

Public Safety Committee Members Questions & Responses

1) On May 31 APD officers discharged tear gas into the crowd of protesters gathered on the Jeff Bowen Bridge. Could you please describe this incident, beginning with events leading up to the arrival of the protesters on the bridge, then up until the initial use of teargas, including when officers were asked to escort the protesters across the bridge and when it was decided that tear gas to be used on the protesters on the bridge?

A: Throughout the day on Sunday, May 31 a group of demonstrators fluctuating between 15-50 participants peacefully protested at the Vance Monument. Around 5:30 p.m. the demonstrators rapidly started to increase, with around 120-150 individuals gathering at the Municipal Building, which houses the Asheville Police and Asheville Fire departments.

At approximately 6:50 p.m the group proceeded toward Vance Monument, down Patton Avenue, and onto Haywood Street. They were escorted by the Asheville Police Department's bike officers. Once reaching Harrah's Cherokee Center they took the on-ramp to interstate 240. Knowing the potential hazards that they would encounter with high speed traffic our officers attempted to steer the demonstrators onto a safer route. When they refused to comply, they continued onto the interstate. Officers then worked to stop all vehicular traffic to facilitate a safe passage.

Bike officers then set up a barrier, however demonstrators physically broke through. Contact with officers was made. The crowd then made their way onto 240 eastbound to the Charlotte Street off ramp. As they continued down 26 they began to throw flares and fireworks at vehicles and demonstrators were directly confronting vehicles which included trying to stop the flow of traffic traveling at 55 mph. One vehicle hit a bike officer and three demonstrators resulting in the bike being broken in two. All four victims declined medical attention or transportation to Mission Hospital. Some demonstrators jumped the median to 240 westbound and began vandalizing the concrete barrier separating the east and west bound lanes. Others proceeded back to the downtown again gathered at the Municipal Building.

At approximately 8:00 p.m. the demonstrators left the Municipal Building and proceeded back down Patton Avenue toward the I240W on ramp. The Asheville Police Department's bike officers created a barrier at the intersection of Patton Avenue and Clingman Avenue to attempt to block the demonstrators from entering onto interstate 240 for a second time. From this area future 26 is also readily accessible. Had we allowed passage over the bridge at this point we would have lost control of the group and their safety would have been seriously jeopardized. We simply could not let that happen.

As the protesters approached rocks, fireworks, and other objects were thrown at officers. At this time verbal warnings were provided over a loudspeaker. When they did not comply, tear gas was used.

The tear gas was effective, causing half the protesters to disperse on their own. The remaining half requested a police escort back to the downtown area, which the Asheville Police Department provided. For the next few hours the crowd fluctuated in size with up to 300 protesters.

2) What were officers instructed leading up to the protest concerning the discharging of teargas, rubber bullets and other weaponry. Were they to wait for orders from a superior officer? Were they allowed to use their own discretion based on what they see happening on the ground. Was there a criteria for them to follow, outlining what actions would give rise to the use of force? Did instructions differ pertaining to specific weapons?

A: Additional time is needed to look into these questions. In addition, these will be questions addressed by the independent investigator.

3) How was the decision authorizing what weapons officers would be carrying made, who was involved in that decision?

A: There are standard operating procedures when specialty units are activated,, and the equipment that they are carrying is outlined. Each specialty unit is equipped with specific tactical equipment that they're trained to use.

4) We would like a complete list of weapons APD discharged throughout these protests along with data showing # of teargas canisters.

A: Additional time is needed to look into these questions. In addition, these will be questions addressed by the independent investigator.

5) Number of arrests and charges, broken down by date and types of charges.

A: 57 individuals were arrested on a total of 84 charges related to the protests that occurred May 31-June 4.

Date / Charge Type	Number of Charges	Number of Arrests
5/31 to 6/1	9	4
ASSAULT GOVT OFFICIAL/EMPLY	2	
FAIL TO DISPERSE ON COMMAND	4	
IMPEDE TRAFFIC SIT/STAND/LIE	1	
RESISTING PUBLIC OFFICER	2	
6/1 to 6/2	15	11
AWDW GOVERNMENT OFFICIAL	1	
FAIL TO DISPERSE ON COMMAND	10	
SECOND DEGREE TRESPASS	3	
SIMPLE POSSESS SCH II CS (M)	1	
6/2 to 6/3	40	22
FAIL TO DISPERSE ON COMMAND	18	
OTHER - FREE TEXT	21	
POSSESS MARIJUANA UP TO 1/2 OZ	1	
6/3 to 6/4	20	20
FAIL TO DISPERSE ON COMMAND	8	
OTHER - FREE TEXT	12	
Total	84	57

6) Has APD received complaints against officers for excessive use of force during protests? What is the status of those complaints? Process for handling complaints?

A: The Asheville Police Department has received no formal complaints from a single individual reporting excessive use of force used on them during the protests.

If anyone feels they have been treated improperly by a police department employee, or has concerns over the handling of an incident, they may submit a complaint to the department by doing any of the following:

- Contact an on-duty supervisor 24-hours a day at 828-252-1110. A complaint may be made in-person or over the phone.
- Contact the Office of Professional Standards during business hours at 828-259-5907.
- Email your complaint or concerns to [Professional Standards](#)
- Fill out a Citizen Complaint Form and return in-person, by mail, email or fax.

- [Citizen Complaint Form \(PDF\)](#)
 - [Citizen Complaint Form – Spanish \(PDF\)](#)
- Complete the [online Citizen Complaint Form](#)

7) What warnings were issued before tear gas and/or other tactics were used?

A: The Asheville Police Department's Use of Force policy dictates that warnings must be given before the deployment of force. The independent investigator will determine if policy was followed and warnings were provided before the use of tear gas.

8) What injuries, if any, were sustained by APD or any other agencies?

A: The Asheville Police Department has reports of multiple knee, ankle, leg, and foot injuries, an ear injury, and burns/cuts/abrasions. In addition, our embedded responder services and internal peer support team have received numerous requests for the service they provide.