Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations

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September 2017

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Executive Summary

The September 20, 2016, officer-involved shooting of Keith Lamont Scott, and the demonstrations that followed in Charlotte, took place within a milieu of similar events in cities across America. Protests in New York, Ferguson, North Charleston, Baltimore, Minneapolis, Baton Rouge, and Dallas demonstrated the growing tension in police-community relations, and an increasing propensity for anger and at its most extreme, violence. While the demonstrations were in response to an officer use of lethal force, each demonstration and the subsequent law enforcement response provides lessons learned for the involved jurisdictions, and the nation. The underlying issues that precipitated the events are similar: officer use of lethal force; previous officer-involved incidents that in many cases remain unresolved in the community; historical racial challenges; socioeconomic immobility; perceived accountability and transparency issues; and, fragile relationships between the police and the community.

Issues regarding race, police use of force, and a growing lack of trust in communities of color fueled the demonstrations in Charlotte. The issues and tension also created an opportunity that activists from outside the city leveraged to further their national agenda and to cause chaos and destruction in Charlotte. The influence and reach of their social media presence fueled the embers of distrust and ignited the emotions of the community and the nation.

The City of Charlotte requested that the Police Foundation conduct an independent review of the Charlotte-Mecklenburg Police Department's (CMPD) response to the demonstrations that erupted following the September 20, 2016 officer involved shooting. The city's request demonstrates their desire to learn from the events and to use this assessment, in part, to help the city heal and move forward in a constructive manner.

While the assessment team found that the CMPD acted appropriately and in line with their policies and procedures, it also identified areas in which the CMPD could improve its policies, practices and operations to strengthen the department's relationship with the community it serves, prevent and respond to future instances of civil unrest. The report is organized by "pillars" under which critical issues are discussed and recommendations provided:

- Pillar 1: Policies, Protocols & Strategies;
- Pillar 2: Training & De-Escalation;
- Pillar 3: Equipment & Technology;
- Pillar 4: Social Media & Communication;
- Pillar 5: Transparency & Accountability; and
- Pillar 6: Police-Community Relationships.

While our nation struggles to address race, police use of force, transparency and accountability - the City of Charlotte, its political and community leaders, and the CMPD are to be commended for their genuine interest in identifying collaborative and constructive steps to acknowledge the impact of its history and build a future based on healing and transformation.

The Foundation: Addressing Underlying Challenges in Charlotte

The City of Charlotte has had a long history of prosperity woven into dynamic race relations dating back to its establishment in 1775.[1] During interviews, focus groups, and listening sessions, some community members tied the evolution of policing practices in the United States, and particularly in Charlotte, to the 19th century "slave patrols" and continue to voice concerns that those practices still inform Charlotte's policing tactics.[2]

For its part, the Charlotte-Mecklenburg Police Department (CMPD), has worked hard to build and maintain relationships with all segments of the Charlotte community. Indeed, recent CMPD leadership has prioritized proactive programs that, "reach into communities through designated community coordinators, citizen forums and outreach to high school students."[3] In 2003, the CMPD adopted Community Problem Orientated Policing (CPOP), to build relationships and partnerships between police and neighborhoods, businesses and government agencies.[4] This initiative aimed to address community issues and concerns, and by working collaboratively, to move the community and police relations forward.

Although the relationship between the CMPD and Charlotte community members has generally been a positive and progressive one, the long history of race relations in Charlotte, and police use of lethal force contributed to the underlying, and growing tensions that fueled the demonstrations that followed the September 20, 2016 officer involved shooting. Many community members believed that a lack of accountability and transparency exists on the part of the police department, and expressed anger over previous instances in which CMPD officers used lethal force and were neither charged, or if they were charged, were acquitted.[5] For those community members, the 2013 officer-involved shooting of Jonathan Ferrell serves as a vivid example of a police use of force incident that remains unresolved, and a source of anger and distrust.[6] Keith Lamont Scott was the sixth person—and the fourth black person—to be fatally wounded by CMPD officers since September 2015.[7] The officer-involved shootings added to the

[1] "The Charlotte-Mecklenburg Story." Charlotte-Mecklenburg Library. 2017. http://www.cmstory.org/timeline (accessed September 14, 2017).
[2] Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.
[3] Lacour, Greg. "Where Is Charlotte Going With Community Policing." Charlotte Magazine. July 18, 2016. http://www.charlottemagazine.com/Charlotte-Magazine/July-2016/Where-Is-Charlotte-Going-With-Community-Policing/ (accessed September 14, 2017).
[4] Stephens, Darrel W. *Community Problem Oriented Policing: The Charlotte-Mecklenburg Experience.* December 2003. http://www.popcenter.org/library/unpublished/ProblemAnalysisTools/192_Community_Problem_Oriented_Policing.pdf (accessed September 14, 2017).
[5] Assessment team focus group with Charlotte-Mecklenburg community members. April 12, 2017.
[6] Community Stakeholder Listening Session with Charlotte-Mecklenburg community members. April 12, 2017.
[7] Kaleem, Jaweed and Jenny Jarvie. "Charlotte, N.C., has prospered in recent years, but many black residents have been left behind." Los Angeles Times. September 22, 2016. http://www.latimes.com/nation/la-na-charlotte-racial-tensions-20160922-snap-story.html (accessed September 14, 2017).

community's narrative that the justice system protected police officers and failed persons of color.

The "Charlotte Way"

Throughout the interviews, government officials, business leaders, and community members all used the phrase–the "Charlotte Way"—to describe the city's response to challenging situations and circumstances. However, the context in which the phrase was used was just as divided as those using it.

For some, the phrase refers to the ability of Charlotte to respond to the most difficult situations with peace and civility. For these individuals, the "Charlotte Way" recognizes the ability of city leaders to come together and address deep-seeded community issues including racial segregation and socio-economic challenges.[8] As a former city leader explained, "If there was a real crisis in the community, I could, inside of two hours, identify every significant leader and convene them in the mayor's conference room [to develop a plan to solve the crisis]."[9] Many of the leaders interviewed believed that in the wake of the Keith Lamont Scott incident, and the demonstrations that followed, they had come together to discuss next steps and to reunite the community.[10]

For others though, the phrase implies that the city is only committed to finding easy and short-term fixes instead of actual solutions; to talk instead of to do; and is a continuous reminder of the implicit bias and latent discrimination of the system.[11] For these individuals, the "Charlotte Way" represents a city government that is more concerned with preserving the "Uptown" area and continuing to attract new businesses, while disregarding serious issues such as failing schools, a lack of social services, chronic unemployment, and increasing cost of living that fueled the demonstrations.[12]

In the aftermath of the September 20, 2016 officer involved shooting, and the demonstrations that followed, the City of Charlotte has taken constructive steps to heal and to move the city forward. *The Charlotte-Mecklenburg Opportunity Task Force* has acknowledged that:

> Segregation by poverty, wealth, and race/ethnicity are most apparent in Charlotte-Mecklenburg when we look at maps of the county that reveal an undeniable 'crescent' Of lower-opportunity neighborhoods wrapping around the prosperous areas.

[8] Assessment team interview with Charlotte-Mecklenburg business leader. June 6, 2017.
[9] Portillo, Ely. "McColl on Charlotte protests: 'If we just mouth platitudes and think everything's going to be fine, it's not.'" October 4, 2016. The Charlotte Observer. http://www.charlotteobserver.com/news/business/biz-columns-blogs/development/article105886132.html (accessed September 14, 2017).
[10] Assessment team interviews with community organizers and religious leaders. April 11, April 12, April 13, and June 6, 2017.
[11] Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.
[12] Assessment team interview with Charlotte-Mecklenburg Opportunity Task Force member. June 8, 2017.

> For many who view our community as a beacon of prosperity and live in relative comfort and affluence, Charlotte seemed an unfathomable setting for racial protests. However, for those whose voices have been ignored or missed in our collective gazing at civil progress, it was no revelation that long-standing frustration was finally being aired in the streets.[13]

The City and the CMPD have asked for an independent review of the department's response to the demonstration, and they have not waited for the Police Foundation's report, but rather implemented a series of strategies to rebuild trust and strengthen community-police relations. This report provides further opportunities for progress, dialogue, healing and transformation.

[13] Charlotte-Mecklenburg Opportunity Task Force. *The Charlotte-Mecklenburg Opportunity Task Force Report*. Leading on Opportunity. March 2017. https://leadingonopportunity.org/wp-content/uploads/2017/03/20170320_LeadingOnOpportunity_Report.pdf (accessed September 15, 2017).

Incident and CMPD Response Description[14]

Tuesday, September 20, 2016

At approximately 3:54 p.m., the Charlotte-Mecklenburg Police Department (CMPD) was engaged in an officer-involved shooting of Keith Lamont Scott.[15] The shooting took place at the Village at College Downs apartment complex located in the city's University District.[16] Within minutes of the shooting a large number of residents gathered at, and around, the shooting scene. The crowd continued to grow throughout the evening as homicide and crime scene technicians gathered evidence and conducted the investigation.[17] By 8:45 p.m., the crime scene was closed in consideration of the safety of investigators and crime scene technicians, as the crowd continued to grow and become more agitated.[18] At one point the crowd prevented a police vehicle from leaving, jumping on it and attempting to tip it over with the officer inside.[19]

At approximately 9:00 p.m., the Operations Commander on scene (a Captain), requested that two (2) Civil Emergency Unit (CEU) squads respond to the scene.[20] By this time, approximately 150 people had gathered,[21] some of whom were believed to be from outside the city.[22] Upon arrival, CEU officers assisted in the removal of detectives, crime scene technicians, and officers from the scene. Recognizing that the presence of CEU officers in tactical equipment was adding

[14] While some information regarding the demonstrations and CMPD response was provided to the assessment team by community members during interviews, and some of the information was corroborated through open source media research, many of the details necessary to build the timeline were available only through the sworn affidavit of CMPD Major Campagna.

[15] Price, Mark. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/article103131242.html (accessed September 7, 2017).

[16] Marusak, Joe and Mark Washburn. "CMPD releases full video of fatal Keith Lamont Scott shooting." The Charlotte Observer. October 4, 2016. http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article105978672.html (accessed September 7, 2017).

[17] Price, Mark. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/article103131242.html (accessed September 7, 2017).

[18] Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. http://www.charlotteobserver.com/news/local/article111048527.html (accessed September 7, 2017).

[19] Gordon, Michael, Mark Washburn, and Fred Clasen-Kelly. "Inside the 48 hours that shook Charlotte: As rocks flew, riot cops fled for safety." October 28, 2016. http://www.charlotteobserver.com/news/local/crime/article111056262.html (accessed September 7, 2017).

[20] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[21] Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. http://www.charlotteobserver.com/news/local/article111048527.html (accessed September 7, 2017).

[22] Assessment team interviews with local community leaders. April 11, 2017.

to the tension, and to de-escalate the situation, the Commander requested a bus to remove the CEU officers from the scene.[23]

At 10:00 p.m., when news reporters at the scene began broadcasting live, the crowd became more agitated, and shortly thereafter, began throwing bottles and then rocks at the officers.[24] A Captain was struck in the head by a rock. He was removed from the scene having sustained a concussion and received ten (10) stiches to close the wound. Another officer was struck in the hand, which was later determined to be fractured.[25]

As the crowd continued to throw rocks at officers, the officers deployed handheld gas canisters in an attempt to disperse the crowd and protect themselves.[26] Approximately fifteen (15) officers were hurt by rocks and other thrown objects. The bus eventually arrived, however the CEU officers were unable to board the bus, as it was surrounded by the crowd was prevented from leaving. The bus was damaged by objects thrown at it by persons in the crowd.[27]

At 10:30 p.m., the Operations Commander used the bus's PA system to issue a dispersal order and warn the crowd that chemical agents would be deployed. The crowd did not disperse and continued to throw rocks at the officers. CEU deployed a "stinger grenade"[28] immediately followed by a Triple Caser CS canister[29] to clear the crowd in front of the bus.[30] The bus was able to drive away from the immediate scene,[31] however CEU officers were unable to board the bus and they continued to be hit by rocks.[32]

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[23] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[24] Tom McKay. "Charlotte police kill black father Keith L. Scott while searching for unrelated suspect." Mic. September 20, 2015. https://mic.com/articles/154727/charlotte-police-kill-black-father-keith-l-scott-while-searching-for-unrelated-suspect#.y5nZZSDY4 (accessed September 7, 2017).

[25] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[26] Mark Price. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2017. http://www.charlotteobserver.com/news/local/article103131242.html (accessed September 7, 2017).

[27] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[28] The Stinger Grenade is a combination Less Lethal Impact Munitions and Diversion Device. It is a maximum effect device as it delivers up to four stimuli for psychological and physiological effect: rubber pellets (180 .32 inch), light, sound and optional chemical agent or OC.

[29] The Triple Chaser is a pyrotechnic grenade consisting of three separate canisters pressed together with separating charges between each section. When deployed, the grenade will separate into three (3) distinct sub-munitions spread approximately 20 feet apart. They are hand tossed munitions used to deploy CN, CS and smoke.

[30] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[31] "Raw: Protests in Charlotte After Police Shooting." Associated Press. September 20, 2016. https://www.youtube.com/watch?v=wcFKtv18Xbc (accessed September 7, 2017).

[32] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

At approximately 10:50 p.m., CEU officers formed two lines, one facing north and the other south to protect themselves from the crowd that encircled them and continued to throw rocks at the officers. Several officers were injured.[33]

At 10:56 p.m., another dispersal order was given over the bus's PA system. The crowd was advised that they were engaging in an illegal assembly and if they failed to disperse, chemical agents would be deployed.[34] When the crowd failed to disperse, CMPD hand tossed gas canisters and the crowd backed away allowing the bus to leave the area.[35] After grenadiers threw multiple munitions out in front of the CEU, they were able to pull back from the crowd.[36]

Once CEU pulled back, persons in the crowd broke out the windows of a marked police vehicle and took the officers personnel gear from the car. When a helicopter reported that persons were removing a rifle case from the vehicle, CEU engaged and recovered the rifle. At this time approximately, 50 CEU officers and more than 200 protestors were at the scene.[37]

At 11:25 p.m., CEU issued another dispersal order using a patrol vehicle's PA system. When the crowd failed to disperse, CEU deployed crushable foam-nosed munitions that delivered OC powder to persons throwing rocks.[38] CEU also used a 40-mm muzzle blast[39] to deploy CS powder, and hand tossed smoke and CS gas munitions.[40]

At approximately 12:00 a.m., shields arrived and were distributed to the CEU officers.[41]

[33] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[34] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[35] "Charlotte faces unrest after deadly police shooting." WBTV. September 20, 2016. http://www.wbtv.com/story/33141522/charlotte-faces-unrest-after-deadly-police-shooting (accessed September 7, 2017).
[36] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[37] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[38] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[39] The 40-mm Muzzle Blast provides instantaneous emission of a chemical agent directly at or on riotous, non-compliant persons close to a police line or within a confined space. Munitions are deployed from a 40mm launcher and spray a 30' cone of CS powder out the front of the launcher device.
[40] Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. http://www.charlotteobserver.com/news/local/article111048527.html (accessed September 7, 2017).
[41] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

At 1:35 a.m., protestors moved onto Interstate 85 and used barrels and barricades to block the highway in both directions.[42] Motorists reported that rocks were thrown at their vehicles,[43] a tractor trailer that was stopped on the highway was broken into, and fires were set.[44] CEU responded to the highway to protect the persons whose vehicle had been stopped on the highway and were being vandalized by persons in the crowd.[45]

At 3:00 a.m., CMPD gave a dispersal order using a Bearcat's PA system. The crowd failed to disperse and continued to loot tractor trailers and set the contents on fire.[46] CEU deployed stinger grenades and pocket tacticals,[47] as well as used fire extinguishers from the trucks to put out the fires.[48]

At 3:14 a.m., CEU deployed stinger grenades and CS gas, by hand, as the officers continued to get hit by rocks, alternators taken from the trucks that were broken into, and other objects.[49] The crowd began to disperse, with some persons headed toward commercial areas where their efforts to force entry into a Walmart,[50] a QT convenience store, and a Circle K were stopped by officers.[51]

CMPD ended operations at 4:00 a.m. During the night, twenty-three (23) officers were injured by rocks and other objects thrown at them by the crowd.[52]

[42] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[43] Marusak, Joe, Ely Portillo, Mark Price, and Adam Bell. "Charlotte faces aftermath of protests ignited by fatal police shooting; 16 officers injured." The Charlotte Observer. September 20, 2016. http://www.charlotteobserver.com/news/local/crime/article103009432.html (accessed September 8, 2017).
[44] "Overnight Protests Disrupt Charlotte After Fatal Police Shooting." NBC News. September 21, 2016. https://www.nbcnews.com/slideshow/overnight-protests-disrupt-charlotte-after-fatal-police-shooting-n651901 (accessed September 8, 2017).
[45] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[46] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[47] The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke. Pelletized chemical agent or smoke is discharged through one (1) gas port located at the bottom of the canister. It is a hand-tossed munition.
[48] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[49] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[50] Price, Mark. "Charlotte police shooting and protest timeline: How the protests started, spread and city reaction." The Charlotte Observer. September 21, 2017. http://www.charlotteobserver.com/news/local/article103131242.html (accessed September 7, 2017).
[51] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[52] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

Wednesday, September 21, 2016 – Thursday, September 22, 2016

At 7:00 p.m., a large group of approximately 1,000 persons gathered at Marshall Park.[53] Just prior to 8:00 p.m., the crowd broke into two groups – one marching to Little Rock AME Zion church and the other toward the Epicenter.[54] Neither group had a parade permit and was in violation of City Code Section 19-312, which states, "[n]o public assembly or parade is permitted unless a permit allowing such activity has been obtained, and remains unrevoked…"[55] CMPD decided to allow the march to continue without the permit and bike officers accompanied the pedestrians to protect them from vehicles.[56]

The group arrived at the Epicenter at approximately 8:02 p.m., and initially stood in the bottom level of the multi-story mall, chanting and speaking. There was no police presence inside the venue except for a CMPD captain.[57] At some point, a large group moved onto private property and up to the third floor of the Epicenter.[58]

At 8:19 p.m., the Captain and 911 callers reported breaking windows, looting and the throwing of chairs and other objects. In response, the Captain requested CEU to restore order as the group was no longer protesting and was now engaging in criminal activity on private property.[59]

At 8:25 p.m., a CEU platoon, led by a Captain arrived in the area. Seeing the crowd dispersing from the Epicenter, the Captain staged the platoon in the elevator lobby of the Omni Hotel so as not to antagonize the crowd. However, the crowd followed the officers and CEU moved out of the lobby and established a line outside the garage area. The crowd engaged the officers,

[53] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[54] Boraks, David. "Peaceful Protests Give Way To A Night Of Violence." WFAE. September 22, 2016. http://wfae.org/post/peaceful-protests-give-way-night-violence (accessed September 7, 2017).
[55] "Section 19-312. – Public assembly and parade permits." Code of Ordinances City of Charlotte, North Carolina. August 31, 2016. https://library.municode.com/nc/charlotte/codes/code_of_ordinances/264937?nodeId=PTIICOOR_CH19STSIOTPUPL_ARTXIPUASPA_S19-311DE (accessed September 8, 2017).
[56] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[57] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[58] Garloch, Karen. "Police reviewing Wednesday shooting; eyewitnesses say police escalated tension." The Charlotte Observer. September 22, 2016. http://www.charlotteobserver.com/news/local/crime/article103567052.html (accessed September 7, 2017).
[59] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

throwing water bottles and other objects at the officers including a fuse lit explosive device.[60] A request to deploy gas was denied due to unrelated crowds in the area.[61]

At 8:31 p.m., Justin Carr, a private citizen, was shot.[62] Persons in the crowd, some of them faith leaders, believed that the victim was shot and killed by a rubber bullet fired by the police.[63] The victim was located and moved behind the CEU line and was extricated by a Bearcat because medical personnel were unable to respond through the crowd to treat the victim. Several police vehicles in the area were damaged and a responding officer was hit with a wrench thrown by someone in the crowd.[64]

Between 8:40 – 8:45 p.m., three CEU platoons established a line between the Omni Hotel and the Bank of America building.[65] As damage and looting continued inside the Epicenter, bottles, large rocks and pieces of concrete were thrown at CEU officers, as well as a "roman candle" or similar firework.[66]

Between 8:58 and 9:10 p.m., three (3) dispersal orders were given to the crowd via a Long Range Acoustic Device (LRAD) in English and Spanish. When the crowd failed to disperse CEU deployed hand tossed smoke and subsequently CS gas. A CEU Captain was struck in the face, treated and returned to his post. CEU pushed the crowd out of the Epicenter.[67]

Between 9:16 p.m. and 1:47 a.m., the crowd, pursued by officers, continued to move through the Uptown area damaging and looting properties as well as aggressively engaging CMPD units.[68]

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[60] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[61] Portillo, Ely. "Charlotte police detail arsenal of 'pain compliance,' tear gas used during riots." The Charlotte Observer. October 28, 2016. http://www.charlotteobserver.com/news/local/article111048527.html (accessed September 7, 2017).

[62] Price, Mark. "Man admits to shooting bystander at Charlotte protests, prosecutor says." The Charlotte Observer. September 26, 2016. http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article104237666.html (accessed September 7, 2017).

[63] Garloch, Karen. "Police reviewing Wednesday shooting; eyewitnesses say police escalated tension." The Charlotte Observer. September 22, 2016. http://www.charlotteobserver.com/news/local/crime/article103567052.html (accessed September 7, 2017).

[64] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[65] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[66] Domonoske, Camila and Christopher Dean Hopkins. "N.C. Governor Declares State of Emergency After 2nd Night of Unrest in Charlotte." NPR. September 21, 2017. http://www.npr.org/sections/thetwo-way/2016/09/21/494957808/police-and-protesters-clash-in-charlotte-for-2nd-night-after-shooting (accessed September 8, 2017).

[67] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[68] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

Between 10:00 and 10:15 p.m., CEU deployed hand tossed CS gas canisters after dispersal orders were issued and the crowd failed to disperse. Hand tossed smoke was deployed after a group of motorcycles and four wheelers arrived in, and subsequently refused to leave the area. At approximately 11:37 p.m., officers engaged a group of individuals throwing objects at them from a light rail bridge with a Pepperball gun.[69]

At 1:47 a.m., CMPD gave the final dispersal order to the crowd remaining at Trade and Tryon Streets. The crowd dispersed as CEU arrest teams moved toward them.[70]

Thursday, September 22, 2016 – Friday, September 23, 2016

A large group of clergy and other citizens joined the crowd on Thursday, intent on keeping control and peace over the crowd and to stand between the protestors and the police. Their efforts proved generally successful and minimal use of crowd control measures were necessary for the remainder of the protest marches. Bicycle officers escorted the marchers and protected them from vehicular traffic.[71]

At approximately 10:30 p.m., a small group shut down Interstate 277.[72] Dispersal orders were given using the PA system on a CMPD "mule" (an all-terrain vehicle).[73] When the crowd failed to disperse, CEU officers used physical force and Pepperball gun rounds to move the crowd off the interstate. This was the last use of chemical agents during this time-period.[74]

The crowd dispersed on their own at approximately 2:00 a.m.[75]

Friday, September 23, 2016 – Saturday, September 24, 2016

[69] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[70] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[71] Peralta, Katherine. "Acts of kindness set a different mood for night No. 3 of Charlotte protests." The Charlotte Observer. September 23, 2016. http://www.charlotteobserver.com/news/local/article103652777.html (accessed September 7, 2017).
[72] Off, Gavin, Ann Doss Helms, and Mark Washburn. "Clash with police on I-277 only confrontation in latest protests." The Charlotte Observer. September 22, 2016. http://www.charlotteobserver.com/news/local/article103589352.html (accessed September 7, 2017).
[73] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[74] Peralta, Katherine. "Acts of kindness set a different mood for night No. 3 of Charlotte protests." The Charlotte Observer. September 23, 2016. http://www.charlotteobserver.com/news/local/article103652777.html (accessed September 7, 2017).
[75] Peralta, Katherine. "Acts of kindness set a different mood for night No. 3 of Charlotte protests." The Charlotte Observer. September 23, 2016. http://www.charlotteobserver.com/news/local/article103652777.html (accessed September 7, 2017).

The protest group, escorted by CMPD bicycle officers marched on Uptown area streets until approximately 2:20 a.m.,[76] without any significant incidents.[77]

Sunday, September 25, 2016 – Monday, September 26, 2016

A group of protestors arrived at Bank of America Stadium prior to game time.[78] Bicycle officers maintained ingress and egress routes for pedestrians attending the game. Marches occurred in and around the Uptown area, however they required minimal police assistance as they remained on sidewalks, did not obstruct traffic and complied with city regulations.[79]

Monday, September 26, 2016 – Tuesday, September 27, 2016

Monday was marked by a march led by the NAACP and a Charlotte minister that occurred without incident.[80] Also, some protestors did go into the lobby of the Government Center and some demonstrators entered the Council Chamber for the City Council meeting.[81] While they also gathered in the Government Center after the City Council meeting, no organized marches or large-scale demonstrations occurred afterwards.[82]

[76] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[77] "Day 5 of Charlotte protests." WCNC. September 24, 2017. http://www.wcnc.com/news/local/keith-scott-shooting/day-5-of-charlotte-protests/325182932 (accessed September 7, 2017).
[78] "CMPD arrests man with concealed weapon outside Bank of America Stadium." WCNC. September 25, 2017. http://www.wcnc.com/news/local/keith-scott-shooting/cmpd-arrests-man-with-concealed-weapon-outside-bank-of-america-stadium/325283382 (accessed September 7, 2017).
[79] Boraks, David. "After Protests, Charlotte Takes A Breather With A Panthers Game." WCNC. September 25, 2016. http://wfae.org/post/after-protests-charlotte-takes-breather-panthers-game (accessed September 7, 2017).
[80] "Unity Rally For Justice & Transparency." North Carolina NAACP Facebook. September 26, 2016. https://www.facebook.com/events/305869303103750/ (accessed September 7, 2017).
[81] Harrison, Steve. "Charlotte mayor faces furious crowd at City Council meeting." The Charlotte Observer. September 26, 2016. http://www.charlotteobserver.com/news/special-reports/charlotte-shooting-protests/article104252096.html (accessed September 7, 2017).
[82] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

Pillar 1: Policies, Protocols, and Strategies

The Charlotte-Mecklenburg Police Department has long been recognized for its community policing policies and strategies. Many elected officials, police leaders and community members believed that CMPD's tradition of community policing would guide the City through the challenges facing the nation. In doing so, they failed to recognize that many members of the Charlotte community shared the concerns of protestors in other cities regarding officer involved shootings. Embers burned just below the surface from Charlotte incidents that remained unresolved. The officer involved shooting of Keith Scott ignited those embers, and Charlotte became the focal point of protests and riot.

The CMPD had developed and put in place policies, procedures and strategies in preparation for the 2012 Democratic National Convention, as well as to protect large public events prior to and following the DNC. These procedures and strategies provided a solid foundation for the CMPD's response to the events that began on September 20, 2016, however as the events unfolded, the CMPD was challenged by the geographic area in which the initial protests erupted; the fast-moving crowds; the impact of social media; the level of violence; and, the mobilization and deployment of its personnel and resources. Despite these challenges, the CMPD demonstrated professionalism and restraint as it endeavored to balance the First Amendment rights of the protestors against the safety of the community and its officers.

Analysis

The CMPD responded to the scene of the officer involved shooting, established incident command, and initiated an investigation consistent with the department's policies and procedures.

As the crowd grew, the on-scene commander requested additional officers to assist with scene security, traffic, witness interviews and transportation. It appears that the size of the crowd grew, in part, because of social media posts that drew persons to the scene from outside of the neighborhood and the City of Charlotte. CMPD was unaware of the social media posts, and was initially unprepared to manage the size and/or aggressiveness of the crowd.[83]

Consistent with CMPD Standard Operating Procedure (CEU SOP #1- Civil Emergency Unit) the on-scene Commander requested two Civil Emergency Unit (CEU) squads to respond to the scene in response to the size and aggression of the crowd. "*The mission of the Charlotte-Mecklenburg Police Department Civil Emergency Unit (CEU) is to protect lives and property by maintaining community order during incidents of civil unrest through a contingency that utilizes specially trained and equipped personnel.*"

[83] According to a use of force report prepared by a CMPD Sergeant, "the twenty to thirty CEU officers are not enough to maintain control due to the wide-open spaces in the area surrounding Old Concord Road."

The CEU proved essential for removing investigators and technicians from the scene; protecting officers and community members, and limiting the amount of property damage that occurred during the night and early morning.

When the Commander recognized that the presence of CEU officers was contributing to the crowd's aggressiveness, the Commander requested a bus to transport the squads from the immediate area. However, once persons in the crowd refused to allow a police vehicle to leave and caused damage to the vehicle; threw rocks and other objects at the officers causing injury; and refused to allow the bus and/or CEU officers to leave the scene – chemical agents were deployed. Consistent with CMPD Standard Operating Procedure (CEU SOP #2 – Use of Chemical Agents) and CMPD Standard Operating Procedure (CEU SOP #3 – Use of Specialty Impact Munitions) the on-scene Commander issued dispersal orders to the crowd as well as warnings that chemical agents would be deployed.

It appears, based on a review of CMPD records, that the department recorded the use of chemical munitions and their use was consistent with procedure, including obtaining authorization from a supervisor prior to their dispersal. Written reports were prepared by the incident(s) supervisor and were documented in the IACMS Use of Force packet consistent with CMPD Standard Operating Procedure (CEU SOP #2 – Use of Chemical Agents).

Throughout the evening, officers were pelted with rocks and other objects. A number of officers, including command-level personnel were injured. Police and civilian property was damaged and traffic disrupted. In response, CMPD personnel continuously attempted to de-escalate the situation and demonstrated tremendous restraint and professionalism in response to the aggressive and violent actions taken by persons in the crowd.

As was the case on Tuesday evening, the CMPD responded in a manner consistent with the department's policies and procedures - striving to balance the First Amendment rights of the protestors with the rights of private property owners and the interests of the public (CMPD Directive 600-14 – Passive Protest and Peaceful Demonstrations); de-escalate citizen-police encounters; and, deployed chemical agents in response to significant threats to the safety of the community when protestors refused to terminate their actions and comply with lawful orders to disperse (CEU SOP #2 – Use of Chemical Agents).

The CMPD conducted a Use of Force investigation regarding the use of a Pepperball gun by an officer in response to objects being thrown off the light rail bridge at officers. The investigation determined that the officer was instructed to deploy the Pepperball gun by a CEU sergeant and the deployment was consistent with CEU SOP #3 – Use of Specialty Impact Munitions:

> *The deployment and use of these devices can assist in achieving the goal of protection of life and property and/or the restoration of order…Circumstances justifying the use of Munitions include, but are not limited to: (1) Restoration or maintenance of order during Riots or civil disturbances; (2) safely controlling violent persons.*

Although the deployment was justified, the investigation determined that the Pepperball gun was directed against a person who may or may not have been responsible for throwing objects that struck officers. According to CMPD Standard Operating Procedure – CEU SOP #3 – Use of Specialty Impact Munitions:

> *Regardless of the situation or the munitions, shot placement is an important consideration for officers deploying impact munitions. Shot placement is critical to the successful outcome of the situation and minimizes the risk of serious injury or death. When making the shot placement decision the need for immediate incapacitation must be weighed with the potential of causing injury.*

Summary Analysis

Emergency Mobilization Plan

The CMPD implemented the department's Emergency Mobilization Plan as soon as the incident commander at the scene of the officer involved shooting recognized that he needed additional resources to protect the community, private property, CMPD personnel and assets, as well as to stabilize the incident.

> *The objective of the Charlotte-Mecklenburg Police Department's (CMPD) Emergency Mobilization Plan (EMP) is to quickly dispatch personnel to needed areas, executing the Incident Command System (ICS) to manage the scene and information.*

The EMP recognizes that *"emergencies by nature tend to be dangerous, dynamic, complex and confusing"* – this was certainly the nature of the events that unfolded over the next week. Social media, driven by posts from protestors, created a novel, dynamic, dangerous and complex operating environment for the CMPD and for Charlotte's elected officials. This operating environment at times overwhelmed the CMPD and challenged the decision-making, policies, procedures, practices and training of the department's leadership and personnel. Despite the challenges and the acts of violence committed by many protestors, the CMPD responded with professionalism and restraint.

Use of Force

Throughout the CMPD's response to the demonstrations, officers acted in a manner consistent with the department's policies and directives regarding use of force (CMPD Interactive Directives Guide 600-019 – Use of Less Lethal Force):

> *CMPD recognizes and respects the integrity and paramount value of human life. Consistent with this primary value is the Department's full commitment to only use force when it is reasonably necessary…The necessity of the level of force depends on the severity of the crime, whether the subject poses and imminent threat to the officers or others, and whether the subject is actively resisting arrest or attempting to*

evade arrest by flight.

The CMPD confronted numerous situations in which persons engaged in the demonstrations took violent action, throwing objects such as rocks, cinder blocks, glass bottles, alternators, wrenches, and fireworks, that caused injury to command personnel and officers. Persons engaged in the demonstrations also damaged private property – buildings and vehicles, as well as CMPD/City property; and committed criminal acts. In response, the CMPD used force only when it was reasonably necessary to stop the violence and to protect themselves, private citizens, and property.

Civil Emergency Unit

The Civil Emergency Unit (CEU) played an integral role in the CMPD's response to the protests and the violence, consistently balancing the First Amendment Rights of the protestors with their responsibility to protect persons and property by maintaining community order during the civil unrest. Despite being pelted with rocks, bottles, fireworks and other objects that injured Command personnel and CEU officers, the Unit's response, including the use of munitions and force, was measured and consistent with department's directives and standard operating procedures. CEU command personnel and squad leaders closely monitored the body posture and emotions of officers during the protests, removing officers that showed signs of anxiety or appeared to be losing control from the line. Additionally, CEU command personnel and squad leaders managed the Units by escalating and de-escalating their response based on the actions taken and the threat posed by the protestors.[84]

It is important to note, that on the evening of the officer involved shooting (Tuesday, September 20, 2016), the CMPD encountered difficulties deploying equipment from its centralized warehouse to CEU squads. For example, CEU did not receive shields until 12:00 a.m., approximately two (2) hours after the officers were pelted with rocks and other objects that caused injury to command personnel and officers.

It should also be noted that CEU, and the CMPD overall, had focused their planning and training exercises for a response to demonstrations and civil disturbance incidents in the Uptown area of Charlotte (the city's business and entertainment center). The Uptown area is laid out in a grid that provides opportunities to limit and control crowd movements. The rural area of the city where the officer involved shooting and initial protests occurred created significant challenges for CEU personnel and resource deployment to a rapidly moving and social media informed group of protestors.

[84] Assessment team interview with CMPD Special Operations Commander. June 7, 2017.

Recommendations

Recommendation 1.1: The CMPD should identify and engage in continued opportunities and strategies that promote effective dialogue between the department and the community around race and policing.

Recommendation 1.2: The CMPD should continue to build on its tradition of community policing to identify opportunities for the community to participate in the development of the department's policies, procedures and practices.

Recommendation 1.3: The CMPD should continue to support the Constructive Conversation Program, expanding it internally and further engaging the community.

Recommendation 1.4: The CMPD should continue to review its mobilization plans for personnel and resources to make them more agile in response to critical incidents.

Recommendation 1.5: The CMPD should review its CEU training to account for the evolving nature of demonstrations and protests.

Recommendation 1.6: The CMPD should involve the community in the development of robust communication and community engagement directives and strategies for engaging in respectful and constructive conversations and de-escalation during response to mass demonstrations.

Recommendation 1.7: The CMPD should develop and implement policies and procedures that increase situational awareness in anticipation of and during demonstrations and acts of civil disobedience with a specific emphasis on social media.

Recommendation 1.8: The CMPD should develop policies and procedures that use social media to "push" information to the community and quickly disseminate accurate information in response to rumors and false accusations.

Pillar 2: Training and De-Escalation

"Law enforcement officers need to continuously train for pre-planned and spontaneous events where large crowds gather. Large crowds can become unruly and riots can ensue if law enforcement officers are not trained properly in crowd control tactics and techniques."[85]

Uniform and consistent training of law enforcement personnel is the foundation of successful agencies. Training prepares officers for the various situations they may encounter daily, and prepares them to address circumstances—such as civil disturbances—that occur infrequently but have lasting implications. In today's environment, officers, supervisors, and senior and executive staff members must be prepared to manage crowd control at events where community members seek to express their Constitutional rights to free speech and assembly.

Police leaders and officers should be well trained in NIMS and ICS, crowd management, Mobile Field Force (MFF) operations, authorized use of force, constitutionally protected behaviors, communication and de-escalation, bias awareness, procedural and impartial policing, cultural responsiveness, and community policing. The CMPD's training in these areas, as well as identified needs for further training in these areas, played a significant role in its response to the September 2016 demonstrations, particularly in the initial days.

Elected officials, department heads, and police leaders should recognize the complexity of civil disturbances, and also develop and practice the skills and tactics necessary to respond to them, using not only online and classroom training but also tabletop and other reality-based exercises.

Effective and appropriate training, based on the best practices of policing, is essential to keeping community members and police officers safe during both routine operations and critical incidents.

North Carolina Basic Law Enforcement Training

The North Carolina Criminal Justice Education & Training Standards Commission mandates all entry level law enforcement officers to be certified by completing its 16-week, 616-hour Basic Law Enforcement Training (BLET) curriculum and testing.[86] The curriculum is comprised of 36

[85] McCarthy, Garry. "Testimony to the President's Task Force on 21st Century Policing." January 30, 2015. United States Department of Justice. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/submissions/McCarthy-Garry-Testimony.pdf (accessed August 28, 2017).
[86] North Carolina Department of Justice. "Basic Law Enforcement Training." http://www.ncdoj.gov/getdoc/082c4314-b82d-4cd0-bb91-104e0f9d2bbd/Basic-Law-Enforcement-Training.aspx (accessed August 28, 2017).

blocks of instruction, practical exercises, and other tests on topics including: communication skills for law enforcement, ethics for professional law enforcement, crowd management, and patrol techniques—however, no specific instruction on the National Incident Management System (NIMS) and the Incident Command System (ICS), nor Mobile Field Force (MFF) are provided.[87]

CMPD recruit and in-service training

Individual agencies may also supersede the hour requirements of the BLET curriculum and include additional courses. The Charlotte-Mecklenburg Police Department (CMPD) added 65.5 hours to the BLET curriculum and testing, including an additional hour for crowd management training.[88]

Upon completion of the increased BLET training curriculum, the CMPD also mandates that all recruits complete its agency academy of 171 hours of department-specific training.[89] During this time-period, recruits receive eight hours of instruction on communication skills and 16 hours of crisis intervention training, along with 16 hours of scenario-based training in which recruits are required to utilize only communication skills to calm hostile individuals. Recruits also receive four hours of Diversity Training, seven hours of oleoresin capsicum (OC) Training, five hours of De-escalation Training, and four hours of Community Enrichment instruction.[90] For CMPD, de-escalation means, "the tactics or techniques used by officers when faced with hostile persons whether under arrest or just a citizen contact. The goal is to gain compliance or cooperation through verbal dialogue and non-confrontational body language, but if force must be used, to use the least amount to effectively control the person."[91] The CMPD academy, however, does not require that recruits receive any training on NIMS and ICS nor MFF or complete any additional training on crowd management and control.

Additionally, the North Carolina Criminal Justice Education & Training Standards Commission requires every law enforcement officer in the state to complete 24 hours of in-service training annually: four hours of firearms training and qualification, 12 hours of required in-service training topics selected by the Commission, and eight hours of topics chosen by individual

[87] BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[88] BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[89] BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[90] BLET Topic Hours List – CMPD Total Hours and Required Hours. Charlotte-Mecklenburg Police Department. Provided by CMPD major to Assessment Team electronically on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[91] Charlotte-Mecklenburg Police Department. "Overview of CMPD De-escalation Training." Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

agencies. In 2016, the required training topics selected by the Commission included: human trafficking awareness, foundations in historical and institutional racism and racial equity, and legal updates and firearms laws.[92] The CMPD required all sworn officers to complete the CALEA-mandated training and use of force policy review regarding OC/Baton and subject control training, two hours of de-escalation training, and scenario-based training that involved countering police ambushes.[93] The mandatory CMPD in-service training in 2015 also included crisis intervention training, Mental Health First Aid, and instruction on cultural proficiency.[94]

CMPD specialized training

Separate from the normal training regimen, the CMPD has also provided specialized training and equipment in preparation for large events hosted in the city, including the 2012 Democratic National Convention (DNC). In preparation for the DNC, approximately 1,200 CMPD officers received special crowd management and Mobile Field Force (MFF) training from the U.S. Department of Homeland Security (DHS), primarily through the Federal Emergency Management Agency (FEMA) from August – December 2011. The CMPD officers also received training focused on facilitating peaceful and lawful demonstrations; legal guidelines related to First Amendment rights and passive and peaceful demonstrations; and, tactics to leverage bicycles, horses, motorcycles, and field officers to ensure the safety of demonstrators and officers.[95] The CMPD Civil Emergency Unit (CEU) also purchased 300 public order bicycles, 16 utility task vehicles outfitted with additional response equipment, and 50 dual-sport motorcycles.[96]

However, while aspects of MFF were incorporated into other CMPD trainings, members of the CEU are the only CMPD employees who continue to receive MFF training since the DNC. In 2016, CEU members received 17 hours of MFF training: four hours of movements, four hours of chemical munitions for specialized officers, eight hours of scenario-based training, and one hour of online training. In 2015, CEU members received 30 hours of MFF training: 10 hours of scenario-based training, eight hours of chemical munitions for specialized officers, eight hours of device extraction school for specialized officers, and four hours of movements.[97] Therefore,

[92] "2016 In-Service Topics Online." Online Training. North Carolina Justice Academy. http://ncja.ncdoj.gov/acadisonline.aspx (accessed August 29, 2017).
[93] Charlotte-Mecklenburg Police Department. "Overview of CMPD De-escalation Training." Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[94] Charlotte-Mecklenburg Police Department. "Overview of CMPD De-escalation Training." Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[95] Monroe, Rodney D. "Testimony to the President's Task Force on 21st Century Policing." January 30, 2015. United States Department of Justice. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/submissions/Monroe-Rodney-Testimony.pdf (accessed August 28, 2017).
[96] *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department's Operations during the 2012 Democratic National Convention*. March 2013. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/publications/2012-dnc-quick-look.pdf (accessed August 29, 2017).
[97] Charlotte-Mecklenburg Police Department. "CMPD Training Overview." Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.

undoubtedly, some of the officers had not received this training prior to responding to the demonstrations in September 2016.

Constructive Conversation Team training

Since the demonstrations, CMPD officers have begun receiving Constructive Conversation Team (CCT) training. The concept of CCT was developed by the CMPD in collaboration with Charlotte community members who participated in the demonstrations. The training began with an initial group of approximately 50 CMPD officers—many of whom responded to at least one night of the demonstrations—assigned to positions throughout the department and focused on enhancing interactions with community members, particularly in critical incidents, by combining classroom instruction and scenario-based training. The training instructed officers to actively listen to community members even if it involves withstanding some verbal abuse; to convey to the community member that they are actively listening and trying to connect; and to be able to provide community members with information and answers to their questions regarding CMPD policies, training, statistics, and other general questions asked.[98] Given the success of the CCT at other demonstrations and officer-involved shootings since September 2016, CMPD is requiring all sworn personnel to complete CCT training.[99]

CMPD CCT Training with community members. Source: http://www.charlottestories.com/wp-content/uploads/2017/03/campagnatraining.jpg

Recommendations

Recommendation 2.1: The CMPD should conduct a thorough review of its academy courses and hours, and its additions to the required BLET courses, to emphasize empathetic dialogue and non-confrontational conversations with community members. Training that reflects the needs and character of the community is important for enhancing transparency and creating a better-informed agency and public. The review should include: the Integrating Communications, Assessment, and Tactics (ICAT) guide—which "takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them

[98] Charlotte-Mecklenburg Police Department. "Constructive Conversation Team Training." Provided by CMPD major to Assessment Team in paper on June 29, 2017. Reviewed by Assessment Team June – September 2017.
[99] Assessment Team interview with CMPD major. June 5, 2017.

together in an integrated approach;"[100] lessons learned and best practices identified in after-action reports from civil disturbances in Minneapolis, St. Louis County, Baltimore, and other cities that experienced civil disturbances; and, other de-escalation and Crisis Intervention Training (CIT) strategies.

Recommendation 2.2: The CMPD should continue engaging community members in the training process. The Constructive Conversation Team training includes exercises in which activists from the Charlotte community engage in the same behaviors that they engage in during their demonstrations. Trainees are then required to de-escalate the demonstrators using only communication. The training session then ends with the community members and officers explaining their perspectives and actions to one another, to facilitate learning and understanding. This should continue and expanded to other trainings that impact community members, including traffic enforcement and CMPD history.

Recommendation 2.3: Curricula to train all CMPD personnel on crowd management strategies and tactics should be developed from current best practices, policy recommendations, and lessons learned from after-action reviews of similar events. At a minimum, future department-wide trainings should include: basic principles of Mobile Field Force operations, movements, and problem solving; First Amendment rights and protections; and, NIMS and ICS. Particular attention should be given to the role of patrol officers, who may be the first on the scene of an escalating event. Such officers and their supervisors should be trained on making initial assessments and providing information that will inform incident management decision and ensure an appropriate response at the division and department level.

[100] Police Executive Research Forum. "ICAT: Integrating Communications, Assessment, and Tactics." http://www.policeforum.org/icat-training-guide (accessed August 30, 2017).

Pillar 3: Equipment and Technology

Introduction

Since the police response to the mass demonstrations in Ferguson, Missouri, a national discussion—specifically concerning, "police tactics, weaponry, and resources that appear more closely akin to military operations than domestic law enforcement"—has shined a light on the evolution of response to First Amendment-protected activities.[101] However, effective and safe management of mass demonstrations—especially mobile demonstrations—relies heavily on maintaining and deploying the necessary civil disturbance equipment at the appropriate times and levels. CMPD command staff advised they deployed resources and equipment in a thoughtful, well-timed, and well-planned manner as part of a tiered approach that was formed on the basis of lessons learned from hosting the 2012 Democratic National Convention (DNC) and watching law enforcement responses to similar demonstrations nationwide.[102] On the other hand, community members allege that, "CMPD and its officers undertook actions which were purposefully designed to frighten and punish demonstrators by inflicting harm," and that demonstrators, "were met with a militarized response by CMPD."[103]

Equipment

Over the course of the response to the demonstrations in September 2016, the Charlotte-Mecklenburg Police Department (CMPD) and the North Carolina Army National Guard (NCANG) deployed equipment that can be divided into three categories: personal protective equipment (PPE), less-lethal devices, and bicycles.[104]

Personal Protective Equipment

Law enforcement agencies, while prioritizing officer safety, must carefully consider the balance between the need for protection and the image presented by a frontline of officers clad in

[101] Institute for Intergovernmental Research. 2015. *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri.* COPS Office Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. https://ric-zai-inc.com/Publications/cops-p317-pub.pdf (accessed August 31, 2017).

[102] Assessment Team interview with CMPD captain. June 7, 2017.

[103] Braxton David Winston, II et al v. City of Charlotte et al. "Complaint for Injunctive Relief." October 21, 2016. http://photographyisnotacrime.com/wp-content/uploads/2016/11/Charlotte-Uprising-Lawsuit.pdf (accessed September 1, 2017).

[104] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 30, 2017).

PPE.[105] While PPE has traditionally been thought to have a deterrent effect on violent behavior, in recent events, police departments equipped with PPE have been perceived as contributing to the escalation of demonstrations, by being portrayed in the media through a heavy-handed or militaristic light.[106] This trend continued in Charlotte, where CMPD CEU officers wearing additional PPE were repeatedly photographed standing in a tactical line across from demonstrators.[107] Each CEU officer is issued PPE that includes a helmet with a clear face shield that has a four-digit number printed on each side in large white font, which corresponds to a master equipment roster, to facilitate identification of officers wearing the PPE by both supervisors and members of the public. The officers are also issued arm and leg pads, gloves, and external vests. They also carry long batons and shields.

During interviews, CMPD officers noted that the CEU officers and their additional equipment were required because of the volatility and hostility of the demonstrators at times, and multiple severe injuries suffered by their colleagues.[108] As demonstrators arrived at the scene of the incident in ever-growing numbers, some of the initial responding officers believed they were underdressed and ill-equipped to maintain their safety and security as well as the safety and security of the scene, necessitating the request for the CEU squads.[109] However, community members perceived the CEU officers' attire and equipment as ominous and preemptively combative.[110] Some of the demonstration leaders claim that the deployment of CMPD officers in "riot gear" and the arrival of the NCANG in Humvees and armored vehicles only served to instigate and enflame individuals who were there to seek answers and justice.[111]

Less-lethal devices

Law enforcement officers generally only deploy less-lethal devices in response to escalating violence or disorder during civil demonstrations. Much like equipment though, departments must balance the need for deployment of such devices against the perceptions and implications

[105] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 30, 2017).

[106] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 30, 2017).

[107] Clasen-Kelly, Fred. "Did CMPD use too much show of force—or too little—during protests?" Charlotte Observer. October 31, 2016. http://www.charlotteobserver.com/news/local/article111593532.html (accessed August 31, 2017).

[108] Assessment Team interview with CMPD captain. June 7, 2017.

[109] Assessment Team interview with CMPD captain. June 7, 2017.

[110] Assessment Team focus group with community members. June 7, 2017.

[111] Assessment Team focus group with community members. June 7, 2017.

of leveraging them against demonstrators.[112] Especially given the recent media portrayals of law enforcement and the impacts of demonstrators live-streaming footage of officers nationwide utilizing less-lethal options, agencies must strongly consider the implications, even if policies and procedures allow for their deployment. According to a Police Executive Research Forum (PERF) report on managing mass demonstrations:

> *"Use [of less lethal devices] must be balanced against the threat faced by frontline officers, as well as the goals officers are attempting to accomplish (e.g., contain, make arrests, quell disorder). The option should be used only until the desired effect is achieved. Use should be frequently reassessed to ensure continued need for deployment."*[113]

The CMPD acknowledged deploying less-lethal options over the course of the response to the demonstrations in September 2016. The first night—after members of the crowd threw bottles, rocks, and other projectiles—a handheld gas canister was deployed.[114] Additionally, after members of the crowd of demonstrators encircled a bus that arrived to extricate CEU and other CMPD officers from the scene and continued to throw projectiles, a stinger grenade (rubber pellets and oleoresin capsicum (OC) spray), and a Triple Chaser CS canister were deployed. As the demonstrations continued down Old Concord Road, additional dispersal orders were given before another round of munitions were thrown. When that proved ineffective in calming the crowd CEU again deployed, "crushable foam nosed munitions that deliver OC powder…40mm muzzle blast CS powder munitions, and hand tossed smoke and CS gas munitions."[115]

As the demonstrations continued on September 21, some demonstrators at the EpiCentre became increasing agitated and destructive, looted nearby stores, and attempted to light a dumpster on fire. After multiple dispersal orders were given, and were ignored by those who remained, CEU deployed hand-tossed smoke, CS gas, and a long range acoustic device (LRAD)

[112] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 30, 2017).

[113] *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*. 2014. (Washington, DC: Police Executive Research Forum). http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf (accessed September 1, 2017).

[114] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

[115] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.

multiple times.[116] Only hand-tossed smoke was utilized because of the potential dangers of CS gas to motor vehicles.[117]

The final use of less-lethal crowd control agents occurred on September 22, when CEU again deployed Pepperball rounds to move demonstrators off I-277.[118] Again, prior to the Pepperball rounds being used, multiple dispersal orders were given over a PA system on an armored vehicle.[119]

Each of these deployments, the equipment used, and the investigations into their use were consistent with CMPD Directive 600-019 (Use of Less Lethal Force). The directive approves use of less-lethal equipment including beanbag rounds, chemical irritants, and rubber pellets.[120] Additionally, the directive specifies that only officers who are authorized and trained in the use of these types of equipment may utilize less-lethal equipment and when, "The Civil Emergency Unit or other specialized unit uses the less lethal option(s) to disperse rioters, mobs, crowds, or barricaded subjects…the commander of that unit will complete one Supervisor's Investigative Report."[121] These reports were completed every day, which was acknowledged by community members who participated in the demonstrations.[122]

Bicycles

Throughout the peaceful hours of the demonstrations, the CMPD capitalized on the promising practice of deploying bicycle units to manage the crowds exercising their First Amendment rights.[123] Officers on bicycles were utilized to protect the demonstrators as they moved into and around uptown Charlotte and onto I-85 and I-277 and to direct traffic around the demonstrators. When needed, the officers were also able to utilize their bicycles as barriers to

[116] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[117] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[118] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[119] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[120] 600-019 Use of Less Lethal Force. CMPD Directives. May 12, 2016. http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf (accessed September 1, 2017).
[121] 600-019 Use of Less Lethal Force. CMPD Directives. May 12, 2016. http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf (accessed September 1, 2017).
[122] Assessment Team focus group with community members. June 7, 2017.
[123] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 30, 2017).

mitigate aggressive actions by the demonstrators and maintain ingress and egress into private facilities that were being blocked by demonstrators.[124]

Other Specialized Equipment

At times during their response to the demonstrations, CMPD officers required specialized equipment to ensure community and officer safety. While some demonstrators suggested that the Bearcat and the LRAD were unnecessary and served as examples of the department's proclivity to suppress their First Amendment protected activity, the equipment was needed and was used appropriately.

In the early morning hours of September 21, 2016, after demonstrators began breaking into stopped trucks and igniting a fire on Interstate 85, officers determined it was unsafe for them to move closer to disperse the group. Dispersal orders were given by using the public address (PA) system on an armed personnel carrier (APC), known as a Bearcat. The Bearcat was also used on the evening of September 21, 2016, to extricate shooting victim Justin Carr. Many demonstrators believed the police were responsible for the shooting, and blocked medical first responders from the scene. The Bearcat, which had been stationed a couple blocks away from the EpiCentre, was immediately brought in to extricate the shooting victim so that he could be treated and transported to the hospital.[125]

Later on, as some of the demonstrators caused more chaos—breaking into and looting the EpiCentre Sundries store and throwing bottles of liquor, rocks, and concreate at CMPD officers—three dispersal orders were given utilizing a Long Range Acoustic Device (LRAD). While this had a temporary impact on the size and location of the crowd, approximately three (3) hours later the LRAD was needed again, this time to give five dispersal orders.[126] An LRAD is a device that broadcasts messages, warnings, notifications and other commands approximately 1.5 miles into large crowds in a manner that is safe for both law enforcement and members of the crowd.[127]

Regional resources

As the largest law enforcement agency in the region, the CMPD generally provides resources and personnel to smaller agencies via mutual aid. However, given the severity of the demonstrations, the CMPD requested mutual aid in this instance. It took longer than expected for the CMPD to receive mutual aid resources requested from smaller nearby agencies and for

[124] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[125] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[126] Affidavit of Major Michael Campagna. Winston et al. v. City of Charlotte et al. Case No. 3:16-ev-729. October 24, 2016.
[127] "Law Enforcement." LRAD Corporation. https://www.lradx.com/application/law-enforcement/ (accessed September 14, 2017).

larger agencies in Raleigh and Greensboro to arrive once the demonstrations became especially violent and destructive.[128] This precipitated switching CMPD officers to 12-hour shifts, declaring a State of Emergency to stand up a platoon to assist with the response, and deploying the NCANG.

Technology

The role of cameras

Technology—particularly body-worn cameras (BWCs)—played an integral role in fueling the frustrations of the demonstrators. As described in CMPD Directive 400-006 (Body Worn Camera (BWC)), BWCs are, "utilized by officers to promote transparency in accordance with state law and accountability for officers and the community through objective evidence."[129] Although all uniformed officers involved in the initial incident were wearing BWCs, the CMPD initially declined to release the videos. The decision enflamed the demonstrators.

Body worn cameras are important assets during demonstrations as they provide an opportunity to record verbal and physical exchanges between demonstrators and the police – protecting all parties from false accusations as demonstrated during the Republican National Convention in Cleveland, Ohio.[130]

The CMPD leveraged footage recorded by its helicopter as well as traffic and other cameras during the course of the demonstrations to assess the actions of participants and officers. The CMPD collected almost 80 hours of footage from the demonstrations that focused on confrontations, including the shooting of Justin Carr.[131]

[128] Assessment team focus group with CMPD command staff. April 12, 2017.
[129] 400-006 Body Worn Camera (BWC). CMPD Directives. May 8, 2017. http://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf (accessed September 1, 2017).
[130] *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.
[131] Miller, Doug and Bruce Henderson. "Just-released police video shows protests growing after Scott shooting." September 12, 2017. http://www.charlotteobserver.com/news/local/article172888376.html (accessed September 14, 2017).

Effective Use of Equipment and Technology in Mass Demonstrations

Bicycles: During the 2016 Presidential Nominating Conventions, the Cleveland Division of Police (CPD) and Philadelphia Police Department (PPD) strategically deployed bicycle units in the pre-planned demonstration sites and along designated parade routes. These units were effective in providing rapid and tactical, yet non-militaristic approaches to crowd management; to cordoning off restricted pedestrian routes; and diverting traffic. Some of the PPD bicycle officers engaged in conversations with demonstrators and used their bikes to more easily distribute water during the excessive heat. Officers also used their bicycles as temporary barricades to isolate demonstrators who were inciting violence, and to separate protest groups.

Body-Worn Cameras: The Cleveland Division of Police (CPD) also outfitted every officer with crowd management and/or arrest responsibilities with a body-worn camera (BWC) during the 2016 Republican National Convention. The CPD ordered specially-designed mounts so that crowd management and arrest team officers could accommodate their protective equipment and required mutual aid officers to have BWCs as well. The BWCs were required to improve transparency as CPD officers protected the Convention and accountability for all public-facing officers.

Unmanned Aircraft Systems: Some police departments have also had success in using unmanned technology to protect officer and community safety. Unmanned aircraft systems (UAS), for example, have the ability to, "among other benefits, help find lost persons, protect police officers during searches for armed suspects…and aid in disaster relief and recovery." They can also provide real-time situational awareness and keep both officers and the community safe during large demonstrations, by monitoring group movements. During Super Bowl XLV in 2011, the Arlington (Texas) Police Department utilized a UAS to conduct security and to visually inspect the roof of AT&T Stadium before and during the game. Police Departments considering utilization of UAS should include the community in the analysis and decision to acquire them.

Sources: 1) *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. 2) *Managing Large-Scale Security Events: A Planning Primer for Local Law Enforcement Agencies.* Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. 3) Valdovinos, Maria, Specht, James, and Zeunik, Jennifer 2016. Law Enforcement & Unmanned Aircraft Systems (UAS): Guidelines to Enhance Community Trust. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/wp-content/uploads/2016/11/UAS-Report.pdf (accessed September 13, 2017).

Recommendations

Recommendation 3.1: The CMPD should continue the practice of deploying bicycle officers during demonstrations and mass gatherings. Bicycle officers were well-received by demonstrators.

Recommendation 3.2: Conduct a regional inventory of assets, or create a regional Council of Governments (COG), to assist incident commanders in identifying potential resources at their disposal that may assist them in their efforts. A COG brings together leaders from regional,

state, and federal agencies to identify what resources each jurisdiction can bring to bear in a critical incident. Understanding what resources are available and the time it will take for those resources to arrive on scene ahead of time is invaluable to decision-makers during a critical incident.

Recommendation 3.3: The CMPD should establish a committee that includes the County Attorney, the County Prosecutor, and the community to collaboratively create a protocol for determining the appropriate process for releasing BWC footage in critical incidents. While it is understandable that each critical incident will involve a unique set of circumstances, having a collaboratively-created protocol for determining the appropriate process for releasing BWC footage will help to alleviate many of the issues that arose in this instance.

Recommendation 3.4: The CMPD should equip officers with body worn cameras, especially officers assigned to its Civil Emergency Unit (CEU). The use of BWCs during the Republican National Convention demonstrated the benefits of recording interactions between law enforcement personnel and persons participating in demonstrations.

Pillar 4: Social Media and Communication

Traditional media and social media communication played significant roles and provided multiple advantages to the activists throughout the demonstrations in Charlotte. Demonstrators relied primarily on Facebook Live—a feature on the Facebook mobile application that allows Facebook users to broadcast "live" to their friends and followers as well as specific groups and event pages as events unfolded.[132] Using Facebook Live and Twitter, activists quickly took control of the narrative by broadcasting videos and images that furthered their perspectives. As the demonstrations progressed, these individuals continued to leverage their social media followings to: broadcast their narrative and their calls for justice, share their perceptions and perspectives of the law enforcement response, and spread rumors from their different locations. They also utilized social media to arrange multiple meeting locations throughout the city and to coordinate their next steps when groups were large enough to cause disruptions, intentionally overwhelming and "outmaneuvering" the traditional responses of the Charlotte-Mecklenburg Police Department (CMPD). Most importantly, the strategic use of social media by demonstrators and activists afforded them the opportunity to control the narrative, from the beginning, and mired the CMPD Public Affairs Office and command staff in a cycle of constantly responding versus proactively disseminating accurate and timely information to dispel rumors and correct false statements.

Demonstrators controlled the narrative

From the beginning, persons at the scene used social media to voice their frustrations, and to control the narrative. The message was that this was the latest case of "an officer-involved shooting of an unarmed African-American."

Numerous people at the scene, particularly students that had just gotten off a school bus, used Facebook and Twitter to spread the narrative that Mr. Scott was waiting unarmed for his son to get off the bus when he was confronted by police.[133] [134] This was accentuated by the live stream of Mr. Scott's daughter, who indicated that her father was reading a book and waiting for her brother to get off the bus when he was, "shot for being black" and that the CMPD investigators had planted the gun in her father's truck, and were lying about the presence of a

[132] Greenberg, Julia. "Zuckerberg *Really* Wants You to Stream Live Video on Facebook." Wired. April 6, 2016. https://www.wired.com/2016/04/facebook-really-really-wants-broadcast-watch-live-video/ (accessed August 24, 2017).

[133] Assessment team focus group with community activists and demonstrators. June 7, 2017.

[134] According to the District Attorney's Office, during the subsequent investigation, "The SBI found no credible evidence that Scott was reading or possessed a book when he encountered law enforcement. Further, the SBI determined there was no credible evidence found to substantiate the 'planting' or altering of any evidence." See: District Attorney's Office, 26th Prosecutorial District of North Carolina. *The Keith Lamont Scott Death Investigation*. November 30, 2017. http://www.charmeckda.com/news/113016_1.pdf (accessed September 14, 2017).

gun on the news.[135] The video streams also included images of her consoling her brother when they found out that their father was pronounced dead at the hospital.[136]

Fueled by the videos—which went viral and were viewed nearly 500,000 times within five hours[137] — and the narrative that another unarmed black male had been killed by law enforcement, activists rushed to the scene.[138] Almost as soon as they arrived, the activists also took to their social media accounts to live-stream from the scene.[139] Some live-streamed conversations with individuals who claimed they had witnessed the incident, while others captured their own perspectives of the increasing number of demonstrators and encouraged their followers to join. Others focused on the police response to the crowds, and the escalation of tension as the night progressed.[140]

The ability of social media to quickly mobilize large numbers of people allowed them to overwhelm and "outmaneuver" the CMPD officers at the scene. While CMPD pulled officers from nearby divisions and the on-scene operations commander requested two Civil Emergency Unit (CEU) squads—who formed up with their gear and deployed to the scene as quickly as possible—the number of demonstrators continued to grow exponentially. As an example, at 9:39 p.m., there were approximately 150 demonstrators, but only 20 – 30 CEU officers, and a handful of other CMPD officers, at the scene.[141]

The uneven ratio of demonstrators to CMPD officers at the scene was exacerbated by traditional media outlets. According to the CMPD, when media outlets arrived at the scene of the incident to provide live broadcasts for their 11:00 p.m. news, the demonstrators' level of irritation increased dramatically.[142] In fact, it was approximately 15 minutes later that a CMPD

[135] Lyric YourAdorable Scott. Facebook Live video. September 20, 2016. https://www.facebook.com/keirramsprettybabe.scott/videos/1099055070172542/ (accessed August 24, 2017).
[136] Lyric YourAdorable Scott. Facebook Live video. September 20, 2016. https://www.facebook.com/keirramsprettybabe.scott/videos/1099055070172542/ (accessed August 24, 2017).
[137] Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/crime/article103303997.html (accessed August 22, 2017).
[138] Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.
[139] Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/crime/article103303997.html (accessed August 22, 2017).
[140] Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/crime/article103303997.html (accessed August 22, 2017).
[141] Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.
[142] Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

captain was struck with a rock, a handheld gas canister was thrown, and numerous rocks struck other officers.[143]

Additionally, as soon as CMPD officers deployed a stinger grenade (rubber pellets and OC spray) and another less-than-lethal munitions, the live-streaming and social media posts restarted. Some of the live-streamers continued to encourage their followers to raise awareness of the demonstrations by sharing their videos and to further spread the narrative from those claiming to have witnessed the incident.[144] Others focused their smartphones on the response by the CMPD, questioning why the department needed officers in "riot gear" to respond to a set of angry, but peaceful, demonstrators "who only wanted answers to their questions."[145]

As the demonstrations continued into the early morning hours of September 21, 2016, so too did the influence of social media, particularly under the hashtags #KeithLamontScott and #CharlotteProtests.[146] Some activists continued to encourage their followers to come to the scene to provide additional numbers as they planned on walking onto the nearby Interstate and shutting it down,[147] or simply requesting that followers, "BRING WATER AND FIRST AID KITS" to the demonstrators that had been affected by chemical munitions.[148] The hashtags were also used to organize groups of demonstrators in multiple locations simultaneously—a tactic that was meant to overwhelm the CMPD and its ability to respond effectively to multiple sites.

When the demonstrations moved to the EpiCentre the following day, social media again played an instrumental role in accelerating violence and property destruction. After an individual was shot, activists immediately took to their social media accounts to claim that CMPD was responsible for the shooting.[149] In fact, many community members continue to believe that CMPD was responsible for his death.[150] [151]

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[143] Affidavit of Major Michael Campagna. *Winston et al. v. City of Charlotte et al.* Case No. 3:16-ev-729. October 24, 2016.

[144] Mills Shaka Zulu Gill. September 20, 2016. https://www.facebook.com/millsthefuture (accessed August 22, 2017).

[145] Assessment team focus group with community activists and demonstrators. June 7, 2017.

[146] Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/crime/article103303997.html (accessed August 22, 2017).

[147] Mills Shaka Zulu Gill. September 20, 2016. https://www.facebook.com/millsthefuture (accessed August 22, 2017).

[148] Peralta, Katherine. "Social media plays growing role in police shootings like the one in Charlotte." Charlotte Observer. September 21, 2016. http://www.charlotteobserver.com/news/local/crime/article103303997.html (accessed August 22, 2017).

[149] Clasen-Kelly, Fred, Michael Gordon, and Mark Washburn. "Even after arrest, many ask: Who killed Justin Carr?" The Charlotte Observer. November 12, 2016. http://www.charlotteobserver.com/news/local/crime/article114396493.html (accessed August 23, 2017).

[150] Assessment team focus group with community activists and demonstrators. June 7, 2017.

[151] According to two forensics experts, a rubber bullet did not kill Justin Carr. See: Gordon, Michael; Fred Clasen-Kelly; and, Michael Gordon. "Forensics experts: Rubber bullet did not kill protester Justin Carr." The Charlotte Observer. November 18, 2016. http://www.charlotteobserver.com/news/local/crime/article115654038.html (accessed September 17, 2017).

Public information and media

The CMPD Public Affairs Office is staffed by two civilian members and supported by two lieutenants.[152] The Public Affairs Director is a former police officer and media reporter, and the Public Affairs Coordinator is a former media reporter who also served in other civilian positions within the CMPD. Together, the Office is responsible for managing relationships with the news media, posting on the CMPD's social media accounts and website, and managing relationships with the public. During the demonstrations, the Public Affairs Office and the CMPD command staff, were unable to effectively leverage traditional and social media to communicate with the public, dispel rumors and correct false statements.

The initial media and public affairs strategy was to not release information regarding the officer involved shooting or to respond to questions raised by demonstrators at the scene until the facts could be determined and appropriately disseminated. The department did not respond to the initial flurry of rumors related to the shooting, nor did they leverage the media as an outreach tool to encourage the community to remain calm. These early decisions were not shared by the Public Affairs Office who argued for a more aggressive media response.[153]

While social media was ubiquitous for the demonstrators, and afforded them the opportunity to firmly grasp the attention and the narrative of the news media, the CMPD was almost entirely silent until it was too late. A standard statement providing preliminary information about the incident and indicating that Homicide Unit detectives were conducting an investigation into the officer-involved shooting was posted on the department's website almost 90 minutes after the incident,[154] however, neither the statement, nor a summary or link of it was shared on any of the department's social media accounts. In fact, the department did not leverage its social media accounts to discuss anything related to the incident until nearly five hours after the incident occurred and even those posts only provided information about officer injuries sustained during the demonstration.[155]

The initial silence was exacerbated by the fact that one of the Public Affairs Office employees was out of the country when the officer involved shooting occurred and the demonstrations began, forcing the remaining public information officer to operate between the command center at CMPD Headquarters and the scene. As a result, the Public Affairs Office was only able to respond to information in the news and on social media instead of proactively pushing

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[152] "Office of the Chief." Charlotte-Mecklenburg Police Department. http://charlottenc.gov/CMPD/Organization/Pages/Office-of-the-Chief.aspx (accessed August 24, 2017).

[153] Assessment team interview with CMPD Public Affairs Office. June 6, 2017.

[154] City of Charlotte. "Media Releases for the Scott case." September 20, 2016. http://charlottenc.gov/newsroom/releases/Pages/MediaReleases_Scott-case.aspx (accessed August 24, 2017).

[155] Charlotte-Mecklenburg Police Department Twitter account. September 20, 2016. https://twitter.com/CMPD/status/778449789134344192?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fmashable.com%2F2016%2F09%2F21%2Fcharlotte-police-shooting-social-media%2F and https://twitter.com/CMPD/status/778437983942782976?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fperson-killed-in-officer-involved-shooting-in-charlotte-north-carolina%2F (accessed August 24, 2017).

information and details to the community to prevent rumors and inaccurate information from controlling the narrative.

Messaging During a Critical Incident

During the December 2, 2015 terrorist attack in San Bernardino, California, the San Bernardino County Sheriff's Department (SBCSD) leveraged social media to effectively communicate with the public. The SBCSD social media specialist used Twitter more than 40 times to inform followers about developments throughout the day, including the officer-involved shooting with the suspects. At the same time, other officers in the SBCSD Public Affairs Unit were focused on local and cable news stations, monitoring what was being relayed to the public. The unit also used an interactive screen with only verified information that could be released to the media and the public, which helped ensure consistent messaging. This strategy also effectively reduced the number of phone inquiries from the press, which had the additional benefit of relieving staff to attend to other responsibilities.

Source: Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. 2016. *Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center.* Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/wp-content/uploads/2016/09/Bringing-Calm-to-Chaos-Final-1.pdf (accessed September 13, 2017).

Citywide communication and collaboration

A fundamental principle of crisis and civil disturbance response is that an effective response requires communication, collaboration, and partnerships. Especially in a civil disturbance or other critical incident that may require a joint response from the City, mutual aid agencies, and the State, the importance of communication, collaboration, and partnerships is even more imperative. As exemplified by the inconsistent messaging, multiple media strategies, and strained relationships—highlighted by the mayor openly disagreeing with and challenging the chief, the city council, and the governor—it was clear that lack of communication, collaboration, and partnerships impacted the response in Charlotte.

By the night of September 21, 2016, the previously out-of-town Public Affairs Office employee returned, and a joint information center (JIC) was established at CMPD Headquarters. A JIC provides consistent, accurate, and unified messaging from all disciplines, agencies, and responders.[156] The JIC in Charlotte included public information and public affairs officers from other first responder agencies in the city and other relevant partners and stakeholders, but was still unable to effectively manage the response to media requests.

[156] *Aurora Century 16 Theater Shooting: After Action Report for the City of Aurora, Colorado.* April 2014. Arlington, VA: TriData Division, System Planning Corporation. https://www.policefoundation.org/critical-incident-review-library/aurora-century-16-theater-shooting-after-action-report-for-the-city-of-aurora/ (accessed August 24, 2017).

However, the mayor chose not to send a representative from her office to the JIC, preferring to handle the requests from the news media and her city-based social media profiles separately. Some members of the city council also chose to engage the media on their own creating multiple sources of information and inconsistent messaging from the city.

During a similar situation in Minneapolis, MN, inconsistent messaging between the chief of police, the city council, and the mayor also impacted the ability of the police department to effectively and efficiently resolve the incident. The city council and the mayor, each acting on their own given authority and accord, involved themselves in negotiating with demonstrators, and made public statements without coordinating among elected officials or the police department.[157]

In Charlotte, the mayor also made public statements that criticized the chief's decision not to release the video footage from the officer involved shooting, and called on the chief to release it. The mayor wrote an email to the chief so that there was a public record of her disagreement.[158] Even days after the incident, the mayor criticized the chief writing, "[t]he lack of transparency and communication about the timing of the investigation and release of video footage was not acceptable…"[159] The mayor's decision to create discrepancies in the public messaging contributed to the media whirlwind that the CMPD Public Affairs Office had to react to during the incident response. In an operation of this magnitude, it is crucial that officials collaborate, respect each other's areas of authority, responsibility, and operational expertise and clearly communicate and articulate those roles to avoid unnecessary conflict.[160]

Recommendations

Recommendation 4.1: The CMPD should have established its Joint Information Center (JIC) earlier and should have used it to monitor media broadcasts and social media. Social media played a significant role in the ability of demonstrators to "outmaneuver" the CMPD response,

[157] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct.* Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 24, 2017).

[158] Assessment Team interview with Mayor Roberts. April 11, 2017.

[159] Roberts, Jennifer. "Mayor Roberts: Lack of transparency in Keith Scott case was unacceptable." Charlotte Observer. September 26, 2016. http://www.charlotteobserver.com/opinion/op-ed/article104283806.html (accessed August 24, 2017).

[160] Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct.* Washington, DC: Office of Community Oriented Policing Services. https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/ (accessed August 24, 2017).

because there was nobody from the city or the CMPD following news media and social media related to the demonstrations. Having a JIC would have alleviated some of these challenges.

Recommendation 4.2: The CMPD should create a clear and detailed media strategy or policy to guide the department's use of traditional news media and social media, particularly during critical incidents.

Recommendation 4.3: The CMPD and City officials should coordinate messaging and talking points prior to making public comments to ensure unity of message and focus on the overall mission of safe and effective resolution of critical incidents. Inconsistent, and at times contradictory, public comments made by the mayor and the chief of police, and disagreements between the mayor and city council, the mayor and the chief, and the governor created clear divisions that were guided by politics instead of what was best for the City of Charlotte and the CMPD response.

Recommendation 4.4: The CMPD should continue to prioritize local media outlets covering critical incident by providing them additional interviews and exclusive information. This strategy builds relationships with local media outlets in the city who know the city best, and who will continue to provide coverage of the city long after the critical incident is over.

Recommendation 4.5: The CMPD should enhance its use of social media to engage community members and demonstrators before, during, and after mass gatherings and demonstrations to disseminate accurate information and correct erroneous information.

Recommendation 4.6: CMPD Public Affairs Unit as well as the City of Charlotte Communications should study critical incident reviews and incorporate lessons learned from these incidents into their public information strategies.

Pillar 5. Transparency and Accountability

"Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy."[161] *– Recommendation 1.3 of the Final Report of the President's Task Force on 21st Century*

During interviews, focus groups, and town hall meetings in Charlotte, many community members advised that they desired more transparency and accountability from the police department. Community leaders and activists expressed frustration that they had not received a thorough briefing regarding the officer-involved shooting of Keith Lamont Scott or the police response to the demonstrations.

Recognizing and responding to the community's concerns the CMPD has taken steps to increase transparency and accountability. In that regard, the CMPD has implemented the following:

- **Transparency Workshops**: The CMPD Transparency Workshops provide an opportunity for members of the department to engage in open dialogue with community members. The workshops are three-day events that, "give community members an inside understanding of CMPD's processes, services, and operations. The mission of CMPD Transparency Workshop is to work towards strengthening community relationships, increasing the community understanding of police work, as well as equipping citizens to provide productive and meaningful input into how their police department functions."[162] Areas of workshop focus include staffing and deployment of officers, crime fighting and community engagement strategies; arrest, search and use of force laws and policies; and accountability and investigation of police misconduct.[163]

- **Publication of all departmental policies on the CMPD website**: The CMPD proactively posted its full set of directives, code of ethics, and rules of conduct on its website (http://charlottenc.gov/CMPD/Pages/Resources/DepartmentDirectives.aspx).

[161] President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

[162] "CMPD Transparency Workshops: Your Opportunity to Make a Difference." Charlotte-Mecklenburg Police Department website. 2017. http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/TrainingAcademy/Transparencywkshp2017.aspx (accessed September 11, 2017).

[163] CMPD Transparency Workshops: Your Opportunity to Make a Difference." Charlotte-Mecklenburg Police Department website. 2017. http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/TrainingAcademy/Transparencywkshp2017.aspx (accessed September 11, 2017).

- **Internal Affairs Annual Reports**: The CMPD publishes annual Internal Affairs Reports that include detailed data and analysis on complaints against officers, disciplinary action, use of force, in custody deaths and vehicle pursuits. The reports also track trends over the years to show comparative analysis these areas. (http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/Internal-Affairs.aspx).
- **Constructive Conversation Teams & Training**: The CMPD Constructive Conversation Teams are teams of officers specifically trained to engage, educate and listen to community members, particularly regarding controversial issues or amid conflict. Training for the officers includes scenario based training that requires officers to show practical application of the listening, de-escalation and responding skills they learn.[164]

Collecting, Analyzing & Reporting Police Data

Nationally, police departments have been working to increase levels of transparency by better collecting, analyzing and publishing raw police data – releasing it to the public on its website, through their City's data portal or through the National Police Data Initiative (PDI). According to the *Final Report of the President's Task Force on 21st Century Policing*:

> "To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department's website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics… When serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrality, respecting areas where the law requires confidentiality."[165]

The City of Charlotte and CMPD realize the importance of providing access to open data. Through its CMPD Open Data page, the City of Charlotte makes CMPD data available on officer-involved shootings, use of force, and traffic stops, as well as other departmental statistics. Additionally, CMPD participates in the Police Data Initiative (PDI), providing access to their data to be viewed and analyzed through the national PDI portal.

[164] Constructive Conversation Team training information sheet. Provided to Assessment Team by community member in person on April 11, 2017. Reviewed by Assessment Team April – September 2017.
[165] President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Open Data in Policing

Since 2009, the creation and use of open data is steadily growing. Several major city and county law enforcement agencies, as well as other government agencies are releasing summary and statistical data in criminal justice domains. Citizens, web and mobile app designers, and researchers can perform analysis of individual or combined datasets, if the data is geocoded.

There are multiple benefits of open data:

- Community analysis of open data could yield important insights into policing: open data allows community groups, such as academic institutions and businesses to yield new perspectives. Also, police data could be analyzed in new ways or combined with other relevant data to improve areas like officer safety.
- Open data can help the community understand what police do and provide opportunities for two-way engagement: neighborhood leaders, media and citizens can share their perspectives with police agencies and create partnerships.
- Open data demonstrates transparency and can promote legitimacy: providing open data on the part of the agency shows its willingness to be transparent, and the acceptance of accountability promotes legitimacy that ultimately affects community engagement and can reduce crime.
- Public safety data is important in addressing broader community concerns: open data allows other systems or areas of non-police datasets to be leveraged with policing issues – creating a better understanding of the relationships between the two and to improve broader community issues like healthcare and economic concerns.
- Opening law enforcement data can help identify new tools and better processes to improve public safety: companies in the science and technology field can use access to police shared data to better understand the issues police face. In turn, models, crime fighting tools and technologies can be developed to enhance the work of law enforcement.

For more information about open data, visit the open data playbook at: http://archive.codeforamerica.org/practices/open/open-data.

Source: Police Foundation. *Five Things You Need to Know About Open Data in Policing*. April 2015. https://www.policefoundation.org/publication/5-things-you-need-to-know-about-open-data-policing/ (accessed September 11, 2017).

Police Data Initiative

The Police Data Initiative (PDI) is a national network designed to enhance understanding of crime and public safety accountability between law enforcement and the community. To date, over 130 law enforcement agencies nationwide, large and small, have joined this community of practice. Through this network, agencies learn from each other and adapt successful approaches from other jurisdictions to their own local priorities and conditions. As the field of open data in policing is relatively new, participating agencies can tailor their shared data to their community, while using innovative approaches - without jeopardizing privacy interests of citizens, and promoting trust, legitimacy and transparency.

Law enforcement agencies voluntarily commit to making unrestricted data easily available to the public. Agencies have collectively released more than 200 sets of data, representing crime, citizen calls for service, arrests and citations, police response to resistance, assaults on officers, traffic stops, agency training, department characteristics, community engagement and more. The data is published and maintained by the local agencies themselves, and the PDI national website merely serves as a portal to view the chosen data. A listing of all participating agencies and their datasets can be found on (http://www.policedatainitiative.org/), highlighting the great work of using data for civic engagement.

Accountability

The CMPD understands that allegations of police misconduct can significantly erode relationships with the community. To address these issues, the department and the City have put into place a robust system of both internal and external accountability for police services.

The Internal Affairs Process

According to the CMPD website, "The Charlotte-Mecklenburg Police Department Internal Affairs Bureau will act to preserve public trust and confidence in the department by conducting thorough and impartial investigations of alleged employee misconduct, by providing proactive measures to prevent misconduct, and by always maintaining the highest standards of fairness and respect towards citizens and employees."[166] To do so, the following processes are in place to ensure that the CMPD addresses complaints, assigns appropriate disciplinary action, and monitors problematic trends in police practice.

The CMPD Internal Affairs (IA) Division is responsible for documenting internal and external complaints, taking proactive measures to prevent misconduct, investigating serious allegations of misconduct, reviewing investigations of misconduct conducted by field supervisors, facilitating adjudication of allegations, and preparing cases appealed to the community oversight board.

[166] "Internal Affairs Bureau." Charlotte- Mecklenburg Police Department. 2017. http://charlottenc.gov/CMPD/Organization/Pages/OfcoftheChief/Internal-Affairs.aspx (accessed September 14, 2017).

CMPD Complaint Process[167]

Source: CMPD website. http://charlottenc.gov/CMPD/Pages/Commendation-Complaint_Process.aspx

The CMPD IA Division investigates allegations of significant concern to the community. Allegations of misconduct not taken over by IA are investigated by a supervisor in the employee's chain of command. Once an investigation is complete, depending on the allegation, the complaint is either reviewed by the employee's chain of command or by an Independent Chain of Command Review Board. Complaint investigations completed by Internal Affairs are most often adjudicated by an Independent Chain of Command Review Board. These Boards are comprised of supervisors and command staff members from throughout the Department, as well as a representative from the Community Relations Committee.

The Chain of Command Board makes one of the following determinations on the allegation:

- Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
- Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
- Exonerated: The acts that provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified lawful and proper.
- Unfounded: The allegation is false.[168]

IA will notify all complainants of the final determination. Disciplinary action is assigned by the Chief of Police if an allegation is found to be sustained.

Community Oversight in Charlotte

[167] More detailed information and data on complaints, investigation and disciplinary action can be found in the CMPD Internal Affairs Annual Reports. http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed September 17, 2017).

[168] 2016 CMPD Internal Affairs Annual Report. http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed September 17, 2017).

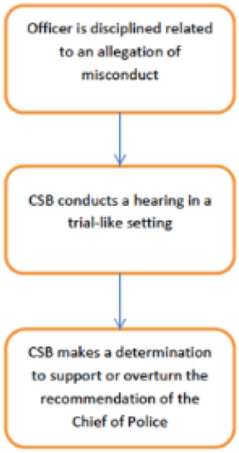
Alternative measures are available to citizens of Charlotte who are not satisfied or disagree with the decisions made or actions taken by the Chief of Police - the Community Relations Committee, the Civil Service Board, and the Citizen Review Board are all in place to provide community input and oversight into CMPD processes and procedures.

Community Relations Committee

The Community Relations Committee (CRC) of the City of Charlotte, "act as resident advisors who provide professional staff an insightful gateway to current human relations issues. This unique organizational structure allows City staff to capture a broad community perspective and develop informed and appropriate human relations services."[169] Divided into six subcommittees, the CRC advises the City on a broad range of City functions. One of those subcommittees focuses on Police-Community Relations. This sub-committee serves independently from the CMPD and provides a community voice regarding the Department's disciplinary process.[170] Members of the CRC serve as voting members of the Chain of Command Board who make determinations regarding complaints made against officers.[171] In addition, members of the Charlotte community can file complaints against officers as well as appeals through the CRC. The CRC provides a staff member to assist citizens with the process of filing a complaint or an appeal, and provide them with information regarding the status of their action throughout the process.[172]

[169] "Community Relations." Charlotte Web Page. http://charlottenc.gov/crc/meetthecommittee/Pages/default.aspx.
[170] CMPD 2016 Internal Affairs Annual Report. Viewed on September 8, 2017. http://charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf
[171] Assessment team interview with Charlotte-Mecklenburg Community Relations Executive Director. April 13, 2017.
[172] Assessment team interview with Charlotte-Mecklenburg Community Relations Executive Director. April 13, 2017.

The Civil Service Board



Source: CMPD website. http://charlottenc.gov/CMPD/Pages/Commendation-Complaint_Process.aspx

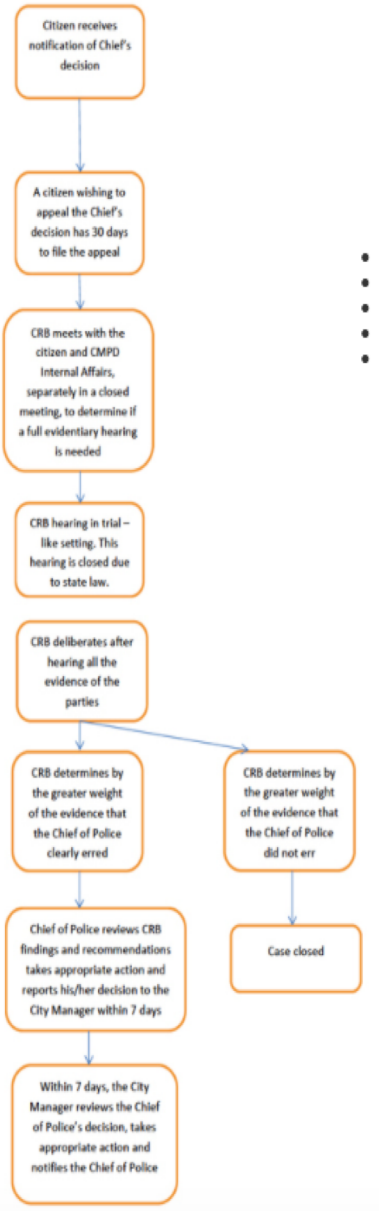
The Civil Service Board (CSB) is comprised of nine members – six appointed by City Council and three appointed by the Mayor. The CSB approves hiring, promotions, and recommendations for terminations of police officers and fire fighters. Additionally, the CSB hears appeals of disciplinary decisions that result in an employee being suspended from duty. Appeals of suspensions are heard by three CSB members. If the Chief of Police recommends termination to the CSB, the CSB makes the final determination after a hearing before five CSB members.

Citizens Review Board

The Charlotte Citizens Review Board (CRB) is comprised of 11 members – five appointed by the Charlotte City Council, three by the Mayor, and three by the City Manager. The CRB serves as an advisory body for the Chief of Police, the City Council and the City Manager, and hears appeals from citizens on complaints made regarding profiling; arrest, search and seizure; discharge of firearm with injury; unbecoming conduct and use of force.

Citizens file the appeal with the City Clerk's Office, and the community relations committee will assist the citizen who has filed the appeal if they are requested to do so. The CRB meets with the relevant parties and determines if enough evidence exists to support the fact that the Chief of Police made an error in assigning discipline in the case. The CRB makes a recommendation to the City Manager and the City Manager makes the final determination.

Recent challenges to the authority granted to the Charlotte CRB has been the topic of much discussion. Many in the community would like to see the CRB have subpoena power that would enable them to compel officers and others to testify in an appeal.[173] However, North Carolina's Dillon's Rule has precluded the City of Charlotte from being able to grant that authority to the CRB without the explicit approval of the State of North Carolina.[174]



Source: CMPD website.
http://charlottenc.gov/CMPD/Pages/Commendation-Complaint_Process.aspx

[173] Assessment team interview with the Charlotte Citizen Review Board representatives. April 12, 2017.
[174] Assessment team interview with the Charlotte Citizen Review Board representatives. April 12, 2017.

Law Enforcement Accountability: Contemporary Models of Civilian Oversight

Generally, civilian oversight works outside of the sworn chain of command to provide a mechanism that allows for holding officers accountable. In the United States, there are over 200 oversight entities- each jurisdiction having its own political, cultural and social environments that influence the development of the entity's organizational structure and legal authority. There is no one size fits all approach and no two mechanisms operate in the same manner.

Three main categories of civilian oversight of police have been identified in the Department of Justice's Office of Justice Programs (OJP) and the National Association for Civilian Oversight of Law Enforcement (NACOLE):

- **Investigation-Focused Model:** operates separate from the local police or sheriff's department. Oversight agencies of this type undertake independent investigations of individual allegations of misconduct against police officer(s).
- **Review-Focused Model:** assess the quality of finalized complaint investigations undertaken by the police or sheriff's department's internal affairs unit. Review agencies are typically staffed by volunteer boards and commissions, and may be involved in hearing appeals, holding public forums and making recommendations for further investigation of allegations.
- **Auditor-Monitor Focused Model**: takes a variety of organizational forms, yet all are centered on large scale, systematic police reform of policies and procedures to improve police organizations. They may review internal complaint investigation processes, evaluate police policies, actively participate in open investigations and conduct wide- scaled analyses of patterns of officer complaints.
- **Hybrid Model**: shares functions of multiple models.

Mediation is also an important tool/program for civilian oversight, and can also be in place within an internal affairs unit. Mediation can make a significant long-term difference in officer-citizen interactions- restoring trust by sharing perspectives and understanding both citizen and officer's actions. For more information on civilian oversight and accountability policing, visit the National Association for Civilian Oversight of Law Enforcement at http://www.nacole.org/ and the Police Assessment Resource Center at http://www.parc.info.

Source: Joseph De Angelis, Richard Rosenthal, and Brian Buchner (2016). *Civilian Oversight of Law Enforcement: Assessing the Evidence.* OJP Diagnostic Center and NACOLE. Retrieved from https://www.ojpdiagnosticcenter.org/sites/default/files/custom_content/documents/resource_library/NACOLE_AssessingtheEvidence_Final.pdf

Challenges to Accountability - The Impact of Dillon's Rule

While the CMPD has taken strides to ensure and enhance internal and external accountability, the governance of cities by the North Carolina state legislature—also known as "Dillon's Rule" or "the Dillon Rule"—and limited capacity for Home Rule has impacted the ability of the CMPD and the City of Charlotte to make substantive changes to the Citizens Review Board and other accountability measures. "Dillon's Rule allows a state legislature to control local government structure, methods of financing, its activities, its procedures, and the authority to make and

implement policy."[175] It is derived from an 1868 Iowa court ruling and was applied nationwide based on U.S. Supreme Court ruling in 1907.[176] According to the Supreme Court, municipal governments receive their powers expressly from the state government, and essentially exist to perform the tasks of the state at the local level. On the other hand, Home Rule indicates that local communities can exercise legislative authority without state interference. States that assert both Dillon's Rule and Home Rule, generally leave any matters that are not accounted for in state legislation or the state constitution to individual jurisdictions to address.[177] Specifically, according to Chapter 160A-4 of the North Carolina General Statutes, "It is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law."[178]

In this instance, some community members are frustrated that even though CMPD has supported giving subpoena power to the Citizens Review Board, they cannot do so without the approval of the state legislature. Under Dillon's Rule, because the City of Charlotte has not been delegated the authority to exercise the power to make changes to the Citizens Review Board—and municipalities and counties may only exercise those powers that have been delegated to them by the General Assembly—the granting of subpoena power to the Citizen Review Board has not occurred.

Promising Models to Strengthen Accountability – Tucson, AZ

Cities must develop accountability processes that work best for them, in conjunction with the community to further co-produce public safety. In Tucson, AZ for example, the public has access two separate review processes to review the work of the Internal Affairs Section of the Tucson Police Department. The first is an Independent Police Auditor who works directly for the City Manager and has no organizational connection to the police department. This individual is the first stop for a citizen with a complaint (they would then forward the complaint to the Department for follow-up), or the Auditor could serve as a resource and complaint taker if the citizen felt that IA did not handle their complaint properly. The Auditor has the right to review all IA complaint files and is provided a monthly report from IA concerning all initiated and concluded complaints received.

The second alternative method available to the public is the Citizen's Police Advisory Review Board. The Board consists of an appointee from each Council Member and the Mayor (seven (7)

[175] National League of Cities. "City Rights in an Era of Preemptive: A State by State Analysis." Downloaded on September 1, 2017 from http://nlc.org/sites/default/files/2017-03/NLC-SML%20Preemption%20Report%202017-pages.pdf.
[176] *Hunter v. City of Pittsburgh.* 207 U.S. 161. (U.S. Supreme Court, 1907). https://supreme.justia.com/cases/federal/us/207/161/case.html (accessed September 17, 2017).
[177] Russell, Honorable Jon D. and Aaron Bostrom. *Federalism, Dillon Rule and Home Rule*. January 2016. American City County Exchange: Arlington, VA. https://www.alec.org/app/uploads/2016/01/2016-ACCE-White-Paper-Dillon-House-Rule-Final.pdf (accessed June 26, 2017).
[178] "Chapter 160A. Cities and Towns." North Carolina General Statutes. http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_160A.pdf (accessed June 27, 2017).

total). The Board has staff assigned to it from the Police Department, the City Attorney's Office, the Police Labor Unit, the City Clerk's Office and the Independent Auditor. The Board does not have subpoena power or investigatory power, but can advise City leadership if they feel the police are not conducting a fair and impartial investigation and resolutions of the complaints brought forward. Both entities give mechanisms to the public that do not trust police to do a good investigation of their complaints.

In addition, the police chief in Tucson employs a standing Chief's Advisory Board consisting of members of the community - both business and residential, labor representatives, and department members. The role of this board is to have direct access to the Chief of Police on a regular basis to ensure that the Chief is getting information as unfiltered as possible, and the community feels heard by a decision-maker. The Chief in Tucson found the Board to be so useful that he expanded on the idea and required each geographic patrol division commander to develop a Division Advisory Council consisting of members from their patrol division. This proved to be an excellent tool for them to get information from residents and business people of their patrol divisions on what was occurring in the division, and what were the most pressing problems facing the division. It proved a useful tool to redirect resources and to open further channels of communication with the community where officers heard that the most pressing community issues were often not the ones we expected. It also serves to increase trust and transparency.

Recommendations

Recommendation 5.1: The CMPD should work with the community to develop and publicize directives regarding body-worn camera (BWC), particularly regarding the release of BWC footage and officer-involved shooting (OIS) investigations to improve transparency. This incident, specifically the debate over the release of the BWC footage, highlights the difficulty of having an outside agency conduct OIS investigations. Outside agencies may be less responsive, because of their independence, to the needs of the local community and police departments to release information.

Recommendation 5.2: The CMPD should continue to build on efforts to reach out and engage the community where they are.

Recommendation 5.3: The CMPD should consider developing and executing standardized process(es) from which to collect and analyze input from the community regarding their expectations and satisfaction of police services. This could include consistent use of a community survey to collect citizen expectation and satisfaction information.

Recommendation 5.4: The CMPD should regularly analyze and publish community satisfaction data collected.

Recommendation 5.5: The CMPD should continue to work to manage their message and tell the CMPD story – both the good and the bad. The CMPD could better manage their message

and engage a strategy to educate the community on efforts in ways that reach all segments of the community. This strategy will likely be multi-faceted – engaging traditional and social media and face to face dialogue.

Recommendation 5.6: The CMPD should work together with the City of Charlotte to develop strategies that educate the community on transparency and oversight efforts, as well as other relevant strategies ongoing city-wide. This strategy will foster a sense of independence from the CMPD control and/or that apply to the entire city when educating the community about the Complaint Process, the Citizen Review Board, and Dillon's Rule.

Recommendation 5.7: The CMPD should develop a specific strategy and policy to keep the community apprised their efforts in response to significant/critical incidents to demonstrate transparency and community engagement, as well as highlight their outreach and partnership efforts.

Recommendation 5.8: CMPD should ensure that all data provided is accurate, coordinated, easy to access and co-located. This will ensure that there are as few conflicts as possible that can lead to accusations of misinformation and untruthfulness. A "one stop shop" should exist for the information that the public most often requests, so that there less confusion as to what the public needs to do to get that information. While there is an "Open Data Source" tab on the CMPD homepage, it directs to a different page than the Community Safety data available on the Open Charlotte website. Additionally, the CMPD annual reports are not easily available on either of these pages, but can be found on the Internal Affairs Bureau, which requires a search on the website.

Pillar 6: Police-Community Relationships

The relationship between the Charlotte-Mecklenburg Police Department (CMPD) and the community has generally been a positive and progressive one. CMPD has a strong history of reaching out to the community to foster and maintain relations. Many community members spoke positively about their interactions with CMPD personnel prior to the September 20, 2016 officer involved shooting and the demonstrations that followed. Community and business leaders as well as residents cited programs such as "Coffee with a Cop," "Cops and Barbers," and "Blue and Business" as examples of CMPD leadership engaging in and directing its officers to establish relationships between themselves and the community they serve.

During the 2012, Democratic National Convention (DNC), CMPD command staff were in the field over the course of the event, and leveraged their pre-existing personal relationships with leaders of key demonstration groups to mitigate potential conflicts, including resolving an unplanned march on an unapproved route.[179]

During the demonstrations

However, when speaking about the Keith Lamont Scott incident, activists and residents expressed concern regarding CMPD's response to the incident, as well as to the demonstrations. Some described the presence of officers in riot gear, the deployment of chemical munitions, and the use of specialized vehicles as excessive. Others criticized the lack of information provided by the CMPD regarding the officer involved shooting. Still others claimed that when the mayor instituted a midnight curfew, her declaration was broadcast on news outlets and the City tweeted about it, but CMPD officers assigned to the EpiCentre failed to notify demonstrators that the curfew had been imposed. These and other issues – created an "us versus them" perspective in the eyes of some community members who participated in the demonstrations and represented a significant departure from the CMPD tradition of community policing.

CMPD command staff members, as well as rank and file officers interviewed by the review team felt "betrayed" by the actions taken by the demonstrators. CMPD personnel felt that within hours of the officer-involved shooting, they were under attack, with rocks, bottles and other objects thrown at them causing bodily injury and damage to police vehicles and other equipment. The same officers who had worked to build strong relationships with their community felt that the department was never afforded the opportunity to thoroughly investigate the incident, to share information with the community, or to negotiate with demonstrators because things spun out of control so quickly.

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[179] *Command, Control, and Coordination: A Quick-Look Analysis of the Charlotte-Mecklenburg Police Department's Operations during the 2012 Democratic National Convention*. March 2013. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/publications/2012-dnc-quick-look.pdf (accessed August 29, 2017).

In the end, the officer involved shooting and the demonstrations have caused both the community and the CMPD to stop and think about the steps that need to be put in place to restore trust and rebuild damaged relationships.

The Role of the Clergy

The role of the clergy before, during, and after the demonstrations reflect the changing landscape of religious leadership in the community. Immediately before the demonstrations began, some clergy members in the Charlotte area hosted trainings on non-violent civil disobedience techniques and community organizing in their basements.[180] These trainings were intended to remind demonstrators of their Constitutional rights and what to do when they were approached by law enforcement. Many faith leaders also helped to organize orderly demonstrations, and reinforced the importance of being non-violent. During the demonstrations, some of these clergy members were also on the front lines creating a safety buffer between the demonstrators and the CMPD officers and open lines of communication with CMPD executives, urging them to provide answers to their questions and engage in discussions with groups of community members.

Leadership tensions between the older, established clergy and younger clergy, weakened calls for unity and non-violence. In fact, one of the only topics that the clergy members interviewed by the review team agreed on was that constant competition between faith leaders existed for media attention during the demonstrations. Leadership conflicts and divisions among faith leaders contributed to the lack of unity among the demonstrators, and caused CMPD officers and command staff to question the relationships that they believed they had established with faith leaders.

There was also a clear disconnect between the faith leaders and the younger demonstrators, with many young protest leaders dismissing clergy as being out-of-touch with their feelings and sentiments. In addition to all this, both clergy and youth leaders say that they were unable to control or influence people who came from outside of the Charlotte community to participate in the demonstrations, many of whom came to confront the police, cause chaos and destruction.

Since the demonstrations

Since the demonstrations, many community leaders gave multiple suggestions to improve community-police relations, including: increasing the base pay of entry-level officers to attract diverse candidates; requiring additional screening during the hiring process; and mandating procedural justice and implicit bias training. Some community members suggested that the CMPD implement a cultural bias test for police officer candidates.

[180] Assessment team interview with Charlotte religious leaders. June 6, 2017.

Many community members expressed their desire to have more opportunities to informally interact with members of the CMPD and pointed to foot patrols as a much-needed program. Clergy groups have held meetings with police leaders, and youth leaders have created programs designed to increase positive interaction with young people and police officers. City business leaders have created the Charlotte-Mecklenburg Opportunity Task Force to address latent social issues. City political leaders have penned a "letter to the community," affirming their commitment to move forward from this point. They have held forums and community discussions, including proactively calling for this critical incident review. However, the dominant community request is to have more opportunities to engage with Chief Putney. In response, in July 2017, CMPD and Chief Putney added two new assistant chief positions in an effort to better serve the community and to afford Chief Putney more freedom to focus on partnerships with the community.[181]

Recommendations

Recommendation 6.1: The CMPD should continue to invest in community policing efforts, particularly in diverse communities, to include acknowledging the history of race relations in the community and develop a process and programs towards reconciliation. Historical and contemporary tensions between certain community members and groups and the CMPD continue to inform perceptions of the police. One program suggested by community members involves cops talking to some of the elderly residents of color, so that community members can share their past and present experiences of policing.

Recommendation 6.2: The CMPD should engage in one-on-one or small-group engagement and relationship-building programs in the specific communities most affected by violence and negative perceptions of the police. Bringing officers into churches in the areas they police, expansion of programs such as Cops and Barbers, and police participation in neighborhood community or sports events were also recommended as opportunities for the CMPD to engage individual and small groups of community members. More than one resident also suggested reopening police substations in areas severely affected by violence to facilitate police-community relations. The CMPD and Charlotte-Mecklenburg Schools should also work together

[181] Charlotte-Mecklenburg Police Department Facebook page. July 13, 2017. https://www.facebook.com/permalink.php?story_fbid=1509464969128054&id=124757580932140 (accessed August 30, 2017).

to facilitate opportunities for CMPD and youth to build peer-to-peer mediation and provide additional opportunities for police-youth dialogue during classes.

Recommendation 6.3: The CMPD should expand its foot patrol pilot program to the communities most affected by violence and negative perceptions of the police. In June 2017, the CMPD began a foot patrol program in two neighborhoods—Plaza Midwood and North Davidson (NoDa)—that were chosen because they are emerging entertainment districts with increasing foot traffic.[182] However, community members in other neighborhoods in Charlotte suggested that the piloting of foot patrols in up-and-coming neighborhoods was yet another indication that they are unimportant.

Recommendation 6.4: The CMPD should augment its increased focus on building relationships on social media with increased opportunities to provide feedback in person.

Recommendation 6.5: The CMPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the community. Tensions within the community complicated the law enforcement and city response to the demonstrations. These demonstrations identified generational divisions in the community, and specifically faith-based leadership, around policing in Charlotte and how to resolve certain issues. The CMPD should ensure it identifies members of both groups to work with, including participating in faith-led discussions on policing and communities of color that include both supporters and critics of the CMPD.

Recommendation 6.6: The CMPD should more fully engage community members in strategic hiring and promotions, training, policy development and other activities to improve community-police relations and provide the community a voice and meaningful involvement in how its police department operates. The CMPD should consider creating a Captain's Community Stakeholder Group in each of the geographic divisions, and an overall Chief's Community Stakeholder Group to facilitate information sharing and problem solving regarding issues facing specific sectors of the community, and to address broader issues. Community members expressed concerns around recruitment and training of officers, the need for implicit-bias training, and a request for implicit-bias screening during recruitment. In addition, several community members recommended that after every officer-involved shooting, the officer involved should be re-trained before being allowed to resume street duties.

[182] Wester, Jane. "Police start foot patrols for Plaza Midwood, NoDa tonight." The Charlotte Observer. May 31, 2017. http://www.charlotteobserver.com/news/local/crime/article153555589.html (accessed September 12, 2017).

Foot Patrol Success Story: Evanston (IL) Police Department

After repeated requests by the community, the Evanston Police Department (EPD) reinstated foot patrol in the department's fifth ward, a predominantly black neighborhood troubled by gangs and violence. As part of the foot patrol strategies, officers were not generally responsible for taking calls for service, but respond to in-progress calls in the area. By not answering calls for service, the foot patrol officers were afforded more time to focus on communicating, engaging, and building relationships to improve safety in the area and encourage residents to feel more comfortable with the police.

By deploying two officers on foot, to cover a one square mile area from Tuesday through Saturday in the afternoon and evening, the number of positive interactions with the community increased. Through their interactions with the community, the EPD regularly met with community members at their homes, participated in community events, routinely accepted requests from community members to attend their events, and hosted "coffee with a cop."

As a result of the foot patrol strategy, officers have developed working relationships with religious leaders, community members, and vulnerable youth, and plan to extend their outreach to at-risk groups.

Source: Brett M. Cowell and Anne L. Kringen Ph.D. (2016). *Engaging Communities One Step at a Time: Policing's Tradition of Foot Patrol as an Innovative Community Engagement Strategy*. https://www.policefoundation.org/publication/engaging-communities-one-step-at-a-time/ (accessed September 11, 2017).

Conclusion

Like many communities across the nation, Charlotte suffers from a painful history of race relations and perceived injustices, not only at the hands of the police, but also throughout the economic and social construct of the city. The September 20, 2016 shooting of Keith Lamont Scott, in addition to the officer-involved shootings prior and since, continue to open wounds that have not fully healed. While the CMPD cannot solve all of the past and present injustices in Charlotte, they can work hand in hand with the community to ease tensions and continue to support a safe and just Charlotte.

It is our hope that the recommendations in this report will provide tangible steps that the police and the community can take together to continue to build on the work that has already been done. The only way to address community-police relationships is to strengthen and sustain open, honest, and civil conversation and action on the part of the both the police and the community to work toward understanding and healing in Charlotte.

Appendix A: Recommendations

Recommendation 1.1: The CMPD should identify and engage in continued opportunities and strategies that promote effective dialogue between the department and the community around race and policing.

Recommendation 1.2: The CMPD should continue to build on its tradition of community policing to identify opportunities for the community to participate in the development of the department's policies, procedures and practices.

Recommendation 1.3: The CMPD should continue to support the Constructive Conversation Program, expanding it internally and further engaging the community.

Recommendation 1.4: The CMPD should continue to review its mobilization plans for personnel and resources to make them more agile in response to critical incidents.

Recommendation 1.5: The CMPD should review its CEU training to account for the evolving nature of demonstrations and protests.

Recommendation 1.6: The CMPD should involve the community in the development of robust communication and community engagement directives and strategies for engaging in respectful and constructive conversations and de-escalation during response to mass demonstrations.

Recommendation 1.7: The CMPD should develop and implement policies and procedures that increase situational awareness in anticipation of and during demonstrations and acts of civil disobedience with a specific emphasis on social media.

Recommendation 1.8: The CMPD should develop policies and procedures that use social media to "push" information to the community and quickly disseminate accurate information in response to rumors and false accusations.

Recommendation 2.1: The CMPD should conduct a thorough review of its academy courses and hours, and its additions to the required BLET courses, to emphasize empathetic dialogue and non-confrontational conversations with community members.

Recommendation 2.2: The CMPD should continue engaging community members in the training process.

Recommendation 2.3: Curricula to train all CMPD personnel on crowd management strategies and tactics should be developed from current best practices, policy recommendations, and lessons learned from after-action reviews of similar events.

Recommendation 3.1: The CMPD should continue the practice of deploying bicycle officers during demonstrations and mass gatherings.

Recommendation 3.2: Conduct a regional inventory of assets, or create a regional Council of Governments (COG), to assist incident commanders in identifying potential resources at their disposal that may assist them in their efforts.

Recommendation 3.3: The CMPD should establish a committee that includes the County Attorney, the County Prosecutor, and the community to collaboratively create a protocol for determining the appropriate process for releasing BWC footage in critical incidents.

Recommendation 3.4: The CMPD should equip officers with body worn cameras, especially officers assigned to its Civil Emergency Unit (CEU).

Recommendation 4.1: The CMPD should have established its Joint Information Center (JIC) earlier and should have used it to monitor media broadcasts and social media.

Recommendation 4.2: The CMPD should create a clear and detailed media strategy or policy to guide the department's use of traditional news media and social media, particularly during critical incidents.

Recommendation 4.3: The CMPD and City officials should coordinate messaging and talking points prior to making public comments to ensure unity of message and focus on the overall mission of safe and effective resolution of critical incidents.

Recommendation 4.4: The CMPD should continue to prioritize local media outlets covering critical incident by providing them additional interviews and exclusive information.

Recommendation 4.5: The CMPD should enhance its use of social media to engage community members and demonstrators before, during, and after mass gatherings and demonstrations to disseminate accurate information and correct erroneous information.

Recommendation 4.6: CMPD Public Affairs Unit as well as the City of Charlotte Communications should study critical incident reviews and incorporate lessons learned from these incidents into their public information strategies.

Recommendation 5.1: The CMPD should work with the community to develop and publicize directives regarding body-worn camera (BWC), particularly regarding the release of BWC footage and officer-involved shooting (OIS) investigations to improve transparency.

Recommendation 5.2: The CMPD should continue to build on efforts to reach out and engage the community where they are.

Recommendation 5.3: The CMPD should consider developing and executing standardized process(es) from which to collect and analyze input from the community regarding their expectations and satisfaction of police services.

Recommendation 5.4: The CMPD should regularly analyze and publish community satisfaction data collected.

Recommendation 5.5: The CMPD should continue to work to manage their message and tell the CMPD story – both the good and the bad.

Recommendation 5.6: The CMPD should work together with the City of Charlotte to develop strategies that educate the community on transparency and oversight efforts, as well as other relevant strategies ongoing city-wide.

Recommendation 5.7: The CMPD should develop a specific strategy and policy to keep the community apprised their efforts in response to significant/critical incidents to demonstrate transparency and community engagement, as well as highlight their outreach and partnership efforts.

Recommendation 5.8: CMPD should ensure that all data provided is accurate, coordinated, easy to access and co-located.

Recommendation 6.1: The CMPD should continue to invest in community policing efforts, particularly in diverse communities, to include acknowledging the history of race relations in the community and develop a process and programs towards reconciliation.

Recommendation 6.2: The CMPD should engage in one-on-one or small-group engagement and relationship-building programs in the specific communities most affected by violence and negative perceptions of the police.

Recommendation 6.3: The CMPD should expand its foot patrol pilot program to the communities most affected by violence and negative perceptions of the police.

Recommendation 6.4: The CMPD should augment its increased focus on building relationships on social media with increased opportunities to provide feedback in person.

Recommendation 6.5: The CMPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the community.

Recommendation 6.6: The CMPD should more fully engage community members in strategic hiring and promotions, training, policy development and other activities to improve community-police relations and provide the community a voice and meaningful involvement in how its police department operates.

Appendix B: Charlotte and CMPD Background and Governance

The City of Charlotte

The City of Charlotte, North Carolina, is home to approximately 842,051 people, and is the seat of Mecklenburg County, which has a population of approximately 1,054,835 people.[183] Charlotte is the largest city in North Carolina and one of the 25 largest cities in the United States; consistently ranks as one of the fastest growing cities for businesses and careers; and, is one of the top 10 cities for newlyweds to live and work and top 10 cities for information technology jobs. Charlotte is also home to a number of Fortune 1000 companies—including Bank of America and Lowe's—and is home to multiple professional sports teams and venues—including the Carolina Panthers, the Charlotte Hornets, the NASCAR Hall of Fame, and the U.S. National Whitewater Center.[184] These job opportunities, attractions, and the six colleges and universities are responsible for bringing approximately 26.8 million visitors annually to the Charlotte region.[185]

The Charlotte-Mecklenburg Police Department

> *"The Charlotte-Mecklenburg Police Department will build problem-solving partnerships with our citizens to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect."186*

The Charlotte-Mecklenburg Police Department (CMPD) was officially formed in 1993, when the Charlotte Police Department and the Mecklenburg County Police Department merged, but the history of policing in the city dates back more than 140 years. CMPD currently employs approximately 1,900 sworn officers and 514 civilian employees, and is supplemented by nearly 500 volunteers, making it one of the largest state and local law enforcement agencies by number of full-time sworn personnel and the largest metropolitan police department between Atlanta and Washington D.C.[187] CMPD is led by the chief of police, two assistant chiefs, and five deputy chiefs, who oversee four service groups— Administrative Services, Field Services,

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[183] "QuickFacts: Charlotte city, North Carolina; Mecklenburg County, North Carolina." U.S. Census Bureau. https://www.census.gov/quickfacts/fact/table/charlottecitynorthcarolina,mecklenburgcountynorthcarolina/RHI125216 (accessed July 12, 2017).

[184] "About Charlotte – the Queen City." City of Charlotte. http://charlottenc.gov/AboutCharlotte/Pages/AboutTheQueenCity.aspx (accessed July 12, 2017).

[185] Charlotte Regional Visitors Authority. *Charlotte: The Visitor Economy*. January 2017. http://www.crva.com/sites/default/master/files/FactSheet-January2017.pdf (accessed July 13, 2017).

[186] Internal Affairs Bureau. *2016 Internal Affairs Annual Report.* Charlotte-Mecklenburg Police Department. June 2017. http://www.charlottenc.gov/CMPD/Organization/Documents/OfcoftheChief/InternalAffairs/IA_anlrpt2016.pdf (accessed June 29, 2017).

[187] Reaves, Brian A. *Census of State and Local Law Enforcement Agencies, 2008.* July 2011. U.S. Department of Justice, Bureau of Justice Statistics: Washington, DC. https://www.bjs.gov/content/pub/pdf/csllea08.pdf (accessed June 27, 2017).

Investigative Services, and Support Services.[188] The Field Services Group is separated into Field Services North and Field Services South—each led by a deputy chief—and further divided into 13 geographically-arranged patrol divisions (depicted in Figure 1).[189]

Figure 1: CMPD Patrol Divisions

Governance Structure of CMPD and the City of Charlotte

The governance structures—of the police department by city officials and of city officials by state government—factored into the response to the September 2016 demonstrations.

At the City level, according to Section 4.01 of the city charter, "The City shall operate under the Council-Manager form of government," which divides roles and responsibilities between elected officials—a city council of 11 members and a mayor—and an appointed city manager (depicted in Figure 2).[190] According to Section 2.03 of the city charter, the City Council must be

[188] "Our Organization." http://charlottenc.gov/CMPD/Organization/Pages/default.aspx (accessed August 5, 2017).
[189] "Our Response Areas." http://charlottenc.gov/CMPD/ResponseAreas/Pages/default.aspx (accessed June 27, 2017).
[190] "Sec. 4.01 – Form of government." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003.

comprised of 11 elected members—seven according to geographical districts and four at-large.[191] The City Council, "shall appoint the City Manager, City Clerk, and City Attorney;"[192] "establish by appropriate ordinances a system of personnel administration…governing the appointment, promotion, transfer, layoff, removal, discipline, and welfare of City employees;"[193] "create and establish, by ordinance or resolution, such other authorities, boards, and commissions as it may deem necessary or appropriate to the administration, regulation, and operation of services, activities, and functions which the city is authorized by law to perform, regulate, and carry on;"[194] and, also "set policy, approve the financing of all City operations and enact ordinances, resolutions and orders."[195] Relative to CMPD, according to Section 16.27, "The personnel of the police department shall consist of a chief of police and such other officers and employees as may be authorized from time to time by the council."[196]

Along with the City Council, the Mayor of Charlotte is an elected position with statutory roles and responsibilities. According to Section 3.23, "Except for Council appointments to committees, boards, and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs and matters which must be approved by the voters, the Mayor may veto any action adopted by the Council," "shall have a vote in consideration of amendments to zoning ordinances" under certain circumstances, and, "shall have a vote in the consideration of the employment or dismissal of the City Manager, the City Attorney and the City Clerk."[197] Additionally, as mentioned in Section 3.24, "The Mayor shall be ex officio member of all boards or commissions elected or appointed by the Council or the Mayor, and he

https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

[191] "Sec. 2.03 – Election of Council members." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH2EL_S2.03ELCOME (accessed July 12, 2017).

[192] "Sec. 4.02 – Appointments by Council." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

[193] "Sec. 4.05 – Personnel administration standards." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

[194] "Sec. 5.01 – Powers of Mayor and Council." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH5AUBOCO (accessed July 12, 2017).

[195] "About Charlotte City Government." City of Charlotte. http://charlottenc.gov/government-site/Pages/AboutUs.aspx (accessed June 26, 2017).

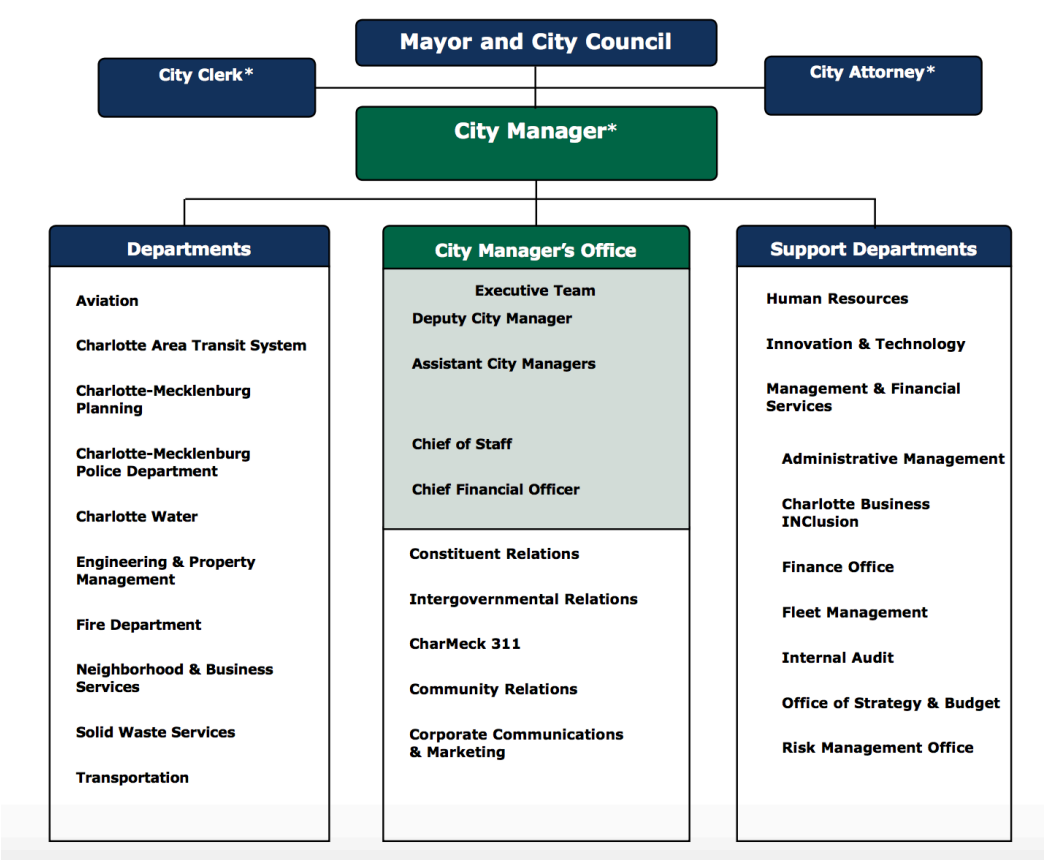
[196] "Sec. 16.27 – Composition." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PO (accessed July 12, 2017).

[197] "Sec. 3.23 – Quorum; procedure; voting." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).

shall serve upon the same in an advisory capacity only and shall not have a vote,"[198] The Mayor also represents, "the City in an official capacity at the state capital in Raleigh, in Washington and internationally," and, "in national organizations that work on issues that are important to both Charlotte and the nation."[199]

Finally, the city manager administers the policies and decisions made by city council and oversees the day-to-day operations of the City government.[200] Relative to CMPD, according to Section 16.26 the chief of police of the Charlotte-Mecklenburg Police Department is subject to the general supervision of the city manager.[201]

Figure 2: City of Charlotte Governance Structure[202]



[198] "Sec. 3.24 – Powers and duties of mayor." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH4AD (accessed June 26, 2017).
[199] "City Council FAQs." http://charlottenc.gov/CityCouncil/Pages/FAQs.aspx (accessed June 27, 2017).
[200] "About Charlotte City Government." City of Charlotte. http://charlottenc.gov/government-site/Pages/AboutUs.aspx (accessed June 26, 2017).
[201] Sec. 16.26 – Control and supervision." Municipal Code Corporation and the City of Charlotte, North Carolina. 2003. https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_CH16PO (accessed July 12, 2017).
[202] *City of Charlotte: City Manager.* http://www.ralphandersen.com/wp-content/uploads/2016/06/Brochure-Charlotte-City-Manager.pdf (accessed June 27, 2017).

Appendix C: Methodology

At the request of the City of Charlotte, and the chief of the Charlotte-Mecklenburg Police Department (CMPD), and the Charlotte community, the Police Foundation created an assessment team to conduct a critical incident review and provide technical assistance to support implementation of recommendation and to further strengthen relationships in Charlotte. The assessment team, comprising subject matter experts in law enforcement, police-community relations, and public safety, [203] developed a comprehensive methodology to thoroughly review and assess the public safety response to the demonstrations that followed the officer-involved shooting that began on September 20, 2016.

The assessment approach involved three means of information gathering and collection: (1) on-site data collection, (2) resource material review, and (3) off-site data collection and research. Each method is described in more detail below.

On-Site Data Collection

The assessment team conducted two site visits in 2017: April 11-13 and June 5-9. During these site visits, the assessment team conducted semi-structured individual interviews and meetings with city government officials; CMPD command staff and officers; and, community leaders and members. More than 100 individuals were interviewed during these site visits, including the following:

- City of Charlotte Mayor
- City Councilmembers
- CMPD Chief of Police and command staff
- CMPD Civil Emergency Unit members
- CMPD Public Information Officers
- CMPD officers
- Charlotte Office of Emergency Management executive
- Charlotte religious and community leaders
- Charlotte community members
- Charlotte business leaders

During the first site visit, the assessment team also hosted a Community Stakeholder Listening Session, which provided community members the opportunity to give input on police-community relationships.

[203] Assessment Team bios can be found in Appendix D of this report.

The assessment team also visited Old Concord Road and the Village at College Downs to gain perspective of the locales, distances/proximities, and challenges related to crowd control and responding officers establishing on-scene incident command.

Resource Review

The assessment team collected and reviewed relevant CMPD policies, procedures, training curricula, after-action reports, data, and other documents provided by CMPD. Each resource was reviewed to better understand the department's response to the mass demonstration situations that occurred in the days that followed. Materials reviewed included the following:

- CMPD Directives
- CMPD standard operating procedures and Emergency Operations Plans
- Training curricula, outlines, and workshop materials
- CMPD social media content
- IACMS Use of Force Synopses
- IACMS Officer Injury Synopses
- *The Charlotte-Mecklenburg Opportunity Task Force Report*
- Charlotte City Council Letter to the Community
- List of community demands provided to CMPD

The team also reviewed hours of news media and social media footage from the demonstrations, read open source media articles, and reviewed social media content regarding the incident.

Off-Site Data Collection

In addition to the information collected from Charlotte, and to ground the assessment in national standards, model policies, and best practices, the assessment team researched and reviewed scholarship on mass demonstrations, with an emphasis on de-escalation procedures. They also reviewed and analyzed relevant critical incident reviews and after action reports from national and international incidents. Other areas, such the National Incident Management System (NIMS), Incident Command System (ICS), and other relevant topics published by researchers from academia and from organizations including the following:

- U.S Department of Homeland Security
- U.S. Department of Justice
- Federal Emergency Management Agency
- International Association of Chiefs of Police
- Police Executive Research Forum
- Police Foundation

Analysis
The assessment team used the totality of the information collected to conduct a gap analysis, which focused on identifying key areas to develop a set of recommendations for the city of Charlotte, CMPD and the community.

The recommendations provided in this report are also applicable to law enforcement agencies and communities across the nation faced with responding to similar incidents. It should also be noted that the recommendations in this document not only relate to law enforcement, but also have implications for elected officials, community members, and other stakeholders who played a role in the critical incident and demonstrations in Charlotte.

Appendix D: About the Authors

Chief Frank Straub (Ret.), PhD., *Director of Strategic Programs*, provided on-site project management, coordinating the work of subject matter experts and providing law enforcement guidance and expertise to the project. He managed the document review process and worked to ensure that all on- and off-site decisions and activities met project goals. A 30-year veteran of law enforcement, Dr. Straub currently serves as the Director of Strategic Studies for the Police Foundation. He last served as the chief of the Spokane (Washington) Police Department, where he received national recognition for the major reforms and community policing programs he implemented and significant crime reductions achieved during his tenure. Dr. Straub also served as director of public safety for the City of Indianapolis, Indiana, during which time the Indianapolis Metropolitan Police Department reduced homicides to the lowest level in 20 years. Dr. Straub has also served as the public safety commissioner for the City of White Plains, New York, where his department reduced serious crime by 40 percent. He established the first police-community mental health response team in Westchester County to proactively assist persons challenged by mental illness, homelessness, and domestic violence. Dr. Straub previously served as the deputy commissioner of training for the New York City Police Department and as a federal agent. He holds a BA in Psychology from St. John's University, and MA in Forensic Psychology from John Jay College of Criminal Justice, and a PhD in Criminal Justice from the City University of New York's Graduate Center. He co-authored a book on performance-based police management and has published several articles regarding community policing, police reform, and jail management.

Chief Roberto Villaseñor (Ret.), provided on- and off- site expertise on law enforcement training, policies and procedures, particularly community-police relations. He also served as a writer to the final report. Chief Villaseñor served with the Tucson Police Department for over 35 years, and served from May 2009 until his retirement in December 2015 as the Chief of the Department. He served in every division and bureau of the Department, to include Patrol, Investigations, Internal Affairs, Bike Patrol, PIO, Hostage Negotiations, Community Policing, Administration and Communications. As an Assistant Chief for nine years, he commanded all four bureaus, and served as the Union Liaison involved in discipline grievances and labor negotiations. His career history and assignments have given him a thorough understanding of all facets of policing and police management. Chief Villaseñor served on several state and national boards and committees, to include the Arizona HIDTA (Chairman), The Arizona Association of Chiefs of Police (President), the Police Executive Research Forum (PERF) Executive Board, the FBI CJIS/UCR Working Group, and the Customs and Border Protection (CBP) Ethics and Integrity Advisory Panel. In 2014 Villaseñor was appointed by President Obama to the President's National Task Force on 21st Century Policing, and in 2015 was appointed by Arizona Governor Doug Ducey to the Arizona Criminal Justice Council. He holds a B.S. degree from Park University and a M.Ed. from Northern Arizona University. He attended the PERF Senior Management Institute for Police (SMIP), University of California at Long Beach Leadership Development Series, the FBI National Academy, and the FBI National Executives Institute (NEI). Throughout his career, in addition to numerous Commendations and Letters of

Appreciation, he received the Department's Medal of Distinguished Service, three Medals of Merit, and was Officer of the Year for 1996. In 2015 The Tucson Branch of the NAACP presented him an award for "Pursuing Liberty in the Face of Injustice", and the Tucson Hispanic Chamber named him as the 2015 Arizona Public Servant of the Year.

Reverend Jeffrey Brown, provided input and expertise on- and off-site in community engagement. He coordinated community input, facilitated listening sessions, and served as a contributor to the final report. Rev. Brown is a nationally recognized leader and expert in coalition-building, gangs, youth, and urban violence reduction. He has over 20 years of experience of gang mediation and intervention and developing dialogues in police/community relations in the United States and around the world. He has developed expertise in helping faith-based organizations and law enforcement, among other key stakeholders, increase their capacity for solving gang violence in the community. His work builds on the idea that while community policing is an effective policing tool, in many urban areas, the relations between the urban, often minority community and law enforcement is poor, which inhibits effective policing and prevents the community from getting the quality of life it deserves. Rev. Brown's experience has led to his successful work nationally in cities like Boston, Massachusetts; Camden, New Jersey; and Salinas, California to help build a strong community component into any public safety crime reduction strategy. Rev. Brown is the founder of RECAP (Rebuilding Every Community Around Peace), a new national organization organized to assist cities build better partnerships between community, government, and law enforcement agencies to reduce gang violence. He is also one of the co-founders of the Boston Ten Point Coalition, a faith-based group that was an integral part of the "Boston Miracle"— a process where the city experienced a 79 percent decline in violent crime in the 90s—and spawned countless urban collaborative efforts in subsequent years that followed the Boston Ceasefire model. Rev. Brown consults with municipalities and police departments on issues around youth violence and community mobilization and has provided expertise to Fortune 25 corporations and the World Bank for the past 14 years on Collaborative Leadership and Managing Change. In October of 2014, Rev. Brown traveled to Ferguson, Missouri to be a part of a national clergy group to support the efforts of Hands Up United and to participate in and serve as a buffer between residents and the police during protests, as well as to assist in moving forward.

Jennifer Zeunik*, Director of Programs*, provided overall project structure and oversight. She worked with project staff in driving toward goals and deliverables and coordinated activity of on- and off- site assessment team members and project staff. She also served as a writer, editor and quality control manager on the final report, ensuring report cohesion and clarity. Ms. Zeunik has 20 years of public sector and nonprofit project management experience, working closely with all levels of government. In her career, Ms. Zeunik has provided strategic management expertise to international, federal, state, and local criminal justice clients focused on justice policy research, business development activities, program management, strategic planning, training and technical assistance management, and development of strategic communications. She served as a lead writer on numerous published reports throughout her career, including the *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Trust Report*, as well as the COPS Office–funded *Police Foundation*

Collaborative Reform Initiative: An Assessment of the St. Louis County Police Department and the San Bernardino Terrorist Shooting critical incident report, *Bringing Calm to Chaos*.

Ben Gorban, *Policy Analyst*, provided on- and off-site input for project support as well as document writing, review, and editing. Mr. Gorban is a Policy Analyst with over eight years of experience supporting law-enforcement related projects, including the provision of technical assistance and policy analysis support on projects related to countering violent extremism, community policing, and the role of social media in law enforcement. Mr. Gorban's areas of expertise include research, resource development, and information dissemination. He received his M.S. in Justice, Law and Society from American University in 2011 and received his BA in both Philosophy and Justice, Law and Society from American University in 2009.

Deputy Chief Eddie Reyes (Ret.)*, Sr. Law Enforcement Project Manager*, Chief Reyes provided on- and off- site project input during site visits, data collection and information interpretation. He also reviewed and analyzed policy and other relevant materials and served as a contributor to the Advancing Charlotte final report. Chief Reyes has extensive experience in community policing and working with diverse groups in the community. He commanded field operations and criminal investigations for Amtrak Police, and has 25 years of service with Alexandria Police Department, where he rose to Deputy Chief. He was also appointed to the Virginia Latino Advisory Board and the Commission on Immigration. He also has extensive experience in communications and interoperability. He holds a Bachelor's degree in Criminal Justice from New Mexico State University. Chief Reyes earned a Graduate Certificate in Public Administration with a concentration in Administration of Justice at George Mason University in Fairfax, VA.

Police Foundation Project Staff[204]

Blake Norton, *Vice President and Chief Operating Officer*, provided high-level strategy and coordination and served as the primary liaison to the City of Charlotte throughout the project.

Siobhan Scott, *Project Associate*, provided on- and off-site project and technical support.

Joyce Iwashita, *Project Assistant*, provided off-site project support.

[204] Project staff bios can be found at https://www.policefoundation.org/

Appendix E: About the Police Foundation

The Police Foundation is a national nonmember, nonpartisan, nonprofit organization that has been providing technical assistance and conducting innovative research on policing for nearly 45 years. The professional staff at the Police Foundation work closely with law enforcement, community members, judges, prosecutors, defense attorneys, and victim advocates to develop research, comprehensive reports, policy briefs, model policies, and innovative programs. The organization's ability to connect client departments with subject matter expertise, supported by sound data analysis practices, makes us uniquely positioned to provide critical incident review, training and technical assistance.

The Police Foundation has been on the forefront of researching and providing guidance on community policing practices since 1970. Acceptance of constructive change by police and the community is central to the purpose of the Police Foundation. From its inception, the Police Foundation has understood that to flourish, police innovation requires an atmosphere of trust; a willingness to experiment and exchange ideas both within and outside the police structure; and, perhaps most importantly, a recognition of the common stake of the entire community in better police services.

The Police Foundation prides itself in a number of core competencies that provide the foundation for critical incident reviews, including a history of conducting rigorous research and strong data analysis, an Executive Fellows program that provides access to some of the strongest thought leaders and experienced law enforcement professionals in the field, and leadership with a history of exemplary technical assistance program management.

Other Police Foundation critical incident reviews include:

- Managing the Response to a Mobile Mass Shooting: A Critical Incident Review of the Kalamazoo, Michigan, Public Safety Response to the February 20, 2016, Mass Shooting Incident
- Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to the Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct
- Bringing Calm to Chaos: A critical incident review of the San Bernardino public safety response to the December 2, 2015 terrorist shooting incident at the Inland Regional Center
- A Heist Gone Bad: A Police Foundation Critical Incident Review of the Stockton Police Response to the Bank of the West Robbery and Hostage-Taking
- Police Under Attack: Southern California Law Enforcement Response the Attacks by Christopher Dorner.[205]

[205] View the entire Police Foundation Critical Incident Review Library: www.incidentreviews.org.