



POLICY AND PROCEDURE REVIEW RELATED TO THE RUSH INCIDENT

August 2018



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Executive Summary

In April 2018, 21CP Solutions, LLC was hired by the City of Asheville to conduct a policy and procedure review of the excessive force incident involving the arrest of Johnnie Jermaine Rush in August 2017. The city requested an assessment that included but was not limited to: a review of the incident that gave rise to arrest, the tactics utilized in affecting the arrest, the police department response, the city administration response, and the community response. The report that follows delivers on the police and city administration components described above.¹

The findings and recommendations included in the following report span the arrest incident, Asheville Police Department (APD) response, and the response of local government entities, such as the City Council, Mayor, City Attorney, and Buncombe County District Attorney. The key findings and recommendations from the assessment are summarized below and presented in greater detail throughout this report.

Rush Incident – Findings and Recommendations

Finding 1: Officer Christopher Hickman should not have been utilized as a field training officer.

Recommendation 1.1: Revise the selection and recruitment process for field training officer program.

Recommendation 1.2: The skills necessary to be an effective field training officer are perishable; officers who have transferred from patrol for a period of time should be reassessed prior to returning to FTO duties.

Recommendation 1.3: APD should routinely assess its Early Intervention System triggers, adjusting when necessary.

Finding 2: Officers did not intervene when their fellow officer was engaging in an inappropriate, unnecessary, and excessive use of force, despite having several opportunities to do so as Officer Hickman actively escalated the situation.

¹ The community component is tentatively scheduled to be fulfilled during a series of meetings that will include 21CP Principals meeting with the Chief of Police, Command Staff and other APD personnel (at the Chief's discretion) to present and explain findings and recommendations; a presentation to the City Council to explain findings and recommendations; and a presentation aimed at familiarizing the community and public officials with the findings and recommendations. The final two presentations will be designed to dovetail with a presentation by the police department explaining to the public and elected officials the steps that the department has taken and will take to respond to findings and implement any recommendations.

Recommendation 2.1: APD should consider adopting a peer intervention program.

Finding 3: Officer Hickman and Sergeant Taube did not appear to communicate to EMS that multiple Taser cycles had been used on Mr. Rush, which was documented by the download usage record from Officer Hickman's Taser.

Recommendation 3.1: All APD personnel and Asheville EMS should be notified and trained regarding the medical treatment requirements included in the use of force policy.

[Asheville Police Department Response to Rush Incident – Findings and Recommendations](#)

Finding 4: The Asheville Police Department responded to the incident in a timely manner, and within the limitations of North Carolina law.

Finding 5: The leak of Officer Hickman's body worn camera footage to the *Asheville Citizen Times* may have undermined the formal administrative review processes already underway within APD and the city and may have compromised or impeded future prosecution of Officer Hickman.

Finding 6: During the review of all body worn camera footage uploaded by Officer Hickman from June 11, 2017 through September 11, 2017, APD learned about numerous incidents during which Officer Hickman engaged in unacceptable behavior and judgement.

Recommendation 6.1: APD should implement a more structured policy regarding BWC audits, particularly for officers identified as possibly being problematic.

Finding 7: After the video of the Rush incident was posted to the website of the *Asheville Citizen Times* on February 28, 2018 at 7:06 PM, it was over 16 hours before APD released an official response.

Recommendation 7.1: The APD should prioritize the timely release of information, and response to the release of information, acknowledging the 24-hour nature of the news media.

Recommendation 7.2: The APD should have its own independent public information officer that reports directly to the police chief.

Recommendation 7.3: APD should consider developing a policy and associated training for appropriate engagement with community members on social media, particularly with

regard to police events.

Local Government Response to Rush Incident – Findings and Recommendations

Finding 8: The members of the Asheville City Council, City Manager, and Mayor were unaware of the Rush incident prior to the *Asheville Citizen Times* story’s publication on February 28, 2018.

Recommendation 8.1: Develop clear protocols for when individuals at different levels of city government should be informed about particular events.

Recommendation 8.2: Develop clear notification procedures to inform individuals on the City Council of possible high-profile issues in a way that is consistent with policy and allows the information to remain confidential if necessary.

Recommendation 8.3: Implement a crisis communication policy within the City Council, City Manager, and Mayor’s offices to coordinate press releases and correspondence in concert with APD’s PIO when communicating with the media.

Recommendation 8.4: The City should consider retaining a firm to provide crisis response services to the APD and the City of Asheville in the future.

Finding 9: The civil service board (CSB) model in its current form is inefficient and requires improvement.

Recommendation 9.1: The CSB process should be streamlined and focus on whether the act being investigated occurred as reported and whether the employee’s termination is appropriate.

Introduction

Asheville is the largest city in Buncombe County and the western North Carolina region more broadly and is the eleventh largest city in the state. The city is home to a population of approximately 90,000 residents, the majority of which (82.3 percent) identify as white/Caucasian.² The daily population is amplified by the local tourism industry as well as more than 40,000 commuters; Buncombe County reports an average of 29,800 visitors each day, and nearly eleven million per year, many of whom spend some or all of their stay in Asheville.^{3,4}

The City of Asheville has been led by Mayor Esther Manheimer since December 10, 2013. The local government structure is a council-manager format, which includes a city manager that is appointed by the Asheville City Council, and is responsible for overseeing the day-to-day city operations, and execution of Council-established laws and policies. The City Council also appoints the city attorney and city clerk.⁵

The Asheville Police Department (APD) has been led by Chief Tammy Hooper since July 20, 2015 and is authorized 238 sworn and 62 non-sworn employees. Per the APD's 2017 Commission on the Accreditation of Law Enforcement Agencies (CALEA) Accreditation Assessment Report, the Department underwent an organizational re-structure in 2015 and is now organized into two Bureaus and five Divisions, to include an Administration Bureau, which oversees the Special Services and Administrative Services Divisions; an Operations Bureau, which oversees the Patrol Operations and Investigations and Support Operations Divisions; and a Financial Services Division, which reports directly to Chief of Police. The Department's annual budget is approximately twenty-seven million dollars.⁶

The Asheville Police Department was last reviewed for CALEA accreditation program in July of 2017. The summary of findings provided by the CALEA assessment team indicated that the department followed program standards and with agency policies and procedures, and had successfully addressed areas that had been identified as problematic in prior assessments:

² <https://www.census.gov/quickfacts/fact/table/ashevillescitynorthcarolina#viewtop>

³ https://www.ashevillescvb.com/wp-content/uploads/BUNCOMBE-COUNTY-TOURISM-OVERVIEW_County-Version_updated-10-24-17.pdf

⁴ <https://mountainx.com/news/2016-numbers-reflect-continuing-strength-in-buncombe-county-tourism-industry/>

⁵ <http://www.ashevillenc.gov/council/about.htm>

⁶ <http://www.ashevillenc.gov/civicax/filebank/blobdload.aspx?blobid=30037>

Overall, the assessor team was impressed by the knowledge and the enthusiasm for their respective assignments that was demonstrated by agency members involved in the numerous interviews and the various on-site activities. The Department is clearly working to build stronger community partnerships and Chief Hooper is focusing the agency's attention on transparency, de-escalation strategies, and a variety of community outreach programs, as well as the utilization of area specific enforcement activities where needed. Thus, the assessor team believes that the Asheville Police Department is an efficient and well managed law enforcement agency that provides a high level of service to its community and continues to be a positive model for the CALEA accreditation program.⁷

While the department is in good standing with CALEA, it is also recognized that there are many ways the APD and its local government partners can improve.

During the overnight shift of August 24, 2017, an Asheville citizen was subjected to excessive force during an arrest by an APD officer. In addition to the incident itself, there seems to be an awareness by the citizens and leaders of Asheville that the policies and procedures relied upon in the response to the incident require strict scrutiny and revision. As such, on March 20, 2018 the Asheville City Council unanimously approved a motion to develop a proposal for a third party to conduct a review of APD. In April 2018, 21CP Solutions, LLC⁸ was hired by the City of Asheville to conduct a review of the arrest of Johnnie Jermaine Rush, the tactics, policies, and procedures involved, and the responses of the APD and city government.

21CP Solutions, LLC (21CP) is a global consulting group that assists police and law enforcement organizations to meet the challenges of policing in the 21st Century. 21CP's mission is to assist law enforcement agencies in employing best practices for effective, integrity-driven policing that is grounded in the principles of procedural justice and focused on building trust, improving relationships, and increasing safety in collaboration with every community. 21CP's experts have significant experience working together on major assessment, monitoring, and consulting projects, and are dedicated to providing high quality professional service to our clients and the people they serve.⁹

⁷ <http://www.ashevollenc.gov/civicax/filebank/blobdload.aspx?blobid=30037>

⁸ www.21cpsolutions.com

⁹ 21CP was assisted by staff from the Crime and Justice Institute at Community Resources for Justice in the writing of this report. <https://www.crj.org/divisions/crime-justice-institute/>

Methodology

The assessment team conducted two multi-day investigatory site visits in Asheville that involved numerous interviews and ride alongs with key personnel, reviews of body worn camera (BWC) footage, collecting primary documents and policy and training materials, and attending public events such as City Council meetings. Key interviews included conversations with:

- Tammy Hooper, APD Chief
- Cathy Ball, Acting Asheville City Manager, Fmr. Assistant City Manager
- Select sworn APD personnel, of various ranks and assignments
- APD Office of Professional Standards (OPS) personnel
- Christina Hallingse, APD Public Information Officer
- Hannah Silberman, APD Accreditation Manager
- Robin Currin, City Attorney
- John Maddux, Assistant City Attorney
- Jade Dundas, Capital Projects Director, Fmr. Assistant City Manager
- Peggy Rowe, Interim Assistant City Manager, Fmr. City Human Resources Director

The findings and recommendations presented in this report emerged from the content of many of these conversations, as well as from the close reviews of investigative materials, policies, procedures, press releases and media coverage, video footage, and other resources made available to the assessment team.

August 2017 Incident with Officer Hickman

During the overnight shift spanning August 24-25, 2017, APD Field Training Officer Christopher Hickman and Recruit Officer Verino Ruggerio were conducting traffic patrol in a marked patrol car on Biltmore Avenue. Per Officer Hickman's use of force narrative, he and his trainee observed a black male walking through the parking lot of a local business, Smile Starters, which has a posted "no trespassing" sign; the officers further observed the male—later identified as Johnnie Jermaine Rush—walking into the roadway of Biltmore Avenue rather than utilizing the crosswalk.

Officers Hickman and Ruggerio observed Mr. Rush approach and enter the Citgo gas station at 210 Biltmore Avenue. Officer Hickman appeared to observe from a distance, while Recruit Officer Ruggerio independently initiated contact with Mr. Rush after he exited the Citgo store. According to Officer Hickman's statement, Officer Ruggiero explained to Mr. Rush that the parking lot he had walked through had a posted "no trespassing" sign, and that he had been observed crossing the roadway in the presence of traffic, rather than utilizing the appropriate crosswalks. Mr. Rush was not cited and released after the initial encounter.



Officer Ruggerio (left), Officer Hickman (right), and Mr. Rush (middle, white shirt) following the initial contact at the Citgo station on Biltmore Avenue. (still shot from Ofc. Hickman's BWC footage, released by NC Superior Court Order, file no. 18CVS00941)

Shortly thereafter, Officers Ruggerio and Hickman again observed Mr. Rush entering the roadway rather than utilizing the appropriate crosswalk. The officers pulled over their patrol car and Officer Ruggerio again approached Mr. Rush, and explained that he had observed him commit an

additional four violations since their last contact at the gas station. Officer Ruggerio explained that he could either arrest him or write him a ticket. Mr. Rush stated that he was trying to go home and was frustrated because he felt that he was being harassed.

After Mr. Rush became verbally agitated Officer Hickman ordered for Mr. Rush to “put your hands behind your back.” He approached Mr. Rush, who began to move backwards. Officers Hickman and Ruggerio approached him from either side, and Officer Hickman instructed him to drop his bag from the Citgo store and put his hands behind his back. Based on Officer Hickman’s body worn camera footage, it appears Mr. Rush began to put his hands behind his back, but then following what appeared to be a brief struggle, fled the two officers. Officer Hickman yelled “mother fucker” and radioed in the pursuit as, “he’s on foot; white male, black male, white tank top, thinks it’s funny. You know what’s funny is you’re gonna get fucked up hardcore. Get on the ground.”



Biltmore Avenue, with Smile Starters (left) and the Citgo station (right) on opposite sides of the street. (image from Google Street View)

As Officer Hickman stated Mr. Rush was going to “get fucked up hardcore,” his body worn camera showed he had his Taser electric control weapon pointed at the subject. Officers Hickman and Ruggerio appeared to reach Mr. Rush and restrained him in a prone position with their hands behind his head, and Officer Hickman directing him to put his hands behind his back. As the Officers struggled to get Mr. Rush’s hands behind his back, Mr. Rush yelled, “I can’t breathe”. Mr. Rush continued to yell that he couldn’t breathe as Officer Hickman repeatedly struck him in the side of the head with a closed fist. Officer Hickman appeared to deploy his Taser first to Mr. Rush’s leg using the prongs, and then with direct contact against Mr. Rush’s upper arm. Based on the download of data from the Taser, it was deployed four times, each time with a five second

cycle. A third officer, Officer Luis Delgado arrived at the scene to assist and attempted to control Mr. Rush's legs.

As Officers Hickman and Ruggerio attempted to place Mr. Rush in handcuffs, Officer Hickman allegedly perceived that Mr. Rush was trying to gain control of his Taser. According to his use of force narrative and the APD assessment of body worn camera footage Officer Hickman then used lethal force (based on APD Policy 402.4D) by using his Taser to strike Mr. Rush in the head and placing him in a chokehold. Once Mr. Rush was handcuffed Officer Hickman radioed for emergency medical services (EMS) for Mr. Rush and specified that he needed a supervisor on scene. Officer Hickman then approached Mr. Rush, who was handcuffed and lying on the ground partially under the front of a parked vehicle, with Officers Ruggerio and Delgado above him. They engaged in a verbal and physical exchange, which was also captured on Officer Hickman's body worn camera.

Officer Hickman: It was a ticket and you wanted to act like this? What's wrong with you? What the fuck is wrong with you? I don't know what your problem is. I don't know if you've got a gun, I don't know if you got a knife. I don't have x-ray fuckin vision.

Mr. Rush: Hey man stop yelling at me.

Officer Hickman: Well get up. Put you in a car tough boy. Do anything stupid and you're gonna be hurt further. We're going across the street.

Mr. Rush: You ain't have to punch me in my face for no reason.

Officer Hickman: You didn't have to make me

As Officer Hickman walked Mr. Rush across the street to the patrol car they appeared to be physically struggling.

Based on her body worn camera footage, Sergeant Lisa Taube appeared on scene as Mr. Rush was being walked to the patrol car. Officer Hickman provided Sergeant Taube with a brief description of the events with Mr. Rush, some of which were not corroborated by the available body worn camera footage. According to Officer Hickman, "he ran, laughing, saying fuck you, can't wait 'til you catch me, so we caught him. Then he wanted to fight, tried to drag the Taser out of my hand, and then I just went on his fucking head. I beat the shit out of his head, I'm not going to lie about that."



Officer Hickman providing an initial description of the incident to Sergeant Taube (right). *(still shot from Sgt. Taube's BWC footage, released by NC Superior Court Order, file no. 18CVS00941)*

Sergeant Taube checked to see that Officer Hickman was not injured, and he confirmed that any blood on him was from Mr. Rush. Sergeant Taube requested that the window of the patrol car be rolled down, so she could interview Mr. Rush on scene. The interview proceeded for ten minutes and was increasingly adversarial. Toward the end of their interaction Sergeant Taube asked Mr. Rush if he needed medical attention.

Mr. Rush: Yes I do.

Sergeant Taube: Where?

Mr. Rush: All over my face. My shoulder. My whole body. Your officer did it. He punched me in my face.

Sergeant Taube: Ok. Where do you need medical attention because I'm not seeing anything.

Mr. Rush: I just told you. All over my body.

Sergeant Taube: Ok. Well they could maybe provide you a Band-Aid, but you have no blood.



Sergeant Taube (right) interviewing Mr. Rush. *(still shot from Sgt. Taube's BWC footage, released by NC Superior Court Order, file no. 18CVS00941)*

At this point in time medical personnel approached the patrol car and began to interview Mr. Rush about his injuries, and Sergeant Taube walked away from the patrol car. Mr. Rush was transported to Mission Hospital in Asheville for assessment, after which he was transported and booked into the Buncombe County Detention Facility. Following his release on August 25, 2017, Mr. Rush went to APD Headquarters and spoke with Sergeant Michael Allen to make a complaint of excessive force.

Findings and Recommendations based on the Events during the Rush Arrest

Finding 1: Officer Christopher Hickman should not have been utilized as a field training officer (FTO). Based on the review of Officer Hickman’s personnel file, disciplinary records, BWC footage, and assessment of his behavior on the evening of the Rush incident, it is clear that he should not have been responsible for the training and development of new officers. Officer Hickman had a documented history of inappropriate behavior amongst colleagues, and difficulty with supervisors. A former supervisor described Officer Hickman as a class clown who was abrasive, opinionated, and lacking a filter; additionally, he noted that Officer Hickman often bucked authority, and could be challenging to supervise.

Further, Officer Hickman’s disciplinary record included incidents during the months preceding his assignment as an FTO, while he was working in the Criminal Investigation Division (CID). Upon returning to patrol from CID, neither Officer Hickman’s disciplinary issues nor his time away from field training responsibilities in patrol prevented him from receiving an FTO assignment. Additionally, as Officer Hickman’s job performance faltered in the months leading up to the Rush incident—including a sustained complaint that resulted in a suspension—Officer Hickman continued to serve as an FTO.

Recommendation 1.1: Revise selection and recruitment process for field training officer program.

The assessment team is aware and mindful that efforts are currently in place to revise the FTO process. It is clear that the selection process for APD’s FTO program requires significant revision such that new officers receive training and mentorship from qualified officers in good standing with the department. Conversations with APD personnel indicate that the constant need for numerous FTOs, and the transfer opportunities to coveted specialized units, which offer take home cars and other benefits unavailable to patrol officers, have created difficulties finding enough qualified officers to serve as FTOs. For APD to attract and retain the most qualified FTOs, will likely require professional or monetary incentives, such as additional pay and or take-home cars.

It should be noted that in the time since the Rush incident, that APD has taken steps to revise an FTO-like program aimed at newly promoted sergeants to provide them with the

skills and resources necessary to properly supervise staff, conduct and properly document performance evaluations, appropriately hold staff accountable, and motivate staff under their supervision. An FTO-like process for newly promoted sergeants is rarely seen in American policing. APD implemented the program several years ago and recently successfully updated it to reflect the challenges in the current policing environment. APD should be commended for this program and the updates to address current challenges in the policing field.

Recommendation 1.2: The skills necessary to be an effective field training officer are perishable; officers who have transferred from patrol for a period of time should be reassessed prior to returning to FTO duties. This assessment should include a determination of the officer’s aptitude regarding current patrol policies and practices, attitude and demeanor, a review of their recent disciplinary activity, and supervisory recommendation as to suitability.

Recommendation 1.3: APD should routinely assess its Early Intervention System triggers, adjusting when necessary.

Finding 2: Officers did not intervene when their fellow officer was engaging in an inappropriate, unnecessary and excessive use of force, despite having several opportunities to do so as Officer Hickman actively escalated the situation. Acknowledging the challenging power dynamic between an FTO and trainee, it nonetheless holds that the Rush incident may not have escalated to the point that it did, had Officers Ruggiero or Delgado felt empowered to intervene.

Recommendation 2.1: APD should consider adopting a peer intervention program.

APD should consider adopting a program that will train and empower officers to intervene in situations in which they must hold themselves and fellow officers accountable. Ethical Policing is Courageous (EPIC), which was developed by the New Orleans Police Department and community partners to educate, empower, and support officers to “police” one another on the street, is an example of one such program. The EPIC training provides officers with skills and resources needed to intervene before problems occur, or before they escalate.¹⁰ The assessment team reviewed numerous situations involving Officer Hickman

¹⁰ <http://epic.nola.gov/home/>

that were captured on his, or other Body Worn Video. In many of the videos, his actions warranted intervention by other officers, who appeared unwilling or afraid to intervene on behalf of citizens who were being treated poorly by Officer Hickman.

Officers step in to help others on a regular basis in the course of their work, however, officers are far less keen on intervening and stopping a fellow officer from losing control of a situation, doing something wrong, unethical, dangerous, illegal or immoral. EPIC seeks to overcome this disconnect and to provide officers with the skills, tools and resources to intervene in a respectful, savvy and effective manner, even when the officer in question is of a higher rank or social standing in the police department.¹¹

Finding 3: Officer Hickman and his Sergeant did not appear to communicate to EMS that multiple Taser cycles had been used on Mr. Rush, which was documented by the download usage record from Officer Hickman’s Taser. Per APD Policy 403.5E-4, “Officers will summon first responders or emergency medical personnel to evaluate all subjects who have received an ECW application. Subjects who have received an ECW application will be transported to a medical facility for examination if any of the following occur: [4.1.5] ... 4. The individual has been exposed to more than three (3) five (5) second ECW cycles.” Rather than explicitly complying with this policy, it appears that Officer Hickman did not inform his Sergeant of the number of rounds utilized, and in turn the Sergeant appeared to suggest to Mr. Rush that he did not require medical attention.

Recommendation 3.1: All APD personnel and Asheville EMS should be notified and All trained regarding the medical treatment requirements included in the use of force policy.

¹¹ 21CP Assessors will assist APD in the coordination of EPIC training with NOPD trainers, as the training is highly sought after and can be difficult to obtain in a timely fashion.

Timeline of APD Response to Rush Incident

Aug. 24-25, 2017 Use of force against Johnnie Rush

Aug. 25, 2017 Mr. Rush issues a complaint to Sergeant Michael Allen alleging that an APD officer used excessive force during his arrest the prior evening

Upon review of the complaint and associated initial evidence, Chief Hooper immediately orders Officer Hickman's law enforcement authority be surrendered and that he be taken off the street and placed on administrative duty

Officer Hickman is notified that he is the subject of an internal investigation; he is referred to the Employee Assistance Network, and is ordered to turn in his badge and gun

Officer Ruggerio is reassigned to a different training officer

Chief Hooper informs John Maddux from the City Attorney's Office about the incident and Maddux informs City Attorney Robin Currin; within days interim Assistant City Manager Jade Dundas is informed

Aug. 29, 2017 Office of Professional Standards (OPS) Sergeant Russell Crisp and OPS Lieutenant Sean Aardema interview Officer Ruggerio about his involvement in the Rush incident

OPS Sergeant Crisp and OPS Lieutenant Aardema interview Officer Delgado about his involvement in the Rush incident

Aug. 30, 2017 OPS Sergeant Crisp and OPS Lieutenant Aardema interview Officer Hickman about his involvement in the Rush incident

Sept 5, 2017 Chief Hooper orders a review of all of Officer Hickman's BWC footage to determine if there are unreported instances of policy violations

Sept. 8, 2017 Captain Mark Byrd emails Lieutenant Michael Yelton to conduct the review of Officer Hickman's BWC arrest footage from Evidence.com

Sept. 15, 2017 APD takes a copy of the entire body worn camera recording of the Rush incident to Buncombe County District Attorney Todd Williams for review

Sept. 20, 2017 OPS Sergeant Crisp conduct interviews with Whitney Collier (Buncombe County EMS) about the Rush incident

Sept. 21, 2017 Lieutenant Yelton sends completed review of Officer Hickman's BWC footage spanning June 11, 2017 through September 11, 2017, and highlights examples of policy violations.

Sept. 22, 2017 OPS Sergeant Crisp and OPS Lieutenant Aardema interview Hickman's Sergeant about her involvement and actions she took in the Rush incident

- Oct. 6, 2017 Lieutenant Aardema requests to have Officer Hickman's access to databases containing criminal records and other law enforcement sensitive data (DCIN and NCIC) suspended
- Oct. 9, 2017 Officer Hickman is temporarily transferred to the Communications Section, with suspended police powers still in effect
- Nov. 16, 2017 APD's OPS Section submits a draft of the investigative report for review to evaluate the thoroughness of the investigation, and to direct any additional interviews, analyses, etc., prior to the case being finalized
- Dec. 6, 2017 OPS Sergeant Crisp conducts follow-up interview with Officer Ruggerio
- Dec. 15, 2017 Administrative cases for the Rush incident and four other rude and discourteous incidents involving Officer Hickman are sent to the Division Commander for review
- Dec. 17, 2017 Deputy Chief's review of administrative cases is completed
- Dec. 19, 2017 Chief Hooper requests that DA Williams review the recording a second time, together with an additional recording captured by another officer's camera, and provide an opinion about whether Officer Hickman's conduct rose to the level of a criminal offense—this request follows the original request for DA review sent by Chief Hooper on September 15
- Dec. 21, 2017 Chief Hooper completes review of OPS investigation and recommends sustaining charges of violating excessive force, responsibilities of duty, and unbecoming conduct policies, and recommends termination of employment.
Chief Hooper recommends sustaining the charge of unsatisfactory performance against Hickman's Sergeant and recommends corrective and disciplinary action.
- Dec. 27, 2017 Officer Hickman receives notification of the pre-disciplinary conference, and per standard procedure, is placed on investigative suspension with pay
- Jan. 2, 2018 Officer Hickman has pre-disciplinary conference with Chief Hooper
Chief Hooper determines that the appropriate level of discipline for Officer Hickman's actions in the Rush case, is termination of employment
- Jan. 5, 2018 Chief Hooper meets with Officer Hickman to inform him of her decision to terminate his employment
Officer Hickman elects to resign before Chief Hooper provides him with her written decision to terminate
Following an internal review, the final disposition on charges against Sergeant Taube, unsatisfactory performance with a Written Warning #1 and supervisory training, are signed off by Chief Hooper

- Jan. 10, 2018 DA Williams sends Chief Hooper a letter directing APD to make a formal request of the State Bureau of Investigation (SBI) to conduct a criminal investigation into Hickman's conduct
- Jan. 11, 2018 Chief Hooper sends the State Bureau of Investigation (SBI) a letter asking them to investigate Officer Hickman, at the request of DA Williams
- Jan. 12, 2018 SBI Special Agent in Charge Jim Schandavel writes APD an email stating that they would “respectfully decline the request based on the completion of the four-month internal investigation which has led to the resignation of Officer Hickman”
- Jan. 18, 2018 Chief Hooper assigns the criminal case to the commander of APD’s criminal investigations section to conduct the criminal investigation into Officer Hickman’s actions in the Rush case

Hickman's Sergeant accepts corrective and disciplinary action related to her conduct during the Rush incident
- Feb. 28, 2018 Joel Burgess of the *Asheville Citizen Times* publishes an internally leaked body worn camera footage depicting Officer Hickman’s force against Mr. Rush¹²
- Mar. 1, 2018 APD issues a statement from Chief Hooper on Twitter in response to the Rush incident



Asheville Police
@AshevillePolice

Follow

Statement from Chief Hooper regarding the video on [@asheville](#). #The acts demonstrated in this video are unacceptable and contrary to the Department's vision and the progress we have made in the last several years in improving community trust..."

Statement from Chief Tammy Hooper:
The acts demonstrated in this video are unacceptable and contrary to the Department's vision and the progress we have made in the last several years in improving community trust. Officers know that they must earn the trust of our community by providing fair and respectful service. That very clearly did not happen during the incident depicted and for that I apologize to Mr. Rush, as well as the community. It is the policy of the Asheville Police Department to review all instances of use of force, and to take swift and immediate action upon any use of unwarranted or excessive force. The officer is no longer employed by the Asheville Police Department and a criminal investigation is underway that will be submitted to the District Attorney.

11:15 AM - 1 Mar 2018
Statement from Chief Hooper posted to the @AshevillePolice Twitter feed. (screenshot from @AshevillePolice)

¹²<https://www.citizen-times.com/story/news/local/2018/02/28/video-shows-apd-officer-beating-man-suspected-jaywalking-trespassing/382646002/>

APD uses Facebook and Twitter to share a graphic depicting the “timeline surrounding APD’s 8/24/17 use of force incident” and provides a phone number that can be used to share messages with the Citizen’s Police Advisory Commission



Timeline regarding Asheville Police Department August 24, 2017 use of force incident

Revised March 2, 2018



Timeline of events posted to the @AshevillePolice Twitter feed and Asheville Police Department Facebook page. (screenshot from @AshevillePolice)

Chief Hooper, Mayor Manheimer, and Vice Mayor Wisler meet with Interdenominational Ministerial Alliance and Baptist Ministers Union

- Mar. 5, 2017 Chief Hooper conducts interview with local ABC affiliate, WLOS to discuss the Rush incident¹³
- Apr. 13, 2018 Chief Hooper conducts interview with local NPR affiliate, WUNC to discuss the Rush incident¹⁴



WATCH: APD Chief Hooper calls officer's actions in bodycam video bad from start to finish

by Aaron Adelson | Monday, March 5th 2018



Chief Hooper conducting interviews with local media affiliates.



Leading A Police Department Under Fire: A Conversation With Asheville Police Chief Tammy Hooper

By ANITA RAO & FRANK STASIO • APR 13, 2018



¹³ <https://wlos.com/news/local/asheville-police-chief-hooper-calls-officers-actions-in-video-bad-from-start-to-finish>

¹⁴ <http://wunc.org/post/leading-police-department-under-fire-conversation-asheville-police-chief-tammy-hooper#stream/0>

Findings and Recommendations from APD Response to Rush Incident

Finding 4: The Asheville Police Department responded to the incident in a timely manner, and within the limitations of North Carolina law. By removing Officer Hickman from contact with the public and reassigning him to administrative duty within 24 hours of the incident, the threat of additional negative contacts between Officer Hickman and the public was largely mitigated. The investigation into the incident, the involved officers, and supervisors appears to have been thorough, timely and comprehensive. Further, interviews indicate that city officials, including the Assistant City Attorney, Assistant City Manager, and District Attorney were notified in an appropriate time based on the discovery of the complaint and early, almost immediate, determination by Chief Hooper that this was an extremely serious case. The APD's administrative response to the incident was consistent with policy and appears to have adhered to restrictions established by North Carolina legislation, with regard to the inability to release BWC footage or personnel information related to any of the involved officers to the public during the aftermath of the incident.

Finding 5: The leak of Officer Hickman's body worn camera footage to the *Asheville Citizen Times* may have undermined the formal criminal investigations already underway within APD and the city and may have compromised or impeded future prosecution of Officer Hickman. As of October 1, 2016, a court order is required in order to be able to release police body worn camera video footage.¹⁵

Finding 6: During the review of all BWC footage uploaded by Officer Hickman from June 11, 2017 through September 11, 2017, APD learned about numerous incidents during which Officer Hickman engaged in unacceptable behavior and judgement. While none of the additional incidents rose to the level of seriousness of the Rush incident, they revealed a pattern of behavior inconsistent with policy. Additionally, the BWC footage highlighted

¹⁵ <https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2016-88.html>

instances in which Officer Hickman provided guidance to a trainee that was inconsistent with policy or did not correct trainee behavior that is incorrect (e.g. operating their patrol vehicle in an emergency response with lights and no siren, voiding legal exemptions to speed and other traffic laws).

Recommendation 6.1: APD should implement a more structured policy regarding BWC audits, particularly for officers identified as possibly being problematic.

It is clear from the results of the audit of Officer Hickman's BWC footage that his behavior in his role as a police officer, and FTO was inconsistent with APD policy, and at times was harmful to the community and his trainee. Given the previous complaints and performance deficiencies, it would follow that Officer Hickman's BWC footage could reasonably be subjected to closer scrutiny than a random monthly sample, or relative to an officer that did not have such a history. With such a practice in place it is possible that an officer with a pattern of behavior as detrimental to the community and new officers as Officer Hickman's could be identified and appropriately addressed.

Finding 7: After the video of the Rush incident was posted to the website of the *Asheville Citizen Times* on February 28, 2018 at 7:06 PM, it was over 16 hours before APD released an official response. In the meantime, both local and national news media began to pick up on the story, without the input or insight of the APD. According to those interviewed by the assessment team, the statement was initially crafted by the APD public information officer on the morning of March 1, and then refined by city communications and legal personnel before ultimately being released to the APD Twitter page at 11:15 AM.

Recommendation 7.1: The APD should prioritize the timely release of information, and response to the release of information, acknowledging the 24-hour nature of the news media. Waiting until the following business day to respond to a major event or news story may not be appropriate and adds to the speed with which a story goes 'viral'.

Recommendation 7.2: The APD should have its own independent public information officer that reports directly to the police chief.

At present the APD does not have an independent PIO that reports directly to Chief Hooper. Instead there is a PIO based out of police headquarters but reports to the city Director of

Communication and Public Engagement, Dawa Hitch. This setup is inconsistent with the Asheville Fire Department, which has its own internal PIO, and inconsistent with standard practice in the field of law enforcement. In order to have a clear chain of command and efficient processes for information sharing, it is important that the police department have its own PIO that reports to the APD executive leadership. Doing so should make approval processes clear, and aid in the efficient and timely release of information to the press and to the public. As a department head, the chief should work with the City's Director of Communication and Public Engagement to ensure that the City administration is kept informed of press releases, context and anticipated next steps. Police responses to controversial incidents require speed, strategy, and accuracy in the current 24-hour news cycles and social media environment.

Recommendation 7.3: APD should consider developing a policy and associated training for appropriate engagement with community members on social media, particularly with regard to police events.

Conversations with APD personnel revealed that officers may not receive social media training, and as such may be unclear about the protocol for engaging with the community through social media forums. It is important to make the department's expectations and policies on these types of communications clear, so that officers are aware of what is acceptable and what may be grounds for disciplinary action.¹⁶

¹⁶ There were no clear examples of questionable officer behavior over social media during or in response to the Rush incident. That said, it was identified by the assessment team as an area of vulnerability for APD, and without specific policies or procedures in place specific to social media, could cause unforeseen, preventable issues during future critical incidents.

Timeline of Local Government Response to Rush Incident

- Aug. 24-25, 2017 Use of force against Johnnie Rush
- Aug. 25, 2017 Chief Hooper informs John Maddux from the City Attorney's Office about the incident and Maddux informs City Attorney Robin Currin; within days informed interim Assistant City Manager Jade Dundas
- Sept. 15, 2017 APD takes copy of body worn camera recording to DA Williams for review
Mr. Williams agrees pending charges against Rush should be dismissed
Mr. Williams is informed that APD's Professional Standards unit is conducting an administrative investigation
- Dec. 19, 2017 Chief Hooper requests that DA Williams review the recording a second time, together with an additional recording captured by another officer's camera, and provide an opinion about whether Officer Hickman's conduct rose to the level of a criminal offense
- Jan. 10, 2018 Mr. Williams requests APD to formally ask SBI to initiate a criminal investigation as to whether Officer Hickman had committed assault; Mr. Williams informs SBI of his request
- Jan 12, 2018 SBI declines the request and DA Williams sends Chief Hooper a letter directing APD to conduct a criminal investigation
- Feb. 28, 2018 *Asheville Citizen Times* publishes body worn camera footage depicting Officer Hickman's force against Johnnie Rush

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Video shows Asheville police officer beating man suspected of jaywalking, trespassing

Joel Burgess, jburgess@citizen-times.com Published 7:06 p.m. ET Feb. 28, 2018 | Updated 7:00 p.m. ET March 9, 2018

Asheville Citizen Times' online coverage of the video footage leak.

- Mar. 1, 2018 Mayor Manheimer issues statement about the Rush incident:
- On behalf of City Council, I apologize to Mr. Rush, an African American resident, regarding his treatment by Asheville Police on Aug. 24, 2017.
- The City Council first learned, last night, from local media, about a highly disturbing video of an Asheville Police Officer assaulting Mr. Rush over jaywalking on Aug. 24, 2017.
- The City Council and I immediately contacted City administration to express our outrage at the treatment of Mr. Rush and our outrage of not being informed about the actions of APD officers.
- The Council is calling for a review of the violent acts against a city resident and what swift and immediate action was taken by APD upon review of the video footage. We will have accountability and, above all, transparency.

This incident is a step backward in the Asheville Police Department’s work to modernize police practices. Earlier this week, APD released a report showing a 61% decrease in the department’s overall use of force. The number shows that the revised Use of Force Policy and the training of police officers on de-escalation has helped us make progress; however, until we recognize that one incident is too many, we have not met our goals.

As your Mayor, I want there to be a clear message that there must be an end to police abuse of power. I support APD Chief Hooper in her efforts to emphasize de-escalation. The acts of these officers do not represent the professional and fair treatment a vast majority of our officers show in the course of their duties day in and day out.

We are better than this. We MUST uphold ourselves to the highest standards and practices.¹⁷

Mayor Manheimer, Vice Mayor Wisler, and Chief Hooper meet with Interdenominational Ministerial Alliance and Baptist Ministers Union



Asheville City Government
March 1 · 🌐

In response to the violent acts against a city resident, Mayor Esther Manheimer, Vice Mayor Gwen Wisler, and Police Chief Tammy Hooper met with the Interdenominational Ministerial Alliance (IMA) and the Baptist Ministers Union (BMU) the afternoon of March 1.

The participants had an open dialogue about the video and agreed to meet again on March 22, 2018.

The pastors expressed their concern about the impact this incident has had on the relationship between police officers ... [See More](#)

City Government Facebook page post from March 1, 2018.

¹⁷ <http://coablog.ashevillenc.gov/2018/03/asheville-mayor-manheimer-issues-statement-about-police-video/>

Mar. 5, 2018

Special meeting of Asheville City Council

City Council votes to release detailed personal information not previously available to the public

Additional personnel information is released by City Manager Gary Jackson¹⁸



Asheville City Government

March 5 · 🌐



In a special called meeting Monday, Asheville City Council voted to support the City Manager's release of personnel information related to the Asheville Police Department's excessive use of force investigation.



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Asheville City Council votes to release personnel information related to APD investigation « Asheville... Asheville City Source

Asheville City Government Facebook page post from March 1, 2018.

Mar. 7, 2018

Citizens Police Advisory Committee members meet¹⁹

Asheville City Council issues statement to the community²⁰

Mar. 8, 2018

Buncombe County District Attorney's Office filed charges against Officer Hickman alleging assault by strangulation, assault inflicting serious injury, and communicating threats

Attorney James Ferguson II notifies City of Asheville of his legal representation of Mr. Rush²¹

¹⁸ <http://coablog.ashevillenc.gov/wp-content/uploads/2018/03/City-of-Asheville-release-of-personnel-information-03052018.pdf>

¹⁹ <http://coablog.ashevillenc.gov/2018/04/asheville-apd-excessive-use-of-force-investigation-all-press-releases-graphics-and-documents-in-one-place/>

²⁰ <http://coablog.ashevillenc.gov/2018/03/asheville-city-council-issues-statement-to-the-community-in-wake-of-apd-excessive-use-of-force/>

²¹ <http://coablog.ashevillenc.gov/wp-content/uploads/2018/03/Letter-of-Representation.pdf>

- Mar. 10, 2018 City Attorney Robin Currin provides an official response following the letter from Mr. Ferguson: “(The City) had an introductory conversation with Mr. Ferguson (recently) and agreed to discuss matters further after he becomes more familiar with the case. There is nothing else to report, except both parties expressed an interest in resolving the matter without litigation being filed. Closed session discussions, as well as my communications with my client regarding potential litigation, are confidential and cannot be shared with (the public).”
- Mar. 16, 2018 Special meeting of Asheville City Council determines: Peggy Rowe to serve as Interim Assistant City Manager supervising directors of Human Resources; Jamie Joyner to serve as Interim Human Resources Director; Jade Dundas to resume full responsibility for capital projects management and bond program transparency; Cathy Ball to continue as Assistant City Manager supervising directors of Public Works, Capital Projects, Water Resources, Transportation, Planning, Economic & Community Development, Development Services, and Parks & Recreation
- Departments reporting to the City Manager will now include Police, Fire, Finance, Communications & Public Engagement as well as the new Office of Equity and Inclusion
- Mar. 20, 2018 Mayor Manheimer reads statement indicating the City Council unanimously decided to replace City Manager Gary Jackson, effective at the close of business, and Cathy Ball to serve as Interim City Manager
- City Council unanimously approves a motion to develop a proposal for a third party to conduct a review of APD
- Mar. 26, 2018 Buncombe County Superior Court Judge Mark Powell grants the City of Asheville’s petition to release nine BWC videos related to the Rush incident²²
- Apr. 2, 2018 City of Asheville releases nine BWC videos and a body-worn camera viewing information guide²³

²² <http://coablog.ashevillenc.gov/wp-content/uploads/2018/04/Petition-of-the-City-of-Asheville-for-the-Release-of-Asheville-Police-Department-Recordings-Related-to-the-August-2017-Arrest-of-Johnnie-Jermaine-Rush.pdf>

²³ <http://coablog.ashevillenc.gov/2018/04/city-of-asheville-police-department-body-worn-camera-viewing-information-guide/>



Asheville City Government

April 3 · 🌐



Monday, by court order, the City of Asheville released all 9 videos related to the August 2017 APD excessive use force against Johnnie Jermaine Rush.

Please read our guide to the videos before viewing for important context. Be aware that the videos are not appropriate for all ages, as they contain violence and profanity.

Though officer-worn body camera videos cannot be released to the public except by court order, we think their release will promote transparency and accountability.



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One-stop portal: Press releases, graphics and documents related to APD exc... « Announcements « Asheville City Source

Asheville City Government Facebook page post from April 2, 2018.

- Apr. 16, 2018 Attorney John Hunter notifies Mayor Manheimer of his legal representation of Sergeant Taube and intent to file a civil action against the city unless a public statement retracting allegations about Sergeant Taube’s actions during the Rush incident is made²⁴
- Apr. 23, 2018 City Attorney Currin responds to Mr. Hunter’s letter stating: “We have reviewed the allegations in your letter, as well as the city’s files related to this matter and do not believe that Sgt. Taube has a viable claim for defamation against the city, Chief Tammy Hooper or Gary Jackson”

²⁴ https://www.scribd.com/document/377894244/Taube-Notice-of-Suit-Letter-20180416#from_embed

Findings and Recommendations from Local Government Response to Rush Incident

Finding 8: The members of the Asheville City Council, City Manager, and Mayor were unaware of the Rush incident prior to the *Asheville Citizen Times* story’s publication on February 28, 2018. As such, responses to media inquiries by those in Asheville city government were fragmented and inconsistent, rather than reflecting a strategic, coordinated response informed by best crisis management practices. Some of the initial responses from elected city officials in the aftermath of the video leak were erroneous, or inappropriately prejudicial against the APD. For example, a statement issued by a City Council member on March 7, 2018 referred to “the degree to which structural racism and implicit and explicit bias continue to contribute to the operations and actions of the department and its officers.”²⁵

Many within the government were likely unaware of the incident and ongoing administrative processes taking place prior to the video being leaked due to informal internal notification processes related to serious use of force incidents; without defined protocols it was unclear to many who were aware of the incident whether it was necessary to bring to the attention of the City Manager, Council, or Mayor. The erstwhile Assistant City Manager, Jade Dundas, learned of the incident a few days after it occurred during a check-in meeting with Chief Hooper; as the incident did not result in a fatality or use of a firearm, he did not perceive the need to bring it to a superior’s attention.

Recommendation 8.1: Develop clear protocols for when individuals at different levels of city government should be informed about particular events. For example, the notification to the City Attorney’s Office’s regarding a high liability issue or event should, by City policy, trigger the notification of the City Manager’s Office.

Recommendation 8.2: Develop clear notification procedures to inform individuals on the City Council of possible high-profile issues in a way that is consistent with policy and allows the information to remain confidential if necessary (i.e. in a closed or executive session, or two-by-two meetings).

²⁵ <http://coablog.ashevillenc.gov/2018/03/asheville-city-council-issues-statement-to-the-community-in-wake-of-apd-excessive-use-of-force/>

Recommendation 8.3: Implement a crisis communication policy within the City Council, City Manager, and Mayor’s offices to coordinate press releases and correspondence in concert with APD’s PIO when communicating with the media.

Recommendation 8.4: The City should consider retaining a firm to provide crisis response services to the APD and the City of Asheville in the future. Relying on skilled crisis management experts can reduce the scope and impact of a critical incident, by taking an active role in developing a cohesive, coordinated response across involved parties. These strategic responses can involve asserting control over media exposure, reducing liability, and preserving public safety in the immediate aftermath.

Finding 9: The civil service board (CSB) model in its current form is inefficient and requires improvement. Per its website, “the board works with the Human Resources Department to resolve employee grievances on an as needed basis and meets on a periodic basis to discuss personnel administration issues.”²⁶ Numerous city personnel interviewed perceive the CSB to be a hindrance to good government. For example, one interviewee stated that the process helps to keep bad employees in place, as many supervisors are likely to avoid discipline or demotion so that they do not have to deal with the CSB process. Additionally, as described to the assessment team, the goal of the CSB process is to determine if administrative processes were followed by city administrators, rather than to review the specific facts of the case.

Recommendation 9.1: The CSB process should be streamlined and focus on whether the act being investigated occurred as reported and whether the employee’s termination is appropriate.

²⁶ http://www.ashevillenc.gov/departments/city_clerk/boards_n_commissions/civil_service.htm

Conclusion

The Asheville Police Department is a high functioning agency that has been recognized by national organizations such as the Commission on Accreditation for Law Enforcement as complying with national best practices and professional standards; as of 2017 APD was the only CALEA-accredited agency in Western North Carolina. In November 2017, APD was awarded the Advanced Meritorious Accreditation by CALEA, to reflect the department's adherence to the Commission's current 464 standards.²⁷ CALEA accreditation, in and of itself, puts Asheville into an elite pool of only 4% of police departments in the US. This award recognizes the Asheville Police Department's commitment to accreditation and the provision of exemplary public safety service.

The Asheville City government is also a highly professional organization with dedicated and experienced personnel. As such, the events of the past year should not be taken to suggest that the department or city is in a state of gross dysfunction or failure. The August 24, 2017 incident involving Officer Christopher Hickman and Johnnie Jermaine Rush represents an unfortunate chapter for the Asheville Police Department and the City of Asheville more broadly. The outrage and hurt over the behavior of the now former member of the Asheville Police Department was certainly justified, and at present a court of law is determining the criminality of his actions.

The task set forth before the assessment team was not to assess the guilt or blameworthiness of any one individual for the incident or response, but to determine if the policies and procedures relied upon by the APD and City were sufficient to address an incident of this severity or scope. While the APD has met the best practices of the law enforcement field across many categories, it appears that there are ways in which the agency's policies and processes can be improved in order to mitigate the likelihood of an incident of this scale reoccurring. Similarly, the City government more broadly would also benefit from adopting a number of new or enhanced strategies to improve their response to critical incidents in the future.

The assessment team found and highlighted a number of areas in which APD can implement changes, such as adjusting FTO selection criteria, adopting officer accountability programming,

²⁷ <https://mountainx.com/blogwire/apd-awarded-advanced-meritorious-accreditation-by-the-commission-of-law-enforcement-agencies/>

and bolstering communication procedures. These recommendations are made with the understanding that APD's ability to respond to public inquiries are limited by North Carolina state laws. For example, as many law enforcement agencies across the country have adopted practices of releasing body worn camera footage almost immediately following high profile incidents, police in North Carolina are not permitted to do so without a court order.²⁸ Similarly, restrictions on the ability of the police department to share personnel information about officers involved in active investigations further prevented the department being fully forthcoming; as such the public was unaware of the status of the investigation into the incident, or that the officer in question had been removed from the street, for an extended period of time.²⁹

The restrictions on the APD's ability to share BWC footage and personnel information not only affected their ability to be transparent with the public, but also with members of the City Council. This in turn had a cascading effect as local government officials each individually reacted to seeing the footage of the Rush incident for the first time after the leak. This in turn led to the fragmented, understandably emotional responses from individuals, rather than the issuance of a coordinated, unified, accurate, and strategic response on behalf of the City of Asheville. Standard processes for informing local government officials about the nature, content, and possible implications of critical incidents must be implemented in order for the city to proactively address high profile or controversial events in the future. Standard operating procedures and crisis communication strategies must be in place prior to the next major critical incident that takes place in Asheville.

It must be noted that in the nearly one year since the Rush incident took place, APD has already implemented a number of reforms to address some of the issues identified. In particular, an enhanced field training officer program to provide recently promoted sergeants with the skills and resources necessary to properly supervise, rate performance, and increase accountability for APD officers under their supervision has recently been implemented. Further, the Chief, command staff, and any officers that the assessment team has communicated with in recent weeks have all been receptive to suggestions and open to learning from this incident.

The assessment team approached this review with an eye toward identifying root causes. The term "root cause" is really a term of art which informs the way 21CP approaches projects like this

²⁸ <https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2016-88.html>

²⁹ <https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=160A-168>

one. Our analysis includes identification of causal factors as well as root causes. A causal factor is one that affects an event's outcome but is not a root cause. While removing a causal factor can benefit an outcome, it does not necessarily prevent its recurrence. We emphasize identification and correction of the root causes of events, rather than simply addressing the symptomatic result, as focusing recommendations on root causes has the goal of entirely preventing problem recurrence. For example, one of the key root causes that was identified during our review was the hesitance or lack of intervention by other officers and first line supervisors when an officer was clearly acting outside of policy or accepted behavioral standards. Had such interventions occurred prior to the incident under review – it may have never happened.

Policing is a human endeavor and humans make mistakes. By integrating the recommendations offered in this document we would anticipate that the types of mistakes that occurred leading up to, during, and in the aftermath of this incident will be avoided in the future. Based upon the culture of learning and desire to improve that the assessment team observed during all of their interactions with City of Asheville officials, we are confident this will be the case.