

## ***Lieutenant James Dymont OPA Interview***

OPA investigator Mark Grba interviewed Lt. James Dymont on Nov. 20, 2020. Joining Dymont and Grba in the interview was Seattle Police Management Association (SPMA) President Scott Bachler. The OPA chose to interview Dymont as a witness officer, rather than an involved officer. The interview focuses primarily on his expertise in the area of bicycle training tactics, only briefly touching on the events of the 2020 Labor Day protest, despite the fact that Dymont was one of two bicycle platoon commanders for the protest.

Grba and Dymont briefly run down Dymont's history as an officer, before discussing Dymont's involvement in SPD's mountain bike program. Dymont says that he "pretty much developed" the entire program out of SPD's experiences during the [World Trade Organization \(WTO\) protests in 1999](#). Dymont states that he's been responsible for training officers to use bicycles for crowd control both in and out of Seattle.

Grba then asks Dymont whether he was an instructor for the 2019 SPD bicycle crowd management training class. Dymont replies that he thinks so, but that he can't remember. He says that it was either himself, [Sgt. Brian Rees](#), or Sgt. Brian Kraus.

Grba asks Dymont what a mobile fence line is and how it's performed on a bike. Dymont says that the officer will dismount, pick up the bicycle, and "give a command of 'move back' as they bring it up towards — from their chest and arms out forward, and then setting the bike down in one or two steps, as determined by the supervisor."

"Is there any approach, in terms of how close they get to the crowd that they're attempting to move when they engage?" Grba asks, to which Dymont replies, "It depends." He goes on to explain that it varies by situation and by supervisor. He says that he prefers to keep space between officers and protesters for the psychological effect but that "I've used it both in space and where they have been pushing into — physically into our lines before."

Grba questions Dymont about the requirements regarding use of force reporting related to bicycle crowd control tactics. Dymont says that they are "very similar" to any other force reporting policies but that, in general, bicycle crowd control measures are viewed as de minimis force, because they are akin to a baton push. According to page 28, figure 60, of [this manual](#) describing police baton techniques, a baton push is "not a blow as such, but a technique which can be used to push or hold back an individual." The figure shows a police officer using a baton horizontally on a subject. It should be noted, however, that this manual is from the 1960s.

Dymont says that only if someone is injured does the level of force change, thus "elevating the reporting standard."

Grba gives Dymont an example of what would be considered a [Type II use of force](#) (UOF) with a bicycle — using the bicycle to forcefully strike somebody, who is then injured because of said

strike — and asks if that makes sense to him. Dymant says it does, but notes that it's a Type II UOF or higher, in that scenario, if the officer knows that the person is injured.

Grba plays a clip for Dymant, which Grba says shows “the officer striking a protester with their bike and then another person with their front wheel. There appears to be some jabbing at the protesters with the front wheel.”

“[[I]s the use of the front wheel to push or ram into subjects a trained bike tactic?” Grba asks.

“We don't — we do not have that use — the bike specifically use — the only training tactic that we use is during the mobile fence line. So that is the only trained actual technique — I'm trying to think — that we really use that where we pick the bike up, move it forward and push down, where there — there could potentially be some contact,” Dymant replies.

This shows once again that police repeatedly pushing the front wheels of their bicycles into people was not a trained tactic at the time they did it, despite Myerberg apparently retroactively green-lighting the tactic's use. Based on [Morasco's interview](#), it would appear that Myerberg had given officers that green light prior to Dymant's interview, as well. Given that any future investigations and interviews would necessarily be informed by that decision, it is likely that Grba knew about this change, as he was asking Dymant about the use of a front wheel to push people. It is unclear whether using such unapproved in-field tactics is a violation of SPD policy.

Furthermore, Dymant says, “utilizing the bicycle — oh, there's also — and I think it's listed as a type 3, as a power slide in the use of — in our use of force documentation, or at least it used to be. That was automatic, if you power slid into somebody intentionally, then that was a type 3. Or it could potentially be a type 3 use of force, or had been in the past.

“We don't teach that, to power slide into anybody, but we do teach the mobile fence line technique. Now, that's not saying that somebody — you could use your bicycle, like any object that you have, to defend yourself or to utilize it, but you're going to have to be able to articulate that, how you use that outside of that — you know, if they are blocking somebody, let's say, they move their bike to the side to block somebody from getting through,” Dymant continues. “Again, we don't really train that, but that's — it's utilized in that fashion, right. So just to slide the bike back and forth, to do something like that.”

Calling Dymant back to his statement that using a bike for crowd control is much like a baton push, Grba then appears to steer Dymant into the idea that using the front of a bicycle to push someone is actually also akin to a baton push.

“So staying with the baton analogy, is — if you were using a baton, could you prod somebody in front of you with that, based on the training that SPD provides? Meaning, could you push them forward with the front of your baton?” Grba asks.

“Yeah, it — it — well, and again — I mean, it would all depend on the circumstances, but that would be a method if you were in a line and had been ordered to move a violent crowd, let’s say, that sideways baton push would be — yeah, that would be the way that they are marching down there, instructed to do that for sure,” Dymont replies, apparently sticking with the idea that a baton should be positioned sideways — horizontally — in order to count as a baton push meant to move someone, but starting to give his initial answer regarding how a baton push is performed some wiggle room.

Grba continues: “Okay. And in terms of, then, the idea that — let’s stay with this. I want to come back to the power slide in a moment. But the idea of using the front wheel to push, just if I understand you, and in this example that you had on — on body-worn, would that tactic be consistent with the training, just to clarify?”

Dymont’s answer appears to change even more. Though he still maintains that using the front tire to push someone is not a trained tactic, he essentially says that there may be situations where it is appropriate.

“It — we do not so the tactics that we use, there’s — there’s not a lot of different specific tactics that we teach, right,” Dymont says. “So because of the fact that these are high stress situations, they’re very dynamic in movement, that we’re teaching the concepts, if you will, to move people or to utilize these take-space-when-you-can or the psychological impact of these movements and unified movements.

“So in that, there’s not a lot of — we don’t instruct — in the class, there’s not an instruction on using your front tire to push someone that you’re moving back,” Dymont continues. “It’s — it’s not — so it — it is not a trained technique, but I would — I would not go so far as to say that, hey, you couldn’t — you couldn’t use your front tire if the circumstances allowed it, right.”

Dymont says that he “would want to see what was in the frame of mind of that officer,” as well as why they were doing it and the context, referring to the officer in the clip Grba showed him.

Grba then says, “Okay. And — okay. So is it — if I hear you, it’s not specifically prohibited?”

“Correct. Yeah,” Dymont replies, before revising his original answer even more, with regards to trained tactics and use of untrained tactics. “So that bicycle could be used as a tool — I mean, just like anything else. Like their side baton or, you know, something to that effect. And they use it as a shield as well. We don’t train its use as a shield.

“However, we’ve got center bags on it and the wheels and stuff that we — we do talk about the fact that it can and has been regularly used as a shield to protect the officers even though we don’t train ... that tactic. It’s equipped to deal — deal with that,” Dymont says.

“The idea of it being used as a shield, would this be to protect them from something that’s being thrown at them?” Grba asks of the untrained technique.

“Correct,” Dymment says.

“Okay. And then in just — just to come back to the idea of the front tire being used, have you ever used a front tire to push in to somebody to move them along during a demonstration?” Grba asks.

Dymment does not directly answer this, but his answer appears to indicate that he has not himself used this particular untrained tactic: “Boy, I can’t specifically recall that, but then again, I haven’t been on a line with the bikes for some time. I’ve definitely used my bicycle in blocking people’s paths and moving it around to deny areas and access to different areas.

“I don’t recall walking down the way and having them move out — out of a certain area. But again, everything would be — it would have to be proportional, and that’s kind of what we talk about with utilizing that bicycle as a tool with what was going on around them,” Dymment says.

Grba then questions Dymment about using a mobile fence line to move people and asks whether it’s a trained technique to change tactics in order to move people. Dymment answers again that it depends, but there is no hedging or fluid lines between what is deemed a trained technique and what is not. Dymment answers that there are different trained techniques to get people to move and that these techniques also come with psychological effects in order to create and maintain distance between police and protesters.

Grba returns to the front tire issue. This time, however, he suggests the idea that using the front tire of a bicycle to push someone is potentially even gentler than a baton push: “In conversations or interviews that OPA has had, officers, when confronted with this idea of using their front tire, have — have said that it’s the equivalent of pushing someone with their open hands, based on their tire being a soft rubber tire. Do you believe that’s the case?”

“I think that makes — I think that makes sense, that — that the — the tire — I mean, it’s — the tires are generally 60 PSI, 65 PSI tires. It’s not a — yeah, it would probably — it would probably be very similar to what you can do with an open hand. Probably a little bit less so, I would say, actually,” Dymment replies.

“Less so because of what?” Grba asks.

“I don’t think you could generate the energy with a front tire that you could with an open hand strike,” Dymment replies.

Grba appears to suggest that an open-handed strike is really nothing more than a push, in what appears to be an effort to distance the idea of using the front tire of a bicycle from the action of a strike of any kind: “Okay. Well, I mean, is it — is it an open hand strike or just an open — open push, I guess? Open handed push?”

“I mean, when you’re — when you’re modulating your force of that hand strike in the — in the — it would be more of a push with a tire, I would imagine, right,” Dymant says. “If you’re talking about how much force you could generate between the comparison of the two, I think you could generate considerably more force with an open hand strike. I think that — that when you’re just talking about — I mean, obviously, in the modulating that force, then, they would be probably fairly similar.”

Grba asks whether there would be “some concern of different types of reactions” between using a hand and using a bicycle. With the latter, he asks, wouldn’t there be some concern of tripping someone or hitting them in the Achilles tendon?

Dymant replies that, usually, with the lower extremities, he believes that officers use less force and that there are more things to be concerned about when “pushing” someone in their chest, throat, or head.

Grba notes that officers who have complaints lodged against them receive notices and asks Dymant whether any officers in this case had reached out to him seeking clarification regarding whether they were allowed to use their front tire to push people.

Dymant replies that a few have reached out, and then says: “[T]hen we actually — and I don’t recall specifically who they [the inquiries] would be from, but we asked Director Myerberg to come.”

Though Dymant does not finish this thought, this appears to line up with what Morasco said about Myerberg retroactively green-lighting officers’ use of the front tires of their bikes to push people.

Dymant then leans hard into the idea that using the front wheel of a bike to push someone is actually OK, framing officers’ bicycles as a hindrance in addition to a tool. Officers on bikes, he said, “have this big, bulky bicycle now that they have to wield, and a lot of times, are actively getting assaulted. They’re getting items thrown at them, they’re doing — there’s a lot of things, and having to do these dynamic movements.”

“[T]he mobility of our resources really does help de-escalate things,” Dymant continues, referring to the bicycles, “but it also is — their hands are full of those things. So when we are moving people back, I would — I think, using a front tire, which is a large round — the contact patch is going to be considerably larger than the end of a stick, on a bicycle used to push someone back. That might — that would seem to be a far more reasonable [I] mean, if they have the reason to push someone back, right, to utilize that.”

Grba asks Dymant whether people not moving quickly enough would constitute a reason to push them with the tire or their hand, again subtly comparing the front tire of a bicycle to a hand. Dymant replies that it’s situational, and talks about “significant public safety risk,” including people throwing Molotov cocktails and other incendiary devices. He also seems to suggest that

officers have no choice but to ramp up their tactics in response to certain protester tactics, such as forming a shield wall with umbrellas and using goggles, masks, and shields, all of which Dymont says negates the intended psychological effect lesser police tactics have on protesters.

Thus, he says, using the front tire of a bicycle to push someone “is a pretty complex issue” that involves a lot of in-the-moment calculus, including the threat level to the officer and the likelihood of injuring a protester.

Grba asks Dymont what his assessment is of the video in which “the tire [of an officer’s bicycle] seems to bump into the individual’s leg a few times ... what would you say that level of force would be?”

Dymont replies that he would have to understand the context — “was that intention — one of them appeared intentional. Was that intentional? What were they focused on when they were doing that? And ... give me the context around there to say, is this reasonable or is this not a reasonable utilization of this tool, right, that we’ve given them.” He goes on to say that he would want to also look at what else was going on around the officer in other videos.

Grba points out in the video “where the officer appears to pick up his bicycle and — and strike somebody with his rear wheel. Is that a trained tactic?”

Dymont replies that it is not. Grba asks what level of force Dymont would classify it as, if, in a hypothetical scenario, “I just used my rear wheel to strike somebody to move them along.”

“Well, in this hypothetical situation that you’re saying, you used the term ‘strike.’ If you’re using that term ... I would say that that would be — I would probably want you to report it, right,” Dymont says. “And I would say, did you cause injury? Was it likely to cause injury? Did they say anything when you did that? So, again, I would want context to do it.”

Grba pulls up what appears to be a different video to ask Dymont his assessment of the officer’s action. Grba describes the video, which is of an officer who “lifts [his bicycle] and strikes someone who is walking along. ... [I]f you get to the minute mark or second mark 21 on this [video], you will actually see him lifting it, and there is somebody who is in black pants, a black short sleeved shirt, has a backpack on, and the officer appears to strike the individual by raising their rear tire at about the backpack level and striking — to me, it looks like striking the backpack.”

“I mean, I think I have your answer on the idea that, certainly, lifting the rear bike up to strike somebody is not something that — or to hit them is not something that you — that is trained?” Grba continues.

“No,” Dymont replies. But, he continues, “if they were hitting that person with their bicycle tire, it’s not generating much force on that individual whatsoever. ... I’d be hard-pressed to say that was a strike or even a — I don’t even know what that was, actually.”

“Okay,” Grba replies. “So at a minimum, it’s hard to say what it would be, in terms of whether it would be a strike. It’s hard to say — but it’s certainly not hard to say that it’s not something that’s trained?”

“Yeah. Specifically, no,” Dymment says.

“And I understand that you have — that you have dynamics that happen in these that — that don’t take into account every scenario,” Grba says. “Is that fair?”

“Correct,” Dymment replies.

Grba then references another video in which officers power slide into a group of people, hitting them with their rear tires.

“So the question, I guess, is, is the skidding and slamming in the rear tire into a person or a line of people with shields, I guess, is that a bike tactic that’s trained?” Grba asks.

“It is a bike tactic that is — that — using the power slide is a dynamic maneuver in — towards the crowd that — yes, it is,” Dymment says.

As readers may recall, this contradicts his earlier answer regarding power slides: “We don’t teach that, to power slide into anybody.” Furthermore, Dymment also said earlier in the interview that “if you power slid into somebody intentionally, then that was a type 3 [use of force]. Or it could potentially be a type 3 use of force, or had been in the past.”

Grba does not mention the fact that Dymment explicitly told him earlier in the interview that officers are not actually taught to power slide into people. Instead, he says that Dymment had “talked about it potentially being a level three, but what would — what — what force would it be if you did not strike an individual and you — you used this tactic and you hit nothing but shields? Would there be any level of force that would have to be reported there?”

Dymment says there would not have to be any force reported in that instance and that the only way an officer would have to report a use of force in that instance is if the officer knows that there is “a likelihood of injury or known injury ... or a complaint of pain.”

“[T]hat would go back to me asking them, do you think you caused any injury? ... Did they make a complaint of pain? Or did they claim they were injured? If so, then we’ll do — then we’ll make sure you document it,” Dymment says.

There is no discussion throughout the course of the interview about the fact that adrenaline rushes in frightening, confusing, and potentially dangerous situations can cause people [not to feel pain in the moment](#). Similarly, there is no discussion in the interview acknowledging that people whom the police are physically forcing back with bikes that Dymment himself described as

big and bulky might not want to stop and tell the person who is using the bicycle and its various applied tactics against them that they are hurt.

Dyment says that ultimately, it's the incident commander — specifically, that day, Capt. Matthew Allen — who would be responsible for ensuring that the various uses of force in the field were documented. But when Grba asks how the incident commander would know what tactics the officers were using, Dyment replies that “they would know that we were using crowd control techniques — trained crowd control techniques were utilized to carry out their movements.”

This would appear to negate — or be negated by — what Dyment said earlier about shifting situations: If officers are effectively given carte blanche to use untrained tactics, due to a “dynamic” situation or individual “context,” there would be no way for the incident commander to know what tactic they used, since it would not have been trained and thus not have been logged as a possible tactic prior to the event. Thus, it would have been impossible for the incident commander to know who may have used their bicycle inappropriately and who needed to report a use of force. It's unclear how it could be the incident commander's responsibility to ensure that all uses of force were properly documented, unless he literally viewed every single officer's BWV from that day. The “context” issues Dyment brought up and the idea that the incident commander is responsible for use of force reporting because he knows what trained tactics officers will use are at odds with each other. Both things cannot be true.

Grba does not note this.

Grba asks Dyment why officers would be yelling for protesters to “hurry up,” if they were already moving. Dyment replies that “I guess it was due to actions within that crowd, right.”

“I don't know the specific context or time frame inside that,” he continues. “I just know that there were a lot of very dangerous things being thrown ... including a Molotov cocktail being thrown at the officers in that, and the presence of Molotov cocktails, as well as explosives and other objects being thrown at the officers as well, as other officer assaults, bear spray being sprayed at the time, et cetera.”

A Molotov cocktail appears to have been thrown fairly shortly after officers moved in on the crowd, but it is unclear if the situation Grba was describing was before or after that. Moreover, as the *Emerald* has repeatedly noted, the person actually allegedly carrying Molotov cocktails was never targeted for arrest during the protest.

Grba asks Dyment what a normal dispersal order looks like, factoring out anything else happening. Dyment says that “if people are peaceful, we're generally not giving dispersal orders,” but that he is “having a hard time of recalling a time where people were peaceful and not committing a crime and I gave them a dispersal order.”

This appears to mean that it is possible for the police to simply give dispersal orders rather than carry out arrests in an already tense situation.

Grba confirms with Dymont that, if a dispersal order is issued, it usually means that there is something happening that the police have deemed a serious public safety concern. He then asks Dymont how he would respond to a description from an officer that “people are not dispersing if they’re walking at a normal pace because they’re obstructing the officers’ movements.”

Dymont responds that he “would ask them what their goal was ... to do that,” and that “[a]gain, ... I would ask for more — more context from — from that.”

He then opines on whether the protesters were “moving in a different direction of where they were supposed to be dispersing to” and “were they actively assaulting people as they were slowly moving back ... are they shielding and protecting individuals that are actively committing crimes?”

“It goes back to reasonable — being able to articulate reasonable, proportional, necessary force as we’ve asked them [officers] to articulate,” Dymont says. “[A]re they [the protesters] doing a block — a black block tactic blocking up and moving to a certain objective or movement would be my concern, or concealing a criminal element within that group, or there is a public safety danger of explosives and fire or fire potential.

“I would need more context to say,” Dymont continues. “But generally, if we give an order to leave a certain direction and people leave that direction, then that’s — that’s a good thing, too, right?”

Dymont then confirms to Grba that in certain contexts, officers are trained to maintain a close presence to the crowd, such as when they are escorting people or denying them access to certain areas, but “we really don’t want to be in contact with the crowd, as little as possible, honestly.”

Grba once again returns to the concept of a bicycle as, in his words, “an impact tool,” and whether there are circumstances in which officers are trained to use the bike as such.

“Again, the only training that we have that could potentially end up as an impact in a movement would be a mobile fence line,” Dymont says, leaving on the table the previous discussion in which he and Grba compared a front bike wheel to an open palm. “And even in that ... we want to generate those movements in space, if we can.”

He then appears to back up on this statement: “[B]ut we don’t dictate a lot of those things. I think the crowd dictates that.”

Dymont appears to repeat the idea that the mobile fence line with a gap of space between officers and protesters has a psychological impact and claims that all officers’ movements in this

context come with a “move back” command. He says that the ultimate goal is verbal compliance and that officers hope they don’t come into contact with anybody.

At Grba’s questioning, Dymant again confirms that power sliding into people is not a trained tactic, and then, again at Grba’s questioning, confirms explicitly that officers are not trained to use the bicycle as an impact tool.

Finally, at the bottom of page 38 of the interview transcript, Grba asks Dymant about his specific role in the protests. As the *Emerald* noted, Dymant was one of the platoon commanders for that day.

Grba asks Dymant whether there was prior intelligence regarding protester activity. Dymant replies that he doesn’t recall specifics, but that “there was potential for violence in that crowd.”

“And do you recall what the tactical plan was going into Labor Day?” Grba asks.

“I don’t have it down,” Dymant replies. He then notes that officers arrested at least one person in the International District, before the crowd got to SPOG headquarters, and then claims that “an initial movement was caused for an individual that was about to light some Molotovs and throw them at the — at the guild office.” He claims that this intelligence was broadcast to officers over radio.

As the *Emerald* has noted, this is not true according to available evidence. Not only did officers never have intelligence that anyone was about to light incendiary devices and throw them at SPOG headquarters — such intelligence does not even appear over TAC9 radio — but during the protest, officers never targeted for arrest the person who was allegedly carrying Molotov cocktails.

Dymant then claims that the intelligence officer in the crowd “could actually smell the gasoline from those Molotovs ... and then the determination was made to go and attempt an arrest on that individual.”

Again, this is not true. As the *Emerald* has noted, the person targeted for arrest was carrying a trash bag full of trash. There were no Molotov cocktails present.

Grba then asks whether Dymant ordered the arrest. Dymant claims he can’t remember: “Yeah, I — I — I was — I can’t — I don’t recall if I did or if somebody else did, but I was in support of moving in and going and — and making that arrest.”

It should be noted that if Dymant had ordered said arrest, then it would seem that he should have been interviewed as an involved officer, not a witness officer, in this case.

Grba asked if Dymant was aware at the time that there were multiple Molotov cocktails.

Despite just telling Grba that “an individual ... was about to light some Molotovs and throw them ... at the guild office,” Dymont backpedals, saying, “I don’t recall — I don’t recall specifically, but I think the intention was to — and I knew the guild office was — had people in it and I — and they had already — that had already been a target of that thing.”

“Intentionally setting a building on fire, an occupied building on fire, arson, is — is a pretty serious thing. And I mean, that’s kind of a pretty big — if we can take someone in custody for that, that’s — then that’s something we need to do,” Dymont continues, not answering Grba’s question, despite his minutes-earlier statement.

“And how did you know that there were people in the SPOG building?” Grba asks.

“I had seen people in there,” Dymont says. “I stopped by there and I saw Solan, the guild president out there, and a couple other people that were outside in there, and they just said they were going to be inside if people came.”

Before the alleged intelligence about the person in the crowd with the incendiary device, Grba asked, “was there a belief that there was going to be violence against the building or some effort against the building?”

“I believe there was some intel on — that there was going to be some violence towards them, but I do not recall specifically what that was at this point in time,” Dymont says. “But I believe there was some intel about it.”

In [part one of this article](#), the *Emerald* addressed the curious issue of Solan’s and other officers’ decision to stay in the building, as well as the apparently contested statement that there was intelligence ahead of time about potential threats to SPOG headquarters.

Grba then turns the interview over to SPMA representative Scott Bachler, who asks Dymont, “Is ... the utilization of a non-trained response ... necessarily contrary to any department policy? Merely because it is an untrained response?”

Dymont gives a roundabout response that doesn’t exactly answer the question. Instead, it’s ambivalent, ending with, “[J]ust because something isn’t trained doesn’t necessarily mean it’s not necessary or reasonable and proportional.”

Bachler then follows this up with a series of leading questions regarding an object that an officer’s BWV captured. According to the transcript, it is unclear whether someone in the crowd threw this object and what it was, and Dymont even says that he is “reticent to give any kind of conclusion on that.” However, Bachler continues, asking questions like, “[D]oes it appear that the crowd is just walking away in a peaceful dispersal? Did it appear to you that the officer on the bike was struck with some — something was thrown at the officer on the bike? ... [A]t the 15 or 16 second mark, it appears that a piece of metal is — impacts the officer’s bicycle, and it’s thrown from the crowd.”

Notably, Bachler changes his language from passive to active, as it regards officers being on the receiving end of aggression and violence.

Though Dymont pulls up the video, it doesn't appear that he sees the same thing Bachler is asking about — so, instead, he gives a general answer about how there were “a lot of assaults on officers, active assaults throughout that whole thing.”

Grba closes with a quick follow-up: “Do you believe that ... you're going to advise any type of changes to the training moving forward? Like, the next round of training, will you work with them on incorporating anything that's been learned over these periods during the protests? The George Floyd ones.”

Here, Dymont again brings up Myerberg's visit: “I think we should — we should address the — and that was one of the reasons why we had Director Myerberg come out and just discuss moving down — utilizing the bicycles.”

Again, this appears to back up what Morasco said during his interview.

“I think that should probably [be] more articulated out in the policies for sure, and probably addressed in training to clarify it,” Dymont says, not specifying exactly what “it” is or what Myerberg talked about.