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Criminal Charges Filed Against Man who Pepper Sprayed San Diego Police Officers

Defendant Has Prior Out-of-State Conviction Related to Assaulting an Officer and Failure to Appear

An Ohio man who pepper sprayed 11 San Diego Police Officers during a protest that turned violent downtown on August 28, was officially charged today with two felony counts of unlawful use of tear gas against a peace officer and 11 felony counts of use of force against a peace officer. If convicted of all the charges, the defendant faces a sentence ranging from probation with zero days in jail up to 11 years in local jail. The sentence would be determined by a judge if convicted.

Denzel Draughn, 28, pleaded not guilty to all counts during his arraignment today in San Diego Superior Court. Following his arrest, a judge set Draughn's bail at \$750,000. Today, the judge presiding over the arraignment hearing set the defendant's bail at \$150,000. The judge also ordered the defendant to surrender all weapons and not be in possession of weapons should he participate in future protest events.

During the hearing, which occurred using remote technology, the Deputy District Attorney representing the People stated the following facts on the record for the judge to consider when setting bail:

The incident began shortly after 6 p.m. on Friday, August 28 involving several groups of protesters comprised of about 25 to 30 people in each group. One group near 9th and E Streets was being followed by a driver/protester who failed to stop at red lights. Police stopped the driver to cite her, angering the protesters. A team of San Diego police officers on bikes was called in to shield the officers. Protesters push on the bikes, chanting "Fists up, fight back!" Police order the crowd to back up, but the protestors ignored the order.

One officer warned the crowd to back up and displayed his pepper spray. One of the protesters struck the officer's hand trying to knock the spray out of it and the officer discharged the pepper spray. That protestor then fought with police as they tried to arrest him.

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During the chaotic struggle to get the protester into custody, one of the peace officer's pepper spray canisters fell out of her holster and tumbled near Denzel Draughn. Draughn picked up the can and sprayed police in a long, several second burst that hit some officers in the face, who were not protected by helmets.

Using a megaphone, the defendant yelled, "Fuck the police," and then sprayed the line of peace officers a second time with another long burst. In total, 11 officers were hit with the pepper spray, including one officer who was blinded for about 40 minutes. Other officers were burned and disabled by the spray.

In open court today, the Deputy District Attorney played a video showing Denzel Draughn deploying the pepper spray on officers from two different angles.

The defendant fled but was later located and arrested, at which time five knives (daggers) and one hunting knife were located in his vehicle.

It was also put on the record in court that the defendant has a recent criminal history that includes resisting arrest, fighting with police and failing to appear for a court hearing. At present, there is an active warrant for the defendant's arrest from December 2019 for failure to appear in court in Zanesville, Ohio. The defendant was convicted in Ohio in November of 2019 for resisting arrest when he fought with police as they were trying to take him into custody for another previous arrest warrant. He was also convicted last year of possession of drug paraphernalia as well as a conviction for the illegal conveyance of drugs in a government facility in 2017.

Today, the judge set future court dates for a readiness hearing on October 8 and a preliminary hearing on October 20.

Recently, the San Diego County District Attorney's Office also filed criminal charges against 20 individuals for crimes including vandalism, looting and child endangerment in connection with the protests that turned violent and devolved into looting and rioting in La Mesa on Memorial Day weekend.

District Attorney Summer Stephan today released the following statement:

Peaceful protest is a time-honored tradition in our country, and now more than ever it's critical that we protect an individual's important First Amendment right. The majority of those protesting in our County are doing so peacefully. But when protests turn violent, it is an insult to the rightful expressions of peaceful protesters, and we must act to protect the community.

Protesting is an inalienable right recognized by the U.S. Constitution. Rioting, burning down businesses and assaulting peace officers are crimes that will be prosecuted.

As District Attorney, I will continue to fulfill my duty and responsibility to prosecute those who choose violence, looting or lawlessness to harm our community. I join community leaders in calling for unity and peace, not violence and chaos, while we work together to build racial equity and destroy hate.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.