

**Charlotte-Mecklenburg Police Department  
601 East Trade Street  
Charlotte, North Carolina 28202**

---

**Chief Kerr Putney**

**Nina Wright  
704.336.4072  
Nina.Wright@cmpd.org**

November 14, 2016

Reverend Corine Mack, President  
NAACP Charlotte-Mecklenburg County Branch  
PO Box 560786  
Charlotte, NC 28256

Mr. Robert Dawkins, State Organizer  
SAFE Coalition NC  
5500 Executive Center Dr.  
Ste. 234  
Charlotte, NC 28212

Dear Reverend Mack and Mr. Dawkins:

The following report is provided in response to the demand for the status of the Charlotte-Mecklenburg Police Department policy changes that were made as a result of the Civil Liberties Resolution. I welcome your feedback as well as the opportunity to discuss the contents of this report should you have any questions.

Sincerely,



Nina Wright  
Office of the Chief



---

*Charlotte-Mecklenburg Police  
601 E. Trade St. Charlotte, NC 28202*

## MEMORANDUM

**To:** Ann Wall  
Assistant City Manager

**From:** Kerr Putney  
Chief of Police

**Date:** November 10, 2016

**Subject:** Response to Activists' Demand for Report

---

Various Activist Groups provided the Charlotte-Mecklenburg Police Department (CMPD) with a list of demands to enhance police-community relations. One of the demands was to "provide a report on the status of CMPD meeting policy changes implemented through the Charlotte Civil Liberties Resolution." Attached is the requested report which includes a summary of revisions to affected Directives and a copy of each Directive referenced.



*Charlotte-Mecklenburg Police  
601 E. Trade St. Charlotte, NC 28202*

The Charlotte-Mecklenburg Police Department (CMPD) believes that the use of arbitrary stereotypes is inconsistent with effective policing and diminishes community trust. In November 2001, CMPD implemented its Arbitrary Profiling Directive (600-017) outlining what behaviors constituted arbitrary profiling, department policy and procedures prohibiting arbitrary profiling, and measures to be taken to minimize the instances of profiling. CMPD's response was due in part to nationwide reports of the arbitrary profiling of motor vehicle drivers and their passengers, and the passage of North Carolina Senate Bill 76 which required traffic stop statistics be collected for State law enforcement officers. The General Assembly later expanded this requirement to include local law enforcement officers employed by all 100 NC County Sheriffs' Offices and almost all police departments within the State. The legislation was enacted into law as NCGS 114-10.01.

Since 2002, CMPD has reported traffic stop data to the state in accordance with the law and continues to do so to date. Compiled demographic information on individuals stopped, the officer who made the stop, the reason for the stop, and the result of the stop can be found on the NC Department of Justice's website or at CMPD's Open Data Source page at [www.cmpd.org](http://www.cmpd.org).

In December 2014, the City of Charlotte passed the Civil Liberties Resolution, which went into effect June 8, 2015. The Resolution protects citizens from racial profiling and provides the Charlotte Citizens Review Board the opportunity to hear complaints related to arbitrary profiling. In May 2015 CMPD's Arbitrary Profiling Directive was amended to incorporate guidelines included in the Civil Liberties Resolution. Subsequently, a number of CMPD's Directives were updated to reflect provisions of the Resolution and a specific Rule of Conduct was added. In the five months following the adoption of the Civil Liberties Resolution, CMPD has received seven allegations of arbitrary profiling, four of which were exonerated, one unfounded and two are currently under investigation. Following is a summary of revisions to affected Directives and a copy of each Directive referenced.

# **CMPD DIRECTIVE REVISIONS RELATED TO THE CHARLOTTE CIVIL LIBERTIES RESOLUTION**

## **600-017 Arbitrary Profiling**

### **Summary:**

The CMPD Arbitrary Profiling Directive was first established at CMPD in 2001 in order to formalize the equal protection/treatment philosophy of CMPD.

The Directive outlines procedures regarding:

- Detention
- Arrest
- Voluntary Contact
- Consent to Search
- Data Collection
- Checkpoints

### **Revisions:**

**On 5/11/2015 Directive 600-017 Arbitrary Profiling; was revised to incorporate guidelines included in the Civil Liberties Resolution.**

- Employees are prohibited from using assumptions regarding an individual's immigration status as a basis for initiating police activity.
- Stop Data collection expanded to document when consent to search was asked for regardless of whether consent was denied or granted and no search took place. (Previously this activity was documented only if a search occurred) A Stop Data Form must be completed any time consent to search is requested.
- Wording was added to ensure that employees not undertake immigration related investigations and not inquire into the immigration status of persons encountered during police operations.
- The consent to search language was strengthened to require an officer to be able to justify asking for consent with a "non-arbitrary articulable reason". (Previously the wording was simply "request is not based on an arbitrary profile")
- A section was added relating to Suspected Foreign Nationals as follows:
  - ❖ CMPD Officers shall not question any person regarding his or her citizenship or immigration status unless there is reasonable suspicion, supported by objective and clearly defined evidence, that the person is involved in criminal street gang activity or terrorism related activities.
  - ❖ The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

**On 12/01/2015 Directive 600-017 Arbitrary Profiling; was amended to comply with NC State Statute (Protect North Carolina Workers Act (HB 318)).(SL 2015-294, sec. 15.(b)**

- The previously added wording regarding “not undertaking immigration related investigations” was replaced with “CMPD will provide law enforcement service and protection to all members of the Charlotte-Mecklenburg community”.
- The Suspected Foreign Nationals section was removed.

## **200-001 Discipline, Internal Investigations, and Employee Rights**

### **Revisions:**

**On 05/05/2015 Directive 200-001 Discipline, Internal Investigations, and Employee Rights was revised to incorporate guidelines included in the Civil Liberties Resolution.**

- Anonymous complaints will be accepted.
- Preliminary timeline was added to ensure more timely investigations.
- A section specifically on Investigation of Rule of Conduct Charge 41(Arbitrary Profiling) allegations was added. The change specifies that all of these charges will be routed through the Internal Affairs Bureau for preliminary investigation and documentation.

## **500-004-A Conducting Person Searches**

### **Revisions:**

**On 03/21/2016 Directive 500-004-A Conducting Person Searches; was revised to incorporate guidelines from the Civil Liberties Resolution.**

- All requests for consent searches, the approval or denial of the request and the results of the search must be documented on the Stop Data Form. (Covered in Arbitrary Profiling Directive until this update)

## **600-019 Use of Less Lethal Force**

### **Revisions:**

**On 05/12/2016 directive 600-019 Use of Less Lethal Force; was revised to incorporate guidelines included in the Civil Liberties Resolution.**

**WORDING ADDED:** An officer who, without provocation, taunts, verbally baits, or initiates needless or unnecessary physical contact with a subject and is compelled to use force immediately afterwards may not rely on paragraph IV A (1) or (2) of this Directive as justification for their acts in an administrative review of the use of force.

**HIGHLIGHTED WORDING ADDED:** If feasible, an officer will identify him or herself as a police officer and issue a verbal warning before using force. In addition and if feasible, officers will attempt to de-escalate the situation through verbal dialogue and commands. A verbal warning, dialogue or commands are not required in a split second situation or if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy.

**WORDING ADDED:** Officers will not taunt, verbally bait, or initiate needless or unnecessary physical contact with a subject.

**WORDING ADDED:** This wording was added to the list of situations where the completion of an IACMS investigation is required—

- There is evidence that just prior to application of force an officer taunted, verbally baited, or initiated needless or unnecessary physical contact with the subject.

## **600-020 Use of Force Continuum**

### **Revisions:**

**On 05/12/2016 directive 600-020 Use of Force Continuum; was revised to incorporate guidelines included in the Civil Liberties Resolution.**

**WORDING ADDED:** If feasible verbal dialogue and commands seeking de-escalation of the situation should be utilized throughout the encounter.

## **Rules of Conduct**

### **Revisions:**

**On 05/01/2015 The CMPD “Rules of Conduct” was revised to incorporate guidelines included in the Civil Liberties Resolution.**

- Rule of Conduct 41 (A-D1,2) Arbitrary Profiling; was strengthened to differentiate between:

Racial Profiling;  
Biased Based Policing;  
Derogatory Language; and  
Suspected Foreign Nationals

- ❖ CMPD Officers shall not question any person regarding his or her citizenship or immigration status unless there is reasonable suspicion, supported by objective and clearly defined evidence, that the person is involved in criminal street gang activity or terrorism related activities.
- ❖ The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

**On 12/01/2015 The CMPD “Rules of Conduct” was amended to comply with NC State Statute (Protect North Carolina Workers Act (HB 318)).**

- The previously added wording regarding “not undertaking immigration related investigations” was replaced with “CMPD will provide law enforcement service and protection to all members of the Charlotte-Mecklenburg community”.