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## TORT CLAIM NOTICE

December 10, 2018

City of Portland  
Attn: Office of the City Attorney  
1221 SW 4th Ave, Room 430  
Portland, OR 97204

To Whom It May Concern:

This letter is intended to serve as the appropriate Tort Claim Notice pursuant to ORS 30.275.

To assist you in your investigation and preparation for litigation, we offer the following:

As the Mayor and Police Commissioner for the City of Portland, Mr. Wheeler has an inherent obligation to enforce the laws of the State of Oregon and the City of Portland. Mr. Wheeler has an inherent obligation to not use the Portland Police Bureau to advance his own political agenda or use his police powers to harm those he believes possess alternative political beliefs.

On or about June 20, 2018 Mr. Wheeler declared via tweeter, in relevant part:

*The policy being enacted by the federal government around the separation of very small children from their parents is an abomination. It is un-American. I'm glad to see the President seems to be reconsidering this very ill-conceived policy and I hope that happens forthwith. I drove by the demonstration yesterday, it seemed to be very peaceful and I was pleased to see that. I want to be very clear I do not want the @PortlandPolice to be engaged or sucked into a conflict, particularly from a federal agency that I believe is on the wrong track that has not fully lived American values of inclusion and is also an agency where the former head suggested that people who lead cities that are sanctuary cities like this one should be arrested. If they are looking for a bailout from this mayor, they are looking in the wrong place.*

According to public records provided by the City of Portland to an independent organization named "Judicial Watch" Captain Mike Frome sent an email to members of the Portland Police Bureau stating:

*The PPB will only respond to calls at the demonstration site that have an immediate life safety concern. When we respond, a supervisor must be one of the responding units. We are not to proactively patrol the area of the demonstration either.*

On June 21, 2018 Mr. Wheeler's advisor Berk Nelson sent a text messages to Assistant Chief Robert Day's personal cell phone stating:



*Text Message*

*6/21/2018 2:39 Sender - 5038238056 Recipient - 5037939391*

*Here's where our office stands: The Mayor will provide strategic direction to PPB. He will not dictate tactics we will leave that to the expertise of PPB. In this case, the Mayor's strategic direction is for PPB to not get involved unless lives are in danger. If that direction changes it will be after a conversation between the Chief, deputy chief and the Mayor.*

On July 31, 2018 in response to the ICE Council's Cease and Desist Letter Mr. Wheeler stated, in relevant part:

*While Portland Police were not engaged in removing protesters from federal property, Portland Police made clear to Federal Protective Service officials that local law enforcement would respond to calls for service at the demonstration site that have an immediate life safety concern.*

According to our investigation, after Mr. Wheeler's tweet of June 20, 2018 the crowd around the ICE building: swelled; physically blocked the exits of a privately owned building; blocked ICE employees from exiting their place of work; denied ICE employees access to their privately owned vehicles; verbally assaulted ICE employees; blocked traffic; harassed local merchants; harassed local residents; engaged in violent and tumultuous behavior; and established an unauthorized occupation of public property without a permit. This behavior continued for at least 38 days.

It is also clear from the text of Mr. Wheeler's June 20, 2018 policy declaration that he ordered the Portland Police Bureau to not enforce applicable State and City laws to advance his own personal political agenda, advance his political career and punish citizens he perceived to hold alternative political beliefs. The impact of Mr. Wheeler's actions on the employees of ICE, local merchants, owners of the surrounding buildings and residents is well documented and undisputed.

Please take notice that the National ICE Counsel and members reserve their rights to proceed against the Mayor Wheeler, the City of Portland, and agents/employees of the City of Portland for violations of their State and Federal Constitutional Rights, all actions available at common law and the applicable statutory violations. My clients further give notice of their intent to seek monetary and injunctive relief including but not exclusive to: lost wages, loss of career advancement, emotional distress, attorney fees and punitive damages.

Respectfully,

/s/ Sean J. Riddell  
Sean J. Riddell

