Force Data Collection Report

CASE # 2020-680613 | OFFICER Bernard | DPSST 53468 | ☐ AMENDED

DATE 06/06/2020 | TIME: 11:39 PM | ASSIGNMENT: RRT

LOCATION SW 3rd Ave/SW Main St

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Unknown	MALE	WHITE	MM/DD/YYYY

TYPE OF CALL - REASON FOR CONTACT

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

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

RRT Charlie Squad was instructed by command to disperse a large crowd due to an unlawful assembly as they were engaging in a civil disturbance.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

The large crowd, which for the past several days has been violent, causing thousands of dollars worth of damage, throwing projectiles at police and fighting with police, disregarded our order to vacate the area. There was probable cause for IPO and Disorderly Conduct II. A group near the listed location would not leave the area or move back despite the sound truck admonishments and me telling them to do so. I had heard the initial crowd was approximately 1,000-1,500 people in size. The announcement of the civil disturbance occurred around 2250 hours and admonishments from the sound truck giving commands to disperse or individuals may be arrested and could be subject to the use of force occurred for almost an hour in the listed location. I know the sound truck to be very loud and can be clearly heard from several blocks away. The sound truck directed people to vacate the downtown core area (W Burnside St to SW Lincoln St, SW Naito PKWY to SW 13th Ave). In addition, prior to coming into the listed area I heard Officers at the intersection of SW 3rd Ave/SW Main St say they were taking projectiles, which included glass bottles, balloons full of paint, full cans of beverages, and other hazardous items. People in the crowd were also using laser pointers and mirrors to blind Officers. Officers (including myself) have been subject to explosives as well. Police have suffered many injuries from these attacks.

CONDITION PRIOR TO FORCE

☐ ARMED (ACTUALLY) ☐ [redacted]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 unknown subject was in a group of people, several of which had helmets on. As Charlie Squad moved to disperse them, the other people stayed and would not move but the unknown subject advanced toward us. The subject took an aggressive posture and I believed he wanted a confrontation with police. The subject knew we were the police as we were in uniform, displaying badges, and there were police vehicles and lights and sirens that could be heard in the area.

PERCEIVED CONDITION FOR LACK OF COMPLIANCE PRIOR TO FORCE

[redacted]MEDICAL CONDITIONS [redacted]DEVELOPMENTAL DISABILITY ☒ DISOBEDIENT / ANTAGONISTIC ☐ OTHER

[redacted]MENTAL IMPAIRMENT [redacted]MENTAL HEALTH CRISIS ☐ LANGUAGE BARRIER [redacted]PHYSICAL LIMITATIONS

☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

Despite the majority of the crowd moving to the Southwest, the subject moved forward toward police and I reasonably believed he had the intent to engage in physical resistance. Based on training, experience, and experience specifically from the past few days of protests, I have dealt with people that will continue to move forward while police are dispersing, physically resist pushing and our use of sticks to move them.

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MENTAL HEALTH

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

EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

I am ECIT and a member of RRT.

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

I gave the subject an opportunity to leave the area and comply before having to use force to defend myself and the other Officers on the line moving the crowd. Although I was wearing a gas mask, I had a voice box turned on so that I could be heard and yelled to him I was going to use pepper spray if he didn't move back. I also displayed the pepper spray and gave him time to respond.

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	CHEMICAL AGENT	FACE	NO, EXPLAIN	YES

CHEMICAL AGENT	DEPLOYMENT	DISTANCE
OC	SPRAY CAN	Approximately 4'-5'

DESCRIBE THIS USE OF FORCE:

The subject displayed an aggressive posture and continued to advance toward me and the other Officers on the line. The subject had his arms raised at his sides like he wanted us to come toward him, had a clenched jaw and wide eyes. The majority of the crowd had moved back and this subject was doing the opposite. I knew I had PC to arrest the subject for IPO and Disorderly Conduct II the moment I observed him not leaving the area. Our mission was to keep moving forward and there wasn't a lot of support near that area as resources were spread thin. Because I was concerned the subject was going to continue toward us and physically resist me moving him, I used less than a second of a burst of OC spray to the subject's facial area (the only intended target) and he turned away.

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:

After the exposure to the use of my OC spray, the subject moved out of the area toward the rest of the crowd. No other force was necessary.

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GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I did not see any other force being used since the OC spray was effective.

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]

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.

☐ _____ 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:

Due to the dynamic and often violent nature of protests, I was unable to locate/identify witnesses. It was not safe to stop and ask for statements and we were unable to go into the crowd. The majority of the crowd had left after the subject did.

MEMBER INJURY

[redacted] I WAS INJURED DURING THIS INCIDENT

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Joseph Bernard	53468	EMAILED TO	SGT	Spiegel

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

APPROVED BY:	Sgt. Daniel Spiegel	DPSST:	49997

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