



September 21, 2021

City Council Members  
City of Portland  
1221 SW 4th Ave.  
Portland, OR 97204

**RE: Testimony in Opposition of City of Portland's Ordinance Authorizing Clean and Safe, Inc. Contract**

Dear Mayor Wheeler, Commissioner Mapps, Commissioner Rubio, Commissioner Hardesty, and Commissioner Ryan,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members statewide. The ACLU of Oregon opposes City of Portland's ordinance authorizing the renewal of the agreement between Downtown Business District Management District Services and Clean and Safe, Inc. in the next five years. Clean and Safe allows for private policing in public spaces, while strongly lacking oversight, putting our most vulnerable community members at risk. It is important Council directs a complete review of all Enhanced Service Districts (ESDs) and properly addresses community concerns and lack of oversight before renewing the Clean and Safe contract for five years.

Clean and Safe contracts private patrol agencies that act as a private police force in our community. By allowing private police to operate in public spaces, City oversight is limited. The City of Portland does not have a direct accountable channel that allows community members to file a complaint to the City regarding private security officers. Instead, complaints are directed to the contractor that is required to report to the City. However, this gap limits the information the City is receiving regarding community complaints and hinders City oversight. Ending private security contracts with Clean and Safe and all ESDs would eliminate that gap in oversight and remove private entities from arbitrarily enforcing rules in public spaces.

In the 2020 audit report, the auditor found the City failed to properly review annual audits and reports, including security officer complaints and the usage of funds collected by districts, despite requirements the City's Revenue Division and the Mayor's Office do so. The new contract contains similar requirements and the lack of proper review in the last contract cycle is a significant red flag and should be further reviewed before the contract renewal. Although the ordinance acknowledges the Auditor's report and Clean and Safe has shown "good faith" to do better as mentioned in the ordinance, there are no concrete actions outlined to address the issues raised. Needed reforms should be addressed with community guidance prior to committing to a five year contract.

Clean and Safe directly interacts with our most vulnerable community members, including Portland's houseless population. Oftentimes, these interactions are led by private police officers. Houseless community members face severe challenges of poverty, safety, physical disabilities, mental health issues, and abuse. Data also shows that houselessness disproportionately impacts Black, Indigenous, and People of Color (BIPOC) individuals, as well as veterans<sup>1</sup>. In Portland, Police interactions with the houseless populations has led to increased arrests and punitive actions which exacerbate the inability to obtain

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<sup>1</sup> <https://oregoncf.org/assets/PDFs-and-Docs/PDFs/OregonHomelessness.pdf>

housing and economic security. We cannot allow private agencies and the Clean and Safe Program to continue to operate directly with our most vulnerable community members with the lack of oversight it has. In order to ensure the civil liberties and rights of all Portlanders are protected, Council must ensure there is a proper oversight structure, and instead, resources and services are prioritized over policing the houseless populations. Otherwise, we are failing our community members.

Lastly, public funds are used to fund ESDs. The Clean and Safe contract will be allocated 25 million dollars for the next five years. The City's Revenue Division failed to properly monitor the use of funds. This is an unacceptable use of public funds directed to third parties with lack of transparency and accountability. Clean and Safe is a 501(c)3 organization that works with the Portland Business Alliance registered as a 501(c)6. Transferring cash balances and decision making power between the two separate legal designations in a structure that lacks oversight of funds is concerning. Funds cannot continue to be dispersed until appropriately reviewed.

**For these reasons, the ACLU of Oregon urges you to oppose the ordinance that would renew the Clean and Safe contract. Please feel free to contact us if you have any questions, comments, or concerns.**

Respectfully,

**Mariana Garcia Medina**, Senior Policy Associate

Email: [mgarciamedina@aclu-or.org](mailto:mgarciamedina@aclu-or.org)