



**City of Philadelphia
Office of the City Controller**

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Controller's Office Releases Report on Investigation into City's Response to Civil Unrest

Philadelphia, PA – The Office of the City Controller released a report on its independent investigation into the City of Philadelphia's response to civil unrest following George Floyd's murder. The investigation found the City failed to sufficiently plan for the unrest, which led the City to overcompensate for the lack of planning with excessive force, such as deploying tear gas. The investigation also found that the City failed to utilize appropriate strategies and police resources to minimize violence and looting. Additionally, the investigation found inconsistent approaches to those gathered in opposition to police brutality versus groups purporting to gather in support of police. Many of the issues identified in the report were the result of a lack of leadership at the highest levels of key City departments and agencies.

"As many Philadelphians expressed their First Amendment rights and justified anger in the days following George Floyd's murder, our government failed us," said City Controller Rhynhart. "While top City officials stated that there was no way to plan for what happened, that's just not true. A blueprint for maintaining peace during large events and protests did exist and if it had been followed, many of these failures could have been avoided. This lack of preparation had cascading negative consequences. From inadequate staffing levels that led to increased and excessive force, to looting throughout the city continuing without challenge for hours at a time, this type of failure – of planning and leadership – cannot happen again."

The review focused on the City's operational and resource deployment and tactics during the events in late May and June 2020. The Controller's Office engaged investigation and law enforcement experts Ballard Spahr LLP and AT-RISK International, Inc. to conduct the review. The investigation included the review of more than 1,700 documents, such as intelligence reports, after action reports, Philadelphia Police Department policies and procedures, training records, and training materials. The investigation also included interviews with 27 City officials and employees, including the former and current Managing Directors and the Police Commissioner; representatives from the University of Pennsylvania and Drexel University Police Departments; and 22 civilians.

Key findings from the investigation include:

The City failed to sufficiently plan for the protests and civil unrest – Despite extensive experience responding to large-scale events, the City did not utilize the existing blueprint for effectively responding to such events. This resulted in an inadequate response to both the demonstrations, as well as the looting and destruction of property. For example, the City received information about civil unrest

occurring throughout the country as early as May 26th. However, the investigation found that it was widely believed that the events in Philadelphia would not deteriorate the way they had in other cities. On May 29th, one day before the first major protest in Philadelphia, the Office of Emergency Management contacted the Police Department about activating the Emergency Operations Center. At that time, OEM was told that EOC activation would not be necessary.

Failure of leadership at the highest levels of key City departments/agencies, coupled with organizational deficiencies and personnel vacancies, affected the City's response – The investigation identified several examples of a lack in leadership having a negative impact on the City's response. Specifically, the investigation found that the Fire Commissioner, who currently serves as the OEM Director, viewed OEM's role in a more limited fashion than past independent directors, which may have contributed to the lack of leadership exhibited in planning for the unrest. The investigation also found that the Police Commissioner had left the position of Inspector of Homeland Security, which had historically played a key role in responding to civil unrest, vacant since March 2020. And the Managing Director, who the Fire Commissioner/OEM Director and Police Commissioner report to, stated that he did not believe there was a way to plan for the civil unrest that occurred, despite a blueprint existing from past practices of the City. Additionally, the investigation states that pursuant to the City's Emergency Operations Plan, the ultimate responsibility for any City response lies with the Mayor. As such, the Mayor himself did not demonstrate the leadership that was required of him during the unrest.

The City failed to dedicate sufficient resources to its response – The City's failure to plan appropriately or demonstrate the leadership required, resulted in insufficient resources and strategies throughout its response to the unrest. On May 30th, for example, the City did not have the manpower or transportation necessary to address widespread looting and vandalism in Center City. The investigation also found that the City appeared to compensate for its lack of planning by using increased and unnecessary force, including the deployment of CS gas and other less-than-lethal munitions.

The Police Department inappropriately used CS gas in its response – The investigation found that the use of force, particularly CS gas, throughout the unrest was inappropriate. CS gas had not been used in Philadelphia for crowd control or First Amendment activity since the 1985 MOVE bombing. However, as detailed in the report, CS gas was used several times, in several locations during the unrest. On 52nd Street in particular, CS gas was used indiscriminately on a half-mile area, affecting bystanders and peaceful protesters, in addition to those engaging in illegal activity.

The Police Department had disparate responses to protesters – The investigation found that the Police Department's approach to responding to protesters gathered in opposition to police brutality versus groups claiming to gather in support of police or a statue were inconsistent. For example, in Fishtown, a group of mostly White men carrying baseball bats and golf clubs were not met with the same force by police as those gathered on 52nd Street or I-676.

In order to address the findings in the report, Ballard Spahr LLP recommends the Office of Emergency Management return to its previous status as a stand-alone agency with an independent director, and the Police Department ensure all key positions, most notably the Inspector of Homeland Security, are filled. Based on the investigation's findings and best practices for governing First Amendment activity, AT-RISK International, Inc. provided additional recommendations for improving future responses and enhancing policies, procedures and training. This includes utilizing established blueprints from policing past large-scale events successfully and

beginning the planning process as soon as intelligence indicating the potential for civil unrest becomes available, as well as establishing clearer policies and procedures around the use of CS gas.

To support the review, the Controller's Office created a Community Advisory and Accountability Council – a coalition of clergy members, community leaders, business owners and residents of Philadelphia. The Council was chaired by Reverend Mark Tyler, Pastor, Mother Bethel A.M.E., and Jeff Brown, President and CEO, Brown's Superstores.

"Throughout the process, we heard first-hand accounts from peaceful protesters and innocent bystanders who were tear gassed and brutalized by law enforcement while exercising their First Amendment rights," said Reverend Tyler. "While many of us are still healing from these events and grappling with the ingrained systemic racism in our country, I appreciate Controller Rhyhart providing an opportunity for us to share our experiences."

Jeff Brown added, "Bringing together business owners, community activists and a variety of other Philadelphians, all with different perspectives, made for incredibly powerful discussions about the issues that came to light during the civil unrest. Thank you to Controller Rhyhart for ensuring that Philadelphians from many walks of life had a seat at the table during this process to better understand the improvements needed to move forward in a more positive fashion."

As a supplement to the independent investigation, the report includes a Call to Action by the Controller's Office with input from the Council. The Call to Action aims to provide additional perspective and context around the events and the City's response that were outside of the scope of the investigation.

"I want to thank the Community Council for their input and guidance throughout this process. This investigation has been much better because of your help," said Controller Rhyhart.

The full report, including the independent investigation, recommendations and the Call to Action, are available [here](#).