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June 12, 2020

MEMORANDUM

TO: Chief K. Putney, Charlotte-Mecklenburg Police Department
FROM: North Carolina State Bureau of Investigation
SUBJECT: 2020-01549 Charlotte-Mecklenburg Police Department Inquiry for June 2, 2020

On June 3, 2020, the North Carolina State Bureau of Investigation (NCSBI) was asked to open an inquiry into the actions of two Charlotte-Mecklenburg Police Department (CMPD) Platoon Squads of the Civil Emergency Unit (CEU) during the riots that took place on June 2, 2020 at approximately 9:30pm. The incidents occurred in the areas of 4th Street and College Street, and 4th Street and Tryon Street in Charlotte, NC. This inquiry was requested by CMPD Chief K. Putney.

The inquiry focused on the actions of the officers who deployed pepper balls, Triple Chaser CS canisters, and smoke at the rioters during this specific time.

On June 3, 2020, agents with the NCSBI met with multiple CMPD staff members to gather information regarding the chain of events that occurred on June 2, 2020 from approximately 9:25pm to 9:35pm in the areas of 4th Street and College Street and 4th Street and Tryon Street in Charlotte.

On June 3, 2020, agents met with CMPD Captain [REDACTED] Captain [REDACTED] checked and advised no officers who were part of the CEU were wearing Body Worn Cameras (BWCs) on June 2, 2020. Captain [REDACTED] advised CEU officers could not wear BWCs with the provided CEU equipment until the Molle Mount system the department had ordered for the Republican National Convention had arrived. Captain [REDACTED] said BWCs will not stay on CEU officer uniforms with the current mounts. Captain [REDACTED] directed agents to Lt. [REDACTED] in the Real Time Crime Center to obtain traffic/building camera footage for 4th and College and 4th and Tryon around the 9:30pm timeframe.

Agents met with Lt. [REDACTED] and Detective [REDACTED] whom assisted with retrieving video and allowing agents to view and copy video from cameras 5076, 455 and 1059. The three cameras viewed the intersections at 4th and College, 4th and Tryon and the overhead view of 4th Street. The time frame requested by agents was from approximately 9:25pm to 9:35pm. Agents also reviewed Facebook Live video from Facebook Page "Queen City Nerve."

Agents also met with Major [REDACTED], Captain [REDACTED] and Staff Sgt. [REDACTED] for clarification on CMPD's CEU Standard Operating Procedure. Agents were provided with a copy of the CMPD CEU Standard Operating Procedure, CMPD Dispersal/Arrest Order and CMPD LRAD (Long Range Acoustic Device) Commands. Major [REDACTED] advised agents the NAACP protest on June 2, 2020 was peaceful and permitted but around dark, things started to change. Major [REDACTED] explained the peaceful protest quickly turned into a riot once officers had items being thrown at them or damage to property began occurring. This change occurred at approximately 9:03pm and radio communications were reviewed to confirm.

NC General Statute 14-288.2 states a Riot is any public disturbance involving acts of violence by an assemblage of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

An LRAD is defined as an acoustic hailing device developed by LRAD Corporation to send messages and warning tones over longer distances or at higher volume than a normal speaker.

A review of radio communications received from Captain [REDACTED] confirmed at approximately 8:41pm, officers advised bottles were being thrown at officers and the crowd was very large and hostile. Agents confirmed through radio communications that Major [REDACTED] advised command to log when Dispersal Orders were given and log anytime an object was thrown at officers. At approximately 9:04pm, munitions/RCA's (Riot Control Agents) were deployed in the area of 5th Street and McDowell Street and a Dispersal Order was given to the crowd.

The Centers for Disease Control and Prevention defines Riot Control Agents as chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin.

A Dispersal Order is an order to disperse issued by a law enforcement officer pursuant to NC General Statute 14-288.5. NC General Statute 14-288.5 states a law enforcement officer may issue a command to disperse if he or she reasonably believes that a riot, or civil disturbance by an assemblage of three or more persons, is occurring or it is imminent that a riot or disorderly conduct will occur.

The CMPD Dispersal Order as projected from the LRAD reads as the following:

“On authority of the Charlotte-Mecklenburg Police Department I hereby declare this to be an unlawful assembly, I order all those assembled at this location to immediately disperse. You must leave the immediate vicinity. If you remain in the immediate vicinity you will be in violation of the law. No matter what your purpose is, you must leave. If you do not disperse, you may be arrested and/or subject to other police action. Other police action may include actual physical removal, the use of riot control agents and/or less lethal munitions, which could cause risk of injury to those who remain.” (Repeat in Spanish)

“You have --- minutes to leave the area.” (Repeated in Spanish)

The below events were logged by Command on June 2, 2020 and confirmed by review of radio communications from 9:02pm-9:04pm and 9:20pm-9:40pm:

9:03pm- Officer advises another officer has been hit in the head with a rock at 5th Street and McDowell Street

9:04pm- Dispersal Order given at 5th Street and McDowell

9:04pm- Squad 1 advise they may have been sprayed with some kind of a chemical agent at 5th Street and McDowell

9:26pm- Officers advise they are being hit with items at Davidson. Officers are advised to make an announcement for them to leave the area

9:31pm-Dispersal Order given at 4th Street and College Street

Other Dispersal Orders were logged by Command after 9:40pm and were not reviewed by the NCSBI.

Review of the video footage from cameras 1059, 455 and 5076 for 9:25pm-9:35pm showed a large crowd travelling on 4th Street from College towards Tryon Street and CMPD Platoons set up at the intersection of 4th Street and Tryon and 4th Street and College Street.

As the crowd began entering the intersection of 4th and Tryon, at approximately 9:30pm, a group of CEU members moved into the intersection and RCAs were deployed by the assigned Grenadier. The crowd turned around and moved back in the direction of 4th Street and College Street. Officers continued to block the street between Chima Brazilian Steakhouse and the CIT building until approximately 9:31pm when they started walking on 4th Street towards College Street. At approximately 9:33pm, the CMPD Gator transporting the LRAD was in view of camera 1059 at 4th and Tryon and CEU members are seen walking back towards the intersection of 4th and Tryon.

Also, at approximately 9:30pm, a group of CEU officers are seen on video deploying RCAs into the intersection of 4th and College from between Fleming's and the Bank of America Plaza (BOA) Plaza parking deck. It is clear in the video footage the intersection is clear and there are two options for escape. Video shows RCAs coming from the direction of the corner of 4th and College where the Carolina Ale House is located. It is unclear in the video whom deployed the RCA from the direction of the Carolina Ale House. At approximately 9:31pm, parts of the crowd continue up 4th Street towards Brevard Street and a large group is seen congregating underneath the enclosed walkway between the BB&T building and the BOA Plaza parking deck. At approximately 9:32pm, multiple RCAs are observed landing onto 4th Street between the corners of BOA Plaza parking deck and the BB&T building. At approximately 9:33pm, the officers are observed deploying Pepperballs and an RCA, which are seen landing on the corner sidewalk in front of the Carolina Ale House as people are running toward the SP+ Parking Garage on 4th Street. At approximately 9:34pm, officers continue to deploy RCAs onto 4th Street in front of Fleming's Restaurant as people start to try

and come back down 4th Street towards College Street. At approximately 9:35pm, officers formed a line across 4th Street and began to walk towards S. Brevard Street.

Major [REDACTED] advised sometime between 9:25pm-9:35pm, a group of officers went into the BOA Plaza parking deck onto one of the higher floors and one Pepperball Operator fired approximately 5-6 (he was unsure of the exact number) at the BB&T Building wall across the street. The pepperballs hit the wall and the contents dispersed over the crowd from above. Major [REDACTED] also stated the LRAD projecting the Dispersal Order can be heard for approximately 250 feet and at 120 decibels from the front of the speaker. Major [REDACTED], Captain [REDACTED] and Staff Sergeant [REDACTED] all stated the LRAD would have been heard by protesters at some point that evening prior to the incident at 4th and College/Tryon. In an effort to make sure protesters can hear the LRAD Dispersal Order, CMPD sends an officer to the back of the line to advise if the Dispersal order can be heard at the back of the protest.

There is no street camera video footage for the area along 4th Street between College Street and Tryon Street. Video from camera 455 was obtained showing a view of 4th Street from overhead. Review of the video from 9:25pm to 9:35pm shows protesters walking on 4th Street, crossing S Brevard Street and continuing through the intersection of S College Street. Officers were lined up across either side of the intersection at both S. Brevard and S. College to keep protesters traveling on E 4th Street toward College and Tryon. At approximately 9:30pm, camera 455 shows protesters running east back towards S. College Street and smoke can be seen on 4th Street at Tryon in the top portion of the video. Camera 455 shows protesters taking cover underneath the enclosed walkway between the BOA Plaza parking deck and the BB&T building. At approximately 9:31pm, video shows smoke billowing from the street on 4th Street between the corners of the BB&T building and the BOA Plaza deck. One section of smoke is observed on the BOA Plaza deck side and one is observed on the BB&T side. The center of 4th Street at the corner was clear. Exits from the area were clear to travel south on S College Street and east on E 4th Street. The north side of College Street was blocked by officers. From approximately 9:32pm-9:33pm, protesters are observed running east on 4th Street away from the enclosed walkway and additional RCAs are deployed to this area. Some RCAs appear to hit protesters running to exit 4th Street towards S College Street.

CMPD staff advised multiple times there was no BWC footage of the incident on June 2, 2020 at approximately 9:30pm on 4th Street between S College Street and S Tryon Street.

A review of the Facebook Live footage for "Queen City Nerve" from June 2, 2020 in the area of 4th and College at approximately 9:30pm, shows two clear areas behind protesters for escape. One avenue clear in the video for protesters escape is to the protesters rear by traveling back east on E 4th Street. The other clear avenue for escape is for the protesters to travel south on S College Street to escape the RCAs. Smoke is observed in both avenues of escape, but no officers are seen blocking protesters for either option.

This Memorandum serves as an NCSBI inquiry **only** and is limited to providing facts confirmed and observed for the specific incident on June 2, 2020 between

9:25pm-9:35pm on 4th Street between College Street and Tryon Street. A copy of this Memorandum will be provided to CMPD Chief Putney by the North Carolina State Bureau of Investigation.