



Fredericksburg Police Department



Final Report - Demonstrations May 31, 2020 - June 2, 2020

April 22, 2021 (Updated for August 10, 2021 Council Meeting)

Introduction:

On May 25, 2020, George Floyd died 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 against police brutality and violence against people of color. The City of Fredericksburg experienced a lawful demonstration on May 30, 2020 which traveled from the Mayfield Playground to City Hall. Shortly after midnight on the morning of May 31, 2020, the Fredericksburg Police Department (FPD) headquarters was firebombed by an unidentified individual. This individual doused the police memorial with a flammable liquid and lit it on fire, causing permanent damage to the memorial. The subject then poured flammable liquid on the front of the police department doors, grassy area and sidewalk, set up an improvised explosive device in front of the doors and poured a flammable liquid trail away from the building. The individual ignited the liquid, causing a large flash of fire, but the IED did not ignite.

Throughout the day on May 31, 2020, the City again experienced several more lawful demonstrations at different locations in the City, to include the roadway in front of the Police Department. Beginning a little after 5:00 p.m. on May 31, 2020, a group that grew to approximately 300 demonstrators gathered at Market Square and marched downtown before moving toward US Route 1. Events that occurred after are available in the Fredericksburg Police Department's Preliminary Report Concerning Demonstrations dated August 6, 2020 as well as the Police Executive Research Forum's (PERF) Response to Demonstrations and Use of Force Police Review report dated February 4, 2021.

After-Action Review:

On June 10, 2020, the FPD began an after-action review of all incidents and actions taken during the recent demonstrations dated May 31 through June 2, 2020. Through its review, the FPD identified several recommendations for positive change and the FPD immediately began working on those recommendations. Some of those recommendations included: purchasing gas masks for all sworn personnel; Response to Resistance policy review/revision; Tactical Field Force policy and operating procedures review concerning the deployment of CS smoke and sting ball grenades; personnel responsibilities during large scale incidents; advanced planning and preparations for incidents of this nature; communication and engagement with the community, demonstrators and organizers during these events; training and coordination with our mutual aid partners; and expansion of the Police Department's Citizen's Advisory Panel from six members to nine.



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PERF Report and Recommendations:

By adoption of Resolution 20-54 on July 14, 2020, City Council engaged PERF to conduct an independent review of the City's response to mass demonstrations that occurred on the dates of May 31 through June 2, 2020. The FPD cooperated fully during PERF's review and provided all available materials to include: incident reports, video, after-action reports, intelligence reports, arrest reports, and personal interviews. PERF delivered their completed report to Council on February 9, 2021 (available on the City of Fredericksburg Official Website). Along with PERF's independent review of the Police Department's response to the demonstrations, they provided the City with 66 recommendations for improvement in police operations, equipment and policy.

Committees to review PERF Recommendations:

The 66 PERF recommendations were divided into six separate topics with overlapping topics being placed into three categories: Use of Force combined with Professional Standards; the Incident Command System combined with Training; and the Tactical Field Force combined with Civil Disturbance. In early February 2021, Chief Layton met with our region's chiefs and sheriffs and all agreed that utilizing a regional approach in reviewing the recommendations was progressive and warranted. Committees were created to review each recommendation within the three categories. Mutual aid partners participating as committee members include: Stafford County Sheriff's Office; Spotsylvania County Sheriff's Office; King George County Sheriff's Office; Virginia State Police; University of Mary Washington Police Department; Fredericksburg Fire Dept. and the Fredericksburg Sheriff's Office. To provide community perspective, five Citizen's Advisory Panel members are participating in the committee work as well as a sociology professor from the University of Mary Washington. Much of the committee review has been completed and forwarded for policy inclusion or adjustment. The FPD anticipates the committee work to be mostly complete by June 30, 2021. Training for FPD staff regarding the policy adjustments will be a priority as the agency moves forward with progressive change. The FPD is very grateful for our regional partnerships and understands that to be successful during future large scale incidents those partnerships must be reinforced with collaboration and training. All of FPD's directives and operational guides impacted by the PERF recommendations will be shared with all of our regional partners.

Moving Forward:

The FPD is a CALEA nationally accredited police department that strives to be a leader in 21st Century policing; not only in our region and state, but nationally. From our experiences during May and June 2020 coupled with our internal after-action review, the



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PERF report recommendations, and our continued training with our regional partners, Chief Layton is confident that the FPD is better prepared than ever to support our community's First Amendment rights while also ensuring the safety of our residents, business owners, employees, and visitors.

PERF Recommendation # 11 states, "PERF recommends that both city and FPD leaders attend executive-level training regarding law enforcement's response to mass demonstrations and civil unrest. The Federal Emergency Management Agency's (FEMA) Center for Domestic Preparedness has the expertise and resources to provide this training. PERF has discussed the needs of the city of Fredericksburg with representatives from FEMA and has provided assistance with arranging this type of leadership training opportunity." On April 16, 2021, FPD and City leaders, to include Mayor Greenlaw and Vice Mayor Frye, attended FEMA's eight hour Field Force Command and Planning for Executives training at the Rappahannock Regional Criminal Justice Academy. The FPD will continue to explore advanced training on this topic and ensure City leaders are included in these opportunities.

The community can review the status of committee work on PERF recommendations via a public report made available on the City of Fredericksburg official website [Police Executive Research Forum Report | Fredericksburg, VA - Official Website \(fredericksburgva.gov\)](https://www.fredericksburgva.gov/police-executive-research-forum-report) Chief Layton will continue to regularly update Council of committee progress.

PERF Recommendations:

July 13, 2021 Update

The multi-jurisdictional committees completed their review of assigned PERF recommendations and forwarded their final recommendations for change to the Chief of Police in June 2021. The committee's recommendations have been reviewed by the Chief and incorporated into draft policy updates which are currently being reviewed at the command level (see report titled Copy of PERF Recommendations – Final). Anticipated completion date and implementation of updated policies is end of July 2021; this equates to 92% of the PERF recommendations. The Chief of Police retains PERF recommendations 1, 21, 29, 44 & 45 and work continues to move these recommendations forward. The Chief will brief Council on all PERF recommendations at their August 10, 2021 regular meeting.

August 10, 2021 Update:

The FPD completed the final review of the draft policy updates and the updated policies have been implemented into their directive system. The FPD is currently 97% complete with the 66 PERF recommendations. The Chief of Police retains PERF recommendations



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21, 44 & 45.

In reference to Recommendation 21, now that the updated policies have been shared with FPD's mutual aid partners, the Chief will continue high-level discussions with local Sheriffs and Chiefs concerning joint response to demonstrations and protests.

In reference to Recommendations 44 & 45, the Chief of Police fully intends to implement a Critical Incident Review Board (CIRB) in the near future. The agency is currently reviewing model policies and intends to implement a CIRB by end of October 2021.

Since receiving the PERF recommendations in February 2021, the FPD painstakingly processed the information in an effort to adopt best practices. Today, nearly all of the recommendations have been incorporated in the FPD directives and operational guides. The FPD has received and continues to implement progressive training concerning all of these updates. The FPD is better prepared than ever to support our community's First Amendment rights while also ensuring the safety of our residents, business owners, employees, and visitors.



Fredericksburg Police Department | PERF Recommendations Update



Recommendation #	Description	Committee Status	Final Disposition
[1] Share policies with mutual aid partners	Once FPD implements the policy recommendations contained in this report, they should be shared with FPD’s mutual aid partners. PERF has other recommendations addressed later in this section regarding shared response capabilities, training, and equipment.	Completed - Implement	Chief of Police shared updated directives with mutual aid partners.
[2] Include Fire and EMS in Incident Command	Incident Command must be able to simultaneously focus on operational tactics as well as overall strategy and desired outcomes/resolutions for planned and spontaneous events. PERF interviews and observations indicate Incident Command was typically limited to police personnel. A large-scale event involving mass demonstrations and the potential for injury to community members or law enforcement personnel can benefit from command-level representatives of the fire department and emergency medical response as well as other law enforcement agencies.	Completed - Implement	Currently in Incident Command Policy.
[3] Locate the Incident Command Center strategically	The FPD should ensure that Incident Command is physically located far enough away from events to allow for security, but close enough to provide for event awareness, planning, decision-making, communication and access. FPD leaders must be in a location that allows them to keep perspective and understand the big picture of what is taking place, without being influenced by the high stress and emotions that can accompany being on the front line of events.	Completed - Implement	Added to Incident Command Policy and Crowd Management Policy
[4] The FPD should ensure that other command-level leaders are requested and when feasible, can assist in unified command	This will ensure that mutual aid resources (including other law enforcement agencies, fire department, and medical personnel) are efficiently staged and deployed as needed. Large-scale events, whether planned or spontaneous, can require a multi-agency response. Establishing a unified command and having the necessary resources on hand is critical to an effective response strategy. It is also an opportunity to discuss and work through varying agency philosophies regarding strategies and tactics.	Completed - Implement	Added to Incident Command Policy and Crowd Management Policy
[5] Focus on objectives, not merely tactics	The FPD Incident Command must focus not just on operational tactics, but more importantly on how to achieve a successful resolution with sound strategy and resources. Commanders should focus on questions such as “What is our objective in this situation?” before asking “What less-lethal options or other tools do we have?” PERF’s review of these incidents indicated the FPD did improve these responses in the days and weeks following the initial incidents on May 31.	Completed - Implement	Added to Incident Command Policy, Crowd Management Policy and Incident Action Plan (IAP)
[6] Use Incident Action Plans to ensure that officers understand their mission and duties	FPD should create IAPs in situations that will require officers to have clear and concise direction. This will help to ensure a unified, consistent response to mass demonstrations and similar events.	Completed - Implement	Added to Incident Command Policy and Crowd Management Policy
[7] Ensure that Incident Commanders know the details of whom they are commanding	In order to successfully manage resources, it is important that Incident Commanders be aware of which officers and other employees are available, where they have been deployed, what information have they been provided, and how they will receive communication. The Incident Management Team should assist with this process by ensuring that all responding resources check in, preferably in person at a designated site, before being deployed to the field.	Completed - Implement	Currently in Incident Command Policy and IAP



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Recommendation #	Description	Committee Status	Final Disposition
[8] Continue to hold regular Incident Management Team meetings, and develop standard forms to guide the process	The FPD's Incident Management Team should continue to meet quarterly and discuss critical incident planning and training. In addition, the IMT should create standard Incident Command System forms, such as an Incident Action Plan form, that are applicable to the FPD. This will save time and serve as a reminder of what plans and documentation are needed during a critical incident.	Completed - Implement	Added to Incident Management Team Policy
[9] Use Incident Management Team to anticipate and plan for upcoming events	FPD leaders should continue to develop and utilize a strategic Incident Management Team to assist in the preparation and response to demonstrations. Such a team should be tasked with anticipating and planning out FPD needs for upcoming events, as well as identifying FPD leadership strategies and expectations. The team should be responsible for creating and disseminating an Incident Action Plan (IAP) – as identified in current policy - that provides officers with directions and details on upcoming events, and their related responsibilities.	Completed - Implement	Added to Incident Management Team Policy
[10] Require responding officers from FPD and all other agencies to check in with FPD	The FPD should ensure that officers, deputies, and troopers responding to assist the FPD in mutual aid situations check in with FPD personnel for incident awareness, direction, and protocols. In addition, it is important that adequate and sufficient communication processes are put in place.	Completed - Implement	Currently in Incident Command Policy
[11] Train senior department leaders in Incident Command	<p>The FPD should require that all senior department leaders who will operate as Incident Commanders attend training on the response to demonstrations and civil unrest. Police leaders must understand the purpose, capabilities, and limitations of using a TFF-type response as well as broader philosophies and strategies for responding to mass demonstrations. It is important for law enforcement leaders to understand that training does not just encompass tactics and equipment; it largely centers on the simultaneous processes of defining objectives, strategy and planning.</p> <p>PERF recommends that both city and FPD leaders attend executive-level training regarding law enforcement's response to mass demonstrations and civil unrest. The Federal Emergency Management Agency's (FEMA) Center for Domestic Preparedness has the expertise and resources to provide this training. PERF has discussed the needs of the city of Fredericksburg with representatives from FEMA and has provided assistance with arranging this type of leadership training opportunity.</p>	Completed - Implement	City and FPD leaders attended FEMA training on 04/16/21. Quarterly Incident Command training for FPD leaders added to Policy. Annual Departmental Incident Command training added to Policy
[12] Ensure that all responding personnel have PPE before deploying CS gas	The FPD must ensure that officers are outfitted with protective equipment before deploying CS gas. Many officers had no protection from CS gas and were impacted by its release. Officers without adequate protection will be unable to perform their duties until they can be adequately decontaminated.	Completed - Implement	Gas masks purchased for all sworn personnel June 2020
[13] Ensure that all demonstrators can hear any dispersal orders, and give them time to respond	FPD's Incident Command must ensure that demonstrators have time to hear dispersal orders so they can begin leaving the area before officers enforce the dispersal order, unless an immediate threat to persons or property is present. Dispersal orders must be loud, clear, and provided from as many directions as possible to be heard by everyone in the area.	Completed - Implement	Added to Crowd Management Policy. Equipment purchased to assist with announcements.



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Recommendation #	Description	Committee Status	Final Disposition
[14] Consider whether CS gas will affect people who are not involved	The FPD must consider the broader strategy and ramifications of deploying CS gas on a multi-lane road with vehicle traffic in a residential area. During the May 31 demonstration, although the crowd was not following police direction and legitimate concerns existed about protecting the FPD facility, minimal destruction and no personal injury were known to have occurred prior to the release of CS gas. Incident Commanders also must consider the broader concerns of releasing gas in a residential area and an area where demonstrators are walking in a roadway alongside vehicle traffic.	Completed-Implement	Added to Crowd Management Policy and TFF manual
[15] Carefully consider the risks of using less-lethal munitions	The FPD must carefully consider the use of less-lethal munitions - including Sting-Balls - to ensure they are only used to disperse an immediate threat to persons or property, not as a broader tool to disperse a crowd.	Completed - Implement	Added to Crowd Management Policy
[16] Train officers not to engage demonstrators individually	The FPD should ensure that individual officers do not attempt to engage groups of demonstrators. This is unsafe for the officer and can lead to an unnecessary response including the use of force to protect the officer. Officers should be operating as a team. This provides safety to the officers and reduces the possibility that force will be needed to protect an officer.	Completed - Implement	Added to Crowd Management Policy and TFF manual
[17] Obtain FEMA training on mobile field force teams	The FPD should involve key members of the TFF in training on demonstrations recommended above. In addition, TFF supervisors should seek additional FEMA-provided training on the use of mobile field force teams. FEMA provides a variety of classes that provide training in response to demonstrations and civil unrest. Such training would provide an additional perspective for TFF supervisors.	Completed - Implement	Tactical Field Force (TFF) leaders attended FEMA training on 04/16/21. Additional training will occur in the future.
[18] Be prepared for any situation that would require mass arrests	Although almost all arrests that occurred during the timeframe of our review were written summons in lieu of arrest, the FPD should continue to review and conduct tabletop exercises regarding mass arrest situations, specifically how to address the resources required to manage the arrest processes. FPD's policy 326 Mass Arrest adequately addresses the arrest process, and FPD had vans staged on June 1-2 to facilitate arrests, if necessary. But PERF review of FPD's demonstration response indicated that inadequate staffing was a challenge. Given FPD's current staffing levels, it was difficult to properly staff arrest teams and provide them with the necessary resources to process arrests.	Completed - Implement	FPD TFF continues to train with mutual aid partners; joint response to future incidents of civil disturbance is planned
[19] Equip all officers with PPE	The FPD must ensure that all members of the agency are outfitted with protective equipment before they are involved in a response to civil unrest. In addition, the TFF team must ensure that all equipment, including less-lethal munitions, is in working order and accessible when needed.	Completed - Implement	New supplies purchased, received, and inventoried
[20] Involve the Fire Department and EMS in Unified Command training	The FPD should ensure that fire department and emergency medical responders are involved in unified command and that fire and emergency medical responders are close and on standby during large gatherings and demonstrations. This should be documented in the IAP, so officers know whom to contact or how they can access emergency medical responders.	Completed - Implement	Added to Incident Command Policy and Crowd Management Policy



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Recommendation #	Description	Committee Status	Final Disposition
<p style="text-align: center;">[21]</p> <p>Have high-level discussion with neighboring law enforcement agencies to ensure there are clear understandings about how mutual aid responses will be conducted</p>	<p>The FPD should have discussions both internally and within the RALEMAA group to consider solutions to the challenges discussed above. Internal discussions must include city leaders and elected officials and should take place after city and FPD leaders have received executive-level training as recommended above.</p> <p>Going forward, the FPD should facilitate discussion specifically regarding the area law enforcements' response to demonstrations and protests. The FPD may not have adequate resources (which was evident based on what happened on May 31 during their response to protests) to maintain an independent TFF capability. Law enforcement leaders should discuss whether they should commit to combining resources for an effective response, practice that response, and finally, agree to a set of principles and strategies for an effective response.</p> <p>As of now, the FPD has initiated and continued these discussions. As they proceed, several areas of concern must be addressed, recognizing that protests may have a greater impact on Fredericksburg compared to the surrounding counties. PERF recommends that law enforcement leaders immediately discuss the following topics:</p> <ul style="list-style-type: none"> • Incident Command/Unified Command • Political/Community Jurisdictional Needs and Expectations <ul style="list-style-type: none"> • TFF Staffing • Use-of-Force Policy • Training <p>The goal of these discussions should focus on achieving consensus on approaches to better combine resources, obtain training, establish clear policy guidelines, and ensure that applicable processes and appropriate accountability structures are in place when responding to unplanned demonstrations. Part of these partnership discussions must include an inventory review of the equipment that personnel have, as well as an assessment of the equipment that must be acquired to satisfy preparedness measures and standards.</p> <p>As with any agreement between autonomous entities, there must be a mutual understanding, respect, and philosophy toward a regional police response for any mutual aid agreement to be effective. City government leaders must recognize the need for this agreement to be met and understood by all parties involved.</p>	<p>Completed - Assigned to Chief of Police</p>	<p>High-level discussions with neighboring Law Enforcement agencies have occurred and continue. The Chief of Police will continue to move this recommendation forward with the local Sherrifs and Chiefs.</p>
<p style="text-align: center;">[22]</p> <p>Take advantage of FEMA training on TFF response.</p>	<p>The FPD should train all personnel in Tactical Field Force response so they understand crowd and demonstration dynamics, the agency's philosophy and expectations, TFF capabilities, and how to safely operate as a team. FPD can educate department instructors through the Federal Emergency Management Agency's (FEMA) Center for Domestic Preparedness, an expert in these areas, and then educate all department staff.</p>	<p>Completed - Implement</p>	<p>Annual training for all sworn personnel added to Crowd Management Policy</p>
<p style="text-align: center;">[23]</p> <p>Include intelligence-gathering in the Incident Command System</p>	<p>Intelligence-gathering should be established as part of the Incident Command System (ICS). Specific department members should be assigned to this function, and the collection, evaluation, and dissemination of intelligence should continue over the duration of the incident.</p>	<p>Completed - Implement</p>	<p>Added to the Intelligence Gathering Policy</p>
<p style="text-align: center;">[24]</p> <p>Provide intelligence to Incident Command promptly</p>	<p>The FPD should ensure that information gathered during critical incidents is timely, vetted, and provided to Incident Command to inform their overall response - regardless of the information source (e.g., 911 calls, reviews of social media, etc.). In addition, the agency's IAP should include as much intelligence information as feasible.</p>	<p>Completed - Implement</p>	<p>Added to Crowd Management Policy</p>



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[25] Keep public information officers informed	FPD leaders must keep their PIOs informed, especially during unplanned, spontaneous events. PIOs are tasked with informing the public on behalf of the police department, and require timely and accurate information to share. Otherwise, the PIO and the FPD risk losing public trust when contradictory information is released to the public.	Completed - Implement	Currently addressed in the Crowd Management Policy
[26] Enforce policy on carrying of patrol rifles	FPD's policy "303 - Weapons" provides clear direction regarding patrol rifle use and deployment during a response to civil control. FPD supervisors must be observant of this policy and identify and address any officer carrying a rifle unless officers have been fired upon or information indicates a likelihood of this occurring.	Completed - Implement	Currently in Weapons Policy and reinforced with training
[27] Use-of-force reviews should evaluate the entire incident, not just the moment force was used	The FPD should ensure that a supervisor's review of use-of-force incidents is a critical review and does not solely look at the moment force was used, but also at the officer's overall response to the incident. Supervisors must ensure that an officer's actions were not unnecessarily or inappropriately escalating situations, leading to a need for force. When issues are identified, the involved officer(s) must be mentored and trained on how to better handle incidents in the future.	Completed - Implement	Added to Reponse to Resistance Policy
[28] Expand policy on tactical repositioning, slowing down certain types of incidents, etc	The FPD's use-of-force policy should include a more detailed discussion of proportionality, the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics. For example, the Camden County, New Jersey Police Department's use-of-force policy states that "when force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances... Some of the factors that officers should consider when determining how much force to use include...whether further de-escalation techniques are feasible, ... the time available to an officer to make a decision, and whether additional time could be gained through tactical means..."	Completed - Implement	Added to Response to Resistance Policy and TFF manual
[29] 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.	Completed - Implement	Definition of proportionality added to the Response to Resistance Policy.



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[30] Create a policy on the sanctity of human life	The FPD should add a sentence in Section 302.00 emphasizing the sanctity of human life. For example, the Baltimore Police Department’s use-of-force policy states: “The policy of the Baltimore Police Department is to value and preserve human life in all situations.” ⁴⁰	Completed - Implement	Added to Response to Resistance Policy and Crowd Management Policy
[31] Remove references to “verbal judo.”	The FPD should remove “verbal judo” from the examples of de-escalation strategies in Section 302.01. FPD should replace this with “crisis communication” or a similar term.	Completed - Implement	Language Changed.
[32] Use term “lethal force” to align with “less-lethal force.”	The FPD should replace the current term (and subsequent references to) “deadly force” with “lethal force” to align itself more accurately with the department’s term “less-lethal force.” Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.	Completed - Implement	Language Changed
[33] Simplify policy on shootings at or from 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.” This policy change should also be reflected in training.	Completed - Implement	Currently in Policy
[34] Use term “Electronic Control Weapon.”	The FPD should revise its policy to replace all references to “TASER” with the more descriptive and appropriate term, “Electronic Control Weapon (ECW).” This change will help clarify that ECWs are in fact weapons that carry a risk of harming persons, including fatal injuries in some cases. The change should be made throughout FPD’s policy manual and in all other orders, directives, and training curricula which reference such devices. The current policy occasionally refers to these devices as ECWs, but not consistently.	Completed - Implement	Language Changed
[35] Consider use of brightly colored ECWs	The FPD should consider adopting brightly colored ECWs (e.g., yellow), which may reduce the risk of escalating a force situation because they are plainly visible and thus decrease the possibility that a secondary unit will mistake the ECW for a firearm. Specialized units such as Special Equipment Tactical Team may prefer dark-colored ECWs for tactical concealment purposes.	Completed - Implement	Yellow ECWs purchased and distributed during June 2021
[36] Do not use ECWs in presence of combustible materials	Current policy states that ECWs should not be used on a subject if it is known that the person is saturated with, or in the presence of, highly flammable or combustible materials or liquid. FPD should indicate whether or not its brand of OC spray is alcohol-based (and thus flammable).	Completed - Implement	Added to Response to Resistance Policy
[37] Strengthen policy against multiple uses of ECWs	The FPD should replace the sentence “Personnel should consider that exposure to the Taser for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury” with “Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. At that point, another force option should be considered.”	Completed - Implement	Currently addressed in Response to Resistance Policy [302.09]
[38] Arrange for medical response if ECW use is anticipated	Current policy states that “all subjects who have been Tased shall receive a medical evaluation. This can be accomplished by having a medic unit respond to the officer’s location to evaluate the tased subject.” The FPD can strengthen this requirement by adding language stating 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.”	Completed - Do not Implement	Not practical to add this specific language. (See explanation at end of this document)



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[39] Arrange for medical Require first aid for injuries after use of force	The FPD should add language to Section 302.10 to require that officers render first aid to individuals who are injured or complain of an injury after a use-of-force incident until an EMT arrives.	Completed - Implement	Currently addressed in Response to Resistance Policy [302.12]
[40] Give greater emphasis to duty to intervene	The FPD should move Section 302.11 to the beginning of the department's Response to Resistance policy. Duty to intervene, along with concepts such as de-escalation and proportionality, are key components to the department's use of force philosophy and should be reflected earlier in policy.	Completed - Implement	Moved up in Response to Resistance Policy
[41] Require supervisors to respond to scene of most reportable uses of force	FPD should create a new section to policy entitled "Supervisor Responsibilities," stating the department's expectations of its first-line supervisors concerning use of force. Policy should have an explicit requirement that supervisors respond to the scene of ALL reportable uses of force (with the exception of pointing a firearm or ECW) 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.	Completed - Implement	Added to Response to Resistance Policy
[42] Require supervisors to respond to scenes where a significant use of force may be likely	FPD should simplify notification and response requirements by stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rocks, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force. This language should be moved to the new Supervisor Responsibilities section discussed above.	Completed - Implement	Added to Call Taking Policy
[43] Require an Incident Based Reporting System report for pointing an ECW	The FPD should require that an IBR report be completed any time an officer points an ECW at a subject. Sergeants should review these incidents carefully to ensure that ECWs are being used effectively as a necessary show of force.	Completed - Implement	Added to Response to Resistance Policy
[44] Create a Critical Incident Review Board	The FPD should create a Critical Incident Review Board (CIRB) that is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of 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.	Completed - Implement	This recommendation is being implemented after the Chief of Police develops a policy. (See explanation at end of this document)
[45] Specify staffing and issues for the CIRB to review	The CIRB, consisting at a minimum of the Patrol Division captain, a representative from the training function, a patrol officer representative, and a representative from professional standards, should convene quarterly to review each serious use-of-force incident. The review board should serve to ensure that tactics, equipment, and policy are reviewed, and areas of concern are addressed.	Completed - Implement	This recommendation is being implemented after the Chief of Police develops a policy
[46] Hold a tactical debriefing within 72 hours of an OIS or in-custody death	The FPD should require that a tactical debriefing 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. Members of the CIRB should be included in these tactical debriefings. As part of this review, a member of the training function should be allowed access to the scene after all investigative measures have been completed, to help inform the debriefing of the CIRB.	Completed - Implement	Added to Incident Command Policy



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Recommendation #	Description	Committee Status	Final Disposition
[47] Review enforcement of restrictions on patrol rifles	The FPD should ensure that current policy requirements are being adhered to with regard to Patrol Rifle Operators. (The deployment of patrol rifles to control civil disorders is expressly prohibited by policy; however, PERF’s review of BWC found several instances where officers were wearing rifles, but were not in SETT outfits.)	Completed - Implement	Adjusted in Weapons Policy
[48] Ensure that policies on Incident Action Plans are adhered to	The FPD should ensure it is disseminating an Incident Action Plan (IAP) per policy that provides officers with details and direction for the upcoming events as known and what their responsibilities will be. This should be updated at least every 24 hours, but ideally every 12 hours. This will ensure that officers understand the department’s goals and objectives, relevant information such as curfews, and other information that should be conveyed to officers in the field. This will help ensure a uniform response to demonstrators by the department.	Completed - Implement	Added to Incident Command Policy
[49] Rename policy to reflect that demonstrations often do not involve any civil disturbance	The FPD should rename the title of Policy 325 “Crowd Management and Public Demonstrations” to reflect the fact that not all mass gatherings will result in a civil disturbance, though some mass gatherings may have the potential to result in civil disturbances that require law enforcement action.	Completed - Do not Implement	Against committee advice, Chief of Police changed the title
[50] Provide new training to all officers on demonstrations	The FPD should train all officers on the new Crowd Management and Public Demonstrations policy, containing the recommendations made by PERF.	Completed - Implement	Annual training for all sworn personnel added to Crowd Management Policy
[51] Use the existing checklist of actions to ensure prompt responses	The FPD should review the checklist contained in Policy 325 whenever it is anticipated that an event has the potential to result in a civil disturbance or mass arrest situation.	Completed - Implement	Incorporated into training plan.
[52] Add mission statement to policy on demonstrations	The FPD should add language to the beginning of Policy 325 to state that the department’s approach to its handling of public demonstrations has two equal components: upholding the First Amendment rights of demonstrators, while at the same time ensuring public safety.	Completed - Implement	Added to Crowd Management Policy
[53] Create policy limiting surveillance tools	The FPD should add a new section to Policy 325, titled “Surveillance.” This section should state that the use of surveillance tools, including unmanned aerial vehicles (UAVs) or “drones,” undercover officers, and cameras, is limited to instances where the department has reasonable, reliable information that criminal activity will occur. If there is no clear and convincing threat, surveillance techniques should not be used. Policies on UAVs are a controversial emerging issue that should be discussed with the community and city elected officials in advance	Completed - Do not Implement	Not implementing this recommendation. (See explanation at end of this document)
[54] Add policy linking police response to demonstrators’ actions	The FPD should add language stating that the department’s response to mass demonstrations be proportional to the crowd’s actions. Policy should state that the department will have a tiered response using officers in “soft” gear to handle general crowd interactions. If the department anticipates the possible need for a heightened response, officers in riot gear (such as FPD’s Tactical Field Force) can be deployed, but generally should be kept out of sight when not needed, to avoid escalating tensions.	Completed - Implement	Added to Crowd Management Policy



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Recommendation #	Description	Committee Status	Final Disposition
<p>[55] Add policy to distinguish crowd management, intervention, and control</p>	<p>The FPD should include language in Policy 325 and related policies that establish three increasing levels of response, known as crowd management, intervention, and control:</p> <ul style="list-style-type: none"> • Crowd management—the lowest level of response, in which police respond to all forms of public assemblies to maintain the event’s lawful activities. • Crowd intervention—an intermediate response, in which police respond to pre-planned or spontaneous activities to isolate unlawful behavior that impacts public safety, while allowing for the activity to continue. • Crowd control—the highest level of response, in which police respond to pre-planned or spontaneous events that have become unlawful or violent, and where arrests and crowd dispersal may be required. 	Completed - Implement	Added to Crowd Management Policy
<p>[56] Add policy to distinguish serious crimes from minor civil disobedience</p>	<p>The FPD should add language to Policy 325 to give priority enforcement to crimes of violence, property destructions, or other serious crimes, as opposed to minor acts of civil disobedience such as traffic violations and walking on roadways.</p>	Completed - Implement	Added to Crowd Management Policy
<p>[57] When possible, identify and work with demonstration organizers</p>	<p>The FPD should add language to Policy 325 to require that, to the extent possible, outreach efforts be made to demonstration organizers and participants to facilitate cooperation and to discuss the types of activities that are permissible and those which may result in arrest.</p>	Completed - Implement	Added to Crowd Management Policy
<p>[58] Add policy on the importance of news media relations during demonstrations.</p>	<p>FPD should add language to Policy 325 to address media relations. This section should include information about the overall importance of the news media with regard to mass demonstrations and assemblies. Policy should require that the PIO provide updates to the public through various news media and social media platforms.</p> <p>Social media is especially effective for informing the public about the department’s plans for facilitating demonstrations at certain time and locations, road closures that may be undertaken, any restrictions on protest activities that the department may want to impose, any curfews, and other types of information that are important for demonstrators to know and understand in real time.</p>	Completed - Implement	Added to Crowd Management Policy
<p>[59] Expand on Tactical Field Force policy to reflect use-of force concepts such as de-escalation</p>	<p>The FPD should review Section I. Tactical Field Force Concept to ensure that it reflects the department’s philosophy and approach to use of force, reinforcing concepts such as proportionality and de-escalation.</p>	Completed - Implement	Added to TFF manual
<p>[60] Provide TFF training to command-level staff</p>	<p>The FPD should update training to require that command-level staff be included in Tactical Field Force training, so that the department’s decision-makers are aware of the unique nature and role of the Tactical Field Force in the department’s response to crowd control and mass demonstrations. FPD command staff should also take executive-level training on the use of mobile field forces and the leadership of such teams.</p>	Completed - Implement	City and FPD leaders attended FEMA training on 04/16/21
<p>[61] Change terminology on “military bearing.”</p>	<p>The FPD should rename “XI. Military Bearing/Show of Force” with the new title, “Professional and Structured Response.”</p>	Completed - Implement	Policy adjusted



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Recommendation #	Description	Committee Status	Final Disposition
[62] Develop strong guidelines on the limitations of CS gas in the Tactical Field Force Manual	The FPD’s Tactical Field Force Manual should incorporate a broader discussion of the ramifications of chemical agents. <ul style="list-style-type: none"> • This should include discussion of what will happen if a crowd’s response escalates as a result of the use of these agents. • The manual also should provide guidance on when and how to determine if the deployment of CS gas is appropriate. • Specifically, CS gas should not be considered unless there is clearly a legitimate concern about property destruction and/or violence, and other less-lethal options directed at specific individuals involved in criminal acts are not feasible. 	Completed - Implement	Added to Crowd Management Policy and TFF manual
[63] Require Incident Commander approval of any use of CS gas	The FPD should revise subsection C1 of the Tactical Field Force manual so that the deployment of CS gas is to be authorized by the Incident Commander only. The Incident Commander can take advice and input from various individuals, including TFF supervisors, but policy should clearly state that it is the IC’s responsibility to make decisions about deployment of CS gas and other munitions, including Sting-Balls, as discussed in the next section.	Completed - Implement	Added to Crowd Management Policy and TFF manual
[64] Remove all references to “non-lethal” munitions	The FPD should rename this section “Less-Lethal Munitions” to reflect the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Any references to “Non-Lethal Munitions” in the Tactical Field Force Manual and related documents should be renamed accordingly.	Completed - Implement	Policy adjusted
[65] Require Incident Command approval of use of less-lethal munitions	The FPD should revise subsection D1 of the Tactical Field Force manual so that the deployment of less-lethal munitions is to be authorized only by the incident commander.	Completed - Implement	Added to TFF manual
[66] Provide clear dispersal orders, and provide time for demonstrators to obey the orders:	<p>Police must give clear dispersal orders, providing a time limit and instructions about how to have an orderly process, with directions about which streets demonstrators should use to leave the area, so there will be no confusion. These instructions should also include information about the repercussions for failing to leave.</p> <p>Per policy, once gas has been deployed, TFF members may use a variety of munitions to target specific individuals. In one instance, PERF’s review of BWC footage showed a deployment of a sting-ball grenade that was likely used as an area-affect weapon and not targeted at any specific person(s). Furthermore, sting-ball devices are intended to be deployed at ground level so that the impact projectiles hit the lower body. However, in this instance, the sting-ball was thrown onto a hill with people gathered below the hill. The projectiles had the potential to hit onlookers in the head and upper body.</p>	Completed - Implement	Added to TFF manual and the FPD training plan
	Concerning Recommendation #38 (Arrange for medical response if ECW use is anticipated), current practice is to request an ambulance to standby for any anticipated use of force (when time permits). Specifically listing anticipated ECW use in the policy is not practical. Ambulance resources in our region are limited so requesting them for standby purposes needs to be calculated so they are available for other emergencies.		
	Concerning Recommendation #s 44 & 45 (create a Critical Incident Review Board), this will be implemented in the near future after the Chief of Police and Command Staff have had time to review example policies and best practices. Anticipated implementation date is October 2021.		



Recommendation #	Description	Committee Status	Final Disposition
	<p>Concerning Recommendation #53 (Create policy limiting surveillance tools), this recommendation is not being adopted. The FPD Unmanned Aircraft System (UAS) team strictly abides by Virginia Code 19.2-60.1 and 14 CFR Part 107; both codes govern the lawful use of drones by government agencies. Use of drones as a surveillance tool in public places is often superior to ground level surveillance and frees up limited staff for other purposes. Use of drones, undercover officers and video surveillance will only be used when deemed necessary by a supervisor and in compliance with the above listed codes. FPD did update information to the department's website in an effort to educate the public on the FPD's lawful use of drones.</p>		