

FAYETTEVILLE POLICE DEPARTMENT

Review of the FPD's Response to Mass Demonstrations, its
Use-of-Force Policies, and the Effect of COVID-19 on Operations

Final Report

February 2022



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Executive Summary

In March 2021, the city of Fayetteville, North Carolina, contracted with the Police Executive Research Forum (PERF) to perform an organizational review of the Fayetteville Police Department (FPD) and an assessment of recent critical events and issues impacting the department. This was to be done by analyzing its policies and conducting interviews with people inside and outside the department.

The challenges that hit Fayetteville's police department in 2020—the COVID-19 pandemic, mass demonstrations following the death of George Floyd in Minneapolis, and the impact of these events on already-strained police retention and recruitment—also impacted law enforcement agencies across the country. Fayetteville's decision to seek input from PERF on how its police department could improve and learn from these events follows its long history of being proactive when it comes to examining its policies and working to ensure they are progressive and in line with the nation's best practices and standards.

This report presents lessons and findings that can help Fayetteville prepare for similar events that may occur in the future.

Scope of Work

Specifically, the city asked PERF to examine:

- the department's response to mass demonstrations following the death of George Floyd in May 2020
- the department's approach to police reform and use of force prior to 2020
- the impact the COVID-19 pandemic had on agency operations
- the effect these events had on retention and recruitment in the agency, which will be examined in a later report

PERF concentrated its attention on the events of 2020 and part of 2021.

Methodology

PERF incorporated two major methodologies in its collection of information on the FPD: personal interviews and an analysis of available data and reports.

Personal Interviews

Because of the pandemic, interviews occurred off-site over video conferencing. PERF worked with the city to ensure that the list of officials and stakeholders to be interviewed was representative.

The purpose of these stakeholder interviews was to understand the history, strengths, opportunities for improvement, organization, and culture of the FPD; solicit involvement and trust from all levels of the department as well as residents; and guide the project team in ensuring that the documentation of events and recommendations would reflect the mission, vision, and values of the city, department, and its leaders.

All interviews were conducted on the condition of anonymity: While notes were taken, no inter-

views were recorded to allow those being interviewed to speak freely. PERF did not identify the names of individuals interviewed in the draft or final report.

Those interviewed included:

- Four city employees
- Police Chief Gina Hawkins
- Assistant police chiefs
- Majors
- Captains
- Lieutenants
- Sergeants
- Police officers
- Community members, including business, religious, and political leaders

The Collection, Review, and Analysis of Available Data

The PERF project team reviewed the FPD Policy Manual, particularly its policies on use of force and its critical response plan. Other resources included:

- Newspaper and TV reports from 2020
- Social media postings, particularly from the night of May 30, 2020
- Exit interviews of FPD employees from 2020
- Data and documents provided by the FPD, including statistics on crime, employee demographics, salaries, employee turnover, and officer injuries
- Responses to Freedom of Information Act requests posted to the FPD’s website
- After-action reports
- A protest log of FPD responses from May 29 to July 31, 2020
- Other city and police reports and correspondence

PERF Observations

The Fayetteville Police Department has long been proactive in examining its policies and working to ensure they are progressive and in line with the nation’s best practices and standards. The department often consults experts in the field and implements policy changes when appropriate. The following are PERF’s observations of the department’s strengths and opportunities for improvement, as well as recommendations on how to bring FPD’s policies to the level of nationally recognized best practices.

MASS DEMONSTRATIONS

Strengths: Mass Demonstrations

- After the murder of George Floyd in Minneapolis sparked protests across the country, Chief Hawkins made the decision to limit the police response to such demonstrations in Fayetteville; support for her decision came from Section 4.6.9 of the FPD’s Special Event, Passive Protests, and Peaceful Demonstrations Planning policy, which states that, “Although it is recognized that the job of every FPD officer is to enforce criminal laws and civil ordinances, limited resources, crowd size, and tactical concerns may

How Should the FPD Implement Change?

The FPD should develop an implementation plan that synchronizes policy changes with training. FPD leaders should identify and engage first-line supervisors in this process. Our interviews with FPD personnel indicated some issues with clear, consistent top-down communication within the agency. Engaging first-line supervisors in the policy implementation process—and providing them with training in advance of line-level officers—will help ensure that the department’s expectations are communicated clearly and will promote accountability and buy-in.

warrant an atmosphere of tolerance when officers witness non-violent and non-destructive activity and can be paramount in ensuring peace and order are maintained.” Although the order to stand down was unpopular with some officers, residents, and business owners, it could be argued that in keeping with the spirit of the policy, the order to stand down likely limited the amount of damage, the number of injuries, and the duration of the events and may have spared the city additional days of protests. Because PERF did not witness the events of May 30 and did not have a detailed after-action report to review—and because there is no one correct way to respond to a mass demonstration, as each situation is different—we can only identify areas that are reflective of best practices and point out areas for improvement, but we cannot say whether an action was correct or not. **One of PERF’s overriding guiding principles is that the sanctity of human life should be at the heart of everything an agency does, and the FPD did prioritize the sanctity of life in its actions and “people over property” response. The FPD also followed some of PERF’s best practices by warning crowds before deploying less-lethal force and minimizing the use of mass arrests.**

- The FPD reached out to protest organizers as soon as the department found out there would be a demonstration on May 30. This is a best police practice.
- The FPD prepared mutual-aid agreements. This is a best police practice.
- The FPD’s monitoring of and posting to social media during the events appeared to help in its response as well as provide important information to the community. This is a best police practice.
- All FPD employees were required in the second half of 2020 to take diversity, equity, and inclusion training. While there were complaints from a few officers regarding the Racial Equity Institute’s Groundwater training session, Chief Hawkins said she has taken the feedback into account for future training. Select groups of officers also attended several other diversity trainings that were offered by the department in an attempt by Chief Hawkins to review other approaches and gauge if they should be pushed out to more employees.
- In its after-action report, the FPD’s Civil Emergency Unit noted that the logistics, staffing availability, and transportation arrangements were timelier for the June 1 protest compared to the events of May 30. The department learned quickly from that event and improved its response dramatically in a short time. This is a best police practice.
- As part of an employee wellness initiative following the mass demonstrations, the FPD acquired dedicated counselors for the department and mandated that all employees attend at least two sessions, with an opportunity for up to nine sessions of different types of therapy. This is a best police practice.

Opportunities for Improvement: Mass Demonstrations

- Interviews with FPD personnel found that the decisions made by department leaders on May 30 (specifically, the stand-down order) and the reasoning behind the decisions were not communicated well—with officers, supervisors, and the community. While Chief Hawkins said she personally met with all lieutenants and sergeants the first week of July to listen to feedback and communicate the decisions of May 30, the information did not trickle down to officers, which led to misunderstandings and frustration within the department on why it responded the way it did and why the department’s internal policies on after-action reports and discussions were not followed. The FPD should evaluate how it conducts such meetings and how the material is presented so it can ensure that future messages reach all levels of the department.
- Though there was intelligence in the early hours of May 30 concerning possible unrest

that night, a written Incident Action Plan (IAP) was never created and disseminated to officers, as required in FPD policy. A planning team should be established to create an IAP and ensure that it is kept up to date.

- There was no official after-action report written by the police department after the mass demonstrations. One commander submitted after-actions for the Civil Emergency Unit, but those were the only ones on file. Because the department hasn't fully analyzed how it might respond differently should a similar event happen—who would be called in first, what protections would be put in place, etc.—FPD staff expressed concerns that lessons learned would not be applied in future events. After a mass demonstration, the FPD should require an official after-action report that contains a detailed review of the entire department's response.

Key Recommendations: Mass Demonstrations

- **Ensure that policies in the Incident Action Plans are adhered to.** Per policy, the FPD should ensure it is disseminating an Incident Action Plan (IAP) (referred to as a Critical Response Plan by FPD in Operating Procedure 4.5) that provides officers with details and direction for the upcoming event, including what their responsibilities will be. Though there was intelligence in the early hours of May 30 concerning threats to burn down the Market House that night as well as plans for both peaceful and nonpeaceful protests, a formal IAP was never disseminated to officers. Leaders stress that there was a verbal plan—actions were taken, responsibilities were assigned to commanders, and officers who weren't scheduled to work were recalled—but because the minimal intelligence they received was changing hourly, they said there was not enough time to write up a plan. Instead, they said, they reacted the way they do when any unexpected event occurs—using their experience and the training that officers received on mass demonstrations. Moving forward, the FPD should ensure that an IAP is created and disseminated. A planning team should be established to create the IAP and keep it up to date every 12 hours. This will establish a uniform response and ensure that officers understand the department's goals and objectives and are provided with relevant information such as curfews in real time. It is critical that the IAP is not generic and re-used from incident to incident. The IAP should be updated based on intelligence and deployment strategies to ensure that relevant information is added and timely (for example, making sure that every unit knows where to stage and what their role is, who the specific incident commander is, etc.).
- **Ensure that a thorough and holistic after-action report is created for the incident.** The FPD should require that an official after-action report be created after a mass demonstration or similar critical event. This after-action report should contain a detailed account of the FPD's entire response, including arrests made, use-of-force incidents, less-lethal weapons used, and officer or community member injuries.
- **Involve community representatives before and during protests.** The FPD should involve community representatives in planning discussions in advance of any mass demonstrations to communicate goals and tactics; invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders to be mediators and co-responders; and maintain daily incident reports and communicate them with the public.
- **Increase Mobile Field Force staffing.** The FPD should train more officers to be part of the department's Mobile Field Force. Sufficient equipment should be provided to these

additional officers to keep in their patrol vehicles so they can be quickly reassigned to Mobile Field Force duties as needed in incidents of unrest.

USE-OF-FORCE POLICY

Strengths: Use-of-Force Policy

- Overall, FPD’s use-of-force and related policies are progressive and reflect modern policing practices. **PERF’s recommendations for changes are mostly technical and amount to the fine-tuning of existing policy.**
- Training was cited as an area that the FPD excelled in. The FPD should continue to use progressive training methods (see second item in “Opportunities for Improvement,” below).
- Chief Hawkins has said the department discourages chokeholds and does not train on them. She has also said the department has never used a no-knock warrant. These are best police practices.
- Chief Hawkins has emphasized de-escalation training and allowing civilians to see police training for themselves. This is a best police practice.
- Fayetteville was among the nine North Carolina cities to sign on to former President Barack Obama’s Reimagining Policing Pledge, which commits cities to reviewing their use-of-force policies and finding ways to redefine public safety and combat racism within law enforcement.
- The FPD’s use-of-force policy was proactively reviewed by the U.S. Justice Department in 2015 at the request of the prior police chief, and recommendations were implemented.
- The department requires body-worn cameras for every patrol officer. This is a best police practice.

Opportunities for Improvement: Use-of-Force Policy

- The FPD should work to improve communication vertically throughout the agency regarding policy changes and other important updates. Chief Hawkins said that since 2019, she has regularly hosted officer-level and supervisor-rank meetings to hear concerns from across the organization, allow for employees to be empowered, and address any rumors or questions they may have. Because problematic communication was a common theme raised during PERF’s interviews with FPD staff, the format and regularity of these meetings should be evaluated to consider whether they are effective and the information is reaching all levels of the department. There are various ways to accomplish this, including through video conferencing.
- The FPD should incorporate the principles of PERF’s Integrating Communications, Assessment, and Tactics (ICAT) training and Critical Decision-Making Model (CDM) into its policies, training, and operations.
- Interviews revealed that some internal affairs investigative information is unknown to most senior leaders in the department. It would be helpful to FPD leaders if this information is shared with senior leaders so they are aware of the allegations made and the final outcome of the investigation, particularly for those in their command.
- The FPD should provide clearer explanations to employees when making policy changes so that officers can understand the need for these changes and the department can get officer buy-in. Prior to making major policy changes, the FPD should solicit and consider officer feedback.
- To address a recent lack of proactive policing—a result of officers concerned with the backlash that could come from possible use of force, which is a nationwide issue—department leaders should continue to make it clear that if officers follow policy, they will

be supported.

Key Recommendations: Use-of-Force Policy

It is recommended that the following be added to the FPD's use-of-force policy:

- **Create a Critical Incident Review Board (CIRB).** Though the FPD discontinued such a program in the past because it felt the model was not successful, the department should revisit creating a CIRB, led by an assistant chief, that is responsible for reviewing all serious uses of force; lethal force; less-lethal force with a tool; serious physical injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy. PERF can connect the FPD with agencies that have been successful with this approach, including the Baltimore Police Department and D.C. Metropolitan Police Department.
- **Require a tactical debrief within 72 hours.** The FPD should add to its policy a requirement that a tactical debriefing to the police chief occur no later than 72 hours after an officer-involved shooting or in-custody death to identify potential issues in training, policy, and/or equipment without having to wait until the completion of the official shooting investigation. The FPD says this is already done—typically within 24 hours—but the department should add it to the written policy.
- **Require an after-action report after special events, passive protests, and peaceful demonstrations.** This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future. Typically, this should be a written report. However, if the event was small and uneventful, a quick after-action discussion will suffice.
- **Require a written after-action report after each event in which the Civil Emergency Unit was deployed.** This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future.
- **Add language to “Duty to Intervene.”** The FPD should add language to include situations that, while not rising to the level of a violation of policy or law, nevertheless present opportunities to intervene when officers see a situation going poorly, manage a scene, or increase the likelihood of a favorable conclusion to a given situation. Examples of this practice are covered in Module 7 of PERF's ICAT curriculum.
- **Require supervisor response.** Policy should have an explicit requirement that supervisors respond to the scene of all reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should not only be responsible for reviewing the actual use of force but the events leading up to it.
- **Strengthen language on shooting at or from moving vehicles.** The FPD should strengthen the language in this section to state, “Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism.”

COVID-19

Strengths: COVID-19

- The Fayetteville Police Department responded quickly and proactively to the COVID-19 pandemic, and its initial response and continued approach have been in line with the best practices recommended by the Centers for Disease Control and Prevention. Chief

Hawkins has proven to be forward-thinking and was ahead of other jurisdictions in terms of response. Despite some cases of COVID within the department, there were adequate patrol staffing levels as police never let up on their response to citizen calls for service. PERF finds no issues with the FPD's response to the pandemic.

Key Recommendations: COVID-19

- **Create a COVID-19 after-action report.** The after-action report should thoroughly document the department's and the city's responses to the COVID-19 pandemic so that future departmental leaders will have a framework to guide them in the event of a future pandemic or similar crisis.
- **Continue to monitor trends.** PERF's review of the FPD's data found that the COVID-19 pandemic did not appear to have any significant impact on the city's crime rates. While the FPD regularly works on identifying homicide trends with its Crime Information Center, it should continue to carefully monitor criminal homicides to identify trends (location, perpetrators, etc.) and identify and provide sufficient resources to prevent and solve criminal homicides in Fayetteville.

Conclusion

The Fayetteville Police Department is made up of talented and dedicated officers and civilians who are committed to serving the city of Fayetteville and its residents. By commissioning this review, the city has demonstrated its commitment to improving the FPD's policies and practices related to use of force and how it responds to the needs of its community.

The year 2020 took a toll on law enforcement agencies across the country, and Fayetteville's department was not immune. Between the COVID-19 pandemic and the summer's mass demonstrations, officers were under tremendous amounts of stress as they strove to maintain their mission to keep the community safe while ensuring their own well-being and that of their families.

It's clear through interviews, news reports, and social media comments that the FPD's response to the mass demonstrations and subsequent unrest of May 30, 2020, caused some concern throughout the community and within the ranks of the department. While there is no one correct way to respond to a mass demonstration, as each situation is different, **FPD did prioritize the sanctity of life—PERF's overriding guiding principle—by making the decision to stand down while minor property damage occurred so as not to incite the crowd and create a more dangerous situation.** Only two citizens were reported injured from the unrest—including one by his own hand—and no officers were injured from interactions with protesters. It is likely that the decisions made that night limited the number of injuries and the duration of the events. In the days that followed, there was no additional vandalism or looting.

But the events of May 30 also illustrated one of the FPD's biggest opportunities for improvement: how it communicates up and down its ranks. As expressed in many of the interviews that PERF conducted, the department's morale could be greatly improved with better communication—similar to what was provided by the police chief during the department's excellent COVID-19 response. Leadership should ensure that explanations regarding important decisions get communicated to the entire department and that officers know they are supported and that their opinions matter to the organization.

The Fayetteville Police Department is doing many things right: It has progressive use-of-force policies that reflect modern policing practices and a respected training academy; its COVID-19 response was immediate and effective; and leaders have been actively—and successfully—advocating for better pay for officers. While challenges remain, notably regarding communication within the department, they are not insurmountable.

This report is intended to serve as a guide for making recommended improvements.

Introduction

When the calendar year flipped to 2020, no one could have imagined the challenges that lay ahead. A global pandemic. Civil unrest across the United States following the killing of George Floyd in Minneapolis. Enormous spikes in violent crime rates. It would all unfold, one on top of the other, in 2020. And in some ways, it would grow worse in 2021.

The city of Fayetteville, North Carolina, wasn't immune to these national crises. And the city's police department bore much of the brunt as it strove to maintain its mission to keep the community safe while ensuring the well-being of those within its ranks.

By the end of 2020, it was clear the events of the year had taken a toll.

"Morale is low," Fayetteville Police Chief Gina Hawkins [told the City Council](#) in November 2020. "It's a hard time. I've been doing this [for] 32 years; this is definitely unprecedented times, and [morale is] low for a lot of different reasons. ... We still are doing our jobs, but it's a daily commitment to say, 'Shake it off, keep going.'"¹

Like communities across the country, Fayetteville saw the repercussions of low morale in its dwindling ranks as police officers resigned or retired in record numbers. As a result, the city decided to take action and delve into the reasons behind the resignations, and it asked the Police Executive Research Forum (PERF) to conduct a review of the year's events and the police department's response. What was done well? What could be improved? And what lessons could the city take away from the complicated year that was 2020?



The City of Fayetteville at a Glance

As the sixth-largest city in North Carolina, Fayetteville is home to more than [210,000](#) residents

¹ Strayer, K. (2020, November 10). *Fayetteville police say they were told to stand down during protests; cops leaving force at nearly double earlier rates*. CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/fayetteville-police-say-they-were-told-to-stand-down-during-protests-cops-leaving-force-at-nearly-double-earlier-rates/>

and is the seat of Cumberland County.² It is located along the Cape Fear River in the Sandhills region of southeastern North Carolina, about 60 miles south of the state capital, Raleigh, and about 100 miles inland from the Atlantic Ocean. It's known as a military town—home to the Army base Fort Bragg, one of the world's largest military installations.

Another point of pride within the city is its declaration by the National Civic League as an [All-America City](#); it was awarded the title three times—in 1985, [2001](#), and [2011](#).³

The [racial](#) breakdown of the city is 45 percent white, 42 percent Black, and 12 percent Hispanic or Latino.⁴ But the divide in the city isn't just in its demographics. There have been times throughout the city's history when race has been a volatile subject. One target of ire has been the downtown historic Market House, where slaves were sold until 1865. For decades, civil rights leaders have said the building should be torn down. There have also been waves of controversy in the city over "Driving While Black," in which the police department has been accused of disproportionately pulling over Black drivers.

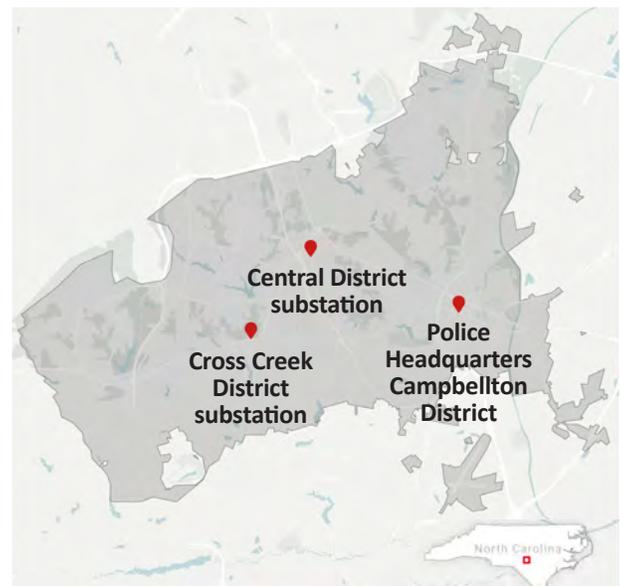
"Racial divisions are still really big in Fayetteville," said James Anderson, the chancellor of Fayetteville State University, a historically Black college, in a [2017 interview](#). "You don't develop economically as a city, you don't enhance the quality of life as a city overall, if you still have racial divisions."⁵

The [2019 elections](#) brought historic change to the makeup of the 10-member City Council, creating a council of eight Black members—including Mitch Colvin, the city's second Black mayor—and five women.⁶

The Fayetteville Police Department at a Glance

The Fayetteville Police Department (FPD) has been a CALEA-accredited law enforcement agency since 1989, with 377 sworn officers and 156 civilian staff—a total of 533 personnel as of this writing. As of December 27, 2021, the department had 42 vacancies, though a variety of recruitment and retention efforts are being made to correct this, which will be detailed in a future PERF report.

The department patrols about 147 square miles and



2 U.S. Census Bureau. *U.S. Census Bureau QuickFacts: Fayetteville City, North Carolina*. (n.d.). U.S. Department of Commerce. <https://www.census.gov/quickfacts/fayettevillecitynorthcarolina>

3 National Civic League. *Past winners: National Civic League*. <https://www.nationalcivicleague.org/america-city-award/past-winners/>

4 U.S. Census Bureau, *U.S. Census Bureau QuickFacts*.

5 Lifting Murchison Road and our city's racial divide. (2017, December 29). *The Fayetteville Observer*. <https://www.fayobserver.com/opinion/20171230/our-view-lifting-murchison-road-and-our-citys-racial-divide>

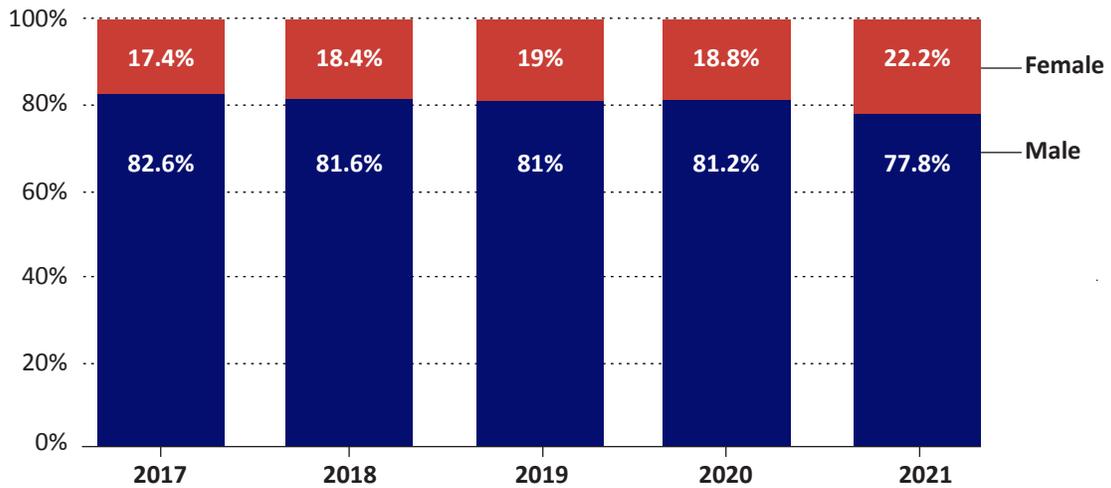
6 Henderson, J. (2019, November 9). Historic election changes racial, gender makeup of Fayetteville City Council. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/elections/2019/11/09/historic-election-changes-racial-gender-make-up-of-fayetteville-city-council/2187997007/>

operates three [districts](#)—Cross Creek, Central, and Campbellton. Three bureaus operate within the FPD: Field Operations, Specialized Services, and the Office of the Chief.

In 2021, after the prior year’s civil unrest, the City Council [approved](#) a Community Police Advi-

FIGURE 0.1

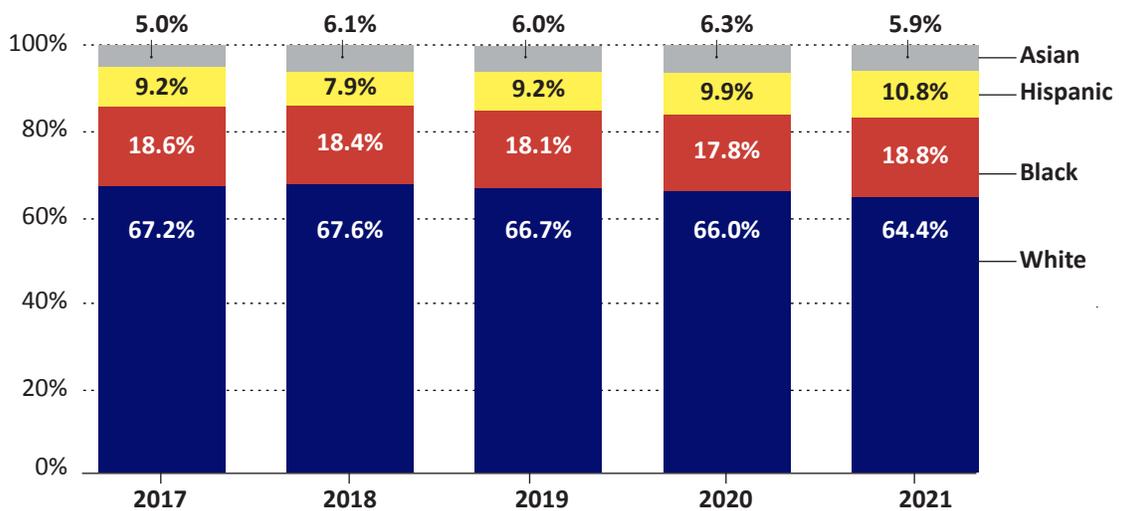
Fayetteville Police Department Sworn Staffing, By Gender, 2017–2021



Source: Fayetteville Police Department. Note: Numbers taken from January of their respective years.

FIGURE 0.2

Fayetteville Police Department Sworn Staffing, By Race/Ethnicity, 2017–2021



Source: Fayetteville Police Department. Note: Numbers taken from January of their respective years.

sory Board, a group of seven to 11 members who would provide “sound advice and recommendations to the City Council, City Manager, and Police Chief to improve policing in Fayetteville.”⁷ Members of the board were appointed in [December](#).⁸ Also in 2021, the council passed a resolution to encourage the state to allow the city to create a citizens review board that could investigate allegations of police misconduct and other incidents.⁹

Under the leadership of the current and prior police chief, the department has made a concerted effort to bring more diversity into the agency, though the demographics of the department are still far from reflecting the community in which it serves (see Figures 0.1 and 0.2, page 14).

Brief Summary of National Events Impacting Fayetteville in 2020

The challenges that hit Fayetteville’s police department in 2020 impacted law enforcement agencies across the state and country.

COVID-19

COVID-19 began making headlines in late 2019, but it only hit the radars of most Americans in [February 2020](#), when the first community transmission was detected.¹⁰ By the time the World Health Organization declared it a [pandemic](#) on March 11, 2020, COVID had spread to all 50 states; schools and workplaces were shuttered; families began locking down in their homes; and there was a nationwide shortage of protective equipment such as masks and hand sanitizer.¹¹ North Carolina was alerted to its first case of COVID-19 on [March 3](#).¹²

For nearly a year, people were discouraged from visiting anyone who lived outside their bubble and were encouraged to social distance when visiting public spaces. Nonessential businesses were forced to close their doors, and mask mandates went into effect. By the end



7 Lozano, M. (2021, June 8). *Fayetteville City Council moves forward with Community Police Advisory Board*. ABC11 Raleigh-Durham. <https://abc11.com/community-police-advisory-board-fayetteville-review-city-council-citizens/10762770/>

8 City of Fayetteville: Community Police Advisory Board Members. cityoffayetteville.granicus.com/boards/w/e881747992508b49/members

9 Church, A. (2021, March 21). Years-long council debate yields action for a Citizens Review Board in Fayetteville. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/03/12/fayetteville-nc-city-council-votes-pass-fourth-resolution-citizens-review-board-george-floyd/4601110001/>

10 Geographic differences in COVID-19 cases, deaths, and incidence — United States, February 12–April 7, 2020. *MMWR. Morbidity and Mortality Weekly Report*, 69. <https://doi.org/10.15585/mmwr.mm6915e4>

11 Ducharme, J. (2020, March 11). The WHO just declared coronavirus COVID-19 a pandemic. *Time*. <https://time.com/5791661/who-coronavirus-pandemic-declaration/>

12 N.C. Department of Health and Human Services. *North Carolina identifies first case of COVID-19*. (2020, March 3). <https://www.ncdhs.gov/news/press-releases/2020/03/03/north-carolina-identifies-first-case-covid-19>

of 2020, the Food and Drug Administration had [issued](#) emergency-use authorizations for the Pfizer-BioNTech and Moderna vaccines, and inoculations for health care workers and nursing home residents began.¹³

In mid-summer 2021, with [most](#) of the country fully vaccinated, people began to resume their lives¹⁴—until the Delta variant swooped in, spreading mostly among the unvaccinated and targeting children in greater numbers. As of mid-September 2021, the 18-month anniversary of the pandemic in America, more than 40 million people had contracted the virus and nearly 700,000 had died.¹⁵

The Murder of George Floyd

On May 25, 2020, 46-year-old [George Floyd](#) was arrested after a convenience store clerk called police in Minneapolis, Minnesota, and said the man had purchased cigarettes with a counterfeit \$20 bill.¹⁶ In an eye-witness cellphone video, Floyd—a Black man who was [born in Fayetteville](#)—was seen being pinned to the ground by multiple police officers, including Derek Chauvin, who knelt on his neck for at least eight minutes.¹⁷ After Floyd’s death, people took to the streets of Minneapolis to demand justice. And on May 30, people all across the [country](#), and all around the [world](#), marched in their cities to protest perceived systemic racism and police brutality.



The Defund the Police Movement

The George Floyd protests resurrected the “Defund the Police” movement, which had been showing its face with more frequency over the past five years. While the movement sounds like a call for the elimination of police departments, in most circles, it’s a call for decreased police budgets, size, and power with increased investments in alternative community safety models and services—including drug rehabilitation, mental health services, and anti-homelessness programs.

13 Food and Drug Administration. (2020, December 21). *FDA takes additional action in fight against COVID-19 by issuing emergency use authorization for second COVID-19 vaccine*. <https://www.fda.gov/news-events/press-announcements/fda-takes-additional-action-fight-against-covid-19-issuing-emergency-use-authorization-second-covid>

14 Dickler, J. (2021, July 1). *Why Biden’s Fourth of July vaccination goal will fall short, according to this Wharton professor*. CNBC. <https://www.cnbc.com/2021/07/01/covid-vaccine-why-us-wont-hit-fourth-of-july-goals.html>

15 Centers for Disease Control and Prevention. (2020, March 28). *COVID data tracker*. <https://covid.cdc.gov/covid-data-tracker>

16 Hill, E., Tiefenthäler, A., Triebert, C., Jordan, D., Willis, H., & Stein, R. (2020, May 31). *How George Floyd was killed in police custody*. *The New York Times*. <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>

17 Fernandez, M., & Burch, A. D. S. (2020, June 11). *George Floyd, from “I want to touch the world” to “I can’t breathe.”* *The New York Times*. <https://www.nytimes.com/article/george-floyd-who-is.html>

While “Defund the Police” has been used as a rallying cry for police reform, its blunt and ambiguous slogan has resulted in police officers feeling undermined and unappreciated. And that has further politicized communities—pitting neighbors against neighbors as either being for or against police, with no middle ground.

Brief Summary of PERF Work

The Police Executive Research Forum is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has developed national policy guidance on such issues as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and evaluating crime-reduction strategies.

In addition to conducting research and publishing reports on its findings, PERF conducts management studies of individual law enforcement agencies. In doing so, PERF’s team has interviewed thousands of law enforcement officers, non-sworn staff, elected officials, and community representatives over the years.

Throughout this report, you will find many references to past reports PERF has written, including some relevant findings and recommendations. Of note: PERF has recently written two reports on the important events of 2020: *Lessons from the COVID-19 Pandemic: What Police Learned from One of the Most Challenging Periods of Our Lives* and the forthcoming *Reimagining the Police Response to Mass Demonstrations*.

Scope of Work

In March 2021, the city of Fayetteville, North Carolina, contracted with PERF to perform an organizational review of the Fayetteville Police Department and an assessment of recent critical events and issues impacting the department. This was to be done by analyzing its policies and conducting interviews with city leaders both inside and outside the department.

Specifically, the city asked PERF to examine:

- the department’s response to mass demonstrations following the death of George Floyd in May 2020
- the department’s approach to police reform and use of force prior to 2020
- the impact the COVID-19 pandemic had on agency operations
- the effect these events had on retention and recruitment in the agency, which will be examined in a later report

The city requested that PERF identify what went right and where there were opportunities for improvement in planning, training, policies, and more—with the purpose of helping the city prepare for similar events should they happen in the future.

PERF concentrated its attention on the events of 2020 and part of 2021.

Methodology

PERF incorporated two major methodologies in its collection of information on the FPD: per-

sonal interviews and an analysis of available data and reports.

Personal Interviews

Because of the pandemic, interviews occurred off-site over video conferencing. PERF worked with the city to ensure that the list of officials and stakeholders to be interviewed was representative.

The purpose of these stakeholder interviews was to understand the history, strengths, opportunities for improvement, organization, and culture of the FPD; solicit involvement and trust from all levels of the department as well as residents; and guide the project team in ensuring that the documentation of events and recommendations would reflect the mission, vision, and values of the city, department, and its leaders.

Stakeholder interviews assisted in identifying perceived organizational strengths, weaknesses, and perspectives. All interviews were conducted on the condition of anonymity: While notes were taken, no interviews were recorded to allow those being interviewed to speak freely. PERF did not identify the names of individuals interviewed in the draft or final report.

Those interviewed included:

- Four city employees
- Police Chief Gina Hawkins
- Assistant police chiefs
- Majors
- Captains
- Lieutenants
- Sergeants
- Police officers
- Community members, including business, religious, and political leaders

The Collection, Review, and Analysis of Available Data

The PERF project team reviewed the FPD Policy Manual, particularly its policies on use of force and its critical response plan. Other resources included:

- Newspaper and TV reports from 2020
- Social media postings, particularly from the night of May 30, 2020
- Exit interviews of FPD employees from 2020
- Data and documents provided by the FPD, including statistics on crime, employee demographics, salaries, employee turnover, and officer injuries
- Responses to Freedom of Information Act requests posted to the FPD's website
- After-action reports
- A protest log of FPD responses from May 29 to July 31, 2020
- Other city and police reports and correspondence

Section 1: Review of the FPD’s Approach to Mass Demonstrations

PERF reviewed the Fayetteville Police Department’s response to the mass demonstrations that occurred in Fayetteville in the wake of George Floyd’s murder.

Brief History of Race Issues in Fayetteville: Context for Discussion

Demographically, the [racial](#) breakdown in Fayetteville is 45 percent white, 42 percent Black, and 12 percent Hispanic or Latino.¹⁸ Throughout its history, the city has witnessed racial division and confrontations over a variety of issues. Two that have made significant headlines over the past few years are the Market House and “Driving While Black.”

Market House

The downtown historic Market House building has been the symbol of Fayetteville for generations.

Built in [1832](#) on the site of the old State House—which burned down in 1831 and held the significance of being where North Carolina delegates ratified the U.S. Constitution—it is the only National Landmark in Cumberland County and one of only 40 in North Carolina.¹⁹

But for many of Fayetteville’s citizens, the Market House has represented a painful part of the city’s history. Rumors that it was the site of a slave market have proved untrue, but [slaves were sold there](#).²⁰ According to a [study](#) by Duke University professor John Cavanagh, the sale of slaves “happened occasionally at the State House and Market House” up until 1865.²¹ Most of the slaves were reportedly sold “in conjunction with the settlement of estates” and not at a daily auction block. Fayetteville’s current mayor Mitch Colvin [has said](#) his grandmother’s grandfather was a slave who was sold at the Market House.²²



Market House photo circa 1937 via Library of Congress

18 U.S. Census Bureau, *U.S. Census Bureau QuickFacts*.

19 *Market House*. (n.d.). Visit Fayetteville. <https://www.visitfayettevillenc.com/listing/market-house/7361/>

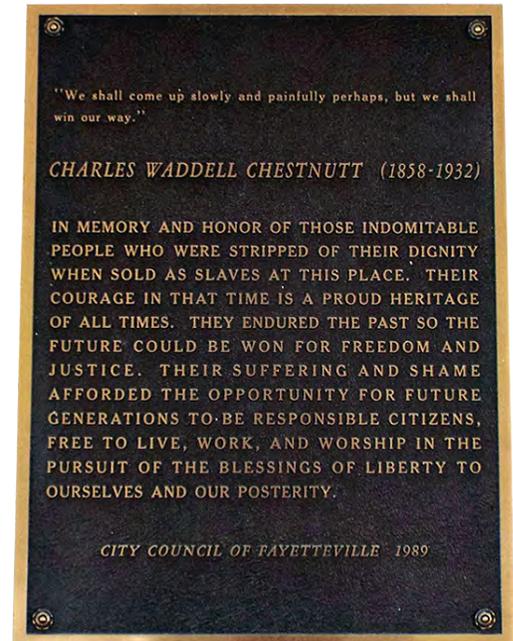
20 Fowler, H. (2020, June 17). Slaves were sold at a market in George Floyd’s NC birthplace. Many people want it gone. *The News & Observer*. <https://www.newsobserver.com/article243598877.html>

21 City of Fayetteville. (1988, January 4). Fayetteville City Council meeting minutes. <https://www.fayettevillenc.gov/Home/ShowDocument?id=4870>

22 Lozano, M. (2020, June 29). *Fayetteville City Council votes to move forward with removing Market House imagery from city property*. ABC11 Raleigh-Durham. <https://abc11.com/mayor-mitch-colvin-the-market-house-george-floyd-fayetteville-seal/6281998/>

According to a [2016 Fayetteville Observer article](#) on the history of the Market House, in 1979, the city's school board voted to remove the Market House image from high school diplomas because of complaints from Black residents.²³ Then, in [1989](#), the North Carolina General Assembly's Black Caucus boycotted a special legislative session in Fayetteville that was to be held at the site commemorating the bicentennial of the state's ratification of the U.S. Constitution in 1789.²⁴ A resolution presented by the caucus requested that a plaque be placed in the building as a reminder of "this moral atrocity."

Such a plaque was approved by the city council, though its wording passed only narrowly in a 5-4 vote after much heated debate. It was dedicated in 1994 during restoration work on the Market House and [begins](#) with a quote from famed Black writer Charles W. Chesnut, who taught in Fayetteville.²⁵ The plaque notes it is "In memory and honor of those indomitable people who were stripped of their dignity when sold as slaves at this place."



In 2015, a Fayetteville lawyer wrote to the city council asking that the Market House be removed from the city's logo, which could be found on the city flag, seal, and even trash cans.

"Given the mood of the country in the midst of this tragic incident in Charleston; Fayetteville needs to rebrand itself and remove the Market House from its official logo," the [letter](#) read,²⁶ acknowledging the [killing](#) of nine Black residents at a Charleston, South Carolina, church that year. "The Market House continues to be extremely divisive and offensive to many in our community. While the plaque affixed to it may offer a small measure of honor for the sacrifices of those sold there, this massive center piece poorly reflects the heart of this All American City."

While the city council [voted to stop](#) using the Market House in its branding, it kept it in the city seal and official documents.²⁷

It wasn't until after the George Floyd protests that the council—which was now majority Black—[voted](#) to remove the Market House from the city seal.²⁸ A [petition](#) to tear down the

23 Original link (no longer working): <https://www.fayobserver.com/article/20160226/news/302269875>

24 *Memory of sold slaves, Fayetteville*. Commemorative Landscapes. <https://docsouth.unc.edu/commiland/monument/643/>

25 Ibid.

26 *Some call for removal of Market House from Fayetteville logo due to ties to slave trade*. (2015, July 15). ABC11 Raleigh-Durham. <https://abc11.com/market-house-logo-slave-trade-fayetteville/851811/>

27 Original link (no longer working): <https://www.fayobserver.com/article/20160907/blogs/309079790>

28 Thomas, A. (2020, June 29). *Fayetteville approves removal of Market House from city seal*. WRAL.com. <https://www.wral.com/fayetteville-approves-removal-of-market-house-from-city-seal/19167069/>

building garnered 126,000 signatures,²⁹ while some want to preserve the building's history and others are requesting that it be used as a multicultural arts center that honors Black history.³⁰ In October 2021, it was reported that representatives from the U.S. Department of Justice were set to visit Fayetteville to continue the conversation.³¹

Driving While Black

There have also been waves of controversy in the city over "Driving While Black," in which the police department has been accused of disproportionately pulling over Black drivers.

In 2010-2013, figures from the State Bureau of Investigation showed that Black drivers were three times more likely than white drivers to have their vehicles searched by consent by Fayetteville police, and it noted that many of the searches were sparked by stops related to regulatory violations, where a driver might have a broken taillight or expired tag.³² (The Fayetteville Observer did its own investigation, finding that in three years, 4,227 Black drivers had been searched compared with 1,315 white drivers.)³³

Then-Police Chief Harold Medlock—who served from 2013 to 2016—told his officers that police should focus only on speeding, stop sign/stoplight violations, DWI, and reckless driving, not nonmoving violations like equipment failures or expired registration. City policy also began requiring officers to obtain written consent to search vehicles. As a result, Fayetteville largely eliminated the racial gap in search rates while Medlock was chief.

But concerns over traffic stop disparities continue to be an issue in Fayetteville, as they are across the country. Further examination of actual traffic stops is needed to better identify whether more supervision and discussion are warranted. Why someone is stopped, where they are stopped, and what outcome results from the stop are important to understanding the context.



29 *Knock down slave Market House in center of downtown Fayetteville NC*. Change.org. Retrieved November 13, 2021. <https://www.change.org/p/city-of-fayetteville-nc-knock-down-slave-market-house-in-center-of-downtown-fayetteville-nc>

30 Riley, R. (2021, October 6). Department of Justice representatives to meet with Fayetteville committee on Market House. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/10/06/department-justice-provide-input-fayetteville-market-house/5946947001/>

31 Ibid.

32 Pitts, M. B. (2021, February 24). "Driving While Black": Have Fayetteville police officers gone back to old ways? *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/02/24/driving-while-black-have-fayetteville-nc-police-gone-back-old-ways/4554029001/>

33 Ibid.

The Murder of George Floyd

On Monday, May 25, 2020, 46-year-old [George Floyd](#) was arrested after a convenience store clerk called police in Minneapolis, Minnesota, and said the man had purchased cigarettes with a counterfeit \$20 bill.³⁴

In an eye-witness cellphone video that would soon go viral around the world, Floyd—a Black man who was [born in Fayetteville](#)—was seen being pinned to the ground by multiple police officers, including Derek Chauvin, who knelt on his neck for at least eight minutes.³⁵ Even after Floyd declared that he couldn't breathe and lost consciousness and paramedics were called to the scene, Chauvin's knee remained pinned on Floyd's neck.

The day after Floyd's death, the Minneapolis Police Department fired all four officers involved in the incident.³⁶ On May 29, Chauvin was [charged](#) with third-degree murder and second-degree manslaughter. All week, people took to the streets of Minneapolis to demand justice.³⁷

And on Saturday, May 30, people all across the [country](#), and all around the [world](#), marched in their cities to protest perceived systemic racism and police brutality.

Across the Nation

A vast majority of the protests that occurred after Floyd's death were peaceful, according to a Washington Post [examination](#) of 7,305 events in May and June 2020.³⁸ Millions of people in all 50 states and Washington, D.C., took to the streets in protest.

But many protests were not peaceful. According to the Post report, police made more than 8,500 reported arrests at roughly 5 percent of the protest events and used tear gas or related chemical substances at 2.5 percent of the events.³⁹ Protesters or bystanders were reported



³⁴ Hill, How George Floyd was killed.

³⁵ Fernandez, George Floyd, from "I want to touch the world."

³⁶ Hill, How George Floyd was killed.

³⁷ MacFarquhar, Neil, Tim Arango, and Manny Fernandez. Ex-officer charged in death of George Floyd in Minneapolis. *The New York Times*, May 29, 2020. <https://www.nytimes.com/2020/05/29/us/minneapolis-police-george-floyd.html>.

³⁸ Chenoweth, Erica, and Jeremy Pressman. Analysis | This summer's Black Lives Matter protesters were overwhelmingly peaceful, our research finds. *The Washington Post*, October 16, 2020. <https://www.washingtonpost.com/politics/2020/10/16/this-summers-black-lives-matter-protesters-were-overwhelming-peaceful-our-research-finds/>.

³⁹ Ibid.

injured in 1.6 percent of the protests and accounted for five deaths, and police were injured in 1 percent of protests, and one died.⁴⁰

The Post also reported that 3.7 percent of the protests involved property damage or vandalism, though “some portion of these involved neither police nor protesters, but people engaging in vandalism or looting alongside the protests,” the report said.⁴¹

In some of the nation’s bigger cities, [mass demonstrations](#) were met with riot police, National Guard troops, and tear gas.⁴² From [Denver](#)⁴³ to [Philadelphia](#),⁴⁴ police cars were torched, protesters were [blinded](#) by rubber bullets,⁴⁵ and violent clashes resulted in countless injuries—both to police and by police—and [deaths](#).⁴⁶ In [Chicago](#) alone, three days of rioting that began on May 30 resulted in more than 1,200 arrests and 130 injuries to police officers. Some protests would continue for weeks.⁴⁷

In analyzing nearly 500 videos of protests across the country, [Amnesty International](#) documented 125 separate incidents of police violence against protesters in 40 states and the District of Columbia between May 26 and June 5, 2020.⁴⁸

The New York Times [reported](#) that 100 law enforcement agencies used some form of tear gas against protesters in the days and weeks that followed Floyd’s murder.⁴⁹ On its accompanying map of the United States four cities in North Carolina are pointed out: Wilmington, Raleigh, Charlotte, and Asheville.

In North Carolina

The most volatile demonstration in North Carolina occurred in its second-largest city, Raleigh, about 60 miles north of Fayetteville.

40 Ibid.

41 Ibid.

42 Hernández, A. R., Janes, C. J., Stanley-Becker, I., Griffiths, B. D., Erickson, A., & Van Dongen, R. (2020, May 31). Demonstrators, police clash across nation in another night of protest. *The Washington Post*. <https://www.washingtonpost.com/nation/2020/05/30/george-floyd-protests-live-updates/>

43 Schmelzer, E. (2021, September 14). 50 demonstrators sue Denver alleging police illegally injured or arrested them during 2020 protests. *The Denver Post*. <https://www.denverpost.com/2021/09/13/denver-protester-lawsuit/>

44 Todt, R. (2021, April 23). *Fires set, stores damaged as peaceful protests turn violent*. The Associated Press. <https://apnews.com/article/tom-wolf-pennsylvania-jim-kenney-pa-state-wire-pittsburgh-f7117ea1728ff427e71c28a07ac4fa0e>

45 Kelly, M., Lee, J. S., & Swaine, J. (2020, July 14). Partially blinded by police: Video evidence undermines official accounts of injuries at George Floyd protests. *The Washington Post*. <https://www.washingtonpost.com/investigations/2020/07/14/george-floyd-protests-police-blinding/>

46 McEvoy, J. (2020, June 8). 14 days of protests, 19 dead. *Forbes*. <https://www.forbes.com/sites/jemimamcevoy/2020/06/08/14-days-of-protests-19-dead/?sh=cd2b79a4de4f>

47 Cherone, H. (2020, June 6). *George Floyd protests: 1,258 arrested, 130 police officers injured in Chicago*. WTTW News. <https://news.wttw.com/2020/06/06/george-floyd-protests-1258-arrested-130-police-officers-injured-chicago>

48 Amnesty International. *Exclusive: Amnesty maps out US police violence at #BlackLivesMatter protests*. (n.d.). <https://www.amnesty.org/en/latest/news/2020/06/usa-unlawful-use-of-force-by-police-at-black-lives-matter-protests/>

49 Lai, K. K. R., Marsh, B., & Singhvi, A. (2020, June 16). Here are the 98 U.S. cities where protesters were tear-gassed. *The New York Times*. <https://www.nytimes.com/interactive/2020/06/16/us/george-floyd-protests-police-tear-gas.html>

Though Raleigh's demonstrations began peacefully, they grew violent, and, according to [The News & Observer](#), "law enforcement officers repeatedly launched tear gas and foam batons—sometimes called rubber bullets—at protesters. Some demonstrators threw water bottles, rocks and fireworks at police, and downtown windows were smashed, and some stores were robbed."⁵⁰ On May 30-31, police deployed 250 canisters or grenades of tear gas and more than 250 foam "baton/projectiles" were used.⁵¹

In Raleigh's after-action [report](#), it noted that 14 officers were injured, and 17 police vehicles were damaged; there were 153 reported burglaries, 71 reports of property damage, six reported incidents of arson, and 106 arrests stemming from the protests.⁵² The report also acknowledged that police used expired tear gas.



Protest of death of George Floyd turns violent in Raleigh

A protester tries to contain a tear gas canister using a safety cone as police in riot gear deployed tear gas, pepper spray and smoke bombs against protesters in downtown Raleigh Saturday, May 30, 2020. TRAVIS LONG TLONG@NEWSOBSERVER.COM

Fayetteville's Day of Unrest

In the early morning hours of Saturday, May 30, Fayetteville Police Chief Gina Hawkins received a text message alerting her to talk of a protest planned for later that day in the city—Floyd's birthplace. The sender mentioned that demonstrators would be "some peaceful, some not."

Around 1 a.m., Chief Hawkins was told, "we are starting to see more posts from people threatening to burn down the market house. That would be their first target." The sender noted that the people focusing on the Market House were different from the protesters spreading the word on social media about a peaceful demonstration.

Community advocate Rakeem Jones had [unofficially organized](#) the afternoon peaceful protest via social media.⁵³ After seeing videos of people protesting Floyd's death across the country, he posted the question, "What if this happened in the 'Ville on a Saturday in the middle of the day?"⁵⁴ Soon, people responded saying they'd "be there" and the protest moved from a question pondered on social media to an organized event along Skibo Road at 3 p.m. Saturday, May 30.

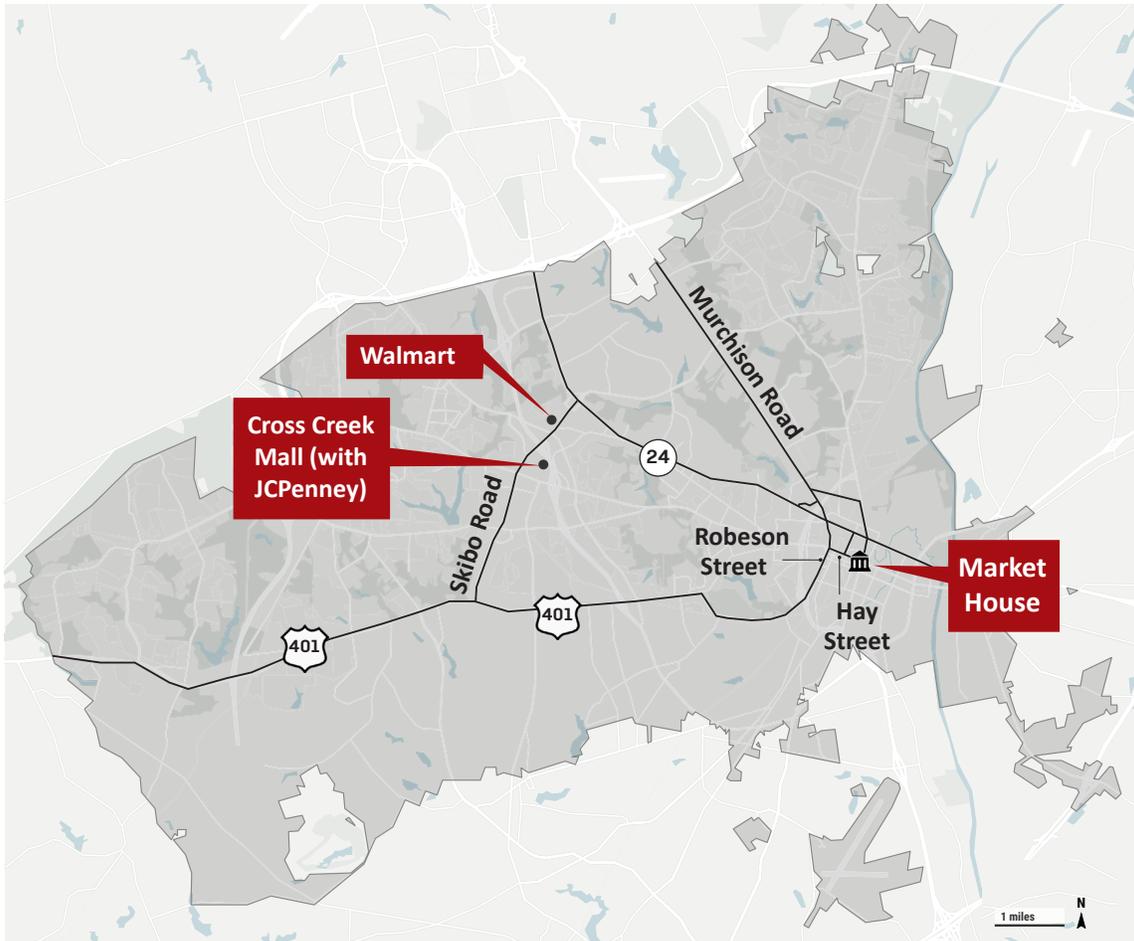
⁵⁰ Johnson, A., & Hajela, A. (2020, September 16). Raleigh police used expired tear gas on George Floyd protesters, new report says. *The News & Observer*. <https://www.newsobserver.com/news/local/counties/wake-county/article245725665.html>

⁵¹ Ibid.

⁵² Ibid.

⁵³ Jones, R. (2021, May 30). Rakeem Jones: The best mistake ever, my view on Fayetteville's 2020 protests and the peace of Sundays. *The Fayetteville Observer*. <https://www.fayobserver.com/story/opinion/2021/05/30/rakeem-jones-best-mistake-ever/5271520001/>

⁵⁴ Ibid.



As city officials, including Chief Hawkins, got wind of the protest, some called Jones to ask him to shut it down. He reassured them that the protest would be peaceful. He was unaware that others were planning to inflame tensions through rioting and looting—something that disheartened him when word got out that Cross Creek Mall and Walmart were shutting down on a Saturday afternoon in anticipation of unrest.⁵⁵

In the early afternoon of May 30, FPD leaders began arriving at the Incident Command Center. By the time of the protest march, police had made sure to clear the Market House, had checked the status of cameras in the city's hot spots, and had already spotted armed protesters in the crowd along Skibo Road. While Chief Hawkins expected crowds to form both on Skibo Road and in downtown Fayetteville, she and others didn't expect the masses who would come to the city from around the region.

3 p.m.: Protest on Skibo Road begins

On that afternoon of May 30, despite rain, peaceful protesters gathered at the Walmart on Skibo Road and marched down the street, about a half-mile to Cross Creek Mall, escorted by the Fayetteville Police Department. The [protest](#) was attended by Black and white, children and

⁵⁵ Ibid.

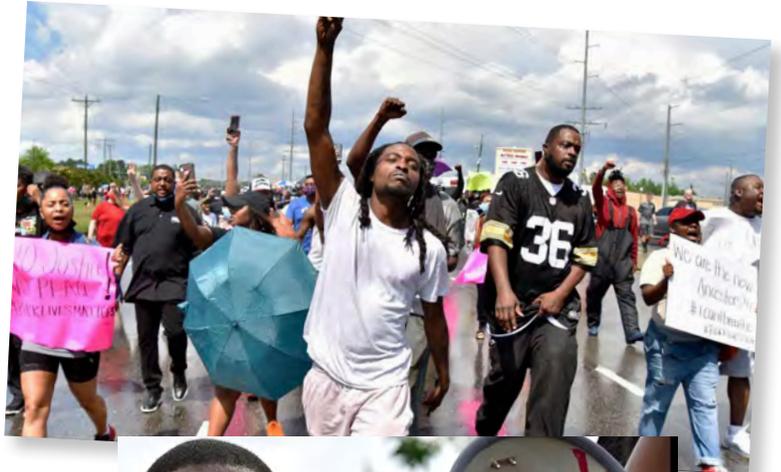
the elderly; some held signs and many in the crowd chanted, “No justice, no peace.”⁵⁶

Afterward, there was a brief sit-in on Skibo Road. And then word got out about another protest being held downtown at 5 p.m. in front of the controversial Market House. Word quickly spread on social media that rapper J. Cole and NBA basketball star Dennis Smith Jr.—Fayetteville natives—would be there, and people began flooding into downtown. The FPD cautioned downtown businesses of the expected movement, and Chief Hawkins advised the department to have the Civil Emergency Unit ready and on standby.

5:45 p.m.: FPD posts on Twitter: “The Peaceful Protest has moved to downtown Fayetteville. Hay Street is experiencing delays.”

Cole and Smith took part in the downtown protest, where a crowd marched from the Market House to the top of Hay Street, which, Jones [wrote](#), was filled with people from the traffic circle to Robeson Street.⁵⁷ City council members and the mayor also made appearances downtown. Upon returning to the Market House, Jones informed the crowd that they would be dispersing at 7 p.m. Some—including Jones, Smith, and Cole—left. But many stayed.

The protest remained peaceful until about [6:45 p.m.](#), when protesters broke into the Market House, smashing several windows.⁵⁸



Photos by Ed Clemente for The Fayetteville Observer

⁵⁶ Mullen, R. (2020, May 30). The latest: Reports of looting at JC Penney in Cross Creek Mall. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/05/30/latest-reports-of-looting-at-jc-penney-in-cross-creek-mall/112313798/>

⁵⁷ Jones, The best mistake ever.

⁵⁸ *Market House set on fire in Fayetteville; police deploy emergency response unit*. (2020, May 30). CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/mall-closes-as-protest-over-george-floyds-death-begins-in-fayetteville/>

7:15 p.m.: Smoke is seen coming from the Market House

Sometime in the seven o'clock hour, protester [Charles Pittman carried](#) a gasoline container to the second story of the Market House and waved it to the crowd before pouring gasoline onto the floor inside.⁵⁹ [Andrew Garcia-Smith then picked up](#) a bottle filled with flammable liquids and threw it into the Market House. The liquid spilled on Garcia-Smith, setting his clothes and hair on fire.⁶⁰ Alarms went off in the Market House and the sprinkler system deployed. The building was on fire.

After a few minutes, citizens in the crowd and on social media began asking why the fire department hadn't arrived to douse the blaze and why police weren't controlling the situation. Police officers on the outskirts of the protest wanted to move in, but from the command center, Chief Hawkins told them to stand back. She knew they didn't have the visual she and those monitoring the demonstration had. Through camera footage, she could see weapons—from bats and knives to firearms—among those in the crowd and knew from the intelligence they had received earlier that there could be nonresidents there seeking to agitate the crowd and do harm.



Photo of smoke pouring out of Market House from The News & Observer

“No one in the community was able to see that,” Chief Hawkins said. “They just could see we weren’t responding.”

Police and fire department leaders agreed that sending in the fire department at that point was not a good idea. To do so meant the police would also need to respond and move the crowds back, and the situation remained too volatile. There was also concern that if the police squeezed the crowd away from the Market House—where those in the command center could keep an eye on them—they’d spread to the side streets and start fires or cause damage elsewhere.

And though the visual of smoke pouring from the Market House outraged and concerned citizens, police and fire officials reasoned that the building wasn’t close to other downtown structures, and with the sprinkler system on, there was little chance the fire would jump to other buildings. They all felt confident the Market House was in no danger of burning down.

Downtown business owners, who had been warned by police earlier in the day that there could be violence during the protests, [said](#) their calls to 911, as well as pleas to police officers who

⁵⁹ The Associated Press. (2020, November 5). Defendants in North Carolina arson case plead guilty. <https://www.usnews.com/news/best-states/north-carolina/articles/2020-11-05/defendants-in-north-carolina-arson-case-plead-guilty>

⁶⁰ Ibid.

were in the downtown area, were ignored for several hours.⁶¹

One business owner said the heavy police presence near the Market House before the protest began gave her a sense of security, but then, she said, police disappeared.

The police chief's reasoning for having her command stand back from the protest was that if officers engaged, those who were agitators would have a reason to fight and people would get hurt. The crowd drastically outnumbered the officers, who had been trained on riot situations but had never been deployed in an actual incident.

Property, the police chief said, could be replaced but lives could not. Officers were not to respond.

That order was difficult to hear for many officers who were stationed downtown. Officers who were positioned on the outskirts a half mile down the street from the Market House said they watched Facebook Live for hours just to see what was happening. The Fayetteville Observer and some advocacy groups were livestreaming the protests.

7:43 p.m.: FPD posts on Facebook and Twitter: "The protest has turned to property damage downtown."

8:05 p.m.: FPD posts on Facebook and Twitter: "The Fayetteville Police Department continues to monitor the situation downtown very closely. Please avoid downtown at this time."

8:35 p.m.: FPD posts on Facebook and Twitter: "The Fayetteville Police Department is mobilized and deploying officers to stop the damage to property and violence. Downtown Fayetteville now CLOSED, avoid the area, traffic will now be diverted away from downtown. Avoid Downtown area."

Shortly before 9 p.m., someone was seen throwing items, including a brick, out of a broken window in the Market House. A fire was started outside the building. And people began bringing wooden pallets to put on the fire.

At that point, with conditions primed for violence and large crowds still in the area, fire department units deployed, and the FPD mobilized and deployed Civil Emergency Unit officers to stop the unrest. Police gave orders for people to leave downtown, but the crowd responded with "No justice, no peace" and refused to disperse. Soon after, officers encountered a volley of gunfire coming from the direction of the Market House, directly in front of their formation, and they took cover. Members of the unit also helped move people in the crowd to safety.

The gunfire only started after police moved in. It was just as Chief Hawkins had predicted—the active presence of police had caused people to get more violent.

61 Henderson, J. (2020, June 6). Fayetteville businesses deal with damage as they struggle to rebound from coronavirus. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/government/2020/06/06/fayetteville-businesses-deal-with-damage-as-they-struggle-to-rebound-from-coronavirus/41730527/>

The gunfire led many in the crowd to finally leave—which allowed the fire department to reach the Market House and begin extinguishing the fire, which was out by 9:36 p.m.—but about 150 people remained. Though officers tried to persuade them to leave, they wouldn't, and upon hearing that crowds were developing in other parts of the city, the Civil Emergency Unit decided to deploy CS gas and smoke grenades on the crowd to encourage their dispersal.

The officers used two CS canisters, two smoke grenades, and pepper balls to disperse the crowd, which finally began thinning by 10 p.m. The fire department extinguished a shrub fire outside the Market House, and police noted that about [25 downtown businesses](#) sustained broken windows and other property damage, though there were no signs of looting.⁶²

The Civil Emergency Unit officers took a breath before moving to the next site—Cross Creek Mall.

10:16 p.m.: Someone yells for everyone to go to Cross Creek Mall.

Hundreds of people soon gathered about six miles away in the Cross Creek Mall and Walmart parking lots, and it wasn't long before [looting](#) began, first at JCPenney in the mall, then at Walmart.⁶³ Fayetteville police officers responded, some getting as far as detaining suspected looters, when the chief issued orders from the command center to stand down. The message to supervisors: It's just property, which is replaceable, but confronting hundreds of looters could endanger everyone, lead to injuries, and force officers into making mass arrests. Police could review surveillance camera footage to make arrests at a later time.

The looting turned violent after 11 p.m. when some people began firing guns at police, while others jumped on police cars.

Chief Hawkins directed officers to move their cars from the parking lots—to avoid having crowds surround their cruisers, which could injure the officers—and to not make any arrests. The concern was that officers would have limited avenues to defend themselves as the crowd grew.

Officers were upset; they felt as if their hands were tied and that they couldn't do their jobs. Some kept track of what was happening by watching live feeds on social media. No information was being communicated directly to them, they said, and there had been no official op order



⁶² Ibid.

⁶³ Video: *Looters hit store at Fayetteville's Cross Creek Mall.* (2020, May 31). CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/looters-hit-store-at-fayettevilles-cross-creek-mall/>

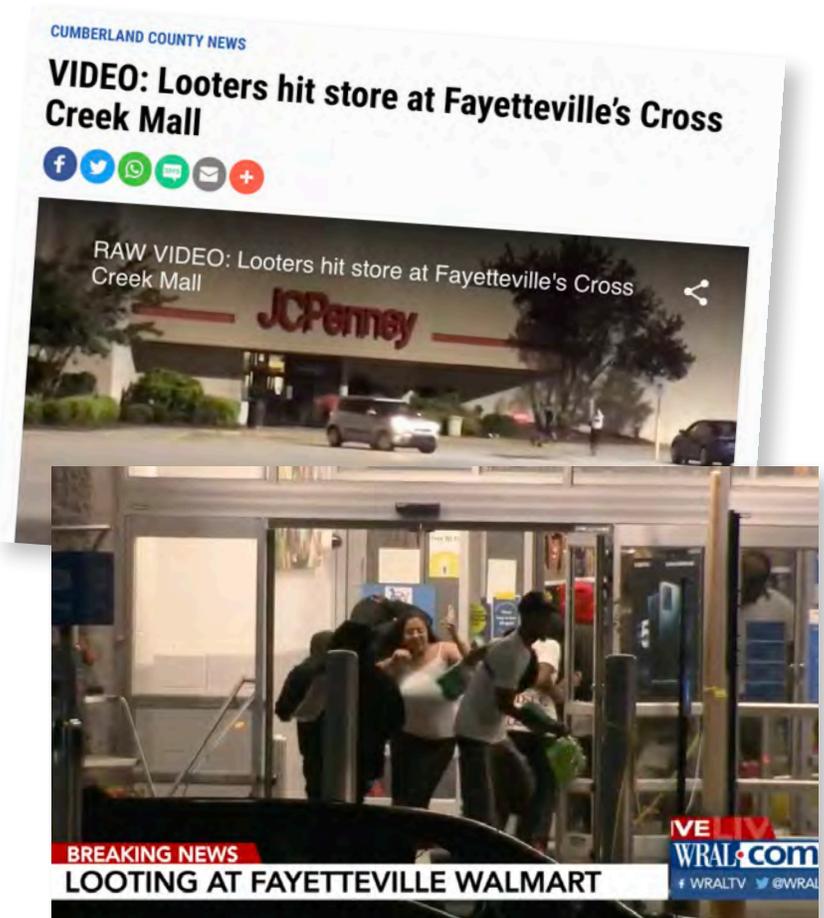
or plan of action going into the events of the day. If the deployed officers had just been given an explanation on why the stand-down decision was being made, they said, it may have helped them better understand what was happening.

Just after 11 p.m. came word that a member of the media was [attacked](#) at the mall. While livestreaming the looting at Cross Creek Mall, a Fayetteville Observer reporter was hit by a man, knocked unconscious, and then kicked. Police responded, and the reporter was taken to a hospital and treated for a concussion and other injuries.⁶⁴ It would be the only reported incident of injury during the looting.

While there were reports throughout the night of break-ins and/or looting at Target, Sam's Club, Harley-Davidson, Home Depot, and Best Buy, some of those reports turned out to be false. Much of the looting took place at the Walmart on Skibo Road. Looters broke down the doors to the store—which had closed early in anticipation of the protest—and stole merchandise throughout the night.

The Walmart district manager [told the media](#) that the store was cleaned out and that people were still looting at 7 a.m. Sunday. He said paint was poured on the floors and display cases were broken.⁶⁵ Much was stolen, including firearms, during the [looting](#), which also took place at Academy Sports + Outdoors, Ace Pawn Shop, and Money Quick Pawn.⁶⁶

When [asked by the media](#) why people were allowed to steal guns in front of officers, a spokesman for the Fayetteville Police Department, said: "I want you to keep in mind, officers were being shot at when they were trying to confront suspects who had just broken into (Money Quick Pawn). While part of our job as police officers includes protecting property, protecting lives and officer safety are paramount. ... By daylight, no officer was shot, no officer was injured, and no



⁶⁴ North Carolina reporter assaulted, knocked out while covering mall looting. (2020, May 30). *U.S. Press Freedom Tracker*, pressfreedomtracker.us/all-incidents/north-carolina-reporter-assaulted-knocked-out-while-covering-mall-looting/. Accessed 4 Jan. 2022.

⁶⁵ Henderson, Fayetteville businesses deal with damage.

⁶⁶ Henderson, J. (2020, June 5). Fayetteville police, ATF investigate theft of firearms during last weekend's looting. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/06/05/fayetteville-police-atf-investigate-theft-of-firearms-during-last-weekendrsquo-looting/41747687/>

civilians were seriously injured.”⁶⁷

While some in the community and police department would grow to understand the reasoning behind the stand-down order, some said the situation had been allowed to get too far out of hand early on.

From the command center, the police department's public information officers used social media heavily to both push out information *and* learn what was happening. (Fayetteville has a robust social media presence, with 103,000 followers on [Facebook](#) and 10,900 on [Twitter](#); according to the FPD, its Facebook page ranks second in the state in terms of followers, just behind the N.C. Highway Patrol.) They monitored local news channels and websites, and reporters out in the field would call and feed them information as they asked questions. Most, if not all, of the police department's social media messaging came directly from Chief Hawkins. The PIOs also tried to answer questions from citizens as they popped up on Facebook.

At the end of the day, only two people were reported injured from the unrest: the man who caught himself on fire at the Market House and the reporter who was hit and knocked down during the looting. No officers were injured because of an interaction with a protester, and no one in Fayetteville was killed. And in the days that followed, there was no additional vandalism or looting.

Key Events in the Days that Followed

May 31, 2020

The Fayetteville City Council held a special meeting on Sunday afternoon, where, at the request of Chief Hawkins, an 8 p.m. to 6 a.m. curfew was enacted to allow the FPD time to establish a plan for the coming days. Mayor Colvin [said](#) he believed most of the people who caused Saturday's chaos were outside agitators.⁶⁸ Chief Hawkins appeared before the council and [said](#) the police department had deployed teams in a strategic manner that was meant to keep people safe.⁶⁹

Throughout the day, the police responded to false reports and threats on social media about more looting, but none occurred. Volunteer groups assisted downtown business owners with cleanup, the Market House was shut down, the ATF began its investigation into the fire, and mutual aid requests were sent to assist with the curfew.

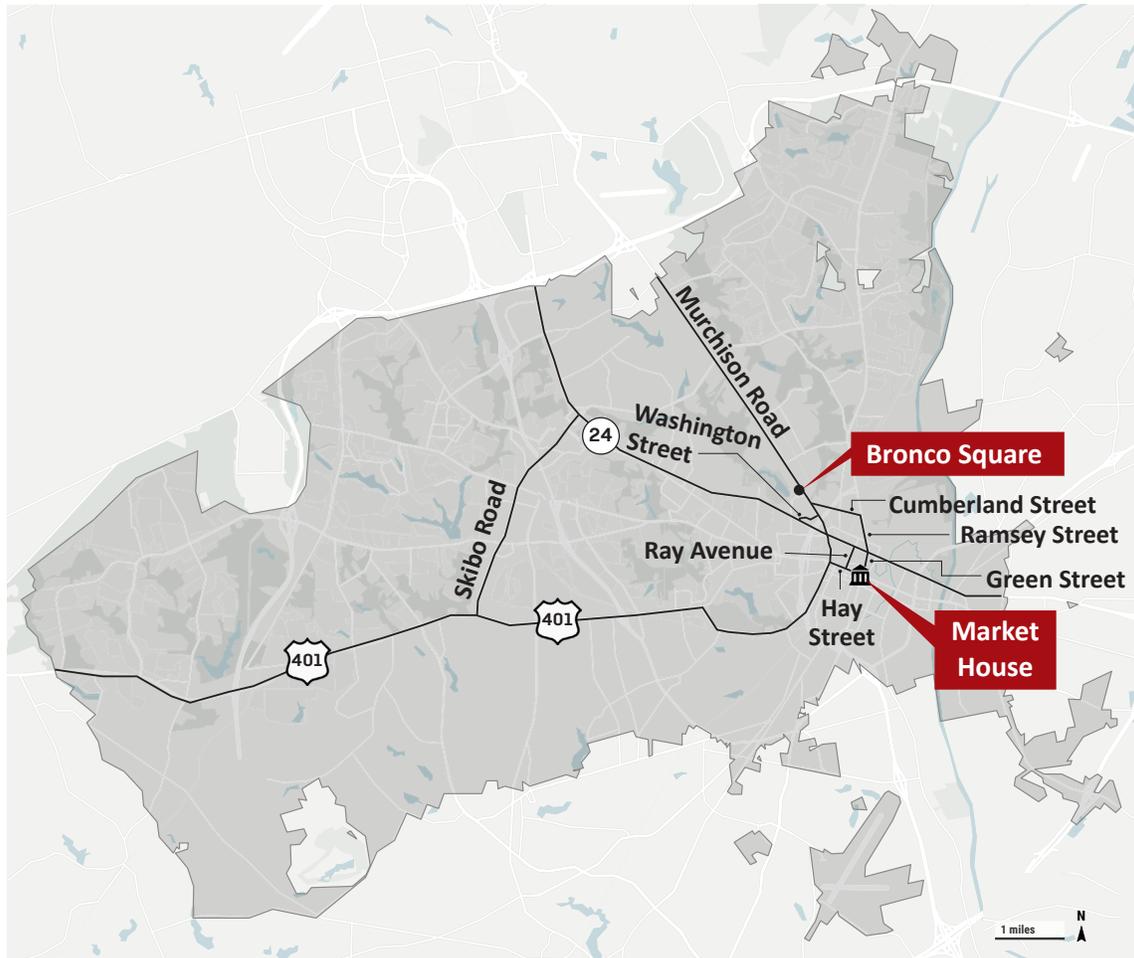
June 1, 2020

Monday brought talk of another protest, and the department had a plan of action in place. Trucks were moved in front of businesses to prevent looting, staffing was bolstered, and National Guard troops were positioned.

⁶⁷ Ibid.

⁶⁸ Henderson, J. (2020, May 31). Curfew imposed in Fayetteville tonight to avoid riot problems; police chief says “zero tolerance.” *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/05/31/curfew-imposed-in-fayetteville-tonight-to-avoid-riot-problems-police-chief-says-zero-tolerancersquo/112306130/>

⁶⁹ Ibid.



Around 5 p.m., between [200⁷⁰](#) and [300⁷¹](#) people gathered in Bronco Square, across from Fayetteville State University, to march down Murchison Road toward downtown. Wearing masks and carrying such signs as “Why am I a Target?” and “Stop Killing Black People,” the crowds marched through the streets. Law enforcement officers—some dressed in riot gear and carrying batons—accompanied them.

The protest took a toll on some of the officers. “The verbal abuse was horrific, especially toward Black officers,” one FPD employee said. “It cut right through me. I had to pull them. ... My folks are tough, but we cycled them out so they could get their minds back. Some were literally in tears. It was very hurtful.”

As the crowd continued to march through the streets, police blocked protesters from heading down [Ray Avenue](#) into downtown—where some 40 businesses were still boarded up after being

70 Baez, G. (2020, June 2). *Line of Fayetteville officers in riot gear kneel before protesters*. WRAL.com. <https://www.wral.com/line-of-fayetteville-officers-in-riot-gear-kneel-before-protesters/19125817/>

71 Michaels, W. (2020, June 2). *Police take knee with Fayetteville protesters; local group calls for police reform*. The Associated Press. <https://www.wunc.org/race-demographics/2020-06-02/police-take-knee-with-fayetteville-protesters-local-group-calls-for-police-reform>

damaged Saturday night.⁷² The crowd was told they couldn't go toward downtown but would need to turn around. When, around 5:30 p.m., one protester was accused of crossing the police line, officers tased him and placed him under arrest. The protesters around him didn't understand why—they said he was just saying "I can't breathe" through a bullhorn—and they accused police of using excessive force.

At 7:37 p.m., two hours after the arrest, the FPD posted on Facebook: "A protest near downtown Fayetteville has become criminal. Officers had to charge an individual who was in violation of the State of Emergency Declaration issued by the Mayor on June 1, 2020. The Fayetteville Police Department has previously indicated, and will continue to enforce, a zero tolerance policy on crime."

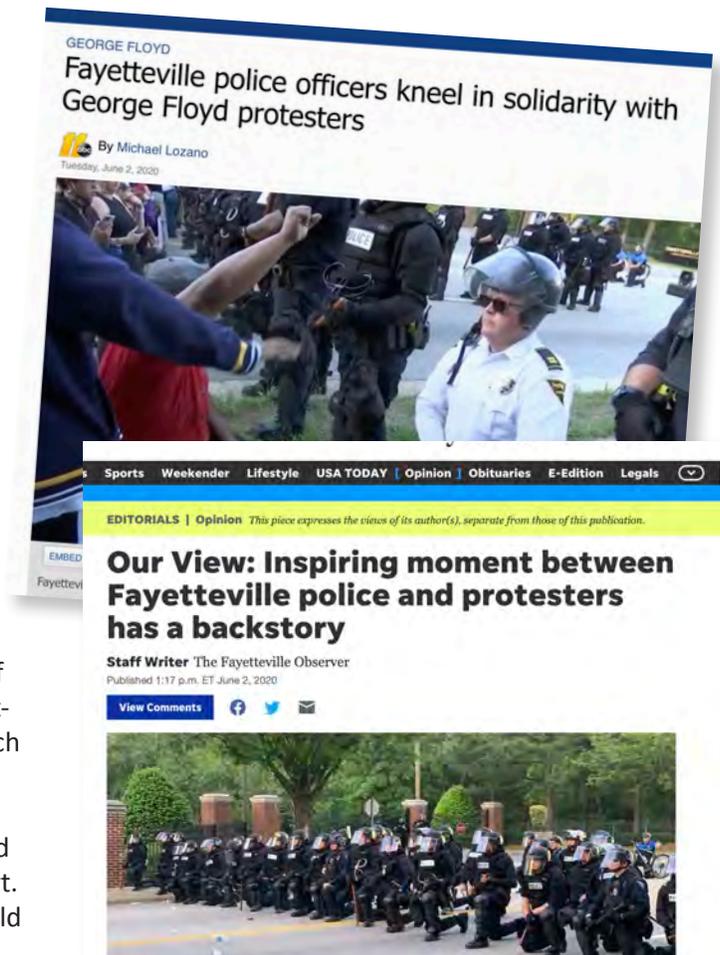
The protester was eventually released and given a citation for failure to disperse and resisting an officer.⁷³

Police monitoring the crowd saw some armed protesters; at one point shortly before 7 p.m., a protester broke up a large stick and handed pieces to others in the crowd.

The crowd made its way back to Murchison Road, but as the city's curfew neared 8 p.m., some protesters remained: They were yelling insults at the officers, who were lined up in riot gear, and many feared the situation was about to get volatile.

It was then that an officer recognized one of the protesters as someone he played basketball with in one of the department's outreach programs, so he asked his supervisors if he could talk to him. The two began communicating by phone, and the protester proposed that FPD officers kneel to show their support. The officer liked the idea; he thought it would be a great way to show solidarity and have everyone go home happy.⁷⁴

A police commander agreed to the plan: "If you guys back up 20 feet from our line and take a knee, we'll take a knee with you to show you we don't support police brutality either."



72 Our View: Inspiring moment between Fayetteville police and protesters has a backstory. (2020, June 2). *The Fayetteville Observer*. <https://www.fayobserver.com/story/opinion/editorials/2020/06/02/our-view-inspiring-moment-between-fayetteville-police-and-protesters-has-backstory/112298704/>

73 Lozano, M. (2020, June 2). *Fayetteville police officers kneel in solidarity with George Floyd protesters*. ABC11 Raleigh-Durham. <https://abc11.com/george-floyd-protest-fayetteville-police/6226057/>

74 Our View: Inspiring moment between Fayetteville police and protesters has a backstory.

The protesters backed up and both sides took knees. While there were some on each side who disagreed with the action, the majority responded positively.

After a moment of silence on their knees, the protesters and officers stood back up and “It was a 180,” one FPD employee said. “The same people who were talking bad about my folks were high-fiving and hugging them. You’d never believe the attitudes, how it changed the situation. People were taking pictures with us. When you drill down to it, and you have a conversation with someone, you realize we’re not that different.”

Some activists [shook hands and fist-bumped](#) officers, and many cheered and applauded.⁷⁵ By 8:08 p.m., the crowd began to disperse.

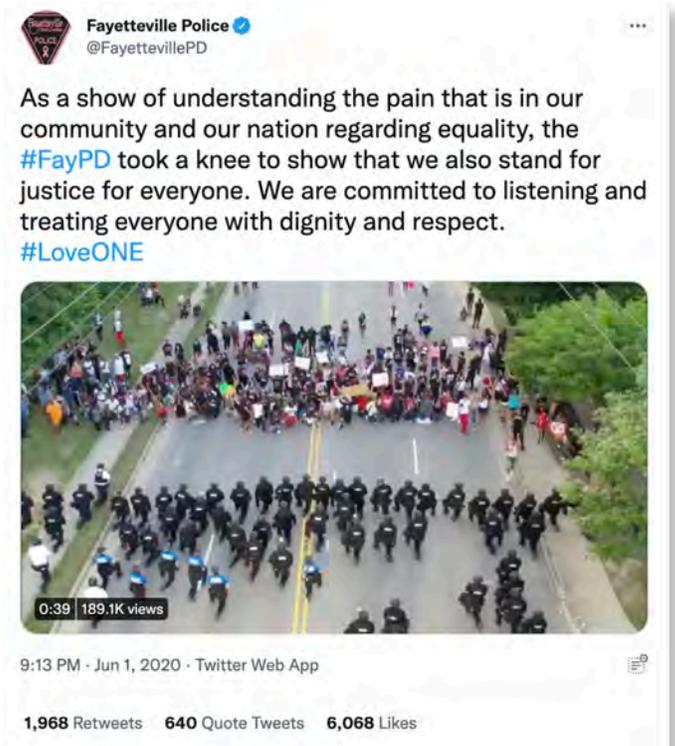
The pre-established community relations that led to the moment of unity was “a gemstone we didn’t know we had, and being willing to explore that says a lot,” one FPD employee said.

A video [tweeted](#) by the FPD of the kneeling would soon go viral—picked up by news agencies across the country looking for a positive story amid the protests. In its tweet, the department wrote: “As a show of understanding the pain that is in our community and our nation regarding equality, the #FayPD took a knee to show that we also stand for justice for everyone. We are committed to listening and treating everyone with dignity and respect. #LoveONE”⁷⁶

June 3, 2020

A third protest took place two days later, this time along Cliffdale Road near the Seventy-First High School district. Chief Hawkins answered questions from the group, then marched with them, [holding up a sign](#) that was handed to her that read: “FayPD is against police brutality” and chanting “No justice, no peace.”⁷⁷ About 10 to 12 officers also participated in the march along with approximately 50 protesters.

The media reported that the crowd grew to [several hundred](#) people, with dozens of police officers watching.⁷⁸ Afterward, officers took a knee in a circle with some of the protesters and



⁷⁵ Michaels, *Police take knee*.

⁷⁶ Fayetteville Police [@Fayetteville PD]. (2020, June 1). Twitter. https://twitter.com/FayettevillePD/status/1267625310276780034?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1267625310276780034%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.wxii12.com%2Farticle%2Fnorth-carolina-kneel-protest-police-brutality-violence-george-floyd%2F32771262

⁷⁷ *Fayetteville's police chief marches with protesters*. (2020, June 3). CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/fayettevilles-police-chief-marches-with-protesters/>

⁷⁸ Riley, R. (2020, June 3). Fayetteville police chief joins protest near Cliffdale Road community. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/local/2020/06/03/fayetteville-police-chief-joins-protest-near-cliffdale-road-community/41730303/>

[prayed](#) with them.⁷⁹

That night, the FPD posted a video on Facebook of the chief and other officers marching: "On Wednesday, the #FayPD joined a group of peaceful protesters to march for equality and justice. Change takes steps, let's march together. 'Justice, that's what we are about. ... All of these officers are out here because they want to be out here.' #TheChiefofPoliceIsOutHereinCoronaSeason #FayPDisAgainstPoliceBrutality #WeAreONE #StopTheHate"⁸⁰

June 5, 2020

A much smaller protest march took place at City Hall, with about 25 to 30 participants. National Guard vehicles were positioned, and the protest ended peacefully.

June 6, 2020

A [funeral](#) for George Floyd was held in Raeford, North Carolina, about 20 miles from Fayetteville.⁸¹ Gov. Roy Cooper ordered North Carolina flags flown at half-staff in his memory.

Intelligence reports that there would be disturbances in Fayetteville on the day of the funeral, including a gathering of 300 to 400 at the Market House, turned out to be unsubstantiated. A small [protest](#) of about 50 people took place at Rowan Park, and while the FPD had a plan of action for it, the protest was reported to be peaceful.⁸²

June 7, 2020

Mayor Mitch Colvin [rescinded](#) the State of Emergency Declaration adopted on May 31, which imposed the 8 p.m. to 6 a.m. curfew.⁸³

June 8, 14, 20 and July 1, 11, 31

Small, related protests were held in the city, many at the Market House.

July 8-14, 2020

Protesters [camped out](#) in front of the Market House with a list of demands—including a police



79 Fodera, R. (2020, June 4). *Fayetteville police chief, officers join protesters in peaceful march*. WRAL.com. <https://www.wral.com/fayetteville-police-chief-officers-join-protesters-in-peaceful-march/19129088/>

80 Fayetteville Police Department. (2020, June 3). [Status update]. Facebook. <https://fb.watch/9ePaYFAasl/>

81 *NC Flags to be flown at half-staff in honor of George Floyd*. (2020, June 5). <https://www.wect.com>. <https://www.wect.com/2020/06/05/nc-flags-be-flown-half-staff-honor-george-floyd/>

82 'We need more love': Protesters hold peaceful demonstration at Rowan Park in Fayetteville. (2020, June 7). *The Fayetteville Observer*. www.fayobserver.com/picture-gallery/news/2020/06/07/lsquowe-need-more-loversquo-protesters-hold-peaceful-demonstration-at-rowan-park-in-fayetteville/112442828/

83 City of Fayetteville [@CityOfFayNC]. (2020, June 7). Twitter. <https://twitter.com/cityoffaync/status/1269678644160532480?lang=en>

oversight board for the FPD.⁸⁴ The group left the camp after about a week, when the city's mayor called it a public safety hazard, but protesters [vowed](#) to return if their police reform demands weren't met.⁸⁵ Fayetteville police were deployed to the site daily and nightly to keep the peace.

July 9, 2020

A [walk](#) in support of Fayetteville police was held to coincide with the delivery of officer care packages from the Citizen Cares Project.⁸⁶

The walk—in which Chief Hawkins participated—was met with opposition from protesters who were camped out in front of the Market House calling for police reform. Some of the protesters carried bullhorns and jumped into the march, “yelling and cursing at the Citizen Cares Project walkers,” a police spokesman [said](#).⁸⁷ There was yelling but no physical disturbances.

Despite the opposition, the spokesman said the protest was appreciated by officers during a particularly hard time.

“I can't even describe how good of a feeling it was,” he said. “This wasn't saying that their cause is any less. This was just people coming together, saying ‘Hey, we understand the police are going through a lot.’”

March 2, 2021

The City Council [approved](#) a Community Police Advisory Board, a group of seven to 11 members who would provide “sound advice and recommendations to the City Council, City Manager, and Police Chief to improve policing in Fayetteville.”⁸⁸ Members of the board were appointed in [December](#).⁸⁹

March 12, 2021

The council [passed](#) a resolution to encourage the state to allow the city to create a citizens re-

Peaceful walk in support of Fayetteville police met by protesters

Tags: Fayetteville police, protest, Fayetteville Market House

Posted July 10, 2020 12:30 a.m. EDT



Fayetteville group shows support for police despite protesters

84 Cunningham, Kasey, and Gilbert Baez. (2020, July 9). *Protesters camp outside Fayetteville Market House, make demands of city, police*. WRAL.com, www.wral.com/protesters-camp-outside-fayetteville-market-house-make-demands-of-city-police/19180893/

85 Michaels, Will. (2020, July 16). *Protesters vow to return to Fayetteville's Market House if demands aren't met*. WUNC. www.wunc.org/race-demographics/2020-07-16/protesters-vow-to-return-to-fayettevilles-market-house-if-demands-arent-met

86 Fodera, R. (2020, July 10). *Peaceful walk in support of Fayetteville police met by protesters*. WRAL.com. <https://www.wral.com/peaceful-walk-in-support-of-fayetteville-police-met-by-protesters/19182360/>

87 Henderson, J. (2020, July 11). *Racial justice protesters, police supporters at odds during march in downtown Fayetteville*. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/government/2020/07/11/racial-justice-protesters-police-supporters-at-odds-during-march-in-downtown-fayetteville/41717277/>

88 Lozano, *Fayetteville City Council moves forward*.

89 City of Fayetteville: Community Police Advisory Board Members. cityoffayetteville.granicus.com/boards/w/e881747992508b49/members

view board that could investigate allegations of police misconduct and other incidents.⁹⁰ [Note:](#) The City Council for years has tried to form a police review board, but the state legislature must pass a bill to create it and give it powers, such as accessing body camera footage to investigate cases, and that has never passed.⁹¹

The Aftermath

From the downtown business community to the officers inside the FPD, there was much anger and confusion in the ensuing days about why the police response was what it was. While Chief Hawkins made the occasional quote in the media about the response—explaining that the goal was to protect lives—there was no departmentwide or communitywide effort to directly explain what happened and how it could be improved if a similar incident should occur.

Many officers said the lack of messaging led to speculation and assumptions—some of which continue to this day. Because there was no formal after-action report, some officers felt that these issues were never resolved.

The Community

The day after the demonstrations, one woman [told the City Council](#) she was devastated by what happened. “Our business owners and our residents work so hard to promote our community and develop our community in a positive, loving way, and when the protesters were given the advantage to linger for hour after hour with no police or fire presence, essentially we were telling them that their rights are more important than the people who live (downtown) and are trying to promote our community in a positive way,” she said. “That is so disheartening.”⁹²

In a Fayetteville Observer [article](#) on the cleaning up of downtown after the unrest, one business owner said police did not respond for several hours after the fire was set, even though an officer came by twice Saturday afternoon urging her to close early because of a threat to burn down the Market House.⁹³ A former Fayetteville mayor [said](#) officers intentionally were not



Facebook messages about the police response—positive and negative—were posted the night of May 30.

90 Church, Years-long council debate yields action.

91 Henderson, Racial justice protesters.

92 Henderson, Curfew imposed in Fayetteville.

93 Henderson, J. (2020, June 2). Good Samaritans form human chain to protect Fayetteville business owner from rioters. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/government/2020/06/02/good-samaritans-form-human-chain-to-protect-fayetteville-business-owner-from-rioters/112296802/>

responding to 911 calls. He said police bordered up two or three blocks from downtown and didn't come inside that.⁹⁴

On Facebook, residents posted hundreds of comments to Fayetteville Police Department posts from that night, many asking why no one was responding.

Though most of the reactions on social media were negative, a few applauded the police for not stoking a volatile situation, noting that Fayetteville came out so much better than other cities in North Carolina.

The Police Department

No Action Plan: Though there was intelligence in the early hours of May 30 concerning possible unrest that night, a written Incident Action Plan (IAP) was never disseminated to officers, as required in FPD policy. Leaders stress that there was a plan—actions were taken, responsibilities were assigned to commanders, and officers who weren't scheduled to work were recalled—but because the minimal intelligence they received was changing hourly, they said there was not enough time to write up a plan. Instead, they said, they reacted the way they do when any unexpected event occurs—using their experience and the training that officers received on mass demonstrations.

Moving forward, the FPD should ensure that an IAP is created and disseminated. A planning team should be established to create an IAP and ensure that it is kept up to date.

No After-Action Report or Departmentwide Conversation: There was also no official after-action report written by the police department after the demonstrations. One commander submitted after-actions for the Civil Emergency Unit, but those were the only ones on file or provided to PERF upon request.

Because the department hasn't analyzed how it might respond differently should a similar event happen—who would be called in first, what protections would be put in place, etc.—FPD staff expressed concerns that lessons learned would not be applied in future events. Many also expressed frustration that they weren't given the chance to talk about the demonstrations as a department and get answers to why specific decisions were made or if anything would be done differently next time.

While Chief Hawkins said she personally met with all lieutenants and sergeants the first week of July to listen to feedback and communicate the decisions of May 30, the information did not trickle down to all officers, which led to misunderstandings and frustration within the department.

After a mass demonstration, the FPD should require an official after-action report that contains a detailed review of the entire department's response.



I definitely believe officers felt that we could have used a higher level of force or some other tactics to prevent what was going on throughout the city, but the question that no one can answer is would that have squashed it or would have escalated it?"

—FPD STAFF MEMBER

⁹⁴ Ibid.

PERF Report: Reimagining the Police Response to Mass Demonstrations

In 2018, PERF published [*The Police Response to Mass Demonstrations, Promising Practices and Lessons Learned*](#). This work included recommendations for communicating with demonstrators, response planning and preparation, officer training, tactics to minimize force, and maintaining transparency and accountability.

In a forthcoming report, *Reimagining the Police Response to Mass Demonstrations*, PERF reviews the demonstrations against police in 2020 by talking with those in the field and reviewing 25 after-action reports from 20 cities. In the report, PERF is expected to make the following recommendations:

Involve community representatives before and during protests: Police should involve community representatives in planning discussions in advance of any mass demonstrations to communicate goals and tactics; invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders

to be mediators and co-responders; and maintain daily incident reports and communicate them with the public.

During a demonstration, communicate effectively, up and down the policing chain of command.

Train officers and supervisors adequately so they have the knowledge and skills they need to maintain public order while facilitating freedom of speech and assembly.

Provide officers with clear policies on the use of less-lethal force options.

Warn crowds before deploying less-lethal force.

Minimize the use of mass arrests.

Prepare and activate mutual-aid agreements.

Prioritize officer safety, health, and wellness to avoid burnout and poor decision-making that may result from prolonged exposure to the stress of policing a mass demonstration.

Ensure a robust review of policing practices, both in daily debriefings and a longer-term review of large events, so agencies can refine their approaches to policing mass demonstrations based on internal feedback from officers and community members.

Morale Among Ranks: One incident after the unrest that rankled some Fayetteville officers was a comment Chief Hawkins made on a local TV newscast.

“I, too, when I take this uniform off, have those thoughts and have those fears and have to deal with that situation for me and my family,” she said on [WRAL](#) about police misconduct against Black men and women.⁹⁵

Some police officers were upset by the comment; one noted that after the interview aired, officers were texting one another the video clip. Her comment, to them, translated that she

⁹⁵ Fayetteville chief: When I take this uniform off ... I, too, have those fears. (2020, June 6). WRAL.com. <https://www.wral.com/fayetteville-chief-when-i-take-this-uniform-off-i-too-have-those-fears/19132780/>

believed she and her family had reason to be afraid of Fayetteville police.

Chief Hawkins later clarified—she didn't mean she felt that way while she was in Fayetteville but in other jurisdictions—but to white officers who didn't understand the fears Black people experience in society, the comment stung.

Some also criticized Chief Hawkins for joining in the Wednesday protest, but one community member pointed out that the prior police chief, Harold Medlock, did the [same thing](#) during the original Black Lives Matter protests after Michael Brown's death.⁹⁶

"People don't remember that or choose to remember that," the community member said. "When this chief went to one of the protests and was marching with the protesters, she received a lot of criticism for that, but her predecessor did the same thing and many of the people who criticized her were in the department when the previous chief did that. What's the difference?"

In other cities across the U.S., police leaders marched with community members after the murder of George Floyd in a show of understanding and to acknowledge the thoughts and concerns of their respective communities. It is important that police leaders explain to their officers that they should not interpret this as an attack on police but as a way of recognizing their community's anger and frustration.

Potential for Trauma Among Officers: Officers can experience varying levels of trauma and PTSD as the result of civil unrest and being the focal point of a crowd's anger. Being ordered to stand down and watch criminal acts take place in their presence can exacerbate these feelings. Interviews with FPD members revealed that there was no formal act of closure on the part of the agency to allow officers to process the anxiety, anger, and confusion they experienced during the mass demonstrations. But FPD leaders said that as part of an employee wellness initiative following the mass demonstrations, the FPD acquired dedicated counselors for the department and mandated that all employees attend at least two sessions with an opportunity to go up to nine sessions of different types of therapy.

Arrest Statistics from Three Days

Only two arrests were made during the May 30 unrest (both downtown for failure to disperse and disorderly conduct). But police later used Facebook Live videos and store surveillance footage to charge those who participated in the Market House fire and the looting.

In mid-June, the men who set fire to the Market House were arrested and charged; both plead-



⁹⁶ Original link (no longer working): <https://www.fayobserver.com/article/20160829/news/308299957>

ed [guilty](#) later that year.⁹⁷ In June of 2021, Andrew Salvarani Garcia-Smith, 32, was [sentenced](#) to 27 months in prison and fined \$100.⁹⁸ Court records show that Charles Anthony Pittman was scheduled to be sentenced in August 2021, but records from that hearing have not been released.

As noted previously, one [arrest](#) was made at the Monday, June 1, protest on Murchison Road.⁹⁹

In September, Fayetteville police [said](#) they had charged 55 people with looting and civil unrest stemming from the events of May 30.¹⁰⁰ A document listing all the arrests from that day—compiled for a Freedom of Information Act request—lists 56 people, including Garcia-Smith and Pittman. A majority of the arrests are for breaking into the Walmart and JCPenney and stealing merchandise.

FPD Injuries

Based on the information provided to PERF, two officers were injured over the three-day period, May 30 through June 1, but neither injury was due to an interaction with a protester nor were they serious.

PERF Assessment of the Response

Strengths

Support for Chief Hawkins' decision to limit the police response to the demonstrations in Fayetteville came from Section 4.6.9 of the FPD's Special Event, Passive Protests, and Peaceful Demonstrations Planning policy, which states that, "Although it is recognized that the job of every FPD officer is to enforce criminal laws and civil ordinances, limited resources, crowd size, and tactical concerns may warrant an atmosphere of tolerance when officers witness non-violent and non-destructive activity and can be paramount in ensuring peace and order are maintained." Although the order to stand down was unpopular with some officers, residents, and business owners, it could be argued that in keeping with the spirit of the policy, the order to stand down likely limited the amount of damage, the number of injuries, and the duration of the events and may have spared the city additional days of protests. Because PERF did not witness the events of May 30 and did not have a detailed after-action report to review—and because there is no one correct way to respond to a mass demonstration, as each situation is different—we can only identify areas that are reflective of best practices and point out areas for improvement, but we cannot say whether an action was correct or not. **One of PERF's overriding guiding principles is that the sanctity of human life should be at the heart of everything an agency does, and FPD did prioritize the sanctity of life in its actions and "people over property" response. The FPD also followed some of PERF's best practices by warning crowds before deploying less-lethal force and minimizing the use of mass arrests.**

97 Brown-Peyton, M. (2020, November 5). 2 Fayetteville men plead guilty to federal charges in Market House arson. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/crime/2020/11/05/two-fayetteville-men-pled-guilty-burning-market-house/6180645002/>

98 Riley, Department of Justice representatives to meet.

99 Lozano, Fayetteville police officers kneel.

100 Henderson, J. (2020, September 8). Fayetteville police charge 55 with looting, civil unrest after George Floyd marches. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/09/08/fayetteville-police-charge-55-looting-civil-unrest-after-george-floyd-marches/5745404002/>

Also positive, the FPD reached out to protest organizers as soon as the department found out there would be a demonstration on May 30. It also prepared mutual-aid agreements. And its monitoring of and posting to social media during the events appeared to help in its response as well as provide important information to the community. These are best police practices.

FPD employees were also [required](#) in the second half of 2020 to take departmentwide diversity, equity, and inclusion training.¹⁰¹ While there were complaints from a few officers regarding the Racial Equity Institute's Groundwater training session—mainly that it centered only on Black and white race relations and left out other minority groups and seemed to place blame on white officers for systemic racism—the feedback, Hawkins said, will be considered when planning future sessions. Hawkins said some types of negative feedback are important to note because they reflect the existing culture and resistance by some to diversity training. “At times, training will not receive buy-in, but it doesn't mean it is not the truth regarding what is needed for the organization to change its culture,” she said. Additionally, select groups of officers attended several other diversity trainings that were offered by the department in an attempt by Chief Hawkins to review other approaches and gauge if they should be pushed out to more employees.

RECOMMENDATION: Continue to conduct and assess racial bias training. The FPD is moving in the right direction by bringing in racial bias training and assessing whether the training is delivering desired outcomes. These discussions are vitally important and should be held regularly but will only be effective if there is buy-in from the staff.

Other positives:

As part of an employee wellness initiative following the mass demonstrations, the FPD acquired dedicated counselors for the department and mandated that all employees attend at least two sessions with an opportunity to go up to nine sessions of different types of therapy. This is a best police practice.

And in its after-action report, FPD's Civil Emergency Unit noted that the logistics, staffing availability, and transportation arrangements were timelier for the June 1 protest compared to the events of May 30. The department learned quickly from that event and improved its response dramatically in a short time. This is a best police practice.

Opportunities for Improvement

Interviews with FPD personnel found that the decisions made by department leaders on May 30 (specifically, the stand-down order) and the reasoning behind the decisions were not communicated well—with officers, supervisors, and the community. While Chief Hawkins said she personally met with all lieutenants and sergeants the first week of July to listen to feedback and communicate the decisions of May 30, the information did not trickle down to officers, which led to misunderstandings and frustration within the department on why it responded the way it did and why the department's internal policies on after-action reports and discussions were not followed. The FPD should evaluate how it conducts such meetings and how the material is presented so it can ensure that future messages reach all levels of the department.

101 Anna Johnson, Innis, C., Grubb, T., & Shen-Berro, J. (2021, May 26). N.C. promised police reform a year ago. Did it happen? *The News & Observer*. <https://www.governing.com/now/n-c-promised-police-reform-a-year-ago-did-it-happen>

Though there was intelligence in the early hours of May 30 concerning threats to burn down the Market House that night as well as plans for both peaceful and nonpeaceful protests, a formal Incident Action Plan (IAP) was never disseminated to officers. Leaders stress that there was a verbal plan—actions were taken, responsibilities were assigned to commanders, and officers who weren't scheduled to work were recalled—but because the minimal intelligence they received was changing hourly, they said there was not enough time to write up a plan. Instead, they said, they reacted the way they do when any unexpected event occurs—using their experience and the training that officers received on mass demonstrations. Moving forward, the FPD should ensure that an IAP is created and disseminated. A planning team should be established to create the IAP and keep it up to date.

RECOMMENDATION: Ensure that policies in the Incident Action Plans are adhered to. Per policy, the FPD should ensure it is disseminating an IAP (referred to as a Critical Response Plan by FPD in Operating Procedure 4.5) that provides officers with details and direction for the upcoming event, including what their responsibilities will be. A planning team should be established to create the IAP and keep it up to date every 12 hours. This will establish a uniform response and ensure that officers understand the department's goals and objectives and are provided with relevant information such as curfews in real time. It is critical that the IAP is not generic and re-used from incident to incident. The IAP should be updated based on intelligence and deployment strategies to ensure that relevant information is added and timely (for example, making sure that every unit knows where to stage and what their role is, who the specific incident commander is, etc.). Lastly, the IAP must indicate, as identified in agency policy, who the incident commander (IC) is for the duration of the plan. The priorities, philosophies, and directives of the IC are established by agency leaders and should be identified in the IAP. Changes made to priorities or directives during an incident must be communicated to all staff to eliminate confusion and ensure consistency in response.

There was also no official after-action report written by the police department after the mass demonstrations. One commander submitted after-actions for the Civil Emergency Unit, but those were the only ones on file. Because the department hasn't fully analyzed how it might respond differently should a similar event happen—who would be called in first, what protections would be put in place, etc.—FPD staff expressed concerns that lessons learned would not be applied in future events. After a mass demonstration, the FPD should require an official after-action report that contains a detailed review of the entire department's response.

RECOMMENDATION: Ensure a thorough and holistic after-action report is created for the incident. The FPD should require that an official after-action report be created after a mass-demonstration or similar critical event. This after-action report should contain a detailed account of the FPD's entire response, including arrests made, use-of-force incidents, less-lethal weapons used, and officer or community member injuries.

PERF understands that the FPD has traditionally had an excellent relationship with the community. However, prior to the unrest and in the beginning stages of the unrest, it could have done a better job communicating with relevant community members. Moving forward, the FPD should involve relevant community representatives in planning discussions and in advance of any mass protests. In addition to communicating goals and tactics, the department can invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies. PERF has been seeing success with some police agencies, including Baltimore, inviting trusted community members to participate in the police response during such events.

RECOMMENDATION: Involve community representatives before and during protests.

The FPD should involve community representatives in planning discussions in advance of any mass demonstrations to communicate goals and tactics; invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders to be mediators and co-responders; and maintain daily incident reports and communicate them with the public.

The FPD should have more people trained to be on its Mobile Field Force team and should field-equip everyone who goes through this training so they have the required gear ready in the trunk of their car should they be reassigned to Mobile Field Force duties. This would add a layer of flexibility to FPD's response to mass demonstrations.

RECOMMENDATION: Increase Mobile Field Force staffing. The FPD should train more officers to be part of the department's Mobile Field Force. Sufficient equipment should be provided to these additional officers to keep in their patrol vehicles so they can be quickly reassigned to Mobile Field Force duties as needed in incidents of unrest.

Below are additional observations and recommendations from the Civil Emergency Unit's after-action report that PERF supports:

- Ensure team staffing levels are maintained. Getting trained officers to fill vacancies is a priority. (It should be noted by PERF that FPD leaders have been making progress in this area by advocating for and successfully receiving pay increases for officers and implementing recruitment and retainment incentives.)
- Deploy early as events develop to maintain a uniformed officer presence to deter the crowd from gaining momentum by thinking the police are nowhere around. Be ready to deploy field force elements earlier before the crowd and destruction become unmanageable. Having and implementing a layered, strategic deployment has worked effectively during prior events.
- Integrate Armor/ERT over watch during CEU deployments to provide assistance when confronted with gunshots/active shooters. FPD has addressed this by establishing tactics and training to integrate the teams under these circumstances. FPD is also looking at purchasing ballistic shields immediately available to the team on their equipment truck.
- Have better logistics for water and food for the teams, particularly during extended operations. FPD is in the process of purchasing hydration packs for all the team members.

Section 2: Review of the FPD's Approach to Police Reform and Use of Force Prior to 2020

PERF reviewed the Fayetteville Police Department's use-of-force policies to determine whether they are aligned with progressive practices and national standards and if policies are sufficient to give officers a clear understanding of the rules, expectations, and guidelines regarding use of force.

The Fayetteville Police Department has long been proactive when it comes to examining its policies and working to ensure they are progressive and in line with the nation's best practices and standards.

A Brief History of Police Reform Prior to 2020

Under its prior police chief Harold Medlock, the FPD pursued a [broad](#) set of reforms early on that set it apart from agencies of similar size.¹⁰²

Not long after the shooting death of Michael Brown in Ferguson, Missouri, and even before then-President Barack Obama formed a Task Force on 21st Century Policing, Medlock reached out to the U.S. Department of Justice to conduct a [top-down review](#) of the FPD's policies and procedures, in particular its use-of-force policies and how the department interacted with the community.¹⁰³

"With all the turmoil going on around the country at this point, the chief felt this was a very important move," [said](#) Fayetteville Mayor Nat Robertson in October 2014. "A pre-emptive, proactive move, to make sure Fayetteville doesn't get into trouble later and that we're out front."¹⁰⁴

The DOJ's Office of Community Oriented Policing Services spent seven months on its review, looking at records from 2013 and 2014 and performing interviews with police officers, community leaders, and residents. In its [report](#), the Justice Department recommended, among other things, that the FPD develop a more comprehensive record-keeping system of use-of-force incidents and emphasize de-escalation in its officer confrontations.¹⁰⁵

In another proactive move, in early 2015, the FPD was [awarded](#) a \$530,000 federal grant to purchase body-worn cameras for all of its officers, and Medlock mandated that every officer on patrol keep the cameras rolling during their shifts.¹⁰⁶ Fayetteville was one of the earliest police departments in the country to initiate a comprehensive body-camera program.

102 Pitts, M. B. (2021, February 25). Fayetteville police chief who drew national attention for reform is still at it. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/>

103 Original link (no longer working): <https://www.fayobserver.com/article/20141021/News/310219694>

104 North Carolina Public Radio. *U.S. Justice Department will review Fayetteville police policies*. (2014, October 21). WUNC. <https://www.wunc.org/law/2014-10-21/u-s-justice-department-will-review-fayetteville-police-policies>

105 Rodriguez, D., Kunard, L., Johnson, W., Larochelle, J., & Thorkildsen, Z. (2015). *Collaborative reform initiative: Assessment report on the Fayetteville Police Department*. <https://cops.usdoj.gov/RIC/Publications/cops-w0790-pub.pdf>

106 Henderson, J. (2019, July 20). Fayetteville police official lauds body camera program. *The Fayetteville Observer*. <https://www.fayobserver.com/news/20190720/fayetteville-police-official-lauds-body-camera-program>

Today: Policy Changes, Training, and Use-of-Force Perceptions

The FPD runs its own training academy, and, picking up where the DOJ left off six years ago, its training officers keep abreast of the best industry practices and say the administration listens to their recommendations and makes changes when appropriate.

“We’ve done a good job as the sentiment changes, as expectations change,” one FPD employee said. “We’ve done a good job of staying in touch with experts in the field and implementing change pretty quick.”

Policy Changes

The department’s use-of-force policy continues to go through revisions, and officers are alerted to each change. Policy and procedure updates are sent out as email notifications, and officers must log on to the PowerDMS to review and verify that they’ve read the update by a certain deadline.

When more significant changes are made to policy—such as regarding use-of-force protocol—some officers expressed the desire for communication explaining why the policy has changed. Providing the reasoning behind the change, they said, could help avoid behind-the-scenes speculation—officers wondering who may have made the mistake that led to the revision.

Some supervisors admit that it’s been harder in recent years to have in-person conversations about policy changes because the department is so short on officers and has to focus on staffing the streets. But others say that when it comes to bigger changes, they make sure there’s a conversation about it during roll call or in small groups, not just an email alert. Having that conversation, one FPD employee said, helps with buy-in and an easier transition to the new policy.

Training

A majority of those interviewed pointed out that the FPD’s training program is among the best in the nation—“we’re miles ahead of everybody,” one said.

Still, some officers expressed a desire to have access to more training opportunities, particularly when it comes to use of force—understanding best practices and talking about how to prevent lawsuits by safely engaging with someone when force is needed.

PERF offers a training program, ICAT: Integrating Communications, Assessment, and Tactics, which provides officers with the tools, skills, and options they need to safely defuse a range of critical incidents (see Page 49). While some Fayetteville Police Department officers took the train-the-trainer ICAT course in 2019, the training has not been implemented departmentwide. FPD leaders recognize the need to incorporate ICAT into the agency and are working on training more instructors in ICAT to roll out this training to the entire department.

When there are instances or accusations of use of force, department leaders go through a rigorous administrative investigation of the incident. It is also thoroughly documented—which follows one of the 2015 DOJ recommendations.

Use-of-Force Perceptions

Because of the harsh spotlight put on police across the country in recent years after a series of high-profile shootings, there has been an increased hesitancy among both newcomers and

seasoned officers to be hands-on, even when it’s justified, some supervisors said.

The fear of causing harm—and ending up on the news—has affected many officers to the point that many aren’t even engaging with people out on their beats. But this isn’t just a Fayetteville issue; it’s [happening](#) in police departments across the country.¹⁰⁷

It would help, some said, if when a use-of-force incident occurs and the initial investigation shows no wrongdoing, that there is public support from leaders right away for the officers involved.

As the chair of the National Use-of-Force Data Collection Task Force, FPD Chief Gina Hawkins offers a number of community programs to maintain transparency in her department, including a [Citizens Police Academy](#).¹⁰⁸ This is a best police practice.

“We have to be transparent,” Chief Hawkins said in an [interview](#) with PERF’s Chuck Wexler in March 2021. “I don’t want anyone in my community asking me, ‘Why wouldn’t you want to volunteer this information? What are you hiding?’ We have nothing to hide.”¹⁰⁹

FPD Policy Review

Background

As part of the overall review of the FPD, PERF reviewed the department’s policies on use of force and related topics. Overall, PERF found FPD’s policies to be strong, with minimal improvements needed. PERF recommends the revisions detailed in this document to bring FPD’s policies to the level of nationally recognized best practices and to exceed minimum legal requirements.

We also recommend that the FPD incorporate the principles of PERF’s ICAT training as well as PERF’s Critical Decision-Making Model (CDM) into its policies, training, and operations. PERF’s recommendations, in part, are based upon our ICAT training guide.

PERF’s ICAT Training Guide

To help law enforcement agencies implement PERF’s 30 Guiding Principles on Use of Force (see box, Page 48), PERF developed [ICAT: Integrating Communications, Assessment, and Tactics](#), a training guide that represents a new way of thinking about use-of-force training for American police officers. ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics and puts them together in an integrated approach to training.

107 *Chicago officer “more afraid of media reaction” than being killed.* (2018, August 8). CBS Chicago. <https://chicago.cbslocal.com/2018/08/08/veteran-chicago-officer-more-afraid-media-than-killed/>

108 *Citizens police academy.* (n.d.). City of Fayetteville. Retrieved November 12, 2021, from <https://www.fayettevillenc.gov/city-services/police/about-us/citizens-police-academy>

109 Police Executive Research Forum. *Daily critical issues report.* (2021, March 12). <https://www.policeforum.org/criticalissues-12mar21>



Policy and application is the cornerstone of everything we do, and it’s constantly evolving. ... I’m happy I’m with an agency that isn’t stuck in the mud and says, ‘We’ve always done it this way and we always will.’ That’s not a good policy to live by.”

—FPD STAFF MEMBER

PERF's Analysis of Use-of-Force Issues Nationally

PERF's review of the Fayetteville Police Department's use-of-force policies, training, and practices took place in the context of a national debate about police use of force that has continued to gain momentum over the past seven years. PERF has conducted many national and regional conferences in which hundreds of police executives and other experts developed strategies for reducing police use of force in various situations. Through this work, PERF has produced guiding principles for police agencies to use in revising their policies, practices, and training on use of force, as well as specific recommendations and training programs.

Much of this work focuses on incidents involving persons who are unarmed or are armed with weapons other than firearms and who are behaving erratically or dangerously because of a mental health crisis, drug addiction, disability, or other condition. When police encounter a suspect brandishing a firearm, officers' options are limited. But when there is no firearm, officers often have a wider array of options for slowing the situation down, using communication skills and defensive tactics to buy time for building trust and defusing the situation without use of force.

PERF has issued the following reports detailing these principles and recommendations:

- [*Suicide by Cop: Protocol and Training Guide*](#) (2019)
- [*ICAT: Integrating Communications, Assessment, and Tactics*](#) (2016)
- [*Guiding Principles on Use of Force*](#) (2016)
- [*Re-Engineering Training on Police Use of Force*](#) (2015)
- [*Defining Moments for Police Chiefs*](#) (2015)

PERF's "Guiding Principles" report is the core document of this work, providing 30

recommendations, including the following:

The sanctity of human life should be at the heart of everything an agency does.

Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.

Police use of force must meet the test of proportionality.

Adopt de-escalation as formal agency policy.

The Critical Decision-Making Model provides a new way to approach critical incidents.

Duty to intervene: Officers need to prevent other officers from using excessive force.

Respect the sanctity of life by promptly rendering first aid.

Shooting at vehicles must be prohibited.

Prohibit use of deadly force against individuals who pose a danger only to themselves.

Use Distance, Cover, and Time to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand."

Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.

Scenario-based training should be prevalent, challenging, and realistic.

In PERF's review of the FPD, we found that the department has implemented many of these guidelines into departmental policies and practices.

PERF's training program, *ICAT: Integrating Communications, Assessment, and Tactics*, provides officers with the tools, skills, and options they need to implement the Guiding Principles and to safely defuse a range of critical incidents. Many of PERF's Guiding Principles have been adopted in departments across the country, and [dozens of departments](#) have given *ICAT* training to their officers. See more on Page 49.

ICAT is designed to increase officer safety and public safety by providing officers with more skills, tools, and options for handling critical incidents, especially those involving subjects who are in crisis but who are not armed with firearms. The cornerstones of ICAT include slowing incidents down in order to avoid reaching a point where there is a need to use lethal force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm.

The ICAT Training Guide includes model lesson plans, scenario-based training exercises, PowerPoint presentations, case study videos of use-of-force incidents, and other resources. The training guide was developed with the help of a working group of more than 60 professionals representing law enforcement agencies and other organizations from across the country. A panel of 10 policing experts reviewed a draft of the training guide, and the training was pilot-tested in seven sites throughout the country.

Feedback from the expert review and pilot sites was incorporated into a final report, and in 2016, PERF held a national meeting on how to implement ICAT training. This meeting, held in New Orleans, was attended by more than 400 individuals representing more than 160 police agencies. To date, approximately 1,000 law enforcement agencies have attended ICAT training meetings. Additionally, ICAT training was recently mandated by the state of New Jersey for all law enforcement officers, and the New York Police Department is in the process of providing ICAT training to its roughly 35,000 officers.

A critical component of ICAT is the Critical Decision-Making Model (CDM). The CDM helps officers to develop critical thinking skills that will help them identify the best strategies and tactics to more safely resolve any type of situation they encounter, including incidents that might involve a use of force, or might be resolved without force.

Elements of the CDM: The Critical Decision-Making Model (see Figure 2.1 on Page 50) is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession. The CDM should be a driving philosophy throughout the FPD and should be used in all aspects of use-of-force decision-making. This includes training, supervisory review, report writing, and the review of critical incidents. The five steps are:

- Collect information.
- Assess situation, threats, and risks.
- Consider police powers and agency policy.
- Identify options and determine best course of action.
- Act, review, and re-assess.

CDM Core: At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Police ethics
- Agency values
- Concept of proportionality
- Sanctity of human life

ICAT Training Topics

The ICAT Training Guide comprises the following topics:

Introduction to ICAT

Critical Decision-Making Model

Crisis Recognition and Response

Tactical Communications

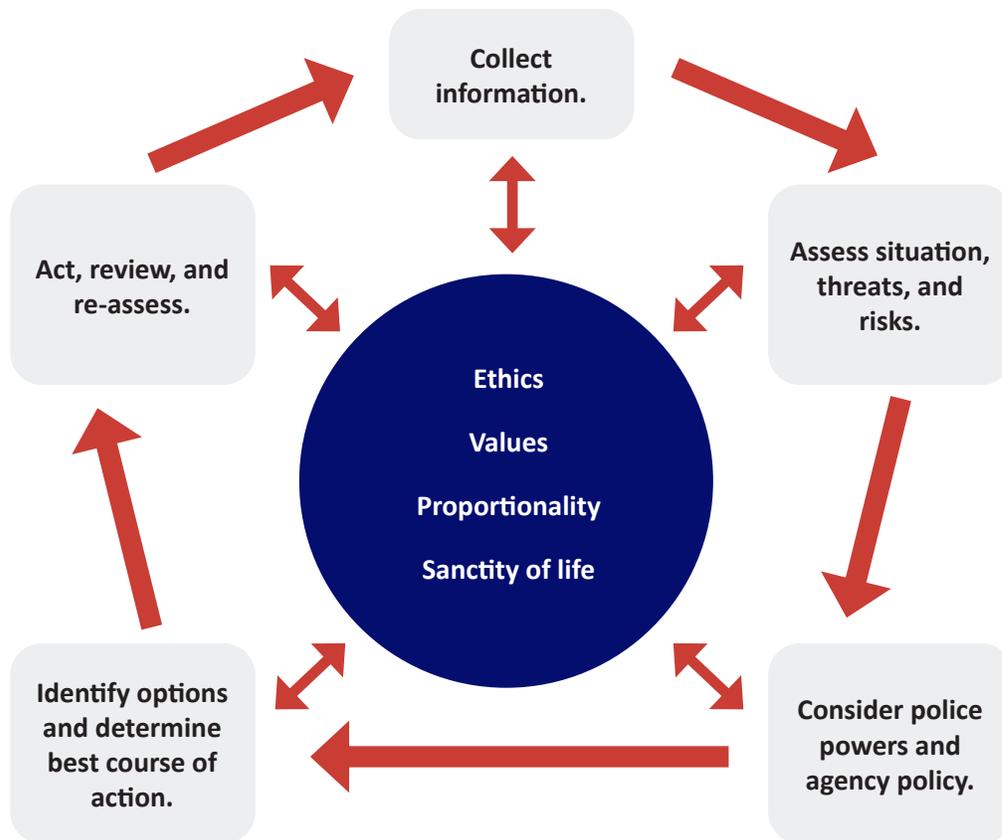
Operational Safety Tactics

Integration and Practice

Suicide by Cop

FIGURE 2.1

Critical Decision-Making Model



Source: Police Executive Research Forum; adapted from the U.K. National Decision Model

Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

How Should the FPD Implement Change?

The FPD should develop an implementation plan that synchronizes policy changes with training. FPD leaders should identify and engage first-line supervisors in this process. Our interviews with FPD personnel indicated some issues with clear, consistent top-down communication within the agency. Engaging first-line supervisors in the policy implementation process—and providing them with training in advance of line-level officers—will help ensure that the department's expectations are communicated clearly and will promote accountability and buy-in.

Policies Reviewed

PERF reviewed the following policies involving use of force and related matters:

- Written Directive 1.09 Duty to Intervene

- Written Directive 4.1 Use of Force and Reporting
- Written Directive 4.10 Conducted Electrical Weapon (CEW)
- Written Directive 4.11 Use of Deadly Force and Reporting
- Operating Procedure 1.1 Internal Investigative Procedure
- Operating Procedure 1.12 Chain of Command Review Board
- Operating Procedure 4.1 Emergency Response Team
- Operating Procedure 4.5 Critical Response Plan
- Operating Procedure 4.6 Special Event, Passive Protests and Peaceful Demonstrations Planning
- Operating Procedure 4.8 Civil Emergency Unit
- Operating Procedure 4.10 Foot Pursuits

Overall

While our recommendations reflect PERF's recent work on use of force, the FPD should ensure that these policy recommendations become the foundation of FPD's organizational culture and influence the way FPD does business. As ICAT training is provided to officers, the FPD should ensure that the CDM is adopted agencywide.

RECOMMENDATION: Adopt the Critical Decision-Making Model (CDM). The FPD should adopt the CDM departmentwide. The model helps officers to develop critical-thinking skills that will help them identify the best strategies and tactics to more safely resolve any type of situation they encounter, including incidents that might involve a use of force, or might be resolved without force.

The FPD should also consider going back to the consolidation of its current use-of-force policies to ensure clarity and ease of reference. In the DOJ's 2015 review of the FPD, it was recommended that the policies be broken out, but PERF believes there is a significant benefit to having one combined policy. When issues pertaining to use-of-force are broken into numerous policies, there is a chance that revisions may not be applied uniformly. For example, the department's current use of force, use of deadly force, and ECW (Taser) policy are in standalone documents. The FPD would be better served if issues related to use-of-force were combined under a single use-of-force policy. This would also make updating the policy easier as all the critical components would be in the same document. Another benefit of having a combined policy is that the department's overall use-of-force philosophy (to include de-escalation, proportionality, and the CDM) is contained in one document.

RECOMMENDATION: Combine related use-of-force policies into a single policy. This will make it easier for officers and supervisors to find pertinent information on use of force and will create a more holistic approach to force within the department. This comprehensive policy should include the agency's philosophy on use of force, clear guidelines around lethal and less-lethal force options, and guidelines on the accountability and reporting measures related to use of force.

Written Directive 1.09 Duty to Intervene

Written Directive 1.09 Duty to Intervene establishes guidelines for intervention and reporting when FPD employees observe unreasonable conduct on the part of another officer.

Overall, language in this policy is sound. However, the FPD should add language requiring a duty to intervene in matters that do not necessarily violate department policy or local, state, or federal laws but would nevertheless benefit from intervention. This may involve intervening when an officer sees that a colleague is about to make a mistake or speaking up if they think they have a plan that is more likely to safely resolve a situation.

RECOMMENDATION: Add language to Written Directive 1.09 Duty to Intervene. The FPD should add language to Written Directive 1.09 to include situations that, while not rising to the level of a violation of policy or law, nevertheless present opportunities to intervene when officers see a situation going poorly, manage a scene, or increase the likelihood of a favorable conclusion to a given situation. Examples of this practice are covered in Module 7 of PERF's ICAT curriculum.

Written Directive 4.1 Use of Force and Reporting

Written Directive 4.1 Use of Force and Reporting establishes guidelines for use of force and reporting by FPD officers.

Current policy is sound, incorporating elements of progressive policing practices such as reflecting the sanctity of life and de-escalation. PERF's recommendations will enable the FPD to further strengthen its directive.

4.1.1 Policy: The FPD's discussion of its use-of-force philosophy in this section is comprehensive. Only two changes are needed.

Current policy language states that "it will be the intent of our officers to use only the amount of force which is reasonably necessary." The FPD should also add a discussion of proportionality to this section. For example, the Washington, D.C., Metropolitan Police Department's use of force policy states: "The policy of the Metropolitan Police Department (MPD) is to value and preserve the sanctity of human life at all times, especially when lawfully exercising the use of force. Therefore, MPD members shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. When using force, members shall continuously reassess the perceived threat in order to select the reasonable use of force response, or one that is proportional to the threat faced by him, her, or others."¹¹⁰

RECOMMENDATION: Reinforce proportionality. The FPD should add language to Section 4.1.1 stating that force needs to be objectively reasonable, necessary, and proportional.

110 Washington, D.C., Metropolitan Police Department General Order Series 901 Number 07 Use of Force: https://go.mpdconline.com/GO/GO_901_07.pdf

Once these changes have been made to 4.1.1 policy, this revised policy statement in its entirety should be incorporated into all related policies, namely:

- Written Directive 4.10 Conducted Electrical Weapon (CEW)
- Written Directive 4.11 Use of Deadly Force and Reporting
- Operating Procedure 4.1 Emergency Response Team
- Operating Procedure 4.8 Civil Emergency Unit
- Operating Procedure 4.10 Foot Pursuits

4.1.2 Definitions: Definitions to add/modify:

RECOMMENDATION: Replace the term “non-deadly force” with “less-lethal force.” The FPD should replace the current term (and subsequent references to) “non-deadly force” with “less-lethal force.” The term “less lethal” reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies. References to “deadly force” should be changed to “lethal force” in all related policies (refer to PERF’s analysis of Written Directive 4.11 Use of Deadly Force and Reporting below) to ensure congruency between terms (e.g., lethal force and less-lethal force).

RECOMMENDATION: Add a definition of “proportionality” in use of force. The FPD should add a definition of “proportionality” to the Definitions section of policy. As explained in PERF’s report on Guiding Principles on Use of Force, the definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions. The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events. Proportionality is a central component of the Critical Decision-Making Model, discussed earlier in this report, and should be adopted by the FPD to guide officers’ actions.

4.1.3 Use of Force Procedure: Section B of 4.1.3 contains a requirement to employ de-escalation techniques when possible. Given the FPD’s emphasis on de-escalation techniques within policy, the FPD should move this section to the beginning of 4.1.3 to further reinforce its commitment to this principle. This will become the new Section A, with the current Section A becoming the new Section B.

RECOMMENDATION: Reinforce de-escalation. The FPD should move Section B, which contains a discussion on de-escalation, to the front of this section, thereby becoming the new Section A. Current language in Section A will become the new Section B.

4.1.5 Notification and Reporting: Section A Reportable Force Incidents lists the types of force incidents in which reporting is mandatory. Taser/ECW is included as one of the force incidents. In addition to the actual deployment of the ECW, the FPD should require that the pointing or aiming of an ECW is to be reported to a supervisor and included in an incident report.

RECOMMENDATION: Require the reporting of pointing or aiming ECWs. The FPD should require that a supervisor be notified when an officer points or aims an ECW at a subject. This should also be captured in an incident report.

Section C Supervisor/Watch Commander/Patrol Lieutenant Responsibilities lists the requirements that supervisors must perform when a use-of-force incident has occurred. These requirements are strong, needing only minor improvements.

Policy should have an explicit requirement that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should not only be responsible for reviewing the actual use of force but the events leading up to it. Currently, Section C, Subsection 9, states that “It is the responsibility of the immediate supervisor to thoroughly investigate the incident,” but the FPD should add language making it clear that they are to conduct the initial investigation. The FPD should ensure that supervisors receive training in how to conduct these investigations. Supervisors who are present or involved in the incident should not be the investigating supervisor.

RECOMMENDATION: Require supervisor response. Policy should have an explicit requirement that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should not only be responsible for reviewing the actual use of force but the events leading up to it. The FPD should ensure that supervisors receive training in how to conduct these investigations. Supervisors who are present or involved in the incident should not be the investigating supervisor.

Written Directive 4.10 Conducted Electrical Weapon (CEW)

Written Directive 4.10 governs the use of electronic control weapons (e.g., Tasers).

General: The FPD should replace all references to “conducted electrical weapon” in its policies with the term, “Electronic Control Weapon (ECW),” as this is the preferred reference in the field to this type of device.

Earlier Changes to Written Directive 4.1 Use of Force and Reporting

As part of PERF's overall policy review, we reviewed prior versions of Written Directive 4.1 to learn about changes the FPD has made to policy over time. Specifically, we reviewed policy updated March 5, 2020 (at the early stage of the COVID-19 pandemic), and August 27, 2020 (in the wake of the George Floyd incident).

Written Directive 4.1 Effective Date 3/5/2020

The version from March 5, 2020, contains minor updates to the previous version of Written Directive 4.1:

- The make and model of OC spray authorized for use is specified (Top Cop, Model ALSOC 15 Stream)
- The make and model of ASP baton is specified (Expandable Friction Lock Baton)
- A new section has been added to 4.1.4 Weapons, Subsection C Training, to state that "Only the Training Center will issue less lethal weapons and maintain records by inventory or class completion on all less lethal weapons."

Written Directive 4.1 Effective Date 8/27/2020

The version from August 27, 2020, contains substantial updates to the FPD's overall approach to use-of-force philosophy in the wake of the George Floyd incident:

- A statement on duty to intervene has been added to Section 4.1.1 Policy.
- Language has been added to Section 4.1.3 Use of Force Procedure to inform officers that some people they come into contact with may not understand their directions due to issues such as mental health, language barriers, cultural differences, medical problems, and/or other disabilities. Officers are to consider these factors and take necessary steps consistent with policy and training to accommodate these individuals.
- Subsection G Duty to Intervene has been added to Section 4.1.3 Use of Force Procedure and cross-references Written Directive 1.09 Duty to Intervene and FPD Rules and Regulations.
- Subsection B Officer Responsibilities of Section 4.1.5 Notification and Reporting has been expanded to:
 - Include an updated opening statement
 - Require officers to render aid "upon a finding of any injury or a complaint of any injury"
 - Cross-references Written Directive 4.10.0 Conducted Electrical Weapon for removal of ECW probes
 - Require off-duty officers to contact the on-duty supervisor, watch commander, or patrol lieutenant after a force incident
- Subsection C Supervisor/Watch Commander/Patrol Lieutenant Responsibilities has been expanded to:
 - Expand upon supervisory responsibilities after use-of-force incidents
 - Provide clarity on when use-of-force reporting is required, which is line with best policing practices

RECOMMENDATION: Use the term “Electronic Control Weapon.” The FPD should replace all references to “conducted electrical weapon” in its policies with the term “Electronic Control Weapon (ECW).”

4.10.1 Policy: Refer to PERF’s discussion of 4.1.1 Policy contained in our analysis of Written Directive 4.1 Use of Force and Reporting. Updated policy language from that section should be inserted into 4.10.1 Policy in this written directive.

4.10.2 Definitions

RECOMMENDATION: Add a definition of “proportionality” to Written Directive 4.10. This definition should be the same as recommended in the Definitions section in PERF’s analysis of Written Directive 4.1 Use of Force and Reporting, above.

4.10.7 Operation of CEWs: Section 4.10.7 governs the operation of ECWs. Current language in Subsection A states that, if feasible, officers will verbally or visually warn surrounding officers before deploying the ECW. The FPD should also require that the subject of a potential ECW deployment be given a warning when feasible before discharging the device to gain compliance.

RECOMMENDATION: Warn subjects. The FPD should add language requiring that, when feasible, officers notify the suspect, in addition to officers on the scene, that the ECW will be deployed.

The FPD should also add language to this section to ensure that subjects under an officer’s control are positioned in a way so that their breathing is not obstructed (positional asphyxia). For example, the Camden County (New Jersey) Police Department’s use-of-force policy states, “After gaining control of a person, officers should position the person in a manner to allow the person to breathe unobstructed. Officers should not sit, kneel, or stand on a person’s chest or back. Whenever feasible, officers should not force the person to lie on his or her stomach.”

RECOMMENDATION: Alert officers for the possibility of positional asphyxia. The FPD should add language to this section to ensure that subjects under an officer’s control are positioned in a way so that their breathing is not obstructed (positional asphyxia).

4.10.8 Removal of Probes/First Aid: Section 4.10.8 discusses aftercare requirements after an ECW has been deployed.

The FPD can strengthen this section to require that all subjects who have been exposed to an ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility. Additionally, when possible, emergency medical personnel should be notified when officers respond to a call for service in which they anticipate that an ECW may be deployed.

RECOMMENDATION: Medically evaluate subjects after ECW activation. FPD policy should state that all subjects who have been exposed to ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility.

RECOMMENDATION: Notify emergency medical personnel in advance. FPD policy should state that, when possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW application may be used against a subject.

Written Directive 4.11 Use of Deadly Force and Reporting

Written Directive 4.11 Use of Deadly Force and Reporting establishes guidelines for use of deadly force and reporting by FPD officers.

As with Written Directive 4.1 Use of Force and Reporting, overall policy language is strong, with only minor areas for improvement needed.

4.11.1 Policy: Refer to PERF's discussion of 4.1.1 Policy contained in our analysis of Written Directive 4.1 Use of Force and Reporting. Updated policy language from that section should be inserted into 4.11.1 Policy in this written directive.

4.11.2 Definitions

RECOMMENDATION: The FPD should replace the current term (and subsequent references to) "deadly force" with "lethal force." The term "less lethal" reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.

RECOMMENDATION: Add a definition of "proportionality" to Section 4.11.2. This definition should be the same as recommended in the definitions section in PERF's analysis of Written Directive 4.1 Use of Force and Reporting, above.

4.11.3 Deadly Force Procedure: Subsection 2 of Section 4.11.3 lists restrictions on the use of deadly force. Current language in Subsection 2a states that "officers will not fire at a moving vehicle or from a moving vehicle." This prohibition can be strengthened by adopting the following language:

RECOMMENDATION: Strengthen language on shooting at or from moving vehicles. The FPD should strengthen the language in this section to state, "Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism."

4.11.4 Use of Deadly Force: Section C Supervisor/Watch Commander/Patrol Lieutenant Responsibilities lists the requirements that supervisors must perform when a use of deadly force incident has occurred. As with the equivalent section in Written Directive 4.1. Use of Force and Reporting, these requirements are strong, needing only minor improvement.

The FPD should add language to this section requiring that supervisors be dispatched to all incidents where it is anticipated that deadly force might be used.

RECOMMENDATION: Dispatch supervisors to potential use-of-force incidents. The FPD should add language to Section 4.11.4 C to require that supervisors be dispatched to all incidents where it is anticipated that deadly force might be used.

Operating Procedure 1.1. Internal Investigative Procedure

Operating Procedure 1.1. establishes guidelines for FPD supervisors when conducting internal investigations.

1.1.1 Investigative Responsibilities: Subsection A of this section states that internal investigations are conducted on complaints received from both internal and external sources and are logged by the department's Internal Affairs Unit (IAU) to indicate whether they are departmental, citizen, or use-of-force complaints. While the department says it already does this and communicates it on various platforms, its written policy should clearly state that IAU will accept anonymous complaints, a best policing practice.

RECOMMENDATION: Accept anonymous complaints. The FPD should add language to Section 1.1.1 to clearly state that IAU will accept anonymous complaints.

1.1.2 Internal Investigative Process: Section G lists the various adjudication classifications for internal affairs investigations. Subsection 2i lists a classification of No Violation, stating that this "is not an acceptable disposition classification and will not be accepted as a recommendation." Having a classification of No Violation and then stating that this classification is unacceptable is confusing. The FPD should remove this classification from the list but place it elsewhere in Section G to state that a classification of No Violation will not be accepted as a recommendation.

RECOMMENDATION: Remove No Violation as an adjudication classification. The FPD should remove No Violation as an adjudication classification, as this is confusing. The FPD can state elsewhere in Section G that this classification will not be accepted as a recommendation.

New Section: Critical Incident Review Board

While the FPD has a Chain of Command Review Board (Operating Procedure 1.12), that board is primarily focused on potential violations of FPD rules and regulations, policies, and procedures. The FPD should create an advisory body that reviews serious uses of force and other critical incidents with an eye toward the continual review and improvement of police services when issues in policy, training, or equipment are identified. We recommend this body be named the Critical Incident Review Board (CIRB). (Though the FPD discontinued such a program in the past because it felt the model was not successful, the department should revisit creating a CIRB, as it has been done successfully in a number of jurisdictions. PERF can connect the FPD with agencies that have been successful with this approach, including the [Baltimore Police Department](#) and [D.C. Metropolitan Police Department](#).)^{111 112} At the conclusion of its review, the advisory body would make a recommendation to the police chief regarding the completeness of the investigations, findings, and action items.

The CIRB should be led by an assistant chief and tasked with a review/investigation of the following incidents:

- All serious uses of force (including canine bites)
- Lethal force
- Less-lethal force with a tool
- Uses of force resulting in death, serious physical injury, or loss of consciousness or requiring hospitalization
- All in-custody deaths
- Any other critical police incident as directed by the chief of police

To provide a decision in a timely manner, the CIRB should convene within 45 days of the completion of the final investigative report by the investigative unit, and the chair should submit a memorandum to the police chief outlining the findings and recommendations of the CIRB.

RECOMMENDATION: Create a Critical Incident Review Board (CIRB). The FPD should create a CIRB, led by an assistant chief, that is responsible for reviewing all serious uses of force; lethal force; less-lethal force with a tool; serious physical injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy.

111 Baltimore Police Departments Policy 724, Performance Review Board, <https://www.baltimorepolice.org/724-performance-review-board>

112 Washington, D.C., Metropolitan Police Department General Order GO 901.07—Use of Force. See Section J, Use of Force Review Board, https://go.mpdconline.com/GO/GO_901_07.pdf

RECOMMENDATION: Guidelines for CIRB. The CIRB should convene within 45 days of the completion of the final investigative report and once the review is complete, the chair of the CIRB should submit a memo containing findings and recommendations to the chief.

In addition, the FPD should add to its policy a requirement that an initial debrief is given to the chief within 72 hours following an officer-involved shooting or in-custody death to identify any immediate response or action. (The FPD says this is already done—typically within 24 hours—but the department should have it added to the policy in writing.) The chief should be briefed by investigators regarding the facts of the case known at that time to ensure that no immediate changes to policy, training, or equipment are necessary. The 72-hour tactical debrief is not meant to replace a formal administrative investigation.

RECOMMENDATION: 72-hour tactical debrief. The FPD should add to its policy the requirement that a tactical debriefing to the police chief occur no later than 72 hours after an officer-involved shooting or in-custody death, to identify potential issues in training, policy, and/or equipment without having to wait until the completion of the official shooting investigation. This debrief is not meant to replace a formal administrative investigation.

Operating Procedure 4.1 Emergency Response Team

Operating Procedure 4.1 establishes procedures for FPD's Emergency Response Team (ERT).

4.1.1 Policy: Refer to PERF's discussion of 4.1.1 Policy contained in our analysis of Written Directive 4.1 Use of Force and Reporting. Updated policy language from that section should be inserted into 4.1.1 Policy in this operating procedure.

4.1.2 Definitions

RECOMMENDATION: Add a definition of "proportionality." This definition should be the same as recommended in the definitions section in PERF's analysis of Written Directive 4.1 Use of Force and Reporting, above.

RECOMMENDATION: The FPD should replace the current term (and subsequent references to) "deadly force" with "lethal force." The term "less lethal" reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.

Operating Procedure 4.5 Critical Response Plan

PERF identified no additional recommendations for this policy.

Operating Procedure 4.6 Special Event, Passive Protests, and Peaceful Demonstrations Planning

Operating Procedure 4.6 establishes guidelines for officers during planning, staffing, and enforcement activities for special events and/or passive protests and peaceful demonstrations.

Overall, policy is sound, with only one recommendation for improvement. The FPD should create a requirement that an after-action report be generated for each special event, passive protest, or peaceful demonstration to review the event—even if the event occurred without issue. Creating an after-action report can help identify lessons to be learned and assist with preparing for future events. Generally, after-action reports should be written; however, if the event was small and uneventful, this could consist of a small “hotwash”—a quick meeting after the event with officers to review the event and identify any possible issues.

RECOMMENDATION: Require an after-action report after special events, passive protests, and peaceful demonstrations. This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future. Typically, this should be a written report. However, if the event was small and uneventful, a quick after-action discussion will suffice.

Operating Procedure 4.8 Civil Emergency Unit

Operating Procedure 4.8 establishes guidelines for FPD's Civil Emergency Unit (CEU).

4.8.2 Policy: Refer to PERF's discussion of 4.1.1 Policy contained in our analysis of Written Directive 4.1 Use of Force and Reporting. Updated policy language from that section should be inserted into 4.8.2 Policy in this operating procedure.

4.8.3 Definitions

RECOMMENDATION: Add a definition of “proportionality.” This definition should be the same as recommended in the definitions section in PERF's analysis of Written Directive 4.1 Use of Force and Reporting, above.

4.8.7 Notification and Reporting: Subsection C Investigation and Reporting provides six examples where completion of a use-of-force investigation is required. Policy should be simplified to state that this should be required for any use of force.

RECOMMENDATION: Simplify notification and reporting requirements. The FPD should simplify policy to require a use-of-force investigation after any use of force by an officer.

New Section: After-Action Report: The FPD should create a requirement that a written after-action report be generated after each event in which the CEU was deployed. Creating an after-action report can help identify lessons to be learned and assist with preparing for future events.

RECOMMENDATION: Require a written after-action report after each event in which the CEU was deployed. This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future.

Operating Procedure 4.10 Foot Pursuits

Operating Procedure 4.10 establishes guidelines for conducting police pursuits. Overall, this policy is satisfactory with only one recommendation.

New Policy Statement: Refer to PERF's discussion of 4.1.1 Policy contained in our analysis of Written Directive 4.1 Use of Force and Reporting. Updated policy language from that section should be inserted into Operating Procedure 4.10 Foot Pursuits to create a policy statement emphasizing the department's commitment to the sanctity of life, proportionality, de-escalation, and duty to intervene.

Other PERF Observations

Using PERF's 30 Guiding Principles report as well as the President's Task Force on 21st Century Policing report, PERF has identified positive aspects of existing policies and practices, as well as opportunities for improvement.

Strengths

- Overall, the FPD's use-of-force and related policies are progressive and reflect modern policing practices. **PERF's recommendations for changes are mostly technical and amount to the fine-tuning of existing policy.**
- Training was cited as an area that the FPD excelled in. The FPD should continue to use progressive training methods (see second item in "Opportunities for Improvement," below).
- Chief Hawkins has [said](#) the department discourages chokeholds and does not train on them. She has also said the department has never used a no-knock warrant.¹¹³ These are best police practices.
- Chief Hawkins has [emphasized](#) de-escalation training and allowing civilians to see police training for themselves.¹¹⁴ This is a best police practice.
- Fayetteville was among the nine North Carolina cities to sign on to former President Barack Obama's [Reimagining Policing Pledge](#), which commits cities to reviewing their use-of-force policies and finding ways to redefine public safety and combat racism within law enforcement.¹¹⁵
- The use-of-force policy was proactively reviewed by the U.S. Justice Department in 2015 at the request of the prior police chief and recommendations were implemented.
- The department requires body-worn cameras for every patrol officer. This is a best police practice.

113 Henderson, J. (2020, October 7). Fayetteville moves ahead with racial bias training, diversity study of city contracts. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/10/07/fayetteville-moves-ahead-bias-training-and-diversity-study-part-social-justice-movement/5907848002/>

114 Berquist, G. (2020, June 18). *Fayetteville chief says protests only one part of community engagement*. Spectrum News 1. <https://spectrumlocalnews.com/nc/triangle-sandhills/news/2020/06/18/fayetteville-police-chief-on-protests>

115 *Commit to action: Addressing police use of force policies*. (n.d.). Obama Foundation. <https://www.obama.org/policing-pledge/>

- The FPD has adopted six of the “8 Can’t Wait” policies.¹¹⁶ Regarding the two it has not put into policy, one would require an officer to give a verbal warning in all cases before firing a lethal shot. Chief Hawkins said that is department policy except when an officer’s life could be at risk. As officers are required to give a warning if at all possible, PERF does not take issue with this decision. The other is an absolute ban on chokeholds and strangleholds. Chief Hawkins has said that even though the city’s policy discourages those tactics as a last resort, she has concerns about an absolute ban, as there might be a situation in which an officer has to use the procedure to save his life. PERF does not find issue with this, as chokeholds are placed at the level of lethal force per policy.
- The FPD offers a number of community programs to maintain transparency in the department, including a Citizens Police Academy. This is a best police practice.

Opportunities for Improvement

- The FPD should work to improve communication vertically throughout the agency regarding policy changes and other important updates. Chief Hawkins said that since 2019, she has regularly hosted officer-level and supervisor-rank meetings to hear concerns from across the organization, allow for employees to be empowered, and address any rumors or questions they may have. Because problematic communication was a common theme raised during PERF’s interviews with FPD staff, the format and regularity of these meetings should be revisited to consider whether they are effective and the information is reaching all levels of the department.
 - It should be noted that Chief Hawkins has been working to resolve the communication problem. Upon realizing that some mid-level supervisors were not disseminating information to lower ranks, she brought in supervisory training to address the responsibility of communication. This should continue to be stressed.
 - Other ways to accomplish better communication:
 - Video conferencing and similar tools can be used by FPD’s leaders to communicate with officers to share information. For instance, the Washington, D.C., Metropolitan Police Department chief of police hosts a regular online “chat with a chief” that all employees can watch to see what the chief’s priorities are. The FPD can also use this to share information quickly (good or bad) to the department to avoid the rumor mill. While this can be used in a top-down format, FPD leaders should consider an interactive segment (e.g., a departmentwide town hall) to elicit employee feedback, answer questions, and dispel misperceptions.
 - Officers should be encouraged to follow the department’s social media (e.g., Facebook, Twitter) to keep abreast of police/community issues.
- The FPD should incorporate the principles of PERF’s Integrating Communications, Assessment, and Tactics (ICAT) training and Critical Decision-Making Model (CDM) into its policies, training, and operations. FPD leaders recognize the need to incorporate ICAT into the agency and are working on training more instructors in ICAT to roll out this training to the entire department.
- Interviews revealed that some internal affairs investigative information is unknown to most senior leaders in the department. It would be helpful to FPD leaders if this information is shared with senior leaders so they are aware of the allegations made and the

¹¹⁶ Henderson, J. (2020, June 27). Fayetteville mayor appoints committees to study racial bias inside and outside of City Hall. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/government/2020/06/27/fayetteville-mayor-appoints-committees-to-study-racial-bias-inside-and-outside-of-city-hall/112296862/>

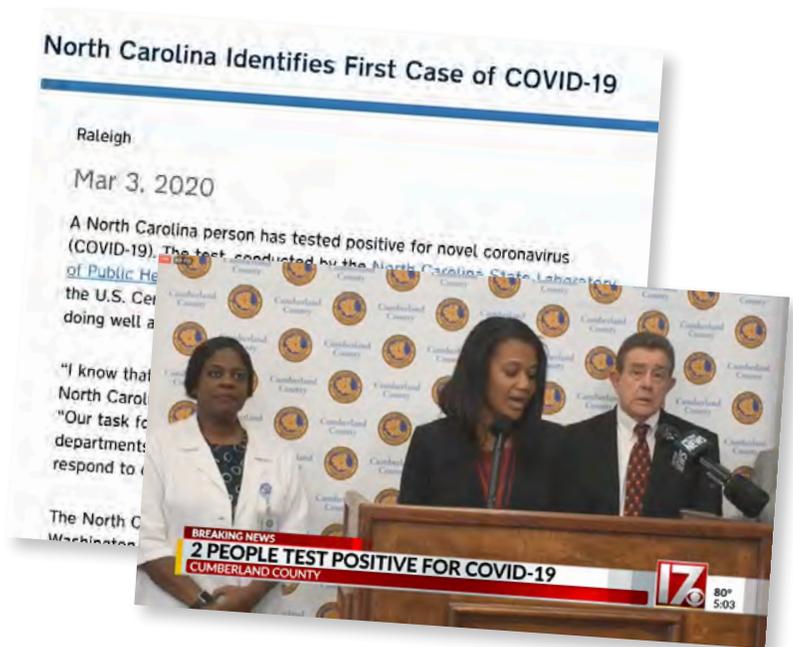
final outcome of the investigation, particularly for those in their command.

- The FPD should provide clearer explanations to employees when making policy changes so that officers can understand the need for these changes and get officer buy-in. Prior to making major policy changes, the FPD should solicit and consider officer feedback.
- To address a recent lack of proactive policing— a result of officers concerned with the backlash that could come from possible use of force, which is a nationwide issue—department leaders should continue to make it clear that if officers follow policy, they will be supported.

Section 3: Review of the FPD’s Approach to COVID-19

PERF reviewed the Fayetteville Police Department’s response to the COVID-19 pandemic to determine the extent to which its initial response and current approach comported to CDC best practices. It also measured the pandemic’s overall effect on both the department and the city, particularly with regard to maintaining adequate patrol staffing levels while being able to respond to citizen calls for service.

There was no handy rulebook that communities could pull from their shelves and follow in March 2020 when the World Health Organization declared COVID-19 a pandemic. All of a sudden, words like “social distance” and “lockdown” were a part of our vocabulary, and no single expert could answer the many questions flowing through the streets and across social media: Should we wear masks? Save the masks for health care workers? What businesses are allowed to keep their doors open? Who is considered essential? How long will we remain locked down? A week? Two?



And if it was hard for citizens to comprehend, it was even harder for the agencies that were responsible for keeping those citizens safe.

The Emergence of COVID-19 and the FPD’s Initial Response

The first COVID-19 community transmission in America was recorded in [February](#) 2020.¹¹⁷ North Carolina was alerted to its first case on [March 3](#).¹¹⁸ A little more than two weeks later, [Cumberland County](#)—of which Fayetteville is a part—recorded its first two cases.¹¹⁹ By the [close of 2020](#), the county had seen more than 13,400 cases and 130 deaths from COVID.¹²⁰

117 Geographic differences in COVID-19 cases, deaths, and incidence — United States, February 12–April 7, 2020. *MMWR. Morbidity and Mortality Weekly Report*, 69. <https://doi.org/10.15585/mmwr.mm6915e4>

118 N.C. Department of Health and Human Services. *North Carolina identifies first case*.

119 *2 Cumberland County residents positive for COVID-19, health officials say*. (2020, March 19). CBS17.com. <https://www.cbs17.com/community/health/coronavirus/2-cumberland-county-residents-positive-for-covid-19-health-officials-say/>

120 DeVane, S. (2020, December 31). Top stories of 2020, No. 1: Fayetteville, Cumberland County grapple with COVID-19 cases. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/12/31/covid-19-hits-cumberland-county-fayetteville-fort-bragg-2020/3957709001/>

But even before North Carolina's governor issued a [stay-at-home order](#) (March 27)¹²¹ or Fayetteville implemented its citywide [curfew](#) (March 31),¹²² the police chief started taking action to protect her employees. Chief Gina Hawkins didn't wait for the city to issue guidance to its employees—she took it upon herself to get that information out to her team and did so early on (see email at right).

Chief Hawkins shuttered the police headquarters and district stations to the public on March 27 to limit face-to-face contact and posted a note on social media explaining that instead of dropping by, citizens should report issues online or by phone.

“The Fayetteville Police Department can only service the community with a healthy workforce,” the [post](#) said, “so we have taken steps to prepare and protect the workforce by changing our internal practices, procedures and process methods to ensure we minimize the impact to the organization should we get exposed.”¹²³

Chief Hawkins had learned about COVID in December 2019 from a city employee, so when she began seeing movement in the United States—but no solid guidance from national figures—she did her own research on how to best protect her department. She kept reading over and over that masks were an

From: Gina V. Hawkins
Sent: Tuesday, March 17, 2020 6:45 PM
To: CityPoliceMailList@city.fayetteville.nc.us
Subject: Employee Updates from Chief Hawkins related to COVID 19

Good Evening Fayetteville Police Department Team,

I understand there are a lot of questions regarding what is going on and how will we as a department be handling so many different types of crisis and concerns. The City and Police Department have been planning and preparing to address as many questions as possible, but we also look to you for input as a vital part of this planning. I need you to be empowered to ask questions we may not think of for ourselves and our community for the near future and the next few months. Every day will be different and we will address the crisis and concerns with the focus first on our safety and health. The police department's mission is the Safety and Security of the Community but we cannot do that unless we are healthy first.

Over the last week, you should have been provided with cleaning supplies and directed to keep your area and yourself sanitized throughout the day, this is the first step in keeping ourselves healthy. You should have also received emails from the Human Resource Department regarding best practices for addressing COVID 19. Communications is beginning to ask callers three questions regarding if they are experiencing flu-like symptoms, if they have been exposed to anyone with COVID 19 and if they can meet officers outside. This is an initial effort to assist personnel with being vigilant with signs of illness.

I also understand the impact of our “new normal”, with schools being closed and businesses being closed which may impact your family. Please take the time to share with your chain of command your concerns and issues, so we can begin to plan for staff being ill or your family being ill and you needing to care for them. Our planning will attempt to cover months of crisis and concerns as we adjust daily to new demands, but we need your input, recommendations AND possible solutions. As a department we will need everyone working together to support each other so we can stay on mission and service to the community.

I will do my best to update the department but need you to be empowered to communicate to your supervisors when you are having issues which may impact our mission. Please read the messages coming from the Human Resource Department and updates from the City of Fayetteville's website. I am always inspired by the Faith, Pride and Dedication of our department when we have been faced with challenges of our mission. Stay healthy and stay safe until our next update.

Chief Gina V. Hawkins

121 Baumgartner Vaughan, D. (2020, March 27). Stay-at-home order issued for North Carolina. *The News & Observer*. <https://www.newsobserver.com/news/coronavirus/article241469211.html>

122 Fayetteville mayor issues citywide curfew amid COVID-19 pandemic, police ask for “voluntary compliance.” (2020, March 31). CBS17.com. <https://www.cbs17.com/community/health/coronavirus/fayetteville-mayor-issues-citywide-curfew-amid-covid-19-pandemic/>

123 Fayetteville Police Department. (2020, March 27). [Status update]. Facebook. <https://www.facebook.com/watch/?v=235906727553786>

effective first barrier, but by mid-March, there were no masks to be found, as any available protection was being shipped to health care workers.

So the chief decided to make her own. She and a dozen volunteers took to their sewing machines to crank out mask after mask—enough for each of her officers to have three for work and home. The first set of cotton, washable masks were delivered to police on March 31.

“We have a job to do,” Chief Hawkins told *The Fayetteville Observer* in an [April 5 article](#). “We have to enforce the law. We have to make sure people are protected and property is protected.”¹²⁴

Also in her research, the chief found a prototype mask that could be printed on a [3D printer](#), so with materials purchased by the FPD, Chief Hawkins enlisted Cumberland County high school teachers to use their 3D printers to make the masks, which had a spot for a filter.¹²⁵

With enough supplies on hand for her 500-plus-person department, masks quickly became mandatory for all police employees.

“We were one of the early adopters of the mask requirement, even before recommendations came out from the CDC,” one FPD employee said. It didn’t become [mandatory to wear a mask](#) in North Carolina until June 26.¹²⁶

“Out of the gate, we implemented the mask policy quickly,” another said. “And it’s still our policy if you’re indoors. We’re still following community trends with infection rates before we lift it altogether.”

A COVID-19 Training Plan was added to the FPD’s database in late March, and department employees were required to finish reading the plan by April 3.

Chief Hawkins also made sure the department had air purifiers and disinfectants in the build-



124 Brown-Peyton, M. (2020, April 5). Fayetteville police chief, volunteers make masks for officers. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/coronavirus/2020/04/05/fayetteville-police-chief-volunteers-make-masks-for-officers/112318360/>

125 Baez, G. (2020, April 6). *Teachers using 3D printers to make masks for Fayetteville police*. WRAL.com. <https://www.wral.com/coronavirus/teachers-using-3d-printers-to-make-masks-for-fayetteville-police/19044948/>

126 WTVD. (2020, June 26). *North Carolina's statewide mask requirement is now in effect. Here's what you need to know*. ABC11 Raleigh-Durham. <https://abc11.com/nc-face-mask-order-masks-north-carolina-required/6270849/>

ings, dividers throughout workspaces, and hand sanitizer pumps on every corner, and she replaced the water fountains with touchless ones. There were ozone gadgets for cars and alcohol spray for doorknobs. And when KN-95 masks finally became available, Chief Hawkins purchased thousands for her team.

The city of Fayetteville also developed several tools, including a COVID Decision Tree, which was modified whenever new national guidance came out. The chart explained what should be done when there were positive cases or exposures. The city also established a relationship with a clinic where appointments could be set up to test city workers for COVID so officers wouldn't have to wait in line for a test when they were off duty.

Chief Hawkins kept the department's lobbies closed to the public until May 2021, when the state's mask mandate [lifted](#).¹²⁷ When the city government ended its mask mandate in its buildings to coincide with the state's advice, Chief Hawkins kept hers in place for officers during any face-to-face interactions departmentwide. It continues today.

The need for social distancing did affect community policing, though even that did not shutter—it was simply adjusted. In November 2020, in her update to the City Council, Chief Hawkins [said](#) that while the department had to adjust its efforts because of COVID-19 restrictions, it was continuing to reach out to the public through community policing.¹²⁸ The CrimeStoppers program, gun violence education programs, and community faith forums were all held over Zoom and social media.

The Challenges

Police Response

Through it all, police officers continued to perform all aspects of their jobs. In mid-March, the 911 communications center began asking callers who were requesting a response from police if anyone inside the residence was experiencing flu-like symptoms or fever; if anyone had been exposed or been in contact with anyone exposed to COVID 19; and if it was possible to meet the officer outside the residence. But no matter what the answers were, they did not prevent a police response in critical situations.

The patrol level was given discretion on which calls for service they responded to—a triage of sorts to minimize potential infections. Some reports, like for those concerning simple damage, could be taken over the phone. “That was a good decision by leadership,” one FPD employee said.

There were challenges, especially in the early days of the pandemic. Some officers found it frustrating to see other emergency responders—who had helped them with health calls in the past—stop assisting.

“The police department was the only agency working 24-7, day in and day out,” one FPD em-

127 N.C. Governor's Office. *Following new CDC guidance on face coverings, Governor Cooper lifts many COVID-19 restrictions.* (2021, May 14). <https://governor.nc.gov/news/press-releases/2021/05/14/following-new-cdc-guidance-face-coverings-governor-cooper-lifts-many-covid-19-restrictions>

128 Mullen, R. (2020, November 9). Fayetteville police chief says many crimes up, officer morale low. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/11/09/fayetteville-police-chief-gina-hawkins-delivers-crime-statistics/6179124002/>



We had folks who were out sick, but it wasn't anything critical. It never took us to a critical level where we couldn't complete our mission."



ployee said. "Police were the only responders out there, and that put an additional stress on them. We had always done it, but always with assistance, not by ourselves. ... We were like, we don't want to go to the call either, but we didn't have the option to say no to any calls. We did a little adjustment, but ultimately, if a citizen wanted an officer to respond, we had to comply."

Despite some cases of COVID within the department (see "COVID Cases" box, Page 70), supervisors and officers said it didn't affect patrol staffing levels and police never let up on their response to citizen calls for service.

"We had folks who were out sick, but it wasn't anything critical," one said. "It never took us to a critical level where we couldn't complete our mission."

Politics

Like in most cities in America, mask-wearing became politicized in Fayetteville, and about half of Chief Hawkins' department didn't believe masks should be required.

"By far, like every other place, COVID became a political hotbed," one FPD employee said. "It was the chief's policy to wear masks, but the problem, I would say, was that you didn't have supervisors enforcing that policy. There was never a unified front from first-line supervisors all the way through. I've seen where a lieutenant or sergeant is out with officers at a traffic accident, and they don't have masks on, and the supervisors aren't saying anything. There was a lot of that."

Officers caught not wearing a mask were charged with policy violations, which further strained relations, some said.

The police department still gets the occasional complaint from the public about police officers seen without masks, but one active member of the community said he's always seen officers wearing masks, even when off-duty.

Vaccinations, which became available to Fayetteville police starting in mid-February 2021, have similarly been politicized. While the department does not keep track of who has received a vaccination, it does note the officer's vaccination status if they are tested for or exposed to COVID. Since mid-February 2021, after vaccinations became available, and as of the writing of this report, there have been 83 FPD sworn officers exposed to or tested for COVID; 33 were positive, and of those, 28 had not been vaccinated. Among non-sworn police employees since mid-February 2021, 31 were exposed to or tested for COVID; seven were positive, and of those, all seven had not been vaccinated.

Cases

Months into the pandemic, some officers became complacent, mostly while they were off-duty, and caught COVID, which then spread within their unit. The first reported case of a sworn police officer exposed to a positive case or testing positive was in June 2020. Since then, of the 259 sworn police officers exposed to or tested for COVID, there have been 76 positive cases, of which 26 could be directly traced back to the workplace. (See box at right for total FPD cases—sworn and non-sworn.)

In February 2021, the department mourned its first COVID death, a 44-year-old employee in the police records unit. In October 2021, a 50-year-old police lieutenant died from a COVID-related illness. Neither death was traced back to the workplace.

COVID-19 and Crime Rates in Fayetteville

Part of PERF's review of the Fayetteville Police Department's response to the COVID-19 pandemic was to review crime data to document the impact of COVID-19 on the city's violent and property crime rates, comparing recent data with crime rates over the past several years.

The FPD provided PERF with Part 1 violent and property crime data from January 1, 2018, to December 31, 2020. Specifically, PERF reviewed the following crimes that occurred over this period:

- Criminal homicide
- Rape
- Aggravated Assault
- Robbery
- Burglary
- Larceny/Theft
- Motor Vehicle Theft
- Arson

PERF's review of FPD's data found that the COVID-19 pandemic did not appear to have any significant impact on the city's crime rates. Overall, Part 1 crimes are decreasing, but criminal homicides increased over the period in review. Crime rates for each of the eight categories fluctuated from month to month and year to year, even during the height of the pandemic.

Figure 3.1 on the next page shows the total Part 1 crimes in Fayetteville by month and year from January 1, 2018, to December 31, 2020.

As shown in the figure, Part 1 crime rates fluctuate somewhat by month and year but are relatively consistent, with October 2019 being an outlier with 908 Part 1 crimes—the highest of the

COVID Cases

In the FPD

As of November 17, 2021:

Total FPD employees exposed or tested: 413

Total FPD employees testing positive: 117

Total FPD employees testing positive who were unvaccinated: 112

In Cumberland County, N.C.

As of November 18, 2021:

Cases: 47,018

Deaths: 487

Proportion of people ages 12 and up fully vaccinated: 70%

In North Carolina

As of November 18, 2021:

Cases: 1.51 million

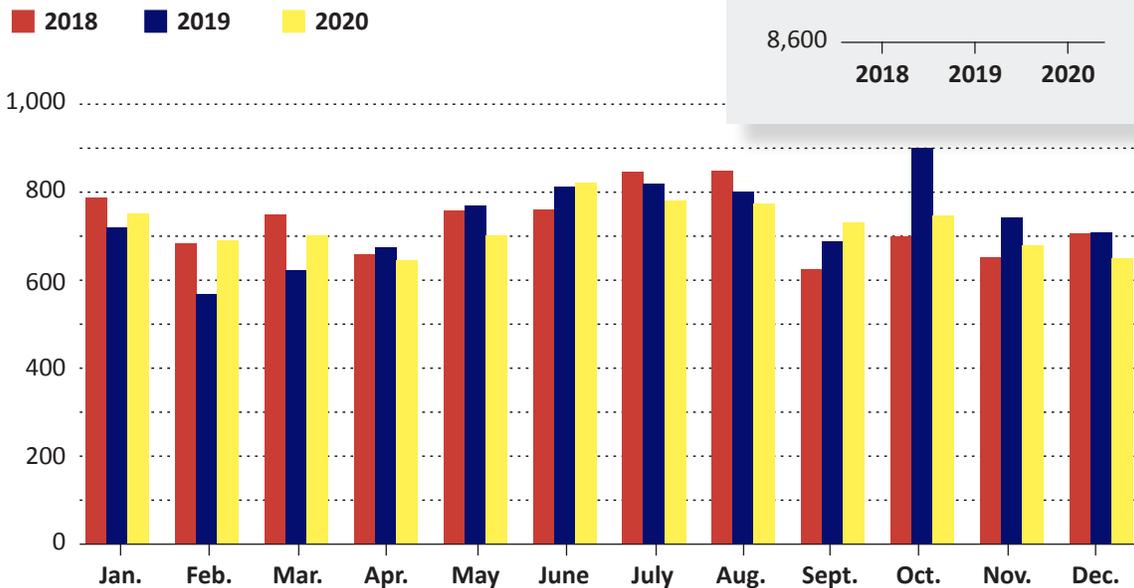
Deaths: 18,534

Proportion of people ages 12 and up fully vaccinated: 63%

Sources: FPD, The New York Times

three-year period. Total Part 1 crime in Fayetteville increased slightly from 2018 to 2019 and decreased from 2019 to 2020.

FIGURE 3.1
Total Part 1 Crimes by Month and Year
(January 2018 through December 2020)



Source: Fayetteville Police Department. Note: Part 1 crimes include criminal homicide, rape, aggravated assault, robbery, burglary, larceny/theft, motor vehicle theft, and arson.

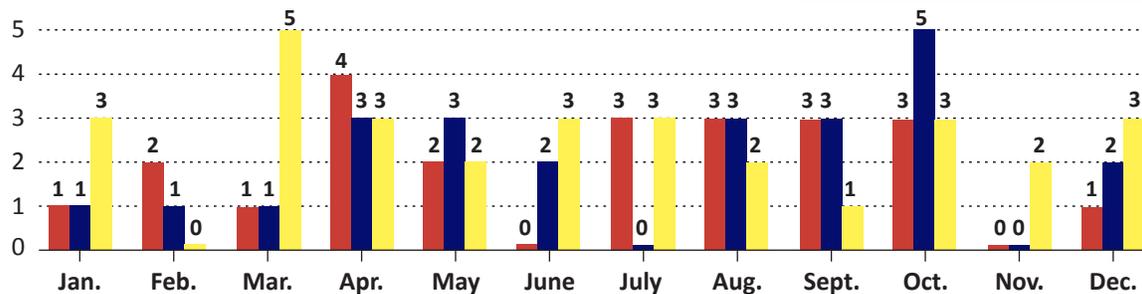
Figure 3.2 on the next page shows monthly and yearly criminal homicide totals for the years 2018 to 2020. Homicide totals range from a low of zero to a high of five per month over the three-year period, with two to three criminal homicides per month being typical. Criminal homicides increased by one from 2018 to 2019 and by six from 2019 to 2020. This increase from 2019 to 2020 mirrors nationwide trends. Specifically, PERF’s research found a 28% increase in criminal homicides nationwide based off a survey of 223 agencies that measured crime rates from the first nine months of 2019 and 2020.¹²⁹

Additionally, based off data provided by the FPD, there have been 27 criminal homicides from January 1 through September 30, 2021, three fewer than all of 2020. While overall Part 1 crimes are trending downward, the FPD should carefully monitor criminal homicide trends, reviewing incidents thoroughly and identifying resources to prevent and solve criminal homicides

129 Police Executive Research Forum. *PERF analysis reveals a spike in some violent crimes this year.* (2020, November 18). <https://www.policeforum.org/criticalissuesnov18>

FIGURE 3.2**Total Homicides by Month and Year
(January 2018 through December 2020)**

■ 2018 ■ 2019 ■ 2020



Source: Fayetteville Police Department.

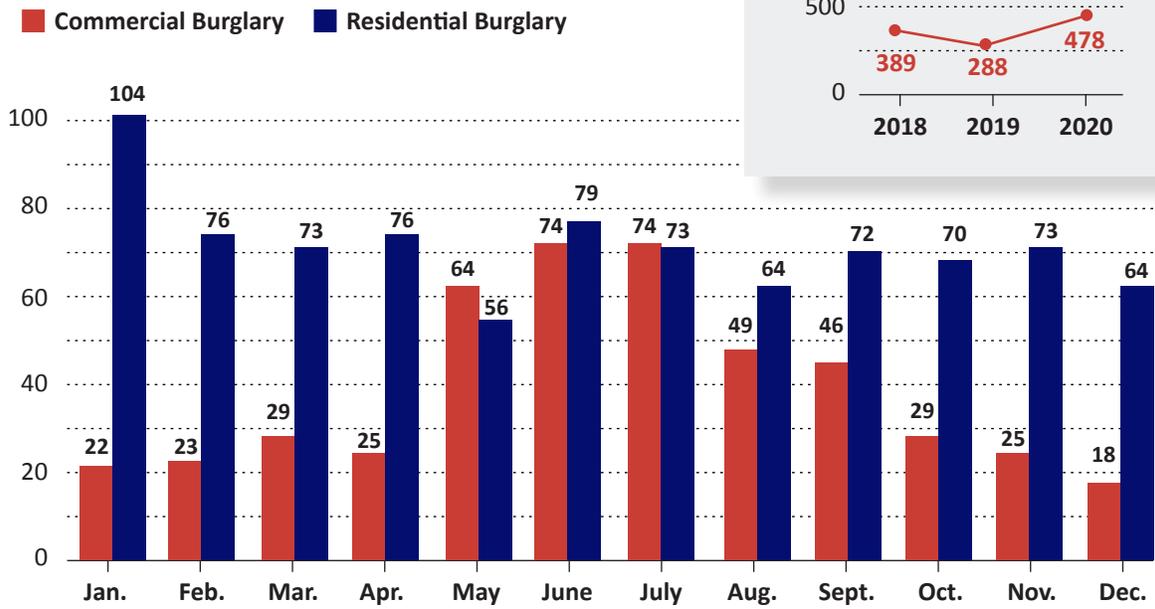
so this upward trend can be addressed.

There are several resources that the FPD can use to help reduce its response to criminal homicides. One is [Promising Strategies for Strengthening Homicide Investigations: Findings and Recommendations from the Bureau of Justice Assistance's Homicide Investigations Enhancement Training and Technical Assistance Project](#).¹³⁰ In this report, PERF conducted comprehensive assessments of the criminal homicide investigation policies and practices in five police departments: the Baltimore Police Department, the Cleveland Division of Police, the Houston Police Department, the Miami Police Department, and the Pittsburgh Bureau of Police. The project sites were chosen based on criteria that included: a recent rise in criminal homicide rates, criminal homicide clearance rates that were decreasing and/or were below the national average, and a commitment of the police departments' leaders to improving criminal homicide investigation procedures.

Another valuable resource is the Bureau of Justice Assistance's [toolkit](#) for improving homicide investigations,¹³¹ which contains a number of documents to improve the police response to homicide and nonfatal shooting investigations.

130 Police Executive Research Forum. *Promising Strategies for Strengthening Homicide Investigations: Findings and Recommendations from the Bureau of Justice Assistance's Homicide Investigations Enhancement Training and Technical Assistance Project*. (2018). <https://www.policeforum.org/assets/homicideinvestigations.pdf>

131 Bureau of Justice Assistance. National Resource & Technical Assistance Center for Improving Law Enforcement Investigations. Retrieved November 13, 2021, from <https://centerforimprovinginvestigations.org/homicide-investigations/>

FIGURE 3.3**Burglaries by Property Type, 2018 to 2020 (Right) and 2020 by Month (Below)**

Source: Fayetteville Police Department.

A month-to-month study of Fayetteville's crime data, as seen in Figure 3.3, shows that there was a considerable spike in commercial burglaries from 2019 to 2020—much of it coming from May through July 2020 during the height of the unrest—but a decrease in residential burglaries.

An ABC-11 [report](#) noted that traffic offenses were cut almost in half in 2020, and there was also a decrease in DWI incidents.¹³²

But with so many families locked down in their homes for so many months, reports of domestic violence and child abuse each increased by 32%, with more than 700 domestic violence incidents and close to 200 reports of child abuse logged in 2020, according to the [report](#).¹³³

132 Kummerer, S. (2021, February 24). *2020 crime data shows increased business burglaries and fewer traffic offenses*. ABC11 Raleigh-Durham. <https://abc11.com/2020-crime-data-north-carolina-durham-police-fayetteville/10367561/>

133 Ibid.

PERF's Observations on the National Response

In a [new report](#), PERF discusses the lessons learned in policing during the COVID-19 crisis. PERF Executive Director Chuck Wexler makes a point to call out the outstanding response of departments like Fayetteville:

"I think it's remarkable how well police and sheriffs' departments responded to the pandemic, especially during the first critical weeks, when few people understood how long it might last and how it would impact our daily lives," Wexler wrote in *Lessons from the COVID-19 Pandemic*. "Police chiefs and sheriffs didn't wait until we had all the answers. They quickly recognized the threats and dealt with them immediately."

Among PERF's key recommendations to guide agencies in the future:

Keep emergency and continuity of operations plans updated, and make sure you have adequate supplies of PPE and other equipment.

Leaders should remain in frequent communication with agency personnel.

The safety and wellness of officers should be a guiding priority in how agencies respond to pandemic events.

Be prepared to change staffing schedules and other systems immediately.

Ensure that communications and IT systems are up to date and can be adjusted on short notice.

Ensure that jail operations are part of the overall planning effort.

Plan for adjustments to recruit and in-service training.

Be prepared for impacts on recruiting new officers.

Be prepared for how pandemic events may impact police budgets.

Monitor crime trends closely for emerging issues.

Identify vulnerable populations, and work with partners to meet their needs.

Clearly communicate to the public how police will manage the enforcement of public health guidelines.

Continue to find ways to engage with the community.

Ensure that mutual aid agreements and other partnerships are in place and can be called upon when needed.

Be prepared for the unexpected (like the events of May 30).

PERF's Observations on the FPD Response

The COVID-19 pandemic has taken an enormous toll on law enforcement agencies as they face threats to their physical and mental well-being. Every day in the field, officers and deputies have risked potential exposure to COVID-19. As of October 2021, more than 440 officers and deputies nationwide have lost their lives to COVID-19 in the line of duty.

The Fayetteville Police Department responded quickly and proactively to the COVID-19 pandemic, and its initial response and continued approach have been in line with the best practices recommended by the Centers for Disease Control and Prevention. Chief Hawkins has proven to be forward-thinking and was ahead of other jurisdictions in terms of response. Despite some cases of COVID within the department, there were adequate patrol staffing levels as police never let up on their response to citizen calls for service. PERF finds no issues with FPD's response to the pandemic.

After-Action Report

Moving forward, the FPD should create an after-action report, thoroughly documenting the department's and the city's responses to the COVID-19 pandemic. This will ensure that future leaders have a framework in place to guide them should the city of Fayetteville face a similar crisis.

RECOMMENDATION: Create a COVID-19 after-action report. This report should thoroughly document the department's and the city's responses to the COVID-19 pandemic so that future departmental leaders will have a framework to guide them in the event of a future pandemic or similar crisis.

Monitoring Trends

PERF's review of FPD's data found that the COVID-19 pandemic did not appear to have any significant impact on the city's crime rates. While the FPD regularly works on identifying homicide trends with its Crime Information Center, it should continue to carefully monitor criminal homicides.

RECOMMENDATION: Address criminal homicide rates in Fayetteville. The FPD should continue to ensure that criminal homicides are being carefully reviewed to identify trends (location, perpetrators, etc.) and that sufficient resources are identified and provided to prevent and solve criminal homicides in Fayetteville.

Conclusion

The Fayetteville Police Department is made up of talented and dedicated officers and civilians who are committed to serving the city of Fayetteville and its residents. By commissioning this review, the city has demonstrated its commitment to improving the FPD's policies and practices related to use of force and how it responds to the needs of its community.

The year 2020 took a toll on law enforcement agencies across the country, and Fayetteville's department was not immune. Between the COVID-19 pandemic and the summer's mass demonstrations, officers were under tremendous amounts of stress as they strove to maintain their mission to keep the community safe while ensuring their own well-being and that of their families.

It's clear through interviews, news reports, and social media comments that the FPD's response to the mass demonstrations and subsequent unrest of May 30, 2020, caused some concern throughout the community and within the ranks of the department. While there is no one correct way to respond to a mass demonstration, as each situation is different, **FPD did prioritize the sanctity of life—PERF's overriding guiding principle—by making the decision to stand down while minor property damage occurred so as not to incite the crowd and create a more dangerous situation.** Only two people were reported injured from the unrest—including one by his own hand—and no officers were injured from interactions with protesters. It is likely that the decisions made that night limited the number of injuries and the duration of the events. In the days that followed, there was no additional vandalism or looting.

But the events of May 30 also illustrated one of the FPD's biggest opportunities for improvement: how it communicates up and down its ranks. As expressed in many of the interviews that PERF conducted, the department's morale could be greatly improved with better communication—similar to what was provided by the police chief during the department's excellent COVID-19 response. Leadership should ensure that explanations regarding important decisions get communicated to the entire department and that officers know they are supported and that their opinions matter to the organization.

Because a written Incident Action Plan was not disseminated to officers before the demonstrations, there was confusion and frustration among the officers and supervisors on the ground. Further, with no formal departmentwide after-action report filed, officers and the community have unresolved questions a year later about why specific decisions were made and if those tactics should be reconsidered for the future.

The Fayetteville Police Department is doing many things right: It has progressive use-of-force policies that reflect modern policing practices and a respected training academy; its COVID-19 response was immediate and effective; and leaders have been actively—and successfully—advocating for better pay for officers. While challenges remain, notably regarding communication within the department, they are not insurmountable.

This report is intended to serve as a guide for making recommended improvements.