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# 191257

Emergency Ordinance

## \*Authorize a Letter of Agreement with the Portland Police Association and the Portland Police Command Officers Association to adopt a Body Worn Camera Policy for the Portland Police Bureau

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the Portland Police Association (PPA) are parties to a Collective Bargaining Agreement (CBA) for the period of July 1, 2021 through June 30, 2025. As part of the ratification of this CBA, the parties agreed to continue bargaining over a body worn camera (BWC) policy.
2. The City and the Portland Police Command Officers' Association (PPCOA) are parties to a CBA for the period of July 1, 2020 through June 30, 2023. They are currently in successor negotiations, but have been separately bargaining a BWC policy.
3. On April 20, 2023, negotiators for the City and PPA entered into a Letter of Agreement (LOA), attached hereto as Exhibit A and incorporated herein by this reference, which outlines the agreement of the parties for adopting a BWC policy and a pilot program for the BWC program. The negotiators also entered into a Tentative Agreement (TA) for the terms of a BWC policy, attached hereto as Exhibit B and incorporated by this reference.
4. Negotiators for the City and PPCOA are in discussions to enter into an LOA for the adoption of a BWC policy in the same format as that agreed to between the City and PPA.
5. The City is a defendant in a lawsuit where the United States is the plaintiff and the parties have a settlement agreement (DOJ Settlement Agreement) that, effective April 29, 2022, requires the City to implement a BWC program, including the adoption of a BWC policy. If the City fails to adopt a BWC policy that is approved by the United States Department of Justice (US DOJ), then under the DOJ Settlement Agreement terms, the US DOJ has the authority to file a motion requesting the Court find the City in breach based on actions that occurred in 2020 and to argue to the

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#); [Human](#)

[Resources](#); [Management and Finance](#)

Contact

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Monday - Friday, 8:00am - 7:00pm

Requested Agenda Type

Four Fifths

Date and Time Information

**Requested Council Date**

April 26, 2023

**Time Requested**

90 minutes

Portland Policy Document

Court about the terms of a BWC policy.

6. The US DOJ issued a letter to the City and conditionally approved the BWC policy. The letter of approval is attached hereto as Exhibit C.
7. Any Letter of Agreement for a BWC policy shall be signed by representatives for the City and the PPA, and the City and the PPCOA, and shall conform substantially to a form similar to the Agreement attached as Exhibit A and incorporating the TA reflected in Exhibit B.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Human Resources is authorized to enter into Letters of Agreement with PPA and PPCOA in a form substantially similar to Exhibit A that authorizes the adoption of a BWC policy in a form substantially similar to that in Exhibit B.
- B. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists for the authorization of the Letters of Agreement between the City and PPA and the City and PPCOA because body worn cameras are important tool for supporting and enhancing public trust in law enforcement, as well as because the terms of the DOJ Settlement Agreement require the City adopt a BWC program in a timely manner and delay could cause a breach of the DOJ Settlement Agreement, subjecting the City to legal risk; therefore, this Ordinance shall be in full force and effect after its passage by the Council.

## Documents and Exhibits

 [Exhibit A](#) 271.61 KB

 [Exhibit B](#) 369.03 KB

 [Exhibit C](#) 249.82 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
April 26, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This ordinance will allow the City to adopt a body worn camera program at the City of Portland. Portland is one of the largest cities in the country that does not have a body worn camera program. Adoption of body worn cameras impacts mandatory subjects of bargaining and requires agreement between impacted unions and the City. This ordinance allows for the adoption of a

body worn camera policy while addressing those bargaining obligations. Additionally, under the terms of the settlement agreement between the City and the United States, the City is required to adopt and implement a body worn camera program. The United States Department of Justice, as plaintiff in the settlement agreement, has conditionally approved the terms of the body worn camera policy attached to this ordinance, thereby avoiding litigation on this issue.

### **Financial and Budgetary Impacts**

There is no financial impact from the policy.

### **Community Impacts and Community Involvement**

There was extensive community engagement in 2022 through town halls and other forums that were considered in creating the policy.

### **100% Renewable Goal**

Not applicable.

### **Budget Office Financial Impact Analysis**

There is no immediate fiscal impact associated with this ordinance, however, there will be future costs associated with the Body Worn Camera policy. \$2.65 million of one-time resources were allocated in FY 2021-22 to support the creation of a Body Worn Camera program and have since been carried over. This amount is currently positioned for carry over into fiscal year 2023-24 as initial funding for the program. Ongoing funding will likely need to be identified in part of FY 2024-25 and by FY 2025-26.

### **Agenda Items**

#### **335 Four-Fifths Agenda in [April 26, 2023 Council Agenda](#)**

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea