



Charlotte City Council
Safe Communities Committee
Meeting Summary
September 15, 2020

COMMITTEE AGENDA TOPICS

- I. Update on Community Input Group - Informational and Input
- II. Updates on Alignment of CMPD Practices with the “8 Can’t Wait” - Informational
- III. Continued Review of CMPD Directives on Passive Protest and Peaceful Demonstrations and First Amendment Activities – Informational
- IV. Review of Transparency and Access to Information

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, Matt Newton, Braxton Winston

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

Meeting Duration: 11:04 a.m. – 1:07 p.m.

ATTACHMENTS

- 1. Agenda
- 2. Safe Communities Committee Community Input Group Report
- 3. “8 Can’t Wait” Webpage Update on Charlotte, NC
- 4. CMPD Transparency and Access to Information PowerPoint
- 5. Follow-Up Information from September 1, 2020 Safe Communities Committee
- 6. Reference Material from August 18, 2020 Budget Effectiveness Committee (Introduction to a Committee Review of the CMPD Budget)

DISCUSSION HIGHLIGHTS

The meeting was called to order at 11:04 a.m. by the Chair, Larken Egleston. The Chair shared that the goal for the day was to gain as much information as possible on the agenda topics to enable the Committee’s considerations for initial recommendations during the September 29th Safe Communities

Committee meeting. The recommendations would be forwarded for Council to consider at the Strategy Session scheduled for October 5th.

The agenda overview was provided by City Manager Marcus Jones. The City Manager stated that he'd invited Ryan Bergman, Strategy and Budget Director, to help share information on the analysis of information that has been occurring across the different Council Committees. Mr. Jones also provided an update on violence prevention. Cure Violence has begun interviews in the community (individuals who would like to be involved in the Cure Violence interviews, research and data collection, should sign up at Cltgov.me/CureViolence). Also, the City is in the final stages of their agreement with the Hospitalization Emergency Room Interrupter. The City Manager reiterated that through the various Council Committees, discussions of a Safe Charlotte focus are taking place. Specifically, there are 12 referrals that will help inform the City how to move forward. A number of these referrals have been assigned to the Budget and Effectiveness Committee.

Mr. Bergman reported that to coordinate activities between Council committees, he wanted to share what data is currently being collected and reviewed. He spoke of three actions: 1) Review of police oversight/police accountability offices throughout the country. Comparison cities were Austin, TX, Kansas City, MS, and Seattle, WA. Austin was determined to be the best comparison due to size and type of government. Strategy and Budget has produced a comprehensive 25-page report that they plan to release by the end of the day. 2) Review how CMPD officers are dispatched for 911 calls and benchmark throughout the country what other cities are doing. A detailed and comprehensive review was conducted on Eugene, OR, Denver, CO, and Albuquerque, NM and how they assess risk, specifically around homelessness and mental health. He noted that there is a civilian led approach that attempts to address the calls prior to the call going to public safety. Strategy and Budget will continue to research this topic for the Safe Communities and/or the Budget and Effectiveness Committees' review. 3) A visual tool was provided to the Budget and Effectiveness Committee members to assist with reading and understanding the public safety budget. He noted that once school resource and airport officers are accounted for (both of which the City is fully reimbursed for) there is a \$257M operating budget, of which 87% is salary, benefits and insurance. CMPD was asked to identify any department specific equipment purchases above \$1,000 for FY20 (ended June 30, 2020). Chief Jennings and his staff provided a public description of the 420 purchases and the reasons for those purchases. The report will be released to the Budget and Effectiveness Committee today, along with staffing analysis, overtime and asset management.

Update on Community Input Group

Federico Rios, Director of the Office of Equity, Mobility and Immigrant Integration, reported that within the last two weeks the Community Input Group continued to work towards reviewing reference materials, discussing issues, and producing proposed changes. They were provided a compilation of five different articles, one research paper, documents from the federal government, and CMPD's directive guides on peaceful protest and First Amendment activities to review during that period. Dr. Rohini Haar, Berkley Public Health, provided the Community Input Group with fact sheets on crowd control, weapons and social protest, as well as kinetic impact projectiles.

Updates on Alignment of CMPD Practices with the "8 Can't Wait"

Chief Jennings announced that after working for several months, based on some policy changes, CMPD is in compliance with all "8 Can't Wait" initiatives. Chief Jennings noted that there were challenges with

the Ban on Shooting at Moving Vehicles and the Requires Exhaust of all Alternatives Before Shooting policies, however, they were able to come to agreements for the policies that work for both sides.

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

Ryan McGill, member of Subgroup 4 of the Safe Communities Community Input Group, provided the proposed changes for Passive Protests and Peaceful Demonstrations. The Subgroup is charged with providing perspective on various aspects of policing and how law enforcement interacts with the community, as well as providing reactions and feedback to potential policy changes, programs, budgets, practices and plans. The Subgroup members felt it would be beneficial to hand out a handbill to protestors listing what is expected during a peaceful protest. Additional recommended changes in the rules of engagement included:

- Speech is protected whether vile or loud, as well as animated protesting (jumping, fist pumping, etc.).
- Police will respect people marked as legal observers that are not participating in the protest; not arrest, harass or assault these individuals who are ensuring proper processes are followed.
- Allow protestors to be in the street and not on the sidewalk near businesses to protect and respect businesses.
- Protestors will adhere to rules by not throwing projectiles, possessing visible or concealed firearms, fireworks, or endangering the life or safety of other persons.
- Police should not use chemical agents, flashbangs, grenades, rubber bullets, or kinetic impact projectiles of any kind.
- Officers should always have body worn cameras on while engaging with protestors/crowds and officers not in compliance should be terminated (Civil Service Board review). CMPD should purchase new equipment or uniforms that allow for the use of body worn cameras.
- CMPD should not seal the identity of the officer in charge of protest and should include footage. Also, officers must have on badges and visible name plates.
- Rename police officers to peace officers during protest and demonstrations and not wear riot gear or visible military type weapons at protest. They recommend they be in uniform or plain clothes and walk with the protestors to appear to stay in the background. Also, officers should document the disruptive behavior prior to arrest.
- Tie an officer's pension to a civil lawsuit for failure to intervene.

Chief Jennings clarified that CMPD does not use rubber bullets, but they may use bean bag rounds which are authorized by Special Weapons and Tactic Teams during certain standoffs. Also, every member of the Civil Emergency Unit has a place to place their body worn camera and badge number on their uniform. Additionally, the cameras are always required to be on during engagement with citizens during civil unrest or protest.

Review of Transparency and Access to Information

CMPD Attorney Jessica Battle discussed CMPD's transparency protocols and what information/material is available or not available through a public record request. She also covered the information that is made readily available to the public through different mediums, with or without a public records request, such as crime reports, crime mapping on the website, and annual reports. Attorney Battle described the contents of the Internal Affairs Annual Report, as well as the 2019 alleged rule of conduct violations that were sustained.

The Chair encouraged Committee members to address information gathering or research needed to finalize the recommendations before September 29th. The following timeline was proposed:

- Compile recommendations at the September 29th meeting.
- Present the recommendations at the October 5th Strategy Session.
- Hold a public forum at the City Council Business meeting on October 12th.
- Council full vote on the recommendations on October 26th.

Feedback from the Committee and other Elected Officials present:

1. What role will the Community Input Group play going forward and what additional tasks might they be assigned?
2. Concern was expressed with the CIG's recommendation to place a prohibition on the distance between peaceful protest and buildings. Criminalizing protest or confining protest to a certain part of our city could be a constitutional concern.
3. The City should have a webpage to inform citizens of the assistance available to them to file an appeal to the Citizens Review Board.
4. The notice of assistance with an appeal to the Citizens Review Board is provided in the Statement of Relevant facts letter sent to a citizen for any reviewable complaint. Is this being practiced when the letter is sent?

Additional information was requested for the following items:

1. Provide clarification on how to equitably enforce the recommendation to prohibit protestors from having concealed or visible firearms considering 2nd Amendment rights to carry firearms.
2. Provide information on how much the city has paid out over the past 10 years in police settlements.
3. The CIG was asked to determine the viability of meeting each of the next two weeks and keep the Safe Communities Committee members abreast of that decision. Also, someone from each of the CIG Subgroups is requested to attend the September 29th Safe Communities Committee meeting to respond to questions.

The meeting was adjourned at 1:07 p.m.