

# EXHIBIT A

# TYPE II USE OF FORCE

## CROWD MANAGEMENT

### INVOLVED OFFICER STATEMENT GUIDE

#### Instructions:

Please provide a detailed narrative answer to each of the questions asked. The listed bullet points are not specific to your incident and may or may not apply.

By SPD Policy you must document every use of force throughout the incident. This includes your Lawful Authority/Lawful Purpose for the contact, De-escalation, Threat Assessment/Decisions made, Force used, Medical Aid, and Resolution. You may do this in one statement, but you must provide these details and reasoning for each use of force.

Please read the following for information on what you might include in your statement. Every incident is different so not everything will apply and your use of force might have information that should be included that is not listed. This is a guide only.

At the bottom of this guide is the cut and paste section. Fill out your statement using the format included and then cut and paste your response into your Blue Team entry. If your response exceeds the character limits, save the entire statement and attach a .pdf or Word copy of it to your Blue Team entry after having it reviewed by a supervisor.

#### Preface:

- A. In-person supervisor screening:  
Supervisor's name/rank/serial number, date/time/location
- B. ICV and BWV recorded: If not, explain why not
- C. Note if you reviewed BWV, ICV, or other video prior to statement

#### Pre-Arrival/Arrival

- A. Your relevant training/experience – please include any crowd management training and/or experience with demonstrations in the past (keep it brief).
- B. Describe your assignment and uniform. (List gear if more than in uniform such as Helmet, Chest protector, Baton, etc.)

- C. Location
- D. Information received from briefing/supervisor
- E. What was happening when you arrived/first observed the demonstrators?
  - a. People / other officers on scene, activity occurring, dangers
  - b. Buildings, vehicles
  - c. Environmental factors: weather, lighting

**Legal Authority / Lawful Purpose:**

- A. Legal Authority (Explain in Detail):
  - i. Public area, Street, Park, Open to public
  - ii. Exigency
- B. Lawful Purpose (Explain in Detail):
  - a. Riot
  - b. Looting
  - c. Assault

**Contact with Subject(s): (If feasible)**

- A. How did you make your presence and authority clear?
  - i. Uniform – UO Gear
  - ii. Verbal identification, commands, instructions, orders, PA announcements
- B. Describe contact with involved subject(s)
  - i. Observed details
    - Physical/verbal reaction to officer
    - Verbal actions / statements made
    - Size of crowd / movement
  - ii. During line movements, provide details
    - Your actions
    - Subject's response

**De-Escalation Techniques Employed:**

- A. Communication
  - i. Advisements/warnings. If no warning, explain why.
  - ii. Describe instructions given
  - iii. Dispersal orders you heard
- B. Time, Distance, or Shielding employed
- C. If De-escalation was not safe or feasible, explain why not

**Threat Assessment/Decision Made**

- A. Did the subject(s) pose a threat to you, another person, or another officer?
- B. Describe the threat in detail or why you believed there was a threat.
- C. Describe your decision regarding force and how you came to that decision
- D. Include any tactical decisions and scene control you employed

**Use of Force:**

Detailed description of the force used by you during the incident and any force you clearly observed used by other officers (identify those officers and where they were in relation to you).

- A. Words, actions or threat posed by subject prior to, during, and after the use of force:
- B. Continued de-escalation attempts and the subject(s) response if feasible
  - i. Verbal de-escalation
    - Warnings/commands to subject, if applicable.
- C. Describe the force used and lawful purpose of the force used:
  - i. Describe any warning given. If none were given, explain why not.
- D. Explain your decision to use a technique or less lethal tool, based on feasible options
  - i. Describe proportionality of force
  - ii. How did the totality of circumstances affect the force used?
  - iii. If force was necessary, explain why
- E. Explain effectiveness or lack of effectiveness of employed techniques
  - i. Was this a trained technique? Where were you instructed in this technique?
  - ii. Were you able to apply the technique properly? Explain why or why not.
    - If effective, describe assessment and modulation of force
      - Describe control of or compliance of subject
    - If not effective, explain why not and how you progressed from there
  - iii. When and how was your force modulated?
- F. Restraint of subject. (handcuffs gauged/double-locked, hobbles, full restraint position)

**Medical Aid and Evaluation:**

- A. Injuries/Medical Aid
  - i. Any complaint of pain, complaint of injury, apparent injury, or absence of injury to subject (before and after the force was used)
  - ii. Did you offer Medical aid (who provided and where provided)? Why not offered?
  - iii. Did the subject refuse medical aid or flee?
  - iv. Describe any injuries to yourself

**Resolution:**

If subject arrested, where were they transported?

**Reference Checklist: (Make sure you include these elements in your detailed narrative for each use of force):**

TOPIC	✓	TOPIC	✓
PRE-ARRIVAL DETAILS / BRIEFING	X	DECISIONS MADE & ORDERS GIVEN AND RECEIVED	X
ARRIVAL	X	THREAT ASSESSMENT	X
LEGAL AUTHORITY & LAWFUL PURPOSE	X	FORCE USED	X
CONTACT WITH SUBJECT (S)	X	MEDICAL AID AND EVALUATION	X
DE-ESCALATION	X	RESOLUTION	X

**Copy and Paste Template Below. Using the above guide as a reference, please write your narrative below and cut and paste it into your Blue Team entry after having it reviewed by a supervisor.**

**EVENT/GO#: 2020-261341**

**DATE OF OCCURRENCE: 9-7-20**

**STATEMENT OF: SGT MATT DIDIER**

This is a true and involuntary statement given by me in compliance with Section 8.400 of the Seattle Police Department manual order by Sgt Dumholt. I DO invoke my Garrity rights prior to giving this statement.

**Preface:**

- A. In-person supervisor screening: LTs Alcantara, Brooks, and Dymont
- B. ICV/BWV recorded: Yes

Legal Authority: We were on public sidewalks and streets.

Lawful Purpose: Prevent acts of violence, significant property damage, criminal mischief while affecting lawful arrests, and protecting protesters and officers.

**DETAILED NARRATIVE:**

I am writing this Use of Force statement from memory. I have not reviewed my BWV at this time, but my BWV was activated during this event. I am summarizing the incidents as I recall them. For specifics, I refer the reader to the BWV. This situation was highly dynamic, and violent.

I have been an SPD employee for nearly 12 years and am currently a sergeant. From 2012-2018, I was a mountain bike officers, and specialized in crowd/demonstration management. I have participated in managing several hundred crowd incidents. I assisted in creating the SPD Crowd Management ISDM and was a primary instructor for crowd management.

On September 7, I was assigned as 2K90, the sergeant, for the 2K90 bike squad. The squad was assigned to crowd Management Platoon one and assigned to protests that were calling for the removal the Seattle Police Guild as a labor union. There was intelligence that indicated that elements within the protest groups were hoping to cause damage to buildings, injury to officers, and the use of Molotov cocktails was likely. All of the officers in the squad were wearing SPD Bike Uniforms that displayed SPD patches, clearly stated Police on them, had our names and badges.

We began monitoring the crowd at approximately 1600 when they began meeting near the International District Transit Station. Many in the crowd were wearing body armor, and gas masks. Some were carrying shields and umbrellas. Eventually the crowd began moving south on 4 Ave S toward the SPOG offices. We continued to monitor.

While monitoring the crowd, and protestor was arrested for assaulted a street preacher. This indicated that members of the crowd were agitated and willing to act violently.

At approximately 1800hrs, officers were able to positively identify a subject in the crowd who was in possession of a Molotov Cocktail. It was determined that an arrest of that subject would be done when feasible. The crowd was very near to the SPOG offices at this time.

When the subject with the Molotov Cocktail was on the south side of the SPOG Offices it was determined that an arrest would be attempted. The 2E80s moved in for the arrest, and the K90s moved to support the arrest and move the crowd back.

Upon contact with the crowd, assaultive acts began to occur by crowd members. These acts included but were not limited to using bear spray, throwing rocks, pushing, hitting with person weapons(fists), hitting with improvised weapons (sticks).

Despite a dispersal order not yet being given, I utilized my pepper spray to move specific individuals back from the arrest area. Numerous other officers and I were repeatedly ordering the crowd to move back. I did this to prevent assaults on officers which could occur if the crowd was allowed to remain stagnant and move within close quarters of officers. Historically, if we allow the crowd to move in on arrest projectiles begin to be thrown and officers assaulted. Officers who were attempting to arrest the subject with the Molotov Cocktail were in a struggle, and the crowd needed to be moved back to prevent assaults, give the officers enough space to effectively make arrests, and make the situation safe for all involved. One female in particular refused to move back. I gave her one quick burst from my M-9 pepper spray. She moved back. I did not observe her again. This was a highly dynamic situation, and I used my M-9 pepper spray on other individuals, but these sprays were not indiscriminate and were used to continue to move the crowd away from the arrests.

Immediately following that pepper spray incident, a male threw a stick at me. The stick struck me in or around the face. The highly dynamic situation made it difficult to be certain. I used my M-9 pepper Spray to repel that subject, and eventually made an arrest on him. I do not know if the

pepper spray affected him. His arrest took approximately 3 minutes due to him running through the crowd. At one point he ran at me and knowing he had already assaulted me, I used my M-9 directed at him, but it did not affect him. He never complained to me of pepper spray injury, and I observed no pepper spray residue on him. I asked him if he was injured after his arrest, and he had told me that he just wanted to be sure he wasn't bleeding. He, also, apologized for throwing the stick.

Once The K90s and other bike squads were able to regroup, we continued to move the crowd north on 4 Ave S. At this approximate time, a dispersal order was given. The crowd repeatedly reformed and would coalesce on officers. We had to push the crowd north on 4 Ave S to prevent assaults and projectiles. At one point, the crowd began creating shield lines to obstruct our movements, and our view of their actions. I could not allow these shields to block our movement and mask subjects who were preparing to assault officers. I took three shields from the crowd, and peppered sprayed protester/rioters who were pushing officers with their shields. These pepper spray uses were done in defense of officers, directed at the individuals who were holding the shields, and successful in keeping the crowd moving. While all of this was occurring, officers were continuing to be assaulted by other protesters (hit, punched, pepper sprayed). I was pepper sprayed (possibly bear sprayed) by a member of the crowd. The crowd began throwing rocks. I deployed blast balls to move the crowd. I believe I used two blast balls at this approximate time. Due to officers being in front of me, and the way protesters were linking shields, I used an over hand lob deployment. I did this to ensure that the blast balls were directed at the appropriate individuals (an underhand roll would have likely deflected the blast ball at unintended targets). Both blast balls went off while on the ground. I used pepper spray to move individuals in the crowd who were not moving with the majority of the crowd. I used pepper spray on the shield bearers to keep them from preventing our movements and allowing subject to prepare to assault officers. All of my actions were in direct response to actions that could become threats or actual threats.

The other bike sergeants and I coordinated to begin to utilize crossbow lines to keep the crowd moving. We did this to increase the urgency of the crowd to move, and disrupt their ability to plan attacks (rocks, bottles, bear spray) against officers.

We were able to move the crowd north on 4<sup>th</sup> Ave S. As we approached S Holgate St, the North bikes conducted a crossbow arrest on a subject who had assaulted an officer. The K90s provided support to that arrest. We conducted a tactical pause and slowed our movement of the crowd to ensure that we had appropriate assets to handle the arrest. During this pause, someone in the crowd threw a Molotov cocktail. The cocktail exploded within 20 feet of me and closer to other officers. This escalated the level of threat to officers, and to continue the crowd's movement I utilized additional blast balls. These were underhand rolls because there was space between me and the crowd and no shields to deflect the blast ball.

The crowd then turned east on S Holgate St, as they crossed the train tracks. We were able to regroup and continue our bounding crossbow lines to continue to move the crowd. The crowd moved west on S Holgate and then north on 6 Ave S. During this push we took some bottle and rocks, but they became fewer and fewer. As we approached S Royal Brougham Wy on 6 Ave S, we no longer needed to utilize bounding crossbows to move the crowd. The crowd was moving on their own.

The OPs Lieutenant then decided that we could use vehicles and dismounted officers to encourage crowd movement, and bikes transitioned to a management roll. We managed the crowd's direction by flanking the crowd and preventing them from leaving the route we chose. Using bounding flanking, we guided the crowd the Dearborn St, and then east on Dearborn to Rainier Ave, and then south on Rainier.

The crowd was able to get ahead of our eastern bike squads on Rainier, and attempted to turn east on S Charles St. About 25% of the crowd turned east on S Charles St, before I was able to lead the K90s (in a single column) to block that street. During this time, a subject attempted to block my movement. I ordered him to move back. He did not do so, and aggressively leaned into me to block my path. I attempted to arrest him for obstruction, but he broke my grip and fled. I was then able to get across the street and successfully prevent the crowd from moving east.

We then moved to the I90 off ramp to prevent the crowd from entering the freeway. The crowd chose to enter Judkins Park and walk eastbound on the pedestrian path.

We disengaged the crowd at this time, regrouped at the Goodwill on Dearborn, and eventually returned to the West Precinct to complete paperwork. I had no additional contact with protestors/rioters.

The majority of force and aggressive bike tactics were utilized in the first 20-30 minutes of attempting the arrest on the initial Molotov cocktail subject.

**ADDITIONAL INFORMATION:**

- During Rollcall the Rules of Engagement prioritized Acts of violence, significant property damage, Criminal Mischief, obstruction, and failing to disperse. These priorities guided my commands to my squad, and my decisions for arrests and use of force.
- Throughout our crowd control and crowd management, I gave repeated orders to move back, and when feasible warned people of when force would be used or an arrest made. The times I did this were too numerous to count.
- During this event, I utilized four blast balls, and one M-9 pepper Spray. These less lethal, force multiplier tools were used to maintain officer and crowd safety, and only when threats to officers were likely due to either actual assaultive actions or stagnation of the crowd after a dispersal order which would, more likely than not, create safety issues for all involved.
- Base on the dynamic and complicated nature of this event (also, restrictions on OT), Lt Dymment authorized me to not complete my use of Force on the day of. I completed my use of force as quickly as I could during my normal working hours.



## EXHIBIT B

is a .mp4 video file submitted via thumb drive

## EXHIBIT C

is a .mp4 video file submitted via thumb drive