

# **Body-Worn Cameras for the Portland Police Bureau: History and Community Engagement Results**

A Technical Assistance Report to  
the City of Portland, Oregon

Prepared by

COMPLIANCE OFFICER/COMMUNITY LIAISON

Rosenbaum & Associates, LLP

February 18, 2022

*United States v. City of Portland, 3:12-cv-02265-SI*



## Body-Worn Cameras in Portland: Background

This is a report on body-worn cameras (BWCs) by the Compliance Officer/Community Liaison (COCL) to the City of Portland (the City) and Portland Police Bureau (PPB), as requested, to address and acquire community concerns, questions, and feedback about BWCs and any associated pending PPB policies.<sup>1</sup> As stated in previous COCL reports, we recommended that the City introduce BWCs to ensure the collection of better evidence regarding police-public interactions and achieve greater transparency and accountability around these encounters. Research-based evidence indicates that the use of BWCs can reduce the number of complaints and uses of force by police.<sup>2</sup> After engagement with the community and discussion with City officials, the City adopted a BWC pilot program along with a one-time budget allotment for an initial hardware purchase. Here we provide an overview of developments associated with the introduction of BWCs in Portland, followed by a presentation of new findings from COCL's recent community engagement initiatives around BWCs, including a community forum and a community survey.

This dialogue is occurring within the context of a Settlement Agreement between the City of Portland (the City) and the United States Department of Justice (DOJ), Case No. 3:12-cv-02265-SI. In 2021, the Department of Justice (DOJ) proposed nine remedies to help the City achieve full compliance with the terms of the Settlement Agreement. The first remedy proposed (under the section on "Force") speaks directly to the use and operation of BWCs - *"The City should implement body-worn cameras (BWCs) for all officers (this remedy also relates to Accountability)."* Following the release of the proposed remedies, the City requested that the DOJ set policy principles to govern a BWC policy. The subsequent letter from DOJ, which was refined during a mediation process between September and December of 2021, outlined these areas including deployment, activation, notice, authorized users, prereview, accountability, and control of videos. DOJ's proposed policy principles helped to shape the conversation by the community during COCL's 2022 BWC Community Forum and, to some extent, the BWC community survey.

A brief history in Portland and elsewhere will help set the stage for these community engagement activities around BWCs. Starting in 2018, PPB gathered information about various BWC programs in comparable cities, including the associated costs, community engagement campaigns, and technical requirements. This process allowed PPB to learn lessons and find ways to avoid similar challenges.

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<sup>1</sup> This report was prepared by COCL members Shayleen Morris, Nia Franco, and Dennis Rosenbaum with input from BWC experts on the COCL team (Geoffrey Alpert and Ashley Heiberger) and survey expert Justin Escamilla. We would like to thank PCCEP for their collaboration on producing the community forum held on January 23, 2022. Additionally, we would like to thank the City Attorney's Office, the Portland Police Association, the PPB, and the DOJ for their participation in the forum and assistance in sharing the BWC survey link. Finally, we would like to thank the members of the community who attended and participated in the forum and completed the survey. Their contributions have been invaluable.

<sup>2</sup> <https://bwctta.com/impact-bwcs-citizen-complaints-directory-outcomes>

Moreover, PPB was able to discuss key areas of concern with the community and relevant stakeholders, covering such topics as activation of cameras, retention schedules, and access to footage.

### **Body-Worn Camera Research**

Research on BWCs has been an important part of field tests in other policing agencies. Departments across the country have developed body-worn camera programs in hopes that the video footage will help to identify areas where performance can be improved and serve as an objective tool to capture what transpires between police and community during public safety encounters. As stated in previous COCL reports, research has shown the use of BWCs results in an overall decrease in the use of force by police and the number of complaints filed by the communities they serve. In a recent report researchers discovered that of 32 studies conducted with police agencies, 24 saw a statistically significant reduction in the number of citizen complaints after the implementation of a BWC program. They also found that of 28 studies conducted with police agencies, 14 reported reductions in uses of force by police officers after the implementation of a BWC program.<sup>3</sup>

Another important research question is whether the community feels the cameras are keeping the community safe while protecting their constitutional rights. In Milwaukee, researchers explored community perceptions of the police department's BWC program. Two surveys found that respondents were supportive of a BWC program and viewed officers as legitimate and procedurally just. However, positive perception about the program and officers was lower among Black respondents.<sup>4</sup>

During the COCL and PCCEP Body-Worn Camera Community Forum a recurring topic among community members was when and if officers would activate cameras when responding to calls for service. Research suggests that it takes time for agencies to achieve their desired rate of activation and officers become fully compliant with policy. For example, a study of the Anaheim (CA) Police Department found that while activation among officers varied greatly in the first six months of use, the rates of activation increased over time from 3% to 54%. They also found increased activation when officers were responding to violent crimes. This report underscores the need for police departments to have clear guidance on when officers should or must activate BWCs.<sup>5</sup>

### **Recommendations from PCCEP**

In January 2020, The Portland Committee on Community-Engaged Policing (PCCEP) presented a [report](#) that detailed expectations and concerns from the community about body-worn cameras. In the report

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<sup>3</sup> <https://bwctta.com/impact-bwcs-citizen-complaints-directory-out>

<sup>4</sup> <https://doi.org/10.1108/PIJPSM-10-2019-0161>

<sup>5</sup> <https://doi.org/10.1177%2F0734016819846228>

PCCEP outlined several recommendations and considerations from community members to PPB and elected city officials. The recommendations were produced after PCCEP engaged with the community to receive feedback in the event that the city moves forward with a BWC program:

1. PPB should be transparent in how officers for the pilot project are selected. Officers for the pilot project should be randomly selected. This will alleviate the perception that officers are handpicked for the project based on behavior and other positive factors that could influence results.
2. We strongly recommend body camera footage be stored by an independent third party.
3. Officers should write their police reports before viewing body camera footage. This would avoid officers tailoring their accounts of the incident based on what the footage shows.
4. Strict discipline for officers who turn off their cameras when they are supposed to be engaged. This should include the possibility of termination.
5. Public access to the video should be accessible to all individuals in regard to disabilities, etc including ADA accessible.

In addition to the above listed recommendations, PCCEP listed local agencies with body cameras: Hillsboro Police, Beaverton Police, Portland State University Campus Police, Washington County Sheriff's Office, Marion County Sheriff's Office, and Oregon State Police. Since the publication of PCCEP's report, Gresham Police Department has also adopted a body-worn camera program.

### **Recommendations from The Albina Ministerial Alliance Coalition for Justice and Police Reform**

The Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), in August 2021, filed an amicus brief with the federal court concerning body-worn cameras. In their filing they reassert ten parameters that should be met by PPB if they are to implement a BWC program. The first parameter that was adopted by AMAC, and clearly speaks to the community being at the center of a BWC program, states, "The community has to be involved in setting any rules if the Bureau decides to get cameras." The remaining parameters outline when officers should activate cameras; the release of footage to the public; not allowing the use of facial recognition software with BWC footage; and storage. Most importantly, the AMAC states they will not support a BWC program if PPB allows for a prereview policy.

### **Recommendations from the Mental Health Alliance**

The Mental Health Alliance (MHA), in October 2021, filed an [amicus brief](#) on body-worn cameras with the federal court with similar concerns as PCCEP. The MHA stated the intention of a BWC program should be from the lens of accountability and oversight in an effort to reduce force, especially when used against people with mental illness. As requested by the court, MHA also provided recommendations on BWC policies:

- Any PPB personnel that interact with members of the public should wear a BWC.
- PPB should not control BWC footage or have the power to authorize when footage is released – this should be left to the Auditor's office.

- There should be no pre-review of BWC footage by the officers or supervisors only until reports have been filed and all necessary interviews have been completed.
- There should be tight restrictions about how officers can utilize their discretion when turning on BWC.
- Footage should be released to the public upon request and protect the identity of individuals.

MHA held a public community conversation about body-worn cameras in December 2021. During the discussion with community members and other relevant stakeholders, people voiced their concerns around the purpose of implementing BWCs, who, or which groups, would have their voice heard when it comes time for BWC policy to be created, and how BWCs will impact accountability for officers in Portland.

### **PPB Community Engagement**

The PPB began to engage the community in 2015 to determine if the launch of a BWC program would be accepted by community members. Feedback was collected during community forums and online. In 2019 PPB increased efforts to engage with community stakeholders through various meetings:

- African American Advisory Council
- Slavic Advisory Council
- SE Portland Citizen’s Advisory Council
- Muslim Advisory Council
- Alliance for Safer Communities
- Citizen Review Committee
- Community Peace Collaborative
- Copwatch
- Portland Committee on Community-Engaged Policing

Additionally, PPB hosted a series of three town halls in February 2019 to gather additional input from the community about BWCs. The feedback collated from the town halls and partner meetings is published on the PPB website for review.<sup>6</sup> Community members and relevant stakeholders also have the opportunity to provide further feedback about BWCs on PPB’s website.<sup>7</sup> The PPB made a concerted effort to engage the community around BWC issues, but three years have passed since this information was collected.<sup>8</sup> Hence, in the context of current bargaining sessions with the police union, mediation sessions with DOJ, and the City’s decision to release a Request for Proposals (RFP) to vendors interested in providing BWCs to Portland, we have been asked to seek additional community input.

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<sup>6</sup> <https://www.portlandoregon.gov/police/78694>

<sup>7</sup> <https://www.portlandoregon.gov/police/78492>

<sup>8</sup> Council Ordinance 188037 2016-20 states, “Following substantial public and internal input, the Portland Police Association and the Portland Police Bureau have agreed to a draft Body-Worn Camera Policy Version 2.2, dated 5/6/16 (attached as Exhibit B to Exhibit 1). Substantial additional public input will be required prior to finalization of the policy.”

## **COCL and PCCEP Body-Worn Camera Community Forum**

On Sunday, January 23, 2022, in partnership with the Portland Committee on Community-Engaged Policing (PCCEP), the Compliance Officer/Community Liaison (COCL) team hosted a community forum about the pending roll-out of body-worn cameras for police officers. The forum gave space to the community to provide feedback that will help to inform the upcoming BWC policy.

In an effort to reach as much of the Portland community as possible, the COCL and PCCEP teams distributed forum invitations to various community and government stakeholders in hopes that associated members would receive a direct invitation or notification of the community forum. The forum was structured to provide the community with direct access to panelists who could give information on the current progress of the BWC program and answer questions from community members. The panel consisted of representatives from the City Attorney's Office (CAO), Department of Justice (DOJ), Portland Police Bureau (PPB), and the Portland Police Association (PPA).

At the peak of the meeting over 100 community members were in attendance, including members from community-based organizations, PPB advisory councils, and government stakeholders. The forum participants shared their concerns, recommendations, and questions about the BWC program over the course of the three-hour meeting. During the time shared with the community, COCL heard discussions on the following topics:

- Whether the community is included in further discussions about BWCs
  - Many want to be included in these discussions, including the selection process for the vendor.
- Whether officers should have the discretion to decide when to activate their body-worn cameras.
  - Many forum participants felt that officers should not have discretion to decide when to activate their cameras.
- Whether officers should review the BWC footage before writing their reports of critical incidents or after they have written an initial report. The benefits and drawbacks of each option were discussed.
  - Some forum participants stated that officers should not be able to review BWC footage prior to writing incident reports.
- What entity should be responsible for storing the BWC footage, who should have access to the footage, and when.
  - Some forum participants expressed concern about the footage being controlled by the PPB.

For a full list of comments, concerns, questions, and recommendations from community members related to body-worn cameras, please refer to appendix C.

## **BWC Community Survey**

In addition to the community forum, Portland community members were given an opportunity to submit feedback on body-worn cameras by completing an online survey. COCL created a survey to assist in the development of a BWC policy and to be responsive to BWC issues being negotiated with the police union and DOJ.

Given that Portland has become a diverse, multi-cultural city, and given that everyone should have the opportunity to voice their opinion on BWCs, we made a special effort to reach out to communities with limited English proficiency (LEP). First, the City was able to translate the survey into four additional languages spoken by more than 1,000 Portland residents -- Spanish, Russian, Chinese, and Vietnamese. Thus, residents were allowed to take the online survey in one of five languages. Second, COCL sought the assistance of a wide range of organizations and agencies throughout the Portland area to help distribute the online survey to their mailing lists. More than 28 organizations, including advocacy groups, social service agencies, government agencies, and City advisory groups, as well as the City Council, were given the URL link to the survey.

These organizations were asked to distribute a survey recruitment letter that included the URL link to the survey (See Appendix A). The survey was posted on January 14<sup>th</sup> and remained open for two weeks. A letter was sent during the second week to remind everyone that the survey would close on January 31<sup>st</sup> and to encourage them to participate.

The recruitment process was very successful. After cleaning the data using specific criteria (e.g., whether the survey was blank or completed too quickly), the final sample was 2,110. This sample of survey respondents was quite diverse. In terms of race and ethnicity, non-white and multi-racial individuals comprised roughly 22% of the sample. Survey respondents (based on self-reported data) included Hispanics (6.5%), Blacks/African Americans (4.3%), Asians/Asian Americans (3.0%), American Indians/Alaska Natives (1.4%), and multi-racial individuals (4.3%). Different gender identities were represented, including females (49.7%), males (34.2%), and nonbinary/non-conforming or transgender individuals (6.4%). Multiple age groups were also represented, including those 25 or younger (4.9%), 26-30 (9.8%), 31-40 (27.0%), 41-60 (39.3%), and over 60 (12.6%). While the sample was quite diverse in terms of race/ethnicity, gender, and age, these differences had little effect on the results of the survey. There were few differences in the views held on the questions posed here, and therefore, the overall results will be presented.

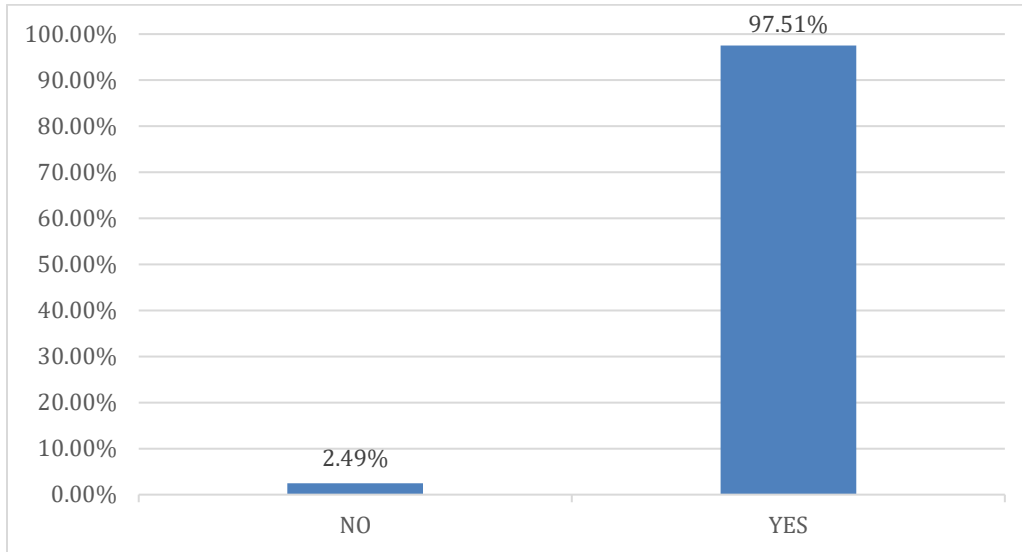
### **Survey Findings**

#### When to Activate the Camera

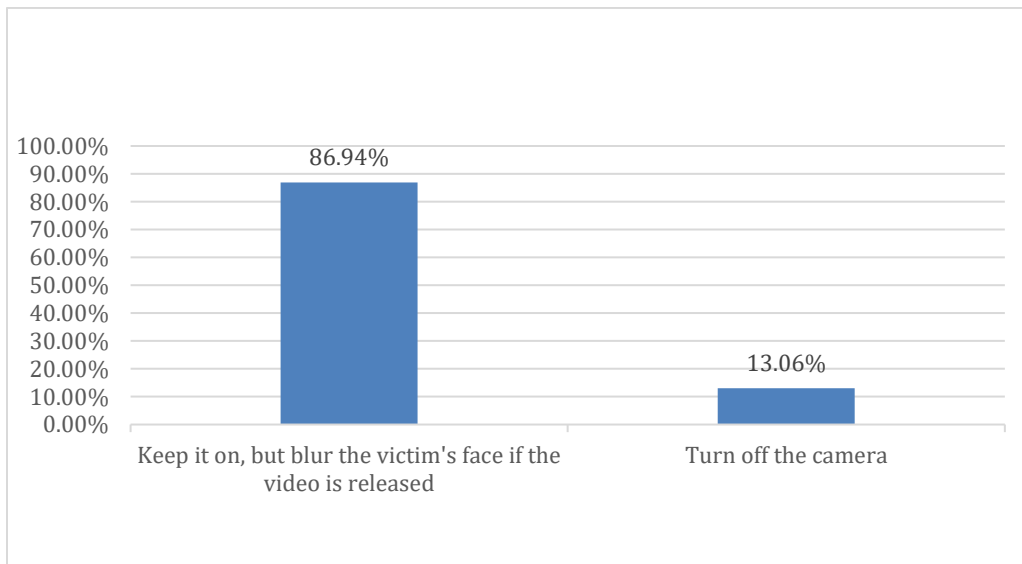
PPB's policy on BWCs will need to specify when PPB officers should activate their body-worn camera and when the camera should remain off. The survey asked the Portland community about some of these circumstances. The vast majority of survey respondents felt that PPB officers should turn on their body-worn cameras when making a traffic stop (97% - Figure 1). They also felt that the camera should remain on when interviewing victims of sexual assault, but the faces of the victims should be later blurred to

protect their privacy (87% - Figure 2). These findings are consistent with DOJ's view that BWCs should be activated in a wide variety of situations, including calls for service, but especially when the officer draws a firearm or electronic control weapon (Taser).

**Figure 1. Should PPB officers turn on their body-worn cameras when making a traffic stop?**



**Figure 2. To protect the privacy of sexual assault victims, should PPB officers turn off their body-worn cameras when interviewing victims, OR keep the camera on, but later blur the faces of victims?**



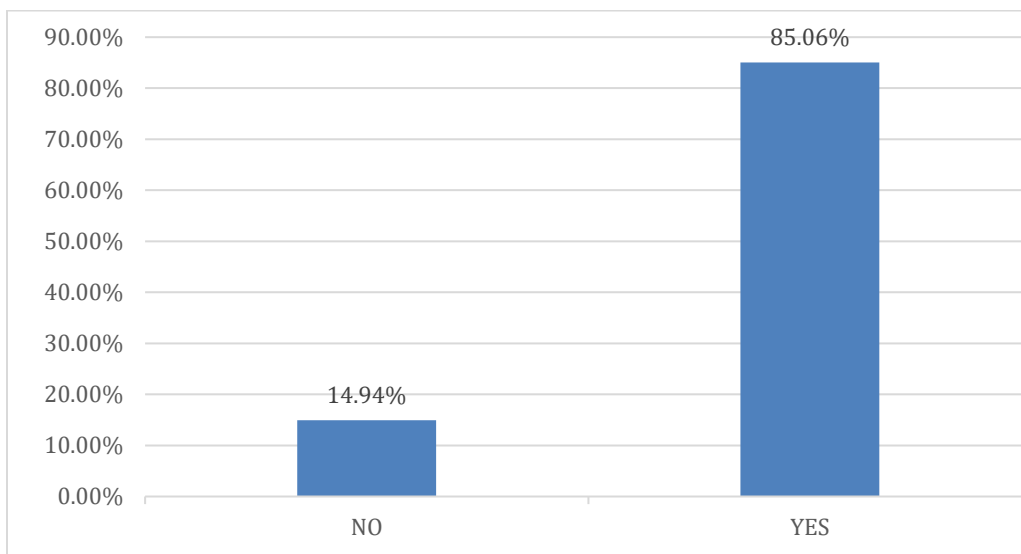


### Review of BWC Recordings

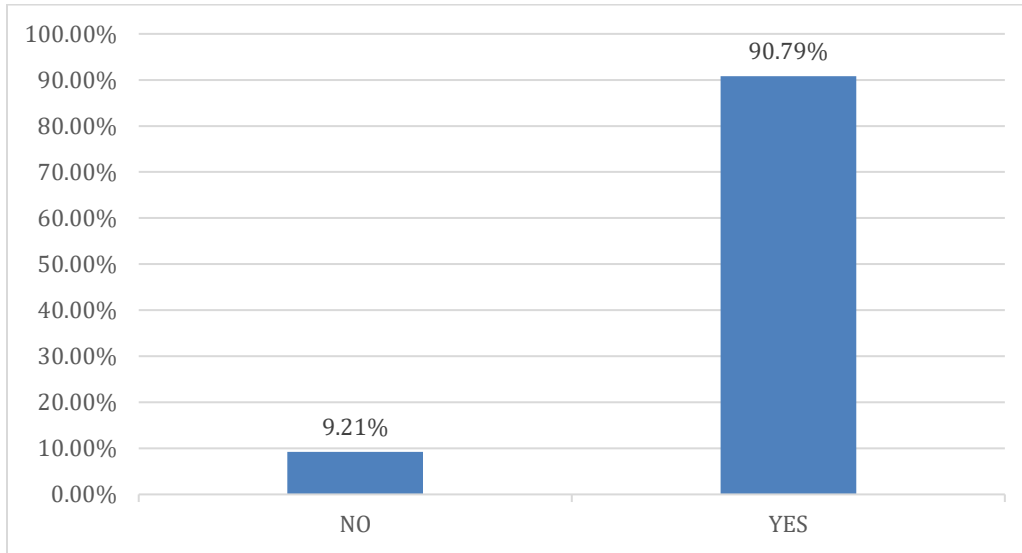
Once a video recording has occurred, PPB's policy will need to specify who is allowed to review it, when, and for what purposes. The police union would prefer that access and review be limited out of concern that BWC video footage may be used unfairly for investigations and discipline.

On the survey, community members were asked about access to the recordings by supervisors, trainers, and auditors. Most survey respondents felt that an officer's supervisor should be allowed to randomly review body-worn camera recordings to see if the officer is doing their job appropriately (85% - Figure 3). Similarly, most respondents felt that the Training Division should have access to the BWC recordings to develop training for PPB officers (91% -- Figure 4). Fewer, but still a large majority, believe that the City's auditor should review the videos to evaluate the overall performance of the PPB (70% - Figure 5).

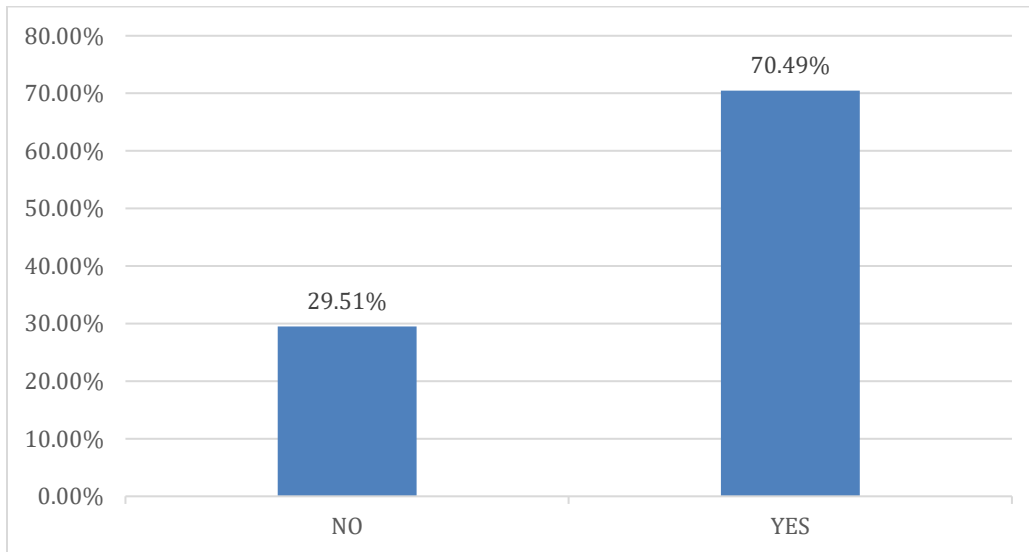
**Figure 3. Should the supervisor of a PPB officer be allowed to randomly review body-worn camera recordings of the officer to see if the officer is doing their job appropriately?**



**Figure 4. Should body-worn camera recordings be reviewed by the Training Division of the Portland Police Bureau to develop training for PPB officers?**



**Figure 5. Should body-worn camera recordings be reviewed by the City’s Auditor to evaluate the performance of the PPB?**

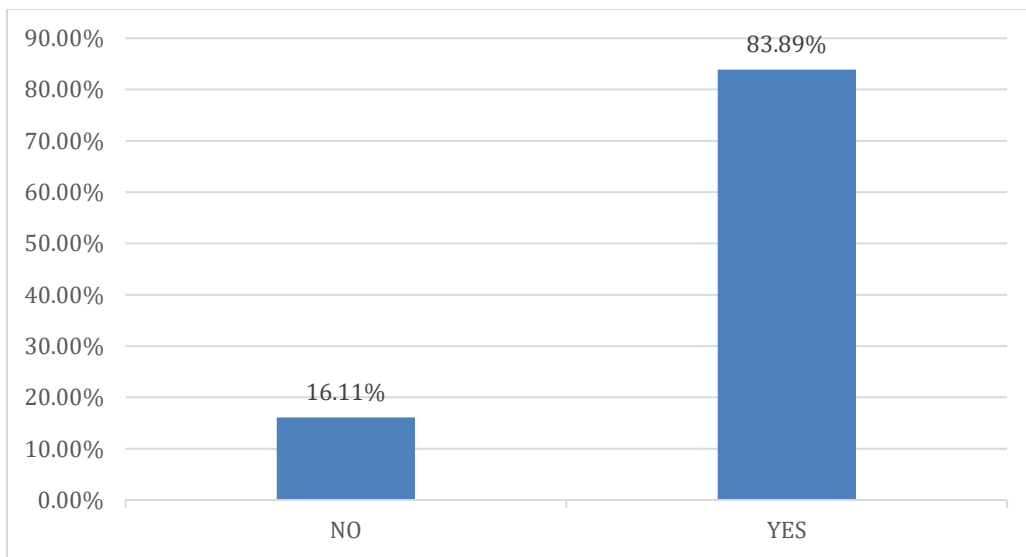


**Public Access to Recordings**

The community was asked whether the public should have access to BWC recordings in cases where officers use deadly force, and if so, how soon should these videos be released? Most survey respondents (84% -- Figure 6) felt that the public should be allowed to see the videos where someone is shot or other

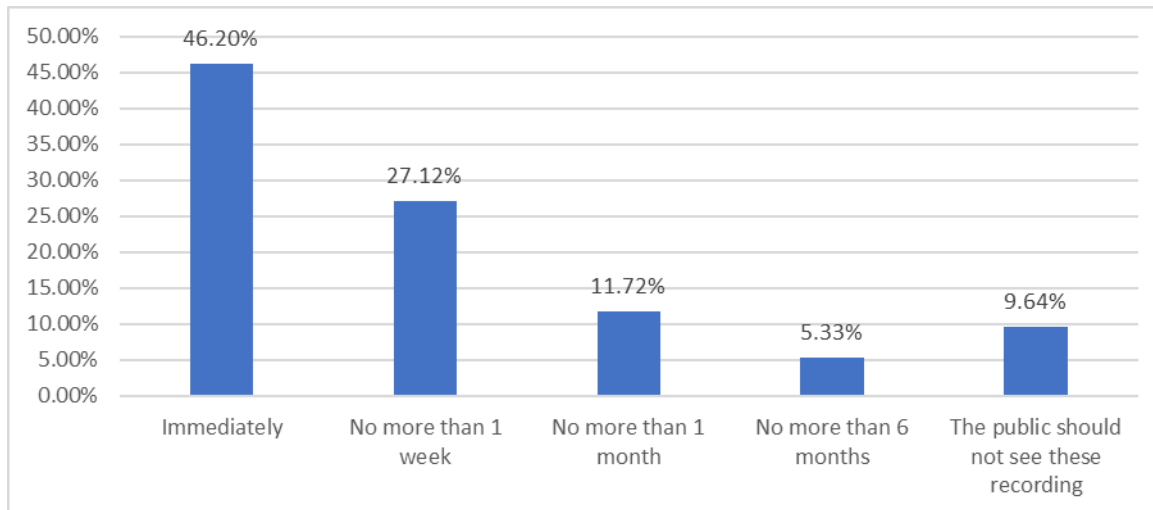
deadly force is used, so long as the faces of community members are blurred to protect their privacy. They also felt that such videos should be released to the public immediately or within one week (73% -- Figure 7) after the District Attorney's office decides that release will not jeopardize a criminal investigation. As the process continues it is important to remember that any policy developed by the City and PPB must also conform with Oregon state legislation related to the release of BWC footage.<sup>9</sup> It will be up to the parties to work out how the policy overlays Oregon law.

**Figure 6. When someone is shot by a PPB officer or other deadly force is used, should the public be allowed to see the video recording if the faces of community members are blurred to protect their privacy?**



<sup>9</sup> [https://oregon.public.law/statutes/ors\\_133.741](https://oregon.public.law/statutes/ors_133.741)

**Figure 7. How quickly should the video from body-worn cameras for deadly force incidents be released to the public after the District Attorney’s office determines that release will not jeopardize a criminal investigation?**

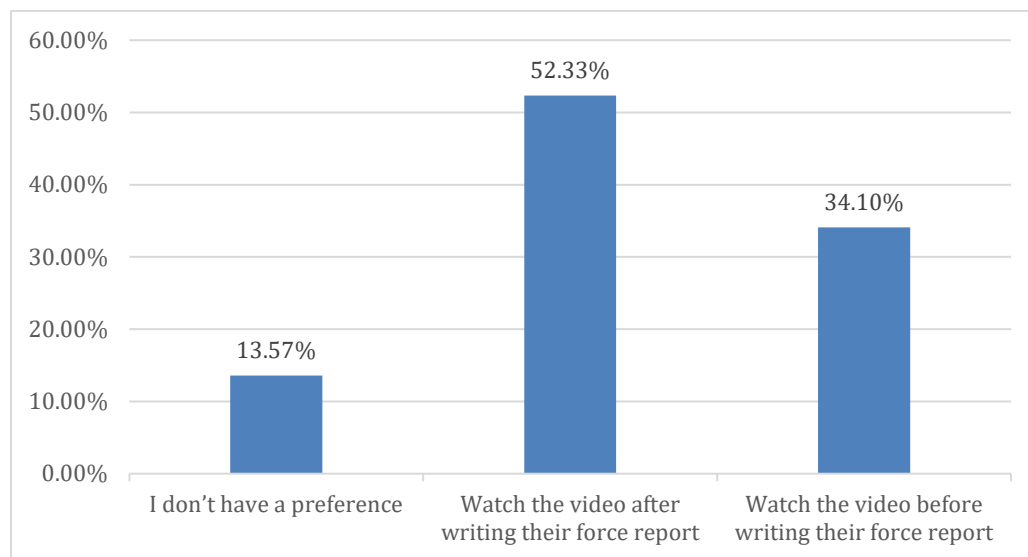


#### Officer Access to BWC Recordings

One of the big issues surrounding BWCs is when should officers be allowed to view the recordings from incidents where they were involved in the use of deadly force. The PPA (the police union) has taken the position that officers should be allowed to review the recordings before they write their force report to ensure accuracy, while the DOJ maintains that officers should wait to see the video until after they have completed their report.

We will elaborate on the reasoning for these positions below, but first the findings as shown in Figure 8: A majority of survey respondents felt that officers should not review the video until after they have written their force report (52%); Another one-third (34%) felt that officers should be allowed to watch the video before writing their force report, while the remaining 14% did not have a preference.

**Figure 8. When officers have used force, should they be allowed to review the video footage before they write their force report, to make sure their report is accurate, OR should they have to wait until after they write their force report to make sure their thinking at the time of the incident is not influenced by the video evidence?**



### **The Graham Standard**

The view of most community members is consistent with the reasoning behind the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 386 (1989) – the standard used by force investigators and courts to evaluate claims of excessive force. The "*Graham* standard" indicates that the officer's decision to use force and the level of force used should be "objectively reasonable" under the "totality of the circumstances." Prior to using force, the officer must assess these circumstances but give special attention to whether the suspect is an immediate threat to the safety of officers or others, the severity of the crime, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Importantly, the *Graham* standard prohibits 20/20 hindsight, meaning that we should not attribute knowledge we have gained after the incident to the officer on the scene, i.e., we should evaluate the use of force based on what the officer knew at the time. In essence, the officer's perceptions of what transpired at that moment, sometimes under very stressful circumstances, should not be influenced by other information that might be gained from a BWC recording or other evidence. After writing up what happened in their force report, the officer might then be allowed to review the recording and prepare a supplemental report if necessary to reconcile any differences between the recorded evidence and the officer's recollection of what transpired at that moment. However, DOJ has maintained that such additional reporting should not be allowed prior to completing all reports and all interviews about the incident.

We acknowledge the union's concern that any discrepancies between the officer's report and the BWC recording could be used to discipline or punish officers. However, unless the discrepancy clearly

indicates that an officer was lying or engaged in other blatant misconduct, COCL recommends that such information be used for coaching and training. Also, officers' perceptions and decisions at that moment can be influenced by the severity of the stress they are experiencing and the speed at which events are occurring. Thus, reporting one's perceptions at that moment, without 20/20 hindsight, can work in the officer's favor, contrary to the position taken by the police union. Again, the *Graham* standard gives significant weight to the officer's perceptions immediately prior to the application of force.

## **Closing Thoughts and Considerations**

This technical assistance report seeks to provide the City and DOJ with the community member's opinions on specific issues concerning body-worn cameras. BWCs will affect both the officers and the community members with whom they interact, and thus both voices should be heard. This is a first look, and we encourage the City and PPB (through PCCEP and other advisory groups) to continue this process of community engagement on this subject. Also, the City should keep Portland residents informed on the progress and challenges faced.

While COCL has repeatedly called upon the City to introduce body-worn cameras (because the benefits outweigh the costs), we also want to emphasize that this is a complex, multi-stage process. The successful implementation of a BWC program requires resources, coordination, and good management of the process. Simply put, the acquisition, implementation, and evaluation of BWCs will require a comprehensive policy, officer training, on-the-job learning, supervision, and accountability. To help create realistic expectations, we caution that full and successful implementation will take time, as we have observed with other agencies. Every city that has introduced BWCs has experienced some challenges along the way. Officers must be trained in how to use the equipment, including activating and deactivating the camera, as well as uploading and labeling the videos.

The COCL also wants to emphasize that BWC recordings, if used properly, can provide a rich database with the potential to improve policing significantly. As PPB and the City move forward with a BWC program it is imperative that they look to the community for continued input and guidance on the ways to keep the safety of communities at the forefront of new policies. COCL offers the following considerations for the City as a BWC vendor is selected and training and policies are constructed for a pilot program:

- Because of the complexity of implementation, we recommend that PPB visit one of the cities that has recently implemented BWCs and is under consent decree to learn from their positive and negative experiences. With this knowledge, some of the potential obstacles can be predicted and prevented.
- The PPB and City should continue to engage with the community, through PCCEP and other advisory groups, about BWCs throughout the life of this development and implementation process. Community members have expressed interest in continued involvement in the construction of a BWC policy and the selection of a BWC vendor.
- We encourage PPB to seek the most advanced BWC technology that can assist officers in using the BWCs properly and help the PPB evaluate the officers' usage. Although COCL was not given

the opportunity to review the Request for Proposals (RFP) prior to its release, we encourage the City to take a futuristic data-analytic stance with this technological investment.

- Relatedly, we recommend that PPB experiment with new software that allows management to view, in real-time, officers' videos and also has the ability to machine-read patterns and trends in BWC video and audio. Unlike humans, computers are able to review thousands of hours of BWC data and quickly discern patterns. Here, we envision a time when PPB supervisors can generate weekly or monthly reports (for individual officers as well as for units, shifts, and precincts) to identify troubling and encouraging patterns of interactions between PPB officers and members of the public. For example, audio software will be able to detect patterns in the tone of voice used (e.g., when someone raises their voice in anger) or the language used (e.g., When someone is swearing, threatening, or intimidating, using demeaning or disrespectful words). The PPB can also use this data to ensure bias-free policing.
- The City will need to consider whether officers should be allowed to review their body-worn camera footage prior to report writing. During the community forum, as well as through the survey, community members expressed their opinions on whether officers should write reports before or after reviewing BWC footage. There seems to be support from the community for both options with most people preferring for officers to write up their initial reports before viewing footage.
- The City should determine who will have access to BWC footage, for what purpose, and who should have the ability to edit the footage to maintain the privacy of victims of certain crimes. The community has expressed an interest in protecting the identity of people who have been victims of sexual assault if officers are required to leave their cameras on during interviews. Certainly, privacy issues would also apply to some other victim groups or recipients of police service.
- The City should develop a process and infrastructure to share BWC footage with the public. While developing the process, there should be a determination of how quickly footage is released to the public and if there is variation based on the type of incident (e.g., an officer-involved shooting) that was captured.
- The City should determine when and how BWCs will be activated. Many members of the community expressed that they did not want police officers to have the discretion to determine when to activate their cameras.
- The City should look to ensure that there is a system in place to monitor the implementation process, including audits and consistent supervision (e.g., some officers will not activate their cameras in a manner consistent with the new policy). At the outset, the City should determine how often the audits will occur and who will regularly review video footage to ensure officers are adhering to public safety standards and policy. These systems should be reflected in PPB's BWC policy and new training for officers.
- The City and PPB should determine what data they will assess, and at what intervals, to measure the effectiveness of the BWC training and policy for achieving constitutional policing.

The Compliance Officer/Community Liaison team will continue to provide technical assistance and compliance reports to the City and PPB as they develop policy and training around BWCs and launch the BWC pilot test. We urge the City and PPB to continue to engage the community throughout this process.



## Appendix A: Survey Recruitment Letter

### Survey about Body-Worn Cameras for Portland Police Officers

Dear Portland Community Member,

As a result of a Settlement Agreement with the U.S. Department of Justice, the Portland City Council has decided to outfit Portland police officers with body-worn cameras to record their interactions with community members. However, they want to hear from the community before implementing this technology.

At the request of the City, the Compliance Officer/Community Liaison (COCL) is conducting a brief survey of Portland residents to capture their opinions about how best to implement body-worn cameras in Portland. Thus, we are asking you to please take 5 minutes to complete a short survey on this topic.

Please follow this link to the survey:

[Take the Survey](#)

Or copy and paste the URL below into your internet browser:

[https://rosenbaumassociates.qualtrics.com/jfe/form/SV\\_eJM9B0weTYzf3Tw](https://rosenbaumassociates.qualtrics.com/jfe/form/SV_eJM9B0weTYzf3Tw)

Please complete the survey by January 31<sup>st</sup>. Thank you for taking a few minutes to help make Portland a safer place to live and work and helping to improve the services of the Portland Police Bureau.

Sincerely,

Dennis P. Rosenbaum, Ph.D.

Compliance Officer and Community Liaison (COCL)

Portland Police Settlement Agreement

President, Rosenbaum & Associates, LLP

[rosenbaumandassociatesllp@gmail.com](mailto:rosenbaumandassociatesllp@gmail.com)

Appendix B: Flier for the Community Forum January 23, 2022  
COCL/PCCEP Body-worn Camera forum



# Body Worn Cameras Community Forum

*Hosted by the Compliance Officer/Community Liaison (COCL)  
and the Portland Committee on Community Engaged Policing  
(PCCEP)*

**The City would like to hear from the community before  
implementing this technology. This forum has been  
organized to gather input from community in order to offer  
guidance on crafting a body-worn camera policy**

**Sunday, January 23, 2022**

**from 6:00-8:00p**

**Via Zoom:**

**[https://us02web.zoom.u  
s/j/87065273646](https://us02web.zoom.us/j/87065273646)**

**YouTube livestream:**

**<https://youtu.be/JyrbrN4s-UQ>**

**Interpreters & Captioning  
available**



## Appendix C: Feedback from the January 23, 2022, COCL/PCCEP Body-worn Camera Forum

The following charts capture the participants' comments/concerns, questions, and recommendations related to the Portland Police Bureau's future implementation of a body-worn camera program and the associated policy. The feedback below are direct quotes and have only been edited for spelling and clarity, when necessary. Those adjustments are within brackets ([ ]). The feedback has been de-identified.

Comments and Concerns
When you allow the officer to review it [BWC footage] beforehand, it allows for the officer to change their "memory." We are in a position where a large group of people in the city of Portland do not trust what the police say/do. This is a trust issue. (In regard to pre-review).
Almost every major police agency in the country allows officers to review their BWC footage whenever they need to. Why should it be any different here??
PPB has also been found to destroy evidence. Here is a recent story: <a href="https://www.oregonlive.com/crime/2021/10/lawyers-for-portland-developer-terry-bean-cite-alleged-misconduct-by-lead-detective-urge-dismissal-of-sex-abuse-charges.html">https://www.oregonlive.com/crime/2021/10/lawyers-for-portland-developer-terry-bean-cite-alleged-misconduct-by-lead-detective-urge-dismissal-of-sex-abuse-charges.html</a>
Also, 82% of officers do not live in Portland and Portland community voices should be louder than police who choose to live outside our city. Citizens pay taxes and live here.
Being a 'sworn police officer' does not give a person access to a transcendent form of consciousness. Police officers are Homo Sapiens and are subject to the forces of behavioral causality. The purpose of creating a system that isolates an officer's subjective reasons for their behavior, before they can review them, is that our society as a whole needs to observe the patterns of law enforcement behavior in order to determine what practices are genuinely beneficial to society as a whole. This has to be done with neutrality and critical interpretation. There is no reason why [an] officer's behavior should be assumed to be anything other than primate behavior. Being a higher Primate mammal is intrinsic to what we are as a species, and that is what the behavior is, regardless of semantics or ideology...
If you want to know what is in the officer's mind, ask them. The camera cannot read minds.

It's not just what's on the officer's mind. It's subconscious behavioral triggering and bias. All kind of behavior that officers don't even readily admit or know that they engage in. That kind be made clearer when an officer's version of their actions is lined up with what can be seen on video.

Many taxpayers have supported the request for BWC by PPB for years. We are baffled it hasn't happened sooner. So, the remedial measure seems to kill 2 birds with 1 stone so to speak to bring us into the 21st century.

In our contract with one of these groups, can we make sure that they do not control the footage... also, I would feel uncomfortable if the officer whose camera it was or his other close officers, be allowed to preview the footage.

Having attorneys involved in writing the specifications for this [body worn cameras] is a mistake. Hasn't heard anything about gathering knowledge from other cities that have this [body-worn cameras] which is a mistake.

What I am trying to get an understanding of is this: that the police will have a chance to look at the BWC after they write their report? What, how does that work? We have been trying to find ways not to hurt feeling that is not going to happen. When people have got into trouble, we have no problem putting up everything they done wrong. How is this fair to the ones who get done wrong by PPD? I get what has been going on in the past two years as a black man in Portland I have been living this for over 20 years. When are we Going to start being honest with what is going on with the black community and PPD in Portland!!!!

Contracts/procurement - You don't always get all of the truth and sometimes people over promise and underdeliver. Requirement that PPB retain rights only - make sure the companies can actually do the things requested. Hire a computer person to review the RFPs specifically the cloud program to store the videos.

Whatever the policy is regarding the cameras, usage, storage - the whole point is to help the community, not the police... so policy must include what happens when it appears a police officer has violated PPB directives or abused power.

Research into other cities - every agency in Oregon allows for pre-review, most of the largest agencies allow for pre review of footage.

Just because they allow it elsewhere doesn't mean it should be allowed here [as it relates to developing standards within the PPB BWC policy].

If the footage doesn't match what's on the officer's mind, then we've observed a discrepancy. That is great. We can Observe all of the discrepancies of all of our officers, and we can start to address the fact that there are discrepancies. We can acknowledge that officer behavior might not be what we expect it to be, and it becomes much easier to find leverage points for changes to officer training and education that might help them interact with citizens with more control of their own decisions and rationalizations. Just admitting that officers don't write reports or think objectively at all, will go a long way toward acknowledging the kind of training and education we should be expecting of public safety officers.

Hard pass on pre-review, for the record.

Best practice [related to BWC policy] doesn't always mean that it's fair and just practice.

Those police agencies that allowed pre-review are notorious for criminal behavior of police, not best practices, but corruption, extortion, etc.

Just because many people do it does NOT mean that it is the best practice for NYC, let alone Portland... it just means that is the current policy...

Peer Review (not to be confused with Pre-Review) would be most appropriate in this RFP/BWC procurement process. Peer review is when a qualified external 3rd party opines on the subject matter being discussed/debated by other stakeholders.

No other individual or gang of criminals guilty of assault and battery, extortion, murder, rape, theft, harassment, terrorism, etc. gets to see all the evidence before making a report, and no other gang of trained cold-blooded serial and mass murder has access to tamper with, destroy, control, etc. evidence.

I'm not convinced the circumstances here are terribly unique. Surely there are some good pre-review policies that we can emulate and not spend too much time reinventing the wheel.

This goes back to what the purpose of body worn cameras should be. Is it to improve reporting and help officers defend their truth, or is it to offer a tool for the public to hold officers accountable for misconduct? For me, it's the latter.

It's fine if officers want to review footage AFTER they write their initial report, and then they can add a supplement. But 100% not before.

Why did we start using BWC's across the nation in the first place? Because Cops lie. And we needed a way to hold them accountable. BWC's need to be a public good- most especially due to the fact the PPB have been found to repeatedly abuse their power.

This policy won't matter if it doesn't have the community's support. That's why we have to get it right. It's uncomfortable to disagree but if we don't work through this, it will all be futile.

Not only do cops lie and tamper with and create false and destroy evidence, and extort and terrorize/threaten witnesses, etc., and not only do they keep cameras from catching and sharing info to make cops accountable, without accountability, BWC have been a false promise that did not prevent crimes by cops, did not reduce force, did not replace racism/ableism etc. and did not improve respectful protection of civilian rights.

There are privacy/4th amendment concerns with BWC but also, police cannot be allowed to turn off the camera - most importantly, it's not the tool but it is HOW it is used. And how it can be manipulated.

I believe we should give officers all the tools they need to do their jobs and that includes pre-review and reviewing footage whenever they need to

All the tools in the world won't change the systemic issues.

If pre-review is allowed in the BWC policy for PPB (that has a penchant for violating the constitutional rights and bodily autonomy of Portlanders) then the police will be trusted even less.

The police union and people for Portland want body cams. That's all you need to know about how it will help with accountability. little to none.

Repeatedly I've seen in person or on videos Portland police facing outward to the crowd, blocking journalists' ability to film police brutality, and had the cops worn cameras facing front, those cameras would never have been able to record videos or stills of the police beating, kicking, stabbing, jabbing, slamming the head on the concrete or pavement, etc. But had they worn cameras on their shoulders, chest, or helmets, those cameras would have recorded the civilians trying to save lives, protect the public, prevent or stop the crimes by cops, etc. Cops can also wear raincoats, scarves, have facemasks etc. block cameras on shoulders or chests. BWC can also be blocked by the cop's other arm or shield or weapon. Repeatedly I see cops use flashing lights, smoke, teargas, their own bodies, etc. to prevent cameras from being able to detect or record cops being violent and violating laws and policies. Repeatedly I hear my friends tell of how cops and DAs prevented their crime victims from seeing evidence.

I can't have full trust in a system that has been so deceiving in the past. BWC is a step towards rebuilding that trust.

it sounds like the PPA believes the primary benefit for pre-review of body camera footage is to ensure cleaner, less confusing reporting. This doesn't seem to provide any benefit in terms of improving civil rights outcomes. On the other hand, preventing pre-review of footage gives us data (comparison of perception vs actual) which allows us to improve civil rights outcomes over time. We can use real, concrete data to identify opportunities to improve police training to reduce issues due to missed perceptions. Beyond the question of data, we can also remove the opportunity for an officer to alter their report based on something they see after the fact. Both of these could result in improvements in civil rights outcomes. What am I missing? Is there a reason why footage pre-review helps us to improve civil rights outcomes (i.e., reduce violations by police)?

Honest cops have nothing to worry about from a policy that requires them to write a first draft before they watch the video. Honest people are wrong all the time. But requiring them to do so will help us catch dishonest cops and will help us all have more confidence in the average officer.

The city attorney and IPR and other safeguards are not acting as safeguards. Most of us agree to the benefits the DOJ stated today, but the missing risks here are real and uncontested. - The police released personal info of many people. We have enough uncontested evidence that the police do not follow the rule of law, and the city attorney does not remedy that the police have repeated and ongoing violations of the rule of law. There need to be transparent, documented, audited and independent safeguards outside of the city as to who can access the material. Cops and supervisors will capture video with personal devices when they are allowed to "randomly" view video or review in non-random situations.

After the weapon is drawn is way too late to start recording.

I support no pre-review. The officer's perspective is important for understanding their state of mind in use of force reports, and as we have all seen, video evidence can taint that. There doesn't necessarily need to be a gotcha moment, as long as the officer is acting in and reporting in good faith.

Back to BOEC for a moment, it's important to consider data retention and security rules, and if there are radically different systems, that will create technical and bureaucratic problems. If BOEC policies/practices need to be beefed up to align with the needs of BWC footage storage, so be it.

### Questions

*(Answers to these questions are not listed here because often multiple responses were provided from different individuals. Thus, these questions are presented here as voices being expressed by community members about BWCs)*

When does the 120-day clock [for the city to “discharge its collective bargaining obligations as to BWCs] start? Has it already [started]?

[Officers] memory gets tainted by what they see on camera? Do you mean corrected? Why not let a report be accurate?

Does the City Attorney’s Office represent the City or citizens?

Why would you not want the police to see what was on camera so they can write an accurate report rather than for memory which you seem to acknowledge is less full fidelity? You come across as more interested in ‘getting’ cops than doing the right thing.

Has there been any consideration for the implementation of IoT/Digital Tools to assist officers with rapid police reporting, that could use tags, etc. to raise eyebrows on critical events to supervisors? It seems there could be an extensive range of options on how to successfully use this data if adopting business type tools.

Why does the union get to negotiate on body cameras? Isn’t it under the permissive category

Why does every other agency get to have body cams and we wouldn't? And why has it taken over 12 years to get cameras?

Can you speak about the Level 1 - 4 Reporting timeframe that was discussed at the PCCEP Settlement Agreement & Policy (SAP) Subcommittee, various requirements depending on the incident?

Can you let us what areas of a body worn camera policy will need to be negotiated?

Will there be an order for cameras before the bargaining has been completed? Would be detrimental to get the cameras before the policy is developed.

Will the City commit to developing the policy before entering into a contract to purchase body worn cameras? We don't want to be in a position where PPB says the policy has to be done a certain way based on the purchase contract and the specifics of the technology purchased.



What are some of the qualifications/requirements that they are looking for in BWCs?
I still don't understand why the union gets to negotiate on BWCs?
Is the PPA the only amicus in the case?
How will the use and compliance of Body Worn Cameras be regulated by the City of Portland, and what division will be responsible for compliance and how will the directive be sustained?
Are the rules similar for neighboring agencies that have BWC?
Are there any other groups that have "stakeholder" (advanced or otherwise) status in this case? I Find it interesting how much the City/PPB/PPA all seem to be happy to control the narrative as a group.
Can the City include the community when selecting the BWC vendor through the RFP process? And will the City include the community when selecting the BWC vendor through the RFP process? Does the City have a CIO or Cybersecurity Team? Will there be a single (one) or more than one of the BWC Technology? Will the City use multiple Technology business companies that will service the Body Worn Cameras to reduce any inequities? How many of the vendor businesses will be Small/Minority/Women Owned and/or have an equitable workforce?
Will there be a single (one) or more than one of the BWC Technology?
Will the City use multiple Technology business companies that will service the Body Worn Cameras to reduce any inequities?
Can someone lay out a tentative timeline on crafting the policy and rolling out the cameras?
If the BWC footage doesn't match what was on the officer's mind, then what?
We're obviously not the first doing this, and likely our policy will be very close to another city's working model. Are there any cities that we're looking to emulate, or other outside city officials that we are working closely with to hammer out this policy?
Is there a budget for these 600+ BWC's? What is the criteria for selection [of a BWC contractor]?

Have the community members been selected for the BWC RFP process? If so, who have been selected? If not, how can community members apply for the process?

And no attorneys will play gotcha [related to potential discrepancies between an officer's report and BWC footage]?

How can you ensure that [the footage won't be used as a "gotcha"]? That seems to be the intent by some who regularly sue the police.

Earlier it was stated that 636 BWC's are needed and I'm curious to know where that number came from? How many officers are patrolling during individual shifts?

What about leverage points [of outfitting officers with BWCs] for changing behavior of criminal offenders? We seem to forget that cops aren't the only players.

Police union's goal is to protect the employees/officers often at the expense of the community. This is something that the police will have the opportunity to review before they make their statement, but the community does not get that same opportunity. How do we center the community in the process of implementing body cams and not be dominated by the powerful police unions? Police departments have pre-review because of their strength and not because it is best for the community.

Best practice does not mean a list of who's who. Measurement, data, compliance, and assessment is also necessary too. BWC is still fairly [new]. How will the use and compliance of Body Worn Cameras be regulated by the City of Portland, and what division will be responsible for compliance and how will the directive be sustained?

If someone is using objectively reasonable force (information at the time, and not what they learned afterward) how is pre-review different than the destruction of evidence? How do you have a record of the fourth amendment?

As on the street cops will have to execute these policies, why are they not involved in crafting policies that are actually workable and deliver the desired results?

Will all videos be available for public records request? is there projected cost for records due to review and redaction? Will all that cost be on the requester?

Is there any way that the equipment or technology misuse can be used to harm personal Civil and Human Rights, be breached, or hacked, unsafe or cause harm to children or minors, or those with a disability and unable to discern any awareness of their own civil and human rights and the rights of others? Will the City Attorney outline the penalties, if any, for any violations to any Civil and Human Rights of the community?

There's a 'leak' lawsuit. Is there risk of that happening with BWCs?

How do we make sure the police aren't misusing the technology? - it is worth noting that PPB has had 2 high-profile incidents of releasing information to go after political opponents. We need to have robust protections on when PPB will have access to this sensitive information.

Is there a state agency that could handle all the state's law enforcement video?

We need so many safeguards around this information [BWC footage]. DOJ needs to have many more meetings like this to talk about the issues around police actions as it comes to private information. There is another can of worms that open up with video from BWCs.

Can that buffering be longer? Can the data "in the buffer" for the day be hacked? [In relation to BWCs having a 30 second buffering period prior to activation.]

Is the process for arriving at a policy going to look at the privacy rules around BOEC calls? I don't know whether those policies are good or bad, but we've seen PPB deliberately violate privacy recently. It seems those policies should align to a certain extent, though video and voice obviously have different considerations.

Can we ask that 1 day of recording is locked down prior to the weapon being drawn by officer? What was the state of mind for the officer that day? Storage now is very cheap. When a gun is drawn, we should have the ability to see 2 days of footage locked in.

Looking at this from a community safety and police accountability perspective, it's probably not controversial to say that there are some police officers who should not be on the force. Are there any Case Studies from other cities that we can look at (on our own time) where police body camera footage was instrumental in leading to the permanent dismissal (i.e., not appealed by the police union and then reinstated) of a police officer due to misconduct that was captured on the body cam?

## Recommendations and Considerations

This video becomes cloud hosted data and susceptible to security and privacy issues. For contracts of this size and type, the client (City) should have a voice in the further development of the procured equipment.

I think that we should make sure to have more than one meeting to discuss this before moving forward... and I feel that it is important to have a long and thoughtful process rather than just jumping in... and I agree with "fellow participant" as far as BIPOC (others as well) having an important part in that process, as well as other communities affected by this issue.

It seems we could easily develop a process to record the 'event,' have the officer draft their report without a pre-review, allow them to then review the video footage and then use a 'report correction form' if the office would like to make any report modifications. Wouldn't this be fair?

I'd encourage 1) including defense attorneys in the policy development process, as we will be consumers of huge quantities of video, and 2) adopting a policy requiring the use of cameras during all parts of an officer's performance of their duties and mandating discipline for failures to do so. Some of our neighbors (e.g., Gresham PD) allow officers to record what they want, and not record what they don't, which means that we frequently receive hours of video on a case where key moments - say the search of a defendant's car - are omitted. This makes BWC a tool for police to achieve their goals but makes them more or less useless as tools for accountability.

I don't want a cop to decide whether or when to activate or de-activate recordings. I don't allow robbers in a convenience store to decide whether or when to turn on the store surveillance camera. If we have cameras, I want the cameras to not be controlled by cops who have a vested interest in preventing evidence of their wrongdoing.

Body-worn cameras can be a tool for accountability or a criminal investigative tool, but it is arguable that they cannot truly be both. If the community's highest priority is accountability, then the policy should reflect that. Footage and camera operation should not be controlled by the police.

There is value in the difference between the footage and the report. Maybe we express that there is an expectation that there will be a difference and that it is positive - will be used to improve the quality of the outcomes in the future. Make this clear to the police. Yes, there may be discipline but make sure there are clear parameters around what it will require for it to be discipline worthy.

People with mental illnesses need to feel safe in calling the police. That is what this conversation is about. Police buy in is important however the constitution is important and pre-review doesn't make sense. There should be a report and then maybe a supplemental report after. Footage should be available if there is a complaint. Doesn't understand why it is an issue for supervisors and trainers to review the footage. If we want to be able to measure if BWCs are working, then the cameras should be on at all times except in very few instances. Should turn on when officers are dispatched or self-dispatch and only turn off at the conclusion of the call.

What are the payoffs/costs and are they worth the benefits? One of the main questions is when do officers turn the cameras on/off and do they have control of this? Having the cams on all the time would give us the most information but that would be extremely expensive. Would also be costly to have them record every single call from start to finish. The amount of money being spent needs to be weighed against what we get from it. We don't want it to be fully discretionary - that would likely defeat the purpose. Officers should not be able to pre-review - maybe they could review after making their initial report. Axon has a bad history - we should avoid them.

On a typical call when a weapon is involved - how many officers typically arrive on scene? If multiple officers arrive on scene, then why can't some take notes while others turn on their cameras. There needs to be a co-responsibility of turning the cameras on. We need oversight of each other - we need to start there. Why can't we make this a paired effect, or a percentage of responders need to turn on their cameras?

Gresham [OR] has a policy that allows officers to use BWCs but does not require them. Has found that there is often footage to advance the department's perspective. Must remove discretion from officers to utilize the BWCs. It must be outside of an officer's discretion on when to use them.