



2019 Raleigh City Council and Mayoral Candidate Questionnaire

The Raleigh Police Accountability Community Taskforce (PACT), the American Civil Liberties Union (ACLU) of North Carolina, Carolina Justice Policy Center, and El Pueblo would like to provide voters with information about where Raleigh's 2019 Mayoral and City Council candidates stand on important issues of police accountability and oversight. Our goal is to educate voters about local candidates' positions on local policing issues.

All candidates for City Council and Mayor are receiving this questionnaire. Responses will be made publicly available in an effort to hold candidates accountable to their communities' fundamental need for justice, safety, and respect.

Please submit all responses on or before **August 27, 2019 at 6:00 p.m.**

Save a copy of this document and type your responses under each question, using additional space as needed.

Email your completed questionnaire to: **sbirdsong@acluofnc.org**.

Candidate Name: Brian Fitzsimmons

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1. PACT has called for the City Council to pass a resolution asserting the Council's public support for a Community Oversight Board of local police with investigatory, subpoena, and disciplinary power. We propose focusing our community's energy on securing Raleigh's authority to create a board with subpoena power and later convening dialogues with community stakeholders to discuss details of the board's structure. The Council's support of an external Community Oversight Board with meaningful authority would communicate that we want to work together toward a system where people's concerns would be justly investigated.

Do you support the creation of a Community Oversight Board that has the power to investigate, subpoena, and discipline police officers when there is injustice?

Response (Please give a clear “Yes” or “No” and any explanation): Yes. I absolutely support a Community Oversight Board. So much of what plagues municipal government is a combination of apathy and a lack of communication. It is incumbent upon us as citizens to demand from our public servants a desire to understand first. A COB would give citizens the ability to develop a forum for that understanding, which would hopefully lead to a greater connection between police and the people. The death of Soheil Mojarrad cut particularly deep for our family. I have a son who, when he gets to be the age Soheil was when he was killed, might not respond to someone asking him something. All parents deserve the chance to know that this kind of thing isn't a death sentence, especially those parents whose children don't have the institutional advantage of being white like my son does. If we put ourselves in the shoes of those who are suffering, and practice a little radical empathy, we can fix so much. To be clear, this applies to both sides of the argument. For every tragically failed de-escalation, we need to recognize that there are thousands that don't fail. Why is that, and what can we learn from them? Any member of a COB should be required to attend training re: police procedure, and complete a ride-along at least once a year.

2. For so many people, particularly Black and Latino residents, a routine encounter with a police officer can become a traumatic experience that results in unnecessary, invasive searches. This happens because the individual doesn't know that they have the right to refuse a consent search of their person, vehicle, or home. RPD has created a consent-to-search form that states an individual's right to refuse a search, and RPD policy requires that an individual sign their consent before a vehicle or property search, but only requires written consent before individuals themselves are searched "where possible." It is unclear whether this policy is effectively enforced.

Are you in favor of requiring Raleigh Police Department to require and enforce the use of consent-to-search forms prior to any search and pat down that is not based on probable cause?

Response (Please give a clear "Yes" or "No" and any explanation): Yes. The form was created in the first place to address a perceived issue. Let's give it some teeth and make it mandatory.

3. While Raleigh has implemented a body-worn camera program, it lacks a key element to ensure it is fully implemented: disciplinary consequences for violating the policies. This was illustrated in the failure of the officer who killed Soheil Antonio Mojarrad to turn on his body-worn camera. In order to ensure proper use of body cameras, policies should specify additional training opportunities and disciplinary consequences for officers who repeatedly misuse body cameras and improperly handle recordings. Similar policies have been implemented in other cities, including Durham and Charlotte.

Do you support the development and implementation of an effective discipline policy to enforce the existing RPD body-worn camera program?

Response (Please give a clear "Yes" or "No" and any explanation): Yes...but. While I do support the implementation of rules surrounding the use of body-worn cameras, my preference would be for it to not even get to that point. It shouldn't be up to the office to activate (or deactivate) the camera in the first place.

4. Another tool for ensuring the consistent use of body-worn cameras is to use a camera system that automatically turns on when officers draw their weapon from its holster. The body-worn cameras that Raleigh has purchased from a company called WatchGuard apparently do not support this feature, and are turned on by the officer clicking a button on the camera.

Do you support allocating funds to implement a holster activated body-worn camera system?

Response (Please give a clear “Yes” or “No” and any explanation): Yes. To piggy-back on question #3, this should be the standard.

5. Wake County’s jail has regularly been overcrowded, and at times as many as 90 percent of the people in the jail are being held before their day in court, and before being convicted of any crime. Studies show it can take months or years to recover from the job loss and other damage caused by even a day or two of incarceration. There are many ways to reduce the harm to the community of jailing people before trial. One option is to expand the use of citations in lieu of arrest for certain misdemeanor charges. This policy can not only prevent harmful pretrial incarceration, but it can also reduce jail overcrowding and save time and police department resources.

Do you favor expanding the Raleigh Police Department’s use of citations in lieu of arrest for certain misdemeanor charges?

Response (Please give a clear “Yes” or “No” and any explanation): Yes.

6. *Are you in favor of requiring, and ensuring funding for, de-escalation training for all RPD officers? Do you support establishing consequences for officers who do not attempt to de-escalate prior to any use of force?*

Response (Please give a clear “Yes” or “No” and any explanation): Yes and Yes. We need to set the standard, and then live by it. De-escalation/CIT training should include best practices on how to approach and speak to those who are non-verbal, suffer from mental illness, or might not otherwise respond in the expected way.

7. *Do you support promoting police transparency by requiring that RPD make the pictures, names, and ranks of RPD officers available on the city website?*

Response (Please give a clear “Yes” or “No” and any explanation): I don’t know. I’m sorry for not being clear in my answer, but I’m struggling with this one. At its core, I don’t see any problem with it since officers never really shy away from being publicly available on their beat. They appear at CAC meetings, community events, etc. This would, theoretically, be no different. That said, I would want to be careful with how this was done. I would want to make sure that there was buy-in from the officers, and they understood this wasn’t done as a publicly-sponsored “doxing”. In reality, the more people know and recognize them, the easier their job might be.