



## 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](mailto:awebb@acluofnc.org)**.



**2019 Charlotte City Council and Mayoral Candidate Questionnaire**

**Candidate Name: Terry Brown**

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.”<sup>1</sup> 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. When I attended the City Councils open meeting regarding the RNC I left early. Outside there were three gentlemen waving “Make America Great Again” and other flags supporting the current President. As I started walking back to my office I was stopped by a young lady who expressed how intimidated those men made her feel and how she was afraid to walk to her car on the other side of the street. That was one person intimidated by the actions of just three people. With the RNC coming to Charlotte in 2020 those three men will be multiplied by thousands. No one should feel unsafe in their own city. The ultimate mission of CMPD is to protect the protect the health, safety and welfare of all members of the community, I want to ensure all Charlotte residents and visitors feel safe during the RNC, this means that it is incumbent on us to make sure that the first priority during the RNC is to make sure that our local law enforcement officers receive the proper training to keep our citizens safe from any outside elements that may be coming to our city. We need to ensure that the 2015 Resolution on the Protection of Civil Liberties is being followed and that any surveillance equipment and other data is not used against our residents except for the purposes originally intended.**

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

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



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. As an attorney I am interested in seeing the full contract to know exactly what the city signed up for. I believe my skills as an attorney will allow the council to negotiate from a position of strength in the future and ensure that our contracts represent the best interest of all our neighbors.**

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. While I am in favor of creating safe communities, I am not supportive of over policing or creating oppressive neighborhoods. I am not in favor of the RNC coming to Charlotte but now that it is here, I recognize that certain security precautions need to be in place—especially in light of the often-violent rhetoric coming from some of the supporters. Once the convention is completed that equipment does not belong in our city and cannot be used against residents. It should be sold to provide training for officers and other preventative services.**



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. Our neighborhoods and communities shouldn't be treated like a war zone. Many people in historically disenfranchised neighborhoods already experience forms of PTSD and this just serves to heighten it.**

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):**

**Yes. Transparency is key. Right now, many Charlotte residents do not have faith in our local government or police force. We need to re-build that trust in our local government and to do that we need to be transparent and empower citizens to be engaged in the process. This includes making sure that key stakeholders have not just a seat at the table but a voice at the table when decisions are being made that effect the rights and civil liberties of Charlotteans.**

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, as I said before, I recognize the need to increase security to better protect our residents from the violence and hateful rhetoric that has followed many that are expected to be in Charlotte for the RNC, but I do not believe this equipment belongs in our city long term and transparency is incredibly important in this process.**

- 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. CMPD is a police force not a military unit, we need to ensure that CMPD is properly equipped and well trained to do their job. If that includes using military or surveillance equipment those purchases and their use need to be explicitly outlined, scrutinized, and have a procedure in place to deal with any excessive use or use that goes beyond the scope outlined.**

- 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. As my previous answer states, we must have transparency in how equipment will be used, where and the impact it will have.**



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):**

**Yes. As a law student one of my favorite subjects to study was constitutional law. Under the constitution, to arrest someone, an officer must have reasonable facts to contribute to a belief that a person is committing or will commit a crime. Merely being in a specific location is not sufficient to rise to the level of probable cause. As a councilman I believe that CMPD should not arrest anyone—during the RNC or otherwise—without probable cause. While probable cause and time place manner restrictions for the first amendment fall under different rules and test, the same applies. Any time, place and manner restrictions on content neutral protest should be outlined in advance and warn people before making any arrests.**

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. We fully support making people safe and holding law enforcement accountable.**



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?<sup>2</sup>

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

**Yes. It is widely agreed and understood that the Extraordinary Events Ordinance was not an effective public safety tool. I will not support reinstating this ordinance without any exigent circumstances that would warrant its revival and prove its controlled effectiveness.**

12. On July 11, 2019, Governor Cooper signed into law Senate Bill 191, Outdo State Law Enforcement/2020 Republican Convention.<sup>3</sup> 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. Officers that are under the purview of CMPD through this law must be held to the same standards that our local CMPD officers are held to and must be held to the same accountability standards. Any non-compliance should be met with immediate termination.**

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

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