Force Data Collection Report

CASE # 2020-680752 | OFFICER: Mark Duarte | DPSST: 54091 | ☐ AMENDED

DATE: 06/10/2020 | TIME: 11:30PM | ASSIGNMENT: RRT

LOCATION: SW 3rd Ave/SW Main St. North Fence line.

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
unknown	MALE	UNK	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

I am a grenadier for RRT and I was assigned to Alpha squad for the June 10 protest. We were positioned on SW Main St/SW 2nd Ave and facing west. The crowd tore down the north fence line on SW 3rd Ave/SW Main St and a number of people climbed over it. The crowd also threw multiple projectiles at police and at MCSO deputies who were trying to discourage people from further detaching the fence and attempting to climb over the downed fence. I saw a number of people shining what looked to be industrial grade green and red lasers into officer's eyes. I was also struck in the eyes with the green laser and it blinded and blurred my vision temporarily. This interfered with my duty to protect my fellow officers and myself on the line.

The sound truck was continuously announcing force warnings and ordered people to stop tampering with the fence. Everyone in the area had ample opportunities to stop tampering with the fence. Based on what I saw, it was clear the crowd intended to stay in the area and disregard PPB's lawful orders and warnings.

As a grenadier, I have been certified and trained to carry and deploy the FN 303 less lethal launcher. I have been a member of RRT for approximately 3.5 years and a grenadier for 1.5 years with multiple deployments over the years. I have the responsibility to keep the public and fellow police officers safe from acts of violence and other criminal acts. I have the responsibility to deploy launchable munitions (including impact munitions) to lawfully move the riotous crowd upon the direction of the IC.

I heard the IC authorize impact munitions and OC use if people breached and came over the fence.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

I had probable cause for Disorderly Conduct II, Trespass II, Criminal Mischief II and 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

Force Data Collection Report

CASE # 2020-680752 | OFFICER Mark Duarte | DPSST 54091 | ☐ AMENDED

EXPLAIN

I saw a group of people storm the downed fence on the north side of SW 3rd Ave/SW Main St. After MCSO deputies repelled them with impact munitions, a number of people repeatedly advanced at the downed fence which was directly next to the federal court house. This crowd was clearly hostile. I saw multiple subjects throw projectiles at police, put up barricades against the fence, shine lasers into officer's eyes, and wielded improvised weapons such as skate boards, signs with 2x4 attached, and umbrellas. I was concerned about the umbrellas because PPB had confiscated an umbrella with a knife attached in a bayonet fashion. I witnessed multiple aggressors with anti-police sentiments use umbrellas as an implement against police during these demonstrations.

I saw an unidentified male in all black use an umbrella to shield himself from the MCSO deputies while he advanced partially on the downed fence. He proceeded to dismantle the fence by removing the sandbags used to secure it and appeared to be detaching the bottom fasteners connecting the fence. It appeared this individual was attempting to dismantle the fence to allow the rest of the hostile group inside. He appeared to be yelling in anger at the MCSO deputies. I believed he wanted to fight the police. His body was tense and he had what I perceived to be a weapon (umbrella which could have a knife attached). I believed he wanted to dismantle the fence in order to gain better access for the rest of the crowd and overrun the officers. I perceived this as active aggression.

The sound truck gave force warnings and ordered people not the tamper with the fence.

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

See the above narrative.

MENTAL HEALTH

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

EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, MFF, Sound truck, and MCSO Deputies

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

The sound truck was making multiple announcements all night to stop throwing projectiles and gave force warnings. The sound truck warned not to tamper with the fence line. The crowd continued to throw projectiles at police and tamper with the fence line. RRT was staged out of sight for most of the event in order to de-escalate the crowd.

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.

Force Data Collection Report

CASE #	OFFICER	DPSST	
2020-680752	Mark Duarte	54091	☐ AMENDED

CHRONOLOGICAL USE OF FORCE

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	ACTIVE AGGRESS	YES	LAUNCHABLE IMPACT		NO, EXPLAIN	YES

IMPACT ROUNDS	DEPLOYMENT	DISTANCE
FN303	LAUNCHABLE	40 to 50 feet

DESCRIBE THIS USE OF FORCE:

****My FN 303 deployment was used for area denial tactic. No body parts were targeted. No options available for "target location" . ****

At this point, the crowd had dismantled and knocked the fence down. The opening was big enough for multiple people to get through. The sound truck was giving multiple force warnings during this event. I believe the force warnings were more than sufficient for a reasonable person to know force may be used on them. The crowd and the individual I used force on had ample time to stop their hostile behavior towards the police and to stop tampering and climbing over the fence. MCSO deputies were deploying multiple impact munitions at people attempting breech the fence. Despite all of this, individuals continued to advance on the fence with intent.

I intentionally aimed and launched a single FN 303 OC impact round at the south wall of the Federal court house which was approximately 6 to 10 feet away from the subject who was dismantling the fence. I saw the impact on the wall. My intention was to use an area denial tactic by deploying the FN 303 OC impact rounds close to the subject without hitting him. My intent was to stop the male from dismantling and entering the fence line. The male had an umbrella shield and there was a layer of chain linked fence blocking him. I did not have a clear shot on him without the FN 303 rounds breaking apart on the fence (The FN 303 round is designed to break apart on impact, similar to a paint ball).

The first FN 303 round was ineffective and the male continued to dismantle the fence. I launched a second and third FN 303 round but the male ignored it and continued to dismantle the fence. The male briefly went behind a large pillar but reappeared and started dismantling the fence again while shielding himself with his umbrella. I changed my point of aim to the large pillar which was directly next to him. The area of impact was approximately 6 to 10 feet away from him. I continued to launch FN 303 rounds at a slow rate and at the same area while re-assessing after each round. The male continued to ignore the impacts and continued dismantling the fence. I did this until he stopped dismantling the fence and he retreated back into the crowd. I believe this was an effective tactic and directly addressed this individual in a safe manner. I disengaged and re-assessed. I deployed a total of 18 FN 303 rounds.

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:

I did not use other force options because they were not appropriate at the time due to the close proximity of other officers and civilians. My force options were selected based on the environment, limitation due to distance, imminent danger and immediacy due to the hostile crowd in the area.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I saw MCSO deputies deploy impact munitions. It was difficult to identify the deputies using force as they were defending the jail side of the JC.

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

Force Data Collection Report

CASE #	OFFICER	DPSST	
2020-680752	Mark Duarte	54091	☐ AMENDED

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

[redacted] 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.

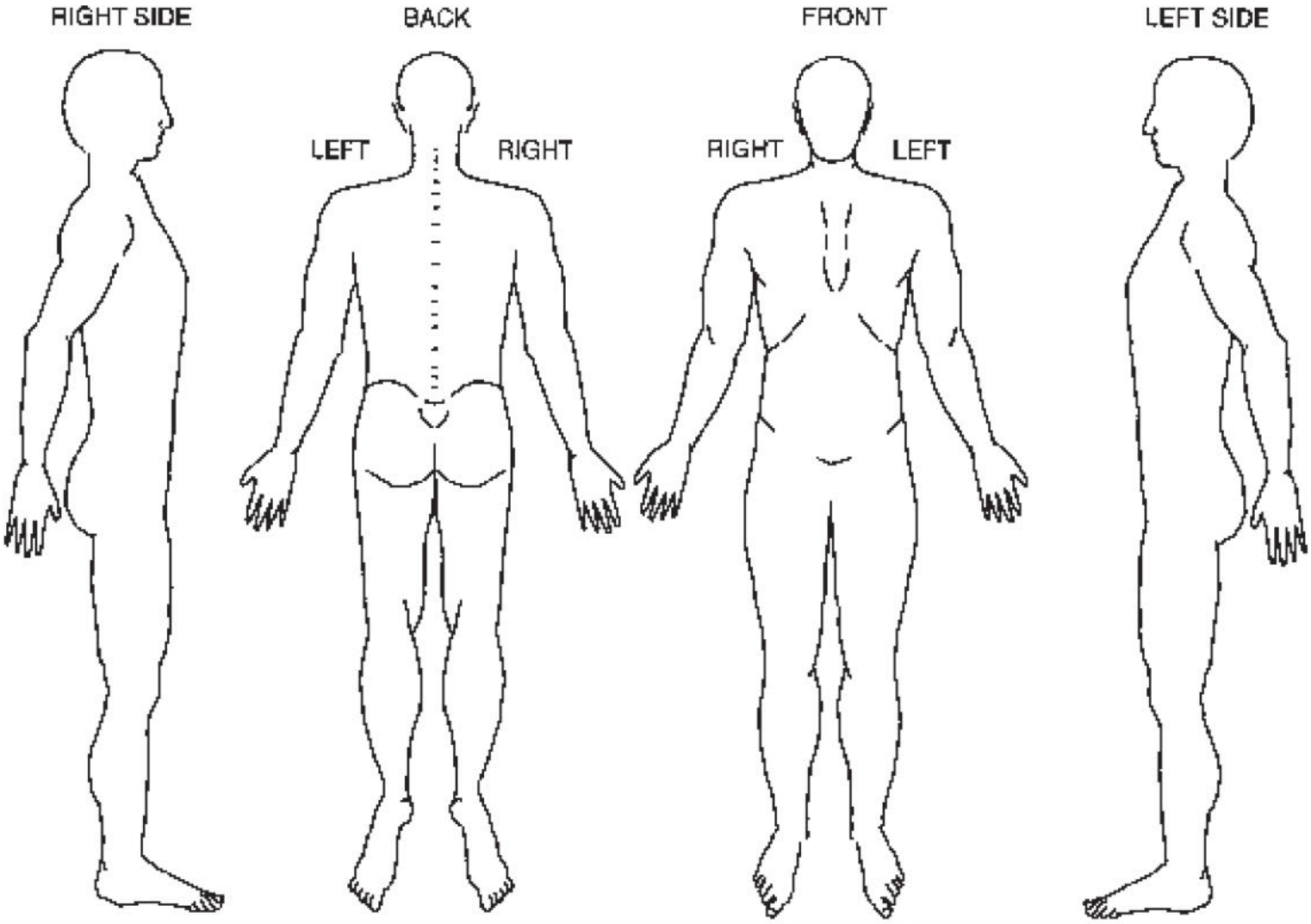
WITNESS INFORMATION: NAME OR DESCRIPTION (IF NAME REFUSED) AND MEMBER WHO LOCATED:

It was not feasible to locate a witness as the crowd was hostile towards police. Officer Kuykendoll witnessed my use of force.

MEMBER INJURY

[redacted] **I WAS INJURED DURING THIS INCIDENT**

CEW OR LAUNCHABLE IMPACT MUNITION LOCATIONS:



SIGNATURE	DPSST		RANK	NAME

Force Data Collection Report

CASE #							OFFICER		DPSST					
	2	0	2	0	-	6	8	0	7	5	2	Mark Duarte		5	4	0	9	1	☐ AMENDED

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Mark Duarte	54091	EMAILED TO	SGT	Burton

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

APPROVED BY:	SGT Bret Burton	DPSST:	43860

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