

FORT LAUDERDALE POLICE DEPARTMENT

DATE: February 23, 2021
TO: Patrick Lynn / Interim Chief of Police
FROM: Luis Alvarez / Assistant Chief – Investigations Bureau 
SUBJECT: Internal Affairs Case No. 20-045 - Detective Eliezer Ramos (CCN #1831)

After careful review of the evidence and testimony in the above captioned investigation, I concur with the findings of Acting Captain David Cortes that the allegation Detective Eliezer Ramos violated the following Fort Lauderdale Police Department policies are **exonerated**:

118 E 15 (d) *"Careless or reckless use of a firearm, baton, or other weapon."*

118 E 15 (e) *"Unnecessary use of force."*

LA/np

I CONCUR
I.C.  2/24/21

FORT LAUDERDALE POLICE DEPARTMENT

DATE: February 22, 2021
TO: Interim Chief Patrick Lynn/Office of the Chief
FROM: Acting Captain David Cortes/Office of Internal Affairs *A/Captain David Cortes *1374*
SUBJECT: Internal Affairs Case No. 20-045
Detective Eliezer Ramos (CCN# 1831)

After careful review of the evidence and testimony in the captioned investigation, I have determined the charges against Detective Eliezer Ramos for violations of Fort Lauderdale Police Department (FLPD) Policy 118 E 15 (d): *"Careless or reckless use of a firearm, baton, or other weapon."* and 118 E 15 (e): *"Unnecessary use of force."* are **Exonerated**.

On May 31, 2020, a large protest occurred within the jurisdictional boundaries of the City of Fort Lauderdale. Attendees marched to and from a variety of locations to include the Broward Sheriff's Office Main Jail and the Fort Lauderdale Police Station. The over 2000 participants, engaged in an overwhelmingly peaceful event. Officers' accounts and video evidence demonstrated many of the protesters were policing and cleaning up after themselves. FLPD provided security and traffic direction for the safety of all involved through the entirety of the initial event. Conversely, evidence exists that within the peaceful protest there were individuals with the intent to engage law enforcement, in the hopes of eliciting a response and causing harm to persons and property.

At approximately 6:40 PM, the original event concluded at Huizenga Plaza, located in the downtown section of the City. Multiple officers' witness accounts and video evidence indicate subsequent to the event's conclusion, individuals began arriving on scene or made their presence known. These individuals began engaging law enforcement by surrounding their vehicles and throwing projectiles at officers.

While engaged in traffic direction duties, Detective Stylianee Hayes was operating an unmarked police vehicle with its emergency lights activated. At 6:50 PM, Detective Hayes requested officer assistance, as protesters surrounded her vehicle and started to strike it with their hands and feet, thus trapping and isolating her. Responding units that arrived on scene, also fell under physical and verbal attacks from protesters. One of the responding officer's marked police unit's window was smashed by protestors, while she was still inside.

Detective Hayes' plea for assistance prompted the Special Weapons and Tactics (SWAT) Team's Quick Reaction Force (QRF) to respond to her location at SE 1st Avenue and SE 2nd Street. Upon their arrival, they too were besieged by a variety of projectiles. Approximately one block away, additional officers were surrounded, while inside their vehicles, by protestors and were threatened with violence. Due to the size of the crowd and their aggressive actions, a request for the Mobile Field Force to respond to the location was made.

Due to real-time observations, SWAT operators deployed gas munitions to disperse the crowd and assist in the extrication of Detective Hayes. Upon the Mobile Field Force's arrival, a line was formed on the west side of the downtown parking garage. Detective Ramos stayed with the Mobile Field Force in a SWAT capacity, to provide protection to the line via his less lethal weapon. At the time, Detective Ramos was equipped with a Department issued Def-Tech 40mm less lethal single launcher, and directed to address individuals who attempted to cause harm to fellow officers and/or peaceful protestors.

Numerous officer witness accounts, along with Body Worn Camera (BWC) and social media footage depicted several protestors picking up deployed gas canisters and hurling them back towards the field force. Per the manufactures warnings, these items are for law enforcement use only, and improper utilization by untrained individuals could lead to serious bodily harm or death.

The investigation revealed Detective Ramos observed a subject moving towards a canister recently deployed by SWAT, which was still venting its contents. Based on the subject's actions, Detective Ramos targeted the subject and utilized his 40mm less lethal weapon to address the perceived threat. Simultaneously, Ms. LaToya Ratlieff crossed directly within the deployed munitions path of travel. The 40mm eXact iMPact sponge baton round struck Ms. Ratlieff in the head, causing her to immediately fall to the ground. Nearby civilians rallied around Ms. Ratlieff in an attempt to offer assistance. Department personnel who observed the event immediately began to request verbally and through physical gestures, for Ms. Ratlieff to be brought to them, so aid could be rendered. Ms. Ratlieff was ultimately removed from the scene by civilians and transported to Broward Health Medical Center.

During the course of this investigation an exhaustive review of available videos, sworn written and verbal testimonies was conducted. Documentation included both still images and video footage from various sources, written accounts, and open source/media accounts. Due to the large scale activation of agency personnel, which included many of the agency's in house use of force trainers, and to further foster transparency and objectivity, an independent Use of Force (UoF) expert was retained to assist in the review of this matter. The expert was provided the aforementioned investigatory items. After his examination of the evidence, the expert opined that Detective Ramos' deployment of the less lethal weapon was justified by applicable law, industry standards, and Departmental policy. The expert also opined that although Ms. Ratlieff was unfortunately struck, the deployment of the less lethal weapon was not done so in a reckless manner. As the expert noted the event was chaotic. Detective Ramos deployed the weapon towards an individual who was throwing a dangerous object towards officers. He identified the threat and took into consideration a concrete wall behind his target which provided a backdrop if the projectile went astray. Based on studies cited by the expert, due to the human reactionary gap, it takes time to observe, orientate, decide and act. Detective Ramos observed the threat and reacted to it. As noted, "Although this reactionary gap is short, everything that is in movement can change position during the gap." Although it is clear Ms. Ratlieff was struck by a foam baton projectile deployed by Detective Ramos, evidence confirms she was not the intended target.

***Note: This case was tolled from May 31, 2020 through August 31, 2020, in accordance with F.S.S. 112.532 due to Florida's COVID-19 declared state of emergency.

**FORT LAUDERDALE POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT REPORT FORM
INTERNAL AFFAIRS CASE 20-045**

Complainant: Interim Chief Patrick Lynn Telephone: 954-828-5591
Address: 1300 West Broward Boulevard, Fort Lauderdale, FL 33312
Location of Occurrence: Southeast 1 Avenue at Southeast 2 Street, Fort Lauderdale, FL 33301
Date of Occurrence: May 31, 2020 Date Reported: May 31, 2020
Personnel: Detective Eliezer C. Ramos CCN: 1831 Assignment: INV / ROC / Mids
Personnel: _____ CCN: _____ Assignment: _____
Report Number(s): 34-2005-085530, 34-2005-085604, 34-2006-085906 Case Category: 1

Allegation(s):

Detective: Eliezer Ramos

Review of Fort Lauderdale Police Department Policy:

1. Policy 118 E 15 (d) - "Careless or reckless use of a firearm, baton, or other weapon."

Sustained___ Not Sustained___ Exonerated X Unfounded___ Policy Failure___


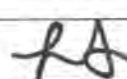
2. Policy 118 E 15 (e) - "Unnecessary use of force"

Sustained___ Not Sustained___ Exonerated X Unfounded___ Policy Failure___


Investigated by:
SERGEANT Herns Eugene (CCN 1796)


Reviewed by:
Acting Captain David Cortes (CCN 1376)

STAFF REVIEW: I concur with the Internal Affairs finding:

Police Chief  Date 2/24/21
Assistant Chief LUIS ALVAREZ  Date 2.23.21

I do not concur with the Internal Affairs finding. Attached is a separate memo with my recommendation(s)

Date _____

**FLA LAUDERDALE POLICE DEPARTMENT
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Summary of Complaint

On May 31, 2020, a large demonstration was planned to occur in the City of Lauderhill, Florida. The Fort Lauderdale Police Real Time Crime Center (RTCC) became aware the previously planned event in Lauderhill had been abruptly moved to Huizenga Plaza (32 East Las Olas Blvd) in the City of Fort Lauderdale. As a result, FLPD personnel began to plan accordingly. Within minutes of receiving the aforementioned information, several protestors started arriving at Huizenga Plaza. The event was projected to be attended by over 2,000 participants.

Fort Lauderdale Police Department (FLPD) personnel provided security and traffic control for the protestors as they marched from Huizenga Plaza to various parts of the City of Fort Lauderdale and back to Huizenga Plaza. At approximately 6:40 P.M., leaders of the protest gave their final words and concluded the event. As the peaceful protest concluded at Huizenga Plaza, protestors began to leave the area while a few officers stood by. On separate occasions, groups of protestors surrounded FLPD officers' vehicles, preventing the officers from safely departing the area and vandalized their vehicles. FLPD officers responded to assist the trapped officers. The officers were safely extracted from the area, but a group of violent protestors remained.

A field force line of FLPD officers was established, but did not initially engage the violent protestors. However, as time went on, a growing number of protestors became disruptive and engaged in violent behavior towards police by throwing projectiles (rocks, pieces of brick and concrete, bottles filled with unknown liquids, and fireworks) which struck numerous field force officers. FLPD Special Weapons and Tactics (SWAT) members attempted to disperse the crowd of violent protestors by deploying various crowd control deterrents, which several of the protestors picked up and threw back at the field force officers and SWAT members.

Select SWAT members assigned to the field force line were equipped with Department issued and approved less-lethal devices. The intended purposes of these devices is to deploy foam less-lethal munitions and chemical munitions targeting violent protestors engaged in felonious activity. At one point during the event, SWAT member Detective Eliezer Ramos observed a violent offender pick up a recently deployed SWAT chemical munition canister off the floor and throw it back at the field force officers. Detective Ramos attempted to address the aforementioned subject, however Ms. LaToya Ratlieff was struck in the face by the less-lethal direct impact round, causing her to be injured and fall to the ground. The Office of Internal Affairs (IA) was tasked with investigating if SWAT Detective Ramos use of the less-lethal launcher violated Department Policies and Procedures.

Facts of the Investigation

On September 1, 2020, Sergeant HERNANDEZ Eugene was assigned this case to investigate. Prior to Sergeant Eugene being assigned this case, Sergeants Luan Malushi, Jeffrey Newman, and James McDowell were the lead investigators at various times between the dates of May 31, 2020 and September 1, 2020. It should be noted this case was tolled from May 31, 2020 through August 31, 2020, in accordance with F.S.S. 112.532 due to Florida's COVID-19 declared state of emergency.

The case file included the following items:

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➤ Sworn Police Reports (Case numbers 34-2005-085530, 34-2005-085604, and 34-2006-085906)
➤ Telestaff Roster for May 31, 2020
➤ Broward Sheriff's Office Incident Detail sheet
➤ Field Force Roster
➤ Correspondence emails/letters
➤ Various media exhibits on the incident

As part of the investigation, the following items were reviewed:

➤ Sworn Police Reports (Case numbers 34-2005-085530, 34-2005-085604, and 34-2006-085906) from FLPD personnel detailing their involvement
➤ Telestaff Roster for May 31, 2020
➤ Broward Sheriff's Office Incident Detail Sheet
➤ Field Force Roster
➤ Correspondence emails/letters
➤ Authorized Less-Lethal Weapons Policy 113
➤ Rules of Conduct Policy 118
➤ Response To Resistance Policy 119.1
➤ Response To Resistance Policy – Reporting, Evaluation, and Investigation 119.3
➤ SWAT Standard Operating Procedures (SOP)
➤ "FLPD PROTEST BREAKDOWN"
➤ Broward Sheriff's Office (BSO) Communications "Dispatch" audio
➤ Various media exhibits on the incident
➤ Body Worn Camera (BWC) footage of multiple officers
➤ Product specifications for the Def-Tech 40mm less-lethal Single Launcher
➤ Product specifications for the 40mm less-lethal direct impact round
➤ Field Force Powerpoint Training for the FLPD
➤ 2019-2020 FLPD SWAT weapons qualifications

On May 31, 2020, a large demonstration was planned to occur in the City of Lauderhill, Florida. At the last minute, promoters relocated the event to Huizenga Plaza (32 East Las Olas Boulevard, Fort Lauderdale, FL) which is located in the downtown Fort Lauderdale area. The event was scheduled from 3 PM - 6 PM and involved thousands of demonstrators. The protestors marched to the Fort Lauderdale Police Department (1300 West Broward Boulevard), Broward Sheriff's Office Main Jail (555 Southeast 1st Avenue), and back to Huizenga Plaza without incident. FLPD personnel coordinated and assisted in blocking vehicular traffic and intersections to facilitate the safety of pedestrian demonstrators and vehicle occupants. At approximately 6:40 PM, the organizers of the protest concluded the event at Huizenga Plaza and announced to the protestors the event was finished.

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There were very few officers assigned to the area surrounding Huizenga Plaza and the parking garage located at 150 SE 2nd Street, due to the hasty change in venues. Detective Stylianee Hayes was inside her unmarked Toyota Camry with her emergency red and blue lights activated facing westbound on Southeast 2nd Street. Detective Hayes was blocking thru traffic from entering the pedestrians' path and facilitating a safe exit route for protestors. A crowd of protestors surrounded her vehicle as she sat in the driver's seat, preventing her from departing. Protestors then proceeded to pound their fists on her police vehicle and jumped on the trunk. At approximately 6:50:51 PM, Detective Hayes found herself isolated between approximately fifty (50) protestors and civilian vehicles. The following is a chronology of the radio transmissions from Detective Hayes (Identified as "46"), as the demonstrators surrounded her police vehicle and the request for an emergency backup:

Time	"Dispatch" Minute	Transmission
1850:51	02:08:41	I'M STUCK IN HERE SEND ME A FEW MORE UNITS PLEASE THEY'RE STARTING TO SURROUND MY CAR
1850:59	02:08:49	SEND ME UNITS PLEASE
1851:02	02:08:53	2 STREET I'M COMPLETELY SURROUNDED
1851:07	02:08:57	THEY'RE JUMPING ON MY CAR SEND ME UNITS

Detective Hayes' sworn police report (34-2006-085906), stated she was trapped with a hostile crowd intending to harm her and she believed her life was in imminent danger. She requested an emergency backup.

During this same time, Sergeant Nicole Graves was responding to Detective Hayes' call for assistance when she also became surrounded in her police vehicle by the crowd of protestors in the area of Southeast 1st Avenue and Southeast 1st Street. The protestors prevented Sergeant Graves from moving her police vehicle forward or reverse, causing her to be trapped. While blocked in, Sergeant Graves reported items being thrown at her police vehicle and the shattering of her rear passenger side window. Photographs of the damage to Sergeant Graves' police vehicle have been included in the exhibit section. The following is the radio transmission from Sergeant Graves (Identified as "35") as she's responding to Detective Hayes:

Time	"Dispatch" Minute	Transmission
1851:46	02:09:13	I JUST HAD A PROTESTOR THROW SOMETHING AT MY VEHICLE
1856:13	02:13:20	I WAS ABLE TO GET OUT HOWEVER I HAVE A SHATTERED BACK WINDOW

Sergeant Graves' sworn police report (34-2005-085530) stated she was in imminent fear for her safety as the circumstances around her escalated. Additionally, two officers parked near the 100 block of Southeast 1st Avenue, advised over the police radio they too were being surrounded and

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reported objects striking their police vehicles while trapped inside. The following is the radio transmission of Officer Theodore Levin:

Time	"Dispatch" Minute	Transmission
1854:06	02:11:13	THEY'RE SURROUNDING OUR CAR RIGHT HERE ON THE SIDE OF THE MUSEUM. MYSELF AND KYLE WE'RE SURROUNDED. THEY'RE THROWING BOTTLES

Officer Levin's sworn police report (34-2005-085530), stated a large crowd surrounded his police vehicle on all four sides and became aggressive by striking his police vehicle. Officer Levin further stated, the protestors attempted to open his vehicle doors by pulling on his door handles and were yelling, *"fuck the police, you want to kill me get out the truck and I'll show you who will get killed."* Officer Kyle Jackson also mentioned in his sworn police report (34-2005-085530) his police vehicle was surrounded by protestors.

Based on the aforementioned, SWAT members and patrol officers responded to assist the trapped officers. As the officers arrived, the crowd surrounding Sergeant Graves dispersed and she was able to safely exit the area in her police vehicle. Officers Levin and Jackson were also able to safely maneuver their police vehicles away from the crowd initially surrounding their police vehicles. The crowd surrounding Detective Hayes' police vehicle also retreated, allowing her to exit her police vehicle. As Detective Hayes was being escorted to a place of safety, she was struck in the head with a bottle. Several officers noted on their sworn police reports (34-2005-085530), being hit with projectiles (rocks, pieces of brick and concrete, bottles filled with unknown liquids and explosives) which were thrown from protestors at the intersection of Southeast 1st Avenue and Southeast 2nd Street.

At approximately 06:58 P.M., FLPD established a field force line of officers to join SWAT members at the intersection of Southeast 1st Avenue and Southeast 2nd Street, due to the violent behavior of several protestors who remained on scene. Several protestors continued to throw projectiles, striking numerous officers. In response, SWAT members deployed chemical munitions to deter the behavior of the violent protestors in the crowd. Some of the protestors picked up the recently deployed SWAT chemical munitions and threw them back at the field force officers. In response, SWAT members equipped with 40mm less-lethal launchers engaged those agitators who were attacking the officers with projectiles. SWAT members deployed less-lethal rounds at violent offenders who were throwing projectiles towards the field force line.

A review of several officers' Body Worn Cameras (BWCs), showed one particular violent individual out in the crowd. The unidentified black male subject is observed wearing a white shirt with the writing "GUESS" on the front and white basketball shorts. The unidentified black male subject picked up one of the recently deployed SWAT chemical munitions and threw it back at the field force line. It should be noted, in an attempt to identify the aforementioned black male subject, IA requested the assistance of the Threat Response Unit (TRU) to locate said subject. On January 4, 2021, Detective Robert Mauro advised attempts to locate the subject were unsuccessful. According to SWAT member Detective Ramos' sworn police report and statement to IA, he observed the unidentified black male subject throw the recently deployed SWAT chemical munition towards the field force line. This caused Detective Ramos to engage the

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subject in an effort to address the threat to fellow officers. Detective Ramos was equipped with a 40mm less-lethal single launcher and pointed the launcher at the black male subject who was approximately 25-30 feet away. Detective Ramos deployed a less-lethal direct impact round at the subject, targeting the subject's mid-section with the intent to strike and discourage the subject from continuing with his violent behavior. As Detective Ramos deployed his less-lethal direct impact round, a female later identified as Ms. Ratlieff, was walking in the same direction as Detective Ramos' intended target and was struck by the direct impact round from Detective Ramos' less-lethal launcher.

A review of various videos capturing the aforementioned incident, showed Ms. Ratlieff wearing a pink backpack bending over and coughing near the northwest corner of Southeast 1st Avenue and Southeast 2nd Street. An unidentified woman grabbed Ms. Ratlieff's hand and they began to walk north on Southeast 1st Avenue. As the unidentified woman was leading Ms. Ratlieff, the recently deployed less-lethal direct impact round from Detective Ramos' less-lethal launcher made contact with Ms. Ratlieff's face, subsequently causing her to fall to the ground. SWAT members immediately attempted to make contact through verbal instructions for Ms. Ratlieff to be brought to the field force line and also gave visual cues with their hands, by motioning for Ms. Ratlieff to be brought towards them. Several unknown protestors gathered Ms. Ratlieff off the ground and walked her away from the scene.

On June 2, 2020, Miami Herald reporter Nicholas Nehamas posted an article titled, *"They ignited the situation": Fort Lauderdale police cracked the skull of a peaceful protester.* The article included a recorded interview with Ms. Ratlieff, where she stated:

"I knew I was hit with something and I didn't know if I was possibly hit with like you said maybe someone was throwing something and I got hit with it and I didn't realize because after I was hit, it just, things kind of slowed down and I saw people running around me frantic and I fell to the ground but it wasn't until people started to try to lift me up and I saw there was pools of blood on the ground and people were saying, 'she's been shot, she's been shot.' So even in that, in the midst of that, I'm still not really understanding....."

The article also mentioned, Miami Herald reporters witnessed the incident involving Ms. Ratlieff.

On June 3, 2020, Sergeant Malushi from the Office of Internal Affairs called Mr. Nehamas and requested a statement or cooperation in this matter. Mr. Nehamas told Sergeant Malushi, *"It is the policy of the Miami Herald not to give statements to law enforcement or cooperate in any investigation."*

On June 3, 2020, the FLPD Public Information Office (PIO) sent a message to Ms. Ratlieff's Facebook account. FLPD PIO asked Ms. Ratlieff to contact Sergeant Malushi in reference to the May 31, 2020, incident involving herself and Detective Ramos. The message contained Sergeant Malushi direct phone number and his email address where he could be reached. The message also included the following statement:

"The Fort Lauderdale Police Department encourages citizens to bring forth legitimate complaints regarding inadequate police service or misconduct by employees of this Department, and we endeavor to investigate objectively and

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take corrective action when appropriate. Please be assured of our continuing effort to provide the best police service possible to every member of the community."

On June 3, 2020, then Police Chief Rick Maglione, under the Fort Lauderdale Police Twitter handle, posted a video requesting for any individual with information in reference to the May 31, 2020, incident involving Ms. Ratlieff, to contact the Office of Internal Affairs. The Twitter post also included a link for individuals to upload video/photos to FLPD's Axon evidence citizen link. The following is a transcribed version of Police Chief Maglione's request on the Twitter social media platform:

"Good evening. This is Fort Lauderdale Police Chief Rick Maglione. We are asking anyone who has cell phone video or images of the protest Sunday night, in which a protestor says she was injured, to share it with us at Internal Affairs. So we could get to the truth about what happened. Our police department is committed to a full, fair, and fact based investigation. The law calls for the rights of all to be respected and protected as we seek the truth. If you like you may submit your images and videos without giving your name. However our team of investigators would like to speak with you to verify the authenticity of what you've sent us and to get additional information that would be helpful in getting an accurate picture of exactly what happened. I'm making this appeal on social media because this is where so many of you have been posting images and expressing your opinions. I want you to know we hear you. We are committed to the truth. Law enforcement respects your right to peacefully protest, but we will not condone violence. We as a society are better than that. Violence is never the answer."

On June 7, 2020, WPLG (Local 10) posted a Youtube video to their channel titled "This Week in South Florida Full Episode: June 7." Part of the video included a virtual interview with Ms. Ratlieff. The following are excerpts Ms. Ratlieff made on the video:

"The protest was closing out and everyone was leaving. I was – I actually just had just gotten separated from my friend. And in order to get to my car, I had to walk in the direction of where the parking garage is located. And during that time I noticed that several individuals in the crowd were becoming more and more agitated. That the crowd had shifted from kind of the peaceful environment that had been for the last three hours. And there was one individual that was walking around and trying to calm everyone down. And for me, you know I saw this solo guy who's who trying to help control a protest you know. And there's probably a hundred and fifty individuals that were in the area that I was. So I joined in to help him. You know eventually after a few other people joined in we were able to get the crowd calmed down again. And at that time he suggested lets just stand here, lets kneel here, and let the police know that you know were not here for violence, were not here to agitate you. Were just here for in order for our voices to be heard. And after you know we were kneeling, there was still bullets being randomly shot out into the crowd. And of course everyone became agitated again and that's when the tear gas started. And within you know

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moments the tear gas became overwhelming and for me you know I was disoriented. I wanted to move away from the crowd in order to try and catch my breath. Because I was coughing and I was vomiting. And a woman came over to help me. And as she was coming around and we were face to face, she was trying to help me off the curve. It may have been a second and I was shot and hit the ground."

In addition Ms. Ratlieff stated the following:

".....I'm really not comfortable with calling it a foam baton. I like using the term and I think it's appropriate to use the term rubber bullet. Simply because when I think of foam baton, I think of the Nerf guns that I play with -- with my nephew. You know and there's no way that's a Nerf gun, a bullet from a Nerf gun is going to cause a fracture and twenty stitches is what you know -- that's what happened to me."

In addition Ms. Ratlieff stated the following:

"...I don't think this is the act of a solo officer. I think it's important to understand what were the guidelines that they were given prior to coming to the protest. I think we need to understand what type -- what's the leadership, what were they told and why you know after people had calmed down -- why after the crowd you know we were kneeling. We weren't, there wasn't any possibility that anyone could you know effect or do anything to the officers. Why would this still happen. So for me I don't want to focus on one officer, I want to focus on the entire department and understanding why did this happen. What were they told before they came and arrived at the event."

On June 8, 2020, Cable News Network (CNN) Alisyn Camerota conducted an virtual interview with Ms. Ratlieff in reference to the May 31, 2020, protest. The following are excerpts from statements Ms. Ratlieff made to Ms. Camerota:

"I went to the protest on Saturday in Miami and it was an amazing event. There were so many people there from every race and ethnicity. And it was a wonderful time, that's why I wanted to be a part of it on Sunday. And even for the first three and a half hours of the event, there were no issues."

In addition Ms. Ratlieff stated the following:

"I think the turn of the event, I think it had something to do with an officer that shoved a girl that was kneeling on the ground and that took the crowd from the very peaceful event that had taken place for most of the day to a bit of an agitation. And you know -- when we -- I was walking to go home and I saw that the crowd there was some commotion you know people were very visible frustrated. That's when there was an individual that was walking around getting everyone to relax, so I joined in with him. Cause you have this one person and how many hundreds of people. And we want to make sure the message of this event is not overshadowed by anything else. So we were able to get everyone

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to relax and everyone to calm down. But even after that, the cop – there were still bullets, random foam bullets being shot out into the crowd, we were being tear gassed. And eventually it was too much and that's when the crowd disburse and that's when I went in the corner. And there was a moment where a woman came over to help me and to provide aid and within a second, I was shot by a Fort Lauderdale Police officer."

In addition Ms. Ratlieff stated the following:

"I look forward to speaking with them. I look forward to speaking with them and understanding why after I was shot and laying on the ground, not a single officer rendered aid. I would like to understand why there wasn't a warning before they started to tear gas and continued to shoot rubber bullets out into the crowd. I've been contacted from the Internal Affairs Department but at that time, I was still recovering."

On June 10, 2020, WSVN (7 News Miami) posted an article titled, *"New video shows different view of woman getting struck by rubber bullet at Fort Lauderdale protest."* The article authored by Mr. Brandon Beyer included a recorded interview with Ms. Ratlieff. A few seconds into the footage, Mr. Beyer introduces the video by stating, *"...two views really. We see the one moment the woman was struck and then we see another angle. Also from Twitter where it looks like she may not have been the intended target."* The following are excerpts Ms. Ratlieff made on the video:

"My eye actually started to open earlier this week, or probably around this week, I'm sorry, but it's still barely – I can't focus. If I try to use, utilize my right eye, I can't see anything. The vision is very blurry."

In addition Ms. Ratlieff stated the following:

"...and that took the crowd from the very peaceful event that had taken place for most of the day to a bit of an agitation. I want the Fort Lauderdale Police Department to be held accountable. I think it's important that there are some reforms that are put in place, so that something like this can never happen again."

On June 16, 2020, Associated Press reporter Kelli Kennedy posted an article titled, *"Protester hit in face by police rubber bullet wants answers."* The article included a recorded interview with Ms. Ratlieff, where she stated:

"As we were kneeling and as we were just there being peaceful and you know still continuing to voice our concern over what was hit – what is taking place in the country. They tear gassed us and there was no warning. There wasn't any – there wasn't the opportunity to leave the area. So because of the tear gas, I had to eventually move into the corner because I couldn't breath and I was very disoriented. And there was a woman that came and offered to help me. And as she was she was coming around the curve, her and I were face to face. I was shot within seconds and I hit the ground."

In addition Ms. Ratlieff stated the following:

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"I just still didn't want to think that the police did that. And I remember getting home that night and taking the picture and saying, 'you know I'm going to keep this and maybe I'll post this tomorrow after I have more information.' And after I got more information, I realized that, it was a, there was so much emotional pain in that Monday. I remember crying."

On June 27, 2020, then Chief Maglione at the time, under the Fort Lauderdale Police Twitter handle, posted a statement regarding the May 31, 2020, incident involving Ms. Ratlieff. The following is a copy of the statement:

"Our Office of Internal Affairs investigators are tasked with completing a comprehensive and objective investigation into what happened to Ms. Ratlieff. Her sworn and official statement would be helpful as we seek only the truth. To date, Ms. Ratlieff has given numerous media interviews and made many public statements, but has yet to meet with us to give us a formal statement of facts as she sees them. Our officers reached out to her numerous times after the incident and later extended the invitation through Ms. Ratlieff's attorneys. While we appreciate the media's interest in her story, we have an even stronger interest in her story for our investigation. We are committed to doing what is right."

On June 29, 2020, Ms. Ratlieff was part of a virtual briefing held by The House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties. U.S. Representative Debbie Wasserman Schultz and U.S. Representative Jamie Raskin both asked Ms. Ratlieff questions in reference to the May 31, 2020, protest in downtown Fort Lauderdale. The following are excerpts from statements Ms. Ratlieff made to the subcommittee:

"As I sit here today, I have little to no vision in my right eye. Doctors don't know if that will change. Like hundreds of millions of people around the world, I was shocked and disgusted by the murder of George Floyd. I wanted to do something. I heard about civil demonstrations and I joined in. I first attended one in Miami on May 30th. We exercised our first amendment rights without incident or violence from the police. Because of this experience, I decided to attend another demonstration the following afternoon. As I walked through Fort Lauderdale that day, I looked around. I saw a diverse group of people who shared a common goal. I saw young and old, wealthy and poor, black, white, Hispanic and every other demographic you could imagine. At one point we took a knee to show that we were no threat and meant the police no harm. At other demonstrations, the police actually joined the demonstrators. Not here. The police begin firing tear gas and shooting rubber bullets. I will forever be scared by the Fort Lauderdale Police shooting me in the head on May 31st. Officer Eliezer Ramos shot me, a peaceful demonstrator, an unarmed woman in the head with a rubber bullet while merely exercising my first amendment right to speak out against police brutality. I became the type of victim that I was there to support. Twenty-five (25) days after incident reports were filed, which make no claim I did anything unlawful or wrong. I still await an apology from Officer Ramos, Chief Maglione, or anyone in leadership in the city of Fort Lauderdale."

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Rather than an apology, what I have received from the city is repeated criticism of my decision to exercise my first amendment rights. Less than forty-eight (48) hours ago the chief issued yet another statement in which he attacked me for speaking to you today. I had sought a meeting with the city but rather than speak to me, the police department seem intent on continuing their attack on me. Since demonstrating their disdain for the first amendment on May 31st, they have continued their assault on my first amendment rights on the months since."

In addition Ms. Ratlieff stated the following:

"While I seem to be the person most significantly injured at the hands of the Fort Lauderdale Police that day, I'm by no means the only one. A published photo seems to show the damage done to a young man who was shot in the face. Multiple witnesses claim to have seen two black men shot from behind with rubber bullets as they escaped tear gas. A white photographer ran between them and was not shot."

In addition Ms. Ratlieff stated the following:

"At no point prior to being tear gassed or prior to the firing of rubber bullets was there ever verbal warnings. Unfortunately the warning that the protestors and demonstrators were provided was the tear gas. And even as we were being tear gassed, as we've seen from videos, people were still being shot by rubber bullets. And unfortunately after what happened to me, there still wasn't any type of verbal warnings or acknowledgment from the officers to say 'bring her here' or come over and help me as well."

In addition Ms. Ratlieff stated the following:

"Thank you congresswoman. For me and -- Thank you for mentioning what actually took the demonstration from peaceful to the state of the chaos that ensued. And as we've seen in other videos there was a young woman that was kneeling on the ground and an officer shoved her. And that was a pivotal moment that took it from a peaceful day. That took it from that community rally and people coming together, simply to exercise their first amendment rights. And simply to be a part of change. Seeing that video and actually recognizing that that was the moment that actually took the crowd from peaceful. And understanding that, it was never anything from the individuals that attended the rally. It was never them saying 'we want to bring violence to this demonstration.' It was the officers that created the violence and knowing that even after that had-- even after that situation had calmed down, the officers still from there pursued, you know coming with tear gas and they were still shooting rubber bullets."

In addition Ms. Ratlieff stated the following:

"I had been at the demonstration for over three (3) hours. We walked to multiple locations. I spoke to several individuals that attended the rally. And at no point

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during those three (3) hours did anyone become violent, did anyone express the need to become violent or the desire to become violent. And as I've seen from the video, the timing of the video of the girl being shoved by the police officer; that's the only thing that I could recognize that shifted the peaceful momentum of the event to the chaos that ensued."

An extensive review of media and BWC footage in the FLPD's Axon Evidence.com was conducted. Numerous projectiles were observed thrown by individuals who were part of a large hostile crowd. Some of the items utilized as weapons on police personnel seen in the various BWC footages were bottles, canisters, unknown liquids, colored smoke, explosives, and fireworks. It should be noted there are discrepancies on the visual watermark timestamps on the BWC footage showcasing the date and time. The visual watermark timestamps uses the ISO 8601 international standard to indicate time in a 24-hour format and adds a Z zone designator directly after the time to denote zero offset from Coordinated Universal Time (UTC) time. Additionally, due to a phenomenon referred to as "clock drift" the time stamp from different Axon BWCs are not consistent despite the recordings being of the same event. Some of the discrepancies range from as little as a few seconds up to a minute. Axon provided a more in depth explanation of the watermark timestamps and "clock drift", which have been included in the exhibit section.

Between December 2, 2020, and January 28, 2021, several compelled, sworn, and digitally recorded statements were taken of FLPD personnel in reference to the May 31, 2020, incident. They detailed their involvement in the field force as well as their observations of the protestors actions.

On December 29, 2020, Sergeant Keven Dupree, who is the Training Unit Sergeant, provided documents related to the chemical munitions used by the SWAT team on May 31, 2020.

The Office of Internal Affairs reached out to Ms. Ratlieff through the City Attorney's office in order to facilitate a witness statement through her counsel. On January 19, 2021, Ms. Ratlieff provided a sworn and digitally recorded statement to Sergeants Eugene and Francisco Vetancourt.

On January 29, 2021, Detective Ramos was formally issued his charging document.

On February 5, 2021, Detective Ramos provided a compelled, sworn, and digitally recorded statement to Sergeants Eugene and Vetancourt. He detailed his involvement as SWAT team members in the FLPD response to the protest as well as how Ms. Ratlieff came to be struck by a less-lethal direct impact round.

Due to the magnitude of events of May 31, 2020, and the involvement of numerous FLPD personnel, including FLPD use of force trainers, and to provide transparency on behalf of FLPD, an independent Use of Force (UoF) expert was provided investigatory items relative to this incident. On February 18, 2021, the Office of Internal Affairs received the Use of Force review. UoF expert Mr. John Ryan reviewed, analyzed, and came to a conclusion in reference to the deployment of Detective Ramos' less-lethal direct impact round which struck Ms. Ratlieff in the face. UoF expert Mr. Ryan opined Detective Ramos' deployment of his 40mm less-lethal weapon was justified based on applicable law, industry standards, and Departmental policy. A copy of the review is included in the exhibit section.

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The investigation into this complaint led to statements obtained from the individuals listed below.

STATEMENTS

Witness – Officer Stefan Silver (CCN #1655)

On December 2, 2020, Officer Stefan Silver provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. Officer Silver confirmed he worked on May 31, 2020, and was assigned to the contingency field force which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. When asked if there was anything remarkable about May 31, 2020, Officer Silver responded, *"Yes, we had a protest which turned violent that day."* (Page 2). Officer Silver recalls the demeanor and actions of the crowd as, *"Aggressive."* Officer Silver was asked to elaborate on his response of "Aggressive" and he stated the following:

"There were rocks being thrown at us. There were bottles being thrown at us. Any debris that was able to be picked up and launched was tossed at us. There were explosives thrown at us. Smoke canisters thrown at us, which deployed smoke, so as we were approaching we were ordered to put on our gas masks, so we sat in a gas mask for multiple hours." (Page 5, Lines 83-87).

Officer Silver further explained in reference to the objects thrown at him and other officers:

"... there was an explosive thrown in front of us. We were all -- our clothes were burned. The person directly next to me, their shield was broken with the explosion and we all had burn marks on our clothing and bruising, and minor burns on our skin." (Page 6, Lines 103-106).

Officer Silver believed the individuals who were throwing the various projectiles at the field force line were trying to inflict injury on the officers. Beside the projectiles being thrown at the field force line, Officer Silver stated the protestors were chanting various anti-police slurs at the officers. Officer Silver described the statements as:

"They were -- they were cursing at us. They were saying racial slurs to -- didn't matter what race of Officer you were, derogatory, demeaning, racial slurs." (Page 7, Lines 137-138).

Officer Silver acknowledged the Fort Lauderdale Police Department (FLPD) Special Weapons and Tactics (SWAT) team assisted the field force line at SE 1st Avenue and SE 2nd Street. Officer Silver explained it was difficult to differentiate who the officers or SWAT officers were, because everyone was wearing gas masks and helmets. This made it impossible to know if Detective Ramos was there with him on the day of question.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Officer Silver. Officer Silver remembers seeing Ms. Ratlieff on the ground and hearing a scream. Officer Silver advised at the time the incident occurred, officers from the field force line were yelling for Ms. Ratlieff to come over so she could be attended to. Officer Silver further stated, officers begged for Ms. Ratlieff to come over to the field force line so aid could be rendered. Instead of heeding the request of the officers, Ms. Ratlieff was carried away by two individuals walking away from the field force line. Within seconds of Ms. Ratlieff being carried away, a large explosive device was

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thrown from the direction in which Ms. Rattieff was being carried to. Officer Silver explained the large explosive device had a "concussive effect to it," (Page 11) which caused him to stumble. Officer Silver further explained the large explosive device as:

"A large, explosive device was -- I don't know if it was thrown, if it was shot at us, if it was kicked at us, but a large, explosive device ended up, the two Officers to my north, so my right hand side, landed in front of the Officer directly to my right. So, it went off -- it exploded, broke their shield, our Lexan shield which is made for significant impact. Broke the shield, burned that Officer, bruised that Officer. Burned the Officer and bruised the Officer to the right of her, and myself, who was to the left." (Page 11, Lines 201-206).

Officer Silver was questioned on if he heard Detective Ramos make any comments regarding Ms. Rattieff being hit by the foam projectile, which caused her to fall to the ground and scream, to which Officer Silver stated "No." *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

Witness – Lieutenant Ronald Magno (CCN #1261)

On December 2, 2020, Lieutenant Ronald Magno provided a sworn and digitally recorded statement to Sergeants Eugene, Vetancourt and Matthew Guerra. Lieutenant Magno confirmed he worked on May 31, 2020, and was assigned to the Special Weapons and Tactics (SWAT) Quick Reactionary Force (QRF) as a Team Leader (TL) to ensure the protection of the peaceful protestors marching in the downtown Fort Lauderdale area. Lieutenant Magno also advised from his observation, majority of the protestors up to that point returned to Huizenga Plaza after marching from the Fort Lauderdale Police Department, *"were there just holding signs and exercising their – their rights."* (Page 3). At some point once the initial protestors ended their protest, they dispersed on their own. Lieutenant Magno followed up and stated:

"I was probably two or three blocks away and we had seen -- we were seeing people pull in, getting out of their cars with backpacks, face masks and like going to Huizenga Park knowing that it was pretty much over with. So, the people showing up we figured were probably not there to peacefully protest." (Page 4, Lines 65-69).

In regards to the emergency backup requested by Detective Hayes, Lieutenant Magno stated the following:

"Officer Stylianee Hayes was in her car and she got on the radio and said something to the effect that she was pretty much trapped in her car and surrounded by protestors who were -- sounding like the urgency in her voice, that they were attacking her car, lack of a better term." (Page 5, Lines 79-82).

Lieutenant Magno recalled having to respond in an expedited manner with his police vehicle lights and siren activated, due to Officer Hayes emergency backup. Upon arrival, as Lieutenant Magno exited his police vehicle, he could see bottles being thrown at police officers and police officers retreating from the intersection. The crowd of protestors appeared to be agitated and violent, according to Lieutenant Magno. He described the protestors, subsequently stating the following:

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"They were yelling at us. They were throwing all kinds of projectiles at us and they had -- I don't know if they had attempted to vandalize Detective Hayes' car or were jumping on it, or whatever they were doing with that, but we had to get her out of the car and try to get that car out of the area, as well." (Page 6, Lines 111-114).

Eventually the field force line was activated and responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street to assist the SWAT team. Once this occurred, Lieutenant Magno advised the protestors continued to yell and throw projectiles at them, subsequently stating:

"I saw bottles with a yellow liquid in them. I don't know if that was gasoline or urine. One bottle hit me, and it was pretty solid. It hit my ankle. So, I don't know if that was frozen water or their stuff -- they were throwing all kinds of stuff at us at that point. Rocks." (Page 7 and 8, Lines 134-137).

Lieutenant Magno quickly figured out the protestors directly in front of him, *"were not happy to see us."* (Page 8). This was further highlighted by the comments Lieutenant Magno heard being echoed from the crowd such as, *"Fuck the Police"* (Page 8). Lieutenant Magno described some of the tactics some of the protestors would do as they threw projectiles below:

"They would pop out and throw stuff at us and sometimes they would throw something at us and then take a knee, hoping that we wouldn't direct our attention to them. Other times they would hide behind cars or buildings or people. So, a lot of times they would be shielded by other protestors while they were throwing stuff. I think I saw umbrellas at one point. I'm not -- I'm not sure if that was caught on my body cam, but all kinds of tactics that I hadn't really expected to see." (Page 10, Lines 176-181).

In order to stop the violent behavior of the unruly crowd, authorization was given by SWAT command to deploy chemical munitions. Lieutenant Magno described the chemical munitions as having the ability to be deployed via hand by throwing them or via a launcher which aides the chemical munitions to travel further. Lieutenant Magno confirmed the goal of deploying chemical munitions, is to disperse the crowd and prevent them from continuing with their violent attacks. Lieutenant Magno further stated besides chemical munitions, the SWAT team deployed 37mm less-lethal rounds and 40mm less-lethal impact rounds with the intended goal to, *"strike an agitator and get them to stop their felonious behavior."* (Page 12). In addition, Lieutenant Magno stated the chemical munition being thrown back at officers, has the ability to incapacitate an officer and in the hands of an untrained person, it can be a dangerous situation.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Lieutenant Magno. While on scene, Lieutenant Magno stated he did not remember specifically witnessing Ms. Ratlieff get struck by Detective Ramos' less-lethal impact round. Within seconds of Ms. Ratlieff being carried away, a large explosive device was thrown from the direction in which Ms. Ratlieff was being carried to and landed directly in front of the field force line. Lieutenant Magno described the explosion as:

"Well, it took us by surprise. It was a very loud smoky explosion unlike anything that I had experienced up until that point. And it happened, you know, it literally

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hit the -- hit the line, or right behind the line, and it exploded. I don't know what was in it or what it was exactly. But it -- it looked like it hit a couple Officers near me, including a supervisor." (Page 20, Lines 394-398).

At the conclusion of Lieutenant Magno's statement, he mentioned a stack of bricks which caught his attention while driving around prior to engaging the protestors at Southeast 2nd Street and Southeast 1st Avenue. Lieutenant Magno described it as:

".....when we left the headquarters, the protestors, the headquarters, to go stage down by Huizenga Park, as we drove through the intersection of 2nd Street and Southwest 1st Avenue, we saw a stack of bricks stacked up on the southeast corner and it was unusual for that -- the bricks to be there and we had, you know, seen national news, they'd been reporting that pallets of bricks had been delivered to certain cities in advance of these protests. So, we figured that might have been something to do with what might be coming later on, so we had the bricks removed and it just so happened that, coincidentally or not, this is where the riot kind of tipped off, that same intersection. So, I wanted to make that for the record." (Page 21, Lines 413-421).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Sergeant Travis O'Neal (CCN #1679)

On December 3, 2020, Sergeant Travis O'Neal provided a sworn and digitally recorded statement to Sergeants Eugene, Vetancourt and Donald Geiger. Sergeant O'Neal confirmed he worked on May 31, 2020, and was assigned to the contingency field force. Sergeant O'Neal described his role on the field force as, *"supervising my team, which apprised of District 1 officers." (Page 9)* Due to the emergency backup, Sergeant O'Neal and the field force team responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Sergeant O'Neal described the setting when they first arrived at Southeast 1st Avenue and Southeast 2nd Street as:

"First of all, when we exited the vehicle, it was a tear gas environment. So, we had to don our gas masks immediately before we even got up to the line. Once we got up there, there was already a ton of rocks that were all over the place that aren't normally in the middle of the street. We formed -- We formed the line and there was a lot of citizens standing in the intersection yelling things and screaming things and throwing rocks, water bottles, other large objects at us. We were basically just targets out there. We just -- We just held the line for the most part." (Page 4, Lines 67-73).

Sergeant O'Neal then explained being hit by a projectile thrown by a protestor, by stating:

"I was hit by a large object in the face. It caught my -- Luckily, we were in gas masks. But it caught my gas mask. But I mean, I wouldn't call it a minor injury on my part. If I wasn't wearing a gas mask, I mean, I definitely would be -- at least be missing some teeth.... because it was a -- it was a large object." (Page 4 & 5, Lines 77-80 & 82).

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Sergeant O'Neal also described the projectiles he observed being thrown at the field force line as:

"The ones that I saw, it was rocks, other large rock-like objects, like maybe a piece of concrete or something like that, water bottles, some that appeared to have water, some appeared to have some other fluid in them, maybe bodily fluids, the same color as bodily fluids, fireworks. That's all I can recall really but mostly those -- those type of things." (Page 9, Lines 173-176).

Besides the projectiles thrown at the field force line, Sergeant O'Neal advised the comments being relayed by the protestors towards the field force line were overall negative and he confirmed not everyone in the crowd was violent, but there was a mixture of violent and peaceful protestors intermingled together.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Sergeant O'Neal. Sergeant O'Neal advised he did not recall witnessing the incident involving Ms. Ratlieff. However, if Ms. Ratlieff had walked over to the field force line, she would have received aid for her injury according to Sergeant O'Neal. When asked if it would have been safe for anyone to leave the field force line and provide aid to Ms. Ratlieff, Sergeant O'Neal responded:

"It's definitely not safe to go out into the crowd to do anything. It would have to be a -- a big team of people to go out there to arrest somebody or extract somebody or render aid or what. It definitely wouldn't -- And you would have to bring them back behind the line to render -- You couldn't render aid in -- into the crowd at all." (Page 7, Lines 123 & 125-128).

In regards to the large explosive device which landed directly in the vicinity of a few field force officers after Ms. Ratlieff was carried away, Sergeant O'Neal remembered hearing the large explosive near him and felt the impact it had on his body. Sergeant O'Neal confirmed the large explosive device caused him to stumble back and disoriented him. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

Witness – Officer Diana Rose (CCN #1499)

On December 3, 2020, Officer Diana Rose provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. Officer Rose confirmed she worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Officer Rose advised initially it appeared her field force team was not going to be needed for the protest, but described what followed by stating:

"We were actually told we were going to be going home and evenings was going to be relieving us, and then all of the sudden, things just changed and we had to literally just move and get out there. So they drove us up to the street, and then we hopped out and we actually had to jog up to the intersection to hold the line over at the intersection. We were the first group on the line." (Page 3, Lines 43-47).

Officer Rose described the setting when they first arrived at Southeast 1st Avenue and Southeast 2nd Street as:

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"There was a couple people throwing bricks. There was, you know, explosives being thrown. I -- I've been told they're a half stick of dynamite or M-80s. I didn't know exactly. Some canisters. Glass. Rocks. And just -- there was a lot of people still standing around, but none of them were actually leaving. It didn't seem peaceful anymore." (Page 4, Lines 72-75).

A description of the incident involving Ms. Ratlieff being struck, was relayed to Officer Rose. Officer Rose advised she remembered the incident and described it by saying:

"So, I didn't know he was aiming for that gentleman in the white. I actually thought it was a different guy that I had pointed out that was throwing bricks at us, similar to the same location. But I do recall her. She was holding the hand of another girl, and they actually -- they started to run up and then they started walking, and it was the second girl that had actually gotten hit. We offered to give her -- we -- we told them, 'Come to us, we'll get you medical,' and they told us to go F ourselves, so." (Pages 7-8, Lines 139-144).

Officer Rose was asked why no one from the field force line ran out to Ms. Ratlieff once she was hit, and she responded:

"It -- it's not safe. There's no way one person could go out there. I mean, we were -- we were surrounded at that point on that side. Like, if anybody walked out there, it -- I mean, they're already throwing stuff at us, you know, there's no way one person could've gone out there." (Page 8, Lines 146-149).

Officer Rose also advised beside the verbal instructions for Ms. Ratlieff to be brought to the field force line after she was struck, the field force line also gave visual cues with their hands, by motioning for Ms. Ratlieff to be brought towards them. Officer Rose described what would have happened had Ms. Ratlieff walked up to the line after she was struck:

"She would've gotten help. I mean, it wasn't just us yelling at her. The s -- guys on the SWAT team were also -- also yelling to her, 'Come here, come here. We'll -- we'll help you.' And even the -- there was another guy that run up to her, I think. The girl was there, and we were like -- the -- the guys in the back from the SWAT team were like, 'Bring her over here, we'll -- we'll help her.' You know, those aren't their exact words, but they kept saying, 'Bring her over, we'll get you, you know, help.' And, like I said, they told us to F ourselves." (Page 8, Lines 155-160).

The "help," Officer Rose was referring to was the SWAT medical personnel staged directly behind the field force line. Officer Rose was asked, after Ms. Ratlieff was struck; did she hear anyone from the field force line make any comments, to which Officer Rose stated, "Yeah. I think I heard somebody go, 'Oh, no.'" (Page 11). Officer Rose was then asked, did she hear SWAT Detective Ramos make any comments after Ms. Ratlieff was struck, and she stated:

"No. And -- and, once again, I didn't hear anybody make -- I wouldn't be able to tell you who was who in the SWAT. But I didn't hear anybody, you know,

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enjoying the fact that that happened. It sounded like everybody was concerned."
(Page 11, Lines 211-213).

In regards to the large explosive device which was thrown from the direction in which Ms. Ratlieff was being carried to, Officer Rose confirmed it landed directly in front of her. Officer Rose described that moment as:

"There was some sort of explosive that got thrown in my way. I thought it was a canister, 'cause there was a silver canister afterwards laying on the floor there. I didn't see it initially being tossed. I -- I saw it out of the corner of my eye coming at me, and when it exploded, I thought -- originally, I thought it somehow exploded up between my shield and my leg, but it looks like it actually happened in front of me. So, I did have a -- a melted part on my pants, on my thigh, and then just a big, I guess, cherry I guess you can call it on my thigh, a bruise, and part of my shield had gotten messed up..... I was refusing to look down 'cause I -- I actually thought I was bleeding or something. I mean, it -- it hurt pretty bad, and I was surprised, so I was like, 'If I don't look at it, it's going to be fine.'" (Pages 5-6, Lines 94-100 & 102-104).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Officer Angel Lebron (CCN #1657)

On December 7, 2020, Officer Angel Lebron provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Officer Lebron confirmed he worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. According to Officer Lebron, the circumstances surrounding the need to respond to the aforementioned location, was due to an emergency backup for an officer. Upon Officer Lebron's arrival, he observed individuals throwing rocks and bottles towards himself and other police officers, which he described as *"Overwhelming."*

A description of the incident involving Ms. Ratlieff being struck, was relayed to Officer Lebron. Officer Lebron advised he did not recall witnessing Ms. Ratlieff being struck. During the course of the interview, Officer Lebron's Body Worn Camera (BWC) from May 31, 2020 was reviewed. Officer Lebron realized he pointed out the male subject, which Detective Ramos was attempting to engage. Officer Lebron advised he observed the male subject picking up a spent canister. Officer Lebron stated he believed the intent of the male subject was to hurt an officer. Officer Lebron was also asked if he heard any comments from any officers on the field force line after Ms. Ratlieff was struck in the face and he stated, *"No. It -- it was so noisy out there, you could barely hear yourself."* (Page 7).

Officer Lebron confirmed Ms. Ratlieff would have received aid had she walked up to the field force line after she was struck in the face. When asked how she would have received aid, Officer Lebron stated, *"Oh, we would've took her back to a safe place and call fire rescue for her."* (Page 8). A follow up question was presented to Officer Lebron asking why no one from the field force line, walked out to Ms. Ratlieff after she was hit in the face and he stated the following:

"It was too dangerous. It -- we were outnumbered by so many people, walking out there would probably put one of us in harm." (Page 8, Lines 149-150).

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This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Captain Robert Dietrich Jr. (CCN #1242)

On December 8, 2020, Captain Robert Dietrich provided a sworn and digitally recorded statement to Sergeants Eugene, Geiger and Vetancourt. Captain Dietrich confirmed he worked on May 31, 2020, and was tasked as the field force commander for the planned protest in the City of Fort Lauderdale. Part of Captain Dietrich's responsibilities as field force commander included, establishing a contingency field force in the event violence erupted. According to Captain Dietrich, part of the initial planning for the protest included a concern for individuals looting downtown Fort Lauderdale based on what had been trending nationwide. Captain Dietrich explained it by stating:

"Other areas we were concerned about was downtown along the Las Olas Boulevard. We had information that led us to believe that the march was maybe going down there. So, a secondary concern was the potential for looting because as we've said earlier, the -- the protests around the country led to individuals within those groups to start looting businesses. So, we wanted to make sure that we had a plan in place to -- to secure businesses if that were to come to pass." (Page 4, Lines 71-74).

Captain Dietrich advised the need to put together a contingency field force was a last minute decision due to intelligence gathered, which he explained as noted below:

"We weren't expecting a crowd of that size. We weren't expecting them to -- to -- to walk downtown and those sorts of things. The -- And -- And the reason we weren't expecting it is the original intelligence was there was supposed to be a protest out in Lauderhill and what we were told is that protest was going to be rather large. And then, apparently, at the last minute, the City administrators for Lauderhill actually canceled that event. And so, that group decided they were going to match up -- or meet up rather with the group that was planned to protest. And so, we all of a sudden realized that there was going to be very large numbers in the City and we needed to make sure that we were prepared for something if it happened." (Pages 5-6, Lines 96-104).

As Captain Dietrich and the field force officers stood by in a nearby location, information was relayed to Captain Dietrich requesting the mobilization of the field force. Under the leadership of Captain Dietrich, the field force officers responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Captain Dietrich described what he saw upon arrival into the area as the following:

"Well, as soon as we pulled off of 3rd Avenue onto 2 Street, you can see the chaos down the street. There was a lot of smoke. You can hear loud explosions off in the distance because, again, we were just a couple blocks away. So, as soon as I got out, I could see what was going on. I saw the SWAT vehicles. I saw a number of officers out there and I saw a number of protesters. And it looked like the protesters were literally on top of the officers. I mean, like at that same location like -- like right next to them and -- inter mixed between them. It was hard to see exactly because of the -- again the smoke and the -- and -- and

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that sort of thing. So, I had to put the field force together as quickly as possible. We had to dismount everybody from their vehicles. And then, we literally ran from our staging location of the vehicles west on 2 Street. I ran that entire field force down until we can -- we can get up to where the officers were that needed help. That entire time, you can continuously hear, again, the explosions that were going off. You can hear a lot of yelling. You can hear rocks and bricks hitting against objects in the garage, the cars, and that sort of thing. When I ran the field force down, right before we were able to -- to form our scrimmage line, I had to put my back to the crowd. So, I actually had to turn around because the officers couldn't hear me because of the noise. It was so loud there. All the while, the -- the SWAT officers were trying to engage individuals to -- to push them back from where they were. Again, a lot of loud explosions. You can hear rocks and everything hitting objects." (Page 7, Lines 122-139).

Captain Dietrich advised the objective of the field force team, was to clear the intersection and extract the SWAT members out of the area. However, once they arrived, the projectiles were being thrown at the field force line from all directions. He described the effects one particular projectile had on him by stating:

"I started getting pelted myself. At one point, actually, took a rock to the back of my right knee. I believe it was a rock. Something rather large, which almost made me fall to my knees. It -- It buckled my knee as it hit. Caused excruciating pain at the time. And then, it -- that, by the way, lingered for several -- you know, about a week or so. I still had the -- the bruise a couple weeks later." (Pages 7-8, Lines 140-144).

Besides himself, numerous officers were hit by projectiles according to Captain Dietrich. He believes it was the intent of these violent protesters throwing these projectiles to cause harm and injure officers. Captain Dietrich describe this by stating:

"It just gave me the impression based on the level of violence, you know, of rock and debris and other things that were coming in and hitting the officers that -- that the intent was there to injure officers. And they did. I mean, one of the officers -- I think it was one of the sergeants that was in front of me, I watched a -- a rock hit him on the head. I didn't see the rock actually hit him. I just saw his knees buckle and he -- as he went to the ground. And a couple of the other guys had to grab him and pull him back off the line and it pretty much nearly knocked him unconscious from what I could tell. He was definitely dazed. And so, you know, between the injury that I took initially, I'm watching other officers, you know, being injured on the line. These -- These -- There's no reason to throw rocks and -- and bricks and whatever else they were throwing at us, launching large fireworks and that sort of thing and it's without an intent to cause harm. And since we were the only people there, those rocks and bottles and that sort of thing were directed right at the officers. And again, there's no other reason that can be conceived of except for the intent to try to harm police officers." (Page 13, Lines 248-260).

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Captain Dietrich provided a description of what he saw and how he felt while at the intersection of Southeast 1st Avenue and Southeast 2nd Street by stating:

"There was an extreme level of violence towards the officers. The -- The crowd was visibly angry. I mean, you could just tell that the -- the -- the anger in the crowd and -- and their -- their intent to cause harm to officers and damage the property. I mean, it was just -- There was no other way to really describe it. It was an extremely violent situation. There has been times in my career -- And I've been in -- in several different field force type events. I was in Miami at FTAA. And this was one of the times where I was actually a little bit scared. I'm not going to lie." (Page 9, Lines 162-168).

The field force officers were equipped with ballistic helmets, gas masks, riot shields, batons, and outer protection garments with padding for their chest, arms, elbows, and legs. Captain Dietrich was asked why it was necessary for officers to be dressed in such attire and he explained the following:

"The reason why we wear it is primarily for protection of the individual officers. It's -- It's also, as a uniform presence, to -- to -- you know, with the hope being that a crowd would see that force coming up in that uniform force, we call that hardened up because they're protected by gear that is hard. And the object is to -- to display a level of uniformity, professionalism, as well as a force, a display of force. And -- And the theory goes and, you know, it's better to have an impressive display of force than to actually have to use force. So -- So, we try to have, you know, officers look uniform in appearance but also provide them a level of personal safety in an effort to have a visible display for individuals that might be there causing violence, which they were, in that case, to decide 'You know what? Maybe it's time for us to go.'" (Pages 10-11, Lines 194-203).

Captain Dietrich advised one of the challenges he faced as the field force commander was the inability to communicate with field force officers. This was due to all the noise from the protestors, the projectiles being thrown towards them, SWAT members engaging violent agitators and the fact he had a gas mask over his face. These types of challenges made it difficult when it came to giving out dispersal orders according to Captain Dietrich, who stated:

"It was one of the challenges when it came for us to -- to think about issuing some dispersal orders because we had no way of being able to clearly communicate any kind of dispersal order. You know, under the conditions that we -- that we arrived in, dispersal order is not exactly necessary because of the level of violence that we were -- that we were there for. But at some point, you know, we wanted to give a dispersal order just to try to get people that -- You know, I don't know why anybody would think that -- that they should still be there doing what they were doing. But to give that dispersal order at least to try to get people away from the area, we didn't have any means of being able to -- to relay that above the sound level that was out there. I mean, it was just crazy until we finally had got a piece of equipment in place to be able to do that. (Page 15, Lines 292-301).

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When asked if he believed the demeanor of all the protestors were violent or peaceful while at the intersection of Southeast 1st Avenue and Southeast 2nd Street, Captain Dietrich stated:

"I wouldn't say there was any peaceful protesters there when I got there. When we got there, everybody was directing their anger towards the officers. Most of them -- I mean, you can see -- Just if you look out there -- And -- And look, I'm -- I'll be honest with you. I'm a short guy. So, I have a hard time seeing past the scrimmage line. You know, it's -- it's tough being 5'7" and you're standing behind guys that are 6' tall and whatever. So, it's -- it's very difficult to see outside there but every time I could see between helmets, you could see -- all I saw was people throwing stuff, you know, at us, at -- at, you know, the cars that were in the parking garage. It's just -- That's all I saw. I didn't see anybody really milling around." (Page 16, Lines 304-312).

As a comparison to elaborate on his answer where he stated he did not observe any peaceful protestors at the intersection of Southeast 1st Avenue and Southeast 2nd Street, Captain Dietrich provided an additional response. He advised the individuals who originally marched from Huzienga Plaza to the Fort Lauderdale Police Department earlier in the day, were peaceful protestors. He described these protestors and their actions as:

"When the original march left their -- their meeting location and they did their march, they came to the front of this -- of this police department and we had our field force deployed -- deployed inside the Department in case, you know, like I said earlier, somebody was to try to start a fire inside the -- the building or whatever the case might be. But I can see outside. And that was a peaceful protest. There was a lot of people there. But they were all there -- You know, they were chanting their slogans and -- and, you know, they were getting their message across. And they actually -- The -- The protest organizers did an amazing job and they actually kept people away because I think they were scared of the thing that we were, that they were going to attack the building, that there may be people in that crowd that might want to throw rocks at the front doors or whatever the case might be. And you can actually see them and they did an amazing job of -- They formed their own line in keeping people away from the building itself, you know, off the front door. We never had to send a single officer out to -- to talk to them or -- and -- or anything. And when they left, they left eastbound on Broward, people from that group actually stayed behind and cleaned up after them. And I had the officers that wanted to go out and help them. They said, "Let's go help them clean up." And I said, "We can't because we're in -- we're in field force gear. If we go out there now, it's going to look like we're coming out to get the people that are out there and that wasn't the case. But it was just impressive to see that and -- and -- and it was welcoming to see that. That was not what we saw when I went out to 2 Street and 1st Avenue -- or -- yeah, 2 Street and 1st Avenue. What we saw there was nothing more than anger and violence." (Pages 18-19, Lines 358-377).

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Captain Dietrich confirmed he observed recently deployed SWAT canisters, get thrown back at the field force line. He advised at one point while directly behind the field force line, there were canisters landing at his feet, thrown back by violent protestors.

When asked, why the decision was not made to retreat instead of engaging with the protestors, Captain Dietrich stated:

".....it was an original officer rescue that was done and that's why the SWAT team would end up being in the location they were in. And I found out later the reasons why but I didn't know exactly at the time that we were there. But the way their -- the SWAT vehicles were, the protestors were right on top of that -- of those vehicles. And then, the way our vehicles were deployed, we were about a block east, which is not really that -- that much of a distance east. And to be able to get that many people back into their cars under that level of violence, would've definitely caused significant injuries to a lot of people. It -- It -- In my opinion, had we tried to form back into our vehicles and have four people pile into a single vehicle, first of all, you can't really do it with your shields and -- and -- and batons and everything. It's just not going to fit into a vehicle. They have to go into the trunk. So, now, you're going to be taking your gear and putting it down in the midst of a violent encounter like that. It's -- It's not going to happen. And -- And what's -- what would have ended up happening in my opinion would be, you know, the people that were there throwing rocks and bottles, they would've been on top of us and it would've ended up in some sort of a melee where, you know, you have people physically fighting with each other, officers and -- and -- and the people that were there causing the violence. And -- And so, you want to avoid physical confrontation like that as much as possible. So -- So, your best option is to continue to manage your line utilizing the shields and -- and your protective gear as much as possible and then, trying to get the protestors or the -- calling them protestors is not really the right term for them. Trying to get the people that were there with the intent to commit violence to leave or to at least get far enough away from us that we might have the opportunity to-- to be able to do that, which never occurred. They -- We created a gap but as soon as that gap was -- was created, the -- the group would come back in. And so, we never really had more than, you know, that whole intersection as a gap. And -- And you're also talking about initial field force. When we first got there, we were the only ones there. We were surrounded on basically three sides. The only reason they're not behind us, and there was people that were behind us but not a lot. But the reason they were behind us is because the -- the structure of the garage. Now -- Otherwise, we would've been -- you know, we would've ended up being completely surrounded by protestors." (Pages 23-25, Lines 466-494).

A description of the incident involving Ms. Rattieff being struck, was relayed to Captain Dietrich. Captain Dietrich advised he did not see the incident involving Ms. Rattieff while he was on scene and was not aware of her injury until a couple of days after the protest. Captain Dietrich further explained the aforementioned incident by stating:

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"I didn't see this incident happen in real time. I saw it, you know, some days later. I think I saw the video some days later. But our intent was not -- is not out there to target individuals just for the sake of targeting individuals. You know, when they're looking at -- at utilizing the use of force, it's done with the intent to, first of all, stop whatever it is that that individual is doing with a secondary intent of, you know, hopefully being able to -- to detain them and arrest them. Obviously, in that case, they're too far away. And for the same reasons I spoke about earlier, we weren't able to get an arrest team out there. So, the primary concern was to get them -- to get people to stop leveling that -- that violence towards -- towards the officers. So, I feel comfortable in -- in realizing that everybody that was targeted that day by the individuals that were utilizing less-lethal devices was somebody that was identified as an agitator within that crowd. What I saw in the video afterwards, and I -- I can get into it again - I didn't see it in real time, I only saw it in the video - was she just happened to be in the wrong place at the wrong time. Now, I'll say that to say this. I don't know why anybody that was not there for some other reason would be in that intersection. There was just -- The level of violence that was coming in, to say "I'm walking through this intersection," to me doesn't make a lot of sense. Not to say that she should've been targeted because she absolutely should not have been and I feel horrible that she was hit and I would imagine that the -- you know, the individuals pulling the trigger would feel horrible about it. But I -- I can't imagine why somebody would be there for peaceful protest in the middle of where all those rocks and bottles are coming in and where less-lethal projectiles are going out. That's -- That's not -- Which is, again, why I didn't see people sitting down in front of our field force or holding up signs. It was just -- There was so much chaos in that scene. The rocks were falling short of our line as much as they were coming behind the line. So, you know, she would've had just as much of an opportunity to be struck by a falling rock as she would've -- you know, in this particular case. So, you know, I -- I just -- I don't know why she was there. But I can tell you that, you know, especially after watching what I saw in the video, she was obviously not the -- the intended target from that -- from that officer. (Pages 26-28, Lines 529-555).

Captain Dietrich was asked, had Ms. Ratlieff walked up to the field force line after she was struck, what would have happened and he stated:

"Under those circumstances, we would've provided medical assistance for her immediately. We actually had EMS contingent on standby and they were a little bit behind where we were in the event there was injuries either to officers or -- or civilians. So, in that case, we would've absolutely had EMS treat her immediately and transport her to the hospital. (Page 26, Lines 523-527).

After Detective Ramos' less-lethal direct impact round made contact with Ms. Ratlieff, no one from the field force went out and made contact with Ms. Ratlieff. Captain Dietrich provided the following reason this occurred by stating:

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"For the same reasons that we didn't go out to arrest people. I mean, you know, again, I didn't see her until afterwards. But I saw on the video where she was. So, I can tell you that if we weren't able to go out to get the agitators, then, we weren't able to go out to get her. What I did see -- I saw a video of officers trying to get them -- the -- or the people that were with her to bring them -- her in. You know, she would've been protected behind our line and she would've been given immediate medical assistance. Now, they may not have ever heard those officers doing that because, again, this -- the noise out there was so much and of course, they're dealing with -- with her as she was injured. So, I don't -- I don't know if they even saw the officers trying to get their attention to bring her in to get her medical assistance. But they definitely want -- You -- You know -- Again, you saw -- I saw the video. They definitely wanted to get her the medical assistance, which was another reason why I believe, you know, she was not only -- not only not the intended target but the officers that -- that were there and saw it, felt horrible that -- that she had been impacted by that." (Page 28, Lines 558-570).

While explaining the reasoning no one from the field force line responded out to Ms. Rattlieff location after she was struck, Captain Dietrich repeatedly did a motion with his hands by bringing them towards his chest. The motion with his hands is a universally known method telling someone to come to you. This was in addition to numerous field force officers and SWAT members advising for Ms. Rattlieff to be brought to them. When asked what was he implying by motioning his hands towards his chest, Captain Dietrich explained the following:

"I'm just empathetic to the -- to, you know, what happened to her. And -- And I don't believe that -- that -- that the officers wanted to see anybody get injured in that way. And the -- the person that they were targeting was the person that they wanted to get to stop doing the violence that they were doing. And as I'm -- I guess the motion I'm making is -- is that of empathy but also, you know, I'm talking about them directing her behind the line. So -- So, I'm making this motion with my hands I guess in both regards without even realizing I'm using my hands to talk." (Page 29, Lines 573-579).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness -- Lieutenant Avery Figueras (CCN #1392)

On December 8, 2020, Lieutenant Avery Figueras provided a sworn and digitally recorded statement to Sergeants Eugene, Geiger and Vetancourt. Lieutenant Figueras confirmed he worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Lieutenant Figueras advised he was tasked as the Executive Officer, indicating he was second in command to Captain Dietrich on the field force team. Prior to responding to Southeast 1st Avenue and Southeast 2nd Street, Lieutenant Figueras' main responsibility was the security of the police station. Information was relayed to FLPD indicating protestors were marching from Huizenga Plaza to the police station. This required Lieutenant Figueras and a contingent of field force officers to be available at the police station. Lieutenant Figueras confirmed there were no issues with the protestors at the police station and stated:

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"For the most part I monitored the crowd via the video camera and via looking through the windows. The crowd was passive at that point, seemed very structured. The people that were organizing the crowd were basically putting themselves as a barrier from the crowd to the station to ensure that, you know, no one would pick anything up and throw - well attempt to ensure obviously, that no one was going to be violent. I think their main concern was their message and their voice and, you know, utilizing their rights to do so." (Page 3, Lines 55-60).

Lieutenant Figueras advised he received information indicating the organizers of the protest concluded the event at Huizenga Plaza and dispersed the crowd. As the crowd was dispersing, a number of new people were arriving at Huizenga Plaza who appeared to be, "...gathering at Huizenga Park for either a new or separate protest or an add on to that original one." (Page 5) Following the aforementioned events, Lieutenant Figueras recalled hearing a female officer request an emergency backup, which he described as:

"I believe it was Officer Stylianee had come over the air that her vehicle was being surrounded, the crowd was becoming hostile. At some point I don't know if a window got smashed out so she was obviously in very - you could tell that she was in fear for her safety and I believe the sergeant attempting to make ingress to her position was also being surrounded, so it was a situation where we realized it was rapidly degrading and we needed to make sure -- get out there to make sure the officer was safe and it didn't result in some type of deadly force encounter." (Pages 6-7, Lines 115-121).

To assist the trapped officers, Lieutenant Figueras had the field force team respond out to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Lieutenant Figueras stated:

"So basically I was still attached to the field force contingent, so at that point we had all the officers, you know, mount up in their vehicles and head towards that area. We realized at that point the crowd was - the situation was going - going to take a turn for the worse and we needed to get out there and, like I said, start those progressions as far as a show of force and advise the crowd that now this has become an unlawful assembly and kind of progress as necessary from that after affecting basically what was tantamount to an officer rescue, but that responsibility would have to be handled by the quick reactionary forces, which were the several sets of SWAT units that were circulating the area. (Page 7, Lines 126-133).

Lieutenant Figueras provided a description of what he saw and how he felt while at the intersection of Southeast 1st Avenue and Southeast 2nd Street by stating:

"So basically upon my arrival we start the field force, there is not a peaceful assembly. They're throwing objects at the officers, they're throwing bricks, you know, projectiles, there is smoke being thrown that I know we don't carry in our inventory, so I know it's smoke based on the color, it's smoke being utilized in colors that we normally don't have in our inventory, so that's something that they brought. You know, at some point I think there's not - not an officer there

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that wasn't struck with some type of projectile to varying degrees. I know at several points either I felt something on my leg, or I feel something whiz past my head and I was behind the line behind a shield, so it was a good amount of violent behavior and basically at that point we were trying to identify who the main aggressors were, deal with them, kind of thwart their ability to continue to launch projectiles and as it progressed explosives at our location." (Page 9, Lines 162-172).

Lieutenant Figueras also stated in addition:

"I have prior military, so when I got out of my vehicle it was definitely the overall like fog of war type of scenario, definitely limited visibility initially again because they were throwing their own types of gas and smoke. The fireworks, you know, explosions, whether they were M80 or sticks of dynamite, you know, we'll never know obviously, but yeah, it was definitely an eerie scene, something I have never dealt with in my 20 years of law enforcement." (Page 14, Lines 275-280).

In comparison to the earlier protestors Lieutenant Figueras observed at the police station, he described the individuals at Southeast 1st Avenue and Southeast 2nd Street as, *"complete two different crowds, different mindsets and yeah, violent for sure."* (Page 9). This was highlighted by not only the projectiles thrown at the field force line, but also the anti-police sentiment Lieutenant Figueras heard.

When asked, why the decision was not made to retreat instead of engaging with the protestors, Lieutenant Figueras stated:

"At that point there was discussion on that and basically at that point we could not guarantee – because at that point the issue was compartmentalized. They were moving back and forth, but we had the majority of rioters, there was containment established and the first rule of law enforcement or any critical incident is containment. Once you lose that containment and the crowd starts to disperse, it's almost impossible to regain control because then you start getting small cells conducting crimes in separate locations and it's very hard to kind of regain that stronghold, so command – I mean as far as, you know, I was getting information back and forth to Captain Dietrich to command, so he may have some more specific information on the thought processes, but I could tell you, you know, dealing with a lot of critical incidents and tactical incidents and making those types of decisions is that one of your primary ways to defuse an incident or stop it from escalating is establish and maintain containment, so once we had that, once we had the crowd not necessarily under control, but kind of centralized to lose that containment you're basically allowing that crowd now to Las Olas, you know, the Boulevard area where we have a lot of shops, a lot of stores, a lot of businesses, homes, etcetera, etcetera, and obviously we're in the business of protecting life and property, so to completely disengage at that point would be to be inviting more damage, more harm, more threats, etcetera." (Pages 13-14, Lines 258-273).

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By virtue of his ancillary duties as SWAT Executive Officer, Lieutenant Figueras was familiar with the less-lethal launcher used on May 31, 2020. Lieutenant Figueras described the launcher as:

"So basically what we have as far as our less-lethal capabilities, one of the primary tools we have is a 40 millimeter less-lethal launcher and that deploys an extended range foam baton round. The foam baton round is exactly, you know, kind of how you would perceive it. It looks almost like a golf or tennis ball that is foam material, it is soft but upon high velocity it hardens up and is basically kin to being hit with a fast ball, a pitch, or it's a less-lethal, it's not meant to cause great bodily harm, clearly if used incorrectly issues can arise, but it's a munition that we use very successfully to deal with suicidal subjects, to deal with riot situations. It's a less-lethal alternative to more force and it's controlled force. It's force that can be used at distance. Officers don't have to close that distance resulting in either more injury to them or injury to the suspect. It allows for reactionary gap and allows officers to make decisions behind cover rather encroaching upon the suspect." (Page 15, Lines 286-296).

Lieutenant Figueras was asked, is there a target area on an individual when the less-lethal direct impact round is deployed and he stated:

"Yeah, there's multiple target areas for the effective use of the foam baton, but just like anything, you know, targets - people don't stand still, so unfortunately that comes into play when you're utilizing this weapon system. It's traveling fast, but it's not traveling at the speed of a, let's say like a firearm or a bullet, so, you know, there is the propensity of targets moving and things like that, especially at distance." (Page 15, Lines 299-303).

Lieutenant Figueras also stated in addition:

"They're targeting the lower abdomen, thighs, large meaty portions of the body; lower abdomen, thighs, lower back, things of that nature." (Page 16, Lines 306-307).

Lieutenant Figueras confirmed SWAT members who carry a less-lethal launcher, attend an initial four (4) hour training course and must qualify yearly with the less-lethal launcher. In addition, Lieutenant Figueras advised SWAT members receive training on the deployment of chemical munition and stated the following:

"They receive training, initial training on the use of chemical munitions, when to use it, how to use it, what's effective distances are, what situations you should be using them under and then during scenario based training we will not use active munitions, but simulated, you know, munitions, basically, you know, simulated flash bangs or simulated, you know." (Page 17, Lines 324-328).

According to Lieutenant Figueras, the chemical munitions deployed by SWAT members on May 31, 2020, were throwable oleoresin capicum (OC) and throwable 2-chlorobenzalmomnitrile (CS). Furthermore, the desired effect once the chemical munitions are thrown is, *"basically it emits a gas that's an irritant, you know, to the people in the immediate vicinity and the desired effect is*

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their dispersal." (Page 17) Lieutenant Figueras advised due to the face coverings and eye coverings individuals in the crowd were wearing, the desired effect was not achieved. This lead to what Lieutenant Figueras described as:

"....people can and do pick these canisters up and throw them back at law enforcement which happened on a multitude of occasions. So, they get hot, but obviously they come prepared where they have gloves and things like that because they're used to doing these types of activities, so they understand what munitions we use and how to torque those munitions, so they would pick them up and throw them back at us." (Page 18, Lines 352-357).

Lieutenant Figueras confirmed an order was given to SWAT members in reference to the usage of the less-lethal launchers. They were directed to engage agitators observed picking up recently deployed canisters. The directive was given in order to thwart their felonious activity.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Lieutenant Figueras. Lieutenant Figueras stated the following in response:

"I was going back and forth across the line. I don't recall that specific incident like when that happened initially, but I do recall it being discussed afterwards that they were attempting to, you know, have her come to offer medical assistance, obviously she was used as a human shield or something like that, Officer Ramos would be able to outline that better in his supplement, but – and then kind of simultaneously after that like an explosion went off in that area and they were unable to get her back to our location to offer any type of medical assistance. As far as specifically seeing the incident occur I don't believe I did." (Page 20, Lines 388-394).

While explaining the incident with Ms. Ratlieff being struck, Lieutenant Figueras repeatedly did a motion with his hands by bringing them towards his chest. The motion with his hands is a universally known method telling someone to come to you. When asked what was he implying by motioning his hands towards his chest, Lieutenant Figueras explained the following:

"Basically I knew at some point it was discussed either in the after action or they were motioning, attempting to have her come back behind our line where it was safe where we can – you know, we had medics that were deployed with us, SWAT medics from the fire department, that are trained to operate with us. I know that there was an attempt to have her come behind the line to receive medical attention, but she was scurried off away by some individuals after the fact." (Page 20, Lines 397-402).

Lieutenant Figueras also stated in addition:

"So basically where the incident occurred with Ratlieff, it was a large distance from where the field force line was, so basically at that point it was a very loud situation, officers were wearing gas masks, helmets, it was very chaotic. It was a good – a reasonable person would say that if they had have just screamed at her or said, hey, come over here, we'll help you, then a reasonable person

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would say that that would have been impossible, so obviously the hand gestures and the motioning towards us would kind of basically say, listen, we understand that you have a medical issue here, whether we caused it or not, it's our job to make sure that you get the medical treatment that you do need." (Page 24, Lines 470-477).

Lieutenant Figueras was asked if he heard any comments from any officers on the field force line or Detective Ramos after Ms. Ratlieff was struck in the face and he stated, *"No, because I honestly didn't find out about it until after the fact." (Page 21).* Lieutenant Figueras was asked, had Ms. Ratlieff walked up to the field force line after she was struck, what would have happened and he stated:

".....you know, we have a standing policy, anybody – any time we use force on someone, especially with the 40 millimeter, the first primary responsibility is to make sure they have medical attention, or have somebody look at their injuries, make sure they're not life threatening or make sure they don't need immediate medical attention and at that point that would be conducted once the medical portion has been fulfilled and we would attempt to take pictures and document the incident for our purposes further to make sure that the weapons system was used in a correct manner and that the use of force was indeed proper for that particular incident." (Page 21, Lines 411-418).

Lieutenant Figueras provided insight on SWAT training once an individual has been struck by a recently deployed less-lethal projectile by stating the following:

"It's done operationally very – very – very frequently, you know, we'll utilize the 40 millimeter and they'll take them back, once the individual is taken into custody they're provided medical attention and it's documented, the injuries and everything that occurred for our purposes." (Page 21, Lines 421-424).

A follow up question was posed to Lieutenant Figueras asking why no one from the field force line responded out to Ms. Ratlieff after she was struck. He stated the following:

"From reviewing supplements, the distances involved would have put officers in undue harm in order to go out there and make contact with them. There have been instances of, you know, throughout the nation where an officer was dragged from a field force line, stripped of his weapons. It creates a whole 'nother litany of problems to go out and affect a rescue a far distance from the field force line where you have no basically backup resources. You have – all the officers are carrying both rifles and pistols, so it would have presented a whole set of issues to go out there and rescue her at the distance that she was at...." (Page 22, Lines 428-435).

In regards to the large explosive device which was thrown from the direction in which Ms. Ratlieff was being carried to, Lieutenant Figueras stated:

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"That I remember, yes. That I remember pretty vividly, because I was in that area and I was like, whoa, that's more than your normal, you know, firework per se, so yes, that I remember." (Page 23, Lines 445-447).

Lieutenant Figueras also stated in addition:

"My concern was, you know, was this just a firework, was there fragmenting, was someone injured, you know, was this some type of grenade device that has, you know, that has projectiles in it, you know, because it's not uncommon for them to utilize, you know, homemade pipe bombs and things of that nature, so there were concerns, what was that, what effect did it have on my officers, is anybody injured and all that, so luckily nobody was." (Page 23, Lines 451-456).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Sergeant Christopher Herbert (CCN #1188)

On December 10, 2020, Sergeant Christopher Herbert provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Sergeant Herbert confirmed he worked on May 31, 2020, and was assigned to the contingency field force stationed at FLPD. Sergeant Herbert described what he observed from the protestors who marched to FLPD by stating:

"I was at the police station, so I was watching on closed circuit T.V. the exterior or the protestors outside and they seemed to be pretty non-combative. They didn't do any damage or anything like that to the station. In fact, I believe I remember seeing some of them actually picking up garbage in front of the station when they were done." (Pages 2-3, Lines 35-38).

Once the protestors left the police station and cleared Huizenga Plaza, the field force team was requested to respond to the area of Southeast 1st Avenue and Southeast 2nd Street. Sergeant Herbert described this by stating:

"I was told we were needed. I didn't hear the specifics. There wasn't really time to ask. They said we were needed and we went." (Page 4, Lines 60-61).

Upon arrival into the area of Southeast 1st Avenue and Southeast 2nd Street, Sergeant Herbert described what he saw by stating:

"There was a lot of smoke, a lot of yelling. The SWAT team had already been deployed. There were some officers in front. We ran up heading westbound to assist them while donning our face masks, or gas masks and it was initially a very chaotic scene from what I could observe. There were articles being thrown in our direction. Again, there was a lot of smoke. A lot of shouting and that's pretty much what I recall." (Page 4, Lines 70-74).

Sergeant Herbert also provided a description of the protestors behavior by stating:

"It was pointing and yelling. Everyone looked very agitated by their facial expressions from what I could see. There were certain individuals in the crowd

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that were throwing objects in our direction. None of the other people around them, if they weren't throwing certainly didn't take issue with anything that was going on there, if anything they appeared to be part of the same contingency." (Page 5, Lines 79-83).

In comparison to the earlier protestors Sergeant Herbert observed at the police station, he described the individuals at Southeast 1st Avenue and Southeast 2nd Street by stating, *"it was 180 degree difference, the complete antithesis."* (Page 7) At one point during the protest, Sergeant Herbert advised he was hit by an explosive, which he described as:

"There was some type of explosive device that landed almost on my right foot when it exploded for lack of a better term immediately afterwards I felt a sharp burning sensation on the right side of my abdomen directly below my ballistic vest and also on my leg, but predominantly I felt a burning sensation immediately after that had detonated, exploded, whatever you want to call it." (Page 8, Lines 142-146).

A description of the incident involving Ms. Ratlieff being struck, was relayed to Sergeant Herbert. Sergeant Herbert stated he did not recall witnessing Ms. Ratlieff being struck. Sergeant Herbert confirmed Ms. Ratlieff would have received aid had she walked up to the field force line after she was struck in the face. When asked how she would have received aid, Sergeant Herbert stated:

"Basically depending on her needs, she would be brought to the side to a place of safety and then we would call in the paramedics or EMS that would be more adept addressing her issues." (Page 9, Lines 179-181).

A follow up question was presented to Sergeant Herbert asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"Yeah, you don't leave the field force for your safety unless you're part of a pre-arranged arrest team for the safety of the other officers and everyone at the protest. The field force remains intact for the safety of everyone." (Page 10, Lines 192-195).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – David Knapp (CCN #1674)

On December 7, 2020, Officer David Knapp provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Officer Knapp confirmed he worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Officer Knapp provided a description of what he observed upon arrival into the area of Southeast 1st Avenue and Southeast 2nd Street by stating:

"Gas was being deployed from officers and objects were being thrown from civilians -- towards officers. And that's when we deployed from the vehicles immediately, donned gas masks and went straight to the line for protection.-- Because we were the only protection with shields at that point" (Pages 4-5, Lines 77-83).

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Officer Knapp was asked to elaborate on the projectiles being thrown at him and he stated:

"Rocks, trashcans, fireworks, or explosives of same nature. I'm not an expert on that, so things that were going bang and lighting up. They were setting fire extinguishers off. There were bottles being thrown, gas canisters that were being directed to the crowd to disperse them were being thrown back. I saw people using hammers, breaking off the concrete and the pavers to pick them up and throw them at us. It was anything you could think of." (Page 6, Lines 102-107).

Officer Knapp advised he was able to block the projectiles with his shield as they were coming towards the field force line. Officer Knapp recalled pointing out agitators in the crowd to his fellow officers to prevent them from being injured because he believed the agitators were trying to hurt him and his fellow officers.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Officer Knapp. Officer Knapp stated he did not recall witnessing Ms. Ratlieff being struck. Officer Knapp was asked to explain the reason an officer would not go out into a crowd where medical attention would be needed and he stated:

"It was a violent crowd with a violent situation. So if you take yourself off the line and try to go out there, what you're doing is putting yourself in harm's way and potentially turning what could be one victim into three, four, and five with a rescue situation, which compounds the situation." (Page 8, Lines 158-161).

Officer Knapp confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Officer Knapp stated the following:

"If she would have come up to the line, I have no doubt that we would have, at a minimum, opened the line, allowed her through due to injuries and then behind the line, in the safety -- in our safety area, back -- we would have been able to give her help with rescue and anything else she would have needed." (Page 9, Lines 164-167).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Sergeant Larry Reyes (CCN #1687)

On December 7, 2020, Sergeant Larry Reyes provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Sergeant Reyes confirmed he worked on May 31, 2020, and was assigned to the SWAT team. While staged in the area of the Riverside Hotel, Sergeant Reyes advised SWAT members and field force officers were alerted to officers requesting help at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Sergeant Reyes shared his account below:

"So, while at -- while staged at the Riverside Hotel, we were monitoring the police radio and we heard officers requesting help in the area of I believe it was Southeast 2nd Street and Southeast 1st Avenue. I guess it was a large protest happening in that area. And an officer's vehicle was being surrounded by

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protesters; she was requesting assistance in order to get out of the area safely. And at that point a contingent of SWAT operators, who were roving in the area, responded to assist and they started to ask for additional resources over the radios, saying that they had rocks and bottles being thrown at them at the time." (Page 3, Lines 48-54).

In regards to the emergency backup requested by Detective Stylianee Hayes, Sergeant Reyes opined, *"She sounded like she was in distress."* (Page 3). In order to assist his fellow trapped officer, Sergeant Reyes responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Sergeant Reyes explained his observation upon arrival by stating:

"So when I initially arrived, I parked east of where the actual protest was occurring and I could see a very large gathering west of the parking garage that's located in that area. There was sort of a field force line set up, or was starting to get set up, in that area. And there was lots of screaming and yelling. There was constant rocks and bottles and explosives being thrown at us." (Page 4, Lines 62-66).

Sergeant Reyes advised there was a mixture of *"peaceful protestors"* and *"agitators"* (Page 5) within the crowd of people at the incident location. He advised the agitators were throwing projectiles towards field force officers. This required SWAT members to deploy chemical munitions, which Sergeant Reyes advised, *"I deployed numerous hand-throwable chemical munitions into the crowd in attempt to disperse the agitators."* (Page 5). Sergeant Reyes further explained the reasoning behind the usage of chemical munitions by sharing his account below:

"So, we were instructed to deploy chemical munitions any time we could identify in the area where there were specific agitators in an attempt to try to disperse them. So, any time I could identify a -- a group or an area where objects were being thrown at the police, then I would attempt to throw the chemical munitions to attempt to disperse them." (Page 7, Lines 124-127).

Sergeant Reyes described the chemical munitions as the following:

"They're basically the size of like a soda can, maybe a little bigger. They have a pin that you remove, and once you remove the pin you can toss the canister. The pin that's attached to the canister deploys off of it, and at that point, within a few seconds, smoke begins to disperse from the canister." (Page 6, Lines 101-104).

In addition, Sergeant Reyes stated the following:

"So, they're -- they're hand-tossable and they -- they're -- they're round like a -- like a soda can, and they're meant to be rolled. So the purpose is to -- to toss them maybe lower than hip-level, I would say, so that they roll into the crowd and they disperse their smoke and it -- it affects the -- the protesters so that they can disperse from the area." (Page 7, Lines 124-127).

Sergeant Reyes confirmed in order to deploy chemical munitions, SWAT members are required to go through constant training and have a yearly certification to maintain. Furthermore, in the

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hands of the average person who does not have the proper training, the deployment of chemical munition could be a danger to themselves or others.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Sergeant Reyes. Sergeant Reyes advised he recalled the incident and gave the following account:

"So, as soon as that occurred, I observed this young lady fall to the ground, and I immediately stepped out towards the field force line and I motioned for her to come towards us so that we could give her medical treatment or to get her to an ambulance. At that point she was surrounded by a crowd of people who were very helpful, and they basically attempted to move her away from the area themselves, and, simultaneously, somebody threw a -- a very loud explosive towards our area, which barely missed me. I had to jump out of the way in order to avoid it." (Page 9, Lines 170-176).

While explaining the incident with Ms. Ratlieff being struck, Sergeant Reyes repeatedly did a motion with his hands by bringing them towards his chest. The motion with his hands is a universally known method telling someone to come to you. When asked what was he implying by motioning his hands towards his chest, Sergeant Reyes explained the following:

"It was basically me motioning for -- for her to come towards us or for somebody to bring her towards us. Like I said, I was wearing my gasmask and it was loud in the area, and the gasmask kind of constricts your volume, so I -- while I was yelling for them to bring her over, I also motioned so that they could physically see me requesting them to bring her to us." (Page 9, Lines 179-183).

A follow up question was presented to Sergeant Reyes asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

".....it would've been unsafe to basically break the line. It would've compromised: 1) the line, and then it would've compromised the officer that would've ran out by themselves to try to retrieve her." (Page 10, Lines 185-187).

Sergeant Reyes was asked did he hear anyone from the field force line or Detective Ramos make any comments after Ms. Ratlieff was struck, to which Sergeant Reyes stated, "No". Sergeant Reyes further explained his response by stating the following:

"No. I mean, like I said, I -- my main concern was to try to get her help, and then, instantly, we were met with that explosive, which kind of diverted our attention towards us being safe and not being struck with the explosive." (Page 10, Lines 193-196).

Sergeant Reyes confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Sergeant Reyes stated the following:

"At -- at that point we would've assessed her injuries, probably brought her back to a safer zone. We had the bicycle team, which was set up just to the east of us at the next intersection, and we would've rendered aid the best we could while calling for EMS to transport her to a hospital." (Page 10, Lines 199-202).

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Witness – Detective David Soika (CCN #1491)

On December 10, 2020, Detective David Soika provided a sworn and digitally recorded statement to Sergeants Eugene and Guerra. Detective Soika confirmed he worked on May 31, 2020, and was assigned to the SWAT QRF team. Detective Soika explained the following when it came to his initial responsibilities:

"Our job was to drive around in unmarked vehicles and -- but marked in full police uniforms and monitor the scheduled protests to make sure that they were done peacefully and that there were not agitations or agitators that could cause harm to each other, to police -- to the citizens, officers, and to do damage to businesses." (Page 2, Lines 29-33).

While patrolling the downtown Fort Lauderdale area, Detective Soika recalled receiving information over his department radio advising of bricks and other debris being strategically placed in certain locations. Detective Soika gave the following account:

"...we heard over the radio that there were a pile of bricks that were left by the City parking garage on the southeast corner of Southeast 2nd Street and Southeast 2 Avenue. With the nationwide reports that bricks and other debris were being strategically placed in locations so agitators can use those as projectiles to damage businesses and to throw bricks and other debris at police officers and citizens, we located the bricks with that intelligence and we had the bricks removed from the area." (Page 3, Lines 50-56).

Detective Soika described the initial protestors who walked from Huizenga Plaza to the police station as mostly peaceful and stated the following in addition:

"Everybody was just using their first speech amendment, the right to free speech. They were -- You know, everybody was agitated with what was going on around the nation and they were being vocal. And they were not doing anything violent. They were not breaking the law. They were responding to orders. They were contacted and were actively talking to members of command, keeping communication and a dialogue open letting -- the protestors letting the police department know what they were doing and what their intentions were, and working in conjunction with the police department to make sure that it stayed peaceful." (Page 4, Lines 60-67).

In regards to the emergency backup requested by Detective Stylianee Hayes, Detective Soika stated the following:

"We heard over the radio that there was an officer's vehicle being surrounded. You can tell by the sound of the officer's voice that it was a female, she was scared. You can hear people yelling and screaming in the background and said they were surrounding her car and they wouldn't let her leave. She was trying to leave and they wouldn't let her leave. We responded to the area, got out -- exited our vehicles. We were -- At this point, we were underneath the parking

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garage at Southeast 2nd Street and Southeast 1st Avenue. As I exited the vehicle, I saw a crowd of people surrounding the vehicle and they were yelling and screaming at this officer, who I recognized to be Officer Stylianee Hayes. I yelled for her to get behind our line and to leave the area. We'll take care of the car. And I could see -- As -- As we were approaching her, we were getting people -- I couldn't identify them right now or at that point. They -- We were getting hit with bottles, rocks. People yelling and screaming. I was getting hit in the head, in the chest plate, in the leg, in the shins. Getting hit with bottles of an unknown liquid. And, you know, judging by the color of it, I -- at the time, I thought it was either urine or gasoline. And there were -- It -- It was just -- It was chaos. It was chaos. We're yelling for people to get back, giving them verbal commands. Some people started to back up from the vehicle. We were able to get the vehicle secured and out of the area with another officer." (Pages 5-6, Lines 92-109).

In comparison to the initial protestors Detective Soika observed walking to the police station, he described the individuals at Southeast 1st Avenue and Southeast 2nd Street by stating the following:

"I would think that these were a different kind -- these -- these were a different type of people. These -- They were not really concerned about just being heard. You know, there were definitely people in the crowd that were like that but it -- there were also a number of people that were there to agitate and to become violent towards officers who were trying to keep it a peaceful assembly." (Page 7, Lines 127-131).

On numerous occasions, Detective Soika observed officers get hit by projectiles thrown by agitators. One particular incident, he observed a SWAT member get hit in the head by a rock thrown from an agitator. This caused the SWAT member to be disoriented and dazed. Detective Soika advised he believed it was the intent of agitators to injure police officers. Besides the projectiles being thrown, Detective Soika advised protestors were also chanting negative slurs towards the police. He emphasized the following:

"They were using vulgarities. You know, they were saying "Fuck you, pigs" and, you know, "Murderers. Baby killers. Fuck you. Fucking assholes." You know, "All you -- Racists." You know, they -- they -- they -- There was no shortage of vernacular. And -- And a lot of it was not very nice. When they -- It -- It was quite vulgar and actually violent sounding." (Page 8, Lines 148-153).

Detective Soika was asked, why didn't any SWAT members or field force officers go after the agitators who were throwing projectiles towards the field force line. Detective Soika provided the following explanation:

"Once you identify a person that's throwing somebody, that person tends to automatically disengage and run away. For an officer -- A single officer cannot and should not chase after a single individual or a group of individuals. Pulling away from your backup, pulling away from your team can actually put that officer at -- in more danger and risk of he or she getting injured, hurt, or possibly killed.

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So, in order to take somebody into custody, a arrest team has to be formed of a minimum of four to six officers and they would have to push past the line, go into the crowd, keep the crowd back while they tried to detain the subject and then, have to pull that individual back behind the line again. We -- We did not have the numbers and we could not put ourselves in a position to where other -- where we would actually put ourselves in danger getting hurt. There were times that a couple less-lethal munitions were discharged by members of the SWAT team and they were actually trying to call the people over for medical care. They wanted the people to come towards us so that we can help them. We didn't have the numbers to send people out to get them. We needed them to come to us but people in the crowd were picking these people up and just leaving with them never to be seen again." (Page 9, Lines 165-179).

While explaining his response in reference to "call the people over for medical care", Detective Soika repeatedly did a motion with his hands by bringing them towards his chest. The motion with his hands is a universally known method telling someone to come to you. When asked what was he implying by motioning his hands towards his chest, Detective Soika advised it meant, "Come to me. Come to me." (Page 9, Line 182). Detective Soika further explained the need to use hand gestures while attempting to communicate with individuals out in the crowd and provided the following explanation:

"Well, because it was loud, we were wearing gas masks. Every time we would deploy a less-lethal, like a -- like a gas, the -- people were picking up the canisters and throwing them back at us. And human nature, I -- I'm -- We're still yelling commands but you -- nobody's hearing you. So, you're doing the best you can to -- While maintaining diligence and -- and keep everything in perspective, you're calling people to you trying to use hand signals, telling them, you know -- you know, "Come to me. Come to me. Come to me." And still, all those went -- I -- I guess nobody was listening or was really paying attention because they just picked up -- or they didn't want our help because they saw us as a threat when they immediately just picked up whoever or they got up on their own and left the area." (Page 10, Lines 185-193).

When asked for an explanation on the use of chemical munitions on May 31, 2020, by SWAT members, Detective Soika gave the following reason:

"Reason for the chemical munitions is so you actually get compliance from the people or the person that they're actually being used on. In this case, there was -- there was a large hostile crowd that was formed. We were using the gas just purely to disperse them to keep from any more violence or vandalism happening. They were not, you know, listening to direct orders. They were not dispersing. They were not moving on. And we -- we were using it solely as a control tactic." (Page 11, Lines 208-213).

Detective Soika provided insight into the potential dangers an individual could face when they are not trained in the usage of chemical munitions. Detective Soika explained the following:

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"Well, first -- first off, it's -- it's -- when the gas comes out of its canister, it burns -- it has to burn in order to set off the -- the munitions inside. And that canister in and of itself gets extremely hot. Okay. So, as soon as we throw it, it's -- it's hot. It's a hot round. And the danger that poses to anybody that goes to pick it up and throw it back at us, it -- it'll immediately burn their hand. It -- It's burning that hot. So -- And it's more -- As far as the smoke itself, it's just uncomfortable. You know, it can definitely -- You -- A person can definitely keep working through it. We've trained in -- in such ways where you can still work through the gas. But if -- if it -- if it comes back and somebody picks it up and throws it back at us, yes, it -- if you get hit with it, it would hurt and, yes, it's going to burn if -- if it lands on you. But that -- that's pretty much your danger for the most part." (Page 12, Lines 230-241).

A description of the incident involving Ms. Ratlieff being struck was relayed to Detective Soika. Detective Soika advised he did not recall the incident involving Ms. Ratlieff. Detective Soika confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Detective Soika stated the following:

"She would've been brought back, beyond the line back to safety, back by our armored vehicles. We have SWAT medics. She would've been evaluated. She would've been -- And if any medical care needed to be given, it would've been given to her on scene as a -- as like a first go-over. And then, if she needed to be transported to a medical center, she would've been transported via ambulance to a medical center and -- and given additional care." (Page 15, Lines 295-300).

In regards to the large explosive device, thrown from the direction in which Ms. Ratlieff was being carried to, Detective Soika advised he vaguely remembered it happening. He provided details on the effects a large explosive could have on the field force line by stating:

"There's a shock and awe factor that happens. From pyrotechnics like that, we don't know who made them. So, you don't know what could've been inside of that pyrotechnic after it went off. There's a lot of -- a lot of wheels that start turning in your brain when a large explosion happens. The after effects of that could've been, if that was an explosion that also had incendiaries inside of it, it could've caught the fabric on fire of the officers. It could've injured, possibly killed officers, or actually innocent bystanders because there's no control of the blast. So, that really has a lot of damage mentally -- not only physically but mentally as well to not only the officer but also to individuals that are around the area when that goes off." (Page 16, Lines 314-322).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness -- Lauren Collins (CCN #1635)

On December 11, 2020, Officer Lauren Collins provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Officer Collins confirmed she worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st

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Avenue and Southeast 2nd Street. Officer Collins provided a description of what she observed upon arrival into the area of Southeast 1st Avenue and Southeast 2nd Street by stating:

"Lots of people screaming. Things getting broken. They had already deployed, I guess it's OC, or whatever. It was, you know, clouds of smoke and just everyone being crazy." (Page 2, Lines 57-59).

Officer Collins advised she observed individuals in the crowd, *"Throwing stuff, screaming, holding signs."* (Page 4) Officer Collins further explained the projectiles she observed being thrown by stating the following:

"Some things you could see. It was, like, there was -- I guess that's the library. There was a guy that kept throwing, like, pieces of brick. Some things were, like -- I'm not a SWAT guys, like, the canisters where the stuff that comes out of it. Just any -- some things were just things you can find on the street. Some things were things that people brought." (Page 4, Lines 69-72).

Once on the field force line, Officer Collins described the behavior of the protestors in addition to the projectiles thrown at her. Officer Collins stated the following:

"I don't recall specifics. They would just come up to you and, like, stand in front of you and scream at you. And there was some blonde -- or some redhead lady that kept just coming up to us and screaming. And couple people who were pouring milk on us." (Page 5, Lines 89-91).

A description of the incident involving Ms. Ratlieff being struck was relayed to Officer Collins. Officer Collins advised she did not recall the incident involving Ms. Ratlieff. Officer Collins was asked, had Ms. Ratlieff walked up to the field force line after she was struck, what would have happened and she stated, *"We would have opened the line and brought her back, so that she could be transported to get help."* (Page 8). *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

Witness – Officer Remy Rodriguez (CCN #1880)

On December 10, 2020, Officer Remy Rodriguez provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Officer Rodriguez confirmed he worked on May 31, 2020, and was assigned to the SWAT QRF team which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. When asked if there was anything remarkable about May 31, 2020, Officer Rodriguez responded by stating the following:

"There was a protest that was scheduled to occur, but it was -- it came out as a peaceful protest, and then it ended up not -- not being peaceful. It turned very aggressive and violent that day." (Page 2, Lines 27-29).

Officer Rodriguez described his initial assignment as providing security of the peaceful protestors marching in the downtown Fort Lauderdale area. Officer Rodriguez recalled hearing radio traffic where Detective Hayes requested an emergency back up to her location. Officer Rodriguez advised he could hear the fear in her voice and it sounded as if she was, *"very afraid and*

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overwhelmed." (Page 5). Officer Rodriguez provided the following recapitulation of what he heard by stating:

"I don't recall exactly what she said, but all I remember is that she was being surrounded by people and that there were, like, bottles and rocks being thrown and she couldn't get out, so." (Page 5, Lines 87-89).

To assist his trapped peer, Officer Rodriguez along with his SWAT QRF members, responded out to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Officer Rodriguez provided the following account:

"Well, I was a passenger in the QRF vehicle and we responded to the east side of the parking garage, and once we arrived there, the scene was like very, very chaotic. There were bottles and -- and rocks being thrown everywhere. There was still drivers parked, like pedestrians and bystanders still in their vehicles. I remember telling a few of them to like back out to exit. And then, shortly after, all I remember is being told to put gas masks on." (Page 6, Lines 100-104).

Officer Rodriguez also provided details on innocent bystanders he observed in their vehicles as he was dealing with the hostile crowd. He advised in reference to the innocent bystanders, they appeared overwhelmed and stated the following:

"They looked terrified, and, honestly, they -- they looked -- they looked like they were frozen because they were right before the stop sign, and I don't think they really knew how to get out or the decision to make the best decision. So, they - - if -- without guidance, I don't know what they would've done. I don't know if they would've driven through the crowd or if they would have -- I -- I don't know." (Page 9, Lines 174-178).

While dealing with the individuals at Southeast 1st Avenue and Southeast 2nd Street, Officer Rodriguez described them as a mixture of peaceful protestors and agitators. He gave the following account:

"It was weird, because it seemed like the peaceful people were in front of the agitators, and then the agitators were like behind them, almost using them as like -- like shields and, like, security. So, it was -- it was a very weird dynamic. There was -- there was even a lady sitting down like in the middle of everything, so -- but it seemed that the agitators were behind them, and then they would throw stuff and then take off running and then come back. And they were very in and out, very concealed. It looked like they had like certain tactics to it, so." (Page 10 & 11, Lines 197-202).

In order to deal with the agitators, SWAT members were given the order to deploy chemical munitions. Officer Rodriguez confirmed he deployed chemical munitions to disperse the agitators and described the canister as, *"roughly around the size of like a little bit larger than a soda can."* (Page 12). On numerous occasions, Officer Rodriguez observed agitators from the crowd pick up the recently deployed chemical munitions and throw them back towards the field force line. Officer Rodriguez believed the intent of these agitators was to cause bodily harm to officers.

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Officer Rodriguez highlighted the potential dangers for an individual picking up a recently deployed chemical munition, by stating the following:

"They can personally harm them. The canisters get very hot. If they attempted to grab them, they can burn their hands. And even at times, it even looked like some people were wearing mittens or they would use like a shirt to cover to pick it up. But it – it can be very harmful. They go off in a set amount of time; I don't recall the exact amount of time it takes for them to deploy. But they can harm themselves if they're not trained on how to use them." (Page 14, Lines 274-278).

Officer Rodriguez confirmed in order to deploy chemical munitions, SWAT members go through multiple training sessions throughout the year. A description of the incident involving Ms. Ratlieff being struck was relayed to Officer Rodriguez. He did not recall the incident but remembered seeing Ms. Ratlieff after she was struck. He described Ms. Ratlieff being escorted away after she was struck. As this was happening, Officer Rodriguez heard officers attempt to render aid by saying, "Come to us, come to us." (Page 16). While explaining his response in reference to the verbal directions, Officer Rodriguez repeatedly did a motion with his hands by bringing them towards his chest. The motion with his hands is a universally known method telling someone to come to you. Officer Rodriguez explained due to SWAT members and field force officers wearing gas mask, it was difficult to relay information. This in turn made it necessary to communicate via hand gestures, which was being relayed to the individuals who were aiding Ms. Ratlieff. Officer Rodriguez confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Officer Rodriguez stated the following:

"I'm pretty sure we had medics already staging, so we would've taken her to medics and they would've evaluated her or possibly escorted her directly to the hospital. We would've done the best we possibly could to render aid for her... assess her injuries." (Page 17, Lines 331-335).

A follow up question was presented to Officer Rodriguez asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"Well, the – the apparent danger of leaving a line by yourself into that open area, where people were throwing anything they possibly could, is a very dangerous situation. So, we were holding that line." (Page 17, Lines 338-340).

In regards to the large explosive device which was thrown from the direction in which Ms. Ratlieff was being carried to, Officer Rodriguez stated the following:

"I was near that section, and I recall a chemical munition – chemical munition being thrown back towards the team and I walked up a few feet ahead of the line, kicked it away. And then around that same time, an explosion, whatever type of explosion, I don't know what it was, was thrown near that direction that landed towards my leg." (Page 19, Lines 366-369).

"I was in shock, and I was in fear that literally my leg wasn't even there anymore, just due to the near size of that explosion, so." (Page 19, Lines 371-372).

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This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Sergeant Paul Cristafaro (CCN #1193)

On December 10, 2020, Sergeant Paul Cristafaro provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Sergeant Cristafaro confirmed he worked on May 31, 2020, and was assigned to the SWAT QRF to ensure the protection of the peaceful protestors marching in the downtown Fort Lauderdale area. Sergeant Cristafaro advised he was the senior SWAT team leader and also in charge of SWAT operations out in the field. While patrolling the downtown area, Sergeant Cristafaro advised he was notified by Lieutenant Magno of a large pile of bricks located near Southeast 1st Avenue and Southeast 2nd Street. This alerted Sergeant Cristafaro due to the events which followed involving agitators throwing bricks at SWAT members and field force officers. The protestors marched from Huizenga Plaza to the police station. Once the protestors arrived at the police station, Sergeant Cristafaro advised SWAT members provided station security because, *"there were a lot of attacks on police stations all across the country."* (Page 2). Once the protestors left the police station and marched back to Huizenga Plaza, Sergeant Cristafaro recalled the organizers concluding the event. He shared the following account below:

"So, we had that information relayed to us over -- over the radio. It -- we were told that, 'Hey, the organizers have said that the event is over. They told everybody to go home, be safe,' and they said it was very -- if I remember correctly, the -- the -- the word that was being passed on us was very well-organized, like basically they were told, 'Hey, time to go. Don't hang around,' that type of stuff. So we're like, 'Okay.'" (Page 5, Lines 82-89).

Sergeant Cristafaro confirmed there were no issues with the initial protestors who marched to the police station and back to Huizenga Plaza. In regards to the emergency backup requested by Detective Stylianee Hayes, which occurred around the same time as the protest concluded, Sergeant Cristafaro stated the following:

"So, I remember hearing the initial transmission. So, as a team leader, I have - I have dual communications, so I'll monitor our SWAT channel and I'll monitor that the protest was being conducted on. So, in this case, I hear a female officer, I don't know who it was, I didn't know who it was at the time, get on the radio and she -- you could tell right from the -- from the initial -- initial transmission that she was in distress. She -- and I don't remember all the exact verbiage, but, basically, the protesters were attacking her vehicle. She was trapped inside. And then she gave out the location, which immediately raised a red flag with me because it was the same location that the bricks were at. And these -- you know, we -- we've -- we had traffic officers that were literally there the entire day assisting without an issue on this entire protest. Most of them, when we would pass them, they're sitting in their cars most of the time just shadowing the protest, making sure that traffic shut down and stuff like that. Occasionally, they have to get out to stop traffic for the -- for the -- for the marchers, but, like I said, when I heard the address, I -- I was like, 'Oh, that's the same loca' -- I -- immediately I called out, 'That's the same location as -- as where they found the

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bricks.' So, in my head, I'm immediately thinking like a ambushed-style scenario." (Page 6, Lines 109-123).

To assist the trapped officer, Sergeant Cristafaro along with his SWAT QRF members, responded out to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Sergeant Cristafaro gave the following account:

"By the time we got there -- and I didn't find out until later it was Officer -- Officer Hayes, but she was being -- I saw her being -- moving away, moving east towards us as we were moving west towards 1 Ave. From the look on her face, I knew she was involved in something. I still didn't recognize her voice 'cause I don't work with her, but I could see from her demeanor that she was definitely shaken up. But I saw her moving away from -- from 1 Avenue as we were -- I believe we parked -- what is that? I guess it's going to be like 2 Avenue on the east side of the garage there, and we had to make our way up on foot. But I saw her pass me, and, like I said, you could tell -- I didn't know -- I still didn't know it was her, but you could tell from the look on her face that she was -- she was pretty shaken up." (Page 7, Lines 127-135).

Sergeant Cristafaro provided an account of what transpired upon his arrival at Southeast 1st Avenue and Southeast 2nd Street by stating the following:

"So as soon as I get out of the car, immediately it's -- it's like a foggy aura, because it's almost like there's smoke going off, but it's not from us. There's different colors of smoke, there's -- it's -- and -- and I'm like, "Man, there's a lot of smoke. Like, why is there so much smoke?" So, I don't know at this point if we -- if we deployed smoke to effect this rescue. I have no idea, because there were other QRF tea -- there was another QR -- one or two QRF teams that beat us there, 'cause, like I said, we were at the tail end of the -- of the protest. But as soon as I get out, I mean, up ahead all I see is people. I just see walls and walls of people screaming, yelling, throwing stuff. Within, I mean, literally I made it -- I don't even know how far it was, but I made it halfway between 1 Ave and 2 Ave, I got hit in the leg with a rock. Nothing crazy, but definitely small rock or brick, or piece of brick, but I definitely felt it and I'm like, "Okay." I come up, I make contact with Steve Smith, Detective Smith, and he's like, "Hey, man, we got a huge crowd. We -- we need to deploy glass -- gas," and I'm like, "Okay." So -- and that's when we -- we started formulating the plan to deploy gas. He -- he got on the radio and advised command, and then that's when I came up and I shored up our line and requested a field force because, at this point, we're not holding this crowd back with -- with just SWAT operators. And we're going to need to use less-lethal munitions at this point or we're not going to be able to hold the crowd off." (Pages 7 & 8, Lines 138-154).

Sergeant Cristafaro confirmed there were more individuals in the crowd in comparison to SWAT members on scene. Furthermore, he provided a comparison between the initial protestors and the protestors he was dealing with at the intersection of Southeast 1st Avenue and Southeast 2nd Street by stating the following:

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"So, the crowd, I mean, you can tell -- so, the crowd was -- initially, when we -- when we would shadow the protest, you saw, you know, like a wide variety of people. They're dressed in shorts, they're dressed in tank tops. You know, they're carrying signs, they're doing their thing. But, now, we see that initial line of people in front of us, you see the backpacks, you see gloves, you see people cov -- I can't tell if they're male or female. Like, I don't know what they are. Like, they're covered head-to-toe with like, you know, like the -- almost like the balaclava-type stuff..." (Page 13, Lines 252-258).

Sergeant Cristafaro advised it was his decision as the senior team leader, to have SWAT members deploy chemical munitions. The decision was made in order to thwart the felonious activity of agitators in the crowd. He explained the following:

"I mean, honestly, so, at that point, the decision to deploy gas, in my mind, was mine. I'm the senior -- I'm the senior team leader on the ground. We're being attacked. I take responsibility for that. Steve Smith actually got on the radio and asked Captain Greenlaw, 'Hey, we need to throw gas. We need to deploy less-lethal munitions.' But once I saw -- I saw an individual in the crowd covered in -- in -- in clothing and -- and he's crouched down behind the crowd and he looks like he's trying to light something, at that point -- and I -- and I even -- I even told Steve afterwards, 'I'm not sure at what point we got the permission, if it was before or after, but I deployed a canister of gas -- because I know now being -- we're being set up here.' So, at that point I deployed a canister of gas. We did get permission over the radio, I just don't remember the timeline as to when we got it. But, like I said, for me, that decision was mine to use that -- that less-lethal munition, and it was to protect the -- we didn't have a field force at that point. We only had a small contingent of SWAT operations. We don't have shields, we don't have any of that stuff. We do have helmets and gasmasks, but we don't have face cov -- we don't have face shields, we don't have any of that. So, it was just us kind of holding off an angry mob until the field force could arrive." (Page 16 & 17, Lines 312-328).

The actions of agitators throwing projectiles towards the field force, necessitated a response from SWAT members according to Sergeant Cristafaro. He explained the following:

"So, there were times that the people in the crowd would stop throwing things -- and when they did that, we did not deploy any less-lethal munitions. We did not deploy any gas, we did not deploy any 40mm baton rounds. We -- we stopped. That's when the crowd would -- you know, they'd put their hands up or they'd get in the face of the field force line, they start yelling and screaming. But, okay, you're not throwing anything -- you're not doing at that point. We did not -- when they -- when they would stop throwing stuff at us, we did not deploy anything. And that happened probably two or three times throughout the course of that event while I was at -- on that -- on that northern line. And once they -- but, again, once the agitators would start to throw rocks, bricks, bottles, then that's when we would obviously try to address it." (Page 19 & 20, Lines 383-400).

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Sergeant Cristafaro was asked, why didn't any SWAT members or field force officers go after the agitators who were throwing projectiles towards the field force line. Sergeant Cristafaro provided the following explanation:

"So, initially we didn't have the bodies, even with the initial field force line they gave us. We didn't have -- we didn't have enough people to form the arrest teams. Honestly, that would've been ideal. We needed to make arrests, we needed to -- to -- to grab the main agitators, but we did not -- it wasn't safe to grab them with what we had, and we didn't have the bodies to grab them with what we had. It would've been nice, but, again, you know, this -- this kind of -- you know, it's one of those things where we kind of got -- everything was nice and peaceful, peaceful, peaceful all day long, then all of a sudden it just popped off at once. So, by the time you get the field force line out there and get everything solidified, like I said, we just didn't have the -- the manpower and it wasn't safe to effect those arrests. But, honestly, that would've been ideal for us. I wish we could've done that." (Page 21 & 21, Lines 403-412).

According to Sergeant Cristafaro, water bottles, rocks, bricks, and large explosives were being thrown at the field force line by agitators in order to cause injury to officers. Sergeant Cristafaro provided insight from his perspective as large explosives were being launched at the field force line by stating the following:

"I don't know if they were M80s or quarter sticks of dynamite because, when you're standing under that garage, the echo is immense. So, some of those things that were going off sounded like bombs going off. I mean -- and -- and, obviously, you know, we all grew up -- well, I grew up in the '80s, but, you know, I remember the old-school M80s and the quarter stick of dynamites that people used to light, and that's what it sounded like. And, I mean, I know kids growing up that lost fingers, that lost hands messing around with these things. So, for me, I know these things are designed to cause great bodily ha -- injury at the minimum. So this is what was being thrown at us. At one point, and, again, I know from watching the videos after the fact, there was a loud explosion. I was on the left side of the line. There was a really loud explosion on the right side of the line, which is where Detective Ramos and Detective Fernan -- or Officer Fernandez were -- were positioned. But I remember when that went off, my first reaction was like, basically, "What was that?" 'cause that sounded like -- holy -- man, it sounded like a bomb went off. So -- 'cause -- and, again, I was on the left side of the line when that happened, and I remember it specifically clear as day." (Page 21 & 22, Lines 417-432).

According to Sergeant Cristafaro, the chemical munitions deployed by SWAT members on May 31, 2020, were throwable canisters of gas. The throwable canisters are metal, have a pull pin, and a spoon which separates upon the release of chemical. Sergeant Cristafaro further explained by stating the following:

"We used both interior and exterior chemical munitions just because, honestly, we didn't have enough, so we end up having to use some of our interior stuff."

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The interior stuff, the difference is, it doesn't burn hot. So if you throw -- if you deploy it into a structure, it doesn't catch the structure on fire. But the negative to that is, they can pick it up and throw it back at you. But, again, some of these people had gloves on, so they were even still picking up some of the burning -- the burning chemicals and they were still throwing it back at us." (Page 27, Lines 546-552).

Sergeant Cristafaro confirmed SWAT members equipped with chemical munitions go through multiple training sessions throughout the year. In addition, SWAT members train monthly on various items including the deployment of chemical munitions. On numerous occasions, canisters deployed by SWAT members were thrown back by agitators out in the crowd. Sergeant Cristafaro provided insight into the potential dangers an individual could face when they are not trained in the usage of chemical munitions by stating the following:

".....if you throw it like a baseball, you know, an overhand throw, and you're not careful as to where you're deploying it and you hit somebody in the head, you can -- you could seriously injure somebody. Remember, the top of the canister where the spoon connects is -- it's like a small protruding square, I guess, is the best way I could put it. If that hits you in the head, it -- it could -- it could -- it could cause great bodily injury or -- you know, or worse." (Page 31, Lines 620-625).

In order to thwart the behavior of agitators who were throwing back recently deployed chemical munitions, Sergeant Cristafaro advised he gave the directive to target those individuals with the 40mm less-lethal launchers. When deploying the 40mm less-lethal launcher, Sergeant Cristafaro explained the intended target areas on individuals by stating the following:

"So, the lower abdomen, pelvic girdle type area is where you're looking for. You know, one of the old schools of thought was "we'll try to hit the upper thighs," but, you know, a moving target is sometimes difficult to hit. So, now they're very big on pelvic girdle, lower abdomen area. Yes, the upper thighs are great, but, like I said, when a -- when it's a moving target in a chaotic situation, not necessarily as easy as it -- as it looks, even -- even for somebody who's trained." (Page 32 & 33, Lines 655-660).

While explaining the 40MM less-lethal launcher, Sergeant Cristafaro provided insight on the minimum distance suggested before deploying and the sights equipped by stating the following:

"So the extended range rounds, depending on the manufacturer you get them from, usually are five feet or even less -- -- they're -- is acceptable. In the case of from what I saw, there was nobody being -- being impacted with a 40mm round that was less than five feet, anyway. I mean, it was all 10 feet, 15 feet, 20 feet. And, in reality, we do use extended range rounds, but not f -- not -- not usually on a field force scenario -- because you never know what you're going to encounter." (Page 33, Lines 663-672).

In addition, Sergeant Cristafaro stated the following:

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"So -- so, the 40mm, it has a rifle barrel, it has a bead sight, it -- it -- it has a -- we have now put -- and sporadically, we've had optics on our less-lethal munitions, but wasn't consistent. I think the good majority of munitions that we have out there on that day just had the -- the bead type sights." (Page 33 & 34, Lines 675-678)

A description of the incident involving Ms. Ratlieff being struck was relayed to Sergeant Cristafaro. Sergeant Cristafaro advised he did not see this incident while on scene, but did review videos of the incident after the fact. He shared his account below:

"I watched Ramos' video, I watched Jesus Fernandez -- I watched a lot of the videos. And I also watched the videos where they were trying to render aid to the female who was hit, and I was -- honestly, I was -- I wa -- I was very proud of them for trying to do that. You know, I -- I get the circumstances and I get it was chaotic, but they still, under that stress, still tri -- still tried to render aid to -- to the -- to the person who was struck with the -- with the 40mm." (Page 37 & 38, Lines 741-748).

Sergeant Cristafaro further explained the actions of Sergeant Reyes, who he observed offer medical aid to Ms. Ratlieff by stating the following:

"I can see on the video, and I didn't know who it was at the time -- later, after the fact, I found out it was Sergeant Reyes, but he's waving over to, 'Bring her over, bring her over, bring her over' continuously. And, basically, the crowd that surrounded her wouldn't allowed that to happen -- and you could see that on the video." (Page 37, Lines 751-758).

While explaining Sergeant Reyes' actions, Sergeant Cristafaro repeatedly did a motion with his hands by bringing them towards his chest. When asked what was he implying by motioning his hands towards his chest, Sergeant Cristafaro explained the following:

"....he's basically waving 'bring her to us, bring her to us.' So the hand -- hand motion he's using is to motion to the crowd to bring the female to the line so we could render her aid." (Page 38, Lines 764-766).

A follow up question was presented to Sergeant Cristafaro asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"Well, considering what we're dealing with, I mean, it wouldn't have been -- I mean, honestly, we -- wea -- remember, we have weapons, so if we get attacked, our weapon can get removed from our holster, our rifle could get removed from us, and now we just turned a really bad situation into a horrific situation. So that was definitely the -- the no-no there. And -- and in my mind, they made the right decision -- not going out into the crowd. As much as your -- your instincts are -- are to go help, you couldn't at that point. And then, shortly thereafter, that explosive went off. Which, again, she pretty much disappeared after that from what I saw on the video, so I don't know where she went after

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that. I don't know where they ushered her off to." (Page 38 & 39, Lines 771 – 782).

Sergeant Cristafaro confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. In addition, Sergeant Cristafaro advised Fort Lauderdale Fire Chief Jason Bohan was on scene overseeing any medical issues relative to the protest. Sergeant Cristafaro stated the following:

"We would've rendered aid. A hundred percent we would've rendered her aid. We had medics -- so, I had Chief Bohan, and I -- I -- I didn't mention this earlier, but he was staging at just directly behind us. So, where we had the bike platoon and all of them holding the stairwells, he was there. I made contact with him probably a couple times throughout the incident to talk to him and kind of give him a briefing on what we were doing, and he was there. He stayed there pretty much throughout the -- the entire thing. So, I would've immediately brought her to one of our medics, a hundred percent -- or had one of the operators do it." (Page 39, Lines 785-795).

Sergeant Cristafaro was asked, after Ms. Ratlieff was struck; did he hear anyone from the field force line or Detective Ramos make any comments, to which Sergeant Cristafaro stated, "No." At the conclusion of Sergeant Cristafaro's statement, he provided a description of the parking garage (Southeast 1st Avenue and Southeast 2nd Street) and the challenges he faced communication wise. He stated the following:

"So, the way the parking garage sits is the parking garage actually goes from the north side of the road to the south side of the road, with an overhang above us. So it kind of goes over the roadway. So, when you're under there, there's like a loud, distinct echo. Like, it is -- it's -- it's unmistakable. 'Cause, like I said, you basically have two parking garages that are kind of connected in the middle by an overhang -- so that was my thought process on why everything was so loud under there and it was so difficult to hear and communicate, because of that overhang. And then, plus, when we're getting -- you know, because of the amount of smoke that was being thrown initially, not by us, but now the -- the clouds of smoke that's kind of hanging underneath that -- that parking garage, because of the wind direction and everything like that, it made it difficult to see. So it -- it kind of hampered our visibility in addition to our communications a little bit." (Page 42 & 43, Lines 854-869).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Jesus Fernandez (CCN #1935)

On December 3, 2020, Officer Jesus Fernandez provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. Officer Fernandez confirmed he worked on May 31, 2020, and was assigned to the SWAT QRF to ensure the protection of the peaceful protestors marching in the downtown Fort Lauderdale area. When asked if there was anything remarkable about May 31, 2020, Officer Fernandez responded by stating the following:

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"I remember being called out from home for the protest, scheduled protest for that day. A large amount of numbers they had for the protest that day. We were just in a QRF capacity, Quick Reactionary Force, if anything went down. At some point the protest ended. It turned into a riot where they threw rocks, all types of -- all types of stuff at us. I remember responding to that location, Southeast 1st Avenue and 2nd Street, Southeast 2nd Street, 'cause an officer asked for emergency backup. From my understanding, they were surrounding a car, at which point some of the QRF vehicles from working in a SWAT contingency responded to the location. And we were confronted with multiple individuals, appeared hostile, throwing rocks and bottles and all types of -- there's some stuff that you couldn't even see, honestly." (Page 2, Lines 26-34).

In regards to the emergency backup requested by Detective Hayes, Officer Fernandez stated, *"I remember hearing her sounding distressed." (Page 4).* Officer Fernandez advised he could hear the urgency in her voice, which necessitated an expedited response to her location by officers including himself. Upon his arrival, Officer Fernandez advised the crowd was displaying, *"aggressive behavior, yelling and screaming, throwing rocks, bottles." (Page 6).* Officer Fernandez provided a description of the protestors he was dealing with at Southeast 1st Avenue and Southeast 2nd Street, by stating the following:

"There were some that were being hostile and there was some that just weren't. Kind of like the hostile -- the ones that were being hostile were hiding behind the ones that were not being as aggressive or showing that aggressive behavior." (Page 8, Lines 152-154).

Officer Fernandez confirmed at some point the field force team responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street to assist the SWAT QRF team. Officer Fernandez explained the following upon the field force team arriving:

"We still -- at that point the crowd was still there and a little bit more -- at that point I would say I felt more safe 'cause we had a full -- not a full field force, but what we had was better than not having anything. We had shields up that we could be behind, behind the line, get protection from the objects being thrown at us." (Page 8, Lines 159-162).

With the field force now set up, Officer Fernandez advised he was responsible for providing protection for the field force line. He further explained his assignment by stating the following:

"I am behind the field force line and I'm providing protection for the field force line myself 'cause I was on a 40 Mike that day. 40 Mike -- yeah, I was on a 40 Mike that day, so I was providing protection from the hostile -- any hostile crowd or anybody involved in the crowd that was either throwing back -- gas munition back at us." (Page 9, Lines 167-170).

During his statement, Officer Fernandez referred to the 40mm less-lethal launcher as a "40 Mike." Officer Fernandez confirmed he used the 40mm less-lethal launcher on May 31, 2020, to disperse individuals who were "being aggressive" out in the crowd. He also confirmed in order to utilize the 40mm less-lethal launcher, SWAT members have multiple training sessions throughout the year

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on the less-lethal launcher and have to qualify on an annual basis. Beside the annual qualification needed to carry the 40mm less-lethal launcher, SWAT members including Officer Fernandez train every month. Part of the training includes deploying less-lethal munitions to target areas of the body which include, "leg area, back, something that won't portray -- well, deadly force." (Page 10). When asked what type of munition does the 40mm less-lethal launcher deploy, Officer Fernandez advised both rubber impact rounds and CS gas are utilized. Officer Fernandez was asked, when he deployed his 40mm less-lethal launcher, what or who was the intended target and he stated the following:

"For the most part the gas was in an area to disperse a crowd. The impact rounds is more for a direct target. If someone's being hostile that day -- that will be more of a direct target." (Page 11, Lines 209-211).

Officer Fernandez further explained his response on the decision to engage hostile individuals by stating the following:

"If they displayed aggressive behavior, they're throwing -- they're throwing the -- 'cause that day the CS -- the CS tri-chambers were also deployed. Some of -- some of those that were thrown out there were thrown back at us. So those type of individuals that are throwing gas back towards our line. For the most part, those aggressive -- those aggressive individuals that displayed that type of behavior. (Page 11, Lines 214-218).

A description of the incident involving Ms. Ratlieff being struck was relayed to Officer Fernandez. He recalled the incident and seeing the canister thrown back towards the field force line. He shared the below account in addition:

"You hear a pop and then you see the female fall to the ground. At that point SWAT members were -- were signaling to the crowd to bring the female over to us. However, the crowd refused to and took her away." (Page 13, Lines 252-254).

While explaining his response on signaling the crowd to bring Ms. Ratlieff over to the field force line, Officer Fernandez repeatedly did a motion with his hands by bringing them towards his chest. When asked what he was implying by motioning his hands towards his chest, Officer Fernandez explained the following:

"That -- that was -- what that means is us signaling the female to -- or the crowd to bring the female to us so we could actually render some type of medical assistance -- or render aid." (Page 13, Lines 257-261).

A follow up question was presented to Officer Fernandez asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"I believe at that point was for -- for safety purposes. We -- we would have to go outside of safety and go into a crowd that has already showed hostile and aggressive behavior. So that's why we were trying to have them bring her to us where it's safe behind -- we could have taken her behind the line and actually rendered aid." (Pages 13 & 14, Lines 264-267).

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Officer Fernandez confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Officer Fernandez stated the following:

"We had -- I believe back there we had either the BEAR or the BearCat armored vehicle where we could have actually rendered aid or called for Fire Rescue at some point to -- if we had to transport her somewhere or anything for Fire Rescue to meet her we could have done that as well. Some sort of aid so she could -- for the injury that was called." (Page 14, Lines 270-275).

Officer Fernandez was asked, after Ms. Ratlieff was struck; did he hear anyone from the field force line or Detective Ramos make any comments, to which Officer Fernandez stated, *"No, I don't -- I don't -- I don't remember."* (Page 14). In regards to the large explosive device which landed directly in the vicinity of a few field force officers after Ms. Ratlieff was carried away, Officer Fernandez remembered seeing the large explosive land near his foot. Officer Fernandez advised the blast from the large explosive was so powerful it caused his Body Worn Camera (BWC) to shut off. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

Witness – Officer George Baker (CCN #2011)

On December 18, 2020, Officer George Baker provided a sworn and digitally recorded statement to Sergeants Eugene and Geiger. Officer Baker confirmed he worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Upon Officer Baker's arrival, he observed individuals throwing rocks and bottles towards himself and other police officers. He stated the following:

"I see, you know, a crowd of people that's -- you know, that's being belligerent, you know, they're not following orders. You know, they -- they were picking up anything they can off -- off the ground to, you know, use as -- as weapons against us, throwing them. You know, rocks, bottles; you name it, they was picking it up and throwing it at us." (Page 3, Lines 48-51).

Officer Baker advised not everyone in the crowd was violent and belligerent, but did advise majority of the individuals in the crowd were. Besides the projectiles being thrown, Officer Baker advised protestors were also chanting anti-police slurs towards the police. He emphasized the following:

".....some of the most like, baddest things I ever heard, like I -- you know, like being directed towards me. So -- so like while we were standing in -- in -- in our field force line, you know, we had a couple of, you know, people come up. They were just like, saying, 'Oh, you know, oh, you're a -- a sellout.' They were like, pointing at their skin, you know, like, saying, you know, like, 'Oh, you're a -- oh, you're not one of us anymore' or, 'You think you bad 'cause you in that uniform.' 'Oh, you racist.' 'Oh, you -- oh, you a slave to them.'" (Page 5, Lines 93-99).

Officer Baker confirmed on numerous occasion he observed agitators pick up recently deployed canisters and throw them back at the field force line. He further advised on the canisters thrown back at the field force line by stating, *"one of those canisters that -- that were thrown back, it had actually hit me in the -- in -- in the leg."* (Page 7). A description of the incident involving Ms. Ratlieff

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being struck, was relayed to Officer Baker. Officer Baker advised he did not recall witnessing Ms. Ratlieff being struck but did see her on the ground. He stated the following in addition:

"I do remember like, her like -- you know, like on the ground, kind of like in a -- in a -- in a cradle position, but, like, I di -- I didn't know like, what happened. Like, I just seen, you know, like people, you know, as like coming to her aid, you know, saying that she needed help, and then they kind of like -- like carried her, like, off to the side -- like in -- in the back. But it -- it wa -- it was just so much going on to where, like, I was -- you know, like I was trying not to, you know, like become tunnel vision 'cause, you know, things were coming from left, the right, the middle. So, like I -- like I -- I was just trying to keep my head on a swivel." (Pages 8 & 9, Lines 156-166)

A follow up question was presented to Officer Baker asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"...the crowd already throwing things at us, so, you know, it -- it -- it just wasn't safe to, you know, enter that area." (Page 9, Lines 170-171)

Officer Baker confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. In regards to the large explosive device, Officer Baker advised the blast hit his right thigh and damaged his work pants. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

Witness – Sergeant Robert Smith (CCN #1855)

On December 2, 2020, Sergeant Robert Smith provided a sworn and digitally recorded statement to Sergeants Eugene, Guerra and Geiger. Sergeant Smith confirmed he worked on May 31, 2020, and was assigned to the SWAT QRF to ensure the protection of the peaceful protestors marching in the downtown Fort Lauderdale area. When asked if there was anything remarkable about May 31, 2020, Sergeant Smith responded, *"Yes, there was. We had a peaceful protest that turned violent that day." (Page 2)*. Sergeant Smith elaborated on his response on how the protest was initially peaceful by stating the following:

"The event in the beginning of the day which had started at Huizenga Park was a scheduled planned peaceful protest. Most of that day the protesters that showed up were peaceful, chanted, walked around and exercised their right to protest. Unfortunately, protesters peacefully left and violent rioters stayed that night." (Page 2, Lines 28-31).

In regards to the emergency backup requested by Detective Stylianee Hayes, Sergeant Smith stated the following:

"....at some point after they had walked on Las Olas, we were kind of shadowing, just staying in the area. I think it had gone back westbound again towards 2 Street and was in that area of 2 Street and Las Olas. I heard an officer come over the radio frantically screaming, again, I would have to refer to my report to recall exactly what was said, but a lot of the verbiage was just a frantic

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scream and a location, I believe it was like something was wrong.” (Page 5, Lines 79-83).

Upon arriving to assist Detective Hayes, Sergeant Smith described the violence he observed by stating the following:

“When we finally arrived at the final location of 2nd Street, you could hear as we exited the car, things being thrown, rocks, glass breaking, things hitting the ground, small fireworks – well, they sounded as from a distance small fireworks at the time going off, people yelling, screaming and running through the roadways, things like that. (Page 6, Lines 102-105).

Sergeant Smith further explained how he was hit by projectiles while at the intersection of Southeast 1st Avenue and Southeast 2nd Street as the following:

“So as my – as our teams exited our vehicle and started to make our way to the intersection of where everything was being thrown and tossed at officers that were in the area, we had to start deploying chemical munitions at the command – at command’s decision and we were donning our gas masks. We had our gas masks on. At some point as things were going, explosions happening, whatever they were that they were throwing at us, something hit me on the bottom left side of my chin I think it was, dislodging my gas mask off my face and then causing me to take in gas.” (Page 6, Lines 107-113).

Sergeant Smith confirmed at some point the field force team responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street to assist the SWAT QRF team. Sergeant Smith explained the following:

“I don’t know the timeframe, but that had taken a little bit to get into, so once they got there the field force line got established, they set up, people were – the rioters, I’ll no longer use protesters, the rioters had continued to launch and throw rocks, bottles, dropping large rocks off the top of the parking garage at some point during this, throwing more things at us and this was just a continuation over – until that field force line got there and after.” (Page 7, Lines 123-128).

In order to stop the violent behavior of agitators in the crowd, Sergeant Smith advised he deployed chemical munitions. Sergeant Smith described the chemical munitions as, *“canisters of mace to cause an irritant and burning and hopefully disorient and make people leave the area.” (Page 8).* Sergeant Smith also advised the canisters are easily throwable and are about the size of a soda can. He confirmed SWAT members are the only speciality unit within the police department who are trained on the usage of the chemical munitions. He further explained the reasoning by stating the following:

“Because they’re not a tool that we use just on the road on a regular basis. It is meant to use in specialty circumstances when given commands and directives in planned events if possible.” (Page 9, Lines 162-164).

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Sergeant Smith advised a police officer with no prior training on the deployment of chemical munitions could not pick up a chemical munition and properly deploy it. According to Sergeant Smith, the same could also be said about any agitator who picked up a recently deployed canister and threw it back at the field force line. He explained the following when deploying chemical munitions:

"We don't deploy them at people. We deploy them in the area for crowd dispersal. It turns into a projectile just like any other projectile that can cause injury to a head, an eye, cause disorientation, the chemical itself as we use as an irritant to stop a crowd from doing something hostile then becomes something against us which, you know, takes all kinds of avenues." (Page 9, Lines 175-179).

Sergeant Smith described he was hit by various projectiles while at the intersection of Southeast 1st Avenue and Southeast 2nd Street. He also gave the following account of the projectiles his fellow SWAT members and field force officers encountered:

"....that night I can recall seeing officers kneeling down next to car tires trying to fix themselves. I heard stories of people getting hit and hurt throughout the day, hit with glass bottles, hit in the face with projectiles, some of the explosions had gone off right in some people's faces causing disorientation." (Page 12, Lines 221-225).

Beside the projectiles that were thrown at the field force line, Sergeant Smith also described the anti-police slurs people were yelling and their actions towards the field force line by stating the following:

"Fuck the police, go to hell. There were some people that would run up to the line and run up to the shield, I'm sorry, where the field force was, try and intentionally, you know, kind of see if they were going to do anything, it kind of all started to run together, it was very volatile, very hostile, kind of caused chaotic panic of the day." (Page 12, Lines 229-232).

In comparison to the initial protestors Sergeant Smith observed walking to the police station, he described the individuals at Southeast 1st Avenue and Southeast 2nd Street by stating the following:

"So earlier in the day we had protest and people just exercising their constitutional rights to protest, this was a violent rioters this time." (Page 12, Lines 235-236).

Sergeant Smith confirmed beside the chemical munitions, SWAT members also utilized the 40mm less-lethal launcher in order to "stop a violent action of the individual." (Page 13). Sergeant Smith advised SWAT members equipped with the 40mm less-lethal launchers go through multiple training sessions throughout the year and qualify with the launchers on a yearly basis. A description of the incident involving Ms. Rattlieff being struck was relayed to Sergeant Smith. Sergeant Smith advised he did not see this incident while on scene but did review his Body Worn Camera (BWC) of the incident after the fact. He shared his account below:

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"I have recently reviewed the videos here. Again, in seeing a part where there were people yelling to us that there was a person on the ground and you see them, during that video I actually waive at them to bring the person to us as we were not going to enter the crowd to go in there. It was already hostile and volatile, you don't know if these things are some sort of ambush set up to bring you into a crowd to try and cause harm to you, but I did not know until today that this was the same situation." (Page 15, Lines 288-293).

In addition, Sergeant Smith stated the following:

"Not knowing until today it's her, I observed myself waving to a person standing above her saying, 'bring' – I actually said out loud, 'bring them here' because we were not going to go into the crowd at that time, it was like I said – and then at that point as we were trying to do that and wave them over, a large explosion goes off in our face." (Page 15 & 16, Lines 302-305).

Sergeant Smith was asked, after Ms. Ratlieff was struck; did he hear anyone from the field force line or Detective Ramos make any comments, to which Sergeant Smith stated, "No." Sergeant Smith further explained his response by stating the below:

"As you can see from my video you kind of have to get in people's faces and scream at them with the gas mask on to try and even get anything across to them." (Page 16, Lines 319-320).

A follow up question was presented to Sergeant Smith asking why no one from the field force line, walked out to Ms. Ratlieff after she was struck in the face and he stated:

"....it's a classic set up for being able to grab officers and harm them, especially in this type of environment, it's very hostile, it's very volatile, officers train in maneuvers to move towards and help people, you know, should it get to that, but we didn't even get the opportunity." (Page 17, Lines 333-336).

Sergeant Smith confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Sergeant Smith stated the following:

"I had no idea what had happened, what was going on, how that person got hurt, they could have fell for all I knew at that point, but if no matter what even violent people towards us trying to hurt us that day, we still have a job to treat people and give them aid and help them, so when they were telling us that somebody was hurt, should they have brought that person to us we would have got them medical care and treated right away. We actually had paramedics with us the entire time, SWAT medics with us the entire time that would have provided first aid and care right away to anybody we could have helped." (Page 17 & 18, Lines 342-348).

In regards to the large explosive device which was thrown from the direction in which Ms. Ratlieff was being carried to, Sergeant Smith stated the following:

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"A large explosion happened right at our feet and right in our face. Causing disorientation to everyone, kind of caused you to have to step away real quick and then the whole scene changed again and you know, what you're able to see and who was there and who had moved, and it kind of happened right in front of the field force line and everybody that was, you know, with the line. (Page 18, Lines 355-361).

Sergeant Smith advised the aforementioned large explosive was not the only one thrown at the field force line. He explained how the SWAT team has Noise Flash Diversionary Devices (NFDD) in their arsenal, but on May 31, 2020, the SWAT team did not use any. Sergeant Smith shared the following:

"I think even on my camera alone you can hear multiple throughout the event and if you told me right now the thing took two hours I would have told you it took six, so I don't even know how long this thing – the whole encounter took, but throughout however long it was throughout the night as well, firewo -- I call them fireworks, but explosives of different sizes had come and gone throughout the day." (Page 20, Lines 401-405).

In addition, Sergeant Smith stated the following:

".....all the explosions that happened that day as far as I'm aware and would sit here and tell you definitely came from individuals throwing things at us that exploded, because there weren't even many – after using NFDDs, you know, so much you kind of know what they sound like." (Page 21, Lines 421-424).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Sergeant Aiden Finnerty (CCN #1651)

On December 21, 2020, Sergeant Aiden Finnerty provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. Sergeant Finnerty confirmed he worked on May 31, 2020, and was assigned to the contingency field force. Due to an emergency backup, Sergeant Finnerty and the field force team responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Sergeant Finnerty described what he observed when he first arrived at Southeast 1st Avenue and Southeast 2nd Street by stating the following:

"There was some officers from this -- already on scene. And then there was a large group of protesters throwing rocks, bottles. There was other debris in the roadway. There was graffiti sprayed on some of the businesses in the area. So it was a large civil unrest that was going on." (Page 3, Lines 43-46).

Sergeant Finnerty also provided a description of what he observed some of the people out in the crowd were holding and wearing by stating the following:

".....some of them had, you know, they had homemade shields. Some were wearing construction-style helmets. (Page 3, Lines 56-57).

Besides the projectiles thrown at the field force line, Sergeant Finnerty advised the anti police slurs relayed by the protestors towards the field force line were overall negative. He confirmed

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not everyone in the crowd was violent, but there was a mixture of violent and peaceful protestors intermingled together. He stated the following:

"There were some -- some individuals going around, taking pictures, you know, on their bicycles, cycling around. Others then were throwing rocks, projectiles. There was loud bangings, possibly fireworks. There was people distinguish -- or people distinguished fire extinguishers. So it was a very hostile situation." (Page 4, Lines 68-71).

Sergeant Finnerty was asked when the field force responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street, what was the objective and he stated the following:

"At that moment in time to -- to stop the people from advancing forward towards us. Show a presence, command presence. We were the frontline officers that were responding to try and maintain the peace, keep the peace." (Page 5, Lines 80-82).

Sergeant Finnerty confirmed on numerous occasions he observed agitators pick up recently deployed canisters and throw them back at the field force line. He advised he was not hit directly by any of the projectiles thrown back at the field force line. Though he was not struck by any projectile, Sergeant Finnerty advised, *"officers that were in front of me were hit with some type of a fireworks or incendiary devices, as well as like rocks and bottles."* (Page 6). Sergeant Finnerty believes it was the intent of these agitators to cause mass chaos and encourage other people to join in their felonious acts.

A description of the incident involving Ms. Ratlieff being struck, was relayed to Sergeant Finnerty. Sergeant Finnerty advised he did not recall witnessing the incident involving Ms. Ratlieff. Sergeant Finnerty was asked, after Ms. Ratlieff was struck; did he hear anyone from the field force line or Detective Ramos make any comments, to which Sergeant Finnerty stated, *"No."*

A follow up question was presented to Sergeant Finnerty asking why no one from the field force line walked out to Ms. Ratlieff after she was struck in the face. He stated it is the same reason no one from the field force line went after agitators throwing projectiles at the field force line. He stated the following in addition:

"...it's for officer safety. If that -- if we were to engage with them, we would have arrest teams that would have gone out done that. But our -- our primary focus was to hold the line. So it was in our interest to stay together in the -- in the line." (Page 7, Lines 132-135).

In addition Sergeant Finnerty stated the following:

"...you have to understand there was still flashbangs and -- and items being thrown at us continuously while we were on the line." (Page 7, Lines 138-139).

Sergeant Finnerty confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. Sergeant Finnerty stated the following:

"Basically the officers in the line would have stayed where we were and the officers that were behind us would have addressed this lady. If she -- she

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indicated that she was injured, yes, there -- she would have then received aid."
(Page 8, Lines 142-146).

In regards to the large explosive device which landed directly in the vicinity of a few field force officers after Ms. Ratlieff was carried away, Sergeant Finnerty stated the following:

"Basically there was a -- an amal -- a merciful bang, explosion in front of us and it hit one of the officers that was under my command, Officer Rose. It hit -- it bounced off her leg. It was quite a scary moment." (Page 8, Lines 155-157).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness -- Detective Derek Lade (CCN #1430)

On January 28, 2021, Detective Derek Lade provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. Detective Lade advised he has worked for the City of Fort Lauderdale Police Department for over nineteen (19) years. For the past three (3) years he has been assigned to the FLPD training unit. Detective Lade advised he is the defensive tactics instructor for the police department. In addition, Detective Lade facilitates all the training on all less-lethal weapons utilized at the police department. Detective Lade confirmed officers carrying 40mm less-lethal launchers train annually on the less-lethal device. Detective Lade was asked to describe the 40mm less-lethal launcher, to which he stated the following:

"...40 mm launcher is a weapon system that shoots out rubber bullets or rubber projectiles for -- to disperse a crowd or to single out a person that's causing an issue that maybe is too far away for officers to reach by hand or if they're throwing something or it's not safe for an officer to approach them if they have a knife or a bottle or a -- something that could harm an officer." (Page 2 & 3, Lines 35-39).

Detective Lade was asked to describe how the 40mm less-lethal launcher is utilized and he stated the following:

"It would be deployed by an officer who is certified to use it. And what would happen -- If the circumstances were -- were correct, if there were other officers on the scene, you would tell the other officers that you were going to deploy it so they would know that, one, it's not real gunfire. It's going to be the 40 mm projectile. We don't want any sympathetic reflex firing, you know, someone hearing a shot and thinking it's a shot and -- and shooting their handgun. It would be to hit the -- hit the subject in an area; thighs are -- are the predominant spot." (Page 3, Lines 48-54).

Detective Lade provided the reason an officer carrying a 40mm less-lethal launcher would provide verbal commands while deploying said weapon. Detective Lade stated the following:

"...the officer operating the 40 mm would say -- would either say -- The -- Again, it's -- Can be whatever they want to say. We don't have a set term to say '40 mm, 40 mm, 40 mm.' They would let the other officers know that they're about to use the 40 mm so -- so the officers know that they have to, one, know that

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it's coming out, know that it's probably going to impact the -- the suspect and they have to be ready to act for when that suspect either, one, drops the -- drops the weapon or if the subject falls, the officers know that it's not a gun being fired. It's the 40 mm and they need to rush to the subject to get him into custody." (Page 4, Lines 59-66).

In addition, Detective Lade stated the following:

"Officers usually carry a rifle or a handgun, especially if it's somebody causing a problem that's some distance away. Rifles would be used. But, yes, this is to ensure that everyone knows that it's a less-lethal -- Again, it -- it's not for the subject to -- to know that we're -- we're going to shoot them. It's for officers around so they know what's going -- We don't want to give the -- the -- the subject time to go "Oh. Well, they're going to shoot me. Let me do something else." It's to -- The officers know that we're going to deploy some kind of means to get this person in custody." (Page 4, Lines 69-75).

Detective Lade was asked in a field force scenario could the 40mm less-lethal launcher be effective to which he stated, "Yes, it could." A follow up question was presented to Detective Lade in reference to if it is dangerous for a field force team to attempt contact with an agitator who was subjected to the deployment of a 40mm less-lethal launcher. Detective Lade stated the following in response:

"Yes. Absolutely. If -- If -- If it's not safe for the officers to engage that person, if they're in a crowd, or if they're -- they're 30 or 40 feet away and the officer can't get to that person, absolutely. If the person can get up and -- and get away or mix into the crowd before an officer can get them, absolutely." (Pages 5 & 6, Lines 98-101).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Witness – Ms. LaToya Ratlieff

On January 19, 2021, Ms. Ratlieff provided a sworn and digitally recorded statement to Sergeants Eugene and Vetancourt. The statement was taken at the Office of Internal Affairs, located at 255 NE 3rd Avenue in the City of Fort Lauderdale. Ms. Ratlieff's attorney, Mr. Michael Davis was also present during this statement. Ms. Ratlieff advised on May 31, 2020, she attended a peaceful demonstration in the City of Fort Lauderdale, which involved walking around downtown Fort Lauderdale and concluding at Huizenga Plaza. After attending the initial demonstration, Ms. Ratlieff advised she started to walk towards her car located at the County Lot 2 (80 SW 1st Avenue, Fort Lauderdale, FL 33301). As Ms. Ratlieff was walking to her car, she amalgamated herself with a group of individuals demonstrating in front of police officers at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Ms. Ratlieff stated the following in reference to the events leading up to her being struck in the face with a less-lethal foam direct impact round:

"As I was walking, I noticed that there were -- there was a gentleman that was walking around asking, you know, everyone to kind of join in because of -- just to kind of remain, like, the peaceful event that we've had for the entire event. As he was walking around, I joined him to kind of corral others to join us and

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we were kneeling. And then we began to kneel in front of the police officers that were situated under a parking garage, kind of in a line. While we were kneeling in that line, there were -- at that time, there were like tear gas and rubber bullets being thrown like in a different area from where we were initially. So, I -- as we were kneeling in that particular area, we kind of moved around to catch our breath because we didn't really know what was going on because where we were in the center area, everyone was just chanting or standing around, so we were very confused by where the tear gas was being thrown, where the rubber bullets were being thrown." (Page 2, Lines 18-31).

According to Ms. Ratlieff, there were other individuals who joined her while kneeling in front of the police officers. Ms. Ratlieff was asked to describe her observation of the individuals around her while kneeling in front of the police officers. Ms. Ratlieff gave the following response:

"So, I could really only see what was going on in the center area where I was. And, I was more focused on the police officers that were in front of us and also the gentleman that was walking around, because he was kind of saying a speech and, you know, saying that we were here for George Floyd, we're a community, so I was kind of focused on that area and from where I was, I could only just see the people that were kneeling and standing around where I was." (Pages 7 & 8, Lines 134-139).

Ms. Ratlieff stated while kneeling in front of the police officers at the intersection of Southeast 1st Avenue and Southeast 2nd Street, she did not observe any projectiles being thrown towards the police officers. Ms. Ratlieff further stated she did not observe any vandalism from protestors, any protestors surrounding police vehicles, nor did she see any fireworks or explosions. Ms. Ratlieff stated the following in addition:

"I didn't see anything being thrown from the area where I was located." (Page 8, Lines 146).

Ms. Ratlieff advised the protestors were chanting "hands up, don't shoot" and for the most part, all the protestors were peaceful during the ten (10) to fifteen (15) minutes she was at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Ms. Ratlieff stated the following in addition, "...the demonstrators that were in my vicinity, so the -- and the demonstrators in my vicinity were calm and just peaceful." (Page 21). Ms. Ratlieff confirmed she did not have anything in her hands which would have been construed as a projectile. The only thing Ms. Ratlieff had in her hands was a white cardboard sign, which Ms. Ratlieff stated had the writings, "Stop killing us." (Page 8). Ms. Ratlieff advised at no time while on scene did she engage the police officers. She further advised she was not sure what caused police officers to resort to using "force" (Page 21). Ms. Ratlieff was asked to describe the demeanor of the police officers while she was kneeling in front of them. Ms. Ratlieff stated the following in response:

"While we were kneeling, there was one point where the officers charged a little closer towards us because we -- we kept a good distance. And at that time, that is where we all told everyone, you know, make sure you're kneeling, don't -- you know, this is a sign of peace to the officers because we're just here for this event, but there were a little bit, like I said, while we were kneeling on the

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ground, there were shots, rubber bullets being shot to the right of where we were located and there was tear gas being thrown to the right of where we were located, but we were very confused, because we knew we didn't see anything that prompted the officers to start the attack. And there was never any announcement made by the officers to any of the demonstrators." (Pages 8 & 9, Lines 154-164).

When comparing the police officers at the intersection of Southeast 1st Avenue and Southeast 2nd Street with the ones Ms. Ratlieff interacted with earlier in the day, Ms. Ratlieff stated the officers at Southeast 1st Avenue and Southeast 2nd Street were, "more aggressive." (Page 9). Ms. Ratlieff elaborated on the officers being "more aggressive" by stating the following:

"...earlier in the day they just kind of guided us through the event, we were actually having conversations with them, but in that particular area they were set up in this -- in the SWAT gear and it was a bit more aggressive. I don't know what made them aggressive, I'm still confused as to why they were set up under the parking garage in that demeanor with the -- the guns pointed and throwing the tear gas. I still have no idea why that happened. But, you could just -- it was just very different, it wasn't as friendly and as cordial as they'd been throughout the -- the duration of the event." (Page 10, Lines 178-187).

Ms. Ratlieff reiterated she did not see any protestors with rocks or bricks while at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Ms. Ratlieff was asked while demonstrating at the intersection of Southeast 1st Avenue and Southeast 2nd Street, if everyone around her was peaceful and nonviolent, to which Ms. Ratlieff stated the following:

"Yes, because there were even reporters that were in the center area with us that were filming at that time." (Page 11, Lines 199-200).

Ms. Ratlieff was provided nine (9) still photos depicting the events leading up to her being struck in the face. Seven (7) of the still photos originated from Officer Diana Rose's BWC while on the field force line at the intersection of Southeast 1st Avenue and Southeast 2nd Street. The seven (7) still photos are time stamped between the times 23:07:11 – 23:07:36 (07:07:11 PM – 07:07:36 PM EST). The seven (7) still photos showcase Ms. Ratlieff in the northwest corner of Southeast 1st Avenue and Southeast 2nd Street, wearing blue jeans and a light colored top. Ms. Ratlieff confirmed she was the female in the still photos. An unknown female was seen actively engaged with Ms. Ratlieff and appeared to be escorting Ms. Ratlieff away from the field force line. Ms. Ratlieff confirmed the unknown female is the woman she was referring to as coming to her aid while she was choking over the tear gas. A black male subject wearing a white shirt and white basketball shorts, was also pointed out to Ms. Ratlieff. Ms. Ratlieff advised she did not know the black male subject pointed out to her or any of the subjects she interacted with while at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Also included in the nine (9) still photos provided to Ms. Ratlieff, were two (2) photos of the aforementioned black male subject. In the two (2) photos, the black male subject is wearing a white shirt with the writing "GUESS" on the front and white basketball shorts. These two (2) photos originated from the FLPD AXON evidence.com database, and was titled "Twitter Video Screen Grab (Nick Nehamas)." The Twitter video is a two-minute and twenty-three (2:23) second recording which captured the moments

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leading up to Ms. Ratlieff being struck in the face and afterwards. Ms. Ratlieff was told the aforementioned black male subject is seen on various BWC's throwing a recently deployed SWAT canister back at the field force line. Ms. Ratlieff neither denied nor acknowledged ever witnessing the actions of the black male subject.

Prior to Ms. Ratlieff being struck in the face, she advised she was choking from what she believed to have been tear gas. According to Ms. Ratlieff the tear gas made it difficult for her to breath and caused her to be "very incoherent." Ms. Ratlieff confirmed she never saw Detective Ramos the moment he deployed his less-lethal launcher in her direction. She stated the following in addition:

*"I couldn't see anything, I was actually facing -- I wasn't facing the officers when I was shot, or it was -- where I was, I was looking towards -- more towards the woman that was trying to help me, I wasn't looking in the officers' direction."
(Page 20, Lines 401-403).*

At one point during Ms. Ratlieff's statement, Mr. Davis asked Ms. Ratlieff to expound on the effects the tear gas had on her visibility. Ms. Ratlieff stated the following:

"Well, there was the tear gas, so when -- as you can see even from the photos, there was still a foam of tear gas that was in the area, so I could see the woman that was coming to help me, because she was in a different direction from where the tear gas was deployed, but beyond that, I just -- I was really incoherent, so no, I couldn't see what the officers were doing, 'cause I wasn't even looking in the directions of the officers at that moment." (Pages 27 & 28, Lines 547-551).

Ms. Ratlieff was asked what she recalled after being struck in the face by the less-lethal direct impact round and she stated the following:

*"I fell to the ground, I -- people picked me up and grabbed me, there was just an intense pain. I couldn't walk or do anything, so there were just several individuals that picked me up and grabbed me and people were shouting, "Call 911," or "Let's get her to a hospital," and from there they walked me over and I sat down very briefly because I was feeling myself get very nauseated -- naus -- nauseous, and then from there they put me in a car and took me to a hospital."
(Page 16, Lines 300-305).*

Ms. Ratlieff confirmed once she was escorted away from the scene by the group of individuals, she was placed in a vehicle and taken to Broward Health Medical Center. Ms. Ratlieff advised she did not know any of the individuals who took her to the hospital. Ms. Ratlieff was asked if any police officer made it out to her after she was struck in the face and she stated, "No." (Page 16). Ms. Ratlieff also advised she did not hear any police officer calling out to her, nor did she see any hand gestures from any police officers waiving at her to come towards them. Ms. Ratlieff was asked did she consider walking up to the field force line to receive medical aid after she was struck in the face and she responded by saying:

"I couldn't walk. I couldn't -- I couldn't walk, I couldn't see, and when the whatever hit me at the time, I now know it was a rubber bullet, you -- it just struck me and I fell to the ground. The intensity of the bullet forced me to the

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ground, so there was no walking anywhere to ask a question.” (Pages 16 and 17, Lines 320-324).

At the conclusion of Ms. Ratlieff’s statement, she was afforded the opportunity to provide additional remarks to which she stated the following:

“I’d still like to understand what happened, like I said, I have no idea what Officer Ramos looks like, so I have no idea why this happened and, you know, it’s a – I don’t know, I’m still very confused about what happened, especially being there and being in the midst of it and not understanding why the use of tear gas or rubber bullets, why that was even a decision at that time to use in that area where I was located.” (Page 28, Lines 563-567).

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

Accused Statement – Detective Eliezer Ramos (CCN #1831)

On February 5, 2021, Detective Ramos responded to the Office of Internal Affairs and provided a compelled, sworn, and digitally recorded statement to Sergeants Eugene and Vetancourt. Detective Ramos advised he has been employed with FLPD as a law enforcement officer for nine and a half (9.5) years. For the past four (4) years he has been assigned to the Rapid Offender Control (ROC) unit which is a specialty unit within the Investigations Bureau. In addition to his assignment with the ROC unit, Detective Ramos is an entry operator within the SWAT Team. Detective Ramos has been a SWAT Team member for five (5) years.

Detective Ramos confirmed he worked on May 31, 2020, and was assigned to the contingency field force, which responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Within the contingency field force, Detective Ramos was part of a four-man squad with SWAT members Detective Ryan Ijames, Detective Sean Walters, and Detective Cameron Burdick. Unlike the SWAT QRF teams dedicated to assist with the protestors demonstrating throughout the streets of downtown Fort Lauderdale, Detective Ramos advised his four-man squad was initially staged at FLPD but later mobilized to the Riverside Hotel. Detective Ramos opined while he was not monitoring radio transmissions, it appeared the initial protestors were peaceful and there was nothing out of the ordinary. Detective Ramos further stated his squad assignment required them to be on standby with the contingency field force in the event the protest took a violent turn, which eventually occurred.

Detective Ramos advised he believed the event at Huizenga Plaza had concluded when the event organizers told the protestors to go home. Shortly thereafter, Detective Ramos stated he overheard SWAT members via radio state they were under attack and were requesting the contingency field force. Subsequent to the request he responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street. Detective Ramos provided insight on his mindset once he heard the call for help from his fellow SWAT members by stating the following:

“I mean, one of the things that I remember specifically thinking about is that Dallas shooting, I mean, where the officers were shot at. You know, it’s – it’s something that you don’t want to hear on the radio and you can’t get there fast enough to be able to help them. You don’t know if they’re being shot at. You don’t know if they’re being – You don’t know what’s going on. So, I remember

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thinking I want to get there and I want to get there fast to make sure that those officers are safe because it is my job to make sure that they're safe and to make sure that any innocent bystanders in the area are also safe and -- and make sure that their first amendment rights to freedom of speech and assembly is not violated." (Page 13, Lines 254-263).

Detective Ramos described his arrival at the intersection of Southeast 1st Avenue and Southeast 2nd Street by stating the following:

"So, we arrive and we parked just east of the parking garage or the intersection of Southeast 1st Avenue and Southeast 2 Street. It's a parking garage and we parked just east of that. We exited our vehicles and began to walk towards the intersection that we were needed at under the parking garage. As soon as I walk out of the vehicle, I could immediately tell that the scene was very chaotic, very volatile. I've been in situations where there's been malaise. I've also been in -- in field force deployments back in -- a few years ago, Memorial Day weekend on the beach. I've -- I've -- I've responded to the Marjory Stoneman Douglas, to the incident in the airport. And -- And this was different. As soon as I -- as I stepped out of the vehicle, I could feel the -- the -- the tension in the environment. I could see smoke. I could see rocks. I could see bottles. I could see canisters all over the floor near that intersection. You could tell that -- that -- that a clash had happened between our police officers and -- and some of the violent crowd that was at that intersection. At one point, I was walking and I -- and I could -- I could smell the gas. So, I had to don my mask and walk towards that intersection. Again, once we arrived to that intersection, we began to try to kind of make some sort of a -- of a line -- of a field force line to protect the officers that had just been assaulted." (Page 9 & 10, Lines 177-191).

Detective Ramos described the projectiles he observed being thrown by agitators out in the crowd by stating the following:

"So, again, it was -- it was very volatile. I mean, rocks being thrown. I got hit in -- in my foot with a hard object. I couldn't tell what it was. At -- At one point, I was right next to, I believe it was Sergeant O'Neal. I was right -- pretty much right next to him. And at -- at one point, a rock is launched at him. And I remember as the rock's about to hit him, it was kind of almost in slow motion, and it hits him right in the face -- right in the face shield. And he turns kind of towards me to the left and I could see in his eyes that he was dazed and very discombobulated. I thought at one point that he was going to pass out or fall because he took a couple steps backwards and -- and kind of -- It was hard for him to kind of stay balanced. He had to kind of leave the line and -- and regain his bearing. And I -- I remember thinking I don't wear a face shield. I only wear a gas mask. If that were me -- I was that close to him. If that were me, that rock would definitely knock me out. And obviously, there was fireworks. I mean, you name it. Bottles with weird substance in it. Canisters being thrown back at us. I remember finding or locating, behind our line, a clear-out gas canister that

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had obviously been throw back at us and -- and -- and it was -- it still had some substance in it." (Page 11, Lines 209-222).

Detective Ramos described his role and assignment when he first responded to the intersection of Southeast 1st Avenue and Southeast 2nd street by stating the following:

"So, my role -- my main role is to -- there is to ensure the safety of the -- of the officers of the field force line and the integrity of the line as well as to make sure that innocent bystanders are safe. My job is -- is -- with the -- I was assigned the 40 mm less lethal weapon and it was my job to identify the violent targets, the agitators, people throwing rocks and other items at officers that could cause harm; identify them; and address them accordingly." (Page 12, Lines 226-230).

Detective Ramos explained though he has been a part of numerous field force trainings, none of it can accurately simulate what he experienced while at the intersection of Southeast 1st Avenue and Southeast 2nd Street on May 31, 2020. He emphasized the following:

"For the amount of chaos and -- and that situation that was going on there, you can't really train for that. You -- You can't train people throwing rocks at you, people throwing basically bombs at you, makeshift bombs, you know, fireworks. It's not something that you can really train for. So, no, I haven't trained in something like that before." (Page 12, Lines 238-241).

Detective Ramos confirmed he was armed with a 40mm less-lethal single launcher while at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Detective Ramos believes the manufacturer for the 40mm less-lethal launcher he used was Def-Tech. According to Detective Ramos, prior to the usage of the 40mm less lethal launcher, it is customary for him to complete a thorough inspection of the weapon system to make sure it is functioning properly. He advised the 40mm less-lethal single launcher he used, holds one round at a time. He explained an assortment of rounds could be deployed from the 40mm less-lethal launcher, but he specifically remembered only using the direct impact rounds through his weapon system. Detective Ramos stated the following in reference to the direct impact rounds:

"So, the direct impact, from what I understand, is a point of impact type of -- of round. It is obviously used as a non-lethal option. So, it is not intended to cause great bodily harm or death. You usually aim this at the midsection from the nipple line down to the waist line front and/or back and then, from the waist line -- waist down -- waist line down to, you know, the thighs, excluding the groin area. And it's basically to gain compliance." (Page 30, Lines 598-603).

Additionally, Detective Ramos described the direct impact rounds as having a blue foam sponge on the top. Detective Ramos believes the speed of a bullet from a gun travels a lot faster than a direct impact round from a 40mm less-lethal launcher. He further stated, though he is not an engineer, it is safe to say the direct impact round travels a lot slower than a bullet from a gun. In order to carry and use the 40mm less-lethal launcher, SWAT members including Detective Ramos, have to qualify with the weapon system on an annual basis. Detective Ramos advised his most recent successful qualification prior to May 31, 2020, was in August of 2019. Beside the yearly qualification required in order to be certified with the 40mm less-lethal launcher, SWAT

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members train monthly. On certain months throughout the year, the training includes scenario based situations, which require the usage of chemical munitions and less-lethal launchers.

One of the actions Detective Ramos engages in prior to the deployment of his less-lethal launcher, is verbalizing the deployment of his 40mm less-lethal launcher is imminent. Detective Ramos stated his verbalization is more for the officers and not intended to be heard by a suspect. He further explained the aforementioned by stating the following:

"It's more -- absolutely more for the officers. It's not something that you tell the suspect that's going to happen. You want the officers to know "Hey. This is what's going to happen. Keep your fingers off the trigger. I'm not shooting a gun. I just want you to know that I'm about to deploy a less than lethal option." (Page 33, Lines 661-664).

In addition, Detective Ramos stated the following:

"...it's mostly because of the sound that the 40 mm weapon makes. You want to make sure that the officers understand that that's what's going on. They're not getting shot at." (Page 35, Lines 708-710).

He further stated:

"It's one of those things that can cause a sympathetic muscle reaction. I don't know if you understand what that is. If you have your hand or your finger in a trigger, when something that loud goes off next to you, it creates sympathetic muscle reaction where you might hit that trigger and accidentally shoot either a weapon or -- or whatever you have in your hand at the time. So, that's kind of like the idea behind telling -- It's the same thing with the taser. That's the idea behind why you want to notify other officers in the vicinity." (Page 35, Lines 716-721).

Detective Ramos further explained the sound the 40mm less-lethal launcher makes once a round has been deployed as similar to, "a junior version of what a gun would sound like." (Page 35). Detective Ramos provided the following description of the 40mm less-lethal launcher he used on May 31, 2020:

"So, it's -- it's -- it's a tube. I can't tell you the specifications. I don't know. But it has a railing on the top. Railings, so you can attach any attachment that you want on it. At the time, I only had iron sights. It has a fore grip in the front so you could hold it. And it's butt stock just like any shotgun. And it's kind of like a break barrel system. So, once you shoot or you spent the round, you hit the release button and it kind of -- They call it a break barrel where it comes down and you're about to take the round out and put a new one in." (Pages 28 & 29, Lines 568-575).

Detective Ramos described the desired effect once a less-lethal direct impact round has been deployed by stating the following:

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"So, what you want to do with these rounds is you want to create pain compliance without causing great bodily harm or death. So, basically, you want them to -- It's usually when the person's not close to you. You're trying to get to a target that's further. Sometimes during, you know -- Somebody that has a knife, for example. You want to have a less -- a less lethal, and lethal first. You want to address that person with less lethal and try to gain compliance that way." (Page 31, Lines 626-634).

Detective Ramos advised when he arrived at the intersection of Southeast 1st Avenue and Southeast 2nd Street, he was given the authorization to use his 40MM less-lethal launcher by Sergeant Cristafaro and Detective Steve Smith to address any individuals he observed being violent. Detective Ramos recognized not everyone out in the crowd was violent and stated there was a mixture of peaceful protestors and violent agitators. The dynamics of the crowd was constantly fluctuating, to which Detective Ramos described below:

"So, like I said, the scene sometimes would get calm. But it was one of those - You'd have to be there to feel it. Like the tension, as if anything could spark any clash at any moment. Right. It's like walking on eggshells. And -- And at times, it would be quiet. Then, all of a sudden, boom, things just start getting thrown at us. I mean, we could get things thrown at us from above us. People throwing rocks. And once they throw rocks, we would engage with gas canisters or what have you, whatever was -- was deployed at the time to disperse the crowd. And -- And -- And they would throw it back at us. So, it -- it -- That was kind of like the scenery that was going on for much of that time that I was there on Southeast 2nd Street and Southeast 1st Avenue. Once the engagement stopped with them, we stopped our engagement. And we would only respond if they would respond back to us with any type of force as far as throwing rocks at us and -- and possibly hurt one of our officers." (Page 18, Lines 355-365).

In addition, Detective Ramos stated the following:

"Like I said, throwing rocks at us. The way they -- I mean, the way they would talk, you could tell -- You know, "Justice. No peace. Fuck the police." I mean, there was graffiti everywhere that said "Fuck the police. ACAB," which is short for All Cops Are Bastards. The whole scenery itself, it was -- it was something like out of a movie. I never seen in my life anything like this. And -- And -- And these violent agitators would just grab items off the floor or -- or -- or they would bring items. I don't know how they found some of these things. They would throw it at us. And you could tell, they would hide behind people to -- you know, to -- Once they threw something, they'd hide behind somebody so they could, you know, negate getting addressed. You know, those -- those sorts of things were the things that were happening at that intersection." (Page 19 & 20, Lines 383-392).

Detective Ramos estimated the number of people in the crowd outnumbered the field force line and SWAT members, "ten to one at least." (Page 22). Detective Ramos was questioned with

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regards to what did he believe was the intent of the agitators who were throwing projectiles at the field force line. Detective Ramos responded by stating the following:

"So, I -- I reflected on this and -- and it's -- it is my belief that this is a pre-organized incident on their part. I think they wanted to cause harm. I want to - I think they wanted to cause destruction. I think they wanted to make a point and -- and -- and injure as many officers as they could. They had no regard for innocent bystanders. They had no regard for peaceful protesters. They were not there to peacefully protest. They were there to cause a problem and that's exactly what they did." (Page 22, Lines 435-440).

On several occasions, SWAT members deployed chemical munitions out into the crowd via throwable munitions. Detective Ramos was questioned on the reason SWAT members deployed throwable munitions and he stated the following:

"They deployed their gas in the direction of the protesters and it was based on their actions. So, if they were engaging us violently, whether it be throwing rocks, bottles, which is the common thing, or canisters back at us and they start congregating in groups, they'll throw those -- those gas to try to disperse that crowd and -- and keep them from continuing violent behavior." (Page 34, Lines 684-688).

Detective Ramos further stated SWAT members were deploying chemical munitions in the area of crowds where agitators were at, with the intent to disperse the crowds. Detective Ramos confirmed recently deployed chemical munitions were thrown back at the field force line which required him to use his 40MM less-lethal launcher. Detective Ramos further explained why he used less-lethal force on May 31, 2020, by stating the following:

"In order to engage people that were grabbing stuff to hurt officers and I wanted to address that situation before it either escalated or before the same persons that were throwing rocks and throwing bottles and throwing canisters, continuing the behavior until they actually did hurt somebody. And I had to address those people and I did so." (Page 42, Lines 843-846).

Detective Ramos was provided nine (9) still photos depicting the events leading up to Ms. Ratlieff being struck in the face. These nine (9) still photos are the same photos provided to Ms. Ratlieff during her statement to the Office of Internal Affairs. Detective Ramos confirmed the black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts was his intended target when he deployed his 40MM less-lethal launcher. Detective Ramos provided the following insight on why he was engaging the aforementioned subject by stating the following:

"So, what happens at this moment, one of our -- one of our SWAT person -- I can't tell who deployed a munition for whatever the reason is that they might have done it for, right? And I noticed that the male in the white, in this picture had an odd behavior. Usually when you deploy chemical munitions like that, you run away from it. You don't run towards it. And I noticed that this individual

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ran towards the -- which caught my -- caught my attention right away." (Page 45, Lines 908-913).

In addition, Detective Ramos stated the following:

"I see him run towards where the chemical munition was, grab it off the floor, and launch it back at officers at the front line where we were at." (Page 45, Lines 916-917).

Detective Ramos was questioned on how did he identify the object the subject picked up and throw back at the field force line, to which he stated the following:

"I observed the chemical munition flying from behind our line and then, land not too far from him. And I saw him, based on the smoke, walk over to that munition, grab it, and as he throws it back, you could tell the smoke coming back at us. So, pretty much the smoke trail coming back at us and the smoke trail coming that way." (Page 45, Lines 920-923).

Detective Ramos provided the following events, which transpired once the subject threw the recently deployed chemical canister back at the field force line:

"So, as he did that, I'm acquiring with my -- with my single launcher. All right. I have iron sights. I'm wearing a gas mask and I have a helmet that pushes down on it. So, I had to look at the sight and I've already identified him. So, I'm tracking him as he's actually walking away after he threw it more like in a northern direction. To me, at the time, it looked like he was trying to use people as shields. But again, there was a lot going on and I have a clear line of sight. And as he's moving, I target his midsection area and below and at that point, I deployed my 40 mm -- Mike -- or my 40 -- Mike Mike munition to try to discontinue any further behavior or violent behavior from that individual." (Page 45 & 46, Lines 925-932).

Detective Ramos described and recreated how he held his 40mm less-lethal launcher as he engaged the black male subject wearing the white shirt and white shorts. He stated the stock of the 40mm less-lethal launcher was pressed against his shoulder and his head was leaning on the stock. This aided Detective Ramos in acquiring an accurate sight picture of the black male subject he was engaging. As Detective Ramos head is leaning on the stock of the 40mm less-lethal launcher, he advised he had one eye open looking through the iron sights of the weapon system in order to get a clear picture. Detective Ramos emphasized when he pulled the trigger on his 40mm less-lethal launcher, there were no other subjects he observed beside his intended target. Detective Ramos provided a description of what he observed the moment he pulled the trigger and was looking through the iron sights of his 40mm less lethal launcher by stating the following:

"From my point of view, at the time when I was there, all I saw is my subject and I saw a wall in the back, which led me to believe that it was a safe shot. And at that time, I took the shot." (Page 48, Lines 971-973).

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Detective Ramos further stated there was no other person in his sight picture beside the subject and his backdrop was an exterior concrete structure of a building. Detective Ramos stated the following in addition:

"Absolutely nobody. And otherwise, I wouldn't have taken that shot. It goes back to us having that -- the ability to like -- "Do we take the shot or not?" It's based on the actual person that has the 40 mm launcher. They have to make that decision and the -- the right circumstances have to be there before you take the shot. And if you take this shot, it's because you've cleared all those things like line-up picture, clear sight, and all that stuff." (Page 54, Lines 1095-1099).

Detective Ramos estimated he was between 30-50 feet away from the subject when he deployed his 40MM less-lethal launcher at his intended target. Immediately after Detective Ramos pulled the trigger, he realized the direct impact round did not strike his intended target. Detective Ramos shared the following account:

"So, once I squeezed the trigger and I hear the round, soon after, I hear a lady later known to me as LaToya Ratlieff. She screamed and then, she went down." (Page 50, Lines 1014-1015).

Detective Ramos confirmed and stated he "absolutely" had a clear sight picture of the subject in the white shirt and white shorts. He further confirmed at no point was Ms. Ratlieff in his sight picture when he pulled the trigger to engage his intended target. Detective Ramos stated the following in addition:

"I was kind of confused again because I had a clear line picture to the -- to the subject. I was kind of confused but I could see through my peripheral as she was screaming in pain, maybe an officer, a couple officers trying to wave over. And -- And I believe they were trying to render assistance to her." (Page 50, Lines 1020-1023).

Detective Ramos advised after Ms. Ratlieff was struck in the face he observed several field force members attempt to render aid by using the universal sign of waiving her towards the field force line. Detective Ramos was questioned on the reason he did not go out to Ms. Ratlieff after she was struck in the face and he stated the following:

"So, me specifically, I -- I had a -- My job was to make sure the line was intact and protect our officers and innocent bystanders. Once I noticed that -- that -- or I could tell that officer is trying to render aid, I figured that they don't have -- Their hands are clear. So, they can help out more than I can with -- with my 40 mm launcher and then, now I gave up that position as less lethal in case we need it." (Page 52, Lines 1053-1057).

A follow up question was presented to Detective Ramos asking why no one from the field force line walked out to Ms. Ratlieff after she was struck in the face. Detective Ramos stated the following in response:

"So, at that time, there's -- there's multiple reasons why you wouldn't want to go. One of them -- One of them being -- This -- There's subjects out there that

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have displayed clear violent behavior. For us to go out there without an arrest team in a situation like that, we're risking giving up our weapons that they could use against us, if we go and they decide to overtake us. That's one reason why you wouldn't want to go out in that situation. The second one is soon after this incident happened, an explosion basically went off to our right. And this type of explosion, it's -- it's not like any other I've experienced before. I mean this one made me pretty much tremble I could have that ringing in my ear. I've been -- I train with SWAT every month. We shoot. Every month, we have snipers that shoot 308 rounds, which are really loud. I've been in training. I've been in training with explosive breachers that use C2s and C4s to make breaching and that's a lot of noise. But this, I've never heard anything like this. At one point, for a split second, I thought it might have been a pipe bomb. Again, it -- it came right back to that incident in Dallas like "What's going on here?" I have never seen or heard anything like that especially in that situation. Everything was -- All the noises were amplified because of where we were at the time. So, after that, it was -- it's hard -- it's hard -- it's very dangerous obviously. So, it's not something that you could just be like "Okay. This just happened. "Let's go out there and put ourselves in harm's way to help her." It's a -- It's -- It's a hard decision to make." (Pages 52 & 53, Lines 1060-1077).

Detective Ramos confirmed had Ms. Ratlieff walked up to the field force line after she was struck in the face, she would have received aid. In addition, Detective Ramos stated the following:

"So, there's -- there's no doubt in my mind that we would've rendered all the assistance that we needed. I mean, we had SWAT medics that are trained to render first aid under stress with us -- standing behind the line. From my understanding, there was probably even fire rescue standing by at the time. And even our SWAT members, we train more than the original officer to provide first aid under stressful situations. We actually trained on the field with simulations. And -- And -- So, we have that experience to provide the first aid that she needs. And then, we can transport. To make a point here, myself, even a few months before this, there was an incident where the -- where the young man got shot in the neck and I was able to respond there. And based on the training that I got from SWAT, I was able to provide the first aid needed to save this person's life. I ended up later getting a life saving award for it. But there's no doubt in my mind that there were SWAT personnel there and medics there that would've done everything they could to make sure that she was safe, that she was tended, taken care of and transported when she needed to be transported." (Page 54, Lines 1102-1114).

Detective Ramos was asked did he intend to strike Ms. Ratlieff with his 40mm less-lethal launcher and he stated, "Absolutely not."

This is a summary of the total statement and is not verbatim. Refer to the transcript for details.

EXHIBITS/EVIDENCE

Witness and Accused Statements: Transcribed witness and accused statements.

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Sworn Offense Incident Report and Supplements (FLPD Case numbers 34-2005-085530, 34-2005-085604, 34-2006-085906): Copy of the sworn Offense Incident Report and Supplements.

Still frame photos from BWC footage and Social Media: Seven (7) still photos which originated from Officer Diana Rose's BWC while on the field force line at the intersection of Southeast 1st Avenue and Southeast 2nd Street. Two (2) photos of the black male subject wearing a white shirt with the writing "GUESS" on the front and white basketball shorts. These two (2) photos originated from the FLPD AXON evidence.com database, and was titled "Twitter Video Screen Grab (Nick Nehamas)."

Axon BWC Watermark Timestamp and Clock Drift explanation: Axon in depth explanation of the watermark timestamps and "clock drift" from officers BWC's.

40mm Less-Lethal Munitions and Def-Tech Single Launcher Specifications: Product specifications for various munitions including the direct impact round which struck Ms. Ratlieff in the face. Product specifications for the 40mm Def-Tech single launcher.

FLPD 40mm Less-Lethal Launcher Operator Lesson Plan: Lesson plan outlining the concept of the less-lethal munitions utilizing the 40mm rifled barrel weapon system.

FLPD SWAT Team Weapons Qualifications: 2019-2020 SWAT members qualifications excel sheet.

Broward Sheriff Office Incident Detail Sheet for Sunday, May 31, 2020: Detail sheet outlining the incident information, location information, incident times, assigned units, assigned personnel, and incident comments relative to the events of May 31, 2020.

Policy 113 Authorized Less-Lethal Weapon: Copy of Department policy in effect May 31, 2020.

Policy 118 Rules of Conduct: Copy of Department policy in effect May 31, 2020.

Policy 119.1 Response to Resistance: Copy of Department policy in effect May 31, 2020.

SPECIAL WEAPONS AND TACTICS TEAM STANDARD OPERATION PROCEDURES: Copy of the SWAT Team SOP in effect May 31, 2020.

TeleStaff Roster for Sunday, May 31, 2020: Copy of FLPD roster for Sunday May 31, 2020.

Field Force Assignments for May 31, 2020: Documents outlining field force assignments.

News Articles: Various news articles related to this event.

Facebook communication between FLPD PIO and Ms. Ratlieff: Copy of the Facebook direct message sent to Ms. Ratlieff from FLPD PIO on June 3, 2020, requesting her cooperation in reference to the incident on May 31, 2020.

Charging Documents: Charging documents levied against Detective Ramos.

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Use of Force Expert John J. Ryan Independent Review: Use of Force (UoF) expert Mr. John Ryan review, analyzation, and conclusion in reference to the deployment of Detective Ramos' less-lethal direct impact round which struck Ms. Ratlieff in the face.

Conclusion

- The Fort Lauderdale Police Real Time Crime Center (RTCC) became aware a previously organized event in Lauderhill had been abruptly moved to Huizenga Plaza (32 East Las Olas Boulevard) in the City of Fort Lauderdale and began to plan accordingly. Captain Dietrich confirmed this in his statement to the Office of Internal Affairs.
- The event at Huizenga Plaza was scheduled from 1500 hours until 1800 hours and involved thousands of demonstrators. The demonstrators marched from Huizenga Plaza to various locations within downtown Fort Lauderdale. FLPD personnel coordinated and assisted in blocking vehicular traffic and intersections to facilitate the safety of pedestrian demonstrators and vehicle occupants. Numerous FLPD personnel and Ms. Ratlieff, stated the demonstrators during this time were peaceful and practiced their first amendment right without any incidents with police.
- Lieutenant Magno advised while driving around the downtown Fort Lauderdale area, he discovered a large pile of bricks, which was out of place. It was located at the corner of Southeast 1st Avenue and Southeast 2nd Street, which was in close proximity to the demonstrators marching in the downtown Fort Lauderdale area. The pile was approximately 5-6 stacks high and approximately 10 feet wide. Detective Ketchmark noted in his sworn police report the bricks were not for decorative purposes and he had never seen the pile before in his fourteen (14) years of employment with the City of Fort Lauderdale. Lieutenant Magno knew the pile of bricks at this particular location was unusual for the area, especially with the nationwide reports of bricks being strategically placed in certain locations. There was a concern the bricks could be used as weapons against the protestors or police. A request was made to have the bricks removed by Public Works.
- At approximately 6:40 PM, the organizers of the protest concluded the event at Huizenga Plaza and announced the event was finished. Lieutenant Figueras and Sergeant Cristafaro both indicated in their statements they received information the organized event at Huizenga Plaza had concluded.
- Ms. Ratlieff stated once the organized event concluded, she began to walk towards her car located at County Lot 2 (80 SW 1st Avenue). She indicated she was not familiar with the downtown Fort Lauderdale area, but knew her vehicle was in close proximity to Huizenga Plaza.
- Lieutenant Figueras advised as the crowd was dispersing from Huizenga Plaza, it appeared new people were arriving for a new protest. Lieutenant Magno also confirmed similar observations of individuals getting out of vehicles with backpacks.

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- Detective Hayes was inside her unmarked Toyota Camry with her emergency red and blue lights activated. Violent protestors surrounded her unmarked unit, pounded their fists on the vehicle and jumped on the trunk, preventing her from departing. Detective Hayes stated she felt her life was in imminent danger by the actions of the protestors surrounding her. Several officers stated in their statements they could hear the fear in Detective Hayes' voice as she requested the emergency backup.
- Additional FLPD personnel, who were assisting with the dispersal of the individuals leaving the protest, described in their sworn police reports protestors became aggressive and began surrounding their police vehicles.
- SWAT members and patrol officers responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street to extract the trapped officers. The trapped officers were able to safely retreat from the area without injury.
- FLPD personnel who responded to Southeast 1st Avenue and Southeast 2nd Street to assist the trapped officers, advised immediately upon their arrival there were projectiles thrown at them by violent agitators. The projectiles were described as rocks, pieces of bricks and concrete, bottles filled with unknown liquids, smoke devices and explosive type devices. Lieutenant Figueras described the scene as a, *"fog of war type of scenario."*
- Sergeant Graves who was responding to assist Detective Hayes also advised violent protestors surrounded her police vehicle and caused her to be trapped. At one point the protestors were throwing projectiles at her police vehicle shattering her rear passenger window. Sergeant Graves indicated in her sworn police report she was in imminent fear for her safety.
- Officer Levin's sworn police report described his police vehicle being surrounded by violent protestors and becoming trapped. Violent protestors were aggressively pounding their fist on his police vehicle and attempted to open his vehicle doors by pulling on his door handles. He further stated they yelled, *"fuck the police, you want to kill me get out the truck and I'll show you who will get killed."*
- Officer K. Jackson also mentioned on his sworn police report his police vehicle was surrounded by protestors.
- Due to the violent behavior of agitators, SWAT members deployed chemical munitions at violent agitators in order to deter their behavior. Sergeant Cristafaro confirmed it was his decision as the senior SWAT team leader to have SWAT members deploy chemical munitions.

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- Based on the number of individuals out in the crowd in comparison to SWAT members, Sergeant Cristafaro requested the assistance of the contingency field force.
- Captain Dietrich confirmed he was the field force commander on May 31, 2020. Once information was received requesting the deployment of the contingency field force, they responded to the intersection of Southeast 1st Avenue and Southeast 2nd Street under the leadership of Captain Dietrich. It should be noted the contingency field force staged at the Riverside Hotel during the organized planned event and never interacted with the initial protestors.
- The initial objective of the field force team was to clear the Southeast 1st Avenue and Southeast 2nd Street intersection and extract the SWAT members out of the area. This was confirmed by Captain Dietrich.
- Several field force personnel advised in their statements to the Office of Internal Affairs upon their arrival into the intersection of Southeast 1st Avenue and Southeast 2nd Street, there were projectiles being thrown at them by the hostile crowd. In addition, the crowd was chanting anti-police slurs at the field force line and SWAT members.
- The field force line was initially formed in the middle of the intersection of Southeast 1st Avenue and Southeast 2nd Street. The field force line was battered with projectiles from several violent agitators out in the crowd and from above in the parking garage. Captain Dietrich moved the field force line back under the overhang of the garage due to projectiles being thrown from above. Several sworn police officers reports, officers' BWC, and FLPD personnel statements given to the Office of Internal Affairs confirmed the aforementioned. Sergeant Smith further confirmed this in both his sworn police report and his statement to the Office of Internal Affairs. Sergeant Smith stated, "something hit me on the bottom left side of my chin I think it was dislodging my gas mask off my face and then causing me to take in gas." Sergeant O'Neal stated, "I was hit by a large object in the face. Luckily, we were in gas masks. If I wasn't wearing a gas mask, I mean, I definitely would be at least missing some teeth."
- SWAT members responded to violent agitators by deploying throwable chemical munitions in order to stop their violent behavior and push back the unruly crowd to a safe distance.
- On numerous occasions recently deployed SWAT chemical munitions were thrown back at the field force line. SWAT members equipped with 40mm less-lethal launchers engaged those individuals. Sergeant Cristafaro confirmed he gave the directive to target these violent agitators in order to thwart their felonious behavior.
- The chemical munitions SWAT members deployed are referred to as a Triple-Chaser Grenade, which can discharge OC, CN, CS, and SAF-Smoke. The warning label on the canister states the following: "This product is to be used only by authorized and trained law enforcement, corrections, or military personnel. This product may cause serious injury

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or death to you or others. This product may cause serious damage to property. Handle, store and use with extreme care and caution. Use only as instructed."

- SWAT members addressed agitators who were throwing projectiles at the field force line with less-lethal launchers.
- In numerous interviews given to media outlets by Ms. Ratlieff after the May 31, 2020, incident and in her statement to the Office of Internal Affairs, Ms. Ratlieff stated she did not see any projectiles being thrown from the area where she was located. In addition, Ms. Ratlieff stated the demonstrators in her vicinity were calm and peaceful. However it should be noted Ms. Ratlieff stated in her statement to the Office of Internal Affairs she was disoriented by the tear gas.
- Ms. Ratlieff estimated she was at the intersection of Southeast 1st Avenue and Southeast 2nd Street for approximately 10-15 minutes.
- On the Twitter Social Media platform, under the Nicolas Nehamas twitter handle, a video was posted on June 3rd, 2020, capturing the events leading up to Ms. Ratlieff being struck in the face. The video footage appears to be from an unknown user recording the interaction between the field force line and the protestors. The video captures the field force line in a linear formation holding shields directly in front of the parking garage. A number of protestors including Ms. Ratlieff are standing across from the field force line. As Ms. Ratlieff is facing the field force line, an unidentified subject can be seen throwing a projectile at the field force line. The projectile which was emanating a smoke like substance came from the vicinity of where Ms. Ratlieff was standing.
- A review of several videos from officers' BWC and social media videos, captured one particular violent agitator throwing back a recently deployed SWAT chemical munition. The unidentified black male subject is observed wearing a white shirt with the writing "GUESS" on the front and white basketball shorts. The subject is seen on the sidewalk located in the northwest corner of Southeast 1st Avenue and Southeast 2nd Street. The subject is seen picking up a recently deployed SWAT chemical munition and throwing it back at the field force line. Officer Lebron confirmed in his statement to the Office of Internal Affairs he observed the aforementioned subject committing the felonious act and pointed the subject out to other officers.
- In numerous interviews given to media outlets by Ms. Ratlieff, she advised the tear gas caused her to become overwhelmed and disoriented. She then walked over to the northwest corner of Southeast 1st Avenue and Southeast 2nd Street in order to catch her breath. While there, an unidentified woman came to the aid of Ms. Ratlieff and began to escort Ms. Ratlieff away from the intersection. Ms. Ratlieff confirmed the aforementioned in her statement to the Office of Internal Affairs.
- Detective Ramos observed the unidentified black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts walk towards a recently

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thrown SWAT chemical munition. This caught Detective Ramos' attention and he began to track the subject's movement with his 40mm less-lethal launcher. The subject then picked up the recently deployed SWAT chemical munition and throws it back at the field force line. Immediately after throwing the chemical munition at the field force line, the subject began to walk in a northerly direction. The subject is on the sidewalk located in the northwest corner of Southeast 1st Avenue and Southeast 2nd Street as he walked in a northerly direction. In order to cease the violent behavior of said subject, Detective Ramos deployed a single direct impact round from his 40mm less-lethal launcher at said subject. As this occurred, Ms. Ratlieff was being escorted in a northerly direction by an unidentified female and moved into the line of fire. As a result, Ms. Ratlieff was struck with a 40mm less-lethal direct impact round on the right side of her face just above her eye. Several protestors assisted Ms. Ratlieff and escorted her away from the area.

- A review of several officers' BWCs confirmed FLPD personnel attempted to offer medical attention to Ms. Ratlieff through verbal instructions for her to be brought to the field force line. In addition, several FLPD personnel gave visual cues with their hands, by motioning for Ms. Ratlieff to be brought towards them. During Sergeant Reyes statement to the Office of Internal Affairs, he stated, "I immediately stepped out towards the field force line and I motioned for her to come towards us so that we could give her medical treatment or to get her to an ambulance." During Sergeant Smith's statement to the Office of Internal Affairs, he also confirmed he attempted to provide medical attention to Ms. Ratlieff. Sergeant Smith stated, "I actually waive at them to bring the person to us."
- Several FLPD personnel were asked had Ms. Ratlieff walked up to the field force line or been brought up to the field force line after she was struck in the face what would have happened. Without any hesitation, every FLPD personnel answered in some form Ms. Ratlieff would have received medical attention. The following are statements from various field force personnel in reference to the aforementioned:
 - Captain Dietrich stated, "We would've provided medical assistance for her immediately. We actually had EMS contingent on standby and they were a little bit behind where we were in the event there was injuries either to officers or civilians. So, in that case, we would've absolutely had EMS treat her immediately and transport her to the hospital."
 - Lieutenant Figueras stated, "You know, we had medics that were deployed with us, SWAT medics from the fire department, that are trained to operate with us. I know that there was an attempt to have her come behind the line to receive medical attention."
 - Detective Soika stated, "She would've been brought back, beyond the line back to safety, back by our armored vehicles. We have SWAT medics. She would've been evaluated. And if any medical care needed to be given, it would've been given to her on scene as like a first go-over. And then, if she needed to be transported to a medical center, she would've been transported via ambulance to a medical center and -- and given additional care."

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- Officer Rodriguez stated, "We would've taken her to medics and they would've evaluated her or possibly escorted her directly to the hospital. We would've done the best we possibly could to render aid to her, assess her injuries."
 - Sergeant Cristafaro stated, "We would've rendered aid. A hundred percent we would've rendered her aid."
 - Sergeant Smith stated, "No matter what even violent people towards us trying to hurt us that day, we still have a job to treat people and give them aid and help them, so when they were telling us that somebody was hurt, should they have brought that person to us we would have got them medical care and treated her right away. We actually had paramedics with us the entire time, SWAT medics with us the entire time that would have provided first aid care right away to anybody we could have helped."
-
- FLPD personnel are trained on field force activity bi-annually as part of their annual mandatory certification training. The training consists of both a classroom setting with PowerPoint presentations and a practical segment which simulates a mock deployment. Due to the nature of such an event, no training can accurately and safely prepare an officer for what transpired at the intersection of May 31, 2020.
 - After Ms. Ratlieff fell to the ground, several unknown protestors gathered Ms. Ratlieff off the ground and walked her away from the scene.
 - The unidentified black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts, who threw the spent SWAT chemical munition at the field force line, could not be identified.
 - In an attempt to identify the aforementioned black male subject, IA reached out to TRU for their assistance. TRU advised they were unsuccessful in locating said subject.
 - During Ms. Ratlieff statement to the Office of Internal Affairs, she was presented nine (9) still photos depicting the events leading up to her being struck in the face. Ms. Ratlieff advised she did not know the black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts. In addition, Ms. Ratlieff neither denied nor acknowledged ever witnessing the actions of said subject. The Office of Internal Affairs was unable to determine if there was any type of relation between this unidentified black male subject or Ms. Ratlieff.
 - The round deployed by Detective Ramos which struck Ms. Ratlieff in the face was called a "40mm eXact iMPact Sponge Round." The product specifications indicates the sponge round is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In addition, it states the sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 5-40 meters, although it may be used in situations from 2-50 meters. It should be noted the minimum safe range for the

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40mm eXact iMpact Sponge Round is five (5) feet. Detective Ramos intended target and Ms. Ratlieff were both over the minimum safe range recommended by the manufacturer of the sponge round.

- The product specifications for the "40mm eXact iMpact Sponge Round" is included in the exhibit section of the case file.
- A review of Detective Ramos' BWC indicated he did not capture the moments leading up to Ms. Ratlieff being struck in the face. In his police report, Detective Ramos documented he was unable to activate his BWC due to the rapid, chaotic development of the incident. Once Detective Ramos realized his BWC was not activated, he proceeded to turn it on.
- According to Fort Lauderdale Police Department Policy 113 Authorized Less-Lethal Weapons (Section H: Less-Lethal Munitions, Subsection 4: Safety Parameters, Subsection b), it states, "The deploying officer should give verbal direction that the less-lethal weapon is about to be deployed." Detective Lade elaborated on Policy 113 and its meaning by stating the policy is intended to notify other officers in the vicinity a less-lethal weapon is being utilized. This is to prevent sympathetic muscle reaction by an officer who may have lethal coverage.
- Detective Ramos indicated in his statement, his intended target when he deployed his 40mm less-lethal launcher, was the unidentified black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts.
- Detective Ramos stated in his statement, while looking through the iron sights of his weapon system, there were no other individuals beside his intended target and did not see Ms. Ratlieff until after she was struck.
- The unidentified black male subject wearing the white shirt with the writing "GUESS" on the front and white basketball shorts was committing a violent criminal act against FLPD officers, which would be considered a forcible felony of aggravated assault. The subject's actions was a serious physical threat to officers and would have resulted in serious physical injuries.
- Ms. Ratlieff was not Detective Ramos' intended target.
- The following is a summarization of UoF expert Mr. Ryan's analysis in reference to the incident on May 31, 2020:
 - "As with many protest there is sometimes a triggering event that changes the crowd dynamic. It is clear that the event escalated when Officer Stylianne Hayes came over the radio and reported the protestors had her police vehicle surrounded and that she was trapped."

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- "Officer Hayes's call for help prompted the response of the Mobile Field Force and the Quick Reaction Team to Southeast 2nd Street and Southeast 1st Avenue."
- "Just before Ms. Ratlieff was hit with the less-lethal round an unknown subject (Unsub 1) can be seen on video moving toward a canister deployed by the police."
- "It is clear that Unsub 1 then picked up the canister throwing it high in the air toward the police line."
- "As Unsub 1 walks away after throwing the canister it is clear that he is moving in the same direction that Ms. Ratlieff moved."
- "It is as Unsub1 and Ms. Ratlieff come into the same line, that Ms. Ratlieff who was stepping off the curb gets hit and goes down to the ground."
- "A review of Officer Ramos' statement makes clear that he was targeting Unsub 1 and did not see Ms. Ratlieff until she was struck."
- "The video in this case makes clear that Unsub 1 was committing a serious and violent offense against officers that any officer would conclude created a serious physical threat to the officers on the line who could be struck by the canister."
- "...any reasonable and well-trained officer would conclude that the use of a less-lethal 40 mm round from a distance of more than 20 feet to stop the serious and threatening conduct would be consistent with policies, practices, training as well as legal mandates trained to officers on use of force."
- "Based on the actions of Unsub1 in throwing a hardened canister with gas back at officers, likely the forcible felony of aggravated assault, the use of a 40 mm round would be proportional to the conduct of Unsub1. As such, the actions of Officer Ramos in deploying a less-lethal 40 mm round while targeting Unsub1 was consistent with generally accepted policies, practices, training and legal mandates trained to officers for application in field operations during a protest/riot."
- "While it is always tragic when an innocent third party is struck by a less-lethal round it has long been recognized that such actions are accidents and not a use of force as to the bystander. In order for there to be a use of force, there must be a stopping of movement by a means intentionally applied. Based upon the statements, the video, and having found no evidence to the contrary, it is my conclusion that Officer Ramos's deployment which struck Ms. Ratlieff was an accident."

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- "Another significant factor in any law enforcement response to an assault or a threat, is that there is a recognized reactionary gap that occurs in the time it takes to Observe a threat, Orient to the threat, Decide on the appropriate response, and then Act or carry out the response. Although this reactionary gap is short, everything that is in movement can change position during the gap."
- "Law enforcement has recognized that human reaction to a perceived threat is 0.75 to 0.8 of a second. I note that in my own experience in conducting stimulus related shooting drills, whether to threat versus non-threat targets, or simply pre-identified stimulus i.e. whistle to commence and whistle to cease firing, the physical lag time at both ends of the shooting cycle was consistent with the reported findings. This physical lag time does not change based on the weapon system being used to respond to a threat."
- "It is clear from the video, as evidenced by the screen captures above, that everything was in movement as Officer Ramos responded to the assault by Unsub1. Unfortunately, the movements of both Ms. Ratlieff and the assailant caused the two to cross paths at the same time that Officer Ramos deployed the less-lethal round at Unsub1 who was on the sidewalk."
- "While it is unfortunate that Ms. Ratlieff, a peaceful protestor was struck, it was neither unreasonable nor reckless for Officer Ramos to deploy the 40 mm round in this environment at a subject who was throwing dangerous items at law enforcement officers. The 40 mm round is more exact than the use of OC/Pepperball dispersal agents and thus can be directed at a targeted individual who is committing a crime. In cases where the round hits the intended target there is no effect on others around the targeted individual. This is exactly what the 40 mm round is intended for and why it is effective in this type of environment."

Under the penalties of perjury, I declare that I have read the foregoing document and that the information contained within it is accurate to the best of my knowledge and belief.

Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533 Florida Statutes.

INVESTIGATOR'S SIGNATURE:

CCN: 1796



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