



**Training Advisory
Council Coursework
Comments and
Suggestions**

Crowd Control Training

May 24, 2021



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CROWD CONTROL TRAINING

May 24, 2021

1. TAC Participants

Morgan Moore
Nathan Castle
Barry Newman
Shawn Campbell

2. High Level Summary

Overall, the attending members of the TAC were supportive of the primary goals of the crowd control training. TAC members were especially appreciative of the training regarding integrating procedural justice into crowd control situations. However, the TAC members did have some concerns, especially with regards to PPB as an organization fully acknowledging the trauma experienced by officers during the events of 2020 and 2021, the density of and likely frustrations to the city attorney’s section of the training, and several of the scenarios not seeming to be directly or indirectly connected to the central focus areas of the training.

Furthermore, the members expressed concerns about the significant gray areas being left for officers to decipher with regards to the limitations of recent court orders and legislation and how they affect tactics related to the management of crowd control events. Policies regarding crowd control, especially the use of force, are largely dictated by directives focused on the day-to-day activities of police, which seem inadequate in giving police proper guidance in the carrying out of this distinct part of their duties.

3. Comments and Suggestions

Overview

The following is feedback given by individual TAC members following viewing a partial dry run of the PPB's Crowd Control training on May 24, 2021. This is direct feedback by a select number of TAC members, which differs from recommendations developed over months of research and interviews and voted on by the full TAC membership. The training is expected to be given to officers in June.

The training was split into five parts: 1) An announcement from the Chief's office, 2) Procedural justice in crowd control events, 3) Update from city attorney's office, 4) Force reporting post crowd control events, 4) Wellness break, 5) Crowd control scenarios.

The primary focus of the crowd control training was to review existing policies, directives, and trained skills related to crowd control events, as well as update officers on changes required by the passage of HB 4208 by the Oregon legislature and a series of temporary restraining orders (TRO) regarding Portland police conduct put into place by the federal court system in 2020 and 2021.

The force reporting post crowd control event was viewed separately on May 21, please see TAC's 2021 Comments Force Reporting Post Crowd Control Events for details.

The crowd control scenarios were viewed separately on May 27, please see TAC's 2021 Comments Crowd Control Scenarios for details.

Unfortunately, due to trainers having to report to an unexpected planning meeting for a protest occurring the next day TAC members were not able to directly view the crowd control scenarios on May 24.

Overall Training Feedback

TAC members provided the following feedback regarding the overall set of trainings:

- The crowd control events of 2020 and 2021 need to be fully recognized as a traumatic event for the community. It should be acknowledged that beyond issues such as COVID-19 and other outside factors, a significant factor which led to protests taking place was the failure of PPB and city leadership to enact needed reforms to counter inequities in the public safety system. This should include highlighting and pledging to make needed reforms. An understanding of this needs to be integrated into all parts of this training.
- The crowd control events of 2020 and 2021 need to be fully recognized as a traumatic event for the rank-and-file officers of the PPB. Though in many ways these events were unprecedented, it should be acknowledged that the current system failed to provide officers with the training and resources needed to succeed in such an environment and that in many ways city and PPB leadership failed to adapt quickly enough to changing conditions. This should include a pledge to reform. An understanding of this needs to be integrated into all parts of this training.
- With regards to officer trauma, throughout each training section it was noted that more could be done to be sensitive to such trauma and the effect it likely will play in the ability of officers to hear and take to heart the lessons of the training being presented. Even if not directly voiced by officers, such trauma undoubtedly plays a role in how officers perceive the events of 2020 and 2021. Considering the trauma and openly speaking to

the existence of the trauma not only will help officers be receptive to this new training, but also aid in the PPB's broader goals regarding officer wellness, mindfulness, and emotional intelligence.

- At some point in this training, preferably near the end, officers should be reminded of resources available to them to help process the trauma of 2020 and 2021. This is undoubtedly still a raw wound, and this specific training will likely for many bring to traumatic memories to the forefront.
- While done to a degree, a portion of each training should be used to reiterate and integrate some of the key points of the previous trainings and introduce key points of upcoming sections. Preferably, this should be done in way that feels natural and ties things together.
- Members appreciated the connection made to Peelian principles regarding policing by consent. While procedural justice as a tactic for achieving legitimacy is consistent with these principles, there was a sense that the concept of policing by consent could be used more broadly.
- Concerns were raised that the training did not adequately cover the 'why' of crowd control. Throughout the training examples were given, including video examples, showing crowds being dispersed, but it's never discussed why they are being dispersed.

Announcement from Chief's Office Feedback

Assistant Chief Jami Resch opened the training with prepared remarks meant to set the tone for the rest of the day's training courses on crowd control. The main objectives were to recognize the trauma experienced by the officers and highlight the need for continuing change in how the PPB handles crowd control events.

TAC members provided the following feedback regarding this section:

- Members were appreciative that it was highlighted that legislative and court ordered changes in police conduct are not uncommon, but rather part of the normal evolution of police work. Change is the only constant.
- While members do not disagree that outside forces had an affect on crowd control events in 2020 and 2021 and should be recognized, it was felt that the primary focus of the opening remarks by the Chief's office should be in acknowledging the role of PPB leadership in failing to adapt quickly enough to changing conditions and the negative impact this had on the rank and file. This is felt to be important for both officer morale and the ability of the PPB as an organization to move forward.
- While some members felt that the opening remarks should include a direct apology from the Chief's office to the officers, other members felt that such an apology may not be helpful if there is a sense of the apology being used as a tactic rather than for purposes of true contrition.
- Members commend Assistant Chief Resch for speaking to what she saw as a mistake she made in the early days of the protests. However, this should not distract from her representing not just herself in this instant, but the entirety of the Chief's office. While highlighting her own mistake is good with regards to the accountability of individuals, examples should also be given of how PPB as an organization failed its officers.
- Comments regarding Portland being the best at crowd control in the nation were not appreciated by some members. While this may be true, and it is understood that it is a statement meant to raise morale, it brings up the question of if PPB is the best, why do they need to change?
- Members commented that given this is obviously still a raw area for officers, consideration must be given to their perception of some or all receiving the statement from the Chief's office via video.

- Members felt that the opening remarks did a good job of acknowledging the trauma felt by officers, but they need to better connect to how the lessons learned in the upcoming training will benefit them in the future.

Procedural Justice in Crowd Control Events Feedback

Lieutenant Greg Stewart of the Training Division presented this section of training. The primary objectives of this part of training were to: 1) Articulate how public perception at crowd control events is intertwined with fundamentals of procedural justice, 2) Articulate the importance of distinguishing between those who want to have a voice with free speech and individuals who use public events as a platform to conduct crime, 3) Identify how de-escalation principles are important within the context of crowd control events in relation to both oversight and individual action, 4) Articulate the role of proactive and defensive attempts to improve procedural justice during a crowd control event.

As defined by the training, community trust is maintained during crowd control events when officers and police leadership work to employ the principles of procedural justice. In particular this entails supporting the public's right to free speech (Voice), engaging with the public respectfully (Respect), recognizing the importance of maintaining a neutral posture (Neutrality), and not engaging in actions which will damage community trust in policing (Trust).

TAC members provided the following feedback regarding this section:

- Members overall perceived this training as excellent given its use of real-world examples, interactive learning sections, organizational ownership of past issues, how it tied the central focus of the training to broader issues affecting officers, its recognition of public perceptions, and its recognition of officers' trauma.
- Members appreciated the emphasis on public perception, and situations where public perception may be inconsistent with the perceptions of officers and/or objective reality. Being able to see the world from the viewpoint of another is seen as an important tenet of emotional intelligence.
- Members appreciated that the training began with identifying and recognizing the protests and broader issues in 2020 personally affected officers before moving into helping them understand the perspective of the community. In order for learning to occur, people first need to feel heard.
- Members appreciated that Training Division taking ownership of its role in the difficulties officers faced, such as not fully preparing officers with strategies to prepare detailed reports after working twelve plus hours and for not providing timely training consistent with the TRO. The validation of the hard work of officers over the past year and the assurance that the training was not meant as a reprimand was also appreciated given it will likely put officers in a better mindset for what will be a difficult to process day of training.
- The training did an excellent job of building off of Chief's Resch's comments by reiterating that legal updates and resulting changes are a normal part of policing.
- Members appreciated that the training pointed out that procedural justice is a perception, not an objective, and that officers need to recognize procedural justice does not depend upon how they view interactions, but rather how the public perceives them. The part regarding negativity bias, which was then related to the public perception of police legitimacy was also well received.
- Members raised some issue with an over emphasis on how officers doing procedural justice can protect the PPB as an organization. While this is true, a bigger focus should be put on how it makes it easier for individual officers to do their jobs and makes it more likely that people who need police services will utilize them. The point that each officer practicing procedural justice helps all officers was appreciated, especially the example of

how a bad interaction at the front end, can affect everyone else who must interact with a subject from that point forward.

- The video of the officer acting inappropriate in a crowd control situation followed by the point that the officer's peers or sergeant should have intervened was viewed very positively. This is an excellent example of tying a training to broader topics already or soon to be trained, in this case officer intervention. However, it would be good to not just highlight bad examples, but also show good examples of how to do such interventions. Any time there are examples of what not to do, there should be examples of what to do.
- Some concerns were raised regarding an over emphasis on officers not becoming the next viral video. While the point is appreciated as a form of incentive, when mentioned officers should also be reminded the goal itself is not to avoid being recorded, but to act in a way where being recorded doesn't matter.
- The training used excellent examples of how even if officers must remain in difficult situation due to extenuating circumstances, they themselves and their supervisors can still use strategies to maintain officer wellness and ensure officers showing signs of stress do not escalate difficult situations.
- TAC members were appreciative that it was recognized that procedural justice in a crowd control situation is difficult, but that it is still possible by focusing on taking steps to mitigate and prevent bad incidents.
- TAC members were encouraged that it was acknowledged that what happened was not okay and that the goal of the training is to help officers, not hinder them.
- Some members raised concerns that the comparison of U.S. and U.K. free speech limits was overly Eurocentric. It was suggested that the comparison be re-worded or list at least one more example.

City Attorney's Office Feedback

Deputy City Attorney Laura Rowan presented this section of training, though it is understood that numerous members of the City Attorney's Office will provide this training, reading from a prepared script, when it is presented to officers. The primary objectives of this part of the training were to: 1) Review PPB force policies as they relate to crowd control events, 2) Provide updates related to recent TROs from 2020 and 2021 and how they effect PPB force policies as they relate to crowd control events, and 3) Provide updates related to HB 4208 and it effects PPB policies regarding the use of tear gas. The primary focus of the training was on changes regarding what constitutes passive resistance by protesters, meaning no force can be used, versus higher level physical resistance and active aggression and the legally allowable types of force individual officers can utilize in each situation. Example of this including findings in TROs that a subject 'slow walking' in the direction directed by officers is practicing passive resistance and officers can only use force based upon actions, not speculation of possible actions.

TAC members provided the following feedback regarding this section:

- Members noted that some type of transition needs to exist between this, and the previous section given the nature of the topics being covered. From watching officers present at the dry run, it was obvious that this is likely to be a frustrating part of the training, especially given the unavoidable legalese nature of the presentation and the traumatic experiences of many officers at crowd control events in 2020 and 2021. Suggestions include reiterating that these types of updates are a normal occurrence in policing and stating up front that this section is about updating officers on the current legal standard and not about specific crowd control tactics. Special care needs to be taken to avoid this section reinforcing an 'us versus them' mentality.
- TAC members found the presentation very long and dense, which they felt took away from the primary focus of the presentation, being ensuring officers understand the changes to legal standards put in place over the past few years. The presentation was so dense that

it felt like a check the box exercise rather than a vigorous attempt to impart a full understanding. Due to the density of this section, it is felt that it would be appropriate to share handouts of the slides or at least key points with the officers. The presentation would also benefit from restructuring it into small sections with key takeaways and some type of mechanism for questions and review, such as time for Q&A and/or a retention quiz, between each section. Allowing time for small group discussion could also help include everyone in the discussion and give officers a chance to brainstorm ideas to share.

- The presentation included several clips of crowd control situations with multiple serious use of force issues. Members felt that these should be discussed in more detail. For example, a clip from Denver showed officers using less lethal force which resulted in a possible traumatic brain injury, failing to provide medical assistance, and then using force to prevent others from rendering aid. Another example is in a clip in Seattle where officers clearly planned to push back protesters, but did not announce their intention, which would not be in line with the tenets of procedural justice. This was a missed opportunity to connect the City Attorney's section with the procedural justice section, which may undercut the perceived importance of procedural justice. After each video, the key point should be highlighted, but also any additional inconsistencies with current PPB policy. This could possibly use an 'ask the audience' exercise to improve group interaction.
- Members noted a lot of uncertainty regarding the idea of passive resistance and what to do if something needs to give but there is no threat of harm allowing the officer to move to the next tactic. While it is understood that it is impossible to account for every possible situation an officer might be involved in, leaving a lot of the gray area to be figured out by individual officers, it is felt that something more than just stating the current legal findings is needed to give the officers a better sense of direction in making the correct choices.
- The City Attorney's office needs to be cognizant that some of the officers involved in the incidents being discussed, or in similar incidents, will be attending the training. To avoid a level of defensiveness which may reduce the effectiveness of the training, someone, whether the City Attorney's office or a member of the PPB, needs to reiterate that this is a learning moment for everyone, not a moment of personal accountability. It also needs to be acknowledged that seeing videos of the events of 2020 and 2021 will likely bring back a sense of trauma for some officers.
- Members were appreciative of video examples showing perspectives from both the officers and protesters. Showing both perspectives encourages officers to see things from other viewpoints, an important tenet of emotional intelligence.
- A concern for the TAC members and a likely source of frustration for the officers is the amount of gray area. The training highlighted what officers cannot do, but it did not really address what officers could still do. While it is impossible to pre-create a standard for every possible event, some general guidance is needed given that it is in navigating this gray area that most officers find themselves in trouble.
- Members felt that a more detailed description of the differences between a crowd and a riot was needed. While it is understood that the determination of such is made by the incident commanders, it would still be good for officers to understand what goes into the decision to declare a riot.
- Members were concerned that from the training it seems as though new tactics have not been developed yet to meet the new challenges created by the court order. Just telling officers what they can't do without giving them definitive guidance on what they are supposed to do instead is unfair to the officers.
- It is expected that this section will likely be the most frustrating for officers given trauma related to the events of 2020 and 2021 and the large amount of ambiguity regarding PPB crowd control tactics. To aid in officers being centered for further learning, it is suggested that a short breathing exercise be done between this section and the next. This will not only help in the transition to the new section, but also reinforce lessons involving officer wellness and emotional intelligence.

Force Reporting Post Crowd Control Events Feedback

Lieutenant Chris Lindsey, the PPB's Force Inspector, oversaw this section of training. This dry run occurred on May 21 by a different group of TAC members. More information can be found in the document: 2021 Comments Force Reporting Post Crowd Control Events.

Some additional feedback was offered regarding a conflict between this section and the procedural justice section. This feedback is as follows:

- A conflict was noted between this section and the procedural justice section with this section encouraging officers to speak to individuals one on one while standing on the line at crowd control events, while the procedural justice section encouraged officers to somewhat avoid these interactions. This needs to be rectified.
- Some members raised concerns that trying to engage with crowds during rowdier crowd control situations may lead to more harm than help. For instance, while smiling or laughing does create a more human appearance, can it also be perceived by some as making fun of individuals or the overall situation, or if you have to raise your voice to be heard, will some perceive this as yelling. Is there a way to balance this with the need for officers to also not seem cold and uncaring? This seems like an area where more direction is needed with examples and some dos and don'ts.
- Members felt that while true engagement with rowdy crowds has more downside than upside, it is worth highlighting the opportunities for positive dialogue and interactions. For example, one member had a brief productive conversation with an officer during the March kettling incident in the Pearl District. The member's observation was that neighbors were supportive of the handling of the incident and many neighbors were seen speaking with officers and coming away pleased with the interaction. Given there are so few opportunities for relationship building, more thought should be given to how and when to take advantage of them in and around crowd control events.
- The following video were provided as examples containing both good and bad interactions with the public: https://www.youtube.com/watch?v=io_RKSyJgyY (first 5 minutes) and <https://www.youtube.com/watch?v=r5JvStPwSX0>.

Wellness Break Feedback

While the dry run did not include this portion, it was described to TAC members as an opportunity for officers to do a type of directed exercise to help them process what they have learned so far prior to doing the scenarios. Options include yoga, weightlifting, and running. The TAC members appreciated the inclusion of this section given it fits within expectations of fully integrating officer wellness into the culture of the PPB.

Scenarios Feedback

The crowd control scenarios were viewed separately on May 27, please see TAC's 2021 Comments Crowd Control Scenarios for details.

Lieutenant Jacob Clark of the Training Division is overseeing this section. Unfortunately, due to Lieutenant Clark having to report to an unexpected planning meeting for an upcoming protest event, the TAC members who viewed the other sections of the crowd control training were unable

to view the dry run for the crowd control scenarios. As described to the TAC, the focus of the three crowd control scenarios will include:

- Officers being in a crowd control situation where a group walking slowly is blocking officers from a second group throwing objects at officers. This scenario was chosen due to changing legal requirements regarding what constitutes passive resistance.
- Officers responding to a protester accidentally set on fire by a thrown Molotov cocktail. This scenario was chosen due to a similar incident occurring last year.
- Training for officers in how to properly use the external steps of the police vans normally just used by the Rapid Response Teams. This scenario was chosen to give the PPB more flexibility in how it responds to crowd control incidents given the shrinking number of available officers.

While TAC members were not able to view the scenarios, it should be noted that in the view of the TAC scenarios should in general reflect and reinforce the lessons of the classroom sections of training, whether in the scenarios themselves, or in the debrief portions of the scenarios. In the view of TAC members, the central focus of this crowd control training includes:

- Integrating the tenets of procedural justice into crowd control situations and intervening when officers are exhibiting behaviors or other signs of stress which may lead to them saying or doing things that may escalate the situation.
- Understanding the legal requirements of the TROs expanding the definition of passive resistance to include 'slow walking'.
- Understanding the legal requirements of the TROs limiting officers to using force when probable cause is present based upon actions, not the speculation of possible actions.
- Understanding the legal requirements of the TROs that when responding with force to the actions of individuals exhibiting physical resistance or active aggression, officers must do so in a way which targets only the individuals.
- The importance of properly creating detailed and accurate FDCRs in relation to uses of force in crowd control events.

Given the descriptions provided of the scenarios, the TAC members do have some concerns that not all of these central focus areas will be present in the scenario portion of the training. If these five central focus areas are not in some way included in the scenarios, then the scenarios should be modified to somehow include them. For example, the integrating procedural justice portion could be included in any of the three scenarios by having an officer acting in an inappropriate way prior to or during the main action of the training taking place.

Feedback Related to Broader Goals of Training

The following feedback relates to the broader goals of this training:

- It should be recognized that crowd control events are a distinct portion of policing. Currently, the PPB's use of force directive is the primary directive regarding crowd control use of force, which creates confusion and frustration amongst officers given the use of force directive's main focus is police use of force during normal day to day operations. The PPB should have a distinct policy directive related to the use of force by police at crowd control events.
- Policies, tactics, and the legality regarding the use of the FN 303 less lethal launcher as an area denial tool are not clear, a situation which needs to be rectified via updates to the PPB's directives.
- It should be recognized that issues regarding officer wellness played a significant role in the crowd control events of 2020 and 2021. Despite some views to the contrary, it is impossible to train police officers to be superhuman. As a result, it is not surprising that

issues regarding officer behavior took place during a long period of significant stress. While this should not absolve individual officers in being held accountable for their actions, it should be recognized that the central issue is not just one of individual actions, but rather a structural issue for the PPB as a whole.

- Accurately reporting on the use of force in crowd control over long shifts seems to be practically impossible given the current force collection system. Though some mention was made of officers keeping notes while working, how is this practical while in riot gear with minimal breaks? The city and PPB should investigate tools to facilitate field data collection as well as specific training on completing reporting requirements during an active crowd control event. Technological solutions might include the use of police body cameras, Yardarm-style weapon telemetry, Axon Flex-style head mount cameras (especially those with recording triggered by weapon activation), QuickCapture style button-based data entry, and Earbone style microphone with push to talk for voice memos (speaking is faster than handwriting and would enable hands free reporting on the go). Though it is understood that some of these options are likely cost prohibitive at this time.
- From personal experiences of the members, it was felt that the PPB better needs to recognize that in crowd control situations the LRAD sound system cannot always be heard by all members of the crowd. Aside from possible barriers related to disability or language barriers, protests are often chaotic situations which can overwhelm the senses and people's ability to process situations. Even if people can hear the LRAD physically, it does not mean they hear it mentally. It is important that individual officers also issue commands in a firm, but respectful, manner when interacting with the public in crowd control situations.
- The point made in the procedural justice section regarding officers needing to be aware of how various symbols are viewed by the public, the example being people trying to get officers to make the a-okay gesture due to it being viewed as supporting the far right, raised the question of is the PPB doing anything to keep the members aware of such things? If not, the PPB needs to develop strategies to keep officers aware and updated on how symbols and gestures can be viewed by not only the extreme ends of the political spectrum, but also the general public.
- The PPB needs to do a better job of publicly describing the reasoning for its differential responses to various protests and protest groups. To a certain degree, individuals and groups on both sides of the political spectrum manipulate their interactions with the police to influence public perception in order to further their own causes. By remaining silent, the PPB is effectively letting these groups fully control the narrative.
- Some members raised concerns that when officers seize signs or other property from protesters without warning, it escalates situations. While it is understood that there is often a tactical reason for this, the reasoning is rarely announced. A similar situation occurs when police move to take an individual into custody.
- TAC members were interested in the legal definitions of what constitutes passive resistance versus physical resistance versus active aggression, the allowable levels of force at each level of resistance, the gray areas regarding when force is allowable, and the difference in allowable actions between a subject passively refusing when an officer orders them to do something versus a subject doing something an officer ordered them not to do. Given peaceful protesting is a constitutional right, it would likely be beneficial for such information to be put into easily digestible formats and shared with the public. From experience, protesters are largely unaware of the law and their legal obligations and PPB policies and directives regarding protests. Many uses of force, and the negative affect on public perception, could be avoided if the public were better educated on these matters. Possible avenues of public education could include mailers, websites, and handouts/brochures. For large gatherings, it may be possible to use the wireless emergency alert system to send out a link to such information.

- Procedural justice training emphasizes the importance of public perception. However, the 'Thin Blue Line' flag is displayed prominently at the Training Division, which some members found problematic given controversies regarding the flag's use by far-right groups. As a result, the flag can help foster an 'us versus them' mentality. While it is understood that PPB members have a specific perception of the meaning of the flag, namely to honor fallen officers and show a commitment to supporting people in a difficult line of work, many members of the public attribute a very different meaning to it. Prominent display of the flag undercuts the goals of Training Division's message regarding procedural justice by demonstrating disregard for that difference of perception. Perhaps an alternative way of demonstrating respect and appreciation for PPB officers could be developed and put into place as an alternative.
<https://www.oregonlive.com/news/2019/11/tweet-shows-portland-police-car-with-blue-lives-matter-sticker-appearing-to-violate-city-policy.html>

4. PPB and Other Contacts

Assistant Chief Jami Resch
Captain David Abrahamson, Training Division
Lieutenant Greg Stewart, Training Division
Lieutenant Chris Lindsey, Force Inspector
Laura Rowan, Portland Deputy City Attorney

5. References

HB 4208 link:

<https://olis.oregonlegislature.gov/liz/2020S1/Downloads/MeasureDocument/HB4208/A-Engrossed>

Temporary Restraining Order Crowd Control Force link:

<https://www.courthousenews.com/wp-content/uploads/2020/10/TRO.pdf>

Finding of Contempt Regarding Temporary Restraining Order Crowd Control Force link:

https://www.opb.org/pdf/20201130_JudicialRuling_1606831236228.pdf

Temporary Restraining Order Tear Gas Use link:

https://drive.google.com/file/d/1ffmJ7_h_nGEERZUaUe2LhjALyCEbrNBQ/view

Temporary Restraining Order Treatment of Press link:

<https://storage.courtlistener.com/recap/gov.uscourts.ord.153126/gov.uscourts.ord.153126.84.0.pdf>

Temporary Restraining Order Barring Police Recording Protesters link:

<https://www.documentcloud.org/documents/7010772-TROACLUSTREAMING.html>