



April 17, 2017

Mrs. Rakeyia A. Scott
7124 Kinley Commons Lane
Charlotte, NC 28278

Re: SI-16-1117

Dear Mrs. Scott:

The Charlotte-Mecklenburg Police Department has completed its internal investigation and review of the incident on September 20, 2016, in which your husband, Keith Lamont Scott, died as a result of being shot by Charlotte-Mecklenburg Police Officer B. A. Vinson. The investigation of this incident included interviewing all known witnesses, the officers involved, and examining all relevant evidence. The investigation was reviewed at a departmental hearing on March 20, 2017, by an Independent Shooting Review Board comprised of a Major, two Captains, one being a representative from the CMPD Training Academy, the Range Master Sergeant, Field Services Sergeant, and a representative from the Charlotte-Mecklenburg Community Relations Committee. During this hearing, the Board reviewed the investigative file, heard from witnesses and examined the evidence.

As a result of this hearing, the Independent Shooting Review Board determined that this shooting was justified. This means the investigation revealed information sufficient to show the officer acted lawfully and in accordance with Department policy. Attached is a summary of the relevant facts discovered during the investigation, which the Department relied upon in reaching this decision. If you have questions regarding this investigation or the decision, please contact Internal Affairs at 704-336-2336.

An allegation of this nature is eligible for appeal to the Citizens Review Board. If you are dissatisfied with the outcome, you can file an appeal with the Board by submitting written notice to the City Clerk's Office at 600 E. Fourth Street within thirty calendar days of the receipt of this letter. The Clerk's Office will have copies of the appeal form. You can receive assistance in filing an appeal from the Community Relations Committee by calling them at 704-336-2424 or by going to their office located at the Belmont Center, 700 Parkwood Avenue.

Mrs. Rakeyia Scott
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The Department strives to maintain the highest standards of the law enforcement profession in our employees' interactions with citizens. The investigation and review of citizen complaints is an important part of maintaining these standards.

Sincerely,

Kerr Y. Putney
Chief of Police


Major Estella D. Patterson
Internal Affairs Bureau

/mh

Attachment

Charlotte-Mecklenburg Police Department
Statement of Relevant Facts
Discharge of Firearm and Use of Force by
Officer Brentley Alex Vinson
September 20, 2016

On September 22, 2016, North Carolina State Bureau of Investigation (NCSBI) Assistant Special Agent in Charge (ASAC) A. Z. Williams initiated an investigation into the Officer Involved Shooting concerning CMPD Officer Brentley Alex Vinson and Mr. Keith Lamont Scott. The investigation was initiated at the request of District Attorney R. Andrew Murray of the 26th Prosecutorial District and the family of Mr. Scott. The following case summary was prepared by ASAC Williams:

On Tuesday, September 20, 2016, officers with the CMPD Crime Reduction Unit (CRU), Metro Division, were conducting surveillance on Walter Eubaka Boyd, B/M/DOB: 07/07/1987. Boyd was a known felon wanted for outstanding warrants. According to recent intelligence information, Boyd was thought to reside at 9333 Old Concord Road, Apartment D, in the Shannon Green Apartment complex. The apartments were located next to The Village at College Downs apartment complex, also off Old Concord Road. The actual shooting would occur at approximately 3:54 p.m. in a small parking area located at the entrance to The Village at College Downs.

The CRU's primary objective was to target weapon and drug violations, in addition to other major crime trends around the city. The unit conducted self-initiated special investigations and did not answer regular calls for service.

On September 20, 2016, the following police officers participated in the surveillance of Walter Boyd and were also present when the shooting of Scott occurred:

Brentley Alex Vinson (subject officer)
James Irving Pendergraph Jr.
Christopher Peter Colon Miranda
Bryan Malcolm Wiggins
Andrew James Hostutler

Two additional police officers also assisted in the operation, but were NOT present when the shooting occurred:

Brandon Michael Sinnott
Caleb Chandler Skipper

During the operation, four officers (Vinson, Pendergraph, Wiggins, and Miranda) were dressed in plain clothes and were not wearing body cameras. Vinson and Pendergraph operated a blue colored Chevrolet Highlander minivan, while Miranda and Wiggins operated a blue colored Ford Expedition. Both vehicles were undercover (UC) and did not have police markings, blue lights, or in-car camera devices. A third vehicle, operated by Hostutler, was a "marked" patrol unit and was equipped with in-car camera equipment. Hostutler also wore a body camera on the day of the incident.

After a few hours of surveillance, Miranda and Wiggins were joined by Vinson and Pendergraph at Shannon Green. Shortly thereafter, Vinson (with Pendergraph) drove to a nearby 7-Eleven convenience store to use the restroom.

When Vinson and Pendergraph returned, they parked in a small parking area at the entrance to The Village at College Downs on Lexington Circle. They chose this particular location because it provided a good view into the adjacent complex (Shannon Green) to continue their surveillance of Boyd. Vinson was the driver, while Pendergraph was positioned (concealed) in the rear of the van. The small parking area contained three individual parking spaces. A white colored pickup truck occupied the space to the far right. Vinson double-parked the minivan, taking up the left and center spaces.

Minutes later, a white four-door Ford Expedition pulled behind the UC minivan occupied by Officers Vinson and Pendergraph. The white Expedition was driven by the victim in this case, who was later identified as Keith Lamont Scott. Scott parked in the roadway, then exited his vehicle. He walked past the minivan on the passenger's side, observing only Vinson sitting inside. Scott walked to a grassy area, where he remained briefly, then returned to the white Expedition and drove away.

Vinson, unsure if Scott had identified him as a police officer, was concerned that the surveillance operation may have been compromised. Vinson felt Scott had definitely checked him out.

Scott drove to the 7-Eleven convenience store located at 9608 University City Boulevard (based on surveillance video obtained), arriving at approximately 3:33 p.m. Scott was observed as he drove up to the entrance, exited his vehicle, and then walk into the store. Inside, Scott made a purchase, then exited the store and left at 3:36 p.m.

While Scott was gone, Vinson repositioned the minivan into the middle parking space. He pulled forward into the space, leaving the left parking space open. The right parking space was still occupied by the white pickup truck.

Minutes later, Scott returned in his white Ford Expedition and backed into the left parking space next to Vinson.

Now situated side by side, Vinson watched Scott over his left shoulder in an attempt to determine what he (Scott) was doing. Pendergraph, in the rear of the minivan, was lying low trying to remain undetected. Vinson observed Scott remove something from an orange colored container. Vinson then observed Scott with a pack of Cigarillos. For the purpose of this synopsis, a Cigarillo can be described as a short, narrow cigar where the tobacco is wrapped in brown tobacco leaves.

Scott removed one of the Cigarillos from the pack and proceeded to cut it open. At that point, Vinson said he no longer thought Scott had identified him as a police officer because he (Scott) appeared to be rolling a "blunt" in plain view. For the purpose of this synopsis, a "blunt" can be described as a hollowed-out cigar filled with Marijuana.

Scott then opened the driver's side door of his vehicle and turned sideways, facing the UC minivan. Vinson observed Scott remove the tobacco from the cigarillo and throw it (tobacco) on the ground. Scott then replaced the tobacco with a substance, assumed to be Marijuana, inside the hollowed-out cigarillo. Scott then "rolled" the substance into the cigarillo.

Vinson then observed Scott raise a small, black colored, semiautomatic handgun, in his right hand.

Vinson thought the firearm was either a .22 or .380 caliber. Vinson and Pendergraph discussed what Vinson had observed and made the decision to leave the parking area. Vinson drove to a nearby location to meet with Miranda and Wiggins to discuss how to proceed.

The four officers (Vinson, Pendergraph, Miranda, Wiggins) formulated a plan to approach Scott. The plan also included uniformed Police Officer Hostutler. Vinson's assignment was to drive the blue UC minivan and "block" Scott's white Ford Expedition so that he could not leave. Pendergraph (still riding with Vinson) would immediately exit the vehicle and provide "lethal cover" on Scott. Miranda was to arrive (in the blue Expedition) behind Vinson and also provide "lethal cover." Wiggins, in the vehicle with Miranda, was to assist with the extraction of Scott from his vehicle. The plan was radioed to uniformed Officer Hostutler, who was to immediately respond after the approach in his "marked" patrol vehicle.

Prior to approaching Scott, all four UC officers put on armored vests with identifying police insignia. Vinson's official CMPD badge was affixed to the upper right side of his vest (his vest had no "POLICE" lettering). Pendergraph's vest had "POLICE" on the front and back (no badge), while Miranda and Wiggins wore black colored tactical vests with "POLICE" on the front and back. Their vests had an embroidered style badge affixed on the upper left frontal area. Hostutler was dressed in standard police uniform with badge and equipment.

All officers were armed with their department issued Smith and Wesson, M&P, .40 caliber semi-automatic pistols.

Within five minutes, the officers had completed their briefing and returned to execute their approach on Scott.

The two UC vehicles left the briefing area and drove back to the small parking lot. Scott was still parked in the far left parking space. The middle space was vacant and the white pickup truck was still parked in the right space.

As planned, Vinson blocked Scott's vehicle. Miranda followed and immediately parked behind Vinson.

Uniformed Officer Hostutler arrived in his "marked" police vehicle with blue lights activated and parked off to the right of both UC vehicles.

As the officers pulled up, they observed Scott immediately close his driver's side door and appear to lock it. Pendergraph and Wiggins immediately approached the driver's side area of Scott's vehicle. Miranda ran to the passenger's side of Scott's vehicle and observed Scott put his hand on the gear shift. Miranda told Vinson to move the minivan closer to Scott's vehicle, while Pendergraph and Wiggins remained at the driver's side area of Scott's vehicle.

Miranda turned on his flashlight (that was attached to his weapon) and observed Scott's hand near his feet. At that point, Miranda saw what appeared to be a tan colored holster on Scott's ankle, with the butt of a gun protruding out. Miranda immediately started yelling, "Gun! Gun! Gun!"

Around this time, Rakeyia Scott, wife of the victim, came upon the scene. She was present from this point forward, communicating with officers and her husband while recording the incident on her cellular telephone. Rakeyia Scott told officers that her husband did not have a weapon.

Pendergraph and Wiggins retreated and immediately took cover. Scott then looked over at Miranda and pulled the weapon from his ankle. Miranda yelled at Scott to "drop the gun," but Scott just stared at him. Miranda then yelled for a "breach," meaning for someone to come and break out the vehicle window. Uniformed Officer Hostutler came over to the passenger's side of Scott's vehicle and struck the front passenger's door window with an ASP baton until the window broke.

As the glass broke, Scott dropped his arms and took a deep breath. Scott then opened the front driver's side door and stepped out. As Scott exited his vehicle, officers repeatedly yelled, "Police! Drop the gun!" and "Show us your hands!"

As Scott exited his vehicle, officers observed a gun in his right hand. His demeanor was calm and he did not say anything. Scott walked around his open door with the gun still in his right hand, pointed towards the ground.

Scott "squares up" to Vinson, then looked in the direction of each officer and then back at Vinson. Vinson said, "I felt like if I didn't do anything right then at that point, it's like he...he was gonna shoot me or he's gonna shoot one of my buddies and it was gonna happen right now, so I reacted. I was the only one that had a decent backdrop." Vinson then fired four shots at Scott and observed him drop to the ground.

Vinson stated if Scott wanted to comply, he would have come out of the vehicle without his gun. Also, while he was inside the car, he would have held his hands up and told the police he had a gun on his ankle. Furthermore, Vinson said he (Scott) had this look in his eye like he was trying to decide what to do. He had an escape route if he wanted to run.

Concerning why Vinson fired his weapon at Scott, Vinson said Scott "was an imminent threat to me, I thought he was gonna either shoot or injure me or shoot or injure one of my buddies, like if I didn't do anything right now, at that moment, I knew that... I mean my life could be over with."

After the shooting, officers rendered medical aid until emergency services personnel arrived. Scott was subsequently transported to Carolinas Medical Center Main (CMC-Main) located at 1000 Blythe Boulevard, Charlotte, North Carolina, where he succumbed to his injuries. Scott was pronounced dead at 4:38 p.m.

On November 30, 2016, District Attorney R. Andrew Murray provided a report to CMPD Chief of Police Kerr Putney and NCSBI Director Bob Schurmeier. This report documented the detailed findings and conclusion of the District Attorney after a thorough review of the NCSBI investigation. The District Attorney determined that, "Based on the facts and circumstances of this case and the law of self-defense in North Carolina, it is clear that Officer Vinson acted lawfully and consistent with his duties as a police officer."

Additionally, a CMPD Shooting Review Board was held on Monday, March 20, 2017. This Board was comprised of command level individuals who do not directly supervise Officer Vinson. The Board included supervisors from the Training Academy who are experts in the use of firearms, as well as an independent member from the Community Relations Committee and

one of the city's police attorneys. Prior to the hearing, the Board was provided with the complete NCSBI investigation report for their review. Officer Vinson also appeared before the Board to respond to questions from the Board. After reviewing the investigative materials, and after careful deliberation, the Board concluded that Officer Vinson's use of deadly force by discharging his service weapon when faced with Mr. Scott's actions of exiting his vehicle armed with a handgun, and refusing to drop the firearm after numerous commands to do so, was a justified use of force pursuant to CMPD policy. The Board also concluded that Officer Vinson's actions were consistent with North Carolina law and the findings of the District Attorney.

SI-16-1117

I have received a hand-delivered letter and Statement of Relevant Facts from the Charlotte-Mecklenburg Police Department on this date.

Rakeyia A. Scott

Date

Witness – Signature

Witness – Print Name