

CITIZENS REVIEW BOARD ANNUAL REPORT

January 1, 2023 through December 31, 2023

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.

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, 2023, the current members are: Tonya Jameson (Chair); John Watkins (Co-Chair); Harold Busch; Brittenay Causieestko-Lee; Magaliz Giraud; Robert Keene; Terri Marascio; La Becky Roe; Nakia Savage; Jeffrey Simpson; and Samuel Smith. City Council appointed Terri Marascio following Sa’idah Sudan’s automatic removal from the Board after three consecutive absences (pursuant to the attendance policy for City of Charlotte board members). City Council reappointed Brittenay Causieestko-Lee and LaBecky Roe, the Mayor reappointed John Watkins, and the City Manager reappointed Nakia Savage.

Board Activity During this Reporting Period

During this reporting period, the Board heard four initial hearings and one evidentiary fact-finding hearing.

The Board received an appeal on January 4, 2023, and held an initial hearing on February 1, 2023. Kahlia Nelson challenged the decision of the Chief of Police, Johnny Jennings, that exonerated three officers of alleged misconduct regarding CMPD’s Arbitrary Profiling and Neglect of Duty policies. The Board determined by a vote of 6 to 0 that there was not substantial evidence of error regarding the disposition of the Arbitrary Profiling charges. The Board determined by a vote of 5 to 1 that there was not substantial evidence of error regarding the disposition of the Neglect of Duty charges with respect to one officer and by a vote of 6 to 0 that there was substantial evidence of error regarding the disposition of the Neglect of Duty charges with respect to a second 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 March 9, 2023 evidentiary hearing voted

6 to 0 that the greater weight of the evidence showed that the Chief did not clearly err in the disciplinary charges against the officer and made no recommendations to CMPD.

The Board received an appeal on January 5, 2023, and held an initial hearing on August 8, 2023, after the parties consented to postponing the hearing in order to petition an out-of-county court to release relevant body worn camera footage. Malika Weah challenged the decision of the Chief that the fatal shooting of Alexander Weah on August 5, 2022 was justified. The Board dismissed the appeal after the initial hearings and made no recommendations to CMPD.

The Board received an appeal on February 10, 2023, and held an initial hearing on March 23, 2023. Allan Elliott challenged the decision of the Chief that exonerated four officers of alleged misconduct regarding CMPD's Use of Force and Arrest, Search and Seizure policies. The Board dismissed the appeal after the initial hearings. Although the Board decided unanimously that there was not substantial evidence that the Chief or CMPD erred in its final determinations, the Board wanted to express concerns with how CMPD handled aspects of Mr. Elliott's arrest and the subsequent internal affairs investigation. The Board mailed the Chief a letter on May 2, 2023 outlining its concerns. CMPD replied July 18, 2023. Of note, CMPD acknowledged that, as a result of the investigation into Mr. Elliott's claims, effective March 15, 2022, BWC activations are required for all transports.

The Board received an appeal on March 7, 2023, and held an initial hearing on April 13 23, 2023. Dawond McKinney challenged the decision of the Chief that exonerated two officers of alleged misconduct regarding CMPD's Arrest, Search and Seizure policy. The Board dismissed the appeal after the initial hearings and made no recommendations to CMPD.

The Board received an appeal on July 14, 2023. Tavashea Flowers challenged the decision of the Chief that determined the allegation against one officer of misconduct regarding Arbitrary Profiling as not sustained. The parties consented to continue the initial hearing until other proceedings related to the underlying incident have been resolved.

The Board received an appeal on August 29, 2023. Herbert Harris challenged the decision of the Chief that exonerated three officers of alleged misconduct regarding CMPD's Arrest, Search and Seizure policy. The citizen dropped the complaint prior to the Board conducting an initial hearing.

During this reporting period, Dr. Richard Rosenthal, a police accountability consultant hired by the Federal Monitor for the Seattle Police, reached out to the Board to conduct research on the appellate oversight model. Dr. Rosenthal sought to understand Charlotte's approach to civilian oversight of law enforcement to glean insights and make recommendations for Seattle. The Co-Chairs and legal counsel spoke with Dr. Rosenthal on August 28, 2023, about the history, structure, and function of the Board. Following their discussion, the Board also shared copies of the CRB's ordinance, rules of procedure, and orientation materials.

The Board has also been approached to participate in a webinar program with North Carolina local governments with police-community advisory or review boards to share ideas in early 2024. CMPD has sought a representative from the Board to sit on CMPD's new Community and Police Collaboration Group that will review certain CMPD policies and

provide recommendations starting in 2024.

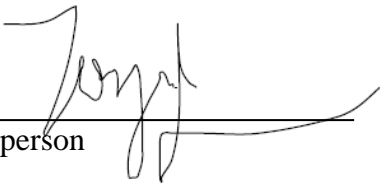
Under City Ordinance, Board members are required to complete eight hours of training each calendar year. To contextualize the work of the CRB and to be well informed in the Board's advisory role, many Board members participated in trainings reviewing law enforcement agencies across the country. Specifically, among other training, legal counsel presented in-depth reviews and discussions on the Department of Justice's investigative reports of the Minneapolis Police Department and Louisville Metro Police Department.

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 requests City Council allocate two members of the Board scholarships to attend the National Association for Civilian Oversight of Law Enforcement's (NACOLE's) Annual Conference for training so that the Board can be well informed as it serves in its advisory role to the Chief, City Manager, and City Council; 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.