




City of Eureka

Independent Police Auditor
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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.

Our case review process allows us to review open cases and provide feedback in real time. We continue to find this process to be very effective, especially the Department's willingness to engage on a regular basis on both the substance of the investigation itself and larger process or policy challenges. Overall, we continue to be impressed with the improvement in investigations and their thoroughness, how quickly the Department has established a reliably robust internal review process, and Department's willingness to hold all employees, regardless of rank or tenure, formally accountable for their actions.

In this quarter we also received a special assignment to review the Department's response to the April 22, 2024, protest at California Polytechnic University, Humboldt campus. We presented our formal review in a separate report that is available on the City's website.

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 #23-06

Summary: Complainant alleged discourtesy and inaccurate report-writing. EPD found these allegations to be unfounded. During the investigation, EPD discovered that an officer had failed to activate his body-worn camera and sustained an allegation based on a violation of the body-worn camera policy. IPA found this investigation and the findings to be thorough, fair and complete.

A complainant alleged that two EPD officers had found her at fault for a traffic collision because the other involved party was white, that the officers were discourteous, and that the officers had failed to include material evidence in the traffic collision report, including an eyewitness account of the collision.

The investigator went to great lengths to identify and interview the eyewitness, and he collected and reviewed all available evidence. He interviewed the involved officers.

The Department framed allegations against the lead officer for violations of the code of conduct (discourtesy) and the discrimination policy; based on the body-worn camera footage of the officer's interactions with the complainant, the Department found these to be unfounded.

During the investigation, the Department discovered that the secondary officer had not activated his body-worn camera, which resulted in a failure

to capture an eyewitness' account of the collision; the Department framed and sustained allegations for this misconduct.

The Department also framed allegations for the officers' alleged reporting errors. The investigation found that the lead officer had corrected errors when the complainant brought them to his attention; the Department determined this allegation to be unfounded. But while the secondary officer reported that he had shared the eyewitness account with the lead officer, the lead officer could not recall having received the information for inclusion in the collision report. As such, the Department ultimately found that allegation against the secondary officer to be Not Sustained, which means that there was insufficient evidence to prove or disprove the allegation.

We found the investigation and outcomes to be fair and accurate.

Case #23-11

Summary: Complainant alleged discourtesy. After an extensive investigation, EPD determined that the allegation could not be proven or disproven. IPA found this investigation to be fair and complete.

A complainant alleged that in an encounter that started as a "casual conversation," two EPD officers became discourteous and disrespectful. Immediately following this encounter and while still within hearing distance of the involved officers, the complainant contacted the EPD Chief and filed her complaint. Also following the encounter, a witness officer called his supervisor to report the incident, stating that it got "heated" and that he had attempted to intervene to end the interaction.

The Department framed one allegation against each involved officer for violation of the code of conduct (disrespectful or discourteous conduct).

The investigator interviewed the complainant and the involved officers. He reviewed surveillance footage to identify any potential witnesses; he interviewed all who were identified, including other EPD employees, a member of the public who had overheard the incident and law enforcement personnel from other agencies who were present. Based on all the statements, most of which were conflicting, and in the absence of definitive body-worn camera footage (or any footage with sound), the investigator was unable to determine if the officers were, in fact,

discourteous to the complainant. The Department found the allegations to be Not Sustained.

The Department also advised that employees activate their body-worn cameras when engaging in conversations with members of the public that might or have become contentious, even when the body-worn camera policy does not require activation.

Complaints that deal with personal perceptions of encounters that are found to be Not Sustained are notoriously unsatisfying for complainants and involved employees alike. But we found that the Department made every effort to investigate the allegations thoroughly and came to the most appropriate conclusion.

We also acknowledge the uninvolved EPD officer who attempted to intervene and then reported the incident to his supervisor. These actions were notable. We recommend that EPD leadership formally commend this officer for his intervention and reporting. The purpose of this is two-fold: to commend the officer's behavior directly; and to reinforce and encourage this behavior Department-wide.

Conclusion

The Department is now processing a higher volume of complaints, both internally and externally generated; this is an indication of its willingness to formally document and investigate issues that might have previously been handled informally. We commend the Department for this improvement and for its commitment to meeting industry standards for accountability. At the same time, we acknowledge that the increased workload makes it difficult to balance against competing priorities and limited staffing.

We encourage the Department to push forward and look forward to our continued collaboration with the Department and its leadership.