Force Data Collection Report

CASE # 2020-680938 | OFFICER: Livingston | DPSST: 57429 | ☐ AMENDED

DATE: 07/03/2020 | TIME: 12:00 AM | ASSIGNMENT: RRT

LOCATION: SW 4th & SW Main St.

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

On the listed date and time, I was deployed with RRT in response to a protest in the area. This was the 35th consecutive day of protest over the death of George Floyd, and police brutality.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

The protests have been notoriously violent over the past month, and the information provided prior to our arrival, was that the group was attempting to vandalize Federal Court house and they had been throwing projectiles, including rocks and water bottles and commercial grade fireworks, at officers on scene. The event was declared a Riot based on the behavior, and we were tasked with dispersing the crowd and taking people into custody.

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 crowd was highly agitated and had a lot of energy. They were blocking the street creating a safety hazard, and vandalizing the local area. There were several people blocking traffic and they had many support vehicles with them. The crowds had been arming themselves with pipes, mortars, rocks, cans, glass bottles, ball bearings, marbles, and lasers. In previous nights of related protests, we had seen rioters armed with Molotov cocktails. Several of them attempted to utilize items such as umbrellas, skateboards, signs, banners, trash lids, and plywood boards as home made shields. They had torn off the plywood from the Federal Courthouse and began burning it in front of the front doors. With the broken glass windows exposed, the crowd began shooting mortars inside the building. One of the fireworks ignited a fire inside which was able to be put out by the federal team. They had been throwing the projectiles at officers and indicated that they intended to fight. The incident was deemed a riot and the crowd was then given instructions to leave the area and warned that "tear gas" may be used.

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 demonstrators were verbally and physically non compliant. They repeatedly spouted obscenities at officers and when given lawful instructions they refused to comply. Many of them stayed in the streets and refused to leave the area. Several were identifying themselves as "Press" in order to be able to disregard lawful orders due to a temporary restraining order against the Bureau. This TRO gave the "Press" members the ability to violate the laws such as disorderly conduct by means of obstructing vehicular traffic upon a public roadway, and Interfering with a police officer by means of standing in front of our line and attempting to prevent us from

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contact with other violators. Several demonstrators continued to throw projectiles at officers and shoot mortars at us. The event was announced as a riot and the group was warned of the use of Tear gas. Many refused to leave the area.

MENTAL HEALTH

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

EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT Charlie Squad. Also FPS and US Marshals team

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 crowd was given ample warning of the declaration of Riot and the use of Tear gas. They were given time to disperse the area safely. We had been out of sight for a majority of the nights events in order to not provoke the crowds. We gave the crowd distance and attempted to allow them to control themselves prior to police interjection. We attempted to improve our numerical superiority with the assistance of FPS and precinct mobile field forces.

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
+ -	PHYSICAL RESIST	YES	BATON STRIKE	RIGHT ARM	YES	YES

DESCRIBE THIS USE OF FORCE:

We initiated out dispersal west bound on SW Main st. Once we reached 4th st, we were instructed to perform a dynamic and get the crowd moving west bound as they had stopped in the middle of the intersection. Upon the command "Move" I ran forward at a crowd. There were several subjects huddled in the street. I made contact with a small group involving a white male wearing all black holding a long board as a shield, a second white male subject in all black, and a third male in a yellow sweatshirt whom I made physical contact with. The subject was an unidentified skinny white male wearing a bright yellow sweatshirt and camouflage pants. He had a black backpack hanging backwards across his chest. Using a two handed grip on my baton, I pushed my baton into his right arm in order to motivate him to move back. He immediately pushed his shoulder back into me.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	BATON STRIKE	RIGHT ARM	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

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Using the same grip, I pushed the subject in yellow in the arm a second time. He began to move back and the subject wearing all black physically pushed me back with his hand attempting to prevent me from moving their group.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	ACTIVE AGGRESS	YES	BATON STRIKE	RIGHT ARM	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

After the subject pushed me, I pushed him back using my baton aiming for his arm. After this the group began quickly retreating west bound on SW Main.

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 could have utilized pepper spray in this instant in response to the active aggression of them pushing me back, but in the moment I did not want to lose the two handed grip on my baton to prevent them attempting to take it.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I observed other officers performing pushes with their batons.

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:

There were several witnesses and cameras in the area, but none provided identification.

MEMBER INJURY

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

	TYPE OF INJURY	LOCATION OF INJURY	INJURY ATTRIBUTED TO	TREATMENT	INJURY LOG?	DISABILITY PACKET COMPLETE
+ -	[redacted]					

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SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Ariel Livingston	57429	EMAILED TO	SGT	Carroll

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

APPROVED BY:	Carroll	DPSST:	33550

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