

RESOLUTION No. 37424 As Amended

Establish parameters of cooperation between Portland Police Bureau and the Federal Bureau of Investigation's Joint Terrorism Task Force (Resolution)

WHEREAS, the decision of Council to withdraw from the Joint Terrorism Task Force (JTTF) does not diminish nor prohibit the need for the Portland Police Bureau (PPB) to partner with the Federal government when there are specific threats; and

WHEREAS, the City of Portland values the work of the Federal Bureau of Investigation (FBI) and other federal partners and will cooperate on important matters of public safety, including hate crimes and terrorism, within the City of Portland and State of Oregon; and

WHEREAS, on February 13, 2019, under Resolution 37415, Portland City Council authorized the withdrawal of the PPB from the JTTF within 90 days; and

WHEREAS, Resolution 37415 called for a second resolution, developed in consultation with the Chief of Police, which would describe parameters of engagement between the PPB and the JTTF within 55 days of the resolution's passage; and

WHEREAS the federal definition of terrorism, as defined in 18 U.S.C. 2331, generally states that terrorism means activities that (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and (B) appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

WHEREAS O.R.S. 181A.250 states that "No law enforcement agency, as defined in O.R.S. 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"; and

NOW, THEREFORE, BE IT RESOLVED, the Chief of Police may, upon the request of the Portland FBI Special Agent in Charge (SAC), temporarily assign PPB officers to work with the Portland FBI JTTF to assist in the investigation of any individual suspected cases of terrorism and/or threats to life, including hate crimes, in or having a direct nexus to the City of Portland where there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct; and

BE IT FURTHER RESOLVED, the Chief of Police, while remaining in compliance with Oregon State law, shall request that the FBI JTTF share any and all information related to terrorism and/or threats to life, including hate crimes, pertinent to the health, safety, and welfare of all people who reside, work, worship, attend school in, and/or recreate in the City of Portland; and

BE IT FURTHER RESOLVED, the Chief of Police shall request that any such information that requires PPB action be immediately shared with the PPB Criminal Intelligence Unit (CIU) for review and investigative action; and

BE IT FURTHER RESOLVED, that the Chief of Police shall direct CIU officers to share any information regarding the threat of terrorism with the JTTF immediately, in compliance with Oregon State law; and

BE IT FURTHER RESOLVED, that notwithstanding the above direction, neither CIU officers nor any other member of the PPB shall provide any information for the purpose of federal immigration law enforcement, consistent with PPB Directive 810.10 and in compliance with Oregon State law; and

BE IT FURTHER RESOLVED, information sharing or follow up information by CIU officers is not considered a temporary assignment to the Portland FBI JTTF; and

BE IT FURTHER RESOLVED, the PPB shall, in accordance with this resolution, create a Directive further defining how PPB will coordinate the sharing of information between PPB and the JTTF regarding the threat of terrorism. The Directive will also describe the circumstances by which the PPB may temporarily assign investigators to the JTTF; and

BE IT FURTHER RESOLVED, the Directive will be subject to annual public review, with outreach to City Council offices to solicit additional feedback; and

BE IT FURTHER RESOLVED, any PPB officer temporarily assigned to the JTTF shall follow all Directives of the PPB, and all laws of the City of Portland and the State of Oregon; and

BE IT FURTHER RESOLVED, the Chief of Police or Deputy Chief of Police will serve as the liaison to the JTTF; and

BE IT FURTHER RESOLVED, the PPB officers temporarily assigned to work with the JTTF shall attend annual training conducted by the Office of the City Attorney to ensure compliance with applicable state and federal law; and

BE IT FURTHER RESOLVED, any PPB officer temporarily assigned to the JTTF shall seek legal advice from the City Attorney whenever the officer has a question about the

application of this resolution or the laws under the State of Oregon, including ORS 181A.250 and ORS 181A.820, as related to their temporarily assigned work with the JTTF. Any consultation with the City Attorney will be undertaken consistent with the requirements for the handling of classified information and with the other legal restrictions on the dissemination of information. In the event disclosure of classified information is necessary for the City Attorney to provide appropriate legal advice, the Chief of Police shall request the FBI SAC to authorize the City Attorney to receive such information pursuant to a non-disclosure agreement. If the City Attorney cannot obtain the necessary information to provide legal advice, the City Attorney shall notify the Chief of Police and the Commissioner-in-Charge of the PPB, who may require withdrawal of the PPB officers from their temporary assignment(s); and

BE IT FURTHER RESOLVED, the Office of the City Attorney is directed to confer on an annual basis with the Office of the Oregon Attorney General to determine, in writing, whether PPB officers are precluded from legally working with the JTTF in any capacity based on changes to federal or state laws; and

BE IT FURTHER RESOLVED, the PPB shall report to City Council on an annual basis, by the end of January, with information detailing the frequency with which the FBI's Special Agent in Charge requested the assignment of PPB CIU officers for an investigation; the number of cases that were referred to the PPB by the FBI; the number of cases that were referred to the FBI by the PPB; the nature of closed cases referred to the PPB by the FBI, including the demographics of persons investigated; and the disposition of those cases; and

BE IT FURTHER RESOLVED, the provisions of this resolution are Binding City Policy and no element of this resolution may be changed without an open public hearing (with review and recommendations by members and groups of the Portland Community who are at risk and who advocate for the protection of their civil rights and liberties and representatives from Oregon's faith based and immigrant communities) and approval by City Council.

Adopted by the Council: MAY 08 2019

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Prepared by: Nicole A. Grant, Derek Bradley
Date Prepared: April 26, 2019

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
RESOLUTION NO. 37424 As Amended
 Title

Establish Parameters of Cooperation Between Portland Police Bureau and the Federal Bureau of Investigation's Joint Terrorism Task Force (Resolution)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler, Commissioner Jo Ann Hardesty</p>	CLERK USE: DATE FILED <u>APR 30 2019</u>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler <i>MP</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>[Signature]</i></p> <p>Position 3/Affairs - Hardesty <i>[Signature]</i></p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL Bureau: Mayor Ted Wheeler Bureau Head:</p>	<p>ACTION TAKEN:</p>
<p>Prepared by: Nicole A. Grant Date Prepared: 4/30/2019</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date 5/8/2019</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 20 mins. (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	_____	
Wheeler	Wheeler	✓	