

Portland Police Bureau

**PPB CASE
10-38750**



**Portland Police Bureau
1111 SW 2nd Ave.
Portland OR 97204**

Case Overview

PPB Case #10-38750

On Thursday, May 13, 2010, at 11:45 p.m., officers responded to Northwest 2nd Avenue and Northwest Everett Street after a caller to 911 requested police check on a man individual spitting on passing vehicles and acting strangely. Three more citizens contacted the officer about the subject of the 911 call just prior to the officer locating the man on Northwest Everett Street. The first arriving officer immediately asked his cover officers for a faster response.

When the officer contacted the man, he immediately put his fists up to a fighting stance, approximately six inches from the officer's face. The officer pushed the man's hands away and told him to back up. The man refused to back away from the officer. The officer attempted to use a burst of pepper spray, but due to the windy conditions the pepper spray did not affect the subject. The man backed up, but kept his fighting stance. Eventually, the man subject walked backward into traffic on Northwest 3rd Avenue. He continued to focus on the officer with clenched fists and bounced on his feet like he was boxing.

The officer then pointed his Taser at the man and told him to sit on the sidewalk or he would be Tased. As the cover officers arrived, the first officer warned them he was going to Taser the man. The Taser can be very helpful to cover officers as they are able to quickly take a subject into custody without fighting. In this instance, however, the man spun around to the ground on his back and pulled his arms and legs up into himself. The officer used his Taser again as he told the man to put his arms out in order to be handcuffed.

The man refused and continued to keep his arms close to his chest while keeping his feet up to kick at the officers. The officers were concerned that the man was continuing to resist them as they were now in the middle of Northwest 3rd Avenue in the path of vehicle traffic. The officer used a third Taser cycle. The man extended his arms and he was taken into custody at that time. The officers were able to prevent any injury to the subject or themselves because the Taser afforded the officers enough time to get the subject handcuffed before the electronic cycle ended.

Medical personnel initially responded to the scene to remove the Taser probes from the man. During this entire encounter, the man was mumbling and chanting incoherently. Officers requested the medical personnel also evaluate the man as they were unsure if he was affected by drugs or another condition that would require him to be transported by an ambulance. At the conclusion of the medical evaluation, the officers recognized the man needed a mental health evaluation and transported him to Good Samaritan Hospital in lieu of the Multnomah County Detention Center for the Disorderly Conduct charge.

10-038750
CASE NUMBER

PORTLAND POLICE BUREAU

INVESTIGATION REPORT

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CASE NUMBER 10-038750	REFER CASE NUMBER	CLASSIFICATION	CLR
DATE / TIME REPORTED 05/14/10 2345	DATE / TIME OCCURRED (START) 05/14/10 2345	DATE / TIME OCCURRED (END) 05/14/10 2351	<input checked="" type="checkbox"/> RADIO (R) <input type="checkbox"/> S/I (S) <input type="checkbox"/> PHONE-IN (P)

LOCATION OF OCCURRENCE
NW 3rd Ave/Everett

PREMISE TYPE 600 - Thoroughfare, Street/Hwy/Sidewalk	PRECINCT OF OCCURRENCE Central Precinct
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ONE SENTENCE SUMMARY OF INCIDENT
Mental hold placed on combative person

PERSONS BU - Business Complainant KN - Person w/Knowledge OW - Owner PF - Property Finder SB - Subject RP - Reporting Person VI - Victim WI - Witness **Add Person**

COPIES

X1,X2, - X9 - SUSPECTS MI - Missing RW - Runaway DK - Drunk DE - Deceased AS - Attempt Suicide ME - Mental SB - Subject **Add Subject**

- DET
- CENTRAL
- EAST
- NORTH
- NE
- SE
- CAT
- DHS/CHS
- DVD
- DVRU
- ECRT
- JDH
- JUV
- CS
- DVCS

CODE ME	NAME (Last, First Middle) Ferguson, Aaron Emanuel	CRN	SEX M	RACE B	DOB 11/06/77	<input checked="" type="checkbox"/>		
HOME ADDRESS Transient	CITY	STATE	ZIP	HEIGHT 6'05	WEIGHT 180	HAIR BLK	EYES BRO	CUSTODY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AKA/MONIKER	<input type="checkbox"/> WRK PHN	<input type="checkbox"/> MSG PHONE	MOBILE PHONE		HOME PHONE		OTHER DESCRIPTION	

VEHICLE S - Stolen R - Recovered L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle I - Informational M - Missing **Add Vehicle**

IDENTIFICATION DIVISION NOTIFIED? YES NO
OUTSIDE AGENCY NOTIFIED/REFERRED TO?

PROPERTY RECEIPT NUMBER(S)

PROPERTY S - STOLEN L - LOST F - FOUND D - DAMAGED K - SAFEKEEPING R - RECOVERED E - EVIDENCE **Add Property**

NARRATIVE-The order of appearance for additional information will be:

ITEM 1: N/A	ITEM 5: N/A
ITEM 2: N/A	ITEM 6: ADDITIONAL OFFICERS - List all officers present and identify their involvement with the incident being reported.
ITEM 3: N/A	ITEM 7: SUMMARY - A short summary is necessary if the narrative is more than one full page in length.
ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS - Record multiple worthless documents on a fraud supplemental form. Record in the narrative the total number of worthless documents written.	ITEM 8: NARRATIVE - List in chronological order, all of the relevant details of the incident and/or elements of the crime or violation.

NARRATIVE
6. ASgt. Delenikos #21331 Supervisor, Use of Force Report
6. Ofc. Mills #47777 Partner, no report

8. While on patrol on the stated time and day I was dispatched to the listed location on the report of a male wandering into the streets spitting on cars and talking to himself. While on route to the listed location ASgt. Delenikos made contact with (ME) Ferguson who matched the description of the male walking in the middle of the street. I heard ASgt. Delenikos request for cover to "step it up" while we were on the way to his location. Refer to ASgt. Delenikos' report for details.

COMPUTER ENTRY

- Desk
- DPSST Person
- DPSST Entry / Vehicle
- DPSST Distribution
- DPSST

On our arrival Ofc. Mills and I helped handcuff Ferguson who was, at the time, actively resisting police officers. Ferguson was yelling loudly saying things that did not make any sense. Ferguson was drooling and spinning around as though he did not have any idea what he was doing or where he was at. It appeared to me that Ferguson was having some kind of mental break which was causing him to behave in a way that was clearly dangerous to himself and to others.

I tried to interview Ferguson, asking him questions about where he was and where he lived but he was unable to answer any questions in a reasonable way. Ferguson kept talking about having problems with his

REPORTING OFFICER(S) Thomas W. Pennington	DPSST 48578	PREC / DIV CE/U	RLF / SHIFT E	ASSN / DIST 826	SUPERVISOR'S SIGNATURE Jason B. Pearce (29904)
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penis and being afraid that people were chasing him. Ferguson seemed very paranoid and unable to clearly or coherently communicate to me or any of the other police officers on scene.

I requested for code 1 fire to check him and make sure Ferguson had no injuries. The Fire bureau examined him and said he was fine. I noted that the person examining him stated that Ferguson "seemed crazy".

At that point I placed Ferguson in a police hold for protective custody. I transported him to Good Samaritan where a nurse saw him and said that he had been seen there less than 48 hours prior. Ferguson was admitted to Good Samaritan hospital without incident.

COPIES

- DET
- CENTRAL
- EAST
- NORTH
- NE
- SE
- CAT
- DHS/CHS
- DVD
- DVRU
- ECRT
- JDH
- JUV
- CS
- DVCS
- _____
- _____
- _____
- _____
- _____
- _____

Nothing further at this time.

EXTERNAL DISTRIBUTION LIST

Add Addressee

COMPUTER ENTRY

- Desk
- DPSST
- Person
- DPSST
- Entry / Vehicle
- DPSST
- Distribution

REPORTING OFFICER(S)	DPSST	PREC / DIV	RLF / SHIFT	ASSN / DIST	SUPERVISOR'S SIGNATURE
DPSST Thomas W. Pennington	48578	CE/U	E	826	Jason B. Pearce (29904)

Case No. 10-38750	Refer Case No.	Classification 31223
Original Report Date/Time 051310 2345	This Report Date/Time 051310	Location of Occurrence NW 3RD/NW EVERETT
Name of Subject FERGUSON, AARON E.	CRN 2433557	Sex M
	Race BW	DOB 110677
Address TRANSIENT	Hgt 6'0	Wgt 200
	Hair BRN	Eyes BRN
Home Phone N/A	Mobile Phone N/A	Work/Message Phone N/A

Perceived Subject Conditions (Check All That Apply)

<input type="checkbox"/> 1 Actually/Perceived Armed	<input checked="" type="checkbox"/> 7 Engaged in or Indicated the Intent to Engage in Physical Resistance	<input type="checkbox"/> 10 Alcohol (under the influence of)
<input type="checkbox"/> 2 Reported to be Armed	<input type="checkbox"/> 8 Engaged in or Indicated the Intent to Engage in Aggressive Physical Resistance	<input type="checkbox"/> 11 Drugs (under the influence of)
<input type="checkbox"/> 3 Assaulted Officer	<input type="checkbox"/> 9 High Risk Incident/Custody	<input checked="" type="checkbox"/> 12 Mental Illness
<input type="checkbox"/> 4 Assaulted Citizen		<input type="checkbox"/> 13 None Apparent
<input type="checkbox"/> 5 History of Violence		<input type="checkbox"/> 14 Other
<input checked="" type="checkbox"/> 6 Failure to Comply		

Use of Force/Control Necessary to (Check All That Apply)

<input type="checkbox"/> 1 Defend Self	<input checked="" type="checkbox"/> 3 Make Arrest	<input checked="" type="checkbox"/> 5 Civil Hold
<input type="checkbox"/> 2 Defend Another	<input type="checkbox"/> 4 Prevent Escape	<input type="checkbox"/> 6 Other

Officer Activity Immediately Prior To Force Response (Check All That Apply)

<input type="checkbox"/> 1 Foot Pursuit	<input type="checkbox"/> 4 Person Search (Not Cuffed)	<input type="checkbox"/> 7 Interview Interrogation
<input type="checkbox"/> 2 Subject Escort	<input type="checkbox"/> 5 Handcuffing	<input checked="" type="checkbox"/> 8 Other
<input type="checkbox"/> 3 Person Search (Cuffed)	<input type="checkbox"/> 6 Transporting in Vehicle	

Subject Was Injured (Check All That Apply)

<input type="checkbox"/> 1 Prior to Police Involvement	<input type="checkbox"/> 3 In Custody
<input type="checkbox"/> 2 During Arrest	<input type="checkbox"/> 4 Other

Injuries (Check All That Apply)

1 None 2 Bruises 3 Abrasions 4 Lacerations 5 Broken Bones 6 Other Injuries

Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Subject	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

Force Options Used (Check All That Apply)

Treatment Received (Check All That Apply)

<input type="checkbox"/> 1 Control Holds Causing Injury	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No	1 EMS at Scene 2 EMS at Precinct 3 Hospital/Admitted 4 Hospital/Released 5 Treatment Refused 6 Self Treatment 7 Mental Health Admission	Officer	Subject
<input type="checkbox"/> 2 Takedowns	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> 3 Hobble	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 4 Hands/Feet	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 5 Baton	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> 6 Pepper Spray	Effective:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> 7 Taser	Effective:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 8 Bean Bag Round(s)	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 9 Point Firearm	Effective:	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	<input type="checkbox"/>

Notification

Supervisor Notified: Yes No At Scene: Yes No Name/DPSST: _____

Reporting Officer M. Delenikos	DPSST 21331	Prec/Div C/U	Rft/Shift N	Assn/Dist 3820	Supervisor's Signature A/Sgt. M. [Signature]	21331
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Case No.

Name of Subject

CRN

(6) OFC. PENNINGTON #
OFC. MILLS #

8) I RESPONDED TO COUGR OFFICERS ON A SUBJECT WHO WAS "ACTING HOSTILE OR 1234," UPON ARRIVAL, I LOCATED SB ON NW EVERETT BETWEEN NW 2ND + 3RD.

I WAS FLAGGED DOWN BY 3 MALES STANDING ON THE SOUTH SIDEWALK.

I CONTACTED SB AND ASKED HIM WHAT WAS GOING ON.

SB BROUGHT UP BOTH FISTS TO WITHIN 6" OF MY FACE TO APPARENTLY SHOW ME HIS HOSPITAL I.D. BRACELET.

I SHOOK HIS FIST FROM MY FACE. SB STEPPED BACK ONE STEP AND ASSUMED A FIGHTING STANCE, WITH BOTH FISTS.

I ORDERED SB TO BACK UP TOWARDS THE BRICK WALL. SB MUMBLED AND CONTINUED TO MAINTAIN HIS FIGHTING STANCE.

I ATTEMPTED TO SPRAY MY TIGER LIGHT AT SB, BUT ONLY A SMALL AMOUNT CAME OUT, HAVING NO EFFECT. I PULLED MY SMALL CAN OF FIRST DEFENSE AND ADMINISTERED A ONE SECOND BURST. BEING UPWIND, THIS TOO HAD LITTLE TO NO EFFECT ON SB.

SB WAS NOW WALKING BACKWARDS ONTO NW 3RD AV. SB CONTINUED TO THREAT ME, MUMBING INAUDIBLY, WITH CLENCHED FISTS AND NOW STOPPING TRAFFIC.

I ORDERED SB TO GET ON THE SIDEWALK, OR

CASE NO. 10-38750	CLASSIFICATION	TYPE OF CONTINUATION <input type="checkbox"/> INCIDENT <input type="checkbox"/> CUSTODY <input type="checkbox"/> TRAFFIC ACCIDENT <input checked="" type="checkbox"/> SPECIAL		
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SUBJECT'S NAME	CRN	SEX	RACE	DOB
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LOCATION OF OCCURRENCE

CASE NO.

NARRATIVE—The order of appearance for additional information will be	ITEM 4	ADDITIONAL WORTHLESS DOCUMENTS—Record multiple worthless documents on a multiple worthless document form and attach as additional pages. Record in the narrative the number of worthless documents written.	ITEM 6	ADDITIONAL OFFICERS—List all officers present and identify their involvement with the incident being reported.
ITEM 1	ADDITIONAL PERSON INFO—List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.	ADDITIONAL PROPERTY—Record no more than four additional items of property in the narrative—and/or use a special report and attach as additional pages.	ITEM 7	SUMMARY—A short summary is necessary if the narrative is more than one full page in length.
ITEM 2	ADDITIONAL SUSPECT INFO—Report all suspect info on additional incident reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.		ITEM 8	NARRATIVE—List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.
ITEM 3	ADDITIONAL VEHICLE INFO—List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.			

ITEM	CODE	
8		<p>I WOULD TAZE HIM. I PULLED OUT MY TAZER DE-ACTIVATED THE SAFETY AND AIMED AT HIS CHEST.</p> <p>OFF. PENNINGTON + MILLS ARRIVED. WITH COVER THERE, I SAID, "TAZER," AND FIRED MY TAZER. THE IT IT TOOK ABOUT 2 SECONDS OF SB SPINNING AROUND UNTIL HE FELL DOWN. HE WAS ORDERED TO EXTEND HIS ARMS. SB IMMEDIATELY "TURTLED UP." I GAVE SB ANOTHER 5 SECONDS. AGAIN, SB HAD HIS ARMS TO HIS CHEST, AND HIS KNEES AND LEGS IN AN OFFENSIVE POSITION. AGAIN, I DELIVERED ANOTHER TRIGGER PULL, AND HELD MY FINGER ON THE TRIGGER UNTIL SB EXTENDED HIS ARMS IN ORDER TO BE HANDCUFFED. PFB WAS CALLED, AND THEY SUBSEQUENTLY CLEARED SB FOR TRANSPORT. SB CONTINUED TO MUMBLE AND CHANT ABOUT HIS PENIS. ALTHOUGH PROBABLE CAUSE EXISTED FOR DISORDERLY CONDUCT, IT WAS DECIDED AMONG OFFICER PRESENT THAT SB WAS IN NEED OF MENTAL HEALTH TREATMENT. REFER TO RELATED REPORTS FOR FURTHER DETAILS.</p>

10 MAY 14 AM 7:04

REPORTING OFFICER(S) M. Delenikas	BPST 21331	PREC/DIV 94	RLF/SHFT N	ASSN/DIST 3920	SUPERVISOR'S SIGNATURE M. Delenikas 21331
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BUREAU OF POLICE
 2619 NW INDUSTRIAL WAY, STE. B4
 PORTLAND, OREGON 97210

44657

PROPERTY/EVIDENCE RECEIPT

(6)

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. 1215126	DATE/TIME	AM PM	REFER CASE NO.	PPB CASE NO. 10-38750
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.	<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB			GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DENIED OWNERSHIP <input type="checkbox"/>			I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
HOME ADDRESS CITY STATE ZIP			SIGNATURE	
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB			PHONE	
HOME ADDRESS CITY STATE ZIP				

TYPE OF INCIDENT MENTAL HOLD	DELIVERING OFFICER BPST/ASSIGN
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT) BPST/ASSIGN

<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
<input type="checkbox"/> SUSPECT						

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.

ITEM	STLN	FOR PED USE ONLY
1 TASER CARTRIDGE		
2		
3		
4		
5		
6		
7		
8		

DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	LOCKER C-6	DATE 5/13/10	RECEIVED BY
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER			

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION BY 40:1 NW 41 AVH 01	WHITE - RECORDS COPY YELLOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:	