Force Data Collection Report

CASE # 2020-681014 | OFFICER Mark Duarte | DPSST 54091 | ☐ AMENDED

DATE 08/06/2020 | TIME: 10:20 PM | ASSIGNMENT: RRT

LOCATION: East Precinct. SE Stark St/SE 111th Ave. SE Washington Ave/SE 106th Ave.

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Unidentified subjects	UNK	UNK	/ /

TYPE OF CALL - REASON FOR CONTACT

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

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK DOMESTIC RELATED? NO

EXPLAIN

I am a grenadier for RRT and I was assigned to Delta squad for the August 6 leading into the early morning of August 7 protest. The demonstrators rallied in front of the East Precinct's doors and set a fire in the trashcan. Paint and other liquid substance were thrown on the building and two elderly women were harassed and assaulted in front of the doors. The fire was directly next to the precinct doors. East Precinct was occupied by staff and officers during this event.

The EOC declared the demonstration an unlawful assembly at approximately 2153 hrs. The sound truck had announced multiple force warnings and lawful orders to disperse out of the area. The force warnings included impact less lethal munitions. The EOC directed RRT to disperse the demonstrators out of the area.

As we dispersed the crowd east on SE Washington St leading onto SE stark St, individuals in the crowd threw multiple projectiles at us. The projectiles included fireworks, large rocks, full water bottles, paint balloons, eggs and various items. A RRT member was struck by a large rock and was evacuated by medics. I was nearly struck by a rock. I was hit by multiple eggs which damaged my uniform and gear (some of which were purchased with personal funds). Individuals in the crowd were shining green lasers directly at officers faces. Many of them were in a group of "Press" members approximately 100 of them. Who I believe were capitalizing on the TRO for PPB. Many "Press" members refused to move out of the area and some of them intentionally entered the streets to antagonize us.

I have the responsibility to keep our officers safe from acts of violence. In over 6 years of service, I have never seen this much violence by the protesters. 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.

The events in the last couple of days were dynamic, on-going, and constant. In addition, the locations were constantly moving. I also attempted to review available video. I reviewed the PPB event log.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☐ CIVIL UNREST

EXPLAIN

I had PC to arrest these suspects for, Riot. IPO, Dis Con II, Criminal mischief and attempt assaulting a public safety 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

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EXPLAIN

I saw an unidentified suspect run into the middle of the street and throw a rock at us which landed close to an officer on the line. The suspect used the demonstrators "shield wall" and others in the crowd to conceal himself/herself. I saw the same suspect reappear and advanced towards the police line and attempted to throw a projectile at us. I deployed a 40mm less lethal marking at the suspect. In the same time frame, the crowd was in the middle of the street and multiple people resisted our dispersal. Multiple suspects in the crowd threw projectiles at us. Later in the evening, an unidentified suspect threw two rocks at us while we were getting on the van to leave. I deployed a 40mm less lethal marking round at the suspect. All of the incidents were during an unlawful assembly declaration.

PERCEIVED CONDITION FOR LACK OF COMPLIANCE PRIOR TO FORCE

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

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

☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

I believe the lack of compliance was due to their desire to be disobedient and antagonistic towards police.

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, MFF, Forensics, OSP, Sound Truck, Air 1.

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 repeatedly gave clear instructions to disperse. The demonstrators were given ample time to leave and a specific direction to leave. I also attempted to order people out of the streets before force was used. I "called out" specific individuals commiting crimes to leave the area. RRT left the East Precinct area on multiple occasions in order to de-escalate the demonstrators.

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	LAUNCHABLE IMPACT	BOTH LEGS	NO, EXPLAIN	YES

IMPACT ROUNDS	DEPLOYMENT	DISTANCE

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MARKING	LAUNCHABLE	30 to 50 feet

DESCRIBE THIS USE OF FORCE:

Force warning was given repeatedly by the sound truck prior to any force wich included use of impact munitions.

At approximately 2230hrs at around SE Stark St/SE 111th Ave, an unidentified suspect wearing all black clothing and a helmet and backpack was in the middle of the street within the hostile crowd. The suspect advanced towards police and threw a rock. As the suspect advanced, I aimed for the suspect's legs and deployed a single 40mm marking round which impacted the suspect's left leg area. The suspect retreated back into the crowd which included many "Press" members. I dis-engaged and Re-evaluated.

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

IMPACT ROUNDS	DEPLOYMENT	DISTANCE
MARKING	LAUNCHABLE	30 to 50 feet

DESCRIBE THIS USE OF FORCE:

Force Warning was given repeatedly by the sound truck prior to force, which included impact munitions.

At approximately 0100hrs during the unlawful assembly, an unidentified male suspect wearing mostly black clothing and gray pants advanced out of the hostile crowd as we were loading up on the van to leave in order to deescalate the crowd. The suspect threw a rock at one of the medics on the van. The rock nearly struck the medic and hit the roof of the van. The suspect began to throw another rock and I aimed for his legs and deployed a single 40mm less lethal marking round which impacted his right leg. The suspect retreated out of the area. I dis-engaged and Re-evaluated. While we distanced ourselves from the the crowd, a male voice from behind the crowd yelled something to the effect of how did that rock feel?!

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, imminent danger and immediacy due to the hostile crowd being in the area.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I saw unidentified officers push people in the street during the dispersal operation.

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.

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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.

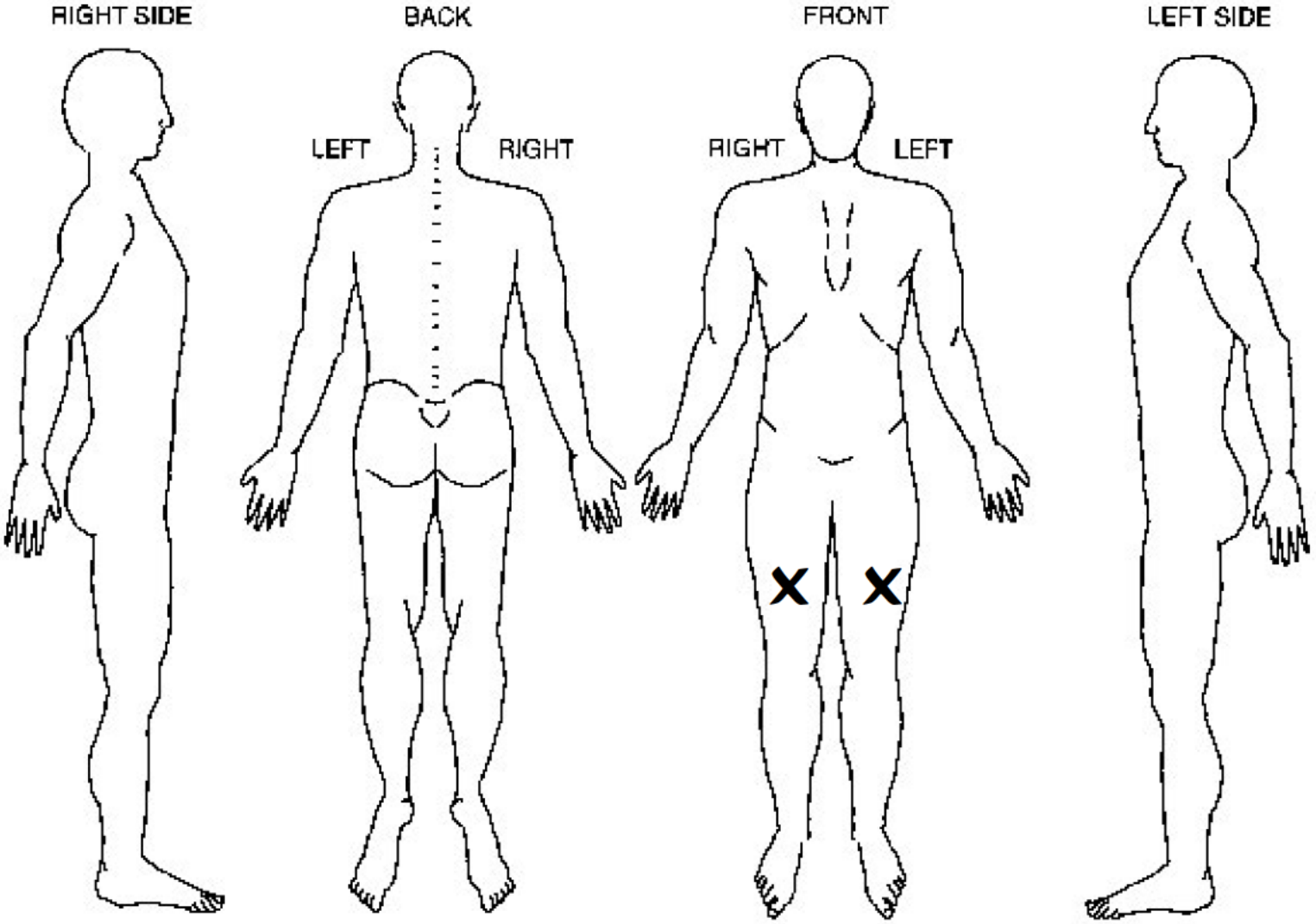
WITNESS INFORMATION: NAME OR DESCRIPTION (IF NAME REFUSED) AND MEMBER WHO LOCATED:

It was not feasible to safely locate a witness as the event was continuous and the hostile crowd was moving away from the location of force.

MEMBER INJURY

☐ **I WAS INJURED DURING THIS INCIDENT**

CEW OR LAUNCHABLE IMPACT MUNITION LOCATIONS:



SIGNATURE	DPSST		RANK	NAME
Mark Duarte	54091	EMAILED TO	SGT	Carroll

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

APPROVED BY:	CARROLL	DPSST:	33550

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SIGNATURE

SIGNATURE		DPSST		RANK	NAME
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