Oregon HIDTA Program Partnership Agreement
Portland Interdiction Team

HIDTA – Initiative Partnership Agreement

June 30th, 2005

This Partnership Agreement is between the Oregon HIDTA Executive Board, the Oregon State Police, and the Portland Police Bureau as lead agency for the Portland Interdiction Team.

1. References

A. Anti-Drug Abuse Act of 1988
B. The President's 1999 National Drug Control Strategy
C. The President's 2002 National Drug Control Strategy
D. ONDCP Performance Measures of Effectiveness (PMEs)
E. Government Performance and Results Act of 1993 (GPRA)
F. HIDTA Developmental Standards
G. HIDTA Program Guidance, 2001
H. HIDTA Financial and Administrative Guidelines, 1997
I. General Counter-Drug Intelligence Plan, 2000
J. http://www.whitehousedrugpolicy.gov/enforce/hidta.html

2. Definitions

A. ONDCP - Office of National Drug Control Policy
B. PMEs - Performance Measures of Effectiveness
C. GPRA - Government Performance and Results Act
D. GCIP - General Counter-Drug Intelligence Plan, 2000
E. ISC - HIDTA Intelligence and Investigative Support Center
F. LEA - Law Enforcement Agency
G. DOJ – Oregon Department Of Justice
H. OCIU – Oregon Criminal Intelligence Unit (DOJ)
I. OMB - Office of Management and Budget (federal)
J. PI/PE - Purchase of Information, Purchase of Evidence

3. Introduction - Background

In June 1999, the Director of the ONDCP designated three Oregon counties as High Intensity Drug Trafficking Areas. These counties are Deschutes, Jackson, and Marion. In October 2002, the Director of the ONDCP designated four additional Oregon counties as High Intensity Drug Trafficking Areas. These counties are Clackamas, Douglas, Multnomah, and Washington.

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Introduction - Background (continued)

When a county is designated as a High Intensity Drug Trafficking Area (HIDTA), it becomes eligible for federal financial assistance to be used to fund law enforcement counter-drug trafficking initiatives. **These funds do not require state or local matching funds however, HIDTA funds must be used to enhance counter-drug efforts, not supplant or replace current funding for counter-drug efforts.**

The HIDTA Program provides assistance to federal, state, and local agencies in accordance with the President's current National Drug Control Strategy (NDCS).

Oregon HIDTA funds may only be used for enforcement initiatives per ONDCP. Prevention and Treatment funds are accessed through other ONDCP federal funding sources.

Additionally, HIDTAs strengthen America's drug control efforts by forging partnerships among local, state, and federal law enforcement agencies to facilitate cooperative investigations, information/intelligence sharing, and joint operations.

The HIDTA Program functions as a coordination umbrella for local, state, and federal law enforcement agencies in those designated areas to combine resources and efforts in order to reduce drug trafficking, distribution, and illegal drug use. With a balanced partnership approach, the HIDTA's produce a regional drug threat assessment, develop a strategy to address the threat, and build initiatives to implement the strategy.

Federal funds appropriated to the HIDTA Program assist multiple law enforcement agencies, aligned with a HIDTA, that have documented a need and have committed personnel and other resources to mutual drug control efforts.

This financial assistance is provided for support of:

Collocated/Commingled HIDTA multi-agency teams made up of representatives from local, state and federal law enforcement agencies, who disrupt and dismantle drug trafficking and money laundering organizations. HIDTA financial support is only for team investigations with a nexus (link) to the HIDTA County.

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Collocated/Commingled HIDTA Investigative Support Centers with joint local, state, and federal participation that provide full-service analytical support for the HIDTA initiatives. Participating agencies have access to information in local, state, and federal databases, case analysis, and other support services.

HIDTAs are encouraged to create partnerships and/or seek relationships and leverage resources with other program and funding sources such as OCDETF, COPS, Asset Forfeiture, Byrne Grant, Drug Free Communities, and various state and local programs. This will provide for maximum use of law enforcement funds and provides a holistic delivery of leveraged services in the HIDTA areas, where appropriate.

4. Purpose

The purpose of this Partnership Agreement is to memorialize the agreement regarding operational and program requirements and partnership expectations between the Portland Interdiction Team and the Oregon HIDTA Executive Board and ONDCP.

The Portland Interdiction Team includes, but is not limited to the following federal, state, and local law enforcement agencies: Portland Police Bureau, Oregon State Police, and U.S. Drug Enforcement Administration.

This Agreement is also made for the purpose of securing to the participating federal, state, and local law enforcement agencies the benefits of mutual assistance in addressing common problems with a goal specifically related to the enforcement of federal and state drug laws. The participating state and local law enforcement agencies enter into this agreement under the authority of and in consideration of the provisions of ORS 190.003 to 190.110.

5. Duration

This Partnership Agreement will enter into full force and effect as to each participating agency upon the signature of that agency's chief executive, or designee, and will continue in effect until terminated. This Partnership Agreement may be modified by mutual consent of the parties hereto at any time prior to its termination.

6. Termination of Agreement

Any party may withdraw from this Partnership Agreement at any time by giving 30 days prior written notice to the other parties of its intent to withdraw from the Partnership Agreement. Upon withdrawal or termination of this agreement, each Law Enforcement Agency (LEA) will deliver acquired HIDTA equipment to Portland Police Bureau as lead agency for the Portland Interdiction Team for disposition amongst the active HIDTA participating agencies. If acquired property cannot be physically returned due to permanency of installation, the property will still be managed and accounted for per the most current HIDTA Program Guidelines.

7. Agency Liability

For purposes of this partnership it is understood that each participating agency is responsible for liability issues resulting from the actions of its own officers and employees.

The participating federal agencies acknowledge that the United States is liable for the negligent or wrongful acts or omissions of its agents and employees, while acting within the scope of their federal employment to the extent permitted by the Federal Tort Claims Act.

Each participating agency is responsible to provide workers' compensation coverage for its own employees.

To the extent permitted by Article XI, Sections 7 and 9 of the Oregon Constitution and by the Oregon Tort Claims Act, and subject to the Anti deficiency Act, 31 U.S.C. §§1341 et seq., and the Adequacy of Appropriations Act, 41 U.S.C. § 11, and the availability of relevant Federal funds, the parties shall defend, save, hold harmless and indemnify each other party and such parties' officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever arising from, arising out of, or relating to activities of the indemnifying party or its officers, employees, subcontractors or agents under this Agreement.

8. Program Guidance

The Office of National Drug Control Policy (ONDCP) has established program guidance. These guidelines will be followed by all HIDTA participating agencies. The most current year guidelines published will always prevail for direction.

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9. ONDCP/Oregon HIDTA Executive Board/ Portland Police Bureau as lead agency for the Portland Interdiction Team

The Office of National Drug Control Policy (ONDCP) establishes minimum administrative and operational guidelines for the HIDTA Program nationwide.

It is agreed by all signatories to this agreement that the ONDCP is the first level of administrative and operational oversight for the HIDTA Program and will always prevail.

The second level of administrative and operational oversight is the Oregon HIDTA Executive Board composed of federal, state, and local law enforcement executives.

It is agreed by all signatories to this agreement that the Executive Board is the Oregon HIDTA administrative and operational oversight body with authority to (but not limited to) approve HIDTA budgets, establish HIDTA sub-committees, sign Memorandum's of Understanding or Partnership Agreements, make policy, and execute the responsibilities defined in the Oregon HIDTA Executive Committee Bylaws and/or the ONDCP/National HIDTA Program Guidelines.

The third level of administrative and operational oversight is the Portland Police Bureau as lead agency for the Portland Interdiction Team. It is agreed by all signatories that the administrative and operational oversight is an on-going joint responsibility to ensure program efficiency and effectiveness in meeting the program goals and complying with HIDTA Program Guidelines.

10. Day-to-Day Grant Administration

The Oregon HIDTA Program has established an Administrative Support Unit and hired an Executive Director to manage the day-to-day administrative business. The Administrative Unit does not have a management or administrative roll in counter-drug law enforcement actions or operations. This unit will provide administrative support to approved initiatives in order to minimize the administrative workload on field operations and interpret HIDTA Program Guidelines associated with utilizing HIDTA funds. This Unit also serves as the primary HIDTA grant administrative point of contact for HIDTA participating agencies.

11. Day-to-Day Initiative Management

Portland Police Bureau as lead agency for the Portland Interdiction Team manages operations for this initiative on a day-to-day basis and is the primary point of contact in Multnomah County for the initiative participating agencies regarding operational and tactical issues.

12. Unity of Effort

HIDTAs strengthen Amercia's drug control efforts by forging partnerships among federal, state, and local law enforcement agencies to facilitate information/intelligence sharing, cooperative investigations, and joint operations related to reducing drug trafficking. The HIDTA Program functions as a coordination umbrella for federal, state, and local law enforcement agencies.

It is agreed that the Portland Interdiction Team will be composed of full-time local/state, and federal law enforcement participants (officers, investigators, prosecutors, supervisors, and support staff, etc.) including representation from the local prosecutor's office and/or the United States Attorney's Office.

HIDTA funded initiatives are expected to provide enforcement services to multiple counties including counties surrounding the HIDTA area and elsewhere in the state **if a nexus exists with the HIDTA area investigation.** The HIDTA funded prosecutors, supervisors, assigned HIDTA analysts, and team investigators are expected to determine the existence of links to investigations by the HIDTA area enforcement initiative with other counties, or jurisdictions, which will provide the basis for filing federal and/or state cases arising out of those investigations.

13. Threat Assessments

It is the responsibility of the Oregon HIDTA Intelligence and Investigative Support Center (ISC) to complete and forward the annual Drug Threat Assessment to ONDCP for each HIDTA County.

It is the responsibility of the Portland Interdiction Team to assist the ISC staff with the preparation of the Drug Threat Assessment by tracking and reporting pertinent data and providing operational statistics.

14. Counter Drug Trafficking Strategy

It is the responsibility of the Oregon HIDTA Executive Board to complete and forward the annual Strategy Report to ONDCP for each HIDTA County.

It is the responsibility of the Portland Interdiction Team to assist the Executive Board with the preparation of the Counter Drug Trafficking Strategy by developing and implementing budget initiatives that respond to the identified drug threats.

15. Budget Initiatives

Budget Initiatives must be prepared to clearly describe how HIDTA funds are intended to implement the counter-drug strategy and to address the identified drug threat in the HIDTA county. Expected, measurable, outputs and outcomes must be articulated. Each approved initiative will be evaluated each year based upon effectiveness and impact. Each year's initiative applications must include complete program descriptions and justifications. They must stand on their own and not rely upon prior years justifications.

To comply with the PME and GPRA requirements, ONDCP requires all funded HIDTAs to measure and report their performance towards achieving PME and GPRA performance targets.

It is the responsibility of the ISC and Administrative Unit to assist and facilitate the participating agencies in the development and implementation of budget initiatives.

It is the responsibility of Portland Interdiction Team to review the Drug Threat Assessment for their HIDTA county and then to develop, propose, and implement budget initiatives with specifically identified Performance Measures of Effectiveness (PMEs and GPRAs) (Outputs and Outcomes).

Initiatives should focus on high-value drug trafficking targets and financial infrastructure which is directly related to the identified drug threat and associated counter-drug strategy.

It is also the responsibility of Portland Interdiction Team with the assistance of the ISC, to track and report on initiative Performance Measures of Effectiveness (outputs and outcomes).

The Budget Initiative format provided by ONDCP will be followed in preparing Budget Initiatives.

Budget Initiatives must be approved by both the Oregon HIDTA Executive Board and by ONDCP each year.

16. Annual Report

It is the responsibility of the Oregon HIDTA Executive Board to prepare and submit an annual report on the Oregon HIDTA Program each year in compliance with ONDCP format and timelines.

This report will articulate the progress of the HIDTA Program based upon Performance Measures of Effectiveness and GPRA requirements.

It is understood that the collection of data for this report will require assistance from Portland Interdiction Team.

17. Compliance with Agency Regulations

The utilization of HIDTA funds must comply with all regulations and policies of the agency receiving the HIDTA funds. No exemptions to established agency policies may be made unilaterally by HIDTA participants. In a few cases, such as travel and PI/PE expenditures, state and/or federal guidelines may be more restrictive than local agency policies. In this case, the state/or federal guidelines must be followed.

The Portland Police Bureau as lead agency for the Portland Interdiction Team, requesting HIDTA funds, must coordinate the funding of their portions of joint initiatives with their headquarters budgetary and programmatic offices, the Portland Interdiction Team participating agencies, and Oregon HIDTA Program Office.

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18. Supplanting

It is understood by all parties to this Partnership Agreement that HIDTA funds are **"Value Added"** funds and shall not supplant (displace or back-fill) agency budgets or budget deficits.

19. Equipment/Property Inventory

Each HIDTA shall establish and maintain a central inventory tracking system of HIDTA-purchased equipment/property. The HIDTA is required to maintain a central inventory list and accountability of HIDTA-purchased equipment/property, which includes ensuring that the items are used in HIDTA initiatives. The system may incorporate the tracking system of the purchasing agency if the system has adequate inventory system controls to track and account for this equipment/property. The design of the system must include the following:

1. Each HIDTA must establish and maintain a central inventory list of HIDTA-purchased equipment/property. The inventory list must account for all property, equipment, vehicles, and other items valued at $500 or more at the time of purchase.

   This central inventory list of HIDTA-purchased equipment/property that is maintained by the HIDTA shall include property records with (1) a description of the property; (2) a serial number or other identification number; (3) the source of property (vendor); (4) who holds title (purchasing agency); (5) the acquisition date and the cost of the property (from invoice); (6) the location, use and condition of the property; and (7) any ultimate disposition data including the date of disposal and sale price of the property.

   Tracking software licenses purchased with HIDTA funds in order to keep software systems up-to-date is also the responsibility of the controlling agency/entity or the HIDTA. Software licenses under $500 are classified as supplies and software licenses over $500 must be tracked and inventoried by the controlling agency/entity as HIDTA designated property.

2. The HIDTA must ensure that the agency/entity controlling the HIDTA-purchased property, equipment, etc. has an adequate inventory system to track and account for the HIDTA-funded property/equipment. If the agency/entity does not have an adequate system or cannot account for the property/equipment purchased on behalf of the HIDTA, then the HIDTA must establish such a system.

3. Inventory tracking controls must include, at a minimum, the ability to (1) conduct a physical inventory every two years; (2) identify HIDTA-funded equipment/property; (3) track the location and use of the equipment/property; and (4) ensure HIDTA designated equipment/property is assigned to HIDTA initiatives.

4. All HIDTA purchased equipment/property must be identifiable as HIDTA designated equipment/property, either through a serial number, agency inventory number, or a HIDTA inventory number.

5. All equipment/property must be managed in a manner that provides maximum flexibility and availability to all HIDTA initiatives. When equipment/property or services are purchased with HIDTA funds by one agency for use by a different agency, the HIDTA shall maintain documentation identifying the agency using the resources. HIDTA inventories, whether tracked at the controlling agency(s) or the HIDTA, must be kept current and be made available upon request for review by the ONDCP/NHPO. The HIDTA must be able to provide a complete and detailed list of equipment/property, per initiative, for its internal reviews, audits, ONDCP/NHPO on-site reviews, and other requirements.

6. Accountability and use of HIDTA funded equipment/property is the shared responsibility of HIDTA management and purchasing agency.

7. HIDTAs will develop procedures for managing equipment/property (including replacement equipment/property) and shall include the following:

   A. A physical inventory of the property taken, and the results reconciled with the property records every two years. The most recent inventory, along with all supporting documentation, will be retained for review purposes.

   B. A control system developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Records of investigations pertaining to any loss, damage, or theft shall be maintained.

   C. Development of adequate maintenance procedures to keep the property in good condition.

   D. Proper sales procedure to ensure the highest possible return, if the grantee is authorized to sell the property.

E. When acquiring replacement equipment/property, the grantee may use the equipment/property to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency (ONDCP).

8. The HIDTA must maintain a specific procedure to determine when the equipment/property purchased with HIDTA funds is no longer of use to the HIDTA. Once the HIDTA determines that a piece of equipment/property purchased with HIDTA funds is no longer of use to the HIDTA or if the equipment/property is outdated, damaged, lost, or stolen, the equipment/property should be disposed of/processed in accordance with the purchasing agency's policies and procedures. Disposition of the equipment/property must be maintained in the inventory and documentation maintained in HIDTA files, as equipment/property purchased with HIDTA funds is considered HIDTA designated equipment/property.

20. Overtime

Authorized Uses:

HIDTA funded overtime must be in support of HIDTA designated investigations and conform to limitations established by the Department of Justice. Use of HIDTA overtime funding is strictly limited to HIDTA-related law enforcement activities and non-administrative case support.

HIDTA overtime compensation is authorized only if the participant is eligible for such compensation by his/her parent agency.

Unauthorized Uses:

Unauthorized uses of HIDTA funded overtime include support of the following activities: training, financial management, treatment, and drug demand reduction/prevention, non-investigative related administration.

Federal agency personnel may not receive HIDTA funded overtime with the exception of uniformed federal agents (e.g. uniformed U.S. Border Patrol, U.S. Customs Service, and U.S. Forest Service) personnel involved in specific joint drug interdiction operations.

Overtime Cap:

HIDTA funding of overtime for individual state and local agency personnel must not exceed the current equivalent to 25 percent of the federal GS-10 step 1 level (for law enforcement personnel, referenced under the federal General Schedule pay scale for Law Enforcement Officers (rest of U.S.), and for non-law enforcement personnel, referenced under the General Schedule (rest of U.S.). This overtime limit may be lowered if required by respective agency regulations.

The annual overtime cap amount must be based on the federal pay scale in effect at the beginning of the parent agency fiscal year.

HIDTA funded overtime is comprised of the agency's gross hourly overtime pay rate (for the individual) multiplied by the hours of overtime worked. The period over which an individual's accumulated overtime is measured should be the fiscal year of the individual's parent agency (to facilitate tracking by the parent agency accounting system).

Administrative Responsibilities:

The parent agency of the participant receiving HIDTA funded overtime is responsible to ensure the aforementioned limits are not exceeded, that the overtime is for HIDTA-related investigations, and that the participant does not receive overtime compensation from another funding source for the same hours worked.

HIDTA Directors and Executive Boards, as part of their internal review process, must ensure that HIDTA funded overtime is in support of HIDTA investigations and participating agency personnel are not exceeding the aforementioned limits.

Exceeding the limit or any misuse of HIDTA overtime funds may require repayment to ONDCP per the terms of the state and local agency Cooperative Agreements, federal Memorandums of Agreement, and applicable federal OMB Circulars.

21. Audits and Review

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Each year the Oregon HIDTA Program is subject to both announced and unannounced audits and reviews by the Oregon HIDTA Executive Board or designee, and/or the National HIDTA Office. Law enforcement personnel with appropriate security clearance will conduct these program audits. It is expected that Portland Interdiction Team will assist and cooperate with audit efforts and requirements.

22. Unallowable Expenses

OMB Circular A-87 and 21CFR1403 contain federal regulations governing the expenditure of federal funds. In addition to the disallowable items listed in OMB Circular A-87 Attachment B, and in furthering the specific statutory mission of the HIDTA program, the following items may not be submitted as budget expenses to be purchased with HIDTA funding:

- Clothing
- Food and beverage items
- Personal hygiene or medication items
- Professional association or bar dues
- Promotional or representational items (e.g., hats, pins, T-shirts, or other memorabilia)
- Gifts
- Real property
- Travel that does not clearly benefit the HIDTA Program
- Weapons, ammunition, and holsters
- Standard issue departmental-type raid/tactical gear
- Fuel, repair and maintenance for vehicles, aircraft, and watercraft purchased, leased, or otherwise acquired by federal agencies

23. Vehicles

1. Administration

   i. HIDTA funded vehicles must only be used for official HIDTA-related business.

   ii. Operators of HIDTA funded vehicles must not violate applicable vehicle regulations of the agency holding title or otherwise providing the vehicle.

iii. Agencies holding title or otherwise providing HIDTA funded vehicles must comply with OMB regulations pertaining to program-funded assets. Accordingly, in cases where vehicle operators or agencies no longer participate in the HIDTA program, HIDTA funded vehicles assigned to the operator or agency must be made available to other HIDTA initiatives and agencies.

iv. Individual assignment of specific vehicles may only be made for Directors, Deputy Directors, and state and local law enforcement personnel on 24-hour recall status, provided that all are working full-time in a HIDTA initiative. Otherwise, vehicle assignments must be made on an *ad hoc* basis.

v. In all cases, either the agency or initiative utilizing HIDTA funded vehicles must document vehicle assignment and usage in support of HIDTA counter-drug activities. It is the responsibility of the Executive Board and Director to ensure the proper assignment and use of HIDTA-funded vehicles.

vi. Executive Boards will assure that appropriate insurance is maintained on all HIDTA-funded vehicles.

2. Limitations

i. HIDTA funds shall not supplant agency budgets or budget deficits. For example, it is strictly prohibited to utilize HIDTA funding for vehicles and vehicle related expenditures, such as fuel, repair and maintenance, when funds for such items are provided for in the budgets of the respective agencies.

ii. HIDTA funds may not be used to purchase or lease vehicles, air or watercraft for assignment to federal agency personnel. This does not apply to HIDTA Directors or Deputy Directors who are employed by a federal agency.

iii. HIDTA funds may not be used for fuel, repair and maintenance for vehicles purchased, leased, or otherwise acquired by federal agencies.

24. PI/PE

HIDTA funds used for PI/PE must comply with all regulations and policies of the agency receiving the HIDTA funds. A complete audit trail with supporting documentation must be a part of the agency policies and procedures. This audit trail should include documentation of informant's identity and a record of and proof of payments.

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25. Reprogramming

Grant funds can only be used as budgeted in the initiative description unless they have been reprogrammed. The HIDTA office must approve all reprogramming of funds between line items prior to expenditure. HIDTAs that do not adhere to the following ONDCP guidelines on reprogramming may lose all reprogramming authority. Executive Committees will establish a procedure for reviewing all reprogramming activity. Reprogramming refers to changes in the ONDCP approved budget of any single initiative, even if that initiative's budget shares the same grant number with different initiatives. **All reprogramming requests must be submitted (through the Oregon HIDTA Office) to ONDCP utilizing the form distributed by the National HIDTA Program Office. Congressional notification of some reprogramming is required.**

26. Reimbursement Process

It is understood that HIDTA funds for Portland Interdiction Team will be on a reimbursement basis through the Oregon State Police. Once expenditures are made, reimbursement requests will need to be submitted, with an expenditure worksheet and supporting documentation to the Oregon HIDTA Director's Office. The Oregon State Police will then reimburse approved expenditures.

27. Information/Intelligence Sharing

All law enforcement related initiatives and agencies participating in those initiatives must systematically support the HIDTA Intelligence and Investigative Support Center (ISC) by sharing information and participating in the case deconfliction system. The HIDTA ISC, in turn, will provide analytical products and case support to law enforcement related HIDTA initiatives and participating agencies. Sharing of information/ intelligence is required, except where disclosure is prohibited by law (e.g., grand jury secrecy, privacy of taxpayer information, and Title III restrictions).

The Oregon Department of Justice and the Oregon HIDTA Program have established a statewide Intelligence and Investigative Support Center (ISC) which services designated HIDTA counties and other federal, state, and local law enforcement agencies throughout Oregon. The ISC will be operated under the management and supervision of a sworn Federal, state, or local law enforcement officer, or law enforcement intelligence analyst appointed by one of the managing agencies and approved by the HIDTA Executive Committee. The manager and supervisor will have the appropriate Federal law enforcement clearances as stated in section C-7 of the General Counterdrug Intelligence Plan (GCIP). The ISC will have its own Regional Information Sharing System (RISS) Node, which involves the statewide, and national processing and dissemination of criminal intelligence. The Oregon State Intelligence Network (OSIN) will be electronically accessible for authorized law enforcement personnel via the secure RISS.net. Usage and access to the RISS network requires compliance with the RISS Intranet Security Policy and the RISS Secure Intranet E-Mail Policy (copy attached, EXHIBIT "B").

It is understood that in order to enable ISC staff to access and process criminal intelligence submissions and database information, it is necessary that such information be handled in accordance with WSIN policies and procedures, RISS policies and procedures, Oregon Administrative Rules, and federal regulations articulated in 28 CFR 23 (copy attached, EXHIBIT "C") and the Federal Privacy Act.

All investigative intelligence and information developed within or generated by an agency remains the property of the agency from which it was obtained. Each participating agency will control the dissemination of their information in accordance with the law and that agency's established disclosure policies.

Personnel assigned to Portland Interdiction Team must, at a minimum, possess a clearance level sufficient to allow them access to law enforcement sensitive information. Portland Interdiction Team personnel requiring access to classified or law enforcement sensitive information must have the appropriate clearance, based on a current background investigation, required for access to that information. As necessary, the Federal Bureau of Investigation will perform background checks on personnel requiring access to national security information.

28. Portland Police Bureau Intelligence/Information Gathering Policy

Portland Police Bureau personnel assigned to the Team shall not be assigned work or be engaged in any law enforcement activity that is in violation of:

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a. ORS 181.575 defined as: **181.575 Specific information not to be collected or maintained**. No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, 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. [1981 c.905 §8]

Note: 181.575 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

b. ORS 181.850 defined as: **181.850 Enforcement of federal immigration laws.** (1) No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
(a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
(b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
(3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any person who:
(a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
(b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
(4) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency.
(5) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005. [1987 c.467 §1; 2003 c.571 §1]

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Note: 181.850 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

IN WITNESS THEREOF, this Partnership Agreement is duly executed on the date written below.

Signatures of Agency Executives	Date	Agency Name
Derrick Foxworth, Chief of Police	8/3/05	Portland Police Bureau
Tom Potter, Mayor		City of Portland
Approved as to form David Wobrist for Linda Meng, City Attorney		City of Portland
Ken Weese, Budget Director		Oregon State Police

Signature of Oregon HIDTA Executive Board Chair	Date
Chris Brown, Sheriff, Douglas County Chair, Oregon HIDTA Executive Board	