

\*Please note: This is a working draft of Directive 905.00. This is proposed language and the Bureau has not implemented any changes to the current policy at this time.

## **905.00, Non-Force After Action Reporting**

*2<sup>nd</sup> Universal Review: 12/1/18 – 12/31/18 (clean view)*

### **Refer:**

- DIR 315.30, Satisfactory Performance
- DIR 330.00, Internal Affairs, Compliant Intake, and Processing
- DIR 333.00, Criminal Investigations of Police Bureau Employees
- DIR 345.00, Employee Information System
- DIR 630.05, Vehicle Intervention and Pursuits
- DIR 635.10, Crowd Management/Crowd Control
- DIR 720.00, SERT and HNT Use
- DIR 740.00, Explosive Device Incidents and EDU
- DIR 1010.00, Use of Force
- After Action Form
- Operation Order Form

### **Definitions:**

- **Administrative Review:** A written determination that requires the gathering and evaluating of information to develop a course of action.
- **After Action Report:** A written report that describes a police action and assesses its adherence to policy through critique and evaluation using required criteria.

### **Policy:**

1. The Bureau is committed to promoting and preserving systems of transparency and accountability. When member action warrants administrative review, the Bureau is dedicated to reporting and investigating the event to determine if the member's action was in accordance with Bureau training and policy. This policy establishes the general reporting guidelines for all non-force events or incidents.

### **Procedure:**

#### **1. Non-Force After Action Reporting Requirements.**

- 1.1. Supervisors shall be required to complete an After Action Report for the following events:
  - 1.1.1. Member injury requiring hospital admission at a medical facility or requiring the member to end a shift prematurely.
  - 1.1.2. Injury to a suspect in custody, not sustained through member use of force.
  - 1.1.3. Police vehicle collision.
  - 1.1.4. Any incident or event for which an Incident Action Plan was written.
  - 1.1.5. Damage to or loss of city property.
  - 1.1.6. Any other non-force incident or event, as directed.
- 1.2. Supervisors shall follow the procedures set forth in Directive 1010.00, Use of Force, for all force-related after action reporting requirements.
- 1.3. Supervisors shall complete a non-force After Action Report following a vehicle pursuit without force implications. Supervisors shall refer to Directive 630.05, Vehicle

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Intervention and Pursuits, for additional guidance. Supervisors shall follow the procedures set forth in Directive 630.05, Vehicle Interventions and Pursuits and Directive 1010.00, Use of Force, for all pursuit-related after action reporting requirements.

- 1.4. Supervisors shall complete an After Action Report following a significant civil disturbance requiring an organized police response. Supervisors shall refer to Directive 635.10, Crowd Management/Crowd Control, for additional guidance. If force is used, the force After Action shall be incorporated as required by Directive 1010.00, Use of Force.
  - 1.5. The CIC shall complete an After Action Report following Special Emergency Reaction Team (SERT) and Crisis Negotiation Team (CNT) deployment for non-force events. In the case of limited deployments with a SERT supervisor on scene, the SERT supervisor shall complete an After Action Report. In cases where SERT/CNT officers respond to assist on an incident, but no SERT/CNT supervisor is required to respond to the scene, no After Action Report is required. Supervisors shall refer to Directive 720.00, SERT and HNT Use, for additional guidance. If force is used, the force After Action shall be incorporated as required by Directive 1010.00, Use of Force.
  - 1.6. Supervisors shall complete an After Action Report following Explosives Disposal Unit (EDU) deployment. Supervisors shall refer to Directive 740.00, Explosive Device Incidents and EDU, for additional guidance.
  - 1.7. After Action reports must meet the requirements of Directive 345.00, Employee Information System (EIS).
- 2. Non-Force After Action Report Format and Deadlines.**
- 2.1. Supervisors shall complete the non-force After Action form posted on the Portland Police Bureau (PPB) Intranet under the “after action” link. The overseeing Assistant Chief (AC) will forward copies to the Training Division and Internal Affairs, when there are training deficiencies or claims of misconduct implicated in the report and that cannot be resolved in the after action. The format shall not be changed or altered without permission of the Chief of Police. The report format shall include:
    - 2.1.1. Summary: The summary will be a short one or two paragraph narrative that describes the significant facts of the event.
    - 2.1.2. Personnel Costs (if applicable): These costs will be calculated using the following formula: The number of individuals participating per rank (use the highest rank) or category multiplied by the hourly wage for that rank or category multiplied by the total hours.
    - 2.1.3. Critique Findings and Recommendations: The critique findings and recommendations will contain a thorough analysis of the incident. It will address any applicable directives, whether or not members complied with such directives, and any recommendations made or actions taken to address issues.
    - 2.1.4. Supporting Documentation: The After Action Report shall include supplemental information related to the incident.

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- 2.2. The Sergeant shall complete an After Action Report within seven days of the event. Exceptions to this requirement will be rare and must be approved by the Responsibility Unit (RU) Manager of the precinct, division or unit where the supervisor is assigned. This approval must be documented in the After Action Report.
- 2.3. The RU Manager shall complete a review and submit recommendations to the appropriate Assistant Chief within twenty-eight days from the date of the event. Exceptions to this requirement must be approved by the appropriate Assistant Chief and the approval must be documented in the After Action Report.
  - 2.3.1. For events that only affect resources from a single RU (i.e., personnel, payroll), the appropriate Assistant Chief may designate the assigned RU manager to conduct the final review of the AAR.
- 2.4. The appropriate Assistant Chief, or designee, shall complete a review of the After Action Report within thirty-five days from the event.
- 2.5. Upon approval by the Assistant Chief, all After Action Reports shall be uploaded to and stored in the appropriate recordkeeping system.
3. **Non-Force After Action Reporting Accountability.**
  - 3.1. All supervisors in the chain of command shall be held accountable for inadequate reports and analysis. As a result, all supervisors shall be subject to corrective action or discipline for the accuracy and completeness of After Action Reports completed by other supervisors under their command. Corrective or disciplinary action may include training, demotion, and/or removal from a supervisory position, based on repeated deficient report reviews at any level of command.
  - 3.2. Where member action indicates policy, training, tactical or equipment concerns, the immediate supervisor shall notify, through channels, the branch Assistant Chief, who shall ensure that concerns are addressed in a timely manner.
  - 3.3. When, after investigation, member action is found to violate policy, the Bureau shall ensure that member misconduct is adequately addressed and, when appropriate, investigative findings and corrective action are taken fairly and expeditiously to resolve the issue.
  - 3.4. The appropriate Assistant Chief, or designee, has the discretion to reassign an investigation to the Detective Division or any Bureau supervisor, thereby taking it out of the after action chain of command as described.
  - 3.5. The Chief may delegate the authority to review, audit and authenticate After Action Report entries and ensure consistency across the Bureau.

Provide feedback [here](#).

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## **905.00, Non-Force After Action Reporting**

*2<sup>nd</sup> Universal Review: 12/1/18 – 12/31/18 (redline markup)*

### **Refer:**

- DIR 315.30, Satisfactory Performance
- DIR 330.00, Internal Affairs, Compliant Intake, and Processing
- DIR 333.00, Criminal Investigations of Police Bureau Employees
- DIR 345.00, Employee Information System
- DIR 630.05, Vehicle Intervention and Pursuits
- DIR 635.10, Crowd Management/Crowd Control
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- DIR 740.00, Explosive Device Incidents and EDU
- DIR 1010.00, Use of Force
- After Action Form
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### **Definitions:**

- **Administrative Review:** A written determination that requires the gathering and evaluating of information to develop a course of action.
- **After Action Report:** A written report that describes a police action and assesses its adherence to policy through critique and evaluation using required criteria.

### **Policy:**

1. The Bureau is committed to promoting and preserving systems of transparency and accountability. When member action warrants administrative review, the Bureau is dedicated to reporting and investigating the event to determine if the member's action was in accordance with Bureau training and policy. This policy establishes the general reporting guidelines for all non-force events or incidents.

### **Procedure:**

#### **1. Non-Force After Action Reporting Requirements.**

- 1.1. Supervisors shall be required to complete an After Action Report for the following events:

- 1.1.1. Member injury requiring treatment-hospital admission at a medical facility or requiring the member to end a shift prematurely.
- 1.1.2. Injury to a suspect in custody, not sustained through member use of force.
- 1.1.3. Police vehicle collision.
- 1.1.4. Any incident or event for which an Incident Action Plan was written.
- 1.1.5. Damage to or loss of city property.
- 1.1.6. Any other non-force incident or event, as directed.

- 1.2. Supervisors shall follow the procedures set forth in Directive 1010.00, Use of Force, for all force-related after action reporting requirements.

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1.3. Supervisors shall complete a non-force After Action Report following a vehicle pursuit without force implications. Supervisors shall refer to Directive 630.05, Vehicle Intervention and Pursuits, for additional guidance. Supervisors shall follow the procedures set forth in Directive 630.05, Vehicle Interventions and Pursuits and Directive 1010.00, Use of Force, for all pursuit-related after action reporting requirements.

1.4. Supervisors shall complete an After Action Report following a significant civil disturbance requiring an organized police response. Supervisors shall refer to Directive 635.10, Crowd Management/Crowd Control, for additional guidance. If force is used, the force After Action shall be incorporated as required by Directive 1010.00, Use of Force.

1.5. The CIC Supervisors shall complete an After Action Report following Special Emergency Reaction Team (SERT) and Crisis Negotiation Team (CNT) deployment for non-force events. In the case of limited deployments with a SERT supervisor on scene, the SERT supervisor shall complete an After Action Report. In cases where SERT/CNT officers respond to assist on an incident, but no SERT/CNT supervisor is required to respond to the scene, no After Action Report is required. Supervisors shall refer to Directive 720.00, SERT and HNT Use, for additional guidance. If force is used, the force After Action shall be incorporated as required by Directive 1010.00, Use of Force.

1.6. Supervisors shall complete an After Action Report following Explosives Disposal Unit (EDU) deployment. Supervisors shall refer to Directive 740.00, Explosive Device Incidents and EDU, for additional guidance.

~~1.7. Supervisors shall follow the procedures set forth in Directive 660.10, Property and Evidence Procedures, for after action reporting requirements pertaining to firearm and narcotics destruction.~~

~~1.8.1.7. After Action reports must meet the requirements of Directive 345.00, Employee Information System (EIS).~~

## 2. **Non-Force After Action Report Format and Deadlines.**

2.1. Supervisors shall complete the non-force After Action form posted on the Portland Police Bureau (PPB) Intranet under the “after action” link. The overseeing Assistant Chief (AC) will forward copies to the Training Division and Internal Affairs, when there are training deficiencies or claims of misconduct implicated in the report and that cannot be resolved in the after action. The format shall not be changed or altered without permission of the Chief of Police. The report format shall include:

2.1.1. Summary: The summary will be a short one or two paragraph narrative that describes the significant facts of the event.

2.1.2. Personnel Costs (if applicable): These costs will be calculated using the following formula: The number of individuals participating per rank (use the highest rank)

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or category multiplied by the hourly wage for that rank or category multiplied by the total hours.

- 2.1.3. Critique Findings and Recommendations: The critique findings and recommendations will contain a thorough analysis of the incident. It will address any applicable directives, whether or not members complied with such directives, and any recommendations made or actions taken to address issues.
- 2.1.4. Supporting Documentation: The After Action Report shall include supplemental information related to the incident.

2.2. The Sergeant shall complete an After Action Report within seven days of the event. Exceptions to this requirement will be rare and must be approved by the Responsibility Unit (RU) Manager of the precinct, division or unit where the supervisor is assigned. This approval must be documented in the After Action Report.

2.3. The RU Manager shall complete a review and submit recommendations to the appropriate Assistant Chief within ~~twenty-one~~eight days from the date of the event. Exceptions to this requirement must be approved by the appropriate Assistant Chief and the approval must be documented in the After Action Report.

~~2.1.5-2.3.1.~~ For events that only affect resources from a single RU (i.e., personnel, payroll), the appropriate Assistant Chief may designate the assigned RU manager to conduct the final review of the AAR.

~~2.2-2.4.~~ The appropriate Assistant Chief, or designee, shall complete a review of the After Action Report within ~~twenty-eight~~thirty-five days from the event.

~~2.3-2.5.~~ Upon approval by the Assistant Chief, all After Action Reports shall be uploaded to and stored in the appropriate recordkeeping system.

### 3. **Non-Force After Action Reporting Accountability.**

3.1. All supervisors in the chain of command shall be held accountable for inadequate reports and analysis. As a result, all supervisors shall be subject to corrective action or discipline for the accuracy and completeness of After Action Reports completed by other supervisors under their command. Corrective or disciplinary action may include training, demotion, and/or removal from a supervisory position, based on repeated deficient report reviews at any level of command.

3.2. Where member action indicates policy, training, tactical or equipment concerns, the immediate supervisor shall notify, through channels, the branch Assistant Chief, who shall ensure that concerns are addressed in a timely manner.

3.3. When, after investigation, member action is found to violate policy, the Bureau shall ensure that member misconduct is adequately addressed and, when appropriate, investigative findings and corrective action are taken fairly and expeditiously to resolve the issue.

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- 3.4. The appropriate Assistant Chief, or designee, has the discretion to reassign an investigation to the Detective Division or any Bureau supervisor, thereby taking it out of the after action chain of command as described.
- 3.5. The Chief may delegate the authority to review, audit and authenticate After Action Report entries and ensure consistency across the Bureau.

DRAFT

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COMPLETE

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**Q1** Please provide feedback for this directive

COMMENTS ON FORCE, REPORTING, WEAPONS AND VEHICLE RELATED DIRECTIVES, MARCH 2018

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, 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 our comments on the Directives posted for review on March 1 . We discovered them on the PPB website on March 9 and asked the Bureau whether a formal email had gone out to the community asking for input. The information was finally sent out on March 23. While the Bureau has signalled its intention (in Directive 010.00) to change the review timelines so there are 15 days for first reviews and 30 days for second reviews, PCW continues to think there should be longer timelines, especially for complex policies such as Use of Force (1010.00).

Of the seven policies up for review, we previously commented on five in July 2017, one (630.60-Vehicle Disposition) in October 2014, and one (630.05-Vehicle Interventions and Pursuits) in August 2015. With the exception of 630.05, most of these comments are repeats of ones we made previously that the Bureau has chosen to reject or ignore. As noted last year, our primary concern with 1010.00 is that it defines de-escalation both as lowering tension at a scene and using less force on a suspect. We also noted that the key promise made by the presence of the US Department of Justice around deadly force incidents-- that they should not be treated differently from other uses of force-- seems to have gone out the window. This was codified by the changes made to 1010.10 through City Council, wherein offices involved in the death of a civilian are not being required to write force reports until after a criminal investigation has ended, and if their gunfire did not result in death the Bureau is leaving such reporting up to the discretion of supervisors. As we noted last year, this is no way to build trust in the community or hold officers accountable.

We point you once again to comments we made on 1010.00 Force (and 1051.00 Taser Use) in October, 2012: .

We continue to urge the Bureau to number all of the sections of the Directives, such as the Definitions, Policy and Procedure sections (our comments here refer to the Procedure section unless otherwise noted). Interestingly, 630.60 includes just such a numbering scheme even though there are no definitions in Section 2; this shows that the Bureau was numbering the Definitions in 2014 but stopped without explanation.

DIRECTIVE 905.00 NON-FORCE AFTER ACTION REPORTING

As noted in our comments on 1010.00, the previous requirement for completing an After Action Report following "crowd events" (old 940.00 Section 1.6.1) is now limited to when there is a "significant civil disturbance requiring an organized police response" (Directive 905.00 Section 1.4). This is far too narrow a scope, since, as PCW has documented, the PPB does not always record individual uses of force at protest actions (such as the woman who was pepper sprayed outside of City Hall on October 12, 2016). Therefore such reports should be required any time police show up uninvited and/or use any kind of force during an event involving a crowd.

It's not clear why finding "policy, training, tactical or equipment concerns" should only be sent to the Assistant Chief (Section 3.2), and no longer to Professional Standards (old 940.00 Section 5.2). PSD was also taken out of the provision allowing for use of force



## Directive 905.00 Feedback

investigations to be reassigned from a supervisor (Section 3.4). The best reading on this is that the Assistant Chief might use discretion to assign the investigation to PSD, but the only specific option listed in the Directive is the Detective Division.

The only change in this Directive since July 2017 is to the section on Vehicle Pursuits (1.3). New language requires a non-force After Action for pursuits "without force implications."

### CONCLUSION

As we have stated before, Portland Copwatch appreciates the Bureau reaching out to the community for comment, but are looking forward to more of an open dialogue when the Portland Committee on Community Engaged Policing gets underway (if ever). We continue to urge the Bureau to be open to revising its timelines for review to ensure meaningful public input can take place. One of the only reasons we were able to tackle these rather long Directives is that we had made comments on them earlier. Our commentary would be much shorter if we could just be thanking the Bureau for adopting our advice, but such changes are few and far between.

--dan handelman and other members of  
Portland Copwatch

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### Q2 Contact Information (optional)

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