Force Data Collection Report

CASE # 2020-681753 | OFFICER: Browning | DPSST: 48554 | ☐ AMENDED

DATE: 09/26/2020 | TIME: 11:58 PM | ASSIGNMENT: RRT

LOCATION: SW Taylor / SW 5th Ave

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Longoria, Nicholas	MALE	WHITE	12/11/1996

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 was deployed at SW Taylor and SW 5th with Echo Squad of RRT. Our squad had been tasked with dispersing a large crowd of people that had been declared an unlawful assembly. During this dispersal, I saw LONGORIA violently resisting the arrest efforts of two officers.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

There was a large crowd of over a hundred people gathered in the streets and parks east of the Justice Center. This crowd had been declared to be an unlawful assembly, and had been ordered loudly by the sound truck multiple times to disperse and leave the area to the north or west, and warned that they would be subject to arrest and/or use of force if they did not do so. The crowd had remained in the area there and was not dispersing. During our efforts to disperse this crown, I saw LONGORIA physically fighting with Ofc. Green and Ofc. Middleton on the south side of SW Taylor St. at SW 5th Ave.

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

I saw Ofc. Green and Ofc. Middleton struggling to take LONGORIA into custody. The three men were up against the wall of a building on the south side of the street, and I saw that LONGORIA was violently resisting the arrest, and was swinging his fists and elbows at the two officers.

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 sound truck had given multiple commands to leave the area, and warnings that force may be used against those who refused. LONGORIA had not left the area, and was actively fighting with two police officers.

MENTAL HEALTH

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

EXPLAIN

[redacted]

SPECIALTY UNITS

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YES, WHICH ONES? — SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, Sound Truck, Mobile Field Force, Demonstration Liaison Officers, Multnomah Co. MRT, OSP MRT

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

Prior to our contact with the crowd, the sound truck had announced multiple times that the crowd was ordered to disperse to the north or west, and that they would be subject to arrest or use of force if they continued to do so. Before beginning our advance, we waited for an additional RRT Squads to arrive, providing both extra time for the sound truck to continue to give instructions and warnings, and to allow the crowd time to leave the area if they so chose. It also provided us with more resources and greater numbers of officers present.

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	BATON STRIKE	TORSO	YES	YES

DESCRIBE THIS USE OF FORCE:

As LONGORIA fought with the two officers I saw that LONGORIA was violently resisting the arrest, and was swinging his fists and elbows at the two officers. I delivered a baton jab to his lower torso.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	ACTIVE AGGRESS	YES	BATON STRIKE	TORSO	YES	YES

DESCRIBE THIS USE OF FORCE:

After my first baton strike, I saw that LONGORIA was continuing to violently resist arrest, still trying to pull away and swinging his elbows at the two officers. I delivered a second baton jab to LONGORIA's lower torso. Shortly after, LONGORIA went to the ground with those two officers.

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:

As I was already holding my baton in both hands, I did not have time to secure the baton and transition to a different force option before as LONGORIA was actively fighting with officers. Further, other force options would have involved using a higher level of force.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

During the dispersal, I saw crowd control munitions deployed, but was unable to see who deployed them, as I was focused on the members of the crowd in front of me.

SUBJECT INJURY AND/OR TREATMENT

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	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

☒ 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:

The crowd present was very hostile and not willing to speak with us.

MEMBER INJURY

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

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
David Browning	48554	EMAILED TO	SGT	Julian 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