

RESOLUTION ENDORSING THE PROTECTION OF CIVIL LIBERTIES OF ALL CITIZENS

WHEREAS, the City of Asheville has long aspired to protect civil liberties and provide equal protection under the law to all persons in the city which includes a diverse population of many races, religions, national and ethnic origin, including immigrants, tourists and students— whose contributions to the community's economy, culture and civic character are vast and important, and affirms its strong support for the fundamental constitutional rights of every person and recognizes that the preservation of civil liberties is essential to the well-being of a democratic society; and

WHEREAS, the Chief of Police of the City of Asheville has implemented new community policing practices that seek to reframe and improve the relationship between law enforcement officers and the public; and

WHEREAS, the City of Asheville opposes measures that single out individuals within our diverse population for legal scrutiny or enforcement activity based on race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status; or homed or homeless status, and

WHEREAS, the City of Asheville opposes any efforts to transfer federal immigration responsibility to state and local officials, since these proposals tax our already overburdened police department and damage relationships with immigrant communities; and

WHEREAS, the City of Asheville believes that there is no inherent conflict between national security and the preservation of liberty but that Americans can be both safe and free; and

WHEREAS, the City of Asheville wishes to play a leading role in the protection of civil liberties and to consistently promote tolerance and respect for all persons, and recognizes that a number of other jurisdictions in North Carolina and in the United States have enacted policies or laws to make clear their protection of the civil liberties of a diverse population.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The City of Asheville upholds the constitutional rights and civil liberties of any and all persons and it remains the policy of the City of Asheville to protect against discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status.

Section 2. City of Asheville officers and employees reject profiling of any group within our diverse population as a factor in selecting individuals, setting up check points or selecting areas of town to subject to investigatory activities.

Section 3. If officers stop a driver of a motor vehicle who cannot produce a valid operator's license and a computer check shows the driver has no license issuance information, the matter will be handled in accordance with approved Asheville Police Department Policy.

Section 4. City of Asheville employees do not and shall not collect, maintain or disseminate information of any individual, association, organization, corporation, business or partnership based solely on political, religious or social views, associations or activities, unless said information is directly related to an investigation of criminal conduct.

Section 5. In the absence of state, interstate or international criminal or national security investigations, the City of Asheville does not actively participate in the enforcement of federal immigration law.

BE IT FURTHER RESOLVED that the provisions of this Resolution are not intended to protect criminal activity on the part of any person but are intended to encourage trust in the Asheville Police Department and to encourage reporting of criminal activity to that department by all members of the community.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any provision of this Resolution is declared unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected.

BE IT FURTHER RESOLVED that this Resolution shall be forwarded to all City of Asheville law enforcement agencies and to every department, agency, commission, officer and employee of the City and to our local, state and federal legislative delegations on behalf of the residents of the City of Asheville.

Read, approved and adopted this 22nd day of October, 2013.

Magdalen Boulson  
CITY CLERK

Tom Bellamy  
MAYOR

Approved as to form:

Matthew C. Holton  
CITY ATTORNEY

Magdalen Boulson  
CITY CLERK