

Graham Police Department I am Change March to the Polls After Action Report

Event Type: Parade/Demonstration

Event Date: Saturday October 31, 2020

Event Time: 0830 – until cleared by Operation Commander

Location: N. Main and College St to Court Square

Agencies Involved: Graham Police Department
Graham Fire Department
Alamance County Sheriff’s Office
Alamance County Emergency Management
Alamance County EMS
NC SHP
NC ALE
Burlington Police Department
Gibsonville Police Department
Orange County Sheriff’s Office
Randolph County Sheriff’s Office

Planning/Logistics: On October 20, 2020 at 0900 hrs. representatives from the Graham Police Department, and Alamance County Sheriff’s Office met with Rev. Drumwright (Event Organizer) at the Graham Police Department to discuss the event and planning for the event.

On October 27, 2020 at 1630 hrs. Graham Police Department Staff, along with representatives with the Graham Fire Department, City of Graham Public Works, Alamance County Emergency Management, and the Alamance County Sheriff’s Office met at the Graham Police Department to further discuss planning and logistics, and share further intelligence information.

On October 28, 2020 at 1500 hrs. Graham Police Department Staff for a planning and logistics meeting, and share any further intelligence information.

On October 29, 2020 Graham Police Department Staff met for a planning and logistics meeting.

Communication: Parade/Street operations will utilize State Event Charlie 3 (Zone 8 Position 12)

Courthouse Operations will utilize State Event Charlie 4 (Zone 8 Position 13)

Command Location: Graham Police Department Squad Room

Command Type: Unified Command

Briefing Location: Graham Police Department training room

Briefing Time: 0730 hrs. on October 31, 2020

Personnel Staging

Location: Graham Police Department Training Room

Operation

Commander(s): Lt. Duane Flood (Graham PD)
Captain David Sykes (ACSO)
Tommy Cole (Graham FD)

Department

Liaison(s): Paul Cobb (ACSO)
Chief Tommy Cole (Graham FD)
Yancey King (ACEM)
Ray Vipperman (EMS)
Stephen Sigmon (C-Comm)
Daniel Sisk (Graham PD)

Finance/Logistics: Chief M.K. Cole (Graham PD)
Billy Clayton (Graham PD)

Special Equipment

Needed: Ballistic Vest
Police Radio, handheld unit w/ear piece
Body Camera
Flex Cuffs
MK9 OC Spray
Riot Control PPE
Covid-19 Mask
Traffic Vests

Traffic Control: NC SHP assisted with traffic control around College St and N. Main to assist with traffic related to participants.

Vehicles were not allowed to park roadside on College St.

Graham Police units along with NC SHP will conducted traffic control at the following intersections during the march;

N. Main and Parker (SHP)
N. Main and Water
N. Main and Guthrie
N. Main and Maple
N. Main and Hill
N. Main and Albright
N. Main and Market
N. Main and Harden
Court Square and E. Elm (Team 4)

Lt. Velez led the march and SHP units followed the end of the march.

No Vehicular traffic was allowed to join the march.

The march stopped in the intersection of Harden and Main for approximately five minutes before moving forward towards the monument. Traffic was stopped during this time causing some traffic congestion.

Once at Court Square the march stopped in the roadway at the monument. At the same time several vehicles including a U-Haul and a truck pulling a generator entered in the North side of Court Square from the wrong direction to set up a stage. Traffic was closed for approximately 15 minutes while the roadway was cleared of march participants and the vehicles that entered from the wrong direction were removed. This caused an extended disruption in vehicular traffic.

Once the assembly was deemed unlawful traffic again had to be cut off from entering into the downtown area due to a large amount of people being in the roadway. NC SHP assisted with the redirection of traffic during this time. Once roadway was cleared of all individuals traffic was allowed to continue through downtown as normal.

**Deployment
And Responsibilities:**

- Members of Public works placed barricades at designated areas of West and East Court Square, South West Court Square and at the corner of E. Elm St. and Court Square to

close off parking spaces for event participants to gather within.

- Sesquicentennial park was closed off and designated for event participants.
- Parking spaces at the corner of E. Elm and Court Square was designated for any counter protestors.
- Counter protestors were not allowed to enter into the area of the march/event participants.
- All assigned personnel reported to the Graham Police Department at 0730 hrs. for briefing.
- **All officers wore a “Covid-19” approved mask at all times while outside of their assigned vehicle during this event.**
- All officers wore their reflective traffic vests at all times during the event.
- Plain Clothes Officers from NC ALE were operating amongst the march participants as well as counter protest groups for the purposes of gathering intel.
- Graham Police Department units were divided into teams with a designated team leader and were assigned posts for this event.
- All units responding/reporting to downtown paired up into, at minimum, two man units to reduce on the number of patrol vehicles downtown.
- If it became necessary to utilize MK-9 OC to disburse the crowd from the roadway when the march stopped in Court Square and again once the assembly was ruled as unlawful. Officers utilizing same completed a Use of Force Report in RMS.
- Units from staging were deployed downtown with additional munitions and control devices to assist in the movement and/or disbursement of the crowd once the march stalled at Court Square.

- All officers checked in/out with the designated staging officer at Graham PD.
- Team Leaders served as safety officers for police personnel assigned to their team.
- The Alamance County Sheriff's Office handled the security of the Detention Center and related property along with the Court House and related property located at Court Square.

**Personnel/
Assignments:**

Chief K. Cole	Finance/Logistics/Command
Billy Clayton	Finance/Logistics/Command
Susan Clayton	Logistics/Food
John Franks	Command/Staging
Lt. D. Flood	Incident Command
Chief R. Parrish (GibPD)	Command
Lt. T. Velez	Operations Chief
Lt. D. Sisk	PIO/EOC Liaison
Sgt. Barnes	Processing ACDC
Sgt. O'Neal	Graham PD Desk Officer
Sgt. Edwards	Medical Strike Team/GFD
Ofc. Medley (GibPD)	Medical Strike Teams/GFD
<u>Team 1</u>	Traffic Control/Staging
Sgt. Payne	Team Leader/Main/Guthrie
Cpl. Denny	Main/Water/Market
Ofc. Parks	Main/Maple/Harden
Ofc. Hopkins	Main/Hill
Ofc. Cabanillas	Main/Albright
<u>Team 2</u>	Staging
Sgt. Kirkman	Team Leader

Cpl. Haynes Main/Harden

Ofc. Boggs

Ofc. Land

T. Sykes (GibPD)

C. Andrews (GibPD)

Team 3 West Court Square

Sgt. Way Team Leader

Cpl. Scoggins

Ofc. Louizes

Ofc. Jordan

Ofc. J. Walker

Ofc. Swink

Team 4 East Court Square

Sgt. King Team Leader/Traffic

Cpl. Neudecker

Det. Belk

Det. Sakin

Det. Rains

Cpl. Cross

Ofc. A. Walker

Arrest Transport Team

Ofc. Purcell

Ofc. Hulcher

**Medical
Emergency:**

Graham Fire Department deployed medical strike teams to Court Square due to complaints related to exposure to OC vapor that was

deployed for crowd control and disbursement. Treatment was rendered but subjects refused transport for further medical treatment.

Media: Media was present at this event and were held to the same parameters as march participants. One member of the media was arrested for failing to follow orders by an officer to clear from the roadway.

A press release was done following the conclusion of the march and more information continues to be released to the media.

Calls for Service: Burlington Police Department remained in-service and handled priority calls for service for the City of Graham during this event. No reports or enforcement action was taken by Burlington Police during the time of the event.

Event Summary: This event was to be a march from Waymans Chapel on N. Main St to The Historic Courthouse on Court Square were the event organizer had secured a permit to hold a rally. It was agreed upon that the event organizer could set up a generator in the area blocked off by police in front of Sesquicentennial Park along with a stage if they so desired. They were also allowed to set up a stage on Courthouse property but no gas powered generator was allowed at the Courthouse.

At 10:16 am the U-Haul with the stage and a white truck with a generator entered into Court Square but made no attempts to set up anything. The U-Haul and truck proceeded to Waymans Chapel.

At 10:26 am Chief Cole and Lt. Velez went to the starting location to meet with Rev. Drumwright, however, he was not present and did not arrive until after 11:00 am.

At 11:31 am the march started on N. Main St. Vehicles tried to join the march and were stopped by SHP.

At 11:45 am reports of individuals flying a drone over the march was reported to command. At the direction of Command officers made contact with Drone Pilots and got them to take the drones out of the air for safety reasons.

At 11:48 am the march stopped in the intersection of Main and Harden and remained stopped in this intersection until 11:53 am. Officers did not attempt to move them at this time due to having agreed internally that we would give them an eight-minute pause during the march.

At 11:56 am the march entered into Court Square and began blocking the roadway.

At 11:58 am the white truck and the U-Haul with the stage entered into Court Square from the wrong direction stopping in the middle of the roadway to begin setting up a stage and the generator. The

stage was taken onto Courthouse Property and the generator was placed in the designated area in front of Sesquicentennial Park.

At 12:06 pm Command gave the orders to disperse the crowd from the roadway and remove the vehicles from the roadway.

Commands were given to the crowd to disperse. Following lawful commands to disperse a small amount of OC vapor was deployed to aid in the movement of the crowd.

At 12:08 pm command was advised of the first arrest and that a transport unit was needed.

At 12:11 pm the trucks were finally moved from the roadway.

At 12:12 Command advised officers again to remove individuals from the roadway.

At 12:15 pm individuals were attempting to run cords from the generator to the Courthouse. This was not allowed and they were stopped.

At 12:16 pm Command advised units to open the roadway to traffic once all participants and officers were clear from the roadway.

At 12:53 pm Command was advised that a gas canister was taken by individuals into the stage area.

At 12:56 pm Command advised that if anyone tried to start any fires the event would be ruled unlawful and the crowd would be ordered to disperse.

At 12:56 pm units on the ground advised that there was a small generator at the stage that had been snuck in.

At 1:00 pm OC was deployed on Courthouse property.

At 1:01 pm units advised that a fight was occurring at NW Court Square.

At 1:02 pm a Medical Strike Team was deployed to the Courthouse.

At 1:04 pm Command advised ground units due to the violent actions taking place by the crowd and the crowd attempting to once again take the roadway that this assembly had been ruled unlawful and that everyone needed to disperse from the area.

At 1:06 pm SHP was requested to assist with blocking off all traffic.

At 1:07 pm a second Medical Strike team was deployed to Court Square.

At 1:11 pm the first five-minute warning to disperse from downtown was given. The order was repeated at the three-minute mark and a warning was given at the one-minute mark. A final warning was given once the five-minute warning time had lapsed. After the time had elapsed OC vapor was deployed to assist in the dispersal.

At 1:12 pm a human chain was formed on Courthouse property and more arrests were made.

At 1:15 pm ACSO advised that 15 more arrests had been made.
At 1:17 pm more OC Vapor was used to move the crowd North on Main out of the downtown area.
At 1:35 pm orders were given to reopen traffic at the discretion of 804 on the ground once everyone was clear of the roadway.
At 1:41 pm traffic was opened and SHP returned to staging.
At 2:28 pm all units were cleared and returned to staging.

The Police Department made a total of eight arrests during this event for incidents that occurred off of Courthouse property.

**Use of Force
Review:**

The march from Wayman's Chapel AME Church to the area just north of the confederate monument at the Historic Courthouse in Court Square was concluded without incident. However, after a pause in honor of George Floyd in the crosswalk of that area (Court Square and N Main Street), a large portion of the participants failed to leave the roadway after being ordered to do so by Graham Police officers on the scene. All officers present repeatedly gave commands and Graham Police Command authorized the use of MK9 OC Vapor to disperse the crowd from that location to the three designated protest areas for the group. Officers deployed their spray on the ground to disperse this group. Once the group moved out of the roadway and into the designated areas the rally continued for approximately an hour.

This is when officers noticed a subject carrying a gas can onto county property at the Historic Courthouse. The Command Post was notified and told to advise county units (Alamance County Sheriff's Office Deputies) who were in control of that area. Shortly thereafter (we later learned) deputies approached participants and advised them that they were seizing the gas can and that the generator they had, needed to be removed from the property. The possession of these items was in violation of the permit agreement Drumwright had obtained through the ACSO for the rally portion of the event. Deputies attempted to seize the generator when it was not removed and a physical altercation ensued between participants and deputies. Other deputies then deployed chemical agents to disperse the group and remove them from county property. As they exited the property Graham Officers directed them to the other two designated areas on the sidewalks at the northwest and northeast areas of Court Square.

During this time, while directing subjects across the street in the northwest area, one of our officers was assaulted by a Julius

Walton (he shoved the officer by pushing him in the chest). The officer was eventually able to take the subject to the ground and with the assistance of other officers was able to hand cuff him and complete the arrest. A female companion of Mr. Walton was also arrested when attempting to interfere with his arrest.

Shortly thereafter, Graham Command advised that the demonstration had been deemed an unlawful assembly and that all participants must disperse from the Court Square downtown area immediately. We utilized a vehicle PA system to address the crowd, ordering them to disperse. The Operations Chief modified the instructions and began a 5-minute countdown on-scene via vehicle PA system. (The units to the east were unaware of this and proceeded to clear the smaller group of participants from their side once Command advised of the assembly's unlawfulness. They used OC vapor on the ground to accomplish this.) Once the countdown was completed and final warning was given via PA system, officers on the west side continued to give orders to disperse and used OC spray on the ground to disperse the crowd.

The crowd eventually dispersed and once the area was clear of demonstrators the downtown area was reopened to the general public.

Review of BWC footage:

Videos from officers' BWC's were reviewed to investigate the individual uses of force. The videos corresponded to officers' statements in their individual use of force reports.

Primary notes of import viewed were the following:

During the first instance of spray the crowd started chanting "Who's Street? Our Street!" which has been common with protestors in the past. However, after the order to clear the road was given a person on a megaphone/ bullhorn (likely Shon Green) then yelled "These streets belong to us!"

Findings:

In reference to the force used by all officers, there was no indication that either physical force or chemical agents were used excessively. All officers' actions were in compliance with Graham Police Department Policy 17: Use of Force and applicable state laws.

The only chemical agent utilized at any point by Graham Officers was Oleoresin Capsicum vapor, commonly referred to as OC or Pepper Spray.

Positives:

Communications

- Commands given across the radio were clear and could be understood.
- Having separate radio channels for street operations and Courthouse operations helped to cut down on the amount of radio traffic and allowed for less confusion on who orders were being directed to.
- There was effective communication between agencies.

Planning and Operations

- A public safety plan and information was sent out to businesses in this area which allowed them to be informed on what was taking place.
- The plan for this event was well prepared and adhered to throughout the event.
- The pre-brief with supervisors was beneficial and allowed everyone to be better informed of what the plan of operation was.
- Dividing into teams with a direct supervisor and a designated area was beneficial. Officers had a direct supervisor to report to and had a clear, concise chain of command for this event.
- Command being at the Police Department allowed for better control of command and operations.
- Having Sgt. Kirkman work with and assist with street operations, especially when orders were given to disperse the crowd, went well.

Crowd Control and Dispersal

- When the march arrived into Court Square and when the time came to get them out of the roadway, officers were able to get the crowd moved from the roadway in a manner which allowed for the rally portion to be able to be held.
- The use of OC Vapor to clear the roadway and the area, in the end, kept officers from having to use physical force to move the crowd.
- There was no use of force which resulted in any physical injuries to participants or officers.

Additional Positives

- Having a representative in the command center from c-comm. was very beneficial in assisting with radio traffic, as well as performing the role as a scribe for the event. They kept detailed notes and provided the notes to the agency in a timely manner.
- Utilizing one OCA# for the entire incident and all associated arrests make it easier to locate reports and information related to this event.
- The city IT department was very responsive to needs and readily available for assistance on the day of the event.
- A folder was created on the server to allow for communication and information sharing between the department and the City Manager and City Council.

Improvements: Communication(s)- Internal

- There were challenges inside of the command center and utilizing two radio channels. Due to the radio base station within command only being able to monitor one channel at a time we had to utilize a portable radio as well. The portable radio does not get good reception within the room which caused some radio traffic to have to be repeated. We need to explore having a least two base stations within the room or having another means of monitoring radio traffic.
- Commands and orders being given on the street need to be communicated to incident command so that everyone is on the same page.
- Officers/staff need to make sure they advise command when they are not going to be in their assigned location for any reason.

Communication(s)- External

- The agency needs to put out the expectations to the event participants and not just assume that the event organizer is going to inform the participants. This may be accomplished by making an announcement on a loud speaker or giving out written copies of the plan/limitations prior to the start of the event. The agency could work to identify more groups possibly involved in the event to aid in better distribution of the public safety plan. The agency could publish the public safety plan on social media outlets before the event.
- The Graham Police Department needs an internal list of contact information for business owners and individuals

within the business district. This would allow for better communication with the businesses about the plan and lessen the likelihood of misinformation being distributed.

Crowd Dispersal

- The agency needs to create a standard proclamation with a warning to disperse for officers to follow. This warning needs to include a warning that chemicals will be utilized to disperse everyone, if needed, and not just a threat of arrest.
- Commands to disperse need to be given by one or two designated officers. Once the orders to disperse are given over a loud speaker, that command needs to be relayed to all officers on the ground via radio. Officers should then begin to repeat the orders to the crowd. In addition to this each warning needs to be logged with Command, i.e. first warning, second warning, etc.
- Once Command advises OC or any other chemicals are authorized to be deployed, officers need to log with command that it is being deployed if feasible, especially when being deployed for the first time. Advising command that chemicals are being deployed allows for documentation of time of deployment.
- When it becomes time to disperse a crowd officers need to have and know where a cut-off point is at. This keeps officers from continuing with the crowd and pushing too far from the point of dispersal.
- When a crowd does form, like what occurred in this event, all officers do not need to move to the crowd unless absolutely needed. On this date when the crowd entered into Court Square, officers moved to the crowd which allowed for vehicles to come, from the wrong direction, in behind officers and take up the roadway. This causes an officer safety issue, as well as more issues to have to be dealt with. Consideration needs to be given to placing marked units at all points entering into Court Square, which would reduce the likelihood of this happening again in the future.
- All officers need more training in the area of Crowd Control Techniques and Dispersal. It was evident during this event that some officers lacked confidence in the use of the OC Vapor and the dispersal of the crowd.

Additional Improvements- Internal

- Make sure that everyone has the needed equipment and that their equipment is ready to go. Several officers failed to have issued equipment with them. There were officers at this event that did not have their newly issued Crowd Control PPE operational ready. This needs to be addressed by supervisors and supervisors need to conduct an inspection of officers' days prior to and on the day of the event.
- Ensure that officers are better informed on applicable charges. Officers charged Resist, Delay, and Obstruct for this event when the more appropriate charge may have been Failure to Disperse.
- There needs to be better organization on the arrest process and the completion of the arrest information forms prior to individuals being transported by the arrest team to the jail to be turned over to the officer handling charging and processing.
- When making requests for mutual aid the department needs to be specific in the request for uniform officers. If non-uniformed officers are here to assist, make sure they are held within staging and not deployed unless absolutely necessary.
- When officers are on the street they need to make sure that they maintain their professionalism at all times.
- There needs better control of who is entering the command center. There were too many individuals coming into the command center that did not need to be in the room. Consideration needs to be given to setting up an observation room for non-essential individuals to be able to observe cameras without entering command.
- There needs to be representative from fire within the command center itself and not just at the EOC. This will allow for better communications for medical/fire needs.
- Implement a plan to conduct a press conference within a timely manner following an event of this nature.

Additional Improvements- External

- The agency made the determination, outside of the safety plan, to allow the crowd to stop in the roadway for eight minutes and forty-five seconds of silence. Going forward do not allow them to stop in the roadway like this, unless previously agreed upon with the event organizer. By

allowing them to stop in the roadway this led to confusion for some of the event participants and may have added to the issues of the participants trying to remain in the roadway.

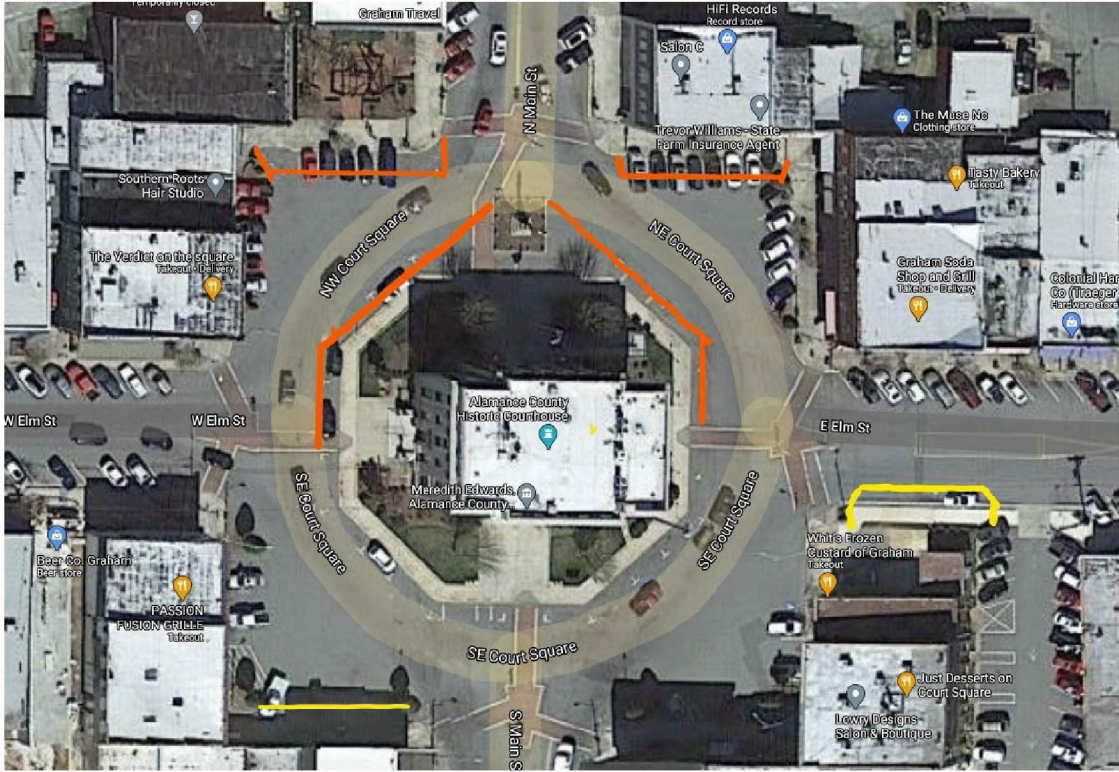
- When creating a safety plan with the event organizer, establish definitive times for set-up of stages or other additional equipment and not allow for any set-up outside of these times.
- As part of the safety plan consider asking the businesses to pull up any outside dining tables and chairs.

Training Needs: Additional training on applicable statutes
Additional training for all officers on Crowd Control Techniques
Continue to cross train Command Staff on ICS responsibilities

Equipment Needs: Portable Megaphones (already purchased)
Explore use or purchase of LRAD System
Additional MK-9 OC Canisters with some in reserve inventory
Belts for officers assigned gas mask bags.

Prepared by: Lt. Duane Flood
Approved by:

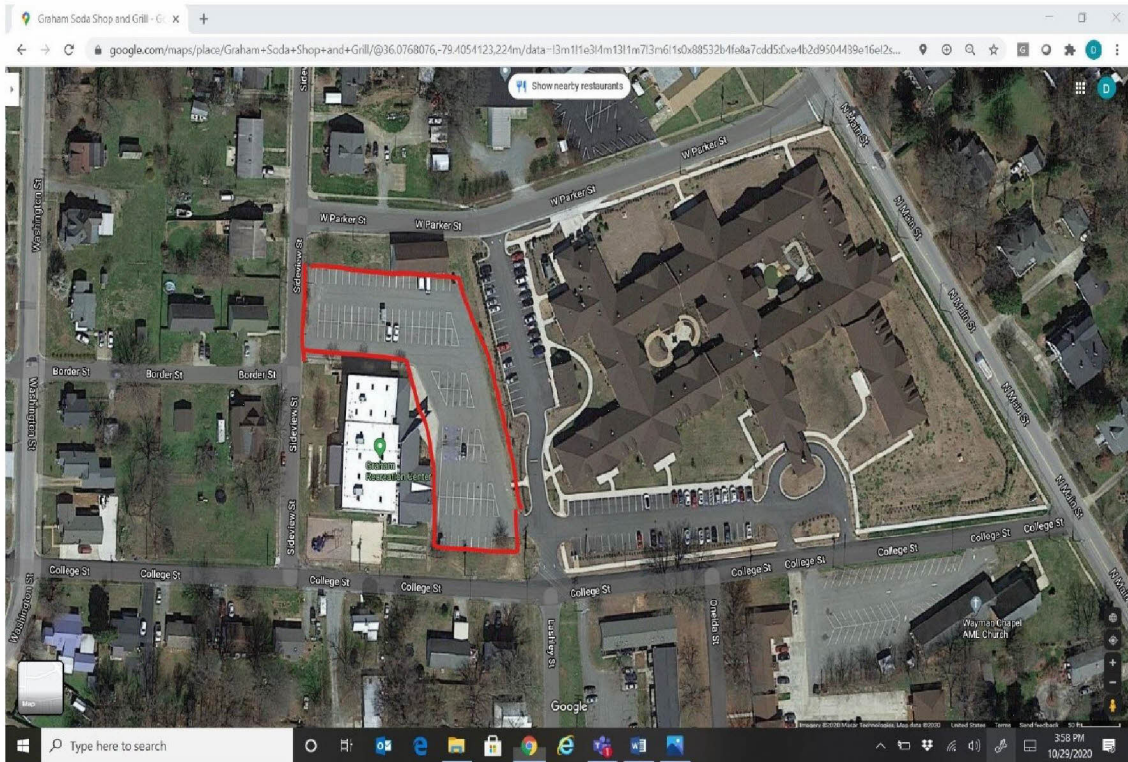
DESIGNATED DEMONSTRATION AREAS MAP



Areas outlined in orange, to include Sesquicentennial Park are designated for participants of the march.

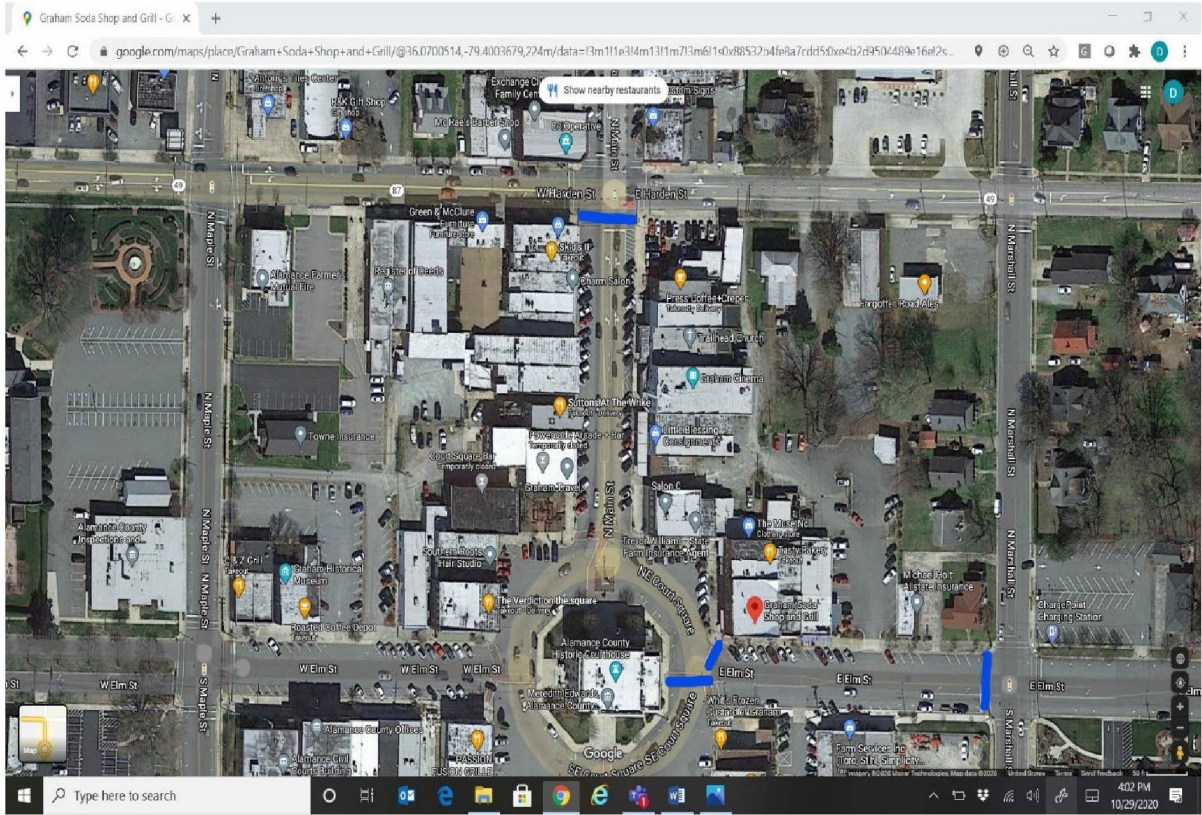
Areas outlined in yellow are designated for any and all counter protestors.

ADDITIONAL PARKING AT WAYMANS CHAPEL



There will be no on street parking on College St. Additional vehicles need to be directed to the parking lot of Graham Recreation Center, outlined in red.

FULL ROAD CLOSURE MAP



Should it become necessary for a full road closure the patrol vehicle will be need at the locations outlined in blue above.