

December 16, 2024

Public Records Request Center, City of Portland

**RE: PUBLIC RECORDS REQUEST – ACLU of Oregon and Don’t Shoot PDX**

Dear Records Custodian,

Pursuant to ORS 192.311 *et seq.* the American Civil Liberties Union of Oregon (ACLU of Oregon) and Don’t Shoot PDX jointly seeks records from the Portland Police Bureau (PPB) pertaining to the use of the Joint Terrorism Task Force (JTTF) to investigate, collect, and disseminate information on people engaged in protest and communities of color. We respectfully request that this communication be directed to the appropriate PPB personnel to facilitate the fulfillment of our request.

This request seeks information to educate the public about the extent to which the PPB in collaboration with the JTTF:

1. monitors and collects information on people engaged in protest activity and/or associate protest with “terrorism,” and
2. whether their privacy, civil rights, and civil liberties policies are adequate to guard against abuses and discrimination.

PPB first joined the JTTF in 2002, causing strong concerns from Portlanders as JTTFs nationally have a history of targeting social justice protesters without establishing a connection to wrongdoing<sup>1</sup>. Oregonians have long valued government transparency and police oversight, as demonstrated by the passage of ORS 181A.250<sup>2</sup> in the 1980s. This statute prohibits Oregon law enforcement from collecting or maintaining information about people’s political, religious, or social views or associations without reasonable suspicion of criminal activity.

When Portland City Council voted to withdraw PPB from the Federal Joint Terrorism Task Force in 2019, the ACLU of Oregon, along with many community members, supported this decision<sup>3</sup>. However, our fundamental concern with this outcome is that while PPB must comply with ORS 181A.250, the JTTF and FBI do not. Since only a select few officers have security clearance to participate in JTTF cases, there is no outside oversight ensuring that PPB officers are not violating ORS 181A.250 when collaborating with FBI colleagues who can use information about people’s political and religious beliefs without suspicion of criminal conduct in their cases.

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<sup>1</sup> [Ahead of Tomorrow’s Senate Judiciary Committee Hearing, Organizations Submit Statement Urging Reform of Section 702 | Brennan Center for Justice](#)

<sup>2</sup> [https://oregon.public.law/statutes/ors\\_181a.250](https://oregon.public.law/statutes/ors_181a.250)

<sup>3</sup> <https://www.aclu-or.org/en/press-releases/aclu-oregon-comment-portlands-decision-withdraw-fbis-jtff>

The public has little information about how PPB and JTTF are still working together, and what privacy, civil rights, and civil liberties safeguards apply to them. This lack of information is also concerning because of credible media reports on how both the PPB and JTTF respectively have been used to wrongly target protestors, communities of color, and those engaged in dissent.

In order to promote greater transparency for the public surrounding the nature of federal and local collaboration in monitoring people engaged in dissent and its impact on privacy and civil rights and liberties, the ACLU of Oregon and Don't Shoot Portland request copies of the following public records:

1. All final policies, guidance, procedures, directives, advisories, memoranda, agreements, training materials, and/or legal opinions created from January 20, 2017 to the present, pertaining to:
  - a. Working with the JTTF;
  - b. Responsibilities when officers are working with JTTF to collect information about, monitor, surveil, observe, question, interrogate, and/or investigate individuals or organizations engaged in protest;
  - c. The activities and/or predicate criteria that trigger JTTF involvement, including the legal justification and/or factual showing required;
  - d. Intra-agency correspondence and correspondence among federal, state, and local law enforcement agencies pertaining to monitoring, surveilling, observing, questioning, interrogating, and/or otherwise investigating individuals or groups engaged in protest through or by JTTF;
  - e. The collection, storage, use, and/or dissemination of data (including photographs, videos, and electronic surveillance records) obtained during and/or in connection with monitoring of individuals or groups engaged in protest through, to, or by JTTF; and
  - f. JTTF's protection of privacy, civil rights, and civil liberties.
  
2. Records created from January 20, 2017 to the present, indicating:
  - a. The number of individuals whose activities have been investigated through, with, or by JTTF in connection with protests; and
  - b. The number and names of groups whose activities have been investigated through, with or by JTTF in connection with protests; and
  - c. Investigation of Don't Shoot Portland; and
  - d. Investigation of the ACLU of Oregon; and
  - e. Investigation of Teresa Raiford; and
  - f. Investigation of Sean Kealiher.

3. Records created from January 20, 2017, to the present concerning the definition of the following terms as used and applied by the PPB or JTTF:
  - a. “Racially or Ethnically Motivated Violent Extremism”;
  - b. “Black identity extremist”;
  - c. “Black Identity Extremism movement”;
  - d. “Anti-Government or Anti-Authority Violent Extremism”;
  - e. “Animal Rights or Environmental Violent Extremism”;
  - f. “All Other Domestic Terrorism Threats”;
  - g. “Abortion-Related Violent Extremism”;
  - h. “Domestic violent extremism”;
  - i. “Domestic terrorism”;
  - j. “Anarchist violent extremism”;
  - k. “Radical agitator”;
  - l. “Criminal organizers and instigator”;
  - m. “Violent instigator”;
  - n. “Antifa”; and
  - o. “Far-left extremist.”
4. Records from January 20, 2017 containing the terms listed in Request 3.
5. Records from January 20, 2017 that name or refer to Don’t Shoot Portland, Don’t Shoot PDX, Black Gallery PDX, Teresa Raiford, Sean Kealiher, and/or ACLU of Oregon. This request excludes records generated for the purposes of litigation involving the named parties.
6. Records describing the process and/or procedures individuals may use to find out whether and what information about themselves has been collected and maintained by JTTF, and the process by which any inaccurate information may be challenged and expunged.

### **Request for Expedited Processing**

These records are urgently needed to inform the public about actual or alleged government activity. Specifically, the use of JTTFs to investigate protesters and communities of color raises significant privacy, civil rights, and civil liberties concerns. Yet, there is little publicly-available information about how JTTFs gather, use, and disseminate information and data and the existence or effectiveness of any safeguards that are in place.

Specifically, the public does not know what activities JTTFs are engaging in in collaboration with local law enforcement; who they are targeting and how these targets are selected; what role state and local law enforcement entities are playing; and whether adequate safeguards are in place to ensure that protestors’ liberties and rights are protected. Thus, timely access to

information regarding the JTTF's practices and policies to protect privacy, rights, and liberties is urgently needed to inform the public about this government activity, which has potentially far-reaching implications.

### **Request for Waiver or Reduction of Fees Because Disclosure Benefits the Public**

Both the ACLU of Oregon and Don't Shoot PDX are non-profit public interest organizations with missions that include educating the public about threats to an inclusive and free democracy, including threats compromising their privacy and right to protest. This Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU of Oregon. Because limited information about the PPB's collaboration with JTTF since 2019 is publicly available, the records sought are certain to contribute significantly to the public's understanding of the scope of involvement of these counter-terrorism tools in policing domestic protests.

Furthermore, the ACLU of Oregon also has the ability and commitment to ensure a significant portion of the public is educated about what it learns through this public records request. The ACLU of Oregon frequently disseminates information to the public about government and law enforcement activities through our website, social media, legislative advocacy, and public engagement activities. Additionally, the ACLU of Oregon regularly communicates with over ,000 members and supporters through the mail, e-mail, social media, and other online forums.

### **Request for Explanation of Any Exemptions Invoked**

The ACLU of Oregon and Don't Shoot PDX recognize that Oregon public records law contains some exemptions. However, many exemptions are conditional and the law balances the need for confidentiality against the public interest in disclosure of the records. See, e.g., *American Civil Liberties Union of Oregon v. City of Eugene et al.*, 360 Or. 269 (2016). Given the strong public interest in disclosure discussed above, the ACLU of Oregon and Don't Shoot PDX urge the District to presume records should be disclosed. The ACLU of Oregon and Don't Shoot PDX also respectfully request an explanation of any exemptions relied upon to deny, partially or fully, any records requested herein.

In accordance with Oregon public records laws, please respond as soon as practicable and without unreasonable delay. You must acknowledge receipt of this request within five (5) business days of receiving the request, and you must complete your response to this request within ten (10) business days after providing us with acknowledgement of receipt (i.e., within 15 business days after receiving this request). See ORS 192.329. Kindly furnish all applicable records to the ACLU of Oregon at **publicrecords@aclu-or.org** if in electronic format; if in hard

copy, please send to: ACLU of Oregon, Attention: Public Records, P.O. Box 40585, Portland, OR 97240.

Sincerely,

Lisa Kwon  
Legal Associate  
ACLU of Oregon