Force Data Collection Report

CASE # 2020-680793 | OFFICER Baer | DPSST 52342 | ☐ AMENDED

DATE 06/14/2020 | TIME: 10:10 PM | ASSIGNMENT: RRT

LOCATION Pioneer Square (SW Morrison/SW Broadway)

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Miles, Warren	MALE	WHITE	06/05/1983

TYPE OF CALL - REASON FOR CONTACT

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

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

On the evening of 6/14/2020 into the early morning of 6/15/2020 I was working as an RRT officer on Charlie Squad. We were deployed to assist with a protest in regards to an in custody death that happened in Minneapolis. Protests had already taken place the last eighteen nights before and involved extensive property damage, looting, and multiple assaults to both citizens and officers throughout downtown Portland. While some protesters were expressing their freedom of speech many others were very angry with the police and unwilling to follow orders and actively trying to fight with officers. I was wearing a police uniform and clearly displaying a badge.

My job on 6/14/2020 was to protect citizens, fellow officers, and property in Portland.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

On the evening of 6/14/2020 my squad was stationed inside the fencing around the Justice Building. We were assisting mobile field forces in watching the fence line to ensure the fencing was not taken down or climbed over by protesters. While monitoring the fence line officers were subjected to a constant barrage of plastic water bottle, cans, mortars, glass bottles, rocks, fruit, and other debris being thrown by protesters.

At approximately 2130 hours, on 6/14/2020, the ICP declared the gathering a civil disturbance. The sound trucks began making announcements that crimes had been witnessed in the crowd and the gathering was now a civil disturbance and an unlawful assembly. Protesters were instructed to disperse from the area and told Lincoln to stark, Broadway to Naito, was closed. The sound truck also gave multiple warnings that if protesters did not disperse they may be arrested and subjected to use of force. These announcements continued for roughly 15 minutes before RRT squads, including me squad, began pushing the crowd west bound out of the parks and streets on the west side of the Justice Building.

Once the crowd of protesters were pushed west and crossed SW Broadway Charlie Squad disengaged. We remained in the area, and after a few minutes, a crowd of approximately 50 people began trying to march east bound on SW Yamhill St. towards SW Broadway. We formed a line of officers on SW Yamhill St. at SW Broadway. The crowd stayed about a block away yelling and chanting, but did not advance. The sound truck continued to give multiple warnings that if protesters did not disperse they may be arrested and subjected to use of force. After approximately 10 minutes we disengaged and again gave the group time to disperse.

Approximately 5 minutes later we were notified the crowd had moved across SW Broadway, and was entering Pioneer Square, part of the area that was closed at the time. We were instructed to move people out of the square and make arrests of those disobeying lawful orders.

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

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EXPLAIN

As we entered the square from SW Morrison and SW Broadway a group of protesters were directly in front of us moving east bound, further in to the closed area. I saw Ofc. Green and Ofc. Le go to arrest a male in a camo fishing vest and burnt orange balaclava, later identified as Warren Miles 6/5/83. Miles was carrying a skateboard and I saw him swing it at Ofc. Green and Ofc. Le as they attempted to arrest him. I heard them telling Miles he was under arrest and saw him actively fighting them and attempting run away. As I watched both Miles, Ofc. Le, and Ofc. Green fell down a small flight of stairs and landed on the ground. Due to multiple moving officers in front of me I was unable to see if everyone tripped or if Miles was taken to the ground. When I reached Ofc. Le and Ofc. Green I saw that Miles was mostly on his stomach and still attempting to actively fight both officers. They were attempting to place him into flex-cuffs and telling him over and over that he was under arrest and needed to stop resisting.

PERCEIVED CONDITION FOR LACK OF COMPLIANCE PRIOR TO FORCE

[redacted] MEDICAL CONDITIONS
[redacted] MENTAL IMPAIRMENT
[redacted] DEVELOPMENTAL DISABILITY
[redacted] MENTAL HEALTH CRISIS
☒ DISOBEDIENT / ANTAGONISTIC
☐ LANGUAGE BARRIER
☐ OTHER
[redacted] PHYSICAL LIMITATIONS
☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

Miles attempted to fight officers from his very first contact with them and was yelling and cursing at Ofc. Le and Ofc. Green. He had been given multiple orders by both the sound truck and officers to disperse from the area, and time to do so, and had purposely disobeyed these orders .

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, Mass Arrest Teams, Mobile field Force, Formal arrest teams, PIO, PLO

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

There were multiple attempts at deescalation during this protest.

A police liaison was used at the beginning and throughout an event, to promote a dialogue with protesters and to share expectations from the City.

Protesters were given clear commands to leave the area and disperse from the event by both the sound truck and officers and then given time and space to do so.

Our formation of RRT officers began intentionally distancing from protesters after we had dispersed them to allow us time to use as many resources/tactics as possible to prevent further use of force.

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.

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☒ 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	CONTROL AGAINST RESISTANCE	HEAD	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

As stated above I saw Miles swing his skateboard at Ofc. Le and Ofc. Green, actively fight with them, and attempt to escape from them. I then saw all three fall down a flight of stairs and land on the ground.

When I reached Ofc. Le and Ofc. Green, intending to help them arrest Miles and make sure they were not hurt by Miles, I found him still actively resisting arrest and attempting to fight both officers.

When I reached Miles I found myself directly above his head, which was already on the ground. I used my bureau training about segmenting a person on the ground who is resisting arrest to assist Ofc. Le and Ofc. Green. I placed both my hands on the back of Miles head and applied pressure to keep his head on the ground. I did not apply any pressure to the back of his neck. I told Miles several times to relax and to stop resisting. Miles continued to yell and curse at us and did not relax, instead continuing to thrash and strain against us. I kept my pressure on Miles head steady until he was placed into flex-cuffs.

Just as this happened Miles stopped actively resisting and yelled he could not breath. I took my hands off the back of his head and removed his balaclava and a cloth face mask he was wearing underneath. Miles stated "thank you".

Miles was then helped into first a seated and then a standing position.

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:

While working RRT I only have a baton, pepper spray, my handgun, and my hands as tools. I did not feel that using my pepper spray to stop Miles was reasonable at the time as due to the fact he was actively fighting officers there was a high likely hood of the pepper spray effecting more than my intended target. I felt that using baton to stop Miles from his illegal actions was likely to cause his behavior to stop, but might injure either him or the officers around him. I felt that holding Miles' head on the ground, segmenting that part of his body as taught by the training division, was a reasonable way to stop his active resistance without being likely to cause him injury.

I felt it was unreasonable to use my firearm on Miles as he was not currently presenting a threat of serious physical injury or death to myself or others.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I saw Ofc. Le fighting with Miles and both fall to the ground. Once he was on the ground I witnessed Ofc. Le place him into flex-cuffs with assistance from Ofc. Green.

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:

Once in custody Miles complained of [redacted]. A Field Arrest Team responded to the scene and exchanged his flex-cuffs for handcuffs. Fire medics checked Miles who then stated he did not require further medical attention. I saw no injuries on Miles' person

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[redacted] THE SUBJECT WAS MEDICALLY CLEARED FROM THE FORCE EVENT

[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:

This event was witnessed by numerous other protesters but the hostility of the crowd prevented me from gathering their information.

MEMBER INJURY

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

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Rachel Baer	52342	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