

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?**



Virginia

5/25-6/1 Nationally 5/25



Salt Lake City



Chicago





Rioting and looting region wide with deployment of CS and curfews enforced in multiple jurisdictions

5/31

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.

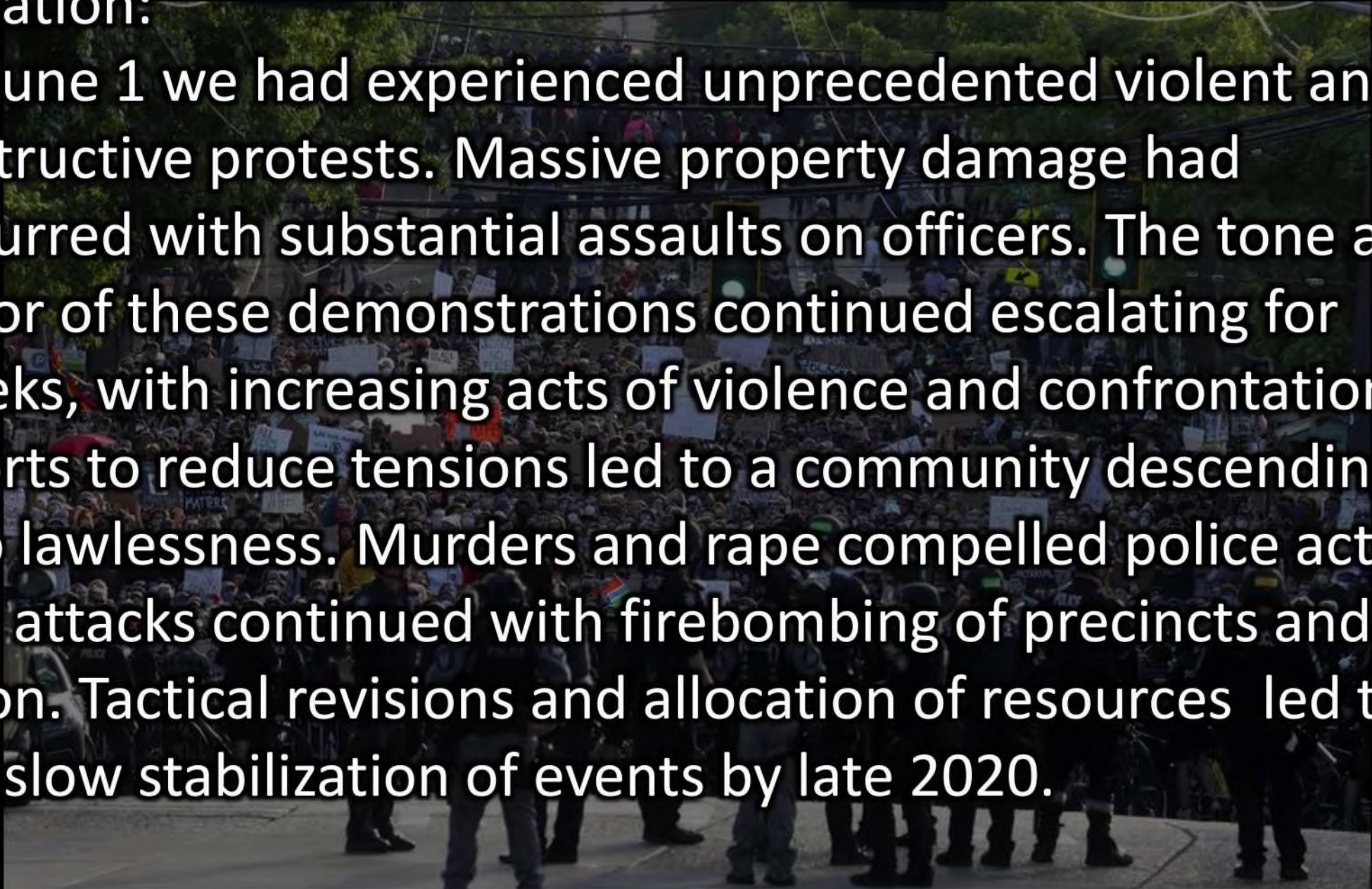
**10:28 p.m.**

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



**COC:**

**IC A/C Hirjak**

- **Ops. Capt. Allen**

**East Precinct Capt. (A/C)  
Grenon**

- 

- **Deputy Ops. Lt. Brooks**

- **Lt. Dymment**

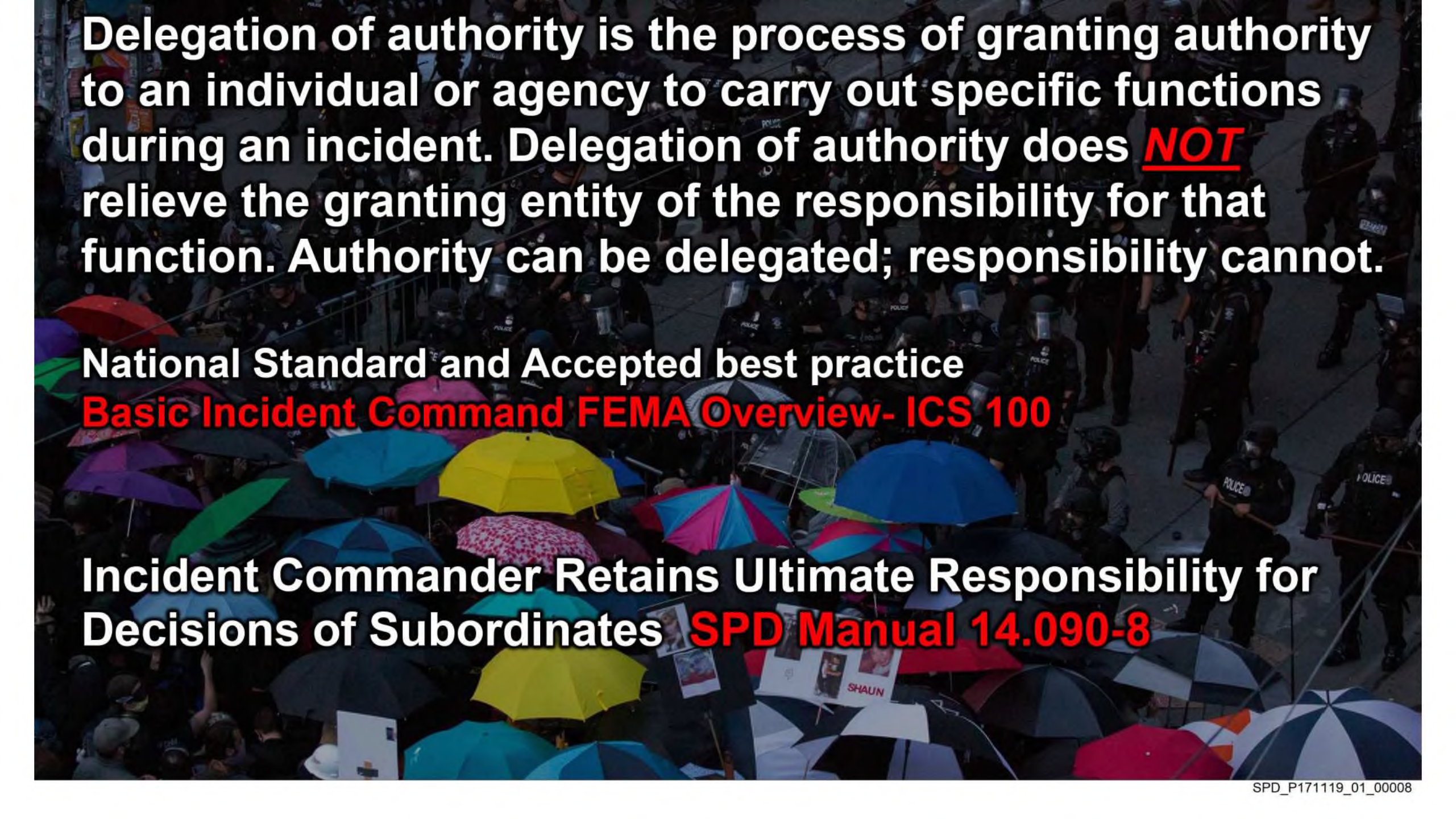
- **Lt. Alcantara**

- **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 11<sup>th</sup> and Pine , “we need more units pushing hard”, need support 11<sup>th</sup> 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 per policy – 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

2020-06-02 T04:09:57Z  
AXON BODY 2 X81191697





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

Throwing of projectiles would result in use of munitions to protect officers from immediate risk of harm

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

2020-06-02 10:09:57Z  
AXON BODY 2 X81191697

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



MULTICAM

FLAG

REASSIGN

AUDIT TRAIL



All access points to Precinct blocked by protestors-  
Precinct Isolated



2020-06-02 T04:11:08Z  
AXON BODY 2 X01191697



All commanders are together directly behind line

Lt. Alcantara, Lt. Bergman, Lt. Dymont and A/C Grenon on scene with me during deployment, discuss need to push squad south on 11<sup>th</sup> 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



## Visual Capture of Event

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



2020-05-02 T04:05:31Z  
AXON BODY 2 X81470848

Surging over fence line  
1909

2020-06-02 T04:09:52Z  
AXON BODY 2 X81459055



**1909 Subjects  
lifting, pushing and  
moving fence,  
encroaching on  
officer line**



2020-06-02 T04:09:56Z  
AXON BODY 2 X81459055



**Officers  
trying to  
push crowd  
back**

2020-06-02 T04:09:56Z  
AXON BODY 2 X81459055




**Subjects push back  
toward officers a  
second time**



2020-06-02 T04:09:57Z  
AXON BODY 2 X81459055



**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**



2020-06-02 T04:09:16Z  
AXON BODY 2 X81179513



**1909 Subjects  
attempting to lift-up  
and push bike fencing  
toward officer**



tlePD.evidence.com) on 08 Feb 2021

**Another subject trying  
to push bike fencing  
toward officer**



Feb 2021





Viewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021

**1909 Subjects shove fencing toward officer, Omari Salisbury states escalating on BWV**

**1909 Officer grabs fencing after second push to stop advance**



Viewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021

2020-06-02 T04:09:22Z  
AXON BODY 2 X01184791



**Less than 10 seconds  
later umbrella  
pushed toward  
officer after push on  
fence**

Viewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021

**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**

2020-06-02 T04:09:52Z  
AXON BODY 2 X01184791



Viewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021





Reviewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021



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



Reviewed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021



Same subject kicks  
fence after  
assaulting officers.  
Prior to crowd  
control munitions





2020-05-02 07:19:05  
AXON BODY 2 X81179515



**1910.05 Subject  
trying to kick over  
bike fencing in  
other part of line**

2020-06-02 T04:10:07  
AXON BODY 2 X81274487



**1910 Officers pushed  
back from Bike Fence  
Line**



2020-06-02 T04:10:13Z  
AXON BODY 2 X01191697



**1910.14 Bottle  
thrown at me  
on my BWV**

2020-06-02 T04:10:17Z  
AXON BODY 2 X81191697



**1910.17**  
**Another**  
**projectile,**  
**appears to**  
**be a can**  
**thrown at**  
**officers**

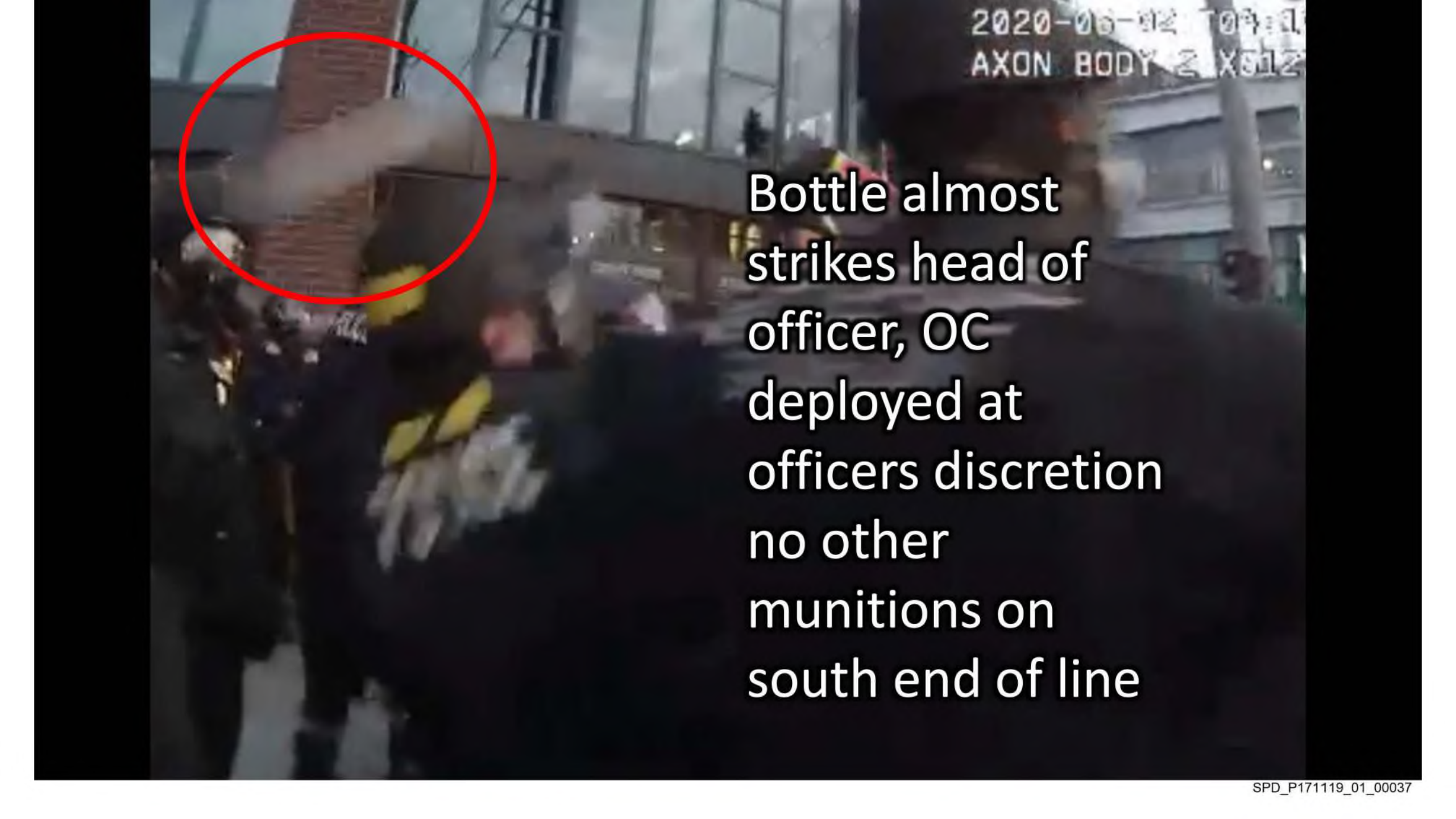






**Another  
bottle  
thrown  
from south  
to north  
part of line**

2020-06-02 10:11  
AXON BODY 2 X612



Bottle almost  
strikes head of  
officer, OC  
deployed at  
officers discretion  
no other  
munitions on  
south end of line



2020 02 10 15:10:10  
AXON BODY 2 X61164146



1910.10

Sgt. Stone  
BWV at 3:12,  
appears to be  
a bottle and  
can throw  
at officers  
prior to order  
to move  
crowd



POLICE

POLICE

e.com) on 10 Feb 2021

AXON BODY 2 X91194148

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



FLAG

REASSIGN

AUDIT TRAIL



**1910.11**

**Lt. Dymont  
Struck by  
bottle  
near head  
prior to  
munitions**

2020-06-02 19:10:21Z  
AXON BODY 2 X61191697

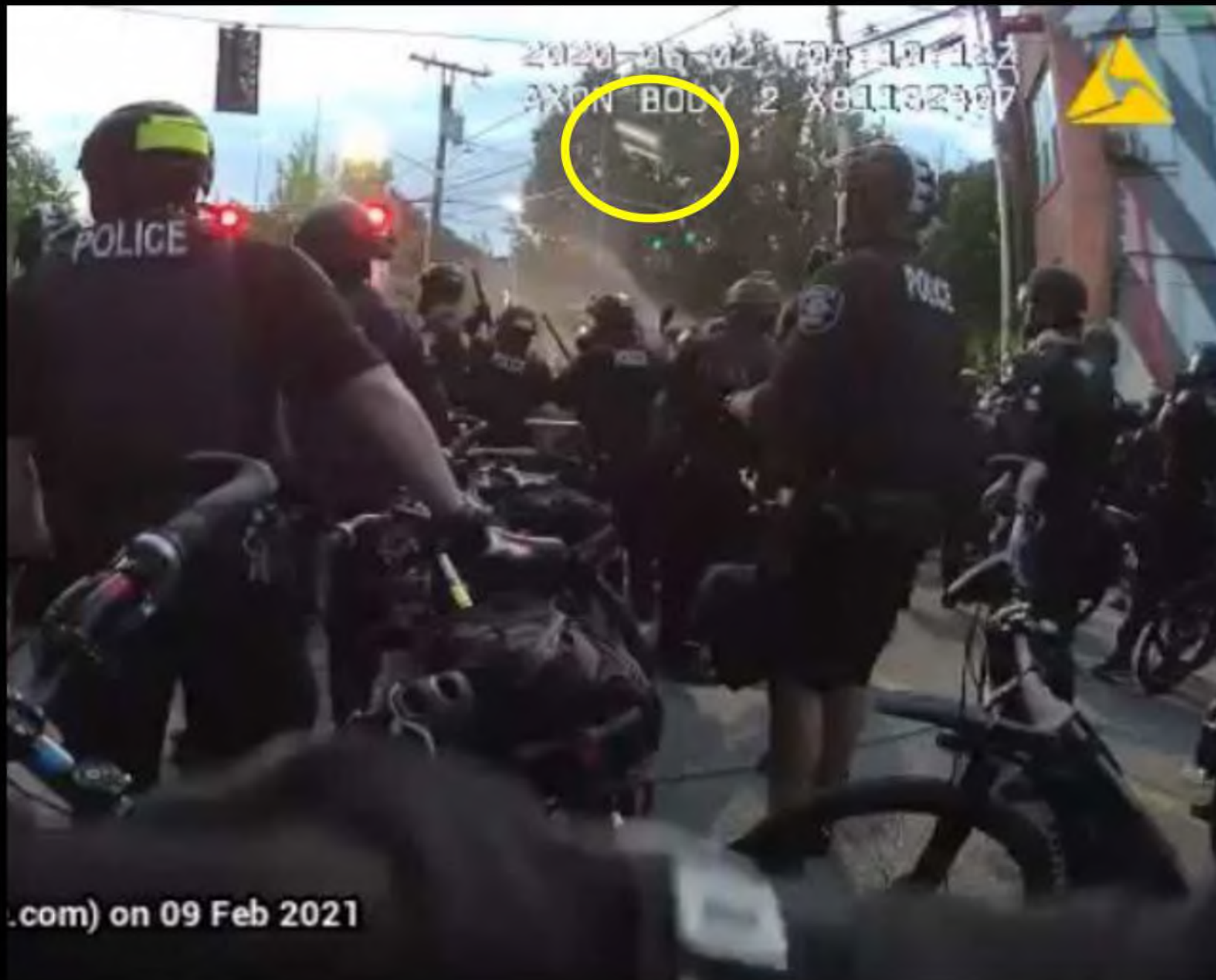


**1910.21**  
**Appears to be**  
**two bottles**  
**that land near**  
**me**





**1910.12 It looks like officer struck in head with bottle-duck and twists away**



1910.13 Lt. Dymment has already been struck by one bottle. 2<sup>nd</sup> 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 Pyrotechnic



2020-06-02  
AXON BODY 2

**Glass bottle  
thrown at officers**

Ongoing  
attacks  
continue

TJ (SeattlePD.evidence.com) on 08 Feb 2021

Viewed by BrooksTJ (SeattlePD.evidence.com) on 08 Feb 2021





MULTICAM

FLAG

REASSIGN


AUDIT TRAIL



1911 Rocks bottles and cans thrown at officers during initial attempt to gain distance-less than minute from OC

Officer raises shield to deflect rocks/projectiles



A street scene with a red circle highlighting a group of people and a bright light source. The scene is outdoors, possibly at dusk or dawn, with a building on the left and trees in the background. A bright light source, possibly a laser, is visible in the upper center, casting a strong glow. The red circle highlights a group of people standing on the street, with one person in the foreground wearing a dark jacket and pants. The text on the right side of the image reads: "Powerful laser directed at officer's, Portland events determine could cause great bodily harm-damage sight or blind officers. No protection available at time".

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**

wed by BrooksTJ (SeattlePD.evidence.com) on 09 Feb 2021



## **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.



Rambo

## NOTES

 Rambo, Sierra (8446) reviewed to see what happened during injury  
Jun 21, 2020 11:18 PM -07:00

 Brooks, John (5774) review  
Feb 8, 2021 5:05 PM -08:00

Injury

Legitimacy

Hayden

## NOTES

 Brooks, John (5774) review  
Feb 9, 2021 10:20 AM -08:00

Officer who took umbrella

POST NOTE

Martinez

## NOTES

 Stone, Steven (7540) Assault on officer / UOF  
Jun 3, 2020 1:21 PM -07:00

 Beemster, Tracy (6354) #6354/OPA  
Jun 21, 2020 1:29 PM -07:00

 Zylak, Carl (6183) FRU video log  
Jul 9, 2020 1:55 PM -07:00

 Ovens, Thomas (6392) force review  
Oct 9, 2020 9:15 PM -07:00

 Brooks, John (5774) review  
Feb 8, 2021 12:25 PM -08:00

Injury

## DESCRIPTION

No description has been added yet

## NOTES

 Averett, Elliott (8359) OPA review - policy  
Jul 14, 2020 8:19 PM -07:00

 Hendry, Matthew (6320) 2020OPA-0333  
Sep 15, 2020 11:28 AM -07:00

Involved

 Brooks, John (5774) reviewed my own video  
Feb 9, 2021 9:30 AM -08:00

# 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