



Crowd Control and the Portland Police

A Policy Review Conducted by the Crowd Control
Workgroup of the Citizen Review Committee

September 2014

Background

For over a decade, the Citizen Review Committee (CRC) and the community at large have shared concerns about the Portland Police Bureau's (Bureau or PPB) crowd control techniques employed at various marches, parades, protests, and other events. Eventually, those concerns led to CRC establishing a workgroup to review the Bureau's policies, training, and tactics. The CRC's Crowd Control workgroup (WG) first met in May of 2012.

Introduction

For a medium-sized city, Portland has a very engaged and activist-minded citizenry. Numerous protest marches and similar events are held each year and many draw large crowds. Unfortunately, this has also led to a number of confrontations (both verbal and physical) between community members and Bureau members. However, the work group heard testimony from both community and Bureau members that over time, the Portland Police Bureau has refined and improved its crowd control practices. For example, the broad use of name badges, unified command, specialized crowd training, restraint in using hard gear, practice of strategic disengagement, among other changes.

CRC has heard various concerns over the years about the Bureau's use of crowd control techniques. This workgroup of the CRC sought to review all sides of the issue and gain a broad perspective on the matters at hand.

Recommendations

1. **SOUND TRUCKS:** Portland Police Bureau (PPB) should deploy more than one sound truck to large crowd control events and these should be staffed by personnel trained in crowd control techniques, under the supervision of the incident commander.

The workgroup (WG) heard testimony from both the PPB (Rapid Response Team (RRT) and bureau leadership) and the public which indicates that in crowd events the one existing sound truck is not always in a position so that demonstrators, the police, and the public can hear what instructions are being given to the crowd. Also testimony indicated the sound truck is now staffed by non-PPB members who may not be familiar with the crowd control protocols / incident directives and may not be under direct supervision of incident commander.

2. **NAME BADGES:** If it cannot require, PPB should strongly encourage the use of name badges for all non-PPB law enforcement personnel participating in City of Portland crowd control situations. In particular PPB should continue to press for name badges for all agencies, in particular state and local agencies. PPB should pursue strategies to authorize

requirement of displayed name badges under their respective mutual cooperation agreements.

The WG heard testimony from several sources that name badges are now required by PPB directive for all PPB crowd incident personnel, but that due to mutual cooperation agreements, non-PPB agencies can't be "required" to wear name badges. The WG heard testimony about the suspicion and confusion that occurs where name badges are not present or are covered over. WG has concluded that uniformity in incident management of crowd events, including the use of visible name badges, is essential to effective, fair, transparent management of such large crowd events.

3. **UNIFORM CROWD CONTROL TRAINING:** PPB should encourage non-PPB law enforcement personnel to attend Portland-led crowd control training.

WG heard testimony about enhanced PPB training in crowd incident management and about the need for a disciplined and controlled police response to crowd control situations. The WG feels it would enhance the effectiveness of other police agencies to have the benefit of such training and, in PPB mutual assistance situations, it would aid in maintaining the necessary uniform, disciplined response under central incident command. The WG also heard anecdotal evidence that there is no current agreement or understanding with some Federal agencies in Portland which have law enforcement personnel and may become involved in crowd control incidences. WG encourages PPB to begin a process to establish mutual expectations between PPB and Federal agencies for uniform, disciplined crowd control practices.

4. **USE OF HARD GEAR, MILITARY STYLE CLOTHING AND EQUIPMENT:** PPB should continue and/or expand current practice with both PPB and non-PPB officers of keeping "hard gear" officers out of sight and contact with protesters unless absolutely necessary and should refrain from clothing and equipping officers with military style uniforms, footwear, weapons, and equipment.

The WG heard from both PPB and the public that the presence of "hard gear" equipped crowd control officers can be both a deterrent or a catalyst for raised tension and possible confrontation, but that, in most cases, the lower the profile of "hard gear" officers, the better the outcome. CRC is very supportive of PPB's present practice of keeping crowd control officers using "hard gear", armor, riot gear, shields and the like out of sight and away from crowds when possible.

Again, the WG encourages the PPB to maintain open dialogue with Federal agencies in Portland concerning the Federal agencies' use of military style equipment and uniforms and deployment of "hard gear" officers.

The WG has heard consistent feedback from citizens and experts that crowds, especially rowdy or belligerent crowds, are antagonized by their public safety officers having the appearance, through clothing and equipment, of a military force; soldiers. In particular the WG has heard comments about black commando type uniforms, military boots and pants tucked into boots, helmets, assault type rifles, and use of military type vehicles and weapons.

5. **COMMUNITY RELATIONS.** PPB officers should establish stronger community ties with individuals, neighborhood, civic, religious, education and minority leaders, businesses, groups and individuals. These ties will foster better understanding and trust of PPB officers in the community, especially in volatile crowd control situations.

The WG acknowledges that PPB has made community policing a priority. However, through CRC meeting, IPR comments, feedback at Race Talks community meetings, and from CPRC meetings, CRC and IPR have heard consistent feedback from citizens, especially those most affected by policing: "We do not know our police; our police do not know us". For the most part officers do not live where they work, most people experience few positive interactions with police, officers are not evaluated based on their strength of contact with the neighborhoods they serve, and officers' work schedules give officers little time out of their cars or in the neighborhoods they patrol. PPB officers should have as part of their job description each officer's development of trust and confidence in them by the individuals, neighborhoods, and institutions they serve. PPB should also be aware that not all community members and/or groups are open to this outreach.

6. **FRONT-LINE OFFICER TRAINING.** PPB should continue and/or expand their training for officers on the front line of crowd control situations on how to maintain their cool and have a friendly demeanor, even when confronted by citizens.

The WG heard feedback from community groups and read literature on best practices that indicate this is a key factor in the outcome of many police/crowd situations.

7. **PERMITTING PROCESS.** PPB and/or the City of Portland should explore centralizing and/or simplifying the permitting process for marches.

The WG received feedback from stakeholders that the permitting process for marches can be lengthy, complex, and overly cumbersome. There are groups that, for various reasons, do not want to seek out a permit. However, for the ones that do, the WG believes that the process should be more "user-friendly" to encourage this.

8. **PUBLICIZE CROWD EXPECTATIONS.** PPB should publicize information about how it responds to crowds' conduct by utilizing social media, internet sites, and other outlets that reach the community.

The WG believes this information might help avoid possible future conflicts if it is clear and available ahead of time. The information to publish might include items such as: what is the impact of having or not having a permit, traffic issues of concern to PPB, when arrests will be made, protestors' constitutional rights, etc.

9. **PUBLISH STANDARD OPERATING PROCEDURE.** PPB should make public their standard operating procedures (SOP's) and training objectives/practices/schedule/materials with regard to crowd control practices.

The WG recommends that this information would be helpful for the public to understand and would build community trust. The WG believes this would be most beneficial for the Rapid Response Team (RRT) and Central Precinct to release this information, if available. If these materials do not exist, they should be documented and released publically, minus confidential information that might be contained within. Confidential information should be released to CRC for review, upon request.

10. **REVISE CROWD CONTROL DIRECTIVE PREAMBLE.** PPB should revise the preamble to the Crowd Control directive to specifically discuss when an officer might want to use his/her discretion to not arrest a protestor for a minor offense.

The WG heard testimony and reviewed best practices from other jurisdictions that indicate that arrests for minor violations can have a significant negative impact on the behavior of a crowd and can needlessly escalate tensions. De-escalation can be used as an effective tactic to avoid confrontation. There would still be situations where arrests would be necessary, however, and the WG acknowledges this.

11. **TRAIN OFFICERS ON REGARDING NEED TO NOT TARGET INDIVIDUALS BASED ON POLITICAL AFFILIATION OR SPEECH.** PPB should continue and/or increase their training of officers in this area.

The WG heard testimony from community groups and witnessed situations that indicate there may be situations in which certain groups are targeted for more PPB attention than others. The WG also heard testimony from PPB members that indicates they do pay more attention to certain groups than others. PPB should not overreact to various crowd control events simply because they suspect the presence of "anarchists" or "Black Bloc" participants. This may lead to misallocation of resources and needless escalation of conflict.

12. **ENSURE PROPERTY IS PROPERLY RELEASED BACK TO PROTESTORS/PARTICIPANTS AFTER CHARGES ARE DROPPED.**

The WG recommends that this process be reviewed by the proper PPB or City of Portland personnel and streamlined to ensure property is returned when it is appropriate. The WG heard

feedback from community members that this has been an issue for them and erodes trust and confidence in the public regarding the operation of the PPB.

Workgroup Activities

Community Forum

Among its first activities, the workgroup held an open public forum to hear concerns directly from the community. This event was held on August 28, 2012 at the Miracles Club on NE Martin Luther King, Jr. Blvd. This event was well attended and the work group heard a wide range of concerns and comments from the community, many of whom had participated in Occupy Portland. This event also generated several emails from citizens to workgroup members that contained the citizens' feedback on crowd control policy in Portland along with video recordings of protests and police responses to those protests.

Workgroup Meetings and Interviews

The workgroup held monthly meetings in which it planned and discussed ongoing workgroup activities and received input from the public, both from regular attendees and other community members who wanted to lend their perspective and recommendations.

The work also held special meetings with key stakeholders. These included meetings with Central Precinct leadership, RRT leadership and members, the City Attorney's office, a local judge familiar with crowd-control and Occupy Portland related cases, attorneys from the American Civil Liberties Union and the National Lawyers Guild, and other attorneys with personal and professional familiarity with crowd control matters in Portland.

Workgroup members also attended and viewed several protest/crowd control events in Portland and spoke, in more casual settings, with both protestors and law enforcement.

Review of Complaints

The workgroup asked IPR staff to conduct a brief review of force complaints – especially those related to large events and crowd control situations – for any potential trends, etc. The review included complaints filed in 2010, 2011, and the first half of 2012. Generally, the review showed that force allegations were less likely to be dismissed after an initial investigation (when compared to all community complaints). Among complaints reaching the full administrative investigation stage, however, force complaints are less likely to be sustained by Bureau managers. There were not enough complaints specific to crowd control situations to draw conclusions.

Review of Research and Additional Materials

The workgroup also reviewed numerous research reports, policies, and suggested national standards from such groups as the Police Executive Research Forum (PERF), the American Civil Liberties Union (ACLU), National Association for Civilian Oversight of Law Enforcement (NACOLE), magazine and newspaper articles, and other sources.

Appendix A – names of individuals/organizations the workgroup met with

David Worboril, Deputy City Attorney

Judge Cheryl Albrecht

Ashlee Albies, Attorney, NLG

Becky Strauss, Attorney, ACLU

RRT Leadership and Members, including: Lt. Vince Ellmore and LT. Chris Davis

Captain Bob Day, Central Precinct

Occupy Portland participants

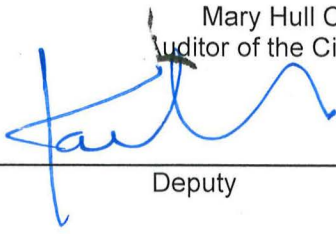
Portland Copwatch

Attorneys who had personal and professional experience with PPB crowd control techniques and who had recommendations regarding bureau policy.

Various citizens – individuals and members of community groups.

Agenda No.
REPORT
Title

Accept report on Crowd Control and the Portland Police: A Policy Review Conducted by the Crowd Control Workgroup of the Citizen Review Committee (Report)

<p>INTRODUCED BY Commissioner/Auditor: <i>MHC</i> Auditor Mary Hull Caballero</p> <hr/> <p align="center">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <hr/> <p align="center">BUREAU APPROVAL</p> <p>Bureau: Auditor Bureau Head: Mary Hull Caballero</p> <hr/> <p>Prepared by: Kelsey Lloyd Date Prepared: 1/8/15</p> <hr/> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <hr/> <p>City Auditor Office Approval: required for Code Ordinances</p> <hr/> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p> <hr/> <p>Council Meeting Date 1/14/15</p>	<p>CLERK USE: DATE FILED <u>JAN 08 2012</u></p> <hr/> <div style="text-align: right;"> <p>Mary Hull Caballero Auditor of the City of Portland</p>  </div> <p>By: _____ Deputy</p> <p>ACTION TAKEN:</p> <p align="center">JAN 14 2015 ACCEPTED</p>
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<p align="center">AGENDA</p> <hr/> <p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:30</p> <p>Total amount of time needed: 1 hour (for presentation, testimony and discussion)</p> <hr/> <p>CONSENT <input type="checkbox"/></p> <hr/> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:35%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width:20%;">YEAS</th> <th style="width:20%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Novick</td> <td>4. Novick <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Hales</td> <td>Hales <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <input checked="" type="checkbox"/>		2. Fish	2. Fish <input checked="" type="checkbox"/>		3. Saltzman	3. Saltzman <input type="checkbox"/>		4. Novick	4. Novick <input checked="" type="checkbox"/>		Hales	Hales <input checked="" type="checkbox"/>	
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