

Portland will not enforce citywide vaccine mandate on police force

[Rebecca Ellis](#) Sept. 7, 2021

Portland Mayor Ted Wheeler announced on Wednesday that he will not be mandating the city's police force get vaccinated.

The city attorney's office advised city staff on Tuesday that the order issued last week that all employees be fully vaccinated against COVID-19 or risk losing their jobs could not be extended to the city's police force. That was due to new [guidance from the Oregon Health Authority](#), which said the Governor's order mandating vaccines for health care workers likely did not apply to police.

The city has interpreted that guidance to mean it can not implement a vaccine mandate on its own police force.

"I am disappointed that we can't hold all of our City employees to the same vaccine requirement," Wheeler said in a statement. "However, state law prohibits us from requiring vaccinations for police officers unless there's a federal or state law, regulation or rule that mandates they get vaccinated."

In Oregon, cities can only issue vaccine mandates for firefighters and police officers if there is already a federal or state rule in place that requires it, according to an email from deputy city attorney Heidi Brown sent to city staff Tuesday. The city believed that requirement came on August 19 when Gov. Kate Brown issued a vaccination mandate [for the state's healthcare workers](#). The city thought the Governor's [definition of health care workers](#) covered police officers. City attorneys recommended the city move forward with a citywide vaccination mandate that included police.

But new OHA guidance on the vaccine mandate, delivered to the city on Friday, said police officers were most likely exempt from the mandate. That guidance said law enforcement was “probably not” subject to the governor’s orders as providing medical care was “likely not a fundamental part of their job.”

Following that guidance, the city now believes it can not enforce the mandate on police officers.



A 2019 file photo of a Portland police officer. On Sept 8, 2021, Portland Mayor Ted Wheeler announced that he will not be mandating the city’s police force get vaccinated.

Bradley W. Parks / OPB

“I still am strongly encouraging police officers to get vaccinated,” the mayor said in a statement. “Our City leaders have decided we want to lead by example, and science has proven that vaccines are the most effective tool to end this pandemic.”

Outside City Hall, some legal experts questioned whether the city had conceded too easily. Multnomah county, which is in a similar predicament to Portland having issued its own countywide vaccine mandate, was still looking into how the new guidance applies to the sheriff’s office. As of Wednesday afternoon, they had not made a determination.

Juan Chavez, an attorney with the Oregon Justice Resource Center, said he felt the city attorney had jumped the gun by basing the decision not off of a court ruling, but an inconclusive statement from OHA that came formatted as questions and answers.

"This is such a pattern with the city where the least amount of resistance from their police bureau is met with rolling out the red carpets, caving in immediately and giving them a birthday cake," he said.

The city's police union had pushed back forcefully against the citywide vaccine mandate, warning such a requirement would lead to mass resignations within an already short-staffed force. [Willamette Week reported](#) that the police union's lead attorney had argued to the city that officers were opposed "so deeply" that they would leave the force before getting a vaccine. According to PPB spokesperson Teri Wallo-Strauss, the bureau has had 145 sworn bureau members leave since July 2020.

Wallo-Strauss said she did not have numbers as to how many Portland police officers are vaccinated.

The city's police union did not respond to a request for comment on the mayor's announcement.

In issuing a vaccine mandate for all city employees, Portland joined a long list of major U.S. cities, including San Francisco, Chicago, Seattle, Los Angeles, and San Diego. But in carving out an exemption for police, the city appears to stand alone.