



CITY OF PORTLAND, OREGON



Bureau of Police

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Executive Summary Directive 0635.10, Portland Police Bureau Response to Public Order Events

Introduction

The Portland Police Bureau began reviewing Directive 0635.10, Portland Police Bureau Response to Public Order Events (formerly, “Crowd Management/Crowd Control”), in 2020. The Bureau posted the existing directive for public comment twice between 2020 and 2022, before posting the revised directive for Second Universal Review in September 2022 to seek public comment on proposed changes to the policy. The Bureau worked closely with the Department of Justice (DOJ) and the Compliance Officer/Community Liaison (COCL) to redevelop the directive to clarify requirements and practices during public order events, provide clear definitions of terms, and comply with recent changes to state law pertaining to public order events.

Public Comments

The Bureau received many comments over the course of the first two universal review and public comment periods and received only two comments during the second (final) universal review and public comment period. Generally, many comments on the Bureau’s previous directive during the first two comment periods did not include actionable recommendations, but instead spoke to various perspectives on the need for and role of police and the Bureau, in particular. During the final public comment period, the Bureau received specific recommendations on the Bureau’s proposed policy and practices.

Several commenters expressed concern about Bureau member use of force during public order events, and one commenter insisted the Bureau prohibit deadly force. As the directive states, Directive 1010.00, Use of Force, governs all force, including deadly force, regardless of the environment or context. Directive 1010.00 provides clear guidance on members’ legal and Bureau-permitted authority to use force. Specifically, members are only authorized to use objectively reasonable force based on the totality of the circumstances when no objectively reasonable and effective alternative presently exists to effectuate a lawful objective. State law further restricts the use of certain types of force for crowd management. The law and Bureau policy only allow for the use of deadly force in narrow circumstances – to protect a member or others from what the member reasonably believes to be an immediate threat of death or serious physical injury. All force reporting and review requirements set forth in Directive 0910.00, Use of Force Reporting, Review, and Investigation, also apply to public order events.

Commenters expressed concern that the Bureau's previous policy was too permissive with regard to the use of chemical agents and rubber bullets. Consistent with state law, the Bureau's updated policy restricts the use of chemical incapacitants and kinetic impact projectiles (includes rubber bullets), as defined by ORS 181A.708, for crowd management. While state law restricts the use of these tools and munitions for crowd management, members may use handheld aerosol restraints (i.e., pepper spray) and non-chemical payload impact munitions (e.g., foam tipped munitions) on an individual person if the person engages in conduct that would allow for the use of force under state law and Bureau policy.

A commenter noted the Bureau's changes to recently-revised Directive 0312.50, Identification, and recommended that the Bureau modify Directive 0635.10 to mirror the requirements set forth in that updated policy. The Bureau adopted the recommendation, revising Directive 0635.10 for consistency with Directive 0312.50 and state law.

A few commenters shared concerns about the substance and timing of Bureau announcements and warnings. In response to the Bureau's prompt for comment on the previous policy, one commenter recommended that the Bureau establish an exact time-based requirement for dispersal order compliance. The Bureau considered this recommendation and discussed the subject with the DOJ and COCL; however, the Bureau, with the DOJ's approval, ultimately landed on a "reasonableness" standard. Members must issue a minimum of two warnings at reasonable intervals to allow event participants to comply with an order to disperse. Given the dynamic and event circumstance-specific nature of public order events, the Bureau determined that it was not practical to impose a time-specific requirement in this instance. Another commenter expressed concern that the Bureau's issuance of announcements directed at specific people could be perceived as an intimidation tactic. The Bureau intends for its announcements to serve as a means by which members can keep event participants informed of certain event activities and circumstances, as well as the need for police action or intervention. Generally, in circumstances where the Bureau tailors its announcement to address individual behavior, the Bureau is employing crowd intervention techniques that focus on isolated occurrences of unlawful behavior or behavior that might escalate the crowd. The Bureau aims to use these techniques (i.e., focusing on individuals within the crowd who are engaged in unlawful behavior) to avoid crowd escalation and, potentially, the need for intervention tactics that may have an impact on the crowd.

During the second universal review and public comment period, a commenter recommended that the Bureau include in its newly-added section on medical aid a requirement that members allow community medics to render aid to persons who sustain injuries during an event. The Bureau incorporated new state law requirements into the policy, including a requirement that members allow emergency medical service providers to access injured persons. Although the state law does not define "emergency medical services," the directive allows for community medics to provide aid in this context, as recommended by the commenter.

Several commenters spoke to the need for clear guidance regarding Bureau member interactions with and treatment of legal observers and members of the media. The Bureau acknowledges in its updated directive that legal observers and members of the media have a right to observe and report on public order events. The Bureau will recognize anyone who identifies themselves as a journalist or legal observer as a member of the media or an observer. Furthermore, the Bureau will not arrest or detain members of these groups solely for their role in observing or reporting on an event or interfere with their performance of those functions.

A commenter recommended that Bureau members should have body-worn cameras on and recording at all times. The City of Portland has not adopted a body-worn camera program or authorized the use of body-worn cameras at this time.

Finally, one commenter commended the Bureau for including in its updated policy both the expectation that assisting law enforcement agencies act in accordance with the Bureau incident commander's lawful orders, and a prohibition on the Bureau's use of officers from other jurisdictions to employ crowd management tactics that are banned by court order or statute. The commenter urged the Bureau to expand the prohibition to include tactics that are banned by Bureau policy. The Bureau adopted the recommendation.

The Bureau's Revised Policy

The Bureau made several changes to Directive 0635.10 to provide clearer guidance to Bureau members and offer more information about how the Bureau manages public order events. Perhaps most significant, the updated policy speaks to the Bureau's goal of avoiding the use of force, when feasible, and emphasizes that Directive 1010.00 governs all use of force during public order events. The Bureau also made a few key revisions to existing definitions for clarity and added new terms to comply with recent changes to state law. The revised directive defines the terms "mass detention" and "mass arrests" and includes enhanced guidance around these two tactics, highlighting the need for individualized reasonable suspicion and probable cause, respectively. The Bureau worked closely with the City Attorney's Office to ensure that the revised directive includes clear guidance that comports with the law with regard to the permissible video and photo documentation of events. The revised policy also includes new language that requires certain Bureau member identification procedures and allows emergency medical service providers to access injured persons.

The Bureau restructured the directive, organizing it in a manner that mirrors the possible evolution of a public order event. The beginning of the directive addresses the Bureau's core principles and offers information and guidance on key elements of managing events, such as planning and communication. The revised directive then shifts to the Bureau's response to these events in relation to crowd behavior. The sections on crowd stewardship, crowd intervention, and crowd control offer information and guidance on the various strategies and authorized tactics the Bureau may employ in its proportional response to an escalation in certain crowd behavior.

Finally, the revised directive includes additional reporting requirements for the incident commander and supervisors and offers clearer guidance with regard to overall event review and reporting protocols.

The Bureau welcomes further comments on this directive during its next review.

This directive goes into effect on January 18, 2023. Published on December 19, 2022.

0635.10 Portland Police Bureau Response to Public Order Events

Refer:

- ORS 131.675 Dispersal of Unlawful or Riotous Assemblies
- ORS 161.015 General Definitions (1) (“Dangerous Weapon”)
- ORS 161.205 Use of Physical Force Generally
- ORS 166.015 Riot
- ORS 166.220 Unlawful Use of Weapon
- ORS 181A.250 Specific Information Not to be Collected or Maintained
- ORS 181A.708 Use of Chemical Incapacitants, Kinetic Impact Projectiles and Sound Devices
- ORS 181A.710 Use of Other Law Enforcement Agencies to Engage in Barred Conduct
- Oregon Administrative Rules 166-200-0405(5) and 166-200-0100(68)
- Portland City Code 14C.30.010, Authority to Restrict Access to Certain Areas
- Portland City Code 14C.30.020, Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions
- Portland City Code 14C.30.040, Seizure and Disposition of Weapons
- Portland City Code 20.12.200, Trespassing and Areas Closed to the Public
- Portland City Code 20.12.265, Park Exclusions
- DIR 0312.50, Identification
- DIR 0344.05, Bias-Based Policing/Profiling Prohibited
- DIR 0635.00, Strikes/Job Actions
- DIR 0635.20, Community Member Observation of Police
- DIR 0640.02, Photography and Digital Imaging
- DIR 0650.00, Search, Seizures, and Inventories
- DIR 0660.10, Property and Evidence Procedures
- DIR 0700.00, Bureau Response to All-Hazards Using the National Incident Management System (NIMS)
- DIR 0900.00, General Reporting Guidelines
- DIR 0905.00, Non-Force After Action Reporting
- DIR 0910.00, Use of Force Reporting, Review, and Investigation
- DIR 1010.00, Use of Force
- DIR 1015.00, Less Lethal Weapons and Tools
- Operations Branch, Standard Operating Procedure #15: Mobile Field Force
- Forensic Evidence Division, Standard Operating Procedure: Video/Photographic Evidence Collected in Response to Civil Disturbance or Crowd Management/Control Operations and the Disposition of Such Video/Photographs

Definitions:

- Chemical Incapacitant: The following, together or separately:
 - (i) Handheld or launched munitions and devices specifically designed to cause temporary pain, temporary irritation, temporary disruption of vital processes, temporary incapacitation, temporary disability or permanent harm through the toxic properties of toxic chemicals, or their precursors, that would be released as a result of the employment of the handheld or launched munitions and devices; and (ii) Any equipment specifically designed for use directly in connection with the employment of handheld or launched munitions and devices as described in subparagraph (i) of this subparagraph. **“Chemical incapacitant” includes handheld and launched chemical munitions, but does not include tear gas.**

- **Civil Disobedience:** A non-violent form of protest or resistance to obeying certain laws, demands or commands of a government.
- **Civil Disturbance:** An unlawful assembly that constitutes a clear and present danger of riot, disorder, interference with traffic upon the public streets or when another immediate threat to public safety, peace or order appears.
- **Crowd Control:** Law enforcement tactics and strategies used in response to an event to effect or influence a crowd to comply with a lawful order, when the event has become a civil disturbance or riot. Crowd control may include mass arrests, dispersal orders, the use of less lethal weapons, or other tactics that may be necessary to preserve life or safety.
- **Crowd Intervention:** Law enforcement strategies and tactics used, before riot declaration, to de-escalate or prevent or isolate disruptions or unlawful activity during an otherwise lawful event. Crowd intervention may include communication with event participants during the event, individual arrests targeting persons engaged in unlawful behavior, and other tactics that de-escalate crowd behavior and minimize disruption of those lawfully exercising their rights.
- **Crowd Management:** A public security practice in which crowds are managed to prevent the outbreak of crowd crushes, affrays, fights or riots, or in which an assembly, protest or demonstration is dispersed. This is a state law term that defines when certain weapons, tools, and proxy law enforcement use is restricted by state law. For this directive, crowd management encompasses crowd stewardship, crowd intervention, and crowd control.
- **Crowd Management Incident Commander (CMIC):** For this Directive, an incident commander who has received special training in crowd stewardship, intervention, and control. The Chief of Police will designate a command staff member to serve as the CMIC for every major public order event. When the CMIC assumes incident command responsibilities, they become the IC and possess the overall responsibility for managing the event by establishing objectives, planning strategies, and implementing tactics in accordance with this Directive and Directive 0700.00, National Incident Management System (NIMS) and Incident Command System (ICS). This position reports to the Assistant Chief of Operations or, if necessary, the Chief or Deputy Chief during events.
- **Crowd Stewardship:** Law enforcement review and tracking of public order events to determine what, if any, police presence is needed to facilitate the lawful expression of First Amendment Rights while preserving public safety. Crowd stewardship may include: event planning, communicating with participants before and during the event, information gathering and sharing, observing the event for criminal activity, deciding for or against visible police presence during the event, and other approaches.
- **Feasible:** When time and safety allow for a particular action.
- **Incident Action Plan (IAP):** An oral or written plan containing the objectives established by the IC or Unified Command and addressing tactics and support activities for the planned operational period.

- Incident Commander (IC): The person responsible for all incident activities, including developing strategies and tactics and monitoring resources. The IC has the overall authority and responsibility for conducting incident operations and is responsible for managing all incident operations at the incident site.
- Incident Command System (ICS): A standardized approach to the command, control, and coordination of on-scene management.
- Kinetic Impact Projectile: All non-lethal, less-lethal, or semi-lethal projectiles, including, but not limited to rubber and plastic bullets, beanbag rounds, sponge rounds, and pellet rounds.
- Lawful Objective: Any reason for police action that is valid under the law. Examples include, but are not limited to: arresting, detaining, or searching a person; overcoming resistance or preventing escape; preventing the commission of a crime; defending self or others; preventing a person from self-harm; restricting access to an area in an emergency.
- Mass Arrest: The tactic of simultaneously arresting, in one action, numerous people in a short amount of time during a crowd management event, with the intent of taking them into custody or issuing them criminal citations, when there is individualized probable cause.
- Mass Detention: The tactic of simultaneously detaining, in one action, numerous people during a crowd management event for a cursory investigation when there is individualized reasonable suspicion.
- Mobile Field Force (MFF): Sworn members, who are trained in basic crowd control tactics and techniques, organized into a squad and deployed to assist in crowd management.
- Operations Section Chief: A member, designated by the CMIC, who develops and implements strategy and tactics to carry out incident objectives. The designated member organizes, assigns, and supervises the tactical response resources.
- Persons-In-Charge: The person(s) designated by an event organizer or permit holder to act on behalf of, and with the authority of, the event organizer or permit holder.
- Police Action: Any circumstance, on or off duty, in which a sworn member exercises or attempts to exercise police authority. This includes, but is not limited to, stops, searches, arrests, and use of force.
- Portland Police Bureau Event Liaison: A Bureau member who has been designated by the IC as the primary contact for communication with the event's Person-In-Charge to police.
- Public Order Event: A lawful assembly of a large number of people. Generally, persons primarily organize to exercise their First Amendment right to express political or social views and influence public opinion; however, these events may include the assembling of people to participate in a social or community event. Events can be planned or spontaneous and may include, but are not limited to, distributing literature, displaying banners, assembling, marching, picketing, participating in festivals or concerts, or other similar activity.

- **Public Order Unit (POU):** A designated law enforcement team whose members are recruited, selected, trained, equipped, and assigned to police pre-planned public safety events or spontaneous violent civil unrest involving a threat to public safety, which would otherwise exceed the capabilities of traditional law enforcement first responders. This may include a Bureau unit or units from outside police or government agencies.
- **Resistance:** Opposition or obstruction directed towards an officer that impedes a lawful objective. Resistance may consist of the following:
 - **Passive Resistance:** Non-compliance or non-cooperation with an officer's lawful order that is non-violent, and does not involve active conduct or pose an immediate threat to the officer or the public.
 - **Active Resistance:** A person's physical attempt(s) to evade a member's control or lawful order.
- **Riot:** Six or more persons engaging in tumultuous and violent conduct and thereby intentionally or recklessly creating a grave risk of causing public alarm.
- **Squad:** A group of members tasked with accomplishing certain goals and missions. A minimum of one supervisor shall be assigned to lead each squad. The maximum span of control is 1-7 members per supervisor. (ICS refers to this group as a "strike team").
- **Tear Gas:** Oleoresin capsicum or orthochlorobenzalmalononitrile, or other similar chemicals meant to accomplish the same effect, administered by any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of the chemicals.

Policy:

1. This Directive establishes procedures for the Bureau's response to public order events ("events").
2. The Portland Police Bureau recognizes both the importance of protecting First Amendment rights and the tradition of exercising free speech and assembly in the City of Portland. The Bureau is committed to respecting lawful assembly and expression of speech while also maintaining public safety, peace, and order.
3. The Bureau follows national best practices among the principles of crowd monitoring, crowd intervention, and crowd control. Absent immediate safety concerns, the Bureau begins with crowd monitoring and prioritizes event participant engagement and promoting the crowd to self-regulate.
4. While the First Amendment protects freedom of speech, it does not protect criminal acts. The Bureau has a responsibility to protect public safety and maintain peace and order. The Bureau recognizes that a police response that impedes otherwise protected speech must be narrowly tailored to serve a significant government interest. Events may simultaneously include persons lawfully assembling and expressing speech, and persons unlawfully committing crimes. The Bureau must assess the totality of the circumstances to determine whether and to what extent police action is needed.

Procedure:

1. Core Principles.
 - 1.1. Bureau members shall respect the First Amendment rights of all persons to peaceably assemble and exercise their freedom of speech. .
 - 1.2. When event participants comply with City laws and ordinances, the Bureau shall attempt to limit police involvement by encouraging and supporting participant efforts to self-regulate and manage their events.
 - 1.3. Nothing in this directive relieves members from following other Bureau directives, reporting or investigation requirements, or state or federal law.
 - 1.4. Directive 1010.00, Use of Force, governs all uses of force, including force use during events.
 - 1.4.1. In accordance with state law, members' force use for crowd management is further restricted by requirements in this directive (e.g., the restricted use of certain weapons and tactics for crowd management purposes).
 - 1.5. The Bureau shall use the standardized, on-scene, all-hazards ICS to plan and manage events. Members shall refer to Directive 0700.00, Bureau Response to All-Hazards Using the National Incident Management System (NIMS), for specific guidance regarding incident management.
 - 1.6. In accordance with ICS, the IC or designee shall develop an Incident Action Plan (IAP) for the event, if the IC deems a police response necessary.
2. Incident Action Plan.
 - 2.1. If the IC determines that a police response necessary, the IC or designee shall develop a written IAP for the event, when feasible.
 - 2.1.1. If it is not feasible for the IC to develop a written IAP, the IC or their designee shall ensure that they document the IAP through another available medium (e.g., radio or handheld recording, Computer Aided Dispatch, incident board, duty notebook, ICS 201 form, etc.)
 - 2.1.1.1.1. The IC shall provide justification for not issuing a written IAP in their after action report.
 - 2.2. The IAP shall define the operational period, including approximate beginning and end dates and times.
 - 2.3. The IAP shall not circumvent the use of force requirements and guidance set forth in Directive 1010.00, Use of Force, or this policy.
 - 2.4. The IC or designee shall develop a new IAP for each operational period.
3. General Guidelines for Planned Events (At Least 24-hour Notice).
 - 3.1. The Assistant Chief of Operations and the precinct commander nearest to the event location shall determine whether a planned police response is necessary and the extent of initial staffing needs.
 - 3.1.1. Events that are small in crowd size, or for which credible information indicates that there is little concern of criminal activity, civil disobedience, civil disturbance,

or riotous behavior, shall generally be managed at the precinct level. The shift supervisor shall serve as the IC and determine precinct staffing needs.

- 3.1.1.1. If crowd behavior escalates to a level that poses a threat to public safety, peace, or order during an event that is being managed by a shift supervisor acting as the IC, the shift supervisor must consult with a CMIC who will then determine if they (the CMIC) should assume command and request additional resources.
- 3.1.2. The Assistant Chief of Operations shall designate a CMIC for events that are anticipated to have a greater critical impact, require a significant police response, and/or have the potential to become a civil disturbance or riot.
- 3.2. If the IC determines that basic Mobile Field Force (MFF) and bicycle units are not sufficient to manage the crowd, the IC may request a CMIC to assume control of the event.
- 3.3. Only a CMIC may activate or request an available Public Order Unit (POU), mass arrest teams, detention teams, or mutual aid.
4. General Guidelines for Spontaneous Events (Less Than 24-hour Notice).
 - 4.1. Many spontaneous events can be lawful and facilitated with appropriate police assistance. A spontaneous or non-permitted event is not necessarily unlawful, nor does it automatically require a significant police response.
 - 4.2. A supervisor at the precinct of occurrence shall respond to the event to determine if a police response is warranted.
 - 4.2.1. If a police response is warranted, the on-scene supervisor shall serve as the IC for the incident and attempt to engage the event organizer in an effort to protect the safety of participants and the public, and to facilitate participants' right to lawfully assemble.
 - 4.2.1.1. If the Sergeant who is the first supervisor on scene of a spontaneous event determines that, within the ICS, they do not have the capacity to solely manage the event, they shall notify their Lieutenant, who may then respond to the scene and assume command after debriefing.
 - 4.2.2. The IC shall consult with a CMIC to determine if a higher level of police response is necessary or if the CMIC should assume command, based on crowd behavior.
5. Communication with the Crowd.
 - 5.1. Communication is a critical function during, and when feasible, before, an event. Announcements and warnings serve an informational purpose, but have certain functional distinctions. Generally, the Bureau will strive to directly communicate with event organizers and use amplified audio communications and the Public Information Officer (PIO) to issue announcements and warnings to the crowd for the purpose of decreasing the need for police action.
 - 5.2. When communicating with event participants, members shall endeavor to engage participants in a positive manner, when feasible.
 - 5.2.1. Members shall act in accordance with Directive 0310.00, Professional Conduct and Courtesy, and consider procedural justice principles focused on explaining their actions, in accordance with Directive 0025.00, Procedural Justice.

- 5.3. Barring emergency circumstances, the Bureau shall issue announcements and warnings by using a graduated approach that aligns with its response of crowd stewardship, intervention, or control.
- 5.4. Announcements.
 - 5.4.1. Announcements are designed to:
 - 5.4.1.1. Convey general information to the crowd in an effort to keep an event lawful;
 - 5.4.1.2. Communicate targeted information to specific persons to provide direction; and
 - 5.4.1.3. Serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action or the use of force.
 - 5.4.2. Throughout the event, members shall continuously monitor the crowd for behavior that presents a clear and present danger that threatens the public safety, peace, or order and issue appropriate announcements , as needed.
 - 5.4.3. When feasible, members shall issue a minimum of two announcements at reasonable intervals to notify the crowd of an impending dispersal order or arrest.
 - 5.4.4. When issuing announcements, members should cite specific offenses and violations being committed and caution the crowd that riotous acts will not be permitted and may result in arrest or necessitate the use of force.
- 5.5. Warnings.
 - 5.5.1. Warnings are designed to:
 - 5.5.1.1. Inform person(s) of impending police action (e.g., force); and
 - 5.5.1.2. Gain compliance with a lawful order.
 - 5.5.2. If the crowd or persons in the crowd engage in criminal activity or behavior that presents a clear and present danger that threatens the public safety, peace or order, members may shift to employing crowd intervention and/or crowd control tactics. If this occurs, members shall, when feasible, issue warnings to the crowd.
 - 5.5.3. Pursuant to Directive 1010.00, Use of Force and state law, members shall, when feasible, issue a warning before using force.
- 5.6. Documenting Announcements and Warnings.
 - 5.6.1. Members shall document their issuance of an announcement(s) or warning(s) in an appropriate police report (e.g., date, time, location, announcing member, messages, number of warnings provided, etc.).
 - 5.6.1.1. If a member does not issue a warning before using force, the member shall document the reason in their force report.
- 5.7. Amplified Audio Communications.
 - 5.7.1. When feasible, members should use a sound truck or another public announcement system to ensure the crowd can hear the Bureau's announcements or supplement warning issuances.
 - 5.7.1.1. Announcements and warnings to the crowd should be loud, intelligible, and consistent.
 - 5.7.1.1.1. When feasible, a member should position themselves at the back of the crowd to ensure the sound truck communication is sufficiently loud, intelligible, and consistent.

- 5.7.2. The Bureau shall not use a sound device (e.g., the sound truck) for crowd management for any purpose other than announcements or warnings.
 - 5.7.3. During spontaneous events, members may not have access to a sound truck or another public announcement system, and the PIO may not be present. In these circumstances, members shall act in accordance with this section when operationally possible.
- 5.8. Social Media Communication.
- 5.8.1. When feasible, the PIO shall communicate the Bureau's announcements and warnings using social media.
6. Crowd Stewardship.
- 6.1. Planning and Communication.
 - 6.1.1. Bureau response to an event may not be necessary; however, when a police response is requested or deemed necessary by the Bureau:
 - 6.1.1.1. The Bureau shall make reasonable efforts to contact and engage in dialogue with known event organizers to assist the Bureau in its planning and to develop a shared understanding of the organizers' needs and objectives. Similarly, the Bureau should communicate its expectations and inform participants on permissible and restricted actions during the event.
 - 6.1.1.2. The Bureau, through the PPB Event Liaison or another designee, shall attempt to maintain communication with known event organizers or the Person(s)-in-Charge before and during the event. The Liaison shall maintain communications with the IC to keep them apprised of the situation.
 - 6.1.1.3. The Bureau, through the PIO or another designee, shall communicate through the use of social media and other conventional outlets to keep the public, including the crowd, informed throughout the event. The Bureau shall update its means of communication based on current technology.
 - 6.2. During the Event.
 - 6.2.1. The IC shall continuously monitor the event, weighing the totality of the circumstances to inform the decision to introduce police action to maintain public safety, peace, and order.
 - 6.2.1.1. When deciding whether to use certain police tactics within a crowd, the IC shall consider the government interest in intervening and the potential impact on the participants' ability to exercise their First Amendment rights.
 - 6.2.1.2. The IC, or a designee, shall authorize the appropriate level of protective equipment based on several factors including, but not limited to:
 - 6.2.1.2.1. Member safety,
 - 6.2.1.2.2. Individual and/or group physical resistance,
 - 6.2.1.2.3. The presence of weapons,
 - 6.2.1.2.4. Actual or credible threats or indicators of violent behavior,
 - 6.2.1.2.5. Actual or credible threats or indicators of criminal actions, and
 - 6.2.1.2.6. The potential impact or perceived effect that appearing in protective gear may have on the crowd.
 - 6.2.1.3. When practical and in an attempt to avoid escalating the situation, the IC should strive to position members in protective gear in locations that minimize visibility until deployment is necessary for crowd intervention or control.

7. Crowd Intervention.

- 7.1. In some circumstances, there is little government interest in regulating non-violent crowd participation in civil disobedience. However, if individual behavior escalates and presents a clear and present danger that threatens the public safety, peace, or order, and the event can no longer be effectively managed through a minimal police presence, therefore increasing the government interest, the IC may adjust crowd tactics to adequately respond.
- 7.2. During intervention, the Liaison or another IC-designated member shall continue to attempt to maintain communication with the known event organizers or the Person(s)-in-Charge the event.
- 7.3. When crowd intervention is necessary, members shall strive to distinguish between persons engaged in criminal behavior, persons peacefully and lawfully demonstrating, legal observers and members of the media, and nonparticipants.
- 7.4. The Bureau shall use intervention strategies and tactics, such as individual arrests, in an attempt to de-escalate the situation and prevent further unlawful behavior without interfering with members of the crowd who are lawfully assembling.
- 7.5. When feasible, an IC-designated member and/or the member operating the sound truck shall convey police action to the crowd via announcements and warnings and attempt to encourage lawful activity.
- 7.6. The IC shall continuously evaluate the Bureau's response and return to crowd stewardship techniques, when feasible.

8. Crowd Control.

- 8.1. If crowd behavior continues to escalate after employing intervention strategies and there is *increased and widespread* behavior that presents a clear and present danger that threatens the public safety, peace, or order, the IC may adjust crowd tactics to adequately respond.
- 8.2. The Bureau may employ crowd control strategies in an attempt to de-escalate and/or prevent further unlawful or threatening behavior by restoring public safety, peace, and order.
- 8.3. *Riot Declaration.*
 - 8.3.1. When the crowd (consisting of six or more persons) engages in tumultuous and violent conduct that creates a grave risk of causing public alarm, the IC may declare a riot.
- 8.4. *Crowd Dispersal.*
 - 8.4.1. Pursuant to City Code, the IC is authorized to close an area in the event of an emergency. An emergency includes a riot.
 - 8.4.2. Pursuant to ORS §131.675, the IC may order a crowd to disperse when five or more persons are unlawfully assembled.
 - 8.4.2.1. Before giving the order to disperse, the IC shall consider:
 - 8.4.2.1.1. Whether dispersal unduly endangers the public, officers, or participants in the crowd;

- 8.4.2.1.2. If there are other means available to protect the public, officers, and participants in the crowd from a clear and present danger that threatens the public safety, peace, or order; and
 - 8.4.2.1.3. Which dispersal tactics and/or type of tools are proportional and necessary based on the circumstances.
 - 8.4.2.2. Before taking police action to disperse the crowd, and when feasible, members shall issue a minimum of two warnings at reasonable intervals to allow the crowd to comply.
 - 8.4.2.2.1. Members shall take reasonable action to accommodate people with disabilities when issuing or enforcing orders to disperse.
 - 8.4.2.2.2. When time and circumstances permit, members shall provide detailed guidance regarding the direction in which the crowd may disperse (e.g., street or intersection names, landmarks, etc.), while keeping in mind that event participants may not know cardinal direction or street names.
9. Use of Force.
- 9.1. When authorized to use force, members should carefully consider the potential negative impact that their force use could have on the overall tenor or behavior of the crowd. Members shall only use objectively reasonable force necessary to accomplish a lawful objective, and their actions must be in accordance with the IAP objectives and/or the IC's direction.
 - 9.2. When the Bureau declares a riot and orders the crowd to disperse, and the crowd does not heed repeated warnings, and no reasonable alternative is apparent, the IC may authorize the use of force. Force must comply with Directive 1010.00, Use of force, and further restrictions found in this directive.
 - 9.2.1. Members shall only use authorized less lethal force for crowd management at the direction of the IC and, when applicable avenues of escape (i.e., clear path or route) are available to the crowd.
 - 9.2.2. The IC shall continuously evaluate the incident and adjust the Bureau's tactics, ensuring that its response is proportional to the threat posed by the crowd, and employ de-escalation and crowd stewardship tactics, when feasible.
 - 9.3. Members shall not use the following less lethal force options for crowd management, unless otherwise permitted by law or policy:
 - 9.3.1.1. Conducted Electrical Weapon (CEW).
 - 9.3.1.2. Kinetic impact projectiles, unless deadly force is authorized.
 - 9.3.1.3. Chemical incapacitants.
 - 9.3.1.4. Tear gas, unless:
 - 9.3.1.4.1. The use is objectively reasonable by law enforcement to:
 - 9.3.1.4.1.1. Defend against a threat to life or serious bodily injury to any person, including any peace officer; or
 - 9.3.1.4.1.2. Bring an objectively dangerous and unlawful situation safely and effectively under control;
 - 9.3.1.4.2. A commanding officer (the IC) authorizes the use of tear gas;
 - 9.3.1.4.3. De-escalation techniques or other alternatives to force have been attempted, when reasonable, and failed; and
 - 9.3.1.4.4. The Bureau has done the following, in the following order:
 - 9.3.1.4.4.1. Announced the Bureau's intent to use tear gas;

- 9.3.1.4.4.2. Allowed sufficient time for persons to evacuate the area; and
- 9.3.1.4.4.3. Announced a second time, immediately before using the tear gas, the agency's intent to use tear gas.

9.4. While the previous section restricts the use of the following weapons for crowd management (i.e., indiscriminate use) in most circumstances, members *may* use the following KIPs and chemical incapacitants *on an individual person* in a crowd *if* the person is engaged in conduct otherwise justifying the use of force under state law and Bureau policy.

- 9.4.1. Handheld aerosol restraints; and
- 9.4.2. Non-chemical payload impact munitions.

9.5. Additional Requirements for Handheld Aerosol Restraint and Non-Chemical Impact Munition Use:

- 9.5.1. Members shall attempt to minimize the incidental impact on bystanders, journalists, and unintended targets;
- 9.5.2. Members shall not use handheld aerosol restraints or non-chemical impact munitions on persons engaged in passive resistance;
- 9.5.3. Members shall not deploy non-chemical impact munitions in a manner that intentionally targets the head of a person, unless the person is engaged in conduct that otherwise justifies the use of deadly physical force under state law and Bureau policy.

9.6. Cleanup Requirements.

- 9.6.1. Following the use of tear gas or KIPs, members shall, within a reasonable time of use of the tools and weapons, clean all visible debris caused by use.

9.7. Prohibited Crowd Control Tactics.

- 9.7.1. Members shall not use the following tools or tactics for crowd management purposes:
 - 9.7.1.1. Fire hoses;
 - 9.7.1.2. Canines;
 - 9.7.1.3. Sound trucks for purposes other than issuing announcements and warnings.
- 9.7.2. Members shall not intentionally contact crowd members or bystanders with motor vehicles.

10. Medical Aid.

10.1. Members shall follow all post-force medical aid procedures set forth in Directive 630.50, Medical Aid.

10.2. When members use chemical incapacitants, tear gas, or KIPs in a crowd, the IC or a designee shall make efforts to notify emergency rooms in the vicinity of the type of aforementioned weapon or tool used.

10.3. When using chemical incapacitants, tear gas, KIPs, or electronically amplified noise-producing equipment and when safe to do so, members shall:

- 10.3.1. Attempt to take injured persons to safety or allow injured persons to seek medical help;
- 10.3.2. Allow emergency medical services, including community medics, to reach injured persons; and

10.3.3. Take reasonable action to accommodate disabilities when issuing or enforcing orders to disperse.

11. Detentions and Arrests.

11.1. Failure to comply with an order to disperse is not a crime and shall not be the basis for an arrest.

11.2. Legal Observers and Members of the Media.

11.2.1. Legal observers and members of the media have a constitutional right to observe, document, and report on public order events; however, they may not interfere with police action or impede a lawful objective.

11.2.2. Members shall consider anyone identifying themselves as a member of the media, journalist, broadcaster, or legal observer, or displaying any indicia of the aforementioned, to be an authorized legal observer or member of the media.

11.2.3. Members shall not detain or arrest legal observers or members of the media solely for their role in observing, capturing, and/or reporting on events.

11.2.4. Members shall not interfere with media or legal observers performing their respective functions; however, media and legal observers are not exempt from arrest for their own criminal conduct.

11.3. Mass Detentions and Arrests.

11.3.1. Generally, the Bureau cannot practically accomplish mass detentions or arrests with standard detention and arrest procedures. Mass detentions and arrests require a specialized response and are most often associated with an unlawful assembly that constitutes a breach of the peace or presents a clear and present danger that threatens the public safety, peace, or order.

11.3.2. The IC must authorize any mass detentions or mass arrests. The IC or CMIC shall consult with the Detective Division to ensure mass arrest resources are available.

11.3.3. The IC may only authorize mass arrests when there is probable cause to believe that the subjects of mass arrests have committed a criminal offense.

11.3.4. The IC may only authorize mass detentions when there is reasonable suspicion to believe that the targets of mass detention have committed a criminal offense.

11.3.5. Before authorizing mass detention or mass arrest, the IC shall:

11.3.5.1. Consider whether other, less intrusive tactics are available to stop or investigate the criminal activity;

11.3.5.2. Consider whether sufficient officers and resources are available to expeditiously investigate persons who are detained or process persons who are arrested;

11.3.5.3. Consider whether they (the IC) reasonably believe the group is functioning as a unit; and

11.3.5.4. Ensure they have individualized reasonable suspicion (mass detention) or individualized probable cause (mass arrest) for each person in the group to be detained or arrested.

12. Video and Photographic Documentation.

12.1. The Bureau may stream events to City facilities by live video feed to provide situational awareness to the IC.

12.1.1. Pursuant to ORS 181A.250, the Bureau or IC shall not authorize recording or photographing events solely for the purposes of monitoring, collecting, or maintaining information about individuals or groups based solely on their political; religious; or social views, associations, or activities.

12.1.2. When ordered by the IC to record criminal activity, members shall act in accordance with Directives 640.02, Photography and Digital Imaging, and 660.10, Property and Evidence Procedures, when photographing persons subject to authorized mass detention or mass arrest.

12.1.2.1. The Forensic Evidence Division (FED) shall process recordings and photographs in the following manner:

12.1.2.1.1. Provide a copy to the Detectives Division for review to determine what information the Bureau shall maintain as evidence of criminal activity. The Bureau shall retain all evidentiary material in accordance with Directives 0640.02, Photography and Digital Imaging, and 0660.10, Property and Evidence Procedures.

12.1.2.1.2. Provide a copy to the City Attorney's Office (CAO). The CAO shall act in accordance with state records retention laws when determining the disposition of the material(s).

12.1.2.1.3. Provide a copy to the District Attorney's Office, when there is an arrest.

12.1.2.2. The Bureau shall not retain non-evidentiary material.

13. Member Identification During Events.

13.1. Members shall have, "POLICE" and their first initial and last name *or* a unique identifier assigned by the Bureau affixed to the front and back of their uniform and, when applicable, the back of their tactical helmet.

13.1.1. Members shall not intentionally obscure their identifying information and shall ensure that the information is clearly visible.

13.2. If practical, safe, and tactically feasible, upon request by a member of the public, members shall provide their name and identification number, or, if applicable, their assigned unique identifier to the member of the public.

13.2.1. Members may provide a Bureau-issued business card in lieu of the information in Section 13.2.

13.3. Bureau Identification of Members.

13.3.1. The Bureau shall manage public requests for officer identifying information as set forth in Directive 0312.50, Identification.

14. Member Responsibilities During Events.

14.1. The IC (or Designee) shall:

14.1.1. Oversee the development, dissemination, and implementation of the IAP for the event in accordance with this Directive and ICS;

- 14.1.2. Determine the mission and objectives and consider what crowd tactics are objectively reasonable under the totality of the circumstances;
 - 14.1.3. When feasible, attempt to maintain communication, through the PPB Event Liaison, with the Person-in-Charge, or their designee, during event;
 - 14.1.4. Approve the use of authorized protective gear;
 - 14.1.5. Ensure announcements communicated to the crowd are clear, consistent (non-conflicting), lawful, and appropriate for the circumstances. The content and timing of the announcement shall be documented and, if feasible, shall be audio recorded;
 - 14.1.6. Consider and ensure the performance of the following before authorizing the use of chemical incapacitants for crowd management purposes:
 - 14.1.6.1. A riot must be declared, when authorized;
 - 14.1.6.2. Other force options are not likely to change behavior in a timely fashion;
 - 14.1.6.3. Proximity of deployed chemical incapacitants to:
 - 14.1.6.3.1. Hospitals, schools, and convalescent facilities;
 - 14.1.6.3.2. Uninvolved community members;
 - 14.1.6.3.3. Residential areas;
 - 14.1.6.3.4. Freeways or areas with high density traffic; and
 - 14.1.6.3.5. Flammable materials.
 - 14.1.6.4. Weather, environmental, and topographical conditions; and
 - 14.1.6.5. Timing and coordination with other law enforcement agencies.
 - 14.1.7. Request additional resources, if there is a need for additional police resources to manage the event.
 - 14.1.8. Activate an available POU, when they determine that there is a need for the specialized unit to assist with the management of the event; and
 - 14.1.9. Authorize the deployment of authorized less lethal weapons, when objectively reasonable.
 - 14.1.10. Write a daily summary of the event that assesses the Bureau's response and squad actions in relation to the IAP objectives and IC direction, and considers lessons learned (e.g., effective vs. ineffective action). The summary should inform future IC decision-making for the event.
- 14.2. The Operations Section Chief shall (when assigned to an event):
- 14.2.1. Propose the strategies, tactics, and assigned resources to meet the IC's objectives. The IC shall approve the strategic, tactical, and resource-related proposal.
- 14.3. The Detective Division Commander or Supervisor shall:
- 14.3.1. Coordinate with the IC to determine the scale of a mass arrest team response;
 - 14.3.2. Assign detectives to assist with any mass arrests;
 - 14.3.3. Manage the processing of all arrests pursuant to the Detective Division SOP; and
 - 14.3.4. Ensure that all required documentation for arrests is collected.
- 14.4. Sergeants shall:
- 14.4.1. Verify that all assigned squad members have the proper equipment;
 - 14.4.2. Ensure that squad members are briefed before the start of the event;
 - 14.4.3. Communicate orders from the IC or the Operations Section Chief to their squad;
 - 14.4.4. Only issue direction that conforms with the IAP and event objectives; and
 - 14.4.5. Ensure that squad members act in accordance with the IAP.
 - 14.4.6. By the end of shift, account for the number of munitions deployed by each less lethal operator and grenadier.
 - 14.4.6.1. If members need additional munitions during an event, the supervisor is responsible for tracking the issuance of those munitions.

14.4.7. At the end of shift, notify the IC, through email or other written format, of any force use and report on munition deployment (types and number), and any injuries to Bureau members or event participants (when known).

14.5. Officers shall:

14.5.1. Follow the directions of the sergeant;

14.5.2. Act in accordance with the IAP;

14.5.3. Not take independent police action, unless exigent circumstances require immediate action for protecting themselves or others from physical harm. Such independent action must comply with all applicable Bureau directives; and

14.5.4. When acting as a less lethal operator, account for and document all issued munitions in an appropriate police report at the end of shift.

15. Coordination with Other Agencies.

15.1. The Bureau may request assistance from other law enforcement agencies to sufficiently staff and respond to an event.

15.1.1. The Bureau IC, or their designee, shall appropriately brief outside agency personnel before their deployment.

15.1.2. The Bureau IC shall maintain the authority to determine tactical objectives; direct the overall police response (all agencies); and determine, when objectively reasonable, how and when to use force to address civil disturbances or riotous behavior and/or disperse the crowd.

15.1.3. The Bureau expects assisting agencies to act in accordance with the lawful orders of the Bureau IC; however, their members' conduct is subject to the outside agency's policies and procedures.

15.2. The Bureau shall not:

15.2.1. Use a proxy law enforcement agency to use crowd management or control measures that are prohibited by Bureau directive or that a court or statute has barred the law enforcement agency from using;

15.2.2. Act in concert with another law enforcement agency to engage in misconduct barred by court order, statute, or Bureau directive.

16. Post-Event Reporting and Coordination Requirements.

16.1. The IC (or their designee) shall:

16.1.1. When applicable, write an overall police report that describes major decision-making during the event.

16.1.2. For non-extended events, complete an After Action in accordance with Directive(s) 0905.00, Non-Force After Action Reporting. Generally extended events are events that last two weeks or more.

16.1.2.1. If the IC authorizes mass detention or mass arrest during the event, they shall document:

16.1.2.1.1. The criminal activity that gave rise to the authorization, including a brief description of the information relied on to conclude there was reasonable suspicion or probable cause to issue the authorization;

16.1.2.1.2. Any alternatives they considered before determining that a mass detention or mass arrest was appropriate;

16.1.2.1.3. How the mass detention or mass arrest affected public safety and the safety of the group detained or arrested;

- 16.1.2.1.4. Any announcements made to the group detained or arrested, either before or after the detention/arrest, including the manner in which the announcements were communicated to the group; and
 - 16.1.2.1.5. What resources the Bureau deployed to assist in expediting the investigation or processing of the persons who were detained or arrested.
 - 16.1.3. For extended events, complete the After Action within 60 days of the conclusion of the event. To ensure contemporaneous documentation, the IC shall initiate the After Action Review before the conclusion of the event.
 - 16.1.3.1. Generally, extended events are public order events that last two weeks or more. The Chief has the discretion to extend the After Action timeline, not to exceed 60 days, for non-extended events that warrant further review.
 - 16.1.4. Obtain and review approved force After Action reports from the Force Inspector and include the number and types of force used during the event, and any other significant evidence from these reports, in the event After Action.
 - 16.1.5. When feasible, review any uses of force by other agencies' personnel as part of the overall incident after action report;
 - 16.1.6. Complete the overall event incident report within of the conclusion of the event and, if necessary, supplement the report as additional evidence becomes available.
 - 16.1.7. Ensure all other applicable pertinent reports are timely submitted as required by Directive 0900.00, General Reporting Guidelines, and 1010.00, Use of Force; and
 - 16.1.8. Hold a formal debrief of the event to discuss the overall plan, tactics, staffing and areas of improvement. The debrief should include key supervisory member participants in the event.
- 16.2. The Detective Division Commander or Supervisor shall:
- 16.2.1. Ensure coordination with the District Attorney's Office or relevant prosecutor when arrests are made.
- 16.3. Squad Supervisor Reporting and Incident Review Responsibilities.
- 16.3.1. At the end of the event, the lead supervisor of each squad that took police action shall conduct a debriefing of the incident with their personnel and document it in their police report. use of force, the assistant supervisor, or a designated alternate supervisor, of each squad shall write an After Action for any force used by the squad in accordance with Directive 0910.00, Use of Force Reporting, Review, and Investigation, during the incident.
 - 16.3.2. Supervisors shall evaluate use of force for compliance with this directive; Directive 1010.00, Use of Force; and any other applicable directives, operative IAPs, or other orders.

Effective: 1/18/2023

Next Review: 1/18/2024

0635.10 Crowd Management/Crowd Control Portland Police Bureau Response to Public Order Events

Refer:

- ORS 131.675 Dispersal of Unlawful or Riotous Assemblies
- ORS 161.015 General Definitions (1) (“Dangerous Weapon”)
- ORS 161.205 Use of Physical Force Generally
- ORS 166.015 Riot
- ORS 166.220 Unlawful Use of Weapon
- ORS 181A.250 Specific Information Not to be Collected or Maintained
- ORS 181A.708 Use of Chemical Incapacitants, Kinetic Impact Projectiles and Sound Devices
- ORS 181A.710 Use of Other Law Enforcement Agencies to Engage in Barred Conduct
- Oregon Administrative Rules 166-200-0405(5) and 166-200-0100(68)
 - ~~ORS § 181.575 Specific Information Not to be Collected or Maintained~~
 - ~~ORS § 131.675 Dispersal of Unlawful or Riotous Assemblies~~
- Portland City Code 14C.30.010, Authority to Restrict Access to Certain Areas
- Portland City Code 14C.30.020, Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions
- Portland City Code 14C.30.040, Seizure and Disposition of Weapons
- Portland City Code 20.12.200, Trespassing and Areas Closed to the Public
- Portland City Code 20.12.265, Park Exclusions
- DIR 3440312.50, Identification
- DIR 0344.05, Bias-Based Policing/Profiling Prohibited
- DIR ~~635~~0635.00, Strikes/Job Actions
- DIR 0635.20, Community Member Observation of Police
- DIR ~~660~~DIR 0640.02, Photography and Digital Imaging
- DIR 0650.00, Search, Seizures, and Inventories
- DIR 0660.10, Property and Evidence Procedures
- DIR ~~700~~700.00, Bureau Response to All-Hazards Using the National Incident Management System (NIMS) and Incident Command System (ICS)
- DIR ~~900~~900.00, General Reporting Guidelines
- DIR ~~905~~0905.00, Non-Force After Action Reporting
- DIR 0910.00, Use of Force Reporting, Review, and Investigation
- DIR 1010.00, Use of Force
- DIR 1015.00, Less Lethal Weapons and Tools
- Operations Branch, Standard Operating Procedure #15: Mobile Field Force
- Forensic Evidence Division, Standard Operating Procedure: Video/Photographic Evidence Collected in Response to Civil Disturbance or Crowd Management/Control Operations and the Disposition of Such Video/Photographs

Definitions:

- Chemical Incapacitant: The following, together or separately:
 - (i) Handheld or launched munitions and devices specifically designed to cause temporary pain, temporary irritation, temporary disruption of vital processes, temporary incapacitation, temporary disability or permanent harm through the toxic properties of toxic chemicals, or their precursors, that would be released as a result of

the employment of the handheld or launched munitions and devices; and (ii) Any equipment specifically designed for use directly in connection with the employment of handheld or launched munitions and devices as described in subparagraph (i) of this subparagraph. “Chemical incapacitant” includes handheld and launched chemical munitions, but does not include tear gas.

- Civil Disobedience:- A non-violent form of protest or resistance to obeying certain laws, demands or commands of a government.
- Civil Disturbance:- An unlawful assembly that constitutes a clear and present danger of riot, disorder, interference with traffic upon the public streets or when another immediate threat to public safety, peace or order appears.
- Crowd Control: -Law enforcement tactics and strategies used in response to a pre-planned or spontaneous event, activity, or occurrence that to effect or influence a crowd to comply with a lawful order, when the event has become a civil disturbance and/or riot. Crowd control may require include mass arrests, dispersal of the crowd and/or arrests orders, the use of less lethal weapons, or other tactics that may be necessary to preserve life or safety.
- Crowd Management: ~~Encompasses law~~Intervention: Law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed used, before, riot declaration, to de-escalate or prevent or isolate disruptions or unlawful activity during, and after a gathering for the purpose of maintaining the event’s an otherwise lawful activities. These could event. Crowd intervention may include event planning, pre-communication with event contact with group leaders, information gathering participants during the event, individual arrests targeting persons engaged in unlawful behavior, and other meanstactics that de-escalate crowd behavior and minimize disruption of those lawfully exercising their rights.
- Crowd Management: A public security practice in which crowds are managed to prevent the outbreak of crowd crushes, affrays, fights or riots, or in which an assembly, protest or demonstration is dispersed. This is a state law term that defines when certain weapons, tools, and proxy law enforcement use is restricted by state law. For this directive, crowd management encompasses crowd stewardship, crowd intervention, and crowd control.
- Crowd Management Incident Commander (CMIC): -For ~~the purposes of~~ this Directive, a ~~command member~~an incident commander who has received special training in crowd ~~management/crowd~~stewardship, intervention, and control.– The Chief of Police will designate a command staff member to serve as the CMIC for every major ~~demonstration~~public order event. When the CMIC assumes incident command responsibilities, they become the IC and/or special event. This position possesses possess the overall responsibility for managing the ~~demonstration event~~ by establishing objectives, planning strategies, and implementing tactics in accordance with this Directive and Directive ~~7000700.00~~, National Incident Management System (NIMS) and Incident Command System (ICS). -This position reports to the Assistant Chief of Operations or, if necessary, the Chief or Deputy Chief during ~~demonstration events~~.

- ~~Demonstration (or Protest): A lawful assembly of persons who have organized primarily to exercise their First Amendment right to express political or social doctrine views and attract public attention. Planned or spontaneous demonstrations include, but are not limited to, the distribution of literature, displaying of banners, vigils, rallies, marches, strikes or other similar activity (e.g., event, concert, festival, street theater, etc.). Lawful demonstrations can become civil disturbances.~~
- ~~Freedom of Speech: The right to speak, associate, assemble, and petition the government; speech that is protected by the First Amendment to the United States Constitution and Article I, sections 8 and 26 of the Oregon Constitution. For the purposes of this Directive, the rights issuing from both the federal and state Constitutions are collectively referred to as First Amendment rights.~~
- Crowd Stewardship: Law enforcement review and tracking of public order events to determine what, if any, police presence is needed to facilitate the lawful expression of First Amendment Rights while preserving public safety. Crowd stewardship may include: event planning, communicating with participants before and during the event, information gathering and sharing, observing the event for criminal activity, deciding for or against visible police presence during the event, and other approaches.
- Feasible: When time and safety allow for a particular action.
- ~~Incident Action Plan (IAP): A proposal that provides a concise An oral or written plan containing the objectives established by the IC or Unified Command and consistent means of capturing and communicating overall incident priorities, objectives and strategies for both operational and addressing tactics and support activities. for the planned operational period.~~
- ~~Incident Commander (IC): -The individual person responsible for all incident activities, including the development of developing strategies and tactics and the ordering and release of monitoring resources.- The IC has the overall authority and responsibility for conducting incident operations and is responsible for the management of managing all incident operations at the incident site.~~
- Incident Command System (ICS): A standardized approach to the command, control, and coordination of on-scene management.
- Kinetic Impact Projectile: All non-lethal, less-lethal, or semi-lethal projectiles, including, but not limited to rubber and plastic bullets, beanbag rounds, sponge rounds, and pellet rounds.
- Lawful Objective: Any reason for police action that is valid under the law. Examples include, but are not limited to: arresting, detaining, or searching a person; overcoming resistance or preventing escape; preventing the commission of a crime; defending self or others; preventing a person from self-harm; restricting access to an area in an emergency.

- Mass Arrest: The tactic of simultaneously arresting, in one action, numerous people in a short amount of time during a crowd management event, with the intent of taking them into custody or issuing them criminal citations, when there is individualized probable cause.
- Mass Detention: The tactic of simultaneously detaining, in one action, numerous people during a crowd management event for a cursory investigation when there is individualized reasonable suspicion.
- Mobile Field Force (MFF): Sworn members, who are trained in basic crowd control tactics and techniques, organized into a squad and deployed to assist in ~~the~~crowd management ~~of a crowd.~~
- Operations Section Chief:- A member, designated by the CMIC, who develops and implements strategy and tactics to carry out incident objectives. -The designated member organizes, assigns, and supervises the tactical response resources.
- ~~Passive Resistance: A person's non-cooperation with a member that does not involve violence or other active conduct by the individual.~~
- Persons-In-Charge: -The person(s) designated by ~~a demonstration~~an event organizer or permit holder to act on behalf of, and with the authority of, the ~~demonstration~~event organizer or permit holder.
- Police Action: Any circumstance, on or off duty, in which a sworn member exercises or attempts to exercise police authority. This includes, but is not limited to, stops, searches, arrests, and use of force.
- Portland Police Bureau DemonstrationEvent Liaison:- A Bureau member who has been designated by the IC as the primary contact for communication with the ~~demonstration's~~event's Person-In-Charge to police.
- ~~Rapid Response Team (RRT): The Bureau's all-hazard team of members who are specially trained to assist in the response to manmade/natural disasters and other emergency management situations which include, but are not limited to, the management and control of crowds through various tactics and techniques.~~
- Public Order Event: A lawful assembly of a large number of people. Generally, persons primarily organize to exercise their First Amendment right to express political or social views and influence public opinion; however, these events may include the assembling of people to participate in a social or community event. Events can be planned or spontaneous and may include, but are not limited to, distributing literature, displaying banners, assembling, marching, picketing, participating in festivals or concerts, or other similar activity.
- Public Order Unit (POU): A designated law enforcement team whose members are recruited, selected, trained, equipped, and assigned to police pre-planned public safety events or

spontaneous violent civil unrest involving a threat to public safety, which would otherwise exceed the capabilities of traditional law enforcement first responders. This may include a Bureau unit or units from outside police or government agencies.

- Resistance: Opposition or obstruction directed towards an officer that impedes a lawful objective. Resistance may consist of the following:
 - Passive Resistance: Non-compliance or non-cooperation with an officer's lawful order that is non-violent, and does not involve active conduct or pose an immediate threat to the officer or the public.
 - Active Resistance: A person's physical attempt(s) to evade a member's control or lawful order.
- ~~Riot: Six or more persons engaging in tumultuous and violent conduct and thereby intentionally or recklessly creating a grave risk of causing public alarm, excluding persons who are engaged in passive resistance.~~
- ~~Special Event: Generally, a non-routine activity within a community that brings together a large number of people.~~
- Squad: A group of members tasked with accomplishing certain goals and missions. A minimum of one ~~sergeant~~supervisor shall be assigned to lead each squad. -The maximum span of control is ~~twelve~~1-7 members per ~~sergeant~~supervisor. (ICS refers to this group as a "strike team"~~?~~).
- Tear Gas: Oleoresin capsicum or orthochlorobenzalmalononitrile, or other similar chemicals meant to accomplish the same effect, administered by any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of the chemicals.

Policy:

- ~~1. The purpose of this Directive is to provide guidance for demonstrations, special events, the managing of crowds during demonstrations, and controlling crowds during civil disturbances.~~
- ~~2. Freedom of speech, association, assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression; the content of the speech does not provide the basis for imposing limitations on First Amendment rights.~~
1. This Directive establishes procedures for the Bureau's response to public order events ("events").
2. The Portland Police Bureau recognizes ~~that both~~ the City importance of ~~Portland has~~ protecting First Amendment rights and the tradition of exercising free speech and assembly. It is in the ~~responsibility and priority~~City of ~~the Portland Police.~~ The Bureau not to unduly impede the exercise of First Amendment rights and to provide for the safe and is committed to respecting lawful assembly and expression of speech, while also maintaining ~~the~~ public safety, peace, and order.

3. The Bureau follows national best practices among the principles of crowd monitoring, crowd intervention, and crowd control. Absent immediate safety concerns, the Bureau begins with crowd monitoring and prioritizes event participant engagement and promoting the crowd to self-regulate.

4. While the First Amendment protects freedom of speech, it does not protect criminal acts. The Bureau has a responsibility to protect public safety and order. Maintain peace and order. The Bureau recognizes that a police response that impedes otherwise protected speech must be narrowly tailored to serve a significant government interest. Events may simultaneously include persons lawfully assembling and expressing speech, and persons unlawfully committing crimes. The Bureau must assess the totality of the circumstances to determine whether and to what extent police action is needed.

While

Procedure:

1. Core Principles.

- 1.1. Bureau members shall respect the First Amendment provides broad protections for the expression rights of all persons to peaceably assemble and exercise their freedom of speech.
- 1.2. When event participants comply with City laws and ordinances, the Bureau shall attempt to limit police involvement by encouraging and supporting participant efforts to self-regulate and manage their events.
- 1.3. Nothing in this directive relieves members from following other Bureau directives, reporting or investigation requirements, or state or federal law.
- 1.4. Directive 1010.00, Use of Force, governs all uses of force, including force use during events.
 - 1.4.1. In accordance with state law, members' force use for crowd management is further restricted by requirements in this directive (e.g., the restricted use of certain weapons and tactics for crowd management purposes).
- 1.5. The Bureau shall use the standardized, on-scene, all-hazards ICS to plan and manage events. Members shall refer to Directive 0700.00, Bureau Response to All-Hazards Using the National Incident Management System (NIMS), for specific guidance regarding incident management.
- 1.6. In accordance with ICS, the IC or designee shall develop an Incident Action Plan (IAP) for the event, if the IC deems a police response necessary.

2. Incident Action Plan.

- 2.1. If the IC determines that a police response necessary, the IC or designee shall develop a written IAP for the event, when feasible.
 - 2.1.1. If it does is not feasible for the IC to develop a written IAP, the IC or their designee shall ensure that they document the IAP through another available medium (e.g.,

radio or handheld recording, Computer Aided Dispatch, incident board, duty notebook, ICS 201 form, etc.)

2.1.1.1.1. The IC shall ~~provide protection for~~ justification for not issuing a written IAP in their after action report.

2.2. The IAP shall define the operational period, including approximate beginning and end dates and times.

2.3. The IAP shall not circumvent the use of force requirements and guidance set forth in Directive 1010.00, Use of Force, or this policy.

2.4. The IC or designee shall develop a new IAP for each operational period.

3. General Guidelines for Planned Events (At Least 24-hour Notice).

3.1. The Assistant Chief of Operations and the precinct commander nearest to the event location shall determine whether a planned police response is necessary and the extent of initial staffing needs.

3.1.1. Events that are small in crowd size, or for which credible information indicates that there is little concern of criminal acts including, but not limited to, riot, disorder, interference with traffic upon the public streets, or other immediate threats to public activity, civil disobedience, civil disturbance, or riotous behavior, shall generally be managed at the precinct level. The shift supervisor shall serve as the IC and determine precinct staffing needs.

~~1.1.1.1.3.1.1.1.~~ 3.1.1.1. If crowd behavior escalates to a level that poses a threat to public safety, peace ~~or order~~, or order during an event that is being managed by a shift supervisor acting as the IC, the shift supervisor must consult with a CMIC who will then determine if they (the CMIC) should assume command and request additional resources.

3.1.2. The Assistant Chief of Operations shall designate a CMIC for events that are anticipated to have a greater critical impact, require a significant police response, and/or have the potential to become a civil disturbance or riot.

3.2. If the IC determines that basic Mobile Field Force (MFF) and bicycle units are not sufficient to manage the crowd, the IC may request a CMIC to assume control of the event.

3.3. Only a CMIC may activate or request an available Public Order Unit (POU), mass arrest teams, detention teams, or mutual aid.

4. General Guidelines for Spontaneous Events (Less Than 24-hour Notice).

4.1. Many spontaneous events can be lawful and facilitated with appropriate police assistance. A spontaneous or non-permitted event is not necessarily unlawful, nor does it automatically require a significant police response.

~~3. The Bureau recognizes that demonstrations and events are dynamic in nature. Accordingly, members will monitor the crowd throughout the event to assess the level of risk posed to both demonstrators and the public at large, with the goal of minimizing potential violence, injury~~

or damage to property. Member response should be commensurate to overall crowd behavior, and members should differentiate between groups or individuals who are engaging in criminal behavior or otherwise posing a threat to the safety of others and those in the crowd who are lawfully demonstrating. Members will strive to maintain a diplomatic presence to dissuade participants from engaging in civil disturbance and to encourage crowd self-monitoring.

6. ~~If a demonstration becomes a civil disturbance, the Bureau has a responsibility to reasonably protect public safety and restore peace and order. The preferred police response is one of crowd management rather than crowd control. The Bureau should employ only objectively reasonable crowd management and/or crowd control tactics with the intent to de-escalate the situation. If there is an escalation to a civil disturbance that is no longer isolated to individuals or small groups, members shall adjust their tactical response to adequately resolve the incident in an attempt to restore safety, peace and order.~~
7. ~~All members are expected to conduct themselves in a professional manner when interacting with persons involved with demonstrations and special events. Members shall identify themselves by wearing a visible name badge or identification number at all times. A member's communication with members of the crowd will remain content neutral.~~

Procedure:

1. ~~Directive 1010.00, Use of Force, governs all uses of force, including in crowd management and crowd control situations.~~
 - 4.2. A supervisor at the precinct of occurrence shall respond to the event to determine if a police response is warranted.
 - If
2. ~~The Bureau shall use the national, standardized and exhaustive system established in the Incident Command System (ICS) to plan and manage significant incidents and events. Members shall refer to Directive 700.00, National Incident Management System (NIMS) and Incident Command System (ICS), for specific guidance regarding incident management.~~
 - ~~1.1.2.1.1.1.~~ When time and circumstances permit and a police response is reasonably anticipated/warranted, the IC on-scene supervisor shall develop an Incident Action Plan (IAP) prior to the start of an event or attempt to engage the event organizer in an effort to protect the safety of participants and the public, and
3. ~~Communication:~~
 - ~~1.1.3.4.2.1.~~ The Bureau's goals are to facilitate participants' lawful objectives and protect their right to lawfully assemble. Furthermore, where event participants comply with City laws and ordinances, the Bureau shall encourage and support participants' efforts to monitor themselves in an attempt to limit member involvement.
 - 4.2.1.1. If the Sergeant who is the first supervisor on scene of a spontaneous event determines that, within the ICS, they do not have the capacity to solely manage the event, they shall notify their Lieutenant, who may then respond to the scene and assume command after debriefing.

4.2.2. The IC shall consult with a CMIC to determine if a higher level of police response is necessary or if the CMIC should assume command, based on crowd behavior.

5. Communication with the Crowd.

5.1. Communication is a critical function during, and when feasible, before, an event. Announcements and warnings serve an informational purpose, but have certain functional distinctions. Generally, the Bureau will strive to directly communicate with event organizers and use amplified audio communications and the Public Information Officer (PIO) to issue announcements and warnings to the crowd for the purpose of decreasing the need for police action.

5.2. When communicating with event participants, members shall endeavor to engage participants in a positive manner, when feasible.

5.2.1. Members shall act in accordance with Directive 0310.00, Professional Conduct and Courtesy, and consider procedural justice principles focused on explaining their actions, in accordance with Directive 0025.00, Procedural Justice.

5.3. Barring emergency circumstances, the Bureau shall issue announcements and warnings by using a graduated approach that aligns with its response of crowd stewardship, intervention, or control.

5.4. Announcements.

5.4.1. Announcements are designed to:

5.4.1.1. Convey general information to the crowd in an effort to keep an event lawful;

5.4.1.2. Communicate targeted information to specific persons to provide direction; and

5.4.1.3. Serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action or the use of force.

5.4.2. Throughout the event, members shall continuously monitor the crowd for behavior that presents a clear and present danger that threatens the public safety, peace, or order and issue appropriate announcements, as needed.

5.4.3. When feasible, members shall issue a minimum of two announcements at reasonable intervals to notify the crowd of an impending dispersal order or arrest.

5.4.4. When issuing announcements, members should cite specific offenses and violations being committed and caution the crowd that riotous acts will not be permitted and may result in arrest or necessitate the use of force.

5.5. Warnings.

5.5.1. Warnings are designed to:

5.5.1.1. Inform person(s) of impending police action (e.g., force); and

5.5.1.2. Gain compliance with a lawful order.

5.5.2. If the crowd or persons in the crowd engage in criminal activity or behavior that presents a clear and present danger that threatens the public safety, peace or order, members may shift to employing crowd intervention and/or crowd control tactics. If this occurs, members shall, when feasible, issue warnings to the crowd.

5.5.3. Pursuant to Directive 1010.00, Use of Force and state law, members shall, when feasible, issue a warning before using force.

5.6. Documenting Announcements and Warnings.

5.6.1. Members shall document their issuance of an announcement(s) or warning(s) in an appropriate police report (e.g., date, time, location, announcing member, messages, number of warnings provided, etc.).

5.6.1.1. If a member does not issue a warning before using force, the member shall document the reason in their force report.

5.7. Amplified Audio Communications.

5.7.1. When feasible, members should use a sound truck or another public announcement system to ensure the crowd can hear the Bureau's announcements or supplement warning issuances.

5.7.1.1. Announcements and warnings to the crowd should be loud, intelligible, and consistent.

5.7.1.1.1. When feasible, a member should position themselves at the back of the crowd to ensure the sound truck communication is sufficiently loud, intelligible, and consistent.

5.7.2. The Bureau shall not use a sound device (e.g., the sound truck) for crowd management for any purpose other than announcements or warnings.

5.7.3. During spontaneous events, members may not have access to a sound truck or another public announcement system, and the PIO may not be present. In these circumstances, members shall act in accordance with this section when operationally possible.

5.8. Social Media Communication.

5.8.1. When feasible, the PIO shall communicate the Bureau's announcements and warnings using social media.

6. Crowd Stewardship.

6.1. Planning and Communication.

1.1.4.6.1.1. Bureau response to an event may not be necessary; however, when a police response is requested or deemed necessary by the Bureau:

1.1.4.1.6.1.1.1. The Bureau shall make reasonable efforts to contact and engage in dialogue with known event ~~or demonstration~~ organizers to assist the Bureau in its planning and to develop a shared understanding of the organizers' needs and objectives. -Similarly, the Bureau should communicate its expectations and inform participants on permissible and restricted actions during the event ~~or demonstration~~.

1.1.4.2.6.1.1.2. The Bureau, through the PPB ~~Demonstration~~Event Liaison or another designee, shall attempt to maintain communication with known event ~~or demonstration~~ organizers or the Person(s) ~~In~~-Charge before and during the event. The Liaison shall maintain communications with the IC to keep them apprised of the situation.

~~1.1.4.3-6.1.1.3.~~ The Bureau, through the ~~Public Information Officer (PIO)~~ or another designee, shall communicate through the use of social media and other conventional outlets to keep the public, including the crowd, informed throughout the event. The Bureau shall update its means of communication based on current technology.

~~3.1.— When appropriate, members should engage and interact with the crowd in a positive and non-confrontational manner.~~

~~4.— Demonstrations and Special Events.~~

~~4.1.— Planned Demonstrations and Special Events.~~

~~4.1.1.— Where the Bureau learns of an event at least twenty-four hours prior to its commencement, the Assistant Chief of Operations and the precinct commander nearest to the event location shall determine if the event should be staffed using the precinct's resources or city-wide Bureau resources.~~

~~4.1.1.1.— Events that are small in crowd size, or for which credible information indicates that there is little concern of civil disturbance, shall generally be managed at the precinct level and staffed by the shift supervisor, who shall serve as the IC.~~

~~4.1.1.1.1.— If crowd behavior escalates to a level that poses a threat to public safety, peace or order during an event that is being managed by a shift supervisor acting as the IC, the shift supervisor must consult with a CMIC who will then determine if they (the CMIC) should assume command and request additional resources.~~

~~4.1.1.2.— Events that are anticipated to have a greater critical impact, require a significant police response, and/or have the potential to become a civil disturbance shall have a CMIC designated by the Assistant Chief of Operations as the IC.~~

6.2. During the Event.

The IC shall determine the level of police response, if any is warranted.

~~In accordance with the ICS, if the IC deems a police response necessary, the IC, or a designee, should develop an IAP for the demonstration or special event.~~

~~If it is determined that basic Mobile Field Force (MFF) and bicycle units are not sufficient to manage the crowd, a CMIC shall be assigned to the event.~~

~~4.1.1.3.— Only a CMIC may activate RRT or Mass Arrest teams.~~

~~4.1.1.3.1.— If a shift supervisor is staffing an event as the IC, they shall consult with a CMIC prior to activating RRT.~~

~~4.1.1.3.2.— Activation of Mass Arrest requires the CMIC to notify the Detective Division to ensure mass-arrest resources are available.~~

~~4.2.— Spontaneous Demonstrations.~~

~~4.2.1.— Events that the Bureau learns of with less than twenty-four hours before the start of the event are deemed spontaneous.~~

~~1.2.1.1.— Many spontaneous events can be lawful and facilitated with appropriate police assistance. A spontaneous or non-permitted event is not necessarily unlawful, nor does it automatically require a significant police response.~~

~~4.2.2. A supervisor at the precinct of occurrence shall respond to the event and determine if a police response is warranted.~~

~~4.2.2.1. If a police response is warranted, the on-scene supervisor shall serve as the IC for the incident and attempt to engage the event or demonstration organizer in an effort to facilitate participants' lawful objectives and protect their right to assemble.~~

~~4.2.2.1.1. A Sergeant who is the first supervisor on scene of a spontaneous demonstration shall notify their Lieutenant, who may then respond to the scene and assume command.~~

~~4.2.2.2. The on-scene supervisor (IC) may contact an RRT supervisor, the RRT commander or a CMIC to help determine an appropriate level of response.~~

~~4.2.2.2.1. After consultation, if a higher level of police response is deemed necessary, a CMIC shall be called in and assume command.~~

~~4.2.2.3. If crowd behavior during the event escalates to a level that poses a threat to public safety, peace or order during an event that is being managed by a shift supervisor, the shift supervisor must consult with a CMIC, who will then determine if they (the CMIC) should assume command.~~

~~4.3. Demonstrations may be broadcast to Bureau facilities by live video feed to provide situational awareness to the IC. In accordance with ORS § 181A.250, the broadcast will not be recorded unless and until a member has reasonable suspicion that a crime is being committed, at which time the member will communicate this information up the chain of command to the IC, who will make the decision whether to authorize recording to commence. If a possible crime is captured on the recording, that recording will be forwarded to Bureau's Detective Division for investigation and the District Attorney's Office, if requested. A copy will also be furnished to the City Attorney's office for the purpose of evaluating civil liability based on crimes charged or arrests made. Pursuant to Oregon Administrative Rules regarding records retention, recordings that do not have evidentiary value or aid in internal investigations shall only be retained by the City Attorney's office for thirty days. The Bureau will not keep a copy of any videos recorded under this Directive, and the IC will not authorize recording for the purposes of monitoring individuals or groups based solely on political associations or religious or social views.~~

~~5. Police Response to Demonstrations and Special Events.~~

~~5.1. Prior to a demonstration or event, the IC shall make a determination regarding the appropriate level of police response and the necessary allocation of resources to manage an event. Depending on the potential impact of the crowd (e.g., size, interference with commerce, street and pedestrian traffic, etc.), the Bureau may not need to be involved in the event.~~

~~1.2.1.6.2.1. The priority of the Bureau is to allow demonstration and event participants to self-police and manage their own events. To that end the IC shall continuously monitor the event, weighing the totality of the circumstances to inform the decision to introduce police action to maintain public safety, peace, and order.~~

~~1.2.1.1.6.2.1.1. When deciding whether to use certain police tactics within a crowd, the IC shall balance consider the benefits of such action(s) to maintain~~

~~public safety, peace~~ government interest in intervening and ~~order against~~ the potential impact on the ~~demonstration or event~~ participants' ability to exercise their First Amendment rights.

~~1.2.1.2.6.2.1.2.~~ The IC, or a designee, shall authorize the appropriate level of protective equipment based on several factors ~~to include~~ including, but not limited to:

~~1.2.1.2.1.6.2.1.2.1.~~ Member safety,

~~1.2.1.2.2.6.2.1.2.2.~~ Individual and/or group physical resistance,

~~1.2.1.2.3.6.2.1.2.3.~~ The presence of weapons,

~~1.2.1.2.4.6.2.1.2.4.~~ Actual or credible threats or indicators of violent behavior,

~~1.2.1.2.5.6.2.1.2.5.~~ Actual or credible threats or indicators of criminal actions,

and

~~1.2.1.2.6.6.2.1.2.6.~~ The potential impact or perceived effect that appearing in protective gear may have on the crowd.

~~1.2.1.3.6.2.1.3.~~ When ~~practicable~~ practical and in an attempt to avoid escalating the situation, the IC should ~~attempt~~ strive to position members in protective gear in locations that minimize visibility until deployment is necessary for crowd intervention or control.

7. If crowd behavior-Crowd Intervention.

~~1.3.7.1.~~ In some circumstances, there is little government interest in regulating non-violent crowd participation in civil disobedience. However, if individual behavior escalates and presents a clear and present danger that threatens the public safety, peace, or order, and the event can no longer be effectively managed through a minimal police presence, therefore increasing the government interest, the IC may adjust crowd tactics to adequately respond.

7.2. During intervention, the Liaison or another IC-designated member shall continue to attempt to maintain communication with the known event organizers or the Person(s)-in-Charge the event.

~~1.4.7.3.~~ When ~~police action~~ crowd intervention is necessary, members ~~should~~ endeavor ~~shall~~ strive to distinguish between ~~individuals~~ persons engaged in criminal behavior ~~and demonstration or event participants who are,~~ persons peacefully and lawfully demonstrating, legal observers and members of the media, and nonparticipants.

~~The Bureau's assigned Demonstration Liaison, another IC-designated member~~

7.4. The Bureau shall use intervention strategies and tactics, such as individual arrests, in an attempt to de-escalate the situation and prevent further unlawful behavior without interfering with members of the crowd who are lawfully assembling.

~~1.5.7.5.~~ When feasible, an IC-designated member and/or the member operating the sound truck shall, ~~when feasible, attempt to~~ convey ~~the~~ police action to the crowd via announcements and warnings and attempt to encourage lawful activity.

7.6. The IC shall continuously evaluate the Bureau's response and return to crowd stewardship techniques, when feasible.

8. Crowd Control.

8.1. If crowd behavior continues to escalate after employing intervention strategies and there is increased and widespread behavior that presents a clear and present danger that threatens the public safety, peace, or order, the IC may adjust crowd tactics to adequately respond.

8.2. The Bureau shall may employ crowd control strategies in an attempt to de-escalate and/or prevent further unlawful or threatening behavior by restoring public safety, peace, and order.

8.3. Riot Declaration.

8.3.1. When the crowd (consisting of six or more persons) engages in tumultuous and violent conduct that creates a grave risk of causing public alarm, the IC may declare a riot.

8.4. Crowd Dispersal.

8.4.1. Pursuant to City Code, the IC is authorized to close an area in the event of an emergency. An emergency includes a riot.

8.4.2. Pursuant to ORS §131.675, the IC may order a crowd to disperse when five or more persons are unlawfully assembled.

8.4.2.1. Before giving the order to disperse, the IC shall consider:

8.4.2.1.1. Whether dispersal unduly endangers the public, officers, or participants in the crowd;

8.4.2.1.2. If there are other means available to protect the public, officers, and participants in the crowd from a clear and present danger that threatens the public safety, peace, or order; and

8.4.2.1.3. Which dispersal tactics and/or type of tools are proportional and necessary based on the circumstances.

8.4.2.2. Before taking police action to disperse the crowd, and when feasible, members shall issue a minimum of two warnings at reasonable intervals to allow the crowd to comply.

8.4.2.2.1. Members shall take reasonable action to accommodate people with disabilities when issuing or enforcing orders to disperse.

8.4.2.2.2. When time and circumstances permit, members shall provide detailed guidance regarding the direction in which the crowd may disperse (e.g., street or intersection names, landmarks, etc.), while keeping in mind that event participants may not know cardinal direction or street names.

9. Use of Force.

9.1. When authorized to use force, members should carefully consider the potential negative impact that their force use could have on the overall tenor or behavior of the crowd. Members shall only use objectively reasonable force necessary to accomplish a lawful objective, and their actions must be in accordance with the IAP objectives and/or the IC's direction.

- 9.2. When the Bureau declares a riot and orders the crowd to disperse, and the crowd does not heed repeated warnings, and no reasonable alternative is apparent, the IC may authorize the use of force. Force must comply with Directive 1010.00, Use of force, and further restrictions found in this directive.
- 9.2.1. Members shall only use authorized less lethal force for crowd management at the direction of the IC and, when applicable avenues of escape (i.e., clear path or route) are available to the crowd.
- 9.2.2. The IC shall continuously evaluate the incident and adjust the Bureau's tactics, ensuring that its response is proportional to the threat posed by the crowd, and employ de-escalation and crowd stewardship tactics, when feasible.
- 9.3. Members shall not use the following less lethal force options for crowd management, unless otherwise permitted by law or policy:
- 9.3.1.1. Conducted Electrical Weapon (CEW).
- 9.3.1.2. Kinetic impact projectiles, unless deadly force is authorized.
- 9.3.1.3. Chemical incapacitants.
- 9.3.1.4. Tear gas, unless:
- 9.3.1.4.1. The use is objectively reasonable by law enforcement to:
- 9.3.1.4.1.1. Defend against a threat to life or serious bodily injury to any person, including any peace officer; or
- 9.3.1.4.1.2. Bring an objectively dangerous and unlawful situation safely and effectively under control;
- 9.3.1.4.2. A commanding officer (the IC) authorizes the use of tear gas;
- 9.3.1.4.3. De-escalation techniques or other alternatives to force have been attempted, when reasonable, and failed; and
- 9.3.1.4.4. The Bureau has done the following, in the following order:
- 9.3.1.4.4.1. Announced the Bureau's intent to use tear gas;
- 9.3.1.4.4.2. Allowed sufficient time for persons to evacuate the area; and
- 9.3.1.4.4.3. Announced a second time, immediately before using the tear gas, the agency's intent to use tear gas.
- 9.4. While the previous section restricts the use of the following weapons for crowd management (i.e., indiscriminate use) in most circumstances, members *may* use the following KIPs and chemical incapacitants *on an individual person* in a crowd if the person is engaged in conduct otherwise justifying the use of force under state law and Bureau policy.
- 9.4.1. Handheld aerosol restraints; and
- 9.4.2. Non-chemical payload impact munitions.
- 9.5. Additional Requirements for Handheld Aerosol Restraint and Non-Chemical Impact Munition Use:
- 9.5.1. Members shall attempt to minimize the incidental impact on bystanders, journalists, and unintended targets;
- 9.5.2. Members shall not use handheld aerosol restraints or non-chemical impact munitions on persons engaged in passive resistance;

9.5.3. Members shall not deploy non-chemical impact munitions in a manner that intentionally targets the head of a person, unless the person is engaged in conduct that otherwise justifies the use of deadly physical force under state law and Bureau policy.

9.6. Cleanup Requirements.

9.6.1. Following the use of tear gas or KIPs, members shall, within a reasonable time of use of the tools and weapons, clean all visible debris caused by use.

9.7. Prohibited Crowd Control Tactics.

9.7.1. ~~when it is~~ Members shall not use the following tools or tactics for crowd management purposes:

9.7.1.1. Fire hoses;

9.7.1.2. Canines;

9.7.1.3. Sound trucks for purposes other than issuing announcements and warnings.

9.7.2. Members shall not intentionally contact crowd members or bystanders with motor vehicles.

10. Medical Aid.

10.1. Members shall follow all post-force medical aid procedures set forth in Directive 630.50, Medical Aid.

10.2. When members use chemical incapacitants, tear gas, or KIPs in a crowd, the IC or a designee shall make efforts to notify emergency rooms in the vicinity of the type of aforementioned weapon or tool used.

10.3. When using chemical incapacitants, tear gas, KIPs, or electronically amplified noise-producing equipment and when safe to do so, members shall:

10.3.1. Attempt to take injured persons to safety or allow injured persons to seek medical help;

10.3.2. Allow emergency medical services, including community medics, to reach injured persons; and

10.3.3. Take reasonable action to accommodate disabilities when issuing or enforcing orders to disperse.

11. Detentions and Arrests.

11.1. Failure to comply with an order to disperse is not a crime and shall not be the basis for an arrest.

11.2. Legal Observers and Members of the Media.

11.2.1. Legal observers and members of the media have a constitutional right to observe, document, and report on public order events; however, they may not interfere with police action or impede a lawful objective.

11.2.2. Members shall consider anyone identifying themselves as a member of the media, journalist, broadcaster, or legal observer, or displaying any indicia of the aforementioned, to be an authorized legal observer or member of the media.

11.2.3. Members shall not detain or arrest legal observers or members of the media solely for their role in observing, capturing, and/or reporting on events.

11.2.4. Members shall not interfere with media or legal observers performing their respective functions; however, media and legal observers are not exempt from arrest for their own criminal conduct.

11.3. Mass Detentions and Arrests.

11.3.1. Generally, the Bureau cannot practically accomplish mass detentions or arrests with standard detention and arrest procedures. Mass detentions and arrests require a specialized response and are most often associated with an unlawful assembly that constitutes a breach of the peace or presents a clear and present danger that threatens the public safety, peace, or order.

11.3.2. The IC must authorize any mass detentions or mass arrests. The IC or CMIC shall consult with the Detective Division to ensure mass arrest resources are available.

11.3.3. The IC may only authorize mass arrests when there is probable cause to believe that the subjects of mass arrests have committed a criminal offense.

11.3.4. The IC may only authorize mass detentions when there is reasonable suspicion to believe that the targets of mass detention have committed a criminal offense.

11.3.5. Before authorizing mass detention or mass arrest, the IC shall:

11.3.5.1. Consider whether other, less intrusive tactics are available to stop or investigate the criminal activity;

11.3.5.2. Consider whether sufficient officers and resources are available to expeditiously investigate persons who are detained or process persons who are arrested;

11.3.5.3. Consider whether they (the IC) reasonably believe the group is functioning as a unit; and

11.3.5.4. Ensure they have individualized reasonable suspicion (mass detention) or individualized probable cause (mass arrest) for each person in the group to be detained or arrested.

12. Video and Photographic Documentation.

12.1. The Bureau may stream events to City facilities by live video feed to provide situational awareness to the IC.

12.1.1. Pursuant to ORS 181A.250, the Bureau or IC shall not authorize recording or photographing events solely for the purposes of monitoring, collecting, or maintaining information about individuals or groups based solely on their political; religious; or social views, associations, or activities.

12.1.2. When ordered by the IC to record criminal activity, members shall act in accordance with Directives 640.02, Photography and Digital Imaging, and 660.10, Property and Evidence Procedures, when photographing persons subject to authorized mass detention or mass arrest.

12.1.2.1. The Forensic Evidence Division (FED) shall process recordings and photographs in the following manner:

12.1.2.1.1. Provide a copy to the Detectives Division for review to determine what information the Bureau shall maintain as evidence of criminal activity. The Bureau shall retain all evidentiary material in accordance with Directives 0640.02, Photography and Digital Imaging, and 0660.10, Property and Evidence Procedures.

12.1.2.1.2. Provide a copy to the City Attorney's Office (CAO). The CAO shall act in accordance with state records retention laws when determining the disposition of the material(s).

12.1.2.1.3. Provide a copy to the District Attorney's Office, when there is an arrest.

12.1.2.2. The Bureau shall not retain non-evidentiary material.

13. Member Identification During Events.

13.1. Members shall have, "POLICE" and their first initial and last name or a unique identifier assigned by the Bureau affixed to the front and back of their uniform and, when applicable, the back of their tactical helmet.

13.1.1. Members shall not intentionally obscure their identifying information and shall ensure that the information is clearly visible.

~~1.6.~~13.2. If practical, safe, and tactically feasible to do so, upon request by a member of the public, members shall provide their name and identification number, or, if applicable, their assigned unique identifier to the member of the public.

13.2.1. Members may provide a Bureau-issued business card in lieu of the information in Section 13.2.

13.3. Bureau Identification of Members.

13.3.1. The Bureau shall manage public requests for officer identifying information as set forth in Directive 0312.50, Identification.

2.14. Member Responsibilities During ~~Demonstrations~~Events.

~~2.1.~~14.1. The IC (or Designee) shall:

~~2.1.1.~~14.1.1. Oversee the development, dissemination, and implementation of the IAP for the ~~demonstration~~event in accordance with this Directive and ICS;

~~2.1.2.~~14.1.2. Determine the mission and objectives and consider what crowd tactics are objectively reasonable under the totality of the circumstances;

~~2.1.3.~~14.1.3. When feasible, attempt to maintain communication, through the PPB ~~Demonstration~~Event Liaison, with the Person-in-Charge, or their designee, during ~~demonstration~~event;

~~2.1.4.~~14.1.4. Authorize/Approve the use of authorized protective gear;

~~2.1.5.~~14.1.5. Ensure announcements communicated to the crowd are clear, consistent, (non-conflicting), lawful, and appropriate for the circumstances. The content and timing of the announcement shall be documented and, if feasible, shall be audio recorded;

~~5.2.~~The CMIC shall (in addition to the IC responsibilities):

- ~~5.2.1. Activate RRT, when deemed necessary; and~~
- 14.1.6. Consider and ensure the performance of the following before authorizing the use of chemical incapacitants for crowd management purposes:
- 14.1.6.1. A riot must be declared, when authorized;
- 14.1.6.2. Other force options are not likely to change behavior in a timely fashion;
- 14.1.6.3. Proximity of deployed chemical incapacitants to:
- 14.1.6.3.1. Hospitals, schools, and convalescent facilities;
- 14.1.6.3.2. Uninvolved community members;
- 14.1.6.3.3. Residential areas;
- 14.1.6.3.4. Freeways or areas with high density traffic; and
- 14.1.6.3.5. Flammable materials.
- 14.1.6.4. Weather, environmental, and topographical conditions; and
- 14.1.6.5. Timing and coordination with other law enforcement agencies.
- 14.1.7. Request additional resources, if there is a need for additional police resources to manage the event.
- 14.1.8. Activate an available POU, when they determine that there is a need for the specialized unit to assist with the management of the event; and
- ~~2.1.6.14.1.9. Authorize the deployment of riot control agents and/or special impact munitions authorized less lethal weapons, when objectively reasonable, to address civil disturbance and crowd dispersal.~~
- 14.1.10. Write a daily summary of the event that assesses the Bureau's response and squad actions in relation to the IAP objectives and IC direction, and considers lessons learned (e.g., effective vs. ineffective action). The summary should inform future IC decision-making for the event.
- ~~2.2.14.2. The Operations Section Chief shall: (when assigned to an event):~~
- ~~5.2.2. Assist the IC in determining staffing levels, probable missions, and possible tactical~~Propose the strategies during the planning for the event; and
- ~~2.2.1.14.2.1. Assign units to specific missions during the event, tactics, and assigned resources to meet the IC's objectives established by. The IC shall approve the IC strategic, tactical, and resource-related proposal.~~
- ~~2.3.14.3. The Detective Division Commander or Supervisor shall:~~
- ~~2.3.1.14.3.1. Coordinate with the IC to determine the scale of the mass arrest team response;~~
- ~~2.3.2.14.3.2. Assign detectives to assist with any mass arrests;~~
- ~~2.3.3.14.3.3. Manage the processing of all arrests pursuant to the Detective Division SOP; and~~
- ~~2.3.4.14.3.4. Ensure that all required documentation for arrests is collected.~~
- ~~2.4.14.4. Sergeants shall:~~
- ~~2.4.1.14.4.1. Verify that all assigned squad members have the proper equipment;~~
- ~~2.4.2.14.4.2. Ensure that squad members are briefed prior to before the start of the event; and~~
- 14.4.3. Communicate orders from the IC or the Operations Section Chief to their assigned squad to ensure;

~~2.4.3.14.4.4.~~ Only issue direction that conforms with the mission IAP and event objectives are appropriately executed; and

~~14.4.5.~~ Ensure that squad members act in accordance with the IAP.

~~14.4.6.~~ By the end of shift, account for the number of munitions deployed by each less lethal operator and grenadier.

~~14.4.6.1.~~ If members need additional munitions during an event, the supervisor is responsible for tracking the issuance of those munitions.

~~14.4.7.~~ At the end of shift, notify the IC, through email or other written format, of any force use and report on munition deployment (types and number), and any injuries to Bureau members or event participants (when known).

~~2.5.14.5.~~ Officers shall:

~~2.5.1.14.5.1.~~ Follow the directions of the sergeant; and

~~14.5.2.~~ Act in accordance with the IAP;

~~2.5.2.14.5.3.~~ Not take independent police action, unless exigent circumstances require immediate action for protecting themselves or others from physical harm. Such independent action must comply with all applicable Bureau directives; and

~~14.5.4.~~ When acting as a less lethal operator, account for and document all issued munitions in an appropriate police report at the end of shift.

~~3.15.~~ Coordination with Other Agencies.

~~3.1.15.1.~~ The Bureau may request assistance from other law enforcement agencies to sufficiently staff and respond to a demonstration or special event.

~~3.1.1.15.1.1.~~ The Bureau IC, or their designee, shall appropriately brief outside agency personnel prior to before their deployment.

~~3.1.2.15.1.2.~~ The Bureau IC shall maintain the authority to determine tactical objectives; direct the overall police response (all agencies); and determine, when objectively reasonable, how and when to use force may be used and when to deploy less lethal munitions to address civil disturbances or riotous behavior and/or disperse the crowd.

~~3.1.3.15.1.3.~~ The Bureau expects assisting agencies to act in accordance with the lawful orders of the Bureau IC; however, their members' conduct is subject to the outside agency's policies and procedures.

~~3.2.1.1.~~ Announcements and Warnings.

~~5.3.~~ When feasible, members shall make loud, intelligible and consistent announcements and warnings to the crowd.

~~3.2.1.1.1.1.~~ Announcements are designed to:

~~3.2.1.1.1.1.1.~~ Convey general information to the crowd in an effort to keep an event lawful;

~~5.3.1.~~ Communicate targeted information to specific individuals to provide direction; and

~~3.2.1.2.1.1.1.1.~~ Serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action or the use of force.

~~5.4.~~ Civil Disturbance.

- ~~5.4.1. Warnings are designed to allow the crowd time to comply with orders given from police members. When tactically feasible and time permits, members shall issue a minimum of two warnings at reasonable intervals to notify the crowd of an impending order.~~
- ~~5.4.2. When issuing warnings, members should cite specific offenses and violations being committed and caution the crowd that these acts of civil disturbance will not be permitted and can result in arrest or necessitate the use of force. An IC-designated member and/or the member operating the sound truck shall give clear directions in an attempt to reduce or eliminate the necessity for force. Members shall issue a minimum of two warnings to alert the crowd of possible impending arrest or force, unless doing so would present a danger to the member(s) or others.~~
- ~~5.4.3. Members shall document the warnings in an appropriate police report, and if feasible, ensure the audio (e.g., date, time, announcing member, messages, etc.) confirmation received by identified staff on other end.~~

~~3.3.1.1. Crowd Dispersal~~

- ~~5.5. Pursuant to ORS §131.675, the IC may order the crowd dispersed when a demonstration or special event becomes a civil disturbance.~~
 - ~~5.5.1. Before giving the order to disperse, the IC must consider whether dispersal unduly endangers the public, police or participants in the crowd.~~
 - ~~5.5.2. Prior to taking police action to disperse the crowd, and when tactically feasible and time reasonably permits, members shall issue a minimum of two warnings at reasonable intervals to allow the crowd to comply.~~
- ~~5.6. When the crowd has been ordered to disperse and does not heed repeated warnings, and no reasonable alternative is apparent, riot control agents (RCAs) and/or special impact munitions may be deployed to prevent violence, injury or property damage and to avoid a greater application of force.~~
 - ~~5.6.1. These weapons shall only be used at the direction of the CMIC and when avenues of escape (i.e., clear path or route) are available to the crowd. Pursuant to this policy and Directive 1010.00, Use of Force, members must issue warnings prior to deployment.~~
- ~~5.7. Force shall only be used in accordance with Directive 1010.00, Use of Force.~~

~~3.4.1.1. Prohibited Crowd Control Tactics~~

- ~~5.8. Members shall not take the following actions to *disperse* a crowd:~~
 - ~~5.8.1. Use fire hoses;~~
 - ~~5.8.2. Deploy Canine Units; and~~
 - ~~5.8.3. Use a conducted electrical weapon (CEW).~~
- ~~5.9. Members shall not deploy specialty impact munitions or aerosol restraints indiscriminately into a crowd.~~

- ~~3.5.15.2. The Bureau shall not use mounted patrol units (MPUs) against passively resistant demonstrators who are sitting or lying down.;~~

~~5.10. Motor vehicles shall not be intentionally brought into contact with protestors (i.e., to push or strike).~~

~~15.2.1. Use a proxy law enforcement agency to use crowd management or control measures that are prohibited by Bureau directive or that a court or statute has barred the law enforcement agency from using;~~

~~15.2.2. Act in concert with another law enforcement agency to engage in misconduct barred by court order, statute, or Bureau directive.~~

Post-Event

~~6. Detentions.~~

~~6.1. The failure to comply with the lawful order to disperse can transform otherwise legal conduct into criminal conduct if the protest has been determined to be a civil disturbance by the IC or if the crowd has left from a certain location. Members may be justified in detaining individuals engaged in civil disturbance after providing a lawful order to disperse followed by a reasonable opportunity to comply with that order.~~

~~7. Arrests.~~

~~7.1. Absent exigent circumstances, arrests should only be made when authorized by the IC.~~

~~7.2. Careful consideration should be given to the timing, location, and method of the arrest and resources available.~~

~~7.3. To effect arrests, members must be able to articulate the individualized probable cause for the arrest of each person.~~

~~7.4. Media or legal observers will not be arrested solely for their role in observing, capturing, and/or reporting on demonstrations or events. Members will not interfere with media or legal observers performing their respective functions, so long as they are performed in a safe manner and in compliance with police orders. However, such persons must comply with all police orders and may be subject to arrest for failure to do so.~~

4.16. Reporting and Coordination Requirements.

~~4.1.16.1.~~ The IC (or their designee) shall:

~~16.1.1. Write~~When applicable, write an overall police report that describes major decision-making during the event.

~~16.1.2. For non-extended events, complete~~ an After Action in accordance with Directive(s) ~~9050905.00, Non-Force After Action Reporting.~~ Generally extended events are events that last two weeks or 1010.00, Use more.

~~16.1.2.1. If the IC authorizes mass detention or mass arrest during the event, they shall document:~~

~~16.1.2.1.1. The criminal activity that gave rise to the authorization, including a brief description of Force,~~ if the information relied on to conclude there was reasonable suspicion or probable cause to issue the authorization;

~~16.1.2.1.2. Any alternatives they considered before determining that a mass detention or mass arrest was appropriate;~~

- 16.1.2.1.3. How the mass detention or mass arrest affected public safety and the safety of the group detained or arrested;
- 16.1.2.1.4. Any announcements made to the group detained or arrested, either before or after the detention/arrest, including the manner in which the announcements were communicated to the group; and
- 16.1.2.1.5. What resources the Bureau deployed to assist in expediting the investigation or processing of the persons who were detained or arrested.
- 16.1.3. For extended events, complete the After Action within 60 days of the conclusion of the event. To ensure contemporaneous documentation, the IC shall initiate the After Action Review before the conclusion of the event.
- 16.1.3.1. Generally, extended events are public order events that last two weeks or more. The Chief has the discretion to extend the After Action timeline, not to exceed 60 days, for non-extended events that warrant further review.
- 4.1.1.16.1.4. Obtain and review approved force ~~was~~ After Action reports from the Force Inspector and include the number and types of force used; during the event, and any other significant evidence from these reports, in the event After Action.
- 4.1.2.16.1.5. ~~Review~~ When feasible, review any uses of force by other agencies' personnel as part of the overall incident after action report;
- 4.1.3.16.1.6. ~~Write an~~ Complete the overall ~~police event incident~~ report that describes the major decisions made by within of the police during conclusion of the incident in accordance with Directive 900.00, General Reporting Guidelines; event and, if necessary, supplement the report as additional evidence becomes available.
- 4.1.4.16.1.7. Ensure all other applicable pertinent reports are timely submitted as required by Directive ~~900~~900.00, General Reporting Guidelines, and 1010.00, Use of Force; and
- 4.1.5.16.1.8. Hold a formal debrief of the event to discuss the overall plan, tactics, staffing and areas of improvement. The debrief should include key supervisory member participants in the event.
- 4.2.16.2. The Detective Division Commander or Supervisor shall: _____
- 4.2.1.16.2.1. Ensure coordination with the District Attorney's Office or relevant prosecutor when arrests are made.
- 4.3.16.3. Squad Supervisor Reporting and Incident Review Responsibilities.
- ~~7.4.1.~~ The supervisor shall not independently direct management or crowd control tactics without the authorization of the IC, unless exigent circumstances require immediate action.
- ~~7.4.2.~~ At the end of the event, the lead supervisor of each squad that took police action shall conduct a debriefing of the incident with their personnel and ~~complete an appropriate police report document it~~ in accordance with Directive 900.00, General Reporting Guidelines, and 1010.00, Use of Force, documenting the actions of their squad during police report. use of force, the incident.
- ~~7.4.3.~~ The supervisor shall review all reports written by their squad's members pursuant to Directive 900.00, General Reporting Guidelines.
- 4.3.1.16.3.1. The assistant supervisor, or a designated alternate supervisor, of each squad shall write an ~~after action of~~ After Action for any force used by the squad in

accordance with Directive ~~10100910.00~~, Use of Force Reporting, Review, and Investigation, during the incident. ~~This after action shall be routed to the IC.~~

~~7.5. Members Responsibilities.~~

~~7.5.1. Members who Supervisors shall evaluate use of force, or witness force by another member during the incident, shall document such actions in an appropriate police report, in accordance for compliance with this directive; Directive 1010.00, Use of Force:~~

~~4.3.2.16.3.2. ; and any other applicable directives, operative IAPs, or other orders.~~

DRAFT

Open-Ended Response

I'm writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control. Among other things, I'm deeply concerned that this directive makes no attempt to define or distinguish between threats to public safety vs. "peace" vs. "order." For example, take this sentence: "If crowd behavior presents a clear and present danger that threatens the public safety, peace or order, and the event can no longer be effectively managed through a minimal police presence, the IC may adjust crowd tactics to adequately respond." A threat to any one of the three appears to be considered grounds for an escalated response...but who decides what level of disturbance of "peace" or "order" is sufficient grounds for police to actively threaten the safety of those who are organizing? Unless those terms are very clearly defined somewhere that I'm not aware of, they need to be clarified--and prioritized--here, with the physical safety of every participant involved ranked much, much higher than the potential violation of hazy, subjective ideas. By the same token, preventing people from getting injured and preventing property from being damaged are not equally valid reasons to escalate a situation. For example, take this sentence: "When the crowd has been ordered to disperse and does not heed repeated warnings, and no reasonable alternative is apparent, riot control agents (RCAs) and/or special impact munitions may be deployed to prevent violence, injury or property damage and to avoid a greater application of force." Intentionally (and, in practice, often indiscriminately) injuring people to prevent property damage is abhorrent. At a bare minimum, the directive should identify different levels of acceptable response to each of those risks, with a much higher standard that must be met to justify the use of force to deal with risk of property damage compared to risk of injury of non-participants. In addition, there's a lot of language about giving adequate warnings to participants "when tactically feasible and time permits." That's way too much leeway, and there should be clearer language about the *extremely limited* circumstances in which the warning requirements wouldn't be ironclad. The only partial language used to clarify is "unless doing so would present a danger to the member(s) or others." But what qualifies as sufficient danger to the members that it would override the protections for participants? That needs to be spelled out--and any override must include a more rigorous justification than "someone threw a bottle at a member wearing full protective riot gear." In addition to these points, I urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I've been horrified by the explicit failure to follow many of these procedures as part of recent protests against systemic racism and police brutality. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. The constant stream of examples of police brutality and overreach in response to protests of police brutality are a wretched form of irony. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

- The CMIC must provide an explicit and detailed example of their role in de-escalation as well as their responsibility to limit perceived escalation. As an example, if the CMIC chooses to place members in protective gear in full visibility of a crowd, this directive should additionally contain a procedure for the CMIC to mitigate the perception of escalation from demonstrators.
- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

Thank you for providing an opportunity to give feedback on directive 0635.10 Crowd Management/Crowd Control. In watching and following the protests of the last two weeks, I have been truly horrified to see the violent and overly-forceful reactions of Portland Police to what seemed to be, at worst, somewhat annoying protestors. In reviewing directive 0635.10, I would like to point out inconsistencies between this document and the observed (and recorded) behavior of police officers. I seriously question whether procedural line items 3.1, 3.2, 5.2.2.6, and 5.2.3 were followed appropriately, and it is clear that line items 10.2, and 12.4. were violated on numerous occasions. Beyond addressing the failure to comply with this directive, the directive itself could be improved to ensure the Portland Police begin acting in the best interest of Portland citizens:

- The CMIC must provide an explicit and detailed example of their role in de-escalation as well as their responsibility to limit perceived escalation. As an example, if the CMIC chooses to place members in protective gear in full visibility of a crowd, this directive should additionally contain a procedure for the CMIC to mitigate the perception of escalation from demonstrators.
- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Clarifying the roles of each person within the Portland Police Bureau (PPB) necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the PPB are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the PPB in planned and unplanned demonstrations, and will serve as a vital reminder for the PPB that their primary commitment is in keeping the community members whom they serve safe.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself responsible and accountable in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would also like to draw attention to the variety of explicit procedures NOT currently being followed by the PPB in executing Directive 0635.10 as it relates to protests rallying against police violence and racial inequities in the institution of law enforcement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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Dear sirs, I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

- The CMIC must provide an explicit and detailed example of their role in de-escalation as well as their responsibility to limit perceived escalation. As an example, if the CMIC chooses to place members in protective gear in full visibility of a crowd, this directive should additionally contain a procedure for the CMIC to mitigate the perception of escalation from demonstrators.
- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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A Resolution Calling On The Portland City Council To Ban The Use Of Area Of Effect Weapons By the Portland Police Bureau

Whereas: The city of Portland has a long history of protesting injustice, and, Whereas: The Portland Police Bureau has an equally long history of suppressing protest (peaceful or otherwise) with a level of force that can only reasonably be described as excessive, and, Whereas: This level of force routinely involves the use of indiscriminately targeted, area of effect weapons such as Tear Gas and Concussion Grenades, and, Whereas: While the possession of Tear Gas is legal for civilians, its deployment within the city of Portland is explicitly limited to law enforcement personnel, and, Whereas: Concussion Grenades, (AKA Flashbangs) are legal for civilians to purchase, but require that any civilian wishing to own such devices undergo a background check administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives. A tax of two hundred dollars per item is also levied against such purchases, and, Whereas: Police agencies are explicitly exempt from the aforementioned tax requirement, while private citizens are not, and, Whereas: The platform of the Multnomah County Democratic Party states in its “Abuse Of Power” section, legislative action item 10, “We support ending law enforcement exemptions at every level from gun control laws, and, Whereas: The availability and legal use of Tear Gas by the Portland Police Bureau and the untaxed availability of Concussion Grenades to the Bureau does constitute an exemption to existing gun control laws that benefits the Bureau over the common people of the city of Portland, granting easy, legal access to and use of such weapons to the police and denying easy, legal access to and use of such weapons to the average Portlander, ergo, Be It Resolved By The Democratic Party Of Multnomah County That the use of Tear Gas, Concussion Grenades, rubber bullets, sound weapons, dogs, water hoses, and any other form of area of effect or area denial weapons does constitute an abuse of power on the part of the Portland Police Bureau, and as a result a letter will be drafted to the Mayor of Portland and all members of the Portland City Council asking for the use of these weapons by police to be formally banned, effective immediately.

Hey PPB, It almost doesn't matter what rules you have if this is how you're choosing to apply them. Your treatment of protesting crowds is disgraceful. No one is in danger except at your hands. The only ones I see rioting are you. Arresting journalists is literally unconstitutional. Get your people in line, I don't care how you do it. There must be serious, deterring punishment for the officers and officials responsible for PPB's failure to comply with procedures 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Crowd control tactics and tools must be much more limited. Officers must understand that even non-lethal weapons are weapons, and inherently violent and dangerous.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

Over the past two weeks I have witnessed multiple misuses of power in the name of crowd control. I have witnessed the officers from PPB denying freedom of the press and attacking journalists who are peacefully recording the protests. I have witnessed police attacking protesters with unnecessary force over someone throwing an apple at fully armored officers. I have witnessed tear gas being used on peaceful protesters, and people being harassed and arrested for walking in their own neighborhoods. Due to all that I have witnessed I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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Ban the use of tear gas, an internationally illegal chemical weapon known to cause pregnancy complications and enhance the spread of fluid-borne pathogens such as COVID-19. Hold Police accountable for their actions. Defund the department and reinvest in community programs and nonviolent crisis and emergency response teams.

I am writing about the Directive 0635.10 Crowd Management/Crowd Control that is currently under review. The Portland Police Bureau can—and should— make these updates to Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

- The CMIC must provide an explicit and detailed example of their role in de-escalation as well as their responsibility to limit perceived escalation. As an example, if the CMIC chooses to place members in protective gear in full visibility of a crowd, this directive should additionally contain a procedure for the CMIC to mitigate the perception of escalation from demonstrators.
- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. I also want to urge the Portland Police Bureau to hold itself accountable to the procedures currently laid out within Directive 0635.10. There are a number of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. Before delving into changes and improvements that should be made to this Directive, I must address current realities. As we have seen with the recent Black Lives Matter protests, the failures of the Portland Police Bureau to follow its own directives is staggering. I have been a part of non-violent demonstrations and have witnessed firsthand the Portland Police Bureau's violations of its own procedures. First of all, I would like to address 5.2.2.6 and 5.2.3. The PPB has not followed its directive to take into account the effect officers in protective gear have on public perception. This not only serves to escalate tensions with the crowd, but also to strike fear into the general public. I have personally witnessed multiple violations of 10.2. Peaceful demonstrators as well as passersby have been caught in indiscriminate usage of internationally illegal chemical weapons (tear gas). Here is my feedback for the improvement of this directive: 10.1 MUST include aerosol restraints. Tear gas is an internationally illegal chemical weapon. It should not be used on the public, especially during a respiratory virus pandemic. This is absolutely unconscionable. Greater requirements for de-escalation procedures should be included in this directive. The primary objective should be to ensure tensions do not escalate to begin with (are not met with immediate force, whether perceived or real), to reduce tensions should they escalate, and to ensure the safety of demonstrators as well as the general public. Protection of property should come second to the protection of demonstrators. A more detailed analysis of what constitutes a civil disturbance and "an immediate threat to public safety" is needed prior to the PPB deploying crowd dispersal techniques. When the demonstrators are the general public, protecting them from harm IS maintaining public safety. The crowd dispersal techniques are the actual immediate threat to public safety, thus the PPB are the threat, not the crowd. Non-lethal projectiles thrown from behind a fence, in the general vicinity of PPB officers wearing full riot protective equipment are not an immediate threat to public safety. Using tear gas on a crowd during a global pandemic IS. Demonstrations for the Black Lives Matter movement are here to stay for quite a while. The protection of these demonstrators (especially during a pandemic) should be an immediate goal for the Portland Police Bureau in order to re-establish trust within the community.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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I am deeply disturbed by the fact that Portland Police would EVER think it's appropriate to use dangerous weapons like tear gas, rubber bullets, and flashbang grenades on protesters. It's sickening to think that tear gas, in particular, is even legal to be used by police at all, and doubly so in a time of pandemic when it could lead to additional risk. You are supposed to be here to protect people.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons. Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

In my opinion the police have not been following this.

The use of and threat of violence from the Portland Police in response to BLM protests is racist, in violation of international law, and causes escalation and irreparable harm to individuals and our community. If police have a presence at protests it should be as a passive non-riot-uniformed emissary to listen to the grievances from the community. Tear gas can cause spontaneous abortions and I have heard reports from community members and friends of being affected in a way that would have caused an abortion had they been pregnant. It is highly likely that there have been pregnant people present as well. Use should be categorically banned. Police tactics of kettling protestors- trapping them and preventing them from leaving, then using violent force on them and arresting- must be banned as well. You can't demand that people leave, then prevent them from doing so and hurt them for trying.

I am writing about Directive 0635.10 Crowd Management/Crowd Control, pleading with the PPB to follow the procedures currently laid out within Directive 0635.10. There is an extensive list of procedures not being followed by the Portland Police Bureau in executing Directive 0635.10, specifically concerning the ongoing BLM protests. All you have to do to see PPB's failure to defend the public is watch social media and the live feeds of the protests. These failures of compliance include violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2 among others. To act in the best interest of the public you must enact change. The CMIC and IC must attempt to first, and explicitly, de-escalate! As a peaceful protester being immediately met with full riot gear is intimidating and frightening and sets a poor precedent and expectation. The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized. There should be a clear, straightforward process to the escalation.

- Use of non-lethal crowd control tactics and munitions should be limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community.

Indiscriminate use of force against crowds does not protect or serve the public. Chemical weapons and other so-called less-lethal weapons are incredibly dangerous, and at the same time incredibly ineffective. Mandatory de-escalation must come before any use of force. The police must be de-militarized; showing up with dozens of officers ready for a fight in riot gear does nothing to protect public safety. The use of deadly force against crowds is inherently unjust and must be prohibited.

You're breaking so many of your own rules already, you don't deserve any additional funding and should in fact have it redistributed until you can be retrained. Disgraceful, Portland.

I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

- The CMIC must provide an explicit and detailed example of their role in de-escalation as well as their responsibility to limit perceived escalation. As an example, if the CMIC chooses to place members in protective gear in full visibility of a crowd, this directive should additionally contain a procedure for the CMIC to mitigate the perception of escalation from demonstrators.
- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
- Use of non-lethal crowd control tactics and munitions must be further limited. Specialty impact munitions or aerosol restraints must never be fired directly at individuals or groups of demonstrators, and must not be deployed directly into a crowd to minimize the risk to uninvolved persons.

Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

Using chemical warfare and munitions on your citizens is disgusting. Leave protestors to voice their opinions without using force against them. It's unfair and illegal.

Incident commander in charge Of response be on the field directly to accurately assess the situation and means to control the crowd. I would like to see flash bangs and tear gas put away in order to continue allowing our citizens the right to peacefully protest.

I am adding my own viewpoints on this to the top of a letter that I agree with, I have been watching PPB utilize less lethal and nonlethal weapons for crowd control in ways that are not in accord with their instructions, for years. This makes them more deadly. When I heard about the sound cannon thing, the first thing I said was that they can not be trusted with the equipment they already have. People are going to go deaf. I currently do not feel safe exercising my first amendment rights, because I have an eye problem that makes it very likely that any kind of chemical weapon would make me go permanently blind. That is in addition to the equipment that has to be purchased to protect oneself from projectiles hurled indiscriminately at too close of a range. Other countries don't use these weapons on their people for crowd control at all, much less while clearly and blatantly not following the instructions. Beyond that I have read this over and agree with it. If it matters I am a third or fourth generation Portlander. I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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To the Portland Police Bureau - You're kidding me, right? Y'all have been brutalizing protesters in the streets, and have violated Geneva Convention protocols, freedom of information, the right to free speech and free press, and committed grievous bodily harm with intent multiple times. Now you want more power to fuck with the people you so-called protect? Piss off. With that said, here's my feedback for you: I am writing to provide feedback on Directive 0635.10 Crowd Management/Crowd Control, and to urge the Portland Police Bureau to hold itself entirely responsible in ensuring that the procedures currently laid out within Directive 0635.10 are followed. I would be remiss if, in this feedback, I did not draw attention to the variety of explicit procedures not currently being followed by the Portland Police Bureau in executing Directive 0635.10 as it pertains to the ongoing protests in support of the Black Lives Matter movement. These failures are well documented in video and through the tireless reporting of local news media. These failures of compliance include, but are not limited to, violations of procedure line items 3.1, 3.2, 5.2.2.6, 5.2.3, 10.2, and 12.4. Beyond those failures of execution, these are my demands for improving Directive 0635.10 to ensure the Portland Police begin acting in the best interest of Portlanders:

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- The CMIC or IC must set clear and detailed expectations with organizers before any form of escalation is authorized.
- Just as sections 6.1 and 6.2 provide detailed documentation for the operating procedures of the CMIC and IC, there must be similarly categorical line items pertaining to both the CMIC and IC, and the explicit steps that must be taken to attempt to de-escalate a demonstration before authorizing potentially harmful crowd control tactics.
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Further clarifying the roles of each person within the Portland Police Bureau necessarily places accountability for de-escalation with the very people who authorize tactics and strategies that escalate demonstrations from crowd management to crowd control situations, and further demands accountability for the use of non-lethal crowd control tactics and munitions. Beyond this, providing explicit steps the Portland Police Bureau are obligated to take for de-escalation procedures will eliminate confusion between both the Bureau and the community. Action now will help in re-establishing the broken trust between the community and the Portland Police Bureau in planned and unplanned demonstrations, and will serve as a vital reminder for the Portland Police Bureau that their primary commitment is in keeping the community members whom they serve safe.

PPB has been extremely aggressive and unconstitutional in their handling of protesting. They nightly forbid right to assemble and right to free speech. They petulantly guard a fence paid for with tax payer money, while hiding inside the justice center which keeps them completely safe. When Unlawful Assembly is declared, there is not enough time for the crowd to disperse. People marked with medic and press badges are injured, if not targeted. As a medic I was shot in the leg, point blank, with a rubber bullet. It burnt off a layer of skin, and bruised my entire leg. It cannot bear weight three days later. This is barbaric, disgustingly violent behavior that does not match what protestors have been doing. Last night I observed Portland police cavalierly taking selfies by the fence, as if hundreds of portlanders had not been abused there. I am a former county employee, and could not be more disappointed in the police force.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 11:11:25 AM
Last Modified: Thursday, May 05, 2022 11:16:38 AM
Time Spent: 00:05:13

Page 1

Q1

Please provide feedback for this directive

I believe after you've warned the "peaceful" protesters that they've turned into civil disobedience and need to disband—if they do not disband and continue breaking windows, starting fires, throwing items at law enforcement and/or continue robbing from stores then use whatever force is necessary to stop them. As a native Oregonian I feel our city has allowed this criminal nonsense to go on for too long. Once the crowd is warned they know the consequences.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Joe Q**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 11:49:34 AM
Last Modified: Thursday, May 05, 2022 11:51:32 AM
Time Spent: 00:01:57

Page 1

Q1

Please provide feedback for this directive

This is all constructed thoughtfully and carefully, however it will only really work when the police are allowed to implement these policies without the partisan interference from politicians in city government.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:20:09 PM
Last Modified: Thursday, May 05, 2022 12:21:41 PM
Time Spent: 00:01:32

Page 1

Q1

Please provide feedback for this directive

Every police officer should find a real job. Directives don't work, and violent cops will not follow them. When they break the rules, they will not be punished.

Defund the police.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name	Clint
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#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:23:54 PM
Last Modified: Thursday, May 05, 2022 12:24:42 PM
Time Spent: 00:00:47

Page 1

Q1

Please provide feedback for this directive

It's fuckin sucks obviously

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Gregory Kinnear**

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:25:18 PM
Last Modified: Thursday, May 05, 2022 12:28:35 PM
Time Spent: 00:03:17

Page 1

Q1

Please provide feedback for this directive

This directive seems entirely too permissive in the use of chemical agents and rubber bullets. Those weapons are dangerous for humans and have led to people being permanently blinded. The idea that *property* damage is a reasonable trigger for violence is abhorrent.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Alex Bogartz**

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:31:33 PM
Last Modified: Thursday, May 05, 2022 12:34:27 PM
Time Spent: 00:02:53

Page 1

Q1

Please provide feedback for this directive

Crowd Dispersal 9.2 needs to be enacted much faster than it has been. These are not "protesters" they are RIOTERS. They must be stopped putting tax paying citizens in danger.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Depressed About Downtown Portland**

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:37:08 PM
Last Modified: Thursday, May 05, 2022 12:39:22 PM
Time Spent: 00:02:14

Page 1

Q1

Please provide feedback for this directive

RCA's should never be used to disperse a crowd. It has been proven that these methods are extremely dangerous and harmful to the general public, which is why some of these methods are considered war crimes.

It should be clarified that press are not subject to orders to disperse and should not be arrested for failing to follow such an unlawful order.

Where is the section on how police officers will be held accountable for failing to follow these policies?

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 12:55:57 PM
Last Modified: Thursday, May 05, 2022 12:56:42 PM
Time Spent: 00:00:44

Page 1

Q1

Please provide feedback for this directive

If you are unable to use non violent means to disperse a crowd, then you are incapable of being a cop

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Suki Mi Pigliker**

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 2:19:01 PM
Last Modified: Thursday, May 05, 2022 2:23:43 PM
Time Spent: 00:04:42

Page 1

Q1

Please provide feedback for this directive

Your actions during the 2020 protests significantly escalated situations. using munitions such as tear gas in neighborhoods is indefensible, the fact that you choose to defend officers violating peoples civil rights with violence instead of disciplining them and removing bad apples is also abhorrent. I have no trust in the PPB and assume most officers to be part of an occupying force rather than public servants. Maybe find officers that want to live in and be part of this community.

At this point it seems the only solution would be to completely dismantle the PPB and replace it with a new public safety system free from the corrupt PPA.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Mike McCarrel, Portland Resident**

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 2:24:43 PM
Last Modified: Thursday, May 05, 2022 2:29:34 PM
Time Spent: 00:04:51

Page 1

Q1

Please provide feedback for this directive

Policies are fine when they're followed, but your small-dick, no-brain officers probably can't even fucking read any of this in the first place.

They're going to keep overcompensating by firing indiscriminately into crowds with expired tear gas and other munitions, and we all know it.

Every single one of you can eat a fucking brick.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Hell No**

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 2:38:07 PM
Last Modified: Thursday, May 05, 2022 2:41:04 PM
Time Spent: 00:02:56

Page 1

Q1

Please provide feedback for this directive

Comply with the DOJ ruling you've been willfully ignoring. I'm literally going to law school because all of you are criminally incompetent. Or just criminal. ACAB.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **G**

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 2:38:30 PM
Last Modified: Thursday, May 05, 2022 2:41:33 PM
Time Spent: 00:03:02

Page 1

Q1

Please provide feedback for this directive

1. All PPB officers should have names and badge numbers visible at all times.
 2. Body cameras should be on at all times and recording.
 3. Peaceful protests should be treated as such and force should only be used as a last resort.
 4. If planned protests or gatherings are organized and held by members of the public who have committed violence or have organized gatherings that have turned violent, police response should prepare for things to turn violent. They should not hide and decide to not intervene.
-

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 3:22:59 PM
Last Modified: Thursday, May 05, 2022 3:23:10 PM
Time Spent: 00:00:11

Page 1

Q1

Please provide feedback for this directive

abolish the police

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 4:12:44 PM
Last Modified: Thursday, May 05, 2022 4:14:18 PM
Time Spent: 00:01:34

Page 1

Q1

Please provide feedback for this directive

There needs to be stronger protections and language in protected activities such as free speech, filming officers and work by journalists. This policy must make clear that officers cannot construe protected activities as a crime and use that to detain, arrest or use force. Portland Police has routinely violated the civil liberties of the public.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 4:20:17 PM
Last Modified: Thursday, May 05, 2022 4:24:29 PM
Time Spent: 00:04:11

Page 1

Q1

Please provide feedback for this directive

Police should give warning to leave area and if they don't then they should use force The body cams will be nice

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Michelle Galindo**

#16

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 4:23:22 PM
Last Modified: Thursday, May 05, 2022 4:24:36 PM
Time Spent: 00:01:13

Page 1

Q1

Please provide feedback for this directive

Quitting your jobs.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 6:50:33 PM
Last Modified: Thursday, May 05, 2022 6:51:34 PM
Time Spent: 00:01:00

Page 1

Q1

Please provide feedback for this directive

PPB are heroes. Keep up the great work.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 05, 2022 8:03:38 PM
Last Modified: Thursday, May 05, 2022 8:05:56 PM
Time Spent: 00:02:17

Page 1

Q1

Please provide feedback for this directive

No more gassing citizens period. The crowd control techniques in 2020 were illegal and not appropriate use of police resources or taxpayer dollars,

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#19

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, May 06, 2022 7:13:23 AM
Last Modified: Friday, May 06, 2022 7:17:15 AM
Time Spent: 00:03:52

Page 1

Q1

Please provide feedback for this directive

The police should never be allowed to use teargas. Never.

The police should never be allowed to fire rubber bullets at citizens.

Portland's police act like an occupying force rather than a protective one. Their crowd control policies should be built to protect the people *in the crowd*, not just the buildings the crowd is walking by.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Luke Kanies**

#20

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, May 13, 2022 11:42:06 PM
Last Modified: Friday, May 13, 2022 11:45:04 PM
Time Spent: 00:02:57

Page 1

Q1

Please provide feedback for this directive

no

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#21

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, May 13, 2022 11:45:48 PM
Last Modified: Friday, May 13, 2022 11:47:07 PM
Time Spent: 00:01:18

Page 1

Q1

Please provide feedback for this directive

Even my kindergardener understands that police are cowards and our world would be better if you all quit your jobs.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#22

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, May 18, 2022 11:32:08 AM
Last Modified: Wednesday, May 18, 2022 12:33:45 PM
Time Spent: 01:01:37

Page 1

Q1

Please provide feedback for this directive

Thanks for mentioning the first amendment rights and giving demonstrators the right to self-police first. Section 10-1 mentions the prohibition of aerosols as a use of force item. So, what does the cs gas count as? I know that there is a new Oregon law defines certain use of force when it comes to riot control. Lastly, how much time does Portland Police gives to the demonstrators to disperse when a civil disturbance or riot is called out. This was not mentioned in any section.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Robbie...sorry no last name given**

#23

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, May 18, 2022 9:06:20 PM
Last Modified: Wednesday, May 18, 2022 9:18:36 PM
Time Spent: 00:12:15

Page 1

Q1

Please provide feedback for this directive

- Definition for Civil disturbance: this seems incredibly broad. I could gather four of my friends with intent to smoke a joint in public (unlawful assembly), threaten to walk into the road, and I think it could be 'civil disturbance' per this definition; or just some friends making poor life choices on the way brunch. At least the law no longer _requires_ officers to make an arrest.
- I can't find any explicit definition of 'unlawful assembly' as it applies in Oregon. Policy should probably spell this out so people who aren't lawyers can be confident they understand the policy.
- For the purposes of the policy, it seems like maybe 'riotous assembly' is enough? That seems different from other kinds of unlawful assemblies. Food for thought.
- There need to be clear, predictable guidelines, to avoid the appearance of arbitrariness when police do declare riot/unlawful assembly. <https://www.opb.org/article/2020/08/28/riot-unlawful-assembly-law-oregon-police-racism/>
- Police should use public alert systems/reverse 911 to notify crowds when they are required to disperse and notify people nearby when there is a safety risk _before_ and when_ riot occurs.
- Not all speech is protected. Incitement to riot is not protected (I think, I'm not a lawyer). Be specific about which kinds of speech are not protected, and clearly communicate that to the public.
- Consider using two-sided lines to avoid the appearance of favoring one side over another, even when one side is less threatening. And don't be afraid to point that out when you're inevitably accused of favoritism by both sides.
- Policy 7 sounds good in theory, but the City of Portland does have certain values that are expressed through policy and practice - specifically things like antiracism, equity/equality, etc. When we have white supremacist and neo-nazi groups, can there be such a thing as content neutral communication? I don't have any concrete recommendations, other than if this is maintained, the public will need some education, and probably reminders every time PPB engages in crowd control.

I recognize that Portland's current approach to crowd management emerged from a long history of protest and violent unrest, and that in part Oregon's laws were driven by public discontent with inadequate response to prior protests. Still, given the current climate, I think there's an opportunity to consider a new crowd control architecture.

This approach turns crowd control on its head, eliminates use of force, and eschews many traditional aspects of crowd management:

- Instead of using force to effectuate dispersal, make the lawful order to disperse and keep reminding people. Be explicit that violence and property damage will be investigated and that people will be held legally and financially responsible for damage. Use plain language and also use the reverse 911 system/emergency alert system to tell people: ****You break it, you buy it.****
 - Use the public alert system to allow uninvolved people to maintain a safe distance.
 - Set up an insurance fund at the city level to compensate property owners for damage from uncontrolled crowds. Have systems in place to rapidly replace broken windows, repair public infrastructure, and clean graffiti (ideally night of). Rapid response that undoes violent action should discourage repeat offense.
 - Use undercover officers, public security cameras, wide area motion imagery (<https://www.youtube.com/watch?v=ptSeU-OnI8E>), and any other useful surveillance tool to track unlawful participants, establish identity (after there is probable cause), and build a case for prosecution (e.g. for any damaged windows and assaults). Reverse geolocation warrants should be reasonably acceptable once riot is declared. There is no risk to legal observers or press, because police will not be using force or making arrests.
 - The line against making arrests would need to be pretty strict; if participants start assaulting each other, so be it. That will

0635.10 Directive Feedback (1UR)

dissuade unlawful participation post-dispersal order. This may sound extreme, but it is existing practice, as in the August 2021 incident. Remember that police are not obligated to always help, are not always able to intervene in crime already, and under this plan would be keeping people safe with proactive hazard warnings.

- Use the evidence gathered to aggressively prosecute and extract revenue from those who committed violent acts. Over the long term, one hopes that the most committed violent actors will be busy working to pay off their debts, or imprisoned, reducing further acts of violence.

- I spoke with at least one person involved in the protests, and they thought this was a pretty good deal, and much preferred to what happened in summer 2020. It seems surveillance will be done by the Feds regardless, and people are already expecting "the creeper plane", so we're already paying (in terms of perception) for the costs of heightened, high-efficacy surveillance. We might as well get the benefits if we're paying for the costs.

- This new architecture ("The Portland Model") has the additional benefit of not straining our officers, and allowing them to remain focused on community policing and maintaining public safety services for the rest of the city.

This proposed new architecture is a win for all parties involved in riotous protests:

- Bystanders: have the opportunity to leave and not get caught up in violence
- Rioters: are not subject to force, and can exercise whatever they believe to be their own free will
- Neighborhoods: will not be exposed to tear gas or other munitions
- Police: do not have to engage in mass force events or be subject to abuse
- Business: will have guaranteed replacement of their damaged property through the city's insurance program
- All other Portlanders: will have access to police service even when the city is experiencing riots

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#24

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 19, 2022 2:19:01 PM
Last Modified: Thursday, May 19, 2022 2:22:12 PM
Time Spent: 00:03:10

Page 1

Q1

Please provide feedback for this directive

PLEASE NOTE: This form cut off our comments eight paragraphs before the end. We sent the original to you by email.

Below are comments from Portland Copwatch (PCW) on the Crowd Management/Crowd Control Directive #635.10 (<https://www.portlandoregon.gov/police/article/799482>). Because no changes have been made to this policy since it was last posted in June 2020, we are resubmitting our previous comments with a few additions and updates based on what has occurred since that time. For example, our 2020 comments talked about "the high amount of attention that is finally being paid to the important issues of police accountability and institutional racism," yet many Portlanders seem to have moved away from recognizing these issues even though they are as urgent as ever. We also talked about how impact and aerosol weapons had been used indiscriminately "in the past two weeks of ongoing responses to the death of George Floyd and the long and ongoing history of policing that his death reflects." Time flies.

We also called attention to the way the Portland Police Bureau (PPB) played semantic word games when community members complained about the use of tear gas. By saying the Bureau was not using tear gas, it was a way to avoid the responsibility for deploying whatever chemical agents caused so much pain and trauma in the middle of an airborne pandemic.

It is not clear whether other language we referred to has been changed yet, but we noted how the PPB and the media would refer to people acting as march monitors, or people who disagreed with those using property damage as a tactic, as "self-policing." Here's what we wrote: "Community members are not empowered to use violence including deadly force, nor to make arrests which could lead to incarceration in a dehumanizing criminal justice system. This is why someone created the bumper sticker that says 'Support the police: Beat yourself up.'"

While not as intense, the discussion that was going on then around rethinking what society would imagine public safety could look like is ongoing. PCW continues to believe that as long as there are still police, they need to be held accountable and stop harming members of the community. The recent shooting of a man by four Focused Intervention Team officers shows how the institution of police may intend to make the community safer, but that comes at the cost of such violent interactions.

This review comes only a few months after it was revealed that the Bureau had a slideshow about Crowd Control which included racist images, troubling legal analysis, and a right-wing poem urging officers to beat up certain kinds of protestors. We hope the revised policy will make it clear that future trainings will not include such inflammatory material.

It also comes about a year after all the officers volunteering for the Bureau's Rapid Response Team resigned that assignment in protest of the indictment of one of their members. Accountability must be stressed in the new revision. Also, references to the RRT in the definitions section and in Sections 4.1, 4.2, 6.2 probably need to be revised or removed.

There was never a second review of the Directive, so we have no idea how many other community members or organizations sent in recommendations two years ago. We note that the Citizen Review Committee made a number of broad suggestions about crowd policies in September 2021, in addition to ones they sent in 2015 which were never fully addressed by the Bureau. We refer to these older recommendations in these comments.

For the third time, we say: "even when changes are made that we can support, there needs to be evidence that they are being enforced and officers are being held accountable for violating them."

We continue to urge the Bureau to post a statement of intent along with the First Universal review, alerting the public about known areas of the policies the Bureau plans to address to help ensure attention is focused in the right places. With only 15 days to review such a complex policy, knowing what the PPB is planning will help those with limited time to give meaningful feedback.

We note here that the 2020 comments were themselves based on previous comments from September 2017 and March 2018.

0635.10 Directive Feedback (1UR)

To make it easier for those reading these comments, we have added ****double asterisks**** around text that has been modified or added to the June 2020 comments, otherwise they are mostly identical.

These comments are separated into three levels of priority, generally in the order they appear in the Directive under each section.

___ High Priority Concerns:

- * Non-Confrontational Stance Needs Clarification: In 2018, the call for officers to maintain a "non-confrontational" presence was changed to a "diplomatic" presence (Policy Section 5). We urge that both words be used, and that language be added reminding officers that by showing up in "riot gear" they can escalate a situation just by mere presence.
- * Broad Policy Goals Act to Encourage Force: Policy Section 6 twice includes the term "protect public safety and restore peace and order," bringing the problem of vagueness which could lead to over-policing based on a subjective interpretation. Moreover, the entire Directive's tone is still set by Procedure Section 1 talking about how Directive 1010.00 on Use of Force governs officer use of force. Directive 1010.00 itself begins with a section on de-escalation. ****De-escalation should be emphasized**** before the words "use of force" are used in this Directive.
- * Unlawful collection of information: The Bureau takes video for "situational awareness" and turns it over to the City Attorney. ORS 181A.250 prohibits collecting OR maintaining information on people's social, political or religious affiliations without reasonable suspicion of criminal activity. Section 4.3 now allows live video feeds which are not permitted to be recorded without authorization by the Incident Commander. The policy explicitly says the authorization cannot be based on monitoring the associations/views of the people. However, the fact that a live video is being transmitted still seems to fall under the statute's ban on "collecting information" whether or not it is retained.
- * Conflicting Orders not Specifically Banned: Section 8 on Announcements does not require officers ensure that conflicting commands (such as "get off the street onto the sidewalk" /"get off the sidewalk into the street") are not given. The closest the Directive comes is saying the Incident Commander has to ensure announcements are "consistent" (Section 6.1.5), which could just mean they are ongoing.
- * Calling Out Individuals: Section 8.2.2 explicitly calls for officers using the loudspeaker system to "communicate targeted information to specific individuals to provide direction." We noted this is an intimidating tactic coming from the military grade Long Range Acoustic Device (LRAD) now in use, and asked the Bureau to stop it. Instead, the policy formalized the ability. This deserves much more discussion as police will call out the names of people they know, but say "you in the red sweatshirt" to others, creating, shall we say, unequal protection of the law (see: Fourteenth Amendment).
- * No Specific Limits on Violent Arrests: The Bureau still has not acted to prohibit the use of violent arrests as we asked, leaving in place a requirement to "consider" the "method of the arrest" (Section 12.2). Moreover, the PPB did not make changes such as adding the level of criminal behavior and likelihood of escalating tensions to the existing consideration of "timing, location and method of arrest."
- * Targeting Legal Observers: PCW recommended a policy against targeting those observing police at demonstrations. Section 12.4 prohibits arresting "media or legal observers... solely for their role in observing, capturing, and/or reporting on demonstrations or events." There are two caveats: (a) those observing must do so "in a safe manner and in compliance with police orders," and (b) if observers do not comply with "all police orders" they may be arrested. We're still not sure ****these exceptions are**** contemplated by the First Amendment.
- * Ensuring People Can Avoid Harm: Section 9.2.1 says that weapons cannot be used unless there is an escape route available to the crowd. Such an escape route, however, is not required when officers order a dispersal (Section 9.1), and there is no requirement that

those giving orders to the crowd be aware of such an escape route (Section 8).

* Define Indiscriminate: Section 10.2 says officers can't "deploy specialty impact munitions or aerosol restraints indiscriminately into a crowd," but there is no definition for "indiscriminate." Any force used against people who are not engaged in criminal conduct or **presenting** threats to persons means the PPB is engaging in collective punishment, which is prohibited under international law.*-1

* Ban Use of Deadly Force and Other Weapons on Crowds: The use of deadly force has not been prohibited in Section 10 despite suggestions from PCW, the ACLU, the National Lawyers Guild (NLG) and Oregon Lawyers for Good Government (OLGG). Nor has the Bureau prohibited use of "batons, pepper spray, impact munitions, flash-bangs, tear gas, and bicycles" as we asked.

* Force Reporting (not in Directive): **Since our last set of comments, the PPB has included totals for force used against crowds in its quarterly Force reports. It is still not clear why crowd force incidents are published in a separate section rather than being integrated with the other Force data.**-2 We have asked before and ask again: why is force against a protestor not counted as force? One answer might be that including force at protests would vastly increase the number of people subjected to force but not taken into custody. **The 6000 uses of force at protests in 2020 threw compliance with the Department of Justice Agreement out the window.** The Bureau should include these numbers **along with day-to-day force use in order** to take a deep examination of whether officers are using too much force.

* (NEW) **Officer Identification:** To be consistent with the Bureau's pledge for transparency and accountability, as well as with Directive 312.50 on Identification, the Crowd Control Directive should reflect that officers need to have their names worn clearly on their outermost garments. The orders by the Chief's office which lasted for most of 2020 and 2021 allowing officers to use untraceable numbers has made it nearly impossible to prosecute, discipline or even identify those who appear to have used excessive force during the protests.

___Second Most Pressing Issues:

* Too Much Leeway in Defining Crimes: Policy Section 4 is too vague where it lists crimes that are not protected by the First Amendment. Echoing the items from the "Civil disturbance" definition, it lists "riot, disorder, interference with traffic, or other immediate threats to public safety, peace or order." For an organization that allows officers to: point weapons at people when it's not likely they would be justified in using those weapons, drive recklessly by ignoring traffic signals and speed limits, engage with their electronic devices while driving, harass people of color by patting them down during "mere conversations" and countless other affronts to social norms, it is not reasonable to use a blanket term like "disorder" without being more specific.

* Assembly is a Constitutional Right: PPB says control tactics can be used if there is a "civil disturbance" (Policy Section 6). The definition sections explains a "civil disturbance" is "an unlawful assembly that constitutes a clear and present danger of riot, disorder, interference with traffic upon the public streets or when another immediate threat to public safety, peace or order appears." It's not clear exactly how "interference with traffic upon the public streets" constitutes a threat to public safety. It's also not useful to characterize an assembly of persons (guaranteed as a right in the First Amendment) as "unlawful." In other words, the PPB is trying to say what makes the assembly "unlawful" by giving examples, but using the word up front implies the assembly itself is an unlawful act. The language is also vague and over-broad. **Moreover, police responding to crowds often end up blocking traffic themselves with vehicles, bicycles, and/or skirmish lines of officers. Thus, the police interfere with traffic with impunity while those calling for police accountability are attacked, pushed around and/or arrested.**

* Sometimes, No Police Presence is "Needed": Where we asked the Bureau to change its delineation of event types from "Planned demonstrations" vs. "Spontaneous demonstrations" to "Coordinated with the Bureau" vs. "Not coordinated with the Bureau," the Directive merely adds two clarifying points to the "Spontaneous demonstrations" Section (4.2). It now defines such demonstrations as "events that the Bureau learns of with less than 24 hours notice" (4.2.1) and note that such events "can be lawful and be facilitated with appropriate police response" (4.2.2). We asked the Bureau to reinsert the words "or no police response/assistance." We also asked the PPB to specifically state "The Bureau will not take adverse action against a group because it has refused to establish lines of communication with the Bureau." Neither of these happened.

0635.10 Directive Feedback (1UR)

* Will Police Action Improve Outcomes?: Section 6.1 on the Incident Commander says they should "consider what tactics are objectively reasonable under the totality of the circumstances." PCW asked the PPB to re-insert criteria from an older version including consideration of whether police action will improve the outcome.

* Unlawful Detention: The Bureau modified Section 11.1 on detentions to say officers may detain "individuals engaged in civil disturbance." However, the PPB did not address our concern that the City says officers "may" do so, since there's no requirement that the people had to have committed any particular criminal act (other than failing to disperse). Especially in light of the ACLU's previous lawsuit over this tactic, we urge the Bureau to limit or eliminate the use of this tactic. **It is important to place more emphasis on not attacking people engaged in Passive Resistance, which by the Directive's definition includes people who simply fail to disperse when ordered. The definition says Passive Resistance is "a person's non-cooperation with a member that does not involve violence or other active conduct by the individual."**

* Require Reports by End of Shift: The Section (13.4) requiring officers who use force to file a report still does not set a deadline of the end of their shift (as was in a previous version).

* Ban or Define When Kettling Can Be Used (not in Directive): There is nothing in the Directive, including in Section 9 on "Crowd Dispersal," about the Bureau's ongoing tactic of "kettling" (boxing in) protestors, despite our request. Perhaps Section 11.1 on detaining "individuals engaged in civil disturbance" is supposed to cover that tactic. **This is not an endorsement of the PPB using this troubling tactic, but rather an admonishment that in order to do so, there has to be a written policy setting guidelines for the police.**

* Limit Powers to Confiscate Items from Demonstrators (not in Directive): The Bureau has been actively rounding up items they claim are potential weapons, even those that are not listed under state law as dangerous, despite the fact that an old part of the Directive allowing them to "pre-emptively confiscate potential weapons" was cut from a previous iteration. **A prime example of over-reach was the incident involving an individual with a "register to vote here" sign in 2020, whose violent takedown by the police led to a \$100,000 settlement and proposed discipline against the officer, who resigned before it could be implemented.*-3 **

* Address Specific Munitions (not in Directive): Also, even though they have become ubiquitous in crowd control, the specific guidelines for use of so-called "aerial distraction devices" (aka flash-bangs) and "rubber ball distraction devices" (aka less-lethal grenades) are not addressed directly in any Bureau policy. Directive 1010.00 on Use of Force, Section 6.4.2 "Impact Munitions" is the closest we could find.*-4

* Prohibit Political Profiling (not in Directive): There is still nothing prohibiting officers from targeting individuals based on their clothing or perceived political affiliations as both we and the Citizen Review Committee suggested. The closest guideline is the one stating officers have to articulate probable cause for an arrest (Section 12.3). We note here that it's amusing **that in 2019** Chief Outlaw sought to ban people wearing masks at protests, when **just a few months later it became** a matter of public health and safety that people should wear masks.

* Promptly Released Seized Property: There is nothing requiring the prompt release of property confiscated at protests, also a CRC recommendation that PCW supported.

____Third Tier, but Still Important Concerns:

* Better Phrasing for Letting the Community Organize on its Own: Policy Section 5 directs police to "encourage and support participants' efforts to monitor themselves in an attempt to limit member involvement." We suggested this be changed to say "Be supportive of participants' organizing to set guidelines on behavior" or similar language to not seem so paternalistic.

* What is Property Damage?: Policy Section 5 also says police presence is to be minimize "violence, injury or damage to property." While minimizing violence and injury is a good goal, PCW has repeatedly asked the Bureau to be clear what is meant by "damage to property." Some believe that writing slogans on a sidewalk in chalk is a form of "property damage," which is silly.

0635.10 Directive Feedback (1UR)

* Staring Over Your Shoulder: Policy Section 5 also continues to suggest that officers' presence is partly to "encourage crowd self-monitoring" which we compared to having your boss stand over your work area all day while armed.

* It's Always a Choice: The Bureau still has not replaced the phrase "when police response is necessary" to "when police choose to respond" as we suggested (3.1.1).

* Cold Calling/Messaging is Big-Brotherly: The Bureau directs officers to contact event organizers and "engage in dialogue" (Section 3.1.1.1). The Directive should address PCW's concern that a phone call, social media message or other contact from police can be off-putting. Moreover, laying out "expectations" is paternalistic. We continue to suggest that police and the City post Frequently Asked Questions about guidelines for demonstrations.

* Better Language on Protest Liaisons: In addition to "organizers" the Directive describes "Person(s)-in-charge" as potential contacts for police (Section 3.1.1.2). However, the PPB did not change the term "person-in-charge" to "liaison" which we pointed out allows organizers to assign someone not necessarily in charge to exchange information with police.

* Not Everyone Has a Smart Phone: The Directive does not address specific ways other than social media to get information to a crowd, even though we pointed out not everyone who goes to demonstrations carries a smart phone (Section 3.1.1.3). While it continues to refer to "other conventional outlets" it is not clear what that means.

* Clarify Chain of Command: A confusing chain of command involving the Incident Commander, the Rapid Response Team ******(or its replacement, presumably)****** and the on-duty precinct supervisor has not been fixed in Section 4.2.3. (see other eight paragraphs, conclusion and footnotes as listed in the email version)

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch

#25

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, May 20, 2022 12:12:43 AM
Last Modified: Friday, May 20, 2022 12:21:07 AM
Time Spent: 00:08:23

Page 1

Q1

Please provide feedback for this directive

It is hard to understand the difference of roles between the CMIC, IC & Operations Section Chief. Do these assignments each have different ranks? Does the PPB Demonstration Liaison only acts as the communicator?

It is also hard to understand the difference of the MFF & the RRT in the case of crowd control.

It says under 6.4 Detective division, that detectives are assigned to be the mass arrest team response, Detectives make arrests?

Under 10.1 Firearms are not listed as not being able to use to disperse a crowd, I think that should be included.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Tia Palafox**

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, September 15, 2022 9:16:27 AM
Last Modified: Thursday, September 15, 2022 9:16:34 AM
Time Spent: 00:00:06

Page 1

Q1

Please provide feedback for this directive

test

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 07, 2022 8:25:17 AM
Last Modified: Friday, October 07, 2022 8:31:22 AM
Time Spent: 00:06:05

Page 1

Q1

Please provide feedback for this directive

Replace the definition of IAP with - Incident Action Plan (IAP): An oral or written plan containing the objectives established by the Incident Commander or Unified Command and addressing tactics and support activities for the planned operational period.

Change 1.5 with - 1.5. The Bureau shall use the Incident Command System (ICS) to plan and manage events. Members shall refer to Directive 0700.00, Bureau Response to All-Hazards Using the National Incident Management System (NIMS), for specific guidance regarding incident management.

8.1 - An IAP should not circumvent the Use of Force guidance in Dir. 1010 or 635.10.

14.2 – When an Operations Section Chief is assigned to an incident/event, they propose the strategies, tactics and assigned resources to meet the Incident Commander's objectives, and these strategies, tactics and assigned resources are approved by the Incident Commander.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **PPB Emergency Management Unit**

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 13, 2022 1:55:28 PM
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Time Spent: 00:02:58

Page 1

Q1

Please provide feedback for this directive

COMMENTS on Crowd Control ("Public Order Events") Directive, October 2022

To Chief Lovell, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the Crowd Management/Crowd Control Directive #635.10 (<https://www.portlandoregon.gov/police//59757>). This Directive has major proposed revisions, though a lot of it is carried forward from the existing policy. It was laborious to figure out what was what because the redline version shows much of the retained information as if it were new. In any case, many of the problematic aspects of the policy are not being changed. There are a few proposals to incorporate state laws and, to a minor extent, address issues that came up during the 2020 protests. But most of the comments we made in June 2020 and in May of this year still stand.

For example, as noted below, the Bureau has made it more explicit that officers do not have to wear their name tags, despite the dozens of complaints and lawsuits which were unable to identify officers due to this policy.

In our May comments, we called attention to the Bureau's failed efforts to reduce violence with the example of four Focused Intervention Team members shooting a suspect this spring. Since that time, members of that Team have shot two more community members, killing one of them. As we wrote before, "the institution of police may intend to make the community safer, but that comes at the cost of such violent interactions."

We also raised the issue of the slideshow about Crowd Control which included racist images, troubling legal analysis, and a right-wing poem urging officers to beat up certain kinds of protestors. Internal investigations are supposed to take no more than 180 days, yet a year after the Bureau discovered the issue and opened an investigation, no findings have been announced.

As a group that often raises concerns about pronouncing acronyms, making it difficult for the uninitiated to even guess what they stand for, we chuckled at the new name for the Rapid Response Team: the Public Order Unit (or, "pou"). Joking aside, the revised Directive doesn't seem to incorporate more admonitions to officers that they need to be held accountable for their individual actions in crowd situations, rather than blaming leadership or the general tenor of a crowd.

We continue to include references here to the Citizen Review Committee's recommendations from 2015, though we did not have time to compare the new draft to their September 2021 suggestions. We hope that the Bureau listens to this important community advisory group.

For the fourth time, we say: "even when changes are made that we can support, there needs to be evidence that they are being enforced and officers are being held accountable for violating them."

Significantly, a town hall was held on October 12 with the consultants who are gathering evidence that is supposed to inform the new policy. It is not clear why the Bureau would put forth this draft prior to that report's release except to get out from under new recommendations by asking this policy be given a trial period. PPB should respect the Agreement between the City and the USDOJ. Our comments on this Directive stretch back to 2017. We noticed that comments made in June 2020 were not included in the Second Universal Review packet-- even though public comment had previously been accepted on the policy. Along those lines, we noted that the Bureau's online form cut off the last eight paragraphs of our comments, which we had emailed in separately, but those paragraphs were not included in the public packet.

We neglected to add last time our ongoing request that the Bureau add a letter or number to the Refer, Definitions, Policy and Procedure sections to make it easier to reference them. In general, our comments are about the Procedure section unless otherwise noted.

DIRECTIVE 635.10 Portland Police Bureau Response Public Order Events [sic]

First we will point out that the word "to" seems to be missing from the title of the new Directive.

Then, we will note some positive changes which at least slightly address some of our concerns, though many leave a lot to be desired:

* Force Deprioritized: We had noted that the first item in the procedure section was about Use of Force; now the first item says "Bureau members shall respect the First Amendment rights of all persons and protect the safety of persons assembled to exercise their rights." A great improvement. That said, the word "de-escalate" appears in the definitions but not the body of the Directive until Section 4, then again in 6, 7 and 8.

0635.10 Directive Feedback (2UR)

- * Tear Gas Defined, Somewhat: We previously expressed concern how the Bureau would split hairs when people claimed tear gas was used, saying they did not use "tear gas." The new Directive defines tear gas as specific or general chemicals that can be released. However, the definition talks about chemicals that have the "same effect" without defining what that effect is, and uses the word "bomb" to describe a canister that contains tear gas.
- * Limiting Where Chemicals Go: The new draft asks officers to consider whether chemical weapons should be deployed near "hospitals, schools... uninvolved community members, residential areas... high density traffic [or] flammable materials" (Section 14.1.6.3). However, "considering" these items does not mean there is a prohibition on teargassing them.
- * Medical Aid Required: An entire new Section 9 on Medical Aid has been added, which includes allowing emergency personnel to reach people with injuries. It would be better to be clear that this can include community medics who are certified to render aid.
- * Don't Hit People with Cars: The "Scott Groshong" rule has been added that officers should not "intentionally contact crowd members or bystanders with motor vehicles" (Section 8.6.2). While that should be obvious, as you know former Officer Groshong pleaded guilty to misdemeanor criminal charges for doing just that.
- * New Identification Rule: The Bureau added Section 13.2 to have officers provide their name and identification number to the public, including by using a business card. Unfortunately, the new rule also says "If practical, safe and tactically feasible," meaning officers will likely invoke one or all of those reasons to not tell people who they are.
- * Slightly Less Unlawful Detention: We expressed concern earlier that detentions were authorized for people "engaged in civil disturbance" without requiring the individuals to have been engaged in any specific criminal act. The new draft says mass detentions rely on individualized reasonable suspicion for each person being detained (Section 10.3). This appears to be an improvement, but the definition of "Mass Detention" talks about "simultaneously detaining numerous people... for a cursory investigation." This seems less reliant on suspicion of criminal activity and more like the kettling that has been done where each person had to have their photograph taken (sometimes with their identification in the picture) in order to leave the area. The fact that the ability to "kettle" people is spelled out a little better than before does not mean Portland Copwatch supports the use of that tactic.
- * Mildly Better Phrasing on Crowd Autonomy: Section 1.2 (formerly Policy Section 5) now directs officers to "limit police involvement by encouraging and supporting participant efforts to self-regulate and manage their events." This makes it clear that people's motivation to "self regulate" is not in and of itself to "limit police involvement," but rather that from the Bureau's point of view such autonomy means officers are less likely to insert themselves into an organized protest/event. The paragraph still begins with the caveat "when event participants comply with city laws and ordinances," which indicates there's still authority to disrupt an event because some of the participants jaywalk, for instance. Thus, we suggest removing that introductory phrase. The phrase in the old Policy Section calling for police to "encourage crowd self-monitoring" is also gone, another good step.
- * Ending Vagueness by Removing It: The part of old Policy Section 5 saying police are trying to "minimize damage to property," which we pointed out could be applied to people who create chalk art, has been removed. PCW appreciates this change.
- * Good Loophole Prevention: The new draft explicitly prohibits bringing in officers from other jurisdictions in order to avoid following state guidelines on crowd control (Section 15.2.1). This is a fantastic addition. It also bars working with other agencies "to engage in misconduct barred by court order or statute" (15.2.2). Also great. However, neither of these says anything about using proxies to get around Portland's own training, policies and practices, which is needed to complete the loophole fix.
- * Explaining Check on Audio Announcements: The previous version asked that for warnings, officers should "ensure the audio confirmation received by identified staff on other end" (existing Section 8.3.3). The new draft asks an officer to position themselves at the back of the crowd to ensure the sound is "loud, intelligible and consistent," which is much clearer (4.6.1.1.1). We still have concerns about what "consistent" means, addressed below.
- * No Sense of Direction: New Section 7.4.2.2.2 says that officers should give details on which way a crowd is being asked to disperse, noting that people may not know which way is East/West/North/South or where certain streets are. This is a good addition, but gives an out by saying this only needs to be done "when time and circumstances permit." Officers should also not be allowed to order dispersals that lead to dead ends or onto highways.
- * Less Harm to People with Disabilities?: The Directive orders officers to take action during dispersals that will accommodate people with disabilities (though the words "people with" should precede "disabilities" in the policy--Section 7.4.2.2.1).
The remainder of our comments are again separated into three levels of priority, generally in the order they appear in the Directive under each section.

___ High Priority Concerns:

- * Non-Confrontational Stance/Diplomacy: In 2018, the call for officers to maintain a "non-confrontational" presence was changed to a "diplomatic" presence (existing Policy Section 5). We had suggested both terms be used, and adding a reminder to officers that by

0635.10 Directive Feedback (2UR)

showing up in "riot gear" they can escalate a situation just by mere presence. Instead, the entire section was cut and neither term appears in the document.

* More Unlawful Collection of Information: The Bureau takes video for "situational awareness" and turns it over to the City Attorney. ORS 181A.250 prohibits collecting OR maintaining information on people's social, political or religious affiliations without reasonable suspicion of criminal activity. Despite the City still being engaged in litigation on this matter (which they appealed after losing), Section 12.1.1 continues to allow live video feeds which are not permitted to be recorded without authorization by the Incident Commander. The policy explicitly says the authorization cannot be based on monitoring the associations/views of the people. However, we repeat that a live video being transmitted seems to fall under the statute's ban on "collecting information" whether or not it is retained. This section is not clear that the statute allows recording when there is reasonable suspicion of criminal conduct.

* Need to Ban Conflicting Orders: Section 4 which addresses announcements should require officers ensure that conflicting commands (such as "get off the street onto the sidewalk" / "get off the sidewalk into the street") are not given. The closest the Directive comes is saying announcements must be "consistent" (Section 4.6.1.1), which could just mean they are ongoing.

* Calling Out Individuals (repeat comment): Section 4.3.1.2 explicitly calls for officers using the loudspeaker system to "communicate targeted information to specific individuals to provide direction." We noted this is an intimidating tactic coming from the military grade Long Range Acoustic Device (LRAD) now in use, and asked the Bureau to stop it. Instead, the policy formalized the ability. This deserves much more discussion as police will call out the names of people they know, but say "you in the red sweatshirt" to others, creating, shall we say, unequal protection of the law (see: Fourteenth Amendment).

* Ban Violent Arrests: Rather than act to prohibit the use of violent arrests as we asked, the Bureau cut the weak requirement for officers to "consider" the "method of the arrest" (existing Section 12.2). The same cut took away considerations of "timing, [and] location of arrest," but nothing was added to suggest decisions be made based on the level of criminal behavior and likelihood of escalating tensions. The closest description is in Section 4.3.4 where announcements can be made to warn that "riotous acts will not be permitted and may result in arrest or necessitate the use of force." Side note: using force is always a decision, not a necessity.

* Further Reduce Targeting of Media and Legal Observers: The Section (now 10.5) prohibiting officers from detaining or arresting media or legal observers "solely for their role in observing, capturing, and/or reporting on events" no longer includes a requirement for these observers to follow police orders, which is an improvement since those orders are often unlawful. However, there is still a "however" when cautioning officers from interfering with observers, that those people are "not exempt from arrest for their own criminal conduct." This again raises the question of the governmental interest, since a reporter/observer who steps into the street to record police brutality could be charged with improper use of a roadway. State law and PPB policy allow community members to record police conducting their business in public.

* Ensure People Can Avoid Harm: Section 8.1.1 says that weapons cannot be used unless there is an escape route available to the crowd. There is still no requirement for such an escape route when officers order a dispersal, nor a requirement that those giving orders to the crowd be aware of such an escape route (Section 7.4).

* Less Indiscriminate: The Sections on using chemical and impact weapons (8.2 & 8.3) limit, it appears, the indiscriminate use of those weapons on crowds, but authorize use on individuals. We believe this reflects state law and, as we pointed out, how collective punishment is banned in international law. That said, there are many documented incidents where officers were intending to strike one person with a projectile or to spray an individual and the wrong person or multiple bystanders were affected, so more attention should be put on minimizing such consequences, beyond the mention in Section 8.4.1 on minimizing chemical/impact weapons' "incidental impact on bystanders, journalists and unintended targets."

* Ban Use of Deadly Force and Other Weapons on Crowds: The use of deadly force has not been prohibited in Section 10 despite suggestions from PCW, the ACLU, the National Lawyers Guild (NLG) and Oregon Lawyers for Good Government (OLGG). The use of chemical and impact weapons is now restricted (Section 8.2) but not batons, flash-bangs or bicycles, as we have asked.

* Force Reporting (not in Directive): The PPB now includes totals for force used against crowds in its quarterly Force reports. It is still not clear why crowd force incidents are published in a separate section rather than being integrated with the other Force data. We ask again: why is force against a protestor not counted as force? One answer might be that including force at protests would vastly increase the number of people subjected to force but not taken into custody. The 6000+ uses of force at protests in 2020 threw compliance with the Department of Justice Agreement out the window. The Bureau should include these numbers along with day-to-day force use in order to take a deep look at whether officers are using too much force.

* Officer Identification: We asked before that the Directive be updated to be consistent with both the Bureau's pledge for transparency and accountability and with Directive 312.50 on Identification. The policy should require officers to have their names worn clearly on their outermost garments. The orders by the Chief's office which lasted for most of 2020 and 2021 allowing officers to use untraceable numbers has made it nearly impossible to prosecute discipline or even identify those who appear to have used excessive force during

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numbers has made it nearly impossible to prosecute, discipline or even identify those who appear to have used excessive force during the protests. Rewritten Section 13 says officers should have their name or a unique identifier on the front and back of their uniform and helmet. The existing Policy Section 13 says to have a "visible name badge or identification number at all times." So while the actions in those protests were consistent with this policy, they are not consistent with 312.50, which doesn't make an exception for crowd situations (see our comments on that Directive from June of this year).

* Passive Resistance Overlooked: The Directive has dropped its previous definition of "passive resistance," and that phrase only appears in one place, banning the use of chemical/impact weapons on persons engaged in this tactic. Beyond defining the term, there should be more restrictions on violence including shoving/pushing people who simply fail to disperse-- or walk quickly enough for an officer's liking-- after an order to do so. The old definition said Passive Resistance is "a person's non-cooperation with a member that does not involve violence or other active conduct by the individual." That said, the Bureau has added an explicit statement that "failure to comply with an order to disperse is not a crime and shall not be the basis for a mass detention" (Section 10.4). Officers "bull-rushing" crowds is also not accommodating for people with disabilities.

* Taking Over the City (New): The new draft allows officers to shut down parts of the city in an "emergency" (Section 7.4.1). It seems the officers have wide discretion to try keeping legal observers and the media from witnessing police violence, which in 2020 and 2021 was the subject of the demonstrations they shut down violently. It's also worth remarking on how alt-right protestors were escorted by police over the Hawthorne Bridge during a 2019 protest.

___Second Most Pressing Issues:

* Loosely Defined Crimes: The definition of "Civil Disturbance" is still too vague, listing "riot, disorder, interference with traffic, or when another immediate threat to public safety, peace or order appears." As we noted before, for an organization that allows officers to: point weapons at people when it's not likely they would be justified in using those weapons, drive recklessly by ignoring traffic signals and speed limits, engage with their electronic devices while driving, harass people of color by patting them down during "mere conversations" and countless other affronts to social norms, it is not reasonable to use a blanket term like "disorder" without being more specific.

* Assembly is a Constitutional Right: The definition of "Civil Disturbance" also uses the term "unlawful assembly." An Assembly of persons is guaranteed as a right in the First Amendment. The PPB says control tactics can be used if there is a "civil disturbance" (Section 15.1.2). It's not clear exactly how "interference with traffic upon the public streets" constitutes a threat to public safety. In other words, the PPB is trying to say what makes the assembly "unlawful" ...[see email]

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch
