

RESOLUTION NO. _____

A RESOLUTION BY THE CLARKSTON CITY COUNCIL CONDEMNING THE ACT OF FALSLY REPORTING A CRIME OR OTHERWISE CAUSING A POLICE OFFICER TO CONTACT A PERSON IN ORDER TO DISCRIMINATE AGAINST THE PERSON ON THE BASIS OF THE PERSON'S RACE, ETHNICITY, RELIGIOUS AFFILIATION, GENDER, SEXUAL ORIENTATION, OR GENDER IDENTITY.

WHEREAS, O.C.G.A. § 16-10-26 makes it a misdemeanor to make a false report to any law enforcement officer or cause such a false report to be made; and

WHEREAS, O.C.G.A. § 16-11-39.2 makes it a misdemeanor to make a false report through the 9-1-1 system; and

WHEREAS, the City Council seeks to prevent the misuse of law enforcement and 9-1-1 and seeks to discourage discriminatory false reports; and

WHEREAS, residents are not discourage from calling on law enforcement or using 9-1-1 for legitimate purposes but are urged to be responsible when using these public resources; and

WHEREAS, falsely reporting a crime or falsely calling 9-1-1 can be used as a form of intimidation and weaponization of our law enforcement against black and brown people that places its affected persons in danger; and

WHEREAS, false reports interfere with the orderly enforcement of laws and response to emergencies and thereby places all residents of Clarkston at risk.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The misuse of law enforcement by members of the public to discriminate against others is hereby condemned by the Clarkston City Council in the strongest possible terms. Such conduct will not be tolerated.

Section 2. If any city official, including Police Officers and regular City employees, becomes aware of a false report to law enforcement or 9-1-1, such conduct should be promptly referred to the DeKalb County Solicitor for prosecution.

Section 3. The City Council finds that false reporting is an especially heinous offense when undertaken for the purpose of causing a peace officer to arrive at a

location to contact a person with the specific intent to discriminate against that person on the basis of the person's actual or perceived race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity. It is the official policy of the City of Clarkston that anyone making such a discriminatory false report should be prosecuted and punished to the maximum extent allowed by law, including incarceration for the maximum period allowed by law.

Section 4. With the understanding that the overriding duty of our Clarkston law enforcement officers is to protect persons and property within the City, Clarkston Police officers are encouraged to be alert for reports or requests for service that may be motivated by discrimination rather than real or perceived illegal conduct. If a report or request is received that focuses on the characteristics of a person set forth in Section 3, without describing or alleging criminal conduct, Clarkston Police officers are encouraged to inquire further as to what criminal conduct is being alleged before responding to the call or request.

SO RESOLVED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

Approved as to Form:

Stephen G. Quinn
Stephen G. Quinn, City Attorney