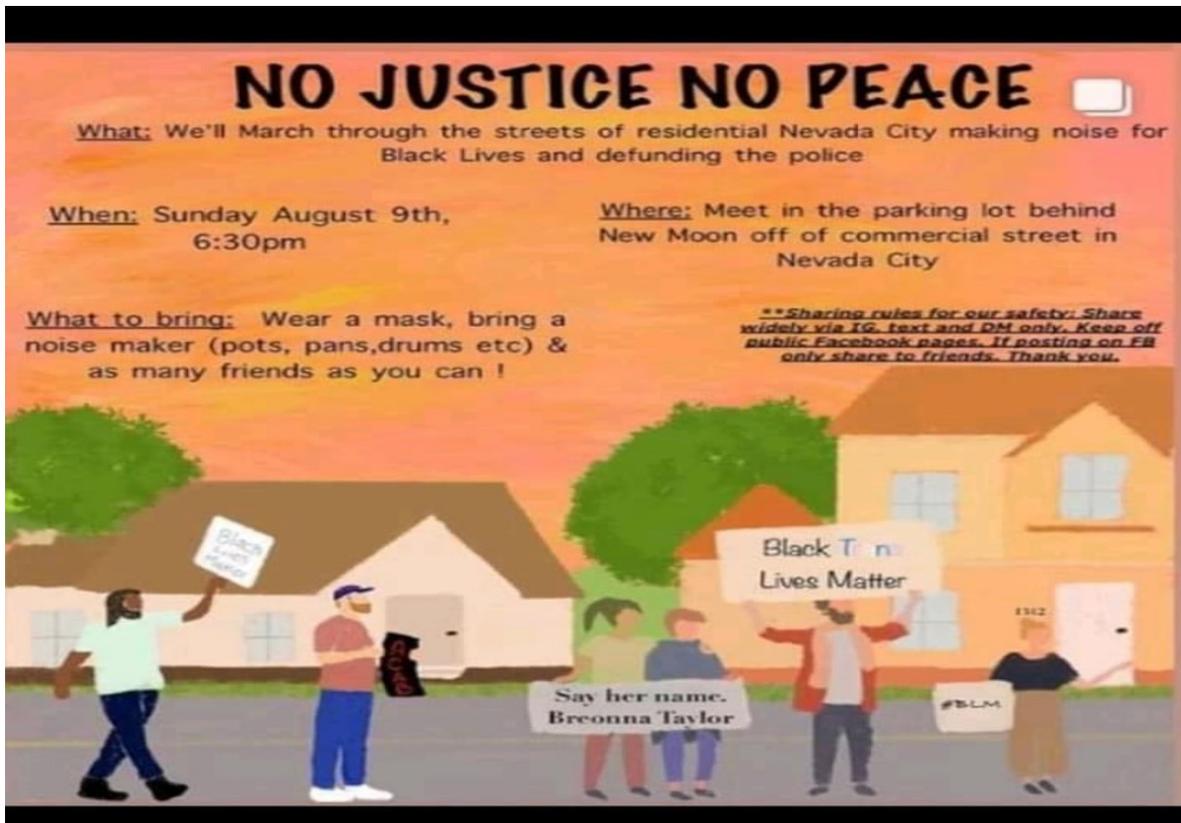


The following is an after action report pertaining to the circumstances surrounding the protests, counter protests and police response that took place in Nevada City on August 9th 2020. The information included in this report comes from an independent private investigation that the city contracted out, and had completed by Paragon Investigative Services, and does not reflect the opinions or conclusions of any individual council member or city official.

BY LAW. THE TOTALITY OF THAT INVESTIGATION IS BY LAW A CONFIDENTIAL PERSONNEL RECORD AND CANNOT BE DISCLOSED EXCEPT BY ORDER OF A COURT. WHILE THIS AFTER ACTION REPORT DRAWS INFORMATION GATHERED IN THE UNDERLYING PERSONNEL INVESTIGATION, CARE HAS BEEN TAKEN TO ENSURE THAT NOTHING IN THIS REPORT PERTAINS TO THE CONDUCT OF ANY SPECIFIC OFFICER NOR DISCLOSES ANY INFORMATION PROTECTED BY LAW.



On August 9, 2020, in the early evening hours, two groups of people converged on Nevada City intending to protest and counter-protest perceived injustices. One group consisted of supporters of Black Lives Matter and racial justice individuals (above flyer). The other group consisted of a group known as the Nevada County Patriots, or similar supporters who appeared to be in Nevada City to counter protest the Black Lives Matter / Racial Injustice protest march. Neither group sought, nor obtained a permit to hold their respective protests or informed the City of their intent to hold any marches, protests or events on that day.

Some personnel working for Nevada City became aware of the protest a few days before, and others became aware the day of, or just hours before the no justice no peace protest was to begin.

Nevada City has historically had a history of protests going back many years. The prior protests have been peaceful in nature and have never required a significant police presence. As with the prior protests, violence was not expected to be a concern with the August 9th protest / counter-protest. Also, this event was the first time Nevada City has seen a protest that brought in counter protesters with opposing views.

At the onset of the protest on August 9th, the Nevada City Police Department had a total of four officers on-duty. There were no supervisors on duty at the time of the protest, as the two Nevada City Police Department Sergeants were out of the City attending training. Being a Sunday the Lieutenant was off duty as well as the Chief of police the day of the protest¹.

Once the protest began and the counter protesters showed up it became immediately obvious that the two groups would not peacefully hold their respective protests. Verbal and physical altercations began and continued periodically throughout the more than one-hour protest / counter-protest march through parts of Nevada City. It is estimated that 150-200 people in total were involved in the protest / counter-protest. It became extremely difficult for the Officers to manage the protesters as it was a moving protest which kept

¹ Ordinarily Sunday deployment would have included a sergeant. However, both sergeants were away at a POST mandated supervisory training course that day. However, had there been forewarning that these demonstrations were going to occur, steps could have been taken to ensure onsite supervision.

separating the officers and moving them to different locations in downtown Nevada City. It would have been much easier to separate the two sides if the protest itself would have been stationary and remained in one location.

Once it became obvious that the four on-duty officers were not going to be sufficient, the Nevada City Police Department requested the assistance of the Grass Valley Police Department as well as the Nevada County Sheriff's Department². Both departments did respond to assist, although with minimal personnel as both departments are small with very limited personnel and resources, particularly on a Sunday. Based on witness accounts, it appears that a total of four additional personnel were sent to assist the four Nevada City Police Department officers, making it a total of eight law enforcement personnel to manage the protest / counter-protest. The Nevada City Police Department Lieutenant also was called and responded to the protest. It appears that he arrived as the protests were winding down.

As the protest evolved, the Nevada City Police Department Officers made minimal efforts to keep the two sides separated. They did make some effort to stop assaults taking place in a few instances, but no enforcement activity took place during the event. No arrests were made. No citations were issued. No reports were taken the day of the protest.

The officers indicated that with only four Nevada City Police Officers at the protest, and with very minimal outside agency assistance, they did not take any enforcement actions as they simply did not have sufficient personnel to do so. To make an arrest, issue a citation, or take a report, it would take at least one officer out of action for the majority, if not all of the protest³. If officers began to take this sort of action it would follow that fewer officers would be on scene and it is likely that more assaults would occur with a diminished police presence. Instead, the officers indicated they tried to keep the protest moving, keep the protestors

² These are the only two law enforcement agencies geographically situated and staffed to provide any timely assistance or mutual aid.

³ Based on combined crowd estimates of 150 to 200 protesters, the officers were heavily outnumbered. With four Nevada City officers on scene, the ratio of protesters to officers was on the low end over 37 to one; at the high end the ratio was 50 to one. Even adding in the limited support able to be provided by the Sheriff's Department and Grass Valley, the ratios were still, respectively, 19 to one and 31 to one.

and counter-protestors out of the street, and tried to keep the two sides apart so that the protest would reach its conclusion and the two groups would disperse.

The Nevada City Police Officers also indicated that they had no training on crowd control, or how to deal with large protests since they graduated the police academy. The officers also were not issued any riot gear, such as riot helmets or other protective gear to help minimize their risk during hostile situations.

After the protest and counter-protest was concluded, the two groups dispersed.

The following day, several of the protestors filed criminal reports with the Nevada City Police Department. This process appeared to have been hampered by a lack of available personnel to manage the reports, the emails, and the phone calls related to the protest. In some cases, it took several hours to several days to be able to report what occurred. On an average day such as the Monday following the protest it is common for Nevada City to have one police officer assigned to patrol for the day.

In addition, several people, with some assistance from a City Councilperson, filed complaints against the four Nevada City Police Officers who were working at the August 9th protest. The complaints varied some, but the general theme was that the Nevada City Police Officers failed to protect the protestors from the counter-protestors during the event. Given the allegations against the officers on duty the day of the protest, the decision was made to not have them involved in taking any reports associated with the protest. While this was deemed prudent and necessary under the circumstance, this did make the workload much more difficult for the police department as the four officers comprised of half of the patrol force for the city.

If was the recommended finding of the investigator that no officer violated any law or rule in their response to this demonstration. Investigator findings in such investigations are only advisory. Therefore, both I and the City Attorney's office conducted our own review of the investigation, concluding that we concurred with the investigator's findings that no actionable misconduct occurred.

This is not to say that the officers did a good job of managing the protest / counter- protest, only that they did not run afoul of a particular policy. A determination was also made that the officers were insufficiently trained and equipped to handle the protest.

It was also determined that even if all twelve members of the Nevada City Police Department had been on duty, there still would not have been sufficient personnel to adequately control and police an unruly crowd of 150 – 200 people, without significant outside agency assistance.

Video evidence also clearly depicted that officers on duty did not take sides with any specific group during the protest. Officers did an adequate job with the resources they had provided to them at the time of the protest.

The morning after the protest a highly edited video surfaced on YouTube depicting officers siding with and marching alongside of the Nevada County Patriots. The producer of this particular video omitted a significant amount of footage that showed the truth in what actually happened and the officer's interactions with both sides. The officer's body camera footage showed a much clearer perspective of the true events, making it apparent that he was not taking sides or otherwise showing bias.

Since the protest and counter protest on August 9th Nevada City has had approximately half a dozen additional protests. The City of Nevada City has been notified of each additional protest. This allowed the police department to properly plan and staff adequately for the event and to request outside agency assistance prior to the day of the event itself. Had that foreknowledge been present prior to the August 9 protests it is probable that the outcomes experienced from these protests would have been significantly different.

As things progress the Nevada City Police Department will be looking into additional training in the areas of crowd and riot control. The police department will also be looking into different funding options for riot/crowd control equipment.

The City has a requirement that permits be obtained for these types of events. However, it appears that the City has not consistently enforced this requirement. Going forward it is strongly recommended that this requirement be enforced in order to ensure that City resources can more effectively be planned for and deployed in order to best ensure the health and safety of all concerned.