Force Data Collection Report

CASE # 2020-681786 | OFFICER Brunelle | DPSST 57447 | ☐ AMENDED

DATE 09/30/2020 | TIME: 12:40 AM | ASSIGNMENT: EAST

LOCATION SE 45th / E Burnside

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
Cervantes, Preston	MALE	HISPANIC	09/18/2000

TYPE OF CALL - REASON FOR CONTACT

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

☐ TRAFFIC STOP ☐ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

On Tuesday, 09/30/20 at approximately 0040 hours, I was assigned to work Mobile Field Force and defend SE Precinct from the usual crowd of nightly rioters. The crowd of approximately 50-60 people were blocking traffic as they stood in the area of 47th/Burnside yelling obscenities at officers. Two suspected supply vehicles were stopped amongst the crowd by traffic units who found riot gear, soup cans, shields, helmets, gas masks, knives, CO2 cans, Paintball guns and other various items which have consistently been used against officers for the past 100 days.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

The LRAD had given numerous warnings to stay on the sidewalks and that stepping onto SE Precinct property would result in their arrest and or force to include crowd control munitions. The group continued to shine lights in the eyes of officers and walk into the parking lot of SE Precinct. I observed an officer tell a few individuals to get off the property. Their responses were consistently "Fuck you!" I observed as RRT attempted to make arrests to those that were on the property, however, when approached they would run West on Burnside just to come back and Trespass again once RRT pulled back. Ofc. Petty with RRT had PC to arrest Preston Cervantes for Disorderly Conduct II, Trespass II and Interfering with a Police Officer.

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

Preston was Trespassing on SE Precinct property and walking in the street despite many warnings from the LRAD. I observed him yelling profanities at officers and remaining on the property. When approached by Ofc. Lukic and I to arrest him for the listed crimes, he took off running westbound on Burnside. Preston ran for 2 blocks until I observed him look back at Ofc. Lukic, pause, and attempt to run North. As he turned, he saw me closing the distance from the North. Realizing two officers were present, he slowed down in an effort to decide which way to escape. The time Preston used to make a decision allowed Ofc. Lukic and I to catch up to him.

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]HYSICAL LIMITATIONS

☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

The crowd has been growing more violent and antagonistic as they realize they are no longer being prosecuted for committing crimes, to include assaulting police officers. They are also well aware that we have a restraining order against us and can not film them committing criminal acts, which they use to their full advantage while wearing "press" attire. Along with other individuals that were a little faster, Preston was actively engaging in civil disobedience, directing his anger at police with the intention of committing a crime and escaping arrest.

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MENTAL HEALTH

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

EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, LRAD, ECIT, Less Lethal, CNT

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

Multiple officers were present and the sound truck was warning the crowd that Trespassing on SE Precinct property would subject them to arrest. The orders were clear and concise with ample time to comply.

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	TAKE DOWN	LEFT ARM	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

As Ofc. Lukic and I caught up to Preston. I grabbed his left arm, Ofc. Lukic grabbed his right arm. We both put weight on his arms as I said "go to the ground" to safely and quickly take him into custody. On the ground, Preston's resistance decreased, therefore I reduced my weight on him.

On the ground, Preston was compliant and placed his arms behind his back as asked with out any further resistance allowing us to effectively place him in handcuffs. I was aware of multiple force warnings given by the LRAD 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:

[redacted]

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I observed Ofc. Lukic grab Prestons right arm and put weight on him to effectively get him to the ground and in handcuffs.

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] HE SUBJECT WAS MEDICALLY CLEARED FROM THE FORCE EVENT

HE SUBJECT WAS TRANSPORTED AND/OR ADMITTED BECAUSE OF MENTAL HEALTH ISSUES

HE 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:

Due to the protest, I was not able to talk to witnesses.

MEMBER INJURY

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

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Tyler Brunelle	57447	EMAILED TO	SGT	Staples

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

APPROVED BY:	Norman Staples		DPSST:	43528
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