APD Response to Demonstrations

City Attorney's Internal Review

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THE CITY OF ASHEVILLE



May - 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.

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May - 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 APD during the protests.
- The City Council determined that a thorough and transparent assessment of that response was necessary.

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Evaluation Approach

Evaluation Performed in Two Phases

- Phase 1 - City Attorney's Internal Review of Operational Decision Making
- Phase 2 - APD Investigative Assessment

** NOTE: This Dual Phased Internal Approach was recommended by The Public Safety Committee during its July 28th Meeting, and affirmed by the full Council on Aug. 25.*

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Internal Review Phase

City Attorney's Internal Review Process

- Interviews conducted by the City Attorney's office:
  - All members of City Council
  - City Manager
  - Chief of Police
  - Deputy Chief of Police
  - APD Command Staff
- Interview focus areas:
  - Utilization of riot gear
  - Calling in the National Guard, and other police agencies
  - Use of tear gas
  - Use of less than lethal projectiles
  - Use of force on the Jeff Bowen Bridge
  - Elimination of supplies at the "medic tent"

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Scope of the Report

Scope of Review

- Limited to events occurring from Friday, May 29 - Saturday, June 6th
- Facts established from Internal Sources only
- Focused on Decision Making Process
- No Opinions/Conclusions regarding actions taken

** NOTE - Decisions on appropriateness of officer actions will be addressed in APD after action review, including any disciplinary measures.*

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Internal Review Results

General Response to Protestors

- Increased response began on Sunday, May 31 and diminished by June 6
- APD requested assistance from outside agencies
- Deployment of Crowd Control Unit (“CCU”)

- All tactical response decisions were made by APD
- Chief Zack provided information and updates to City Manager
- City Council updated by City Manager

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Internal Review Results

Utilization of Crowd Control Gear and Munitions

- "Riot Gear" and Tear Gas only carried by the CCU (Less than 40 Members)
  - Sting Balls (hand thrown devices with rubber projectiles)
  - Pepperball Launchers (Similar to Paintball Guns)
  - Some non CCU officers also carry Pepper Ball projectiles
  - APD does not possess or utilize Rubber Bullets
- All Officers had authority to utilize the less than lethal equipment carried.
  - Upon direction of field commander
- CCU Field Commander requested confirmation of authority to use Tear Gas Chief Zack affirmed the authorization

** NOTE - Manager was informed of Tear Gas use after decision was made.*

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Internal Review Results

Request for Outside Agency Assistance

- APD anticipated protests to grow
- Shared Resource Agreements allowed APD to request outside agency assistance
- As APD officers become fatigued, National Guard assistance also requested

- APD made unilateral decision to request outside police personnel
- National Guard was a joint decision (Mayor, City Manager, Chief of Police)
- More than 100 officers, and 100 guardsmen assisted the APD

* *NOTE: No Council Members, other than Mayor, played a role*

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Internal Review Results

Police Interactions with Protestors on Jeff Bowen Bridge

- First use of the CCU, and their specialized equipment (23 officers)
- After second entry onto I-240, APD utilized pepperballs and tear gas to disperse crowd from the interstate
- Warnings to “Disperse” and about use of “Chemical Munitions” were issued prior to tear gas use

- Tear gas authority was affirmed by Chief Zack, but decision made in the field
- Manager was informed of the use of “hard gear”
- City Council was updated via email (as well as social media accounts)
- Neither Council nor Manager provided any tactical input

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Internal Review Results

Police Interactions with Protestors at the "Medic Tent"

- On June 2nd, APD field commanders made Chief Zack aware of this area
- Chief was advised that it was being used to resupply and redeploy protestors
- Chief Zack authorized the removal of this facility
- Use of force methods were determined by field commander

- City Manager and City Council were not consulted prior to this event
- They became aware of this only after the fact through social media

** NOTE: "Medic Tent" was not permitted by the City*

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Conclusions

- All “Tactical” Decisions made during protests by the APD
- City Manager only provided direction to Chief to “Keep people safe.”
- No Member of City Council provided direction to the Manager or APD
    - Exception: Mayor and Manager’s discussion re: National Guard

- Chief Zack made decision to deploy Crowd Control Unit,
- And affirmed pre-existing authority the use of tear gas if necessary
- All other decisions to use less than lethal equipment made in the field

<u>APD Use of Force, May 29 - June 6</u>:

- 57 arrests made
- 12 APD officer injuries reported
- 1 outside formal complaint against officer actions

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Written Report

- Previously provided to all Council Members
- More detailed analysis of each category of decision making
- Includes:
    - Timeline of Events
    - List of Less Than Lethal Equipment
    - Arrest Data

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Questions?

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