



The Charlotte-Mecklenburg Police Department recently received recommendations from the Citizens Review Board (CRB) following the evidentiary hearing concerning the appeal filed by the family of Keith Lamont Scott.

Several of the recommendations referenced in the CRB's report are specific to personnel and cannot legally be released to the public. A portion of board's findings, however, are related to department policy. The CMPD believes the department has the authority and responsibility to release those recommendations to ensure our community has the opportunity to review them, as well as, CMPD's response to them.

The CMPD constantly reviews its policies to identify necessary changes, amendments or improvements that will allow our officers to serve our community more effectively. The (CRB's) recommendations offer the CMPD another opportunity to further that pursuit.

Although members of the Citizens Review Board acknowledge that as private citizens they do not have expertise in police tactics, their recommendations are relevant. The CMPD is committed to carefully reviewing their findings to determine whether they are appropriate to implement.

The State Bureau of Investigation criminally investigated the circumstances of this officer involved shooting and the District Attorney determined that the shooting was legally justified.

The shooting met the legal standard. The CMPD is now working to determine if amending policies or directives related to this case would allow us to better serve our community.

Three recommendations related to policy were referenced in the CRB's report and are highlighted below:

- 1. Citizens Review Board Recommendation concerning "vehicle takedowns" and breaching (breaking) a window to gain entry into a vehicle.**

The Citizens Review Board recommends CMPD evaluate its practice of conducting vehicle takedowns and breaching a vehicle window.

(CRB REPORT EXCERPT) "We believe this case demonstrates the need for CMPD to comprehensively evaluate possible scenarios that could arise in a vehicle takedown situation, and develop guidance and training around how to deal with specific situations. This study should specifically consider how to deal with an armed, non-compliant suspect, including de-escalation tactics and when those are appropriate. We also urge the Department, as part of this study, to develop clear guidance around when "breaching" a window is, and is not, appropriate."

RESPONSE:

- A vehicle takedown is an enforcement tactic whereby officers swiftly block the path of a stationary suspect vehicle with police vehicles to prevent it from leaving the scene.
- This tactic relies on the “element of surprise” for the purpose of quickly gaining compliance from the subject(s) inside a vehicle. Incorporated within this tactic is the option of breaching (breaking) a window to unlock a door so that officers can gain control over a non-compliant subject.
- An officer confronted with an armed non-compliant subject is one of the most difficult situations encountered by officers in the field.
- The longer a person fails to comply with lawful commands, the greater the risk posed to the public, the officer and the subject.
- It cannot be ignored that an officer has no way to know why a subject fails to comply with lawful commands and may consider that the failure to comply is a precursor to an attack on the officer or a member of the public.
- CMPD agrees that comprehensively evaluating possible scenarios that could arise, not only during a vehicle takedown, but also with other tactics used to gain compliance of a subject in any circumstance, is essential to effective policing.
- CMPD will continue to insert de-escalation tactics where appropriate in its scenario based training.
- CMPD is reviewing the current practice of breaching a window and whether further guidelines are necessary.

2. Citizens Review Board Recommendation concerning de-escalation tactics

The Citizens Review Board recommends policy revisions and training on the use of de-escalation techniques.

(CRB REPORT EXCERPT) “Officers frequently encounter armed citizens, and the Board recognizes that every such situation presents unique considerations and risks. In some situations, officers may have no choice but to use deadly force. Other situations, however, may safely and reasonably permit officers to use time, distance, communications, and available resources to slow down or stabilize a situation. Some other major metropolitan police departments, including the LAPD and the Seattle Police Department, now incorporate such de-escalation techniques into their use of force policies. See http://www.lapdpolicecom.lacity.org/041817/BPC_17-0153.pdf The Board believes CMPD should consider similar policy revisions, along with any additional training that may be necessary to promote the safe and appropriate use of de-escalation techniques consistent with such policies.

RESPONSE:

- De-escalation tactics are used by police to lower the threat level posed by a non-compliant subject and hopefully gain compliance with little or no physical force.
- De-escalation tactics currently include the use of various verbal techniques and in appropriate circumstances involve the use of distance, time, negotiation and other available resources. However, in circumstances where a non-compliant subject is armed with a firearm, the decision to use de-escalation tactics, including less lethal force must be tempered with the imminent threat posed by the non-compliant subject.
- CMPD trains and relies on the de-escalation tactics mentioned in the Directives cited by the Board. CMPD believes that Directives are effective when they present basic principles to guide officers' behavior. No Directive can capture every possible scenario that might confront an officer. CMPD has begun a review of its use of force directives and continuum with an eye towards providing additional guidance that assists officers in making critical decisions related to the use of force.
- CMPD agrees with the Citizens Review Board that it is appropriate to review other Police Departments' Directives.

The Board also recommended that all less lethal options be available whenever officers conduct a vehicle takedown. CMPD concurs with this recommendation and will evaluate how to do so.

3. Citizens Review Board's Recommendation concerning reaction time

The Citizen Review Board recommends that CMPD scientifically validate whether its reliance on reaction time is an acceptable practice.

(CRB REPORT EXCERPT) "We also gathered from CMPD witnesses that the Department may be operating under the belief that an armed suspect who refuses commands to drop his weapon presents, by definition, an imminent threat justifying lethal force, for the reason that a suspect holding a gun down at his or her side can get off a shot before an officer has time to react and fire. This belief seems to find at least some support in the literature. If, however, this belief indeed is going to continue to guide CMPD's policies and actions, citizens deserve no less than scientific validation. CMPD should conduct empirical studies to confirm (or not) whether – in the case of an officer pointing a gun at an armed suspect whose gun is not pointed at the officer – the suspect can get off a shot before the officer has time to react."

RESPONSE:

- CMPD agrees with this recommendation. It has conducted internal tests to determine the validity of relying on reaction time and training staff has reviewed studies relied on in the police profession.
- CMPD will contact an independent third party with scientific expertise to conduct a validation study which includes actual testing to confirm (or not) that a suspect can fire a shot before the officer has time to react and defend him or herself.

CONCLUSION

It is entirely appropriate for our community to review and question our policies, procedures and tactics whenever an officer discharges his or her firearm or engages in an incident involving use of force.

The CMPD recognizes community standards play an important role in determining our practices along with the legal standards prescribed by our legislature and courts.

The Charlotte-Mecklenburg Police Department respects the service and commitment of the members of the Citizens Review Board. Their work secures the underpinnings of fairness and accountability. These recommendations give us another opportunity to ensure that we're doing everything we can to serve our community effectively.