



MEMORANDUM

TO: Fredericksburg City Council

FROM: Kathleen Dooley, City Attorney
Dori Martin, Assistant City Attorney
Cynthia Hudson, Counsel, Sands Anderson

DATE: July 14, 2020

RE: **Investigating the City's response to mass demonstrations occurring May 31 through June 2, 2020 in the City of Fredericksburg**

ISSUE

Should the City engage the Police Executive Research Forum to conduct a third-party review of the law enforcement response to the mass demonstrations that occurred from May 31 through June 2, 2020?

RECOMMENDATION

City Council should authorize the Mayor to enter into a contract with the Police Executive Research Forum to conduct a third-party review of law enforcement's response to mass demonstrations and less-lethal use of force. Council should also approve the attached budget resolution to appropriate funds for this review on first and second reading, given the time-sensitive nature of the work and the fact that there is no City Council meeting in July.

BACKGROUND

The following factual background is provided to memorialize the basis for City Council's decision to order an independent third party review. We believe this background to be correct in all material respects. However, the administrative investigations into the events of May 31 and following are ongoing, so this statement may require correction as to specific details.

On May 25, 2020, George Floyd was killed while in police custody in Minneapolis Minnesota. Over the days that followed, the City of Fredericksburg, along with many other cities and towns nationwide, became a site of multiple public demonstrations speaking out against police brutality and violence against people of color.

During the weekend of May 30-31, several different permitted and spontaneous unpermitted demonstrations were held in Fredericksburg, the vast majority of which were peaceful with no police involvement. However, just after midnight on May 31, The Fredericksburg Police headquarters was fire bombed by an unidentified individual. Then, on the evening of May 31, a large group of demonstrators gathered at Market Square and marched downtown before moving toward the police

station on Cowan Boulevard, interfering with vehicles and blocking traffic along the way. Fredericksburg Police made announcements to clear the roadway, and ultimately declared an unlawful assembly. After multiple warnings to disperse, the tactical field force first used red smoke and then tear gas to disperse the crowd.

Demonstrators returned downtown where a second unlawful assembly was declared, and officers deployed a number of tactics to disperse the crowd, including tear gas and pepper spray. City Manager Tim Baroody issued a Declaration of Local Emergency due to Civil Unrest and an emergency order declaring a curfew.

On June 1, 2020, in consultation with law enforcement, the City Manager declared an extended city-wide curfew from 8:00 p.m. until 6:00 a.m. nightly through June 3. A group of around 100 demonstrators gathered downtown in the afternoon and marched to the Falmouth Bridge, where they blocked traffic. On the bridge, they were met by Stafford County Sheriff's officers, who declared an unlawful assembly and deployed tear gas to disperse the crowd. The demonstrators retreated back to the City where they remained until past curfew.

Demonstrations continued on the afternoon of June 2, beginning with a permitted demonstration with police providing support. After the conclusion of the permitted event, a second demonstration formed, causing traffic disruptions and continuing after the curfew took effect at 8:00 p.m. On both June 1 and June 2, Fredericksburg police officers cited a number of demonstrators for violations of curfew, pedestrians in the roadway, and other misdemeanor offenses.

The City of Fredericksburg is a close-knit community that was collectively startled by the extraordinary events that occurred here from May 31 through June 2. The use of tear gas to disperse the demonstrations on May 31 and the large number of curfew-related arrests on the days that followed were significant actions that have had an impact on the relationships between the City and the public at large. An independent, third party review of these events is necessary to enhance public trust, provide transparency, objectively evaluate the City's response, and identify opportunities for improvement. On June 23, 2020, Council adopted a three-phase plan for community response to the demonstrations that included, among many other action items, a commitment to obtain a third-party review.

DISCUSSION

The City Attorney's Office conducted a search for a third-party reviewer in consultation with Cynthia Hudson, outside counsel from the law firm of Sands Anderson. Ms. Hudson is a former City Attorney for the City of Hampton and more recently served as Chief Deputy Attorney General for the Commonwealth of Virginia. She is currently serving as the appointed Chair of the Governor's Commission to Examine Racial Inequity in Virginia Law.

The Police Executive Research Forum (PERF) emerged from this search as the City's top candidate. Based out of Washington, D.C., PERF is a nonprofit research organization that focuses on critical issues in policing. The organization has issued guidance for best practices on issues that are relevant to this inquiry, such as principles for police use of force; developing community and problem-oriented policing; and responding effectively to mass demonstrations. PERF has experience conducting similar reviews and making law enforcement policy recommendations. Recently, PERF assisted Fairfax County with a comprehensive review of their use of force and information release policies, and they worked with the City of Vancouver to conduct a review of use of force and officer-involved shootings.

We began the selection process by making inquiries with a number of agencies with related law enforcement expertise and local government attorneys who had participated in similar independent review processes. Based on what we gleaned from these interviews, we developed criteria and objectives for a successful third-party review of events. It is critical for transparency and community confidence that the review be conducted by a third party that is completely independent of the City. The entity should have law enforcement expertise, but not be so closely affiliated with law enforcement as to create a sense of inherent bias in the review. It should conduct sophisticated, in-depth data collection and analysis while also engaging the community and considering the public interest. Finally, to maximize the value of the review, it is crucial that it not only review events and point out perceived deficiencies in the response, but also offer clear, actionable recommendations for professional development. The City's work is not done once an accounting of events is complete; thus, the reviewing entity should not simply provide a report, but a meaningful tool for moving the agency forward.

Based on the recommendations we received and a review of its body of work, the Police Executive Research Forum closely aligns with the City's objectives. While they are a membership organization for law enforcement agencies, their body of work demonstrates critical analysis and a data-driven approach. They propose to employ a team that has state and federal law enforcement expertise along with research professionals who are unaffiliated with policing. Additionally, PERF has selected an additional independent consultant to provide a non-law enforcement perspective, adding more diversity of opinion to the group.

PERF proposes to begin with an in-depth review of the police department's response to the events of May 31-July 2 by means of data collection and personal interviews, and then using those findings to inform a broader study of the agency's relevant policies and directives, its organization with regard to the specialized units and mobile field forces, and its use of mutual aid. Throughout this process, PERF will prioritize community input by hosting focus groups and small community meetings and creating an email forum for members of the public to provide feedback directly.

This work will culminate in a final report that will include recommendations and guidance to the City and Police Department on how to implement change on any matters of concern identified by the study. PERF will plan to deliver a high-level brief report approximately 3 months after the project start date that focuses on the police department's response to the mass demonstrations. A final report with a broader organizational focus and long-term recommendations will be released approximately 3-5 months after the initial report. This timeline is necessary to accommodate the level of community engagement and thorough detailed review the City has requested, at a time when these services are in high demand from localities nationwide. That said, PERF has also committed to remain in consistent communication with the City throughout the process to provide ongoing feedback, including one or more briefs to City Council well in advance of the completion of the project.

FISCAL IMPACT

The projected cost of this work is \$125,000. The attached resolution will transfer \$125,000 from the General Fund Contingency to pay the cost of the review. These funds will be added to the City Council's budget in the General Fund.

The General Fund Contingency at the beginning of FY 2021 is set at \$793,447. If the resolution is approved, the General Fund Contingency for FY 2021 will go to \$668,447.

Attachments: Resolution
Budget Resolution
PERF Proposal



POLICE EXECUTIVE
RESEARCH FORUM

July 10, 2020

Mayor Mary Katherine Greenlaw
City of Fredericksburg
715 Princess Anne St.
Fredericksburg, VA 22404

Re: Mass Demonstration and Less-Lethal Use of Force Review for the Fredericksburg Police Department

Dear Mayor Greenlaw,

On behalf of the Police Executive Research Forum (PERF), I am pleased to present our proposal to conduct a thorough Mass Demonstration and Less-Lethal Use of Force Review for the Fredericksburg Police Department. A key component of this project will be a comprehensive review of the department's response to the recent mass demonstrations in Fredericksburg in order to guide our review and subsequent recommendations.

Over a period of more than 40 years, PERF has conducted hundreds of studies of individual police agencies regarding use of force. Recent PERF clients we have conducted similar studies for include Denton, TX; Eugene, OR; Fairfax County, VA; Miami-Dade, FL; North Miami, FL; Volusia County, FL; Mesa, AZ; Elkhart, IN; and Vancouver, WA. PERF has also written four publications on mass demonstrations: 2018's *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*,¹ 2015's *Lessons Learned from the 2015 Civil Unrest in Baltimore*, 2011's *Managing Major Events: Best Practices from the Field*,² and 2006's *Police*

¹ <https://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf>

² https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf

*Management of Mass Demonstrations: Identifying Issues and Successful Approaches.*³

Furthermore, one of PERF's top priorities since 2014 has been the development of a set of 30 "Guiding Principles on Use of Force" for law enforcement agencies nationwide,⁴ centered on the idea that the sanctity of human life should be at the heart of everything a police agency does.

PERF consulted with hundreds of police executives in a series of national conferences to develop the Guiding Principles. PERF then created a new training program designed to help law enforcement agencies *implement* the Guiding Principles. The training program, known as Integrating Communications, Assessment, and Tactics (ICAT),⁵ emphasizes the importance of teaching officers critical decision-making skills, so they can have more options for handling many types of complex incidents, including situations that could end with a use of force.

Thus, PERF is uniquely positioned to help the Fredericksburg Police Department evaluate its policies, procedures, practices, tactics, and training on mass demonstrations and less-lethal force, in the context of PERF's intensive national research and policy development on these issues over a period of decades, and in the last few years with our work on the Guiding Principles and ICAT.

PERF very much looks forward to the opportunity to work with the City of Fredericksburg and the Fredericksburg Police Department to complete this study. Thank you for the opportunity to offer you our proposal.

Sincerely,

Thomas Wilson
Director, Center for Applied Research and Management
Police Executive Research Forum
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Washington, DC 20036
Phone: 202-454-8328
twilson@policeforum.org

³https://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf

⁴ See PERF's 2016 report, *Guiding Principles on Use of Force*.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>

⁵ The ICAT training guide and related materials are available online at <http://www.policeforum.org/icat-training-guide>.

About PERF

Founded in 1976, the Police Executive Research Forum (PERF) is a premier police research organization and a provider of high quality management services, technical assistance, and training to support policing and the criminal justice system. As an international, private, non-profit 510 (c) (3) organization located in Washington DC, PERF improves the delivery of police services and the effectiveness of crime control through:

1. The exercise of strong national leadership;
2. Public debate of police and criminal justice issues;
3. Research and policy development; and
4. The provision of vital management and leadership services to police agencies.

PERF is a source of expertise on the policies, practices, and operations of police departments. For over 40 years, PERF has provided consulting services to law enforcement agencies, conducted research on the issues of greatest concern to police executives, educated up-and-coming police officials at its Senior Management Institute for Police (SMIP), and stimulated debate about policing issues within the profession, in the news media, and among policy-makers and the public.

PERF is one of the nation's leading providers of management consulting services to police agencies, having conducted comprehensive studies of police departments and reviews of particular systems or issues in departments of all sizes across the nation. We offer a full range of consulting services to police organizations of all sizes, including:

- Comprehensive management surveys, performance audits, and organizational studies;
- Development of use-of-force policies and training and early intervention systems;
- Human resource management reviews;
- Productivity analysis and recommendations for improvements;
- On-site assistance in implementing recommendations;
- Education and training development, delivery, and review;
- Organizational climate review and organizational development planning;
- Police communications and dispatch;
- Core process identification and process mapping; and
- Strategic planning assistance.

PERF has provided technical assistance in specialized areas such as use of force, records and information processing, budgeting, communications, crime prevention, management of

criminal investigations, vice and narcotics unit operations and police handling of special populations.

PERF has conducted over 250 comprehensive management studies of law enforcement agencies across the United States. Through this work and with PERF's close relationship with all levels of police practitioners, PERF enjoys an excellent national reputation for being in touch with contemporary law enforcement leadership styles, effective organizational structures, operations, and tactics - and how they relate to individual agency missions, professional values, and expectations of the public.

Our consulting studies are based on the timely and accurate collection of information, since this is paramount to facilitating an effective study of a law enforcement agency. In this manner, PERF is able to glean the necessary information from the police department to provide a complete picture of the department's operations. And through our experience in conducting numerous management studies, our research, and our daily contacts with police executives, PERF has gained a wider, deeper, more thorough knowledge base on all aspects of contemporary policing. Our studies identify opportunities to improve current departmental practices. We also identify processes and functions in police agencies that add minimal or no value to the department and thus are candidates for realignment or elimination.

Our final work products are complete and comprehensive based upon the thorough analysis of the information obtained.

PERF's Work on Use of Force

In 2012, when the term "de-escalation" was still relatively new in policing circles, PERF published [*An Integrated Approach to De-Escalation and Minimizing Use of Force*](#), which provides guidance on minimizing use of force in situations involving persons with mental illness and other conditions that can cause erratic behavior.

In September 2014, one month after a controversial officer-involved shooting in Ferguson, Missouri, PERF convened approximately 180 police executives and other experts in Chicago to discuss de-escalation strategies, particularly new concepts for reviewing the moments before a use of lethal force, to see if officers missed opportunities for de-escalating the situation, rather than focusing solely on the moment when lethal force was considered necessary and was used. These discussions were detailed in PERF's 2015 report, [*Defining Moments for Police Chiefs*](#).

One of the key issues to emerge from the "Defining Moments" conference was the need to rethink the training that police officers receive on use of force, specifically on de-escalation strategies and tactics. So in the spring of 2015, PERF conducted a survey of PERF member agencies on the training they provide to new recruits in the police academy and to experienced

officers during in-service training. The survey found that while agencies spend a median of 58 hours of recruit training on firearms and another 49 hours on defensive tactics, they spend only about 8 hours of recruit training each on the topics of de-escalation, crisis intervention, and Electronic Control Weapons. A similar imbalance was noted with in-service training.

With the survey and other information in hand, PERF convened another national conference in May 2015, to elicit more specific ideas on new approaches to training on use of force. That conference brought together nearly 300 police chiefs and other law enforcement executives, federal government officials, academic experts, and, importantly, representatives from policing agencies in the United Kingdom. Because the vast majority of police officers in England and Scotland do not carry firearms, agencies there have developed innovative ways to train their officers on how to deal with suspects armed with knives, baseball bats, and other weapons besides firearms. The dialogue and findings from the conference were captured in PERF's August 2015 report, [Re-Engineering Training on Police Use of Force](#).

Next, PERF arranged for police chiefs and other high-ranking executives from 23 American police agencies to travel to Scotland to witness how officers there are trained in the concepts described in the "Re-Engineering Training" report.

Many of the approaches PERF was hearing about from police chiefs, such as tactical disengagement, preservation of life training, tactical communications to minimize use of force, scenario-based training, emotional intelligence training, and stress management for officers during critical incidents, are already being implemented in some U.S. police agencies. PERF learned that the New York City Police Department Emergency Service Unit (ESU) is considered a leader in these strategies. PERF staff members conducted field research at NYPD's Floyd Bennett Field in December 2015. A key focus was on how some of the principles used by the specially-trained ESU personnel in responding to critical incidents could be used by patrol officers as well, because they are typically the first responders on most scenes.

In January 2016, PERF brought together close to 200 police chiefs and other executives, federal agency representatives, mental health experts, academics, and others to develop PERF's [Guiding Principles on Use of Force](#), a set of 30 principles in the areas of policy, training and tactics, equipment, and information exchange – all of which are based on the goal of protecting the sanctity of human life.

Most recently, PERF in 2016 developed a training program to help law enforcement agencies implement the Guiding Principles. [ICAT: Integrating Communications, Assessment, and Tactics](#) provides lesson plans and training materials based on the essential building blocks of critical thinking, crisis intervention, communications, and tactics, anchored by a Critical Decision-

Making Model that helps officers to assess situations, make safe and effective decisions, and document and learn from their actions.

PERF's Work on Mass Demonstrations

In 2016, the Police Executive Research Forum and the Department of Justice's Office of Community Oriented Policing Services brought together law enforcement leaders and other experts from across the country to engage in a peer-to-peer discussion of strategies to address new challenges to the police response to mass demonstrations. The police departments represented included those from Ferguson and St. Louis, Missouri; Pasco, Washington; Oakland, California; Seattle; Boston; Baltimore; New York City; and Minneapolis—all of which have had significant mass demonstrations in recent years. Representatives from the American Civil Liberties Union, the Advancement Project, and academic experts were also among the meeting participants. PERF's work culminated in 2018's [*The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*](#), which documents the promising practices and lessons that were identified during the day's discussions. Topics include strategies for communicating with demonstrators, response planning and preparation, officer training, tactics for minimizing use of force, maintaining officer wellness, developing mutual aid agreements, and maintaining transparency and accountability.

In 2015, the Baltimore Police Department (BPD) contracted with the Police Executive Research Forum (PERF) to conduct a review of the police response to the civil unrest that took place in Baltimore from April 25 through May 3, 2015. This report—*Lessons Learned from the 2015 Civil Unrest in Baltimore*—was based on reports from BPD, interviews with key individuals from BPD and other agencies involved in the response, and a day-long debriefing session held on July 8, 2015 that included the entire BPD command staff and representatives of outside agencies.

In 2010, the Police Executive Research Forum convened an executive session of police executives who had experience dealing with natural disasters, major sporting events such as the Olympics, national political conventions, and other major events. 2011's [*Managing Major Events: Best Practices from the Field*](#) was written based on the discussions and subsequent recommendations and lessons learned from that executive session.

In 2006, PERF released [*Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*](#), which discusses how to effectively manage police resources to deal with large numbers of people; working with business/community members; effectively gathering information for a planned or spontaneous mass demonstration; integrating local, state and federal resources and maintaining accountability; identifying policy issues and the procedures and safeguards that should be in place for mass arrests; determining what level of force should

be used when demonstrators become unruly and who gives the command to use it; and clarifying the role of the agency’s chief executive before, during and after an event.

PERF’s Electronic Control Weapon Guidelines

In partnership with the Department of Justice’s Community Oriented Policing Services, PERF researched and published the 2011 Electronic Control Weapon (ECW) Guidelines. The 2011 ECW guidelines were based on information gathered from interviews, a national survey of more than 190 law enforcement agencies, and an executive session in Philadelphia that focused on ECW policy and practice.

PERF’s Body Worn Camera Recommendations

In 2013, again in partnership with the Department of Justice’s Community Oriented Policing Services, PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in the publication *“Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned.”*

PERF’s Use of External Best Practices from the Field

In addition to PERF’s own expertise, we also utilize best practices developed by criminal justice experts.

For example, PERF’s review of internal affairs units (such as our work in Columbus, OH and Springfield, MA) are guided by the United States Department of Justice (USDOJ) Office of Community Oriented Policing Services (COPS Office) *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*. And our overall project recommendations are made with an eye towards the *President’s Task Force on 21st Century Policing*.

Other Past Work

Some of the PERF studies over the last 15 years of consulting include the following police and sheriff’s agencies.

Under 100,000 population	100,000-399,999 population	Over 400,000 population
Annapolis, MD Ashland, OR	Anchorage, AK Akron, OH	Albuquerque, NM Austin, TX

Boynton Beach, FL	Arlington, TX	Berks County, PA
Brooklyn Center, MN	Bell County, TX	Broward County, FL
Brooklyn Park, MN	Bellevue, WA	Charlotte/Mecklenburg, NC
Canton, CT	Brown County, WI	Chicago, IL
Cape Girardeau, MO	Bridgeport, CT	Columbus, OH
Cape May County, NJ	Cleveland, OH	Denver, CO
Clinton, CT	Dauphin County, PA	Fairfax County, VA
Corvallis, OR	Dayton, OH	Fort Worth, TX
Destin, FL	Denton, TX	Fresno, CA
East Haven, CT	Elk Grove, CA	Fresno County, CA
Edmond, OK	Eugene, OR	Gwinnett County, GA
Ferguson Twp., PA	Fayetteville, NC	Houston, TX
Fort Lee, NJ	Fort Collins, CO	Indianapolis, IN
Grass Valley, CA	Gainesville, FL	Kansas City, MO
Greenbelt, MD	Killeen, TX	Kent County, MI
Greenville, NC	Lafayette Parish, LA	Memphis, TN
Groton, CT	Lakewood, CO	Mesa, AZ
Indian Trail, NC	Lane County, OR	Milwaukee, WI
Indio, CA	Las Cruces, NM	Morris County, NJ
Kiawah Island, SC	Lowell, MA	Nashville, TN
Lake Park, FL	Minneapolis, MN	Nassau County, NY
Longview, WA	Naperville, IL	New Castle County, DE
Lorain, OH	New Haven, CT	Ocean County, NJ
Lynchburg, VA	Oakland, CA	Palm Beach County, FL
Mansfield, CT	Overland Park, KS	Phoenix, AZ
Medford, OR	Pasadena, CA	Prince George's County, MD
Miami Beach, FL	Provo, UT	San Antonio, TX
Ocean City, MD	Raleigh, NC	San Francisco, CA
Old Brookville, NY	Savannah Chatham, GA	San José, CA
Riverton, WY	St. Louis, MO	Shelby County, TN
Rockville, MD	St. Petersburg, FL	Washington, DC
Schenectady, NY	Stamford, CT	York County, PA
Scranton, PA	Tacoma, WA	
Sparks, NV	Tallahassee, FL	
Temple, TX	Tuscaloosa County, AL	
The Woodlands, TX	West Palm Beach, FL	
Windsor, CT	Wilmington, NC	
Winslow, AZ	Wright County, MN	
Yarmouth, MA		

References

Date	Project Description	Contact Information
Completed 2020	<p>Vancouver, WA</p> <p>In June 2019, the Police Executive Research Forum (PERF) was commissioned by the City of Vancouver, Washington to perform a review of the Vancouver Police Department (VPD). PERF’s review included an examination of the department’s policies, training, documentation, and data on use of force and officer-involved shootings. The purpose of this study was not to investigate any particular incident or specific police officer, but rather to identify areas where VPD could improve its core business practices.</p>	<p>Assistant Chief Jeff Mori Vancouver Police Department 605 E. Evergreen Blvd. Vancouver, WA, 98661 (360) 487-7421 jeff.mori@cityofvancouver.us</p>
Completed 2018	<p>Volusia County, FL</p> <p>In May 2017, the County of Volusia, FL commissioned the Police Executive Research Forum (PERF) to conduct an assessment of the Volusia County Sheriff’s Office’s (VCSO) use-of-force policies, procedures, training, and case files. PERF’s review included a thorough analysis of VCSO’s policies and training to determine whether they were aligned with progressive practices and national standards regarding the use of force.</p>	<p>Sheriff Michael Chitwood Volusia County Sheriff’s Office 123 W. Indiana Ave P.O. Box 569 DeLand FL, 32721 (386) 736-5988 mchitwood@vcso.us</p>
Completed 2015	<p>Fairfax County, VA</p> <p>In July 2014, Fairfax County, Virginia contracted with the Police Executive Research Forum (PERF) to conduct a policy and practice review of the Fairfax County Police Department (FCPD). The review concentrated on the department’s policies, procedures, directives, and training materials and curricula related to police use of force. The final report contained over 70 recommendations for improvement.</p>	<p>Chief Edwin C. Roessler Jr. Fairfax County Police Department 4100 Chain Bridge Road Fairfax, Virginia 22030 (703) 246-4277 edwin.roessler@fairfaxcounty.gov</p>

Project Team

Tom Wilson joined PERF in February 2013 and serves as Director of PERF's Center for Applied Research and Management. He is responsible for the leadership and oversight of nonpartisan, scientific studies on police policies and practices including comprehensive management studies, quantitative and qualitative analysis, performance audits, and organizational reviews. Mr. Wilson has assisted in conducting studies with over 100 law enforcement agencies throughout the US.

Prior to this, he served for almost 24 years with the Anne Arundel County, MD Police Department, retiring as a Major. Anne Arundel County, MD is located in the Baltimore / Washington metropolitan area and surrounds the state capital city of Annapolis. The department is a full-service C.A.L.E.A accredited police agency with roughly 1,000 sworn and civilian employees serving over 550,000 residents. As Major, Mr. Wilson served as bureau chief of both the Patrol Services and Administrative Services Bureaus.

His prior commands included the Anne Arundel County Police Department's four district police stations; the community relations division; the county 911 center (PSAP); homeland security and intelligence; departmental technology and integration (including RMS, CAD, ARS and MDTs); development and oversight of the departmental budget; strategic planning; the training academy; police personnel; accreditation; the crime lab; evidence collection; departmental fleet; and the county animal control section.

As Captain, Mr. Wilson was appointed to serve almost three years as the Anne Arundel County Director of Emergency Management. His responsibilities included: developing and maintaining a comprehensive emergency management program for all hazards, design of the county's Emergency Operations Plan, compliance with the National Incident Management System, implementation of the Incident Command System into all aspects of county government, and oversight of federal and state homeland security funding.

Throughout his career, Mr. Wilson has served in almost all aspects of policing, including patrol, training, narcotics, and major investigations. He has received extensive training in a variety of law enforcement, crisis management and emergency management matters.

Mr. Wilson holds a Master of Science in Administration from Central Michigan University and a Bachelor's in Criminal Justice from the University of Maryland, College Park. He is a graduate of PERF's Senior Management Institute for Police, the Maryland Police and Corrections Commission / Federal Bureau of Investigation "Maryland Excellence in Leadership" program and the Federal Bureau of Investigation's Law Enforcement Executive Development Association.

Dr. Sean Goodison is a Deputy Director and Senior Research Criminologist at the Police Executive Research Forum (PERF). His work focuses on quantitative research, research methodology, program evaluation, police use of technology, and national data collection

efforts. He is a member of the FBI's Use of Force Data Task Force and NIJ's LEADS Agencies Coordinating Council. Prior to joining PERF, he was a Law Enforcement Analyst and civilian researcher for the Washington, D.C. Metropolitan Police Department (MPDC). At MPDC, he was responsible for a wide variety of research activities, including the geographic analysis of seasonal crime and collection homicide data for the Chief and command staff. Dr. Goodison has been the primary investigator on a number of studies, including a randomized controlled trial assessing the impact of body-worn cameras on citizen perceptions, and a project to collect and analyze 15 years of homicide data from official records in Washington, D.C. He has worked on numerous other policing-related grants, including an NIJ predictive policing grant in Washington, D.C and BJA homicide assessments in New Orleans, Baltimore, Cleveland, and Houston. Dr. Goodison has published and presented on various criminological issues, such as firearms, homicide, data quality in policing, and the history of criminological thought. He received his Ph.D. in Criminology and Criminal Justice from the University of Maryland College Park and has two Master's degrees, one in Forensic Science and another in Criminal Justice, from The George Washington University.

Jason Cheney is a Research Associate with PERF's Center for Applied Research and Management and is responsible for day to day management and logistical support for numerous Center projects, specifically those on use of force, internal affairs, and overall staffing and management studies. Jason is also the lead author on Center project reports and has primary responsibility for proposal development to secure future Center funding. Previously, Jason served as a Research Associate for PERF's former Center on Force and Accountability (CFA), where he assisted in the editing of CFA publications and helped organize several national conferences on rising crime rates. He also served as a Legislative Specialist for PERF's Legislative Division, and was responsible for analyzing legislation relevant to law enforcement, conducting grass-roots lobbying on behalf of PERF's membership, representing PERF in meetings with Congressional staff regarding legislation of interest to PERF, and writing legislative updates for PERF's newsletter Subject to Debate.

He has also co-authored three publications: Police-Community Partnerships to Address Domestic Violence; Enhancing Success of Police-Based Diversion Programs for People with Mental Illness; and Cop Crunch: Identifying Strategies for Dealing with the Recruiting and Hiring Crisis in Law Enforcement. Prior to joining PERF, Mr. Cheney served as a Legal Assistant for an attorney in Toms River, New Jersey and was responsible for conducting legal research on immigration cases. He holds an MA in International Commerce and Policy from George Mason University and a BA in Political Science from Stockton University in New Jersey.

Rachael Arietti is a Senior Research Associate at PERF. She manages a variety of research and technical assistance projects focusing on issues including improving the law enforcement response to sexual assault and domestic violence, as well as many of PERF's gun violence-related projects. In addition, Rachael conducts management studies for law enforcement agencies in a variety of areas. She is currently involved in a project funded by the City of Austin to conduct a comprehensive evaluation of the Austin Police Department's Sex Crimes Unit. Rachael has coauthored a number of PERF publications, including [*The "Crime Gun*](#)

[Intelligence Center” Model: Case Studies of the Denver, Milwaukee, and Chicago Approaches to Investigating Gun Crime](#), and [Executive Guidebook: Practical Approaches for Strengthening Law Enforcement’s Response to Sexual Assault](#). Rachael has a Master’s degree in Sociology (concentration: crime/deviance) and a Bachelor’s degree in Sociology and Psychology from Virginia Tech.

Shelly Katkowski is a PERF fellow and lieutenant from Burlington (NC) Police Department. Shelly has been very involved with PERF developing and teaching Integrating, Communication, Assessment, and Tactics (ICAT), Suicide by Cop, and use of force. Within her agency, Shelly is the Director of Training for the Burlington Police Department. She currently oversees the in-service training program, leadership succession planning, the FTO program, and the CISM/ Peer Support Team. Shelly is a certified instructor through North Carolina Justice Academy Training and Standards in the following disciplines: General Instructor, Subject Control and Arrest Techniques (SCAT) Instructor, and Physical Fitness Instructor. In addition to this, she serves on the North Carolina Criminal Justice Education and Training Standard's Commission’s Advisory Board for both SCAT and Physical Fitness.

Before becoming a Lieutenant, she was assigned to the Patrol Division as a lieutenant, sergeant, and police officer, and spent several years working undercover in the Special Operations Unit.

Shelly has a master’s degree in Education from Bucknell University and a bachelor’s degree in Anthropology from the University of Pittsburgh. In addition, Shelly attended the Administrators Officers Management Program at NC State University and Senior Management Institute for Police through PERF.

Consultant

Audrey D. Nicoleau is a political communications strategist. She designs communication strategies that: improves and increase social media and web content to target audiences; prepares senior executives for national news appearances; develops and maintain strategic public-private partnerships; and produces high-profile events.

Previously, Ms. Nicoleau worked as a Public Affairs/Governance Program Officer with the National Democratic Institute for International Affairs (NDI). Prior to this, she served in the U.S. House of Representatives for a number of years, working first as Legislative Aide to Congressman John Conyers (D-MI), then as Senior Policy Advisor to Congressman Alcee Hastings (D-FL), and leadership staff to U.S. House Speaker Nancy Pelosi (D-CA). Ms. Nicoleau holds a M.A. in Government from Johns Hopkins University, and a B.A. in Political Science and History from New College of Florida.

Her academic research has covered Political Communications; Democratization and Globalization theory; United States Immigration Policy; and the social, political and economic dynamics of ethnic diaspora groups around the world.

Scope of Work

In this section PERF outlines the approach that will be taken to complete the mass demonstration and related less-lethal use of force review for the Fredericksburg Police Department (FPD). This approach has been tailored specifically to the needs of the FPD and will ensure the completion of the project in a timely manner.

Our approach incorporates three major methodologies for the collection of information: personal interviews (e.g., city leaders, department command and supervisory staff as well as rank-and-file employees, both sworn and non-sworn); collection, review and analysis of available data; and personal observations. Throughout our analysis, areas of superior performance will be identified and areas for improvement will be indicated.

To ensure frequent, ongoing communication with the City of Fredericksburg, project director Tom Wilson will arrange for biweekly calls between PERF and a point of contact within the city to provide the city with project updates and keep the city apprised of the project's status.

PROJECT PHASE 1

TASK 1: ONSITE INTERVIEWS AND FOCUS GROUPS

Throughout the project, the project team will conduct onsite and telephonic interviews and focus groups with a cross-section of personnel and community representatives. We anticipate interviewing, at a minimum, the following people:

- Chief Layton;
- FPD command staff;
- FPD personnel involved in the department's response to mass gatherings and demonstrations, particularly this summer's demonstrations;
- Mayor Greenlaw and city council;
- City Manager Barody;
- Members of law enforcement agencies who have mutual aid agreements (MOUs) with FPD;
- External stakeholders including community and demonstration leaders;
- The city's Citizen's Advisory Panel; and
- Other stakeholders as identified by department and city leadership.

TASK 2: REVIEW OF FPD'S RESPONSE TO RECENT MASS DEMONSTRATIONS

The project team will begin by examining the department's response to the recent mass demonstrations in Fredericksburg, reviewing relevant documents (such as the department's after-action report) and interviewing key decision-makers to provide an independent analysis of

FPD's response. By early October 2020, we will provide the city with a briefing report containing our findings and observations.

This task is a critical first step of PERF's overall review of FPD's response to mass demonstrations and use of less-lethal force. Our findings and observations from this task will be used to guide our review and recommendations in Phase 2 of this study.

TASK 3: COMMUNITY MEETINGS

In order to solicit maximum community stakeholder input and feedback, PERF will work with department and city leaders to identify appropriate community leaders to be invited to one or more community meetings. With the city's approval, PERF will also create an email address for citizens of Fredericksburg to provide input directly to PERF. This approach was used in Vancouver to successfully elicit public feedback on perceptions of use of force by the Vancouver Police Department.

PROJECT PHASE 2

TASK 4: REVIEW OF FPD POLICIES GOVERNING MASS DEMONSTRATIONS (TO INCLUDE LESS-LETHAL USE OF FORCE POLICY REVIEW)

PERF will review FPD's policies, procedures, and other documents related to mass demonstrations and the use of less-lethal force involved in mass demonstrations, such as rubber bullets, OC spray, tear gas, less-lethal shotguns, etc. The project team will ensure that policy language is aligned with progressive practices, and that the policies are sufficient to provide officers with an understanding of the rules, regulations, and expectations surrounding mass demonstrations and the use of less-lethal force. PERF will identify positive aspects of FPD's existing policies and practices and will recommend ways to strengthen them.

TASK 5: ORGANIZATIONAL REVIEW

The project team will review the department's current organization with regard to its response to mass demonstrations, with an eye towards specialized units and mobile field forces. The project team will interview relevant FPD members and examine the composition and training of these specialized functions.

TASK 6: REVIEW OF MUTUAL AID AGREEMENTS AND ASSISTANCE FROM OUTSIDE AGENCIES

To begin this task, PERF will review all Mutual Aid Agreements (MOUs) between FPD and other law enforcement agencies as pertains to mass demonstrations to identify the roles and responsibilities to be provided by outside agencies. PERF will interview agency leadership for each law enforcement organization that FPD has an MOU with to learn about the effectiveness of these MOUs regarding mass demonstrations, specifically:

- How the involved agencies prepare for a mass demonstration
- How incident command is established

- How roles, responsibilities, and the decision-making process are established
- How intelligence and other information is used to understand and properly prepare for these events

DRAFT REPORT

PERF will develop a draft report that describes our findings and recommendations. The report will discuss observations where FPD meets national best practices, as well as recommendations for improvements where needed. Prior to writing the draft report, project director Tom Wilson will provide a briefing to city leaders to discuss findings and provide an overview of the report's contents.

FINAL REPORT

PERF will submit a final report in both print and electronic format, incorporating necessary changes and edits.

Cost Proposal

BUDGET AND TIMELINE

PERF proposes to conduct this review for a flat fee of **\$122,900.00** and does not include any additional licenses or fees that may be required by the City of Fredericksburg. PERF anticipates that the high-level briefing paper detailing the department's response to this summer's mass demonstrations will be completed within three months after the project start date, with the final report completed three to five months later. PERF will provide recommendations and guidance to FPD through ongoing discussions on how to implement immediate change as needed for policies and practices of concern.



July 14, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

RE: Authorizing the Mayor to enter into a contract with the Police Executive Research Forum to conduct an independent review of the events of May 31-June 2.

ACTION: APPROVED: Ayes: 0; Nays: 0

On the weekend of May 30th and 31st, the City of Fredericksburg experienced significant public demonstrations in response to the killing of George Floyd in Minneapolis, Minnesota. On the evening of May 31st and continuing through June 2, tensions escalated, resulting in critical incidents and emergency intervention to restore order, ensure public safety, and protect property. These events have sparked continued demonstrations and public concern. The City Council wishes to conduct a thorough, independent review of those incidents and the City's response.

Therefore, the City Council hereby resolves that:

The Council hereby authorizes the Mayor to enter into a contract with the Police Executive Research Forum to conduct an independent review of the City's response to mass demonstrations that occurred on the dates of May 31 through June 2. The terms of the contract shall be substantially in accord with the proposal submitted by PERF on July 9, 2020.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-__, adopted at a meeting of the City Council held July 14, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



July 14, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

RE: Amending the Fiscal Year 2021 Budget to Use \$125,000 of General Fund Contingency for a special investigation of the Police Department response to mass demonstrations in the City

ACTION: APPROVED: Ayes: 0; Nays: 0

The City of Fredericksburg has experienced a period of sustained mass demonstrations, and there were several incidents that occurred during the last week of May and the first week of June that created concern in the community.

The City Council wishes to conduct a thorough review of the incidents and the Police response to those incidents, in an effort to learn more about what happened and identify any possible improvements to the police response to mass demonstrations. The City has identified a non-profit organization that is capable of conducting this investigation, and wishes to award a contract and begin this work as soon as possible. The FY 2021 budget needs to be amended to accomplish this task.

Therefore, the City Council hereby resolves that the following amendment to the FY 2021 budget be recorded:

GENERAL FUND (FUND 0100)

Source

Contingency

General Fund Contingency	0100499100	\$	125,000
Department Total:		\$	<u>125,000</u>

Total Source: \$ 125,000

Use

City Council

Professional Services – Other	010011100-431600	\$	125,000
Department Total:		\$	<u>125,000</u>

Total Use: \$ 125,000

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-xx, adopted at a meeting of the City Council held _____ 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council