

RESOLUTION NO. SUBSTITUTE 36315

Authorize the Commissioner-in-charge of the Portland Police Bureau to negotiate certain law enforcement agreements with the Federal Government subject to Council approval and establish protocols for cooperating with the Federal Bureau of Investigation on terrorism investigations (Resolution)

WHEREAS, the fundamental role of the City of Portland is to provide for the health, safety, and welfare of all people who reside, work, worship and recreate in Portland; and

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

WHEREAS, all Portland Police Bureau personnel are accountable to the Police Chief and Commissioner-in-charge for carrying out their lawfully assigned duties and responsibilities; and

WHEREAS, in order to provide appropriate supervision the Police Chief, Commissioner-in-Charge and City Attorney must have clearance and access to review all actions of Portland Police Bureau personnel assigned to the Joint Terrorism Task Force; and

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner-in-charge of the Portland Police Bureau is to negotiate written agreements with the Federal Government relating to Portland Police involvement in all federally directed joint task forces; and

BE IT FURTHER RESOLVED, that such agreements shall be presented to Council for adoption; and

BE IT FURTHER RESOLVED, that all agreements considered for adoption by council shall acknowledge limitations on Portland Police Bureau personnel assigned to federal joint task forces under ORS 181.575 and ORS 181.850;

BE IT FURTHER RESOLVED, that the City Council shall review all agreements to ensure compliance with this resolution; and

BE IT FURTHER RESOLVED, that only after City Council approval shall Portland Police Bureau personnel remain assigned to a federal task force; and

BE IT FURTHER RESOLVED, that this resolution does not prohibit the cooperation and collaboration between the Portland Police Bureau and Federal Government on specific cases or investigations; and

BE IT FURTHER RESOLVED, that with respect to the Joint Terrorism Task Force (JTTF), the Mayor and the FBI have agreed that the Portland Police Bureau officers currently assigned to the JTTF will be removed from JTTF and reassigned to the City's Criminal Intelligence Unit (CIU) with direct oversight and supervision of City officials within 90 days after passage of this resolution;

BE IT FURTHER RESOLVED that to ensure **Citizen Security and Safety**

- Portland Police Bureau officers will continue cooperating with all federal partners to insure the security and safety of the city,
- Portland Police Bureau/CIU officers will contact the FBI immediately with any information regarding possible terrorist threats,
- The Police Chief will remain a member of the JTTF Executive Group, which is briefed on the work of the JTTF.
- The Police Chief will brief the Mayor immediately after each Executive Group meeting, and
- The FBI Special Agent in Charge has agreed to immediately contact the Mayor and Police Chief for briefings regarding terrorist threats.

BE IT FURTHER RESOLVED that regarding **Security Clearances**

- Portland officers currently assigned to JTTF will retain Top Secret clearances, however, those clearances will not be used except during a critical incident or imminent terrorist threat, as determined by the FBI,
- The FBI has agreed to brief the Mayor the Police Chief regarding any such incidents or threats,
- The Police Chief will retain Secret clearance, and
- The Mayor will apply for Secret clearance.

BE IT FURTHER RESOLVED that regarding **Communication and Collaboration between City and Federal Agents**

- The need for assistance from PPB/CIU officers on JTTF terrorism investigations will be determined by the FBI on a case-by-case basis,
- The participation of PPB/CIU officers will be limited to Secret-level investigations and will be consistent with ORS 181.575 and ORS 181.850,
- The Mayor and Police Chief will provide oversight of PPB officers during these investigations,
- The City and the FBI have agreed that if the City determines that participation by PPB/CIU officers may violate ORS 181.575 or ORS 181.850, the City may withdraw its officers from participation, and
- Terror Alert information will continue to be shared with City officials by the FBI and the Department of Homeland Security.

BE IT FURTHER RESOLVED that regarding **Training and Assistance**

- The FBI has agreed to provide PPB officers with roll call training, supervisory and management training on terrorist-related issues.

BE IT FURTHER RESOLVED that regarding the **Portland Criminal Intelligence Unit**

- The CIU will not conduct independent terrorist investigations,

- The CIU will contact the FBI immediately with terrorism information, and
- The CIU will consult with the FBI on questionable cases as to who has jurisdiction and the FBI will determine jurisdiction.

BE IT FURTHER RESOLVED that the Mayor, the Police Chief and the FBI will meet in six months to review and evaluate their operations under this Resolution.

BE IT FURTHER RESOLVED, this resolution is binding city policy.

Adopted by the Council, April 28, 2005

Mayor Tom Potter
Commissioner Randy Leonard
Stacy Chamberlain
April 26, 2005

GARY BLACKMER
Auditor of the City of Portland

By /S/ Susan Parsons
Deputy

BACKING SHEET INFORMATION

AGENDA NO. S-402-2005

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. SUBSTITUTE 36315

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN		X
STEN	X	
POTTER	X	