

## PUBLIC SAFETY COMMITTEE

July 1, 2020

A meeting of the Public Safety Committee was held this date beginning at 4:30 p.m by video conference. Notice of this meeting was sent to all local news media.

### PRESENT

Councilmember Shahid, Chair, Councilmember Seekings, Councilmember Sakran, Councilmember Shealy, and Mayor Tecklenburg **Staff:** Heather Malloy, Chief Curia, Rick Jerue, Chief Reynolds, Susan Herdina, Steve Ruemelin, Jennifer Cook, Dan Riccio **Also Present:** Councilmember Appel

The meeting was opened with an invocation provided by Mayor Tecklenburg.

### Update on public safety discussion regarding Saturday, May 30th

Chairman Shahid stated that at the last meeting, they had an overview of the status regarding public safety and the events of May 30<sup>th</sup>. They said they would have a follow-up and keep Council notified of updates or request for documents. He understood that Ms. Herdina received a FOIA from a TV station and part of the overall review of the events of May 30<sup>th</sup>. This had been an ongoing work in progress. He understood there was some review of recordings.

Ms. Herdina stated that the County received a FOIA request on June 2<sup>nd</sup> from the media asking for radio transmissions that occurred the night of May 30<sup>th</sup> going into May 31<sup>st</sup>. That response was due that Friday. The tapes had been sent to the City for the City to review first before they were released. The City received the tapes and request on June 9<sup>th</sup>. It was lengthy and detailed. Prior to releasing them, and they were prepared to release them that day, they wanted to give the committee a heads-up as to the radio transmissions and make sure they were aware before they were released. In conjunction with that, Ms. Malloy was ready to walk through the radio transmissions and what they said, as well as how they fit into the broader picture of the Police Departments response for those particular events. She also put together a short memo that summarized the tapes. She sent that to Councilmember Shahid and requested that he send it to the Councilmembers and Mayor so they had it in front of them to review as Ms. Malloy went through the timeline. Chairman Shahid said he just sent it. Ms. Herdina said it might help them decipher what they were talking about. The County was preparing to release the transmissions that day in response to the June 2<sup>nd</sup> FOIA. As a courtesy, they would send it to the City first to review and make sure there weren't any issues. They appreciated that courtesy. They had the transmissions and could put them on a disc to make them available for the councilmembers, as well. They were happy to provide them with the information. Chairman Shahid said that when the City got a FOIA, they had the opportunity to review those recordings because there may be sensitive material and might entail something that has to do with an ongoing police investigation or police tactics that weren't subject to review. This was nothing unusual to what would be done under normal circumstances. Ms. Herdina said that was correct. Originally, this was submitted to the 911 Center, and the usual protocol was to send it to CPD for review.

Councilmember Seekings asked what the role of this committee would be going forward and if they would have an ongoing oversight of investigations/requests and if they would get reports. He asked what the long-term play was. Chairman Shahid stated that at the meeting in June, they stated they wanted an update. Staff had informed them that they would start the process of reviewing documents. This was another stage in that. How they went forward was that they would continue to monitor, particularly as questions came up on a needed basis. They could call meetings and discuss what else would be transpiring. He thought that was reasonable part of their responsibility as Public Safety Committee members.

Ms. Malloy stated that she was an Assistant Corporation Counsel. The last time they met, she stated she would be developing a timeline and that would take a great deal of time to do. There was still a lot of information coming in from many different forms regarding the incidents on May 30 and May 31. For today, she would do a FOIA review of the incident channel 3 audio from Consolidated Dispatch. She had done that and had an update. She had put together a pretty general timeline. She could tell them that the audio and the length was about 6.5 hours long. It was a lot to listen to. Those hours of tape covered about 13 hours of real time, so when they did listen to it, they should keep that in mind. The other thing to note was that they wouldn't see the actual hours of the tape. It would go from zero to 6.5, so it was hard to tell what actual time of day it was. She tried her best to do that, so her times were approximate times. Additionally, as far as the FOIA itself, she didn't find anything that needed to be redacted, but she had to listen to every single part of it. After going through all of the hours methodically, she didn't hear, at any time, a stand down order given. She also wanted to put in context what the Consolidated Dispatch audio was. It was created as a result of an incident command situation. They had a protest occurring on May 30, so the Police Department put together an incident command plan. As part of that plan, they opened a separate channel called 'Incident Channel 3', so that any calls that would regularly come in, such as patrol calls, those were on a separate channel. That wasn't what they were looking at. The purpose of 'Incident Channel 3' was to cover the operations of the command situation that was occurring. At that time, they opened the Public Safety Operations Center (PSOC). It was located at headquarters and was where they had all their command staff throughout the incident. When they heard the communications going back and forth, they were hearing the command staff speaking and also hearing officers on the ground speaking. Because it was an Incident Command channel, they had many different agencies that were able to listen to it because they wanted the support from other agencies available. They would hear calls from different agencies coming in, as well. Sometimes, they would hear dispatch calls come to this channel, even though that wasn't really the purpose of it. Many times, they were just calling in to advise that this was going on. There was a lot of coordination going on back and forth and also cell phone calls, etc. She was framing this so that they knew that what they would hear didn't include everything. They also wouldn't hear a lot of the planning and decision making made in command. That was being communicated within the command. At the same time, they would hear fire calls. The Police were responding to patrol calls, as well as incident command calls, and also requests to assist fire with those calls coming in. Additionally, there were a lot of calls behind the scenes to call in for additional resources from the surrounding area.

Ms. Malloy continued and stated that there was some coordination going on for the reverse 911 call that came out at some point. There were a lot of decisions being made about adjusting officers and bringing in additional resources. In the memo, she had also added some more information for update purposes that a combined total of 238 officers were in service to respond to the protest and riots on May 30 and going into the 31<sup>st</sup>. It was a collaboration between several jurisdictions to include CPD, Charleston County, Mount Pleasant, Berkeley County, North Charleston, Goose Creek, Summerville, SLED, DNR, and Probation/Parole. They also knew that they had Air 1, which was Charleston County helicopter that was there and did a wonderful job. They also helped identify where the rioters were as they were going across the Peninsula. In all, ten arrests were made that evening. Since that time, a total of 74 arrests warrants had been issued, 27 offenders had been identified, and 65 warrants had been served. The total number of offenders arrested to date was 23. The crimes committed ranged anywhere from arson, burglary, inciting a riot, assault/battery on citizens and officers, and damage to property. She divided the timeline into two sections because they had a protest and they had a riot. Initially, she would go through the protest timeline, and then the riot timeline. She would give the summarized version, but she did encourage them to listen to the full recording.

Chairman Shahid asked if anyone had a question at this point. Councilmember Seekings asked if they sent the memo with the timeline. Chairman Shahid said he had just sent it. Councilmember Seekings said he would keep an eye out. Chairman Shahid said he wanted to make sure no one had questions over what Ms. Malloy had talked about so far.

Ms. Malloy stated that the PSOC was opened at about 2 p.m. on May 30<sup>th</sup> and that was when the recordings started. From 2-4 p.m., they had the protests that began at Marion Square. At that time, they had officers that were part of the incident plan located at Marion Square and their job was to monitor the crowd. During this period, the crowd began to increase in size and got quite large. At one point, they wanted to leave Marion Square and march around Marion Square and down south and then come back to Marion Square. That was a time when police had to bring in traffic management, diverting traffic, close intersections. They would hear a lot of that communication on the audio such as what intersections they were closing. In addition to officers at Marion Square, they also had some civil disturbance units staged at the Gaillard. That was the City's CPD and Mount Pleasant. During that time period, there were times where they had to open up/close intersections and let the crowd march. That was the plan at that time, to let the crowd continue to march as long as they were peaceful. As they were marching, they would hear officers communicating back and forth. They were walking along with the crowd. Between 4-5 p.m., they were still continuing with a peaceful protest and the traffic containment. Throughout the 2-5 p.m. period, they may hear where there was a disturbance or some activity happening. It was generally short-lived and then the protests continued. From 4-5 p.m., there was a notation of vandalism at White Point Gardens and some type of disturbance at King/Calhoun. At that point, PSOC Command sent in CPD to assist in that activity, and then the crowd was calm again. From 5-6 p.m., protestors continued to march. Crowd containment and traffic management continued. At Meeting/Calhoun, there were some protestors challenging the Mount Pleasant unit, but were nonviolent. The PSOC Command then instructed Mount Pleasant to disengage if necessary to avoid any escalation of the situation. They heard there was glass broken on one of Mount Pleasant's vehicles and

some graffiti noted at some businesses. PSOC Command advised that there was rain coming and that would disperse the crowd. At that point, they were hearing the rain mentioned a few times, and the thinking was to wait for the storm to come in because if there was a big storm, it would disperse the large crowd greatly. Around 5:30 p.m., a rain storm came in and the majority of the crowd dispersed. From 6-7 p.m., there was a much smaller crowd present. That crowd started to head to the Ravenel Bridge. At that point, PSOC was notified, Charleston County was present, and they decided to send Charleston County, Mount Pleasant, and CPD teams to the bridge to shut down the interstate and protect the protestors and vehicles that might be stuck. The protestors at that point began to go up some of the exit ramps and jumping the median. There was a lot of coordination and traffic management. They were trying to figure out where the protestors were going and what they had to shut off. From 7-8 p.m., they were still at the Ravenel Bridge in the beginning. The PSOC Command advised to make arrests if needed. The protestors began leaving the bridge area to march back to the Peninsula. When they were marching down Peninsula, they would hear that there were officers still on the ground, walking along with the crowd as they went. As they were marching onto the Peninsula, it was hard to tell where everyone was, but there was a lot of meandering throughout the streets and roadways. There was a report of a fire in the grass. She noted that was checked on and there wasn't a fire. They got notification that the helicopter had been staged in case it was needed. Now, they were starting to have separate groups of protestors meandering. They would hear the communication of different places they were located. A majority of protestors ended up at the Market and CPD officers were with them and monitoring. That was essentially the end of the timeline for the actual protests.

Ms. Malloy continued and stated she would now summarize the riot section. Between 8-9 p.m., the riot began. The times may not be exact. She thought that the riot activity she would discuss next occurred around the 8:15 p.m. mark, but that couldn't be pinned down yet. There were rioters in the Market flipping tables, smashing windows, fighting and assaulting citizens, throwing objects at officers. At this point, the PSOC Command was instructing units to get to the Market. The officers on the ground were instructed to make arrests but to wait until the units got in so that it was safe to do so. This was when they started to hear some dispatch calls coming through. During this time period, the fighting was continuing at the Market. They had Charleston County and CPD units that had arrived from the bridge and they were attempting to contain the rioters. They would hear that the rioters were coming behind the officers and attacking them. Then, they had rioters between two unit lines and running behind the officers to flank and attack them. At some point, the rioters began moving towards Meeting Street and the attacks were continuing. CPD Command was continuing to authorize arrests and deployment of less-lethal. The plan at that time was to continue to push rioters towards East Bay and stay away from King Street. They wanted to push them north and out of the Peninsula. The rioters were going in all different directions and it was an effort to contain them and make a plan. From 9-10 p.m., the riot was continuing and the rioters were on King Street at Charleston Place. There was continued advisement to deploy less-lethal munitions. The helicopter was now arriving to assist and they needed to helicopter to assist in dispersal notifications to the crowd and to assist the PSOC Command in tracking the movement of the rioters. At Command, there were cameras to look at, but they didn't cover everything. This was an additional aid. They were hearing dispatch calls for advisement during this period, and they also had QRV units patrolling King Street and helping assist with those calls. Rioters were now near King Street.

Units were at King/Calhoun and Meeting/Calhoun. The idea at that point was to get the CDU units in a line at each of those intersections so that they could start getting containment and control of the situation. The idea was to disperse the rioters and push them north. At some point, they did have deployment of gas and less-lethal. The units were trying to move forward but were having a difficult time doing that. They reported that rioters were chasing officers and throwing bottles at officers. CDU lines at those intersections began to move north in an effort to start the operational efforts. However, Marion Square was in the middle and dark. They could hear requests for Air 1 to light up the park. They needed to see what was going on because they had rioters hiding in the park, waiting for the police to move forward. They were trying to get past the park area so they could continue. At that time, when they were trying to move north, rioters came out of the dark in Marion Square and began to attack the officers and flank them. Air 1 had a spotlight but weren't able to light up the entire park. At that point, the units had to move back to the intersections and hold that ground until further support came in. The idea was to hold that area to prevent people from going down King Street and contain as much as possible.

Ms. Malloy continued and stated that from 10-11 p.m., the riot continued. They were now starting to get more resources from other jurisdictions. The units at the Calhoun intersections continued to disperse with less-lethal and began to move up King Street because of more reinforcements. The QRV units were continuing to go up King Street. SLED was going to assist with some of those calls and Patrol was assisting with some of those calls. There were also fire calls coming in at this point and requests for units to assist with those for their protection. At some point, they heard an officer on King Street who had been assisting on a call, yelling for assistance because he was being chased up King Street. Eventually, they were successful at moving past Marion Square which was the main goal. From 11 p.m.-12 a.m., the rioting was continuing. More resources were coming in to support. There were still groups coming around to attack the officers. They were popping up in different areas and the officers were trying to assess and come up with different plans. They would hear, in her opinion, a really amazing coordination between all the different jurisdictions. There was continued advisement of less-lethal. The calls for fire assistance were continuing and the CDU units were continuing to push north. From 12-1 a.m., they were methodically working together to move past each side street. They would move a little bit and stop to make sure there wasn't a single person left, and then move again. They would continue to hear dispatch calls from the other channel and fire calls were still coming in. At that time, they would hear that arrests were being made. From 1-3 a.m., all of the units and resources were moving to push rioters out of the Peninsula, calls were dying down. There were still some calls for property destruction and fire calls. At that point, there were further arrests being made. 6.5 hours was a long time and what she gave them was a summary. There was a lot more detail and information. She suggested that everyone listen to it to see how it proceeded and how the plan was put together.

Chairman Shahid thanked Ms. Malloy for spending the time to listen to all of the calls and conversation. He knew it was tedious but very important. He stated that what she was reporting was what she had heard. The information was not her opinion, but what she was summarizing from what she heard. Ms. Malloy said that was correct. She didn't mean to put her opinion in her summary. Her job was to review the tape for FOIA purposes and to give a framework on how things worked so they could understand the

audio when they listened to it. Her job was to give summary of some of the events. At the same time, she encouraged all of them to listen to it as well. She was just attempting to summarize the best way she could. Chairman Shahid said that there was a combined total of 238 officers, but it wasn't always 238. They started with a smaller group and more resources came in through the night. Ms. Malloy stated that was an information total for the time period. She didn't really break that number down. That was the total number of resources. Mayor Tecklenburg thanked Ms. Malloy for the review and the committee for taking on the task of reviewing the incident and to let the citizens know that they would answer any and all questions and would be transparent. As they got more information, they would continue to bring that to this committee, council, and the public for review. As he listened to the review, it was apparent that the night of May 30<sup>th</sup> was a collective worst nightmare. He thought of that night in similar fashion to a Category 5 hurricane. Having said that, he was thankful to their police and fire responders and their actions that night. They and citizens were attacked. They were battling for the streets and for control of the streets that night. As they knew, further up the street, they weren't able to respond as they normally were to 911 calls. As they continued review and analysis, they continued to learn lessons for a better outcome and commitment that this would not happen again. Councilmember Sakran thanked both Chiefs and Ms. Malloy for putting the memo together. One of the things that struck him was that this was all contextual and it would be great if they could get some kind of visual. One thing he took away was the flanking and separation of units. He didn't realize how much activity was happening at Market Street. It would be good to see that in many ways the forces were split up and had to maintain and come back to Marion Square. A diagram/graphic would be helpful. Councilmember Shealy thanked Ms. Malloy for putting time into this. He would be listening to the recordings. Chairman Shahid said it would be helpful as they talked about the number of officers present, there was a fluctuation of crowd and protestors. The number of protestors was around 2,000 and number of rioters was in the 200-250 range. He knew that was estimates but at some times the officers were outnumbered. That kind of follow-up may be helpful as well. Ms. Malloy said for the numbers, throughout the audio they could hear different numbers. In the beginning, they did hear the number of 2,000 for the protestors. A lot of the numbers were approximations. After the rain, there was a reduction and a few different numbers because officers were estimating. It may have been around 200. Then, when the rioters were coming through the city, they were picking up other people and an increase in number. Councilmember Seekings asked when they would have access to the audio. Ms. Herdina said it should be available right after the meeting. She would confirm when they could get it to them. Chairman Shahid thanked everyone for getting this all together.

#### **Update on the vandalism at Charleston Nine Memorial Park**

Chief Curia stated that early Friday morning, a police officer either came upon the damage or was made aware of the damage at the memorial. He notified Charleston Fire personnel who immediately responded to assess and fix the damage. They had people working on it at about 2 a.m. The damage was contained to the nine PVC crosses that were on Savannah Highway. Those were pulled out of the ground and some were thrown into the roadway along with the smaller flags that were fixed to those crosses. The person/persons who did this also took down the two larger flags that were inside the park. The American flag was thrown into the street and the Charleston 9 flag was evidently set on fire or someone

tried to set it on fire. They were largely unsuccessful, but the flag did get some burns in it. Later that morning, through efforts from the firefighters and those that worked in the shop, all the damage was repaired and the damage estimate was just shy of \$500. They took care of things fairly quickly. A few artifacts were knocked over and they were able to right those. As far as warrants, that was more in Chief Reynolds ballpark so he would turn it over to him. He would like to thank the CPD for how professional they had been, not that he would expect anything different. Their professionalism and how quickly they acted was impressive. It was important to the firefighters and officers. Later on Friday, the family members of the Charleston 9 group received a personal call from him to make them aware that the memorial had been damaged and he gave them overview of the damage and action that had been taken thus far.

Chief Reynolds stated that they worked closely together, as he hoped they did on everything. From the very beginning, his detectives went out from Team 4 and worked with Mike Julazadeh and others in the Fire Marshal division and Fire Department. They got video and interviews. They had a tip from a citizen who had stopped and they were able to identify an individual and got warrants. They had not served the warrants yet, but they knew where the person was located and they would be served in the next few days. Chairman Shahid asked if anyone had questions. Councilmember Shealy asked if they had any idea of motive for doing this. Chief Reynolds said it wasn't associated with the movement. A lot of people were concerned that it had something to do with the civil unrest they had recently targeting statues and monuments. He could say that it wasn't associated with any of that. It didn't make much sense why anyone would do something like this and this particular person they would talk to. It was isolated and they would have to find out what she was thinking and why she would do it. It couldn't have been worse timing and struck so closely to public safety with the anniversary that had just passed. It was heartwarming to see the response from the community in general. The community was very upset.

#### **Discussion on enforcement of ordinance re: face coverings**

Chairman Shahid said he thought it would be helpful to hear from Mr. Riccio as to how he was tasked with the enforcement of the new ordinance. Mr. Riccio stated that the ordinance went into effect at midnight. His strategy going into this was education and awareness, as well as warnings. That would be his approach as it was in the beginning of the virus with the big stores and educating the businesses/entities and getting the awareness out to their customers of the importance in wearing face coverings. They had set up a line with the Citizen's Services Desk to funnel all the calls coming in. He had an officer dedicated to specifically handling each and every call. That one officer would be assigned the entire time to answering calls. A lot of the calls were questions and Legal had come out with a fact sheet that was very explanatory and well put together to answer questions that they were passing onto citizens. His officers all have masks with them to distribute if necessary. This impacted the tourism industry as well. One of the questions he was receiving was 'how the tourists would know.' They were working with the tourism industry to get the word out because the industry had to follow the same guidelines of wearing masks and they were being provided with the same information as local citizens were. He had gone personally to locations in the City to make contact with businesses. It was a learning curve and they had to keep revisiting it. He always found that most people would comply and do the

right thing. The penalty was the last resort. He felt confident that reminding people and spreading awareness would work and people would really police themselves.

### **Update on Fire Station #11**

Chairman Shahid said that this would be an update from Mr. Kronsberg. His team had been wonderful handling a myriad of issues. Mr. Kronsberg stated that the contractor was supposed to be complete by June 7<sup>th</sup> and they missed that deadline. On June 11<sup>th</sup>, they issued a letter explaining to them what Change Order #13 encompassed which included the liquidated damages provision. So, they would be going back to the original completion date of middle-end of December and calculating liquidated damages per day from that date. With the current pay period, they would start withholding liquidated damages and once they got to the project completion, they would take the necessary steps to seek the values of those damages. On the site, the contractor was about 87% complete. They've indicated, as of yesterday, that the new date was July 9<sup>th</sup> final cleaning of the interior. Hopefully, that would be the substantial completion date, however they probably weren't going to meet that date. There was still a lot of site work and landscaping to be done. They were anticipating more end of July. As each week went by, they were withholding the liquidated damages and would keep updating as the contractor gave updates. Currently, most of the front side was complete. Brick work was being finished on the rear side of the arch. The parapet cap installation was moving along on the main facility and ongoing on the roof. Final paint coat on the second coat was ongoing. Some finished electrical work was happening. There was site work and curbing at the roadway happening. Access points were pending an SCDOT lane closure permit and they were waiting on that. Landscape was tentatively to be installed the next week. The apparatus bay paint was happening and the epoxy flooring would be installed in two weeks. The concrete flooring on the interior and finished concrete would be finished in about two weeks. They could only ask when they would be complete and didn't have more tools to force them to be complete other than withholding the liquidated damages. It was in his best interest to get the project complete. They were getting close.

Councilmember Seekings said the end of July was 30 days from now and asked if they would get it complete in that time period. Chairman Shahid said hopefully they would. Mr. Kronsberg said they thought substantial completion would happen around the end of July based off the list of things to still do. Chief Curia stated that he and Mr. Kronsberg spoke earlier and they were moving forward with this. There was a series of unfortunate delays but he knew that Mr. Kronsberg was working diligently as was Ms. Brownlee and Mr. Most to bring the project to completion. Mayor Tecklenburg asked what the estimate would be for move time to be if it was done at the end of July. Chief Curia said it was hard to tell until they got in there to look. They were thinking sometime in September. That would be fluid depending on when it was complete. Councilmember Seekings said it seemed that given the events at the Memorial, it was probably worth throwing some of those liquidated damage dollars to some cameras so they could have eyes on that whole area. Chief Curia said that was being discussed. Mayor Tecklenburg said he knew they were behind schedule, but they weren't particularly above budget. Mr. Kronsberg said that was correct. They were within the budget. Chairman Shahid thanked the committee for being available. It was important for them to get these updates and they would continue to update on the events of May 30<sup>th</sup>.

Having no further business, the Committee adjourned at 5:50 p.m.

Bethany Whitaker  
Council Secretary