual – the complainant – sitting inside a structure. The officer instructed him to come out and sit down, which he did. The officer detained the individual while he investigated; at one point, the individual asked the officer to retrieve his personal belongings from inside the location, which the officer did.

A second officer responded, and together they determined the appropriate charge. They arrested the complainant. In a search incident to arrest, they discovered narcotics. The officer advised him that he would keep his belongings at the police station and offered him a receipt for the property. The complainant asked to keep several items with him in jail, and the officer located those items. The officer transported him to jail.

Later, the individual filed a complaint stating that the officer had treated him “with hostility” and that EPD employees were engaged in forgery of documents.

EPD initiated a preliminary investigation of the complaint and framed two allegations related to the Code of Conduct for discourtesy and criminal behavior (the alleged forgery). EPD sought to interview the complainant but was unable to reach the complainant after attempting numerous ways (via phone, mail, and in-person visits to last known address) for several weeks. After reviewing all body-worn camera footage and related evidence, EPD determined that the officers were professional and respectful and could not locate any evidence of “forgery.”

We found this preliminary investigation and the findings to be thorough, fair and complete.

Case #24-10

Summary: Complainant alleged discourtesy and unprofessional behavior. After a preliminary investigation, EPD determined that the allegations were unfounded. IPA found this investigation to be fair and complete, and recommended that EPD contact the involved complainants to maintain a good working relationship with them and their facility. EPD agreed to do so.

An officer and supervisor responded to a call for an overdose at a local recovery center. Medical personnel at the facility determined that the subject should be transported for medical care. Fire personnel arrived at the scene and took over, while the officer and supervisor stood by.

Several days later, an employee at the recovery center filed a complaint with EPD stating that the officer had been discourteous generally and condescending, and dismissive of the doctor. This complainant requested that EPD provide the officer with sensitivity training.

EPD watched all related body-worn camera footage and reviewed reports. Based on their review of available evidence, EPD determined that the officer had not engaged in misconduct and was professional in the encounter. We discussed the case with EPD and reviewed the available

evidence and agreed that this matter could be handled at the preliminary investigation level.

EPD provided a detailed memo in which it framed one allegation of Conduct: Discourtesy, Disrespectful, or Discriminatory. The allegation was Unfounded. We found this preliminary investigation and the findings to be thorough, fair and complete.

In other jurisdictions, we have suggested that command staff consider an informal meeting with complainants to review body-worn camera video and discuss the incident and findings. This case may be a good candidate for this process because of EPD's continued collaboration with the recovery center and the likelihood that officers might respond to calls for service in the future. An in-person meeting may serve to resolve any sense of dissatisfaction and strengthen relationship with this community.

The Department agreed that it would reach out to staff at the center to maintain their good working relationship.

Case #24-11

Summary: Complainant alleged discourtesy and unprofessional behavior. After a preliminary investigation, EPD determined that the allegations were unfounded. IPA found this investigation to be fair and complete, and recommended that EPD remind the involved employees of the importance of using a seatbelt when transporting subjects as defined in its transport policy. EPD agreed to do so.

An officer responded to a disturbance call at a hotel. When the officer arrived, he met the reporting party, a manager for the hotel, who reported that the female subject was yelling and disturbing his business operations.

The officer spoke to the subject, who stated that the officer could arrest her and other, incoherent statements. The officer attempted to engage with the subject and asked her to stop creating the disturbance. When she replied that she could not, the officer asked the manager if he wished to be a victim of a disturbance, and the manager replied that he did.

By this time, a second officer had arrived. Together, the officers handcuffed the subject. The second officer took the female's phone,

which she was using to record the encounter, but left the recording running.

As the officer entered his police vehicle, the subject stated that she was not buckled in. The officer explained that he would reach over her body to put her seatbelt on. He successfully did so. The subject was transported to jail and booked without further incident.

Several days later, the subject came into the station and filed a complaint. She alleged that the officer did not warn her that she would be arrested, stating that she would have left if she had known, that the officers lied to her, and that they deleted her video recording on her phone.

EPD reviewed all related body-worn camera footage and related reports. Based on their review of available evidence, EPD determined that there was no evidence to support the allegations. We discussed the case with EPD and reviewed the available evidence and agreed that this matter could be handled at the preliminary inquiry level.

EPD provided a detailed memo in which it framed one allegation of Conduct: Discourtesy, Disrespectful, or Discriminatory. The allegation was Unfounded. We advised that the officers be reminded of the importance of using a seatbelt during transport; EPD added this to the memo and counseled the officers.

We found this preliminary investigation and the findings to be thorough, fair and complete.

Conclusion

This quarter's review demonstrates that the Department continues to uphold its commitment to thoroughness, fairness, and accountability in its investigative processes. The Department has actively sought our feedback and incorporated recommendations, a testament to its openness to external review and its continuous effort to refine internal practices.

Notably, the Department has taken steps to implement process improvements, such as the Pre-Disposition Settlement Agreement, which expedites resolutions in specific cases.

Overall, this quarter's findings reaffirm that the Department is taking meaningful steps toward fostering a culture of accountability, transparency, and fairness, which benefits both the community and its officers. We look forward to continuing our work with the EPD and assisting in furthering their progress toward these shared goals.