

# Raleigh Police Advisory Board Demands that RPD Engage the Board in Policy Changes per the 21CP Report

Police Advisory Board voted unanimously to approve these demands on March 24, 2021.

## Introduction

In a March 10th article on WRAL.com, Mayor Mary Ann Baldwin said, "We (referring to the City Council) have work to do, and the board (referring to the Police Advisory Board) was appointed to help us do that work...We want them to influence policy. Sometimes, the best advice is the advice you don't want to hear, but that could make the difference, and that is their job."

Last year, Mayor Baldwin allowed Councilor Jonathan Melton to write a letter to the State Senate requesting police oversight or subpoena power for the Board. To date, there has been no word from the Senate concerning this request. This issue was also added to the City Council's 2021 Legislative Priorities agenda. Police Advisory Board Chair Sheila Alamin-Khashoggi wrote board members in an email on November 25, 2020:

*"So, let us make the most of the opportunity we have been given...and, recognize the power we have been granted and use it to the fullest extent. As I have said to you before, policy is a powerful tool because the power of policymaking is the foundation upon which our laws are made and amended."*

## Policy 1107-02: Response to Disasters

Next, the board would like to review items from the February meeting. The first point is Major Vestal's presentation on policy 1107-02 (Response to Disasters). On page 15 of the consultant, 21CP's report, policy number 1107-02 was indirectly cited in Recommendation 8, which stated: "RPD should develop a standalone Mass Detention and Arrest policy." The comment on this recommendation stated, in part, that the "...RPD should develop clear policy guidance as to when officers managing crowd and protest situations, can make mass arrests. The policy should, among other things, detail how arrest teams will engage with protesters subject to arrest and how those arrested will be booked...Given the scope of legal and logistical implications surrounding mass arrests in a protest situation, RPD would be well-suited to craft a detailed policy addressing these issues." The response to this recommendation that is found on page 6 states, in part: "Civil disorders, jail emergencies, and mass arrests are currently being drafted, into a standalone policy...Input is being sought from personnel who are involved in planning the RPD's response to these events; additional input will be sought from the Police Advisory Board." Under each recommendation response are the status, implementation date, and completion date. The cover page of the departmental Response states, "Accordingly, the responses indicate a specific period of implementation and date of completion: Immediate, 30 to 40-day implementation; intermediate, 41 to 60-day implementation; and long-term, 61 to 90-day

*implementation.*" In the case of Recommendation 8, the status is intermediate with an implementation date of January 1, 2021 and completion date of March 1, 2021.

Here is the problem with this: the definition of "implementation" is *"the process of putting a decision or plan into effect."* That means that the implementation process for the update to 1107-02 and the creation of a standalone policy occurred between January 1st and March 1st. Contrary to what was written in the response, which is a public document, at no time during that 41 to 60-day implementation process period was this Board invited to give its input into the creation of the new policy. Also, the new policy that the Chief's Office claimed was *"currently being drafted"* was not cited in Major Vestal's presentation nor was it publicly posted on the city's website as of March 15th when I printed a copy of policy 1107-02.

Understandably, this policy still shows an effective date of January 2, 2014. All of this leads to believe that the standalone policy has, in fact, not been done although there is a completion date of March 1, 2021. So much for transparency.

### **DOI 1108-01: Use of Force and Weapons**

In addition to the overview of policy 1107-02, the board was given an overview of DOI 1108-01 (Use of Force and Weapons). What is interesting is the connection made between these two policies in the RPD's response to the recommendations. Although policy 1108-01 (Use of Force and Weapons) is not referenced by number, it is the one that Recommendation 9 is referring to. The recommendation states that the *"RPD should develop more specific policy guidance on the use of force in crowd contexts. RPD should clarify and re-train commanders on when and how to authorize deployment of special munitions."* The police department's response, in part, states: *"Policy guidance on use of force in crowd and protest contexts was already included in DOI 1107-02 (Response to Disasters) and is being refined and included in response to Recommendation #8."* The status for Recommendation 9 in the Response is also "intermediate." The implementation date is also January 1, 2021. And, the completion date is also March 1, 2021. And you guessed it, the Police Advisory Board was NOT invited to give *"additional input"* in the review and update of this policy either. Also, the refining of this policy was done between January 1<sup>st</sup> until its completion date on March 1st; and, this policy too has not been updated on the city's publicly accessible website. Also notable is that in the consultant's recommendations and/or the department's responses, these and other policies required revisions because more details were needed.

### **Policy 1109-21: Special Events and Dignitary Security and After Action Report**

On November 30, 2020, the board requested a copy of policy 1109-21 (Special Events and Dignitary Security). The board was told that the General Statute prohibited the public from seeing this policy. For months, the board asked to see a redacted copy of the policy, which would darken or hide the sensitive information concerning details of security plans and arrangements. The General Statute was the "go-to" used to block our attempts to see this policy that could not be divided because it was a *"whole policy,"* a single unit in the Departmental Operating Instructions. Then the question was raised on more than one occasion as to whether 21CP Solutions had been given access to any of the non-public policies while completing their assessment of the After Action Report. Time after time, this question was either not answered or evaded. It had been something of a cat and mouse game that had run its course. It was time to table this matter and move on. And, the board would have done had the discrepancy in the number of 21CP

Recommendations and the number of Recommendations in the RPD's Response to the consultant's report had matched. But they did not; and that stirred the board's curiosity which led them to go back to a copy of the 21CP report and count each recommendation. The board found the problem was in numbering two of the recommendations with the same number. In the search for the numbering error, we came across something most interesting: This policy *"sets the responsibility for completing and submitting an After Action Report with the Special Operations Division Commander or designee. The policy describes the content of these reports...The report is to be submitted to the Chief of Police."*

The policy referred to here is 1109-21 (Special Events and Dignitary Security). This is found in section seven, After Action Reports, on page 39 of the consultant's report. So, to make this perfectly clear: 21CP Solutions was the external consulting firm hired to do an assessment of the After Action Report of the events that occurred last year on May 30<sup>th</sup> and 31<sup>st</sup>, who were allowed to see Raleigh Police Department policy 1109-21, which was prohibited, forbidden, off limits to be reviewed by the public because of the General Statute.

In the background information on After Action Reports, the consultants wrote: *"An After Action Report ("AAR") is [a] process in which 'following a project or event,' an organization and its 'members gather to share insights and identify mistakes and successes.' This should be a team-based process that encourages participants to reflect on what happen[ed], offer their observations and perceptions about the event, and identify both promising practices and lessons learned. The AAR process is a learning opportunity for the organization and can provide suggestions to leadership, policymakers, and others for change."* (p. 38) In the last paragraph of the Background, the consultants conclude, *"For action assessments to be beneficial, the learning loop must be closed by ensuring promising practices and lessons learned are reflected in future plans, procedures, and policies...It is through learning from experience and teaching these learnings that a police department can improve training, enhance safety measures, and positively impact responses and practices."* (p. 38-39) It was interesting to note in Recommendation 30 on page 43 that 21CP *"...acknowledged that RPD reviewed a good amount of data and information and released a public report in a relatively quick manner."* Yet, the After Action Report was a nearly fifty (50) page document that included reports from a variety of internal and external department sources. The 21CP Solutions report was about as long as the After Action Report.

The consultants also reported that they *"reviewed several After Action Reports prepared by the Raleigh Police Department...All of these reports followed the basic structure outlined in Policy 1109-21 and were completed by the Special Operations Division. They varied in length from one to five pages."* (p. 40) Among the five reports the consultants were given were the 2015 After Action Report El Pueblo Protest and the After Action Report on the NAACP Mass Moral Monday March for HKonJ in 2016. A major problem that 21CP found with the After Action Report on the 2020 protests and riots was a lack of inclusion from other stakeholders in the After Action process. The consultants wrote that *"identifying a comprehensive list of stakeholders to engage throughout the AAR process is critical."* Among the list of possible stakeholders that should be included were mutual aid or co-responders, elected officials, and community or nongovernmental organizations.

The consultants went on to write, *"Who and the depth of a review will depend on the number of actors involved in the action and the impact the action had on the community...It is important that AARs not be conducted in a vacuum"* (p. 43, 42) The consultants explained why the AAR review process should be inclusive: *"Given the public nature of this event, RPD could have contacted community, nongovernmental organizations, or businesses to get additional insights...It is accepted that bringing different perspectives into*

*the AAR offer challenges but we believe the benefit both in understanding how the event evolved and setting the stage for police and others to work together to improve future responses to similar events is worth the effort."* (p. 42) This was a missed opportunity for the police department to start building a relationship with the community.

Remember, an After Action Report (AAR) is an assessment of what happened and the lessons learned from the event. If the AAR is a learning opportunity, then there has to be a plan to implement those lessons learned. *"A Corrective Action is the first step of translating learnings into actions. Such a plan identifies the actions necessary to implement the recommendations and assign each action to a person responsible for taking the action and the time frame in which the action is to be completed."* (p. 43) The Corrective Action Report is the formal name for the *"Response to the 21CP Recommendations"* or *"a memo on Dec. 11"* as is the title on the *"Update: RPD's Response to 21CP Recommendations"* webpage on the city of Raleigh's website. 21CP Solutions made six (6) Recommendations, numbers 30 to 35 on pages 43-45, based on this policy, 1109-21, concerning the May 30-31 events in the Raleigh Police Department's After Action Report.

The response to Recommendation 30 seemed rather shallow and was not convincing that the RPD is interested in changing its attitude toward including external stakeholders in such discussions as the After Action Review process.

### **Police Advisory Board Requests to Policy Changes**

With all of this in mind, we, the representatives of the Raleigh community having been appointed by the mayor and City Council, are not asking but demanding:

1. To be involved in all police policy changes as cited in the 39 Recommendations in the 21CP Solutions report;
2. Since 21CP is a public firm and they were given copies of documents that were not available for the public to review, we also want exactly everything they got by April 7th; and,
3. After reading the department's response to Recommendation 35, the board came away wondering why 1109-21 (Special Events and Dignitary Security) was covered by a North Carolina General Statute. However, if there is a co-mingling of the After Action Report guidelines with security plans and arrangements then the After Action Report guidelines need a standalone policy. And, the other nine (9) policies prohibited to the public also need to be reviewed and anything not related to that policy and/or not covered by the General Statute needs to be taken out of the policy and made a standalone policy. All of this needs to be done immediately and posted to the website. This also includes any and all updates to police policies marked with a "completion" date or simply marked "completed" in the RPD's *"Memo on Dec. 11"* or Corrective Action Report.

Without presuming for anyone else, the board concluded that 21CP likely saw that the Raleigh Police Department operated and functioned in isolation rather than as part of the whole city government system and the community. And, this antiquated, cliquish culture of policing will never be able to be *"an example of 21<sup>st</sup> Century policing"* that will take the *"opportunity to grow further"* in a *"relentless pursuit of excellence."* Until that culture changes it will be what it always has been.

**Now, Police Advisory Board, let's exercise our influence, and in the words of the late Congressman John Lewis, *"See something...Say something...Do something!"***