



Training Advisory Council Coursework Comments and Suggestions

**ABLE Dry Run Conducted
October 14, 2021**

November 10, 2021

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ABLE (Active Bystandership for Law Enforcement) Course Dry Run

October 14, 2021

1. TAC Participants (in reverse alphabetical order)

Sylvia Zingesser
Morgan Moore
Phil Levinson
Kwame Kinabo
Jim Kahan
Cheryl Edmonds

2. PPB Instructors

Asst. Chief Jami Resch
Sergeant Todd Tackett, Training Division
Officer Rehanna Kerridge, Training Division
Officer Jackson Oldham, Training Division

3. Overview

This report is direct feedback by the TAC of a dry run of a course, provided to assist the PPB TD in developing materials. It differs from TAC recommendations, which are developed over months of research and interviews and voted on by the full TAC membership.

The following is feedback given by the six TAC members attending a presentation on 14 October 2021 (see Section 1, above) of a dry run of the ABLE (Active Bystandership for Law Enforcement) 8-hour course that will be provided to all members of the PPB by the four instructors (see Section 2, above), who have been qualified by the Georgetown University Law School Innovative Policing Program (IPP), developers of the course, to present it. The dry run session lasted five hours and went through the full set of 120 Power Point slides provided by IPP to the PPB. It differed from a full course session in that the role playing by course attendees and discussion of their behaviors was replaced by a summary of what the instructors were looking for. The course fulfills an earlier commitment by the PPB to offer such a course as consistent with its vision and mission, as well as a mandate from the Oregon Legislature in 2021 (House Bill 2929).

The TAC observers see the ABLE program as a significant advance for the PPB, with great potential for improving bureau performance and community attitudes. The proof of the pudding will be whether the messages of the course are internalized into the attitudes and behaviors of the officers. The course content and manner of presentation encourage this internalization, leading to some reason to be optimistic, there remain internal and external barriers to its success, none of which are attributable to the Training Division.

4. Course Section-by-Section Observations

Origins and Philosophy of the ABLE Course

The instructional team gets off to a good start with the general introduction being provided by the senior PPB officer present but the rapid introduction of other team members by each presenting a separate real-life example and leading a brief discussion about that example. This way, the PPB leadership being on board is immediately communicated while each of the instructors is given an opportunity to briefly display their skills. That officers representing the full range of the PPB hierarchy are on the instructional team further shows by example the solidarity that the ABLE program advocates.

The quality and organization of the presentation are high. The different sections flow logically. That said, it is not clear how much flexibility the PPB instructional team has because of demands by IPP for uniformity so that they can obtain consistent data for their own assessment of the effectiveness of the program.

The history and development of ABLE at the beginning of the course are useful and informative. While some outside observers have noted that the “inside baseball” conflicts among different bystander intervention developers are glossed over in the presentation, the benefits of getting directly to the advantages of bystander interventions outweighs the full disclosure of a laborious history.

The early and continuing emphasis on how the interventions support officer health and wellness are essential to having officers accept and employ the techniques offered in the ABLE training. Examples during the course also bring home the lesson—often graphically—that bystander intervention can save officers' lives. The course effectively builds upon the interdependence that officers build up as they work together. Loyalty is emphasized.

The course makes appropriate use of real-life examples of situations where bystander intervention would have helped. Some equally real-life examples of situations where bystander intervention did take place and helped would enrich the course. If some examples of both types were drawn from the experience of the PPB for use in Portland, this could help create more concrete images of the events in the minds of the participants.

Nature of Active Bystandership and What It Does

The brief introduction of relevant social psychological experimental research on how the techniques taught in the ABLE course derive from scientific studies provides a context and a credibility for the messages. These introductions are presented at a level of comprehension that does not talk down to or over the heads of public safety officers.

The course establishes early on that the interventions are duties mandated by the new Oregon public safety bystander law; that said, they also are inherent in the commitments made by officers to protect and serve the community. These duties and commitments are designed to reduce officer errors, prevent officer misconduct, and promote officer health and wellness. They are appropriately presented as inseparable; this helps to make the lessons of the course more salient to the participants. It is therefore of benefit for both officers and the communities they serve, especially including a reduction in the likelihood of physical or emotional harm (including death) of all persons present. The mechanism for this benefit is direct action, with the occasions requiring action and the variety of actions available clearly detailed in the course. The use of a “safe word” (“ABLE” is the one recommended in the course) is an effective mnemonic for helping fellow officers realize that the situation is one that calls for a different approach than the one they are engaging in.

ABLE is clearly differentiated from referring fellow officers to the Internal Affairs Division (IAD) for sanctions, disciplinary processes, mandatory mediation, and reporting requirements. That said, the reporting requirements of the HB2929 legislation, which are not part of the ABLE approach, probably should be more thoroughly discussed, so that the participants understand when reporting is mandatory.

Three pillars support the philosophy of ABLE—physical health, mental/emotional health, and an ethical perspective. This is important because officers are always mindful of the possibility of injury on the job and are increasingly being reminded of job-related threats to their mental and emotional health. ABLE capitalizes on this to introduce an ethical perspective, consistent with the officer’s oath of office, into the mix. While there is still some stigma attached to seeking professional help (fortunately lessening), ABLE connects to physical and emotional well-being training to help officers to think differently about giving or receiving bystander interventions. In other words, officers can learn to offer and accept assistance, even in emergent situations. The course recognizes that some people (including officers) may be ethically challenged, but that the majority of people (including officers) have a good sense of ethics. The slide used to make this point struck some observers as overly simplistic. Ethics can be highly situational, even among the more saintly among us.

Different Types of Interventions

The discussion of interventions and consequences on the timeline, before, during, and after, was well done. The portion of intervention that discussed PACT (**P**robe, **A**lert, **C**hallenge, **T**ake action) would have been more effective had law enforcement examples been used, especially examples that required intervention with a senior officer. As part of the material on types of interventions, it would be helpful to have participants engage in discussions of the problems they see in implementing ABLE.

The point is made repeatedly that the earlier an intervention, the less the harm suffered. However, in the slides, the upward line of harms continues to rise in the category of after-the-event intervention. While it is very true that learning from previous events will reduce future harms by eliminating or mitigating future negative events, once the harmful event is over, the suffered harms cannot be undone but there will be no additional harms attributable to that particular incident. This is an issue with a slide in the IPP set that first appears as slide 65 but recurs a number of times. The upward line should become a horizontal line after the event, as the harms after the event are not regarding that event, but possible future events.

An ounce of prevention saves a pound of paperwork. It would be worthwhile to explicitly state in the course that if an officer intervenes to prevent another officer from engaging in behavior that is illegal or out of policy, then there is no duty under the 2021 law that enacted HB 2929 to officially report the incident. However, once the behavior has occurred, that law mandates official reporting in addition to the duty to intervene. In that important sense, the PPB and its officers, as well as subjects and the public, are better served by preventive, proactive intervention. While the mandatory reporting after the event in the absence of a proactive intervention does not mitigate the harms suffered by subjects and the public, it does add consequences for the officer committing the infraction and therefore the total harm arising from the incident.

Inaction begets inaction—each officer has a responsibility to act no matter how many officers are present in a situation calling for action. This was well-conveyed in the Notice-Decide-Act paradigm presented in the course. We would add that the need for continuous communication could be better emphasized.

The course makes good use of observational cues from watching other officers that can lead to the choice of effective interventions.

Role Playing Exercises

The role-playing exercises were not fully presented in this dry run; while this was unfortunate, it is understandable given the time limitations. It is not clear how highly scripted the role-playing exercises are. It may be that the descriptions of the roles to be played are so specific that the outcomes are pretty much preordained. It was not clear whether the role-playing exercises could have a “rewind” capability if things were going off-track; such a capacity has been shown to be an effective technique in scenario-based training.

For highly scripted scenarios, it would be beneficial to have them presented as a video followed by discussions of what was done well and what could have been done better. When something is highly scripted, the theatrical director (in this case the instructors of the course) often have a better grasp of the bigger picture than the actors.

Where “live” scenarios result in harm being avoided, a discussion of how the “near miss” was achieved and how things might have otherwise gone wrong would be beneficial. Again, because the dry run did not include actual role-playing, we do not know the extent to which this already happens.

The repeated references in the role-playing of intervenors stressing that the intervention is not part of the officer’s record makes ABLE more acceptable and therefore more likely to be used.

5. General Observations

This section contains general observations of the ABLÉ course that are not tied to specific parts of the presentation.

Every Advantage Has Its Disadvantage: Benefits and Costs of Presentation Slides Not Being Specific to the PPB

The IPP retains control over the set of 120 slides to maintain consistency over how the course is presented. On the one hand, this is an aspect of quality assurance; they avoid having to examine each client department's version of the slides and engage in what could be lengthy negotiations about changing the presentation. On the other hand, there is no room for visual elaborations specific to a client department that would help attendees better grasp the rationale and applications of the topic under discussion. One way out of this dilemma might be for the instructors to pepper their presentation with specific references (maintaining confidentiality when necessary) to Portland incidents—both good and bad—to reinforce the points being made. When national statistical findings are mentioned, including comparable Portland statistics would also be desirable. When the audience is newer officers, this would carry the benefit of more rapid acculturation to the PPB and with more tenured officers, such specific references to Portland would facilitate the associations the instructors desire the audience to employ as memory aids when parallel situations arise in practice.

In keeping with the philosophy of the ABLÉ course, if the instructors see ways that the presentation could be improved for all audiences, they should call that to the attention of the IPP, citing the ABLÉ philosophy as the reason for their comments. One example is the slide presenting a discussion of an article by one of the IPP developers that shows the word “witness” when the entire discussion is about bystanders. Some witnesses can only see, but the term bystander is defined to include the possibility of some intervention, whether major or minor. This is worth bringing to the attention of the IPP.

Linking the Example of Officer Lopez with the Portland Trail Blazer National Anthem Video

In the first hour of the course, the first real-life example of a case where bystander intervention would have helped presents a female officer of color who is ceaselessly verbally assaulted by a subject as her male colleagues and superiors look on. In such a situation, it is important that any intervention preserve the dignity and authority of the officer; as long as possible, any intervention must support her while informing the subject of the inappropriateness and unacceptability of his behavior; for this reason alone, the earlier the intervention, the better. The national anthem video later in the course illustrates this, as the intervenor maintains the dignity and authority of the singer while helping the audience appreciate her efforts. This valuable association did not come up in our session and would have been especially helpful given that the video a Portland legend.

Friends Don't Let Friends Scrimp Apples or Display Implicit Bias

For good reason, just about all of the examples presented in the course involve single incidents that have high consequences, along with how a bystander intervention might unfold. ABLÉ also applies to more petty situations, such as an officer freely grabbing an apple or baked good from the shelf of a convenience store without paying for it. The consequence to the store owner is by itself minor, but the reputation of the Bureau suffers. As the overall reputation of the Bureau as a good community citizen is part of why the course is being offered, some mention of the possible long-term consequences of seemingly trivial actions should be brought up at some point in the course. When you're wearing the uniform, you are more than just yourself.

A similar point applies with considerably more importance when inequities that could be attributable to implicit bias (e.g., differential enforcement of traffic stops based on the race of the subject) are not questioned by fellow officers. The stop itself might be unremarkable in the long-term, but the consequences of not addressing such stops or other manifestations of implicit bias can be huge.

For that matter, being a PPB officer, even if not a sworn officer, carries with it a responsibility to the public. This is an important reason why the PPB decision to give the course to all officers is correct.

Measuring Is Believing

The success of the ABLE program depends on the willingness of officers to intervene, not only with peers and subordinates but also with superiors. It is crucial to have a plan to determine whether the material is actually employed. One barrier to obtaining the needed data is that entering reports of successful interventions into the public record would be counterproductive. (The requirement that unsuccessful or late interventions need by law be entered into the public record has its own problems, which go beyond the present discussion.) Fortunately, an alternative means of obtaining data exists and should be used. The Peer Support aspect of the Employee Assistance Program provides such a mechanism. Officers should be instructed to contact one of their Peer Supporters after making a bystander intervention. The contact would be very broad in nature, limited to where in the stages of intervention it took place, whether the intervention was to a subordinate, peer, or superior, and whether it improved the situation. On a monthly basis, the Peer Supporters would provide anonymized summaries of such reports to the EAP, which would enter them into a database available to PPB leadership and the TD. In this way, evidence on whether ABLE is being used and its effect (especially in tracking “near misses”) could be collected and the anonymized results could be reported back to both the IPP and the civilian police oversight offices in Portland.

The planned three-year follow-up and the emphasis on officer wellness (for which data do exist in terms of sick leaves and other consequences) are useful ways of understanding the effectiveness of the ABLE course. Culture shifts take time, as relationships are built. It might be beneficial to consider “ABLE Awards” for effective interventions, but this needs to be done carefully to preserve the confidentiality of the interventions.

Restorative Justice After Officer-Caused Harms

As active bystandership becomes more normative officer behavior, restorative justice programs between officers experiencing such intervention and harmed community members would be consistent with a growing emphasis on restorative justice, both nationally and locally (see, House Bill 2204, passed in 2021, establishing a program to fund restorative justice efforts). While it is not feasible to incorporate this into the current ABLE course, adding such a component would be worthy of consideration in the relatively near-term future, especially as the PPB’s own more general restorative justice work matures.

6. References

Georgetown Law, *Active Bystandership for Law Enforcement (ABLE) Project*.
<https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/> (accessed 17 October 2021)

Oregon Legislature House Bill 2204, “Relating to public safety; and declaring an emergency,” pass by both houses and signed by the Governor 19 July 2021. Effective 19 July 2021.
<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2204/Enrolled> (accessed 20 October 2021)

Oregon Legislature House Bill 2929, “Relating to police officer misconduct,” passed by both houses and signed by the Governor 11 June 2021. Effective 01 January 2022
<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2929/Enrolled> (accessed 16 October 2021)