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Resolution Supporting House Bill 193: Prohibit Discriminatory Profiling

Department: Legislative
Council District: n/a

Public Hearing: n/a
Advertising Date/By: n/a

Contact 1 and Phone: Mayor Pro-Tem Johnson, Ext. 2396
Contact 2 and Phone: Tom Carruthers, Ext. 2320

PURPOSE:

This resolution supports House Bill 193: Prohibit Discriminatory Profiling, which was filed with the North Carolina General Assembly. Although the NC League of Municipalities has opined that this bill did not make the crossover deadline, the resolution presented herein supports the proposed legislation.

The purpose of this bill would be to 1) Prohibit the use of discriminatory profiling by law enforcement officers in the performance of their duties; 2) Increase the kind of information required to be reported by certain law enforcement agencies concerning traffic law enforcement; 3) Require certain law enforcement agencies to report certain statistical information concerning homicides; 4) Require law enforcement officers to receive annual education and training concerning discriminatory profiling; 5) Require that certain training be provided to members of neighborhood crime watch programs established by counties and cities; and 6) Authorize the creation of Citizen Review Boards by ordinance, which will investigate allegations of police misconduct.

The proposed Citizen Review Board will investigate allegations of excessive use of force, abuse of power, and discriminatory profiling. This bill would give the Citizen Review Board the power to subpoena witnesses, administer oaths, and compel the production of evidence. It would also allow this quasi-judicial board to make findings and decisions on disciplinary actions of a law enforcement officer alleged to have committed misconduct. Further, the Board would have authority to recommend changes in policy to a city council and to

the head of the law enforcement agency. The subpoena power would be enforced through court orders if the court determines that the subpoenas are necessary for the board to complete its investigation or review. The bill provides an avenue for appeals, first with an appeals process established by the city, and ultimately with judicial review in the courts. Finally, the findings and decisions of the Board would be public records and any decision by the Board as to disciplinary action of a law enforcement officer found to have committed misconduct shall be binding on the head of the law enforcement agency that employs the officer or the city or county that employs the officer unless appealed and overturned.

RECOMMENDATION / ACTION REQUESTED:

City Council is requested to adopt a resolution supporting House Bill 193: Prohibit Discriminatory Profiling.