



**Greensboro Criminal Justice Advisory Commission**  
Monitor. Review. Analyze. Educate. Advise. Report.

**The Greensboro Criminal Justice Advisory Commission held its regular monthly meeting on Thursday, September 17, 2020 virtually via Zoom G CJAC Chair, Jaye Webb presiding**

**Commissioners Present:** Webb, Nazim, K. Brown, Phillips, Jalloh & Friedland, Q. Brown, O'Brien & C. Brown

**Commissioners Absent:** None

**Staff Present:** Trey Davis, Assistant City Manager, Latisha McNeil, Criminal Justice Administrator, Capt. MJ Harris and Lt. Doug Tabler, Greensboro Police Department Professional Standards

**Visitors:** Several community members and Councilpersons, Outling and Kennedy

**Legal Department present:** Rosetta Davison, City Attorney & Andrea Harrell, Police attorney

**I. Call to Order:**

Chair Webb called the meeting to order at 6:32pm

**II. Moment of Silence:**

The meeting opened with a moment of silence.

**III. Opening**

The regular meeting of the Organization/Committee Name was called to order at 6:32pm on 9/17/20 in Zoom by G CJAC Chair Jaye Webb.

**IV. Approval of Minutes**

The minutes of the previous meeting were unanimously approved as distributed.

**V. G CJAC Subcommittee Reports**

Commissioner Nazim reported on the outreach committee. They will be working with the education subcommittee on the upcoming educational forums. All commissioners

received an electronic copy of the GCJAC informational brochure and hard copies are available through the Criminal Justice Administrator. Commissioner Nazim asked that the commissioners to send out the brochures to their social networks. Chair Webb asked that everyone to assist in the distribution of the brochures.

Commissioner Jalloh reported the education subcommittee. They will be hosting several forums in the upcoming months, starting with Understanding the Complaint Process and how to file to complaint. The purpose of the forum is the educate the public about the GCJAC/PCRB and the complaints. A motion was made by Commissioner Phillips to move forward with the planning of the educational forum on the complaint process. 2<sup>nd</sup> by Commissioner O' Brien. Unanimously approved by the body.

GCJAC brochures are being translated into top languages spoken in Greensboro (Spanish, French, Arabic, and Khmer& Rhade).

Policy Subcommittee report was presented by Commissioner K. Brown. The policy subcommittee presented a recommendation to the body on Marijuana v/s Hemp.

- As marijuana and hemp are indistinguishable from each other by field tests, the presence of the odor of hemp or marijuana should not be used as a reason for probable cause to search.
- Marijuana be deprioritized within the City of Greensboro and the Greensboro Police Department. Due to the indistinguishable nature of hemp and marijuana, the GCJAC is recommending that this be deprioritized and the immediate seize of possession charges for small amounts of marijuana

Links to the supporting documentation included:

We Change Laws

<https://www.mpp.org/states/north-carolina/>

NORTH CAROLINA STATE BUREAU OF INVESTIGATION

Industrial Hemp/CBD Issues

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/doc\\_warehouse/NC%20SBI%20-%20Issues%20with%20Hemp%20and%20CBD%20Full.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/doc_warehouse/NC%20SBI%20-%20Issues%20with%20Hemp%20and%20CBD%20Full.pdf)

North Carolina moves to help offenders clear their records

Associated Press; By Amanda Morris, May 26, 2019

<https://apnews.com/ceb0954746464edab5e8a6b01aa8b6de>

Commissioners Phillips expressed support for the recommendation and asked how GPD was currently handling the process of dealing with marijuana v/s hemp now that the SBI has come out with their reports stating that the two are indistinguishable.

ACM Davis stated that since marijuana has not been legalize there have been no decisions made giving law enforcement a definitive direction. Conversations have been had with himself and Chief James about what direction the police department will take.

Further discussion was held on the topic, the question raised as to whether the police department would be continuing to use the odor of marijuana or hemp as a probable cause. Captain Harris stated that no policy have been changed but he would get back with the body for an answer on any changes in practices.

Commissioner Friedland asked for clarification if stops were also being considered. He stated that stops are done under the Terry v. Ohio case which used a different analysis based on reasonable suspicion. He also stated for clarification that the recommendation was speaking to the odor of the marijuana or hemp and not the THC levels contain in each. Commissioner K. Brown stated that the substance would have to be tested to determine whether it is hemp or marijuana and the test are expensive; and with issue of increased homicides going on in the city does not seem like a good use of resources to even do those types of testing.

More discussion was held about the arrest for marijuana and the long-term effect of those charges. Disparities in who is getting charges and should resources should be used to continue these small charges. The commissioners spoke about making sure that the polices are look into.

A motion was made by Commissioner K. Brown that the GJCAC move forward with their recommendation on hemp vs marijuana and that a final draft be present at the next GCJAC meeting. 2nd by Commissioner Jalloh. Unanimously approved by the body.

## **VI. Additional Commissioner Comments.**

Commissioner Phillips spoke about City council approving the resolution for the reorganization of the GCJAC and PCRFB. The resolution merged the 3 PCRFB members into the GCJAC so that going forward all PCRFB members would also be GCJAC commissioners. He also spoke about the written consent motion that was defeated by the council on a 5-4 vote. Although the vote defeated a motion was made that officers have to have a statement that advises the persons being search that; 1. The search is voluntary. 2. You have the right to refuse the search and 3. The person can withdraw constant at any time. The statement will be captured on body worn camera and held for 3 years. Chair Webb stated that he hopes that the work that went into the preparation of the recommendation made by GCJAC does not go unnoticed and the commission will continue to motion the issue and if they need to revisit they will do so.

Discussion was held on the lack of understanding around what policy changes have taken place related to these issues. Chair Webb asked is Chief James could come to the October GCJAC meeting and provide an update as to the policy changes that have taken place. Commissioner K. Brown also asked for the data showing the impact of the policy changes.

Commissioner K. Brown asked GPD if they are to provide monthly information on searches voluntary and probable causes, as well the reasons for the searches. If that information is documented. Attorney Harrell stated that Probable Cause, Consent or a

Search warrant are the things that you need to execute a search. She stated that the probable cause is a collection of factors. The officers would have to document in their report what the supporting facts were to establish probable cause. Commissioner Q. Brown asked if there was a database of reasons why officers pull people over and search. Attorney Harrell stated that there was not a database such as that but the officer do have a traffic stop module. ACM Davis stated that the police department does not capture the data in manner in which commissioner Q. Brown is asking the department does not have a list of reasons why persons are stopped and or searched. Commissioner Friedland stated how officers are able to stops and search under the 4<sup>th</sup> amendment. The question was raised about warrantless searches. When do warrantless searches take place in Greensboro and does GPD keep on those searches. If so how much of those searches involve cars, consent, incident to arrest, Terry stops and frisk etc. When there is no warrant what are police doing to justify the stops and or searches.

Commissioner Q. Brown asked if the GCJAC could see what the GPD forms look like what is the process of the report filing for officers. More discussion was held about the process for documenting the incident. ACM stated the incidents are documented on a case report and body worn camera. Commissioner K. Brown asked if information was available via PIRT. Commissioner Jalloh stated that she felt is important that the GCJAC get education on reasons for probable cause so that they can educate the community. ACM Davis reiterated the procedure for documenting the stops and searches is via body worn camera and an incident report. A form is only completed when there is no body worn camera.

Discussion was held to about understanding how officer's document reports and how to understand the reports. The body considered asking for the past 100 incident reports so that they can get an understanding of what the officers use to justify stops and searches. Attorney Harrell stated that the past 100 may be available do to some of them being open cases. She suggested 100 over the past 5 years instead.

Commissioner K. Brown made a motion to the GPD provide GCJAC with the last 100 incident reports for probable cause and warrantless searches for closed investigations. Also request that GPD give class/presentation on how they document the incident reports and they are conducting the searches. 2<sup>nd</sup> by Commissioner Phillips. Unanimously approved by the body.

## **VII. . Visitors Remarks**

Councilperson Kennedy made a statement to the commission expression appreciation for all the hard work the commission put into making the written consent recommendation.

Commissioner Q. Brown asked about the update on the complaint data. CJ Admin McNeil advised that the data is update and a report will be sent to the commissioners.

Community member Casey Thomas asked questions about the raw data on arrest forms. Attorney Harrell asked to look at the data set to answer the questions. Ms. Thomas stated that it would be helpful to have some sort of key for the data set to help the public to understand the numbers. Commissioner K. Brown spoke about the possibility of having a forum on understanding data. Commissioner Jalloh stated that the education subcommittee would look into it.

Community member Janina Alston also had a question about the RMS system that GPD uses.

Attorney Harrell also stated there is a directive on report writing and a class on report writing that is taught at the academy.

### **Adjournment**

Meeting was adjourned at 7:42pm by GCIAC Chair Jaye Webb. The next general meeting will be at 6.30pm on October 16, in Zoom.