

The Charlotte Observer

CMPD officer won't face internal discipline in fatal shooting of Keith Lamont Scott

Fred Clasen-Kelly

April 21, 2017

The Charlotte-Mecklenburg Police Department has determined that an officer followed proper procedures when he fatally shot Keith Lamont Scott last fall and will not be disciplined, according to documents the Observer obtained Friday.

Officer Brentley Vinson was justified in killing Scott during a confrontation outside a University City apartment complex Sept. 20, says a letter the department sent to Scott's widow.

Police have said officers spotted Scott, 43, in a SUV with marijuana and a gun. Vinson told investigators he shot because he feared for his life and the lives of other officers on the scene.

Following Scott's death, riots and street demonstrations roiled Charlotte, prompted dozens of arrests and pushed Gov. Pat McCrory to declare a state of emergency. Mecklenburg County District Attorney Andrew Murray previously ruled that the shooting was legally justified and that Vinson would not face criminal charges.

But protesters and some law enforcement experts question whether CMPD unnecessarily resorted to deadly force against a person with a traumatic brain injury that made it difficult for him to follow directions. They also argue that Scott was sitting alone in the SUV and did not appear to pose a threat to anyone before police approached him.

As a result of CMPD's internal findings, Vinson won't face termination, suspension or other severe discipline stemming from the shooting.

A review board comprised of CMPD leaders, a police attorney and a member of the city's Community Relations Committee met March 20 and determined that the shooting was proper because Scott got out of the vehicle with a gun and refused repeated commands to drop the weapon.

Vinson's decision to shoot was "a justified use of force pursuant to CMPD policy," says the letter, dated April 17, 2017. "The Board also concluded that Officer Vison's action were consistent with North Carolina law."

But attorney Charles Monnett, who represents Scott's family, harshly criticized the findings, saying that it shows "it's darn near impossible to objectively investigate yourself."

CMPD policy dictates that officers only use deadly force when faced with “aggravated active aggression,” which includes discharging a firearm, use of a blunt or bladed weapon and extreme physical force.

Monnett said Scott’s family plans to file a complaint with the Citizens Review Board, a civilian oversight panel that looks into allegations of misconduct against CMPD officers.

“After reading the police interviews, it was clear they weren’t asking tough questions,” Monnett said. “They did not use the same interrogation techniques they would use if a suspect was accused of shooting a police officer.”

Experts say it is rare for officers to face criminal charges or stiff internal discipline following on-duty shootings. They said it is difficult for commanders to second-guess officers making difficult life-and-death decisions.

Acknowledging an officer’s tactical errors could also leave departments vulnerable to lawsuits, said Jonathan Blanks, a research associate at the Washington-based Cato Institute.

“Departments are going to want to cover their rear ends,” Blanks said. “When you hold officers accountable, there are some perverse incentives.”