

CITIZENS REVIEW BOARD ANNUAL REPORT

January 1, 2022 through December 31, 2022

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 meets when appeals are received and as otherwise needed. There have been seven (7) meetings of the Board during this reporting year, including one (1) training with Charlotte-Mecklenburg Police Department (“CMPD”) and one (1) meeting with the Chief of Police, 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, 2022, the current members are: Tonya Jameson (Chair); John Watkins (Co-Chair); Harold Busch; Brittenay Causieestko-Lee; Magaliz Giraud; Robert Keene; La Becky Roe; Nakia Savage; Jeffrey Simpson; Samuel Smith; and Sa’idah Sudan. Marc Jensen dutifully served as a member until his successor was appointed. City Council appointed Sa’idah Sudan and the City Manager appointed Nakia Savage and Harold Busch.

Board Activity During this Reporting Period

During this reporting period, the Board heard three initial hearings held on March 15, 2022 (appeal filed February 1, 2022), April 6, 2022 (appeal filed November 25, 2021 and initial hearing rescheduled with parties’ consent to allow for further IA investigation), April 27, 2022 (appeal filed March 16, 2022).

The Board dismissed the first and third appeals after the initial hearings and made no recommendations to CMPD. Following the second appeal, the Board conducted an evidentiary fact-finding hearing, as described below. Noting similar issues in multiple appeals during this and the prior reporting period, the Board sent a letter to CMPD outlining its concerns about customer relations issues and poor communication amongst officers, seeking a meeting with the Chief of Police to learn more. The Board met with Chief Johnny Jennings, Lead Senior Assistant City Attorney Jessica Battle and Major (now Deputy Chief) Jacquelyn Hulsey on April 12, 2022. The Board highlighted recent CRB cases in which breakdowns in CMPD communications gave rise to incidents. The Board also flagged that citizens often do not feel heard and that an effort by CMPD to engage citizens might reduce appeals to decisions and improve CMPD-citizen relationships. Relatedly, the Board expressed dismay in the lack of officers participating in

evidentiary fact-finding hearings. Finally, the Board expressed an interest in continued communications and collaboration between CMPD and CRB, including learning more about recent CMPD initiatives like CommUNITY Collaboration and CMPD *Serves*. The Board followed up with additional questions following the meeting, to which CMPD provided detailed responses. The Board's initial letter and CMPD's responses are appended to this report.

The CRB conducted one evidentiary fact-finding hearing during this reporting period. The hearing, regarding an appeal filed by Jasmine Horne, was held on May 12, 2022. Attorney Darlene Harris represented Ms. Horne.

This appeal challenged the decision of the Chief of Police, dated September 14, 2021, that exonerated two officers of alleged misconduct regarding CMPD's Use of Force and Arrest, Search, & Seizure policies. Acting on incorrect information entered into CMPD's license plate reader system, two CMPD officers drew their weapons on, handcuffed, searched, and placed Ms. Horne in the back of a patrol car for approximately 12 minutes before realizing their mistake and releasing her. At the initial hearing, the Board determined by a vote of 9 to 0 that there was substantial evidence of error regarding CMPD's investigation and disposition of Ms. Horne's complaint. After thoroughly and comprehensively considering the relevant statements, exhibits, and sworn witness testimony, the Board members present at the May 12, 2022 evidentiary hearing voted 8 to 2 that the greater weight of the evidence showed that the Chief clearly erred in the disposition of the disciplinary charges stemming from Ms. Horne's complaint. Specifically, the Board recommended that the charges against the two officers that detained Ms. Horne be changed from "Exonerated" to "Sustained" and the officers disciplined. The Board further noted that the officer who initially relayed the wrong name out over the police radio and did not correct it once he learned the correct name, as well as the on-duty shift sergeant who pushed out the wrong name over the license plate reader system but failed to notice the incorrect name despite multiple opportunities to do so in the ordinary course of his shift duties, were responsible for what happened to Ms. Horne. CMPD's IA investigation was too narrow and overlooked the role other officers should have played in preventing the incident giving rise to Ms. Horne's complaint.

Given that the communications issues arising in the Horne complaint were part of a series of breakdowns raised during recent hearings, the Board recommended that CMPD form a task force devoted to improving internal communications and information sharing. The Board further recommended that CMPD be more open-minded and flexible during the IA process when determining which officers should be investigated and which rules of conduct were potentially violated. Finally, the Board recommended inviting citizen complainants to the Independent Chain of Command hearings rather than just the officer under review. This would afford citizen complainants the same opportunity to humanize their story, respond to any questions and concerns the panel may have, and have their voices heard. It would also allow panel members to assess complainants' credibility and could make some complainants more accepting of a decision that does not go their way. CMPD responded to the Board's recommendations, adopting several of them or otherwise making changes in response, and making additional recommendations. A copy of CMPD's and the City Manager's publicized responses are appended to this report.

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;

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;

4. The Board requests City Council amend Section 16-56(c) of the City Ordinance to remove the requirement that Board members complete the Charlotte-Mecklenburg Police Department’s Citizens’ Academy prior to serving on the Board given that this requirement, particularly in recent years when the program has been on hiatus given the COVID-19 pandemic, has reduced the pool of candidates eligible to serve;

5. The Board requests City Council amend Section 16-56(c) of the City Ordinance to modify the annual training requirement to four hours of training each calendar year given that the available trainings have become largely repetitive;

6. The Board encourages City Council to revise its Boards and Commissions Attendance and Reappointment Policies to be more lenient and notes that, because the Board meets in response to citizen complaints and thus has an erratic meeting schedule, the Board has faced challenges retaining members under the current attendance requirements; and

7. The Board requests City Council amend Section 16-62(e) of the City Ordinance to grant greater time to the Chief of Police and City Manager to review and response to the Board’s determination and findings of fact and the Chief’s corresponding decision, with the objective to allow the Chief and City Manager to fully evaluate and begin implementing Board recommendations.



Tonya Jameson, Chairperson

cc: Johnny Jennings, Charlotte-Mecklenburg Police Department Chief of Police
Marcus Jones, City Manager
Willie Ratchford, Community Relations Cmte.
Michael Smalenberger, Community Relations Cmte.