

In January 2020 PPB gained substantial compliance with the Settlement Agreement. The processes in place to document, review and analyze force during normal PPB operations had met all of the requirements set forth in the agreement and PPB entered into the monitoring year.

In May of 2020 PPB began to experience what would be over 170 days of almost nightly civil unrest that would place unforeseen stresses on many systems in PPB to include the documentation, review and analysis of force events specifically related to crowd management.

A review of our processes was done in order to ensure PPB critically analyzes force incidents related to crowd management and uses only the force reasonably necessary under the totality of the circumstances. To complete this review, I met with Incidents Commanders (ICs), both sworn and non-sworn IMT personnel, analysts, communications team members, detectives and other command staff.

I have broken my review into the following categories; AAR/FDCR reports, Directives, arrests and custody processing, investigations, communications, use of force, command and control, and documentation and logistics. My objective was to document challenges that were identified, immediate solutions that were implemented and their effectiveness and possible solutions to ongoing challenges.

### **After Action Reports (AAR) and Force Data Collection Reports (FDCR)**

**Challenge:** Processing the volume of crowd management related reports including FDCRs and AARs.

During non-crowd management use of force events, sergeants respond to the scene and investigate, ensure documentation, conduct interviews and analyze the force used. This process works well for non-crowd management use of force events, and continued to do so during the time period of this event. However, in crowd management events where the Rapid Response Team (RRT) or Mobile Field Forces (MFF) are used, each squad has an assigned sergeant who is responsible for approximately twelve members. Due to the large scale nature of these events, the level of criminal activity was greater than in a static events, resulting in more uses of force and RRT sergeants either involved in or witnessing such uses of force events. At times during these events, one RRT or MFF squad might generate multiple FDCRs in a single operational period.

Unlike non-crowd management events where sergeants have the ability to secure the scene and complete the AAR requirement, during the crowd management events starting in May of 2020, RRT and MFF sergeants encountered situations where there simply was no ability to stop and complete these requirements. Actions of the crowd and safety concerns required that RRT and MFF members continually respond, sometimes for hours at a time. There were safety concerns with sergeants responding to the scene and oftentimes uses of force occurred when

people were ordered to disperse, so it was not feasible to contact non-PPB witnesses. Additionally, this pace left virtually no time between the end of shift and the start of the next day's events for the sergeants to complete the required AAR processing. This was also true for the RRT Lieutenants who were on-scene every night ensuring RRT squads were following the IC's objectives, followed by meetings with the IMT staff each night to review tactics and intel in preparation for the next day.

In addition to the volume of force events to review, the Force Inspector's office identified issues related to the review of crowd management events by sergeants with little to no crowd management training, as well as errors in report numbering and tracking of FDCR and AAR reports.

**Solution:** To expeditiously mitigate some of these issues, the Chief's Office identified two full-time sergeants for seven-day a week coverage. These sergeants were solely responsible for completing the AARs generated by RRT. MFF sergeants continued to complete AARs related to their squads. In addition, two sergeants were assigned on a rotating basis to assist if the volume of a particular day became too large for the full time sergeants to manage.

This solution helped ensure the FDCRs and AARs were completed in a timely fashion, but did not solve for the issue that the sergeants doing the AARs for RRT were not present during the events and therefore relied on reports rather than interviews to analyze force events. PPB must develop a system for large scale or long term incidents that provides the opportunity for the same critical analysis as non-crowd management force events. This may require modifications to currently approved processes for to allow for longer timelines, as well as other methods of critique.

To help ensure all required reports were correctly linked and completed for each use of force, a new queue in the Records Management System, ReGIN, was created and the court coordinator sent a bureau-wide email each day to all PPB users with the day's appropriate case number. By sending all of the reports to one queue, the AAR Team could find all reports and ensure they were completed. The queue was also monitored by Detectives to ensure police reports were approved by 0800 the next morning and transmitted to the DA's office.

One Lieutenant was assigned the task of tracking all AARs for Command-level review and assigning them to one of three Lieutenants with crowd management AAR review duties. Once completed at the Lieutenant level, the AARs were logged and sent to one of three command-level reviewers.

For further clarification, the Force Inspector met with the RRT Sergeants, and Lieutenants to review these reporting issues and to ensure they were properly addressed moving forward.

Once these challenges were addressed, the system began to run on a more realistic timeline.

**Challenge:** Evidence received during the AAR process. In several instances, PPB received video from various sources that was not used to analyze force events because there is currently no system in place to link the video to an AAR.

**Solution:** Depending on timelines and when evidence may be received, this could be difficult to prevent. PPB should look for ways to identify AARs that are in the process or have been completed without this evidence and finds ways to incorporate it in the analysis. This may include reopening AARs or extending timelines.

**Challenge:** Missing, incomplete, incorrectly numbered and incorrectly forwarded FDCRs and AARs.

**Solution:** SharePoint Enterprise level.

SharePoint is used successfully in a limited capacity by various units in PPB. Prior to the civil unrest event of 2020, the Inspector's office worked with BSG and IT to create a business case for the purchase of the Enterprise-level subscription. Because of cost and budget restrictions, the request was denied. SharePoint Enterprise would allow for a single access point and accurate tracking of force-related reports, alleviating many of the issues highlighted with tracking, reviewing, and ensuring thoroughness of reports.

**Challenge:** Data gathering and re-entry

**Solution:** SharePoint Enterprise

SharePoint Enterprise would automatically gather data needed for analysts to review without requiring analysts to re-enter the data by hand.

**Challenge:** Current AAR and FDCR forms do not allow for accurate documentation of crowd management incidents.

**Solution:** Create new AAR and FDCR forms specific to crowd management incidents which would be converted to SharePoint forms for tracking and analyst review. The Force Inspector's Office is currently working on draft crowd management AAR and FDCR forms. See attachment.

## **Directives**

**Challenge:** Reporting requirements in Directive 1010.00 Use of Force, 635.10 Crowd Management/Crowd Control, 905.00 Non-Force After Action Reporting, and 900.00 General Reporting Guidelines.

**Solution:** Review of all above listed Directives for possible amendments for large-scale and/or long-term crowd management events.

**Challenge:** Timelines. Current AAR timelines do not distinguish between crowd management and non-crowd management events and do not take into consideration the added resources and time required to process the number of FDCRs, reports, and AARs that large scale or long term events can generate.

**Solution:** Review and revise the AAR timeline requirements for events determined by PPB to be large scale, an event resulting in more than 25 arrests, or long-term events lasting multiple operational periods.

\*Any changes in Directives, AARs, or FDCRs will require DOJ review and approval.

### **Custody processing**

**Challenge:** Number of detectives required to staff full-time Formal and Field Arrest Teams (FAT). This requirement placed a significant strain on the ability of members of the detective division to maintain their current caseload and their ability to take on new, non-crowd management related cases.

**Solution:** In the beginning of the events, PPB staffed the Formal and FAT teams as we had historically done for events. Prior to the 2020 event, this staffing model allowed PPB the processing of a large number of people taken into custody, as well as follow up investigations, because the events were usually one-to-two days long and did not generate hundreds of arrests. Several weeks into the nightly protests and arrests, it became clear this staffing model was not sustainable. PPB then moved to a reduced number of detectives on the Formal and FAT teams, but found safety issues with their ability to monitor multiple people in custody and process other people into custody in a reasonable manner. After consulting with the IMT team, a plan was developed to review the information known about the expected events of the upcoming day and [REDACTED]

[REDACTED] To be able to make these daily decisions and adjustments, the majority of detectives were moved to a permanent afternoon shift. While this assisted with the crowd management custody processing, it had negative impacts on the investigations outside of crowd management.

Detectives were also able to determine that when an MFF or FAT team had approximately five people to place in custody, it was more efficient for them to be brought to Formal arrest for processing. Having MFF or FAT teams wait until they had higher number of people taken into custody resulted in a backlog at Formal arrest and the MFF or FAT had to wait until they could return to the street.

Historically, detectives have been used for all positions in the Formal and FAT teams. Moving forward not only will detectives be used but also officers, when available, may be used for any position except for interviews of possible felony level crimes.

### **Investigations**

**Challenge:** Sufficient staffing assigned to conduct follow up investigations related to civil unrest. In the past detectives have been able to follow up on civil unrest cases using the detectives assigned to Formal and FAT teams. After several weeks of continued unrest, the volume of cases and volume of evidence to follow up on became too great.

**Solution:** The Detective commander moved to a task force model for video review using two detectives and newly hired officers who could not attend academies due to COVID-19. This group looked for video evidence to follow up on or initiate criminal cases. All video reviewed also looked for possible policy violations and any potential violations were sent to Internal Affairs for further review.

In addition, Detectives had a weekly meeting with the District Attorney's office to review all cases, identify necessary follow up, determine the prosecution route, and ensure previously identified follow up had been completed.

Had this task force model been in place at the beginning of this event it is possible the impact of charges being issued may have deterred some individuals from returning night after night. Moving forward, the Detective division will evaluate each event for potential of size and length to determine if this team approach needs to be implemented.

**Challenge:** Increase in gun violence and homicides.

**Solution:** Homicide detectives were exempted from formal arrest duties.

**Challenge:** Increasing detective caseloads.

**Solution:** Detective Division Command prioritized investigations of person crimes.

## **Communications**

**Challenge:** Staffing. Traditionally, the PIO's office has been staffed by one full-time sworn member and one full-time non-sworn communications staff. Prior to the events of 2020, the PIO's office had added two additional sworn members, however, both [REDACTED] [REDACTED] which resulted in a severely short-staffed communications team to cover and coordinate events 24 hours a day, seven days a week.

**Solution:** Two additional members were identified, assigned and trained. Moving forward, PPB should identify and train backup personnel, both sworn and non-sworn, to fill all PIO roles, and to be able to pull from these trained personnel to form a Joint Information Center (JIC) if needed for long term or large events. This training will require funding.

**Challenge:** Joint Information Center (JIC) location and staffing. The JIC was originally on the fifteenth floor of the Justice Center utilizing a conference room. The JIC was staffed by PPB communications team members as well as others from outside agencies, many of whom were

non-sworn. This location quickly become too small and could not support the technical needs of such a large group. There were early concerns that the Justice Center could be compromised, thereby placing those in the JIC in possible danger.

**Solution:**

Moving forward, PPB should identify JIC locations that will support the size and technical needs of a large JIC team.

**Challenge:** Information on arrests made. During this event there were countless requests from media, public officials and community members for information related to arrests. The PIO's office was not receiving this information on a consistent basis from Detectives, which resulted in hours of additional work.

**Solution:** A sergeant from the Detective Division was assigned this duty to ensure it was completed at the end of shift and ready for the PIO's office.

Moving forward, SharePoint Enterprise would allow for the tracking of this information in a centralized location.

**Challenge:** Dispersal orders. The member of the PIO team assigned to the ICP would coordinate with the Incident Commander on what messages would be relayed to the crowd via the sound truck and when those announcements would be made. The content of each message, as well as the time, location and number of times the message was broadcast were all recorded. These messages were also released on PPB social media platforms such as Twitter and our flash alert. These messages were only in English and PPB received concerns from community members who do not speak English.

**Solution:** PPB was able to use a Spanish speaking officer for tweets when available. Moving forward, PPB should look to pre-record as many messages as possible in multiple languages which could be broadcast via the sound truck and posted on social media. PPB is also working to establish a pool of officers who are certified interpreters who could be used for future events.

**Challenge:** TRO banning livestream. The removal of PPB's ability to livestream made providing the Bureau's perspective extremely difficult and resulted in a view of incidents that did not reflect the entire incident. The ban also limited the information available to Incident Commanders for decision making, requiring them to rely on what could be found from other sources.

**Solution:** PPB should continue to work with the City to implement the body worn camera program. PPB should also work with the City Attorney's office to seek modifications to the TRO.

**Challenge:** In person press conferences due to COVID-19 restrictions.

**Solution:** Communications team was able to set up Zoom press conferences. Moving forward, a press conference should be held daily during civil unrest events to allow for PPB messaging.

## **Force**

**Challenge:** Articulation for the justification of the use of force against a crowd or particular individuals in a crowd. During the review of force events analysts found the articulation used by officers to justify force was too general and not consistent with the articulation officers use to justify force events outside of crowd management incidents. Analyst found officers were describing crowd behavior in great detail but not articulating behavior by specific individuals' behavior that was leading to the use of force.

**Solution:** Training for all members on force justification specific to the use of force in crowd management situations.

**Challenge:** Surrounded officer. In several incidents, members became surrounded by hostile crowds either as an individual or as a small group, such as a MFF, or in their vehicle.

**Solution:** Training in these scenarios for all members. Training division is currently working on this.

**Challenge:** Gun violence incident or OIS during a crowd management event. During the event of 2020 one homicide occurred in the midst of active civil unrest. Securing the scene, interviewing witnesses, and scene processing were difficult due to the number of people on scene and the limited number of officers available to respond to the scene.

**Solution:** PPB should develop a plan for processing a fatal shooting scene during a large scale event. This may require calling in members currently off duty and increasing the detective and FED response to process the scene.

**Challenge:** Injuries reported by persons in custody after they had been transferred to the FAT team. During the review process it was noted that several people in custody reported to FAT or Formal arrest members they had been injured during their arrest. FAT and Formal arrest documented these injuries, however, the arresting officer was not aware of this reported injury. This lead to FDCRs completed without this information and no articulation of injury in the arresting officers report.

**Solution:** SharePoint Enterprise could be used to collect and track this information to ensure it was followed up on and the appropriate documentation was completed by the arresting officer.

**Challenge:** Consistency in force terminology. During the AAR review process the Force Inspector noted differences in the use of certain terminology related to the use of batons. Members were not using the following terms consistently: shove, push and strike. This lead to inconsistent reports and differing articulation of force.

**Solution:** The Force Inspector met with all the RRT supervisors to provide clear direction on the terminology and the appropriate usage to describe the force.

Moving forward, PPB should provide training to all members on this terminology to ensure consistent reporting.

**Challenge:** Video evidence obtained by FED must be reviewed by a Criminalist for criminal activity. Any video found not to contain criminal activity is stored by the City Attorney's Office (PPB is not allowed by law to maintain this video). This process proved difficult for IA and IPR to access video for possible policy violations when it did not also contain criminal activity.

**Solution:** IA and IPR should work with the City Attorney's office to develop a policy for the review of this type of video in a timely manner.

**Challenge:** Proper documentation of video and photo evidence. During the review process analyst noted that officers were checking the photo or video box in their reports if they noticed they were being filmed or photographed. This caused confusion for the analysts when they could not find any photos or videos in DIMS. Only after reading reports could the analysts determine there was no photos or video taken by PPB.

**Solution:** Create a box for members to check if the video or photos observed are taken by non-PPB persons.

**Challenge:** Video evidence available for review. PPB was limited in the video evidence available to analyze. FED was assigned to RRT squads based on the number of available criminalists and cameras. By law, Criminalist are not allowed to begin filming until they observe what they believe is a crime occurring or about to occur. The majority of video found or sent to PPB was not from a PPB perspective and there is no way to ensure the entire video was received and had not been modified or edited.

**Solution:** PPB should continue to work with City Council for approval of body worn cameras. Because body worn camera videos cannot be altered by PPB members, this would provide video that is not modified and entire events could be reviewed. PPB should look for funding for additional cameras used by criminalist to deploy in an attempt to capture criminal events in progress.

**Challenge:** Inconsistent application of ReGIN force codes. During the review analysts noted this inconsistency, which made it difficult to identify related arrests.

**Solution:** Refresher training for all officers and supervisors in the use of these codes. This should be tracked up the chain of command and failure to complete this should follow the discipline process.



**Challenge:** Press TRO. The TRO related to the press limited PPB's ability to disperse the press during civil disturbances and riot events and proved to be very difficult and dangerous for officers. Without clear rules anyone with any type of marking indicating they were press had to be treated as such. In many cases officers reported having to pass people with press markings or identification only to have those same people then assault them from behind with rocks, bottles, mortars and other projectiles. This created a very dangerous situation where RRT and MFF members were injured, and RRT or MFF members had to provide rearguard security leaving other roles shorthanded.

**Solution:** PPB and the City Attorney's office should seek to modify the TRO for a definition of press.

RRT should review the need for a rearguard position to be added.

**Challenge:** Lack of knowledge of crowd management tactics, tools, and terminology by those outside of Law Enforcement.

**Solution:** PPB should develop a public-facing dashboard with current crowd management techniques, descriptions of tools available, crowd management terms, and statistics. Crowd management training should be provided to Elected Officials to help provide an understanding of crowd dynamics and PPB capabilities. Specific training on techniques, tools, and force should also be mandatory for any PPB or community member who participate in PRBs related to crowd management events.

**Challenge:** Lack of undercover resources. The lack of available undercover resources made it difficult to identify individuals engaged in criminal activity and those who engaged in a known tactic of hiding in the crowd.

**Solution:** Develop resources that would allow those engaged in criminal activity to be identified and strategically removed using the least amount of force. This could result in fewer declarations of civil disturbance and riot.

**Challenge:** Limited outside agency assistance. The Oregon State Police and Multnomah County Sheriff's office provided what resources they had available to assist PPB with crowd management. Adjoining agencies and counties declined to provide assistance other than responding to code 3 cover requests. This lack of outside resources required PPB to cancel days off and extend shift lengths by requiring members to come in early or stay late.

**Solution:** The City must work with surrounding counties and cities to secure mutual aid agreements for assistance in crowd management, SERT, and CNT support.

**Challenge:** Use of National Guard members. PPB's RRT has trained with select National Guard members for several years, however, when PPB requested their assistance it was denied.

**Solution:** The City should work with State officials to develop a program that allows for the continued training of National Guard members and a protocol their use.

**Challenge:** Mobile Field Forces. MFFs are made of patrol officers designated by precinct command to respond during an event to assist RRT or perform RRT-type functions when RRT is not available. MFF officers are not equipped with the same protective gear as RRT members and have not received the same level of crowd management training.

**Solution:** PPB is currently looking at options to bolster RRT staffing and provide more ongoing crowd management training to patrol officers who may be called upon to act as a MFF. One option being considered is to have all new members assigned to the RRT team for their first two years. This would create a larger pool of RRT officers who would have all received basic RRT training.

**Challenge:** Equipment. Currently only RRT members have the new XION protective gear for crowd management. This protective gear is worn under the uniform. Although it is effective and less offensive looking than the traditional hard gear it is expensive, not interchangeable (made to fit each officer) and not easily replaced (four-- to six-month back-order times). When MFF officers were called to assist, they were placed into the same environment as RRT members, but without this protective gear.

All PPB members have been assigned a ballistic helmet, however, these helmets are not concussion-rated and provide no protection against concussions from the incendiary devices thrown at officers during the 2020 event.

PPB members are not currently issued hearing protection and many experienced hearing related injuries from repeated explosions.

PPB members experienced a new tactic of high powered lasers and flashlights used in an attempt to temporarily blind officers and prevent them from seeing criminal activity or items being thrown at them.

**Solution:** During the event PPB purchased several hundred pairs of goggles to help protect members' eyes from lasers. The goggles provided some relief but were difficult to see through, especially at night. PPB is currently looking into products that can be placed over the helmet shields to provide laser protection.

PPB has worked with vendors to build a helmet to issue that will provide ballistic and concussion protection, allow for the use of a gas mask, and provide hearing protection. Due to the cost PPB is currently awaiting approval from the City to purchase.

PPB should identify ways to provide some protective gear to members who are not on RRT but may be required to respond as MFF.

**Challenge:** Access to City resources.

**Solution:** Under emergency declarations, PPB must be allowed to request and receive assistance from other City resources.

### **Command and Control**

**Challenge:** Incident Command. The first days were chaotic with too many ICs and too many IAPs. Having separate ICs on two shifts caused confusion due to the IC changing objectives from the direction from previous shift IC.

**Solution:** This was corrected within a couple of days to one IC with overall authority and Deputy ICs assigned to fulfill the overall objectives of the IC.

**Challenge:** Lack of sufficient numbers trained in IC. A training was planned for ICs in the early spring in anticipation of the fall election cycle but was postponed due to COVID-19. There is also a lack of members interested in being an IC for public order events.

**Solution:** During the event, two ICs were trained via shadowing and with real time experience monitored by the IC.

An SOP is in progress that will require all staff, Lieutenant and above, to pick an ICS-specific command position and complete the required coursework.

**Challenge:** Deputy IC. Varying command decisions and styles caused frustration with line officers.

**Solution:** All command staff must attend RRT trainings. Regular tabletop exercises must be developed to provide practice for newer ICs and Deputy ICs to gain confidence and consistency.

**Challenge:** Operational periods. In the beginning, operational periods were twelve hours. This length was too short and caused confusion due changing information. Also, early on I met with the IMT and made the decision to consider this one event with multiple operational periods which would be documented in one overall AAR upon completion. This decision was not reviewed as the event went on and resulted in too much time passing to sufficiently capture in one AAR the decisions made for each day.

**Solution:** Initially corrected by making 24-hour operation periods. Once the situation stabilized, operational periods were extended to two-week periods. Moving forward, AAR reports should be required for each designated operational period to ensure information on decision making is being documented for later review.

**Challenge:** Operational Briefings. COVID-19 required all briefings to be via Zoom with post briefing discussions held by field command without IC or On-Scene Command (OCS) there for questions.

**Solution:** To overcome possible gaps in planning, pre-briefing meetings were held with field command to ensure the plan of the day was understood. If the situation changed, phone calls to field command occurred in real time to ensure the plan was followed.

### **Documentation and Logistics**

**Challenge:** ICP staffing. Not all positions were filled due to lack of training.

**Solution:** Memo was issued requiring all staff to meet ICS standards. EMU working to provide the classes in the upcoming years with grant monies.

**Challenge:** ICP staffing. Not all positions were staffed due to personnel shortages. Documentation unit needs to be staffed to ensure tracking of personnel.

**Solution:** During the event, all AS1s were trained in, and rotated in, filling the Logistics Section Chief. Moving forward, additional non-sworn staff positions will be identified to fill needed ICP roles.

**Challenge:** Tracking of all ICS documents. Not having all ICS documents stored in one location with consistent naming resulted in analysts spending extra time tracking down where documents were saved and under what title.

**Solution:** SharePoint Enterprise would solve this challenge. Each final version would be logged and tracked and required to be entered within 24 hours.

**Challenge:** Documentation of daily debriefs. Analysts found that not all daily morning and evening debriefs were documented and stored.

**Solution:** Assign one member the role of documenting and uploading debriefs into SharePoint Enterprise each day.

Over the course of this event force management remained a priority. Tactics used by those engaged in violence changed almost daily. To plan for this, the IMT used the information available for the next day's events to determine tactics. A review was done by the IMT each night to determine what had worked and how the crowd was adapting.

All evidence received of possible misconduct was referred to IA for further review. If cases were opened against members, the Chief's Office would meet to discuss the allegations and determine if the member needed to be removed from crowd management duties, removed from their regularly assigned duties, or removed of police powers.

Discussions occurred with supervisors to look for members showing signs of fatigue or frustration and members were allowed to relieve themselves of crowd management duties temporarily and permanently.

### **Successes**

Unified Command with Portland Fire Bureau

Embedded medic program

Full time RRT

XION PPE gear

Creation of the Coalition of Advisory Councils (CAG)

Wellness program for RRT