



Raleigh

MEMO

TO: Ruffin Hall, City Manager
Marchell Adams-David, Assistant City Manager

FROM: Cassandra Deck-Brown, Chief of Police

DEPARTMENT: Police

DATE: December 11, 2020

SUBJECT: Raleigh Police Department Response to 21CP Solutions' Recommendations Following the George Floyd Protests

On September 15, 2020, the Raleigh Police Department's After-Action Report on the George Floyd protests (May 30 to June 7, 2020) was presented to Raleigh City Council. This report offered a detailed accounting of the RPD's response to the violent, civil unrest that occurred in Raleigh during that time. The report served as a catalyst for re-analysis of and improvements in departmental policy, tactics and procedure.

As part of the effort to maintain transparency in the after-action review process, a request was made for a third-party review of RPD's policies, procedures, practices, and protocols related to crowd control management. 21CP Solutions, LLC was charged with this effort, and presented 39 recommendations to the City Council on November 10, 2020. The RPD's response to 21CP Solutions' is contained herein. Each recommendation was thoroughly addressed and categorized according to its implementation time frame. Some recommended changes have already been completed. Due to the scope of the proposed changes, some recommendations will necessitate additional time. Accordingly, the responses indicate a specific period of implementation and date of completion:

- Immediate: 30 to 40-day implementation
- Intermediate: 41 to 60-day implementation
- Long-term: 61 to 90-day implementation

With this comprehensive review of 21CP Solutions' recommendations, policy formation, community engagement, training and technological advances, to include tools and other resources, are reflective of RPD's response to the recommendations. Leveraging our skills, abilities, resources and expectations, we embraced the opportunity to explore ways to further develop our organization as the Capital City Police Department.

We thank 21CP Solutions for its work in preparing the recommendations. In this response, the RPD reiterates its continued commitment to self-improvement, while displaying the transparency necessary to build bridges, strengthen partnerships, and maintain a safe, vibrant, and healthy community.

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The RPD Response to 21 CP Solutions' Recommendations

1. RPD should develop additional commanders capable of handling large and complex police actions during critical incidents.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

The Raleigh Police Department will ensure that all personnel at the rank of lieutenant and above complete Incident Command System (ICS) training through ICS-800. Currently, all RPD personnel receive 15 hours of crowd management training and 7 hours of incident command training in the RPD Academy.

In addition, the RPD will implement a formalized training program, led by Special Operations commanders, on managing protests, crowd management, and civil unrest via tabletop exercises and scenario-based exercises. This training should also include Federal Emergency Management Agency (FEMA) sponsored Mobile Field Force training. Each RPD division will identify and train additional field commanders to provide leadership during critical incidents. Since the George Floyd protests in May 2020, numerous RPD lieutenants have participated in transitional cross-training with the commanders of the Special Operations Division. Additional field commanders will be selected, at the level of lieutenant and above, from each RPD division and district, to allow for effective coverage and efficient response. Additionally, with the assistance of the Raleigh Fire Department, we look forward to other facets of FEMA/ICS training opportunities for management and staff.

Timeline:

Identification and Selection: 30 days

Updated/Initial FEMA/NIMS/ICS Training: 90 days

2. RPD should prioritize Mobile Field Force and Crowd Management training.

Status: Completed

As the police department for the capital city of the state of North Carolina, the RPD routinely responds to parades, protests and demonstrations. Prior to the Democratic National Convention in September 2012, the RPD was issued personal protective equipment (PPE) for members of the Mobile Field Force Unit from FEMA. The implementation of the MFF was accompanied by training in Field Force Operations from FEMA.

MFF training, commonly referred to by FEMA as Field Force Operations Training, is a 24-hour basic course designed to teach first responders about protest types and actions, legal considerations, responsibilities of MFF teams, and crowd control methods. The course

culminates in a series of practical activities that allow responders to engage and demonstrate all learned skills in a realistic context.

The train-the-trainer instructor course consists of 24-hours of instruction beyond the basic MFF/FFO training. Both the basic and instructor courses are supervised on-site by a FEMA instructor to ensure compliance with FEMA standards.

Within the past year, the RPD has certified new MFF operators and issued newly purchased PPE. The issuance of new PPE, beginning in 2017, provided an opportunity to provide a refresher course while issuing the new equipment.

In addition to these courses, certain members of the MFF Unit are also certified as grenadiers. Grenadiers are officers certified in the deployment of chemical and less-lethal impact munitions via a 20-hour training course. The 2-day Grenadier Operator Course, designed for practical training, consists of classroom and a broad range of exercises. Students experience a variety of formations, munitions, and launching platforms required to deal with civil unrest. Following the initial training for grenadiers, RPD personnel complete annual in-service training and qualify (recorded on the Form F-9A) for the 40 mm projectile.

Since 2017, the majority of current RPD officers have completed the FEMA-sponsored Mobile Field Force Training. Certifications are granted during the initial course, but there are no requirements for annual training. There have been cancellations during two scheduled MFF initial courses: one following severe weather caused by Hurricane Florence in September 2018 and another because of a conflict with facility scheduling due to RPD Academy driver training. In 2020, RPD committed to assisting the Charlotte-Mecklenburg Police Department with crowd control during the Republican National Convention (RNC). As a result of the COVID-19 pandemic, participation in the RNC and all MFF training was canceled and convention attendance was significantly downsized.

MFF training, while not conducted at formally defined intervals, has been a priority for the RPD. The preparation, training, execution and possession of needed equipment to adequately protect officers, residents and establishments during the recent civil unrest demonstrates the RPD's ongoing commitment to MFF and crowd management.

3. RPD should ensure that Incident Commanders do not leave the command post unless a new one is designated and in command.

Status: Immediate (and Ongoing)

Implementation: January 1, 2021

Completion: February 1, 2021

Throughout the civil unrest of May 30-May 31, the RPD did not fully implement the standardized structure of the Incident Command System. The RPD will take measures to implement the ICS protocol moving forward.

In accordance with ICS, RPD will ensure that transfer of command takes place when moving the responsibility for incident command from one Incident Commander to another. When that command is transferred, it will take place face-to-face and include a complete briefing that encompasses all the essential information for the continuity of a safe and effective operation.

4. Incident Action Plans should be a priority planning activity for each operational period of 12 hours and should be developed as soon as the possibility of a protest becomes known.

Status: Immediate (and Ongoing)

Implementation: January 1, 2021

Completion: February 1, 2021

While creating the Incident Action Plan (IAP), notes will continue to be placed within the document concerning intelligence gleaned from the Raleigh Intelligence Center (RIC). In addition, information pertaining to personnel assignments, authorizations and other directions will continue to be included and, upon completion of the plan, distributed to all sworn ranks of RPD. Briefings will be held at more frequent intervals, particularly when events are protracted over several days.

5. The intelligence function unit should monitor protest and crowd management events occurring across the country and region. It should assist the Incident Commander in developing the IAP.

Status: Completed

The Raleigh Intelligence Center (RIC) will continue to monitor national critical incidents and provide information and intelligence to the Special Operations Division captains and commander for the preparation and planning for any potential protests or civil unrest. Prior to the demonstrations and subsequent riots beginning on May 30, 2020, personnel performing the intelligence function began scanning open source sites for information concerning criminal activities observed in Raleigh and other cities. This information was incorporated into the operational plans completed by Special Operations Division personnel.

Historically, the RPD has completed operational plans for special events and/or protests. Intelligence function personnel supported these plans by developing information regarding potential planning of criminal activity. This information will be seamlessly integrated and incorporated into future IAPs.

6. If an Incident Commander does not staff the Safety Officer position, the Incident Commander should be required to articulate why staffing the position was not necessary.

Status: Completed

Since the large-scale civil unrest of May 30 and May 31, 2020, the RPD has designated a specific officer as the “Safety Officer” in any large-scale protest response. The Operations Plan for a given event has named the officer who will perform this role. It has, therefore, been in effect since June 1, 2020.

The designated Safety Officer has been assigned to ensure compliance with policy and procedures as it pertains to the health and safety of emergency responder personnel. As recommended by 21CP, the Safety Officer is responsible for “identifying hazardous situations associated with the incident; continuously monitoring workers for exposure to unsafe or hazardous conditions; altering suspending, evacuating or terminating activities that may pose imminent safety or health dangers to officers.” The Safety Officer coordinates with the supervisor of any injured personnel to ensure that proper documentation will be completed, and that proper notifications will be made, to include notifying the incident commander of any injuries. The Safety Officer also coordinates with a group of designated personnel to debrief officers/team leaders upon their return to the staging area after being deployed. The Safety Officer generates a master case number for an incident report if necessary.

7. The Raleigh Police Department and the City should explore the potential benefits of more rigorously enforcing ordinances relevant to the permitting of First Amendment permitted activity.

Status: Completed

As the capital of North Carolina, the City of Raleigh has a long and proud tradition of fostering and protecting the First Amendment rights of groups and individuals who come here. Unlike many other jurisdictions, the City’s ordinances regulating pickets and protests have been challenged in Green v. City of Raleigh, 523 F.3d 293 (4th Cir. 2008) and have been held by the Fourth Circuit Court of Appeals to be constitutional. Narrowing or further restricting First Amendment protected activity may pose a constitutional risk. The Raleigh Police Department consistently works with the members of the City Attorney’s Office on matters related to First Amendment protected activities. Whenever any employees of the Raleigh Police Department have questions about how to enforce the City’s picketing ordinances, they consult with one of the two full-time Police Attorneys, or other members of the City Attorney’s Office for guidance. A more restrictive interpretation of the relevant City Code provisions could create potential conflict with the rights of individuals to peacefully assemble. The Raleigh Police Department will continue to work with and follow the guidance of the City Attorney’s Office on these matters.

8. RPD should develop a standalone Mass Detention and Arrest policy.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

DOI 1107-02 (Response to Disasters) currently contains sections on civil disorders, mass arrests, jail emergencies, and other weather and disaster related topics. Civil disorders, jail emergencies and mass arrests are currently being drafted, into a standalone policy. This will allow for easy delineation between the topics and will provide the opportunity to create a mass arrest policy in more detail. The section covering mass arrests is being revised to incorporate current and best practices. Input is being sought from personnel who are involved in planning the RPD's response to these events; additional input will be sought from the Police Advisory Board.

9. RPD should develop more specific policy guidance on the use of force in crowd contexts. RPD should clarify and re-train commanders on when and how to authorize deployment of special munitions.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

Policy guidance on use of force in crowd and protest contexts was already included in DOI 1107-02 (Response to Disasters) and is being refined and included in response to recommendation #8. Wording will be included in the revised policy stating that the "Chief or his/her designee" is directly responsible for authorizing the use of crowd control munitions. RPD's existing use-of-force policy (DOI 1108-1) will continue to govern when differing levels of force are applicable. The tactical and operational guidelines for a given protest will be governed by the Ops Plan produced by Special Operations prior to an event, while still limiting the ability to authorize crowd control munitions to the "Chief or his/her designee." The Chief's "designee" will be limited to RPD officers at the rank of Major and above.

10. RPD, the City, and community representatives should work together to determine whether – and if so, under what circumstances – RPD should deploy tear gas.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 20201

Recommendation 10 speaks to several points - community engagement, collaboration and tactics - in response to equipment and the occasion. The days following the protests further spoke to several points Chief Deck-Brown made during the presentation to the City Council on September 15, and later referenced in the 21CP Solutions presentation to the Council on

November 5, regarding both the historical and recent deployments of tear gas in the City. The deployment of chemical munitions speaks to the unprecedented nature of the crisis at that time and the critical nature of the circumstances that necessitated that level of engagement. The Chief noted the two historic events, in 1968 and 1974, when tear gas was last used. Forty-six years later, it is evident that the use of chemical munitions is not a widely or frequently used tool by the RPD to de-escalate volatile, crisis-related, and climactic events in the city.

While recognizing and addressing when the deployment of tear gas should not have occurred, and putting corrective measures in place, it is important to note that, when properly used, the deployment did provide an effective means to disperse violent crowds from a distance. Without this tool, additional officers may have been assaulted, or additional property could have been destroyed. Policy and procedure specifically dictate when such tear gas deployments should occur, and this policy, in the case of the initial deployment on Sunday, May 31, was not followed properly. Nevertheless, 21CP Solutions also noted the importance of tear gas as an alternative to other uses of force. When and if a chemical munitions alternative is entirely removed, personnel are left to use only the remaining tools/equipment to prevent attacks and personal injury from protesters armed with improvised weapons such as sticks, altered skateboards, stones, street pavers, and homemade chemical/explosive munitions. To have the availability of tear gas, with strict adherence to policy, affords for a more effective measure of crowd control when confronted with unpredictable protestor behavior. This alternative minimizes the use of hand-to-hand combat-type engagement, and the use of other equipment, like the batons, which creates a concern for both optics and the impact of physical injury. The injuries stand to become far greater, potentially for both the protester and the officer, by removing the availability of a munitions option.

Should the City choose to appoint the Police Advisory Board or the Safe, Vibrant, Healthy Committee to review the policies addressing chemical munitions deployment, some consideration should be made to the impact of the officer's observations of protester activity, the importance of the preservation of life, incident stabilization, and property conservation. Beyond the events specific to this report, we have seen where individuals have reportedly come to the City "dressed for conflict." Preparation should warrant having the tools and equipment available to address such a potential crisis.

11. To enhance command and control capabilities and accountability, RPD should establish a means of documenting the use of tear gas, foam baton, or projectiles, and other munitions used during protests and mass disturbances.

Status: Completed

The Inspections Unit of The Office of Professional Standards conducted an audit of the Special Operations Division's special munitions inventory. The purpose was to monitor the division's inventory sheets for reliability and consistency and compare it with the physical stock of munitions. The Inspections Unit audit has been added (on a quarterly basis) to assure compliance. Prior to the George Floyd protests, the special munitions inventory was not

maintained on an adequate basis. Moving forward, the Special Operations Division is conducting monthly, self-audits of their special munitions inventory.

In addition to the steps detailed above, the addition of “deployment de-briefers” for large-scale events has been added (and already utilized) for all protests requiring deployments of Mobile Field Force personnel and/or personnel equipped with special munitions. These “de-briefers” report to the Safety Officer at the protest and interview all field commanders and grenadiers immediately upon returning from deployment. The purpose of these interviews is to determine whether force was used during their current deployment, (including chemical munitions), the number of munitions utilized, where it occurred, and whether any injuries resulted (to officers or citizens). This extra level of documentation, when cross-referenced with body-worn camera footage, munitions inventory sheets, and the involved officer’s own written recollection of events, should provide a thorough accounting of how many munitions were used at a certain moment, and why.

12. An inventory and assessment of helmets and gas masks should be conducted, and a replacement schedule be established to ensure officers have safe and functioning personal equipment.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

During this response, a review of the current equipment was conducted. In order to provide the MFF with proper protection, an upgraded version of the helmet should be purchased to replace the less effective, current MFF helmet. Many of the current helmets have cracks, damaged face shields and insufficient protective padding. The current gas masks were recently updated and proven to be very effective during munitions deployments. Cost assessments of various products are underway.

13. As long as RPD continues the use of chemical munitions, it is recommended that the RPD maintain a sufficient supply that have been vetted for quality and usability.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

If afforded the opportunity to utilize crowd control munitions in the future, additional requisition of inventory is needed to maintain an operational supply. In order to maintain an effective inventory of chemical munitions that have been vetted for quality and usability, a rotation of new product into the inventory would occur as segments of the inventory expire. Chemical munitions utilized by the department have a shelf-life of 5-years and a rotation of the inventory would be conducted on a regular basis to ensure adherence to policy. The number of chemical munitions

needed to maintain this supply along with their respective costs will be forthcoming. Less effective, expired gas could be used for training purposes.

14. RPD may want to explore the effectiveness and use of “soft” protective gear for Mobile Field Force personnel.

Status: Completed

As indicated in the 21CP Solutions recommendations, the RPD utilizes a layered approach, with full protective gear (“turtle suits”) being the last option for crowd management. Research of current protective equipment yielded few results for concealable, soft protective gear for Mobile Field Force usage. Follow-up correspondence with 21CP Solutions identified a product that is currently marketed internationally as “base layer body protection,” designed to protect against blunt trauma impact using a proven concept containing revolutionary technology. At least one US-based law enforcement agency is testing and evaluating this product. It should be noted that this gear is designed for maximum effectiveness in the early phases of the “layered-approach,” but may not provide the desired level of protection when full protective gear is necessary. Other current options are concealable, protective vests, concealed-armor shirts, and lighter-weight, external Mobile Field Force equipment. Additional forms of concealable, soft, protective equipment are designed for bicyclists, motorcyclists, and other motor sports-related enthusiasts.

Although the hard-shell, external-protective MFF equipment casts a “militarized” look, it provides a greater protective barrier for officers, which is paramount in reducing injuries during civil unrest. While the concealed equipment look is viewed as less militarized, it is not as effective in reducing injuries from thrown objects such as frozen water bottles, pavers, concrete chunks, and large stones. The RPD will continue to conduct research for options that enhance mobility, are moisture wicking/breathable, durable, and provide a comparable level of protection for its officers. Other factors, including heat tolerance and other policy-mandated equipment such as ballistic body armor, should be taken into consideration. Based on our preliminary research, the proposed base layer body protection may not be suitable for our operational needs. If such equipment assists in de-escalation by its appearance, while maintaining the level of protection required to reduce injuries to officers, it may prove advantageous for the RPD to continue researching available products. Currently, there are few products available, with limited, technological advances.

15. RPD should explore, with City leaders and community members, supplementary means of CCTV cameras, aerial support and intelligence.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

Two of the RPD's main goals are "to increase real and perceived safety through community policing and effective problem-solving crime strategies" and "to build trust and legitimacy of the RPD with the community of people who live, work and play in the City of Raleigh" (RPD Business Plan, p. 6). Use of tools such as CCTV cameras, aerial support, and other means of intelligence development help the RPD increase real and perceived safety for those who live, work, play, and protest in Raleigh. The challenge arises when balancing the effectiveness of these tools with citizens' privacy rights.

The RPD Drone Policy, DOI 1109-04, was implemented on 12/2/2020. This policy, while affording the RPD with a valuable tool, was written with careful consideration of personal privacy rights protected under the 4th Amendment.

Recommendation #15 may be used as an opportunity to further explore the greater needs of both the city and the RPD as it relates to safety for all in Raleigh. As a growing capital city, this is an opportunity to explore the possibilities of public-private partnerships. Beyond protests are the various events to include, but not limited to, criminal activities that have followed major festivals in the downtown footprint and throughout the city, which resulted in aggravated assaults and homicides.

This topic should involve a collaborative recommendation between several departments within the SVH Core Team. The discussion of this safety initiative should include: Transportation, Police, ECC, Emergency Management and Fire.

16. RPD should explore, with city leaders and community members, the availability of additional small utility vehicles (i.e. Gators).

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

The small utility vehicles have proven and continue to be quite effective in civil unrest and fire suppression response situations. Additional, small utility vehicles would assist rapid response personnel by providing a greater coverage area and additional officers within the affected footprint during critical incidents. These vehicles provide multiple benefits to the RPD as they can be used to effectively patrol Raleigh's greenway system.

17. RPD should consider investing in sound amplification devices (gas mask-mounted devices) to ensure that critical communication addressing tactics is not misunderstood or unheard in loud, chaotic crowd contexts.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

The RPD should conduct research and benchmark with other agencies on the effectiveness of gas mask-mounted audio amplification systems during periods of civil unrest or events requiring crowd management. Ongoing research is being conducted to determine pricing of voice projection units for our current gas masks.

Research and Benchmarking: 2 weeks

Testing and Evaluation: 60 days

Procurement: As specified by budgetary process

18. RPD should develop a strategy to clearly communicate what they expect from MFF, patrol operations, and any other support unit during a protest that has potential to turn violent.

Status: Intermediate (and Ongoing)

Implementation: January 1, 2021

Completion: March 1, 2021

Pre-deployment briefings are held prior to every operation. During the civil unrest that occurred following the death of George Floyd, it was common practice to hold a briefing prior to the start of a protest. All personnel that were called in to work a given event attended the briefing and were given clear expectations and instructions. However, as protests escalated, additional personnel were called in, other personnel from Field Operations were re-allocated from various districts to assist. When the additional personnel reported for duty, they did not attend a formal briefing, as commanders were already actively engaged in command and control duties. Instead, as additional personnel reported for duty at the staging area, the staging area supervisor formulated teams and the field commanders immediately deployed them to crowd control assignments.

Since, the May protest incident, we have implemented new communication and briefing strategies:

1. Prior to the event briefing, the Operations Section Chief (OSC) discusses expectations, objectives, and tactics with other commanders involved in the event. This is usually an informal discussion if the event involves commanders that are usually involved in such events. However, for large scale events that require a larger number of commanders, a

formal supervisors' briefing will be held with all involved commanders 1 hour prior to the general overview briefing.

2. At least 1-2 hours prior to the start of the event, the OSC conducts a general overview briefing with all personnel assigned to the operation. An overview of the event, threats associated with the event, overall objectives, expectations of personnel, and a review of tactics are discussed during this briefing. Safety information and administrative contingencies are also discussed during this briefing. Officers are given an opportunity to ask questions to make sure they have a clear understanding of the information that is presented to them.
3. After the overview briefing, officers form smaller groups based on their assignments. The group commanders then have another briefing with their respective groups to review specific information pertaining to their respective assignments. More detailed explanations specific to their respective assignments are given. Once again, all personnel are given an opportunity to ask questions to make sure they have a clear understanding of objectives and expectations.
4. The operations plan is always sent to all sworn personnel, so it is assessible to all officers, including those that are not working the event. Should additional personnel be called in or requested from other districts or divisions, the operations plan is already in their inbox with detailed operational information. For events that have the potential to escalate, it will be highly encouraged for all personnel to review and familiarize themselves with the information so they are prepared should they be called in.
5. Additionally, it will be required that the Watch Commander conduct a brief review of the plan during roll call before the start of the shift on event day. This will ensure that, if Field Operations personnel from other districts are requested to assist, they will already know the location of the staging area and will be familiar with general information pertaining to the event.
6. The staging area commander will have the necessary information to conduct another detailed briefing for additional personnel if the OSC is not available to conduct this additional briefing. The staging area commander will form additional groups and coordinate with the OSC when groups are ready for deployment.

19. During periods of protest, crowd management, and critical incident management activity, there should be a debrief after the end of shifts.

Status: Immediate

Implementation: January 1, 2021

Completion: February 1, 2021

RPD supervisors routinely conduct debriefs following large-scale operations. During the civil unrest in May 2020, debriefs were held with personnel every night following the conclusion of

police response and before personnel ended their tour of duty. During these meetings, several topics were covered, to include the number of arrests, the types of charges, injuries sustained by citizens or officers, and the potential for continued police action the next night. Additionally, following the initial debriefs, a subsequent debrief would occur at the EOC.

The practice of holding the debriefs continued with subsequent plans addressing further protests and rallies through the summer and into the fall. A transition to the recommended Incident Action Plan will allow for supervisory objectives and responsibilities to be communicated more clearly, and for increased clarity of the overall mission and purpose of the operation. Again, for larger-scale events, a supervisors-only briefing will be conducted prior to the general briefing, thus ensuring supervisors have a clear understanding of the mission and responsibilities of the operation. Furthermore, a debriefing team will be employed during the event to obtain a summary of activity from each squad/team leader after each deployment that includes uses of force, injuries to officers and/or citizens, and arrests made. These debriefs will occur as the event is ongoing, as squad and team leaders return to the designated staging area(s).

20. RPD should fill the Internal Communication Specialist position.

Status: Completed

This position was filled prior to the release of the 21CP Solutions study. The new Internal Communication Specialist started on November 2, 2020. The RPD will utilize this position to disseminate important and timely information to RPD staff members.

21. The Raleigh Police Department should ensure that its Police Attorney be included in command staff alerts in connection to critical incidents, and that he/she advises command staff on key matters of consideration during protests – such as dispersal orders, mass arrests, and other legal matters typical during civil disorder events.

Status: Completed

The City Attorney's Office has assigned a Deputy City Attorney and a Senior Associate City Attorney to work with the RPD on a full-time basis as Police Attorneys. The position of the Police Attorney has been in place for decades. At least one police attorney is contacted any time there is a question about protest related activity, or when there is a potential for an unusual or large disturbance. A Police Attorney is copied on all Operational Plans for known protest activities. Additionally, both Police Attorneys are available 24 hours a day, 7 days a week for any questions or concerns. A Police Attorney was made aware of the scheduled rally on May 30, 2020 and was on stand-by via telephone. Once the event became violent, a Police Attorney responded to the EOC. The Police Attorney was present with the RPD Command Staff at the EOC for the remainder of the week, and for all subsequent events that had the potential for civil unrest.

22. The Raleigh Police Department should review their existing Mutual Assistance Agreements to determine if they are adequate in specifying the commitment, scope and general procedures for all parties.

Status: Immediate

Implementation: January 1, 2021

Completion: February 1, 2021

The RPD, along with a Police Attorney, are currently reviewing all existing Mutual Assistance Agreements to ensure they are in compliance with State law, and that they adequately provide guidance and direction for all parties to the agreements.

23. The Raleigh Police Department should identify all local and county law enforcement agencies with which resources might be requested and shared and establish Mutual Assistance Agreements with them.

Status: Immediate

Implementation: January 1, 2021

Completion: February 1, 2021

The RPD is currently working to ensure that it has in place a Mutual Assistance Agreement with all local agencies that it regularly coordinates with or is likely to coordinate with in the future. Generally, this would include all municipal law enforcement agencies located within Wake County. Additionally, there are other agencies, such as the Wake County Sheriff's Office, the State Highway Patrol, the State Capitol Police and Alcohol Law Enforcement (ALE) who have overlapping or concurrent jurisdiction with the Raleigh Police Department. While no Mutual Assistance Agreement is required for these agencies to operate within the city of Raleigh, the RPD will continue to work to establish clear communication and expectations for joint operations.

24. The Raleigh Police Department should establish an annual review schedule to ensure Mutual Assistance Agreements are reflective of evolving laws, policies, and practices.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

The RPD is in the process of revising DOI 1100-03, to include language that requires all Mutual Assistance Agreements to be inspected annually to ensure accuracy and thoroughness.

25. The Raleigh Police Department should work with other law enforcement agencies to create a Mutual Assistance Agreement Operational Plan to support the Mutual Assistance Agreement.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

The RPD recognizes that, as the capital city of North Carolina, our city is often the epicenter of political and social protests. The City of Raleigh has a long and proud tradition of fostering and protecting the First Amendment rights of any groups of any size, and we work with our law enforcement partners to ensure that all events are safe. The RPD acknowledges the importance of mutual aid agreements to protect life and property, as well as, the fundamental rights provided by the First Amendment. Therefore, in order to improve the effectiveness of our mutual aid agreements, the RPD, as the capital city and largest municipal agency in Wake County, will take the lead in creating a Mutual Aid Agreement Operational Plan by collaborating with the law enforcement partners with whom it has mutual aid agreements. The Operational Plan will address issues such as resource mobilization, personnel management, and use-of-force.

26. The Raleigh Police Department should review their current policies and plans to ensure they reflect how mutual aid officers are used, tracked, and how home agencies are involved in planning and assessing mutual aid assistance.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

The RPD is in the process of revising DOI 1100-03 to require the Inspections Unit of the Office of Professional Standards to collect and analyze all operations conducted pursuant to a mutual aid agreement and provide an annual summary of such actions.

27. The Raleigh Police Department should review and revise DOI 1109-18 to ensure that its requirements regarding body camera use and activation are clear within the context of situations involving protests, First Amendment protected activity, and crowd management.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

In order to prevent a chilling effect on First Amendment protected activity, the current version of DOI 1109-18 prohibits use of body-worn cameras to record peaceful and lawful assemblies, pickets, parades or protests. However, the current DOI also states that a body-worn camera shall be activated during unlawful disturbances or disorders. In an effort to avoid any confusion,

this DOI is being modified to clarify that while peaceful and lawful assemblies shall not be recorded, it is permissible to record assemblies, pickets or protests that are violent or unlawful, or when the threat of violence or unlawful activity appears to be imminent.

28. RPD should ensure that it adequately addresses outstanding challenges with its body-worn camera system.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

21CP Solutions indicated that, during their one-on-one sessions with RPD officers, many were skeptical about and/or opposed to receiving discipline when body-worn cameras captured inappropriate comments during non-public facing interaction. According to DOI 1104-02 Department, Appearance, and Wearing of Police Uniforms, "Officers are expected to conduct themselves in a manner which is lawful, courteous, and reflects favorably on the Department. Conduct, which is obscene, discriminatory, or defamatory, as defined by State, Federal, and/or local laws, is prohibited." Moving forward, the RPD has taken steps to assist officers in remembering to deactivate their body-worn cameras when engaging in private, non-public facing conversations. The Safety Officer assigned to a given event, as well as the de-briefers reporting to the Safety Officer, will remind officers to deactivate their body-worn camera upon entering the staging area. Furthermore, a warning sign will be posted at the staging area reminding officers to deactivate their cameras upon returning from deployment.

21CP Solutions noted that officers had concerns regarding the mounting of body-worn cameras to their Mobile Field Force gear. Following the initial George Floyd protests, proper mounting brackets have been secured and issued, allowing for easier attachment of body-worn cameras to this gear. Since this time, no other issues with body-worn camera mounting have been voiced.

Finally, 21CP Solutions reiterated the confusion expressed by some officers regarding when to activate body-worn cameras during civil unrest. As stated in response #27, DOI 1109-18 is currently being revised to include clear and concise language regarding when officers should activate body-worn cameras during assemblies, pickets, and protests.

29. An ongoing steering committee comprised of legal advisors, IT professionals, command staff, and patrol officers be convened not only to manage policy and training implementation and maintenance of the BWC system, but also to address other technology issues as they arise and address other technology related initiatives as they become necessary.

Status: Completed

An Equipment and Technology Committee has been in place within the RPD for many years. This committee, which consists of sworn and civilian employees of the department, is tasked with recommending, testing and evaluating authorized equipment, uniforms and technology to enhance the performance and operations of the department. Committee members serve in a voluntary capacity.

During the implementation of the body-worn camera programs, a testing and evaluation committee was established to select the most suitable product for the department. These types of committees have been established for major purchases and projects in the past, to include the selection of patrol vehicles and uniforms. Following the recommendation of 21CP Solutions, several positions, such as a legal advisor, Vehicle Fleet Management representative, IT representative and a member of the command staff, may be added as permanent members of the existing Equipment and Technology Committee. While the command staff, Accreditation Unit, and designated subject matter experts specifically address policies and departmental training, this committee should primarily focus on technology issues, initiatives, and equipment.

30. RPD should ensure that stakeholders inside and outside of RPD are involved in the full After-Action Review process.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

The RPD embraces a community policing philosophy that encourages all officers to promote community engagement as one step in addressing the causes of crime, social disorder, fear or crime and other community issues through strategic and collaborative partnerships with public, private, and community stakeholders. The RPD demonstrates the tenets of community policing not only in action, but in its DOI 1106-18, Community Policing. Including key external stakeholder engagement in our After-Action Review process will be a familiar step in ensuring a transparent and comprehensive report. The Community Policing Coordinator will provide guidance in identifying external stakeholders who can contribute valuable input into the After-Action Review process. The Community Policing Coordinator will also facilitate the dialogue between the RPD and our external stakeholders to ensure that a liaison is available as an intermediary. Furthermore, the RPD will identify additional internal stakeholders in the After-Action Review process to include Field Operations, Administrative, and Detective Division personnel.

31. After-Action Reports prepared by RPD should include a corrective action section that details actions, responsibilities and timeframes.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

The RPD's after-action report, "George Floyd Protests and Response," concluded its assessment with an "Areas for Improvement" section (pg. 46). The RPD acknowledges that, after a review of after-action report best practices, the "Areas for Improvement" section can be expanded to include specific lessons learned in the form of substantive recommendations, actionable steps to implement identified corrections, a designated champion for each recommendation, and status reports on the implementation of the recommendations with specific timelines. While very specific time frames were given verbally, they were not noted in the report.

32. The Chief of the RPD should require a regular report on the status of each corrective action identified in an After-Action Report until corrective actions and recommendations are implemented.

Status: Immediate

Implementation: January 1, 2021

Completion: February 1, 2021

While this step was not completed verbatim for the George Floyd After-Action Report, corrective action steps to include discipline were initiated, with designated timelines by which to review the video, file petitions for the release, conduct follow-up investigations, administer discipline, hold listening sessions, and brief on other matters related to this event and other protests that occurred afterwards. Going forward, specific timelines will be notated to include completion dates.

33. Assign an appropriate position the responsibility to obtain and review other police departments and cities' After-Action Reports to improve RPD's operational plans, preparedness, and response to large scale protests and demonstrations.

Status: Completed

The RPD has a good working relationship with its fellow policing agencies, both locally and nationally. The RPD is also a member of many organizations that allow for communication and collaboration between agencies. The RPD can leverage the networking abilities of the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum (PERF) in order to obtain after-action reports from other police departments and cities.

The Research and Planning Unit can obtain after-action reports from other police departments and cities through networking mechanisms already employed by that office. The Research and Planning Unit can then disseminate those reports to the Special Events Management Captain and the Crime Analysis-Intelligence Team Lieutenant for review. These documents would provide the Special Events Captain with additional insights regarding the effectiveness and efficiency of tactics and techniques employed by other police agencies during times of civil unrest. They would also provide the Crime Analysis-Intelligence Team Lieutenant with additional insight regarding emerging trends, tactics, and techniques employed in other jurisdictions by individuals and groups creating crime and disorder, as well as those exhibiting community resolve and engagement. These additional insights could benefit the RPD's effectiveness and efficiency in addressing large-scale protests and demonstrations.

34. RPD should review existing policies and procedures and current AARs against best practice for the purpose of improving future After Action Reports and Corrective Action Reports.

See # 35.

35. RPD should consider a stand-alone policy defining the types of AARs, assigning responsibility for completion, the level of outside stakeholder participation, creation of Corrective Action Reports, and distribution of reports.

Status: Long-term

Implementation: January 1, 2021

Completion: April 1, 2021

Currently, the RPD's after-action review policy falls under DOI 1109-21. It states that the Special Operations Division Commander or designee will be responsible for completing an after-action report. DOI 1109-21 states, "This report will include a synopsis of the operation, resources and equipment required, strategies and tactics employed, evaluation, officer injuries, personnel hours expended, use of force incidents, evidence, and information released to the media." This policy is currently being followed and will continue to be put into practice.

21CP Solutions suggests formulating a clearer definition of the types of AARs, as well as assigning the responsibility for completion. While an after-action report is completed at the conclusion of any special event by the Special Operations Division commander or designee, a larger, more independent re-examination may be conducted by the Office of Professional Standards, involving a deeper dive into corrective action. Benchmarking is currently being conducted by the Research and Planning Unit of the Chief's Office to determine the appropriate circumstance to initiate this larger, more time-consuming review. Some agencies define their special events by "levels," with a Level I event requiring very few resources, but a Level IV event requiring mass resource deployment to include mutual aid from agencies without concurrent jurisdiction. RPD DOI is being evaluated to determine whether defining an event by its "level"

would be a clear indicator of what type of AAR needs to be completed. The Chief of Police would still reserve the right to initiate an independent AAR from the Office of Professional Standards at any time.

36. Following large protests and other critical incidents, the community should be invited to a debrief with command and department leadership so that RPD can hear about the individual experiences and community concerns. Where policies or procedures have significant public impact or interest, a best practice is to include community representatives in the development of training, policy, and the organizational implementation of both.

Status: Intermediate (and Ongoing)

Implementation: January 1, 2021

Completion: March 1, 2021

The RPD routinely engages with citizens in a direct manner when critical incidents create significant community concern. Beginning in the Winter of 2015, the department held face-to-face dialogue sessions with the Chief. The purpose was to give citizens a chance to ask questions and make comments on the department's new body worn camera program. We felt it was important to engage with the community so that they understood how the devices would be used. Again, in 2019, rounds of community meetings were held so that citizens could ask questions and express their opinions on such important topics as the RTI International study commissioned by the department to evaluate RPD traffic stop data for any indications of racial bias. In that same year, city wide meetings with the Chief and department leaders were held with the specific goal of gauging community wishes with regards to the formation of a police advisory board.

Although a "community/city-wide debrief" did not occur following the riots, the community, specifically those who were impacted by the violent behavior and destruction left by protesters, were invited to share their voices and ask questions on several occasions. Several virtual meetings about the protests were held on behalf of the City of Raleigh and at the request of stakeholders with the Downtown Raleigh Alliance. These events allowed residents and business owners opportunities to share their experiences and their concerns while giving them the opportunity to ask questions that may not have been posed otherwise. City government representatives at these events included members of the RPD, the city's Office of Emergency Management, the City Manager's Office, and the Mayor's Office.

The City provided an additional platform for comment by hosting a special council meeting to hear from those who chose to call in and voice their concerns about the protests and other matters. The public comment during council meetings has also afforded residents an opportunity to share their concerns. Additionally, the RPD has engaged in numerous virtual panel discussions, town hall meetings and other Q&A sessions with community groups, youth, collegiate, faith, and civic organizations to address issues related to the protests. The RPD will continue to explore ways to partner with the community to create more opportunities to connect.

37. RPD should mobilize a third party as marshals or stewards at protests or other types of public order events that can help to improve the communication between police and crowds and reduce the likelihood of conflict and violence

Status: Intermediate (and Ongoing)

Implementation: January 1, 2021

Completion: March 1, 2021

During the permitting process for the picket application, RPD routinely reaches out to the organizer to identify marshals and/or stewards to work with a designated RPD liaison on the day of the permitted event. The RPD is coordinating with the Police Attorney to review the current picket application in an effort to more formally identify marshals and/or stewards. Lastly, on the day of the event, the designated RPD liaison routinely attempts to have a briefing with the marshals/stewards prior to the start of the event.

38. Consistent with Recommendation 10, RPD should, in conjunction with city leadership and the community, develop a crowd management philosophy that clearly defines the city's overall political, strategic, and tactical response framework for protests.

Status: Intermediate

Implementation: January 1, 2021

Completion: March 1, 2021

As noted in response 10, this may be another opportunity for the SVH Committee and/or the Police Advisory Board to meet with members of the RPD to gain an understanding of the policies in place and to collectively seek to explore/implement available best practices that address crowd management in both protest and non-protest situations. Most of the city's largest crowd management events have been peaceful, to include protests, rallies, marches, and other large-scale mass gatherings with thousands of people that still require crowd management tactics. Criminal behavior – rioting, looting, and deliberate destruction of property, does require a strategically dynamic approach to address the crowd engaged in the criminal conduct.

39. RPD should ensure its capacity to use social media during emerging situations and critical incidents.

Status: Immediate

Implementation: January 1, 2021

Completion: February 1, 2021

Throughout the George Floyd protests and ensuing civil unrest, the RPD used its Twitter account to encourage protesters to remain calm and exercise their First Amendment rights in a peaceful, non-violent manner. Other tweets were posted throughout the protests with the intent

of disseminating accurate information, countering false narratives, and dispelling rumors. In the civil unrest following the death of George Floyd, the RPD's Twitter account was used to inform followers that the RPD was responding to calls of break-ins and riotous behavior, contrary to certain narratives that indicated the police were standing down.

In the future, the RPD will also post information on other social media platforms, including Facebook and Instagram. This will allow the RPD to get timely and accurate information to a broader community. Additionally, the RPD anticipates filling the vacant position of Social Media Specialist by January 4, 2021, thereby having a committed, full-time employee to maximize social media engagement.

Conclusion

In summary, this list of recommendations has provided the Raleigh Police Department with insight to some best practices across the United States, with the goal of further ensuring efficiencies in areas that have not been fully utilized in the past. In evaluating the scope of the work to be done, we see opportunities to promote interoperability and set internal and external expectations and outcomes. The fact that the RPD welcomed an external assessment serves as an example of 21st Century policing, and our willingness to identify operational and administrative vulnerabilities is a sign of progressive movement in today's policing organizations. This opportunity to grow further demonstrates the Raleigh Police Department's relentless pursuit of excellence.