

## **RESOLUTION No.**

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:  
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

Deputy

**954**  
Agenda No.  
**RESOLUTION NO.**  
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;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Wheeler, Eudaly &amp; Hardesty</b></p>	<p>CLERK USE: DATE FILED <u>December 1, 2020</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Keelan McClymont</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
<p>Mayor—Finance &amp; 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>JL 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;"><b>BUREAU APPROVAL</b></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><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> <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>	

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

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

## **Exhibit A – List for Quarterly Inventory Reporting**

For the purpose of this Resolution, PPB is required to inventory and report to Council quarterly, with weekly reports during high-frequency use periods, all tools PPB has used or reasonably could use for crowd control purposes as authorized under PPB Directive 0635.10, including but not limited to:

- Chemical Irritants/Riot Control Agents
  - Specialty less lethal impact munitions with irritant
  - Launchable pyrotechnic riot control agents
  - Hand toss pyrotechnic riot control agents
  - Hand toss vapor riot control agents
  
- Specialty Less Lethal Impact Munitions (non-patrol)
  - FN 303
  - 40mm
  
- Distraction Devices and area impact munitions
  - Rubber ball distraction devices
  - Non-bursting distraction devices
  
- Smoke/Obscurants

For purposes of this Resolution, PPB is not required to inventory and report to Council on items from this list that have been earmarked for disposal or destruction.

## **Exhibit B – Equipment List for Quarterly Purchase Authorization**

For the purpose of this Resolution, military-style equipment is defined based on the equipment lists established by Federal Executive Order 13688 of January 16, 2015 (Section(3)(i)) and the pursuant recommendations of the Law Enforcement Equipment Working Group (May 2015). Prior authorization from City Council will be required for purchases of any equipment on those lists, excluding equipment that is standard-issue to all Portland Police Bureau divisions/personnel or equipment used by the Special Emergency Response Team (SERT), as follows:

### Prohibited Equipment List

- **Tracked Armored Vehicles:** Vehicles that provide ballistic protection to their occupants and utilized a tracked system instead of wheels for forward motion.
- **Weaponized Aircraft, Vessels, and Vehicles of Any Kind:** These items will be prohibited from purchase or transfer with weapons installed.
- **Firearms of .50-Caliber or Higher**
- **Ammunition of .50-Caliber or Higher**
- **Grenade Launchers:** Firearm or firearm accessory designed to launch small explosive projectiles.
- **Bayonets:** Large knives designed to be attached to the muzzle of a rifle/shotgun/long gun for the purpose of hand-to-hand combat.
- **Camouflage Uniforms:** Does not include woodland or desert patterns or solid color uniforms.

### Controlled Equipment List

- **Manned Aircraft, Fixed Wing:** Powered aircraft with a crew aboard, such as airplanes, that use a fixed wing for lift.
- **Manned Aircraft, Rotary Wing:** Powered aircraft with a crew aboard, such as helicopters, that use a rotary wing for lift.
- **Unmanned Aerial Vehicles:** A remotely piloted, powered aircraft without a crew aboard.
- **Armored Vehicles, Wheeled:** Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier. These vehicles are sometimes used by law enforcement personnel involved in dangerous operating conditions, including active shooter or similar high-threat situations. These vehicles often have weapon-firing ports.
- **Command and Control Vehicles:** Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident. Command and Control vehicles provide a variety of capabilities to the incident Commander, including, but not limited to, the provision for enhanced communications and other situational awareness capabilities.
- **Specialized Firearms and Ammunition Under .50-Caliber (excludes firearms and ammunition for service-issued weapons):** Weapons and corresponding ammunition for specialized operations or assignment. This excludes service-issued handguns, rifles, or shotguns that are issued or approved by the agency to be used during the course of regularly assigned duties.
  - *SERT-specific equipment in this category requires prior authorization from the Commissioner-in-Charge.*

- **Explosives and Pyrotechnics:** Includes “flash bangs” as well as explosive breaching tools often used by special operations units.
  - *SERT-specific equipment in this category requires prior authorization from the Commissioner-in-Charge.*
- **Breaching Apparatus (e.g. battering ram or similar entry device):** Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature (a battering ram), ballistic (slugs), or explosive.
  - *Requires prior authorization from the Commissioner-in-Charge.*
- **Riot Batons (excluding service-issued telescopic or fixed-length straight batons):** Non-expandable baton of greater length (generally in excess of 24 inches) than service-issued types and are intended to protect its wielder during melees by providing distance from assailants.
- **Riot Shields:** Shields intended to protect wielders from their head to their knees in melees. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistic protection as well. Riot shields may also be used as an offensive weapon to push opponents.

## IMPACT STATEMENT

**Legislation 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)

**Contact name:** Hannah Holloway

**Contact phone:** (503) 865-6233

**Presenter name:** Hannah Holloway and Derek Bradley

**Purpose of proposed legislation and background information:**

City Council, City staff, and members of the public have little knowledge of the full scope, composition, purpose, and size of crowd control munitions or crowd control equipment at the disposal the Portland Police Bureau at any given time. This lack of transparency created harm and a misuse of City resources during the Black Lives Matter demonstrations in the Spring and Summer of 2020, when demonstrators were exposed to chemical munitions with unknown ingredient lists and health effects. Bureaus such as the Bureau of Environmental Services expended public resources to determine the level of contaminants in public resources and infrastructure. Members of Council and members of the public learned what tools the Bureau had at its disposal only after such munitions and equipment had already been purchased and deployed.

This resolution will require timely reporting on the contents, purpose, cost, and—where applicable—ingredient list of crowd control munitions. This resolution will also establish new authorization procedures for police bureau acquisition and purchase of military-style equipment as designated by President Barack Obama's Executive Order 13688. The bureau will be required to obtain prior authorization from the Commissioner-in-Charge or the City Council as described in more detail in the Resolution. The Police Bureau will submit quarterly written reports to Council on both inventory and acquisition/procurement of military-style equipment. In addition, for any period when the bureau uses or deploys such munitions during protests or demonstrations on three or more days within any seven day period, it will also submit weekly reports within five business days of initial deployment and for the duration of the higher frequency deployment. The Chief of Police is responsible for submitting the reports to Council and designating someone in the bureau who will ensure timely reporting.

**Financial and budgetary impacts:**

No financial or budgetary impacts.

**Community impacts and community involvement:**

This resolution was created in response to community concern about the bureau's use of chemical munitions, and the lack of information from the bureau about what chemicals the public had been exposed to, as well as potential impacts to soil and sewer systems. Regular reports will allow Portlanders to make decisions about exercising their democratic rights with understanding of how their health and safety might be affected. This resolution

was developed in collaboration with Unite Oregon, Imagine Black (FKA PAALF), and the Portland Police Bureau.

**100% Renewable Goal:**

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>