

CITIZENS' REVIEW BOARD  
ANNUAL REPORT  
August 1, 2014 through August 1, 2015

History of the Board, Charge, Meetings and Attendance

The Citizens' Review Board (CRB) came into existence in September 1997. The Board reviews appeals from the outcome of citizen complaints to the Police Department concerning use of force, unbecoming conduct, arrest, and search and seizure involving a sworn police officer. In addition, the disposition of the review of any discharge of a firearm by an officer, which results in the death or injury of a person, may be appealed to the Board. The Board also serves in an advisory role to the Chief of Police, the City Manager, and the City Council. It is charged with making periodic reports to the Chief of Police, the City Manager, the City Council and the Community Relations Committee. The Board typically meets on the second and/or fourth Tuesday of the month when appeals are received or as needed. There have been eight meetings during this reporting year.

Current Membership

The eleven members are appointed for three year terms, with no member serving more than two consecutive terms. Currently, there are eight Board members: Ms. Sandra Donaghy (Chair), Ms. Theresa Halsey (Vice-Chair), Mr. Henry Black, Jr. (awaiting confirmation of reappointment), Mr. Clarence Darnell, Mr. Antonio Gaither, Ms. Nancy Hightower, Mr. David Smith, Mr. Nicholas X Wind-McJeters. Ms. Victoria Corwin resigned in August 2014. Mr. Black was appointed to fill her position in January 2015. Mr. Lance Berger resigned in January 2015. We are awaiting the name of his replacement. Ms. Carolyn Millen resigned in May 2015. Nancy Hightower was appointed in August 2015 to fill that position. Mr. Gaither, Mr. Smith, Mr. Wind-McJeters also were appointed in August 2015. They replaced three long-serving members – Mr. Alan Adler, Mr. Jason Baker, and Ms. Robbie Harrison – who rolled off the Board, each after serving two consecutive three-year terms. Mr. Greg West (former Chair) and Mr. Harvey Katowitz (former Vice-Chair) also rolled off the Board after serving two consecutive three-year terms, and we are awaiting their replacements, as well as the replacement for Mr. Berger. All Board members who served through the end of the reporting year met the attendance policy as required.

### Board Activity for this Period

With input from the community, Charlotte Mecklenburg Police Department (CMPD), members of the CRB and the Charlotte Community Relations Committee, the governing ordinance of the Citizens' Review Board was amended by City Council on November 25, 2013. The amended ordinance provides that the Board hold an initial hearing within forty-five (45) calendar days of the date a citizen complainant files a timely appeal. Under the amended ordinance, an appeal is timely if filed within thirty (30) days of the date the citizen receives notice from CMPD of the disposition of the complaint. The initial hearings and the evidentiary fact-finding proceedings must be conducted pursuant to new Section 16-60 of the ordinance. The amended ordinance provides that the Board may hold additional evidentiary fact-finding proceedings upon a finding by a majority of Board members present that there is substantial evidence of error regarding the disposition of the disciplinary charges entered by the Chief of Police.

During this reporting period, the board considered three appeals, each in accordance with the amended ordinance. Two of those appeals were dismissed at the initial hearing stage upon the Board's determination that there was not substantial evidence of error regarding the Chief's decision. In the third appeal, the Board found substantial evidence of error at the initial hearing stage and, pursuant to the amended ordinance, conducted additional evidentiary fact-finding proceedings. During the evidentiary hearing, the Board received evidence in the form of sworn witness testimony and various exhibits. Witnesses testified both on direct examination and cross examination. Following closing arguments and after due deliberation, the Board decided by a unanimous vote that that the greater weight of the evidence did not show that the Chief of Police "clearly erred" in his disposition of the disciplinary charges. No additional action was taken, but the Board communicated two areas of concern by letter to the Police Chief and City Manager. We understand that CMPD implemented policy changes in response to the Board's concerns. Specifically, (1) any consent to a warrantless search by a citizen now must be video-recorded by body-cam, and (2) any follow-up investigation related to a misdemeanor traffic offense now must be conducted within 48 hours unless a supervisor (i) approves a longer delay and (ii) physically supervises the officer's follow-up investigation.

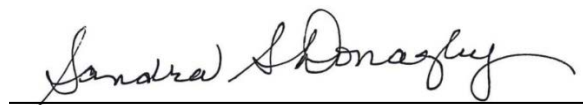
Pursuant to Section 16-64 of the amended CRB Ordinance, the Board has been in discussions with the Charlotte Community Relations Committee regarding a communications/public relations policy in order to promote the Board's visibility and provide more educational information through the City's website. Also, Charlotte-Mecklenburg Community Relations Committee staff sought input from the Board to revise the informational brochure entitled "Your Guide to the Police Complaint Process and the Citizens Review Board in English and Spanish."

The Board conducted a Diversity/Cultural Awareness Training on March 24, 2015. Willie Ratchford, Executive Director of Charlotte-Mecklenburg Community Relations Committee, engaged those who were in attendance in a meaningful and insightful presentation on the philosophy and definition of diversity.

The Board approved revisions to its Rules of Procedures as part of an ongoing effort to ensure the fairness of the appeals process. In addition, with City Council's June 8, 2015 approval of a Resolution on the Protection of Civil Liberties and a further amendment to the CRB Ordinance, the Board has been given jurisdiction to hear complaints of arbitrary profiling by police officers. The Board played an active role in bringing about this change.

#### Recommendations to Council

There are several long-time dedicated board members whose terms expired on July 31, 2015 and are not eligible for reappointment. In contemplating applicants to fill the upcoming vacancies, the Board recommends City Council, the Mayor and the City Manager continue to seek board members that are representative of the greater Charlotte community. It is important that the membership of this Board remain diverse with respect to age, race, gender, sexual orientation, ethnicity, religious beliefs, disabilities, etc.



Sandra Donaghy  
Chairman

cc: Chief Kerr Putney  
Ron Carlee, City Manager  
Community Relations Committee