Directive 635.10, Crowd Management/Crowd Control
Executive Summary

Introduction

As a result of its 2011 investigation of the Portland Police Bureau ("the Bureau"), the Department of Justice (DOJ) identified several directives, which pertain to the 2012 Settlement Agreement between the DOJ and the City of Portland, that were in need of revision. Directive 635.10, Crowd Management/Crowd Control, was among the directives identified, specifically regarding its implication of the use of force. Moreover, in light of the industry shift in the philosophical approach to and best practice standards regarding crowd management, the Bureau recognized the need to update its policy to better align with the trend toward a more progressive approach to the issue, one that focuses on communication, engagement, de-escalation and distinguishing between peaceful and criminal behavior when employing crowd tactics.

Public Comments

The Bureau received feedback on the directive from a number of community members and other stakeholders over the course of both public comment periods. Although the content of and sentiment behind each response varied, there were several enduring themes across all of the comments received: the need for clarity regarding certain definitions; the protection of First Amendment rights and the physical safety of demonstration participants and the public at large; an emphasis on de-escalation; a police focus on and response to individuals engaged in criminal behavior, rather than the crowd as a whole (i.e., those peacefully demonstrating); the use of force, specifically regarding the use of riot control agents (RCAs) and impact munitions; and member use of protective gear.

Definitions

Several commenters expressed concern that the Bureau's definition of "riot" may be too vague and, therefore, may lead to the infringement of demonstration participants' rights or contribute to a member's justification for using force.

As with all Bureau definitions, when a legal or statutory definition exists, the Bureau generally uses the legally-established definition. Oregon statute states that "a person commits the crime of riot if while participating with five or more other persons the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public harm." The policy team made a slight modification to the definition to clearly state that the group described consists of six individuals, thereby being more sufficiently directive to Bureau members. We also added the clause at the end of the definition, at the request of the Mayor, to emphasize that a group of such size engaged in behavior that poses no threat to the public safety, peace or order does not constitute a riot or riotous behavior.

First Amendment
Most commenters stressed the importance of safeguarding, preserving and respecting one's right to assemble and exercise their free speech rights. Additionally, many responders recommended that the Bureau limit its response to circumstances in which only the *physical* safety of participants or members of the public is at risk.

The Bureau underscores the importance of not unduly hindering an individual's free speech and/or assembly rights throughout the directive, but Bureau members also have a duty to ensure the safety of the public and maintain peace and order. In addition to protecting the physical safety of demonstration participants and the public at large, the Bureau also has an obligation to protect property. As a result, the revised policy reflects the duty of members to minimize violence and damage to property and demonstrates due respect for the expression of First Amendment rights, while also acknowledging that protection of those rights does not extend to criminal acts.

Police Response and De-escalation
The conventional school of thought on crowd management is that crowds are inherently unlawful and, therefore, warrant an immediate and assertive police response. That traditional approach to crowd control generally involves limited (if any) communication with demonstration participants and quickly employing tactics to control the crowd, rather than engaging and managing the event with a minimal or appropriate police presence. The Bureau has shifted its practices (and the revised policy) to align with the modern approach to crowd management. The updated policy demonstrates this move by emphasizing the Bureau's goal of engaging the crowd and encouraging self-policing, when safe to do so. Although Bureau and demonstration participant communication and coordination are not required, those two elements play an integral part in defining the Bureau's role during an event.

If, over the course of a demonstration, crowd behavior rises to a level that poses a threat to the public safety, peace or order and the crowd is unable to continue to safely self-monitor and manage the event, the Bureau may adjust its response and the tactics used to restore safety, peace and order. If a police response is necessary in this instance and it is tactically feasible to do so, the Bureau will endeavor to carry out a measured response that focuses on individuals committing unlawful acts, rather than the crowd as a collective if the majority of participants are peacefully and lawfully demonstrating. The Bureau will then de-escalate its response, when it is safe and feasible to do so, in an effort to transfer management of the crowd back to the demonstration participants and maintain a minimal presence.

Use of Force
The Bureau received many comments regarding the use of riot control agents (RCAs) and impact munitions, specifically, requests to expressly prohibit the use of those less lethal weapons. RCAs and area impact munitions are less lethal weapons that assist in curbing a civil disturbance by effectively serving as a member "multiplier" when crowd size has the potential to overwhelm the members on scene or the location of the individuals/group(s) engaged in behavior that constitutes a clear and present danger of riot prevents members from dispersing or detaining those individuals by other means.

The use of RCAs and area impact munitions, in a crowd control context, is governed by Directive 1010.00, Use of Force. Members will be held accountable to the force policy, even in a crowd management/crowd control context. When a member uses force, regardless of the type of force, the use of force must be objectively reasonable based on the totality of the circumstances. Furthermore, the use of RCAs and/or area impact munitions must be authorized by the designated incident commander (IC) assigned to the event. It is not operationally feasible for each individual use of these weapons to go up the entire chain of command for approval during an event, given the dynamic nature of events; however, in designating an IC, the Assistant Chief confers the authority to use RCAs and area impact munitions to the IC who, in turn, contemplates several factors and evaluates the reasonableness of applying that type of force based on the totality of the circumstances.

The Bureau acknowledges that these weapons can be intimidating and, in some instances, cause non-enduring pain, which is why the use of such less lethal devices must be objectively reasonable and authorized by the IC; however, the weapons offer a practical alternative to uses of more physical force that may have an increased likelihood of causing more serious injury or enduring pain.

Use of Protective Gear
Several commenters recommended that the Bureau prohibit the use of protective gear at peaceful events. The Bureau acknowledges in policy that the appearance of the protective gear may impact crowd behavior. As a result, the revised policy directs Incident Commanders (ICs) to make a determination regarding the use of protective equipment after assessing the threat presented to the public safety, peace or order. Protective gear is necessary for officer safety. When crowd behavior presents a danger that threatens the public safety, peace or order, there are often hazards (e.g., projectiles) that threaten the physical safety of members.

The Bureau has set forth in policy that it will carefully consider several contributing factors, such as crowd behavior (peaceful versus violent), impact of appearing in protective gear, etc., prior to authorizing the use of certain equipment; however, events are dynamic in nature. An event may escalate quickly from peaceful and non-violent to a civil disturbance, thereby (perhaps) necessitating member use of protective gear. In these circumstances, the Bureau will strive to promptly restore safety, peace and order to the event and de-escalate its response when safe and feasible to do so.

We thank every individual who took the time to provide feedback on this directive. All comments received during both review periods are attached at the end of this document. We have removed all personal information to protect the privacy of commenters.

<u>The Bureau's Revised Policy</u>
The PPB's current active policy not only reflects a traditional approach to managing crowds, as seen through the lens of the "classic" model (e.g., a combative force-driven response to crowd events), but it also fails to comport with and integrate critical elements from national guidelines that inform incident

management (Refer to Bureau Directive 700.00, National Incident Management System [NIMS] and Incident Command System [ICS]).

With this in mind, in addition to reviewing academic research and national standards on effective crowd management (e.g., recommendations from the International Association of Chiefs of Police [IACP] and the Police Executive Research Forum [PERF]), we also did a deep dive of other agencies' policies to determine best practices. Few police departments in the U.S. (that we could identify) are shifting toward or currently utilizing a more progressive approach to crowd management.

We have moved toward a policy that focuses on the basic tenets of a more collaboration-focused model that highlights engagement and the notion of "self-policing" as integral elements of effective crowd management. This model recognizes that crowd events typically operate on a spectrum, meaning that the threat posed to demonstration participants and the public safety, peace and order ebbs and flows, and, consequently, the Bureau's response should be commensurate to the overall crowd behavior and should de-escalate when it is safe and operationally feasible to do so. The revised policy addresses the deficiencies of the current policy by explicitly acknowledging one's right to assemble, more clearly defining the roles of Bureau members who are involved in these incidents (as set forth in NIMS and ICS), providing more specific direction to Bureau members, emphasizing communication with event/protest participants, and separating training material from policy and procedure.

The Bureau is committed to improving its approach to crowd management, and we are confident that the updated policy demonstrates that commitment.

The Bureau believes that the proposed directive provides more clarity and enhanced guidance to its members; however, any suggestions to further improve this policy are welcome during its next review.

This directive will become effective August 30, 2017

**Please note: This directive will become effective August 30, 2017. All comments received are at the end of this document. Thank you for your time and feedback.*

635.10 Crowd Management/Crowd Control

Refer:

- 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
- DIR 344.05, Bias-Based Policing/Profiling Prohibited
- DIR 635.20, Community Member Observation of Police
- DIR 660.10, Property and Evidence Procedure
- DIR 700.00, National Incident Management System (NIMS) and Incident Command System (ICS)
- DIR 900.00, General Reporting Guidelines
- DIR 905.00, Non-Force After Action Reporting
- DIR 1010.00, Use of Force

Definitions:

- 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 response to a pre-planned or spontaneous event, activity, or occurrence that has become a civil disturbance and may require dispersal of the crowd and/or arrests.

- Crowd Management: Encompasses 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 before, during, and after a gathering for the purpose of maintaining the event's lawful activities. These could include event planning, pre-event contact with group leaders, information gathering, and other means.

- Crowd Management Incident Commander (CMIC): For the purposes of this Directive, a command member who has received special training in crowd management/crowd control. The Chief of Police will designate a command staff member to serve as the CMIC for every major demonstration and/or special event. This position possesses the overall responsibility for managing the demonstration by establishing objectives, planning strategies, and implementing tactics in accordance with this Directive and Directive 700.00, National Incident Management System (NIMS) and Incident Command System (ICS). This position reports to the Assistant Chief of Operations during demonstrations.

- 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.

- Incident Action Plan (IAP): A proposal that provides a concise and consistent means of capturing and communicating overall incident priorities, objectives and strategies for both operational and support activities.

- Incident Commander (IC): The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has the overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

- 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 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 organizer or permit holder to act on behalf of, and with the authority of, the demonstration organizer or permit holder.

- Portland Police Bureau Demonstration Liaison: A Bureau member who has been designated by the IC as the primary contact for communication with the demonstration'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.

- 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 shall be assigned to each squad. The maximum span of control is twelve members per sergeant. (ICS refers to this group as a "strike team")

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.

3. The Portland Police Bureau recognizes that the City of Portland has a tradition of free speech and assembly. It is the responsibility and priority of the Portland Police Bureau not to unduly impede the exercise of First Amendment rights and to provide for the safe and lawful expression of speech, while also maintaining the public safety, peace and order. A police response that impedes otherwise protected speech must be narrowly tailored to serve a significant government interest.

4. While the First Amendment provides broad protections for the expression of speech, it does not provide protection for criminal acts including, but not limited to, riot, disorder, interference with traffic upon the public streets, or other immediate threats to public safety, peace or order.

5. 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.

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.
   2.1. When time and circumstances permit and a police response is reasonably anticipated, the IC shall develop an Incident Action Plan (IAP) prior to the start of an incident or event.

3. Communication.
   3.1. The Bureau's goals are to facilitate participants' lawful objectives and protect their right to 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.
      3.1.1. When a police response is requested or deemed necessary by the Bureau:
         3.1.1.1. 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.
         3.1.1.2. The Bureau, through the PPB Demonstration 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.
         3.1.1.3. 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.

   3.2. 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.

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

4.1.3. 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.

4.1.3.1. 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.

4.1.3.2. Only a CMIC may activate RRT or Mass Arrest teams.

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

4.1.3.2.2. 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.

4.2.2. 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.

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

4.2.3.1. 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.

4.2.3.1.1. 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.

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

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

4.2.3.3. 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.

   5.2. 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 monitor the event, weighing the totality of the circumstances to inform the decision to introduce police action to maintain public safety, peace and order.
      5.2.1. When deciding whether to use certain police tactics within a crowd, the IC shall balance the benefits of such action(s) to maintain public safety, peace and order against the impact on the demonstration or event participants' First Amendment rights.
      5.2.2. The IC, or a designee, shall authorize the appropriate level of protective equipment based on several factors to include, but not limited to:
         5.2.2.1. Member safety,
         5.2.2.2. Individual and/or group physical resistance,
         5.2.2.3. The presence of weapons,
         5.2.2.4. Actual or credible threats or indicators of violent behavior,
         5.2.2.5. Actual or credible threats or indicators of criminal actions, and
         5.2.2.6. The potential impact or perceived effect that appearing in protective gear may have on the crowd.
      5.2.3. When practicable, the IC should attempt to position members in protective gear in locations that minimize visibility until deployment is necessary.

   5.3. 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.
      5.3.1. When police action is necessary, members should endeavor to distinguish between individuals engaged in criminal behavior and demonstration or event participants who are peacefully and lawfully demonstrating.
         5.3.1.1. The Bureau's assigned Demonstration Liaison, another 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.
      5.3.2. The Bureau shall de-escalate its response when it is safe and tactically feasible to do so.

6. Member Responsibilities During Demonstrations.

6.1. The IC shall:
6.1.1. Oversee the development, dissemination, and implementation of the IAP for the demonstration in accordance with this Directive and ICS;
6.1.2. Determine the mission and objectives and consider what crowd tactics are objectively reasonable under the totality of the circumstances;
6.1.3. When feasible, attempt to maintain communication, through the PPB Demonstration Liaison, with the Person-In-Charge, or their designee, during demonstrations;
6.1.4. Authorize the use of protective gear;
6.1.5. Ensure announcements communicated to the crowd are clear, consistent, lawful, and appropriate for the circumstances. The content and timing of the announcement shall be documented and, if feasible, shall be audio recorded;

6.2. The CMIC shall (in addition to the IC responsibilities):
6.2.1. Activate RRT, when deemed necessary; and
6.2.2. Authorize the deployment of riot control agents and/or special impact munitions, when objectively reasonable, to address civil disturbance and crowd dispersal.

6.3. The Operations Section Chief shall:
6.3.1. Assist the IC in determining staffing levels, probable missions, and possible tactical strategies during the planning for the event; and
6.3.2. Assign units to specific missions during the event to meet the objectives established by the IC.

6.4. The Detective Division Commander or Supervisor shall:
6.4.1. Coordinate with the IC to determine the scale of the mass arrest team response;
6.4.2. Assign detectives to assist with mass arrests;
6.4.3. Manage the processing of all arrests pursuant to the Detective Division SOP; and
6.4.4. Ensure that all required documentation for arrests is collected.

6.5. Sergeants shall:
6.5.1. Verify that all members have the proper equipment;
6.5.2. Ensure that members are briefed prior to the start of the event; and
6.5.3. Communicate orders from the IC or the Operations Section Chief to their assigned squad to ensure that the mission and objectives are appropriately executed.

6.6. Officers shall:
6.6.1. Follow the directions of the sergeant; and
6.6.2. Not take independent police action, unless exigent circumstances require immediate action for protecting themselves or others from physical harm.

7. Coordination with Other Agencies.
7.1. The Bureau may request assistance from other law enforcement agencies to sufficiently staff and respond to a demonstration or special event.
7.1.1. The Bureau IC, or their designee, shall appropriately brief outside agency personnel prior to their deployment.
7.1.2. 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 force may be used and when to deploy less lethal munitions to address civil disturbance and/or disperse the crowd.

7.1.3. 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.

8. Announcements and Warnings.

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

8.2. Announcements are designed to:

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

8.2.2. Communicate targeted information to specific individuals to provide direction; and

8.2.3. 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.

8.3. Civil Disturbance.

8.3.1. 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.

8.3.2. 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.

8.3.3. 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.

9. Crowd Dispersal.

9.1. Pursuant to ORS §131.675, the IC may order the crowd dispersed when a demonstration or special event becomes a civil disturbance.

9.1.1. Before giving the order to disperse, the IC must consider whether dispersal unduly endangers the public, police or participants in the crowd.

9.1.2. 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.

9.2. 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.

9.2.1. 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.

9.3. Force shall only be used in accordance with Directive 1010.00, Use of Force.

10. Prohibited Crowd Control Tactics.
    10.1. Members shall not take the following actions to *disperse* a crowd:
        10.1.1. Use fire hoses;
        10.1.2. Deploy Canine Units; and
        10.1.3. Use a conducted electrical weapon (CEW).

    10.2. Members shall not deploy specialty impact munitions or aerosol restraints indiscriminately into a crowd.

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

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

11. Detentions.
    11.1. 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.

12. Arrests.
    12.1. Absent exigent circumstances, arrests should only be made when authorized by the IC.

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

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

    12.4. 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 maybe subject to arrest for failure to do so.

13. Reporting and Coordination Requirements.
    13.1. The IC (or their designee) shall:
        13.1.1. Write an After Action in accordance with Directive(s) 905.00, Non-Force After Action Reporting, or 1010.00, Use of Force, if force was used;

13.1.2. Review any uses of force by other agencies' personnel as part of the overall incident after action report;
13.1.3. Write an overall police report that describes the major decisions made by the police during the incident in accordance with Directive 900.00, General Reporting Guidelines;
13.1.4. Ensure all other applicable pertinent reports are submitted as required by Directive 900.00, General Reporting Guidelines, and 1010.00, Use of Force; and
13.1.5. 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.

13.2. The Detective Division Commander or Supervisor shall:
13.2.1. Ensure coordination with the District Attorney's Office when arrests are made.

13.3. Supervisor Responsibilities.
13.3.1. The supervisor shall not independently direct management or crowd control tactics without the authorization of the IC, unless exigent circumstances require immediate action.
13.3.2. At the end of the event, the lead supervisor of each squad shall conduct a debriefing of the incident with their personnel and complete an appropriate police report in accordance with Directive 900.00, General Reporting Guidelines, and 1010.00, Use of Force, documenting the actions of their squad during the incident.
13.3.3. The supervisor shall review all reports written by their squad's members pursuant to Directive 900.00, General Reporting Guidelines.
13.3.4. The assistant supervisor, or a designated alternate supervisor, of each squad shall write an after action of any force used by the squad in accordance with Directive 1010.00, Use of Force, during the incident. This after action shall be routed to the IC.

13.4. Members Responsibilities.
13.4.1. Members who use force, or witness force by another member during the incident, shall document such actions in an appropriate police report, in accordance with Directive 1010.00, Use of Force.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 08/01/17
    - Effective Date: 08/30/17
        - Rescind Directive 1090.00, Special Weapons Use
- Next Review Date: 01/01/18

Date	Individual	Comment
2/12/17		After reading the policy carefully, I've found I agree with most of what Portland Copwatch has been saying since 2014, where the language about protecting "constitutional rights" was much stronger. That said, here are my responses based on my own research on PPB's unwillingness to communicate effectively with Fire and EMS, something Capt. Krantz was unapologetic about on the phone. These conclusions are based on two meetings with Asst. Fire Chief Greg Espinosa and his staff who didn't even know what kind of pepper spray was being used, nor had MSDS sheets for it. This could be bad news were the armory to catch fire, as is possible in an earthquake. That said, the remarks reflect not only my due diligence over nine weeks, but also numerous interviews with injured parties, parties injured by police which I'm happy to also provide. It reflects language I helped put together with colleagues. No one from PPB had told me who will see these remarks and how I will ever know if they were considered, despite my efforts to ascertain this during public commentary time at TAC and on the phone with officers. Definitions: Crowd Control Incident Commander (CCIC): The policy states that "The CCICs have the authorization and responsibility for all police actions at such events [italics added]." We note that this does NOT include authority over the actions of other emergency responders such as EMS and fire personnel, especially when PPB members have injured citizens to whom such responders must render aid, and request that this clarification about the autonomy of other responders be added. 1. Planned/Permitted Events "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." We recommend adding information regarding the availability, expected response protocol, and potential locations for emergency medical responders. 1.4. "Event planning and coordination will be conducted with affected city bureaus and divisions within the Police Bureau [italics added]." Again, we emphasize the autonomous role of non-PPB emergency responders, and request that Portland Fire and Bureau of Emergency Services representatives specifically be called out for inclusion in planning meetings for permitted events.

		2. Unplanned/Spontaneous Events Again, no decision made by the CCIC or action carried out by PPB officers should impair access to emergency medical care at the scene of any event. PPB should clearly communicate their intentions, actions, and locations through the Bureau of Emergency Communications in order to facilitate Portland Fire and other EMS responders making their own determinations regarding scene safety. Once officers deploy physical force, in addition to the requirement to document after the incident per DIR 1010.20 (see 6.1 Reporting Requirements), they should be required to clearly communicate through the BEC 1) the method of force used and 2) the nature of injuries sustained and by whom, and 3) immediately relinquish emergency medical response to non-PPB responders. It is clearly a conflict of interest for officers to make any decision regarding scene safety or emergency medical treatment regarding citizens that they themselves have injured; however, they retain a duty to communicate information about injuries they inflicted that will aid in the rendering of care. 3.1. For All Crowd Events 3.1.1.8. & 9 It is entirely inappropriate for a PPB Incident Commander to be deciding the need and location of personnel and equipment of other agencies and companies (Portland Fire, AMR, etc.). For Planned Events, other agencies should be involved in planning meetings to make their own decisions, and for Unplanned Events, emergency medical response units should make their own determinations based on information observed in the field and relayed through BES. 3.3 The number, location, and severity of injured parties, and clear routes of access for emergency medical responders, should be added to the list of considerations for police control actions. Injured parties, and the likelihood of additional injury, should be considered an element of public safety in all decisions. 4. Crowd Control Tactics 4.1.2 Display of members/show of force: contrary to PPB's claim that "uniform presence can be used to deter criminal activity," the deployment of large numbers of PPB officers in event situations most often has the opposite effect of increasing the likelihood of violence. PPB should provide clear guidance for the specific circumstances under which Rapid Response Teams and Mobile Field Forces shall be deployed, in order to defuse event situations with the least display and use of force possible. Multiple unplanned incidents in 2016 involved the wholly inappropriate deployment of officers in riot gear (Sept 9, Oct 12, Nov 11) that resulted in many unnecessary injuries to citizens—an actual threat to public safety created by PPB

		itself. 4.1.3. Selective arrests: As the selective arrest of event leaders in November 2016 clearly showed, this technique escalates, rather than diffuses, the threat level in a crowd. Additionally, the fact that all charges are usually dropped against such arrestees and lawsuits against the City result, this technique is neither in the best interest of crowd control nor the public image and financial interest of PPB, and should be eliminated from this policy. 4.1.5. Containment of crowd: PPB may not establish a "perimeter...to contain or direct [a] crowd" that restricts the lawful movement of citizens on public property (e.g. walking on a sidewalk or through a public park). 4.4. Use of pepper spray: PPB consistently misuses pepper spray against citizens who are interpreted as "displaying intent to engage in physical resistance to a lawful police order." DIR 1040.00 Aerosol Restraints clearly states "Use of Pepper Spray: a. Pepper spray may be used, at the member's discretion, when persons engage in physical resistance or indicate the intent to engage in physical resistance, (not to include passive resistance) [italics added]"; that policy further defines passive resistance as "fail[ing] to comply with verbal commands with no other overt signs of physical resistance." The policy further states that "g. Pepper spray may be used in passive resistance situations only when authorized by an incident commander as part of a crowd control strategy." PPB officers routinely use pepper spray at close range on citizens NOT engaged in physical resistance in situations that appear to be at the discretion of the individual officer, and not authorized by the IC. Specific clarification should be added to the Crowd Control policy regarding chain of command and active vs. passive resistance, to limit the injury of citizens with chemical weapons such as pepper spray. In addition, immediate notification of BES or EMS personnel on scene should be the responsibility of the officer deploying pepper spray, in order to meet the treatment guidelines outlined in 1040.00, similar to policy actions required after the use of "less lethal weapons". Again, treatment by officers inflicting the injuries themselves is wholly inappropriate. 4.5. Impact munitions and 4.6 Riot control agents: Specific descriptions of agents and weapons authorized for use, as well as supplementary directives for the use of such agents and weapons, are lacking and wholly inadequate. Considering the recent life threatening injury sustained by a citizen in North Dakota caused by direct contact with an impact munition, the use of all of these agents in crowd control should be prohibited until such descriptions and policies are in place, as well as specific parameters defining their use in order to limit the risk to public safety posed by their use to hearing and respiratory injuries. PPB consistently makes erroneous blanket determinations about the risk of a crowd at large,

		and therefore justifies the improper use of agents and weapons against citizens at events. The determination of citizens "engaged in violent behavior such as throwing items at police, attacking uninvolved citizens or vehicles, or engaged in widespread property damage" should be much more specifically defined, and the use of agents and weapons limited specifically to those engaged in such activities, and not innocent members of the crowd at large. The use of officer bicycles, riot shields, and other police gear in addition to batons as weapons to control citizens in crowd situations must be defined in this policy. Bicycles specifically have been used as weapons of force against citizens in events in 2016, and such actions should be prohibited until they are clearly defined. 5. Prohibited Techniques We appreciate that fire hoses and canine units can no longer be used in crowd control. We request additional language that would prohibit any other device designed for fire suppression, such as the water cannon used recently upon demonstrators in North Dakota, also be prohibited. We request the addition of a prohibition against the use of vehicles owned by other city or county departments to transport persons in custody (see also 4.1.4, guidelines for multiple arrests). For example, the requisition of a TriMet bus to transport arrestees to jail in November 2016 was a wholly inappropriate use of taxpayer funded equipment intended for another purpose, and an overreach of PPB forcing another agency to act outside of its mission. In general, we recommend a blanket prohibition on the use of any equipment, vehicles, or personnel of public agencies with non-law enforcement missions for the purpose of crowd control or other PPB law enforcement actions.
2/12/17		Policy statement: 2. "Disturbance of the peace" is a vague term that should be omitted. The term leaves too much discretion to individual officers since what disturbs the peace can be interpreted subjectively. Rather than a lengthy and cumbersome description of "disturbance of the peace," the delineation of protected and unprotected speech should not include such a term. In addition, intimidation, harassment, and "fighting words" are traditionally not protected speech. This is pertinent to policing not only protests but counter-protests, especially those

		involving hate groups. Procedure: 1.2 The directive reads in part, “A threat assessment will be conducted focusing on key indicators.” Key indicators are not defined and are decision-making criteria that should be made public. As the COINTELPRO papers made known, certain types of protest or group have been made the subject of in-depth surveillance and repression. Assessment of threat level, absent transparent criteria, leaves wide discretion in the hands of law enforcement to target specific groups or viewpoints. Such content-based targeting would be unconstitutional under the First Amendment, which requires content neutrality when regulating speech and expressive conduct. Moreover, making such criteria public would ease some public mistrust over the opacity of threat assessments. This is an area where PPB could distinguish itself as a community-oriented law enforcement agency. 1.3. This section uses the term “crowd leaders,” but that term is not defined. It is not clear whether this person is an event organizer or a bureau member. 2.1. We recommend removing or changing the words “peace and order” from the 2nd sentence. Police are supposed to regulate public safety and property damage/general law breaking. “Peace and order” are extremely vague and subjective terms. Mild disruptions to peace and order are part and parcel with peaceful protests, and indeed, can be the purpose of the protest. Many protests are aimed at raising awareness, which necessarily interrupts one’s day. 2.3 The directive provides for "decisive and appropriate actions during the initial stages of any disturbance," and we second Copwatch’s comments already made and would add that sudden shows of force are probable to escalate a situation rather than de-escalate one. It shows or may be interpreted as a level of hostility on the side of the police, which can create fear and raise tensions. 3.1.1.4: The directive identifies “prior behavior of participants and crowd leaders” as

		information for the Incident Commander to gather. This again carries echoes of inappropriate surveillance of community activists. We are very deeply concerned that protests and events may be used as a pretext to search probation, parole and/or post-prison supervision records with no other inciting incident or additional cause. Taking part in an exercise in one's First Amendment rights, absent actual wrongdoing, is not cause for a probation or parole violation. 3.1.1.6. NLG stands firm that human rights ought to always take priority over property rights, and we encourage PPB to distinguish the protection of property as a lower priority than the protection of human lives and rights. The ordering of these sub-items suggest an implicit order of priorities. Human lives and rights are of course paramount here. 3.2. The directive provides that, "When possible, clear instructions should be communicated to the crowd." This should be amended to include direction to members on when directions to the crowd are necessary, such as a clear risk to human life or safety. This directive should also refine by what is meant by "when possible." We recommend striking "when possible" and replacing it with, "When members can safely and consistently deliver commands to a crowd." We further emphasize that criteria for when such orders are given is important to PPB successfully and safely coordinating orders across a potentially large area. Moreover, this directive should lay out a clear chain of command for creating and delivering orders to the crowd to prevent individual officers acting in an uncoordinated way in the heat of the moment. 3.3. The directive provides, "Uncoordinated actions or actions by individual members shall be avoided." We recommend striking "shall be avoided" and replacing it with "are not allowed." 3.3.8. Many less-lethal equipment and compliance tools are not safe for use on a crowd, especially a crowd where event-goers represent a broad variety of ages and abilities. Airborne chemical agents, for example, are particularly dangerous for children, the elderly, and people with respiratory disorders such as asthma. We do not support use of chemical agents or military-grade technology as a means of crowd control. 4.4. through 4.6. The concerns noted about section 3.3.8 apply here as well. Impact weapons, while less lethal than a firearm, are nonetheless capable of causing significant injury. We do not support their use.

		5. We support the prohibition on these methods as means of crowd control. 6.1. If a member makes use of the 24 hour delay in reporting, the reason for delay should accordingly be documented. In addition, we join the comments of Copwatch.
2/12/17		Hello ~ I write in reference to a PPB Request for Public Comment regarding Directive 635.10 Crowd Management/Crowd Control. I've two primary concerns: feedback loops and predictive engagement. In other city initiatives (As when former Mayor Vera Katz assigned stakeholders to review PIIAC and recommend improvements, for example.), the public was able to ascertain that comment had been received, collated and reviewed. When the Portland, Oregon Police Bureau confines public comment to internal process, the community does not benefit from recognition of shared perspectives; does not know whether a deliberating body was actually exposed to submitted perspectives. Procedural justice is inhibited. It is time to institutionalize transparency and community engagement goals described in the plea deal which settled USA v. City of Portland. My comment, specifically, is that merely having another draft posted for 15 days misses the spirit of reform outlined in Section IX of the Agreement: adopt democratic, iterative processes. I note that no feedback loop will lead to corrective action, should planning, coordination or deployment fail to meet expectations. My comment is that reporting, debriefing, review and training functions require description. If factors are to be articulable (4.1.1.6), how are they documented … only retroactively, when defended? Were this community initiative, we might expect on-scene feedback inform the Independent Police Review Division. Section 5. Prohibited Techniques gives cause for concern. First, I'm sure there's widespread community support for prohibiting weaponized animals. Overall, it's of grave concern that the Bureau might find any item not specifically prohibited receives implicit authorization:

		truncheons, military-grade armament, weaponized vehicles, punching. Not only a framing paragraph as to intent for the Section's inclusion, I also propose this language align with prohibited conduct as described in other directives. "Conduct that is … likely to become unlawful and spread," is unacceptable and likely illegal. 3.1.1.3 violates presumption of innocence and probable cause requirements. Police intervention must follow detection of actual acts. Civilly appropriate Police Bureau conduct has been crippled by false threat assessment, many have died as a result. For sanctity of life and reverence for constitutional protections, it is important that the Bureau constantly assess for negative consequences accruing from false assumption. This directive suffers from a lack of such analysis. "To determine the intent of the organizers," reliance on "prior behavior" as a determinant, "pre-emptive removal," all play out along a continuum. The Bureau should anticipate contingency. It has been hampered by self-referential thinking, however, permitting unconstitutional conduct to go unrecognized in its culture. My comment is that this directive must attend to detection of actual criminal behavior; then specify reporting and decision-making that is expected to flow from such. By not depicting the role of the Police Intelligence Unit, in predictive intervention, we know unwritten policy exists. Items 4.4 through 4.6 confine themselves to deployment. Harm arises. The directive suffers from failure to address follow-on consequences. Specifically, I refer to Sabre Red chemical weapons directives; manufacturers are very clear on giving aid to the wounded. The Bureau directive, as worded, seems more like rules for aggressive engagement against The People; than a social contract to be in relationship among those who consent to this type of governance. An 'us vs. them' mentality makes it seem less likely that citizen involvement in review and comment will actually influence authorities' intent. Best,
2/12/17		Greetings, I am a white woman who is afraid of the Portland police. All of my interactions with Portland police (seeing them interact with homeless Portlanders, square off against various groups

		exercising their right to assemble, shove citizens out of City Hall, don fear-invoking riot gear) and everything that I have read (summary of the ongoing US vs City of Portland case regarding excessive use of force and Tasers, personal anecdotes of and articles about interactions with Portland police) have made me afraid. Seeing a squad of ALL WHITE officers pull up to the permitted March and Rally for Justice and Equality on 1/28 made me nothing but afraid. I cannot even imagine how afraid I would feel if the color of my skin, mental illness, or homelessness made me even more of a target. It is clear from the DOJ report that Portland police have exhibited a pattern of excessive use of force against those with mental illnesses, and PPB's never-ending partial compliance with the terms of the settlement agreement is incredibly upsetting. Although this somehow was not included in the DOJ report, I know that people of color are targeted by Portland police based on all the articles I've read and anecdotes I've heard from people and color in the community, and through reading about how black people are over-represented in each stage of Multnomah County's adult criminal justice system - from initial contact and arrest through prosecution. I have never felt that a Portland police officer was there to protect me. I do not want a Portland police officer near me. If I witnessed a crime where no person was in danger of bodily harm, I would not call the police. If I were ever in a situation where I or someone near me was in danger of bodily harm, I would feel very conflicted about whether or not to call the police, especially if there was a person of color or person with a mental illness in the vicinity (even if they were not the one posing the threat). I would be afraid for their life. I am more afraid of Portland police than anything or anyone else in this city and do not want them "protecting" me. Aside from my general fear, I take special issue with the following parts of this directive. The police exist to "protect and serve" the public. The policy states that “The CCICs have the authorization and responsibility for all police actions at such events.” This should NOT include authority over the actions of other emergency responders such as EMS and fire personnel, especially when PPB members have injured citizens to whom such responders must render aid, and I demand that this clarification about the autonomy of other responders be added. Once officers deploy physical force, in addition to the requirement to document after the incident per DIR 1010.20 (see 6.1 Reporting Requirements), they should be required to clearly communicate through the BEC 1) the method of force used and 2) the nature of injuries sustained and by whom, and 3) immediately relinquish emergency medical response to non-PPB responders. It is clearly a conflict of interest for officers to make any decision

		regarding scene safety or emergency medical treatment regarding citizens that they themselves have injured; however, they retain a duty to communicate information about injuries they inflicted that will aid in the rendering of care. 4.1.2. Display of members/show of force: This item is absurd and sounds like it was written by an angry child, or is perhaps just a summation of everything that is wrong with the patriarchy. Remember that the police *should be* here to "protect and serve" the public. Such a display of aggression will only cause MORE fear and anger, and possibly violence. 4.1.3. Selective arrests: As the selective arrest of event leaders in November 2016 clearly showed, this technique escalates, rather than diffuses, the threat level in a crowd. Additionally, the fact that all charges are usually dropped against such arrestees and lawsuits against the City result, this technique is neither in the best interest of crowd control nor the public image and financial interest of PPB, and should be eliminated from this policy. 4.4. Use of pepper spray: DIR 1040.00 Aerosol Restraints clearly states “Use of Pepper Spray: a. Pepper spray may be used, at the member’s discretion, when persons engage in physical resistance or indicate the intent to engage in physical resistance, (not to include passive resistance)”; that policy further defines passive resistance as “fail[ing] to comply with verbal commands with no other overt signs of physical resistance.” The policy further states that “g. Pepper spray may be used in passive resistance situations only when authorized by an incident commander as part of a crowd control strategy.” PPB officers routinely use pepper spray at close range on citizens NOT engaged in physical resistance in situations that appear to be at the discretion of the individual officer, and not authorized by the IC. Specific clarification should be added to the Crowd Control policy regarding chain of command and active vs. passive resistance, to limit the injury of citizens with chemical weapons such as pepper spray. 4.5. Impact munitions and 4.6 Riot control agents: Specific descriptions of agents and weapons authorized for use, as well as supplementary directives for the use of such agents and weapons, are lacking and wholly inadequate. Considering the recent life threatening injury sustained by a citizen in North Dakota caused by direct contact with an impact munition, the use of all of these agents in crowd control should be prohibited until such descriptions and policies are in place, as well as specific parameters defining their use in order to limit the risk to public safety posed by their use to hearing and respiratory injuries.

		I demand the addition of a prohibition against the use of vehicles owned by other city or county departments to transport persons in custody (see also 4.1.4, guidelines for multiple arrests). For example, the requisition of a TriMet bus to transport arrestees to jail in November 2016 was a wholly inappropriate use of taxpayer funded equipment intended for another purpose, and an overreach of PPB forcing another agency to act outside of its mission. I implore you to please LISTEN to the groups who can help to make citizens like me less afraid of the Portland police. Please listen to Portland Copwatch, Empower Portland, Consult Hardesty, etc. Until that time, I hope to and will make every effort to avoid ANY interaction with the PPB. I do not mean that my fear of PPB will prevent me from committing crimes. I do what is right and do not do what is wrong based on my morals, not based on what laws written by land-stealing, slave-owning white men tell me to do. I mean that I will not chat with a police officer, will cross the street to avoid being near a police officer, and will continue to tense up and become anxious whenever I see a Portland police officer. Sincerely,
2/11/17		Portland City Council and Department of Police, The right to freely assembly and address complaint to the actions of our government is not only protected, but encourage by our Constitution. The right to fair treatment and trail by jury is too. Yet the way you are currently exercising crowd control tactics is in direct violation of all of those rights. Your “non-lethal” arsenal is full of devises that will hurt anyone they are used on, yes. Yet they will kill certain individuals with varying health, age, or body issue. Tear gas could kill an asthmatic. Yet that asthmatic has as much right as anyone to protest the government. You can take out an eye or render a man infertile with a rubber bullet. These “non-lethal” items are in fact just less lethal. Maiming someone could cost them their livelihood. Also the way you have been deploying these tactics has caused great harm to many citizen that are in no violation of law. You pepper, spray, and widely aim your weapons. Hurting all in citizens in an area. That is not justice. That is not fair addressing of criminal activity. If you see a law broken by an individual: address that person not the crowd around them. Punishing the many for the actions of a few will never lead to a just society. It only leads to more turmoil and distrust of the state.

2/9/17		I've witnessed officers using flash-bang grenades in a situation on 4/1/2015, where the weapons were detonated into a non-aggressive crowd (who mostly were on the sidewalk) in such a way that the shrapnel from the grenades injured passersby. I helped treat two people, one who had facial lacerations and the other who had lacerations on both legs. They were standing on the sidewalk watching the police retreat when they were injured. This was truly irresponsible behavior on the part of PPB; No one was chasing them or acting in a threatening manner
2/9/17		Your use of extreme violence against peaceful demonstrators is completely unacceptable and unconstitutional. Law enforcement should not be disrupting peaceful assemblies whether the organizers have paid your extortion fees or not. We should not need to pay you to avoid being brutalized and we do not need a permit to exercise our first amendment rights. "Rubber" bullets are made for deterring attackers. Not for shooting innocent people in the face. Pepper spray, teargas, flashbangs, etc. should be used when you're being attacked, not whenever you feel like it. "Unknown liquids" that everyone else calls rain should not be used as an excuse to begin firing into a crowd of peaceful protesters. Property damage is not an act of violence, and hasn't even happened that much. Standing still is not an act of violence. Blocking traffic is not an act of violence. Occupying a square is not an act of violence. It is an act of resistance, and every time you use these tactics our numbers grow, and our motivation increases.
2/9/17		These are abusive tactics. You are abusive people. You should not employ these tactics against protesters.
2/9/17		In one line I would say: Stop using violence against those trying desperately to be heard. Protesters and even Rioters are not acting this way right off the bat. MLK said himself "riot is the language of the unheard". If you would like to see fewer demonstrations and riots, pay more attention to the issues of minority communities. When things do get so bad that civilians see no other option but public demonstration, violence will force them to organize militia. The longer that authority tries to ignore them, the more radical they will become. Every average protester that you arrest or pepper spray becomes a radical protester. Open your eyes and ears to the issues that these civilians are desperately trying to tell you, and you will have no need for riot police. Above all remember, even when a riot is taking place, when windows are being smashed, cars

		being set ablaze: these things can always be replaced. When you attack the mob you are shaking the bees nest. Let them have their outlet for rage, and when the madness ends, invite them to a public meeting to calmly discuss their issues. I believe today we are standing on the verge of the next great civil rights movement, it will be in your community's interest to accept it with open arms and not fight it as so many have tried to in the past
2/9/17		(I realize that violence begets violence. That goes for police forces dressed all in black, like storm troopers from some science fiction. I do not automatically hate a cop, but the cop culture is one that needs to be replaced totally with something more along the lines of Sweden's. I was one approached by a Swedish cop in a DC airport (Dulles??) who told me that in Sweden cops helped people, while the ones he say here hurt people. If you want to no longer be afraid that large crowds of protesters will not start breaking windows etc, then Please do everything in your power to cooperate with groups like the Albina Ministerial Alliance and all the peace activist groups in Portland to enable Many conversations - where you listen more than you talk! about non-violence. We can change our culture to one of justice (not revenge) and non-violent revolution - but only if we all want to do so. So far I have not observed much good about the Portland Police department, no apology for past murders, for instance, no recognizing that being taught to fear is a real PR handicap, or that your history of association with known Nazis and KKK continues to taint your culture. I am looking forward to attending conversations regarding these subjects. I too would prefer not fearing your attitudes and reactions.
2/9/17		This whole nation is a free speech zone. Riot gear is not appropriate attire for a peaceful assembly and is often the trigger when a peaceful protest shifts to violence. Rubber bullets, bean bags, and tear gas should only be used in the most extreme cases, as in when lives are in danger. Compare how often protesters have caused harm to the number of times innocent bystanders have been tear gassed. Err on the side of peace. Thank you
2/9/17		I personally had a 23 yr old man, that had been knocked down the back stairs of city hall, fall face down, unconscious at my feet. I then shortly later watched a woman, who just turned her head after being startled, get hit in the face with pepper spray. Then out on the transit mall I

		watched as Rapid Response officers were randomly spraying pepper spray, hitting innocent people in the face, along with those that were blocking the street The indiscriminate use of force, and force deterrents needs to be addressed, and addressed sooner than later, before someone is grievously hurt or worst yet, killed.
2/6/17		Portland Copwatch (a project of Peace and Justice Works) PO Box 42456 Portland, OR 97242 (503) 236-3065 (office) (503) 321-5120 (incident report line) copwatch@portlandcopwatch.org http://www.portlandcopwatch.org COMMENTS ON DIRECTIVE 635.10, CROWD MANAGEMENT/CROWD CONTROL by Portland Copwatch February 6, 2017 To Chief Marshman, Capt. Bell, Captain Krantz, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board (staff), US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau: Below are comments on the most recent draft of Directive 635.10 on Crowd Management/Crowd Control (<http://www.portlandoregon.gov/police/article/623612>), based on comments we made in September 2014 when the last draft was posted. In the context of escalating police violence at protests since November 2016, we hope the Bureau begins paying attention to our comments on use of weapons. In preparing this document, we had to compare the current draft to the existing directive (very few changes, except for numbering) and to the 2014 proposal (the proposed changes apparently have been dropped). We also remind the Bureau that the Citizen Review Committee (CRC) made a number of recommendations in January 2015. We've included a section below outlining their recommendations and our comments from that time. GENERAL COMMENTS

		As you examine Directive 635.10, we urge you to also review Directive 635.00 covering strikes and job actions, which contains the phrase "neutrality will be the guiding principal [sic]," a good caution to officers reading the Crowd Control Directive. It also contains references to ORS 181.575 which restricts law enforcement from "collecting or maintaining" information about people's social, political or religious affiliations without reasonable suspicion of criminal conduct. Directive 635.10 does not. In general there are many problems with Directive 635.10 as written. Many of them are policy-related, such as the inclusion of pepper spray, impact munitions, "riot control agents" (presumably tear gas or its equivalent and flash-bangs), and the Mounted Patrol, all of which PCW opposes. Others have to do with language used, such as indicating in the definitions section that crowd control is used when "unlawful conduct... threatens to take place." Not only is conduct unable to make threats, but the idea of crowd control being used "to address public assemblies where unlawful conduct has taken place" opens up for officers to crack down if only one person jaywalks during a protest. The Directive doesn't include a number of items we'd like to see addressed, such as banning violent arrests of protestors and bicycles as weapons, and how to coordinate the use of outside agencies--including their training, guidelines and identification. It's also not clear whether the Bureau and the "Independent" Police Review Division consider mass police crackdowns on protests as single incidents of Use of Force or multiple. It seems that if multiple officers attack and/or injure multiple protestors, that should be reflected as multiple uses of force in the statistics. If one person is hit with a baton and another is pepper-sprayed in the mouth, and another is hit by a bicycle, these are three distinct uses of force. When there is a mass shooting by a civilian, we presume that is not counted as just one incident of murder. We note here that, referring to the definitions section, just because an event is publicized doesn't imply that it is permitted. It seems that in practice, the Bureau treats events differently if there is (a) a permit or open dialogue with organizers versus (b) if there is no permit or there is no such dialogue happening. In other words, the idea that an event is "planned" doesn't seem to affect the sometimes negative behavior and stereotypes the Bureau brings to the demonstration. We think these differentiations should be minimized so that all protests are

		treated fairly. We urge you to take up on a suggestion sent to the City about 13 years ago by the NW Constitutional Rights Center to differentiate events not as "permitted/unpermitted," but instead as "coordinated with the Bureau/ not coordinated with the Bureau." The latter category should come with a caveat that states: "The Bureau will not take adverse action against a group because it has refused to establish lines of communication with the Bureau." There should be an explicit guideline not to make assumptions about why people may or may not apply for a permit. We also support NWCRC's idea to change "crowd management" to "crowd facilitation" since that is the focus of the Directive. We want to clarify here that our purpose in sending these suggestions is to alleviate as best we can a practice which has harmed members of our own group and others in our community. Members of our group have been "kettled" and pepper sprayed, pushed up against the wall by a police horse, hit with police bicycles, and suffered and witnessed other abuses at protests. We have no interest in perpetuating police use of violence against unarmed, peaceful protestors. We oppose the use of the current array of weapons but are not going to advise on ways to harm people, that is not our task as a group promoting police accountability. COMMENTS ON SECTIONS, IN ORDER --Policy Section Policy Section 1 states that "The Bureau will [apply] coordination, direction, guidance, and when necessary, control to protect life and property..."*-1 Who decides that "control" is "necessary"? It seems more instructive to say "when under specified appropriate circumstances" and to give guidance on when "control" is proper. --Procedure Section 1: Planned/Permitted Events Section 1.1 asks the Bureau to have planned/permitted event organizers identify a primary liaison. The sentence suggesting that should end, "if possible, but not required to provide one." It also should be noted that there have been instances where the police monitor Facebook pages and contact people involved in planning events in a way which does not

		come off as meaningful assistance, but rather creepy surveillance. Section 1.2 refers to a "threat assessment," which kind of cuts to the heart of the attitude problem toward free speech events. Why not say an assessment of the event will be conducted including concerns about possible disruption of the event or safety issues concerning the public? The word "threat" should also be removed from section 1.3. Section 1.4 states that "potential targets of a protest should be advised of the event to minimize surprise and confusion." That sentence should identify whom the Bureau expects to do that notifying. Surely activists who wish to bring a protest to the front door of a corporation may not want to give that corporation a heads up. Knowing that the police are instructed to do this (and admittedly, this was in the old Directive and we never really noticed it), is likely one reason many people do not wish to coordinate their actions with the Bureau. Section 1.5 refers to officers who will "monitor crowd activity." This seems to be a broad guideline that allows for collection of information in violation of ORS 181.575. --Procedure Section 2: Unplanned/Spontaneous Events We note here that in the Sept. 2014 version, Procedure Section 2.1 added two important words after "many spontaneous events can be lawful and facilitated with minimal... police assistance." Those words were "OR NO," as in, "minimal or no police assistance." We suggest putting those words back. This section would benefit from switching the order and moving the warning that unplanned events "may create a risk to public safety" to follow the reminder that "an unplanned/spontaneous event does not automatically mean it is an unlawful assembly." (Also, to re-inforce the idea of not over-policing, the word "serious" should be added before "risk"). Procedure Section 2.3 should (a) replace the word "threat" with the words "based on any serious risk," (b) switch the order of the two clauses, and (c) remove the term "maintaining order" so it reads "The police response will be commensurate with the overall need to protect the constitutional rights of free speech and assembly, and based on any serious risk to public safety, life and property." This will help highlight the Bureau's stated priorities of supporting First Amendment rights above all else. *-

		2 The same section calls for "decisive and appropriate actions during the initial stages of any disturbance," which seems to encourage the use of intimidation rather than de-escalation. --Procedure Section 3: Incident Commander In Section 3.1.1.5 the word "threats [to public safety]" can be changed to "risks" to tone down the rhetoric. (Same for Section 3.3) Section 3.1.1.4 which says the Incident Commander (IC) should consider "prior behavior of identified participants and crowd leaders" is troublesome and leads to political profiling. Clarity this or remove it. Section 3.1.1.6 refers to "damage to property" but doesn't differentiate between temporary protest statements such as chalk, stickers or water-based paints versus more serious damage. Section 3.1.1.8 is the section that would allow Mounted Patrol in crowds, which we think is dangerous both to the horses and the participants and should be stopped. (We continue to believe the PPB should retire the MPU and use the money for anti-racism and other equity programs.) In listing the Rapid Response Team, the MPU, the police aircraft and other agencies, the Directive does not talk about what circumstances would lead to those teams being called into service. Section 3.2 says the IC should contact "leaders" (though "liaisons" were discussed earlier, a smarter word for crowds that work non-hierarchically) to "establish intent." Does that mean the Bureau's intent or the crowd's? The words "order of " should be removed so it says to "negotiate/facilitate the event." (The word "liaisons" should also be substituted in 3.3.6.) Despite this section saying the IC should give consistent orders, we have repeatedly seen or heard of contradictory commands such as "get on the sidewalk / stay off the sidewalk." This point should be made more clearly and strongly, perhaps in its own section. Section 3.3.1 asking to consider the "likelihood of police action improving the outcome"

		should add "as opposed to police presence escalating the situation." Section 3.3.2 refers to "legal standing" in a way that doesn't immediately convey what that means. Section 3.3.3 asks the IC to "weigh effectiveness" of targeted arrests. More guidance such as the level of criminal behavior, likelihood of escalating crowd tensions, and timing should be included. (This also applies to section 4.1.3 on "selective arrests.") Section 3.3.8 should refer to "weapons" rather than "tools," unless the police are coming armed with screwdrivers and hammers. Section 3.3.9 should add de-escalation to the consideration of disengagement. Section 3.4 is a good place to re-enforce the concept of neutrality listed in Directive 635.00. It calls on officers to "maintain a professional demeanor despite unlawful or anti-social behavior." It should be clear this means that officers should not personalize outgoing or incoming comments, or comment on the subject matter of the event. At Copwatch, we tell officers "we're just here to observe." --Procedure Section 4: Crowd Control Tactics Section 4.1.1 talks about "pre-emptive removal/confiscation of potential weapons." Again, that needs to be very clearly defined, as officers have claimed people use picket signs as weapons. Section 4.1.2 talks about how bringing officers into view can "deter criminal activity," but it should be emphasized that such presence should be done with discretion, sparingly, and recognizing it can escalate tensions. Section 4.1.3 on selective arrests should include, or perhaps a separate section should say, that officers should not target or block people trying to video record police actions. Section 4.1.4 should refer back to section 3.2 and note that sufficient time should be given for people to comply with a dispersal order before any arrests are made. Also, it should direct that an officer deploy to the rear of a crowd to determine whether a dispersal order is actually

		audible throughout. Section 4.1.5 about containing a crowd should explicitly prohibit doing so after a dispersal order is given. Section 4.1.6 needs to refer to ORS 131.675, which is cited in the Directive, and gives guidance on when crowd dispersal is lawful. Section 4.2 refers to a "skirmish line of members with batons," which doesn't distinguish between batons used to push a crowd (which is fairly disturbing in its own right) and taking swings at people indiscriminately. Section 4.4 allows "target application" of pepper spray and allows "broadcast spraying" if "there is a crowd surge that threatens to overcome police lines." For officer and public safety, we believe pepper spray should not be used at all in crowds. (As written, it is also inconsistent in that impact munitions [4.5] and riot control agents [4.6] have to be approved by a supervisor.) Section 4.5 allows for use of "impact munitions" (such as "bean bag" guns), also an idea we oppose. What would justify such a level of force that is potentially lethal? Section 4.6 on "riot control agents' says that "violent behavior" includes "throwing items at police." This does not distinguish between a gum wrapper, paper airplane, empty plastic bottle, or cannon balls. Perhaps "items capable of causing injury more serious than a paper cut." --Procedure Section 5: Prohibited Techniques We are very supportive of Section 5.1 which prohibits the use of fire hoses and canine units in crowd control. We would like to see batons, pepper spray, impact munitions, Tasers, flash-bangs, tear gas and horses added to this list.*-3 If an armed person is engaged in a struggle with a civilian or police officer, the usual use of force rules should apply only to that person, not to everyone in the crowd or persons who do not pose a serious risk of bodily harm or death.

		COMMENTS ON DEFINITIONS As we've stated in many other comments, the Definitions Section should be numbered for easy reference. That said: --We appreciate the current definition of passive resistance. --We suggest adding definitions around "coordinated with the Bureau/ not coordinated with the Bureau" and other language improvements we've indicated above. TECHNICAL STUFF Once again, we encourage the Bureau to: --Assign letters to major sections such as Definitions, Policy and Procedure. and --Provide "red-line" versions of Directives so reviewers know what is being changed. Policy Section 1 indicates that free speech is a tradition in Portland-- isn't that true for the entire United States of America as well? CITIZEN REVIEW COMMITTEE RECOMMENDATIONS As we noted to City Council on January 14, 2014, Portland Copwatch was deeply concerned that CRC's Crowd Control report did not talk about the use of weapons at protests even though they had heard from demonstrators, lawyers, members of the public and from PCW about batons, pepper spray, horses, and bicycles. We raised the issue at the CRC's December 2014 meeting before the Committee adopted its Work Group report. They did not remedy this serious problem, even though the vote came just days after the PPB deployed "flash-bang" devices at a crowd protesting the Ferguson verdict, later "kettling" a bunch of people for arrest, many of whom were released and the ones arrested ending up having charges dropped. CRC's report can be found at<https://www.portlandoregon.gov/ipr/article/556654>. Recommendation 2/Name Badges: This recommendation has to do with making sure officers from other jurisdictions assisting the PPB in Crowd Control situations wear name tags. We asked CRC to recommend the Bureau and the City work on a state statute requiring all law

		enforcement to display name tags on their outermost garments based on PPB's Directive 312.50. We understand the City finalized its Legislative Agenda last week. We hope that this can be added to the City's Legislative Agenda.*-4 Since Portland frequently brings in outside agencies, some of whom refuse to follow PPB rules requiring identification, a state law is crucial. Recommendation 3/Training: The recommendation asks PPB to "encourage" non-PPB law enforcement to attend PPB crowd control training. We believe the City should require such training for any officers (and supervisors) who will be assisting the PPB. Otherwise response to crowds will not be consistent with PPB training and will put the community at risk of harm, and both the City and the other agencies at risk of legal action. Recommendation 4/Militaristic Uniforms/Equipment: While we support the recommendation to minimize the presence of militaristic uniforms and weapons, we think the phrase "unless absolutely necessary" is too vague and should be better defined, as it leaves too much discretion for the police to "gear up" in relatively harmless situations. Also, we asked CRC in describing how "hard gear" officers can be "both [sic] a deterrent or a catalyst for tension," to change the word "both" to "either," so it is clear that it does not serve a dual role in the perception of a community member, but rather will be perceived one way or the other. They did not make that change. Recommendation 5/Community Relations: We appreciate that CRC, at our suggestion, added the sentence "The PPB should be aware that not all community members and/or groups are open to [police] contact." We noted that there will always be members of the community who do not wish to interact with the police because of their militarism, violence, racially imbalanced enforcement, and other injustices inflicted upon civilians. While there is nothing wrong with recommending more contact, it should not be seen as a means to resolve problems in crowd situations per se. Furthermore, we've heard of (and experienced) receiving unsolicited contact from the Bureau ahead of protest actions, and rather than feeling community-oriented, it comes off as an invasive means to collect information on political organizations. Organizers who had the PPB post to their Facebook event page were very troubled by that approach.

		Recommendation 7/Permitting process: We agree that the permitting process is cumbersome and should be centralized, but we support (and our parent group frequently engages in) the organizing of protests without permits, as permits are not always required, and some would argue are undue burdens on free speech/assembly/expression. We believe strongly that First Amendment events should not have to be cleared through the Police. Recommendation 8/Publicizing Bureau expectations: While it may be useful for the Bureau to let people know how they prepare for large gatherings, and what kinds of behavior would lead to what kind of response, the laying out of "expectations" seems paternalistic and similarly tilting toward infringement of Constitutional rights. Reframing this as a frequently asked questions list would improve the recommendation greatly. --CRC Recommendations We Can Support As Written Recommendation 1/Sound Trucks: It was important to our group that the announcements made be coordinated by a trained Incident Commander and not the paramilitary Rapid Response Team. CRC's current version of this recommendation reflects that concern. Recommendation 6/Friendly demeanor for front-line officers: We support this recommendation. Recommendation 10/Revise preamble of directive to emphasize de-escalation: We support this recommendation. Recommendation 11/No political profiling: We support this recommendation, which suggests the Bureau not target people based on their clothing or perceived political affiliation. Recommendation 12/Prompt property release: We support this recommendation. Thank you for the opportunity to comment. We will be commenting on other Directives shortly. *1-The redraft in 2014 said "to protect constitutional rights." That was a better phrase. *2-The redraft in 2014 included an appropriate new section, then numbered 3.1.4.1, which

		listed protection of constitutional rights as the first factor to consider. *3-The redraft in 2014 had a section (3.4.1.1) allowing Tasers to be used in crowd situations with supervisory permission. We are glad to see it removed. *4-We'd also like to see the City support legislation limiting police use of deadly force, calling for special prosecutors in deadly/excessive force cases, and removing the word "solely" from the State definition of racial profiling, among other accountability measures.
1/31/17		The use of less lethal methods, including pepper spray and percussion bombs should not be utilized when children and people with limited mobility are present. The risk to these individuals from the methods or potential stampede of other individuals trying to escape outweighs any potential dispersement of agitators within the crowd. My observations of unplanned/unpermitted marches has been there are a few individuals who are the disruptive element and the force utilized against the public exercising their first amendment rights is excessive. If the agitators can be separated or targeted great, if not, the composition of the crowd needs to be an significant element considered by the Incident Control Commander.
1/30/17		Empower Portland 2ND DRAFT - UNDER CONSTRUCTION - PLEASE COMMENT Comments on 0635.19 Crowd Management/Crowd Control http://www.portlandoregon.gov/police/article/623612 See Also: http://www.cocl-coab.org/…/PPB%20Directive%201040.00%20Aero… Definitions: Crowd Control Incident Commander (CCIC): The policy states that “The CCICs have the authorization and responsibility for all police actions at such events [italics added].” We note that this does NOT include authority over the actions of other emergency responders such as EMS and fire personnel, especially when PPB members have injured citizens to whom such responders must render aid, and request that this clarification about the autonomy of other responders be added. 1. Planned/Permitted Events “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.” We recommend adding information regarding the availability,

		expected response protocol, and potential locations for emergency medical responders. 1.4. "Event planning and coordination will be conducted with affected city bureaus and divisions within the Police Bureau [italics added]." Again, we emphasize the autonomous role of non-PPB emergency responders, and request that Portland Fire and Bureau of Emergency Services representatives specifically be called out for inclusion in planning meetings for permitted events. 2. Unplanned/Spontaneous Events Again, no decision made by the CCIC or action carried out by PPB officers should impair access to emergency medical care at the scene of any event. PPB should clearly communicate their intentions, actions, and locations through the Bureau of Emergency Communications in order to facilitate Portland Fire and other EMS responders making their own determinations regarding scene safety. Once officers deploy physical force, in addition to the requirement to document after the incident per DIR 1010.20 (see 6.1 Reporting Requirements), they should be required to clearly communicate through the BEC 1) the method of force used and 2) the nature of injuries sustained and by whom, and 3) immediately relinquish emergency medical response to non-PPB responders. It is clearly a conflict of interest for officers to make any decision regarding scene safety or emergency medical treatment regarding citizens that they themselves have injured; however, they retain a duty to communicate information about injuries they inflicted that will aid in the rendering of care. 3.1. For All Crowd Events 3.1.1.8. & 9 It is entirely inappropriate for a PPB Incident Commander to be deciding the need and location of personnel and equipment of other agencies and companies (Portland Fire, AMR, etc.). For Planned Events, other agencies should be involved in planning meetings to make their own decisions, and for Unplanned Events, emergency medical response units should make their own determinations based on information observed in the field and relayed through BES. 3.3 The number, location, and severity of injured parties, and clear routes of access for emergency medical responders, should be added to the list of considerations for police control actions. Injured parties, and the likelihood of additional injury, should be considered an element of public safety in all decisions. 4. Crowd Control Tactics 4.1.2 Display of members/show of force: contrary to PPB's claim that "uniform presence can

		be used to deter criminal activity," the deployment of large numbers of PPB officers in event situations most often has the opposite effect of increasing the likelihood of violence. PPB should provide clear guidance for the specific circumstances under which Rapid Response Teams and Mobile Field Forces shall be deployed, in order to defuse event situations with the least display and use of force possible. Multiple unplanned incidents in 2016 involved the wholly inappropriate deployment of officers in riot gear (Sept 9, Oct 12, Nov 11) that resulted in many unnecessary injuries to citizens—an actual threat to public safety created by PPB itself. 4.1.3. Selective arrests: As the selective arrest of event leaders in November 2016 clearly showed, this technique escalates, rather than diffuses, the threat level in a crowd. Additionally, the fact that all charges are usually dropped against such arrestees and lawsuits against the City result, this technique is neither in the best interest of crowd control nor the public image and financial interest of PPB, and should be eliminated from this policy. 4.1.5. Containment of crowd: PPB may not establish a "perimeter...to contain or direct [a] crowd" that restricts the lawful movement of citizens on public property (e.g. walking on a sidewalk or through a public park). 4.4. Use of pepper spray: PPB consistently misuses pepper spray against citizens who are interpreted as "displaying intent to engage in physical resistance to a lawful police order." DIR 1040.00 Aerosol Restraints clearly states "Use of Pepper Spray: a. Pepper spray may be used, at the member's discretion, when persons engage in physical resistance or indicate the intent to engage in physical resistance, (not to include passive resistance) [italics added]"; that policy further defines passive resistance as "fail[ing] to comply with verbal commands with no other overt signs of physical resistance." The policy further states that "g. Pepper spray may be used in passive resistance situations only when authorized by an incident commander as part of a crowd control strategy." PPB officers routinely use pepper spray at close range on citizens NOT engaged in physical resistance in situations that appear to be at the discretion of the individual officer, and not authorized by the IC. Specific clarification should be added to the Crowd Control policy regarding chain of command and active vs. passive resistance, to limit the injury of citizens with chemical weapons such as pepper spray. In addition, immediate notification of BES or EMS personnel on scene should be the responsibility of the officer deploying pepper spray, in order to meet the treatment guidelines outlined in 1040.00, similar to policy actions required after the use of "less lethal weapons". Again, treatment by officers inflicting the injuries themselves is wholly inappropriate. 4.5. Impact munitions and 4.6 Riot control agents: Specific descriptions of agents and

		weapons authorized for use, as well as supplementary directives for the use of such agents and weapons, are lacking and wholly inadequate. Considering the recent life threatening injury sustained by a citizen in North Dakota caused by direct contact with an impact munition, the use of all of these agents in crowd control should be prohibited until such descriptions and policies are in place, as well as specific parameters defining their use in order to limit the risk to public safety posed by their use to hearing and respiratory injuries. PPB consistently makes erroneous blanket determinations about the risk of a crowd at large, and therefore justifies the improper use of agents and weapons against citizens at events. The determination of citizens "engaged in violent behavior such as throwing items at police, attacking uninvolved citizens or vehicles, or engaged in widespread property damage" should be much more specifically defined, and the use of agents and weapons limited specifically to those engaged in such activities, and not innocent members of the crowd at large. The use of officer bicycles, riot shields, and other police gear in addition to batons as weapons to control citizens in crowd situations must be defined in this policy. Bicycles specifically have been used as weapons of force against citizens in events in 2016, and such actions should be prohibited until they are clearly defined. 5. Prohibited Techniques We appreciate that fire hoses and canine units can no longer be used in crowd control. We request additional language that would prohibit any other device designed for fire suppression, such as the water cannon used recently upon demonstrators in North Dakota, also be prohibited. We request the addition of a prohibition against the use of vehicles owned by other city or county departments to transport persons in custody (see also 4.1.4, guidelines for multiple arrests). For example, the requisition of a TriMet bus to transport arrestees to jail in November 2016 was a wholly inappropriate use of taxpayer funded equipment intended for another purpose, and an overreach of PPB forcing another agency to act outside of its mission. In general, we recommend a blanket prohibition on the use of any equipment, vehicles, or personnel of public agencies with non-law enforcement missions for the purpose of crowd control or other PPB law enforcement actions.
1/27/17		I do not think the use of riot gear, tear gas and rubber bullets is necessary when confronting protests and rallies in the city. While I know personal property has been damaged during

		some of these protests, it seems like a much better tactic to send plain clothes police into the crowds to control and possibly arrest individuals, rather than treating the entire crowd as hostile. As we are heading into a time where there will be more and more of these rallies and marches, I think police should approach every march as if it contains their families and neighbors, rather than the anarchists assumed. Thank you!
1/23/2017		According to this passage, PPB's current Crowd Control Policy about the conditions under which they can give orders to disperse are being regularly broken. (4.1.6 below, says the orders must be in accordance with law, which is clarified below): "The state argues, for example, that police lawfully may order a group of people to disperse when (1) they are engaged in criminal activity, see, e.g., ORS 133.310(1) (authorizing police officers to make warrantless arrests when crimes committed in their presence or when probable cause exists to believe that particular person committed crime); (2) they create a threat of imminent serious physical injury, see, e.g., ORS 163.190 (menacing statute); State v. Garcias, 296 Or 688, 697, 679 P2d 1354 (1984) (explaining that state may forbid placing another person in fear of imminent serious physical injury, unless conduct privileged); (3) they themselves are in danger, see ORS 133.033 (describing community caretaking function of police officers); and (4) they are a threat to the integrity of a criminal investigation, see, e.g., ORS 162.247(1)(a), (2) (interference with lawful duties of police officer is misdemeanor)." http://www.publications.ojd.state.or.us/docs/S49207.htm https://www.portlandoregon.gov/police/article/623612
1/18/2017		Because situations happen rapidly during crowd control these text should be improved to require transparency and strong accountability for what officers take part in crowd control. Specifically there needs to be better tracking of the names of all officers who participate in a crowd control including any outside agencies who volunteer help which the portland police bureau accepts assistance from as those officers may engage in egregious activity that can result in lawsuit that the city would have liability over.
1/18/2017		Nothing in the text of this directive requires officers or an IC to consider how bureau

		members actions or planned response may cause injury to demonstrators. On October 12th, 2016 it seems officers and the IC did not take safety into consideration and pushed demonstrators fast down stairs without allowing enough time for safe departure. Safety of the broad public should not be the only consideration but rather safety of those police are engaging should also be a consideration.
1/15/2017		I am relieved to see that horses and canine can no longer be used in crowd control under 0635.19 Crowd Management/Crowd Control. I would also like us to prohibit the use of water cannons in crowd control. (Shades of Selma and shame on N.Dakota.) I see no directive addressing the use of bicycles as police weapons, which we have seen done in past footage of PPB crowd control. Also, and importantly, I see no directive to provide medical aid to citizen victims of PPB pain compliance techniques, such as pepper-spray. Policy should be written to mirror the rights granted to in-custody recipients of police compliance in the wake of James Chasse's murder to grant EMS personnel autonomy to treat and transport civilian victims of police crowd-control measures, including the right to independently determine scene safety and ambulance staging, informed by but not subject to PPB command. Further, police MUST be required to fully inform Dispatch of all pain compliance measures used on civilians so EMS can arrive adequately prepared to provide Standard of Care. Thank you for putting my comments into public record.
1/15/2017		What is directive 1010.20?
1/13/2017		In section 1.2, should PPB also provide event organizers with a copy of this Crowd Control directive 635.10, and any other directives applicable to such events/activities, so as to fully inform the event organizers as to what event participants can expect from PPB officers?

Date	Individual	Comment
3/31/17		Thank you for considering updates to this directive. I have participated in several rallies, marches, protests, and other direct actions over the last year and have often been frustrated in the response on the Portland Police Bureau which I found to be unnecessarily aggressive, heavy handed, and silencing of citizen voices. I understand that crowd control is not an easy task and there is the perceived, if rarely actual, danger of some kind of violence against the police, but scores of officers in military-style outfits with instruments of violence is not in my mind, the way we should be protecting the orderly operations of our city. So the bottom line is that I believe the PPB should rethink these directives to much more clearly emphasize de-escalation (which should always be non-violent, not pre-emptively violent) and make it clear that the police's presence is to protect people, including protesters, from violence. The feedback offered by the ACLU, the NLG, and Portland's Resistance all looked appropriate to me and I support you making those changes to this proposed directive. Most importantly to me: *This draft does not direct PPB to limit its intervention to individuals. The actions of individual actors in large demonstrations should not be ascribed to the entire group. If individuals are jeopardizing public safety, they should be dealt with as individuals and peaceful protesters should be able to continue to exercise their rights. *This draft does nothing to reduce violent and aggressive behavior by PPB including deployment of heavily militarized officers and projectile and broadcast weapons against peaceful protesters which unnecessarily escalates tensions and jeopardizes public safety and citizen’s first amendment rights. Thank you again for your consideration of these directives. I hope we can work together as a city to craft policing policies reflective of our values. We are one of the most progressive cities in the United States and should be on the forefront of equality and justice in our

		policing.
3/31/17		The current draft is unacceptable. Any crowd management policy needs to focus on de-escalation and cannot support violence against peaceful demonstrators or reprisals against a gathering as a whole for illegal actions carried out by individuals. This needs to be rewritten with stricter definitions and allowances for permitted events.
3/31/17		I am a strong supporter of first amendment rights and I believe the Bureau's draft Crowd Control Directive (635.10) as currently written does not reflect the ideals of a city that values engaged citizens participating directly in their democracy. I was pepper sprayed on January 20th, 2017 as I marched through Portland peacefully exercising my first amendment rights to peaceful assembly. It disturbs me that there were children and people with disabilities in the crowd and that the police quickly chose to use chemical weapons on the crowd. My biggest concerns with the current draft including the disturbingly broad definition of "riot," the emphasis on violence instead of de-escalation, and the assertion that unpermitted events are not lawful. The right to peaceful assembly should not require a permit, and the lengthy and expensive process of obtaining a permit is prohibitive to what should be available to all regardless of ability to pay. To comment on just a few specifics, I hope that Section 8 on Prohibited Tactics will be extended and improved. Using violence against nonviolent activists is wrong and only serves to further increase hostility and escalate tensions. Things like pepper spray, flash-bang grenades, and rubber bullets are completely inappropriate to use against your neighbors and fellow Portlanders. Throughout history, protest has been an important aspect of American democracy. In a time when leaders at all levels of our government are encouraging us to "Resist," our police should be respecting that sentiment.

		Yours,
3/31/17		I am a strong supporter of first amendment rights and I believe the Bureau's draft Crowd Control Directive (635.10) as currently written does not reflect the ideals of a city that values engaged citizens participating directly in their democracy. My biggest concerns with the current draft include: the disturbingly broad definition of "riot," the emphasis on violence instead of de-escalation, and the assertion that unpermitted events are not lawful. To comment on just a few specifics, I hope that Section 8 on Prohibited Tactics will be extended and improved. Using violence against nonviolent activists is wrong and only serves to further increase hostility and escalate tensions. Things like pepper spray, flash-bang grenades, and rubber bullets are completely inappropriate to use against your neighbors and fellow Portlanders. Throughout history, protest has been an important aspect of American democracy. In a time when leaders at all levels of our government are encouraging us to "Resist," our police should be respecting that sentiment.
3/31/17		Dear Portland Police, I am so glad that you are taking feedback from the community, as I understand that there is significant tension between the police and the citizens of Portland right now. I recent years, and especially since the election of Donald Trump, concerned citizens have been crying out in outrage over the loss of our protections by the government. And a huge concern is that we are able to maintain our freedom of speech. Our right to political dissent is at the core of American freedom, and we greatly hope that our police will be here to protect us in that aspect. We love this city, and we know that law enforcement is a dangerous job. We are very grateful for all that you do to keep us safe. And it is in that spirit that I ask you to please readdress the policies on crowd control. I am a peaceful person, through and through. And I have seen what violence can do to hurt

		the community. It worries me very much that police officers have so easily resorted to violent methods of control, such as tear gas, pepper spray, rubber bullets, and even real bullets. I know upset people can be quite unruly, but that is what requires methods of de-escalation. Perhaps, we can work together to calm our most distressed protesters. I will be out there, as often as I can, to bring a peaceful perspective. And I hope that you will be on my side in that. Please, feel free to contact me if you would like any further input, or if you think we could work together to build the peace, here, in our beautiful and beloved city. We can heal this relationship, and we can do it by working together. Be well, and be safe. Thank you for your consideration on this incredibly important issue. With appreciation and respect,
3/31/17		To the PPB, As a member of the Portland community I strongly urge you to redraft the proposed policy on crowd management and crowd control. I work at The Portland Hilton and Executive Tower a block south of Pioneer courthouse square. On January 20th of this year I was tear gassed while performing my job, along with many of my co-workers and our guests. Apparently the police bureau felt this was an appropriate action, however I cannot condone what was done, especially since I knew people that were there peacefully protesting and could look out the window of the hotel and see what was taking place. All of us at the Hilton were highly affected by the gas coming in through doors and the loading dock and many of us were incapacitated, causing loss of revenue and health. I personally met and interviewed Ted Wheeler during his campaign, along with other leaders from the hotel and restaurant workers union, and we then granted his request for endorsement. I am disappointed that this was the result. People in this country hold their first amendment rights dearly and should be defended and protected, especially since the rights we are fighting for our those of our entire community, including the Police Bureau and government agencies. We should stand as a

		team, and not encourage police violence. Force should always be used as a last resort. Please consider using basic human psychology instead. People react to the way that they are treated. And, our police force is putting themselves in undesirable working conditions by inciting disrespectful behavior. Please consider their safety as well. How important is it to you, the decision makers, to lead this community to the highest standards of safety? Please choose wisely.
3/31/17		Violence breeds violence. You want a peaceful city? Disallow the use of chemical warfare, live ammunition, grenades and rubber bullets on on Portland's inhabitants. You want a sanctuary city? Allow this to be a place where citizens are free to mobilize in defense of ourselves, our communities, our environment and our inalienable rights without having to face legions of armed militarized riot cops prepared to break our bones and make us bleed.
3/31/17		Thank you for soliciting public feedback on the Crowd Control policy. This latest draft appears to be an improvement over previous directives, but I consider it to still fall short in two key areas. · The directive does not specify that use of force must be a last resort when dealing with citizens engaged in protected First Amendment demonstrations. This is important guidance for PPB to give to their officers on the front line. · Past crowd control enforcement has seen measures taken against whole crowds, most of whom have peacefully assembled, in response to the actions of individuals among that gathering. Peaceful protesters must not be deemed guilty by association due to the actions of other individuals at a public assembly. Portland Police have a duty to protect the general public from violent protesters, but they also have an obligation to preserve my First Amendment rights as a non-violent protester even when another protester I don't know has become violent. Exercising our First Amendment rights to assemble does not negate our other rights as individuals.

3/31/17		This draft does nothing to reduce violent and aggressive behavior by PPB including deployment of heavily militarized officers and projectile and broadcast weapons against peaceful protesters which unnecessarily escalates tensions and jeopardizes public safety and citizen's first amendment rights The response the day before the woman's march was unreal. All Portland police are adults, they should act like it and learn to properly de-escalte. Force of ANY KIND should be LAST RESORT. This is our first amendment right and it is PPD job to protect that right.
3/31/17		Please make non-violent de-escalation and preservation of citizen first amendment rights a priority. In particular, police actions should target individuals who are violating specific laws, not groups as a whole. The use of militarized gear and tactics should be avoided because it can repress and/or silence free speech and the right to assemble. I also strongly believe vague language/definitions should be eliminated because they can result in overly broad interpretation of the law. For example, please define: "riot," "clear and present danger," "unlawful assembly," and "peace and order.".
3/31/17		Thank you for asking for public feedback on the Crowd Control policy. I ask that you do more to protect the physical safety and first amendment rights of some of our city's most engaged citizens. There is a lot to be resisting in our nation right now and the police should be making every effort to preserve public safety by to the greatest extent possible, not interfering with peaceful protests. Should some members of a protest become dangerous or violent, the police should treat them as individuals and not ascribe their actions to the greater mass of peaceful protesters. Additionally, the police should reserve any and all use of force as a tactic of absolute last resort after all other means of de-escalation have been exhausted and in no circumstances should potentially deadly tactics like grenades and rubber bullets be used against protesters.

3/31/17		I applaud PPB and the City for reviewing this policy. I am concerned that the policy has a fundamentally flawed view of the PPB role in the exercise of citizens' speech and assembly rights. To wit, it is inherently NOT the role of the state to "manage" the exercise of those rights. However, that premise is taken as a given here. PPB needs to concentrate on responding to criminal behavior; this proposal treats the exercise of First Amendment rights as suspect. That is errant, and will inevitably lead to the invasion of these rights. This aspect must be rethought and revised. Second, PPB should adopt policy that makes the presence of militarized officers a last resort, not the default. The state (here embodied by the City) exists by the consent of the people, not the other way around. Thank you for considering these and all comments.
3/31/17		It has been a heartbreaking experience to see my city, a city I love proudly and deeply, turn on its own peaceful residents. What I've seen day in and day out by the Mayor, PPB, and agressive automobile drivers is a desire to do as they please without reflection, self control, or even following the highest laws of our great state of Oregon and nation, our constitutional guarantees. It is not enough to run on a campaign of addressing police brutality in our city, as Mayor Wheeler did. You actually have to then boldly lead a direct effort to end police brutality in the city that elected you to do just that. What we are considering here is how we protect our most precious rights, and nothing less. Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. Along with tens of thousands of my fellow Portlanders, I have seen first hand what has been happening on the streets and I am shocked and disgusted to see peaceful protesters be harassed and physically harmed, and to see the police turn our city into a war zone with the use of internationally banned chemical weapons shot at the bodies and faces of Portlanders,

		young and old alike. Police directives matter significantly, which is why this policy should be changed to reflect that we live in one of the most progressive, and civically engaged cities in the United States. The American democracy has a long and deep tradition of mass displays of solidarity and our government should respect we the people's rights to freely assemble and express our disapproval of current events. And we should be able to do so knowing that a militarized police force in war uniforms will not descend upon us and inflict the kinds of violence normally only imaginable in foreign police states. I encourage you to rework this proposal to require de-escalation and limit uses of force to only the absolute last resort to protect Portlanders' lives directly. The list of prohibited weapons and tactics in section 8 is wholly insufficient. I have always been a peaceful member of every protest I've attended and have still been on the receiving end of Portland Police tear gas and flash grenades. Using chemical weapons to breakup a nonviolent protest is deeply unconstitutional, unjust, and cruel. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Take their advice, they know what they're talking about. Do the right thing here, do it now, and stand on the right side of history, where the peaceful, loving, engaged people of this great city of Portland stand. Thank you for your attention to these critical issues. I am watching this matter closely.
3/31/17		I am a citizen of Portland Oregon who is very opposed to the way the Portland Police Bureau has handled the protests. The draft directive does not prioritize de-escalation. Any use of force by the police should be an option of last resort. The police have been the ones escalating the violence. So what if a teenage throws a bottle. Stop turning peaceful protests into "riots". It becomes a "riot" (deemed by you and the media) because you show up in riot gear. You are the police, the public is angry. You're job is to protect and serve, not stir up fear by arriving in riot gear immediately when people begin to exercise their first amendment rights. You should be doing more to promote unity between the public and police. Go assist the homeless instead of criminalizing them. Try to build a rapport with the community. Be the change this country

		needs when it comes to police and city officials. And Ted Wheeler:get it together. You are not starting off well.
3/31/17		The proposed crowd control directive is NOT protective of rights and safety of the protesters, and needs to be. Demilitarize Portland Police now! This is not 1970s S Africa apartheid, but sure looks like highly punitive, dangerous police reaction to peaceful protest. PPB cops on record express fear of black people, and use as excuse for harm, and killing them. We need to be LEADERS in collaboration to let voices of dissent be heard, to keep people safe not attacked and punished. I have participated in protests all my life, finding that 2017 is crucial for stepping up protection of democracy, not punishing it. Police turn our city into a war zone against oppressed, targeted, excluded Portlanders. Since our violent police that kill people of color and mentally ill (see DOJ) are not yet punished, certainly not convicted, policy needs to go WAY farther in the direction of non violence, via policy, training, budgeting, leadership, incentives. Irwin Cohen, Royal Canadian Mounted Police research chair at the School of Criminology and Criminal Justice at the University of the Fraser Valley in British Columbia. Departments want officers with these qualities because they are better able to deal with confrontation and the public. We are using uncivilized practices. Here is Irwin Cohen, Royal Canadian Mounted Police research chair at the School of Criminology and Criminal Justice at the University of the Fraser Valley in British Columbia. Departments discussing other qualities than weapons and intimidation they advocate because they are better able to deal with confrontation and the public. “Now police are recruiting people with great communication skills and empathy skills and [who] have a good understanding of psychology and sociology, because we’re realizing more and more that that’s the more effective kind of police officer,” Cohen says. “Your most important tools as a police officer are usually not the ones that are on your belt anymore but that are in your brain.”

		Let's make Portland, Oregon a USA role model of collaborative, peaceful policing. Please rework this proposal to require de-escalation and limit uses of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Please take their input seriously. I am a white woman over 50, a citizen, a Portland resident, and a voter in solidarity with black residents of Portland, OR. Be a model force of peace!
3/31		Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. Along with tens of thousands of my fellow Portlanders, I have participated in some of the recent actions and I have been shocked and disgusted to see peaceful protesters be harassed and physically harmed, and to see the police turn our city into a war zone. Police directives matter, which is why this policy should be changed to reflect that we live in one of the most progressive, and civically engaged cities in the United States. The American democracy has a long and deep tradition of mass displays of solidarity and our government should respect we the people's rights to freely assemble and express our disapproval of current events. And we should be able to do so knowing that a militarized police force in warrior uniforms will not descend upon us and inflict the kinds of violence normally only imaginable in foreign police states. I encourage you to rework this proposal to require de-escalation and limit uses of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. I have always been a peaceful member of every protest I've attended and have still been on the receiving end of Portland Police tear gas and flash grenades. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and

		other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Take their advice, they know what they're talking about.
3/31/17		Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. Along with tens of thousands of my fellow Portlanders, I have participated in some of the recent actions and I have been shocked and disgusted to see peaceful protesters be harassed and physically harmed, and to see the police turn our city into a war zone. Police directives matter, which is why this policy should be changed to reflect that we live in one of the most progressive, and civically engaged cities in the United States. The American democracy has a long and deep tradition of mass displays of solidarity and our government should respect we the people's rights to freely assemble and express our disapproval of current events. And we should be able to do so knowing that a militarized police force in warrior uniforms will not descend upon us and inflict the kinds of violence normally only imaginable in foreign police states. I encourage you to rework this proposal to require de-escalation and limit uses of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. I have always been a peaceful member of every protest I've attended and have still been on the receiving end of Portland Police tear gas and flash grenades. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Take their advice, they know what they're talking about.
3/31/17		Tear gas and riot gear only escalates the situation, makes your department look bad and brings more resistance at the next protest. Focus on deescalation and protecting first amendment rights. That will make your department look ahead of the curve in our country, and help protestors feel safe and secure in exercising their constitutional right to protest.

3/31/17		Thank you for asking for public feedback on the Crowd Control policy. I have been disturbed to see the ways in which PPB's recent tactics in response to peaceful protests have let down many community members and contributed to the erosion of public trust in the police force. I do not think the directive as written goes far enough to protect the physical safety and first amendment rights of some of our city's most engaged citizens. There is a lot to be resisting in our nation right now and the police should be making every effort to preserve public safety by, to the greatest extent possible, not interfering with peaceful protests. Should some members of a protest become dangerous or violent, the police should treat them as individuals and not ascribe their actions to the greater mass of peaceful protesters. Additionally, the police should reserve any and all use of force as a tactic of absolute last resort after all other means of de-escalation have been exhausted and in no circumstances should potentially deadly tactics like grenades and rubber bullets be used against protesters. These tactics, as well as tear gas (which is inhumane and unnecessary, and which has been used against friends of mine at peaceful demonstrations), should be added to the list of prohibited crowd control tactics in section 8.
3/31/17		Thank you for asking for public feedback on the Crowd Control policy. I do not think the directive as written goes far enough to protect the physical safety and first amendment rights of some of our city's most engaged citizens. There is a lot to be resisting in our nation right now and the police should be making every effort to preserve public safety by to the greatest extent possible, not interfering with peaceful protests. Should some members of a protest become dangerous or violent, the police should treat them as individuals and not ascribe their actions to the greater mass of peaceful protesters. Additionally, the police should reserve any and all use of force as a tactic of absolute last resort after all other means of de-escalation have been exhausted and in no circumstances should potentially deadly tactics like grenades and rubber bullets be used against protesters I have been present and witnessed police response to 4 protests in the last 3 months, and each time have onserved Portland Police to follow a power and control model over a relationship-based approach (except in the case of the Women's March). I believe that the police should

		collaborate with community members to develop new strategies for supporting the 1st Ammendment rights of Portlanders.
3/31/17		A couple months ago I sent letters to both Mayor Wheeler and Police Chief Marshman, detailing my concerns about police behavior during recent demonstrations, about the importance of exercising our rights to free speech, free assembly, and the value of encouraging both discourse and dissent with our ruling powers—whether that be on the local or national level. Recently there have been some changes within the PPD which I feel help move our city in the right direction, but I believe that the Bureau's draft of Crowd Control Directive (635.10) as it is currently written does not help our city protect the ideals and values of Portland, nor does it help to protect Portland citizens as they participate in the democratic process. Many of these concerns were discussed in my original letters, although they are again brought to the forefront with this new directive. It contains a disturbingly broad definition of "riot," emphasizes violence over de-escalation, and asserts that unpermitted events are not lawful—surely we would not want to suggest that first amendment rights are only available to those in a position to pay for them. In general, the draft requires more exacting language. We have all too often seen the results of broad or vague definitions for concepts like "riot," "clear and present danger" or "peace and order." The result is the infringement of our most basic rights as citizens; outside the arena of just crowd control, these same terms and ambiguous definitions are often applied discriminatorily and disproportionately against marginalized groups within our city. Frankly, this directive does nothing to reduce the violent and aggressive behavior of PPD we have seen at recent demonstrations. This proposal should include language to prioritize de-escalation in any and every form; force should be used as an absolute last resort, and in no circumstances should potentially deadly tactics like rubber bullets or flash grenades be used against protesters. It should also assert that intervention should be ascribed only to individuals. If a few people are jeopardizing public safety, they should be dealt with as individuals, so that peaceful protesters may continue to exercise their rights. Officers willfully endanger the public when they ascribe the actions of a few to the group as a whole.

		Police directives matter. This policy should reflect that we live in one of the most progressive and civilly engaged cities in the US, and that the police's first priority should be to protect the rights and safety of the city's residents—protesters and activists included. This Crowd Control Directive will never be able to do that as it is currently drafted, and I hope to see many changes before its completion. Protest may not always be pretty, it may not always be convenient, but it is vitally important. Sincerely,
3/31/17		Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. I am a strong supporter of first amendment rights and I believe the Bureau's draft Crowd Control Directive (635.10) as currently written does not reflect the ideals of a city that values engaged citizens participating directly in their democracy. My biggest concerns with the current draft including the disturbingly broad definition of "riot," the emphasis on violence instead of de-escalation, and the assertion that unpermitted events are not lawful. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens.
3/31/17		Why are.police using riot gear on peaceful protesters? Why is a $3000 permit required to exercise our constitutional rights? Why are officers still killing young people of color? Mayor Wheeler, you are not taking actions to move toward the police reforms that you promised in your campaign. Criminalizing citizens for exercising our freedoms will not solve our conflicts. Police need to be further trained in descalation strategies and be held

		accountable when they make terrifying mistakes on the job that cost the lives of young men of color like Quanice Hayes. THEAE POLICIES ARE NOT ACCEPTABLE.
3/31/17		I do not support the use of rubber bullets or other projectiles, tear gas, or grenades. These forms of crowd control have proven to be deadly and unnecessarily dangerous. The recent use of force by PPD has been at a level of what one would expect to see in Russia, China, and other authoritarian regimes. This is not in compliance with the first amendment. Please disallow these deadly uses of force against unarmed demonstrators.
3/31/17		As a downtown employee who serves many of the young adults involved in recent demonstrations, I have seen first hand how the increased militarization of the police department has escalated the ire of young people and only caused increased anger. This policy does nothing to emphasize the need for de-escalation tactics. Instead it only outlines the use of force. De-escalation is a simple way to avoid property damage, arrests and violence. When political demonstrators are tear-gassed, driven off by projectiles and broadcast weapons it creates a warzone that is entirely unnecessary. If individuals are acting criminally during a protest or demonstration by all means, police should address those people. However, when large scale weapons are used it militarizes everyone. And anyone who feels threatened will fight back in anyway they can as we have seen in recent city council demonstrations. Please do not pass this policy until de-escalation is included as a best practice in controlling crowds and the use of military-style weaponry against citizens exercising their first amendment rights is prohibited. I don't want to live in a warzone and I often feel like the Portland Police department is creating that environment.
3/31/17		When you show up to a peaceful and constitutionally protected protest in riot gear, you are telling Portlanders that they are criminals. When you storm sidewalks, bloody the faces of old women, become an international symbol of a Police force that shoots and gasses and bombs its citizenry as a matter of course, you bring shame on this city and your uniform. PPB is not a paramilitary organization, it's meant to protect us physically and constitutionally.

		You can work with Portlanders if you talk to them. If you come in dressed like a science fiction Bad Guy, the conflict has already started.
3/31/17		As a supporter of first amendment rights and someone who is worried about Portland's future, I believe that the Bureau's draft Crowd Control Directive (635.10) as currently written does not do anything to protect our rights or physical safety. For starters, let me just say that protesters are an important part of our democracy and they have always been fighting to make things better for all of us. It's also important to note that relations between police and minorities need to improve, and your plans/solutions to these type of things really do matter and affect how safe and protected people feel around you. My complaint about 635.10 is that you guys don't really address the problems we've been having with protests. The main problem is that it doesn't really seem like protecting protester's rights and physical safety is a priority. There has been many occasions where violence is used against non-violent protesters due to the actions of 2 or 3 people, which isn't fair and only makes things more tense and it makes it so that more people get riled up. Your definition of a riot is also very broad and there needs to be more specifics/emphasis on deescalation rather than violence. I would also like to state that using pepper spray, rubber bullets and even going as far as tackling protesters in the street is just cruel. My 12 year old brother and I see how you guys handle protesters in the news and it scares us. Please try to make things safe for everyone, and treat protesters like humans. Their safety matters too.
3/31/17		Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. Along with tens of thousands of my fellow Portlanders, I have participated in some of the recent actions and I have been shocked and disgusted to see peaceful protesters be harassed and physically harmed, and to see the police turn our city into a war zone. Police directives matter, which is why this policy should be changed to reflect that we live in one of the most progressive, and civically engaged cities in the United States. The American democracy has a long and deep tradition of mass displays of solidarity and our government should respect we the people’s rights to freely assemble and express our disapproval of

		current events. And we should be able to do so knowing that a militarized police force in warrior uniforms will not descend upon us and inflict the kinds of violence normally only imaginable in foreign police states. I encourage you to rework this proposal to require de-escalation and limit uses of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. I have always been a peaceful member of every protest I've attended and have still been on the receiving end of Portland Police tear gas and flash grenades. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Take their advice, they know what they're talking about.
3/31/17		I am a strong supporter of first amendment rights and I believe the Bureau's draft Crowd Control Directive (635.10) as currently written does not reflect the ideals of a city that values engaged citizens participating directly in their democracy. My biggest concerns with the current draft including the disturbingly broad definition of "riot," the emphasis on violence instead of de-escalation, and the assertion that unpermitted events are not lawful. To comment on just a few specifics, I hope that Section 8 on Prohibited Tactics will be extended and improved. Using violence against nonviolent activists is wrong and only serves to further increase hostility and escalate tensions.
3/31/17		I don't feel enough discrepancy can be applied to successfully disperse crowds by pepper spray or flash bangs. I am deeply disturbed by the video of police spraying protesters as they were trying to protect the hunched over woman that travels SW Taylor quite often! If you cannot assure there will be no innocent bystanders caught in the crossfire, you cannot in good conscience, continue this practice.

		Protect and serve. That means the people, not the corporations. More due diligence in hiring mentally stable officials and more training in mental health and the community is needed. Becoming a police state has zero peaceful growth potential. Sincerely, An active Oregon voter and taxpayer.
3/31/17		Thank you for opening this issue to public comment. First, I am a strong supporter of first amendment rights; however, I feel that the Bureau's draft Crowd Control Directive (635.10) as currently written does not reflect the ideals of a city that values engaged citizens participating directly in their democracy. The Bureau already has a bad reputation for lacking oversight and using unnecessary force. I feel that this draft does little to move to improve this, nor does it do anything to reduce violent and aggressive behavior by police, including deploying heavily militarized officers and projectile and broadcast weapons against peaceful protesters which unnecessarily escalates tensions and jeopardizes public safety and citizen's first amendment rights. Protest is an essential part of democracy. Any unnecessary constraint that the Bureau places on one's ability to demonstrate reflects a troubling trend nationwide toward blunting citizens' ability to engage democratically.
3/31/17		I am a citizen of Portland Oregon who is very opposed to the way the Portland Police Bureau has handled the protests. The draft directive does not prioritize de-escalation. Any use of force by the police should be an option of last resort. The police have been the ones escalating the violence. So what if a teenage throws a bottle. Stop turning peaceful protests into "riots". It becomes a "riot" (deemed by you and the media) because you show up in riot gear. You are the police, the public is angry. You're job is to protect and serve, not stir up fear by arriving in riot gear immediately when people begin to exercise their first amendment rights. You should be doing more to promote unity between the public and police. Go assist the homeless

		instead of criminalizing them. Try to build a rapport with the community. Be the change this country needs when it comes to police and city officials. And Ted Wheeler: get it together. You are not starting off well.
3/31/17		The riot police need to be a last resort. Use of force and chemical weapons should be a last resort. Desescilation isn't mentioned in this, and it needs to be. You can't bar people from city council. You can't bar our right to free speech and due process. 97% of incarcerated Americans don't see trial. What are you doing to stop this?
3/31/17		Thank you for accepting public feedback for the Crowd Control policy. As it stands, the directive does not do enough to ensure the physical safety of Portlanders engaging in peaceful protests. My biggest concern is that the proposal doesn't prioritize de-escalation over violence in the case of protests (which are considered unlawful just for being unpermitted). I believe that less than lethal things like pepper spray, rubber bullets and flash-bang grenades are inappropriate to use against your fellow Portlanders, and that the use of these only serves to create escalated hostility and tension. I have personally been a peaceful protestor at several of the protests downtown since November and I have been on the receiving end of tear gas and flash grenades from the PPB, and I was knocked to the ground in Pioneer Square by PPB. Please rework this proposal to focus on de-escalation so that Portland can be the shining become of peaceful resistance that we all want it to be.
3/31/17		Please change the proposed crowd control directive to emphasize protecting the 1st amendment rights and physical safety of activists and protesters in our city. I find the recent deployments of force against peaceful protestors morally abhorrent. The use the militarized police against unarmed protestors is unnecessary and inappropriate.

		I encourage you to rework this proposal to require de-escalation and limit the use of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. The ACLU, the NLG, and Portland's Resistance have all provided you with specific methods to improve the policy. Take their advice. Still not sure? Read why even the FBI considers militarized responses to peaceful protestors to be ineffectual: https://leb.fbi.gov/2012/august/crowd-management-adopting-a-new-paradigm.
3/31/17		I write today as a proud citizen of Portland and a regular peaceful protestor. I understand marches can cause disruption for many people, but they are a crucial element in this country's long struggle for freedom. Especially now as so many of us are fearing for the well-being of ourselves and loved ones. Marches encourage unity, they create connection, they make Portland stronger. I understand the need to keep the peace, and I respect that this is no small task for officers. However, I am concerned that the Bureau's draft Crowd Control Directive (635.10) does not reflect our values as a city and nothing in it makes me believe it will help heal wounds between activists and the police. As it stands, the definitions in this draft directive are much too vague. I have seen the term "riot" used to justify the use of excessive force when the group's only crime had been to not obtain a permit. Requiring an expensive permit disenfranchises the poorest of our city of their first amendment rights. And without clear definitions of "riot" or "clear and present danger", there is too much leeway for officers to apply these standards with personal bias, again targeting some of the most vulnerable in our city. Furthermore, the actions of a few should not condone the use of force en masse and police must be trained to focus their efforts. I have never broken the law while marching (beyond not having a permit). I have never sworn or thrown things at officers. I have never broken a window. Yet I have been pushed, harassed, shot at with rubber bullets, and gassed countless times by officers. These militarized tactics have further engrained my distrust of the force and

		continues to deepen the divide between the police and the community. Portland has always prided itself on its commitment to progressive action, and I want this directive to reflect that. People should not be afraid of police officers when they have committed no wrong doing and officers should not be trained to treat otherwise peaceful protestors like criminals. I encourage you to heed the words of groups like the ACLU and the National Lawyers Guild who have been vocal in their ideas on police reform May this directive be rewritten to facilitate healing between our communities.
3/31/17		Although I by no means consider myself an "activist", I have participated, witnessed, and read about a variety of protests in Portland over the years. From what I have repeatedly seen, Portland police routinely seek the escalation of conflict and the unnecessary and arbitrary use of force against protesters. They do not seek to de-escalate, they do not use the minimum use of force to specifically address the worst actors in the protest. Instead they make a spectacle of pushing, hitting with bikes, tear gassing, pepper spraying, and arresting a small number of protesters (or even passersby) to demonstrate control, regardless of whether they are partaking in dangerous or illegal activity. The most ridiculous part of this whole militarized response, is that the worst Portland protests block less traffic than a 5K fun run or your average road repair project, and they cause less damage than your average winter storm. When city, state, and federal leaders are not adequately addressing our problems, our citizens are going to take action. I may not agree with every aspect of how they take action, but I know that the repressive police regime is only making it worse. These issues can only be overcome when police seek de-escalation and avoid use of force (not only in protests, but also in their daily interactions with people of color, the homeless, and the mentally ill) and when our politicians substantively address the root cause of our concerns. I understand that the ACLU, the National Lawyers Guild, and protest groups have provided you with other more specific policy recommendations. Please heed their advice and stop the unconstitutional repression of Portland citizens.

3/31/17		Please change the proposed crowd control directive to place a greater emphasis on protecting the first amendment rights and physical safety of activists and protesters in our city. Along with tens of thousands of my fellow Portlanders, I have participated in some of the recent actions and I have been shocked and disgusted to see peaceful protesters be harassed and physically harmed, and to see the police turn our city into a war zone. Police directives matter, which is why this policy should be changed to reflect that we live in one of the most progressive, and civically engaged cities in the United States. The American democracy has a long and deep tradition of mass displays of solidarity and our government should respect we the people's rights to freely assemble and express our disapproval of current events. And we should be able to do so knowing that a militarized police force in warrior uniforms will not descend upon us and inflict the kinds of violence normally only imaginable in foreign police states. I encourage you to re-work this proposal to require de-escalation and limit uses of force to only the absolute last resort. The list of prohibited weapons and tactics in section 8 is wholly insufficient. I have always been a peaceful member of every protest I've attended and have still been on the receiving end of Portland Police tear gas and flash grenades. Lastly, I understand that the ACLU, the National Lawyers Guild, Portland's Resistance, and other groups have provided you with other more specific ways to make this policy more respectful of the rights and safety of Portland's most engaged citizens. Take their advice, they know what they're talking about.
3/31/17		Thank you for soliciting public comment on your Crowd Control policy. The militirization of police in Portland has ensured that I feel so initimidated that I won't even go to City Hall to testify. The police here use force too often and too quickly. If an individual is a "bad actor" then address it with that individual; however, the rest of should be able to peacefully express our opinions, as is our constitutional right. Rather than de-escalation, too often I have heard of police baiting protestors so that they can move in with their riot gear. In this time when our voices are needed more than ever, when a hateful President leads the land, the Portland police department intimidates law abiding citizens and uses unnecessary means such as tear gas and flash bangs to dissipate peaceful

		protests. We need a directive that protects the police AND the public, one with a focus on de-escalation and bias training for police. The public deserves to be protected by the police- that means everybody.
3/31/17		I co-sign all as written below & implore you to protect Portland's politically active members who are fighting for justice. It astounds me that this would be at odds with the Department of Justice and those who've taken annoath to uphold justice. Thank you for asking for public feedback on the Crowd Control policy. I do not think the directive as written goes far enough to protect the physical safety and first amendment rights of some of our city's most engaged citizens. There is a lot to be resisting in our nation right now and the police should be making every effort to preserve public safety by to the greatest extent possible, not interfering with peaceful protests. Should some members of a protest become dangerous or violent, the police should treat them as individuals and not ascribe their actions to the greater mass of peaceful protesters. Additionally, the police should reserve any and all use of force as a tactic of absolute last resort after all other means of de-escalation have been exhausted and in no circumstances should potentially deadly tactics like grenades and rubber bullets be used against protesters.
3/31/17		I work at the courthouse everyday. Seeing police in riot gear for peaceful protests damages the trust this community has in its police force and how it allocates time, energy, and money. The selectiveness it uses to as to who is "safe" and not is deeply biased (as seen with how the Bundy protesters were so nicely treated). The Crowd Control policy as now written, does not go far enough to protect the physical safety and first amendments rights of some of our city's most engaged citizens. There is a lot of to be resisting in our nation right now and the police should be making every effort to preserve public safety by to the greatest extent possible, not interfering with peaceful protests. Should some members of a protest become dangerous or violent, the police should treat them as individuals and not ascribe their actions to the greater mass of peaceful protesters. Additionally, the police should reserve any and all use of force as

		a tactic of absolute last resort after all other means of de-escalation have been exhausted and in no circumstances should potentially deadly tactics like grenades and rubber bullets be used against protesters
3/31/17		The ACLU, the National Lawyers Guild, Portland's Resistance, and other groups who are familiar with protests in this city have all provided testimony on this proposal and the PPB should heavily weigh the feedback of organizations and individuals who have been directly affected by the PPB's current crowd control practices. On a personal note, I want to support my local police because I know that this is not an easy job. No matter what scheduled shift, there are unforeseen dangers inherently. I know that there are good men and women who put on that badge because they want to protect and serve because it's the right thing to do and they brave enough. And at the same time I want to stand with my neighbors. I moved here to find my home and a community that I can belong to. I believe that there is a strong collection of people here that just want to protest in peace. But I am also aware that there are anarchists that just want to cause trouble. We can work together. We just need to come together and find a compromise. Thank you for your time.
3/31/17		I do not think policing crowds in a military fashion is the way to go. Tear gas, projectiles and pepper spray in inhumane. These are citizens of Portland excersizing their rights ! And permit prices are insane! I also think permit prices are excessive. Thank you. Teresa floyd
3/30/17		I have been disappointed by the militarized response of Portland's police during the recent protests. I attended both the inauguration protest and the Women's March, and the police's response to both could not have been more different. There was a marching band and children at the inauguration march, and yet the afternoon prior, I saw several vans of police in full riot

		gear all over Portland. For the women's march, I had to look hard to find any officers. The PPB's response to the inauguration march felt very overblown. I have also heard several reports of residents who are not involved in protests or marches being affected by teargas, bean bags, and rubber bullets. Just who are the police protecting?
3/30/17		re: 635.10 Crowd Management/Crowd Control In regards to the directive for managing crowd control, I request the institution of approval by Police Chief and Mayor in order to use crowd control tactics such as widespread teargas and pepper spray. I do not believe grenades should ever be used. Police in body armor and armed with military-style weapons incite fear and defensiveness in otherwise peaceful crowds. According to the directive, agents should only engage with people who are exhibiting disorderly and destructive conduct, and not disperse crowd control mechanisms on larger crowds who are peacefully demonstrating. There are often children, families, and older people at demonstrations and these tactics can cause serious and long-lasting damage. The stark difference between police response to the Women's March and other demonstrations, such as on January 20th, February 20th, and even solidarity actions such as a vigil and march for police-slain teen, Quanice Hayes, is a blatant call to reform police presence and action at demonstrations. The police involvement in the Native Nations rally and march on March 10 is a good example of presence without conflict, and respectful cooperation between protestors and police. We MUST demilitarize the police and encourage de-escalation tactics that are non-violent and non-threatening.
3/30/17		"Protect and serve," should be the mantra of the police force. The public is not the enemy, and we have the right to freedom of speech and assembly--without a permit, unless we plan to obstruct traffic due to large crowd sizes. For spontaneous groups wishing to express an opinion, it is impractical and too expensive to pull a street permit.

		Actions, not words, speak the most loudly, and we wish you to follow ACLU guidelines, as must we. These are trying times, especially for the non-white among us; everyone must practice restraint and self-control, not least of all the police when they arrive armed and in riot gear. People must have an opportunity to dissemble if no crimes are being committed. Our police force is operating on the model of deadly force if there is any question---without asking a question. This must stop. There has been very destructive training in the United States that has set this shoot first model. Having been a teacher for 25 years, I know that violence escalates when neither party is keeping a cool head. The police are professionals and must be trained to act as such. In other countries, the public trusts their police force. In the U.S. we trust our militarized, angry force less and less. You MUST show us that you are on the street to PROTECT us, no matter what our skin color/language might be. You MUST wait to see a real gun before shooting innocent people, and it would be better if you only were using tasers. Deadly force has its place in war, but not on the citizens of this country who are unarmed. This country will not heal and resume its role as a democratic leader unless the police start using a different model. Black and brown people are not the enemy. They will soon be the majority. So if you don't want to serve them and respect their humanity, don't pursue this line of work. Policing must start with respect.
3/30/17		The public is not your enemy. We are not criminals when we assemble and exercise our first amendment rights. Please read and abide by the ACLU recommendations.
3/30/17		Please remember that we are the citizens, not the enemy! Police actions (not just words) should reflect their understanding that the right to speech and assemble is guaranteed by the constitution. I did not see this understanding on Presidents Day.

		Please follow the recommendations of the ACLU of Oregon.
3/30/17		Empower Portland is a citizen advocacy organization dedicated to ensuring that all of Portland's community members are receiving adequate and effective response from EMS and Justice systems on the City, County, and State level, especially in instances of medical need and emergency. We believe that the weaponry being deployed regularly by the officers of the Portland Police Bureau to suppress constitutionally protected gatherings and demonstrations represents a significant public health risk. The Portland Police Bureau has shown a pattern of repeated excessive use of force (as demonstrated by the recent DoJ settlement) and have taken little to no action to reform their system. The weaponry detailed below presents a clear and present danger to the safety and well-being of Portland community members, and PPB have repeatedly gone against best practices and internal policies about the use of these weapons in their recent deployments. This is of grave concern to Empower Portland, and to the community of Portland at large. Empower Portland Crowd Control Policy Recommendations Empower Portland concurs with all recommendations of our partners at ACLU of Oregon and Portland Copwatch. In addition, Empower Portland recommends: • An immediate ban on the use of Stinger Grenades, Flash-bang Grenades, Sabre Red Pepper Spray, and all forms of Kinetic Impact Projectiles in crowd control situations. • An immediate ban on the use of launchers for CS or other gas canisters, grenades, pepper balls, or other weaponry.

		• Authorization for the use of CS or CN Gas in crowd control situations must come directly from the Police Commissioner through verbal consent, in every individual instance of its use. • The city require the PPB to immediately report any and all use of chemical or less-lethal weapons to ALL local emergency rooms, clinics, AMR, Portland Fire, and any other relevant EMS agencies, and provide them with OSHA SDS sheets on all chemicals in use. Empower Portland insists: • That the PPB allow street medics and other responders to treat injured parties free of continued or targeted harassment by officers. Numerous street medics have reported harassment and targeting by Bureau officers in crowd control situations. Disruption of medical support infrastructure is a reprehensible tactic, and significantly increases the likelihood of Police response tactics resulting in severe injury or death of a community member exercising their constitutionally protected rights. • That PPB respond to unpermitted marches or rallies in the same way they respond to permitted marches, by protecting demonstrators from traffic and respecting the exercise of community members' First Amendment rights. The Constitution of the United States protects the right to free speech and peaceful assembly, and the procurement of an arbitrary and expensive permit should not be the difference between friendly officers on bikes in pink hats and hundreds of heavily armored officers carrying weapons and lobbing grenades. Empower Portland also calls for the Mayor to hand over the duties of Police Commissioner to another member of the City Council. We believe that having the Mayor in charge of the Police Bureau creates an irreconcilable conflict of interest which militates against reform efforts. Assigning a Police Commissioner will enhance the ability of the Mayor's Office to act as a neutral party in these matters, and create an opportunity for actual progress towards demilitarization and reform.

3/30/17		To Whom it May Concern, The tactics used against community members for "crowd control" purposes are incredibly dangerous, excessive and unwarranted. I was a peaceful protestor during the march on January 20th, 2017 and subjected to tear gas, stun grenades, flash bangs and other treacherous methods despite only wanting to express my constitutional right to protest. I have a background in child abuse intervention and medical evaluations and was prepared to treat injuries on the night of January 20th. I saw members of my community brutalized - a woman's face split open at her nose where she was hit directly with shrapnel, a man and a woman (not part of the protest) shot with rubber bullets when attempting to cross a crosswalk despite their hands raised, and many vocal, but peaceful students pepper sprayed at an incredibly close range who then required direct medical attention from me and other providers - two of who had asthma, a life threatening situation that required further medical treatment (increasing costs for Portland City). All of the acts that I witnessed were baseless, overreactive and perilous to families, children, and youth who attended the event, as was their right. I left feeling afraid that the police are not here to protect me, or my neighbors, let alone our community and city that they themselves are part of. It seems ridiculous that officers felt entitled to use such extensive, harmful tactics on a group of people they are also charged to protect. It makes the rift between the community and the police seem insurmountable when the public is treated as pests to be dealt with and exterminated at an event that was supposed to highlight camaraderie, unity and peace. The violence I witnessed was not justified, was not in response to an unruly public, but was instead out of fear, the need to dominate and the will to control a group of people with opposing views and differences of opinion.

		Please consider engaging in community dialogues, increasing de-escalation training for officers, or other alternatives that do not directly cause violence to those protesting. I feel that it would greatly help the rift between the community and the police and is a necessary step for Portland's Police Bureau. Thank you for your time,
3/29/17		Dear Chief Davis, I am a Reed student, and I would like to respectfully comment that your force has been doing an admirable job managing these turbulent times. Please keep up the good work, remember that one should be happy with progress but never satisfied, and remember that not everyone in Portland is a liberal freak like my fellow students. Thank you to you and your officers and employees for all that you do and sacrifice,
3/29/17		Definitions: It's unclear to me when a demonstration moves from being lawful to unlawful, and seems to be up to the digression of the officers on duty, which doesn't feel standardized enough. Protestors should know exactly when they're crossing the legal line. I'm also confused by the definition of "riot," seems to me to be again, when the officers on duty deem them a problem. Policy: 2. What do these "lawful restrictions" look like? 3. What does "compelling government interest" mean? (All of these terms seem to be put in place to hold over the citizens' heads, and to be pulled out when they become a perceived problem, but isn't something the citizens can clearly identify for themselves) 5. "Members should be able to differentiate between..." as should police officers/squads, this has been a huge issue in the past, seems to me that when one person gets violent it shuts down the entire event instead of the officers being able to effectively zone in on the individual. (i.e., the white anarchists smashing windows during the Trump protest shut down the protest completely instead of the officers isolating/dealing directly with those individuals). 7. Does this apply for undercover

		officers at protests? Procedure: 1. This is a general note that probably won't go anywhere, but here it is: flash bangs are terrifying, they sound like gun shots and make protesters think the police are firing into the crowd/someone in the crowd has a gun. A protester pulled a gun during the Trump protests and hearing the same sounds made the group I was with think that the police were shooting the protesters. It's a weak scare tactic that only makes protesters more likely to get aggressive, in my opinion, as it conjures a direct fight or flight response. This is similar to the cops in riot gear showing up to peaceful events. I understand the need to be prepared, and I also understand the immediate fear reaction people have when they're being met with militarized police. 4.4. How are the events filmed? (when will y'all get body cameras is really what I'm asking) 7. Are there any warnings given to protesters between zero and "the protest must disperse and is unlawful"? Or any examples given to protesters (via bullhorn) of what the unlawful activity is and how it's being dealt with by police? 8. Thanks for not using those crowd control methods! They seem incredibly inhumane and sound like a lawsuit waiting to happen. Consider adding the flash bangs. Have you considered having a minimum diversity quota for officers deployed during protests? In general all of this makes a lot of sense and I think I have some ideological differences from the PPB on how crowds can and should be maintained. Thank you for hearing my feedback.
3/29/17		I'm concerned about the Portland Police Bureau's policies and procedures regarding Crowd Management/ Crowd Control. First and foremost, the use of riot gear is terrifying and unnecessary, we have the right to protest without intimidation and threat of attacks by riot police. Police presence should be a tool in de-escalation, unfortunately I've seen multiple protests in Portland that were peaceful until the riot police showed up and started attacking the crowd. Teargas is a chemical weapon. I've yet to see any protest in Portland that required to use of chemical weapons yet I've been teargassed, which is life-threatening as an asthmatic. No pepper spray, stinger grenades, or impact projectiles. I look forward to seeing

		reform, this is an important issue in our community.
3/28/17		Thanks for your consideration of my public comment on the Portland Police Bureau Crowd Control policy. The Portland Police response at protests in 2017 has been unacceptable. Police officers should not show up in full riot gear to protests that are planned to be peaceful. In this political climate, more and more protests should be expected - as we desperately work towards protecting our inalienable rights. First amendment rights are a vitally important part of a working democracy. Citizens must feel that they can speak out and speak up - and be protected by the police - not assaulted by them. Police officers are trained to safely arrest non-peaceable persons, without causing harm to people and the community. Specifically I recommend that your policy include banning police use of stinger grenades, limiting pepper spray use, requiring the mayor and police chief to approve when the cops want to set off teargas, and implement all of the recommendations from ACLU OR (http://aclu-or.org/content/aclu-calls-portland-police-improve-policies-related-protests). To fully clarify: The ACLU of Oregon's recommendations include: • Clarifying the limited circumstances under which police should be able to use military tactics and equipment, such as impact munitions and riot control agents, as well as limiting the uses of aggressive tactics such as containment, dispersal, and mass or selective arrests; • Revising the ambiguous and broad use of the term “peace and order” and similar language in the definitions and throughout the directive; • Eliminating a procedure wherein police inquire about the “purpose” or “intent” of free speech activity with organizers and/or confer with potential targets of protests; • Emphasizing that that the lack of a permit does not make a protest unlawful in the directives and updating the City of Portland’s onerous permitting process for unplanned or spontaneous

		events; and • A warning against the use of illegal profiling to determine whether a protest potentially poses a threat to the public health, safety, and welfare.
3/28/17		Portland Copwatch (a project of Peace and Justice Works) PO Box 42456 Portland, OR 97242 (503) 236-3065 (office) (503) 321-5120 (incident report line) copwatch@portlandcopwatch.org http://www.portlandcopwatch.org COMMENTS ON REVISED DIRECTIVE 635.10, CROWD MANAGEMENT/CROWD CONTROL by Portland Copwatch March 28, 2017 To Chief Marshman, Acting Chief Davis, Capt. Bell, Captain Krantz, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau: While we are thankful that the Bureau has asked for more input into Crowd Management/Crowd Control Directive 635.10, as we predicted, the sheer volume of changes made to the last draft posted in January is far too large for a 15-day comment period. We've repeatedly requested "red-line" versions of proposed Directives, and noted that when you began this new process, a list of general concepts about changes being made would make public input more meaningful. Now we find ourselves in the position of sorting through the revised draft almost from scratch. As an experiment, we decided to go through our last set of comments to see

		whether they were incorporated by the Bureau, meaning some of these comments are in order based on the old policy rather than the new one, with references to the new section numbers for clarity. We already were incorporating comments we made from September 2014 and after the Citizen Review Committee made their Crowd Control policy report to City Council in January 2015. We had hoped to be asked to a meeting with the City to discuss this matter, as the ACLU of Oregon, the Portland National Lawyers Guild, and Oregon Lawyers for Good Government were invited to do (Oregonlive, March 3). Though we were shut out of that process, we support most of their recommendations and hope you will consider ours,. Even though we are not attorneys, we do have 25 years of experience with these matters. We continue to feel that putting letters on each section (Definitions, Policy, Procedure) and numbering the definitions would make referencing the Directives much easier. GENERAL COMMENTS Last time we asked you to look to Directive 635.00 covering strikes and job actions, which contains the phrase "neutrality will be the guiding principal [sic]," and references to ORS 181.575's restrictions on law enforcement "collecting or maintaining" information about people's social, political or religious affiliations without reasonable suspicion of criminal conduct. The new policy suggests that officers "conduct themselves in a professional manner" and to keep their communications "content neutral" (New Policy Section 7), which is good. Similar language was in Old Procedure Section 3.4.* It also raises questions about officers photographed wearing pink pussycat hats at the Women's March and a "Make America Great Again" hat in Lake Oswego at the March 4 Trump. The new policy also cautions officers capturing video of marches to "comply with ORS 181.575" (which, we note here, is now renumbered as ORS 181A.250),

		while at the same time suggesting video be made for "situational awareness" and such video with no criminal activity on it be "turned over to the City Attorney's office to be stored" (New Procedure Section 4.4). This puts the Directive in conflict with the law-- suggesting to both collect and maintain information in violation. We also note here that Directive 635.00 was cross-referenced in the old version, but now aside from a mention of strikes as one form of demonstration in the definitions section, there is no specific connection. While all references to pepper spray have been removed from the Directive, it's not clear if that substance (whether in canisters or projectiles) is covered by the generic term "riot control agents," which still appears in a few places in the new draft (including Procedure 5.1.6). We remain opposed to the use of impact munitions, tear gas, flash-bangs and other weapons at protests, as well as bicycles used as weapons and the Mounted Patrol Unit in crowds. The new prohibition on using the MPU's horses against people lying or sitting down (New Procedure Section 8.2) doesn't address the animals' being endangered by being in crowds and, in turn, endangering those attending. Where the old Directive said crowd control was to be used "to address public assemblies where unlawful conduct has taken place," the new one says these tactics can be deployed if the event "has become unlawful or violent" (New Definitions section) without defining those terms. Thus, as we said before, officers could crack down if one person jaywalks, and now, we'd add, if an officer feels a paper airplane being thrown is a form of violence. While the new Directive suggests using arrests sparingly and to consider the "method" (New Procedure Section 11), it doesn't ban violent arrests. It also added a section we recommended addressing the use of outside agencies (New Procedures Section 6), but doesn't ensure they will be trained or identifiable in the same way as the PPB. We raised the concern last time that the Bureau and "Independent" Police Review Division should consider there are multiple uses of force when one or more officers uses force against more than one civilian. The

		requirement for individual officers to report their own use of force is now in Procedure Section 12.4.1, while the Crowd Management Incident Commander (CMIC) has to "ensure all... applicable pertinent reports are submitted" (New Procedure Section 121.4). We'd still like clarification how those uses of force are counted in the PPB's Department of Justice ordered Force Reports. Additionally, the chain of command, while in some ways more clear (the CMIC makes all decisions), in other ways seems more confusing (lead supervisors debrief their "squads"-- New Procedure 12.3.2-- and the Operations Section Chief [a/k/a Assistant Chief of Operations] assists the CMIC--New Procedure 5.2). While the Bureau has moved away somewhat from differentiating among events that are "permitted," "planned," "publicized" or "unpermitted," the new draft still separates sections on "Planned Demonstrations and Special Events " (New Procedure 4.1) and "Spontaneous Demonstrations" (New Procedure 4.2). This continues the mindset we cautioned against in our last comments which assumes an event the Bureau hasn't heard about before is not planned. This may be true from the PPB's point of view but not the organizers'. Thus, we continue to urge the use of the NW Constitutional Rights Center's "coordinated with the Bureau/not coordinated with the Bureau" if there is to be a separation. As we wrote before, "these differentiations should be minimized so that all protests are treated fairly." And we still think the policy should state, "The Bureau will not take adverse action against a group because it has refused to establish lines of communication with the Bureau." We noticed the Bureau changed the Incident Commander's title from "Crowd Control" to "Crowd Management" which is a step in the right direction, but we still support NWCRC's suggestion of "crowd facilitation." We stated before and re-state that seeing harm done to fellow community members and being subjected to unwarranted actions by PPB ourselves, "we have no interest in perpetuating police use of violence against unarmed, peaceful protestors. We oppose the use of the current array of weapons but are not going to advise on ways to harm people, that is not our task as a

		group promoting police accountability." COMMENTS ON SPECIFICS --Policy Section New Policy Section 1 separates demonstrations, special events, "the managing of crowds during demonstrations" and "controlling crowds during civil disturbances." There isn't much discussion of protecting protestors from external violence-- whether by police, angry motorists or counter protestors (though that's addressed in Section 5)-- or simple tasks like blocking traffic to accommodate a march route (planned or unplanned-- this was covered in Old Procedure Section 1.5). We are reminded of the police in Tennessee who brought hot chocolate to the protestors who blocked a freeway there, telling motorists that the disruption of traffic could have been caused by an accident, construction or a weather incident so they should just wait it out. That philosophy should be adopted in Portland and included in the opening policy statement. We note here that a "civil disturbance" is defined as "an unlawful assembly that constitutes the breach of peace or any assembly of persons where there is a threat of collective violence, destruction of property or other criminal acts." As noted in the general comments, criminal acts needs to be narrowly defined so officers don't use jaywalking as an excuse to get militaristic on a nonviolent protest. (See Section 4 for more details.) As we noted when analyzing Old Procedure Section 3.1.1.6,, "destruction of property" should be clear whether it includes temporary protest statements such as chalk, stickers or water-based paints versus more serious damage. New Policy Section 2 reminds officers they can impose "lawful restrictions on the time, place and manner of expression," but not based on content, laying the groundwork for New Policy Section 3. That Section 3 is a rewrite of previous Policy Section 1, which still

		includes the statement "the City of Portland has a tradition of free speech" without acknowledging the state and federal nature of the constitutional rights discussed. A new, helpful sentence says "it is the responsibility and priority of the PPB not to unduly impede the exercise of First Amendment rights," adding that "a police response that impedes otherwise protected speech must be based upon a compelling government interest." It is too bad these words weren't conveyed to the officers who attacked people at City Hall after the Police Association contract was signed, or at some of the protest actions which were violently disrupted starting after the election and continuing to late February, at least. New Policy Section 4 rewrites Old Section 2 and removes descriptions of actions that are protected forms of expression, leaving in a list of criminal acts which are not protected. Trespassing and destruction of property are carried over from the old Directive, with "disorderly conduct and assaults" added in. Disruption of transportation, unlawful use of amplification devices and disturbances of the peace were dropped. In other words, either there are fewer reasons officers can now crack down, or more since this list says "including, but not limited to." New Policy Section 5 expands on a sentence moved from old Section 2, saying "it is the goal of the Bureau to apply the appropriate level of coordination, _assistance_, direction, guidance, _and management, to protect constitutional rights_, life, property and to maintain public peace and order." (Words between _underscores_ were added in the new draft.) Language about "controlling" the crowd is now in Policy Section 6. The rest of Section 5 asks officers to "monitor the crowd throughout the event to assess the level of risk posed to both demonstrators and the public at large" which is better than previous talk about "threats." However it is followed with the stated "goal of minimizing potential disorderly or violent outbursts." The Directive asks to differentiate between those involved in "criminal behavior" (again, safety is not the threshold), and those who are "lawfully demonstrating," which, perhaps, a judge should decide, not a cop on the street. (Old Procedure Section 4.1.2 also talked about officer presence used to "deter criminal activity.")

		Then, perhaps in response to the Citizen Review Committee's 2015 recommendation #4 asking to minimize presence of militaristic uniforms, Section 5 says "members will strive to maintain a non-confrontational presence to dissuade participants from engaging in disorderly behavior and to encourage crowd self-monitoring." This shows a serious lack of self-awareness by the police how mere presence (whether in riot gear or not) can serve to escalate a situation. More focus should be put on keeping police away from the crowd unless it is needed for traffic management or resolving criminal acts of violence toward or from members of the crowd. Implying that police presence encourages the crowd to be "self monitoring" is like saying your bosses should stand over your desk 24/7 with weapons at their side to be sure you're always doing your work. Nobody wants that. (Note: The non-confrontational language repeats in New Procedure Section 3.2, with the caveat that officers should "strive" to be positive "when feasible," those caveats should be removed.) New Policy Section 6 allows the Bureau to "reasonably restore order" using "reasonable crowd management and/or crowd control tactics to contain, control and de-escalate the situation." It seems odd that this is the first appearance of the concept of de-escalation, and that it's the last of the actions officers are asked to take.** The end of the Section calls for officers to focus on individuals or small groups engaged in "violent or disorderly behavior" to "reduce the need for an enhanced police presence." These terms should be better defined. We thank the Bureau for removing the phrase that said control might be "necessary" from the previous draft, though it reappears in New Procedure Section 3. --Procedure Section --1. Use of Force New Procedure Section 1 puts use of force front and center in a Directive that, again, should encourage de-escalation, pointing to Directive 1010.00 Use of Force. There is no mention here of the weapons used by police in crowd situations, and previous cross-references to the policies on Baton

		Use, Aerosol Restraints, Less Lethal Weapons, and Special Weapons have been deleted in the reference section. If this Directive isn't going to establish guidelines for such weapons, references are needed. (Note: The reference to the Taser Directive is also deleted, but Tasers are addressed in Procedure Section 8.) --2. Incident Management/Command New Procedure Section 2 refers to Directive 700.00, the National Incident Management System and Incident Command System, which we commented on in January 2016. It also encourages the CMIC to develop an action plan prior to an event. We went into great detail in previous comments on the Special Weapons Directive asking the Bureau to outline acceptable guidelines for police response to crowds based on an action plan from 2012 <http://www.pjw.info/copwatch/PPB_crowd_orders_030112.pdf>. We won't repeat those suggestions here but believe more clarity and detail is better than too much discretion when it comes to crowd response by police. --3. Communication New Procedure Section 3.1 expands a bit on Policy Section 5's suggestion that "the Bureau shall empower participants to monitor themselves in an effort to limit member involvement." This approach should not surprise us as it is coming from a top-down, hierarchical paramilitary organization. But the PPB should recognize that people are perfectly capable to self-organize and create their own security guidelines and teams without being "empowered" by the police to do so. Perhaps the phrase should be "the Bureau shall be supportive of participants' organizing to set guidelines on behavior" or something similar. New Procedure Section 3.1.1 then refers to "when a police response is necessary" rather than "when police, using the criteria outlined in this directive, choose to respond." Subsection 3.1.1.1 then calls for officers to "make reasonable efforts to contact" organizers and to "communicate its expectations and inform participants on permissible and restricted actions

		during the event." This is reflective of CRC's recommendation #8 which we critiqued as "paternalistic and ... tilting toward infringement of Constitutional rights." We suggested instead creating and posting a frequently asked questions list which can then be discussed by organizers. Moreover, given that enactment of this subsection only happens when "a police response is necessary," the insertion of police into the organizers' plan could be seen as intrusive once it has gotten to that point. We also noted in our previous comments on Old Section 1.1 that some people are taken aback and feel they're being monitored unlawfully when police call them or post to their social media pages. CRC Recommendation #5 on community relations noted "The PPB should be aware that not all community members and/or groups are open to [police] contact." We wrote in our January comments, "While there is nothing wrong with recommending more contact, it should not be seen as a means to resolve problems in crowd situations per se." New Procedure Section 3.1.1.2 calls for the "PPB Demonstration Liaison" to maintain contact with demonstration organizers. Since the Definitions section identifies the contact for an event as a "Person-in-Charge," the same term should be used here (it is used this way in New Procedure Section 5.1.3). However, that term is problematic as we recommended previously to use the term "liaison" for the person from the organizing team talking to the police (comments on Old Section 1.1). That person may not be empowered to make decisions for the protestors, and may only be there to convey information back and forth. The Directive should reflect that reality. (Again, this may be a point that is lost on an organization locked into hierarchical rather than collective thinking.) We hope the Bureau realizes that while it may be helpful for the Public Information Officer to put out information over social media (New Procedure Section 3.1.1.3), not everyone in a crowd is going to have access to or be interested in looking at their mobile devices (assuming they even own any) to see what the police have to say. We are glad to see that Old Procedure Sections 1.2, 1.3 and 1.4 which

		called for "threat assessments" and notifying the "targets" of protest actions have all been removed. --4. Demonstrations and Special Events This Section replaces Old Sections 1 & 2 on "Planned/Permitted Events" and "Unplanned/Spontaneous Events." New Procedure Section 4.1 has the Assistant Chief of Operations (here properly identified) or Chief designating the CMIC, who in turn determines if a police response is "warranted" (4.1.1). "Warranted" then becomes "necessary" in Subsection 4.1.2, which asks the CMIC to use the "Event General Planning Reference Guide" to make a plan. Is that Reference Guide available to the public, and will it be vetted for public input? Subsections 4.1.3.2 and 4.1.3.3 ask the CMIC to activate the Rapid Response Team (RRT) if a civil disturbance is "anticipated" (what's the threshold for this-- reasonable suspicion or probable cause?) and to notify Detectives to plan for mass arrests. Perhaps there should be more cautionary language noting that mobilizing RRT and preparing for arrests doesn't mean there has to be follow through involving interaction with the crowd. Many times when people prepare for war, they decide to go ahead whether or not it is "warranted." And mind you, all of this is for "planned events." New Procedure Section 4.2 is for "spontaneous demonstrations" and assigns the on-duty precinct supervisor to go to the scene and be the one to determine if "additional police response is warranted" (4.2.1) A confusing set of subsections involves contacting an RRT supervisor or commander (4.2.1.1), a CMIC (who in theory hasn't been assigned since the demonstration is "spontaneous"-4.2.1.1.1), who in turn can activate the RRT (4.2.1.1.1.1). Maybe this makes sense to "inside baseball" people but it's confusing to us. More confusing chain-of-command info continues in 4.2.1.2 (about a Sergeant who contacts a Lieutenant who can command if "two or more squads are involved"), 4.3 (referring to "MFFs", defined elsewhere as "Mobile Field Forces"), Responsibility Units, and the CMIC activating the RRT again (4.3.1.1). We noted that in the September 2014 draft, the Bureau noted that "many spontaneous events can be lawful and facilitated with minimal or no police assistance." That sentence should be restored here.

		Again, sections that talked about "risk" and "threat" (2.1, 2.3) were thankfully cut. --5. Member Responsibilities New Procedure Section 5.1 replaces Old Section 3 on the Incident Commander. The old language asking the CMIC to look at "threats" and "risks" (Old 3.1.1.5) is now rewritten to say "consider what crowd tactics are reasonable and warranted, if any, based on the totality of the circumstances" This is much better, but the old Directive also had a list of specific criteria to consider (likelihood of police action improving the outcome--which we noted should include concerns about escalating tensions, disengagement strategies and more) which might be shortened and reinserted here. The Bureau removed problematic language about considering prior behavior of "participants and leaders" from Old Section 3.1.1.4. Thank you. New Procedure Section 5.1.4 rewrites Old 3.2 about announcement to the crowd, removing "when possible" and saying the CMIC should "Ensure announcements are clear, consistent, lawful and appropriate." While there are some details in New Procedure Section 7.3.1 about giving two warnings before using force to disperse a crowd and in 7.4 about giving two warnings with time for the crowd to comply, these guidelines should all be in one place, as we noted before. Also language that prohibits contradictory orders ("get on the sidewalk / stay off the sidewalk") and using common sense (you can't tell a crowd to disperse and then block off their paths to do so) should be added. Having the CMIC in charge of announcements, rather than the RRT, is reflective of CRC's Recommendation #1, which PCW supported. New Procedure Section 5.1.6 also uses the word "necessary" when describing the CMIC's decision-making around use of "riot control agents and/or special impact munitions," which again should be replaced by "warranted" or another word acknowledging it is a decision not an imperative. We hope it is just a wrong word choice that this section calls for use of weapons to address "civil disobedience" rather than a "civil disturbance." New Procedure Section 5.2 needs to be retitled "Assistant Chief of Operations." It consolidates the duties of the A/C from elsewhere (assisting the CMIC and assigning units to

		the event). New Procedure Section 5.3 similarly consolidates duties of the Detective Division, including a discussion of assisting with and processing mass arrests. New Procedure Section 5.4 asks Sergeants to be sure officers have "proper equipment," get briefed before the event begins, and communicate the CMIC's orders to their squads. New Procedure Section 5.5 is the first real part of the Directive outlining individual officers' responsibilities, and it only has two parts: 5.5.1-follow directions of the sergeant, and 5.5.2, prohibiting taking individual action unless it is to protect the officer or others in "exigent circumstances." --6. Coordination with Other Agencies As noted above, we appreciate this controversial issue being given its own section. It is good that the outside officers generally must defer to the CMIC to use less lethal munitions, though Section 6.1.2 uses both the terms "necessary" and "civil disobedience" in inappropriate ways. Worse, it is disappointing that outside officers policing Portland protests are not required to have the same training or follow the same policies as the PPB (explicitly stated in 6.1.3). Given that the Bureau doesn't seem to want to address this tactical and legal conundrum, we wonder why, at the least, the City did not lobby the State Legislature to require all on-duty officers throughout the state to wear clear identification on their outermost garments, as the PPB is required to do. CRC recommendation #2 called for all officers to wear visible name tags. CRC recommendation #3 was to "encourage" officers who will be mobilized from other jurisdictions to attend PPB crowd control training; we feel this should be required for outside officers and their supervisors. Section 6.1.1. does require the CMIC to "appropriately brief outside agency personnel prior to their deployment," but doesn't outline the details of the content of such a briefing. --7. Announcements and Warnings Procedure Section 7.3.1 under "civil disturbance" includes direction for officers to "cite specific offenses and violations being committed" and to "give clear directions in an attempt

		to gain compliance." Since the announcements are now made using a military-grade LRAD device, these directions have become rather personalized lately, with the PPB calling out particular protestors by name. This is an intimidation tactic that should be stopped. This section doesn't include guidance on giving the crowd a chance to comply with orders or require documentation, even though both are present in Section 7.4 on "Unlawful Assembly." PPB also needs to deploy an officer in the field to listen to the announcements to be sure they can be heard, as the LRAD is directional and often hard to comprehend when a crowd is making a lot of noise and/or there is traffic going by; it is not clear if this is what is meant by "ensure the audio confirmation received by identified staff on other end" in Section 7.4.2. Though we encouraged the Bureau to cite ORS 131.675 to explain when dispersal of crowds is lawful, that was not done (while the Statute is still referenced in the beginning of the Directive). --8. Prohibited Crowd Control Tactics. New Procedure Section 8 is a rewrite of Old Procedure Section 5, and we're glad to see it maintains the prohibitions on using fire hoses or canine units on protestors. We also applaud the addition of Section 8.1.3 which prohibits the use of Tasers, and more so because Tasers are referred to as "Conducted Electrical Weapons," the neutral term for the electroshock devices. We also support ACLU, NLG and OLGG's addition of deadly force to the list of prohibited tactics. We addressed above the limitation of Section 8.2 prohibiting horses used only if "passively resistant demonstrators are sitting or lying down." As we wrote in January regarding Old Procedure Section 3.1.1.8: "[We think use of] Mounted Patrol in crowds is dangerous both to the horses and the participants and should be stopped. We continue to believe the PPB should retire the MPU and use the money for anti-racism and other equity programs." We also asked to see batons, pepper spray, impact munitions, flash-bangs, tear gas, and bicycles as weapons banned from crowd use. We are glad to see that the word "tools" is no longer being used to describe weaponry, and that there is no longer a reference to the use of police aircraft in crowd situations. However, we find it hard to believe the Bureau is discontinuing the use of the spy planes with no

		discussion; if the planes are not being discontinued to monitor protests their use must be addressed, particularly regarding ORS 181A.250. --9. Crowd Dispersal Again, ORS 131.675 should be quoted in Section 9 on Crowd Dispersal. There is only one subsection here, allowing the CMIC to order a dispersal when an event becomes a civil disturbance "or the crowd presents a clear and present danger to the safety of the public or [officers]." There is nothing in this section referring back to the Announcement requirements nor, as we mentioned above, making sure people have a chance to comply with commands without being boxed in (or "kettled"), attacked and/or arrested; these concepts are inadequately addressed in Sections 10&11. --10 & 11. Detentions and Arrests Section 10 on detentions seems to have been written in response to a complaint that went to the CRC about the mass detention of protestors in 2014 after the Ferguson verdict. The Directive as written says "members _may_ be justified in detaining a crowd engaged in unlawful assembly after providing a lawful order to disperse followed by a reasonable opportunity to comply with that order." The use of the word "may" shows that the City is unsure on legal grounds whether you can detain people about whom the police can't articulate specific suspected criminal activity. Moreover, one of the complaints at CRC was that people who were on the sidewalk were boxed in and detained. And, it should also be noted, the time it took the police to make 10 arrests that night and then let people leave one at a time through a police gauntlet was longer than it likely would have taken for the crowd to finish its action and move on. Section 11 on Arrests limits authorization for arrests to the CMIC (unless there are "exigent circumstances"). Section 11.2 says "careful consideration should be given to timing, location and method of the arrest." This is an improvement over Old Procedure Section 3.3.3 which just asked the CMIC to "weigh the effectiveness" of targeted arrests; PCW actually suggested adding timing to the list of factors. We also asked to include level of criminal behavior and the likelihood of escalating tensions, which unfortunately are not listed in the new draft.

		Section 11.3 does require officers to say what probable cause there is for arrest. --12. Reporting and Coordination Requirements New Procedure Section 12 rewrites Old Procedure Section 6, which asked the CMIC to submit a special report and ensure officers' reports are submitted before the end of their shift. New Section 12.4 still requires officers who use force to file a report, but there is no timeline set, which is unfortunate. It does, however, add that officers who witness the use of force also need to submit reports. Section 12.1.5 requires the CMIC to hold a debrief of the event including areas of improvement (we assume this means areas which can stand to be improved, not just saying how the Bureau did better than a previous incident); the supervisor of each squad is also supposed to hold a debrief and write reports about the use of force (12.3.2). OTHER COMMENTS --The entirety of Old Section 4 on Crowd Control Tactics was more or less deleted, though it contained information that relates to mass arrests, Mobile Field Force tactics involving batons, dispersal, and specific weapon use (pepper spray, impact munitions and riot control agents). It also had an ill-defined suggestion to "pre-emptively confiscate potential weapons" which is just as well to be gone (Old Section 4.1.1). --Some important definitions were deleted including the definition of "passive resistance." --Even though Directive 635.20 "Community Member Observation of Police" is mentioned in the reference section, there is no policy about officers allowing video of their actions in a public setting such as a protest. We support the ACLU/NLG/OLGG recommendation to prohibit arrests of journalists or legal observers. --Since the Directive is silent about the use of pepper spray, we repeat here that we believe pepper spray should not be used at all in crowds.

		--In the past (and in Old Procedure Section 4.6) officers have been allowed to use chemical agents when people in the crowd threw items at the police. We continue to urge the Bureau, as we wrote in January, to "distinguish between a gum wrapper, paper airplane, empty plastic bottle, or cannon balls." We suggested self-defense by state agents would only be justifiable if they are struck by "items capable of causing injury more serious than a paper cut." --In many ways it is good that the Bureau's policy doesn't include reference to the permitting process. It is odd that the police took to the media after several unpermitted protests were attacked saying they can issue permits on the spot. It seems better to just acknowledge that the protest is happening and make sure cars don't hit the demonstrators instead of asking for people to receive permission to protest the government they're protesting. CRC's recommendation #7 asked for a more centralized and easier process to apply for a permit, which we agreed with while noting "permits are not always required, and some would argue are undue burdens on free speech/assembly/expression. We believe strongly that First Amendment events should not have to be cleared through the Police." --There is no particular part of the Directive reflecting CRC's recommendation #11, which prohibited targeting people based on their clothing or perceived political affiliation; PCW supports that recommendation. --Finally, CRC also recommended (#12) that property confiscated during protests be promptly released; PCW also supports that recommendation. While we really appreciate that the Bureau is now allowing public comment after initial changes are made and before implementation, it is outrageous that there with so many changes made we are being asked to comment on a 15 day timeline. Please consider our suggestion to release a draft or at least a conceptual framework during the opening 30 day period to make this process more meaningful. *-CRC's 2015 Recommendation #6 was for front-line officers to maintain a friendly demeanor; PCW supported this recommendation. **-CRC's 2015 Recommendation #10 was to revise the Directive's preamble to

		emphasize de-escalation; PCW supported this recommendation.
3/28/17		Portland police should stop the use of the following items as "crowd control" devices. Teargas: There's no way to control it once it's deployed. Teargas completely traumatizes your respiratory system, and when you're using it in a crowd-control situation you have no idea who you're using it against. Someone with asthma—you're going to kill somebody. It's a chemical weapon. Pepper spray: Prevent police officers from aiming pepper spray into groups of people, as they did on January 20. Stinger grenades: It's not a fake grenade, it's not a smoke grenade—it's a grenade. It blows up. Other "impact projectiles": Portland police officers have recently shot beanbag rounds, rubber bullets, and eye-stinging "pepper balls" at protesters. Rubber bullets—bulbous, blunt projectiles—should be banned completely
3/28/17		I think the use of force during protests has been out of line. While I acknowledge the necessity of a police presence during these demonstrations, I think the use of riot gear and tactics is unnecessary and promotes a feeling of confrontation and violence. I understand, too, that vandalism is a criminal act, and that those responsible for it can and should face criminal charges. However, vandalism against property is not equivalent with violence against people, and to answer vandalism with violence is beyond the bounds of effective policing, in my opinion. I believe it erodes public trust, especially in marginalized communities where it is most imperative that police have positive relationships with citizens. Thank you for considering my thoughts.
3/27/17		Hello, Thank you for taking feedback on this issue.

		I strongly feel the police need to use far less force on protesters. To me, these modern crowd control devices feel inappropriate. If the police feel they have a valid reason to make an arrest, they should do so. If not, they should let people protest and exercise their First Amendment rights. As I'm sure the ACLU has informed the PPD, some laws and restrictions might be unconstitutional, if challenged. Just because the city has made a law, does not mean it is constitutional. Of course, there's also the broader issue of justice. Police departments have leeway in policing certain policies. If they wanted, they could ticket everyone going 26mph in a 25mph zone, for example. As a citizen, I ask that you use less force on the protestors. They are other people's sons and daughters. Please be humane and don't treat them like animals. Sincerely
3/27/17		I no longer trust Portland Police. I have been to protests and vigils where the Police have been the ones to incite violence. This is not exaggeration, this is what I have witnessed on multiple occasions with my own eyes. Why police would show up in riot gear to a peaceful vigil on a college campus is beyond me. When I see Portland Police I am on edge, and I don't see that changing anytime soon. You are a violent organization and your actions show who you really are and who you want to be, and I have no faith things will get better. Maybe if I spouted racism and carried a trump flag you'd behave better when I am around you.
3/27/17		Please do not use pepper spray, rubber bullets and stun grenades on peacefully protesting individuals. We have a right to assembly and a right to free speech, and squelching our rights

		makes you look like bullies.
3/27/17		When it comes to use of chemical crowd control devices like pepper spray I have often seen where it is sprayed in a randomly often hitting innocent by standers, who are no where near the crowd, but often in the back . Aresoled deterrents like cns gas can be blown by the wind, and affect people blocks away. These should not be used in tight urban environments..
3/27/17		On January 20, 2017, I was marching with a group of peaceful protesters while harassed at several points by multiple Portland police officers. During one of these points, there was a group of 4-5 officers that were standing alongside SW Alder St that were mimicking and harassing the protesters as they peacefully walked by. One of these officers raised his rifle (I am guessing it was a rubber bullet gun, but having no knowledge of weaponry I could not say for sure) and pointed it specifically at the crowd of people that I was walking with. He used his eye to aim down the barrel and then smiled when the people he was aiming at became uncomfortable and intimidated from being actively targeted by a gun. One of the children that I was walking by grasped at his mother's hand while beginning to cry in terror. Others became enraged as the officer trying to rile the crowd with an emotional reaction. The other officers saw what he was doing and did not react to his inappropriate and unethical behavior. I was appalled at this man's reckless behavior and disregard for the safety of those around him. Additionally, since the group I was with brightly and obviously identified as a Queer and LGBT+ contingency, it was impossible to feel even more threatened and harassed as a further targeted minority group that has been treated poorly by this police force in the past. As the night progressed, I saw unarmed and peaceful men, women, and children gassed and terrorized by chemical and disorienting weapons. I was deeply ashamed to be a Portlander that night, and my basic physical safety felt in peril

		by a man that I would assume "pledged" to protect my safety as some point in his past. Furthermore, to see how "lovely" and "docile" these exact same officers were on the following day during the Women's Day protest made me sick to my stomach. It is their duty to protect ALL citizens, not simply the ones that wear fuzzy pink hats. SHAME!!!
3/27/17		This is a set of comments regarding PPB Directive 635.10 “Crowd Management/Crowd Control.” This Directive was under universal review earlier in 2017, and the draft revision of the directive is under present review. I address the revision only. The review of 635.00 is very timely, given the problematic response of the PPB to spontaneous demonstrations following the election in November 2016 and in reaction to executive orders issued by the White House following the inauguration of 20 January 2017. While the PPB’s response to planned and permitted public demonstrations such as the Women’s March on 21 January 2017 and the AMA March for Justice and Equality on 28 January were exemplary, their response to other events, including use of force where it was not needed, presentation as an intimidating paramilitary body instead of a unit devoted to maintaining public order, and multiple detentions that never resulted in charges, show that new clarity for a Directive on crowds is needed. My purpose in presenting my comments is to recommend changes to Directive 635.10 that are consistent with my admittedly nonlawyerly understanding of public order law. I disclose that I had a career as a public policy analyst in which I have done research on public safety, and that I have served on various Portland advisory committees regarding public health and law enforcement systems. Comment #1. I find the definition of “Civil Disturbance” in the revised Directive 635.10 somewhat vague, which could lead to unwanted Member overresponse to crowds. To warrant active police response, crowd behavior should manifest a clear and present danger to public safety, which seems to me to be more stringent than the current definition of simply “a threat”

		to public safety. Moreover, while planned and permitted demonstrations are clearly legal unless they devolve into a clear and present danger to public safety, unplanned, spontaneous demonstrations that are respectful of the rights of other citizens and do not present a clear and present danger are equally legal; the definitions should reflect that explicitly. In the same vein, the definition of "Riot" is similarly vague and conducive to overreaction and needs modification. Comment #2. The proposed Policy 5 seems also vague. Instead of applying the "appropriate" level of response, this policy instead should explicitly call for the minimum necessary level of response to maintain public safety. A brighter line should be drawn between "potential disorderly outbursts" which may well be tolerable and "potential violent outbursts," which may call for pre-emptive response. That said, the "potential" must be clear, present, and imminent. Members must not only strive to maintain a nonconfrontational presence, but must actively strive to do so. Such active non-confrontation is manifested not only in direct behaviors such as verbal or physical threats, unwarranted use of force, and unnecessary physical proximity to citizens, but also in Member presentation, including paramilitary dress and weaponry and armored vehicles. Police presence should not be to dissuade unwanted behavior, but rather to encourage as much as possible orderly individual and group self-monitoring and nonviolent behavior. Comment #3. In the proposed Policy 6, the Bureau's responsibility is to restore order and the public peace by the minimally necessary means. Calling instead for "reasonable" means opens the door to potential overresponse. Comment #4. In the proposed Procedure 3.1, a softer tone should be taken. Instead of using the letter of the law as a line between Bureau action and inaction, the threat to public safety of the consequences of that behavior should be the central and overriding criterion. Comment #5. The opening words of the proposed Procedure 3.2, "When feasible" present a defense for not behaving in a positive and non-confrontational manner. Feasibility is a very

		loose judgment call. I recommend deleting those two words. After all, this is about striving and not about what eventually happens. Comment #6. The proposed Procedure 4.2 on spontaneous demonstrations is worded to imply that any spontaneous demonstration is unlawful. That is not the case. Instead, spontaneous demonstrations carry an extra burden of not disrupting the behavior of other citizens, but do not call for rapid response, but instead negotiation. Comment #7. The proposed Procedure 8 on prohibited crowd control techniques is incomplete and weak. The procedure should begin with a reiteration that all times, the minimally necessary force should be considered the standard. In 8.1, the list is incomplete, and should reiterate the prohibitions of the Use of Force Directive. In 8.2, no use of force should ever be used against passively resistant demonstrators. Protected transport should be the only acceptable action. Comment #8. Proposed Procedure 12.4 needs to be expanded. Members who witness force by another member during an incident where such force is perceived as inappropriate should actively attempt to get the Member using force to stop. It is not acceptable to passively witness illegitimate use of force, even if that force is later reported.
3/27/17		Dear Chief Davis, I am a Reed student, and I came to Portland because I knew this was a progressive, inclusive city that stands against racism, sexism, Islamophobia, homophobia and transphobia. What I saw on Inauguration Day and Presidents Day, when your police bureau attacked and injured peaceful protesters, is not what I want my new home to be. I want to know that when I, my friends and my neighbors are marching for what we believe in we will not be tackled, tear gassed or pepper sprayed by police officers who have been militarized far beyond the actual threats they face. In revising your crowd control policies, I hope that you will implement the changes proposed by the ACLU of Oregon and other civil liberties groups.

		Thank you for considering my comment,
3/27/17		Dear Chief Davis, I am a Reed student, and I came to Portland because I knew this was a progressive, inclusive city that stands against racism, sexism, Islamophobia, homophobia and transphobia. What I saw on Inauguration Day and Presidents Day, when your police bureau attacked and injured peaceful protesters, is not what I want my new home to be. I want to know that when I, my friends and my neighbors are marching for what we believe in we will not be tackled, tear gassed or pepper sprayed by police officers who have been militarized far beyond the actual threats they face. In revising your crowd control policies, I hope that you will implement the changes proposed by the ACLU of Oregon and other civil liberties groups. In particular, I want to stress banning the use of stinger grenades, rubber bullets, beanbag rounds, pepper balls, teargas launchers and indiscriminate pepper-spraying against protesters. Having experienced the use of flashbang grenades by Seattle police against a peaceful Black Lives Matter protest in which I was participating, I believe the use of these should be banned as well. All of these weapons are suited for battlefields, not for "controlling" unarmed crowds of peaceful civilians. Besides causing serious injury to individuals they hit directly (or who, in the case of teargas, have asthma or other respiratory ailments), these types of weapons are terrifying and are likely to start chaos and stampedes in what were previously orderly crowds. There is serious risk that someone will be trampled, while provoking crowds in this way may in fact make police less safe than if they had held back. Some of the people whose faces your officers slammed into the concrete while they were standing on a public sidewalk on Feb. 20 are personal friends of mine. I hope you understand that the PPB is not above the law, and that we will hold you and Mayor Wheeler accountable in the courts, at the ballot box and in the streets. Please do your job and enact changes that

		will make myself and my community more safe, not less. Thank you for considering my comment,
3/25/17		"To the extent not governed by other policies, any recorded audio or video not containing alleged criminal acts for prosecution, shall be turned over to the city attorney's office to be stored. No such recording shall be used to monitor individuals or groups solely based on political association or affiliation." There should be a time limit for this storage both for privacy reasons and also to prevent storage expense from continually rising. I'd suggest 1 year.
3/23/17		March 23, 2017 The Honorable Ted Wheeler Portland City Hall MayorWheeler@portlandoregon.gov Re: Comments from American Civil Liberties Union of Oregon, Portland Chapter of the National Lawyers Guild, and Oregon Lawyers for Good Government. Portland Police Bureau Proposed Directive 635.10 Crowd Management/Crowd Control Dear Mayor Wheeler and Chief Marshman: On behalf of Portland Jobs with Justice, I am writing in support of the recommendations on crowd control submitted by the ACLU of Oregon and the National Lawyers Guild. Portland Jobs with Justice is a coalition of over 120 labor, faith, community, and student organizations working through a racial and gender justice lens to take action in support and defense of workers' rights. Those rights include the constitutionally enshrined right to free speech and

		public assembly for the redress of grievances. It is with great concern that we have witnessed multiple instances of unnecessary use of force by the Portland Police Bureau (PPB) against protesters engaging in their first amendment rights to free speech and public assembly for the redress of grievances. As Mayor and Police Commissioner, you must be aware of the longstanding problems in the Portland Police Department concerning inappropriate use of force in crowd control situations. PPB should approach public protests and crowd control situations with the intention of de-escalation, community safety, and protecting constitutionally guaranteed free speech rights. The examples of force used in recent months by PPB under your watch have escalated situations where community members gathered to express discontent into situations of danger for community members who were protesting, as well as for bystanders and observers. Examples of recent and unnecessary use of force incidents include pepper spraying large crowds resulting in children being sprayed and injured, conflicting orders being given to protesters such as orders to move into Pioneer Square followed almost immediately by orders to leave Pioneer Square, and the indiscriminate use of tear gas, flash grenades, and rubber bullets on non-violent crowds, have resulted in a number of injuries. The systemic use of excessive force against community members engaging in protected free speech activities is egregious and must stop immediately. At Portland Jobs with Justice, we fully support the specific revisions to Proposed Directive 635.10 on crowd management and crowd control that have been submitted to Mayor Wheeler and Police Chief Marshman on behalf of the ACLU of Oregon, the Portland Chapter of the National Lawyers Guild, and Oregon Lawyers for Good Government. Narrowing and clarifying the definition of Civil Disturbance to mean a situation with “a clear and present danger to public safety,” recognition of not only the right to free speech but also to free assembly, and changing the Directive’s definition of “Riot” to specifically preclude persons passively present and resisting arrest as well as specifying that in order to cause “public alarm” there must be a clear and present danger to public safety are all reasonable revisions

		that more accurately balance the right to free speech and public assembly with the city's role of protecting public peace. Furthermore, we feel the need to reiterate that the definition of an "unlawful assembly" that is now included in the draft Directive is not based on any statutory authority or case precedent, and we support the clarification of the definition of "Demonstration (or Protest)" to assert that the lack of a permit does not make a demonstration "unlawful," and does not justify use of force by the Portland Police Bureau. In order to create a more just and legal balance between the right to free assembly and the city's duty to protect the peace, we urge you to implement the changes to draft Directive 635.10 as outlined by the ACLU of Oregon, the Portland Chapter of the National Lawyers Guild, and Oregon Lawyers for Good Government in order to ensure that the constitutional rights of Portland residents are protected from overreach by the City and the Portland Police Bureau. Sincerely,
3/22/17		Several investigations of officers use of chemical agents including mace and teargas have resulted in PPB being unable to identify who used less lethal force. We need more accountability on who is deploying chemical agents and who its being used against and why the use was justified. Officers should be required to file a special report and failing to do so should result in disciplinary action.
3/17/17		Two warnings is not enough, in a crowd it is not easy to hear and understand them. Do not escalate a peaceful spontaneous assembly by sending officers in riot gear to intimidate the crowd. Do not use crowd control devices on non violent spontaneous protests. Do not seek confrontation with non violent spontaneous protests. Officers using force on non violent protesters must be held accountable. Permits are expensive, lack of permits is not an acceptable rationale for use of force on non violent crowds.