

APD Protest Response Analysis

Public Safety Committee

June 25, 2020

Brad Branham
City Attorney



June 2020 Protests

- In late May and early June of 2020, the City of Asheville experienced several public protests relating to the enduring national problem of police brutality, institutional racism, and the unlawful and unjustified killing of George Floyd on May 25, 2020.
- The Asheville Police Department responded to these protests which included the use of force against some protestors.
- APD officers were assisted by other local police agencies as well as the National Guard.

June 2020 Protests

- A City-wide curfew was established by Mayoral declaration from June 2nd - June 5th which restricted public protesting nightly after 8:00 pm.
- The City has received numerous complaints regarding the operational response by ADP during the protests.
- The City Council determined that a thorough and transparent assessment of that response was necessary.

City Council Direction

Assessment of the police response to the recent protests.

- Process to be managed by the City Attorney's Office in two simultaneous phases
- Phase 1 - External Assessment by Independent third party
- Phase 2 - Internal Review of operational decision making
- Both Processes have begun

City Council Direction

Current Status

- Phase 1: Multiple options have been vetted, and frontrunner was interviewed this week.
 - Proposal will be brought to City Council on July 14th
 - Phase 2: Interviews being next week
 - A written report will be ready by the end of July
- * **Objective:** Ensure an independent, competent, and thorough review; then to provide results to the public in an unbiased and transparent manner.

Phase 1: External Analysis

Next Steps: Selection of Independent Analysis Firm

- City Council to oversee selection process with recommendation from the City Attorney
- Analysis Focus Areas:
 - Use of Riot Gear
 - Use of tear gas on the Captain Jeff Bowen Bridge
 - Use of tear gas at other times during protests
 - Use of pepper balls, rubber bullets, or similar ordnance
 - Other “Use of Force” tactics
 - Destruction of supplies at the medic tent
 - Requesting assistance from other agencies

Phase 1: External Analysis

Proposed Contractor Scope

- Conduct an objective analysis of whether the strategies and tactics employed by the Asheville Police Department in response to recent protests were consistent with the best practices of modern law enforcement agencies. Special attention should be given to the use of tear gas and other non-lethal ordnance, the deployment of riot gear, the call for assistance from other agencies and the National guard, and the destruction of water bottles and other supplies located at a medic tent.

Phase 1: External Analysis

Proposed Contractor Scope

- The Assessment must include a robust public engagement process, as well as being provided access to police recordings such as body cam footage if requested.
- Prepare a final transparent report reflecting the findings and opinions of the assessment to be presented to the Asheville City Council during a public meeting.

Projected Timeframe - (2 - 3 months)

Phase 2: Internal Review

Internal Interview Process Scope

- Interviews conducted by the City Attorney's office:
 - All members of City Council
 - City Manager
 - Chief of Police
 - More as needed
- Interview focus areas:
 - Utilization of riot gear
 - Calling in the National Guard, and other police agencies
 - Use of tear gas
 - Use of pepper balls, rubber bullets, or similar ordnance
 - Other "Use of Force" tactics
 - Destruction of supplies at the medic tent

Anticipated Schedule

- June 25 - Overview Presentation to Public Safety Committee
- July 14 - Phase 1 Firm Recommendation to City Council
- Mid July - Phase 2 Interviews complete
- Late July - Phase 2 Report to Full City Council and/or Committee
- Fall 2020 - External Analysis Report Provided to City Council

Questions or Further Direction?