

Fayetteville Police Department

Review of Use-of-Force Policies, COVID-19 Effects, Response to Mass Demonstrations, and Retention/Recruitment Efforts

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Executive Summary

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

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

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

Scope of Work

Specifically, the city asked PERF to examine:

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

PERF concentrated its attention on the events of 2020, with the exception of the COVID situation, which continues into 2021.

Methodology

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

Personal Interviews

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

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

All interviews were conducted on the condition of anonymity: While notes were taken, no interviews were recorded to allow those being interviewed to speak freely. PERF did not identify the names of individuals interviewed in the draft or final report.

Those interviewed included:

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

The Collection, Review, and Analysis of Available Data

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

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

PERF Observations

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

[BOX:] How Should the FPD Implement Change?

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

USE-OF-FORCE POLICY

Strengths: Use-of-Force Policy

- Overall, FPD's use-of-force and related policies are progressive and reflect modern policing practices. PERF's recommendations for policy changes are minimal.
- Training was cited as an area that the FPD excelled in. The FPD should continue to use progressive training methods (see second item in "Opportunities for Improvement," below).
- Chief Hawkins has said the department discourages chokeholds and does not train on them. She has also said the department has never used a no-knock warrant.
- Chief Hawkins has emphasized de-escalation training and allowing civilians to see police training for themselves.
- Fayetteville was among the nine North Carolina cities to sign on to former President Barack Obama's Reimagining Policing Pledge, which commits cities to reviewing their use-of-force policies and finding ways to redefine public safety and combat racism within law enforcement.

Opportunities for Improvement: Use-of-Force Policy

- The FPD should work to improve communication vertically throughout the agency regarding policy changes and other important updates. This was a common theme that was raised during departmental interviews. There are a number of ways to accomplish this, including video conferencing.
- The FPD should incorporate the principles of PERF's Integrating Communications, Assessment, and Tactics (ICAT) Training and Critical Decision-Making Model (CDM) into its policies, training, and operations.
- The FPD should consider consolidating its current use-of-force policies to ensure clarity and ease of reference. When issues pertaining to use of force are broken into numerous policies, there is a chance that revisions may not be applied uniformly.
- Interviews revealed that some internal affairs investigative information is unknown to most senior leaders in the department. It would be helpful to FPD leaders if this information is shared with senior leaders so they are aware of the allegations made and the final outcome of the investigation, particularly for those in their command.
- The FPD should provide more explanation to employees when making policy changes so that officers can understand the need for these changes and get officer buy-in. Prior to making major policy changes, the FPD should solicit officer feedback.
- To address a recent lack of proactive policing—a result of officers concerned with the backlash that could come from possible use of force—department leaders should make it clear that if officers follow policy, they will be supported.

Key Recommendations: Use-of-Force Policy

- **Create a Critical Incident Review Board (CIRB).** The FPD should create a CIRB, led by an assistant chief, that is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; serious physical injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy.
- **Require a tactical debrief within 72 hours.** The FPD should require that a tactical debriefing to the police chief occur no later than 72 hours after an officer-involved shooting or in-custody death, to identify potential issues in training, policy, and/or equipment without having to wait until the completion of the official shooting investigation.

- **Require an after-action report after special events, passive protests, and peaceful demonstrations.** This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future. Typically, this should be a written report. However, if the event was small and uneventful, a quick after-action discussion will suffice.
- **Require a written after-action report after each event in which the Civil Emergency Unit (CEU) was deployed.** This will allow the FPD to identify lessons learned and help the department prepare for similar events in the future.
- **Combine related use-of-force policies into a single policy.** This will make it easier for officers and supervisors to find pertinent information on use of force and will create a more holistic approach to force within the department. This comprehensive policy should include the agency's philosophy on use of force, clear guidelines around lethal and less-lethal force options, and guidelines on the accountability and reporting measures related to use of force.
- **Add language to "Duty to Intervene."** The FPD should add language to include situations that, while not rising to the level of a violation of policy or law, nevertheless present opportunities to intervene when officers see a situation going poorly, manage a scene, or increase the likelihood of a favorable conclusion to a given situation.
- **Add a definition of "proportionality" in use of force.** As explained in PERF's report on *Guiding Principles on Use of Force*, the definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers' actions.
- **Require the reporting of pointing or aiming Electronic Control Weapons (ECWs).** The FPD should require that a supervisor be notified when an officer points or aims an ECW at a subject. This should also be captured in an incident report.
- **Add language requiring officers to render aid.** Require officers to render aid after the deployment of chemical/inflammatory agents and impact weapons like the ASP baton until Fire/EMS can assist with decontamination procedures and provide first aid.
- **Medically evaluate subjects after ECW activation.** FPD policy should state that all subjects who have been exposed to ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility.
- **Notify emergency medical personnel in advance.** FPD policy should state that, when possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW application may be used against a subject.
- **Require supervisor response.** Policy should have an explicit requirement that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should not only be responsible for reviewing the actual use of force but the events leading up to it.
- **Use-of-force reports should ultimately be reviewed by an assistant chief.** The FPD should clarify language that states that the review of an officer's use of force go through their chain of command up to the level of that officer's assistant chief.
- **Warn subjects.** The FPD should add language requiring that officers notify the suspect, in addition to officers on the scene, that the ECW will be deployed.
- **Alert officers for the possibility of positional asphyxia.** The FPD should add language to ensure that subjects under an officer's control are positioned in a way so that their breathing is not obstructed (positional asphyxia).

- **Strengthen language on shooting at or from moving vehicles.** The FPD should strengthen the language in this section to state, “Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism.”
- **Accept anonymous complaints.** The FPD should add language to clearly state that Internal Affairs Unit (IAU) will accept anonymous complaints.

COVID-19

Strengths: COVID-19

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

Key Recommendations: COVID-19

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

MASS DEMONSTRATIONS

Strengths: Mass Demonstrations

- After the murder of George Floyd in Minneapolis sparked protests across the country, Chief Hawkins made the decision to limit the police response to such demonstrations in Fayetteville; support for her decision came from Section 4.6.9 of FPD’s Special Event, Passive Protests, and Peaceful Demonstrations Planning policy, which states that, “Although it is recognized that the job of every FPD officer is to enforce criminal laws and civil ordinances, limited resources, crowd size, and tactical concerns may warrant an atmosphere of tolerance when officers witness non-violent and non-destructive activity and can be paramount in ensuring peace and order are maintained.” Although the order to stand down was unpopular with some officers, residents, and business owners, it could be argued that in keeping with the spirit of the policy, the order to stand down may have limited the amount of damage, the number of injuries, and the duration of the events and may have spared the city additional days of protests.
- The FPD reached out to protest organizers as soon as the department found out there would be a demonstration on May 30.
- The FPD’s monitoring of and posting to social media during the events appeared to help in its response as well as provide important information to the community.
- FPD employees were required in the second half of 2020 to take diversity, equity, and inclusion training, though some officers expressed frustration about the content. In particular, a few officers said the training was offensive as it centered only on Black and white race relations and

left out other minority groups; they also said the training seemed to place blame on white officers for systemic racism.

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

Opportunities for Improvement: Mass Demonstrations

- Interviews with FPD personnel found that the decisions made by department leaders on May 30 (specifically, the stand-down order) and the reasoning behind the decisions were not communicated well—with officers, supervisors, and the community. This led to misunderstandings and frustration within the department on why it responded the way it did and why the department's internal policies on after-action reports and discussions were not followed.
- PERF also learned that FPD had no mutual aid agreements with neighboring jurisdictions at the time of the May 30 mass demonstrations. The FPD should begin discussions with neighboring jurisdictions and state law enforcement to develop formal mutual aid agreements to provide for a combined response for future mass demonstrations and civil unrest. Part of this process should involve standardizing training and equipment with other jurisdictions to ensure that all partner agencies have gear that is similar, and training and tactics and commands are the same.
- Current FPD policies require the creation and dissemination of an Incident Action Plan (IAP); however, this was not done in an effective manner. A planning team should be established to create an IAP and ensure that it is kept up to date.
- There was no official after-action report written by the police department after the mass demonstrations. One commander submitted after-actions for the civil emergency unit, but those were the only ones on file. Because the department hasn't analyzed how it might respond differently should a similar event happen—who would be called in first, what barriers would be erected—FPD staff expressed concerns that the same actions or mistakes could be repeated in the future. After a mass demonstration, the FPD should require an official after-action report that contains a detailed review of the entire department's response.

Key Recommendations: Mass Demonstrations

- **Ensure that policies in the Incident Action Plans are adhered to.** Per policy, the FPD should ensure it is disseminating an Incident Action Plan (IAP) (referred to as a Critical Response Plan by FPD in Operating Procedure 4.5) that provides officers with details and direction for the upcoming event, including what their responsibilities will be. A planning team should be established to create the IAP and keep it up to date every 12 hours. This will establish a uniform response and ensure that officers understand the department's goals and objectives and are provided with relevant information such as curfews in real time. It is critical that the IAP is not generic and re-used from incident to incident. The IAP should be updated based on intelligence and deployment strategies to ensure that relevant information is added and timely (for example, making sure that every unit knows where to stage and what their role is, who the specific incident commander is, etc.).
- **Ensure that a thorough and holistic after-action report is created for the incident.** The FPD should require that an official after-action report be created after a mass-demonstration or similar critical event. This after-action report should contain a detailed account of FPD's entire

response, including arrests made, use-of-force incidents, less-lethal weapons used, and officer or community member injuries.

- **Develop mutual aid agreements with regional and state law enforcement.** The FPD should develop mutual aid agreements with neighboring jurisdictions and state law enforcement for a combined response to mass demonstrations moving forward. Part of this process should involve standardizing training and equipment among all partner agencies.
- **Allow officers to process the events of the 2020 mass demonstrations.** The FPD should bring in professional counselors to allow officers to process the events of the 2020 mass demonstrations and provide for a measure of closure.
- **Involve community representatives before and during protests.** The FPD should involve community representatives in planning discussions in advance of any mass demonstrations to communicate goals and tactics; invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders to be mediators and co-responders; and maintain daily incident reports and communicate them with the public.
- **Involve public information officers (PIOs) as soon as possible.** The FPD should ensure that its PIOs are involved as soon as possible during critical incidents, providing them with accurate and timely information to be shared with the news media and the community.
- **Increase Mobile Field Force staffing.** The FPD should train more officers to be part of the department's Mobile Field Force. Sufficient equipment should be provided to these additional officers to keep in their patrol vehicles so they can be quickly reassigned to Mobile Field Force duties as needed in incidents of unrest.
- **Continue and assess racial bias training.** FPD should consider the quality of its racial bias training and how it is presented and assess whether the training is delivering desired outcomes. (Is the training positively impacting attitudes and behaviors in the field?) These discussions are vitally important and should be held regularly but will only be effective if there is buy-in from the staff. The agency should be open to all opinions from its officers; if the training is creating a bigger divide or an anger response, it will have the opposite effect.

RETENTION AND RECRUITMENT

Key Recommendations: Retention

- **Conduct regular anonymous job satisfaction surveys.** Asking employees to give their thoughts on the department's overall organizational climate will allow leaders to proactively identify potential issues and address them in a timely manner. It will also help morale, as it signals to officers that their opinions matter and will be taken into consideration.
- **Have exit interviews performed by someone other than the chief.** To ensure complete openness among departing employees, it would be better for someone other than the police chief to conduct them—ideally, the city's human resources department. It's also important that supervisors be allowed to review the written surveys and be informed about the interviews.
- **Use information gathered from exit interviews in long-term planning.** The information gleaned from exit interviews should be used to assist with the department's long term-planning. By identifying common reasons why employees are leaving the agency, the department can address those issues moving forward.
- **Reconsider the 12-hour shift.** Though staffing shortages may be the reason for the adoption of the 12-hour shift, the FPD should prioritize hiring efforts so it's possible to move to alternative

shifts (e.g., five eight-hour days or four 10-hour days). This would give officers more time to rest between shifts.

- **Incorporate “mental health days.”** Once staffing shortages are addressed, the FPD should consider giving officers mental health days to help them de-stress.
- **Seek approval and funding for increased FPD salaries.** Salaries for both entry-level officers as well as current officers need to be addressed. This will help attract quality officers and retain highly skilled veteran officers who might otherwise seek employment from neighboring agencies or other fields that offer better pay.
 - **Update:** In October 2021, the city [approved](#) new wage increases for 2022, but specifics had not been released as of the writing of this report. Fayetteville’s Human Resource Development Director Jerry Clipp, in a proposal to the city council, recommended that the minimum salary for officers with the FPD be raised from \$38,000 to \$41,500.
- **Send positive stories about the department to local media outlets and post them on social media.** Examples of positive stories can involve community policing efforts, incidents in which officers successfully de-escalated situations, and everyday acts that show the humanity and goodness in police officers. The FPD should continually highlight the good that officers and support staff are doing in the community.
- **Command staff should hold one or more town halls a year with the entire department—both in-person as well as via Zoom.** The chief and assistant chiefs should ask attendees what it is that they want to see from their command staff and what they can do to make their lives easier as police officers. Most importantly, they need to let the officers know that they will be supported by FPD’s leaders.

Key Recommendations: Recruitment

- **Review FPD’s internal applicant tracking processes.** This will ensure that the FPD accurately identifies at which phases of the recruitment process applicants are being disqualified, as well as demographic trends where there may be room for improvement.
- **Review polygraph pre-interview questions on an ongoing basis.** This review should focus on the relevancy of interview questions as well as specific questions that may pose barriers to applicants, especially minority applicants.
- **Review application forms for ease of completion and relevancy.** The FPD should review its application forms on a routine basis to ensure they are easy to complete and are consistent with the department’s eligibility requirements.
- **Avoid disqualifications of applicants for financial difficulties.** When considering applicants’ financial history, the FPD should consider the reasons and implications of any unsatisfied debt before deciding to disqualify a candidate. In today’s economy, it is common for young people to have credit card debt, student loan debt, or any number of financial issues. However, this may not necessarily impact an applicant’s ability to be an effective police officer. In addition, since research has shown racial/ethnic and gender disparities in income, wealth, and financial challenges, focusing heavily on financial history may disadvantage these groups in the hiring process. Applicants growing up in economically distressed neighborhoods or in families struggling with poverty may experience more financial challenges.

Conclusion

The Fayetteville Police Department is made up of talented and dedicated officers and civilians who are committed to serving the city of Fayetteville and its residents. By commissioning this review, the city has

demonstrated its commitment to improving FPD's policies and practices related to use of force and how it responds to the needs of its community.

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

The department's response to the mass demonstrations and subsequent unrest of May 30, 2020, illustrated one of the FPD's biggest opportunities for improvement: how it communicates up and down its ranks. It was clear through PERF's interviews with staff that better communication—similar to what was provided by the police chief regarding the department's excellent COVID-19 response—would go very far in improving morale and curtailing resignations. Part of that communication must be that leaders clearly let officers know they are supported and that their opinions matter to the organization and that the chief has the opportunity to both listen to concerns and explain decision-making.

The Fayetteville Police Department is doing many things right: It has progressive use-of-force policies that reflect modern policing practices and a respected training academy, and its COVID-19 response was immediate and effective. While challenges remain—notably regarding communication within the department as well as agency pay and hours— they are not insurmountable, as long as FPD leaders are committed to improvement.

This report is intended to serve as a guide for implementing these efforts.

Introduction

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

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

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

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

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



The City of Fayetteville at a Glance

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

As the sixth-largest city in North Carolina, Fayetteville is home to more than [210,000](#) residents and is the seat of Cumberland County.² It is located along the Cape Fear River in the Sandhills region of southeastern North Carolina, about 60 miles south of the state capital, Raleigh, and about 100 miles inland from the Atlantic Ocean. It's known as a military town—home to the Army base Fort Bragg, one of the world's largest military installations.

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

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

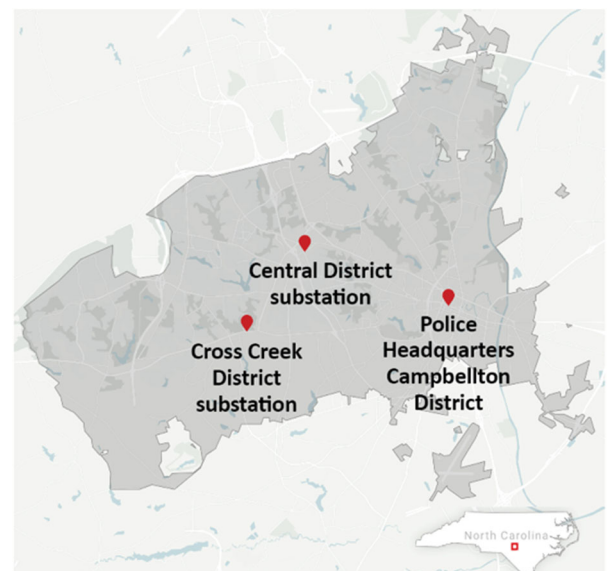
"Racial divisions are still really big in Fayetteville," said James Anderson, the chancellor of Fayetteville State University, a historically Black college, in a [2017 interview](#). "You don't develop economically as a city, you don't enhance the quality of life as a city overall, if you still have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

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

The Fayetteville Police Department at a Glance

The Fayetteville Police Department (FPD) has been a CALEA-accredited law enforcement agency since 1989, with 377 sworn officers and 156 civilian staff—a total of 533 personnel as of this writing. In the fall of 2021, the department had 85 sworn and 32 civilian vacancies.

The department patrols about 147 square miles and operates three [districts](#)—Cross Creek, Central, and Campbellton. Three bureaus operate within the FPD: Field Operations, Specialized Services, and the Office of the Chief.



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

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

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

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

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

In 2021, after the prior year's civil unrest, the City Council [approved](#) a Community Police Advisory Board, a group of seven to 11 members who would provide "sound advice and recommendations to the City Council, City Manager, and Police Chief to improve policing in Fayetteville."⁷ As of the writing of this report, applications were [still being taken](#) to form the initial board. Also in 2021, the council passed a resolution to encourage the state to allow the city to create a citizens review board that could investigate allegations of police misconduct and other incidents.⁸

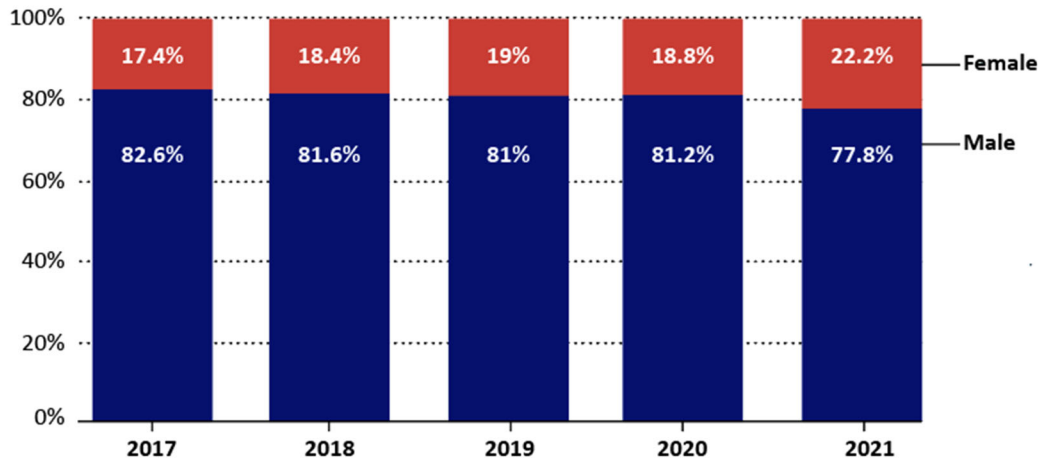
Under the leadership of the current and prior police chief, the department has made a concerted effort to bring more diversity into the agency, though the demographics of the department are still far from reflecting the community in which it serves (see Figures 0.1 and 0.2, page 15).

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

⁸ Church, A. (2021, March 21). Years-long council debate yields action for a Citizens Review Board in Fayetteville. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/03/12/fayetteville-nc-city-council-votes-pass-fourth-resolution-citizens-review-board-george-floyd/4601110001/>

FIGURE 0.1

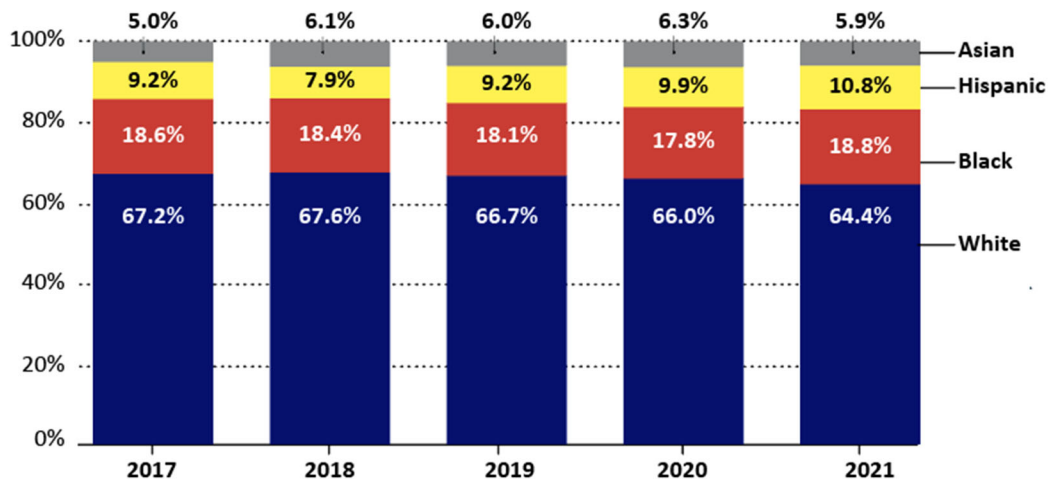
Fayetteville Police Department Sworn Staffing, By Gender, 2017–2021



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

FIGURE 0.2

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



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

Brief Summary of National Events Impacting Fayetteville in 2020

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

COVID-19

COVID-19 began making headlines in late 2019, but it only hit the radars of most Americans in [February 2020](#), when the first community transmission was detected.⁹ By the time the World Health Organization declared it a [pandemic](#) on March 11, 2020, COVID had spread to all 50 states; schools and workplaces were shuttered; families began locking down in their homes; and there was a nationwide shortage of protective equipment such as masks and hand sanitizer.¹⁰ North Carolina was alerted to its first case of COVID-19 on [March 3](#).¹¹

For nearly a year, people were discouraged from visiting anyone who lived outside their bubble and were encouraged to social distance when visiting public spaces. Nonessential businesses were forced to close their doors, and mask mandates went into effect. By the end of 2020, the Food and Drug Administration had [issued](#) emergency-use authorizations for the Pfizer-BioNTech and Moderna vaccines, and inoculations for health care workers and nursing home residents began.¹²

In mid-summer 2021, with [most](#) of the country fully vaccinated, people began to resume their lives¹³—until the Delta variant swooped in, spreading mostly among the unvaccinated and targeting children in greater numbers. As of mid-September 2021, the 18-month anniversary of the pandemic in America, more than 40 million people had contracted the virus and nearly 700,000 had died.¹⁴

The Murder of George Floyd

On Monday, May 25, 2020, 46-year-old [George Floyd](#) was arrested after a convenience store clerk called police in Minneapolis, Minnesota, and said the man had purchased cigarettes with a counterfeit \$20 bill.¹⁵

In an eye-witness cellphone video that would soon go viral around the world, Floyd—a Black man who was [born in Fayetteville](#)—was seen being pinned to the ground by multiple police officers, including Derek Chauvin, who knelt on his neck for at least eight minutes.¹⁶ The day after Floyd's death, the

⁹ Geographic differences in COVID-19 cases, deaths, and incidence — United States, February 12–April 7, 2020. *MMWR. Morbidity and Mortality Weekly Report*, 69. <https://doi.org/10.15585/mmwr.mm6915e4>

¹⁰ Ducharme, J. (2020, March 11). The WHO just declared coronavirus COVID-19 a pandemic. *Time*. <https://time.com/5791661/who-coronavirus-pandemic-declaration/>

¹¹ N.C. Department of Health and Human Services. *North Carolina identifies first case of COVID-19*. (2020, March 3). <https://www.ncdhhs.gov/news/press-releases/2020/03/03/north-carolina-identifies-first-case-covid-19>

¹² Food and Drug Administration. (2020, December 21). *FDA takes additional action in fight against COVID-19 by issuing emergency use authorization for second COVID-19 vaccine*. <https://www.fda.gov/news-events/press-announcements/fda-takes-additional-action-fight-against-covid-19-issuing-emergency-use-authorization-second-covid>

¹³ Dickler, J. (2021, July 1). *Why Biden's Fourth of July vaccination goal will fall short, according to this Wharton professor*. CNBC. <https://www.cnbc.com/2021/07/01/covid-vaccine-why-us-wont-hit-fourth-of-july-goals.html>

¹⁴ Centers for Disease Control and Prevention. (2020, March 28). *COVID data tracker*. <https://covid.cdc.gov/covid-data-tracker>

¹⁵ Hill, E., Tiefenthäler, A., Triebert, C., Jordan, D., Willis, H., & Stein, R. (2020, May 31). How George Floyd was killed in police custody. *The New York Times*. <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>

¹⁶ Fernandez, M., & Burch, A. D. S. (2020, June 11). George Floyd, from “I want to touch the world” to “I can’t breathe.” *The New York Times*. <https://www.nytimes.com/article/george-floyd-who-is.html>

Minneapolis Police Department fired all four officers involved in the incident.¹⁷ On May 29, Chauvin was [charged](#) with third-degree murder and second-degree manslaughter.¹⁸ All week, people took to the streets of Minneapolis to demand justice.

And on Saturday, May 30, people all across the [country](#), and all around the [world](#), marched in their cities to protest perceived systemic racism and police brutality. A vast majority of the protests that occurred after Floyd's death were peaceful, according to a Washington Post [examination](#) of 7,305 events in May and June 2020.¹⁹ Millions of people in all 50 states and Washington, D.C., took to the streets in protest.

But many protests were not peaceful. According to the Post [report](#), police made more than 8,500 reported arrests at roughly 5 percent of the protest events and used tear gas or related chemical substances at 2.5 percent of the events. Protesters or bystanders were reported injured in 1.6 percent of the protests and accounted for five deaths, and police were injured in 1 percent of protests, and one died.²⁰

The Defund Police Movement

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

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

Brief Summary of PERF Work

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

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

¹⁷ Hill, How George Floyd was killed.

¹⁸ MacFarquhar, Neil, Tim Arango, and Manny Fernandez. Ex-officer charged in death of George Floyd in Minneapolis. *The New York Times*, May 29, 2020. <https://www.nytimes.com/2020/05/29/us/minneapolis-police-george-floyd.html>.

¹⁹ Chenoweth, Erica, and Jeremy Pressman. Analysis | This summer's Black Lives Matter protesters were overwhelmingly peaceful, our research finds. *The Washington Post*, October 16, 2020. <https://www.washingtonpost.com/politics/2020/10/16/this-summer-black-lives-matter-protesters-were-overwhelming-peaceful-our-research-finds/>.

²⁰ Ibid.

Throughout this report, you will find many references to past reports PERF has written, including some relevant findings and recommendations. Of note: PERF has two forthcoming reports on the important events of 2020: *Lessons from the COVID-19 Pandemic: How Police Responded Quickly and Effectively to the National Crisis* and *Reimagining the Police Response to Mass Demonstrations*.

Scope of Work

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

Specifically, the city asked PERF to examine:

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

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

PERF concentrated its attention on the events of 2020, with the exception of the COVID situation, which continues into 2021.

Methodology

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

Personal Interviews

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

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

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

Those interviewed included:

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

The Collection, Review, and Analysis of Available Data

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

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

Section 1: Review of FPD's Approach to Police Reform and Use of Force Prior to 2020

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

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

A Brief History of Police Reform Prior to 2020

Under its prior police chief Harold Medlock, the FPD pursued a [broad](#) set of reforms early on that set it apart from agencies of similar size.²¹

Not long after the shooting death of Michael Brown in Ferguson, Missouri, and even before then-President Barack Obama formed a Task Force on 21st Century Policing, Medlock reached out to the U.S. Department of Justice to conduct a [top-down review](#) of the FPD's policies and procedures, in particular its use-of-force policies and how the department interacted with the community.²²

"With all the turmoil going on around the country at this point, the chief felt this was a very important move," [said](#) Fayetteville Mayor Nat Robertson in October 2014. "A pre-emptive, pro-active move, to make sure Fayetteville doesn't get into trouble later and that we're out front."²³

The DOJ's Office of Community Oriented Policing Services spent seven months on its review, looking at records from 2013 and 2014 and performing interviews with police officers, community leaders, and residents. In its [report](#), the Justice Department recommended, among other things, that the FPD develop a more comprehensive record-keeping system of use-of-force incidents and emphasize de-escalation in its officer confrontations.²⁴

In another proactive move, in early 2015, the FPD was [awarded](#) a \$530,000 federal grant to purchase body-worn cameras for all of its officers, and Medlock mandated that every officer on patrol keep the cameras rolling during their shifts.²⁵ Fayetteville was one of the earliest police departments in the country to initiate a comprehensive body-camera program.

²¹ Pitts, M. B. (2021, February 25). Fayetteville police chief who drew national attention for reform is still at it. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/>

²² Original link (no longer working): <https://www.fayobserver.com/article/20141021/News/310219694>

²³ North Carolina Public Radio. *U.S. Justice Department will review Fayetteville police policies*. (2014, October 21). WUNC. <https://www.wunc.org/law/2014-10-21/u-s-justice-department-will-review-fayetteville-police-policies>

²⁴ Rodriguez, D., Kunard, L., Johnson, W., Larochelle, J., & Thorkildsen, Z. (2015). *Collaborative reform initiative: Assessment report on the Fayetteville Police Department*. <https://cops.usdoj.gov/RIC/Publications/cops-w0790-pub.pdf>

²⁵ Henderson, J. (2019, July 20). Fayetteville police official lauds body camera program. *The Fayetteville Observer*. <https://www.fayobserver.com/news/20190720/fayetteville-police-official-lauds-body-camera-program>

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

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

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

Policy Changes

The department’s use-of-force policy continues to go through revisions, and officers are alerted to all changes once they are implemented. Many policy and procedure updates are sent out as email notifications, and officers must log on to PowerDMS to review and verify that they’ve read the update by a certain deadline. Sometimes, officers said, it can be overwhelming when multiple policy changes come across their desks, and they admit to barely reading or having trouble committing to memory so many changes.

And when more significant policies change—such as a use-of-force protocol—some officers said the changes aren’t often accompanied by explanations as to why the change has occurred, which then leads to behind-the-scenes speculation.

“I think we do a good job getting the information out there, but the reasoning is poor,” one FPD employee said. “I’m not someone who is always why, why, why, but it helps if you explain the why. Then officers will buy into it.”

“If a policy change comes down, everyone gets together afterward swapping stories to see why this policy change occurred,” another said. “I like to know why I’m doing what I’m doing. But they don’t communicate it. It just goes to PowerDMS. Then everyone is wondering why, trying to figure out what officer messed up and what he did.”

Some supervisors admit that it’s been harder in recent years to have in-person conversations about policy changes because the department is so short on officers and has to focus on staffing the streets. But others say that when it comes to bigger changes, they make sure there’s a conversation about it, not just an email alert.

“We’ve learned that it’s all in the delivery, so if our folks understand changes and we have a conversation about it, there may still be some grumbling by those who have a hard time switching over, but it’s generally well-received,” one FPD employee said. “On major things—use of force, pursuit-policy changes, things that are high-liability areas—it’s pushed out through supervisors, at roll call, or in small units, to make sure the changes are discussed.”

Training

A majority of those interviewed pointed out that the FPD’s training program is among the best in the nation—“we’re miles ahead of everybody,” one said. But many also noted that with use-of-force policies constantly evolving, it can be hard for officers to retain everything, especially because there are so many variables.

“Unless you’re training every day, that’s the only way you can be an expert on use of force,” one said. “But we’re trying as much as we can.”

Some officers expressed a desire to have access to more training opportunities, particularly when it comes to use of force.

“Where we run into an issue is, we have officers who are afraid to use force because they hear the stories of, ‘You’ll get fired, you’ll get sued,’” one FPD employee said. “I wish we had more of an understanding of the process, teaching people and talking about how to prevent lawsuits and how to safely engage with someone even if you have to use force.”

PERF offers a training program, ICAT: Integrating Communications, Assessment, and Tactics, which provides officers with the tools, skills, and options they need to safely defuse a range of critical incidents (see Page X). While some Fayetteville Police Department officers took the train-the-trainer ICAT course several years ago, the training has not been implemented departmentwide.

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

That comprehensive documentation provides “a much clearer picture to the community, that we only had X uses of force with 400 officers and all were properly documented with body cameras, and minor deficiencies were dealt with,” one FPD employee said. “Unfortunately, I don’t think we do a good job communicating [to officers] why we have the robust use-of-force reporting policy.”

Use-of-Force Perceptions

It’s that transparency that some officers think is negatively affecting their image, particularly because, as some said, they could do 20 things correct on a call but make one process error on that same call and it’s put on their record.

“We’re so conscious about what policy says,” one said. “A lot of the time, officers feel like they’re walking through a minefield and trying not to get blown up. They don’t know if their circumstances will be viewed to be the correct actions.”

Many supervisors have noticed an increased hesitancy—among both newcomers and seasoned officers—when it comes to being hands-on, even when it’s justified, a side effect of the harsh spotlight put on police across the country in recent years after a series of high-profile shootings.

“In many cases, when use of force is justified, the officer won’t do it,” one FPD employee said. “They’ve been skittish to put hands on people. They’re afraid, nervous. With all the video cameras, an incident gets posted, but only part of the video is shown to shine law enforcement in a bad light.”

The fear of causing harm—and ending up on the news—has affected many officers to the point that many aren’t even rolling down their windows and engaging with people out on their beats. One side

effect: Traffic stops are way down. But this isn't just a Fayetteville issue; it's [happening](#) in police departments across the country.²⁶

"I've seen [officers] walk away when someone has to go to jail, like, 'I'm not putting my hands on you; I don't want to be on TV,'" one FPD employee said. "They're media driven."

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

"You've got police officers watching the news saying, 'When are you going to say the man had a knife? It's a good use of force.' If management would step right out, right then, and at least push that narrative or put that narrative out there—'Notice he had a knife; he had already stabbed someone'—that's what we're looking for," one FPD employee said. "It tells all others that at least they will try to help this officer. No one wants to be in a situation where they're left alone."

As the chair of the National Use-of-Force Data Collection Task Force, FPD Chief Gina Hawkins offers a number of community programs to maintain transparency in her department, including a [Citizens Police Academy](#).²⁷

"We have to be transparent," Hawkins said in an [interview](#) with PERF's Chuck Wexler in March 2021. "I don't want anyone in my community asking me, 'Why wouldn't you want to volunteer this information? What are you hiding?' We have nothing to hide."²⁸

[START BOX] PERF's Analysis of Use-of-Force Issues Nationally

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

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

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

²⁶ *Chicago officer "more afraid of media reaction" than being killed.* (2018, August 8). CBS Chicago. <https://chicago.cbslocal.com/2018/08/08/veteran-chicago-officer-more-afraid-media-than-killed/>

²⁷ *Citizens police academy.* (n.d.). City of Fayetteville. Retrieved November 12, 2021, from <https://www.fayettevillenc.gov/city-services/police/about-us/citizens-police-academy>

²⁸ Police Executive Research Forum. *Daily critical issues report.* (2021, March 12). <https://www.policeforum.org/criticalissues12mar21>

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

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

- The sanctity of human life should be at the heart of everything an agency does.
- Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.
- Police use of force must meet the test of proportionality.
- Adopt de-escalation as formal agency policy.
- The Critical Decision-Making Model provides a new way to approach critical incidents.
- Duty to intervene: Officers need to prevent other officers from using excessive force.
- Respect the sanctity of life by promptly rendering first aid.
- Shooting at vehicles must be prohibited.
- Prohibit use of deadly force against individuals who pose a danger only to themselves.
- Use Distance, Cover, and Time to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand."
- Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.
- Scenario-based training should be prevalent, challenging, and realistic.

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

[END BOX]

FPD Policy Review

Background

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

We also recommend that the FPD incorporate the principles of PERF's Integrating Communications, Assessment, and Tactics (ICAT) Training and Critical Decision-Making Model (CDM) into its policies, training, and operations. PERF's recommendations, in part, are based upon our ICAT training guide. ICAT is centered on the concepts of proportionality, de-escalation, and the sanctity of life. PERF provided ICAT training to a group of FPD trainers in 2019; however, interviews indicate that the training was not rolled out departmentwide as was anticipated. FPD leaders recognize the need to incorporate ICAT into the agency and are in the process of sending officers to a PERF ICAT training.

PERF's ICAT Training Guide

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

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

[Box] ICAT Training Topics

The ICAT Training Guide comprises the following topics:

- Introduction to ICAT
- Critical Decision-Making Model
- Crisis Recognition and Response
- Tactical Communications
- Operational Safety Tactics
- Integration and Practice
- Suicide by Cop

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

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

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

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

- Collect information

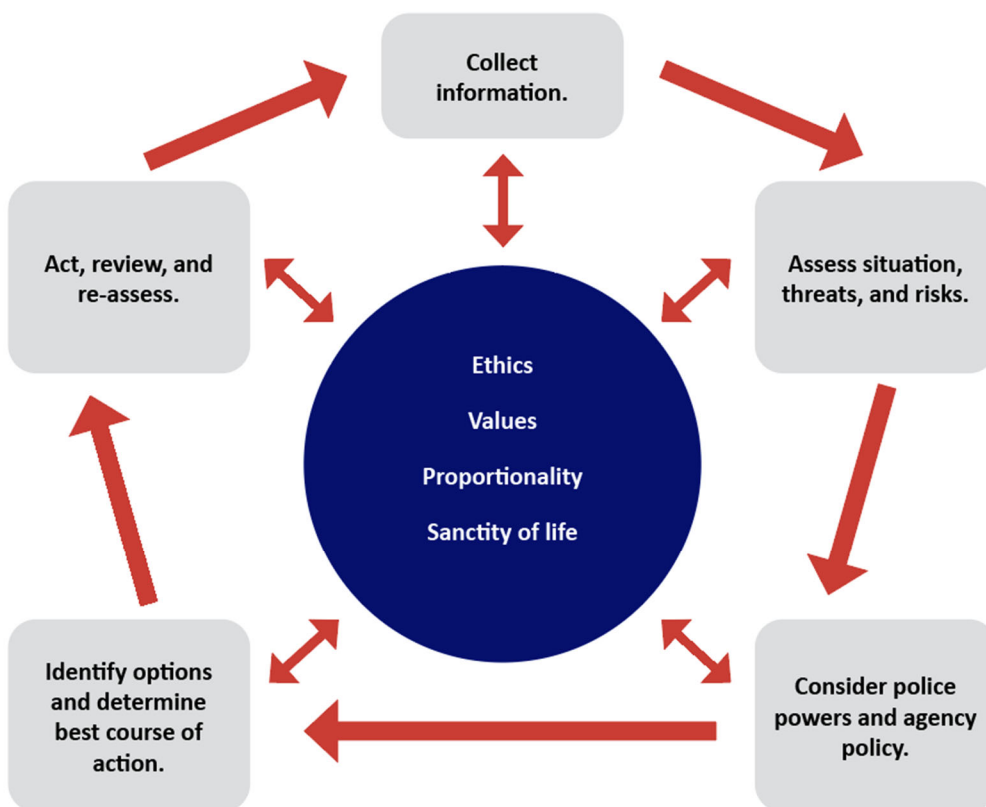
- Assess situation, threats, and risks.
- Consider police powers and agency policy.
- Identify options and determine best course of action.
- Act, review, and re-assess.

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

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

FIGURE 1.1

Critical Decision-Making Model



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

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

How Should FPD Implement Change?

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

Policies Reviewed

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

- Written Directive 1.09 Duty to Intervene
- Written Directive 4.1 Use of Force and Reporting
- Written Directive 4.10 Conducted Electrical Weapon (CEW)
- Written Directive 4.11 Use of Deadly Force and Reporting
- Operating Procedure 1.1 Internal Investigative Procedure
- Operating Procedure 1.12 Chain of Command Review Board
- Operating Procedure 4.1 Emergency Response Team
- Operating Procedure 4.5 Critical Response Plan
- Operating Procedure 4.6 Special Event, Passive Protests and Peaceful Demonstrations Planning
- Operating Procedure 4.8 Civil Emergency Unit
- Operating Procedure 4.10 Foot Pursuits

Overall

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

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

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

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

Written Directive 1.09 Duty to Intervene

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

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

RECOMMENDATION: Add language to Written Directive 1.09 Duty to Intervene. The FPD should add language to Written Directive 1.09 to include situations that, while not rising to the level of a violation of policy or law, nevertheless present opportunities to intervene when officers see a situation going poorly, manage a scene, or increase the likelihood of a favorable conclusion to a given situation.

Written Directive 4.1 Use of Force and Reporting

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

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

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

Current policy language states that "it will be the intent of our officers to use only the amount of force which is reasonably necessary." The FPD should also add a discussion of proportionality to this section. For example, the Washington, D.C., Metropolitan Police Department's use of force policy states:

"The policy of the Metropolitan Police Department (MPD) is to value and preserve the sanctity of human life at all times, especially when lawfully exercising the use of force. Therefore, MPD members shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. When using force, members shall continuously reassess the perceived threat in order to select the reasonable use of force response, or one that is proportional to the threat faced by him, her, or others."²⁹

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

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

- Written Directive 4.10 Conducted Electrical Weapon (CEW)

²⁹ Washington, D.C., Metropolitan Police Department General Order Series 901 Number 07 Use of Force: https://go.mpdonline.com/GO/GO_901_07.pdf

- Written Directive 4.11 Use of Deadly Force and Reporting
- Operating Procedure 4.1 Emergency Response Team
- Operating Procedure 4.8 Civil Emergency Unit
- Operating Procedure 4.10 Foot Pursuits

4.1.2 Definitions: Definitions to add/modify:

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

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

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

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

4.1.4 Weapons: Section A, Subsection 1, contains policy requirements for chemical/inflammatory agents. Current language is satisfactory; however, the FPD should add language requiring officers to render aid after deployment until Fire/EMS can assist with decontamination procedures. Section B Officer Responsibilities, Subsection 2, contains a duty to render aid requirement, but this should also be contained in the discussion of this force option.

RECOMMENDATION: Add language requiring officers to render aid. The FPD should add a requirement to this subsection to require officers to render aid after the deployment of chemical/inflammatory agents until Fire/EMS can assist with decontamination procedures.

Section A, Subsection 2, contains policy requirements for impact weapons, namely the ASP baton. Current language is satisfactory; however, the FPD should add requirements to render aid—both first aid and Fire/EMS when the ASP is used. Section B Officer Responsibilities, Subsection 2, contains a duty to render aid requirement, but this should also be contained in the discussion of this force option.

RECOMMENDATION: Add language requiring officers to render aid. The FPD should add a requirement to this subsection to require officers to render aid and request further medical assistance if needed after the use of the ASP.

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

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

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

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

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

Current language in Subsection D Investigations and Reporting is unclear as to how far up the chain of command review goes. PERF recommends that the chain of command review go up to the assistant chief of the involved officer’s division (typically Patrol). Language in this section should be added to reflect this requirement.

RECOMMENDATION: Use-of-force reports should ultimately be reviewed by an assistant chief. The FPD should clarify language in Subsection D Investigations and Reporting that states that the review of an officer's use of force go through their chain of command up to the level of that officer's assistant chief.

[START BOX] Earlier Changes to Written Directive 4.1 Use of Force and Reporting

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

Written Directive 4.1 Effective Date 3/5/2020

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

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

Written Directive 4.1 Effective Date 8/27/2020

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

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

Written Directive 4.10 Conducted Electrical Weapon (CEW)

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

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

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

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

4.10.2 Definitions

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

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

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

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

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

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

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

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

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

Written Directive 4.11 Use of Deadly Force and Reporting

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

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

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

4.11.2 Definitions

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

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

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

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

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

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

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

Operating Procedure 1.1. Internal Investigative Procedure

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

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

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

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

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

New Section: Critical Incident Review Board

While the FPD has a Chain of Command Review Board (Operating Procedure 1.12), that board is primarily focused on potential violations of FPD rules and regulations, policies, and procedures. The FPD should create an advisory body that reviews serious uses of force and other critical incidents with an eye toward the continual review and improvement of police services when issues in policy, training, or equipment are identified. At the conclusion of its review, the advisory body would make a recommendation to the police chief regarding the completeness of the investigations, findings, and action items.³⁰

We recommend this body be named the Critical Incident Review Board (CIRB). The CIRB should be led by an assistant chief and tasked with a review/investigation of the following incidents:

- All serious uses of force (including canine bites)
- Lethal force
- Less-lethal force with a tool
- Uses of force resulting in death, serious physical injury, or loss of consciousness or requiring hospitalization
- All in-custody deaths

³⁰ One example of such a policy is Baltimore Police Department's Policy 724—Performance Review Board—available at <https://www.baltimorepolice.org/724-performance-review-board>

- Any other critical police incident as directed by the chief of police

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

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

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

In addition, the FPD should have a process to provide an initial debrief to the chief within 72 hours following an officer-involved shooting or in-custody death to identify any immediate response or action. The chief should be briefed by investigators regarding the facts of the case known at that time to ensure that no immediate changes to policy, training, or equipment are necessary. The 72-hour tactical debrief is not meant to replace a formal administrative investigation.

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

Operating Procedure 4.1 Emergency Response Team

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

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

4.1.2 Definitions

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

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

Operating Procedure 4.5 Critical Response Plan

PERF identified no additional recommendations for this policy.

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

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

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

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

Operating Procedure 4.8 Civil Emergency Unit

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

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

4.8.3 Definitions

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

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

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

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

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

Operating Procedure 4.10 Foot Pursuits

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

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

Other PERF Observations

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

Strengths

- Overall, FPD's use-of-force and related policies are progressive and reflect modern policing practices. PERF's recommendations for policy changes are minimal.
- Training was cited as an area that the FPD excelled in. The FPD should continue to use progressive training methods (see second item in "Opportunities for Improvement," below).
- Chief Hawkins has [said](#) the department discourages chokeholds and does not train on them. She has also said the department has never used a no-knock warrant.³¹
- Chief Hawkins has [emphasized](#) de-escalation training and allowing civilians to see police training for themselves.³²
- Fayetteville was among the nine North Carolina cities to sign on to former President Barack Obama's [Reimagining Policing Pledge](#), which commits cities to reviewing their use-of-force policies and finding ways to redefine public safety and combat racism within law enforcement.³³
- The FPD has [adopted](#) six of the "8 Can't Wait" policies.³⁴ Regarding the two it has not put into policy, one would require an officer to give a verbal warning in all cases before firing a lethal shot. Hawkins said that is department policy except when an officer's life could be at risk. As officers are required to give a warning if at all possible, PERF does not take issue with this decision. The other is an absolute ban on chokeholds and strangleholds. Hawkins has said that even though the city's policy discourages those tactics as a last resort, she has concerns about an absolute ban, as there might be a situation in which an officer has to use the procedure to save his life. PERF does not find issue with this, as chokeholds are placed at the level of lethal force per policy.

³¹ Henderson, J. (2020, October 7). Fayetteville moves ahead with racial bias training, diversity study of city contracts. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/10/07/fayetteville-moves-ahead-bias-training-and-diversity-study-part-social-justice-movement/5907848002/>

³² Berquist, G. (2020, June 18). *Fayetteville chief says protests only one part of community engagement*. Spectrum News 1. <https://spectrumlocalnews.com/nc/triangle-sandhills/news/2020/06/18/fayetteville-police-chief-on-protests>

³³ *Commit to action: Addressing police use of force policies*. (n.d.). Obama Foundation. <https://www.obama.org/policing-pledge/>

³⁴ Henderson, J. (2020, June 27). Fayetteville mayor appoints committees to study racial bias inside and outside of City Hall. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/politics/government/2020/06/27/fayetteville-mayor-appoints-committees-to-study-racial-bias-inside-and-outside-of-city-hall/112296862/>

Opportunities for Improvement

- The FPD should work to improve communication vertically throughout the agency regarding policy changes and other important updates. This was a common theme that was raised during departmental interviews. There are a number of ways to accomplish this.
 - Video conferencing and similar tools can be used by FPD's leaders to communicate with officers to share information. For instance, the Washington, D.C., Metropolitan Police Department chief of police hosts a regular online "chat with a chief" that all employees can watch to see what the chief's priorities are. The FPD can also use this to share information quickly (good or bad) to the department to avoid the rumor mill. While this can be used in a top-down format, FPD leaders should consider an interactive segment to elicit employee feedback, answer questions, and dispel misperceptions.
 - Officers should be encouraged to follow the department's social media (e.g., Facebook, Twitter) to keep abreast of police/community issues.
- FPD should incorporate the principles of PERF's Integrating Communications, Assessment, and Tactics (ICAT) Training and Critical Decision-Making Model (CDM) into its policies, training, and operations.
- The FPD should consider consolidating its current use-of-force policies to ensure clarity and ease of reference. When issues pertaining to use-of-force are broken into numerous policies, there is a chance that revisions may not be applied uniformly.
- Interviews revealed that some internal affairs investigative information is unknown to most senior leaders in the department. It would be helpful to FPD leaders if this information is shared with senior leaders so they are aware of the allegations made and the final outcome of the investigation, particularly for those in their command.
- The FPD should provide more explanation to employees when making policy changes so that officers can understand the need for these changes and get officer buy-in. Prior to making major policy changes, the FPD should solicit officer feedback.
- To address a recent lack of proactive policing— a result of officers concerned with the backlash that could come from possible use of force—department leaders should make it clear that if officers follow policy, they will be supported.

In Their Words: Use of Force [BOX OF QUOTES]

What some FPD employees think about their department's use-of-force policies:

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

"Numbers show that our use of force is down. I'm not sure if it's because we're doing a better job with de-escalation or not engaging at all. That could end up being a problem across the country: Is it really a fact or are some officers just not engaging with citizens in good or bad relationships? That might skew our thoughts on use of force going down."

"We keep [our policies] up-to-date, making sure we have the right tools, without making national news in a negative way. Personally, I think we've been doing well with that."

“We’ve investigated many uses of force, and the way it reads is reasonable, transparent. We have to be accountable to ourselves and the public. It’s important to reevaluate on a continuous basis. As long as we better the process and not hinder our ability to do our job, I’m all for change.”

Section 2: Review of FPD’s Approach to COVID-19

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

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

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

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

The first COVID-19 community transmission in America was recorded in [February](#) 2020.³⁵ North Carolina was alerted to its first case on [March 3](#).³⁶ A little more than two weeks later, [Cumberland County](#)—of which Fayetteville is a part—recorded its first two cases.³⁷ By the [close of 2020](#), the county had seen more than 13,400 cases and 130 deaths from COVID.³⁸

But even before North Carolina’s governor issued a [stay-at-home order](#) (March 27)³⁹ or Fayetteville implemented its citywide [curfew](#) (March 31),⁴⁰ the police chief started taking action to protect her employees. Chief Gina Hawkins didn’t wait for the city to issue guidance to its employees—she took it upon herself to get that information out to her team and did so early on (see box, Page x).

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

³⁵ Geographic differences in COVID-19 cases, deaths, and incidence — United States, February 12–April 7, 2020. *MMWR. Morbidity and Mortality Weekly Report*, 69. <https://doi.org/10.15585/mmwr.mm6915e4>

³⁶ N.C. Department of Health and Human Services. *North Carolina identifies first case*.

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

³⁸ DeVane, S. (2020, December 31). Top stories of 2020, No. 1: Fayetteville, Cumberland County grapple with COVID-19 cases. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/12/31/covid-19-hits-cumberland-county-fayetteville-fort-bragg-2020/3957709001/>

³⁹ Baumgartner Vaughan, D. (2020, March 27). Stay-at-home order issued for North Carolina. *The News & Observer*. <https://www.newsobserver.com/news/coronavirus/article241469211.html>

⁴⁰ *Fayetteville mayor issues citywide curfew amid COVID-19 pandemic, police ask for “voluntary compliance.”* (2020, March 31). CBS17.com. <https://www.cbs17.com/community/health/coronavirus/fayetteville-mayor-issues-citywide-curfew-amid-covid-19-pandemic/>

“The Fayetteville Police Department can only service the community with a healthy workforce,” the [post](#) said, “so we have taken steps to prepare and protect the workforce by changing our internal practices, procedures and process methods to ensure we minimize the impact to the organization should we get exposed.”⁴¹

Hawkins had learned about COVID in December 2019 from a city employee, so when she began seeing movement in the United States—but no solid guidance from national figures—she did her own research on how to best protect her department. She kept reading over and over that masks were an effective first barrier, but by mid-March, there were no masks to be found, as any available protection was being shipped to health care workers.

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

“We have a job to do,” Hawkins told The Fayetteville Observer in an [April 5 article](#). “We have to enforce the law. We have to make sure people are protected and property is protected.”⁴²

Also in her research, the chief found a prototype mask that could be printed on a [3D printer](#), so with materials purchased by the FPD, Hawkins enlisted Cumberland County high school teachers to use their 3D printers to make the masks, which had a spot for a filter.⁴³

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

“We were one of the early adopters of the mask requirement, even before recommendations came out from the CDC,” one FPD employee said. It didn’t become [mandatory to wear a mask](#) in North Carolina until June 26.⁴⁴

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

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

Hawkins also made sure the department had air purifiers and disinfectants in the buildings, dividers throughout workspaces, and hand sanitizer pumps on every corner, and she replaced the water

⁴¹ Fayetteville Police Department. (2020, March 27). [Status update]. Facebook.

<https://www.facebook.com/watch/?v=235906727553786>

⁴² Brown-Peyton, M. (2020, April 5). Fayetteville police chief, volunteers make masks for officers. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/coronavirus/2020/04/05/fayetteville-police-chief-volunteers-make-masks-for-officers/112318360/>

⁴³ Baez, G. (2020, April 6). *Teachers using 3D printers to make masks for Fayetteville police*. WRAL.com.

<https://www.wral.com/coronavirus/teachers-using-3d-printers-to-make-masks-for-fayetteville-police/19044948/>

⁴⁴ WTVD. (2020, June 26). *North Carolina’s statewide mask requirement is now in effect. Here’s what you need to know*. ABC11 Raleigh-Durham. <https://abc11.com/nc-face-mask-order-masks-north-carolina-required/6270849/>

fountains with touchless ones. There were ozone gadgets for cars and alcohol spray for doorknobs. And when KN-95 masks finally became available, Hawkins purchased thousands for her team.

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

Hawkins kept the department's lobbies closed to the public until May 2021, when the state's mask mandate [lifted](#).⁴⁵ When the city government ended its mask mandate in its buildings to coincide with the state's advice, Hawkins kept hers in place for officers during any face-to-face interactions departmentwide. It continues today.

The need for social distancing did affect community policing, though even that did not shutter—it was simply adjusted. In November 2020, in her update to the City Council, Hawkins [said](#) that while the department had to adjust its efforts because of COVID-19 restrictions, it was continuing to reach out to the public through community policing.⁴⁶ The CrimeStoppers program, gun violence education programs, and community faith forums were all held over Zoom and social media.

The Challenges

Police Response

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

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

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

“The police department was the only agency working 24-7, day in and day out,” one FPD employee said. “Police were the only responders out there, and that put an additional stress on them. We had always done it, but always with assistance, not by ourselves. ... We were like, we don't want to go to the call

⁴⁵ N.C. Governor's Office. *Following new CDC guidance on face coverings, Governor Cooper lifts many COVID-19 restrictions*. (2021, May 14). <https://governor.nc.gov/news/press-releases/2021/05/14/following-new-cdc-guidance-face-coverings-governor-cooper-lifts-many-covid-19-restrictions>

⁴⁶ Mullen, R. (2020, November 9). Fayetteville police chief says many crimes up, officer morale low. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/11/09/fayetteville-police-chief-gina-hawkins-delivers-crime-statistics/6179124002/>

either, but we didn't have the option to say no to any calls. We did a little adjustment, but ultimately, if a citizen wanted an officer to respond, we had to comply."

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

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

Politics

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

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

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

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

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

Cases

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

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

COVID Cases [BOX]

In the FPD

As of November 17, 2021:

Total FPD employees exposed or tested: 413

Total FPD employees testing positive: 117

Total FPD employees testing positive who were unvaccinated: 112

In Cumberland County, N.C.

As of November 18, 2021:

Cases: 47,018

Deaths: 487

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

In North Carolina

As of November 18, 2021:

Cases: 1.51 million

Deaths: 18,534

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

Sources: FPD, The New York Times

COVID and Crime Rates in Fayetteville

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

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

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

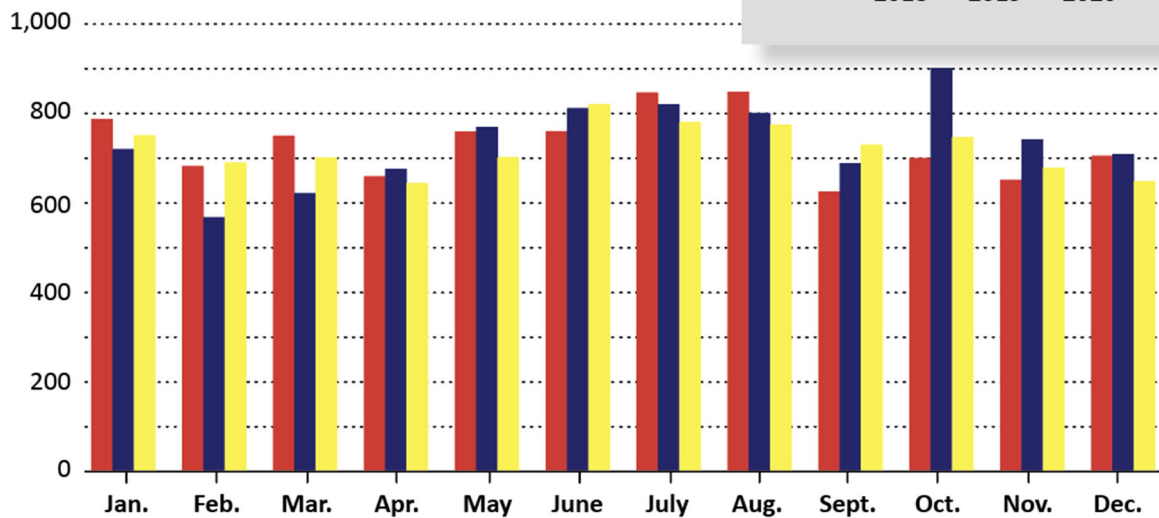
PERF's review of FPD's data found that the COVID-19 pandemic did not appear to have any significant impact on the city's crime rates. Overall, Part 1 crimes are decreasing, but criminal homicides increased over the period in review. Crime rates for each of the eight categories fluctuated from month to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

Figure 2.1 below shows the total Part 1 crimes in Fayetteville by month and year from January 1, 2018, to December 31, 2020.

FIGURE 2.1

**Total Part 1 Crimes by Month and Year
(January 2018 Through December 2020)**

■ 2018 ■ 2019 ■ 2020



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

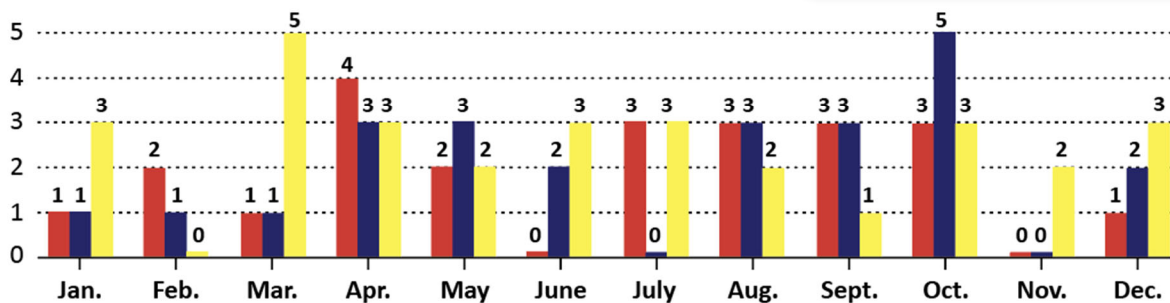
As shown above, Part 1 crime rates fluctuate somewhat by month and year but are relatively consistent, with October 2019 being an outlier with 908 Part 1 crimes—the highest of the three-year period. Total Part 1 crime in Fayetteville increased slightly from 2018 to 2019 and decreased from 2019 to 2020.

Figure 2.2 below shows monthly and yearly criminal homicide totals for the years 2018 to 2020.

FIGURE 2.2

Total Criminal Homicides by Month and Year (January 2018 Through December 2020)

■ 2018 ■ 2019 ■ 2020



Source: Fayetteville Police Department.

Homicide totals range from a low of zero to a high of five per month over the three-year period, with two to three criminal homicides per month being typical.

Criminal homicides increased by one from 2018 to 2019 and by six from 2019 to 2020. This increase from 2019 to 2020 mirrors nationwide trends. Specifically, PERF's research found a 28% increase in criminal homicides nationwide based off a survey of 223 agencies that measured crime rates from the first nine months of 2019 and 2020.⁴⁷

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

There are several resources that the FPD can use to help reduce its response to criminal homicides. One is *Promising Strategies for Strengthening Homicide Investigations: Findings and Recommendations from the Bureau of Justice Assistance's Homicide Investigations Enhancement Training and Technical Assistance Project*.⁴⁸ In this report, PERF conducted comprehensive assessments of the criminal

⁴⁷ Police Executive Research Forum. *PERF analysis reveals a spike in some violent crimes this year*. (2020, November 18). <https://www.policeforum.org/criticalissuesnov18>

⁴⁸ Police Executive Research Forum. *Promising Strategies for Strengthening Homicide Investigations Findings and Recommendations from the Bureau of Justice Assistance's Homicide Investigations Enhancement Training and Technical Assistance Project*. (2018). <https://www.policeforum.org/assets/homicideinvestigations.pdf>

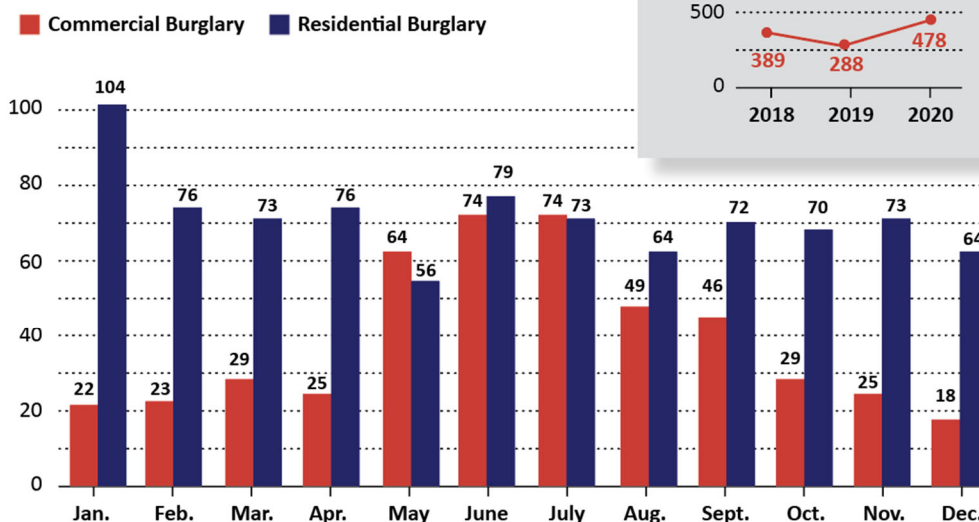
homicide investigation policies and practices in five police departments: the Baltimore Police Department, the Cleveland Division of Police, the Houston Police Department, the Miami Police Department, and the Pittsburgh Bureau of Police. The project sites were chosen based on criteria that included: a recent rise in criminal homicide rates, criminal homicide clearance rates that were decreasing and/or were below the national average, and a commitment of the police departments' leaders to improving criminal homicide investigation procedures.

Another valuable resource is the Bureau of Justice Assistance's toolkit for improving homicide investigations,⁴⁹ which contains a number of documents to improve the police response to homicide and nonfatal shooting investigations.

A month-to-month study of Fayetteville's crime data, as seen in Figure 2.3, shows that there was a considerable spike in commercial burglaries from 2019 to 2020—much of it coming from May through July 2020 during the height of the unrest—but a decrease in residential burglaries.

FIGURE 2.3

Burglaries by Property Type, 2018 to 2020, and 2020 by Month



Source: Fayetteville Police Department.

An ABC-11 [report](#) noted that traffic offenses were cut almost in half in 2020, and there was also a decrease in DWI incidents.⁵⁰

⁴⁹ *Promising Strategies for Strengthening Homicide Investigations*. Bureau of Justice Assistance and Police Executive Research Forum. Retrieved November 13, 2021, from <https://centerforimprovinginvestigations.org/homicide-investigations/>

⁵⁰ Kummerer, S. (2021, February 24). *2020 crime data shows increased business burglaries and fewer traffic offenses*. ABC11 Raleigh-Durham. <https://abc11.com/2020-crime-data-north-carolina-durham-police-fayetteville/10367561/>

But with so many families locked down in their homes for so many months, reports of domestic violence and child abuse each increased by 32%, with more than 700 domestic violence incidents and close to 200 reports of child abuse logged in 2020, according to the [report](#).⁵¹

PERF's Observations on the National Response [BOX]

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

"I think it's remarkable how well police and sheriffs' departments responded to the pandemic, especially during the first critical weeks, when few people understood how long it might last and how it would impact our daily lives," Wexler wrote. "Police chiefs and sheriffs quickly recognized the threats and dealt with them."

He continued: "Just think how catastrophic it could have been if police departments had not immediately taken decisive actions to protect officers against the threat of COVID infection. Entire departments could have been essentially shut down. How long would it have taken criminal offenders to realize that there was 'no one minding the store'?"

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

- Keep emergency and continuity-of-operations plans updated, and make sure you have adequate supplies of personal protective equipment and other necessities.
- The safety and wellness of officers should be a guiding priority in how agencies respond to pandemic events.
- Be prepared to change staffing schedules and other systems immediately.
- Ensure that communications and IT systems are up to date and can be adjusted on short notice.
- Ensure that jail operations are part of the overall planning effort.
- Plan for adjustments to recruit and in-service training.
- Be prepared for impacts on recruiting new officers.
- Leaders should remain in frequent communication with agency personnel.
- Be prepared for how pandemic events may impact police budgets.
- Monitor crime trends closely for emerging issues.
- Identify vulnerable populations, and work with partners to meet their needs.
- Clearly communicate to the public how police will manage the enforcement of public health guidelines.
- Continue to find ways to engage with the community.
- Ensure that mutual aid agreements and other partnerships are in place and can be called upon when needed.
- Be prepared for the unexpected (like May 30).

PERF Observations on FPD Response to COVID-19

⁵¹ Ibid.

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

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

After-Action Report

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

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

Monitoring Trends

While PERF's review of FPD's data found that the COVID-19 pandemic did not appear to have any significant impact on the city's crime rates, the FPD should carefully monitor criminal homicide trends, reviewing incidents thoroughly and identifying resources to prevent and solve criminal homicides so this upward trend can be addressed.

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

In Their Words: COVID-19 [BOX OF QUOTES]

What some FPD and city employees think about their department's COVID-19 response:

"It took a while because of the political climate—some didn't want to wear masks or social distance—but when numbers started rising, they started protecting themselves. I was impressed at how quickly hand sanitizer showed up, and soap. I think the department worked quicker than the city."

"[Hawkins has] done an excellent job with COVID—the equipment, education, leadership, commitment. I never received anything but cooperation from the police department."

"They were quick to respond. There was a shortage of masks in the beginning, but our department was swift in providing masks and sanitizer. I noticed and appreciated it."

"Other agencies did not prepare and implement policies early on, and they had a much higher volume of sicknesses. As things went on, internal culture kind of relaxed and we started to see COVID impact the department. It was nothing policy could change; we just got comfortable."

Section 3: Review of FPD’s Approach to Mass Demonstrations

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

Brief History of Race Issues in Fayetteville: Context for Discussion

Demographically, the [racial](#) breakdown in Fayetteville is 45 percent white, 42 percent Black, and 12 percent Hispanic or Latino.⁵² Throughout its history, the city has witnessed racial division and confrontations over a variety of issues. Two that have made significant headlines over the past few years are the Market House and “Driving While Black.”

[Caption on PDF: Market House photo circa 1937 via Library of Congress]

Market House

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

Built in [1832](#) on the site of the old State House—which burned down in 1831 and held the significance of being where North Carolina delegates ratified the U.S. Constitution—it is the only National Landmark in Cumberland County and one of only 40 in North Carolina.⁵³

But for many of Fayetteville’s citizens, the Market House has represented a painful part of the city’s history. Rumors that it was the site of a slave market have proved untrue, but [slaves were sold there](#).⁵⁴ According to a [study](#) by Duke University professor John Cavanagh, the sale of slaves “happened occasionally at the State House and Market House” up until 1865.⁵⁵ Most of the slaves were reportedly sold “in conjunction with the settlement of estates” and not at a daily auction block. Fayetteville’s current mayor Mitch Colvin [has said](#) his grandmother’s grandfather was a slave who was sold at the Market House.⁵⁶

According to a [2016 Fayetteville Observer article](#) on the history of the Market House, in 1979, the city’s school board voted to remove the Market House image from high school diplomas because of complaints from Black residents.⁵⁷ Then, in [1989](#), the North Carolina General Assembly’s Black Caucus boycotted a special legislative session in Fayetteville that was to be held at the site commemorating the bicentennial of the state’s ratification of the U.S. Constitution in 1789.⁵⁸ A resolution presented by the caucus requested that a plaque be placed in the building as a reminder of “this moral atrocity.”

⁵² U.S. Census Bureau, *U.S. Census Bureau QuickFacts*.

⁵³ *Market House*. (n.d.). Visit Fayetteville. <https://www.visitfayettevillenc.com/listing/market-house/7361/>

⁵⁴ Fowler, H. (2020, June 17). Slaves were sold at a market in George Floyd’s NC birthplace. Many people want it gone. *The News & Observer*. <https://www.newsobserver.com/article243598877.html>

⁵⁵ City of Fayetteville. (1988, January 4). Fayetteville City Council meeting minutes. <https://www.fayettevillenc.gov/Home/ShowDocument?id=4870>

⁵⁶ Lozano, M. (2020, June 29). *Fayetteville City Council votes to move forward with removing Market House imagery from city property*. ABC11 Raleigh-Durham. <https://abc11.com/mayor-mitch-colvin-the-market-house-george-floyd-fayetteville-seal/6281998/>

⁵⁷ Original link (no longer working): <https://www.fayobserver.com/article/20160226/news/302269875>

⁵⁸ *Memory of sold slaves, Fayetteville*. Commemorative Landscapes. <https://docsouth.unc.edu/commland/monument/643/>

Such a plaque was approved by the city council, though its wording passed only narrowly in a 5-4 vote after much heated debate. It was dedicated in 1994 during restoration work on the Market House and [begins](#) with a quote from famed Black writer Charles W. Chesnutt, who taught in Fayetteville (and whose name is [misspelled](#) on the plaque).⁵⁹ The plaque notes it is “In memory and honor of those indomitable people who were stripped of their dignity when sold as slaves at this place.”

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

“Given the mood of the country in the midst of this tragic incident in Charleston; Fayetteville needs to rebrand itself and remove the Market House from its official logo,” the [letter](#) read,⁶⁰ acknowledging the [killing](#) of nine Black residents at a Charleston, South Carolina, church that year. “The Market House continues to be extremely divisive and offensive to many in our community. While the plaque affixed to it may offer a small measure of honor for the sacrifices of those sold there, this massive center piece poorly reflects the heart of this All American City.”

While the city council [voted to stop](#) using the Market House in its branding, it kept it in the city seal and official documents.⁶¹

It wasn’t until after the George Floyd protests that the council—which was now majority Black—[voted](#) to remove the Market House from the city seal.⁶² A [petition](#) to tear down the building garnered 126,000 signatures,⁶³ while [some](#) want to preserve the building’s history and others are requesting that it be used as a multicultural arts center that honors Black history.⁶⁴ In October 2021, it was [reported](#) that representatives from the U.S. Department of Justice were set to visit Fayetteville to continue the conversation.⁶⁵

Driving While Black

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

In [2010-2013](#), figures from the State Bureau of Investigation showed that Black drivers were three times more likely than white drivers to have their vehicles searched by consent by Fayetteville police, and it noted that many of the searches were sparked by stops related to regulatory violations, where a driver

⁵⁹ Ibid.

⁶⁰ *Some call for removal of Market House from Fayetteville logo due to ties to slave trade*. (2015, July 15). ABC11 Raleigh-Durham. <https://abc11.com/market-house-logo-slave-trade-fayetteville/851811/>

⁶¹ Original link (no longer working): <https://www.fayobserver.com/article/20160907/blogs/309079790>

⁶² Thomas, A. (2020, June 29). *Fayetteville approves removal of Market House from city seal*. WRAL.com.

<https://www.wral.com/fayetteville-approves-removal-of-market-house-from-city-seal/19167069/>

⁶³ *Knock down slave Market House in center of downtown Fayetteville NC*. Change.org. Retrieved November 13, 2021. <https://www.change.org/p/city-of-fayetteville-nc-knock-down-slave-market-house-in-center-of-downtown-fayetteville-nc>

⁶⁴ Riley, R. (2021, October 6). Department of Justice representatives to meet with Fayetteville committee on Market House. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/10/06/departments-justice-provide-input-fayetteville-market-house/5946947001/>

⁶⁵ Ibid.

might have a broken taillight or expired tag.⁶⁶ (The Fayetteville Observer did its [own](#) investigation, finding that in three years, 4,227 Black drivers had been searched compared with 1,315 white drivers.)⁶⁷

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

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

The Murder of George Floyd

On Monday, May 25, 2020, 46-year-old [George Floyd](#) was arrested after a convenience store clerk called police in Minneapolis, Minnesota, and said the man had purchased cigarettes with a counterfeit \$20 bill.⁶⁸

In an eye-witness cellphone video that would soon go viral around the world, Floyd—a Black man who was [born in Fayetteville](#)—was seen being pinned to the ground by multiple police officers, including Derek Chauvin, who knelt on his neck for at least eight minutes.⁶⁹ Even after Floyd declared that he couldn't breathe and lost consciousness and paramedics were called to the scene, Chauvin's knee remained pinned on Floyd's neck.

The day after Floyd's death, the Minneapolis Police Department fired all four officers involved in the incident.⁷⁰ On May 29, Chauvin was [charged](#) with third-degree murder and second-degree manslaughter. All week, people took to the streets of Minneapolis to demand justice.⁷¹

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

Across the Nation

⁶⁶ Pitts, M. B. (2021, February 24). "Driving While Black": Have Fayetteville police officers gone back to old ways? *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/02/24/driving-while-black-have-fayetteville-nc-police-gone-back-old-ways/4554029001/>

⁶⁷ Ibid.

⁶⁸ Hill, How George Floyd was killed.

⁶⁹ Fernandez, George Floyd, from "I want to touch the world."

⁷⁰ Hill, How George Floyd was killed.

⁷¹ MacFarquhar, Ex-officer charged in death of George Floyd.

A vast majority of the protests that occurred after Floyd's death were peaceful, according to a Washington Post [examination](#) of 7,305 events in May and June 2020.⁷² Millions of people in all 50 states and Washington, D.C., took to the streets in protest.

But many protests were not peaceful. According to the Post report, police made more than 8,500 reported arrests at roughly 5 percent of the protest events and used tear gas or related chemical substances at 2.5 percent of the events.⁷³ Protesters or bystanders were reported injured in 1.6 percent of the protests and accounted for five deaths, and police were injured in 1 percent of protests, and one died.⁷⁴

The Post also reported that 3.7 percent of the protests involved property damage or vandalism, though "some portion of these involved neither police nor protesters, but people engaging in vandalism or looting alongside the protests," the report said.⁷⁵

In some of the nation's bigger cities, [mass demonstrations](#) were met with riot police, National Guard troops, and tear gas.⁷⁶ From [Denver](#)⁷⁷ to [Philadelphia](#),⁷⁸ police cars were torched, protesters were [blinded](#) by rubber bullets,⁷⁹ and violent clashes resulted in countless injuries—both to police and by police—and [deaths](#).⁸⁰ In [Chicago](#) alone, three days of rioting that began on May 30 resulted in more than 1,200 arrests and 130 injuries to police officers. Some protests would continue for weeks.⁸¹

In analyzing nearly 500 videos of protests across the country, [Amnesty International](#) documented 125 separate incidents of police violence against protesters in 40 states and the District of Columbia between May 26 and June 5, 2020.⁸²

⁷² Chenoweth, Analysis | This summer's Black Lives Matter protesters.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Hernández, A. R., Janes, C. J., Stanley-Becker, I., Griffiths, B. D., Erickson, A., & Van Dongen, R. (2020, May 31). Demonstrators, police clash across nation in another night of protest. *The Washington Post*.

<https://www.washingtonpost.com/nation/2020/05/30/george-floyd-protests-live-updates/>

⁷⁷ Schmelzer, E. (2021, September 14). 50 demonstrators sue Denver alleging police illegally injured or arrested them during 2020 protests. *The Denver Post*. <https://www.denverpost.com/2021/09/13/denver-protester-lawsuit/>

⁷⁸ Todt, R. (2021, April 23). *Fires set, stores damaged as peaceful protests turn violent*. The Associated Press.

<https://apnews.com/article/tom-wolf-pennsylvania-jim-kenney-pa-state-wire-pittsburgh-f7117ea1728ff427e71c28a07ac4fa0e>

⁷⁹ Kelly, M., Lee, J. S., & Swaine, J. (2020, July 14). Partially blinded by police: Video evidence undermines official accounts of injuries at George Floyd protests. *The Washington Post*.

<https://www.washingtonpost.com/investigations/2020/07/14/george-floyd-protests-police-blinding/>

⁸⁰ McEvoy, J. (2020, June 8). 14 days of protests, 19 dead. *Forbes*.

<https://www.forbes.com/sites/jemimamcevoy/2020/06/08/14-days-of-protests-19-dead/?sh=cd2b79a4de4f>

⁸¹ Cherone, H. (2020, June 6). *George Floyd protests: 1,258 arrested, 130 police officers injured in Chicago*. WTTW News. <https://news.wttw.com/2020/06/06/george-floyd-protests-1258-arrested-130-police-officers-injured-chicago>

⁸² Amnesty International. *Exclusive: Amnesty maps out US police violence at #BlackLivesMatter protests*. (n.d.). <https://www.amnesty.org/en/latest/news/2020/06/usa-unlawful-use-of-force-by-police-at-black-lives-matter-protests/>

The New York Times [reported](#) that 100 law enforcement agencies used some form of tear gas against protesters in the days and weeks that followed Floyd’s murder.⁸³ On its accompanying map of the United States four cities in North Carolina are pointed out: Wilmington, Raleigh, Charlotte, and Asheville.

In North Carolina

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

Though Raleigh’s demonstrations began peacefully, they grew violent, and, according to The [News & Observer](#), “law enforcement officers repeatedly launched tear gas and foam batons—sometimes called rubber bullets—at protesters. Some demonstrators threw water bottles, rocks and fireworks at police, and downtown windows were smashed, and some stores were robbed.”⁸⁴ On May 30-31, police deployed 250 canisters or grenades of tear gas and more than 250 foam “baton/projectiles” were used.⁸⁵

In the city’s after-action [report](#), it noted that 14 officers were injured, and 17 police vehicles were damaged; there were 153 reported burglaries, 71 reports of property damage, six reported incidents of arson, and 106 arrests stemming from the protests.⁸⁶ The report also acknowledged that police used expired tear gas.

[Captions from this section on PDF:

Photos by Ed Clemente for The Fayetteville Observer

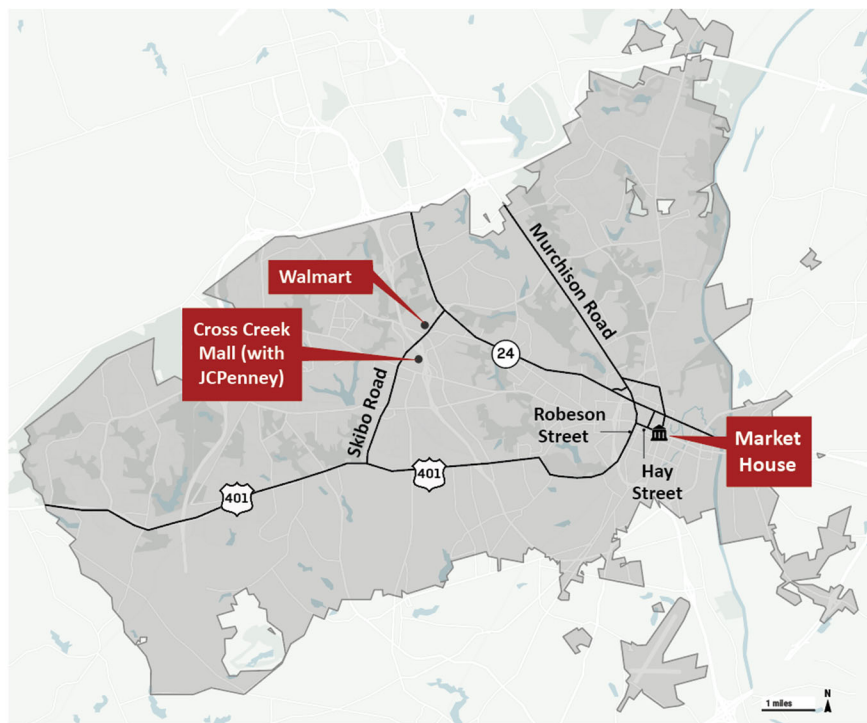
Photo of smoke pouring out of Market House from The News & Observer]

⁸³ Lai, K. K. R., Marsh, B., & Singhvi, A. (2020, June 16). Here are the 98 U.S. cities where protesters were tear-gassed. *The New York Times*. <https://www.nytimes.com/interactive/2020/06/16/us/george-floyd-protests-police-tear-gas.html>

⁸⁴ Johnson, A., & Hajela, A. (2020, September 16). Raleigh police used expired tear gas on George Floyd protesters, new report says. *The News & Observer*. <https://www.newsobserver.com/news/local/counties/wake-county/article245725665.html>

⁸⁵ Ibid.

⁸⁶ Ibid.



Fayetteville's Day of Unrest

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

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

Community advocate Rakeem Jones had [unofficially organized](#) the afternoon protest via social media.⁸⁷ After seeing videos of people protesting Floyd's death across the country, he posted the question, "What if this happened in the 'Ville on a Saturday in the middle of the day?"⁸⁸ Soon, people responded saying they'd "be there" and the protest moved from a question pondered on social media to an organized event along Skibo Road at 3 p.m. Saturday, May 30.

As city officials, including Hawkins, got wind of the protest, some called Jones to ask him to shut it down. He reassured them that the protest would be peaceful. In a [column](#) he wrote for The Fayetteville

⁸⁷ Jones, R. (2021, May 30). Rakeem Jones: The best mistake ever, my view on Fayetteville's 2020 protests and the peace of Sundays. *The Fayetteville Observer*. <https://www.fayobserver.com/story/opinion/2021/05/30/rakeem-jones-best-mistake-ever/5271520001/>

⁸⁸ Ibid.

Observer on the anniversary of the protest, he said that in reassuring city officials, he felt like he was assuming responsibility for the people assembling, which later worried him.⁸⁹

“Around 12 o’clock, I got a call from my friend informing me that Cross Creek Mall had closed down in the middle of the day,” Jones wrote. “Then, Walmart shut down operations for the day. When I heard that, my stomach dropped to my feet. On social media, a prominent church posted that people would be rioting on Skibo. The post struck me as odd, because rather than join us to ensure peace, the church would rather create a false narrative and incite fear.”⁹⁰

While Hawkins expected crowds to form both on Skibo Road and in downtown Fayetteville, she and others didn’t expect the masses who would come to the city from around the region.

3 p.m.: Protest on Skibo Road begins

On that afternoon of May 30, despite rain, peaceful protesters gathered at the Walmart on Skibo Road and marched down the street, about a half-mile to Cross Creek Mall, escorted by the Fayetteville Police Department. The [protest](#) was attended by Black and white, children and the elderly; some held signs and many in the crowd chanted, “No justice, no peace.”⁹¹ At Cross Creek Mall, Fayetteville Mayor Mitch Colvin addressed the crowd, expressing his support.

“This is about change,” Colvin [said](#) through a bullhorn. “For over 400 years, people of color have been misused in this system. It is time for different results. If you want to be heard, it’s about economic and political power.”⁹²

Afterward, there was a brief sit-in on Skibo Road. And then word got out about another protest being held downtown at 5 p.m. in front of the controversial Market House. Word quickly spread on social media that rapper J. Cole and NBA basketball star Dennis Smith Jr.—Fayetteville natives—would be there, and people began flooding into downtown.

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

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

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Mullen, R. (2020, May 30). The latest: Reports of looting at JC Penney in Cross Creek Mall. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/05/30/latest-reports-of-looting-at-jc-penney-in-cross-creek-mall/112313798/>

⁹² Mullen, R. (2020, May 30). “This is about change:” Fayetteville protests of killing of George Floyd. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/05/30/this-is-about-changersquo-fayetteville-protests-of-killing-of-george-floyd/41764841/>

The protest remained peaceful until about [6:45 p.m.](#), when protesters broke into the Market House, smashing several windows.⁹³

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

Sometime in the 7 o'clock hour, protester [Charles Pittman carried](#) a gasoline container to the second story of the Market House and waved it to the crowd before pouring gasoline onto the floor inside.⁹⁴ [Andrew Garcia-Smith then picked up](#) a bottle filled with flammable liquids and threw it into the Market House. The liquid spilled on Garcia-Smith, setting his clothes and hair on fire.⁹⁵ Alarms went off in the Market House and the sprinkler system deployed. The building was on fire.

After a while, murmurs emerged from the crowd, as people wondered why the fire department hadn't arrived to douse the blaze. Police officers on the outskirts of the protest wanted to move in. But from the command center, Chief Hawkins told them to stand back. Through the hour, the chief continued to hear from commanders asking if they could react. But she knew they didn't have the visual she and those monitoring the demonstration had. Through camera footage, she could see weapons—from bats and knives to firearms—among those in the crowd and knew from the intelligence they had received earlier that there could be nonresidents among them seeking to agitate the crowd and do harm.

"No one in the community was able to see that," Hawkins said. "They just could see we weren't responding."

Hawkins, the fire chief, the city manager, and the mayor all agreed that sending in the fire department at that point was not a good idea. To do so meant the police would also need to respond and move the crowds back, and the situation remained too volatile. There was also concern that if the police squeezed the crowd away from the Market House, they'd spread to the side streets and start fires or cause damage elsewhere.

"She was concerned that if we pushed on them at the Market House, the only thing that would happen is they'd spread to side streets," one FPD employee said. "At least we had them in one general location, with cameras trained and police in the crowd."

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

⁹³ *Market House set on fire in Fayetteville; police deploy emergency response unit.* (2020, May 30). CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/mall-closes-as-protest-over-george-floyds-death-begins-in-fayetteville/>

⁹⁴ The Associated Press. (2020, November 5). Defendants in North Carolina arson case plead guilty. <https://www.usnews.com/news/best-states/north-carolina/articles/2020-11-05/defendants-in-north-carolina-arson-case-plead-guilty>

⁹⁵ Ibid.

Downtown business owners, who had been warned by police earlier in the day that there could be violence during the protests, said their calls to 911, as well as pleas to police officers who were in the downtown area, were ignored for several hours.⁹⁶

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

The police chief's theory was that if officers engaged, those who were agitators would have a reason to fight and people would get hurt. The crowd drastically outnumbered the officers, who had never been deployed in a riot situation before.

"Several of them wanted to go in with batons and spray and tasers and fight a crowd of a thousand," one FPD employee said, "and that would have led to what happened in Raleigh and Seattle, and people would have been injured."

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

That order was difficult to hear for many officers who were stationed downtown.

"We were told not to go there," one FPD employee said. "We were told to vacate the area. ... When I asked to move in with officers, we were told to stand down. When I asked to cut off vehicle traffic to the area, we were told no. It was contradictory to what we knew."

Officers positioned on the outskirts a half mile down the street from the Market House said they watched Facebook Live for hours just to see what was happening. The Fayetteville Observer and others were livestreaming the protests.

"We were waiting for stuff to get out of control, and that's the problem," one FPD employee said. "When they started acting up and we went out there, we didn't have close to enough officers to push the thousand in front of us. We pushed the button too late. We got out of it alive, but it wasn't a scene I ever want to see again."

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

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

⁹⁶ Henderson, J. (2020, June 6). Fayetteville businesses deal with damage as they struggle to rebound from coronavirus. *The Fayetteville Observer*.
<https://www.fayobserver.com/story/news/politics/government/2020/06/06/fayetteville-businesses-deal-with-damage-as-they-struggle-to-rebound-from-coronavirus/41730527/>

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

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

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

The gunfire and breaking the windows at downtown businesses only started after police moved in. It was just as Hawkins had predicted.

“As soon as police showed up and only when the police showed up was when windows were broken; up to that point, it was only the Market House,” one FPD employee said. “When police showed up, there was someone they could fight against.”

The gunfire led to many in the crowd finally leaving—which allowed the fire department to reach the Market House and begin extinguishing the fire—but about 150 people remained.

“As the crowd continued to be aggressive towards our front line we continued to attempt to convince them to leave, which they ignored,” the civil emergency unit’s after-action report reads. “Because of other crowds developing in other parts of the city as well as the crowd we were confronting making remarks about taking over the mall it was determined that we would deploy CS gas and smoke on the remaining crowd to encourage their dispersal.”

The officers used two CS canisters, two smoke grenades, and pepper balls to disperse the crowd, which finally began thinning by 10 p.m. The fire department extinguished a shrub fire outside the Market House, and police noted that about [25 downtown businesses](#) sustained broken windows and other property damage, though there were no signs of looting.⁹⁷

The civil emergency unit officers took a breath before moving to the next site—Cross Creek Mall.

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

⁹⁷ Ibid.

Hundreds of people soon gathered about six miles away in the Cross Creek Mall and Walmart parking lots, and it wasn't long before [looting](#) began, first at JCPenney in the mall, then at Walmart.⁹⁸

Fayetteville police officers responded, some getting as far as detaining suspected looters, when the chief issued orders from the command center to stand down.

"When the looting started, I said, 'Chief, we have large crowds. Should we place vehicles at entrances and exits so they can't get into the parking lot?' The chief said, 'No, it's just property, we'll deal with property afterward,'" one FPD employee said. The chief reasoned that you can replace property, but confronting numerous looters would endanger everyone, lead to injuries, and force officers into making arrests.

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

Officers were upset; they felt their hands were tied and that they couldn't do their jobs. One commander wondered out loud if they could be held liable for *not* acting.

"When we arrived on scene, there were 700 people minimum, and we had officers in the mall detaining people, we had people in custody, and they told us to release them," one said. "The orders were to stop detaining people and not arrest anybody. It was [contrary to] what I had been taught and trained on."

Being told to stand down—and step away from the looting—frustrated many officers. Some kept track of what was happening by watching live feeds on social media. No information was being communicated directly to them, they said, and there had been no official op order or plan of action going into the events of the day.

"All I knew was I was getting most of my information from watching the activist movement online," one FPD employee said. "Nothing was being put out."

"That first night we felt all of our authority, all that we had been trained and taught to do, had been taken from us," they said. "There was so much confusion. ... I just wish someone would have called and said we have to stand down because this is the only thing we can do."

Another added: "I was watching the live video and they were saying, 'I can't believe the police aren't coming.' It was one big party. It was disgusting, tough to stomach."

Much of the looting took place at the Walmart on Skibo Road. Looters broke down the doors to the store—which had closed early in anticipation of the protest—and stole merchandise throughout the night.

The Walmart district manager [told the media](#) that the store was cleaned out and that people were still looting at 7 a.m. Sunday. He said paint was poured on the floors and display cases were broken.⁹⁹

⁹⁸ *Video: Looters hit store at Fayetteville's Cross Creek Mall.* (2020, May 31). CBS17.com.

<https://www.cbs17.com/news/local-news/cumberland-county-news/looters-hit-store-at-fayettevilles-cross-creek-mall/>

⁹⁹ Henderson, Fayetteville businesses deal with damage.

Two FPD employees described the initial response to Walmart:

“[Officers] were bused up to Walmart and we got up off bus and lined up and said we’ll take Walmart back,” one said, “and we were told to get back on the bus and we sat in the parking lot the rest of the night. I was fit to be tied. No one could give me an answer, just you’re not allowed to do your job, just get back on the bus.”

“They literally said, ‘Take that bus behind the building and stand down.’ They hid us behind the building,” the other said.

Much was stolen, including firearms, during the [looting](#), which also took place at Academy Sports + Outdoors, Ace Pawn Shop, and Money Quick Pawn.¹⁰⁰

When [asked by the media](#) why people were allowed to steal guns in front of officers, a spokesman for the Fayetteville Police Department, said: “I want you to keep in mind, officers were being shot at when they were trying to confront suspects who had just broken into (Money Quick Pawn). While part of our job as police officers includes protecting property, protecting lives and officer safety are paramount. I cannot discuss specifics as to why certain tactical decisions were made. By daylight, no officer was shot, no officer was injured, and no civilians were seriously injured.”¹⁰¹

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

“Leadership’s main concern was, we put you out there, now we’re putting you in more danger for an incident to happen,” one FPD employee said. “We didn’t want to create another situation where an officer would have to use deadly force to protect property. Property can be replaced but officers can’t. Personally, I think we waited too long before we got the go on that.”

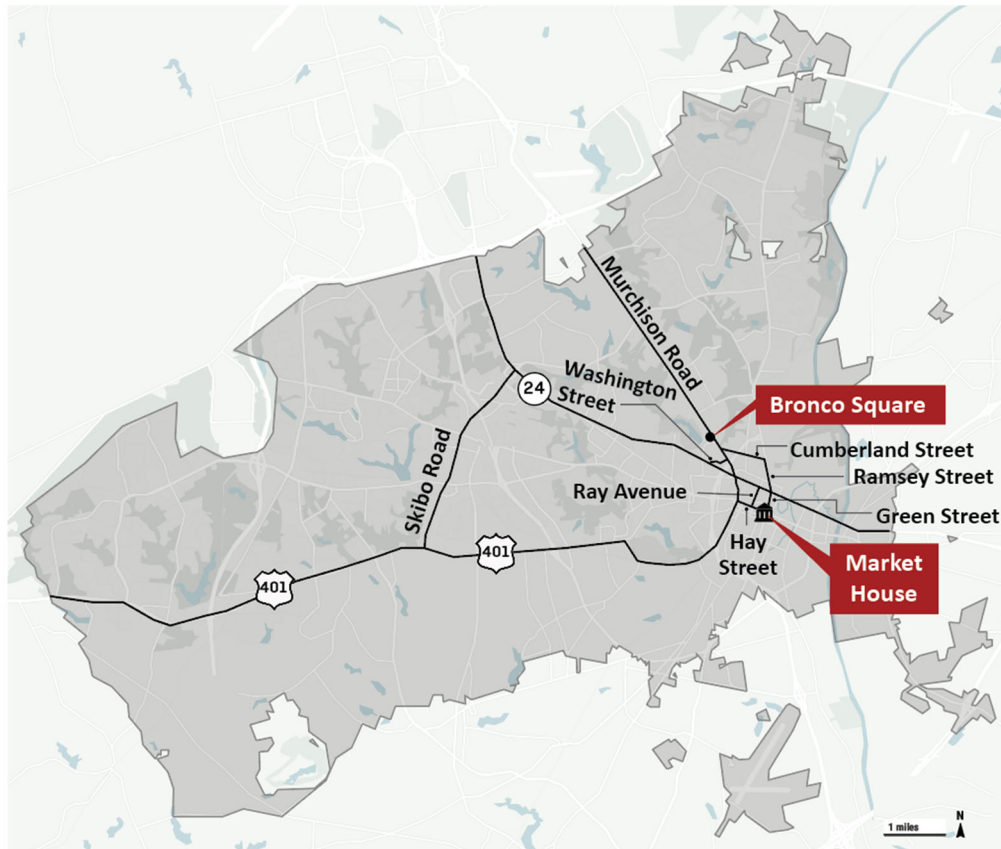
From the command center, the police department’s public information officers used social media heavily to both push out information *and* learn what was happening. (Fayetteville has a robust social media presence, with 103,000 followers on [Facebook](#) and 10,900 on [Twitter](#); according to the FPD,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

While the “lives over property” messaging was repeatedly communicated, some FPD employees thought it went overboard. “It set an example that criminals can commit crimes right in front of us and we’re afraid to do anything,” one said.

¹⁰⁰ Henderson, J. (2020, June 5). Fayetteville police, ATF investigate theft of firearms during last weekend’s looting. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/06/05/fayetteville-police-atf-investigate-theft-of-firearms-during-last-weekend-squos-looting/41747687/>

¹⁰¹ Ibid.

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



Key Events in the Days that Followed

May 31, 2020

The Fayetteville City Council held a special meeting on Sunday afternoon, where it announced a curfew of 8 p.m. to 6 a.m. Mayor Colvin [said](#) he believed most of the people who caused Saturday's chaos were outside agitators.¹⁰² Hawkins appeared before the council and [said](#) the police department had deployed teams in a strategic manner that was meant to keep people safe.¹⁰³

June 1, 2020

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

¹⁰² Henderson, J. (2020, May 31). Curfew imposed in Fayetteville tonight to avoid riot problems; police chief says "zero tolerance." *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/05/31/curfew-imposed-in-fayetteville-tonight-to-avoid-riot-problems-police-chief-says-zero-tolerance/112306130/>

¹⁰³ Ibid.

Around 5 p.m., between [200](#)¹⁰⁴ and [300](#)¹⁰⁵ people gathered in Bronco Square, across from Fayetteville State University, to march down Murchison Road toward downtown. Wearing masks and carrying such signs as “Why am I a Target?” and “Stop Killing Black People,” the crowds marched through the streets. Police officers—some dressed in riot gear and carrying batons—accompanied them.

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

As the crowd continued to march through the streets, police blocked protesters from heading down [Ray Avenue](#) into downtown—where some 40 businesses were still boarded up after being damaged Saturday night.¹⁰⁶ The crowd was told they couldn’t go toward downtown but would need to turn around. When one protester was accused of crossing the police line, officers tased him and placed him under arrest. The protesters around him didn’t understand why—they said he was just saying “I can’t breathe” through a bullhorn—and they accused police of using excessive force.

According to a Fayetteville Observer [op-ed](#), “In live video of the events broadcast by TV news stations, protesters demanded the release of the person, who they referred to as ‘K.T.’ There was some bargaining as police tried to get the march to return to its origin point, Bronco Square, located across from FSU.”¹⁰⁷

According to [ABC-11](#), “As the hours passed, many individuals continued to ask for the man who was arrested to be released by authorities.”¹⁰⁸

“We have been here peacefully for two hours and still have not seen the release of one of our peaceful protesters,” protest organizer Ryan Ford told [WRAL-TV](#). “I am very disappointed in the Fayetteville Police Department today ... and we’re still peaceful ... even after they tased him for doing nothing wrong. What more can we ask for?”¹⁰⁹

It turned out, one police official who was trying to calm down the crowd told them, “Look guys, if you just go back to the point where you stopped, we’ll let him go and he won’t be charged with anything.” The crowd believed him, but as more senior police officials were watching the exchange on camera, they told the official he couldn’t make such a promise—he couldn’t “unarrest” someone; that would be fixing a mistake with a mistake.

¹⁰⁴ Baez, G. (2020, June 2). *Line of Fayetteville officers in riot gear kneel before protesters*. WRAL.com. <https://www.wral.com/line-of-fayetteville-officers-in-riot-gear-kneel-before-protesters/19125817/>

¹⁰⁵ Michaels, W. (2020, June 2). *Police take knee with Fayetteville protesters; local group calls for police reform*. The Associated Press. <https://www.wunc.org/race-demographics/2020-06-02/police-take-knee-with-fayetteville-protesters-local-group-calls-for-police-reform>

¹⁰⁶ Our View: Inspiring moment between Fayetteville police and protesters has a backstory. (2020, June 2). *The Fayetteville Observer*. <https://www.fayobserver.com/story/opinion/editorials/2020/06/02/our-view-inspiring-moment-between-fayetteville-police-and-protesters-has-backstory/112298704/>

¹⁰⁷ Ibid.

¹⁰⁸ Lozano, M. (2020, June 2). *Fayetteville police officers kneel in solidarity with George Floyd protesters*. ABC11 Raleigh-Durham. <https://abc11.com/george-floyd-protest-fayetteville-police/6226057/>

¹⁰⁹ Baez, *Line of Fayetteville officers*.

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

The protester was [eventually](#) released and given a citation for failure to disperse and resisting an officer.¹¹⁰

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

It was then that an officer recognized one of the protesters as someone he played basketball with in one of the department’s outreach programs, so he asked his supervisors if he could talk to him. The two began [communicating](#) by phone, and the protester proposed that FPD officers kneel to show their support. The officer liked the idea; he thought it would be a great way to show solidarity and have everyone go home happy.¹¹¹

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

“They backed up,” one FPD employee said. “Some were against it on both sides, but the majority understood.”

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

Some activists [shook hands and fist-bumped](#) officers, and many cheered and applauded.¹¹²

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

“Yesterday we laid a brick, so it’s a step in the right direction,” Ford, the protest organizer and a local pastor, [said](#) the following day, after meeting with Hawkins to further discuss ways the community could unite.¹¹³

A video [tweeted](#) by the FPD of the kneeling would soon go viral—picked up by news agencies across the country looking for a positive story amid the protests. In its tweet, the department wrote: “As a show of

¹¹⁰ Lozano, *Fayetteville police officers kneel in solidarity*.

¹¹¹ Our View: Inspiring moment between Fayetteville police and protesters has a backstory.

¹¹² Michaels, *Police take knee*.

¹¹³ Kayla, S. (2020, June 3). *Fayetteville protest organizers meet with police to talk unity*. CBS17.com.

<https://www.cbs17.com/news/local-news/cumberland-county-news/fayetteville-protest-organizers-meet-with-police-to-talk-unity/>

understanding the pain that is in our community and our nation regarding equality, the [#FayPD](#) took a knee to show that we also stand for justice for everyone. We are committed to listening and treating everyone with dignity and respect. [#LoveONE](#)”¹¹⁴

June 3, 2020

A third protest took place two days later, this time along Cliffdale Road near the Seventy-First High School district. Hawkins answered questions from the group, then marched with them, [holding up a sign](#) that was handed to her that read: “FayPD is against police brutality” and chanting “No justice, no peace.”¹¹⁵

The crowd grew to [several hundred](#) people, with dozens of police officers watching.¹¹⁶ Afterward, officers took a knee in a circle with some of the protesters and [prayed](#) with them.¹¹⁷

That night, the FPD posted a video on Facebook of the chief and other officers marching: “On Wednesday, the [#FayPD](#) joined a group of peaceful protesters to march for equality and justice. Change takes steps, let’s march together. ‘Justice, that’s what we are about. ... All of these officers are out here because they want to be out here.’ [#TheChiefofPolicelsOutHereinCoronaSeason](#) [#FayPDIsAgainstPoliceBrutality](#) [#WeAreONE](#) [#StopTheHate](#)”¹¹⁸

June 6, 2020

A [funeral](#) for George Floyd was held in Raeford, North Carolina, about 20 miles from Fayetteville.¹¹⁹ Gov. Roy Cooper ordered North Carolina flags flown at half-staff in his memory.

June 7, 2020

Mayor Mitch Colvin [rescinded](#) the State of Emergency Declaration adopted on May 31, which imposed the 8 p.m. to 6 a.m. curfew.¹²⁰

July 10, 2020

¹¹⁴ Fayetteville Police [@Fayetteville PD]. (2020, June 1). Twitter. https://twitter.com/FayettevillePD/status/1267625310276780034?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1267625310276780034%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.wxii12.com%2Farticle%2Fnorth-carolina-kneel-protest-police-brutality-violence-george-floyd%2F32771262

¹¹⁵ *Fayetteville’s police chief marches with protesters*. (2020, June 3). CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/fayettevilles-police-chief-marches-with-protesters/>

¹¹⁶ Riley, R. (2020, June 3). Fayetteville police chief joins protest near Cliffdale Road community. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/local/2020/06/03/fayetteville-police-chief-joins-protest-near-cliffdale-road-community/41730303/>

¹¹⁷ Fodera, R. (2020, June 4). *Fayetteville police chief, officers join protesters in peaceful march*. WRAL.com. <https://www.wral.com/fayetteville-police-chief-officers-join-protesters-in-peaceful-march/19129088/>

¹¹⁸ Fayetteville Police Department. (2020, June 3). [Status update]. Facebook. <https://fb.watch/9ePaYFAas/>

¹¹⁹ *NC Flags to be flown at half-staff in honor of George Floyd*. (2020, June 5). <https://www.wect.com>. <https://www.wect.com/2020/06/05/nc-flags-be-flown-half-staff-honor-george-floyd/>

¹²⁰ City of Fayetteville [@CityOfFayNC]. (2020, June 7). Twitter. <https://twitter.com/cityoffaync/status/1269678644160532480?lang=en>

A [walk](#) in support of Fayetteville police was held to coincide with the delivery of officer care packages from the Citizen Cares Project.¹²¹

The walk—in which Chief Hawkins participated—was met with opposition from protesters who were camped out in front of the Market House calling for police reform. Some of the protesters carried bullhorns and jumped into the march, “yelling and cursing at the Citizen Cares Project walkers,” a police spokesman [said](#).¹²² There was yelling but no physical disturbances.

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

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

March 2, 2021

The City Council [approved](#) a Community Police Advisory Board, a group of seven to 11 members who would provide “sound advice and recommendations to the City Council, City Manager, and Police Chief to improve policing in Fayetteville.”¹²³ As of the writing of this report, applications were [still being taken](#) to form the initial board.

March 12, 2021

The council [passed](#) a resolution to encourage the state to allow the city to create a citizens review board that could investigate allegations of police misconduct and other incidents.¹²⁴ [Note:](#) The City Council for years has tried to form a police review board, but the state legislature must pass a bill to create it and give it powers, such as accessing body camera footage to investigate cases, and that has never passed.¹²⁵

The Aftermath

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

The lack of messaging led to speculation and assumptions.

¹²¹ Fodera, R. (2020, July 10). *Peaceful walk in support of Fayetteville police met by protesters*. WRAL.com.

<https://www.wral.com/peaceful-walk-in-support-of-fayetteville-police-met-by-protesters/19182360/>

¹²² Henderson, J. (2020, July 11). Racial justice protesters, police supporters at odds during march in downtown Fayetteville. *The Fayetteville Observer*.

<https://www.fayobserver.com/story/news/politics/government/2020/07/11/racial-justice-protesters-police-supporters-at-odds-during-march-in-downtown-fayetteville/41717277/>

¹²³ Lozano, *Fayetteville City Council moves forward*.

¹²⁴ Church, Years-long council debate yields action.

¹²⁵ Henderson, Racial justice protesters.

“We’re still today feeling the effects of some of those decisions, not just with officers but the public,” one FPD employee said. “They think we’re not going to do anything or that we’ll respond the same way” if it happened again.

Many comments from FPD employees referred to a lack of communication in explaining why certain decisions were made during the demonstrations. And because there was no after-action report, a number of officers felt that these issues were left unresolved.

The Community

The day after the demonstrations, one woman [told the City Council](#) she was devastated by what happened. “Our business owners and our residents work so hard to promote our community and develop our community in a positive, loving way, and when the protesters were given the advantage to linger for hour after hour with no police or fire presence, essentially we were telling them that their rights are more important than the people who live (downtown) and are trying to promote our community in a positive way,” she said. “That is so disheartening.”¹²⁶

In a Fayetteville Observer [article](#) on the cleaning up of downtown after the unrest, Angie Malave of The Wine Cafe and The Coffee Shop said police did not respond for several hours after the fire was set, even though an officer came by twice Saturday afternoon urging her to close early because of a threat to burn down the Market House.¹²⁷ Former Fayetteville Mayor Tony Chavonne [said](#) officers intentionally were not responding to 911 calls. He said police bordered up two or three blocks from downtown and didn’t come inside that.¹²⁸

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

“It doesn’t matter what building is on fire! By standing down and monitoring just gives them more power!” one comment said. “Our mayor and law enforcement are to protect our people and communities, not sit back and watch them destroy property letting them have [their] way. They have a right to voice their support, but not a right to be destructive.”

Much of the negative reaction was directed to the police chief; it didn’t help that when the media interviewed her in the aftermath, she took the brunt of the questions. “She would not pull in the fire chief at press conferences,” a city official said. “He could have said, ‘I agree with the actions of the police department; we were not worried about the building, it can be replaced, we were more concerned with people setting fires in other areas of downtown.’ He agreed with the strategy. But she did not pull in other people who could have helped support her in that regard.”

Though the majority of the reactions were negative, a few applauded the police for not stoking a volatile situation.

¹²⁶ Henderson, Curfew imposed in Fayetteville.

¹²⁷ Henderson, J. (2020, June 2). Good Samaritans form human chain to protect Fayetteville business owner from rioters. *The Fayetteville Observer*.
<https://www.fayobserver.com/story/news/politics/government/2020/06/02/good-samaritans-form-human-chain-to-protect-fayetteville-business-owner-from-rioters/112296802/>

¹²⁸ Ibid.

"I absolutely applaud the manner in which the department handled the situations around town," one Facebook commenter said. "Standing down and not engaging with the rioters was absolutely the best option to avoid things escalating further. Outstanding job!"

One community member said he heard a lot of different perspectives among residents after the unrest.

"Some are supportive of how she handled it and some not at all," he said. "They believed it should be a protect-at-all-costs-no-matter-if-it-escalated-the-situation-or-not. Others believe that because of her leadership and tactics, Fayetteville came out so much better than other cities in North Carolina."

The community member added that the difference of opinion is not only within the city but within the police department. "I have a lot of relationships in the force; I've spent a lot of time with them ... and there's a mix her own agency as well."

The Police Department

No Action Plan: The department has a critical response plan in its manual, but it wasn't followed on May 30. There was no official plan going into the day, and that confused many officers and supervisors.

"I don't remember seeing an op order or some sort of guidelines or outline," one said. "We knew this was coming. We didn't roll out of bed and see a riot coming on. We knew something was brewing. I specifically asked, 'Is there an op order?' We get them for the All American Marathon and other community events, but when we actually need one, we didn't."

When commanders would be asked by officers to explain the reasoning behind the response, they were stuck.

"It led to a lot of people saying, 'I didn't sign up to watch people commit crimes.' It led to animosity and distrust. 'Why did you tell me to leave?' You're stuck because you don't want to say, 'The chief said so,' so you own it. 'Well, you should have told us what our job was.' We should have. Our expectations were poorly communicated from the top down."

While "people over property" was stressed, one FPD employee said, "I don't know if we explained what that actually meant."

Moving forward, the FPD should ensure that an Incident Action Plan (IAP) is created and disseminated. Current FPD policies require the creation of an IAP; however, this was not done in an effective manner. A planning team should be established to create an IAP and ensure that it is kept up to date.

No After-Action Report: There was also no official after-action report written by the police department. One commander submitted after-actions for the civil emergency unit, but those were the only ones on file.

"There was no communication," one FPD employee said. "To the point where six months later we said, 'We should do an after-action report,' and we were told, 'We're still in the middle of it.' That's the last time I brought it up. That's not how I operate, not my mindset. To this day, I don't think a formal after-action report has been done about the protest."

Because the department hasn't analyzed how it might respond differently should a similar event happen—who would be called in first, what barriers would be erected—"If it happens again, we'll probably repeat the same actions or mistakes," an FPD employee said.

Not having a plan going in and not doing an after-action afterward sends a message that "we don't care what you think or what you saw," another FPD employee said. "There are a lot of what-ifs, but they wait for the tornado, they wait for the hurricane, they wait for the civil unrest, and then it's too late."

While some teams met to discuss the events of May 30 in the days and weeks after, there was no formal meeting of the entire department. Some supervisors remember getting the chance to air their frustrations, but officers don't recall such a gathering.

Officers said they received no other information about what the department would do differently next time. There were some congratulatory emails and "job well done" messages, and some commanders sent along their thanks during roll calls. But "there should have been some kind of departmentwide in-depth brief from everyone at the top who made decisions that night and week," one said.

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

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

"I, too, when I take this uniform off have those thoughts and have those fears and have to deal with that situation for me and my family," she said on [WRAL](#) of police misconduct against Black men and women.¹²⁹

"Police officers were very upset," one FPD employee said, noting that after the interview aired, officers were texting one another the video clip. Her comment, to them, translated that she believed she and her family had reason to be afraid of Fayetteville police.

"That ran through me," another said. "I couldn't believe what I was listening to. That's what started a lot of the issues. Clarification was provided later to put it in a different context—she said she didn't mean while she was in Fayetteville but other jurisdictions—but the damage was done."

"How is that going to inspire faith within your department to stand behind you when you're up here doing an interview in this manner?" another said. "That inspired zero faith in your agency."

Some also criticized Hawkins for joining in the Wednesday protest, but one community member pointed out that the prior police chief, Harold Medlock, did the [same thing](#) during the original Black Lives Matter protests after Michael Brown's death.¹³⁰

"People don't remember that or choose to remember that," the community member said. "When this chief went to one of the protests and was marching with the protesters, she received a lot of criticism

¹²⁹ *Fayetteville chief: When I take this uniform off ... I, too, have those fears.* (2020, June 6). WRAL.com. <https://www.wral.com/fayetteville-chief-when-i-take-this-uniform-off-i-too-have-those-fears/19132780/>

¹³⁰ Original link (no longer working): <https://www.fayobserver.com/article/20160829/news/308299957>

for that, but her predecessor did the same thing and many of the people who criticized her were in the department when the previous chief did that. What's the difference?"

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

Potential for Trauma Among Officers: Officers can experience varying levels of trauma and PTSD as the result of civil unrest and being the focal point of a crowd's anger. Being ordered to stand down and watch criminal acts take place in their presence can exacerbate these feelings. Interviews with FPD members revealed that there was no formal act of closure on the part of the agency to allow officers to process the anxiety, anger, and confusion they experienced during the mass demonstrations. While these events are more than a year old, FPD should consider bringing in professional counselors to allow officers to express their experiences and gain a semblance of closure. This will also help ensure that these unexpressed feelings do not subconsciously affect their views of the community of Fayetteville.

Arrest Statistics from Three Days

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

In mid-June, the men who set fire to the Market House were arrested and charged; both pleaded [guilty](#) later that year.¹³¹ In June of 2021, Andrew Salvarani Garcia-Smith, 32, was [sentenced](#) to 27 months in prison and fined \$100.¹³² Court records show that Charles Anthony Pittman was scheduled to be sentenced in August 2021, but records from that hearing have not been released.

As noted previously, one [arrest](#) was made at the Monday, June 1, protest on Murchison Road.¹³³

In September, Fayetteville police [said](#) they had charged 55 people with looting and civil unrest stemming from the events of May 30.¹³⁴ A document listing all the arrests from that day—compiled for a Freedom of Information Act request—lists 56 people, including Garcia-Smith and Pittman. A majority of the arrests are for breaking into the Walmart and JCPenney and stealing merchandise.

FPD Injuries

¹³¹ Brown-Peyton, M. (2020, November 5). 2 Fayetteville men plead guilty to federal charges in Market House arson. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/crime/2020/11/05/two-fayetteville-men-pled-guilty-burning-market-house/6180645002/>

¹³² Riley, Department of Justice representatives to meet.

¹³³ Lozano, Fayetteville police officers kneel.

¹³⁴ Henderson, J. (2020, September 8). Fayetteville police charge 55 with looting, civil unrest after George Floyd marches. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/09/08/fayetteville-police-charge-55-looting-civil-unrest-after-george-floyd-marches/5745404002/>

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

PERF Assessment of the Response

Strengths

Support for Chief Hawkins' decision to limit the police response to the demonstrations in Fayetteville came from Section 4.6.9 of FPD's Special Event, Passive Protests, and Peaceful Demonstrations Planning policy, which states that, "Although it is recognized that the job of every FPD officer is to enforce criminal laws and civil ordinances, limited resources, crowd size, and tactical concerns may warrant an atmosphere of tolerance when officers witness non-violent and non-destructive activity and can be paramount in ensuring peace and order are maintained." Although the order to stand down was unpopular with some officers, residents, and business owners, it could be argued that in keeping with the spirit of the policy, the order may have limited the amount of damage, the number of injuries, and the duration of the events and may have spared the city additional days of protests.

Also positive, the FPD reached out to protest organizers as soon as the department found out there would be a demonstration on May 30. And its monitoring of and posting to social media during the events appeared to help in its response as well as provide important information to the community.

FPD employees were also required in the second half of 2020 to take diversity, equity, and inclusion training, though some officers expressed frustration about the content.¹³⁵ In particular, a few officers said the training was offensive as it centered only on Black and white race relations and left out other minority groups; they also said the training seemed to place blame on white officers for systemic racism.

RECOMMENDATION: Continue and assess racial bias training. FPD should consider the quality of its racial bias training and how it is presented and assess whether the training is delivering desired outcomes. (Is the training positively impacting attitudes and behaviors in the field?) These discussions are vitally important and should be held regularly but will only be effective if there is buy-in from the staff. The agency should be open to all opinions from its officers; if the training is creating a bigger divide or an anger response, it will have the opposite effect.

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

Opportunities for Improvement

Interviews with FPD personnel found that the department's decisions made on May 30 (specifically, the stand-down order) were not communicated well—with officers, supervisors, and the community. This led to misunderstandings and frustration within the department on why it responded the way it did and why the department's internal policies on after-action reports and discussions were not followed. There was never an opportunity for FPD leaders to communicate the department's response to the rank and

¹³⁵ Anna Johnson, Innis, C., Grubb, T., & Shen-Berro, J. (2021, May 26). N.C. promised police reform a year ago. Did it happen? *The News & Observer*. <https://www.governing.com/now/n-c-promised-police-reform-a-year-ago-did-it-happen>

file—both the reasons department leaders made the decisions they did and to acknowledge shortcomings in their response.

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

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

PERF also learned that FPD had no mutual aid agreements with neighboring jurisdictions at the time of the May 30 mass demonstrations. The FPD should begin discussions with neighboring jurisdictions and state law enforcement to develop formal mutual aid agreements to provide for a combined response for future mass demonstrations and civil unrest. Part of this process should involve standardizing training and equipment with other jurisdictions to ensure that all partner agencies have gear that is similar, and training and tactics and commands are the same.

RECOMMENDATION: Develop mutual aid agreements with regional and state law enforcement. The FPD should develop mutual aid agreements with neighboring jurisdictions and state law enforcement for a combined response to mass demonstrations moving forward. Part of this process should involve standardizing training and equipment among all partner agencies.

From PERF's interviews with FPD staff, it was clear that most officers have not had a chance to process the anxiety, anger, and confusion they experienced during the mass demonstrations. Even though these events are more than a year old, FPD should consider bringing in professional counselors to allow officers to express their experiences and gain a semblance of closure.

RECOMMENDATION: Allow officers to process the events of the 2020 mass demonstrations. The FPD should bring in professional counselors to allow officers to process the events of the 2020 mass demonstrations and provide for a measure of closure.

The FPD should also make sure its public information officers (PIOs) are involved as soon as possible during unplanned, spontaneous events and are provided with timely and accurate information so they

can push the department's message out to the media and public. The FPD should ensure that PIOs are engaged with the community before, during, and after critical incidents.

RECOMMENDATION: Involve PIOs as soon as possible. The FPD should ensure that its PIOs are involved as soon as possible during critical incidents, providing them with accurate and timely information to be shared with the news media and the community.

PERF understands that the FPD has traditionally had an excellent relationship with the community. However, prior to the unrest and in the beginning stages of the unrest, it could have done a better job of communicating with the NAACP and church leaders. Moving forward, the FPD should involve relevant community representatives in planning discussions and in advance of any mass protests. In addition to communicating goals and tactics, the department can invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders to be mediators and co-responders; and maintain daily incident reports and communicate them with the community.

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

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

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

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

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

PERF Report: Reimagining the Police Response to Mass Demonstrations [BOX]

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

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

- Involve community representatives before and during protests: Police should involve community representatives in planning discussions in advance of any mass demonstrations to communicate goals and tactics; invite community members to observe and participate in training courses and tabletop exercises regarding the police response to demonstrations and provide input on policies; invite trusted community members to have a seat in the command center on the day of a demonstration; train community leaders to be mediators and co-responders; and maintain daily incident reports and communicate them with the public.
- During a demonstration, communicate effectively, up and down the policing chain of command.
- Train officers and supervisors adequately so they have the knowledge and skills they need to maintain public order while facilitating freedom of speech and assembly.
- Provide officers with clear policies on the use of less-lethal force options.
- Warn crowds before deploying less-lethal force.
- Minimize the use of mass arrests.
- Prepare and activate mutual-aid agreements.
- Prioritize officer safety, health, and wellness to avoid burnout and poor decision-making that may result from prolonged exposure to the stress of policing a mass demonstration.
- Ensure a robust review of policing practices, both in daily debriefings and a longer-term review of large events, so agencies can refine their approaches to policing mass demonstrations based on internal feedback from officers and community members.

In Their Words: Mass Demonstrations [BOX OF QUOTES]

What some FPD employees think about their department's response to the civil unrest:

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

"I juxtaposed our response with what happened in Raleigh, 60 miles from here. Several officers were injured there; from our perspective, we can replace the Market House, store owners can replace facades and merchandise, but if an officer is severely injured, we can't come back from that. The chief has been criticized because we didn't go in thumping heads, but I think the response was appropriate."

"I remember watching the news in Minneapolis and seeing a complete lack of action by law enforcement and government and thinking that would never happen here, no way, and of course, when it happened here, it was demoralizing."

"We were more concerned about what the mob wanted than taking care of citizens in harm's way. We weren't allowed to do our jobs and that came directly from the hire-ups."

"This is the genesis of the issues, this event. It pulled the scab off a larger issue we had not been addressing, but we've been nice polite Southerners and agreed to disagree and not discuss it."

"It was a crisis that makes you or breaks you."

"I felt like I was at a high school prom and I was broken up with. My heart was broken. I couldn't protect my city."

"I felt like we lost a lot that night. We let the community down. I also don't envy the decision-making required from an executive level. We gambled that if we just let people be, it wouldn't escalate, but we lost that bet."

Section 4: Review of Retention and Recruitment

PERF looked at the effect that the events of 2020 had on retention and recruitment in the Fayetteville Police Department.

A National Issue

Even before the events of 2020, police departments across the country were having a hard time keeping and hiring police officers. In a [September 2019 report](#), *The Workforce Crisis, and What Police Agencies Are Doing About It*, PERF explained that there was a “triple threat” occurring at law enforcement agencies of all sizes and all types across the nation: a decrease in applications, early exits among younger officers, and higher rates of retirement.¹³⁶ (See box, Page X, for details.)

“Fewer people are applying to become police officers, and more people are leaving the profession, often after only a few years on the job,” the report stated. “There are ominous signs that the workforce crisis in policing may be getting worse.”

Then in 2020, staffing levels dipped to even more concerning levels. [Seattle reported](#) that a record 180 officers had left the police department in 2020, and 66 additional officers left in the first four months of 2021.¹³⁷ In [Minneapolis](#), 105 officers left in 2020, and just one month into 2021, 155 officers were on leave and not available for duty.¹³⁸ In September 2021, the [Baltimore](#) Police Department reported roughly 400 vacancies among the force’s sworn staff. It said recruitment efforts couldn’t keep pace with those leaving their jobs.¹³⁹

[Pull-out number on PDF: 18% The overall increase in the resignation rate at police departments across the country in 2020-21, compared with 2019-20, according to a PERF Survey on Police Workforce Trends.]

PERF Survey on Police Workforce Trends

To gauge whether the staffing crisis is a widespread phenomenon or limited to a small number of departments, PERF fielded [a survey of police agencies](#) whose chief executives are PERF members.¹⁴⁰ The survey was conducted in May 2021, and PERF received 194 responses.

¹³⁶ Police Executive Research Forum. *The workforce crisis, and what police agencies are doing about it*. (2019). <https://www.policeforum.org/assets/WorkforceCrisis.pdf>

¹³⁷ Land, T. (2021, April 27). *Seattle police warn of “staffing crisis” after 66 more officers leave*. King5.com. <https://www.king5.com/article/news/local/seattle/spd-warns-of-staffing-crisis-after-66-more-officers-leave/281-040a65b1-3165-4f24-8652-a5d10860aac7>

¹³⁸ Williams, B. (2021, February 5). *Minneapolis police staffing woes worse than anticipated*. MPR News. <https://www.mprnews.org/story/2021/02/04/mps-police-staffing-woes-worse-than-anticipated>

¹³⁹ McFadden, D. (2021, September 7). *Police staffing woes complicate reform effort in Baltimore*. *The Baltimore Sun*. <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-police-staffing-shortage-20210907-rdjc6os46rfadjukccjy4hxka-story.html>

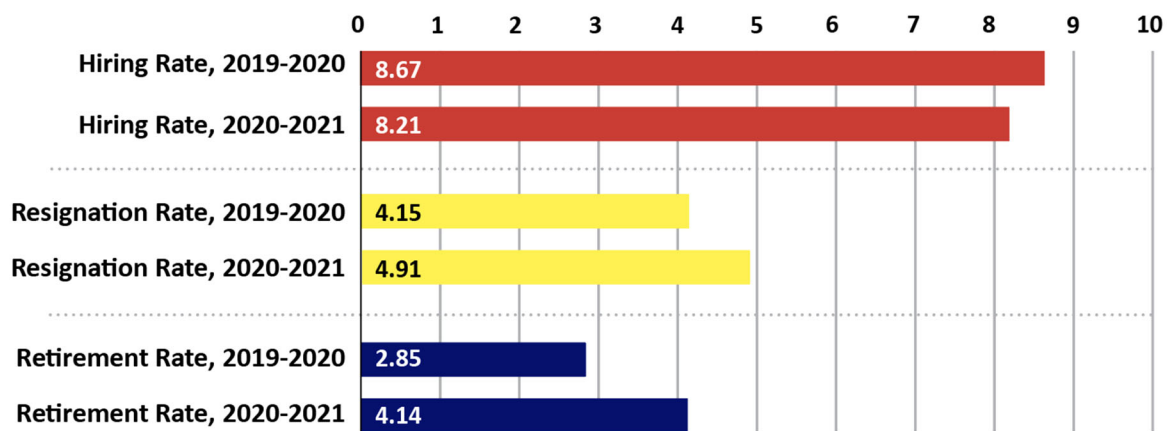
¹⁴⁰ Police Executive Research Forum. *Survey on police workforce trends*. (2021, June 11). <https://www.policeforum.org/workforcesurveyjune2021>

The survey discovered that, on average, agencies were filling only 93% of the authorized number of positions available. It found that agencies reported an overall 18% increase in the resignation rate in 2020-21, compared with 2019-20. And increases in retirements were even larger. Among all responding police departments, there was a 45% increase in the retirement rate. (In small departments, a small number of retirements may result in a high percentage increase in the retirement rate. But even in the largest agencies, with 500 or more officers, the retirement rate increased by 27%.)

FIGURE 4.1

PERF Survey on Police Workforce Trends

The hiring, resignation, and retirement rates per 100 officers between April 2019-March 2020 and April 2020-March 2021



NOTE: 194 police departments of varying sizes across the country participated in the survey conducted in May 2021.

TABLE 4.1

PERF Survey on Police Workforce Trends

Agency Size	Hiring Rate Change	Resignation Rate Change	Retirement Rate Change
0-49	3% (10.09 to 10.42)	11% (5.15 to 5.70)	49% (2.48 to 3.69)
50-249	8% (7.51 to 8.08)	28% (3.69 to 4.73)	59% (2.87 to 4.55)
250-499	-29% (8.10 to 5.77)	22% (2.81 to 3.42)	19% (3.23 to 3.85)
500+	-36% (8.65 to 5.52)	21% (3.93 to 4.76)	27% (3.43 to 4.35)

NOTE: 194 police departments of varying sizes across the country participated in the survey conducted in May 2021.

Fayetteville's Retention and Recruitment Rates

The turnover rate in the Fayetteville Police Department nearly doubled in 2020, to about 12 percent, according to a [November 2020 article](#).¹⁴¹ CBS-17 reported that as of November 2020, 69 officers had retired or resigned that year, including 22 from June to October. That compared with the 51 officers who retired or resigned in all of 2019.¹⁴²

City officials said earlier this year that from April 2020 to March 2021, the agency was running at about 20 percent turnover. The number of vacant officer positions hovered around 65 to 75 over the past year.

With so many vacant positions, teams that should be 15 to 18 deep are having to make do with seven or eight people when you factor in illnesses and vacations. One supervisor said they were authorized for 18 bodies but only have 10. "I'm lucky if eight show up to work," they said, noting family leave, sicknesses, and vacations.

TABLE 4.2

Fayetteville Police Department Turnover, Past Five Fiscal Years

Position	Fiscal Year 2015–2016	Fiscal Year 2016–2017	Fiscal Year 2017–2018	Fiscal Year 2018–2019	Fiscal Year 2019–2020	Fiscal Year 2020–2021
Chief	0	1	0	0	0	0
Assistant Chief	1	1	1	0	0	0
Major				1	1	1
Captain	0	1	2	1	1	1
Lieutenant	0	3	1	0	2	2
Sergeant	4	1	2	5	6	8
Police Officer	29	23	37	37	51	84
TOTAL	34	30	43	44	61	96

Source: Fayetteville Police Department.

As shown in the table above, total turnover numbers have increased each fiscal year since 2016-2017, more than doubling from 2018-2019 to 2020-2021.

¹⁴¹ Strayer, *Fayetteville police say they were told to stand down*.

¹⁴² Ibid.

TABLE 4.3**Fayetteville Police Department Recruitment Rates, 2016–2020**

	2016	2017	2018	2019	2020
How Many Applied	477	676	743	706	606
How Many Were Hired	47	29	53	45	47
How Many Graduated Academy	40	26	18	30	23

Source: Fayetteville Police Department.

What’s Driving Retention Issues in Fayetteville

Retention has always been an issue in policing—a side effect of lower pay, unpredictable hours, and burnout. But even officers who have been in the field for more than 20 years don’t recall the type of departures that are now occurring in Fayetteville: Not only are newbies and retirees leaving, so are those in supervisory roles who have put in 10, 12 years and are far from retirement.

“It used to be that once you make a rank, they knew you’d stay, but that’s not the case anymore,” one FPD employee said. “Now we’re losing sergeants.”

And with so many people of rank leaving and many officers not interested in becoming supervisors, Fayetteville has found that those positions are being filled with younger and less-experienced employees.

“If we lose people who have been here for 10 years, on the path to being a career law enforcement officer, what caused them to say, ‘This isn’t for me’?” an FPD employee said. “It causes me the greatest concern. We’re losing a generation, and once you lose that generation, that void will be there, and that will be filled with people who get promoted way too early, and that can be a detriment when they’re not allowed to develop and learn and grow at a normal pace. We’ve lost a lot of those eight-, 10-, 12-year officers.”

Here’s a look at some of the prevailing issues that are causing offices to resign or retire, as communicated during PERF interviews and in written exit interviews:

[Pull-out number in PDF: \$38,000 The starting pay for police officers in Fayetteville. Lateral entry officer salaries start at \$39,750. Officer salaries top off at \$60,750.]

The Pay

While police salaries have been adjusted a great deal over the past year after remaining stagnant for years, they still aren’t competitive, even with smaller agencies in North Carolina.

According to the FPD, police officers now start at \$38,000—unless they have a bachelor’s degree, which gives them an additional \$2,500 a year, or an associates degree, which gives them an additional \$1,250 a

year. Lateral entry officer salaries start at \$39,750, with the same education enhancement. Officer salaries top off at \$60,750 a year.

In October 2021, the city [approved](#) new wage increases for 2022, but specifics have not been released. Fayetteville's Human Resource Development Director Jerry Clipp, in a proposal to the city council, recommended that the minimum salary of officers with the FPD be raised from \$38,000 to \$41,500.¹⁴³

"An organization has to be competitive, and we have to be more competitive in our salaries and wages," Clipp [said](#), according to a Fayetteville Observer article.¹⁴⁴

¹⁴³ Boden, J. (2021, October 8). Pay increase coming to Fayetteville Police Department staff. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2021/10/08/fayetteville-police-department-staff-pay-increase-next-year/6007908001/>

¹⁴⁴ Ibid.

TABLE 4.4

Fayetteville Police Department Salaries (Officer Step Plan)

Looking back at the past five years of salaries, the officer step plan remained the same from 2015 to 2019 (below left). In 2020, the city approved salary increases and a new step plan was put in place (below right). In October 2021, the city approved new wage increases for 2022, but specifics have not been released.

2015 to 2019				Effective Aug. 3, 2020			
Full Years of Service as of July 1	Base Salary	Hourly Rate	Percent Increase	Step	Base Salary	Hourly Rate	Increase Amount
Entry	\$34,489	\$16.58		Entry	\$38,000	\$18.27	
1	\$35,869	\$17.25	4%	1	\$39,750	\$19.11	\$1,750
2	\$37,304	\$17.94	4%	2	\$41,500	\$19.95	\$1,750
3	\$38,796	\$18.65	4%	3	\$43,250	\$20.79	\$1,750
4	\$40,736	\$19.59	5%	4	\$45,000	\$21.64	\$1,750
5	\$42,772	\$20.56	5%	5	\$46,750	\$22.48	\$1,750
6	\$44,911	\$21.59	5%	6	\$48,500	\$23.32	\$1,750
7	\$46,707	\$22.46	4%	7	\$50,250	\$24.16	\$1,750
8	\$48,576	\$23.35	4%	8	\$52,000	\$25.00	\$1,750
9	\$50,519	\$24.29	4%	9	\$53,750	\$25.84	\$1,750
10	\$52,539	\$25.26	4%	10	\$55,500	\$26.68	\$1,750
11	\$54,641	\$26.27	4%	11	\$57,250	\$27.52	\$1,750
12	\$56,827	\$27.32	4%	12	\$59,000	\$28.37	\$1,750
13	\$59,099	\$28.41	4%	13	\$60,750	\$29.21	\$1,750

Officers in the cities of Cary, Charlotte, Durham, Greensboro, High Point, Raleigh, Wilmington, and Winston-Salem average at least \$41,248 per year—\$3,000 more than Fayetteville, according to data provided by those cities and [reported](#) in the Fayetteville Observer.¹⁴⁵

¹⁴⁵ Ibid.

And while Fayetteville is ranked sixth in the state in size, it pays its officers less than some rural towns. For reference, the 29th-most populated city in North Carolina, [Fuquay-Varina](#) (50 miles north of Fayetteville with 34,000 residents), has a starting salary of \$45,252 for BLET-certified officers.¹⁴⁶

“I think we do some of the best training, and they get poached by other communities that are rural and pay \$10,000 more for our officers than we can afford,” an FPD employee said. And those rural communities typically have a much lower call volume than Fayetteville.

In 2020, Fayetteville saw some of its resigning officers leave to take jobs in completely different fields like insurance and construction because the positions paid better.

“Most are going to jobs where they work 8 to 5, are off on weekends, and make more money,” one FPD employee said.

While some officers said they were glad the city raised pay in the past year, some said it was too little too late.

“The city waits till the pay plan is so far behind from other police departments before they try to catch up to the average rates,” one employee wrote in their exit interview. “People leave for this reason.”

In addition to raising salaries, Fayetteville has begun offering signing bonuses, retention bonuses, psychological services, and wellness programs, but “we still keep losing officers.”

In fact, in December 2020, the department began offering officers a \$2,000 bonus if they’d agree to commit to an additional two years in Fayetteville. There were 254 eligible officers, but only 149 agreed to the contract and received the eligible payout. Supervisors were not eligible for this bonus but are included in a new retention bonus that was authorized in October 2021: Effective January 2022, all officers and supervisors can receive a \$4,000 bonus if they commit to an additional three years in Fayetteville; those officers who had already signed the previous bonus commitment can receive an additional \$2,000 with an additional one-year commitment.

Some officers said they didn’t take the initial bonus because they were skeptical they’d receive the money. Others said they didn’t want to be tied to the job or be forced to repay the money if they left before the two years were up.

“It was surprising that people didn’t take [the incentive],” an FPD employee said. “Folks just had to stay for two years, and they didn’t want to; that’s a strong indication of where their heads are at.”

One employee said the incentive was offered not long after the civil unrest. “We just got punched in the face and you want us to go back in the ring again—here are some extra gloves. That’s why a lot of officers didn’t get on board with that.”

Some officers said they were frustrated with the city’s new step plan for salaries and that the department was offering big lateral bonuses and moving expenses to lure new employees but didn’t have equivalent incentives for people to stay.

¹⁴⁶ *Recruitment | Fuquay-Varina, NC.* (n.d.). City of Fuquay-Varina. Retrieved November 13, 2021, from <https://www.fuquay-varina.org/268/Recruitment>

The Hours

In the spring of 2018, the department's patrol division switched to 12-hour shifts in an attempt to maximize the patrol force, and many officers have said the change has been hard on them. Many also noted that a survey had been sent out asking officers if they preferred to keep their current 10-hour shifts or switch to 12-hour shifts, and while the vote was overwhelmingly in favor of 10s, the switch to 12s was made anyway.

A number of studies have shown that 12-hour shifts can be dangerous for police officers (12-hour shifts can easily turn into 14-hour shifts when you consider commute time and the possibility that the officer will be dispatched toward the end of their shift).

A [2011 study](#) by the nonprofit Police Foundation found that "at least for medium to large police organizations, agencies are likely to see cost savings when implementing 10-hour shifts, and the officers are more likely to have increased safety and wellness associated with increased sleep (about 175 hours more sleep annually) while maximizing alertness on the job. Given previous reported deficiencies in sleep among officers nationwide, implementing four 10-hour shifts consecutively may be one approach to minimizing fatigue-related problems."¹⁴⁷

And with the Fayetteville department so short-staffed, many officers are working for days on end and, for them, even the overtime isn't always worth it. One mentioned recently working 18 days straight.

"We have other initiatives where they have to fill spots on their days off," one FPD employee said. "These guys are getting sick and tired of working. They get paid money for initiatives, time and a half, but they're getting browbeaten, and it affects them. I've had to tell some, 'I know it's your day off or weekend off, but you have to come into work.' I can understand it for an emergency situation, but if this is your way of combating violent crime, forcing them to work, you're not going to get a good job out of them. They'll just show up."

The issue of Fayetteville's workload came up numerous times in the 2020 exit interviews on file:

- "The new step plan is supposed to make the pay in-line with other agencies. However, the pay compared to the work is underwhelming."
- "It is difficult to provide the amount of time needed to thoroughly work the significant amount of cases that this unit gets with so few people."
- "The city is short on officers, which is increasing the workload. Plus, all of the mandatory specials we have to work and attend all court dates and subpoenas."
- "12-hour shifts (most often run over 12 hours), mandatory overtime, court dates, special events, subpoena training. Days off are never days off. Not enough officers to cover city."
- "Workload is varied but at times very hectic. When squads are short on manpower (and it's getting worse) we have to react to each call with little time to investigate."
- "The 12-hour shifts are destroying morale and causing officers to search for employment elsewhere. The problem has been identified and expressed to the chief but she refuses to listen. More officers are planning to leave."

The Response on May 30

¹⁴⁷ Police Foundation. *Shift length experiment: What we know about 8-, 10-, and 12-hour shifts in policing.* (2011). https://www.policefoundation.org/wp-content/uploads/2015/06/ShiftLengthExperiment_0.pdf

Some people who have resigned or retired early have cited—either publicly or among colleagues—that the police response on May 30 contributed to their decisions to leave.

“One former officer who resigned this year said that was a big reason why he quit,” a [CBS-17 report](#) said. “He said that he felt anxiety about not being able to do his job while the city was looted and vandalized.”¹⁴⁸

One FPD employee added: “The impact of last year’s demonstrations was impactful; I think that had more of an impact on people leaving than COVID. There is definitely a lot of internal turmoil on which direction we should go.”

The Support System

With reports of police misconduct in the national news and law enforcement faced with negative perceptions by the community, it’s more important than ever to let officers know they are supported, many said.

“We have to do a better job of letting them know we’re there to support them,” one FPD employee said. “It has to be a more than just the chief; it has to be the city council, the mayor, the community. We need to say, ‘We want you to know we’ve got your back.’”

There’s a perception, some say, that if an officer has to use deadly force, they aren’t going to receive backing from the chain of command—that it’s a black and white situation.

“You see on the news a legitimate shoot now being ridiculed because it was a white male or female who shot or took deadly force on a Black or brown suspect. That’s the reality we’re in right now, and unfortunately, we have so much media that is constantly focusing on these things. As we all know, these instances are small percentage, but they get all the coverage. We don’t talk about the thousands of daily encounters every day where we are doing the right thing.”

If officers are feeling like they aren’t trusted or empowered to do their jobs, that’s an issue that needs to be addressed head-on.

“It’s the gorilla in the room no one is addressing,” one FPD employee said. “I definitely believe it’s the tone we see as officers across the nation. The negative connotations coming upon departments and officers, defund the police, the whole tone is impacting how folks feel about this career path. I would say locally we feel they have the support of the community, our city council, but I think that last year’s events were probably a turning point on those who were on the fence and decided, ‘I’m out.’ I think we need to address it.”

The Morale

But it’s not just about feeling supported or empowered; there are other issues regarding morale that have had an impact on the turnover in Fayetteville. One issue that was repeatedly brought up was that there tends to be an emphasis on what is done wrong rather than what is done right—which can be frustrating in a job that has endless policies.

¹⁴⁸ Strayer, *Fayetteville police say they were told to stand down*.

Where a policy used to be five steps, now it may be 20, one employee said. “It seems like it’s a liability issue so they can say, ‘You missed Step 9; that’s what you did wrong.’”

“Officers are scared to get into altercations that are legitimate because they are afraid they’ll get scrutinized for every little thing—sleeves rolled up, tattoo showing, bad language,” another said.

What that does is make officers feel they’ll never succeed on the job.

“I think there’s nothing wrong with telling people the correct way, but we have to remember people are human,” an FPD employee said. “It’s just how we are. You’re holding people to a level of competency or performance that is beyond most humans’ capacity. We have standards we say are acceptable as a police officer. But even in a sterile [training] environment officers have trouble completing the most basic tasks they’ve been taught for years. There’s a capacity for processing information, and at a certain level people max out.”

After major incidents—such as the one on May 30—the department does not tend to get together to talk about the response. There aren’t often thorough after-action reports. But when one officer makes a mistake, “they feel like they’re being investigated to death.”

When officers are reviewed or investigated, their defenses tend to go up, even when it’s unnecessary.

“We preach and push and expect legitimacy externally, but we need to do a better job to afford that same expectation internally,” one FPD employee said. “These guys every time they get an internal, they assume the worse: ‘No one will have my back.’ No matter how many times we say, ‘I got you,’ they say, ‘It’s not up to you.’”

So officers go into these meetings on the defense and expecting the worst: that no one will believe them or trust them. But Police Chief Gina Hawkins, some supervisors said, is always open to an appeals process if the officer doesn’t agree with a recommendation. “Most times she’ll back down a little bit and give you the benefit of the doubt. She wants to know from you what happened, coming from your voice, but they think she wants a statement. It’s about trust, all the way down.”

Another veteran employee added: “We need to realize that 20 years ago, there was no body camera, I could let a couple cuss words go, but it’s a different time. Every word, every action, and every movement is being scrutinized, and we have to be able to learn to give a little bit of leeway. And the chief has done that in the past. In the heat of battle, I’m liable to say something I wouldn’t normally say. We have to recognize that and say, ‘I understand why it happened; I don’t want you to feel bad about the outcome of this investigation.’”

Another morale issue centers on communication—and the lack of it. Most people interviewed said many of the department’s problems could be solved by better communication from the top down. One person said they think the hesitancy of having free-flowing communication has to do with leaks: A video or memo marked private gets leaked to a former Fayetteville officer who has a grudge and soon it’s on Facebook.

But the problem with a lack of communication is that speculation runs wild, and if an explanation is only passed down verbally from one person to another, it’s like the game of Telephone: The end result is not at all what the original message was.

“We do a very poor job of communicating—where what the chief says gets to assistants, to majors ... by the time it gets to officers, it’s nowhere close,” an FPD employee said.

Another frustration among the executive command staff, many said, is that they can’t make their own decisions—that every decision has to go through the chief.

“I’ve never questioned my ability to lead and make a command decision more than in the past two to three years,” one FPD employee said. “Because we get questioned about everything and then get questioned when we don’t make a decision.”

With so much heaviness on the department, officers say it’s the little things that can make a difference. At one time, the department used to provide breakfast or lunch to those officers working special events like the marathon or Dogwood Festival. When that stopped, “It was just one more thing on the pile.”

Other Life Changes

As some exit interviews showed, not all resignations are driven by a search for something better. With Fayetteville being a military town, spouses may have to leave the area if their partner gets transferred to a different base. Some have child care issues and need to spend more time at home. And during the pandemic, some officers who had children with health issues were worried about spreading COVID to them so they left the field.

PERF Observations

PERF learned the following from FPD interviews:

- The department is getting younger as experienced personnel retire/resign and are replaced with new officers.
- The department is struggling to keep up with salaries for neighboring departments that are recruiting FPD experienced officers.
- Officers have fatigue from working long shifts and covering backfill slots to supplement staffing; they also don’t like the 12-hour shifts.
- Officers are seeking jobs outside of policing for better pay.
- It’s been said of the chief that she doesn’t give credit to good ideas that are recommended by staff.
- It’s been said that the chief doesn’t allow assistant chiefs and captains to make decisions. There needs to be confidence in the staff’s ability to make decisions.
- Communication is lacking. Many people we interviewed didn’t even know what the PERF study was about or that we’d be calling.
- Many expressed not feeling supported by upper management.

PERF’s Strategies for Improving Retention

There are a number of strategies the FPD can use to improve its retention rate.

Job Satisfaction Surveys

The FPD should conduct recurring anonymous job satisfaction surveys. In addition to measuring the department’s overall organizational climate, these surveys can proactively identify potential issues that

may lead to job turnover. This would allow the department to address those issues in a timely manner.

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RECOMMENDATION: Conduct regular anonymous job satisfaction surveys. Asking employees to give their thoughts on the department’s overall organizational climate will allow leaders to proactively identify potential issues and address them in a timely manner. It will also help morale, as it signals to officers that their opinions matter and should be taken into consideration.

Exit Interviews

Exit interviews are currently done by the chief, and not every supervisor is privy to what was written or discussed in the interviews. With just an audience of one, some are concerned the department isn’t addressing the hard truths that come out in exit interviews. The information gleaned from these interviews—identifying common reasons why employees are leaving the agency¹⁵⁰—should be used to assist with the department’s long-term planning.

RECOMMENDATION: Have exit interviews performed by someone other than the chief. To ensure complete openness among departing employees, it would be better for someone other than the police chief to conduct them—ideally, the city’s human resources department. It’s also important that supervisors be allowed to review the written surveys and be informed about the interviews.

RECOMMENDATION: Use information gathered from exit interviews in long-term planning. The information gleaned from exit interviews should be used to assist with the department’s long term-planning. By identifying common reasons why employees are leaving the agency, the department can address those issues moving forward.

Alternative Shifts

While it is PERF’s understanding that staffing shortages led to the adoption of the 12-hour shift, the FPD should prioritize recruitment and hiring efforts to move to alternative shifts so that officers are given more time to rest between shifts. The department should also consider giving officers [“mental health days”](#) to help them de-stress and be more effective on the job.

RECOMMENDATION: Reconsider the 12-hour shift. Though staffing shortages may be the reason for the adoption of the 12-hour shift, the FPD should prioritize hiring efforts so it’s possible to move to alternative shifts (e.g., five eight-hour days or four 10-hour days). This would give officers more time to rest between shifts.

RECOMMENDATION: Incorporate “mental health days.” Once staffing shortages are addressed, the FPD should consider giving officers mental health days to help them de-stress.

Pay

It’s clear that low pay is a significant reason why officers are resigning from the Fayetteville Police Department. While much progress has been made over the past few years, the FPD should continue to seek approval and funding for increased salaries for both entry-level officers as well as current officers.

¹⁴⁹ Wilson, J., Dalton, E., Scheer, C., & Grammich, C. (2010). *Police recruitment and retention for the new millennium: The state of knowledge*. Rand Center on Quality Policing and Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/Publications/cops-p199-pub.pdf>

¹⁵⁰ Ibid.

RECOMMENDATION: Seek approval and funding for increased FPD salaries. Salaries for both entry-level officers as well as current officers need to be addressed. This will help attract quality officers and retain highly skilled veteran officers who might otherwise seek employment from neighboring agencies or other fields that offer better pay.

Update: In October 2021, the city approved new wage increases for 2022, but specifics have not been released. Fayetteville's Human Resource Development Director Jerry Clipp, in a proposal to the city council, recommended that the minimum salary of officers with the FPD be raised from \$38,000 to \$41,500.

Highlighting the Good

Officers need to feel appreciated for the hard work they are doing, and one way to accomplish this is by ensuring that positive stories about the department are sent to local media outlets and posted on social media. The FPD has a robust presence on Facebook and does an excellent job of keeping the community informed. By continuing to do this as well as continually highlighting the good that officers and support staff are doing in the community, the FPD will help bolster morale and give residents a better view of the day-to-day work being done to protect them.

RECOMMENDATION: Send positive stories about the department to local media outlets and post them on social media. Examples of positive stories can involve community policing efforts, incidents in which officers successfully de-escalated situations, and everyday acts that show the humanity and goodness in police officers. The FPD should continually highlight the good that officers and support staff are doing in the community.

Communication

As PERF learned throughout its interviews with FPD staff, communication is a significant factor when it comes to morale. If officers are not kept in the loop about what's happening within their department, not only will they not have buy-in, but they may not feel like they're important to the overall organization. It's essential for officers to feel supported, and clear communication from the top-down is an important part of that.

RECOMMENDATION: Command staff should hold one or more town halls a year with the entire department—both in-person as well as via Zoom. The chief and assistant chiefs should ask attendees what it is that they want to see from their command staff and what they can do to make their lives easier as police officers. Most importantly, they need to let the officers know that they will be supported by FPD's leaders.

Fayetteville's Recruitment Challenges and Strategies

Challenges

According to the FPD website, Fayetteville is one of the few law enforcement agencies in North Carolina that sponsors and staffs its own training academy—which is a tremendous asset. New recruits undergo 25 weeks of Basic Law Enforcement Academy Training and a physical fitness program, followed by an 11-week period of field training and then job training and an evaluation with a field training officer. Trainees are compensated with salary and benefits and are provided uniforms during training.

But not only has it been hard to recruit trainees, it's been even harder to keep them within those first few months.

And with Fayetteville's starting salaries so much lower than other cities in North Carolina, it's hard to find the best hires.

"You want to raise the qualities of the applicant, but you want to pay them \$39,000," one FPD employee said. "You get what you pay for."

"It's time we understand that as a profession, we've been drastically underpaid," another said. "If you're going to require a more focused approach [in policing], you may have to pay more to get a higher quality officer. There was a point where we were hiring everyone off the street who passed a background check."

But even after a group is hired, a look at the exit interviews shows that many aren't making it through the academy. One FPD employee said that during one recent academy, five people quit on Day 1, and three or four more quit by Day 5.

Some older supervisors say that one problem is a younger generation that doesn't want to put in the work.

"We start academies with 26 and graduate nine," one said. "I recognize people are changing— they don't want to do hard things. If it's minutely challenging in anyway, they give up. They're just not choosing to study. We used to not recycle people. If you failed a test and the retest, you were fired. That was one of the switches I noticed. Once we started recycling, we hardly had anyone fail out of academy. Now we hold their hand. We're begging people to be cops."

There also seems to be a different culture among the younger recruits. While veteran cops may have seen policing as a calling—a desire to spend their career protecting their community—that excitement isn't as common today.

"One [officer] said, 'I may do this a couple of years, but then I'll get my physical therapist license.' I kind of took offense," an FPD employee said. "We put a lot of investment into you, and you're already thinking about leaving."

Another said that for those who don't view law enforcement as a calling, it's an easy decision to leave when there's a better opportunity in another field.

"You have to want to do it, to say, 'That's my career of choice.' I love protecting and serving the community, that's what I want to do," the employee said. "If they have a new opportunity that pays better, like a UPS driver, why deal with the stress when I can deliver packages all day? People are leaving for a less-stressful employment that doesn't have the constant change and updates you have to be aware of as a law enforcement officer."

Recruits in their late 20s and early 30s have a little more stability, but "the younger we go, the less time they stay with us," one employee said.

To be a police officer in Fayetteville, you must be at least 20.5 years of age by the start of the academy and have a high school diploma or GED.

Regarding lateral recruits, when there's low morale in the department, it can be hard to get officers to encourage others to join the force.

"Employees are the biggest recruiters, and when they're in a bad place, they're not going to actively recruit people they love to join this profession. I wouldn't either," an FPD employee said.

"If you help the retention issue, the recruitment issue will take care of itself."

Strategies

In December 2020, the FPD implemented a number of incentives to bolster recruitment, including signing bonuses and moving expenses. Then, in October 2021, it increased those incentives even further; they will go into effect in January 2022.

Inexperienced applicants can receive a \$4,000 bonus with a three-year commitment, and hires without experience but who have military experience or are a veteran can receive a \$6,000 bonus with a three-year commitment. Lateral applicants can receive a \$10,000 bonus in return for a three-year commitment. All new hires residing between 50-99 miles from the city of Fayetteville are given \$3,000 for relocation assistance, and those residing 100 miles or more away are given \$5,000.

The department has also relaxed some of its policies that used to make it difficult to recruit people: Before, sworn officers could not have beards, goatees, or other growth of hair below the bottom lip, and both sworn and non-sworn officers were not allowed to have visible tattoos on the head, face, arm, hand, leg, chest, or neck. Currently, officers can have a quarter-inch beard and visible tattoos. Also, where it used to be policy that you could only drive your cruiser home if you lived within the county, that policy has also changed to permit take-home vehicles if the officer resides within the established 16-mile radius of the center of the city of Fayetteville.

Among its recruiting techniques, in a September 2020 Fayetteville Observer [article](#), Chief Hawkins said the department was working to improve its diversity numbers by actively recruiting minorities from places like historically Black universities, including Fayetteville State University, and organizations such as 100 Black Men.¹⁵¹

"We've also started advertising to all the law enforcement minority organizations and associations on their websites," Hawkins said.

And in October 2020 at a City Council committee meeting, Hawkins [proposed](#) a paid police cadet program in which Fayetteville residents could train to become an officer from 18 years old until 20 and a half years old, which is the earliest they could become an officer.¹⁵² As of this report, it is unknown if anything has come from this proposal.

¹⁵¹ Henderson, J. (2020, September 2). Mayor Colvin suggests Fayetteville seek review of hiring practices affecting diversity. *The Fayetteville Observer*. <https://www.fayobserver.com/story/news/2020/09/02/fayetteville-mayor-wants-review-hiring-practices-affect-diversity/5694426002/>

¹⁵² Henderson, Fayetteville moves ahead with racial bias training.

Additionally, the FPD has plans to recruit more female officers. Called the “30 by 30 Initiative,” this plan calls for 30 percent of sworn officers to be female by 2030.¹⁵³

[Caption from PDF: Photo of graduating police cadets from the Fayetteville Police Department website]

PERF’s Recruiting Recommendations

The FPD can take several steps to review its recruiting strategies and processes to ensure they are in line with best policing practices.

Applicant Tracking Process

The FPD should make sure it has a robust applicant tracking mechanism for all stages of the hiring process. A review of current tracking systems should be performed to ensure that the FPD accurately identifies at which phases applicants are being disqualified, as well as any trends in race, ethnicity, gender, or other variables that may suggest opportunities for improvement.

RECOMMENDATION: Review FPD’s internal applicant tracking processes. This will ensure that the FPD accurately identifies at which phases of the recruitment process applicants are being disqualified, as well as demographic trends where there may be room for improvement.

Polygraph Pre-Interview Questions

The FPD should also review its polygraph questions on an ongoing basis to ensure that questions in the polygraph pre-test interview that are not connected to eligibility requirements are deleted. The FPD should also examine any specific questions in the polygraph pre-interview that may pose barriers to applicants, especially minority applicants, and should consider changes that may prevent possible bias in this process. Information asked in the polygraph pre-interview should be objective and consistent across applicants to limit any potential opportunities for bias on the part of the polygraph examiner. In general, if the information asked in the polygraph pre-interview does not directly correspond to the FPD’s stated eligibility criteria, then the FPD should consider removing or revising these questions.

RECOMMENDATION: Review polygraph pre-interview questions on an ongoing basis. This review should focus on the relevancy of interview questions as well as specific questions that may pose barriers to applicants, especially minority applicants.

Application Form

The FPD should review its application forms on a routine basis to ensure they facilitate ease of completion (e.g., make sure there are no repetitive questions and forms are not unduly burdensome to complete) and that the questions asked are consistent with the FPD’s eligibility requirements.

RECOMMENDATION: Review application forms for ease of completion and relevancy. The FPD should review its application forms on a routine basis to ensure they are easy to complete and are consistent with the department’s eligibility requirements.

¹⁵³ Overton, R. (2021, October 23). *With nearly 60 open positions, Fayetteville police offer financial incentives to boost hiring*. CBS17.com. <https://www.cbs17.com/news/local-news/cumberland-county-news/with-nearly-60-open-positions-fayetteville-police-officer-financial-incentives-to-boost-hiring/>.

Applicant Finances

In 2016, PERF worked with the COPS Office of the U.S. Department of Justice to convene a national conference on *Hiring for the 21st Century Law Enforcement Officer*. This meeting brought together law enforcement executives, human resources professionals, and other stakeholders to explore hiring rules and procedures for law enforcement. Participants acknowledged that historically, candidates with financial problems were often automatically disqualified from agencies' hiring processes. While it is important to identify financial issues that may be an indication of grossly negligent or criminal activity, in today's economy, agencies may want to adjust their thinking on personal finances and consider the underlying issues and their context.^{154 155 156}

RECOMMENDATION: Avoid disqualifications of applicants for financial difficulties. When considering applicants' financial history, the FPD should consider the reasons and implications of any unsatisfied debt before deciding to disqualify a candidate. In today's economy, it is common for young people to have credit card debt, student loan debt, or any number of financial issues. However, this may not necessarily impact an applicant's ability to be an effective police officer. In addition, since research has shown racial/ethnic and gender disparities in income, wealth, and financial challenges, focusing heavily on financial history may disadvantage these groups in the hiring process. Applicants growing up in economically distressed neighborhoods or in families struggling with poverty may experience more financial challenges.

Exit Interview Findings

About 60 exit interviews from 2020 were reviewed for insight into what drives employees to leave the FPD.

Employees were asked what their new job has that the city doesn't:

- Work from home
- Time with family
- Higher pay
- Better pay
- Beard/tattoos
- Stability and more control of my future
- Better pay, better work hours
- Comparable wage with shorter commute
- More room for growth, movement, and promotion
- Higher pay, flexible hours, less stress
- Care and consideration for their families; better starting wage; bonuses/flexible schedule
- Further career advancement

¹⁵⁴ U.S. Department of Justice and Police Executive Research Forum (2017). *Hiring for the 21st century law enforcement officer: Challenges, opportunities, and strategies for success* (Page 18). <https://cops.usdoj.gov/RIC/Publications/cops-w0831-pub.pdf>

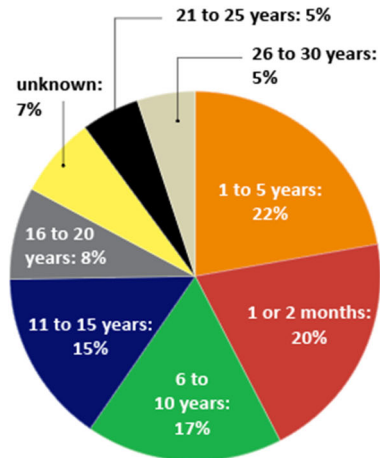
¹⁵⁵ Addo, F. R., Houle, J. N., & Simon, D. (2016). Young, Black, and (still) in the red: Parental wealth, race, and student loan debt. *Race and Social Problems*, 8(1), 64–76. <https://doi.org/10.1007/s12552-016-9162-0>

¹⁵⁶ Elmelech, Y., & Lu, H. H. (2004). Race, ethnicity, and the gender poverty gap. *Social Science Research*, 33(1), 158–182. [https://doi.org/10.1016/s0049-089x\(03\)00044-9](https://doi.org/10.1016/s0049-089x(03)00044-9)

FIGURE 4.2

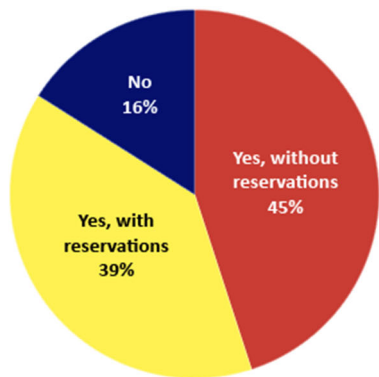
Demographics of Exiting FPD Employees in 2020

A breakdown of how many years of service departing employees gave, according to 2020 exit interviews



Departing Fayetteville Employees Were Asked:

Would you recommend the city to someone as a place to work?

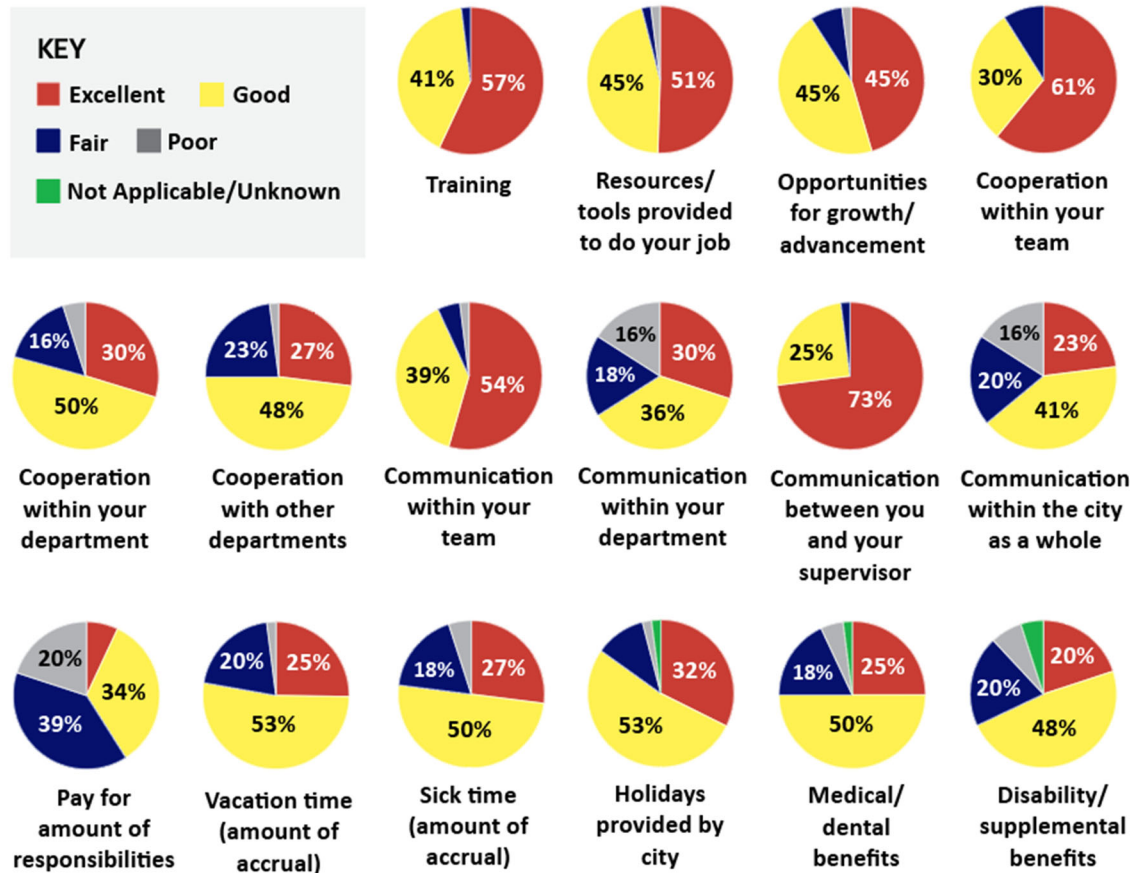


NOTE: Only those who worked at least one year at FPD were included in these numbers.

FIGURE 4.3

2020 Exit Interview Surveys

Exiting Fayetteville Police Department employees who worked at least one year in the city were asked to rate the following:



2020 Exit Interviews: What Departing Employees Liked Most and Least About the Fayetteville Police Department

Liked Most	Liked Least
The people	The stress
Working as a detective	Working festivals and other special events
Personal relationships	The feeling of the city's needs outweighing yours or your family's
The resources available to do my job	Low camaraderie within the police department
Great opportunities and experience	Short staff

People I worked closely with, pay, vehicle t home program	Lack of leadership in command staff; has gone way down
Good teamwork	Short notice on extra events but that is being addressed now
Training and relationships	Disruption of ordinary plans
n/a	Lack of communication, lack of leadership by some supervisors
Training and the ability to grow	Morale and pay
The people I worked with and for	Changing schedules
Training opportunities	Overtime; on call for court on days off
The world-class training	Being left in the dark with decisions that affect employees
Benefits	Military leave policies and paperwork
I actually LOVED my job	The support and leadership
n/a	Responding to calls related to children
The work and sense of accomplishment	Constant feeling of standing alone; stress level
n/a	Pay. Did not receive any raise in the last eight year cost of living. Employees punished for not making No rewards for doing a good job.
Training and experience. I was provided opportunities to learn and develop professionally	Lack of good/trustworthy higher leadership, poor communication with upper chain of command
Awesome department, awesome employee	No complaints
Working with a great group of officers who about this city and protecting the good citi Training as an FTO	Dealing with the small part of the population that zero respect for the law
n/a	Fail to let us do our real job: law enforcement
Working with a lot of great people	Poor pay, supervisors
Loved working at the police department	Working on holidays
Co-workers	n/a
Excellent leadership	Leaving so soon (military)
Working with the K-9 team	Politics
Experience I've received	Lack of support during difficult times

Working with a team	The amount of money required to purchase my m time is excessive and not reasonable
The people	The stress
Working as a detective	Working festivals and other special events
Personal relationships	The feeling of the city's needs outweighing yours c your family's

In Their Words: Retention and Recruitment [BOX OF QUOTES]

What some FPD employees think about their department's retention and recruitment issues:

"I think the social temperature in society today has made [officers] second-guess: Is this something I can do for 30 years, something I can retire at?"

"We have officers who, with the Ferguson effect, are less productive and aren't doing any real work, just sitting around complaining about the situation, and sergeants aren't staking them out there and giving assignments."

"I think if we had a better vision of what we're doing and why we're doing it, we would not necessarily have the exodus that we have."

"We recruit fairly well because we have a lot of incentives to recruit people, but the efforts to retain are minimal, and that trickles down that you don't care about me; you only care about my replacement. I don't think the city does a great job of appreciating the officers we have here to stay here."

"When you have officers here 10, 15 years, quitting ... I had never seen a sergeant quit, just throw that all in the trash because they're fed up. That really resonated with me that someone would do that, just start over because they're fed up with the profession."

"I will say it's bad across the nation. Here, people want us to be robots and perfect, but to be a good law enforcement officer, you have to be courageous, and a robot can't be like that. Other places offer money without nearly the crime or not as many policy restrictions, and city and command staff back them 100 percent. We're hurting. The way the nation portrays law enforcement, we're having trouble filling seats."

"Hire more people and let cops be cops; our authority is not respected and it's a vicious cycle."

"I love my job, but if the day comes when the majority of people I encounter don't want me to do my job, I'll quit. But 99 percent tell me thank you and appreciate what we're doing, and they are disheartened for us."

"Do I think [FPD employees] try to undermine [Hawkins]? Absolutely. Do I get worried about communication coming down? Based on filters, absolutely. I think if you're knowledgeable and

experienced and can express yourself, I think she would be open to the ideas. I don't think she would fire you. It's easier to make an excuse and blame her."

"We're at a critical point, and those who are here are here because they enjoy the work, and we have to bring that joy back and figure out what we need to do to create a new narrative."

"We have a lack of manpower on patrol. Patrol is our foundation and if we're not taking care of our foundation, our house is going to crush."

PERF Confronts the Workforce Crisis [BOX]

Fayetteville is not the only jurisdiction in the United States reviewing its recruiting and hiring practices. In 2019, PERF conducted a national project in which law enforcement executives discussed the major challenges they are facing in recruiting and hiring. These issues are detailed in PERF's [report *The Workforce Crisis, and What Police Agencies are Doing About It*](#). The report provides 12 "takeaways" and other guidance to establish a blueprint for law enforcement agencies that are looking beyond the workforce crisis of today and are thinking creatively about building the police agencies of tomorrow.

Its takeaways to improve retention and recruitment are:

- Monitor your workforce demographics: To stay ahead of current and future changes, agencies need to monitor workforce trends, collect and analyze data on their staffing needs, and adjust their recruiting and retention strategies accordingly.
- Build trust in your communities: Work closely with community groups—and not merely as a short-term recruiting effort, but as a constant, broad-based effort to build strong relationships of trust. In that way, community members will get to know and respect the police department, and some will choose to join the department as officers.
- Seek recruits who are comfortable with 21st Century Policing and have the skills for it.
- More training may be needed if your workforce's overall level of experience declines.
- Develop new strategies for recruiting officers with needed skills.
- Find new ways to recruit a diverse workforce.
- Ensure that your recruiting messages reflect the reality of police work.
- Eliminate unnecessary delays in the job application process.
- Retention of officers is critically important. Use exit interviews to learn why officers leave your department.
- Offer employees professional development opportunities.
- Aim to meet employees' needs for work-life balance and wellness.
- Be willing to rethink old ways of doing things.

Conclusion

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

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

The department's response to the mass demonstrations and subsequent unrest of May 30, 2020, illustrated one of the FPD's biggest opportunities for improvement: how it communicates up and down its ranks. While the police chief's order to stand down was unpopular with some officers, residents, and business owners, it could be argued that it may have limited the amount of damage, the number of injuries, and the duration of the events and may have spared the city additional days of protests.

But the decision and the reasoning behind the order were not communicated clearly to the FPD staff—either in an Incident Action Plan or by word of mouth—and that created confusion and frustration among the officers and supervisors on the ground. Further, with no formal departmentwide after-action report filed, officers and the community have unresolved questions a year later on why specific decisions were made and if those tactics should be reconsidered for the future.

It was clear through PERF's interviews with staff that better communication—similar to what was provided by the police chief regarding the department's excellent COVID-19 response—would go very far in improving morale and curtailing resignations. Part of that communication must be that leaders clearly let officers know they are supported and that their opinions matter to the organization and that the chief has the opportunity to both listen to concerns and explain decision-making.

The Fayetteville Police Department is doing many things right: It has progressive use-of-force policies that reflect modern policing practices and a respected training academy, and its COVID-19 response was immediate and effective. While challenges remain—notably regarding communication within the department as well as agency pay and hours— they are not insurmountable, as long as FPD leaders are committed to improvement.

This report is intended to serve as a guide for implementing these efforts.