



Charlotte City Council  
Safe Communities Committee  
Meeting Summary  
April 6, 2021

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**COMMITTEE AGENDA TOPICS**

- I. Cure Violence Update
- II. Search Warrant Policy Update – Informational

**COMMITTEE INFORMATION**

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**Committee Members Present:** Larken Egleston (Chair), Dimple Ajmera (Vice-Chair), Renee Johnson, Greg Phipps

**Additional Council Members:** Braxton Winston

**Staff Resources:** Victoria Johnson, Assistant City Manager

**Meeting Duration:** 12:04 p.m. – 1:32 p.m.

**ATTACHMENTS**

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1. Agenda
2. Cure Violence Update Presentation
3. Search Warrant Policy and Campaign Zero Briefing PowerPoint

**DISCUSSION HIGHLIGHTS**

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The meeting was called to order at 12:04 p.m., by Chairperson Larken Egleston. Assistant City Manager Victoria Johnson announced that Committee members would receive an update on the Cure Violence initiative prior to public dissemination. Afterwards, CMPD would provide secondary updates from their presentation last month, as well as next steps, based on the conclusion of their work with Campaign Zero on search warrant policies.

**Cure Violence Update**

Julia Martin, with the City Manager’s Office, provided an update on Cure Violence, noting it was one of five pillars identified in the Framework to Address Violence which Council adopted in March 2020. They are prepared to launch the initiative. She acknowledged the County’s programming and funding partnership. Beatties Ford Road was identified as one of four durable violent crime areas in Charlotte and was chosen to be the corridor in which the Violence Interrupter Model would be implemented. Ms. Martin explained that it will be critical for the local host organization to adhere to the Cure Violence

methodology. Cure Violence will provide technical assistance to the community-based organization the remainder of the first year.

Federico Rios, Assistant Director, Office of Equity, Mobility and Immigrant Integration, announced that Youth Advocate Programs was selected as the community-based organization that will launch the initiative. Youth Advocate Programs was selected based on its experience with violence interruption programs, acknowledgement of the work needing to be done in Charlotte, partnership with the County, and national presence in communities around the country. They anticipate launching efforts to reduce violent crime in late spring in the Beatties Ford Road and LaSalle St. area. There will be six staff members operating in Charlotte (1 site supervisor, 2 outreach workers and 3 violence interrupters). After Youth Advocate Programs hires staff, they will be invited to a future Committee meeting to provide updates on success as they implement the program. Mr. Rios stated that the organization has relationships in Charlotte and will be leveraging those. All hires will be from the Charlotte community and hopefully reside in the Beatties Ford Corridor.

Mr. Rios explained that all applicants have received information related to their application. Applicants can reach out to the City's Procurement Department if they have additional questions regarding the selection. Mr. Rios also offered to make himself available for inquiries from organizations that applied. The proposals and evaluation material are available as a public information request. Ms. Martin agreed to check on making it publicly available.

Chairperson Egleston stated that the work of Cure Violence is targeted. He emphasized that while they will not resolve all violent crimes in Charlotte, they will use tools specific to an area to work more effectively and determine how to scale the approach and replicate the model to reduce violent crime in other areas of the City. Mr. Rios added that Youth Advocate Programs work in other cities has shown a significant decrease in crime. He also explained that the process to get Cure Violence in place in Charlotte over the past year involved a series of activities, including developing the RFP with Procurement, completing the Cure Violence Global assessment, investigating the area and interfacing with the community during COVID19.

### **Search Warrant Recommendations Update**

In preparation for the update on the discussions to modify language or policies to align with Campaign Zero's best practices, Chief Johnny Jennings provided a recap of Campaign Zero recommendations. Deputy Chief Stella Patterson provided additional information on questions asked regarding search warrants issued in 2019 and 2020. She shared that there was a total of 401 search warrants served in 2019 and 398 in 2020. In 2019, the 80 dynamic warrants served represented 20% of the total warrants and 17% (60) of total warrants in 2020. Deputy Chief Patterson also explained the breakdown of timeframes of warrants served in 3-hour time frames. Most of the dynamic warrants were served from 3 pm to 8 pm. That trend followed for most of the overall warrants served.

Chief Jennings reported that as of April 6, CMPD scored 5.5 of 12 possible points. No credit was given for

- Include "verifiable exigent circumstances" which would require proof that the situation was so high risk and that there was an imminent threat to someone's life, warrant restrictions had to be modified. Campaign Zero would not accept CMPD's recommendation because of the existence of "destruction of relevant evidence" language. Therefore, they were not able to come to an agreement on exigent circumstances.

- Minimum of 30 seconds for occupant to respond/open the door before entering. This is not standard practice when the purpose is the safety of the officers, so no agreement was made.
- No flashbangs, stuns, distraction devices or others unless “verifiable exigent circumstances” exist. CMPD uses flash bang for the most dangerous criminals’ officers interact with on a case by case basis. Campaign Zero disagrees with CMPD that a flash bang can be used safely as a distraction device for law enforcement. Campaign Zero wants to limit flash bang to exterior use only, or exigent circumstances. CMPD was not willing to totally eliminate the policy.
- No nighttime raids – execution of all search warrants conducted between 9 a.m. and 7 p.m. Time considerations are developed through multiple factors and CMPD was not willing to limit the parameters of when nighttime raids can be conducted.
- Restitution – Shall be made to any owner of a resident that experienced damaged or destroyed property. CMPD proposed property owners contact the City of Charlotte’s Risk Management Dept. if a property was damaged during the execution of the search warrant. Campaign Zero believes that language is insufficient.

Betty Coulter, Chief Risk Manager, Finance Dept., reported that they handle all claims in a standard fashion according to policy. There is not a specific policy that addresses claims for damage during the serving of a search warrant. It may typically take 6 weeks to process a claim from a homeowner, but claims can be expedited depending on circumstances. She also stated that each claim is evaluated on a case by case basis. A 3<sup>rd</sup> party contractor can visit the site to evaluate damage. If it is determined that the City is legally liable to pay, then they will.

Chief Jennings stated that none of the police departments across the country were able to meet all of Campaign Zero’s search warrant recommendations. Campaign Zero adjusted the scoring for Charlotte from a possible 15 to 12 points because they realized that some of their recommendations were not specifically the responsibility of CMPD and were out of CMPD’s control. Chief Jennings stated that they are at an impasse on the key areas outlined and work has concluded with Campaign Zero on CMPD’s Search Warrant Policy.

Chief Jennings stated that Campaign Zero is all inclusive for type of warrants. He noted that a search warrant is not needed for a vehicle on a public road or highway during a traffic stop. However, you must have probable cause to search a vehicle. He also stated that if CMPD is the lead on a search warrant they follow their policies and standards. If CMPD is asked to assist another agency, it is typically a perimeter type of assistance unless they are part of a task force. If they are part of a federal task force CMPD officers comply with CMPD policies. Other law enforcement officers are required to comply with CMPD policies if it is a CMPD search warrant. CMPD, however, typically has enough officers to serve its search warrants and usually does not ask for federal assistance. CMPD does not participate if the other agency uses standards outside of CMPD’s policies.

Ms. Coulter further explained that the procedures for filing a claim, and the process and procedure for a general liability or automobile claim would fall under the type of claim which arises from the execution of a warrant. They must determine if the warrant was served according to CMPD’s written policy to know if they are legally liable. Deputy City Attorney Lina James added that the premise for which they approach the claim is whether CMPD followed protocol and they would then evaluate the claim on that basis. She stated they may need to look at this more specifically, however, the way they evaluate claims has been uniform and consistent across the board for all City departments. They need to understand what they are looking for in order to get some sense on why they would need to deviate. City Litigator Clarence Matherson Jr. stated that due to the volume of claims the City receives, they look at any

negligence by city employees to determine whether payment would be made. CMPD Attorney Jessica Battle stated that when CMPD assigned attorneys send over recommendations for claims to risk management, they look at 4<sup>th</sup> Amendment Search and Seizure laws and NC General Statute 15A-251, to determine if the specified entry was reasonable or unreasonable. Ms. Coulter noted that the City receives approximately 250-300 claims per month. Less than 2% of damage claims result from a search warrant. Risk Management has governing guidelines that are used in evaluating a claim and providing support for a resident or property owner claimant. The claim form has a disclosure section referencing the governing guidelines.

### **CMPD Proactive Steps in the Asian American Community**

Chief Jennings reported that CMPD is following national trends and using the criminal intelligence unit to monitor hate crimes. He has met with the Asian Chamber of Commerce and they are engaged in outreach with the Asian community, religious organizations and businesses. He stated that even though the local data on hate crimes is low, it doesn't mean it is not occurring. It is possible that it is not being reported. CMPD would like to address these situations before they happen.

### **Drag Racing**

A campaign to address drag racing began in October 2020, in partnership with the Sherriff's office, highway patrol and other jurisdictions around Charlotte. There have been 3500 citations written since the campaign began. Additionally, there have been 2500 traffic stops within that time frame. Some ordinances in the state statute are being used to determine if it's an arrestable offense (prearranged is a Class I misdemeanor, or a Class 2 misdemeanor if someone challenges someone at a light). CMPD will not chase an individual in these situations. They are trying to do intelligence work to intercept prearranged events. They hope to get ahead of the activity before summertime. The public can assist by providing information on gathering plans to Crime Stoppers 704.334.1600 or 311 if immediate action doesn't need to be taken. Crime Stoppers can also be accessed on the CMPD app.

Additional information was requested on the following items:

1. Will the rating matrix be made available to the public so that they know what to work towards for an award in the future?
2. How can we help organizations that don't have a 501(c)(3) get to a stage where they can participate in the process in the future?
3. Explore a collaboration model where one organization serves as a financial partner and the work is being done by other organizations that may not have all the financial partner requirements/not a 501(c)(3)?
4. Can the committee look at the applications received and the ratings for the selection process?
5. Is there an opportunity for Charlotte to eliminate the hours of 12 am – 5 pm from our policy since there were a low number of dynamic entry search warrants issued in both 2019 and 2020 during that time?
6. Going forward, can we document/justify the reason for serving a warrant at 2 am?
7. Moving forward, can we track how we utilize dynamic entry on various crime types?
8. Do we need to look at the policy for risk management when a family is displaced due to a search warrant?
9. Share the Risk Management policy with Committee members.
10. Councilmember Johnson requested a hard copy of the CMPD presentation be sent to her.
11. If a person is convicted, does it absolve us of any wrongdoing?

The meeting was adjourned at 1:32 p.m.