Force Data Collection Report

CASE # 2020-681565 | OFFICER Wheeler | DPSST 57813 | ☐ AMENDED

DATE 09/03/2020 | TIME: 11:58 PM | ASSIGNMENT: RRT

LOCATION Southeast Precinct

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
O'neill, Devin	MALE	WHITE	09/29/1990

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 assigned to RRT Delta squad assigned to protect southeast precinct from a group of demonstrators who in the last 3 months have proven to be very violent and destructive towards police and police facilities.

O'neill was a member of this crowd. He was seen in the front of the crowd holding two shields. O'neill was seen throwing three separate rocks towards police. These rocks struck a police car.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

O'neill was seen throwing three rocks towards police. These rocks were big enough to cause serious injury if they were to make contact with a person, and could cause extensive damage when striking other objects. One of the rocks O'neill threw hit a Portland Police car. This provided probable cause for criminal mischief in the second degree.

O'neill was also standing in the street and blocking the Southeast Precinct driveway. In addition to that, by throwing objects and yelling at police he was displaying violent, tumultuous, and threatening behavior. These two things provided probable cause for disorderly conduct in the second degree.

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

At the time of arrest and use of force O'neill engaged in physical resistance by running away from me. When I took hold of O'neill he pulled away as well and tried to continue to run. I yelled at O'neill to stop and that he was under arrest.

O'neill was also reported to be armed as he had thrown rocks at police and used them as a potential weapon.

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

O'neill was disobedient and antagonistic as his behavior was violent and destructive. He ignored commands from the sound truck to not throw proectiles or engage in any criminal conduct.

MENTAL HEALTH

☐ NONE ☐ PRIOR TO FORCE KNOWLEDGE ☐ POST FORCE KNOWLEDGE ☐ OTHER

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EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, ECIT, Soundtruck, Less-lethal.

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

Officers guarded Southeast Precinct for several hours before taking any police action. We gave O'neill and the crowd ample opportunity to police themselves, and to stop committing crimes. During this time multiple projectiles were thrown towards police from O'neill and others in the crowd.

There were approximately 25 RRT members on scene as well as approximately 30 officers from various mobile field forces. There were more than enough officers to attempt to de-escalate and deal with the crowd.

The soundtruck gave dozens of force warnings, orders and reminders for the crowd to stop committing crimes throughout the evening.

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	CONTROL AGAINST RESISTANCE	BACK	YES	YES

DESCRIBE THIS USE OF FORCE:

Myself and RRT Delta squad made a plan to make a targeted arrest of O'neill after he had been seen throwing three rocks towards police. I was ahead of the squad and ran towards O'neill who was standing in the front of the protesters holding two shields. As I ran towards him he began running away and I caught up to him. As I ran after him I yelled "stop you're under arrest". I took ahold of a backpack on O'neill's back which broke off because O'neill tried to continue pulling away. I took ahold of O'neill's back and used control against resistance on his back using my hands to stop his momentum.

The soundtruck had given numerous force warnings throughout the evening.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	TAKE DOWN	BACK	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

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While I was attempting to gain control of O'neill I felt someone run into us from the rear, and myself and O'neill fell onto the ground. The momentum of the person running into us from the rear (who was later identified as Officer Westerlund) caused all three of us to fall onto the ground.

As we fell to the ground I maintained control of O'neill and assisted other officers to get him into flexcuffs. While on the ground, O'neill did not resist any longer.

It was not my intention to perform a takedown on O'neill, but the momentum from Officer Westerlund running into us from the rear caused us all to fall over.

The soundtruck gave numerous force warnings throughout the night.

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 believed that control against resistance and a takedown were the quickest, most effective, and least amount of force necessary to safely take O'neill into custody.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I did not see, but I felt Officer Westerlund perform a takedown on O'neill.

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 numerous witnesses in the area, and the majority of them were filming with their phones. The crowd in these areas were very hostile towards police and there was not safe circumstances to approach these demonstrators, and interview them regarding the force they witnessed. They were a mixture of white and black males and females in their twenties and thirties all wearing all black clothing. Most wore black helmets and painter's style respirators.

MEMBER INJURY

[redacted] I WAS INJURED DURING THIS INCIDENT

SIGNATURE	DPSST		RANK	NAME

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SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Brian Wheeler	57813	EMAILED TO	SGT	Koppang

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

APPROVED BY:	KOPPANG	DPSST:	37667

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