

Safe Communities Committee

September 1, 2020, 11:00 a.m.

The public and the media can view the meeting on the [Government Channel](#), the [City's Facebook page](#) or on the [City's YouTube page](#)

Committee Members: Larken Egleston, Chair
James Mitchell, Vice Chair
Dimple Ajmera
Renee Johnson
Victoria Watlington

Staff Resource: Marcus Jones, City Manager

AGENDA

I. Overview of Agenda

Staff Resource: Marcus Jones, City Manager

II. Review of Community Input Group meeting

Staff Resource: Federico Rios, Office of Equity, Mobility and Immigrant Integration

- Overview of information reviewed at the last CIG meeting
- Input considerations, feedback from the group, and proposed deliverables

III. Continued Review of CMPD Rules of Conduct

Staff Resource: Federico Rios, Office of Equity, Mobility and Immigrant Integration

- Recommendations from the Community Input Group

IV. Continued Review of Youth Programming

Staff Resource: Federico Rios, Office of Equity, Mobility and Immigrant Integration

- Recommendations from the Community Input Group

V. Review of CMPD Directives on Passive Protest and Peaceful Demonstrations and First Amendment Activities

Staff Resource: Johnny Jennings, Chief of Charlotte-Mecklenburg Police

- Overview from CMPD

VI. Discussion of Next Steps

Staff Resource: Marcus Jones, City Manager

- Confirm planned items for review at next meeting

Next Meeting: September 15, 2020 at 11:00

Upcoming topics:

- Continue topic report outs from Community Input Group
- Update on Alignment with "8 Can't Wait"
- Continue discussions on review of CMPD Directives 600-014 Passive Protest and Peaceful Demonstrations and 600-015 First Amendment Activities
- Review Police Transparency & Access to Information

**Safe Communities Committee's
Community Input Group Meeting**

August 27, 2020 | 3:00pm – 5:00pm

Zoom Virtual Meeting

Staff: Federico Rios, Cherie Grant, Lacey Williams, Denada Jackson, Emily Yaffe, Milena Price

Attendees: Tonya Jameson, Ryan McGill, Robert Dawkins, Meko Crawford, Rev. Peter Wherry, Rodney McGill, Cindy Decker, Corine Mack, Fatina Lorick, Vicki Foster, Dr. Michael Turner, Michael Barnes, Trevor Allen

Facilitators: Tonya Jameson and Federico Rios

Welcome – Federico Rios

Agenda Review – Federico Rios

Break Out Groups Meetings

- Group 1 – Tonya Jameson
- Group 2 – Lacey Williams
- Group 3 – Federico Rios
- Group 4 – Cherie Grant

Introduction of Professor Samuel A. Marcossou – Federico Rios

Peaceful Protests: Presentation on First Amendment Rights: Professor Samuel A. Marcossou, University of Louisville

- Talk about ways in which the First Amendment plays out when it comes to protests, when it comes to the authority of state and local government to deal with and react to protests.
- Conclude with what governments ought to do to be consistent with First Amendment values as distinct to what First Amendment may require them to do. These are two very different things and should inform any conversation about the proper response to a protest movement.
- A huge chunk of the First Amendment is about, in whole or in part, protest activity. Not directly implicated are the religion clauses and the free press clause.
- First Amendment protects the right to freedom of speech, protects the right to freedom of assembly and protects the right to petition the government for a redress of grievances. This is what protestors are doing.
- Any restrictions on protests through laws passed or enforcement by police can be challenged as infringement of these rights.

- It's important to know that the government can enact reasonable restrictions on public protests. These restrictions must be consistent with what the Supreme Court calls time, place and manner restrictions. Those regulations are based on concerns like where and how protests take place (e.g. permit requirements). Must be acted in a content neutral way.
- The government can regulate conduct but that is distinct from expression. If the government isn't enforcing a particular law and all of a sudden, they start enforcing it against protestors that will give rise to a First Amendment challenge.
- The Constitution both expresses rules and principles or values. What values the First Amendment seeks to protect? The values when it comes to protests and free speech is that we want to create a society in which there can be a robust exchange of ideas and that the government is answerable to the people and must listen to the message the people are trying to deliver.
- There's an affirmative obligation on the government not just in law but in good governance to have systems and policies in place to go above and beyond in permitting and encouraging free speech.
- Encourage anyone thinking about these issues to do is not only how do we avoid violating but how do we honor its underlying values.

Q&A:

- What's your view on protecting both the person that had the permit and the counter protestor?
 - It depends very much on documenting what we see. If we have video and evidence that show the differences.
- What about when you have officers that engage in egregious acts?
 - If the police are the escalators that's a first amendment issue. Its also a criminal justice reform issue. It's also how do we change policing practices issue. Until we change how police do their job, who we're entrusting with the authority to be police officers and how we discipline them for their violations, then this problem is going to keep happening. This has First Amendment implications but it's much more about public policy.
- Can you extrapolate on the content of the one word **peaceably**?
 - The government has the authority to respond to non-peaceful protests. There is no constitutional right to non-peaceable assembly to violent assembly. Unfortunately, there is a tradition in this country to not always taking protests seriously when it's peaceful. Sometimes you need both to get the attention of America. Those who engage in violence have to be willing to accept the certainty that the system will respond to them with great force.
- How can you lead a successful protest?
 - Make sure protest had legal observers. People who are apart from the protest but available to document everything that happens.
 - Try to use whatever connections you have with the powers that be in order to establish beforehand a line of communication.
 - Both of these are limited solutions. Until we change training and discipline police have until there are real consequences for police, any steps taken will have limited success.

- Have you seen a department with a similar demographic as Charlotte that's getting it right when it comes to protests?
 - Have seen stories but can't link them to particular places. Police have a job to do but if they show that are at least sympathetic to the concerns of protestors that goes a long way to de-escalation. One of the biggest problems is that there aren't enough consequences for misconduct.
- If we want to prompt police officers to do what they need to do when it comes to duty to intervene. How do we frame having civil lawsuits tied to police pension funds?
 - Some argue we ought to compensate them better and tie that to better standards. In places where there are adequate pensions that may be a place to turn.
 - There's a problem using whatever source you go to for finding the money to give a plaintiff. You still have to get through qualified immunity.
 - Cities indemnify the officers. Until you have a tort system for constitutional violations that makes the officers feel some of the pain that will not be a remedy to deal with the problem.
- So far this is about police misbehaving during peaceful protests. We need more clarity there should not be obstruction of traffic or disorderly conduct. This is occurring and police is obligated to respond. What are we saying when it's clear in the law that they can't just take over the street? Is this group about saying that all the protestors are doing everything right? How do we find that balance?
 - Yes, there must be a balance. Not everything the government can do is permissible under the constitution. It's things they ought to do. Encouraging protests and not reacting in a way that shuts it down ends up benefiting the entire community.

Closing remarks:

- Any additional questions can be sent to Professor Marcossou's email.
- Next meeting will be held September 17th.
- Two topics that will be discussed at the Safe Communities meeting are Youth Programming and Rules of Conduct
- Federico to send link after Safe Communities Meeting.

Safe Communities' Community Input Group

Sub Group Analysis

Topics for Specific Feedback

- Rules of Conduct

Sub Group Members: Cindy Decker, Robert Dawkins, Rodney McGill, Dr. Michael Turner (will report back)

Topic 1. Rules of Conduct

Discussion Notes

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
#11: Intervention "Manifest Injustice"	Ambiguity of language, example of Sgt on June 2, what does manifest injustice mean, where's the line between insubordination and accountability	Change to "in violation of CMPD policy, ethics, and/or directives" Policies and directives are assumed to prevent "manifest injustice"
#1: Abuse of power	Mandatory reporting, promotions (ex Deputy Chief)	Would like more information about how officers who have been disciplined for abuse of power are promoted and how that info is shared across departments
#4: Associations	Include and define hate groups (based on DOJ list)	<p>Add HATE GROUPS to associations, and/or groups that breed animus/hateful attitudes toward other racial groups?</p> <p>Employees will avoid associations with persons who they know, or should know, are involved in criminal activity, are under criminal investigation or indictment or who have a serious criminal record or are</p>

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
		members of or affiliated with racial or white supremacist groups, including Nazis, the Aryan Brotherhood, the Ku Klux Klan, Proud Boys and similarly situated groups, except as necessary to the performance of official duties or where unavoidable due to family relationships. (Provided by Michael Barnes – Group 1)
#2: Arbitrary Profiling	"solely based on race"	<p>*Need something more robust to protect against racial/gender/religion/sexual orientation profiling.</p> <p>*Need more research to understand whether arbitrary profiling exists, and the depth to which it exists (ex. Traffic stops)</p> <p>*CMPD will systematically seek out and review whether AP exits and then tailor a response based on what is actually going on</p>
#33: CEU Identification		Officers must be identified in CEU, must be displayed
#42: Violation of Rules	What are the consequences	<p>*Would like access for the public</p> <p>*Public transparency on what is the escalation of consequences, is it possible to request in specific cases</p>
#43: Equipment	Video needs to stay on, penalty for turning off?	Stay on all times when interacting with public

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
"fitness for duty"	Include mental health considerations?	<ul style="list-style-type: none"> *This needs to be included in policies and procedures *officers should not be held back or discriminated against for seeking mental health support *Mental health check ups should be strongly encouraged (PTSD screenings, etc)

Safe Communities' Community Input Group

Sub Group Analysis

Topics for Specific Feedback

- **CMPD Community Engagement & Youth Programs**
- Police Transparency and Access to information
- Management of Subjects with Mental Health illness

Sub Group Members:

Topic 1. • CMPD Youth Programs

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
<p>Data: Numbers seem too good to be true, 99% raises a red flag, if you have reached that high a percentage of your goal your goal should be reevaluated. There is missing data and metrics for some of the programs. How are programs evaluated and by whom? Are we measuring outputs or outcomes? Can we take to scale the programs that data shows are effective?</p> <p>Demographics: There is no clear indication that the programs are catering to at-risk youth specifically. Given the presentation that was given on youth programs there is a sense that the youth most in need of the programs are not accessing them. Despite the programs existing, problems in the community involving youth are not abating. The missing demographics for some of the</p>	<p>Create a programming framework that is managed outside of CMPD</p> <p>Better data must be collected in order to make an informed decision on program effectiveness and scalability.</p> <p>Allot no new funding until there is a better than anecdotal understanding of what is working well.</p> <p>Document the funding streams for all programs.</p>	<p>External audit of youth programs to determine their effectiveness, scalability and whom they are serving.</p> <p>Once an audit is completed consider potential partnerships with grassroots orgs that are working well and producing results. Allow the organization to maintain autonomy in its implementation of programming. Don't take over the program or narrative.</p> <p>Programs need to be affordable for the youth/communities they are serving, make grants available to the youth most in need of participating in these programs.</p> <p>CMPD can divest of being the implementer and evaluator of youth programming and instead invest into a community</p>

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
<p>programs makes it unclear who is being served. What is the ratio of funding to service provided and where do the funding sources for each program come from?</p> <p>Location: Where are the programs implemented? The programs should be neighborhood based.</p> <p>Partnership: Partnerships with community and or grassroots organizations is necessary. CMS' Turning Point Academy should be a focus for programming given the population it serves. Why are successful programs like Tar Heel ChalleNGe Academy not partners?</p>		<p>backbone organization that can redirect funds to grassroots organizations. Not just one group but spread out to multiple groups that have proven themselves effective in the delivery of youth services and programs.</p> <p>Have more community based events (like West Fest) to offer an outlet for young people and communities to enjoy themselves and have positive interactions with law enforcement.</p>
<p>Programming: Programing should not be focused on sports only. There are many young people that are not interested in sports and are more inclined to participate in community events.</p> <p>Programs must be mindful of how age restrictions can hinder the ability to reach an entire family. If a program serves one person in a family, an appropriate program should be made available for the other youth in the home.</p>		

Concerns/Improvement Opportunities	Factors for Consideration	Proposed Changes to Consider
<p>Are all the programs free for at-risk youth? What type of support would it take for them to be?</p>		
<p>Potential for improved community relations and potential recruitment: It is important for CMPD to work in communities to show that its youth programming cultivates a positive image which can create interest in younger people that could then be recruited later in life. Sharing positive engagement stories within communities – successes engaging youth and sharing best practices, can help get more resources allocated to provide this type of programming.</p>		



Protests and the 1st Amendment

Charlotte-Mecklenburg Police Department
September 1, 2020



1ST AMENDMENT

Congress shall make no law respecting an establishment of **religion**, or prohibiting the free exercise thereof; or abridging the **freedom of speech**, or of the **press**; or the right of the people **peaceably to assemble**, and to petition the Government for a redress of grievances.



1ST AMENDMENT PROTECTIONS

Free exercise of religion

Freedom of speech and the press

Right to peaceably assemble



SPEECH AND ASSEMBLIES

1st Amendment guarantees the right to free speech and the right to *peaceably* assemble

* No right to participate in an unlawful assembly

Generally, government cannot infringe upon those rights

Time, place, and manner restrictions

- Content-neutral
- Significant government interest
- Alternate channels for communication/buffer zones



TIME, PLACE AND MANNER RESTRICTIONS EXPLAINED

Content-neutral

- Government restrictions cannot be based on what the person is saying
- The same restriction would have to apply to all people or group no matter the content

Significant government interest

- Government restriction must be narrowly tailored to support a significant government interest by the least restriction means

Alternate channels of communication/buffer zones

- In most cases, cannot ban *all* forms of communication
- Free speech zones; buffers around medical clinics



EXAMPLES OF TIME/PLACE/MANNER RESTRICTIONS

- Limits on noise level
- Amplified sounds permits
- Time of day restrictions on noise levels
- Restricting the size or placement of signs on government property
- Parade permit processes

** Non-exhaustive list*



FIRST AMENDMENT, UNLAWFUL ASSEMBLIES & POLICE



1ST AMENDMENT & POLICE

CMPD officers have a sworn duty to uphold the Constitution

During 1st Amendment activity, CMPD's role is to keep the peace

- Officers may standby and observe the free speech activity
- Officers may walk with moving assemblies
- Officers may use vehicles or bicycles to control traffic flow for moving assemblies

Officers must still respond to calls for service related to 1st Amendment activities

- Noise complaints
- Injury to people or property



ENFORCEMENT ACTION DURING 1ST AMENDMENT ACTIVITIES

Officers may take enforcement action during unlawful assemblies

The law enforcement response will be determined based on the specific facts

- Must consider the *totality of the circumstances*

Noise violations may first be addressed with education, prior to citations for non-compliance

Injury to people and property; impeding traffic

- Officers may attempt to remove individual violators
- The specific enforcement response is heavily dependent on the factual circumstances



UNLAWFUL ASSEMBLY

If demonstrators violate a State or Federal Law, the assembly becomes unlawful

Unlawful assemblies are not protected by the 1st Amendment

Local law enforcement may disperse the assembly and/or arrest violators



CRIMINAL OFFENSES (NON-EXHAUSTIVE LIST)

Riot, N.C.G.S § 14-288.2

- Public assembly of 3+ people who are committing disorderly or violent conduct, or the imminent threat of such conduct, resulting in injury or clear and present danger of injury to people or property

Disorderly Conduct, N.C.G.S. § 14-288.4(a)(1)

- Engages in fighting or other violent conduct, or conduct which creates the threat of imminent fighting or violence

Failure to Disperse, N.C.G.S. § 14-288.5

- Law Enforcement Officer may issue a command to disperse if there is a riot, or disorderly conduct of 3+ people is occurring



DISPERSAL ORDERS

Requirements:

- Reasonable belief that a riot or disorderly conduct is occurring
- Total of 3+ people present
- Command is given in a manner reasonably calculated to be heard

If any person remains after a dispersal order, it is *prima facie* evidence that the person is willfully engaging in the riot or disorderly conduct

Officers may arrest any person remaining after the dispersal order



THINGS TO REMEMBER

Officers evaluate all law enforcement decisions on a case-by-case basis

Every protest is different

The particular enforcement action will be based on the totality of the circumstances

- And the feasibility of certain tactics given the circumstances



QUESTIONS & ANSWERS

Any questions?

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	Interactive Directives Guide	Passive Protest and Peaceful Demonstrations	
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I. PURPOSE

The purpose of this directive is to inform each member of the Charlotte-Mecklenburg Police Department (CMPD) of the policy regarding the appropriate exercise of law enforcement authority at peaceful demonstrations.

II. POLICY

The CMPD's purpose for being present on the scene of a lawful protest is to maintain peace and order. Officers shall enforce the criminal law where appropriate and not act or fail to act in any manner that favors the protesters or the business/organization that is the object of the protest. First Amendment Rights of the protestors are to be balanced with the rights of private property owners and the interests of the public in being able to access businesses, public roadways and public sidewalks.

III. DEFINITIONS

- A. Picket or picketing: To make a public display, or demonstration of sentiment for, or against a person, or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.
- B. Sidewalk: The portion of the street which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.
- C. Street: The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb.

IV. PROCEDURES

- A. Notification required: The organizer of a picket that the organizer knows, or should reasonably know, will be attended by a group of 50 or more individuals shall give notice of intent to picket to the Chief of Police or designee at least 48 hours before the beginning of the picket. [\(See CMPD Forms\)](#)
- B. Receipt of notification: Upon notice of intent to picket, the Chief of Police or designee shall immediately issue a receipt of notice. The organizer of the picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official. (See CMPD Forms)
- C. Public Assembly and Parade Permits (City Code Sections 19-311 – 19-312)
Festivals, parades and public assemblies (on public streets) are required to have a permit, without regard to the number of individuals participating
- D. Warrantless Arrests (N.C.G.S. 15A-401(b))

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Warrantless Arrests should only be made with probable cause:

1. For a felony or misdemeanor in an officer's presence,
2. For a felony that occurs outside the officer's presence or,
3. For a misdemeanor that occurs outside the officer's presence and a warrantless arrest is authorized by state law.

E. Enforcement of Relevant Statutes and City Ordinances

1. Picketing Ordinances (City Code Sections 19-301 – 19-303)
 - a. Picketing may be conducted on public sidewalks or other pedestrian areas, but not on that part of the roadway primarily used for vehicular traffic. Picketing shall not disrupt, block, obstruct or interfere with pedestrian traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
 - b. Picketing may be conducted at the Old City Hall lawn, CMGC plaza, Polk Park, Independence Square Park, Arequipa Park or other City-controlled park unless a festival is occurring, or the property is reserved for private use.
 - c. Picketing is not permitted on median strips.
 - d. Focused or targeted residential picketing is prohibited.
 - e. There is no limit to the number of pickets on a particular block or to the amount of space between pickets.
 - f. Banners are not limited in size, but must allow safe and unobstructed passage of pedestrian and vehicular traffic.
 - g. The staff or pole on which a placard or banner is carried must be made of corrugated material, plastic or wood and not metal or metal alloy. It cannot exceed 40 inches in length, nor can it be greater than ¾ inch in diameter at any point. It must be blunt at both ends.
 - h. Violations of the ordinance may be enforced by issuing a uniform citation to the violator. Although, officers may wish to warn picketers prior to issuing a citation.
2. Obstructing Traffic
 - a. Protesters standing in the public roadway blocking traffic shall be given a lawful order to move out of the roadway under the officer's authority to direct or regulate traffic under N.C.G.S. 20-114.1(a) (Willful Failure to Obey Law-Enforcement or Traffic-Control Officer). Arrests may be made under this statute if protesters refuse to move out of the roadway.

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- b. Officers should advise persons on the scene not to walk in front of vehicles entering and exiting the parking lot of a business. The potential for confrontation between the various interests involved and the danger of a pedestrian being struck by a vehicle are additional law enforcement concerns.

3. Trespassing

Protesters standing on private property are to be verbally advised by a company representative that they are not allowed on the private property. In addition, an officer shall provide a verbal warning to violators that they are going to be arrested for first degree trespassing if they are unlawfully in a building or enclosed area and for second degree trespassing if they are outside but not on the “sidewalk” area or on a public street.

4. Other Relevant Ordinances and State Statutes

- a. Noise Ordinance (City Code Sections 15-61 – 15-70)

A permit is required for amplified sound. Violations of the noise ordinance may occur if the protesters use megaphones or other sound amplification devices. Prior to issuing a citation for a violation under Section 15-64 (Amplified Sound), a measurement of the noise should be in accordance with the Noise Enforcement SOP.

- b. Weapons at Parades and Picket Lines (N.C.G.S. 14-277.2)

It is unlawful for any person participating in, affiliated with, or present as a spectator at any parade, picket line or any demonstration upon a private health care facility or upon any public place owned or under the control of the State or any of its subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. The provisions of the statute do not apply to a person with a carry concealed permit carrying a concealed handgun. The provisions of the statute do not apply to any person authorized by State or Federal law to carry dangerous weapons in the performance of their duties, including any private security officers licensed to carry a firearm while on duty.

- c. Distribution of Handbills or Leaflets (City Code Section 15-1)

It is unlawful for any person to throw, deposit, place or distribute any handbills, leaflets, etc. on any motor vehicles without the consent of the owner. With regard to material that is handed out by protestors, picketers, or counselors, this ordinance will be enforced by issuing a uniform citation requiring a mandatory court appearance, only after receipt of a complaint.

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- d. Officers should not charge protestors with littering for placing copies of their literature, picket signs or other material on public or private property for the period of the demonstration. However, signs or other material placed on the private property by protestors may be taken and disposed of by the property owner or his or her designee. This does not constitute larceny or damage to property and no such report should be taken.

V. REFERENCES

- Noise Enforcement SOP
- Charlotte City Ordinance 19-301 through 19-303 Picketing
- Charlotte City Ordinance 19-311 through 19-313 Public Assemblies and Parades
- Charlotte City Ordinance 15-61 through 15-68 Noise
- Charlotte City Ordinance 15-1 Distribution of Handbills
- N.C.G.S. 14-225.1 Obstructing Justice
- N.C.G.S. 14-277.2 Weapons at Parades
- N.C.G.S. 14-277.4 Healthcare Facilities
- N.C.G.S. 14-288.2 Riot
- N.C.G.S. 14-288.4 Disorderly Conduct
- N.C.G.S. 14-288.5 Failure to Disperse
- N.C.G.S. 14-415.11 Permit to Carry Concealed Handgun
- N.C.G.S. 15A-401 Arrest by Law Enforcement Officer
- N.C.G.S. 20-114.1 Willful Failure to Obey Law-Enforcement or Traffic-Control Officer

ARTICLE X. PICKETING*

***Editor's note:** Ord. No. 2621, § 1, adopted June 14, 2004, amended article X in its entirety to read as herein set out. Formerly, article X pertained to parades and derived from Ord. No. 2459, § 1, adopted December 8, 2003. For provisions pertaining to parades, the user's attention is directed to article XI.

Sec. 19-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Picket or *picketing* means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

Street means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

(Ord. No. 2621, § 1, 6-14-2004)

Sec. 19-302. Notice of intent to picket.

(a) *Notification required.* The organizer of a picket that the organizer knows, or should reasonably know will be by a group of 50 or more individuals shall give notice of intent to picket to the chief of police or designee at least 48 hours before the beginning of the picket. The notice of intent to picket shall include the following information:

- (1) The name, address and contact telephone number for the organizer of the picket;
- (2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
- (3) The name of the organization or group sponsoring the picket;
- (4) The location where the picket is to take place;
- (5) The date and time the picket will begin and end; and
- (6) The anticipated number of participants, and the basis on which this estimate is made.

(b) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (a), the chief of police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.

(c) It shall be unlawful for any person to violate any provision of this section.
(Ord. No. 2621, § 1, 6-14-2004)

Sec. 19-303. **Picketing** regulations.

(a) **Picketing** may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), **picketing** may not be conducted:

(1) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;

(2) On a median strip; and

(3) At a location directed, focused, or targeted at a particular private residence.

(c) **Picketing** shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

(d) Written or printed placards or signs, flags, or banners carried by individuals engaged in **picketing** shall be of such a size and/or carried on the sidewalks or other city-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.

(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.

(f) Spectators of pickets shall not physically interfere with individuals engaged in **picketing**. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.

(g) Picketers and **picketing** shall be subject to all applicable local, state and federal laws including, but not limited to:

(1) The city's noise ordinance;

(2) The city's handbill ordinance;

(3) Section 14-225.1 (obstructing justice);

(4) Section 14-277.2 (weapons);

(5) Section 14-277.4 (health care facilities); and

(6) Section 14-288.4 (disorderly conduct).

(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.

(i) It shall be unlawful for any person to violate any provision of this section.
(Ord. No. 2621, § 1, 6-14-2004)
Secs. 19-304--19-310. Reserved.

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I. PURPOSE

This directive provides rules to guide the Charlotte-Mecklenburg Police Department (CMPD) employees in performing their duties before, during and after a First Amendment Activity.

II. POLICY

It is the policy of CMPD, whenever an employee is performing his or her duties, they conform to the guarantees of the United States and North Carolina Constitutions. When conducting a work-related function in relation to a First Amendment Activity, that function must be confined to a Legitimate Law Enforcement Objective. CMPD recognizes that the First Amendment of the United States Constitution promotes, encourages and protects the right of free speech and the right of persons and groups to assemble peacefully. In addition, the Fourth Amendment protects individuals from unreasonable governmental intrusion into their person, houses, papers, and effects. Whether demonstrating, protesting, counter protesting, or simply showing support for a cause, individuals and groups have the Constitutional right to peacefully gather and express themselves without interference from law enforcement despite to the content of their message. At the same time, it is also the role of CMPD to maintain law and order during a First Amendment Activity and to investigate any potential for criminal behavior that might occur before, during or after such an activity.

III. DEFINITIONS

- A. First Amendment Activity: constitutionally protected speech or association, or conduct related to freedom of speech, the free exercise of religion, freedom of the press, the right to assemble, and the right to petition the government. A First Amendment Activity includes but is not limited to the preparation, planning and discourse conducted before, during and after a particular occurrence or continuous activity such as a demonstration or a protest.
- B. Infiltrate: a covert investigative technique whereby an officer affirmatively identifies himself/herself as a member of a group or organization and does not disclose his or her identity as a law enforcement officer.
- C. Informant: a person who is not a police officer, who provides information to law enforcement about individuals, groups of individuals or organizations which are generally not publicly available.
- D. Legitimate Law Enforcement Objective: a Legitimate Law Enforcement Objective consists of the following: the detection and investigation of criminal behavior; the apprehension and prosecution of criminals; the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the Charlotte-Mecklenburg area; and, the identification of governmental resources necessary to staff a First Amendment Activity sufficient to protect persons and property.

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- E. Public Source Information: any information that can be obtained or accessed by the general public such as public records, social media sites, web pages and observation of activity that is presented to and/or can be viewed by the general public.

IV. PROCEDURE

The procedures in this directive are intended to ensure that CMPD Officers protect the guarantees of the Constitution while performing their duties with certainty, confidence and effectiveness. These procedures are binding on all CMPD employees who are involved with the monitoring of a First Amendment Activity.

A. Procedures Applicable to all Employees

1. CMPD employees may respond to or monitor First Amendment Activity for the purpose of facilitating a Legitimate Law Enforcement Objective. Two examples of facilitating a Legitimate Law Enforcement Objective are:
 - a. Developing information that will assist with traffic and crowd control during this or other First Amendment Activities.
 - b. Receiving information from a reliable informant that a group of counter demonstrators plan to commit criminal acts for the purpose of disrupting another group's demonstration.
2. CMPD employees shall not investigate, prosecute, retaliate, prevent, or hinder any person from lawfully participating in First Amendment Activities.
3. CMPD employees shall not collect, document or retain information on persons associated with a First Amendment Activity based solely on that individual's:
 - a. Ethnicity, national origin, race; or
 - b. Religious, political or social beliefs or association; or
 - c. Sexual orientation; or
 - d. Support for unpopular causes protected by the First Amendment.
4. CMPD employees will not encourage, suggest or participate in any civil disturbance, civil disobedience or violation of any criminal law.
5. All questions will be limited to issues related to criminal conduct or to developing information related to a Legitimate Law Enforcement Objective.
6. Officers shall not take, confiscate or seize a participant or spectator's camera, cellular phone or other electronic recording device simply because they are recording police activity. A camera, cellular phone, or other electronic recording device may be seized incident to arrest, when officers have obtained a search warrant, or there is an exception to the warrant requirement.

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7. Officers shall not take, confiscate or seize a participant's or spectator's journal, written material, or other personal documents unless they have obtained a search warrant or there is an exception to the warrant requirement.
8. Any photographing or video recording of an event shall be conducted in a manner that minimizes interference with the First Amendment Activity and must be related to a Legitimate Law Enforcement Objective.
9. Nothing in this directive prevents an employee from recording or monitoring images by video/digital means or the taking of photographs for the purpose of facilitating a Legitimate Law Enforcement Objective. This could include, managing public resources, collecting evidence to be used in criminal investigation, or the collection of evidence to evaluate and defend civil claims or for other purposes in accordance with CMPD Directive 400-006 (Body Worn Cameras).
10. Nothing in this directive prevents an employee from performing the following actions, provided that they are undertaken to accomplish a Legitimate Law Enforcement Objective:
 - a. CMPD employees may gather, review, and disseminate public source information pertaining to planned or ongoing First Amendment Activities. This includes publically available information such as internet and social networking sites, and permit requests.
 - b. CMPD employees may overtly communicate with any person, including informants, involved in or with knowledge of a First Amendment Activity in order to ascertain general logistical information about the activity such as number of participants, start and end times, planned march routes, rally locations, etc.
 - c. CMPD employees may, with supervisor approval, attend public rallies, demonstrations, and marches in a plain clothes capacity without disclosing their identity, so long as their purpose is solely to monitor the event for logistical or criminal conduct issues. Employees acting in such a capacity will not direct or influence the event's participants and will not affirmatively represent themselves as members of a specific participating group or organization.
11. No employee shall conduct an infiltration of a First Amendment Activity unless specific approval has been obtained from the Chief of Police or designee. An approved undercover operation or infiltration will be conducted in accordance with the procedures outlined in this directive and the Criminal Intelligence SOP and Crime Analysis SOP.
12. All Intelligence Investigations related to First Amendment Activities must be coordinated, through and in conjunction with the Criminal Intelligence Unit and

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will be in accordance with this directive and the Criminal Intelligence SOP and Crime Analysis SOP.

V. REFERENCES

- 100-003 Jurisdiction and Authority
- 400-006 Body Worn Camera
- 600-014 Passive Protest and Peaceful Demonstrations
- 800-015 Criminal Intelligence
- CMPD Criminal Intelligence SOP
- CMPD Crime Analysis SOP
- 28 CFR Part 23
- NCGS 132-1.4
- CALEA

Follow-Up Information

From August 18, 2020 Safe Communities Committee

Additional information was requested for the following items:

- ***Language used by other cities that meet the “8 Can’t Wait” criteria for not shooting into vehicles***

Campaign Zero’s suggested language

MOVING VEHICLES.

- *Officers shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense or to protect the other person; shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and shall attempt to move out of the path of a moving vehicle.*
- *Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.*
- *Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.*
- *Officers shall not discharge a firearm from his or her moving vehicle. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.*

Philadelphia PD Directive 10.1 – Use of Force – Involving the Discharge of Firearms (9/18/15); approved by Campaign Zero –

- G. *Police officers shall not discharge their firearms FROM a moving vehicle unless the officers are being fired upon. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.*
- H. *Police officers shall not discharge their firearms AT a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle).*
 - 1. *A moving vehicle alone shall not presumptively constitute a threat that justifies an officer’s use of deadly force.*
 - 2. *Officers shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.*

NOTE: An officer should never place themselves or another person in jeopardy in an attempt to stop a vehicle.
 - 3. *The prohibitions regarding the discharge of a firearm at or from a moving vehicle exist for the following reasons:*
 - a. *To avoid unnecessarily endangering innocent persons, both when inside the vehicle and in the vicinity.*
 - b. *Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle.*
 - c. *Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent bystanders.*
 - d. *Moving to cover in order to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.*

Denver PD Directive 105.00 – Force Related Policies – Moving Vehicles (6/9/20); approved by Campaign Zero –

- a. *Officers will exercise good judgment and not move into or remain in the path of a moving vehicle. Being in the path of a moving vehicle will not be the sole reason for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any occupant(s).*
- b. *Occupant(s): Firearms will not be discharged at anyone in a moving or fleeing vehicle unless lethal force is being used by that person against a police officer or any other person present by means other than the moving vehicle.*
- c. *Vehicles: Firearms will not be discharged at a moving vehicle for the following reasons:*
 - 1. *It may have very little effect on stopping the vehicle.*
 - 2. *Inadvertently disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle and/or bystanders may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.*
- d. *Vehicle Ramming Attack: Firing at the driver of a moving vehicle or the moving vehicle itself when there is an apparent intent to inflict mass casualties may be reasonable and necessary.*

Fort Worth PD Directive 306.05 – Force Options – Use of Force Restrictions (7/24/20); approved by Campaign Zero

- 3. *Officers shall not fire a weapon from a moving vehicle.*
- 4. *Officers shall not fire a weapon, including less-lethal options, into a moving vehicle or at its occupant(s) unless*
 - a. *The occupant(s) are using deadly force against the officer or another person present, by means other than the vehicle; or*
 - b. *The driver is clearly using the vehicle as a means to inflict serious bodily injury or death upon another individual(s).*
- 5. *Officers shall not place themselves in the path of a moving vehicle in a manner which may lead to the use of deadly force. If a confrontation with a moving vehicle does occur, officers shall move out of the path of the vehicle.*

- **Citizens Review Board (CRB) is the confidentiality requirement policy or law?**

The confidentiality of personnel records is covered with NC General Statute 160A-168. Policy considerations are brought forward from the CRB within the report outs and recommendations.

- **Short of Subpoena power - What other methods are available to encourage citizen input in resolving incidents? Any best practices from other cities?**

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Arlington, Texas	<ul style="list-style-type: none"> • No review board specific to police or police complaints. However, city ordinance states the following in regards to city council’s subpoena power: <ul style="list-style-type: none"> ○ HEARINGS, INVESTIGATIONS, AND SUBPOENA POWER – In all hearings and investigations that may hereafter be conducted by the City Council, the City Manager, or any person or committee authorized by the City Council, the City Manager, or by state or local law to conduct hearings and investigations as to City affairs, excluding municipal court judges, the presiding officer of such hearing or investigation, or an authorized representative of the presiding officer, may subpoena witnesses and compel the production of books, papers, and other evidence material to such hearing or investigation in the same manner as is now

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	<p>prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the municipal court.</p> <ul style="list-style-type: none"> • Community Watch Group – Developed to encourage citizen involvement and deter crime by early detection. Citizens volunteer to become extra eyes for the police department, reporting crime and suspicious behavior.
Atlanta, Georgia	<ul style="list-style-type: none"> • The Atlanta Citizen Review Board investigates and mediates cases of alleged police misconduct by sworn officers of the Atlanta Police Department (APD) and the Atlanta Department of Corrections (ADC) <ul style="list-style-type: none"> ○ No subpoena power ○ The board has the authority to operate a mediation program to handle certain complaints against police and corrections officers that allows for greater understanding of incidents between citizens and officers <ul style="list-style-type: none"> ▪ The board may contract out for this service ▪ There can't be pending litigation regarding a complaint ▪ If the complainant fails/refuses to participate in good faith/fails to attend mediation the complaint shall be dismissed ▪ If the officer fails/refuses to participate, then grounds for disciplinary action is possible. • Crime Stoppers – Citizens may submit anonymous tips via phone, online, or through P3 Tips App via Apple or Android phone. • Community Affairs Liaison – The Community Affairs Liaison position serves to help foster a stronger working relationship between the department and the community it serves. The Liaison works with multiple neighborhood planning units, community organizations, advocacy groups, and individual residents to promote partnerships that are mutually beneficial. The Liaison, as a result of these working partnerships, is able to develop pro-active crime fighting projects that are jointly undertaken by departmental personnel and citizens. • Next Door – Promoted through the Atlanta Police Department website • Community Online Reporting System – The system will allow people to submit reports at their convenience rather than having to wait for a police officer who may be on a high priority call. This system is not designed for all crime reporting and is limited to the following categories: <ul style="list-style-type: none"> ○ Custody Order Violations ○ Damage to Property ○ Fraudulent Use of Credit Card ○ Gas Drive-Off ○ Harassing Communication ○ Identity Theft ○ Lost Property ○ Supplemental Report – adding additional information to an approved APD report
Austin, Texas	<ul style="list-style-type: none"> • <u>The Office of Police Oversight</u> – An administrative department that reports to the city manager. Duties include: <ol style="list-style-type: none"> (1) Advise the city manager on the processes and results of investigations involving officers, and any other activities of the department as directed by the city manager; (2) Advise the city manager on the effectiveness and appropriateness of the department's policies and procedures concerning complaints of police officer misconduct, police officer training, use of force by police officers, community relations, and any other activities of the department as directed by the city manager;

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	<p>(3) Receive complaints, including anonymous complaints, from the public concerning the conduct of police officers;</p> <p>(4) Serve as a liaison between complainants and the department during investigations of complaints;</p> <p>(5) Participate as an observer during investigations of complaints as determined by the police monitor;</p> <p>(6) Make recommendations to the police chief concerning discipline based on the investigation of complaints and department policies;</p> <p>(7) Address other department activities of public concern as directed by the city manager;</p> <p>(8) Report at least annually to the public on the results of its activities;</p> <p>(9) Report annually to the council on the results of its activities;</p> <p>(10) Advise the city manager on public release of police video recordings, as soon as permitted by law, including vehicle dash camera and body worn camera video, involving incidents of significant public interest taking into consideration the City's law enforcement and public safety needs and the findings in Ordinance No. 20181115-016;</p> <p>(11) Conduct preliminary reviews of external complaints and make recommendations regarding potential department policy violations and the department's investigative review classifications;</p> <p>(12) Conduct random assessments of the department's use of force reviews and body camera usage; and</p> <p>(13) Conduct community engagement activities.</p> <ul style="list-style-type: none"> • Capital Area Crime Stoppers – Citizens may submit anonymous tip via phone, online, or through P3 Tips App via Apple or Android phone • IREPORTAUSTIN.COM – The entries into this system are for incidents that are not in progress and no threat of immediate harm to anyone exists.
Columbus, Ohio	<ul style="list-style-type: none"> • Crime Stoppers • Public Safety Committee • BLOCK-WATCH/NEIGHBORHOOD WATCH/ORGANIZED CRIME PREVENTION GROUP PROGRAMS – Community Liaison Officers are specifically trained and assigned the responsibility of organizing community groups and maintaining liaison with these organizations. Each Community Liaison Officer is assigned to a specific geographic area and drives a specially marked police cruiser. Telephone numbers and corresponding city maps are published to help the community in contacting the appropriate Officer. Residential and business block watch and crime alert programs are available through this function.
Dallas, Texas	<ul style="list-style-type: none"> • Community Police Oversight Board <ul style="list-style-type: none"> ○ Ensure fair acceptance and processing of external administrative complaints ○ Review facts and evidence of a critical or external administrative complaint against a police officer ○ Direct the monitor (Office of Community Police Oversight) to initiate independent administrative investigation ○ Engage in community outreach ○ Accept from members of the public written complaints ○ Take sworn testimony from witnesses ○ Request the City Manager to review disciplinary action taken by the Chief of Police ○ Recommend to the City Manager and Chief of Police improvements to Departmental procedures, practices, training, and early warning systems

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	<ul style="list-style-type: none"> ● Office of Community Police Oversight Board – Responsibility of providing an accessible process that ensures fair acceptance and processing of external administrative complaints. May contact the office by phone, in person, or online. ● Neighborhood Police Officer – The Community Engagement Unit (CEU) at local patrol substations manages various community policing programs in the area. The local CEU can assist citizens and neighborhoods with developing a crime watch group, VIP program (Volunteer In Patrol), crime prevention presentations, and discuss other ways that you can assist your community such as CHIPS (Citizens Helping in Parking Solutions) and COPS (Citizens Offering Police Support).
Denver, Colorado	<ul style="list-style-type: none"> ● Community Advisory Board <ul style="list-style-type: none"> ○ No subpoena power ○ Demonstrate ongoing and credible participation and communication within Denver's communities. ○ Engage in two-way communication with their community constituency, advocating for their perspective, ideas, and concerns; serving as a responsible conduit for communicating, and updating their community on police actions and decisions. ○ Promote and engage in ongoing community engagement. ○ Assume an active role in police-community discussions, recommendations, and strategies to enhance the social, economic, and political interests of the community. ○ Build coalitions intended to strengthen the ongoing relationships between the police and the community. ○ Function in the role of part think tank and part action group; making recommendations to the Chief about relevant issues in the community. ● Community Academy – Designed to familiarize community members with the “how/what/why” of Police procedures, and provide an opportunity to interact with officers and ask questions. Participants will attend lectures and discussions on subjects such as: <ul style="list-style-type: none"> ○ Officer safety ○ The history of policing ○ Constitutional laws ○ Arrest/search/seizure ○ Internal Affairs process ○ Less-lethal weapons options ○ Traffic stops ○ Shoot/don't shoot scenarios in the Virtra 300 Simulator ○ Police Non-Emergency Vehicle Operations (N.E.V.O.) ○ Radio Room/911 Center ○ also organized specifically for women, Denver Police Department Women's Community Academy ● Crime Stoppers – Can call or report a crime online ● Neighborhood Watch Program <ul style="list-style-type: none"> ○ Facilitated by district Community Resource Officers ○ Community Resource Officer help organize neighbors into a proactive Neighborhood Watch Group ○ The officer will provide educational material and personal instruction in crime prevention techniques

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	<ul style="list-style-type: none"> • Denver’s Registered Neighborhood Organizations (RNOs) – RNOs are groups formed by residents and property owners within a neighborhood who meet regularly and whose organizational and contact information is kept on file with the City’s Community Planning and Development Department. These RNOs may also participate in the Neighborhood Watch Program as a whole neighborhood or sub groups
Fort Worth, Texas	<ul style="list-style-type: none"> • No review board specific to police or police complaints • Citizens on Patrol – Citizens on Patrol members provide extra eyes and ears for the Ft. Worth Police Department and work closely with Neighborhood Police Officers to prevent or solve crimes. <p>Crime Prevention Unit – Offers several programs and services free of charge to assist the community in the reduction of crime. The Crime Prevention Unit consists of 6 Crime Prevention Specialists who are assigned to the 6 patrol divisions who offer information on programs such as Neighborhood Crime Watch, Security Survey and Inspections, Auto Etching, Safety Fairs, Operation Safe Child, National Night Out, and assorted kid programs.</p>
Houston, Texas	<ul style="list-style-type: none"> • Independent Police Oversight Board (IPOB) – Consists of 29 members, appointed by the mayor, that reflect the demographic and geographic diversity of the city. Members are experts in criminal justice, including retired judges and prosecutors, civil rights attorneys, and academic experts. The IPOB has full access to all records and police department data and the full cooperation of Houston Police Department (HPD). Their duties include: reviewing all internal affairs investigations involving excessive force, the discharge or firearms, or other major incidents; reviewing all disciplinary cases and making disciplinary recommendations to the chief; reviewing and making recommendations regarding the hiring of officers, training of officers, and evaluation of officer conduct; and obtaining public input through community outreach. • Task Force on Policing Reform – A 45-person task force recently created by the mayor to make recommendations in training, use of force, police oversight, and community interactions. The task force has sought community input via an online questionnaire. • HPD Community Service Division’s Positive Interaction Program (PIP) – The division holds monthly PIP meetings that feature speakers from different divisions (Burglary and Theft, Homicide, K-9, Helicopters, etc.). There are ~30 different PIP meetings each month at substations across the city. The speakers explain how their division operates so that citizens will know what to expect, should they ever need the police. The program has moved online during COVID. The PIP also chooses a citizen to participate in a ride along each month and lets the citizen speak about their experience at the following meeting. • Citizens’ Police Academy – Similar to CMPD’s program.
Kansas, Missouri	<ul style="list-style-type: none"> • Office of Community Complaints – This is a civilian-staffed office of the city. The office reviews complaints of police misconduct and refers complaints to the police department’s Internal Affairs Unit (IA). After IA investigates, the Office reviews and analyzes the investigation and recommends an action to the Board of Police Commissioners and/or the Chief of Police. The KCPD requires officers to participate in investigations as a condition of their employment. • Mediation of complaints against officers – The Office of Community Complaints also helps facilitate mediation between complainants and officers. A condition of the mediation is that no disciplinary action is taken against the complainant or the officer. Instead, both sides air their grievances under the supervision of a trained third party, with the goal of learning and growth rather than vengeance or justice. All mediation discussions and materials are confidential and not admissible in any court proceedings.

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	<ul style="list-style-type: none"> ○ Charlotte’s Community Relations Committee offers mediation and dispute settlement services. ● Community Interaction Officers – Two officers in each precinct whose primary duties are improving community relations and aiding in non-criminal community issues (neighborly disputes, complaints/ordinance violations, homelessness, etc.). Having a dedicated team to respond to recurring community problems takes some of the burden from other patrol officers.
Indianapolis, Indiana	<ul style="list-style-type: none"> ● Citizens' Police Complaint Office – Independent city office that investigates complaints against police officers. The Indianapolis Police Department’s Internal Affairs (IA) Division investigates complaints, sends their results to the Citizens’ Police Complaint Office, and the office prepares the case for review by a Citizens’ Police Complaint Board (consist of 4 members appointed by mayor, 7 by council, and 1 by the Fraternal Order of Police—3 of these members are non-voting police officers). The Board reviews the case and votes to endorse or not endorse IA’s findings. If they do not endorse, the Board’s president and executive director meet with the Chief of Police to mediate the board’s request for revised finding. The board may not compel or hear testimony. ● Community input in selecting executive staff – The police chief is currently working with a community-based selection committee to interview and select candidates for several leadership roles in the department. ● OneCOP Program (One Congregation, One Precinct) – National program to connect officers with religious leaders in the community, and have the religious leaders serve as a liaison between the police and the community. The program launched in Indianapolis.
Long Beach, California	<ul style="list-style-type: none"> ● Citizen Police Complaint Commission – Consists of 11 Long Beach residents appointed by the mayor and city council. The Commission investigates allegations of police misconduct with the support of civilian administrative and investigative staff. The Commission conducts investigations through an independent investigator appointed by the city manager. The Commission does have subpoena power. Following an investigation, the Commission relays findings to the city manager who has final say in the discipline or exoneration of the accused officer. ● Community Engagement Division – Operates the “business desk” of the police department (i.e., files certain police reports, answers questions from the public, etc.), provides fingerprinting services to the community, and is the department’s liaison for general community outreach requests. ● Community Police Academy – Similar to CMPD’s academy.
Louisville, Kentucky	<ul style="list-style-type: none"> ● Citizens Commission on Police Accountability – Consists of one chairperson and ten members appointed by the mayor and approved by council. The Commission reviews closed police investigations in all shooting cases and incidents involving the loss of life due to police action. They also advise the chief and mayor on the adequacy and quality of the investigation and may recommend changes in police policy, training, and procedures. The Commission may: request the investigators involved in a case to answer questions or present additional information, invite representatives of governmental agencies or departments with relevant expertise to present expert witness, and invite witnesses and other individuals to testify. However, the Commission cannot compel any testimony. <ul style="list-style-type: none"> ○ Louisville city council is currently exploring the development of a new citizens review board with broader authorities. ● Community Policing Unit – Supports department-wide community outreach through programs such as a Citizens Police Academy, crime prevention forums, a Neighborhood Watch program, and various volunteer and youth programs. Also works with a liaison in

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	<p>the LGBT community to enhance police awareness and training, and to build trust between officers and the LGBT community.</p>
<p>Memphis, Tennessee</p>	<ul style="list-style-type: none"> • Civilian Law Enforcement Review Board (CLERB) – Consists of eight board members who are assisted by civilian administrative and investigative staff. CLERB is an independent agency with the power to receive, investigate, hear cases, make findings, and recommend action on complaints regarding excessive and deadly police force, injuries incurred while in police custody, harassment by police, improper arrest, inadequate investigations, or any other improper conduct by the Memphis Police Department (MPD). However, CLERB can only review cases if the MPD’s Internal Services Bureau determines that there was a policy violation by the officer. CLERB does not have independent subpoena power but uses the subpoena power of the city council and county commission. • Community Outreach Program – Consists of a unit of 60 officers and six supervisors who patrol “target areas” that are identified through data gathered and analyzed in partnership with the University of Memphis. Officers address problems in the target areas through a three-pronged approach: identification, education, and enforcement. • Hoops Challenge – Basketball games between MPD officers, students, and school faculty • Real Talk Program – Opens direct, honest, and professional lines of communication between MPD officers, high school students, and faculty. • Clergy Police Academy – An educational awareness program to support and strengthen collaborative relationships between MPD and the faith-based community. Consists of classroom instruction and group discussions that emphasize common law enforcement and crime related issues that may impact clergy and their congregations. • Public Safety Task Force – Designed to review and improve the city’s public safety programs. Consists of council members, MPD and Fire Department representatives, police union members, activists, and the city’s Chief HR officer. The task force is currently reviewing topics such as MPD recruiting, retention, and training. It will continue to meet until October.
<p>Minneapolis, Minnesota</p>	<ul style="list-style-type: none"> • Police Conduct Oversight Commission – Enabling legislation unavailable • Block Clubs <ul style="list-style-type: none"> ○ Neighbors, usually on one block, work together <ul style="list-style-type: none"> ▪ Encouraged to be aware of suspicious activity and watch out for each other ▪ Encouraged to call 911 when suspicious activity or crimes in progress ▪ Neighbors encouraged to work together to solve problems and deal with issues ○ Information goes both ways <ul style="list-style-type: none"> ▪ Clubs receive regular, updated information about neighborhood crime from dedicated crime prevention specialists ▪ Feedback to MPD is encouraged by letting the department know what's happening on the block or building. Sharing your successes and concerns • Crime Prevention Specialists – Organized by precincts. Prevention specialists organize block clubs and provide tips to prevent crime.

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Nashville, Tennessee	<ul style="list-style-type: none"> • Community Oversight Board – An independent board of 11 civilian members that: investigates allegations of misconduct against the MNPD; issues policy advisory and resolution reports assessing misconduct; recommends action on complaints; and has the option of establishing a monitoring program to review or audit the complaint process of the MNPD. The board has the power to compel evidence and witnesses. The board is assisted by civilian city staff in the Community Oversight Office. • Many community outreach programs similar to those already mentioned – https://www.nashville.gov/Police-Department/Community-Programs.aspx
Omaha, Nebraska	<ul style="list-style-type: none"> • Citizen Complaint Review Board (CCRB) – Consists of five members appointed by the mayor. The CCRB may review any citizen complaint against a sworn officer, provided the complainant requests a CCRB review. The CCRB may only access the PD’s Internal Affairs files relating to the incident. The CCRB provides the mayor with their findings and recommendations. • Many community outreach programs similar to those already mentioned – highlights include: <ul style="list-style-type: none"> ○ Annual public safety expo where all of the community’s first responders give displays and interact with the community. ○ Chaplain Corps – A program in which professional, ordained, or vowed men and women of faith volunteer to assist the police in tasks that have a greater spiritual or social nature than law enforcement. The Chief of Police ultimately defines the duties and responsibilities of the corps. The corps provided a uniform, badge, and marked car but are unarmed. • Omaha Coalition of Citizen Patrols (OCCP) – Trained citizen volunteers who are organized into separate patrols that currently operate in ~35 neighborhoods. In addition to making regular patrols of their neighborhood, the OCCP assists law enforcement during special events like Halloween, major sporting events, occasional criminal investigations, and searches for missing persons. These trained patrols drive visibly-marked vehicles and report suspicious activity to law enforcement, but they do not confront or engage with suspicious persons.
Portland, Oregon	<ul style="list-style-type: none"> • City Auditor’s Independent Police Review (IPR) <ul style="list-style-type: none"> ○ IPR will be the primary contact with the complainant regarding the status and results of the complaint ○ IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services ○ Offers mediation ○ The IPR in the Auditor’s office can subpoena witnesses in their initial investigation (3.21.210). They cannot subpoena police officers, but the officers are required to cooperate with interview requests (3.21.220). • Citizen Review Committee; within the IPR <ul style="list-style-type: none"> ○ The Citizen’s Review Committee can’t subpoena witnesses (3.21.160, paragraph D), but they can review all of the testimony and recordings from any IPR interviews (3.21.160, paragraph B). ○ City council can subpoena witnesses to a CRC appeal hearing on behalf of the CRC (3.21.160, paragraph D).

Peer City	Police Services Oversight and Outreach
	<ul style="list-style-type: none"> ● Submit police report online – Step by step guided application for non-emergency tips ● Community Advisory Groups <ul style="list-style-type: none"> ○ African American Advisory Council – The African American Advisory Council is a partnership that brings together members of Portland’s African American community and police officers to promote understanding and respect in police and community relationships. ○ Alliance for Safer Communities ○ Equity and Inclusion Office ○ Muslim Advisory Councils ○ Slavic Advisory Council – Partnership that brings together members of the Portland Slavic Community and its Police Officers to promote mutual understanding and cooperation in community enhancement and problem solving ○ Training Advisory Council ● Portland Police Bureau; Public Safety Support Specialists – Responsible for writing police reports for non-emergency situations that do not require police officer authority, and do not involve potential evidence, suspects, or a crime scene. Conduct follow-up on property crimes where there is no suspect information, either by phone or in person, with an emphasis on crime <ul style="list-style-type: none"> ○ Victims’ rights and referrals to other City Bureaus ○ Perform property board-ups in cases where a window is broken but no one entered (they could also wait for the board-up vendor to come after officers have cleared the location to make sure there are no burglars inside, which would free up an officer) ○ Walking patrols, if assigned by PPB sergeants ○ Community engagement functions ○ Attend neighborhood meetings, community and/or public events ○ Assist drivers in stalled vehicles and summon other necessary assistance; respond to pedestrians, bicyclists, and other community members in need of assistance ○ Summon a police officer ● Deliver emergency food boxes to families in need
San Diego, California	<ul style="list-style-type: none"> ● State of CA, Government of Cities, CHAPTER 7. City Attorney [41801 - 41805] – Whenever the city attorney is acting as a prosecutor in a criminal case pursuant to any provision of law or under a city charter, the city attorney shall have the power to issue subpoenas in a like manner as the district attorney ● Community Review Board on Police Practices - Shall review all deaths occurring while a person is in the custody of the San Diego Police Department and all officer-related shootings, and shall review and evaluate citizens’ complaints against members of the Police Department and the Police Department’s administration of discipline arising from such complaints ● Citizens Advisory Board on Police/Community Relations <ul style="list-style-type: none"> ○ The Citizens Advisory Board on Police/Community Relations shall study, consult and advise the Mayor, City Council and City Manager on Police/Community Relations crime prevention efforts ○ Shall actively encourage and foster citizen participation in crime prevention activities. ○ The Board shall promote and encourage open communication and cooperation between the Police Department and residents of the City, recognizing the policing of the City of San Diego is a shared responsibility.

Peer City	Police Services Oversight and Outreach
	<ul style="list-style-type: none"> ○ Shall also develop and make recommendations toward informing the community of its rights and responsibilities when coming into contact with police officers ● Crime Stoppers – Citizen-operated, non-profit organization that works in partnership with local, state, and federal law enforcement agencies to help solve felony crimes. Also has a joint program with school districts throughout San Diego County in which students can receive cash rewards of up to \$1,000 for information that solves or prevent campus related violence or other criminal activity ● Neighborhood Watch ● Family Justice Center – Public safety initiative launched by the City of San Diego to assist victims of family violence. It was the first comprehensive "one-stop shop" in the nation for victims of family violence and their children. Under one roof, more than twenty-five agencies have come together to provide consolidated and coordinated legal, social, and health services to women, men, children, and families in need. Victims of family violence can come to one location to talk to an advocate, get a restraining order, plan for their safety, talk to a police officer, meet with a prosecutor, and receive information on shelter. ● Crime Free Multi Housing – A coalition of police, property management staff and residents of rental properties maintain the on-going program. The three-phases of the program address all of the potential opportunities for criminal activity in rental property.
Seattle, Washington	<ul style="list-style-type: none"> ● Community Police Commission (CPC) – Consists of 21 commissioners appointed by the mayor, council, and the commission itself (14 commissioners are appointed by the mayor and council, and these 14 commissioners in turn appoint seven more of their choosing). Serves in an advisory role to the Seattle Police Department (SPD) by acting as the voice of the community. Reviews police policy and procedure. ● Office of Police Accountability (OPA) – Civilian-led city office that replaced the department’s Internal Investigations Unit. The OPA has authority over all allegations of misconduct involving the SPD. The OPA investigates complaints and recommends findings to the Chief of Police. While the OPA is civilian-led and staffed, investigations are carried out by a mix of SPD sergeants and civilian investigators. ● Office of Inspector General for Public Safety (OIG) – Audits and systemically reviews SPD and OPA operations; oversees OPA’s handling of complaints and investigations; and works with SPD and partners to improve policies and practices. The OIG has unfettered access to SPD operations. Whereas the OPA handles complaints against individual officers, the OIG focuses on systems within the whole department. ● Living Room Conversations – Community members can host informal meetings between SPD officers and whomever they would like to attend. These conversations are usually held in a person’s residence (hence the name of the program) or at a community facility. The program’s intent is to begin an open dialogue, discuss neighborhood concerns and accomplishments, and build one-on-one relationships between officers and the public. ● Community Service Officers – Civilian employees who help residents and businesses involved in non-criminal calls navigate services, engage with communities and neighborhoods, and support programming for at-risk youth. They focus on patrol support, equity building, community engagement, youth diversion, and education. ● Micro-community Policing Plans (MCP) – The department identifies micro-communities through community engagement (meetings, focus groups, surveys, etc.). SPD conducts public safety surveys of each micro-community to capture the community’s concerns, and then uses these concerns to form the department’s area of focus for each neighborhood. These surveys collect data about perceptions of crime and public safety, police-community interactions, and knowledge/understanding of the MCP program.

Peer City	Police Services Oversight and Outreach
	<p>The data collection and analysis are done in partnership with Seattle University. The department posts a dashboard of survey results each year.</p> <ul style="list-style-type: none"> • Block Watch – Each precinct has a Crime Prevention Coordinator (CPC) who is a civilian city employee with expertise in crime prevention strategies. Communities that wish to voluntarily organize a Block Watch team contact the CPC and the CPC helps them establish a system for observing and reporting suspicious activity in their neighborhood. The CPC meets with the team to discuss area crime, crime trends, and prevention measures. • Community Police Academy – Similar to Charlotte’s program.
Tulsa, Oklahoma	<ul style="list-style-type: none"> • No oversight board. Investigations are conducted by the police department’s internal affairs division. • Tulsa Commission on Community Policing – The city formed the Commission in 2017 to explore ways to move the department into a community-oriented approach to policing. The Commission released a report with over 60 recommendations for how the department can build trust and legitimacy, increase oversight, better use technology and social media, integrate with the community, improve training and education, and increase officer safety. The Tulsa Police Department has a dashboard where the community can monitor how they are implementing each of the recommendations.

- ***Request that the City Attorney obtain a legal opinion for Council’s ability to enact the Safe Coalition recommendation whereby there could be an appeal of the Citizens Review Board over to the Civil Service Board. Does the City Council need permission from the General Assembly to enact that type of provision into our ordinances?***

At this time, that would not be permitted under the Charter or rules for either Board.

And legally, there is a potential conflict because the role of the Civil Service Board is to handle employment decisions: hiring, firing, suspension. CSB appeals go to a Superior Court Judge. The CRB doesn’t have an appeal process, but many parties file suit as their legal recourse (a similar appeal from the CRB to Superior Court would not be appropriate in most instances).

- ***Statistics on the percent of citizens who do not show up for Citizens Review Board hearings*** Currently CRB does not track specifically how many people don’t show up. The Board can’t legally ask people to show up. What has happened is that during the course of the initial hearing, the Board may become aware of additional people who could bear witness to the incident in question. However, as they don’t have subpoena power, the CRB cannot compel those persons to appear to answer questions.

- ***What are the costs of the CMPD trainings including staff time?***

The only cost currently associated to Crisis Intervention Team and Community Policing Crisis Response Team (CPCRT) training is staff time. Depending on the class size and how many officers assist to teach the class (which both vary) costs are typically between \$36,000 and \$43,000 per training. These numbers are estimated from an average officer salary (weekly \$1437.87) based on 25-30 officers. All other instruction is covered by other agencies or organizations.

CPCRT clinicians receive training through their organization as part of the contract.

- **Contact information for citizens to sign up to participate in the CLEAR workshops**

Due to COVID concerns currently the Communicating Law Enforcement Actions & Responsibilities (CLEAR) workshops have been suspended. Information on the workshop and future dates once available can be found on-line at:

<https://charlottenc.gov/CMPD/Organization/Pages/AdminSvcs/TrainingAcademy/Transparencywkshps.aspx>

or by emailing officer Shaun Ward via email at sward@cmpd.org.

- **Overlay of youth engagement programs in opportunity corridors**

This information isn't readily available however, CMPD's data team is working to develop a system to overlay participant addresses geographically to share as soon as it can be developed.

Below are some of the current statistics available on participation over the last three years.

<u>Programs</u>	<u>Program Objective</u>	<u>Avg. # Participants over past 3 yrs.</u>	<u>Males</u>	<u>Females</u>	<u>Age Range</u>	<u>Race</u>	<u>Budget</u>	<u>Outcomes</u>
Youth Diversion Program	Prevention Educational	766	462	304	13-16	Black- 64% Latino- 17% White- 16% Asian- 1% Other- 1%	Grant - 200,706 CMPD- \$9,200	10% Recidivism
REACH OUT	Workforce Prevention	79	57	22	16-21	Black- 84% Latino- 6% White- 5% Asian- 1% Other- 3%	Donations- \$37,500 CMPD- \$35,900	4% Recidivism 95% success rate for finding jobs
COPS & Kids								
KOPS & Kids Learn Spanish	Educational	150	52	98	5-60	Black- 0% Latino- 100% White- 0% Asian- 0% Other- 0%	Donations- \$6,000 CMPD- \$5,000	
High School Youth Forums								
LEVEL UP Youth Program	Prevention	Partnership with YMCA. No cost						
REACH Academy	Prevention Leadership Educational	45	25	20	13-18	Black- 79% Latino- 11% White- 3% Asian- 7% Other- 0%	Donations- \$8,320 CMPD- \$17,000	70% never have committed a Crime 95% promotion to next grade level
Academy of Safety and Protection	Educational Leadership	155	77	78	13-18	Black- 41% Latino- 48% White- 6% Asian- 1% Other- 4%		91% of all Public Safety students completed all Four FEMA Certs
Cadet Program	Leadership Workforce	16	12	4	18-22	Black- 27% Latino- 6% White- 55% Asian- 2% Other- 8%	Grant pays salary CMPD- \$1,000	100% promotion to next grade level 99% graduate

<u>Programs</u>	<u>Program Objective</u>	<u>Avg. # Participants over past 3 yrs.</u>	<u>Males</u>	<u>Females</u>	<u>Age Range</u>	<u>Race</u>	<u>Budget</u>	<u>Outcomes</u>
Youth Envision Academy	Workforce Leadership Prevention Educational	50	24	26	13-18	Black- 71% Latino- 22% White- 5% Asian- 0% Other- 1%	Donation- \$75,000 CMPD- \$26,400	99% graduate to next grade level
Young Black Leadership Alliance								
Camp Fusion	Leadership	48	24	24	14-18	Black- 97% Latino- 1% White- 1% Asian- 0% Other- 1%	CMPD- \$2,500	100% graduate High School 98% of Seniors attend College 100% Promotion to next grade level
Camp Lead Up Summer Leadership Institute								
College Internship Program	Workforce Leadership Educational				18-22	Black- 71% Latino- 22% White- 5% Asian- 0% Other- 1%	Donation- \$35,000	
High School Explorers Program	Leadership Educational	57	36	21	13-18	Black- 32% Latino- 25% White- 36% Asian- 4% Other- 3%	CMPD- \$2,000	
High School Academy	Leadership Educational	52	31	21	13-18	Black- 26% Latino- 35% White- 29% Asian- 6% Other- 4%	CMPD- \$500	
Mayors Youth Employment Program	Workforce							
Turning Point Academy Summer Exposure Experience Program	Prevention Workforce Leadership Educational	31	23	8	13-18	Black- 97% Latino- 2% White- 1% Asian- 0% Other- 0%	CMPD- \$20,000	85% Graduate 90% Promotion to next grade 5% recidivism amongst participants
Police Activities League (PAL)	Leadership Educational Prevention	1608	1419	189	5-18	Black- 84% Latino- 13% White- 2% Asian- 1% Other- 0%	CMPD- \$25,000	
Promoting Peace Program								
Right Moves for Youth		1167						

Programs	Program Objective	Avg. # Participants over past 3 yrs.	Males	Females	Age Range	Race	Budget	Outcomes
University City Mentoring	Educational	20	14	6			CMPD-\$400	100% promotion to next grade level
Chief's Youth Advisory Board (CYAB)								
Team Garinger	Educational		Combine d into Mentoring Programs Numbers					
Biggs in Blue								
Storytime Traveler								
Passport to Manhood								
Behailu Academy								
Promise Youth Development	Prevention Educational	33	20	13	8-18	Black- 97% Latino- 2% White- 1% Asian- 0% Other- 0%	CMPD-\$4,000	0% recidivism 100% never committed a crime 100% promotion to next grade level
Bears behind the Badge	Educational	1000			5-8	Title 1 Schools	Private Donations	
Mentoring Program	Educational Prevention	99	99	0	11-18	Black- 97% Latino- 2% White- 1% Asian- 0% Other- 0%	CMPD-\$4,000	99% promotion to next grade level
Community Engagement Trailer								
Latino School Initiative	Educational	19	0	19	11-14	Black- 0% Latino- 100% White- 0% Asian- 0% Other- 0%		

From the Aug 4 Committee Meeting:

- **Explanation of the cultural indicators that dictate the frequency of use of force during a violent crime in a city and where Charlotte matches on those cultural indicators versus other areas**

This analysis is not readily available. These type considerations will be part of factors explored as the city expands its violence interruption and intervention initiatives