

MEMORANDUM OF UNDERSTANDING (MOU)
INTERGOVERNMENTAL AGREEMENT

This Memorandum of Understanding (MOU) / Intergovernmental Agreement is being executed by the below listed agencies:

Federal Bureau of Investigation - Portland (FBI)

Portland Police Bureau (PPB)

Nothing in this agreement should be construed as limiting or impeding the basic spirit of cooperation which currently exists between the participating agencies as listed above.

I. PURPOSE

This agreement establishes and delineates the mission of the Portland Joint Terrorism Task Force, herein after referred to as the PJTTF, as a joint cooperative effort. Additionally, the agreement formalizes a relationship between the Portland FBI Domestic Terrorism Squad and the Portland Police Bureau in order to better address criminal extremist activity which would fall under the investigative responsibility of either agency.

II. MISSION (as amended)

The mission of the PJTTF is to identify and target for prosecution those individuals or groups who are responsible for acts of criminal terrorism.

III. ORGANIZATIONAL STRUCTURE

A. Composition

The PJTTF will consist of a combined enforcement body of agencies participating in the agreement. These participating agencies will provide full time and part time assigned personnel, as set forth below:

Portland Police Bureau -

- full time - Lt. Randy Kane or replacement
- full time - Sgt. Dave Famous or replacement
- full time - Officer Karl Sprague or replacement
- full time - Officer Dan Liu or replacement

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II. MISSION

The mission of the PJTTF is to identify and target for prosecution those individuals or groups who are responsible for acts of criminal terrorism within the traditional criteria of the Right Wing and/or Left Wing movements, as well as acts of criminal terrorism committed by special interest groups, such as the anti-abortion movement and the Animal Liberation Front/Earth Liberation Front. The PJTTF will enhance the effectiveness of federal/state/local law enforcement resources through a well coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate offenders.

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- full time - Officer Dan Liu or replacement

*Needs to be
revised*

full time - Officer Rae Klein or replacement
 full time - Officer Matthew McDonald or replacement
 full time - Officer Richard Miller or replacement
 full time - (PASS) Anne Fredrickson or replacement

Beaverton Police Department -

part time - Detective Terry Merritt

Eugene Police Department -

part time - Detective Terry Willis

Oregon State Police -

part time - Detective Griff Holland

Federal Bureau of Investigation -

full time - SSA Kevin Favreau
 full time - SA Daniel Feucht
 full time - SA Frank Heckendorn
 full time - SA Michael Swinhoe
 full time - SA Thomas Durham
 full time - SA John Jeffries
 full time - SA Edward Marshman
 full time - IRS Edward Higgins
 full time - IRS Blaine Yauger
 part time - SA John Ferreira - Eugene RA
 part time - SA Darold Hessel - Salem RA
 part time - SA Kerry Larsen - Medford RA

B. Direction

All participants acknowledge that the PJTTF is a joint operation in which all agencies act as partners within the operation of the task force. Day to day supervision of the task force will reside with the Portland Domestic Terrorism Squad Supervisor. A Management Board made up of the appropriate supervisory personnel at each listed agency will meet quarterly in order to provide policy oversight, case review, and future direction relative to shifting crime problems.

C. Supervision

The day to day operation and program coordination of the PJTTF will be the responsibility of Supervisory Special Agent (SSA) Kevin Favreau of the Portland FBI. The daily management of the PJTTF will be closely monitored with the appropriate supervisory personnel of the listed agencies. Responsibility for the conduct of PJTTF members, both personally and professionally, shall remain with their respective supervisors.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the PJTTF will be based upon performance and will be at the discretion of the respective agency supervisors. Each participating agency, upon request, will be provided with an update as to the program, direction, focus and case specific accomplishments of the PJTTF.

B. Deputization

All local and state law enforcement personnel assigned to the PJTTF either in a full time or part time capacity will be subject to a limited background inquiry, will be sworn as deputized Special Federal Officers, with the FBI securing the required deputization authorization. These deputizations will remain in effect throughout the tenure of each investigator's assignment to the PJTTF or until termination of the task force.

C. Investigations

All PJTTF investigations will be initiated in accordance with United States Attorney General Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations (AG Guidelines). The investigative methods employed will be consistent with the policies and procedures of the FBI and the AG Guidelines. However, in situations where the statutory or common law of Oregon is more restrictive than comparable Federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such Oregon statutes or common law.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in Oregon or United States District Court will focus upon achieving the greatest overall benefit to the community. Any question which arises pertaining to prosecutive jurisdiction will be resolved through discussion with the participating PJTTF agencies and the Multnomah County District Attorney's Office as well as the appropriate state prosecutors and/or United States Attorney's Office.

V. ADMINISTRATIVE

A. Case Assignments

The FBI SSA assigned to the PJTTF will oversee the prioritization and assignment of targeted cases and related investigative activity in accordance with the stated objectives and direction of the PJTTF. Cases will be assigned to

investigative teams based on experience, training, performance, expertise, and existing case loads.

B. Records, Reports and Evidence

All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of all pertinent documents created by each member of the task force will be made available for all agencies for inclusion in the respective agencies' files as appropriate. The investigative files of the PJTTF will be housed in the Portland FBI office. Again, where appropriate, copies of any investigative reports will be shared among all agencies.

All evidence and original tape recordings (audio and video) acquired during the course of PJTTF investigations will be maintained at the Portland FBI. The FBI's rules and policies governing the submission, retrieval and chain of custody will be adhered to by the PJTTF personnel.

C. Investigative Exclusivity

Matters designated to be handled by the PJTTF will not knowingly be subject to non-Task Force law enforcement efforts. Each participating agency will make internal notification regarding PJTTF existence, including its primary areas of investigative activity.

There should be no unilateral action taken on the part of any participating agency relating to PJTTF investigations. All law enforcement action will be coordinated and conducted as a cooperative matter. PJTTF investigative leads outside Oregon will be communicated to other FBI offices for appropriate investigation and report submission back to the PJTTF.

D. Informants and Cooperating Witnesses

The United States Attorney General Guidelines and the FBI's guidelines regarding the operation of informants and cooperating witnesses will apply to all informants and cooperating witnesses directed by members of the PJTTF. The FBI agrees, subject to funding availability, to pay informants/cooperating witnesses' expenses in accordance with FBI policies and procedures and which are determined by the FBI to be reasonable and necessary. An appropriate FBI informant/cooperating witness file will be opened wherein all information furnished by the informant/cooperating witness will be maintained. In addition, any recommendations for payments to this informant/cooperating witness will also be documented therein. Each handling officer/agent in the PJTTF will determine what is an appropriate payment for the informant in coordination with the Portland FBI Domestic Terrorism Supervisor.

E. Staff Briefings

Periodic briefings on PJTTF investigations will be provided to the heads of participating agencies or their designees.

VI. MEDIA

All media releases pertaining to PJTTF investigations and/or arrests will be coordinated and made jointly by all participants of this MOU. No unilateral press releases will be made by any participating agency without the prior approval of all participants. No information pertaining to the PJTTF itself will be released to the media without mutual approval of all participants.

VII. EQUIPMENT

A. Vehicles

The Portland FBI has requested four lease vehicles.

B. The Portland FBI has requested radios, pagers, and cellular telephones for each full time or part time participant.

C. Computers including laptops will be made available where funding is available,

All equipment is subject to funding availability. The PJTTF has been approved by FBIHQ for operation for the period through September 30, 2001.

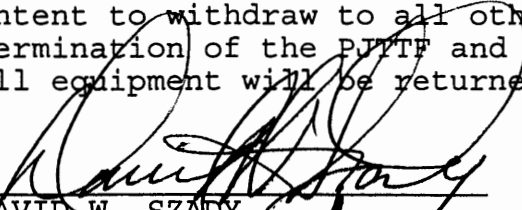
VIII. FUNDING

Each participating agency agrees to provide full time or part time services of its respective personnel for the duration of this operation. Participating agencies agree to assume all personnel costs for their task force representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency. Subject to funding availability and legislative authorization, the FBI will reimburse to the Portland Police Bureau and the Oregon State Police the cost of overtime worked by PJTTF members assigned full time to the task force, providing overtime expenses were incurred as a result of PJTTF related duties. Separate Contract Reimbursable Agreements (CRAs) will be executed by the FBI and each participating agency consistent with regulations and policy.

IX. DURATION

This MOU/Intergovernmental Agreement shall remain in effect until terminated on September 30, 2001. Continuation of this MOU/Intergovernmental Agreement shall be subject to the availability of necessary funding in federal fiscal year 2001. This agreement may be modified at anytime by written consent of all involved agencies. This agreement may be terminated at any

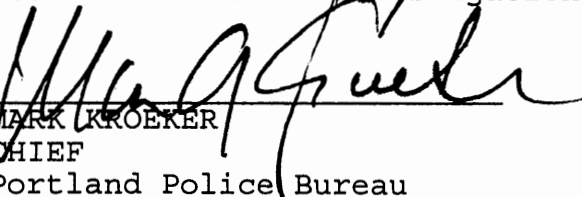
time by any of the participating agencies, including the Portland FBI. The participating agencies may withdraw from this agreement at any time by providing a thirty day written notice of its intent to withdraw to all other participating agencies. Upon the termination of the PJTF and the MOU/Intergovernmental Agreement, all equipment will be returned to the supplying agencies.




DAVID W. SZADY
Special Agent in Charge
Federal Bureau of Investigation



DATE



MARK KROEKER
CHIEF
Portland Police Bureau



DATE

VERA KATZ
MAYOR
City of Portland

DATE

APPROVED AS TO FORM



CITY ATTORNEY

175111

Item #
1697

ORDINANCE No.

* Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Ordinance.)

The City of Portland ordains:

Section 1. The Council finds:

1. This agreement establishes and delineates the mission of the Portland Joint Terrorism Task Force (PJTTF), as a joint cooperative effort.
2. The agreement formalizes a relationship between the Portland FBI Domestic Terrorism Squad and the Portland Police Bureau in order to better address criminal extremist activity which would fall under the investigative responsibility of either agency.
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4. The PJTTF will enhance the effectiveness of coordinated initiative seeking the most effective of federal/state/local law enforcement resources through a well coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate offenders.

revised

NOW THEREFORE, the Council directs:

- a. The Mayor and Auditor are hereby authorized to execute an intergovernmental agreement with the Federal Bureau of Investigation attached hereto as Exhibit 1.

Section 2. The Council declares that an emergency exists because delay in the enactment of this Ordinance would cause delay in the mutual benefits of this project; therefore, this ordinance shall be in force and effect from and after its passage by the Council

Passed by Council:

Mayor Vera Katz
Lt. Randy Kane
October 25, 2000

Gary Blackmer
Auditor of the City of Portland

By

Deputy

ORDINAINCE No. 175111
As Amended

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/Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Ordinance.)

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Passed by Council: **NOV 22 2000**

Mayor Vera Katz
Lt. Randy Kane
October 25, 2000

Gary Blackmer
Auditor of the City of Portland

By 

Deputy

ORDINANCE NO. 175111

As Amended

* Agreement with

Title

Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Ordinance.)

INTRODUCED BY	DATE FILED: NOV 17 2000
	Gary Blackmer Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	By: <u>Britta Olson</u> Deputy
Finance and Administration <i>[Signature]</i>	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau: POLICE	ACTION TAKEN:
Prepared by Date Elizabeth Urbana 9/13/00	
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head: Mark A. Kroeker, Chief <i>[Signature]</i>	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent	Regular	Francesconi	Francesconi	✓	
NOTED BY		Hales	Hales	✓	
City Attorney		Saltzman	Saltzman	✓	
City Auditor		Sten	Sten	✓	
City Engineer		Katz	Katz	✓	