Force Data Collection Report

CASE # 2020-681260 | OFFICER: Domka, Zachary | DPSST: 48347 | ☐ AMENDED

DATE: 08/17/2020 | TIME: 11:08 PM | ASSIGNMENT: RRT

LOCATION: 7400-block of N Campbell Ave

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Unknown	MALE	WHITE	01/01/1993

TYPE OF CALL - REASON FOR CONTACT

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

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

Open-source media outlets revealed a planned rally at Kenton Park on the afternoon of 08/17/2020. The park was not far from the Portland Police Association building (SE corner of N Campbell Ave/N Lombard St). Subsequent intel confirmed the group planned to march there. Multiple similar gatherings had devolved into riots in the past 80+ days. This gathering did lead to an unpermitted march and they began moving to the PPA offices. Estimates of the crowd size, at it's peak, put their number near 200 individuals. Members of RRT and MMFs were directed to nearby, per the CMIC's direction, as the criminal actors had vandalized the structure and committed arson every time they collected around that structure. This evening, criminals broke into the offices, burglarized it, took items from inside, and then fed an exterior garden hose through a broken window and turned on the water in an attempt to flood the building.

The subject, against whom I used force, placed himself in the front the crowd; nearest the police line. He exhibited a confrontational demeanor and was dressed in protective equipment; presumably to engage in violence against police.

LEGAL AUTHORITY FOR CONTACT

☒ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

The crowd was addressed by PPB assets when members of the crowd broke into the PPA offices. They targeted a police related facility because they possessed a non-traditional vision for the governance of The United States of America and take exception to the presence of police officers in the City of Portland. Protesters were blocking traffic (Disorderly Conduct) and the PPA office had been broken into and vandalized.

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 actions of the crowd, on this date, were hostile toward police. The individuals engaged in the criminal behavior targeted a facility related to police activity and vandalized it.

The individual I targeted was attempting to interfere with a smoke munition dropped by Sergeant Damerville. The suspect attempted to grab the munition and throw it at us as we disengaged with the crowd. Based on my training and experience, I know that item had the potential to inflict injury to others when misused with criminal intent.

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

The impetus of this violent gathering was based in anti-police sentiment. Therefore, the vast majority of individuals within the crowd

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were hostile to law enforcement. The crowd's reactions to loudspeaker dispersal announcements were decidedly uncooperative and included profane gestures in response to the lawful orders.

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, Detectives, CNT, and likely others

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

Police units attempted to keep their distance from protesters. However, the crowd was insistent on pressing up against our police formation.

Unless immediate police action was necessary to protect life and safety, officers did their best to give the crowd a reasonable amount of time to comply with loudspeaker admonishments and lawful orders.

Additional officers were called upon and responded as soon as the crowd began to form.

RRT squads used obstacles and geographic features, as barriers, to distance ourselves from the members of the crowd; whenever possible.

RRT disengaged and encouraged the crowd to self-police in order to remove ourselves as a focal point for the gathering's energy.

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	FEET	NO, EXPLAIN	YES

IMPACT ROUNDS	DEPLOYMENT	DISTANCE
MARKING	LAUNCHABLE	~45 feet

DESCRIBE THIS USE OF FORCE:

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RRT and mobile field force assets began disengaging from the crowd southbound on N Campbell Ave after the damage to the PPA offices had been mitigated. Charlie Squad moved away from the crowd, however, the crowd insisted on following after us; staying within range to throw projectiles. Based on my training and experience, I know violent actors often wait to target officers with harmful projectiles once we are loaded on our RRT van and our ability to dodge is greatly hindered. The sound truck had already provided multiple loud, clear force warnings.

Sergeant Damerville deployed a smoke canister, roughly 250 feet south of N Lombard St, at ~2308 hours. I was considering doing the same to obscure our location as we prepared to depart. I observed an unknown young adult male attempt to interfere with one of the burning canisters. I would not be able to identify him due to the distance between us and the fact his face was covered with a helmet, goggles, and mask. I watched him as he walked directly toward the munition, which was emitting smoke in the middle of the street. He stopped and began to bend down with an outstretched hand as if to pick it up. He was holding a homemade shield in his other hand and had it positioned to protect himself from our force tools.

I deployed one 40mm marking round to the male's left foot to defend the munition and allow its effects to conceal officers from being targeted by violent rioters. Per my training and experience, I know burning RCA canisters are capable of burning flesh and igniting secondary fires if placed in a hazardous location. The canister was safely active on a paved street at that time. I was concerned the male might pick up the device and (while potentially burning his own hand) somehow move the munition somewhere less optimal. I was also concerned he would throw it or kick it back at officers. I took aim and visually-cleared my backstop, which was densely populated by other members of the crowd. I selected his foot as my point of aim because I knew the marking round would break up against the street, and pose a low risk of impacting a third-party, if I missed. I fired, and saw the round break up near the suspect's foot. Officer Harris and Officer Martley had targeted the same male with their less-lethal launchers so it was unclear if his physical reaction was due to the use of force by those officers or my own. The suspect ended up pulling back from the munition briefly before kicking it to the west curb-line.

The male remained in the middle of the street, in the company of the other protesters. I lost sight of him as we drove away and did not see him again. I was not in a position to either take him into custody at that time as it was unreasonable to rush back to the hostile gathering and likely precipitate additional uses of force. Similarly, I was unable to render aid to the individual.

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:

No other force options were available to me that possessed the same range and were as discriminate as the 40mm marking round.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I heard but did not watch Officer Harris and Officer Martley deploy FN303 rounds toward the same suspect.

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

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

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☒ WITNESSES WERE LOCATED BUT THEY REFUSED TO GIVE THEIR CONTACT INFORMATION AND A DESCRIPTION OF THEM IS IN THE SECTION BELOW.

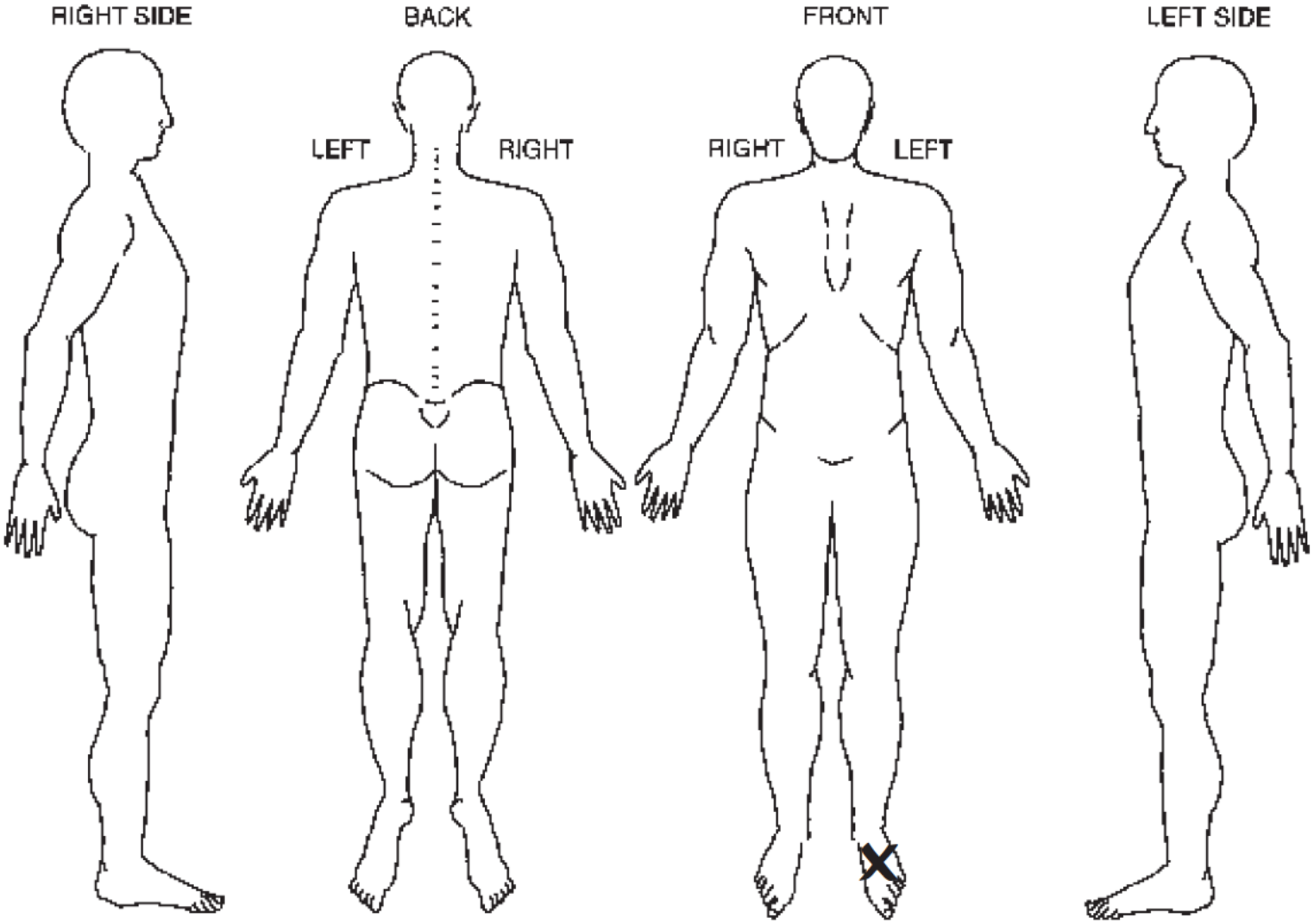
WITNESS INFORMATION: NAME OR DESCRIPTION (IF NAME REFUSED) AND MEMBER WHO LOCATED:

It was not safe to stop and ask for witness information as the protesters present were not police-friendly. No one else was visible and available for interview. Several "members of the press" were nearby and may have recorded the event on video.

MEMBER INJURY

☐ **I WAS INJURED DURING THIS INCIDENT**

CEW OR LAUNCHABLE IMPACT MUNITION LOCATIONS:



SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Zachary Domka	48347	EMAILED TO	SGT	Steven Wuthrich

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

APPROVED BY:	Sergeant Steve Wuthrich	DPSST:	44055

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