

**CANBY CITY COUNCIL
WORK SESSION MINUTES
July 15, 2020**

Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor’s Executive Order regarding social distancing.

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Trygve Berge, Tim Dale, Greg Parker, Sarah Spoon, and Shawn Varwig.

COUNCIL ABSENT: Traci Hensley

STAFF PRESENT: Amanda Zeiber, Interim City Administrator; Joseph Lindsay, City Attorney; Police Chief Bret Smith, Lieutenant Jorge Tro, Lieutenant Jose Gonzalez; and Melissa Bisset, City Recorder.

OTHERS PRESENT: None.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 6:05 p.m.

DISCUSSION REGARDING POLICE DEPARTMENT POLICIES

Bret Smith, Police Chief, reviewed the document “75 Things White People Can Do for Racial Justice.” On the list were outfitting all police officers with body cameras and police de-escalation training. Another document was “#cantwait” that recommended banning chokeholds and strangleholds, requiring de-escalation, requiring warning before shooting, requiring a police officer exhaust all alternatives before shooting, requiring a duty for a police officer to intervene, banning shooting at moving vehicles, requiring the use of force continuum, and requiring comprehensive reporting. He explained the six police accountability legislative bills which were all created under an emergency clause meaning that they became law as soon as they were signed by the Governor. These included SB 1604 arbitration reform and disciplinary matrix, HB 4201 establish a Joint Committee on Transparent Policing and use of force reform, HB 4203 police chokehold ban, HB 4205 police officers duty to intervene and report misconduct, HB 4207 establish a public statewide online database of suspensions and revocations of certifications of police officers, and HB 4208 prohibit law enforcement agencies from using tear gas or long range acoustic devices or sound cannons for purposes of crowd control except in circumstances constituting the crime of riot. He then discussed the Canby Police Department General

Orders/Policies document and how they had included the recent changes in the department's rules and regulations and how many of them were already being done as standard conduct.

Jorge Tro, Police Lieutenant, discussed use of force reporting and accountability. If there was a use of force incident reported, all of the officers involved were required to write a report, all the witnesses were interviewed, and a supervisor reviewed all of the reports and filled out a separate use of force incident report which went to command staff. The command staff reviewed all of the reports and wrote a summary and a yearly report. Any deadly physical force used against someone was reported and submitted to Oregon DOJ and there were federal use of force requirements. Anytime there was a death due to an officer's use of force or a serious bodily injury or discharge of a firearm, reports had to go to the FBI. There were also policies and procedures that prohibited profiling and any complaint about profiling was investigated thoroughly and the complaint had to be submitted to the Law Enforcement Contact Policy and Data Review Committee for their review. If an officer was involved in a death or serious injury to a suspect in Canby, it was investigated by the Interagency Clackamas County Major Crime Team as well as all of the other reporting. He shared the Statistical Transparency of Policing data which showed the discretionary traffic and pedestrian stops made by officers. The analysis was from July 1, 2019 to June 30, 2020. There were 2,379 self-initiated stops by officers. The information was broken down by race and gender as well as the number of arrests and searches. The percentages were indicative of Canby's population.

Jose Gonzalez, Police Lieutenant, discussed Internal Affairs investigations and the complaints that came in from citizens. He reviewed all of the complaints and contacted citizens about the resolutions to their complaints. He also reviewed any of the reports that came in for violations of policy. He helped find remedies for the police officer so the action would not happen again in the future. All complaints were logged in a database and filed so if there was a third party audit they could review all of the documents. He also had to notify the District Attorney's office if there was a complaint of bias and the officer had to testify so they would know whether they could use the officer as a witness. There were mandates in place for officers to report if they saw another officer behaving inappropriately. They voluntarily reported any use of force to the FBI monthly, which was ahead of the game of most departments in the state.

Chief Smith said they had addressed and complied with all of the #8cantwait recommendations with a few exceptions such as shooting at a moving vehicle as a deadly force standard. They gave warnings as soon as practical. The only one that was not met was the body cameras, but they were moving in that direction. All of the cars had cameras in them for traffic stops. In the ten years he had been in Canby there had been two use of force complaints and four or five treatment complaints, none of which were substantiated.

Mayor Hodson asked how often the policies were reviewed. Lieutenant Tro said for any legislative or case law change that came through, their policies were changed accordingly. The ones that did not come up were reviewed every three years. An auditor also reviewed the policies

to make sure they were current and in compliance. For accreditation they had to have proof that they were following the policies. An Oregon DOJ attorney also came out to explain the changes to the law once per year.

Mayor Hodson asked in what areas they might be falling short. Chief Smith said if there was a new policy change, it might take time to adapt. One of the things they needed to do was create a disciplinary matrix which was a new state requirement that they had not had time to do yet.

Councilor Spoon asked if there were policies about job candidates who were leaving a position in the middle of an investigation or who had an investigation in the past. Chief Smith said they had a requirement to ask for that type of information from the agency that candidates were coming from. They would know about it before anyone was hired. The candidates were also asked that question during interviews and if they were currently under investigation they were not considered for the job until the investigation was complete.

Councilor Dale asked about body camera recordings being public record even inside of a private residence. Lieutenant Tro said there were challenges with the body cameras, and editing to blur out juveniles would be one as well as when to record and when not since it was a public record.

Councilor Parker asked if any of these policies and laws alone would have prevented the abuse that happened in West Linn. Chief Smith did not have the details on that incident. They were trying to hire the right people with the right motives and provide good training and supervision for the department.

Councilor Parker would like advice on what the Council could do to prevent abuses like that in a police force. He thought it could be a conversation as a team as they tried to work together to reach that goal.

Councilor Berge thought the presentation was excellent. He thought the department was providing good leadership and were ahead of the curve.

The meeting adjourned at 6:52 p.m.



Melissa Bisset, CMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

