



FREMONT POLICE DEPARTMENT

2000 Stevenson Boulevard, Fremont, CA 94538

PC13652.1 Use of Force Reporting

Date of Incident

- April 15, 2024

Location of Incident

- 45500 Fremont Blvd, Fremont CA 94538

Associated Police Report #(s)

- FPD #240415028

Description of the Incident

Overview Information

A planned protest occurred at the Tesla Factory in Fremont on April 15th, 2024. The protest was affiliated with a nationwide movement known as, "A15 for Action - Coordinated Economic Blockade." Multiple protest incidents on April 15th significantly impacted public order throughout the Bay Area. The protest in Fremont began at approximately 6:15 pm when the group began to gather at the Warm Springs BART station. The protest effectively ended at approximately 8:40 pm when the last of the caravan vehicles were seen leaving the area.

Crowd Size (approximate)

- 80-100 people (at the time OC was deployed)

Number of Police Officers (approximate)

- 25 officers (at the time OC was deployed)

*Each officer who deployed chemical agent projectiles completed POST-mandated training regarding the deployment of less lethal munitions in accordance with Assembly Bill 48 (Penal Code 13652) and Fremont PD's First Amendment Assemblies Policy and Control Devices and Techniques Policy. Officers also received training for crowd control and less-lethal munitions deployment prior to the event.

Kinetic Energy Projectile and/or Chemical Agent (OC/CS) Deployed, Including the Number of Rounds and/or Chemical Agent Dispersed

- Number of OC Pepper ball rounds deployed: 70 (approximate)



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- Number of OC VXR projectiles deployed: 5 (approximate)

*The chemical agents deployed were “pepper ball” projectiles, which are plastic vessels filled with a derivative of OC powder.

Injuries

No injuries were reported to the Fremont Police Department.

Incident Description & Overview

Violations of Law Observed:

- PC 602 - Trespass
- PC 594 - Vandalism
- PC 148 - Resist/Delay/Obstruct a Peace Officer
- PC 407 - Unlawful Assembly
- PC 409 – Remaining Present at Unlawful Assembly
- PC 416 - Failure to Disperse
- VC 21954 - Pedestrians Outside of Crosswalk
- VC 21956 - Pedestrians on Roadway

De-Escalation Measures Attempted:

- Attempted to gain voluntary compliance via verbal interaction with protest group.
- Numerous verbal orders by officers for protesters to cease unlawful activity (disassembly & destruction of metal barricade fencing/framing on private property).
- Numerous ‘Unlawful Assembly’ and ‘Dispersal’ orders given to protesters over PA system.
- Requested additional personnel to support dispersal efforts.

Summary

On April 15, 2024, at approximately 7:15 pm, the protest group arrived on private property at a fenced barricade near Kato Road/Contractor Way. The private property leadership had installed the temporary fencing and requested FPD to enforce their private property rights, preventing protestors from entering their campus. At approximately 7:23 pm, the protest group began violently pushing/pulling on the fencing in an apparent effort to damage or defeat the barricade. Officers attempted to mitigate their actions by ordering them to stop



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and by holding onto the fence to keep it upright, believing that if the fencing failed, they would be directly exposed to several protesters who were acting aggressively.

Officers announced that if the protest group did not stop trying to disassemble and/or destroy the barricade, officers would use chemical agents, specifically pepperballs. After repeated orders to stop by officers and continued non-compliance by the protest group, assigned officers deployed pepperball less-lethal munitions toward persons actively engaged in pushing/pulling the fence in an effort to cease the violent behavior of the protestors who were ripping the fence from its position and from officers attempting to hold it in place.

The protest group did not disperse in response to the pepperball less-lethal munitions but rather, the protest group ripped down the fencing and began sliding it forward/backward in direct proximity of the officers. The framing and stands of the fencing were constructed of metal with sharp edges, constituting an immediate threat of serious bodily injury to officers. Officers deployed additional pepperball and VKS rounds at the involved protesters in an attempt to cease their violent actions and prevent them from picking up the fence and using it as a weapon. At this same approximate time, multiple 'Unlawful Assembly' and 'Dispersal' orders were broadcast to the protest group via patrol vehicle PA system. At approximately 7:45 pm, the protest group began walking southbound, back toward the vehicles they had staged near Kato Road and Warren Ave. The incident concluded after the group dispersed and returned to their vehicles.

The use of force by Fremont PD officers was reviewed aligned with department policy.