



OFFICE OF MAYOR SAM ADAMS
CITY OF PORTLAND

February 28, 2012

TO: Portland City Council

FROM: Mayor Sam Adams
Commissioner-in-Charge, Portland Police Bureau

COPY: Public Distribution

ATTACHMENT: Police Chief's Annual JTTF Report per Resolution 36859
City Attorney's letter to Oregon Attorney General

RE: Annual JTTF Report per Resolution 368359

In April 2011, the Portland City Council passed [Resolution 36859](#) providing direction to the Portland Police Bureau (PPB) in its work with the Federal Bureau of Investigation's (FBI) [Joint Terrorism Task Force \(JTTF\)](#). This resolution rescinded resolution no. 36315. Resolution 36859 seeks to equally balance three goals; to:

- (1) Effectively prevent and investigate criminal acts of terrorism;
- (2) Protect an individuals' legal rights under United States and Oregon law; and,
- (3) Promote Portland as an open and inclusive community.

Resolution 36859 requires an annual report to City Council on the City's work with the JTTF. This memorandum reports on the portions of the Resolution related to the responsibilities as Commissioner-in-Charge of the Portland Police Bureau.

1. BE IT FURTHER RESOLVED, the Police Chief may assign PPB officers to work with the JTTF on an as-needed basis as determined by the Police Chief in consultation with the Commissioner-in-Charge of PPB; and,

- I affirm that the Police Chief has consulted with me regarding the assignment of PPB officers to work with the JTTF on as as-needed basis.

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

- I affirm that no actual violation of ORS 181.575 or ORS 181.850 have been reported to me.



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*3. BE IT FURTHER RESOLVED, that 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 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 authorization to provide legal advice, the City Attorney shall notify the Police Chief and the Commissioner-in-Charge of PPB; and,***

- I affirm that the staff of the Office of the City Attorney has assured me that they have been able to freely train, question and advise PPB officers on all legal matters regarding their work with the JTTF.
- I further affirm that the City Attorney has trained, questioned and advised officers directly and at times independently without their supervisors present.
- I also affirm that the City Attorney will proactively approach officers about issues related to this resolution, and officer are expected to also proactively approach the City Attorney with questions.
- As part of the Chief of Police's request, I affirm that the City Attorney reported findings and the results of officer related JTTF work and compliance to me.
- To ensure multiple levels of oversight, I have assigned two different City Attorneys to handle (1) the day-to-day work with officers on JTTF projects, and (2) larger policy issues to ensure compliance with the City's resolution, respectively.

*4. 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 the **Commissioner-in-Charge of PPB will seek clearance at the Secret level; and,***

- I affirm that I have sought a FBI clearance at the "Secret" level and that my clearance application is being reviewed by the FBI.
- It is expected that all future Commissioners-in-Charge of the PPB will seek such clearance immediately upon appointment as Commissioner-in-Charge of the PPB.



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- While awaiting FBI review of my application, I have been able to still receive FBI briefings in my role as Mayor of Portland, and have been able to provide meaningful oversight as Commissioner-in-Charge of the Portland Police Bureau.
- Absent clearance, I have been able to and actually have conferred with the Chief of Police regarding each FBI request and with the City Attorney regarding the work of PPB with the JTTF.
- Furthermore, I affirm that absent a clearance, as Mayor I have still received required trainings on issues relevant to our City's resolution.

*5. BE IT FURTHER RESOLVED, that the Police Chief, by the end of January each year, **shall provide a report with appropriate public information** to the City Council and public on PPB's work with the JTTF, including any issues related to compliance with Oregon laws; and,*

- As Commissioner-in-Charge of the Portland Police Bureau, I affirm that the Police Chief is presenting a report that I have reviewed and discussed with PPB.

*6. BE IT FURTHER RESOLVED, that within 30 days after any change in personnel in the positions of Commissioner-in-Charge of PPB, Police Chief, FBI SAC for the Portland Field Office, or United States Attorney for Oregon, **the Commissioner-in-Charge of PPB shall ensure that this Resolution is understood by all**; and,*

- I affirm that the Police Chief, the FBI SACs for the Portland Field Office, and new United States Attorney and I have met and that the terms of Resolution 36359 are understood by all. I met with new SAC Greg Fowler, U.S. Attorney Dwight Holton, and Chief Reese on August 24, 2011. And on January 6, 2012, I met with new U.S. Attorney Amanda Marshall, SAC Greg Fowler, and Chief Reese.
- I affirm that my office made good faith efforts to coordinate schedules between myself, the Police Chief, and the FBI SAC for our meeting with the new U.S. Attorney, within 30 days of the new U.S. Attorney's term. However, we were unable to meet within that window due to scheduling conflicts. The date of this meeting was not intentionally delayed.

7. 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



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- I affirm that the City Attorney has conferred with the Oregon Attorney General in writing regarding the stated legal issues. That writing is attached.

8. BE IT FURTHER RESOLVED, that the City Council directs the Police Chief and Commissioner-in-Charge of PPB to request regular briefings from the FBI SAC, at least twice a year, on the work of the JTTF so that the Police Chief and the Commissioner-in-Charge of PPB will be familiar with terrorist threats in the Portland area and will, therefore, be better able to manage local public safety issues; and,

- I affirm that I have received more than the required two annual briefings from the FBI SACs on the work of the JTTF and have been provided with status report on terrorist threats in the Portland area.