



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Draft City Council

Monday, September 26, 2016

1:00 PM

Council Chamber

SPECIAL MEETING

Call to Order

This Special City Council meeting of the City of Greensboro was called to order at 1:20 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 8 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiter, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Justin Outling and Councilmember Tony Wilkins

Absent: 1 - Councilmember Mike Barber

Mayor Vaughan confirmed that Councilmember Fox was participating via telephone.

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Council Procedure for Conduct of the Meeting

Mayor Vaughan stated that Council would only discuss the release of the video; reminded the audience that Council had adopted a body worn camera policy; verified that this would be the second video release in four months; added that no other City had been as transparent as Greensboro; emphasized that Council had reaffirmed the policy for civil rights and what Greensboro was about; read several paragraphs from a resolution Council would consider today; stated the City had strived to be transparent; worked very hard on the body worn camera policy; and announced that there were approximately 15 speakers who would be allotted two minutes each.

A request came from the audience to view the video prior to holding the public comment period.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wilkins to excuse Councilmember Barber from attendance at the meeting. The motion carried by voice vote.

Mayor Vaughan asked the audience to hold their applause; and stated she would request the Chamber be cleared if necessary.

1. [ID 16-0799](#) Review of June 17th Interaction Between Former Officer Travis Cole and Resident Dejuan Yourse - Police Chief Wayne Scott

Mayor Vaughan explained why Council was going to wait to show the video.

Councilmembers Hightower and Wilkins voiced support in showing the video at this time.

Police Chief Wayne Scott provided an overview and narrative of the video; explained that it was the piecing together of two videos; the space in the video; stated Mr. Yourse was in the audience; reiterated an apology on behalf of the Police Department; voiced that he appreciated Mr. Yourse's willingness to accept the apology; provided an overview of the incident; of the investigation timeline; confirmed he had placed Officer Cole on administrative leave; and notified City Manager Westmoreland and City Attorney Carruthers of the incident upon finding out about it. Police Chief Scott added that he had ordered criminal and internal investigations of the

incident; spoke to the process when the officer did not wish to participate in the criminal investigation; and verified that Officer Cole had resigned on August 19th. Police Chief Scott outlined the outcomes of the investigations; spoke to questions around the discipline and resignation of Officer Cole; emphasized that the Affidavit of Separation sent to the state included language that Officer Cole had left the City during the middle of an investigation; and confirmed that Officer Cole declined to attend the internal investigation hearing. Police Chief Scott provided an overview of what Officer Cole had been found guilty of; and spoke to what was permanently affixed in his record; and provided an outline of what transpired the week of September 19th.

Police Chief Wayne Scott showed the video.

Mayor Vaughan and members of Council voiced their apologies to Mr. Yourse.

ID 16-0820 Resolution

Councilmember Hightower requested Mayor Vaughan read the resolution into the record; emphasized the need to do something about this; and come together to join the community.

Mayor Vaughan stated Council had decided on the resolution independent of the speakers; and added that Council wished to get on the record that this was an action they found necessary.

Mayor Vaughan read the resolution into the record.

Councilmember Wilkins commended Police Chief Scott for the information; and asked how the resolution came forward.

City Attorney Tom Carruthers explained the process for the development of the resolution; spoke to meetings he had with various Councilmembers; that some members of Council felt a strong statement needed to be sent regarding the inappropriateness that this officer be allowed to potentially be a law enforcement officer in the future without a hearing or complaint filed against him at the certification level; spoke to the options of Council; and confirmed the role and actions that the legislative body of Council could take.

Councilmember Wilkins asked if Police Chief Scott supported the proposed resolution, to which Police Chief Scott responded in the affirmative.

Councilmember Fox asked for clarification on the termination policy under GPD Directive 7.2; and requested that the policy be amended now or in the near future.

City Manager Westmoreland confirmed that Councilmember Fox was asking for the policy directive be revised as it was difficult to hear Councilmember Fox via telephone.

Councilmember Fox asked that the City establish a policy for suspension without pay.

Police Chief Scott confirmed that the first request was a directive that he added about six months ago; provided an overview of why he added it; stated that the Human Resources Department had advised them with regard to the suspension without pay policy for the City; and deferred to City Attorney Carruthers.

Councilmember Hightower asked if the City could pay someone retroactive rather than paying an employee while they were placed on administrative leave; voiced concern that this type of behavior should never be accepted; and spoke to a zero tolerance policy.

Mayor Vaughan voiced that Council was in agreement that the City should not reward bad behavior.

Councilmember Fox voiced agreement with Councilmember Hightower; asked about when charges were filed; and if a false charge had been filed in this case.

City Attorney Carruthers stated he had previously spoken with Councilmember Fox; stated Councilmember Fox's concern was that when an assault on the law enforcement officer charge was filed in a case such as this and it was dismissed by the District Attorney's office, did it constitute a false charge. City Attorney Carruthers outlined

the constitutional duty of the District Attorney; stated the District Attorney dismissed the charges as Officer Cole was no longer available as a member of the Police Department; and verified that did not make it a false charge. City Attorney Carruthers provided other examples; and spoke to the process of justice in the United States.

Councilmember Fox referenced the Scales brothers case; spoke to what disturbed him about the case; and voiced concern with the timeframe in notifying City Council. Councilmember Fox wanted confirmation that this would not happen going forward; and that Council would be notified when a similar situation happened in the future rather than waiting three months.

Moved by Councilmember Outling, seconded by Mayor Pro-Tem Johnson, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

Absent, 1 - Mike Barber

322-16 RESOLUTION

WHEREAS, Greensboro Police Department Officer Travis B. Cole arrested Dejuan Yourse on June 17, 2016, and his actions were found to have violated Greensboro Police Department directives DD 1.5.13 (A) Use of Force, DD 1.5.1 (A1) Courtesy Towards the Public, DD 1.5.34 (A) Arrest, Search, and Seizure, and DD 1.5.4 (B) Compliance to Laws and Regulations; and

WHEREAS, all charges filed against Mr. Yourse related to the incident were dismissed by the District Attorney's Office; and

WHEREAS, on August 10, 2016, Officer Cole was placed on Administrative Leave with Pay pending the outcome of both an internal and criminal investigation of the Use of Force involving Mr. Yourse and Officer Cole subsequently resigned from the Department on August 19, 2016; and

WHEREAS, the criminal investigative file regarding this matter was presented to the Guilford County District Attorney, who rendered the opinion that criminal charges would not be appropriate; and

WHEREAS, on September 20, 2016, City Council viewed footage of the incident in closed session, and the City Manager with concurrence of City Council determined that release of all body worn camera recordings depicting former Officer Cole's interaction with Dejuan Yourse on June 17, 2016, and all disciplinary actions and personnel actions related to GPD's interaction with Dejuan Yourse, is essential to maintain public confidence; and

WHEREAS, Chief of Police Wayne Scott was directed to prepare and disseminate on Monday, September 26, 2016, at 1:00 p.m., a press briefing to disclose the body worn camera recordings, and related necessary information, of former Officer Cole's interaction with Dejuan Yourse on June 17, 2016; and

WHEREAS, pursuant to the Body Worn Camera Policy of the City of Greensboro, Dejuan Yourse and his mother reviewed the same footage viewed by City Council on September 20th and which was presented today; and

WHEREAS, City Council is deeply concerned about the prosecutorial opinion rendered in this case; and

WHEREAS, City Council believes that the law enforcement certification of former Officer Cole should be revoked;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Manager prepare a letter of complaint against former Officer Cole and this complaint shall be delivered to the Criminal Justice Education and Training Standards Commission with a request for a hearing before the Criminal Justice Standards Division to seek a ruling suspending indefinitely the certification of Travis B. Cole so that he will not be eligible to serve as a law enforcement officer in the future.
2. That the Greensboro Police Department request the Guilford County District Attorney review this incident again to ensure the entire investigative file is duly considered.

(Signed) Justin Outling

2. ID 16-0804 City Council Discussion

Mayor Vaughan stated Council would hear from speakers at this time.

Reverend Cardes Brown, 6106 Longbranch Court voiced concern for not only the incident but the timeline in which the investigation was handled; asked who in the department knew about the behavior; who in the department had viewed the video prior to reporting it to Police Chief Scott; and asked for a detailed timeline on the investigation in the case.

Mayor Vaughan requested the audience hold their applause; stated Council was concerned that they had not learned about the incident earlier; and confirmed there were ongoing discussions to avoid such situations going forward.

Lewis Pitts, 129 Tate Street stated he shared some of Reverend Brown's concerns; stated the community had learned about the incident through a leak in the Police Department; voiced concern with Officer Cole's previous behavior with the Scales brothers in 2014; spoke to the charges that were filed; and emphasized the case was not over.

Mayor Vaughan confirmed that passing a resolution should not give anyone the opinion that the case was over.

Rabbi Frank Guttman, 804 Rollingwood Drive made reference to the incident in Tulsa, Oklahoma; voiced appreciation that Mr. Yourse was not harmed; provided a quote from Elie Wiesel; asked if Greensboro wanted to be like Tulsa or Charlotte; spoke to the need to be a city with trust and complete transparency; stated Rosh Hashonah would be celebrated this week; and spoke to the beginning of change with the new year.

Mayor Vaughan stated for the record that come October first, if there was a video like this, it would not stop Council from asking City staff to release it; and confirmed Council was willing and needed to take a stand on things like this.

Reverend Bradley Hunt, 2112 Pebble Drive voiced outrage after viewing the video; anger for the other brothers and sisters who had to go through similar situations; spoke to actions against people of color; emphasized that Greensboro was not alone; spoke to issues police officers had to deal with on the national level; the actions of Officer Jackson; and stated that Officer Jackson should be subject to the same punishment as Officer Cole. Reverend Hunt voiced concern with the findings of the Professional Standards Division; spoke to the problems in the Police Department; and asked how long people knew before the incident was reported to Chief Scott.

Councilmember Outling requested clarification that Officer Cole violated department policy; if the Professional Standards Division was an outside entity; and for confirmation that the division that kept the certification records was not a part of the City.

Police Chief Scott responded that the Professional Standards Division was part of the City; outlined the process for the investigation of 'use of force'; stated the more serious incidents went to the Internal Audit side; and verified that the Standards Division in Raleigh kept the certification records for officers.

Reverend Nelson Johnson, 2115 Murrayhill Road voiced agreement with comments made by the previous speakers; offered an apology to Mr. Yourse; emphasized the issue was police truthfulness, transparency and community trust; voiced concern with persons not being able to express themselves this evening; referenced his personal experience and history; asked that an independent body be established to explore the case which would help overcome some of the lack of transparency; and build the foundation for a better city.

Irving Allen, 1209 Haverhill Drive stated he was disturbed by the video; appalled by the failure of accountability; referenced similar cases across the country; damage done to the community; voiced concern that processes and procedures were failing; asked that the community be involved in discussions around police policy; spoke to the Scales brothers case; stated people were not doing their jobs; asked everyone to go to Charlotte to continue the rising; and stated that 'Black Lives Matter'.

Mayor Vaughan reminded the audience that Officer Cole had not escaped punishment; stated the City was forwarding his file to Raleigh for review; and added that the City had asked the District Attorney to review the case.

Darius McCray, Aggie Suites E echoed what previous speakers had said; spoke to questions in the case; and stated punishment should be across the department.

Nikolaus Knight, 5 Boxelder Court stated the people did not accept the resolution; reiterated that this was across the Police Department; spoke to addressing a disease; asked why the video was not released earlier; and emphasized that the issue went deeper than Officers Cole and Jackson.

Kani Bynum, 107 Grove Crest Way spoke to her experience in Charlotte on September 22nd; to people getting killed and arrested for anything; stated the system was not made for people of color who were oppressed; emphasized a new system needed to be created that they could be part of; and spoke to the need to love and invest in themselves.

Michelle Kennedy, 2412 Sherwood spoke to the responsibility of leaders both inside and outside the City; voiced concern with getting an incident resolved and addressed with transparency; the need to recognize that not only the rotten apples, but the entire orchard was falling down; and voiced concern with what was happening to the community.

Julie Peeples, 2201 Villa Drive stated there was no peace without justice; emphasized that this was a critical moment in the City; that there were no short cuts to justice or peace; spoke to the need for white people to hear the pain being expressed today; the need to look at the entire system; and stated it was time for the City to do the hard, bold, and right things.

Addy Jeffrey, 3715 Hazel Lane stated she was part of the community working group; spoke to the work of police officers who did a good job on a daily basis; stated the group was looking into many body worn camera issues; provided a copy of a report issued several months ago by New York University School of Law which discusses accountability and review of a body worn camera video by an officer prior to writing up their report of the incident; provided recommendations by The International Association of Chiefs of Police and the American Civil Liberties Union (ACLU) on the issue; and spoke to concerns she had regarding an officer reviewing video footage if suspected of wrongdoing.

Key-anna Morrow, 5407 Creek Point Court spoke to Officer Cole's body worn camera falling off during the recording; referenced the language used by Officer Cole; reference to prison tatoos by Officer Cole; spoke to the actions of Officer Jackson; and stated that she could not watch the entire video.

Kiera Hereford, 598 Hugh Patrick Court stated she had been in Charlotte for the uprising; stated that people were frustrated and tired; the City was not doing enough; spoke to institutional racism not only in Greensboro but throughout the country; voiced concern that service did not exist in the Police Department; referenced the hyper-surveillance of protestors and activists; spoke to the monitoring of Facebook and social media; and stated 'Black Lives Matter'.

Aleisha Steward, 1601 East Market Street offered her apologies to the Yourse family; voiced concern with the victims of police brutality; referenced officers involved in the incident still being employed; spoke to the need to review the culture of local government; the perception that police officers were protected; the need for a standard to be set for police officers; for the establishment of a local government that would uphold justice, service, and protection; and asked what Deputy Chief Hinson's involvement was in the case.

Mayor Vaughan thanked the speakers for their comments; voiced that the Council agreed that black lives matter; stated that what happened was unacceptable for the City; spoke to the need to protect all citizens of the City; stated she wanted to see a change; and that this was not the City of Greensboro that she wanted to be Mayor of.

Councilmember Hoffmann expressed her apologies to the Yourse family; reminded the audience that Greensboro was the first to issue body worn cameras; was the first City in North Carolina to write and adopt a policy to release

the video; and that the City had a zero tolerance in the Police Department for racial profiling.

Mayor Vaughan asked the audience to be respectful.

Councilmember Hoffmann continued that the action taken by Council was setting the example for how the department's behavior would be dealt with in the future; that Council was not happy with the three month timeline; and stated that Police Chief Scott indicated that the investigative timeline could be reduced going forward.

Councilmember Hightower voiced that the audience needed to hear Council's comments; stated she was the same black color as members in the audience; and recognized Mr. Yourse to come forward.

Mr. Yourse voiced that he was grateful to and appreciated the people here today.

Councilmember Hightower stated she had a list of questions; that she was very disturbed by the video; voiced her apologies to Mr. Yourse and his family; stated she did not know why Officer Cole was not fired; referenced the dismissal of charges; and asked if the charges against Mr. Yourse could be expunged.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to have the charges against Mr. Yourse expunged.

Councilmember Outling expressed concern as to whether the City could make an expungement decision; for verification if the City could, in fact, expunge the record; referenced the directives of Council to hold persons accountable; and stated he would be supportive if the City could expunge the record.

Council discussed talking over one another; and talking all at once.

Mayor Vaughan requested Council be respectful of one another; and asked City Attorney Carruthers if the Police Community Review Board found that when charges were unsubstantiated, in the new policy, if the Council could move to expunge charges.

City Attorney Carruthers responded that the City was providing financial assistance to seek expungement which was an order of the court when it was within the narrow window afforded by the General Assembly.

Councilmember Wilkins asked for clarification on what Council was voting on.

City Attorney Carruthers verified that the General Assembly had provided a window of circumstance where judges may consider where to expunge charges and even limited convictions, and they were typically limited by age and those with minor infractions with their previous records.

Councilmember Wilkins verified that this was a one-time occurrence.

Mayor Vaughan stated Council would vote on the motion made by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to direct staff to move forward to request expungement of the record.

The motion carried by voice vote; and Mayor Vaughan confirmed that Councilmember Fox's vote would be a 'yes' as he was not excused from the meeting.

Councilmember Hightower stated she had some serious concerns regarding who first viewed the video; referenced the date of the incident; Council viewing the video in closed session; the letter from the faith community; concerns from the community; emphasized that she was an elected leader to represent the community; spoke to requests she had made regarding the officer's statements and notes; and emphasized that Council was missing an opportunity to show the community that it meant business. Councilmember Hightower stated she was not satisfied with the timeline of the investigation; that the City needed an independent review board; that the Police Department was not doing a good job of investigating themselves; verified she respected officers but if an officer was aware of a fellow officer's wrongdoing, that they were responsible as well; and spoke to the need to put policies in place. Councilmember Hightower continued that she had personally experienced some bias; voiced the need for sensitivity training; stated that the more she heard the more questions she had;

voiced the need to create a zero tolerance policy; and stated she had spoken with City Attorney Carruthers regarding the use of excessive force triggering an investigation.

Mayor Vaughan asked when excessive force was used, if it needed to be reported; and if that could trigger Councilmember Hightower's request.

Police Chief Scott responded in the affirmative; and confirmed that every excessive force complaint was investigated.

Councilmember Hightower stated she wanted an automatic review initiated when there was excessive force; voiced concern with Officer Cole being placed on administrative leave with pay; stated she wanted investigations to be completed within 30 days; and that the City needed to be on the proactive, rather than the reactive, side.

Mayor Vaughan requested that all the questions posed today be answered and reported back to Council by Friday.

Councilmember Wilkins asked how many 'use of force' cases the department had within a year.

Police Chief Scott responded an excess of 200.

Members of the audience requested that Deputy Chief Hinson speak to his involvement in the case.

Councilmember Outling spoke to being upset after viewing the video; to how many people could relate to the video; to his upbringing; stated things did not change when elected to City Council; that the actions clearly violated the high standards set for officers; emphasized the majority of officers did their jobs well and risked their lives for the community; spoke to Greensboro's history; verified that the Police Department had taken steps to ensure they were leaders on this topic; spoke to what the department and Council had done to remain proactive on the issue; and referenced constructive dialogue that had taken place on the topic. Councilmember Outling verified Police Chief Scott was against bias-based policing; spoke to Council's action to prohibit racial profiling; emphasized that there were many issues on which the City could improve; confirmed the City was committed to doing better; referenced the increase in police transparency; the resolution adopted today; spoke to the reality of the issue; if the situation was reversed; and conversations he had with City Attorney Carruthers. Councilmember Outling verified that Council was constrained by what they could do but was doing everything in its power to make the situation right; spoke to the harm the community had suffered; to the resignation of Officer Cole; to the Council being proactive to address systemic issues in the City; and spoke to unprecedented actions to make it clear to City staff and the Police Department what was, and was not, considered acceptable behavior.

Mayor Vaughan asked Police Chief Scott if he had any additional comments.

Police Chief Scott stated he appreciated the comments from Council and the community; stated the department had a ways to go in one of their key behaviors which was self-assessment; confirmed the process did need to be tightened up; that he was proud of the organization; and recognized Deputy Chief James Hinson to speak.

Deputy Chief James Hinson thanked the Council and City Manager; provided an overview of the process he used once informed of the incident; spoke to his determination once he had viewed the video; and confirmed that Officer Cole was removed from patrol duty.

Councilmember Hightower voiced concern that Council just learned about the incident that had occurred on June 17th; asked for confirmation of when Deputy Chief Hinson was notified by his staff; and if the process ran through the chain of command.

Deputy Chief Hinson responded August 9th; explained the process for the investigation to go through the chain of command; and verified that he kept Police Chief Scott informed of what goes on.

Councilmember Hightower asked about reporting 'excessive use of force'; who reviewed the video; voiced concern that Officer Cole was allowed to be on the street between June 17th and August 9th; spoke to the potential that an additional incident could have occurred; and inquired about being more diligent when it was an

officer's second offense.

Chief Deputy Hinson confirmed that the department would be more diligent when 'use of force' occurred; reiterated the timeline for when he became aware of the issue; stated the department was reviewing the issue; and that he had taken immediate action once he heard about the incident.

Councilmember Hightower stated she was sickened by the incident; asked for clarification that there were two hearings, an administrative and a criminal; and about the timeline of the investigations.

Chief Deputy Hinson responded in the affirmative; explained the timeline for the investigations; and stated that during the investigative process Officer Cole elected to resign.

Councilmember Hightower inquired about a complaint filed by Mr. Yourse; voiced concern that immediate action had not been taken against Officer Cole after viewing the video; and asked who received Mr. Yourse's complaint.

Police Chief Scott spoke to the role of the chain of command review; to the process used for an issue to go through the chain of command; spoke to questions that needed to be asked when law enforcement used excessive force; spoke to the legalities of the incident; statements that were involved from all parties; and confirmed that there were a number of legal questions that needed to be answered.

Mayor Vaughan suggested Councilmember Hightower submit her questions in writing.

Police Chief Scott verified the department would be getting a body worn camera for each officer; spoke to instituting a 48 hour timeline for review of video; confirmed the video was not always clear; voiced that he heard Councilmember Hightower's concerns; saw her perspective; and spoke to the creation of a mechanism to focus on the investigations and shorten the timeframe.

Councilmember Hightower made an apology to Mr. Yourse on behalf of Councilmember Fox.

Adjournment

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wilkins, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 3:26 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR