

**Police Accountability Commission
Sub-Committee on Access to Information
11-28-2022
Meeting Summary**

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Attendance

Commission Members					
Name	Present	Absent	Name	Present	Absent
Angie	X		Obinna	X	
Dan	X		Seemab	X	
Monica	X		Tirsa	X	

Support Staff	
Name	Name
Victoria Lara (Facilitator)	Sameer Kanal
Ayomide Nikzi (Facilitator)	Austin Foster
	Miniya Ali

Agenda

1. Call to Order
 - A. Logistical Announcements
 - B. Land Acknowledgment
 - C. Community Agreements
 - D. PAC Timeline
 - E. Review of today's meeting purpose
2. Introductions
3. Review
 - A. Sub-Committee Mandate

- B. Charter 2-10 Sections Related to Access to Information
 - C. Council Resolutions 37527 and 37548
 - D. Agenda and Scope
 - E. Sub-Committee Timeline
 - F. How this Sub-Committee Relates to other PAC Powers and Duties
Phase Sub-Committees
4. Round-Robin Discussion: Who would we want to hear from / be briefed by?
 5. Discussions:
 - A. What are other factors or assumptions to consider in this process?
 - B. What sections of the PAC's Fact-Finding Phase documents are relevant to this process?
 6. Next Steps
 - A. Drafting Groups / Tasks for Next Meeting
 - B. Sub-Committee Co-Chair Process
 7. Public Comment (15 minutes)
 8. Conclusion
 - A. Garden Plot Recap
 - B. Thank you and adjournment

Reference Documents

[PAC 11-28-2022 Meeting Slides](#)

[PAC 11-28-2022 Advance Public Comment](#)

[REFERENCE ONLY: Portland City Charter Section 2-10](#)

[REFERENCE ONLY: City Council Resolution 37527, Exhibit A](#)

[REFERENCE ONLY: City Council Resolution 37548, Exhibit A](#)

[REFERENCE ONLY: PAC Agenda and Scope \(09-15-2022\)](#)

[REFERENCE ONLY: Powers and Duties Phase Sub-Committee One-Pagers \(10-27-2022\)](#)

[REFERENCE ONLY: Charter Commission Areas of Agreement Example #1](#)

[REFERENCE ONLY: Charter Commission Areas of Agreement Example #2](#)

Notes

3. Review (timestamp 0:14:30)

A. Sub-Committee Mandate

- The Sub-Committee mandate is a one-page document laying out what the sub-committees do
- Sub committee must create the areas of agreement on access to information

B. Charter 2-10 Sections Related to Access to Information

- Approved by voters on November 2020
- Board must have authority to exercise independent judgment per section 2-1007

C. Council Resolutions 37527 and 37548

- **37527** – This resolution doesn't have much guidance to what this sub-committee needs to develop, as it focuses more on how the Commission operates than what the Commission needs to define of how the Oversight Board will operate (including its level of access to information)
- **37548** – This resolution defines the Scope of Work of the Commission, including its required tasks, and some of those focus on Access to Information. These include:
 - Definitions – Independent judgment and non-interference
 - Sub-Committee must create an explicit definition of how the new Community Police Oversight Board will function in the area of access to information, including at least subpoena power, access to police records, and compelling testimony

D. Agenda and Scope

- Under the "Establishing Powers and Duties Phase," the

Commission assigned itself the task of determining “how the Board can receive and compel testimony,” “Access to records and data within state and federal law, including subpoena power and access to police records.”

A. Sub-Committee Timeline

- Roughly four meetings to achieve referring the document to the full commission to review adapt and approve
- The next meetings will be held Dec. 12th and 29th

B. How this Sub-Committee Relates to other PAC Powers and Duties

Phase Sub-Committees

- Both of the other two sub-committees are creating proposals for parts of the new oversight system that will rely on access of information to be able to function. Those other sub-committees will be assuming that this sub-committee will develop a proposal that ensures that level of information access.
- Sub-Committee co-chairs, as well as commissioners who are apart of multiple sub-committees, can cross pollinate information between them

1. Round-Robin Discussion: Who would we want to hear from / be briefed by?

(timestamp 0:30:00)

- Commissioners suggest being briefed by CRC again to discuss barriers around accessing records
- Commissioners suggest bringing in someone who works in information and technology in the city, to ensure safe, encrypted and secure information to the new board.
- Commissioner discuss bringing in legal counsel to discuss the issue

of compelling testimony

- Commissioner tentatively suggest the office of Community Technology
- Commissioners suggest labor attorney who is not associated with the city, as well as IPR
- Commissioners mention that body cameras could potentially fall into the scope of work and suggest inviting a body camera expert
- Commissioners suggest getting access to prior records
- Commissioners suggest inviting police association attorney

2. Discussions (timestamp 0:56:03):

A. What are other factors or assumptions to consider in this process?

- The oversight body must make sure the information is secure; board must have ability to protect private information
- Commissioners
- Commission discusses the protection of information potentially also applying to officers – what is their level of access to information? Staff noted that this might fall

B. What sections of the PAC's Fact-Finding Phase documents are relevant to this process?

- Commissioners suggest the experts document as well as the jurisdiction document created by the PAC

3. Next Steps

A. Drafting Groups / Tasks for Next Meeting (timestamp 1:29:56)

Commissioners volunteer to research body cameras, compelling powers, police records and compelling testimony:

- Seemab - Police Records or compelling testimony
- Dan - Compelling Testimony

- Obi - Police records and/or compelling testimony
- Tirsa - Subpoena powers
- Angie and Monica - Data and Body Cameras

B. Sub-Committee Co-Chair Process (timestamp 1:40:30)

4. Public Comment (15 minutes) (timestamp 1:38:53)

No public comment was given during this meeting.

Garden Plot Recap (timestamp 1:41:34)

- Limitations posed by city and state law
- Collective bargaining
- More information on IT and multisystem sharing
- Other three potential entities that might need access (Complainant, officer and public) and whether each should be discussed by this sub-committee or another sub-committee (or another phase of work)
- Potential for involvement in 2025 collective bargaining agreement

Zoom Chat

19:04:59 From CSD Support Staff 1 : As of 7:04 PM, 6 members of the sub-committee are present and 0 are absent. The sub-committee has 6 total members and therefore 4 are required for quorum.

There are currently 4 people in the audience.

19:05:01 From CSD Support Staff 1 : Members of the public can find all the meeting materials for today's meeting on the PAC website at:

<https://www.portland.gov/police-accountability/events/2022/11/28/pac-sub-committee-access-information>

19:10:39 From CSD Support Staff 1 : Note: The "Sub-Committee on Individual Accountability" has been renamed to the "Sub-Committee on Officer Accountability."

19:35:24 From CSD Support Staff 1 to Hosts and panelists : Co-Chair Obi is correct, it is two separate systems in most situations.

20:20:07 From dan handelmann he/him : others are Portland barriers #2 and Jurisdictions section Y

20:31:37 From dan handelmann he/him :

<https://www.portland.gov/sites/default/files/2022/city-of-portland-collective->

bargaining-agreement-with-portland-police-association-2021-2025.pdf

20:34:43 From CSD Support Staff 1 : That notice is in 61.2.2.4

20:35:18 From CSD Support Staff 1 : Not the overall Garrity notice, the notice that it's separate and for noncriminal purposes

20:35:32 From Obi Ugwu-Oju : Thanks for sending the link. I think 61.9 discusses the Police Review Board as well.

20:45:14 From CSD Support Staff 1 : Access to records

Compelling testimony

Subpoena power

20:45:31 From CSD Support Staff 1 : Also data, body camera footage

20:45:49 From dan handelman he/him : This is a companion document from the Auditor ^^

20:46:01 From Angie Tomlinson to Hosts and panelists : I can help with data gathering.

20:46:18 From Tirsa (She /her) : I can work on subpoena power

20:47:07 From Monica Arce (she/her/ella) : I don't know much about this but I would love to look into body cameras- and what this may look like, what it looks like in other places, etc since we are not doing this yet...

20:48:04 From dan handelman he/him : I can work on compelling testimony (but think it may be something we need briefing on first)

20:48:09 From Seemab Hussaini (he/him) to Hosts and panelists : I can help w/ Compelling testimonies/Police Records

20:49:18 From CSD Support Staff 1 : Volunteers:

Seemab - Police Records

Dan - Compelling Testimony

Obi - Police records and/or compelling testimony

Tirsa - Subpoena powers

Angie and Monica - Data and Body Cameras

20:49:39 From CSD Support Staff 1 : From the charter:

Section 2-1009 Severability.

For the purpose of determining constitutionality, every section, subsection and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

20:49:44 From Monica Arce (she/her/ella) : Angie, do you want to split data

and body cameras?

20:50:07 From Tirsa (She /her) : Would a good starting point be looking at what is currently being done or not done in Portland with the four points mentioned above?

20:51:17 From CSD Support Staff 1 : Volunteers:

Seemab - Police Records or compelling testimony

Dan - Compelling Testimony

Obi - Police records and/or compelling testimony

Tirsa - Subpoena powers

Angie and Monica - Data and Body Cameras

20:51:44 From CSD Support Staff 1 to Hosts and panelists : We can also send out more information via email on the requested task for two weeks from now, informed by today's discussion

20:54:43 From dan handelman he/him : REMINDER: Cochair question is on the agenda to

20:58:18 From dan handelman he/him : 2025 or earlier

Zoom Q&A and Responses

No Q&A was submitted during this meeting.

Advance Public Comment

Monday, November 21, 2022 4:41:52 PM

Q1

What is your name?

Beth Wilson

Q4

Are you submitting comments on behalf of an organization?

No

Q6

Public comment:

To clarify: there seems to be virtually no police accountability currently. We need to redefine what the police union can do and block before any real accountability can happen. Suggestions for when it does: 1. Body cameras. If you are on duty for 6 hrs, you must come back with 6 hrs of recording. Non negotiable. 2. Quarterly mandatory random drug testing not to include cannabis. 3. A creation of an app where citizens can easily file a complaint about an officer. This app would not be for egregious misconduct, but for the every day disrespect intimidation and harassment people encounter when dealing with PPB. 10 complaints and an officer

has to go through de escalation, racial profiling training. If an officer has to do the training more than 3 times, loses their badge. Just like any other business 4. Background checks on all current and incoming PPB. Any association with any hate group refers them unqualified to serve. I could go on, but all of this seems really obvious. What NEEDS TO CHANGE is the unions unilateral ability to protect the most dangerous thugs in Portland.

Meeting Webpage and Recording

PAC Meeting Webpage: <https://www.portland.gov/police-accountability/events/2022/11/28/pac-sub-committee-access-information>

Meeting Video: <https://www.youtube.com/watch?v=vwrcVjIDQKk>