



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: Brittany Bryan

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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.

Oversight Boards can be useful if done right (and there are numerous examples of ineffective citizen oversight initiatives). It all depends on the details of how the Board is created and structured. There are examples of Oversight Boards being ineffective and detrimental to communities, leading to less internal police accountability. However there are also examples where citizen involvement on this level provides opportunity for community education and bridges the gaps between the police and residents. If done right, there is potential for creating stronger relationships and trust between the police and residents, greater transparency, and can help change perceptions of communities and police for the police and for the public and media. If effective, they can open lines of communication. Members of an Oversight Board need to be educated on the role the police play, police equipment, procedures, and the law. We need to make sure that the police can continue to do their jobs effectively. It is often difficult for police to be able to provide their own oversight. If there is a problem, citizens need to have an avenue for addressing their grievances and often going through the police department is not the best way. An important issue to address is the police department's need for confidentiality of an on-going investigation and the Oversight Board's need for information - who makes the decision about which information is disclosed and when and under what conditions. The structure and appointment of the Oversight Board is also important - it should be free from political influence, diverse, and should include some members who have experience with the day to day workings of the police department.

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.

When people are giving up rights, it needs to be clear to them what rights they have and what they are in fact giving up. A written consent can be helpful to show that consent was in fact given, but might not always go far enough for someone to truly understand what rights they are waiving. I believe that people need to have actual knowledge of what rights they are waiving and their available options before making such a decision. There are a number of potential ways to accomplish this, including the use of written consent forms in certain circumstances. However, this does not solve the problem for people who are unable to read or if there is a language barrier. An important aspect of protecting people from unreasonable searches and seizures is making sure that people clearly know and understand their rights before they can give any type of consent to waive those rights.

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.

I also support re-evaluating the current body cam policy to make sure it is as clear as possible for the safety of both the officers and citizens.

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.

As new body-cams are needed, we should replace them with systems that are more effective.

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.

This is allowed by state law and according to the International Association of Chiefs of Police, this is a wide-spread practice that around 87% of agencies employ with very little negative feedback on the practice. Citation in lieu of arrest for misdemeanors provides benefits for the criminal justice system, law enforcement, and citizens.

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 No.

I support funding and offering continued training overall for RPD, including, but not limited to, de-escalation training. There are many circumstances that can come into play for police encounters. De-escalation tactics are not always an option based on the risk involved with a situation. This type of technique should be the first go-to in situations where it is appropriate. Where de-escalation is a possibility, use of force should not be a first option. However, research shows that there are situations where de-escalation tactics are not successful and create greater risk for all involved. In these situations officers need to be able to effectively do their job to protect themselves and those they encounter. The policies we create should be aimed at decreasing, not increasing, the risk of harm to civilians and police officers.

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):

No - I would want to know more about this before making a decision. While information on City employees is public record and may be perfectly reasonable to display on the City website, I do not want to jump to any conclusions without better understanding the various aspects involved, especially when it comes to the safety of our officers.