



Advancing Charlotte

A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations



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Executive Summary

The September 20, 2016, officer-involved shooting of Keith Lamont Scott, and the subsequent demonstrations in Charlotte, took place within a milieu of similar events in cities across America. Protests in New York, Ferguson, North Charleston, Baltimore, Minneapolis, Baton Rouge, and Dallas demonstrated the increasing anger and frustration within communities of color and growing tension in community-police relations. In the most extreme instances, protestors destroyed property and engaged in acts of violence.

While the demonstrations that took place nationally were in response to an officer(s) use of lethal force, each demonstration and the subsequent law enforcement response provides lessons learned for the involved jurisdictions, and the nation. Many of the underlying issues that precipitated the demonstrations are similar: a police officer(s) used lethal force in incidents involving individuals of color; previous officer-involved shooting incidents which remained unresolved in the eyes of the community; historical racial challenges; socioeconomic immobility; perceived accountability and transparency issues; and, fragile relationships between the police and communities of color.

The protests ignited by the officer-involved shooting of Keith Lamont Scott, and similar events across the nation, “focused the collective attention [in Charlotte] on the stark racial, ethnic and economic divides that exist in ... [the] community but are rarely openly discussed.”¹ The issues and tension also created an opportunity that activists from outside the city leveraged to further their national agenda and to cause chaos in Charlotte. The influence and reach of social media fueled the embers of distrust and ignited the emotions of the community and the nation.

The particular elements leading to racial violence have changed over the years. While race riots occur in the context of a convoluted mix of social, economic, and cultural factors, policing consistently remains a crucial piece of the equation. It would be overreaching to designate police action as the sole factor in race riots; nevertheless, the importance of the police in preventing and effectively responding when disorder occurs can hardly be overstated.²

The City of Charlotte requested that the Police Foundation conduct an independent review of the Charlotte-Mecklenburg Police Department’s (CMPD) response to the demonstrations that occurred following the September 20, 2016 officer-involved shooting. While the Police Foundation assessment team heard from the community that the issues in Charlotte go far beyond those that are within the scope of this review, the city’s request demonstrates their desire to learn from these events and to use this assessment, in part, to help the city heal and move forward in a constructive manner.

To ensure a comprehensive review of the incident response, the Police Foundation assessment team conducted interviews with city government officials, CMPD command staff and officers,

¹ Charlotte-Mecklenburg Opportunity Task Force. *The Charlotte-Mecklenburg Opportunity Task Force Report*. Leading on Opportunity. March 2017. https://leadingonopportunity.org/wp-content/uploads/2017/03/20170320_LeadingOnOpportunity_Report.pdf (accessed September 15, 2017).

² Rahtz, Howard. *Race, Riots, and the Police*. 2016. Boulder, CO.: Lynne Rienner Publishers, Inc.

and community leaders and members. The team also conducted a review of incident documentation and other relevant materials, as well as policy analysis. Finally, the Police Foundation assessment team conducted research on national policing best practices, model policies and promising programs to include in the report. The City of Charlotte publicly released the draft report on September 19, 2017.

Since the public release of the first draft, the Police Foundation assessment team met with Mayor Roberts and members of Charlotte City Council individually, met with the City Manager, attended and presented the report at a public City Council meeting, and made note of council members' comments and requests. The assessment team also held an in-person community listening session and three meetings--one in-person and two via conference calls--with the Community Stakeholder Group. This final document reflects the comments, requests, and feedback gathered during those meetings.

The Police Foundation assessment team found that the CMPD acted appropriately overall and in accordance with their policies and procedures. However, the review identified areas where the CMPD could improve its policies, practices, and operations to strengthen the department's relationship with the community it serves, with the goal of preventing and improving its response to future instances of civil unrest, should they occur. The review also highlights the importance of collaboration and communication between the City of Charlotte administration, the City Manager, and the CMPD prior to critical incidents. The report is organized by "pillars" under which critical issues are discussed and recommendations provided:

- Pillar 1: Policies, Protocols & Strategies;
- Pillar 2: Training & De-Escalation;
- Pillar 3: Equipment & Technology;
- Pillar 4: Social Media & Communication;
- Pillar 5: Transparency & Accountability; and
- Pillar 6: Police-Community Relationships.

Communities across the country, including Charlotte, are working to address the complex issues of race, intergenerational poverty, barriers to economic opportunity, disparities in the criminal justice system, and other long-standing challenges. The City of Charlotte's political and community leaders, City Manager and the CMPD are to be commended for their genuine interest in identifying collaborative and constructive steps to acknowledge the impact of the mix of social, economic, and cultural factors that contributed to the demonstrations as well as the CMPD's efforts to prevent and respond to civil unrest. The CMPD should also be commended for the work that they have done to bridge the gap with the Charlotte Community. Their Constructive Conversations Team program can serve as a national model for tangible programs that have the potential to improve police-community relationships, both in Charlotte and elsewhere.

The Foundation: Addressing Underlying Challenges in Charlotte

The City of Charlotte has had a long history of prosperity woven into dynamic race relations dating back to its establishment in 1775.³

The Charlotte-Mecklenburg Police Department (CMPD) has worked hard to build and maintain relationships with all segments of the Charlotte community. In 2003, the CMPD adopted Community Problem Orientated Policing (CPOP), to build relationships and partnerships between police and neighborhoods, businesses, and government agencies.⁴ This initiative aimed to address community issues and concerns, and by working collaboratively, to move community and police relations forward. CMPD leaders have continued to prioritize proactive policing programs that, “reach into communities through designated community coordinators, citizen forums and outreach to high school students.”⁵

During some of the interviews, focus groups, and listening sessions conducted by the Police Foundation assessment team, some community members tied the evolution of policing practices in the United States, and particularly in Charlotte, to the 19th century “slave patrols” and they voiced concerns that those practices still inform Charlotte’s policing tactics.⁶ It is clear to the Police Foundation assessment team, that despite CMPD’s engagement in community oriented and problem solving policing strategies, some community members continue to distrust the CMPD.

Keith Lamont Scott was the sixth person—and the fourth black person—to be fatally wounded by CMPD officers since January 2016.⁷ Many of the community members interviewed by the Police Foundation assessment team expressed anger and frustration over the fact that the officers involved in these incidents were not charged, or if they were charged, were acquitted.⁸ To some in the community, these incidents suggest a lack of accountability and transparency on the part of the police department and furthers their belief that the criminal justice system protects police officers and fails to protect individuals of color.

³ “The Charlotte-Mecklenburg Story.” Charlotte-Mecklenburg Library. 2017. <http://www.cmstory.org/timeline> (accessed September 14, 2017).

⁴ Stephens, Darrel W. *Community Problem Oriented Policing: The Charlotte-Mecklenburg Experience*. December 2003. http://www.popcenter.org/library/unpublished/ProblemAnalysisTools/192_Community_Problem_Oriented_Policing.pdf (accessed September 14, 2017).

⁵ Lacour, Greg. “Where Is Charlotte Going With Community Policing.” *Charlotte Magazine*. July 18, 2016. <http://www.charlottemagazine.com/Charlotte-Magazine/July-2016/Where-Is-Charlotte-Going-With-Community-Policing/> (accessed September 14, 2017).

⁶ Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.

⁷ Chuck, Elizabeth. “Keith Lamont Scott is the Sixth Person to Die in Police Shooting in Charlotte this year.” *Nbcnews.com*. September 21, 2016. <https://www.nbcnews.com/news/crime-courts/keith-lamont-scott-sixth-person-die-police-shooting-charlotte-year-n651861> (accessed December 4, 2017).

⁸ Assessment team focus group with Charlotte-Mecklenburg community members. April 12, 2017.

The “Charlotte Way”

Throughout the interviews, government officials, business leaders, and community members all used the phrase—the “Charlotte Way”—to describe the City’s response to challenging situations and circumstances. However, the context in which the phrase was used was just as divided as those using it.

For some, the phrase refers to the ability of Charlotte to respond to the most difficult situations with peace and civility. For these individuals, the “Charlotte Way” recognizes the ability of City leaders to come together and address deep-seeded community issues including racial segregation and socio-economic challenges.⁹ As a former city leader explained, “If there was a real crisis in the community, I could, inside of two hours, identify every significant leader and convene them in the mayor’s conference room [to develop a plan to solve the crisis].”¹⁰ Many of the leaders interviewed believed that in the wake of the Keith Lamont Scott incident, and the demonstrations that followed, they had come together to discuss next steps and to reunite the community.¹¹

For others though, the phrase implies that the city is only committed to finding easy and short-term fixes instead of actual solutions, to talk instead of to do, and is a continuous reminder of the implicit bias and latent discrimination of the system.¹² For these individuals, the “Charlotte Way” represents a city government that is more concerned with preserving the “Uptown” area—the city’s business and entertainment center—and continuing to attract new businesses, while disregarding serious issues such as failing schools, a lack of social services, chronic unemployment, and the increasing cost of living that fueled the demonstrations.¹³

In the aftermath of the September 20, 2016 officer-involved shooting, and the demonstrations that followed, the City of Charlotte has taken constructive steps to heal and to move the city forward. *The Charlotte-Mecklenburg Opportunity Task Force* has acknowledged that:

Segregation by poverty, wealth, and race/ethnicity are most apparent in Charlotte-Mecklenburg when we look at maps of the county that reveal an undeniable ‘crescent’ of lower-opportunity neighborhoods wrapping around the prosperous areas.

For many who view our community as a beacon of prosperity and live in relative comfort and affluence, Charlotte seemed an unfathomable setting for racial protests. However, for those whose voices have been ignored or missed in our collective gazing at civil progress, it was no revelation that long-standing frustration was finally being

⁹ Assessment team interview with Charlotte-Mecklenburg business leader. June 6, 2017.

¹⁰ Portillo, Ely. “McColl on Charlotte protests: ‘If we just mouth platitudes and think everything’s going to be fine, it’s not.’” October 4, 2016. *The Charlotte Observer*. <http://www.charlotteobserver.com/news/business/biz-columnns-blogs/development/article105886132.html> (accessed September 14, 2017).

¹¹ Assessment team interviews with community organizers and religious leaders. April 11, April 12, April 13, and June 6, 2017.

¹² Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.

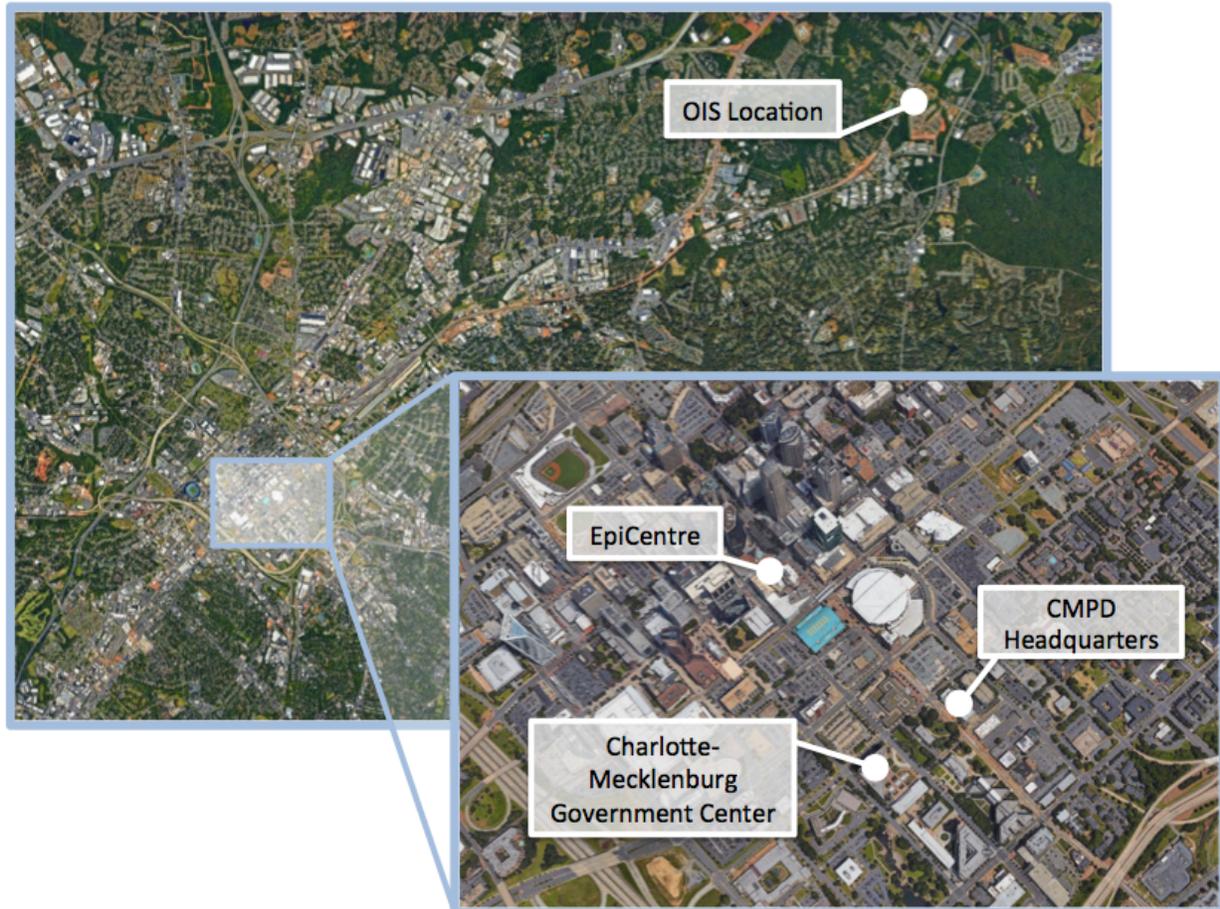
¹³ Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.

aired in the streets.¹⁴

This Police Foundation report provides further opportunities for progress, dialogue, healing, and transformation in the City of Charlotte. To repair the relationship between the CMPD and the community—particularly among individuals of color—the City administration, the City Manager, the CMPD, and community leaders must commit to sharing the responsibility of restoring police legitimacy through active listening, constructive dialogue, increased transparency, accountability, and engagement. It is also critical that the City of Charlotte plan and prepare to coordinate a government-wide response, which includes CMPD, to civil unrest that prevents disorder to persist and intensify before a future incident occurs.

¹⁴ Charlotte-Mecklenburg Opportunity Task Force. *The Charlotte-Mecklenburg Opportunity Task Force Report. Leading on Opportunity*. March 2017. https://leadingonopportunity.org/wp-content/uploads/2017/03/20170320_LeadingOnOpportunity_Report.pdf (accessed September 15, 2017).

Incident and CMPD Response Description¹⁵



Source: Google Earth, Image Landsat/Copernicus. 2017.

Tuesday, September 20, 2016 – Wednesday, September 21, 2016

At approximately 3:54 p.m., the Charlotte-Mecklenburg Police Department (CMPD) was engaged in an officer-involved shooting of Keith Lamont Scott.¹⁶ The shooting took place in the Village at College Downs apartment complex located in the city's University District.¹⁷ Within minutes of the shooting, a large number of residents gathered at, and around, the shooting scene

¹⁵ While some information regarding the demonstrations and CMPD response was provided to the assessment team by community members during interviews, and some of the information was corroborated through open source media research, many of the details necessary to build the specific timestamps and the overall chronology of the timeline were available only through the sworn affidavit of CMPD Major Campagna.

¹⁶ Price, Mark. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2016. <http://www.charlotteobserver.com/news/local/article103131242.html> (accessed September 7, 2017).

¹⁷ Marusak, Joe and Mark Washburn. "CMPD releases full video of fatal Keith Lamont Scott shooting." The Charlotte Observer. October 4, 2016. <http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article105978672.html> (accessed September 7, 2017).

to express their anger and emotions, and to seek answers regarding an increasing number of officer-involved shootings involving individuals of color with no accountability.¹⁸ Some community members, including the victim's daughter, used social media to share images and videos from the scene as well as spread the narrative that Mr. Scott had a book, not a gun, and encouraged others to come and voice their outrage as well as to help obtain answers from CMPD.¹⁹

The video and the social media posts spread and the crowd continued to grow throughout the evening, as homicide and crime scene technicians gathered evidence and conducted the investigation.²⁰ By 8:45 p.m., in consideration for the safety of investigators and crime scene technicians, the crime scene was closed as the crowd continued to grow and become more agitated.²¹ During this time, according to some of the demonstrators, officers appeared to be more concerned with trying to retreat from the scene than engaging with the individuals present, answering their questions, providing information, or explaining the investigative process to them.²² In an attempt to have their questions answered, individuals surrounded officers and the remaining CMPD vehicle, preventing the police from leaving.²³ However, according to the CMPD, individuals in the crowd prevented a police vehicle from leaving, jumped on it, and attempted to tip it over with the officer inside it.²⁴

At approximately 9:00 p.m., in the midst of the still-growing crowd at the scene and the already tense situation between officers and demonstrators, Mayor Roberts issued a statement asking the community for calm.²⁵ By this time, approximately 150 people had gathered,²⁶ some of whom were believed to be from outside the city.²⁷

Also at approximately 9:00 p.m., a CMPD captain who was the on-scene operations commander, established incident command—despite not having the CMPD command bus or any sort of

¹⁸ Assessment team interview with Charlotte demonstrators. June 7, 2017.

¹⁹ Assessment team interview with community leader. April 12, 2017.

²⁰ Price, Mark. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2016. <http://www.charlotteobserver.com/news/local/article103131242.html> (accessed September 7, 2017).

²¹ Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. <http://www.charlotteobserver.com/news/local/article111048527.html> (accessed September 7, 2017).

²² Assessment team interview with Charlotte demonstrators. June 7, 2017.

²³ Assessment team interview with Charlotte demonstrators. June 7, 2017.

²⁴ Gordon, Michael, Mark Washburn, and Fred Clasen-Kelly. "Inside the 48 hours that shook Charlotte: As rocks flew, riot cops fled for safety." October 28, 2016. <http://www.charlotteobserver.com/news/local/crime/article111056262.html> (accessed September 7, 2017).

²⁵ Price, Mark. "Timeline: Charlotte's week of protests that turned violent." The Charlotte Observer. September 26, 2016. <http://www.charlotteobserver.com/news/local/article103675992.html> (accessed November 27, 2017).

²⁶ Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. <http://www.charlotteobserver.com/news/local/article111048527.html> (accessed September 7, 2017).

²⁷ Assessment team interviews with local community leaders. April 11, 2017.

vehicle at the scene—and requested that two (2) Civil Emergency Unit (CEU)²⁸ squads respond to the scene.²⁹ Upon arrival, CEU officers assisted in the removal of detectives, crime scene technicians, and officers from the scene. Recognizing that the presence of CEU officers in tactical equipment was adding to the tension, and in an effort to de-escalate the situation, the commander requested a bus to remove the CEU officers from the scene.³⁰ However, by that point, the arrival of the CEU squads had escalated the crowd’s frustration and anger, as they demanded an explanation or an opportunity to talk to the “white shirts”—CMPD command staff—about the incident.³¹

At 10:00 p.m., when news reporters began broadcasting from the scene, and just after CMPD identified both the officer and the victim,³² the crowd became more agitated.³³ Shortly thereafter, a small group from within the larger crowd began throwing bottles and then rocks at the officers.³⁴ A captain was struck in the head by a rock and was removed from the scene, sustaining a concussion and receiving 10 stitches to close the wound. Another officer was struck in the hand, which was later determined to be fractured.³⁵

As members of the crowd continued to throw rocks at the officers, the officers deployed handheld gas canisters in an attempt to disperse the crowd and protect themselves.³⁶ Approximately 15 officers were hurt by rocks and other thrown objects. Eventually, the bus which was supposed to be used to transport CEU officers from the scene arrived, but the CEU officers were unable to board it because the bus had been surrounded by members of the crowd. The crowd prevented the bus from leaving and continued to demonstrate. The bus was damaged by objects thrown at it by some of the individuals in the crowd.³⁷

²⁸ According to CEU SOP #1, “A CEU Platoon is generally comprised of one Captain, five Sergeants, sixty Officers, five Pepperball Officers, four Grenadiers, and two Medical Officers (EMT)” and is “trained and equipped for Mobile Field Force Operations.”

²⁹ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

³⁰ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

³¹ Assessment team interview with Charlotte demonstrators. June 7, 2017.

³² Siner, Jeff. “TIMELINE: How the Keith Scott protests started, spread and city reaction.” WBTV. September 21, 2016. <http://www.wbvtv.com/story/33150014/timeline-how-the-keith-scott-protests-started-spread-and-city-reaction> (accessed November 27, 2017).

³³ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

³⁴ Tom McKay. “Charlotte police kill black father Keith L. Scott while searching for unrelated suspect.” Mic. September 20, 2015. <https://mic.com/articles/154727/charlotte-police-kill-black-father-keith-l-scott-while-searching-for-unrelated-suspect#.y5nZZSDY4> (accessed September 7, 2017).

³⁵ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

³⁶ Mark Price. “Charlotte police shooting and protest timeline: How the protests started, spread and city reaction.” The Charlotte Observer. September 21, 2017. <http://www.charlotteobserver.com/news/local/article103131242.html> (accessed September 7, 2017).

³⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

At 10:30 p.m., the Operations Commander used the bus’s public address (PA) system to issue a dispersal order and warn the crowd that chemical agents would be deployed if individuals within the group did not stop throwing rocks and bottles.³⁸ Many individuals in the crowd were confused and frustrated by the dispersal order, as they had not violated the First Amendment, and did not disperse.³⁹ Some demonstrators observed that the officers appeared to be uncoordinated and unorganized as they attempted to evacuate and relied on their less lethal devices to regain control.⁴⁰ After the group did not disperse, the CEU deployed a “stinger grenade”⁴¹ immediately followed by a Triple Chaser CS canister⁴² to clear the crowd in front of the bus.⁴³ The bus was then able to drive away from the immediate scene and was repositioned further south behind the lines of officers on Old Concord Road,⁴⁴ however CEU officers were unable to board it and they continued to be pelted by rocks.⁴⁵

At approximately 10:50 p.m., CEU officers formed two lines—one facing north and the other south—to protect themselves from the crowd that encircled them and continued to throw rocks at the officers. Several additional officers were injured.⁴⁶

At 10:56 p.m., another dispersal order was given over the bus’s PA system. The crowd was advised again that they were engaging in an illegal assembly and if they failed to disperse, chemical agents would be deployed.⁴⁷ When the crowd failed to disperse, CMPD officers hand tossed gas canisters and the crowd backed away allowing the bus to leave the area.⁴⁸ After CMPD grenadiers—the officers, “responsible for the delivery of chemical agents, ballistic

³⁸ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

³⁹ Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁴⁰ Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁴¹ The Stinger Grenade is a combination Less Lethal Impact Munitions and Diversion Device. It is a maximum effect device as it delivers up to four stimuli for psychological and physiological effect: rubber pellets (180 .32 inch), light, sound and optional chemical agent or OC.

⁴² The Triple Chaser is a pyrotechnic grenade consisting of three separate canisters pressed together with separating charges between each section. When deployed, the grenade will separate into three (3) distinct sub-munitions spread approximately 20 feet apart. They are hand tossed munitions used to deploy CN, CS and smoke.

⁴³ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁴⁴ “Raw: Protests in Charlotte After Police Shooting.” Associated Press. September 20, 2016.

<https://www.youtube.com/watch?v=wcFKtv18Xbc> (accessed September 7, 2017).

⁴⁵ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁴⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁴⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁴⁸ “Charlotte faces unrest after deadly police shooting.” WBTV. September 20, 2016.

<http://www.wbtv.com/story/33141522/charlotte-faces-unrest-after-deadly-police-shooting> (accessed September 7, 2017).

breaching, and less-lethal munitions⁴⁹— threw multiple munitions out in front of the CEU, they were able to pull back from the crowd.⁵⁰

Once the CEU pulled back, a group of individuals in the crowd broke out the windows of a marked police vehicle and took the officer's personnel gear from the car. When a CMPD helicopter reported that individuals were removing a rifle case from the vehicle, CEU officers engaged and recovered the rifle. At this time, approximately 50 CEU officers and more than 200 protesters were at the scene.⁵¹

At 11:25 p.m., the CEU issued another dispersal order using a patrol vehicle's PA system. When the crowd failed to disperse, CEU officers deployed crushable foam-nosed munitions that delivered oleoresin capsicum (OC) powder to the individuals throwing rocks.⁵² CEU also used a 40-mm muzzle blast⁵³ to deploy CS powder, and hand-tossed smoke and CS gas munitions.⁵⁴

At approximately 12:00 a.m. on Wednesday, September 21, shields arrived from the central storage facility and were distributed to the CEU officers.⁵⁵

At 1:35 a.m., protesters moved approximately one mile down Old Concord Road and onto Interstate 85 (I-85) and used barrels and barricades to block the highway in both directions.⁵⁶ According to some of the demonstrators, they believed that walking onto the highway and stopping the flow of traffic was necessary to ensure that their voices would be heard.⁵⁷ While the majority of the demonstrators on I-85 were non-violent, motorists reported that rocks were thrown at their vehicles,⁵⁸ a tractor trailer that was stopped on the highway was broken into, and

⁴⁹ "Special Weapons and Tactics Team (S.W.A.T.)." Charlotte-Mecklenburg Police Department.

<http://charlottenc.gov/CMPD/Organization/Pages/SpecOps/SWAT.aspx> (accessed December 1, 2017).

⁵⁰ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁵¹ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁵² Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁵³ The 40-mm Muzzle Blast provides instantaneous emission of a chemical agent directly at or on riotous, non-compliant individuals close to a police line or within a confined space. Munitions are deployed from a 40mm launcher and spray a 30' cone of CS powder out the front of the launcher device.

⁵⁴ Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. <http://www.charlotteobserver.com/news/local/article111048527.html> (accessed September 7, 2017).

⁵⁵ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁵⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁵⁷ Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁵⁸ Marusak, Joe, Ely Portillo, Mark Price, and Adam Bell. "Charlotte faces aftermath of protests ignited by fatal police shooting; 16 officers injured." The Charlotte Observer. September 20, 2016.

<http://www.charlotteobserver.com/news/local/crime/article103009432.html> (accessed September 8, 2017).

fires were set.⁵⁹ The CEU responded to the highway to protect the individuals whose vehicles had been stopped.⁶⁰

At 3:00 a.m., the CMPD gave yet another dispersal order, this time using a Bearcat's PA system. The crowd failed to disperse and a small group continued to loot tractor trailers and set the contents on fire.⁶¹ The CEU deployed stinger grenades and pocket tacticals,⁶² as well as used fire extinguishers from the commercial trucks on the highway to put out the fires.⁶³

At 3:14 a.m., the CEU deployed stinger grenades and CS gas, by hand, as the officers continued to get hit by rocks, alternators taken from the trucks that were broken into, and other objects.⁶⁴ The crowd began to disperse with some individuals headed toward commercial areas where their efforts to force entry into a Walmart,⁶⁵ a QT convenience store, and a Circle K were stopped by officers.⁶⁶ The CMPD was able to disperse the crowd without further incident.

The CMPD ended operations at 4:00 a.m. on Wednesday, September 21. During the night, 23 officers were injured by rocks and other objects thrown at them by the crowd.⁶⁷

Wednesday, September 21, 2016 – Thursday, September 22, 2016

Following the violence and chaos of the previous day, Mayor Roberts and Chief Putney held a joint press conference at 9:30 a.m. during which Mayor Roberts called for the demonstrators to be calm and peaceful, and promised a thorough and transparent investigation. Chief Putney provided initial details from the incident and cautioned that the situation, “is a little different than

⁵⁹ “Overnight Protests Disrupt Charlotte After Fatal Police Shooting.” NBC News. September 21, 2016. <https://www.nbcnews.com/slideshow/overnight-protests-disrupt-charlotte-after-fatal-police-shooting-n651901> (accessed September 8, 2017).

⁶⁰ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁶¹ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁶² The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke. Pelletized chemical agent or smoke is discharged through one (1) gas port located at the bottom of the canister. It is a hand-tossed munition.

⁶³ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁶⁴ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁶⁵ Price, Mark. “Charlotte police shooting and protest timeline: How the protests started, spread and city reaction.” The Charlotte Observer. September 21, 2017. <http://www.charlotteobserver.com/news/local/article103131242.html> (accessed September 7, 2017).

⁶⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁶⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

how it's been portrayed so far on social media.”⁶⁸ Chief Putney advised that officers were searching for a person with an outstanding warrant when the victim exited his vehicle holding a handgun. He further explained that after failing to comply with multiple commands to drop his weapon, officers fired, and that—contrary to what was described by the victim's daughter on social media—there was no book found at the scene, however a handgun was recovered.⁶⁹

Despite this information, social media and some of the local religious leaders continued to perpetuate their own narratives, even calling for African-Americans to boycott “white-run businesses in Charlotte, including the community's largest malls,” and indicated that they would be staging a gathering at 7:00 p.m. at Marshall Park.⁷⁰

Between the call for the boycott and the evening gathering—at 4:30 p.m.—a group of approximately 25 demonstrators stood in front of the Bank of America Corporate Trade Center and held signs that read, “Black Lives Matter” and “Stop Killing Us.”⁷¹

At 7:00 p.m., a group of approximately 1,000 individuals gathered at Marshall Park.⁷² Just prior to 8:00 p.m., the crowd broke into two groups – one marching to Little Rock AME Zion church and the other toward the EpiCentre—a multi-level, open-air collection of restaurants, bars and clubs, shopping, and entertainment.⁷³ Neither group had a parade permit, and therefore, were in violation of City Code Section 19-312, which states, “[n]o public assembly or parade is permitted unless a permit allowing such activity has been obtained, and remains unrevoked...”⁷⁴ CMPD allowed the march to continue without the permit and bike officers accompanied the pedestrians to protect them from vehicles.⁷⁵

The group arrived at the EpiCentre at approximately 8:02 p.m., and initially stood in the bottom level of the multi-story mall, chanting and speaking. There was no police presence inside the

⁶⁸ Ortiz, Erik. “Keith Lamont Scott, Fatally Shot by N.C. Cops, Warned Repeatedly to Drop Gun: Chief.” NBC News. September 21, 2016. <https://www.nbcnews.com/news/us-news/keith-lamont-scott-fatally-shot-n-c-cops-warned-repeatedly-n651846> (accessed November 27, 2017).

⁶⁹ Ortiz, Erik. “Keith Lamont Scott, Fatally Shot by N.C. Cops, Warned Repeatedly to Drop Gun: Chief.” NBC News. September 21, 2016. <https://www.nbcnews.com/news/us-news/keith-lamont-scott-fatally-shot-n-c-cops-warned-repeatedly-n651846> (accessed November 27, 2017).

⁷⁰ Siner, Jeff. “TIMELINE: How the Keith Scott protests started, spread and city reaction.” WBTV. September 21, 2016. <http://www.wbvtv.com/story/33150014/timeline-how-the-keith-scott-protests-started-spread-and-city-reaction> (accessed November 27, 2017).

⁷¹ Price, Mark. “Timeline: Charlotte's week of protests that turned violent.” The Charlotte Observer. September 26, 2016. <http://www.charlotteobserver.com/news/local/article103675992.html> (accessed November 27, 2017).

⁷² Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁷³ Boraks, David. “Peaceful Protests Give Way To A Night Of Violence.” WFAE. September 22, 2016. <http://wfae.org/post/peaceful-protests-give-way-night-violence> (accessed September 7, 2017).

⁷⁴ “Section 19-312. – Public assembly and parade permits.” Code of Ordinances City of Charlotte, North Carolina. August 31, 2016.

https://library.municode.com/nc/charlotte/codes/code_of_ordinances/264937?nodeId=PTIICOOR_CH19STSIOTPU_PL_ARTXIPUASPA_S19-311DE (accessed September 8, 2017).

⁷⁵ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

EpiCentre except for a CMPD captain who was monitoring the protestors.⁷⁶ At some point, a large group moved onto private property and up to the third floor of the EpiCentre.⁷⁷

At 8:19 p.m., the CMPD captain and individuals who called 911 reported breaking windows, looting, and the throwing of chairs and other objects. In response, the captain requested the deployment of CEU to restore order, as the group was no longer protesting, but was engaging in criminal activity on private property.⁷⁸ Leaders of the demonstration, however, denied that these individuals had anything to do with the Keith Lamont Scott demonstration and had a separate agenda related to previous incidents at the particular establishment.⁷⁹

At 8:25 p.m., a CEU platoon in personal protective equipment, led by a captain, arrived in the area. Seeing the crowd dispersing from the EpiCentre, the captain staged the platoon in the elevator lobby of the Omni Hotel so as not to provoke the crowd. However, the crowd followed the officers and the CEU platoon moved out of the lobby and established a line outside the garage area. The crowd engaged the officers, throwing water bottles and other objects at the officers including a fuse lit explosive device.⁸⁰ A request by officers to deploy gas was denied due to unrelated crowds in the area,⁸¹ however, tear gas was deployed somewhere close by, causing demonstrators to panic and scatter.⁸²

At 8:31 p.m., Justin Carr, a private citizen who was in the crowd at the Omni Hotel, was shot and mortally wounded.⁸³ Individuals in the crowd, some of them faith leaders, believed that the victim was shot and killed by a rubber bullet fired by the police, further escalating the tension between CMPD and demonstrators who felt that the police had used unnecessary force.⁸⁴ In the chaos, community members reported that they received conflicting accounts of the incident

⁷⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁷⁷ Garloch, Karen. "Police reviewing Wednesday shooting; eyewitnesses say police escalated tension." The Charlotte Observer. September 22, 2016. <http://www.charlotteobserver.com/news/local/crime/article103567052.html> (accessed September 7, 2017).

⁷⁸ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁷⁹ Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁸⁰ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁸¹ Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. <http://www.charlotteobserver.com/news/local/article111048527.html> (accessed September 7, 2017).

⁸² Price, Mark. "Timeline: Charlotte's week of protests that turned violent." The Charlotte Observer. September 26, 2016. <http://www.charlotteobserver.com/news/local/article103675992.html> (accessed November 27, 2017).

⁸³ Rayquan Borum was arrested and admitted to the shooting, but pleaded not guilty to first-degree murder in August 2017. Gordon, Michael. "Accused shooter pleads not guilty to killing during uptown riots." The Charlotte Observer. August 17, 2017. <http://www.charlotteobserver.com/news/local/crime/article167743082.html> (accessed November 28, 2017). See also, Price, Mark. "Man admits to shooting bystander at Charlotte protests, prosecutor says." The Charlotte Observer. September 26, 2016. <http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article104237666.html> (accessed September 7, 2017).

⁸⁴ Garloch, Karen. "Police reviewing Wednesday shooting; eyewitnesses say police escalated tension." The Charlotte Observer. September 22, 2016. <http://www.charlotteobserver.com/news/local/crime/article103567052.html> (accessed September 7, 2017).

through social media and word of mouth and were unsure whether they could trust first responders who were attempting to access and treat Justin Carr.⁸⁵

Police officers located the victim, moved him behind the CEU line, and extricated him from the scene using a Bearcat, because medical personnel were unable to respond through the crowd to treat the victim. As the tension between police and demonstrators increased again, several police vehicles in the area were damaged and a responding officer was hit with a wrench thrown by someone in the crowd.⁸⁶

Between 8:40 and 8:45 p.m., three CEU platoons established a line between the Omni Hotel and the Bank of America building.⁸⁷ As damage and looting continued inside the EpiCentre, bottles, large rocks and pieces of concrete were thrown at CEU officers, as well as a “roman candle” or similar fireworks.⁸⁸ Demonstrators claimed that only a handful of the people that were present engaged in these activities, and that the majority of the individuals continued to demonstrate and demand the release of body-worn camera footage from the officer-involved shooting.⁸⁹

Between 8:58 and 9:10 p.m., three (3) dispersal orders were given to the crowd via a Long Range Acoustic Device (LRAD) in English and Spanish. When the crowd failed to disperse, CEU deployed hand tossed smoke and subsequently CS gas. A CEU captain was “struck in the face with an unknown item,” treated, and returned to his post.⁹⁰ CEU pushed the crowd out of the EpiCentre.⁹¹

Over the course of the next couple hours—from 9:16 p.m. and 1:47 a.m.—the crowd, pursued by officers, continued to move through the Uptown area damaging and looting properties as well as aggressively engaging CMPD units.⁹²

Between 10:00 and 10:15 p.m., CEU deployed hand tossed CS gas canisters after dispersal orders were issued and the crowd failed to disperse. Hand tossed smoke was deployed after a group of individuals riding motorcycles and four wheelers arrived in, and subsequently refused

⁸⁵ Assessment team interview with community organization leader. April 11, 2017. Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁸⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁸⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁸⁸ Domonoske, Camila and Christopher Dean Hopkins. “N.C. Governor Declares State of Emergency After 2nd Night of Unrest in Charlotte.” NPR. September 21, 2017. <http://www.npr.org/sections/thetwo-way/2016/09/21/494957808/police-and-protesters-clash-in-charlotte-for-2nd-night-after-shooting> (accessed September 8, 2017).

⁸⁹ Assessment team interview with Charlotte demonstrators. June 7, 2017.

⁹⁰ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁹¹ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁹² Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

to leave the area. At approximately 11:37 p.m., officers engaged a group of individuals throwing objects at them from a light rail bridge with a Pepperball gun.⁹³

At 11:00 pm, following the shooting of Justin Carr, the continuing chaos, and the destruction of property, Governor McCrory issued an Executive Order declaring a State of Emergency to provide, “assistance from the State of North Carolina to respond to the civil disturbances that have unfolded.”⁹⁴ In addition to the State Emergency Response Team (SERT), Governor McCrory deployed members of the North Carolina State Highway Patrol (NCSHP) and the North Carolina National Guard (NCNG) to assist the CMPD.⁹⁵ Approximately 30 minutes later, the mayor and Chairman of the County Board of Commissioners proclaimed a local State of Emergency.⁹⁶

At 1:47 a.m., the CMPD gave the final dispersal order to the crowd remaining at Trade and Tryon Streets. The crowd dispersed as CEU arrest teams moved toward them.⁹⁷

Thursday, September 22, 2016 – Friday, September 23, 2016

On Thursday, at approximately 10:30 a.m., the mayor and Chief Putney held another press conference. Chief Putney faced questions regarding when the body-worn camera footage from the incident would be released, whether CMPD had been adequately prepared for the demonstrations the previous two nights, and how the state of emergency and deployment of the North Carolina National Guard and the North Carolina State Highway Patrol would impact further civil unrest. The mayor defended the decision to wait on declaring a state of emergency until late Wednesday night and continued to encourage conversations in the community instead of violence. Regarding the video from the incident, Chief Putney reiterated that it was inconclusive, stating: “the video does not give me absolute definitive visual evidence that would confirm that a person is pointing the gun...when taken in the totality of all the other evidence, it supports what we’ve heard and the version of the truth that we gave...”⁹⁸

⁹³ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁹⁴ Declaration of a State of Emergency by the Governor of the State of North Carolina.” Executive Order No. 102. September 21, 2016. <https://ncgovernor.s3.amazonaws.com/s3fs-public/documents/files/EO%20102.pdf> (accessed October 25, 2017).

⁹⁵ “Governor McCrory Declares State of Emergency to Help Restore Order in Charlotte.” September 22, 2016. <https://www.ncdps.gov/press-release/governor-mccrory-declares-state-emergency-help-restore-order-charlotte> (accessed October 25, 2017).

⁹⁶ “Proclamation Terminating a County State of Emergency.” September 28, 2016. <http://charlottenc.gov/newsroom/Documents/City%20of%20Charlotte%20Terminates%20State%20of%20Emergency.pdf> (accessed October 25, 2017).

⁹⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

⁹⁸ Pitkin, Ryan. “Chief Putney and Mayor Roberts speak on last night’s protests, today’s preparations.” Creative Loafing Charlotte. September 22, 2016. <https://clclt.com/theclg/archives/2016/09/22/chief-putney-and-mayor-roberts-speak-on-last-nights-protests-todays-preparations> (accessed November 28, 2017).

A large group of clergy and other citizens joined the crowd on Thursday evening, intent on keeping control and peace over the crowd and to stand between the protestors and the police.⁹⁹ Their efforts proved generally successful in keeping tensions between demonstrators and police officers from escalating to violence and use of force. In fact, minimal use of crowd control measures were necessary for the remainder of the demonstrations. Bicycle officers escorted the marchers and protected them from vehicular traffic.¹⁰⁰

At approximately 8:30 p.m., while the evening's demonstrations were already ongoing, the mayor and CMPD enacted an addendum to the local state of emergency declaration, instituting a midnight to 6:00 a.m. curfew that banned travel on public streets and property.¹⁰¹ According to some of the demonstrators, the curfew was not communicated to the demonstrators by the CMPD officers on scene.¹⁰²

At approximately 10:30 p.m., a small group of demonstrators shut down Interstate 277.¹⁰³ Dispersal orders were given using the PA system on a CMPD "mule" (an all-terrain vehicle),¹⁰⁴ but according to some of the religious leaders that participated, the appearance of the mule enflamed tensions among the demonstrators who believed they were exercising their First Amendment rights.¹⁰⁵ When the crowd failed to leave the Interstate, CEU officers used physical force and Pepperball gun rounds to disperse the crowd. This was the last use of chemical agents during the demonstrations.

The crowd dispersed by approximately 2:00 a.m.¹⁰⁶

Friday, September 23, 2016 – Saturday, September 24, 2016

During an 11:00 a.m. press conference, Mayor Roberts commended the demonstrators for remaining peaceful and thanked officers for exhibiting professionalism during their interactions with demonstrators the previous evening. The mayor and Chief Putney also expressed their support for releasing the body-worn camera video from the officer-involved shooting, with the mayor claiming that, "the question is on the timing," and Chief Putney echoing that the release of

⁹⁹ Assessment team interview with Charlotte community leader. April 11, 2017.

¹⁰⁰ Peralta, Katherine. "Acts of kindness set a different mood for night No. 3 of Charlotte protests." The Charlotte Observer. September 23, 2016. <http://www.charlotteobserver.com/news/local/article103652777.html> (accessed September 7, 2017).

¹⁰¹ City of Charlotte. "Addendum to Proclamation of a State of Emergency." September 22, 2016. http://charlottenc.gov/newsroom/Documents/Addendum%209-22-2016_21-17-31.pdf (accessed November 28, 2017).

¹⁰² Assessment team interview with Charlotte demonstrators. June 7, 2017.

¹⁰³ Off, Gavin, Ann Doss Helms, and Mark Washburn. "Clash with police on I-277 only confrontation in latest protests." The Charlotte Observer. September 22, 2016. <http://www.charlotteobserver.com/news/local/article103589352.html> (accessed September 7, 2017).

¹⁰⁴ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

¹⁰⁵ Assessment team interview with two Charlotte religious leaders. June 6, 2017.

¹⁰⁶ Peralta, Katherine. "Acts of kindness set a different mood for night No. 3 of Charlotte protests." The Charlotte Observer. September 23, 2016. <http://www.charlotteobserver.com/news/local/article103652777.html> (accessed September 7, 2017).

the video was, “a matter of when, it’s a matter of sequence.”¹⁰⁷ Chief Putney indicated that this would be the last CMPD press conference because the investigation into the officer-involved shooting was officially transferred to the State Bureau of Investigation and he could not comment on their investigation.¹⁰⁸

That night, a small protest group, escorted by CMPD bicycle officers marched on Uptown area streets until approximately 2:20 a.m.,¹⁰⁹ without any significant incidents.¹¹⁰

Saturday, September 24, 2016 – Sunday, September 25, 2016

At approximately 6:35 p.m., Chief Putney held a brief press conference to announce the public release of portions of body-worn camera footage, dash cam footage, and a picture from the initial incident, explaining: “I have been assured by the State Bureau of Investigation that the release will have no material impact on the independent investigation since most of the known witnesses have been interviewed.” The chief also provided a more comprehensive account of the confrontation between officers and the victim and justified the officers’ use of force.¹¹¹

Sunday, September 25, 2016 – Monday, September 26, 2016

Prior to the Carolina Panthers’ football game, which had been designated an Extraordinary Event, a group of protestors arrived at Bank of America Stadium and was allowed to demonstrate outside the stadium.^{112 113} The Extraordinary Event declaration allowed the city to modify its process for granting permits for activities in the area around the stadium and to prohibit particular items from being brought into the area.¹¹⁴ According to one of the protestors, the intent of the protest outside the stadium was to continue to voice their frustration with how the demonstrations and the investigation had been handled and to “hit the City where it hurts the

¹⁰⁷ Associated Press and CBS North Carolina. “Charlotte officials: ‘Timing’ the determining factor for public release of Keith Scott video.” CBS North Carolina. September 23, 2016. <http://wncn.com/2016/09/23/charlotte-officials-timing-the-determining-factor-for-public-release-of-keith-scott-video/> (accessed November 28, 2017).

¹⁰⁸ Associated Press and CBS North Carolina. “Charlotte officials: ‘Timing’ the determining factor for public release of Keith Scott video.” CBS North Carolina. September 23, 2016. <http://wncn.com/2016/09/23/charlotte-officials-timing-the-determining-factor-for-public-release-of-keith-scott-video/> (accessed November 28, 2017).

¹⁰⁹ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

¹¹⁰ “Day 5 of Charlotte protests.” WCNC. September 24, 2017. <http://www.wcnc.com/news/local/keith-scott-shooting/day-5-of-charlotte-protests/325182932> (accessed September 7, 2017).

¹¹¹ Chuck, Elizabeth and Elisha Fieldstadt. “Charlotte Police Release Video From Keith Lamont Scott Shooting.” NBC News. September 24, 2016. <https://www.nbcnews.com/news/us-news/charlotte-police-release-video-keith-lamont-scott-shooting-n653851> (accessed November 28, 2017).

¹¹² Putney, Kerr. “Memorandum.” September 24, 2016. <http://charlottenc.gov/newsroom/Documents/ExtraordinaryEvent092416.pdf> (accessed November 28, 2017).

¹¹³ “CMPD arrests man with concealed weapon outside Bank of America Stadium.” WCNC. September 25, 2017. <http://www.wcnc.com/news/local/keith-scott-shooting/cmpd-arrests-man-with-concealed-weapon-outside-bank-of-america-stadium/325283382> (accessed September 7, 2017).

¹¹⁴ Fox 46. “Sunday Panthers game against the Vikings declared Extraordinary Event.” Fox 46 Charlotte. September 25, 2016. <http://www.fox46charlotte.com/news/local-news/sunday-panthers-game-against-the-vikings-declared-extraordinary-event> (accessed November 28, 2017).

most, their wallets.”¹¹⁵ Bicycle officers maintained ingress and egress routes for pedestrians attending the game.

Marches also occurred in and around the Uptown area, however they required minimal police assistance, as demonstrators remained on sidewalks, did not obstruct traffic, and complied with city regulations, despite not having permits.¹¹⁶

Monday, September 26, 2016 – Tuesday, September 27, 2016

On Monday, Mayor Roberts penned an editorial that was published in *The Charlotte Observer* criticizing the response to the officer-involved shooting, writing, “The lack of transparency and communication about the timing of the investigation and release of video footage was not acceptable, and we must remedy that immediately. I have talked to officials in Loretta Lynch’s Department of Justice to monitor the investigation into Mr. Scott’s death, and to review CMPD use of force procedures more broadly.”¹¹⁷ According to community members, the Mayor’s statements demonstrated the lack of coordination in the city’s response to the demonstrations as well as the Mayor’s lack of faith in Chief Putney which many of them found troubling.¹¹⁸

Monday was also marked by a march led by the NAACP and a Charlotte minister that occurred without incident.¹¹⁹ Also, some protestors did go into the lobby of the Government Center and some demonstrators entered the Council Chamber for the City Council meeting.¹²⁰ While they also gathered in the Government Center after the City Council meeting, no organized marches or large-scale demonstrations occurred afterwards.¹²¹

¹¹⁵ Assessment team interview with Charlotte demonstrators. June 7, 2017.

¹¹⁶ Boraks, David. “After Protests, Charlotte Takes A Breather With A Panthers Game.” WCNC. September 25, 2016. <http://wfae.org/post/after-protests-charlotte-takes-breather-panthers-game> (accessed September 7, 2017).

¹¹⁷ Roberts, Jennifer. “Mayor Roberts: Lack of transparency in Keith Scott case was unacceptable.” *The Charlotte Observer*. September 26, 2016. <http://www.charlotteobserver.com/opinion/op-ed/article104283806.html> (accessed November 28, 2017).

¹¹⁸ Assessment team interview with Charlotte demonstrators. June 7, 2017.

¹¹⁹ “Unity Rally For Justice & Transparency.” North Carolina NAACP Facebook. September 26, 2016. <https://www.facebook.com/events/305869303103750/> (accessed September 7, 2017).

¹²⁰ Harrison, Steve. “Charlotte mayor faces furious crowd at City Council meeting.” *The Charlotte Observer*. September 26, 2016. <http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article104252096.html> (accessed September 7, 2017).

¹²¹ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

Pillar 1: Policies, Protocols, and Strategies

The Charlotte-Mecklenburg Police Department (CMPD) has long been recognized in the national public safety community for its strong community policing and problem-solving policies and strategies.¹²² Many elected officials, police leaders, and community members believed that CMPD's tradition of community policing would guide the City through the challenges facing the nation. In doing so, they failed to recognize that many members of the Charlotte community shared the concerns of protestors in other cities regarding officer-involved shootings. Unresolved community concerns from past officer-involved shootings in Charlotte fueled embers of discord burning just below the surface. The officer-involved shooting of Keith Scott ignited those embers, and without a clear and coordinated citywide response and crisis communication plan, the City of Charlotte became the focal point of protests and civil unrest.

CMPD Planning for Large-Scale Security Events

Although the City had prepared for large scale events and the challenges associated with hosting the Democratic National Convention (DNC) in 2012, neither the City administration, the Interim City Manager, nor the CMPD were fully prepared for the challenges of a dynamic and constantly evolving demonstration that was informed by social media or the unpredictable, and at times violent, tactics that were employed by participants. Previous demonstrations in the City had generally occurred within previously established and agreed to routes and activities between event organizers and the CMPD.

To prepare for the 2012 DNC, Charlotte considered special ordinances, policies, and procedures to meet existing and emerging challenges. The City of Charlotte adopted an Extraordinary Events ordinance prior to the convention.¹²³ This ordinance allowed the city to prohibit carrying and/or concealing weapons as well as items that could be used as weapons such as bottles and chains. On the prohibited list were also items that could be used to cause damage to property, such as spray paint. The ordinance also designated specific areas in which protest/demonstration events could be held if organizers obtained the proper permits. Within these zones restrictions were put in place regarding what "tools" demonstrators could use to display banners, signs, etc. to prevent them from being used as weapons.¹²⁴ During the DNC, the police enforced the Extraordinary Event ordinance to manage attendees and crowds surrounding the venues. However, following the DNC, the ordinance was not fully enforced by CMPD, although the City

¹²² Braga, Anthony A. and David Weisburd, editors. *Police Innovation: Contrasting Perspectives*. 2006. New York: Cambridge University Press.

¹²³ *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department's Operations during the 2012 Democratic National Convention*. March 2013. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. <https://www.bja.gov/publications/2012-dnc-quick-look.pdf> (accessed August 29, 2017).

¹²⁴ Severson, Kim. "Politicians, Protesters, Police: Charlotte Braces." *The New York Times*. August 9, 2012. <http://www.nytimes.com/2012/08/10/us/politics/charlottes-plans-for-democratic-convention-security-draw-criticism.html> (accessed November 1, 2017).

continued to designate more and more events as “extraordinary events,”¹²⁵ including the Carolina Panthers’ football game at Bank of America Stadium on Sunday, September 25th.^{126 127}

The CMPD’s strategies and practices regarding mass demonstrations and protests were consistent with national policing approaches that include “managing rather than repressing demonstrators, protecting the First Amendment rights of free speech and peaceable assembly, and guaranteeing due process. Current best practices include being willing to listen, negotiate, tolerate minor infractions (with the goal of peacekeeping rather than strict enforcement of all laws), and keep a low profile – using time, patience and communication to facilitate lawful protest and obtain voluntary compliance...”¹²⁸

Additionally, in 2015, the CMPD established the Civil Emergency Unit to “protect lives and property by maintaining order during incidents of civil unrest through a contingency that utilizes specially trained and equipped personnel.”¹²⁹ The unit compliments CMPD’s Emergency Mobilization Plan (EMP), revised in March 2016, to manage the dispatch of personnel and resources during various emergencies. The EMP can be activated in response to an emergency or in anticipation of an upcoming or developing event. The EMP describes the command system, threat level and response systems, operational procedures, organizational structures and duties, including public affairs as well as logistics, administrative, and support service group outlines.¹³⁰

The CMPD’s well-practiced standard operating procedures and strategies provided the foundation for the CMPD’s response to the events that began on September 20, 2016. However, as the events unfolded, the CMPD was challenged by significant novelty—the geographic area in which the initial protests erupted; the fluid movement of crowds; the impact and influence of social media; the level of violence; and, the inability to rapidly mobilize and deploy personnel and resources.

In a *crisis* emergency, the presence of significant novelty implies that understanding of the situation, at least at the onset, will be relatively low, and there will be no

¹²⁵ Harrison, Steve and Ely Portillo. “Charlotte Repeals Crowd-Control Rule as Threat Shifts from Bottle-Throwing to Terrorism.” The Charlotte Observer. June 26, 2017 <http://www.charlotteobserver.com/news/politics-government/article158355864.html> (accessed December 1, 2017).

¹²⁶ Fox 46. “Sunday Panthers game against the Vikings declared Extraordinary Event.” Fox 46 Charlotte. September 25, 2016. <http://www.fox46charlotte.com/news/local-news/sunday-panthers-game-against-the-vikings-declared-extraordinary-event> (accessed November 28, 2017).

¹²⁷ The Charlotte City Council has since repealed the ordinance, with CMPD advocating for a focus on preparing for possible terrorist events. Harrison, Steve and Ely Portillo. “Charlotte Repeals Crowd-Control Rule as Threat Shifts from Bottle-Throwing to Terrorism.” The Charlotte Observer. June 26, 2017 <http://www.charlotteobserver.com/news/politics-government/article158355864.html> (accessed December 1, 2017).

¹²⁸ Links, Jonathan, Katie O’Conor and Lauren Sauer. *Recommendations for Enhancing Baltimore City’s Preparedness and Response to Mass Demonstration Events*. December 4, 2015. Baltimore, Maryland: John Hopkins University.

¹²⁹ “Civil Emergency Unit” Standard Operating Procedure #1, Charlotte-Mecklenburg Police Department, 2015.

¹³⁰ Charlotte-Mecklenburg Police Department. *CMPD Emergency Mobilization Plan*. March 10, 2016. Provided to assessment team by CMPD major electronically on July 10, 2017. Reviewed by assessment team July – December 2017.

executable script or routine that is known or identifiable and that provides a comprehensive, reliable, and fully adequate response. Existing routines are inadequate or even counter-productive. Dealing with a crisis emergency thus means that the response will necessarily operate beyond the boundary of planned and resourced capabilities.¹³¹

As the demonstrations evolved, the CMPD recognized that it was necessary to operate beyond its standard operating procedures and previously successful “scripts” and routines to meet the challenges of civil unrest. In doing so, CMPD officers demonstrated professionalism and restraint as it endeavored to balance the First Amendment rights of the protestors against the safety of the community and its officers.

Incident Analysis

When CMPD responded to the scene of the officer-involved Scott shooting, they established incident command, and initiated an investigation consistent with the department’s policies and procedures.

As the crowd grew, the on-scene commander requested additional officers to assist with scene security, traffic, witness interviews, and transportation. Some community members, including the victim’s daughter, used social media to share images and videos from the scene and encouraged others to come and voice their outrage as well as to help obtain answers from CMPD, which led to a growing number of community members arriving and getting involved.¹³² CMPD was unaware of the social media posts, and was initially unprepared to manage the size and/or aggressiveness of the crowd.¹³³

Consistent with CMPD Standard Operating Procedure (CEU SOP #1- Civil Emergency Unit) the on-scene commander requested two Civil Emergency Unit (CEU) squads to respond to the scene in response to the size and aggression of the crowd. “The mission of the Charlotte-Mecklenburg Police Department Civil Emergency Unit (CEU) is to protect lives and property by maintaining community order during incidents of civil unrest through a contingency that utilizes specially trained and equipped personnel.”¹³⁴

The CEU proved essential for removing investigators and technicians from the scene; protecting officers and community members, and limiting the amount of property damage that occurred during the night and early morning.

¹³¹ Leonard, Herman B. “Dutch” and Arnold M. Howitt. “Against Desperate Peril: High Performance in Emergency Preparation and Response” in Deborah E. Gibbons (ed), *Communicable Crisis: Prevention, Response and Recovery in the Global Arena*. 2007. Information Age Publishing.

¹³² Assessment team interview with community leader. April 12, 2017.

¹³³ According to a use of force report prepared by a CMPD Sergeant, “the twenty to thirty CEU officers are not enough to maintain control due to the wide-open spaces in the area surrounding Old Concord Road.”

¹³⁴ Charlotte-Mecklenburg Police Department. “Standard Operating Procedure: Civil Emergency Unit - CEU SOP #1.” Effective Date: January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

Recognizing that the presence of CEU officers, dressed in full tactical gear, was contributing to the crowd's growing aggression, and in an attempt to de-escalate the tension between investigators and the crowd, the CMPD commander requested a bus to transport the squads from the immediate area. However, some in the crowd grew more agitated at the perceived lack of communication from the officers on scene; refused to allow a police vehicle to leave; and caused damage to the vehicle. Some people also threw rocks and other objects at the officers causing injury; and refused to allow the bus and/or CEU officers to leave the scene. The CMPD CEU Standard Operating Procedure indicates in Section F2b that pursuant to NCGS 14-288.5, "if a police officer reasonably believes that a riot or disorderly conduct by three or more persons is occurring or about to occur, they can command the crowd to disperse."¹³⁵ The SOP also outlines the manner of issuing dispersal orders, as well as conditions of administering chemical agents.

As directed in CMPD Standard Operating Procedure (CEU SOP #2 – Use of Chemical Agents) and CMPD Standard Operating Procedure (CEU SOP #3 – Use of Specialty Impact Munitions) the on-scene commander issued dispersal orders to the crowd as well as warnings that chemical agents would be deployed.¹³⁶

As required by SOP, the CEU commander obtained authorization from the Incident Commander prior to the use of chemical munitions. Also, as required, the department recorded the use of chemical agents to disperse the crowd. Consistent with CMPD Standard Operating Procedure (CEU SOP #2 – Use of Chemical Agents), written reports were prepared by the incident(s) supervisor(s) and were documented in the Internal Affairs Case Management System (IACMS) Use of Force reports, for each incident in which chemical agents were deployed.¹³⁷

CMPD Directive 600-020 (Use of Force Continuum), identifies for officers the levels of resistance and the levels of control on which they must consider in their interactions with the public. The directive says that "[t]he level of control must be based on the current level of resistance when the control is applied. The Use of Force Continuum is not designed to be a step by step progression. Therefore, the escalation and de-escalation by the officer or the subject may not be sequential."¹³⁸ The events of the September 2016 demonstrations underscored that point. Events did not begin and end in an orderly or expected fashion, but rather volleyed back and forth between control and chaos, minute by minute, intensifying anxieties all around.

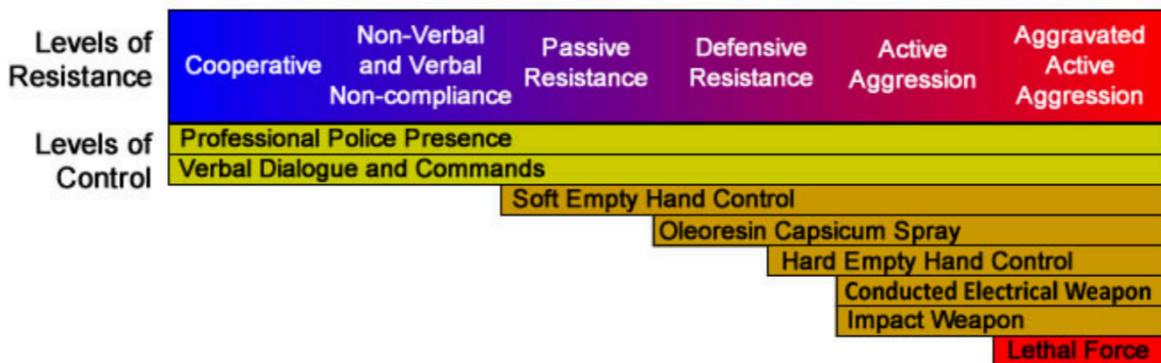
¹³⁵ Charlotte-Mecklenburg Police Department. "Standard Operating Procedure: Civil Emergency Unit - CEU SOP #1." Effective Date: January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

¹³⁶ Charlotte-Mecklenburg Police Department. "Standard Operating Procedure: Civil Emergency Unit - CEU SOP #2 "Use of Chemical Agents." January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017. Charlotte-Mecklenburg Police Department. "Standard Operating Procedure: Civil Emergency Unit - CEU SOP #3 "Use of Specialty Impact Munitions." January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

¹³⁷ Charlotte-Mecklenburg Police Department. "Standard Operating Procedure: Civil Emergency Unit - CEU SOP #2 "Use of Chemical Agents." January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

¹³⁸ Charlotte-Mecklenburg Police Department. Directives Guide 600-020 "Use of Force Continuum." Effective Date 05/12/2016. <http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed December 14, 2017).

Figure 1.1: CMPD Use of Force Continuum



Source: Charlotte-Mecklenburg Police Department Interactive Directives Guide, 600-020 “Use of Force Continuum.” Effective Date 05/12/2016. <http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed December 14, 2017).

Throughout the first evening, officers continued to be pelted with rocks and other objects, injuring a number of officers, including command-level personnel. Police and civilian property was damaged and traffic disrupted. In response to aggressive and violent actions taken by small groups of individuals in the crowd, the CMPD, according to the Police Foundation assessment team, adhered to its SOPs by issuing dispersal orders and warnings that chemical agents would be deployed prior to using them.

The CMPD Directive on Use of Force requires investigation of use of force incidents that occur during protests. One of the investigations was opened into an incident in which an officer used a Pepperball gun in response to objects being thrown off the light rail bridge at officers. The investigation determined that the officer was instructed to deploy the Pepperball gun by a CEU sergeant and the deployment was consistent with CEU SOP #3 – Use of Specialty Impact Munitions:

The deployment and use of these devices can assist in achieving the goal of protection of life and property and/or the restoration of order... Circumstances justifying the use of Munitions include, but are not limited to: (1) Restoration or maintenance of order during Riots or civil disturbances; (2) safely controlling violent persons.¹³⁹

Although the deployment was justified—the officer was exonerated and the complaints against the sergeant were not sustained—the investigation found that the Pepperball gun was directed against a person who may or may not have been responsible for throwing objects that struck officers. According to CMPD Standard Operating Procedure – CEU SOP #3 – Use of Specialty Impact Munitions:

Regardless of the situation or the munitions, shot placement is an important

¹³⁹ Charlotte-Mecklenburg Police Department. “Standard Operating Procedure: Civil Emergency Unit - CEU SOP #3 “Use of Specialty Impact Munitions.” January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

*consideration for officers deploying impact munitions. Shot placement is critical to the successful outcome of the situation and minimizes the risk of serious injury or death. When making the shot placement decision the need for immediate incapacitation must be weighed with the potential of causing injury.*¹⁴⁰

During the initial hours and days of the demonstrations, the actions of some participants transitioned from expressions of their First Amendment rights to rioting and looting. However, as the demonstrations continued to unfold the CMPD, with the assistance of community and faith leaders, were able to strike an effective balance between protecting the participants' rights and protecting community members and property in the City.

Summary Analysis

Emergency Mobilization Plan

The CMPD implemented its Emergency Mobilization Plan (EMP) as soon as the incident commander at the scene of the officer-involved shooting recognized that he needed additional resources to protect the community, private property, CMPD personnel, and assets, as well as to stabilize the incident.

*The objective of the Charlotte-Mecklenburg Police Department's (CMPD) Emergency Mobilization Plan (EMP) is to quickly dispatch personnel to needed areas, executing the Incident Command System (ICS) to manage the scene and information.*¹⁴¹

The EMP recognizes that “*emergencies by nature tend to be dangerous, dynamic, complex and confusing*” – this was evident in the events that unfolded over the next week. Social media, driven by posts from protestors, created a novel, dynamic, dangerous, and complex operating environment for the CMPD and for Charlotte's elected officials. This operating environment at times overwhelmed the CMPD and challenged the decision-making, policies, procedures, practices, and training of the department's leadership and personnel. Despite the challenges and the acts of violence committed by some protestors, the CMPD response was in line with their policies and training.

Use of Force

The CMPD confronted numerous situations in which individuals engaged in the demonstrations took violent action, throwing objects such as rocks, cinderblocks, glass bottles, alternators, wrenches, and fireworks, that caused injury to command personnel and officers. Individuals

¹⁴⁰ Charlotte-Mecklenburg Police Department. “Standard Operating Procedure: Civil Emergency Unit - CEU SOP #3 “Use of Specialty Impact Munitions.” January 20, 2015. Provided by CMPD major to assessment team in paper on June 30, 2017. Reviewed by assessment team June – December 2017.

¹⁴¹ Charlotte-Mecklenburg Police Department. *CMPD Emergency Mobilization Plan*. March 10, 2016. Provided to assessment team by CMPD major electronically on July 10, 2017. Reviewed by assessment team July – December 2017.

engaged in the demonstrations also damaged private property including buildings and vehicles, as well as CMPD/City property, and committed criminal acts. In response, the CMPD used force when it was reasonably necessary to stop the violence and to protect themselves, private citizens, and property.

These interactions required near-constant evaluation and assessment throughout the demonstrations to determine the most appropriate way to respond to the evolving incident. Officers acted in a manner consistent with the department's policies and directives regarding use of force (CMPD Interactive Directives Guide 600-019 – Use of Less Lethal Force):

*CMPD recognizes and respects the integrity and paramount value of human life. Consistent with this primary value is the Department's full commitment to only use force when it is reasonably necessary... The necessity of the level of force depends on the severity of the crime, whether the subject poses and imminent threat to the officers or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.*¹⁴²

Civil Emergency Unit

The Civil Emergency Unit (CEU) played an integral role in the CMPD's response to the protests and violence. They were challenged with protecting First Amendment rights of the protestors with their responsibility to protect individuals and property by maintaining community order during the civil unrest. Despite command personnel and CEU officers being injured by protester actions, CEU command personnel and squad leaders managed their units by escalating and de-escalating their response based on the actions taken and the threat posed by protestors.¹⁴³ The Unit's response, including the use of munitions and force, was measured and consistent with department directives and standard operating procedures. Additionally, CEU command personnel and squad leaders closely monitored the body posture and emotions of officers during the protests, removing officers that showed signs of anxiety or appeared to be losing control from the line.

It is important to note, that on the evening of the officer-involved shooting—Tuesday, September 20, 2016—the CMPD encountered difficulties deploying equipment from its centralized warehouse to CEU squads. For example, CEU did not receive shields which were stored in a central supply facility until 12:00 a.m., approximately two (2) hours after the officers were pelted with rocks and other objects that caused injury to command personnel and officers.

It should also be noted that CEU, and the CMPD overall, had focused their planning and training exercises for a response to demonstrations and civil disturbance incidents in the Uptown area of Charlotte. The Uptown area is laid out in a grid that provides opportunities to limit and control crowd movements. The outlying area of the city, where the officer-involved shooting and initial

¹⁴² Charlotte-Mecklenburg Police Department Interactive Directives Guide, 600-020 "Use of Force Continuum." Effective Date 05/12/2016. <http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed December 14, 2017).

¹⁴³ Assessment team interview with CMPD Special Operations Commander. June 7, 2017.

protests occurred, created significant challenges for CEU personnel and resource deployment to a rapidly moving and social media informed group of protestors.

Recommendations

The CMPD demonstrated professionalism and restraint as it endeavored to balance the First Amendment rights of the protestors and the safety of the community and its officers. The following recommendations should be considered by CMPD, other government agencies, and the community as they look to strengthen policies, procedures, and processes to prepare for and refine responses to unexpected and planned mass demonstration and civil disturbance events.

Recommendation 1.1: The CMPD should identify and engage in continued opportunities and strategies that promote effective dialogue between the department and the community around race and policing.

Proposed Action Steps:

- The City of Charlotte administration and the CMPD must acknowledge that many community members in Charlotte, particularly communities of color, are still affected by historical racism and strained relationships between the police and the community. The pain and frustration that the community continues to feel are exacerbated by negative interactions with officers, regardless of the circumstances, and reports of use of force in these communities. These sentiments inform the community perception of officers and their actions to this day, and will continue to inform those relationships until addressed by the police department and the community. It is critical that community, City administration, the City Manager, and CMPD leaders and officers, have constructive and ongoing dialogue regarding these issues.
- The City of Charlotte administration, the City Manager, and the CMPD should leverage the principles of procedural justice in their day-to-day interactions as they continue to work to strengthen police-community relationships. “Procedurally just behavior is based on four central principles:
 1. Treating people with dignity and respect.
 2. Giving individuals “voice” during encounters.
 3. Being neutral and transparent in decision making.
 4. Conveying trustworthy motives.”¹⁴⁴

Recommendation 1.2: The CMPD should continue to build on its tradition of community policing to identify opportunities for the community to participate in the development of the department’s policies, procedures, and practices.

¹⁴⁴ President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.

Proposed Action Steps:

- The City of Charlotte administration, the City Manager, and the CMPD should continue to build on models that promote dialogue not only through CMPD programming, but also in co-producing public safety, development of policy, and organizational decision-making. This type of ‘democratic engagement’¹⁴⁵ in policing can be seen in cities like Camden, New Jersey, and New York, New York, where systematic engagement of community feedback is a critical piece of policing policy development.¹⁴⁶
- The City of Charlotte administration, the City Manager, and the CMPD should identify opportunities to engage the community in day-to-day policing and public safety activities. Charlotte community members must be consistently engaged in constructive engagements with the department to restore trust and police legitimacy.

Recommendation 1.3: The City of Charlotte administration, the City Manager, and the CMPD should ensure that a city-wide plan, consistent with the National Incident Management System (NIMS), is used to manage all demonstrations and protests and that all City agencies understand, and participate in, the implementation of the plan.

Proposed Action Steps:

- Curricula on NIMS and incident management system (IMS) training should be encouraged in the CMPD and throughout all other relevant city agencies. “Incident management organizations and personnel at all levels of government ... must be appropriately trained to improve all-hazards incident capability ... courses focused on discipline- and agency-specific subject matter expertise – helps ensure that personnel at all jurisdictional levels and across disciplines can function effectively together during an incident.”¹⁴⁷
- Among the new capacities that need to be designed and practiced in the city-wide and CMPD incident management systems are: (1) developing better means for recognizing and addressing significant elements of novelty, and overcoming the bias of trained response personnel to focus on and address only the familiar; (2) developing means for the early identification of emergent crisis; (3) strengthening mechanisms for building situational awareness in circumstances with many unknown elements; (4) building processes to enhance the capacity to undertake creative improvisation of new actions and responses, including novel combinations of existing elements; and, (5) enhancing the capacity to undertake incompletely designed actions ... and the ability to learn how to correct for, and redesign quickly in the face of, a dynamic and rapidly changing operating environment.¹⁴⁸

¹⁴⁵ “Camden.” Policing Project at NYU School of Law. 2017. <https://policingproject.org/our-work/developing-accountability/camden/> (accessed December 11, 2017).

¹⁴⁶ See for example, Diamond, Marla. “NYPD to New Yorkers: How are we Doing?” May 9, 2017. <http://newyork.cbslocal.com/2017/05/09/nypd-smartphone-survey/> (accessed December 14, 2017).

¹⁴⁷ Bureau of Justice Assistance. “Mutual Aid: Multijurisdictional Partnerships for Meeting Regional Threats.” NCJ-160113. 2005. Washington, D.C.: U.S. Department of Justice. <https://www.ncjrs.gov/pdffiles1/bja/210679.pdf> (accessed December 11, 2017).

¹⁴⁸ Leonard, Herman B. “Dutch” and Arnold M. Howitt. “Against Desperate Peril: High Performance in Emergency Preparedness and Response.” 2005.

Recommendation 1.4: The CMPD should continue to review its mobilization plans for personnel and resources to make them more agile in response to critical incidents.

Proposed Action Steps:

- CMPD staff should be assigned to research and contact law enforcement agencies who have experience with mobilization of personnel and resources for critical incidents such as natural disasters or large-scale security events. Departments such as the New York City Police Department, the Philadelphia Police Department, the Orlando Police Department, and the Boston Police Department may provide places to start. CMPD should use information gathered from these agencies as inspiration to make adjustments to the department's mobilization plans.
- The CMPD should review resources such as the U.S. Department of Justice, Bureau of Justice Assistance, updated Large-Scale Security Events Primer and Quick Look documents¹⁴⁹ to learn from other agencies' work on protecting large scale security events, and apply those lessons in Charlotte.

Recommendation 1.5: The CMPD should review its CEU SOPs to account for the evolving nature of demonstrations and protests.

Proposed Action Steps:

- CEU training should incorporate lessons learned from various types of demonstrations and protests to best prepare for managing the evolving nature of protests in the 21st Century. Resources such as the [COPS Critical Response After Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri](#); [COPS Critical Response Maintaining First Amendment Rights and Public Safety in North Minneapolis](#); and other mass demonstration/civil disturbance after action reviews.¹⁵⁰
- The CMPD CEU SOPs and training should include a practical component that incorporates community members into a scenario-based training component so that CMPD officers can experience interaction with actual community members and base their SOPs and responses on those outcomes.

Recommendation 1.6: The CMPD should involve the community in the development of robust communication and community engagement directives and strategies for engaging in respectful and constructive conversations and de-escalation during response to mass demonstrations.

¹⁴⁹ The original Primer can be found here, <https://www.bja.gov/Publications/LSSE-planning-Primer.pdf>. However, following the 2016 RNC in Cleveland and DNC in Philadelphia, BJA tasked the Police Foundation with revising and updating the Primer based on lessons learned from these events. Separate Quick Look documents highlighting best practices and lessons learned from the Cleveland Division of Police and the Philadelphia Police Department were also developed. These documents will be published by the beginning of 2018.

¹⁵⁰ A library of critical incident reviews and after-action assessments is available at <https://www.policefoundation.org/critical-incident-review-library/>.

Proposed Action Steps:

- The CMPD should form a community advisory group or leverage an existing community advisory group to work with CMPD communication team members and executive team members, as well as representatives from the City of Charlotte Community Relations Committee and Corporate Communications & Marketing to develop a robust and comprehensive community engagement and communication strategy. The strategy should address ongoing communication and engagement between the Charlotte community, the City of Charlotte administration, the City Manager, and the CMPD as well as specialized policy and procedure for crisis communication. The committee should also be tasked with vetting and educating their respective constituencies on this strategy and associated policies and directives.

Recommendation 1.7: The CMPD should develop and implement policies and procedures that increase situational awareness in anticipation of and during demonstrations and acts of civil disobedience with a specific emphasis on social media.

Proposed Action Steps:

- The CMPD should establish a team of employees who can listen to, and observe, traditional and social media and provide situational awareness directly to the public information officers and a representative in its command center during critical incidents.
- The CMPD should enhance Directive 800-002 (Media Relations) and Directive 800-014 (Social Media Policy) to include the designation of a representative from the Public Affairs Office to the City’s joint information center (JIC) and should include a process for notifying the City of Charlotte Corporate Communications & Marketing staff regarding the establishment and location of the CMPD command center.

Recommendation 1.8: The CMPD should develop policies and procedures that use social media to “push” information to the community and quickly disseminate accurate information in response to rumors and false accusations. The CMPD had a Facebook page, Twitter account, and YouTube channel during the September 2016 demonstrations, but did not have a strategy regarding their use during critical incidents, particularly to quickly disseminate accurate information and correct erroneous narratives.

Proposed Action Steps:

- The CMPD should consult the [IACP Center for Social Media](#) and review the [Social Media and Tactical Considerations for Law Enforcement](#) guide to help develop a comprehensive social media strategy.
- The CMPD should review and incorporate the social media promising practices and lessons learned from [the City of Orlando’s response to the Pulse Nightclub terrorist attack](#),¹⁵¹ the [San](#)

¹⁵¹ Burke, Sharon, Alyssa Sims, and David Sterman. “War and Tweets: Terrorism in America in the Digital Age.” October 2016. New America. <https://na-production.s3.amazonaws.com/documents/War-And-Tweets10.27.pdf> (accessed November 28, 2017).

[Bernardino Public Safety Response to Terrorist Attack on the Inland Regional Center](#) and the Boston Police Department response to the bombings at the 2013 Boston Marathon.¹⁵²

¹⁵² Davis III, Edward F., Alejandro A. Alves, and David Alan Sklansky. "Social Media and Police Leadership: Lessons from Boston." March 2014. <https://www.ncjrs.gov/pdffiles1/nij/244760.pdf> (accessed November 28, 2017).

Pillar 2: Training and De-Escalation

“Law enforcement officers need to continuously train for pre-planned and spontaneous events where large crowds gather. Large crowds can become unruly and riots can ensue if law enforcement officers are not trained properly in crowd control tactics and techniques.”¹⁵³

Uniform and consistent training of law enforcement personnel is the foundation of successful agencies. Training prepares officers for the various situations they may encounter daily, and prepares them to address circumstances—such as civil disturbances—that occur infrequently but have lasting implications. In today’s environment, officers, supervisors, and senior and executive staff members must be prepared to manage crowd control at events where community members seek to express their First Amendment rights to free speech and assembly.

Police leaders and officers should be well-trained in the National Incident Management System (NIMS) and Incident Command System (ICS), crowd management, Mobile Field Force (MFF) operations, authorized use of force, Constitutionally-protected behaviors, communication and de-escalation, bias awareness, procedural and impartial policing, cultural responsiveness, and community policing. The Charlotte-Mecklenburg Police Department (CMPD) training in these areas, as well as identified needs for further training in these areas, played a significant role in its response to the September 2016 demonstrations, particularly in the initial days.

Elected officials, department heads, and police leaders should recognize the complexity of civil disturbances, and train on, develop, and practice the skills and tactics necessary to respond to them. This training should involve using not only online and classroom training but also tabletop and other reality-based exercises to practice skills in conjunction with other officials that they will need to work with in a real critical incident.

Effective and appropriate training, based on the best practices of policing, is essential to keeping community members and police officers safe during both routine operations and critical incidents.

North Carolina Basic Law Enforcement Training

The North Carolina Criminal Justice Education & Training Standards Commission mandates all entry level law enforcement officers to be certified by completing its 16-week, 616-hour Basic Law Enforcement Training (BLET) curriculum and testing.¹⁵⁴ The curriculum is comprised of 36

¹⁵³ McCarthy, Garry. “Testimony to the President’s Task Force on 21st Century Policing.” January 30, 2015. United States Department of Justice. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/pdf/taskforce/submissions/McCarthy-Garry-Testimony.pdf> (accessed August 28, 2017).

¹⁵⁴ North Carolina Department of Justice. “Basic Law Enforcement Training.” <http://www.ncdoj.gov/getdoc/082c4314-b82d-4cd0-bb91-104e0f9d2bbd/Basic-Law-Enforcement-Training.aspx> (accessed August 28, 2017).

blocks of instruction, practical exercises, and other tests on topics including: communication skills for law enforcement, ethics for professional law enforcement, crowd management, and patrol techniques. However, no specific instruction on NIMS and ICS, nor MFF, are provided to CMPD recruits.¹⁵⁵

CMPD Recruit and In-Service Training

Individual agencies may also supersede the hour requirements of the BLET curriculum and include additional courses. The CMPD added 65.5 hours to the BLET curriculum and testing, including an additional hour for crowd management training.¹⁵⁶

Upon completion of the increased BLET training curriculum, the CMPD also mandates that all recruits complete its agency academy of 171 hours of department-specific training.¹⁵⁷ During this time-period, recruits receive eight hours of instruction on communication skills and 16 hours of crisis intervention training, along with 16 hours of scenario-based training in which recruits are required to utilize only communication skills to calm hostile individuals. Recruits also receive four hours of Diversity Training, seven hours of oleoresin capsicum (OC) Training, five hours of De-escalation Training, and four hours of Community Enrichment instruction.¹⁵⁸ For CMPD, de-escalation means, “the tactics or techniques used by officers when faced with hostile individuals whether under arrest or just a citizen contact. The goal is to gain compliance or cooperation through verbal dialogue and non-confrontational body language, but if force must be used, to use the least amount to effectively control the person.”¹⁵⁹ Recruits also receive 16 hours of crowd management, including eight hours practical with riot gear. In addition, they receive training on First Amendment right protections taught under arrest, search and seizure and constitutional law.¹⁶⁰ The CMPD academy, however, does not require that recruits receive any training on NIMS and ICS nor MFF or complete any additional training on crowd management and control.

Additionally, the North Carolina Criminal Justice Education & Training Standards Commission requires every law enforcement officer in the state to complete 24 hours of in-service training annually: four hours of firearms training and qualification, 12 hours of required in-service training topics selected by the Commission, and eight hours of topics chosen by individual agencies. In 2016, the required training topics selected by the Commission included: human

¹⁵⁵ BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁵⁶ BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁵⁷ BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁵⁸ BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁵⁹ Charlotte-Mecklenburg Police Department. “Overview of CMPD De-escalation Training.” Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁶⁰ Email from CMPD Assistant Chief Vicki Foster to Ben Gorban, dated November 3, 2017.

trafficking awareness, foundations in historical and institutional racism and racial equity, and legal updates and firearms laws.¹⁶¹ The CMPD required all sworn officers to complete the CALEA-mandated training and use of force policy review regarding OC/Baton and subject control training, two hours of de-escalation training, and scenario-based training that involved countering police ambushes.¹⁶² The mandatory CMPD in-service training in 2015 also included crisis intervention training, Mental Health First Aid, and instruction on cultural proficiency.¹⁶³

CMPD Specialized Training

Separate from the standard training regimen as described above, the CMPD has also provided specialized training and equipment in preparation for large events hosted in the city, including the 2012 Democratic National Convention (DNC). In preparation for the DNC, approximately 1,200 CMPD officers received special crowd management and MFF training from the U.S. Department of Homeland Security (DHS), primarily through the Federal Emergency Management Agency (FEMA) from August – December 2011. The CMPD officers also received training focused on facilitating peaceful and lawful demonstrations; legal guidelines related to First Amendment rights and passive and peaceful demonstrations; and, tactics to leverage bicycles, horses, motorcycles, and field officers to ensure the safety of demonstrators and officers.¹⁶⁴ The CMPD Civil Emergency Unit (CEU) also purchased 300 public order bicycles, 16 utility task vehicles outfitted with additional response equipment, and 50 dual-sport motorcycles.¹⁶⁵

However, while aspects of MFF were incorporated into other CMPD trainings, members of the CEU are the only CMPD employees who continue to receive MFF training since the DNC. In 2016, CEU members received 17 hours of MFF training: four hours of movements, four hours of chemical munitions for specialized officers, eight hours of scenario-based training, and one hour of online training. In 2015, CEU members received 30 hours of MFF training: 10 hours of scenario-based training, eight hours of chemical munitions for specialized officers, eight hours of device extraction school for specialized officers, and four hours of movements.¹⁶⁶ Therefore, undoubtedly, some of the officers had not received this training prior to responding to the demonstrations in September 2016.

¹⁶¹ “2016 In-Service Topics Online.” Online Training. North Carolina Justice Academy. <http://ncja.ncdoj.gov/acadisonline.aspx> (accessed August 29, 2017).

¹⁶² Charlotte-Mecklenburg Police Department. “Overview of CMPD De-escalation Training.” Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁶³ Charlotte-Mecklenburg Police Department. “Overview of CMPD De-escalation Training.” Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁶⁴ Monroe, Rodney D. “Testimony to the President’s Task Force on 21st Century Policing.” January 30, 2015. United States Department of Justice. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/pdf/taskforce/submissions/Monroe-Rodney-Testimony.pdf> (accessed August 28, 2017).

¹⁶⁵ *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department’s Operations during the 2012 Democratic National Convention*. March 2013. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. <https://www.bja.gov/publications/2012-dnc-quick-look.pdf> (accessed August 29, 2017).

¹⁶⁶ Charlotte-Mecklenburg Police Department. “CMPD Training Overview.” Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

Constructive Conversation Team Training

Since the demonstrations, CMPD officers have begun receiving Constructive Conversation Team (CCT) training. The concept of CCT was developed by the CMPD in collaboration with Charlotte community members who participated in the demonstrations. The training began with an initial group of approximately 50 CMPD officers—many of whom responded to at least one night of the demonstrations—assigned to positions throughout the department and focused on enhancing interactions with community members, particularly in critical incidents, by combining classroom instruction and scenario-based training. The training instructs officers to actively listen to community members even if it involves withstanding some verbal abuse; to convey to the community member that they are actively listening and trying to connect; and to be able to provide community members with information and answers to their questions regarding CMPD policies, training, statistics, and other general questions asked.¹⁶⁷ Given the success of the CCT at other demonstrations and officer-involved shootings since September 2016, CMPD is requiring all sworn personnel to complete CCT training.¹⁶⁸

CMPD also introduced “Transparency Workshops” in 2017. Workshop topics are driven by issues that come out of community meetings and events, and/or current events that affect the community. The workshops are three-day events that offer insight to processes, operations, and services that relate to the topics. Workshops are led by CMPD officers, however the mission is not only to share the information, but to also listen to the community perspectives on these topics.



CMPD CCT Training with community members. Source: Charlotte Stories. <http://www.charlottestories.com/wp-content/uploads/2017/03/campagnatraining.jpg> (accessed December 20, 2017).

¹⁶⁷ Charlotte-Mecklenburg Police Department. “Constructive Conversation Team Training.” Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

¹⁶⁸ Assessment Team interview with CMPD major. June 5, 2017.

Implicit Bias Training

President Obama’s Task Force on 21st Century Policing emphasized that “[t]o achieve legitimacy, mitigating implicit bias should be a part of training at all levels of a law enforcement organization,” and recommended that implicit bias be included in basic officer training as well as in-service training for improving social interactions.¹⁶⁹ The Kirwan Institute for the Study of Race and Ethnicity at Ohio State University defines implicit bias as, “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.”¹⁷⁰ The Institute also explains that deep subconscious associations develop with indirect and direct exposures and experiences from an early age and can be compounded by interactions, experiences, and media.¹⁷¹

Certainly, this has implications for police officers and their responses in the community. Since implicit biases are malleable and it is possible to address and reduce them through training and policy interventions, many law enforcement agencies nationwide have developed implicit bias policies and participated in implicit bias training. Research suggests that the influence of implicit biases can be reduced by changing the context in which an interaction takes place. Consequently, through policy and training, it is possible to mend the harm that racial stereotypes do to our minds and our public safety. Agencies including: the Baltimore, Maryland, Police Department; the Chapel Hill, Durham, and Greensboro, North Carolina, Police Departments; the Minneapolis Police Department; and, the Tucson, Arizona, Police Department have undergone implicit bias trainings.¹⁷²

In addition to the implicit biases that sworn officers have that, dispatchers and other forward-facing employees can harbor implicit biases that can influence or be passed on to responding officers, also known as “profiling by proxy.”¹⁷³ Therefore, implicit bias training is beginning to be expanded throughout departments. For example, Burlington, Vermont, Police Department (BPD) officers have had training to address implicit bias since 2012, and expanded the requirement to undergo this training to all of its dispatchers. In a press statement explaining the expansion of the training, the BPD chief indicated, “Dispatchers, though they don’t operate out in the public, are a vital link in the relationship between citizens and the police... Good dispatching elicits a person’s trust, gathers accurate information, and leaves callers reassured... bias in dispatching, even inadvertent bias, can create an unnecessary divide.”¹⁷⁴

¹⁶⁹ President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf (accessed December 11, 2017).

¹⁷⁰ “State of Science: Implicit Bias Review 2015.” Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University. <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/> (accessed December 11, 2017).

¹⁷¹ “State of Science: Implicit Bias Review 2015.” Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University. <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/> (accessed December 11, 2017).

¹⁷² “Testimonials.” Fair & Impartial Policing. <http://www.fairimpartialpolicing.com/> (accessed December 11, 2017).

¹⁷³ Thureau, Lisa and Bob Stewart. “Avoiding ‘profiling by proxy.’” Think Justice Blog. Vera Institute of Justice. March 13, 2015. <https://www.vera.org/blog/police-perspectives/avoiding-profiling-by-proxy> (accessed December 11, 2017).

¹⁷⁴ Burlington Police Department. “BPD Dispatchers trained in Fair and Impartial Dispatching.” Burlington Police Department Press Release, January 8, 2016.

Despite the positive movement in implicit bias training for law enforcement personnel, the CMPD does not currently have a specific Directive, recruit or in-service implicit bias training for officers or other departmental employees such as 911 operators and dispatch who can, if appropriately trained, set the tone for the response to a call for service. The CMPD is, however, issuing an emotional intelligence (EI) test—which assesses the ability of the individual to recognize, understand, and manage their emotions personally and during interactions with others—to recruits and during promotional exams. Once the test is validated for CMPD, command staff will use it to determine potential underlying reasons that recruits applied as well as identify what qualities are most necessary for promotions.¹⁷⁵

Recommendations

Recommendation 2.1: The CMPD should conduct a thorough review of its academy courses and hours, and its additions to the required BLET courses, to emphasize empathetic dialogue and non-confrontational conversations with community members.

Training that reflects the needs and character of the community is important for enhancing transparency and creating a better-informed agency and public.

Proposed Action Steps:

- The review should work to incorporate the Integrating Communications, Assessment, and Tactics (ICAT) guide—which “takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach”—into training.¹⁷⁶
- The review should incorporate lessons learned and best practices identified in after-action reports from civil disturbances in Minneapolis, St. Louis County, Ferguson, Baltimore, and other cities that experienced civil disturbances; and, other de-escalation and Crisis Intervention Training (CIT) strategies.¹⁷⁷
- The CMPD should include community input into development of training.
- The CMPD should consider incorporating implicit bias training into their standard curriculum for all CMPD officers and other forward-facing department personnel.

Recommendation 2.2: The CMPD should continue engaging community members in the training process. The Constructive Conversation Team training includes exercises in which members of the Charlotte advocacy community engage in the same behaviors that they engage in during their demonstrations. Trainees are then required to de-escalate the demonstrators using only communication. The training session concludes with the community members and officers explaining their perspectives and actions to one another, to facilitate learning and understanding.

<https://www.burlingtonvt.gov/sites/default/files/police/press/BPD%20Dispatchers%20Trained%20in%20Fair%20and%20Impartial%20Dispatching.pdf> (accessed December 11, 2017).

¹⁷⁵ Assessment team telephone call with CMPD Assistant Chief. December 14, 2017.

¹⁷⁶ Police Executive Research Forum. “ICAT: Integrating Communications, Assessment, and Tactics.” <http://www.policeforum.org/icat-training-guide> (accessed August 30, 2017).

¹⁷⁷ For a full library of critical incident reviews and after-action assessments, visit the Police Foundation Critical Incident Review Library at: <https://www.policefoundation.org/critical-incident-review-library/> (accessed December 14, 2017).

Proposed Action Steps:

- The integration of community perspectives into training, through various means, should continue and should be expanded to other trainings that impact community members, including traffic enforcement and CMPD history.
- The CMPD should consider engaging a committee comprised of CMPD members and community members to develop a strategy and process for incorporating community members into training development and review.

Recommendation 2.3: The CMPD should continue to support and expand the Constructive Conversation Team program, expanding it internally and further engaging the community.

Proposed Action Steps:

- The CMPD should increase the number of officers trained to engage in the Constructive Conversation Team program, enabling the program to run in more parts of the Charlotte community more often.
- CMPD leadership should consider engaging a community advisory board to continue to cultivate additional creative development of the Constructive Conversation Team.

Recommendation 2.4: Curricula to train all CMPD personnel on crowd management strategies and tactics should be developed from and/or revised based on current best practices, policy recommendations, and lessons learned from after-action reviews of similar events.

Proposed Action Steps:

- The CMPD should review training to ensure that at a minimum, future department-wide trainings should include: basic principles of Mobile Field Force operations, movements, and problem solving; First Amendment rights and protections; and, NIMS and ICS. Particular attention should be given to the role of patrol officers, who may be the first on the scene of an escalating event. Such officers and their supervisors should be trained on making initial assessments and providing information that will inform incident management decision and ensure an appropriate response at the division and department level.

Recommendation 2.5: The City of Charlotte administration, the City Manager, and the CMPD should lead all relevant City personnel, elected officials, mutual aid agencies and other stakeholders in NIMS/ICS training and practical exercises.

Proposed Action Steps:

- The City of Charlotte administration, the City Manager, the CMPD, and mutual aid agencies should plan and exercise for complex and evolving critical incidents on a regular basis. These plans and exercises should include both tabletop and field exercises and involve law

enforcement, fire, EMS, emergency management, elected officials, and other government and nongovernment agencies and stakeholders as appropriate.¹⁷⁸

¹⁷⁸ Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. 2016. Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center. Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/bringing-calm-to-chaos-a-police-foundation-review-of-the-san-bernardino-terrorist-attacks/> (accessed December 5, 2017).

Pillar 3: Equipment and Technology

Introduction

Since the police response to the mass demonstrations in Ferguson, Missouri, a national discussion—specifically concerning, “police tactics, weaponry, and resources that appear more closely akin to military operations than domestic law enforcement”—has shined a light on the evolution of response to First Amendment-protected activities.¹⁷⁹ However, effective and safe management of mass demonstrations—especially mobile demonstrations—relies heavily on maintaining and deploying the necessary civil disturbance equipment at the appropriate times and levels. The Charlotte-Mecklenburg Police Department (CMPD) command staff advised they deployed resources and equipment in a thoughtful, well-timed, and well-planned manner as part of a tiered approach that was formed on the basis of lessons learned from hosting the 2012 Democratic National Convention (DNC) and watching law enforcement responses to similar demonstrations nationwide.¹⁸⁰ On the other hand, community members perceive that, “CMPD and its officers undertook actions which were purposefully designed to frighten and punish demonstrators by inflicting harm,” and that demonstrators, “were met with a militarized response by CMPD.”¹⁸¹

Equipment

Over the course of the response to the demonstrations in September 2016, the CMPD and the North Carolina Army National Guard (NCNG) deployed equipment that can be divided into three categories: personal protective equipment (PPE), less-lethal devices, and bicycles.¹⁸²

Personal Protective Equipment

Law enforcement agencies, while prioritizing officer safety, must carefully consider the balance between the need for protection and the image presented by a frontline of officers clad in PPE.¹⁸³

¹⁷⁹ Institute for Intergovernmental Research. 2015. *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri*. COPS Office Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p317-pub.pdf> (accessed August 31, 2017).

¹⁸⁰ Assessment Team interview with CMPD captain. June 7, 2017.

¹⁸¹ Braxton David Winston, II et al v. City of Charlotte et al. “Complaint for Injunctive Relief.” October 21, 2016. <http://photographyisnotacrime.com/wp-content/uploads/2016/11/Charlotte-Uprising-Lawsuit.pdf> (accessed September 1, 2017).

¹⁸² Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

¹⁸³ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing

Historically, the law enforcement community has believed that the use of PPE by police during mass demonstrations had a deterrent effect on violent behavior. However, in recent events, police departments equipped with PPE have been perceived as contributing to the escalation of demonstrations, by being portrayed in the media through a heavy-handed or militaristic light.¹⁸⁴ This trend continued in Charlotte, where CMPD Civil Emergency Unit (CEU) officers wearing additional PPE were repeatedly photographed standing in a tactical line across from demonstrators.¹⁸⁵ Each CEU officer is issued PPE that includes a helmet, arm and leg pads, gloves, and external vests. Each helmet has a clear face shield that has a four-digit number printed on each side in large white font, which corresponds to a master equipment roster, to facilitate identification of officers wearing the PPE by both supervisors and members of the public. The officers are also issued long batons and shields.

During interviews, CMPD officers noted that the CEU officers and their additional equipment were required because of the volatility and hostility of the demonstrators at times, and multiple severe injuries suffered by their colleagues.¹⁸⁶ As demonstrators arrived at the scene of the incident in ever-growing numbers, some of the initial responding officers believed they were underdressed and ill-equipped to maintain their safety and security as well as the safety and security of the scene, necessitating the request for the CEU squads.¹⁸⁷ However, community members perceived the CEU officers' attire and equipment as ominous and preemptively combative.¹⁸⁸ Some of the demonstration leaders claim that the deployment of CMPD officers in "riot gear" and the arrival of the NCSG in Humvees and armored vehicles only served to instigate and enflame individuals who were there to seek answers and justice.¹⁸⁹

Less-Lethal Devices

Law enforcement officers generally only deploy less-lethal devices in response to escalating violence or disorder during civil demonstrations. Much like equipment though, departments must balance the need for deployment of such devices against the perceptions and implications of leveraging them against demonstrators.¹⁹⁰ Especially given recent media portrayals of law

Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

¹⁸⁴ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing

Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

¹⁸⁵ Clasen-Kelly, Fred. "Did CMPD use too much show of force—or too little—during protests?" *Charlotte Observer*. October 31, 2016. <http://www.charlotteobserver.com/news/local/article111593532.html> (accessed August 31, 2017).

¹⁸⁶ Assessment Team interview with CMPD captain. June 7, 2017.

¹⁸⁷ Assessment Team interview with CMPD captain. June 7, 2017.

¹⁸⁸ Assessment Team focus group with community members. June 7, 2017.

¹⁸⁹ Assessment Team focus group with community members. June 7, 2017.

¹⁹⁰ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing

enforcement and the impacts of demonstrators' live-streaming footage of officers nationwide utilizing less-lethal options, agencies must strongly consider the implications, even if policies and procedures allow for their deployment. According to a Police Executive Research Forum (PERF) report on managing mass demonstrations:

“Use [of less lethal devices] must be balanced against the threat faced by frontline officers, as well as the goals officers are attempting to accomplish (e.g., contain, make arrests, quell disorder). The option should be used only until the desired effect is achieved. Use should be frequently reassessed to ensure continued need for deployment.”¹⁹¹

The CMPD acknowledged deploying less-lethal options over the course of the response to the demonstrations in September 2016. The first night—after members of the crowd threw bottles, rocks, and other projectiles—a handheld gas canister was deployed.¹⁹² Additionally, after members of the crowd of demonstrators encircled a bus that arrived to extricate CEU and other CMPD officers from the scene and continued to throw projectiles, a stinger grenade (rubber pellets and oleoresin capsicum (OC) spray), and a Triple Chaser CS canister were deployed. As the demonstrations continued down Old Concord Road, additional dispersal orders were given before another round of munitions were thrown. When that proved ineffective in calming the crowd, the CEU again deployed, “crushable foam nosed munitions that deliver OC powder...40mm muzzle blast CS powder munitions, and hand tossed smoke and CS gas munitions.”¹⁹³

As the demonstrations continued on September 21, some demonstrators at the EpiCentre became increasingly agitated and destructive, looted nearby stores, and attempted to light a dumpster on fire. After multiple dispersal orders were given, and were ignored by those who remained, CEU deployed hand-tossed smoke and CS gas, and a long range acoustic device (LRAD) was used multiple times.¹⁹⁴ An LRAD is a device that broadcasts messages, warnings, notifications and other commands approximately 1.5 miles into large crowds in a manner that is safe for both law

Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

¹⁹¹ *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*. 2014. (Washington, DC: Police Executive Research Forum).

http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf (accessed September 1, 2017).

¹⁹² Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

¹⁹³ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

¹⁹⁴ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

enforcement and members of the crowd.¹⁹⁵ Likewise, only hand-tossed smoke was utilized because of the potential dangers of CS gas to motor vehicles.¹⁹⁶

The final use of less-lethal crowd control agents occurred on September 22, when CEU again deployed Pepperball rounds to move demonstrators off I-277.¹⁹⁷ Again, prior to the Pepperball rounds being used, multiple dispersal orders were given over a public address (PA) system on an armored vehicle.¹⁹⁸

Each of these deployments, the equipment used, and the investigations into their use were consistent with CMPD Directive 600-019 (Use of Less Lethal Force). The directive approves use of less-lethal equipment including beanbag rounds, chemical irritants, and rubber pellets.¹⁹⁹ Additionally, the directive specifies that only officers who are authorized and trained in the use of these types of equipment may utilize less-lethal equipment and when, “The Civil Emergency Unit or other specialized unit uses the less lethal option(s) to disperse rioters, mobs, crowds, or barricaded subjects...the commander of that unit will complete one Supervisor’s Investigative Report.”²⁰⁰ These reports were completed every day, which was acknowledged by community members who participated in the demonstrations.²⁰¹

Bicycles

Throughout the peaceful hours of the demonstrations, the CMPD capitalized on the promising practice of deploying bicycle units to manage the crowds exercising their First Amendment rights.²⁰² Officers on bicycles were utilized to protect the demonstrators as they moved into and around uptown Charlotte and onto I-85 and I-277 and to direct traffic around the demonstrators. When needed, the officers were also able to utilize their bicycles as barriers to mitigate aggressive actions by the demonstrators and maintain ingress and egress into private facilities that were being blocked by demonstrators.²⁰³

¹⁹⁵ “Law Enforcement.” LRAD Corporation. <https://www.lradx.com/application/law-enforcement/> (accessed September 14, 2017).

¹⁹⁶ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

¹⁹⁷ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

¹⁹⁸ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

¹⁹⁹ 600-019 Use of Less Lethal Force. CMPD Directives. May 12, 2016.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed September 1, 2017).

²⁰⁰ 600-019 Use of Less Lethal Force. CMPD Directives. May 12, 2016.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed September 1, 2017).

²⁰¹ Assessment Team focus group with community members. June 7, 2017.

²⁰² Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

²⁰³ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

Other Specialized Equipment

At times during their response to the demonstrations, CMPD officers required specialized equipment to ensure community and officer safety. While some demonstrators suggested that the Bearcat and the LRAD were unnecessary and served as examples of the department's proclivity to suppress their First Amendment protected activity, the equipment for officer safety was needed and was used appropriately.

In the early morning hours of September 21, 2016, after demonstrators began breaking into stopped trucks and igniting a fire on Interstate 85, officers determined it was unsafe for them to move closer to disperse the group. Dispersal orders were given by using the PA system on an armed personnel carrier (APC), known as a Bearcat. The Bearcat was also used that evening to extricate shooting victim Justin Carr. Many demonstrators believed the police were responsible for the shooting, and blocked medical first responders from the scene. The Bearcat, which had been stationed a couple blocks away from the EpiCentre, was immediately brought in to extricate the shooting victim so that he could be treated and transported to the hospital.²⁰⁴

Later, as some of the demonstrators caused more chaos—breaking into and looting the EpiCentre Sundries store and throwing bottles of liquor, rocks, and concrete at CMPD officers—three dispersal orders were given utilizing an LRAD. While this had a temporary impact on the size and location of the crowd, approximately three hours later the LRAD was needed again, this time to give five dispersal orders.²⁰⁵

Regional Resources

As the largest law enforcement agency in the region, the CMPD generally provides resources and personnel to smaller agencies via mutual aid. However, given the severity of the demonstrations, the CMPD requested mutual aid in this instance. It took longer than expected for the CMPD to receive mutual aid resources requested from smaller nearby agencies and for larger agencies in Raleigh and Greensboro to arrive once the demonstrations became especially violent and destructive.²⁰⁶ This precipitated switching CMPD officers to 12-hour shifts, declaring a State of Emergency to stand up a platoon to assist with the response, and deploying the NCNG.

Technology

The Role of Cameras

Technology—particularly body-worn cameras (BWCs)—played an integral role in fueling the frustrations of the demonstrators. As described in CMPD Directive 400-006 (Body Worn Camera (BWC)), BWCs are, “utilized by officers to promote transparency in accordance with

²⁰⁴ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

²⁰⁵ Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

²⁰⁶ Assessment team focus group with CMPD command staff. April 12, 2017.

state law and accountability for officers and the community through objective evidence.”²⁰⁷ Although all uniformed officers involved in the initial incident were wearing BWCs, the CMPD initially declined to release the videos. The decision enflamed demonstrators.

A growing number of police departments across the country have implemented BWCs into their operations. As the Bureau of Justice Assistance’s *Body-Worn Camera Toolkit* suggests, while BWCs “are only one of the tools available to law enforcement for improving community trust, transparency, and accountability,” they offer several benefits for law enforcement agencies.²⁰⁸ Body-worn cameras are important assets during demonstrations as they provide an opportunity to record verbal and physical exchanges between demonstrators and the police – protecting all parties from false accusations as demonstrated during the 2016 Republican National Convention (RNC) in Cleveland, Ohio.²⁰⁹ During the RNC the Cleveland Division of Police issued BWCs to approximately 1,100 patrol personnel with crowd management and/or arrest responsibilities to ensure officer accountability and transparency, making the 2016 RNC the first national convention during which officers were equipped with BWCs.²¹⁰

By documenting verbal and physical exchanges, as well as other evidence, BWC footage may assist with the prosecution of criminal cases or in the review of complaints against officers by community members.²¹¹ For example, while limited research has been conducted on the effect of BWCs on criminal prosecutions, a study in Phoenix, Arizona, found that domestic violence cases involving an officer wearing a BWC were more likely to be initiated by the prosecutor’s office and result in guilty pleas or verdicts.²¹² Similarly, BWC footage may serve as video evidence in sustaining a community member’s complaint against a law enforcement officer, and may help law enforcement agencies to speed their investigations of community complaints.²¹³ In addition, law enforcement agencies can use the review of BWC footage to learn from use-of-force

²⁰⁷ 400-006 Body Worn Camera (BWC). CMPD Directives. May 8, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed September 1, 2017).

²⁰⁸ *Body-Worn Camera Toolkit: Body-Worn Camera Frequently Asked Questions*. 2015. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf (accessed November 21, 2017).

²⁰⁹ *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.

²¹⁰ *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.

²¹¹ *Body-Worn Camera Toolkit: Body-Worn Camera Frequently Asked Questions*. 2015. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf (accessed November 21, 2017).

²¹² *Evaluating the Impact of Officer Body Worn Cameras in the Phoenix Police Department*. December 2014. Phoenix, AZ: Center for Violence Prevention & Community Safety, Arizona State University. http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf (accessed November 21, 2017).

²¹³ *Body-Worn Camera Toolkit: Body-Worn Camera Frequently Asked Questions*. 2015. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf (accessed November 21, 2017).

encounters and identify best or better practices that can be later incorporated into officer training.²¹⁴

As implementation of BWC technology has expanded, so has legislation regarding its use, which can vary widely by state. By September 16, 2016, four days before the September 20, 2016 officer-involved shooting, all CMPD patrol officers were trained and equipped with BWCs.²¹⁵ Prior to 2016, policies regarding the release of video footage varied across North Carolina and remained largely at the discretion of local law enforcement leaders.²¹⁶ On October 1, 2016, a North Carolina law, General Statute Section 132-1.4A: Law Enforcement Agency Recordings, went into effect that specifies recordings are not public records and that requires a court order before state or local law enforcement agencies can publicly release any footage from body or dashboard cameras.²¹⁷ Consistent with state law, CMPD Directive 400-006 (Body Worn Camera (BWC)) specifies that, “the Police Attorney’s Office, upon request of the Chief of Police, shall petition the Court for an order to release Body Worn Camera video to the public in all significant officer involved incident where a citizen is seriously injured or killed.”²¹⁸ The state law also requires individuals seeking to view or listen to a recording in the custody of a law enforcement agency to submit a written request to that law enforcement agency. The video can only be “disclosed” in this manner to specific individuals, including a person whose image or voice is captured in the recording or their personal representative.²¹⁹

Within the CMPD, all sworn employees with a BWC are directed to use their camera to record any assigned call for service, crime related interactions with citizens while on duty or working secondary employment.²²⁰ Under the CMPD directives, sworn employees with a BWC are responsible for using the devices to record applicable interactions with the public.²²¹ All officers and sergeants in Patrol must wear and operate a BWC while on duty.²²² Sworn employees assigned to the Civil Emergency Unit (CEU) are exempt from wearing BWCs while wearing

²¹⁴ *Body-Worn Camera Toolkit: Body-Worn Camera Frequently Asked Questions*. 2015. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf (accessed November 21, 2017).

²¹⁵ Bell, Adam. “All CMPD patrol officers now have body cameras.” September 16, 2015.

<http://www.charlotteobserver.com/news/local/crime/article35451150.html> (accessed November 21, 2017).

²¹⁶ Binker, Mark. “New NC body camera law will mean court order required for police video release.” September 22, 2016. WRAL. <http://www.wral.com/new-nc-body-camera-law-will-mean-court-order-required-for-police-video-release/16037830/> (accessed November 21, 2017).

²¹⁷ “Section 1. Chapter 132-1.4A. Law enforcement agency recordings.” General Assembly of North Carolina Session 2015. <https://www.ncga.state.nc.us/Sessions/2015/Bills/House/HTML/H972v7.html> (accessed November 21, 2017).

²¹⁸ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

²¹⁹ “Video Disclosure Request.” Charlotte-Mecklenburg Police Department.

http://charlottenc.gov/CMPD/Pages/Resources/VideoDisclosure_Request.aspx (accessed November 21, 2017).

²²⁰ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²¹ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²² 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

their CEU chest protectors,²²³ which is not aligned with national best practices, especially for units that respond to mass demonstrations.²²⁴

Sworn employees with a BWC are also responsible for docking their BWC at the end of their shift to facilitate the automatic video and audio upload for storage purposes, and for immediately notifying a supervisor if a malfunction occurs with a BWC or its components.²²⁵ In the event of a malfunctioning BWC, sergeants are responsible for directing the officer to obtain a loaner BWC from the Real Time Crime Center (RTCC) or for ensuring the officer is paired with another officer whose BWC is operational. Sergeants and lieutenants review BWC recordings to ensure compliance with directives, and a Policy Compliance Administrator oversees compliance.²²⁶ A CMPD Computer Technology Solutions employee is responsible for overall maintenance of the BWC system, maintaining and assigning roles and permissions to all CMPD employees based on their titles and needs, and redacting or deleting videos in consultation with the Agency Compliance Administrator. Together, these two have the primary authority and responsibility for maintenance of all CMPD footage. The directive also outlines retention periods for different types of videos, including 20 years for felony criminal investigations and traffic stops, four years for Internal Affairs Case Management System (IACMS) videos, and three years for non-felony criminal investigations and misdemeanor traffic stops.²²⁷ In addition to BWC footage, during the demonstrations, the CMPD collected almost 80 hours of footage recorded by its helicopter, as well as traffic and other cameras.²²⁸

²²³ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²⁴ *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.

²²⁵ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²⁶ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²⁷ 400-006 Body Worn Camera (BWC). CMPD Directives. September 19, 2017.

<http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf> (accessed November 21, 2017).

²²⁸ Miller, Doug and Bruce Henderson. “Just-released police video shows protests growing after Scott shooting.” September 12, 2017. <http://www.charlotteobserver.com/news/local/article172888376.html> (accessed September 14, 2017).

Effective Use of Equipment and Technology in Managing Large-Scale Security Events and First Amendment Assemblies

Bicycles: During the 2016 Presidential Nominating Conventions, the Cleveland Division of Police (CPD) and Philadelphia Police Department (PPD) strategically deployed bicycle units in the pre-planned demonstration sites and along designated parade routes. These units were effective in providing rapid and tactical, yet non-militaristic approaches to crowd management; to cordoning off restricted pedestrian routes; and diverting traffic. Some of the PPD bicycle officers engaged in conversations with demonstrators and used their bikes to more easily distribute water during the excessive heat. Officers also used their bicycles as temporary barricades to isolate demonstrators who were inciting violence, and to separate protest groups.

Body-Worn Cameras: The Cleveland Division of Police (CPD) also outfitted every officer with crowd management and/or arrest responsibilities with a body-worn camera (BWC) during the 2016 Republican National Convention. The CPD ordered specially-designed mounts so that crowd management and arrest team officers could accommodate their protective equipment and required mutual aid officers to have BWCs as well. The BWCs were required to improve transparency as CPD officers protected the Convention and accountability for all public-facing officers.

Unmanned Aircraft Systems: Some police departments have also had success in using unmanned technology to protect officer and community safety. Unmanned aircraft systems (UAS), for example, can, “among other benefits, help find lost persons, protect police officers during searches for armed suspects...and aid in disaster relief and recovery.” They can also provide real-time situational awareness and keep both officers and the community safe during large demonstrations, by monitoring group movements. During Super Bowl XLV in 2011, the Arlington (Texas) Police Department utilized a UAS to conduct security and to visually inspect the roof of AT&T Stadium before and during the game. Police Departments considering utilization of UAS should include the community in the analysis and decision to acquire them.

Sources: 1) *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. 2) *Managing Large-Scale Security Events: A Planning Primer for Local Law Enforcement Agencies*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. 3) Valdovinos, Maria, Specht, James, and Zeunik, Jennifer 2016. *Law Enforcement & Unmanned Aircraft Systems (UAS): Guidelines to Enhance Community Trust*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/wp-content/uploads/2016/11/UAS-Report.pdf> (accessed September 13, 2017).

Recommendations

Recommendation 3.1: The CMPD should continue the practice of deploying bicycle officers during demonstrations and mass gatherings. Nationally, law enforcement agencies continue to have success in using bicycle patrols to manage security for First Amendment assemblies,

demonstrations or other large-scale events and gatherings. In Charlotte, bicycle officers were well-received by demonstrators.

Proposed Action Steps:

- The CMPD should consider forming a specialized Bicycle Unit, that can be deployed as the front line during mass demonstrations and other large-scale events to provide a tactical, yet non-militaristic response and help de-escalate tensions.

Recommendation 3.2: The CMPD should conduct a regional inventory of assets, or create a regional Council of Governments (COG), to assist incident commanders in identifying potential resources at their disposal that may assist them in their efforts.

Proposed Action Steps:

- The CMPD should consider leading the coordination of a COG to ensure awareness of regional assets during critical incidents. A COG brings together leaders from regional, state, and federal agencies to identify what resources each jurisdiction can bring to bear in a critical incident. Understanding what resources are available and the time it will take for those resources to arrive on scene ahead of time is invaluable to decision-makers during a critical incident.

Recommendation 3.3: The City of Charlotte administration, the City Manager, and the CMPD should establish a committee to create a protocol for determining the appropriate process for releasing BWC footage in critical incidents. The committee should include representatives from the City Attorney’s Office; relevant City, Town, and County stakeholders; and, community members. While each critical incident will involve a unique set of circumstances, having a collaboratively-created protocol for determining the appropriate process for releasing BWC footage will help to alleviate many of the issues that arose in this instance.

Proposed Action Steps:

- The CMPD should utilize an established process for creating and vetting BWC footage release protocol with the community.
- The CMPD should leverage a diverse communication strategy to ensure that the protocol is well known by the community so that the public knows what to expect in a critical incident regarding release of footage. The protocol should be understood and agreed upon by public officials and reiterated in the event of a critical incident.

Recommendation 3.4: The CMPD should equip officers with body worn cameras, especially officers assigned to its Civil Emergency Unit (CEU). The use of BWCs during the Republican National Convention demonstrated the benefits of recording interactions between law enforcement personnel and individuals participating in demonstrations. The department even went so far as to ensure that the camera mounts were specially fitted to personal protective equipment (PPE) worn by CEU officers.

Proposed Action Steps:

- The CMPD should review and ensure that policy, protocol, directives and training all require officers, particularly CEU officers, to use body-worn cameras during all interaction with community members.
- The CMPD should purchase special mounts for body-worn cameras that are compatible with the PPE worn by CEU members, to demonstrate a continued move towards transparency and accountability, while also focusing on officer safety.

Pillar 4: Social Media and Communication

Traditional media and social media communication played significant roles and provided multiple advantages to the activists throughout the demonstrations in Charlotte. Demonstrators relied primarily on Facebook Live—a feature on the Facebook mobile application that allows Facebook users to broadcast “live” to their friends and followers as well as specific groups and event pages as events unfolded.²²⁹ Using Facebook Live and Twitter, activists quickly took control of the narrative by broadcasting videos and images that furthered their perspectives. As the demonstrations progressed, these individuals continued to leverage their social media followings to broadcast their narratives and calls for justice, share their perceptions and perspectives of the law enforcement response, and spread rumors from their different locations. They also utilized social media to arrange multiple meeting locations throughout the city and to coordinate their next steps when groups were large enough to cause disruptions, intentionally overwhelming and “outmaneuvering” the traditional responses of the Charlotte-Mecklenburg Police Department (CMPD). Most importantly, the strategic use of social media by demonstrators and activists afforded them the opportunity to control the narrative, from the beginning, and mired the CMPD Public Affairs Office and command staff in a cycle of constantly responding versus proactively disseminating accurate and timely information to dispel rumors and correct false statements.

Public Information and Media

The CMPD Public Affairs Office is staffed by two civilian members and supported by two lieutenants.²³⁰ The Public Affairs Director is a former police officer and media reporter, and the Public Affairs Coordinator is a former media reporter who has also served in other civilian positions within the CMPD. Together, the Office is responsible for managing relationships with the news media, posting on the CMPD’s social media accounts and website, and managing relationships with the public. During the demonstrations, the Public Affairs Office and the CMPD command staff, were unable to effectively leverage traditional and social media to communicate with the public, dispel rumors and correct false statements.

The initial CMPD media and public affairs strategy was to not release information regarding the officer-involved shooting or to respond to questions raised by demonstrators at the scene until the facts could be determined and appropriately disseminated. The department did not respond to the initial flurry of rumors related to the shooting, nor did they leverage the media as an outreach tool to encourage the community to remain calm. These early decisions were not shared by the Public Affairs Office who argued for a more aggressive media response.²³¹

²²⁹ Greenberg, Julia. “Zuckerberg *Really* Wants You to Stream Live Video on Facebook.” *Wired*. April 6, 2016. <https://www.wired.com/2016/04/facebook-really-really-wants-broadcast-watch-live-video/> (accessed August 24, 2017).

²³⁰ “Office of the Chief.” Charlotte-Mecklenburg Police Department. <http://charlottenc.gov/CMPD/Organization/Pages/Office-of-the-Chief.aspx> (accessed August 24, 2017).

²³¹ Assessment team interview with CMPD Public Affairs Office. June 6, 2017.

Coordinated and Unified Public Messaging

By its nature, the September 2016 demonstrations in Charlotte were a novel, rapidly-evolving, and dynamic event. As is often the case in crisis response, political officials and operational commanders had different styles and approaches to managing the event. The challenges of effectively parsing responsibilities between political and operational officials, had immediate implications throughout the response, especially in public messaging.²³²

A fundamental principle of crisis and civil disturbance management is that an effective response requires communication, collaboration, and partnerships among elected officials, public safety leaders, other government agencies, and at times private sector and community organizations. Inconsistent messaging, multiple media strategies, and strained relationships between Charlotte officials during the September 2016 demonstrations negatively impacted the response in Charlotte.²³³

The challenges in the City's coordination and public messaging were exacerbated by the lack of a permanent City Manager. At the time of the incident, the Interim City Manager was unfamiliar with the roles and responsibilities necessary to resolve a civil disturbance of this magnitude.²³⁴ This created communication and coordination issues among the City administration, the Interim City Manager's office, and the CMPD as the events unfolded. For example, every morning the Interim City Manager held meetings with the mayor, mayor pro tem, the chair of the public safety committee, and the council member for the district where the officer-involved shooting had occurred to develop and coordinate a plan for their response, but the "plan" was not effectively communicated to or coordinated with the CMPD or other city agencies engaged in the response. The Interim City Manager deferred many of the critical decisions to others throughout the incident and failed to act as the focal point for city decision-making which led to fractured coordination and poor communication between City administration, the CMPD and other city agencies to include those charged with public information.

The Police Foundation assessment team believes that the mayor and other elected officials, the interim city manager, and the police chief would have benefitted from a pre-planned multi-actor coordination process, in which consultation, negotiation, and disagreement were the order of the day, and where roles and responsibilities are clearly defined. For example, in response to the 2013 Boston Marathon bombing, officials employed the principles of "swarm intelligence" to manage the crisis. The principles of "swarm intelligence" include:

1. "Unity of mission and connectivity of action;
2. A spirit of generosity that rallied groups and individuals to assist one another;

²³² Hunton & Williams LLP. *Final Report: Independent Review of the 2017 Protest Events in Charlottesville, Virginia*. Hunton & Williams LLP. 2017. <https://localvtwtr.files.wordpress.com/2017/12/cvillereview.pdf> (accessed December 14, 2017).

²³³ During an assessment team conference call with Charlotte Stakeholder Group, members noted that the lack of a unified city message contributed to their perception of division in the city's response. November 3, 2017.

²³⁴ Assessment team interview with Interim City Manager. June 7, 2017.

3. Respect for the responsibilities and authorities of others, described as ‘staying in one’s lane,’ while assisting others to succeed in their lane to accomplish mission critical duties and tasks;
4. Neither taking undue credit nor pointing blame among key players, oftentimes portrayed as ‘checking your ego at the door’;
5. Genuine interpersonal trust and respect developed well before the event so that existing and dependable leadership relationships, integrity, and camaraderie can be leveraged during the event...²³⁵

Similarly, the PIOs in Orlando were able to manage and mitigate much of the media frenzy surrounding the June 12, 2016 terrorist attack at the Pulse nightclub by having a strong citywide communications strategy in place prior to the attack. While the communications strategy was used during the response to a terrorist attack, it was developed to respond to a civil disobedience. In response to civil disturbances that took place in Ferguson in 2014 and Baltimore in 2015, the City of Orlando recognized the importance of communications to control its own story. PIOs from each of the city departments and the city Office of Communications and Neighborhood Relations all played an active part in the tabletop exercise establishing a coordinated process for communicating about different types of events. According to Orlando officials and PIOs, the table top exercise led to the seamless implementation of the City’s communication strategy in response to the Pulse nightclub attack.²³⁶ Following the attack, Orlando’s Mayor, the Chief of Police, the Orange County Sheriff, and their respective public information offices, issued coordinated messages that the City of Orlando would be defined by its unified and loving response to the Pulse, not by the act of hate.²³⁷

In addition to coordinating public messaging, city officials—including elected and appointed officials—should understand the communications principles described in the National Incident Management System (NIMS) and Incident Command System (ICS). As the Federal Emergency Management Agency’s guidance on NIMS affirms, “Elected and appointed officials are key players in incident management...Effective communication between...incident personnel and policy-level officials fosters trust and helps ensure that all leaders have the information they need to make informed decisions.”²³⁸ NIMS and ICS should guide city officials in predetermining and

²³⁵ Marcus, Leonard J., Eric McNulty, Barry C. Dorn, and Eric Goralnick. *Crisis Meta-Leadership Lessons From The Boston Marathon Bombings Response: The Ingenuity of Swarm Intelligence*. 2014. Cambridge, MA: The President and Fellows of Harvard University. <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/8/2014/04/April-2014-Prelim-Report-Dist1.pdf> (accessed November 21, 2017).

²³⁶ Burke, Sharon, Alyssa Sims, and David Sterman. *War and Tweets: Terrorism in America in the Digital Age*. October 27, 2016. New America. <https://na-production.s3.amazonaws.com/documents/War-And-Tweets10.27.pdf> (accessed October 27, 2017).

²³⁷ Burke, Sharon, Alyssa Sims, and David Sterman. *War and Tweets: Terrorism in America in the Digital Age*. October 27, 2016. New America. <https://na-production.s3.amazonaws.com/documents/War-And-Tweets10.27.pdf> (accessed October 27, 2017).

²³⁸ *National Incident Management System*. October 2017. United States Department of Homeland Security. Washington, DC: Federal Emergency Management Agency. https://www.fema.gov/media-library-data/1508151197225-ced8c60378c3936adb92c1a3ee6f6564/FINAL_NIMS_2017.pdf (accessed November 22, 2017).

coordinating their roles and responsibilities and statements so that, in the event of an incident, all stakeholders—including elected officials—are prepared to help resolve critical incidents.²³⁹

Demonstrators Controlled the Narrative

From the beginning, individuals at the scene used social media to voice their frustrations, and to control the narrative. The message was that this was the latest case of “an officer-involved shooting of an unarmed African-American.”

Numerous people at the scene, particularly students that had just gotten off a school bus, used Facebook and Twitter to spread the narrative that Mr. Scott was waiting unarmed for his son to get off the bus when he was confronted by police.^{240 241} This was accentuated by the live stream of Mr. Scott’s daughter, who indicated that her father was reading a book and waiting for her brother to get off the bus when he was, “shot for being black” and that the CMPD investigators had planted the gun in her father’s truck, and were lying about the presence of a gun on the news.²⁴² The video streams also included images of her consoling her brother when they found out that their father was pronounced dead at the hospital.²⁴³

Fueled by the videos—which went viral and were viewed nearly 500,000 times within five hours²⁴⁴ — and the narrative that another unarmed black male had been killed by law enforcement, activists rushed to the scene.²⁴⁵ Almost as soon as they arrived, the activists also took to social media accounts to live-stream from the scene.²⁴⁶ Some live-streamed conversations with individuals who claimed they had witnessed the incident, while others captured their own perspectives of the increasing number of demonstrators and encouraged their followers to join.

²³⁹ Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. 2016. *Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center*. Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/bringing-calm-to-chaos-a-police-foundation-review-of-the-san-bernardino-terrorist-attacks/> (accessed November 30, 2017).

²⁴⁰ Assessment team focus group with community activists and demonstrators. June 7, 2017.

²⁴¹ According to the District Attorney’s Office, during the subsequent investigation, “The SBI found no credible evidence that Scott was reading or possessed a book when he encountered law enforcement. Further, the SBI determined there was no credible evidence found to substantiate the ‘planting’ or altering of any evidence.” See: District Attorney’s Office, 26th Prosecutorial District of North Carolina. *The Keith Lamont Scott Death Investigation*. November 30, 2017. http://www.charmeckda.com/news/113016_1.pdf (accessed September 14, 2017).

²⁴² Lyric YourAdorable Scott. Facebook Live video. September 20, 2016.

<https://www.facebook.com/keirramsprettybabe.scott/videos/1099055070172542/> (accessed August 24, 2017).

²⁴³ Lyric YourAdorable Scott. Facebook Live video. September 20, 2016.

<https://www.facebook.com/keirramsprettybabe.scott/videos/1099055070172542/> (accessed August 24, 2017).

²⁴⁴ Peralta, Katherine. “Social media plays growing role in police shootings like the one in Charlotte.” *Charlotte Observer*. September 21, 2016. <http://www.charlotteobserver.com/news/local/crime/article103303997.html> (accessed August 22, 2017).

²⁴⁵ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

²⁴⁶ Peralta, Katherine. “Social media plays growing role in police shootings like the one in Charlotte.” *Charlotte Observer*. September 21, 2016. <http://www.charlotteobserver.com/news/local/crime/article103303997.html> (accessed August 22, 2017).

Others focused on the police response to the crowds, and the escalation of tension as the night progressed.²⁴⁷

The ability of social media to quickly mobilize large numbers of people allowed the assemblies to overwhelm and “outmaneuver” the CMPD officers at the scene. While CMPD pulled officers from nearby divisions and the on-scene operations commander requested two Civil Emergency Unit (CEU) squads—who formed up with their gear and deployed to the scene as quickly as possible—the number of demonstrators continued to grow exponentially. As an example, at 9:39 p.m., there were approximately 150 demonstrators, but only 20 – 30 CEU officers, and a small number of other CMPD officers, at the scene.²⁴⁸

The uneven ratio of demonstrators to CMPD officers at the scene was exacerbated by traditional media outlets. According to the CMPD, when media outlets arrived at the scene of the incident to provide live broadcasts, the demonstrators’ level of irritation increased dramatically.²⁴⁹ In fact, it was approximately 15 minutes later that a CMPD captain was struck with a rock, a handheld gas canister was thrown, and numerous rocks struck other officers.²⁵⁰

Additionally, as soon as CMPD officers deployed a stinger grenade (rubber pellets and OC spray) and other less-than-lethal munitions, the live-streaming and social media posts restarted. Some of the live-streamers continued to encourage their followers to raise awareness of the demonstrations by sharing their videos and to further spread the narrative from those claiming to have witnessed the incident.²⁵¹ Others focused their smartphones on the response by the CMPD, questioning why the department needed officers in “riot gear” to respond to a set of “angry, but peaceful, demonstrators who only wanted answers to their questions.”²⁵²

As the demonstrations continued into the early morning hours of September 21, 2016, so too did the influence of social media, particularly under the hashtags #KeithLamontScott and #CharlotteProtests.²⁵³ Some activists continued to encourage their followers to come to the scene to provide additional numbers as they planned on walking onto the nearby Interstate and shutting it down,²⁵⁴ or simply requesting that followers, “BRING WATER AND FIRST AID KITS” to

²⁴⁷ Peralta, Katherine. “Social media plays growing role in police shootings like the one in Charlotte.” *Charlotte Observer*. September 21, 2016. <http://www.charlotteobserver.com/news/local/crime/article103303997.html> (accessed August 22, 2017).

²⁴⁸ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

²⁴⁹ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

²⁵⁰ Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

²⁵¹ Mills Shaka Zulu Gill. September 20, 2016. <https://www.facebook.com/millsthefuture> (accessed August 22, 2017).

²⁵² Assessment team focus group with community activists and demonstrators. June 7, 2017.

²⁵³ Peralta, Katherine. “Social media plays growing role in police shootings like the one in Charlotte.” *Charlotte Observer*. September 21, 2016. <http://www.charlotteobserver.com/news/local/crime/article103303997.html> (accessed August 22, 2017).

²⁵⁴ Mills Shaka Zulu Gill. September 20, 2016. <https://www.facebook.com/millsthefuture> (accessed August 22, 2017).

the demonstrators that had been affected by chemical munitions.²⁵⁵ The hashtags were also used to organize groups of demonstrators in multiple locations simultaneously—a tactic that was meant to overwhelm the CMPD and its ability to respond effectively to multiple sites.

When the demonstrations moved to the EpiCentre the following day, social media again played an instrumental role. After an individual was shot, activists immediately took to their social media accounts to claim that CMPD was responsible for the shooting.²⁵⁶ In fact, many community members continue to believe that CMPD was responsible for his death.^{257 258}

Social Media Use During a Critical Incident

In critical incidents, law enforcement and government officials face a delicate balance between informing the public about what has occurred and ensuring the integrity of the response and investigation. Frequently in these situations, government officials are more focused on accuracy of information and protecting potential evidence than on quickly posting and sharing the most updated information.

While social media was ubiquitous for the demonstrators, and afforded them the opportunity to firmly grasp the attention and the narrative of the news media, the CMPD was almost entirely silent until it was too late. A standard statement providing preliminary information about the incident and indicating that Homicide Unit detectives were investigating the officer-involved shooting was posted on the department's website almost 90 minutes after the incident,²⁵⁹ however, neither the statement, nor a summary or link of it was shared on any of the department's social media accounts. In fact, the department did not leverage its social media accounts to discuss anything related to the incident until nearly five hours after the incident occurred and even those posts only provided information about officer injuries sustained during the demonstration.²⁶⁰

²⁵⁵ Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." *Charlotte Observer*. September 21, 2016. <http://www.charlotteobserver.com/news/local/crime/article103303997.html> (accessed August 22, 2017).

²⁵⁶ Clasen-Kelly, Fred, Michael Gordon, and Mark Washburn. "Even after arrest, many ask: Who killed Justin Carr?" *The Charlotte Observer*. November 12, 2016. <http://www.charlotteobserver.com/news/local/crime/article114396493.html> (accessed August 23, 2017).

²⁵⁷ Assessment team focus group with community activists and demonstrators. June 7, 2017.

²⁵⁸ According to two forensics experts, a rubber bullet did not kill Justin Carr. See: Gordon, Michael; Fred Clasen-Kelly; and, Michael Gordon. "Forensics experts: Rubber bullet did not kill protester Justin Carr." *The Charlotte Observer*. November 18, 2016. <http://www.charlotteobserver.com/news/local/crime/article115654038.html> (accessed September 17, 2017).

²⁵⁹ City of Charlotte. "Media Releases for the Scott case." September 20, 2016. http://charlottenc.gov/newsroom/releases/Pages/MediaReleases_Scott-case.aspx (accessed August 24, 2017).

²⁶⁰ Charlotte-Mecklenburg Police Department Twitter account. September 20, 2016. https://twitter.com/CMPD/status/778449789134344192?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fmashable.com%2F2016%2F09%2F21%2Fcharlotte-police-shooting-social-media%2F and https://twitter.com/CMPD/status/778437983942782976?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.cbnews.com%2Fnews%2Fperson-killed-in-officer-involved-shooting-in-charlotte-north-carolina%2F (accessed August 24, 2017).

The initial silence was exacerbated by the fact that one of the Public Affairs Office employees was out of the country when the officer-involved shooting occurred and the demonstrations began, forcing the remaining public information officer to operate between the command center at CMPD Headquarters and the scene. Because of being short staffed, the Public Affairs Office was only able to respond to information in the news and on social media instead of proactively pushing information and details to the community to prevent rumors and inaccurate information from controlling the narrative.²⁶¹

It is important to note that because the City of Charlotte operates under a Council-Manager form of government,²⁶² it does not have some of the same communications benefits as strong mayor forms of government. Therefore, the following examples are included for their basic principles, not as direct strategies for the City of Charlotte to implement.

In a similar situation, in the aftermath of an officer-involved shooting and subsequent demonstrations, the Minneapolis Police Department (MPD), leveraged traditional media and social media to share updates and messages and get involved in the narrative about the incident. During the demonstrations, MPD used all its social media platforms—including Facebook, Twitter, YouTube, and Periscope—to share information and developments related to the incident. On one of the most volatile nights, the MPD utilized its Twitter account to acknowledge its deployment of marking rounds and clarify that officers were being sprayed with mace by demonstrators, even retweeting an individual who explained that mace was being used by both sides. CMPD also leveraged Periscope to livestream entire press conferences and posted recordings on YouTube. The department was also able to leverage its pre-existing relationship with local media outlets to respond to each of the stories produced. Ultimately, the city's and MPD's coordinated public information and media strategy provided important information to the community and kept both more involved in the developing narrative.²⁶³

In addition to the benefits of leveraging social media to share information and updates, law enforcement and government officials can use the platform to observe—or listen to—social media posts and multimedia to gather additional situational awareness or intelligence from scenes of civil disturbances.²⁶⁴ As another example, during game seven of the 2011 Stanley Cup finals, a constable with the Vancouver Police Department (VPD) used a social media dashboard to create streams and searches that could be followed to respond to questions being asked by people who had gathered outside of the arena in Vancouver to watch the games being played in

²⁶¹ Assessment team interview with CMPD Public Information Officers. June 6, 2017.

²⁶² “Sec. 4.01 – Form of government.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

²⁶³ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed November 21, 2017).

²⁶⁴ International Association of Chiefs of Police. “Listening Strategy Fact Sheet.” December 2012. Alexandria, Virginia: International Association of Chiefs of Police. <http://www.iacpsocialmedia.org/wp-content/uploads/2017/01/Listening-Fact-Sheet.pdf> (accessed November 21, 2017).

Boston and to gain situational awareness. As it became apparent that Vancouver was going to lose the game and riots ensued, VPD continued to use social media to monitor the riots and to gather pictures and videos of people rioting. The ability to observe the social media posts being generated was useful in determining how to respond to the riots. In addition, the department could see hundreds of supportive tweets and emails, which they ultimately used to help generate tips and identifications of some of the rioters.²⁶⁵

Likewise, the PIOs from the Orlando Police Department report that a major lesson learned from their experience in responding to the Pulse terrorist attack was to use the assistance offered by another agency and/or trusted organizations to monitor social media during and immediately following the incident. The purpose of monitoring should be to ensure that false narratives and information are identified, dispelled, and countered with factual information quickly, as well as to gain situational awareness about spontaneous gatherings or group movements that may require response.²⁶⁶

Messaging During a Critical Incident

During the December 2, 2015 terrorist attack in San Bernardino, California, the San Bernardino County Sheriff's Department (SBCSD) leveraged social media to effectively communicate with the public. The SBCSD social media specialist used Twitter more than 40 times to inform followers about the developments throughout the day, including the officer-involved shooting with the suspects. At the same time, other officers in the SBCSD Public Affairs Unit were focused on local and cable news stations, monitoring information that was being broadcasted, to remain abreast of any misinformation that was being relayed to the public. The unit also used an interactive screen with only verified information that could be release to the media and the public, which helped ensure consistent messaging. This strategy also effectively reduced the number of phone inquiries from the press, which had the additional benefit of relieving staff to attend to other responsibilities. In addition, the chief of the San Bernardino Police Department utilized his Twitter account to provide information about the incident; preventing the dissemination of misinformation, particularly by local news media.

Source: Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. 2016. *Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center*. Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/wp-content/uploads/2016/09/Bringing-Calm-to-Chaos-Final-1.pdf> (accessed September 13, 2017).

²⁶⁵ Longley, Anne. "Vancouver, British Columbia, Police Department – Expect the Unexpected: Social Media During the Vancouver Stanley Cup Riot." 2011. IACP Center for Social Media.

<http://www.iacpsocialmedia.org/resources/case-studies/vancouver-british-columbia-police-department-expect-the-unexpected-social-media-during-the-vancouver-stanley-cup-riot/> (accessed November 21, 2017).

²⁶⁶ Centers for Disease Control and Prevention. *Crisis Emergency Risk Communication: 2014 Edition*. August 2014. Atlanta, GA: U.S. Department of Health and Human Services.

https://emergency.cdc.gov/cerc/resources/pdf/cerc_2014edition.pdf (accessed December 11, 2017).

Citywide Communication and Collaboration

During the 2012 Democratic National Convention (DNC), there was a single city joint information center (JIC) that was staffed by PIOs from CMPD, other law enforcement agencies, and City and County partners throughout the event. The DNC JIC was instrumental in ensuring that the community received a unified public message and that situational awareness was effectively maintained through, “fact-finding, social media-monitoring, activity-tracking, and event-mapping.” The DNC JIC also served as a point of contact for police PIOs deployed in the field.²⁶⁷

During the response to the September 2016 demonstrations, although a JIC was activated, it remained separated from the CMPD command center throughout the demonstrations.²⁶⁸ The CMPD command center—located at CMPD headquarters—included CMPD command staff, a CMPD PIO, representatives from City and County agencies such as transportation and parks, as well as private sector organizations. The primary focus of the CMPD command center was to deploy police officers and other resources to the field. The JIC—which was located across the street at the Charlotte Mecklenburg Government Center—focused on gathering information from media and social media sources, and delivering the official city message. Because the centers were not connected, nor did they have representatives to bridge communications, CMPD deployed resources to an incident without the JIC knowing about the response, and the CMPD operated without the benefit of knowing the media environment or the official city response to incidents.²⁶⁹

Beginning approximately one hour after receiving the notification of the officer-involved shooting, the City of Charlotte’s Corporate Communications and Marketing group monitored media and social media stories related to the incident. The news stories and social media posts were gathered to help inform city and CMPD officials of the ongoing public sentiment, but it was not until the morning of September 21 that the city began using social media to proactively share information or respond to comments and messages.²⁷⁰ Corporate Communications and Marketing staff also disseminated media advisories announcing press conferences involving the mayor and chief and followed the press conferences with written news releases that included statements from the press conferences.²⁷¹

To streamline the city’s communications process and coordinate messaging from the city, just before 1:00 p.m. on September 21, the City of Charlotte’s Corporate Communications and Marketing team determined that a JIC needed to be established. Initially, a “virtual JIC” was

²⁶⁷ *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department’s Operations during the 2012 Democratic National Convention*. March 2013. Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice. <https://www.bja.gov/publications/2012-dnc-quick-look.pdf> (accessed October 27, 2017).

²⁶⁸ Assessment team interview with Charlotte Communications & Marketing Director. September 19, 2017.

²⁶⁹ Assessment team interview with Charlotte Communications & Marketing Director. September 19, 2017.

²⁷⁰ “Social Media posts related to officer-involved shooting.” Provided by Charlotte Communications and Marketing Director to assessment team via email on September 19, 2017.

²⁷¹ “Timeline for Charlotte Demonstrations September 2016.” Provided by Charlotte Communications and Marketing Director to assessment team via email on September 19, 2017.

established from 5:00 p.m. – midnight and from midnight – 8:00 a.m.²⁷² The virtual JIC—which included volunteers from multiple city departments, many working remotely—was instrumental in coordinating messaging related to transportation, city services, and the media availability of the mayor and chief.

The following afternoon, at 1:58 p.m., the City of Charlotte opened its physical JIC at the Charlotte-Mecklenburg Government Center. The JIC remained open through September 24.²⁷³

Recommendations

Recommendation 4.1: The City of Charlotte administration and the City Manager should develop and implement an effective means for parsing political and operational challenges, and for facilitating effective and useful interactions between political decision makers and operational commanders. The mayor, elected officials, the city manager, the chief of police, and other city department heads must build and maintain a collaborative relationship at baseline, including strong communication on mutual expectations and commitments, to effectively collaborate on a response during emergency and crisis operations. Collaboration and coordination are fundamental principles of emergency management. According to the Federal Emergency Management Agency (FEMA) a core responsibility of individuals in an emergency management role is to “create and sustain broad and sincere relationships among individuals and organizations to encourage trust, advocate a team atmosphere, build consensus, and facilitate communication.”²⁷⁴

Proposed Action Steps:

- The City of Charlotte administration, the City Manager, and the CMPD should continue to use WebEOC—which was implemented at the beginning of 2017—to share information with all city agencies to ensure coordination and unity of message.
- The CMPD should include elected officials’ roles and responsibilities in planning for and managing critical incidents, and include them in annual citywide training and exercises.

Recommendation 4.2: The City of Charlotte administration, the Corporate Communications and Marketing group, the City Manager, and the CMPD should coordinate messaging and talking points prior to making public comments to ensure unity of message and focus on the overall mission of safe and effective resolution of critical incidents. Inconsistent, and at times contradictory, public comments created clear divisions among the officials managing the crisis and leading the city through the events.

²⁷² “Timeline for Charlotte Demonstrations September 2016.” Provided by Charlotte Communications and Marketing Director to assessment team via email on September 19, 2017.

²⁷³ “Timeline for Charlotte Demonstrations September 2016.” Provided by Charlotte Communications and Marketing Director to assessment team via email on September 19, 2017.

²⁷⁴ Federal Emergency Management Agency. *IS-230.d “Fundamentals of Emergency Management Course.”* 2013. Emergency Management Institute.

Proposed Action Steps:

- The City of Charlotte administration, the Corporate Communications and Marketing team, the City Manager, and the CMPD should develop a media and public relations strategy that ensures the coordination of all jurisdiction public information officers (PIOs) and all information being released through various platforms and accounts.
- The City of Charlotte administration, the Corporate Communications and Marketing team, the City Manager, and the CMPD Public Affairs Unit should study critical incident reviews and incorporate lessons learned from these incidents into their public information strategies.

Recommendation 4.3: The CMPD should create a clear and detailed media strategy or policy to guide the department’s use of traditional news media and social media, particularly during critical incidents. Social media played a significant role in the ability of demonstrators to “outmaneuver” the CMPD response, because CMPD personnel were not following news media and social media related to the demonstrations, and were not proactively using social media to share the CMPD narrative and correct erroneous information.

Proposed Action Steps:

- The CMPD should establish a team who can listen to, and observe, news media and social media to provide situational awareness and inform decision-making and responses to ongoing and emerging incidents.
- The CMPD should review and incorporate promising practices related to the implementation of social media in decision-making and operations developed by the U.S. Department of Homeland Security’s Social Media Working Group.²⁷⁵

Recommendation 4.4: The CMPD should continue to prioritize local media outlets covering critical incident by providing them additional interviews and exclusive information. This strategy builds relationships with local media outlets in the city who know the city best, and who will continue to provide coverage of the city long after the critical incident is over.

Proposed Action Steps:

- The CMPD should continue enhancing its relationships with local media outlets by inviting them to cover tabletops and training exercises and providing them exclusive information in advance of upcoming large events.

Recommendation 4.5: The CMPD should enhance its use of social media to engage community members and demonstrators before, during, and after mass gatherings and demonstrations to disseminate accurate information and correct erroneous information.

²⁷⁵ The Social Media Working Group for Emergency Services and Disaster Management has published a series of documents available at, <https://www.dhs.gov/science-and-technology/smwg-documents> (accessed November 30, 2017).

Proposed Action Steps:

- The CMPD should leverage the Police Foundation to receive technical assistance in developing a social media engagement strategy, training regarding how national and international social media promising practices and lessons learned can be adapted for and implemented by CMPD, and establishing a PIO mentorship or peer-to-peer opportunity.
- The CMPD should continue to manage their message and tell the CMPD story – both the good and the bad. The CMPD could better manage their message and engage a strategy to educate the community on efforts in ways that reach all segments of the community. This strategy will likely be multi-faceted – engaging traditional and social media and face-to-face dialogue.

Pillar 5: Transparency and Accountability

“Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.”²⁷⁶ – Recommendation 1.3 of the Final Report of the President’s Task Force on 21st Century

During Police Foundation assessment team interviews, focus groups, and town hall meetings in Charlotte, consistent feedback from community members indicated that they desired more transparency and accountability from the police department. Community leaders and activists expressed frustration that they had not received a thorough briefing regarding the officer-involved shooting of Keith Lamont Scott or the police response to the demonstrations.²⁷⁷

Recognizing and responding to the community’s concerns the Charlotte-Mecklenburg Police Department (CMPD) has taken steps to increase transparency and accountability. In that regard, the CMPD has implemented the following:

- **Transparency Workshops:** The CMPD Transparency Workshops provide an opportunity for members of the department to engage in open dialogue with community members. The workshops are three-day events that, “give community members an inside understanding of CMPD’s processes, services, and operations. The mission of CMPD Transparency Workshop is to work towards strengthening community relationships, increasing the community understanding of police work, as well as equipping citizens to provide productive and meaningful input into how their police department functions.”²⁷⁸ Areas of workshop focus include staffing and deployment of officers, crime fighting, and community engagement strategies; arrest, search and use of force laws and policies; and, accountability and investigation of police misconduct.²⁷⁹
- **Constructive Conversation Teams & Training:** The CMPD Constructive Conversation Teams are teams of officers specifically trained to engage, educate, and listen to community members, particularly regarding controversial issues or amid conflict.

²⁷⁶ President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

²⁷⁷ The Police Foundation assessment team conducted town hall listening sessions in Charlotte on April 12, 2017, and November 20, 2017. See Appendix C for the full methodology.

²⁷⁸ “CMPD Transparency Workshops: Your Opportunity to Make a Difference.” Charlotte-Mecklenburg Police Department website. 2017. <http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/TrainingAcademy/Transparencywkshp2017.aspx> (accessed September 11, 2017).

²⁷⁹ CMPD Transparency Workshops: Your Opportunity to Make a Difference.” Charlotte-Mecklenburg Police Department website. 2017. <http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/TrainingAcademy/Transparencywkshp2017.aspx> (accessed September 11, 2017).

Training for the officers includes scenario based training that requires officers to show practical application of the listening, de-escalation and responding skills they learn.²⁸⁰

In addition, the CMPD had already provided the following information publicly on its website:

- **Publication of All Departmental Policies on the CMPD Website:** The CMPD proactively posts its full set of directives, code of ethics, and rules of conduct on its website (<http://charlottenc.gov/CMPD/Pages/Resources/DepartmentDirectives.aspx>).
- **Internal Affairs Annual Reports:** The CMPD has published annual Internal Affairs reports that include detailed data and analysis on complaints against officers, disciplinary action, use of force, in custody deaths and vehicle pursuits, since at least 2005. The reports also track trends over the years to show comparative analysis of these areas. (<http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/Internal-Affairs.aspx>).

Collecting, Analyzing & Reporting Police Data

Nationally, police departments have been working to increase levels of transparency by better collecting, analyzing, and publishing raw police data – releasing it to the public on its website, through their City’s data portal or through the Police Data Initiative (PDI). According to the *Final Report of the President’s Task Force on 21st Century Policing*:

“To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department’s website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics... When serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrally, respecting areas where the law requires confidentiality.”²⁸¹

The City of Charlotte and the CMPD realize the importance of providing access to open data. Through its CMPD Open Data page, the City of Charlotte makes CMPD data available on officer-involved shootings, use of force, and traffic stops, as well as other departmental statistics.²⁸² Additionally, the CMPD participates in PDI, providing access to its data to be viewed and analyzed through the national PDI portal.²⁸³

²⁸⁰ Constructive Conversation Team training information sheet. Provided to Assessment Team by community member in person on April 11, 2017. Reviewed by Assessment Team April – September 2017.

²⁸¹ President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

²⁸² “CMPD-OpenData.” Charlotte-Mecklenburg Police Department. <http://charlottenc.gov/CMPD/Pages/Resources/CMPD-OpenData.aspx> (accessed December 14, 2017).

²⁸³ Visit the Police Data Initiative at www.policedatainitiative.org.

Open Data in Policing

Since 2009, the creation and use of open data is steadily growing. Several major city and county law enforcement agencies, as well as other government agencies are releasing summary and statistical data in criminal justice domains. Citizens, web and mobile app designers, and researchers can perform analysis of individual or combined datasets, if the data is geocoded.

There are multiple benefits of open data:

- *Community analysis of open data could yield important insights into policing.* Open data allows community groups, such as academic institutions and businesses to yield new perspectives. Also, police data could be analyzed in new ways or combined with other relevant data to improve areas like officer safety.
- *Open data can help the community understand what police do and provide opportunities for two-way engagement.* Neighborhood leaders, media and citizens can share their perspectives with police agencies and create partnerships.
- *Open data demonstrates transparency and can promote legitimacy.* Providing open data on the part of the agency shows its willingness to be transparent, and the acceptance of accountability promotes legitimacy that ultimately affects community engagement and can reduce crime.
- *Public safety data is important in addressing broader community concerns.* Open data allows other systems or areas of non-police datasets to be leveraged with policing issues – creating a better understanding of the relationships between the two and to improve broader community issues like healthcare and economic concerns.
- *Opening law enforcement data can help identify new tools and better processes to improve public safety.* Companies in the science and technology field can use access to police shared data to better understand the issues police face. In turn, models, crime fighting tools and technologies can be developed to enhance the work of law enforcement.

For more information about law enforcements' role and community use of open data, read "Law Enforcement Executive's Guide to Open Data: Supporting the Community in the Co-Production of Public Safety," at:

<https://www.policefoundation.org/publication/law-enforcement-executives-guide-to-open-data/>.

For more information about open data, visit the open data playbook at:

<http://archive.codeforamerica.org/practices/open/open-data>.

Source: Police Foundation. *Five Things You Need to Know About Open Data in Policing*. April 2015. <https://www.policefoundation.org/publication/5-things-you-need-to-know-about-open-data-policing/> (accessed September 13, 2017).

Police Data Initiative

The Police Data Initiative (PDI) is a law enforcement community of practice that includes leading law enforcement agencies, technologists, and researchers committed to engaging their communities in a partnership to improve public safety that is built on a foundation of trust, accountability and innovation. To date, over 130 law enforcement agencies nationwide, large and small, participate in the PDI. The community of practice shares successes and challenges, encourages open data releases, and discusses the ultimate goal of collaborating with communities to solve their most pressing public safety concerns.

Law enforcement agencies voluntarily commit to making unrestricted data easily available to the public. Participating agencies have collectively released more than 200 sets of data, representing crime, citizen calls for service, arrests and citations, police response to resistance, assaults on officers, traffic stops, agency training, department characteristics, community engagement and more. The data is published and maintained by the local agencies themselves, and the PDI website serves as a consolidated portal of the open data. A listing of all participating agencies and their datasets can be found at <http://www.policedatainitiative.org/>.

Accountability

The CMPD understands that allegations of police misconduct can significantly erode relationships with the community. To address these issues, the department and the City have put into place a robust system of both internal and external accountability for police services.

The Internal Affairs Process

According to the CMPD website, “The Charlotte-Mecklenburg Police Department Internal Affairs Bureau will act to preserve public trust and confidence in the department by conducting thorough and impartial investigations of alleged employee misconduct, by providing proactive measures to prevent misconduct, and by always maintaining the highest standards of fairness and respect towards citizens and employees.”²⁸⁴ To do so, the following processes are in place to ensure that the CMPD addresses complaints, assigns appropriate disciplinary action, and monitors problematic trends in police practice.

The CMPD Internal Affairs (IA) Division is responsible for documenting internal and external complaints, taking proactive measures to prevent misconduct, investigating serious allegations of misconduct, reviewing investigations of misconduct conducted by field supervisors, facilitating adjudication of allegations, and preparing cases appealed to the community oversight board.

²⁸⁴ “Internal Affairs Bureau.” Charlotte- Mecklenburg Police Department. 2017. <http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/Internal-Affairs.aspx> (accessed September 14, 2017).

CMPD Complaint Process²⁸⁵

The CMPD IA Division investigates allegations of significant concern to the community. Allegations of misconduct not taken over by IA are investigated by a supervisor in the employee's chain of command. Once an investigation is complete, depending on the allegation, the complaint is either reviewed by the employee's chain of command or by an Independent Chain of Command Review Board. Complaint investigations completed by Internal Affairs are most often adjudicated by an Independent Chain of Command Review Board. These Boards are comprised of supervisors and command staff members from throughout the Department, as well as a representative from the Community Relations Committee.

The Chain of Command Board makes one of the following determinations on the allegation:

- Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
- Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
- Exonerated: The acts that provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified, lawful, and proper.
- Unfounded: The allegation is false.²⁸⁶



CMPD Complaint Process. Source: Charlotte-Mecklenburg Police Department. http://charlottenc.gov/CMPD/Pages/Commendation-Complaint_Process.aspx (accessed December 20, 2017).

IA will notify all complainants of the final determination. Disciplinary action is assigned by the Chief of Police if an allegation is found to be sustained.

²⁸⁵ More detailed information and data on complaints, investigation and disciplinary action can be found in the CMPD Internal Affairs Annual Reports. http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed September 17, 2017).

²⁸⁶ 2016 CMPD Internal Affairs Annual Report. http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed September 17, 2017).

Community Oversight in Charlotte

Alternative measures are available to citizens of Charlotte who are not satisfied or disagree with the decisions made or actions taken by the Chief of Police - the Community Relations Committee, the Civil Service Board, and the Citizen Review Board are all in place to provide community input and oversight into CMPD processes and procedures.

Community Relations Committee

The Community Relations Committee (CRC) of the City of Charlotte, “act as resident advisors who provide professional staff an insightful gateway to current human relations issues. This unique organizational structure allows City staff to capture a broad community perspective and develop informed and appropriate human relations services.”²⁸⁷ Divided into six subcommittees, the CRC advises the City on a broad range of City functions. One of those subcommittees focuses on Police-Community Relations. This sub-committee serves independently from the CMPD and provides a community voice regarding the Department’s disciplinary process.²⁸⁸ Members of the CRC serve as voting members of the Chain of Command Board who make determinations regarding complaints made against officers.²⁸⁹ In addition, members of the Charlotte community can file complaints against officers as well as appeals through the CRC. The CRC provides a staff member to assist citizens with the process of filing a complaint or an appeal, and provide them with information regarding the status of their action throughout the process.²⁹⁰

The Civil Service Board

The Civil Service Board (CSB) is comprised of nine members – six appointed by the Charlotte City Council and three appointed by the Mayor. The CSB approves hiring, promotions, and recommendations for terminations of police officers and firefighters. Additionally, the CSB hears appeals of disciplinary decisions that result in an employee being suspended from duty. Appeals of suspensions are heard by three CSB members. If the Chief of Police recommends termination to the CSB, the CSB makes the final determination after a hearing before five CSB members.



Civil Service Board. Source: Charlotte-Mecklenburg Police Department. http://charlottenc.gov/CMPD/Pages/Commendation-Complaint_Process.aspx (accessed December 20, 2017).

²⁸⁷ “Community Relations.” Charlotte Web Page. <http://charlottenc.gov/crc/meetthecommittee/Pages/default.aspx>.

²⁸⁸ CMPD 2016 Internal Affairs Annual Report. Viewed on September 8, 2017.

http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf

²⁸⁹ Assessment team interview with Charlotte-Mecklenburg Community Relations Executive Director. April 13, 2017.

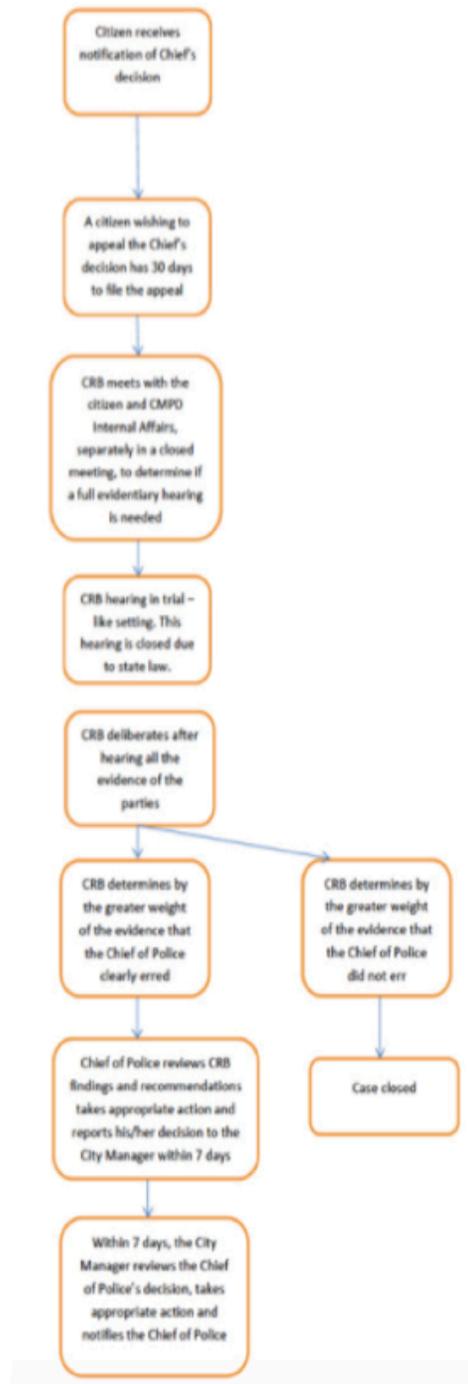
²⁹⁰ Assessment team interview with Charlotte-Mecklenburg Community Relations Executive Director. April 13, 2017.

Citizens Review Board

The Charlotte Citizens Review Board (CRB) is comprised of 11 members – five appointed by the Charlotte City Council, three by the Mayor, and three by the City Manager. The CRB serves as an advisory body for the Chief of Police, the City Manager, and the City Council and hears appeals from citizens on complaints made regarding profiling; arrest, search and seizure; discharge of firearm with injury; unbecoming conduct; and, use of force.

Citizens file the appeal with the City Clerk’s Office, and the community relations committee will assist the citizen who has filed the appeal if they are requested to do so. The CRB meets with the relevant parties and determines if enough evidence exists to support the fact that the Chief of Police made an error in assigning discipline in the case. The CRB makes a recommendation to the City Manager and the City Manager makes the final determination.

Recent challenges to the authority granted to the Charlotte CRB have been the topic of much discussion. Many in the community would like to see the CRB have subpoena power that would enable them to compel officers and others to testify in an appeal.²⁹¹ However, North Carolina’s Dillon’s Rule has precluded the City of Charlotte from being able to grant that authority to the CRB without the explicit approval of the State of North Carolina.²⁹²



Citizens Review Board. Source: Charlotte-Mecklenburg Police Department. http://charlottenc.gov/CMPD/Pages/Compendation-Complaint_Process.aspx (accessed December 20, 2017).

²⁹¹ Assessment team interview with the Charlotte Citizen Review Board representatives. April 12, 2017.

²⁹² Assessment team interview with the Charlotte Citizen Review Board representatives. April 12, 2017.

Law Enforcement Accountability: Contemporary Models of Civilian Oversight

Generally, civilian oversight works outside of the sworn chain of command to provide a mechanism that allows for holding officers accountable. In the United States, there are over 200 oversight entities- each jurisdiction having its own political, cultural and social environments that influence the development of the entity's organizational structure and legal authority. There is no one size fits all approach and no two mechanisms operate in the same manner.

Three main categories of civilian oversight of police have been identified in the Department of Justice's Office of Justice Programs (OJP) and the National Association for Civilian Oversight of Law Enforcement (NACOLE):

- **Investigation-Focused Model:** operates separate from the local police or sheriff's department. Oversight agencies of this type undertake independent investigations of individual allegations of misconduct against police officer(s).
- **Review-Focused Model:** assess the quality of finalized complaint investigations undertaken by the police or sheriff's department's internal affairs unit. Review agencies are typically staffed by volunteer boards and commissions, and may be involved in hearing appeals, holding public forums and making recommendations for further investigation of allegations.
- **Auditor-Monitor Focused Model:** takes a variety of organizational forms, yet all are centered on large scale, systematic police reform of policies and procedures to improve police organizations. They may review internal complaint investigation processes, evaluate police policies, actively participate in open investigations and conduct wide- scaled analyses of patterns of officer complaints.
- **Hybrid Model:** shares functions of multiple models.

Mediation is also an important tool/program for civilian oversight, and can also be in place within an internal affairs unit. Mediation can make a significant long-term difference in officer-citizen interactions- restoring trust by sharing perspectives and understanding both citizen and officer's actions. For more information on civilian oversight and accountability policing, visit the National Association for Civilian Oversight of Law Enforcement at <http://www.nacole.org/> and the Police Assessment Resource Center at <http://www.parc.info>.

Source: Joseph De Angelis, Richard Rosenthal, and Brian Buchner (2016). *Civilian Oversight of Law Enforcement: Assessing the Evidence*. OJP Diagnostic Center and NACOLE. Retrieved from https://www.ojpdagnosticcenter.org/sites/default/files/custom_content/documents/resource_library/NACOLE_AssessingtheEvidence_Final.pdf.

Challenges to Accountability – The Impact of Dillon's Rule

While the CMPD has taken strides to ensure and enhance internal and external accountability, the governance of cities by the North Carolina state legislature—also known as “Dillon’s Rule” or “the Dillon Rule”—and limited capacity for Home Rule has impacted the ability of the CMPD

and the City of Charlotte to make substantive changes to the Citizens Review Board and other accountability measures. “Dillon’s Rule allows a state legislature to control local government structure, methods of financing, its activities, its procedures, and the authority to make and implement policy.”²⁹³ It is derived from an 1868 Iowa court ruling and was applied nationwide based on U.S. Supreme Court ruling in 1907.²⁹⁴ According to the Supreme Court, municipal governments receive their powers expressly from the state government, and essentially exist to perform the tasks of the state at the local level. On the other hand, Home Rule indicates that local communities can exercise legislative authority without state interference. States that assert both Dillon’s Rule and Home Rule, generally leave any matters that are not accounted for in state legislation or the state constitution to individual jurisdictions to address.²⁹⁵ Specifically, according to Chapter 160A-4 of the North Carolina General Statutes, “It is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law.”²⁹⁶

In this instance, some community members are frustrated that even though CMPD has supported giving subpoena power to the Citizens Review Board, they cannot do so without the approval of the state legislature. Under Dillon’s Rule, because the City of Charlotte has not been delegated the authority to exercise the power to make changes to the Citizens Review Board—and municipalities and counties may only exercise those powers that have been delegated to them by the General Assembly—the granting of subpoena power to the Citizen Review Board has not occurred.

Promising Models to Strengthen Accountability – Tucson, AZ

Cities must develop accountability processes that work best for them, in conjunction with the community to further co-produce public safety. In Tucson, Arizona, for example, the public may access two separate review processes to review the work of the Internal Affairs Section of the Tucson Police Department. The first is an Independent Police Auditor who works directly for the City Manager and has no organizational connection to the police department. This individual can be the first stop for a citizen with a complaint (they would then forward the complaint to the Department for follow-up), or the Auditor could serve as a resource and complaint taker if the citizen felt that IA did not handle their complaint properly. The Auditor has the right to review all IA complaint files and is provided a monthly report from IA concerning all initiated and concluded complaints received.

²⁹³ National League of Cities. “City Rights in an Era of Preemptive: A State by State Analysis.” Downloaded on September 1, 2017 from <http://nlc.org/sites/default/files/2017-03/NLC-SML%20Preemption%20Report%202017-pages.pdf>.

²⁹⁴ *Hunter v. City of Pittsburgh*. 207 U.S. 161. (U.S. Supreme Court, 1907).

<https://supreme.justia.com/cases/federal/us/207/161/case.html> (accessed September 17, 2017).

²⁹⁵ Russell, Honorable Jon D. and Aaron Bostrom. *Federalism, Dillon Rule and Home Rule*. January 2016. American City County Exchange: Arlington, VA. <https://www.alec.org/app/uploads/2016/01/2016-ACCE-White-Paper-Dillon-House-Rule-Final.pdf> (accessed June 26, 2017).

²⁹⁶ “Chapter 160A. Cities and Towns.” North Carolina General Statutes. http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_160A.pdf (accessed June 27, 2017).

The second alternative method available to the public is the Citizen’s Police Advisory Review Board. The Board consists of an appointee from each Council Member and the Mayor (seven (7) total). The Board has staff assigned to it from the Police Department, the City Attorney’s Office, the Police Labor Unit, the City Clerk’s Office and the Independent Auditor. The Board does not have subpoena power or investigatory power, but can advise City leadership if they feel the police are not conducting a fair and impartial investigation and resolution of the complaints brought forward. Both entities give mechanisms to the public that do not trust police to do a good investigation of their complaints.

In addition, the police chief in Tucson employs a standing Chief’s Advisory Board consisting of members of the community - both business and residential, labor representatives, and department members. The role of this board is to have direct access to the Chief of Police on a regular basis to ensure that the Chief is getting information as unfiltered as possible, and the community feels heard by a decision-maker. The previous Chief in Tucson found the Board to be so useful that he expanded on the idea and required each geographic patrol division commander to develop a Division Advisory Council consisting of members from their patrol division. This proved to be an excellent tool for them to get information from residents and business people of their patrol divisions on what was occurring in the division, and what were the most pressing problems facing the division. It proved a useful tool to redirect resources and to open further channels of communication with the community where officers heard that the most pressing community issues were often not the ones we expected. It also serves to increase trust and transparency.

Recommendations

Recommendation 5.1: The CMPD should work with the community to develop and publicize policy and directives regarding body-worn camera (BWC), particularly regarding the release of BWC footage and officer-involved shooting (OIS) investigations to improve transparency. This incident, specifically the debate over the release of the BWC footage, highlights the difficulty of having an outside agency conduct OIS investigations. Outside agencies may be less responsive, because of their independence, to the needs of the local community and police departments to release information.

Proposed Action Steps:

- Using examples such as the Camden, New Jersey, Police Department’s work with New York University,²⁹⁷ the CMPD should develop a multi-pronged approach strategy to developing, reviewing and revising policy and directives, particularly the BWC policy.
- The CMPD should publish input from the community and changes made to policy and directives both online as well as written form, and distribute throughout the community.

Recommendation 5.2: The CMPD should consider redeveloping and re-executing standardized process(es) from which to collect and analyze input from the community regarding their expectations and satisfaction of police services. From 2012 – 2014, the

²⁹⁷ “Camden.” Policing Project. 2017. Policing Project at NYU School of Law. <https://policingproject.org/our-work/developing-accountability/camden/> (accessed November 30, 2017).

CMPD conducted annual surveys of community members that measured perceptions of the department, determined where they got information about crime trends and crime in general, perceptions of crime and safety, perceptions of the CMPD website and availability of information, and more.²⁹⁸ Results from the surveys are available online.²⁹⁹ Redeveloping and re-executing the survey could include a wider-spread and consistent use of a community survey to collect citizen expectation and satisfaction information.

Proposed Action Steps:

- As part of a comprehensive community engagement strategy, the CMPD should develop a feedback loop that includes multiple means of consistently gaining input from the Charlotte community and members of CMPD on policing in the city. The strategy may include town halls, focus groups and roundtables, individual conversations with people in the community, and use of surveys of both the community and the police department. One low-cost way to do this is by using the National Law Enforcement Applied Research & Data Platform.³⁰⁰
- The CMPD should regularly analyze and publish community satisfaction data collected.
- As part of the strategy, the CMPD should include the mechanisms through which the department will ensure that community and department input informs policing in Charlotte.

Recommendation 5.3: The CMPD should work together with the City of Charlotte administration and the City Manager to develop strategies that educate the community on transparency and oversight efforts, as well as other relevant strategies ongoing city-wide.

Proposed Action Steps:

- By the City of Charlotte engaging in this work, it will foster a sense of independence from the CMPD control and/or that apply to the entire city when educating the community about the Complaint Process, the Citizen Review Board, and Dillon’s Rule.
- The Charlotte community should work to educate themselves on the rules, regulations, directives, laws, and policy that the CMPD operates under.
- The Charlotte community should act on their own behalf to influence state laws that impact the way CMPD does business that they believe do not represent the best interest of the citizens of Charlotte.

Recommendation 5.4: The CMPD should develop a specific strategy and policy to keep the community apprised their efforts in response to significant/critical incidents to demonstrate transparency and community engagement, as well as highlight their outreach and partnership efforts.

²⁹⁸ “Surveying Communities: Charlotte-Mecklenburg Police Department.” Center for Evidence-Based Crime Policy. 2013. <http://cebcp.org/evidence-based-policing/the-matrix/matrix-demonstration-project/surveying-communities/cmpd/> (accessed December 11, 2017).

²⁹⁹ “Surveying Communities: Charlotte-Mecklenburg Police Department.” Center for Evidence-Based Crime Policy. 2013. <http://cebcp.org/evidence-based-policing/the-matrix/matrix-demonstration-project/surveying-communities/cmpd/> (accessed December 11, 2017).

³⁰⁰ “The National Law Enforcement Applied Research & Data Platform.” 2017. Police Foundation. <https://www.nationallawenforcementplatform.org> (accessed November 30, 2017).

Proposed Action Steps:

- Strategy and policy development in this area should be developed in partnership with the Charlotte-Mecklenburg Community Relations Committee, community leaders, and other relevant stakeholders.³⁰¹
- The strategy and policy should be based on NIMS/ICS principles of incident management.
- Elected officials, City leaders, the City Manager, and community organizations should be trained on this policy, and it should be practiced during regional critical incident exercises.

Recommendation 5.5: CMPD should ensure that all data provided is accurate, easy to access and co-located. This will ensure that there are as few conflicts as possible that can lead to accusations of misinformation and untruthfulness.

Proposed Action Steps:

- The CMPD should review the organization and layout of its webpage to ensure that it is user-friendly.
- The CMPD should develop a “one stop shop” for the information and data that the public most often requests, so that there less confusion as to what the public needs to do to get that information. While there is an “Open Data Source” tab on the CMPD homepage, it directs to a different page than the Community Safety data available on the Open Charlotte website.
- Make CMPD annual reports easily and readily available on the CMPD home page. CMPD annual reports are not easily available on either of these pages, but can be found on the Internal Affairs Bureau, which requires a search on the website.

³⁰¹ “Charlotte-Mecklenburg Community Relations.” City of Charlotte. 2017. <http://charlottenc.gov/crc/Pages/default.aspx> (accessed December 11, 2017).

Pillar 6: Police-Community Relationships

The relationship between the Charlotte-Mecklenburg Police Department (CMPD) and many in the community has generally been a positive and progressive one. CMPD has a history of reaching out to the community to foster and maintain relations. Relationships and working with the community are central themes of the *President's Task Force on 21st Century Policing Final Report*. Community and business leaders as well as residents cited programs such as “Coffee with a Cop,” “Cops and Barbers,” and “Blue and Business” as examples of CMPD leadership engaging in and directing its officers to establish relationships with the communities they serve.

A positive impact of those relationships was evident during the 2012 Democratic National Convention (DNC). CMPD command staff were in the field over the course of the event, and leveraged their pre-existing personal relationships with leaders of key demonstration groups to mitigate potential conflicts, including resolving an unplanned march on an unapproved route.³⁰² On a smaller scale, many community members spoke positively about their interactions with CMPD personnel prior to the September 20, 2016 Scott shooting and demonstrations that followed. These incidents tested the relationships between CMPD and the community, and revealed weaknesses.

During the Demonstrations

When speaking about the Keith Lamont Scott incident, activists and residents expressed concern regarding CMPD's response to the shooting incident, as well as to the demonstrations. Some described the presence of officers in riot gear, the deployment of chemical munitions, and the use of specialized vehicles as excessive despite the fact that persons in the crowd had thrown rocks, bottles and other objects at the officers. These feelings mirror what the presidential task force and others have said – “[l]aw enforcement cannot build community trust if it is seen as an occupying force...”³⁰³ Others criticized the lack of information provided by the CMPD regarding the officer involved shooting. Still others claimed that when the mayor instituted a midnight curfew, her declaration was broadcast on news outlets and the City tweeted about it, but CMPD officers assigned to the EpiCentre failed to notify demonstrators that the curfew had been imposed. This communication gap and other issues – created an “us versus them” perspective in the eyes of some community members who participated in the demonstrations and represented a significant departure from the CMPD tradition of community policing.³⁰⁴

CMPD command staff members, as well as rank and file officers interviewed by the Police Foundation assessment team, felt “betrayed” by the actions taken by the demonstrators. CMPD personnel felt that within hours of the officer-involved shooting, they were under attack, with

³⁰² *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department's Operations during the 2012 Democratic National Convention*. March 2013. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. <https://www.bja.gov/publications/2012-dnc-quick-look.pdf> (accessed August 29, 2017).

³⁰³ President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC. Office of Community Oriented Policing Services.

³⁰⁴ Assessment team focus group with community activists and demonstrators. June 7, 2017.

rocks, bottles, and other objects thrown at them causing bodily injury and damage to police vehicles and other equipment.

The broken relationships limited information sharing and effective dialogue between the police and community members.

The Role of the Clergy

The role of the clergy before, during, and after the demonstrations reflect the changing landscape of religious leadership in the community. Immediately before the demonstrations began, some clergy members in the Charlotte area hosted trainings on non-violent civil disobedience techniques and community organizing in their basements.³⁰⁵ These trainings were intended to remind demonstrators of their Constitutional rights and what to do when they were approached by law enforcement. Many faith leaders also helped to organize orderly demonstrations, and reinforced the importance of being non-violent. During the demonstrations, some of these clergy members were also on the front lines creating a safety buffer between the demonstrators and the CMPD officers and open lines of communication with CMPD executives, urging them to provide answers to their questions and engage in discussions with groups of community members.

Although some clergy could provide leadership and guidance to various demonstrations, the faith community experienced friction among its leaders and followers. Tensions between the older, established clergy and younger clergy added a level of discord in the calls for unity and non-violence. In fact, one of the only topics that the clergy members interviewed by the review team agreed on was the conflict between faith leaders competing for media attention during the demonstrations. Leadership conflicts and divisions among faith leaders further exacerbated communication challenges with CMPD officers and command staff.

Beyond the delicate relationship between CMPD and the faith-based community and the friction among faith leaders, there was also a clear disconnect between the faith leaders and the younger demonstrators. Many young advocates and protest leaders dismissed clergy as being out-of-touch with their feelings and sentiments. Despite varying viewpoints, both clergy and younger community organizers and advocates indicated that they were unable to control or influence those activists and advocacy groups who came from outside of the Charlotte community to participate in the demonstrations. Local demonstrators, clergy, community members, and elected officials believe that many of those outsiders came to cause chaos and destruction when confronting the police to promote their agenda.

Since the Demonstrations

Since the demonstrations, many community leaders gave multiple suggestions to improve community-police relations, including: increasing the base pay of entry-level officers to attract diverse candidates; requiring additional screening during the hiring process; and mandating

³⁰⁵ Assessment team interview with Charlotte religious leaders. June 6, 2017.

procedural justice and implicit bias training. Some community members suggested that the CMPD implement a cultural bias test for police officer candidates.

Many community members expressed their desire to have more opportunities to informally interact with members of the CMPD and pointed to foot patrols as a much-needed program. Clergy groups have held meetings with police leaders, and youth leaders have created



Source: Charlotte-Mecklenburg Police Department. Provided to Police Foundation. 2017.

programs designed to increase positive interaction with young people and police officers. City business leaders have created the Charlotte-Mecklenburg Opportunity Task Force to address latent social issues. City political leaders have penned a “letter to the community,” affirming their commitment to move forward from this point. They have held forums and community discussions, including proactively calling for this critical incident review. However, the dominant community request is to have more opportunities to engage with Chief Putney. In response, in July 2017, CMPD and Chief Putney added two new assistant chief positions to better serve the community and to afford Chief Putney and Assistant Chief Foster more freedom to focus on partnerships with the community.³⁰⁶ Both have taken advantage of the time and have become mainstays in the community and have continued to seek ways to increase opportunities for meaningful community engagement in the CMPD. Many other departments across the country have begun to institutionalize community policing by focusing on partnerships. The Office of Community Oriented Policing Services (COPS) has collected community policing success stories from communities around the country and organized them into the following categories: building trust, policy, technology, crime reduction, training and officer wellness and safety.³⁰⁷

Around the one-year anniversary of the incident, the City, the CMPD, and the community joined together for a series of events to encourage healing and dialogue. The events began with a dinner and dialogue about, “challenging community issues,” and included a CMPD major and community leaders and clergy. On September 20, 2017, the Charlotte Clergy Coalition for Justice led a peaceful walk to five sites that played a significant role during the previous year’s demonstrations, stopping at each to reflect and pray. That evening, a local media outlet facilitated a discussion of, “policing, activism and economic opportunity,” that included demonstration organizers, Assistant Chief Foster, and other community leaders. The night ended

³⁰⁶ Charlotte-Mecklenburg Police Department Facebook page. July 13, 2017. https://www.facebook.com/permalink.php?story_fbid=1509464969128054&id=124757580932140 (accessed August 30, 2017).

³⁰⁷ Office of Community Oriented Policing Services. “Policing in the 21st Century “Success Story Map.” <https://cops.usdoj.gov/Default.asp?Item=2827> (accessed November 25, 2017).

with a vigil for Keith Scott and Justin Carr. The week continued with other conversations, dinners and discussions, and services.³⁰⁸

Involving the Community in the CMPD Moving Forward

In the end, the officer-involved shooting and the demonstrations have caused both the community and the CMPD to stop and think about the steps that need to be put in place to restore trust and rebuild damaged relationships. One way to facilitate inclusion of the community voice in recruiting police officers is to actually include them in the recruitment process. Some departments do this by encouraging community involvement in the interview phase of the officer selection process.³⁰⁹ In Sacramento, California, and St. Louis County, Missouri, for example, the police departments have developed community recruiter programs that select, train, and equip community leaders with the tools necessary to recruit potential recruits. “The hope was that these trained community leaders would help find officers in their racial and ethnic circles.”³¹⁰ In Detroit, the police department includes community members on interview panels, incorporating their scores into the hiring decision, giving the community the ability to impact the hire. Still other agencies incorporate community input into their recruitment process and/or policy development as a way to ensure community voice.³¹¹

As the scope of law enforcement’s responsibilities expand, requiring officers to respond to an increasing variety of mental health, substance abuse, familial, socioeconomic, and other issues, the police officer hiring process and requirements must evolve accordingly.³¹² Hiring 21st century police officers requires finding candidates who share the values and vision of both the police department and the community and possess fundamental qualities including: professionalism, integrity, service orientation, empathy, communications skills and human relations skills. In this regard, many agencies now emphasize personal experience and exposure to diverse people, ideas, and opinions versus arbitrary standards.

For example, during the application process at the Kalamazoo, Michigan, Department of Public Safety, candidates are given scenario-based questions that involve a variety of human experiences and an underlying tone of fair and impartial policing. This helps the department evaluate each candidate’s ability to relate to and communicate with community members and emphasizes the fundamental qualities. It also helps to weed out candidates with explicit biases or those who may struggle with more guardian-focused skills. Some agencies have also reviewed

³⁰⁸ Schwab, Helen. “What events are planned one year after Scott shooting?” Charlotte Observer. September 15, 2017. <http://www.charlotteobserver.com/news/local/article172964806.html> (accessed December 14, 2017).

³⁰⁹ Simmons, Kami Chavez. “Stakeholder Participation in the Selection and Recruitment of Police: Democracy in Action.” St. Louis University Law Review. Vol. XXXII:7.

³¹⁰ Simmons, Kami Chavez. “Stakeholder Participation in the Selection and Recruitment of Police: Democracy in Action.” St. Louis University Law Review. Vol. XXXII:7.

³¹¹ Policing Project Website. “Democratic Engagement,” Page.” NYU Law School. <https://policingproject.org/our-work/developing-accountability/> (accessed December 11, 2017).

³¹² President’s Task Force on 21st Century Policing. 2015. Final Report of the President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf (accessed November 30, 2017).

their hiring requirements and processes with a focus on diversifying the spectrum of potential candidates and ensuring that recruits better represent the community.³¹³ Still other police departments screen candidates and current employees for racial and other biases through interview questions, scenarios, and vetting their Internet and social media posts.³¹⁴ With the proliferation of self-generated social media and Internet content, defense attorneys have used content from the Internet to impeach officer testimony and support claims of negligence in hiring and retention of officers and provide evidence in misconduct and sexual harassment cases. Additionally, with the focus on procedural justice and implicit bias, ensuring that candidates' and employees' social media posts do not conflict with the mission and vision of law enforcement agencies is especially important. To address this, many law enforcement agencies are reviewing popular websites—also known as “cybervetting”³¹⁵—as both extensions of pre-employment screening and employee monitoring.³¹⁶ Identifying candidates with explicit biases and questionable conduct can lead agencies to make employment decisions—including hiring, promotions, discipline, and security clearances—and take corrective action for current employees—such as remanding them to additional training—before they become problems for the department.

The Charlotte-Mecklenburg Police Department (CMPD) has a 10-step recruitment process that includes aspects of this involvement to a department that is more representative of the community and more professional. Candidates are required to have a high school diploma or GED, though applicants are encouraged to have at least an Associate Degree, in order to include candidates who may not have had the means to attend college. In addition to passing a written test and a job-related physical abilities test, candidates are invited for a formal interview and are also subjected to psychological screening and a background investigation. Applicants are also interviewed by members of the command staff before having their overall suitability for hire determination made by the Civil Service Board.³¹⁷ The Civil Service Board includes nine members appointed by the mayor and city county.³¹⁸

³¹³ Morison, Kevin P. 2017. *Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success*. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-w0831-pub.pdf> (accessed November 30, 2017).

³¹⁴ Morison, Kevin P. 2017. *Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success*. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-w0831-pub.pdf> (accessed November 30, 2017).

³¹⁵ Cybervetting is, “an assessment of a person’s suitability to hold a position using information found on the Internet to help make that determination.” Rose, Andree, Howard Timm, Corrie Pogson, Jose Gonzalez, Edward Appel, Nancy Kolb. *Developing A Cybervetting Strategy for Law Enforcement: Special Report*. Alexandria, Virginia: International Association of Chiefs of Police. December 2010. <http://www.iacpsocialmedia.org/wp-content/uploads/2017/02/CybervettingReport-2.pdf> (accessed November 30, 2017).

³¹⁶ Rose, Andree, Howard Timm, Corrie Pogson, Jose Gonzalez, Edward Appel, Nancy Kolb. *Developing A Cybervetting Strategy for Law Enforcement: Special Report*. Alexandria, Virginia: International Association of Chiefs of Police. December 2010. <http://www.iacpsocialmedia.org/wp-content/uploads/2017/02/CybervettingReport-2.pdf> (accessed November 30, 2017).

³¹⁷ “Training Academy.” Charlotte-Mecklenburg Police Department. <http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/TrainingAcademy.aspx> (accessed November 30, 2017).

³¹⁸ “Civil Service Board.” City of Charlotte. <http://charlottenc.gov/CityClerk/Pages/CivilServiceBoard.aspx> (accessed November 30, 2017).

CompStat 2.0

At a time when communities are seeking ways to play an active role in the co-production of public safety and police departments are eager to engage the communities they serve, it is essential that our management of law enforcement agency resources, priorities, and responses evolve to incorporate a wider variety of community concerns beyond serious crime incidents. The Police Foundation and the Vera Institute for Justice have been collaboratively developing CompStat 2.0, which is expected to provide a model to support this expanded and enhanced approach to CompStat. CompStat 2.0 seeks to leverage the strengths of CompStat while developing a more modern management tool that collects data most important to law enforcement agencies and the communities they serve.

CompStat 2.0 intends to promote effective policing responses to crime and public safety concerns while fostering the co-production of public safety between police and community members. It intends to move police agencies away from focusing solely on the reporting of crime statistics and more towards a strategic discussion of agency and community priorities, and problem-solving activities. The enhanced CompStat 2.0 model provides a vehicle for policing agencies to incorporate a wider range of outcomes into their measurement and management approaches, with the goal of more holistically assessing and delivering quality policing.

Source: "Compstat 2.0 –Enhancing a Powerful Tool by Integrating Community Policing to Build Trust and Legitimacy While Reducing Crime." 2017. Police Foundation.
<https://www.policefoundation.org/projects/compstat-2-0/> (accessed December 5, 2017).

Recommendations

Recommendation 6.1: The CMPD should continue to invest in community policing efforts, particularly in diverse communities, to include acknowledging the history of race relations in the community and developing a process and programs towards reconciliation. Historical and contemporary tensions between certain community members and groups and the CMPD continue to inform perceptions of the police.

Proposed Action Steps:

- The CMPD, in partnership with the Charlotte community, should develop a community policing/community engagement strategic plan that incorporates all community policing and engagement approaches on which the department and the community will embark together to co-produce public safety.
- The CMPD should assign a member or group of members to, together with members of the community, review the COPS office success stories map, (<https://cops.usdoj.gov/Default.asp?Item=2827>) to get ideas for community engagement strategies that have worked in other communities and may translate into programs that could work in Charlotte. One program suggested by community members involves cops engaging in one-on-one or small group discussions with the elderly residents of color, so that

community members can share, and police officers can listen to, their past and present experiences of policing.

- The CMPD should continue to build on efforts to reach out and engage the community where they are in their neighborhoods, faith-based organizations, social media, schools and other locations.
- The CMPD should build community policing into the fabric of the department by ensuring the diversity and professionalism of its officers through recruitment practices, as well as acknowledging and rewarding community engagement through performance evaluation strategies such as CompStat 2.0.

Recommendation 6.2: The CMPD should engage in one-on-one or small-group engagement and relationship-building programs in the specific communities most affected by violence and negative perceptions of the police.

Proposed Action Steps:

- Bringing officers into churches in the areas they police, expansion of programs such as Cops and Barbers, and police participation in neighborhood community or sports events were also recommended as opportunities for the CMPD to engage individual and small groups of community members.
- More than one resident also suggested reopening police substations in areas severely affected by violence to facilitate police-community relations.
- The CMPD and Charlotte-Mecklenburg Schools should also work together to facilitate opportunities for CMPD and youth to build peer-to-peer mediation and provide additional opportunities for police-youth dialogue during classes.

Recommendation 6.3: The CMPD should expand its foot patrol pilot program to the communities most affected by violence and negative perceptions of the police. In June 2017, the CMPD began a foot patrol program in two neighborhoods—Plaza Midwood and North Davidson (NoDa)—that were chosen because they are emerging entertainment districts with increasing foot traffic.³¹⁹ However, community members in other neighborhoods in Charlotte suggested that the piloting of foot patrols in up-and-coming neighborhoods was yet another indication that they are unimportant.

Recommendation 6.4: The CMPD should augment its increased focus on building relationships through social media with increased opportunities to provide feedback in person.

Proposed Action Steps:

- The CMPD should leverage its relationship-building efforts on social media with hosting open houses, facility tours, and other opportunities to enhance face-to-face contacts with community members.

³¹⁹ Wester, Jane. “Police start foot patrols for Plaza Midwood, NoDa tonight.” The Charlotte Observer. May 31, 2017. <http://www.charlotteobserver.com/news/local/crime/article153555589.html> (accessed September 12, 2017).

- The CMPD should utilize its social media followers to help identify new recruits.

Recommendation 6.5: The CMPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the community. Tensions within the community complicated the law enforcement and city response to the demonstrations. These demonstrations identified generational divisions in the community, and specifically faith-based leadership, around policing in Charlotte and how to resolve certain issues.

Proposed Action Steps:

- The CMPD should identify members of a diverse mix of community groups to work with, including participating in faith-led discussions on policing and communities of color that include both supporters and critics of the CMPD.
- The City of Charlotte administration, the City Manager, and the CMPD should keep an updated list of community leaders whom they can reach out to in times of crisis and develop a strategy for including and engaging with community groups and individuals that normally don't engage during critical incidents.

Recommendation 6.6: The CMPD should more fully engage community members in strategic hiring and promotions, training, policy development and other activities to improve community-police relations and provide the community a voice and meaningful involvement in how its police department operates.

Proposed Action Steps:

- The CMPD should consider creating a Captain's Community Stakeholder Group in each of the geographic divisions, and an overall Chief's Community Stakeholder Group to facilitate information sharing and problem solving regarding issues facing specific sectors of the community, and to address broader issues. Community members expressed concerns around recruitment and training of CMPD employees, the need for implicit-bias training, and a request for implicit-bias screening during recruitment (see Pillar 2 for more information about implicit bias and the emotional intelligence tool currently being used by CMPD).
- The CMPD and community members should work together to create meaningful opportunities for community members to be involved in recruiting 21st century police officers and for being involved in other training and policy development efforts. Several community members recommended that after every officer-involved shooting, the officer involved should be re-trained before being allowed to resume street duties.

Recommendation 6.7: The CMPD should leverage its chaplains to work with faith leaders in the community to enhance police-community relations.

Proposed Action Steps:

- Using examples such as the Boston, Massachusetts, Police Department and the Minneapolis, Minnesota, Police Department, the CMPD should create a coalition of chaplains and faith leaders in the community to work proactively to help CMPD officers ensure better communication and foster relationships.

Foot Patrol Success Story: Evanston (IL) Police Department

After repeated requests by the community, the Evanston Police Department (EPD) reinstated foot patrol in the department's fifth ward, a predominantly black neighborhood troubled by gangs and violence. As part of the foot patrol strategies, officers were not generally responsible for taking calls for service, but respond to in-progress calls in the area. By not answering calls for service, the foot patrol officers were afforded more time to focus on communicating, engaging, and building relationships to improve safety in the area and encourage residents to feel more comfortable with the police.

By deploying two officers on foot, to cover a one square mile area from Tuesday through Saturday in the afternoon and evening, the number of positive interactions with the community increased. Through their interactions with the community, the EPD regularly met with community members at their homes, participated in community events, routinely accepted requests from community members to attend their events, and hosted "coffee with a cop."

As a result of the foot patrol strategy, officers have developed working relationships with religious leaders, community members, and vulnerable youth, and plan to extend their outreach to at-risk groups.

Source: Brett M. Cowell and Anne L. Kringen Ph.D. (2016). *Engaging Communities One Step at a Time: Policing's Tradition of Foot Patrol as an Innovative Community Engagement Strategy*. <https://www.policefoundation.org/publication/engaging-communities-one-step-at-a-time/> (accessed September 11, 2017).

Conclusion

Throughout its history, the Charlotte-Mecklenburg Police Department (CMPD) has worked hard to build and maintain relationships with all segments of the Charlotte community and continues to do so. In 2003, the CMPD adopted Community Problem Oriented Policing (CPOP), to build relationships and partnerships between police and neighborhoods, businesses, and government agencies.³²⁰ This initiative aimed to address community issues and concerns, and by working collaboratively, to move the community and police relations forward. From Cops & Barbers, to Cops & Kids, to its Respect Engage Accountability Character Honesty (REACH) Academy, to its Transparency Workshops, CMPD command staff continue to identify and emphasize policing programs that, “reach into communities through designated community coordinators, citizen forums and outreach to high school students.”³²¹

Despite these efforts, as in many communities across the nation, Charlotte suffers from a painful history of race relations and perceived injustices, not only at the hands of the police, but also throughout the economic and social construct of the city. It is clear to the Police Foundation assessment team, that these perceived injustices continue to inform how some community members feel about the City and the CMPD. In fact, the September 20, 2016 shooting of Keith Lamont Scott, in addition to previous officer-involved shootings opened wounds that had not healed.

While the CMPD cannot solve all the past and present injustices in Charlotte, they can work hand in hand with the community to ease tensions and continue to support a safe and just Charlotte. The Transparency Workshops, the Constructive Conversation Team (CCT) training program, and other community engagement programs, as well as CMPD’s support of removing the Extraordinary Events Ordinance suggests that community members and the police department have committed to coming together to make change. The CCT training has already proven effective and the Transparency Workshops have been successful in bringing community members and officers together to learn from one another.

It is our hope that the recommendations in this report will provide tangible steps that the police and the community can take together to continue to build on the work that has already been done. One of the most important steps is for the City administration, the City Manager, and the CMPD to collaborate on strategies for response and messaging prior to a critical incident. Similarly, the only way to address community-police relationships is to strengthen and sustain open, honest, and productive conversation and corresponding action on the part of the both the police and the community to work toward understanding and healing in Charlotte.

³²⁰ Stephens, Darrel W. *Community Problem Oriented Policing: The Charlotte-Mecklenburg Experience*. December 2003.

http://www.popcenter.org/library/unpublished/ProblemAnalysisTools/192_Community_Problem_Oriented_Policing.pdf (accessed September 14, 2017).

³²¹ Lacour, Greg. “Where Is Charlotte Going With Community Policing.” *Charlotte Magazine*. July 18, 2016.

<http://www.charlottemagazine.com/Charlotte-Magazine/July-2016/Where-Is-Charlotte-Going-With-Community-Policing/> (accessed September 14, 2017).

Appendix A: Recommendations

Recommendation 1.1: The CMPD should identify and engage in continued opportunities and strategies that promote effective dialogue between the department and the community around race and policing.

Recommendation 1.2: The CMPD should continue to build on its tradition of community policing to identify opportunities for the community to participate in the development of the department's policies, procedures, and practices.

Recommendation 1.3: The City of Charlotte administration, the City Manager, and the CMPD should ensure that a city-wide plan, consistent with the National Incident Management System (NIMS), is used to manage all demonstrations and protests and that all City agencies understand, and participate in, the implementation of the plan.

Recommendation 1.4: The CMPD should continue to review its mobilization plans for personnel and resources to make them more agile in response to critical incidents.

Recommendation 1.5: The CMPD should review its CEU SOPs to account for the evolving nature of demonstrations and protests.

Recommendation 1.6: The CMPD should involve the community in the development of robust communication and community engagement directives and strategies for engaging in respectful and constructive conversations and de-escalation during response to mass demonstrations.

Recommendation 1.7: The CMPD should develop and implement policies and procedures that increase situational awareness in anticipation of and during demonstrations and acts of civil disobedience with a specific emphasis on social media.

Recommendation 1.8: The CMPD should develop policies and procedures that use social media to "push" information to the community and quickly disseminate accurate information in response to rumors and false accusations.

Recommendation 2.1: The CMPD should conduct a thorough review of its academy courses and hours, and its additions to the required BLET courses, to emphasize empathetic dialogue and non-confrontational conversations with community members.

Recommendation 2.2: The CMPD should continue engaging community members in the training process.

Recommendation 2.3: The CMPD should continue to support and expand the Constructive Conversation Team program, expanding it internally and further engaging the community.

Recommendation 2.4: Curricula to train all CMPD personnel on crowd management strategies and tactics should be developed from and/or revised based on current best

practices, policy recommendations, and lessons learned from after-action reviews of similar events.

Recommendation 2.5: The City of Charlotte administration, the City Manager, and the CMPD should lead all relevant City personnel, elected officials, mutual aid agencies and other stakeholders in NIMS/ICS training and practical exercises.

Recommendation 3.1: The CMPD should continue the practice of deploying bicycle officers during demonstrations and mass gatherings.

Recommendation 3.2: The CMPD should conduct a regional inventory of assets, or create a regional Council of Governments (COG), to assist incident commanders in identifying potential resources at their disposal that may assist them in their efforts.

Recommendation 3.3: The City of Charlotte administration, the City Manager, and the CMPD should establish a committee to create a protocol for determining the appropriate process for releasing BWC footage in critical incidents. The committee should include representatives from the City Attorney's Office; relevant City, Town, and County stakeholders; and, community members.

Recommendation 3.4: The CMPD should equip officers with body worn cameras, especially officers assigned to its Civil Emergency Unit (CEU).

Recommendation 4.1: The City of Charlotte administration and the City Manager should develop and implement an effective means for parsing political and operational challenges, and for facilitating effective and useful interactions between political decision makers and operational commanders.

Recommendation 4.2: The City of Charlotte administration, the Corporate Communications and Marketing group, the City Manager, and the CMPD should coordinate messaging and talking points prior to making public comments to ensure unity of message and focus on the overall mission of safe and effective resolution of critical incidents.

Recommendation 4.3: The CMPD should create a clear and detailed media strategy or policy to guide the department's use of traditional news media and social media, particularly during critical incidents.

Recommendation 4.4: The CMPD should continue to prioritize local media outlets covering critical incident by providing them additional interviews and exclusive information.

Recommendation 4.5: The CMPD should enhance its use of social media to engage community members and demonstrators before, during, and after mass gatherings and demonstrations to disseminate accurate information and correct erroneous information.

Recommendation 5.1: The CMPD should work with the community to develop and publicize policy and directives regarding body-worn camera (BWC), particularly regarding the release of BWC footage and officer-involved shooting (OIS) investigations to improve transparency.

Recommendation 5.2: The CMPD should consider redeveloping and re-executing standardized process(es) from which to collect and analyze input from the community regarding their expectations and satisfaction of police services.

Recommendation 5.3: The CMPD should work together with the City of Charlotte administration and the City Manager to develop strategies that educate the community on transparency and oversight efforts, as well as other relevant strategies ongoing city-wide.

Recommendation 5.4: The CMPD should develop a specific strategy and policy to keep the community apprised their efforts in response to significant/critical incidents to demonstrate transparency and community engagement, as well as highlight their outreach and partnership efforts.

Recommendation 5.5: CMPD should ensure that all data provided is accurate, easy to access and co-located.

Recommendation 6.1: The CMPD should continue to invest in community policing efforts, particularly in diverse communities, to include acknowledging the history of race relations in the community and developing a process and programs towards reconciliation.

Recommendation 6.2: The CMPD should engage in one-on-one or small-group engagement and relationship-building programs in the specific communities most affected by violence and negative perceptions of the police.

Recommendation 6.3: The CMPD should expand its foot patrol pilot program to the communities most affected by violence and negative perceptions of the police.

Recommendation 6.4: The CMPD should augment its increased focus on building relationships through social media with increased opportunities to provide feedback in person.

Recommendation 6.5: The CMPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the community.

Recommendation 6.6: The CMPD should more fully engage community members in strategic hiring and promotions, training, policy development and other activities to improve community-police relations and provide the community a voice and meaningful involvement in how its police department operates.

Recommendation 6.7: The CMPD should leverage its chaplains to work with faith leaders in the community to enhance police-community relations.

Appendix B: Charlotte and CMPD Background and Governance

The City of Charlotte

The City of Charlotte, North Carolina, is home to approximately 842,051 people, and is the seat of Mecklenburg County, which has a population of approximately 1,054,835 people.³²² Charlotte is the largest city in North Carolina and one of the 25 largest cities in the United States; consistently ranks as one of the fastest growing cities for businesses and careers; and, is one of the top 10 cities for newlyweds to live and work and top 10 cities for information technology jobs. Charlotte is also home to a number of Fortune 1000 companies—including Bank of America and Lowe's—and is home to multiple professional sports teams and venues—including the Carolina Panthers, the Charlotte Hornets, the NASCAR Hall of Fame, and the U.S. National Whitewater Center.³²³ These job opportunities, attractions, and the six colleges and universities are responsible for bringing approximately 26.8 million visitors annually to the Charlotte region.³²⁴

The Charlotte-Mecklenburg Police Department

“The Charlotte-Mecklenburg Police Department will build problem-solving partnerships with our citizens to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect.”³²⁵

The Charlotte-Mecklenburg Police Department (CMPD) was officially formed in 1993, when the Charlotte Police Department and the Mecklenburg County Police Department merged, but the history of policing in the city dates back more than 140 years. CMPD currently employs approximately 1,900 sworn officers and 514 civilian employees, and is supplemented by nearly 500 volunteers, making it one of the largest state and local law enforcement agencies by number of full-time sworn personnel and the largest metropolitan police department between Atlanta and Washington D.C.³²⁶ CMPD is led by the chief of police, two assistant chiefs, and five deputy

³²² “QuickFacts: Charlotte city, North Carolina; Mecklenburg County, North Carolina.” U.S. Census Bureau. <https://www.census.gov/quickfacts/fact/table/charlottecitynorthcarolina,mecklenburgcountynorthcarolina/RHI125216> (accessed July 12, 2017).

³²³ “About Charlotte – the Queen City.” City of Charlotte.

<http://charlottenc.gov/AboutCharlotte/Pages/AboutTheQueenCity.aspx> (accessed July 12, 2017).

³²⁴ Charlotte Regional Visitors Authority. *Charlotte: The Visitor Economy*. January 2017.

<http://www.crva.com/sites/default/master/files/FactSheet-January2017.pdf> (accessed July 13, 2017).

³²⁵ Internal Affairs Bureau. *2016 Internal Affairs Annual Report*. Charlotte-Mecklenburg Police Department. June 2017.

http://www.charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed June 29, 2017).

³²⁶ Reaves, Brian A. *Census of State and Local Law Enforcement Agencies, 2008*. July 2011. U.S. Department of Justice, Bureau of Justice Statistics: Washington, DC. <https://www.bjs.gov/content/pub/pdf/cslea08.pdf> (accessed June 27, 2017).

chiefs, who oversee four service groups—Administrative Services, Field Services, Investigative Services, and Support Services.³²⁷ The Field Services Group is separated into Field Services North and Field Services South—each led by a deputy chief—and further divided into 13 geographically-arranged patrol divisions (depicted in Figure B1).³²⁸

Figure B1: CMPD Patrol Divisions



Source: “Our Response Areas.” <http://charlottenc.gov/CMPD/ResponseAreas/Pages/default.aspx> (accessed June 27, 2017).

Governance Structure of CMPD and the City of Charlotte

The governance structures—of the police department by city officials and of city officials by state government—factored into the response to the September 2016 demonstrations.

At the City level, according to Section 4.01 of the city charter, “The City shall operate under the Council-Manager form of government,” which divides roles and responsibilities between elected officials—a city council of 11 members and a mayor—and an appointed city manager (depicted in Figure B2).³²⁹ According to Section 2.03 of the city charter, the City Council must be

³²⁷ “Our Organization.” <http://charlottenc.gov/CMPD/Organization/Pages/default.aspx> (accessed August 5, 2017).

³²⁸ “Our Response Areas.” <http://charlottenc.gov/CMPD/ResponseAreas/Pages/default.aspx> (accessed June 27, 2017).

³²⁹ “Sec. 4.01 – Form of government.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003.

comprised of 11 elected members—seven according to geographical districts and four at-large.³³⁰ The City Council, “shall appoint the City Manager, City Clerk, and City Attorney;”³³¹ “establish by appropriate ordinances a system of personnel administration...governing the appointment, promotion, transfer, layoff, removal, discipline, and welfare of City employees;”³³² “create and establish, by ordinance or resolution, such other authorities, boards, and commissions as it may deem necessary or appropriate to the administration, regulation, and operation of services, activities, and functions which the city is authorized by law to perform, regulate, and carry on;”³³³ and, also “set policy, approve the financing of all City operations and enact ordinances, resolutions and orders.”³³⁴ Relative to CMPD, according to Section 16.27, “The personnel of the police department shall consist of a chief of police and such other officers and employees as may be authorized from time to time by the council.”³³⁵

Along with the City Council, the Mayor of Charlotte is an elected position with statutory roles and responsibilities. According to Section 3.23, “Except for Council appointments to committees, boards, and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs and matters which must be approved by the voters, the Mayor may veto any action adopted by the Council,” “shall have a vote in consideration of amendments to zoning ordinances” under certain circumstances, and, “shall have a vote in the consideration of the employment or dismissal of the City Manager, the City Attorney and the City Clerk.”³³⁶ Additionally, as mentioned in Section 3.24, “The Mayor shall be ex officio member of all boards or commissions elected or appointed by the Council or the Mayor, and he shall serve upon the same in an advisory capacity only and shall not have a vote.”³³⁷ The Mayor

https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

³³⁰ “Sec. 2.03 – Election of Council members.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003.

https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH2EL_S2.03ELCOM (accessed July 12, 2017).

³³¹ “Sec. 4.02 – Appointments by Council.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

³³² “Sec. 4.05 – Personnel administration standards.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

³³³ “Sec. 5.01 – Powers of Mayor and Council.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003.

https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH5AUBOCO (accessed July 12, 2017).

³³⁴ “About Charlotte City Government.” City of Charlotte. <http://charlottenc.gov/government-site/Pages/AboutUs.aspx> (accessed June 26, 2017).

³³⁵ “Sec. 16.27 – Composition.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PO (accessed July 12, 2017).

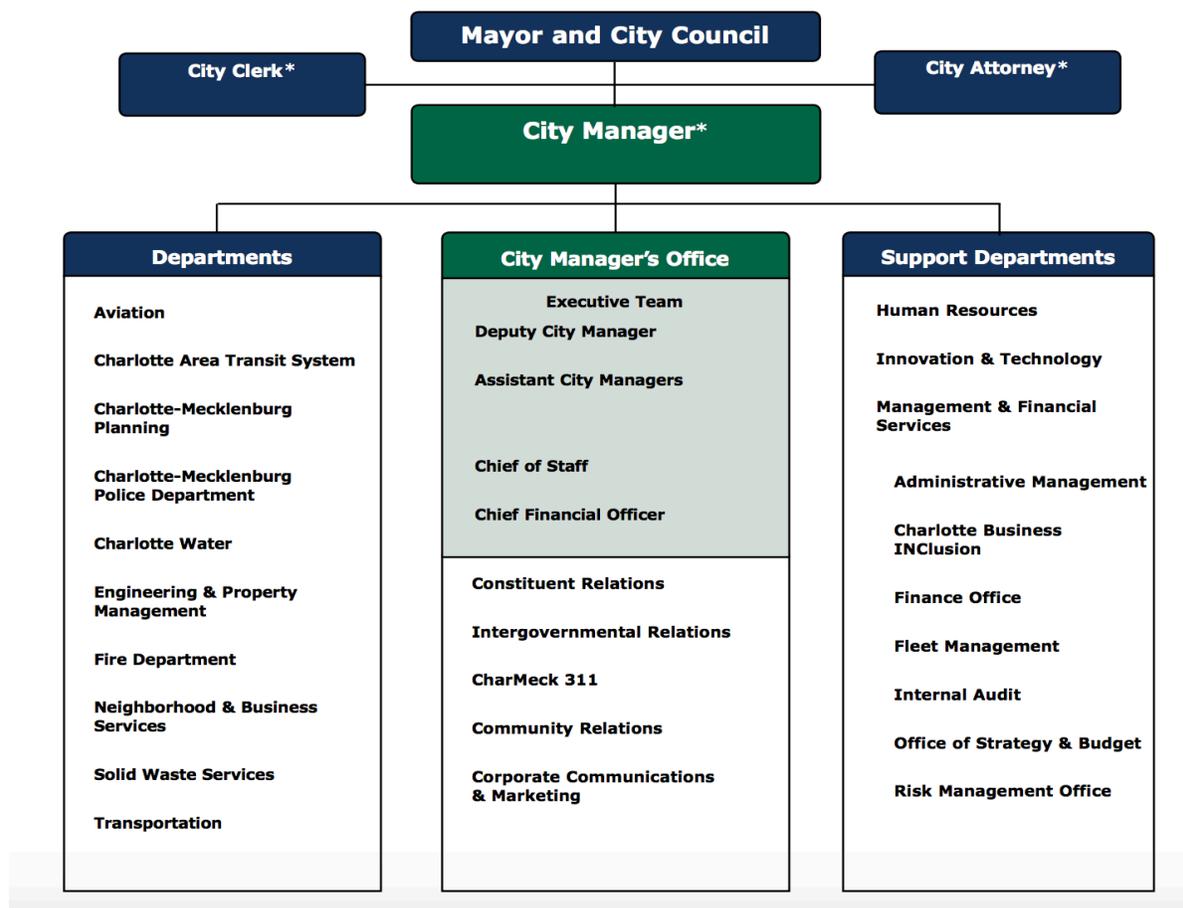
³³⁶ “Sec. 3.23 – Quorum; procedure; voting.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

³³⁷ “Sec. 3.24 – Powers and duties of mayor.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

also represents, “the City in an official capacity at the state capital in Raleigh, in Washington and internationally,” and, “in national organizations that work on issues that are important to both Charlotte and the nation.”³³⁸

Finally, the city manager administers the policies and decisions made by city council and oversees the day-to-day operations of the City government.³³⁹ Relative to CMPD, according to Section 16.26 the chief of police of the Charlotte-Mecklenburg Police Department is subject to the general supervision of the city manager.³⁴⁰

Figure B2: City of Charlotte Governance Structure



Source: *City of Charlotte: City Manager*. <http://www.ralphandersen.com/wp-content/uploads/2016/06/Brochure-Charlotte-City-Manager.pdf> (accessed June 27, 2017).

³³⁸ “City Council FAQs.” <http://charlottenc.gov/CityCouncil/Pages/FAQs.aspx> (accessed June 27, 2017).

³³⁹ “About Charlotte City Government.” City of Charlotte. <http://charlottenc.gov/government-site/Pages/AboutUs.aspx> (accessed June 26, 2017).

³⁴⁰ Sec. 16.26 – Control and supervision.” Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PO (accessed July 12, 2017).

Appendix C: Methodology

At the request of the City of Charlotte, and the chief of the Charlotte-Mecklenburg Police Department (CMPD), and the Charlotte community, the Police Foundation created an assessment team to conduct a critical incident review and provide technical assistance to support implementation of recommendation and to further strengthen relationships in Charlotte. The Police Foundation assessment team, comprising subject matter experts in law enforcement, police-community relations, and public safety,³⁴¹ developed a comprehensive methodology to thoroughly review and assess the public safety response to the demonstrations that followed the officer-involved shooting that began on September 20, 2016.

The assessment approach involved three means of information gathering and collection: (1) on-site data collection, (2) resource material review, and (3) off-site data collection and research. Each method is described in more detail below.

On-Site Data Collection

The Police Foundation assessment team conducted two site visits in 2017: April 11-13 and June 5-9. During these site visits, the assessment team conducted semi-structured individual interviews and meetings with city government officials; CMPD command staff and officers; and, community leaders and members. More than 100 individuals were interviewed during these site visits, including the following:

- City of Charlotte Mayor
- City Councilmembers
- CMPD Chief of Police and command staff
- CMPD Civil Emergency Unit members
- CMPD Public Information Officers
- CMPD officers
- Charlotte Office of Emergency Management executive
- Charlotte religious and community leaders
- Charlotte community members
- Charlotte business leaders

During the first site visit, the assessment team also hosted a Community Stakeholder Listening Session, which provided community members the opportunity to give input on police-community relationships. A second site visit to receive community feedback on the first draft of the report was conducted on November 20, 2017.

The assessment team also visited Old Concord Road and the Village at College Downs to gain perspective of the locales, distances/proximities, and challenges related to crowd control and responding officers establishing on-scene incident command.

³⁴¹ Assessment Team bios can be found in Appendix D of this report.

Resource Review

The assessment team collected and reviewed relevant CMPD policies, procedures, training curricula, after-action reports, data, and other documents provided by CMPD. Each resource was reviewed to better understand the department's response to the mass demonstration situations that occurred in the days that followed. Materials reviewed included the following:

- CMPD Directives
- CMPD standard operating procedures and Emergency Operations Plans
- Training curricula, outlines, and workshop materials
- CMPD social media content
- IACMS Use of Force Synopses
- IACMS Officer Injury Synopses
- *The Charlotte-Mecklenburg Opportunity Task Force Report*
- Charlotte City Council Letter to the Community
- List of community demands provided to CMPD

The team also reviewed hours of news media and social media footage from the demonstrations, read open source media articles, and reviewed social media content regarding the incident.

Off-Site Data Collection

In addition to the information collected from Charlotte, and to ground the assessment in national standards, model policies, and best practices, the assessment team researched and reviewed scholarship on mass demonstrations, with an emphasis on de-escalation procedures. They also reviewed and analyzed relevant critical incident reviews and after action reports from national and international incidents. Other areas, such the National Incident Management System (NIMS), Incident Command System (ICS), and other relevant topics published by researchers from academia and from organizations including the following:

- U.S Department of Homeland Security
- U.S. Department of Justice
- Federal Emergency Management Agency
- International Association of Chiefs of Police
- Police Executive Research Forum
- Police Foundation

Analysis

The assessment team used the totality of the information collected to conduct a gap analysis, which focused on identifying key areas to develop a set of recommendations for the city of Charlotte, CMPD and the community.

The recommendations provided in this report are also applicable to law enforcement agencies and communities across the nation faced with responding to similar incidents. It should also be noted that the recommendations in this document not only relate to law enforcement, but also

have implications for elected officials, community members, and other stakeholders who played a role in the critical incident and demonstrations in Charlotte.

Appendix D: About the Authors

Chief Frank Straub (Ret.), PhD., *Director of Strategic Programs*, provided on-site project management, coordinating the work of subject matter experts and providing law enforcement guidance and expertise to the project. He managed the document review process and worked to ensure that all on- and off-site decisions and activities met project goals. A 30-year veteran of law enforcement, Dr. Straub currently serves as the Director of Strategic Studies for the Police Foundation. He last served as the chief of the Spokane (Washington) Police Department, where he received national recognition for the major reforms and community policing programs he implemented and significant crime reductions achieved during his tenure. Dr. Straub also served as director of public safety for the City of Indianapolis, Indiana, during which time the Indianapolis Metropolitan Police Department reduced homicides to the lowest level in 20 years. Dr. Straub has also served as the public safety commissioner for the City of White Plains, New York, where his department reduced serious crime by 40 percent. He established the first police-community mental health response team in Westchester County to proactively assist persons challenged by mental illness, homelessness, and domestic violence. Dr. Straub previously served as the deputy commissioner of training for the New York City Police Department and as a federal agent. He holds a BA in Psychology from St. John's University, and MA in Forensic Psychology from John Jay College of Criminal Justice, and a PhD in Criminal Justice from the City University of New York's Graduate Center. He co-authored a book on performance-based police management and has published several articles regarding community policing, police reform, and jail management.

Reverend Jeffrey Brown, provided input and expertise on- and off-site in community engagement. He coordinated community input, facilitated listening sessions, and served as a contributor to the final report. Rev. Brown is a nationally recognized leader and expert in coalition-building, gangs, youth, and urban violence reduction. He has over 20 years of experience of gang mediation and intervention and developing dialogues in police/community relations in the United States and around the world. He has developed expertise in helping faith-based organizations and law enforcement, among other key stakeholders, increase their capacity for solving gang violence in the community. His work builds on the idea that while community policing is an effective policing tool, in many urban areas, the relations between the urban, often minority community and law enforcement is poor, which inhibits effective policing and prevents the community from getting the quality of life it deserves. Rev. Brown's experience has led to his successful work nationally in cities like Boston, Massachusetts; Camden, New Jersey; and Salinas, California to help build a strong community component into any public safety crime reduction strategy. Rev. Brown is the founder of RECAP (Rebuilding Every Community Around Peace), a new national organization organized to assist cities build better partnerships between community, government, and law enforcement agencies to reduce gang violence. He is also one of the co-founders of the Boston Ten Point Coalition, a faith-based group that was an integral part of the "Boston Miracle"—a process where the city experienced a 79 percent decline in violent crime in the 90s—and spawned countless urban collaborative efforts in subsequent years that followed the Boston Ceasefire model. Rev. Brown consults with municipalities and police departments on issues around youth violence and community mobilization and has provided expertise to Fortune 25 corporations and the World Bank for the past 14 years on Collaborative Leadership and Managing Change. In October of 2014, Rev. Brown traveled to Ferguson,

Missouri to be a part of a national clergy group to support the efforts of Hands Up United and to participate in and serve as a buffer between residents and the police during protests, as well as to assist in moving forward.

Chief Roberto Villaseñor (Ret.), provided on- and off- site expertise on law enforcement training, policies and procedures, particularly community-police relations. He also served as a writer to the final report. Chief Villaseñor served with the Tucson Police Department for over 35 years, and served from May 2009 until his retirement in December 2015 as the Chief of the Department. He served in every division and bureau of the Department, to include Patrol, Investigations, Internal Affairs, Bike Patrol, PIO, Hostage Negotiations, Community Policing, Administration and Communications. As an Assistant Chief for nine years, he commanded all four bureaus, and served as the Union Liaison involved in discipline grievances and labor negotiations. His career history and assignments have given him a thorough understanding of all facets of policing and police management. Chief Villaseñor served on several state and national boards and committees, to include the Arizona HIDTA (Chairman), The Arizona Association of Chiefs of Police (President), the Police Executive Research Forum (PERF) Executive Board, the FBI CJIS/UCR Working Group, and the Customs and Border Protection (CBP) Ethics and Integrity Advisory Panel. In 2014 Villaseñor was appointed by President Obama to the President’s National Task Force on 21st Century Policing, and in 2015 was appointed by Arizona Governor Doug Ducey to the Arizona Criminal Justice Council. He holds a B.S. degree from Park University and a M.Ed. from Northern Arizona University. He attended the PERF Senior Management Institute for Police (SMIP), University of California at Long Beach Leadership Development Series, the FBI National Academy, and the FBI National Executives Institute (NEI). Throughout his career, in addition to numerous Commendations and Letters of Appreciation, he received the Department’s Medal of Distinguished Service, three Medals of Merit, and was Officer of the Year for 1996. In 2015 The Tucson Branch of the NAACP presented him an award for “Pursuing Liberty in the Face of Injustice”, and the Tucson Hispanic Chamber named him as the 2015 Arizona Public Servant of the Year.

Jennifer Zeunik, Director of Programs, provided overall project structure and oversight. She worked with project staff in driving toward goals and deliverables and coordinated activity of on- and off- site assessment team members and project staff. She also served as a writer, editor and quality control manager on the final report, ensuring report cohesion and clarity. Ms. Zeunik has 20 years of public sector and nonprofit project management experience, working closely with all levels of government. In her career, Ms. Zeunik has provided strategic management expertise to international, federal, state, and local criminal justice clients focused on justice policy research, business development activities, program management, strategic planning, training and technical assistance management, and development of strategic communications. She served as a lead writer on numerous published reports throughout her career, including the *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Trust Report*, as well as the COPS Office–funded *Police Foundation Collaborative Reform Initiative: An Assessment of the St. Louis County Police Department*, the San Bernardino Terrorist Shooting critical incident report, *Bringing Calm to Chaos*, and the incident review of the Orlando Pulse Nightclub shooting response, *Rescue, Response & Resilience*.

Ben Gorban, Policy Analyst, provided on- and off-site input for project support as well as document writing, review, and editing. Mr. Gorban is a Policy Analyst with over eight years of

experience supporting law-enforcement related projects, including the provision of technical assistance and policy analysis support on projects related to countering violent extremism, community policing, and the role of social media in law enforcement. Mr. Gorban's areas of expertise include research, resource development, and information dissemination. He received his M.S. in Justice, Law and Society from American University in 2011 and received his BA in both Philosophy and Justice, Law and Society from American University in 2009.

Blake Norton, Vice President and Chief Operating Officer, provided input and expertise on- and off-site in police-community relations; provided high-level strategy and coordination; served as the primary liaison to the City of Charlotte throughout the project; and, served as a writer and editor on the final report. She was also the lead author for the COPS Office-funded [*Collaborative Reform Initiative: An Assessment of the St. Louis County Police Department*](#). As Vice President and Chief Operating Officer of the Police Foundation, Ms. Norton oversees the daily operations of the Police Foundation in its mission is to improve American policing and enhance the capacity of the criminal justice system to function effectively. Prior to joining the Police Foundation in March 2014, Ms. Norton was the Division Director for Local Government Initiatives at the Council of State Government's Justice Center. She oversaw four program areas: Law Enforcement, Mental Health, Reentry, and School Discipline. The primary focus of the division was to work with legislators, consultants, researchers, practitioners, and policymakers to help raise the level of public awareness about critical criminal justice issues. In addition, the Local Initiatives division provided technical assistance to cities, counties, and nonprofits focused on cross-system collaborations between law enforcement and other criminal justice entities, with a significant focus on the intersection between law enforcement and behavioral health systems. Before joining the Justice Center, she spent more than 19 years with the Boston Police Department, where her last position was as the Director of Public Affairs and Community Programs. Ms. Norton helped shape the agency's reentry efforts and successfully worked with citizens and faith-based organizations to advance consensus-based strategies for improving public safety. She designed and managed the police department's community affairs activities, including programs for court-involved and at-risk youth. She received her B.A. from the University of Massachusetts and her M.Ed. from Boston University.

Deputy Chief Eddie Reyes (Ret.), Sr. Law Enforcement Project Manager, Chief Reyes provided on- and off- site project input during site visits, data collection and information interpretation. He also reviewed and analyzed policy and other relevant materials and served as a contributor to the Advancing Charlotte final report. Chief Reyes has extensive experience in community policing and working with diverse groups in the community. He commanded field operations and criminal investigations for Amtrak Police, and has 25 years of service with Alexandria Police Department, where he rose to Deputy Chief. He was also appointed to the Virginia Latino Advisory Board and the Commission on Immigration. He also has extensive experience in communications and interoperability. He holds a Bachelor's degree in Criminal Justice from New Mexico State University. Chief Reyes earned a Graduate Certificate in Public Administration with a concentration in Administration of Justice at George Mason University in Fairfax, VA.

Police Foundation Project Staff³⁴²

Siobhan Scott, *Project Associate*, provided on- and off-site project and technical support.

Joyce Iwashita, *Project Assistant*, provided off-site project support.

³⁴² Project staff bios can be found at <https://www.policefoundation.org/>.

Appendix E: About the Police Foundation

The Police Foundation is a national nonmember, nonpartisan, nonprofit organization that has been providing technical assistance and conducting innovative research on policing for nearly 45 years. The professional staff at the Police Foundation work closely with law enforcement, community members, judges, prosecutors, defense attorneys, and victim advocates to develop research, comprehensive reports, policy briefs, model policies, and innovative programs. The organization's ability to connect client departments with subject matter expertise, supported by sound data analysis practices, makes us uniquely positioned to provide critical incident review, training and technical assistance.

The Police Foundation has been on the forefront of researching and providing guidance on community policing practices since 1970. Acceptance of constructive change by police and the community is central to the purpose of the Police Foundation. From its inception, the Police Foundation has understood that to flourish, police innovation requires an atmosphere of trust; a willingness to experiment and exchange ideas both within and outside the police structure; and, perhaps most importantly, a recognition of the common stake of the entire community in better police services.

The Police Foundation prides itself in a number of core competencies that provide the foundation for critical incident reviews, including a history of conducting rigorous research and strong data analysis, an Executive Fellows program that provides access to some of the strongest thought leaders and experienced law enforcement professionals in the field, and leadership with a history of exemplary technical assistance program management.

Other Police Foundation critical incident reviews include:

- [Rescue, Response, and Resilience: A critical incident review of the Orlando public safety response to the attack on the Pulse nightclub](#)
- [Managing the Response to a Mobile Mass Shooting: A Critical Incident Review of the Kalamazoo, Michigan, Public Safety Response to the February 20, 2016, Mass Shooting Incident](#)
- [Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to the Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct](#)
- [Bringing Calm to Chaos: A critical incident review of the San Bernardino public safety response to the December 2, 2015 terrorist shooting incident at the Inland Regional Center](#)
- [A Heist Gone Bad: A Police Foundation Critical Incident Review of the Stockton Police Response to the Bank of the West Robbery and Hostage-Taking](#)
- [Police Under Attack: Southern California Law Enforcement Response the Attacks by Christopher Dorner.](#)³⁴³

³⁴³ View the entire Police Foundation Critical Incident Review Library: www.incidentreviews.org.