To: Mayor and City Councilors  
From: Jon P. Jennings, City Manager  
Date: July 22, 2021  
Re: Independent Internal Investigative Review of the Portland Maine Police  
Response to Protests held on June 1, 2020

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COVER MEMO

On July 13, 2020, the City Council passed Resolve 1-20/21, which requested that the City Manager “appoint an independent third-party to conduct a thorough review of the June 1st into June 2nd protests including the City's response plan for protests and large demonstrations, addressing policing actions of all responding law enforcement agencies and make a full report of the same to the City Council”, as well as “appoint a neutral third-party, with input from the City Council and to be paid for by the City, to (i) compile written concerns or complaints from individuals and (ii) conduct interviews/conversations with individuals who would like to submit testimony and/or complaints, both (i) and (ii) as a result of their participation in the events associated with the June 1 into June 2, 2020 protest”.

A Request for Proposals (RFP) was issued in December 2020, and the City received two responses. At the request of the City Manager, each vendor was asked for “additional information that may help demonstrate your firm's ability to conduct similar investigations fairly and impartially. Appropriate examples include a statement, specific examples of previous investigations, or additional references.” On February 2, 2021, the project was awarded to Clifton Larson Allen LLP (CLA) for $38,000.

The investigation concluded and a final report describing CLA’s process and findings was issued in July 2021.

In the report, CLA references various Portland Police Department documents that they reviewed over the course of their investigation. Some of these, including After Action Reports, Incident Report Summaries, Incident Report 20-003085, Burglary/Criminal Mischief Reports, Arrest Reports, Assisting Agency Reports, Dispatch Logs, and Use of Force Internal Affairs Review were determined to be confidential under 16 M.R.S.A. §701, et. seq. and the Intelligence and Investigative Record Information Act, 16 M.R.S.A. §801, et.seq. As such, while the investigator was provided access to ensure that their investigation was comprehensive, they are not available for public dissemination.

_________________________________________________________________
Independent Internal Investigative Review of the Portland Maine Police Response to Protests held on June 1, 2020
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To: City of Portland, Maine  
From: CliftonLarsonAllen LLP  
Date: July 12, 2021  
Re: Portland, ME Police Department

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INTRODUCTION

CliftonLarsonAllen LLP ("CLA") has been engaged by the city of Portland, Maine to conduct an internal affairs investigation related to the Portland Police Department’s response to a protest held in June 2020. The goal of the investigation is to ensure the integrity of the Department was maintained throughout its response to the protest, which began the evening of June 1, 2020 and concluded early in the morning of June 2, 2020.

With decades of forensic investigative consulting experience, CLA utilizes the collective expertise of resources and leverages their industry experts to understand practices unique to certain business types. CLA’s Frank Rudewicz was primarily responsible for the investigation and authoring of this report. The primary team members were:

Frank Rudewicz, Esq., CAMS

Mr. Rudewicz is a Principal with CLA’s Forensic, Valuation, Litigation, and Investigations practice. He leads a group of professionals providing forensic accounting, litigation support, investigative and business valuation services. Frank has more than 30 years of experience conducting domestic and international investigations for fraud, police misconduct, independent fact finding, forensic accounting, asset tracing and other litigation-related matters. He has appeared on NBC Dateline and Forensic Files for his investigative work and has been appointed a Compliance and Ethics Monitor for a number of organizations within the government and environmental industries.
Frank is experienced in expert witness testimony and has testified in matters involving police practices and internal investigations. He has been appointed as the independent investigator for a number of police agencies in the Northeast involving allegations of harassment, abuse of power, racial profiling, and improper police practices. Prior to joining CLA in 2019, Frank served as Principal, Counsel and Partner-in-Charge of Forensic Services at Marcum LLP. In addition, he has served as Managing Director and Special Counsel for several national accounting firms and Senior Managing Director and Counsel for an international risk consulting and investigative firm. Earlier in his career, Frank spent 14 years in law enforcement with the Hartford Police Department and Federal Bureau of Investigation Organized Crime Task Force.

Folashade Abiola-Banjac, Esq., CPA
Ms. Banjac is a Manager with CLA’s Forensic, Valuation, Litigation, and Investigations practice. She is an experienced licensed Attorney responsible for forensic investigations. Fola has numerous experiences conducting investigations of regulatory misconduct, internal investigations and analysis of policies and procedures.

Lea Wyatt, Esq.
Ms. Wyatt is a senior consultant with CLA’s Forensic, Valuation, Litigation, and Investigations practice. A licensed attorney, she is well versed in all litigation matters. Lea is expert in social media due diligence as well as background and employment investigations.

BACKGROUND AND SCOPE OF WORK
On May 25, 2020, a Minneapolis police officer killed George Floyd, an unarmed Black man, when he kneeled on Floyd’s neck for several minutes while arresting him. Protests began the following day in Minneapolis and Saint Paul, Minnesota. Alongside peaceful protesters, crowds
caused serious damage to police property, including setting fire to a police precinct, and threw rocks and bottles at police. Officers responded by firing rubber bullets, using tear gas, and throwing flash grenades. There was also looting and extensive damage to private buildings. On May 29, several hundred National Guard soldiers came to Minneapolis to assist in the response. By the end of the clashes, there were two additional deaths, damage to approximately 330 buildings, and estimates of $82 million in property damage.

On May 28, 2020, three days after Floyd’s death, the first wave of protests began across the country, including Portland, Maine on May 29, 2020. During the period of Friday May 29, 2020 through Friday June 5, 2020, the City of Portland experienced 6 protests. The events largely formed organically and somewhat spontaneously or were organized primarily through social media and other more informal communications. These protests generally did not involve the planning, permits, or other processes that would have included advanced coordination with the Portland Police Department. The protests as a whole were largely peaceful, but there were numerous incidents of violence toward police officers, property damage, and looting of businesses.

The first two protests on Friday, May 29, and Saturday, May 30 were peaceful and, generally, involved a large gathering that, with PPD assistance and protection, blocked traffic in the Franklin Street / Fox Street / Marginal Way area of the city.

The third protest on Sunday, May 31 showed a much more agitated and anti-police crowd. During this protest, Portland Police Headquarters was spray painted and vandalized. No arrests were made.
On Monday June 1, 2020 and Tuesday June 2, 2020, the protests started out peacefully but swiftly devolved into riotous type behavior. Portland Police made 23 arrests on June 1 and 10 more on June 2. It is the activities of this date, June 1, that we have been engaged to review.

Our Scope of Work, acting in the capacity as a neutral third-party was to (i) solicit and compile written concerns or complaints from individuals and (ii) conduct interviews/conversations with individuals who would like to submit testimony and/or complaints, both (i) and (ii) as a result of their participation in the events associated with the June 1 into June 2, 2020 protest. One objective of the inquiry was to provide individuals, particularly those not comfortable going through traditional channels, the opportunity to share their perspectives and interactions with the various policing parties during the June 1st into June 2nd protest. Additionally, we were asked to conduct a review of police actions during the June 1st into June 2nd protests.

**METHODOLOGY**

Our inquiry has consisted of interviews of protest attendees, receipt and review of Portland Police Department body and dash cam footage, street camera footage, Portland Police Department documents and reports to include:

- After-action reports
- Incident Report Summaries
- Documented Incident Report 20-003085
- Burglary and Criminal Mischief Reports
- Individual Arrest Reports
- Assisting Agencies Reports
- Dispatch Logs
- Protest Timelines
- Use of Force Reviews
• Media coverage and social media postings of the protests.

To protect confidentiality, information obtained during the course of the interviews has not been attributed to specific individuals; however, the content and summary of that information will be disclosed in this report. Additionally, if names of individuals have not already been identified publicly, this report will not reveal their identities either.

During our investigation, we have attempted, where possible, to obtain corroboration of certain facts from multiple sources. Where multiple sources were not identified nor made available, an assessment of the credibility of the information was conducted.

To solicit and identify those individuals with information, multiple announcements were placed throughout various media outlets, to wit:

Anyone who believes they have information that may be helpful to the investigation is asked to provide it through any of the following means:

Contact: Frank Rudewicz
Phone: 617-221-1978
Email: frank.rudewicz@claconnect.com
Confidential Email: PortlandPoliceInquiry@comcast.net

In that regard, numerous communications were received through all three communication avenues. Additionally, CLA contacted various persons who were identified in media accounts for interviews as well.

To complete our inquiry, our specific investigative tasks have included the following:

• Interviews of:
  o Protest attendees that voluntarily came forward to be interviewed
Protest attendees that were arrested on the night of June 1, 2020

The Portland, Maine Chief of Police and Assistant Chief of Police

Police personnel from assisting police agencies

Other individuals identified through the investigation that had relevant information

- Review of documents and video:
  - Various Portland Police Department Standard Operating Procedures
  - Video footage of all arrests
  - Area security video coverage
  - Portland Police Department body cam footage
  - Portland Police Department dash cam footage
  - Portland Police Department After-action reports
  - Portland Police Department Arrest reports
  - Assisting Agencies Reports
  - Portland Police Internal Affairs Use of Force Reviews
  - Review and analysis of all relevant media and social media postings

**TIMELINE OF EVENTS**

In an effort to provide a clear illustration of how the circumstances of June 1 unfolded, we have developed a timeline of events, explained below. This timeline is based upon the cumulative information developed from our review. Much of the information is taken from official police records, dispatch logs, and video.
Relevant Timeline of June 1, 2020

Pre-Protest Events

Protests had taken place in Portland on the three nights leading up to June 1, 2020 following the death of George Floyd on May 25, 2020. Those events varied in size and were relatively uneventful but for some anti-police graffiti sprayed on the night of May 31, 2020.

Notices of a protest were posted to social media earlier on the day of June 1, 2020, encouraging people to dress in black and wear masks. Protesters were told to meet on the corner of India & Commercial at 7 p.m. At least one attendee that was interviewed stated that 6 p.m. was the start time that was communicated.¹

A screenshot of a social media post advertising the protest

According to those interviewed, this protest was not organized by a local Black Lives Matter chapter and appears to have been organized by local students. A protest attendee stated that the local Black Lives Matter chapter was encouraging people to stay home and wait for their organized protest taking place later that week. One attendee stated that the Black Lives Matter organizers did not agree with the students organizing this particular protest. Witnesses indicate that there may have been 2-3 different groups organizing protests that day with little to no communication with local leadership of the police beforehand.

Many of those interviewed indicated that they did not remember seeing any advertising for the protest, but intuition told them that something going on downtown and went to the area to see what was happening.

**Lead-up to Protest**

11:23 a.m.: A post was made on Facebook instructing protesters to meet at 7pm at the corner of India & Commercial Street, and to wear all black and a mask.

3:46 p.m.: Portland PD reports that a Snapchat post was made urging people to bring fireworks to the protest.

5:50 p.m.: Calls to dispatch warn of planned looting.

6:30 p.m.: A city employee reports Snapchat posts indicating planned violence.

**Protest**

**Initial Protest Events**

By all accounts the protest began in a peaceful manner. Attendees that were interviewed described it as peaceful with chanting, marching and some demonstrations. The protest was advertised to begin at the intersection of Commercial Street & India Street in the waterfront area of Portland. According to the Portland Police Department, by 7 p.m. “500 people were gathered in the area with dozens of others pouring in on foot.”

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A protest attendee described the protest as “unorganized” and “student led”. The organizers communicated things like how to wash out their eyes with milk when they get pepper sprayed, and that if someone wasn’t ready to be sprayed with pepper spray they should go home.  

The protest began marching a little after 7:00 p.m., heading west and stopping in front of the Portland Police station at 109 Middle Street. The protesters go through several demonstrations and chants. Video footage from this time shows a large, energized but mostly peaceful crowd. There were reports of spray painting on the side of 109 Middle Street.

The Portland Police Department stated that protesters immediately removed barricades blocking off the bottom of the stairs. Video footage shows protesters attempting to remove barricades at the top of the stairs, becoming verbally hostile when stopped from doing so by the police.

7:00 p.m.: Approximately 500 people gathered in the area of Commercial and India Streets. The protesters are peaceful. As the size of the crowd increases, mutual aid is requested from Cumberland County Sherriff’s Office and Maine State Police.

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7:11 p.m.: Portland PD reports an “Antifa” snapchat post predicted “massive rioting”.

7:14 p.m.: Protesters remove barricades from base of stairs located at the Portland Police station, 109 Middle St.

7:18 p.m.: Individuals are observed spray painting the front of 109 Middle St.

7:28 p.m.: Protesters attempt to remove barricades from the top of the stairs at 109 Middle St.

7:20 p.m.: The Lieutenant for Portland PD reports that the crowd has exceeded the “established threshold”.

7:26 p.m.: Eight South Portland PD officers en-route to the protest.

7:30 p.m.: A large number of protesters were reported in the Old Port area, separate from the main protest group.

7:39 p.m.: An individual was witnessed spray painting the side of 109 Middle St.

7:52 p.m.: A protest leader announces they are heading to City Hall.

7:55 p.m.: The protesters split into three groups. Group 1 heads east on Middle Street, and turns north on Franklin. Group 2 heads west on Middle Street. Group 3 remains in front of 109 Middle St.

7:56 p.m.: Three police vehicles are surrounded by protesters. Portland Police reports that protesters were banging and kicking at the vehicle, and they were climbing on the vehicle attempting to break the windows.
Protesters surround multiple law enforcement vehicles

7:59 p.m.: Officers attempt to clear the crowds from 109 Middle St. as some individuals throw objects.

**Events that Turned the Protest**

The crowd remained in front of the Portland Police Department for approximately one hour before separating into three groups and marching in different directions. Portland PD has indicated that the protesters refused to share their routes making it difficult for them to block streets or provide escorts.

During the course of several days, protestors were continuing to place flowers, wreaths, signs, moving barricades etc. as part of a memorial on the steps of 109 Middle St. Portland Police, in an effort to keep the traffic way clear, were removing those items after they were placed. We were informed through our interviews that, unbeknownst to the police, this had the effect of antagonizing the protestors. They felt that it was a deliberate attempt to “silence their voice.”

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Once notified by others in City management, the police stopped removing the items.

Police and witnesses both state that when the sun set at approximately 8:16 p.m., the mood of the protest became more agitated. We interviewed one ‘self-proclaimed organizer” who stated that they left the protest around sunset as part of their personal safety plan, because they felt that the mood and vibe had changed. Portland PD reports that following sunset, several protesters made physical contact with officers, glass and plastic bottles filled with water and urine began to be thrown, rocks were being thrown and several police vehicles became surrounded.

8:00 p.m.: a 4th police vehicle is blocked by protesters on Franklin Arterial.

8:16 p.m.: Majority of protesters are in front of City Hall, and a small group is in front of the police station.

8:16 p.m.: Sunset. Additional officers from Cumberland County Sherriff’s Department, Maine State Police and Westbrook Police Department arriving.

8:35 p.m.: Individuals throw objects at police in the intersection of Congress and Pearl.

8:36 p.m.: Officers take a knee to acknowledge the tragedy and deescalate the situation.

8:40 p.m.: A second group of protesters blocks intersections at Free & Union Street and Spring & Cross Street a few individuals surround and jump on a police vehicle while others throw things.

8:42 p.m.: A small fire was ignited in the mulch outside of 109 Middle St.

8:49 p.m.: Portland PD receives reports of a male with an assault rifle.
8:55 p.m.: Cumberland County Sheriff reports possibility of protesters with incendiary devices.

9:00 p.m.: The crowd in front of 109 Middle Street has grown to approximately 1,000 people. Multiple cruisers are blocked and swarmed.

9:06 p.m.: Portland PD receives report of a dropped backpack at the intersection of Franklin and Middle Street.

9:13 p.m.: Portland PD receives a call that the windows of 188 Middle Street have been broken and looters are inside.

9:15 p.m.: The React Team assists Sheriff’s Deputies that have been swarmed in vehicles. An officer takes a knee with protesters. Protest organizers encourage people to go home.

9:18 p.m.: Half of the group in front of Portland Police station departs leaving approximately 500 protesters.

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9:21 p.m.: Portland PD receives reports that Urban Outfitters has been broken into and approximately 40 people were inside the store.

9:24 p.m.: The Lieutenant calls for additional officers. Protesters link arms and calm down.

9:27 p.m.: A semi-tractor trailer truck pulls up in front of 109 Middle Street.  

At approximately 9:30 p.m., a tractor trailer truck traveled into the crowded intersection of Franklin and Middle streets, stopped by the police officers. The confusion and chaos of this event contributed to the agitation of both the police and the protesters. The driver of the truck was quickly taken into custody and placed under arrest. Multiple Incident Reports from the Portland Police Department state that agitated protesters removed the driver from the truck, however, video footage clearly shows the driver being removed by a police officer and escorted away from the scene.

Protesters surround the tractor trailer truck after being driven through the crowd

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The confusion and agitation caused by the tractor trailer truck is evident in the witness interviews and incident reports with many of them reporting conflicting and inaccurate information. A number of police reports infer that the protesters removed the driver from the truck and police had to intervene, however, BWC footage shows officers approaching the truck, opening the closed driver’s side door, and immediately taking the driver into custody. Multiple police incident reports describe only an angry and aggressive crowd surrounding the driver, but the BWC footage shows a number of protesters linking arms and forming a line, telling other protesters to “give [the police] time to do their job”.

The crowd remained at an agitated state with items being thrown at police officers, verbal confrontations between police and protesters occurring, and a reported 33 businesses looted. The organized protest ends at approximately 10:00 p.m. Witnesses state that they later heard that leaders and organizers were encouraging protesters to leave but the message was not well communicated over the chaos.

9:30 p.m.: An arrest is made when an individual drove a tractor trailer truck through the crowd of protesters.7

9:43 p.m.: The officers set up a line at Middle and Franklin Street.

9:47 p.m.: The first Order to Disperse is given.

9:50 p.m.: The organized protest has ended. individuals remain in front of 109 Middle St. and in the intersection of Franklin and Middle St.

9:56 p.m.: Protesters stand in front of the police line and bottles are being thrown from the back of the crowd.

9:58 p.m.: Lieutenant issues another Order to Disperse on Franklin Street.

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7 Black male, 45
10:00 p.m.: Portland PD starts to receive alarm notifications and 911 calls indicating that businesses are being broken into. There are also reports of trashcans being set on fire.

10:13 p.m.: A Protest leader attempts to settle crowd.

10:15 p.m.: The Lieutenant gives a 3rd Order to Disperse on Franklin St.

10:19 p.m.: Lieutenant issues final warning.

10:20 p.m.: The first arrests of individuals are made (Two). Lt. directs an officer to spray a protester that charged at an officer. Individuals throw bottles and rocks.

10:20 p.m.: Lieutenant orders officers to “fog” a crowd of people that were rushing the line of police.

10:22 p.m.: An arrest is made.

10:37 p.m.: The Lieutenant gives the fourth Order to Disperse.

10:38 p.m.: Officers attempt to slowly push the crowd away from 109 Middle St.

10:49 a.m.: Another Order to Disperse is given.

10:58 p.m.: An Order to Disperse is issued. Officers advise protesters that they will go to jail if they do not move. Fireworks are set off.

11:04 p.m.: An Order to Disperse is issued.

11:07 p.m.: An arrest is made.

11:09 p.m.: An arrest is made.

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8 White female, 27 & White female, 20
9 Black female, 23
10 Asian female, 22
11 White female, 29
11:11 p.m.: An arrest is made. There is a policy concern about the warning to disperse that was given, and Portland PD has indicated that the subject “had no opportunity to comply with dispersal warning.”

11:13 p.m.: Additional Orders to Disperse are issued.

11:18 p.m.: An arrest is made. The subject is carrying bricks in his pockets.

11:21 p.m.: An arrest is made.

11:40 p.m.: An Order to Disperse is given.

11:45 p.m.: Several bottles of urine are thrown at police officers. An unofficial protest leader directs protesters to go home.

11:46 p.m.: Command authorizes deployment of pepper ball system to launch “oc” spray only, targeting people that are throwing objects/bottles of urine.

11:49 a.m.: Officer arrives with a pepper ball launcher.

11:56 p.m.: Officers observe individuals filling water bottles with an unidentified subject. Additional Orders to Disperse are made.

12:02 a.m.: An arrest is made.

12:03 a.m.: Another Order to Disperse is given.

12:11 a.m.: An arrest is made. The female subject was placed in a vehicle with a male subject for approximately 2 minutes.

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12 White male, 29
14 Black male, 22
15 Black male, 20
16 White male, 24
17 Black female, 19
12:14 a.m.: An additional Order to Disperse is given.

12:16 a.m.: An arrest is made.\textsuperscript{19}

12:18 a.m.: Officers observe individuals urinating into bottles and digging up rocks.

12:36 a.m.: Portland Police Department dispenses helmets, shields, and masks to officers on the line.

12:41 a.m.: Portland PD receives reports of spray painting.

12:51 a.m.: Two Orders to Disperse were given.

12:47 a.m.: An arrest is made.\textsuperscript{20} The subject made a complaint of an injury to her neck and knee. No photos were documented.\textsuperscript{21}

12:54 a.m.: An Order to Disperse is made.

12:58 a.m.: An arrest is made.\textsuperscript{22}

1:05 a.m.: An arrest is made.\textsuperscript{23}

1:08 a.m.: An arrest is made.\textsuperscript{24}

1:10 a.m.: An arrest is made.\textsuperscript{25}

1:12 a.m.: An arrest is made.\textsuperscript{26}

1:17 a.m.: An arrest is made.\textsuperscript{27}

\textsuperscript{19} White female, 34
\textsuperscript{20} White female, 26
\textsuperscript{21} Portland PD. “IA Review of Arrest_Use of Force Incidents.” 2020. PowerPoint Presentation, Slide 42
\textsuperscript{22} White male, 20
\textsuperscript{23} White male, 31
\textsuperscript{24} Black male, 31
\textsuperscript{25} White male, 23
\textsuperscript{26} Male, race not specified, 21
\textsuperscript{27} White male, 42
SUMMARY OF INTERVIEWS

Summary of Interviews

On March 2, 2021 a press release was published by the city of Portland and to the media calling for public feedback on the police response to the June 2020 protests. We immediately received numerous responses requesting an interview or giving their testimony via email. We also reached out to any arrested individuals that had not come forward during the initial inquiry, however, many did not respond or want to be a part of the investigation.

The following identifies some commonalities of statements from those interviewed. Some of the observations were later proven to be inaccurate but were a common perception at the time.

- **The protesters were very young**

The young age of the protesters came up in almost every interview. Multiple people that we interviewed were high school educators and they indicated that many of their students were

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28 Black male, 23  
29 White male, 36  
30 Male, race not specified, 29  
31 White female, 20
among the protest attendees. Many felt that the show of force was unnecessary given the average age of the protesters.

- **Protesters felt that the "riot gear" was unnecessary**

Many people interviewed felt that the riot gear worn by some agencies was unnecessary and only raised tensions. Most people indicated that the protest was relatively peaceful up until the time when other agencies showed up with shields, helmets, and batons. A few people indicated this may have been limited to the South Portland Police Department.32

- **The vandalism and damage to store fronts was not part of the protest**

We did not interview anyone that admitted to being involved or witnessing the looting and damage to the storefronts. Based on location of the protest and the location of the stores, it does not appear that the majority of protesters spent any time in the location where the vandalism occurred.

- **Aggression towards the police was limited to a few bad actors and the majority of protesters were peaceful**

Two acts of aggression recurred in interviews: (1) people threw water bottles at the police: It was repeatedly mentioned that the water bottles were thrown from people "in the back" of the crowd, and when they were thrown, other protesters told them to stop. The people we spoke with did not feel like these were "protesters". (2) Protesters surrounded/touched an occupied police car while parked in the street. There were a few accounts of a police car both parked and driving through the middle of the crowd. It is unclear whether this was two separate vehicles. Witnesses indicated that some protesters put their hands on the vehicle while it was stopped.

- **The pepper spray was deployed on peaceful protesters**

Multiple witnesses indicated that the pepper spray was used as a reaction to the water bottles thrown at the police. Every witness that recounted this stated that the water bottles were

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32 Portland PD did not disseminate protective gear to their own officers until after 11 p.m.
thrown by people in the back of the crowd, but the pepper spray was sprayed directly on the protesters in the front of the crowd at close range. Further, the witnesses felt the response was excessive due to the limited nature of the water bottle incident.

- **The protest was disorganized**
  None of the witnesses could tell who was in charge of the protest. It was stated that there may have been multiple groups protesting at the same time with different plans. It does not appear that any groups met with the city or the police beforehand, but it is unclear as to why these meetings didn’t take place. CLA notes that the police chief contacted one member that they believed was an organizer to express the need to have a peaceful protest. This member expressed that she did not organize all the protests and was a participant of the protests.

- **The police response was disorganized**
  Approximately 15 agencies assisted in Portland during the protests. Witnesses complained that there was not any organization between groups. Witnesses indicated they were arrested by officers from outside of Portland, but the same Portland officer was listed on all paperwork. It was indicated that the police formed a line, but it was unclear what they were blocking, people could walk behind them. It seemed to attendees to be pointless intimidation. Witnesses failed to identify whether there was a liaison from the police department present at the protest to ensure the protests and the police remained calm.

- **Protesters were concerned about a "sniper" on the roof**
  A law enforcement officer was spotted on the roof of a building on the protest route with a scope, which most protesters assumed to be a sniper. This felt unnecessary, dangerous, and excessive to the protesters who were mostly high school students.33

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33 The Portland Police Department stated that there were no officers placed in a rooftop position during the June 1 protest. The “sniper” that was reported by multiple protest attendees was a police officer deployed as a “spotter”, strategically positioned on a rooftop for observation of the June 2 and later protests. Many of the interviewees attended protests on multiple nights leading to some confusion when reporting on only the June 1 protest. While we were informed that the spotter was placed there for strategic surveillance purposes only, he was dressed in protective gear, was armed and had surveillance equipment (i.e binoculars, etc).
• **The tractor trailer truck incident fired up energy on both sides**

A tractor trailer drove through the protest crowd between 9:30pm-10pm. A witness indicated that a police officer told protesters to get the driver out of the truck. All witnesses that described this incident indicated that both sides seemed to be energized following this incident.

• **There were alleged incidents of force**

Most witnesses describe either experiencing or witnessing excessive force from a police officer. A disabled woman described being pushed to the ground and dragged. A male described being pushed off a curb while cuffed. A male has video evidence of his head being hit against the side of a police vehicle while cuffed. A witness indicated that they saw the police use pepper spray on peaceful protesters in close range.

There were many consistencies between the interviews. Many subjects described the crowd as “young”, “students”, “kids”. Two local teachers were interviewed, and they indicated that they attended the protest to keep an eye on the young crowd and to be an adult in the situation. They described the protest as unorganized and no one seemed to know who was in charge. Almost all subjects interviewed described the incident with the tractor trailer truck as a turning point in the night, along with a change in atmosphere when the sun set.

Many subjects interviewed described the majority of protesters as “peaceful” with a few bad actors throwing water bottles from the back of the crowd. More than one subject didn’t understand the use of pepper balls or foggers on the front of the crowd when it seemed like all acts of aggression were coming from the back of the crowd.

Multiple subjects interviewed felt that the use of riot gear, shields, helmets and batons was unnecessary and only added to the agitation of the crowd.
There was a lot of confusion from almost everyone interviewed about the different agencies in attendance. Some reported seeing individuals in military fatigues with assault style weapons, others reported arrest teams in all black in unmarked black vehicles.

**Summary of Police Actions During Protest**

The Portland Police Department initially observed the intersection of India & Commercial Streets, the publicized meeting location of the protest. When it appeared that the crowd had swelled to 500 attendees and growing, Portland PD held officers over from the day shift and mutual aid was requested from the Cumberland County Sherriff’s Office and Maine State Police.

As the crowd continued to grow, mutual aid was requested at approximately 7:30 p.m.

Portland PD has indicated that their initial action was to support the protest by closing streets and providing vehicle escorts, however, the protesters “refused” to share their route.³⁴

Throughout the night the protest crowd continued to grow and split off into different directions; additional mutual aid was called in from the Cumberland County Sheriff’s Office, Maine State Police, South Portland Police Department, Falmouth Police Department, and the Westbrook Police Department.

Protest attendees reported seeing officers from additional agencies at the protest, including the Sagadahoc County Sherriff’s Office³⁵ and Cape Elizabeth Police Department.³⁶ Radio transmissions provided by Portland PD indicate that the agencies of Bath, Auburn and Gorham also sent officers to assist for a total of at least 10 agencies responding in mutual aid.

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³⁵ Anonymous #1. Email. Received by CliftonLarsonAllen, 03 March 2021.
Orders to disperse began at 9:47 p.m. following the looting of multiple locations and after a semi-truck drove through the protest.

The first round of pepper spray was deployed via fogger at approximately 10:00 p.m., targeted at individuals throwing water bottles at officers on Franklin Street. Portland PD reports that pepper ball deployment occurred on seven occasions throughout the evening, and the fogger deployed on six occasions.

Over the course of the evening, 23 people were arrested, all but one for Failure to Disperse. One person was arrested for Reckless Conduct with a Dangerous Weapon.

**DISCUSSION OF POLICE ACTIONS**

**Portland Police Orders to Disperse were lawful and appropriate**

The first order to disperse was given by Portland Police at approximately 9:47 p.m. The protest had been engaged for almost three hours, with a crowd swelling to over 1000. At least three more formal orders were given by 10:20 p.m. when the first two arrests for failure to disperse are made. Approximately 15 formal orders are given in total between 9:56 p.m. and 1:30 a.m.

Title 17A: Maine Criminal Code Chapter 21, Subsection 502: Failure to Disperse states

“When six of 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.”
Given the circumstances of this evening, an order to disperse after three hours of increasingly aggressive activities by some in attendance was appropriate. We note that the first order to disperse was not given until approximately 30 minutes after protest organizers began urging people to go home.

**Use of Force**

The deployment of OC Foggers and Pepper balls, in most instances, were used appropriately in an attempt to disperse the crowd or were specifically targeted at an individual that was in the act of throwing an object. We note one deployment of an OC Fogger that appeared as a premature action.

The use of Chemical Agents and Pepper ball projectiles are considered as non-deadly force options. They are authorized when physical force is justified to control or subdue a person actively resisting arrest; a person exhibiting active aggression; or whose individual actions are assultive (high risk) or life threatening, leading to a reasonable belief that the person poses an immediate threat to the officer or another person and it would be unsafe, ineffective or impractical for officers to approach within contact range, or attempt to subdue the person by other conventional tactics.

On June 1 and into June 2, Pepper balls were deployed on seven separate occasions. The first deployment was authorized at 11:46 p.m., targeted at an individual witnessed throwing bottles of urine at the police line at the intersection of Franklin Street & Middle Street.

All pepper ball deployments were authorized by the Operations Commander. The authorization was given to specifically target only those individuals that were exhibiting
aggressive and/or violent behavior. All but the last deployment was targeted at individuals throwing objects at the police line or while actively committing acts of vandalism. The last deployment was targeted at the feet of the remaining protesters in an effort to encourage them to disperse. Body cam footage from this deployment shows pepper balls landing at the feet of individuals who then begin to disperse.

OC Foggers were deployed on six different occasions, however, at least two of those occasions involved multiple officers deploying the fogger simultaneously. The first deployment took place at approximately 9:57 p.m. following a “barrage of bottles thrown at officers” and an order to disperse.

A review of video shows that the foggers were effective at creating distance between aggressive protesters and police, and only after an order to disperse had been communicated. We note that the Internal Affairs Review of Use Force questions the “reasonableness” of at least one deployment.\(^{37}\) A review of the video appears to show a premature deployment directed at one individual.

We did not find any use by Portland officer of tear gas or rubber bullets”\(^ {38}\). However, there was at least one deployment by an officer of the Cumberland County Sheriff’s Office of one foam baton round targeted at an individual who was observed throwing a bottle from the back of the crowd towards the police.\(^ {39}\) A review of the assisting agency reports noted that there were several instances of the use of police baton by officers of agencies other than Portland Police.

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The arrests of all parties for Failure to Disperse was appropriate. No complaints of excessive force were noted, either by complaint or review of body cam video.

As noted earlier in the report, Title 17A: Maine Criminal Code Chapter 21, Subsection 502: Failure to Disperse states

“When six of 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.”

Additionally, the statute reads

“A person is guilty of failure to disperse if the person knowingly fails to comply with an order made pursuant to subsection 1 and

A. The person is a participant in the course of disorderly conduct. Violation of this paragraph is a Class D Crime; or

B. The person is in the immediate vicinity of the disorderly conduct. Violation of this paragraph is a Class E Crime.”

A review of videos and reports clearly identifies that more people could have been arrested for the same violation. We were informed that Portland Police made a strategic decision to arrest only those that were agitators to the crowd and failed to disperse.

We have reviewed all body worn camera and vehicle video footage of the arrests with the exception of the arrest of a 34-year-old white female. Portland PD has indicated that there is no footage of her being taken into custody but did provide footage of the arrestee being escorted into the police van.
The first arrest of the evening occurred at 9:30 p.m. and was not a person in attendance at the protest. A male truck driver was taken into custody and arrested after driving a tractor trailer truck through the crowd of protesters and charged with Reckless Conduct with a Dangerous Weapon. The first protester arrest occurred at 10:20 p.m., a short time after the first order to disperse was given. The last arrest occurred at 1:27 a.m. All arrested protesters were charged with failure to disperse. All charges were ultimately dropped.

The Portland Police Department has noted that only one individual complained of an injury during the arrest. A white female complained of pressure on her neck and a scraped knee. Portland PD indicates that no photograph was taken of the alleged injury and no supervisor interview took place.

At least two additional arrestees interviewed by CLA claimed to have been injured during the arrest process. A female stated that she complained about wrist pain due to tight zip ties to multiple officers, an injury that left her with persistent nerve damage. Portland PD does not report an injury for this arrestee. We have reviewed the footage from the arrest wagon, as well as the BWC of the officer operating the wagon. The wagon had five women in it when it left the scene on Franklin Street. It was driven to Central Fire station, where the arrestees were transferred to the custody of jail personnel. There is nothing heard in the back of the wagon, and only one of the arrestees can be heard speaking during the transfer. There was no comment or complaint about handcuffs or any injuries prior to the transfer of custody to jail transport staff.

A male subject stated that he was “beat up” with his head “smashed against a cruiser”. This arrestee provided additional video of his arrest which appears to show him being pushed up against the police van. The arresting officer’s Incident Report states that the male subject was
refusing to walk and kicking the officer’s feet while being escorted, and the arresting officer “placed the male against vehicle 1042 (controlled surface) and conducted a search per procedure before he was placed into the arrest wagon.” However, we note that no complaints were filed.

Neither the body worn camera footage, nor the video provided by the arrestee show any additional physical contact between the officers and the subject. Portland PD does not report an injury for this arrestee.

Portland PD does not report any uses of force during the arrests beyond grounding techniques. There were no formal complaints filed by any of the arrestees at the time of this report.

There were complaints that the officer who made the arrest was not the same officer on the official arrest report. While this is true, it was the result of a decision to utilize arrest teams in order to process those quickly and efficiently.

CONCLUSION

By any measure, the protests in Portland was an incident of first impression and presented an extraordinary policing challenge for the Portland Police Department. Even under the best of circumstances with advance scheduling and coordination, policing protests can be difficult.40

40 EDWARD R. MAGUIRE & MEGAN OAKLEY, HARRY FRANK GUGGENHEIM FOUNDATION, POLICING PROTESTS: LESSONS FROM THE OCCUPY MOVEMENT, FERGUSON & BEYOND: A GUIDE FOR POLICE 18-19, 80 (2020), available at https://www.hfg.org/Policing%20Protests.pdf (noting that some protesters can be disobedient, rude, hostile, and engage in attempts to provoke officers into arresting or using force against them, that dealing with offensive or even threatening behavior is frustrating, stressful, and at times frightening for police officers, and that police leadership must be mindful of the wellness and mental health of officers working long hours under such physically and emotionally exhausting conditions). The Maguire & Oakley report is based on extensive interviews and evaluations of more than two dozen police departments around the country, survey research on participants in the Occupy protests in a number of different cities, and a comprehensive assessment of the academic and research literature on crowd psychology and policing. Where this and other similar
The event of June 1 largely formed organically and somewhat spontaneously and was organized primarily through social media and other more informal communications. The protest generally did not involve the planning, permits, or other process that would have included advanced coordination with the Portland Police. The protests as a whole were largely peaceful, but there were numerous incidents of violence toward police officers, property damage, and looting/destruction of businesses.

The protest was disorganized and had no central leadership. However, the majority of protesters peaceably exercised their rights to assemble, associate, and speak; other evidence, such as available video, media reports, and witness interviews confirm the mostly peaceful nature of the protests. However, that same evidence shows that individuals seemingly unaffiliated with the protests used the opportunity to engage in aggressive and violent behavior.

This “second tier of demonstration” was in direct conflict with the peaceful protestors. The complaints from those peaceful protestors centered around police tactics that they believed were targeted at them; however, our review shows that police actions were focused specifically at those individuals that were exhibiting aggressive, violent, and criminal behavior.

The Portland Police response differs greatly, in a positive manner, from the response of other departments around the country had to similar protests. A review of police responses from other cities frequently show a response strategy involving disorder control tactics and methods. Disorder control tends to rely on the use of mass arrests and shows of force and has a result of controlling, regulating, or quashing First Amendment expression.

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publications are cited in this Report, we have not included internal citations to the other authorities relied on by their authors.
However, “A key aspect of effective police response to protests is facilitation. Police often view protests and other public order events from the vantage point of how to control, regulate, or manage people. . .[this is understandable but] when people have legitimate, constitutionally protected aims, the perception that police are overcontrolling or micromanaging them can give the impression that police are simply trying to limit or prohibit legitimate behavior. Protesters tend to have a heightened sense of grievance that can easily be turned toward the police.” 41 This dynamic is all the more critical when the object of the protest activity is criticism or grievance against the police themselves. When police have both a mindset and a strategy of facilitating First Amendment expression to the greatest extent possible consistent with public safety, rather than a mindset or strategy focused on controlling, regulating, or quashing such expression, they can reduce conflict and violence, which benefits public safety, officer safety, and police-community relations.42

A “facilitation mindset” that also protects public safety requires that the policing strategy employ a differentiated approach—in other words, to actively facilitate peaceful and lawful protest even while taking enforcement action against people engaged in violence or property destruction. A differentiated response has three key components: (1) arrest sparingly (mass arrests of protest participants are rarely productive); (2) use force as a last resort; (3) wherever possible, avoid use of overly restrictive physical barriers and other crowd containment

41 Comprehensive assessments of protest policing have concluded that, contrary to outdated models of protest policing that rely on force, and the show of force, to achieve compliance, “[b]eyond merely complying with constitutional standards, fair and effective protest policing strategies attempt to secure voluntary compliance without triggering defiance or rebellion among protesters.” MAGUIRE & OAKLEY at 11-13.
42 Id.
measures. The goal of differentiation is for police action under this model to, wherever possible, impose a burden only on those actually engaged in criminal activity.

Witness interviews identified complaints of “intimidation tactics” by Portland Police. However, our review showed the opposite and demonstrated this “facilitation mindset” by the Portland Police. Our review and the aforementioned evidence showed that:

- Arrests were sparingly; no mass arrests occurred. It was clear that additional arrests could have been exercised. Portland targeted only those ‘agitators’ in an effort to maintain order and disperse the crowd.
- Force was used ONLY after the individuals at the demonstrations turned violent and the event was nearing its fourth hour. Pepper ball and OC fogger deployment occurred after 11 p.m- more than four hours after the start. Use of Force was targeted specifically at those violent individuals.
- No overly aggressive physical barriers were used for crowd containment.
- Importantly, those interviewed did not have complaints of NOT being able to express their views. All agreed that the incidents of violence were committed by individuals not associated with the peaceful protests. Complaints were about police tactics to control those violent behaviors, not control of protesting behaviors.

After Action Reviews

One of the areas that Portland Police dedicated an extensive amount of effort was in understanding the events and responses of the protests. Portland Police undertook a comprehensive reflective review of their actions and responses. During our review, it was evident that an inordinate amount of time was spent by the Portland Police in their after-action reviews. Unbeknownst to the general public, all responding agencies and officers submitted
reports to Portland Police. We were provided and reviewed a comprehensive report entitled “Portland Police Department Response Report June 1, 2020 Protest”. This report contained all sections covering all actions and details of the event, to wit:

- After Action Reports by all Commanders
- Incident Report Summaries
- Incident Report 20-003085
- Burglary/Criminal Mischief Reports
- Arrest Reports
- Assisting Agency Reports
- Dispatch Logs
- Use of Force Internal Affairs Review
- PowerPoint of Protest Timeline

As a result, on December 4, 2020, The Portland Police Department released a memorandum on, summarizing their “observations and lessons learned.” Those areas noted are:

1. Intelligence & Information Gathering: Open source data is an excellent resource; however, the protesters have expanded their communication capabilities and are intentionally subverting law enforcement efforts to gather information about these events. Previous practice has been to establish communication with organizers of 1st amendment events and to collaborate as to how to facilitate a safe event.

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43 Due to confidentiality and statute requirements, we are only attaching copies of the Powerpoint of Protest Timeline.

Although ongoing attempts were made, these groups, in large part, have continuously exhibited an unwillingness to collaborate with us.

2. Traffic Control: When the group began marching, they quickly surrounded marked police vehicles that were providing traffic control prohibiting their movement and placing officers in danger. While the vehicles were stopped protesters climbed on them, banged windows as though trying to break them and threatened officers. Officers began leaving significant distance between their cruisers and the crowds in order to avoid these actions. These left intersections unmanned, increasing traffic flow, danger to the group and peaceful protesters.

3. Documentation of Mutual Aid: During the June 1st protest, officers and mutual aid were uncharacteristically required to be requested from several agencies in a crisis response mode in order to help protect our own staff and this community. Due to the unplanned nature of this response, and the need to deploy mutual aid directly to areas of need, it became problematic for us to control the manner, dress and equipment associated with their response. The ability to document their presence prior to assignment for safety and accountability is imperative. Additionally, post event it is important to document their role in the events. In the events following June 1, a mutual aid roster was requested and incorporated into the incident action plan prior to the event, with the appropriate uniform, equipment and response expectations set in advance.

4. Building Security: During the May 31 protest, sawhorse barricades were placed at the top of the stairs leading from Middle Street to prohibit people from protesting on and occupying the plaza at 109. During the June 1st protest, protesters
attempted to remove the sawhorse barricades. Officers were posted at the top of the stairs and at all entrances to the county garage. On Wednesday 06/03 light towers were added to obstruct protesters' view of officer movements. Later in the summer water barricades replaced the sawhorses and were placed at multiple levels on the steps. Several additional and permanent upgrades are being explored for the garage and building in order to enhance employee safety and minimize the confrontational nature of the contacts seen by officers at this and other locations.

5. Emergency Operations Center: During the June 1st & 2nd protests the command post was established within 109 Middle St. Establishing a Command Post within an affected area is not in keeping with nationally recognized best practices. On June 3rd the command post was moved to an offsite location.

6. Policies: In the wake of these incidents, the department implemented a crowd management policy (#4-46-A) aimed at preserving peace and upholding the constitutional rights of free speech and peaceful assembly while using the minimal amount of authority required to address crowd management and control issues and prevent injuries, loss of life, property damage, etc.

7. Training: At the time of the protests our dedicated field force team had not trained in nearly 4 years. Many of the prior operators and squad leaders had transferred or left the organization altogether. As you know, we have reorganized our Field Force Team and put training requirements in place within the above noted standard operating procedure.
8. Equipment: We did not have enough protective equipment, shields, helmets, riot batons and shin guards to appropriately equip officers and protect our staff from harm. We are currently exploring funding to purchase updated and additional equipment.

9. Counterintelligence: During the course of the week we did not change the location of the staging area for our mutual aid partners, the EOC was established in a static location and we did not vary radio frequencies. On Friday June 5, 2020, protest organizers tweeted out our staging area location, EOC location and were tweeting our radio transmissions in real time. During subsequent protests we varied our radio frequencies, however in many cases they were able locate and monitor our frequencies. Push to talk systems are a valuable tool. Secure radio communications remain a challenge.

10. Incident Documentation:
   a. Incident Reports: Initially a supervisor was assigned to write an overarching incident report and specific officers were assigned to write supplements. This provided for insufficient information and documentation. During the review process it became apparent that every officer, regardless of their role must write a report.

   b. Arrest Reports: After the second protest it became apparent that arrest documentation teams would be imperative in documenting each arrest. Two detectives and an Evidence Technician were assigned to stand-by behind the line and document any arrest as they were readied for transport.
c. Use of Force Reporting: A supervisor was assigned with the arrest documentation team to ensure that Portland PD SOPs were followed and an appropriate on scene UoF review was conducted. The PPD Use of Force SOP has since been revised and is now a “Response to Resistance” policy that includes proper documentation of such unique circumstances. Every use of force by a PPD officer goes through a thorough internal review process by command staff and an internal use of force committee. The current policy revision includes a civilian component being added to our usual internal review process, which is intended to enhance our transparency.

d. Internal Affairs: It should be noted that no complaints were received in regard to the actions of Portland police officers during these protests. Internal Affairs additionally reviewed the actions of our officers and did not discover any actions that would suggest misconduct or the need for initiation of an administrative investigation. The Internal Affairs SOP is also now in the final stages of revision, with one intent being the thorough and expedited process of reviewing such complaints.

e. Prosecution: During subsequent protests, the district attorney or a member of his staff has been present during the event. In regard to the protest related arrests, although the District Attorney exercised his discretion to decline prosecution, he also noted that probable cause existed for all of the associated arrests.

As discussed, the protests of June 2020 in Portland presented an extraordinary policing challenge for the Portland Police Department. The importance of pre planning and communication with the protest organizers cannot be emphasized enough. While an event of this nature will, hopefully, not be repeated, the Portland Police have made a number of
procedural and policy enhancements in preparation for another. This coupled with requisite training for officers will only work to enhance public confidence.
June 1, 2020
Black Lives Matter Protest
Timeline and After Action Report
Portland Police Department

Background
On May 25, 2020, George Floyd was senselessly and tragically killed by a Minneapolis Police Officer. Mr. Floyd’s death sparked protests across the country, including in Portland:
- Friday, May 29, 2020: large, peaceful protest
- Saturday, May 30, 2020: small, peaceful protest
- Sunday, May 31, 2020: large, vocal protest which included anti-police graffiti on the stairs and garage door of 100 Middle Street, but no violence.

Lead-up to Monday Protest
11:23 a.m Facebook Post: 
7pm Tonight Everyone Meet At The Corner Of India & Commercial Street In Portland. Wear All Black & A Mask

1:00 pm: Small protest in Monument Square, monument spray painted
Early to Late Afternoon: Minimal social media interest suggests 7 pm event will be sparsely attended
Lead-up to Monday Protest

3:46: Report of a Snapchat urging people to bring fireworks to protest
4:05: Anonymous tip echoes Facebook posting, nfi
5:50: Call to dispatch warns of planned looting
6:30: City Employee reports snaps indicating planned violence
7:11: Report of Antifa snap predicting "massive rioting"

Lead-up to Monday Protest

Starting in the early evening, officers periodically check the area around Commercial and India Streets. Initial reports of small group. By 7pm, 500 people were gathered in the area with dozens of others pouring in on foot.

In response, mutual aid is requested from Cumberland County Sheriff's Office and Maine State Police.

Initial Officer Deployment

- 8 PPD officers held over from dayshift and assigned to close streets/provide vehicle escort for protesters
- 15 PPD officers on foot in vicinity of 109 Middle Street
- Six Cumberland County Sheriff's deputies assigned to block major intersections
- Maine State Police Crowd Management Team enroute
- Protesters refuse to share their route forcing the on-scene commander to guess on cruiser/officer placement
Final Route

Objectives
- Protect the right to peaceful protest
- Ensure the safety of protesters
- Protect the community as a whole
- Prevent damage to property
- Respond to Calls for Service in other parts of the City
- Send officers home safe and sound.

Protest timeline: Hour One (~7:50 pm)

7:09 pm: Protesters step off heading west on Commercial Street
7:14 pm: Arrive in front of 109 Middle; immediately remove barricades at base of stairs
7:18 pm: Individuals observed spray painting the front of 109 Middle St
7:28 pm: Protesters attempt to move barricades at top of stairs
**Additional Staffing**

7:20 pm: Lt reports crowd has exceeded established threshold
7:24 pm: 3 Officers working overtime recalled to 109 Middle
7:26 pm: 8 South Portland Officers enroute
7:32 pm: Eight PPD late shift officers called in early
7:50 pm: Three Maine State Police Troopers on-scene

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**7:30-800 pm**

7:30 pm: Sgt. reports large number of protesters throughout the Old Port - separate from main group
7:39 pm: Individual tagging side of 109 Middle; runs off
7:43 pm: Protestors become more targeted at PPD
7:52 pm: Protest Leader announces they are heading to City Hall
7:55 pm: Protestors split into three groups

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**Phase 2: 7:55 pm**

- Group 1 heads east on Middle and then turns north on Franklin
- Group 2 heads west on Middle
- Group 3 remains in front of 109 Middle St where protesters berate officers for more than an hour
Group 1: Franklin Street

7:56 - 8:00 pm:
- Lead traffic car is deliberately blocked and quickly surrounded by a large number of protesters;
- Individuals bang and kick at the vehicle;
- Two additional traffic vehicles respond and are also blocked in;
- Individuals climb on vehicles and attempt to break out windows.

Franklin Street

7:59 - 8:05 pm:
- Protest organizers step in and push back the crowds as officers respond on foot from 109 Middle St.
- Officers attempt to clear the crowds as protesters throw objects.

Group 2

- Escorted by traffic cars from the Cumberland County Sheriff's Office (CCSO), a second group of protesters heads west on Middle St toward the Civic Center;
- Group heads north on High and then turns east on Congress St eventually joining up with Group 1 in front of City Hall.
Enroute City Hall
8:00 pm: with 3 cars trapped on Franklin St, a 4th traffic car attempts to take the lead in escorting Group 1 to City Hall. He is blocked by individuals who link arms in the intersection.
8:11 pm: Individuals block Congress @ Pearl preventing officers from proceeding to City Hall where the protesters have regrouped.

8:16 PM
- Sunset
- Bulk of protesters are in front of City Hall
- A small, extremely vocal group remains in front of 109 Middle St
- PPD officers are supplemented by South Portland and Maine State Police
- Additional Cumberland County Sheriff Office and Maine State Police along with Westbrook PD are enroute

Phase 3: Central Fire Station
- Officers attempt to negotiate on foot in front of Central Fire Station and are blocked by group of agitated protesters, several of whom make physical contact with officers.
- To avoid escalation, officers back off and stand on the sidewalk
- At approx 8:25, the main group departs City Hall heading west; some remain and join the group in front of Central
Central Fire Station
- Officers back up again, repositioning to the intersection of Congress and Pearl.
- Agitated group hurls insults and attempts to antagonize officers.
  - At approx 8:35, several protesters throw objects at officers.

Central Fire Station
- At approx 8:36, officers take a knee to acknowledge the tragedy and deescalate the situation.
  - Crowd briefly cheers and then becomes increasingly agitated.

Central Fire Station
- Crowd continues to escalate with more individuals throwing rocks and bottles.
  - Approx 8:41, Lt expresses concern that protesters are starting to make threats in addition to throwing bottles.
  - Protest leaders encourage the group to show respect.
  - Approx 8:44, group slowly starts heading to 109 Middle.
### Group 2
- Departs City Hall at approx 8:25 heading west on Congress escorted by Cumberland County Sheriff Deputies
- At 8:28, deputies report the group is highly agitated and, at 8:31, the group is throwing objects at deputies
- At 8:32, South Portland units blocking High @ Congress report they are being surrounded and cruisers are being pounded on
- Additional Maine State Police units are sent to assist
- At approx 8:40, the group turns and heads back to 109 Middle St.

### Group 2
- Protesters block intersections at Free/Union and Spring/Cross
- Approach officer and ask if he is a racist
- Woman climbs on hood of car, others surround cruiser and throw things

### Phase 3: Back to 109 Middle
- Just before 9 pm, the protesters who have remained at 109 Middle are rejoined by the group from Central.
- The group totals approx 1000 at this point.
- In addition to PPD, Police resources include:
  - South Portland Police
  - Cumberland County Sheriffs
  - Westbrook Police
  - Falmouth Police
  - Maine State Police
109 Middle
- 8:43 pm: A small fire ignited in the mulch outside of 109 Middle
- 8:49 pm: Anonymous caller reports a male with an assault rifle on Commercial St between India and Franklin
- 8:55 pm: Cumberland County Sheriff reports protesters possibly carrying incendiary devices.
- 8:56 pm: Protesters throw bottles at officers assigned to the alleyway entrance to the parking garage.
- 9:06 pm: 2 protesters advise officers that someone dropped a backpack at Franklin/Middle and ran off

Group 2
- Protesters continue to block traffic cars as they make their way toward 109 Middle
- Between 9:00 and 9:15, multiple cruisers are blocked and swarmed.

Group 2
- While trying to break out the cruiser windows at Middle/Pearl, protesters chant, "Peaceful Protest"
- Protest leaders attempt to clear the crowd, however must continue to block the cruisers until additional officers arrive on foot
Franklin @ Middle
- 9:15: React Team responds to assist Cumberland County Sheriff deputies whose cruisers have been surrounded.
- One protester uses his bike to repeatedly block officers attempting to reach the deputies.
- After checking on the deputies, PPD officers are taunted and berated by the agitated crowd.
- Officer takes a knee with protesters and participates in a group hug.

Group 2
- Approx 9:13 pm, call stating that individuals broke the windows at 188 Middle and people are inside looting the store. Second report indicates 40 people inside the store.
- Maine State Police and South Portland units are sent to clear the store.
- A small but vocal crowd remains Middle / Pearl.

109 Middle
- Large, vocal protest continues until approx 9:10, when organizers advise the group to go home.
- By 9:18, approximately half the group departs leaving approx 500 protesters.
- The remaining group is amped up and continues loud chanting.
- At 9:27, the chanting is interrupted by an air horn as a semi-truck pulls up in front of 109 Middle.
Semi-Truck
Franklin Street
- Crowd shifts to Franklin, south of Middle in response to officers taking the truck driver into custody.
- Numerous officers are deployed to the area to protect the driver and keep the peace.

Franklin Street
- At 9:43, the on-scene Lt directs the officers to return to 109 Middle. Individuals become exceedingly agitated, screaming epithets at officers and refusing to let them through.
- Concerned the group will follow them to the station, officers stop at the intersection of Middle and Franklin and set up a line.

Group 2
- Starting at approx 9:15, protest organizers encourage the group at Middle and Pearl to go home, however, most remain.
- With the looting on the next block and the group becoming increasingly agitated, at 9:24, the Lt on scene calls for additional officers. Realizing officers are preparing to make arrests, the protesters link arms and settle down. The Lt expresses his relief.
First Order to Disperse
- After looting had started and the chaotic scene caused by the semi-truck, PPD gives an order to disperse at 9:47 p.m. and the group slowly leaves the area.

Failure to Disperse Statute
Title 17A: Maine Criminal Code
Chapter 21: Offenses Against Public Order
Subsection 502: Failure to Disperse
1. 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.
2. A person is guilty of failure to disperse if the person knowingly fails to comply with an order made pursuant to subsection 1 and
   A. The person is a participant in the course of disorderly conduct.
   B. The person is in the immediate vicinity of the disorderly conduct.
   Violation of this paragraph is a Class D Crime or
   Violation of this paragraph is a Class E Crime.

Crowd Control Tools
- Foggers
- Pepperball
- Batons
- Shields
- Important to note: PPD did not utilize Tear Gas or Rubber Bullets
Phase 4: 9:50 pm
- Organized protest is over.
- Individuals remaining are concentrated at the intersection of Franklin and Middle with a smaller number in front of 109 Middle
- A small group has started to make its way east on Middle to the parking lot behind the Hampton Inn
- Remaining protesters are agitated and appear to be looking for confrontation.
- Crowd at Middle and Pearl has dispersed

Criminal Mischief/Looting
- Starting at approx 10 pm, PPD receives several burglar alarm notifications and several 911 calls reporting businesses being broken into
- In total, 33 businesses were burglarized, damaged and/or looted.
- Additional reports of trash cans being set on fire.

Franklin Street
- 9:52: Protesters position themselves directly in front of the line of officers and occasionally throw water bottles
- Chants include "Fuck the Police"
- Lt advises officers "Just let them yell, don't engage them."
- 9:56: Barrage of bottles thrown at officers
- Lt immediately issues an order to disperse.
Franklin Street

- Protesters continue to throw bottles; officers and civilians advise them to go home.
- One round of Pepper spray is delivered via fogger.
- While some begin to disperse, others continue to throw bottles.
- 9:56: Lt issues a 2nd dispersal warning.

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Franklin Street

- 10:03 Protesters throwing glass bottles
- Peaceful protesters attempt to stop violence.
- 10:06 group of individuals runs west on Middle breaking into Urban Outfitters a second time.
- 10:13 protest leader admonishes those throwing water bottles, attempts to get group back on message with chants

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Franklin Street

- 10:15: Lt gives a third order to disperse, protest organizer immediately starts telling protesters to leave, "if you are truly here for the right reasons, go home."
- Lt repeatedly tells protesters it is time to go, organizers do the same.
- 10:19: Lt issues final warning, officers step back to the crosswalk, group of protesters stand their ground and dispute his authority to issue order, others sit in the road and link arms, while others approach officers and shout at them.
Franklin Street
- 10:20: First two arrests are made.
- A protester makes a run at officers standing in front of arrestee. Lt directs officer to spray the protester. Protesters respond by throwing bottles and rocks at officers.
- Individuals continue to throw objects at officers lined up on the north side of intersection while protesters mostly stand on south side. Some individuals attempt to calm the crowd and run interference.

Franklin Street
- 10:22: Third arrest is made
  Lt continues to advise the crowd to leave
  Officers move forward approx 10 feet into the intersection.

Franklin Street
10:25: Crowd is relatively quiet, but continues throwing rocks and bottles.
  Officers strategize organic methods to encourage the crowd to disperse
10:32: Officers slowly begin to move forward toward center of intersection
  Bottle throwing increases
10:37: Lt gives fourth formal order to disperse.
10:38: Officers hold in center of intersection

For the next 20 minutes, officers attempt to slowly push the crowd away from 109 Middle St in hopes that they will disperse on their own.

With virtually no one leaving voluntarily, the Lt issues a 5th dispersal order at 10:58.

Crowd responds with expletives.

Officers repeatedly advise individuals that if they do not move, they will go to jail.

Protesters remain agitated, with some appearing to be hysterical, repeatedly attempting to engage officers who remain calm and professional.

Several volleys of fireworks are set off.

11:05: 4th arrest is made outside of Hugos.
Franklin Street
11:13: Lt continues to give orders to disperse
11:14: a group of individuals is seen running south on Franklin toward Fore St
11:15: Commander directs dispatch to advise the Hampton Inn to lockdown their building
11:15: Deputy is struck in the face with a can
11:15: Medcu advised to stage at Munjoy "in their rig and ready to go"

Franklin Street
11:18: arrest near concrete barrier in front of Hugos, during search incident to arrest, he was determined to be carrying bricks in his pocket
11:20: arrest in front of Eventide
11:21: bottles and table umbrella from Eventide thrown at officers
11:22: Supervisors express concern for officers who have been standing on line for 2+ hours, attempt to rotate officers out to give them a break and allow them to hydrate

Franklin Street
11:15pm
11:20pm
Franklin Street
11:30: Group is relatively calm with occasional objects being thrown.

11:45: Several bottles full of urine are thrown from the back of the group. A PPD officer and a trooper are drenched in urine.

11:45: Ad hoc leader of group admonishes those throwing things and directs them to go home.

11:47: Another bottle of urine is tossed at officers.

Franklin Street
11:46: Command authorizes deployment of the pepperball system to launch OC spray only.

11:48: Pepperball system is brought to the intersection and targeted at the individual who threw a bottle of urine.

11:51: Pepperball is launched at agitators.

11:54: Unidentified citizen advises officer that people are digging up rocks from the PD parking lot and passing them to the agitators in the crowd.


Franklin Street
11:56: Officers observe individuals filling water bottles with an unidentified substance.

11:56: Additional dispersal orders issued by Lt.

11:57: Individuals throw rocks at officers, pepperball is launched again.
Franklin Street
12:04: Officers slowly move forward
12:11: Arrest made.
12:12: Bottles are thrown at officers
12:14: Another order to disperse is given.
12:18: Officers observe individuals urinating into bottles.
12:19: Report of individuals digging up bricks from sidewalk

Franklin Street
12:36: PPD deploys available helmets, shields and masks to officers on the line
12:40: Suspicious vehicle is spotted circling the area
12:41: Reports that individuals are applying graffiti to Sebago Brewing and the Hampton Inn, pepperball launched
12:42: Crowd remains agitated

Franklin Street
12:47: Arrest
12:54: Another order to disperse is issued.
12:55: Rocks and bottles continue to be thrown at officers
12:56: Arrest, complains he wasn't given a chance to leave
<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:00 a.m.</td>
<td>6 hours since protest started</td>
</tr>
<tr>
<td></td>
<td>Nearly 4 hours since the formal protest ended and organizers first advised protesters to go home.</td>
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<td></td>
<td>3 hours since the first Order to Disperse was issued.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>1:03:</td>
<td>Arrest, Lt again advises crowd</td>
</tr>
<tr>
<td></td>
<td>&quot;It is time to go home.&quot;</td>
</tr>
<tr>
<td>1:05:</td>
<td>Lt encourages remaining individuals to leave</td>
</tr>
<tr>
<td>1:07:</td>
<td>Arrest</td>
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</tbody>
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<table>
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</thead>
<tbody>
<tr>
<td>1:09:</td>
<td>Crowd is reduced in size, but agitators remain</td>
</tr>
<tr>
<td>1:10:</td>
<td>Lt approaches several individuals on the periphery and specifically requests that they leave. All four leave.</td>
</tr>
<tr>
<td>1:11:</td>
<td>Arrest, complains that he didn't know he had to leave</td>
</tr>
</tbody>
</table>
Franklin Street
1:15: Officers slowly move forward toward Fore St and arrest anyone who refuses to move out of the way
1:17: Lt recalls 7 PPD officers from the line to jump in cruisers to handle an anticipated increase in calls as the final group disperses
1:25: Lt directs officers to arrest anyone remaining in the road
1:27: Lt advises a small group of stragglers that they will be pepperballed if they do not leave; they leave immediately
1:30: Officers return to 109 Middle

Summary of Event