



CITY OF

PORTLAND, OREGON

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RECEIVED

AUG 4 1988

E. ROSENTHAL

August 3, 1988

ELDEN M ROSENTHAL
ROSENTHAL & GREENE PC
1907 ORBANCO BUILDING
1001 SW FIFTH AVENUE
PORTLAND OR 97204-1165

Re: Portland Police Bureau Policy on
Maintaining Information

Dear Elden:

I have met with the appropriate Police Bureau officials to discuss your partial counter-proposal in your March 2, 1988 letter. We accept the new paragraph you proposed.

Accordingly, it is our understanding that the American Civil Liberties Union and the Portland Police Bureau have agreed to the following resolution of this matter.

1. The American Civil Liberties Union will not litigate over the collection of information by the Portland Police Bureau at demonstrations which have occurred prior to July 27, 1988.
2. The Portland Police Bureau will formally adopt the following policy by amending its standard operating procedures for the criminal investigation division. The amended policy shall state:

Portland Police Officers shall not collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

Any photographs or other tangible information taken or obtained at peaceful demonstrations in accordance with the above paragraph may be retained by the Portland Police Bureau for 30

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days, during which time the Bureau will be able to process police officer reports and review evidence, including any citizen complaints or charges of criminal misconduct, property damage, or other matters for which the photographs or information could constitute evidence. At the end of this 30-day period the photographs and information shall be destroyed by the Portland Police Bureau unless, at that time, there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct and the photographs or information relate directly to a criminal investigation, in which case, the photographs may be maintained by the Portland Police Bureau as long as those conditions exist.

The Bureau shall not collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association or organization, corporation, business or partnership, solely for the reason that the individual, or individual members of a group, association, organization, corporation, business or partnership have been convicted of a crime, but the Bureau may consider the relationship of the facts which supported the conviction to any current information in determining whether there are reasonable grounds to suspect the subject is or may be involved in criminal conduct.

3. The Portland Police Bureau has reviewed its files, and will review them again in light of the amended policy, to ensure that their contents comply with the law and the amended policy adopted pursuant to this agreement.
4. The Portland Police Bureau assures that they are not currently collecting or maintaining information upon the political, religious, or social views, associations or activities of Mr. John Blank, the American Field Services (AFS), or the Portland Central American Solidarity Committee (PCASC). Furthermore, the Bureau assures that it does not presently have any documents whatsoever concerning Blank, AFS or PCASC in criminal intelligence files.

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I have one additional concern, although I do not propose that it be an official part of the resolution of this matter. My concern is how the ACLU portrays this agreement. Understandably, any organization wants to portray itself as a frequent "winner." Although it wouldn't be the end of the world if the ACLU portrays this agreement as a victory over the Police Bureau, I believe it would be inaccurate and might create unnecessary tension which would interfere with future cooperative approaches to problem solving. In other words, I believe that the Portland Police Bureau has responded in a constructive and responsible manner to the legitimate parts of the ACLU's concerns, and I hope that the ACLU will acknowledge that action in any public portrayal of this agreement.

The City has been making increased efforts to talk with the ACLU prior to taking actions which might raise civil liberties questions. Conversely, we appreciated your approaching us informally on this matter before commencing litigation. Although there is inevitably healthy tension between your organization and the Portland Police Bureau, I believe strongly that it is in everyone's interest to promote a non-adversarial approach to these difficult and important issues.

I will be out of town from August 4th through August 15th. I hope that before my return you will be able to confirm this agreement. When I receive your confirmation upon my return, I will advise the Police Bureau and they will amend their policy in accordance with this agreement.

Thank you.

Very truly yours,



Jeffrey L. Rogers
City Attorney

JLR/dzl
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c: Deputy Chief Rob Aichele
Lt. Al Dean
Mary Overgaard
Steve Moskowitz