

Questions for the Portland Police Regarding Cooperation with Federal Law Enforcement - Compiled and/or supported by: Peace and Justice Works/Portland Copwatch; League of Women Voters of Portland; Portland Democratic Socialists of America; Portland JACL; ACLU of Oregon; Brandon Mayfield; 350PDX; and, Jewish Voice for Peace - January 4, 2021

A. Investigations of political affiliations

1) In late May, the uprisings for racial justice and police accountability began in the wake of the murder of George Floyd by Minneapolis Police. US Attorney General Bill Barr pledged to use the nation's JTTFs to investigate "organizers and instigators" (USDOJ News release, May 31, 2020, <https://www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-riots-and-domestic-terrorism>).

Question - Did the Portland Police investigate protest "organizers and instigators" as AG Barr directed the JTF to do?

Answer – *PPB CIU officers were requested to assist the JTF with criminal investigations related to last summer's civil unrest, within the scope of the Council Resolution and PPB Directive, not at the direction of AG Barr. It would be inappropriate to comment on or confirm the scope of those investigations, unless otherwise noted in the report.*

2) The Nation magazine reported that federal agents were tapping into protestors' cell phones to gather intelligence ("Federal Agencies Tapped Protesters' Phones in Portland," September 21, 2020 <https://www.thenation.com/article/politics/homeland-security-portland>).

Question - Was the JTF (including PPB) involved in cell phone surveillance of Portland protesters?

Answer – *It would be inappropriate to confirm or comment on FBI investigations; however, it would be accurate to say that PPB CIU officers were not involved in any "cell phone surveillance" as described in this news story or question.*

3) In Tennessee, activists were visited by JTF agents based on social media posts, particularly about organizing for the Black Lives Matter movement ("After Barr Ordered FBI to 'Identify Criminal Organizers,' Activists Were Intimidated at Home and at Work," the Intercept June 12 2020).

Question - Has the PPB been involved in JTF investigations over Portland activist social media posts?

Answer – *"Activist" status is not a basis for a criminal investigation, which is limited to circumstances where a social media post is reported to contain information that law enforcement reasonably suspects is indicating the user has committed, is committing, or is planning to commit a crime (i.e. threats of violence). Under these circumstances, the information may be the basis for a preliminary assessment. The PPB CIU has conducted investigations based on social media posts that fit the above criteria.*

B. Cooperation with federal law enforcement

1) This summer, Portland protests were patrolled in part by the Immigration and Customs Enforcement's Customs and Border Patrol (CBP) division, US Marshals, the Department of Homeland Security (DHS) and other agencies linked to the Joint Terrorism Task Force. City Council eventually passed two resolutions

limiting interaction by the Portland Police with these agencies (July 22: <https://efiles.portlandoregon.gov/Record/13915294>; October 28: <https://efiles.portlandoregon.gov/Record/14016312>).

Question - Did PPB cooperation with federal policing including ICE's CBP, DHS, mean defacto work with the JTTF?

Answer – *The described work by ICE, CBP, US Marshals, and DHS, was outside the scope of any JTTF work and did not involve PPB CIU members. The City Council resolutions did limit, for a time, any communication by PPB CIU with any Federal agency, regardless of role until clarification by the City Attorney's Office.*

2) Beginning on September 26, over 50 Portland Police officers were deputized as federal Marshals, initially to respond to a right-wing demonstration, but with the deputizations extended until December 31.

Question - How did deputizing officers as federal agents impact the PPB's limited relationship to the JTTF?

Answer – *There was no impact on PPB's limited relationship with JTTF.*

3) On October 11, an undercover FBI agent helped the PPB arrest a protestor suspected of breaking windows at the Oregon Historical Society. The suspect was named Malik Muhamad, raising questions about why the FBI was focused on this one individual. A DHS agent also helped arrange the arrest of another protestor suspected of helping topple a statue ("Man firing gun in SE Portland drew officers from Sunday night's downtown protest," Oregonlive, October 12, 2020 (<https://www.oregonlive.com/crime/2020/10/man-firing-gun-in-se-portland-drew-officers-from-sunday-nights-downtown-protest-portlands-police-chief-says.html>)).

Question - Were the FBI's arrest of Malik Muhamad and the DHS-aided arrest of another protestor on 10/11 connected to the JTTF, and if so did this fit the rules the PPB has to follow under the 2019 Council Resolution?

Answer – *The arrests were made by officers assigned to patrol/crowd control duties and would not fall under the 2019 Council Resolution. For reference, see the Multnomah County District Attorney's Office October 12 news release - <https://www.mcda.us/index.php/news/malik-fard-muhamad-charged-with-riot-after-oregon-historical-society-vandalized/>*

4) In early November, the FBI announced that the JTTF arrested a Troutdale man for "material support" of terrorism due to his posts on the internet ("Portland-Area Resident Indicted for Providing Material Support to ISIS," FBI memo November 5, 2020, <https://www.fbi.gov/contact-us/field-offices/portland/news/stories/portland-fbis-joint-terrorism-task-force-jttf-111318>).

Question - Were Portland Police involved in the arrest of the Portland area man indicted for providing "material support to ISIS"?

Answer – *PPB CIU was not involved in this investigation or arrest.*

IMPACT STATEMENT

Legislation title: Accept 2021 Joint Terrorism Task Force Report (Report)

Contact name: Robert King

Contact phone: 503-823-8056

Presenter name: Sergeant Pete Simpson

Purpose of proposed legislation and background information:

This City Council report is the second Portland Police Bureau report since the withdrawal of the City of Portland as a full partner in the Joint Terrorism Task Force. The report to City Council outlines the parameters of cooperation since the withdrawal.

Financial and budgetary impacts:

This action requires no additional resources and no change to the City's budget

Community impacts and community involvement:

This action reaffirms Council policy as directed by Resolution 37415 adopted in 2019 following significant community conversation and discussion. Council held a highly publicized work session and hearing in advance of adopting this legislation

100% Renewable Goal:

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount