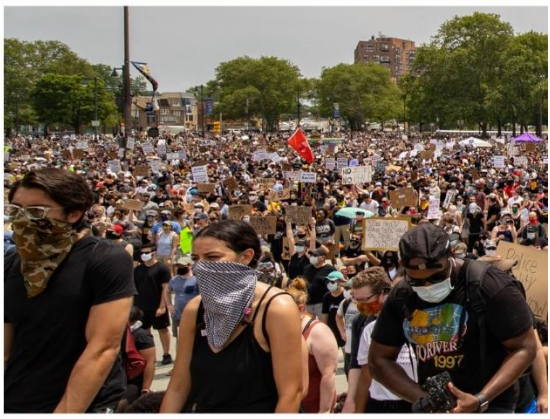
Philadelphia Police Department's

Response to Demonstrations and Civil Unrest

May 30 – June 15, 2020

DECEMBER 2020



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PREFACE

This after-action report provides an independent review of the Philadelphia Police Department's (PPD) response to the mass demonstrations and civil unrest that occurred in the city from May 30 – June 15, 2020. While the findings contained in the report speak to this specific timeframe, the review team acknowledges that the response in Philadelphia (also referred to as "the City") was not unlike the law enforcement response to similar events that occurred both nationally and globally. We provide this preface as a means to better understand the Philadelphia response within a national context, and also to provide a summary of key reforms initiated by the city and PPD since the start of our review in July 2020. These reforms represent the commitment of the City's leadership and the PPD to initiate, implement and sustain organizational reform efforts concerning the management of First Amendment demonstrations, police use of force, and other resources needed to better prepare officers to meet their public safety mission.

Philadelphia Response in the National Context

On May 25, 2020, George Floyd, a 46-year-old African American man, died after being handcuffed and pinned to the ground (for 8 minutes, 46 seconds) in a knee-hold on his neck by a Minneapolis police officer. This incident occurred within the context of other recent shootings and in-custody deaths of African Americans at the hands of police officers, further reinforcing negative perceptions of police among segments of the population and representing a "tipping point" in patience with the pace of criminal justice reforms. The mass demonstrations and protests that followed the next day in Minneapolis, quickly spread to over 2,000 cities and towns in over 60 countries forming a worldwide demand for an end to police brutality and systemic racism. In many instances, these protests overwhelmed the resource capacity of local law enforcement, resulting in the deployment of over 96,000 National Guard troops to 30 states and the District of Columbia. While it is estimated that 93 percent of the protests were "peaceful and non-destructive"[1] many, for a range of reasons, spiraled into violent conflicts, looting, and arson—resulting in an estimated one to two billion dollars in property damages reported to insurers nationwide.[2]

While the scope of this independent review focuses on the PPD's response to the Floyd-related protests, it is important to understand that this series of events occurred while the city had been working tirelessly to manage the impacts of the COVID-19 pandemic—the most challenging public health emergency in over 100 years. At the time of the protests, many city departments and personnel were already struggling to meet their day-to-day operational demands due to staffing shortages associated with the looming pandemic response. This operational fatigue likely affected the city's ability to manage the unexpected and unanticipated size, tone, and tenor of the Floyd-related protest

[1] https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/
[2] https://www.axios.com/riots-cost-property-damage-276c9bcc-a455-4067-b06a-66f9db4cea9c.html

events. In Philadelphia, as was the case in other cities, protest organizers deliberately decentralized events across multiple locations, with the intention to stretch police resources making it more difficult to manage or to disperse these gatherings.

In today's technology-driven world, social media has become a powerful tool, allowing messaging across vast communication networks providing the means to quickly and methodically mobilize large numbers of individuals. Protest organizers for the events in Philadelphia targeted audiences with information about the time and location of demonstrations using Twitter, Facebook, Instagram, and other social media platforms to quickly attract and position thousands of protestors at multiple locations—across multiple days. This ability to quickly mobilize thousands of demonstrators in Philadelphia, and the deliberate decentralization of events by event organizers led to the intended manpower shortages and deployment challenges over the first few days of the protests. PPD officers often found themselves in overwhelming situations overpowered by the crowd sizes and the escalating violence, and at times, engaging in inappropriate applications of force against protestors. Organized looters, often using social media, were able to effectively target commercial properties with limited interventions by police, as PPD struggled to deploy officers ahead of the crowd movements. The chaos and uncertainties over the first three days of the response, led to questionable uses of teargas, and breakdowns in crowd management plans and tactics.

After the first three days of the protests (May 30 – June 1, 2020), the city was able to muster and deploy additional PPD officers, as well as support from the Pennsylvania National Guard, providing the manpower needed to restore order, and to protect the First Amendment rights of the protestors. During the first two weeks of the Floyd-protests there were 723 arrests, numerous injuries, but fortunately no fatalities. The response to the protests in Philadelphia revealed fault lines in the City's current emergency preparedness and planning infrastructure, resulting in an inability to quickly respond to these unprecedented protests. With social media now a tool for mass mobilization, jurisdictions will need to develop plans that allow for a response in hours, as opposed to days. Social media and the tactics deployed by protest groups in Philadelphia (and across the country) will likely continue to be used by groups prone to social disruption—and plans should reflect the more urgent nature of response to these events and incidents.

The series of protests also revealed a need for refresher training and new directives in crowd control, use of force (including less than lethal munitions such as: tear gas, pepper spray, and batons), and de-escalation tactics. They also highlighted critical equipment shortages including a need for more patrol and special operations officers to be provided with and trained to use body-worn cameras. Our interviews with community stakeholders also confirmed ongoing tensions and mistrust between many Philadelphians and the PPD. Perhaps the most important recommendation from this report is for the PPD to increase and strengthen their efforts to engage their community (especially marginalized communities), and to modify policing practices in a manner that builds trust, increases transparency, and builds confidence in the department.

Summary of Relevant PPD Reforms Initiated and Underway

This review acknowledges and supports several of the efforts that the City and PPD have already undertaken or proposed to address officer accountability; diversity and inclusion within the Department; confront issues of implicit bias; equip officers with the necessary training and equipment to deescalate intense situations; increase transparency; and to enhance community engagement with the goal of building public trust. Those reforms efforts are described in more detail below.[3]

- PPD has agreed to be an early adopter of the Active Bystander for Law Enforcement (ABLE) Program and will train all sworn personnel on how to actively and effectively intervene and de-escalate a situation to build a culture that prevents harm. PPD currently has four Academy instructors trained through the national ABLE "Train-the-trainer" session that began in September 2020.[4]

- PPD will train its personnel—both officers and non-sworn—on Implicit Bias, with Dr. Marks of the NITRE Center, starting the training on October 28, 2020, and will complete the entire training in the Fall of 2021.[5]

- PPD has requested no-cost technical assistance from the Bureau of Justice Assistance National Training and Technical Assistance Center (NTTAC) to conduct a comprehensive review of current PPD officer safety and wellness efforts. This assessment started in late October and the process is underway with interviews and document review by the PERF team.

- In November 2020, the City and PPD Leaders initiated a community engagement series called, "Pathways to Reform, Transformation and Reconciliation Community Engagement Series, Circles of Truth" to give members of the community along with police personnel an opportunity to start a dialogue focused on police practices in Philadelphia and create a forum to bring forward suggestions for consideration of changes to police practice, polices, community engagement and trust building.[6]

- To increase transparency concerning complaints against police officers and the investigatory and disciplinary system triggered by these complaints, the PPD has committed to: (1) expand reporting of civilian complaints and internal investigations to include the posting of quarterly complaints against police, including districts, type

[3]These reforms were detailed in the City of Philadelphia's Response to Plaintiff's Proposals Regarding 14th Amendment Issues, filed in the case of Mahari Bailey et al. v. City of Philadelphia, 10-cv-5952 (Doc. 117).
[4] https://www.phila.gov/2020-10-21-120-day-update-on-pathways-to-reform-transformation-and-reconciliation/
[5] https://www.phila.gov/2020-10-21-120-day-update-on-pathways-to-reform-transformation-and-reconciliation/
[6] https://infoweb.newsbank.com/apps/news/document-view?p=AWNB&docref=news/17F1E56FEE7E8AC8&saved_alert_id=jkeslar%40mmwr.com_IW_1578930259945&sort=YMD_date%3AD&maxresults=20&val-base-0=%22danielle%20outlaw%22&fld-base-0=alltext&fld-nav-0=YMD_date&val-nav-0=after%2011/01/2020&fld-nav-1=dti&val-nav-1=12/01/2020%2010%3A33am%20-%2012/02/2020%2010%3A28am&f=basic

of complaint, full text of complaint, complaint disposition, and demographic information of the complainant; (2) establish specific criteria for the designation of an investigation as internal or external; and (3) establish systemic tracking and public reporting of incidents in which officers witness inappropriate or excessive force by another officer. PPD will work with multiple stakeholders on these revised processes and expects these reforms to be implemented mid-year 2021.

- The PPD and the Police Advisory Commission (PAC) are working on a Joint Action Plan to evaluate the PPD disciplinary process from start to finish. This effort began in October and will likely be completed in the Spring 2021. At the same time, Commissioner Outlaw is reviewing all protocols related to the disciplinary process and the Police Board of Inquiry (PBI). The City will continue working with advocates and government leaders to examine other ways to increase transparency, including obtaining community feedback.

- Commissioner Outlaw has expressed interest in bringing the ICAT (Integrating Communications, Assessment, and Tactics) program to the PPD which teaches officers to de-escalation and mitigation tactics in intense situations. [7]

- In the November 2020 election, Philadelphians voted to amend to the Philadelphia Home Rule Charter to create an independent Citizens Police Oversight Commission. This work is being led by Council President Clarke and Councilmember Jones and working collaboratively with the Police Advisory Council as needed on the structure, duties and powers of this Commission. The existing Police Advisory Commission developed a proposed structure and function of the new Commission. [8]

- Commissioner Outlaw is actively recruiting for a Diversity and Inclusion Officer, who will be charged to review all PPD policies and practices through an equity lens, including increasing diversity of new hires. Simultaneously, PPD is reviewing its recruitment and retention efforts to enhance racial and geographic diversity. Through the no-cost technical assistance from the International Association of Chiefs of Police (IACP) Collaborative Reform Technical Assistance Center (CRI-TAC), the PPD is conducting a comprehensive review of recruitment and retention efforts by way of an assessment project – focused on better attracting diverse individuals to PPD's rank and file. The Police Commissioner, the Diversity and Inclusion Officer and members of the executive team will then use this assessment to develop a plan for enhancing PPD's racial and geographic recruitment diversity.

[7]https://www.google.com/search?q=city+of+philadelphia+commitment+to+mental+health&rlz=1C1GCEB_enUS878US878&oq=city+of+philadelphia+commitment+to+mental+health&aqs=chrome..69i57j33i22i29i30l2.9915j0j7&sourceid=chrome&ie=UTF-8

[8] https://admin.phila.gov/media/20201116092153/Citizens-Police-Oversight-Commission-Program-Architecture.pdf

- PPD is in the process of reviewing and revising technology policies. In July 2020, the NYU Policing Project began a review of 17 PPD surveillance and information gathering technology policies from a civil rights/civil liberties perspective, which complements the other policy review efforts being conducted both internally and externally. Upon completion of these reviews, the agreed upon recommendations will be presented to Commissioner Outlaw for consideration and approval and incorporated into PPD policy.

- All use of force policies were reviewed against the Police Executive Research Forum report, *30 Guiding Principles on Use of Force*. Edits to policy and PPD mission have been drafted by the Executive Team and are being staffed to all Commanders for additional comments or edits before final submission to Police Commissioner.[9]

- The Use of Force policy was updated to clearly articulate that kneeling on a person's head or neck is prohibited. This is consistent with recent legislation passed by City Council and signed by Mayor Kenney.

- PPD is amending the SWAT less-than-lethal standard operating procedures (SOPs) to include references to the sanctity of life and rights of peaceful protestors, consistent with overall Departmental policy. The Philadelphia Law Department has been included in reviewing these amendments.[10]

- The PPD recognizes the necessity of having all patrol and special operations officers outfitted with body-worn cameras. Currently, 2,150 body-worn cameras have been deployed to PPD personnel. Additional body worn cameras will be issued in the third quarter and PPD will have 3,000 officers equipped in early spring 2021. Police Commissioner Outlaw has requested the funding to purchase the additional body-worn cameras. In addition, the Kenney Administration has submitted a proposal to City Council for approximately $13.8 million dollars for 4,500 Tasers for the PPD. The proposal will not be considered until 2021.

- Over the summer, the City, in partnership with The Merchants Fund, distributed more than $1.5 million in grants to 186 businesses as part of the City's Restore and Reopen program. The program provided grants to small, independently-owned businesses that suffered property damage, vandalism, or inventory losses during the recent civil unrest—with a focus on those in historically disadvantaged communities. More information can be found in this recent report.[11]

[9] https://www.phila.gov/2020-10-21-120-day-update-on-pathways-to-reform-transformation-and-reconciliation/
[10] https://www.phila.gov/2020-10-21-120-day-update-on-pathways-to-reform-transformation-and-reconciliation/
[11] https://www.phila.gov/2020-10-21-120-day-update-on-pathways-to-reform-transformation-and-reconciliation/

SUMMARY OF FINDINGS

On May 25, 2020, George Floyd, a 46-year-old African American man, died after being handcuffed and pinned to the ground (for 8 minutes, 46 seconds) in a knee-hold on his neck by a Minneapolis police officer. The compelling video sparked strong reactions, both within the Minneapolis community and nationwide. This incident occurred within the context of other recent shootings and in-custody deaths of African Americans at the hands of police officers, further reinforcing negative perceptions of police among segments of the population and representing a "tipping point" in patience with the pace of police reforms.

On the day following the death of George Floyd, protests began in Minneapolis and continued throughout that week. Protesting escalated, resulting in clashes between police and protestors, resulting in many arrests, damage to both public buildings and commercial properties, looting, and physical injuries. Protests and civil unrest soon surfaced in other cities, including Philadelphia.

On May 30, close to noon, protesters began to congregate at Dilworth Plaza in Center City Philadelphia, eventually marching westbound on John F. Kennedy Boulevard toward the Philadelphia Art Museum. The march grew in size during the afternoon but remained relatively peaceful. Later that afternoon, as protests escalated, the Special Weapons and Tactics (SWAT) team was deployed, and the peaceful protests gave way to violent clashes between police and protesters that included property damage. That same afternoon and evening, other protests surfaced in multiple locations throughout the City.

For the next several days, the City was subject to widespread protests in multiple locations. A pattern emerged in which generally peaceful protests evolved into clashes between police and protestors and, often, civil unrest. While protests and civil unrest spread to several locations, Center City, the 52nd and Market Street corridor in West Philadelphia, Kensington, and Interstate 676 (the Schuylkill Expressway) between 20th and 22nd Streets were the primary focal points. It was at these locations where the preponderance of arrests, property damage, injuries, and the deployment of crowd control munitions occurred, including tear gas and rubber bullets. The protests and civil unrest began to wane at these and other locations as the week wore on; they continued—to a far lesser extent—into the following week.

The City and the Philadelphia Police Department (PPD) response to these protests revealed shortcomings in their emergency operations. Furthermore, the timing of the protests occurring in the middle of the COVID-19 pandemic, and during a transition of a newly appointed Police Commissioner and other leadership changes, exacerbated these shortcomings. Community reactions to the City's and PPD's response to these protests were highly critical, particularly PPD's decision to deploy CS gas (tear gas) against the protesters.

Mayor James Kenney and Police Commissioner Danielle Outlaw pledged to engage an independent contractor to conduct a comprehensive examination of the City's and PPD's response, and soon thereafter contracted with CNA, a well-established and nationally known non-profit research organization with extensive police assessment experience, along with Montgomery McCracken Walker & Rhoads, LLP a Philadelphia-based law firm, with extensive experience in conducting government and corporate internal investigations. The City and PPD remained independent of the analysis, provided unencumbered access to relevant data, and ensured that critical staff were available for interviews.

The analysis first revealed that the City and PPD were simply not prepared to address unanticipated mass protests coupled with civil unrest occurring in multiple locations throughout the City. PPD's fallacious assumptions about its capability to manage such protests (based on prior experience in handling planned and anticipated large-scale events and demonstrations), coupled with its lack of specific plans to respond to mass protests and civil unrest occurring at multiple locations, slowed the Department's initial response. As a result, the PPD was short of manpower and equipment and worked with an ineffective operations plan to address larger than expected protests and civil unrest. **Recommendations to improve the preparedness and planning processes include a review of the role of the Mayor's Special Events Task Force in issuing permits for large-scale protests, including contingencies and guidance for the Civil Affairs Unit (CAU) to assist in unpermitted or sponataneous mass gatherings. CAU should seek to continuously identify and proactively reach out to leaders of local activist groups likely to lead or to help organize protests and marches without City approval.**

While the City and PPD have in place various plans to address an array of emergencies, there was no specific plan or playbook to respond to mass protests coupled with civil unrest occurring in multiple locations across the City. Given the protests and, at times civil unrest, in response to perceived police misconduct that occurred in many cities over the last several years, and certainly following these recent events, **it is recommended that the City develop a citywide plan to respond to mass protests and civil unrest occurring at multiple locations. Once developed, this plan should serve as the basis for annual field and tabletop exercises, to include all principals from agencies who have a role in the plan.**

The City's response also revealed a lack of understanding of roles and responsibilities of responder agencies operating within an Incident Command System (ICS) structure and certainly a lack of clarity regarding the operations of the Unified Command Group within that structure. **It is recommended that specific guidance be developed for the composition and operations of the Unified Command Group, including core and expanded membership lists, a process for documenting decisions, tracking steps taken, and follow-up actions.**

There were insufficiencies in the coordination of interagency assets especially with law enforcement entities from other jurisdictions and the Pennsylvania State Police (PSP). The most obvious gap is the lack of Memoranda of Understanding with the PSP to spell out mutual expectations and command-and-control procedures. Also, there were other City agencies that felt they had a role in the response who were not included in the planning or consulted during the response. To strengthen coordination and highlight its importance in addressing citywide emergencies, **it is recommended that the City**

shift the Office of Emergency Management (OEM) from the Fire Department and, much like other large cities, establish it as an independent entity reporting to the Managing Director's Office to enhance coordination and citywide planning capability.

PPD policy specifies that the National Incident Management System's (NIMS) Incident Command System (ICS) protocols "shall be used in crowd management and civil disturbances to ensure control and unified command." From the onset of the protests, NIMS protocols were not always followed and consequently led to delays in field responses to protests and civil unrest. For example, PPD policy stipulates that, "in the case of a widely dispersed demonstration or disturbance… multiple Incident Commanders ("IC") may be assigned at the discretion of the First Deputy Commissioner." For the post-Floyd response, PPD Inspectors served as ICs for their assigned areas but were not given the authority to make important decisions, such as canceling days off and extending tours of duty for officers assigned to their command. Likewise, in the first several days of the protests, manpower and equipment shortages greatly hampered the PPD's response, some of which may have been more expeditiously addressed if the ICs could have exercised greater authority. **In exigent circumstances, it is recommended the Incident Commander (at the rank of Inspector or above) be authorized to cancel days off and call officers off back to work on their days. It is also recommended that PPD Command staff be provided refresher training on implementing the Incident Command System.**

PPD's use of chemical agents and other munitions in 1985 to evict a group of activists from their residence resulted in numerous fatalities and extensive property damage, nearly destroying an entire city block of homes. As a result, there was an enormous public outcry, and deploying chemical agents, including orthochlorobenzalmalononitrile (better known as CS gas, or tear gas), was limited to SWAT units with specific guidance on its deployment. Since 1985, there have been only isolated uses of CS gas by PPD and rarely as a tool for crowd control. Current PPD policy does provide ICs with authority to use chemical agents. During the post-Floyd protests, Commissioner Outlaw explicitly required that ICs obtain her approval prior to deploying CS gas. However, in two of three instances, authorization was not sought from the Police Commissioner prior to the deployment of CS gas. Similarly, PSP deployed CS gas without prior approval from the Commissioner in her role as overall Incident Commander for these events. As in 1985, there was much public consternation about the gas deployments, the manner in which they occurred, and the spillage of effects into Philadelphia neighborhoods. **It is recommended, as a matter of policy, that approval of the deployment of CS gas rests solely with the Police Commissioner or his/her designee. It is also recommended that SWAT, as the authorized user of CS gas, receive refresher training on deployment to minimize the collateral effects.**

Adequate manpower and equipment are most important in the ability to respond effectively to mass protests and civil unrest. In the first few days of the post-Floyd protests, the lack of manpower, along with subsequent deployment decisions, created situations that limited officers' ability to engage in enforcement actions. In other instances, officers felt outnumbered, which may have contributed to their unnecessary applications of force against protestors. The analysis provides a series of recommendations addressing these issues that include **making further use of intelligence-gathering capabilities to obtain information that would more accurately estimate protest size, threats, and criminal intent; updating and exercising mutual aid agreements to**

more quickly deploy outside law enforcement assets; and empowering ICs to make more manpower-related decisions. Equipment-related recommendations include a need **to assign every officer a radio, place a fire extinguisher in each patrol vehicle, make shields available for rapid accessibility, issue gas masks to all officers, issue body-worn cameras to all PPD personnel (including SWAT and Major Incident Response Team (MIRT) units), and upgrade video surveillance capabilities.**

Crowd management and responding to civil unrest under these circumstances placed a burden on PPD staff to balance a need to protect First Amendment rights to protest, enforce laws to protect both protestors and officers, and to protect property. The use of crowd control and enforcement tools, including the application of force, is addressed in the PPD use-of-force policy, which states that "officers should exercise all safe and reasonable means of control and containment **using only the minimum amount of force necessary."** Video footage, testimony and interviews with protestors and on the ground observers, and police reports indicate that there were numerous instances where this policy may have been violated.

The analysis yielded a series of recommendations addressing this issue, including **drafting more specific policy/directives detailing requirements for baton strikes and the use of Electronic Control Weapons (ECW), OC spray (pepper spray), rubber bullets, and flash bang grenades; updates in PPD Policy, such as considering baton strikes to the head as deadly force; and refresher or in-service training to cover appropriate and safe deployment of these crowd control tools.**

Public messaging in 2020 is more than just working with traditional media outlets, such as radio and television; it now involves understanding and utilizing various social media platforms. During post-Floyd protests, City and the PPD public information officers played roles in coordinating communications with the public and attempted to proactively deliver information using both radio and social media outlets. There were challenges in capturing and reporting out accurate and verified information, dispelling misinformation pushed on social media platforms, and using communication capabilities more strategically. Two of the resulting recommendations are for **crisis communication training relating to mass protests and civil unrest, including a communications component as part of the Unified Command Group, and for the PPD to more effectively monitor incoming and outgoing social media activity.**

The core mission of the PPD is to protect and serve the citizens of Philadelphia. Reporting out and understanding community perceptions, reactions and viewpoints regarding the City and the PPD response to the post-Floyd protests are central to this analysis. Protestors, community leaders, business owners, elected officials, and neighborhood residents where protests took place were all interviewed to capture not only their experiences but also their thoughts for a future improved response.

Several themes emerged in City Council testimony and interviews regarding the PPD response, including the following:

- An inability to differentiate between peaceful protestors and those engaged in criminal acts, thereby treating both groups in a similar manner
- Use of unwarranted force, mostly affecting peaceful protestors, resulting in much discomfort and injuries
- Not issuing adequate warnings prior to deploying gas and other crowd control munitions and tools
- Deploying CS gas directly into crowds, with collateral damage spreading to neighborhood streets
- A generally hostile demeanor and displaying little effort to deescalate situations
- Not providing enough support to help those injured from PPD actions

Others voiced concern about the lapse in enforcement in preventing looting and protection of property, and a few felt that PPD was not aggressive enough in quelling the civil unrest. Most of those interviewed expressed generally negative perceptions of PPD. It became clear from these interviews that there remains a significant lack of trust in PPD in segments of the Philadelphia community.

It is recommended that PPD update training concerning crowd control and protecting First Amendment rights, and that this training emphasize de-escalation and alternatives to use of force to achieve crowd management objectives. As part of that training, PPD must emphasize that warnings must always be issued prior to use of tear gas or other crowd control tools.

Beyond crowd control, concerns about PPD officers' demeanor and projection of a "warrior mentality" were expressed by many community members. There is a general skepticism about police stemming, in part, from the national conversation around police brutality and criminal justice reform. This conversation extends to residents' critiques of Philadelphia's own history of police-community relations. This sentiment is expressed most negatively by segments of the Philadelphia communities of color, who are also most affected by the presence of police in their neighborhoods. **It is strongly recommended that PPD develop and initiate a comprehensive community engagement strategy aimed to improve community relationships and rebuild the trust necessary for effective policing and community safety.**

The analysis concludes that deficits in the response were most apparent in the first three days of the protest. However, as PPD was able to update operational planning, access more personnel and assets, and make better deployment decisions, it was able to regain control and return the City to a state of "normalcy." This analysis is diagnostic in nature and highlights issues. Early on, PPD staff demonstrated commitment to restoring order, and some members even self-deployed during the

heights of the crisis. Many officers also displayed great restraint when faced with hostile and potentially dangerous situations, particularly aimed at them. It should be noted that the City and PPD did make adjustments and improved their response to protests and demonstrations as they continued through the duration of the protest study period, May 30 through June 15.

INTRODUCTION

On May 25, 2020, George Floyd, a 46-year-old African American man died after being handcuffed and pinned to the ground by a Minneapolis police officer. Community bystanders captured the event on video, which was shared widely on social media and resulted in community outrage, an FBI investigation, a civil rights investigation, and the firing and arrests of all four involved officers. The compelling video—8 minutes and 46 seconds of Officer Derek Chauvin kneeling on the neck of George Floyd—quickly spread amongst social media, cable news stations, and major news outlets, sparking strong reactions both within the Minneapolis community and across the nation.

This incident contributed to a growing public perception of biased and sometimes brutal treatment of African Americans by police officers. This incident occurred within the context of other recent shootings and deaths of African Americans at the hands of police officers. George Floyd's cries of "I can't breathe" harken back to 2014 and the in-custody death of Eric Garner by use of a chokehold. More recently, with the shooting deaths of Walter Scott, Alton Sterling, Breonna Taylor, and Philando Castile, many Americans reached a tipping point in their patience with systemic racism and the pace of police reforms, leading to nationwide protests.

The day after the killing of Floyd, protests in the city of Minneapolis ended with a march to Minneapolis Third Precinct Headquarters. Tensions rose as protestors threw water bottles, and police responded with rubber bullets and tear gas. Protests resumed the following day. Once again, in the evening hours, protest led to confrontations with police, who responded with tear gas, rubber bullets, and flash bangs. Later that evening in nearby neighborhoods, windows of businesses were broken, some stores were looted, and two buildings were set ablaze. For the remainder of the week, Minneapolis experienced ongoing protests and damage to public buildings, looting, fires, and civil disturbances across the City. Protests and civil disturbances surfaced in other cities, beginning in earnest in Philadelphia on May 30. For the next several weeks, Philadelphia experienced peaceful protests coupled with civil unrest resulting in looting, vandalism, and burning of buildings. Police deployed tear gas, rubber bullets, and other crowd control munitions and tools, sometimes directly affecting Philadelphia residential neighborhoods.

In the aftermath, Mayor James Kenney and Police Commissioner Danielle Outlaw announced plans "to engage an independent consultant to conduct a comprehensive examination of the City's response to recent protests and other activities, which will include investigations of the Philadelphia Police Department's use of force." Police Commissioner Outlaw stated that "the Department's commitment to reform must include an assessment of how police responded to the very protests that called for change." She also pledged to make public a final comprehensive report.

The City of Philadelphia contracted CNA (a nationally recognized, well-established, non-profit research organization with extensive experience in police assessments) along with Montgomery McCracken Walker & Rhoads, LLP (a Philadelphia-based law firm with extensive experience in conducting government and corporate internal investigations) to conduct the after-action analysis of the City's response to the Floyd protests. The City committed to an independently conducted analysis and openly provided the consulting team access to relevant data and personnel needed to perform the analysis.

The purpose of this after-action analysis is to provide the PPD and other City officials with an enhanced understanding of what happened during the Floyd protests, and to provide guidance on improving future PPD and City responses. This report is a "forward-thinking document" that emphasizes developing recommendations and remedial actions that will strengthen PPD and the City's future responses to demonstrations, protests, and civil unrest. Importantly, this analysis is not an investigation of wrongdoing (which will be addressed by other agencies), but rather an effort to provide a roadmap to PPD and support agencies to apply best practices and lessons learned for more effective responses in the future.

The timeline for this analysis extends from the national events leading up to the Philadelphia protests beginning the afternoon of May 30, 2020, through June 15, after which there was a falloff in the number, size, and tenor of the protests. This analysis focuses on the actions taken by PPD, coupled with the nature and extent of support of other agencies in response to these protests and civil disturbances. This report does not broadly examine PPD policy, training and practices, but rather focuses on those relevant to this response.

A. Methodology

Our after-action review began with a project initiation meeting on July 15, 2020. Our team made 46 data requests, organized into three categories: Operations, Training, and Standard Operating Procedures. These requests yielded over 3,600 documents, along with hundreds of hours of audio and video. We reviewed many departmental policies, manuals, training lesson plans, and operational plans. The team reviewed each document to gain a baseline understanding of all practices related to First Amendment activity. To supplement the data requested from PPD, the City, and other sources, the project team reviewed recent after-action reports involving civil disturbances and unrest to identify themes, lessons learned, and recommendations. We then examined relevant national standards for insights into best practices.

The project team relied on incident reconstruction methodology to produce a detailed, fact-based timeline that synthesized information from multiple sources providing a "big picture" perspective. The narrative timeline provides the basis for the team's understanding of the major movements and events occurring in the City, and the consequent response to these incidents. The team also developed descriptions of the events in Center City, the 52nd Street corridor, and Interstate-676, three locations with large protests and PPD applications of force (*see Part III: Community Engagement and Impacts*). These descriptions are rich in detail, synthesizing information and data in a manner that provides a holistic picture to inform the reader about what happened at these three locations from May 30 through June 15.

A central element of this analysis is capturing community perceptions, reactions, and recommendations regarding the Floyd protests. We also needed to solicit input from first responder and other city agencies that played a role in the City's response because interagency coordination is necessary for an effective response to a citywide public safety emergency. To achieve these objectives, we conducted a project-long series of virtual interviews, held by Microsoft Teams or Zoom, with community members and PPD personnel. The review team organized interviews in a semistructured format, including questions to guide the conversation with the ability to ask others as new topics emerged. The project team tied that information to actions and outcomes occurring at the three primary locations of the protests. The team used the interview notes to identify and further understand issues with the response, including actions taken and resulting outcomes from those actions. In total, we interviewed 59 individuals for this assessment. The breakdown of the interviewees follows:

Through these interviews and data, we identified gaps and areas for improvement in PPD operations. We offered explanations and recommendations to address these deficiencies using our understanding of the PPD's organizational structure and operations, consultations with subject matter experts, and a review of best practices for the relevant topics of interest. Throughout this review, we identified recurring themes and addressed these with recommendations for the department moving forward.

B. Organization of Report

This after-action review report has four main parts:

- Part I highlights the history and background of policing in Philadelphia, and the timeline of important events.
- Part II provides the analysis of the PPD's response (within the context of the broader citywide response effort), as compared to best practices set forth by experts in emergency management and law enforcement. The section is organized by the six major competency areas.
- Part III addresses the steps taken to engage with the Philadelphia community in the development of this report, along with a description of how the community was affected.
- Part IV summarizes the findings, recommendations, and conclusions of this report.

Throughout these four sections, we will outline our comprehensive examination of the events to identify the major lessons learned and explore how PPD can improve in the future.

PART I: HISTORY OF POLICING IN PHILADELPHIA AND INCIDENT NARRATIVE

A. History of Policing in Philadelphia

Policing in Philadelphia has its roots in nightly watchmen patrols supervised by local constables. In 1841, a police department was established in Philadelphia under the control of the Mayor. In 1951, with the adoption of the city charter, the Police Department was reorganized to reflect its current structure. As one of the oldest law enforcement agencies in the nation, the Philadelphia Police Department has a rich history playing a prominent role in the City's evolution into one of the nation's largest and most significant urban centers.

The relationship between PPD and the African American community has had peaks and troughs. The PPD hired African American officers throughout the 20th century and in 1958 established the nation's first independent review board, known as the Police Advisory Board. In the early 1960s, when much of the nation experienced civil unrest, Philadelphia experienced less damage and loss of life than other cities did. Much of the credit was given to Police Commissioner Howard Leary for exercising restraint in responding to protestors and "rioters," resulting in fewer injuries and casualties. Due, in part, to his success in minimizing damage from civil protest and disturbances in Philadelphia, Howard Leary was recruited in 1968 to serve as Police Chief in New York City.[12]

After the departure of Commissioner Leary, his deputy, Frank Rizzo was appointed Commissioner and the so-called Rizzo era began in Philadelphia. One of his first actions as Commissioner was to ask Mayor James Tate to close down the Police Advisory Board. Rizzo explicitly put in place disparate policing strategies encouraging more aggressive policing in African American communities. City African American leaders often complained about warrantless searches and abusive police behavior. In one example, Rizzo's PPD raided local Black Panther field offices, arrested members, removed their clothes at gunpoint, and marched them down the street, taking pictures to add to the humiliation. Commissioner Rizzo also discouraged the hiring of African American police officers with the percentage hired decreasing more than 13 percent over his tenure. In 1971, he resigned as Commissioner and was elected Mayor after winning on a largely law-and-order platform. Mayor Rizzo continued his racially divisive policies in his new role much to the consternation of the

[12] Schneider, Eric C., Christopher Agee, and Themis Chronopoulos. "Dirty work: Police and community relations and the limits of liberalism in postwar Philadelphia." Journal of Urban History 46, no. 5 (2020): 961-979.

African American community. Police shootings increased, eventually resulting in intervention by the Department of Justice in 1978.[13]

Rizzo was later defeated by the City's first African American mayor, Wilson Goode, in a very close, racially polarizing election in 1982. The scars of those Rizzo years still permeate the memory of many Philadelphians of all backgrounds and may have contributed to the targeting of the Rizzo statue during the recent protests. Another event that shaped police community relations in Philadelphia involved a grass roots Afro-centric organization known as MOVE that lived in communal settings and adhered to a liberation ideology. MOVE was known for attacking police brutality, mistrusting modern technologies, and being a strong proponent of animal rights. In the 1978 confrontation between MOVE and PPD, 1 police officer was killed, and 16 others were injured. Nine members of the group were eventually convicted of murder and given life sentences. [14]

Seven years later, on May 13, 1985, in an effort to evict and remove MOVE members from their residence, PPD received authorization from the Mayor and other City officials to drop a combat weapon composed of Tovex and C-4 explosives, known as a satchel bomb, on their West Philadelphia rowhome. The intent was to drive the residents out of the dwellings, minimizing risks to officers and other first responders. The tactic backfired with residents in the house suffering serious casualties, including numerous injuries and 11 deaths (5 of them children). There was extensive collateral damage as the explosions spread throughout the block resulting in 61 homes destroyed and over 250 residents left homeless. [15]

Figure 1. Fire and smoke rise above Philadelphia rowhomes nearby the MOVE bombing in 1985. (Source: Associated Press)

[13] David Gambacorta and Barbara Laker, "Frank Rizzo Leaves a Legacy of Unchecked Police Brutality and Division in Philadelphia," August 4, 2020, https://fusion.inquirer.com/news/philadelphia-frank-rizzo-police-violence-legacy-shootings-20200603.html.
[14] Lindsey Norward, "The Day Philadelphia Bombed Its Own People," Vox (Vox, August 8, 2019), https://www.vox.com/the-highlight/2019/8/8/20747198/philadelphia-bombing-1985-move.
[15] Ibid.

This use of munitions and explosives in a Philadelphia neighborhood under these circumstances led to much consternation throughout Philadelphia. A commission investigating this incident found that the Mayor and City leaders had acted recklessly in authorizing this use of munitions.[16] Since 1985, according to PPD officials, deploying tear gas has been limited to the SWAT team and rarely deployed in neighborhoods or for crowd control purposes, making the decision to use it during these protests even more significant given the historical context.

In January 2008, Charles Ramsey became the PPD Commissioner, beginning a renewed effort to initiate a cultural change within the department, focusing on community outreach. In 2013[17], Commissioner Ramsey requested assistance from the U.S. Department of Justice to review and update PPD policies, practices, training, and incident reviews pertaining to the use of force. This "collaborative effort" led to numerous changes in the department's use-of-force policy, including adding the following language,

> *Officers should exercise all safe and reasonable means of control and containment, using only the minimum amount of force necessary to overcome resistance.*

In recent years, the city of Philadelphia has hosted numerous significant events requiring expansive security deployments, and often drawing protesters. These events included the 2015 World Meeting of Families/Papal Visit, the 2016 Democratic National Convention, and the 2018 Philadelphia Eagles Super Bowl celebration. For the most part, PPD successfully implemented its operations plans for these events, resulting in minimal arrests or property damage. The Department's success in managing these and other large special events may have contributed to its confidence in addressing the public safety challenges posed by the post-Floyd demonstrations.

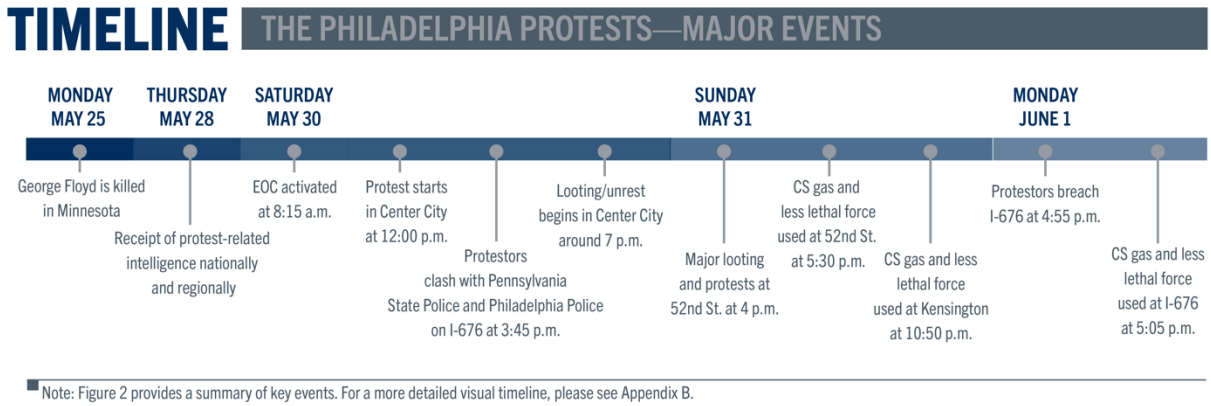
B. The Post-Floyd Environment (2020)

On Monday, May 25, George Floyd was killed by a Minneapolis police officer while in custody and with other officers watching. This event triggered a series of protests, not only in the United States, but throughout the world. By the middle of June 2020, more than 2,000 cities and towns in the United States and in 60 other nations experienced protests. On May 26, the day after the Floyd killing, protests began in Minneapolis and expanded throughout the week. Protesting was widespread throughout much of the city. In addition to peaceful protest, there was looting, arson, and property damage. On May 28, protests in Louisville, Kentucky, resulted in seven shootings; in Albuquerque, New Mexico, protesters fought with police resulting in numerous arrests and deployment of tear gas. On May 29 in Las Vegas, protesters threw objects at police and an officer was shot and seriously wounded. These and other protests were lead-ups to even larger protests planned for May 30–31 in many of America's cities and towns, and one of those cities is Philadelphia, Pennsylvania. [18]

[16] Ibid.
[17] Elaine Quijano, "Phila. Police Chief Asks DOJ to Probe Officers' Use of Force," CBS News (CBS Interactive, August 8, 2013), https://www.cbsnews.com/news/phila-police-chief-asks-doj-to-probe-officers-use-of-force/
[18] Derrick Bryson Taylor, "George Floyd Protests: A Timeline," May 30, 2020, https://www.nytimes.com/article/george-floyd-protests-timeline.html.

C. Philadelphia Narrative Timeline

Figure 2. Timeline of Major Events



The following account of the major protest-related events in Philadelphia, and the City's corresponding actions, serves as the baseline of this report's analysis and observations. Narrative timelines allow readers to understand events as they took place, without interpretation or criticism, and are critical to a fact-based after-action report (*see Appendix B for Visual Timeline*).

May 25–29, 2020

Following the May 25 death of George Floyd in police custody, Philadelphia began preparing for prolonged mass protests. The first documented indications of civil unrest in Philadelphia appeared on Wednesday, May 27, as some on social media called for the killing of police officers and looting of local businesses. Based on these threats, as well as the pattern of violence against law enforcement across the country, the Delaware Valley Intelligence Center (DVIC) published a May 28 officer safety memo with a series of recommendations officers could follow to maximize their safety while both on and off duty. On Friday, May 29, the Philadelphia Police Department received intelligence indicating protest activities planned for the following day, notably a large group planning to march from the intersection of 15th and Market Streets to the Philadelphia Art Museum. PPD officials felt they were adequately prepared to deal with the expected number of protesters and neither activated the Emergency Operations Center (EOC) nor requested support from the Pennsylvania State Police (PSP) or other law enforcement agencies.

Saturday, May 30, 2020

Early in the morning on Saturday, May 30, the PPD realized that it had underestimated both the size and the fervor of the demonstrations and called for partial activation of the EOC at 8:15 am, which the Philadelphia Office of Emergency Management (OEM) carried out by 11 am. The first significant protest was organized by the Black Lives Matter Philly and Philly for Real Justice groups, with crowd size estimates ranging between 1,400 and 3,800 people (based on the event's Facebook page participants). By 11:38 am, PPD had performed the following actions in response to these assumptions:

- Representatives from PPD arrived at the EOC to establish the PPD Radio Unit function to maintain information sharing processes from this location.

- All day-shift personnel were ordered to stay on duty until told otherwise by a supervisor ranking captain or above.

- All last-out personnel were ordered to report to their districts at 7 pm to await further instructions.

- The PPD recognized and tracked a possible threat targeting the area just outside the PPD HQ, identifying a possible attack device, expected timeframe, and a detailed physical description of the alleged suspect and his car.

12:00–2:00 PM

Protestors began to congregate at Dilworth Plaza around noon, gradually increasing in number from 100 to 500 by 12:48 pm. Joined by an activist group, the crowd began marching westbound on John F. Kennedy Boulevard toward the Philadelphia Art Museum, prompting the shutdown of U.S. Route 30 and Interstate 676 (the Schuylkill Expressway) at 22nd Street. The march remained largely peaceful, with only token signs of unrest as the crowd passed the intersection of Broad Street and Arch Street.[19] The first serious threat of violence or property damage occurred at 1:22 pm when a social media scan discovered a credible threat of arson on the Philadelphia Parking Authority (PPA) building.

2:00–5:00 PM

The march attracted unaffiliated protesters as it neared the Art Museum, numbering over 2,000 by the time it arrived there. At 2:21 pm, PPD made the decision to begin preparing to increase law enforcement presence on the ground, dropping off eight additional bike racks at the 6th District to assist with crowd control. Meanwhile, there was a peaceful dispersal of the Black Lives Matter (BLM) organized protest, which had completely cleared the Art Museum steps by 2:45 pm. As the BLM marchers receded, a white male carrying an AR-15 was spotted on the Art Museum steps, prompting PPD to request a SWAT team on site. Concurrently, property vandalism began in earnest along Broad Street, with several instances of the

Figure 3. Protestors gather at the Art Museum steps (Source: Philadelphia Inquirer)

[19] Exceptions included a trash can fire and an unsanctioned drone operator appearing on the Art Museum steps.

phrases “ACAB” (a frequently used acronym on social media, standing for “All Cops Are Bastards”) and “BLM” spray-painted in red on buildings, and the Sanitation Department requested the removal of trash cans along the parkway because marchers were dousing them with lighter fluid.

Violence continued to escalate. The first reported aggression toward law enforcement occurred at 3:26 pm, with the smashing and burning of state and local law enforcement vehicles. This was an inflection point for the PPD, and their Major Incident Response Team (MIRT) were activated citywide. The intermingling of peaceful protesters, some sitting down with their hands up at Broad and Race Streets, further added to the complexity of the response. Law enforcement began dispatching units to hot spots around Philadelphia as the damage continued to mount. What follows is a list of disruptive actions and corresponding police responses during this timeframe:

- A crowd attempted to break down the fence blocking I-676. When they eventually did bypass the fence, at the entrance ramp from Broad Street to I-676 eastbound, they were met by PSP personnel who had deployed to several entrance and exit ramps along the highway. In the absence of specific guidance from PPD, PSP defined its mission as simply trying to keep protestors off the highway. Despite attempts to fulfil this mission, a PSP vehicle was eventually set on fire by agitators in the crowd.

- A crowd attempted to break into the Municipal Services Building (MSB) and defaced the controversial Frank Rizzo statue out front. In response, PPD dispatched all 17th District units to the MSB to restore order.[20]

- Protesters broke street-facing windows at the Loft Hotel on Broad/Vine and the TD Bank at 15th and JFK Boulevard, and continued to target law enforcement property (multiple cars’ windows broken, one set on fire, and two bikes stolen); two arrests were made.

- While bike officers attempted to move the crowd away from City Hall toward 15th Street, a Starbucks kiosk at the intersection of 15th and Market Streets was set on fire, and the windows of the TD Bank at the intersection of 15th and JFK Boulevard were smashed.

[20] Several days later, the City removed the Frank Rizzo statue and placed it in storage.

- Four officers were injured while attempting to push back against crowds.

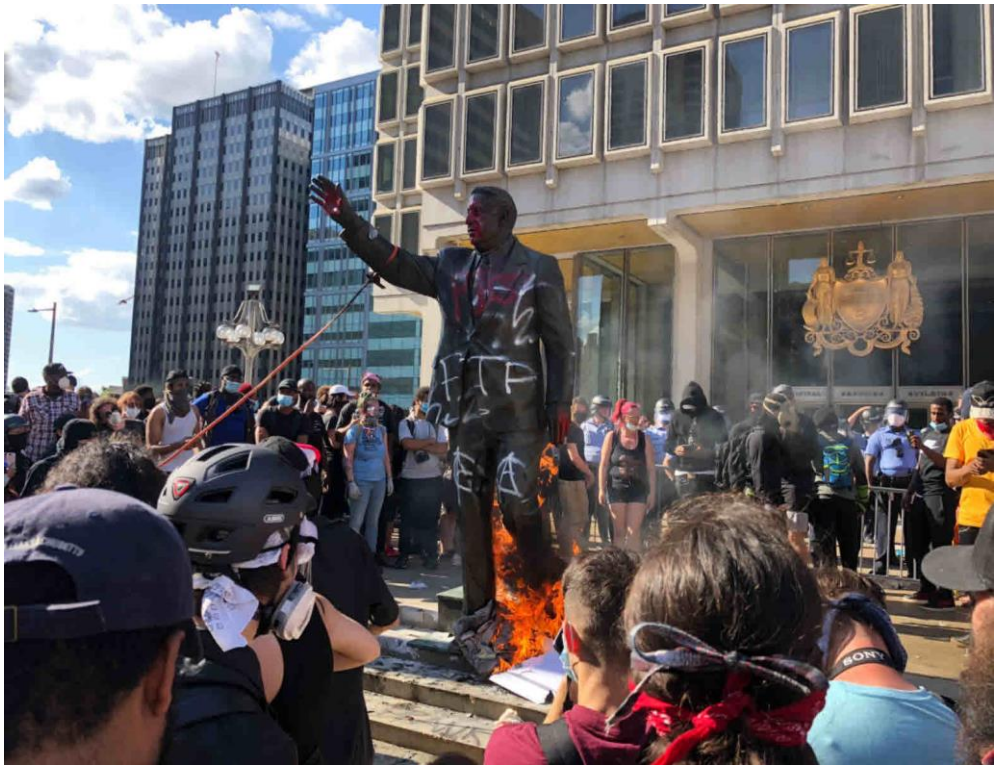


Figure 4. Protestors look on as the vandalized Frank Rizzo statue burns (Source: Photo provided by the PPD

5:00 – 8:00 PM

The protests' increasing severity led the city to request additional resources from its local universities' security teams. PPD contacted Drexel, the University of Pennsylvania, Temple, and La Salle (unavailable), as well as the Southeastern Pennsylvania Transportation Authority (SEPTA) and nearby local agencies. At approximately 5:00 pm, based on a perceived potential for violence and the observation of protesters filling water bottles with gasoline, the D/C of Patrol Operations submitted a formal request for support from PSP, asking for as many officers as possible on "standby," in the event that they became overwhelmed. By 5:30 pm, the city had secured additional personnel from the PSP, SEPTA, and the Bucks County Sheriff's Office. Major protests emerged around City Hall, with crowds setting fire to a PPD patrol car and trying to gain entry to the main building. Additionally, destruction of private property increased downtown, as crowds began breaking into storefronts and looting merchandise, and PPD deployed 536 officers. Despite the additional forces provided by SEPTA and Philadelphia's universities, law enforcement was still under-resourced, and the Philadelphia Crime Information Center (PCIC) issued a second request to surrounding agencies, including Abington PD.

Tensions continued to rise as clashes between law enforcement officers and protesters intensified. Further destruction of private property (such as a Starbucks set alight) and officer injuries led to the deployment of two medical units to Center City (11th/Vine and 100 Spring Garden Street), while new

facets of the unrest manifested (such as a large group of individuals riding dirt bikes and ATVs traveling southbound on Broad/Montgomery Streets).

Retailers in and around Center City remained the primary victims of the disturbances, particularly department stores, such as Macy's and Target. The localized nature of the damage did allow law enforcement officers to start concentrating their efforts and making arrests. An Army National Guard helicopter, the first of five requested support aircrafts, arrived at approximately 9 pm and began to monitor protest movements around the city. Further aerial support came from the Federal Bureau of Investigation (FBI) and the Customs and Border Patrol (CBP), joining the PPD and PSP aircraft already in operation. Live feeds from all these craft were streamed to the EOC.

10:00 PM TO MIDNIGHT

At about 10 pm, Philadelphia Mayor Jim Kenney implemented a curfew, which would remain in effect from 6 pm to 6 am on the nights of May 30 and May 31.[21] Disturbances continued, with stores and businesses subjected to looting and, frequently, arson. At approximately 11:30 pm, Pennsylvania Governor Tom Wolf signed an emergency declaration, citing the protests as being of "such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and the activation of all applicable state, county and municipal emergency response plans." The declaration allocated a total of $6 million to the Pennsylvania Emergency Management Agency, expanded the authority of the Commonwealth Response Coordination Center to include direct oversight of the Philadelphia response, and activated the Pennsylvania National Guard for the duration of the protests.

Sunday, May 31, 2020

At around 1 am, the decision was made to redirect police efforts to enforcing curfew, after which a gradual demobilization of law enforcement personnel began to take effect, starting with the dismissal of all bike units at 2:41 am. Mayor Kenney and other high-ranking officials were briefed on the night's response, during which they calculated a final tally of 13 injured police officers and approximately 35 arrests.

At 10 am, there was a change of EOC leadership and the strategic placement of law enforcement and emergency response resources. The following actions were taken in anticipation of the day's demands:

- PPD deployed units to the 1600 and 1700 blocks of Chestnut and Walnut (the main areas of the damage inflicted the previous night).
- PPD stationed 18th District officers at 100 Spring Garden Street.
- The PSP closed I-676 between I-76 and I-95

[21] Press and media were exempt from this curfew, provided they complied with all police directives.

- The Fire Board deployed medical units to staging areas at 11th/Vine and 100 Spring Garden Street.

Looting and subsequent arrests resumed just before noon, and PPD made multiple requests for detainee transport throughout the early afternoon. Travel restrictions were expanded, as the Port Authority closed the Ben Franklin Bridge to both auto and foot traffic, and PPD shut down Broad Street at the south side of City Hall. All PPD District 2C patrol personnel were directed to 100 Spring Garden, while Lackawanna County PD became the latest jurisdiction to lend support to Philadelphia, deploying 25 officers to the staging area at 11th/Vine Streets. Significant moments over the course of the disturbances included the hospitalization of three officers (all of whom were released without incident). This reflected a general surge in the police/rioter confrontations, and SWAT and counterterrorism units were called to disperse a crowd in the 18th District and establish a new perimeter from Chestnut to Arch Streets, and 51st to 53rd Streets. At approximately 5:30 pm, pursuant to authorization from the Police Commissioner, the SWAT Unit began releasing tear gas, pepper spray, and rubber bullets in various areas along the 52nd Street corridor in an effort to regain control of the area.

A building fire at 140 S. 52nd Street required coordination with the Fire Board at 4:58 pm. Measures to contain the disturbance continued with SEPTA's closure of all bus and rail lines "until further notice," effective at 6 pm. Despite these actions, disturbances expanded in location and perceived threat level (such as a warning that members of Antifa, a radical activist group, would arrive downtown with sledgehammers). At about 9 pm, PPD responded to reports of looting in Kensington. There was periodic looting along the main thoroughfare of Kensington Avenue and in the surrounding neighborhoods throughout the day. However, it was difficult for the PPD to respond to all these areas of looting because many of the officers in those police districts (24th, 25th and 26th Police Districts) were deployed to Center City. At approximately 10:50 pm, SWAT responded to calls to assist officers at Kensington and East Allegheny Avenues as protestors were reportedly throwing rocks and explosives at PPD officers. SWAT deployed less than lethal munitions, including CS gas and rubber bullets, to control the crowd.

Monday, June 1, 2020

Law enforcement remained under-resourced, with a high allocation of personnel in Center City rather than the area surrounding 52nd Street. Within the community, this gave rise to the perception that the City was disinterested in neighborhoods of color. Throughout the instances of violence, peaceful protesters also required police attention, as a small group gathered to block traffic at Broad Street southbound and Spring Garden Street eastbound. Police also continued to monitor the movements of these peaceful groups, including a BLM-sponsored march of approximately 100 NB passing Broad/Spring Garden. All the mitigation measures previously utilized were once again featured, including further key road closures, suspension of SEPTA services in hazardous locations (no stops in Center City as of 1:00 pm), and the use of non-traditional law enforcement partners such as CBP. However, the risk to officer safety was acutely greater than it had been before, as agitated protesters began targeting law enforcement personnel at Broad Street and Cherry Street with chemical-filled bottles. A group of protesters towards the back of the crowd sat down in the street at the same intersection, preventing the PPD officers from keeping up with the crowd. Anticipating a

surge in the number of arrests and violent confrontations with protesters, the following message was relayed to all points every 20 minutes, as a reminder:

Every time force is used, officers will come over the air with their location and badge, stating that force was used.

Figure 5. PPD deploys tear gas forcing protestors up an enbankment. (Source: Philadelphia Inquirer)

Shortly before 5 pm, approximately 3,000 protestors made their way from the south side of City Hall, and along JFK, eventually breaching a fence and a ramp to enter I-676 going both eastbound and westbound and stopping traffic at 4:45 pm. As protestors marched on the highway, PPD and PSP officers began deploying less than lethal munitions at approximately 5 pm in an attempt to clear the protestors from the highway. When flash-bang grenades and tear gas proved ineffective, the officers used bean-bag rounds and were eventually successful in dispersing the crowd. The deployment of the tear gas caused many protesters to flee up a hill near the North 21st Street Bridge, between the west-bound side of I-676 and the Benjamin Franklin Parkway. There were approximately 48 arrests made of protestors on I-676. In addition, PPD made eight arrests, related to incendiary devices and hammers used at 16th and Hamilton Streets. Along with the surge in arrests and citations came concern about officer conduct. Several reports noted officers demanding protesters' photo identification and taking pictures of distinct tattoos and other bodily markings. There was also widespread targeting of alcohol vendors, leading the Pennsylvania Liquor and Control Board to request checks of all wine and spirits stores. This directive would be broadcasted over all divisional bands at least once per hour.

The activity of the Unified Command Group (UCG) on May 31 and June 1 reflected the demands of those two days. The UCG met five times on Sunday (10 am, 2 pm, 4 pm, 7 pm, and 9 pm) and four times on Monday (9 am, 12 noon, 4 pm, and 8 pm), compared to 21 times over the additional eight days of the response.

Tuesday, June 2, 2020

The early hours of June 2 sustained the chaotic energy of the previous day, and law enforcement's ability to respond to all incidents was strained. Twelve ATM explosions were reported across the city, and a gun shop owner shot a would-be looter. At 7992 Penrose Avenue, a second concentrated attempt to steal impounded vehicles was reported shortly before 10 am, resulting in six arrests.

Despite the early activity, the daylight hours featured mostly peaceful protests.[22] This general peace was broken around 7 pm by clashes between protesters and National Guardsmen at Belgrade/Frankford, again featuring bottle and rock throwing by protesters. The conflicts eventually ran their course and the crowds dispersed around 9 pm with no significant injuries reported to either officers or protesters.

Wednesday, June 3, 2020

Wednesday again began with heightened activity, including 15 reported ATM explosions, preemptive road closures (Spring Garden/3rd and 4th), scattered instances of looting, and mostly peaceful protesters gathering around the Art Museum. At 11:30 am, there were two reports of flag-burning and "racial pamphlet" distribution at 2023 Hartel Avenue and 7421 Belden Street. Crowd and traffic control continued, including intermittent closing of Ben Franklin eastbound, the use of sanitation trucks to strategically block off protesters, and directing Lyft and Uber drivers to stop accepting rides. Severe thunderstorms moving into the area discouraged large crowds moving toward the Police Administration Building and City Hall, and they began to disperse without incident. The storms also caused a power outage, briefly disrupting communications, and forced bike units to take shelter from 7:10 pm to 8:37 pm, before resuming duties.

Thursday, June 4, 2020, through Monday, June 7, 2020

During this timeframe, the protests began to wind down in terms of intensity. June 4 featured a well-attended protest that wound its way from the Art Museum, to Love Park, to City Hall, to the Liberty Bell, with participants pausing to take a knee at each stopping point. The crowd slowly dispersed after reaching its final destination, and police-issued curfew orders were largely obeyed, with the exception of three looting arrests. June 5 again was again mostly incident free, with the brief exception of a small crowd attempting to jump a fence at Broad/JFK. The small crowd sizes on June 5 allowed blue-sky duties and services to resume.

June 6 included a large, organized march, with a crowd eventually reaching 8,000 individuals as it moved from the Art Museum to City Hall. This march did not include any significant incidents requiring law enforcement response and June 7 followed suit, with smaller crowds. By the evening of the June 7, protest activity had dwindled to the point that the citywide curfew was lifted, along with traffic restrictions and street closures in Center City.

June 8, 2020, through June 15, 2020

On Monday, June 8, the city began to take stock of the previous week's activity. The Pennsylvania House Democrats blocked the beginning of a voting session and demanded action on the 19 bills proposed to enact police reform. In addition, Philadelphia's public defenders gathered in Center City, planning to march to the police headquarters, ICE detention center, federal detention center, federal courthouse, and family courthouse, ending at the city's criminal justice center. This was part of a larger, national coalition of public defenders marching in protest. Staff Inspector Joseph Bologna, facing felony charges of aggravated assault and related charges stemming from a video of him

[22] An exception to the general peace was a group congregated at the Convention Center, blocking people from voting in the concurrent elections.

allegedly beating a Temple University student on June 2, turned himself in to the 15th Police District on the morning of June 8. This elicited an outpouring of support from Bologna's colleagues, selling t-shirts and starting a GoFundMe to cover his legal costs. On June 9, Mayor Jim Kenney announced the elimination of a proposed $19-million increase to PPD's operating budget, but stopped short of coming out in favor of "defunding the police," which had become a national rallying cry for protestors. On June 10, de-escalation of law enforcement posture continued, and the National Guard demobilized. On June 11, a series of bills were introduced in the state legislature. Significant proposals included the following:

- Banning police knee-holds and chokeholds
- Requiring newly recruited officers to live in Philadelphia proper
- Creating a new police oversight commission
- Requiring public hearings before the City approves police union contracts

Philadelphia reactivated the EOC on Friday, June 12, in anticipation of large, organized protests on Saturday, June 13, but did not plan to institute a curfew. The march on Saturday wound its way from N. Broad Street to 3rd and Race, ending peacefully in front of Mayor Kenney's home.

All told, the Philadelphia protests resulted in over 2,000 arrests (half of these related to code violations, such as curfew violations, failure to disperse, and allegations of public disturbances, and the other half related mostly to looting), at least 60 injured law enforcement officers (42 requiring hospitalization), 320 total complaints referred to the Internal Affairs Department, 1,703 reports of damage to businesses, almost $750,000 in damage to police vehicles, and an unconfirmed number of civilian injuries.

PART II: ANALYSIS OF THE POLICE RESPONSE

This section provides the analysis of the City of Philadelphia's response to the demonstrations, as compared to best practices set forth by experts in emergency management and law enforcement. The section is organized by the six major competency areas examined by our team: Planning and Preparedness, Command and Control, Resource Management and Allocation, Tactical Response and Use of Force, Information Sharing/ Intelligence Gathering, and Public Information and Warnings. The significant issues in each competency area are addressed, immediately followed by the related recommendations.

A. Planning and Preparedness

The issues identified in this subsection relate to the pre-event planning activities completed by the PPD and the transition to a coordinated, citywide emergency response effort.

When developing the Operational Order, PPD made inadequate planning assumptions, did not engage the right planning support, and did not provide for contingencies or scalability.

The City of Philadelphia has in place a policy for permitting special events, such as protests and demonstrations, on City-owned property.[23] Part of this policy establishes a Special Events Review Committee and a Special Events Task Force that evaluate permit applications and determine the essential services needed to ensure the safety of the general public and event participants. The permitting policy also requires the approval of an event plan (e.g., on-site safety and traffic control, fire protection, first-aid services, sanitation and clean-up) at least 30 days prior to the scheduled event—giving city departments like the PPD adequate time to prepare Operational Orders to manage the event. Due to the COVID-19 public health emergency, however, the City was not authorizing permits for large events and mass gatherings in the days leading up to the planned and spontaneous protest activities that occurred during this review period (May 30 through June 15).

In the days following the May 25 death of George Floyd in Minneapolis, MN, the Delaware Valley Intelligence Center (DVIC) began to monitor protest activities both nationally and regionally. The DVIC reported on regional events in Washington, DC, and New York City, and informed PPD on May 29 that the Black Lives Matter movement was planning an unpermitted demonstration on May 30 at the City Hall building in Philadelphia. As this intelligence solidified, the PPD recognized the need to create an Operational Order for a detail to manage this event.[24]

[23] City of Philadelphia, Mayor's Executive Order No. 6-93, Special Events Policy, https://www.phila.gov/phils/Docs/Inventor/graphics/execorders/93-06.htm#overview

[24] Philadelphia Police Department Directive 8.3, *Demonstrations and Labor Pursuits,* August 19, 2016.

While planning for the Operational Order, the First Deputy Commissioner of Field Operations and Chief Inspector (C/I) of Homeland Security positions within PPD were vacant. These two vacancies in the PPD chain of command pushed the responsibility for planning and staffing the detail to the Deputy Commissioner (D/C) for Special Operations. Although the PPD has a lieutenant assigned to the Mayor's Special Events Task Force, the D/C of Special Operations instead tasked the C/I of the Narcotics Bureau to compile information from specialized units that would form the basis of the official Operational Order.[25] Although unconfirmed, this likely occurred because the D/C of Special Operations normally reports to the First Deputy Commissioner of Field Operations, which was vacant. The D/C of Special Operations did reach out to offer support in developing the plan but was told that this assistance was not needed. Instead, the C/I requested information from other Special Operations Bureau units, including the Specialized Operations' Aviation Unit, the Bomb Disposal Unit, the Civil Affairs Unit, and the Counter Terrorism Operations Unit. This led to the development of a narrowly focused, tactics-based operational plan that did not adequately address the potential for the crowd sizes to swell or the potential for civil disturbance and civil unrest.

In total, about 53 PPD personnel were assigned to the Floyd detail in the original Operational Order.[26] In hindsight, planning assumptions around crowd size and potential to escalate from peaceful demonstration to civil unrest were drastically underestimated. Despite intelligence stating that the City should plan to see anywhere from 1,400 to 3,600 attendees, the Operational Order noted that "the number of participants is unknown at this time." This miscalculation of the scope and potential impacts of the demonstrations led to understaffing and limited PPD's capacity to surge forces once protest activities became decentralized and more violent/aggressive. While the plan acknowledges the potential for civil unrest, the Operational Order did not provide for contingent resources to manage these impacts (*see Figure 6*).

Figure 6. Selected text from the May 30 Floyd Protest Operational Order

GENERAL INFORMATION

On Saturday May 30, 2020 at approximately 12:00PM, members of the "Philly BLM" plan to meet at City Hall for a "George Floyd Protest". The number of participants is unknown at this time. Due to current events around the United States related to this event, several cities have seen violent acts of civil unrest in the form of arson, looting and assaults.

[25] The C/I of the Narcotics Bureau was also covering the C/I duties for the Homeland Security Bureau because this position was vacant.

[26] Total staffing assigned to Center City Detail included: 1 D/C, 1 Chief Inspector, 2 Inspectors, 2 Captains, 3 Lieutenants, 7 Sergeants, 1 Detective, 36 P/Os.

The finished Operational Order stated operational objectives, staffing, and instructions related to tactics for the detail. However, because departmental command staff and executive leadership didn't receive the plan until the morning of May 30, divisions had no opportunity to develop a concept of operations for maintaining day-to-day policing activities in light of the increasing potential for civil disturbance and civil unrest. In addition, once the Police Commissioner (PC) reviewed the Operational Order, it was clear that the plan was not adequate based on the serious civil unrest that had already occurred in Los Angeles, New York, Minneapolis, Atlanta, and Washington, DC. The PC immediately requested Emergency Operations Center (EOC) activation through the Managing Director's Office. The request to activate the City EOC was made at 8 am on May 30 and was operational at 11 am. In activating the EOC, the PC recognized the serious potential for unrest and the need to activate a broader unified response involving other city partners and gain access to mutual aid support and assistance through the City's Emergency Management Assistance Compacts (EMAC). This activation also prompted the PPD Police Radio unit to dispatch to the EOC to establish communications, and to assist with developing situational awareness and a common operating picture for the citywide response effort.

RECOMMENDATIONS

1 All operational orders developed in preparation for mass demonstrations and protests should include staffing contingencies that will allow for a scalable police response with the resources necessary to facilitate lawful protests and voluntary compliance.

2 At minimum, the operational orders should address command assignments, assigned personnel, communications protocols internal and external to the department, resource staging points, traffic management, first aid stations, and trigger points for activating a citywide response. These orders should be reviewed by all D/Cs, and final approval is at the discretion of the PC or designee.

There is no established citywide plan for responding to civil unrest

The activation of the EOC shifted the focus of the already established Unified Command Group (UCG) from the ongoing public health emergency (COVID-19) to the strategic/policy-level implications of the Floyd protests.[27] The Floyd UCG[28], composed of the city's executive leaders, would become pivotal as the protests swelled and overwhelmed the planned police response. During interviews with several members of the UCG, they noted that the group quickly identified the need for additional law enforcement resources to respond to multiple simultaneous events as the protest activities turned to civil disturbance and, ultimately, unrest. While the City had hosted a number of large-scale demonstrations and events (e.g., the 2015 World Meeting of Families, the 2016 Democratic National Convention, the 2017 Super Bowl Parade, and the 2019 Women's March), it did so with no established citywide plan for a multiagency unified response to civil unrest. As a result, the UCG had

[27] The City UCG had been convening since March 2020 in response to the COVID-19 public health emergency.
[28] The Floyd UCG was eventually comprised of the Mayor, Managing Director, a representative from the Communications Department, the Mayor's Chief of Staff, the Commissioner of the Philadelphia Fire Department/Director of the Office of Emergency Management, the PPD Police Commissioner, a representative from the Philadelphia Law Department, the Philadelphia Commerce Director, the Deputy Mayor for Labor, and the City's Intergovernmental Affairs Coordinator

nothing to reference in its efforts to manage the response. Moreover, to the extent that PPD developed specific operational plans for past events, these plans were based on several months of planning, outside funding for resources, and pre-established mutual aid agreements that were not available for the more spontaneous nature of this event.

RECOMMENDATIONS

3 As part of the planned 2020 review of the *City of Philadelphia All Hazard Mitigation Plan*, the Office of Emergency Management (OEM), in coordination with a multi-disciplinary team of the key stakeholders, should develop a civil unrest annex to the City's Emergency Operations Plan (EOP).

4 This Citywide Civil Unrest plan should clearly identify command roles, individual agency responsibilities, communication protocols, logistical needs, and public information strategies and requirements, and establish training and exercise requirements to ensure understanding and compliance.

There are no standard operating guidelines or procedures that clearly establish the roles and responsibilities of the UCG

The UCG provides a mechanism through which to coordinate a unified approach to emergency incident management, enabling institutions and agencies with different functional responsibilities to coordinate, plan, and interact effectively.[29] The UCG is a critical component of effective emergency response, and, while members indicated that the group worked well together, they also noted that there are no standard operating guidelines or procedures that clearly establish the roles and responsibilities of how this body should operate. It was also noted that, at times, it was not clear who was the lead decision maker.

Although the response was clearly driven by law enforcement, a number of other city services and functions were affected by the events throughout the City. Businesses were destroyed (Commerce), residential neighborhoods were caught in the crosshairs of the deployment of chemical munitions (Public Health), and peaceful protestors aiming to exercise their First Amendment rights were at times subjected to police tactics that may not have been appropriate (Legal). However, representatives from some associated departments and agencies were not represented in the UCG, and there was no Incident Action Plan (IAP) that unified the City's objectives on the first day of the response (May 30). By 6 am on May 31, OEM had developed an IAP to cover citywide operational objectives, including seven objectives (Table 1) for the May 31 operational period and throughout the response. Once developed, it is unclear how the UCG used the IAP to drive the coordinated response, as there are no formal recorded notes of the UCG meetings.

[29] National Incident Management System, U.S. Department of Homeland Security.

Table 1. Incident Command Structure (ICS) Form 202 Incident Objectives

Incident Objectives[30]	
#	Objective
1	Maintain a common operating picture and situational awareness for COVID-19, election, and citywide demonstration response actions.
2	Coordinate planning and logistics efforts focused on supporting the citywide response.
3	Receive, verify, deconflict, and prioritize resource requests.
4	Assign available and procured resources to the requesting parties.
5	Maintain and track accurate inventory of deployed and procured resources.
6	Ensure that consistent, coordinated public messaging is clearly communicated to City leadership and the public.
7	Support social media rumor control through the monitoring of traditional and social media.

RECOMMENDATIONS

5 The OEM, in coordination with PPD and other stakeholders, should develop specific guidance for the composition and operations of the UCG, including core and expanded membership lists, process for documenting decisions, tracking steps taken, and follow-up actions. Having pre-established and standardized operating guides can help to ensure that the UCG has clearly defined operational objectives and can best leverage the group's knowledge of resources available for the duration of the response. Having a robust UCG representing all applicable city services and functions also helps to ensure the development of an overall IAP that clearly identifies citywide objectives and best leverages the full breadth of city agency capabilities available to the response effort.

6 The UCG should keep formal records of all meetings and should document all efforts taken by this group to manage the response, including future planning activities.

7 Once the UCG standard operating guidance is developed, tabletop exercises with key city leaders should be conducted to ensure understanding of their roles and responsibilities in driving a unified citywide response effort.

The PPD staff assigned to the EOC were overwhelmed with resource requests and, at times, did not have the authority to adjudicate competing needs.

Once activated, the D/C Special Operations Bureau dispatched the PPD lieutenant with previous special events experience to serve as the PPD liaison to the EOC. The lieutenant noted that he

[30] On May 31st the UCG added an additional objective to, "Coordinate with City PIOs to provide accurate, timely, and consistent messaging to the public through all available means." Throughout the duration of the response, the IAP objectives remained unchanged and it is unclear how progress toward meeting these objectives were met or measured.

obtained a copy of the May 30 Operational Order when he arrived at the EOC, and he got to work requesting additional personnel and resources from within the PPD and SEPTA. During the course of the day, he was formally tasked with bringing in additional police staff, and in the early evening he sent notifications to PPD personnel that they were needed the next day. While working on the staffing plan, the PPD lieutenant was also receiving requests from incident commanders in the field (D/C Special Operations and D/C Patrol Operations) for additional resources and assets to fill immediate gaps. The vacancy in the C/I of Homeland Security left the lieutenant with the unintended responsibility, at times, of adjudicating incoming resource requests and prioritizing competing requests. The PPD emergency liaison officers (ELOs) assigned to the EOC should not be tasked with determining what resources are needed to respond, but rather tasked with coordinating requests from the IC.

On the evening of May 30, Governor Wolf signed an emergency disaster declaration allocating funding to the Pennsylvania Emergency Management Agency (PEMA), activating the Commonwealth Response Coordination Center at PEMA, authorizing the Adjutant General to move Pennsylvania National Guard personnel, and authorizing the use of state-level emergency response resources. This declaration also authorized the Commissioner of the Pennsylvania State Police (PSP) to use all available resources and personnel to "assist the actions of the PEMA in addressing the consequences of the emergency, including conferring the power of arrest on out-of-state law enforcement personnel serving as part of the emergency forces responding to the emergency pursuant to section 7301(f)(9) of the Emergency Management Services Code." The emergency declaration was critical to mustering the necessary resources and personnel to assist in the City's response efforts.

At the time of the response, PPD did not have in place formal Memorandum of Understanding/Mutual Aid Agreements with the PSP (or other regional law enforcement partners) to clearly delineate the expectations for providing resources—personnel, teams, facilities, equipment, and supplies—in response to public safety emergencies. While the two organizations did have a history of assistance for planned events, nothing formal was in place for the unanticipated requirements of the Floyd protests.

RECOMMENDATIONS

8 Additional training on NIMS/ICS, the function of the EOC, and the role of the emergency liaison officer (ELO) should be conducted with PPD personnel. Routine exercises and training would help to ensure that the ELOs assigned to the EOC have clear roles and authority, and that the ICs in the field understand how to best leverage the resource capabilities of the OEM, PEMA, and federal emergency management assets.

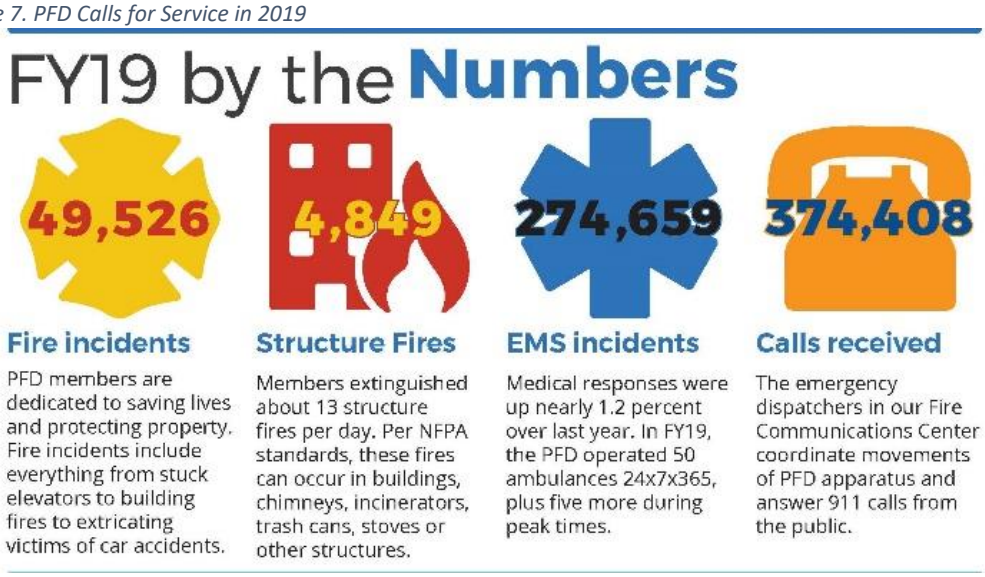
9 The PPD should establish Memoranda of Understanding (MOUs) with other local law enforcement agencies in order to create clear protocols and expectations, and facilitate a seamless integration to the incident's ICS.

Citywide emergency preparedness planning, training and response are additional duties for the Philadelphia Fire Commissioner.

In 2019, a reorganization provided the Commissioner of the Philadelphia Fire Department (PFD) with dual-hatted responsibilities as the head of fire and emergency medical service operations and in the role of the Director of OEM for the City. From a citywide perspective, the OEM is responsible for coordinating the development of public safety plans for major events within the City and for real-time planning for large-scale emergencies. To accomplish this, the OEM develops, maintains, and implements the city's Emergency Operations Plan (EOP), a foundational document establishing the doctrine and principles against which the City government will respond to emergencies. Most important, the EOP serves as the baseline for building hazard-specific functional plans that clearly delineate agency roles and responsibilities, operational strategies, and applicable procedures.

Around the country, OEMs are an important steady-state preparedness function, ensuring that jurisdictional responders understand the key components of complex, multi-agency integration and response. In Philadelphia, however, PFD is one of the busiest fire departments in the nation. In 2019, it responded to over 49,000 fire incidents and 374,000+ calls for service (see Figure 7). In Philadelphia, individual city departments and agencies are responsible for ensuring compliance with a number of NIMS/ICS[31] training requirements and for hosting citywide exercises every year or two.[32] However, multiple sources cited budgetary constraints as a major driver for lacking this capacity.

Figure 7. PFD Calls for Service in 2019



[31] The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. The Incident Command System (ICS) is a standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. There is more information about both in the next subsection: Command and Control.

[32] City of Philadelphia Emergency Operations Plan, Office of Emergency Management, City of Philadelphia, June 2015

In addition, although the City EOP calls for training/exercise for all newly elected and appointed executive-level leaders, the Police Commissioner did not receive this briefing/exercise opportunity. Several factors may have influenced this omission: the date on which the PC assumed her position (February 10, 2020—just prior to the COVID-19 outbreak), the lack of focus on building a unified citywide response capacity, and the lack of funding available (the City is operating on a $749-million budget deficit)[33]. Lacking this training, it is not clear that all senior leaders understood the full capabilities and capacity of the OEM EOC to facilitate and coordinate additional resources.

RECOMMENDATIONS

10 Given that the PFD has such a heavy workload, and is often a major partner in response to large-scale events, the overall responsibilities for preparedness and response may be better assigned to a stand-alone OEM structure. This would allow the leadership of primary response agencies, such as PFD and PPD, to run the operational and tactical incident response while OEM manages the resource support and coordination activities.

11 At minimum, the city should consider (1) requiring that newly elected officials be briefed on emergency operation plans and (2) holding an executive-level tabletop exercise with other agency response principles within 30 days of appointment.

B. Command and Control

Directive 8.3 of the Philadelphia Police Department states the department's policies and general procedures as they relate to demonstrations and labor disputes. In particular, the directive states that "the Incident Command System (ICS) and NIMS [National Incident Management System] protocols shall be used in crowd management and civil disturbances to ensure control and unified command."[34] NIMS ICS protocols emphasize necessary elements of command, control, and coordination that are applicable to all types of incidents.[35] Command and control in the context of this subsection generally refers to decision-making authority and the organization of PPD's command structure during the Floyd protests.

Despite serving as incident commanders (ICs) for their divisions, Inspectors lacked the necessary authority and support to be most effective in their roles.

PPD's approach to demonstrations and civil disturbances relies on the use of Incident Commanders (ICs). An IC is defined as the highest ranking Patrol Supervisor/Commander or Command Inspections Bureau (CIB Commander) at the designated demonstration or civil disturbance location. Due to the magnitude and spread-out nature of the demonstrations and civil disturbances that occurred in Philadelphia, PPD relied on the use of multiple ICs. Although the initial demonstrations on May 30 were concentrated in the Center City area, they quickly spread to multiple locations around the City. PPD's Directive 8.3 addresses this development: "In the case of a widely dispersed demonstration or

[33] https://www.penncapital-star.com/government-politics/phillys-budget-hole-grows-to-749m-as-officials-scramble-to-approve-citys-new-spending-plan/#:~:text=The%20updated%20estimates%20erased%20the,balanced%20budget%20by%20July%201.
[34] Philadelphia Police Department. "Demonstrations and Labor Pursuits," Directive 8.3. AAR-000298.
[35] https://training.fema.gov/emiweb/is/icsresource/assets/ics%20review%20document.pdf.

disturbance, or event with multiple locations, multiple ICs may be assigned at the discretion of the First Deputy Commissioner, Field Operations or their designee." Thus, PPD Inspectors became the ICs for demonstrations and civil disturbances occurring within their divisions, and served in these roles until a higher ranking officer arrived at the scene.

Despite their role as the divisional IC, Inspectors lacked the necessary authority and support to be most effective in their roles. Of significance, Inspectors did not have the authority to cancel days off or call in personnel who were currently on their days off. Some Inspectors were operating with insufficient numbers of personnel; they also lost officers who were deployed to assist in Center City. Within the first three days of the demonstrations and civil disturbances, Inspectors felt isolated within their divisions. Communication with respective C/Is and D/Cs was limited, and emails and calls to superiors sometimes went unanswered. The Inspectors attribute this to their supervisors needing to put out other fires throughout the city. Thus, Inspectors received little direction from their superiors as to how to handle certain issues occurring within the divisions.

RECOMMENDATIONS

12 In circumstances when superiors are unable to respond to requests initiated by the ICs, the ICs should have the authority to take the appropriate actions within their areas of command. During significant events, an officer with the rank of Chief Inspector or above should be permanently assigned to the EOC for the purpose of fielding and responding to requests from ICs in the field.

13 In exigent circumstances, the IC, provided that they have the rank of Inspector or above, should be authorized to cancel days off and call back to work officers on their days off.

Despite the requirement to obtain approval from Commissioner Outlaw before using CS gas, only one of three locations using CS gas obtained approval.

Command and control are critical for the use of non-lethal weapons, including chemical agents. The PPD SWAT Unit personnel are the only individuals trained and authorized to use chemical agents. Consistent with PPD Directive 8.3,[36] SWAT Standard Operations Procedure (SOP) 24[37] states: "Since the deployment of Chemical Agents represents an escalation in the Force Continuum, the Incident Commander's authorization is required." On May 31, a few members of the UCG met with the commanding officer and captain of SWAT at the Convention Center. Prompted by the prior evening's civil disturbances, the UCG used this meeting to discuss SWAT's inventory of less-than-lethal weapons, including orthochlorobenzalmalononitrile, better known as CS gas or tear gas. The UCG established that the need may arise to use CS gas in the forthcoming civil disturbances.

Although SWAT SOP#24 gives the IC the authority to authorize the use of chemical agents, including CS gas, Commissioner Outlaw appropriately superseded the SOP at the Convention Center meeting. Given Philadelphia's sparing historical use of chemical agents in response to demonstrations and civil

[36] Philadelphia Police Department. "Demonstrations and Labor Pursuits," Directive 8.3. AAR-000298.
[37] Philadelphia Police Department. "SWAT Unit Chemical Agent Deployment Policy," SOP#24. Revised February 26, 2020. AAR-001754.

disturbances, Commissioner Outlaw verbally established that her final approval would be required for every request to disperse CS gas. While the IC properly obtained approval from Commissioner Outlaw for the use of CS gas at the intersection of 52nd Street and Market Street in West Philadelphia, her approval was not obtained for use on I-676 or the intersection of Kensington Avenue and E. Allegheny Avenue. In the former location, the IC stated that the urgency of the situation and the exigent circumstances precluded obtaining approval. In the latter location, the IC at the intersection of Kensington Avenue and E. Allegheny Avenue noted that he was unaware that approval was required for every instance of CS gas use.

RECOMMENDATION

14 As a matter of policy, the Police Commissioner or his/her designee will have the sole authority to approve each instance of CS gas dispersal.

Figure 8. CS gas is dispersed on I-676 on June 1. Protesters can be seen retreating up the grass hill to flee the gas. The Police Commissioner did not authorize the use of CS gas at I-676. (Source: https://www.youtube.com/watch?v=naubVpyBQBQ)

A number of PPD command staff were spontaneously deployed to various locations, limiting the effectiveness of the overall command structure.

The operational orders[38] established for the expected May 30 demonstrations included four command staff: the D/C of Special Operations, the Acting Chief Inspector of the Homeland Security Bureau, the Inspector of the Homeland Security Bureau, and the Inspector of the Operational Support Division. The command staff members were chosen based on the general information in the Operational Order, as described in the Planning and Preparedness section.

[38] Philadelphia Police Department. "Philadelphia Police Department Operational Orders," May 30, 2020. AAR-014584.

On the evening of May 29, PPD command staff witnessed the escalation of events occurring around the country, which were contrary to the expectations for the demonstrations. In addition, PPD command staff discovered via police radio and the local news that the situation in Philadelphia was escalating on May 30. Based on their years of law enforcement experience and the escalation of events taking place in Philadelphia, a number of PPD command staff, ranging from the Inspector rank to the Deputy Commissioner rank, volunteered to assist with the management of the demonstrations and civil disturbances. This is noteworthy because it bolstered the number of command-level personnel. Rather than all deploying to the same designated location, these command-level personnel deployed to various locations throughout the City, including the EOC, police headquarters, and divisional headquarters. This limited the effectiveness of the overall command structure,

RECOMMENDATION

15 All command-level personnel, without already established roles, should report to the same designated location. At this location, they should receive instructions from the field commander as to how they will be utilized.

Key PPD vacancies led to a fractured chain of command and span-of-control issues.

As noted in the Planning and Preparedness section, at the time of the George Floyd protests, both the C/I for the Homeland Security Bureau and the First D/C positions were vacant. However, as noted in several interviews with PPD command staff and as apparent in Directive 8.3, both these positions have central roles in operational management of demonstrations and civil disturbances. Because of the C/I vacancy, the C/I of the Narcotics Bureau was covering both narcotics and homeland security, but he was not involved in the planning process to the extent that a full-time C/I of Homeland would have been. The absence of a First D/C meant that, instead of some D/Cs reporting to the First D/C and some reporting directly to the Police Commissioner, all D/Cs were technically reporting to the Police Commissioner. This vacancy led to the absence of a key leadership position in the chain of command and to a less favorable span of control for the PC.[39]

RECOMMENDATION

16 The C/I of the Homeland Security Bureau and the First D/C positions should be filled immediately.[40] In an instance in which a position of the Inspector rank or above becomes vacant, someone should be appointed to the position in an acting capacity in a timely manner.

[39] ICS documentation notes that maintaining adequate span of control throughout the ICS organization is critical. Effective span of control may vary from three to seven, and a ratio of one supervisor to five reporting elements is recommended. However, the effectiveness of a span of control is influenced by a number of factors, including the "type of incident, nature of the task, hazards and safety factors, experience of the supervisor and subordinates, and communication access between the subordinates and the supervisor."
https://training.fema.gov/emiweb/is/icsresource/assets/ics%20review%20document.pdf.

[40] It should be noted that these positions have since been filled.

As the number of incident sites expanded, the PPD did not employ an Area Command.

During the first several days of the demonstrations, PPD commanders were actively in the field trying to manage the various incidents. This included the D/C of Special Operations, the D/C of Patrol, and several C/Is. These command staff coordinated among themselves, often on the fly, to try to ensure that each protest location was covered. As previously noted, the nature of the demonstrations and active role of these commanders on the ground left ICs in the divisions without adequate support. ICs were often unable to reach their superiors, which hindered their ability to request additional resources and personnel. Given their involvement on the ground, the command-level staff were not in positions to effectively manage resource requests from the field.

Ultimately, PPD operated without a formal field commander (or area commander), which led to the absence of a single point of contact for ICs and someone to coordinate requests for internal resources and personnel.[41] ICs were reaching out to various contacts during the demonstrations to request support, including their direct supervisors and the EOC. This approach was unorganized and ineffective. Not only did calls for additional resources and personnel go unanswered, there was no designated person making resource prioritization decisions. In addition, there was no one to coordinate the command-level staff who volunteered to come in, so they were not being properly used. The presence of a formal field commander would have likely alleviated a number of issues that the PPD experienced during the life of the protests.

RECOMMENDATION

17 In responses involving multiple incident sites, the PPD should consider implementing an Area Command approach as outlined in NIMS/ICS—that is, putting someone in place who has adequate operational knowledge and the authority to make decisions related to resource management and allocation. This position is distinct from the commanders managing on-the-ground operations. This position could be appropriately filled by the First D/C.

PPD experienced problems transporting and processing the large volume of arrestees during the first few days of the protests.

During the first three days of the Floyd protests, there was a large volume of arrests made for looting, rioting, and curfew violations. These arrests took place throughout the city, including in Center City and on I-676. The operational orders for the first day of the protest stated, "All police action including but not limited to arrests will only be conducted with the authorization of and under the direct supervision of a civil affairs unit officer."[42] However, this directive did not apply to situations of mass arrests and situations in which there were "exigent circumstances." The original operational order

[41] According to NIMS/ICS, an Area Command is an organization established to: oversee the management of multiple incidents that are each being managed by an ICS organization. The Area Commander oversees the management of large incidents, and may become a Unified Area Command when incidents are multijurisdictional or involve multiple agencies.

[42] Philadelphia Police Department. "Philadelphia Police Department Operational Orders," May 30, 2020. AAR-014584

did not include any instructions in regards to the potential for mass arrests. However, through interviews with PPD personnel and reviewing their after-action reports, it became clear that the PPD ultimately designated the 22nd police district as the primary processing station for all summary arrests, and misdemeanor and felony arrests related to the protests. One after-action report also noted, "Juveniles arrested [for] misdemeanor/felony go to the 9th [district] holding cells."[43]

From interviews with PPD personnel and community members, as well as reviews of PPD documents, it is clear that PPD experienced problems transporting and processing the large volume of arrestees during the first few days of the protests. The 22nd district became overwhelmed by the number of arrestees, and did not have a sufficient number of personnel or processing equipment. One after-action report from the Major Crimes Unit, who was processing arrestees at the 22nd district, stated that there were no laptops, desktops, landlines, or WiFi in the processing area, and that there was only one portable fingerprint scanner. These issues, along with an insufficient number of personnel, contributed to large backlogs in processing arrestees, and the arrestees were forced to wait aboard prisoner buses and wagons until they could be processed. This also meant that officers in the field had to wait long periods of time for an Emergency Patrol Wagon (EPW) to respond, since the EPWs were lined up and waiting at the 22nd district. In one instance, two juvenile arrestees and one injured adult arrestee were released because the necessary transportation was not available.

PPD also struggled to process arrestees due to confusion and a lack of arrest paperwork for most arrestees. This is contrary to PPD Directive 8.3, which states, "Transporting officers SHALL NOT accept prisoners without a properly prepared 75-48 and arrest paper work."[44] Arrestees were transported to the 22nd district on prisoner buses, but each bus included a mix of arrestees with various charges and from various locations throughout the city. Detectives responsible for processing the arrestees struggled with little arrest information and difficulty locating the complaining officers.

Figure 9. Arrestees on I-676 zip-tied and waiting to be loaded on to an EPW. (Source: PPD Audiovisual Unit footage)

[43] Philadelphia Police Department. "Philadelphia Police Department Special Operations After-Action Report," May 30, 2020.

[44] Philadelphia Police Department. "Demonstrations and Labor Disputes," Directive 8.3. AAR-000298

PPD after-action reports do indicate that PPD was able to establish secondary sites for arrestee processing at some point.

Video footage from the Audiovisual Unit also revealed additional problems with arrests. One officer was shown searching arrestees prior to boarding the EPWs, but was not wearing the necessary PPE that the COVID-19 conditions required. Also, some arrestees were seen without the necessary PPE, just before boarding an EPW that was filled with other arrestees.

Figure 10. Arrestees being searched prior to boarding an EPW. One arrestee can be seen without a facemask while another arrestee's facemask is not covering the nose. (Source: PPD Audiovisual Unit footage)

RECOMMENDATIONS

18 Prior to demonstrations that may result in mass arrests, officers should be reminded of the proper arrest procedures, as indicated in PPD Directive 8.3. This directive specially iterates the importance of having the proper paper work follow each arrestee. It is further recommended that prior to arrestees being transported, a supervisor should ensure that proper paper work has been completed.

19 Every protest that has the potential for arrests should have a contingency plan that includes back up processing stations with the appropriate number of EPWs and the necessary equipment to process arrestees in a timely manner.

20 In any public health crisis that requires the wearing of PPE, such as facemasks, PPD personnel should abide by the department's requirements and ensure that the health of civilians and arrestees is properly protected.

C. Resource Management and Allocation

One of the key components to an effective operational plan is ensuring that the appropriate resources are identified and properly managed. However, the PPD's operational plan was not suitable for the size, geographic spread, or mood of the George Floyd protests. It did not include a contingency plan and left PPD vulnerable to the rapid escalation of demonstrations and civil disturbances that ensued. PPD's lack of contingency planning plagued the Department for the first three days of demonstrations and civil disturbances and left it with inadequate manpower, poorly allocated resources, and a lack of proper equipment.

Inadequate manpower had notable impacts on PPD's ability to effectively make arrests in response to looting and on officer safety.

PPD's inadequate manpower had significant impacts on PPD's operational capacities and safety. When acts of vandalism and looting moved from the Center City area to the other divisions across the city, PPD were understaffed to stop the looting in multiple locations. Officers responded from one looting location to another. They were often significantly outnumbered and unable to effectively make arrests. In addition, PPD's inadequate manpower meant in many cases, rather than having officers remain at locations that had been looted, officers were forced to relocate, leaving looted properties open to additional looting.

Even as understaffed ICs opted to allow some looting to occur, manpower issues did result in reduced officer safety. At locations throughout the city, PPD officers were outnumbered by civilians. For example, officers were initially outnumbered and surrounded at 52nd Street and Market Street, where they were forced to take cover behind police vehicles while waiting for additional personnel to respond to the intersection. Throughout the life of the demonstrations and civil disturbances, there were at least 60 officer injuries, 42 of which required hospitalization.

RECOMMENDATIONS

21 To adequately staff for protests, it is important for PPD to value its internal intelligence and to monitor social media with the understanding that the information is not always accurate.

22 The PPD, under exigent circumstances, should allow Incident Commanders, with the rank of Inspector and above, to authorize the extension of shifts and the canceling of days off.

23 The PPD should explore more effective ways of calling officers back to work under emergency conditions.

The PPD's focus of resources on Center City left the remaining areas of the City vulnerable to looting and riotous activity.

In addition to bringing in additional personnel, PPD also pulled resources from the various divisions throughout the city to bolster their presence in the Center City area. This included both patrol officers and bike patrol officers, who have central roles in the management of City protests because of their

Figure 11. Individuals can be seen looting the Sunray Drugs pharmacy in West Philadelphia on May 31 (Source: https://www.facebook.com/fox29philadelphia/videos/286180379099189

special training and effectiveness in managing protests. Based on what occurred in the Center City area on May 30, PPD planned to have as many resources as possible in Center City for May 31. Unfortunately, the second day of demonstrations and civil disturbances was concentrated in the various divisions throughout the City, and not in the Center City area. The PPD's central focus on Center City, along with the decision to pull numerous resources from the divisions to Center City, left the remaining areas of the city vulnerable to looting and riotous activity. The impacts of this were quickly realized on May 31 when stores and strip malls throughout the city were looted and vandalized. Several ICs stated that they lost resources to Center City, which hindered their abilities to control looting and vandalism within their areas of command (see Figure 11).

RECOMMENDATION

24 If the general location of a protest or demonstration shifts to another location or spreads to multiple locations, PPD should reallocate its resources appropriately to accommodate these shifts. The PPD should establish a policy that clearly states how resources will be allocated in circumstances in which there are multiple or shifting locations.

Poor utilization of the mutual aid coordinator hindered resource identification and allocation.

The PPD assigned a Chief Inspector to serve as the mutual aid coordinator to coordinate and allocate personnel from mutual aid agencies. The mutual aid coordinator's general responsibilities were to aggregate resource requests, communicate them to outside agencies, and track and allocate the personnel provided. While the activation of a mutual aid coordinator is a best practice, several issues hindered the mutual aid coordinator's efforts to perform his role effectively. ICs in the field relied on previous relationships to request support from other agencies, circumventing efforts to aggregate requests and better prioritize allocation. Requests (often conflicting) were also going through the

PPD emergency liaison officer in the EOC, and to the logistics section, which created confusion and delayed decision-making for deployment of resources. These issues made it nearly impossible for the mutual aid coordinator to effectively track and maintain information on the availability and real-time location of the outside law enforcement agencies' personnel.

RECOMMENDATIONS

25 The PPD should create a mutual aid policy. This policy should designate a mutual aid coordinator and clearly state instructions for and expectations of the mutual aid coordinator.

26 To avoid confusion and other inefficiencies, the mutual aid coordinator should be the single point of contact for all outside agencies.

27 The mutual aid coordinator should be provided with all necessary documents (e.g., list of all outside agencies with relevant information for each agency) and resources to perform the role.

Overall, PPD officers were not properly equipped for either the violent nature of the demonstrations and civil disturbances that occurred or the dispersal of CS gas.

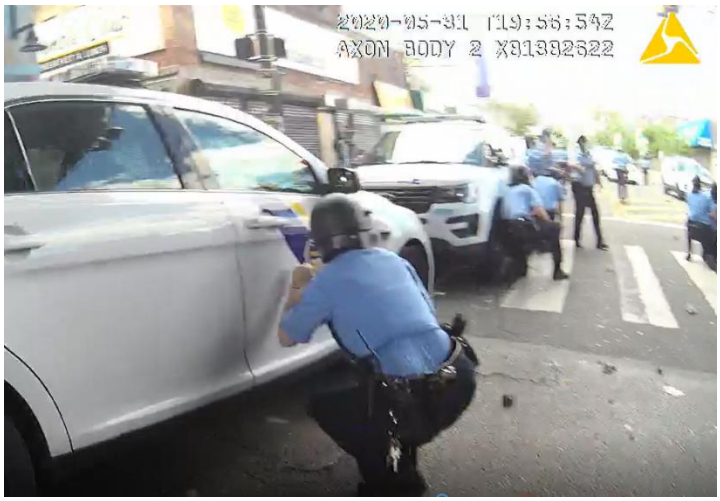


Figure 12. Officers take cover behind police vehicles near the intersection of 52nd Street and Market Street on May 31. (Source: PPD body-worn camera (BWC) footage)

PPD officers detailed to the George Floyd protest were instructed to be in their "uniform of the day with all required equipment in addition to COVID-19 related Personal Protective Equipment (PPE) hand sanitizer and face mask."[45] Although not mentioned in the operational plan, command staff added that officers were instructed to have their riot helmets with them. However, PPD officers were not properly equipped for the violent nature of the demonstrations and civil disturbances that occurred. At various times throughout the first three days, officers encountered crowds throwing rocks, bricks, and other projectiles at them. Unfortunately, not enough shields were available to officers,[46] and

[45] Philadelphia Police Department. "Philadelphia Police Department Operational Orders," May 30, 2020. AAR-014584.

[46] PPD did purchase hundreds of shields for the 2016 Democratic National Convention. However, the shields were all housed in one location. This, along with a poorly coordinated approach, made it extremely difficult and inefficient to get shields to the multiple locations throughout the city where civil unrest was occurring.

officers were forced to take cover in any manner that they could, including hiding behind police vehicles. (See Figure 12.)

Video footage and accounts from PPD personnel also revealed that not all officers wore helmets during the protests. This limited some officers' abilities to engage in enforcement activity at the scenes of looting and vandalism. Besides projectiles being thrown at them, officers were also subjected to unknown liquids being sprayed in their faces at various times. While the riot helmets include face-shields, officers' eyes were still vulnerable due to the absence of goggles or safety glasses.

Finally, within the Department, SWAT officers and Major Incident Response Team (MIRT) officers are the only ones equipped with gas masks. Video evidence and accounts from numerous officers revealed that patrol officers were still on the scene and engaging with looters when SWAT dispersed CS gas at the intersection of 52nd Street and Market Street. This left patrol officers vulnerable to the effects of CS gas because they did not have gas masks.

RECOMMENDATIONS

28 Following training on proper use, every PPD officer should be issued a riot helmet, a gas mask, and goggles or safety glasses. This equipment should be easily accessible for officers to ensure that they are equipped even on short notice.

29 The PPD should obtain a sufficient number of shields for the Department. It should strategically place the shields throughout the city where they can be rapidly and easily accessible to the various divisions.

As the demonstrations and civil disturbances escalated, many districts ran out of police radios.

Police radio played an important role in the demonstrations and civil disturbances that unfolded. Police radio was used to share intelligence, provide real-time updates for various locations, call for assistance and additional resources, and report any uses of force. The number of portable police radios was initially sufficient based on the planned personnel from the operational plan. However, as the demonstrations and civil disturbances escalated, additional personnel were called in and tours were extended. This left many districts without enough portable police radios. While some officers were able to share radios among teams or partners, others were left without radios, posing a significant risk to officer safety.

RECOMMENDATIONS

30 PPD should issue every officer a police radio.

While PPD did include considerations for potential fires, they lacked the equipment to control them when set.

One of the most visible forms of vandalism and destruction during the demonstrations and civil disturbances were the various fires that were set throughout the City (See Figure 13.). Images and video footage of police cars in flames were shared across news and social media platforms. The PPD did include considerations for potential fires in the initial operational orders.[47] For example, personnel from the Counter Terrorism Operations Unit were instructed to have "fire suppression equipment as assigned" with them, and the CTO Unit included a "Fire Task Force." The plan stated that, as part of the Fire Task Force, "The Philadelphia Fire Department's Grass Fire Fighting Truck will be attached to the CTO/MIRT Field Force package and will be used to extinguish fires as needed in consultation with the PFD staff assigned." The PPD also made efforts once the protests had begun to prevent fires. This includes one IC requesting that the Sanitation Division "remove trash cans from the parkway due to people [who] keep putting lighter fluid in them."

Despite these efforts, the PPD was unable to effectively control the fires that were set throughout the city. Notably, PPD police vehicles were not equipped with fire extinguishers, inhibiting officers' abilities to extinguish fires. At least 16 PPD police vehicles suffered fire damage, all of which were determined to be total losses for the Department. Poor planning and coordination between PPD and the Philadelphia Fire Department (PFD) limited the ability to contain fires. Several interviews revealed that, given the violent nature of the demonstrations, the PFD did not always feel comfortable responding to the locations of fires where PPD personnel were not on the scene.

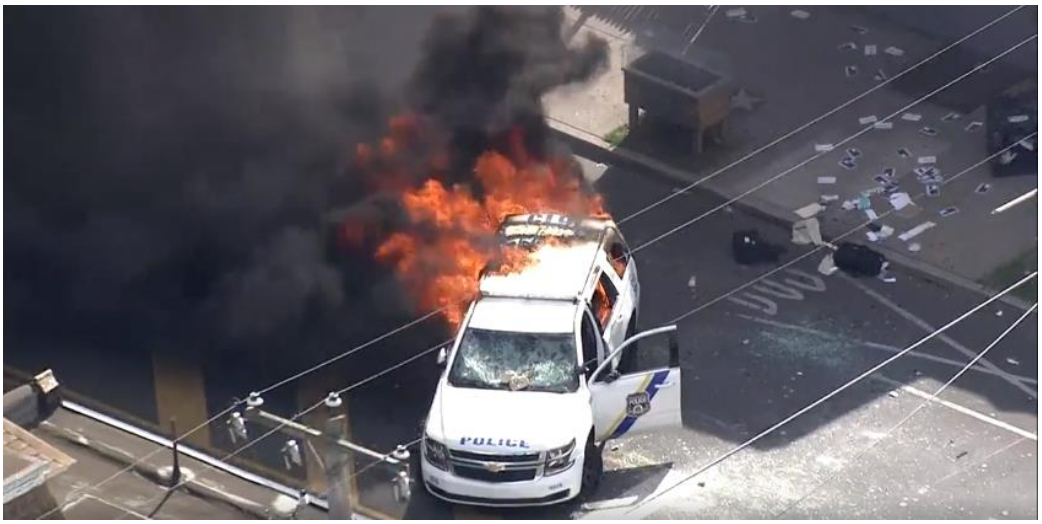


Figure 13. A PPD vehicle burns in West Philadelphia on May 31.
(Source: https://www.facebook.com/fox29philadelphia/videos/286180379099189)

[47] Philadelphia Police Department. "Philadelphia Police Department Operational Orders," May 30, 2020. AAR-014584.

RECOMMENDATIONS

31 The PFD's role in demonstrations and civil disturbances should be clearly stated in the operational orders. The possibility for violence should be accounted for in the description of PFD's role and responsibilities. The PPD should ensure that the PFD has the appropriate security while its personnel are addressing their responsibilities in the midst of a civil disturbance.

32 A sufficient number of PPD police vehicles should be equipped with fire extinguishers.

D. Tactical Response and Use of Force

Perhaps at no other point in American history have police tactics, use of force, and tactical responses received such national attention and scrutiny. With this comes a greater responsibility *and* opportunity for police to recognize how and why best practices should be embraced and reinforced as well as to identify their individual agencies' culture and mentalities as to how they apply tactics. More and more, police are recognizing the need for and benefits of educating their communities on what "tactics" mean, why they are needed, how they are trained, and how to establish improved understanding and collaboration on the appropriate application of tactics.

In some instances, officer engagement with protesters likely contributed to an escalation in tensions and use-of-force (UOF) incidents that likely could have been avoided.

The purpose of police tactics is to achieve certain goals that typically relate to crime prevention, reducing disorder and fear, deterrence, and criminal apprehension. The events and circumstances surrounding the Philadelphia protests would challenge any police agency in the country, in terms of tactical strategy. Tactics obviously include the UOF and a reality that must be embraced is that experiencing and watching any UOF applied by police, no matter the justification or degree, is never easy. However, uncomfortable emotional reactions do not mean that the force being used was inappropriate, unnecessary, or excessive. Police tactical strategy includes situational awareness, verbal and physical engagements, UOF applications, and coordinated responses. Policy and procedure, training, communication (internally and externally), contingency planning, and appropriate equipment are all critical for police tactics to be successful.

Many of the reports and videos demonstrated examples of officers being yelled at, sworn at, verbally and physically threatened, along with numerous assaults during the very chaotic times. Through a systematic cursory review of the available video data, the overall observation is that the officers, especially as the events progressed, were disciplined and professional about not being provoked by verbal harassing. Officers engaged in discussions about the events with some citizens, offered assistance and provided water to some who were exposed to chemical munitions. There were, however, examples of situations in which officers' engagement with protesters likely contributed to an escalation of tensions and UOF incidents that likely could have been avoided. It should also be noted that the interviews with community members and protesters overwhelmingly indicated very unfavorable perspectives of how the officers engaged verbally with them.

Following is a sequence of images showing how officer actions may have escalated tensions and resulted in unnecessary UOF (*see Figures 14-17 below*)

Figure 14. A female protester (yellow bandana) marches down the street with fewer than 25 other protesters through an intersection. She appears to yell profanities at the police but does not appear to be engaged in any violent or overly aggressive behavior. (Video provided by the PPD)

Figure 15. An officer (white shirt) singles out the vocal female protester and then goes hands on with her as she is walking by. (Video provided by the PPD

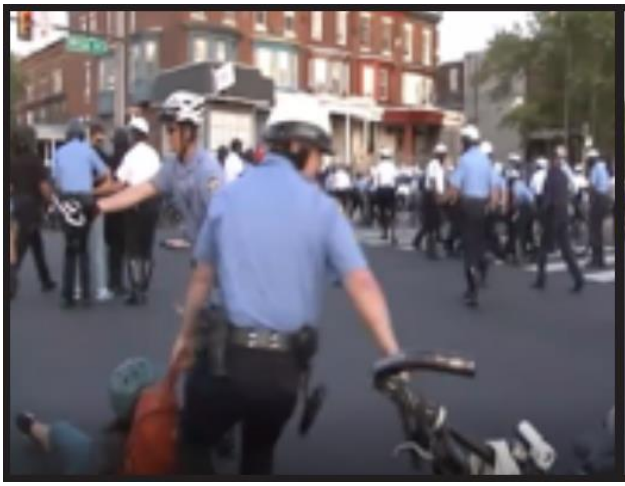


Figure 16. An officer can be seen dragging a protester away from the intersection. (Video provided by the PPD)

Figure 17. This leads to a response by other officers who physicslly engage with the protesters. The officer in the yellow circle can be seen applying a baton strike to another individual in the circler. (Video provided by the PPD)

The incident spotlighted through the foregoing sequence of images appears to have been avoidable. Without knowing the totality of the circumstances surrounding the situation, it is likely that the female protester's verbal and gestured behavior toward the officers resulted in an officer singling her out and apprehending her. It is possible that he did so in order to arrest her for a curfew violation, though the many other protesters were not facing repercussions for the same violation. Even if lawfully justifiable to make this arrest due to a curfew violation, the officer's decision to make physical contact with the female protester under these circumstances appears to be selective enforcement and possibly the result of not managing emotion in reacting to her verbal and

non-verbal behavior, as prescribed in PPD training. This also appears to have resulted in a reflex reaction with many other officers then also flooding the intersection, intervening, and ultimately resulting in another protester being struck by a baton and dragged on the ground. The sheer volume of officers at this intersection clearly represented a show of force and was significant compared to the number of protesters walking by; UOF was likely avoidable.

RECOMMENDATIONS

33 Enhance Training on Protest Interactions and Professional Communications: better promote the importance of officers managing their emotions and aggressions even under the most stressful of circumstances. Reinforce accountability through training and policy.

34 Emphasize that the most critical aspect of de-escalation strategies and minimization of UOF applications starts with the officer's ability to keep his or her emotions under control and utilize effectively dialogue with individuals—even with the most volatile and uncooperative of people.

35 Best practices promote and train officers to "not take it personally" when dealing with non-compliant, resistive, and aggressive individuals. Training that emphasizes emotional control not only affects the ability to better diffuse volatile situations and minimize UOF but also directly affects officer safety and wellness.

Officers inconsistently abided by instructions given in prior trainings regarding appropriate communication and engagement with protesters.

According to PPD's 2016 In-Service Training Lesson Plan[48] titled "Use of Force Urban Disorder In-Service Refresher Course Lesson Plan," PPD officers were instructed to do things such as "employ

Figure 18. Officers having a positive engagement with a citizen (right of screen) while other protesters throw rocks/bricks at the officers (center screen). (Source: Video provided by the PPD)

[48] AAR-001428. PPD Training Bureau. *Use of Force Urban Disorder In-Service Refresher Course Lesson Plan* 2-1-16.

de-escalation skills to manage aggressive behavior and situations." They were also instructed on communication techniques for "treating people right." Despite this previous training, officers did not always abide by the lessons taught.[49] The incident outlined above demonstrates that an officer likely allowed his emotions to overshadow his ability to manage the aggressive behavior. It is also noteworthy that there were many instances in which PPD officers showed constraint and discipline, and acted appropriately. Figure 18 shows one such instance in which officers are engaged in a positive interaction with a citizen even while agitators are directing projectiles at them.

RECOMMENDATIONS

36 The PPD should consider enlisting community activists, protesters, and organizers to participate in pre-service and in-service trainings with the goal of establishing improved understanding of perspectives and goals. The ability to show "empathy," as noted in PPD's training lesson plan, requires a mutual understanding of differing perspectives.

37 Develop a more robust proactive outreach plan with identifiable community leaders and advocates to improve communications. Some of the goals of the outreach can include the following:

- Relationship building
- Establishing a communication network
- Identifying who the POCs will be during the event
- Shared learning about protesters goals and plan
- Shared learning about police roles and responsibilities, plans, acceptable and unacceptable behaviors, laws and arrest clarifications
- Establishing a plan to disseminate information on any agreed upon plans with the protesters and the police
- Establishing post-event/after-action meetings

38 Consider establishing a command post/unit (possibly utilizing dispatchers after the events to enhance community outreach. Supply officers with cards or fliers that can be provided to protesters during appropriate opportunities. Direct protesters to contact the Center if they have questions, complaints, or information to share. This center can be staffed by citizen volunteers if PPD does not have resources such as the dispatchers available. This can provide PPD with an improved opportunity to demonstrate transparency and community engagement and to clarify information following significant events.

[49] There are officers who were not employed by PPD in 2016, and therefore would not have received this training.

A multitude of factors hindered PPD's ability to effectively control traffic throughout the city.

The controlling and redirecting of vehicular traffic in areas that are densely populated by protesters and police must be a priority for PPD in its management of protests and demonstrations. During the Floyd protests, there were several instances in which both officer and citizen safety were jeopardized due to uncontrolled traffic flow. Video footage showed several situations in which civilian vehicles nearly collided with bystanders because of a lack of traffic control and where PPD tactical positioning left officers vulnerable (See Figure 19 and 20). Ultimately, a number of factors hindered PPD's ability to effectively control traffic throughout the City. Some of these factors included limited resources, an overwhelming number of protesters, active assaults, and the simultaneous looting and vandalism occurring throughout the City.

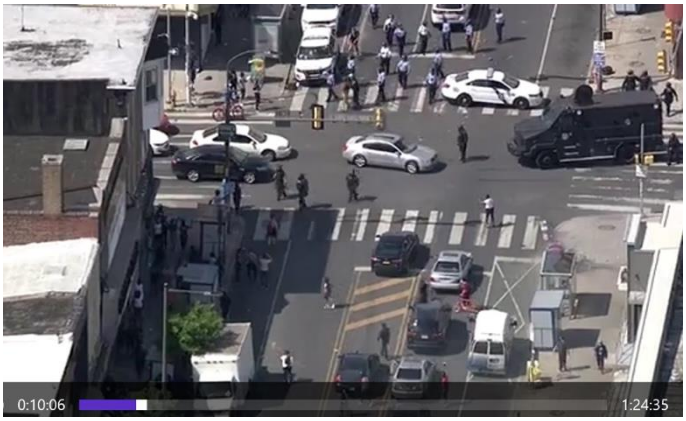


Figure 19. Tactical officers responding to a scene with uncontrolled traffic driving in between the team members. It appears that a SWAT officer is directing traffic even though patrol officers who are standing nearby appear available to assist. (Source: Video provided

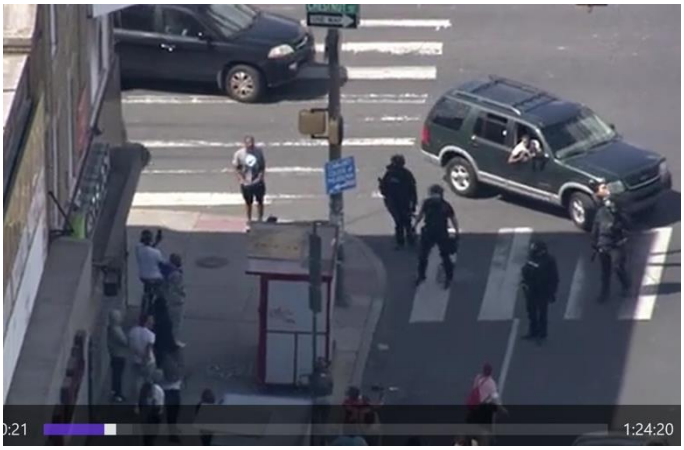


Figure 20. The positioning of the officers with their backs to the passenger in the SUV is not optimal for officer safety and could have been avoided if the traffic was better controlled at the intersection prior to SWAT arrival. (Source: Video provided by the PPD)

RECOMMENDATION

39 Prioritize the importance of traffic control and develop pre-established operational plans and assignments in anticipation of large-scale protests and riots. Identify the most significant and likely areas that will be targeted and prioritize where control tactics are most critical for community and officer safety. The advanced operational plans should be developed in conjunction with outside agencies who can supplement PPD resources with traffic control.

Although less-than-lethal weapons can be effective tools for officers, there were several instances in which PPD officers did not use these weapons appropriately and in accordance with PPD policy.

A baton is a non-lethal defensive tool most commonly used in crowd control circumstances to create distance. Batons are typically a solid piece of wood or rubber approximately 26 inches in length. There are also collapsible batons (known as ASPs) that are typically less than 10 inches in length when collapsed and up to 26 inches when expanded. The act of drawing and expanding an ASP in

itself can represent the presence of force. PPD officers appear to be equipped with both batons and ASPs, but it is not known how they are distributed to the officers. It is commonly accepted that the baton is a more effective tool than the ASP for officers dealing with crowd control.

PPD policy requires that batons be used for "defense and to assist in effecting arrest." However, video footage and images showed that, on several occasions, officers carried expanded batons in situations that did not appear to be for defense or arrest purposes. This may seem to be a minor observation, but it is significant given the current environment and trust challenges between law enforcement and the communities they are sworn to protect. Optics related to police UOF are of the utmost importance. Officers who carry their batons when not actively in use promote the perception of police unnecessarily wielding weapons and can contribute to the generally less favorable views that the public currently holds.

A review of the 46 UOF reports that were provided to the review team by PPD shows that 37 reports document that batons were used; the remaining UOF applications were control holds, punches, or kicks. An analysis of the summaries in these reports demonstrates an opportunity for PPD to examine and evaluate if officers have been trained properly in the appropriate use and application of batons. Several of the reports indicate that the baton strikes did not have the desired optimal outcomes with changing the behavior of the suspects who received the strikes.

One notable inappropriate use of a baton by a PPD officer was an Inspector using his baton in a manner that can be characterized as deadly force. The Inspector struck a protester in the head several times, which was a direct violation of PPD policy. PPD Directive 10.2-13 states that "officers, when carrying or utilizing the baton/ASP will not intentionally strike the head, face, throat, chest, abdomen, groin, spine, and collarbone of an individual." Even more concerning about this instance is that the officer was a veteran commander with a rank of Inspector. This raises the question of whether there is an overall understanding across line officers as to how and when to properly use batons.

Figure 21. Photo of the much publicized incident in which Inspector Joseph Bologna used excessive force with baton strikes to the head of a protestor. Bologna has since been criminally charged and dismissed from the PPD. (Source: Twitter, @Peopledelphia)

PPD Directive 10.2 states: "During crowd control situations individual officers should not use OC spray!" OC spray is an organic agent derived from cayenne and chili peppers and is often used as a close order control tactic by officers to arrest individuals for probable cause and individuals who are not complying with verbal commands and/or representing an imminent threat to harm others. OC is the most common type of chemical agent used by police. Video footage from the Floyd protests appears to show several instances in which officers approached individuals or groups of individuals and deployed hand-held OC spray in their direction with the apparent goal of clearing them from the streets or sidewalks. Based on the video footage, and PPD's Directive 10.2, it appears that several of these instances in which OC spray was deployed were unnecessary, ineffective, and contrary to PPD policy. One highly publicized example is portrayed through the image that follows, in which an officer on I-676 removed a protester's facemask and proceeded to spray OC in the protester's face.

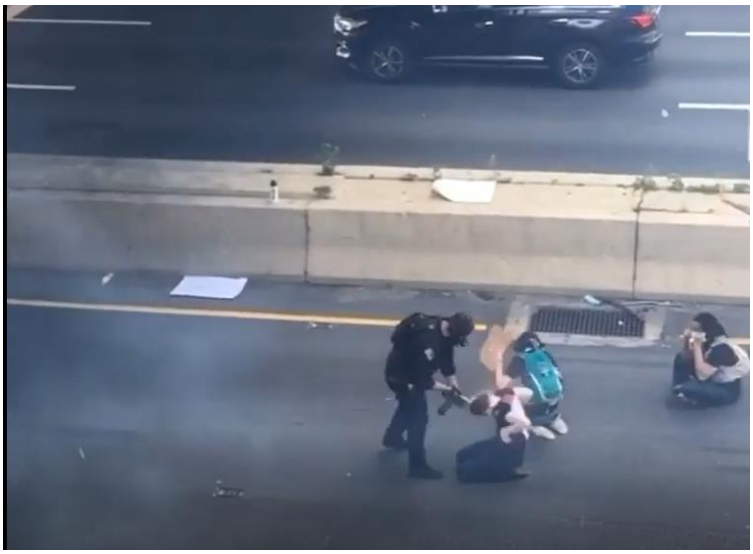


Figure 22. PPD Officer sprays a protester in the face with a chemical agent believed to be OC spray. (Source: NBC10 Philadelphia)

As mentioned throughout this report, the use of CS gas by the PPD proved to be problematic. CS gas should not be used against peaceful protesters. It should be used only in situations where violence is present and alternative applications of lesser force are ineffective. It appears that little to no planning occurred by police prior to the dispersal of CS gas on I-676. The PPD failed to provide directions and opportunities for protesters to safely disperse prior to and during gas deployments. The hill and fencing represented significant barriers that trapped the protesters. Chemical grenades were exchanged between PPD and the protestors, with police initially launching and/or throwing them. Cornered protestors threw the munitions back at police, leading police to re-deploy them. In West Philadelphia, the use of CS gas also proved to be problematic. PPD apparently did not account for the wind, and, consequently, residents uninvolved in the demonstrations were negatively affected by the CS gas. In addition, video evidence shows instances in which officers inappropriately dispersed 37mm gas projectiles directly at individuals. The image below (Figure 24) shows an officer using a chemical agent launcher to fire

Figure 23. CS gas is deployed on I-676, forcing protestors up an embankment. (Source: Facebook, John ZImmerman)

CS gas at an individual from relatively close range. According to Safariland Training Group, "Under no circumstance should these projectiles or grenades be fired or launched directly at a person."[50]

Figure 24. PPD SWAT officer using a chemical agent launcher. (Source: Video provided by PPD)

RECOMMENDATIONS

40 PPD should examine their officers' awareness and understanding of authorized use and applications of the baton and where this falls in the Department's UOF Decision Chart. Furthermore, baton strikes to the head area should be considered deadly force and should be reflected so in PPD policy.

41 PPD should review and analyze its UOF reports and body-worn camera (BWC) footage and should survey officers to evaluate if their baton applications are appropriate, effective, and result in the desired outcomes and/or if additional training and/or alternative applications of force would prove more appropriate *and* effective.

42 Officers receive training, either through Pre-Service and/or In-Service Training or memo, promoting and requiring that the batons remain holstered and displayed in hand only under the conditions outlined in policy. Note that carrying batons when not needed can contribute to increased tensions with protestors and the community.

43 Gas deployment policy and procedure should be re-examined and trained at all levels of the Department. It is *critical* that CS gas be deployed only when specific criteria have been met.

44 The PPD should view available video footage that appears to display tactical officers firing 37mm gas projectiles directly at individuals and determine if this is within their policy, procedure, and training guidelines. If actions were not within guidelines, they should be addressed.

45 A specialized unit designated solely for crowd control and management should be established. This unit should have specific policy, procedures, training, and equipment relating to best practices in crowd management. This unit should be the primary resource for when CS needs to be deployed, and its standard operation procedures and capacities should be understood by the entire Department.

46 All PPD units and officers designated as responsible for deploying gas should be required by policy to be equipped with BWC and have it activated when any gas is used.

[50] Chemical Munitions Safariland. *Tactical Considerations* (p. 104).

47 When launching or throwing chemical munitions, do not target them into the populated areas of the protests. The targeted area should be less than 30 feet from people and have land them short to avoid having them injure people and be thrown back at officers.

48 The PPD should research and evaluate additional gas deployment devices that may be available (and potentially more effective) and offer reduced potential with unintended contaminations.

PPD officers did not always correctly fill out their UOF reports, as required by PPD policy.

PPD requires that officers document UOF under their specific definitions. All UOF reporting should be well documented and detailed, regardless of the level of force used or the circumstances surrounding why the force was used. Some of the UOF reports that we were provided lacked detail and specifics as required per PPD policy, such as describing the location of the body where the officers delivered the baton strikes. PPD Directive 10.2 also states that the number of strikes that were delivered should be documented.

RECOMMENDATION

49 Reinforce, through policy and procedure, training, and accountability, the need to articulate specific details as to where the baton strikes were applied on the body.

Community members and some PPD officers reported not hearing verbal warnings given prior to the dispersal of CS gas.

Verbal warnings are critical for both community members and officers' abilities to prepare for the dispersal of chemical agents, such as CS gas. Verbal warnings give community members an opportunity to retreat from the scene and give officers the opportunity to put on gas masks or take cover if they are not equipped with gas masks. Interviews with community members and PPD officers revealed conflicting accounts of whether or not PPD gave verbal warnings to protesters before deploying gas. The PPD SWAT team was assigned to gas deployments as well as some of the crowd control and management. Typically, SWAT teams are not trained in, or assigned to, crowd management and control and it is unknown if PPD provides its SWAT team with this type of specialized training. PPD officers who stated that verbal warnings were provided did mention that the SWAT's speaker system may not be loud enough. This is especially important given noise levels at the various locations in which CS gas was dispersed. The lack of video evidence and the conflicting stories suggest that PPD's efforts to provide verbal warnings prior to the dispersal of CS gas were insufficient.

RECOMMENDATIONS

50 PPD should research and identify improved audio equipment that provides a better opportunity for their verbal warnings and commands to be delivered and heard by large crowds.

51 PPD personnel responsible for deploying gas should establish a predetermined script for announcing any deployments into large crowds. For example:

> *This is the PPD and you are unlawfully assembled and subject to arrest…. You should immediately leave this area (provide directions where you want them to go)….We will be deploying gas in 15 minutes if you do not leave.*

On multiple occasions, officers left the security of their teams and/or backup to individually pursue suspects on foot or to clear buildings that had been looted.

On multiple occasions, officers can be seen leaving the security of their teams and/or backup to individually pursue suspects on foot (See Figure 25). Understanding and appreciating that intervening, stopping, and arresting offenders who are engaged in criminal activity is the responsibility of PPD, it is important to recognize that officers who pursue on foot alone under these unique circumstances and environments where they are outnumbered and actively being assaulted by protesters can potentially jeopardize their safety.

There were multiple examples of officers using excellent tactical dialogue and communication with their partners, such as "Cameras on" when starting a clear of a looted business where two suspects were arrested. Examples of excellent direction and notification that serve the safety of officers when clearing rooms include "coming out," and "clear left."

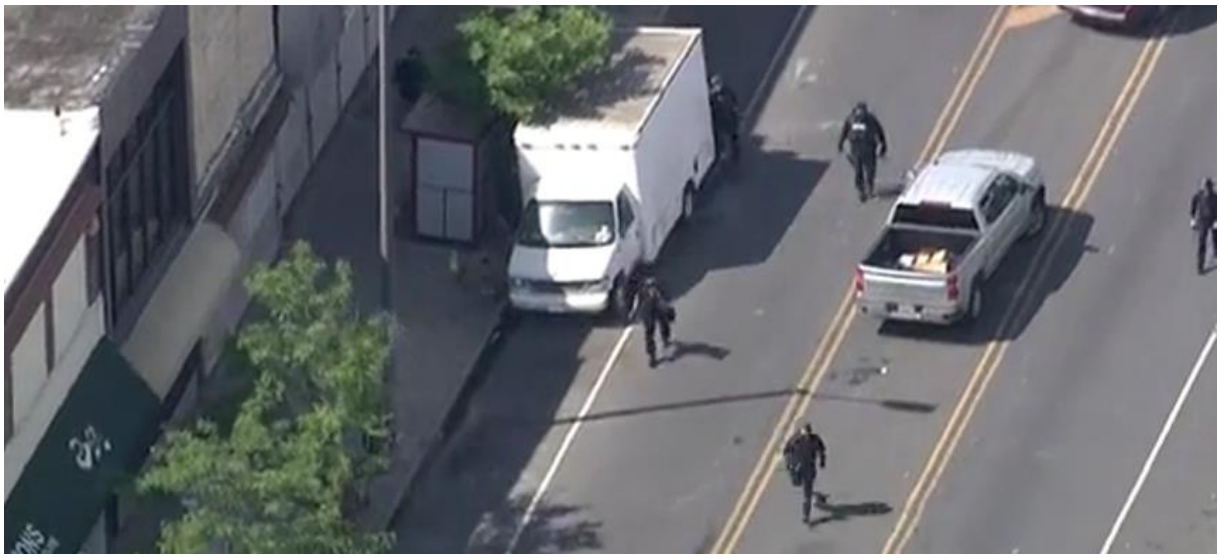


Figure 25. An officer breaking from the group to pursue an offender. (Source: Video provided by the PPD)

Given the limited number of available resources, it appears that, on occasion, officers worked alone and without backup to clear buildings and rooms that were looted (See Figure 26). PPD's uniform requirements dictate that supervisors will wear white shirts. Though this observation is, of course, nothing new, it must be noted that bright-colored apparel is not optimal and can have an impact on officer safety when clearing rooms and buildings in low-light conditions.

Figure 26. BWC footage of officer without backup appearing to clear a bank that was looted. (Source: Video provided by the PPD)

RECOMMENDATIONS

52 PPD should reinforce through training and policy that officers should not engage in foot pursuits and become separated from backup in environments where the protesters are targeting the police unless there is a need to protect themselves or prevent bodily harm to themselves or others. Property crime should not be grounds for individual officers engaging in foot pursuits under these conditions with limited resources and higher priorities.

53 Absent exigency relating to imminent bodily harm of self or others, it is recommended that officers do not clear dwellings and isolated areas alone but only when backup is available. Preservation of property should not be justification for an officer clearing unsafe areas and buildings alone.

54 Command staff (white shirts) should have access to alternative shirts or jackets that are more tactically appropriate for officer safety during tactical situations, such as room clearing.

Many PPD vehicles were damaged during the demonstrations and civil disturbances.

Additional information is needed for a comprehensive understanding and assessment as to what contributed to the high volume of squad cars being vandalized and damaged. It appears that many squads were parked in a formation/line when protesters vandalized and stole property from them.

Figure 27. Rioters involved with stealing from and destroying empty squad cars and using this one as a weapon that nearly ran over several officers. (Source: Video provided by the PPD)

RECOMMENDATION

55 PPD should examine and evaluate if there are any opportunities to improve on maintaining squad security under these types of circumstances and then reinforce any identified procedures through training, such as removing all weapons prior to leaving the squads.

E. Information Sharing/Intelligence Gathering

Going into the weekend of May 30, PPD received pre-event intelligence information about the demonstrations in George Floyd's honor that were happening around the country, along with the connected violence. This information was included in the Daily Situational Reports (DSRs) sent from the Office of Emergency Management's Regional Integration Center. However, intelligence about upcoming demonstrations specific to the City of Philadelphia was lacking, which led to a less than ideal initial response.

For a number of reasons, the Civil Affairs Unit (CAU) was relatively ineffective at gathering operational information and intelligence during the Floyd protests.

According to PPD Directive 8.3, "Civil Affairs Unit personnel are the department's experts on demonstrations and labordisputes." Based on this expertise, PPD relies on the CAU for building rapport and communicating with protest leaders and participants, greatly enhancing intelligence and information sharing. During demonstrations, CAU personnel, wearing visible armbands to identify themselves, embed themselves within the protesters to access real-time information to aid in PPD's response.

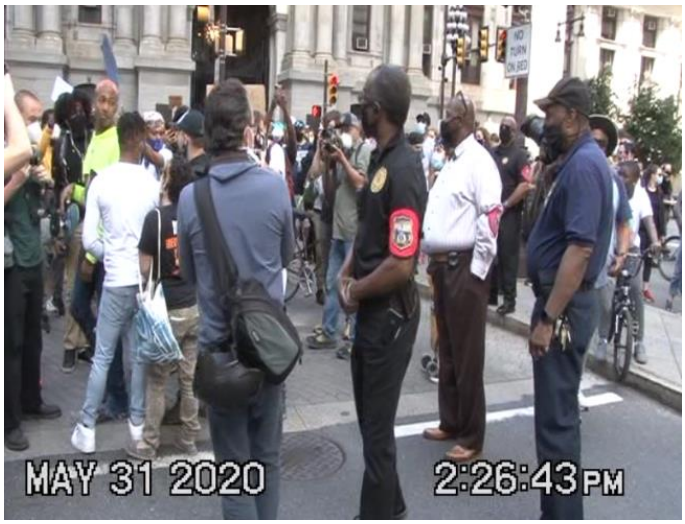


Figure 28. Members of the CAU distinguish themselves by wearing orange police armbands. (Source: Video provided by the PPD)

Traditionally, the PPD and the CAU have established strong relationships with demonstrators and are instrumental to gathering intelligence and information. However, due to the factors described below, the CAU was relatively ineffective at carrying out its traditional functions during the response to these protests:

- Demonstrations carried an overwhelming anti-police sentiment. This hindered the CAU's ability to build any sort of rapport with the protest leaders and participants (as called for in PPD's Directive 8.3), despite efforts from CAU personnel.

- The massive size of the protests, along with the decentralization of the protests, made it difficult for PPD and the CAU to identify protest leaders. This, and the relatively short planning timeline, prevented the CAU from holding any prior meetings with the protest leaders, as is called for in PPD's Directive 8.3.

- The relatively small size of the CAU (28 officers) limited its operations. Not all of these officers were working on May 30; even if they all had been on duty, the size of the crowds would have made it difficult for the CAU.

- The violent nature of the demonstrations hindered the CAU's ability to gather real-time information and communicate with the protesters. Once the demonstrations turned violent, the CAU personnel who had been imbedded within the protesters were removed from their assignments because of safety concerns.

- The CAU stops engaging once protests turn to looting.

RECOMMENDATION

56 While the CAU does an excellent job in addressing most protests, they are at a great disadvantage in dealing with protests that involve individuals who are unwilling to communicate with them, and in which looting and violence occur. It is recommended that the PPD include contingencies in planning for the gathering of intelligence without the CAU.

Pertinent information remained within silos, leading to a lack of coordination among internal and external partners.

Vertically, communications from command to field operations were lacking. Several ICs noted that much of the intelligence developed by PPD was provided to the EOC, but that information did not trickle down to them in a timely manner. Similarly, horizontal communications within and among field response teams were ineffective. ICs did not have a strong understanding of the events ensuing in other districts and relied on intelligence sources outside the agency for information. This lack of collaboration early on contributed to the breakdown in communication as the demonstrations progressed through the first few days. However, despite the initial stove-piping, PPD improved its internal coordination later in the week of June 1.

Interagency communications were also less than optimal. PPD requested mutual aid upon realizing that its own staff would not be sufficient for the demonstrations. However, there was no Memorandum of Understanding or less formally documented rules of engagement between the agencies to guide response. For example, when PSP and PPD dispersed less-than-lethal munitions on Monday, June 1, there was no communication or synchronization between the two agencies in their tactical response.

RECOMMENDATION

57 Every operational plan should include a plan for communications, and PPD personnel should receive training on this plan to ensure that they understand proper protocol.

The modes of communication employed by PPD for information sharing were not ideal.

PPD depending on radios for the vast majority of their information sharing, but several issues arose with this approach:

- As previously noted, there were not enough portable radios for all officers assigned to the demonstrations.
- PPD primarily uses the T-band channel for radio communications among the majority of the Department. Due to the intensity of the demonstrations, however, T-band was overloaded, leading to requests going unanswered and delayed responses. There were no alternative, supplemental, or backup communication mechanisms for the entirety of PPD.
- While ICs sometimes received video intelligence on their mobile devices, this mode of communication was ineffective in many cases. Videos on phones are small and difficult to interpret, and those in the field were not in a position to safely study videos on their handheld devices.
- T-band was not an encrypted radio channel. The only division with a separate, encrypted band for its operations was the SWAT team. Due to the public nature of PPD's radio transmissions, protesters and agitators were able to listen to their communications. In more than one instance, protesters and agitators were warned about operational information. (See Figure 29.)

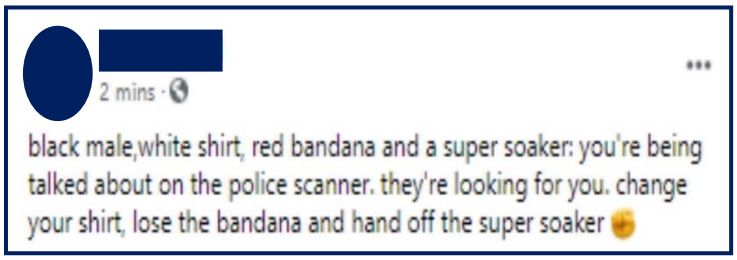


Figure 29. Facebook post warning a demonstrator based on radio correspondence.

RECOMMENDATION

58 PPD should more clearly define protocols for the use of T-band during civil unrest, ensuring that sensitive information is not made public. PPD can also work with partners who utilize encrypted radio channels, where appropriate.

At the time of the Floyd protests, PPD had gaps in the equipment and personnel necessary to provide real-time surveillance of unfolding incidents to IC and members of the UCG for real-time decision-making.

The absence of BWCs on all officers, plus the lack of other real-time surveillance equipment, made it difficult for PPD and the community to understand the full context as to how and why critical operations unfolded. Body-worn cameras (BWCs) are an essential tool for police departments. They have implications for both officer and civilian safety, and allow for a more accurate account of what unfolded during a particular incident. At the time of the George Floyd protests, not all officers were equipped with BWCs. Notably, officers from the SWAT (the only ones trained and authorized to disperse CS gas) and MIRT units (who have a crucial role in responding to incidents of violence) were not equipped with BWCs.

In addition, the deployed PPD helicopter did not have the ability to capture video while in flight, a fact unknown to most of the PPD command staff. PPD's inability to capture video surveillance was further hindered by the fact that the operational plan called for only two Audio Visual Teams. The Audio Visual Unit is responsible for capturing photographs and video recordings of event proceedings.[51] It is unclear whether the ICs requested the Audio Visual Unit at each location. However, based on the spread-out nature of the civil unrest, the Audio Visual Unit would not have been able to respond to every location.

The Real Time Crime Center (RTCC) under PPD's Intelligence Bureau has access to video feeds from the city and independent businesses. However, the UCG was not provided control of the feed for its decision-making, causing the group to rely heavily on aerial footage from media sources to maintain situational awareness. The Intelligence Bureau is also responsible for the analysis of online intelligence, but there only six analysts tasked with those investigations. Due to the scarcity of staffing and the abundance of information, important intelligence was not always recognized and shared with the respective ICs. Any intelligence that was provided was concentrated on the Center City districts, leaving Incident Commanders in other districts less prepared.

RECOMMENDATION

59 Increase technological capacities within the Intelligence Bureau to ensure that strong intelligence is provided for strategic and tactical decision-making.

[51] Directive 8.3 states that "The first Patrol Supervisor/Commander, IC in charge at the scene will: Ensure the Audio Visual Unit is requested for photographs and video recordings of event proceedings."

F. Public Information and Warnings

As the City shifted focus from public health (related to COVID-19) to first amendment demonstrations, communications remained the first line defense both for ensuring that the public receives pertinent information and for preventing misinformation from spreading. Accordingly, the City and the PPD included Public Information Officers (PIOs) in the response and decision-making process.

The communications team both responded to information requests and proactively pushed out information.

Early on, much of communications was driven by media requests, but the City engaged in proactive messaging as well. These media requests were primarily soliciting information about the number of arrests that had occurred, the crimes arrestees were charged with, and looting information. The requests were fulfilled and PPD began providing this and other information via Twitter. Twitter and other social media platforms became an important mode of engaging with the public. In the first two to three days of demonstrations, PPD and the City began utilizing social media to post information about the curfew. PPD also tweeted about how to file a complaint and how to make contact with City services, along with information about openings and closings in the City.

Figure 30. Tweets from PPD outlining arrests

Figure 31. PPD Twitter feed referring to mourning crepes

In addition, PPD attempted to quell misinformation that was being posted on social media. For example, photographs were circulating that accused officers of covering their badge numbers. However, PPD had recently suffered deaths of active-duty officers and many officers were wearing mourning crepes. In some cases, these bands sagged which may have led them to unintentionally cover an officer's badge number. PPD tweeted about this to provide the public with accurate information about officer conduct. Finally, in an effort to deliver regular and consistent communications to the public, the communications team from PPD and the

City coordinated to organized daily press conferences. These press conferences provided a platform other than social media by which to disseminate information to the public about City operations, road closures, curfew, etc. However, they were also used for important updates. On June 1, in a joint statement from Commissioner Outlaw and Mayor Kenney, the City leaders acknowledged the use of less-than-lethal munitions on I-676.[52] On June 3, the Mayor's Office released a statement about the removal of a statue of Frank Rizzo, a divisive monument in the City.[53]

RECOMMENDATION

60 Ensure that there is departmental representation from Communications in the Unified Command Group and Emergency Operations Center for future instances of civil unrest.

In initial phases of the response, there was no comprehensive strategy behind the development and dissemination of information to the public.

Several issues contributed to the lack of a comprehensive strategy. First, due to limited staffing, the PPD communications team did not have pre-scripted messaging for civil unrest. Second, a vacancy in the Director of Communications position meant that others in the Department (who were occupied with their own duties) had to pick up additional responsibilities. Third, in at least one instance, the speed at which real-time information was shared with the public outpaced the ability of the communications team to verify information. After less-than-lethal munitions were used on June 1 to disperse protesters, Commissioner Outlaw stated at a nighttime press conference that the precipice for the munitions was protesters rocking a Pennsylvania State Police vehicle and throwing rocks at police. That information, however, was unverified at the time of the statement and was later found to be untrue.

RECOMMENDATIONS

61 PPD should expand the capacity and staffing of the Organizational Communications Division (specifically, the Public Affairs Unit), including the filling of the Communications Director position.

62 Utilizing a social media archival system would provide more effective monitoring of incoming and outgoing information from the 100+ PPD Twitter accounts.

63 Crisis communications training related to civil unrest should be provided to the PPD and City Communications Departments.

[52] https://www.phila.gov/2020-06-01-mayor-kenney-and-police-commissioner-danielle-outlaw-issue-statements-on-the-use-of-tear-gas/
[53] https://www.phila.gov/2020-06-03-city-announces-removal-of-rizzo-statue/

PART III: COMMUNITY ENGAGEMENT AND IMPACT

A. Introduction

The After-Action Review Team understands that, for our recommendations and conclusions to have any meaningful and long-term significance, the views of community members needed to be at the forefront of our investigation. For these reasons, the After-Action Review Team took dedicated steps to engage with community organizations, protesters, faith-based leaders, elected officials, and Philadelphia residents about their experiences and concerns regarding the police response to the protests and demonstrations that took place in Philadelphia following the killing of George Floyd. What follows is a summary of the community outreach efforts taken by the review team and their results.

B. Outreach Efforts

At the start of the engagement, the review team established a website, https://philadelphiaafteractionreview.mmwr.com/, which outlined the scope of the review, introduced the review team, invited individuals to sign up to be interviewed to share their experiences, and provided a mechanism for the community to upload photos and video from the events for the team to consider as part of its review. The team advertised the website through Facebook and Twitter pages, email, and fliers distributed in various neighborhoods in the city. In addition to the website, the review team established an email account, aar@mmwr.com, for community members to submit comments and inquiries. Six comments were submitted through the email address, which have been incorporated into this report. Members of the team followed up with the individuals who submitted written comments, inviting them to participate in follow-up interviews. All of these individuals declined to be interviewed. Using the aar@mmwr.com email address, the review team sent e-mail blasts to nearly 100 Philadelphia community organizations, informing them of the review and inviting them to be interviewed about the experiences of the organization and/or its individual members. Only three organizations agreed to speak with the review team.

In addition to the above, the review team attempted to obtain feedback from businesses that were affected by looting and/or vandalism. Information on these businesses was obtained from data gathered by the PPD. These businesses ranged from large-scale retailers such as Wawa, Rite-Aid, Boyd's Men's Store, H&M, and Urban Outfitters, to small "mom and pop" retailers and restaurants. In total, the team contacted approximately 200 businesses via phone and email. Thirty-five of the contacted businesses expressly declined to be interviewed, and 156 business either could not be reached or did not respond to voicemail or email messages. In the end, three business owners were interviewed and provided accounts of the damage that occurred to their businesses, the response of PPD for assistance, and the efforts to recover and reopen their businesses.

The review team also engaged in several efforts to obtain feedback from members of the public, particularly those who participated in or were otherwise affected by the protests and demonstrations. The review team made two attempts to conduct public listening sessions via Zoom videoconference due to the COVID-19 restrictions on public gatherings. The first two sessions were scheduled for September 15 at 9 am and September 17 at 5 pm to accommodate varying schedules. Two individuals expressed interest in attending the sessions as listeners, but there were no registrants for speaking times. The listening sessions were then rescheduled for October 13 at 9 am and on October 15 at 5 pm. The team advertised the listening sessions to the public in the following ways: on the Review Facebook page (Facebook.com/PhilaAfterActionReview), on the Twitter page (@Phila_AAR), by email blasts to the community organizations mentioned above, by word of mouth, and via approximately 1,000 fliers distributed in various sections of the City by canvassers coordinated through the Office of Inspector General. In addition, the review team (via Montgomery McCracken Walker & Rhoads, LLP (MMWR)) sent press releases with information about the listening sessions to several television, radio, and print media outlets, Only one news media outlet responded responded and conducted an interview of the MMWR attorney co-leading the review. Nevertheless, there were no registrants for these listening sessions.

Because these listening sessions did not materialize, the team instead observed virtual Public Hearings conducted by the Philadelphia City Council Public Safety Committee on October 7 and October 20. Nearly 30 community members who were involved in the protests on I-676 and 52nd Street testified, as did residents of neighborhoods in West Philadelphia that were affected by the deployment of tear gas near their homes.

The After-Action Review Team also informed the public about the review, and the team's need for community input, through outreach to several news outlets. In an effort to secure an interview or a written piece about the review, MMWR sent a white paper to several media outlets, introducing the review team and discussing the scope of the review.

On September 10, 2020, MMWR's co-lead of the investigation, Ms. Phillips, penned an op-ed for the *Philadelphia Inquirer,* entitled "I'm a lawyer investigating Philly police's response to protests – and I need your help," explaining who she was, her connection to the City of Philadelphia, and the purpose of the review and our report. The op-ed concluded with a request for input from the public, directing them to the review website. Almost one month later, on October 7, 2020, a piece entitled "Philadelphia City Council Reviewing Police Department's Alleged Excessive Force during George Floyd Protests" ran on CBS3 Philly's website, and it contained a statement from Ms. Phillips describing the review and our efforts.

The review team also interviewed protesters and residents being represented by a local law firm and the NAACP Legal Defense Fund in litigation. The law firm facilitated these interviews with its clients and the review team.

In total, the After-Action Review Team's efforts resulted in the following community interviews: three community organizations, three business owners, three faith leaders, five City Councilmembers, three Philadelphia residents who were not involved in the protests and demonstrations but were affected by the PPD response, and eight individuals involved in the protests and demonstrations. Of the eight protesters interviewed, four primarily participated in demonstrations on I-676, three primarily demonstrated on 52nd Street, and one primarily demonstrated in Center City near PPD headquarters. Several protesters interviewed by the team also participated in other protests and demonstrations between May 30, 2020, and June 15, 2020. In addition to these interviews, the team considered the testimony of the individuals who provided testimony during the October Philadelphia City Council hearings. The review team also reviewed photos, videos, and surveillance video provided by interviewees.

C. Timeline of Community Impacts

While this report starts with a description of the events overall, it is important for City residents to see themselves within these pages. This section describes in detail the events in each area of the City where protests and PPD response occurred, specifically: Center City, West Philadelphia, Kensington, I-676, Fishtown, and Marconi Plaza.

Center City

On May 30, 2020, at around 12 noon, about 1,500 protesters began to gather near Philadelphia City Hall. The protests began relatively peacefully, with protesters taking a knee for 8 minutes and 46 seconds—the approximate amount of time Minneapolis Police Officer Derek Chauvin knelt on George Floyd's neck—and then marching through Center City to the Philadelphia Art Museum for an event on the Art Museum steps led by Black Lives Matter Philly and Philly Real Justice. Roughly 3,000 individuals were present near the Art Museum. The protesters chanted and spoke out against police brutality.

As the day continued, the large crowd dispersed throughout the City, with many protesters making their way back to City Hall. Along the way, the climate started to escalate, turning violent and disorderly. Officers reported protesters setting fires to vehicles and trash cans and spray-painting sites along the Benjamin Franklin Parkway. Police also reported that protesters were throwing objects at the police, damaging police vehicles near the intersection of Broad and Vine Streets, and surrounding a SEPTA bus. Bike patrol officers used their bicycles to push the crowd back.

Around 4:30 pm, a crowd gathered at City Hall. Officers reported that individuals were vandalizing City Hall by breaking windows, throwing accelerants inside, and spray-painting the building. Police also reported being sprayed in the face and eyes with unknown chemicals and having unknown liquids thrown on them. At some point, the crowd started trying to pull down and set fire to the statue of former Philadelphia Mayor Frank Rizzo in front of the Philadelphia Municipal Services Building (MSB).

While bike officers attempted to move the crowd away from City Hall toward 15th Street, a Starbucks kiosk at the intersection of 15th and Market Streets was set on fire and the windows of the TD Bank

at the intersection of 15th and the John F. Kennedy Boulevard were smashed. Police vehicles were set afire, and a SWAT Bearcat armored vehicle was vandalized.

Throughout the evening, businesses along Chestnut and Walnut Streets were looted and vandalized, and more police vehicles were burned and vandalized. To suppress the looting, the City implemented a 6 pm curfew and began an organized curfew enforcement along Chestnut, Walnut, and Market Streets. While many individuals were apprehended and arrested, the curfew was largely disregarded, and the crowds did not start to dissipate until about 9 pm.

For the next few weeks, protesters continued to march in the streets of Center City and various neighborhoods throughout Philadelphia calling for an end to police brutality. Peaceful protests occurred from June 2 to June 13, with one large event occurring on June 6, when protesters participating in a "Justice for George Floyd" demonstration marched from the Art Museum to Center City. The PPD was better prepared for these protests and reported minimal issues.

West Philadelphia

On May 31, 2020, at about 2 pm, protesters gathered in the area of the 52nd Street commercial Corridor in West Philadelphia, a primarily African American community. The gathering began as a relatively calm protest, but PPD reported that, over time, the activity in the area escalated and turned aggressive. Police officers reported looting and destruction of the businesses along 52nd Street and said that individuals, mostly teenagers, were throwing bricks and other objects in their direction. PPD vehicles were vandalized and looted, windows were smashed, and businesses were set on fire. PPD officers reported being outnumbered and suffering injuries. Some officers reported trying to engage the crowd in an attempt to de-escalate the tension, but these efforts were fruitless.

Police commanders on location called for assistance. The SWAT Unit arrived in armored vehicles outfitted with riot gear. The presence of SWAT seemingly escalated the tension and aggression in the area. In total, there were approximately 200 officers on location in West Philadelphia on May 31, 2020. Officers described the crowd on 52nd Street as the most violent crowd they had ever encountered.

At approximately 5:26 pm, pursuant to authorization from the Police Commissioner, the SWAT Unit began releasing tear gas, pepper spray, and rubber bullets in various areas along the 52nd Street corridor in an effort to regain control of the area.

Officers reported giving three warnings to the crowd with a bullhorn and loudspeaker, informing the crowd that they were involved in an unlawful assembly and that tear gas would be deployed if they failed to disperse. However, no protesters or community members reported hearing any warnings prior to the firing of tear gas and rubber bullets.

Protesters recounted being struck in the head, abdomen, legs, and back with rubber bullets and suffering severe respiratory effects from the tear gas. As people became overwhelmed by the tear gas, they reported burning eyes and incessant coughing. Their masks became unusable and physical distancing broke down because people were trying to run to get out of the area. Protesters also

reported that the police officers were either not wearing masks or wearing them improperly. Street medics offered first aid to those in need, and protesters assisted each other by pouring milk and water

solutions to wash the tear gas out of their burning eyes. One of those medical volunteers reported seeing police officers destroying medical supplies and water bottles meant for injured protesters.

Protesters, community members, and bystanders ran in all directions to get away from the tear gas and rubber bullets, tripping and falling due to the blinding effects of the gas. Video viewed during this review confirmed police firing tear gas, pepper spray, and rubber bullets in the area. Individuals, including residents, medics, and journalists who were not involved in the protests, were hit with tear gas canisters and rubber bullets.

As the SWAT Unit traveled down 52nd Street in armored vehicles, it released tear gas canisters in various directions, including in the middle of residential streets, such as the 5100 and 5200 block of Chancellor Street. Tear gas canisters landed on residential roofs and porches, and gas entered homes through open windows or doorways. Community members on 52nd Street that day recounted canisters landing near a birthday party, close to elderly men and women in wheelchairs, and on the roof of a house with a sleeping infant inside.

Police did not block the intersections near 52nd Street before releasing the gas, forcing many vehicles and buses to drive through clouds of gas. Community members reported banding together to block 52nd Street and stop the oncoming traffic, and to protect some of the local businesses from being looted.

It was reported that the cycle of the police deploying tear gas and rubber bullets along the 52nd Street corridor and surrounding neighborhoods continued throughout the day. As a result, protesters would flee the area and then reassemble. More officers were deployed to the area throughout the day to help deal with the protesters.

Community members reported seeing a police helicopter flying unusually low over 52nd Street, throughout the day. Meanwhile, the looting of the area businesses continued without police intervention. Looters destroyed several businesses, including Foot Locker, McDonalds, King's Fashion, and Franklin Mills. A Sunray Drugs located at 60th and Ludlow was destroyed by fire. Video footage showed looters breaking into stores and coming out with armfuls of merchandise. Likewise, video footage showed individuals destroying PPD vehicles—jumping on them, smashing the windows, pulling duffle bags out of the cars and rummaging through them, and ultimately setting the vehicles on fire. The videos also showed young men pushing one of these damaged police vehicles down the street. These activities occurred during the daylight hours seemingly without PPD intervention.

As night fell, a small group of people remained near Walnut and Chancellor Streets. The PPD, outnumbering the crowd at this point, again released tear gas and rubber bullets. Several individuals were arrested for looting and for violating the curfew. People in the crowd faced off with the line of officers for several more hours, and, eventually, the police stopped deploying the less than lethal munitions in the area. At approximately 8:30 pm, City Councilmember Jamie Gauthier joined

protesters at 52nd and Chestnut Street and called Mayor Jim Kenney, allowing some protesters to express their feelings directly to him over the phone. Councilmember Gauthier encouraged the protesters to go home, but they said they would not leave until the police departed. Around 9:30 pm, protesters, residents, and officers left the area.

Kensington

On Sunday, May 31, 2020, at about 9 am, the PPD responded to reports of looting in the Kensington section of Philadelphia. There was periodic looting along the main thoroughfare of Kensington Avenue and in the surrounding neighborhoods throughout the day. However, it was difficult for the PPD to respond to all these areas of looting because many of the officers in those police districts (24th, 25th and 26th Police Districts) were deployed to Center City.

At approximately 10:50 pm, PPD personnel in the area reported mass looting near the intersection of Kensington and East Allegheny Avenues. PPD personnel reported that hundreds of looters were hitting stores on the commercial corridor and were throwing rocks and explosives at PPD officers who were trying to take control of the situation. A combined force of Highway Patrol, Major Incident Response Team, SWAT, and Civil Affairs Units was deployed to the area. Numerous arrests were made for burglary along the Kensington and East Allegheny Avenue commercial corridor. A group of PPD officers then proceeded to the 3100, 3000, and 2900 blocks of Kensington Avenue, where looting was taking place. As they proceeded to this area, they were reportedly hit with rocks, bottles, and multiple M-80s.

The SWAT officers proceeded west on East Allegheny Avenue with an armored vehicle, where they reported seeing a small group of individuals along the 800 block of East Allegheny Avenue throwing rocks and bottles at marked police vehicles parked in the area. SWAT officers reported that they gave verbal warnings from the loudspeaker of the armored vehicle, ordering the crowd to disperse. Several members of the SWAT team were walking alongside the armored vehicle, and, when they were somewhere near the middle of the block, an incendiary device was thrown in the direction of the armored vehicle and landed near the officers. After the incendiary device was thrown, the SWAT officers deployed tear gas along with white smoke to disperse the crowd. They also used bean-bag rounds on individuals who were observed throwing items at the officers. The SWAT officers pushed the crowd south down G Street to Kensington Avenue, where they deployed additional tear gas and other less-than-lethal munitions on the crowd.

On May 31, 2020, officers made nine arrests for burglary and one arrest related to the use of a "missile" on and around Kensington and East Allegheny Avenues. In addition, several police vehicles were vandalized in this area.

Interstate 676

On Monday, June 1, 2020, a group of over 1,000 demonstrators gathered near the PPD Headquarters at 750 Race Street. At approximately 3:30 pm, following a round of speeches, the crowd marched west through Center City toward the Benjamin Franklin Parkway. Other groups marching throughout Center City joined the crowd as it proceeded west. By all accounts, the marchers were peaceful in the beginning. The PPD's Narcotics Strike Force and Patrol Bike Units accompanied the marchers in the

front and back of the crowd. At approximately 4:15 pm, a group of protesters toward the back of the crowd sat down in the street at the intersection of Broad and Cherry Streets, preventing the PPD officers in the back from keeping up with the crowd. Between 4:30 and 4:50 pm, the PPD made several requests to the EOC to have the Pennsylvania State Police (PSP) close Interstate 676, also referred to as the Vine Street Expressway, a below-ground-level highway that traverses Center City from east to west and west to east, connecting Interstate 76 on the west to Interstate 95 on the east.

At approximately 4:50 pm, the crowd made its way to the intersection of North 22nd Street and the Benjamin Franklin Parkway. Groups of protesters entered I-676 from several areas, including the on- and off-ramps of North 22nd Street and through a nearby fence. The protestors went on to the expressway in the midst of moving traffic. The PPD had attempted to block the on- and off-ramps to I-676 with vehicles, but the protesters were able to walk around the vehicles. Protesters who were interviewed stated that they did not encounter any opposition from PPD officers as they entered I-676.

The protesters marched through all lanes of the highway, stopping traffic, and marched east down the highway. The protesters interviewed maintain that they were peaceful at all times and did not engage in any violence against the police or drivers on the highway. Video footage shows drivers cheering, raising their fists in solidarity with the marchers, standing on their own cars, and getting out of their cars to join the group. However, PPD and PSP personnel reported instances of protestors vandalizing police vehicles, jumping on cars, and/or trying to pull drivers from their vehicles. PPD personnel also described having objects thrown at them from people standing on the overpasses above I-676. The review team was not able to obtain any video footage of protesters engaged in the violence described by law enforcement, but it did view video of a spray-painted PSP SUV and walls along the highway. Although it was originally reported to the public that the tear gas was deployed on the protestors on I-676 because of a PSP Trooper being trapped in his vehicle by protestors who were attacking him, video footage published by the New York Times showed that the Trooper was able to leave his vehicle and get through the crowd. The PSP also confirmed that the Trooper was able to exit the vehicle prior to the protestors arriving and was not injured.

As protesters continued marching east under the North 21st Street overpass through a tunnel ending to the east of North 20th Street, PPD SWAT Team #1 entered the tunnel from the east side. Members of SWAT Team #1, dressed in full body armor, with helmets and face shields, approached the protesters and used OC spray, white smoke, bean bags, and rubber bullets, in an attempt to disperse the crowd. PPD personnel reported that the SWAT officers gave dispersal orders and warnings before using force against the protesters, but none of the interviewed protesters heard any such warnings. The protesters in the front of the crowd fled west out of the tunnel. At that time, SWAT Team #2, accompanied by a Major Incident Response Team (MIRT), entered I-676 with an armored vehicle and approached the crowd from the west, pinning the protesters between two SWAT teams. SWAT Team #2 also used OC spray, white smoke, bean bags, and rubber bullets on the protesters. At approximately 5 pm, a PPD commander authorized the SWAT teams to deploy tear gas on the protesters.

The deployment of the tear gas caused many protesters to flee up a hill near the North 21st Street Bridge, between the westbound side of I-676 and the Benjamin Franklin Parkway. At the top of the hill, protestors helped each other climb over a concrete barrier with a tall metal gate on top of it. Law enforcement continued to deploy the tear gas and less-than-lethal munitions on the fleeing protestors. Officers also shot less-than-lethal munitions at individuals on the overpass above I-676. Protestors who did not escape over the fence at the top of the hill were detained by PPD officers using zip-ties as handcuffs.

Around the same time, a PSP Special Emergency Response Team (SERT) moved west with an armored vehicle from the Broad Street entrance of I-676 toward the North 22nd Street entrance to I-676 along a "surface route." Upon arriving at or near the North 22nd Street on-ramp, PSP reports that a group of protesters blocked their path. PSP reports that it gave at least 10 verbal commands to disperse over the PA system of the armored vehicle, but the protesters did not disperse. Via the portholes of the armored vehicle, the PSP SERT team deployed flash-bang devices and smoke canisters, but these devices did not successfully disperse the crowd. PSP reports that the group of protesters then began throwing objects at the armored vehicle. In response, SERT used OC spray, tear gas, and bean bags on the protesters. The crowd eventually dispersed, and the SERT team was able to enter I-676 through the North 22nd Street on-ramp and proceed to the area where the PPD was making arrests. PSP reports that no further action was taken by the SERT team at that time.

Approximately 48 protesters were arrested, and were bused to the 22nd Police District for processing. Several protesters reported that, on the buses, PPD officers removed and confiscated their masks worn to protect themselves from COVID-19. At the 22nd Police District, the protesters were processed and issued code violation notices (CVNs) for summary offenses, including failure to disperse, disorderly conduct, and violation of the emergency curfew order under various Philadelphia City Code provisions. The protesters were then released.

Approximately 100 PPD officers were present on I-676 during these events.

Fishtown

On Monday, June 1, 2020, beginning at about 5 pm, approximately 100 men, most of whom were White, began to gather outside the 26th Police District, located at 615 E. Girard Avenue. The men, carrying baseball bats, hammers, pipes, golf clubs, hatchets, and other items that could be used as weapons (collectively referred to as the "Bat Boys"), reportedly gathered outside the Police Station due to rumors circulating on social media that looters and members of Antifa were coming to the neighborhood to wreak havoc. The stated goal of the Bat Boys was to protect the neighborhood, but many residents in the area believed that the Bat Boys gathered to intimidate protesters.

The Bat Boys remained in front of the 26th Police District past the City's 6 pm curfew and roved around the area. Reportedly, at least 36 residents in the community called 911 to report that the men were out past curfew and carrying weapons, but these residents were told that the Bat Boys were not doing anything wrong or illegal. At some point, a group gathered on the opposite side of Girard Avenue to protest against the Bat Boys. Video shows that PPD officers, some with bikes, formed a line

in the median of the two-way street between the Bat Boys and the protesters, and asked individuals on both sides to stay on the sidewalks and off the street. However, PPD officers allowed the Bat Boys to remain in the area past curfew, and some people reported seeing officers taking photos with members of the Bat Boys, giving them high fives, and sharing pizza, sandwiches, and bottled water with them. At around 6:30 pm, PPD Captain William Fisher reportedly told the Bat Boys, "thanks for your help, you got to go home," but the men remained in the area for several more hours. Video footage shows PPD officers placing a young Black man near the scene in handcuffs, but it is unclear from the video what precipitated the arrest. The Philadelphia Inquirer later reported that the young Black man was detained by police officers for carrying a hatchet (although the PPD told the Philadelphia Inquirer that the man was not officially arrested).

At around 7:30 pm, PPD officers reportedly made another request, this time on a patrol-car loudspeaker, asking the crowd to leave the area. At one point, in a Facebook Live video shared by the organizer of the Bat Boys, the voice of a man purporting to be a PPD officer can be heard saying, "listen, I appreciate your support. Do me a favor, this is what we want to do. I hear that you guys are pro-police. Do me a favor. It's curfew right now. We are going to arrest these guys across the street. Do me a favor. We're going to make it easy. If you can talk to your crew and tell them to go home, let us take care of this group, we're going to bring some resources down here, and get them out of here. But I need you to help me out." The leader of the Bat Boys then encouraged the other men to go home. The PPD did not arrest the protesters standing across the street.

Throughout the evening, Bat Boys reportedly screamed at, spit on, and threatened multiple people in the area with racist and homophobic slurs. Video footage confirms several instances of aggressive behavior from the Bat Boys. Members of the Bat Boys also reportedly assaulted at least

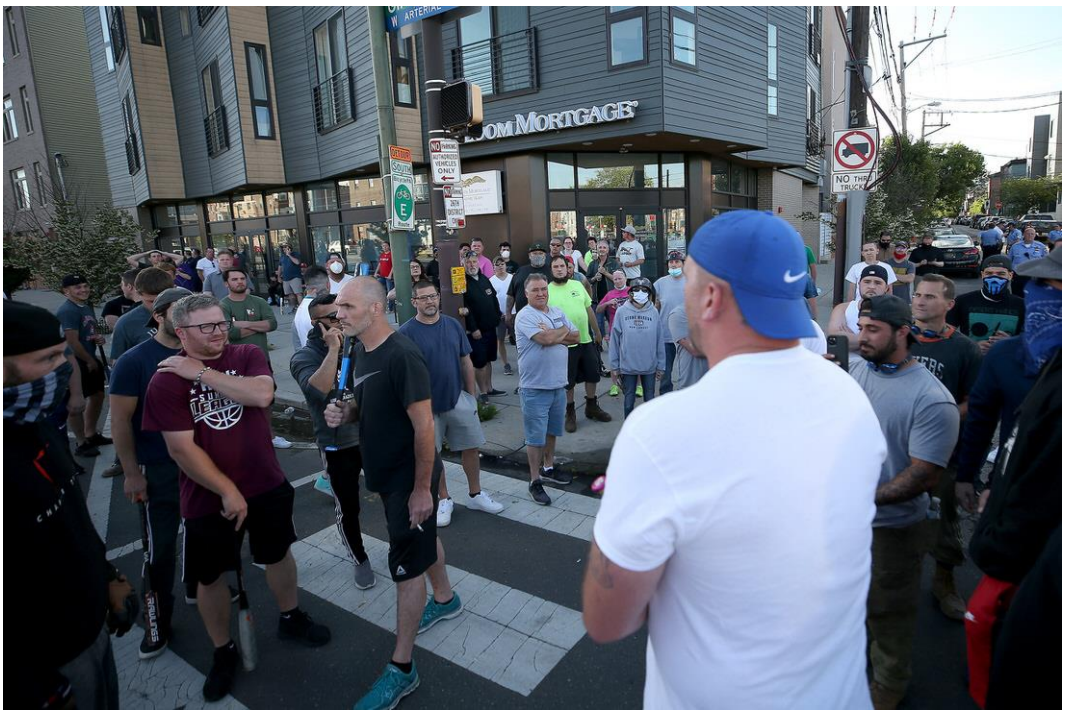


Figure 32. Fishtown residents stand in the streets. (Source: Philadelphia Inquirer)

three individuals. One of the Bat Boys reportedly threw a full water bottle at two individuals, a man and a woman, as they rode down Girard Avenue on bicycles on their way to their Fishtown home after protesting on I-676. One of the Bat Boys then reportedly pushed the man from his bicycle, while others beat him, kicked him, threatened him with baseball bats, and used racial slurs. Photographs show the male biker being assaulted. Around 8:30 pm, other Bat Boys reportedly assaulted a producer for WHYY and shoved his girlfriend after the WHYY producer started filming them.

At approximately 9 pm, after a "third and final" warning to both sides of the crowd to disperse, the Bat Boys and the protesters left the scene. No members of the Bat Boys were detained or arrested on June 1, 2020. However, one of the men was arrested on June 25, 2020, and charged with offenses related to the assault of the WHYY producer. Several peaceful protests were held at the 26th Police District in the days following this incident.

Marconi Plaza

On Saturday, June 13, 2020, at 10:34 am, a PPD intelligence analyst sent PPD commanders an alert stating, among other things, that, "according to social media, South Philly groups plan to organize to protect Marconi Plaza." Pictures posted as early as 10:47 am on social media showed a crowd (collectively referred to here as the "South Philadelphia group") forming around the Christopher Columbus statue. The South Philadelphia group's stated purpose was to protect the Columbus statue from protesters and to send Mayor Kenney a message that they would not approve of the City removing the statue "in the middle of the night," as occurred with the statue of former Mayor Frank Rizzo earlier in the month. At 11:58 am, a PPD intelligence analyst sent another alert stating, among other things, that, "approx. 40 members of Stand Up for South Philly [are] 'protecting' Columbus Statute in Marconi Plaza." Reports of protesters headed to Marconi (unsubstantiated at this time). By the end of the day, approximately 100 people—mostly White men—gathered at Marconi Plaza to "protect" the Columbus statute, some carrying bats, golf clubs, sticks, and other items that could be used as weapons. At least two men carried firearms. A smaller group of individuals gathered to protest against the South Philadelphia group (collectively referred to here as the "counter-protesters").

The PPD responded to Marconi Plaza with one Captain, one Lieutenant, one Sergeant, and an Emergency Response Team ("ERT"). The scene was reportedly calm for most of the day, but tensions occasionally flared between members of the South Philadelphia group and the counter-protesters, with members of the South Philadelphia group reportedly cursing at, threatening, and assaulting some of the counter-protesters and a journalist who was documenting the scene. Video shows a member of the South Philadelphia group assaulting the journalist, while another member of the group cut the journalist's bicycle tires with a knife. Although video shows PPD officers separating some members of the South Philadelphia group who were acting aggressively toward the counter-protesters, and one video shows police officers telling the members of the South Philadelphia group that the journalist was allowed to film what was happening, some officers reportedly stood by and watched as some counter-protesters were being assaulted. At approximately 8:48 pm, a PPD Captain ordered the journalist to leave the scene because he was allegedly "inciting the crowd." That night,

PPD officers arrested one member of the South Philadelphia group for simple assault (allegedly throwing a stick at a protester), but the charges were subsequently withdrawn because the complainant allegedly changed her story when interviewed by detectives. The South Philadelphia group remained at Marconi Plaza through most of the night.

On Sunday morning, June 14, 2020, Mayor Kenney posted a tweet, stating that vigilantism was inappropriate. Nevertheless, members of the South Philadelphia group returned to Marconi Plaza and gathered around the Columbus statue. Counter-protesters also gathered in the area. PPD personnel, including the Civil Affairs Unit, monitored the scene throughout the day. By 4:30 pm, there were approximately 150 people in support of the Columbus statue and 80 counter-protesters. Counter-protesters report that members of the South Philadelphia group swarmed around them, pushed them, punched them to the ground, kicked them, burned them with lighters, cigarettes, and cigars, shoved them into Broad Street traffic, sprayed them with pepper spray, and even sexually assaulted them. Although counter-protesters reportedly instigated some of these assaults, some were reportedly unprovoked. These incidents of violence reportedly began in the early evening, and PPD officers repeatedly intervened at that time. However, as the skirmishes continued throughout the night, some PPD officers reportedly stood by as counter-protesters were being assaulted. Video confirms instances in which officers failed to intervene when counter-protesters were being assaulted. At approximately 6:30 pm. one PPD officer reportedly told a counter-protester that he would not take a report or make an arrest at the scene, instead instructing the counter-protester to "go down to the District Attorney's Office and file a complaint for the simple assault that occurred against you." Other officers were reportedly overheard telling members of the South Philadelphia group things like, "you do what you gotta do," and, "I'm going to let these guys take care of it." One counter-protester we interviewed stated that she saw a PPD officer laugh as a member of the South Philadelphia group told a teenage girl that he hopes she gets raped. That night, PPD officers made two arrests, both for assault, and issued four CVNs for disorderly conduct. The South Philadelphia group remained at Marconi Plaza throughout most of the night.

On Monday, June 15, 2020, Mayor Kenney announced that he had asked the City's Art Commission to begin a public process to "consider the future" of the Columbus statue in Marconi Plaza. The South Philadelphia group (this time unarmed) and counter-protesters gathered in the area for the third straight day. At its peak, at approximately 7:36 pm, there were about 80 supporters of the Columbus statue and 20 counter-protesters in the area. There was a large police presence in the area throughout the day. Police Commissioner Outlaw visited the scene at about 5 pm. The PPD issued a CVN to one member of the crowd for disorderly conduct at approximately 6:20 pm. At approximately 9:20 pm, PPD officers escorted the group of about 20 counter-protesters to Broad and Oregon, where they dispersed. At approximately 10:20 pm, the remainder of the crowd in Marconi Plaza dispersed.

On Tuesday, June 16, 2020, the PPD announced that it was re-assigning the Captain of the First Police District, the Captain who ordered the journalist to leave Marconi Plaza on June 13, 2020. The PPD also announced that it was launching an Internal Affairs investigation into the events that took place at Marconi Plaza over the weekend.

On August 12, 2020, following a public hearing in July featuring testimony from residents on both sides of the issue, the City's Art Commission voted to remove the Columbus statue from Marconi Plaza and place it in storage until a new location for it is determined.

D. Perception and Impacts on the Community

Protesters—West Philadelphia

In interviews and testimony before Philadelphia City Council, individuals who protested along the 52nd Street corridor, a predominantly Black neighborhood in West Philadelphia, described the PPD's actions on May 31, 2020, as an unnecessary, ineffective, and heavy-handed overresponse. Before these events, many residents of West Philadelphia already had an unfavorable view of the police, grounded in distrust and fear. The events on 52nd Street only reinforced this view and crystallized in the mind of West Philadelphians that the PPD is not there to serve and protect them.

Figure 33. PPD officers stand at 52nd Street. (Source: Philadelphia Inquirer)

Protesters said the militarized police response on May 31 only served to brutalize, intimidate, and instill fear in community members. According to protesters and residents alike, the police—not the demonstrators—instigated the violence on 52nd Street and used aggressive crowd control tactics against bystanders, children, and seniors (many of whom were not participants in the demonstrations), while ignoring the looting, vandalism, and violence occurring up and down 52nd Street. Protesters felt that the police were more concerned with protecting property (although, they said, the police did nothing to protect the businesses in the area) than members of the community. Protesters and residents felt that the police treated them like "enemy combatants," often hurling

derogatory terms at Black demonstrators, telling them to "go back where they came from." While the police described the area of 52nd Street to be overwhelmingly violent, protesters and residents described the demonstrators as generally peaceful, other than yelling at the police to stop the tear gas and rubber bullets in the area. In fact, many protesters stated that the only acts of violence that occurred on May 31 were those of the PPD.

Protesters expressed outrage and anger at the actions of the police. West Philadelphia residents opined that the police likely had no issue with using this type of disproportionate, indiscriminate, and excessive force in the area because of a long history of the PPD over-policing West Philadelphia and treating Black West Philadelphians with brutality. These protesters and community members pointed out that this type of force was not used in predominantly White areas, such as Fishtown and South Philadelphia, even though the vigilantes in those neighborhoods were armed with bats and weapons and even assaulted people in the area. Protesters said this disparate treatment implies that the PPD has no respect for people of color and that the police response in West Philadelphia was an attack on a Black residential community. Community leaders challenged the City and the PPD to acknowledge the disproportionate use of force in West Philadelphia compared to Center City and other areas.

Overall, West Philadelphians fear for the future of their children and their neighborhood, and believe that the first step to healing is an apology from the City and the PPD for the disproportionate actions that were taken against them on May 31, 2020. They want to see alternatives to public safety employed as a remedy to what they perceive as over-policing in their area. Some expressed a desire for de-militarizing the PPD and reallocating funding from the PPD budget to mental health and education resources.

Protesters—Interstate 676

Likewise, in interviews and testimony before the City Council, individuals who protested on I-676 were shocked and outraged by the PPD's excessive use of force on June 1, 2020. They described the protests as relatively peaceful and contend that nothing happened to justify the deployment of tear gas, pepper spray, and rubber bullets against individuals exercising their First Amendment rights. Protesters reported feeling trapped when the tear gas and other munitions were deployed, and believed that the PPD intentionally restricted their means of escape to the top of the steep, grassy, fenced-in embankment as seen in video footage. Many protestors were terrified of dying from inhaling so much tear gas, which they said was coming from the police on the ground as well as from a helicopter hovering over the expressway. Others described injuries from the rubber bullets. Several protesters expressed that they still suffer from psychological trauma and physical pain related to the events on I-676.

Protesters described these events as unlike anything they had ever experienced before. Many protesters had participated in other large protests and demonstrations, such as Occupy Wall Street and the Women's March, and said that the police response on I-676, compared to those protests, was overly militarized and unjustified. Some protesters were hit directly in the face with rubber bullets, and some were injured while trying to climb over the fence to escape the cloud of tear gas.

Video footage showed police dragging protesters from the fence area and down the embankment to arrest them.

Most protesters had unfavorable views of the PPD before the protests, and their perceptions of the PPD became even more unfavorable after the experience on I-676. They did not believe that the police did anything "right," other than blocking off some streets for protesting. Yet, the protesters said they would still participate in future protests.

Protesters described the police as aggressive and reported that the police showed little restraint in terms of who they targeted, zip-tied, and arrested. They noted that the police were smiling while zip-tying individuals and appeared to be happy to see protesters in pain. Protesters also noted that officers were directing them to the embankment while simultaneously throwing tear gas in that direction, as seen in video footage. They further noted that the police exhibited a disregard for protesters' personal belongings, often taking cell phones and other devices and throwing them into nearby bushes and separating individuals from their backpacks. They reported the police ignoring pleas to remove or loosen tightly tied zip ties, causing individuals to lose feeling in their fingers and hands—to the point of turning purple. In one instance, when a detained protestor expressed needing medical attention, the officer responded, "See you in the ICU." Protesters who were detained also reported having to wait—maskless—in a crowded, enclosed bus for hours because officers had removed their masks.

Protesters dispute the PPD claim that the violence of the protesters precipitated the use of the tear gas and other less-than-lethal munitions on the highway. Their general impressions of their fellow protesters were favorable or highly favorable. Protesters maintained that the march on the highway was a peaceful exercise of their First Amendment rights. They also described helping each other by providing food, water, and masks. None of the protesters interviewed reported seeing anyone throwing objects at police officers or threatening drivers in cars on the highway. In fact, some protesters reported that several drivers expressed their support of the protesters. This was viewed in video footage recorded by protestors. They said protesters helped each other over the fence and used water and milk to wash the tear gas out of burning eyes.

Protesters said that the PPD disregarded the basic tenet of First Amendment rights and demonstrated a lack of understanding of the freedom of speech and assembly.

Protesters—Center City

Protesters who demonstrated in Center City on May 30, 2020, expressed anger about the PPD's response on that day. They explained that they were simply trying to exercise their First Amendment rights and said that the police reacted in a violent and aggressive manner. They said they did not witness anything that would have warranted such an aggressive response from the police. It should be noted that the protestors interviewed were not present during the looting and vandalism that occurred in Center City.

RECOMMENDATIONS

64 Establish annual training for all officers that includes legal updates on protected First Amendment activities and how to determine when protected activity becomes unlawful activity.

65 During training on protected First Amendment activity, emphasize professionalism when engaging with protestors or when assigned to cover protests (i.e., conduct unbecoming of an officer).

66 Increase training on de-escalation tactics to be attempted prior to resorting to use of force.

67 In assessing enforcement needs in an area of protests and civil unrest, train officers to identify and distinguish peaceful, non-violent groups from violent groups.

West Philadelphia Residents

The review team interviewed residents who live near the intersection of 52nd Street and Chancellor Street and heard testimony from West Philadelphia residents during an October 7, 2020, hearing before the Philadelphia City Council. These residents recounted how they were affected during the protests, particularly on May 31, 2020.

Overall, these residents described the police response in their area as doing nothing but brutalizing, intimidating, and instilling fear in community members. According to the residents, the police, rather than the demonstrators or bystanders, instigated the violence on 52nd Street and used aggressive crowd control tactics against bystanders, children, and seniors, while seeming to ignore the looting, vandalism, and violence occurring nearby. The residents reported that, although there was some looting, and a handful of teenagers were throwing rocks and fireworks in the area, the crowd near Chestnut, Walnut, and Chancellor Streets was largely calm and peaceful.

The residents characterized the PPD's actions on 52nd Street as unnecessary, ineffective, "very aggressive," and "unforgivable." The residents felt attacked by the police as if they were enemy combatants. They recounted a PPD SWAT armored vehicle driving down the 52nd Street corridor past their residential streets while "indiscriminately" firing tear gas and rubber bullets at people who were not engaging in any unlawful or disruptive conduct. These residents reported observing tear gas canisters flying in every direction and landing next to homes on Chancellor Street, causing nearby children and elderly people to have to struggle to flee the area. One resident observed a PPD helicopter flying low in the area and "swooping" closely over the heads of the people in the crowd.

Residents expressed overall feelings of anger that the police did not seem to consider the effects of the tear gas on residents in the neighborhood, especially those with asthma and other medical conditions, who could have died from the effects of the tear gas. One resident reported that she was in her home with her two young children watching a movie when tear gas filled her house and blinded her and her young sons. This resident stated that she called 911 to ask for help, but the operator was "rude and not empathetic."

The residents reported being "scared" and "panicked" during the police activity in their area. They characterized the scene in the area of 52nd Street as highly chaotic and disorganized. The residents also criticized the PPD for failing to block traffic in the area, once the crowds started forming in the 52nd Street corridor. The residents reported—and video footage confirmed—cars and SEPTA buses still moving through intersections even as officers were shooting tear gas and rubber bullets onto the streets.

Some residents stated that they attempted to interact with the officers and asked them why they were there, but the officers ignored their questions. The residents stated that, after the police response on 52nd Street, they felt "traumatized, anxious, and depressed." One resident reported that she did not sleep for months, and another resident reported still seeing a trauma specialist to help her cope with what happened.

Before these events, the residents generally had a neutral or unfavorable view of the police. Several noted that the PPD has a heavy presence in their neighborhood, mainly in terms of pulling drivers over. Another resident stated that, growing up in West Philadelphia, she heard many stories from people in the community about the "harsh and brutal" things that police did there. Multiple residents stated that the PPD does not interact with members of the community and that the officers there are not well integrated into the community.

The police response on 52nd Street appears to have significantly damaged the already fractured relationship between the residents and the police. The residents from the area who were interviewed rated their perception of the PPD as "highly unfavorable," leaving an impression that the PPD is not there to serve and protect them. For some residents, these events motivated them to become more involved in pursuing police reform. One resident reported that, since being affected by the tear-gassing of their neighborhood, her young son no longer dreams of becoming a police officer because he believes that the police attacked them because they are "brown people." Many of these West Philadelphia residents and community leaders who were interviewed expressed a belief that the police would have never responded in a similar manner in a White neighborhood. In fact, many interviewees referenced the PPD's lack of use of tear gas and other less-than-lethal munitions during the looting and rioting that occurred in Center City, which is predominately populated by White residents and upscale retailers. One resident stated that this event has made her believe that the City's leaders "hate Black people."

When asked, many residents reported not being aware of any community outreach efforts by the police following these events, although one resident did receive a letter and a business card from the PPD requesting to speak with her. For many of the aforementioned reasons, the resident did not respond to the PPD request. However, some residents mentioned community meetings being organized by grassroots organizations and by state and local political leaders, such as Councilmember Gauthier and State Representative McClinton.

When asked to provide feedback regarding how the PPD could have responded differently, all interviewees agreed that less lethal munitions should not have been used, particularly as it was directed at peaceful protestors, residents, and onlookers in the area. The interviewees each stated that if force was needed, it should have been more focused on the looters, rather than an

indiscriminate deployment of the less-than-lethal munitions in the general area. Residents said that, before deploying the tear gas, the PPD should have given greater consideration to the residential neighborhoods to be affected, at the very least by providing a warning that the tear gas was going to be deployed. One resident suggested that the same text messaging system used to inform City residents of the curfew could have been used to give warnings before the use of tear gas in an area.

Other residents commented on the impression of the PPD showing up in the neighborhood wearing riot gear and "forming a militaristic line" in the streets as if positioned for combat with the neighborhood. This appearance only seemed to agitate the crowd more. As an alternative, the resident suggested that the PPD should have stationed themselves outside businesses in smaller groups and should have tried to de-escalate the situation. Finally, residents also commented that the PPD should have immediately blocked off the intersections to control the scene and make it safer for everyone.

RECOMMENDATION

68 Going forward, the residents believe that the PPD needs to give more consideration to the feedback from the community. Many residents expressed a desire for reform of the "over-policing" of their communities.

Other Residents

During the review, residents of other Philadelphia neighborhoods were interviewed or provided written comments based on the After-Action Review's request for community input. These residents stated that, during the events beginning on May 30, they "locked themselves up" in their homes due to fear of being harmed if they went outside. These residents spoke of the "violent," people, many of whom they believed came from outside of Philadelphia to cause "chaos and mayhem," not to protest against police brutality and racial injustice. These interviewees expressed frustration that so many streets in the City were closed, prohibiting their ability to move about as normal. They stated that they support people's rights to protest, but they believe protests should be limited in time and place so that other residents can still live their lives. One resident, who had participated in marches for civil rights and against the Vietnam War, said that he was driving on I-676 when the protesters entered the highway. He stated that the protesters on I-676 were not like the protesters "of his youth," and he characterized their actions as "reckless" and "dangerous." He was thankful that the police intervened.

Some residents believe that the City and the PPD should have done more early on to gain control of the City, believing that what happened in Philadelphia was foreseeable in light of what was happening in other cities across the country. These residents acknowledged that there are some bad officers, but their overall perception of the PPD is positive. They believed that Commissioner Outlaw should have been more visible during the protests and looting and did not perceive that she was "out on the ground" enough. They expressed frustration with Mayor Kenney and other City leaders, including the District Attorney, for not giving the police the tools they needed to do their job during the protests and looting.

RECOMMENDATIONS

69 Increase PPD's efforts in community engagement and community-oriented policing to establish a positive relationship with the residents in all communities to establish the trust of the community.

70 Increase the activity of Police District Advisory Councils in all police districts around the City.

71 Employ all possible methods of communication to warn residents of threats in their area, institute curfews (with appropriate time for residents to adhere to the curfew), and provide warnings of possible police use of force (i.e., deployment of tear gas) that may affect residential areas.

72 Ensure that messaging to the public is transparent in order to reassure the public that the PPD is competent and working to keep all residents and their neighborhoods safe.

Business Owners

During this review, we conducted outreach to the businesses throughout Philadelphia that were identified as having been affected by the looting and vandalism. Attempts were made to reach approximately 200 businesses, ranging from corporate chain businesses to small business owners. Of that outreach, only three business owners agreed to be interviewed for this review: one business in the Northern Liberties, one in West Philadelphia, and one in Center City.

These business owners expressed varying perspectives regarding the PPD's response to the looting and unrest that took place during the protests, with some viewing the response as adequate and others viewing the response as insufficient. The Center City business owner characterized the PPD response to the looting in Center City on May 30 as "no response." He said that the PPD essentially ignored the looters and instead focused on directing traffic away from the protests. After the bulk of the protests and demonstrations died down, the PPD never contacted him to follow up on the police report he filed or requested his surveillance footage of the looting that occurred in his store. The business owner said this lack of response changed his view of the PPD from "favorable" to "unfavorable." The business owner expressed frustration and a lack of understanding as to why the PPD was so unprepared for the protests and unrest given what was occurring in other cities around the country.

The owner of a pharmacy in West Philadelphia expressed similar feelings of dissatisfaction with the PPD's response to looting and vandalism of businesses. He said he called 911 several times on the night of May 31, alerting police about the looting and vandalism occurring at his business, and the police responded, "We'll get to it." He expressed shock at the unpreparedness of the PPD, noting that the City should have anticipated this in Philadelphia, given the media coverage of what was occurring in other parts of the country, and could have used that intelligence to prepare for the protests here. He expressed anger about the lack of police presence in West Philadelphia at the height of the looting. He perceived that the PPD put all its resources into more affluent areas while forgetting the neighboring communities in Philadelphia. He believes that some of the West Philadelphia businesses may not be able to bounce back from the losses they suffered due to the looting.

Notably, this business owner does not blame the inadequate police response during the May 31 protests on the individual officers working that night. Rather, he stated that responsibility lies with the City leaders, including the Mayor, whom he said failed to control the looting and chaos in West Philadelphia. In general, he views the PPD favorably, but he views City leadership unfavorably, especially after these events.

Finally, a business owner with a retail shop in the Northern Liberties area of Philadelphia had a more favorable view of the PPD's response during the protests and unrest in the City. He characterized the police response as "quick and great," though he noted that it took a long time to get through to 911 because the PPD was inundated with calls on May 31—the first night his store was looted. He said he felt bad for the officers working that night, noting they must have been exhausted and frustrated responding to various sites of looting throughout the City. He believes the police did not have the tools and resources needed to execute their jobs successfully.

All three interviewees disapproved of the looting and agreed that the looters seemed coordinated and engaged in some sort of organized effort. One business owner said that the looting appeared to be completely distinct from the protesting, and he believes the looters were just taking advantage of the unrest and chaos in Philadelphia. This business owner said the looters seemed to be using "spotters" to determine whether a store was a good target, standing guard and warning the looters when the police were approaching.

Another business owner echoed this sentiment, noting the protests seemed planned. He said one person told him, "We have to do a better job at not targeting Black businesses." This made him think the looting was an organized effort. The business owner also reflected that in the days prior to the looting, he received an unusual amount of phone calls asking him if he had certain merchandise in stock.

All three business owners sustained significant monetary losses as a result of the looting, with one business owner estimating the total damage to his store was approximately $3 million. To prevent this from happening in the future, several recommendations were made to improve the PPD's preparation for and response to looting. First, the PPD should deploy more "beat cops" in neighborhoods to patrol the streets and deter break-ins and looting. Next, the PPD should create a phone line—other than 911—where business owners can call and report problems with their stores. Businesses often experience things that do not necessitate a call to 911, but they would appreciate having a line of contact with the City for information. Third, the PPD needs to take steps to prosecute looters. One business owner said that looters raid stores with impunity. He believes that instituting real penalties will serve as a deterrent in the future. Finally, one business owner said the PPD should monitor social media prior to major events in Philadelphia.

RECOMMENDATIONS

73 Establish a standard method of communication with small businesses by which they can be warned of the potential for civil unrest of other major incidents that may affect their businesses (i.e., looting and vandalism or major catastrophes).

74 When intelligence is received threatening looting and vandalism, plan the deployment of officers in sufficient numbers to respond to these locations with the ability to protect businesses.

75 Prioritize the follow-up with business owners to gather information for arrest and prosecution of looters (i.e., follow up with business owners to collect surveillance video from their businesses).

Community Leaders

Faith-Based Leaders

As part of our review, we interviewed three pastors of large churches in and around Philadelphia who provided leadership to their congregations and in the community during the time of the protests and demonstrations. The pastors provided information from their personal involvement, as well as from information obtained from clergy colleagues, community members, and congregants who were directly involved in the protests and demonstrations in various parts of the City. Two pastors had a favorable view of the protesters, and the intent of their efforts, but they were careful to distinguish the protesting from the looting and violence that took place in the City, which they did not support. These pastors expressed a belief, based on what they observed and information they obtained, that many of the people who were driving the looting and violence were from outside Philadelphia.

One pastor described himself as a "police person," who generally has a favorable view of law enforcement, including the PPD. Another pastor explained that he had a less than "highly unfavorable" view of the PPD when he was growing up in Philadelphia during the Frank Rizzo years, but he believes there have been many improvements in the Department since that time.

None of the pastors believed that the Department's response on 52nd Street was justified, and they are particularly concerned with the disparity in the Department's response on 52nd Street, a primarily Black neighborhood, compared to its response to looting and violence that occurred in Center City, a predominantly White neighborhood. One pastor expressed frustration that Center City was "cared for" while 52nd Street was "sacrificed."

One of the pastors, who lives in Philadelphia, witnessed the events on I-676 from a highway overpass. Based on his observations of the protestors on I-676, he did not observe any conduct that warranted the PPD's use of tear gas there. In addition, this pastor experienced the effects from the tear gas from where he was standing over the highway. He stated that he had attended other protests in the City and that 95 percent of the interactions he observed between protesters and police officers in those instances were positive.

One Pastor expressed his belief that the City's decision to impose a curfew on the first night of protests "fanned the flames" and actually encouraged people to go out into the streets. He welcomed the City's eventual decision to call in the National Guard and believed the National Guard did a good job protecting property. He also applauded some community leaders and politicians who held meetings during the protests with other community leaders, politicians, faith-based leaders, and

influential people from the streets (including gang leaders) in an attempt to understand what was happening and to develop a solution.

The three pastors see these events as an opportunity to institute meaningful change in the Department. One pastor recommended that the Department should hire more officers of color and increase and improve its training related to diversity and inclusion. Another recommended that the Department hire a police chaplain to help deal with the overarching issues of health and wellness of officers, as well as providing training in the Police Academy, featuring residents from different neighborhoods in the City to speak about the issues that the specific neighborhoods face. He believes that, until officers get to know the issues of the neighborhoods and become familiar with the community, the officers cannot effectively serve as officers there. Finally, two pastors expressed their belief that there cannot be meaningful change unless the City addresses the problem of poverty in the City and starts properly funding libraries, recreation centers, the Office of Workforce Development, the Office of Adult Education, and other initiatives that provide services to the community.

City Councilmembers

As an extension of the effort to obtain community input, five members of Philadelphia City Council agreed to be interviewed for the review. These councilmembers shared personal observations from the protests and from cleanup efforts in the aftermath, and they shared summaries of feedback received from their constituents. Others informed us what they were hearing from their constituents.

The councilmembers each agreed that the City and PPD were unprepared for the events that occurred in Philadelphia. They believe that the City did not do a good enough job planning for the protests, coordinating with the organizers, and getting out in front of events. Two councilmembers stated that this lack of preparedness was due in part to the fact that, historically, the City has not experienced the magnitude of civil unrest, such as has been seen in Ferguson, Missouri; Baltimore, Maryland; and New York City. Likewise, the City has enjoyed a history of being able to effectively handle large political events and protests in the past. One councilmember commented that the failure to get things under control on the first night of unrest in Center City sent a message that looting in the City was permissible.

The councilmembers shared the view that there was very little communication between the Mayor's Office and the councilmembers, although some acknowledged that this was understandable given the overwhelming and complicated nature of the events that sprang up quickly across many neighborhoods in the City. One councilmember reported that direct attempts to contact the Mayor's Office to obtain information went unanswered.

The councilmembers had specific criticisms of the PPD's response to the protests and looting on 52nd Street in West Philadelphia, characterizing the response as "militaristic," "reactionary," "terrible," and "wrong." Councilmembers heard from protesters and residents in the area that the police were undisciplined when using tear gas and rubber bullets; they shot at everyone in the area, regardless of whether they were looting, protesting, or just standing by observing. Residents expressed anger to the councilmembers, stating that they felt "violated" by the police actions toward

them. They also expressed frustration that PPD officers attacked peaceful protesters and onlookers in a residential community while allowing looting to happen only a few blocks away.

One councilmember observed a portion of the police interactions with residents in the area of 52nd and Pine Streets. He provided video footage and described a scene of a small group of residents from the area who were shouting and dancing on the street corners, as a line of at least 30 police officers lined up shoulder-to-shoulder across the intersection. The councilmember explained that, while these officers were in a seeming standoff with this small group of residents, a number of businesses were being looted and no police were present. The councilmember expressed frustration that even when he tried in his official capacity to engage the officers in conversation about what was happening, all but one of the officers ignored him. The same councilmember also described not being able to get through to 911 when a woman came to him to report a homicide in the area. The councilmember then returned to the area of 52nd and Pine to get the help of an officer on that scene, but, again, the officers refused to engage with him.

Councilmembers noted the disparity between the PPD's response on 52nd Street, a primarily Black neighborhood, and the PPD's responses in the primarily White areas of Center City, Fishtown, and Marconi Plaza. Councilmembers believe that the response at 52nd Street further damaged the already fragile relationship between Black Philadelphians and the police. One councilmember stated that the relationship between Black Philadelphians and the police has never been good. She stated that some Black Philadelphians do not even bother calling the police when something happens because they fear that the police either will not come or will end up targeting the people who called them. She stated that there are good officers in every police district, but, as a whole, the Department is perceived by many in the community as being racist.

Councilmembers also critiqued the Department's response to the protest on I-676. One councilmember stated that the PPD's actions on I-676 were "incredibly violent" and "incomprehensible." She stated that the police used tear gas and rubber bullets without discipline, targeting people in the crowd indiscriminately regardless of whether they were doing anything wrong, and without giving the protesters an escape route. Two councilmembers suggested that the PPD could have closed traffic on I-676 and let the protesters walk across the highway.

One councilmember was frustrated that the PPD's use of tear gas in Kensington did not receive a lot of attention in the media. He stated that residents in Kensington feel that the City has already abandoned them, so getting tear-gassed was just "icing on the cake" to them.

The councilmembers stated that, during the early days of the protests, their constituents did not feel safe. Many reported calling 911 and not being able to get through. One councilmember stated that PPD personnel in his district informed him that the police could not respond to calls in the neighborhood because the Department was sending all of its resources to Center City, and they were overwhelmed. Because of the unanswered calls for help, many residents had no confidence that the City was going to protect their homes and businesses, so some armed themselves and went out into the streets to protect their own property. Councilmembers reported that gun stores in their districts were selling out, and one member stated that he bought a gun himself the day after the events on 52nd Street. One Councilmember believes the City's failure to stop the looting contributed to the

people's feeling of vulnerability. He did not say that the people who armed themselves in Fishtown or at Marconi Plaza were justified but explained that these individuals told him that they reacted in this manner because they believed that the PPD was not equipped to protect them.

Several councilmembers participated in cleanup efforts after the first few nights of protests and looting. One member stated that several business owners expressed concerns about their ability to reopen their businesses, and the owner of a pharmacy was worried that he was not going to be able to deliver all of his customers' medications on time. This councilmember also heard concerns from older residents who were worried about their ability to get food and other necessities. These older residents also expressed their concern that the businesses in their neighborhoods would never recover. She recalled seeing a young, black, female PPD officer crying, seeing the destruction of the neighborhood where she had grown up. The councilmember reported that most of the big businesses in her community have reopened, but some of the smaller ones have not.

The councilmembers acknowledged that the PPD's handling of the continued protests and demonstrations improved over the days that followed. One councilmember said she attended several protests in June. Although the police and National Guard were present, she did not observe any violence or altercations between protesters and the police.

One of the councilmembers supported the City's decision to call in the National Guard, and stated that other members were happy to see the National Guard called into their districts as well. He believes that things would have gotten worse if the National Guard had not been deployed.

The councilmembers offered recommendations for how the City and the PPD can improve their responses in future times of civil unrest in the City. The councilmembers recommended having an established plan to handle protests in the future—one that includes better coordination with the protesters themselves. They stated that the PPD must have a clearer definition of protected First Amendment behavior and conduct that falls outside that definition. Councilmembers discussed their position on a ban on officers ever using tear gas or rubber bullets on protesters. There was also a suggestion that the Civil Affairs Unit should have a leadership role in managing future protests. Likewise, one councilmember recommended that City leaders make more of an effort to be present on the ground during these types of events. Similarly, it was suggested that, as soon as the City knows there is a potential for this type of unrest to occur, City leaders should make a statement to the City to assure them that they have things under control. One councilmember stated that, for there to be meaningful change, the Department must build trust between its officers and the community. She believes that the Department must also fire officers who are proven to be racist or misogynistic. Another councilmember stated that, in the future, there needs to be better communication between City leaders and City councilmembers.

RECOMMENDATION

76 Establish a common method of communication between the Administration or UCG and members of the Philadelphia City Council during times of emergency (including protests and civil unrest) to provide updates on potential threats to communities, so that City councilmembers can effectively respond to their constituent areas.

Community Organizations and Law Firms

As part of our review, we interviewed leaders from three community organizations and law firms. Leaders from a legal aid organization that helped protesters prepare to challenge Code Violation Notices (CVNs) that they received during the protests. In reviewing these CVNs, the attorneys noticed that each of them was deficient because they were incomplete or inaccurate, including inaccurate citations to the code provision that was allegedly violated. In addition, many of the CVNs were issued for curfew violations, yet their clients explained that they were already in police custody during the time of the curfew. These protestors also reported being held for several hours without being allowed to use the restroom and having their photographs and identification cards taken by the PPD; this is not standard practice for the issuance of a CVN, which is not an arrest. These protestors also reported being "man-handled" and shoved by officers during this process. Some reported that, after being released, officers made such comments as "good luck finding your way home." Due to these issues, the City ultimately announced that all of the CVNs issued between May 30, 2020, and June 30, 2020, would be dismissed.

Leaders from an organization that provides health care and other services to the community located at 12th and Chestnut Streets in Center City reported that many of its employees of color were afraid to come to work during the protests because of the large PPD presence in Center City. Some felt frustrated and intimidated by the demonstrators, as well. Several of their employees participated in a "White Coats for Black Lives" protest in Center City and were reportedly harassed by PPD officers during that protest. To help their employees feel comfortable, the leaders sent several people on roving "patrols" near their office so that their employees knew someone would be nearby and watching.

Some of the leaders of these organizations participated in the protests personally. One of the leaders attended a protest in Center City. She described being at the protest as "scary and unnerving," and she observed police officers pushing and shoving people. She stated that the protest looked like a protest in a "non-American country." The same leader also attended protests on 52nd Street and in Mt. Airy. She stated that the activities of the protesters on 52nd Street, where more people of color participated, were the same as the protesters in Center City, but PPD officers arrested more people on 52nd Street. She stated that the protests in Mt. Airy were comparable to the Women's March protests after President Trump's inauguration; they were calm, organized, and peaceful, and the police, for the most part, did not interact with the crowd.

Another one of the leaders was on an overpass above I-676 on June 1 and reported that she did not hear any warnings from officers before they released tear gas. On the overpass, she was repeatedly hit by a PPD officer with a bicycle who was trying to get her to move, and she sustained several bruises on her legs. This leader also attended protests at City Hall, the Art Museum, and Marconi Plaza. The protests at City Hall and the Art Museum were "pretty calm," but she described the events at Marconi Plaza as "shocking." She overheard one member of the South Philadelphia group who was "protecting" the Christopher Columbus statue tell a teenage girl that he hopes she gets raped. She stated that a PPD officer nearby laughed. She described the PPD's response to these protests as "disgusting," and she does not believe that the PPD did anything right.

Several of the leaders stated that their view of the PPD was highly unfavorable before the protests, and they would choose an option lower than highly unfavorable after the protests if they could. These leaders had a highly favorable view of the protesters. They do not have hope that police reforms will be effective, and they believe the only way to fix the current issues is to defund and deconstruct the Department and create a new system from the ground up. They do not believe that training will solve these issues because they see the problem with the police as a culture issue.

Another leader stated that she did not know whether there will be police reform. She characterized herself as being from the "'60s left," and she believes that the police (in general) are an "instrumentality of state violence." However, she stated that most of her interactions with individual police officers have been positive. She wants to see the City's leaders being more active in the community, and she thinks these leaders should have been on the ground more during the protests. She believes that the PPD should recruit more officers of color so that its officers reflect the demographics of the City. Her colleague reiterated this point and stated that the Department needs to fix the disconnect between the community and the Department. He suggested that the PPD improve its social media presence and create programs whereby officers of color do outreach in City schools and "demystify" what it means to be a police officer. This leader also believes officers need to receive more training, including training on first aid, mental health, and sensitivity issues. Finally, one of the leaders noted her belief that people within the Department were trying to undermine Police Commissioner Outlaw during the protests, and she believes that it is critical that Commissioner Outlaw gain control over the Department going forward.

We also interviewed lawyers who represent protesters in two lawsuits filed against the City. They stated that officers used a "completely excessive," "unnecessary," and "unjustified" use of force on 52nd Street and on I-676, unlike anything seen in recent history. They believe the police response was more violent during these protests because the demonstrations are about police misconduct, and the officers were more emotionally involved than they typically are with other protests. They stated that the primary complaint of their clients was that they showed up to protest against police brutality and became the subjects of police brutality.

RECOMMENDATION

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The lawyers recommended that, going forward, the Department should do five things: (1) improve its operational planning for its response to protests and civil disobedience;
(2) revise its policies governing the use of less-than-lethal force to, among other things, ban the use of tear gas, strictly limit the use of pepper spray and other less-than-lethal munitions to circumstances where there is a substantial and imminent risk of death or serious bodily injury, establish a clear command structure for decision-making on the use of less-than-lethal force, and require officers to provide warnings before using physical force; (3) require all police personnel to wear observable identification and use body-worn cameras; (4) create a new directive requiring officers to intervene when another officer engages in unlawful conduct or violates departmental directives; and (5) improve their civilian and internal complaint process and their officer discipline process. The lawyers believe that the

latter three recommendations are particularly important because the lack of officer accountability is a "historic problem" in Philadelphia and other cities across the country. They believe that PPD officers currently feel that they can act with impunity, and they want that to change.

PART IV: SUMMARY AND CONCLUSIONS

The Philadelphia Floyd protests and civil unrest were in part triggered by the events in Minneapolis and other cities featuring protests against the deaths of persons of color at the hands of police officers. Philadelphia has its own history of troubled relationships between police and the African-American community, which provided some impetus for the protests and certainly helped shaped perceptions of the City and the PPD response.

It was clear based on interviews with PPD staff that the size and nature of the protests in Philadelphia were not anticipated. For the first three days of the protests, the PPD struggled with employing sufficient manpower and deploying officers in a manner to maximize effectiveness. These initial deficiencies had cascading effects, including crowd control breakdowns and an inordinate use of gas and other munitions, at times excessive use of force against protesters, injuries to both protesters and police officers, and a lapse in enforcement activity. After day three of the protests, PPD increased manpower levels, improved deployments, and was able to better manage the response and restore order. However, the community reactions to the City and the PPD initial response to the protests were generally critical. These reactions further undermined public confidence in the PPD to carry out its work in a fair and impartial manner and to do so with minimal reliance on the use of force.

Section	Issue	Recommendation
Planning and Preparedness	When developing the Operational Order, PPD made inadequate planning assumptions, didn't engage the right planning support, and did not provide for contingencies or scalability.	1. All Operational Orders developed in preparation for mass demonstrations and protests should include staffing contingencies that will allow for a scalable police response with the resources necessary to facilitate lawful protests and voluntary compliance. 2. At minimum, the operational order should address command assignments, assigned personnel, communications protocols internal and external to the department, resource staging points, traffic management, first aid stations, and trigger points for activating a citywide response. These orders should be reviewed by all Deputy Commissioners, with final approval at the discretion of the Police Commissioner or designee.
Planning and Preparedness	There is no established citywide plan for responding to civil unrest.	3. As part of the planned 2020 review of the *City of Philadelphia All Hazard Mitigation Plan*, the Office of Emergency Management (OEM) in

Section	Issue	Recommendation
		coordination with a multi-disciplinary team of the key stakeholders should develop a civil unrest annex to the City's Emergency Operations Plan (EOP). 4. This Citywide Civil Unrest plan should clearly identify command roles, individual agency responsibilities, communications protocols, logistical needs, and public information strategies and requirements, and establish training and exercise requirements to ensure understanding and compliance.
Planning and Preparedness	There are no standard operating guidelines or procedures that clearly establish the roles and responsibilities of the UCG.	5. The OEM, in coordination with PPD and other stakeholders, should develop specific guidance for the composition and operations of the UCG, including core and expanded membership lists, process for documenting decisions, tracking steps taken, and follow-up actions. Having pre-established and standardized operating guides can help to ensure that the UCG has clearly defined operational objectives and can best leverage the group's knowledge of resources available for the duration of the response. Having a robust UCG representing all applicable city services and functions also helps to ensure the development of an overall IAP that clearly identifies citywide objectives and best leverages the full breadth of city agency capabilities available to the response effort. 6. The UCG should keep formal records of all meetings, and document all efforts taken by this group to manage the response, including future planning activities. 7. Once the UCG standard operating guidance is developed, tabletop exercises with key City leaders should be conducted to ensure understanding of their roles and responsibilities in driving a unified citywide response effort.
Planning and Preparedness	The PPD staff assigned to the EOC were overwhelmed with resource requests, and at times, did not have the authority to adjudicate competing needs.	8. Additional training on NIMS/ICS, the function of the EOC, and the role of the emergency liaison officer (ELO) should be conducted with PPD personnel. Routine exercises and training would help to ensure that the ELOs assigned to the EOC have clear roles and authority, and

Section	Issue	Recommendation
		that the ICs in the field understand how to best leverage the resource capabilities of the OEM, PEMA, and federal emergency management assets 9. The PPD should establish Memoranda of Understanding (MOUs) with other local law enforcement agencies in order to create clear protocols and expectations, and facilitate a seamless integration to the incident's ICS.
Planning and Preparedness	Citywide emergency preparedness planning, training, and response are additional duties for the Philadelphia Fire Commissioner.	10. Given that the PFD has such a heavy workload, and is often a major partner in response to large-scale events, the overall responsibilities for preparedness and response may be better assigned to a stand-alone OEM structure. This would allow the leadership of primary response agencies, such as PFD and PPD, to run the operational and tactical incident response while OEM manages the resource support and coordination activities. 11. At minimum, the city should consider (1) requiring that newly elected officials be briefed on emergency operation plans and (2) holding an executive-level tabletop exercise with other agency response principles within 30 days of appointment.
Command and Control	Despite serving as incident commanders (ICs) for their divisions, Inspectors lacked the necessary authority and support to be most effective in their roles.	12. In circumstances when superiors are unable to respond to requests initiated by the ICs, the ICs should have the authority to take the appropriate actions within their areas of command. It is also recommended that, during significant events, an officer with the rank of Chief Inspector or above should be permanently assigned to the EOC for the purpose of fielding and responding to requests from ICs in the field. 13. In exigent circumstances, the IC, provided that he/she has the rank of Inspector or above, should be authorized to cancel days off and call officers back to work on their days off.
Command and Control	Despite the requirement to obtain approval from Commissioner Outlaw prior to the use of CS gas, only one of three locations using CS gas obtained approval.	14. As a matter of policy, the Police Commissioner or his/her designee will have the sole authority to approve each instance of CS gas dispersal.

Section	Issue	Recommendation
Command and Control	A number of PPD command staff, spontaneously deployed to various locations, limiting the effectiveness of the overall command structure.	15. All command-level personnel, without already established roles, should report to the same designated location. At this location, they should receive instructions from the field commander as to how they will be utilized.
Command and Control	Key PPD vacancies led to a fractured chain of command and span-of-control issues.	16. The Chief Inspector of the Homeland Security Bureau and the First Deputy Commissioner positions should be filled immediately. In an instance in which a position of the Inspector rank or above becomes vacant, someone should be appointed to the position in an acting capacity in a timely manner.
Command and Control	As the number of incident sites expanded, the PPD did not employ an Area Command.	17. In responses involving multiple incident sites, the PPD should consider implementing an Area Command approach as outlined in NIMS/ICS—that is, putting someone in place who has adequate operational knowledge and the authority to make decisions related to resource management and allocation. This position is distinct from the commanders managing on-the-ground operations. This position could be appropriately filled by the First Deputy Commissioner.
Command and Control	PPD experienced problems transporting and processing the large volume of arrestees during the first few days of the protests.	18. Prior to demonstrations that may result in mass arrests, officers should be reminded of the proper arrest procedures, as indicated in PPD Directive 8.3. This directive specially iterates the importance of having the proper paper work follow each arrestee. It is further recommended that prior to arrestees being transported, a supervisor should ensure that proper paper work has been completed. 19. Every protest that has the potential for arrests should have a contingency plan that includes back up processing stations with the appropriate number of EPWs and the necessary equipment to process arrestees in a timely manner. 20. In any public health crisis that requires the wearing of PPE, such as facemasks, PPD personnel should abide by the department's requirements and ensure that the health of civilians and arrestees is properly protected.

Section	Issue	Recommendation
Resource Management and Allocation	Inadequate manpower had notable impacts on PPD's ability to effectively make arrests in response to looting and on officer safety.	21. To adequately staff for protests, it is important for PPD to value its internal intelligence and to monitor social media with the understanding that the information is not always accurate. 22. The PPD, under exigent circumstances, should allow Incident Commanders, with the rank of Inspector and above, to authorize the extension of shifts and the canceling of days off. 23. The PPD should explore more effective ways of calling officers back to work under emergency conditions.
Resource Management and Allocation	The PPD's focus of resources on Center City left the remaining areas of the city vulnerable to looting and riotous activity.	24. If the general location of a protest or demonstration shifts to another location or spreads to multiple locations, PPD should reallocate its resources appropriately to accommodate these shifts. The PPD should establish a policy that clearly states how resources will be allocated in circumstances in which there are multiple or shifting locations.
Resource Management and Allocation	Poor utilization of the mutual aid coordinator hindered resource identification and allocation.	25. The PPD should create a mutual aid policy. This policy should designate a mutual aid coordinator and clearly state instructions for and expectations of the mutual aid coordinator. 26. To avoid confusion and other inefficiencies, the mutual aid coordinator should be the single point of contact for all outside agencies. 27. The mutual aid coordinator should be provided with all necessary documents (e.g., list of all outside agencies with relevant information for each agency) and resources to perform the role.
Resource Management and Allocation	Overall, PPD officers were not properly equipped for the violent nature of the demonstrations and civil disturbances that occurred, or for the dispersal of CS gas.	28. Following training on proper use, every PPD officer should be issued a riot helmet, a gas mask, and goggles or safety glasses. This equipment should be easily accessible for officers, to ensure that they are equipped even on short notice. 29. PPD should obtain a sufficient number of shields for the department. The PPD should strategically place the shields throughout the City where they can be rapidly and easily accessible to the various divisions.

Section	Issue	Recommendation
Resource Management and Allocation	As the demonstrations and civil disturbances escalated, many districts ran out of police radios.	30. PPD should issue every officer a police radio.
Resource Management and Allocation	While PPD did include considerations for potential fires, they lacked the equipment to control them when set.	31. The PFD's role in demonstrations and civil disturbances should be clearly stated in the Operational Orders. The possibility for violence should be accounted for in the description of PFD's role and responsibilities. The PPD should ensure that the PFD has the appropriate security while its members are addressing their responsibilities in the midst of a civil disturbance. 32. A sufficient number of PPD police vehicles should be equipped with fire extinguishers.
Tactical Response and Use of Force	In some instances, officer engagement with protesters likely contributed to an escalation in tensions and UOF incidents that likely could have been avoided.	33. Enhance Training on Protest Interactions and Professional Communications: better promote the importance of officers managing their emotions and aggressions even under the most stressful of circumstances. Reinforce accountability through training and policy. 34. Emphasize that the most critical aspect of de-escalation strategies and minimization of UOF applications starts with the officer's ability to keep his or her emotions under control and utilize effectively dialogue with individuals – even with the most volatile and uncooperative of people. 35. Best practices promote and train officers to "not take it personally" when dealing with non-compliant, resistive, and aggressive individuals. Training that emphasizes emotional control not only affects the ability to better diffuse volatile situations and minimize UOF but also directly affects officer safety and wellness.
Tactical Response and Use of Force	Officers inconsistently abided by instructions given in prior trainings regarding appropriate communication and engagement with protesters.	36. The PPD should consider enlisting community activists and protesters and organizers to participate in Pre-Service and In-Service trainings with the goal of establishing improved understanding of perspectives and goals. The ability to show "empathy," as noted in PPD's training lesson plan, requires a mutual understanding of differing perspectives.

Section	Issue	Recommendation
		37. Develop a more robust proactive outreach plan with identifiable community leaders and advocates to improve communications. Some of the goals of the outreach can include: • Relationship building • Establishing a communication network • Identify the POCs to be assigned during the event • Shared learning about protesters goals and plan • Shared learning about police roles and responsibilities, plans, acceptable and unacceptable behaviors, laws and arrest clarifications • Establish a plan to disseminate information on any agreed upon plans with the protesters and the police • Establishing post-event/after-action meetings 38. Consider establishing a command post/unit (possibly utilizing the CAD) after the events to enhance community outreach. Supply officers with cards or fliers that can be provided to protesters during appropriate opportunities. Information should direct them to contact the Center if they have questions, complaints, or information to share. This can be staffed by citizen volunteers if PPD does not have resources such as the CAD available. This can provide PPD with an improved opportunity to demonstrate transparency and community engagement and to clarify information following significant events.
Tactical Response and Use of Force	A multitude of factors hindered PPD's ability to effectively control traffic throughout the city.	39. Prioritize the importance of traffic control and develop pre-established operational plans and assignments in anticipation of large-scale protests and riots. Identify the most significant and likely areas that will be targeted and prioritize where control tactics are most critical for community and officer safety. The advanced operational plans should be developed in conjunction with outside agencies who can supplement PPD resources with traffic control.

Section	Issue	Recommendation
Tactical Response and Use of Force	Although less-than-lethal weapon can be effective tools for officers, there were several instances in which PPD officers did not use these weapons appropriately and in accordance with PPD policy.	40. PPD should examine its officers' awareness and understanding of authorized use and applications of the baton and where this falls in their UOF Decision Chart. Furthermore, baton strikes to the head area should be considered deadly force and be reflected so in PPD policy. 41. PPD should review and analyze their UOF reports, BWC footage and survey officers to evaluate if their baton applications are appropriate, effective, result in the desired outcomes and/or if additional training and or alternative applications of force would prove more appropriate *and* effective. 42. Officers receive training, either through Pre-Service and/or In-Service or memo, promoting and requiring that the batons should remain holstered and only displayed in hand under the conditions outlined in policy and note that carrying batons when not needed can contribute to increased tensions with protesters and the community. 43. Gas deployment policy and procedure should be re-examined and trained at all levels of the department. It is *critical* that gas (CS) deployments only be utilized when specific criteria have been met. 44. The PPD should view available video footage that appears to display tactical officers firing 37mm gas projectiles directly at individuals and determine if this is within their policy, procedure, and training guidelines. If actions were not within guidelines, they should be addressed. 45. A specialized unit designated solely for crowd control and management should be established. This unit should have specific policy, procedures, training, and equipment relating to best practices in crowd management. This unit should be the primary resource for when CS needs to be deployed and the standard operation procedures and capacities should be understood by the entire department.

Section	Issue	Recommendation
		46. All PPD units and officers designated as responsible for deploying gas should be required by policy to be equipped with BWC and have it activated when any gas is used. 47. When launching or throwing chemical munitions do not target them into the populated areas of the protests. The targeted area should be less than 30 feet from people, and munitions should land short in order to avoid having them injure people and be thrown back at officers. 48. The PPD should research and evaluate additional gas deployment devices that may be available and potentially more effective and offer reduced potential with unintended contaminations.
Tactical Response and Use of Force	PPD officers did not always correctly fill out their UOF reports, as required by PPD policy.	49. Reinforce, through policy and procedure, training and accountability, and articulate specific details as to where the baton strikes were applied on the body.
Tactical Response and Use of Force	Community members and some PPD officers reported not hearing verbal warnings given prior to the dispersal of CS gas.	50. PPD should research and identify improved audio equipment that provides a better opportunity for their verbal warnings and commands to be delivered and heard by large crowds. 51. PPD personnel responsible for deploying gas should establish a predetermined script for announcing any deployments into large crowds. For example, "*This is the PPD and you are unlawfully assembled and subject to arrest…you should immediately leave this area* (provide directions where you want them to go)*….We will be deploying gas in 15 minutes if you do not leave."*
Tactical Response and Use of Force	On multiple occasions, officers left the security of their teams and/or backup to individually pursue suspects on foot or to clear buildings that had been looted.	52. PPD should reinforce through training and policy that officers should not engage in foot pursuits and separate from backup during these environments where the protesters are targeting the police unless there is a need to protect themselves or others from bodily harm. Property crime should not be grounds for individual officers engaging in foot pursuits under these conditions with limited resources and higher priorities.

Section	Issue	Recommendation
		53. Absent exigency relating to imminent bodily harm of self or others, it is recommended that officers do not clear dwellings and isolated areas alone but only when backup is available. Preservation of property should not be justification for an officer clearing unsafe areas and buildings alone. 54. Command staff (white shirts) should have access to alternative shirts or jackets that are more tactically appropriate for officer safety during tactical situations, such as room clearing.
Tactical Response and Use of Force	Many PPD vehicles were damaged during the demonstrations and civil disturbances.	55. PPD should examine and evaluate if there are any opportunities to improve on maintaining squad security under these types of circumstances and reinforce any identified procedures through training, such as removing all weapons prior to leaving the squads.
Information Sharing/ Intelligence Gathering	Due to a number of factors, the Civil Affairs Unit (CAU) was relatively ineffective at gathering operational information and intelligence during the Floyd protests.	56. While the CAU does an excellent job in addressing most protests, they are at a great disadvantage in dealing with protests that involve individuals who are unwilling to communicate with them, and in which looting and violence occur. It is recommended that the PPD include contingencies in planning for the gathering of intelligence without the CAU.
Information Sharing/ Intelligence Gathering	Pertinent information remained within silos, leading to a lack of coordination among internal and external partners.	57. Every operational plan should include a plan for communications. PPD personnel should receive training on this plan to ensure they understand proper protocols.
Information Sharing/ Intelligence Gathering	The modes of communication employed by PPD for information sharing were not ideal.	58. PPD should more clearly define protocols for the use of T-band during civil unrest, ensuring sensitive information is not made public. PPD can also work with partners who utilize encrypted radio channels, where appropriate.
Information Sharing/ Intelligence Gathering	At the time of the Floyd protests, PPD had gaps in the equipment and personnel necessary to provide real-time surveillance of unfolding incidents to IC and members of the UCG for real-time decision-making.	59. Increase technological capacities within the Intelligence Bureau to ensure strong intelligence is provided for strategic and tactical decision-making.

Section	Issue	Recommendation
Public Information and Warnings	The communications team both responded to information requests and proactively pushed out information.	60. Ensure there is departmental representation from Communications in the Unified Command Group and Emergency Operations Center for future instances of civil unrest.
Public Information and Warnings	In initial phases of the response, there was no comprehensive strategy behind the development and dissemination of information to the public.	61. PPD should expand the capacity and staffing of the Organizational Communications Division (specifically, the Public Affairs Unit), including the filling of the Communications Director position. 62. Utilizing a social media archival system would provide more effective monitoring of incoming and outgoing information from the 100+ PPD Twitter accounts. 63. Crisis communications training related to civil unrest should be provided to the PPD and City Communications Departments.
Perception and impacts on the Community	Protestors in West Philadelphia, on I-676, and in Center City were pejoratively affected by the PPD response.	64. Establish annual training for all officers that includes legal updates on protected First Amendment activities and how to determine when protected activity becomes unlawful activity. 65. During training on protected First Amendment activity, emphasize professionalism when engaging with protesters or when assigned to cover protests (i.e. conduct unbecoming of an officer) 66. Increase training on de-escalation tactics to be attempted prior to resorting to use of force. 67. In assessing enforcement needs in an area of protests and civil unrest, train officers to identify and distinguish peaceful, non-violent groups from violent groups.
Perception and impacts on the Community	Residents in West Philadelphia and other parts of the city, many of whom had no participation in the protests, still felt the impacts of PPD's response.	68. Going forward, the residents believe that the PPD needs to give more consideration to the feedback from the community. Many residents expressed a desire for reform of the "over-policing" of their communities. 69. PPD's efforts in community engagement and community-oriented policing to establish a positive relationship with the residents in all communities to establish the trust of the community. 70. Increase the activity of Police District Advisory Councils in all Police Districts around the City.

Section	Issue	Recommendation
		71. Employ all possible methods of communication to warn residents of threats in their area; instituting of curfews (with appropriate time for residents to adhere to the curfew); and with warnings of possible police use of force (i.e., deployment of tear gas) that may affect residential areas. 72. Ensure that messaging to the public that is transparent, reassures the public that the PPD is competent and working to keep all residents and their neighborhoods safe.
Perception and impacts on the Community	Some business owners who suffered property damage were dissatisfied with PPD's response to looting and vandalism in the city.	73. Establish a standard method of communication with small businesses in which they can be warned of the potential for civil unrest of other major incidents that may affect their businesses (i.e., looting and vandalism or major catastrophes). 74. When intelligence is received threatening looting and vandalism, plan the deployment of officers in sufficient numbers to respond to these locations with the ability to protect businesses. 75. Prioritize the follow-up with business owners to gather information for arrest and prosecution of looters (i.e., follow up with business owners to collect surveillance video from their businesses).
Perception and impacts on the Community	Community leaders and law firms in Philadelphia were troubled by various aspects of the PPD response to protestors, along with the level of communication throughout the course of the demonstrations.	76. Establish a common method of communication between the Administration or UCG and City councilmembers during times of emergency (including protests and civil unrest) to provide updates on potential threats to communities, so City councilmembers can effectively respond to their constituent areas. 77. The lawyers recommended that, going forward, the Department should do five things: (1) improve its operational planning for its response to protests and civil disobedience; (2) revise its policies governing the use of less-than-lethal force to, among other things, ban the use of tear gas, strictly limit the use of pepper spray and other less-than-lethal munitions to circumstances where there is a substantial and imminent risk of death or

Section	Issue	Recommendation
		serious bodily injury, establish a clear command structure for decision-making on the use of less-than-lethal force, and require officers to provide warnings before using physical force; (3) require all police personnel to wear observable identification and use body-worn cameras; (4) create a new directive requiring officers to intervene when another officer engages in unlawful conduct or violates departmental directives; and (5) improve their civilian and internal complaint process and their officer discipline process. The lawyers believe that the latter three recommendations are particularly important because the lack of officer accountability is a "historic problem" in Philadelphia and other cities across the country. They believe that PPD officers currently feel that they can act with impunity, and they want that to change.

Recommendations provided in this analysis reflect comments and insights provided by PPD staff during interviews, national standards and best practices, and project team expertise. The analysis captures and reports recommendations from community members as well. The recommendations will need to be vetted by the City, the PPD, and the broader Philadelphia community, and eventually evolve into a plan for action to better prepare Philadelphia for any future unplanned mass protests and their potential to devolve to civil unrest. Most important, the City should use this opportunity to make needed progress in building public confidence in the PPD.

APPENDIX A: ACRONYM LIST

ACAB	All Cops Are Bastards
ATM	Automated Teller Machine
BLM	Black Lives Matter
BWC	Body-worn Camera
CAD	Computer-aided Dispatch
CAU	Civil Affairs Unit
C/I	Chief Inspector
CIB	Command Inspections Bureau
CBP	Customs and Border Patrol
CS gas	orthochlorobenzalmalononitrile gas, tear gas
CTO	Counter Terrorism Operations
CVN	Code Violation Notice
D/C	Deputy Commissioner
ECW	Electronic Control Weapon
ELO	Emergency Liaison Officers
EMAC	Emergency Management Assistance Compacts
EOP	Emergency Operations Plan
ERT	Emergency Response Teams
DVIC	Delaware Valley Intelligence Center
EOC	Emergency Operations Center
FBI	Federal Bureau of Investigation
HQ	Headquarters
IAP	Incident Action Plan
IC	Incident Commander
ICE	Immigration and Customs Enforcement
ICS	Incident Command Systems
ICU	Intensive Care Unit
JFK	John F. Kennedy Boulevard
MIRT	Major Incident Response Team
MMWR	Montgomery McCracken Walker & Rhoads, LLP
MOU	Memorandum of Understanding
MSB	Municipal Services Building
NAACP	National Association for the Advancement of Colored People
NIMS	National Incident Management System
OEM	Office of Emergency Management
OC Spray	Oleoresin Capsicum Spray, pepper spray
PC	Police Commissioner
PCIC	Philadelphia Crime Information Center
PEMA	Pennsylvania Emergency Management Agency
PFD	Philadelphia Fire Department

PIO	Public Information Officers
PPA	Philadelphia Parking Authority
PPD	Philadelphia Police Department
PPE	Personal Protective Equipment
PSP	Pennsylvania State Police
RTCC	Real Time Crime Center
SEPTA	Southeastern Pennsylvania Transportation Authority
SWAT	Special Weapons and Tactics
UOF	Use of Force

APPENDIX B: VISUAL TIMELINE