

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.



CITY MANAGER'S OFFICE M E M O R A N D U M

September 29, 2021

TO: Citizens Review Board, Mayor and City Council
FROM: Marcus D. Jones, City Manager
SUBJECT: Citizens Review Board Jasmine Horne Appeal

The Citizens Review Board (CRB) held a review of the Charlotte-Mecklenburg Police Department's investigation and CMPD Chief of Police Johnny Jennings' subsequent disciplinary decisions regarding a complaint of police misconduct. The CRB heard the matter in a closed session on May 12, 2022 and made several recommendations for CMPD to consider.

CMPD responded to those recommendations and provided the City Manager's Office its response. In accordance with city ordinances, I have reviewed the CRB's recommendation, CMPD's response to the CRB recommendations, as well as other materials related to this case.

The CRB's responsibility is to review disciplinary findings of the CMPD Chief of Police and provide a recommendation on his decision and provide recommendations to CMPD on ways to address issues that are discussed during the CRB review. The CRB provides an invaluable service to CMPD, our entire organization as well as our community and city. I greatly value the CRB's input and take great care and consideration of their recommendations.

As has been widely reported Ms. Jasmine Horne was not the intended suspect and her arrest was a case of mistaken identity based on eyewitness information provided to CMPD. The officers who arrested Ms. Horne based their actions on the information they had, which was they were apprehending a suspect in an attempted murder investigation who had stabbed someone 15 times. Once Ms. Horne was arrested, officers on the scene determined that Ms. Horne was not the suspect they were seeking and released her within 12 minutes of her arrest.

In this case, the CRB's initial task was reviewing the actions of two officers related to the arrest of Jasmine Horne. Chief Jennings determined that the officers' actions were reasonable and in accordance with CMPD policies based on the information they were provided. Subsequently, following the CRB's review, the CRB recommended the Chief Jennings change his decision and discipline the officers pursuant to CMPD policy.

It is rare for the CRB to disagree with a decision made by the Chief of Police. This is just the third time since the CRB's inception in 1997 that the CRB disagreed with a disciplinary decision. Though there may be disagreement on disciplinary decisions, CMPD has historically taken the CRB recommendations into

consideration and has used the CRB recommendations to change CMPD policies, procedures, operations, and training.

The CRB also made additional recommendations related to other CMPD policies and procedures that while not specifically related to the disciplinary review of the two officers, are important to the performance of CMPD and the expectations the community has of not just what CMPD does but how CMPD performs its duties. To its credit the CRB looked beyond what happened and looked at why Ms. Horne was mistakenly arrested. The CRB identified areas where internal communications and processes should be improved and made several related recommendations. I appreciate the CRB's diligence and commitment.

Based on my review of the CRB review related to this case, CMPD's response to the CRB recommendations, other materials related to this incident and discussions with Chief Jennings, I find Chief Jennings' disciplinary decisions for the officers involved in this review are reasonable. However, I do agree with the CRB that there are steps to be taken to improve the internal communications and processes.

CMPD is addressing the other recommendations made by the CRB in its review of this incident and I believe the changes and actions CMPD is taking in response to the CRB recommendations will help address the issues related to internal communications and process raised by the CRB.

CMPD is also making a number of additional changes beyond the CRB recommendations to address the issues that contributed to Ms. Horne being mistakenly arrested including the creation of a Strategic Policy Unit to continually review and revise policies while conducting research on best practices, an external agency review of key best practices, and hiring an external consultant to review internal communications processes.

I think it is important to highlight two key points:

1. The review of the disciplinary decisions is specifically related to the arresting officers' actions with Ms. Horne, which were based on the information they had at the time and their actions were consistent with CMPD policies and procedures.
2. CMPD acknowledges mistakes were made which led up to Ms. Horne being arrested. In its response to the CRB recommendations, CMPD has outlined how it will address the CRB recommendations and additional steps it is taking to further address internal communications processes.

I struggled with this case because though the officer's actions were within CMPD's policies and procedures, Ms. Horne's experience was a traumatic one. Just as I understand and respect the perspective of the officers who made the arrest, I also understand and respect the perspective of Ms. Horne. She had done nothing wrong and yet was arrested at gun point and detained.

Ms. Horne was due an apology and CMPD has apologized to her. I also offer my apology to Ms. Horne. Ms. Horne and the community are also due a thorough review of this incident and a plan to address the issues that led to her mistaken arrest and a commitment to improve.

I believe that the combination of the CRB recommendations and additional actions undertaken by CMPD to review and change related processes and procedures will help ensure that this rare incident doesn't happen again, and our officers are put in the best position to fulfill their mission to our community.

Chief Jennings has worked tirelessly with myself, city leaders, his department, City Council, community leaders and other stakeholders to move CMPD forward through several initiatives including SAFE Charlotte and CMPD Serves. I appreciate his openness to the input and recommendations made by the CRB and I thank him for realizing that more should and could be done and taking additional steps beyond the CRB's recommendations to further address the root causes that led to his unfortunate incident.

I would like to thank the CRB members for their continued dedication and service to the city and our community. With our community's leadership and involvement and in partnership with our elected officials and CMPD leadership, we have made consistent and continuous progress in reimagining how law enforcement is provided in our community and CMPD has continued to evolve and change in response to the expectations of our community.

Issues like these are sensitive, important, and critical to our community. They require due diligence and time to thoughtfully address the CRB's recommendations. I would ask the CRB to review the current response timelines and deadlines for CMPD and the City Manager's Office to allow more flexibility. I understand and agree with the need for expediency in responses to these situations but also believe some additional time for both parties to address CRB findings would improve the process and help ensure thoughtful and complete responses.

Once all parties are notified the CRB's recommendations, CMPD's responses and this memo will be made public per the CRB's request.



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

The Citizens Review Board (CRB) heard the matter of Jasmine Horne in a closed session May 12, 2022, regarding a complaint of police misconduct. The board questioned the CMPD's internal investigation and made recommendations for CMPD to consider.

STATEMENT FOR RELEASE

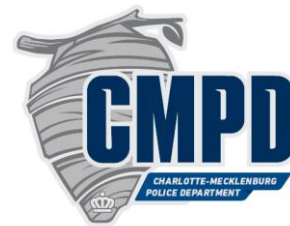
The Charlotte-Mecklenburg Police Department recognizes the board's point of view and has reviewed all recommendations that were provided. We welcome this feedback and the opportunity to respond as we continue to evaluate our work and seek ways to improve.

At 5:10 p.m. on June 13, 2021, CMPD officers responded to a 911 call for service where a victim, Prentice Allen, was lying on the floor in a pool of his own blood after being stabbed 15 times in the back and the neck. Witnesses on the scene identified the suspect as Jasmine Horne. As officers continued to investigate the attempted murder, they entered a vehicle registered to Jasmine Horne into the license plate reader system and received a hit that matched. After officers were dispatched to respond, they encountered Ms. Horne at her home. Officers believed she was an attempted murder suspect and engaged her accordingly to detain and seek clarification about her identity. Once officers verified that Ms. Horne was not the actual suspect, they released her within 12 minutes. It is important to note that this situation, a case of mistaken identity, is extremely rare. Officers acted professionally and respectfully during the entire encounter and conducted their investigation based on the information provided by witnesses.

This was an unfortunate situation, and CMPD has apologized to Ms. Horne for her experience as officers were working to remove a dangerous criminal from our community. The actual suspect, Jaselyn Horne, was taken into custody a short time later.

The Internal Affairs investigation reviewed the actions of the two officers who detained Jasmine Horne. Based on information they had, both officers followed CMPD policies and the law. As a result, they were exonerated at the conclusion of the IA hearing. They did what is expected of any officer with information about a dangerous, violent criminal.

After reviewing the incident and the CRB recommendations, the CMPD decided to take additional actions beyond the outlined recommendations including an external agency review of license plate reader best practices, hiring an outside consultant to review communication processes, verifying LPR entries more frequently, additional training and more.



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

The Charlotte-Mecklenburg Police Department strives to ensure we are holding the right people accountable for their actions in every encounter. Building community trust and fighting violent crime remain top priorities as we aim to provide the best service possible in every interaction.

Chief Johnny Jennings

Below are outlined recommendations (6) from the Citizens Review Board as well as CMPD's responses and any actions that CMPD will consider. CMPD also added additional recommendations for action at the end of this document.

Recommendation 1: Change IA hearing results	
Board Recommendation	CMPD Response
For the chief to change his determination from "exonerated" to "sustained" for both officers and both counts.	Chief Jennings stands by his position that the officers acted reasonably and within policy based on information they were provided. "Sustaining" the allegation would not be an appropriate adjudication based on the facts, the law and CMPD policies.

Recommendation 2: Discipline officers	
Board Recommendation	CMPD Response
For the chief to discipline Officers Hensley and Ryan appropriately pursuant to CMPD policy.	Disciplinary action is not applicable in this case because the officers did not violate policy or the law. The 12-minute detention time was not unreasonable considering our officers were seeking a suspect wanted for attempted murder and are required to do their due diligence prior to releasing Ms. Horne.



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

Recommendation 3: Develop communications task force	
Board Recommendation	CMPD Response and Actions
<p>For CMPD to form a task force devoted to improving internal communications and information sharing. The task force should study these issues in depth, identify specific areas for improvement, and develop a plan to address each of those areas. (p. 9)</p>	<p>Chief Jennings is considering hiring an outside consultant to review communication processes and the transfer of information during high-stress situations. Any recommendations will be considered for implementation in future in-service and recruit training.</p> <p>Since this incident, Chief Jennings implemented the Strategic Policy Unit. This unit continually reviews and revises policies while conducting national research on best practices. Communication concerns and strategies are identified during the review and revision of all policies.</p>

Recommendation 4: Flexible IA process	
Board Recommendation	CMPD Response and Actions
<p>For CMPD to consider a more flexible approach when opening an Internal Affairs file. (p. 10)</p>	<p>CMPD will immediately formalize policy to include an initial Internal Affairs chain of command review of all complaint allegations to specifically ensure that the scope of the investigation includes all relevant employees and potential policy violations.</p> <p>Although the Internal Affairs Division routinely conducts initial reviews, this policy amendment will formalize this process. Additionally, the assigned independent chain of command board chair may amend the scope of the employees investigated based on his or her review of the case file.</p>



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

Recommendation 5: Citizen complainants added to ICOC hearings	
Board Recommendation	CMPD Response and Actions
For citizen complainants to be invited to independent chain of command (ICOC) hearings to address the panel and answer questions.	<p>CMPD recognizes the sensitive nature of having a citizen address a law enforcement review board. In seeking to minimize any additional impact to the citizen, CMPD will provide complainants an opportunity to share an impact statement during the hearing.</p> <p>Due to personnel privacy laws and the potential impact on pending criminal investigations or civil litigation, the scope will be limited solely to an impact statement by the complainant.</p>

Recommendation 6: Release documents to public	
Board Recommendation	CMPD Response and Actions
For CMPD to make these recommendations and responses public.	After final review and consent by the city manager, CMPD will release a redacted version of this document to the public.



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

CMPD identified additional areas for improvement:

CMPD Action: Obtain positive identification of the accused prior to entering info into LPR

Explanation: In this case, the officers on the initial scene received a name from the victim and witness. The information entered into the LPR was developed from the name provided. In cases where a victim or witness is familiar with the suspect, the procedures stated in North Carolina General Statute Section 15A-284.52 allow officers to show the individual a single photo in order to confirm the identity of the alleged suspect. Here, the victim and witness knew the suspect so a single photo could have been shown to provide a positive identification prior to entering information into the LPR. This practice will be outlined separately in Directive 500-009 Eyewitness Identification procedures. This directive discusses procedures for conducting photo line-ups, show ups and other identification procedures.

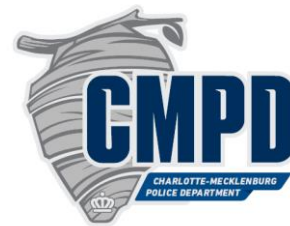
CMPD Action: Verify LPR entries more frequently

Explanation: CMPD is amending its Standard Operating Procedure for manual LPR entry reviews to be conducted at least every 12 hours as opposed to every 24 hours to ensure information is current, accurate and consistent with the National Crime information Center (NCIC).

CMPD Action: Enhance process awareness and additional training

Explanation: CMPD's Real Time Crime Center reviewed its operator guidelines in reference to license plate readers (LPR) and identified opportunities to enhance awareness for the entry and removal process as well as the development of additional training including:

- Roll call training regarding the necessity of prompt removal from NCIC when vehicles are located.
- Enhanced training for patrol officers and detectives to incorporate best practices for entry and removal of felony vehicles into NCIC.
- Verifying vehicles in NCIC when practical before initiating a stop.



Citizens Review Board Recommendations and **CMPD Responses**

Sept. 15, 2022

CMPD Action: Outside agency review of LPR practices

Explanation: The Strategic Policy Unit will conduct an outside agency review of best practices pertaining to license plate readers and the internal sharing of information.