

RESOLUTION No. 37520

Direct the Portland Police Bureau to inventory its crowd control tools and submit written reports to Council, and establish new authorization procedures for the Portland Police Bureau's acquisition and procurement of military-style equipment and submit written reports to Council (Resolution)

WHEREAS, The First Amendment to the U.S. Constitution and Article I, Section 8 of the Oregon Constitution guarantee the right of the people peaceably to assemble, and to petition the government for a redress of grievances;

WHEREAS, following the death of George Floyd, Portlanders exercised these rights en masse to say that Black Lives Matter;

WHEREAS, since May 29, 2020, the Portland Police Bureau ("PPB") has used impact munitions, CS gas, OC pyrotechnic, OC vapor, Rubber Ball Distraction Devices ("RBDD"), and other tools authorized under PPB Directive 0635.10 Crowd Management/Crowd Control;

WHEREAS, The Bureau of Environmental Services expended City resources to determine the level of contaminants in stormwater and sediment samples in the downtown area. Those tests found elevated levels of pollutants;

WHEREAS, to date, Portlanders have not been provided with an accounting of the scope and scale of PPB's use of chemical, impact, and other munitions, nor an inventory of the quantity of such weapons currently in PPB's inventory;

WHEREAS, the use of military-style equipment for crowd control purposes can undermine trust with the community and pose greater risks to public safety if it is misused. It is therefore essential that military-style equipment acquired by the Portland Police Bureau has an appropriate law-enforcement purpose, and that the Bureau has in place the proper organizational and operational practices, including policies and trainings, to prevent its misuse.

WHEREAS, on January 16, 2015, President Barack Obama issued Executive Order 13688 related to Federal support for local law enforcement equipment acquisition. The resulting Law Enforcement Equipment Working Group recommendations laid out best practices for increased transparency and accountability of use of military-style equipment by law enforcement agencies.

WHEREAS, some reports from the Portland Police Bureau to Council have not occurred in a timely manner;

NOW, THEREFORE, BE IT RESOLVED, that the Portland Police Bureau shall inventory impact munitions, CS gas, OC pyrotechnic, OC vapor, RBDD, and all other crowd control tools it currently uses or reasonably could use pursuant to PPB policy 0635.10 as set forth in Exhibit A and provide a full report to City Council by January 27, 2021;

BE IT FURTHER RESOLVED, that the inventory of items in Exhibit A must include the quantity of each type of munition in the Bureau's possession, purpose of each munition, as well as the ingredient list and manufacturer and expiration date for chemical munitions;

BE IT FURTHER RESOLVED, that following January 27, 2021, Council authorization will be required for the Portland Police Bureau to purchase military-style equipment as described in Exhibit B – excluding equipment used by the Special Emergency Reaction Team (SERT) that is addressed in the next paragraph – through a quarterly report to City Council detailing the cost and number of each type of equipment the bureau intends to purchase. The report should also include an explanation of the need for the equipment including the appropriate law enforcement purpose it will serve, and list the policies, protocols, and trainings that are in place governing the appropriate use of the equipment;

BE IT FURTHER RESOLVED, that prior authorization from the Commissioner-in-Charge will be required for the Portland Police Bureau to purchase military-style equipment from Exhibit B used by SERT;

BE IT FURTHER RESOLVED, that should the Bureau need to purchase military-style equipment outside of the established quarterly schedule in the case of an emergency, approval must be granted in writing by the Commissioner-in-Charge or the Commissioner-in-Charge's designee;

BE IT FURTHER RESOLVED, that updated crowd control inventories must be provided to City Council in writing on a quarterly basis from the date of initial notification;

BE IT FURTHER RESOLVED, that in addition, if at any time the Bureau deploys crowd control munitions during protests or demonstrations on three or more days within any seven day period, the Bureau shall inventory the quantity of munitions used on each day of the demonstration, as well as provide notice of intent to purchase new weapons or restock existing stockpiles in a written update to Council within five business days and on a weekly basis for the duration of the frequent use of munitions;

BE IT FURTHER RESOLVED, that the Chief of Police or designee from Chief's Office will be responsible for reporting to Council in a timely manner;

BE IT FURTHER RESOLVED, that these directives are Binding City Policy.

Adopted by the Council: December 9, 2020
Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Jo Ann Hardesty
Prepared by: Hannah Holloway
Date Prepared: 11/24/2020

Mary Hull Caballero
Auditor of the City of Portland
By *Keelan McClymont*
Deputy

954
Agenda No.
RESOLUTION NO. 37520
Title

Direct the Portland Police Bureau to inventory its crowd control tools and submit written reports to Council, and establish new authorization procedures for the Portland Police Bureau's acquisition and procurement of military-style equipment and submit written reports to Council (Resolution)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Wheeler, Eudaly & Hardesty</p>	<p>CLERK USE: DATE FILED <u>December 1, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Keelan McClymont</i></u> Deputy</p> <p>ACTION TAKEN:</p>
<p>Mayor—Finance & Administration – Wheeler <small>Mustafa Washington Digitally signed by Mustafa Washington Date: 2020.12.01 10:51:29 -0800</small></p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty <small>J. Hardesty</small></p>	
<p>Position 4/Safety - Eudaly <small>Jamey Duhamel Digitally signed by Jamey Duhamel Date: 2020.12.01 10:44:19 -0800</small></p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Bureau Head:</p>	
<p>Prepared by: <u>Hannah Holloway</u> Date Prepared: <u>11/24/2020</u></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: <small>Heidi Brown Digitally signed by Heidi Brown Date: 2020.12.01 09:46:11 -0800</small> required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date <u>December 9, 2020</u></p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:05am</u></p> <p>Total amount of time needed: <u>30 minutes</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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