



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

City Council Workshop Memo

DATE: June 22, 2020
TO: City Council
FROM: City Manager's Office and Portland Police Department
RE: After Action Report of June 1st into 2nd Protest

SUMMARY

The city of Portland experienced several protests in response to the murder of George Floyd between May 29, 2020 and June 5, 2020. Following these protests, the City Council directed the City Manager to provide a report of the police response during the June 1st into 2nd protest at a June 22, 2020 workshop. This report provides a summary of the actions taken by Portland Police during the evening of June 1st into the early morning hours of June 2.

Additionally, on June 9, 2020, the Council's Health & Human Services and Public Safety Committee met to review the Portland Police Department's practices and policies. During that initial meeting, the Committee reviewed the Department's Use of Force policies, Body Worn Camera policy, Crisis-Intervention and De-escalation practices and trainings, Implicit Bias trainings, and the role of the Police Citizen Review Subcommittee. The Committee also discussed policy recommendations from President Obama's Task Force for 21st Century Policing and how it meshes with current PPD policies and practices as well as an assessment of where the PPD is with Campaign Zero's "8 Can't Wait" platform. The backup material from that meeting can be found [here](#).

Throughout the nation, many cities have experienced protests following the May 25th killing of George Floyd by police officers in Minneapolis, MN. On May 29, 2020, Police Chief Frank Clark and the Police Department's two union presidents issued an [open letter](#) to the community expressing its outrage and support of continuing to critically assess its policies, trainings and procedures to ensure they meet the highest of standards.

Typically, protest organizers work with the City's Event Permitting staff and Police Department ahead of time to go over logistics in order to ensure the safety of protesters, the public, and divert traffic. Although attempts were made by the City, protest details were not shared for all but the June 3 protest.

No formal complaints have been made against Portland Police officers for its actions during these protests.

Protests in Portland

There were seven protests in Portland between May 29 and June 5, the majority of which were peaceful.

May 29: large, peaceful protest (Franklin Street, between Marginal Way and Fox Street)

May 30: small, peaceful protest (PPD headquarters)

May 31: large protest which included graffiti of the PPD, but no violence

June 1: large, peaceful protest which turned chaotic and violent

June 2: large, peaceful protest that turned chaotic and violent

June 3: large, peaceful protest, police chief and officers walked with growing crowd from PPD headquarters to City Hall, and then to Monument Square, where they dispersed

June 5: large, peaceful protest included marching throughout the city, Deering Oaks, and ending at City Hall

June 1-2 Protest

The June 1st protest was unprecedented in terms of its lack of advance communication, size, actions toward police, violence, failure to adhere to calls for dispersal, looting and other criminal acts. Because of the lack of advance communication between police and protest organizers the department was left to monitor social media to gauge how large this protest would be, what area it would cover, and whether or not its intent was peaceful. By 7:00 PM that evening, 500 people had gathered in the area of Commercial and India Streets with many more people approaching the area. Police staged resources in the area in anticipation of protesters movements in order to protect their rights to peacefully (and safely) protest, ensure the safety of protesters, protect the community as a whole, prevent damage to public and private property, send officers home safe and sound, and be able to respond to other calls for service. Initially, eight officers were held over from their dayshift and assigned to close streets and provide vehicle escorts for protesters. Fifteen officers were on foot in the vicinity of police headquarters at 109 Middle Street. Prior to 8:00 PM that evening, three additional PPD officers working overtime were recalled to assist and eight late shift officers were called in early.

The crowd is estimated to have reached a size of approximately 2,500 people and throughout the evening the protesters split into three groups. The groups visited various downtown locations including Police Headquarters at 109 Middle Street, City Hall, near Central Fire Station, Commercial Street, and Franklin Street.

As officers tried to keep the protesters safe, divert traffic, and escort the marchers between their locations, they were routinely impeded by masses of people that surrounded police cruisers and protesters that linked arms in order to physically block officers access to locations where other protesters gathered. Some protesters made physical contact with officers on foot and some who surrounded police cruisers pounded on the vehicles and attempted to break windows. Many times, in order to avoid escalation, officers backed off and attempted other avenues in order to keep an eye on the crowds, assuring an ability to respond to any threats, counter-protest, medical or other emergencies. Around 8:30 PM, several officers took a knee in solidarity with protesters. While the crowd cheered briefly, many then became increasingly agitated. Protest leaders encouraged the group to show respect many times. By 9:00 PM, two of the protest groups totalling approximately 1,000 people rejoined at 109 Middle Street. Protesters became increasingly violent after this point with cruisers being blocked and

swarmed, officers impeded on foot, small fires were lit, reports of a person with an assault rifle and protesters with incendiary devices, bottles being thrown at officers, and someone dropping off a backpack and running off.

Around 9:15 PM, organizers advise the group to go home, and approximately half the group departs leaving roughly 500 protesters. This group continues loud chanting when just before 9:30 PM a semi-truck drives through the crowd, eastbound, in front of 109 Middle Street. There was much confusion surrounding the semi-truck as some blamed officers for allowing the truck through and some believed the truck was there to do harm to protesters. The officer posted at the Middle Street and Pearl Street intersection was surrounded by protesters at the time the semi-truck made it through. Some protesters went after the truck driver and attempted to intercede as officers tried to remove him. The driver was ultimately removed from the scene and charged with Reckless Conduct with a Dangerous Weapon.

Around 9:45 PM, there are two major groups of protesters that police are monitoring at the intersections of Franklin and Middle Streets and Pearl and Middle Streets with other smaller factions throughout the Old Port. In an attempt to calm the group at Franklin and Middle, officers attempted to disengage and withdraw back to the staging area at headquarters, however the crowd continued to follow officers and engage with them. At the same time, as looting was observed near the group at Pearl and Middle, a Lieutenant gave the first order to disperse, and many in that group slowly left. Title 17A, Chapter 21, Subsection 502 of the Maine Criminal Code states that when six or more people are participating in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, a law enforcement officer may order the participants and others in the immediate area to disperse.

By 9:50 PM, with the organized protest over for more than half an hour, a small group of approximately 150-200 people still remain concentrated in the area of the intersection at Franklin and Middle Streets. It is at this time that the crowd appears to be looking for additional confrontation and around 10:00 PM, police receive several burglar alarm notifications and 911 calls reporting businesses being broken into as well as reports of trash cans being set on fire. It is at this point that bottles begin to be thrown and loud chants are directed at officers. A Lieutenant initially advises officers to let the protesters yell and not to engage, however following a barrage of bottles being thrown, an order to disperse is issued. Protesters continue to throw bottles and officers and civilians urge people to go home. At this point, one burst of pepper spray is delivered via a fogger. While some begin to disperse, others continue to throw bottles. Another official dispersal warning is given. Throughout this, there are many attempts by protest leaders and peaceful protesters to stop the violence and urge protesters to go home as well as additional orders by police to disperse.

At about 10:20 PM, a final dispersal warning is issued before the first two arrests are made. For the next 20-30 minutes, police deal with bottles and rocks being thrown as they attempt to encourage the crowd to disperse and slowly push the crowd away from 109 Middle Street in the hopes that they will disperse on their own. With virtually no one leaving, another dispersal order is issued and officers repeatedly advise individuals that if they do not move, they will go to jail. Some protesters remain highly agitated with some attempting to engage officers, some climbing on jersey barriers, and several volleys of fireworks are set off.

The fourth arrest is made a little after 11:00 PM, and after more bottles and bricks are thrown at officers, police supervisors rotate officers out in order to give a break to those who had been

standing on line for more than two hours. Around 11:45 PM, several bottles of urine are thrown at officers, drenching them. Pepperballs are deployed again in an effort to disperse the crowd, and after additional bottles, urine, and bricks continue to be thrown between midnight and 1:00 AM, two more bursts of pepper spray are deployed.

At 1:00 AM, it had been six hours since the protest started, nearly four hours since the formal protest ended and organizers first advised protesters to go home, and three hours since the first order to disperse was issued by police. Between 1:00 and 1:30 AM, several arrests are made to the remaining protesters who refused to leave. In total, 23 people are arrested. Police officers returned to 109 Middle Street at 1:30 AM following the dispersal of protesters and those who were arrested.

Mutual Aid Requested

Given the size of the crowd and social media information regarding possible violence as well as current staffing levels of the PPD, mutual aid was initially requested from the Cumberland County Sheriff's Office and the Maine State Police. Sheriff's deputies were assigned to block major intersections and the State Police sent its Crowd Management Team. Aid responded from additional local departments including South Portland, Falmouth, Westbrook, Brunswick, Maine State Police, Cumberland County Sheriff, South Portland Police, Westbrook Police, Scarborough Police, Gorham Police, Windham Police, Auburn Police, Androscoggin County Sheriff, Sagadahoc County Sheriff, Topsham Police, Falmouth Police, Cumberland Police, and Yarmouth Police.

Violence, Injuries, and Looting

Graffiti and small fires occurred throughout the evening. Objects were thrown at police and police cruisers including bottles and rocks and bottles of urine as well as people climbing on cruisers and pounding on windows. Several officers received injuries from thrown bottles and cans, and were soaked in urine.

In total, 33 businesses were damaged and/or looted (burglarized) in the Old Port area.

Crowd Control Equipment

The Portland Police Department did not utilize tear gas or rubber bullets during this or any protests. Police did utilize oleoresin capsicum (otherwise known as "OC" or "pepper") spray, pepperballs, batons (used as a barrier, not impact device), shields and helmets.

OC or pepper spray is a compound that causes irritation and discomfort to the eyes and skin. A pepperball system is essentially a compressed-air launcher, similar to a paintball device, that allows for a stand-off distance application of frangible plastic spheres filled with a powdered pepper-based irritant similar to OC or pepper spray. Pepperballs were utilized by generally aiming low or towards the feet of people or groups in the crowd who were throwing things or otherwise posing a physical threat to officers or others, in order to disperse or back them up, after calls to disperse were ignored.