

Resolution No. 13, Series of 2002
Expressing the Commitment of the City and County of Denver to Civil Rights and Liberties

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the USA Patriot Act (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA Patriot Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including Denver, are concerned that certain provisions in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the policy of the Denver Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Denver must be based on a showing of probable cause, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution, and the Mayor, Manager of Safety, and Chief of Police have confirmed to the Council that this policy is and will remain in full force and effect; and

WHEREAS, the policy of the Denver Police Department is, further, that officers shall not consider race, ethnicity, national origin, age, sex, sexual orientation, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search, and the Mayor, Manager of Safety, and Chief of Police have confirmed to the Council that this policy is and will remain in full force.

**NOW THEREFORE,
BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

Section 1. That the City and County of Denver has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the City and County of Denver affirms the following principles: every person has the right to be free from unreasonable search and seizure, arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and every person has the right to free speech and freedom of association under the First Amendment of the United States Constitution.

Section 3. That the City and County of Denver respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. The City and County of Denver intends that such information be regularly and rigorously examined for compliance with the following policy. Currently held information shall be thoroughly and carefully reviewed for its appropriateness, using the United States and Colorado Constitutions and the established Denver Police Department policy: "No information about political, religious or social views, associations, or activities should be collected unless the information relates to criminal activity and the subject is suspected of criminal activity," as our guides.

Section 4. That the City and County of Denver reaffirms Denver's commitment to unbiased policing as expressed in the policies of the Denver Police Department and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of race, ethnicity, national origin, age, sex, sexual orientation, or religion.

Section 5. That the City and County of Denver reaffirms its support of the government of the United States of America in its campaign against global terrorism, but also reaffirms its commitment that such campaign not be waged at the expense of essential civil rights and liberties of the people of Denver and the United States.

Section 6. That the Clerk of the City and County of Denver attest and affix the seal of the City and County of Denver to this resolution and that a copy be transmitted to President George W. Bush, Attorney General John Ashcroft, Governor Bill Owens, Mayor Wellington E. Webb, Manager Aristedes Zavaras, and Chief Gerald Whitman.

PASSED BY THE COUNCIL _____, 2002

PRESIDENT

APPROVED _____, 2002

MAYOR

ATTEST _____ CLERK

Ex-Officio Clerk of the City and County of Denver