



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: Tigress Sydney Acute McDaniel

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. Of course, I holistically agree with the resolution as a formal expression of the opinion or will of the council. However, a resolution is nothing more than a official declaration without any binding statutory application. By definition and scope, a resolution is not a legal rule, law nor statute. An ordinance, conversely, does entail an enactment of a legislative body – i.e. city council, but only blindingly where the guiding state legislature has empowered the city council with regulatory authority.

The resolution was insufficient, and it sorely prevented the enactment of the bathroom bill in March 2016, and the subsequent replacement law passed in 2017, both of which clearly “violates” the opinion set forth in that resolution. Further, the resolution gives Charlotteans false security. It is highly likely that a significant number of Charlotteans believe the resolution to be equivalent to enforceable statutory law.

Where I appreciate that the council established the Ordinance 7056, it still because of the civil rights violations that can be directly attributed to RNC activities.

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



I'd continue researching the North Carolina General Statutes for statutory privity to discuss with the council and city legal staff and strategize how to secure enactment of appropriate law(s) as an enforceable ordinance or even state law. Although, I continue to assert that my leadership style is participatory, this is an area that I believe the council would benefit from a "front runner." As your organizations are aware, anyone can draft and propose legislation. So, I wouldn't necessarily be undertaking an unorthodox method to contribute to local and state efforts to preserve and protect the civil rights of all Charlotteans and effectually all North Carolinians. Legal obfuscation is rampant amongst our officials, which raises concerns about the intent of the city's legal representation.

Regarding the RNC, restricting CMPD poses a catch 22 result. As a former federal ranger, and in my review of the resolution, which of course is not legally binding, I see a few discrepancies and contradictions or otherwise too broadly asserted opinions that will not allow CMPD to effectively carry out their duties. Be clear that I am 1000% against all violations of one's civil rights, but the content of the resolution is generally no more effective than a pledge. The North Carolina General Statutes are the prevailing law, including but not limited to N.C.G.S. Ch. 132-1.4 and 1.4A, 74E, 74G, 17C regarding records derived from criminal investigation. So, while I would pursue enforceable solutions against violations of Charlotteans' civil rights, I would request full disclosure briefing from CMPD regarding preparation and patrolling for the RNC, and then mass disseminate plans for active shooter, unusual and suspicious activities to ensure Charlotteans are well-informed and prepared. Seemingly ancillary, I would also request to adorn the city with media, banners et cetera that clearly articulate and celebrate high regard for civil rights and celebration of diversity. After all, we are affectionately referred to as "Charlotte America."

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. Charlotteans as a whole, deserve to know the stipulations upon which that contract was executed, not merely for the “knowing,” rather to fully understand why it was agreed upon in the first place, and on what conditions. Decisions, contracts, transactions et cetera undertaken by city government (and even county) effectually “dictate” to Charlotteans what they shall accept where Charlotteans are not permitted disclosure, as opposed to ethically transparent governing and including voting Charlotteans in that process.

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. Generally, I disagree with the militarization of the CMPD. However, on another note, it makes me question their motives – why? Is it for a valid threat that has not yet been full disclosed to Charlotteans for safety reasons or a egregiously covert extension of Trump’s efforts to deport non-native Mexicans? It does indeed permeate higher intensity of fear, which is certain to evoke civil unrest, and consequently which defeats the purported intended purpose of the militarization in the first place.



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. I reiterate my answer above. Prevailing federal law limits government surveillance and watchlisting procedures, and justly so. However, again, if there is a valid threat to Charlotteans, albeit terrorist or similar, then the pointedly narrowed surveillance of those threats is justified, and serves to protect us as opposed to violating our 4th Amendment rights. Unfortunately with the increase in crimes occurring electronically and otherwise covertly and specifically the “invisible” or otherwise increasingly difficult to patrol, our police departments are evolving their strategies to meet those crime prevention needs.

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. It will provide a clearly articulated standard beforehand to prevent ambiguity, willful negligence under the guise of lawful authority and sufficiently inform 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. No explanation necessary. The guiding under and overtone of American society is democracy. We all deserve to know. I don’t see that disclosure of these purchases will compromise CMPD duties.

- 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, if the acquisition request and approval can be processed in real-time without undue delay, because some emergencies will require immediate action.

- 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, if the public impact report does not compromise CMPD duties and ongoing investigations.



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? **Yes.**
 - 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? **Yes.**
 - 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? **Yes.**

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

I answered above, by each question. My answers are “yes.” I needn’t elaborate, because those stipulations appear reasonable.

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):

No, because the resolution has no effect in law. I support instead actually pursuing enactment of state legislation that will result in enforceable law on those requirements and principles.



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, the 2012 Extraordinary Events ordinance has proven to be unnecessary and burdensomely so. CMPD was not restricted by the scope of that ordinance, and CMPD execute its standard authority or duties to address events that may entail extraordinary concerns, and should proceed to leverage their authority only where articulably valid, and properly substantiated in law. There should constant open communication between CMPD and city government. CMPD should not be exercising it’s authority as completely separate from the governing body.

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. It’s a known fact that CMPD is understaffed. Additional officers, generally, is a responsible decision; however, the temporary officers need fully comply with Charlotte city government standards of ethical policing.

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

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