

INDEPENDENT
ASSESSMENT OF THE
SPRINGFIELD POLICE
DEPARTMENT
RESPONSE TO
DEMONSTRATIONS ON
JULY 29, 2020.

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INTRODUCTION

On July 29, 2020, the Springfield Police Department (SPD) responded to a protest in the community of Thurston. The demonstration included protesters and counter protesters and resulted in a dispersal order for unlawful assembly, civil disturbance, police use of force, assaults between the protest groups, and arrests.

An independent assessment of the SPD response to the demonstration was requested by the City of Springfield. The project objective was to conduct an analysis of department policy, training, and tactics and, if appropriate, make recommendations to better align the department with best and promising practices.¹

This assessment included a comprehensive comparison of critical incidents involving law enforcement agencies to evaluate Springfield Police Department's response to the July 29, 2020 incident.

EXECUTIVE SUMMARY

This review concerns the July 29, 2020 incident in which Springfield police officers used force to stop demonstrators from marching toward Main Street. The use of force, related tactics, departmental policies, and practices were compared against best and promising practices in policing. The review included analysis of crime reports, statements, evidence, video, audio, applicable policies, and community input.

The city of Springfield, like so many cities across the country, had not experienced protests like those in 2020. Prior to 2020, the Police Department had limited experience in responding to and managing demonstrations. While the department managed the eight prior 2020 demonstrations reasonably well, the July 29th protests tested the department's ability to change tactics and strategies.

The 38 recommendations offered in this review focus on command and coordination; planning and preparation; mental health, wellness, and resilience; communication; the after-action review (AAR) process; and use of force.

Major themes of the report include the following:

- **Planning for demonstrations must include identifying potential intended and unintended consequences of strategies, policies, and procedures.** The Springfield Police Department has limited resources and developing creative response strategies may necessitate other agencies and disciplines to ensure the protection of 1st Amendment assemblies while ensuring the safety and security of everyone. Approaches used in prior

¹ The findings and recommendations in this review are those of the author and do not represent the findings and recommendations of the City of Springfield, or the Springfield Police Department.

incidents may not always result in the same outcomes, as seen on July 29th, 2020. Utilizing creative responses to events outside of Springfield and applying those lessons will only help to improve the safety of participants, community, and officers.

- **Transparency, neutrality, and accountability must be a priority to ensure public trust.** When policies and procedures do not align with best and promising practices, public trust may be compromised. Every decision made including who is in command of an incident, how incidents are reviewed, how officers interact with others, and how information is communicated to the public, influences public perception. Public trust, particularly in demonstrations, requires that SPD officers remain neutral and unbiased in their interactions with protesters and the community. The use of force and complaint investigative processes must be independent, above reproach, and unbiased. The availability of resources must never compromise the integrity of an investigation.
- **Clear, consistent, and timely communication with demonstrators, community members, and government officials is critical to facilitate safety and improve trust.** Consistent and well-communicated messaging prior to, during, and after demonstrations helps to establish expectations and respect between demonstrators, community, and the police. While demonstrators may not participate fully, it is SPD's responsibility to continue attempts at dialogue in anticipation that communication will occur. To reach as many people as possible, the use of social media will help reach people quickly with information that may be of concern to the community.
- **Adopting a culture of continuous improvement will enable the agency to seek out promising practices and lessons learned from others as well as themselves to continually improve the department.** This requires that the department establish a cultural that is willing to be self-critical and a process that treats the employees fairly, holding everyone to the same standard without favoritism or bias.

METHODOLOGY

This assessment, gathered, reviewed, and analyzed documents from many sources to develop an understanding of this incident. The review included public and confidential documents provided by SPD. Comparisons were made to after action reviews from previous responses to critical incidents and demonstrations along with best and promising practices, model policies, and national standards.

Document, Evidence, and Policy Review

The following information was examined for this review:

- Information provided at a community forum held December 10, 2020²
- Information provided directly by community members.

² The meeting was held virtually. <https://www.youtube.com/watch?v=qD9YCFxRpU8>

- Computer dispatch logs.
- SPD body worn camera video and video taken by officers with handheld cameras.
- Video from open-source searches, SPD, and video provided directly from community members.
- Police reports, operational plans, and post event synopsis.
- Interviews with SPD employees.
- Involved officer compelled statements and witness interviews.
- Involved officer training records.
- Springfield Police Department Internal Review.
- SPD policies and applicable International Association of Chiefs of Police (IACP) model policies.³ Policies included:
 - General Order 1.3.1 Arrests
 - General Order 1.5.1 Use of Force
 - General Order 1.6.1 Authorized Weapons and Their Use
 - General Order 2.3.1 Mutual Aid
 - General Order 22.3.2 Employee Wellness
 - General Order 26.1.1 Code of Conduct
 - General Order 41.3.1 Patrol Supervision/Responsibilities
 - General Order 41.4.1 Constitutional Rights
 - General Order 46.2.1 Civil Disturbance Operation
 - General Order 46.3.1 Operational Planning
 - General Order 52.1.1 Professional Standards
 - General Order 54.2.1 News Media Relations
 - General Order 54.3.1 Community Relations

Unfortunately, the radio channel used for this incident did not record any radio traffic. It was discovered that radio channel SPD 2 had failed to record any radio traffic from March 24, 2020 through July 30, 2020. This failure did not allow this reviewer to listen to radio traffic including directions from commanders, information provided by officers, and the extent officers and dispatchers add to or reduce the chaos of the incident.

Background

City of Springfield, Oregon

Springfield with a population of over 63,000⁴ is the second most populous city in the Eugene-Springfield Metropolitan Statistical Area. The city is located within Lane County in the Willamette Valley. The downtown area is near the Willamette River and Interstate 5 and within 3 miles of the University of Oregon.

³ The International Association of Chiefs of Police. *IACP Law Enforcement Policy Center Webpage*. <http://www.iacp.org/Model-Policies-for-Policing>

⁴ [U.S. Census Bureau QuickFacts: Springfield city, Oregon](#)

Springfield Police Department

The Police Department consists of the Office of the Chief, the Patrol Division, the Investigative Services & Records Division, and the Detention Division. In addition to traditional policing services the department also manages animal control and operates a jail for municipal violations. The Police Department has 123 authorized positions of which 68 are sworn personnel.

INCIDENT SUMMARY & REVIEW

The following incident summary is based on a compilation of numerous sources, including crime reports, physical evidence, SPD dispatch logs, SPD radio traffic as overheard on other recordings, involved officer audio recordings, witness interviews, involved officer compelled statements, open-source video, and physical evidence. Any times referenced were taken from several different sources and are approximate. A comprehensive timeline can be found in Appendix A.

The July 29, 2020 protest was not the first protest in Springfield following the death of George Floyd. The police department had responded to eight protests between June 6, 2020 and July 29, 2020 and two following the July 29th protest. To better understand the response to the July 29th protest is helpful to understand the progression of protests and evolution of police response. It is also helpful to review the two post July 29th demonstrations.⁵

INCIDENT SUMMARIES PRIOR to JULY 29, 2020

Below is a synopsis of each of the eight prior and two post July 29th protests. The information used in each summary was taken from SPD post event synopsis and is not an independent account of the event. The reviews are offered only to provide background of the protest events occurring in Springfield in 2020.

According to SPD leadership the goal of the department during the below listed demonstrations was to collaborate as much as possible with the demonstrators to allow for a safe and peaceful protest. This included providing traffic control to allow for the safe movement of protesters.

June 6, 2020

Organizing Group:	Black Unity
Location:	Downtown
Dispersal Order:	No
Use of Force:	No
Arrests:	No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan's stated goal was "Safety & Security for the people of

⁵ This is not an analysis of the 10 events listed but merely a summary for comparison purposes.

Springfield, their property the Justice Center and our staff.” Staffing included five sergeants, 30 officers, two detectives to video tape the event, two reserves, two Community Service Officers (CSO), four dispatchers, jail and records staff as needed.

The post event synopsis reported the protest started at Springfield City Hall near the fountain area. After forming the group marched around the downtown area. The department provided traffic control to allow for a safe march. Prior to dispersing a group of protesters blocked the intersection of 4th Street and A Street. There were no arrests made.

June 8, 2020

Organizing Group: Black Unity
Location: Downtown
Dispersal Order: No
Use of Force: No
Arrests: No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe’, Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan’s stated goal was “Safety & Security for the people of Springfield, their property the Justice Center and our staff.” Staffing included five sergeants, 25 officers, four dispatchers, two reserves, two CSO’s, jail and records staff as needed.

There was no post event synopsis.

June 22, 2020

Organizing Group: Springfield Community Support Parade
Location: Downtown
Dispersal Order: No
Use of Force: No
Arrests: 1 Physical harassment

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe’, Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan’s stated goal was “Safety & Security for the people of Springfield, their property the Justice Center and our staff.” Staffing included seven sergeants, 26 officers, four dispatchers, two reserves, one CSO, jail and records staff as needed.

The organizers contacted the police department in advance and discussed their plans including a map of the parade route. The event was publicized by the organizers as a support parade for the Springfield Police Department. The meeting point and end point of the parade was the Springfield Library.

In addition to the event a counter protest was organized and publicized as a counter to the “pro police” parade. A flyer and social media post for the counter protest stated, “anonymity for

safety, wear black, cover face/hair/tattoos, bring noise, bring signs, show up to disrupt bootlicking copaganda.”

The post event synopsis indicated the parade followed the planned route starting and returning to the library. The report estimated the crowd of several hundred people with confrontations between the two groups.

After the parade, counter protesters marched to 4th Street and A Street and “blocked traffic, taunting officers, threatened officers, and generally behaved disorderly/unruly.”⁶

June 26, 2020

Organizing Group: Black Unity
Location #1: Lively Memorial Park – Thurston
Location #2: Downtown
Dispersal Order: No
Use of Force: No
Arrests: 1 Interfering at the downtown protest.

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe’ and Response Team Commander Lt. Neiwert. The plan’s stated goal was “Safety & Security for the people of Springfield, their property the Justice Center and our staff.” Staffing included four sergeants, 21 officers, one detective for video, three dispatchers, one CSO, jail and records staff as needed.

The post event synopsis reported an estimated 250-300 participants started at the swim center parking lot and marched through the surrounding neighborhood. Officers were utilized to restrict protesters from marching onto Main Street (Highway 126) because of the number of lanes and speeds making the location a risk to protesters and motorists. This was communicated to march leadership by SPD.

It is reported that some protesters were disappointed that they could not march where they wanted, and a caravan of vehicles drove to downtown where the protest continued with several attempts to block Main Street. The crowd was estimated at 150-200 people. Again, the department attempted to keep protesters from marching and blocking Main Street. Officers were used to clear the streets and outside agencies were requested to assist.

Counter demonstrators arrived downtown requiring SPD to keep the two groups separated.

Following a review of this event by Leadership of SPD a decision was made to change tactics that would allow protesters on sections of Main Street that did not create a risk to protesters or vehicle occupants. The allowable sections of Main Street would be those that are designated as one-way traffic.

⁶ Springfield Police Department Operational Plan (Post Event Synopsis). Protest/Riot Response. June 22, 2020.

June 27, 2020

Organizing Group: Black Unity
Location: Downtown
Dispersal Order: Yes
Use of Force: No
Arrests: No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan's stated goal was "Safety & Security for the people of Springfield, their property the Justice Center and our staff." Staffing included six sergeants, 24 officers, three dispatchers, two reserves, two CSO, jail and records staff as needed.

The post event synopsis reported that the protesters marched from the library/fountain to 14th Street then onto Main Street against one-way traffic. In response officers blocked westbound vehicular traffic at 21st Street and Main Street to prohibit cars from travelling into protesters. The department then blocked Main Street just east of 18th Street with the intent that protesters would continue their march north off Main Street away from traffic.

Protesters instead stopped at the line of officers and threatened to move past the closure. The report indicates that members of the protest were yelling, using foul language, and threatening officers. An admonishment to disperse was given. To gain compliance SPD leadership spoke with protest organizers and negotiations occurred over how officers could show solidarity. SPD leadership suggested that officers would remove their helmets, and everyone would honor a moment of silence. In return protesters agreed they would back away from the police line and following the moment of silence, would leave the intersection and return to their staging area. Some protesters were not happy with the agreement and turned their backs to the officers during the moment of silence.

The march moved off Main Street and eventually moved to 4th Street and A Street across from the Springfield Justice Center with a small group of protesters continuing to yell at officers making threats and using profane language.

After nearly five hours the protest ended.

July 8, 2020

Organizing Group: Black Unity
Location: Downtown
Dispersal Order: No
Use of Force: No
Arrests: No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team

Commander Lt. Neiwert. The plan's stated goal was "Safety & Security for the people of Springfield, their property the Justice Center and our staff." Staffing included five sergeants, 31 officers, three dispatchers, two reserves, two CSO, jail and records staff as needed.

The post march synopsis indicated the protesters marched from the library toward 14th Street and Main Street before returning to the library on Main Street. Officers provided traffic control on Main Street to facilitate the march.

July 10, 2020

Organizing Group: Black Unity advertised a protest as did the support police group.

Location: Downtown

Dispersal Order: No

Use of Force: No

Arrests: 1 Unrelated warrant

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan's stated goal was Safety & Security for the people of Springfield, their property the Justice Center and our staff." Staffing included four sergeants, 32 officers, three dispatchers, one reserve, one CSO, jail and records staff as needed.

The post event synopsis reported that this was not a march but a protest at the library fountain with counter protesters across the street. A protester was reported to be bumping into counter protesters. He was arrested for an outstanding warrant.

July 22, 2020

Organizing Group: Black Unity

Location: Downtown

Dispersal Order: No

Use of Force: No

Arrests: No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan's stated goal was Safety & Security for the people of Springfield, their property the Justice Center and our staff." Staffing included five sergeants, 29 officers, three dispatchers, two reserve, three CSO, jail and records staff as needed.

The post event synopsis reported that there was an equal number of protesters and counter protesters with approximately 100 people on each side. The protest leaders invited the counter protesters to join them in the library fountain area and both sides took turns speaking. There were no reported negative interactions between the groups.

INCIDENT SUMMARIES POST JULY 29, 2020

July 30, 2020

Organizing Group: Independent Group – No affiliation
Location #1: Mayor’s residence
Location #2: SPD headquarters
Dispersal Order: No
Use of Force: No
Arrests: No

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe’, Patrol Commander Lt. Crolly, and Response Team Commander Lt. Neiwert.⁷ The plan’s stated goal was “Safety & Security for the people of Springfield, their property the Justice Center and our staff.” Staffing included four sergeants, 31 officers, three dispatchers, two reserve, two CSO, jail and records staff as needed.

The post event synopsis reported that the march began at the Safeway on Pioneer Parkway East. Advanced notice was given of the intended march route. The march went to the former Mayor’s home where they stopped and had a conversation with her outside her home. After the conversation, the protesters then marched to SPD headquarters. Officers provided traffic control to facilitate the march.

September 30, 2020

Organizing Group: Black Unity
Location: Downtown
Dispersal Order: No
Use of Force: No
Arrests: 1 Arrested for assault with mace.

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe’ and Response Team Commander Lt. Neiwert. The plan’s stated goal was “Safety & Security for the people of Springfield, their property the Justice Center and our staff.” Staffing included six sergeants, 27 officers, two dispatchers, two reserve, two CSO, jail and records staff as needed.

The post event synopsis reported that the protest started at the library with a march that went toward Centennial Blvd. Following the march was a group of counter protesters. During the march there were heated exchanges between the two groups with officers stepping in to separate the groups. During the march, a male counter protester sprayed a female protester with bear spray. The spray effected a total of three people. The assailant was identified and later arrested for three counts of unlawful use of mace.

⁷ Lieutenant Neiwert was also assigned as a response team leader.

At one point during the march the protesters sat in the roadway on A Street between Pioneer Parkway West and Pioneer Parkway East.

After returning to the library the verbal exchanges between the two groups continued until the majority of those involved decided to leave. Officers assisted in escorting protesters to their vehicles to prevent any further confrontations by counter protesters.

INCIDENT SUMMARY JULY 29, 2020

Organizing Group: Black Unity
 Location: Thurston
 Dispersal Order: Yes
 Use of Force: Yes
 Arrests: 14 People⁸

Figure 1 July29, 2020 Arrests

Date of Arrest	Protester	Counter Protester	When	Charge
7/29/2020	X		During the Protest	Interfering/Resisting Arrest/Disorderly Conduct
7/29/2020	X		During the Protest	Harassment/Disorderly Conduct/Resisting Arrest
7/29/2020	X		During the Protest	Disorderly Conduct/Resisting Arrest/Interfering w-Officer
7/29/2020	X		During the Protest	Harassment/Resisting Arrest/Interfering w-Officer
7/29/2020	X		During the Protest	Disorderly Conduct/Resisting Arrest/Interfering w-Officer
7/29/2020		X	During the Protest	Assault
7/30/2020	X		Following the Protest	Criminal Mischief-Vandalism
7/30/2020	X		Following the Protest	Criminal Mischief-Vandalism
8/6/2020		X	After SPD Investigation	Harassment/Assault
8/11/2020	X		After SPD Investigation	Assault/Assault on Officer
8/24/2020	X		After SPD Investigation	Assault Officer/Resisting Arrest/Riot
8/26/2020	X		After SPD Investigation	Disorderly Conduct/Obstructing Govt.
9/17/2020	X		After SPD Investigation	Disorderly Conduct/Interfering w-Officer
9/21/2020	X		After SPD Investigation	Disorderly Conduct/Interfering w-Officer
10/13/2020		X	After SPD Investigation	Use Stun Gun/Tear Gas/Mace - Assault
12/2/2020		X	After SPD Investigation	Harassment/Reckless Endangering/Criminal Mischief

Planning

An operational plan was prepared that identified Chief Lewis as the Incident Commander, Tactical Incident Commander Lt. Rappe', Patrol Commander Lt. Crollly, and Response Team Commander Lt. Neiwert. The plan's stated goal was "Safety & Security for the people of Springfield, their property the Justice Center and our staff." Staffing included four sergeants, 31 officers, three dispatchers, two reserve, three CSO, jail and records staff as needed.

⁸ One protester and one counter protester were arrested during or shortly after the protest, and then later for additional crimes after SPD follow-up. These arrests occurred on different dates.

Unlike other demonstrations in Springfield that focused on the police, this protest was centered on a residence in the Thurston neighborhood of Springfield. The occupant of the home had hung a skeleton from a noose in the front yard. While some community members reported that the skeleton had been hanging in the yard for some time and was used as a Halloween prop, others in the community were offended by the symbol and demanded it be removed. The protest, advertised as “THE NOOSE IS A NUISANCE,” was scheduled for July 29, 2020, 7:00 PM, at Jessie Maine Memorial Park. On July 28th, SPD patrol officers contacted the resident who agreed to take the skeleton/noose down. He advised the skeleton and other Halloween decorations had been up for several years.

Prior to the protest, SPD leadership discussed strategies for managing the anticipated march. The primary goal was to facilitate the free flow of pedestrian traffic and allow the marchers to self-direct where they wanted to go, except they would not be allowed to march onto Main Street (Highway 126), due to the number of lanes and speeds. Additionally, SPD was concerned that any march to the home on Bluebelle Way would result in conflict with counter-protesters who were expected to be at the involved residence. SPD leadership stated that they made several unsuccessful attempts to contact and coordinate with protest organizers before the event.

Barricades that had been used in prior demonstrations were loaded into trucks with an understanding that if needed they would be used to divert the march away from Main Street. Additionally, officers and supervisors were instructed that the response plan would continue to utilize a stand-off distance which placed the officers well behind the barricades. They were also instructed not engage in dialogue with protesters. During prior protests, the stand-off distance and limited interaction reduced tension by creating space between protesters and officers.

Pre-March

Participants began arriving at Jessie Maine Memorial Park before 7:00 PM. The crowd continued to grow as more people began walking around the park and the adjoining streets. This included people there to protest, counter protesters, and neighborhood residents watching. Several people were seen in video carrying knives, sidearms, and poles. Others were handing out first-aid kits while others were putting on helmets, masks, and protective body padding.

Prior to the protest march leaving the park there were numerous interactions between protesters and counter protesters. Most seemed to be cordial, but others involved debated over unity and an understanding of common beliefs and values. During these exchanges SPD patrol vehicles were seen driving in the area, as a part of their effort to maintain a visible presence in the neighborhood. One patrol vehicle stopped and spoke with a person from the crowd. They were no other pre-march interactions observed between SPD and protesters, counter protesters, or nonparticipant observers. Although SPD was visible in and around the

park, there was no attempt by SPD or event organizers to discuss the march route or the continued limitations of marching on Main Street.

The March

Shortly after 8:00 PM protest organizers rallied the marchers on Forsythia Street just west of Jessie Maine Memorial Park. The gathering spot was around a converted tent trailer that was used to haul supplies, a sound system, and people. The trailer was towed by a pickup truck and was the general rally point throughout the march. Using the sound system, the protest organizers discussed with the participants the reasons for the march. Organizers also chastised counter protesters who came out. In response counter protesters began calling the protesters “trash” and using foul language.

The march began to move west on Forsythia Street at about 8:15 PM with counter protesters mixing in near the rear of the protesters. As the march progressed on Forsythia Street, the marchers, following the lead of organizers inside the trailer, began chanting. One of the chants included the phrase, “black lives matter.” In response the counter protesters would chant “all lives matter” and “blue lives matter.”

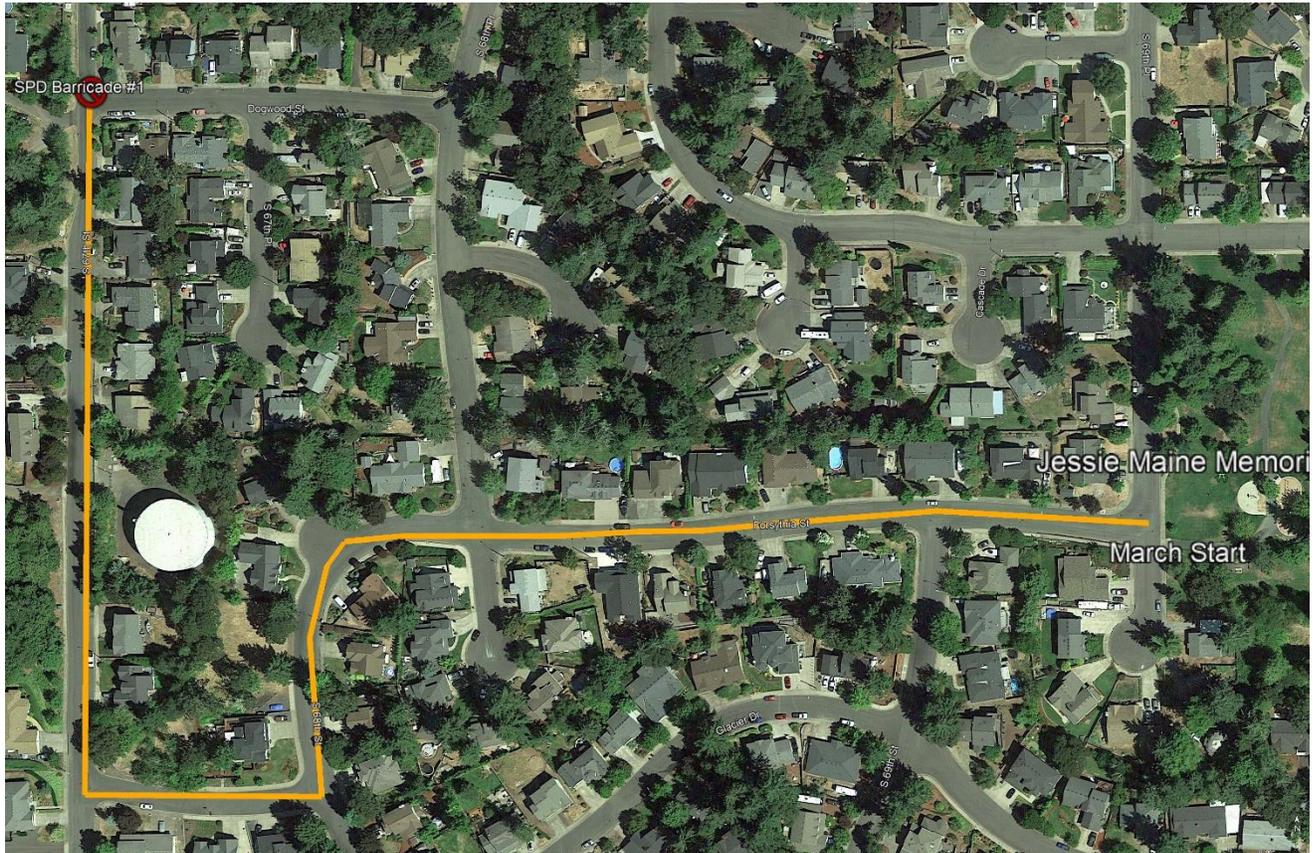
As the march continued, protest organizers using the sound system, reminded the participants to stay in the street and off the sidewalk unless they were medic or safety personnel. When the march got to the intersection of Forsythia Street and South 68th Place, a protest organizer stopped the march and announced over the PA system that she needed to stop the march and do a little education. She then turned her attention to two female area residents who were standing, arms crossed, on the driveway of a home overlooking the marchers. The protester then went on to explain the intent and meaning of the chant “no cops,” the intent of the march and the need to protect a woman of color in their community.

After a couple minutes the protest march continued west on Forsythia Street then turned west onto Glacier Drive. When the marchers reached the “T” intersection with South 67th Street the march turned right and headed down the hill toward Main Street.

In anticipation that protesters would march north on South 67th Street toward Main Street the SPD placed officers, patrol vehicles, unmarked police vehicles, and a truck containing barricades north of the intersection of South 67th Street and Dogwood Street (Figure 2). Shortly after the march turned north toward the officers, Lt Rappe directed officers to place barricades across South 67th Street along the north curblineline of Dogwood Street. The placement of the barricades would block the march from continuing along South 67th Street requiring the marchers to either turn east onto Dogwood Street or turn around. When SPD placed the barricades, they also left police vehicles parked in the street behind the barricades. The purpose was to create additional distance between police officers and protesters to reduce confrontations like what SPD had done in prior protests. The vehicles were not parked in a way that they could be used as barricades. Present behind the vehicles were numerous SPD officers and sergeants in uniform

and wearing helmets.⁹¹⁰ Also present was the tactical commander, Lt. Rappe' and eventually Chief Lewis, both in uniform but not wearing helmets. Additionally, two officers, in street clothes with no visible police identification, were behind the barricades recording the incident as had been done during previous protests.

Figure 2 Route to the First Street Closure



Over the next several minutes protesters made their way to the barricades. Several of the protest organizers started asking questions about the legality of blocking the street and demanding to speak with a supervisor. Officers repeatedly directed protesters and counter protesters to not cross the barricades. Protesters also expressed anger and concern over the two males in civilian clothing behind the barricades who, unknown to them, were police officers.

⁹ SPD utilizes two types of helmets for crowd management. SWAT team officers wore ballistic helmets assigned to them in that role. All others wore older non-ballistic crowd control helmets.

¹⁰ During the review, several community members expressed concern that officers were not wearing face masks during the demonstration response. On July 22, 2020, the Oregon Health Authority issued a directive stating, "Face coverings, or masks, are now required statewide for all adults and starting Friday, July 24, for all children 5 and up, in all indoor public spaces and outdoors when physical distancing isn't possible." It was noted that during the protest most protesters, counter-protesters, and officers were not wearing masks or face coverings.

Dispersal Order

After the initial verbal conflict at the barricades most protesters, including one of the protest leaders Tyshawn Ford, moved away from the barricades and returned to the area where the trailer had stopped south of the intersection. Meanwhile a female protester who remained, taunted officers that she was not crossing the barricades while pushing them forward¹¹. The female asked officers to have someone come talk with her. After several requests, Lt Rappe' spoke with her from a distance advising for their safety, the march would not be allowed to proceed to Main Street.

Once back at the trailer, Tyshawn Ford used the PA system in the converted trailer to encourage those that were willing, to march through the police line. He said that he was tired of SPD telling him when and where he could march. He also told participants that if they were unwilling to march through, he understood and should find security to get back to their cars. Another leader instructed those willing to march through the police line to be strong, stoic, calm, and nonviolent. This way they would not expose themselves but expose the police. Tyshawn Ford along with other leaders also gave direction to "snatch back" anyone the police attempted to arrest. The plan to march through the police barricades and snatch back those arrested was reported by a witness and broadcasted to officers on the police radio.

In response to the crowd size, agitated demeanor, and information that the protesters were going to push through the police line, SPD leadership directed that a dispersal order be given. The supervisor responsible for giving the order first attempted to use a PA system that did not work. After a couple attempts, he abandoned that system and used another PA system to start giving the scripted dispersal order. Soon after the admonishments started the crowd began chanting, "we can't hear you." The chanting continued as more people moved back to the barricades. Complicating the situation was a report from officers that counter protesters had armed themselves with sticks and bats.

Within 90 seconds of the start of the admonishments the number of protesters at the barricades grew from less than 10 to several dozen and continued to grow as time elapsed. Some of the protesters were able to easily move into a large gap that had been created after protesters earlier pushed the barricades toward officers. This gap, near the center of the roadway, allowed protesters to create their own line between barricades directly in front of a police vehicle.

One of the first protesters to move into that gap was, Tyshawn Ford, who had returned from the trailer wearing upper body padded protection. Unlike his earlier agitated body language, when he returned his movements were subtle and at this point not aggressive. He slowly moved into the gap and stopped directly in front a police vehicle. Several protesters followed as

¹¹ The portable barricades are held by removable feet that act like skids when pushed. The slope of the street, downward toward police officers, made it easy for a person to slide a barricade.

Neither blow looked to be forceful as it appeared Officer Durant was fatigued and lacked energy. Ford was again pulled farther away from the crowd by the lieutenant. The lieutenant then used his body to partially kneel and lay across Ford to control his lower body movements. Officer Durrant who was alongside Ford's upper body used his weight to leverage Ford onto his side and as he did Officer Durrant using the side of his fist struck Ford on the side of his head. Ford immediately covered his head with his hand and arm. Soon thereafter Ford was handcuffed and transported from the area.

The skirmish over the arrest of Ford resulted in the immediate arrest of four other protesters. All arrested protesters were pulled behind the police line and arrested for disorderly conduct, interfering with police, and resisting arrest.

During the protest and as officers were regaining control of the police line protesters threw batteries and plastic bottles at officers. One of the plastic bottles filled with fluid struck a lieutenant in the head. The bottle strike dazed him and caused some swelling and contusion on his head.¹³ The person who threw the bottle was caught on video and she was later arrested and charged with assault. Several other officers were injured including Officer Durrant who was hit, kicked, and bitten on the arm by a protester while attempting to arrest Ford. The female protester who bit Officer Durrant was later identified and arrested.

Concurrent Events

Adding to the confusion and conflict were protest supporters and counter protesters who had not been part of the initial march, but who walked up toward the officers from behind. As officers tried to move everyone away from the police line the counter protesters focused on two protest supporters and started a verbal confrontation. The confrontation escalated when a counter protester, holding a flagpole, jabbed one of the protest supporters. Officers responded and separated the groups. One officer is overheard asking "can we arrest him now?" but no action was taken.

Tensions continued when a counter protester swatted at a camera held by a protest supporter telling the supporter to get the camera out of his face. Officers responded to the confrontation and told the two groups to break it up and started moving the protest supporters down the street away from the confrontation.

As officers moved the protest supporters down the street a male came up from behind the supporters and appears to steal a camera from them. He then ran toward a group of counter protesters and intermingled with them.¹⁴ Most of what occurred happened in the presence or vicinity of officers who were positioned at the rear of the protest line in an area where arrestees were being detained. During these encounters and crimes there was no attempt by

¹³ He was not wearing a helmet.

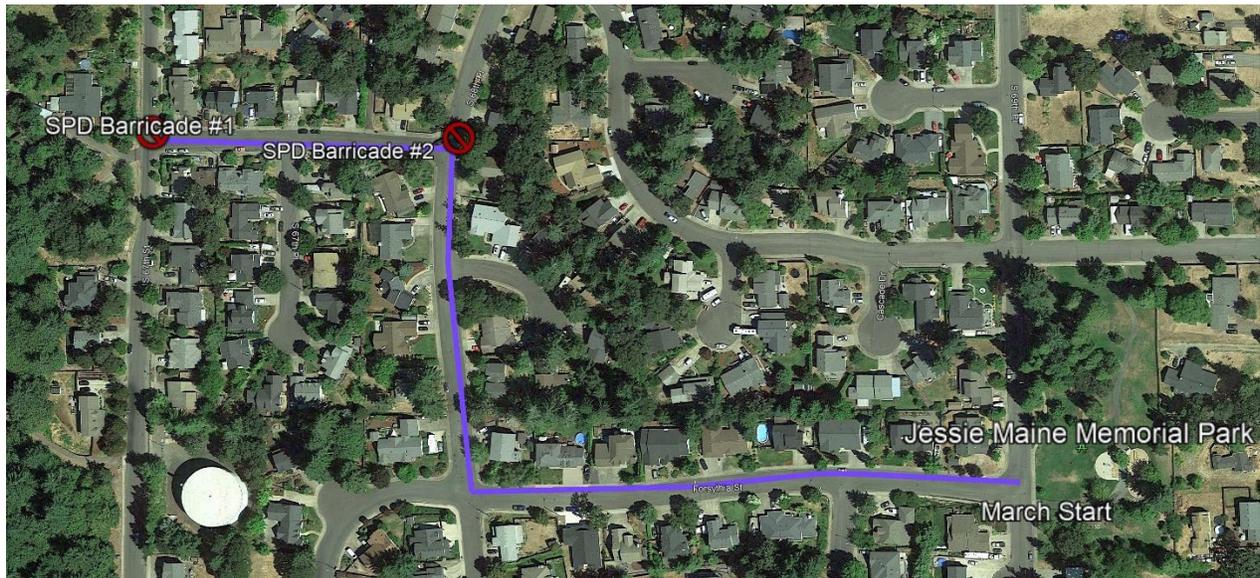
¹⁴ SPD is continuing to follow-up on this crime.

SPD to identify the victims or arrest the suspects. The suspect who had assaulted the protest supporter with a flagpole was arrested on December 2, 2020 following an investigation by SPD.

SPD had also blocked the intersection at South 68th Place and Dogwood Street, one block east of the first street closure. This was done to direct the flow of the march away from Main Street and back into the neighborhood and ultimately toward Jessie Maine Memorial Park (Figure 3). As marchers passed this location there were fewer verbal confrontations with police than seen at South 67th Street and Dogwood Street, yet there were still threats by protesters. One protester threatened to sexually assault the officers, their wives, and their daughters. The protester was loud and graphic in describing the threat. While some protesters were angry and vocal, most marchers continued along the diverted path without confrontation.

The second street closure also had people walking up from behind the officers toward the barricades and cones. At times protesters called out that counter protesters were allowed behind the barricades, but protesters were not. In one instance an SPD officer responded that counter protesters were allowed because, “they don’t hate all cops.” He later added that the counter protesters listen to the police. The officer’s comments were not well received by some protesters and temporarily escalated tensions. After counter protesters were removed from behind the police barricades, officers eventually decided to allow a limited number of people who were not actively participating in the protest to pass through the barricades. This included a young lady whose mother was waiting to pick her up and residents trying to walk to their home a few houses inside the barricades.

Figure 3 Route from the First Street Closure Back to the Park



Counter Protest Confrontations

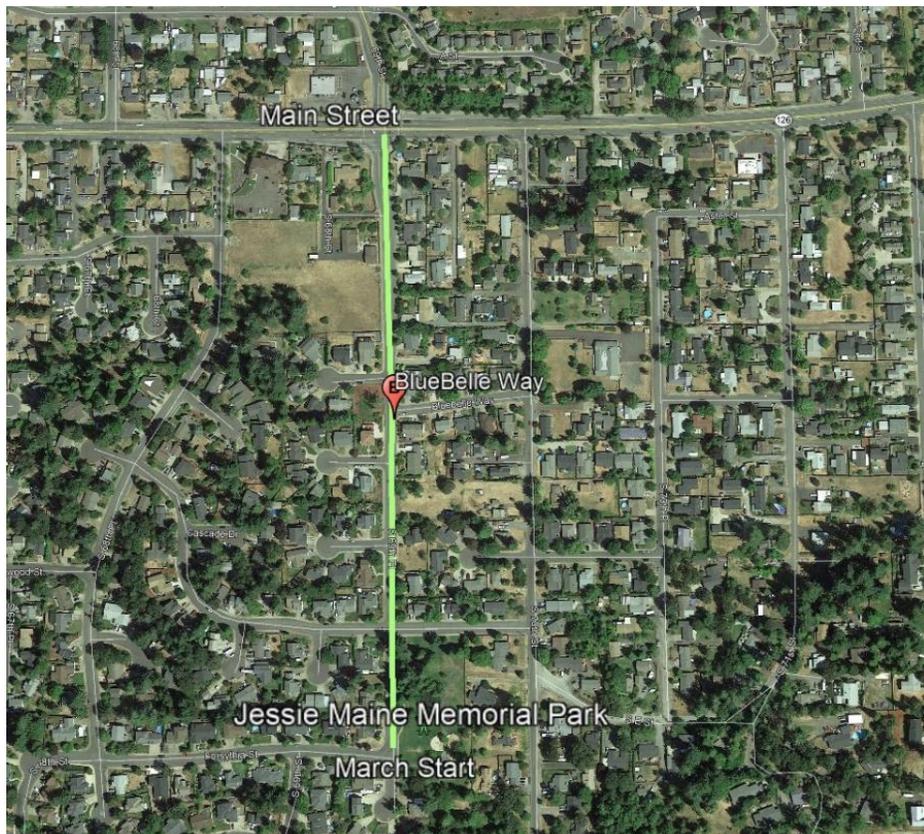
Following the arrests, participants continued on Dogwood Street up the hill to South 68th Place. At the top of the hill protesters took time to regroup and once organized, the march continued

on South 68th Place to Forsythia Street and back to Jessie Maine Memorial Park, approximately ¼ mile. Soon after starting their march to the park, the protest group was met by an angry aggressive counter protester who would continue his angry aggressive behavior for the remainder of the march. This was followed very closely by pushing and shoving between protesters and counter protesters. Several members of the protest group worked to keep the protest march moving and encouraged marchers to keep moving and not engage with the counter protest group.

Counter protesters in pickup trucks followed at the back of the march as protest members on bicycles attempted to block the road and sidewalk. Officers responded to keep the groups separated and the task of separating the two groups would continue back to the park.

Once back at the park, confrontations between protesters and counter protesters continued. Crowds in the street combined with vehicles trying to leave the area created gridlock resulting in additional confrontations. The problem was exacerbated when protesters leaving the area passed by Bluebelle Way and a large group of counter protesters (Figure 4). It was near this area that a female protester was assaulted and injured by a counter protester. SPD responded and arrested the suspect while maintaining order at the scene. The Eugene Springfield Fire Department was dispatched and transported the victim for medical treatment.

Figure 4 Route from the Park to Main St.



INCIDENT REVIEW

The purpose of this review is to identify issues related to tactics, policies, procedures, and training. To complete a comprehensive review, this analysis relied on all information available, including facts known and not known to the officers at the time. This hindsight approach, while not appropriate to determine reasonableness of an officer's actions, provides a more thorough examination of events resulting in recommendations for improvement that may not have been identified with a more limited review focused on determining reasonableness based on what an officer knew at the time.

At the center of this analysis is the use of force at South 67th Street and Dogwood Street. The events surrounding the uses of force appeared to be fast and chaotic. However, the events leading up to the use of force were slow to develop and provided opportunities for SPD to adjust response strategies.

It is important to note that this review was conducted with the benefit of hindsight and the knowledge of all concurrent events. The ability to review reports, photographs, video, and audio allows for the critical review of the incident that is not available to officers and witnesses at the time of the incident. The nature of this review was sensitive, and it required a great deal of information gathering. Additionally, this review was performed under conditions wherein the SPD understood there could very well be criticism of their actions. Nonetheless, the members of the SPD were helpful, open, cordial, and professional.

Incident Recommendations

The information considered during this review indicates that SPD policies, procedures, equipment, training, and review process related to use of force and de-escalation require attention to bring them within the standard of care in policing. The following recommendations are offered to improve the safety of the public and officers as well as enhance trust between the community and SPD.

Command and Coordination

During incident responses such as this demonstration, leadership is necessary to sustain coordination and communication. To accomplish a well-coordinated response the National Incident Management System (NIMS) was established. As the Federal Emergency Management Agency (FEMA) describes:

“NIMS guides all levels of government, nongovernmental organizations (NGO), and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. NIMS provides stakeholders across the whole community with the shared vocabulary, systems, and processes to successfully deliver the capabilities described in the National Preparedness System. NIMS defines operational systems, including the Incident Command System (ICS), Emergency Operations Center (EOC) structures, and Multiagency Coordination Groups (MAC Groups) that guide how

personnel work together during incidents. NIMS applies to all incidents, from traffic accidents to major disasters.”¹⁵

During the protests in Springfield a modified ICS structure was in place with fluctuating command responsibility, decision making hierarchy, and reporting structure. The SPD operational plan included an Incident Commander, Tactical Incident Commander, Patrol Commander, and Response Team Commander. Based on the operational plans it is assumed that the Incident Commander is responsible for the entire event and the other commanders are responsible for tasks as directed by the Incident Commander.

For the 2020 protests in Springfield, the chief of police was assigned as the incident commander (IC), but according to interviewees he was not solely in charge of the incident. Depending on the tasks required, the other commanders would take the leadership role and assume command responsibilities. When reviewing video of the July 29th protest, it was observed that both the IC (chief) and Tactical Incident Commander (Lt.) were actively engaged in crowd management and arrests at South 67th Street and Dogwood Street. While their assistance was welcomed by the officers, doing so removed their ability to manage the larger incident. When their focus was on what was immediately in front of them the ability to have comprehensive situational awareness of the entire protest was removed.

Additional, in becoming part of the response, the chief of police and lieutenant became participants to and witnesses of the use of force. As parties and witnesses to the uses of force they effectively removed themselves from any investigatory, review, or decision-making role related to internal investigations related to the use of force or arrests.

Command and Coordination Lessons Learned

Recommendation 1.1: The SPD should review/re-train staff regarding the National Incident Management System (NIMS) and the importance of standardized Incident Command System (ICS) implementation. Springfield Police Department has the staffing to address most incidents within the city. However, recent events across the nation and state require agencies to be more reliant on regional and statewide resources. This requires that SPD, and city government officials, possess a comprehensive understanding of NIMS both as a requesting agency as well as one that aids others. During the July 29th incident, mutual aid was requested creating the need to rapidly expand to a multijurisdictional effort requiring a standardized incident command and coordination system. As FEMA states, “The command and coordination component of NIMS describes the systems, principles, and structures that provide a standard, national framework for incident management.”¹⁶

Integral to the NIMS is the assignment of standardized roles and responsibilities. SPD must ensure all staff understand NIMS guidelines including: “The Incident Commander is the

¹⁵ Federal Emergency Management Agency. (n.d.). NIMS Components – Guidance and Tools.

<https://www.fema.gov/nims-doctrine-supporting-guides-tools>

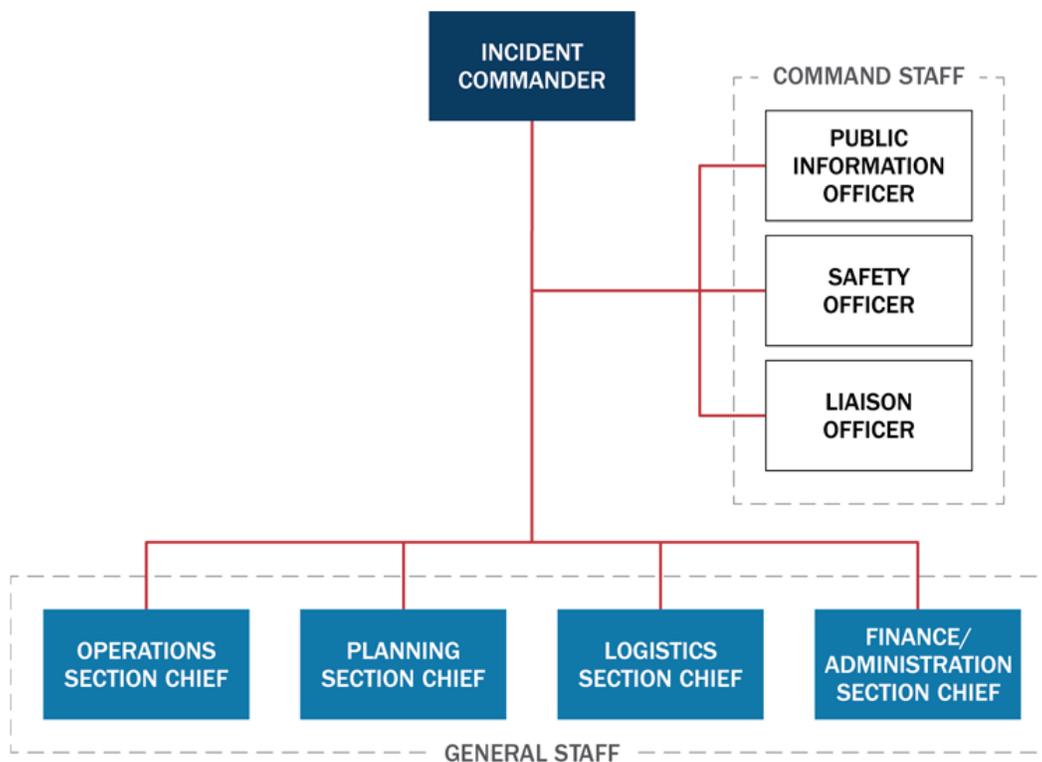
¹⁶ Federal Emergency Management Agency. (2017, October). *National Incident Management System, Third Edition*.

https://www.fema.gov/media-library-data/1508151197225-ced8c60378c3936adb92c1a3ee6f6564/FINAL_NIMS_2017.pdf

individual responsible for on-scene incident activities, including developing incident objectives and ordering and releasing resources. The Incident Commander has overall authority and responsibility for conducting incident operations.”¹⁷ While exigent circumstances allow for field level decision making, overall operation authority should belong to one person. Figure 5 illustrates an incident command structure.¹⁸

In situations such as July 29th, the incident commander should have had overall incident management responsibility and rely on staff and designated section chiefs to assist in managing the incident. The operations section plans and performs tactical activities to achieve the incident objectives established by the incident commander. If an incident commander or operations section chief become directly involved in the incident their ability to manage overall command is compromised.

Figure 5 ICS Command Structure



Recommendation 1.2: The SPD should use ICS beyond crowd management events and incorporate as many of the principles as possible in response to varying levels of emergencies or planned events, so it becomes a regular component of the department’s culture. In critical incidents, particularly events involving multiple jurisdictions and disciplines, the understanding and use of NIMS and ICS is essential to the successful sharing of information and coordination

¹⁷ Ibid.

¹⁸ Ibid.

of resources, tactics, and investigations. The fire service can serve as a model of how routine use of ICS and NIMS greatly improves performance during critical incidents.

Recommendation 1.3: The department should consider working with regional and state agencies to utilize the National Qualification System (NQS) to improve response, command, and coordination. The NQS promotes interoperability by establishing a common language for defining job titles/responsibilities and by enabling jurisdictions and organizations to plan for, request, and have confidence in the capabilities of personnel not just in local incidents but in deployments to mutual aid events.¹⁹

The NQS uses an experience approach that focuses on verifying the capabilities of personnel to perform as required in the various ICS positions. Experience includes the necessary education, training, and demonstrated capability that establishes proficiency in the required role(s).²⁰ This practical application approach, combined with the ability to integrate and support regional partners, would enhance SPD's response to crowd management as well as critical incidents.

Recommendation 1.4: Unless the situation requires, the Chief of Police should not be the Incident Commander for crowd management events. The classification addendum for the Police Chief for the City of Springfield assigns a multitude of duties.²¹ The addendum identifies the traditional functions such as planning, organizing, directing, coordinating, overseeing, and reviewing, as well as serving on the city management team and conferring with the city manager on issues involving the police department. When the chief is the incident commander and is directing the operations during a crowd management situation the ability to independently review complaints and uses of force by department personnel is compromised. Additionally, it becomes difficult to independently advise the City Manager when the chief is a party to and witness of arrests and uses of force.

This recommendation does not suggest that the Chief of Police should not be present at crowd management events. The chief's role is broader than commanding the incident. The chief should ensure the department is performing at the highest levels, keep the city manager informed, motivate employees, and if needed manage relationships that are outside the responsibilities of the incident commander.

Recommendation 1.5: The assigned Incident Commander should be at a location that allows for real time situational awareness without becoming involved in the incident. An Incident Commander should be able to maintain an overall incident perspective and understanding, and not be solely focused on an individual aspect of the incident. During the July 29th protest there were multiple locations and incidents occurring within the overarching event. When the

¹⁹ Federal Emergency Management Agency. (2017, November). *National Incident Management System Guideline for the National Qualification System*. Washington, DC: U.S. Department of Homeland Security. https://www.fema.gov/sites/default/files/2020-05/fema_nims_nqs_guideline_0.pdf. See also: <https://www.fema.gov/media-library/assets/documents/151291>.

²⁰ Ibid.

²¹ <http://www.springfield-or.gov/wp-content/uploads/2019/01/PoliceChiefAddendum2012.01-2.pdf>

Incident Commander became involved in the incident it was difficult to manage and direct the overall event.

Recommendation 1.6: All SPD sworn employees used in non-covert assignments must be clearly identifiable as Police. During the protest, SPD had two officers videotaping the event. These videos were important in documenting what occurred during the confrontation at the barricades. However, both officers were in civilian clothing with no visible police identification. The inability to determine the affiliation of the officers only led to speculation and an escalation in protester response. Some protesters speculated that they were media and questioned why “those media people” were allowed behind the police barricades and others were not. Others speculated that the two officers were community members and why would they be allowed so close. And still others speculated that the two officers were part of the counter protest group and the police were collaborating and supporting the counter protesters. Placing the officers in uniform or clearly marked police clothing reduces the likelihood of misidentification and speculation.

Recommendation 1.7: City of Springfield officials should consider participating in ICS training. Having all appropriate city personnel, including elected officials, complete ICS training helps to ensure that personnel at all jurisdictional levels and across disciplines can function effectively together during an incident.²² As an after-action review of the response to protests in Ferguson, Missouri recommended, NIMS awareness training for elected officials and staff underscores the importance of command and control.²³

Recommendation 1.8: The current Lane County Oregon Law Enforcement Agencies Mutual Aid Agreement was last signed in 1994. The agreement should be reviewed and updated to reflect current standards and signing authorities.

Planning and Preparation

Planning for demonstrations is essential to prepare for a variety of potential scenarios. Springfield witnessed eight demonstrations before July 29th with each event requiring a slightly different response. The department had adjusted to changes by modifying street closures, adding barricades, and creating stand-off space to reduce the potential for confrontations. Each time the department utilized SWAT team members who they felt had the necessary training in crowd management.

A key piece of planning and preparation is providing the needed training and equipment to all personnel who may be assigned to roles and responsibilities during demonstrations. Springfield Police Department is not a small department, but it is also not a department with endless resources. Many of the officers assigned to the July 29th demonstration were not adequately trained or equipped for this type of event. Additionally, many of those that did receive training had not been directly exposed to demonstrations as seen elsewhere in the state and across the country.

²² Straub, et al. (2017). *Maintaining First amendment Rights and Public Safety in North Minneapolis*.

²³ Institute for Intergovernmental Research. (2015). *After Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri*.

Interagency and regional training is a valuable preparation for crowd management and major incident responses, enabling personnel, both sworn and civilian, from various agencies and disciplines to develop relationships and become familiar with each other's processes and protocols. These trainings do not need to be complex or time consuming and can include informal discussions, simple tabletop exercises, roll plays, and other similar training exercises that create opportunities and tools to collaborate with participants from other organizations.²⁴

It is critical that training must include sworn and civilian staff, particularly communications and dispatch personnel, records, and those responsible for the release of information. In addition to training internally, training with other departments allows participants to identify issues such as equipment interoperability or shortfalls ahead of time.

Planning Lessons Learned

Recommendation 2.1: The department should routinely examine crowd management and critical incident reviews, plan as a department, and work with regional partners for the possibility of similar events. The need to coordinate and work with regional partners has become increasingly important. No longer can a single agency expect to respond and successfully manage large incidents, including demonstrations, without the possible need of regional partners. While not a crowd management event, the response to the Inland Regional Center attack in San Bernardino, California illustrated how a regional approach to reviewing previous critical incidents and conducting regional training greatly enhanced their response.²⁵

Recommendation 2.2: The Department should continue to consider ways in which adopting Body Worn Cameras (BWC) or other video technology such as drones or fixed cameras could benefit responses to demonstrations. The body worn cameras, although limited in numbers, were beneficial in documenting events. SPD should continue to develop plans, policies, and procedures for BWC deployment for all field personnel. If needed SPD should consider funding opportunities such as through the Bureau of Justice Assistance (BJA) BWC Policy and Implementation Program should grant funding be offered in 2021.²⁶ The Department should also consider development of a drone program that includes regional collaborations.

Recommendation 2.3: The Department should work with the Lane County District Attorney's Office and Springfield City Prosecutor's Office to better collaborate in advance of and during responses to protests. Having both prosecutorial offices immediately available to the incident

²⁴ Straub, F., J. Brown, R. Villaseñor, J. Zeunik, B. Gorban, B. Norton, and E. Reyes. (2018, February). *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 demonstrations*. Washington, DC: Police Foundation. <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf>

²⁵ Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. (2016) *Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center*. Washington, DC: Office of Community Oriented Policing Services.

²⁶ Body-Worn Camera Toolkit. (n.d.). Funding. <https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/topics-funding.html>

commander for real time counsel is imperative to facilitate collaborative responses to public safety issues.

Recommendation 2.4: The Department should take immediate and appropriate action in response to criminal acts to protect all persons (e.g., demonstrators, observers, members of the public, law enforcement personnel) and property. While managing large crowds of people in a chaotic situation is difficult, it is important to not ignore victims or delay arrests for crimes committed unless the arrest places people at additional risk. As a review of the Metropolitan (DC) Police Department's response to the 2017 presidential inauguration found, law enforcement agencies should prioritize immediate actions to maintain public safety.²⁷

Strategies may include additional staff dedicated to take crime reports from victims at the scene; undercover officers who can shadow suspects until the opportunity presents itself to make an arrest; drones that can monitor activities and locations for reporting and arrest; or any system that immediately assist a victim in reporting a crime and the department with identifying and arresting the suspect as soon as possible.

Recommendation 2.5: The department should develop protocols for restricting access behind police barricades while also allowing people with legitimate reasons to pass through.

Recommendation 2.6: The department should review the type and use of barricades for crowd management. The barricades used, while large, presented a safety hazard for officers and protesters. As seen in videos the barricades were forcefully pushed against officers causing injuries and falls. Additionally, the legs can be easily removed and become hazards or potential weapons.

Recommendation 2.7: The department should consider working within the Lane County law enforcement agencies to establish a regional crowd management response team. This would require regional multiagency training including ICS and mobile field force. Agencies could share resources and personnel regionally before a demonstration begins instead of requesting mutual aid when the event becomes unmanageable.

Recommendation 2.8: The department needs to identify strategies to better separate protesters from counter protesters. This includes physical separation as well as facilitating the smooth and efficient flow of people out of an area.

Training Lessons Learned

Recommendation 2.9: The department should expand mobile field force training to all sworn personnel. In an internal after-action report of the July 29th protest, SPD identified the need for updated mobile field force training for non-SWAT personnel. Currently SPD utilizes SWAT team members for crowd management and provides them with mobile field force training. The events of July 29th highlighted the need to provide the training to all personnel regardless of

²⁷ National Police Foundation. (2018, July). *2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review*.

assignment. SPD reported that the department had reached out to Oregon State Police (OSP) for training but given OSP's commitments the training did not take place.

Recommendation 2.10: Because responders to a crowd management event or critical incident may be from a variety of agencies, regional training improves performance in a crisis response and should include all disciplines and levels of first responders—both sworn and civilian. Fire, EMS, and other potential first responders should be included in training. On July 29th, the Fire Department responded for medical aid. How the Fire Department responds through large groups of people can influence an event. After action reviews conducted of numerous critical incidents have continually shown the benefits of regular regional multidiscipline first responder planning, training, and exercises.²⁸

Recommendation 2.11: Dispatchers, those assigned Public Information Officer duties (PIOs) and other relevant responding civilian staff, should be included (or continued to be included) in incident command system (ICS) training.

Recommendation 2.12: Regional public safety partners should plan, train, and exercise unified command for complex incidents. This includes law enforcement, fire, EMS, and emergency management as well as other government and nongovernment agencies as appropriate.

Recommendation 2.13: The Department should review training curriculum to increase the use of Tactical Decision Games²⁹ that challenge participants to successfully resolve problems through quick, effective decision making. Non-technical skills such as leadership ability, communication skills, situation awareness and decision-making are critical to police officers in emergency situations. Tactical Decision Games have shown success in training responders in various industries to prepare for emergency situations that are characterized by ill-structured, uncertain, dynamic risky environments; shifting, ill-defined or competing goals; and time constraints.³⁰ The use of Tactical Decision Games will help the SPD and city to be better prepared for and respond to officer involved critical incidents, large scale events, crowd management, as well as man-made and natural disasters.

Law enforcement is a profession that requires officers to make decisions under rapidly changing conditions, with limited information, that potentially could result in serious injury or death. How officers respond in these situations is influenced by patterns formed through education, training, and experience.

²⁸ National Police Foundation. (n.d.). Critical incident review library. <https://www.policefoundation.org/critical-incident-review-library/>

²⁹ Tactical Decision Games developed for the military have been used successfully in a variety of professions including law enforcement, fire service, and medicine.

³⁰ Crichton, Margaret T., Rhona Flin, and William A.R. Rattray. (December 2000). Training Decision Makers – Tactical Decision Games. *Journal of Contingencies and Crisis Management*, 8(4), 208-217. <https://pdfs.semanticscholar.org/60b1/d3ce5ac3b3be8d024e761f2474beee3b75ae.pdf>

Mental Health, Wellness, and Resilience

There were several officers injured during the protest. Officer Durrant was bitten and struck numerous times and other officers suffered abrasions, scratches, cuts, and bruises from direct contact with protesters. Others were injured by objects thrown at the officers. While physical injuries are visible other injuries may occur from one or repeated exposure to stressful incidents.

The law enforcement profession is recognizing that resilience in the face of the stresses related to unaddressed trauma does not happen without deliberate action. The *Final Report of the President's Task Force on 21st Century Policing* recognized that the culture of denial in law enforcement needs to change, saying, "This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences."³¹ Considerations need to focus on the entire continuum of employee experiences such as, "fitness, nutrition, medical care, sleep, healthy relationships, financial stability, substance abuse, self-care, peer support, early warning systems, how disciplinary procedures are handled, and character and moral development."³² This indicates that agencies that provide holistic approaches to health and wellness support for their staff position them to be stronger, more resilient officers.³³ This includes call takers and dispatchers, investigators, and support staff which includes anyone who may be affected.³⁴

It is important that agencies recognize that they must provide mental health support to all personnel. This includes, when appropriate, not needlessly placing an employee in situations that the agency recognizes may cause wellness issues when alternatives are readily available. In gathering information about the events leading up to July 29th it was reported that officers of color in the Springfield Police Department were subjected to racially motivated harassment and threats from protesters participating in the Black Unity demonstrations. During interviews it was clear that the victim officer and coworkers were disturbed by the focused hate toward officers of color and that it was known within the department. Despite this information, SPD continued to place officers of color on the front lines subjecting them to harassment and threats that was greater than the harassment and threats received by other officers.

During the July 29th protest Officer Durrant was placed as the lead officer directly across from protest leader Tyshawn Ford. Ford using a small megaphone and standing within three feet of the officer, challenged Officer Durrant referring to his race and questioning his loyalties and allegiance. Another protester standing on barricade in front of Officer Durrant was also taunting him about his race. Officer Durrant was clearly targeted by Ford and others because of

³¹ President's Task Force on 21st Century Policing. (2015). *Final Report of the President's Task Force on 21st Century Policing*.

³² Copple, C., J. Copple, J. Drake, N. Joyce, M. Robinson, S. Smoot, D. Stephens, and R. Villaseñor. (2019). *Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies*. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>

³³ Andersen, J.P., K. Papazoglou, B.B. Arnetz, and P.I. Collins. (2015). Mental preparedness as a pathway to police resilience and functioning in the line of duty. *International Journal of Emergency Mental Health and Human Resilience*, 17(3). https://tspace.library.utoronto.ca/bitstream/1807/73656/1/mental_preparedness.pdf

³⁴ IACP National Law Enforcement Policy Center. (2011, July). *Critical Incident Stress Management: Concepts and Issues Paper*. Alexandria, VA: International Association of Chiefs of Police.

his race. This type of harassment occurred during prior protests and the department should have anticipated that it would continue July 29th.

Officer Durrant was deliberately placed in that position by incident commanders because of his size and prior collegiate football experience. However, in doing so they did not consider the stress he was under from prior protests.

Responder Wellness Lessons Learned

Recommendation 3.1: Whenever possible the department should avoid placing employees in situations that may create stresses beyond that of other officers. There are situations that may, based on the individual officer's circumstances, create undue stress and discomfort that may not affect another officer in the same way.

Recommendation 3.2: The SPD should designate a Mental Health/Wellness safety officer into their incident command structure and after-action review process. The mental health designee should be a person with the appropriate trauma counseling training or experience, and when the need arises, be responsible for ensuring the following:

- mental health and other caregivers are screened for skillsets that are appropriate for individual and community-level care;
- appropriate triage is completed;
- a treatment plan is developed and implemented by appropriate professionals for individuals immediately following incidents and over time; and
- coordination and implementation of the department (& community, as appropriate) resilience plan.³⁵

Communication

Major incidents require dedicated attention on internal and external communications strategies. In acknowledgement that the police department is part of the community and the community is part of the department, it is important that a strategy be in place to provide accurate, timely, and consistent information regarding the incident to the community. It is equally important that city leadership and members of the department be kept apprised of the details regardless of their involvement in the incident.

Strong lines of internal communication are valuable to reinforce command and coordination and inform operational decision making. Effective communication practices help to establish a level of order and calmness in the chaos of an event. Maintaining clear lines of communication also ensures key information is shared with the those that require it, without potentially interfering with the tasks of others.

Internal communication and coordination are equally important in planning for and executing external messaging. Coordinated crisis communication is necessary to provide timely, consistent, accurate, and unified messages.³⁶ Pre-planning for this communication is important

³⁵ Straub, et al. (2019, August). *Recovering and Moving Forward*.

³⁶ Straub, et al. (2019, August). *Recovering and Moving Forward: Lessons Learned and Recommendations Following the Shooting at Marjory Stoneman Douglas High School*.

to organize roles, define responsibilities, and govern the flow of information to communities in advance. As part of this, an ICS structure, should clearly identify planning roles and responsibilities regarding messaging and information sharing.

As this demonstration unfolded and throughout the events, the only information available to the community was from protest participants. There was no information released from SPD to the public through social media, press releases, media briefings, or a press conference until the next day. A Facebook post at 11:16 AM the next day was the first public notification by SPD of the incident³⁷ and Twitter was never used. As other after-action reviews have found, law enforcement can effectively leverage social media to keep the public informed about the status of investigations, correct misinformation, request assistance and public restraint from sharing sensitive information, and calm nerves.³⁸

Internal Communication Lessons Learned

Recommendation 4.1: The department should continue to support and assign a tactical dispatcher for the operational needs of the incident commander and consider a mobile command post configuration for the dispatcher to work alongside the incident commander.

The presence of a tactical dispatcher located at the command post, can have positive effects on command and coordination such as centralizing communication so that the incident command and operations are aware of requests from the field that may go unnoticed outside the incident command structure.

Recommendation 4.2: The department should modify their operational plan goal to read, “Safety and Security for all people, their property, and our Staff.” The SPD operational plans developed for all the 2020 protests identified the goal as the “Safety and Security for the people of Springfield, their property, and our staff.”

External Communication Lessons Learned

Recommendation 4.3: The department should reenforce with field personnel the importance of remaining neutral, fair, and respectful when communicating with all members of the community. During the protest, there were officers who were polite and respectful to everyone and demonstrated an attitude of concern and assistance for every person they spoke with. In contrast there were some officers observed speaking cordially with counter protesters while not speaking with, or in a couple incidents speaking rudely, to peaceful protest supporters. The disparity in communication demeanor demonstrated a lack of impartiality by some of the SPD officers.

³⁷ [\(20+\) Springfield Police Department - Oregon - Posts | Facebook](#) The SPD Facebook post had a reach of 55.3K, an engagement of 23.8K, received over 1,400 comments, and 406 shares.

³⁸ Davis, E.F., A.A. Alves, and D.A. Sklansky. (2014). Social media and police leadership: lessons from Boston. *Subject to Debate* 28(3).

https://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2014/debate_2014_mayjun.pdf. For more, see: <https://www.policefoundation.org/wp-content/uploads/2020/02/How-to-Conduct-an-AAR.pdf>

Recommendation 4.4: Continue to develop relationships with local media outlets, which can help to quickly correct misinformation and limit the release of sensitive information. Since these outlets are based in the region they remain when the major incident and initial response are over and others leave, maintaining positive relationships with these outlets is particularly valuable.

Recommendation 4.5: The Department should better utilize social media to engage the community and protestors before, during, and after events to disseminate information and correct false reports and erroneous information. The Department had the potential to quickly share video recorded by SPD personnel. The video could have been used to better inform the community, dispel rumors and misinformation, demonstrate a willingness to be transparent.

Recommendation 4.6: The department should continue attempts to communicate with protest leaders even when the leaders refuse to communicate. As was done in prior and subsequent demonstrations the department made efforts to engage protest leaders to develop a plan that would allow for a safe demonstration for everyone include protesters, counter protesters, and the community.

What made the July 29th demonstration different was that Black Unity leaders were not responding to the outreach by SPD staff prior to the protest and when the protesters arrived at Jessie Maine Memorial Park and prior to or during the march there was no attempt by SPD to contact them. Once at the barricades some of protest leaders asked and then demanded to speak with an officer, supervisor, or command staff member. They were demanding to know why the road was blocked and why they could not march toward Main Street. While some of the protesters did not know the reason others, who had been present at prior protests, were aware that SPD was going to restrict access to Main Street for their safety and the safety of others. This included Tyshawn Ford, who told the protest group that he was tired of SPD telling him where to go. At one point a protester recognized Chief Lewis and asked for him to come over all talk. Unfortunately, the lack of a timely response by SPD only escalated the crowd.

After-Action Review Process

After-action review (AAR) processes are valuable for organizations to be able to continually reflect and refine their internal practices and encourage a culture of learning. Regularly and honestly reflecting on experience helps organizations anticipate challenges, incorporate promising practices, and work collaboratively to evolve and prepare for future events.³⁹ The intent of AARs is to compare actual outcomes of events to intended outcomes and reviewing the decision points that got them there.

As described by the National Police Foundation (NPF) guidebook on conducting AARs for agencies of all sizes, “Organizations should encourage reflection on both successes and challenges but focus on conducting the review for the purpose of learning rather than to place blame.”⁴⁰ Separating focus on penalizing those involved from the AAR process is important to

³⁹ National Police Foundation. (2020). *How to Conduct an After Action Review*. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/Publications/cops-w0878-pub.pdf>

⁴⁰ National Police Foundation. (2020). *How to Conduct an After Action Review*.

gain an honest reflection about the events that occurred from as many perspectives as possible. Depending on the review, this may include sworn and civilian department members, external partners, elected officials, and community members. A deliberate focus, from leadership through line staff, on examining decisions made through the incident, rather than defending or posturing, is critical to the success of the review. In addition, separation of discipline from this process allows responders to find weakness and identify potential improvement; freedom to discuss challenges from a variety of perspectives; and ability to adjust training, policy, and protocol as necessary to improve. Only after all involved can reflect on and learn from their experience can key lessons be identified, and associated adjustments made to training, policy, and procedure for future responses.

A culture of self-improvement requires that the process go beyond identifying failures or difficulties and dig in to understand the decisions and systems that contributed to the outcome. While this is not an easy task, including people with diverse perspectives can assist. “Complex failures in particular are the result of multiple events that occurred in different departments or disciplines or at different levels of the organization. Understanding what happened and how to prevent it from happening again requires detailed, team-based discussion and analysis.”⁴¹

Furthermore, effective AARs communicate findings with all relevant internal and external stakeholders, including, to the extent appropriate, the public. Sharing findings publicly through written reports, town halls, community meetings or presentations, the department website, or as part of larger department reports can be effective ways to communicate important parts of an AAR with community and others. This openness and recognition of both successes and areas of needed improvement can help departments to build trust with their communities.⁴² The public AAR findings can also contribute to the larger body of knowledge related to public safety responses to events, thus helping other public safety agencies and partners in the process.⁴³

Finally, as the AAR guidebook notes, “an AAR does not achieve its intended purpose until the lessons learned and recommendations have been incorporated back into the organization or jurisdiction.”⁴⁴ Developing a timeline with actionable steps and assigning individuals to be responsible for overseeing the implementation of recommendations can help to ensure recommendations are implemented. Working to gain buy-in from all staff is also key to facilitate the adoption of recommendations and continue to cultivate a culture of learning throughout the department.

⁴¹ Edmonson, A.C. (2011, April). “Strategies for Learning from Failure.” Harvard Business Review. <https://hbr.org/amp/2011/04/strategies-for-learning-from-failure>

⁴² President’s Task Force on 21st Century Policing. (2015, May). *Final report of the President’s Task Force on 21st Century Policing*.

⁴³ National Police Foundation. (2020). *How to Conduct an After Action Review*.

⁴⁴ Ibid.

AAR Process Lessons Learned

Recommendation 5.1: Design an AAR process that will complete AARs quickly and thoroughly. The AAR process must be tailored to fit the desired culture of SPD and seek to gain the support of members throughout the department. Critical to this support is trust in executive staff. Once a process has been tested and refined, it should be codified, or at the least documented, to communicate throughout the organization.

Recommendation 5.2: Develop an organizational culture that embraces honest learning from incidents through AARs. By instilling a culture of learning that permeates throughout the organization, the department will be better able to build on successes and gaps on an ongoing basis. Leadership can encourage this culture by volunteering to participate in AARs first and supporting the development of a collaborative and communicative AAR process that focuses on learning rather than punitive measures and avoiding the pull to defend actions as opposed to learning from outcomes and perspectives. The Harvard Business Review reports:

“Only leaders can create and reinforce a culture that counteracts the blame game and makes people feel both comfortable with and responsible for surfacing and learning from failures. (See the sidebar “How Leaders Can Build a Psychologically Safe Environment.”) They should insist that their organizations develop a clear understanding of what happened—not of “who did it”—when things go wrong. This requires consistently reporting failures, small and large; systematically analyzing them; and proactively searching for opportunities to experiment.”⁴⁵

The author highlighted that in researching varying types of organizations the behavior of midlevel managers also held an enormous impact on the ability of the organization to truly become a learning organization. According to the author, “It turned out that the behavior of midlevel managers—how they responded to failures and whether they encouraged open discussion of them, welcomed questions, and displayed humility and curiosity—was the cause.”⁴⁶

Recommendation 5.3: The Department should ensure they are incorporating lessons learned from ICS documentation and AARs back into relevant policies, SOPs, and training. Practical experiences can be used to inform relevant training, and responses to future events. As the NPF guidebook on conducting AARs recommends, agencies should develop a timeline with actionable steps to implement recommendations and assign responsibility for implementing recommendations to members.⁴⁷

⁴⁵ Edmonson, A.C. (2011, April). “Strategies for Learning from Failure.” Harvard Business Review. <https://hbr.org/amp/2011/04/strategies-for-learning-from-failure>

⁴⁶ Ibid.

⁴⁷ National Police Foundation. (2020). *How to Conduct an After Action Review*.

Use of Force Assessment

Legal Background

Note: The following brief background of court decisions is provided as reference only and is not intended as a legal opinion.

Two landmark decisions by the United States Supreme Court guide law enforcement use of force: *Tennessee v. Garner* (1985)⁴⁸ and *Graham v. Conner* (1989).⁴⁹ While *Tennessee v. Garner* pertains to the use of deadly force, the court ruled in *Graham v. Conner* that use of force must be analyzed using an objective reasonableness standard.

“The Fourth Amendment ‘reasonableness’ inquiry is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”⁵⁰

The court specified that the reasonableness inquiry is whether the officers’ actions are objectively reasonable considering the factors and circumstances confronting them, without regard to their underlying intent or motivation. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer, understanding that officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. The court recognized that officers do not need to use the minimum amount of force, rather a force option that is reasonable based upon the totality of the circumstances known at the time force was used.

SPD Investigation

The receipt, investigation, and resolution of complaints against officers is an essential function of every law enforcement agency. While the scope of this assessment does not include a review of the internal investigation or use of force review processes it did identify areas for additional review or consideration.

The Department conducted interviews of involved employees to “memorialize” their statements. The interviews were conducted by several different supervisors some of whom were involved in the incident. The interviews included 14 officers, four sergeants, two lieutenants, and Chief Lewis. The interviews were tape recorded and summaries prepared.

An after-action report was then prepared that included a review of reports, videos, and the involved employee statements. The after-action report then captured issues for improvement in the areas of planning, deployment, communication, equipment, media, and debriefing. It did not include a review of the uses of force.

⁴⁸ *Tennessee v. Garner* 471 U.S. 1 (1985).

⁴⁹ *Graham v. Connor*, 490 U.S. 386 (1989).

⁵⁰ *Graham*, 490 U. S. 396-397.

Department General Order 1.5.1 sets the expectations and standards for the application, investigation, and review of force used by SPD personnel. The policy identifies the applicable Oregon State Statutes and reasonableness requirements as described above. The policy requires that copies of all reports involving use of force be routed to the Professional Standards sergeant. The policy requires a Use of Force Investigation under the following:

1. Involves the intentional discharge of a firearm at another person.
2. Causes death or serious bodily injury by any means.⁵¹
3. Involves any use of force referred by a supervisor for further investigation.
4. Involves an unintentional discharge of a firearm causing death or physical injury.

The force used on July 29th did not meet the criteria for a review as established in policy and there was no request to complete a thorough use of force review.

Recommendation 6.1: The Department should adopt policy that requires a review of all uses of force that result in an injury requiring medical attention to the suspect or officer. Additionally, the Department should include the review of any use of force that has increased public interest. The force used during the demonstration included baton strikes, closed fist blows, closed fist punches, and Taser drive stun. Although injuries did not meet the “serious” threshold as defined in Oregon Statute there were injured protesters and officers. The number of uses of force, variety in types of use, number of protesters force was used against, the number of injuries, and high public interest should have triggered a comprehensive investigation review by the department or by an outside agency.

Recommendation 6.2: The Department should implement a separate complaint and use of force reporting and tracking system to replace the current incident reporting process. The use of a separate case management system allows for simplified tracking, reporting, and analysis. A separate system also allows for tools such as real time review and evaluation, early intervention, as well as access and security controls. The Eugene Police Department and University of Oregon Police Department reportedly utilize such a system.

Recommendation 6.3: The Department should include in their protest response ICS structure a dedicated supervisor and possible a Lieutenant who are responsible for receiving and investigating all complaints and uses of force. As discussed previously having supervisors and command staff actively involved in the demonstration response creates a conflict in investigating complaints and uses of force. Identifying at least one supervisor and one manager to investigate complaints and use of force related to an incident reduces potential conflicts. Some agencies have located complaint investigative staff at a command post to facilitate

⁵¹ As defined in ORS 161.015(8) “Serious physical injury means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.”

complaints made in the field. If staffing is a concern, SPD should consider augmenting response or investigative staff with outside agency personnel.

Recommendation 6.4: Supervisors assigned to conduct administrative interviews should receive updated training in conducting internal investigations. Some of the employee interviews conducted by SPD supervisors contained leading questions, personal input, rationalizations, and justifications. At times, the interviewers identified themselves as being a witness to the conduct in question which helped the officers answer the question.

Recommendation 6.5: The Department should conduct a thorough review of the internal investigation process to identify shortfalls and opportunities for improvement. The review should also include early intervention processes.

Use of Force Analysis

While this is not a legal opinion regarding the use of force during the July 29th protests the United States Supreme Court is clear that the use of force by an officer must be reasonable with an understanding that officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

When Officer Durrant was directed to arrest Tyshawn Ford, the initial amount of force used was to grab Ford's exterior body pad and pull him closer to the officers. Ford tried to pull away and the two went to the ground. Protesters attempting to free Ford and support his escape were met with officers attempting to assist in the arrest. During the struggle to arrest Ford and deny his escape, officers directed people to move back and used batons to push people back. A Taser was used in drive stun mode to push people back. Batons were also used against people who were not actively assisting in freeing Ford but were intentionally battering officers by aggressively pushing barricades against them during the struggle. All the uses of force described above were reasonable during the confrontation.

There were three instances of force that require additional review and scrutiny. The first involved a woman who was seen on video trying to assist protesters who were being grabbed by police. She was seen striking what appears to be Officer Durrant 5-6 times with an open hand and then trying to pull a female out from under the pile of people. She was eventually pushed away by an officer using his hands. She backed away but returned to the skirmish and tried to reach back into the pile of people on the ground when an officer used a Taser in drive stun mode to push her back. She then became hysterical pulling off her face mask and screaming at officers. As she reapproached the pile again, she lightly swiped her right hand at an officer as if to give herself space to get back into the pile, the officer responded by nudging her with his baton. She then grabbed the baton, first with her right and then with two hands as the officer tried to pull the baton away. A short struggle ensued over control of the baton until the officer released his right hand and punched the woman in the face. She immediately released the baton and fell backwards. The woman left the area of the skirmish with a bloody nose and mouth. The officer cut his hand when he struck the woman.

An officer's obligation to maintain control of any weapon in their possession is important to the safety of everyone including the officer and the person trying to take the weapon. The need to quickly regain control of the baton was an obligation of the officer. Given the number of people under and around both the officer and woman the punch was reasonable to regain control of the baton.

The second and third uses of force occurred after Ford was pulled behind the police line and before he was in custody. When Ford was first pulled behind the police line, he continued to resist by kicking and flailing his arms at officers while he was on the ground. Officer Durrant was seen striking Ford twice, once on the upper left arm and once on the left side with the side of his closed fist. Neither blow appeared to be forceful, and it appeared Durrant was fatigued. Ford was again pulled farther away from the crowd by a lieutenant. The lieutenant then used his body to partially kneel and lay across Ford to control his lower body movements. Officer Durrant who was alongside Ford's upper body used his weight to leverage Ford onto his side and then using the side of his fist, struck Ford on the side of his head. Ford immediately covered his head with his hand and arm. Officer Durrant did not immediately try to gain control of Ford's arms but appears to be speaking or yelling at him. Soon thereafter, Ford was handcuffed and transported from the area.

In his report and interview Officer Durrant described Ford as not being compliant and that he used the focused blow to the head to gain compliance and get his attention so Durrant could take him into custody. While the first and second strikes seem reasonable given Ford's active resistance the third is in question. To accurately assess the appropriateness of the third strike the department would need to complete a thorough investigation.

Recommendation 6.6: The Department should conduct a thorough investigation into the force used to take Tyshawn Ford into custody. This investigation would be consistent with Recommendation 6.1 requiring an investigation into the use of force that has increased public interest. The investigation should include more detailed statements from the lieutenant involved, along with the sergeant and officers who assisted with dragging Ford behind the police line, actively assisted in handcuffing him, or witnessed the use of force. Additionally, the investigation should review all available video.

SYNOPSIS

Through successful strategies, including de-escalation, the Springfield Police Department had managed eight prior protests during the summer of 2020. The department had responded to each and had the capacity to revise strategies that reduced the likelihood of conflict. The changes included barricades between protesters and officers to reduce physical conflicts; directing and rerouting traffic to accommodate marches and changes in the march direction; working in advance with protest leaders and informing protesters about the dangers of marching onto Main Street east of the downtown area. While the protests were not without

conflict, the conflict was minimal and appeared well managed. At times they cleared marchers from the streets, separated protesters and counter protesters, and made a couple arrests.

The July 29th protest was different from the start. The protest was not focused on the police but on a community member who had a skeleton hanging by a noose from a tree. Black Unity organizers that had been somewhat responsive in the past, were not responding to SPD. What also made this protest different was that it was going to occur in a neighborhood that was likely to be less accepting of the protesters and more likely to come out against them. This created a fair amount of tension even before the march started.

By all accounts most of the protesters that came to the Thurston neighborhood on July 29th were planning on a peaceful march. They expected to share their views and be part of something they felt important. There were also some who came prepared with personal protective gear just in case there was a conflict. And, according to participants, a small group of protesters planned for and were willing to create a conflict with SPD. This was confirmed when leaders announced their plan to march through police lines and force a confrontation with SPD's attempt to block access to Main Street. Organizers even warned participants that if they did not want to be part of the march through the police, they should find security to get back to their cars safely. For those that stayed they should be non-violent but to be prepared to snatch back anyone who was arrested. After the arrests, some protesters were confused and asked others in the group what they should do and the reported response was, we got what we wanted and now we can leave.

Many counter protesters reported that they were there to defend their neighborhood from outsiders. Outsiders who they believed came to disrupt their community and damage their property. They reported that they had seen the damage caused by protesters in other cities and were not going to tolerate this in Springfield. Some of the counter protesters physically knocked phones/cameras out of protesters hands and assaulted protesters. Some of the assaults occurred as protesters had finished their march and were leaving the neighborhood.

Before the march started, SPD decided to deny access to Main Street to reduce the risk of injury to marchers and occupants of unsuspecting vehicles. Main Street (Highway 126) has four lanes of through traffic and a center turn lane. The speed limit near the protest area is 45 MPH. Without the staff necessary to manage a rolling diversion or closure, SPD was concerned that marchers would get onto the roadway into traffic and create a danger to themselves, counter protesters, and motorists. This was the third march that SPD restricted marchers from entering the section of Main Street with the higher speed limit. At the earlier marches, protesters did not like being routed away from Main Street but did comply with SPD's barricades and directions.

When the July 29th march started, SPD did not know the exact route protesters would take but given the park's location could anticipate the limited number of streets that led to Main Street.

This knowledge allowed SPD to quickly place barricades on S. 69th Street at Dogwood Street closing the street to northbound traffic.

To continue with the strategy of reducing confrontations, the department placed the officers well behind the barricades. The goal was to limit any direct confrontation between protesters and officers. This strategy had worked during prior protests and was the strategy applied for this protest.

Unfortunately, when the barricades were placed, they did not completely block the street. This allowed protesters to move between the barricades crossing the police line. This resulted in officers, from a distance, ordering protesters to not cross the barricades and stay back. With the barricades on metal stands and the grade of the road downhill toward police, it became easy for protesters to push the barricades toward officers which created an even larger gap between barricades and again resulted in more commands to stay back and not touch the barricades. While the intent of the barricades and stand off distance of officers was to reduce the likelihood of escalation, as it had in the past, it may have had the opposite effect during this march.

After an initial verbal confrontation by protesters toward police, nearly all the protesters left the barricades and met back across the intersection. It was here that protest organizers told participants the proposition was to march through the police. Organizers also told the crowd that anyone uncomfortable with marching through could find security for help getting back to their cars. There was no pressure for people to march through but if they decided to stay, they should help by snatching back anyone SPD tried to arrest.

As protest organizers discussed their strategy away from the barricades a protester at the barricades pushed a barricade toward police. As she did, she pointed out to the officers that they said to stay behind the barricades, which she was. In moving the barricade, she created a much bigger gap and pushed the barricade closer to a police vehicle became. This prohibited officers from effectively forming a crowd management line.

In response to information about the planned push through the line, SPD began announcing a dispersal order over a PA system that could be heard in the crowd. This was confirmed by reviewing videos from different sources throughout the crowd.

Approximately 90 seconds after the first admonishment was given Tyshawn Ford returned to the barricades wearing padded upper body protection. Unlike his earlier time at the barricades when he was angry and yelling, when he returned his approach was subdued and movements slow appearing deliberate as he moved through the large gap in the barricades. Ford positioned himself in front of a patrol vehicle with other protesters following him, some locking arms as if to form a chain.

In response officers moved up near the front of the patrol vehicle and barricades. But because the barricades had been moved and the patrol car parked where it was, officers were unable to

form a traditional crowd management line. Officer Durrant was placed closest to Ford. Ford saw this and along with other protesters began harassing Officer Durrant because of Durrant's racial background, yelling at him, and using a megaphone.

A short time later an order was given for Officer Durrant to arrest Ford and as Durrant reached out Ford attempted to flee back into the crowd. A tussle resulted as protesters attempted to snatch Ford back as planned and officers attempted to push people off Durrant and help with the arrest. During the nearly three minutes scuffle Officer Durrant was hit, kicked, and bitten by protesters. Officers used batons and a Taser to push people back and off Officer Durrant. One protester was punched when grabbed an officer's baton and a short struggle followed over the baton.

Tyshawn Ford was eventually pulled out from the pile of protesters and dragged toward a patrol car. While Ford was on the ground and still kicking Officer Durrant struck Ford three times with a closed fist -- upper arm, side, and face. Ford was later handcuffed and transported to the municipal jail. In addition to Tyshawn Ford, the confrontation at the barricades resulted in four other protesters being arrested.

Following the arrests, protesters moved up and past another street closure at S. 68th Place and Dogwood Street. While most of the protesters were merely walking back to Jessie Maine Memorial Park, others continue to protest with a couple threatening officers and in one case a protester threatened officer's families with sexual assault. There was also a noticeable increase in the number of counter protesters and the aggressive behavior of some. This led to increased confrontations between protesters and counter protesters most of them initiated by counter protesters. These confrontations required SPD to deploy resources onto the street to keep the two groups separated not just back to the park, but all along S. 69th Place and past the counter protesters who had congregated on Bluebelle Way.

Shortly before 10:30 PM the streets around Jessie Maine Memorial Park were cleared.

APPENDIX A

Timeline of Events⁵²

Time	Description
6:41:00 PM	SPD logged that people were gathering on Bluebelle Way.
7:00:00 PM	Participants continued to arrive at Jessie Maine Memorial Park
7:41:17 PM	SPD patrol car drove past the park.
7:41:44 PM	Counter protesters were seen across the street from the park.
7:42:09 PM	Interactions between protesters and counter protesters are observed. Started calm then went to a negotiation over unity and the Halloween decorations
7:44:24 PM	Protesters followed counter protesters. The counter protesters said they were going home.
7:44:57 PM	Male with a hunting knife was in the crowd.
7:45:54 PM	Male with a handgun was walking in the crowd.
7:53:21 PM	Counter protester talked to officer in SPD patrol car. Car left quickly.
8:14:07 PM	March slowly starts up Forsythia. Lead by two hatchback cars with backs open, items inside, and people riding in the back. The modified tent trailer with sound system towed by a white truck follows.
8:15:37 PM	bicycles were seen blocking cross traffic.
8:15:57 PM	A counter protester at the back of the march began calling protesters trash and using foul language.
8:18:37 PM	Reminder on the PA system (female voice) that unless you are a medic - stay off the sidewalk and stay in the street.
8:20:57 PM	Counter protesters shouting protect the police.
8:23:24 PM	March stopped and female organizer uses PA to address two female residents.
8:23:57 PM	March continued on S. 68 th St.
8:27:47 PM	March turns onto Glacier Dr
8:30:07 PM	March turns onto S. 67 th St. Patrol car overhead lights can be seen in the distance.
8:31:30 PM	Officers started setting up barricades on S. 67 th and Dogwood Street.
8:34:35 PM	Protesters on bicycles created a barricaded across from the police barricades.
8:35:35 PM	Warning by an officer to a small group of protesters to not come through the barricades.
8:36:54 PM	Marchers arrived at the police barricades.
8:37:16 PM	Tyshawn Ford approached the barricades.
8:37:20 PM	Tyshawn Ford wanted someone to answer his questions.
8:37:24 PM	Organizers asked to speak with the chief or a supervisor. "Why is it dangerous down there?"
8:38:05 PM	Ford walked back to the trailer.
8:38:12 PM	Officers are repeatedly telling protesters to stay behind the barricades.
8:38:13 PM	A woman crossed through a gap in the barricades. She asked why can't they go that way? Officer responded, "Stay behind the barricades." She asked, "why is it dangerous?"

⁵² All times are approximate and based on video time indicators, BWC, Axon reports, and SPD dispatch log. Times are synced between systems and discrepancies are probable.

8:39:00 AM	Sunset
8:41:02 PM	Protesters continued asking for someone to come talk to them.
8:41:04 PM	Another woman went through the barricades and the first woman moved forward to make room. Officers told them both to stay behind the barricades and to back up.
8:42:11 PM	Barricades are set up at the second location - Dogwood Street and S. 68th Place.
8:43:53 PM	Dispatch broadcasted on SPD2, "They are getting ready to push through." (Overheard on BWC)
8:44:25 PM	Woman pushed a barricade toward officers about 2FT. She told the officer that they only told her to stay behind the barrier. The move put the barrier out of line and slightly behind the front of a patrol car. This left a large gap between the barricades and puts them too close to the patrol vehicle.
8:44:37 PM	Radio broadcasted on SPD2 that they are starting to push the barricades back. (Overheard on BWC)
8:44:54 PM	Sgt. tried to use patrol car PA system to make a dispersal announcement, but it did not work.
8:45:11 PM	Radio broadcasted that leaders are encouraging people to push through the barricades.
8:45:42 PM	Same woman who pushed the barricades earlier, asked officers if they can talk while she pushed a barricade toward the officers.
8:45:57 PM	Radio broadcasted counter protesters armed themselves with sticks and bats. (Overheard on BWC)
8:46:08 PM	SPD started announcing through a PA system; "This is an unlawful assembly. If you cross the barricades you will be arrested." Less than a dozen people were at the barricades.
8:46:45 PM	Announcement caused protesters to yell back, and people approached the barricades.
8:47:14 PM	Radio broadcast overheard, "Giving admonishment right now."
8:48:40 PM	Tyshawn Ford returned and moved into the gap between the barricades. He was now wearing upper body padding.
8:49:07 PM	Tyshawn Ford and a couple others moved inside the barricades and stood in front of a patrol car.
8:49:14 PM	Officers started moving up closer to the barricades.
8:49:47 PM	Protesters that followed into the gap between the barricades and patrol car locked arms.
8:49:50 PM	Officers moved closer to protesters but the patrol car split them so there was no line.
8:50:00 PM	Chief Lewis arrived and walked up toward the officers.
8:50:00 PM	Tyshawn Ford started yelling and will soon target his yelling at Officer Durrant.
8:51:27 PM	Officers at the upper street closure, S. 68th Place, were speaking with people and not silent like the officers at S. 67th Street.
8:51:42 PM	Officer at the upper location told a marcher that want to talk with him that he was not going to debate her.
8:52:12 PM	Officer Durrant grabbed Tyshawn Ford with other officers following behind.

8:52:16 PM	A tussle ensued and officers ended up on the other side of the barricades. Officers were yelling for people to "back-up" as they tried to help Officer Durrant arrest Ford.
8:52:23 PM	Barricades along the west side of the road are pushed deep into the police line as officers tried to push them back.
8:52:56 PM	A female was pulled out of the pile and back toward the police vehicles.
8:53:24 PM	An officer at the upper barricades (#2) closure was asked why the closure and he explained the issues with Main St and the traffic/speed dangers.
8:53:50 PM	At the upper closure, residents wanting to get to their homes were allowed to walk through.
8:54:12 PM	Officer used Taser in drive-stun to move a male protester away.
8:54:24 PM	Female who had been drive-stunned was yelling hysterical then grabbed an officer's baton.
8:54:28 PM	There was a tug of war over the baton until he released his right hand and struck her with his fist.
8:54:42 PM	Ford was pulled out of the pile toward a patrol car.
8:54:53 PM	Tussle at the barricades began to slow.
8:55:30 PM	Officers began resetting the barricades at S. 67th Street and Dogwood Street.
8:55:41 PM	At the upper barricades, S. 68th Place and Dogwood St. a marcher questioned why the counter protesters are behind the line and she is not allowed. The office responded, "They don't hate all cops."
8:55:58 PM	Lane County Sheriff's Office advised that they had people enroute.
8:57:12 PM	Officer assisted a protester by letting her know the sign she was carrying was upside down.
8:57:28 PM	Barricades were repositioned at location #1 forming a line again.
8:57:26 PM	Eugene PD advised they had 8 officers and a Sgt enroute.
8:58:25 PM	Counter protesters were approximately 100ft behind the officers on S. 68th Street. One of the protesters has a flag on a long pole.
8:58:45 PM	At the 1st barricades the arrestee transport van arrived.
8:59:14 PM	Behind the 1st barricade there was a confrontation between protest supporters videotaping and counter protesters. An officer told them to break it up and back off each other.
8:59:36 PM	A large crowd formed again at the barricades.
9:00:19 PM	A counter protester assaulted a protest supporter behind the police line and an officer is overheard asking, "Can we take him in custody?" The scuffle is broken up by officers.
9:03:45 PM	Crowd at the lower barricade slowly started to thin out. (#1)
9:04:30 PM	Protesters started moving up Dogwood St toward the 2nd barricades.
9:06:28 PM	Officers looked for and found an earring that a protester was looking for behind the first barricades.
9:07:00 PM	Trailer started moving up the hill on Dogwood Street from the 1st barricade toward the 2nd.
9:08:44 PM	Two people walked up to officers at the 2nd barricade and asked to pass through to get home to their children They explained they live a couple houses from the barricade line. They beg to be let through and eventually are allowed.

9:11:05 PM	One of the protesters tell the officers "If we were ... in Portland where I'm from this would have gone a lot different. We don't play in Portland."
9:11:29 PM	Organizers tried to keep the crowd moving and together. But the march stalled for a few minutes on Dogwood.
9:11:42 PM	Trailer passed by the barricade closure at S. 68th Place and Dogwood St. A protester is heard yelling at the police in very graphic language that she was going to sexual assault their wives and daughters.
9:13:26 PM	SPD started taking down the barricades at S. 67th Street and Dogwood. 1st location.
9:15:24 PM	At the 2nd barricades officers allowed a young female through along with a friend to reunite with her mother.
9:15:50 PM	Officers started to leave the 1st barricade location- S. 68th St and Dogwood St.
9:16:24 PM	Organizers tried to move the crowd forward. Trailer started moving but very slowly.
9:18:00 PM	Lane County Sheriff's deputies were observed in the area of the march.
9:18:54 PM	More street confrontations erupt between protesters and counter protesters. As the night got later the confrontations become more intense and physical.
9:21:25 PM	Officer started taking down barricades at the 2nd location.
9:26:25 PM	Radio broadcasted a couple of MMA fighters trying to start fights and are armed with large knives. (Overheard on BWC)
9:31:26 PM	Officers tried to get the counter protesters and others to back up so protesters could leave.
9:33:30 PM	Officers worked to run interference between the two groups.
9:34:58 PM	Female reported to an officer that she was maced and the officer told her she would need to wait.
9:37:54 PM	Confrontations continued all the way back to the park and down S. 69th Pl.
9:41:30 PM	Participants gave officers a can of wasp spray they said they were sprayed with. Officers offered water to wash it off.
9:58:09 PM	SPD started moving traffic along.
9:59:29 PM	Additional units were request at S. 69th Pl and Cascade Dr.
10:00:00 PM	Officers were walking with protesters and trying to clear the street to allow the protest trailer by.
10:01:35 PM	Units were needed at Bluebelle to separate the groups. There was a large group of counter protesters at S. 69th Pl and Bluebelle Way.
10:05:24 PM	Vehicles attempting to leave were backed up on S. 69th Pl.
10:05:46 PM	Report of a female down.
10:06:00 PM	Motor officers stopped traffic from entering onto S 69th Pl from Main St.
10:07:09 PM	Officer separated the crowd as the victim on the ground was attended to.
10:07:34 PM	Officers were lining the street to facilitate smoother traffic flow.
10:13:37 PM	People yelled for everyone to step back to the sidewalk to allow an ambulance by.
10:14:25 PM	Fire Dept arrived.
10:18:45 PM	Ambulance departed.
10:24:00 PM	SPD began to shut down operations.
10:34:51 PM	Most are gone from the area except a small group on Bluebelle.

APPENDIX B

List of Recommendations

Command and Coordination

Recommendation 1.1: The SPD should review/re-train staff regarding the National Incident Management System (NIMS) and the importance of standardized Incident Command System (ICS) implementation.

Recommendation 1.2: The SPD should use ICS beyond crowd management events and incorporate as many of the principles as possible in response to varying levels of emergencies or planned events, so it becomes a regular component of the department's culture.

Recommendation 1.3: The department should consider working with regional and state agencies to utilize the National Qualification System (NQS) to improve response, command, and coordination.

Recommendation 1.4: Unless the situation requires, the Chief of Police should not be the Incident Commander for crowd management events.

Recommendation 1.5: The assigned Incident Commander should be at a location that allows for real time situational awareness without becoming involved in the incident.

Recommendation 1.6: All SPD sworn employees used in non-covert assignments must be clearly identifiable as Police.

Recommendation 1.7: City of Springfield officials should consider participating in ICS training.

Recommendation 1.8: The current Lane County Oregon Law Enforcement Agencies Mutual Aid Agreement was last signed in 1994. The agreement should be reviewed and updated to reflect current standards and signing authorities.

Planning and Preparation

Recommendation 2.1: The department should routinely examine crowd management and critical incident reviews, plan as a department, and work with regional partners for the possibility of similar events.

Recommendation 2.2: The Department should continue to consider ways in which adopting Body Worn Cameras (BWC) or other video technology such as drones or fixed cameras could benefit responses to demonstrations.

Recommendation 2.3: The Department should work with the Lane County District Attorney's Office and Springfield City Prosecutor's Office to better collaborate in advance of and during responses to protests.

Recommendation 2.4: The Department should take immediate and appropriate action in response to criminal acts to protect all persons (e.g., demonstrators, observers, members of the public, law enforcement personnel) and property.

Recommendation 2.5: The department should develop protocols for restricting access behind police barricades while also allowing people with legitimate reasons to pass through.

Recommendation 2.6: The department should review the type and use of barricades for crowd management.

Recommendation 2.7: The department should consider working within the Lane County law enforcement agencies to establish a regional crowd management response team.

Recommendation 2.8: The department needs to identify strategies to better separate protesters from counter protesters.

Recommendation 2.9: The department should expand mobile field force training to all sworn personnel.

Recommendation 2.10: Because responders to a crowd management event or critical incident may be from a variety of agencies, regional training improves performance in a crisis response and should include all disciplines and levels of first responders—both sworn and civilian.

Recommendation 2.11: Dispatchers, those assigned Public Information Officer duties (PIOs) and other relevant responding civilian staff, should be included (or continued to be included) in incident command system (ICS) training.

Recommendation 2.12: Regional public safety partners should plan, train, and exercise unified command for complex incidents. This includes law enforcement, fire, EMS, and emergency management as well as other government and nongovernment agencies as appropriate.

Recommendation 2.13: The Department should review training curriculum to increase the use of Tactical Decision Games⁵³ that challenge participants to successfully resolve problems through quick, effective decision making.

Mental Health, Wellness, and Resilience

Recommendation 3.1: Whenever possible the department should avoid placing employees in situations that may create stresses beyond that of other officers.

Recommendation 3.2: The SPD should designate a Mental Health/Wellness safety officer into their incident command structure and after-action review process.

Communication

Recommendation 4.1: The department should continue to support and assign a tactical dispatcher for the operational needs of the incident commander and consider a mobile command post configuration for the dispatcher to work alongside the incident commander.

⁵³ Tactical Decision Games developed for the military have been used successfully in a variety of professions including law enforcement, fire service, and medicine.

Recommendation 4.2: The department should modify their operational plan goal to read, “Safety and Security for all people, their property, and our Staff.”

Recommendation 4.3: The department should reenforce with field personnel the importance of remaining neutral, fair, and respectful when communicating with all members of the community.

Recommendation 4.4: Continue to develop relationships with local media outlets, which can help to quickly correct misinformation and limit the release of sensitive information.

Recommendation 4.5: The Department should better utilize social media to engage the community and protestors before, during, and after events to disseminate information and correct false reports and erroneous information.

Recommendation 4.6: The department should continue attempts to communicate with protest leaders even when the leaders refuse to communicate.

After-Action Review Process

Recommendation 5.1: Design an AAR process that will complete AARs quickly and thoroughly.

Recommendation 5.2: Develop an organizational culture that embraces honest learning from incidents through AARs.

Recommendation 5.3: The Department should ensure they are incorporating lessons learned from ICS documentation and AARs back into relevant policies, SOPs, and training.

Use of Force

Recommendation 6.1: The Department should adopt policy that requires a review of all uses of force that result in an injury requiring medical attention to the suspect or officer. Additionally, the Department should include the review of any use of force that has increased public interest.

Recommendation 6.2: The Department should implement a separate complaint and use of force reporting and tracking system to replace the current incident reporting process.

Recommendation 6.3: The Department should include in their protest response ICS structure a dedicated supervisor and possible a Lieutenant who are responsible for receiving and investigating all complaints and uses of force.

Recommendation 6.4: Supervisors assigned to conduct administrative interviews should receive updated training in conducting internal Investigations.

Recommendation 6.5: The Department should conduct a thorough review of the internal investigation process to identify shortfalls and opportunities for improvement.

Recommendation 6.6: The Department should conduct a thorough investigation into the force used to take Tyshawn Ford into custody.