

Ross Caldwell, Director of The City of Portland Independent Police Review.

1. For access to CJIS, if you have a criminal background, you are denied access. Citizen advisory committees may want someone with lived experience. How would this play out if they can't pass the CJIS clearance? *This would be best answered by OSP. However, this bill does not remove the requirement that people have to pass background checks, gets CJIS clearance etc., so any civilian oversight of law enforcement body would still have to meet all of those requirements. This would include individual people that worked at or volunteered for those organizations.*
2. How do they ensure that persons who are not supposed to have access won't have access? How can they ensure data security and prevention of wrongful dissemination? *OSP is the gatekeeper here and they would be best able to give details but same answer as above.*
3. Are "civilian" and "community" boards different? I am curious about the definition of "civilian oversight agency or review body." *I think the key part of the definition in the bill is "designated by a municipality or law enforcement agency." There are a lot of different models for oversight systems and there will probably be more created in the near future so it would be a challenging thing to define in statute. A municipality could designate whoever they want as an oversight body (employees or volunteers) but those people would have to pass CJIS clearance and meet the requirements OSP has in place for LEDS, pass ongoing audits etc. in order to get/keep access.*
4. How many bodies will get access to LEDS with this bill? It seems broad. What other bodies might get access? *Right now there are only two in Oregon that I know of, one in Portland and one in Eugene, and they would have to work with OSP to meet requirements in order to get access. I have heard that there is a desire to create more but I don't know how likely that is or how many.*

Note from Amie and Legislative Counsel: To add to the answer for question 3, the terms "local community oversight board" and "civilian oversight agency or review body" are not defined in the bill, but the key portion is "designated by a municipality or law enforcement agency" since (as Ross stated) this may look different in each jurisdiction. That said, we think that a "local community oversight board" would constitute a "civilian oversight agency or review body" (the broader term) and as a result would have access to LEDS.

For SB 621, from Heidi Brown, City Attorney for City of Portland

Under SB 204, it sounds like "civilian" oversight agencies already exist and this bill would give them access to LEDS, because they were unable to perform their oversight this summer in Portland without it. But all the testimony in SB 621 indicated that Portland was unable to set up a "community" oversight board that the voters approved.

Why is there uncertainty in setting up the community oversight board?

ANSWER: *There is disagreement between the City of Portland and police union about the City's and the voters' authority to even allow for a community police oversight board. SB621 provides certainty;*

without it, the worst case scenario is that the Employment Relations Board would determine that the voters were not allowed to consider a measure that establishes a local community police oversight board. If this occurs, then it may be up to an arbitrator to decide whether to stand up the community oversight board.

Are "civilian" and "community" boards different? I am curious about the definition of "civilian oversight agency or review body."

ANSWER: The reference to "civilian" vs "community" are interchangeable, and the remaining language in the bill provides the context of the board or agency. These were drafted to provide flexibility to different jurisdictions to meet their individual and specific needs, rather than dictating one approach for all. For example, in SB 621, the community oversight board is created to oversee disciplinary matters concerning law enforcement officers, and SB 204A references civilian oversight agencies and review bodies that are designated by municipalities or law enforcement agencies, so if a municipality or law enforcement agency designates an agency as a civilian oversight agency to oversee disciplinary matters relating to law enforcement, then it could readily be the same board.

Additional follow up from City of Portland:

SB 204-A is about direct access to police reports for police oversight bodies. An oversight body would rarely if ever need access to an actual LEDS terminal or to the LEDS system itself. Rather, oversight bodies need access to documents like police reports that contain LEDS information. SB 204-A is necessary for oversight bodies to review police reports without having to make a public records request from the law enforcement agency they review. This is what happens now. Additionally, the law enforcement agency then has to go through police reports and redact LEDS information that the oversight body is not approved to see. This bill will save those time and resource consuming steps. LEDS information is protected for good reason and any access to this would be controlled by the user agreement between the oversight body and Oregon State Police and the oversight body would be subject to all of those safeguards and restrictions.