

## Policing in Charlotte - Background

The Charlotte-Mecklenburg Police Department (CMPD) is the police department of Mecklenburg County, including the City of Charlotte. With approximately 1,817 officers and 525 civilian staff as of 2020, covering an area of 438 square miles with a population of nearly 900,000, it is the largest police department between Atlanta and Washington, DC. The CMPD is by statute "county police" in that it has jurisdiction anywhere in Mecklenburg County, which has its own sheriff. The Department has a budget of nearly \$300 million and is the largest expenditure for the City of Charlotte at about 40% of the overall budget.

Charlotte had several anti-police riots in the last decade that had lasting effects on CMPD. The police shooting of Jonathan Ferrell, a 23-year-old unarmed black man in 2013, and the police shooting of Keith Lamont Scott, who was armed, by a young black police officer in 2016, ignited riots and calls for accountability in CMPD law enforcement. The murder of George Floyd in 2020, and the ANTIFA-fueled riots throughout the summer, accelerated these demands nationwide by activist groups like Black Lives Matter.

### **CMPD made radical changes in response to recent developments and activists' calls for 'police reform.'**

CMPD used tear gas to disburse rioters in June 2020, and civil rights groups sued the department. Following the lawsuit, Chief of Police Jennings unveiled new policies for crowd control, including mandatory use of body cameras and requirements that officers report perceived bad behavior of their fellow officers.<sup>1</sup>

In response to activist demands, CMPD also adopted all eight of the requirements of the '8 Can't Wait' movement — a national campaign aimed at reducing police violence. The movement:

- bans chokeholds and strangle holds;
- requires de-escalation;
- requires warning before use of deadly force;
- requires officers to exhaust all alternatives before deadly force;
- imposes a duty to intervene;
- bans shooting at moving vehicles;
- has a use of force continuum, and
- requires comprehensive reporting.<sup>2</sup>

These new obligations to "de-escalate," provide "warnings," and "exhaust all alternatives" before using force demands the *perfect* police officer: One who is greeted with disrespect, physical resistance and hidden weapons, and yet must never overreact and always know precisely the amount of force to use, and time it just right, to restrain the subject and protect himself.<sup>3</sup> If failure to do so will result in disciplinary action, or worse, the officer is likely to not act at all.

In 2021, CMPD introduced the novel SAFE Charlotte program. Many of the changes involve adding civilians and other administrators to the Department's payroll, such as:

- hiring civilian violence interrupters to stop violence before it starts in certain high-risk communities;<sup>4</sup>
- providing support for community organizations to provide job training, youth services and other support;<sup>5</sup>
- opening the first de-escalation training facility to provide officers with training and communication skills to reduce volatile circumstances, and adding civilian positions to develop and improve CMPD officer training programs;
- providing Spanish-language press conferences to build and foster relationships with immigrants and residents with limited English;
- expanding crisis response teams and developing a civilian responder model for mental health and homeless calls; and
- adding civilian positions to support CMPD youth programs.<sup>6</sup>

In June 2021, CMPD also launched 'customer experience training and curriculum' called CMPD Serves, making it the first law enforcement agency in the country to adopt this novel approach to improving 'audience engagement.' Developed by a management consulting firm that typically helps corporate clients develop unifying corporate cultures and improve customer experience,<sup>7</sup> the training is designed to:

- provide employees with impactful information they can incorporate into their daily jobs and leave a 'positive impression';<sup>8</sup>
- change public perception of policing;
- gain 'tangible, measurable' results that demonstrate how CMPD is 'changing hearts and minds' internally and externally with an increased and improved focus on how employees treat others; and
- improve morale through work on the internal culture.

Charlotte has long had a Citizen Review Board (CRB), an advisory board that reviews incidents involving complaints against officers. This board is also changing its perceptions. Formed in 1997, the board has recently been pro-active in decisions made against police.<sup>9</sup> Moreover, activist groups have called for taking more of the power to discipline officers and investigate civilian complaints out of the hands of CMPD and the city government and giving that power to civilian review boards.<sup>10</sup>

In short, the County's changes follow the playbook for activists' calls for re-envisioning public safety. "...[L]imiting police interactions and investing in community-based interventions ... to provid[e] for public safety in a way that's less intrusive, more just, and more constructive. By reducing the size and budget of the police department, those savings can be invested in creating alternatives to policing ... and funding community-based programs, education, housing, jobs, and more."<sup>11</sup>

In addition to the CMPD initiatives, in 2022 the Mecklenburg County Office of Violence Prevention within the Department of Health Services, developed a five-year Community Violence Strategic Plan with a goal of reducing the rates (per 100,000 residents) of homicides and gun related assaults by 10% by 2028.<sup>12</sup> Programs to address the socioeconomic challenges faced by low-income communities should be part of the solution. We support the areas of focus and goals articulated in this plan, such as support for youth programs and families, increased job opportunities, safer and healthier neighborhoods and better intergovernmental collaboration. These programs should be additive, not a substitute for, effective policing.

Police reform advocates claim systemic racism permeates policing in America, although such claims have been disproved by a solid body of evidence.<sup>13</sup> Police shootings are a function of how often officers encounter armed and violent suspects, who are disproportionately non-white young males.<sup>14</sup> CMPD nonetheless is making concerted efforts to increase diversity on the police force, approximately 80% of whom are white men. The department has signed-on to the "30X30" initiative, a commitment for 30% women as sworn officers by 2030.<sup>15</sup> This decision ignores the physical strength and testosterone that's essential in policing. Moreover, such initiatives raise questions regarding the extent to which the Department will relax educational, emotional maturity and other essential standards in order to meet diversity hiring objectives.<sup>16</sup>

**In the midst of adopting massive departmental changes and dealing with increases in evolving criminal activity, CMPD efforts are frustrated by progressive judicial reform policies, such as bail reform, and concerns with ‘racial equity’ in policing, which have the effect of putting criminals back on the street and allowing crime to proliferate.**

Chief Jennings has expressed frustration at low bonds for violent crimes being set by progressive-minded magistrates. He has called on the state to pass standards for magistrates<sup>17</sup>

The Mecklenburg County sheriff recently abandoned the practice of traffic stops for tail lights, expired registration or tinted windows, in response to complaints it might be “aimed at those who might be vulnerable to being targeted by the criminal legal system.” Such stops historically served to help prevent criminal activity.<sup>18</sup>

Moreover, due to limited resources and concerns regarding racial profiling, police departments across the country, including Charlotte, have discontinued enforcing misdemeanors and smaller offences, such as drug possession, petty theft, vagrancy, public urination and panhandling. Lack of law enforcement increases such activities, and other crimes, which lessens the safety and quality of life for other law-abiding citizens within the community. Allowing such illegal and offensive activities to proliferate chips-away at society’s respect for the law.

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<sup>1</sup> Officers must now give additional dispersal orders before chemical agents like tear gas are used; and the chemical agents can't block escape routes for protesters. Dispersal orders and exit routes are to be communicated loudly and clearly. Additionally, body cameras will be put on riot control supervisors to help give a full picture and a better understanding of what's happening during those situations. The department also updated its Neglect of Duty policy, requiring officers to step in if they see another officer using too much force.

<sup>2</sup> #8Can'tWait. “Pushing for state legislation.”

<sup>3</sup> WSJ Letter to the editors, Peter Doty,, March 10, 2023.

<sup>4</sup> The effectiveness of these civilian intervention programs, which involve hiring former criminals to identify potential street conflicts and intervene before they escalate, have had mixed results. Problems have included the return to criminal activities by civilian workers and the murders of three such workers in Baltimore. Moreover, to date there is no reliable evidence-based study as to their effectiveness. See, ProPublica, Alex MacGillis, January 2023 (Can community programs help slow violence?).

<sup>5</sup> The Department granted \$1 million to a community organization to provide these services. Free conflict resolution training also is available for youth, adults and organizations. Participants learn the five conflict resolution styles, benefits of active listening and tools to de-escalate difficult situations.

<sup>6</sup> Law enforcement reforms and violence interruption programs are only part of the solution to creating a safer Charlotte, according to the CMPD website. The City of Charlotte’s all-in approach also focuses on improved opportunities for affordable housing, jobs, and safe, reliable transportation. City of Charlotte Community Relations Homepage, Police Community Relations. It is unclear the extent to which the city has, or plans to, reallocate CMPD resources to support these social services.

<sup>7</sup> The DiJulius Group, a customer service training and consultancy out of Cleveland, Ohio.

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<sup>8</sup> Some of the work CMPD developed for its curriculum included modernized communication techniques between CMPD employees and their ‘customers,’ including the creation of ‘a day in the life’ of a customer, and employee videos, role playing and engagement scenarios. CMPD employees helped develop the training and curriculum, and CMPD civilian employees have been conducting the training.

<sup>9</sup> The Board recently ruled against CMPD in a case of mistaken identity, in which a CMS school teacher was mistaken for an armed suspect and placed in police custody. “Citizens Review Board Rules against CMPD,” WCNC, May 2022. Since 1997, there have been 103 appeals filed with the CRB. Only three times has the board ruled in favor of the complainant, in 2016, 2019 and 2022.

<sup>10</sup> CRB decisions advance to the City Manager, an unelected official who, as part of the day-to-day operations of the city, supervises the police department. SAFE Coalition NC, part of the progressive advocacy group Action NC, has proposed that cases in which the CRB upholds the citizen complaint, the complaint should be sent to the Civil Service Board to investigate further and demote or fire officers when it decides they violated department policy. They have also proposed to require officers who don’t cooperate with CRB to appear before the Civil Service Board for a hearing, and they propose to petition the General Assembly to give the CRB subpoena power.

<sup>11</sup> Vera Institute of Justice, Brooklyn NY

<sup>12</sup> See, The Way Forward, Mecklenburg County Community Violence Strategic Plan FY 2023-2028. (The five-part plan envisions community engagement and partnerships, support for youth and families, job opportunities, intergovernmental coordination and safer and healthier neighborhoods.)

<sup>13</sup> See, “The Myth of Systemic Police Racism,” Heather MacDonald, Wall Street Journal, June 2, 2020. (“A solid body of evidence finds no structural bias in the criminal-justice system with regard to arrests, prosecution or sentencing. Crime and suspect behavior, not race, determine most police actions.”)

<sup>14</sup> Blacks made up over 81% of suspects and victims in Mecklenburg County from 2015-2020, although they represent 31% of the population. Black North Carolinians also make up 51.5% of those in prison and 54% of those on death row, despite making up only approximately 22% of the state’s population.

<sup>15</sup> Women are currently 16% of CMPD police officers.

<sup>16</sup> The recent brutal killing of Tyre Nichols in Memphis, at the hands of five black officers who clearly lacked appropriate self-control and judgment to be effective police officers, raised legitimate concerns regarding whether the event was, at least in part, a result of relaxed hiring standards. The incident also provides further evidence that rare and random acts of police brutality are not necessarily caused by racism.

<sup>17</sup> “‘I blame the system,’ CMPD Chief Jennings wants state bond laws to change,” WCNC. Jennings recently expressed his frustration after a Mecklenburg County magistrate set a \$170,000 bond for Toddrick McFadden, who was accused of a slew of charges, including shooting and injuring a CMPD officer.

<sup>18</sup> WBTB, October 2022.