

Portland Police Bureau's Body Worn Camera Project

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Definitions

- BWC – Body Worn Camera
- DOJ – Department of Justice
- RFP – Request for Proposal
- CAD – Computer Aided Dispatch



Background

- 2013 – A survey of 500 police agencies found less than 25% used BWCs
- 2014 – President Obama voiced support for BWCs and the DOJ provided \$23.2M in grants for agencies to pilot the systems following the shooting of Michael Brown in Ferguson, MO
 - Washington DC, New York City, and Los Angeles began pilot programs
- 2015 – A survey found 88% of Americans supported police use of BWCs
- 2016 - 2018 – Some local level surveys looking at a variety of effects from BWC; conflicting results, more studies needed
- PPB began looking at BWCs in 2014
 - Community Forums and on-line feedback 2015
 - City of Portland FY2016-17 Adopted Budget package provided funding (5 FTEs, \$834K one-time, \$1.6M on-going)



Why now?

- State of Oregon Legislation since 2015
 - ORS 133.741 – Video Cameras Worn by Law Enforcement Officers
 - ORS 133.731 – Public Records Exceptions
 - ORS 181A.250 – No Information Gathering
 - ORS 165.540 – Recording Notification
- Advantages to not going first
 - Many articles and studies available to help us define our policy
 - Standard specifications for equipment
 - Lessons Learned
 - Best Practices and Key Trends
 - Recommendations
- Local agencies using BWCs: Beaverton, PSU, OSP, Hillsboro, WCSO



Goals for BWC:

- To strengthen Community Trust and Relationships
- Promote Officer Safety, while safeguarding the rights and privacy of community members and employees
- Transparency and Accountability
- Enhance complaint resolution and improve quality and reliability of investigations and criminal prosecution
- Improve training
- Research Partner – The bureau will use an outside research partner to help us develop performance measures and evaluate the impacts and outcomes of the investment into this technology



Timeline

- Jan – May 19: Policy discussions / Community Engagement
 - Follow-up after the pilot and full implementation
- 30 Jan 19: City Council Report
 - Follow-up after the pilot and full implementation
- 25 Feb – 5 Apr 19: RFP posted
- 20 – 24 May 19: Vendor demos
- 24 Jun – 13 Dec 19: Pilot test (top 2 vendors)
- 3 Jan 20: Final selection
- 23 Mar – 9 Oct 20: Full implementation



Policy: Where to Start?

- Reviewed policies of other agencies giving special attention to those agencies under a DOJ consent decree
 - Baltimore, Albuquerque, Oakland, New Orleans, Seattle, Newark, Cleveland, Ferguson, East Haven, and Chicago
- We looked at:
 - Similarities
 - Differences
 - Trends





Retention and Release *

- **Oregon Laws:**

- Minimum 180 days retention on recordings; maximum depends on statute of limitations for the crime
 - Prior to videos being released publically, faces of all persons (including officers) must be blurred and unidentifiable
 - Videos can only be released publically when it is in public interest
- Timing of video release depends on Grand Jury (for critical incidents)





Notification *

- **Oregon Law:** The officer has an opportunity to announce at the beginning of the interaction that the conversation is being obtained: and the announcement can be accomplished without causing jeopardy to the officer or any other person and without unreasonably impairing a criminal investigation
- **Majority:** Requires notification, at the earliest and safest opportunity
- **Outliers:**
 - **East Haven:** Not required to notify when in use, if asked must inform
 - **Albuquerque:** Recommended but not required





Mandatory Activation *

- **Oregon Law:** be set to record continuously, beginning when the officer develops reasonable suspicion or probable cause to believe a crime or violation has occurred, is occurring or will occur and the officer begins to make contact with the person suspected of committing the offense
- **Majority:** activate at the beginning of an incident (a call for service or a self initiated activity), continue recording until the event has concluded

- Includes but is not limited to:

Traffic Stops
Searches
Arrests
Field interviews

Domestic violence calls
Any encounter that turns confrontational
Operation of emergency vehicle
Custodial transports



Mandatory Activation (cont.)

- **Outliers:**

- **Albuquerque:** Includes DWI, not complying with officer's commands, and appearing to pose threat to self or others
- **Oakland:** Assessment or evaluation for psychiatric detention
- **New Orleans:** Advisement of Miranda rights
- **Newark:** Car/vehicle inspection, motor vehicle safety checkpoint, aiding motorist or pedestrian
- **Cleveland:** Citations or accident scenes where video can help document
- **Ferguson:** Suspicious vehicles, seizure of evidence
- **East Haven:** resolve or prevent a dispute, self-initiated calls where LE action can reasonably be anticipated, motorist assists



Discretionary Activation

- **Majority:** situations not itemized in the policy, asks the officer to record when they believe the recording would be appropriate for documenting valuable information on the incident, and at the direction of a higher ranked member.
- **Outliers:**
 - **Oakland:** When the suspect is not on scene, guard assignments at Police, Medical, Psychiatric, Jail, or detention facilities
 - **Seattle:** Natural death scenes, death notifications, cultural or religious objections, or when it would impede or limit the cooperation of a victim or witness





Prohibited Activation *

- **Oregon Law:** provides exceptions based on reasonable privacy concerns, exigent circumstances or safety of officers and other persons. Recordings are only for legitimate LE purposes.
- **Majority:** reasonable expectation of privacy such as private residences, restrooms, locker rooms, hospitals/treatment facilities, non-duty related personal activities, interactions with confidential informants, and private conversations and administrative activities among department personnel
- **Outliers:**
 - **Baltimore:** sexual assault victim interviews, strip searches, court proceedings, within 500 feet of bomb threat scene
 - **Albuquerque:** DWI checkpoints
 - **Newark:** on break, when engaged in police union business, disciplinary proceedings
 - **Cleveland:** entertainment venues that may have prohibitions against recording event or facility



Deactivation

- **Majority:** at the full conclusion of the event or encounter or incident, member has left the scene and anticipates no further involvement in the event, has completed transport of a civilian or arrestee. Often times, a higher ranking member can authorize deactivation
- **Outliers:**
 - **New Orleans:** If an officer believes it would impede or limit the cooperation of victim or witness during investigative contact, must get permission from a supervisor
 - **Seattle:** Must state on the recording why they are stopping
 - **Newark:** Where the member is actively engaged in collection of physical evidence



Temporary Deactivation in Specific Circumstances

- **Majority:** none, but if deactivated state why on camera and document reason in report
- **Outliers:**
 - **Oakland:** between individuals giving statements, so that each statements are individual file captures
 - **Seattle:** If a person with legal standing denies permission to record in a private residence where no crime is in progress
 - **Newark:** When requested by a community member where it reasonably appears that the person will not provide information or otherwise cooperate





Officer Review

- **Majority:** Review for critical incidents varies; most allow officers to view recordings for routine report writing to assist in quality and accuracy in their reports
 - **Baltimore / Albuquerque:** do not address critical incidents directly, however they do state review is allowed prior to investigatory interviews
 - **Oakland:** Once interviewed, investigator will show member their video and audio and they are given an opportunity to provide a supplemental statement
 - **New Orleans:** Are permitted to review their own BWC prior to providing a recorded statement or completing reports
 - **Cleveland:** Agency reserves the right to limit or restrict based on the circumstances surrounding the incident
 - **Ferguson:** Officers shall not be questioned about critical incidents before being given an opportunity review the recordings, including use of force or accident causing injuries



Supervisor Review

- **Majority:** For misconduct complaint investigations and resolution and compliance with policies
- **Outliers:**
 - **Baltimore:** Restricted from viewing without cause
 - **New Orleans:** Shall not be used to conduct administrative investigations without approval of Superintendent
 - **East Haven:** Supervisors shall review all recordings of incident involving injuries to prisoner or an officer, uses of force, vehicle pursuits, or misconduct complaints
 - **Ferguson:** For the purpose of training, performance review, critique, early intervention inquiries, civil claims, and administrative inquiry





Use During Public Demonstrations *

- **Oregon Law:** No LE agency may collect or maintain information about the political, religious, or social views, associations or activities of any individual group, association, organization, cooperation, business or partnership *unless* such information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct
- **Majority:** varies
 - **Oakland:** During crowd control, protest or mass arrest incidents and when directed by the Incident Commander
 - **Seattle:** No, unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor
 - **Newark:** where the member may be required to employ constructive authority or force
 - **Ferguson:** No, unless reasonable suspicion that criminal activity is occurring or will occur



Follow-up

- Web page
 - Meeting minutes
 - On-line feedback
 - Timeline
 - RFP
- Email list
- Additional comments – online feedback
- <https://www.portlandoregon.gov/police/78485>

