



CITY OF PORTLAND, OREGON



Bureau of Police

Tom Potter, Mayor

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EXECUTIVE ORDER

DATE: March 19, 2008

TO: All Members

RE: Revisions to 635.10 Crowd Management/Crowd Control

ACTION: This directive has been significantly revised. The title of the directive has changed. The entire directive is included in the Executive Order for your review:

635.10 CROWD MANAGEMENT/CROWD CONTROL

Index: Title;

Refer: ORS 131.675 Dispersal of Unlawful or Riotous Assemblies

DIR 635.00 Strikes/Job Actions

DIR 940.00 After Action Reports and Operation Orders

DIR 1010.20 Physical Force

DIR 1030.00 Baton Use

DIR 1040.00 Aerosol Restraints

DIR 1050.00 Less Lethal Weapons and Munitions

DIR 1051.00 Taser, Less Lethal Weapon System

DIR 1090.00 Special Weapons Use

POLICY (635.10)

The Portland Police Bureau recognizes that the City of Portland has a tradition of free speech events. It is the policy of the Portland Police Bureau to uphold constitutional rights of free speech and assembly. The Bureau will accomplish this by applying the appropriate level of coordination, direction, guidance, and when necessary, control to protect life and property and to maintain public peace and order.

Actions and speech protected by the First Amendment include such things as rallies, marches, parades and leafleting. Actions or behavior that involve trespassing, destruction of property, disruption of transportation, unlawful use of amplification devices, assaults and disturbances of the peace are not protected by the First Amendment.

PROCEDURE (635.10)

Directive Specific Definitions

Aggressive physical resistance: Physical actions of attack or threat of attack coupled with the ability to carry out the attack which may cause physical injury.

Bureau event liaison: A Bureau member who has been designated as the primary contact for communication with the event's primary liaison to police, as established by the event organizers.

Crowd control: Techniques used to address public assemblies where unlawful conduct has taken place or threatens to take place, or there is a need to change or control the assembly's location or behavior to protect public health, safety or welfare. Techniques can include containment, dispersal, and arrests.

Crowd Control Incident Commander (CCIC): Command level personnel selected and trained to manage crowd events. The CCICs have the authorization and responsibility for all police actions at such events. Two CCICs will be designated by the virtue of their assignment: the Central Precinct commander and one Central Precinct lieutenant. Two additional CCICs will be selected and trained. The Central Precinct commander will be the primary CCIC for all events citywide based on workload and availability unless the Operations Branch chief delegates the responsibility to another CCIC.

Crowd management: Techniques used to facilitate, coordinate and manage lawful public assemblies before and during the event for the purpose of encouraging and maintaining their lawful and peaceful status.

Passive resistance: A situation where an individual merely goes limp and/or fails to comply with verbal commands with no other overt signs of resistance.

Peacekeeper: Persons designated by event permit holder to assist with maintaining an orderly event.

Persons-in-charge: A person designated by an event permit holder to act on behalf of, and with the authority of, the permit holder.

Physical resistance: Actions that prevent or attempt to prevent members' attempts to control a subject, but do not involve attempts to harm the member.

Planned/permitted event: An activity where a permit is obtained and/or the event is publicized.

Unplanned/spontaneous events: Unforeseen or unplanned events or incidents that draw a crowd. Such events may be lawful or they may create risk to public safety, peace and order or damage to property.

Planned or unplanned events may include parades, marches, labor disputes, rallies, celebratory crowds, etc.

Planned/Permitted Events (635.10)

When there is advance knowledge of a planned event, attempts will be made, at the earliest opportunity, to establish and maintain communication with representatives of the event (even if a permit has not been applied for or issued). If communication is established, organizers of the event will be asked to identify their primary liaison to police. The Bureau event liaison will attempt to set up advance meetings in preparation for the event. The Bureau event liaison will establish and maintain continuous contact with both the Incident Commander and the event representatives during the event.

During meetings with event representatives, Bureau representatives will discuss the purpose, size, scope and organization of the event. Bureau planners will attempt to determine the intent of the organizers. A threat assessment will be conducted focusing on key indicators. Bureau representatives will discuss general tactics and resources. Reasonable efforts at accommodation and cooperation will be made. Specific details of tactical planning will generally not be discussed. To the degree possible, agreements should be reached regarding timelines of the event, routes to be followed, planned stops, readily identifiable persons-in-charge and

peacekeepers from the event organizers, etc.

The preferred police response is one of crowd management rather than crowd control. Based on a threat assessment, crowd control plans should be in place with the option of immediate application if the need arises. However, if crowd leaders have sufficient internal communication and control mechanisms, it will be the Bureau's goal to work through the persons-in-charge and peacekeepers to solve problems and achieve public safety results.

Event planning and coordination will be conducted with affected city bureaus and divisions within the Police Bureau. Additionally, potential targets of a protest should be advised of the event to minimize surprise and confusion. Site surveys of the route/location of the event should be conducted as part of the planning process. Also, site surveys should be conducted immediately prior to the commencement of the event. The survey should include physically surveying the entire route if the event is a march.

Effective deployment during these events generally consists of pairs of members on foot and/or on bicycles to provide a uniform presence, to monitor crowd activity, and to assist traffic diversions or crowd interaction with spectators.

Unplanned/Spontaneous Events (635.10)

Many spontaneous events can be lawful and facilitated with minimal police assistance. An unplanned or unforeseen event or incident may create a risk to public safety, peace and order or damage to property. Members should remember that an unplanned/spontaneous event does not automatically mean that it is an unlawful assembly. The responding Incident Commander (the most senior member by rank or seniority), shall make every effort to ensure there is a measured police response.

The police response will be commensurate with the overall threat, if any, to public safety, life and property, and maintaining order. These actions may include directing crowd and vehicular movement, enforcing ordinances and statues, and employing any physical force necessary. Decisive and appropriate actions during the initial stages of a disturbance may make the difference in effectively managing the event.

Incident Commander (635.10)

For All Crowd Events

The Incident Commander/supervisors should initiate and coordinate appropriate action to maintain the safety of the public, event participants and emergency personnel. An immediate and ongoing assessment of the event is imperative for effective police response. The Incident Commander should gather the following information:

- a. Location and type of event.
- b. Crowd size and behavior.
- c. Number of participants engaging in conduct that is, or is likely to, become unlawful and spread to other crowd participants.
- d. Prior behavior of identified participants and crowd leaders.
- e. Threats to safety of public or members.
- f. Damage to property.
- g. Size of involved area.
- h. Number of additional members needed and special assets such as RRT, MPU, Air One, PFB, EMS, etc.
- i. Location of staging area.

- j. Location of command post.
- k. Ingress and egress routes.
- l. Possible impact on vital infrastructure.

The Incident Commander should attempt to contact formal or informal leaders to establish intent and to negotiate/facilitate order of the event. (Police personnel should use caution when entering a hostile crowd solely for the purpose of communication). When possible, clear instructions should be communicated to the crowd. The Incident Commander and supervisors are responsible to ensure that all orders given to a crowd are consistent, lawful, and appropriate for the circumstances. The IC should take reasonable steps to ensure orders to the crowd have been heard and understood. Unless there is an immediate risk to public safety, or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands before action is taken.

The Incident Commander will make the final decision as to what control action, if any, will be taken to address a crowd event. The police response will be commensurate with the degree of violence, disorder, criminal conduct and perceived threat to public safety, life and property. Crowd size and available police resources will also factor into the response. Uncoordinated actions or actions by individual members shall be avoided.

The following factors should be considered:

- a. Likelihood of police action improving the outcome.
- b. Legal standing.
- c. Weigh effectiveness of targeted arrests of specific violent or disruptive individuals vs. applying broad crowd control tactics.
- d. Sufficiency of personnel resources to achieve the action (number and level of training).
- e. Establishment of clear escape/dispersal routes for the crowd and police.
- f. Ability to clearly communicate with crowd (loud speakers, personal contact with leaders).
- g. Modify plans/tactics as conditions evolve.
- h. Availability of less-lethal crowd control equipment/tools.
- i. Disengagement timeline and strategies.

Members must maintain a professional demeanor, despite unlawful or anti-social behavior on the part of crowd members.

Crowd Control Tactics (635.10)

Note that the order of these tactics is fluid (to provide for escalation and de-escalation) and will change based on need.

- a. Pre-emptive removal: Pre-emptive removal/confiscation of potential weapons under authority of city code.
- b. Display of members/show of force: Uniform presence can be used to deter criminal activity. Members should be brought into crowd view in an organized manner (i.e., Mobile Field Force).
- c. Selective arrests: Individuals in the crowd who are organizing or motivating unlawful conduct or resistance to lawful orders and have engaged in unlawful conduct. It can be an effective technique to arrest. This should be coordinated with the Incident Commander and be done at a supervisor's direction. Sufficient members should be present to safely take the subjects into custody and to remove them from the area.
- d. Multiple arrests: Multiple arrests will generally occur pursuant to a dispersal order. The

Incident Commander should ensure sufficient resources are available for mass custody transport and processing.

- e. Containment of crowd: When tactically feasible, perimeters can be established to contain or direct the crowd.
- f. Dispersal: Crowds should not be dispersed unless there are reasonable and articulable factors justifying the order in accordance with law. Before giving the order to disperse, the Incident Commander must consider whether dispersal unduly endangers the public, police or participants in the crowd. If the Incident Commander directs a crowd to be moved by the use of force, information regarding time to disperse, consequences of a failure to disperse, and a clear route for individuals, will, when feasible, be provided and announced in the same manner as the order to disperse. The crowd dispersal may be accomplished using any of the following techniques and tactics:
 1. Mobile Field Force tactics: Skirmish line of members with batons at the ready. If physical resistance to the dispersal is encountered, members may use batons to push crowd in direction of the dispersal.
 2. Dispersal arrests: The Incident Commander may direct arrests of individuals who engage in resistance to the dispersal (this tactic is resource intensive and should generally be used at the direction of the Incident Commander).
 3. Use of pepper spray: Targeted application of aerosol agents may be used against specific individuals who are reasonably perceived to be attempting to cause physical harm to any person or threatening imminent physical injury to any person, engaged in looting or the destruction of property, or displaying intent to engage in physical resistance to a lawful police order. Broadcast spraying of pepper should be avoided unless there is a crowd surge that threatens to overcome police lines.
 4. Impact munitions: When used as a dispersal technique, impact munitions will be deployed at the direction of the Incident Commander, unless there is exigency to prevent imminent injury to a person or destruction of property.
 5. Riot control agents: Riot control agents may be used in circumstances where the crowds have been resistant to a dispersal order and have engaged in violent behavior such as throwing items at police, attacking uninvolved citizens or vehicles, or engaged in widespread property damage. Use of riot control agents will be at the direction of the Incident Commander. Only qualified personnel will deploy the riot control agents. It is the responsibility of the Incident Commander to notify Bureau personnel to don protective breathing equipment or to evacuate. The Incident Commander shall consider the physical environment, weather, number of persons involved, especially innocent bystanders, prior to deploying riot control agents.

Prohibited Techniques (635.10)

The following techniques are prohibited in crowd management/crowd control situations:

- a. Use of fire hoses.
- b. Canine Units.

Reporting Requirements (635.10)

If arrests are made, or force is used during a crowd event, the Incident Commander shall submit a special report which describes the context and conditions that led to the police action. Members who use force will document the incident as outlined in DIR 1010.20. Supervisors who

direct crowd dispersal or arrests will also complete a special report that describes the context and conditions. These reports will be completed prior to the end of shift. A delay of up to 24 hours may be authorized by the Incident Commander. This reporting requirement is separate from the After Action requirement. The CCIC or designee will ensure coordination with the District Attorney's office where arrests were made.

FOR MORE INFORMATION:

Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

ROSANNE M. SIZER
Chief of Police

RMS/mp