



CITIZEN REVIEW COMMITTEE MEETING

Community Oversight of Portland Police Bureau

City of Portland / City Auditor
Independent Police Review (IPR)
Citizen Review Committee (CRC)

Minutes

Date: Wednesday, March 6, 2019 (meetings are typically held the first Wednesday of each month)

Time: 5:00 pm * *Please Note: agenda times are approximate*

Location: **Lovejoy Room, Portland City Hall**. 1221 SW 4th Ave. Portland, OR 97204

Present: Kristin Malone, Candace Avalos, Jihane Nami, Neil Simon, Vadim Mozyrsky, Albert Lee, Hillary Houck, Kayla Wade, Constantin Severe, Clifford Bacigalupi, Tammy Mayer, Dan Handelman,

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)

(Approved of February 6, 2019 meeting minutes subject to change proposed by Ms. Nami)

- Ms. Nami wanted to modify the portion of the minutes regarding Commissioner Fritz's changing her position on the standard of review. Ms. Nami would like to add the sentence "at the recommendation of the City Attorney."

5:35 pm – 5:40 pm Director's Report (IPR Director Constantin Severe)

- Chair Malone asked Director Severe if it is beneficial for Committee members to attend the training session IPR received regarding communicating with distressed individuals.
 - Director Severe responded that the training will be helpful for the Committee. The training helps you understand what your limitations are. It is important that the Committee learns how to take care of themselves especially when the Committee hears about people who come into the meeting and talk about issues that they have going on with their lives. Director Severe asked CRC to contact IPR staff to schedule the training if interested.
- The Committee and Director Severe discussed issues related to collaborative tools like Google Drive, in response to the Committee's request to Assistant Director Mortimer for guidance on this issue in light of Oregon public meeting laws.
 - Director Severe noted that the issue relates to Committee members making a decision on a report or other CRC-related documents. Members of the public need to have access to CRC decision-making.
 - IPR is still working with City Attorney to figure out ways that the workgroup could use the platform.
 - Chair Malone asked Director Severe to concede that the CRC is not required to draft and type a document in a public meeting.
 - Director Severe noted that the City takes a very conservative view of the public meeting laws. The City wants to make sure the public gets to weigh in on whatever document that the Committee is working on.
 - Vice Chair Avalos asked that, while City Attorney is researching on this, the Committee could maintain a public folder on the CRC's website, so the public could view everything that the Committee is working on in real time.
- Chair Malone asked Director Severe if there's a way to disable the auto timeout feature on the remote access server.
 - Director Severe had no answer.

5:40 pm – 5:45 pm Chair's Report (CRC Chair Kristin Malone)

- At the request of the Appellant, the Council Appeal Hearing that was original scheduled for February 20 is now being rescheduled to May 2 at 3:00 PM. The Appellant would like all 5 council members to be present at her appeal hearing.

5:45 pm – 6:45 pm **Special Presentation:** Portland Police body-worn camera (Tammy Mayer)

- The technology came out in 2010.
- A survey was conducted in 2014 and found that less than 25% of police agencies used body-worn cameras.
- In 2014, following the shooting of Michael Brown, President Obama created several grants for police agencies around the country to start using body-worn cameras. Some of the biggest agencies that jumped right on board are Washington D.C, New York, and L.A.
- In 2015 another Nationwide survey was done and found that 88% American supports police officers wearing body-worn camera.
- PPB started looking into the body-worn camera back in 2014. The Bureau conducted some community events and online feedback. City Council approved funding for the program for the 2016-2017 budget. The Bureau wasn't ready to spend money so City Council took the money back and the money is there waiting for the Bureau.
- In 2015, Oregon legislature came out with some laws related to the body-worn camera.
- There are a lot of advantages for the Bureau to wait: Technology has increased significantly in the past 8 years. There are standards for cameras, like focal lenses, drop test and other weather-related requirements.
- A lot of agencies also learned their lessons, particularly regarding policy, and PPB can learn a lot from that information. There has been a lot of best practices coming out of both governmental and non-governmental organizations.
- Some of the local agencies that have used body-worn cameras are Beaverton and PSU police. OSP, Hillsboro, and Washington County are in the process of implementing body-worn cameras.
- The goal of the body-worn camera program is to strengthen public trust and relationships, while promoting officer safety and keeping privacy concerns in a balance. Transparency and accountability enhance complaint resolution, improve the quality and reliability of investigation, as well as improve quality of the training.
- The implementation plan is getting some vendor demos around mid-May, then will pick out 2 top models, and start a 3-month pilot testing program for each of the models. Central Precinct and Traffic Division will be testing these out.
- In early 2020, PPB will select the top candidate and share the findings with City Council. Full implementation will be toward the end of 2020.
- Officers will be required to notify people that they are being recorded unless there's a safety issue.
- Current Oregon laws on body-worn cameras:
 - All the videos will have a 180-day minimum retention schedule.
 - When the videos are released to the public, all faces will be blurred.
 - Videos can be released publicly only when it is in the public interest, and pending any grand jury verdict.
 - During public demonstrations, Oregon laws prohibit officers from recording political, religious, social, individual groups, associations, businesses, and partnerships unless there is criminal activity or suspected criminal activity occurring.
- Mandatory activation: Oregon law requires that the camera record continuously when the officer develops a reasonable suspicion or probable cause or believes that a crime is about to occur. The majority of the agencies start recording at the beginning of a call for service.
- Ms. Houck said that she likes Albuquerque's policy about officers starting the recording when the subject does not comply to their commands.
- Chair Malone said that, during protests, she is hearing from officers that things start to happen unexpectedly. Her understanding of the command structure is that there is a command given from the higher-up, and then officers start carrying out the orders. It might be helpful to turn the camera on when officers start clearing the streets.
- Mr. Simon said that officers have to make split-second decisions, and they now have to worry about when to start recording. He is wondering if officers could err on the side of caution and start recording when they answer a call for service, especially at a protest.

- Chair Malone said that it seems like the officer would most likely remember to turn on the camera at the beginning of the call for service.
- Ms. Mayer said that at protest, officers have to be careful since they don't want to violate anyone's First Amendment rights. It is when the protest becomes illegal that the decision will be made about turning the body camera on.
- Chair Malone asked Ms. Mayer how, if she had seen officers who are carrying cameras at a protest, the decision of when to start recording is being made.
 - Ms. Mayer said she can't answer that. She will have to ask about that question.
- Officers are prohibited from turning on the camera if there is a reasonable privacy concern, question of officer's safety, interaction with confidential informant, non-related personal conversation, etc.
- Mr. Lee asked Ms. Mayer the purpose for using the body-worn camera. Is it for trust, safety, transparency, and training purposes? If that is the case, then why does the law on recording at a protest even matter?
 - Ms. Mayer said it is another tool for prosecution if the Officer has the camera on and it happens to capture a DUI, then that can be used for criminal prosecution. Our goal for the body-worn camera program is to increase transparency and community trust.
- Mr. Mozysky asked what happens if a community member asks the officer to turn the body camera either off or on.
- Ms. Mayer said that this has been raised before and she will bring this up to the policy group who will be developing policies for PPB's body cam program.
- Vice Chair Avalos asked Ms. Mayer if there is a visible way for a member of the public to be able to tell if the body camera is on or off?
 - Ms. Mayer said most of the cameras have a visible green light indicator.
- Mr. Simon said he would strongly not recommend the Bureau follow Cleveland's policy of not using body cameras during sporting events or concerts.
- Ms. Mayer said she thinks the prohibited policy applies, up to a certain point. If there is an incident happening within the venue, the officer would turn on the body camera.
- Mr. Lee asked Ms. Mayer if the body camera uses an external memory card. He asked about the process of downloading the footage.
 - Ms. Mayer said most of the cameras have internal memory. On the RFP, the City asked that the camera's battery last for 12 hours, and the camera be able to record continuously for 8 hours. The camera has a dock that is similar to a radio dock. As it is charging, the video footage is also being downloaded to the server. Officers can go in and tag certain section related to a case, but they cannot edit the video.
- Mr. Lee asked Ms. Mayer if there was a possibility that the officer could lose the camera.
 - Ms. Mayer said yes, it is possible. The majority of the cameras are magnetically attached to the uniform or clipped on. There is one brand that goes inside the pocket where it cannot be knocked off.
- Ms. Houck asked Ms. Mayer who would have access to the video?
 - Ms. Mayer said the body camera team and public records personnel. Depending on what we add to the policy, the officer and his supervisor could also have access.
- Officers can deactivate the camera when they have completed the call for service or with a supervisor's permission.
- Chair Malone asked Ms. Mayer if PPB can create a policy that requires officers to start recording from the beginning of an incident, or if state law precludes that.
 - Ms. Mayer said that state law sets the minimum of when the officer should start recording.
- Chair Malone expressed some concern about officers who might forget to turn the camera on while responding to a call.
- Ms. Mayer said this will happen at the at the beginning of the program. It takes a while to get used to the muscle memory.
- Chair Malone asked Ms. Mayer if the Bureau anticipates a grace period?
 - Ms. Mayer said it will happen on a case-by-case basis and it will step up from there. If there is an officer who consistently forgets to turn it on, then that officer will be disciplined.
- Officer reviews: Most agencies allow officers to review the video before writing reports. For critical incidents like use of force, Officer-involved shootings, in-custody death, etc., it varies for each agency.

- Mr. Simon asked Ms. Mayer some justifications she has heard as to why officers should not be allowed to view their body camera video prior to being interviewed.
 - Ms. Mayer said it might affect the officer's perceptions of what actually happened on-scene before they write the report.
- Chair Malone considered a situation where events have occurred outside the camera's field of view. If an officer watches the video to see what portion of events was captured, he could tailor his report to address only those issues. In order to facilitate maximum disclosure based on the officer's actual memory and reasoning, she would support a policy requiring the officer to write the initial report, watch the video, and then do a supplemental report.
- Ms. Mayer said the issue of viewing the video prior to, or after, writing a report will be one of the most contentious topics to be bargained for with the police union.
- Captain Bacigalupi said the Bureau's current policy on officer-involved shootings is that if there's a CCTV camera that captured the incident, the involved officer does not get to view that.
- Mr. Lee said the community member involved in the incident should have access to the video as well.
- Ms. Mayer said the person will have to go through a public record request. If the person is being prosecuted, then their defense attorney can request a copy of the video, through the DA.
- Mr. Lee asked Ms. Mayer if a community member can come in and review an unredacted video.
 - Ms. Mayer said that is possible. Someone could come in to review it, and not get a copy of it.
- Chair Malone asked Ms. Mayer if there's a reason why Baltimore police do not allow a supervisor to view their officers' body camera, without a reason.
 - Ms. Mayer said she suspected the union bargained for it because they don't want the supervisor to target a specific officer.
- Ms. Nami asked Ms. Mayer where the bargaining process occurs in the Bureau's timeline.
 - Ms. Mayer said it is part of the policy discussion and community engagement. Community engagement ends next week and then the following week, a policy group will be formed to write the policy, within 4 weeks. In mid-April, there will be a stakeholder committee and then after that, the City will go to the union.
- Mr. Mozyrsky asked Ms. Mayer what would happen if a supervisor was reviewing an officer's body camera video, for performance review or training, and they found a policy violation.
 - Ms. Mayer said it depends on what they see. The violation has to fit into the Bureau's discipline matrix.
- Ms. Mayer said all community feedback and questions will be posted on PPB's body cam website. Community members are encouraged to submit additional feedback via email.
- An unnamed community member asked Ms. Mayer if these devices have an SD card. Do they automatically turn on when there is a use-of-force event?
 - Ms. Mayer said the majority of the cameras have internal memory. There are some that have a trigger when an officer draws his/her gun. Some will trigger when the lights and siren are on, Some have a fall sensor that indicates when an officer is falling.
- Ms. Nami asked Ms. Mayer what the Bureau's minimum requirements are.
 - Ms. Mayer described requirements about how long the battery should last, and what kind of format the video should be in.
- Chair Malone asked Ms. Mayer to what extent the public will be able to see the responses from camera vendors.
 - Ms. Mayer said the public will be able to see the finalists, but she does not think the public can see the responses. There is some confidential information on how the cameras works, and that will need to be held confidential.
- Mr. Lee asked Ms. Mayer how many vendors the Bureau is currently looking at.
 - Ms. Mayer said there are 50 vendors, but they are only looking at 6 that they feel can handle a large police department. They are looking into purchasing around 500 cameras.
- Ms. Nami asked Ms. Mayer if the SERT team will be wearing cameras.
 - Ms. Mayer said that is to be determined. They are only looking at patrol officers right now.
- Mr. Lee asked Ms. Mayer if she knows of other first responders using the body cam.
 - Ms. Mayer said she doesn't know of any fire fighters that use body cameras. She's reached out to 25 law enforcement agencies. Most of the larger agencies are already implementing them.

- Mr. Handelman said:
 - A lot of the time the police don't just have a conversation. A lot of the time they try to gather information and pat people down for weapons. Those conversation should be recorded.
 - Officers should not be spying on people and gathering their religious, social, or political information.
 - Regarding the policy on officers not recording during role calls: during role calls, they have discussions about member of the public that do not get captured.
- Mr. Simon asked Ms. Mayer if she can summarize some of the feedback she has heard from community of color?
 - Ms. Mayer said she has heard a variety of comments, from 100% support, to more restricted. All the comments were captured and posted on the Bureau's body cam website.
- Captain Bacigalupi said there will be a lot of opportunities for community comments while the Bureau is crafting the policies. He urged everyone to let the Bureau know if they have additional comments.
- Mr. Lee asked Ms. Mayer if she has reached out to groups who are not affiliated with the City, like NAACP or APANO?
 - Ms. Mayer said she has reached out to the NAACP and has not heard back from them. She also reached out to the ACLU and got a policy letter. She has reached out to 30 groups, and heard back from 17 of them.

6:45 pm – 7:00 pm New/Old CRC Business

7:00 pm—7:20 pm Workgroup updates: Please provide the following information —

- 1) Brief summary of the goals and objectives of your workgroup
- 2) Date of last meeting
- 3) Brief summary of the work done at your last meeting
- 4) Next scheduled meeting
- 5) Main topic to be discussed/addressed at the next meeting
- 6) Any assistance from IPR or CRC needed to achieve your goals

ACTIVE WORKGROUPS

1. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup engages the community to raise awareness about the Citizen Review Committee (CRC), gather concerns about police services and accountability, and identify issues for the CRC to address. Following up with appellants and others community requests will supplement current work group tasks. Additionally, outreach committee members will serve as point for ongoing communications with IPR, the City, the Bureau, community members and/or act as the face of CRC.

Chair: Neil Simon / Members: Vadim Mozyrsky

IPR staff: Irene Konev, Community Outreach Coordinator

- Dialogue continues with Commissioner Hardesty's office regarding questions on the standard of review proposal.

2. Recurring Audit (5 min.)

MISSION STATEMENT: The Recurring Audit Workgroup seeks to improve accountability of IPR and the Portland Police Bureau by reviewing closed cases to ensure procedures, policies and protocols are followed and will recommend improvements, if necessary.

Chair: Daniel Schwartz / Members: Hilary Houck, and Jihane Nami

- The workgroup has not met as they have not reviewed the files.
- The workgroup's next meeting is March 20.

3. Crowd Control Workgroup (5 min.)

MISSION STATEMENT: The Crowd Control Workgroup examines existing crowd control policies, training, and tactics of the Portland Police Bureau, reviews crowd control best practices, legal standards and other information, and makes appropriate recommendations.

Chair: Candace Avalos /Members: Andrea Chiller, and Kayla Wade

- The workgroup will meet on March 20.

4. Use of Force Workgroup (5 min.)

MISSION STATEMENT: The Use of Force Workgroup examines Portland Police Bureau use of deadly force policies, directives, training and implementation in order to recommend and support any needed change in Portland Police Bureau use of force.

Chair: Kristin Malone / Members: Kayla Wade

- The workgroup met earlier today and looked into changing the workgroup's mission statement.
- The workgroup will meet every 3rd Tuesday to look into PPB directives that are up for review.
- The workgroup will look into current use-of-force policy, and the list of parking lot issues, at the next meeting.

7:20 pm —7:45 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman said:
 - The body camera law that prevents police officers from collecting individuals' information unless there is a reasonable suspicion of criminal act was the main reason Portland Copwatch pushed for the City to leave in-place the Joint Terrorist Task Force.
 - Regarding the texting scandal: one of the things that came out when the Bureau released the emails was that they released all the names of the Patriot Prayer and Antifa members, but there was no suspicion of criminal conduct.
 - It was great that the Committee has a public folder. He is hoping City Attorney will allow the Committee to use that.

7:15 pm Adjournment

To better serve you, a request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made three (3) days prior to the meeting—please call the IPR main line 823-0146 (or TYY 503-823-6868).

Visit the website for more information regarding the Independent Police Review division, Citizen Review Committee, protocols, CRC meeting schedules, and approved minutes: www.portlandoregon.gov/ipr.

CRC Members:

- 1. If you know you will not be able to attend a CRC meeting or that you will be missing a significant amount of a meeting, please call or e-mail IPR in advance so that the CRC Chair may be made aware of your expected absence.*
- 2. After this meeting, please return your folder so IPR staff can use it for document distribution at the next CRC meeting.*

**Note: agenda item(s) as well as the meeting date, time, or location may be subject to change.*