Force Data Collection Report

CASE # 2020-203155 | OFFICER: Domka, Zachary | DPSST: 48347 | ☐ AMENDED

DATE: 06/26/2020 | TIME: 1:31 AM | ASSIGNMENT: RRT

LOCATION: NE MLKJ Blvd/NE Emerson St

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Morris, Joshua S	MALE	WHITE	11/09/1986

TYPE OF CALL - REASON FOR CONTACT

☐ SUBJECT STOP ☐ PERSON CRIME ☐ PROPERTY CRIME ☐ ADMINISTRATIVE ☐ INJURED ANIMAL

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

RRT Delta Squad was engaged with a hostile crowd in the area of North Precinct. The crowd numbered between 150-200. They erected makeshift barricades, threw multiple projectiles capable of causing officers injury, and pointed bright lasers into the eyes of officers. An unlawful assembly was declared, by the CMIC, and police assets were ordered to disperse the crowd.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

Individuals in the crowd were given numerous, clear warnings (via the PPB Sound Truck) to disperse from a designated area around the precinct after the unlawful assembly was announced. The vast majority of the crowd refused to leave, which constituted Interfering with a peace officer.

CONDITION PRIOR TO FORCE

☒ ARMED (ACTUALLY) ■ MENTAL HEALTH INFLUENCE (PERCEIVED) ☐ PASSIVE RESISTANCE*

☐ REPORTED TO BE ARMED ☐ UNDER THE INFLUENCE OF DRUGS ☒ ENGAGED IN PHYSICAL RESISTANCE

☒ ARMED (PERCEIVED) ☐ UNDER THE INFLUENCE OF ALCOHOL ☐ OTHER ☐ NONE

EXPLAIN

The actions of the crowd, on this date, were violent and hostile toward police. Members of the crowd were seen armed with blunt objects, using tools to damage property, and throwing projectiles at police officers. Others were seen carrying heavy backpacks, which my training/experience tells me to not discount the potential they contained objects to be thrown at the police. The individuals engaged in the criminal behavior consistently avoided police attempts to either arrest or disperse them.

I first saw Morris while he was holding a simple shield in the company of other, similarly-equipped, individuals. They were bunched together in an organized manner. The technique had been seen by RRT during previous protests and members of the crowd were using it to limit the effectiveness of the force tools at our disposal.

The fact Morris did not depart after he and the rest of the crowd were clearly ordered to disperse, per the unlawful assembly declaration, led me to believe he wanted to engage the police in a physical confrontation.

PERCEIVED CONDITION FOR LACK OF COMPLIANCE PRIOR TO FORCE

■ MEDICAL CONDITIONS ■ DEVELOPMENTAL DISABILITY ☒ DISOBEDIENT / ANTAGONISTIC ☐ OTHER

■ MENTAL IMPAIRMENT ■ MENTAL HEALTH CRISIS ☐ LANGUAGE BARRIER ■ PHYSICAL LIMITATIONS

☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

The impetus of this protest was based in anti-police sentiment. Therefore, the vast majority of individuals within the crowd were hostile to police. No other perceived conditions could be ascertained due to the safety hazards involved with getting close to the suspects.

None of the listed conditions applied to Morris beyond the intent he displayed to disobey and be hostile toward officers. I saw Morris

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rushing toward an active physical engagement between an officer and another crowd member who was equipped with a shield. That other protester was in the process of pushing back against the officer's attempts to move him northbound with the rest of the crowd. Based on Morris' body language and the urgency with which he was moving, I believed he intended to help the other protester and physically batter the aforementioned officer.

MENTAL HEALTH

[redacted] NONE [redacted] PRIOR TO FORCE KNOWLEDGE [redacted] POST FORCE KNOWLEDGE [redacted] OTHER

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, SERT, Air support, CNT... and likely others.

DE-ESCALATION TECHNIQUES

YES DE-ESCALATION TECHNIQUES WERE ATTEMPTED OR USED?

EXPLAIN WHY NO DE-ESCALATION TECHNIQUES WERE USED/ATTEMPTED OR DESCRIBE TECHNIQUES USED/ATTEMPTED

Custodies were delayed and police units kept their distance from protesters.

Unless immediate police action was necessary to protect life safety, officers did their best to give the crowd a reasonable amount of time to comply with loudspeaker admonishments.

Additional officers were called upon and responded as soon as the crowd became actively aggressive.

RRT and MFFs used the geographic features of the various locations we visited, as barriers, to distance ourselves from the violent suspects; when not attempting to take custodies.

Police formations withdrew, multiple times, after engaging the crowd; with the intent to let the gathering self-police. However, the crowd continuously advanced on officers and continued to be hostile.

USE OF FORCE WAS NECESSARY TO

- ☒ PREVENT OR TERMINATE THE COMMISSION OF AN OFFENSE.
- ☒ LAWFULLY TAKE A PERSON INTO CUSTODY, MAKE AN ARREST, OR PREVENT AN ESCAPE.
- ☐ PREVENT A SUICIDE OR SERIOUS SELF-INFLICTED INJURY.
- ☒ DEFEND THE MEMBER OR OTHER PERSON FROM THE USE OF PHYSICAL FORCE.
- ☒ ACCOMPLISH SOME OFFICIAL PURPOSE OR DUTY THAT IS AUTHORIZED BY LAW OR JUDICIAL DECREE.

CHRONOLOGICAL USE OF FORCE

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	ACTIVE AGGRESS	YES	TAKE DOWN	LEFT ARM	YES	YES

DESCRIBE THIS USE OF FORCE:

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PPB Sound Truck admonishments had been broadcasting a clear force-warning for at least 20 minutes before my interaction with Morris. The announcement was loud enough to be heard inside North Precinct, and it contained the warning of how members of the crowd were to leave the area lest they be subject to potential arrest/use of force.

I grabbed Morris' left shoulder as he passed in front of my; on his way to presumably accost another officer with his shield. I pulled his upper body downward with my strength, which caused him to lose his balance. He broke his own fall with the shield he was holding in a two-handed grip. I kept my grasp on Morris, and he responded by rolling on his back to shelter his upper body under his shield.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	ACTIVE AGGRESS	YES	KICK/STRIKE	TORSO	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

The PPB Sound Truck admonishments still applied.

As soon as Morris began to hide beneath his shield, a second (unknown) officer arrived next to me and pulled on the edge of the shield with enough force to cause Morris to roll on his right side. I placed my body on top of Morris to prevent him from either rolling onto his back again or fleeing. Morris immediately began delivering a series of kicks to my legs. His kicking motion was akin to how one would pedal a bicycle. He was delivering the strikes with enough force to make me believe he hoped to either cause me injury or delay my ability to arrest him. No other officers were able to assist us in that moment and the second officer was still controlling the shield. Therefore, I targeted Morris' left side and delivered a closed-fisted strike with my right hand. He persisted without any noticeable reaction to the blow. I delivered another, to the same area on Morris. He released his shield and stopped kicking me. I ordered him not to kick me again and to put his hands behind his back. He did so without any further resistance.

YES — WHEN THE RESISTANCE DECREASED, I REDUCED MY AMOUNT OF FORCE TO A LEVEL REASONABLY CALCULATED TO MAINTAIN CONTROL.

DESCRIBE WHY OTHER FORCE OPTIONS WERE REASONABLY CONSIDERED BUT NOT USED:

Pepper spray may have been effective, in place of the takedown. However, the effects of the pepper spray were not guaranteed to stop Morris from approaching the other officer in the same way a takedown would. Also, cast-off from the spray may have effected officers nearby who may not have been wearing a gas mask.

I had no other force tool at my disposal to promptly counteract Morris' kicks. A CEW may have been an appropriate choice to stop him for striking me, however, I did not possess one at that time.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I observed an officers' control against resistance while I had hold of Morris on the ground.

SUBJECT INJURY AND/OR TREATMENT

	TYPE OF INJURY	OBSERVATION	LOCATION OF INJURY	INJURY ATTRIBUTED TO	INJURY TREATMENT
+ -	[redacted]				

BRIEF DESCRIPTION OF COMPLAINT, APPARENT, PRE-EXISTING INJURY OR ABSENCE OF INJURY:

[redacted]

[redacted]

THE SUBJECT WAS MEDICALLY CLEARED FROM THE FORCE EVENT

THE SUBJECT WAS TRANSPORTED AND/OR ADMITTED BECAUSE OF MENTAL HEALTH ISSUES

THE SUBJECT WAS TRANSPORTED AND/OR ADMITTED FOR DRUGS/ALCOHOL

WITNESS

☒ I ATTEMPTED TO LOCATE WITNESSES AND NONE WERE LOCATED.

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☒ ATTEMPTED TO LOCATE WITNESSES AND NONE WERE LOCATED

☐ WITNESSES WERE LOCATED BUT THEY REFUSED TO GIVE THEIR CONTACT INFORMATION AND A DESCRIPTION OF THEM IS IN THE SECTION BELOW.

WITNESS INFORMATION: NAME OR DESCRIPTION (IF NAME REFUSED) AND MEMBER WHO LOCATED:

It was not safe to stop and ask for witness information as the protesters present were not police-friendly. None of the other potential witnesses stayed to speak with police because they were departing before being arrested as well.

MEMBER INJURY

☐ **I WAS INJURED DURING THIS INCIDENT**

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Zachary Domka	48347	EMAILED TO	SGT	James McMurray

************SUPERVISORS ONLY************

APPROVED BY:	Sergeant Jim McMurray	DPSST:	32106

PSD: ONLY PERCEIVED MENTALLY ILL	PSD: ONLY SERIOUS USE OF FORCE	PSD: BOTH A SERIOUS USE OF FORCE ON A SUBJECT WITH PERCEIVED MENTAL ILLNESS		**SERGEANT:** SUBMIT FINAL COPY TO RECORDS