June 1, 2020
As noted in law and policy an officers training and experience are relevant to the evaluation of objective reasonableness of force. *Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied.*

SPD Manual 8.200-1

What did we know on 6/1?

What could reasonably be inferred?
Rioting and looting region wide with deployment of CS and curfews enforced in multiple jurisdictions.

A curfew in effect in Seattle through 5 a.m. on Monday. Dispersal order given when officers sprayed with bear spray and assaulted, officers shoved then punched during demo.

Crowd refusing to stay out of downtown, issued a dispersal order to protesters at Westlake Park.

10:28 p.m.
SPD clears downtown after dispersal order, property damage, confrontations, assaults during process.
Situation:
By June 1 we had experienced unprecedented violent and destructive protests. Massive property damage had occurred with substantial assaults on officers. The tone and tenor of these demonstrations continued escalating for weeks, with increasing acts of violence and confrontation. Efforts to reduce tensions led to a community descending into lawlessness. Murders and rape compelled police action. The attacks continued with firebombing of precincts and arson. Tactical revisions and allocation of resources led to the slow stabilization of events by late 2020.
Problematic Limitations on 6/1

- No legitimate fortifications, continually denied adequate support to reduce risk
- No communication with public
- No PA system - extremely loud with amplified noise incapable of giving warning with available equipment
- Fixed in position – few if any tactical options
- Limited resources - many officers operational for days, with as long as 20 - hour shifts, no breaks “drunk”
- Could not logistically support officers-food, water, relief
- No ability to identify individual arrests for criminal conduct - no intel, UC or other needed support
- No ability to make large numbers of arrests
- Munitions virtually exhausted, relying on mutual aid which was CS heavy
- Adopted purely defensive posture which created focus on police, hoped for reduction in confrontation never realized, resulted in escalating violence
- Increasing limitations on munitions resulting in reliance on less effective tools, with greater potential for injury
- Ability to communicate and coordinate extremely impacted by operations scope, range and movement
- Ad hoc organizations of officers into tactical units with no current training and inadequate equipment
- Had not had refresher training in crowd control tactics due to COVID
- Extreme emotional and physical pressure on officers and commanders
- Extreme violence
- No break - Overwhelmed by ongoing violent demonstrations that do not significantly slow until December 2020
Events 6/1-

COC:

IC A/C Hirjak

- Ops. Capt. Allen
- East Precinct Capt. (A/C) Grenon
- Deputy Ops. Lt. Brooks
- Lt. Dyment
- Lt. Alcantara
- Lt. Stampfl
- Lt. Bergman
Delegation of authority is the process of granting authority to an individual or agency to carry out specific functions during an incident. Delegation of authority does **NOT** relieve the granting entity of the responsibility for that function. Authority can be delegated; responsibility cannot.

National Standard and Accepted best practice

**Basic Incident Command FEMA Overview- ICS 100**

**Incident Commander Retains Ultimate Responsibility for Decisions of Subordinates**  SPD Manual 14.090-8
Intel

Group intended to march to precinct and burn it down

Reasonable?

• Minneapolis and numerous other jurisdictions crowds did burn or attempt at multiple buildings including several police facilities
• HQ attacked, believed arson was the motivation
• Numerous times over several weeks attacks on East Precinct including multiple fire-bombing attacks, use of explosive devices and attempted arson
• Coordinated attacks to destroy facility

Commander’s Intent

I expect quick intervention to address assaults or conditions that pose an immediate threat to public safety in line with Department Policy, training, and best practices. If there is an arrest to be made, sergeants must ensure that we have the resources and time to affect the arrest.
Legal Authority

Curfew in place

*Can impose time, place and manner restrictions on demonstrations provided content neutral, significant government purpose is achieved and reasonable alternatives for demonstration are available*

- All statutes enforced in WA are content neutral
- Long recognized that government have significant interest in maintaining order, protecting people and property
  - City, state and federal caselaw has recognized that legitimate governmental interest in keeping roadways open and maintaining access to facilities
  - ACLU Attorney during Sentinel review and Seattle case law acknowledged that blocking traffic is not free speech
- Legitimate governmental interest in keeping police facility open and operating
  - What would we say about a hospital or a fire station
- Must provide reasonable opportunities to exercise free speech-large park directly adjacent to demonstration
UOF rules 6/1

- Life Safety and Significant property damage, revert to IC when stabilized feasible
- CS is option when we have lost the ability to hold individuals accountable
- Blue Nose exemption

Crowd Control/Dispersal Incident Commander or designee controls chemical agents/munitions; unless protection of self, others, or property damage (per above).

O/C, Blast balls, 40mm and CS (Individual use): Protect yourself, others or prevent significant property damage.

CS is permitted for deployment
All of our less lethal tools OK when facing active resistance with an immediate threat of harm to any
On June 1 this would include CS

This is threat of harm not actual harm - somebody does not have to be injured or assaulted

- When a subject causes an immediate threat of harm to any person;
  
  or
  
  - When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is:

(1) likely to cause injury to the officer; or
(2) if hands-on control tactics or other force options would be likely to cause greater injury to the subject

SPD Manual 8.300-POL-2, POL-5, POL-10, POL-11, 14.090-POL-10 and training
Misconduct

Intentional or Reckless action in violation of policy

Reckless = without thinking or caring about the consequences of an action

This standard has been instructed to all supervisors 2014-date
Reviewed and approved by Monitoring Team, DOJ, CPC, OPA
TIMELINE

Very large demonstration with estimated crowd size of 5000

Multiple reports of looting and property damage citywide

1904 Broadcast large group trying to push through fence at 11th and Pine, “we need more units pushing hard”, need support 11th and Pine, “group pushed through fence line” OPA agreed I see the push and see an officer under fencing. I feel if fence pushed over officers will be crushed, trampled or attacked. Substantial risk of causing injury people – this is repeated on following transmissions

1906 Activate cameras, bottle thrown at officers OPA agreed

1909 Omari Salisbury states “things are escalating” on BWV

1909 “We are not going to allow a push on the line it creates an officer safety risk and we are not going to allow it be compromised....If we get another significant push we will deploy OC to gain space.”

Intent was UOF to stop immediate threat to officers, while allowing for disengagement and de - escalation
Throwing of projectiles would result in use of munitions to protect officers from immediate risk of harm.

I state we will try OC to gain space but if they re-surge at the line then will use munitions, all commanders agree.

I give a transmission at 1909 that umbrellas deployed to stop munitions, I note they are gearing up for confrontation, all commanders are with me and agree on assessment.

1909 Putting on goggles, masks, etc.

1909 Discuss with A/C Grenon cannot push, only attempt to get distance to stop attacks, then re-deploy to move west, fixed by fence line.

1910 Lt. Alcantara says fighting on south side of line, recommends OC, Officers self deploy OC to protect self per policy, Lt. Alcantara orders SWAT officers to deploy OC.

Several officers deploy OC across line—believe immediate threat of harm/life safety risk.

1910.24 I approve OC to try an get distance.

1910 Officer yells on my BWV taking bottles, multiple officers' comment on BWV numerous bottles thrown at line.

1910 Officer Martinez yells to “Carl” taking bottles Multiple glass bottles can be heard on video impacting ground, officer assaulted, OPA agrees, notes crowd surges.
1910 Large rock appears to land on line of officers on BWV, I see rock hit shield, CS and Blast balls approved as projectiles continue to strike line

1910 Green laser shined at officers from north side of line

1910 - 11 Officer Martinez appears to fire several 40 mm rounds at subject throwing things at south end of line

1911 Martinez struck by large rock likely fired from improvised catapult, prepared and deployed by crowd likely before line movement. Goes to a knee and eventually blinded, transport to HMC

1912 “Heads up” comment as Large glass bottle lands in front of Martinez, glass fragments observed moving outward

1913 Martinez stated needs to step off-line due to injury

Sgt. Campbell in prisoner van observing event notes that “someone will get killed” if crowd not moved

Extremely serious event, potentially lethal assaults on officers, time available to make decisions as assaults were occurring was minimal, additional resources not available, events were exigent, with subjects possessing weapons. At the time the incident was tense, uncertain and rapidly evolving, cannot be looked at with 20/20 hindsight - Graham
All access points to Precinct blocked by protestors-
Precinct Isolated
All commanders are together directly behind line

Lt. Alcantara, Lt. Bergman, Lt. Dyment and A/C Grenon on scene with me during deployment, discuss need to push squad south on 11th to move group west, discuss have to use OC to gain space, if more violent will have to move crowd

All concurred with OC deployment and crowd movement if elevated risk

Consistent with commander’s intent and ROE

Comments and actions by numerous officers, supervisors and commanders in real time demonstrate belief is shared that immediate threat of substantial bodily harm or death

Several officers act on own based on immediate threat of harm or actual assault on officers-substantial risk of injury 14.090-9

Extremely loud on-line with amplified sound by crowd; PA warnings given earlier but no longer feasible with equipment

De-escalation and disengagement built into plan, crowd decides to re-engage

Cannot be permitted to assault or attack officers, risk of substantial bodily harm or death on this date too significant
1907: Subject states going to go through line, officer points out many alternative ways to demonstrate, also discusses in real time that group already tried to push fence over. Officer Zech tells person can stay here all night provided does not push on fence. They say they want to talk and officer says, “pushing the fence over is not a good way to do that.” Officer is clearly concerned about integrity of fence for officer safety.
Surging over fence line
1909
1909 Subjects lifting, pushing and moving fence, encroaching on officer line
Officers trying to push crowd back
Subjects push back toward officers a second time
Subjects surge back toward officers again, coming across bike line
1910.05 After subjects try to come back through line officer deploys OC. It appears officers felt there was active resistance with immediate threat of harm—substantial risk of injury. Officers are giving continuous orders to get back
1909 several people pushing fence toward officers and another subject reaching over barrier
Another subject trying to push bike fencing toward officer.

1909 Subjects attempting to lift-up and push bike fencing toward officer.
1909 Subjects shove fencing toward officer, Omari Salisbury states escalating on BWV.

1909 Officer grabs fencing after second push to stop advance.
Less than 10 seconds later umbrella pushed toward officer after push on fence

Officer decides to seize after two attempts to push fence/compromise line, when crowd surges officer independently deploys OC from to the right.

Threat of harm-substantial risk of injury.
1910.20-Bottle appears to strike officer’s stick, can see traffic cone outside fencing prior to being thrown at officers. All before crowd dispersal munitions at 1910.24

Subject assaulting officer

Cone thrown at officer
Same subject kicks fence after assaulting officers. Prior to crowd control munitions.
1910.05 Subject trying to kick over bike fencing in other part of line
1910 Officers pushed back from Bike Fence Line
1910.14 Bottle thrown at me on my BWV
1910.17
Another projectile, appears to be a can thrown at officers
Another bottle thrown from south to north part of line
Bottle almost strikes head of officer, OC deployed at officers discretion no other munitions on south end of line
Sgt. Stone BWV at 3:12, appears to be a bottle and can thrown at officers prior to order to move crowd.
1910.37

Sgt. Stone BWV at 3:39, large rock appears to be shot from park at line. Likely result of catapult that was also used on Officer Martinez and Officer Rambo

Calls for “40” due to significant numbers of people throwing items at officers.
Lt. Dyment Struck by bottle near head prior to munitions
Appears to be two bottles that land near me.
It looks like officer struck in head with bottle-ducks and twists away.
1910.13 Lt. Dyment has already been struck by one bottle. 2nd is inbound. Officer Baldwin is saying “watch out for bottles.” No munitions deployed at this point. OC to stop surge and gain distance.
WSP trooper is ducking to avoid projectiles, appears to be turning head to avoid impact, believed to be rock striking shield or deflected.

1910.21 Prior to munitions order

Projectiles passing by my camera, order to deploy munitions given 1910.24
Glass bottle thrown at officers
1911 Taking multiple projectiles from improvised catapult.

Officer Martinez takes a large rock projectile almost immediately during engagement and is hit so hard on the side of his head he is blinded. Breaks blood vessel in eye and cannot see for several days.

Substantial bodily harm, potentially lethal force
Officer raises shield to deflect rocks/projectiles

1911 Rocks bottles and cans thrown at officers during initial attempt to gain distance-less than minute from OC
Powerful laser directed at officer’s, Portland events determine could cause great bodily harm-damage sight or blind officers. No protection available at time.
Subject kicking pyrotechnic CS back at line. This happened repeatedly.
Large boulder launched from park at Officer Rambo
Large boulder strikes the officer’s foot

Officers taking multiple projectiles
Foot/Toe is broken and officer could barely walk transported to HMC
Life Safety Emergency – unplanned, dynamic, where immediate police action is necessary to protect officers or public safety

Unlawful assembly, not planned, substantially larger than typical demonstrations, confrontational

Crowd repeatedly warned to stay back, ignored and continued to close, encroach on barriers

Repeatedly confrontational and escalating

Crowd preplanned for confrontation, catapult, projectiles, pyrotechnics, shields, radios, barrel with munitions, gas masks

Significant communication from group that planned to assault, officers should die, threats to kill, told going to move through line, commentators note escalation

Officers fixed at fence, must have area free to operate, surge toward fence potentially could pin officer by fencing or crowd, lose track of officers, crushed, assaulted, lose defensive line, lose control of units and lead to higher levels of force

Crowd demonstrated intent to assault officers over several days, reasonable to believe attack is intent of surge

Surge is assaultive resistance intent on harming officers, officers trained to respond with high levels of force to stop. Chose to use much less force to gain space, options were limited

Gave opportunity to disengage and deescalate, crowd chose to re-engage violently
Throwing bottles, rocks and other projectiles at line is assaultive and cannot be permitted

Retreat has proven escalatory, encouraging group to engage, tactically very unsafe and puts officer in close proximity to violent crowd-nowhere to retreat to, officers surrounded

Appeared based, on my view and information from others at the time group fighting with officers on line when OC initially authorized, recommended by other on-scene commanders

To disperse crowd per policy it is permissible when acts or conduct within a group of four or more creates a substantial risk of causing injury to any person or substantial harm to property. Trying to breach officer line, throwing rocks, bottles and other projectiles creates a substantial risk of harm to officers. This was proven by significant injuries to officers requiring hospitalization.

Roll call briefing stated will treat incident as a riot, when *cannot hold individuals accountable for their actions*. Dynamics of situation impossible to interdict people and hold them personally accountable. Active assaults on officers in progress.
Closing:

Courage

Obligation

What is message to other leaders from this event?

Mistakes are not misconduct

Immediately moved to change tactics - movement is key to reduced confrontation - fixed positions leaves few options

Spearheaded move to directed arrest tactics leading to significant reduction in force

Recommended and acquired adequate PA system

Recommended formation of specialized unit to address with additional training and equipment

Continued acceptance of leadership role