

August 12th, 2020

**BY EMAIL:** [mayorwheeler@portlandoregon.gov](mailto:mayorwheeler@portlandoregon.gov)

Police Commissioner Ted Wheeler  
1221 SW 4th Ave  
Room 340  
Portland, OR97204

**Re: Public Records Request**

Dear Sir/Madam:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Oregon Public Records Law, [Or. Rev. Stat. Ann. 192.410 et. seq.](#)

Specifically, CREW requests:

All communications from May 25, 2020 to the present concerning Portland Police Commissioner Ted Wheeler’s response to public gatherings and protests related to the death of George Floyd, the Black Lives Matter movement, or the killing of black individuals by police officers. This request includes without limitation the following records as they relate to Commissioner Wheeler’s protest response efforts:

1. All communications that describe policy, tactics, procedures, and equipment to be used by law enforcement officers.
2. All records of disciplining law enforcement officers for misconduct.
3. All records related to the total budget and cost for law enforcement officer response, including the cost of riot gear.
4. All communications related to the consideration of deploying the national guard.
5. All records of consideration or implementation of new policies for procedures when responding to incidents and arrests of civilians and when engaging with public gatherings and protests.
6. All communications regarding protest activity with federal law enforcement officers: Department of Homeland Security (DHS), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE),
7. All records relating to the where individuals who were arrested and detained by federal law enforcement were/are jailed.
8. All records relating to journalist arrests, and detainments as well as any law enforcement violations of press freedom.

This request includes but is not limited to communications within the Office of the Police Commissioner as well as communications with the Portland Police Bureau, Portland Police Association, City of Portland, Multnomah County Sheriff’s Department, Office of the Mayor of Portland, Oregon Department

of Justice, Office of the Governor of Oregon, Citizen Review Committee, Independent Police Review, Portland Committee on Community Engaged Policing, and the Federal Government.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as those who were cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, please cite each specific exemption you feel justifies the refusal to release the information and notify CREW of the appeal procedures available under the law. CREW requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. If some portions of the requested records are properly exempt from disclosure, you are required to redact those portions and produce the remainder of the requested records.

The murder of George Floyd on May 25, 2020 by a Minnesota police officer sparked nationwide protests that have been met with heavy-handed law enforcement responses against peaceful protestors. Multiple reports have surfaced of excessive violence and civil rights violations in Portland specifically. Unwarranted detainments and arrests<sup>1</sup> as well as impact rounds and noxious gases<sup>2</sup> have reportedly been deployed by local and federal law enforcement against peaceful protestors. These uses of force resulted in multiple injuries and hospitalizations.<sup>3</sup> The requested records would provide a clearer picture of the internal and external instruction and communication Commissioner Wheeler provided in how to respond to protestors, and, specifically, if violent tactics were encouraged or authorized.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public. The release of information obtained through this request is not in CREW's financial interest.

If there are any fees for searching or copying these records, please inform CREW if the cost will exceed \$100. However, CREW also requests a waiver of all fees because the disclosure of the requested information is in the public interest. The public is entitled to information concerning Commissioner

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<sup>1</sup> Jonathan Levinson, Conrad Wilson, and Ryan Haas, [50 Days of protest in Portland. A violent police response. This is how we got here](#), *OPB*, August 10, 2020, available at

<https://www.opb.org/news/article/police-violence-portland-protest-federal-officers/>

<sup>2</sup> Gillian Flaccus and Sara Cline, [Feds use tear gas to try to disperse Portland protestors](#), *USA Today*, August 10, 2020, available at <https://www.usatoday.com/story/news/nation/2020/07/25/portland-protests-tear-gas/5509229002/>

<sup>3</sup> Celeste Noche, [Pain, arrests, and trauma: 4 injured protestors share their stories](#), *Street Roots*, August 10, 2020, available at

<https://www.streetroots.org/news/2020/07/25/pain-arrests-and-trauma-4-injured-protesters-share-their-stories>

Wheeler's response to public gatherings and protests related to the Black Lives Matter movement and surrounding the death of black individuals by police officers. Further, this information is not being sought for commercial purposes. Please advise us if the costs associated with processing this request will exceed \$100.00.

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at [eraskin@citizensforethics.org](mailto:eraskin@citizensforethics.org), and please copy [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org) on all communications. Where possible, please produce records in electronic format. Please send the requested records to me in electronic form to [eraskin@citizensforethics.org](mailto:eraskin@citizensforethics.org) and [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org). If it's not possible to produce them electronically, please contact me at that email, and I will provide a mailing address. Thank you for your assistance.

Sincerely,



Elliot Raskin