DATE: June 17, 2021

TO: Chief Charles Lovell

FROM: Lieutenant Jacob Clark

SUBJ: Full Rapid Response Team Resignation

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

On the evening of June 16th, 2021, a full Rapid Response Team (RRT) meeting was held at the Kelly Building. The vast majority of the team was in attendance. Portland Police Association Executive Director Daryl Turner spoke briefly at the beginning of the meeting, and then left. Two sworn members representing the Employee Assistance Program were present throughout the meeting. No other Non-RRT members were present. This meeting lasted just over two hours where the following discussions and decisions were made.

Team members engaged in a robust, professional, and rational discussion regarding the status of the team. Ultimately, all team members present voted to resign from RRT. Their resignations were offered to me as the Team Commander verbally, and were effective at 2000 hours on June 16th, 2021. I clearly explained members could change their minds and remain on the team if after personal deliberation they wished to remain with the team. If anyone contacts me and wishes to remain on the team, I will notify you.

While the discussions leading to the resignation decision were made with little emotion, the actual decision to resign was very emotional for many of the team members. They expressed their dedication to the team and the City of Portland. They expressed a strong desire to continue to serve the citizens of this city as members of RRT. However, they feel the issues discussed below are so severe, they cannot continue to serve on the team under the extreme liability they are currently facing. The team expressed their hope these issues can be resolved, and they can return to RRT duties in the future.

Below are some of the reasons the team cited for their decision to resign from the team. This is not an exhaustive list. Individual team members have other various rationale for their decision. However, I believe this list best incorporates the rationale cited for all of the team members present.

Resignation rationale:

- Throughout the 2020 demonstrations nearly all members of the team were injured at some point. Many members were injured multiple times throughout that time period. The injuries received ranged from multiple members with broken bones, torn ligaments and cartilage, traumatic brain injuries, hearing damage, damaged eye sight, lacerations, and burns.

- The team feels that while relevant Bureau Directives have remained unchanged, the interpretation of those Directives as it applies to protests has changed. Those changing interpretations eliminate the clarity needed for members to effectively do their job. Additionally, there are conflicting standards between Directives, training, and legal interpretations best observed in Directive 1010.00 Use of Force and Directive 635.10 Crowd Management/Crowd Control.

- The team feels changes in Directive interpretation and changes in policy have been applied retroactively creating an environment where members acted within training, directive, and policy, but were later disciplined based on Directive interpretation and policy changes that were not in place when the member's reviewed act took place.

- The circumstances in which the team is asked to operate in are extremely hazardous and present serious officer safety concerns. The removal of effective tools through mayoral order or judicial decree have increased the hazards the team faces and has greatly decreased their safety. The removal of tools also forced team members to utilize more physical force to accomplish the missions dictated to them by Incident Command. Team members expressed this concern to Bureau command at the time, and were told Bureau command understood more physical force would be used. Additionally, reduced Bureau staffing, budget, and very little mutual aid support, has forced the team to interact with dangerous crowds without proper staffing levels which directly decreases their level of safety.

- The team strongly feels there has been a significant lack of leadership from the Chiefs Office, City Hall, local political leaders, and the District Attorney's Office. The team recognizes leadership is complicated and multifaceted. However, they believe there has been little clear guidance offered to the team. The lack of clear guidance has led the team to lose confidence in their decision making, and fearful of later repercussions which they are currently experiencing in the form of delayed internal investigations. The lack of leadership from the District Attorney's Office, pertains to charging decisions, and the lack of prosecution of individuals arrested for committing crimes during civil unrest including violent acts committed against the officers themselves. As well as statements from the District Attorney interpreted by demonstrators to mean they would not be charged for criminal acts they commit during demonstrations.

- The team expressed serious concerns regarding the inconsistent application of the internal review process throughout the chain of command. Multiple Internal Affairs investigations have determined the involved member did not violate policy at both the Internal Affairs/Independent Police Review and the Responsibility Unit (RU) Manager levels, but were then controverted at the executive level of the agency. The relatively high number of controverts, strongly indicates a lack of consistent review, and leaves the team members feeling decisions are being made for political reasons rather than direct interpretation of the facts of a case. Additionally if our own command and internal affairs teams cannot agree on the interpretation of Directives how are RRT members expected to understand them and make good decisions.

- Throughout the 2020 demonstrations, multiple team members were ordered by the Chief's Office to no longer deploy with the team or directly interact with the public as a member of the team. Those decisions were made without due process considerations and without input from the team members effected. Multiple team members remain in this status to this day even though internal reviews have been completed in some of their cases.

- The team does not feel that Bureau leadership recognizes the physical and mental toll the team has withstood since the 2020 demonstrations started. They also do not feel leadership has supported them on this front.

- The team feels Bureau leadership has failed to recognize the toll so many consecutive nights of civil unrest has had on the members. Not only physically, and emotionally, but on their career as well as personal lives. Demonstrators visited and damaged team member's personal homes, doxed members, and directly threatened their family members and loved ones. Team members do not feel Bureau leadership understands how difficult it was, and has only focused on mistakes that were made instead of also highlighting all of the great work the team did night after night in such chaotic, dangerous, and difficult circumstances.

- The team strongly feels there has been more focus on the actions of police officers during demonstrations than the actions of the demonstrators themselves. Team members were subjected to extreme violence nearly every night of the demonstrations, and that was rarely discussed both externally and internally. Instead, the focus of the vast majority of discussion surrounding crowd control, was focused on the officer's actions only.

- The team strongly believes in the oath they originally took to protect and serve. They believe political leadership in this city allowed our community members to be victimized through criminal action, because the political leaders supported the message of the demonstrators. The team feels this approach was unfair to the victims of the crimes committed, and overrode the rule of law in this city.

- The team has a lack of confidence in the legal representation provided by the City Attorney's Office. The City Attorney's Office is controlled by the City Commissioners. When political leaders and the Police Bureau have similar goals and beliefs, our current system works. However, early in the demonstrations of 2020, the City Commissioners did not support the police. This led the City Attorney's Office to not properly support the Police Bureau on a legal front. To ensure the Police Bureau receives proper legal counsel from the City Attorney's Office, a Police Bureau focused group has to be independent of political leadership direction.

- Throughout the demonstrations of 2020 and continuing until today, members of RRT were repeatedly asked to develop various tactical solutions to various problems identified with the demonstrations. RRT repeatedly developed new tactics. Those new tactics were approved, and implemented. However, in some cases, those tactics approved by Bureau leadership were later criticized when Bureau leadership or council did not like the outcome.

- The lack of available video to show events from the perspective of team members, has negatively impacted the community's perspective of the team's performance. The same lack of video has also lead to an increase in sustained Internal Affairs investigations of team members based almost entirely on video submitted by the demonstrators themselves. The team fully recognizes the Bureau attempted to live-stream events to accomplish this purpose, and the use of live-streaming was restricted when a judge issued a temporary restraining order. However, the team strongly believes the City Attorney's Office interpretation of that temporary restraining order was overly restrictive and risk averse in the

City's interest. That overly restrictive and risk averse decision protected the city while placing team members in a position of increased individual risk. Additionally, the team believes the City's decision to refuse to provide body worn cameras to the Police Bureau has negatively impacted the Bureau as a whole and team members specifically, in the case of crowd control actions. Had members been equipped with body worn cameras, the community could have viewed events from our perspective, and complaints of misconducted could also be viewed from the perspective of the officer involved.

RRT is composed of professionals who are dedicated to public safety and the members of the Portland community. They have continued to persevere and evolve over the last year changing and evolving tactics as necessary. The nightly direct actions and their associated criminal destruction and violence have ended as a direct result of RRT efforts. The decision for the entire team to resign was not an easy one. The team members truly believe in the mission of RRT. However, the personal liability that has been placed on them for many of the reasons listed above, has led to this decision. As the Rapid Response Team Commander, I fully support their decision to resign from the team. It is my hope, as well as the team's hope, that these issues can be properly resolved so the team can go back to serving the City of Portland as proud members of RRT.

Lieutenant Jacob Clark

Rapid Response Team Commander