

CITIZENS' REVIEW BOARD

ANNUAL REPORT

August 1, 2015 through August 1, 2016

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 and complaints of arbitrary profiling 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 five 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 eleven Board members: Ms. Sandra Donaghy (Chair), Ms. Theresa Halsey (Vice-Chair), Mr. Henry Black, Jr., Mr. Clarence Darnell, Mr. Antonio Gaither, Ms. Nancy Hightower, Mr. Marc Jensen, Ms. Diane Langevin, Mr. David Smith, Ms. Deborah Stevenson and Mr. Nicholas X Wind-McJettters. All Board members have met the attendance policy and completed the 2016 Ethics Disclosure Statement, as required by Council policy.

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 requires 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. One of the dismissed appeals prompted the Board to further explore CMPD's policies related to (i) managing officers following their involvement in a stress-inducing critical incident and (ii) responding to calls involving mentally ill subjects. The Board held a follow-up meeting with CMPD representatives to gather additional information about these topics.

In the third appeal, following an initial hearing on July 26, 2016, the Board found there was substantial evidence of error regarding the outcome of CMPD's investigation of a use-of-force complaint related to an officer-involved shooting. An evidentiary fact-finding proceeding in that matter is scheduled for August 30, 2016.

The Board's attorneys, Julian Wright and Cary Davis of Robinson, Bradshaw & Hinson, PA., conducted a "Legal Overview for Citizens Review Board" on September 15, 2015. The attorneys presented an overview of the CRB, discussing the history, structure and the duties of the Board. In addition, they reviewed the appeal process, including details of the initial hearings and evidentiary fact-finding proceeding as outlined in the amended ordinance.

Recommendations to Council

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
Chairperson

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