



January 31, 2024

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

RE: Accept the Portland Police Bureau report to City Council on the 2024 Portland Joint Terrorism Task Force (Report)

Mayor Wheeler and Commissioners Gonzalez, Mapps, Rubio, and Ryan,

My name is Jude al-Ghazal Stone. Thank you for the opportunity to submit this testimony on behalf of the American Civil Liberties Union (ACLU) of Oregon. With over 28,000 members statewide, the ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil rights and liberties. As we have testified before, the ACLU of Oregon has many concerns about the JTTF's collaboration with the Portland Police Bureau (PPB).

Oregonians have long valued government transparency and police oversight, as demonstrated by the passage of [ORS 181A.250](#) in the 1980s. This statute prohibits law enforcement from collecting or maintaining information about people's political, religious, or social views or associations without reasonable suspicion of criminal activity. Oregon became one of the first states to enshrine such a regulation in state law after the Portland Tribune revealed that between 1965 and 1985, the [PPB engaged in widespread surveillance of over 3,000 individuals and groups](#), including the ACLU of Oregon, NAACP, and Planned Parenthood.

While the PPB's behavior during that time was deeply unacceptable, it was certainly not unique. Accordingly, we are proud that Oregon demanded better civil rights protections and holds our law enforcement agencies to a higher standard than many other jurisdictions do. One jurisdiction that fails to meet Oregon's high bar for surveillance protections is that of the federal government. The PPB must comply with ORS 181A.250, but the FBI does not.

Therein lies one fundamental concern with the JTTF partnership. 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.

Even more distressing about the JTTF partnership is the PPB's own spotty record of complying with ORS 181A.250 in recent years. [The ACLU of Oregon successfully sued the PPB in 2020](#) for



violating ORS 181A.250 when they live-streamed Black Lives Matter protesters engaged in lawful First Amendment activities. By recording and broadcasting the footage, which often contained close-up shots of protesters' faces, the PPB subjected Portlanders to surveillance for their political activities without a criminal justification and made the people attending the protests vulnerable to identification, federal monitoring, and doxxing. This example illustrates how public monitoring of law enforcement conduct is an integral part of upholding Oregon's surveillance protections. When the PPB openly violates ORS 181A.250, there is little reason to believe that their behavior is unimpeachable behind closed doors.

The FBI's track record with unfounded surveillance is no better. As many of our community coalition partners will share during their own testimony on this matter, the [FBI regularly conducts expansive and invasive surveillance operations](#) that frequently target BIPOC individuals and groups.

Considering the long and recent history of both the PPB's and the FBI's engagement in intrusive and chilling surveillance practices, we have serious concerns about the JTTF's relationship with Portland. The consequences of unfounded surveillance most often harm [Black](#), [Muslim](#), [Arab](#), and [other BIPOC communities](#). Given the City's stated commitment to building trust between Portlanders and the City, we urge you to consider how greater transparency can improve the PPB's relationship with Portland's residents.

One way to alleviate some of our concerns would be to add more detail to the 2024 and future annual JTTF reports. Thorough reporting is an important element of community oversight, so we appreciate the increased amount of detail included in recent reports. However, there is still more work to do to increase transparency. For example, we worry about the practice of deputizing officers to participate in JTTF cases when the annual report does not make clear how some of those cases pertain to threats of terrorism. The following are specific elements of the 2024 JTTF annual report that we would appreciate more information about:

- [2022 Case 5](#): Increased detail about how this constituted a terrorist threat. To which general communities did the threatened individuals mutually belong?
- [2022 Case 6](#): Increased detail about how this constituted a terrorist threat. What types of locations were vandalized?
- [2022 Case 8](#): Increased detail about how this constituted a terrorist threat. Generally, who was the target of the threatened violence (Ex: a group of people, an elected official, etc.)?
- [Page 4](#): When the report states that the "Chief of Police regularly communicates with the CIU supervisor" regarding the JTTF, what does "regularly" specifically look like (Ex: daily, weekly, monthly)?



Without detailed reporting on the collaboration of state and federal law enforcement, Portlanders cannot trust that the PPB is not violating state laws regarding their civil rights. The ACLU of Oregon requests that, at a bare minimum, the JTTF annual report be furnished with additional details to help increase transparency around the partnership between the PPB and FBI.

Thank you for your time and consideration.

Sincerely,

Jude al-Ghazal Stone
He/him/his
ACLU of Oregon