

RESOLUTION No. 37113

The City of Portland shall enter into a Memorandum of Understanding to become a member of the local Joint Terrorism Task Force in conjunction with the Federal Bureau of Investigation and shall repeal Binding City Policy BCP-PSF-7.01 (Resolution; repeal Resolution No. 36859)

PURPOSE

WHEREAS, whether domestic- or foreign-based, it is the responsibility of the Federal Bureau of Investigation (FBI) to prevent, investigate, and respond to terrorism in the United States; and

WHEREAS, Under federal criminal law, 18 USC 2331, "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, to assist it in its mission to prevent, investigate, and respond to terrorism, the FBI has established local Joint Terrorism Task Forces (JTTF) to share resources and coordinate among other federal, state, tribal and local governments; and

WHEREAS, the Portland Police Bureau (PPB) is responsible for protecting the lives, property, and rights of all people, through collaborative partnerships with the community and other agencies; and

WHEREAS, with its limited resources, the City recognizes the need for federal, state, and local agencies to coordinate and share information and resources; and

WHEREAS, the PPB currently has multiple successful and on-going criminal investigatory collaborations with the FBI, including: Innocent Images, Child Exploitation Task Force, Regional Computer Forensic Lab, Bank Robbery Task Force, and Metro Gang Task Force; and

WHEREAS, the City of Portland and FBI have decided to enter into a Memorandum of Understanding (MOU) outlining participating in the Portland JTTF; and

POLICY

BE IT RESOLVED, that it is the policy of the City simultaneously to help prevent and investigate acts of terrorism, protect civil rights and civil liberties under United States and Oregon law, and promote Portland as an open and inclusive community; and

BE IT FURTHER RESOLVED, the Police Chief may assign two PPB officers to become full-time members of the local JTTF through the City entering this MOU with the FBI; and

BE IT FURTHER RESOLVED, the PPB officers assigned to the JTTF may work investigations whether or not the investigation is based in the City of Portland. On those occasions, all the terms of this resolution apply; and

BE IT FURTHER RESOLVED, at all times the PPB officers assigned to the JTTF will be subject to the laws, regulations, policies, and personnel rules applicable to their status as a Portland Police Officer; and

BE IT FURTHER RESOLVED, to remain familiar with terrorist threats in the Portland area allowing for better management of local public safety issues the Commissioner-in-Charge of PPB will enter into a Non-Disclosure Agreement (NDA) with the FBI. This NDA will provide for quarterly, or as needed, classified briefings from the FBI SAC of the Commissioner-in-Charge of the PPB, along with the Police Chief, regarding progress of investigations within the City of Portland and activities of the PPB officers assigned to the JTTF; and

BE IT FURTHER RESOLVED, to ensure access to information necessary to manage and supervise PPB officers, the Police Chief will seek clearance at the Top Secret/ Secure Compartmentalized Information level and participate in the JTTF Executive Committee with other local Chiefs of Police and Sheriffs; and

BE IT FURTHER RESOLVED, the PPB officers working with the JTTF shall seek legal advice from the City Attorney whenever the officer has any question about the application of Oregon law, including ORS 181.575 and ORS 181.850, or this resolution related to their 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 advice, the Police Chief 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 Police Chief and the Commissioner-in-Charge of PPB; and

BE IT FURTHER RESOLVED, the PPB officers assigned to the JTTF shall notify the FBI SAC and Police Chief through appropriate channels if ever the work PPB officers are asked to do would be a violation of ORS 181.575 or ORS 181.850 and the Police Chief shall immediately report any actual violation to the Commissioner-in-Charge of the PPB; and

BE IT FURTHER RESOLVED, should the Commissioner-in-charge of the PPB not have access to necessary information to be assured that this resolution, Federal and State laws are being followed, he or she may require the PPB to withdraw officers from the JTTF and City Council may act to terminate the MOU with the agreed upon 60-day notice. This decision by the Commissioner-in-charge of PPB does not allow or require any sharing of information that would violate any terms of the NDA, the MOU or this Resolution; and

BE IT FURTHER RESOLVED, that within 30 days of a personnel change establishing a new Commissioner-in-Charge of PPB, this person shall request a non-disclosure agreement with the FBI so he or she can participate in the quarterly classified briefings with the FBI SAC and Police Chief regarding JTTF investigations in Portland; and

BE IT FURTHER RESOLVED, the Office of the City Attorney is directed by the end of January each year to confer with the office of the Oregon Attorney General and determine in writing whether or not based on any changes to federal laws, policies or rules, and any Oregon law, including ORS 181.575 and ORS 181.850, that PPB officers are precluded from legally working with the JTTF; and

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

BE IT FURTHER RESOLVED, that the PPB shall adopt publicly available administrative policies and procedures consistent with this Resolution; and

BE IT FURTHER RESOLVED, the provisions of this Resolution are binding city policy and no element can be changed without an open public hearing and ratification by City Council; and

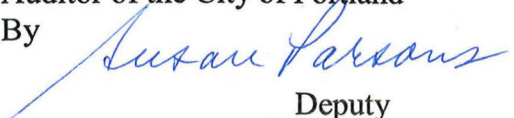
BE IT FURTHER RESOLVED, that Resolution No. 36859 is hereby superseded.

Adopted by the Council: FEB 19 2015

Commissioner: Mayor Charlie Hales
Prepared by: Deanna Wesson-Mitchell
Date Prepared: 01/27/15

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

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Agenda No.
RESOLUTION NO. 37113
Title

The City of Portland shall enter into a Memorandum of Understanding to become a member of the local Joint Terrorism Task Force (JTTF) in conjunction with the Federal Bureau of Investigation (FBI) and shall repeal Binding City Policy BCP-PSF-7.01 (Resolution); ~~repeal~~ Resolution No. 36859

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL Bureau: Mayor's Office Bureau Head: Mayor Hales</p> <p>Prepared by: Deanna Wesson-Mitchell Date Prepared: 1/21/14</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 2/5/15</p>	<p>CLERK USE: DATE FILED JAN 30 2015</p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: Deputy</p> <p>ACTION TAKEN:</p> <p>FEB 05 2015 CONTINUED TO FEB 19 2015 2:15 PM TIME CERTAIN</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 5:00 pm</p> <p>Total amount of time needed: 3 hours (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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