



2019 Charlotte City Council and Mayoral Candidate Questionnaire

The American Civil Liberties Union (ACLU) of North Carolina, Action NC, and the NAACP Charlotte-Mecklenburg Branch would like to provide voters with information about where Charlotte's 2019 Mayoral and City Council candidates stand on important issues of police accountability and oversight, particularly in anticipation of the 2020 Republican National Convention (RNC). Our goal is to educate voters about local candidates' positions on addressing the immediate and lasting impacts of the 2020 RNC on the residents of Charlotte.

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 15, 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: **awebb@acluofnc.org**.



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Candidate Name: Malcolm Graham

1. On July 22, 2019, the City Council passed a resolution condemning racism and xenophobia following President Trump's campaign rally in Greenville, North Carolina. The resolution quoted the City Council's May 26, 2015, Resolution on the Protection of Civil Liberties, in which the City Council “recognizes that the community is comprised of a diverse population, which is vital to the City of Charlotte,” and that “the Council seeks to foster trust with all members of our community.”¹ Do you support the 2015 Resolution on the Protection of Civil Liberties, and how would you protect the civil liberties of all Charlotte residents and visitors before, during, and after the 2020 Republican National Convention?

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

Yes, I support resolution. It is important for Charlotte to make sure everyone feels they are safe, and their voices heard throughout the entirety of the RNC. All information should be made available to the people. More so, the city should prepare for when the RNC is here. It’s safe to say there will be protest. We need to make sure that protestors have a safe place to protest and attendees are able to attend the event.

2. In 2018, the City signed contracts with the 2020 RNC Host Committee, but only a summary of those contracts has been released to the public. Public records law generally presumes that public records are the property of the people. Will you commit to supporting the public release of the full RNC contract agreements with only limited redactions to protect individual privacy as permitted under the NC Public Records Act?

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

Yes, I do believe that all public records should be made available to the public. It is important for the people to be kept in the loop and feel they have a say in the matter.

¹ <https://charlottenc.gov/CityClerk/Resolutions/June%208,%202015.pdf>



The City of Charlotte is expected to spend a large portion of a fifty million dollar federal grant on security-related purchases for the Charlotte Mecklenburg Police Department (CMPD) in advance of the 2020 RNC. We also expect that most, if not all, of these purchases will be retained by CMPD and used in local policing long after the 2020 RNC has concluded.

The use of military and surveillance technology by local police creates oppressive environments in our communities and disproportionately harms people of color and low-income neighborhoods. In particular, members of the community are deeply concerned that the 2020 RNC will result in CMPD subjecting residents to even more surveillance technology, such as facial recognition tools, beyond the many cameras already used to monitor Charlotte residents.

3. Do you agree that local acquisition of military equipment designed for the battlefield, not neighborhoods, and its deployment in our communities adversely impacts Charlotte residents’ welfare, including creating significant risks to their physical and psychological well-being?

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

Yes, having this equipment could impact the trust the community has in its law enforcement if people feel they are being targeted. Good hard-working people deserve to be able to live their lives without feeling they’re constantly being watched.

4. Do you agree that local acquisition of surveillance technology and tools and their deployment in our communities adversely impacts Charlotte residents’ welfare, including creating significant risks to their physical and psychological well-being?

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

Yes, as stated in my previous answer, good hard-working people deserve to be able to live their lives without fear of being constantly watched by the police especially in ways that violate their freedom.



5. Do you agree that legally enforceable safeguards, including robust transparency, public oversight, and accountability measures, must be in place to protect the public's welfare, civil rights, and civil liberties before any military or surveillance equipment is funded, acquired, or deployed?

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

If the technology is used, there must be clear laws in place to guarantee that the use of the technology will not be abused. Equipment such as defined in the question should not be taken advantage of and used to violate people’s freedoms.

6. Will you commit to supporting a transparent process by which all CMPD and City purchases of the following items for the 2020 RNC or at any other time are made available for public comment at least 30 days in advance of purchase?
- Crowd-control equipment (including, but not limited to, Tasers, tear gas, pepper spray, and Long-Range Audio Devices);
 - Surveillance equipment (including, but not limited to, electronic body scanners, drones or unmanned aerial vehicles, license plate scanners, facial recognition software, Stingray devices, and cameras), and
 - Militarized equipment purchases (including, but not limited to, automatic assault rifles, body armor, mine resistant armored vehicles, grenades, flash bang grenades, or similar explosives and grenade launchers).

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

Yes, regardless if the equipment is used, the people have the right to know that it exists and in possession by CMPD.



7. Will you promise to work for, and demand, if necessary, a policy under which City Council must be notified and affirmatively approve every acquisition by CMPD or another municipal entity of crowd control, surveillance, and militarized equipment for the 2020 RNC or at any other time?

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

Yes, I will push for a policy in which the City Council must be notified and approve each acquisition.

8. Do you commit to establishing, as part of a mandatory City Council approval process for all military and surveillance equipment acquisitions, a requirement that the agency acquiring or using the equipment shall make publicly available a Military/Surveillance Equipment Public Impact Report and a Military/Surveillance Equipment Use Policy concerning the equipment at issue prior to an opportunity for public comment and City Council approval?

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

Yes, we need full transparency if militarized equipment will be used at any time for any reason.

9. The 2020 RNC will bring thousands of people to Charlotte to engage in First Amendment-protected activity; mass arrests have been made at similar past events.
 - a. Do you agree that the Constitution requires that any arrest of a person must be based on specific articulable facts supporting probable cause to believe that the individual arrested committed a criminal offense?
 - b. Do you agree that CMPD should not arrest anyone for whom they lack specific articulable facts supporting probable cause to arrest that individual, and that no one should be arrested based only on their presence in a particular location at a particular time?
 - c. Do you agree that if CMPD restricts the time, place, or manner of speech or other activity, CMPD officers should clearly communicate and provide a reasonable opportunity for individuals to leave the restricted area before making any arrests?



Response (For each sub-question, please give a clear “Yes” or “No” and any explanation):

A. Yes. People have the right to peaceful protest. If someone should be arrested it should be because they are in clear violation and that there is evidence to back up the claim.

B. Yes. Arrest should be made based on clear violation of the law or restrictions in place. A person should not be arrested for simply being in the area.

C. Yes, if CMPD wishes to place any restrictions, it should be clearly communicated with the public. These restrictions should be made across all mediums of communication with the public in advance and the days during the RNC.

10. Do you pledge to support a binding City Council resolution adding the requirements and principles in questions 3 through 8, above, to the 2015 Civil Liberties Resolution, as proposed by the Safety Accountability Fairness Ethics (SAFE) Coalition NC?

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

Yes, I believe that these requirements should be added to the 2015 Resolution.

11. Will you commit to oppose any resolution before City Council to revive all or part of the 2012 Extraordinary Events ordinance, or any similar ordinance that would expand the use of stop and search, and put in place sweeping police powers?²

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

Yes, procedures like the ones entitled in the question only breed fear and distrust between the community and law enforcement.

² <https://www.charlotteobserver.com/news/politics-government/article158355864.html>



12. On July 11, 2019, Governor Cooper signed into law Senate Bill 191, Out-of State Law Enforcement/2020 Republican Convention.³ The law allows CMPD to enter into temporary intergovernmental law enforcement agreements to bring in additional officers during the 2020 RNC. Do you pledge to hold CMPD accountable for ensuring that all officers hired during the RNC are trained in CMPD policies, including limits on the use of force, and that any temporary officer who fails to comply with CMPD policies is immediately removed from duty?

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

Yes, if any law enforcement officer comes to Charlotte to help CMPD, they must abide by the CMPD’s policies and should be consigned to immediate removal should they fail to comply.

³ <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S191v6.pdf>