



Charlotte City Council
Safe Communities Committee
Meeting Summary
September 1, 2020

COMMITTEE AGENDA TOPICS

- I. Review of Feedback from the Community Input Group - Informational and Input
- II. Continued Review of CMPD Rules of Conduct - Informational and Input
- III. Continued Review of Youth Programming – Informational and Input
- IV. Review of CMPD Directives on Passive Protest and Peaceful Demonstrations and First Amendment Activities - Informational

COMMITTEE INFORMATION

Committee Members Present: Larken Egleston (Chair), James Mitchell, Jr. (Vice Chair), Dimple Ajmera, Renee Johnson, Victoria Watlington

Additional Council Present: Mayor Vi Lyles, Mayor Pro Tem Julie Eiselt, Edmund Driggs, Malcolm Graham, Braxton Winston

Staff Resources: Marcus Jones, City Manager
Johnny Jennings, Deputy Police Chief
Federico Rios, Office of Equity, Mobility and Immigrant Integration

Meeting Duration: 11:05 a.m. – 1:54 p.m.

ATTACHMENTS

1. Agenda
2. Safe Communities Committee Community Input Group Report
3. CMPD's PowerPoint Presentation on Protests and 1st Amendment
4. Follow Up Information from the August 18th Safe Communities Committee

DISCUSSION HIGHLIGHTS

The meeting was called to order at 11:05 a.m. by the Chair, Larken Egleston.

The agenda overview was provided by City Manager Marcus Jones. He noted that Council members were sent a report of responses to questions from the August 18th meeting on September 1, 2020. The "8 Can't Wait" alignment update was not listed for the Sept. 1st agenda because the desired progress had not been made due to events over the past week. The City Manager added that the peer cities used for the Frequently Asked Questions (FAQ) and responses to the questions were comprised of 20 cities

that the City's economist has compiled using statistical analysis and are the ones the city has used for comparison over the last few years. He also noted that during the months of August and September, all Council committees have additional referrals related to safe communities that will help in the areas of violence reduction and reimagining police. Specifically, there are three items for the Safe Communities Committee that staff is working through that deal with a holistic approach to violence prevention, what core services accomplish CMPD's mission, and a data review on what policy changes are needed.

The City Manager reported that the first meeting with Cure Violence occurred on August 31st and the community assessment has begun. Updates on the information collected will occur at Safe Communities Committee and Council Strategy meetings.

Review of Feedback from the Community Input Group

Federico Rios provided a recap of the Community Input Groups (CIG) meeting held last week. The CIG worked in breakout groups to compose Sub Group Analyses. Samuel Marcossou, University of Louisville Professor of Law, presented on Constitutional Law as pertains to the government, and protests and First Amendment rights. Mr. Rios shared the question and answer dialogue between CIG members and Professor Marcossou.

Continued Review of CMPD Rules of Conduct

Michael Turner, Professional and Chair, UNC Charlotte Dept. of Criminal Justice, highlighted areas of concern Community Input Subgroup #4 had regarding the CMPD Rules of Conduct.

- They felt there was ambiguity in the language around Policy #11, Intervention and "Manifest Injustice", and that clarity was needed to identify the difference between insubordination and accountability.
- They would like for the Associations policy to be expanded to include verbiage to prohibit officers from engaging with persons involved in criminal activity, who are under criminal investigation or indictment, who have a serious criminal record, or who are members of or affiliated with racial or white supremacist groups, except as required to do their job.
- They requested additional research for Policy #2, Arbitrary Profiling, and more robust language to protect against racial/gender/religion/sexual orientation profiling.
- They recommended a change to Policy #43 that would require CMPD's body worn cameras be on when interfacing with the public and that there should be penalties when violated.
- They suggested making the consequences known to the public when there are violations.
- The Subgroup felt that CMPD's Code of Conduct pertaining to fitness of duty should also include mental health screenings and officers should not be held back or discriminated against for seeking mental support.
- Lastly, the Subgroup is concerned about the potential for officers who have been disciplined for abuse of power to still be promoted and how that information is shared across departments.

Continued Review of Youth Programming

Don Thomas, Executive Director, My Brother's Keeper Charlotte-Mecklenburg, spoke on behalf of Community Input Subgroup 3's feedback on CMPD's Community Engagement and Youth Programs. Mr. Thomas shared concerns, improvement opportunities, factors for consideration and proposed changes to consider relating to youth programming. The group recommends an external audit of youth programs to determine their effectiveness, scalability and who they are serving. They would like for CMPD to consider expanding partnerships with proven grassroots organizations like CMS' Turning Point Academy. The group advocating for a program that is affordable, targets hot spot areas, and managed

outside of CMPD. They propose funding be paused for all programs until the audit is completed. The group is also encouraging more community events that promote positive engagement with young people and law enforcement.

The City Manager, Mr. Rios and Lacey Williams, Community Relations Manager with the Office of Equity, Mobility and Immigrant Integration, gave an overview of the City's Jumpstart Grant and the Neighborhood Board Retreat Funds, emphasizing the numerous youth programs funded through external groups, as well as those implemented by the CMPD, the City and the County. The Chief noted that many of the CMPD youth programs are funded by monies that are specifically for use by law enforcement.

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

Jessica Battle, Lead City Attorney (Police), presented on Protests and the First Amendment. She stated that the First Amendment guarantees the right to free speech and the right to peaceably assemble. Once an assembly becomes unlawful based on a state or federal law, law enforcement can take necessary action to disperse the event or arrest individuals. She explained the time, place, and manner restrictions that government can institute. She also provided clarification on speech versus expressive conduct. Expressive conduct becomes an assault when a person has an imminent fear of bodily harm or that battery might occur. Attorney Battle stated that CMPD's role is to keep the peace, but they also have a duty to respond to calls for service related to First Amendment activities such as noise complaints, injury to people, or damage to property. Attorney Battle emphasized that each situation is different and that the law enforcement response will be based on specific facts and the totality of circumstances. It could range from education, citation, or removal of violators. She reviewed changes being made to CMPD directives for when dispersal orders are made to include frequently repeating the orders.

Discussion of Next Steps

The City Manager confirmed that upcoming topics include:

- 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

Motion and Vote:

Council Member Ajmera made a motion, seconded by Council Member Johnson, to move forward with a comprehensive external CMPD audit to evaluate all funds received by CMPD and analyze effectiveness of usage versus intent. Council members Mitchell, Watlington, and Egleston voted No. The motion failed. The Budget and Effectiveness Committee will continue with the referral to review the police budget by services area and how resources are being used within Police to promote safe communities and decrease violence in the city.

Feedback from the Committee and other Elected Officials present:

1. Policy #11, Intervention Manifest Injustice, should go a step further around transparency and ensure CMPD has the same requirements as we have for the entire City organization. Also, for Associations,

look beyond hate groups because that is a legal definition. In terms of equipment, we need to know about an incident or interactions between officers, so something broader than the camera staying on when interacting with the public is needed.

2. Leverage more assistance by making City property available to small businesses, i.e. an incubator.
3. Consider working with businesses to use their electronic banners for public safety announcements.

Additional information was requested for the following items:

1. Research if it is in the public interest (for trust and transparency), based upon the Chief and the Manager's authority, whether some information around discipline can be released even if it is part of a personnel record. For example, on June 2nd, when the tactic was deployed for the use of munitions.
2. Additional information on youth programs was requested:
 - a. Add funding sources to the Program Matrix provided in the August 18th responses.
 - b. Of the \$290M CMPD budget, how much is allocated to programs, including labor costs?
3. Study the Austin Model of the Office of Police Oversight, incorporating a model of Seattle, Washington's Office of Police Accountability, as well as the Office of Inspector General for Public Safety. In addition, research how to incorporate Kansas City, Missouri's model of mediating complaints against officers.

The meeting was adjourned at 1:54 p.m.