

From: [Anaïs Tuepker](#)
To: [Council Clerk – Testimony](#)
Subject: testimony on Portland Police Bureau Report to City Council on the Portland Joint Terrorism Task Force (JTTF) - 2021
Date: Tuesday, January 26, 2021 2:08:56 PM

Dear Council and Council staff,

Greetings to you for the new year. Below are comments of mine, on behalf of my organization 350PDX, that I would like to submit as testimony relevant to tomorrow's City Council meeting.

Thank you,

Anaïs



Anaïs Tuepker (she/they)

Chair, Board of Directors

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I want to thank the preparers of this annual report from the Portland Police Bureau for responding to the questions our coalition of community organizations posed.

Again like last year, the brevity of the report makes me wonder about all that might, quite legally, have been left out, because it did not rise to the level of cooperation or activity required to be reported. Especially in this year when federal officers of many kinds were so obviously operating in our city, it feels like a lot may be being left unsaid.

Again like last year, I wonder how some of the terms in this report are being defined by those who make decisions about surveillance - "extremist" in particular. Since the report uses the phrases both "extremist" and "violent extremist," something other than just the threat of violence is in play. Calling for profound social change is not extremist. Insisting on the need to see and end systemic racism is not extremist.

It's not much of a relief to hear that "activists" are not monitored on social media unless there is a credible threat of a "crime." The report gives an example of surveillance when there is an intent to commit "violence," but the application could be much wider. Is taking part in an unpermitted march, for example, a "crime" - one of maybe little interest to the police on its own, but useful as an opening for surveillance? And, again like last year, it still isn't clear that the PPB can't point the FBI to the publicly available social media information of activists, with which the FBI then takes further action independent of the PPB. In 2019 this kind of information sharing about Portland activists opposed to new fossil fuel projects

in Southern Oregon was documented by the press to be occurring.(1)

I want to recognize that we are in a strange moment, where the FBI is enjoying a rare popularity for cracking down on the Capitol violence instigators. I want to remind City Council and the PPB that this one moment of finally turning attention to white supremacists doesn't make up for the demonstrated pattern of stronger police surveillance, more frequent and harsher charges, and greater violence towards communities of color and activists working for racial equity and justice. Nor does it justify increased scope for surveillance - the existing legal capacities of the FBI give more than enough scope for investigation, if the political will to investigate violent domestic terrorism is there.

In closing I want to shift the topic a little and say that I wish I was giving testimony to City Council in an open public session. This last year has challenged everyone to develop new capacity for interacting and being effective using online spaces, and City Council is no different and has made efforts to adapt. Council has more to do to create inclusive and adequate space for public comment in this pandemic time. In our work at 350PDX, public testimony has time and time again been crucial to bringing needed policy changes - the example that most clearly comes to mind at the city level is in the creation and defense of a fossil fuel infrastructure moratorium, and public opposition against the expanded Zenith terminal. City Council once tried to deny public testimony and ended up having to respond to a huge town-hall style event organized in North Portland. I believe that the many times people were able to give testimony proved crucial in exchanging information that was helpful to City Council in understanding the scope of public concern, and that helped the public to appreciate the challenges that Council faced in taking effective action. Testimony in public, when it's listened to and responded to, productively channels energy for change and makes it possible for people to be seen not as objects of surveillance but community members with voices. The pandemic has challenged all of our abilities to connect with each other. We need more, not fewer, opportunities for testimony. Thank you.

Anais Tuepker
350PDX Board President

1. Jason Wilson and Will Parrish, "Revealed: FBI and police monitoring Oregon anti-pipeline activists." <https://www.theguardian.com/us-news/2019/aug/08/fbi-oregon-anti-pipeline-jordan-cove-activists>

From: [Peace and Justice Works / Portland Copwatch](#)
To: [Commissioner Hardesty](#); [Wheeler, Mayor](#); [Commissioner Ryan Office](#); [Commissioner Rubio](#); [Commissioner Mapps](#)
Cc: [Council Clerk – Testimony](#)
Subject: COMMENTS: (Item 44) Joint Terrorism Task Force annual Report
Date: Tuesday, January 26, 2021 2:38:43 PM

Members of City Council

Below are comments on the Joint Terrorism Task Force annual Report being presented by the Portland Police tomorrow morning at 9:30 AM. Because we were (once again) not allowed to give public testimony at Council on this matter, we held a news conference this afternoon.

That half-hour long news conference can be seen at

<https://www.youtube.com/watch?v=tTSzVZ3d9Zw>

We also invite your staff (since you will be at the Council meeting) to watch a live watch party we will holding at 9:30 so we can provide context and commentary for community members and the media about the JTTF and the Report.

<https://www.youtube.com/peaceandjusticeworks>

--dan handelman
peace and justice works/portland copwatch

Mayor Wheeler and Commissioners Hardesty, Mapps, Rubio and Ryan:

Our organization Peace and Justice Works and its project group Portland Copwatch continue to be involved in the efforts to end or limit Portland Police Bureau cooperation with the FBI's Joint Terrorism Task Force (JTTF). We supported the letter that was sent to Council in September 2020, the testimony during Communications in early October, and the "People's Report" on the JTTF released in January.

We find that this year's annual Report on the Task Force contains similar shortcomings to last year's Report, and fails to directly address the seven questions we raised in the People's Report on January 4. Instead, the Bureau responded in a document attached to the Council Agenda item with answers that are somewhat -- but not sufficiently-- helpful. At first we did not notice the responses, as they were hidden behind the Council Clerk's processing sheet. The People's Report went directly to PPB over email but we did not get a direct response.

The authors of the People's Report asked Council not to accept the Report from the Bureau without the answers to these questions. We ask that you still consider refusing to accept the document because the relevant answers aren't integrated into the Report itself.

Some of our concerns could be allayed if the City would revisit the 2019

Resolutions and take two steps. First, prohibit all cooperation between the PPB and the JTTF. Doing so would NOT limit the PPB from working with the FBI on cases where actual criminal activity is being investigated, but it would limit the possibility of being asked to work on cases opened on an "assessment." The FBI uses that guideline, little more than a hunch, which doesn't meet the threshold for Oregon law. If all cooperation is not ended, at least the language about investigating "threats to life including hate crimes" should be more narrowly drawn. Second, until any cooperation is ended, require the PPB to do full reporting, including demographics, of the cases they send to the JTTF for investigation. Finally, the Resolution should require contemporaneous public input during the presentation of the Reports.

In brief, here were the questions asked in the People's Report and why we feel the answers aren't satisfactory.

1) We asked if Portland Police investigated protest "organizers and instigators" involved in racial justice and police accountability demonstrations in the George Floyd uprising after former Attorney General Bill Barr directed the JTTF to do so. The Bureau says they did investigate people in relation to the "civil unrest" on behalf of the JTTF but not because of AG Barr. Clearly if the JTTF investigated the protests as "terrorism," it was at Barr's direction. Regardless, it's not clear whether the PPB is referring to the four closed cases they listed in their Report, two of which have to do with people talking about obtaining weapons, one about a person with an "Anarchist Extremist Group" possibly seeking to harm a person with a "racially motivated violent extremist group," or the one about an assault that took place at a protest which the PPB had already investigated as a crime.

2) We asked if the JTTF--including PPB--was involved in the cell phone surveillance of Portland protesters reported by The Nation magazine last September. The PPB says they were not involved in such data collection, but not whether they were aware of this apparently illegal tactic being used by their law enforcement partners.

3) We asked whether the PPB has been involved in JTTF investigations into Portland activist social media posts, as happened in Tennessee in June. The PPB admits investigating social media posts which indicate criminal activity, but did not say whether those were related to the Task Force or what the criminal threshold is.

4) We asked whether PPB's cooperation with federal agencies such as Immigration and Customs Enforcement's Customs and Border Patrol division, US Marshals, and the Department of Homeland Security (DHS) was defacto working with the JTTF. The PPB says that cooperation had nothing to do with the JTTF, and cited that they got clarification from the City Attorney about Council Resolutions limiting contact in order to communicate with these agencies. We still fear there was cross contamination between protest monitoring and the feds.

5) We wondered how deputizing officers as federal agents impacted the PPB's limited relationship to the JTTF. They claim there was no impact on that relationship. However, our concern is that PPB officers may have relayed information about people's social, political or religious affiliations to federal agents in violation of state law.

6) We asked whether the FBI's arrest of Malik Muhamad and the DHS-aided arrest of another protestor on October 11 were connected to the JTTF. The Bureau said that the officers involved were assigned to patrol and crowd control duties. We note here that the cases reportedly shared from the PPB to the FBI are once again so vaguely worded it is hard to know whether this question is answered by the Report.

7) Finally, we asked if Portland Police were involved in the arrest of the Portland area man in Troutdale indicted for providing "material support to ISIS." The PPB says their Criminal Intelligence Unit was not involved--but not whether other Portland officers were. This incident is mentioned in the Bureau's one-sided conclusion, which is longer than the substance of most of the Report, raising the specter of more incidents justifying JTTF action.

We are also working on comments about the Bureau's policy on the JTTF, realizing that two recommendations we made in 2019 were not incorporated. This is likely because the City's Resolution is not clear on these issues, so we also recommend adding them when our above suggestions are added.

-- Any training material the FBI provides to PPB task force members will also be provided to and maintained by the City Attorney's office.

--Any training that is discriminatory and biased against any group shall be immediately reported to the City Attorney and will be a basis for not participating in the JTTF.

Despite the FBI's newfound interest in recognizing the dangers of white supremacists to this country, we disagree with broadly labeling political ideology as "terrorism." History has shown it will inevitably snap back on people of color, immigrants, Muslims and progressive activists. As we did with Chief Outlaw, we urge Chief Lovell, who has the discretion to accept or reject any case where the FBI asks for assistance, to err on the side of caution. The many organizations who objected to the PPB working with the FBI raised recent and long-term concerns about how the secretive federal agency tends to target vulnerable populations.

Thank you for your consideration

Dan Handelman
on behalf of
Peace and Justice Works/Portland Copwatch

From: [Debbie Aiona](#)
To: [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Mapps](#); [Commissioner Rubio](#); [Commissioner Ryan Office](#)
Cc: [Council Clerk – Testimony](#); [Debbie Kaye](#)
Subject: League of Women Voters comments: Joint Terrorism Task Force report
Date: Tuesday, January 26, 2021 4:11:29 PM
Attachments: [LWV comments JTTF ann. rpt. 2021.pdf](#)
[ATT00001.txt](#)

Dear Mayor Wheeler and Commissioners,

Please find attached the League of Women Voters of Portland's comments on the PPB's Joint Terrorism Task Force Annual Report.

Thank you for your consideration.

Sincerely,

Debbie Aiona
Action Committee chair



January 27th, 2021

Portland City Council
1221 SW 4th Ave
Portland, OR 97204

RE: Agenda Item 44: Accept 2021 Joint Terrorism Task Force Report¹

Mayor Wheeler and Members of the Portland City Council,

My name is Andrea Valderrama, and I am the Policy Director and registered lobbyist with the ACLU of Oregon. The ACLU of Oregon is a nonpartisan organization dedicated to the defending and advancing civil liberties and civil rights. With more than 47,000 members, we fight for free speech, racial justice, criminal justice reform, religious liberty, reproductive rights, LGBTQ rights, immigrants' rights, and more.

We ask that you **vote to not accept this report for the following reasons:**

- 1. The report is incomplete and/or insufficient, and is missing information.** The report is missing any information regarding requests made to the FBI related to terrorism and hate crimes, as per the resolution adopted on May 8th, 2019 which states, *"BE IT FURTHER RESOLVED, the Chief of Police, while remaining in compliance with Oregon State Law, shall request that the FBI JTTF share any and all information related to terrorism and/or threats to life, including hate crimes, pertinent to the health, safety, and welfare of all people who reside, work, worship, attend school in and/or recreate in the City of Portland..."*². We believe this falls within the third reporting area, "the number of cases that were referred to the FBI by the PPB". In one section of the report, the response is one sentence long. We believe this is not sufficient nor does it adhere to the value of full transparency. Lastly, of the cases outlined, there is not detail on whether the crimes ended up being classified as hate crimes, or crimes related to terrorism.
- 2. The report is drafted in a way that is culturally insensitive.** *"A December 21, 2020, article in The Washington Post titled, "2020 Appears to be a Good Year for Counterterrorism," highlighted that there were no foreign terror organization attacks in the United States in 2020 and, "despite the grim headlines, the actual number of deaths from white supremacists and other domestic terrorists is small."* The reference to this article is culturally insensitive, especially as BIWOC and BIPOC communities continue to be targeted, harassed, and discriminated against. Additional cultural competency training and a thorough review by the Office of Equity and Human Rights staff should be mandated prior to finalization and publication of this report to ensure racial bias and cultural insensitivity is removed, and that additional trauma is not put on readers, especially BIWOC and BIPOC readers.

Furthermore, while we appreciate the transparency of a report back to Council, we remain firm in our position that there should be no cooperation between the City of Portland and the JTTF for the following reasons:

- **There are legal questions that remain unanswered regarding the mandated training of PPB officers working with JTTF.** It raises significant concerns that, without a clear answer to the question, "is engagement with JTTF legal?", that training and engagement continues to occur. If your attorneys, per this report, could not definitively confirm compliance with applicable state and federal laws, training on compliance should not occur and in fact is a mute point. There should also be transparency around what

¹ <https://www.portlandoregon.gov/auditor/article/780400>

² <https://www.portlandoregon.gov/police/article/732572>



specifically is part of the training curriculum, and who is providing it if the Department of Justice is not engaging. All training materials should be made publicly available for additional analysis.

- **There are legal questions that remain unanswered regarding compliance with ORS 181A 250.** It raises additional concern that city attorneys could not definitely confirm compliance with ORS 181A 250, which states, *“No law enforcement agency, as defined in ORS 181A.010 (Definitions for ORS 181A.010 to 181A.350), may 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.”*³
- **There is no demonstrated racial equity lens or analysis used in determining which cases to take per PPB’s 0750.00 Directive: Bureau Cooperation with the Federal Bureau of Investigation's Joint Terrorism Task Force.** For example, section 2.4 states, *“2.4. In accordance with Directive 810.10, Bureau Contact with Members of Immigrant Communities and Individuals with Diplomatic Immunity, Bureau members shall not provide any information for the purpose of federal immigration law enforcement.”* We know that racial bias still occurs, and the collection of information is the root cause of concern, not explicit mention of that information being used for immigration purposes. Additional racial equity lens and analysis should be done in collaboration with the Office of Equity and Human Rights.

Given these many concerns, we request that an open public hearing be scheduled as soon as possible with the goal of improving this reporting process, as well as reviewing resolution 37424 and directive 0750.00. Resolution 37424 states, *“BE IT FURTHER RESOLVED, the provisions of this resolution are Binding City Policy and no element of this resolution may be changed without an open public hearing (with review and recommendations by members and groups of the Portland Community who are at risk and who advocate for the protection of their civil rights and liberties and representatives from Oregon’s faith based and immigrant communities) and approval by City Council.”*

We will also be submitting public comment on the PPB’s directive 750: Bureau Cooperation with the Federal Bureau of Investigation's Joint Terrorism Task Force, currently under first universal review and open for comment until January 29th, 2021 per their website⁴.

Finally, I would like to thank Commissioner Hardesty for her continued leadership on this item. The ACLU of Oregon looks forward to continuing to work with her office and all of the commissioners to ensure our civil liberties and civil rights continue to be protected and strengthened.

Thank you,

Andrea Valderrama
Policy Director
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³ <https://www.oregonlaws.org/ors/181A.250>

⁴ <https://www.portlandoregon.gov/police/article/780255>