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Resolution

Authorize City Attorney to appeal judgement in ACLU of Oregon, et al. v. City of Portland, Multnomah County Circuit Court Case No. 20CV27116

Adopted

WHEREAS, on or about December 23, 2021, in the above-referenced matter, the Circuit Court for the State of Oregon, Multnomah County, entered its Order Granting In Part And Denying In Part the Parties' Cross-Motions For Summary Judgment (the "Order"), and entered a corresponding Judgment on or about April 8, 2022 (the "Judgment");

WHEREAS, the Order and Judgment concern an issue of first impression regarding the interpretation of ORS 181A.250, a statute in which the City has a substantial interest because it governs the treatment of certain types of information by law enforcement;

WHEREAS, the Order and Judgment create ambiguity in the appropriate application of ORS 181A.250;

WHEREAS, the ambiguity created by the Order and Judgment may negatively impact the ability of the City to confidently adopt and fully implement certain police reform measures of importance to the City, including but not limited to the purchase and implementation of police body cameras and policies implicating the use of live video for situational awareness by the Portland Police Bureau's Incident Command Center;

WHEREAS, the legal implementation of these measures and practices are of considerable importance to the City as it seeks to improve police accountability, transparency, and performance within the City of Portland; and

WHEREAS, the Office of the City Attorney recommends that the City seek clarification of the meaning and application of ORS 181A.250 through an appeal of the Judgment;

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is authorized to take all steps necessary to appeal from the trial court's judgment in *ACLU of Oregon et al. v. City of Portland*, Circuit Court of the State of Oregon for the County of Multnomah Case No. 20CV27116, to pursue that appeal to its

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

May 4, 2022

conclusion in any higher court, and, in furtherance of such appeal, to make any stipulation, agreement, or admission as in the City Attorney's judgment may be in the interest of the City.

Impact Statement

Purpose of Proposed Legislation and Background Information

Resolution authorizes City Attorney to initiate appeal of ruling by Circuit Court of the State of Oregon for the County of Multnomah to the effect that the viewing and use of live, unrecorded, video by the Portland Police Bureau constitutes a violation of ORS 181A.250.

Financial and Budgetary Impacts

Pursuing this appeal would have no immediate financial or budgetary impacts. The legal work will be performed by lawyers and support staff within the City Attorney's Office, using budgeted staff and resources.

Community Impacts and Community Involvement

None are expected at this time.

100% Renewable Goal

Pursuing this appeal would have no impacts on the City's total energy use or renewable energy use.

Budget Office Financial Impact Analysis

No immediate financial or budgetary impact.

Agenda Items

351 Consent Agenda in [May 4, 2022 Council Agenda](#)

Adopted

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea