



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

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Executive Summary

Directive 0305.00, Active Bystandership, Intervention, and Anti-Retaliation

Introduction

The Georgetown University Law Center’s Innovative Policing Program, which seeks to promote new ways for law enforcement agencies to tackle challenges in policing, created the Active Bystandership for Law Enforcement (ABLE) Project with the overall objectives of equipping officers with the tools to intervene to prevent misconduct and building police culture that supports peer intervention. ABLE builds upon a successful intervention program, Ethical Policing is Courageous (EPIC), developed by researchers, policing experts, and the New Orleans Police Department (NOPD), and ultimately implemented by NOPD in 2014.

In early 2021, the Portland Police Bureau applied and received approval from the Innovation Policing Program to participate in the ABLE Project. As a result, the Bureau developed Directive 0305.00, Active Bystandership, Intervention, and Anti-Retaliation, which establishes guidelines for adhering to ABLE Project standards, as well as other intervention requirements set forth by state law and existing Bureau policy.

Public Comments

The Bureau received few comments during each universal review and public comment period for the directive. Some commenters expressed doubt about the Bureau enforcing the policy and holding members accountable, while others implied that the need for institutional culture change is unnecessary and questioned the need for a policy on peer intervention. The remaining public comments more directly addressed aspects of the policy that commenters deemed deficient or in need of clarification. Specifically, commenters made recommendations regarding the use and definitions of certain terms, the reporting of misconduct, and training requirements.

Definitions

A commenter recommended that the Bureau enhance its guidance for the term “passive bystandership” and expand the definition of “retaliation.”

The directive includes the term “passive bystandership” to contrast and provide greater context for the term “active bystandership.” When training on a directive, the Bureau (i.e., the Training Division) typically expands upon the policy to provide more detailed and often scenario-based instruction to members. This term serves as a valuable training tool to clearly frame the Bureau’s expectations, as emphasized in the directive, around members engaging in active bystandership.

The commenter noted that the “retaliation” definition largely mirrors the definition included in Directive 0310.20, Discrimination, Harassment, and Retaliation Prohibited, but excludes the reference to harassment and discrimination. The foundational concept of retaliation remains the same, however, the Bureau omitted the aforementioned line for the purpose of this directive

because it does not pertain to discrimination or harassment. The definition included in this directive does not nullify the other.

Reporting Misconduct

The Bureau received feedback that the policy requires officers to intervene and report misconduct, but does not specify to whom the member should report, particularly in circumstances where the member's supervisor is the person engaging in misconduct. The commenter recommends stating in policy that the member can report their supervisor's misconduct to another supervisor to avoid the member being disciplined for not reporting to their chain of command. This directive captures new state law requirements for member intervention and reporting; however, existing Bureau policy outlines the procedure for members to report misconduct and allows for the reporting flexibility highlighted by the commenter. Directive 0330.00, Internal Affairs, Complaint Intake, and Processing, permits a member to report alleged misconduct to anyone in or out of their chain of command, including external sources (e.g., the Bureau of Human Resources). Directive 0305.00 includes a reference to relevant existing policies, and members are expected to comply with the requirements set forth in all Bureau policies.

ABLE Training

A commenter offered that the content and frequency of Bureau training, as well as the method by which the Bureau trains should solely be determined by the Bureau and the City. As the directive notes, sworn members must receive initial ABLE training and ongoing refresher training in subsequent years, as determined by the ABLE Project.

Researchers, policing experts, and former and current law enforcement officials assisted in the development of the ABLE Project standards. One of those standards is meaningful training. ABLE training focuses on instructing officers on how to successfully intervene through evidence- and skills-based training, rather than merely explaining to officers their legal duty to intervene. The experts behind the ABLE Project designed the training materials and prescribed the number of training hours and class size to ensure the training is impactful. The Bureau was aware of the project requirements at the time that it applied to participate and continues to be committed to satisfying the ABLE Project standards and requirements.

The Bureau's New Policy

Directive 0305.00, Active Bystandership, Intervention, and Anti-Retaliation, organizes the ABLE Project standards into an enforceable Bureau policy and reinforces existing Bureau requirements with regard to peer intervention and reporting misconduct. The new directive also addresses the role that wellness plays in the performance of member duties and its potential impact on a member's ability to effectively intervene. By participating in the ABLE Project and adopting this directive, the Bureau reaffirms its commitment to aligning its training and procedures with industry best practice standards and 21st century policing principles. (Please note that implementation of the new directive referenced in DIR 0305.00, DIR 0500.00, Portland Police Bureau Wellness Program, is pending.)

The Bureau welcomes further feedback on this policy during its next review.

This directive goes into effect on October 31, 2021. Published on October 1, 2021

0305.00, Active Bystandership, Intervention, and Anti-Retaliation

Refer:

- Oregon House Bill 4205 (Enrolled)
- City of Portland, Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination, and Retaliation
- DIR 0240.00, Employee Assistance Program (EAP)
- DIR 0310.00, Professional Conduct and Courtesy
- DIR 0310.20, Discrimination, Harassment, and Retaliation Prohibited
- DIR 0315.30, Satisfactory Performance
- DIR 0330.00, Internal Affairs, Complaint Intake, and Processing
- DIR 0333.00, Criminal Investigations of Police Bureau Employees and Other Law Enforcement Agency Sworn Employees
- DIR 0335.00, Discipline Process
- DIR 0338.00, Discipline Guide
- DIR 0500.00 Portland Police Bureau Wellness Program
- DIR 1010.00, Use of Force

Definitions:

- **Active Bystandership:** Actively stepping forward, speaking up, and taking action to intervene to address harmful behavior and/or prevent harmful behavior from escalating.
- **Bystander:** A witnessing member who is in a position to know that there is a need for positive action and is in a position to safely take some form of action.
- **Passive Bystandership:** Failing to intervene by modeling inaction or passivity. Passive bystandership may discourage intervention by other members, or may appear to support the misconduct or harmful behavior.
- **Misconduct:** Conduct by a member that violates Bureau regulations, orders, directives, or other standards of conduct required of City employees.
- **Mitigating Factor:** A circumstance, fact, or influence that may reduce the level of corrective action or discipline recommended.
- **Retaliation:** Adverse conduct towards an individual, not otherwise authorized by law or policy, which is in response to an action taken or perceived to be taken by the individual. Conduct that would likely deter an individual from reporting or supporting a claim of harassment or discrimination may constitute retaliation.

About the Active Bystandership for Law Enforcement (ABLE) Project:

Georgetown University Law Center's "Innovative Policing Program" created ABLE Project as an innovative approach to tackling deep-rooted challenges in policing. The project includes wide-ranging strategies that emphasize community involvement and engagement, focused training, officer wellness, improving accountability, and consistency across police departments.

The foundational pillars of the project are preventing misconduct, reducing mistakes, and promoting officer health and wellness. With these pillars as the focus, the project aims to give officers the tools to effectively intervene and create an institutional culture that supports and encourages peer intervention.

Policy:

1. This policy establishes guidelines for members to comply with Bureau policy and state law regarding the duty to intervene, instructs members on intervention and active bystandership strategies and techniques, and outlines existing policies and procedures for intervening in and reporting misconduct.
2. The Portland Police Bureau recognizes the important role that peer-intervention and active bystandership play in reducing harm for both members, and the community. The Bureau further recognizes that member attempts at and receptiveness to intervention should be a potential mitigating factor in any resulting discipline proceeding, as long as accountability is achieved. As a result, the Bureau is committed to creating a culture of active bystandership and peer intervention, and following the ABLE Project standards.
3. The Bureau acknowledges that giving members the tools to identify potential warning signs and intervene is critical to community trust, harm reduction, and member wellness. The goal is for members to be proactive in identifying certain conduct before it escalates.
4. Integrity and accountability are key factors in creating institutional changes. Affirming its commitment to the ABLE Project's objective centered on changing law enforcement culture, the Bureau will enhance its efforts to create a work environment that promotes active bystandership, accountability, encourages proactive intervention, and does not tolerate retaliation for intervention.

Procedure:

1. ABLE Program Principles.

1.1. Member Wellness.

- 1.1.1. Wellness plays a critical role in a member's ability to perform their duties at an optimal level.
- 1.1.2. Work-induced stress, sleep deprivation, and poor fitness habits, among other harmful practices, may have a negative impact on a member's judgment and actions.
- 1.1.3. Fostering a culture of peer intervention and receptiveness to peer intervention promotes member wellness by potentially reducing member exposure to mistakes, misconduct, and the discipline process. Intervention may also reduce the occupational risks associated with law enforcement work, such as suicide and depression.

1.1.4. Members may refer to Directives 0240.00, Employee Assistance Program (EAP), and 0500.00, Portland Police Bureau Wellness Program, for guidance on accessing assistance resources and developing positive wellness practices.

1.2. Active Bystandership and Recognizing the Need to Intervene.

1.2.1. Notice.

1.2.1.1. Situational awareness applies to peer intervention. It refers to the conscious recognition or perception of an officer's environment and the interaction of officers' and community members' individual and shared experiences, and the situational factors that influence behavior and decision-making. Having self-awareness and an awareness of others and the environment can help members recognize the need to intervene before misconduct occurs or to prevent harmful behavior from unreasonably escalating.

1.2.1.2. With an increased awareness, members may be able to recognize in themselves and other officers, physical and/or emotional indicators that suggest that a situation may escalate and require intervention.

1.2.1.3. Members should strive to be self-aware and mindful of others in an effort to recognize the need for intervention.

1.2.2. Decide.

1.2.2.1. Active bystandership requires recognizing when intervention may be necessary and being decisive and deliberate in your actions to intervene.

1.2.2.2. Intervention is necessary when the risk or cost of not intervening (e.g., escalating harmful behavior, safety issue, possibility of member or subject injury, etc.) outweighs the risk of intervening (e.g., member tension or discord.).

1.2.2.3. The Bureau shall prepare members to recognize the need for intervention and employ effective strategies to intervene, when appropriate or necessary.

1.2.3. Act.

1.2.3.1. Successful intervention requires members to act when it is safe and feasible to do so.

1.2.3.2. Opportunities for active bystandership may include, but are not limited to;

1.2.3.2.1. Members intervening before the harmful behavior or misconduct occurs. For example, when a member notices a change in a peer's behavior, outside the context of an incident or call.

1.2.3.2.2. Members intervening when they witness harmful behavior or misconduct occurring. This may occur at the outset of the incident or if the member believes the harmful behavior has unreasonably escalated.

1.2.3.2.3. Members reporting harmful behavior or misconduct that they witnessed or of which they become aware.

1.2.3.3. The Bureau encourages members to act early when intervening. Members should endeavor to prevent harmful behavior and misconduct at the earliest intervention point when it is safe and reasonable to do so.

1.2.3.4. Members are encouraged to assist members in addressing health and wellness concerns even where those concerns are not currently resulting in violating law or policy.

2. **Duty to Intervene.**

2.1. To protect the safety of the community, their colleagues, and themselves, members have a duty to intervene to prevent, mitigate, or stop another member from conduct they know, or reasonably should know, violates law or policy when:

- 2.1.1. They are in a position to know that there is a need for positive action; and
- 2.1.2. They are in a position to safely take some form of action.

2.2. This duty applies regardless of rank.

3. **Additional Member Intervention and Reporting Requirements as Established by Bureau Directives and State Law.**

3.1. Duty to Intervene and Report Misconduct as Required by Bureau Policy.

3.1.1. Pursuant to Directive 1010.00, Use of Force, members must intervene to prevent or stop what they know or reasonably should know to be unlawful or out-of-policy force, unless the member is unable to intervene safely.

3.1.2. Pursuant to Directive 0310.00, Professional Conduct and Courtesy, when a member becomes aware of an act of misconduct, they must report the act to a supervisor as soon as possible.

3.1.3. Pursuant to Directive 0333.00, Criminal Investigations of Police Bureau Employees and Other Law Enforcement Agency Sworn Employees, members must immediately notify a member in their chain of command, any Assistant Chief, the IA Captain, or the Independent Police Review when they receive a complaint of criminal conduct by another member or when they have knowledge of any criminal conduct by a member.

3.1.3.1. Any member who observes criminal conduct by another member has a duty to reasonably intervene if safe and feasible. After intervening, members shall immediately notify their supervisor or any individual listed in Section 3.1.3.

3.1.4. Members who fail to report member misconduct shall be subject to disciplinary or corrective action.

3.2. Duty to Intervene and Report as Required by State Law.

3.2.1. Pursuant to state law, sworn members shall intervene to prevent, mitigate, or stop other police officers the member knows or reasonably should know has engaged in any form of the following conduct, unless the intervening member cannot intervene safely:

3.2.1.1. Unjustified or excessive force that is objectively unreasonable under the circumstances or violates the offending officer's agency's use of force policy;

3.2.1.2. Sexual harassment or sexual misconduct;

3.2.1.3. Discriminating against a person based on race, color, religion, sex, sexual orientation, national origin, disability, or age;

3.2.1.4. Committing a crime; or

- 3.2.1.5. Violating the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A.410. (i.e., conduct or qualities that would prevent a person from being certified as a police officer or would warrant their de-certification.)
 - 3.2.2. Sworn members shall intervene in this conduct without regard to the rank or assignment of the other police officer and without fear of retaliation.
 - 3.2.3. Bureau policy requires that members report all misconduct to a supervisor as soon as possible, despite the less restrictive state law requiring members to report the conduct described in 3.2.1.1. through 3.2.1.5. within 72 hours.
 - 3.2.3.1. Members should be aware that violating the state law could result in decertification as a police officer.
 - 3.2.4. Members shall report this conduct at all times, regardless of whether the member is on or off duty, regardless of whether the officer engaging in misconduct is on or off duty, regardless of whether the officer engaging in misconduct works for another agency, and regardless of whether the misconduct happens between members or between members and the public.
 - 3.2.5. Pursuant to state law, members who fail to intervene under the circumstances where intervention is required by law or fail to report that conduct shall be subject to disciplinary action.
- 4. Anti-Retaliation.**
- 4.1. The Bureau will not tolerate retaliation against members who intervene to prevent behavior or conduct described in this directive.
 - 4.1.1. No member shall punish, target, or otherwise ostracize another member for attempting to intervene or successfully intervening.
 - 4.1.2. Members shall act in accordance with Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited.
 - 4.2. Reporting Retaliatory Behavior.
 - 4.2.1. Members shall report any retaliatory behavior they observe or of which they become aware, as soon as practical, in accordance with Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited.
 - 4.2.2. Supervisors who observe or become aware of conduct that constitutes retaliation or a violation of Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination, and Retaliation, shall notify the Bureau of Human Resources (BHR) as soon as practical, but no later than two working days after the incident.
 - 4.3. Investigating Retaliation Allegations.
 - 4.3.1. The Bureau shall fully investigate all allegations of retaliation in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing.

5. Potential Discipline Mitigation.

5.1. Accepted member intervention that stops, prevents, or mitigates misconduct may be a potential mitigating factor when considering discipline.

6. Supervisor Responsibilities.

6.1. Supervisors who are notified of an act of misconduct, including a member's failure to intervene, shall inform Internal Affairs as soon as practical and BHR when required.

7. ABLÉ Program Coordinator Responsibilities.

7.1. The ABLÉ Program Coordinator shall:

- 7.1.1. Facilitate the delivery of the ABLÉ program curriculum to all sworn members;
- 7.1.2. Incorporate the principles of active bystandership into relevant disciplines, including Patrol Procedures, Control Tactics, and Patrol Vehicle Operations;
- 7.1.3. Promote the program through regular internal and external communications and annual refresher training;
- 7.1.4. Coordinate with the Bureau's Leadership, Wellness Program, EAP, Procedural Justice teams;
- 7.1.5. Make a reasonable effort to assist surrounding law enforcement agencies with ABLÉ program implementation; and
- 7.1.6. Report program status (e.g., number of officers trained) to the ABLÉ Project, as requested.

8. ABLÉ Program Training.

8.1. All sworn members will receive initial ABLÉ training and ongoing annual refresher training, consistent with the ABLÉ curriculum and standards.

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3. The Bureau acknowledges that giving members the tools to identify potential warning signs and intervene is critical to community trust, harm reduction, and member wellness. The goal is for members to be proactive in identifying certain conduct before it escalates.
4. Integrity and accountability are key factors in creating institutional changes. Affirming its commitment to the ABLE Project's objective centered on changing law enforcement culture, the Bureau will enhance its efforts to create a work environment that promotes active bystandership, accountability, encourages proactive intervention, and does not tolerate retaliation for intervention.

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- 1.1.3. Fostering a culture of peer intervention and receptiveness to peer intervention promotes member wellness by potentially reducing member exposure to mistakes, misconduct, and the discipline process. Intervention may also reduce the occupational risks associated with law enforcement work, such as suicide and depression.

1.1.4. Members may refer to Directives 0240.00, Employee Assistance Program (EAP), and 0500.00, Portland Police Bureau Wellness Program, for guidance on accessing assistance resources and developing positive wellness practices.

1.2. Active Bystandership and Recognizing the Need to Intervene.

1.2.1. Notice.

1.2.1.1. Situational awareness applies to peer intervention. It refers to the conscious recognition or perception of an officer's environment and the interaction of officers' and community members' individual and shared experiences, and the situational factors that influence behavior and decision-making. Having self-awareness and an awareness of others and the environment can help members recognize the need to intervene before misconduct occurs or to prevent harmful behavior from unreasonably escalating.

1.2.1.2. With an increased awareness, members may be able to recognize in themselves and other officers, physical and/or emotional indicators that suggest that a situation may escalate and require intervention.

1.2.1.3. Members should strive to be self-aware and mindful of others in an effort to recognize the need for intervention.

1.2.2. Decide.

1.2.2.1. Active bystandership requires recognizing when intervention may be necessary and being decisive and deliberate in your actions to intervene.

1.2.2.2. Intervention is necessary when the risk or cost of not intervening (e.g., escalating harmful behavior, safety issue, possibility of member or subject injury, etc.) outweighs the risk of intervening (e.g., member tension or discord.).

1.2.2.3. The Bureau shall prepare members to recognize the need for intervention and employ effective strategies to intervene, when appropriate or necessary.

1.2.3. Act.

1.2.3.1. Successful intervention requires members to act when it is safe and feasible to do so.

1.2.3.2. Opportunities for active bystandership may include, but are not limited to;

1.2.3.2.1. Members intervening before the harmful behavior or misconduct occurs. For example, when a member notices a change in a peer's behavior, outside the context of an incident or call.

1.2.3.2.2. Members intervening when they witness harmful behavior or misconduct occurring. This may occur at the outset of the incident or if the member believes the harmful behavior has unreasonably escalated.

1.2.3.2.3. Members reporting harmful behavior or misconduct that they witnessed or of which they become aware.

1.2.3.3. ~~While the~~ The Bureau encourages members to act early when intervening; ~~early intervention may not always be safe or practicable.~~ Members should endeavor to prevent harmful behavior and misconduct at the earliest intervention point when it is safe and reasonable to do so.

1.2.3.4. Members are encouraged to assist members in addressing health and wellness concerns even where those concerns are not currently resulting in violating law or policy.

2. Duty to Intervene.

2.1. To protect the safety of the community, their colleagues, and themselves, members have a duty to intervene to prevent, mitigate, or stop another member from conduct they know, or reasonably should know, violates law or policy when:

2.1.1. They are in a position to know that there is a need for positive action; and

2.1.2. They are in a position to safely take some form of action.

2.2. This duty applies regardless of rank.

2.3. Additional Member Intervention and Reporting Requirements as Established by Bureau Directives and State Law.

2.1.3.1. Duty to Intervene and Report Misconduct as Required by Bureau Policy.

2.1.1.3.1.1. Pursuant to Directive 1010.00, Use of Force, members must intervene to prevent or stop what they know or reasonably should know to be unlawful or out-of-policy force, unless the member is unable to intervene safely.

2.1.2.3.1.2. Pursuant to Directive 0310.00, Professional Conduct and Courtesy, when a member becomes aware of an act of misconduct, they must report the act to a supervisor as soon as possible.

2.1.3.3.1.3. Pursuant to Directive 0333.00, Criminal Investigations of Police Bureau Employees and Other Law Enforcement Agency Sworn Employees, members must immediately notify a member in their chain of command, any Assistant Chief, the IA Captain, or the Independent Police Review when they receive a complaint of criminal conduct by another member or when they have knowledge of any criminal conduct by a member.

2.1.3.1.3.1. Any member who observes criminal conduct by another member has a duty to reasonably intervene if safe and feasible. After intervening, members shall immediately notify their supervisor or any individual listed in Section 23.1.3.

2.1.4.3.1.4. Members who fail to report member misconduct shall be subject to disciplinary or corrective action.

2.2.3.2. Duty to Intervene and Report as Required by State Law.

2.2.1.3.2.1. Pursuant to state law, sworn members shall intervene to prevent, mitigate, or stop other police officers the member knows or reasonably should know has engaged in any form of the following conduct, unless the intervening member cannot intervene safely:

2.2.1.1.3.2.1.1. Unjustified or excessive force that is objectively unreasonable under the circumstances or violates the offending officer's agency's use of force policy;

2.2.1.2.3.2.1.2. Sexual harassment or sexual misconduct;

2.2.1.3.3.2.1.3. Discriminating against a person based on race, color, religion, sex, sexual orientation, national origin, disability, or age;

- 2.2.1.4.3.2.1.4. Committing a crime; or
- 2.2.1.5.3.2.1.5. Violating the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A.410. (i.e., conduct or qualities that would prevent a person from being certified as a police officer or would warrant their de-certification.)
- 2.2.2.3.2.2. Sworn members shall intervene in this conduct without regard to the rank or assignment of the other police officer and without fear of retaliation.
~~Members shall report this conduct in accordance with prescribed timelines set forth in Bureau policy.~~
- 3.2.3. Bureau policy requires that members report all misconduct to a supervisor as soon as possible, despite the less restrictive state law requiring members to report the conduct described in 3.2.1.1. through 3.2.1.5. within 72 hours.
- 2.2.2.1.3.2.3.1. Members should be aware that violating the state law could result in decertification as a police officer.
- 2.2.3.3.2.4. Members shall report this conduct at all times, regardless of whether the member is on or off duty, regardless of whether the officer engaging in misconduct is on or off duty, regardless of whether the officer engaging in misconduct works for another agency, and regardless of whether the misconduct happens between members or between members and the public.
- 2.2.4.3.2.5. Pursuant to state law, members who fail to intervene under the circumstances where intervention is required by law or fail to report that conduct shall be subject to disciplinary action.

3.4. Anti-Retaliation.

- 3.1.4.1. The Bureau will not tolerate retaliation against members who intervene to prevent behavior or conduct described in ~~Sections 2.1. and 2.2.~~ of this directive.
- 3.1.1.4.1.1. No member shall punish, target, or otherwise ostracize another member for attempting to intervene or successfully intervening.
- 3.1.2.4.1.2. Members shall act in accordance with Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited.
- 3.2.4.2. Reporting Retaliatory Behavior.
- 3.2.1.4.2.1. Members shall report any retaliatory behavior they observe or of which they become aware, as soon as practical, in accordance with Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited.
- 3.2.2.4.2.2. Supervisors who observe or become aware of conduct that constitutes retaliation or a violation of Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination, and Retaliation, shall notify the Bureau of Human Resources (BHR) as soon as practical, but no later than two working days after the incident.
- 3.3.4.3. Investigating Retaliation Allegations.
- 3.3.1.4.3.1. The Bureau shall fully investigate all allegations of retaliation in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing.

4.5.Potential Discipline Mitigation.

4.1.5.1. ~~Member~~ Accepted member intervention that stops, prevents, or mitigates misconduct ~~or prevents it from escalating~~ may be a potential mitigating factor when considering discipline ~~for the witness and/or offending member(s).~~

5.6.Supervisor Responsibilities.

5.1.6.1. Supervisors who are notified of an act of misconduct, including a member's failure to intervene, shall inform Internal Affairs as soon as practical and BHR; when required, ~~as soon as practical.~~

6.7.ABLE Program Coordinator Responsibilities.

6.1.7.1. The ABLE Program Coordinator shall:

6.1.1.7.1.1. Facilitate the delivery of the ABLE program curriculum to all sworn members;

6.1.2.7.1.2. Incorporate the principles of active bystandership into relevant disciplines, including Patrol Procedures, Control Tactics, and Patrol Vehicle Operations;

6.1.3.7.1.3. Promote the program through regular internal and external communications and annual refresher training;

6.1.4.7.1.4. Coordinate with the Bureau's Leadership, Wellness Program, EAP, Procedural Justice teams; ~~and~~

6.1.5.7.1.5. Make a reasonable effort to assist surrounding law enforcement agencies with ABLE program implementation; ~~and~~

7.1.6. Report program status (e.g., number of officers trained) to the ABLE Project, as requested.

7.8.ABLE Program Training.

7.1.8.1. All sworn members will receive initial ABLE training and ongoing annual refresher training, ~~as determined by~~ consistent with the ABLE ~~Project curriculum and standards.~~

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COMPLETE

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Please provide feedback for this directive

This is interesting.

If protesters were to record said misconduct of your members breaking directives almost every night against them, and somehow get badge numbers, that disciplinary action you spoke of in the directive that happens when a member of the city doesn't report said misconduct should be handed out IMMEDIATELY. This directive misses some points, but I also don't expect PPB to follow this directive either since ya'll clearly don't care about what's in your directives anyway.

Q2

Respondent skipped this question

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

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, June 02, 2021 8:17:18 PM
Last Modified: Wednesday, June 02, 2021 8:17:28 PM
Time Spent: 00:00:10

Page 1

Q1

Please provide feedback for this directive

N/A

Q2

Respondent skipped this question

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

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, June 15, 2021 11:24:25 AM
Last Modified: Tuesday, June 15, 2021 11:31:16 AM
Time Spent: 00:06:50

Page 1

Q1

Please provide feedback for this directive

Pertaining to: 2.2.1. Pursuant to state law, members shall intervene to prevent or stop other police officers the member knows or reasonably should know has engaged in any from the following conduct, unless the intervening member cannot intervene safely:

- 2.2.1.1.
- 2.2.1.2. 2.2.1.3.
- 2.2.1.4.

Unjustified or excessive force that is objectively unreasonable under the circumstances or violates the offending officer's agency's use of force policy;

Sexual harassment or sexual misconduct;

Discriminating against a person based on race, color, religion, sex, sexual orientation, national origin, disability, or age;

Committing a crime;

I think that it's a fair and just way to recognize to allow for another member of PPB to intervene in any misconduct involving the use of force when dealing with people of different race, gender, sex, age, or anything above that. Those are some of the things that should be noted or documented in a police report filed by the member who witnessed the violation of the procedure in progress while still on duty after of course it's verbally reported back to a PPB supervisor on duty cause otherwise internal affairs would need to be notified and an open internal investigation against the officer shall be put in place after the officer gets sent home on paid administrative leave.

Q2

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

Name **Henry**

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, June 28, 2021 12:05:47 PM
Last Modified: Monday, June 28, 2021 12:09:55 PM
Time Spent: 00:04:08

Page 1

Q1

Please provide feedback for this directive

Is this just for work in the field? There's no mention of professional staff that are continually insulted, demeaned, shamed, held to different standards, and have little protection or recourse.

Q2

Respondent skipped this question

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

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, June 29, 2021 3:04:12 PM
Last Modified: Tuesday, June 29, 2021 3:04:26 PM
Time Spent: 00:00:14

Page 1

Q1

Please provide feedback for this directive

COMMENTS ON ACTIVE BYSTANDER DIRECTIVES JUNE 2021

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

Below are Portland Copwatch's comments on the new Active Bystander Directive posted for review in June . The concept of this Directive is very important, as noted in various ways in those comments.

We continue to feel the Bureau should add letters to section headings (Refer, Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Refer and Definitions items-- there are 11 and 6 items in those sections in this Directive). Our comments below refer to the Procedure Section unless otherwise noted.

DIRECTIVE 305.00 ACTIVE BYSTANDERSHIP, INTERVENTION AND ANTI-RETALIATION

Undoing the "Bad Apple" Theory: The thrust of this Directive is to change the culture of the Police Bureau so that when officers act in violation of law or policy, it is no longer tolerated. The mainstream analysis that the police can change by "getting rid of the bad apples" ignores that the silence about (and active defense of) misconduct creates an institution that is itself rotten to the core. We hope this new program on Active Bystandership takes hold to change that culture.

Calling Out the Silent: The Definitions section includes a warning that "Passive Bystandership may discourage intervention by other members, or may appear to support the misconduct or harmful behavior." That is well said, but it's not clear why the term "Passive Bystandership" is not then used anywhere else in the Directive.

Complex Situations of Retaliation: The Definition of Retaliation is almost identical to the one in Directive 310.20, except it is missing the important caveat that retaliation may exist even if the underlying action isn't substantiated. In other words, just because an officer is cleared of misconduct, they can't automatically be found innocent of retaliating against the person who reported on them. Tying this together with Section 4.1, which say officers may lessen any discipline they incur by stepping in to stop other officers' actions, Portland Copwatch recognizes the Bureau's dilemma here. When Sgt. Liana Reyna turned in her fellow Special Emergency Reaction Team members for sexist and other inappropriate hazing rituals, she was (wrongly) disciplined herself for having taken part in them. That said, it also would be troubling if a member who eventually intervenes does so after committing or aiding in the commission of a crime or Directive violation. Perhaps the Directive can spell out that generally speaking, passive bystandership (see previous point) will not lead to discipline if the officer later stands up, while an officer actively engaged in misconduct who then stops the behavior may face mitigated discipline for calling a halt to it. In fact, that person can't necessarily be described as a "Bystander."

Language is Always Important: Frequently PCW's comments deal with language the Bureau uses which inadequately describes what the policies are getting at. In many other Directives, the word "tools" is used to mean "weapons," while in the "About" Section (which perhaps should be Policy Section 1) and Policy Section 3 the word is meant to mean "skills." Unless the Bureau is suggesting officers use their weapons to stop officer misconduct (and perhaps that is the point), the word should be changed.

Even If Unintended, Other Benefits to Active Bystandership: Section 1.1.3 talks about how Active Bystandership can help officers by reducing risks of disciplinary action and self-harm related to their job. For officers who feel impatient with continuing community mistrust and anger toward police, it might also be helpful to point out that one of the surest ways to reverse those feelings is to actively and visibly demonstrate their personal commitment to stopping harm to community members by other officers.

Obvious but Should Be Said: Section 2.2.3 includes instructions for officers to intervene regardless of the rank of the person they see misbehaving. This Section requires them to report conduct to a Supervisor. It should be stated that they can go to a higher-up

supervisor or someone else's supervisor if their supervisor is the one who is being reported on.

Broadly Inclusive Criteria: Active Bystandership is to be used to stop improper force, sexual misconduct, discrimination, and criminal behavior (Section 2.2.1). As noted above, this could go a long way to change police culture. It's not clear exactly what is meant in Section 2.2.1.5 by "violation of minimum standards for physical, emotional, intellectual and moral fitness." Does that mean if an officer gains weight another cop needs to turn them in? Perhaps this can be better explained.

CONCLUSION

While PCW appreciates both the written intent of this Directive and the ability to comment on it, the deeper questions raised loudly in the racial justice uprising last year should also inform this policy and its implementation. That is to say, there are those who say, and the PPB may discover that it is true, that the very institution of policing has its roots in racism, classism and the desire to control the populace on behalf of those with power and money. Thus, we offer these comments in the context we have described before, that so long as there are police we want to see the harms to fellow community members be minimized and eliminated. This policy is a step in the right direction.

Thank you,
--dan handelman and other members of
--Portland Copwatch

Q2

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

Name **Portland Copwatch**

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 02, 2021 12:27:34 PM
Last Modified: Monday, August 02, 2021 12:40:18 PM
Time Spent: 00:12:44

Page 1

Q1

Please provide feedback for this directive

In the "Policy" section, item #4 states "Affirming its commitment to the ABLE Project's objective centered on changing law enforcement culture, the Bureau will enhance..." This phrase gives the impression that the entire law enforcement culture is corrupt and needs changing. This is offensive to honest, hard working police officers. Please consider revising the terminology.

In the "Procedure" section, item 7.1, regarding Program Training, states "All sworn members will receive initial ABLE training and ongoing annual refresher training, as determined by the ABLE Project." PPB should be in control of training its officers, not an outside, non-governmental agency. How to train, how often to train and the content of the training is the responsibility of the PPB and the City.. PPB should consult with the ABLE Project on training but not cede total control to them as this section indicates.

Q2

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

Name **John**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 09, 2021 5:38:35 PM
Last Modified: Monday, August 09, 2021 5:40:55 PM
Time Spent: 00:02:20

Page 1

Q1

Please provide feedback for this directive

As evidenced by this directive, you people are certifiably a cartel of loons run by a political body of Marxists. Officer in this dept should resign immediately if they had any self respect or care for their citizens

Q2

Respondent skipped this question

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

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 16, 2021 1:20:49 PM
Last Modified: Monday, August 16, 2021 1:22:23 PM
Time Spent: 00:01:33

Page 1

Q1

Please provide feedback for this directive

Too long and complicated ADD> ENGAGE BRAIN BEFORE ENGAGING WORDS!

Q2

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

Name **Dis. Veteran Rex R. Bahr**

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 16, 2021 3:02:46 PM
Last Modified: Monday, August 16, 2021 3:03:22 PM
Time Spent: 00:00:36

Page 1

Q1

Please provide feedback for this directive

All officers must be trained to intervene if another officer is using excessive force or violating the rights of a member of the public. Police need to hold themselves accountable.

Q2

Respondent skipped this question

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

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, August 29, 2021 3:41:19 PM
Last Modified: Sunday, August 29, 2021 3:41:46 PM
Time Spent: 00:00:27

Page 1

Q1

Please provide feedback for this directive

COMMENTS ON PROFILING, BYSTANDER, CONDUCT AND WEAPONS DIRECTIVES AUGUST 2021

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

It is strange commenting on Bureau policies in the wake of the fifth Portland Police shooting of 2021, meaning that in the first eight months of this year shootings are up by 250% over 2020. However, in the interest of getting the comments in before the August 31 deadline, below are Portland Copwatch's comments on the ten Directives posted for review in August (<http://www.portlandoregon.gov/police/59757>). We were pleased to see at least one substantive change made that responded to an earlier comment on the Bias Based Policing Directive, one or two other positive changes, and a few other edits which did not go far enough, along with the usual slew of suggestions we made which were roundly ignored.

We have noted before that asking community members, particularly those of us who are volunteers, to review so many policy proposals in a 30 day window is not always manageable. This work was made easier for us because we have made comments on all ten Directives previously.

It almost goes without saying at this point but we hope one day the Bureau will add letters to section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to number the individual Definitions. Our comments below refer to the Procedure Section unless otherwise noted.

DIRECTIVE 305.00 ACTIVE BYSTANDERSHIP, INTERVENTION AND ANTI-RETALIATION (previous comments June 2021)

Portland Copwatch continues to be encouraged by the general idea of this Directive. Unfortunately, only a few minor changes are being proposed, none of which are reflective of our comments.

Bad Apples Do Spoil the Whole Bunch (When the Bunch is Silent): The Active Bystander Directive, if implemented properly, should transform the culture of the Police Bureau so that it is no longer tolerated when officers act in violation of law or policy. People often claim the police will improve if we just "get rid of the bad apples." But that analysis ignores the silence about and active defense of misconduct which turns the entire institution rotten. The importance of this program in building community trust should be listed in the Policy Section, or in Section 1.1.3 about the benefits of the program.

Instructions Needed for "Passive Bystanders": We noted earlier that the Definitions Section includes the warning: "Passive Bystandership may discourage intervention by other members, or may appear to support the misconduct or harmful behavior." This is true, and so the term "Passive Bystandership" needs to be added somewhere in the Policy and/or Procedure Sections to explain how to avoid allowing bad things to happen.

Broaden Retaliation Explanation: As noted before, the Definition of Retaliation in Directive 305.00 is different from the one in Directive 310.20, because it is missing the important caveat that retaliation may exist even if the underlying action isn't substantiated. Just because an officer is cleared of misconduct, they aren't innocent of retaliating against the person who reported on them.

We also acknowledged the Bureau's dilemma in encouraging officers to step forward in order to keep themselves from being disciplined (Section 4.1). We noted that Sgt. Liana Reyna was (wrongly) disciplined after turning in her fellow Special Emergency Reaction Team members for sexist and other inappropriate hazing rituals because she had taken part in them. However, it should not be a free pass for an officer who commits or aids in the commission of a crime or policy violation. We suggested that the Directive spell out that Passive Bystandership will not lead to discipline if the officer later stands up, but an officer who actively engages in misconduct but then stops the behavior may face mitigated or no discipline after calling a halt to it, depending on the circumstances.

The person in the second scenario can't accurately be described as a "Bystander."

Are Officers Encouraged to Use Weapons on Each Other?: We noted previously that in many Directives, the word "tools" is used to mean "weapons." In the "About" Section (which we still think should be Policy Section 1) and Policy Section 3 the word is meant to mean "skills," unless the Bureau is suggesting officers use their weapons to stop officer misconduct.

Special Chain of Command Consideration: When Section 2.2.3 requires officers to report conduct to a Supervisor, regardless of the rank of the person they see misbehaving, it should be stated that they can go to a higher-up Supervisor or someone else's Supervisor if their Supervisor is the one who is being reported on. This will make it less likely for the reporting officer to be disciplined for violating rules about chain of command.

Physical Fitness Violations?: We complimented the Bureau for efforts to change police culture by requiring Active Bystandership to be used to stop improper force, sexual misconduct, discrimination, and criminal behavior (Section 2.2.1). We are still puzzled by Section 2.2.1.5, which says officers should intervene to prevent others who "violat[e] the minimum standards for physical, emotional, intellectual and moral fitness." If an officer gains weight, does another cop need to turn them in?

Good Catch: It's good that someone noticed Section 1.2.2.2 as written had suggested that intervening would be worse than not intervening. While it is good that the two terms are now switched in the sentence, perhaps an even better fix would be to replace the term "outweigh" with something more descriptive, such as "there would be more dire consequences in failing to intervene than if the officer intervenes."

CONCLUSION

Once again, we appreciate that the Bureau keeps asking for community comment. We find that often there are anonymous commenters who appear to be police officers raising similar questions to those we pose, which is a good sign. While there are some good steps forward in a few of the August Directives, some changes are not strong enough and many of our common sense ideas are again nowhere to be seen. We wrote before about how the institution of police could be transformed somewhat by the implementation of the Active Bystander policy, but there are still foundational issues that perpetuate racism, violence and unequal application of the law which the Bureau and the City need to address.

Thank you again for your time
dan handelman and other members of
Portland Copwatch

Q2

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

Name

Portland Copwatch