



The League of Women Voters of Portland

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DATE: April 26, 2011

TO: Mayor Sam Adams
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
Auditor LaVonne Griffin-Valade

FROM: League of Women Voters of Portland

CC: IPR Director Mary-Beth Baptista
IPR Assistant Director Constantin Severe

RE: **Portland Joint Terrorism Task Force**

The League of Women Voters of Portland would like to thank Mayor Adams for drafting a resolution that appears to strike a balance between protecting the rights guaranteed by Oregon law and allowing our officers to work with the FBI when needed. Annual reports to the Council and public, City Attorney-provided training for bureau members, regularly scheduled meetings among key leaders and when personnel changes take place, and a requirement that any changes to the resolution or the standard operating procedure take place in an open public hearing will add transparency and accountability to this relationship. We do have some concerns and suggestions for improvement to share with you.

The 2008 Attorney General's Guidelines give the FBI the authority to conduct "assessments" without any factual predicate and "preliminary investigations" based solely on the possibility of criminal activity. In a 2010 report, the U.S. Department of Justice Office of Inspector General stated that this "possibility of criminal activity standard" is "easily attainable and speculative." For these reasons, the League supports limiting our officers to participation in investigations in which there is a reasonable suspicion of criminal conduct, as required by Oregon law.

The 2008 guidelines also loosened the limitations on the retention of information related to attendance at public events, clearly a first amendment activity. The Inspector General raised concerns about this change and recommended reinstatement of the prohibition on the retention of files. Limiting our officers to participation in investigations with a criminal predicate will provide a degree of assurance that bureau members are not violating Oregon law by assisting in the collection and unlimited retention of police files on individuals engaged in political or other non-criminal first amendment activities.

"To promote political responsibility through informed and active participation in government."

The League encourages Council to consider providing additional oversight of our officers' JTTF activities. The current draft relies on bureau members to report potential violations of Oregon law to the Chief and City Attorney. Asking our officers to monitor their own actions lacks accountability. Accordingly, the League recommends requiring the City Attorney and Independent Police Review Division (IPR) Director to regularly review all critical incident and intelligence related files created by Portland police officers working with the FBI.

Some have asked why Portland has engaged in repeated public debate about the city's participation in the JTTF. In our view, it is due to the fact that the Portland City Council is responsible for both legislative and administrative functions and city contracts appear on the weekly council agendas. This provides a level of transparency not available in other communities, but highly valued by Portlanders.

The League "promotes an open governmental system that is representative, accountable, and responsive ... and that protects individual liberties established by the Constitution." With a limitation on officer involvement to cases with a criminal predicate and the addition of oversight from the City Attorney and the IPR Director, we believe the draft agreement will reflect these values.