2017 TRAINING AND USE OF FORCE REPORT RECOMMENDATIONS

Portland Police Bureau Training Advisory Council

June 24, 2017

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Introduction

The Portland Police Bureau (PPB) Training Advisory Council (TAC) was established by Portland City Council Resolution No. 36912 in 2012 to advise the Chief of Police and the Training Division on training standards, practices, and outcomes through the examination of training content, delivery, tactics, policy, equipment, facilities, and other human behavioral factors.

For 2017 the TAC decided to add a little more focus on the "Use of Force" reporting and based on the information and presentations made by then Captain Mike Krantz, who served as the Use of Force Inspector . In the Fall of 2016, Captain Krantz answered the following TAC Use of Force statistics query: why was 24% of ECW use three or more cycles? Captain Krantz shared summaries of Portland Police Bureau (PPB) 940 after-action reports with the TAC, which the body found helpful in establishing context around the question. Summaries are included in the appendix of this document. TAC noted one possible trend. In close to half of the summaries officers noted the possibility of mental crisis. As a result, TAC chose to address training and policy recommendations regarding citizens in mental crisis in its policy section, which TAC would normally have deferred to the Behavioral Health Unit, which specializes in such training.

In 2017, the TAC identified three opportunity areas and created task forces populated by members with an interest and/or expertise in that area to research them. This research led to the development of several recommendations to the Chief of Police and Training Division captain included in the body of the report.

2016 - 2017 Training Advisory Council Members

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Prepared by: TAC Steering Committee   **Date Submitted:** June 24, 2017

Recommendations
Opportunity Area 1: Self-Paced Learning
Section 1: Findings

From the TAC and officer Q&A session, TAC learned that the most desirable training regarding CEW is scenario-based. To permit as much time as possible for hands-on, scenario-based training, TAC recommends exploiting opportunities for self-led, self-paced, sequential, asynchronous learning for all other training that lends itself well to this structure. TAC finds:

1. **Opportunities to Maximize Use of the New LMS** - The Bureau has recently purchased a Learning Management System (LMS), Cornerstone. Hired an LMS manager. The manager will be charged with implementing the system. There are also efforts to embed knowledge about e-learning in Bureau staff. Relying heavily on an outside contractor or consultant to create, maintain and even manage the LMS opens up the immediate opportunity for the Training Division to establish "best practices" for e-learning so that out-sourced training can be properly evaluated against Bureau expectations.

2. **Opportunities to make a variety of skills-based training scalable and sustainable -** While "patrol-skills" training is readily accessible opportunities to develop administrative skills such as leadership, coaching or even training development may not be as readily accessible. In addition, there is opportunity to leverage the collected feedback from training staff/officers, findings from internal research, and assessment of performance gaps to identify expansion opportunities to retrain or build core skills as well as scale so more officers can take the courses.

3. **Maximizing video -** The Bureau maintains a video production studio, suggesting continued opportunities to create videos for self-paced e-learning purposes. Currently video is used for group training (e.g. training videos, roll-call videos) as well as self-paced training (e.g. squad car videos). There are typically 6-10 videos released a year that apply to tips, tricks or techniques (e.g. for releasing new technology, in response to directives or incidences).

4. **Utilizing current channels -** Current channels for deploying self-paced learning could include email, roll call, and the future LMS.

5. **Identifying immediate opportunities -** Immediate opportunities for self-paced training include Advanced Academy, new recruits, training where interaction is not needed, or non-Portland specific information. In these cases, self-paced learning would help increase consistency of experience, reduce redundancies, and increase the Bureau's ability to *proactively identify* new areas for development as well as create *sustainable ways to be responsive* based on newly identified priorities and ongoing needs (determined by their ongoing collection of quantitative and qualitative data and assessment).

6. **Maximize officer down time -** Officers have time available each day that could be utilized in self-paced, online learning.

7. **Training dissemination bottlenecks -** The quality of the training content shared with members of TAC was seen as excellent, but this material is only accessible to a small number of officers annually. By having an online option for many of these courses, more officers could access this content. Furthermore, time-sensitive information could be disseminated to the entire force rapidly.

Section 2: Recommendations
The TAC therefore makes the following recommendations:

1. **Each curriculum developer in the Training Division should be proficient in one rapid video or e-learning development tool.**
   a. Special equipment does not need to be purchased, as these rapid e-learning opportunities can be developed using an iPhone or equipment that the Training Division already owns. Some examples of software for developing video or e-learning training are Camtasia, Adobe Captivate, Adobe Premiere, or Final Cut.
   b. Curriculum developers can become proficient in these tools for rapid training development with minimal financial investment. Tutorials can be found online for using Camtasia and the local Cascadia Chapter of Association of Talent Development periodically hosts sessions on rapid video development. If a trainer would like to develop advanced proficiency in creating and editing video trainings, classes are offered at NW Film Center in downtown Portland.
   c. Curriculum developers in the Training Division may learn industry best practices in video and e-learning development by leveraging knowledge from the TAC or other professional associations to ensure that training is being deployed in a rapid and efficient manner.
   d. E-learning courses would not replace current instructor-led courses, rather they would be resources to supplement and increase the accessibility of the current course offering.
   e. The Training Division should partner with other training divisions in other cities to share e-learning resources in order to create and curate a library of videos, articles, and e-learning courses for officers to access at any time.

Opportunity Area 2: CEW Policy

Section 1: Findings

With regard to CEW Policy, the TAC finds:

1. Portland Police Bureau (PPB) Captain Mike Krantz, the bureau's Use of Force inspector, provided us with summaries of After Action reports. Upon review, TAC concludes that the only observed commonality to these instances of multiple-cycle deployment is that approximately half of them involved subjects perceived to be suffering from mental illness or experiencing a mental health crisis.
2. Because the bureau's Behavioral Health Unit (BHU) is dedicated to training on these topics, TAC has previously directed our training focus elsewhere. However, because of TAC's dedicated role in reviewing Use of Force training as spelled out in the city's settlement agreement with the U. S. Department of Justice, we deem it appropriate to offer recommendations involving PPB Policy and Procedure.

Section 2: Recommendations

The TAC therefore makes the following recommendations:

1. When reports indicate perceived mental illness or mental health crisis at the outset of an incident leading to use of force, the Bureau should determine how and why the officer reached that perception and whether it was accurate. The Bureau should create a baseline and audit reports to discover how often officers were correct in their initial assessment and how they improve over time. (For example, use-of-force statistics indicate the mental crisis categorization

may be more often applied to women than men). The Training Division should use findings to inform scenarios and other training. This recommendation supports policy sections 4; 5; and 6. TAC notes concerns from PPB staff regarding the difficulty of discerning mental crisis from other states that can appear similar, e.g.: someone under the influence of controlled substances.

2. The TAC recommends that the Training Division place further emphasis on timing, quality, and frequency in "core trainings" as specifically called out in policy section 1.1.1. The Bureau should identify and refer to all such trainings as "core" to PPB's philosophy on policy to underscore their direct connection to policy sections 4 and 5 and should, consider conducting any training more deeply connected to section 1.1.1 that is now in Advanced Academy course work earlier and more frequently with respect to the large volume of training required annually of officers.

3. The Bureau should connect examples of mental illness or mental crisis from the definition section that precedes the policy to the training that will help officers to accurately perceive mental crisis. Excerpt of section 1.1.1. to amplify through training:
   a. Using verbal techniques to calm an agitated subject and promote rational decision making
   b. Allowing the subject appropriate time to respond to direction
   c. Communicating with the subject from a safe position using verbal persuasion, advisement, or warnings
   d. Decreasing exposure to a potential threat by using distance, cover, or concealment
   e. Placing barriers between an uncooperative subject and an officer
   f. Ensuring there are an appropriate number of members on scene
   g. Containing a threat
   h. Moving to a safer position
   i. Avoiding physical confrontation unless immediately necessary

4. Because the TAC's dedicated role in reviewing use-of-force training is spelled out in the city's settlement agreement with the U. S. Department of Justice, we comment on PPB policy language when we believe it has a direct bearing on the Training Division's ability to properly prepare officers to meet the bureau's oft-stated goals of accountability and of applying the least lethal force required when an officer deems force to be appropriate. This is especially timely since the bureau is finalizing a new use-of-force policy that we believe would benefit from the following recommendations. Thus, the TAC recommends the following updates to policy language and content (these recommendations will also be submitted through the official channel on PPB's Universal Review website page.):

   a. Change that last sentence of section 2 to include (changes bolded for clarity):

      "Members who violate these values by using objectively unreasonable force erode the confidence of the community and may expose themselves, those present, and the greater population to unnecessary danger; thus, objectively unreasonable uses of force shall result in corrective action and /or discipline, up to and including termination, **and can result in criminal prosecution**."

   b. Change the first sentence of section 4 to read (changes bolded for clarity):

      "Over the course of their careers, the Bureau expects members to develop and use skills and abilities that allow them to regularly resolve confrontations while minimizing the need to use force, and when **force is deemed reasonable, to apply**

> *the least lethal force required.* Members are to be aware that this Directive is more restrictive than state or federal laws."

    c. Change item 5 in section 1.2 to read (changes bolded for clarity):

> "(5) …**communication** barrier**"**

    d. Add to section 3.1.2:

> **"A person cannot respond if he or she is unable to follow instructions or commands, which is often the case during a mental health crisis."**

Opportunity Area 3: Use of Force Reports

Section 1: Findings

With regards to the way force is reported by the Portland Police Bureau (PPB) Force Data Summary Reports, the TAC finds:

1. The Quarterly and Annual Force Data Summary Reports are an important tool for the TAC and the public at large to identify possible issues with the use of force by the PPB in its daily interactions with the public. While PPB has indicated that it will make data available to the TAC upon request, and has done so in all cases where such data has been requested, the reports remain an important tool in helping the TAC identify areas where closer scrutiny and investigation is needed. It is difficult for the TAC to know what to ask for, if we do not know what we are looking for.
2. The Quarterly and Annual Force Data Summary Reports have undergone a number of changes since their inception, with several notable changes in how the data and what data is reported in the Quarter 4 2016 and Quarter 1 2017 reports with the goal of slimming down the overall size of the report to make it more accessible, though at the cost of reporting what can be viewed as relevant data.
3. The report serves a dual function of reporting force as both an external public document and an internal review document. This duality can at times create dueling priorities.
4. In April of 2017 the PPB revamped the data portion of its website to be more user friendly, allowing community members to view reported crime statistics, including tools to allow users to filter and customize data for analyses. The PPB has indicated that it plans to include more data in the future, including the use of force by PPB.

Section 2: Recommendations

The TAC therefore makes the following recommendations:

1. **Public document.** The Quarterly and Annual Force Data Summary Report should be first and foremost considered a public document. As such the focus of the report should be presenting the public with information in a way that is relevant and gives a level of context for the data presented. Given that the reports are used by the TAC and other groups to review PPB actions and policies, it should highlight both successes and concerns.. This is important given PPB's plans to make the data behind these reports available to the public in the future.
2. **Initial call types resulting in force.** The data for initial calls resulting in the use of force, as of Quarter 4 2016, has been reduced from a Top 20 list to a Top 10. While it is understood that this

was due to the scattered nature of the data across many diverse types of initial calls, it is important to maintain a level of transparency. This data is important to the TAC in that it helps identify scenarios where a review of training methods may be warranted. It is recommended that a Top 20 list of initial calls resulting in the use of force be included in the annual report.

3. **Precincts and other divisions use of force.** The data for the use of force by individual police precincts and divisions, as of Quarter 4 2016, has been truncated so that all divisions are now captured in a single "Other" category. While it is understood that this was due to the limited amount of data for these categories on a quarterly basis, it is important to still maintain a level of transparency. This data is important to the TAC in that it helps identify specific types of training that may need review. It is recommended that the data for individual divisions be included in the annual report.

4. **CEW uses of force including three or more cycles.** The data for when a CEW is used for three cycles or more, as of Quarter 1 2017, is no longer included in the quarterly report. It is understood that the use of three or more cycles is considered a higher level use of force. It is recommended that this data be restored to the quarterly and annual reports.

5. **Historical force data.** All references to historical data, as of Quarter 4 2016, have been removed from the quarterly reports. While it is understood that the numerous ways this data was reported was cluttering the overall report, historical data does provide an important level of context to the public. It is recommended that some type of historical data be included in the quarterly reports.

6. **Subjects with weapons.** Data pertaining to subjects armed with weapons who had force used against them, as of Quarter 4 2016, has been reduced. Such data is very relevant to the TAC and the public in that the presence of weapons represents a much clearer threat to public safety. It is recommended that the annual report include a breakdown of the number of subjects armed, perceived to be armed, and reported to be armed; and the type of weapon subjects are armed with, including a separate category for when weapons are present, but not deployed.

7. **Categories with ill-defined definitions or data issues.** Interviews with PPB indicate that the use of force category Takedown and the extenuating circumstance category Transient are broadly defined and not fully representing what is actually happening in the real world. In the case of the Takedown force category, it includes any amount of force applied to take a subject to the ground, regardless of the amount of force actually applied. In the case of the Transient extenuating circumstance category, it includes anybody who refuses to give their address, regardless of their actual status as a transient person. In both of these cases, or any other cases like them, the definitions provided in the report's glossary should be expanded to mention these issues.

8. **Multiple extenuating circumstances.** The Force Data Summary Reports provide data on a number of extenuating circumstances affecting individuals upon whom force is used. These include intoxication by drugs and/or alcohol, the subject appearing to be undergoing a mental health crisis, the subject being armed or being perceived to be armed, and the subject reporting as being transient. Prior to the Quarter 4 2016 report, the data presented did indicate if a subject was both armed and had another extenuating circumstance. However, this data was removed as of the Quarter 4 2016 report. It is recommended that this data not only be included in the quarterly and annual reports, but that it also be expanded to show all combinations of extenuating circumstances. It is also recommended that a fifth category be added to the list of extenuating circumstances for subjects who have force used against them with no extenuating circumstances present.

9. **Multiple uses of force on a single subject.** In the case of the force category Pointing of Firearm the current quarterly and annual reports indicate when additional types of force are used against the same subject. It is recommended that not only this data be expanded to show what types of force are used, but also that it be expanded so that similar data is shown for all types of force. This data would be useful in highlighting when multiple types of force are used against the same subject in the same incident.

10. **Higher level uses of firearms.** The current reports include Pointing of Firearm as type of force, but do not give any further detail on when the pointing of a firearm results in shots fired, injury, and/or death. While such incidents are rare, they are most definitely a use of force above the pointing of a firearm, and as such, it is believed that it is important to note when such incidents occur. It is recommended that such data be included in the quarterly and annual reports.

11. **Use of force during protests.** The current quarterly and annual reports do not include uses of force during public protests and/or riots. While it is understood that the inclusion of such data is difficult, due to the large number of people involved, and that it could skew the overall dataset, due to the random nature of such occurrences, these should not be used as reasons to not report such uses of force. It is recommended that protest use of force data be reported in the quarterly and annual reports as a separate and independent section and dataset.

Conclusion

Regarding persons perceived to be in mental crisis, the TAC supports the continuous thread throughout Directive 1010 that underscores known law enforcement issues, including an emphasis on consultation (1.1.2) determining reason for lack of compliance (1.2), referencing further resources (1.3) and in relation to the Graham standard (5.4.3; 5.4.4; 5.4.5). With regard to CEWs generally, the TAC supports forbidding pain compliance (especially for those perceived to be in mental crisis 6.4.4.2.1) forbidding use during "mere flight" from an officer (6.4.4.1.4), and the requirement that officers consult with a supervisor prior to considering application on citizens "under power" but possibly not "under control" i.e.: handcuffed citizens. The TAC supports PPB's classification of CEW use in its reporting hierarchy as Class 2 or 3 respectively, to explain both the degree of supervisor oversight and also how PPB perceives and groups severity of all applications of less lethal force.

The TAC also notes that many general CEW tactical concerns referred to in this policy such as use guidelines to avoid secondary injury, appropriate body targets, onsite documentation, and reporting procedures are currently well covered by training; additionally, several policy points and de-escalation training points are covered in the Q&A transcription available for reference (Contact TAC Co-Chairs).

The TAC thanks the Training Division, Lieutenant Krantz, and Lieutenant Morgan for their cooperation.

Appendix A
Content Process Review

Areas of Opportunity and Task Forces

1. Self-Paced Training
   - **Erin Stevanus, Lead**
   - McKay Fenske
   - Anne Parmeter

2. CEW Policy
   - **Sushanah Boston, Lead**
   - Ed Hershey
   - Sylvia Zingesen
   - Shawn Campbell

3. Use of Force Reports
   - **Shawn Campbell, Lead**
   - Jeff Klatke
   - Jim Good

TAC Annual Activity Calendar

QUARTER	MONTH	HIGH LEVEL, ANNUAL OPERATIONS PHASE CYCLE	KEY ACTIVITIES
Q4 Prior Year	OCT NOV DEC	ID AREAS OF INTEREST	New members trained TAC Strategic planning Steering Comm: year review
Q1	JAN FEB MAR	ID OPPOR-TUNITIES / RESEARCH	PPB selects/presents content TAC reviews content; Q&A Content prioritized; teams assigned; research begins
Q2	APR MAY JUN	PRIORITIZE OPPOR-TUNITIES / RE-COMMEND-ATIONS	Task forces refine opportunities; submit drafts and questions to PPB; PPB presents on submissions; task forces finalize & submit recommendations by mid-May.
Q3	JUL AUG SEP	MEASURE ADOPTION	Shift to recruiting; Welcome new members SEPT open house for community outreach
Q4	OCT NOV DEC	REPEAT: ID AREAS OF INTEREST	New members trained TAC Strategic planning Steering Comm: year review

Continuous Improvement

TAC's goal this year was not only to produce this report in time for inclusion in the July 2017 needs assessment, but to make the effort a model for an annual process, designed by TAC and lightly administered by PPB. Next year it is TAC's goal to make improvements to the process to ensure it is self-sustaining so that volunteers may focus on community outreach during strategic planning, and examining training content and instructional best practice more fully in 2018.

Task Force Guideline Worksheet Examples

Potential Opportunity Area

	Opportunity/Problem	Description	Questions / Potential Impact
1.1	Coaching Trainers - Training Development Skill Boosting	PPB Statement: Agree. The Training Division continues to seek opportunities to enhance the skills of our sworn cadre of trainers.	How many trainers do you have on staff?

How many trainers have curriculum development credentials?

How many training developers do you have?
How are these two roles separated/differentiated?

How many trainers/training developers have knowledge/mastery of development tools (i.e. Adobe Acrobat, Adobe Illustrator, Adobe Photoshop, Adobe Premier, MS Publisher, MS PowerPoint)?

How many courses does the PPB sponsor or offer for their trainers to enhance their own skills in the above development tools? |
| | | PPB Statement: Agree. The Training Division is willing to | Who is spearheading this initiative |

Root Cause

Opportunity:
Team Members:
Date:
ROOT CAUSE ANALYSIS

Opportunity/Sub-Opportunity:	Root Cause	Examples (if applicable)	Category (People, Process, Policy, Technology)
TPS reports are taking too long to complete.	Processors do not know 10 key.	5 of the 7 processing employees do not know 10 key and are taking 50% more time to process the reports than the other 2.	People
	They have laptops that do not have a number key pad		Technology
	The knowledge of 10 key is not a hiring requirement.	Job Posting for TPS Processor position does not mention 10key as a needed skill for the role.	Policy

Recommendation

Opportunity:
Team Members:
Date:

OPPORTUNITY LIST

Background (How the opportunity came up?):	
Current Conditions (What is the current state that we want to change?)	
Goal	
Analysis (What research was done to reach a recommendation?)	
Recommendation	

Appendix B

Use of Force CEW Related Data Summary

Data from PPB Force Data Summary Reports for Quarter 1 through 4, 2016.

Total applications of taser	107
Percent of total force applications	9%
Taser use per incident (per person)	94
Percent of total force use per incident	11%
Application per Incident Ratio	1.14
Taser use per custody	0.4%
Taser use more than 3 cycles	21
Use more than 3 cycles % of total	22%

Taser and Noted Factors

	Taser	% of Taser	Group Taser	Firearm	% of Gun	Group
	#	Total	%*	#	Total	Gun %*
Use of force on transient individual	40	42.6%	10.4%	134	37.3%	34.7%
Use of force on mental crisis individual	39	41.5%	18.4%	37	10.3%	17.5%
Use of force on drug/alcohol individual	53	56.4%	13.5%	89	24.8%	22.6%
Use of force on armed individual	49	52.1%	17.0%	157	43.7%	54.3%

*The percentage of the named type of force used on that group compared to all uses of force against that group.

Taser Use by Race and Gender

	#	Group % of Taser	Group % Ttl Force	Group % of Custod.
Male White	60	63.8%	49.4%	48.6%
Female White	3	3.2%	8.9%	17.8%
Male Black	23	24.5%	25.8%	16.6%
Female Black	1	1.1%	4.4%	4.0%
Male Hispanic	4	4.3%	7.2%	6.1%
Female Hispanic	0	0.0%	0.5%	1.3%
Male Native American	3	3.2%	1.7%	1.7%
Female Native American	0	0.0%	0.1%	0.5%
Male Asian	0	0.0%	1.3%	2.1%
Female Asian	0	0.0%	0.1%	0.5%
Male Undetermined	0	0.0%	0.4%	0.4%
Female Undetermined	0	0.0%	0.0%	0.1%

Taser Use by Race

	#	Group % of Taser	Group % of Force	Group % of Custod.	General Pop %
White	63	67.0%	58.3%	66.5%	72%
Black	24	25.5%	30.2%	20.6%	6%
Hispanic	4	4.3%	7.7%	7.4%	9%
Native American	3	3.2%	1.9%	2.2%	1%
Asian	0	0.0%	1.5%	2.6%	7%
Undetermined	0	0.0%	0.4%	0.3%	4%

Taser Use by Gender

	#	Group % of Taser	Group % of Force	Group % of Custod.	General Pop %
Male	90	95.7%	85.8%	75.6%	49.5%
Female	4	4.3%	14.0%	24.3%	50.5%

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