



Charlotte City Council
Safe Communities Committee
Meeting Summary
March 2, 2021

COMMITTEE AGENDA TOPICS

- I. Search Warrant Policy Update – Informational

COMMITTEE INFORMATION

Committee Members Present: Larken Egleston (Chair), Dimple Ajmera (Vice-Chair), Renee Johnson, Gregg Phipps, Victoria Watlington

Additional Council Present: Mayor Vi Lyles, Braxton Winston

Staff Resources: Victoria Johnson, Assistant City Manager

Meeting Duration: 12:03 p.m. – 12:58 p.m.

ATTACHMENTS

1. Agenda
2. CMPD Crime Reduction Units (CRU) in Corridors of Opportunity
3. Responses to Questions from Safe Communities Feb. 2, 2021 Presentation
4. Search Warrant Progress Update PowerPoint

DISCUSSION HIGHLIGHTS

The meeting was called to order at 12:03 p.m., by Chairperson Larken Egleston. Chairperson Egleston noted that Councilmembers had received a meeting packet which included details on the Crime Reduction Units in Corridors of Opportunity and responses to questions asked during the Family Justice Center’s presentation, which is now known as the Umbrella Center. He noted that those responses are from the Family Justice Center Team and City staff is still completing an analysis of the plan and request for support; and how it aligns to the City’s plans to address violent crime in the City of Charlotte.

Assistant City Manager Victoria Johnson explained that the agenda topic, CMPD Search Warrant Policy Update, reflects CMPD’s work with Campaign Zero to examine search warrant policy language. The review purpose was to determine appropriate and necessary changes to the policy to potentially align with Campaign Zero’s objectives.

CMPD Deputy Chief Stella Patterson presented on CMPD’s progress with Campaign Zero’s “8 Can’t Wait” policies. She provided a high-level purpose for doing the work and the legal definition of a search

warrant. Deputy Chief Patterson noted that NC General Statute is clear on legislation around the rules of search warrants and seizures. NC Statute 15A, 220 – 259 lists what those various rules are. There are different warrants, however CMPD most frequently uses general or administrative search warrants. The Charlotte Fire Department usually accompanies CMPD for administrative search warrants that involve code issues or an inspection. Deputy Chief Patterson shared 2019 and 2020 data to provide context for search warrants served. She stated that most of the search warrants are connected to crime, where there has been a call for service and an officer sees evidence of a crime but has no authority to search a property. When this happens, the property must be secured while a search warrant is sought. She reported that the numbers reported only include a few dynamic search warrants, those that result in the use of a flash-bang device, door ram or forcible entry.

Deputy Chief Patterson explained that changes to the search warrant policy must be made at the State or Federal level. CMPD does not have the ability to make legislative changes. Campaign Zero recognizes the limitations and has begun to look at changes to the search warrant requirements at the legislative level. Campaign Zero has a point system for a search warrant policy. The best possible score is 15 points. CMPD's current score is 6. CMPD was given full credit for the following recommendations they have already enacted:

1. Ban on "No-Knock" Warrants
2. Officers in Uniforms - Officers shall be clearly recognizable and identifiable as law enforcement officers in uniform.
3. Officer Announcements – Officers shall make a verbal identification of law enforcement officers after the knock and prior to entry
4. Recording Devices - All officers shall be equipped with body cameras or other video and audio recording devices.

CMPD was given partial credit for the following items:

1. Required Info for Warrants
2. Property/Cash Seizures - Property and/or cash cannot be seized during the search unless a lawful arrest is made.
3. Reporting/Data Review - An independent law enforcement oversight board shall review reports and footage biannually at minimum.

Based on the recommendations, the following items were noted as a concern that may prevent CMPD from achieving the full 15 points.

1. Campaign Zero would like officers to wait 30-seconds after knocking before entering a residence. The law says that after knocking, if an officer executing a warrant believes they are being denied entry, they can enter. CMPD believes this would put officers and other residents in harm's way because they do not know who is in the residence or what action is being taken. Therefore, they are not recommending the department adopt this policy.
2. Campaign Zero recommends police departments not use flash bang, stun or other distraction devices unless verifiable, exigent circumstances exist. Deputy Chief Patterson reported that only the SWAT team, which consists of highly trained personnel, uses the Flash/Sound diversionary devices when necessary.
3. Campaign Zero requests that warrants be served between 9 am to 7 pm unless there is reasonable cause that it cannot be executed during those hours. CMPD has no specific parameters on when a search warrant should be served. They would prefer daytime when it is visible, however they would like the latitude to serve a warrant when it is needed. She explained that sometimes search warrants are not made available until after 7 pm and before 9 am.

4. Campaign Zero would like officers to be subject to consequences when they violate the search warrant requirements. These consequences include rendering all evidence collected inadmissible, suspension of duty, fines, or termination. Deputy Chief Patterson stated that this is problematic for CMPD, particularly for evidence being rendered inadmissible. That is at the discretion of the District Attorney office. Campaign Zero recognizes CMPD's role and will remove this requirement from the rubric.

Additional information was requested on the following items:

1. How many dynamic warrants were executed and the number of those between 10 pm and 6 am?
2. Create a policy that documents and states reasons to execute a warrant in the middle of the night if it is not an active situation.
3. Consider reconvening the stakeholder group that was working with the Safe Communities Committee for feedback on the topic.
4. CMPD and City Council should consider a policy and fund to reimburse households for damages during the execution of a search warrant?
5. Provide a breakdown of warrants executed in 2 to 3-hour increments rather than two 12-hour periods.
6. Explain the policy for relocating people who are displaced due to damages caused by the City? What is the existing risk assessment policy if there is damage and the family has been displaced? Are we covering full damage? Is insurance covering? Can the policy be shared at the next meeting? It would be preferred that it be made available before the next meeting.
7. When will the Committee receive an update on conversations with Campaign Zero around changes or reaching a middle ground on policies that we are not getting credit for?
8. Provide an update on violent crimes (metrics, driving trends, mitigation plan) at each Committee meeting.
9. Provide an update from CMPD on the hiring practices of minorities.

The meeting was adjourned at 12:58 p.m.