

CITIZENS REVIEW BOARD ANNUAL REPORT

September 1, 2020 through December 31, 2021

History of the Board, Charge, Meetings and Attendance

The Citizens Review Board (the “CRB” or the “Board”) 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, search and seizure; arbitrary profiling; and neglect of duties (duty to intervene). In addition, the disposition of the review of any discharge of an officer’s firearm that 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 annual 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 twelve (12) meetings of the Board during this reporting year, including five (5) trainings for Board members and one (1) town hall educating community members about the Board, as described below.

Current Membership

The eleven members are appointed each for three-year staggered terms, with no member serving more than two consecutive terms. Five members are appointed by City Council. The Mayor and City Manager each make three appointments. As of December 31, 2021, the current members are: Tonya Jameson (Chair); John Watkins (Vice Chair); Brittenay Causieestko-Lee; Magaliz Giraud; Marc Jensen; Robert Keene; La Becky Roe; Jeffrey Simpson; and Samuel Smith. Tom Bowers and Faith Watson also served as members of the Board until their resignations in October 2021 and November 2021, respectively.

Board Activity During this Reporting Period

The Citizens Review Board had a joint meeting with the Community Relations Committee (the “CRC”) so that the groups could learn more about one another and continue fostering relations. In response to those discussions, the Board Chair and legal counsel presented to the entire CRC. They educated the CRC on the work of the CRB, including the types of appeals the Board hears and how Board recommendations have shaped CMPD policy.

During this reporting period, the Board received four appeals, filed on May 6, 2021, August 11, 2021, October 1, 2021, and November 25, 2021. The initial hearings to consider these appeals were scheduled for and held on June 15, 2021, September 14, 2021, and November 4, 2021. The fourth appeal is to be scheduled in 2022. The Board dismissed the first appeal after the initial hearing and made no recommendations to CMPD. Following the second appeal, the Board conducted an evidentiary fact-finding hearing, as described below. In the third appeal, the Board dismissed the appeal after an initial hearing. Noting similar issues in multiple appeals, the Board drafted a letter to CMPD outlining its concerns about customer relations issues and poor communication amongst officers and seeking a meeting with the Chief of Police to learn more. The letter is to be sent in 2022.

The CRB conducted one evidentiary fact-finding hearing during this reporting period. The hearing, regarding an appeal filed by Sheryl Ford, was held on October 26, 2021. Attorney Nate Viebrock represented Mrs. Ford as part of the new pro bono initiative meant to assist citizens with navigating the CRB process.

This appeal challenged the decision of the Chief of Police, Johnny Jennings, dated June 15, 2021, that exonerated two officers of alleged misconduct regarding CMPD's Use of Force and Arrest, Search, & Seizure policies and sustained allegations of misconduct regarding the Courtesy policy. At the initial hearing, the Board determined by a vote of 8 to 1 that there was not substantial evidence of error regarding the disposition of the disciplinary charges for one of the officers and by a vote of 8 to 1 that there was substantial evidence of error regarding the disposition of the disciplinary charges for the other officer. The Board continued to an evidentiary fact-finding hearing to further evaluate the matter with respect to the latter. After thoroughly and comprehensively considering the relevant statements, exhibits, and sworn witness testimony, the Board members present at the October 26, 2021 evidentiary hearing voted 8 to 1 that the greater weight of the evidence showed that the Chief did not clearly err in the disciplinary charges against the officer.

Although the Board did not recommend the Chief change his determination, the Board made several recommendations following the evidentiary fact-finding hearing. The CRB recommended that CMPD: (i) improve its process for communication when responding to calls regarding armed suspects; (ii) confirm whether the officer who was the subject of the complaint had received additional training and, if not, enroll him in appropriate training immediately; (iii) adopt a new policy requiring all officers who are the subject of a complaint heard by the Board to attend the evidentiary hearing; and (iv) appoint a civilian on the Internal Chain of Command hearings who is not employed by the city of Charlotte. As of the time of this report, CMPD has not responded to the Board's recommendations.

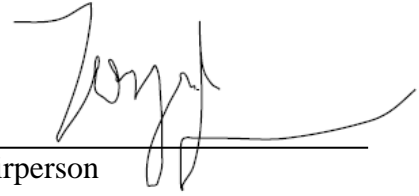
City Clerk staff continually updates the Citizens Review Board website that contains pertinent information about the Board, including history, statistics, the current board roster, an online appeal form, and links to related information.

Recommendations to Council

All cases reviewed by the Board are reminders of the role the CRB plays in holding our police department accountable and in ensuring citizens have a forum to challenge CMPD's decisions regarding officer-involved shootings and police misconduct. We wish to express our appreciation to the Mayor, City Manager, and City Council for the opportunity to serve our community in this fashion. We respectfully submit this annual report and request thorough consideration of the following recommendations offered to enhance the appeal process and effectiveness of this Board:

1. It is important that membership of this Board remain diverse with respect to age, race, gender, sexual orientation, ethnicity, religious beliefs, disabilities, etc.;
2. The Board requests City Council continue to seek granting of subpoena power to the CRB from the North Carolina General Assembly; and
3. The Board requests City Council amend the City Ordinance to add a new "Justified

but Potentially Preventable” disposition for situations when the shooting itself may have been justified but immediately preceding police actions escalated the situation unnecessarily and contributed to creating the situation in which the shooting occurred.



Tonya Jameson, Chairperson

cc: Police Chief Johnny Jennings
Marcus Jones, City Manager
Willie Ratchford, Community Relations Cmte.
Michael Smalenberger, Community Relations Cmte.