

ORDINANCE No. **185736** *As Amended*

Authorize the Mayor to execute an Agreement with the United States Department of Justice Civil Rights Division and United States Attorney for the District of Oregon regarding changes to policies and procedures in and oversight of the Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In February, 2009, Commissioner Dan Saltzman and Mayor Sam Adams stood with community leaders to request an investigation by the United States Department of Justice Civil Rights Division into the Portland Police Officer-involved shooting of Aaron Campbell. At the conclusion of its investigation in June, 2011, the United States found “insufficient evidence to pursue federal criminal civil rights charges against Portland Police Bureau officers” involved in the January 29, 2010 fatal shooting of Aaron Campbell. However, the United States also announced a federal investigation into Portland Police officers' use of force, to examine whether there is a pattern or practice of excessive force used by PPB officers, particularly against people living with mental illness.
2. Through their investigation, the United States engaged in a thorough review of uses of force by the Portland Police Bureau. On September 13, 2012, it concluded that the substantial majority of uses of force by PPB sworn personnel are constitutional. However, it did find reasonable cause to believe that there is a pattern or practice of unnecessary or excessive uses of force in certain encounters between police officers and persons with or perceived to have mental illness.
3. As a legal matter, the City does not concede that there exists a pattern or practice of unconstitutional uses of force in the Portland Police Bureau. However, The United States and the City have entered into settlement negotiations to develop a settlement agreement aimed at resolving the findings of the United States and supporting continuous improvement of the Portland Police Bureau.
4. The Agreement (Exhibit A) contains provisions related to PPB’s use of force, training, Employee Information System, officer accountability, community engagement and outreach, and crisis intervention, as well as the City’s role in the provision of community based mental health services.
5. The United States and the City of Portland recognize the challenges that police officers in Portland and elsewhere confront in addressing the needs of people with mental illness. The findings of the United States take place against a backdrop of a deficient mental health infrastructure, which has shifted to law enforcement agencies throughout Oregon the burden of being first responders to individuals in mental health crisis. The City of Portland recognized that the PPB must be equipped to interact with people in mental health crisis without resulting to unnecessary or excessive force.
6. The United States acknowledges that this Agreement only legally binds the City to take action. Nonetheless, in addition to the City, the United States expects the City’s partners to help remedy the lack of community-based addiction and mental health services to Medicaid

clients and uninsured area residents. The City's partners in the provision of community-based addiction and mental health services include: the State of Oregon Health Authority, area Community Care Organizations, Multnomah County, local hospitals, health insurance providers, commercial health providers, and existing Non-Governmental Organizations such as community-based mental health providers, and other stakeholders.

7. This Authorization allows the Mayor to execute an Agreement with the United States Department of Justice Civil Rights Division and United States Attorney for the District of Oregon regarding changes to policies and procedures in and oversight of the Portland Police Bureau.
8. The Commissioner-in-Charge of the Police Bureau is authorized to make amendments to this agreement to make technical corrections, adjustments to deadlines and other similar matters provided that there is no adverse financial impact to the City.
9. The Mayor will work with City Council, the City Auditor, and the Chief of Police to identify necessary resources for the execution of the provisions of the Agreement. A draft budget prepared by the Office of Management and Finance's Bureau of Financial Services is attached as Exhibit B.

NOW, THEREFORE, the Council directs:

- a. The Mayor is hereby authorized to execute an Agreement, attached as Exhibit A, or an agreement in substantially similar form as Exhibit A, with the United States Department of Justice Civil Rights Division and United States Attorney for the District of Oregon regarding changes to policies and procedures in and oversight of the Portland Police Bureau.

Passed by the Council: **NOV 14 2012**

Mayor Sam Adams

Prepared by: Clay Neal

Date Prepared: October 25, 2012

**LaVonne Griffin-Valade**



Auditor of the City of Portland

By

  
Deputy

Agenda No.  
**ORDINANCE NO. 185736** As Amended  
 Title

Authorize the Mayor to execute an Agreement with the United States Department of Justice Civil Rights Division and United States Attorney for the District of Oregon regarding changes to policies and procedures in and oversight of the Portland Police Bureau (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Adams</b>	CLERK USE: DATE FILED <u>OCT 26 2012</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
Bureau: Office of the Mayor Bureau Head: Mayor Sam Adams	NOV 01 2012 <b>CONTINUED TO</b> NOV 08 2012 3:30 PM
Prepared by: Clay Neal Date Prepared: October 25, 2012	NOV 08 2012 <b>PASSED TO SECOND READING</b> As Amended NOV 14 2012 9:30 A.M.
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	NOV 14 2012 <b>CONTINUED TO</b> NOV 14 2012 2 P.M.
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date <b>November 1, 2012</b>	
<b>City Attorney Approval:</b>  required for contract, code, easement, franchise, comp plan, charter	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <u>2:00pm</u>
<b>Total amount of time needed: 3 hours</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	