

# “Now they seem to just want to hurt us”

Dangerous Use of Crowd-control Weapons against Protestors and Medics in Portland, Oregon

Executive Summary

October 2020





Among the many people injured by police and federal agents in the Portland protests were numerous volunteer medics, who were providing the only accessible care for seriously injured protestors. Their own injuries indicate unlawful use of crowd-control weapons by police and federal agents.

“It is hard not to feel that they are at times deliberately shooting at me. One time I was shot with pepper balls three times. . . . Each of these times they chose to shoot at me and not at somebody else. . . . The tear gas canister that hit me in the head – somebody had to aim that.”

*Chris Wise, volunteer medic*

“I feel that they are targeting people with red crosses and journalists first. . . . I know one medic who has been hit with different projectiles 11 times, all while clearly being marked with a red cross.”

*Joan Garcia,\* volunteer medic*

“I was working as a medic. I was clearly marked . . . bright pink crosses . . . on a white helmet, ‘Medic’ in black sharpie on my backpack, and crosses on both shoulders. I saw that one of the Border Patrol officials was looking right at me and tracking me. . . . I was holding my hands up in the surrender position over my head, saying as loud as I could, ‘I am a medic checking injuries. Don’t shoot.’ But the guy pointed the grenade launcher and shot me with a 40-mm CS canister that hit my left thigh. . . . I turned in pain . . . and they hit me with a rubber bullet on my right lateral thigh.”

*Bill Daniele,\* volunteer medic*

*\*Name changed at interviewee’s request.*

*Cover: Federal agents use a fogging device to disperse chemical agents at close range toward protestors at the fence surrounding the federal courthouse in Portland, Oregon, while other agents fire pepper balls.*

*Photo: Andrew Stanbridge for Physicians for Human Rights*



# Executive Summary



*Federal agents fire tear gas and pepper balls at protestors in Portland, Oregon.  
Photo: Andrew Stanbridge for  
Physicians for Human Rights*

The May 25, 2020, in-custody police killing of George Floyd sparked a wave of public demonstrations across the United States and around the world against police violence and racism. Thousands of residents in Portland, Oregon organized and joined in large demonstrations under the banner Black Lives Matter (BLM). While these demonstrations – many of which took place in front of the Multnomah County Justice Center (“the Justice Center”), the adjacent Mark O. Hatfield Federal Courthouse, and the city parks of Lowndale and Chapman Squares in downtown Portland – were overwhelmingly peaceful, a small minority of protestors set small fires and broke into storefronts.

*“Feds shoot at head-level in a straight line. People have to dive to get out of the way. One friend was shot directly in the abdomen with a tear gas canister. Four to five friends have been badly injured.”*

*Nate Cohen, volunteer medic*

# Executive Summary

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As early as May 29, President Donald Trump made public statements expressing eagerness to send the military to U.S. cities to respond with force to the demonstrations. On June 26, President Trump issued an Executive Order to send federal officers to cities around the country with the stated purpose of protecting monuments, statues, and federal property. On July 1, federal officers emerged for the first time from the boarded-up Portland Federal Courthouse and fired pepper balls at demonstrators. Most officers were clad in either black or camouflage military garb, without clear identification of their agency or their name. Although the demonstrations had dwindled to a couple of hundred people by July 3, the arrival of federal troops reignited the protests. The month of July saw nightly protests of thousands of people being met with massive barrages of tear gas, rubber bullets, and other crowd-control weapons fired by Portland police and federal agents.

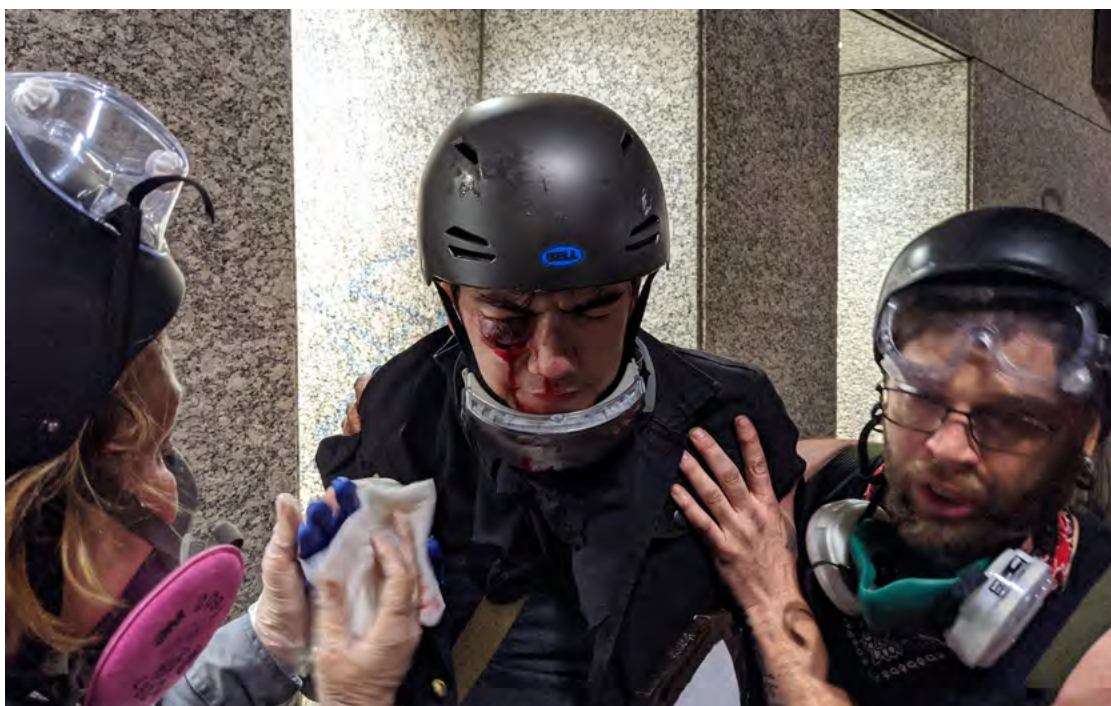
A Physicians for Human Rights (PHR) investigation conducted in Portland, Oregon from July 24 to July 31, 2020 examined evidence of excessive use of force by Portland Police Bureau (PPB) officers and federal agents in July 2020 through a focus on both attacks against volunteer protest medics and the medics' own experiences treating injured protestors. The team also examined whether there was interference with emergency medical assistance and whether, in any cases, medics were specifically targeted. The team interviewed 20 health professionals, former emergency medical technicians (EMTs) and paramedics, and

**“It was a shock to go from handing out hot dogs to hungry people to being shot in the face.”**

*Akitora Ishii, volunteer food server shot in the eye*

other volunteers who regularly worked as medics at the Portland protests in June and July 2020. PHR interviewed in person and conducted targeted medical examinations of four medics who had sustained clinically significant injuries from PPB and/or federal agent use of force. PHR also spoke with three injured medics by phone, each of whom provided photographic documentation of their injuries. PHR interviewed in person and conducted medical examinations of two protestors who sustained injuries during the weekend of July 24-25, and PHR conducted phone interviews with two protestors injured that weekend who provided photographic documentation of their injuries. In addition, PHR spoke with six elected Portland, county, and state officials who had attended the demonstrations, four leaders of Black activist and community organizations coordinating and providing leadership for the demonstrations, and representatives of legal organizations. Finally, PHR interviewed four current paramedics with American Medical Response, Inc. and four Portland Fire Department and county officials in charge of emergency medical response. All interviews were completed between July 25 and August 10, 2020.

*Volunteer food server Akitora Ishii is supported after an impact munition launched by federal agents hit him in the eye.*



Read the full report at [phr.org/Portland](https://phr.org/Portland)





“My head kept getting hit with hard projectiles that made me feel I was being shot with automatic fire. . . . I kept thinking that I couldn’t believe how relentless they were. . . . We were assaulted with gas, pepper balls. . . . Then I knew that they were there to hurt us.”

*Ellen Urbani, protestor shot in the foot*

*Protestors at the fencing encircling the federal courthouse in Portland, Oregon carry umbrellas to protect against munitions as well as to obscure their identities. Some carry leaf blowers to blow tear gas back at law enforcement. Photo: Andrew Stanbridge for Physicians for Human Rights*

This study’s findings provide evidence that PPB officers and federal agents engaged in a consistent pattern of disproportionate and excessive use of force against both protestors and medics over the course of June and July 2020. Medics further reported treating an increasing number of serious injuries among protestors from kinetic impact projectiles (KIPs) following the arrival of federal agents on July 1. Volunteer medics experienced and witnessed indiscriminate attacks by both PPB officers and federal agents. In some cases, medics reported that these attacks appeared to be specifically targeting medics, including the use of tear gas and projectiles. A number of medics sustained serious injuries while providing medical assistance to protestors due to the use of force by PPB officers and federal agents.

PHR also documented that, except for rare reported instances, paramedics affiliated with the PPB and Fire Department did not provide medical care to injured protestors. Furthermore, because the PPB deemed the area unsafe, official ambulances were prevented for much of July from arriving within a perimeter of several blocks outside the downtown protest site to assist and transport injured demonstrators to emergency rooms. This left a gap that civil society had to fill. While there did not appear to be a consistent pattern of law enforcement destruction of medical supplies, there were a few reported incidents.

The U.S. Department of Justice has not developed national guidelines detailing the lawful use of so-called less-lethal weapons, and U.S. Department of Homeland Security (DHS) national policy on use of force also does not contain any detailed guidance related to the lawful use of these weapons.<sup>1</sup>

The 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials has limited mention of “less-lethal” weapons, focusing on the use of firearms. However, the 2020 UN Human Rights Guidance on Less Lethal Weapons in Law Enforcement (“UN Guidance”) provides more detail on how weapons may or may not be used in order to respect the human rights principles of necessity and proportionality and the U.S. government’s obligation to prevent cruel and inhuman treatment.



*Volunteer medics at the Portland protests. Photo: Andrew Stanbridge for Physicians for Human Rights*

# Executive Summary

*continued*



*Deployed to Portland as part of an emergency investigation into the protests, PHR Medical Director Dr. Michele Heisler (far left) and Executive Director Donna McKay (second from left) speak with journalist Nicholas Kristof (center) and with Shelby van Leuven and Michelle Ozaki (right, far right), student volunteer medic coordinators. Photo: Andrew Stanbridge for Physicians for Human Rights*

Potentially unlawful use of these weapons should not be considered to comply with the U.S. constitutional standard of reasonableness, that is, that the use of force is “objectively reasonable” in light of the specific circumstances.<sup>2</sup> When comparing the cases that PHR documented, there were many incidents where potentially unlawful use of “less-lethal” weapons occurred in Portland, including: use of batons on people not engaged in violent behavior; use of chemical irritants without sufficient toxicological information made available for treatment by medical responders; irritant-containing projectiles fired at individuals, including at the head and face; and kinetic projectiles fired at the head and face.

The use of crowd-control weapons against those only passively resisting dispersal was also reported to cause mental pain and suffering to demonstrators, resulting in potential psychological trauma. Such use represents unlawful use of these weapons and may constitute cruel, inhuman, or degrading treatment.

The volume and type of weapons deployed could be expected to require emergency medical attention. Yet, there were no measures to coordinate between the county EMS, city fire

**“I heard a boom and felt something hit my forehead very hard and knock me back while I was linking arms with other moms... I felt my forehead and ... felt the warmth and the blood ... It was right between my eyes.”**

*Kristen Jessie-Uyanik, protestor shot in the head*

department, city police and contracted ambulance service to prevent a gap in services, with the result that civil society had to try to fill this gap. Meanwhile, volunteers seeking to provide assistance were also threatened and attacked by local police and federal forces. The UN Guidance states that when the government is deploying crowd-control weapons in a protest setting, the government is obligated to ensure that protestors have timely access to emergency medical services, including by actively protecting medical personnel, whether they are acting officially or as volunteers. The DHS use of force policy of 2018, which states that medical care should take place “as soon as practicable following a use of force and the end of any perceived public safety threat,” is not in compliance with these international standards and unacceptably increases the health risks for protestors.<sup>3</sup> According to the cases documented by PHR, the government did not actively protect volunteer medics, even those who were clearly marked and offering particular aid for people who had been incapacitated by serious injuries. Moreover, the official ambulance service, when called, was often not allowed to come directly to even seriously injured protestors at the downtown protest site, as the PPB declared the area unsafe.

Many people PHR interviewed believed that the combination of potentially unlawful use of “less-lethal” weapons and failure to ensure and protect emergency medical services discouraged people from attending peaceful assemblies who would otherwise have done so. The repeated use of excessive force escalated tensions between demonstrators and law enforcement. And, to date, law enforcement officials who seriously injured demonstrators with excessive use of force or who have overseen such use have not been held accountable.

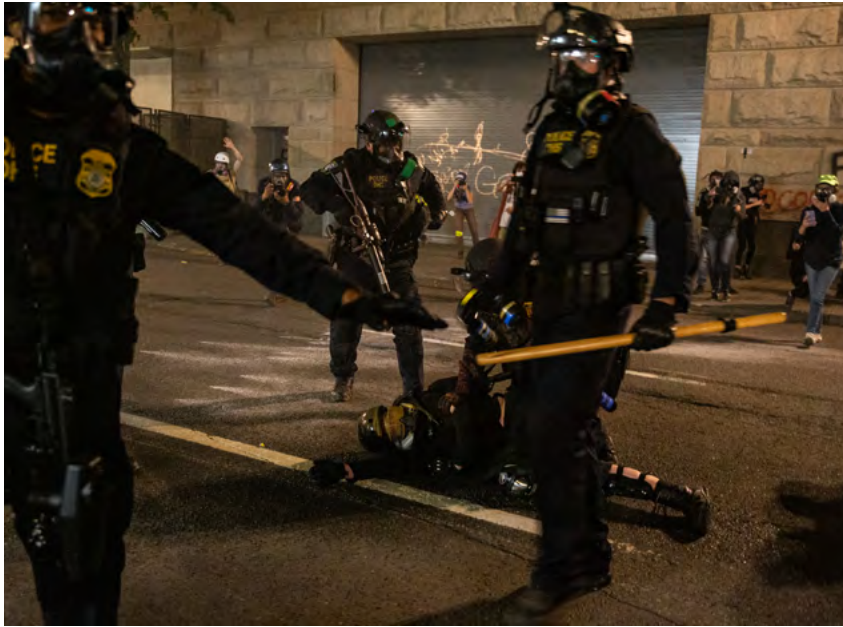


*Federal agents shot protestor Kristen Jessie-Uyanik, a mother of three, directly in the forehead with a projectile as she stood with her arms linked with other moms in front of Portland's Justice Center on July 25.*

*“Now they seem to just want to hurt us”*



# Recommendations



“Federal agents would race after an individual who was not necessarily doing anything ... grab him, turn him over on his back, tear his mask off, and spray mace in his face.”

*Izzy Landis,\* volunteer medic*

*Federal agents from the Department of Homeland Security pepper spray and detain a protestor who had been kneeling peacefully on the street. The protestor was then dragged into the federal courthouse. Photo: Andrew Stanbridge for Physicians for Human Rights*

## **To the U.S. Congress:**

- Adopt legislation amending the federal civil rights statute to allow prosecution of any officer who willfully kills or causes bodily harm to a person through the use of force during a response to a protest, and consider additional legislation clearly setting out the responsibilities of federal, state, and local officials to facilitate peaceful assemblies and to protect protestors in accordance with international standards;
- Adopt The Department of Homeland Security Office of Civil Rights and Civil Liberties [CRCL] Authorization Act of 2020 (HR 4713), which expands the duties of the CRCL to conduct impact assessments, initiate reviews and investigations, and be more transparent with affected communities and with the DHS Office of the Inspector General and Congress;
- Increase the accountability of government personnel by approving the House Ending Qualified Immunity Act, which eliminates the defense of qualified immunity in civil actions for deprivation of constitutional rights;
- Hold formal hearings to investigate excessive use of force by federal law enforcement officials and interference in medical access in Portland;
- Adopt legislation which requires federal law enforcement officers to use de-escalation techniques prior to use of force, to wear body cameras and use dashboard cameras, and to clearly identify their agencies and names;
- Condition federal funds for state and local law enforcement agencies on use of de-escalation techniques, dashboard and body cameras, and clear identification, as well as elimination of tactics which are likely to cause injury;
- Require that the Department of Justice (DOJ) collect and make public information on police use of force from all U.S. states, and require state and local law enforcement agencies to provide this information to the DOJ.

## **To the Department of Justice:**

- Review and revise DOJ guidelines to law enforcement agencies on the policing of protests, including protection of emergency medical services for protestors and bystanders;
- Gather and publish timely information on police use of force aggregated from state and local law enforcement, and advise local and state law enforcement in the collection of this data;
- Develop national guidelines on the use of tear gas and kinetic impact projectiles (KIPs) to ensure that these weapons are used in accordance with international human rights law. Such guidance should conform to PHR's recommendation that KIPs never be used for crowd control.
- Ensure impartial, timely investigations of all allegations of unlawful use of force by law enforcement.

## **To the Department of Homeland Security:**

- Never deploy federal law enforcement without the consent or against the wishes of municipal, county, and state officials, except in exceptional circumstances to protect individuals' constitutional rights;
- Rigorously evaluate all use of force policies and practices for negative impact on health, including through consultations with independent medical experts;
- Provide training for any federal agent involved in crowd control on best practices in de-escalation, mediation, and other crowd-control measures, as well as human rights standards for facilitating protests, lawful use of force and of crowd-control weapons, and the necessity to ensure access to emergency medical services for those affected by use of force;
- Ensure the independence and timeliness of internal investigations into allegations of human rights violations by Department of Homeland Security (DHS) employees;
- Provide the DOJ with data about all instances of use of force by DHS employees, including deployment of crowd-control weapons.

# Recommendations

*continued*

## **To the Oregon Attorney General's Office:**

- Conduct effective and impartial investigations into excessive use of force against protestors and the targeting of protest medics by state, local, and federal law enforcement officers, in collaboration with affected communities and community organizations, and bring the full force of the law to bear in ensuring accountability.

## **To Multnomah County EMS and Portland Fire Department:**

- Coordinate local and county resources to ensure that there is ready access to emergency services near the injury site, since protest organizers should not be required to establish their own medical services;
- Coordinate with volunteers from civil society, such as medics providing assistance in protests, regarding preventative measures, treatment, and transfer of patients;
- Request that city, police, contracted ambulance services, and other stakeholders coordinate regarding creating a safe zone directly adjacent to the protest area where medical personnel have safe access to attend to any injured person or persons, whether they are acting officially or voluntarily, and provide a safe way to transfer patients from the protest area to the safe medical area.

## **To the City Government of Portland:**

- Establish an official oversight body of lawyers and others empowered to patrol and observe demonstrations and report to the City Council and police oversight board. Official ongoing monitoring at protests is essential;
- Create a safe zone very near to the protest area where medical personnel have safe access to attend to anyone injured, whether they are acting officially or as volunteers, and create a safe way to transfer patients from the protest area to the safe medical area;

- If approved by protest organizers and in communication with them, deploy police medics to provide treatment to anyone injured, including protestors and bystanders, and allow ambulances and protest medics to provide care to injured people;
- Facilitate effective citizen oversight and accountability through empowering a truly independent and funded citizen oversight board, building on the lessons learned of the 11-member voluntary police oversight body created in 2001;
- Prohibit police tactics and techniques which create a risk of serious injury or death, including the use of kinetic impact projectiles and "kettling," or containing protestors, unless absolutely necessary to prevent serious injury or death;
- Release reports on police use of force which explain in each instance why the use of force was necessary and proportionate for every deployment of crowd-control weapons or firearms and which measures were taken to ensure access to emergency medical services; require body and dashboard cameras and clear identification of names, and facilitate an independent review process accessible to people who have been subject to use of force;
- Review and revise the training provided to the Portland Police Bureau, ensuring that it includes thorough training on the lawful use of force and firearms, de-escalation techniques, and rights-respecting crowd management;

## **To Relevant UN Bodies:**

- The United Nations Special Rapporteur on the freedoms of peaceful assembly and of association, and other relevant UN Special Procedures mandate holders should request a visit to the United States to investigate and report local and federal law enforcement actions during the protests in Portland, Oregon;
- The UN Human Rights Council should remain apprised of the situation in the United States and continue to monitor and discuss human rights violations in the context of U.S. policing and the right to peaceful assembly.

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## Endnotes

1. United States Department of Homeland Security, "Policy Statement 044-05: Department Policy on the Use of Force," Sep. 7, 2018, [dhs.gov/sites/default/files/publications/mgmt/law-enforcement/mgmt-dir\\_044-05-department-policy-on-the-use-of-force.pdf](https://dhs.gov/sites/default/files/publications/mgmt/law-enforcement/mgmt-dir_044-05-department-policy-on-the-use-of-force.pdf).
2. *Graham v. Connor*, 490 U.S. 386 (1989); *Tennessee v. Garner*, 471 U.S. 1 (1985).
3. United States Department of Homeland Security, "Policy Statement 044-05: Department Policy on the Use of Force."



Physicians for  
Human Rights

For more than 30 years, Physicians for Human Rights (PHR) has used science and the uniquely credible voices of medical professionals to document and call attention to severe human rights violations around the world. PHR, which shared in the Nobel Peace Prize for its work to end the scourge of land mines, uses its investigations and expertise to advocate for persecuted health workers and facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.



Shared in the 1997  
Nobel Peace Prize